

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. _____ 196

ORDINANCE NO. 98 28

AN ORDINANCE AMENDING SECTION 25-8-25 (KEAAU ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO VILLAGE COMMERCIAL (CV-10) AT KEAAU, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-6-143:38.

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

SECTION 1. Section 25-8-25, Article 8, 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 Keaau, Puna, Hawaii, shall be Village Commercial (CV-10):

Beginning at the west corner of this parcel of land, being also the south corner of Lot 8928, Ld. Ct. App. 1053 and on the northeast side of Pili Mua Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OLAA", being 7,601.73 feet North and 5,433.65 feet East, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|--|
| 1. | 216° 19' | 142.42 | feet along Lot 8928; |
| 2. | 217° 47' 42" | 95.14 | feet along the remainder of Lot 8942; |
| 3. | 254° 45' | 86.93 | feet along Lot 9629; |
| 4. | 332° 04' | 61.63 | feet along Lot A-22-A-5; |
| 5. | 36° 19' | 278.86 | feet along the remainder of Lot 8942; |
| 6. | 126° 19' | 112.00 | feet along Pili Mua Street to the point of beginning and containing an area of 0.720 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 required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this ordinance.
- C. Construction of the proposed development and related improvements shall be completed within five (5) years from the effective date of this ordinance. This time period shall include the securing of Final Plan Approval from the Planning Director for the proposed development. Plans shall identify structures, fire protection measures, paved and striped parking stalls and driveway and other improvements associated with the proposed use.
- D. An overall landscaping master plan, which includes landscaping along the side/rear property boundaries, shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.
- E. Driveway access to the subject property from Pili Mua Street shall meet with the approval of the Department of Public Works.

- F. The applicant shall construct an asphalt concrete shoulder and swale, and concrete sidewalk along the Pili Mua Street frontage, and install street lights, signs and markings, meeting with the approval of the Department of Public Works. These roadway improvements shall be completed prior to the issuance of a Certificate of Occupancy for any use on the subject property.

- G. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval.

- H. Comply with all applicable rules, regulations and requirements of the affected agencies, including the Department of Water Supply.

- I. Upon compliance with applicable conditions of approval, prior to the establishment of any new use or the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.

- J. 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.

- K. 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).
- L. 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:



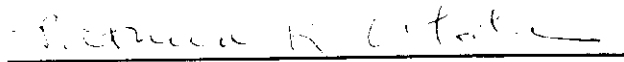
 COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: March 6, 1998
 Date of 1st Reading: March 6, 1998
 Date of 2nd Reading: March 18, 1998
 Effective Date: March 25, 1998

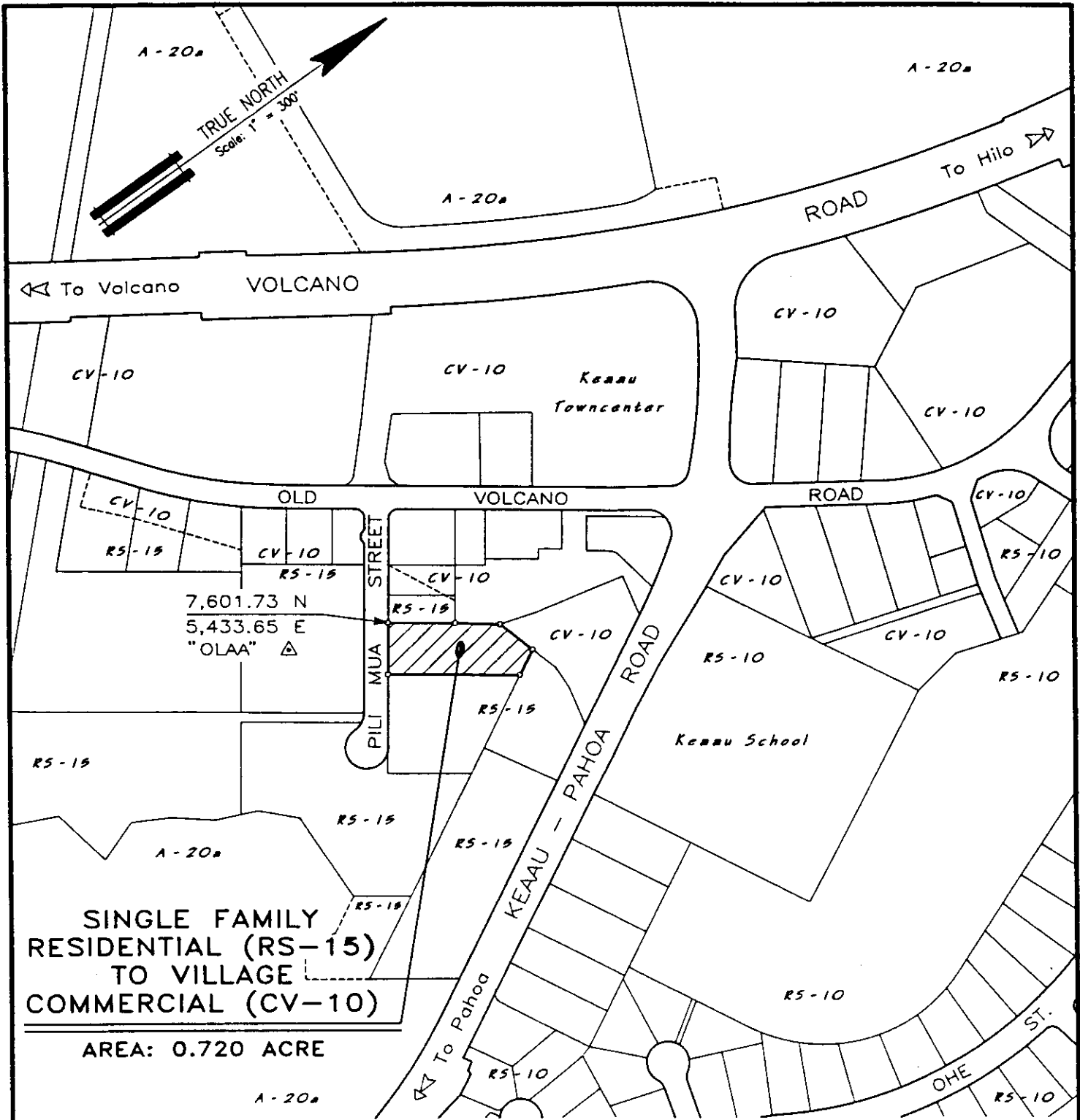
REFERENCE: ~~Coman: 702~~

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: MAY 24 1998



**SINGLE FAMILY
RESIDENTIAL (RS-15)
TO VILLAGE
COMMERCIAL (CV-10)**

AREA: 0.720 ACRE

AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-25 (KEAU ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-15) TO VILLAGE COMMERCIAL (CV-10) AT KEAAU, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

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Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: March 6, 1998
 First Reading: March 6, 1998
 Published: March 13, 1998

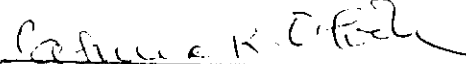
REMARKS:

Second Reading: March 18, 1998
 To Mayor: March 23, 1998
 Returned: March 25, 1998
 Effective: March 25, 1998
 Published: April 1, 1998

REMARKS:

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:



DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date MAR 24 1998

Approved/~~Disapproved~~ this 25 day
 of March, 1998


 MAYOR, COUNTY OF HAWAII

| 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 | | | |
| | 7 | 0 | 2 | 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 | | | |
| | 8 | 0 | 1 | 0 |



COUNCIL CHAIRMAN


 COUNTY CLERK

Bill No.: 196
 Reference: C-702/PC-96
 Ord. No.: 98 28