

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 208 (Draft 2)

ORDINANCE NO. 98 37

AN ORDINANCE AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO VILLAGE COMMERCIAL (CV-10) AT WALAHA 1ST, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-17:20.

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

SECTION 1. Section 25-8-3, 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 Waiaha 1st, North Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at a pipe set in concrete at the Northwest corner of this parcel of land and on the East side of Kailua-Holualoa Road, the coordinates of which referred to Government Survey Triangulation Station "KAILUA" (North Meridian), being 4012.58 feet South and 5830.92 feet East and running by azimuths measured clockwise from true South:

- 1. 257° 12' 49" 134.67 feet along stonewall, along the remainder of Land Court Application 1666, to a spike in concrete;
2. 335° 37' 49" 85.10 feet along stonewall, along Hawaii Belt Road, F.A.P. Route 11, to a pipe found in concrete;
3. 57° 16' 49" 108.03 feet along same, to a pipe set in concrete;
4. 146° 26' 19" 97.43 feet along the east side of Kailua-Holualoa Road to a pipe set in concrete;

5. 138° 57' 19" 33.04 feet along same to the point of beginning and containing an area of 12,432 Sq. Ft.

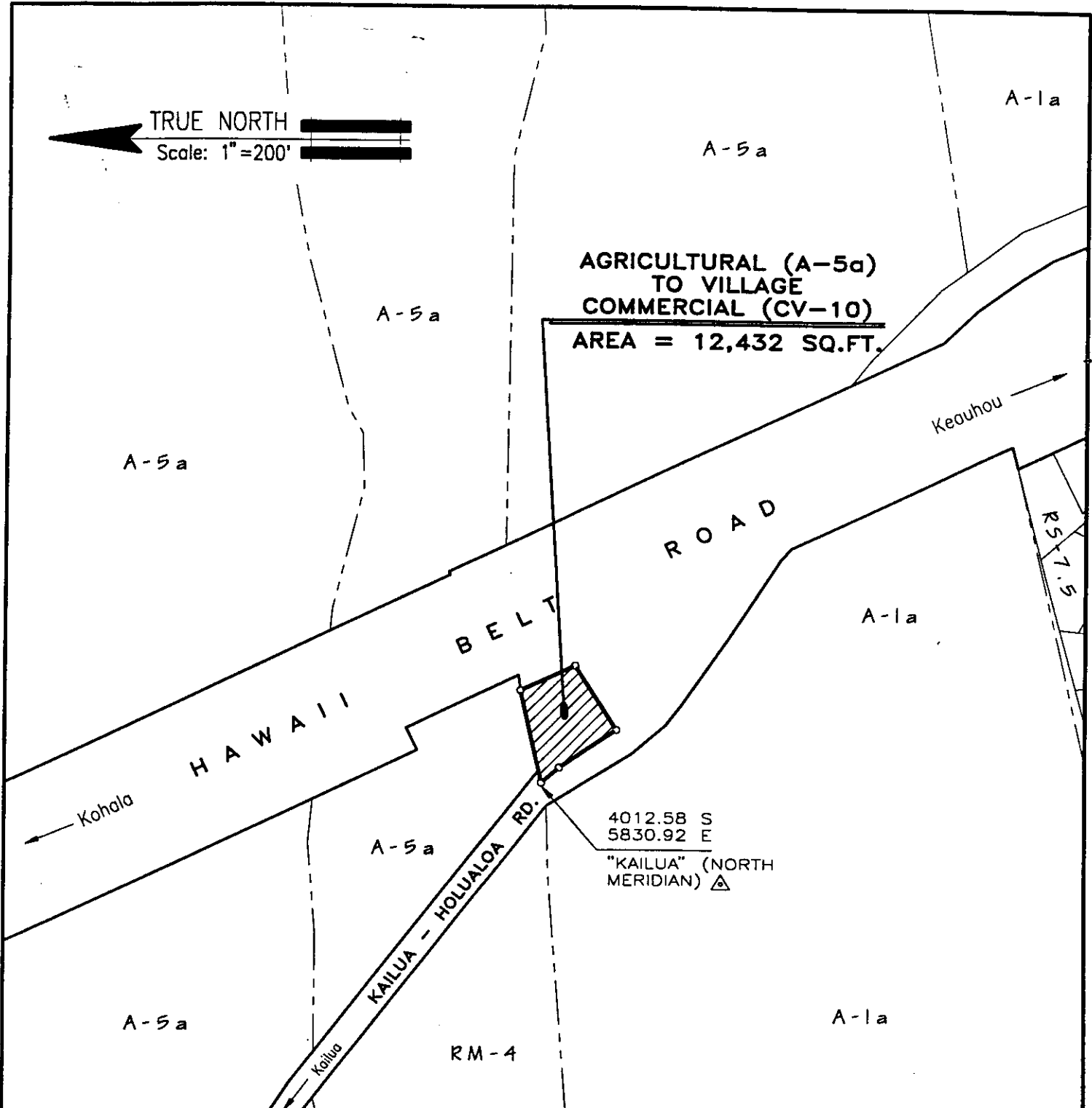
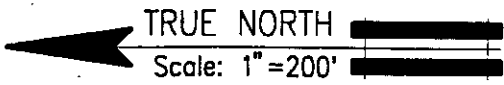
All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. This change in district classification is conditioned upon the following:

- A. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Construction of the commercial office building 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 commercial office building. Plans shall include the proposed structure, landscaping, off-street parking in accordance with the requirements of the Zoning Code.
- C. A Solid Waste Management Plan for the subject property shall be submitted for review and approval to the Department of Public Works prior to securing Final Plan Approval.
- D. No access from the subject property to the Queen Ka'ahumanu Highway shall be permitted.
- E. The driveway access to the subject property must meet with the approval of the Department of Public Works and sight distances must meet with the standards contained in the Hawaii Statewide Uniform Design Manual prior to the issuance of the Certificate of Occupancy for the building.
- F. The wastewater treatment and disposal system shall be designed in accordance with the requirements of the Department of Health.
- G. A drainage study of the project site, if required, shall be prepared for review and approval by the Department of Public Works prior to submittal of plans for subdivision review. Drainage improvements, if required, shall be constructed in a manner meeting with the approval of the Department of Public Works in

conjunction with Final Subdivision Approval.

- H. 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 Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- I. 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 Fees Ordinance.
- J. Comply with all applicable laws, rules, regulations and requirements of affected agencies for approval of the proposed development within the subject property.
- 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 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).



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-3 (NORTH KONA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-5a) TO VILLAGE COMMERCIAL (CV-10) AT WAIAHA 1ST, NORTH KONA, HAWAII.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

- 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: April 1, 1998
Date of 1st Reading: April 1, 1998
Date of 2nd Reading: April 15, 1998
Effective Date: April 23, 1998

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: APR 22 1998

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: April 1, 1998
 First Reading: April 1, 1998
 Published: April 9, 1998

REMARKS:

'98 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 |

Second Reading: April 15, 1998
 To Mayor: April 17, 1998
 Returned: April 24, 1998
 Effective: April 23, 1998
 Published: May 1, 1998

REMARKS:

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 |

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:

Patricia K. O'Brien
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date APR 22 1998

Approved/Disapproved this 23 day
 of April, 19 98.

Stephanie
 MAYOR, COUNTY OF HAWAII

James
 COUNCIL CHAIRMAN
Donald
 COUNTY CLERK

Bill No.: 208 (Draft 2)
 Reference: C-753/PC-103
 Ord. No.: 98 37