

COUNTY OF HAWAI'I

STATE OF HAWAI'I

BILL NO. 97

ORDINANCE NO. 99 95

AN ORDINANCE AMENDING ORDINANCE NO. 684 (AS AMENDED BY ORDINANCE NOS. 90-83 AND 95-12) AND SECTION 25-8-3 (NORTH KONA ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, WHICH CHANGED THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20) AT LANIHAU 2ND AND MOEAUOA 2ND, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-04:07, 55 & 56.

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

SECTION 1. Ordinance No. 684, as amended by Ordinance Nos. 90-83 and 95-12 is amended to read as follows:

[SECTION 1. Section 7.02, Article 2, Chapter 8, (Zoning Code), of the Hawaii County Code, as amended, is further amended to add a new subsection, to read as follows:

"7.02 (bbb).]

"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 Lanihau 2nd and Moeauoa 2nd, North Kona, Hawaii, shall be General Commercial (CG-20):

Being Portions of Grant 2035 to J. L. Waiau and
Royal Patent 8126 Land Commission Award 9971,
Apana 27 to W. P. Leleiohoku
(Certificate of Boundaries No. 26)

Beginning at a 1/2 inch pipe in concrete at the Southwest corner of this parcel of land and on the Northerly side of Kuakini Highway, the direct azimuth and distance from a brass pin set in concrete at the centerline of Kuakini Highway being 176° 36' 40.94 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 610.05 feet South and 411.51 feet East and running by azimuths measured clockwise from True South:

1.	98° 53'	107.67	feet along the Northerly side of Kuakini Highway to a 1/2 inch pipe in concrete;
2.	218° 33'	98.88	feet along Lot 3 of Land Court Application 1787 to a "+" cut in pahoehoe (found);
3.	239° 03'	406.41	feet along Lot 3 of Land Court Application 1787 to a "+" cut in pahoehoe (found);
4.	162° 00'	881.76	feet along Land Court Application 1787, Grant 1854 to Ipunui and Grant 1861 Apana 2 to Ipunui and Grant 1861 to Kahiamoe to a spike in pahoehoe;
5.	225° 56'	112.70	feet along R. P. 7456, L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunalilo (Certificate of Boundaries No. 25) to a 1/2 inch pipe in concrete;
6.	237° 36'	146.00	feet along R. P. 7456, L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunalilo (Certificate of Boundaries No. 25) to a 1/2 inch pipe in concrete;
7.	237° 37'	390.49	feet along R. P. 7456, L. C. Aw. 8559-B, Apana 11 to Wm. C. Lunalilo (Certificate of Boundaries No. 25) to a 1/2 inch pipe in concrete;
8.	295° 51'	1227.95	feet along the remainders of Grant 2035 to J. L. Waiiau and R. P. 8126, L. C. Aw. 9971, Apana 27 to W. P. Leleiohoku (Certificate of Boundaries No. 26) to a 1/2 inch pipe in concrete;
9.	59° 50'	1181.79	feet along L. C. Aw. 11216, Apana 39 to M. Kekauonohi to an "-" cut on stonewall with concrete nail;
10.	144° 24' 20"	63.92	feet along the remainder of R. P. 8126, L. C. Aw. 9971, Apana 27 to W. P. Leleiohoku (Certificate of Boundaries No. 26) to a 1/2 inch pipe in concrete;

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|-----|--------------|--------|---|
| 11. | 54° 14' 30" | 390.06 | feet along the remainder of R. P. 8126, L. C. Aw. 9971, Apana 27 to W. P. Leleiohoku (Certificate of Boundaries No. 26) to a 1/2 inch pipe in concrete; |
| 12. | 325° 59' 20" | 53.81 | feet along the remainder of R. P. 8126, L. C. Aw. 9971, Apana 27 to W. P. Leleiohoku (Certificate of Boundaries No. 26) to a "+" cut on set stone; |
| 13. | 59° 50' | 358.43 | feet along L. C. Aw. 11216, Apana 39 to M. Kekauonohi to the point of beginning and containing an area of 25.783 Acres. |

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

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

- A. The petitioner, successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. That the conditions as outlined in Change of Zone Ordinance No. 566 (TMK: 7-5-04:10 and 28) be complied with and shall also be applicable to this request.
- C. That plans for Phase I shall be submitted and Final Plan Approval secured within one (1) year from the effective date of approval of the change of zone.
- D. That construction of Phase I commence within one (1) year from the date of receipt of Final Plan Approval and be completed within three (3) years thereafter.
- [E. That construction of Phase II shall commence on or before September 30, 1991, and be completed on or before September 30, 1999.]
- [F]E. That accesses to the proposed development shall meet with the approval of the Department of Public Works, and the State Department of Transportation, Highways Division where applicable.

- [G]E. That improvements shall be made to Kuakini Highway as determined by the County Department of Public Works.
- [H]G. That Henry Street shall be improved with curbs, gutters and sidewalks in accordance with the requirements of the Department of Public Works.
- [I]H. That the method of sewage disposal shall meet with approval of the appropriate County and State agencies.
- [J]I. That a detailed drainage study and proposed improvements shall be submitted at the time of plan approval to the Department of Public Works and Planning Department.
- [K]J. That the requirements of the Department of Water Supply shall be complied with.
- [L]K. That prior to any work being done on the archaeological sites on the property, clearance must first be obtained from the Planning Department. Further, should any sites be uncovered during land preparation activity, work shall immediately cease and the Planning Department shall be notified. Work shall not resume unless clearance is obtained from the Planning Department.
- [M]L. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- [N]M. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the zone change. The report shall address the status of the development and the compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
- [O]N. That all other applicable rules, regulations, and requirements shall be complied with.

[P]Q. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate designation shall be initiated."

SECTION 2. Material to be deleted is bracketed. New material is underscored.

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:



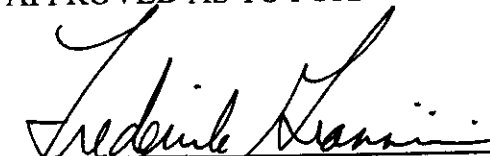
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

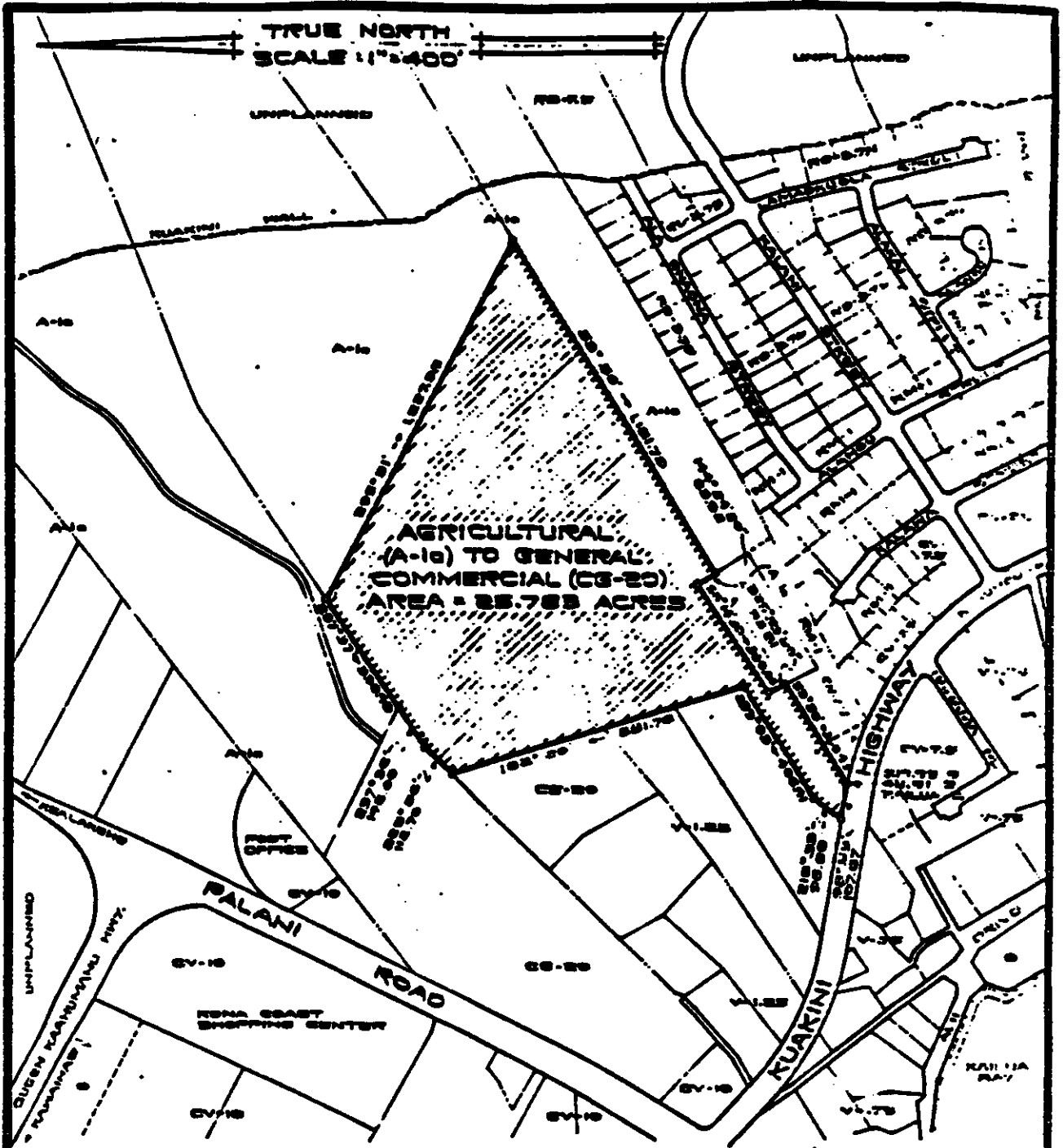
Date of Introduction: July 28, 1999
Date of 1st Reading: July 28, 1999
Date of 2nd Reading: August 11, 1999
Effective Date: August 19, 1999

REFERENCE: Comm. 345

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL
DATED: 8/16/99



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 54 TO SECTION 7.02 (THE NORTH KONA ZONE MAP) ARTICLE 2, CHAPTER 8 (ZONING CODE) OF THE HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-1a) TO GENERAL COMMERCIAL (CG-20), AT LANIHAU END AND MOEAUOA END, NORTH KONA, HAWAII.

DATE OF PUBLIC HEARING : FEB. 11, 1981
 EFFECTIVE DATE : APRIL 10, 1981
 ORDINANCE NUMBER : 584
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

RECEIVED

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: July 28, 1999
First Reading: July 28, 1999
Published: N/A

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd			X	
Pisicchio	X			
Smith			X	
Tyler	X			
Yagong	X			
	7	0	2	0

Second Reading: August 11, 1999
To Mayor: August 13, 1999
Returned: August 19, 1999
Effective: August 19, 1999
Published: September 7, 1999

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	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 published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

[Signature]
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 8/16/99

[Signature]
COUNCIL CHAIRMAN
[Signature]
COUNTY CLERK

Approved/Disapproved this 19 day
of August, 1999

[Signature]
MAYOR, COUNTY OF HAWAII

Bill No.: 97
Reference: C-345/PC-40
Ord. No.: 99 95