

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 269  
(Draft 3)

ORDINANCE NO. 96 84

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-10) TO GENERAL COMMERCIAL (CG-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-24:1.

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 property described hereinafter as follows:

The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be General Commercial (CG-10):

Beginning at the southwest corner of this parcel of land, being also the southeast corner of Lot 20 and on the northerly side of Lanikaula Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI," being 3,552.98 feet South and 7,164.13 feet East, thence running by azimuths measured clockwise from true South:

1. 148° 10' 84.20 feet along Grant 9172 to Robert Wong (Lot 20);
2. 238° 10' 203.00 feet along Grant 9104 to En Leong Wung (Lot 2);
3. 340° 06' 69.84 feet along Kilauea Avenue;
4. Thence along the northwest corner of the intersection of Kilauea Avenue and Lanikaula Street on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: 19° 08' 25.19 feet;

5. 58° 10' 168.99 feet along Lanikaula Street to the point of beginning and containing an area of 16,291 Square Feet.

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(s), its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. The applicant(s) shall submit daily water usage calculations and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy" within 90 days from the effective date of the change of zone.
- C. Construction of the proposed commercial development shall be completed within five (5) years from the effective date of this ordinance. Prior to the start of construction, Final Plan Approval for the proposed commercial development and related improvements shall be secured from the Planning Director. Plans shall identify structures, fire protection measures, paved parking stalls and paved driveway and other improvements associated with the proposed use. Plans shall include landscaping along property boundaries, for the purpose of mitigating any potential adverse noise and visual impacts to adjoining parcels and the intersection. Plans shall also indicate a 10-foot road widening setback along the Kilauea Avenue frontage.
- D. Access to the subject property from Lanikaula Street shall meet with the approval of the Department Public Works. No access shall be permitted from Kilauea Avenue.

- E. Roadway improvements along the entire Kilauea Avenue/Lanikaula Street frontages shall include commercial standard curb, gutter and sidewalk improvements and the reconstruction of the wheel chair ramp. The above improvements along Kilauea Avenue shall occur in the existing location. Attendant roadway improvements, such as, but not limited to relocation of utility poles, traffic control devices, street lights, signs and markings, pavement widening and an improved corner radius shall be provided by the applicant for that portion of the affected roadways fronting the project site. The applicant(s) shall design and construct the interior driveway and circulation improvements to interconnect with the two adjoining properties north of the subject property, meeting with the approval of the Department of Public Works. The applicant(s) shall establish and record deed covenants for the subject property and the two adjoining properties owned by the applicant which covenants shall assure that the interconnected driveway and circulation improvements are maintained and kept open during the regular business hours of the interconnected properties. All roadway improvements shall be constructed in a manner meeting with the approval of the Department of Public Works, prior to the establishment of any new use or the issuance of a certificate of occupancy for any portion of the proposed commercial development.
- F. Upon compliance with applicable conditions of approval, prior to the establishment of any new use or the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning Director.
- G. 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.

- H. 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. 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).
- I. 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 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

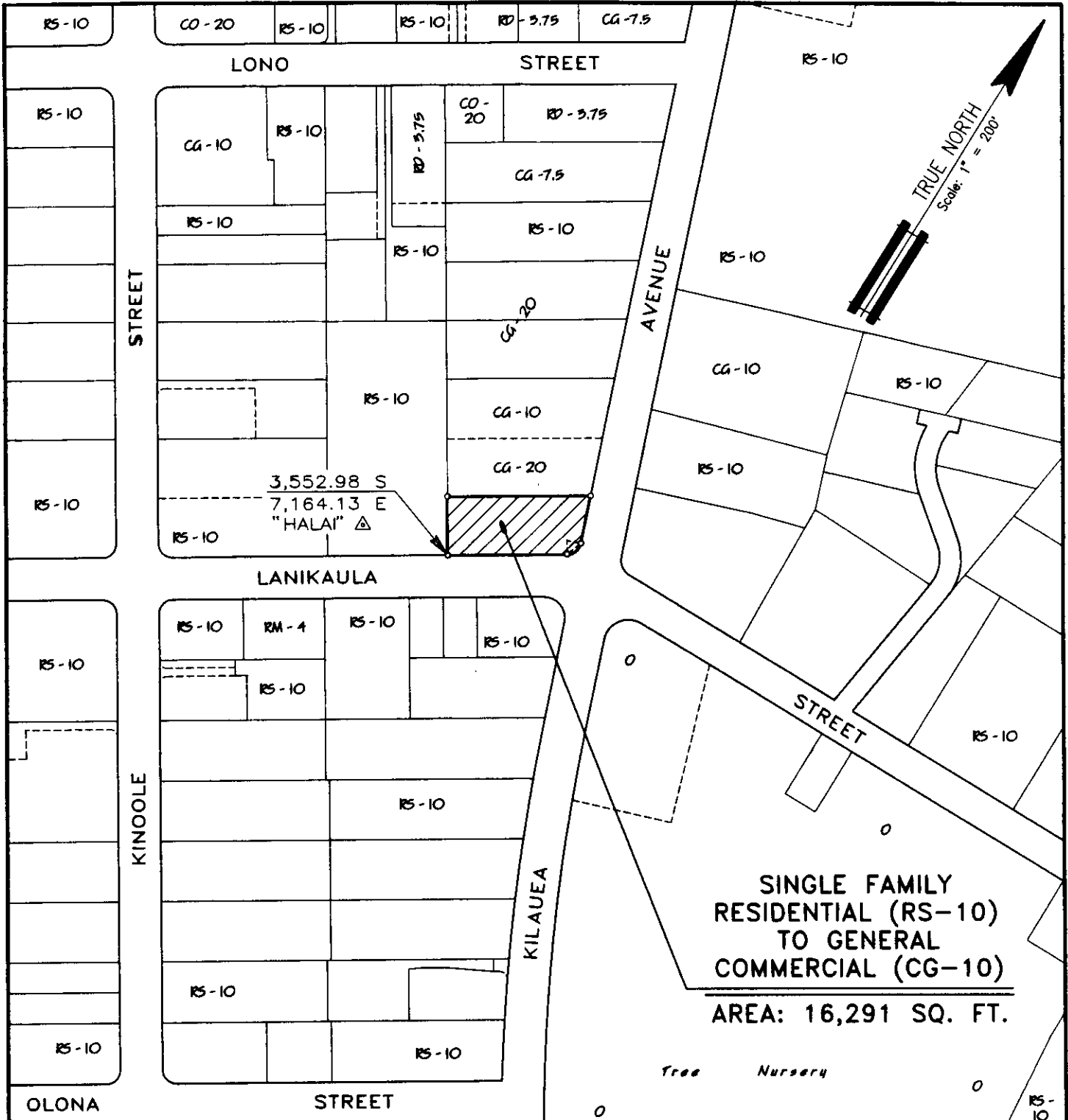
Hilo, Hawaii

Date of Introduction: June 3, 1996  
Date of 1st Reading: June 3, 1996  
Date of 2nd Reading: July 18, 1996  
Effective Date: July 26, 1996

APPROVED AS TO FORM AND LEGALITY

  
DEPUTY CORPORATION COUNSEL

DATED: 7/19/96



**SINGLE FAMILY  
RESIDENTIAL (RS-10)  
TO GENERAL  
COMMERCIAL (CG-10)  
AREA: 16,291 SQ. FT.**

# 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-10) TO GENERAL COMMERCIAL (CG-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

96 JUL 26 PM 2 51

Introduced By: Takashi Domingo  
 Date Introduced: June 3, 1996  
 First Reading: June 3, 1996  
 Published: N/A

REMARKS:  
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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

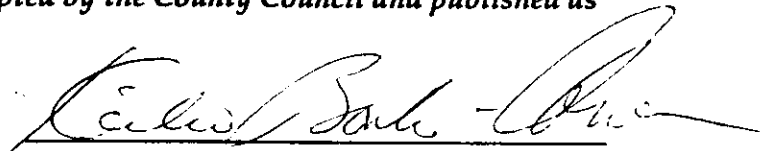
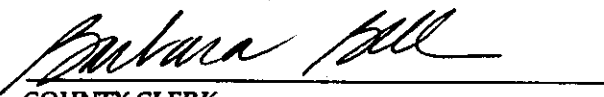
Second Reading: July 18, 1996  
 To Mayor: July 19, 1996  
 Returned: July 26, 1996  
 Effective: July 26, 1996  
 Published: August 2, 1996

REMARKS:  
06/19/96 - Referred back to Planning Committee  
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(DRAFT 3)

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

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

  
 COUNCIL CHAIRMAN  
  
 COUNTY CLERK

Approved/Disapproved this 26 day  
 of July, 1996

  
 MAYOR, COUNTY OF HAWAII

Bill No.: 269 (Draft 3)  
 Reference: C-1157/PC-120/PC-132  
 Ord. No.: 96 84