

Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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FEB 13 1997

Karen Hollenbeck, Project Manager
Chaney, Brooks & Company
78-6831 Alii Drive, Suite K-14
Kailua-Kona, HI 96740

Dear Ms. Hollenbeck:

Sign Variance Application No. 96-3
Applicant: EHP Corporation
Request: To Allow Certain Deviations from the Requirements of
Article 2 (Kailua Village Signs), Chapter 3 of Hawaii County Code
Tax Map Key: 7-4-10:39

The Planning Commission at its duly held public hearing on February 6, 1997, voted to approve the above-referenced application. Sign Variance No. 10 is hereby issued 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 apply to the number, height, letter size and size of signs. The property is located at the southwest corner of the Kuakini Highway and Palani Road intersection at Keahuolu, North Kona, Hawaii.

Approval of this request is based on the following:

The subject parcel is situated within the Kailua Village Special District. This subject North Kona Shopping Center consists of various retail outlets, office complex, and several fast food restaurants. The surrounding properties are zoned Village Commercial (CV-10) and Multiple Family Residential (RM). In the area are two major urban type shopping centers, a post office and financial institutions. The properties on the northern boundary are zoned Limited Industrial. The property is situated within the County's Village Commercial zone 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

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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 Village boundaries, special consideration is given with respect to sizes of signs.

Section 3-72 Sign and lettering size states as follows:

- (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.

Section 3-73 Sign and lettering size states as follows:

- (a) Only one sign for any business or one sign for any street or vehicle access on which a building has frontage is permitted.

Section 3-74. Sign height.

- (a) Maximum sign height, measured from the finished ground elevation to the top of the sign shall be as follows:
 - (1) Directory sign. A directory sign shall not exceed six feet in height.
 - (2) Free standing sign. A free standing sign shall not exceed six feet in height. The lettering or symbols shall not be higher than five and one-half feet from the finished elevation.

The subject property is located mauka and outside of Kailua Village's defined central core area. The core area, described as that area bounded by Alii Drive, Palani Road, Kuakini Highway and Hualalai Road, allows the maximum area of a sign of 12 square feet on any building or portion of a building under separate management or control having a property frontage of thirty feet or less, 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 22

square feet. The rationale for the smaller sign size within the Kailua Village core was due to the visitor/pedestrian oriented nature of the village.

The proposed sign variance request deviates from the maximum sign dimension standards regulated by the Kailua Village Sign Code. The North Kona Shopping Center was developed in the early 1970's. This shopping center has remained throughout the years the current exterior elements basically unchanged. This shopping center and some of the adjacent existing developments were constructed after the Queen Kaahumanu Highway but prior to the adoption of the Kailua Village Design Plan. Under this circumstance and with the creation of different land and building patterns in this particular area, the physical location of the shopping complex is dependent upon exposure to vehicular traffic as well as pedestrian traffic within the center. Therefore, the primary deference to the more distinctive Village atmosphere along Alii Drive has to be recognized and evaluated. It is determined that there is a distinct difference between the scale and size of the shopping center and the existing development of the makai area of the Kailua Village Special District. In recognition of this difference, special circumstances relating to the variance requests revolve around the varying signage needs of both areas; the applicant's development of an integrated and organized signage program for the shopping center; and the inclusion of the elements of the Kailua Village Sign Code related to design, material and color criteria within the applicant's signage program.

The Sign Variance Criteria, the foregoing circumstances and overall integrated harmonious purpose of the Kailua Village Sign Code would 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.

There are special or unusual circumstances with the proposed sign request which would allow deviation from the Kailua Village Sign Code. 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, scale, proportion and image. Attractive harmonious integrated signs have been found to promote and enhance business identification within shopping malls. 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 Sign Code initially identified a core area within the Village boundaries which receive special consideration with respect to 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

12 square feet. For the rest of the properties and structures within the Kailua Village Special District, the maximum sign size is 22 square feet. The rationale for the smaller sign size within the Kailua Village Core was due to the visitor/pedestrian oriented nature of the Village.

The proposed sign variance requests are determined to be reasonable given the following physical features: the proposed sign design in relationship to the proposed building design and unified theme of the development, the location of the subject development mauka and outside of Kailua Village's defined central core, and the applicant's intent to foster a quality and organized signage program for their business.

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.

Unusual circumstances that exist to a degree which interfere with the best use of signage for this particular development is the property elevation and lack of visibility from Kuakini Highway or Palani Road. The shopping center is heavily dependent upon its visibility to vehicular and pedestrian traffic traveling on Kuakini Highway, Palani Road and the walkways along both sides of the complex. The complex's parking lot is located towards Palani Road and Kuakini Highway. Therefore, the requested sign size, letter dimensions and integrated compatible sign size design to building themes of the Kailua Village Sign Code should not pose a negative visual impact from Palani Road and Kuakini Highway.

The sign program complements the North Kona Shopping Center and it identifies with the theme of Kailua's village way of life as described in the Kailua Village Design Plan. The overall size and number of signs does not dominate the property or the buildings which it identifies.

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

The applicant has submitted evidence that would constitute as special or unusual circumstances for this variance request. The granting of this variance would not be contrary to the limitation placed on other retail establishments under similar circumstances. In addition, the proposed sign designs and visibility from existing infrastructure have been adequately addressed without compromising the intent of the Kailua Village Sign Code. Accordingly, the proposed sign variance requests 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. The proposed sign design is in relationship to the location of the subject development and the Kona Coast Shopping

Center's intent to foster a quality and organized signage program for their businesses. The sign size and letter dimensions should be integrated and compatible with the building theme and should not pose a negative visual impact from Palani Road and Kuakini Highway.

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 adapted 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 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 a favorable recommendation of the sign variance request to the Planning Director.

Based on the above findings, the Planning Director recommended the proposed sign variance request be approved.

Approval of this request is subject to the following conditions:

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 only for what was requested and shall not preclude the compliance with all other requirements of the Kailua Village Sign Code.
3. The applicant shall eliminate the directory sign on the Kuakini entrance from the North Kona Shopping Center Signage Program.
4. The applicant shall apply for and secure sign permits for all of the proposed signs associated with the renovation of the North Kona Shopping Center unless otherwise, exempted by the Kailua Village Sign Code.
5. All other applicable State and County rules and regulations shall be complied with.

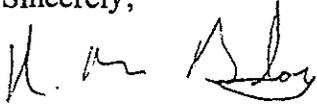
Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the variance permit.

Karen Hollenbeck, Project Manager
Chaney, Brooks & Company
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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.

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: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Kailua Village Design Commission