

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 55

ORDINANCE NO. 89 54

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-1) PUA A 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-09:40.

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 Puaa 2nd, North Kona, Hawaii, shall be Resort Hotel (V-1):

Beginning at a pipe in concrete at the North corner of this parcel of land at East corner of a portion of Grant 7489, Ap. 2 to D. P. Waahila and on the westerly side of Kuakini Highway the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3735.05 feet South and 2411.28 feet East and running by azimuths measured clockwise from True South:

- 1. 331° 59' 233.86 feet along westerly side of Kuakini Highway to a pipe in concrete;
- 2. 81° 51' 312.79 feet along stonewall, northerly side of a portion of Grant 4037 Ap. 2 to J. Kaaeamoku to a pipe in concrete;
- 3. 150° 27' 117.75 feet along a portion of Grant 4100 Ap. 2 to Papa to a spike in concrete;

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| 4. | 81° 08' 30"  | 250.00 feet along same to a pipe in concrete;   |
| 5. | 150° 27'     | 125.00 feet along easterly side of Alii Drive to a spike in concrete;   |
| 6. | 261° 52' 50" | 250.00 feet along stonewall, a portion of Grant 7489 Ap. 2 to D. P. Waahila to a pipe in concrete;                        |
| 7. | 261° 21' 25" | 321.88 feet along stonewall of same to the point of beginning and containing an area of 97,560 square feet or 2.23 Acres. |

All as shown on the map attached hereon, 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 be responsible for complying with all stated conditions of approval; (B) A Special Management Area (SMA) Use Permit application for the proposed development shall be filed with the Planning Department within one year from the effective date of the change of zone; (C) A drainage system shall be installed in accordance with the requirements of the Department of Public Works; (D) Curbs, gutters and sidewalk improvements be provided along Alii Drive meeting with the approval of the Department of Public Works prior to receipt of occupancy permit for the proposed development; (E) Other roadway improvements along the Kuakini Highway and Alii Drive frontages, including accesses to the property, shall be provided in accordance with

the requirements of the Department of Public Works.

A comprehensive traffic management proposal, approved by the Department of Public Works, shall be submitted with the Special Management Area (SMA) Use Permit application; (F) An intensive archaeological survey and mitigation plan be submitted with the SMA Use Permit application; (G) Should any unanticipated archaeological sites be uncovered during land preparation activity, work within the affected area shall cease immediately and the Planning Director notified. Work within the affected area shall not resume until clearance is obtained from the Planning Director; (H) The method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (I) All applicable County and State laws, rules, regulations and requirements shall be complied with; (J) 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; (K) 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 (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; 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 this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

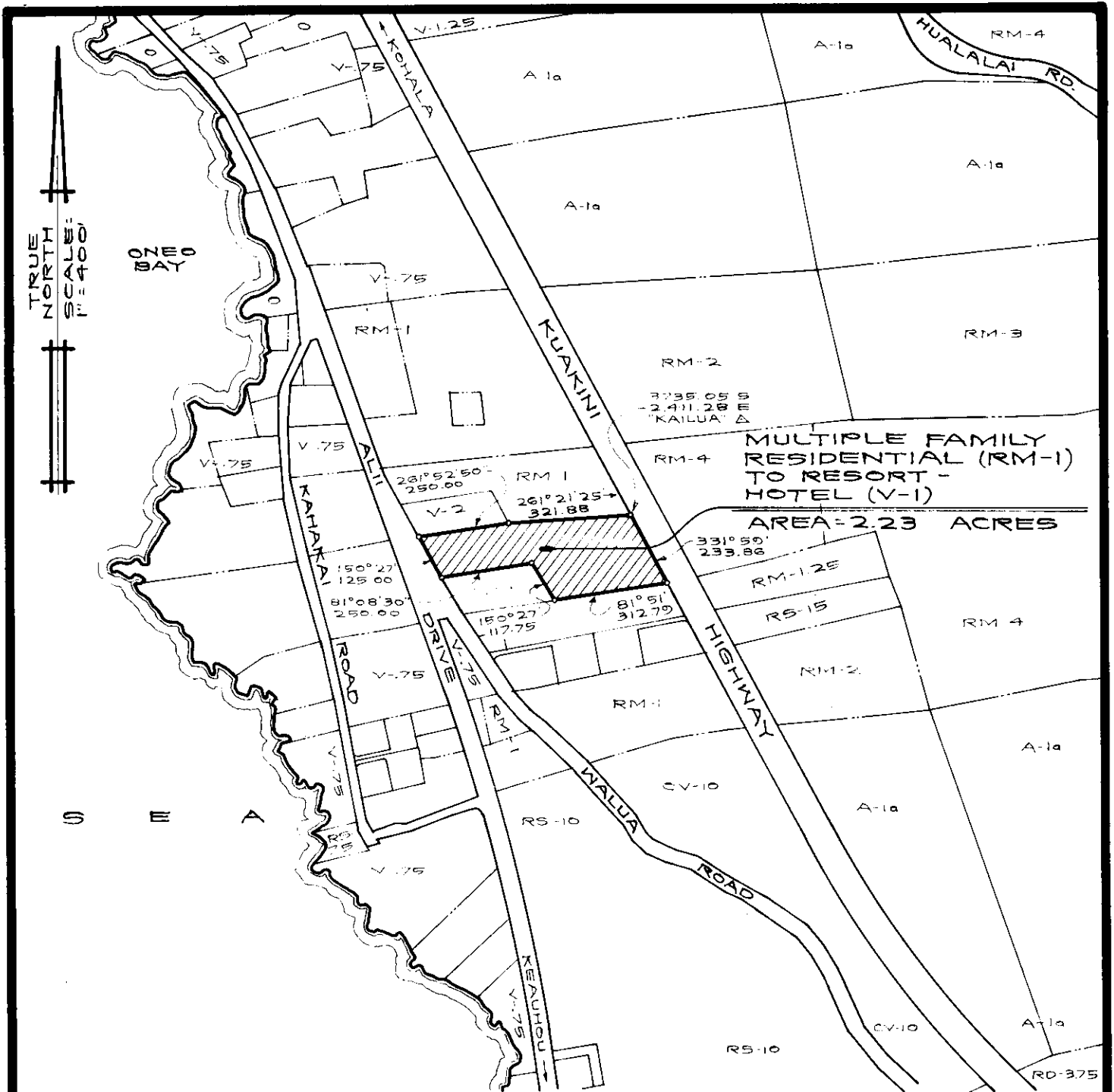
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 5, 1989  
Date of 1st Reading: April 5, 1989  
Date of 2nd Reading: April 19, 1989  
Effective Date: April 26, 1989



## 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-1) AT PUA'A 2ND, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-5-09:40

FEB. 22, 1989

EXHIBIT "A"