

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 396
(Draft 2)

ORDINANCE NO. 91 27

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 OPEN (O) TO VILLAGE COMMERCIAL (CV-10) AT KEAHUOLU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-15:15 (PORTION).

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 Keahuolu, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at the Westernmost corner of this portion of Lot 8 of the Kona Industrial Subdivision, Unit 4 (File Plan 1617), the coordinates of said point of beginning referred to Government Survey Traingulation Station "KAILUA (NORTH MERIDIAN)" being 1,609.61 feet North and 732.72 feet West and running by azimuths measured clockwise from True South:

Thence, for the next five (5) courses following along the remainder of Lot 8 and along the remainder of Royal Patent 6851, Land Commission Award 8452, Apana 12 to Keohokalole:

1. 205° 51' 102.00 feet to a point;
2. 295° 51' 218.45 feet to a point;
3. 298° 42' 39" 160.90 feet to a point;

4. 25° 11' 39" 93.97 feet to a point;
5. 115° 51' 380.21 feet to a point of beginning and containing an area of 0.874 Acres.

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 comply with all of the stated conditions of approval; (B) subdivision plans for the future road widening strip shall be submitted to the Planning Department 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 tentative subdivision approval; (C) final Plan Approval of the 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), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall indicate internal driveway circulation with the adjacent Kona Coast Shopping Center; (D) construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (E) the landowner shall donate the 62-foot wide strip of land fronting Queen Kaahumanu Highway to the State for roadway purposes within one year from

the date of Final Subdivision Approval; (F) improvements to Eho Street extension, including curbs, gutters and sidewalks, shall be constructed within the existing 60-foot wide roadway easement from Eho Street to Queen Kaahumanu Highway meeting with the approval of the Department of Public Works. These improvements shall be completed prior to issuance of a certificate of occupancy for any portion of the commercial development; (G) driveway access(es) shall be approved by the Department of Public Works; (H) improvements to Eho Street-Queen Kaahumanu Highway intersection shall meet with the approval of the Departments of Transportation-Highways Division and Public Works; (I) a drainage system meeting with the requirements of the Department of Public Works shall be installed; (J) all other applicable laws, rules, regulations and requirements 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.

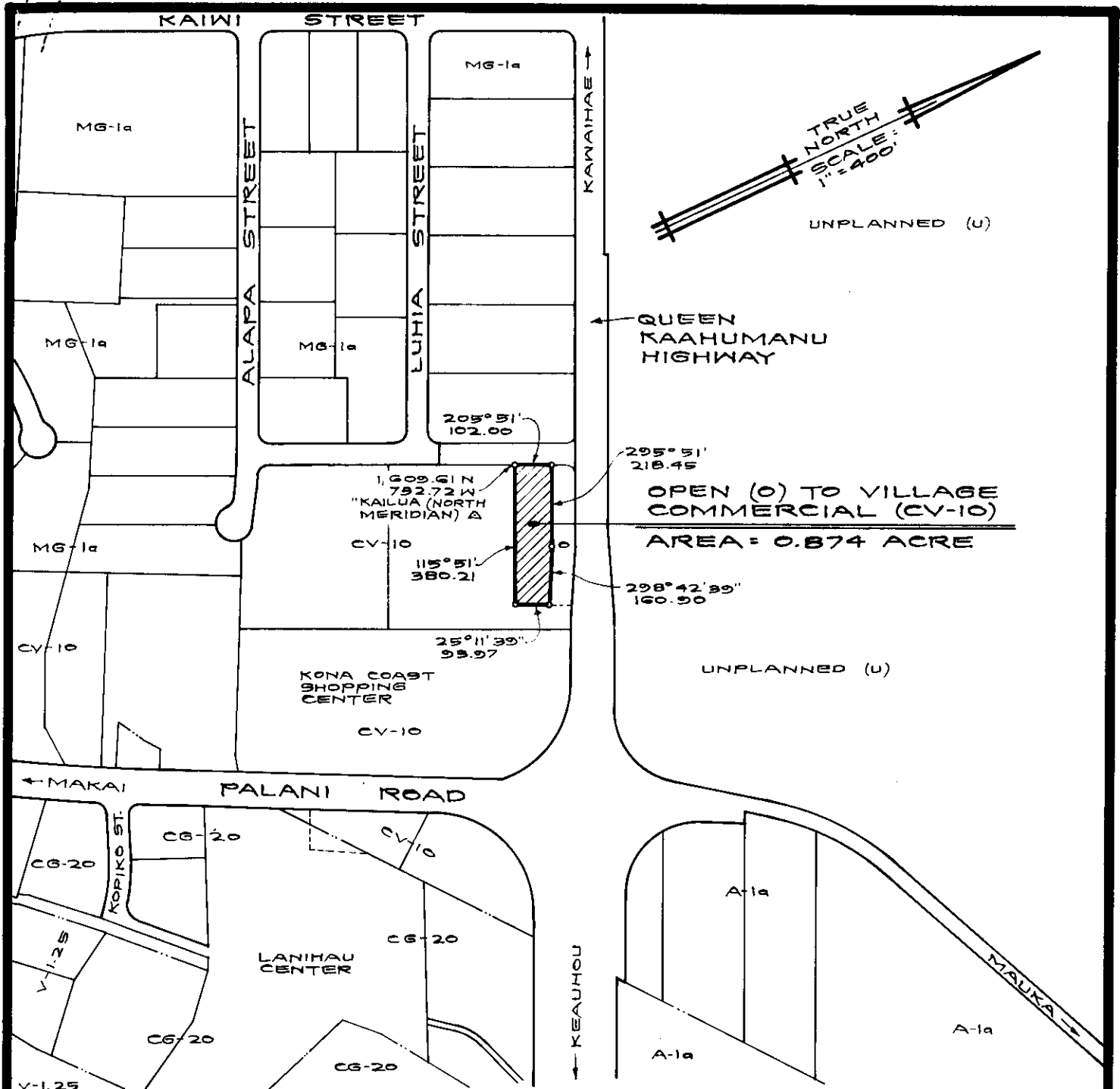
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction:	March 6, 1991
Date of 1st Reading:	March 6, 1991
Date of 2nd Reading:	March 21, 1991
Effective Date:	March 21, 1991



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 OPEN (O) TO VILLAGE COMMERCIAL (CV-10) AT KEAHUOLU, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 7-4-15:15 (PORTION)

JAN. 31, 1989