

PLANNING COMMISSION
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
APRIL 23, 2004

A regularly advertised hearing on the application of OCEAN'S SPORTS BAR AND GRILL (KSV 04-002) was called to order at 9:33 a.m. in the Ohana Keauhou Beach Resort, Kahaluu Ballroom, 78-6740 Alii Drive, North Kona, Hawai'i, with Chairman Fred Galdones presiding.

PRESENT: Fred Galdones
C. Kimo Alameda
Earl Fujikawa
Bill Graham
Jeffrey McCall
Hannah Springer
Francis Smith
Bill P. Thibadeau

Patricia O'Toole, Deputy Corporation Counsel
Chris Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 15 people from the public in attendance

APPLICANT: OCEAN'S SPORTS BAR AND GRILL (KSV 04-002)

Sign Variance to allow deviations from the requirements of Chapter 3 (Advertising and signs), Article 2 (Kailua Village Signs), Section 3-72 (Sign and lettering size) and Section 3-74 (Sign height) of the Hawaii County Code, as amended. The property is located within the Coconut Grove Marketplace between Alii Drive and Kuakini Highway, Auhaukeae 2nd, North Kona, Hawaii, TMK: 7-5-9: 25.

GALDONES: We are on Agenda Item No. 2. The applicant is OCEAN'S SPORTS BAR AND GRILL (KSV 04-002). This is an application for a Sign Variance to allow deviations from the requirements of Chapter 3 (Advertising and signs), Article 2 (Kailua Village Signs), Section 3-72 (Sign and lettering size) and Section 3-74 (Sign height) of the Hawaii County Code, as amended. Norman?

HAYASHI: Thank you, Mr. Chair. Members of the Commission, good morning. Going to the location map on the board, on the wall, the subject property is situated at this location indicated by this orange dot. It is situated mauka of Alii Drive. This would be the King Kamehameha Hotel, excuse me, the Kona Beach Resorts. I believe it's called now, the old Hilton Hotel, Kona Hilton Hotel. And this would be

Kuakini Highway running towards Keauhou. The property also includes the Hard Rock Café, for those of you who are familiar with this particular area. We also have the Outback Steahouse at this particular location. There is this particular building which would be the Ocean's Sports Bar and Grill that is currently under construction.

The applicant is requesting a variance from this Commission to provide this particular sign at two locations on the proposed building. One would be along the Kohala side. Although the map reflects makai, actually, the correct orientation would be the Kohala side of the property, and this particular sign would be at this location. The other sign would be, the same sign would also be situated along the Kau, excuse me, makai side of the building. The map incorrectly is noted as the Kau side. So that sign would also be located at this particular location. The applicant is requesting that two variances be allowed for this particular direction of this particular sign. One would be to have the sign at a height of approximately 15 ½ feet from the finished grade in lieu of the 5 ½ feet requirement that is required by the Sign Code. The second would be to allow this particular sign to exceed the height of 9 inches. This particular sign would be constructed at a height, excuse me, the height of this sign would be 22 inches. And the reason for that is although the wording is nine inches in size, the logo portion, this blue portion here, or that is also referred to as the swoop, is part of the sign. So because of that, the sign height would be 22 inches instead of 9 inches. So that's basically what the applicant is requesting.

We are recommending the approval of this particular request. The Kailua Village Design Commission also reviewed the request and recommended its approval. Are there any questions?

GALDONES: Commissioners, any questions of Norman? Hearing none, is the applicant or its representative present here today? Would you please step forward. You will be recorded, so if you could speak into the microphone. Could you please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Hawaii County Planning Commission?

YEH: I do.

HULL: I do.

GALDONES: Could you please state your name and residence address. Ladies first.

YEH: My name is Shirley Yeh and we are at 75-6081 Alii Drive, Kailua-Kona, Hawaii 96740.

HULL: My name is Todd Hull and I reside at 75-6081 Alii Drive in Kailua-Kona 96740.

GALDONES: Ms. Yeh and Mr. Hull, have you received a copy of the background report and the recommendation; and do you have any comments to those?

HULL: No, sir, we don't.

GALDONES: Do you find the conditions acceptable to you?

HULL: Yes, sir.

GALDONES: Commissioners, any questions of the applicant? No questions. Okay, we have one individual who has signed up to testify, Lynn Puri.

PURI: Good morning.

GALDONES: Good morning. Could you please raise your right hand. Do you swear or affirm to tell the truth on this matter now before the Hawaii County Planning Commission?

PURI: I do.

GALDONES: Could you please state your name and your residence address.

PURI: I'm Lynn Puri. I reside at 75-349 Melelina Place in Kailua-Kona.

GALDONES: Ms. Puri, you may begin your testimony.

PURI: Sure. I'm here testifying on behalf of Na Leo Pohai, the public policy affiliate of the Outdoor Circle. I did attend the variance hearing at the Kailua Village Design Commission for the Ocean Sports Bar. And I would just like to say that the trend here is that if a sign variance is requested that there are some kind of negotiations. There was more requested in this variance at that time when they, at the Kailua Village Design Commission; and this was kind of settled, that the height and the size of the letters would be recommended by the Kailua Village Design Commission. And then my concern is just that we would like to see a more concrete reason why there should be a sign variance granted here. It seems to me that when a business applies for a sign variance it tends to be negotiated out and that some of their requests for a sign variance were denied; but then these two areas, the height and the size of the letters, was, seemed acceptable to the Kailua Village Design Commission. And I would just like to say that I'd like to see a little bit more establishment about why there is a variance request in the first place, and why they cannot adhere to the Sign Code as it is, and what establishes an exceptional situation here that they're applying for the sign variance. Thank you.

GALDONES: Commissioners, any questions of Ms. Puri? Hearing none, thanks, Ms. Puri.

FUJIKAWA: I have a question for the Director.

GALDONES: Commissioner Fujikawa.

FUJIKAWA: I have a question with the Director. I was at one time sitting on the Kailua Village Design Commission and also as a Planning Commissioner I had, did a site visit for the Outback Steak House. I brought to the attention of the Council as to when are they going to revise the, varying the size of the sign. Are they going to change it?

YUEN: The last activity on the Sign Code that I'm aware of was that Council Member Tyler was working on the Sign Code, he had a draft, he submitted it to the Planning Department, we made some comments. The draft was confusing. And to tell you the truth the existing Sign Code is kind of confusing. It makes my head hurt when I try to analyze it, frankly. One of our suggestions was that, and you'll see this, was the pictures of the types of size and what's allowed be incorporated because pictures are much more useful than words in this case. There hasn't been anything back on this and there hasn't been any activity on it for quite some time. That was the last of it.

FUJIKAWA: Yeah, because the 9 inch, like I brought it up at one time, I can't see it from the road. And I was told that the sign, the ordinance was 30 years old. Is that true?

YUEN: The Kailua Village Sign Code was done in the early 70's and it is a Sign Code that's meant for a little village where the, that's oriented toward pedestrian shoppers where people walk on the sidewalk and are in a shopping experience where the shops are right up to the street. And where you see the variances, what has happened, of course, over time is that the actual way the village is developed is quite a bit different than what was envisioned in the early seventies. And so some of the commercial developments, it seems the types of signs that you're allowed to have don't seem to fit the kinds of buildings that you have. Then a further thing happened which was that the Sign Code got applied to the industrial area and to buildings outside the central part, the Alii Drive portion of Kailua Village. And I think that really needs to be changed. The Kailua Village Sign Code is not the right sign code for an industrial area like the Kona Industrial area.

FUJIKAWA: I live in Kona and that's my district. But I'd much rather see that the County help the people like this with their signage and really get rid of all these banners. We've got more banners than you can shake a stick at.

YUEN: We've done a number of enforcement activities; and when we do enforcement we've targeted what we think are the worst sign violations, which are the banners, the sign board, the sandwich boards, the things out on the streets, and that's what we've really gone after. But the Sign Code does need to be fixed. If you're going to have a strict Sign Code, make it for the area where it makes sense and then loosen it up for the areas that it doesn't make sense. Unfortunately, I think all of us have been

occupied with other matters, and this has not been on anybody's front burner for some time.

FUJIKAWA: Thank you.

GALDONES: Commissioner Springer?

SPRINGER: I think with regard to comments from the testifier, if we look at the Recommendation No. 1 there's a discussion of the different elevations in the area and that the applicant states that the location of the sign fits the proportion and design of the building, which I think are elements that the Planning Director made in his discussion as well. So that justification is reflected in the recommendation.

GALDONES: Thank you, Commissioner Springer. Commissioners, any further questions? Otherwise, Ms. Yeh and Mr. Hull, are there any other comments? Do you wish to comment on Ms. Puri's remarks or are there any other information that you would like to submit to the Commissioners before we go into decision making?

HULL: No, sir.

GALDONES: Commissioners, any further questions of the applicants? If none, Commissioners, it comes with a recommendation for approval by the Planning Commission. The wishes of the Commissioners? Commissioner Fujikawa?

FUJIKAWA: I'll make a motion to accept the application of KSV 04-002, to be accepted on a sign variance to allow -.

GALDONES: Any second?

SPRINGER: Second.

GALDONES: It has been moved by Commissioner Fujikawa, seconded by Commissioner Springer, that the Ocean Sports Bar and Grill Sign Variance Application No. 04-002 be approved by the Planning Commission. Further discussions, Commissioners? Hearing none, Norman.

HAYASHI: Before taking a roll call vote, just for clarification purposes, is the approval as recommended by the Planning Director?

FUJIKAWA: Yes.

HAYASHI: Thank you. Commissioner Fujikawa?

FUJIKAWA: Aye.

HAYASHI: Commissioner Springer?

SPRINGER: Yes.

HAYASHI: Commissioner Thibadeau?

THIBADEAU: Aye.

HAYASHI: Commissioner Alameda?

ALAMEDA: Aye.

HAYASHI: Commissioner Graham?

GRAHAM: Aye.

HAYASHI: Commissioner McCall?

MCCALL: Aye.

HAYASHI: Commissioner Smith?

SMITH: Aye.

HAYASHI: And Chairman Galdones?

GALDONES: Aye.

HAYASHI: Mr. Chair, motion carries.

GALDONES: Thank you, Norman. You will be informed in writing of today's action.

HULL: Thank you.

GALDONES: You're welcome.

The discussion ended at 9:50 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary