

November 12, 1976

CITY PLANNING COMMISSION
Honolulu Municipal Building
650 South King Street
Honolulu, Hawaii 96813

Attention: Mr. Robert Way, Chief Planning Officer

Gentlemen:

At its meeting on November 9, 1976, the Land Use Commission voted to approve a Special Permit request by Our Lady of Mount Carmel Church (SP76-250) to allow the addition of a pavilion for church use and related functions on a 3.97 acre parcel of land situated within the State Agricultural District at Waikane, Oahu, TMK 4-8-05: 1; subject to the conditions imposed by the City Planning Commission, and subject further to the condition that condition No. 1 shall be amended as follows:

"1. The Special Permit shall be for church use."

A copy of the staff memorandum is enclosed for your information.

Very truly yours,

GORDAN Y. FURUTANI
Executive Officer

GYF:yk
Encl.

cc: Our Lady of Mount Carmel Church, Waikane
Tax Maps Recorder, Dept. of Taxation
Property Technical Office, Dept. of Taxation
Real Property Tax Assessor, Dept. of Taxation
Dept. of Planning & Economic Development
Office of Environmental Quality Control

STATE OF HAWAII
LAND USE COMMISSION

MEMORANDUM

TO: Land Use Commission

November 9, 1976
8:30 a.m.

FROM: Staff

SUBJECT: SP76-250 - Our Lady of Mount Carmel Church

The petitioner is requesting this Special Permit to allow the addition of a pavilion for church use and related functions on a 3.97 acre parcel of land situated in the Agricultural District at Waikane, Oahu, which is identified as TMK 4-8-05: 1.

The property lies on the mauka side of Kam Highway about one mile north of the Kam Highway - Waiahole Road junction. Petitioner notes that Our Lady of Mount Carmel Church was constructed in the early 1930's and that the property has never been used for agricultural purposes since. The proposed 72' x 48' pavilion is already partially built by church members who have been working on it after hours and on weekends in recent months without a building permit. They have been cited for the lack of the building permit and a Special Permit. Approval of the Special Permit now under consideration will allow processing of a building permit by the petitioner.

Surrounding lands contain a mixture of rural uses including dwellings, farms and the Waikane Store. Directly makai of the subject site across Kam Highway is a Protestant Church.

Pertinent Comments from Governmental Agencies:

1. Department of Public Works: No objection. The pavilion is located on higher ground and not on the portion of the site lying within the flood hazard district. Sewers are not available. The church is serviced by a cesspool.
2. Department of Health: Cesspools are acceptable on this site.
3. Board of Water Supply: No objection. Facilities are available and adequate to serve this use.
4. Building Department: The current pavilion construction work is in violation of the Building Code, Sections 18-3.1 and 18-6.1 relating to starting work without first obtaining a building permit. The structure appears to meet other building code requirements.

At the public hearing held by the City and County Planning Commission on August 4, 1976, no one appeared to support or oppose

the Special Permit.

On September 8, 1976, the Planning Commission voted to approve the Special Permit based on the report and analysis of the Director of Land Utilization. A review of the Special Permit by the Department of Land Utilization revealed no evidence that the pavilion will contribute to the degradation of agricultural uses or potential agricultural uses in the area; that the proposed facility is simply an addition to an existing church use; that the pavilion is located on safe, high ground in an acceptable location behind the church; that facilities are adequate to serve the addition; and that approval of the Special Permit would enable the church to obtain a building permit. The Director concluded that:

- "1. The addition of the pavillion to the church lot does not constitute a threat to the viability of the agricultural land in Waikane and is not contrary to the objectives of the Land Use Law.

The church largely serves a congregation from the rural and agricultural community surrounding it.

- "2. The continued use of the site for church will not unreasonably burden public facilities which are already available.
- "3. The pavillion is an acceptable addition to the neighborhood."

Approval of the Special Permit by the Planning Commission was subject to a total of seven conditions recommended by the Director of Land Utilization:

- "1. The Special Permit shall be for church use of the subject property permitting the church, rectory and pavillion.
- "2. The submitted site plan marked Exhibit "A" shall be part of the permit and all improvements shall conform to the Exhibit.
- "3. Within one year after approval of the Special Permit by the State Land Use Commission, the applicant shall obtain a building permit for the pavillion in compliance with Building Code requirements. The County Planning Commission, may with the Land Use Commission's concurrence, extend the time limit if it deems that unusual circumstances warrant the granting of such an extension.
- "4. The applicant shall be required to incorporate all of the conditions set forth herein as part of the restrictive covenants running with the land.
- "5. The applicant/developer of the property encompassed

by this Special Use Permit shall be required to file with the Bureau of Conveyances of the State of Hawaii, a declaration of the above-mentioned restrictive conditions.

- "6. In the event all conditions as set forth herein are not complied with, the Director of Land Utilization may take action to terminate the use or halt its operation until such time full compliance is obtained.
- "7. The Director of Land Utilization may approve any request for modifying the submitted plans which he considers to be a minor revision."

25% COTTON

EXCELERASE

by

FOX RIVER