

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 681
(Draft 5)

ORDINANCE NO. 89 110

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-3) TO MULTIPLE FAMILY RESIDENTIAL (RM-2) AT PUA A 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-10:6.

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 1st, North Kona, Hawaii, shall be Multiple Family Residential (RM-2):

Beginning at a pipe in concrete marked "29" at the Southwest corner of this parcel of land, being also the Southeast corner of Lot 4-B on the boundary between Puaa 1st and Puaa 2nd and being a point on the Great Wall of Kuakini, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO" being 4,606.57 feet North and 29.02 feet West and running by azimuths measured clockwise from True South:

- 1. 166° 38' 421.96 feet along the Great Wall of Kuakini and along Lot 4-B to a pipe in concrete marked "28";
2. 263° 33' 50" 1,237.79 feet along Land Court Application 1874 (Amended) to a pipe in concrete marked "31" and passing over a pipe in concrete marked "71" at 1,233.04 feet;

Thence, following along the Southwesterly side of Hualalai Road along an existing stonewall, the direct azimuth and distance being:

3. 292° 18' 758.53 feet to a pipe in concrete marked "33";
4. 78° 33' 1,255.65 feet along Lot 2-A and along Grant 1744 to Kahaunaele to a pipe in concrete marked "30";
5. 88° 50' 604.00 feet along Lot 2-A and along Grant 1744 to Kahaunaele to the point of beginning and containing an area of 15.4 Acres, more or less.

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 be responsible for complying 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 Rules and Regulations 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 payment is accepted by the Department of Water Supply and a water commitment is formally issued; (C) Final Plan Approval for Phase I development consisting of a maximum of 114 units shall be secured from the Planning Department within one year from the effective date of the change of zone. To assure

adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Parking shall comply with the requirements of Chapter 25 (Zoning Code); (D) Construction of the Phase I development and related improvements shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) The development of Phases II and III may commence after water improvements as required by the Department of Water Supply have been installed; (F) A drainage system shall be installed meeting with the approval of the Department of Public Works; (G) Access(es) to the property shall be via Hualalai Road and shall meet with the approval of the Department of Public Works; (H) A traffic impact study meeting with the approval of the Department of Public Works shall be submitted at the time of plan approval review. The findings of this study shall be used to determine what mitigating measures the Department of Public Works shall require to reduce the impact from development generated traffic; (I) A 5-foot wide strip along Hualalai Road shall be set aside for future road widening purposes. No structural improvements shall be allowed within this 5-foot wide strip. Further, the minimum setback shall be taken from this future road widening line; (J) The method of sewage disposal shall meet with the approval of the appropriate

governmental agencies; (K) The Great Wall of Kuakini, situated on the makai property line, shall not be disturbed;

(L) To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented as proposed, the applicant shall work with the Office of Housing and Community Development and the Planning Department to formulate a housing plan for the development to assure it addresses the affordable housing needs of the community. [This housing plan shall be approved by the County Housing Agency prior to the issuance of a building permit for the project;] "Affordable housing units provided to satisfy this requirement shall be subject to the following guidelines:

1. A maximum of 60% of the 2 and 3 bedroom units developed shall be offered for rent in the range between \$650-\$850 per month, without utilities, distributed as provided:

"CLASS I UNITS

<u>Unit Size</u>	<u>Base Monthly Rent*</u>	<u>Number of Units**</u>
2 bedroom 1 bath	\$650	34
2 bedroom 2 bath	\$700	33
3 bedroom 2 bath	\$775	33

CLASS II UNITS (Improved amenities and location)

<u>Unit Size</u>	<u>Base Monthly Rent*</u>	<u>Number of Units**</u>
2 bedroom 2 bath	\$825	51
3 bedroom 2 bath	\$850	51

2. Rental guidelines shall be in effect for a minimum of ten years;
3. Adjustments to the rental rates shall be made as HUD annually updates median income figures for their Federal Housing Programs;
4. Adjustments to the rental rates may also be considered when justified by extraordinary circumstances beyond the control of the petitioner, his successors or assigns."

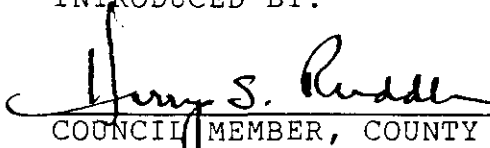
(M) The applicant shall consider the master plan of the neighboring Pacific and Asia Christian University, when designing its project's layout. In particular, the applicant shall plan for adequate setback and appropriate noise barriers to mitigate noise which may be generated by the University's proposed assembly facility and other facilities which may produce social noise; (N) Should any unanticipated archaeological/historical sites or features of importance be uncovered during land preparation activities, work in the affected area shall cease immediately and the Planning Director shall be notified. Work in the affected area shall not resume until such time that clearance is obtained from the Planning Director; (O) All other applicable laws, rules, regulations and requirements be complied with; (P) 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; (Q) An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the 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, (R) 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 shall 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.

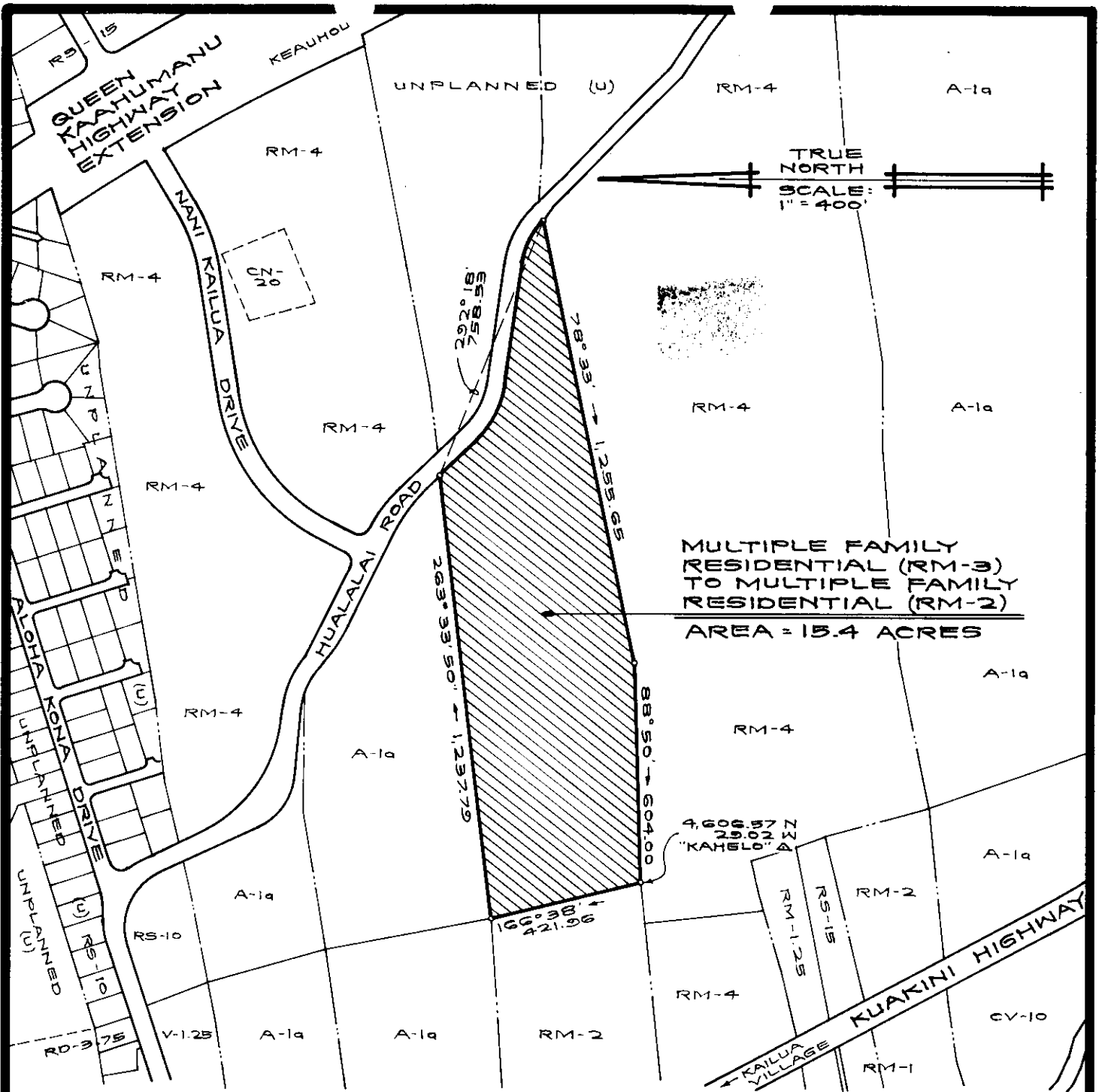
SECTION 4. This ordinance shall take effect upon its approval.

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: August 2, 1989  
Effective Date: August 7, 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-3) TO MULTIPLE FAMILY RESIDENTIAL (RM-2) AT PUA A 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-5-10: 6

OCT. 7, 1988

EXHIBIT "A"