

RESOLUTION NO. 424 19

A RESOLUTION GRANTING A VARIANCE FROM CHAPTER 3, SECTIONS 3-5(a), 3-6(b)(3), 3-58(a)(2)(B), 3-58(a)(5)(B), 3-58(c), 3-59(a)(4), and 3-60(a), HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), TO ALLOW CONSTRUCTION OF CERTAIN GROUND AND WALL SIGNS AT THE PROPERTY LOCATED AT 75-971 HENRY STREET, KAILUA-KONA, HAWAI'I, 96740, TAX MAP KEY NO. (3) 7-5-004:007.

WHEREAS, Kona Owner, LLC, a Delaware limited liability company (hereinafter "Applicant") whose mailing address is c/o Blue Vista Finance, LLC, 353 North Clark Street, Suite 730, Chicago Illinois 60654, fee owner of the property located at 75-971 Henry Street, Kailua-Kona, Hawai'i 96740, identified as Tax Map Key No. (3) 7-5-004:007 (hereinafter the "Subject Property"), submitted to the Director of the County of Hawai'i Department of Public Works an application for a variance seeking relief from certain provisions of the Hawai'i County Code 1983 (2016 Edition, as Amended) (hereinafter "HCC"), Chapter 3 (Signs), in order to construct certain ground and wall signs at the Subject Property (as amended, hereinafter the "Application"); and

WHEREAS, the Application contains all information and attachments as required by HCC § 3-22(b), and all fees have been paid as required by HCC § 3-24; and

WHEREAS, the Subject Property is located southwest of the intersection of Henry Street and Queen Ka'ahumanu Highway, Kailua-Kona, Hawai'i 96740, and has in excess of thirty (30) linear feet of frontage along both Henry Street and Queen Ka'ahumanu Highway; and

WHEREAS, HCC § 3-5(a) provides that the sign area/size for a sign with more than one face shall be computed by adding together the area/sizes of all sign faces, except that when two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twelve inches apart, the sign area/size shall be computed by the measurement of one of the faces; and

WHEREAS, HCC § 3-6(b)(3) provides that only one (1) ground sign shall be permitted per lot, even if the lot is occupied by multiple businesses; and

WHEREAS, HCC § 3-58(a)(2)(B), governing signs within the Kailua Village special design district ("KVSDD"), provides that ground signs oriented to any public street, where the lot frontage is greater than thirty (30) lineal feet, shall not exceed twenty-two (22) square feet in area/size for any building or portion of a building under separate management or control; and

WHEREAS, HCC § 3-58(a)(5)(B), governing signs within the KVSDD, provides that wall signs oriented to any public street, where the lot frontage is greater than thirty (30) lineal

feet, shall not exceed fifteen percent (15%) of the total exposed area of the wall, associated with the business on which the sign is displayed, or twenty-two (22) square feet, whichever is less, and a sign on the face of the building for each business conducted on the premises shall not exceed fifteen percent (15%) of the area of the face of the building actually occupied by the business, or twenty-two square (22) feet, whichever is less; and

WHEREAS, HCC § 3-58(c), governing signs within the KVSDD, provides that any lettering or symbol, including free-standing letters, shall not exceed nine (9) inches in height; and

WHEREAS, HCC § 3-59(a)(4), governing signs within the KVSDD, provides that the top edge of a wall sign shall not exceed nine (9) feet above the grade or finished floor level or one-half (1/2) the height of the wall on which it is located, whichever is less; and

WHEREAS, HCC § 3-60(a), governing signs within the KVSDD, provides that only one (1) sign for any business or one (1) sign for any street or vehicular access on which a building has frontage shall be permitted; and

WHEREAS, Applicant seeks a variance of the above referenced HCC provisions to construct the following signs, as described in the Application:

Sign(s)	Variance Sought
GR-ID-1A and GR-ID-1B	<p>Permit the sign area of a 2-sided ground sign to be computed by the measurement of only one of its faces, where the two identical sign faces are placed back to back and twenty-four (24) inches apart, which exceeds the twelve (12) inch separation maximum for 2-sided ground signs whose sign areas are computed by the measurement of only one of its faces (HCC § 3-5(a))</p> <p>Permit a 2-sided ground sign with area of thirty-nine (39) square feet, exceeding the maximum of twenty-two (22) square feet (HCC § 3-58(a)(2)(B))</p> <p>Permit twelve (12) inch high sign lettering, exceeding the nine (9) inch maximum (HCC § 3-58(c))</p>
GR-ID-3A and GR-ID-3B	<p>Permit the sign area of a 2-sided ground sign to be computed by the measurement of only one of its faces, where the two identical sign faces that are placed back to back and twenty-four (24) inches apart, which exceeds the twelve (12) inch separation maximum for 2-sided ground signs for whose areas are computed by the measurement of only one of its faces -(HCC § 3-5(a))</p> <p>Permit three (3) additional ground sign (in addition to Sign GR-ID-1), exceeding the maximum of one (1) ground sign per lot (HCC § 3-6). The four (4) ground signs will be installed as two (2) 2-sided ground signs.</p>

	<p>Permit ground sign with area of thirty-two and one-half (32.5) square feet, exceeding the maximum of twenty-two (22) square feet (HCC § 3-58(a)(2)(B))</p> <p>Permit eighteen (18) inch high sign logo, exceeding the nine (9) inch maximum (HCC § 3-58(c))</p>
SFWY-ID-1	<p>Permit thirty-eight (38) inch high sign logo, exceeding the nine (9) inch maximum (HCC § 3-58(c))</p> <p>Permit wall sign with top edge thirty-two (32) feet above grade or finished level, exceeding the nine (9) foot maximum (HCC § 3-59(a)(4))</p>
102, 103, 105 & 106	<p>Permit wall signs with areas of thirty-three (33) square feet (Sign 102), thirty-one (31) square feet (Sign 103), and seventy-seven (77) square feet (Sign 105), each exceeding the maximum of twenty-two (22) square feet / fifteen percent (15%) of exposed wall area (HCC § 3-58(a)(5)(B))</p> <p>Permit lettering heights of twenty-four (24) inches (Sign 102), thirty-four (34) inches (Sign 103), forty-four (44) inches (Sign 105), and forty-two (42) inches, each exceeding the nine (9) inch maximum (HCC § 3-58(c))</p> <p>Permit wall signs with top edges twenty-one (21) feet (Sign 102), twenty-one and a one-half (21.5) feet (Sign 103), twenty-three (23) feet (Sign 105) and twenty-two (22) feet (Sign 106) above grade or finished level, each exceeding the nine (9) foot maximum (HCC § 3-59(a)(4))</p> <p>Permit a total of three (3) business sign (Signs 103, 105, and 106), exceeding the one (1) sign maximum per street front (HCC § 3-60(a))</p>
120	<p>Permit wall sign with area of twenty-six and one-quarter (26.25) square feet, exceeding the maximum of twenty-two (22) square feet / fifteen percent (15%) of exposed wall area (HCC § 3-58(a)(5)(B))</p> <p>Permit twelve (12) inch high sign lettering and eighteen (18) inch high logo, both exceeding the nine (9) inch maximum (HCC § 3-58(c))</p>
123	<p>Permit twelve (12) inch high sign lettering and eighteen (18) inch high logo, both exceeding the nine (9) inch maximum (HCC § 3-58(c))</p> <p>Permit wall sign with top edge twenty-one and one-half (21.5) feet above grade or finished level, exceeding the nine (9) foot maximum (HCC § 3-59(a)(4))</p>
201a, 202a, 203a, 204a & 205a	<p>Permit wall sign with top edge eleven (11.0) feet above grade or finished level, exceeding the nine (9) foot maximum (HCC § 3-59(a)(4))</p>
6101a, 6101b, 6201b, 1200a, 1200b, 1300a & 1300b	<p>Permit wall sign with top edge eleven (11.0) feet above grade or finished level, exceeding the nine (9) foot maximum (HCC § 3-59(a)(4))</p>

WHEREAS, pursuant to HCC § 3-22(a), the Hawai'i County Council may grant, by resolution, a request for a variance from any provision of Chapter 3 where the conditions delineated in HCC § 3-23(a) exist; and

WHEREAS, pursuant to HCC § 3-23(a), a variance may be granted where (1) the variance is necessitated by peculiar physical conditions not ordinarily found in most districts, because of the peculiarity of the business, or as a result of a special event or circumstance; (2) granting the variance will not adversely affect the rights of adjacent property owners or tenants; (3) granting the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public; (4) a strict application of the terms of this chapter would work unnecessary hardship and practical difficulty upon the applicant or the community; (5) granting the variance will not constitute a grant of personal or special privilege inconsistent with the limitations upon other properties under identical ordinances, statutes or rules; and (6) the application is complete; and

WHEREAS, considering the justifications set forth in the Application, the Council finds the Application satisfies the conditions delineated in HCC § 3-23(a); now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I in accordance with HCC § 3-22(a), Kona Owner, LLC's Application for a variance from the above referenced HCC provisions be and hereby is GRANTED, subject to the following conditions:

1. The variance shall allow for signs GR-ID-1A, GR-ID-1B, GR-ID-3A, GR-ID-3B, SFWY-ID-1, 102, 103, 105, 106, 120, 123, 201a, 202a, 203a, 204a, 205a 6101a, 6101b, 6201b, 1200a, 1200b, 1300a & 1300b, substantially as represented in the Application as to size, design, location, construction and other material characteristics;
2. The variance shall run with the land and remain in force for so long as the Applicant or a successor shall continue its business at the Subject Property;
3. Should Applicant's business operations at the Subject Property cease, the variance shall terminate; and
4. For other good cause, the variance may be terminated by resolution of the Hawai'i County Council, upon notice to the Applicant and adjacent tenants and hearing as would be required for an Application for a variance under the HCC.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to Mayor of the County of Hawai'i; the Department of Public Works; the Office of the Corporation Counsel; and to Kona Owner, LLC, Applicant.

Dated at _____, Hawai'i, this _____ day of _____, 20__.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on _____.

ATTEST:

COUNTY CLERK. CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG				
DAVID				
EOFF				
KANEALI'I-KLEINFELDER				
KIERKIEWICZ				
LEE LOY				
POINDEXTER				
RICHARDS				
VILLEGAS				

Reference: _____ C-642/PWMTG

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