

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 170

AN ORDINANCE AMENDING SECTION 7.03, THE SOUTH KONA ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:18 & 20.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Section 7.03 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.03 (s). The district classification of the following area situated at Kealakekua, South Kona, Hawaii, shall be Village Commercial (CV-10):

Beginning at a pipe in concrete at the northwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "PUU OHAU" being 8,031.22 feet South and 14,389.95 feet East, and thence running by azimuths measured clockwise from true South:

1. 297° 51' 39.16 feet along the southwesterly side of Hawaii Belt Road, to a nail in pavement;
Thence along the southwesterly side of Hawaii Belt Road on a 1885.08 feet radius curve to the right, the chord azimuth and distance being:
2. 299° 47' 15" 127.47 feet to a "+" cut on concrete sidewalk;
3. 301° 43' 30" 97.53 feet along the southwesterly side of Hawaii Belt Road, to a pipe in concrete;
4. 31° 43' 30" 150.00 feet along Lots 32A and 33A, along remainder of R. P. 3607 and 7533, L. C. Aw. 8452:9 to A. Keohokalole, to a pipe in concrete;
5. 121° 43' 30" 187.26 feet along Lots 33A and 28A, along remainder of R. P. 3607 and 7533, L. C. Aw. 8452:9 to A. Keohokalole, to a pipe in concrete;
6. 210° 13' 8.58 feet along Lot 28A, along remainder of R. P. 3607 and 7533, L. C. Aw. 8452:9 to A. Keohokalole, to a pipe;

7. 120° 15' 30" 101.24 feet along Lot 28A, along remainder of R. P. 3607 and 7533, L. C. Aw. 8452:9 to A. Keohokalole, to a pipe;
8. 221° 56' 139.28 feet along Lot 2, along remainder of R. P. 3607 and 7533, L. C. Aw. 8452:9 to A. Keohokalole, to the point of beginning and containing an area of 0.925 Acre.

"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions (A) that prior to construction, the applicant shall submit the plans to the Hawaii Register of Historical Places for review; (B) that construction of the proposed improvements and renovations under Phase I commence within one (1) year from the date of approval of the change of zone and be completed within two (2) years thereafter; (C) that all applicable rules and regulations, including the "Plan Approval" process, be complied with; and (D) that a copy of the lease agreement between the applicant and Kealakekua Ranch, Ltd., for property identified as tax map key 8-2-02:20 be submitted to the Planning Department. Should any of the foregoing conditions not be met, rezoning of the property to its former zoning designation shall be initiated.

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:

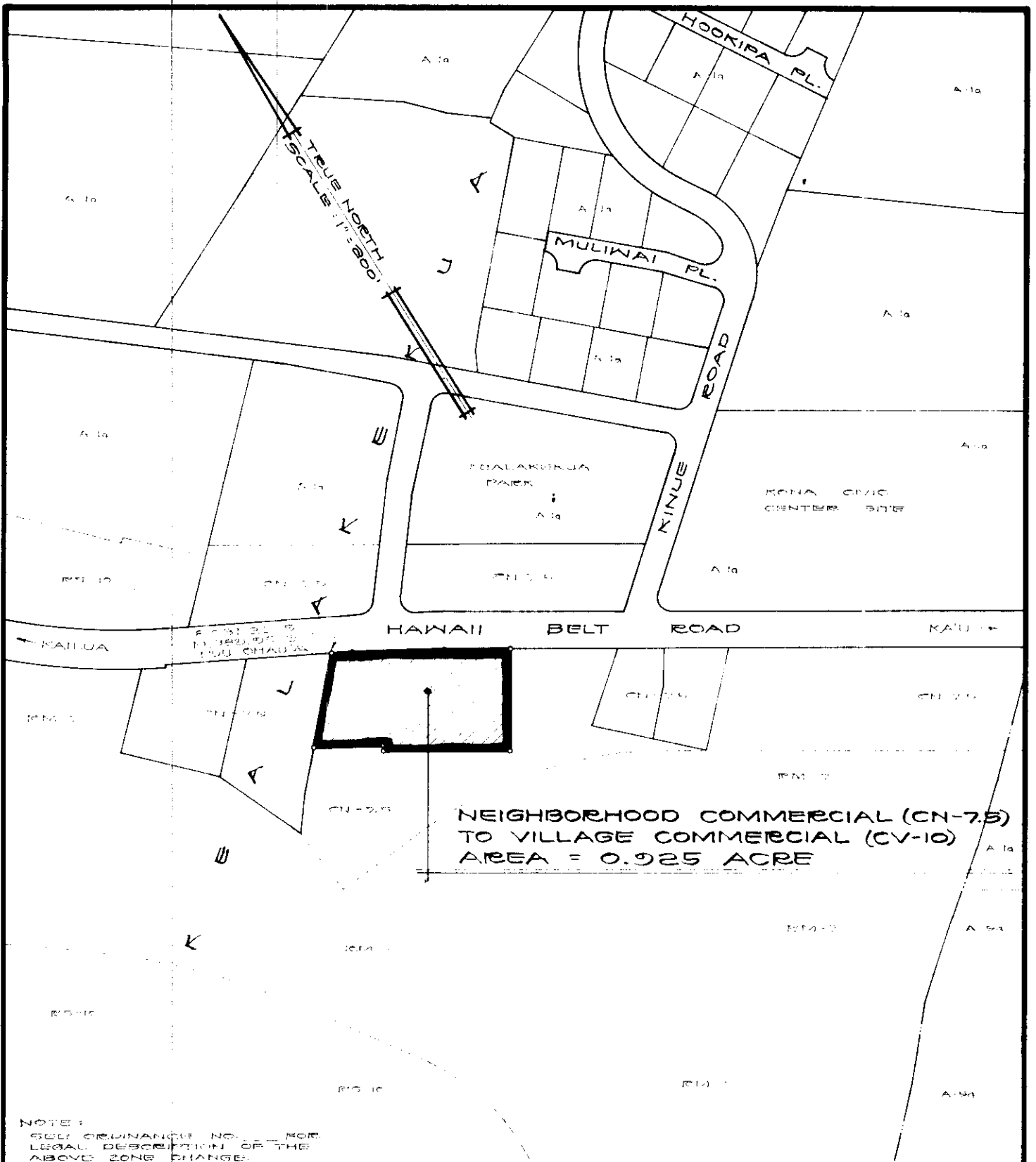

COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: October 23, 1975

Date of Adoption: November 5, 1975

Effective Date: November 13, 1975



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. _____ OF CHAPTER 8 (ZONING CODE),
ARTICLE 2, SECTION 7.03, THE SOUTH KONA ZONE
MAP, CHANGING THE DISTRICT CLASSIFICATION FROM
NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE
COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH
KONA, HAWAII.

DATE OF PUBLIC HEARING: JULY 31, 1975
DATE OF APPROVAL: _____
ORDINANCE NO. _____
PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII



NOTE:
 SEE ORDINANCE NO. 187 FOR
 LEGAL DESCRIPTION OF THE
 ABOVE ZONE CHANGE

AMENDMENT TO THE ZONING CODE

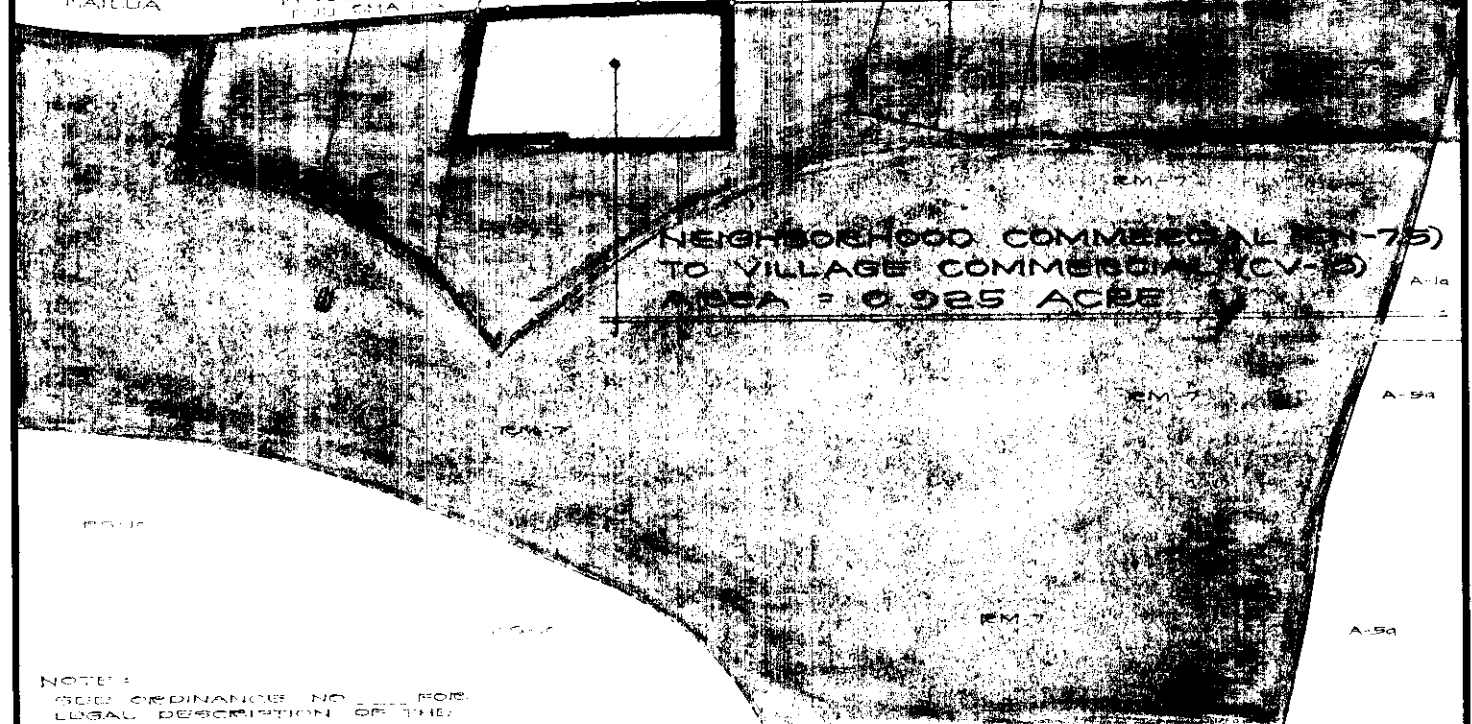
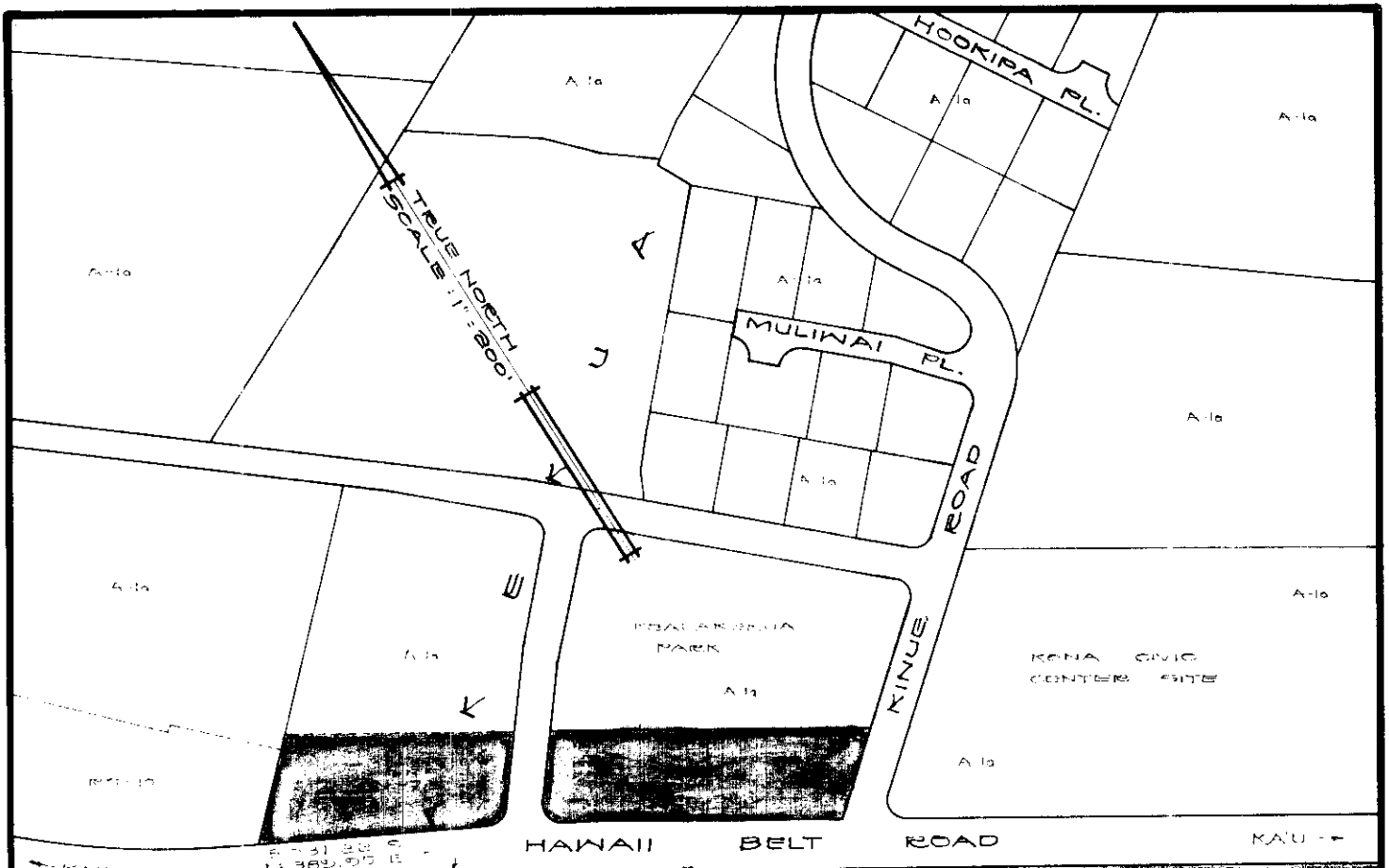
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 KONA, HAWAII.

DATE OF PUBLIC HEARING: JULY 31, 1975
 DATE OF APPROVAL:
 ORDINANCE NO.
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 8-2-02: 18 & 20

AUG. 25, 1975

EXHIBIT "A"



NOTE:
SEE ORDINANCE NO. _____ FOR
LEGAL DESCRIPTION OF THE
ABOVE ZONING CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. _____ OF CHAPTER 8 (ZONING CODE),
ARTICLE 2, SECTION 7.03, THE SOUTH KONA ZONE
MAP, CHANGING THE DISTRICT CLASSIFICATION FROM
NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE
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KONA, HAWAII.

DATE OF PUBLIC HEARING: JULY 31, 1975

DATE OF APPROVAL:

ORDINANCE NO.

PREPARED BY: PLANNING DEPARTMENT
COUNTY OF HAWAII

TMK: 8-2-02: 18 & 20

AUG. 25, 1975

EXHIBIT "A"

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: McAuliffe, Oka & Assoc., Inc.

APPLICANT'S SIGNATURE: *Shigeo Oka*

ADDRESS: Makai Mezzanine, Alexander Young Building
Honolulu, Hawaii 96813

TELEPHONE: 531-5391

REQUEST FROM: Commercial Neighborhood (CN)-15 TO: Village-Commercial (CV)-10

TAX MAP KEY: 8-2-02:18400 AREA OF PROPERTY: 40,420 sq. ft.
(size of parcel)

OWNER: Harold Manago, P. O. Box 145, Captain Cook, Hawaii 96704

OWNER'S SIGNATURE: *Harold H. Manago*

APPLICANT'S INTEREST, IF NOT OWNER: Architect/Planner
(If lessee, must be for at least another 5 years from date of application)

APPLICANT'S REASONS FOR REQUESTING A CHANGE OF ZONE *(Please attach)*

1. Please explain how the requested change of zone would be consistent with the goals, policies, and courses of action *(if applicable)* of the General Plan document. Also, please indicate specifically which goals, policies, and courses of action are involved. *(Copies of the General Plan document are available at public libraries and at the Hawaii County Planning Department.)*
2. Please state any other reasons for your request.

THIS APPLICATION MUST BE ACCOMPANIED BY:

- (1) 16 copies of the completed application form.
- (2) 16 copies of a location map.
- (3) 16 copies of a site plan with existing and proposed uses (e.g., structures, topography, proposed subdivision).
- (4) 1 copy of appropriate questionnaire.
- (5) any additional information.
- (6) \$100.00 processing fee.

FOR OFFICIAL USE:

Date Received _____
Director's Action _____
Prelim. Hearing _____
Public Hearing _____
To Council _____

Petitioner's reason(s) for requesting a change of zone:

The Manago Hotel has been serving this community since 1925. The General plan was established recently and within this present zoning, the hotel is in a non-conforming use and is allowed to exist under certain conditions. Any future plans for renovation and additions to existing facilities to provide better accommodations are restricted beyond that which falls under the preview of the variance provisions, accordingly, to update and renovate this existing facility, a change in zoning is necessary.

MANAGO HOTEL

P. O. Box 145
Captain Cook, Hawaii

RECEIVED
MAR 1 1975
By _____

February 28, 1975

McAuliffe, Oka & Associates, Inc.
Makai Mezzanine
Alexander Young Building
Honolulu, Hawaii 96813

Letter of Authorization

That I, Harold H. Manago, do hereby appoint McAuliffe, Oka & Associates, Inc. to act as my agent concerning The Manago Hotel located in Kealakekua, Captain Cook, Kona, Hawaii, for submission of Application for Change of Zone with the Planning Department, County of Hawaii, further, to act for me and in my name, place and stead, concerning all matters pertaining to a change in zone for Manago Hotel.

McAuliffe, Oka & Associates, Inc. is authorized to request a change in classification from the present Commercial Neighborhood (CN) district into Village-Commercial and related actions necessary to effect said authorization for a zone change.

Signed,

Harold H. Manago

Harold H. Manago
Owner, Manago Hotel

Witness: *Kenneth Omori*

Witness: *Harue Kimoto*

Date: MAR 4 1975

CHANGE OF ZONE: HAROLD H. MANAGO

An application for a change of zone from Neighborhood Commercial - 7,500 square feet (CN-7.5) to Village Commercial - 10,000 square feet (CV-10) has been submitted by Harold H. Manago. The area under consideration includes the site of the present Manago Hotel and an adjacent parcel to the north in Kealakekua, South Kona (TMK: 8-2-02:18 and 20). More specifically, the subject properties have a total area of 40,420+ square feet and front the Hawaii Belt Road across from Yano Memorial Center.

Under the Neighborhood Commercial zoning designation, hotels are not a permitted use. The present Manago Hotel is thus a non-conforming use as it ~~was~~ ^{has been} in existence since 1925. In a Village Commercial zone, however, hotels may be allowed when the use and design conform to the character of the area, the district regulations, and are approved by the Planning Director.

The purpose of the subject request from a Neighborhood Commercial to a Village Commercial zone is to allow the renovation and expansion of Manago Hotel. The renovations and expansion as proposed by the applicant are of a scale which would not be allowable under the non-conforming provisions of the Zoning Code. In support of the subject request, the applicant has stated the following:

"The Manago Hotel has been serving this community since 1925. The General Plan was established recently and within this present zoning, the hotel is a non-conforming use . . . Any future plans for renovations

and additions to existing facilities to provide better accommodations are restricted beyond that which falls under the preview (sic) of the variance provisions, accordingly to update and renovate this existing facility, a change in zoning is necessary.

"The existing hotel is a wood framed structure. A study for its expansion and development was made in the 'Development Proposals for Manago Hotel', dated 1973, prepared by Aotani and Oka . . .

"Basically, the existing facility houses 29 units (old) with a common toilet and also 20 annex units with private baths. Amenities within the structure are kitchen and dining facilities, lounge, bar and liquor store. The existing facilities do not fulfill their need to maintain and service the hotel operation adequately.

"All renovations and additions to existing facilities will be designed and developed to the preservation criteria of the Historic Hawaii Foundation and National Trust for Historic Preservation . . . The National Trust for Historic Preservation . . . (and) the Historic Hawaii Foundation, is considering the Manago Hotel of historic significance. It is now in the first step process of registering the facilities on the Hawaii Register of Historical Places."

In checking the historical significance of the hotel, it is found that the hotel is not ~~yet~~ on the Hawaii Register although it has been nominated. ^{nomination has been} The process ~~is~~ not yet completed.

The applicant intends to make renovations and additions to the existing hotel facilities which include additional room units with private baths and service facilities and amenities for the hotel operation. Off-street parking, which the hotel now lacks, will also be provided. The renovations and additions would be made incrementally to maintain the continuity of hotel operations. Existing commercial facilities and the residential unit on the parcel adjacent to the hotel will eventually be demolished for expansion of the present hotel if the change of zone request is approved.

The General Plan land use pattern allocation guide map designates the area for medium density urban uses. Such uses include village and neighborhood commercial and residential and related functions. Commercial uses are limited to 3 stories. (Multiple residential use is allowed at a density range of 35 to 11.6 units per acre, while the single-family residential is 5.8 units per acre.) Under the General Plan document, courses of action for the resort subelement, South Kona, state that developments shall blend in with the character of the area and that the development of small family-operated hotels should be encouraged.

Surrounding land uses include Yano Memorial Center, Kealakekua Park, the Kona Civic Center, commercial and residential uses. For the commissioners' information, approximately 21.18+ acres makai of Manago Hotel were rezoned from Single Family Residential to Multiple Family Residential on March 11, 1975. This area is proposed for a Planned Unit Development by Foremost-Hawaiiana Associates (formerly Gentry-Hawaiiana). A PUD application must be submitted by March, 1976.

Soils in the subject area are Honuauulu extremely stony silty clay loam. Slope ranges from about 12 to 15 percent. Stones cover from 3 to 15 percent of the surface. The capability subclass of this soil is VII, or soils which have very severe limitations that make them unsuited to cultivation and that restrict their use largely to pasture or range, woodland, or wildlife.

Yearly average rainfall is approximately 100 inches.

None of the cooperating agencies had any objections to the subject request. The Police Department noted that "The planned renovations with new parking lots would alleviate the present parking problems in this area." The State Highways Division commented that the applicant should be apprised that one of the alternative corridors for the Belt Road may affect the parcel under consideration.

The Kona Soil and Water Conservation District Board stated that "Flood hazard now exists to hotel during period of high rainfall. Plans for new installation should take this into consideration when installing parking area and addition to hotel rooms."

The Department of Water Supply commented that "Inasmuch as the applicant's request for change of zoning is for the purpose of conformity of his existing buildings to the new zoning request and that his planned renovations will be done in incremental phases, we see no apparent objections to this request."

All essential utilities and services are available to the area in question.

All other cooperating agencies had no objections to or comments on the subject request.

The following letter dated July 23, 1975, was received from John Iwane, President of the Capt. Cook Community Association:

"Dear Commissioners: Our Board of Directors today voted in favor of the change in zoning as requested by the applicant McAuliffe, Oka & Associates, Inc., in behalf of Mr. Harold Manago. We have no objections to the granting of this change in zoning, and we recommend that it be granted."

Bill No. 182 - 1975

AN ORDINANCE AMENDING SECTION 7.03, THE SOUTH KONA ZONE MAP (CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:18 & 20.

This Bill amends the South Kona Zone Map of the Zoning Code, Hawaii County Code, as amended.

Date Introduced: October 23, 1975

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on October 23, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 8.

NOES: None.

ABSENT AND EXCUSED: Councilman De Luz - 1.



COUNTY CLERK
COUNTY OF HAWAII

Bill No. 182 - 1975
AN ORDINANCE AMENDING SECTION 7.03, THE SOUTH KONA ZONE MAP (CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:18 & 20.

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AYES: Councilmen Carpenter, Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 8.
NOES: None.
ABSENT AND EXCUSED: Councilman De Luz - 1.

TED J. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(191) - Hawaii Tribune Herald:
Oct. 27, 1975

ORDINANCE NO. 170
(Bill No. 182-1975)

AN ORDINANCE AMENDING SECTION 7.03, THE SOUTH KONA ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:18 & 20.

Date Approved: November 5, 1975
Date Effective: November 13, 1975

Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on November 5, 1975, by the following aye and no vote:

AYES: Councilmen Fujii, Hisaka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 7.

NOES: None.

ABSENT AND EXCUSED: Councilmen Carpenter and De Luz - 2.



COUNTY CLERK
COUNTY OF HAWAII

AN ORDINANCE AMENDING SECTION 7.03, THE SOUTH KONA ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM NEIGHBORHOOD COMMERCIAL (CN-7.5) TO VILLAGE COMMERCIAL (CV-10) AT KEALAKEKUA, SOUTH KONA, HAWAII, COVERED BY TAX MAP KEY 8-2-02:18 & 20.

Date Approved: November 5, 1975
Date Effective: November 13, 1975

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AYES: Councilmen Fujii, Hisaka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 7.

NOES: None.

ABSENT AND EXCUSED: Councilmen Carpenter and De Luz - 2.

Ted T. Suzuki
COUNTY CLERK
COUNTY OF HAWAII
(182-Hawaii Tribune Herald, Nov. 11, 1975.)

Hilo, Hawaii

Date: October 23, 1975

FIRST READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz			AB
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin	X		
Yadao	X		
Yamada	X		
	8		1

Publication Date: October 27, 1975

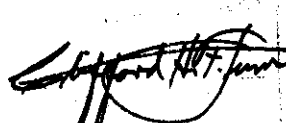
Kailua-Kona, Hawaii

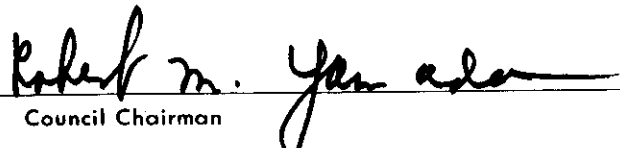
Date: November 5, 1975

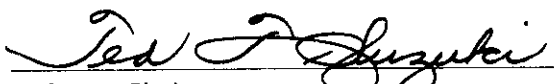
SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter			X
De Luz			X
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin	X		
Yadao	X		
Yamada	X		
	7		2

Publication Date: NOV 21 1975

We do hereby certify that the foregoing BILL was adopted by the County Council and published as indicated above.

APPROVED

 Clifford M. Jones
 Council Chairman


 Council Chairman


 County Clerk

Approved/Disapproved this 13th day of
November, 1975.


 Mayor, County of Hawaii

Bill No. 182
 Reference: C-1592/PRDLC-60
 M.B. No. 1645, 1634
 Ord. No. 170

Ted T. Suzuki
COUNTY CLERK



Robert Shioji
DEPUTY COUNTY CLERK

OFFICE OF THE COUNTY CLERK
COUNTY OF HAWAII
HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, Hawaii

I hereby transmit Ordinance Bill No. 182
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: NOV 10 1975