

June 4, 1976

Mr. Kenneth Fujiyama
Kenneth Fujiyama Realty, Inc.
100 Pauahi Street
Hilo, HI 96720

Re: Special Permit Application
Applicant: National Organization of the
New Apostolic Church
Tax Map Key 2-4-47:20

The Planning Commission at a duly advertised public hearing on May 13, 1976 and in regular session of June 3, 1976 discussed your request for a special permit in accordance with Chapter 205-6, Hawaii Revised Statutes, as amended, to allow the establishment of a church on a one-acre lot situated within the State Land Use Agricultural District. The property involved is located along the north side of Alani Street, approximately 650 feet east of the Alani Street-Malaai Road intersection, Waiakea Homesteads, Waiakea, South Hilo, Hawaii.

The Commission voted to deny the special permit based on the following findings:

1. That one of the tests applied in reviewing Special Permit requests is whether unusual conditions have arisen since the district boundaries and regulations were established. In reviewing the request relative to the areas within the City of Hilo, it is determined that there are no such unusual conditions to justify the granting of the proposed use in this particular area. It is unlike parts of the Lower Puna area or similar areas where the development pattern for urban-type uses is unpredictable at the present time. The development pattern for the City of Hilo is quite clear.

In requesting the Special Permit, one of the reasons presented by the petitioner is that "The existing zoning ordinances discourage the building of church buildings on sites less than one acre. It is almost impossible at this time to find a parcel suitable for a church site within the urban area of Hilo that is available and in an acceptable location. In addition, many parcels found within the city limits of Hilo are

Mr. Kenneth Fujiyama

Page 2

June 4, 1976

smaller than one acre in size or larger than two acres"
(emphasis added).

Contrary to statement made by the petitioner, the Zoning Code does allow the establishment of churches and related uses on certain lands which are less than one (1) acre in size. Only within the County's Single-Family Residential (RS), Double-Family Residential (RD), Multiple-Residential (RM), and Residential Agricultural (RA) zoned districts are a minimum of one (1) acre required. Churches are permitted uses within all other districts, with the exception of Industrial and Open zoned lands and need not have a minimum land area of one (1) acre except as stated above.

In reviewing the zoning make-up of lands within the City of Hilo, it is determined that there are available lands elsewhere which would allow the establishment of a church and related uses. This is indirectly substantiated by the petitioner's statement that ". . . many parcels found within the city limits of Hilo are smaller than one acre in size or larger than two acres" (emphasis added). As stated previously, except for the four (4) residential type zoning districts, churches may be permitted on lots smaller than one-acre in size. On the other hand, churches may also be constructed on lots larger than one or more acres in sizes. As such, it is further determined that this particular reason presented by the petitioner is not entirely accurate. There are other alternative sites available to the petitioner.

2. That it is also undeniable that approval of this request in this particular area would create a situation wherein other lands in its vicinity will be in a vulnerable position for similar action. It could create an undesirable situation of a scatteration of church and related uses in an area (Waiakea Uka) which is basically Residential - Agricultural in character. As such, in this particular case, it is felt that the area's need would not necessarily be better served with the proposed use at the requested location.

It should be made clear that we are not against "spot zoning" per se, as an introduction of such use through a Special Permit would initially constitute a form of "spot zoning," provided, however, that a commitment has been or can be made to allow or further such uses in that area. At this particular time, we do not envision such uses for this area.

Mr. Kenneth Fujiyama

Page 3

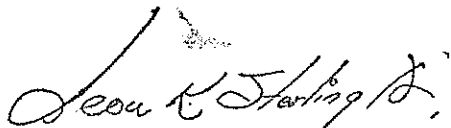
June 4, 1976

3. That the use would generate an added burden on the already inadequate roadways leading to the property. Alani Street, which fronts the subject property and serves twenty-seven (27) other lots, has a 40-foot right-of-way with a 15-foot wide pavement and does not meet present roadway standards as set forth in the Subdivision Code (Chapter 9). The minimum roadway requirement for roads of this nature is a 50-foot right-of-way with a 20-foot pavement. Malaai Street, from which Alani Street branches off, is also a 40-foot roadway with only a 12-foot pavement. Although the Hilo Zone Map does indicate Malaai Street to be improved to an 80-foot right-of-way, no funds have been appropriated or requested within the State or County Capital Improvements Program budget. Improvements to this road are not expected to be made for at least the next six (6) years.

In light of the above, it is determined that the granting of this request at its particular location would aggravate and compound the existing traffic situation. To introduce a use which would generate additional traffic in an area which lacks adequate roadways and other infra-structures could create a situation which may prove to be detrimental to the area and not be in the best interest of the general public. It would further intensify or compound an already inadequately serviced area in regards to the infra-structural capacities.

A denial by the Commission of the desired use shall be appealable to the Circuit Court in which the land is situated and shall be made pursuant to the Hawaii Rules of Civil Procedure.

Should there be further questions on this matter, please do not hesitate to call or write us.



Leon K. Sterling, Jr.
Chairman, Planning Commission

lat

cc Mr. Dietmar G. Poelzing
State Land Use Commission
Land Use Division, DPED