

COUNTY OF HAWAII

STATE OF HAWAII

BILL NO. 101
(Draft 2)

ORDINANCE NO. 97 105

AN ORDINANCE AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP), ARTICLE 8, 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 2-2-40:7.

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

SECTION 1. Section 25-8-33, Article 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 Waiakea, South Hilo, Hawaii, shall be Neighborhood Commercial (CN-10):

Beginning at the Southwest corner of this parcel of land, on the easterly side of Kilauea Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 9,007.47 feet South and 9,828.59 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 175° 40' | 360.00 | feet along the easterly side of Kilauea Avenue; |
| 2. | 265° 40' | 242.00 | feet along Lot 7 of Block 501 of Waiakea Homestead Houselots; |
| 3. | 355° 40' | 360.00 | feet along Lots 11 and 12 of Block 501 of Waiakea Homestead Houselots; |
| 4. | 85° 40' | 242.00 | feet along Lot 4 of Block 501 of Waiakea Homestead Houselots to the point of beginning and containing an area of 2.000 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 be responsible for complying with all of the stated conditions of approval.

- B. Final Consolidation Approval of the two lots within the subject property shall be secured from the Planning Director within one (1) year from the effective date of this ordinance.

- C. Construction of the proposed parking area and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. Prior to commencing construction, Final Plan Approval for the proposed parking area within the subject property shall be secured from the Planning Director. Plans shall identify paved and striped parking stalls and driveway, landscaping and maintenance plan, fire protection measures and other improvements associated with the proposed parking area. Plans shall include a 6-foot wide landscaping buffer along the western and southern boundaries of the subject property. Plans shall also delineate a 10-foot future road widening strip along the subject property's entire western boundary fronting Kilauea Avenue. Except for the Kilauea Avenue access point, the plans shall also delineate a no vehicular access planting screen easement along the subject property's entire western boundary fronting Kilauea Avenue.

- D. The 6-foot wide landscaping buffer along the western and southern boundaries of the subject property shall be in place upon completion of any construction for any development on the subject property, for the purposes of mitigating any potential adverse noise and visual impacts to adjoining parcels.

- E. Prior to commencing any construction or land alterations, the applicant, its successors or assigns shall be responsible to install the construction screen barriers for the purposes of mitigating any noise and dust impacts generated from the project.
- F. Access to the subject property from Kilauea Avenue shall be limited to the existing KTA Shopping Center 50-foot vehicular access right-of-way.
- G. Comply with all other applicable rules, regulations and requirements of the affected agencies for the proposed parking area development of the subject property.
- H. Upon compliance with applicable conditions of approval and 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.
- I. Prior to the establishment of any future new use or the issuance of a Certificate of Occupancy for any future development other than the proposed parking area on the subject property, the applicant, its successors, or assigns shall be responsible for the construction of any water system improvements meeting with the approval of the Department of Water Supply and for the construction of [the following] roadway improvements to commercial standards along the subject property's Kilauea Avenue frontage, meeting with the approval of the Department of Public Works. In addition, the applicant, its successors, or assigns shall be responsible to comply with other requirements as follows:
 - 1. Submit daily water usage calculations and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Policy."

2. Construct half-section roadway improvements on Kilauea Avenue's eastern side consisting of a 30-foot wide A.C. pavement with curb, gutter and sidewalk and drainage improvements within the 80-foot wide right-of-way meeting with the approval of the Department of Public Works.
3. The 10-foot future road widening section fronting the subject property along Kilauea Avenue and roadway improvements thereon shall be subdivided and dedicated to the County of Hawaii within five (5) years from the effective date of Final Plan Approval for any new use.
4. Street lights, signs and markings along Kilauea Avenue, if required, shall be installed meeting with the approval of the Department of Public Works.
5. A Solid Waste Management Plan shall be submitted for review and approval to the Department of Public Works in conjunction with the submittal of plans for Plan Approval for any new use.
6. Sewer line connections shall be installed meeting with the requirements of the Department of Public Works.
7. A Traffic Impact Analysis Report including all recommended improvements, if required, shall be prepared by a licensed professional traffic engineer and submitted for review and approval to the Department of Public Works prior to the submittal of plans for Plan Approval of the future new use. The applicant shall be responsible for any traffic mitigation measure required by the Traffic Impact Analysis Report for the development of the subject property.

- 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. 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).
- L. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject property 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

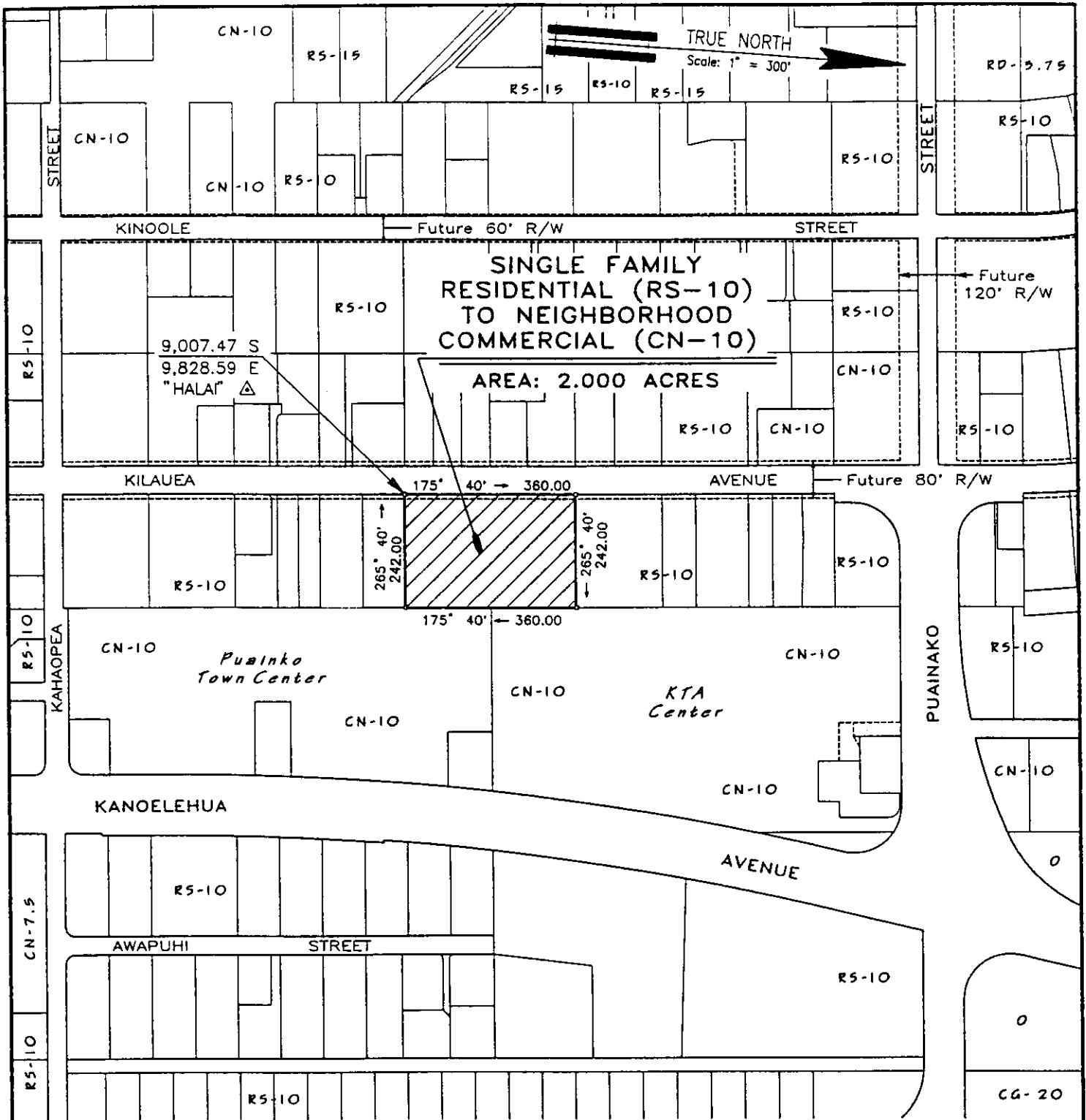
Date of Introduction: July 23, 1997
Date of 1st Reading: July 23, 1997
Date of 2nd Reading: August 6, 1997
Effective Date: August 13, 1997

APPROVED AS TO FORM AND LEGALITY



DEPUTY CORPORATION COUNSEL

DATED: 8/11/97



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-33 (CITY OF HILO ZONE MAP) ARTICLE 8, 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

(DRAFT 2)

97 105 10 PA 1 22

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

Introduced By: Bobby Jean Leithead-Todd
 Date Introduced: July 23, 1997
 First Reading: July 23, 1997
 Published: N/A

REMARKS:

Second Reading: August 6, 1997
 To Mayor: August 6, 1997
 Returned: August 13, 1997
 Effective: August 13, 1997
 Published: August 22, 1997

REMARKS:

(DRAFT 2)

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.

**APPROVED AS TO
FORM AND LEGALITY:**

Fredrick Heinlein
 DEPUTY CORPORATION COUNSEL
 COUNTY OF HAWAII

Date 8/11/97

Approved/Disapproved this 13 day
 of August, 19 97

John J. Amaki
 MAYOR, COUNTY OF HAWAII

James A. ...
 COUNCIL CHAIRMAN
Donald ...
 COUNTY CLERK

Bill No.: 101 (Draft 2)
 Reference: C-355/PC-66
 Ord. No.: 97 105