

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR VARIANCE)	
by)	
WIMBERLY, WHISENAND, ALLISON,)	
TONG & GOO ARCHITECTS, LTD./)	
RICHARD SMART)	
from)	VARIANCE NO. 565
MAXIMUM ALLOWABLE HEIGHT LIMIT)	
in)	
Waimea, South Kohala, Hawaii)	

VARIANCE PERMIT

The County of Hawaii Planning Commission at a duly held public hearing on January 25, 1979, considered the application of WIMBERLY, WHISENAND, ALLISON, TONG & GOO ARCHITECTS, LTD./ RICHARD SMART for a variance from Chapter 8 (Zoning Code), Article 13, Section 4; more specifically, to allow the construction of a theater with a height of forty (40) feet in lieu of the maximum allowable height of thirty (30) feet as stipulated within the Village Commercial (CV) zoned district. The property involved is located within the Parker Ranch Shopping Center complex, Waimea, South Kohala, Hawaii, Tax Map Key 6-7-02:portion of 17.

The Commission has found:

That there are special and unusual circumstances applying to the subject building and its intended use which do not generally apply to surrounding properties and their improvements in the same zoned district. The primary purpose of establishing a height limit within specific zoned districts is so that a particular building will not dominate the other buildings, and also, that building would not visually dominate the landscape.

In this particular case, the theater structure, for which the variance is being requested, would be an integral part of the entire Parker Ranch Shopping Center complex. As far as practicable, the proposed building is intended to be constructed in such a manner as not to distract from the other buildings within the complex. However, uses of this nature normally would require additional height as compared with other uses allowed within this zoned district. This building will not only be used as a movie theater but would also be used for plays, etc. As a multiple use structure, particularly to accommodate plays, would require additional facilities, such as a scene or backdrop storage area, catwalk, etc. Because of the general internal setup or characteristics

of a theater/auditorium use, in certain cases such as this, it is determined that the additional height is a necessity; mainly from a functional standpoint.

As presented by the petitioner, the proposed building will have a full proscenium stage. The proscenium opening would measure twenty (20) feet above the stage. Normally, the scene or backdrop storage area is located above the proscenium opening. If this were the case, the building would have had to be constructed to a much higher height than presently proposed. In this case, however, it was determined that the present method of locating the scene storage area to the side of the stage would be a more desirable one. However, even under this proposal, the height of this storage area would have to exceed the height of the proscenium opening. Additionally, a catwalk for the lighting personnel would be required under the present setup, especially for the use during the showing of plays. Beyond the catwalk, additional area for maneuverability is required for the personnel handling the lights. Mainly for these reasons is the additional height required. As such, it is further determined that special and unusual circumstances exist to a degree which obviously interferes with the best use or manner of development of the proposed facility.

Although the proposed building will be the tallest structure in the area, because of its siting in relationship to the total development within the shopping center complex, the visual dominance will be softened from the main highway. This structure will be situated on a parcel of land owned by the petitioner which is over 270 acres in size, of which 11.6 acres is zoned for Village Commercial (CV). The building will be bordered on two (2) sides by existing buildings within the shopping center complex, grazing land on another side and the proposed Lindsey Road extension on the other.

Based on the above, it is determined that the granting of this particular variance will not be inconsistent with the zoned district and the intent and purpose of the Zoning Code. It is also felt that it will not be materially detrimental to the public welfare nor be injurious to improvements or property rights related to properties in the near vicinity.

Therefore, the Commission hereby grants to the applicant a variance to allow the construction of a theater with a height of forty (40) feet in lieu of the maximum allowable height of thirty (30) feet as stipulated within the Village Commercial (CV) zoned district, pursuant to the authority vested in it by Chapter 8, Article 1, Section 7, subject to the following conditions:

1. That the petitioner or his authorized representative submit plans for Plan Approval within (1) year from the effective date of approval of the variance permit. Such plans shall conform substantially as represented.
2. That construction of the theater structure commence within one (1) year from the date of receipt of final Plan Approval and be completed within two (2) years thereafter.
3. That only one (1) additional access shall be allowed onto the proposed 80-foot wide Lindsey Road extension. The location of the access shall meet with the approval of the Planning Department and the Department of Public Works.
4. That all other applicable rules, regulations, and requirements be complied with.

Should any of the foregoing conditions not be met, the Variance Permit may be deemed null and void by the Planning Commission.

The effective date of this permit shall be from January 25, 1979.

Dated at Hilo, Hawaii, this 14th day of February, 1979.



William F. Mielcke
Chairman, Planning Commission

APPROVED as to
FORM AND LEGALITY:



DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: FEB 9 1979