

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 199

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-54:41.

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

Beginning at a 1/2" pipe on the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 2062.85 feet South and 7652.90 feet East, thence running by azimuths measured clockwise from True South:

- | | | | |
|----|------|---------|---|
| 1. | 79° | 24' | 98.88 feet along the North side of 20-foot road to a 1/2" pipe; |
| 2. | 169° | 15' | 250.31 feet along the East side of 20-foot road to a 1/2" pipe; |
| | | | Thence along a curve to the right with a radius of 4970 feet along the South side of Kekuanaoa Street; |
| 3. | 265° | 09' 06" | 62.47 feet; |
| 4. | 348° | 34' | 17.32 feet along Parcel 99 as shown in Tax Map Key 2-2-28-99; |
| 5. | 77° | 45' | 37.42 feet along same; |
| 6. | 348° | 06' | 39.55 feet along same; |
| 7. | 336° | 35' | 20.26 feet along same; |
| 8. | 257° | 56' | 65.98 feet along same; |
| 9. | 348° | 34' | 168.07 feet along 20-foot road to the point of beginning and containing an area of 19,283 square feet or 0.4427 acre, or thereabouts. |

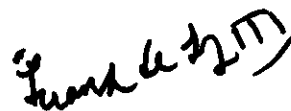
"All as outlined in red on the map attached hereto, marked Exhibit 'A' and by reference made a part hereof."

SECTION 2. Section 1 of this ordinance shall take effect forthwith upon the conditions that (A) construction of the proposed facility for the retail tire outlet commence within one year of the date of approval of the change of zone request and be completed within two (2) years thereafter; (B) all drainage concerns be resolved with the Chief Engineer and the necessary improvements placed by the applicant prior to occupancy of the facility; (C) access to the property shall be allowed only from Kekuanaoa Street; and (D) 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:



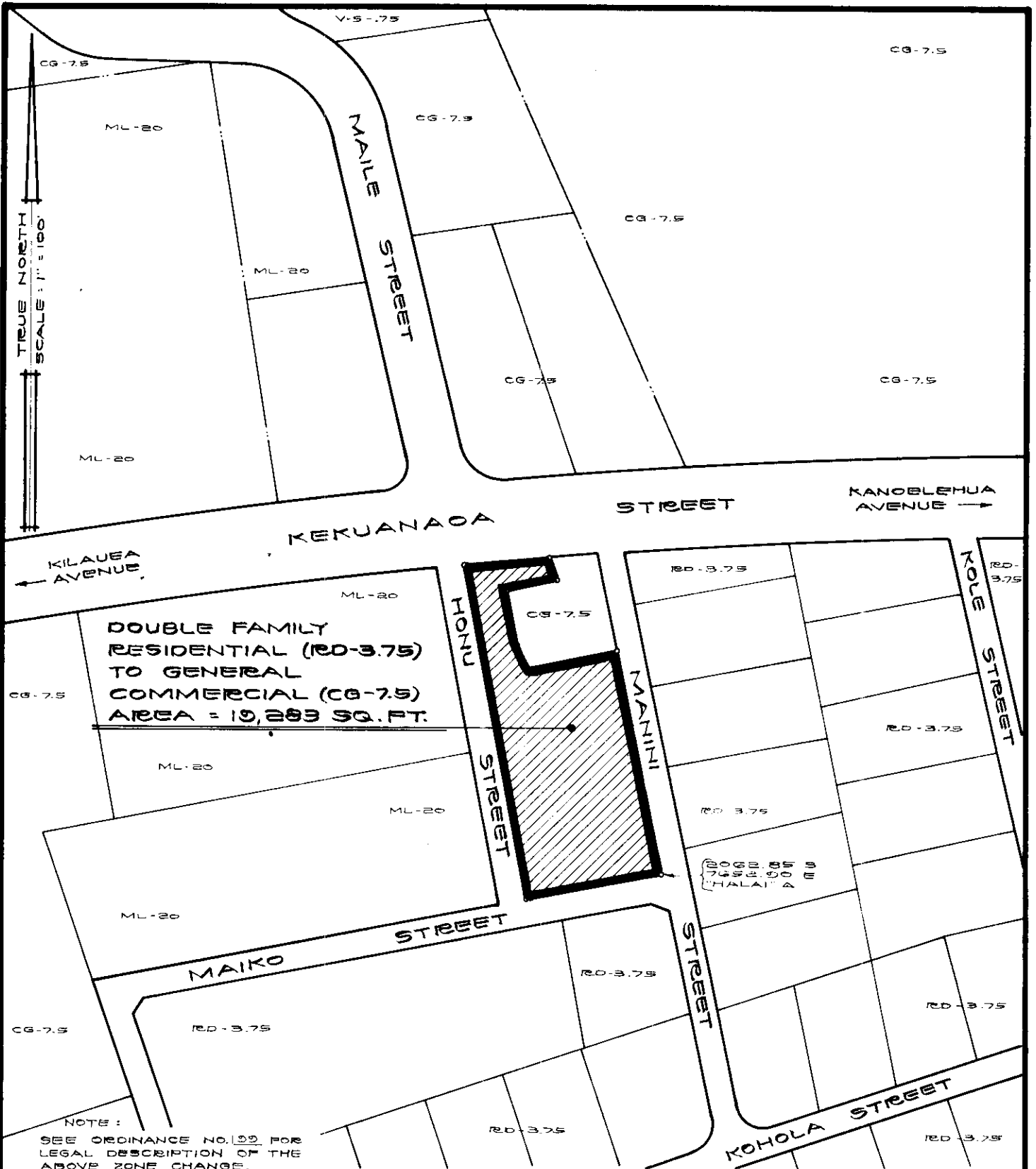
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 1, 1976

Date of Adoption: April 12, 1976

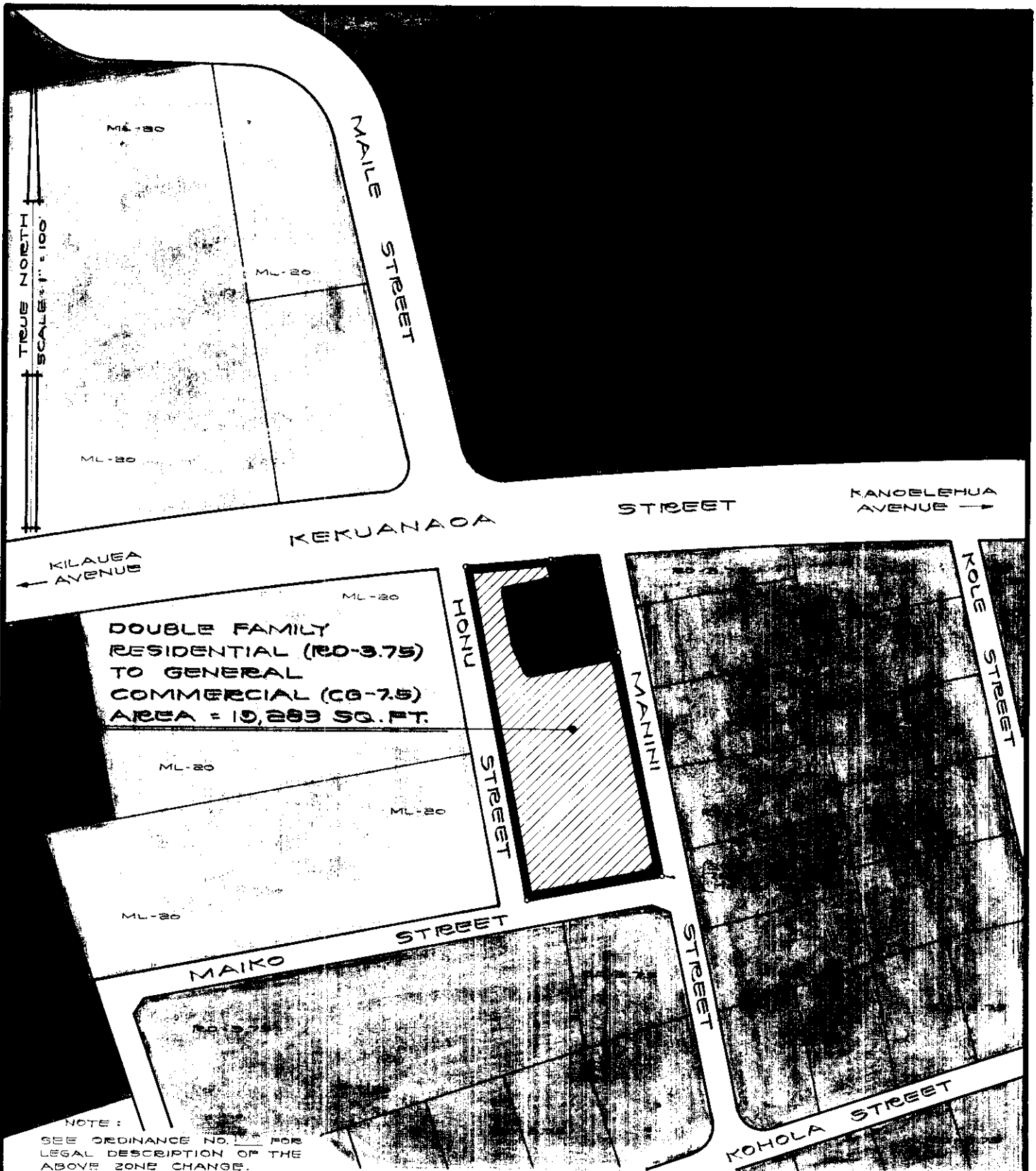
Date Effective: April 19, 1976



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 43 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.20, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: FEB. 5, 1976
 DATE OF APPROVAL: APRIL 15, 1976
 ORDINANCE NO. 199
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

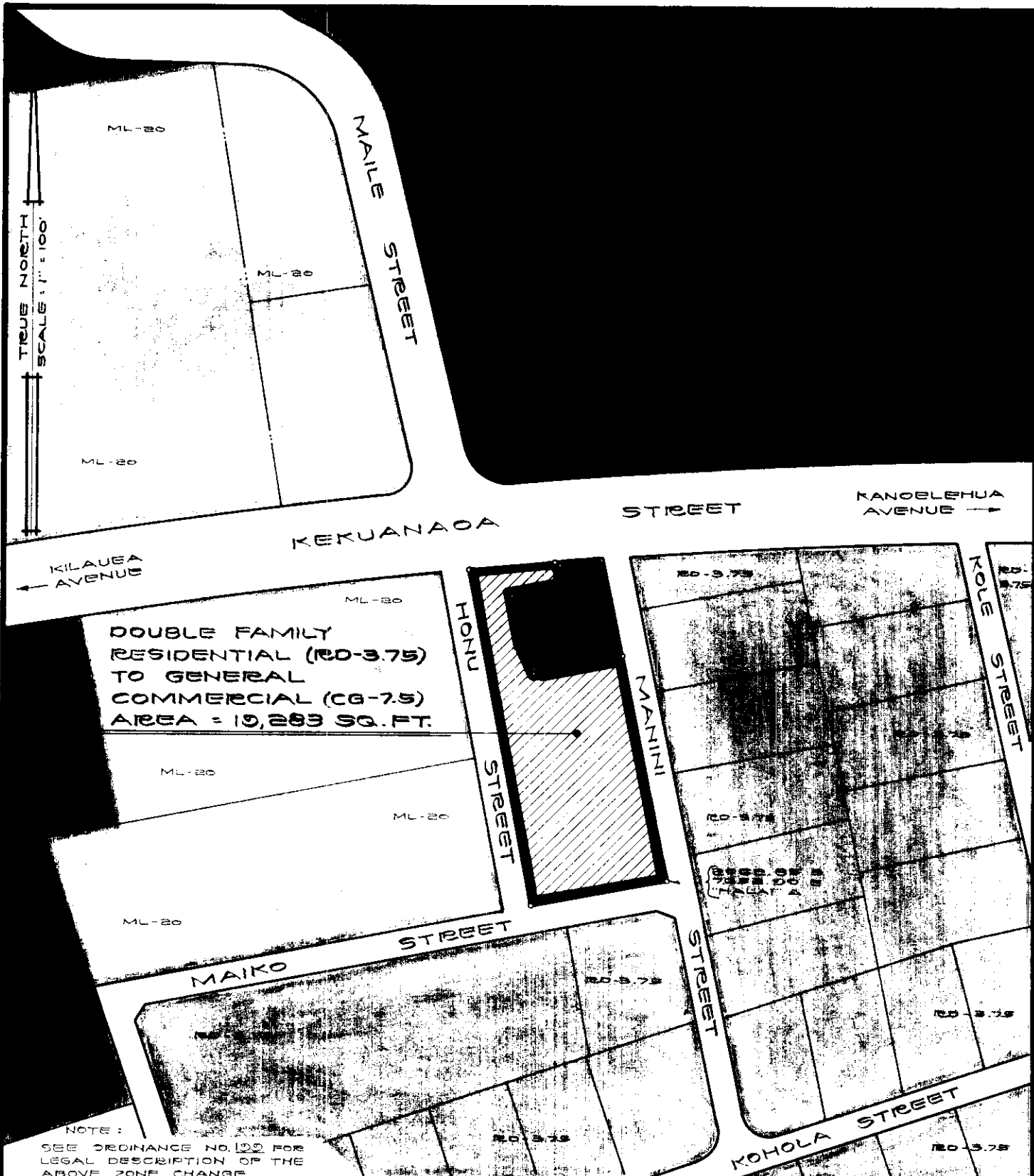


NOTE:
SEE ORDINANCE NO. 199 FOR
LEGAL DESCRIPTION OF THE
ABOVE ZONE CHANGE.

AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 43 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: FEB. 5, 1976
 DATE OF APPROVAL: APRIL 19, 1976
 ORDINANCE NO. 199
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 43 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: FEB. 5, 1976
 DATE OF APPROVAL: APRIL 19, 1976
 ORDINANCE NO. 139
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: Kenneth S. & Lois Jean Tanouye

APPLICANT'S SIGNATURE: [Signature]

ADDRESS: 56 Pakalana Street

Hilo, Hawaii 96720

TELEPHONE: R: 935-5849
B: 935-1698

REQUEST FROM: CG-7.5 RO-3.15 TO: CG-7.5

TAX MAP KEY: 2-2-54-41 AREA OF PROPERTY: 19,282 sq. ft.
(size of parcel)

OWNER: Stanley & Kiyomi Okura

OWNER'S SIGNATURE: _____

APPLICANT'S INTEREST, IF NOT OWNER: Applicant has agreed to purchase & owner has agreed to sell the subject property w/ the provision that rezoning application is approved (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 _____

CHANGE OF ZONE: KENNETH TANOUYE

BACKGROUND

Kenneth Tanouye, in behalf of Stanley Okura, is requesting a change of zone for 19,283 square feet of land from a Double-Family Residential - 3,750 square foot (RD-3.75) to a General Commercial - 7,500 square foot (CG-7.5) zoned district. The area in question is located along the Puna side of Kekuanaoa Street, adjacent and to the east of the Hilo Meat Cooperative Complex, Waiakea, South Hilo (TMK: 2-2-54:41).

Should the requested change of zone be granted, the owner of the property, Stanley Okura, intends to sell the property to the applicant. The applicant intends to construct a commercial structure to be utilized as a retail tire outlet. According to the applicant, the reason for this request is that the present facilities of K & J Tire Center, which the applicant operates and leases from the State on a month-to-month basis, are insufficient for the projected increase in business volume.

For the Commissioners' information, a change of zone request from RD-3.75 to CG-7.5, for 4,641 square feet of land situated along Kekuanaoa Street and bordered on two sides by the subject parcel, was given a favorable recommendation by this Commission on August 13, 1975. This change of zone, which was requested by the applicant, Kenneth Tanouye, was subsequently approved by the County Council on October 8, 1975. The applicant originally intended to construct the proposed structure on this parcel. Upon submission of construction plans for Plan Approval, it was found that the parcel was too

small to conform to the building and setback requirements, thereby necessitating the subject request for additional commercial zoned land.

The General Plan Land Use Pattern Allocation Guide Map designates the area for High Density Urban Development. This General Plan classification may allow general and office commercial uses. The Hilo Community Development Plan's Zone Guide Map designates the area for the requested CG-7.5 zone. The Hilo CDP also states, as a policy, the expansion of the Hilo Shopping Center area for commercial purposes. The subject area is also designated as being situated within a flood plain by the General Plan.

(In support of this request, the applicant stated the following:

"Our request for a variance conforms to the Land Use Pattern Allocation Guide Map which designates this area for high density urban development which would allow commercial use.

"The parcel is in the near vicinity of the Hilo Shopping Center and in the immediate vicinity of the following partial list of commercial establishments: Leo's Rubbish Service, Hilo Poi Factory, Puueo Poi Shop, Frank's Repair Shop, Wailoa Recap, J & J Auto Repair, and others.

"Predicated upon available information, the property falls within the 'Policies of the General Plan, County of Hawaii' dates January 1971 in all respects.

"A 'plot plan' showing proposed plans for a commercial structure to be utilized as a retail tire outlet, with parking area, is attached. These plans are submitted at this time

to indicate the proposed land utilization and the willingness of the applicant to build in a manner that would be most compatible to the surroundings and traffic conditions.

"We have the rezoning approval of the front lot, 3-2-2-54-42, 4,641 sq. ft. However, being that the property is too small to conform with the building requirements, we would like to purchase and rezone the back property."

There are three (3) single-family dwellings located within the subject area. These structures, which are all over forty (40) years in age, are presently being used as rental units by the present owner. The applicant intends to demolish these dwellings. Surrounding land uses include other single-family dwellings, the Hilo Meat Cooperative complex, the Hilo Shopping Center, Hilo Motors, Hilo Poi Factory, a church, the C. Brewer Office complex, and the Waiakea Resort Village Hotel. Zoned districts in the immediate vicinity include ML-20 immediately east of the subject area, CG-7.5 and V-S-.75 across Kekuanaoa Street, and RD-3.75.

Kekuanaoa Street has a sixty (60) foot right-of-way with a twenty (20) foot pavement. At the corner of Kekuanaoa and Manini Streets, the pavement width flares out to thirty-two (32) feet. Manini, Honu, and Maiko Streets all have twenty (20) foot rights-of-way and eleven (11) foot pavements. All essential utilities, including an eight (8) inch water line, are available to the area.

Upon review of the subject request, the Department of Public Works had the following comments:

"...We feel that because of low ground sumps will not

As note that instead of a variance request as noted by the applicant, this is a zoning request.

likely provide adequate drainage. Test drilling should be made to determine the workability of sumps and drainage. The lot should not be filled excessively; this may cause further drainage problems. Because of the narrow roadway, we feel that abutting of the roadway would pose traffic problems. Where the roadway is wide enough to have sidewalks, the building at the boundary in accordance to building code would be compatible."

Per subsequent memo dated 1/29/70, the DPW stated the problem of drainage can be handled at the time of Plan Approval.
The Department of Police had the following comments:

"It is recommended that access to applicant's proposed development be established on Manini Street so that no additional conflicts are created on Kekuanaoa."

The Waiakea Soil and Water Conservation District offered the following comments:

"Upon completion of our field investigation with SCS technicians, it has been determined that residential dwellings line two of the streets that border the proposed commercial development. Additional impermeable surface created by proposed development will cause increased runoff in the immediate area."

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

Bill No. 215

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-54:41.

This Bill amends Section 7.29, The City of Hilo Zone Map, Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, by changing the district classification from Double Family Residential (RD-3.75) to General Commercial (CG-7.5) at Waiakea, S. Hilo.

Date Introduced: April 1, 1976

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 April 1, 1976, by the following aye and no vote:

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

NOES: Councilman Levin - 1.

Ted Suzuki
COUNTY CLERK
COUNTY OF HAWAII

AMENDED
HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-54:41.

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NOES: Councilman Levin - 1.

TED SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(1976-Hawaii Tribune-Herald
April 5, 1976)

ORDINANCE NO. 199
(Bill No. 215-1976)

AN ORDINANCE AMENDING SECTION 7.29, THE CITY OF HILO ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-54:41.

Date Approved: April 12, 1976
Date Effective: April 19, 1976

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 April 12, 1976, by the following ye and no vote:

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

NOES: Councilman Levin - 1.

Teo F. Suzuki
COUNTY CLERK
COUNTY OF HAWAII

SECTION 7.29, THE CITY OF HILO ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM DOUBLE FAMILY RESIDENTIAL (RD-3.75) TO GENERAL COMMERCIAL (CG-7.5) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-2-54:41.

Date Approved: April 12, 1976
Date Effective: April 19, 1976

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 April 12, 1976, by the following ye and no vote:

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

NOES: Councilman Levin - 1.

TEO F. SUZUKI
COUNTY CLERK
COUNTY OF HAWAII

(Ordinance Transmitted April 12, 1976.)

Hilo, Hawaii
Date: April 1, 1976

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		
	8	1	

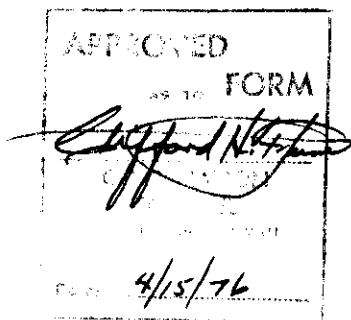
Publication Date: APR 5 1976

Hilo, Hawaii
Date: April 12, 1976

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		
	8	1	

Publication Date: APR 12 1976

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



Robert M. Yamada
Council Chairman

Ted J. Suzuki
County Clerk

Approved/Disapproved this 19th day of April, 1976

Hubert Watanabe
Mayor, County of Hawaii

Bill No. 215
Reference: C-1766/PRDLC-72
M.B. No. 2033, 2044
Ord. No. 155

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. 215
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: APR 3 1976