

COUNTY OF HAWAII STATE OF HAWAII



Bill No. 212

ORDINANCE NO. 90 40

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO LIMITED INDUSTRIAL (ML-3a) AT HONOKOHAU 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-08:33.

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

SECTION 1. Section 25-87, 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 Honokohau 2nd, North Kona, Hawaii, shall be Limited Industrial (ML-3a):

Beginning at the northwest corner of this parcel of land, being also the southwest corner of Parcel VIII, on the easterly side of Kailua-Kawaihae Road, the coordinates of said point of beginning referred to Hawaii Plane Coordinates Grid System Zone 1 being 306,466.91 feet North and 321,393.15 feet East and running by plane azimuths measured clockwise from True South:

- 1. 258° 15' 30" 1000.00 feet along Parcel VIII, the remainder of R.P. 6855, L.C. Aw. 9971, Apana 9 to William Pitt Leleiohoku, (Certificate of Boundaries No. 27) and Grant S-15098 to Lanihau Corporation, a Hawaii Corporation, et al;

2.	328° 10'	476.20	feet along Parcel 7-B, the remainder of R.P. 6855, L.C. Aw. 9971, Apana 9 to William Pitt Leleiohoku, (Certificate of Boundaries No. 27);
3.	80° 03' 53"	867.37	feet along government land of Kealakehe;
4.	80° 00' 40"	144.75	feet along government land of Kealakehe;
5.	148° 10'	367.51	feet along the easterly side of Kailua-Kawaihae Road;
6.	148° 10'	74.86	feet along the easterly side of Kailua-Kawaihae Road to the point of beginning and containing an area of 9.90 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 applicants, successors, or assigns shall comply with all of the stated conditions of approval; (B) Subdivision plans shall be submitted for tentative approval within one year from the effective date of the change of zone. Final subdivision approval shall be secured within one year from the date of receipt of tentative subdivision approval. Subdivision plans shall denote a 50-foot wide planting screen easement adjacent

to and along Queen Kaahumanu Highway throughout the length of the property exclusive of roadway access; (C) Final Plan Approval for the development of the remaining lot shall be secured within one year from the date of receipt of final subdivision approval. 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. Landscaping plans shall reflect the 50-foot wide planting screen easement required in Condition B and shall ensure a visual buffer to adjacent Kealakehe lands to the south and to adjacent lands to the north; (D) A detailed landscaping plan for the future lots, including visual analysis from Queen Kaahumanu Highway, shall be submitted for review and approval by the Planning Department within one year from the effective date of the change of zone. The purpose of this landscaping plan would be to mitigate visual impacts of the proposed lots, interior terraces, and potential structures/uses to surrounding properties. The landscaping approved in this landscaping plan and the perimeter landscaping plan dated October 19, 1988, on file with the Planning Department, shall be established within two years from the effective date of the change of zone; (E) Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (F) The applicants shall participate in the

funding, construction, and coordination of transportation improvements at a permanent roadway access point identified by the State Department of Transportation. Further, the applicants shall participate in the funding and construction of other on-site and/or off-site transportation improvements necessitated by the proposed development, provided that the extent of the applicant's participation shall not exceed the proposed project's share of the increased community traffic impacts in the region, and provided further, that in the event the County adopts an impact fee for transportation improvements, the foregoing requirements shall not include or double-count the cost of any specific traffic improvements which may also be included in the County's impact fee computation. Upon construction of a permanent off-site roadway access to service the subject property, the Quarry Access Road shall be extinguished, and no further access to Queen Kaahumanu Highway shall be permitted; (G) Upon construction of the municipal sewer system, the applicants shall fund and construct the necessary improvements for hook-up of its wastewater disposal improvements to the municipal sewer system; (H) A drainage system meeting with the requirements of the Department of Public Works shall be installed; (I) Should any unanticipated archaeological sites be uncovered during site preparation, work within the affected area shall cease. The Planning Department shall be notified, and work within the

affected area shall not resume until clearance has been obtained from the Planning Director; (J) All applicable laws, rules, regulations, and requirements, including those of the State Land Use Commission, shall be complied with; (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; (L) 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, (M) 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.

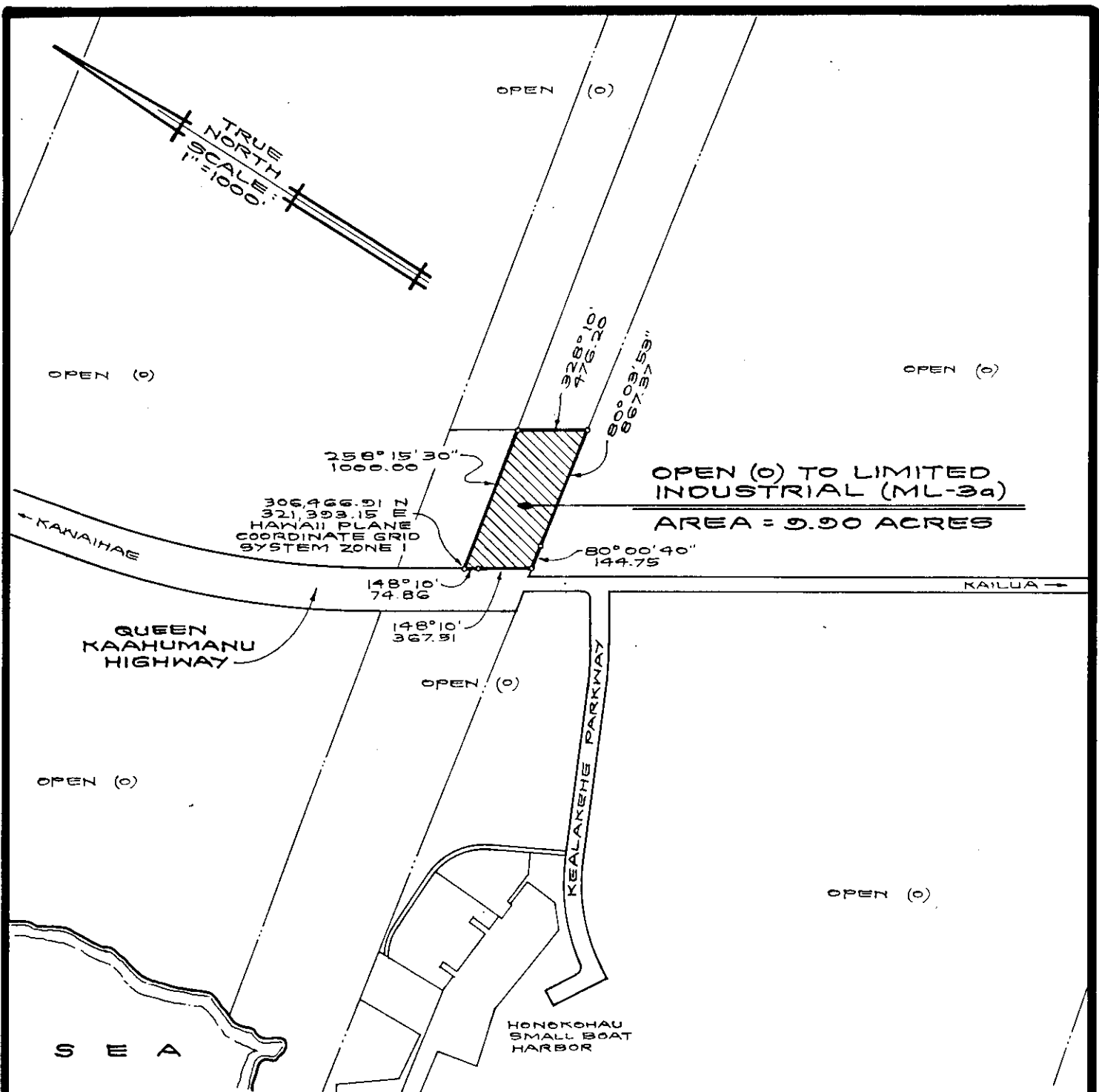
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 23, 1990
Date of 1st Reading: March 23, 1990
Date of 2nd Reading: April 4, 1990
Effective Date: April 12, 1990



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM OPEN (O) TO LIMITED INDUSTRIAL (ML-3a) AT HONOKOHAU 2ND, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-4-08: 33

NOV. 21, 1989