

COUNTY OF HAWAII      STATE OF HAWAII

BILL NO. 5  
(Draft 2)

ORDINANCE NO. 97 13

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-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-23:12.

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-20):

Beginning at the westerly corner of this parcel of land and on the northeasterly side of Kinoole Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2,706.52 feet South and 6,155.80 feet East and running by azimuths measured clockwise from True South:

1. Following along a curve to the right having a radius of 20.00 feet, the chord azimuth and distance being:  
193° 10'      28.28 feet;
2.    238° 10'                      150.00      feet along the southeast side of Kamana Street;
3.    328° 10'                      125.00      feet along Lot 10, Block 82 of Waiakea Houselots, 2nd Series;
4.    58° 10'                         170.00      feet along Lot 12, Block 82 of Waiakea Houselots, 2nd Series;

5. 148° 10' 105.00 feet along northeasterly side of Kinoole Street to the point of beginning and containing an area of 21,164 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 this ordinance.
- 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.
- D. Driveway access to the subject property from Kamana Street shall meet with the approval of the Department Public Works. No access shall be permitted from Kinoole Street. Kamana Street shall be provided along the entire frontage of the property, with the exception of access points, with commercial standard concrete curb, gutter and sidewalk along with pavement widening and transition, meeting

with the approval of the Department of Public Works, prior to the issuance of certificate of occupancy for the proposed commercial development.

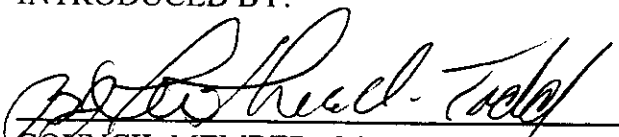
- E. The applicant shall comply with the County's Solid Waste Management Plan.
- F. Upon compliance with applicable conditions of approval, prior to the establishment of any new use or the opening of the proposed development, the applicant shall submit a final status report, in writing, to the Planning 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:

  
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COUNCIL MEMBER, COUNTY OF HAWAII

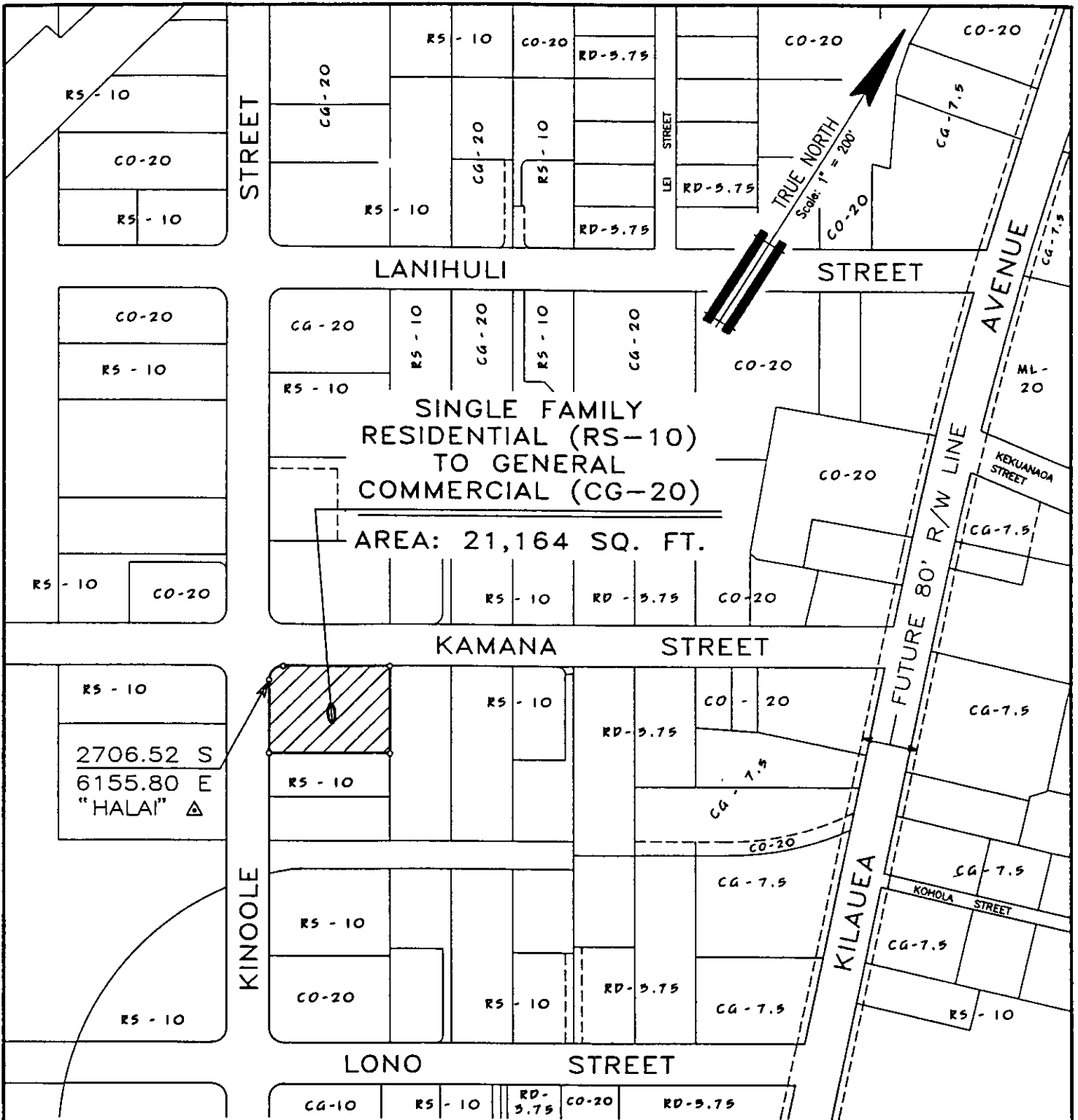
Hilo, Hawaii

Date of Introduction: January 22, 1997  
Date of 1st Reading: January 22, 1997  
Date of 2nd Reading: February 7, 1997  
Effective Date: February 20, 1997

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
DEPUTY CORPORATION COUNSEL

DATED: 2/10/97



SINGLE FAMILY  
RESIDENTIAL (RS-10)  
TO GENERAL  
COMMERCIAL (CG-20)  
AREA: 21,164 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-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

(DRAFT 2) RECEIVED

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: January 22, 1997  
 First Reading: January 22, 1997  
 Published: N/A

REMARKS:

'97 FEB 20 AM 10:21				
	AYES	NOES	ABS	EX
Arakaki				
Chung				
Leithead-Todd	X			
Ray	X			
Reynolds	X			
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

Second Reading: February 7, 1997  
 To Mayor: February 11, 1997  
 Returned: February 20, 1997  
 Effective: February 20, 1997  
 Published: February 28, 1997

REMARKS:

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Leithead-Todd	X			
Ray	X			
Reynolds			X	
Santangelo	X			
Smith	X			
Tyler	X			
Yagong	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:**

Freddie Manning  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date: 2/11/97

James DeLoach  
 COUNCIL CHAIRMAN

Donald Akaka  
 COUNTY CLERK

Approved/Disapproved this 20 day  
 of February, 19 97

Steph Yamashiro  
 MAYOR, COUNTY OF HAWAII

Bill No.: 5 (Draft 2)  
 Reference: C-26/PC-2  
 Ord. No.: 97 13