

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 646

ORDINANCE NO. 92 102

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 DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO VILLAGE COMMERCIAL (CV-10) AT WAIAHA 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:56.

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 Waiaha 2nd, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at the northwest corner of this parcel of land, being also the northeast corner of Lot 4 and on the southerly side of Lunapule Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 2,174.06 feet North and 439.58 feet West, thence running by azimuths measured clockwise from true South:

- 1. 242° 49' 75.00 feet along Lunapule Road;
2. 332° 49' 132.97 feet along the remainder of Grant 5327 to Samuel Liftee (Lot 8);
3. 68° 52' 21.24 feet along Grant 1868 to Kaupena;
4. 64° 54' 53.90 feet along Grant 1868 to Kaupena;

5. 152° 49' 128.77 feet along the remainder of Grant 5327 to Samuel Liftee (Lot 4) to the point of beginning and containing an area of 9,777 Square Feet.

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 be responsible for complying with all of the stated conditions of approval; (B) final Plan Approval for the proposed development shall be secured within one year from the effective date of the change of zone. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted to the Planning Department a minimum of forty-five days prior to the date by which Final Plan Approval must be secured. Plans to be submitted shall substantially reflect the siting of the proposed improvements as represented by the applicant and indicated on preliminary site plan submitted by facsimile on June 12, 1992. The plan shall indicate existing and proposed structures, parking, driveway circulation, landscaping, a 10-foot road widening strip along the property's Lunapule Road frontage to be dedicated to the County, and all off-site improvements. Structures shall be sited and landscaping provided for the purpose of mitigating noise and visual impacts to adjacent properties; (C) construction of the proposed

development shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter; (D) subdivision plans related to the dedication of a 10-foot road widening strip along the subject property's entire Lunapule Road frontage 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; (E) a 10-foot wide road widening strip along the subject property's entire frontage along Lunapule Road, including all improvements required by Condition F, shall be dedicated to the County prior to the issuance of a certificate of occupancy for the proposed development; (F) access to the subject property shall meet with the approval of the Department of Public Works. The Lunapule Road frontage of the property shall be improved with curb, gutter, sidewalk, pavement improvements and its transitions and striping, exclusive of driveway access, in accordance with the requirements of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development. Preliminary plans for these improvements shall be submitted simultaneously with development plans for Plan Approval review; (G) an archaeological mitigation plan for the stonewall shall be submitted to the Planning Department for review and approval, in consultation with the Department of Land and Natural Resources, prior to the

submittal of plans for plan approval review. The approved mitigation plan shall be submitted with plans for plan approval review; (H) should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Department 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) all other applicable laws, rules, regulations and requirements shall be complied with, including those of the Departments of Health 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 applicant'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 Change of Zone. 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 and the Planning Director acknowledges that further reports are not required; and, (L) an

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


INTRODUCED BY:

  
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 19, 1992  
Date of 1st Reading: August 19, 1992  
Date of 2nd Reading: September 2, 1992  
Effective Date: September 11, 1992

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CORPORATION COUNSEL  
DATED: JUL 13 1992

