



ORDINANCE NO. 99 125

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 VILLAGE COMMERCIAL (CV-10) AT WAIAKAHIULA, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-6:23.

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

SECTION 1. Section 25-8-26, 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 Waiakahiula, Puna, Hawaii, shall be Village Commercial (CV-10):

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Part 2 of Land Patent Number 8095, Land Commission Award 11216, Apana 40 to Kekauonohi) situate, lying and being at Waiakahiula, Puna, Island and County of Hawaii, State of Hawaii, and thus bounded and described:

Beginning at a pipe at the south corner of this parcel of land and on the northeast side of Main Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHOA" being 3,661.43 feet south and 5,222.94 feet east, thence running by azimuths measured clockwise from true South:

- |    |          |        |  |
|----|----------|--------|--|
| 1. | 124° 00' | 166.90 | feet along the northeast side of Main Government Road to a pipe; |
| 2. | 221° 33' | 157.40 | feet to a pipe;  |
| 3. | 301° 01' | 124.51 | feet to a pipe;  |

4. 26° 20' 163.99 feet to the point of beginning and containing an area of 23,196 square feet or 0.5325 acre, 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. 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 in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) for the commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties.

- D. Driveway access for the proposed commercial development shall meet with the approval of the Department of Public Works.
- E. Prior to the issuance of a Certificate of Occupancy for any development on the subject property, the applicant shall provide improvements to the frontage along Pahoa Road consisting of but not limited to, an asphalt pavement and rolled curb, meeting with the approval of the Department of Public Works, and install street lights, signs and markings, if required, on Pahoa Road meeting with the approval of the Department of Public Works.
- F. Upon compliance with applicable conditions of approval and prior to the establishment of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- G. Comply with all other applicable laws, rules, regulations and requirements of the affected agencies for the development of the subject property.
- H. 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.
- I. 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).
  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.
- J. 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

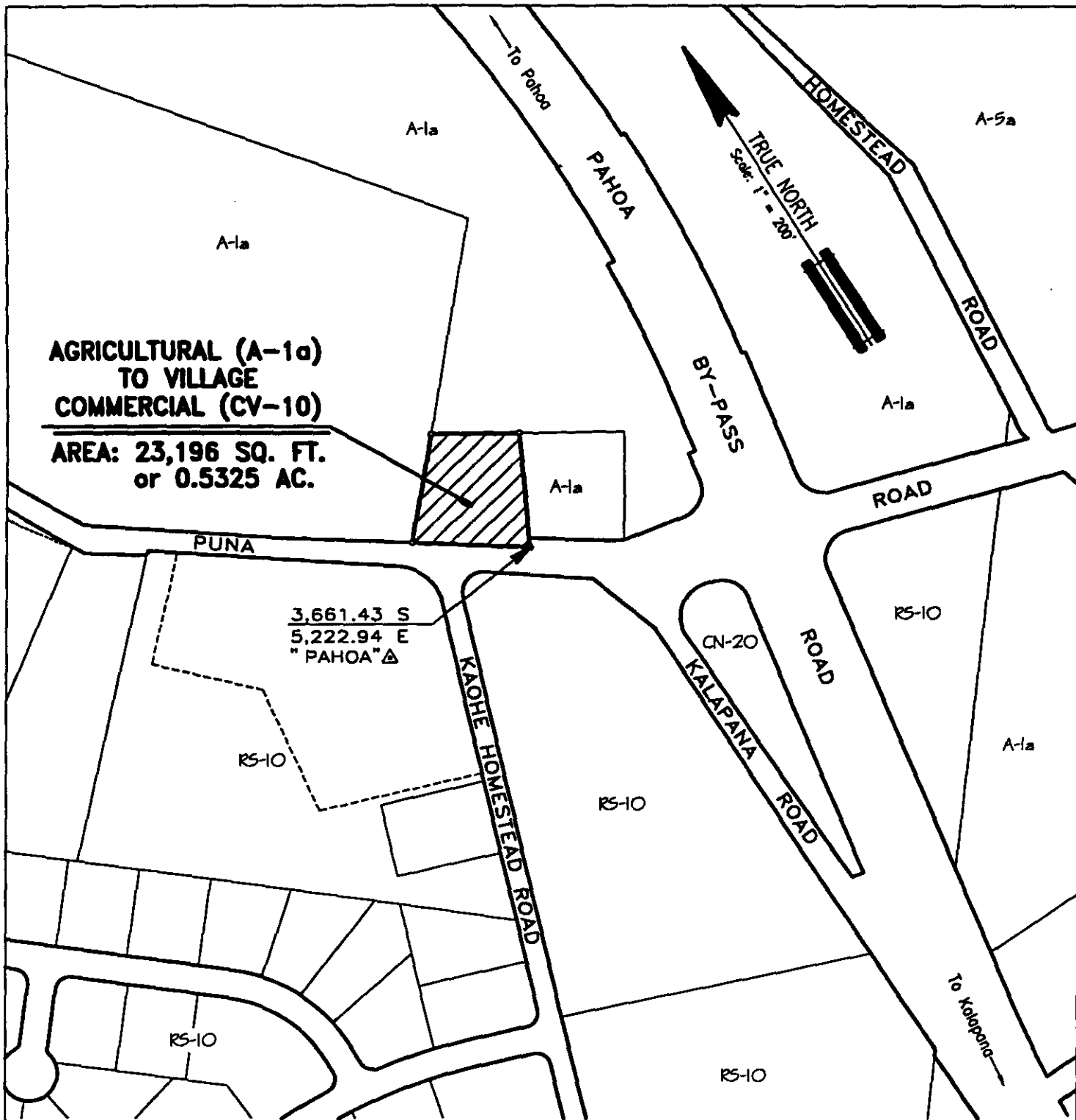
Date of Introduction: October 14, 1999  
Date of 1st Reading: October 14, 1999  
Date of 2nd Reading: October 27, 1999  
Effective Date: November 1, 1999

REFERENCE: Comm. 429

APPROVED AS TO FORM AND LEGALITY

  
CORPORATION COUNSEL

DATED: 10/29/99



# 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 VILLAGE COMMERCIAL (CV-10) AT WAIAKAHIULA, PUNA, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK  
County of Hawaii  
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd (B/R)  
Date Introduced: October 14, 1999  
First Reading: October 14, 1999  
Published: N/A

REMARKS: \_\_\_\_\_  
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Second Reading: October 27, 1999  
To Mayor: October 28, 1999  
Returned: November 1, 1999  
Effective: November 1, 1999  
Published: November 15, 1999

REMARKS: \_\_\_\_\_  
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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			
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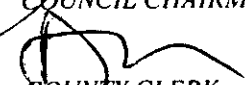
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Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

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 10/29/99

  
COUNCIL CHAIRMAN  
  
COUNTY CLERK

Approved/Disapproved this 1 day  
of Nov, 19 99.

  
MAYOR, COUNTY OF HAWAII

Bill No.: 125  
Reference: C-429/PC-58  
Ord. No.: 99 125