Action Plan

Mar 20 to May 4 - EXT

(Sked May 8)

SP70-75 - AILEEN McCORRISTON AH PING

NOTICE OF PUBLIC HEARING
LUC Special Use Permit

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Molokai Advisory Committee to the Maui Planning Commission on Monday, March 2, 1970, at the District Court House, Kaunakakai, Molokai at 7:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

PUKOO, MOLOKAI
Construction and operation of resort hotel and accessory uses, including bar, dining room and gift shops at Pukoo, Molokai. Said parcel being located on the makai (southerly) side of Kam V Highway, west of Kupeke Fishpond, TMK 5-7-07:1
Applicant: Aileen McCorriston Ah Ping by Clinton R. Ashford, Attorney
Area: 5.70 acres

Sketch showing the general location is on file in the office of the County of Maui Planning Department at Naska, Kahului, Maui, Hawaii, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to the Planning Department, County of Maui, P. O. Box 1487, Kahului, Maui, Hawaii 96732 before the date of the public hearing, or presented in person at the time of the hearing.

MAUI PLANNING DEPARTMENT
By: Howard K. Nakamura
Planning Director

(MN: February 7, 1970)

cc: Mr. Clinton R. Ashford
Mayor Cravalho

RECEIVED
DEC 8 1972
State of Hawaii
LAND USE COMMISSION

ADDRESS REPLY TO
"THE ATTORNEY GENERAL OF HAWAII"
AND REFER TO
INITIALS AND NUMBER

WDYH:jhs

12b

CABLE ADDRESS:
ATTGEN

BERTRAM T. KANBARA
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
HAWAII STATE CAPITOL
4TH FLOOR
HONOLULU, HAWAII 96813

RECEIVED
JAN 18, 1971
State of Hawaii
LAND USE COMMISSION

January 15, 1971

Mr. Goro Inaba
Vice Chairman
Land Use Commission
State of Hawaii
Honolulu, Hawaii

Attention: Mr. Ramon Duran

Subject: Status of Special Permits

Dear Mr. Inaba:

This is in response to an inquiry from the Land Use Commission, relating to the status of the Hay and Ah Ping special permits.

1. The facts relating to Hay's special permit are as follows: Gilbert Hay was issued a special permit for the construction of a resort development in the Puna District in the County of Hawaii in 1962. At that time, the subject property was placed in the agricultural district classification by the Land Use Commission. In 1969, as part of the five-year boundary review, the subject property was placed in the conservation district classification. To this date, no construction of the proposed resort development has begun. The Land Use Commission was sent a request by the attorney for the special permit holder, requesting information as to the status of the special permit.

2. With respect to the Ah Ping special permit, the pertinent facts are as follows: A special permit was issued in 1970 for the construction of a resort development on the southeast coast of Molokai in an area classified as agricultural. Thereafter, the Land Use Commission initiated a petition to rezone a strip of land on the same coastline, including the subject property, from the rural and agricultural district classifications to an urban district classification. The special permit had a three-year time limit. If the Land Use Commission should rezone the coastline, including the subject property, to the urban district classification, the status of the Ah Ping special permit would be questionable.

Chapter 205 of the Hawaii Revised Statutes (the Land Use Law) provides for special permits issued by the Land Use Commission within the "rural" and "agricultural" district classification. There are no provisions within Chapter 205, H.R.S., for special permits within the "urban" or "conservation" district classification.

We are of the opinion that the validity of the special permits in both cases hinges on whether or not the owners of the subject properties have substantially changed their position in reliance on the special permit. The applicable general rules are stated by McQuillin in Volume 8 of Municipal Corporations, relating to Zoning, as follows:

> "The general rule is that permits for buildings and businesses are not per se protected against revocation in effect by subsequent enactment or amendment of zoning laws prohibiting the building, business or use for which they have been issued. That is to say, a municipality may revoke a permit where zoning is enacted or changed to prohibit the use and where the permittee has not materially changed his position in reliance on the permit. Otherwise stated, the legality of a use is determined by the zoning law governing at the time of its commencement, not by the zoning law prevailing when a permit issues. Thus, a permit under which no work has been done does not avail to protect a nonconforming use against a zoning ordinance. Issuance of a new permit for a certain purpose contrary to a zoning ordinance is void and of no effect even though before the zoning restriction went into effect a previous permit had been obtained, where at the time that the zoning restriction did go into effect the premises in question had not been used for the purpose. A mere informal permission that an owner of a building in a residential district may lay a floor suitable for a restaurant does not estop the municipality from restraining the use of the building for the business where the tenant has not exercised the right." McQuillin, Municipal Corporations, Vol. 8, § 25.156, pp. 497-498. (Emphasis added.)

"The general doctrine discussed above, that a permit is not per se protected against zoning laws subsequently adopted, is subject to a generally recognized qualification or exception to the effect that a substantial change of position in reliance on a permit entitles the permittee to continue and complete the use authorized by the permit, irrespective of subsequent enactment or amendments of the zoning laws. Obviously, where a use under a permit has been undertaken, with investment of capital, the purchase of equipment, employment of workers or the like, the protection of that permit is then close if not tantamount to the protection of a nonconforming use existing at the time that zoning restrictions become effective; the permit, as a property right or species of property, is protected against retroactive or unreasonable municipal zoning laws; in some cases the protection of the permit is said to be based on an estoppel of the municipality or its officials." . . . .

"A permit is not protected, however, against revocation by subsequent zoning legislation where changes of position, expenditures or incurrence of obligations under the permit have been minor, minimal, or relatively insignificant, i.e., not substantial. The test is sometimes said to be whether actual construction has begun or whether the land was physically used for the construction contemplated, and not alone whether money has been spent in preparation to build. For example, the holder of a permit acquires no vested right to construct a building in violation of a zoning ordinance subsequently enacted, if he only causes a survey and orders plans. The test of substantiality of expenditure in this connection, however, cannot be met by the mere isolated, unrelated recitation of a dollar figure, but substantiality is to be determined, rather, by an assessment of the proportion which the expenditure bears to the total expenditure which would be required to complete the proposed improvement." McQuillin, Mun. Corp., Vol. 8, § 25.157, pp. 499-502. (Emphasis added.)

On the basis of the foregoing, we conclude that a special permit remains valid until expiration of the time limit stated therein or until the special permit is in effect revoked by a subsequent rezoning by the Land Use Commission to a district classification wherein no special permit is allowed, whichever occurs first; however, the above would not apply if the owner of the subject property has substantially changed his position in reliance on the special permit. In the latter case, the special permit continues to be valid.

Very truly yours,

Walton D. Y. Hong

Walton D. Y. Hong
Deputy Attorney General

APPROVED:

Bertram T. Kanbara

BERTRAM T. KANBARA
Attorney General

cc: Tom C. Leuteneker, Esq.
Carlsmith, Carlsmith, Wichman & Case
P. O. Box 686
Hilo, Hawaii 96720

May 11, 1970

Maui Planning Commission
P. O. Box 1487
Kahului, Maui

Attention: Mr. Howard Nakamura
Planning Director

Gentlemen:

At its meeting on May 8, 1970, the Land Use Commission voted to approve a special permit to Mrs. Aileen McCorriston Ah Ping (SP70-75) to construct and operate a hotel resort and related accessory uses to include a bar, dining room, and shops on 5.7 acres of land situated within the State's Rural District at Pukoo, Molokai, identifiable by Tax Map Key 5-7-07: 1, subject to the following additional conditions:

1. Substantial construction shall begin within 3 years from the date of final action by the Land Use Commission.

2. The special permit shall apply only to the applicant and Bishop Corporation, a Hawaii corporation, and shall be non-transferable.

3. The development shall conform to the requirements of the County's H-1 Hotel District.

4. Final plans shall be subject to review by the Molokai Advisory Committee to the Maui Planning Commission.

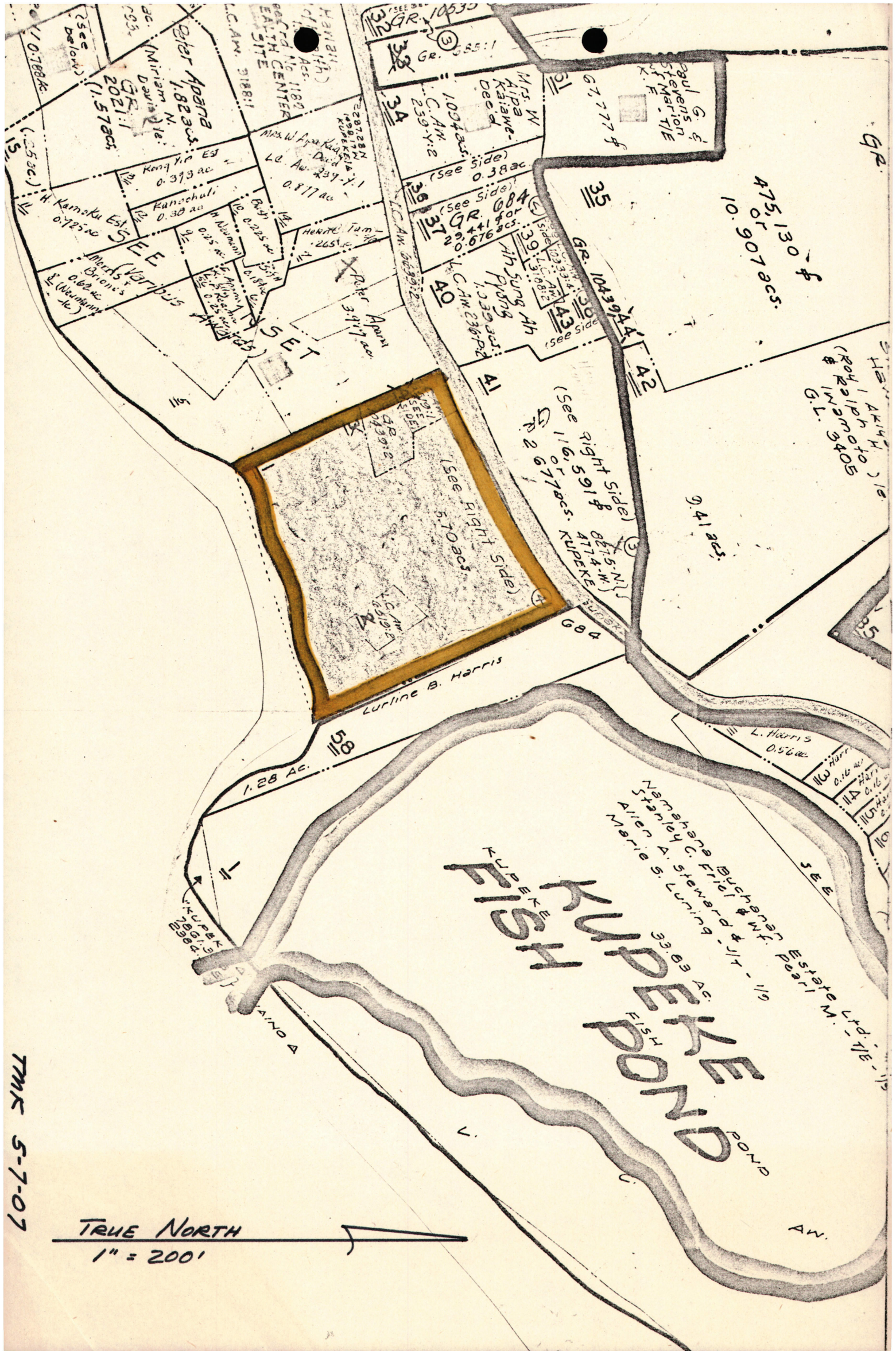
5. All roofed structures shall have a minimum 40-foot setback and uncovered structures shall have a minimum 20-foot setback from the maximum inland line of the zone of wave action.

Enclosed for your information is the staff report.

Very truly yours,

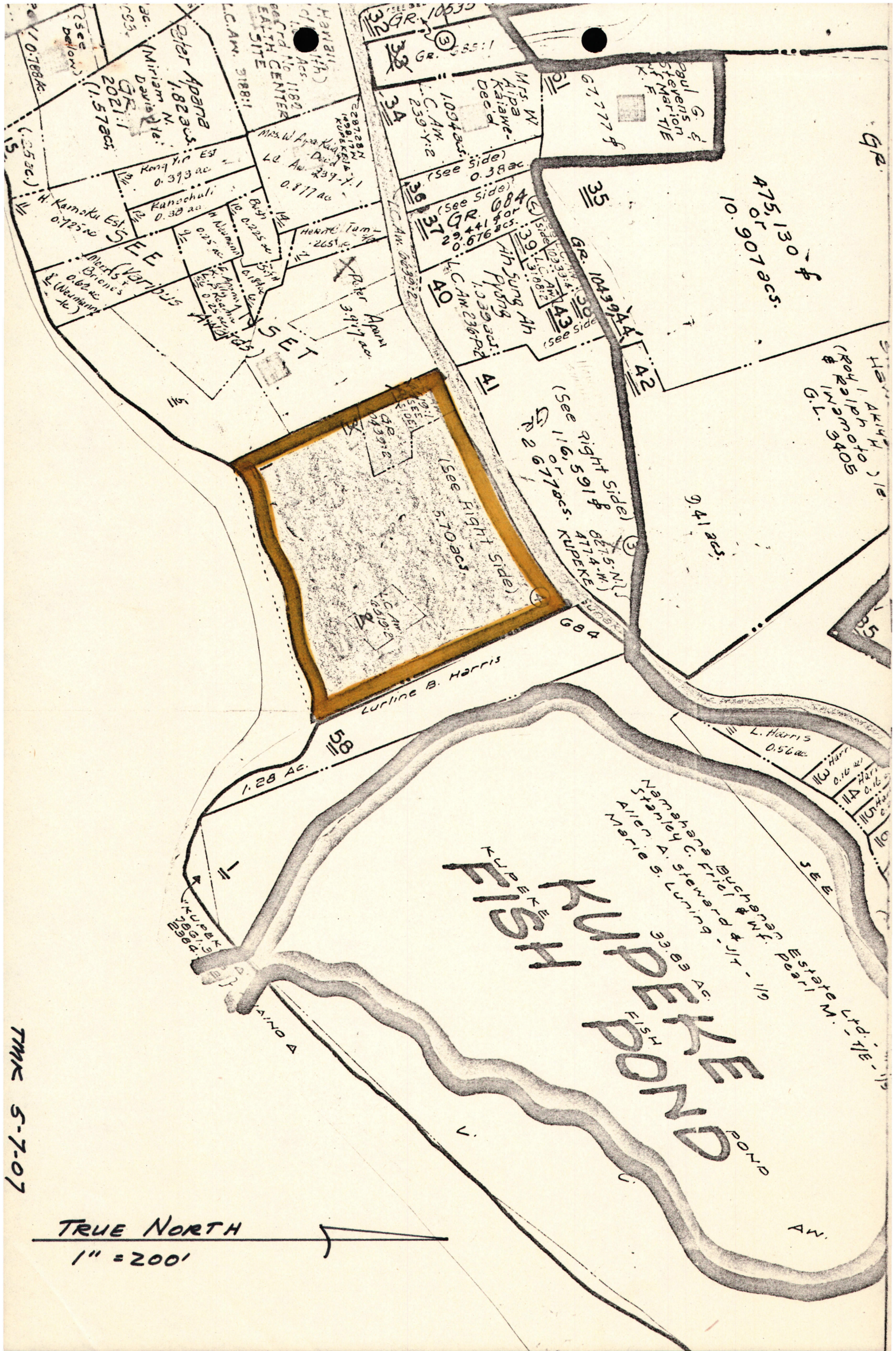
RAMON DURAN
Executive Officer

Encl.
cc: Mr. Clinton Ashford
Attorney for Petitioner
Maui Tax Administrator
Property Technical Services, Dept. of Taxation
Property Assessment, Dept. of Taxation



Peter Apana 1.82 acs.
(Miriam N. Davis) le.
GR. 2021:1
(1.57 acs.)
Kong Yip Est 0.393 ac
Kanoohuli 0.38 ac
H. Kamoku Est. 0.725 ac
Morris Brione's 0.62 ac
(Neumann le.)
SEE
Various Awards
SET
Mrs. W. Aipa Kaiawe Dec'd
L.C. Aw. 239-Y:1
0.877 ac
Hennie Tam
Peter Apana 3.917 ac
Mrs. W. Aipa Kaiawe Dec'd
1.094 acs.
L.C. Aw. 239-Y:2
(See Side) 0.38 ac
(See Side) GR. 684
29,441 for 0.676 acs.
Ah Sung Ah Pyong
1.039 acs.
L.C. Aw. 236-P:2
(See Side)
GR. 10439
(See Right Side) 116,591 ⅌ or 2.677 acs.
(See Right Side) 5.70 acs.
Paul G. & Stevens of Marion K.F. T/E
67,777 ⅌
475,130 ⅌ or 10.907 acs.
9.41 acs.
(Roy I. Akiyama & Ralph Iwamoto) le.
Iwamoto G.L. 3405
684
Lurline B. Harris
1.28 Ac.
L. Harris 0.56 ac
Namahana Buchanan Estate Ltd.
Stanley C. Friel & Wf. Pearl M.
Allen A. Steward & J/T - 1/9
Marie S. Luning - J/T - 1/9
33.83 Ac.
KUPEKE FISH POND
KUPEKE FISH POND
SEE
TRUE NORTH
1" = 200'
TMK 5-7-07


Niaupala Fishpond
Pipio Fishpond
Kaopeahina Fishpond
HSPA Experimental Station
Old Sea Wall
Pukoo
Pukoo Fishpond
Kupeke Fishpond
Coral Reef
Harbor
Kulaalamihi Fishpond
Waihilahila Fishpond
Kinaloko Fishpond
Rock
Puu Mano Res.
Kapukapu
Namahoku
Kaimuimano
Halepaa
Waikakuu
Kaluaaha
Kaluaaha Gulch
Kaluaaha Stream
Waiakeakua Stream
Hawaiulkuli
Waiopipi
Khapuaki
Puu Kahuaiki
Puu Kaiwa
Puu Kaiwa Kaiki
Puu Kaiwa Kaiwi
Puu Kaiwa Kaiwi Gulch
Puu Kaiwa Gulch
Puu Kaiwa Kaiki Gulch



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Kaiakeakua Stream
Ohelo
Kawaluliuli
Watoipi
Kuapaaiu
Kaluna Gulch
Kapuna
Gulch
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Puukoa
Akaha
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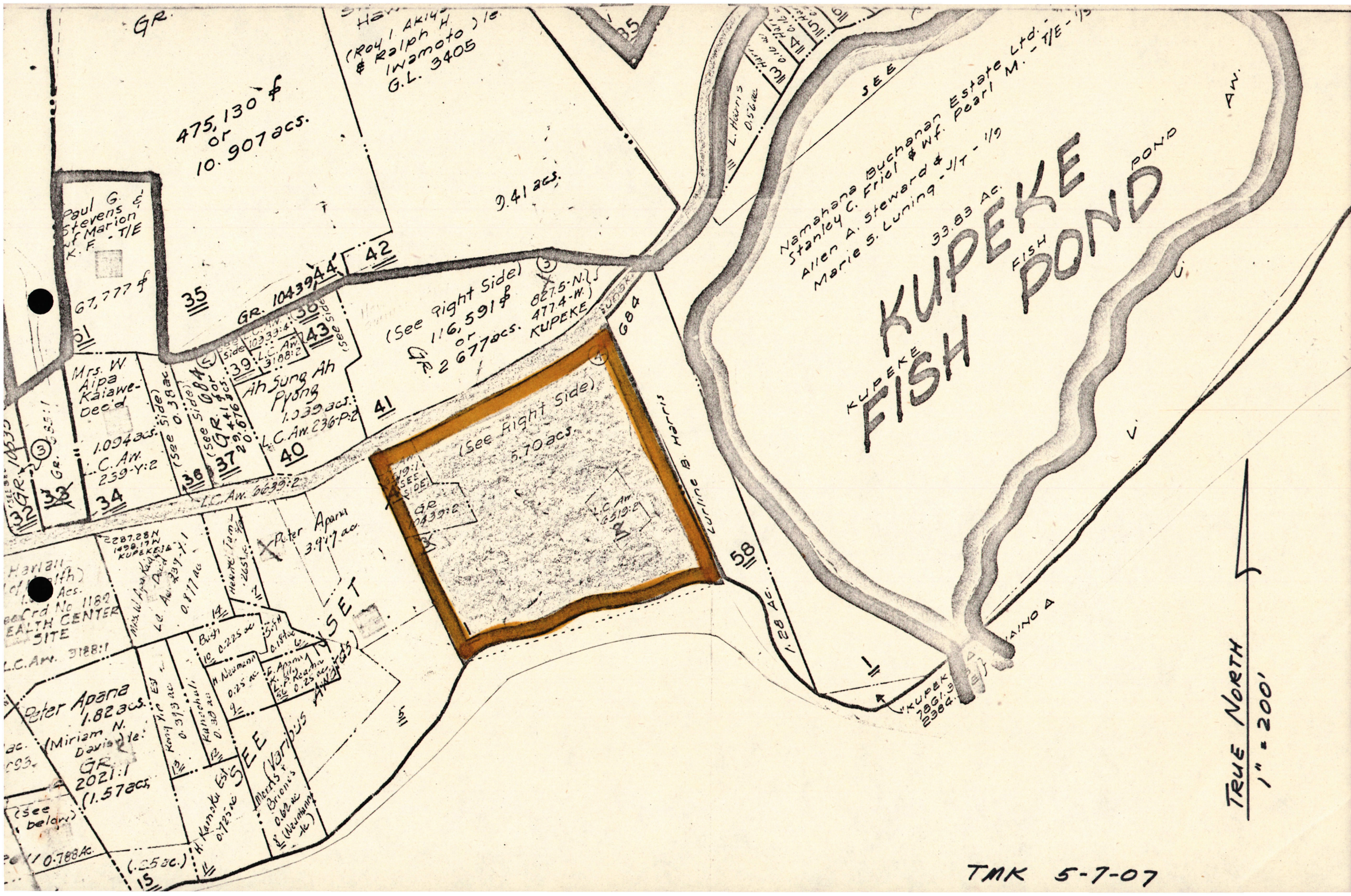

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May 11, 1970

Maui Planning Commission
P. O. Box 1487
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Attention: Mr. Howard Nakamura
Planning Director

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Enclosed for your information is the staff report.

Very truly yours,

RAMON DURAN
Executive Officer

Encl.
cc: Mr. Clinton Ashford
Attorney for Petitioner
Maui Tax Administrator
Property Technical Services, Dept. of Taxation
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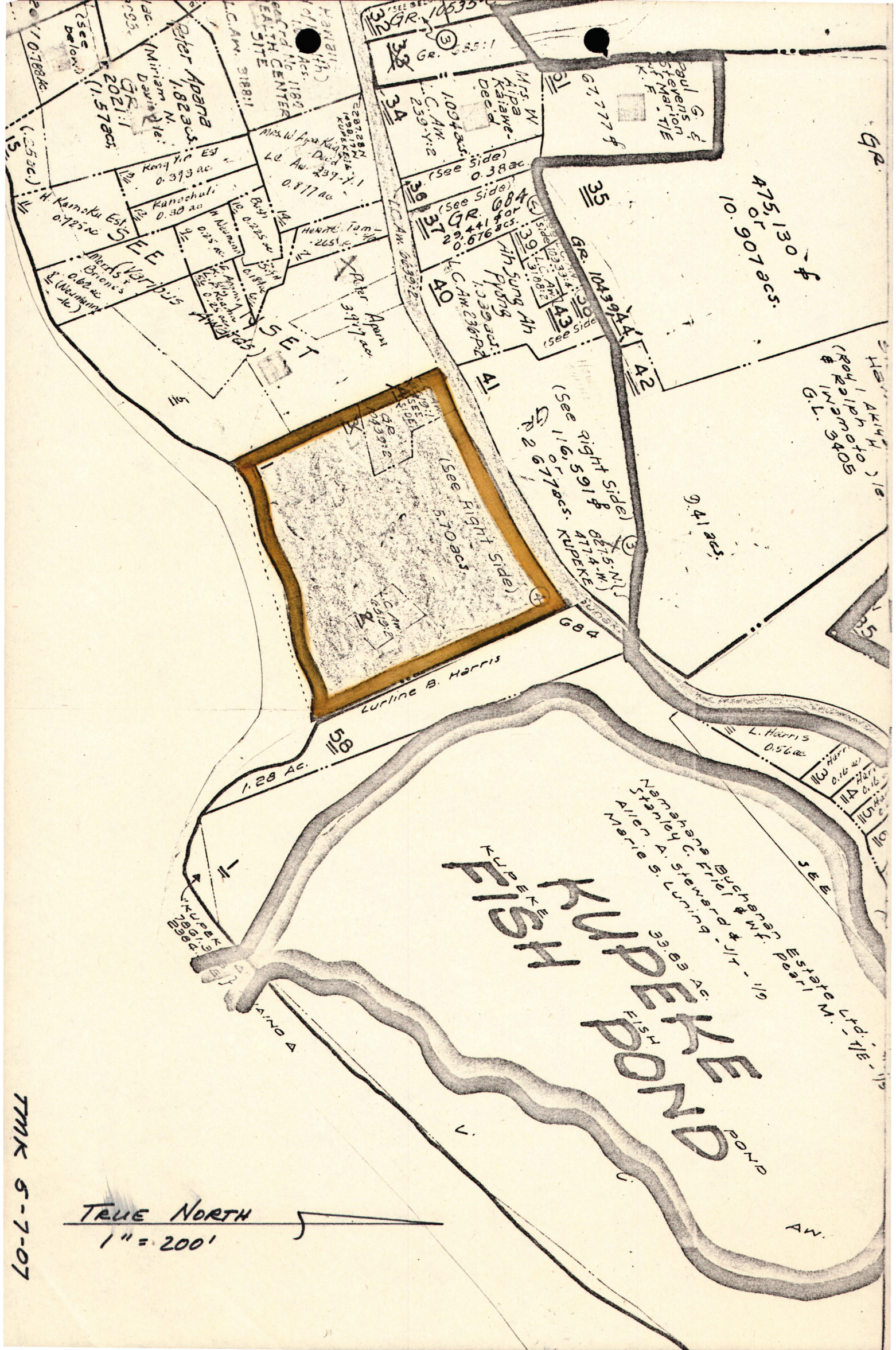

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Waiakeakua Stream
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STATE OF HAWAII
LAND USE COMMISSION

approved 9-11-70

Minutes of Meeting

State Conference Room
Lihue, Kauai

May 8, 1970
1:00 p.m.

Commissioners Present: Wilbert Choi, Chairman
Goro Inaba
Alexander Napier
Eddie Tangen
Shelley Mark
Sunao Kido
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Staff Present: Ramon Duran, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Dora Horikawa, Stenographer

Persons planning to testify before the Commission were sworn in by Chairman Choi.

HEARING

PETITION BY LAND USE COMMISSION (A70-243) TO RECLASSIFY 12 ACRES FROM AGRICULTURAL TO URBAN AT NAWILIWILI, KAUAI

The Executive Officer read the staff report recommending retaining Area "A" in the agricultural designation in view of the deteriorated condition of the existing dwellings and since the land is unsubdivided and unimproved and part of a large parcel under one ownership; however, recommending that properties fronting on Hulemalu Road and all of the smaller parcels generally bordered by Puali Stream be included within the Urban District.

There was no county representation, no testimony from anyone and the hearing was closed.

PETITION BY MANUEL AND BERTHA SANCHEZ (A70-246) TO RECLASSIFY 30 ACRES FROM AGRICULTURAL TO URBAN AT WAILUA HOMESTEADS, WAILUA, KAUAI

The Executive Officer read the staff report recommending denial of the petition on the bases of the reasons outlined in staff report (see copy on file).

He added that the applicant just submitted a memo statement (copies were circulated to each Commissioner).

Commissioner Wung moved that the Commission accept the staff's recommendation and grant the special permit, seconded by Commissioner Sakahashi, and unanimously passed.

PETITION BY LAND USE COMMISSION (A69-241) TO RECLASSIFY 63 ACRES FROM RURAL TO URBAN, AGRICULTURAL OR CONSERVATION AT HANAPEPE VALLEY, KAUAI

Mr. Leong presented the staff memorandum recommending approval of Alternative 2 including 6.5 acres as outlined in the memo (see copy of memo on file).

Commissioner Kido questioned the County's reason for not including the levee in their recommendation for urban rezoning and Mr. Leong replied that the County had no intention of building anything on the dike, that it was a raised, narrow, flat area about 10 feet wide presently zoned in the Rural District, and that the Land Use Commission staff recommended the property lines be followed and include the levee.

Commissioner Sakahashi moved that the staff recommendation of Alternative 2 be approved, seconded by Commissioner Tangen, and passed unanimously.

PETITION BY JOHN MEDEIROS, JR., ET AL (A69-239) TO RECLASSIFY .76 ACRE FROM RURAL TO URBAN AT OMAO HOMESTEADS, KOLOA, KAUAI

Mr. Duran presented the staff memorandum recommending denial of the petition since it would create a spot zone and since the petitioners had not submitted any evidence to support the need, and that the land is usable and adaptable for the proposed use, or that trends of development have so changed since the adoption of the existing Rural District that the proposed classification is reasonable (see copy of report on file).

There was no discussion or testimony from anyone.

Commissioner Wung moved that the staff's recommendation for denial be accepted, seconded by Commissioner Tangen, and the motion was unanimously carried.

SPECIAL PERMIT REQUEST BY AILEEN MCCORRISTON AH PING (SP70-75) TO CONSTRUCT AND OPERATE A LOW-RISE HOTEL AT PUKOO, MOLOKAI

Mr. Leong read the staff report recommending approval of the petition subject to the County's conditions and with the added condition that all roofed structures have a minimum setback of 40 feet from the maximum inland line of the zone of wave action; and a minimum of 20 feet for uncovered structures (see copy of report on file).

Commissioner Sakahashi questioned the County's condition that the approval is for the applicant only and shall not be transferable. Mr. Duran explained that the land must be developed in accordance with Mrs. Ah Ping's and the Bishop Corporation's representation, and that if the property were sold to anyone else, the special permit privileges would be cancelled.

There was considerable discussion as to whether Mrs. Ah Ping or Bishop Corporation would have the right to construct the project under the conditions imposed by the Maui County Planning Commission. Mr. Clint Ashford, attorney representing Bishop Corporation, explained that the property owner is Mrs. Ah Ping but that she has a lease to option the land for 70 years to Bishop Corporation to do the development. He explained it was the County's understanding that she cannot sell the property and have the approval go with it, but she may retain ownership and allow the Bishop Corporation to develop the property. He assumed the reason the County imposed this condition is the concern that once the property is reclassified, the petitioner could sell the property to anyone at an increased purchase price and the Maui Planning Commission wants to assure that only what was represented will be developed. The conditions were discussed by the Commission, including the recommendation by the staff that a 40-foot shoreline setback be placed on covered structures and a 20-foot setback be maintained for uncovered structures.

Mr. Ashford, as a lawyer, said he did not think the Land Use Commission had the power to impose any conditions and that the Commission is limited to those established by the County and the power of the Commission is only to approve or disapprove the County's action.

Commissioner Tangen moved that the special permit be approved with the following conditions:

1. That substantial construction shall begin within 3 years from date of final action by the Land Use Commission.

2. Approval be for the applicant and Bishop Corporation as the developer only and shall be non-transferable.

3. That the development conform to the requirements of the County's H-1 Hotel District.

4. Final plans shall be subject to review by the Molokai Advisory Committee to the Maui Planning Commission.

5. All roofed structures have a minimum 40-foot setback from the maximum inland line of the zone of wave action, and for uncovered structures, a minimum 20-foot setback.

The motion was seconded by Commissioner Yamamura and the Commissioners were polled as follows:

Ayes: Commissioners, Yamamura, Napier, Tangen, Kido, Mark, Sakahashi, Inaba, Chairman Choi

Nay: Commissioner Wung

The motion was passed.

STATE OF HAWAII

LAND USE COMMISSION

VOTE RECORD

ITEM SP70-75 - AILEEN McCORRISTON AH PING DATE May 8, 1970

PLACE State Conference Room
Lihue, Kauai TIME 1:00 p.m.

NAME	YES	NO	ABSTAIN	ABSENT
TANGEN, EDDIE	✓			
NAPIER, ALEXANDER	✓			
YAMAMURA, TANJI	✓			
KIDO, SUNAO	✓			
MARK, SHELLEY	✓			
SAKAHASHI, STAN	✓			
INABA, GORO	✓			
WUNG, LESLIE	✗	✓		
CHOI, WILBERT	✓			

COMMENTS:

Approve with conditions

STATE OF HAWAII
LAND USE COMMISSION

State Conference Room
Lihue, Kauai

May 8, 1970
1 p.m.

STAFF REPORT

SP70-75 - AILEEN McCORRISTON AH PING

The Maui County Planning Commission has transmitted the records and findings of a special permit application to construct and operate a hotel resort and related accessory uses to include a bar, dining room, and shops on 5.7 acres of land situated within the State's Rural District at Pukoo, Molokai. The property is described as parcel 1 of TMK 5-7-07, owned by Mrs. Aileen McCorriston Ah Ping.

The property in question is situated on the makai side of Kam V Highway approximately 16 miles east of Kaunakakai. It is generally situated between the Irwin Health Center and the abutting Kupeke Fishpond and is presently unused. The several vacant wooden buildings on the property are the only remaining evidence of its recent use as a Peace Corps training site. Low density residential use and idle lands characterize the surrounding area. The 40-acre site proposed for a resort development by Pukoo Properties lies less than 2,000 feet to the west of the subject property.

5-5-70 send report to Ashford

Attorney Clinton R. Ashford has submitted the following reasons in support of the petition on behalf of Mrs. Ah Ping:

Mrs. Ah Ping acquired the property in 1932. She has been attempting to put the land to hotel use since the late 1950's. In 1960 a long term lease was made with Islander's Lodge, Inc. to develop the property into a multi-unit, bungalow type hotel resort. However, because of various difficulties, construction was not initiated and the lease was terminated in 1964. After declining numerous offers from parties who appeared to be speculators and others whose ability to develop the property was questionable, Mrs. ah Ping finally in 1968 found a prospective lessee whose qualifications and abilities to properly develop the property seems to be beyond question. This is Bishop Corporation, a Hawaii corporation owned almost entirely by Hawaii residents. The corporation and its wholly-owned subsidiaries have a combined capital and surplus in excess of $3.5 million. It owns and operates a number of commercial, office, and apartment buildings in Honolulu. Some of its projects are the Bishop Gardens, Hillcrest Gardens, and Harbor Square.

Subject to obtaining financing, Bishop Corporation plans to construct an initial increment encompassing 152 units in ten two-story bungalow type buildings, including a building to house the reception desk, kitchen, dining room and bar facilities. A typical guest unit would measure 13' x 30' or approximately 390 square feet in floor area, including a lanai. Mr. Ashford emphasizes that the proposed layout and typical unit plans are not represented to be final but that low-rise construction is definitely planned.

The petitioner continues that the proposed use meets the criteria for an "unusual and reasonable use" as set forth in the State Land Use District Regulations since the highest and best use of the property, as recognized by the Molokai General Plan is for hotel use. She states that the abutting property owner, Peter Apana, has no objections to the proposed development. In addition, public agencies will not be burdened since the existing water supply and roadway are adequate and sewage disposal in either cavitettes or a small sewage treatment plant will be constructed on the property.

Kupeke Fishpond abutting the property in question on the east is described by Catherine Summers of the Bishop Musuem as the best working pond on Molokai when it is in good condition. Kupeke Pond is one of the five fishponds on Molokai which she strongly recommends preserving.

Approximately one-third of the land fronting on Kam V Highway contains soils designated "D" by the Land Study Bureau, indicating "poor" overall agricultural suitability. The remaining two-thirds fronting the ocean is rated "E" or "very poor". Elevation is less than 10 feet above sea level, and the topography is generally flat. However, field investigation indicates that some of the low portions of the property may present drainage problems unless brought up to a slightly higher level. Median annual rainfall is between 30-40 inches. Power and telephone services are available. The manager of the County Water Department has assured an adequate supply of water to meet the projected needs.

County Recommendation

At its meeting of March 17, 1970, the Maui Planning Commission voted unanimously to recommend approval of this request based on the following:

1. That the request conformed to the County's General Plan.

"2. That a need existed for additional resort facilities on the Island of Molokai.

"3. That the proposed low-rise concept would be compatible to the environment and to existing developments in the area.

"4. That adequate utilities exist to serve the proposed development."

Approval by the County is subject to the following conditions:

"1. That approval shall be for a period of three years from the date of final action by the Land Use Commission.

"2. Approval is for the applicant only and shall be non-transferable.

"3. That the development conform to the requirements of the County's H-1 Hotel District.

"4. Final plans shall be subject to review by the Molokai Advisory Committee to the Maui Planning Commission."

Should this be: "Construction shall be initiated within 3 yrs from the date of final action by the LUC"?

Analysis

Consideration of this proposed resort development under a special permit procedure is especially appropriate in this instance in view of the fact that the property is situated

almost in the center of a five-mile strip of Rural District and does not encompass a substantial area of land. The alternate possibility of a boundary change petition to establish this use would defeat one of the basic tenets of the Land Use Law in regard to the problem of spot zoning.

The wisdom and advantages of a special permit approach to these resort proposals have been demonstrated in two previous instances along this same coastline. The first was for a $1 million, 79-acre resort development proposed in the Agricultural District at Keawanui Pond which was considered under a special permit and approved by the County in mid-1967 but which was never acted on by the Land Use Commission apparently because the project encountered financial problems. The second case involved a special permit approved by the County and the Land Use Commission in March, 1967, for an eight-acre resort proposal situated less than one-half mile from the subject property. The applicants in this case failed to initiate construction within the three year time limitation apparently for the same reason--lack of financing. This is substantially the same property presently under a boundary amendment petition which may be acted on by the Land Use Commission at its next meeting.

If the properties in both instances had been reclassified Urban, it would have resulted in an unjustified expansion of the Urban District with an attendant increase in the speculative value of the land but no physical development on the properties involved. In the case of the property at Pukoo, an additional consequence would be spot zoning.

Staff evaluation of this special permit request indicates that it substantially meets the guidelines established by the Land Use District Regulations for determining an "unusual and reasonable" use within an Agricultural or Rural District. However, it is noted from the site plan submitted by the petitioner that some of the structures are situated fairly close to the property line along the beach.

Recommendation

Therefore, the staff recommends that approval of this petition be granted subject to the County's stipulations, however, with the added condition that all roofed structures have a minimum 40-foot setback from the maximum inland line of the zone of wave action, and for uncovered structures, a minimum 20-foot setback.

April 27, 1970

Mr. Clinton R. Ashford
Ashford & Wriston
Attorneys for Petitioner
P. O. Box 131
Honolulu, Hawaii

Dear Mr. Ashford:

Tha Land Use Commission next meets at 1:00 p.m. in the State Conference Room, Lihue, Kauai, on May 8, 1970. At that time, the application by Aileen McCorriston Ah Ping for a special permit (SP70-75) will be reviewed.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Maui Planning Comm.

DSC 2722

ASHFORD & WRISTON
ATTORNEYS AT LAW
P. O. BOX 131
HONOLULU, HAWAII 96810

SIXTH FLOOR
235 QUEEN STREET

TELEPHONE 531-3761
AREA CODE 808

CLINTON R. ASHFORD
A. JAMES WRISTON, JR.
ALBERT H. OGAWA
JOHN JUBINSKY
CHARLES B. DWIGHT, III
GALEN C. K. LEONG
JOHN M. ROLLS, JR.

DONALD L. McGEE

April 16, 1970

RECEIVED
APR 17, 1970
State of Hawaii
LAND USE COMMISSION

Land Use Commission
Department of Planning
and Economic Development
P. O. Box 2359
Honolulu, Hawaii 96804

Attention: Mr. Ramon Duran
Executive Officer

Re: Application of Aileen McCorriston Ah Ping (SP70-75)

Gentlemen:

On behalf of the applicant, and in response to your request, it is agreed that the period for action on this application may be extended to May 8, 1970. We will appreciate having notice of the time and place of the meeting.

Very truly yours,

CLINTON R. ASHFORD
Attorney for Aileen
McCorriston Ah Ping

CRA:hm

cc: Mrs. Aileen Ah Ping
Bishop Corporation
Mr. Ty Sutton

April 15, 1970

Mr. Clinton R. Ashford
Ashford & Wriston
Attorneys for Petitioner
P. O. Box 131
Honolulu, Hawaii 96810

Dear Mr. Ashford:

Pursuant to the special permit application by Aileen McCorriston Ah Ping (SP70-75) to construct and operate a resort complex at Pukoo, Molokai, we would appreciate receiving a letter from you agreeing to a 4-day extension for action on this application, from May 4, 1970, the expiration date for action on this request, to May 8, 1970 when a Land Use Commission meeting is scheduled in Kauai.

We will advise you of the exact date, time and place of this meeting when they are determined.

Very truly yours,

RAMON DURAN
Executive Officer

cc: Maui Planning Comm.

2718

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Motohisa Unemori, Vice-Chairman
Joseph Franco
G. Alan Freeland
Adrian Hussey
Kazuo Kage
Ichiro Maehara
John M. Fernandez, Ex-Officio
Koichi Hamada, Ex-Officio

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

Elmer F. Cravalho
Mayor

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Peter Matsuoka, Vice-Chairman
William Hong
Ralph H. Moltzau
Thomas Yagi

Howard Nakamura
Planning Director

April 9, 1970

RECEIVED
APR 14, 70
State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii

Dear Mr. Duran:

Enclosed as requested by your letter of April 6, 1970, is a copy of transcript of public hearing held on the request by Mrs. Aileen McCorriston Ah Ping for special use permit to construct and operate a resort complex at Pukoo, Molokai.

The Planning Commission in making its decision noted the following:

1. That the request conformed to the County's General Plan.

2. That a need existed for additional resort facilities on the Island of Molokai.

3. That the proposed low-rise concept would be compatible to the environment and to existing developments in the area.

4. That adequate utilities exist to serve the proposed development.

Should there be any further questions, please contact our office.

Yours very truly,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

MOLOKAI ADVISORY COMMITTEE
TO THE
MAUI PLANNING COMMISSION

MINUTES OF MEETING

March 2, 1970

The public hearing held by the Molokai Advisory Committee to the Maui Planning Commission was called to order by Acting Chairman Harrison Cooke at 7:35 p.m., Monday, March 2, 1970, at the Court House, Molokai District Court, Kaunakakai, Molokai.

The Chairman noted the absence of Councilman E. Loy Cluney, attending a conference on the mainland, and introduced committee members Richard Sakata and Wilfred Imamura. Absent was committee member Tony Abrahano. The Chair welcomed the attendance of 18 residents and introduced Howard Nakamura, Planning Director, and Planning Commission members Iron Maehara and Joe Franco. Also in attendance were Clinton R. Ashford, Attorney for the Applicant Aileen McCorriston Ah Ping, and Ty Sutton of Sutton Associates, Architect.

In explaining the procedure to be followed, as requested by the Chairman for the benefit of the public, Mr. Nakamura stated that confusion regarding the Land Use requirement for a Special Permit may have arisen due to several recent requests for change of land use classification. He added that prior requests considered by this Committee have been for district boundary changes. A Special Use Permit is required in an Agricultural District determinted by the State Land Use Commission to be reasonable use. The Land Use Commission mandates that a public hearing be held by the local jurisdictional body, in this case, the Maui Planning Commission. With regards to the application, the law prohibits the Planning Commission from acting on the application sooner than 15 days from the date of the public hearing. Should the Planning Commission approve the request, the approval is submitted to the Land Use Commission. Should the application be denied, the applicant's recourse is to take the matter to Court.

The Chair called for the official notice of this public hearing which was read by Mr. Nakamura as published in the Maui News of February 7, 1970.

Asked to elaborate on the plans submitted to the Planning Commission by the applicant, Mr. Nakamura stated that the General Plan of the Pukoo Area was adopted in early 1969 by the County of Maui. Drawing attention to a land-use map of the area, the existing highway, which calls for widening plans, was indicated, as well as the Pukoo fish pond area for which a public hearing by the Land Use Commission, scheduled for March 27th on the request by Pukoo Properties and Keoni Apeka Holdings, will be held. Mr. Nakamura added that the area under consideration consists of 5.7 acres, specifying low-rise units, with specific details to be presented by the applicant.

The Chair called for communications of objections or approval. Mr. Nakamura stated no objections had been received; one letter of approval from an adjoining land-owner was received and read.

The Chair called for statements of approval.

Mr. Ashford addressed the Committee stating, in summary, that he has been the applicant's attorney for the past 10 years and that he represents the applicant and Bishop Corporation, the developer. The plans for the development are filed with the Maui Planning Commission; however, some of the details and plans would be released for the benefit of those in attendance. The property owned by Aileen McCorriston Ah Ping is next to Kupeke fish pond now being used by the Peace Corps. The property was leased to Wendell Brooks who had planned to develop it into a condominium-type development which did not materialize and the lease was subsequently cancelled. The applicant decided that hotel use would be the best use of the property. She has had many offers for the property, finally giving option for a long-term lease to Bishop Corporation, a firm owned by local people; the largest stock-holder being Charles Pietsch, who has undertaken a number of developments in Honolulu, including 6 buildings of condominium units, Bishop Gardens, subdivisions in Palolo, Aiewa Heights, Waialae-Kahala, and presently Harbor Square in down-town Honolulu. The first step, however, is to obtain approval for hotel use of the area.

Architect Ty Sutton followed with a presentation of a schematic drawing for the hotel site showing placement of buildings of 2-story structure for a total of 152 rooms to take full advantage of the view of the fish pond and the ocean. The present coconut grove would be supplemented by landscaping. The location of the entry drive-way parking area, service areas, swimming pool and tourist related shops were indicated. The sewage disposal would be located somewhere in the parking area. Present proposal is to build a small scale sewage treatment plant on site. The various alternatives on how this is to be done would be worked out with the Department of Health. The primary objective of the plan is to take advantage of the building site. The idea of smaller low-type buildings seemed to be the best.

In answer to several questions raised by the Committee, Mr. Sutton explained that all buildings would be connected by corridors. The idea was simply to have smaller buildings. The best view is out to the fish pond and the ocean. The rooms would be located to take advantage of this. The fish pond is not a part of this development.

In answer to Mr. Sakata's question regarding the water supply, Mr. Nakamura stated that this was discussed with the Manager of the Water Department who has given assurance that there is an adequate supply of water.

Mr. Sutton continued that 152 units are planned with future plans for an additional 32 units in an area indicated on the drawing. Mr. Ashford interceded by adding that the strip between the applicant's property and the fish pond is owned by Mrs. Harris. The pond is not in the application; however, it is planned to utilize the view.

Questions were raised by individuals in attendance regarding supply of water, plans for guest-recreation, relationship with Puuahala development, improvement of the strip of land which lies between the land in the application and the fish pond, filling of low spots on the land and the fish pond, present use of the fish pond and improvement of the beach for swimming.

Mr. Tyson replied that aside from providing a swimming pool, no formal organized recreational plans have been made. There is no connection between this development and Puuahala. Nothing is

contemplated for the strip of land between the application and the fish pond, and from the development's point of view, it is hoped that nothing happens there. It will be necessary to fill the present low spots. Talks were held with people familiar with the area and descriptions of the water run-off were obtained. More discussions on this problem would be held in order to assure good drainage.

In reply to a suggestion offered to improve the beach for swimming, Mr. Ashford explained that there are certain limitations and requirements on improving the beach governed by the U. S. Corps of Engineers and the State of Hawaii.

Questions on the sewage plans were answered to the effect that no odor would be emitted; that a chemical plant is designed to serve a structure of this size. Mr. Sutton added that without getting into details, it would be a complete treatment plant.

The Chair called for further testimony in support of or against the application.

Mr. Ralph Moltzau: I represent the Chamber of Commerce and I would like it to go on record to state that these plans have been presented to the Chamber of Commerce and thoroughly explored. The Chamber has gone on record in favor of this project 36 to 1. Basically, the reason for supporting this project is, if we're going to have any kind of development, we are interested in enhancing our environment. This type of structure enhances our environment and stimulates our economy. This type of structure doesn't need to go more than 2 stories. The Chamber goes on record supporting this project.

Howard Nakamura: (to applicant) Assuming the plans are approved, what would be the reasonable time needed to start the project?

Clinton Ashford: We would like to have at least 3 years. When this plan started going a little more than 3 years ago, all of us had high expectations which have been a little disappointing. We have had, and still experiencing, a rather tight money market, and it looks like it will continue. We are very conscious of our economic environment. This low rise type of development is very desirable but we will have to recognize that in general this is much more expensive than going high-rise. So because of the economic situation, it may be more than a year before the financing would be available, then you'd have a year to put the things together, so three years I would have no qualms about. This would have to do with the national and local economy and costs.

Howard Nakamura: Do you envision any problems with finding sufficient number of workers?

Clinton Ashford: The precise type of building, what kind, etc., will depend to some extent with pre-cutting in Honolulu. As far as sufficient staffing is concerned, there may be some difficulty, but a hotel this size doesn't involve an immense staff. I am hopeful we could find enough local people to handle it.

Howard Nakamura: You mentioned that this shows the first phase and another 32 units would probably be added.

Clinton Ashford: Our program was really for 100 rooms. We decided to propose the 32 rooms as a possible future extension.

Harrison Cooke: What is the approximate square footage per unit?

Clinton Ashford: The rooms run about 370 to 390 square feet per room - I don't have the over-all square-foot count on hand. The room is about 12½ by 16 feet. The idea is not to go into a real far-out luxury-type hotel. We consulted with various tour groups regarding room size. The wind problem was also taken into consideration in planning and locating the rooms. We plan to hold more discussions as the work progresses with people who are familiar with the area.

Howard Nakamura: Mr. Ashford, would you have any objection to the final plans being reviewed by this committee?

Clinton Ashford: No, we have no objections to having them reviewed but I would like to work with them. I would be very careful not to say that this committee approve the plans. This would be a matter of having a non-expert body reviewing.

As no further questions were raised, the public hearing adjourned at 8:30 p.m. The Molokai Advisory Committee immediately convened in executive session and by common consent, approved the application on the following conditions:

1. The construction be initiated within 3 years.
2. Plans be submitted to the Molokai Advisory Committee for review.
3. The approval is non-transferrable.

The meeting adjourned at 8:45 p.m. on motion by Richard Sakata, seconded by Wilfred Imamura.

Harriet F. Ohuna
Secretary

April 6, 1970

Mr. Howard Nakamura
Planning Director
Planning Department
County of Maui
P. O. Box 1487
Kahului, Maui, HI 96732

Dear Mr. Nakamura:

In regard to the special permit application by Mrs. Aileen M. Aping, we have received copies of the following from your office:

1. the application,

2. letter dated January 28, 1970, by Ashford & Wriston,

3. Notice of Public Hearing,

4. letter from Molokai Advisory Committee, dated March 13, 1970, and

5. three renderings by Charles Sutton & Associates (Site Plan, View from Beach, Typical Unit Plan).

Inasmuch as the Commission is mandated to take action on this matter within 45 days of the receipt of the County's decision and all pertinent records, we would appreciate receiving a copy of the public hearing transcript, findings and reasons in support of the County agency's decision, and any other document which has not been transmitted. The decision on this matter by the Land Use Commission is scheduled for April 24.

For further clarification, please refer to the attached Section 2.28 of the State Land Use District Regulations.

Very truly yours,

AH SUNG LEONG
Planner

Enclosure

3690

Elmer F. Cravalho
Mayor

PLANNING COMMISSION
Yoshikazu Matsui, Chairman
Motohisa Unemori, Vice-Chairman
Joseph Franco
G. Alan Freeland
Adrian Hussey
Kazuo Kage
Ichiro Maehara
John M. Fernandez, Ex-Officio
Koichi Hamada, Ex-Officio

COUNTY OF MAUI
PLANNING DEPARTMENT
P. O. BOX 1487
KAHULUI, MAUI, HAWAII 96732

BOARD OF ADJUSTMENT
& APPEALS
Joseph S. Medeiros, Jr., Chairman
Peter Matsuoka, Vice-Chairman
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Thomas Yagi

Robert O. Ohata, Planning Director
Howard K. Nakamura, Dep. Pl. Dir.
Eva M. Duponte, Adm. Asst.

RECEIVED
MAR 20, 1970
State of Hawaii
LAND USE COMMISSION

March 18, 1970

Mr. Wilbert Choi
Chairman, State Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii

Dear Mr. Choi:

The Maui Planning Commission at its meeting of March 17, 1970, voted unanimously to recommend approval of a request for special permit submitted by Mrs. Aileen McCorriston Ah Ping to construct and operate a low-rise hotel on TMK 5-7-07: Parcel 1 at Pukoo, Molokai. The parcel in question is designated for hotel use on the County's General Plan for the Island of Molokai.

Approval of the request is contingent upon the following:

1. That approval shall be for a period of three years from the date of final action by the Land Use Commission.

2. Approval is for the applicant only and shall be non-transferable.

3. That the development conform to the requirements of the County's H-1 Hotel District.

4. Final plans shall be subject to review by the Molokai Advisory Committee to the Maui Planning Commission.

Attached for your information are the following:

1. Application for Special Permit.

2. Letter dated January 28, 1970, from Mr. Clinton R. Ashford submitting additional information with regard to the request.

3. Copy of the notice of public hearing.

4. Letter from the Molokai Advisory Committee recommending approval of the request.

A copy of the transcript of the public hearing will be forwarded to you as soon as it is available.

Should you have any questions with regard to this subject, please feel free to call upon us at any time.

Yours very truly,

Howard K. Nakamura

HOWARD K. NAKAMURA
Planning Director

March 13, 1970

Maui Planning Commission
County of Maui
P.O. Box 1487
Kahului, Maui 96732

Gentlemen:

Re: LUC Special Use Permit No. 40 from Aileen McCorriston Ah Ping

The Molokai Advisory Committee to the Maui Planning Commission hereby recommends approval of the request for LUC Special Use Permit submitted by Mrs. Aileen McCorriston Ah Ping to construct and operate a low-rise hotel at TMK 5-7-07: Parcel 1, Pukoo, Molokai. The area of the parcel is 5.70 acres. The Molokai General Plan designates the area for hotel use.

A public hearing was held by the Advisory Committee on March 2, 1970, at Kaunakakai, Molokai. No testimony was offered against the proposal.

The developers intend to construct a two story low-rise hotel basically in conformance with the County's H-1 Hotel District. The recommendation for approval includes the following conditions:

1. That approval shall be for a period of three years from the date of final action by the Land Use Commission.

2. Approval is for the applicant only and shall be non-transferable.

3. Final plans shall be subject to review by the Molokai Advisory Committee.

Yours very truly,

EDWARD L. CLUNEY
Chairman
Molokai Advisory Committee

cc Mr. Clinton Ashford
cc Molokai Chamber of Commerce

NOTICE OF PUBLIC HEARING
LUC Special Use Permit

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Molokai Advisory Committee to the Maui Planning Commission on Monday, March 2, 1970, at the District Court House, Kaunakakai, Molokai at 7:30 p.m. or as soon thereafter as those interested may be heard to consider the following request for SPECIAL USE PERMIT under provisions of SECTION 98H-6, REVISED LAWS OF HAWAII 1955, 1961 SUPPLEMENT, AS AMENDED BY ACT 205, SESSION LAWS OF HAWAII 1963:

PUKOO, MOLOKAI
Construction and operation of resort hotel and accessory uses, including bar, dining room and gift shops at Pukoo, Molokai. Said parcel being located on the makai (southerly) side of Kam V Highway, west of Kupeke Fishpond, TMK 5-7-07:1
Applicant: Aileen McCorriston Ah Ping by Clinton R. Ashford, Attorney
Area: 5.70 acres

Sketch showing the general location is on file in the office of the County of Maui Planning Department at Naska, Kahului, Maui, Hawaii, and is open to the public for inspection during office hours.

All protests against the SPECIAL USE PERMIT should be filed in writing to the Planning Department, County of Maui, P. O. Box 1487, Kahului, Maui, Hawaii 96732 before the date of the public hearing, or presented in person at the time of the hearing.

MAUI PLANNING DEPARTMENT
By: Howard K. Nakamura
Planning Director

(MN: February 7, 1970)

cc: Mr. Clinton R. Ashford
Mayor Cravalho

INSTRUCTIONS:

1. To be filed in triplicate.
2. Use black ink or typewriter with black ribbon.
3. Use additional sheets if necessary.

MAUI PLANNING COMMISSION
P.O. BOX 1487, KAHULUI, HAWAII

APPLICATION FOR SPECIAL PERMIT
Special Permit is hereby requested:

DO NOT WRITE IN THIS SPACE

Appl. & fee received _____

Notice published _____

Public hearing _____

Recommendation to LUC _____

Action by State LUC _____

County & Appl. notified _____

A. Description of Property: (1) Tax Map Key No. 5-7-07-1

(2) Lot Area 5.70 acres (3) Location Pukoo, Molokai

B. Ownership: (1) Owner's name Aileen McCorriston Ah Ping

(2) Prospective/Lessee's name Bishop Corporation (3) Unexpired term 70 years

C. Request: (1) State request briefly and exactly: Applicant requests permission to use her land for hotel purposes and all accessory uses customarily associated with hotel use, such as operation of a bar, dining room, and shops

(2) Reasons justifying granting of request:

(see attached letter)

D. Applicant: (1) Name Aileen McCorriston Ah Ping

(2) Address c/o Ashford & Wriston P. O. Box 131, Honolulu 96810 (3) Telephone 5313761

(4) Signature CLINTON R. ASHFORD

Clinton R. Ashford, Attorney for Aileen McCorriston Ah Ping

E. Planning Commission action: _____ Date _____ Vote: ____ ____ ayes noes

Reasons: _____

F. State Land Use Commission's action: _____ Date: _____

G. Copies to: State LUC___ Supervisors___ Applicant___ Owner & Lessee_

ASHFORD & WRISTON
ATTORNEYS AT LAW
P. O. BOX 131
HONOLULU, HAWAII 96810

SIXTH FLOOR
235 QUEEN STREET

TELEPHONE 531-3761
AREA CODE 808

CLINTON R. ASHFORD
A. JAMES WRISTON, JR.
ALBERT H. OGAWA
JOHN JUBINSKY
CHARLES B. DWIGHT, III

GALEN C. K. LEONG
DONALD L. McGEE

January 28, 1970

Maui Planning Commission
P. O. Box 1487
Kahului, Maui

Re: Application for special permit for hotel use of TMK 5-7-07-1, area 5.70 acres at Pukoo, Molokai

Gentlemen:

This letter is intended to supplement the application of Aileen McCorriston Ah Ping for a special permit to allow use of her land at Pukoo, Molokai, for hotel purposes and accessory uses.

Description of the property: This property is approximately 5.70 acres in area. One end of the property is bounded by the government road and the other end by the ocean. The adjacent property on one side is used for residential purposes. The adjacent property along the other side is the Kupeke Fish Pond. An aerial photograph of the vicinity, with this property encircled in red, is enclosed with this letter. As will be noted, the property is well planted with coconut trees, is relatively level and fronts on a white sand beach. It is located just across Pailolo Channel from Napili, Maui, and commands a gorgeous view of the channel, the west Maui mountains, Kahoolawe and Lanai.

History of use of the property: Mrs. Ah Ping acquired this property in 1932. Since the late 1950s, when it became apparent that tourism would continue to develop and become one of the principal industries of Hawaii, Mrs. Ah Ping has been attempting to put the property to hotel use. The property is so situated as to make it ideal for use as a small hotel serving visitors who wish to escape the commercialized and heavily developed resort areas of Hawaii and to enjoy accommodations in a beautiful and unspoiled Hawaiian setting.

In 1960 Mrs. Ah Ping made a long term lease of the property to Islanders' Lodge, Inc. and the lessee agreed to construct a hotel, apartment or hotel-apartment building on the property within two years. Islanders' Lodge prepared plans for a multi-unit, bungalow-type development with a central lodge, but because of various difficulties never commenced construction and the lease was finally terminated in 1964. Since that time Mrs. Ah Ping has continued to seek a lessee having the requisite financial backing, experience and reliability to properly develop the property for hotel use. She turned down any number of offers to lease because the propsective lessees were merely speculators in property having prime development potential or did not appear to have the requisite ability to develop the property.

The intended use of the property for hotel purposes was brought to the attention of the Land Use Commission by oral and written requests for urban classification in 1963 and 1964 and was brought to the attention of the Maui Planning Commission through the recommendation of Community Planning, Inc. that the property be designated for hotel-apartment use on the proposed General Plan for Molokai as well as by written and oral requests by Mrs. Ah Ping that the recommendation be followed in the adoption of the General Plan.

Finally, in 1968, Mrs. Ah Ping found a prospective lessee whose qualifications and ability to properly develop the property could not be questioned. That prospective lessee is Bishop Corporation, to whom Mrs. Ah Ping has given an option to take a 70-year lease on the property. Bishop Corporation has stated that it will exercise the option if appropriate governmental permission to use the property for hotel and accessory uses can be obtained.

Bishop Corporation: Bishop Corporation and its wholly owned subsidiaries have combined capital and surplus in excess of $3,500,000. It is a Hawaii corporation owned almost entirely by Hawaii residents and a Hawaii corporation. The principal stockholders include Charles J. Pietsch, Jr. and Bishop Trust Company, Limited. Through its wholly owned subsidiaries, Bishop Corporation owns and operates a number of commercial and office buildings, as well as various apartment buildings, in Honolulu. With its subsidiaries it is also engaged in the construction or planning of several projects in Honolulu. These include the nearly completed Bishop Gardens, consisting of six apartment buildings containing

a total of 148 units; Hillcrest Gardens, a planned residential condominium with 120 units; and Harbor Square, a $16,000,000 combined residential and commercial condominium in downtown Honolulu on which construction began a few months ago.

Planned use of the property: If permission to use the property for hotel and accessory purposes is obtained (and subject, of course, to obtaining financing) Bishop Corporation will build a hotel on the property. The initial increment is planned to encompass 152 units in about ten buildings, together with the building housing the reception desk, kitchen, dining room and bar facilities. All of these are to be two-story, bungalow-type units. The proposed layout is shown on the preliminary plans prepared by Charles R. Sutton Associates, Inc., architects and planning consultants, submitted with this application. Those plans also show possible typical guest unit plans but it must be emphasized that these are merely layouts that are being considered and they are not represented to be final. The final selection of layouts and building configuration will depend in part on costs and upon feasibility of precutting these units in Honolulu for erection on the site. Low-rise rather than high-rise is, however, definitely planned for this construction. The concepts underlying the development and the enclosed plans have been discussed with the Molokai Chamber of Commerce and that body has approved them and assured Bishop Corporation of its support.

Compatibility of this request with Land Use Commission guidelines: It is submitted that the proposed use meets the tests of an "unusual and reasonable" use within a rural district as set forth in the Rules and Regulations of the Land Use Commission of the State of Hawaii.

The State Land Use Commission was created by Act 187, Session Laws of 1961. In the findings and declaration of purposes it was stated:

> "....the Legislature finds that in order to preserve, protect and encourage the development of the lands in the State for those uses to which they

> are best suited for the public welfare and to create a complementary assessment basis according to the contribution of the lands and those uses to which they are best suited, the power to zone should be exercised by the State and the methods of real property assessment should encourage rather than penalize those who would develop these uses."

The highest and best use of this property, as recognized by Community Planning, Inc. and by the Maui Planning Commission in adopting the General Plan for Molokai, is hotel use. Granting permission for that use would be in accordance with the objectives sought to be accomplished by the Land Use Law and Regulations as expressed in the preamble to the State Land Use Law above quoted.

The only adjacent property being used is that on the Kaunakakai side of the Ah Ping premises. That property is being used for residential purposes and is also designated for hotel use on the Molokai General Plan. The use desired for the Ah Ping property would not adversely affect either that property or any of the other surrounding property. Mr. Peter Apana, owner of the adjoining residential property, has stated he has no objection to hotel use of the Ah Ping property. Neither would hotel use unreasonably burden public agencies or facilities. The County road fronting the property is adequate to handle any additional traffic generated by hotel use. Sewage disposal, in either cavitettes or a small sewage treatment plant, will be accomplished upon the property and the water supply is adequate to serve the proposed hotel without prejudice to other users of the County water line. This development will not require the construction of any public improvements nor add any appreciable burden to the responsibilities of the Molokai police and fire departments.

The district boundaries established by the Land Use Commission in this area in its recent review followed those initially established by the Land Use Commission. It is well known that since that time there has been an additional demand for hotel facilities on Molokai, and particularly on east Molokai which is the loveliest part of the island. The Land Use Commission recently recognized this in granting urban use to one area of east Molokai formerly classified for other uses. So far as known to this applicant,

however, the other hotel site is to be utilized for high-rise or semi high-rise (that is more than two stories) and no bungalow-type, low-rise hotel construction is planned.

The highest and best use of the property, as previously mentioned, has been recognized to be for hotel purposes. Putting the property to that use will, therefore, promote the public welfare. That use will not replace any other established use of the property as its only other use in recent years has been for a camp for Peace Corps trainees, on leases of one year or less, while the owner continued to seek a responsible developer to utilize the property for hotel uses. The property is currently classified rural, but it is not used for residential, farming or any other purposes commonly associated with the rural classification and, indeed, is of a larger size than the parcels which are customarily included within such classification.

Conclusion: Should you require any further information with regard to this application, we will promptly furnish it, if it is available to us; and, if not, we will make every effort to obtain that information.

Your favorable action upon this application is earnestly solicited.

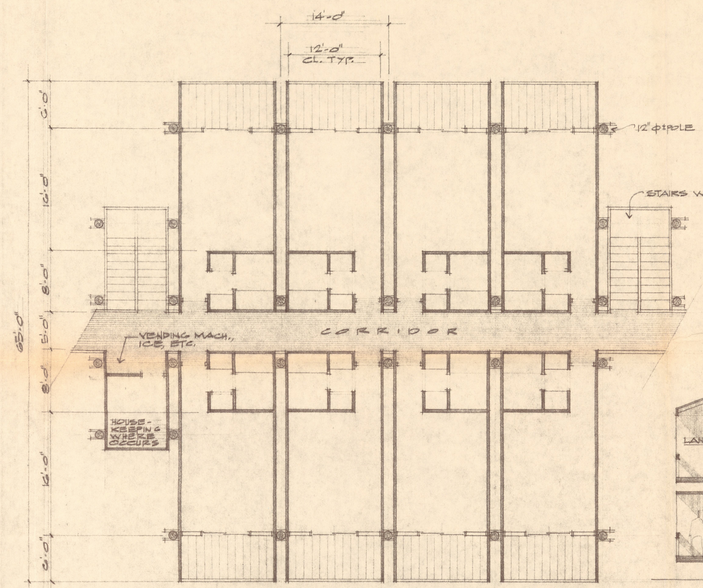
Very truly yours,

ASHFORD & WRISTON

By CLINTON R. ASHFORD
Attorneys for Aileen McCorriston
Ah Ping, Owner and Applicant

CRA:hm

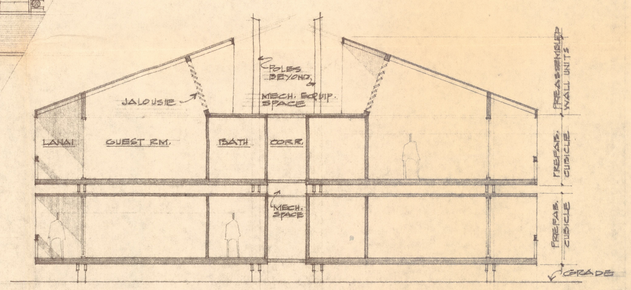




ALTERNATIVE PLAN FOR PREFABRICATED ROOM MODULE

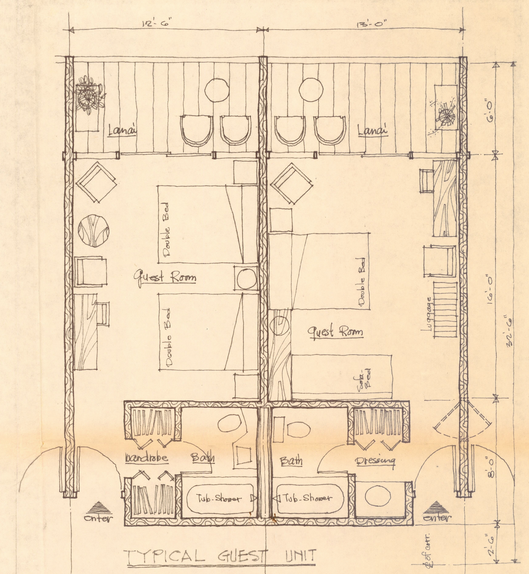
16 ROOM UNIT

SCALE: 1/8" = 1'-0"



TYPICAL CROSS SECTION

SCALE: 1/8" = 1'-0"



TYPICAL GUEST UNIT

Scheme I
gross area, including Lanai = 371 S.F.

Scheme II
gross area including Lanai = 386 S.F.

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CHARLES R. SUTTON & ASSOCIATES, INC.
ARCHITECTS & PLANNING CONSULTANTS 82 MERCHANT ST. HONOLULU, HAWAII

HOTEL - PUKOO, MOLOKAI
PUKOO, MOLOKAI, HAWAII
FOR BISHOP CORPORATION
HONOLULU, HAWAII

TYPICAL GUEST UNIT PLAN, ALTERNATIVE PLAN & SECTION FOR PREFABRICATED ROOM MODULE

JOB NUMBER	69-09
DRAWN BY	E.K
CHECKED BY	
DATE	19 NOV. 69

SHEET NUMBER 5 OF 3 SHEETS

7823

Howard Nakamura
Director of Planning
County of Maui

HOTEL - Pukoo, MOLOKAI
for BISHOP CORPORATION
Architect: Charles R. Sutton & Associates, Inc.

T.M.K.: 5-7-07: 1 5.70 Acs
Aileen Mc.C. Ah Ping

7824

KAM II RD. government road

TO HALAWA

NORTH

Trade Winds

PARKING

Parking

DRIVEWAY

SHOPS

front desk

RECEPTION

Service Yard

Shops

KITCHEN

Kitchen M W

BAR

DINING

POOL

1 (10)

2 (12)

3 (12)

4 (12)

5 (14)

6 (10)

7 (12)

8 (24)

9 (12)

Beach BEACH

Kupeke Fish Pond

KUPEKE POND

Room Tabulation:

	Ocean View	Mountain View
	92	60

Total First Increment = 92 + 60 = 152

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CHARLES R. SUTTON & ASSOCIATES, INC.
ARCHITECTS & PLANNING CONSULTANTS 82 MERCHANT ST. HONOLULU, HAWAII

HOTEL - PUKOO, MOLOKAI
PUKOO, MOLOKAI, HAWAII
FOR BISHOP CORPORATION
HONOLULU, HAWAII

SITE PLAN
SCALE: 1" = 20'-0"

JOB NUMBER	69-09
DRAWN BY	EK
CHECKED BY	
DATE	19 NOV. 69

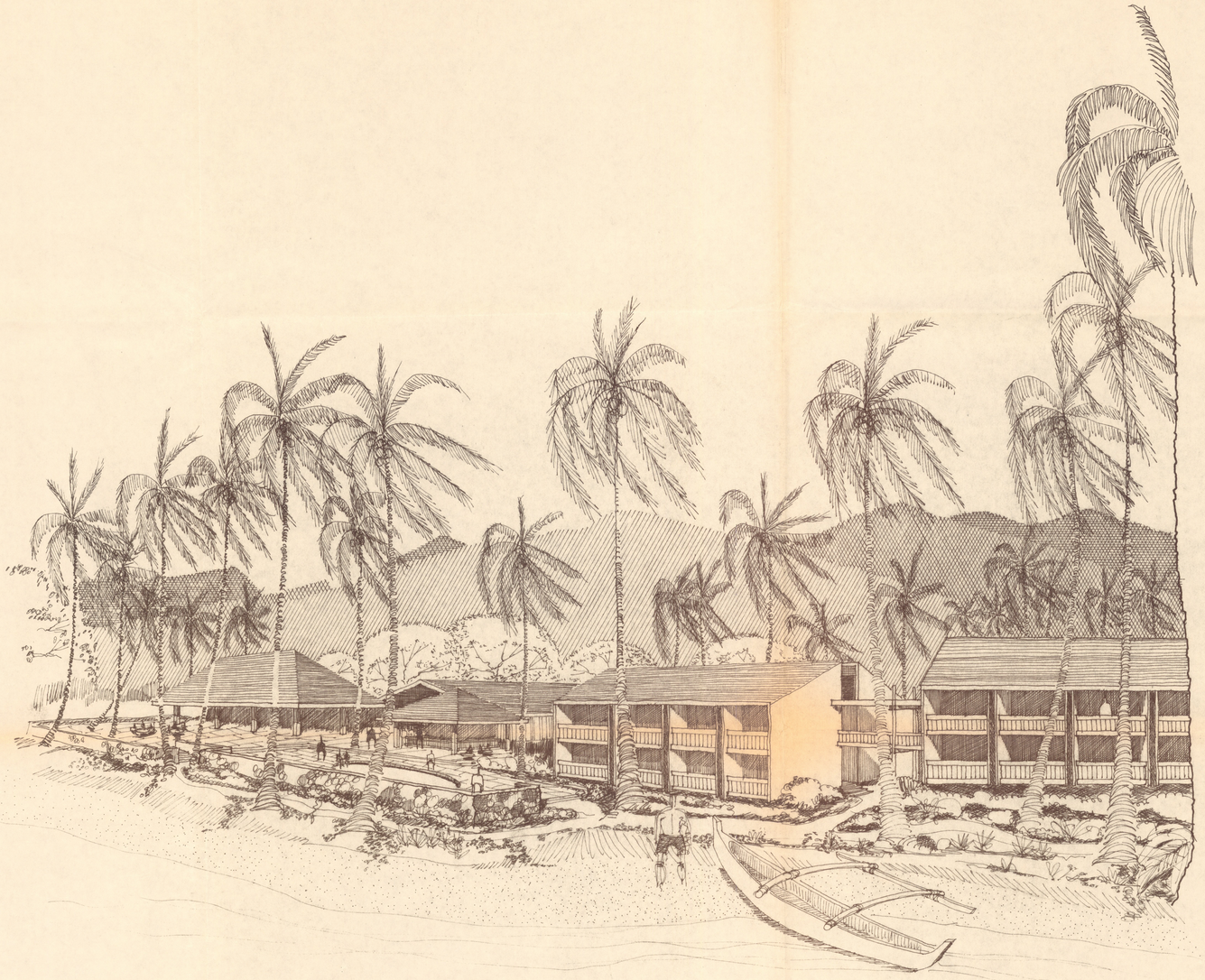
SHEET NUMBER 1 OF 3 SHEETS

Aileen Mc C. Ah Ping State: Rural Zoning County:

5.10 Acs

Tax Map Key: 5-7-07:1

7825



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CHARLES R. SUTTON & ASSOCIATES, INC.
ARCHITECTS & PLANNING CONSULTANTS 82 MERCHANT ST. HONOLULU, HAWAII

HOTEL - PUKOO, MOLOKAI
PUKOO, MOLOKAI, HAWAII
FOR BISHOP CORPORATION
HONOLULU, HAWAII

VIEW FROM BEACH

JOB NUMBER	69-09
DRAWN BY	EK
CHECKED BY	
DATE	19 NOV. 69

SHEET NUMBER 9 OF 8 SHEETS

7826

KULAA-LAMIHI FISH POND

KIHALOKO FISH POND

WAIHILAHILA FISH POND

KUPEKE FISH POND

PUKOO POND

PANAHAHA FISH POND

SP70-75 AH PING

TRUE NORTH
1" = 200'

7827