

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 207

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 AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOMESTEADS, SECOND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:16 (PORTION).

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(tt). The district classification of the following area situated at Waiakea Homesteads, Second Series, Waiakea, South Hilo, Hawaii, shall be Agricultural (A-1a):

Beginning at a pipe at the northeast corner of this parcel of land and at the southerly side of Kawailani Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 12,437.27 feet South and 1,023.32 feet West and running by azimuths measured clockwise from true South:

1. 355° 40' 360.01 feet along remainder of Lot 721, Grant 12194 to Munemitsu Gakiya;

2. 85° 40' 222.39 feet along remainder of Lot 721, Grant 12194 to Munemitsu Gakiya;

Thence along remainder of Lot 721, Grant 12194 to Munemitsu Gakiya along a curve to the left having a radius of 325.00 feet, the chord azimuth and distance being:

3. 147° 58' 10" 76.84 feet;

Thence along remainder of Lot 721, Grant 12194 to Munemitsu Gakiya along a curve to the right having a radius of 375.00 feet, the chord azimuth and distance being:

4. 144° 19' 48" 41.21 feet;

5. 85° 40' 204.47 feet along the remainder of Lot 721, Grant 12194 to Munemitsu Gakiya;
6. 175° 40' 256.79 feet along a portion of Lot 722, Grant 11,608 to Raymond Sekido to a pipe at southerly side of Kawaiiani Street;
7. 265° 40' 484.00 feet along the southerly side of Kawaiiani Street to the point of beginning and containing an area of 3.443 Acres.

"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) the applicant, Frank Frenz, submit a subdivision plan and receive tentative approval within one (1) year from the date of approval of the change of zone request. The applicant shall also be responsible for securing final subdivision approval; (B) construction of a single-family dwelling be completed on one (1) of the lots within three (3) years upon receipt of final subdivision approval; (C) a 10-foot strip be delineated and set aside along Kawaiiani Street for future road widening purposes; and (D) in subdividing the area, the applicant shall take into consideration the future traffic circulation scheme for the Waiakea Homesteads area on file with the Planning Department. Should any of the foregoing conditions not be met, rezoning of the area 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:

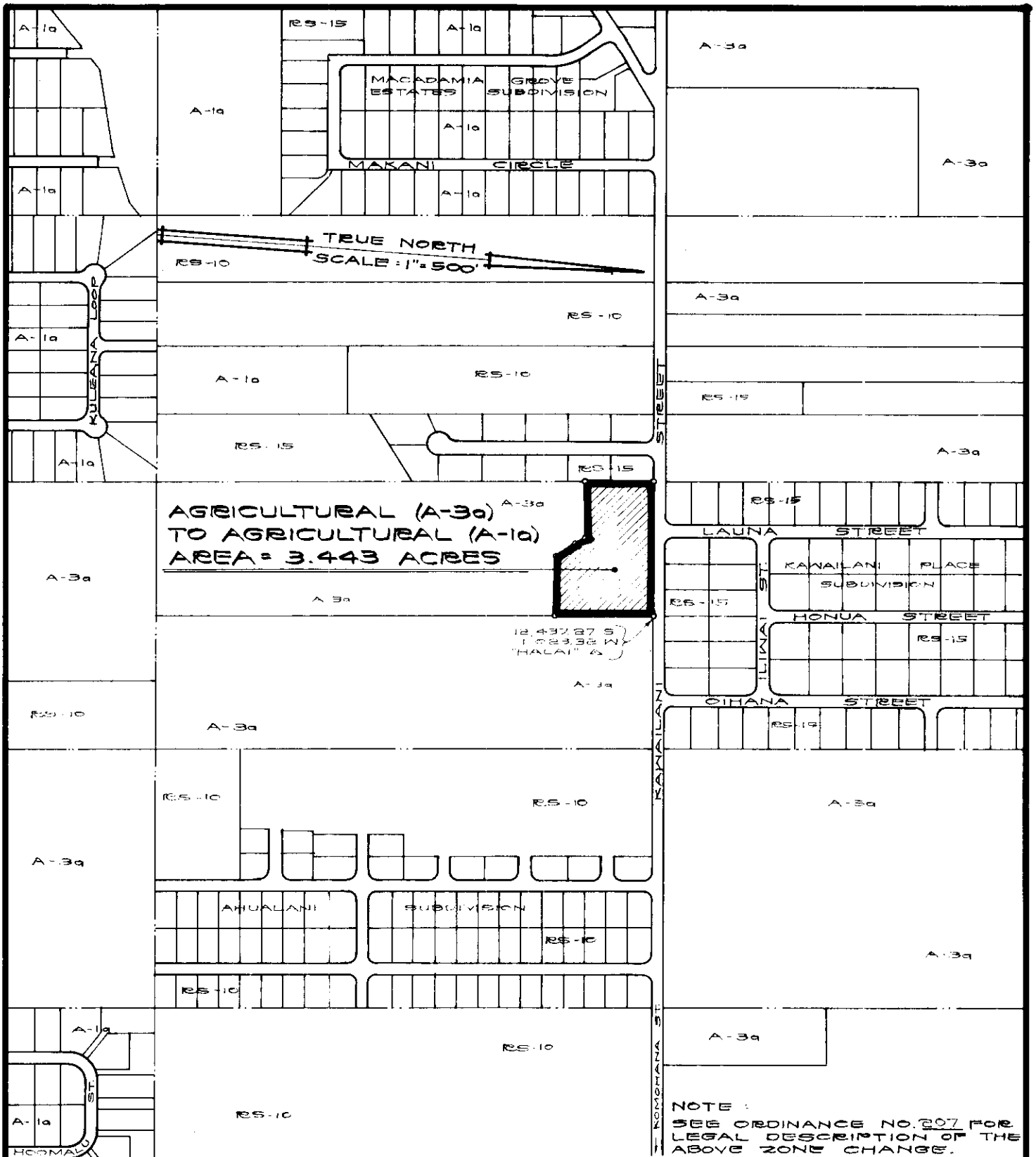
Tomio Fujii
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: May 7, 1976

Date of Adoption: May 20, 1976

Effective Date: May 26, 1976



AMENDMENT TO THE ZONING CODE

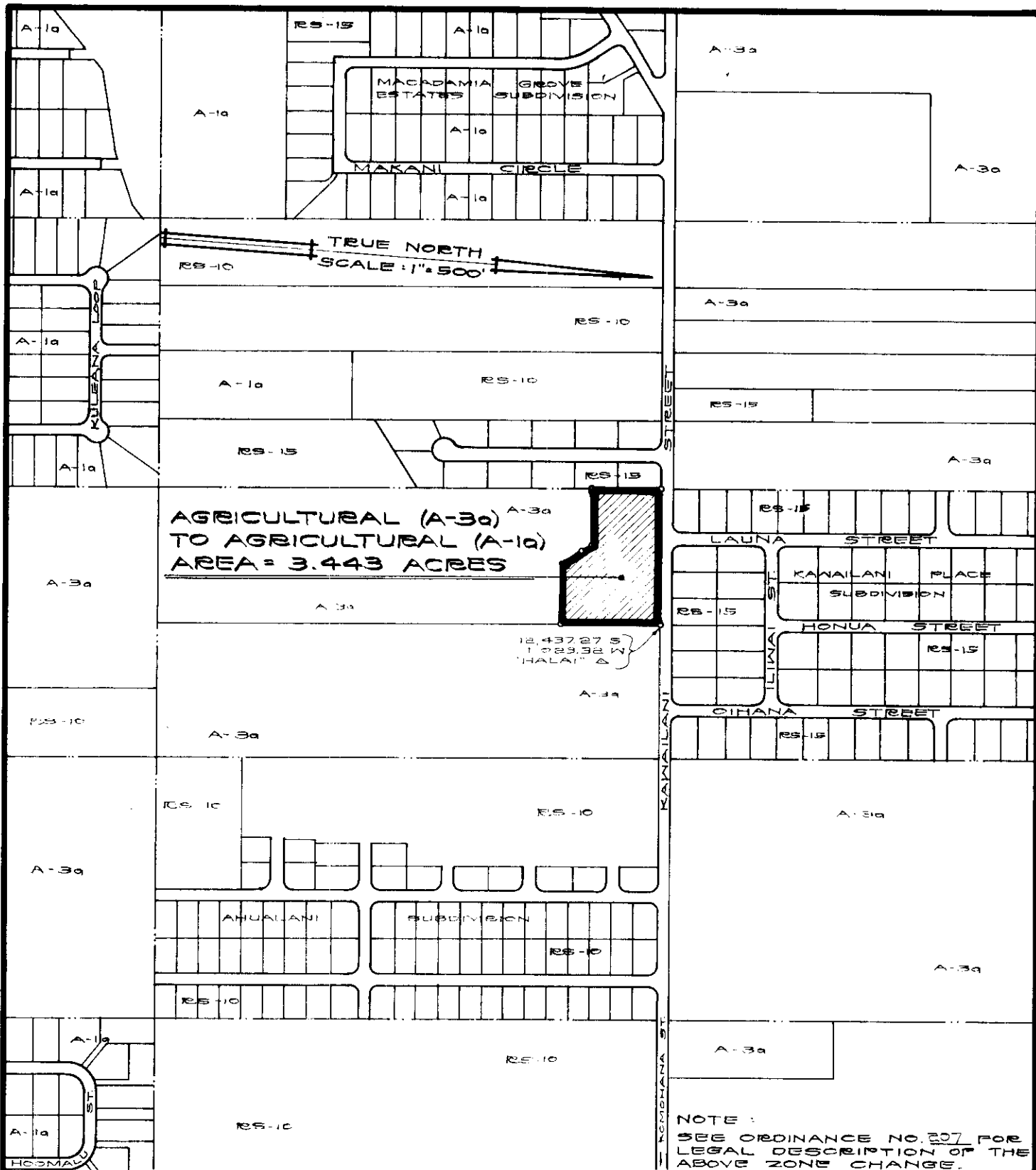
AMENDMENT NO. 46 OF CHAPTER 8 (ZONING CODE), ARTICLE 2, SECTION 7.29, THE CITY OF HILO ZONE MAP, CHANGING THE DISTRICT CLASSIFICATION FROM AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOMESTEADS, SECOND SERIES, WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING: JAN. 8, 1976
 DATE OF APPROVAL: MAY 26, 1976
 ORDINANCE NO. 207
 PREPARED BY: PLANNING DEPARTMENT
 COUNTY OF HAWAII

TMK: 2-4-03: 16 (POR)

MARCH 15, 1976

EXHIBIT "A"



AMENDMENT TO THE ZONING CODE

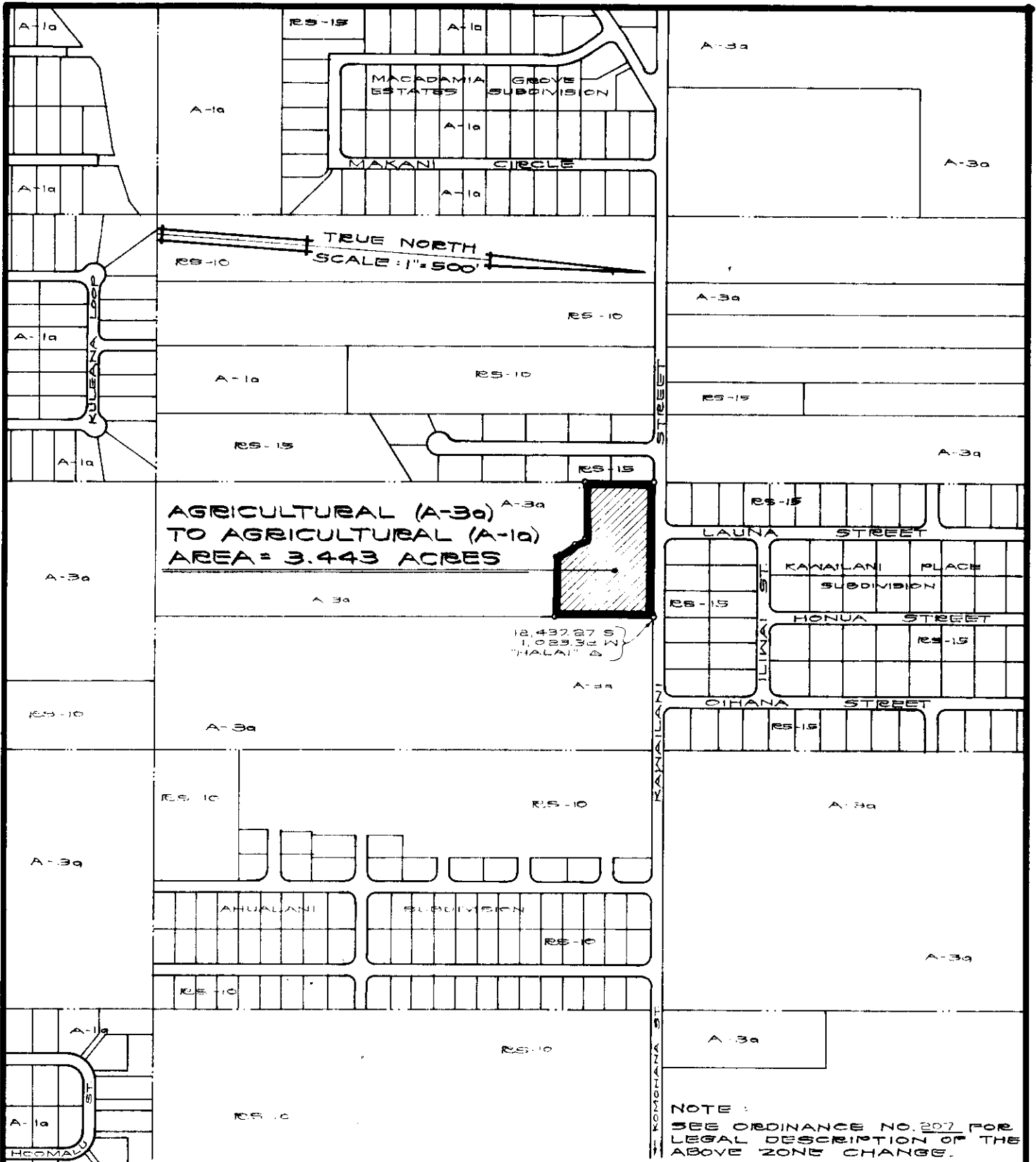
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AMENDMENT TO THE ZONING CODE

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PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: Frank Frenz
(print or type)

(I) (We) hereby request an amendment of zoning to change the present classification in a(n) A-3a district into a(n) A-1a district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons:

Submittals: Petitioner shall submit sixteen (16) copies of the application and location/site plan drawn to scale, and one (1) copy of the questionnaire.

Time: 2-4-03: p/ 16

Petitioner's interest in subject property: (State if owner or lessee*)

Owner

*must be for 5 years or more

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

NOTE: a. Please explain how the requested change of zone would be consistent with the goals, policies, and course of action (if applicable) of the General Plan document. Please, also, specifically indicate which goals, policies, and courses of action are involved. (Copies of the General Plan document are available at all public libraries and at the Hawaii County Planning Department.)

(See Addendum)

b. Please state any other reason(s) for your request.

The primary purpose for this request is to enable us to provide each of our children with a free homesite, which will also be in close proximity to the family business.

The application shall be accompanied with a deposit of \$100.00 to cover publication and administrative costs.

Signature Frank Frenz Owner
Name Title

Address 1141 Kawailani St., Hilo, Hawaii 96720

Telephone 959-9121

ADDENDUM

a)

The proposed rezoning of three (3) acres from A-3a to A-1a will not be contrary to the objectives sought to be accomplished by the General Plan document and are consistent with the Goals, Policies and Course of Action set forth by the County of Hawaii. The land is primarily used as pasture land for Cattle grazing.

The desired creation of three (3) one-acre lots will not adversely affect surrounding property, as adjacent parcels are now being subdivided into urban sized residential lots. The lots are to be deeded to our three sons to provide them with home-sites. Excepting for a reasonable area surrounding the house site, the expected use for the remainder will be primarily for grazing purposes in conjunction with the family business.

The proposed rezoning would not unreasonable burden public agencies to provide for roads, water, drainage and school improvements, and police and fire protection.

CHANGE OF ZONE: FRANK FRENZ

BACKGROUND

The applicant, Frank Frenz, is requesting a change of zone for ~~three (3)~~ ^{3.6±} acres of land from an Agriculture 3-acre (A-3a) to an Agriculture 1-acre (A-1a) zoned district. The area in question, which is a portion of a 20-acre parcel, is situated along the south or Puna side of Kawaiilani Street, across from the Kawaiilani Place Subdivision and approximately 3,400 feet mauka of the Kawaiilani Street-Komohana Street intersection, Waiakea Homesteads, South Hilo. (TMK: 2-4-03: por. 16.)

In request of the change of zone, the applicant intends to create three (3) 1-acre lots for his three (3) sons. In support of the request, the following was stated:

"The proposed rezoning of three (3) acres from A-3a to A-1a will not be contrary to the objectives sought to be accomplished by the General Plan document and are consistent with the Goals, Policies and Course of Action set forth by the County of Hawaii. The land is primarily used as pasture land for Cattle grazing.

"The desired creation of three (3) one-acre lots will not adversely affect surrounding property, as adjacent parcels are now being subdivided into urban sized residential lots. The lots are to be deeded to our three sons to provide them with home-sites. Excepting for a reasonable area surrounding the house site, the expected use for the remainder will be primarily for grazing purposes in conjunction with the family business.

"The proposed rezoning would not unreasonably burden public agencies to provide for roads, water, drainage and school improvements, and police and fire protection.

"Although we will deed the remaining two lots to our two unmarried sons, we will continue to use the land for pasture purposes until they are ready to construct a home."

The General Plan land use pattern allocation guide map designates the area for Low Density Urban Development. Such a designation may allow single family residential uses at a maximum density of four (4) units per acre. The requested 1-acre zoning would fall well within this density limit.

The Hilo Community Development Plan Zone Guide Map recommends designating the area as R-10/12.5-15 zone.

For the Commissioners information, the area in question was reclassified by the State Land Use Commission from an Agricultural to an Urban district during its 1974 boundary review.

The soil of the area is of the Oloa Series which consists of well-drained silty clay loams that formed in volcanic ash. The surface layer and subsoil are about 16 inches thick and 9 inches thick respectively. It is underlain by Aa lava. (This soil dehydrates irreversibly into gravel-size aggregates.) Permeability is rapid, runoff is slow, and the erosion hazard is slight. The land slopes from 0 to 20 percent, and the area receives from 100 to 175 inches of rainfall annually.

The area in question as well as the remaining portion to the rear are used for pastoral purposes. A single family dwelling and the Frank's Foods meat plant are also situated in the rear portion of the 20-acre parcel. Surrounding land uses include residential dwellings

as well as other pastures. The properties immediately mauka of the area in question is zoned Single Family Residential - 15,000 square feet. The Kawaiiani Place Subdivision, situated across from the area under consideration, is also zoned RS-15.

Kawaiiani Street, which provides direct access to the area, has a 40-foot right-of-way with an 18-foot pavement. It is proposed to be widened to a 60-foot right-of-way, thus, affecting ten (10) feet of the subject area. All essential utilities, including a 6-inch water line, is available to the area.

All cooperating agencies, including the Department of Agriculture, had no comments on or objections to the subject request.

Bill No. 221 - 1976

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 AGRICULTURAL (A-3a) TO AGRICULTURAL (A-1a) AT WAIAKEA HOMESTEADS, SECOND SERIES, WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-4-03:16 (PORTION).

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

Date Introduced: May 7, 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 May 7, 1976, by the following aye and no vote:

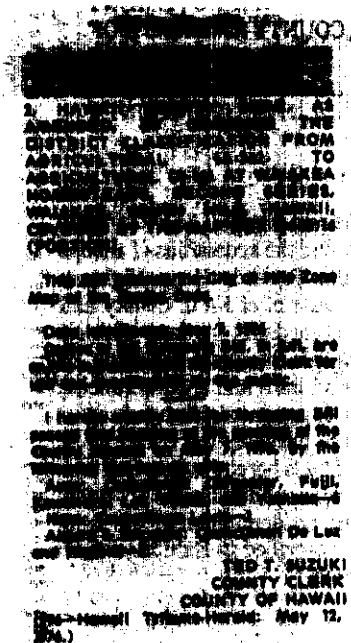
Ayes: Councilmen Carpenter, Fujii, Kawahara, Lai, Yadao, and Yamada - 6

Noes: Councilman Levin - 1

Absent & Excused: Councilmen De Luz and Hisaoka - 2



COUNTY CLERK
COUNTY OF HAWAII



ORDINANCE NO. 207
(Bill No. 221-1976)

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Date Approved: May 20, 1976

Date Effective: May 26, 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.

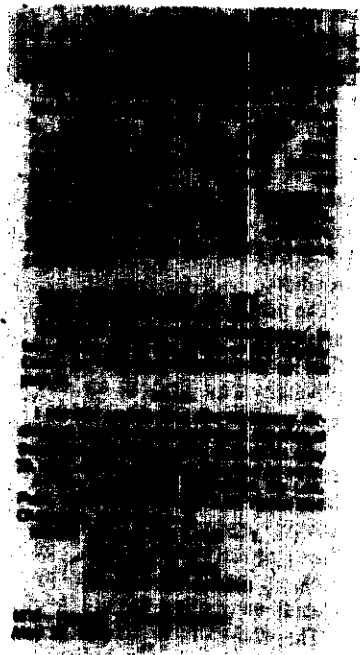
I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on May 20, 1976, by the following aye and no vote:

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

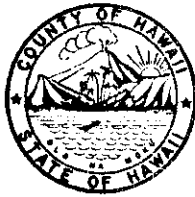
NOES: Councilman Levin - 1.



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. 221
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: May 20, 1976

Hilo, Hawaii
Date: May 7, 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		
	6	1	2

Publication Date: _____

Hilo, Hawaii
Date: May 20, 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: _____

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

Clifford H. Jones
5/21/76

Robert M. Yamada
Council Chairman

Red Suzuki
County Clerk

Approved/Disapproved this 26th day of May, 1976

Hubert Matsuyoshi
Mayor, County of Hawaii

Bill No. 221
Reference: _____
M.B. No. 207
Ord. No. 207