

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 260

ORDINANCE NO. 98 81

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 DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-10) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-21:18.

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 General Commercial (CG-10):

Beginning at the east corner of this parcel of land at the east corner of the intersection of Mohouli Street and Lei Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI", being 1,473.70 feet South and 6,062.70 feet East, thence running by azimuths measured clockwise from true South:

- 1. 239° 00' 113.85 feet along Mohouli Street;
- 2. 328° 10' 110.00 feet along Grant 8621;
- 3. 59° 00' 113.85 feet along the remainder of Grant 9570 to Manuel J. De Gouveia and Grant 9128 to Mrs. Libona Wallace (Lot K);
- 4. 148° 10' 110.00 feet along Lei Street to the point of beginning and containing an area of 12,520 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 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. Final Consolidation Approval of the two lots shall be secured prior to Final Plan Approval.
- D. 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.
- E. An overall landscaping master plan shall be submitted to the Planning Director for review and approval prior to the issuance of Final Plan Approval.
- F. Driveway access to the subject property shall be limited to the southeast portion of the property corner along Lei Street, meeting with the approval of the Department of Public Works.

- G. Prior to the issuance of a Certificate of Occupancy for any development on the subject property, the applicant shall provide improvements to the frontage along Mohouli Street and Lei Street consisting of, but not limited to, a reconstructed concrete curb and full width sidewalk, meeting with the approval of the Department of Public Works, and install street lights, signs and markings, if required, on Lei Street meeting with the approval of the Department of Public Works.
- 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 Final Plan Approval.
- I. Sewer line connections to the County sewer system 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 Fee 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.

OFFICE OF THE COUNTY CLERK

County of Hawaii

Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd (B/R)
 Date Introduced: July 1, 1998
 First Reading: July 1, 1998
 Published: N/A

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

Second Reading: July 15, 1998
 To Mayor: July 20, 1998
 Returned: July 24, 1998
 Effective: July 24, 1998
 Published: August 2, 1998

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	
	7	0	2	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council and published as indicated above.

NAME AND RESIDENCY:

Bobby Jean Leithead-Todd
 DEPUTY CLERK OF COUNTY COUNCIL
 COUNTY OF HAWAII

7/21/98

Approved/Disapproved this 24 day
 of July 1998

John A. O'Connell
 MAYOR, COUNTY OF HAWAII

William J. Loo

COUNCIL CHAIRMAN

Donald Akaka
 COUNTY CLERK

Bill No.: 260
 Reference: C-878/PC-128
 Ord. No.: 98 81