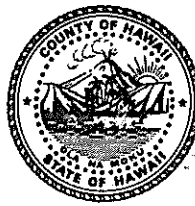


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

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AUG 20 1997

Gregg Kashiwa, President
Project Planners Hawaii
5375 Kalaniana'ole Highway
Honolulu, HI 96821

Dear Mr. Kashiwa:

Sign Variance Application No. 97-3

Applicant: Ross Stores, Inc.

Request: To Allow Certain Deviations From the Requirements of

Article 2 (Kailua Village Signs), Chapter 3 of the Hawaii County Code

Tax Map Key: 7-4-15:1

The Planning Commission at its duly held public hearing on August 7, 1997, voted to approve the above-referenced application. Sign Variance No. 11 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 height, letter size and size of signs. The property is located within the Kona Coast Shopping Center at the northwest corner of the Queen Ka'ahumanu 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 development is part of the Kona Coast Shopping Center consisting of various retail outlets, office complex, supermarket and several fast food restaurants. The surrounding properties are zoned Village Commercial, with two major urban type shopping centers, a post office, bowling alley and financial institutions. The surrounding properties are zoned Village Commercial (CV-10). 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 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

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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 and lettering size states as follows:

- (3) Window or Wall sign. A window or wall sign shall not exceed five and one-half feet in height.

Section 3-75 Sign and lettering size states as follows:

- (a) No person shall erect or maintain:
 - (1) Any sign or display which is constructed primarily of materials with a shiny, slick or reflective surface such as fiberglass or acrylic plastic.
 - (2) Any sign which is displayed on any roof or mansard roof, or when attached to a building extends above the lowest edge of any portion of the roof or mansard roof.

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 a maximum size of a sign to 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.

On June 2, 1987, the Planning Commission approved a Sign Variance for KTA Super Stores. The application was for a variance from Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of Hawaii County Code, as amended, relating to letter size. The approval allowed: 1 sign, a maximum letter size of 15 inches for parallel signs in lieu of the maximum 9 inches.

On September 27, 1990, the Planning Commission approved a Sign Variance for Kailua Village Associates, Inc., the Project Management of Kona Coast Shopping Center. The application was for a variance from Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of Hawaii County Code, as amended, relating to the number, height, letter size, and size of signs for the Kona Coast Shopping Center. The approval allowed: 1) a total surface area of all signs fronting each store to equal 27 square feet, whichever is less; 2) to allow maximum letter sizes of 12 inches for parallel signs in lieu of the maximum 9 inches; 3) to allow two signs per business in lieu of the maximum one sign per business; and 4) to allow one free standing sign for the shopping center, with the logo to be located at six feet in height in lieu of the maximum height of 5.5 feet from the finished elevation. The rationale was the primary dependence upon vehicular traffic in deference to the more distinctive core Village atmosphere along Alii Drive. There is a distinct difference between the scale and size of the shopping center and the existing developments on the makai area of the Kailua Village Special District.

On October 31, 1996, the applicant was granted a sign permit for the one marquee and one wall sign stating "Ross Dress For Less." The approved signage area is 10 square feet. On December 2, 1996, the applicant initially filed a request for a sign variance for 6 signs. On January 7, 1997, the request was given an unfavorable recommendation by the Kailua Village Design Commission. The applicant subsequently withdrew its application.

The applicant submitted a second application for a sign variance. The signage was significantly reduced in size for the front and side signs from 97 square feet to 52 square feet (53% of the originally requested size). Specifically, the applicant requested the following:

- a. 2 front entrance wall signs, 12.5 square feet, with a 1/4 inch raised border, painted matte white and semi gloss blue; in lieu of one sign as allowed by Section 3-73(a).
- b. 1 roof sign, 52 square feet in size with 18-inch to 30-inch high lettering, internally illuminated plastic finish; in lieu of the maximum 9 inches lettering allowed by Section 3-72(c); in lieu of the maximum 22 square feet allowed by Section 3-72(a)(2); in lieu of one sign as allowed by Section 3-73(a); and non-acrylic plastic as allowed by Section 3-75(a)(1) of the Kailua Village Sign Code.

- c. 1 roof sign, 45 square feet in size with 12-inch to 30-inch high lettering, internally illuminated plastic finish; in lieu of the maximum 9 inches lettering allowed by Section 3-72(c); in lieu of the maximum 22 square feet allowed by Section 3-72(a)(2); in lieu of one sign as allowed by Section 3-73(a); and non-acrylic plastic as allowed by Section 3-75(a)(1) of the Kailua Village Sign Code.

The request was given an unfavorable recommendation by the Kailua Village Design Commission. On June 12, 1997, the applicant's request for a sign variance was held before the Planning Commission. The applicant subsequently withdrew its application.

The applicant submitted this third request for a Sign Variance. The applicant requests the following:

- a. 1 front entrance wall sign, 12.5 square feet, with a 1/4 inch raised border, painted matte white and semi gloss blue; as allowed by Section 3-73(a).
- b. 2 roof signs, 32.15 square feet in size with 15-inch to 22-inch high lettering, internally illuminated plastic finish; in lieu of the maximum 9 inches lettering allowed by Section 3-72(c); in lieu of the maximum 22 square feet allowed by Section 3-72(a)(2); in lieu of one sign as allowed by Section 3-73(a); and non-acrylic plastic as allowed by Section 3-75(a)(1) of the Kailua Village Sign Code.
- c. 1 under the canopy sign, double faced, internally illuminated, in lieu of one sign as allowed by Section 3-73(a).

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 signs long term historical and traditional association with Kailua Village.

On September 27, 1990, the Planning Commission approved a Sign Variance for Kailua Village Associates, Inc., the Project Management of Kona Coast Shopping Center. The application was for a variance from Article 2 (Kailua Village Signs), Chapter 3 (Advertising and Signs) of Hawaii County Code, as amended, relating to the number, height, letter size, and size of signs for the Kona Coast Shopping Center. The approval allowed: 1) a total surface area of all signs fronting each store to equal 27 square feet, whichever is less;

2) to allow maximum letter sizes of 12 inches for parallel signs in lieu of the maximum 9 inches; 3) to allow two signs per business in lieu of the maximum one sign per business; and 4) to allow one free standing sign for the shopping center, with the logo to be located at six feet in height in lieu of the maximum height of 5.5 feet from the finished elevation.

The current sign variance application would allow 12.5 to 32.15 square feet in lieu of the minimum 27 square feet for the roof signs. This would increase the signage a marginal 5.15 to 15 square feet.

The Kona Coast Shopping Center is heavily dependent upon the visibility to vehicular traffic travelling upon the Queen Kaahumanu and Palani Road which serves as the gateway to Kailua Village. Under this circumstance and with the creation of different land and building patterns in this particular area, the physical location of the applicant's retail store is dependent upon exposure to vehicular traffic as well as pedestrian traffic within the shopping mall. Therefore, the primary dependence upon vehicular traffic for this retail establishment in this shopping center in deference to the more distinctive village atmosphere along Alii Drive has to be recognized and evaluated. 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. In recognition of this difference, there are special circumstances related to the variance request which revolve around the varying signage needs of both areas; the applicants retail store within an integrated and organized signage program for the Kona Coast Shopping Center; and the inclusion of the elements of the Kailua Village Sign Code relating to design, material and color criteria within the applicant's request.

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 right which would otherwise be available or obviously interfere with the best use of signage on the property. This request is reasonable given the physical factors: the proposed sign design in relationship to the building design, the location of the project with the shopping center which is mauka and outside of the Kailua Village's defined central core.

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, statues, or rules.

The applicant has submitted ample 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 retail establishments under similar circumstances. 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 are integrated and compatible with the building theme and should not pose a negative visual impact from Palani Road and the Queen Kaahumanu 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 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 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 on July 22, 1997, voted to approve the request.

Based on the above findings, the proposed sign variance request is hereby approved.

Approval of this 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 shall 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 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 apply for and secure sign permits for all of the proposed signs unless otherwise, exempted by the Kailua Village Sign Code.
4. All other applicable State and County rules and regulations shall be complied with.

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.

Gregg Kashiwa, President
Project Planners Hawaii
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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: Department of Public Works
County Real Property Tax Division
West Hawaii Office
Kailua Village Design Commission
Ross Stores, Inc., c/o Bill Moore & Associates

EFFECTIVE DATE: AUG 20 1997