

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 21 (Draft 2)

ORDINANCE NO. 95 33

AN ORDINANCE AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP), ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-7.5) AND AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT PUNAHOA 1ST AND 2ND, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-35:16.

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

SECTION 1. Section 25-114, Article 3, Chapter 25 (Zoning Code) of the Hawaii County Code, is amended to change the district classification of properties described hereinafter as follows:

The district classification of the following area situated at Punahoa 2nd, South Hilo, Hawaii, shall be Neighborhood Commercial (CN-10):

PARCEL 1:

Beginning at the southwest corner of this parcel of land and on the northeasterly side of Komohana Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 103.21 feet North and 688.32 feet West and running by azimuths measured clockwise from True South:

- 1. 140° 40' 70.00 feet along Komohana Street;
2. 232° 49' 374.30 feet along Lots 3, 4, 5, 6 and 7 of the subdivision of R.P. on Confirmation 1946, Number 1 to D.B. Lyman, L.C. Aw. 387, Part 4, Section 1 to American Board of Commissioners for Foreign Missions;
3. 322° 49' 70.00 feet along the remainder of R.P. on confirmation 1946, Number 1 to D.B. Lyman, L.C.

Aw. 387, Part 4, Section 1 to
American Board of
Commissioners for Foreign
Missions;

4. 52° 49' 27" 371.67 feet along the remainder of
R.P. on Confirmation 1946,
Number 1 to D.B. Lyman, L.C.
Aw. 387, Part 4, Section 1 to
American Board of
Commissioners for Foreign
Missions to the point of
beginning and containing an
Area of 26,100 Square Feet or
0.599 Acre. (Refer to Parcel
1 as shown on Exhibit "A".)

The district classification of the following area
situated at Punahoa 1st and 2nd, South Hilo, Hawaii, shall be
Neighborhood Commercial (CN-10):

PARCEL 2:

Beginning at the northwest corner of this parcel of land and
on the northeasterly side of Komohana Street, the coordinates
of said point of beginning referred to Government Survey
Triangulation Station "HALAI" being 103.21 feet North and
688.32 feet West and running by azimuths measured clockwise
from True South:

1. 232° 49' 27" 371.67 feet along the remainder of
R.P. on Confirmation 1946,
Number 1 to D.B. Lyman, L.C.
Aw. 387, Part 4, Section 1 to
American Board of
Commissioners for Foreign
Missions;
2. 322° 49' 106.16 feet along the remainder of
R.P. on Confirmation 1946,
Number 1 to D.B. Lyman, L.C.
Aw. 387, Part 4, Section 1 to
American Board of
Commissioners for Foreign
Missions;
3. 328° 13' 295.21 feet along the remainder of
R.P. on Confirmation 1946,

Number 1 to D.B. Lyman, L.C.
Aw. 387, Part 4, Section 1 to
American Board of
Commissioners for Foreign
Missions;

4. 58° 02' 10" 69.26 feet along Lot 9 of Komohana
79 Subdivision;
5. Thence along Road A of Komohana 79 Subdivision, along
a curve to the left having a
radius of 45.00 feet, the
chord azimuth and distance
being:
102° 55' 35" 63.76 feet;
6. 147° 49' 192.65 feet along Lot 10 of Komohana
79 Subdivision;
7. 57° 49' 246.89 feet along Lots 10 and 11 of
Komohana 79 Subdivision;
8. Thence along Komohana Street, along a curve to the
left having a radius of
2040.00 feet, the chord
azimuth and distance being:
140° 53' 48" 16.38 feet;
9. 140° 40' 115.16 feet along Komohana Street to
the point of beginning and
containing an Area of 80,037
Square Feet or 1.838 Acres.
(Refer to Parcel 2 as shown on
Exhibit "A".)

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

SECTION 2. These changes in district classification are
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 secure Final Plan Approval of the proposed commercial development from the Planning Director. Plans to be submitted shall indicate a minimum 50-foot structural setback from the subject property's northwestern property boundary. Plans shall also include a minimum 6-foot high privacy wall or landscaping buffer along the subject property's common boundaries with adjoining single family residential properties along Punahale Street for the purpose of mitigating any potential adverse noise and visual impacts. Should a landscaping buffer be utilized for this purpose, it shall be provided to the extent that a continuous, unbroken, heavy planting screen, no less than 6 feet in height, is established prior to the issuance of a certificate of occupancy for any portion of the commercial development.
- C. Construction of the proposed commercial development shall be completed (Certificate of Occupancy) within five (5) years from the effective date of this ordinance.
- D. Access to the subject property from Pu'uhonu Street shall meet with the approval of the Department of Public Works. Access to the subject property from Punahale Street shall not be permitted.
- E. The widening and realignment of that portion of Komohana Street in the vicinity of its intersection of Pu'uhonu Place, the installation of a left-turn storage lane, and all attendant signing, striping and street lighting improvements, shall be provided at or in the vicinity of the Komohana Street-Pu'uhonu Street intersection for the purpose of improving sight distance from Pu'uhonu Place along Komohana Street. These roadway improvements shall be provided in a manner meeting with the approval of the

Department of Public Works, prior to the issuance of a Certificate of Occupancy for the establishment of any commercial use on the subject property.

- F. Commercial-standard curb, gutter, sidewalk and related pavement improvements shall be provided along the subject property's entire Komohana Street frontage in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy for the establishment of any commercial use on the subject property. In lieu of constructing commercial-standard curb, gutter, sidewalk and related pavement improvements, the applicant may contribute a monetary fee in the sum of eight thousand dollars (\$8,000) to the County of Hawaii to be used for roadway improvements in the vicinity of the subject property. The entire payment shall be paid prior to the issuance of a Certificate of Occupancy for the establishment of any commercial use on the subject property.

- G. On-site drainage improvements, if required, shall be installed in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a Certificate of Occupancy for the establishment of any commercial use on the subject property.

- H. Should any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or wall be encountered, work in the affected area shall cease and the Planning Director immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.

- I. Comply with all applicable laws, rules, regulations and requirements of the affected agencies, including those of the Department of Health and the Fire Department.

- J. 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.

- K. 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.

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 3. In the event that any portion of the 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

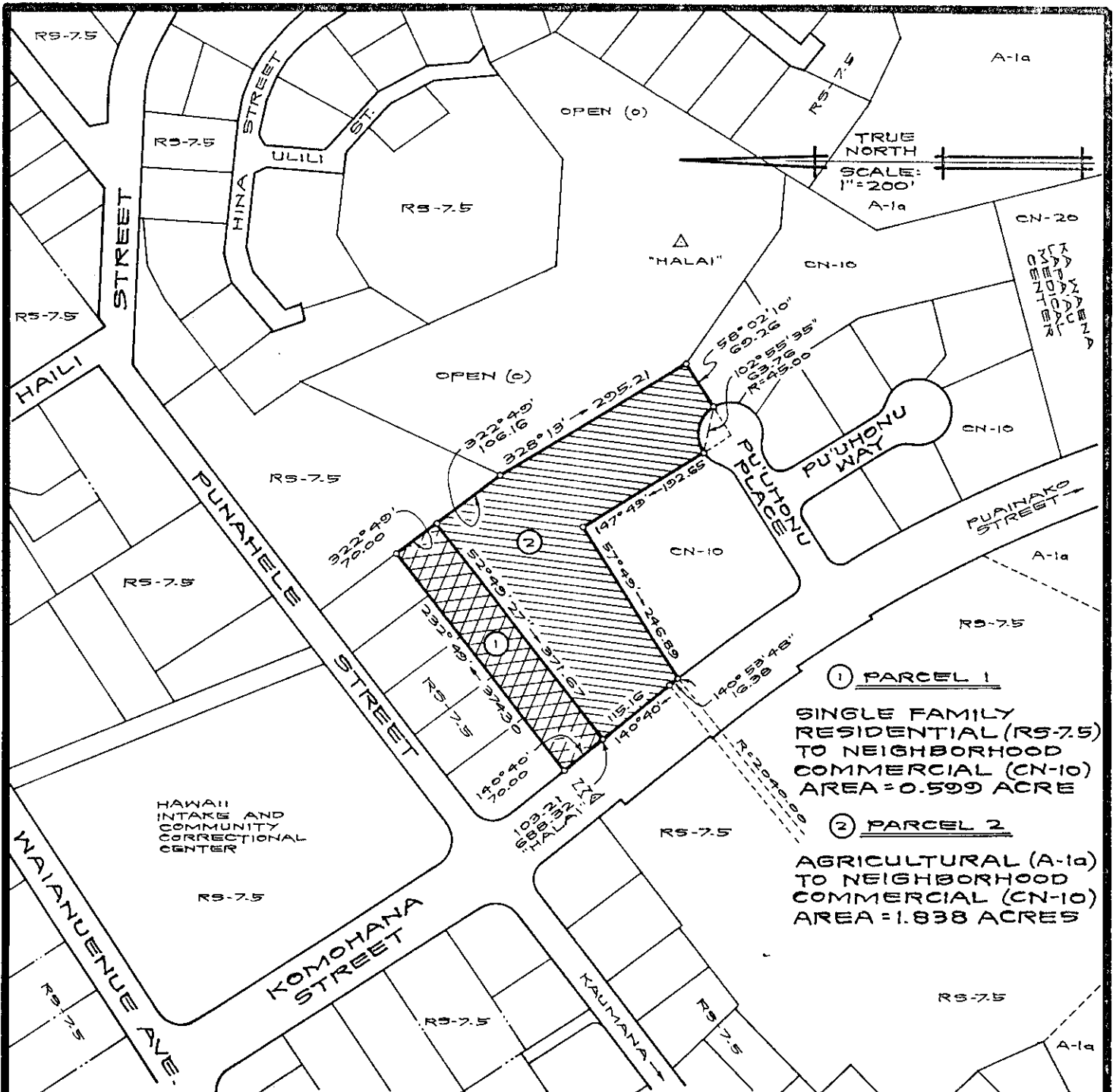
Hilo, Hawaii

Date of Introduction: February 15, 1995
Date of 1st Reading: February 15, 1995
Date of 2nd Reading: March 1, 1995
Effective Date: March 7, 1995

APPROVED AS TO FORM AND LEGALITY:

DEPUTY 
CORPORATION COUNSEL

DATED: 3/3/95



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-114 (CITY OF HILO ZONE MAP) ARTICLE 3, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-7.5) AND AGRICULTURAL (A-1a) TO NEIGHBORHOOD COMMERCIAL (CN-10) AT PUNAHOA 1ST AND 2ND, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK : 2-3-35 : 16

SEPT. 8, 1994

OFFICE OF THE COUNTY CLERK
 County of Hawaii
 Hilo, Hawaii

(DRAFT 2)

1995 MAR 7 11 0 19

Introduced By: Keola Childs
 Date Introduced: February 15, 1995
 First Reading: February 15, 1995
 Published: N/A

REMARKS:

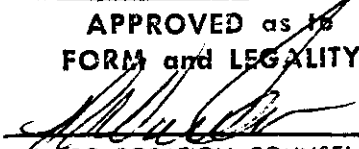
ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	9	0	0	0



Second Reading: March 1, 1995
 To Mayor: March 2, 1995
 Returned: March 7, 1995
 Effective: March 7, 1995
 Published: March 15, 1995

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Bonk-Abramson	X			
Childs	X			
De Lima	X			
Domingo			X	
Osorio	X			
Rath	X			
Ray	X			
Smith	X			
	8	0	1	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

**APPROVED as to
 FORM and LEGALITY**

 CORPORATION COUNSEL
 COUNTY OF HAWAII
 Date MAR 7 1995


 COUNCIL CHAIRMAN

 COUNTY CLERK

Approved / Disapproved this 7th day
 of March, 1995.


 MAYOR, COUNTY OF HAWAII

Bill No.: 21 (Draft 2)
 Reference: C-140/PC-19
 Ord. No.: 95 33