

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 498

ORDINANCE NO. 91 116

AN ORDINANCE AMENDING SECTION 25-107 (PAHOA 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-20) AT KEONEPOKO, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-07:20.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 25-107, 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 Keonepoko, Puna, Hawaii, shall be Neighborhood Commercial (CN-20):

Beginning at a point at the southeast corner of this parcel of land and on the northerly side of Kahakai Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "olaa" being 34,554.85 feet South and 35,137.78 feet East and running by azimuths measured clockwise from true South:

- 1. 70° 34' 732.05 feet along the northerly side of Kahakai Boulevard to a point at the easterly side of the Keaau-Pahoa Road (F.A.S.P. No. S-0130 (8)); thence along the easterly side of the Keaau-Pahoa Road (F.A.S.P. No. S-0130 (8)) for the next three (3) courses along a curve to the left having a radius of 2,904.79 feet, the chord azimuths and distances being:

2. 152° 15' 29.2" 216.99 feet;
3. 149° 43' 03.4" 40.56 feet;
4. 149° 01' 01.7" 30.47 feet;
5. 148° 43' 49.91 feet along the easterly side of the Keaau-Pahoa Road (F.A.S.P. No. S-0130 (8));
6. 238° 43' 10.00 feet along a jog in the Keaau-Pahoa Road Project No. RS-0130 (18); thence along the easterly side of Keaau-Pahoa Road Project No. RS-0130 (18) along a curve to the right having a radius of 180.00 feet, the chord azimuth and distance being:
7. 177° 40' 35" 174.31 feet; thence along the Keaau-Pahoa Road Project No. RS-0130 (18) along a curve to the right having a radius of 39.87 feet, the chord azimuth and distance being:
8. 249° 48' 32" 54.56 feet; thence along the southerly side of the Keaau-Pahoa Road Project No. RS-0130 (18) along a curve to the left having a radius of 1,370.00 feet, the chord azimuth and distance being:
9. 289° 59' 27" 142.96 feet;
10. 287° 00' 353.36 feet along the southerly side of the Keaau-Pahoa Road Project No. RS-0130 (18);

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| 11. | 197° 00' | 10.00 feet along a jog in the Keaau-Pahoa Road Project No. RS-0130 (18); |
| 12. | 287° 00' | 298.51 feet along the southerly side of the Keaau-Pahoa Road Project No. RS-0130 (18); thence along the southerly side of the Keaau-Pahoa Road Project No. RS-0130 (18) along a curve to the right having a radius of 1,940.00 feet, the chord azimuth and distance being: |
| 13. | 287° 31' 43.5" | 35.81 feet; |
| 14. | 328° 50' | 11.43 feet along a jog in the Keaau-Pahoa Road Project No. RS-0130 (18) to the point of beginning and containing an area of 4.901 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, its successors or assigns shall comply with all stated conditions of approval; (B) final Plan Approval for the development shall be secured from the Planning Department 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 a minimum of forty-five days prior to the date by which plan approval must be secured; (C) construction shall commence within one year

from the date of receipt of Final Plan Approval and shall be completed within two years thereafter; (D) curbs, gutters, sidewalks and pavement improvements shall be provided within the Kahakai Boulevard extension right-of-way fronting the property meeting with the approval of the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development. Further, a 25-foot radius shall be provided at the Kahakai Boulevard-Pahoa Road intersection. In order to construct the commercial standard road, utilities shall be relocated, if necessary; (E) access to the property shall meet with the approval of the Department of Public Works. Direct access to the property shall be limited only to the Kahakai Boulevard extension. Improvements at the intersection of Kahakai Boulevard extension and Pahoa Road, which shall include the provision of left- and right-turn lanes on Kahakai Boulevard extension, and a left-turn lane on Pahoa Road, shall be installed as required by the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development; (F) improvements, if any, to the Pahoa By-Pass Road, which may include extending the left-turn storage lane leading to the connector road, shall be installed as required by the State Department of Transportation-Highways Division, prior to receipt of a certificate of occupancy for any portion of the development;


(G) a drainage system shall be installed meeting with the approval 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) all other laws, rules, regulations and requirements of State and County agencies 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 this 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 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) 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 the ordinance is declared invalid, such invalidity shall not affect the other

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

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

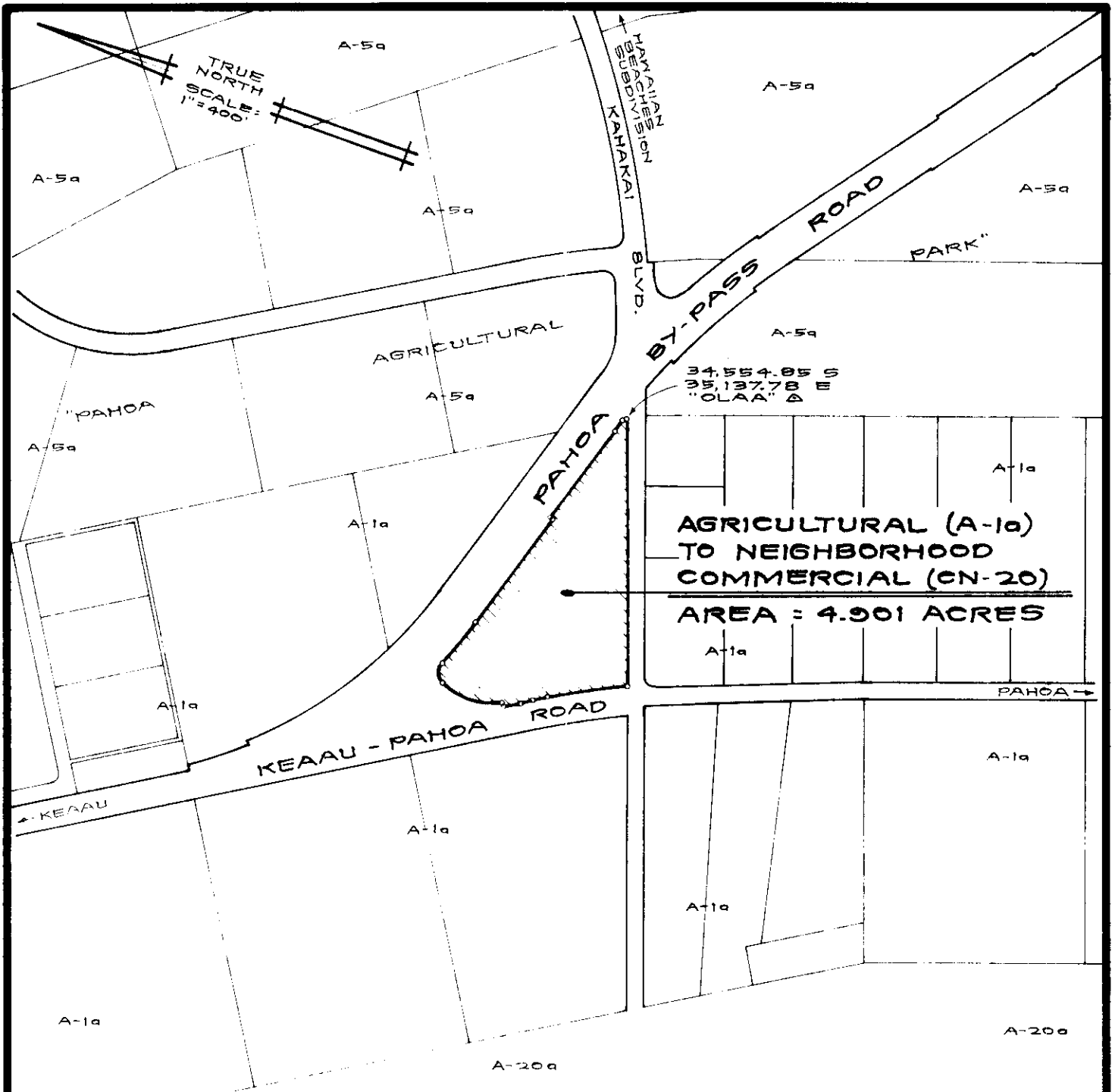
Hilo, Hawaii

Date of Introduction: November 6, 1991
Date of 1st Reading: November 6, 1991
Date of 2nd Reading: November 20, 1991
Effective Date: December 2, 1991

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CORPORATION COUNSEL

DATED: SEP 26 1991



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-107 (PAHOA 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-20) AT KEONEPEKO, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK : 1-5-07 : 20

AUG. 22, 1991

EXHIBIT "A"

(KANESHIRO AND SONS ENTERPRISES)

Bill 491