

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 98
(Draft 2)

ORDINANCE NO. 99 96

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-1a) AND (A-5a) TO GENERAL COMMERCIAL (CG-10) AT KEAHUOLU, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-4-08:63.

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 Keahuolu, North Kona, Hawaii, shall be General Commercial (CG-10):

PARCEL 1:

Being a portion of Royal Patent 6851, Land Commission Award 8452, Apana 12 to A. Keohokalole
Situated at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the west corner of this parcel of land, on the southeasterly side of Palani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (North Meridian)" being 2,383.11 feet North and 1,616.99 feet East, thence running by azimuths measured clockwise from True South:

1. 247° 21' 30" 101.22 feet along the southeasterly side of Palani Road;

2. Thence along the southeasterly side of Palani Road, on a curve to the left with a radius of 1,950.10 feet, the chord azimuth and distance being:
 245° 16' 19.5" 141.98 feet;

3. Thence along the westerly side of Henry Street, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
291° 57' 51.5" 45.13 feet;
4. Thence along the westerly side of Henry Street, on a curve to the right with a radius of 260.00 feet, the chord azimuth and distance being:
356° 15' 17" 139.07 feet;
5. 11° 46' 234.54 feet along the westerly side of Henry Street;
6. 56° 25' 29.15 feet along R.P. 7456, L.C. Aw. 8559-B, Apana 11 to William C. Lunalilo;
7. 146° 25' 363.74 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole to the point of beginning and containing an area of 1.412 acres, more or less.

PARCEL 2:

Being a portion of Royal Patent 6851, Land Commission
Award 8452, Apana 12 to A. Keohokalole
Situated at Keahuolu, North Kona, Island of Hawaii, Hawaii

Beginning at the north corner of this parcel of land, on the southeasterly side of Palani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (North Meridian)" being 2,383.11 feet North and 1,616.99 feet East, thence running by azimuths measured clockwise from True South:

1. 326° 25' 363.74 feet along the remainder of R.P. 6851, L.C. Aw. 8452, Apana 12 to A. Keohokalole;
2. 56° 25' 495.90 feet along R.P. 7456, L.C. Aw. 8559-B, Apana 11 to William C. Lunalilo;
3. 52° 56' 30" 320.66 feet along R.P. 7456, L.C. Aw. 8559-B, Apana 11 to William C. Lunalilo;
4. 115° 51' 665.84 feet along the Kailua Fire Station Lot;

5. Thence along the southeasterly side of Palani Road, on a curve to the right with a radius of 676.80 feet, the chord azimuth and distance being:
238° 28' 49" 208.90 feet;
6. 247° 21' 30" 963.33 feet along the southeasterly side of Palani Road to the point of beginning and containing an area of 10.535 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 conditions of the change of zone.
- B. The applicant, its successors or assigns, shall be responsible for complying with applicable conditions of the State Land Use Boundary Amendment Decision and Order in Docket No. A94-705.
- C. The required water commitment be exercised or secured with the Department of Water Supply in accordance with the prior agreement and/or its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of the Final Plan Approval.
- D. Prior to commencing construction, Final Plan Approval for the proposed development shall be secured from the Planning Director in accordance with Chapter 25-2-70 of the Zoning Code and Planning Department's Rule 17, relating to Landscaping Requirements. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be

provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties.

- E. All roadways within the proposed development shall be improved with curbs, gutter and sidewalk improvements meeting with the approval of the Department of Public Works.
- F. All accesses and intersection improvements, including traffic signalization, shall be constructed meeting with the approval of the Department of Public Works.
- G. Install sewer lines to connect with the Kealakehe Wastewater Treatment Plant, meeting with the approval of the Department of Public Works, prior to occupancy of the development.
- H. A Drainage Study, if required, shall be prepared and the drainage system shall be installed meeting with the approval of the Department of Public Works.
- I. A Solid Waste Management Plan for the proposed development within the subject property shall be prepared and submitted for approval to the Department of Public Works prior to securing Final Plan Approval. A copy of the approved plan shall be submitted to the Planning Department for its files.
- J. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development.
- K. An Archaeological Data Recovery Plan for the seven significant historic sites and a Preservation Plan (including buffer zones, interim protection measures, and a long-term preservation plan) for the Kuakini Wall shall be submitted to and approved by the State Department of Land and Natural Resources-Historic

Preservation Division (DLNR-HPD) and the Planning Department. The DLNR-HPD shall verify in writing to the Planning Department when both plans have been successfully executed. No land alteration may occur in the vicinity of the site until the plans have been successfully executed.

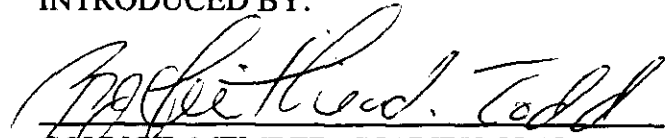
- L. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
- M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for the imposition of exactions or assessments of impacts fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- N. An annual progress report shall be submitted to the Planning Director prior to each anniversary date of the approval of this change of zone. The report shall address in detail 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 Director acknowledges that further reports are not required.
- O. An initial extension of time for the performance of conditions within the ordinance may be granted by the 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 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).
 5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.
- P. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area 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


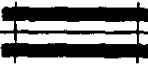
Date of Introduction: July 28, 1999
Date of 1st Reading: July 28, 1999
Date of 2nd Reading: August 11, 1999
Effective Date: August 19, 1999

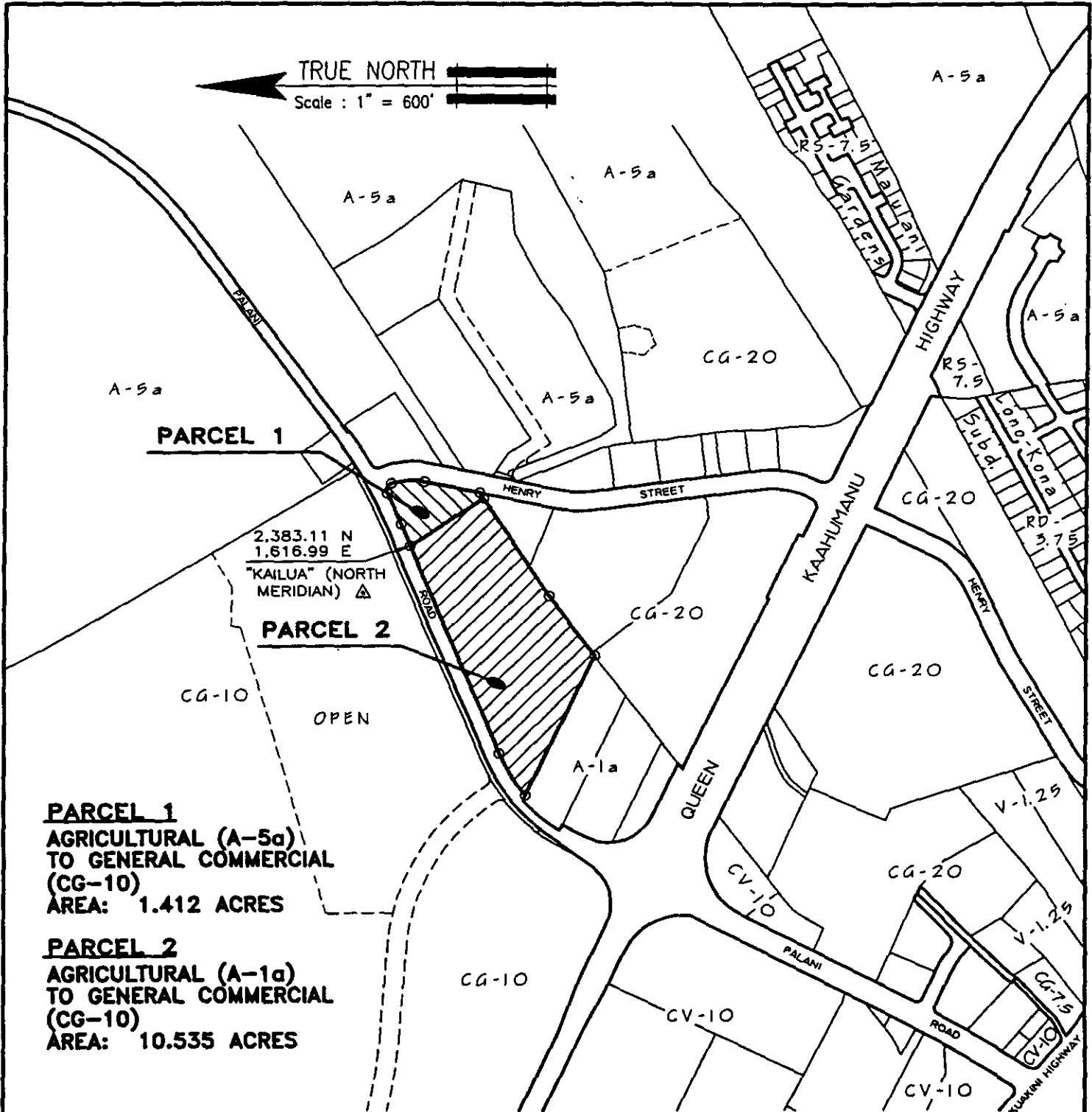
APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DATED: 8/16/99

TRUE NORTH  Scale : 1" = 600' 



PARCEL 1
 AGRICULTURAL (A-5a)
 TO GENERAL COMMERCIAL (CG-10)
 AREA: 1.412 ACRES

PARCEL 2
 AGRICULTURAL (A-1a)
 TO GENERAL COMMERCIAL (CG-10)
 AREA: 10.535 ACRES

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-1a) & AGRICULTURAL (A-5a) TO GENERAL COMMERCIAL (CG-10) AT KEAHUOLU, NORTH KONA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 7-4-8:63

MAY 3, 1999
 (QUEEN LIUUKALANI TRUST)
 (REZ)

EXHIBIT "A"

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 2)

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

REMARKS: _____

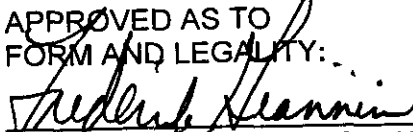
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	1 X			
Chung	X			
Elarionoff				
Jacobson	X			
Leithead-Todd			X	
Pisicchio	X			
Smith			X	
Tyler	X			
Yagong	X			
	7	0	2	0

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:

 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date 8/16/99


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved/Disapproved this 19 day
 of August, 19 99.


 MAYOR, COUNTY OF HAWAII

Bill No.: 98 (Draft 2)
 Reference: C-346/PC-41
 Ord. No.: 99 96