

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 318
(Draft 3)

ORDINANCE NO. 00 128

AN ORDINANCE AMENDING ORDINANCE NO 91 116 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-20) AT KEONEPOKO, PUNA, HAWAII. COVERED BY TAX MAP KEY 1-5-07 20

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII

SECTION 1 Ordinance No 91 116 is amended as follows

"SECTION 1 Section [25-107] 25-8-26, Article [3] 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 point at the southeast corner of this parcel of land and on the northerly side of Kahakai Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "olaa" being 34,554 85 feet South and 35,137 78 feet East and running by azimuths measured clockwise from true South

- | | | | |
|---|----------------|--------|--|
| 1 | 70° 34' | 732 05 | feet along the northerly side of Kahakai Boulevard to a point at the easterly side of the Keaau-Pahoa Road (F A S P No S-0130 (8)). thence along the easterly side of the Keaau-Pahoa Road (F A S P No S-0130 (8)) for the next three (3) courses along a curve to the left having a radius of 2,904 79 feet, the chord azimuths and distances being |
| 2 | 152° 15' 29 2" | 216 99 | feet |

3	149°	43'	03 4"	40 56	feet.
4	149°	01'	01 7"	30 47	feet.
5	148°	43'		49 91	feet along the easterly side of the Keaau-Pahoa Road (F A S P No S-0130 (8)).
6	238°	43'		10 00	feet along a jog in the Keaau-Pahoa Road Project No RS-0130 (18), thence along the easterly side of Keaau-Pahoa Road Project No RS-0130 (18) along a curve to the right having a radius of 180 00 feet, the chord azimuth and distance being
7	177°	40'	35"	174 31	feet, thence along the Keaau-Pahoa Road Project No RS-0130 (18) along a curve to the right having a radius of 39 87 feet, the chord azimuth and distance being
8	249°	48'	32"	54 56	feet, thence along the southerly side of the Keaau-Pahoa Road Project No RS-0130 (18) along a curve to the left having a radius of 1,370 00 feet the chord azimuth and distance being
9	289°	59'	27"	142 96	feet.
10	287°	00'		353 36	feet along the southerly side of the Keaau-Pahoa Road Project No RS-0130 (18).
11	197°	00'		10 00	feet along a jog in the Keaau-Pahoa Road Project No RS-0130 (18).
12	287°	00'		298 51	feet along the southerly side of the Keaau-Pahoa Road Project No RS-0130 (18). thence along the southerly side of the Keaau-Pahoa

Road Project No RS-0130 (18)
along a curve to the right having a
radius of 1.940 00 feet. the chord
azimuth and distance being

- | | | | | | |
|----|------|-----|-------|-------|---|
| 13 | 287° | 31' | 43 5" | 35 81 | feet |
| 14 | 328° | 50' | | 11 43 | feet along a jog in the Keaau-Pahoa
Road Project No RS-0130 (18) to
the point of beginning and
containing an area of 4 901 Acres |

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 comply with all stated conditions of approval

- (B) [final Plan Approval for the development shall be secured from the Planning Department within one year from the effective date of the change of zone To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured.] Construction of any development on the subject property shall be completed within five (5) years from the effective date of this amendment. In the event substantial construction has occurred, but not completed within the five year period, the Planning Director may grant an extension of not more than one year. Prior to commencing construction Final Plan Approval shall be secured from the Planning Director in accordance with Chapter 25-2-72, 25-2-73, and 25-4-7 of the Zoning Code. Plans shall identify the proposed structures, landscaping, fire protection measures, paved driveway and parking stalls associated with the proposed uses.

Landscaping shall be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties

[(C)] Construction shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within two years thereafter.]

[(D)] (C) curbs, gutters, sidewalk and pavement improvements shall be provided within the Kahakai Boulevard extension right-of-way fronting the property meeting with the approval of the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development. Further, a 25-foot radius shall be provided at the Kahakai Boulevard-Pahoa Road intersection. In order to construct the commercial standard road, utilities shall be relocated, if necessary.

[(E)] (D) access to the property shall meet with the approval of the Department of Public Works. Direct access to the property shall be limited only to the Kahakai Boulevard extension. Improvements at the intersection of Kahakai Boulevard and Pahoa Road, which shall include the provision of left-and right-turn lanes on Kahakai Boulevard extension, and a left-turn lane on Pahoa Road, shall be installed as required by the Department of Public Works prior to receipt of a certificate of occupancy for any portion of the development.

[(F)] (E) improvements, if any, to the Pahoa By-Pass Road, which may include extending the left-turn storage lane leading to the connector road, shall be installed as required by the State Department of Transportation-Highways Division, prior to receipt of a certificate of occupancy for any portion of the development,

[(G)] (F) a drainage system shall be installed meeting with the approval of the Department of Public Works,

[(H)] (G) should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken,

[(I)] (H) all other laws, rules, regulations and requirements of State and County agencies shall be complied with.

[(J)] (I) 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 may, at the developer's election, be satisfied by performance in accordance with the requirements of the Unified Impact Fees Ordinance,

[(K)] (J) an annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this change of zone. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required, and,

[(L)] (K) [an 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 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 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), and
- 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. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate rezoning of the area to its original or more appropriate designation."

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

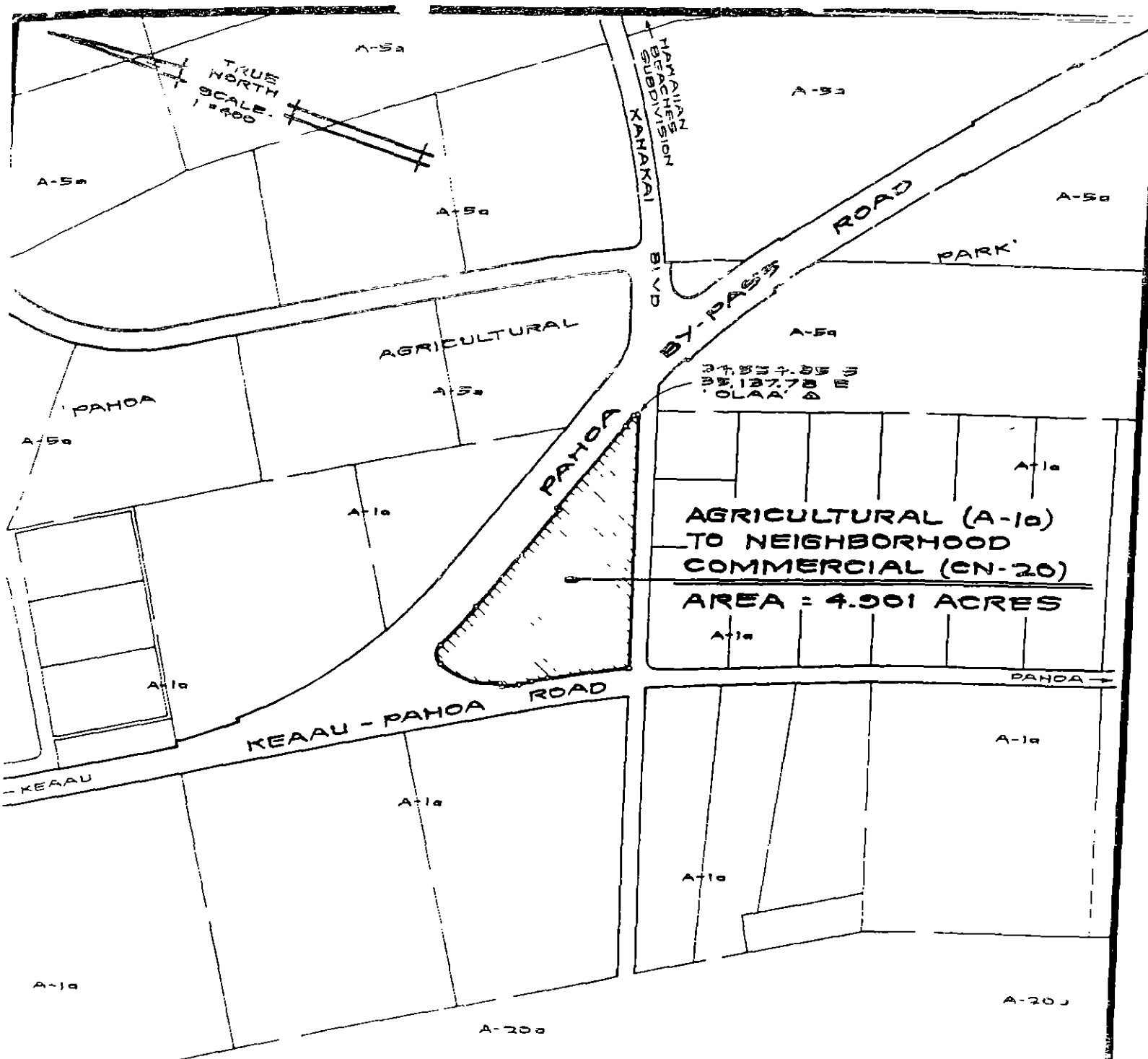
Hilo, Hawaii

Date of Introduction October 18, 2000
Date of 1st Reading October 18, 2000
Date of 2nd Reading November 9, 2000
Effective Date November 24, 2000

REFERENCE: Comm. 919.003

APPROVED AS TO FORM AND LEGALITY


CORPORATION COUNSEL
DATED 11/22/00



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25 107 (PAHOA ZONE MAP) ARTICLE 3, 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, PUNAHOU, HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hawaii

Draft

Introduced By Bobby Team Lenthhead-Todd
Date Introduced October 18, 2000
First Reading October 18, 2000
Published N/A

REMARKS _____

Second Reading November 9, 2000
To Mayor November 15, 2000
Returned November 24, 2000
Effective November 24, 2000
Published December 4, 2000

REMARKS _____

	ROLL CALL VOTE			
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Flarionott	X			
Jacobson	X			
Lenthhead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong				
	8	0	1	0

	ROLL CALL VOTE			
	AYES	NOES	ABS	EX
Arakaki	X			
Chung			X	
Flarionott	X			
Jacobson	X			
Lenthhead-Todd				
Pisicchio			X	
Smith	X			
Tyler	X			
Yagong	X			
	6	0	2	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

Scott Leithen
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 11/22/00

John C. ...
COUNCIL CHAIRMAN
[Signature]
COUNTY CLERK

Approved ~~by~~ approved this 24 day
of November 2000

Heineman
MAYOR COUNTY OF HAWAII

Bill No 318 (Draft 3)
Reference C-919-PC-118
Ord No 00 128