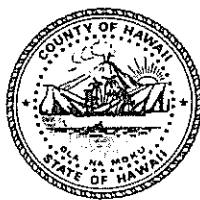


Harry Kim
Mayor



County of Hawai'i
PLANNING COMMISSION

101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 14, 2005

Mr. Travis Stevenson
74-5565 Luhia Street, Suite CC1
Kailua-Kona, HI 96740

Dear Mr. Stevenson:

Sign Variance Application (SV 04-04)
Applicant: Hale Hana Partners
Request: Sign Variance to Allow Deviations from the Requirements of
Section 3-72(a)(2); Section 3-72(c); Section 3-73(a); Section 3-74(3)
Tax Map Key: 7-4-15:18

The Planning Commission at its duly held public hearing on February 18, 2005, voted to approve the above-referenced application. Sign Variance No. 24 is hereby issued to allow deviations from the requirements of Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs), Division 1, Sections 3-72 (sign and lettering size), 3-73 (number of signs) and 3-74 (sign height) of the Hawaii County Code, as amended. The property is located between the Queen Kaahumanu Highway and Luhia Street and known as the Hale Hana Center, Kailua-Kona, North Kona, Hawaii.

Approval of this request is based on the following:

The property is located between the Queen Kaahumanu Highway and Luhia Street and known as the Hale Hana Center, located within the Kailua Village Special District. The applicant requests a variance from the Hawaii County Code, Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs), Division 1, Sections 3-72 (Sign and lettering size), 3-73 (Number of signs) and 3-74 (Sign height) to enable tenants in the Hale Hana Center to display identifying signs for their businesses and signs that the general public can safely locate from the Queen Kaahumanu Highway.

The applicant is requesting variances from the following sections:

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- Section 3-72 (a) (2) - states "forty percent of the building frontage or twenty-two square feet, whichever is less, on any building or portion of a building under separate management or control having a property frontage of at least thirty feet, except the total surface area of all signs shall not exceed, in the aggregate, twenty-two square feet on all building frontage." The applicant requests the variance to allow signs on both sides of the buildings with double frontages (i.e., Queen Kaahumanu Highway on the mauka side and Luhia Street on the makai side), which will exceed the permitted twenty-two square feet maximum on all building frontages.
- Section 3-73 (a) - permits only one sign for any business or one sign for any street or vehicular access on which a building has frontage. The applicant interprets this section of the Code as allowing signs on both sides of buildings with double frontages as in this particular situation, e.g., Queen Kaahumanu Highway on the mauka side and Luhia Street on the makai side. The applicant states that "the exception is the corridor between the buildings, where the buildings face opposite each other. These areas are not visible from other properties; therefore signage in these areas does not impact the view of the general public." The applicant requests the variance to allow a second tenant sign on those portions of the building fronting the corridors for tenants fronting a street on one side and the corridor between the buildings on the other side.
- Section 3-74 (3) - allows a window or wall sign with a maximum height limit of five and one-half feet in height. The applicant states that the design of both buildings is such that there is a great deal of wall space with glass storefronts and roll-up doors, and it is impractical to hang signage on a wall within the height limit of five and one-half feet. The design of the buildings is such that there are large areas of walls and vertical mansards below the roofline that serve as ideal surfaces to mount uniformly designed wall signs. Measured from the ground floor elevation, the maximum height of the first level signs is approximately 13 feet 5 inches and the second level, approximately 27 feet 3 inches. The applicant proposed to keep the top of the sign below the roof sheeting for all vertical areas available for signage on the buildings in the Hale Hana Center.

The Hale Hana Center is located between the Queen Kaahumanu Highway and Luhia Street. The approximately 3.4895-acre parcel is zoned General Industrial 1-acre (MG-1a). There are two buildings on the site. Tenants of the buildings include Kale's Imports, Microcom, Kona Fishing Tackle, Car Quest, Gold's Gym, Chef's Kitchen Supply, The Container Warehouse, Hawaiian Pedals, Island Discount Golf, and Enterprise Rent-a-Car. Surrounding properties are zoned MG-1a, CV-10 to the east, MCX-20 to the west, and CG-10 to the north across the Queen Kaahumanu Highway. Uses include various industrial and commercial businesses.

A new sign code adopted by the County Council as Ordinance No. 04 142 on November 10, 2004 becomes effective on March 1, 2005. Under the new sign code, the Department of Public Works will administer signs within the Kailua Village Special District. All variances from the sign code will be reviewed and approved by the County Council after March 1, 2005 and the Planning Commission will no longer approve sign variances within the Kailua Village Special District.

The primary intent and purpose of the Kailua Village Sign Code is to encourage and foster good sign design in harmony with the Kailua Village Design Plan theme and related elements of building design, scale, proportion, and image. Attractive, harmonious integrated signs have been found to promote and enhance business identification within commercial developments. In consideration of the foregoing, there is a need to give special thought to the relationship of signage to building design that is sensitive and reasonable. To implement these objectives within the Kailua Village boundaries, special consideration is given with respect to sizes of signs. The rationale for the smaller sign size within the Kailua Village core is due to the visitor/pedestrian oriented nature of the village.

The property is located within the Kailua Village Special District. At its September 21, 2004 meeting, the Kailua Village Design Commission (KVDC) voted to recommend approval of the sign variance request with the exception of the Enterprise Rent-a-Car signs. The KVDC recommended against the proposal for Enterprise Rent-A-Car signs, indicating that with a master sign variance, all signs within the same building complex should be consistent in terms of design, material and color. The applicant has withdrawn the request for the Enterprise Rent-A-Car signs.

The approval recommendation is based on the following findings. According to Chapter 3 (Advertising and Signs), Article 2 (Kailua Village Signs) of the Hawaii County Code, as amended, no variance may be granted unless the (Planning) Commission finds that:

- 1. There are special and unusual circumstances which do not generally apply to surrounding property, buildings or signs in the same district, including but not limited to a sign's long-term historical or traditional association with Kailua Village.**

The requested sign variance would allow signs on both sides of the buildings with double frontages (i.e., Queen Kaahumanu Highway on the mauka side and Luhia Street on the makai side), a second tenant sign on those portions of the building fronting the corridors for tenants fronting a street on one side and the corridor between the buildings on the other side, and the top of a sign below

the roof sheeting for all vertical areas available for signage on the buildings in the Hale Hana Center. Businesses within the area are dependent upon the visibility to vehicular traffic travelling along the Queen Kaahumanu Highway and Luhia Street. These heavily traveled roadways provide little in the way of pedestrian accommodations, with most traffic being vehicular. Unlike the many shops and retail establishments along Alii Drive, many of the buildings within the vicinity are free-standing structures that require its own identity along the congested roadways.

- 2. Special or unusual circumstances either deprive the owner or applicant of substantial property rights which would otherwise be available, or obviously interfere with the best use of signage on the property.**

There are special or unusual circumstances submitted or demonstrated by the applicant that there would be a deprivation of substantial property rights that would otherwise be available or obviously interfere with the best use of signage on the property. This request is reasonable given the proposed lettering size in relationship to the building design and location. To place a limitation in terms of both number of signs and height will not promote the intent and purpose of the Kailua Village Sign Code. The primary purpose of a sign is to promote identity, goods and services, or activities through visual communication. To a commercial establishment, it is important to preserve the business's identity. If a business is not quickly identifiable, the very function of having a sign is lost.

- 3. The granting of the variance does not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes, or rules.**

The need to promote its corporate identity, overcome the physical limitations posed by the location of the building complex and predominance of vehicular traffic in the area would preclude any perception of personal or special privilege.

- 4. The granting of the variance does not violate the intent and purpose of the Kailua Village Design Plan or the intent and purpose of this article, does not militate against the County General Plan, and does not materially affect the public welfare and is not injurious to improvements or property rights in the near vicinity.**

The granting of the variance would not be in violation of the intent and purpose of the Kailua Village Design Plan. An element of the Kailua Village Design Plan which was adopted by the County Council in 1979 as Ordinance

No. 481 (Kailua Village Sign Code) defined the criteria and requirements for signage within the Kailua Village Special District. These criteria and requirements were not intended to overcome the primary purpose of a sign, which is to promote an identity, goods and services, or activities. The applicant has stated their desire to provide for proper visibility from the roadways.

The Department of Public Works had no comments or objections regarding the request.

Based on the above, the Planning Director recommends the proposed sign variance request be approved. Approval of the request is subject to the following conditions. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the variance permit.

1. The applicant, its assigns, tenants or successors, shall be responsible for complying with all stated conditions of approval.
2. The approval of this sign variance shall be limited to the subject request and shall not preclude the compliance with all other requirements of the Kailua Village Sign Code.
3. The applicant shall apply for and secure sign permits for all of the proposed signs unless otherwise exempted by the Kailua Village Sign Code.
4. Comply with all other applicable State and County rules and regulations, including the Department of Public Works.

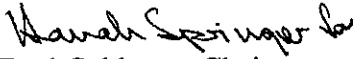
This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Travis Stevenson

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Should you have any questions, please contact Norman Hayashi of the Planning Department at 961-8288.

Sincerely,



Fred Galtones, Chairman
Planning Commission

Lhalehanapartners01pc

cc: Department of Public Works
Kailua Village Design Commission
Planning Department - Kona