

RECEIVED  
COUNTY PLANNING  
Date: MAR 5 '71  
File No.: LUC 163

March 1, 1971

Mr. James M. Greenwell, President  
Lanihau Corporation  
3210 Koapaka Street  
Honolulu, Hawaii 96819

Dear Mr. Greenwell:

The petition by Lanihau Corporation, Trustees of Palani Land Trust and L. R. Greenwell (A70-264) to amend the Land Use District Boundaries from an Agricultural District into an Urban District at Kailua, Kona, Hawaii, identifiable by Tax Map Key 7-5-09: parcels 54 and 55; and 7-5-10: parcels 10 and 7, was approved by the Land Use Commission at its meeting on February 26, 1971.

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

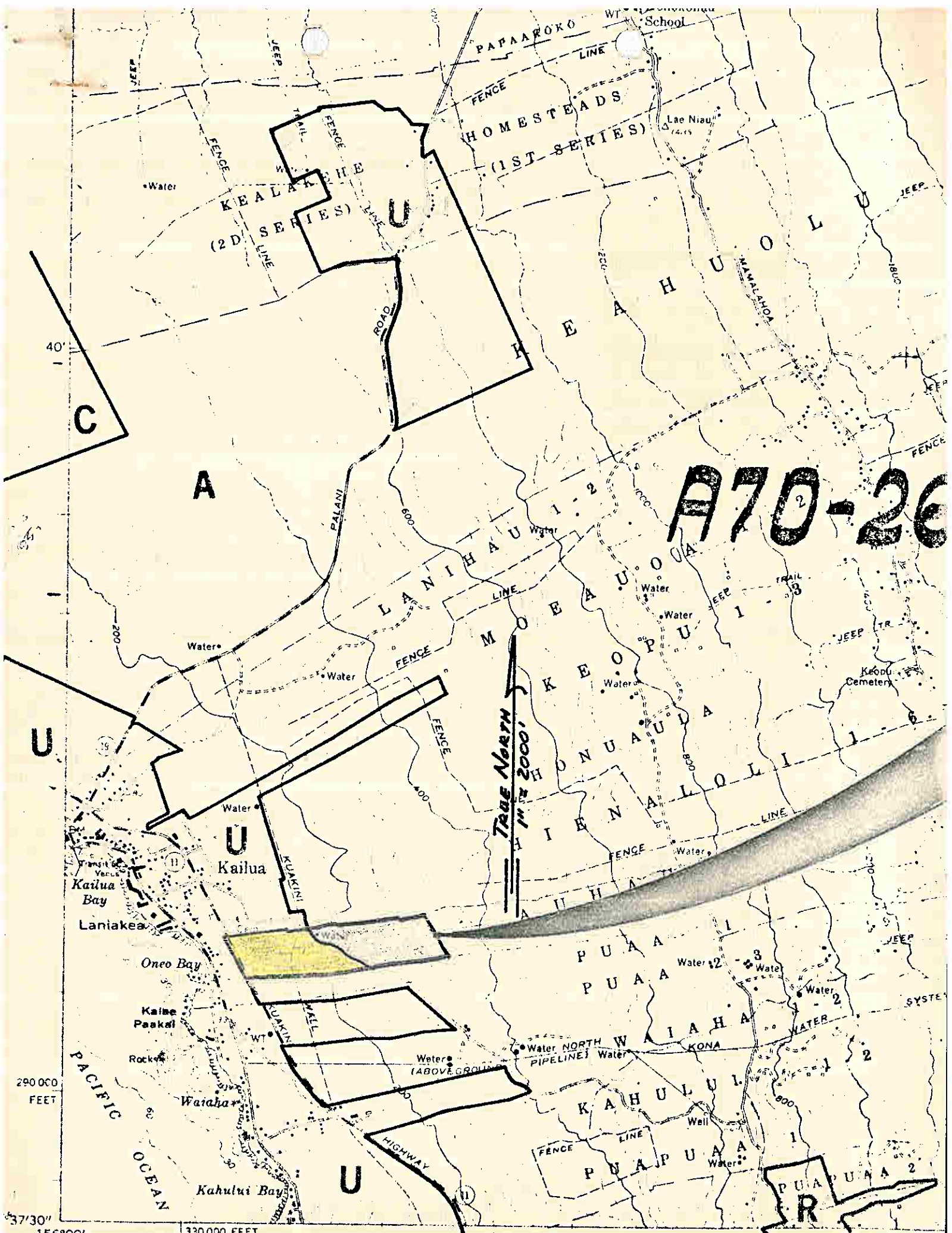
For your information, we are enclosing herewith a copy of Section 2.33, "Performance Time," of the Rules and Regulations of the Commission.

Very truly yours,

RAMON DURAN  
Executive Officer

Enclosures 3

cc: Hawaii Planning Dept.  
Tax Maps Recorder, Dept. of Tax.  
Planning Office, DLNR  
Facilities & Auxiliary Svcs. Br., DOE  
Board of Land & Natural Resources  
Dept. of Transportation  
Planning Division, DPED  
Hawaii Tax Administrator  
Board of Water Supply, Hawaii  
Planning Division, DAGS  
Property Technical Services, Dept. of Tax.  
Land Use Commission



A70-26

29000  
FEET

37'30"  
156°00'

330 000 FEET



STATE OF HAWAII  
LAND USE COMMISSION

MEMORANDUM

February 26, 1971  
7 p.m.

TO: Land Use Commission

FROM: Staff

SUBJECT: A70-264 - LANIHAU CORPORATION, TRUSTEES OF PALANI  
LAND TRUST, & L. R. GREENWELL

A public hearing was duly held on December 11, 1970, on this request to amend the land use district boundaries for approximately 64 acres situated at Kailua, Hawaii, from an Agricultural to an Urban classification. The petitioners propose to lease developmental lots ranging from 2.5 to 7 acres in size to developers interested in constructing low-density apartments in the \$30,000 to \$45,000 price range. It is the petitioners' intention to build service roads and to install the basic utilities only.

The Hawaii County Planning Commission has indicated its approval of the reclassification of the property in question based on its contiguity to the existing Urban District; the appropriateness of the land use pattern; minimizing the urbanization of other agricultural lands with higher agricultural potentials; and proximity to trading and employment facilities. However, the County agency has indicated that its recommendation is for the reclassification to Urban only, and that "it does not necessarily agree with the applicant's proposal of multi-family use".

The petitioners have suggested an incremental approach for the development of the 64 acres under petition as provided for by Section 2.32 of the State Land Use District Regulations. Under this proposal, the initial increment of 28 acres will contain roughly 575 apartment or motel units, based on the density submitted by the petitioners. However, there has been no substantiation submitted to date supporting the need to reclassify 64 acres, or even 28 acres, for the construction of \$30,000 to \$45,000 units. No development schedule nor any evidence substantiating the economic feasibility for such a large undertaking has been received, despite the fact that this was noted at the hearing of December 11. This is made even more significant in light of the rezoning of 7 acres of land immediately abutting the subject property for a 128 apartment unit development comprising 23 separate two-story buildings which was approved by the Land Use Commission on December 18, 1970.

Therefore, based on the above findings and the fact that ample vacant urban zoned land exists within the Kailua-Kona area to accommodate the foreseeable growth over the next ten years, it is recommended that the petition be disapproved at this time.

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.