

COUNTY OF HAWAII - STATE OF HAWAII

ORDINANCE NO. 272

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 RESORT-HOTEL (V-S-.75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-1-07:3 & 7.

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 (bbb). The district classification of the following area situated at Waiakea, South Hilo, Hawaii, shall be General Industrial (MG-20):

Beginning at the West corner of this parcel of land, the North-east corner of Lot #9, of the "Waiakea Warehouse Lots," and on the South side of Ocean View Drive, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALAI" being 3,723.18 feet North and 13,227.31 feet East and running by azimuths measured clockwise from true South:

- | | | | | |
|----|------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 244° | 25' | 48" | 264.70 feet along the south side of Ocean View Drive; |
| 2. | 334° | 25' | 48" | 338.30 feet along the west side of Kumau Street; |
| 3. | 64° | 25' | 48" | 264.70 feet along the north side of Kalaniana'ole Street; |
| 4. | 154° | 25' | 48" | 338.30 feet along the east side of Lot 9, of the "Waiakea Warehouse Lots" to the point of beginning and containing an area of 2.056 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 petitioner of TMK: 2-1-07:3 or his authorized representative, shall commence construction of his proposed facility within one (1) year from the effective

date of approval of the change of zone and be completed within two (2) years thereafter; (B) both petitioners or their authorized representatives, shall obtain a Special Management Area (SMA) Use Permit prior to commencement of any construction; (C) the petitioners or their authorized representatives, shall comply with the Flood Hazard Area requirements as administered by the Department of Public Works; and (D) 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:

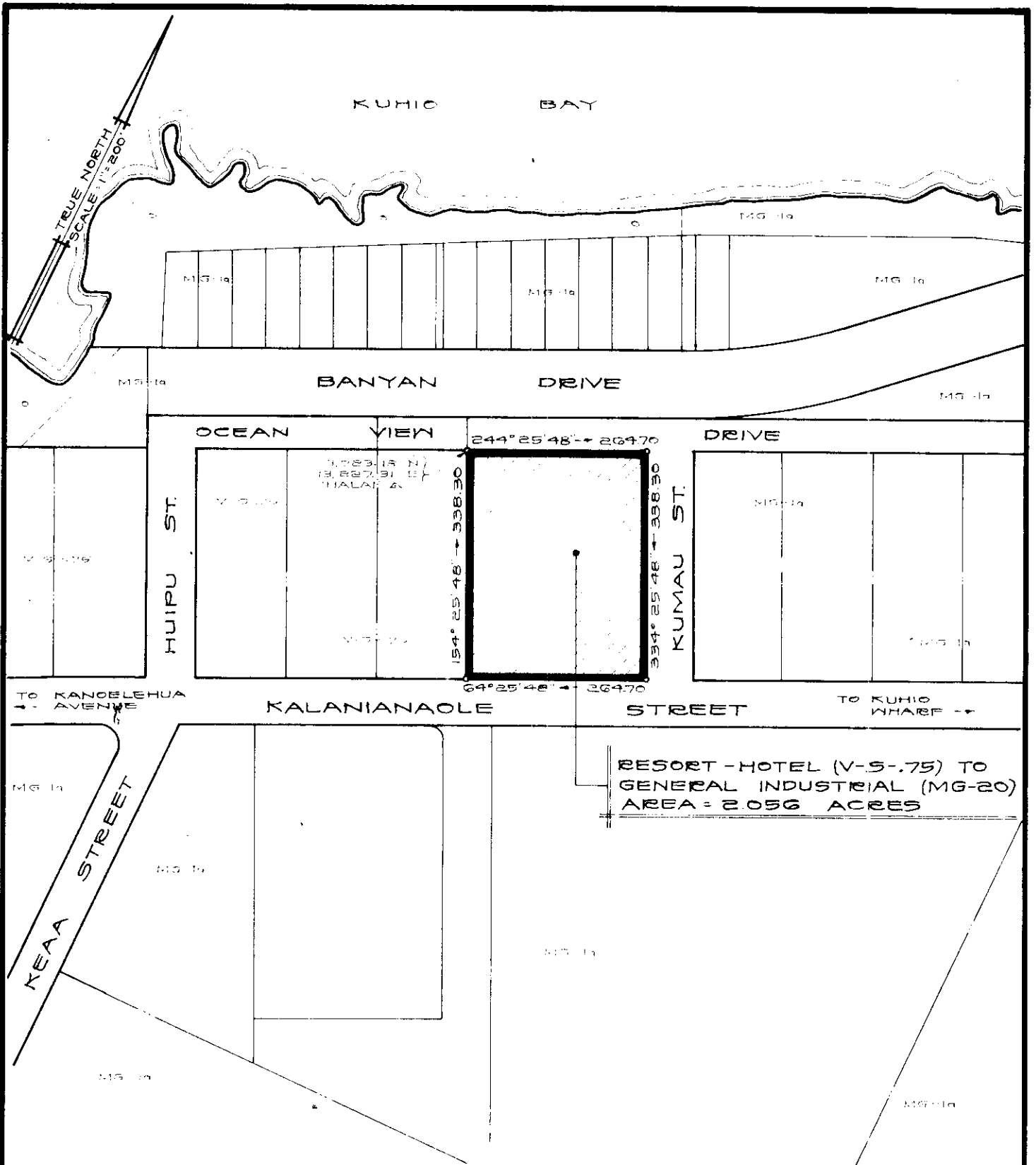

COUNCILMAN, COUNTY OF HAWAII

Hilo, Hawaii

Date of Introduction: April 20, 1977

Date of Adoption: May 4, 1977

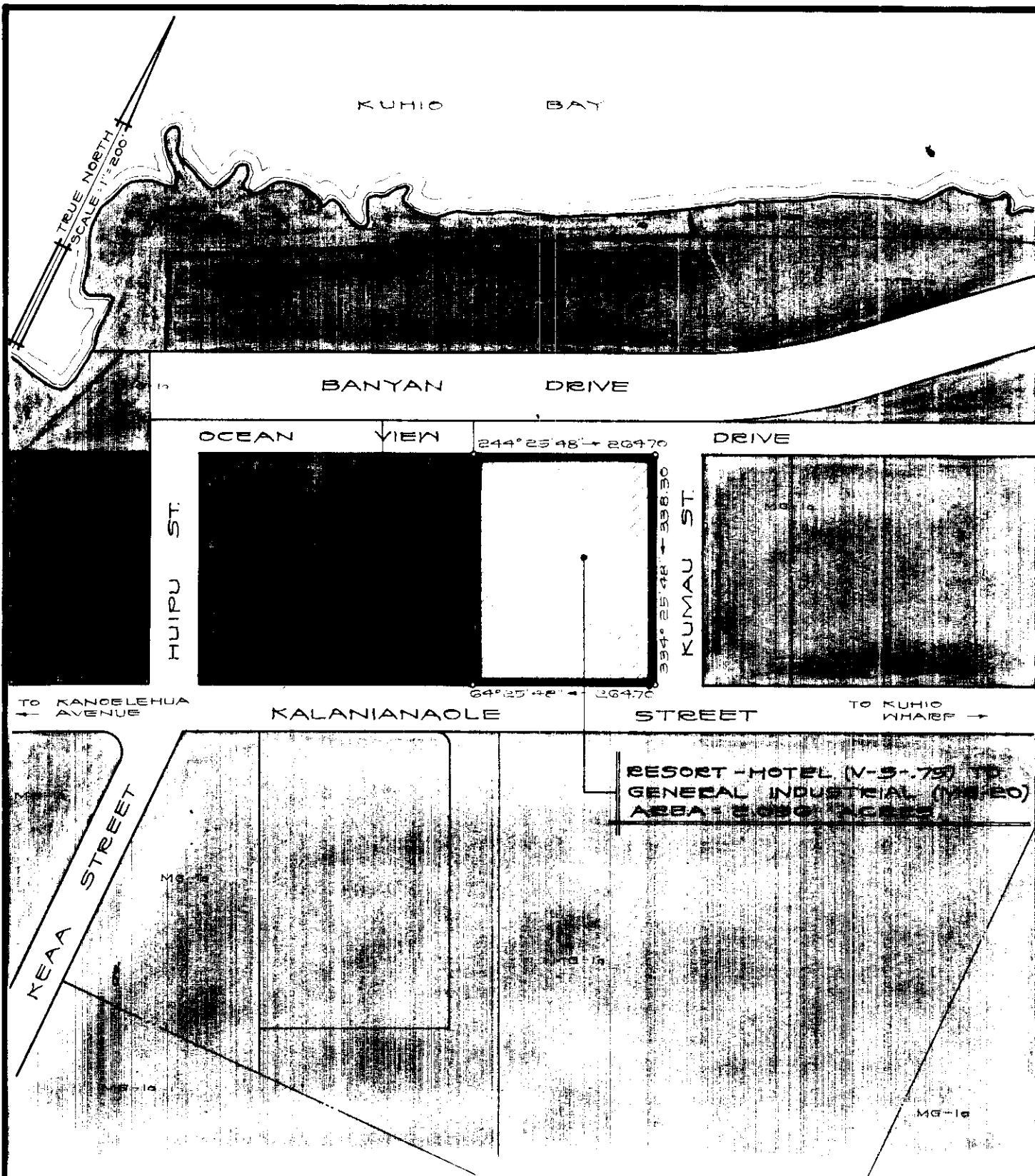
Effective Date: May 18, 1977



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 54 TO 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 RESORT-HOTEL (V-S-.75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII.

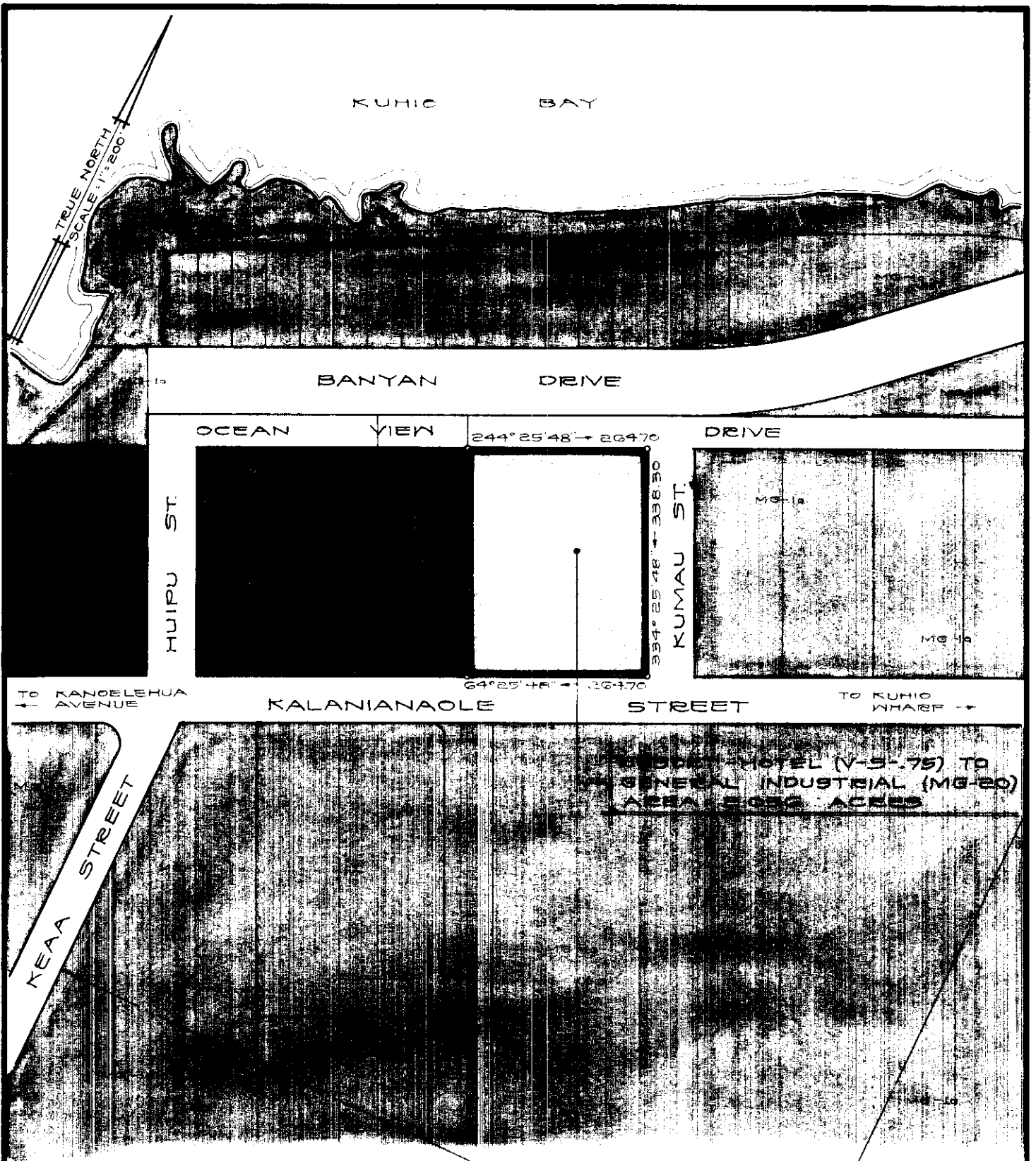
DATE OF PUBLIC HEARING : FEB. 3, 1977
 DATE OF APPROVAL : MAY 18, 1977
 ORDINANCE NO. 272
 PREPARED BY : PLANNING DEPARTMENT
 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

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 COUNTY OF HAWAII



AMENDMENT TO THE ZONING CODE

AMENDMENT NO. 54 TO SECTION 729, THE CITY OF HILO ZONE MAP OF CHAPTER 8 (ZONING CODE), ARTICLE 2, HAWAII COUNTY CODE, AS AMENDED, BY CHANGING THE DISTRICT CLASSIFICATION FROM RESORT-HOTEL (V-S-75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII.

DATE OF PUBLIC HEARING : FEB. 3, 1977
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 COUNTY OF HAWAII

C. WENDELL CARLSMITH
JAMES H. CASE
CHARLES R. WICHMAN
DONN W. CARLSMITH
ROBERT E. BETHEA
JAMES W. BOYLE
BURNHAM H. GREFLEY
GEORGE G. GRUBB
JACK HALPIN
TOM C. INGLEDEE
DAVID L. IRONS
J. THOMAS VAN WINKLE
DAVID C. LAKSON
TOM C. LEUTENEKER
THOMAS D. WELCH, JR.
ROBERT W. CARLSMITH
MICHAEL J. MEDEIROS
HOWARD R. GREEN

JOHN F. LEZAK
A. BERNARD BAYS
GERALD A. SUMIDA
JAMES R. KEEGAN
JOSEPH T. KIEFER
IVAN M. LUI-KWAN
WILLIAM J. ROSDIL
TERENCE J. O'DOOLE
PETER STARN
THOMAS A. RULON
LAWRENCE S. OKINAGA
RONALD Y. SHIGETANI
ROBERT E. STRAND
RAYMOND S. IWAMOTO
ALAN M. ROODHOUSE
RAYMOND K. HASEGAWA
WILLIAM F. ROOS, JR.
SUSAN P. WALKER
JAMES C. STOKES
TIM E. DESILVA

CARLSMITH, CARLSMITH, WICHMAN AND CASE

ATTORNEYS AT LAW

P. O. Box 686

HILO, HAWAII 96720

November 22, 1976

MERRILL L. CARLSMITH
OF COUNSEL

HILO OFFICE
121 WAIANUENUE AVENUE
(808) 935-6644

CABLE ADDRESS
CARLSMITH HILO

HONOLULU OFFICE
2200 PACIFIC TRADE CENTER
(808) 524-5112

KONA OFFICE:
P. O. BOX 760
CAPTAIN COOK
(808) 323-2611

Planning Department
County of Hawaii
25 Aupuni Street
Hilo, HI 96720

Attention: Norman Hayashi

Dear Norman:

Re: Change of Zone Application
Kitagawa Volkswagen, Inc.

Per your written request of November 1, 1976,
enclosed please find one copy of the Questionnaire in the
above-entitled matter.

If you need further information, please let me
know.

Very truly yours,

CARLSMITH, CARLSMITH, WICHMAN AND CASE

Robert W. Carlsmith

Robert W. Carlsmith *RS*

RWC/bt
Enclosure

PLANNING DEPARTMENT

County of Hawaii

APPLICATION FOR CHANGE OF ZONE

Name of Applicant: Kitagawa Volkswagen, Inc. (dba Kamaaina Volkswagen)
(print or type) Chieno Kitagawa, Owner

(I) (We) hereby request an amendment of zoning to change the present classification in a ~~(XX)~~ VS-75 district into a(n) MG-201a district in accordance with provisions of Section 38, Ordinance No. 63 of the County of Hawaii for the following reasons: To allow the continuation of the operation of an automobile sales and repair business and to provide for expansion.

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: 2-1-77

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

Owners and lessee

*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.)

1. The proposed zoning conforms to the current development plan for Hilo.
 2. The proposed zoning will be within the designated industrial area allocated within the City of Hilo.
 3. The proposed zoning will be compatible with the other existing industrial uses in the area.
 4. The subject property is located conveniently near to transportation facilities and is adequately served by utilities and other industrial amenities. [Note: See pages 87,88, and 89, County General Plan]
- (see #5 below)
- b. Please state any other reason(s) for your request.
 1. To facilitate the operation of the existing automobile sales and service business.
 2. To provide opportunities for expansion.
 3. To avoid the limitations of doing business as a non-conforming use.

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

Signature Robert W. Carlsmith

Name	Robert W. Carlsmith	Title	Applicants
		Attorney for	
Address	<u>121 Waiianuenu Avenue, Hilo, HI</u>		
	<u>Capt. Cook, Hawaii</u>		
Telephone	<u>935-6644</u>	<u>323-2611</u>	

5. The proposed zoning change will convert a non-conforming use into a conforming use.

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.

not applicable

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.

None at present. In the future the owners may consider expanding the present business.

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

No

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

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County? No

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

Not applicable

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

Auto sales and repair complex

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

Retain the building and at some future time perhaps expand the operation.

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?

Not applicable

8. To your knowledge, has there been any flooding and/or drainage problem on the subject area? Yes

If so, please describe the problem.

Property is presently in a tsunami inundation area, otherwise no other 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	_____	<u>X</u>
b. Roads	_____	<u>X</u>
c. Sewer	_____	<u>X</u>
d. Drainage	_____	<u>X</u>
e. Police protection	_____	<u>X</u>
f. Fire protection	_____	<u>X</u>
g. Recreational Facilities	_____	<u>X</u>
h. Public Utilities	_____	<u>X</u>
i. Other	_____	<u>X</u>

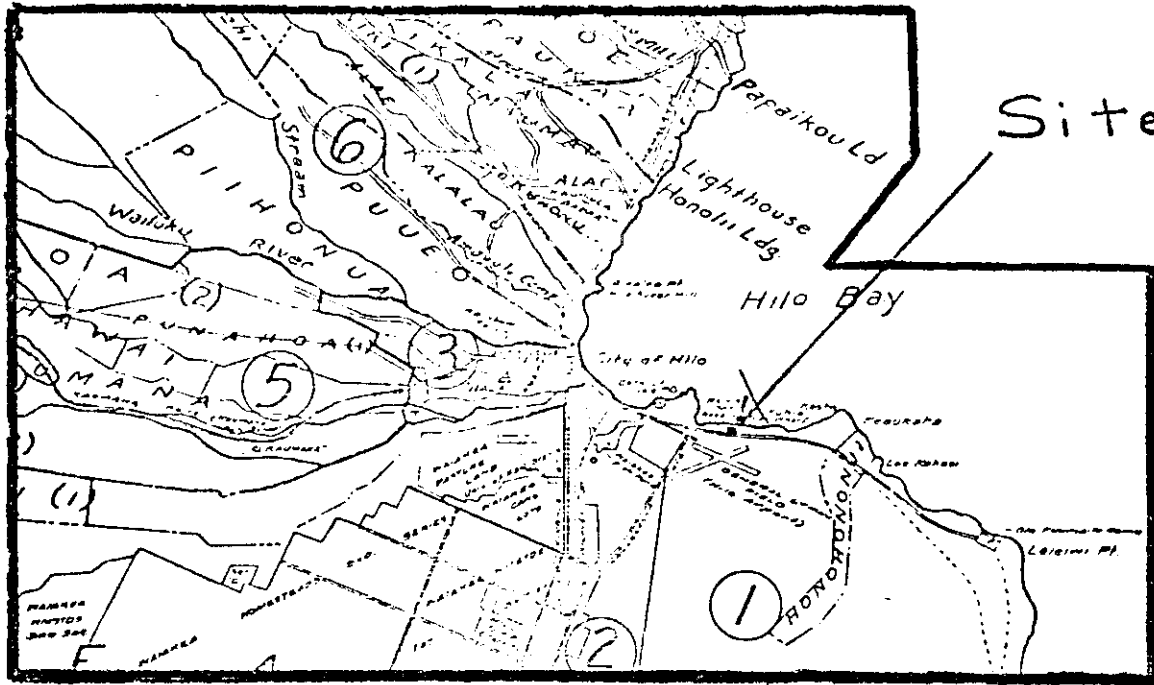
For those checked "yes" please elaborate what type or kinds of improvements and/or assistance are needed.

The area is at present developed and the proposed zoning change should not by itself have an effect on the existing services.

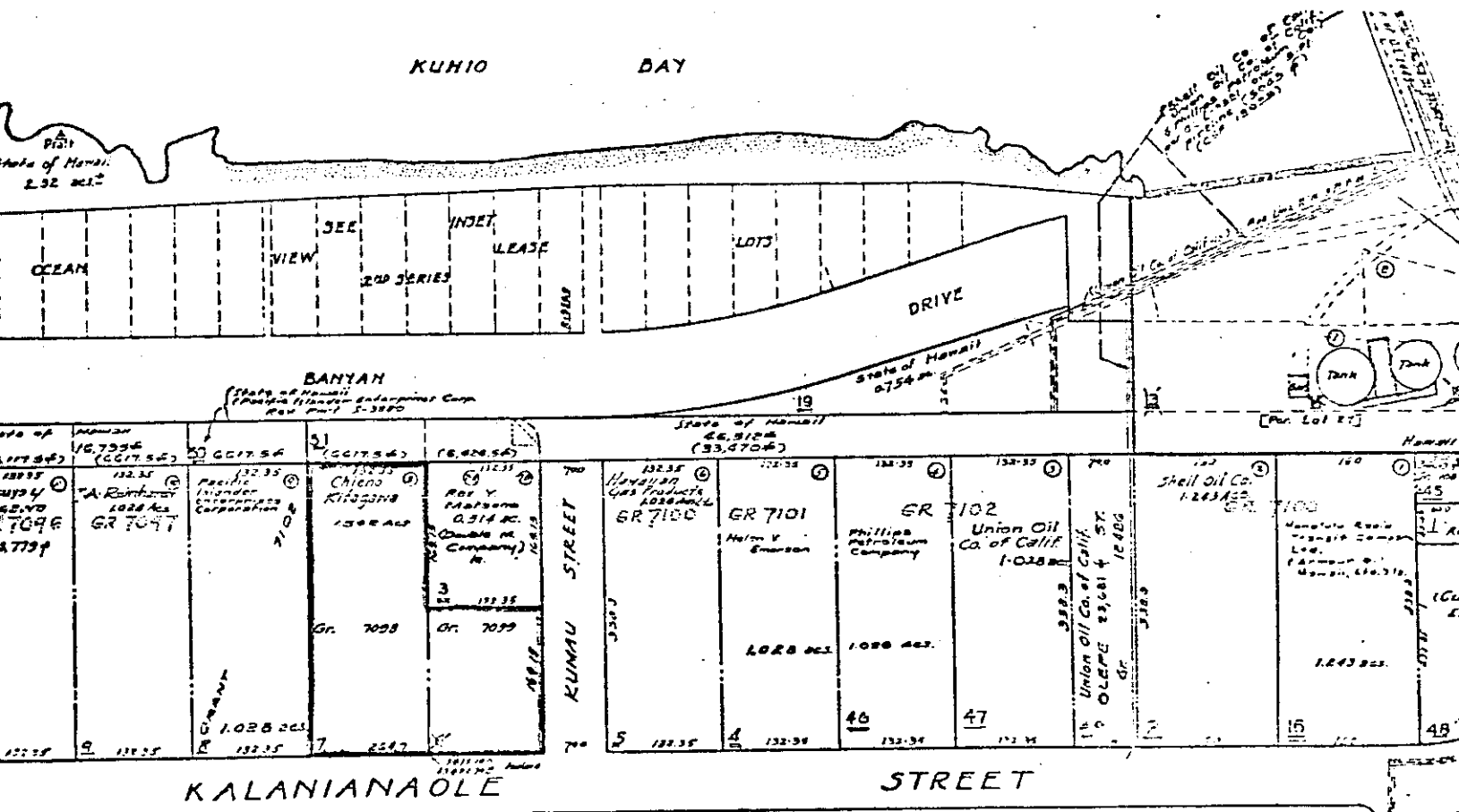
11. Have you performed any historical sites study and/or survey of the subject area? If so, what were the results? Please, also, submit a copy of the study together with this change of zone supplement.

Not applicable

Signature Robert W. Carlsmith
 Address Robert W. Carlsmith, Attorney for
121 Waiianuenu Ave., Hilo, Applicants
Capt. Cook, Hawaii Hawaii
 Telephone 935-6644 323-2611
 Date November 19, 1976



LOCATION MAP



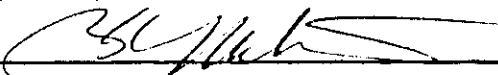
PLAT 03.

APPLICATION FOR CHANGE OF ZONE

COUNTY OF HAWAII

PLANNING DEPARTMENT

APPLICANT: DRY M. MATSUNG (DOUBLE M COMPANY)

APPLICANT'S SIGNATURE: 

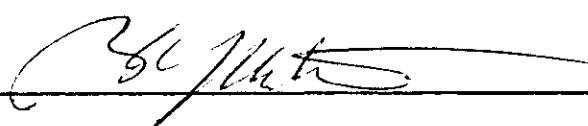
ADDRESS: 1995 Kamehameha Avenue Hilo, Hawaii 96720

TELEPHONE: 935-8511

REQUEST FROM: V-S-.75 (Resort-Hotel) TO: ML-20 (Limited Industrial)

TAX MAP KEY: 3rd 2-1-07:3 AREA OF PROPERTY: 0.514 AC (22,387 sq. ft.)
(size of parcel)

OWNER: Dry M. Matsuno (Double M. Co.)

OWNER'S SIGNATURE: 

APPLICANT'S INTEREST, IF NOT OWNER: 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 _____

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.

Not applicable

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.

None at present.

Anticipating the construction of a cold storage warehouse as the present space is limited.

4. Have you performed any study which would demonstrate a need for your proposed building and/or development? NO.

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

5. Have you performed any study which discusses the environmental impacts your request would have on the surrounding area and/or the County? NO

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

Not applicable.

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

Duplex Apartment

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

Relocate or demolish.

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?

Not Applicable

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.

Not applicable.

Signature 

Address 1965 Kanehameha Avenue Hilo, Hawaii 96720

Telephone 935-8511

Date November 29, 1976

Hilo, Hawaii
Date: April 20, 1977

FIRST READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Yamashiro	X		
Chr. Tajiri			X
	8		1

APR 25 1977

Publication Date: _____

Hilo, Hawaii
Date: May 4, 1977

SECOND & FINAL READING			
	AYES	NOES	A/E
Dahlberg	X		
Domingo	X		
Fujii	X		
Garcia	X		
Kawahara	X		
Lai	X		
Sameshima	X		
Yamashiro	X		
Chr. Tajiri	X		
	9		

Publication Date: May 22, 1977

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

APPROVED as to
FORM and LEGALITY
Joseph B. Ben
4/21/77

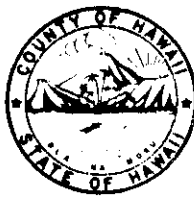
Henry S. Tajiri
Council Chairman
D. B. Leeper
County Clerk

Approved/Disapproved this 18th day of
May, 1977

Hubert Matayoshi
Mayor, County of Hawaii

Bill No. 297
Reference: C-244/PC-8
M.B. No. _____
Ord. No. 272

R. B. Legaspi
COUNTY CLERK



Yasuki Arakaki
DEPUTY COUNTY CLERK

Harry A. Takahashi
LEGISLATIVE AUDITOR

OFFICE OF THE COUNTY CLERK

COUNTY OF HAWAII

HILO, HAWAII 96720

Mayor Herbert T. Matayoshi
County of Hawaii
Hilo, HI

I hereby transmit Ordinance Bill No. 297
passed by the County Council on second final reading.

R. B. Legaspi
COUNTY CLERK

Encl.

Dated: MAY 6 1977

Bill No. 297 - 1977

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 RESORT-HOTEL (V-S-.75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-1-07:3 & 7.

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 Resort-Hotel (V-S-.75) to General Industrial (MG-20) at Waiakea, S. Hilo.

Date Introduced: April 20, 1977

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 20, 1977, by the following aye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, and Yamashiro - 8.

NOES: None.

ABSENT AND EXCUSED: Council Chairman Tajiri - 1.

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 RESORT-HOTEL (V-S-.75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-1-07:3 & 7.

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Date Introduced: April 20, 1977
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 20, 1977, by the following aye and no vote:
AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, and Yamashiro - 8.
NOES: None.

ABSENT AND EXCUSED: Council Chairman Tajiri - 1.

LEONASHI
COUNTY CLERK
COUNTY OF HAWAII

R. M. Leonashi
COUNTY CLERK
COUNTY OF HAWAII

ORDINANCE NO. 272
(Bill No. 297-1977)

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 RESORT-HOTEL (V-S-.75) TO GENERAL INDUSTRIAL (MG-20) AT WAIAKEA, SOUTH HILO, HAWAII, COVERED BY TAX MAP KEY 2-1-07:3 & 7.

Date Approved: May 4, 1977
Date Effective: May 18, 1977

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 4, 1977, by the following ye and no vote:

AYES: Councilmen Dahlberg, Domingo, Fujii, Garcia, Kawahara, Lai, Sameshima, Yamashiro and Chairman Tajiri - 9.

NOES: None.

S. B. Leipsi
COUNTY CLERK
COUNTY OF HAWAII

