

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 550  
(Draft 3)

ORDINANCE NO. 92 36

AN ORDINANCE AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) AND SECTION 25-89 (KAILUA URBAN ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-2.5) AND FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO VILLAGE COMMERCIAL (CV-7.5) AT HIENALOLI 4TH AND 5TH, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-10:13 AND 7-5-23:63.

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 Hienaloli 4th, North Kona, Hawaii, shall be Multiple Family Residential (RM-2.5):

PARCEL 1:

Beginning at the Southwesterly corner of this parcel of land, being also a point on the Northerly boundary of Lot 375 of Aloha Kona Subdivision (File Plan 871), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 1,994.79 feet South and 2,639.34 feet East and running by azimuths measured clockwise from True South:

Thence, for the next seven (7) courses following along the remainder of Royal Patents 1600 and 1930, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions:

- 1. 160° 09' 30.23 feet to a point;

- |     |      |     |                                                                                                                                                                        |
|-----|------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.  | 172° | 05' | 19.70 feet to a point;                                                                                                                                                 |
| 3.  | 164° | 48' | 25.00 feet to a point;                                                                                                                                                 |
| 4.  | 156° | 40' | 58.10 feet to a point;                                                                                                                                                 |
| 5.  | 141° | 07' | 50.20 feet to a point;                                                                                                                                                 |
| 6.  | 146° | 49' | 35.90 feet to a point;                                                                                                                                                 |
| 7.  | 172° | 31' | 42.02 feet to a point;                                                                                                                                                 |
| 8.  | 257° | 55' | 2.01 feet along stonewall and<br>along Royal Patent 7904,<br>Land Commission Award 4226<br>to Kuae to the Westerly<br>face of the Great Wall of<br>Kuakini to a point; |
| 9.  | 165° | 21' | 3.56 feet along the Westerly<br>face of the Great Wall of<br>Kuakini and along Royal<br>Patent 7904, Land<br>Commission Award 4226 to<br>Kuae to a point;              |
| 10. | 255° | 01' | 6.75 feet along stonewall and<br>along Land Commission<br>Award 7716, Apana 5 to R.<br>Keelikolani to a P-K nail<br>(set);                                             |

Thence, for the next eleven (11) courses following  
along middle of stonewall and along Land Commission  
Award 7716, Apana 5 to R. Keelikolani:

- |     |      |     |                                         |
|-----|------|-----|-----------------------------------------|
| 11. | 253° | 02' | 52.75 feet to a point:                  |
| 12. | 255° | 45' | 26.74 feet to a point;                  |
| 13. | 252° | 18' | 53.90 feet to a point;                  |
| 14. | 248° | 40' | 47.84 feet to a 1/2 inch pipe<br>(set); |
| 15. | 252° | 34' | 29.17 feet to a point;                  |
| 16. | 254° | 24' | 27.83 feet to a point;                  |

- 17. 257° 51' 30.78 feet to a point;
- 18. 250° 40' 34.62 feet to a point;
- 19. 252° 11' 41.36 feet to a point;
- 20. 250° 29' 46.03 feet to a point;
- 21. 254° 59' 20" 56.41 feet to a 1/2 inch pipe  
(found);

Thence, for the next four (4) courses following along Parcel 17 of the Keopu Channel Improvement (Government Land - County of Hawaii):

- 22. 317° 24' 30" 73.03 feet to a 1/2 inch pipe  
(found);

Thence, following on a curve to the left with a radius of 150.00 feet, the chord azimuth and distance being:

- 23. 305° 09' 30" 63.65 feet to a 1/2 inch pipe  
(found);
- 24. 292° 54' 30" 197.59 feet to a point;
- 25. 342° 48' 16.26 feet to a point;
- 26. 72° 48' 642.08 feet along Lots 361, 362, 363, 364, 365, 371, 372, 373, 374 and 375 of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to a point;
- 27. 80° 52' 10.37 feet along Lot 375 of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to the point of beginning and containing an area of 3.224 Acres. (Refer to Parcel 1 as shown on Exhibit "A").

SECTION 2. 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 Hienaloli 4th, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

PARCEL 2:

Beginning at a 1/2 inch pipe (found) at the Southwesterly corner of this parcel of land, being also the Northwesterly corner of Lot 378-B of Aloha Kona Subdivision and being a point on the Northeasterly side of Hualalai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 2,078.04 feet South and 2,121.51 feet East and running by azimuths measured clockwise from True South:

1. 153° 01' 02" 82.14 feet along the Northeasterly side of Hualalai Road to a point;
2. 239° 05' 450.27 feet along fenceline and along Land Commission Award 7716, Apana 5 to R. Keelikolani to the middle of stonewall to a point;
3. 257° 55' 71.20 feet along stonewall and along Royal Patent 7904, Land Commission Award 4226 to Kuae to a point;

Thence, for the next seven (7) courses following along the remainder of Royal Patents 1600 and 1930, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners to Foreign Missions:

4. 352° 31' 42.02 feet to a point;
5. 326° 49' 35.90 feet to a point;
6. 321° 07' 50.20 feet to a point;
7. 336° 40' 58.10 feet to a point;

- |     |          |                                                                                                                                                                                                                                                                |
|-----|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8.  | 344° 48' | 25.00 feet to a point;                                                                                                                                                                                                                                         |
| 9.  | 352° 05' | 19.70 feet to a point;                                                                                                                                                                                                                                         |
| 10. | 340° 09' | 30.23 feet to a point:                                                                                                                                                                                                                                         |
| 11. | 80° 52'  | 524.48 feet along Lots 375, 376, 377, and 378-B of Aloha Kona Subdivision (File Plan 871) and along Land Commission Award 8524-B, Part 3 to Peke to the point of beginning and containing an area of 2.117 Acres. (Refer to Parcel 2 as shown on Exhibit "A"). |

The district classification of the following area situated at Hienaloli 5th, North Kona, Hawaii, shall be Village Commercial (CV-7.5):

PARCEL 3:

Beginning at the Southeasterly corner of this parcel of land, being also the Southwesterly corner of Lot 376 of Aloha Kona Subdivision (File Plan 871) and being a point on the Northerly side of Hualalai Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 2,116.55 feet South and 2,606.10 feet East and running by azimuths measured clockwise from True South:

- |    |         |                                                                  |
|----|---------|------------------------------------------------------------------|
| 1. | 72° 01' | 25.00 feet along the Northerly side of Hualalai Road to a point; |
|----|---------|------------------------------------------------------------------|

Thence, for the next three (3) courses following along Lot 378-B of Aloha Kona Subdivision and along the remainder of Land Commission Award 8524-B, Part 3 to Peke:

- |    |          |                        |
|----|----------|------------------------|
| 2. | 162° 01' | 11.86 feet to a point; |
| 3. | 88° 20'  | 56.00 feet to a point; |
| 4. | 170° 52' | 99.80 feet to a point; |

5. 260° 52' 64.16 feet along Royal Patents 1600 and 1930, Land Commission Award 387, Part 4, Section 2 to the American Board of Commissioners for Foreign Missions to a point:
6. 342° 01' 116.32 feet along Lot 376 of Aloha Kona Subdivision (File Plan 871) and along the remainder of Land Commission Award 8524-B, Part 3 to Peke to the point of beginning and containing an area of 7,808 Square Feet. (Refer to Parcel 3 as shown on Exhibit "A").

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 3. These changes in district classification are conditioned upon the following: (A) the applicant, its successors or assigns 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) consolidation approval of the subject properties shall be secured from the Planning Department within one year from the effective date of approval of the Change of Zone request. Plans for Final Plan Approval shall not be processed until consolidation approval has been secured; (D) final Plan Approval shall be secured from the

Planning Department within one year from the effective date of approval of the consolidation approval of the subject properties. Plans to be submitted for Final Plan Approval shall include all applicable conditions of consolidation 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; (E) construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter; (F) a detailed archaeological mitigation plan shall be prepared and submitted for approval by the Planning Department, in consultation with the State Department of Land and Natural Resources prior to submitting plans for plan approval review. The plan submitted shall have incorporated the recommendations of the detailed archaeological mitigation plan; (G) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, 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; (H) the applicant shall install all recommended road improvements as required by the Department of Public Works, including a left

turn lane, acceleration and deceleration lanes, curb, gutter and sidewalk improvements along the Hualalai Road frontage of the subject development. Plans for these improvements shall be submitted simultaneously with plans for Final Plan Approval and shall be installed prior to issuance of a certificate of occupancy for any portion (commercial or residential) of the developments; (I) Prior to Final Plan Approval or Final Subdivision Approval for the project, should the County determine that additional improvements in the project area are required (i.e. roadways, parks, police, fire, etc.), the applicant and its successors or assigns shall pay or contribute its pro rata share of such additional improvements.

Satisfaction of this condition may be by entering into a development agreement with the County when such a development agreement is authorized. Any pro rata share of improvements paid or contributed to the project area shall be credited to any future impact fees; (J) the applicant shall formulate a school facilities assessment plan, which shall be reviewed and approved by the Planning Department, in consultation with the Department of Education, prior to Final Plan Approval of the residential project. The approved assessment shall be submitted to the appropriate agency prior to the issuance of a certificate of occupancy for any portion of the residential development; (K) to ensure that the Goals and Policies of the Recreation Element of the General Plan are implemented, the



applicant shall contribute a monetary fee or designate an area prior to tentative subdivision approval to the County of Hawaii, which shall be used for park purposes. The monetary fee or land area shall be calculated by methodology and procedure set forth in Sections 8-6, 8-7, and 8-8 of the Park Dedication Code of the Hawaii County Code and shall be acceptable to the Department of Parks and Recreation and the Planning Department. If the applicant designates a park area on site, the park area shall be improved by grading and grassing prior to issuance of a certificate of occupancy for the residential development meeting with the approval of the Planning Department, in consultation with the Department of Parks and Recreation. Further, a park maintenance and operational plan shall be submitted for review and approval by the Planning Department, in consultation with the Department of Parks and Recreation, prior to issuance of a certificate of occupancy for the residential development; (L) to ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall work with the Office of Housing and Community Development and the Planning Department to formulate a housing plan for the development, which shall be consistent with the interim affordable housing policy of the County as contained in the Hawaii County Housing Agency Resolution No. 65. This housing plan shall be approved by the County Housing Agency prior to final plan approval of

any portion of the residential zoned area; provided that the applicant shall notify the County Housing Agency of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the property prior to visible commencement of construction on the property; provided further that the applicant may transfer ownership in the property to an affiliate or in a manner consistent with prior representations to the County Housing Agency; (M) comply with all applicable laws, requirements, rules and regulations including those of the Fire Department, Department of Health, and the Department of Land and Natural Resources; (N) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of this ordinance. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. 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; (O) 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; and, (P) 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; 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 4. In the event that any portion of the ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 5. This ordinance shall take effect upon its approval.

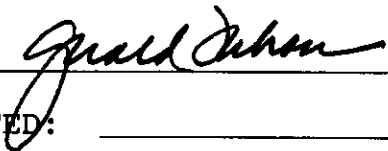
INTRODUCED BY:

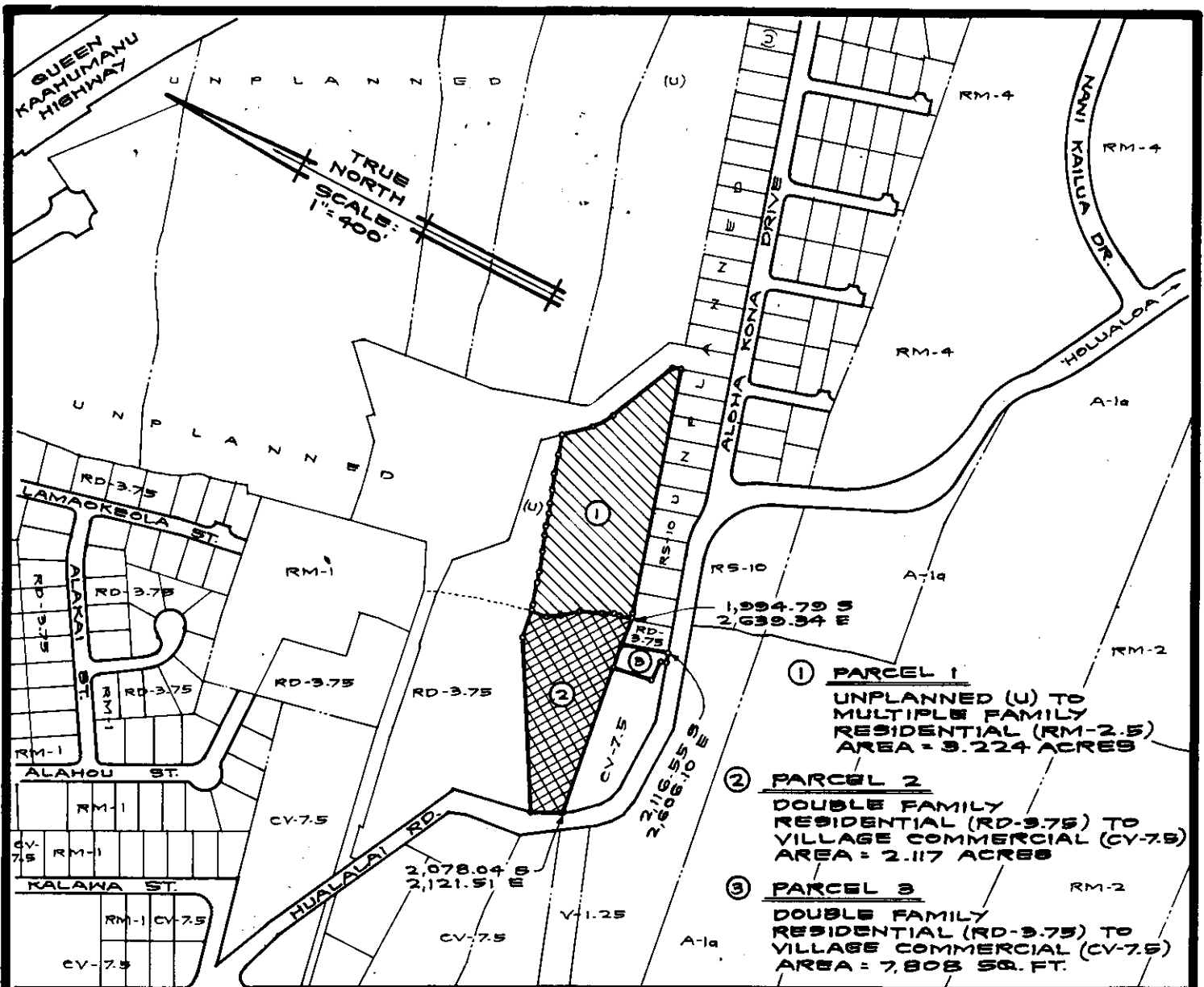
  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

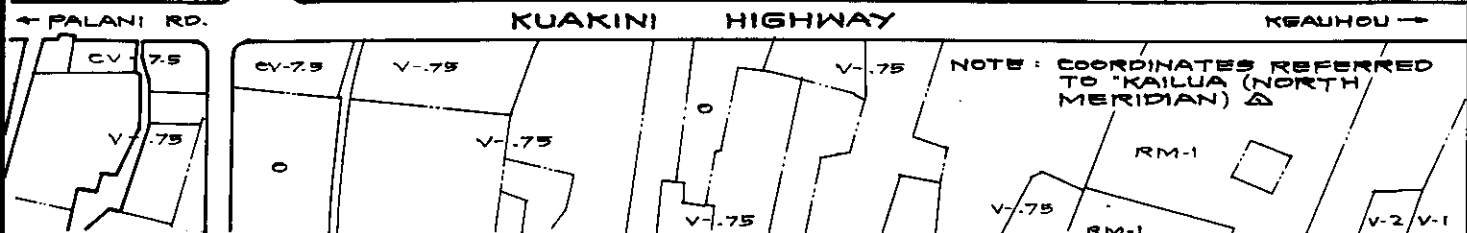
Date of Introduction: February 5, 1992  
Date of 1st Reading: February 5, 1992  
Date of 2nd Reading: April 15, 1992  
Effective Date: April 24, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DATED: \_\_\_\_\_



- ① **PARCEL 1**  
UNPLANNED (U) TO  
MULTIPLE FAMILY  
RESIDENTIAL (RM-2.5)  
AREA = 9.224 ACRES
- ② **PARCEL 2**  
DOUBLE FAMILY  
RESIDENTIAL (RD-3.75) TO  
VILLAGE COMMERCIAL (CV-7.5)  
AREA = 2.117 ACRES
- ③ **PARCEL 3**  
DOUBLE FAMILY  
RESIDENTIAL (RD-3.75) TO  
VILLAGE COMMERCIAL (CV-7.5)  
AREA = 7,808 SQ. FT.



# AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-87 (NORTH KONA ZONE MAP) AND SECTION 25-89 (KAILUA URBAN ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE BY CHANGING THE DISTRICT CLASSIFICATION FROM UNPLANNED (U) TO MULTIPLE FAMILY RESIDENTIAL (RM-2.5) AND FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO VILLAGE COMMERCIAL (CV-7.5) AT HIENALOLI 4TH AND 5TH, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK: 7-5-10:13 AND 7-5-23:63

SEPT. 19, 1991