

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 353

ORDINANCE NO. 90 159

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 VILLAGE COMMERCIAL (CV-10) TO UNPLANNED (U); UNPLANNED (U) TO VILLAGE COMMERCIAL (CV-10) AND FROM OPEN (O) TO UNPLANNED (U) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEYS 6-8-01:PORTION OF 52 AND 6-8-22:PORTIONS OF 2 AND 35.

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 Unplanned (U):

PARCEL 1:

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 13,440.13 feet North and 26,962.94 feet West, thence running by azimuths measured clockwise from True South:

- 1. 134° 34' 53" 500.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hieu;
- 2. 224° 33' 56" 369.48 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hieu;

3. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the left with a radius of 630.00 feet, the chord azimuth and distance being: 214° 40' 58" 216.26 feet;
4. 316° 08' 501.85 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
5. 41° 00' 570.04 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu to the point of beginning and containing an Area of 6.425 Acres. (Refer to Parcel 1 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 2:

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 13,440.13 feet North and 26,962.94 feet West, thence running by azimuths measured clockwise from True South:

1. 224° 34' 53" 570.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. 314° 34' 53" 550.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
3. 44° 34' 53" 570.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;

4. 134° 34' 53" 550.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu to the point of beginning and containing an Area of 7.197 Acres. (Refer to Parcel 2 as shown on Exhibit "A")

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Unplanned (U):

PARCEL 3:

Beginning at the North corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation station "PUU HINAI" being 14,011.72 feet North and 27,535.67 feet West, thence running by azimuths measured clockwise from True South:

1. 319° 57' 30" 54.37 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. 314° 34' 53" 175.00 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
3. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: 359° 34' 53" 28.28 feet;
4. 44° 34' 53" 80.12 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
5. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the left with a radius of 2030.00 feet, the chord azimuth and distance being: 39° 55' 26.5" 329.66 feet;

6. 35° 16' 340.69 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
7. 201° 19' 838.13 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu to the point of beginning and containing an Area of 1.937 Acres. (Refer to Parcel 3 as shown on Exhibit "A")

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Unplanned (U):

PARCEL 4:

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 14,096.56 feet North and 27,130.48 feet West, thence running by azimuths measured clockwise from True South:

1. 44° 33' 56" 158.91 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
2. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the right with a radius of 240.00 feet, the chord azimuth and distance being; 85° 15' 31" 93.66 feet;
3. 134° 34' 53" 97.57 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu;
4. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu, on a curve to the left with a radius of 180.00 feet, the chord azimuth and distance being; 276° 54' 46" 43.33 feet;

5. 270° 00' 93.53 feet along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Huevo;
6. Thence along the remainder of R.P. 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Huevo, on a curve to the left with a radius of 193.41 feet, the chord azimuth and distance being: 247° 16' 58" 149.38 feet to the point of beginning and containing an Area of 0.236 Acre. (Refer to Parcel 4 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 assigns shall be responsible for complying with all of the stated conditions of approval; (B) 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; (C) Final Plan Approval for the Phase I of 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; (D) Phase I construction shall

commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed (certificate of occupancy) within two years thereafter;

(E) Final Plan Approval for the Phase II of the commercial development shall be secured from the Planning Department within one year from the issuance of a certificate of occupancy for Phase I; (F) Phase II construction shall commence (building permit) within one year from the date of receipt of Final Plan Approval and shall be completed (certificate of occupancy) within two years thereafter; (G) a drainage system shall be installed meeting with the requirements of the Department of Public Works; (H) 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; (I) comply with all other applicable laws, rules, regulations and requirements, including those of the Departments of Health, Water Supply, and Public Works;


(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 developers' 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 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, (L) 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 permit; 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.

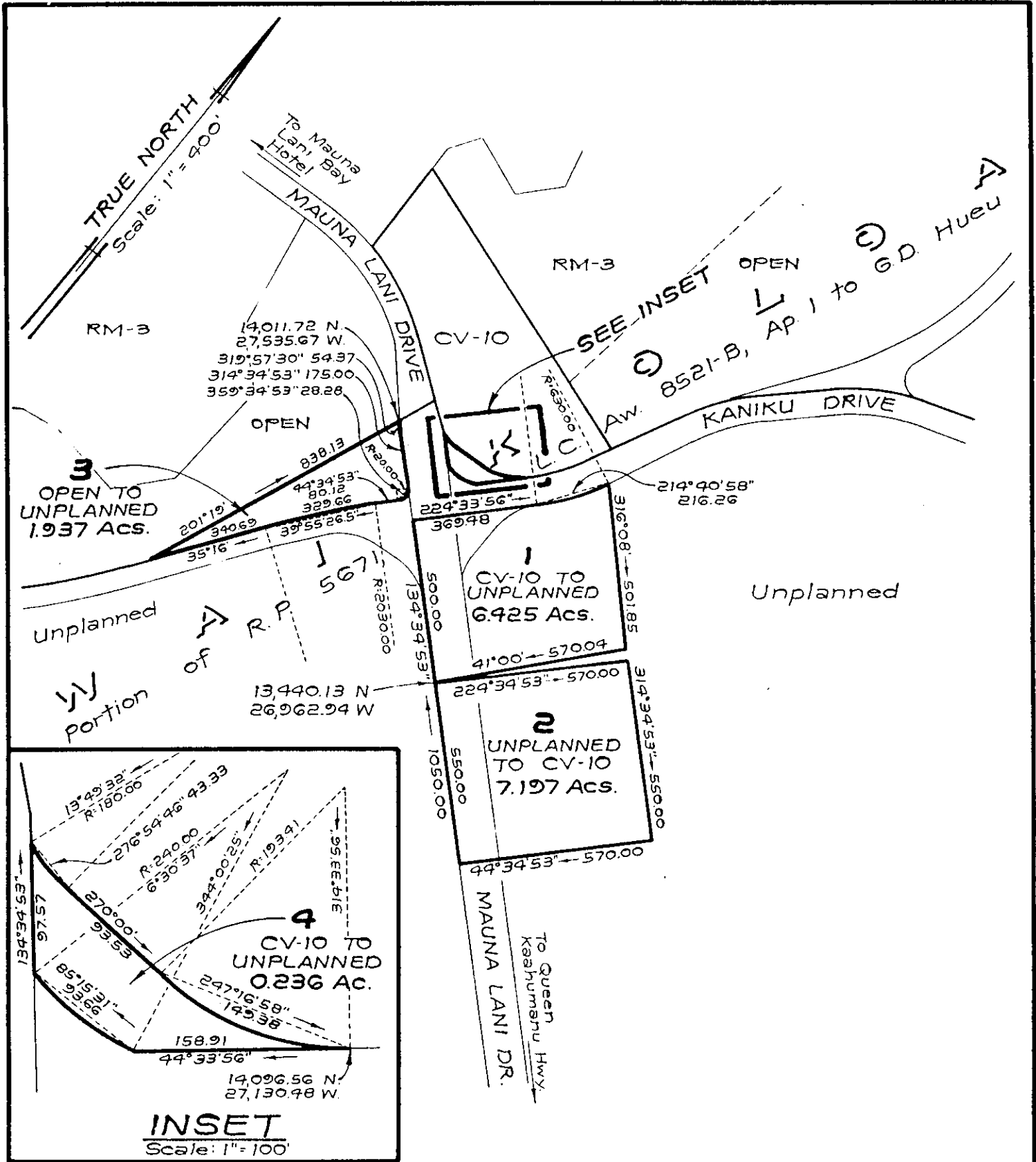
SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

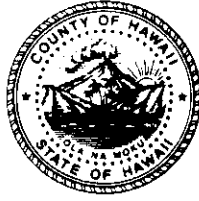
Date of Introduction:	December 5, 1990
Date of 1st Reading:	December 5, 1990
Date of 2nd Reading:	December 19, 1990
Effective Date:	December 27, 1990



Map Showing
PROPOSED ZONING CHANGES -
MAUNA LANI RESORT - PHASE V
 At Waikoloa, South Kohala, Island of Hawaii, Hawaii

Tax Map Key: 6-B-01:52 (POR.)
 6-B-22: POR. OF 2 & 35

JOHN A. WAGNER
County Clerk



ROBERT S. SHIOJI
Deputy County Clerk

HARRY A. TAKAHASHI
Legislative Auditor

OFFICE OF THE COUNTY CLERK

County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720

NOTE

On Bill No. 354, Ordinance No. 90-160,
reference is made to a map attached hereto, marked
Exhibit "A".

Said Exhibit is not part of the duplicate copies of
this ordinance, due to its size, but is available for viewing
in the Office of the County Clerk.

If further information is needed, call 961-8255.

A handwritten signature in black ink that reads "John A. Wagner". The signature is written in a cursive, flowing style.

John A. Wagner
COUNTY CLERK