

## COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 172

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIIHONUA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-13:20.

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

SECTION 1. Section 7.29 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.29 (mm). The district classification of the following area situated at Piihonua, South Hilo, Hawaii, shall be General Commercial (CG-7.5):

Beginning at a pipe at the West corner of this parcel of land, on the Southeast side of Waianuenue Avenue, the true azimuth and distance from Government Survey Reference Station "WAIANUENUE 4" (iron pin in concrete), near the South corner of Waianuenue Avenue and Kapiolani Street being 238° 32' 225.98 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2684.71 feet North and 1958.59 feet East, and running by azimuths measured clockwise from true South:

- |    |          |   |
|----|----------|---|
| 1. | 236° 48' | 94.60 feet along the Southeast side of Waianuenue Avenue to a pipe;   |
| 2. | 324° 30' | 180.68 feet along remainder of L. C. Aw. 1783 to Mikaele, for the Heirs of Aina to a pipe;  |
| 3. | 57° 55'  | 94.69 feet along L. C. Aw. 4539 to Ewaliko to a pipe;   |
| 4. | 144° 30' | 178.84 feet along remainder of L. C. Aw. 1783 to Mikaele, for the Heirs of Aina to the point of beginning and containing an area of 16,991 square feet. |

"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 that (A) construction of the proposed facility commence within one (1) year from the effective date of approval of the change of

zone and be completed within two (2) years thereafter; and (B) all applicable rules and regulations, including the "Plan Approval" process be complied with. Should any of the foregoing conditions not be met, rezoning of the property to its original zoning designation may 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:

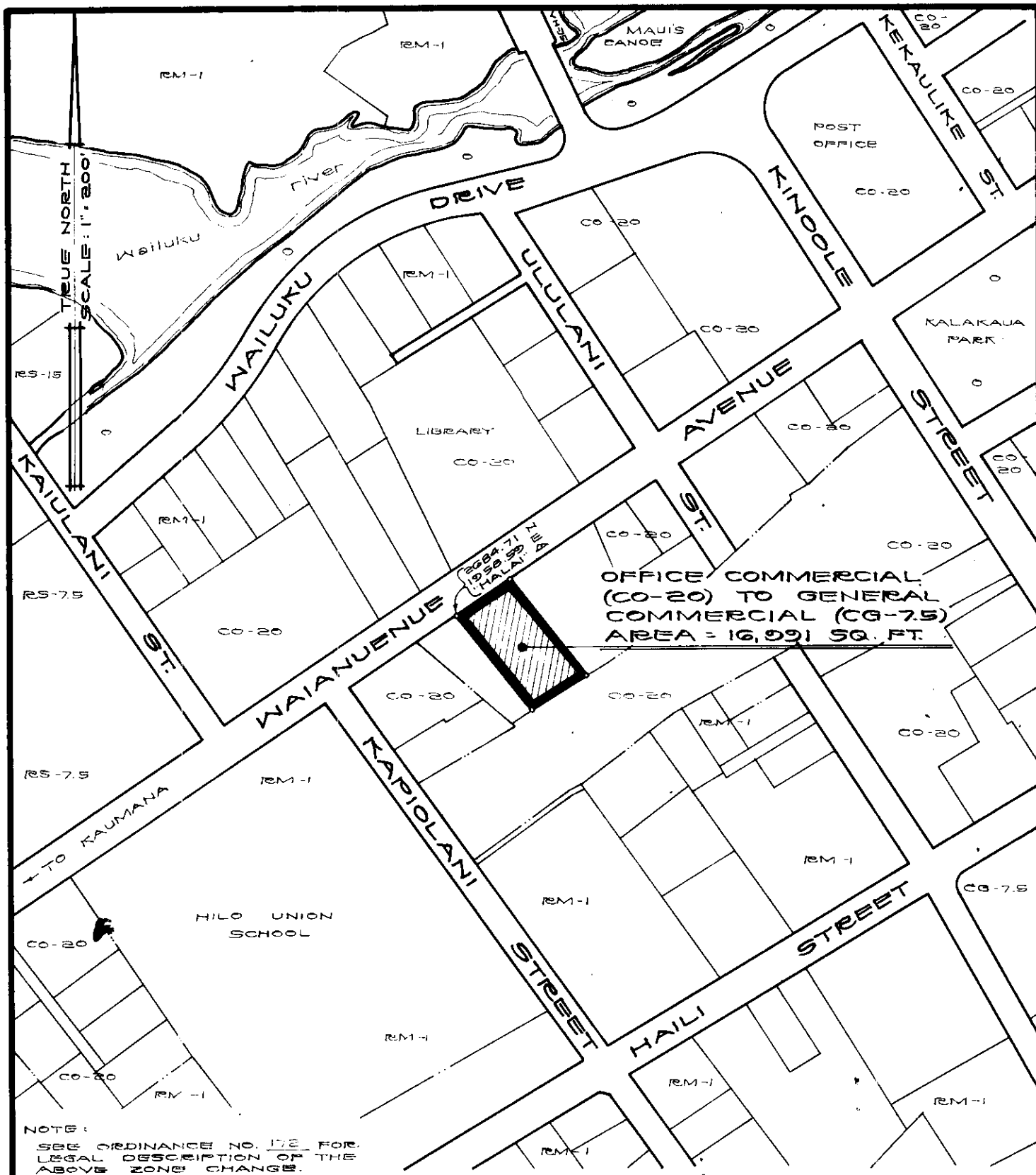
  
\_\_\_\_\_  
COUNCILMAN, COUNTY OF HAWAII

Kona , Hawaii

Date of Introduction: November 5, 1975

Date of Adoption: November 19, 1975

Effective Date: November 25, 1975



## AMENDMENT TO THE ZONING CODE

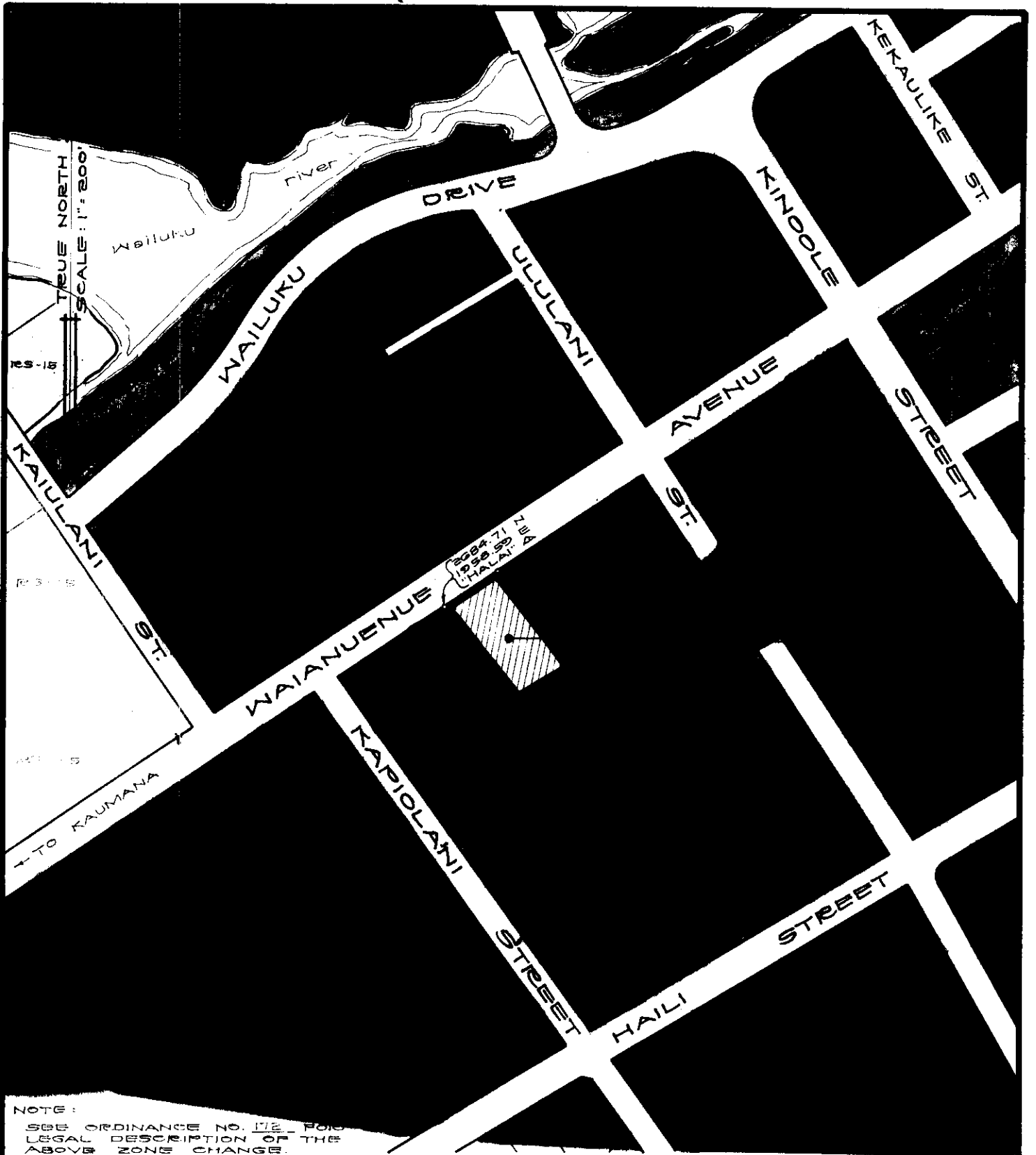
AMENDMENT NO. 39 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIHONUA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: SEPT. 11, 1975  
 DATE OF APPROVAL: NOV. 25, 1975  
 ORDINANCE NO. 172  
 PREPARED BY: PLANNING DEPARTMENT  
 COUNTY OF HAWAII

TMK: 2-3-13:20

SEPT. 29, 1975

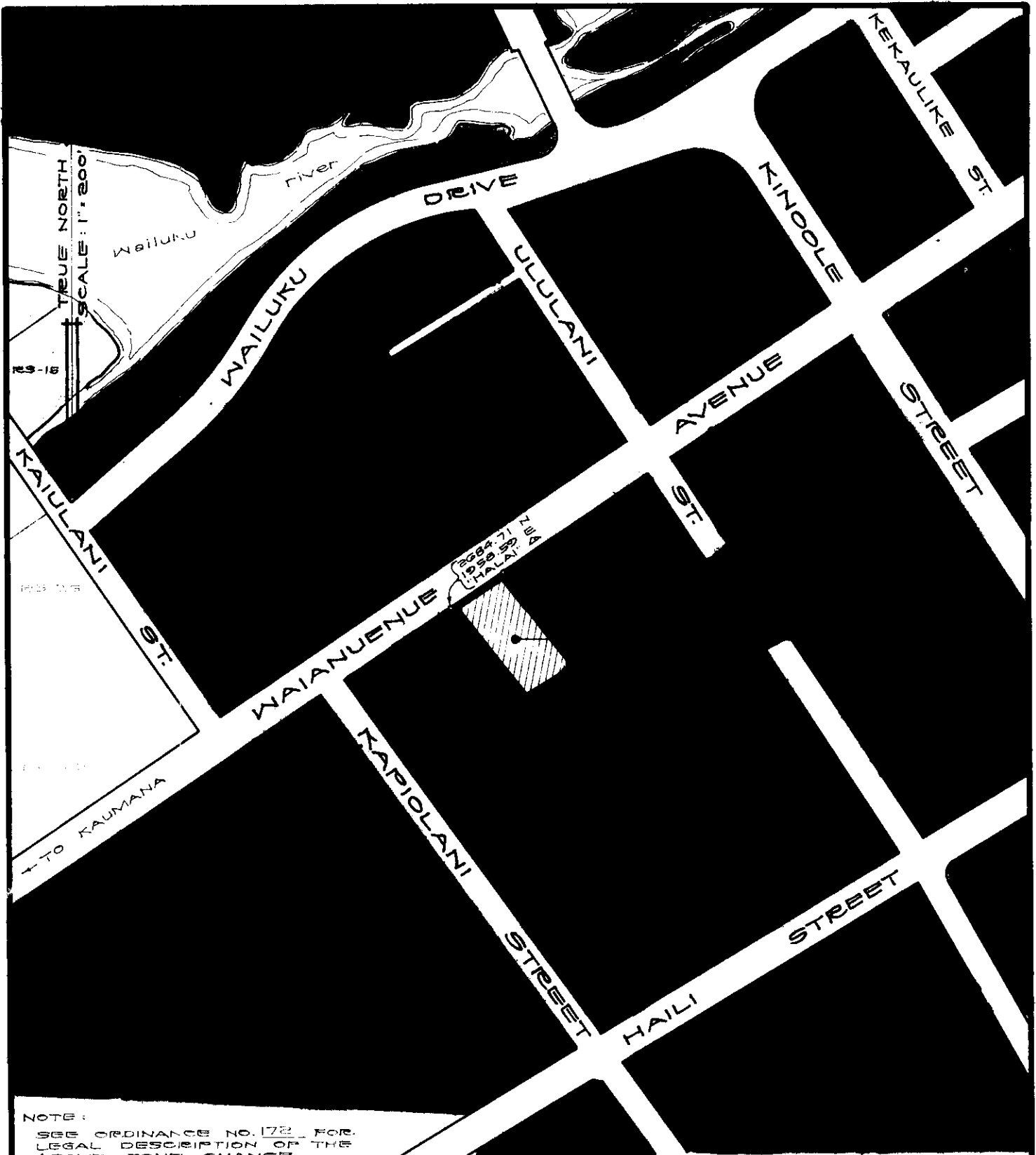
EXHIBIT "A"



**AMENDMENT TO THE ZONING CODE**

AMENDMENT NO. 39 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIHONUA, SOUTH HILO, HAWAII.

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 COUNTY OF HAWAII



NOTE:  
SEE ORDINANCE NO. 172 FOR  
LEGAL DESCRIPTION OF THE  
ABOVE ZONE CHANGE.

## AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 39 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIHONUA, SOUTH HILO, HAWAII.

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EXHIBIT "A"

CHANGE OF ZONE: MAUDE CHANG

An application has been filed by Maude Chang requesting a change of zone for 16,991 square feet of land from a Commercial Office - 20,000 square foot (CO-20) to a General Commercial - 7,500 square foot (CG-7.5) zoned district. The property is located along the Puna side of Waianuenue Avenue, 240 feet makai of Hilo Union School and across the Hawaii <sup>Public</sup> Library in Piihonua, South Hilo (TMK: 2-3-13:20).

In request of the change of zone, the applicant intends to lease out the property which will be used for the construction of a drive-in restaurant. The present office commercial zone does not allow drive-in restaurants.

The General Plan Land Use pattern allocation guide map designates the area for high density urban development. This designation may allow the development of general and office commercial, multiple residential and related service.

The Hilo Downtown Development Plan (Hilo DDP) also designates the area for retail service uses. The Hilo DDP states that the portions mauka of Kinoole Street along Kinoole and Waianuenue Avenue are expected to continue being used for conveniences and secondary shoppers' goods outlets and services. The Hilo Community Development Plan designates the area for the requested CG-7.5 zone.

A single-family dwelling was originally on the property; however, it was recently demolished. It is bounded by a professional office building on its makai side, an apartment on

the south, a vacant lot on the mauka side and the Hawaii County Library across the street.

In support of the request, the applicant has stated the following:

"Applicant has leased out said property to a lessee, who plans to build a drive-in restaurant.

Because of a rule of the Planning Department which forbids such a drive-in in a commercial office zone, this change to commercial general zoning would permit such a building. The requested change of zone would be consistent with the goals and policies of:

1. General plan which calls for medium density
2. Downtown improvement plans which call for retail/service zone.
3. Hilo Community Development Plan which calls for CG zone."

The soil type on the parcel is of Hilo silty clay loam. A representative profile of the surface layer is about 12 inches thick and the subsoil 48 inches thick. This soil dehydrates irreversibly into fine gravel-size aggregates. Permeability is rapid, runoff is slow, and the erosion hazard is slight. The area is already graded; thus, it is relatively level. Annual rainfall in the area is 150 inches.

Change of Zone  
Maude Chang  
Page 3

The Department of Public Works - Sanitation Division stated that the applicant will be required to hook up to the 10-inch sewer line along Waianuenu Avenue at their own cost if existing lateral cannot be found.

All essential utilities are available including a 16-inch water line along Waianuenu Avenue.

All other cooperating agencies had no comments on or objections to the change of zone.



Memo to Planning Director

From: Maude K. Chang

Re: Reasons for requesting Change of Zoning

Applicant has leased out said property to a lessee, who plans to build a drive-in restaurant.

Because of a rule of the planning department which forbids such a drive-in in a commercial office zone, this change to commercial general zoning would permit such a building.

The requested change of zone would be consistent with the goals and policies of:

1. General plan which calls for medium density
2. Downtown improvement plans which call for a retail/service zone
3. Hilo Community development plan which calls for a CG zone.

APPLICATION FOR CHANGE OF ZONE  
COUNTY OF HAWAII  
PLANNING DEPARTMENT

APPLICANT: Maude K. Chang

APPLICANT'S SIGNATURE: Maude K. Chang

ADDRESS: 1505 Wailuku Dr., Hilo, Hawaii 96720

TELEPHONE: 935-9067

REQUEST FROM: CO TO: CG

TAX MAP KEY: TMK: 3-2-3-13-20 AREA OF PROPERTY: 16,991 Sq. Ft.  
(size of parcel)

OWNER: Maude K. Chang

OWNER'S SIGNATURE: Maude K. Chang

APPLICANT'S INTEREST, IF NOT OWNER: \_\_\_\_\_  
(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)

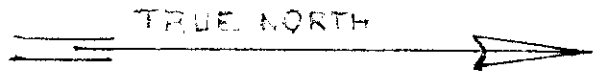
1. Please explain how the requested change of zone would be consistent with the goals, policies, and courses of action (if applicable) of the General Plan document. Also, please indicate specifically which goals, policies, and courses of action are involved. (Copies of the General Plan document are available 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	_____



NOT DRAWN TO SCALE

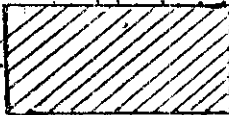
KAIULANI ST.

↑ TO KAUNIA  
WAIANUENUE AVE.

HILO  
UNION  
SCHOOL

KAPIOLANI ST.

SITE →



HAWAII  
COUNTY  
LIBRARY

ULULANI ST.

KINOOLE ST.

OWNER: MAUDE K. CHANG  
1505 WAIKUKU DR.  
HILO, HAWAII  
TMK: 3-2-3-13-20  
JUNE 10, 1975

Kailua-Kona, Hawaii  
 Date: November 5, 1975

FIRST 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

NOV 18 1975

Publication Date: \_\_\_\_\_

Hilo, Hawaii  
 Date: November 19, 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		
	9		

NOV 24 1975

Publication Date: \_\_\_\_\_

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

*Clifford H. Jones*  
 11/24/75

*Robert M. Yamada*  
 Council Chairman

*San R. O. Fujii*  
 County Clerk

Approved/~~Disapproved~~ this 25<sup>th</sup> day of November, 1975

*Hubert Matsuyoshi*  
 Mayor, County of Hawaii

Bill No. 183  
 Reference: C-1610/PRDLC-61 62  
 M.B. No. \_\_\_\_\_  
 Ord. No. 177

Bill No. 183 - 1975

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIHONUA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-13:20.

This Bill amends the City of Hilo Zone Map of the Zoning Code.

Date Introduced: November 5, 1975

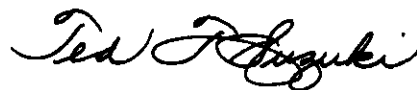
Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on November 5, 1975, by the following ye and no vote:

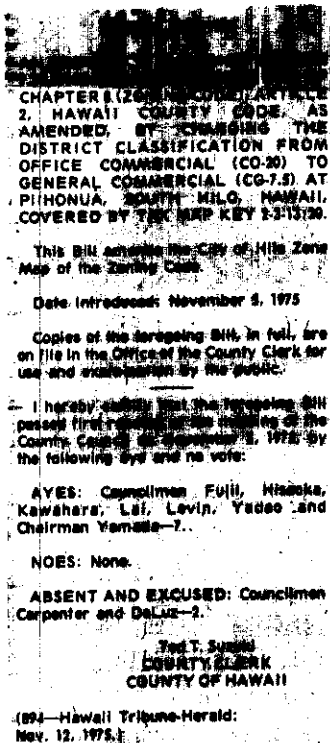
AYES: Councilmen Fujii, Hisaoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 7.

NOES: None.

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



COUNTY CLERK  
COUNTY OF HAWAII



CHAPTER 8 (ZONING CODE) ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PIHONUA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-13:20.

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I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on November 5, 1975, by the following ye and no vote:

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

NOES: None.

ABSENT AND EXCUSED: Councilmen Carpenter and DeLuz - 2.

Ted T. Suzuki  
COUNTY CLERK  
COUNTY OF HAWAII

(894—Hawaii Tribune-Herald:  
Nov. 12, 1975.)

ORDINANCE NO. 172  
(Bill No. 193-1975)

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP OF CHAPTER 9 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM OFFICE COMMERCIAL (CO-20) TO GENERAL COMMERCIAL (CG-7.5) AT PITHONUA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-3-13-20.

Date Approved: November 19, 1975  
Date Effective: November 25, 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.

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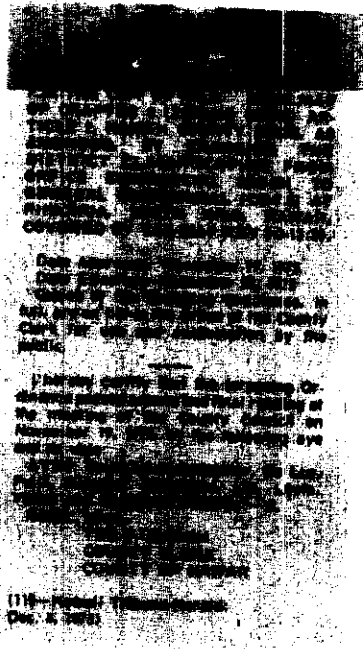
I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on November 19, 1975, by the following aye and no vote:

AYES: Councilmen Carpenter, De Luz, Fujii, Hiraoka, Kawahara, Lai, Levin, Yadao and Chairman Yamada - 9.

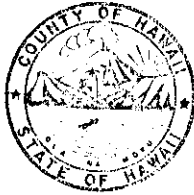
NOES: None.



COUNTY CLERK  
COUNTY OF HAWAII



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. 183  
passed by the County Council on second and final  
reading.

*San R. O. Shioji*  
COUNTY CLERK

Encl.

Dated: NOV 20 1975