

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 281

ORDINANCE NO. 90 85

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 VILLAGE COMMERCIAL (CV-7.5), MULTIPLE FAMILY RESIDENTIAL (RM-1) AND AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT KEOPU 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:6 AND 13.

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 properties described hereinafter as follows:

The district classification of the following area situated at Keopu 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

PARCEL 1

Beginning at the Westernmost corner of this portion of Parcel 6, TMK: 7-5-04 (3rd Division), being also a point on the Northeasterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 610.06 feet South and 411.52 feet East and running by azimuths measured clockwise from True South:

- 1. 239° 49' 25" 159.36 feet along Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku to a point;
2. 329° 49' 25" 156.66 feet along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi to a point;

Thence, for the next three (3) courses, following along a stonewall on the Northeasterly side of Kuakini Highway:

Thence, on a curve to the left with a radius of 858.51 feet, the chord azimuth and distance being:

3. 108° 27' 03" 76.92 feet to a point;

Thence, on a curve to the left with a radius of 1,131.52 feet, the chord azimuth and distance being:

4. 102° 23' 138.16 feet to a point;

5. 98° 53' 8.71 feet Kuakini Highway to the point of beginning and containing an area of 11,591 Square Feet or 0.266 Acre. (Refer to Parcel 1 as shown on Exhibit "A")

The district classification of the following area situated at Keopu 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

PARCEL 2

Beginning at the Northwesterly corner of this portion of Parcel 6, TMK: 7-5-04 (3rd Division), being also a point on the Southerly boundary of Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 529.95 feet South and 549.29 feet East and running by azimuths measured clockwise from True South:

1. 239° 49' 25" 198.97 feet along Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku to a point;

2. 325° 59' 20" 126.72 feet along the West edge of a stonewall and along the remainder of Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku to a point;
3. 238° 42' 30" 395.28 feet along the South edge of a stonewall crossing over an existing sewer easement to the corner of a stonewall to a point;
4. 324° 24' 20" 79.27 feet along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi to a point;
5. 63° 40' 05" 611.51 feet along a stonewall, along the Northerly boundary of Lono Kona Subdivision (File Plan 769) and along Grant 3148, Apana 1 to William P. Leleiohoku (Record File Plan 769 azimuth being 63° 38' 30") to a point;
6. 149° 49' 25" 156.66 feet along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi to the point of beginning and containing an area of 57,922 Square Feet or 1.330 Acres. (Refer to Parcel 2 as shown Exhibit "A")

The district classification of the following area situated at Keopu 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

PARCEL 3

Beginning at the Northwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 429.94 feet South and 721.29 feet East and running by azimuths measured clockwise from True South:

1. 239° 41' 50" 392.34 feet along Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku to a point;

Thence for the next three (3) courses following along stonewall and along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi:

2. 324° 24' 20" 120.14 feet to a point;
3. 58° 42' 30" 395.28 feet to a point;
4. 145° 59' 20" 126.72 feet to the point of beginning and containing an area of 48,484 Square Feet or 1.113 Acres. (Refer to Parcel 3 as shown on Exhibit "A")

The district classification of the following area situated at Keopu 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

PARCEL 4

Beginning at the Southwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 429.94 feet South and 721.29 feet East and running by azimuths measured clockwise from True South:

Thence, for the next three (3) courses following along stonewall and along the remainder of Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku:

1. 145° 59' 20" 53.89 feet to a point;

2. 238° 14' 30" 390.05 feet to a point;
3. 324° 24' 20" 63.96 feet to a point;
4. 59° 41' 50" 392.34 feet along Land Commission Award 11216, Apana 39 to M. Kekauonohi to the point of beginning and containing an area of 22,995 Square Feet or 0.528 Acre. (Refer to Parcel 4 as shown on Exhibit "A")

The district classification of the following area situated at Keopu 1st, North Kona, Hawaii, shall be General Commercial (CG-20):

PARCEL 5

Beginning at the Southwesterly corner of this portion of Parcel 6, TMK: 7-5-04 (3rd Division), being also a point on the Northerly boundary of the Lono Kona Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 394.14 feet South and 1,176.09 feet East and running by azimuths measured clockwise from True South:

1. 144° 24' 20" 79.27 feet along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi to a point;
2. 144° 24' 20" 120.14 feet along a stonewall, and along the remainder of Land Commission Award 11216, Apana 39 to M. Kekauonohi to a point;
3. 239° 50' 30" 1,122.00 feet along Royal Patent 8126, Land Commission Award 9971, Apana 27 to W. P. Leleiohoku to a point;

Thence, for the next three (3) courses following along Queen Kaahumanu Extension (Hawaii Belt Road F.A.P. 11A-03-69):

4. 295° 51' 255.86 feet along a fence line to the centerline of the Great Wall of Kuakini to a point;
5. 355° 16' 2.98 feet along the centerline of the Great Wall of Kuakini to a point;
6. 9° 28' 38.51 feet along the centerline of the Great Wall of Kuakini to a point;
7. 61° 41' 41" 1,032.82 feet along stonewall, and along the Northerly boundary of Lono Kona Subdivision (File Plan 769), and along Grant 3148, Apana 1 to William P. Leleiohoku (Record File Plan 769 azimuth and distance being 61° 41' 1,033.00 feet) to a point;
8. 63° 40' 05" 188.45 feet along a stonewall, along the Northerly boundary of Lono Kona Subdivision (File Plan 769), and along Grant 3148, Apana 1 to William P. Leleiohoku to the point of beginning and containing an area of 6.113 Acres. (Refer to Parcel 5 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. This change in district classification is conditioned upon the following: (A) the applicants, successors or assigns shall be responsible for complying with all of the stated conditions of approval; (B) the required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety days from the effective date of the change of zone; (C) consolidation/resubdivision plans shall be submitted 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; (D) final Plan Approval for the commercial development shall be secured from the Planning Department within one year from the date of final subdivision approval. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), Hawaii County Code, as amended, plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured; (E) construction of the commercial development shall commence (building permits) within one year from the date of receipt of Final Plan Approval provided, however, that Condition H has been satisfied. The development shall be completed (certificates of occupancy) within two years thereafter; (F) the applicants shall assist in the construction of Henry Street by dedication of land. If necessary, a

contribution of up to \$100,000 shall be made to cover cost overrun incurred by the County of Hawaii during construction. The location of accesses and improvements to Henry Street shall be reviewed and approved by the Department of Public Works. No direct access shall be permitted to the property from Kuakini Highway or Queen Kaahumanu Highway. Further, interior on-site driveway circulation shall be coordinated to allow for future roadway connection to Lono Kona Subdivision, if deemed necessary by the Department of Public Works; (G) an on- and off-site drainage system shall be installed meeting with the requirements of the Department of Public Works. The drainage system shall be constructed and maintained such that post-development condition downstream of the project are "better or no-worse" than pre-development conditions. A drainage study meeting with the requirements of the Department of Public Works shall be prepared for the purpose of determining the necessary on- and off-site drainage improvements for the development. Said on- and off-site drainage improvements shall be installed prior to the issuance of certificate(s) of occupancy for any portion of the development; (H) no building permit for any portion of the development shall be issued unless and until there are legal and financial assurances acceptable to the Chief Engineer and the Office of the Corporation Counsel that the proposed Henry Street will be constructed and operable prior to or in



conjunction with the issuance of a certificate of occupancy for any portion of the proposed development; (I) an archaeological data recovery and preservation plan shall be submitted to the Department of Land and Natural Resources, Historic Sites Section and the Planning Department for review and acceptance prior to submittal of plans for plan approval review of any portion of the commercial development. The archaeological data recovery and preservation shall be in conformance with the accepted plan and shall be completed prior to any land alterations on the property; (J) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken; (K) comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health, Water Supply, Public Works and Transportation-Highways Division; (L) 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 developers' election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance; (M) an

annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the change of zone. 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 and the Planning Director acknowledges that further reports are not required; and, (N) an 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 applicants should require an additional extension of time, the Planning Director shall submit the applicants' 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: June 20, 1990  
Date of 1st Reading: June 20, 1990  
Date of 2nd Reading: July 5, 1990  
Effective Date: July 16, 1990

← AIRPORT

QUEEN KAAHUMANU HWY. EXTENSION

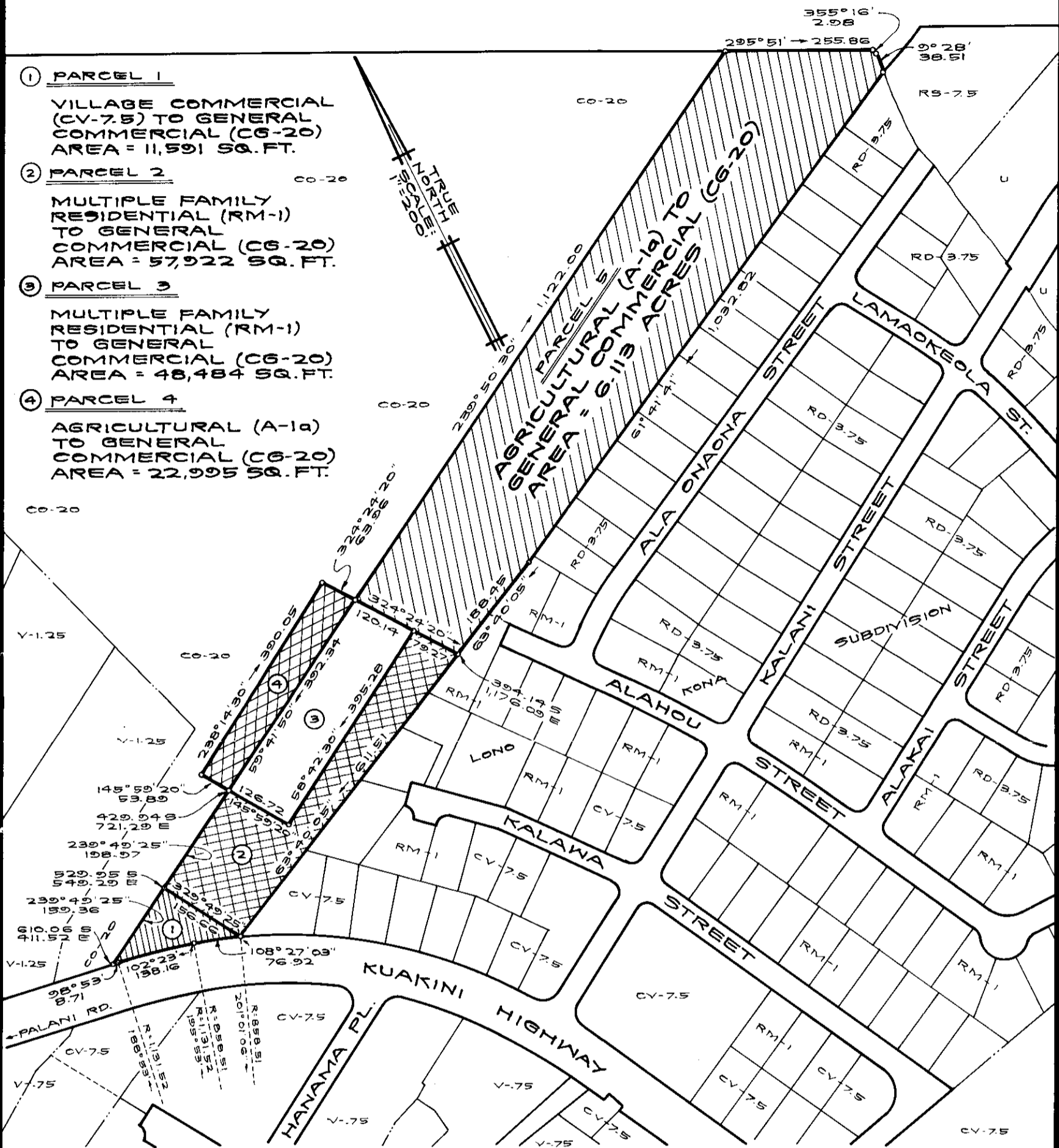
KEAUHOU →

① PARCEL 1  
 VILLAGE COMMERCIAL (CV-7.5) TO GENERAL COMMERCIAL (CG-20)  
 AREA = 11,591 SQ. FT.

② PARCEL 2  
 CO-20  
 MULTIPLE FAMILY RESIDENTIAL (RM-1) TO GENERAL COMMERCIAL (CG-20)  
 AREA = 57,922 SQ. FT.

③ PARCEL 3  
 MULTIPLE FAMILY RESIDENTIAL (RM-1) TO GENERAL COMMERCIAL (CG-20)  
 AREA = 48,484 SQ. FT.

④ PARCEL 4  
 CO-20  
 AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20)  
 AREA = 22,995 SQ. FT.



NOTE:  
 COORDINATES REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAILUA (NORTH MERIDIAN)"

## 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 VILLAGE COMMERCIAL (CV-7.5), MULTIPLE FAMILY RESIDENTIAL (RM-1) AND AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT KEOPU 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK: 7-5-04: 6 AND 13

MARCH 27, 1990

EXHIBIT "A"