

COUNTY OF HAWAII STATE OF HAWAII



BILL NO. 49

ORDINANCE NO. 01 57

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 2-2-40:3.

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, at the Northeast corner of the intersection of Kilauea Avenue and Kahaopea Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 9,725.4 feet South and 9,883.0 feet East, thence running by azimuths measured clockwise from True South:

- 1. 175° 40' 180.00 feet along the easterly side of Kilauea Avenue;
- 2. 265° 40' 242.00 feet along Lot 2, Block 501 of the Waiakea Homestead House Lots;
- 3. 355° 40' 180.00 feet along land identified as Tax Map Key 2-2-40:6 and a jog in the northerly side of Kahaopea Street;
- 4. 85° 40' 242.00 feet along the northerly side of Kahaopea Street to the point of beginning and containing an Area of 1.000 Acre.

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. Construction of the proposed parking area and related improvements shall commence within two (2) years of the effective date of this ordinance.
- C. Prior to commencing construction, Final Plan Approval shall be secured 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 parking area within the subject property. Plans shall identify paved and striped parking stalls and driveways, landscaping and maintenance plan, fire protection measures and other improvements associated with the proposed use. Plans shall also delineate a 10-foot future road widening strip along the subject property's entire boundary fronting Kilauea Avenue and Kahaopea Street.
- D. 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.
- E. Construction of the proposed parking area shall be completed within five (5) years from the effective date of this ordinance.

- F. Access to the subject property from Kilauea Avenue and Kahaopea Street shall be limited to the extreme limits of the subject property, away from the Kilauea Avenue/Kahaopea Street intersection, and meeting with the approval of the Department of Public Works. In addition, as required by the Department of Public Works, no left turns will be allowed into the subject property from Kahaopea Street. All driveway connections to the county roads shall conform to Chapter 22, Streets and Sidewalks of the Hawaii County Code.
- G. Prior to occupancy, the applicant shall provide curb, gutter and sidewalk improvements along Kahaopea Street and Kilauea Avenue as follows:
1. Construct asphalt concrete pavement widening with concrete curb, gutter, and sidewalk improvements along Kahaopea Street from the existing sidewalk of the Puainako Town Center to the Kilauea Avenue/Kahaopea Street intersection. Sidewalk improvements shall be constructed within the extension of the 10-foot road widening.
 2. Construct asphalt concrete pavement widening with concrete curb, gutter, and sidewalk improvements at the Kilauea Avenue/Kahaopea Street intersection. Sidewalk improvements shall be within a 20-foot curve radius road widening.
 3. As necessary, all utilities must be relocated and all sidewalk improvements shall conform to current ADA standards. All improvements shall be dedicated to the County.

- H. Adjustments to the signs and markings along Kahaopea Street and Kilauea Avenue may be necessary. The applicant shall provide all these improvements, including crosswalks, if warranted, meeting with the approval of the Department of Public Works, Traffic Division.
- I. The applicant shall provide adjustments to the existing Puainako Town Center driveway and service vehicle entrance meeting with the approval of the Department of Public Works. Adjustments may consist of, but not be limited to, driveway widening and sidewalk ADA ramp conformance.
- J. The applicant shall provide drainage improvements meeting with the approval of the Department of Public Works.
- K. The three existing service laterals shall be cut and plugged at the main and a new 1 ¼-inch Type "A" service lateral with a 1-inch meter with three units of water shall be installed as required by the Department of Water Supply. A backflow preventer (reduced pressure type) shall be installed on the applicant's property just after the meter. Construction drawings prepared by an engineer, licensed to practice in the State of Hawaii, shall be submitted to the Water Department for their review and approval. In addition, a master landscape water meter agreement must be submitted to and approved by the Water Board.
- L. Prior to the establishment of any use other than the proposed parking area on the subject property, the applicant, its successors, or assigns shall be responsible for the construction of 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 for complying with the requirements as follows:

1. Wastewater disposal shall meet the rules and regulations of the Department of Public Works, Wastewater Division.
 2. Solid waste management shall conform to the rules and regulations of the Department of Public Works, Solid Waste Division.
 3. The applicant shall improve Kilauea Avenue along the entire frontage consisting of, but not limited to, pavement widening with concrete curb, gutter and sidewalk. The applicant shall also provide improvements within the 10-foot future road widening setback and dedicate it to the County. Relocate all utilities as necessary. All sidewalk improvements shall conform to current ADA standards. The applicant shall install street lights, signs and markings meeting with the approval of the Department of Public Works.
- M. Comply with all applicable rules, regulations and requirements of the affected agencies for approval of the proposed development.
- N. Upon compliance with applicable conditions of approval and prior to the opening of the proposed development or the establishment of any new use, the applicant shall submit a final status report, in writing, to the Planning Director
- O. 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.

P. An initial extension of time for the performance of conditions within the ordinance may be granted by the Planning Director upon the following circumstances:

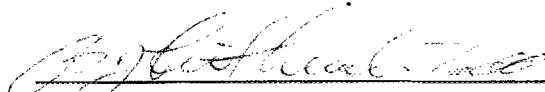
1. Non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicants, successors or assigns, and that are not the result of their fault or negligence.
2. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
3. 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).
5. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the County Council for appropriate action.

Q. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the subject area 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

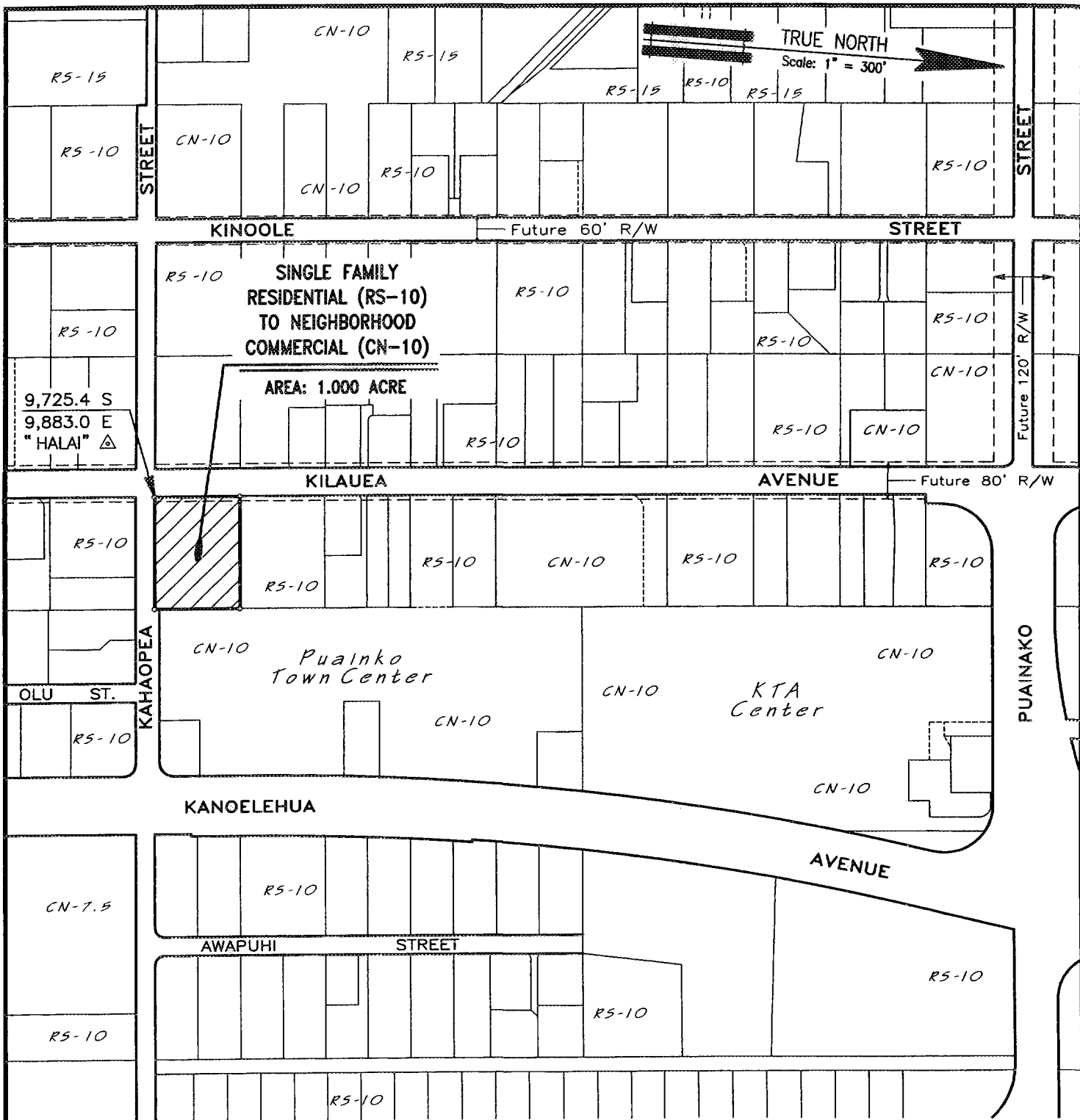
Hilo, Hawaii

Date of Introduction: May 16, 2001
Date of 1st Reading: May 16, 2001
Date of 2nd Reading: June 6, 2001
Effective Date: June 15, 2001
~~REFERENCE:~~ Comm. 184

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-10) AT WAIAKEA, SOUTH HILO, HAWAII.

PREPARED BY : PLANNING DEPARTMENT
COUNTY OF HAWAII



OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: Bobby Jean Leithead-Todd
Date Introduced: May 16, 2001
First Reading: May 16, 2001
Published: N/A

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

Second Reading: June 6, 2001
To Mayor: June 7, 2001
Returned: June 15, 2001
Effective: June 15, 2001
Published: June 24, 2001

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			
	7	0	2	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:

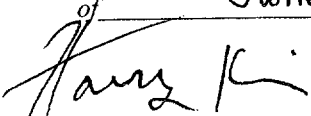

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date 6/12/01


COUNCIL CHAIRMAN

COUNTY CLERK

Approved Disapproved this 15th day

of June, 2001


MAYOR, COUNTY OF HAWAII

Bill No.: 49
Reference: C-184/PC-21
Ord. No.: 01 57