

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 120  
(Draft 2)

ORDINANCE NO. 97 122

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 2-2-37:16.

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 northeast corner of this parcel of land, being also the southwest corner of the intersection of Kekuanaoa and Kalanikoa Avenues, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 1,803.00 feet South and 10,579.00 feet East and running by azimuths measured clockwise from True South:

- 1. 360° 00' 100.00 feet along the west side of Kalanikoa Avenue;
- 2. 90° 00' 129.00 feet along Lot D, Portion of Grant 11375 to Wallace S. and Tungert L. Chong (Being a portion of Lot 4, Block 29, Waiakea Houselots);
- 3. 180° 00' 100.00 feet along the remainder of Grant 10692 to Tsutou Ebisu;
- 4. 270° 00' 129.00 feet along the south side of Kekuanaoa Avenue to the point of beginning and containing an area of 12,900 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, 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 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. Plans shall also indicate a 10-foot future road widening strip along the subject property's Kekuaaoa Avenue frontage.
- D. Driveway access(es) to the subject property from Kekuaaoa Avenue and Kalanikoa Street shall meet with the approval of the Department of Public Works.
- E. The applicant shall construct the following roadway improvements along the subject property's Kekuaaoa Avenue frontage and Kalanikoa Street frontage, meeting with the approval of the Department of Public Works:

1. A half-section roadway improvements on the southern side of Kekuaanoa Avenue 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. A half-section roadway improvements on the west side of Kalanikoa Street consisting of a 16-foot wide A.C. pavement with concrete curb, gutter and sidewalk, and drainage improvements within the 50-foot wide right-of-way;
3. Improvements at the intersection of Kekuaanoa Avenue and Kalanikoa Street fronting the subject property. Said improvements shall include a minimum turning radius of 20 feet with curb, gutter and sidewalk improvements and A.C. pavement;
4. If required by the Department of Public Works, installation of street lights, signs and traffic markings fronting the subject property; and
5. No parking signs along Kekuaanoa Avenue and Kalanikoa Street fronting the subject property shall be installed prior to the issuance of a Certificate of Occupancy Permit.

All of the roadway improvements to Kekuaanoa Avenue and Kalanikoa Street, including intersection improvements, shall be completed within five (5) years from the effective date of the change of zone ordinance or in conjunction with the County's road widening improvements, whichever occurs first.

- F. Traffic egress from the subject property shall be limited to right-turn only onto Kekuaanoa Avenue.

- G. The 10-foot future road widening section fronting the subject property along Kekuaanoa Avenue and roadway improvements thereon shall be subdivided and dedicated to the County of Hawaii upon its completion.
- 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 [area within 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.

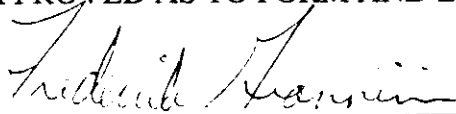
INTRODUCED BY:

  
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COUNCIL MEMBER, COUNTY OF HAWAII

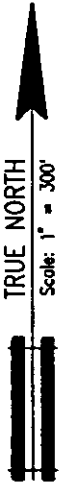
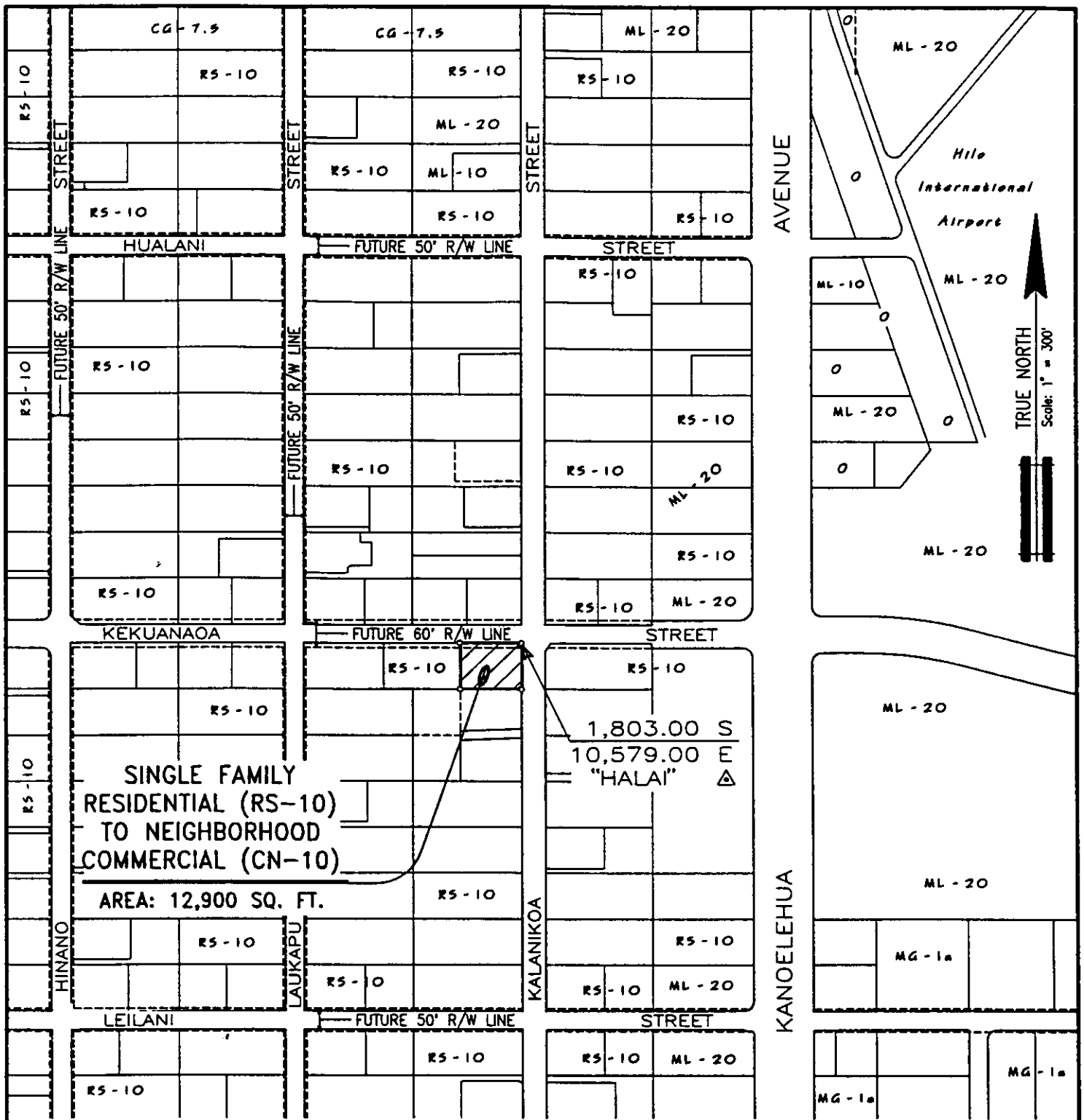
Hilo, Hawaii

Date of Introduction: August 20, 1997  
Date of 1st Reading: August 20, 1997  
Date of 2nd Reading: September 3, 1997  
Effective Date: September 12, 1997

APPROVED AS TO FORM AND LEGALITY

  
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DEPUTY CORPORATION COUNSEL

DATED: 9/10/97



# 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

RECEIVED

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(DRAFT 2)

Introduced By: Bobby Jean Leithead-Todd  
 Date Introduced: August 20, 1997  
 First Reading: August 20, 1997  
 Published: N/A

REMARKS:  
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COUNTY OF HAWAII 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			
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Second Reading: September 3, 1997  
 To Mayor: September 9, 1997  
 Returned: September 15, 1997  
 Effective: September 12, 1997  
 Published: September 23, 1997

REMARKS:  
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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			
	9	0	0	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:**

*Frederick Hanania*  
 DEPUTY CORPORATION COUNSEL  
 COUNTY OF HAWAII

Date 9/10/97

Approved/Disapproved this 12 day  
 of September, 19 97.

*Joseph B. Ganim*  
 MAYOR, COUNTY OF HAWAII

*Donald A. Iwata*  
 COUNCIL CHAIRMAN  
*Donald A. Iwata*  
 COUNTY CLERK

Bill No.: 120 (Draft 2)  
 Reference: C-412/PC-75  
 Ord. No.: 97 122