

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 202
(Draft 3)

ORDINANCE NO. 96 34

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 MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-10) AT PUA A 3rd, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:14.

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 Puaa 3rd, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at the northwest corner of this parcel of land on the southerly edge of stonewall, also being the northeast corner of Parcel B, the coordinates of said point of beginning referred to the Government Survey Triangulation Station "KAILUA" (North Meridian) being 4,261.13 feet south and 2,017.14 feet east and running by azimuths measured clockwise from true south:

1. 257° 42' 00" 48.27 feet along TMK: 7-5-09:34, along Grant 4037 to J. Kaaeamoku to a set nail in rock at base of stonewall;

 Thence, along southwesterly side of Walua Road for the next two (2) courses;
2. 323° 02' 00" 73.40 feet to a set nail in rock;
3. 314° 49' 00" 62.10 feet to a set rebar and cap at the edge of stonewall;
4. 70° 30' 00" 115.90 feet along the southerly side of a stonewall,

along Grant 4344, Apana 1 to Kulani (TMK: 7-5-18:19) Parcel 3 to a found pipe in concrete;

Thence, along L.C. Aw. 10266 to Makai (TMK: 7-5-18:15) Parcel B for the next two courses;

- 5. 168° 45' 50" 60.85 feet to a point;
- 6. 168° 40' 38" 72.55 feet to the point of beginning and containing an area of 10,171 square feet or 0.234 acre, more or less, as per survey of Reid & Associates, Inc., Registered Professional Land Surveyor #4968, dated February 13, 1995.

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 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 90 days of the effective date of the change of zone ordinance.
- C. Construction of the commercial office building shall be completed within five (5) years from the effective date of this change of zone ordinance, which shall include securing Final Plan Approval for the proposed commercial office building from the Planning Department.
- D. A sewer line shall be installed to tie in with the Alii Drive Interceptor Sewer.

- E. Walua Road shall be improved along the property's frontage meeting with the approval of the Department of Public Works, prior to the issuance of certificate of occupancy for the proposed development. Such improvements may include curb, gutter and sidewalk construction, pavement widening, drainage improvements, and relocation of utilities along the Walua Road frontages.

- F. Should any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

- G. Should the Council adopt a Unified Impact-Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fee Ordinance.

- H. 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).
 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.
- I. 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

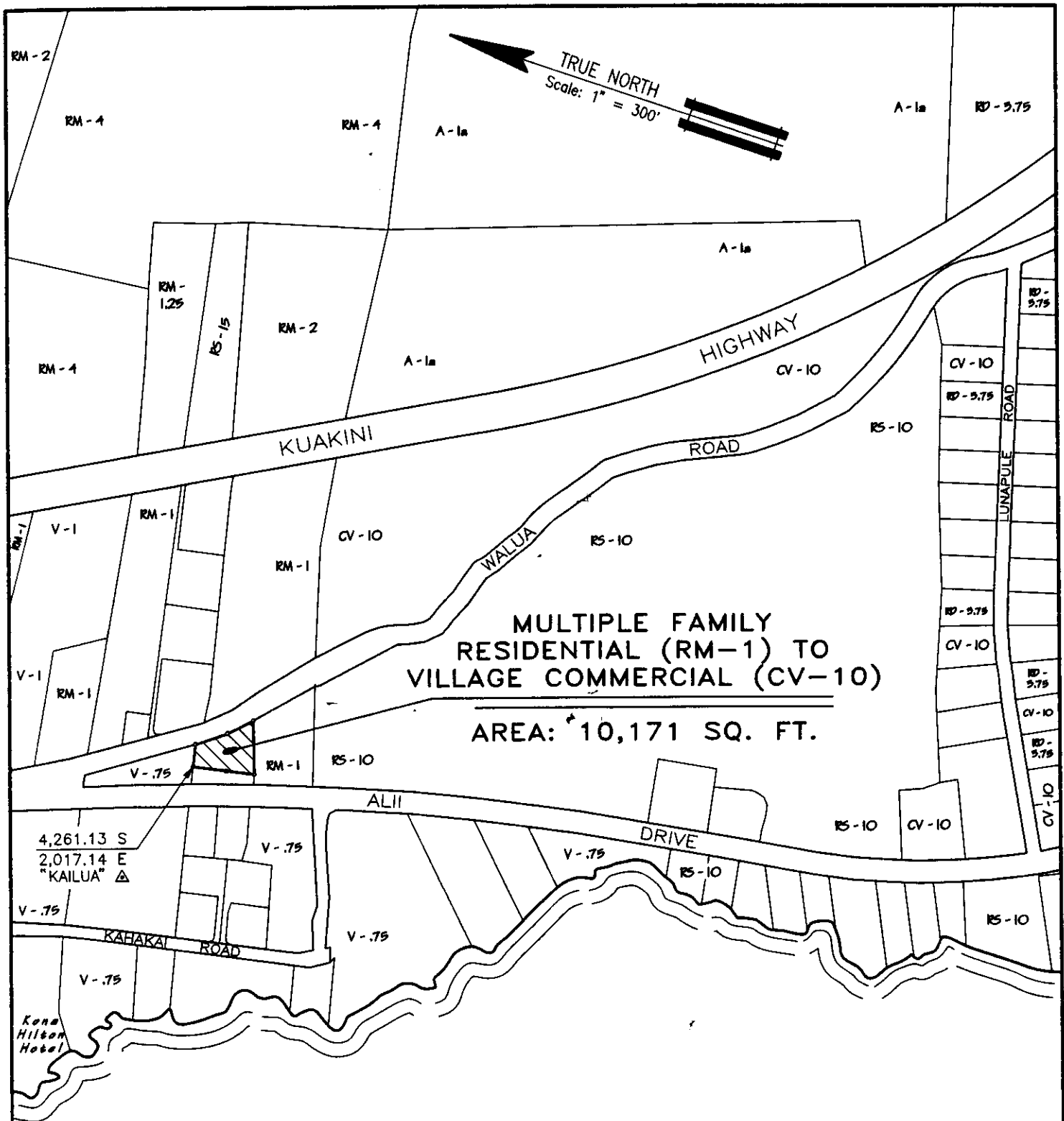
Hilo, Hawaii

Date of Introduction: February 21, 1996
Date of 1st Reading: February 21, 1996
Date of 2nd Reading: March 7, 1996
Effective Date: March 18, 1996

APPROVED AS TO FORM AND LEGALITY


DEPUTY CORPORATION COUNSEL

DATED: MAR 18 1996



AMENDMENT TO THE ZONING CODE

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 MULTIPLE FAMILY RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-10) AT PUA A 3RD, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 3)

RECEIVED

Introduced By: Takashi Domingo
 Date Introduced: February 21, 1996
 First Reading: February 21, 1996
 Published: N/A

REMARKS:


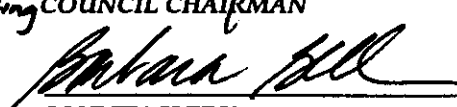
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0

Second Reading: March 7, 1996
 To Mayor: March 14, 1996
 Returned: March 19, 1996
 Effective: March 18, 1996
 Published: March 25, 1996

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.


 Acting COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 18 day
 of March, 1996.


 MAYOR, COUNTY OF HAWAII

Bill No.: 202 (Draft 3)
 Reference: C-924/PC-105
 Ord. No.: 96 34