

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 20
(Draft 2)

ORDINANCE NO. 97 40

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 RESIDENTIAL (RM-1) TO VILLAGE COMMERCIAL (CV-10) AT PUA A 3RD, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-18:19.

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 a "+" on rock (found and adopted) at the Northeasterly corner of this parcel of land, being also a point on the Southwesterly side of Walua Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAHELO", being 3,755.17 feet North and 923.65 feet West and running by azimuths measured clockwise from True South:

1. 310° 01' 30" 156.59 feet along the Southwesterly side of Walua Road along a stone wall to a ½ inch pipe (found);
2. 73° 03' 40" 223.11 feet along Royal Patent 1930, Land Commission Award 387 to the American Board of Commissioners for Foreign Missions to a ½ inch pipe (found);

Thence, following along the Easterly side of Alii Drive on a curve to the left, with a radius of 5,754.70 feet, the chord azimuth and distance being:

4. 163° 39' 37" 129.17 feet to a ¾ inch pipe (found);
5. 261° 17' 20.82 feet along Land Commission Award 10266 to Makai to a ¾ inch pipe (found);

6. 250° 32' 40" 115.90 feet along Land Commission Award 7081 to Kawaikui to the point of beginning and containing an area of 23,196 Square Feet or 0.533 Acre.

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 applicant shall comply with all conditions of approval of Special Management Area Use Permit.
- C. 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.
- D. 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 Director. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved parking stalls and driveway and other improvements associated with the proposed uses.
- E. The applicant shall prepare a Solid Waste Management Plan prior to securing Final Plan Approval for the proposed development within the subject property meeting with the approval of the Department of Public Works.

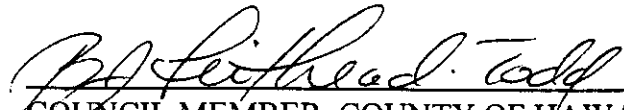
- F. A sewer line shall be installed to tie in with the Alii Drive Interceptor Sewer.
- G. Walua Road shall be improved along the subject property's frontage with curb, gutter, and sidewalk construction, pavement widening, drainage improvements, and relocation of utilities along the Walua Road frontages meeting with the approval of the Department of Public Works.
- H. Drainage improvements, if required, meeting with the approval of the Department of Public Works shall be installed prior to issuance of Certificate of Occupancy for the proposed development on the subject property.
- I. Access to the subject property from Walua Road shall be constructed meeting with the approval of the Department of Public Works.
- J. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, walls, lava tube or cave systems 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.
- K. 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.
- L. 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).
- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

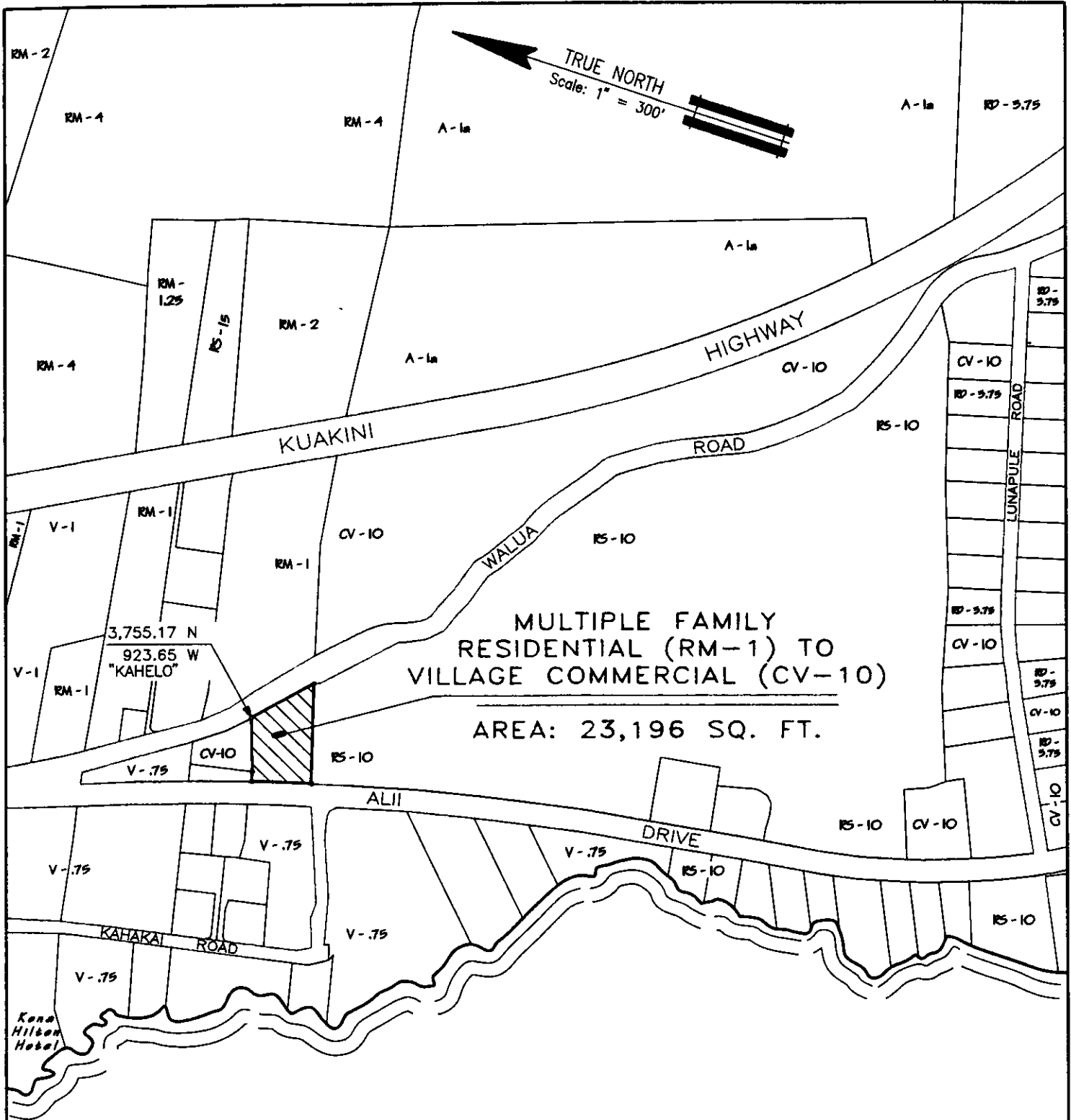
Date of Introduction: February 19, 1997
Date of 1st Reading: February 19, 1997
Date of 2nd Reading: March 7, 1997
Effective Date: March 13, 1997

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL

DEPUTY

DATED: 3/10/97



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

RECEIVED

(DRAFT 2) '97 MAR 13 PM 2 16

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: February 19, 1997
 First Reading: February 19, 1997
 Published: N/A

REMARKS:

Second Reading: March 7, 1997
 To Mayor: March 7, 1997
 Returned: March 13, 1997
 Effective: March 13, 1997
 Published: March 21, 1997

REMARKS:

ROLL CALL VOTE				
	COUNTY	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	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:

[Signature]
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 3/10/97

[Signature]
 COUNCIL CHAIRMAN

[Signature]
 COUNTY CLERK

Approved/Disapproved this 13 day
 of March, 1997

[Signature]
 MAYOR, COUNTY OF HAWAII

Bill No.: 20 (Draft 2)
 Reference: C-64/PC-21
 Ord. No.: 97 40