

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 61
(Draft 2)

ORDINANCE NO. 95 63

AN ORDINANCE AMENDING SECTION 25-95E (LALAMILO-PUUKAPU ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-20) AND MULTIPLE FAMILY RESIDENTIAL (RM-2) TO VILLAGE COMMERCIAL (CV-7.5) AT WAIKOLOA, SOUTH KOHALA, HAWAII, COVERED BY TAX MAP KEY 6-7-2:14, 34 AND PORTION OF 17.

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

SECTION 1. Section 25-95E, 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 Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-7.5):

PARCEL 1:

Beginning at a found cut "--" on rock at the North corner of this parcel, also being the Westerly side of Lucy K. Henriques Hospital Parcel (TMK:6-7-02:13), the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 771.37 feet North and 13,973.88 feet West, thence running by azimuths measured clockwise from True South:

1. 326° 37' 17" 196.69 feet along Hospital Site (TMK:6-7-02:13), along remainder of L.C. Aw. 8521-B to G.D. Hueu to found pipe;
2. 326° 36' 47" 106.19 feet along remainder of L.C. Aw. 8521-B to G.D. Hueu to a found cut "+";
3. 326° 37' 17" 86.84 feet along the remainder of L.C. Aw. 8521-B, Apana 1 to G.D. Hueu to a point;

4. 26° 00' 17" 65.66 feet along Deed: Hawaiian Homes Commission To Richard Smart to a point;
5. 68° 28' 47" 162.44 feet along a stonewall, along remainder of L.C. Aw. 8521-B, Apana 1 to G.D. Hueu to a point;

Thence, along the remainder of Royal Patent 5671, L.C. Aw. 8521-B, Apana 1 to G.D. Hueu for the next eight (8) courses;

6. 40° 40' 47" 229.71 feet to a point;
7. 132° 24' 51" 229.62 feet to a point;
8. 144° 30' 12" 204.18 feet to a point;
9. 233° 37' 07" 185.67 feet to a point;
10. 319° 18' 47" 20.96 feet to a point;
11. 229° 18' 47" 127.13 feet to a point;
12. 139° 18' 47" 11.39 feet to a point;
13. 233° 37' 07" 187.78 feet to the point of beginning and containing an area of 4.133 acres. (Refer to Parcel 1 as shown on Exhibit "A".)

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-7.5):

PARCEL 2:

Beginning at a point at the West corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 386.93 feet North and 13,788.24 feet West, thence running by azimuths measured clockwise from True South:

1. 206° 00' 17" 65.66 feet along the remainder of Royal Patent 5671, L.C. Aw. 8521-B Apana 1 to G.D. Hueu to a point;

2. 326° 37' 17" 45.33 feet along remainder of Deed: Hawaiian Homes Commission to Richard Smart to a point;
3. 68° 30' 47" 46.20 feet along L.C. Aw. 4037 to A.D. Allen to a point;
4. 68° 28' 47" 11.54 feet along L.C. Aw. 4037 to A.D. Allen to the point of beginning and containing an area of 1,281 square feet. (Refer to Parcel 2 as shown on Exhibit "A".)

The district classification of the following area situated at Waikoloa, South Kohala, Hawaii, shall be Village Commercial (CV-7.5):

PARCEL 3:

Beginning at a point at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "EAST BASE" being 104.81 feet North and 14,089.11 feet West, thence running by azimuths measured clockwise from True South:

Thence, along the remainder of Royal Patent 5671,
L.C. Aw. 8521-B Apana 1 to
G.D. Hueu (TMK:6-7-02:Por 17)
for all four (4) courses;

1. 311° 25' 00" 75.00 feet to a point;
2. 41° 25' 00" 100.00 feet to a point;
3. 131° 25' 00" 75.00 feet to a point;
4. 221° 25' 00" 100.00 feet to the point of beginning and containing an area of 7,500 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 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. A certificate of occupancy shall be secured for the expansion within three years from the effective date of this change of zone.
- C. Final Plan Approval for the proposed expansion shall be secured from the Planning Department. Plans shall identify existing structures, landscaping, interior alterations, driveway access and parking stalls.
- D. Sewer lines shall be installed meeting with the approval of applicable agencies prior to issuance of a certificate of occupancy for eventual tie in to the proposed wastewater treatment plant.
- E. A solid waste management plan shall be prepared meeting with the approval of the Department of Public Works prior to submitting plans for plan approval review. The plan shall include, but not be limited to, the management of solid waste generated from the construction and operating phase of the proposed development. Approved recommendations and mitigation measures shall be implemented at a time and in a manner meeting with the approval of the Department of Public Works.
- F. An archaeological survey report and, if applicable, a mitigation plan, shall be submitted for review and approval by the Planning

Department, in consultation with the Department of Land and Natural Resources-Historic Preservation Division, prior to submittal of plans for final plan approval or land alterations, whichever occurs first.

G. Traffic and roadway improvements shall be provided as follows:

1. Traffic signals and accompanying intersection improvements, including the conversion of the existing two-way continuous left-turn storage lane to a minimum 125-foot long single left-turn storage bay, shall be installed at the Pukalani Road-Mamalahoa Highway intersection meeting with the approval of the Department of Public Works prior to issuance of a certificate of occupancy for the expansion affected by this ordinance.
2. Pukalani Road shall be widened to commercial standards having a 60-foot wide right-of-way with 36-foot wide pavement with curbs, gutters and sidewalks and stop signs at the unsignalized driveway exits prior to the issuance of a certificate of occupancy for the expansion. Pukalani Road shall be constructed to dedicable standards if it is to be dedicated to the county.

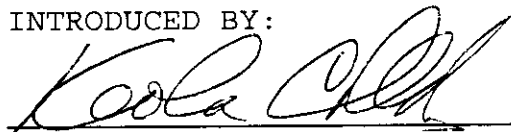
- H. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions of the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- I. An initial extension of time for the 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).

J. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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: April 19, 1995

Date of 1st Reading: April 19, 1995

Date of 2nd Reading: May 3, 1995

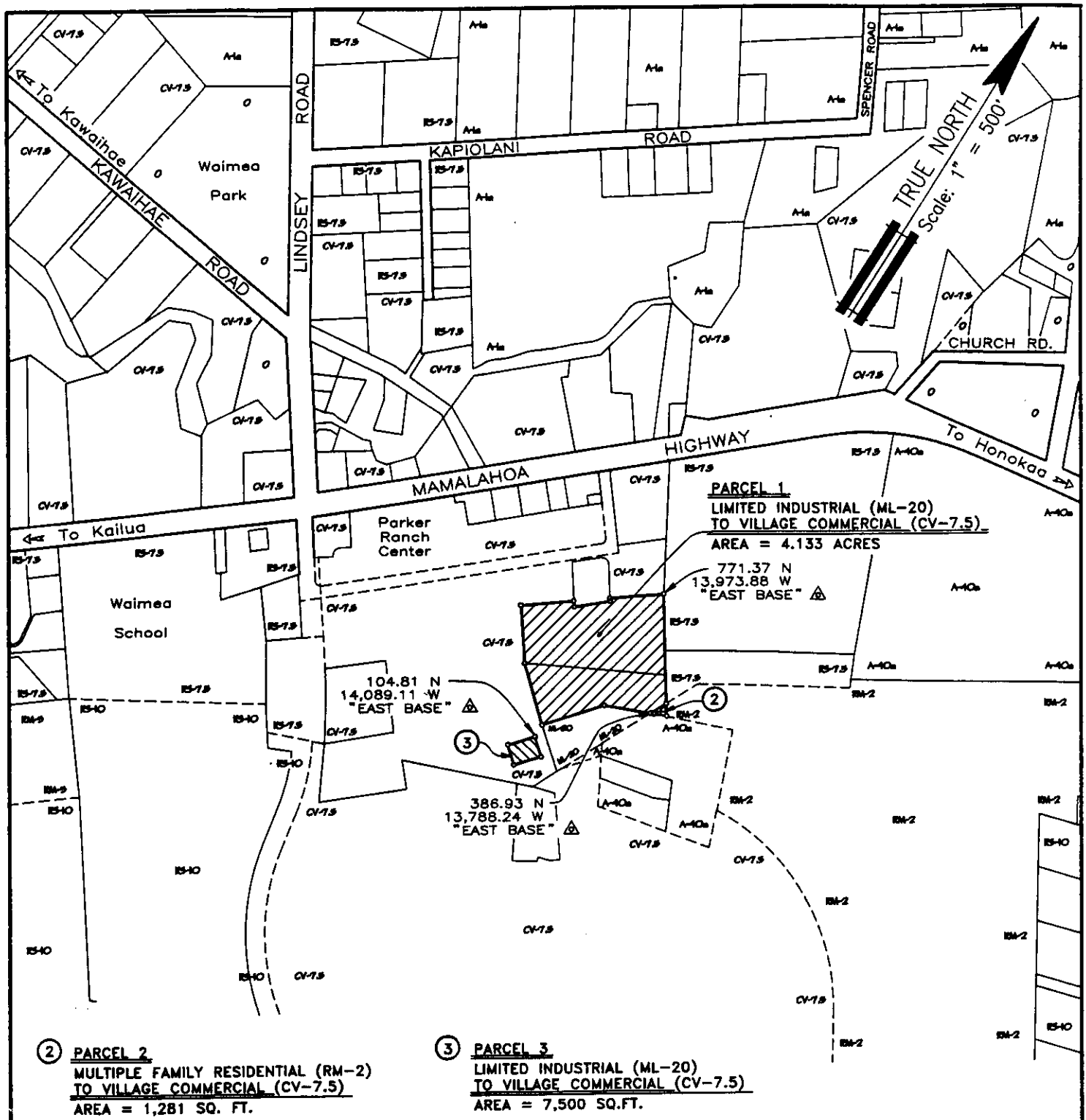
Effective Date: May 10, 1995

APPROVED AS TO FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL

DATE: 5/8/95



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-95E (LALAMILO - PUUKAPU ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM LIMITED INDUSTRIAL (ML-20) AND MULTIPLE FAMILY RESIDENTIAL (RM-2) TO VILLAGE COMMERCIAL (CV-7.5) AT WAIKOLOA, SOUTH KOHALA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 2) 1995 JUN 10 10 10 14

Introduced By: Keola Childs
 Date Introduced: April 19, 1995
 First Reading: April 19, 1995
 Published: N/A

REMARKS:

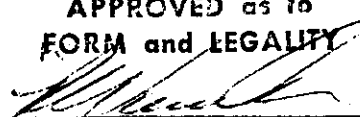
| ROLL CALL VOTE | | | | |
|----------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Arakaki | X | | | |
| Bonk-Abramson | | | X | |
| Childs | X | | | |
| De Lima | X | | | |
| Domingo | X | | | |
| Osorio | X | | | |
| Rath | X | | | |
| Ray | X | | | |
| Smith | X | | | |
| | 8 | 0 | 1 | 0 |

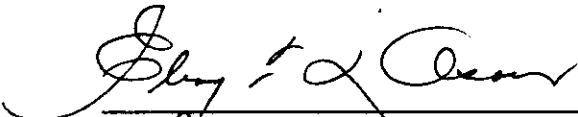

Second Reading: May 3, 1995
 To Mayor: May 4, 1995
 Returned: May 10, 1995
 Effective: May 10, 1995
 Published: May 17, 1995

REMARKS:

| ROLL CALL VOTE | | | | |
|----------------|------|------|-----|----|
| | AYES | NOES | ABS | EX |
| Arakaki | X | | | |
| Bonk-Abramson | | | X | |
| Childs | X | | | |
| De Lima | X | | | |
| Domingo | X | | | |
| Osorio | X | | | |
| Rath | X | | | |
| Ray | X | | | |
| Smith | | | X | |
| | 7 | 0 | 2 | 0 |

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED as to
 FORM and LEGALITY

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAY 9 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 10 day
 of May, 19 95


 MAYOR, COUNTY OF HAWAII

Bill No.: 61 (Draft 2)
 Reference: C-266/PC-41
95 63
 Ord. No.: _____