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OCT 23 1973

PLANNING DEPT.
COUNTY OF HAWAII
October 23, 1973

Mr. Gilbert K. Hara
297 Waianuenu Avenue
Hilo, Hawaii 96720

Dear Mr. Hara:

The petition by Eugene F. Kennedy Investments, Inc. (A73-365) to amend the land use district boundary from the Agricultural District to the Urban District for approximately 13.4 acres of land, identified by Tax Map Key 2-4-38: 3 and 4, situated at Waiakea, South Hilo, Hawaii, was approved by the Land Use Commission at its meeting on October 17, 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: Eugene F. Kennedy Investments, Inc.
Hawaii Planning Commission
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

OCT 23 1973

REMARKS

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U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WAILUKU, HAWAII

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

October 17, 1973
10:30 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A73-365 - EUGENE F. KENNEDY INVESTMENTS, INC.

The public hearing on this request to rezone 13.4 acres at Waiakea Homesteads, South Hilo, Hawaii from Agricultural to Urban was held on August 31, 1973. A residential subdivision of 31 lots of 15,000 square feet is proposed. Approval of the petition has been recommended by the Hawaii County Planning Commission.

In reply to questions raised in the staff report at the public hearing, the petitioner indicates in a letter dated September 4, 1973 that:

1. Subdivision plans will be finalized when proper zoning approvals have been secured.
2. Once final approval has been obtained, immediate steps will be taken to secure bids for the initiation of subdivision improvements.
3. Package deals of approximately \$35,000 to \$40,000 will be offered on as many lots as possible. Petitioner advises that the cost estimates were made 6 months ago and therefore may be adjusted upwards in view of rising costs. However, every effort will be made to keep the prices within the range represented.

At the public hearing, Chairman Tangen directed the staff to update the information on the buildup of the subdivisions in the immediate area of the petition.

This information is as follows:

<u>Subdivision</u>	<u>Houses in</u> <u>1969</u>	<u>Houses in</u> <u>1973</u>
Haihai Heights - 107 lots	41	68
Waiakea Homesite - 93 lots	27	59

Thus, between 1959 and 1973, the Haihai Heights Subdivision experienced a growth in home construction of 66%, while the Waiakea Homesite Subdivision grew by 119%.

The above supports the findings and recommendations of our 1969 review consultants that the Waiakea area is ripe for urbanization. Moreover, the land is useable for the proposed use; conforms to the Hawaii County General Plan, and is convenient to employment and service centers in the city of Hilo.

Based on the above consideration, staff concurs with the Hawaii County Planning Commission in recommending 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.