

COUNTY OF HAWAII  STATE OF HAWAII

BILL NO. 313
(Draft 3)

ORDINANCE NO. 98 128

AN ORDINANCE AMENDING SECTION 25-8-26 (PAHOA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-20) AT KEONEPOKO, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-7:PORTION OF 21.

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

SECTION 1. Section 25-8-6, 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 Keonepoko, Puna, Hawaii, shall be Neighborhood Commercial (CN-20):

Beginning at a pipe set in concrete at the Southerly corner of this parcel of land, also being the Westerly corner of Lot 8-B of Keonepoko Homestead, the coordinates of this point of beginning referred to Government Triangulation Station "PAHOA" being 368.62 feet North and 538.35 feet East, thence running by azimuths measured clockwise from True South:

1. 158° 34' 00" 199.29 feet along the Easterly right-of-way of Pahoa Road to a pipe set in concrete;

Thence along Pahoa Road and Kahakai Boulevard on a curve to the right with a radius of 20 feet, the direct chord azimuth and distance being;

2. 204° 34' 00" 28.77 feet to a pipe set in concrete;

3. 250° 34' 00" 280.73 feet along the Southerly right-of-way of Kahakai Boulevard to a spike set;

4. 340° 34' 00" 219.87 feet along Lot 8-C-2-A of Keonepoko Homestead to a pipe set in concrete;
5. 70° 34' 00" 293.76 feet along Lot 8-B of Keonepoko Homestead to the point of beginning and containing an area of 1.500 Acres, more or less.

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 submit the anticipated maximum daily water usage and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this change of zone ordinance.
- C. Final Subdivision Approval of the two lots shall be secured within two (2) years from the effective date of this ordinance.
- D. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director for the commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping and paved and striped parking stalls, driveway and other improvements associated with the proposed uses.

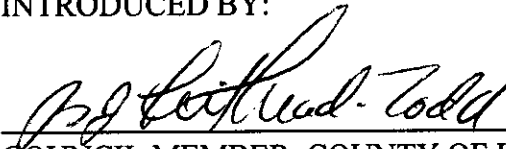
- E. Driveway access for the proposed commercial development shall be permitted only from Kahakai Boulevard, meeting with the approval of the Department of Public Works. No access shall be permitted onto Pahoia Road except to the existing single family dwelling.
- F. Prior to the issuance of a Certificate of Occupancy for any development on the subject property, the applicant, with the approval of the Department of Public Works, shall provide improvements to the frontage along Kahakai Boulevard and Pahoia Road which would be consistent with the rustic ambience of Pahoia town, and install street lights, signs and markings, if required, on Kahakai Boulevard and Pahoia Road. The applicant shall relocate utilities as necessary to construct the improvements.
- 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 Final Plan Approval.
- H. Upon compliance with applicable conditions of approval, prior to the establishment of any use or the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- I. Comply with all other applicable laws, rules, regulations and requirements of the affected agencies for the development of the subject property.
- J. Should the Council adopt a Unified Impact Fee 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

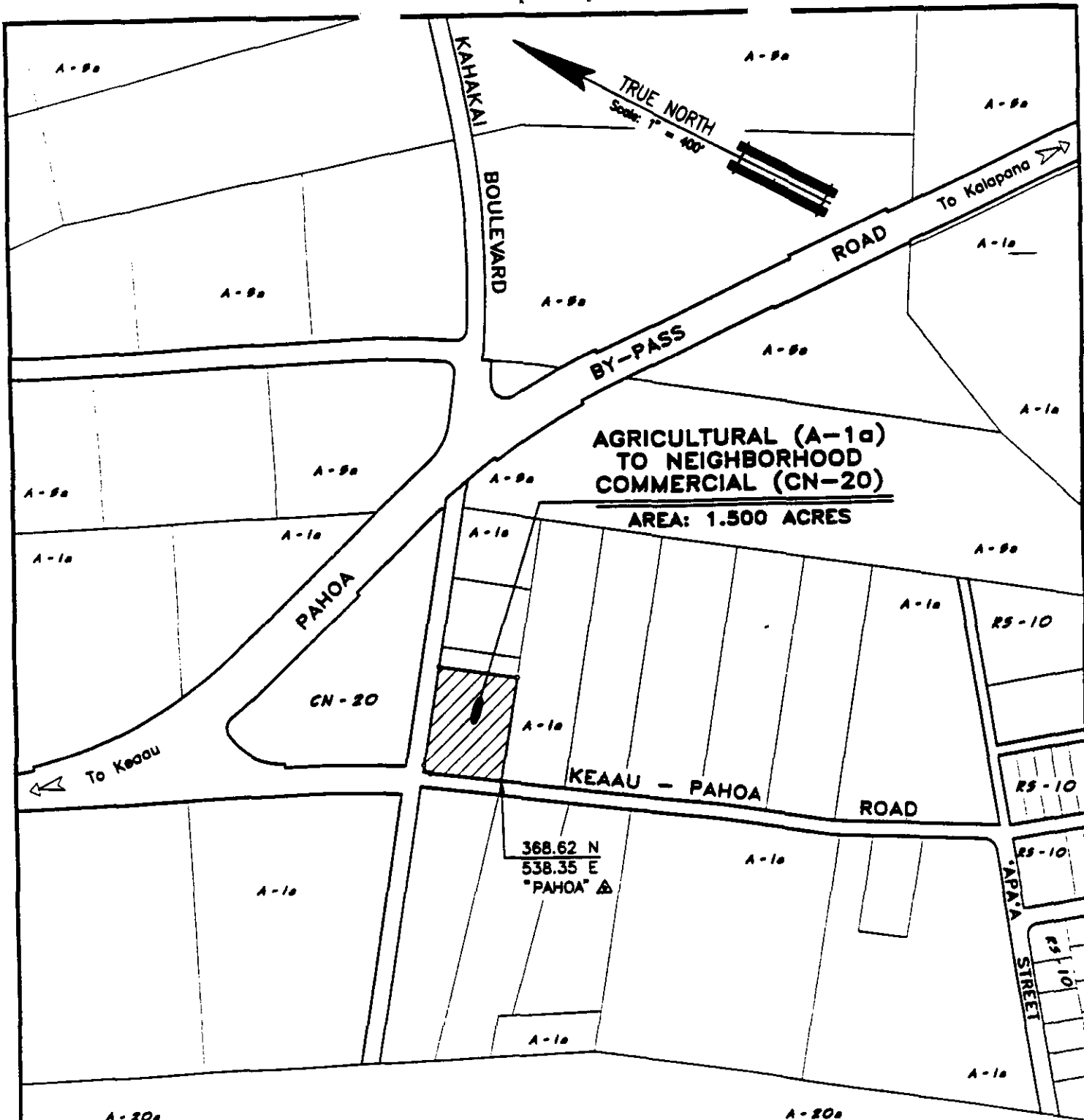
Date of Introduction: November 6, 1998
Date of 1st Reading: November 6, 1998
Date of 2nd Reading: November 18, 1998
Effective Date: December 7, 1998

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 11/25/98



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-26 (PAHOA ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-20) AT KEONEPOKO, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

(DRAFT 3)

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: November 6, 1998
First Reading: November 6, 1998
Published: N/A

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

Second Reading: November 18, 1998
To Mayor: November 24, 1998
Returned: December 7, 1998
Effective: December 7, 1998
Published: December 21, 1998

REMARKS:

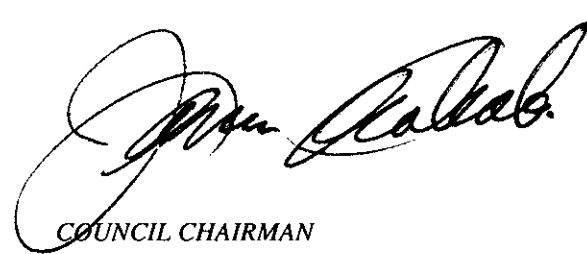
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Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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:**

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date _____


COUNCIL CHAIRMAN


COUNTY CLERK

Approved/Disapproved this 7 day
of December, 19 98.


MAYOR, COUNTY OF HAWAII

Bill No.: 313 (Draft 3)
Reference: C-1014/PC-155
Ord. No.: 98 128