

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 156
(Draft 3)

ORDINANCE NO. 99 150

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 NEIGHBORHOOD COMMERCIAL (CN-20) AT HONUAAULA, NORTH KONA, HAWAII, COVERED BY TAX MAP KEY 7-5-03:PORTION OF 24.

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 Honuaula, North Kona, Hawaii, shall be Neighborhood Commercial (CN-20):

Beginning at the Northeasterly corner of this parcel of land, being on the Southwesterly side of Hawaii Belt Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 343.96 feet South and 3,441.66 feet East and running by azimuths measured clockwise from True South:

Thence along Hawaii Belt Road, along a curve to the right having a radius of 4,801.07 feet, the chord azimuth and distance being:

1. 306° 51' 38.5" 726.15 feet to a point;

Thence along the middle of a stonewall, along TMK: 7-5-10:16, along the remainder of Grant 3100 for the following four (4) courses;

2. 72° 57' 00" 41.04 feet to a point;

3. 74° 54' 00" 110.52 feet to a point;

4. 70° 23' 00" 207.47 feet to a point;
5. 56° 30' 00" 111.50 feet to a point;
6. 69° 40' 00" 166.66 feet to a point;
7. 139° 32' 30" 418.91 feet to a point;
8. 157° 19' 20" 252.38 feet to a point;
9. 253° 52' 30" 27.37 feet to a point;
10. 250° 25' 30" 190.43 feet to a point;

Thence, along the middle of a stonewall, along the Hawaii Belt Road remainder (remnant) Par. 16, along L.C. Award 7713, Apana 5 for the remainder of three (3) courses;

11. 257° 49' 30" 117.62 feet to a point;
12. 254° 18' 30" 45.18 feet to a point;
13. 249° 21' 30" 15.58 feet to the point of beginning and containing an area of 7.794 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 ordinance.
- B. The required water commitment payment shall be submitted to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of the change of zone ordinance.

- C. Construction of the proposed development shall be completed within five (5) years from the effective date of this ordinance. 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. 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.

- D. A Traffic Impact Analysis Report (TIAR) shall be submitted to the State Department of Transportation for review and approval, prior to the issuance of Final Plan Approval. All access and roadway improvements at the extension of Queen Kaahumanu Highway, including acceleration and deceleration lanes and, unless not allowed by the State Department of Transportation, traffic signal lights shall meet with the approval of the Department of Transportation and shall be completed prior to issuance of a certificate of occupancy.

- E. The primary mauka-makai roadway within the proposed development shall be constructed to County dedicable standards with curbs, gutter and sidewalk improvements meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy. Upon request by the County, said roadway shall be dedicated to the County.

- F. Install sewer lines to connect with the Kealakehe Wastewater Treatment Plant, meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy.

- G. A Drainage Study shall be prepared and submitted for review and approval to the Department of Public Works. The drainage study shall be submitted to

Federal Emergency Management Agency (FEMA) and a letter of map revision (LOMR) or a Physical Map Revision (PMR) shall be issued prior to construction, if required.

- H. An Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health for the construction of dry wells.
- 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 Subdivision Approval or Final Plan Approval, whichever occurs first. A copy of the approved plan shall be submitted to the Planning Department for its files.
- J. A landscaping plan which incorporates the predominant use of endemic Hawaiian plants wherever possible shall be submitted for the review and approval of the Planning Director in conjunction with the Plan Approval process. Said plan shall be developed using the guidelines of the Kailua Village Master Plan and with the input of adjoining and affected property owners to the north and south of the subject area. There shall be a minimum 6-foot wide landscaping buffer in the area adjoining the northwest and southeast private property lines, and minimum 20-foot wide landscaping buffers along each of the makai/southwestern and mauka/northeastern boundaries of the rezoned area.
- K. 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.
- L. An archaeological inventory survey, which shall include considerations for the

protection and/or preservation of ahupuaa walls, shall be submitted to the Planning Director for its review and approval prior to any land alteration activities, upon consultation with the State Department of Land and Natural Resources, Historic Preservation Division.

- M. 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.
- N. Comply with all other applicable laws, rules, regulations and requirements of the affected government agencies for the proposed development.
- 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

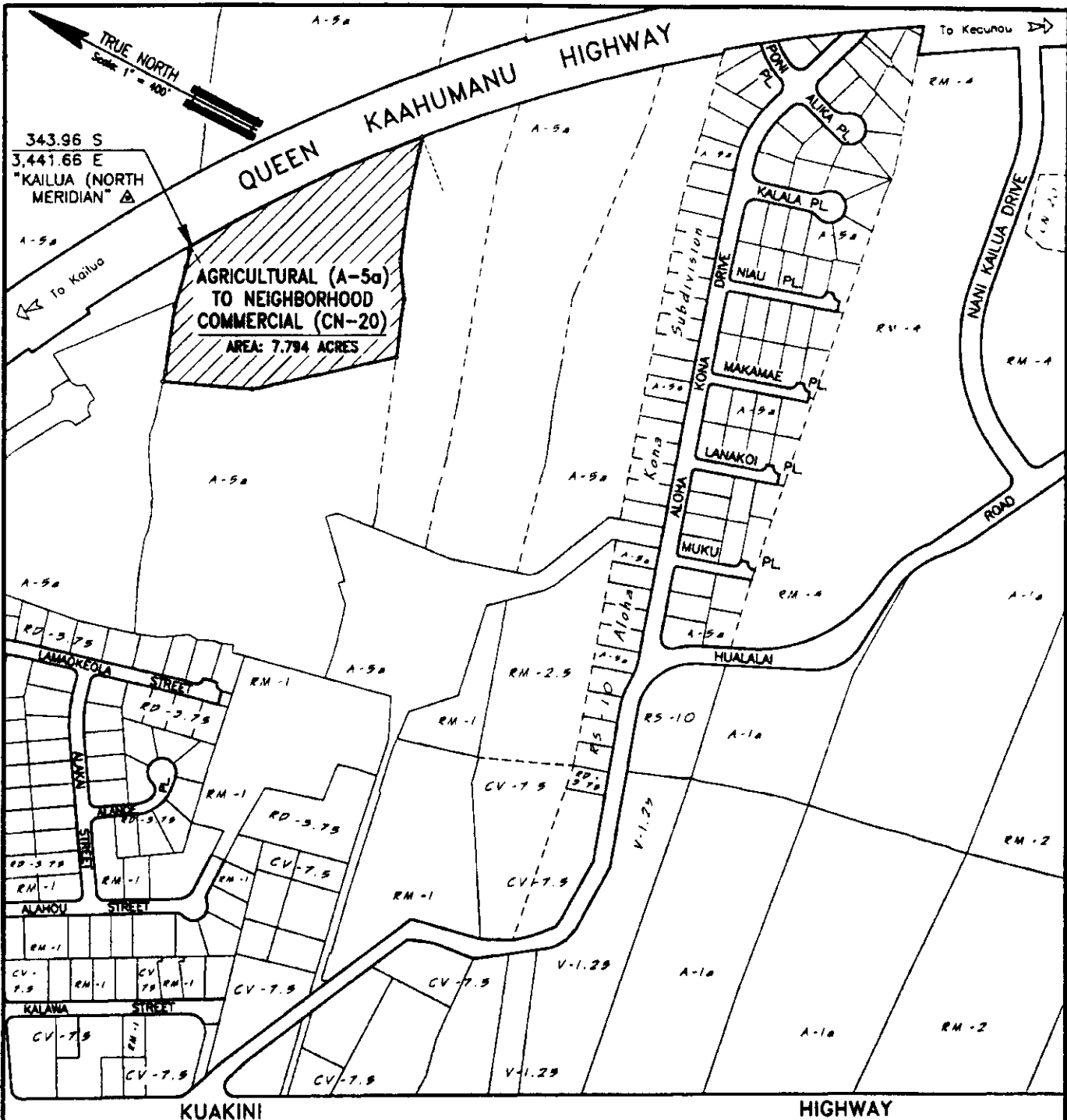
Hilo, Hawaii

Date of Introduction: November 17, 1999
Date of 1st Reading: November 17, 1999
Date of 2nd Reading: December 1, 1999
Effective Date: December 10, 1999

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL
DATED: _____



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 NEIGHBORHOOD COMMERCIAL (CN-20) AT HONUUALA, NORTH KONA, 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 17, 1999
 First Reading: November 17, 1999
 Published: N/A

REMARKS: _____

Second Reading: December 1, 1999
 To Mayor: December 6, 1999
 Returned: December 10, 1999
 Effective: December 10, 1999
 Published: December 20, 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			
	8	1	0	0

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	AYES	NOES	ABS	EX
Arakaki	X			
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Jacobson		X		
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	8	1	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:

Pamela K. O'Hara
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date DEC 7 1999

[Signature]
 COUNCIL CHAIRMAN
[Signature]
 COUNTY CLERK

Approved/Disapproved this 10 day
 of December, 1999

Stephen Tomichiro
 MAYOR, COUNTY OF HAWAII

Bill No.: 156 (Draft 3)
 Reference: C-505.001/PC-64
 Ord. No.: 99 150