

February 20, 1974

Mr. Leo I. Fleming
P. O. Box 396
Kailua-Kona, Hawaii 96740

Dear Mr. Fleming:

The petition by Leo I. Fleming (A73-371) to amend the land use district boundary from the Agricultural District to the Urban District for approximately 0.56 acre of land, identified by Tax Map Key 7-4-4; parcel 24, situated at Kealakehe, North Kona, Hawaii, was approved by the Land Use Commission at its meeting on February 15, 1974.

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
TATSUO FUJIMOTO
Executive Officer

Encl.

cc: ✓ 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
Hawaii Land Agent
Land Use Commission

FEB 23 1974

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STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

February 15, 1974
10:00 a.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A73-371 - LEO I. FLEMING

The matter of this request to rezone 0.56 acre of land at Kealakehe, North Kona, Hawaii from Agricultural to Urban was publicly heard on November 29, 1973.

Approval of the reclassification has been recommended by the Hawaii County Planning Commission based on the findings that it conforms to the County's General Plan; is in close proximity to urban concentration; abuts the existing Urban District, and fits in with development progress foreseeable on a 10 year projection.

Since the hearing, the petitioner advises that Mr. Pipella, owner of the subject property, will construct at least 2 homes within 18 months of final rezoning approval by the County Council. He also stated that Mr. Pipella's present intent is "to construct these houses in a 4-bedroom, 2-bathroom, with carport configuration and put them on the market in the \$45,000 range, based on today's costs."

The staff finds that the rezoning of this 1/2 acre parcel would not necessarily establish an undesirable precedent in that most of the lots immediately situated on the mauka side of the Urban District are large agricultural sized lots ranging from 5 to 18 acres in area. Immediately abutting the north boundary of the parcel in question are 3 small lots of 1.3, 0.2 and 0.4 acres, respectively. These 3 parcels may reasonably be considered for inclusion in the Urban classification, possibly when the Kealakehe Urban District is evaluated during this year's comprehensive review.

Staff concurs with the findings of the Hawaii County Planning Commission and also recommends approval of this request.

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.