

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 363
(Draft 3)

ORDINANCE NO. 96 156

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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-39:66 AND 67.

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 Neighborhood Commercial (CN-10):

Beginning at the southwest corner of this parcel of land, also being the northeast corner of the intersection of Puainako Street and Kekela Street, the coordinates of said point of beginning and referred to Government Survey Triangulation Station "HALAI" being 7,777.06 feet south and 10,358.20 feet east and running by azimuths measured clockwise from true south:

1. 175° 40' 00" 302.62 feet along the east side of Kekela Street;
2. 265° 40' 00" 200.02 feet along the remainder of Grant 9507 to Joaquin Zacheus Jeremiah;
3. 355° 40' 00" 237.20 feet along the remainder of Grant 9507 to Joaquin Zacheus Jeremiah;

4. Thence along the north side of Puainako Street on a curve to the right with a radius of 1,223.74 feet, the chord azimuth and distance being:

67° 33' 14" 210.45 feet to the point of beginning and containing an area of 54,623 square feet. (Refer to 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, its successors or assigns 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 this ordinance.
- C. Final Consolidation Approval of the subject properties shall be secured from the Planning Director within one (1) year from the effective date of this ordinance.
- D. Construction of the proposed development and related improvements within the subject properties shall be completed within five (5) years from the effective date of this ordinance. This time period shall include the securing of Final Plan Approval from the Planning Director for the commercial development. Plans shall identify structures, fire protection measures, paved parking stalls and driveway and other improvements associated with the proposed uses. Plans shall include a 6-foot wide landscaping buffer along the northern property boundaries of the subject property and a 10-foot future road widening strip along Kekela Street fronting the subject properties.

- E. The 6-foot wide landscaping buffer along the entire northern property boundaries of the subject properties shall be in place in conjunction with any construction for any development on the subject properties, for the purposes of mitigating any potential adverse noise and visual impacts to adjoining parcels.
- F. Prior to issuance of a Certificate of Occupancy for any development within the subject properties, the applicant shall:
1. Construct a 42-foot wide pavement within a 60-foot wide right-of-way along Kekela Street, from the Puainako Street intersection to the northern boundary of the property designated as T.M.K. 2-2-39:69, and meeting with the requirements and approval of the Department of Public Works;
 2. Construct concrete curb, gutter and sidewalk improvements fronting the subject properties meeting with the requirements and approval of the Department of Public Works;
 3. Construct mid-block intersection and roadway improvements within the Puainako Street right-of-way between Kanoelehua Avenue and Kilauea Street meeting with the requirements and approval of the Department of Transportation-Highways Division;
 4. Provide an ingress access only from Kanoelehua Avenue to the subject properties meeting with the requirements and approval of the Department of Transportation-Highways Division.


- G. The 10-foot future road widening section of Kekela Street shall be improved, meeting with the approval of the Department of Public Works prior to issuance of a Certificate of Occupancy for any development on the subject properties. The 10-foot future road widening section fronting the subject properties including its improvements, and the 10-foot future road widening section fronting the property on the western side of Kekela Street, shall be subdivided and dedicated to the County of Hawaii within five (5) years from the effective date of this ordinance.
- H. Prior to the submittal of plans for Plan Approval review, the applicant shall submit for review and approval a revised Traffic Impact Analysis Report (TIAR) to the State Department of Transportation, Highways Division in order to ensure that the proposed improvements within Puainako Street will adequately mitigate traffic impacts of the development. The traffic study shall include analysis of the Kanoelehua Avenue and Kilauea Avenue intersections for operational problems which may affect the proposed intersection improvements. Prior to the issuance of the certificate of occupancy for any portion of the subject properties, the applicant shall be responsible for constructing and/or paying for its pro rata share of intersection improvements at the intersections of Kanoelehua Avenue/Puainako Street and Kilauea Street/Puainako Street subject to the traffic mitigation measures required by the Traffic Impact Analysis Report for the subject properties. The pro rata share determination and implementation shall be approved by the Planning Director in consultation with the State Department of Transportation, Highways Division and/or Department of Public Works.
- I. A Solid Waste Management Plan for the subject property shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plan approval to the Planning Director.

- J. Wastewater disposal shall meet with the requirements of the Department of Public Works.
- K. 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 Fee Ordinance.
- L. 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).
- M. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may 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:

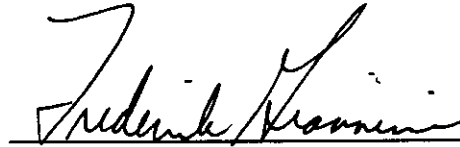


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: November 6, 1996
Date of 1st Reading: November 6, 1996
Date of 2nd Reading: November 21, 1996
Effective Date: December 5, 1996

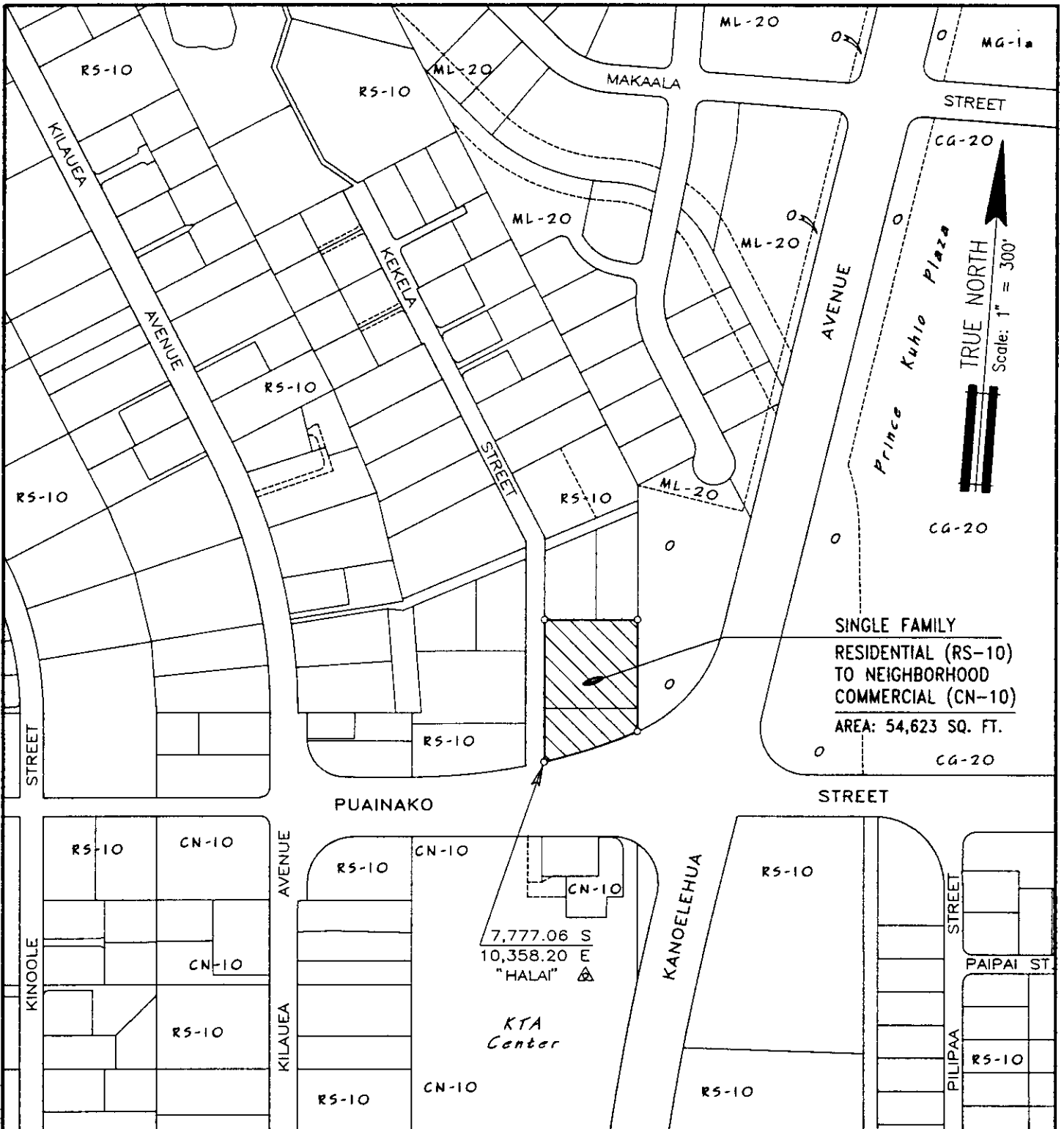
APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL

DEPUTY

DATED: 11/26/96



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 NEIGHBORHOOD COMMERCIAL (CN-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

86 DEC 5 PM 3 23

Introduced By: Takashi Domingo
 Date Introduced: November 6, 1996
 First Reading: November 6, 1996
 Published: N/A

REMARKS:
Referred back to PC - 11/06/96

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki		X		
Easley		X		
Childs	X			
De Lima	X			
Domingo		X		
Osorio	X			
Van De Car		X		
Ray	X			
Smith	X			
	5	4	0	0

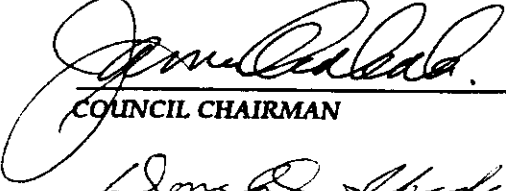
Second Reading: November 21, 1996
 To Mayor: November 25, 1996
 Returned: December 5, 1996
 Effective: December 5, 1996
 Published: December 13, 1996


REMARKS:

(DRAFT 3)

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Easley	X			
Childs	X			
De Lima	X			
Domingo	X			
Osorio	X			
Van De Car	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 5 day
 of December, 1996.



 MAYOR, COUNTY OF HAWAII

Bill No.: 363 (Draft 3)
 Reference: C-1440
 Ord. No.: 96 156