

Variance Expired

November 4, 1981

Mr. Lee Taylor
P. O. Box V
Kailua-Kona, Hawaii 96740

Dear Mr. Taylor:

Variance Permit No. 445
Tax Map Key: 7-5-06:16

The subject Variance Permit was approved by the County Planning Commission effective July 31, 1975 to reduce the Kona Seaside Hotel's minimum parking requirement by thirteen (13) stalls for the Pacific Sea Transportation, Ltd. hydrofoil operations.

Condition No. 1 of the Permit stated that "The variance shall expire five (5) years from the official date of approval." The expiration date was July 31, 1980. Hence, this is to officially inform you that the subject Variance Permit expired as of said date.

Please accept our apologies for this delayed notification. Should you have any questions, please feel free to contact our office.

Sincerely,

Sidney Fuke

SIDNEY FUCE
Director

AK:y

cc: Terence Yoshioka
Planning Commission

bcc: Alice Kawaha
Norman Hayashi

NOV 5 1981

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)	
by)	
PACIFIC SEA TRANSPORTATION, LTD.)	
AND RICHARD KIMI)	
from)	Variance No. 445
MINIMUM PARKING REQUIREMENTS)	
in)	
Kailua-Kona, Hawaii)	
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VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on July 31, 1975 considered the application of PACIFIC SEA TRANSPORTATION, LTD. AND RICHARD KIMI for a variance from Chapter 8 (Zoning Code), Article 26, Section 6-D, 11 & 12, Hawaii County Code, as Amended, more specifically to allow the number of required parking stalls from the Kona Seaside Hotel to be reduced so as to permit the letting of thirteen (13) stalls to Pacific Sea Transportation, Ltd. for its Kailua-Kona hydrofoil operations. The Kona Seaside Hotel is located at the corner of Palani Road and Kuakini Highway, Lanihau, North Kona, Tax Map Key 7-5-6:16.

The Commission has found that:

The granting of the subject variance request would be in the public interest and would not be materially detrimental to the public welfare. The purpose of the variance request is to allow the applicant, Pacific Sea Transportation, Ltd., to meet the parking requirement stipulated in the plan approval process for their proposed terminal facilities. This requirement is that 13 stalls be provided for overnight parking use by Seaflite passengers. By meeting this requirement, the applicant will be able to secure final approval and commence jetfoil operations in the County of Hawaii. The provision of jetfoil service to the County of Hawaii will offer an alternative means of inter-island transportation to the public which is not now available. It is therefore determined that approval of this variance will ultimately result in a service which is in the public interest.

Further, the provision of the overnight parking facilities in a location away from the Kailua Wharf will enhance the public welfare rather than be detrimental to it. The Kailua Wharf, where the Seaflite terminal will be located, is a public facility which is intensively used by the Kona community. Locating the overnight parking facilities away from the wharf but in close proximity to it will alleviate potential traffic congestion and hazards.

The manner and degree of use of the existing parking facilities at the Kona Seaside Hotel have been documented by the applicant. Approximately 95% of the hotel clients arrive and depart by tour bus or limousine. The average occupancy rate at the hotel is 64%. Based on the average occupancy rate and the percentage of tourists using commercial multi-passenger vehicles, it is estimated that on the average only 5 parking stalls would be used by hotel clients using private or rented automobiles. Given these present characteristics of the Kona Seaside Hotel, it is determined that the deletion of 13 of the total number of stalls required for the hotel and ancillary uses will not, for the moment, adversely affect the overall parking situation of the development.

It is further determined that the reduction of the total number of required parking stalls will not at this time, detract from the purpose and intent of the Zoning Code. The intent of the parking requirements as stipulated in the Zoning Code is to assure that the traffic generated by any particular use will be accommodated on or near the property where the use is located. The subject variance request is related to a use and situation which is deemed to be unique.

The jetfoil will be utilizing public harbor facilities for docking purposes. Overnight parking at Kailua Wharf will not be allowed by the State Harbors Division. As a result, the applicant has had to seek parking facilities elsewhere. The nature of the jetfoil operation in the County of Hawaii does not demand that, at the present time, it be land-based; that is, directly linked to a particular piece of property. This has created unusual circumstances relative to fulfilling the overnight parking requirements stipulated in the plan approval process. The use of parking stalls at the Kona Seaside Hotel, which are available due to the transportation characteristics of the hotel guests and the relatively low average occupancy rate, is deemed to be a reasonable alternative for the present time which does not violate the purpose and intent of the Zoning Code. It is recognized that the existing average occupancy rate and the transportation characteristics of guests at the Kona Seaside Hotel could change, at which time all of the required parking stalls could be needed for the hotel and ancillary uses. In addition, the number of overnight parking stalls which will actually be needed for the jetfoil passengers may change after operations have commenced and stabilized.

Some concerns relating to the adequacy of the overall parking situation in the village of Kailua have been raised. The Planning Commission is equally concerned but, based on the foregoing considerations, submits that the request is--for the moment--justified. Changing conditions, however, may dictate the need for additional parking elsewhere.

Therefore, the Commission hereby grants to the applicant a variance to allow the number of required parking stalls from the Kona Seaside Hotel to be reduced so as to permit the letting of thirteen (13) stalls to Pacific Sea Transportation, Ltd. and Richard Kimi for its Kailua-Kona hydrofoil operations, pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:

1. The variance shall expire 5 years from the official date of approval;
2. The County Planning Commission shall reserve the right to rescind the subject variance permit prior to the 5-year termination date if it is found that the reduced number of parking stalls for the hotel and ancillary uses is insufficient, due to such factors as a higher occupancy rate or a change in the type of clientele. If the Planning Director finds that conditions have changed and that the reduced number of parking stalls is insufficient for the hotel and ancillary uses, he may request that the Planning Commission conduct a public hearing to determine whether the variance permit is justified under the changed conditions;
3. The applicant, Pacific Sea Transportation, Ltd., shall submit a yearly report to the Planning Director on the progress of his attempts to locate and obtain suitable overnight parking facilities for his operations. The report shall be submitted each year by the anniversary of the official date of approval of the variance until such time as the variance permit is terminated; and
4. All other applicable rules and regulations be complied with.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from July 31, 1975.

Dated at Hilo, Hawaii, this 13th day of August, 1975.


Arthur W. Martin, Chairman

