

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 640

ORDINANCE NO. 88 156

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 VILLAGE COMMERCIAL (CV-7.5) AT KEOPU 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-22:43 & 44.

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 Keopu 3rd, North Kona, Hawaii shall be Village Commercial (CV-7.5):

Beginning at the Westernmost corner of Lot 77, being also the Southernmost corner of Lot 76 and being a point on the Easterly side of Kalawa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 810.04 feet South and 1,246.99 feet East and running by azimuths measured clockwise from True South:

- 1. 141° 04' 62.50 feet along the Easterly side of Kalawa Street to a point;
- 2. 231° 04' 120.00 feet along Lot 75 of Lono Kona Subdivision and along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu to a point;

3. 321° 04' 133.12 feet along Lots 113 and 112 of Lono Kona Subdivision and along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 5 to V. Kamamalu to a point;
4. 57° 50' 103.07 feet along the Northerly side of Kalani Street to a point;

Thence, following along the Easterly side of Kalawa Street, at its intersection with Kalani Street, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

5. 99° 27' 26.57 feet to a point;
6. 141° 04' 38.61 feet along the Easterly side of Kalawa Street to the point of beginning and containing an area of 15,054 Square Feet.

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) submit an application for the consolidation of the subject properties within one year of the effective date of approval of the Change of Zone; (C) plans for the proposed office building and related improvements, including landscaping, shall be submitted for Plan Approval review within one year from the date of consolidation approval;

(D) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) a drainage system shall be installed in accordance with the requirements of the Department of Public Works; (F) curbs, gutters, and sidewalks shall be provided along Kalani and Kalawa Streets meeting with the approval of the Department of Public Works. The plans for these improvements shall be submitted to the Planning Director and the Chief Engineer simultaneously with the submission of development plans for final Plan Approval. These improvements shall be constructed in accordance with the standards of the Department of Public Works prior to issuance of the certificate of occupancy; (G) 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, 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; (H) all applicable County and State laws, rules, regulations and requirements shall be complied with; (I) 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; (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required; and (K) an initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances: a) 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; b) granting of the time extension would not be contrary to the general plan or zoning code; c) granting of the time extension would not be contrary to the original reasons for the granting of the change of zone; d) 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 e) 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: October 5, 1988  
Date of 1st Reading: October 5, 1988  
Date of 2nd Reading: October 19, 1988  
Effective Date: October 27, 1988

