RESOLUTION NO. 489 20

RESOLUTION GRANTING A VARIANCE FROM CHAPTER 3, SECTION 3-6 (b) (3) & 3-11 (a) (2) (A) (ii) HAWAI‘I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), TO ALLOW AN ADDITIONAL GROUND SIGN, MOUNTED IN EXCESS OF MAXIMUM ABOVE GROUND LIMITATIONS ON 74-5035 QUEEN KA‘AHUMANU HIGHWAY, TMK NUMBER (3) 7-4-008:055 (ZONED ML-3a).

WHEREAS, Mid Pacific Petroleum, the owner (hereinafter “Applicant”) of a business on the property identified as TMK No. (3) 7-4-008:055, located at street address 74-5035 Queen Ka‘ahumanu Highway, Kailua-Kona, Hawai‘i, 96740 (hereinafter the “Subject Property”), has submitted to the Director of the County Department of Public Works, an Application for a variance dated May 9, 2019 (hereinafter “Application”); from the number of ground sign limitation of Section 3-6 (b) (3), as well as height limitations of Section 3-11 (a) (2) (A) (ii) of Hawai‘i County Code 1983 (2016 Edition, as Amended), for the Subject Property; and

WHEREAS, said Application is complete with all information and attachments and fees paid as required under Sections 3-22 and 3-24, Hawai‘i County Code 1983 (2016 Edition, as Amended); and

WHEREAS, the Subject Property is a retail commercial/office building located at 74-5035 Queen Ka‘ahumanu Highway, Kailua-Kona, Hawai‘i, 96740 which has in excess of four hundred and fifteen (415) linear feet of frontage along Queen Ka‘ahumanu Highway; and

WHEREAS, the proposed second ground sign will be placed at a maximum height of 17’ above the ground at the northwest corner of the property along Queen Ka‘ahumanu Highway.

WHEREAS, under Section 3-23(a), Hawai‘i County Code 1983 (2016 Edition, as Amended), the variance may be granted where: (1) the variance is necessitated by the peculiarity of the Applicant's outside sign requirements, (2) the adjacent tenants will not be adversely affected inasmuch as they have approved the Applicant’s request, (3) the granting of the variance will not unreasonably violate the interest, safety, convenience, or general welfare of the public inasmuch as the proposed sign will identify the location of the Applicant’s business premises for the public, (4) a strict application of the terms of the County Code to the Applicant would work an unnecessary hardship and practical difficulty on the Applicant inasmuch as visibility to building signage is severely limited and fuel prices need to be readily visible to passing motorists,

(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, inasmuch as the variance would allow the Applicant the same general privileges enjoyed by other businesses and commercial/industrial uses in the County; other Kailua Village uses are highly visible from the public rights-of-way and are of a scale and setback appropriate for restricted signage and, (6) the Variance Application allowing an increase from one to two signs for this business is complete. The proposal second sign letters shall be no more than 13” tall, and the “76” monogram logo shall be no larger than 31” tall with a total area no greater than 24 square feet, and sited no higher than 17 feet from ground level, and will comply with all other requirements of the County Code; and

WHEREAS, under Section 3-22(a), Hawai‘i County Code 1983 (2016 Edition, as Amended), the Hawai‘i County Council is authorized to grant, by resolution, a request for a variance from any provision of the Chapter 3 if the request meets the standards of Division 6 of Chapter 3 of the County Code; now, therefore,

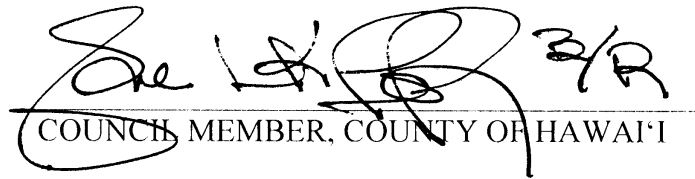
BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I, in accordance with Hawai‘i County Code Section 3-22(a), that the Application of Mid Pacific Petroleum, for a variance from Hawai‘i County Code Section 3-6(b) (3) and Section 3-11(a)(2)(A)(ii) be and hereby is, **GRANTED**, subject to the following conditions:

1. The variance shall allow for two ground/directional signs 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.
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 Hawai‘i County Code.

BE IT FINALLY RESOLVED that the Clerk of the County of Hawai'i is directed to transmit copies of this resolution to the Mayor of the County of Hawai'i; the Department of Public Works; the Office of the Corporation Counsel; and to Mid Pacific Petroleum, Applicant.

Dated at Hilo, Hawai'i, this 11th day of March, 2020

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 March 11, 2020.

ATTEST:

 COUNTY CLERK
 CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG	X			
DAVID	X			
EOFF	X			
KANEALI'I-KLEINFELDER	X			
KIERKIEWICZ	X			
LEE LOY	X			
POINDEXTER	X			
RICHARDS	X			
VILLEGAS	X			
	9	0	0	0

Reference: C-742/PWMTG -22

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