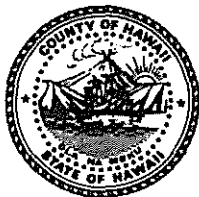


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL
Z 095 323 577

May 10, 1996

Mr. Keith Tamura
John Bowen Designer, Inc.
1127 Bethel Street, Suite 16
Honolulu, HI 96813

Dear Mr. Tamura:

Sign Variance Application No. 96-2
Applicant: Aloha Petroleum, Ltd.
Request: To Allow Certain Deviations from the Requirements of
Article 2 (Kailua Village Signs), Chapter 3 of Hawaii County Code
Tax Map Key: 7-5-4:26

The Planning Commission at its duly held public hearing on May 2, 1996, voted to deny the above-referenced application for a sign variance to allow certain deviations from the requirements specified within Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of the Hawaii County Code, as amended. Specific deviations would have applied to Section 3-72 (Sign and Lettering Size). The property is located mauka of Kuakini Highway and approximately 350 feet north of the Kuakini Highway-Henry Street intersection at Lanihau 2nd, North Kona, Hawaii.

Denial of this request is based on the following:

The subject parcel is situated within the Kailua Village Special District. The property has been developed for the convenience store/gas station complex. The adjacent property has the Kailua Bay Resort Condominium to the north, and Kalani Kai Condominiums are located to the south. The property is situated within the County's Resort zoned district sanctioned by the County of Hawaii General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

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, the Kailua Village boundaries which receive special consideration within the Village boundaries which receive special consideration with respect to sizes of signs. Section 3-72 Sign and lettering size states as follows:

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- (a) Unless otherwise provided, the maximum permitted surface area of any sign oriented to any public street or vehicular access shall be:
- (1) Twelve square feet on any building or portion of a building under separate management or control having property frontage of thirty feet or less, except the total surface area of all signs shall not exceed, in the aggregate, twelve square feet on any building frontage.
 - (2) 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 any building frontage.
 - (3) Twelve square feet for any sign not fronting a public street or vehicular access or for any sign located within the Kailua Village core.

The subject property is located in the core area of Kailua. Therefore, in this core area, described as that area bounded by Alii Drive, Palani Road, Kuakini Highway and Hualalai Road, the maximum size of a sign is 12 square feet with 9 inch lettering and 1 sign per business for any street or vehicular access.

For the rest of the properties and structures within the Kailua Village Special District, the maximum sign size is limited to 12 square feet or 40 percent of the building frontage or 22 square feet, whichever is less, 9 inch lettering and 1 sign per business for any street or vehicular access. The rationale for the smaller sign size within the Kailua Village core was due to the visitor/pedestrian oriented nature of the Village.

The Sign Variance Criteria, the foregoing circumstances and overall integrated harmonious purpose of the Kailua Village Sign Code would not allow this requested variance.

Sign Variance Criteria:

No Variance may be granted unless the 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 and traditional association with Kailua Village.

The subject property is presently operating as a convenience store/gas station. The parcel fronts Kuakini Highway. There are no documented long term historical or traditional elements of the proposed sign which associate with the Kailua Village that would require a deviation from the requirements of the Kailua Village Sign Code. There are no special or unusual circumstances with the proposed sign request which generally apply to surrounding property, buildings or signs in the same district. The present establishment has a sign which is totally visible from the Kuakini Highway.

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 no special or unusual circumstances submitted or demonstrated by the applicant that there would be a deprivation of substantial property rights which would otherwise be available or obviously interfere with the best use of signage on the property. Based on the requirements of Section 3-72(a)(3), the applicant is able to erect one (1) sign, a maximum of 12 square feet with 9 inch lettering of non-shiny material.

3. The granting of the variance would constitute a grant of a personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes or rules.

The applicant has not submitted any evidence that would constitute as special or unusual circumstances for this variance request. Without the necessary substantiation or any special circumstances related to the proposed signage, the granting of this variance would be contrary to the limitation placed on other adjacent properties under similar circumstances.

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 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. The applicant has not shown that the proposed variance request would not violate the intent and purpose of the Kailua Village Sign Code. In addition, the Kailua Village Design Commission unanimously voted to forward an unfavorable recommendation of the sign variance request to the Planning Director.

In accordance with Section 3-68 of the Hawaii County Code, action of the Commission shall be final, unless the applicant appeals the decision in writing to the County Board of Appeals within thirty (30) calendar days after the action is taken.

Mr. Keith Tamura
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

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cc: Honorable Stephen K. Yamashiro, Mayor
Department of Public Works
Plan Approval Section
Aloha Petroleum, Ltd.
Kailua Village Design Commission

West HI office 5/10/96 ag