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June 5, 1973

Mrs. Mabel M. Davis  
P. O. Box 27  
Kamuela, Hawaii 96743

Dear Mrs. Davis:

The petition by Mabel M. Davis (A72-353) to amend the land use district boundary from the Agricultural District to the Urban District for approximately 1.53 acres of land, identified by Tax Map Key 6-4-01: portion of parcel 90, situated at Waimea, South Kohala, Hawaii; was approved by the Land Use Commission at its meeting on June 1, 1973.

Prior to taking action on this petition, the enclosed memorandum was presented to the Commission.

For your information, we are enclosing herewith a copy of Section 2.33, Performance Time, of the Rules and Regulations of the Commission.

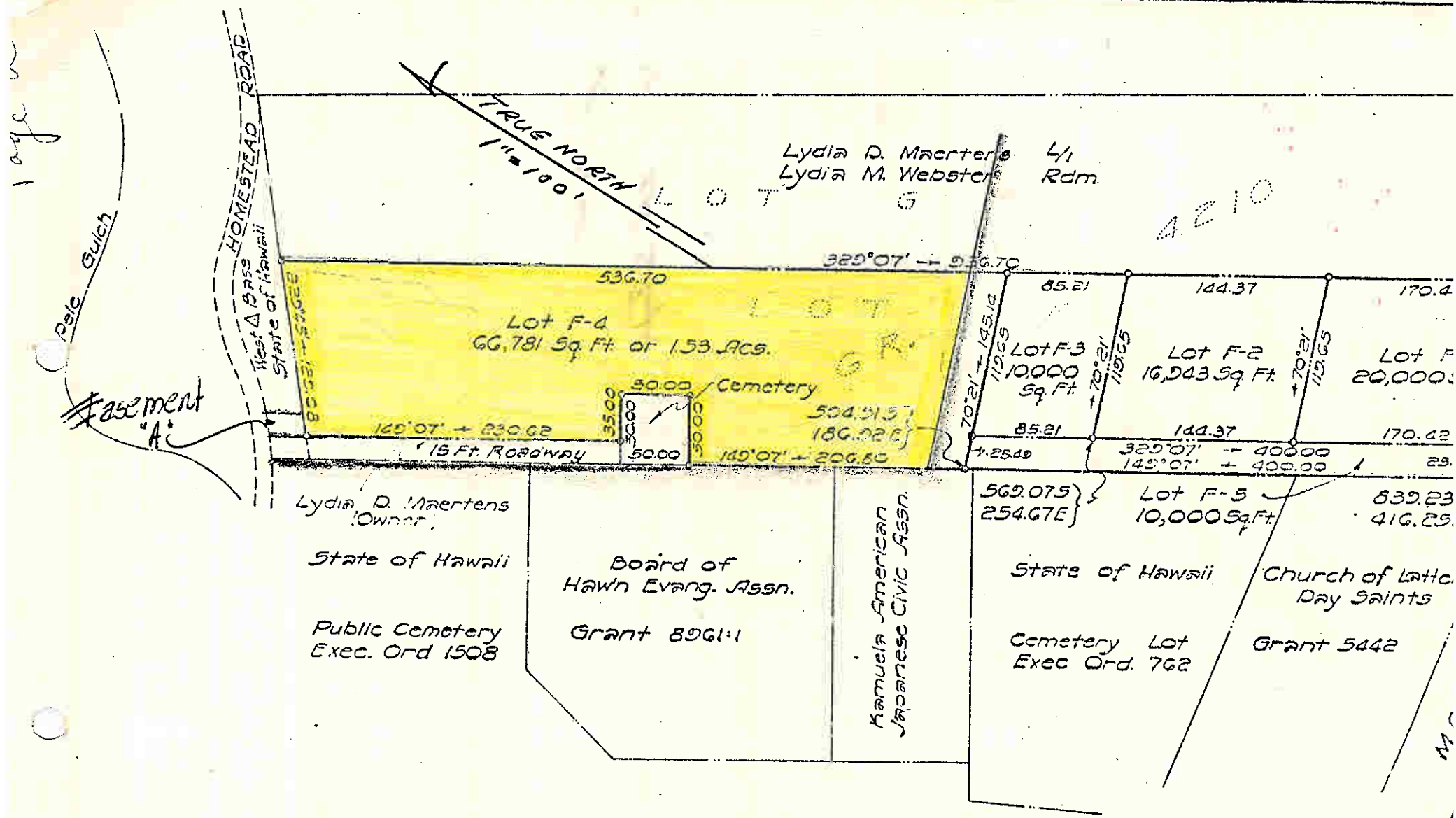
Very truly yours,

TATSUO FUJIMOTO  
Executive Officer

Encl.

- cc: Hawaii Planning Comm. ✓  
Dept. of Water Supply, Hawaii  
Hawaii District Office, Dept. of Tax.  
Property Technical Services  
Tax Maps Branch, Dept. of Tax.  
Planning Branch, DAGS  
Planning Branch, DLNR  
Chairman of the Board, DLNR  
Facilities & Aux. Svcs. Br., DOE  
Director, Dept. of Transportation  
Planning Division, DPED  
Land Use Commission

1992



Owner:  
Mabel M. Davis  
760 Amana Street  
Apt 107  
Honolulu, Hawaii 96814

SUBDIVISION OF LOT 'F'  
PORTION OF GRANT 4210 TO  
ELIZABETH W. LYONS INTO  
LOTS F-1, F-2, F-3, F-4 & F-5 AT  
WAIMEA, SOUTH KOHALA, HAWAII

PREPARED BY  
K.I.K. & ASSOCIATES, LTD.  
465 KINOOLE ST., HILO, HAWAII

Subdivision #2715  
Approved 7-11-69  
Scale 1"=100. FT.

dates referred to "West Base" A

1-01:50

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

June 1, 1973  
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A72-353 - MABEL M. DAVIS

A public hearing was held on March 30, 1973 on this request by Mrs. Mabel M. Davis to rezone 1.5 acres of land at Waimea, South Kohala, Hawaii from Agricultural to Urban in order to provide homesites for her children.

At the hearing, it was noted that the Hawaii County Planning Commission recommended denial of the petition since Mrs. Davis has sufficient Urban designated lands in the frontal portion of her property which can accommodate the proposed use.

By letter dated April 9, 1973, Mrs. Davis related that she and her husband are not in the best of health and felt it urgent that their children be provided residential lots soon. She further advised that the portion of her property now in the Urban District and zoned Neighborhood Commercial will be leased or sold as is, and that the matter is presently in the hands of a realtor. She feels that the rezoning would automatically resolve the "error" of the 36 feet which are zoned Agriculture 5a by the County and situated in the State's Urban District. She further feels that the County's suggestion of locating her children's homes in the commercial-zoned area is poor planning.

It is noted that with the exception of the Hawaii County Planning Department, other governmental agencies such as the State Departments of Education, Taxation, Agriculture, Water Supply, Health, and County agencies such as the Departments of Water Supply, Fire and Police, have expressed no objections or foresee no adverse effects resulting from the proposed reclassification. The property is level and adaptable for the proposed use, basic utilities and access are available, and the property is contiguous to an existing Urban District.

Amenities such as shopping, employment, schools and governmental facilities, are located less than 1 mile away from the subject property. Further, the proposed use is in conformance with the County's General Plan land use guide map designation

of low density urban use; would not adversely affect surrounding property since it is adjacent to existing urban developments; and would not unreasonably burden public agencies to provide services and facilities, as these are already available.'

Based on the above reasons, staff recommends approval of this petition.

2.33 Performance Time.

Petitioners requesting amendments to District Boundaries shall make substantial progress in the development of the area rezoned to the new use approved within a period specified by the Commission not to exceed five (5) years from the date of approval of the boundary change. The Commission may act to reclassify the land to an appropriate District classification upon failure to perform within the specified period according to representations made to the Commission; provided that the Commission, in seeking such a boundary reclassification, complies with the requirements of Section 205-4, Hawaii Revised Statutes.

2.34 Notice and Hearing.

After 60 days but within 120 days of the original receipt of a petition, the Commission shall advertise that a public hearing will be held in the County in which the land is situated. Notice of the time and place of such hearing shall be published in the same manner as notices required for public hearings by the Planning Commission of the appropriate County.

2.35 Decision.

Within a period of not more than 90 days and not less than 45 days after such hearing, the Commission shall act upon the petition for change. The Commission may approve the change with six affirmative votes.

2.36 Amendments to Regulations.

By the same methods set forth in Rule 2.30, a petition may be submitted to change, or the Commission may initiate a change in, these Regulations. No such change shall be made unless a hearing is held in each of the Counties. Within not less than 45 and not more than 90 days after the last of such hearings, the Commission shall act to approve or deny the requested change. Such petition for a change shall be based upon proof submitted that conditions exist that were not present when the Regulations were adopted or that the Regulations do not serve the purposes of the Land Use Law.