

COUNTY OF HAWAII STATE OF HAWAII

Bill No. 146

ORDINANCE NO. 89 135

AN ORDINANCE AMENDING SECTION 25-95G (PUAKO-ANAEHOOMALU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O), LIMITED INDUSTRIAL (ML-20), VILLAGE COMMERCIAL (CV-10) AND MULTIPLE FAMILY RESIDENTIAL (RM-3) TO VILLAGE COMMERCIAL (CV-10), MULTIPLE FAMILY RESIDENTIAL (RM-3) AND OPEN (O) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-8-22:18, 19, 21 AND 33.

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

SECTION 1. Section 25-95G, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-10):

Parcel A

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning and referred to Government Survey Triangulation Station "PUU HINAI" being 14,237.77 feet North and 29,696.66 feet West, thence running by azimuths measured clockwise from true South:

- 1. 281° 16' 176.28 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
2. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being: 11° 31' 56" 40.21 feet;

3. 101° 16' 169.13 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
4. 49° 07' 44" 629.66 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
5. 163° 30' 126.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
6. 237° 05' 611.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu to the point of beginning and containing an area of 1.222 Acres. (Refer to Parcel A as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-10):

Parcel B

Beginning at the South corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 13,761.14 feet North and 29,649.51 feet West, thence running by azimuths measured clockwise from true South:

1. 65° 35' 290.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
2. 129° 27' 105.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
3. 113° 15' 195.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
4. 229° 07' 44" 629.66 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;

5. 281° 16' 169.13 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
6. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being:
320° 41' 59" 45.59 feet;
7. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 1225.00 feet, the chord azimuth and distance being:
350° 50' 52" 73.07 feet;
8. 28° 10' 23" 335.07 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu to the point of beginning and containing an area of 4.496 Acres. (Refer to Parcel B as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-3):

Parcel C

Beginning at the East corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 14,087.32 feet North and 29,474.81 feet West, thence running by azimuths measured clockwise from true South:

1. 28° 10' 23" 34.95 feet along remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;

2. Thence along remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo, on a curve to the right with a radius of 1225.00 feet, the chord azimuth and distance being:

170° 50' 52" 73.07 feet;

3. Thence along remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo, on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being:

272° 25' 19" 36.09 feet;

4. 11° 16' 40.59 feet along remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo to the point of beginning and containing an area of 1443 square feet or 0.033 Acre. (Refer to Parcel C as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-3):

Parcel D

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 14,087.32 feet North and 29,474.81 feet West, thence running by azimuths measured clockwise from true South:

1. 191° 16' 40.59 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;

2. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being:
242° 25' 15.39 feet;
3. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 1175.00 feet, the chord azimuth and distance being:
346° 56' 57" 227.89 feet;
4. 270° 00' 443.57 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
5. 231° 34' 185.87 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
6. 180° 00' 310.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
7. 235° 10' 44.62 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
8. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the left with a radius of 700.00 feet, the chord azimuth and distance being:
300° 23' 13" 101.61 feet;
9. 360° 00' 295.94 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
10. 51° 34' 511.80 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;

11. 107° 25' 242.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
12. 73° 06' 58.98 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
13. 107° 00' 22.22 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
14. 159° 00' 95.06 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
15. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu, on a curve to the right with a radius of 1225.00 feet, the chord azimuth and distance being:

164° 04' 10" 216.49 feet;
16. 208° 10' 23" 34.95 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu to the point of beginning and containing an area of 3.462 Acres. (Refer to Parcel D as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Multiple Family Residential (RM-3):

Parcel E

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 13,753.09 feet North and 29,376.58 feet West, thence running by azimuths measured clockwise from true South:

1. 253° 06' 58.98 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;

2. 287° 25' 524.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
3. 310° 10' 73.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
4. 321° 05' 50.79 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
5. 103° 00' 130.46 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
6. 123° 30' 130.98 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
7. 107° 00' 426.41 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu to the point of beginning and containing an area of 0.551 Acre. (Refer to Parcel E as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be

Open (O):

Parcel F

Beginning at the East corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 13,753.09 feet North and 29,376.58 feet West, thence running by azimuths measured clockwise from true South:

1. 73° 06' 95.56 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;
2. 243° 56' 78.09 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Hueu;

3. 287° 00' 22.22 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo to the point of beginning and containing an area of 592 square feet or 0.013 Acre. (Refer to Parcel F as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be

Open (O):

Parcel G

Beginning at the West corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HINAI" being 13,526.78 feet North and 28,732.47 feet West, thence running by azimuths measured clockwise from true South:

1. 283° 00' 44.54 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
2. 354° 00' 50.56 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
3. 141° 05' 77.50 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo to the point of beginning and containing an area of 1065 square feet or 0.024 Acre. (Refer to Parcel G as shown on Exhibit "A").

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be

Multiple Family Residential (RM-3):

Parcel H

Beginning at the Southwest corner of this parcel of land, the coordinates of said point of beginning referred to

Government Survey Triangulation Station "PUU HINAI" being
13,466.48 feet North and 28,683.78 feet West, thence
running by azimuths measured clockwise from true South:

1. 321° 05' 221.70 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
2. 237° 10' 212.00 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
3. 282° 55' 210.00 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
4. 211° 05' 230.00 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
5. 171° 19' 692.47 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
6. 90° 00' 160.00 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
7. Thence along the remainder of R.P. 5671, L.C. Aw.
8521-B, Ap. 1 to G. D. Hueu,
on a curve to the right with a
radius of 700.00 feet, the
chord azimuth and distance
being:

104° 20' 34" 483.55 feet;
8. 235° 10' 75.38 feet along the remainder of
R.P. 5671, L.C. Aw. 8521-B,
Ap. 1 to G. D. Hueu;
9. Thence along the remainder of R.P. 5671, L.C. Aw.
8521-B, Ap. 1 to G. D. Hueu,
on a curve to the left with a
radius of 630.00 feet, the
chord azimuth and distance
being:

285° 01' 37" 370.71 feet;

10. 267° 55' 244.61 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
11. 351° 20' 377.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
12. 311° 48' 206.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
13. 4° 30' 337.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
14. 42° 00' 194.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
15. 101° 15' 224.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
16. 83° 43' 122.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
17. 57° 30' 195.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
18. 141° 00' 180.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo;
19. 174° 00' 72.44 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Ap. 1 to G. D. Huevo to the point of beginning and containing an area of 3.763 Acres. (Refer to Parcel H as shown on Exhibit "A").

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

SECTION 2. These changes in district classification are conditioned upon the following: (A) The applicant, successors, or its assigns shall comply with all of the applicable conditions of approval outlined in the previously approved change of zone ordinances; (B) Consolidation/resubdivision plans shall be secured from the Planning Department within one year from the effective date of the change of zone; (C) Final Plan Approval for the proposed condominium development shall be secured from the Planning Department within one year from the date of receipt of Final Approval of the consolidation/resubdivision action. 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: (D) Construction of the proposed condominium development shall commence (building permit) within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) A Special Management Area (SMA) Use Permit application shall be submitted for the CV-10 zoned lands within three years from the effective date of the change of zone; (F) All other applicable laws, rules, regulations, and requirements be complied with; (G) 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; (H) 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, (I) 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 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 20, 1989
Date of 1st Reading:	September 20, 1989
Date of 2nd Reading:	October 4, 1989
Effective Date:	October 17, 1989

(NOTE: EXHIBIT "A" is too large to duplicate, therefore the map is filed in the Clerk's Office.)