

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 167

ORDINANCE NO. 99 158

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-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-25:24.

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-20):

Beginning at the west corner of this parcel of land, on the southeasterly side of Lanikaula Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,976.92 feet South and 6,594.90 feet East, thence running by azimuths measured clockwise from True South:

1. 238° 10' 217.00 feet along the southeasterly side of Lanikaula Street;
2. Thence along the south corner of the intersection of Lanikaula Street and Kinoole Street, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: 283° 10' 28.28 feet;
3. 328° 10' 153.40 feet along the southwesterly side of Kinoole Street;
4. 58° 10' 237.00 feet along Grant 9391;
5. 148° 10' 173.40 feet along 30-ft. Railroad Right-of-Way (abandoned) to the point of beginning and containing an area of 41,010 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 anticipated maximum daily water usage calculation 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 date of Final Plan Approval.
- 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 in accordance with the Zoning Code Sections 25-2-72 and 25-5-117 and the Planning Department's Rule 17 (Landscaping Requirements) 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 include landscaping along property boundaries for the purpose of mitigating any potential adverse noise and visual impacts to surrounding properties.
- D. Prior to the issuance of the Certificate of Occupancy, driveway access to the Lanikaula/Kinoole Street intersection and the proposed driveways shall meet with the approval of the Department of Public Works. Channelization improvements, street lights, signs and markings shall be installed, if required,

on Kinoole Street and Lanikaula Street meeting with the approval of the Department of Public Works, provided that such requirements shall apply only to new commercial structures and not the use of the existing dwelling structure on the property.

- E. Prior to the issuance of a Certificate of Occupancy for any new commercial structure on the subject property, the applicant shall provide improvements to the frontage of the subject property along Kinoole Street and Lanikaula Street consisting of, but not limited to, commercial standard sidewalks (sidewalks with no planter strips) along the entire frontage of the subject property, meeting with the approval of the Department of Public Works. Sidewalks and an accessible wheelchair ramp at the corner of Kinoole Street and Lanikaula Street shall be provided, as required, and meet with the approval of the Commission on Persons with Disabilities and the Department of Public Works, provided that such improvements shall be applicable only to the new commercial structures and not the use of the existing dwelling structure on the property.
- F. 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.
- G. Sewer line connections to the County sewer system shall be installed meeting with the requirements of the Department of Public Works.
- H. Prior to the issuance of a Certificate of Occupancy for the proposed development, the applicant shall submit a final written report to the Planning Director stating that all conditions have been met.

- I. Comply with all other applicable rules, regulations and requirements of the affected agencies for the development of the subject property.

- J. 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.

- 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. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, 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:



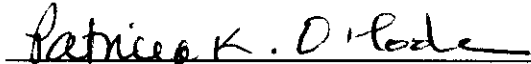
COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawaii

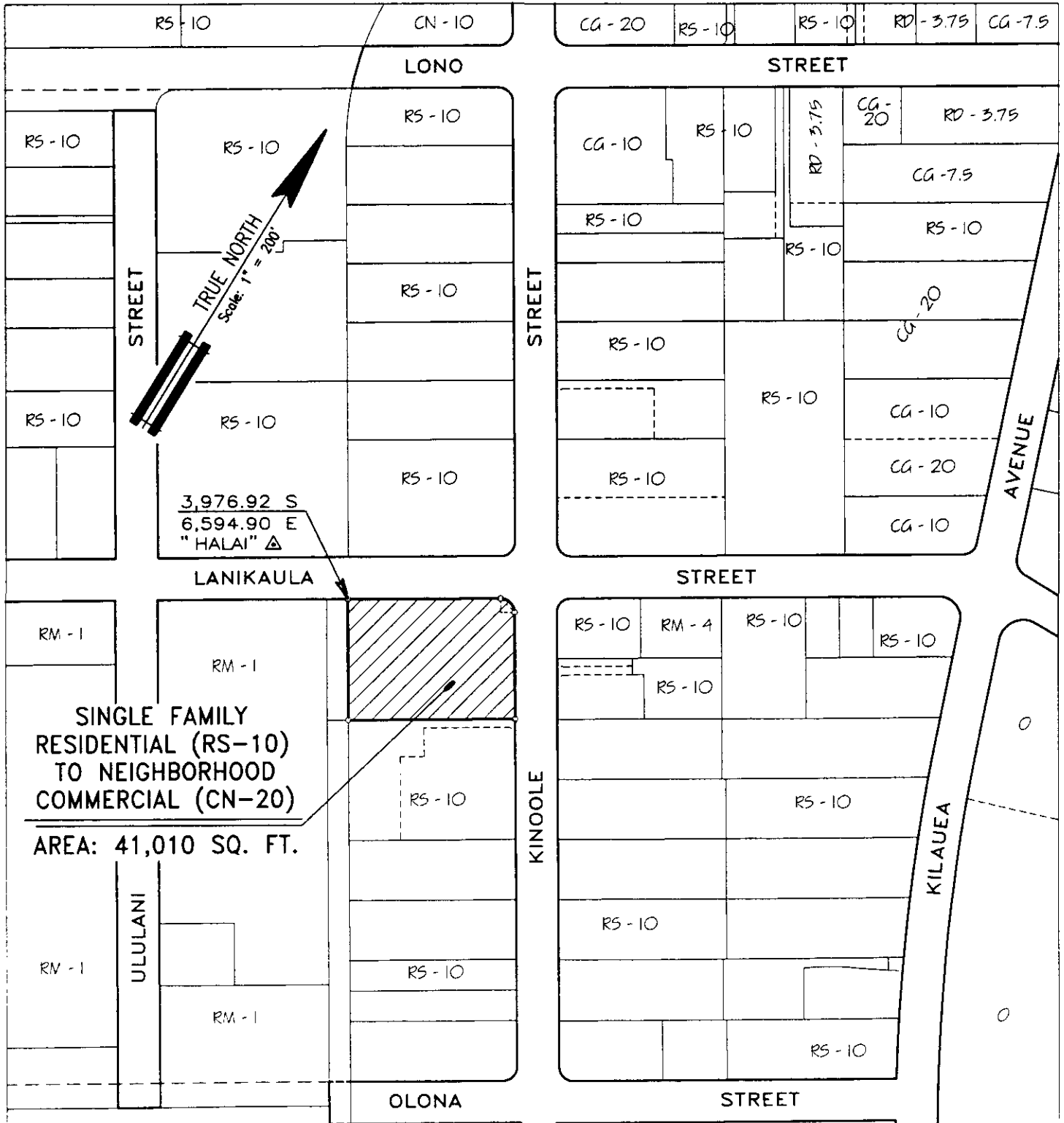
Date of Introduction: November 17, 1999
Date of 1st Reading: November 17, 1999
Date of 2nd Reading: December 1, 1999
Effective Date: December 10, 1999

REFERENCE: Comm. 375.006

APPROVED AS TO FORM AND LEGALITY



CORPORATION COUNSEL
DATED: _____



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-20) AT WAIKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII

OFFICE OF THE COUNTY CLERK
County of Hawaii
Hilo, Hawaii

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: November 17, 1999
First Reading: November 17, 1999
Published: N/A

REMARKS: _____

Second Reading: December 1, 1999
To Mayor: December 6, 1999
Returned: December 10, 1999
Effective: December 10, 1999
Published: December 20, 1999

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	X			
Smith	X			
Tyler	X			
Yagong	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Chung	X			
Elarionoff	X			
Jacobson	X			
Leithead-Todd	X			
Pisicchio	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 published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

Patricia K. O'Hara
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date DEC 7 1999

Janice A. ...
COUNCIL CHAIRMAN
[Signature]
COUNTY CLERK

Approved/Disapproved this 10 day
of December, 1999

Stephen Yamashiro
MAYOR, COUNTY OF HAWAII

Bill No.: 167
Reference: C-375.006
Ord. No.: 99 158