

COUNTY OF HAWAII      STATE OF HAWAII

BILL NO. 102  
(Draft 2)

ORDINANCE NO. 97 106

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 LIMITED INDUSTRIAL (ML-20) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-32:23, 101, 102, 103 AND 104.

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 Industrial - Commercial Mixed (MCX-20):

Beginning at the southwest corner of this parcel of land and on the east side of Kalanikoa Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,129.15 feet north and 10,633.00 feet east, and thence running by azimuths measured clockwise from true South:

- |    |          |        |                                                                                                                                                           |
|----|----------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 180° 00' | 495.76 | feet along the west side of Kalanikoa Street;                                                                                                             |
| 2. | 270° 00' | 298.00 | feet along Kuawa Street;                                                                                                                                  |
| 3. | 360° 00' | 495.76 | feet along the remainder of Grant 11,766, Parcel 2 to Amfac, Inc.;                                                                                        |
| 4. | 90° 00'  | 298.00 | feet along the remainder of Grant 11,766, Parcel 2 to Amfac, Inc., to the point of beginning and containing an area of 147,736 square feet, more or less. |

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof (herein after referred to as the "subject property").

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. The applicant shall submit daily water usage calculations and the required water commitment payment to the Department of Water Supply in accordance with its "Water Commitment Guidelines Policy" within ninety (90) days from the effective date of this change of zone ordinance.
- C. Construction of the proposed development and related improvements within the subject property shall be completed within five (5) years from the effective date of this ordinance. This time period shall include securing Final Plan Approval from the Planning Director for the industrial-commercial development within the subject property. Plans shall identify structures, fire protection measures, landscaping and maintenance plan, paved and striped parking stalls and driveway and other improvements associated with the proposed uses.
- D. Driveway access(es) to the subject property from Kalanikoa and Kuawa Streets shall meet with the approval of the Department of Public Works.
- E. The applicant shall construct the following roadway improvements to commercial and/or industrial standards along the subject property's Kalanikoa Street frontage and Kuawa Street frontage, meeting with the approval of the Department of Public Works:
  - 1. A half-section roadway improvements on the eastern side of Kalanikoa Street and south side of Kuawa Street consisting of a 21-foot wide A.C. pavement with concrete curb, gutter and sidewalk, and drainage improvements within the 60-foot wide right-of-way;

2. Improvements at the intersection of Kalanikoa and Kuawa Streets fronting the subject property. Said improvements shall include a minimum turning radius of 30 feet with curb, gutter and sidewalk improvements and A.C. pavement; and
3. If required by the Department of Public Works, installation of street lights, signs and traffic markings fronting the subject property.

Roadway improvements to Kalanikoa Street fronting the existing structure situated on TMK: 2-2-32:104 shall be completed within three (3) years from the effective date of this change of zone ordinance and dedicated to the County of Hawaii upon its completion. All of the required roadway improvements to Kalanikoa Street and Kuawa Street, including intersection improvements, shall be completed prior to issuance of a Certificate of Occupancy Permit for any new building on the subject property and dedicated to the County of Hawaii upon its completion, provided that such roadway improvements may be constructed with each related phase of development meeting with the approval of the Department of Public Works.

- F. A Traffic Impact Analysis Report for the subject property with all recommended improvements and a master plan for phased roadway improvements constructed with each related phase of the development, shall be prepared by a licensed professional traffic engineer and submitted for review and approval to the Department of Public Works prior to issuance of Final Plan Approval for any new structure on properties other than TMK: 2-2-32:104. The applicant shall be responsible for any traffic mitigation measure required by the Traffic Impact Analysis Report for each phased development of the subject property.

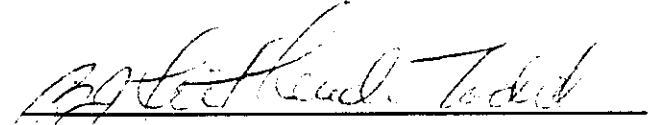
- G. In the lease or rental of any portion of the existing building, the applicant shall disclose to all present and future tenants that there are existing industrial uses proximate to the subject building that may produce possible odor, noises or other nuisances that could impact the tenant's use and enjoyment of the subject property.
  
- H. 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.
  
- I. Sewer line connections shall be installed meeting with the requirements of the Department of Public Works.
  
- J. 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.
  
- K. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.
  
- L. 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.
  
- M. 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).
- N. 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

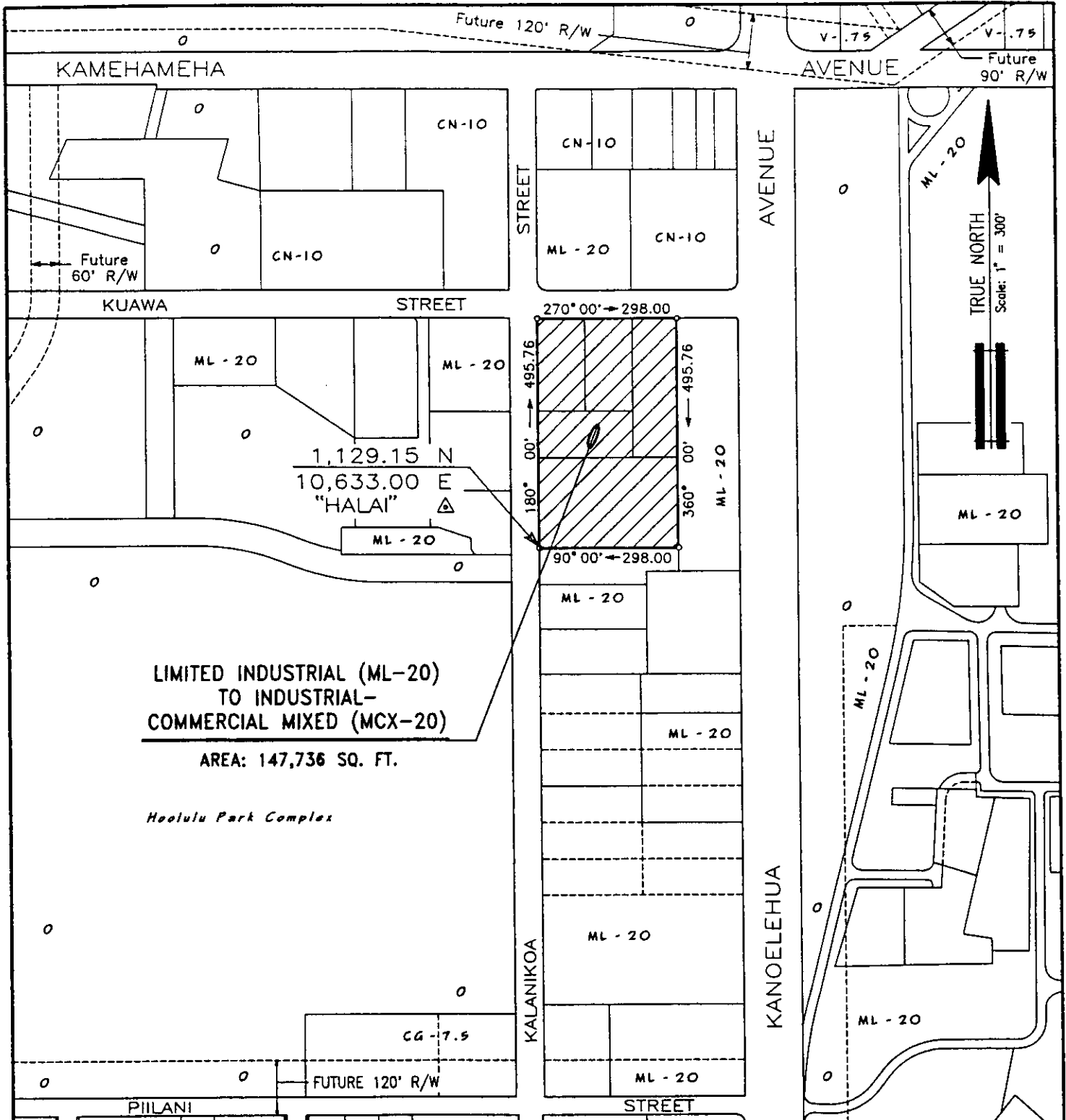
APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_

CORPORATION COUNSEL

**DEPUTY**

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 LIMITED INDUSTRIAL (ML-20) TO INDUSTRIAL-COMMERCIAL MIXED (MCX-20) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT  
COUNTY OF HAWAII

TMK : 2-2-32:23, 101, 102, 103, & 104

MAY 13, 1997

EXHIBIT A"

(KCOM CORPORATION)



OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

RESOLUTION

(DRAFT 2)

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

REMARKS:

'97 AUG 13 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

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

*Fredrick Manning*  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 8/14/97

Approved/Disapproved this 13 day  
 of August 19 97

*Steve Yamada*  
 MAYOR, COUNTY OF HAWAII

*James G. ...*  
 COUNCIL CHAIRMAN

*Donald ...*  
 COUNTY CLERK

Bill No.: 102 (Draft 2)  
 Reference: C-356/PC-67  
 Ord. No.: 97 106