

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 222

AN ORDINANCE AMENDING SECTION 7.22, THE PAHOA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-11:15.

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

SECTION 1. Section 7.22 of Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, is hereby further amended by adding thereto the following subsection:

"7.22 (f). The district classification of the following area situated at Nanawale Homesteads, Puna, Hawaii, shall be Village Commercial (CV-10):

Beginning at a point at the southeast corner of this lot and on the northside of Government Main Road, the Survey Trig. Station "VILLAGE FLAG", being 1108.89 feet south and 1484.81 feet east, thence running by azimuths measured clockwise from true South:

1. 124° 20' 51.00 feet along the north side of Government Main Road;
2. 213° 03' 227.42 feet along Lot 15;
3. 303° 18' 50.00 feet along Lot 29 and Lot 30;
4. 32° 48' 30" 228.34 feet along Lot 13 to the point of beginning, containing an area of 11,505 square feet, more or less.

"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 existing building be occupied for commercial purposes within one (1) year from the effective date of approval of the change of zone; (B) the petitioner shall be responsible for consolidating the area with the adjacent parcel, identified by TMK: 1-5-11:14 after receiving full title to both parcels; and (C) all other applicable rules and regulations, including the Plan Approval process be

complied with. 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:

Frank K. [Signature]

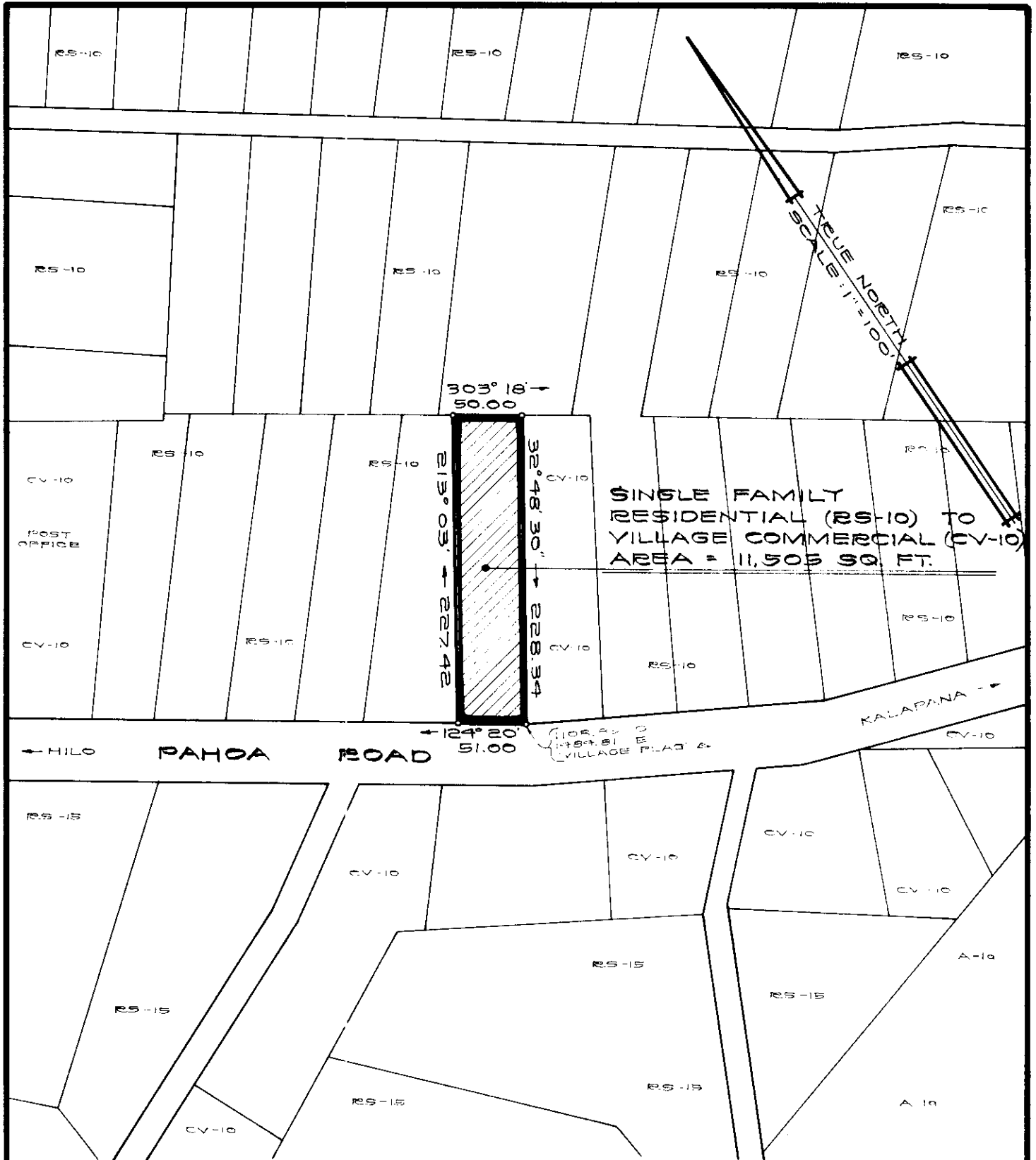
COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: August 18, 1976

Date of Adoption: September 1, 1976

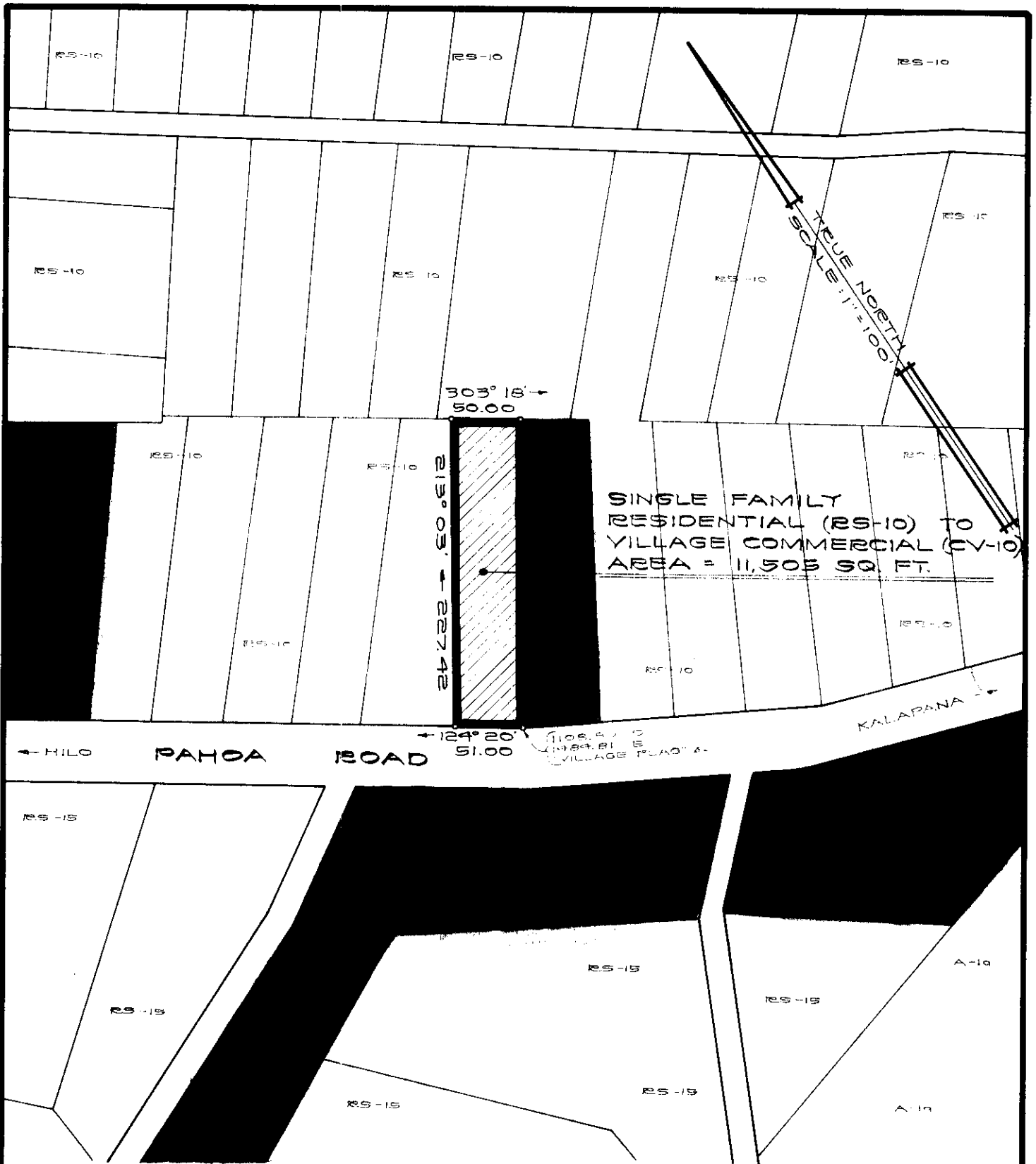
Effective Date: September 9, 1976



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 6 TO SECTION 7.22, THE PAHOA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAII.

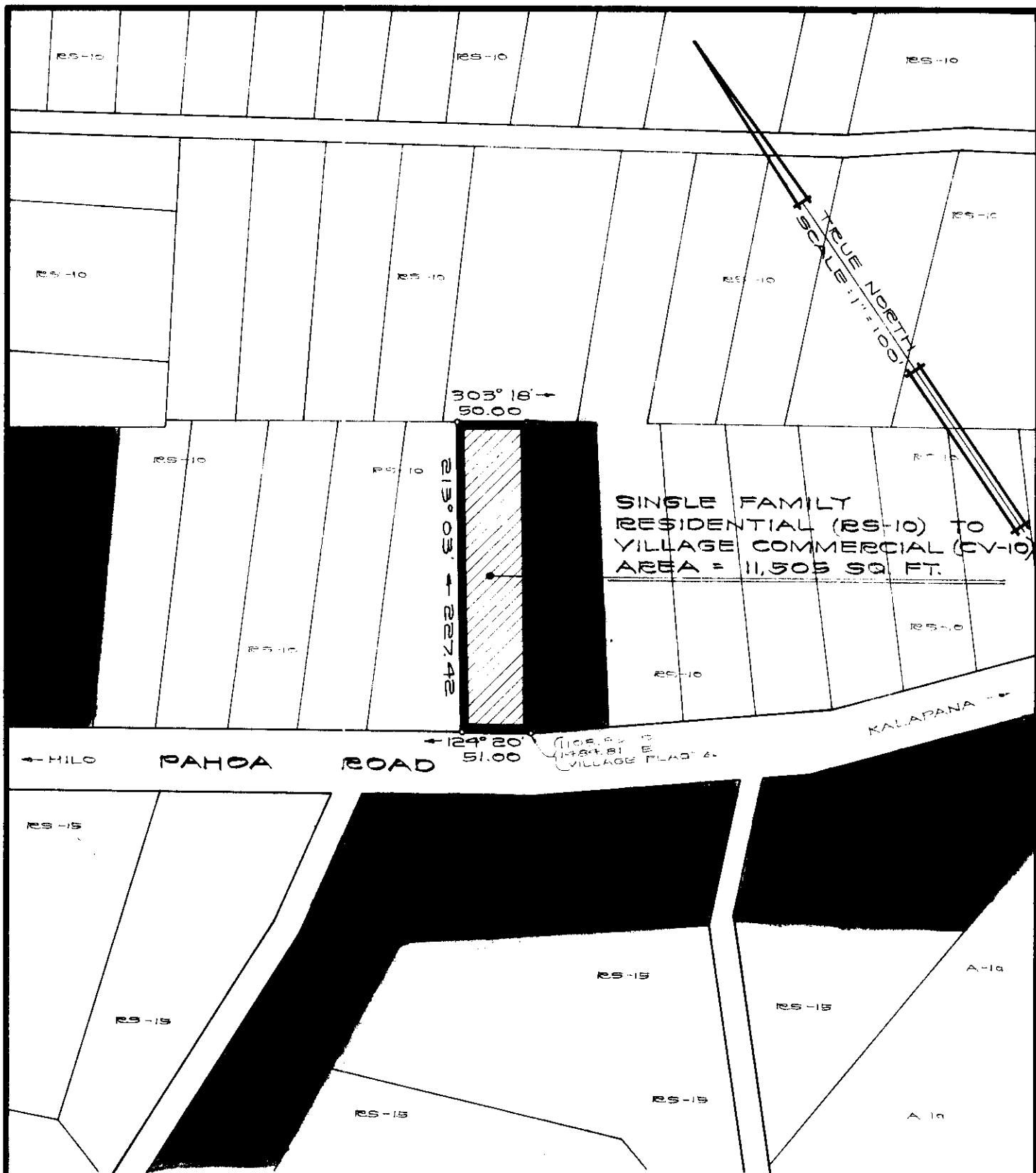
DATE OF PUBLIC HEARING : JUNE 24, 1976
 DATE OF APPROVAL : SEPT. 9, 1976
 ORDINANCE NO. 222
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 6 TO SECTION 7.22, THE PAHOA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 24, 1976
 DATE OF APPROVAL : SEPT. 9, 1976
 ORDINANCE NO. 222
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 6 TO SECTION 7.22, THE PAHOA ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, FUNA, HAWAII.

DATE OF PUBLIC HEARING : JUNE 24, 1976
 DATE OF APPROVAL : SEPT. 9, 1976
 ORDINANCE NO. 222
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII

CHANGE OF ZONE: RAYMOND SMYTHE, ETAL

The petitioners, Raymond Smythe and others, are requesting a change of zone for 11,505 square feet of land from a Single-family Residential-10,000 square foot (RS-10) to a Village Commercial-10,000 square foot (CV-10) zoned district. The area under consideration is situated along the north side of the Pahoa Road, approximately 400 feet east of the Pahoa Post Office and ^{from the Pahaia Village Center Complex} ~~directly across Puna Flowers and Foliage's office and warehouse,~~ Nanawale Homesteads, Pahoa, Puna (TMK: 1-5-11:15).

The petitioners are requesting this change of zone to allow the renovation and conversion of an existing single family dwelling into a general garden shop.

In support of the request, the petitioners have stated the following:

"This property is specified for commercial use in the County of Hawaii General Plan. Also, under 'Course of Action' for commercial development in Puna the General Plan states:

- (1) Centralization of commercial activities in Keaau and Pahoa shall be encouraged.
- (2) Rehabilitation of existing commercial development in appropriate locations shall be encouraged.
- (3) Appropriately zoned lands shall be allocated as the need arises.

"The applicants presently own the above property and the adjacent property (TMK 1-5-11-14). It is our intention to renovate the existing dwelling on the above property and

utilize it as a general garden shop. The adjacent parcel which is currently vacant was zoned CV 10 under Ordinance 494. The ordinance contains a requirement for the building of a building as a condition of the zoning change that was applied for at that time. Please note that the present applicants were in no way involved in the request for zoning change approved under Ordinance 494. We would, however, request that at the same time we be given the zoning change on the above property, that the condition to build on TMK 1-5-11-14 be eliminated as a requirement for CV 10 zoning on that parcel.

"It is the applicants intention to utilize the vacant lot as a parking lot in support of the garden shop, especially in view of the narrowness of both parcels. The utilization of the two parcels jointly was a definite factor in our purchase of same. We do plan to have a portion of the lot for parking purposes.

"It is envisioned that the development of this property will be in two incremental steps. The initial step being the garden shop in the existing building with step two consisting of the erection of a new building at the rear of properties for use as a garden shop - produce exchange. This idea has received enthusiastic support from people in the Pahoa area that have been contacted to date."

For the Commissioners' information, Ordinance 494 relating to a change of zone request for the adjacent parcel from a RS-10 to a CV-10 zoned district was approved by the County Council in August of 1972. As stated by the petitioners, the approval was subject to

the condition that "the owner or lessee of the subject property be responsible for securing a building permit and assuring construction started for a commercial office building within one (1) year from the date of approval of the change of zone." As written in the ordinance, if this condition is not met, the Planning Commission has the right to re-evaluate the area and initiate action to re-zone the property to its former zoning designation.

In February of 1975, the petitioners purchased the property covered under Ordinance 494 from the previous owners. As stated by the petitioners, they intend to utilize this property for parking purposes to accommodate the proposed use on the property requested to be rezoned. As such, they ~~are~~^{have} also requested that the condition as outlined in Ordinance 494 be deleted.

The General Plan land use pattern allocation guide map designates the area for Medium Density Urban Development. This General Plan classification may allow village and neighborhood commercial uses.

Aside from the existing single-family dwelling, there is also a garage on the property in question. The lands located across the street from the property are zoned for Commercial uses, which include the Pahoia Dairy Queen, Pahoia Beauty Salon, Gift Shop, launderette, Puna Flowers and Foliage and doctor's office. The adjacent lots on the Hilo side of the property, as well as the area to the rear are used for single family residential purposes.

Within the Pahoia area, there are approximately seventeen (17) acres of commercially zoned lands. ~~The~~^{The} Majority of these lands, however, are built upon; mainly for single family residential purposes. There are about four (4) acres of vacant lands in the

vicinity of the Pahoa Neighborhood Facility Complex which AmFac intends to develop.

The Pahoa Road, fronting the subject area, has a 25-foot right-of-way and a 20-foot pavement.

All necessary utilities and facilities, including an 8-inch water line, are available to the area.

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: Eva Buri, Raymond Smythe, John Wood, Douglas Beatty

APPLICANT'S SIGNATURE: *Raymond E. Smythe* *Douglas A. Beatty* *John W. Wood*

ADDRESS: P. O. Box 633 Pahoia Hawaii 96778

TELEPHONE: 965-9333

REQUEST FROM: RS 10 TO: CV 10

TAX MAP KEY: 3-1-5-11-15 AREA OF PROPERTY: 11,505 sq. ft.
(size of parcel)

OWNER: Eva Buri, Raymond Smythe, John Wood, Douglas Beatty

OWNER'S SIGNATURE: *Raymond E. Smythe* *Douglas A. Beatty* *John W. Wood*

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.

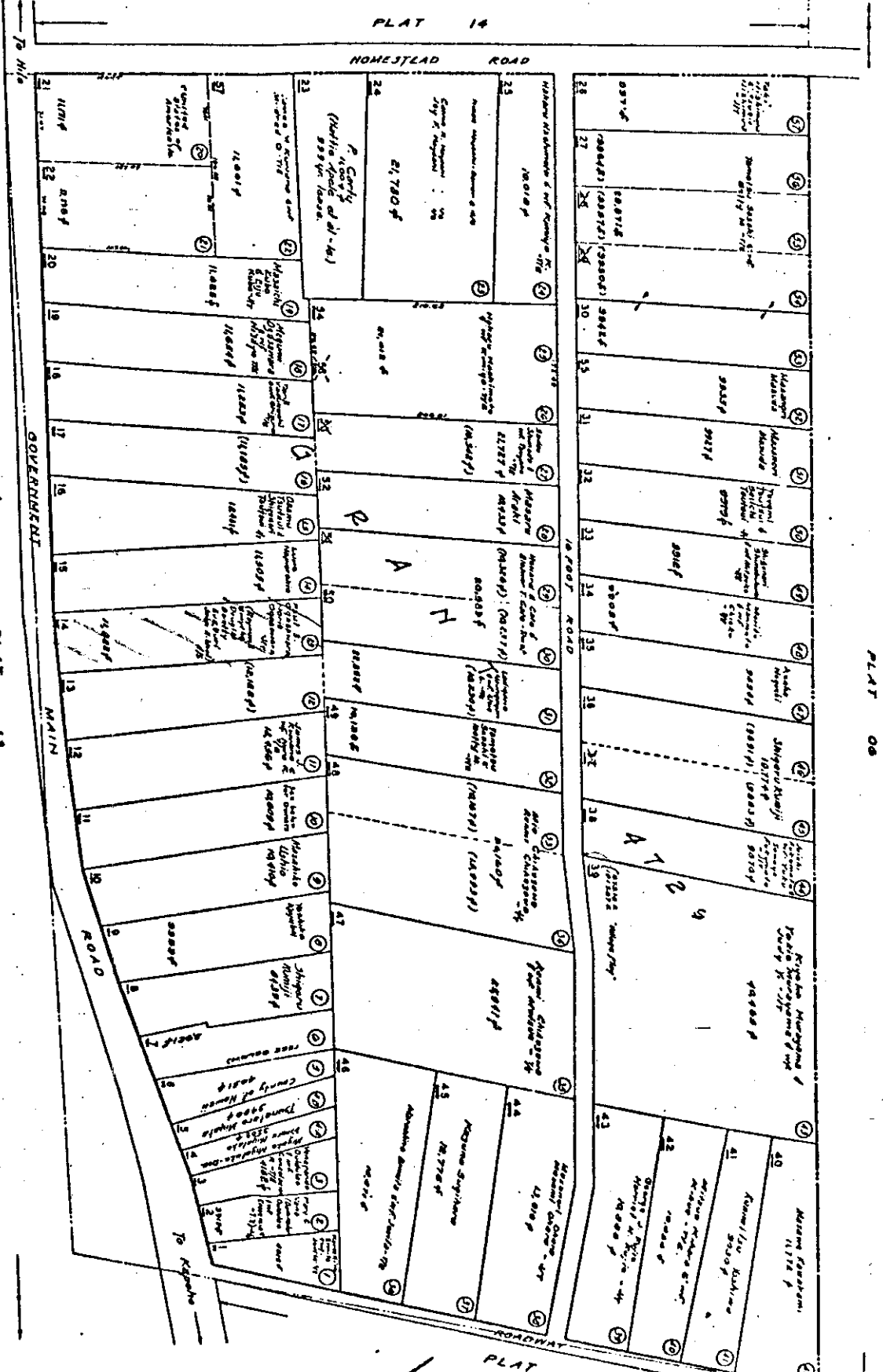
FOR OFFICIAL USE:

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

Dep. No. 2242
 Source - Tax Map Bureau
 Dated H.L. 1933

3833
 Lot 18

SUBDIVISION OF GR 922 HAWAII E. MAPS, PUNA HAWAII

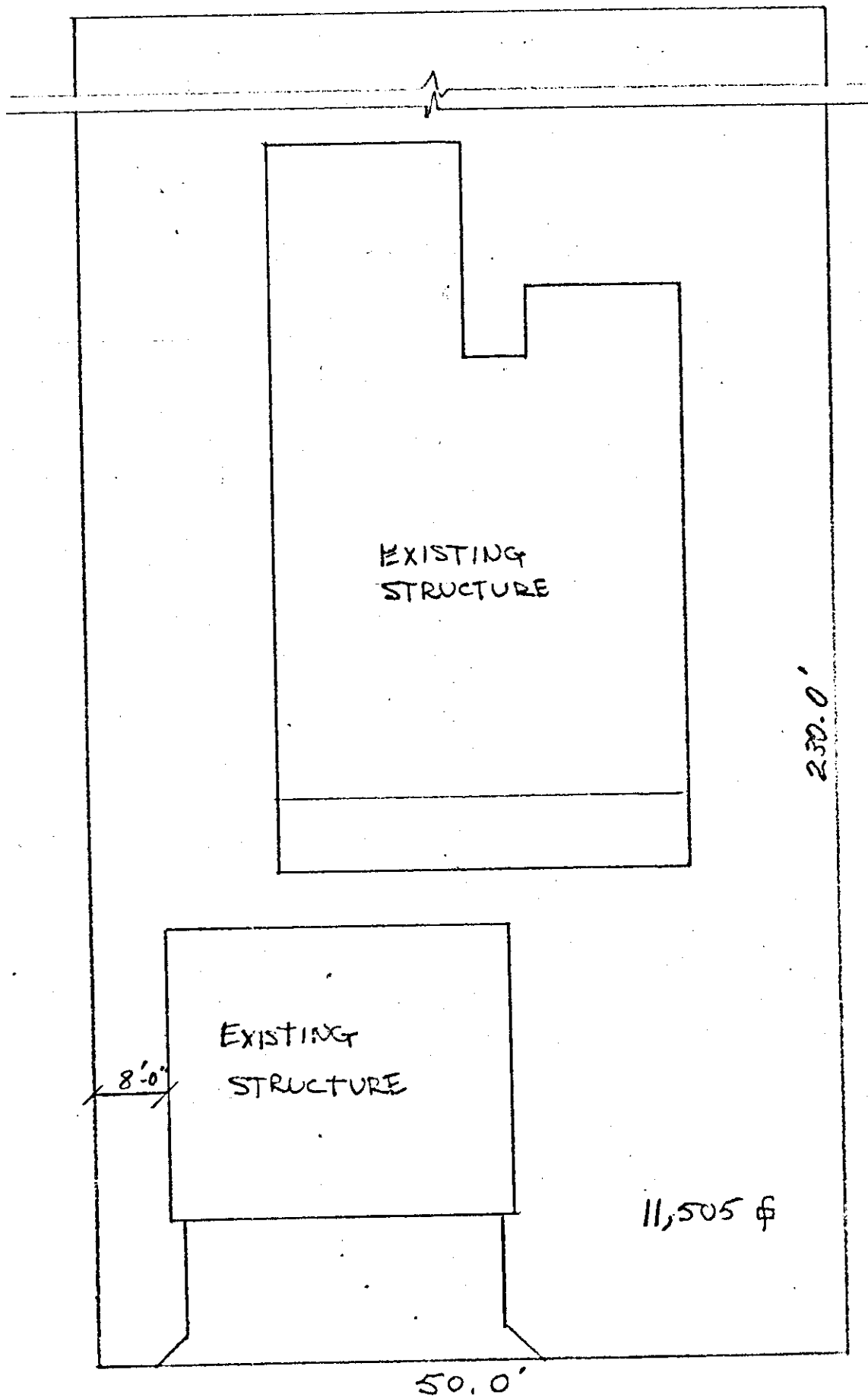


1. Plat No. 3833
 2. Subdivision of Gr 922 Hawaii E. Maps, Puna Hawaii

ADJACENT SHEET
 HAWAII E. MAPS, PUNA HAWAII

Original Record 37,423	
THIRD	C. T. E.
ZONE	SEC. K. A.
1	5
CONTAINING	5.00
SCALE	
MATCH	

28-32	100
33-37	100
38-41	100



TRK 3-1-5-11-75

D.P. 1. 2. 3.

Applicant's reasons for requesting a change of zone.

The property for which the zoning change is requested is located in Pahoa on Highway 11 across the street from Puna Flowers and Foliage. This property is specified for commercial use in the County of Hawaii General Plan. Also, under "Course of Action" for commercial development in Puna the General Plan states:

- (1) Centralization of commercial activities in Keaau and Pahoa shall be encouraged.
- (2) Rehabilitation of existing commercial development in appropriate locations shall be encouraged.
- (3) Appropriately zoned lands shall be allocated as the need arises.

The applicants presently own the above property (TMK 3-1-5-11-15) and the adjacent property (TMK 3-1-5-11-14). It is our intention to renovate the existing dwelling on the above property and utilize it as a general garden shop. The adjacent parcel (TMK 3-1-5-11-14) which is currently vacant was zoned CV 10 under Ordinance 494 a copy of which is attached. The ordinance contains a requirement for the building of a building as a condition of the zoning change that was applied for at that time. Please note that the present applicants were in no way involved in the request for zoning change approved under Ordinance 494. We would, however, request that at the same time we be given the zoning change on the above property, that the condition to build on TMK 3-1-5-11-14 be eliminated as a requirement for CV 10 zoning on that parcel.

It is the applicants intention to utilize the vacant lot as a parking lot in support of the garden shop, especially in view of the narrowness of both parcels. The utilization of the two parcels jointly was a definite factor in our purchase of same. We do plan to have a portion of the lot for parking purposes.

It is envisioned that the development of this property will be in two incremental steps. The initial step being the garden shop in the existing building with step two consisting of the erection of a new building at the rear of properties for use as a garden shop - produce exchange. This idea has received enthusiastic support from people in the Pahoa area that have been contacted to date.

ATTACHMENT

Commercial, RM, Resort, & Industrial

PLANNING DEPARTMENT
County of Hawaii

APPLICATION FOR CHANGE OF ZONE

1. If your request is approved, do you intend to subdivide the subject land in accordance with the approved change of zone? No

If yes, please answer the rest of question 1 and then to question 3.

- a. How many acres of the requested area do you intend to subdivide? -
- b. Into what lot sizes? -
- c. If your request is approved, approximately how long after the date of approval do you expect to submit your subdivision plans to the Planning Department for preliminary approval? -

If you intend to subdivide, please submit a preliminary schematic subdivision plan together with your change of zone application form.

2. If you have no firm plans of subdividing the subject area, do you intend to:
- a. Sell or lease the land to someone who has firm plans? No
- b. Sell or lease the land to someone who has tentative plans? No
- c. Sell or lease the land to someone who has no plans? No
- d. Keep it? Yes
- e. Other (please state)

- f. If you intend to do either a, b, or c, please elaborate on the kind of plans the other party has. Please, also, include in your answer approximately how soon after approval of your rezoning do you expect to transfer the subject land to another party.

3. What specific building plans do you have for the subject land? Include in your answer the following: type of building (apartment, office, launderette, etc.); financing arrangement; timetable for construction; and any other information which you feel might help us in evaluating your request.

Existing 2 bedroom house will be renovated and modified for use as a garden store/nursery operation. We anticipate the cost of renovations to be around \$3 000.00 by doing much of the work ourselves. We expect to spend another \$2,000.00 paving a portion of the adjacent property TMK 3-1-5-11-14 for use as a parking lot.

4. Have you performed any study which would demonstrate a need for your proposed building and/or development? Yes

If so, please elaborate on your findings in the space provided below.

There is at present no retail facility in Pahoa which deals exclusively in plants trees and related products for the home gardener. Informal surveys indicate an interest in such a business to service the rapidly growing area in and around Pahoa.

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County? Yes

If so, please elaborate on your findings in the space provided below.

We do not anticipate any change in the area or any requirement for any additional services from the County.

6. Are there any buildings on the subject area? Yes
If so, what kind?

Two bedroom house.

What do you intend to do with those buildings if your request is approved?

Renovate for use as a garden shop.

7. Is the subject land currently being used for any agricultural activity? No

If so, please list the kinds of products grown and on how many square feet or acres of land per product?

8. To your knowledge, has there been any flooding and/or drainage problem on the subject area? No

If so, please describe the problem.

9. Do you think that the roads leading to the subject area needs improvements? No

If so, what kind?

Is the road adequate for the proposed traffic volume or load? Yes

10. What sort of governmental assistance and/or improvements do you feel will be needed in the subject area when developed?

	<u>Yes</u>	<u>No</u>
a. Schools	_____	_____X_____
b. Roads	_____	_____X_____
c. Sewer	_____	_____X_____
d. Drainage	_____	_____X_____
e. Police protection	_____	_____X_____
f. Fire protection	_____	_____X_____
g. Recreational Facilities	_____	_____X_____
h. Public Utilities	_____	_____X_____
i. Other	_____	_____X_____

For those checked "yes" please elaborate what type or kinds of improvements and/or assistance are needed.

11. Have you performed any historical sites study and/or survey of the subject area? If so, what were the results? Please, also, submit a copy of the study together with this change of zone supplement.

Property is located in the center of Pahoa town and does not contain anything of a historical nature.

x *John S. Wood*
Douglas A. Beatty
Raymond E. Smith
Signature _____
Address P.O. Box 1130, Hilo, HI 96720
Telephone 935-8820
Date March 19, 1976

Hilo, Hawaii
Date: August 18, 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	

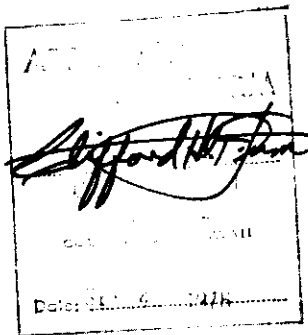
Publication Date: August 25, 1976

Hilo, Hawaii
Date: September 1, 1976

SECOND & FINAL READING			
	AYES	NOES	A/E
Carpenter	X		
De Luz	X		
Fujii	X		
Hisaoka	X		
Kawahara	X		
Lai	X		
Levin			EX
Yadao	X		
Yamada	X		
	8		1

Publication Date: September 16, 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 I. Suzuki
County Clerk

Approved/Disapproved this 9th day of September, 1976

Heber P. Matsuyoshi
Mayor, County of Hawaii

Bill No. 238
Reference: PRDLC-82/C-1956
M.B. No. _____
Ord. No. 222

Bill No. 238 - 1976

AN ORDINANCE AMENDING SECTION 7.22, THE PAHOA ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDNETIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAII COVERED BY TAX MAP KEY 1-5-11:15.

This Bill amends Section 7.22, the Pahoia Zone Map, Chapter 8 (Zoning Code), Article 2, Hawaii County Code, as amended, by changing the district classification from Single Family Residential (RS-10) to Village Commercial (CV-10) at Nanawale Homesteads, Puna, Hawaii, covered by TMK: 1-5-11:15.

Date Introduced: August 18, 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.

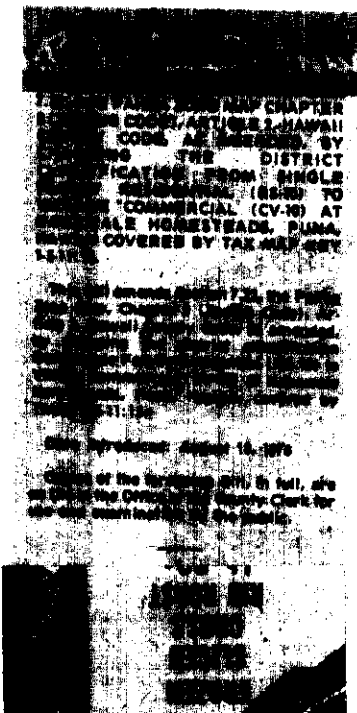
I hereby certify that the foregoing Bill passed first reading at the meeting of the County Council on August 18, 1976, by the following aye and no vote:

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

NOES: Councilman Levin - 1.



COUNTY CLERK
COUNTY OF HAWAII



ORDINANCE NO. 222
(Bill No. 238-1976)

AN ORDINANCE AMENDING SECTION 7.22, THE PAHOA ZONE MAP CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE FAMILY RESIDENTIAL (RS-10) TO VILLAGE COMMERCIAL (CV-10) AT NANAWALE HOMESTEADS, PUNA, HAWAII, COVERED BY TAX MAP KEY 1-5-11:15.

Date Approved: September 1, 1976
Date Effective: September 9, 1976

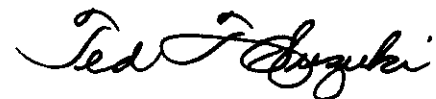
Copies of the foregoing Ordinance, in full, are on file in the Office of the County Clerk for use and examination by the public.

I hereby certify that the foregoing Ordinance passed second and final reading at the meeting of the County Council on September 1, 1976, by the following aye and no vote:

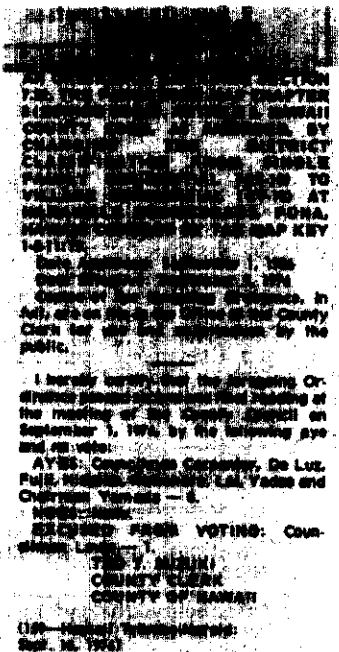
AYES: Councilmen Carpenter, De Luz, Fujii, Hisaoka, Kawahara, Lai, Yadao and Chairman Yamada - 8.

NOES: None.

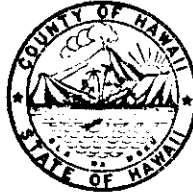
EXCUSED FROM VOTING: Councilman Levin - 1.



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. 238
passed by the County Council on second and final
reading.

Ted T. Suzuki
COUNTY CLERK

Encl.

Dated: September 2, 1976