

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 615

ORDINANCE NO. 88 149

AN ORDINANCE AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO RESORT-HOTEL (V-.75) AT AUHAUKEAE 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-09:PORTION OF 25.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII.

SECTION 1. Section 25-89, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Auhauekeae 2nd, North Kona, Hawaii, shall be Resort-Hotel (V-.75):

Beginning at the Southeast corner of this parcel of land, being on the boundary of Auhauekeae 2nd and Puaa 1st, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 4,966.69 feet North and 971.07 feet West and running by azimuths measured clockwise from True South:

1. 86° 44' 30" 134.20 feet along R. P. 7845, L. C. Aw. 7713, Apana 13 to L. Kamehameha;
2. 83° 03' 198.13 feet along R. P. 7845, L. C. Aw. 7713, Apana 13 to L. Kamehameha;
3. 175° 10' 95.22 feet along Grant 1746 to James Kole;
4. 166° 50' 50" 191.43 feet along the remainder of Land Court Application 1874 (Amended);

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|----|--------------|--------|--|
| 5. | 170° 00' 30" | 77.48 | feet along R. P. 6445,
L. C. Aw. 7082, Apana 1
to Keakuakoa; |
| 6. | 259° 54' 30" | 206.18 | feet along Lot 7 and
along R. P. 7580, L. C.
Aw. 11216, Apana 37 to
M. Kekauonohi
(Certificate of
Boundaries No. 137); |
| 7. | 331° 59' | 410.20 | feet along the Westerly
side of Kuakini Highway
to the point of
beginning and
containing an Area of
98,286 Square Feet or
2.256 Acres. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following: (A) the applicant, successors or assigns shall comply with all of the stated conditions of approval; (B) the applicant shall submit the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the date of approval of the change of zone. The zoning of the property shall not be in effect until the water commitment payment is accepted by the Department of Water Supply; (C) prior to any land alteration activity occurring on the property, a Special Management Area Major Use Permit and application shall be filed and approved by the Planning Commission; (D) a drainage system shall be installed in

accordance with the requirements of the Department of Public Works; (E) improvements to address vehicular/pedestrian concerns associated with the development of the subject property shall be provided along the Alii Drive and Kuakini Highway frontages of the subject property in a manner meeting with the approval of the Department of Public Works. In determining the level of improvements, the Department of Public Works shall consider matters such as deceleration and acceleration lanes, driveway, accesses, left turn storage lanes, traffic signals, etc. Preliminary plans for these improvements shall be submitted with plans for Plan Approval review. These improvements shall be installed prior to issuance of any certificate of occupancy for the development; (F) all vehicular/pedestrian traffic concerns related to Kuakini Highway and Alii Drive shall meet with the Department of Public Works requirements. These include deceleration and acceleration lanes, driveway, accesses, left turn storage lanes, traffic signals, etc. Plans for these improvements shall also be required to be submitted with plans for Plan Approval review. These improvements shall be installed prior to issuance of any certificate of occupancy for the proposed development; (G) prior to the issuance of a grading permit, a detailed archaeological data recovery plan (which shall serve as the scope of work) shall be approved by the County Planning Department and the Department of Land and Natural Resources, Historic Sites Section. A final data recovery report

shall be submitted to the Planning Department and the Department of Land and Natural Resources prior to issuance of the certificate of occupancy for any structure indicating that the archaeological data recovery has been successfully executed as per approved plan; (H) furthermore, should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered during the data recovery process or the development phase of the project, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken; (I) all applicable laws, rules, regulations and requirements shall be complied with, including those of the Department of Water Supply and the Department of Public Works; (J) the method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (K) should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; and (L) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the

control of the applicants, successors or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

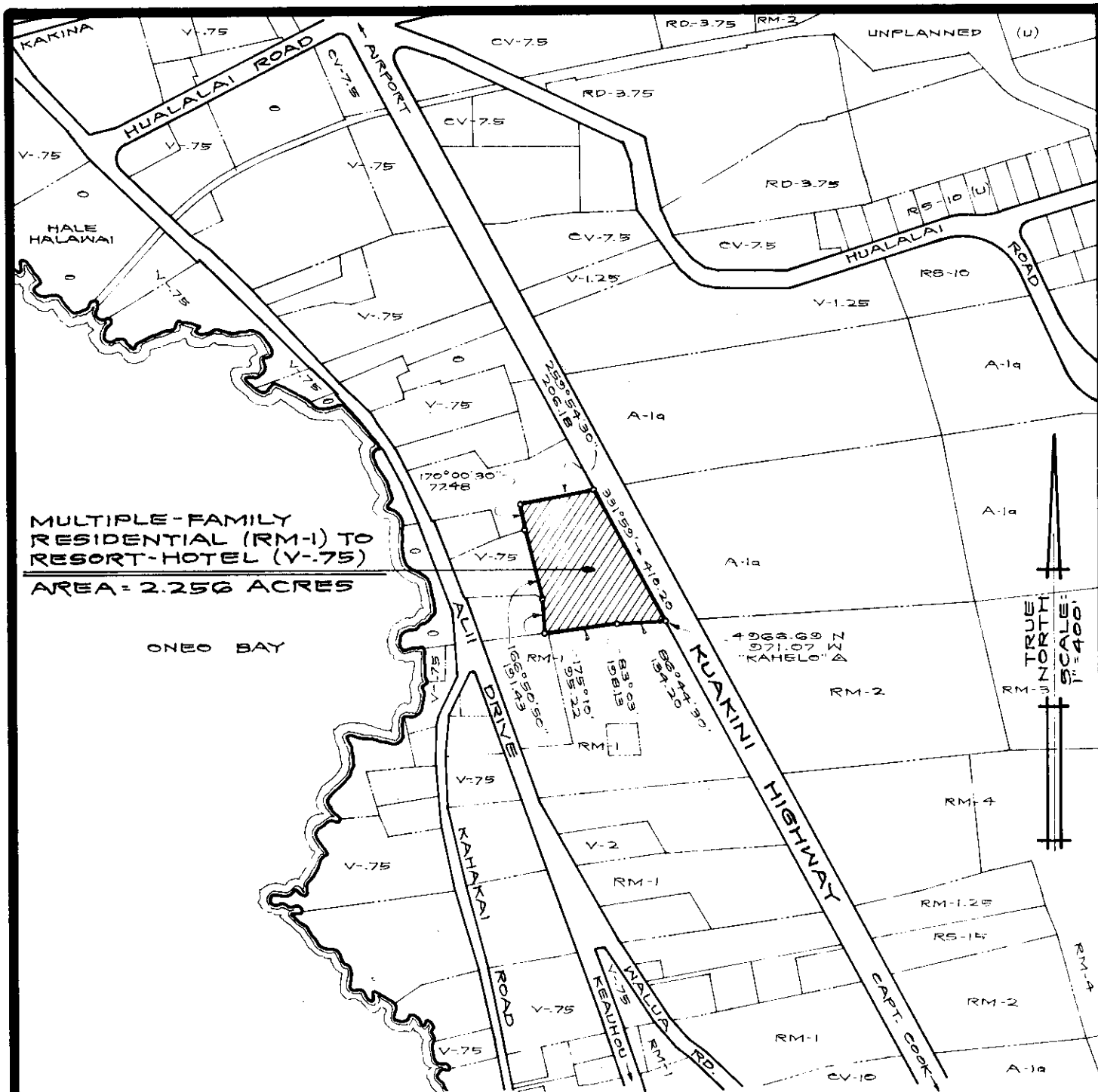
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: September 7, 1988
Date of 1st Reading: September 7, 1988
Date of 2nd Reading: October 5, 1988
Effective Date: October 13, 1988



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM MULTIPLE FAMILY RESIDENTIAL (RM-1) TO RESORT-HOTEL (V-75) AT AUHAUKEAE 2ND, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-5-09 : 25 (POR.)

JULY 5, 1988

EXHIBIT "A"