

CERTIFIED MAIL

January 20, 1982

Mr. Floyd Williamson
P. O. Box ~~3737~~ 30548
Honolulu, Hawaii ~~96812~~ 96821

Dear Mr. Williamson:

Sign Variance Application
TMK: 7-5-8:23

The Planning Commission at its duly held public hearing on January 14, 1982, voted to approve your application, Sign Variance Permit No. 1, to allow product advertising and a 32-square foot maximum size for the Hualalai Theatres in Kailua Village, North Kona, Hawaii.

Approval of this request is based on the following:

1. There are special circumstances applying to the placement of the proposed sign which do not generally apply to surrounding property, buildings, or signs in the same district. The property on which the sign is proposed is zoned for commercial uses and, along with other commercial, resort, and multiple family zoned properties, is situated within the bounds of Kailua Village as delineated by Article 28 of Chapter 8 (Zoning Code). The regulation of signs within Kailua Village is further described in Chapter 19, Special Regulations for the Village of Kailua, of the Hawaii County Code.

The primary objective of these special regulations is to recognize the purpose of signs and to balance this purpose with other elements of design, scale, theme, and placement on properties and/or structures. Since signs promote and identify, goods and services, or activities through visual communication, adapting these purposes to corresponding uses must be given careful consideration.

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To implement these objectives, the Kailua Village sign regulations initially identify a core area within the village boundaries which received special consideration with respect to the sizes of signs. In this core area, described as that area bounded by Alii Drive, Palani Road, Kuakini Highway and Hualalai Road, the maximum area that a sign can have is twelve (12) square feet. For the rest of the properties and structures within Kailua Village, the maximum sign size is twenty-two (22) square feet. The rationale for this differentiation, particularly with regard to sign sizes, is primarily to foster a greater emphasis on pedestrian circulation. Similarly, the remainder of the village is much more characterized by vehicular movement.

The property in question is situated approximately 300 feet south of the Hualalai Road/Kuakini Highway intersection, and thus is outside of the central core area of Kailua Village. Access to the property is primarily vehicular, although the site is still somewhat accessible by pedestrian traffic.

The proposed sign will be used to simultaneously identify the various films that will show at the multi-theatre complex. By nature, theatres are not particularly dominating urban uses when compared to other uses which commonly locate within similar urban zoned districts (i.e. offices and commercial buildings, apartments, restaurants, hotels). Functionally, theatres also offer passive urban recreational activity within the urban surrounding.

Based on the above findings which identify the communicative function that is proposed through the construction of this sign; the distinctiveness of the use which serves that function; the location of the subject property in relation to both the central core area of the Kailua Village and Kuakini Highway; and the expressed intent of differentiating signage to suit both pedestrian and vehicular circulation, it is deemed that special circumstances do exist which do not generally apply to surrounding properties or structures in the area.

2. That the above-stated circumstances exist to a degree which obviously interferes with the best use of signage on this property. The tri-theatre complex is already constructed and in operation. It is set back approximately ninety-five (95) feet from the Kuakini Highway right-of-way and one hundred twenty five (125) feet from the actual pavement.

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As such, signage alternatives with respect to type (wall, free standing, or projecting) and size are somewhat limited. It has been demonstrated that the need to functionally use signage in conjunction with identifying the complex cannot be reasonably achieved given the nature of the theatre-type use in this particular location. Further, since the proposed sign is consistent with all other design, material, and color aspects of the Kailua Village Sign Ordinance, other provisions of appropriate signage for Kailua would not be compromised.

3. Due to the above-described location, use, and functional circumstances, the granting of this variance would not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical rules and regulations.
4. That the granting of this variance does not violate the intent and purpose of either the Kailua Village Design Plan or the special sign regulations for Kailua Village. The need for accommodating signs which have different functions, sizes, and shapes has been clearly documented in those documents. Relationships to varying uses have also been prescribed, with emphasis on identifying various areas of the village for certain functions (pedestrian versus vehicular). Accordingly, the proposed request would not militate against these purposes, nor would it materially affect or be injurious to the public welfare, improvements, or property rights in the near vicinity.

Approval of this Sign Variance request is subject to the following conditions:

1. The applicant shall secure approval from the owners of the Hualalai Professional Center prior to construction of the proposed improvements.
2. That the applicant or authorized representative shall submit plans for and commence construction of the proposed improvements within one (1) year from the effective date of this Variance Permit and shall be completed within one (1) year thereafter.
3. The sign shall not exceed 32-square feet.
4. Where applicable, backing shall be constructed with a matte finish and faced with non-glaring glass. No prices shall be displayed.

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5. No other signs shall be posted on the property frontage abutting Kuakini Highway.
6. That all other applicable rules, regulations and requirements, including the Plan Approval Process, shall be complied with.

Should any of the foregoing conditions not be met, this variance permit shall be deemed void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



ALFREDO ORITA
CHAIRMAN, PLANNING COMMISSION

KK:lgv

cc: Department of Public Works
Department of Water Supply
Department of Transportation, Hilo Office
Kona Services Office

bcc: Plan Approval Section
Alice