

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 67 (Draft 2)

ORDINANCE NO. 91 56

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 AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT HOLUALOA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-6-24:31.

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 Holualoa 1st, North Kona, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at the Westernmost corner of this parcel of land, being also a point on the Northerly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 9,139.88 feet South and 7,580.43 feet East and running by azimuths measured clockwise from True South:

- 1. 233° 00' 30" 244.41 feet along stonewall and along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu to a spike;

Thence, for the next five (5) courses following along stonewall and along the Southerly side of the Kailua-Keauhou Middle Road:

- 2. 284° 32' 30" 148.26 feet to a spike;
- 3. 279° 43' 30" 25.40 feet to a spike;

4. 288° 56' 30" 64.02 feet to a 1/2 inch pipe;
5. 284° 25' 30" 89.83 feet to a 1/2 inch pipe;
6. 289° 01' 27.73 feet to a 1/2 inch pipe;
7. 33° 20' 307.91 feet along Lot 4 and along the remainder of Royal Patent 4475, Land Commission Award 7713, Apana 43, to V. Kamamalu to a 1/2 inch pipe;

Thence, following along stonewall and along the Northerly side of Kuakini Highway on a curve to the left with a radius of 4,623.66 feet, the chord azimuth and distance being:

8. 118° 58' 09.28" 421.01 feet to the point of beginning and containing an area of 2.252 Acres.

All as shown on the map attached hereon, 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) 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 date of approval of the change of zone; (C) final Plan Approval shall be secured from the Planning Department within one year from the effective date of the zone change. 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 improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter; (E) access from Kuakini Highway shall meet with the approval of the Department of Public Works. Further, a "no access" easement shall be delineated on plans submitted for plan approval, which shall prohibit access from the Kailua-Keauhou Middle Road (Walua Road); (F) a drainage system shall be installed in accordance with the requirements of the Department of Public Works;

(G) The method of sewage disposal shall meet with the approval of the appropriate governmental agencies; (H) should any unanticipated archaeological sites or features be uncovered during land preparation activities, work within the affected area shall immediately cease and the Planning Department notified. Work within the affected area shall not resume until clearance is obtained from the Planning Department; (I) all other applicable laws, rules, regulations and requirements shall be complied with; (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 developer's 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 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; (L) 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 applicant, successors or assigns, and that are not the result of their fault or negligence; 2) the 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 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.

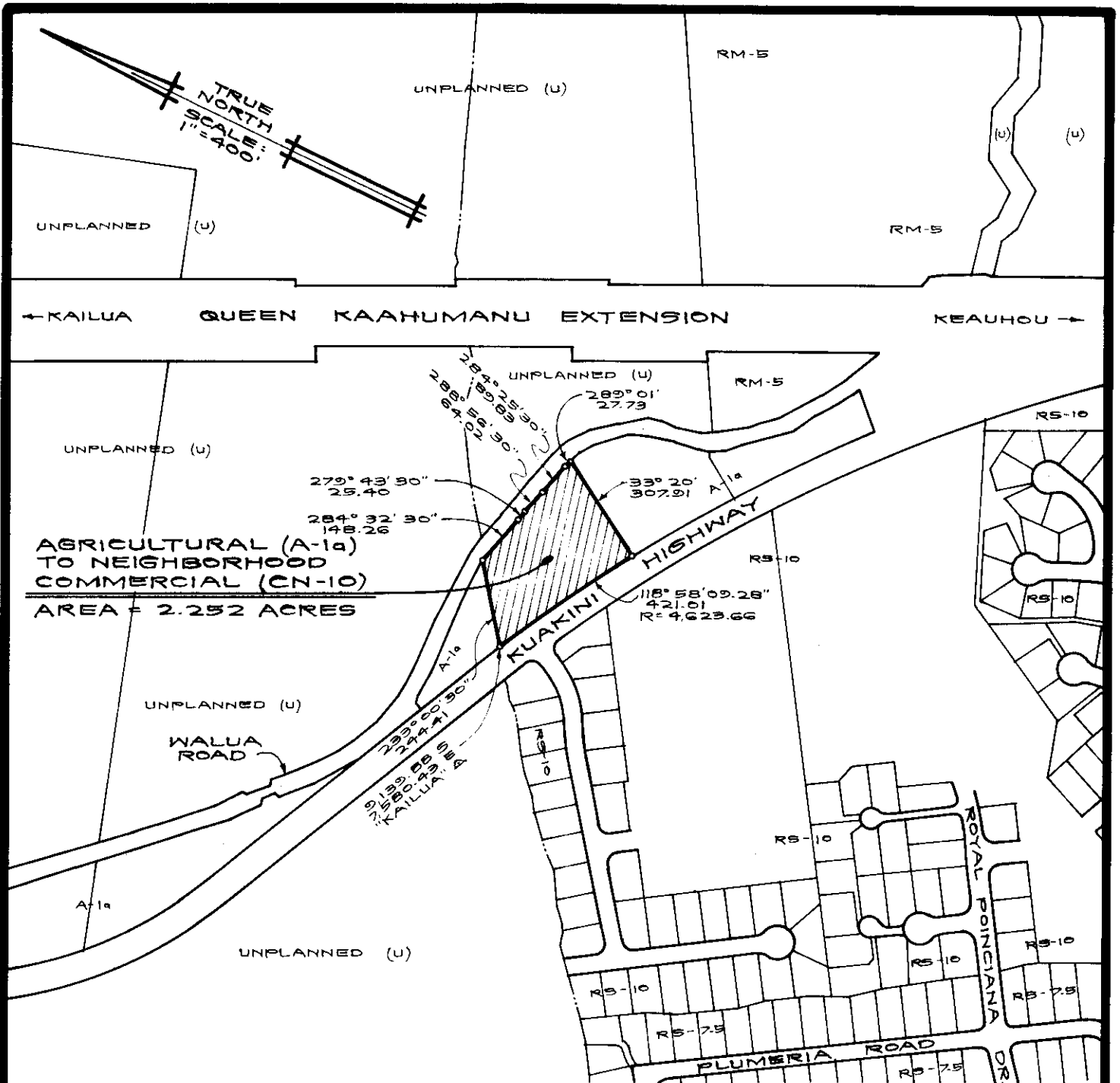
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

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| Date of Introduction: | June 5, 1991 |
| Date of 1st Reading: | June 5, 1991 |
| Date of 2nd Reading: | June 19, 1991 |
| Effective Date: | June 25, 1991 |



AGRICULTURAL (A-1a)
TO NEIGHBORHOOD
COMMERCIAL (CN-10)
AREA = 2.252 ACRES

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 AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT HOLUALOA 1ST, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 7-6-24 : 31

JAN. 27, 1989