

December 8, 1969

Dr. James S. Shinn, President  
Shinn Brothers Foundation & Ent.  
Waikiki Skyliner, Suite 808  
2415 Ala Wai Boulevard  
Honolulu, Hawaii 96815

Dear Dr. Shinn:

The petition by Shinn Brothers Foundation & Ent. (A69-223) for an amendment to the Land Use District Boundaries from the Rural District to an Urban District for approximately 2.3 acres at Kalua-aha, Molokai, Tax Map Key 5-7-11: 1, was denied by the Land Use Commission at its meeting on December 5, 1969.

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

Should you desire any further information, or have any questions, please feel free to contact us.

Very truly yours,

RAMON DURAN  
Executive Officer

Encl.  
cc: Maui Planning Commission

STATE OF HAWAII  
LAND USE COMMISSION

VOTE RECORD

ITEM A69-223 - SHINN BROTHERS FOUNDATION DATE December 5, 1969

PLACE Conference Room 326  
State Capitol

TIME 1:00 p.m.

	Yes	No	ABSTAIN	ABSENT
NISHIMURA, SHIRO	✓			
NAPIER, ALEXANDER	✓			
TANGEN, EDDIE	✓			
KIDO, SUNAO	✓			
<del>MARK, SHELLEY</del>				✓
YAMAMURA, TANJI		✓		
WUNG, LESLIE	✓			
INABA, GORO	✓			
CHOI, WILBERT	✓			

COMMENTS:

*Denied*

STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

December 5, 1969  
1 p.m.

TO: LAND USE COMMISSION

FROM: STAFF

SUBJECT: A69-223 - SHINN BROTHERS FOUNDATION AND ENTERPRISE

A duly advertised public hearing was conducted at Kaunakakai, Molokai, on October 3, 1969. The 90-day period for action on this application thus expires on January 1, 1970.

The applicants are requesting that approximately 2.3 acres of land situated at Kalua-aha, Molokai, be reclassified from a Rural to an Urban District. This would allow the petitioners to subdivide the parcel into 7,500 square foot residential lots for single-family residences.

The property in question is described as TMK 5-7-11: parcel 1, owned by Mr. and Mrs. Juan P. Canada. Tax records show Dr. Shinn has an agreement of sale which was recorded on April 10, 1969.

The property is situated about 14 miles east of Kaunakakai and fronts the mauka side of Kam V Highway across from the Niaupala Fish Pond. The land is vacant with the exception of a single-family dwelling and abuts a church on the west. This 560 acre Rural District is characterized by grazing and idle lands with a scattering of single-family dwellings. The area is typical of the Ualapue Urban District

*12-1-69 sent copy of report & agenda to petitioners*

situated a half mile to the west of the property. Kilohana School (150 students from 1st to 10th grades), a small dispensary, and a public park are contained within this Urban District. The only commercial establishment is Ah Ping's store.

The soil classification by the Land Study Bureau indicates a "poor" suitability for overall agricultural use and a "good" rating for grazing.

Maui County voted unanimously to recommend approval of the petition, as services are available and the request conforms to the Molokai General Plan.

The staff recommended that the petition be denied on the bases that:

1. petitioners failed to substantiate the need for reclassification of the subject property as required by Section 2.31 of the State Land Use District Regulations,
2. adequate provisions have been made for future urban growth in this area, and
3. the reclassification of the subject property would be contrary to the intents and purposes of the Land Use Law and Regulations.

No new information was submitted since the public hearing. Therefore, on the bases of the original recommendation of the staff and because such a rezoning action would create a spot zone, that is, the Land Use Commission would be granting a special privilege to one property owner and not to the surrounding properties which are similarly situated. Therefore, the staff reiterates its recommendation that the petition be denied.