

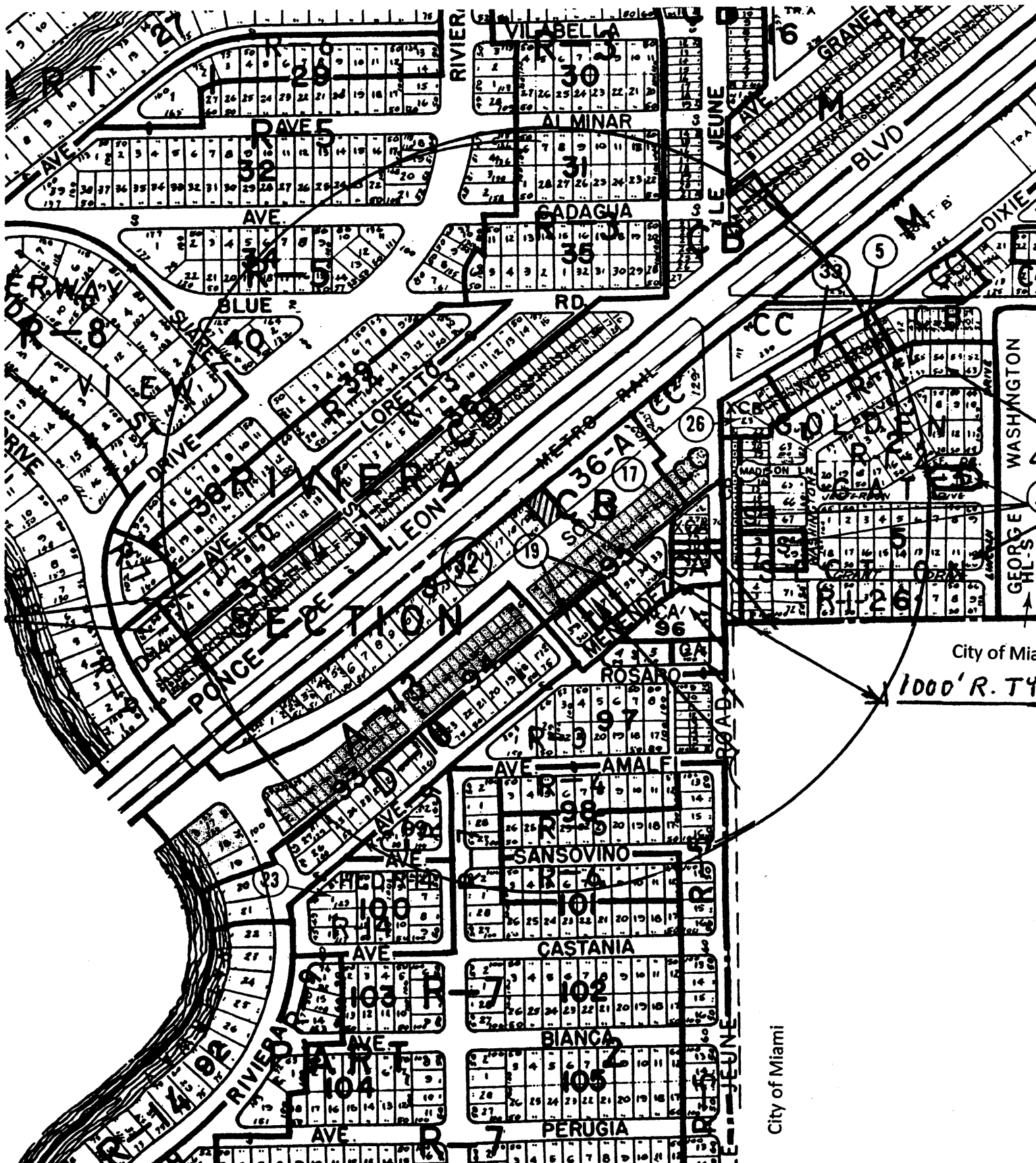
**City of Coral Gables
Building and Zoning Department
Board of Adjustment**

August 3, 2009

**Property Located at:
475 S. DIXIE HIGHWAY**

8701-Z

Consider variance requests in regard to the proposed sign
for the existing commercial building located at 475 S. Dixie
Highway, Coral Gables, Florida



STAFF REPORT FOR 475 SOUTH DIXIE HIGHWAY

Architect/Engineer: Nelson De Leon, AIA

Legal Description: Beginning 632.3 feet southwest of northeast corner of Block 36-A southwest 50 feet southeast 100 feet northeast 50 feet northwest 100 feet to POB
Coral Gables Riviera Section 2, Revised PB/PG: 28/18

Present Owner: Inscore LLC

Present Use: Commercial Building

Zoning District: Commercial (C)

Land Use Classification: Commercial Use, Low-Rise Intensity

APPLICANT'S PROPOSAL: In connection with the proposed tenant signage for the existing commercial building at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

1. Grant a variance to allow the tenant "Starbucks Coffee" to have two (2) signs vs. only one (1) sign permitted per street level, per street right-of-way frontage as stipulated by Section 5-1904 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the tenant "Starbucks Coffee" to have a cabinet sign vs. cabinet signs are prohibited as stipulated by Section 5-1902 (D) (4) of the Coral Gables "Zoning Code."

BOARD OF ARCHITECTS REVIEW: All as shown on plans which have received Preliminary approval by the Board of Architects on May 28, 2009.

ADVERTISING: This application was advertised in the Miami Daily Business Review on July 24, 2009. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on July 24, 2009.

STAFF OBSERVATION: The Applicant is requesting a variance to install an additional sign for the tenant "Starbucks Coffee" on the northeast elevation of the building.

The current "Zoning Code" is specific in allowing only one (1) tenant sign per street right-of-way frontage. The building has an existing sign on South Dixie Highway.

After careful review of the plans, Staff has determined that neither the building, nor the lot, is unusual in shape. There are numerous businesses on South Dixie Highway with similar conditions which have only one sign on the building per street right-of-way frontage. Staff cannot find an unnecessary hardship to approve the additional sign on the side of the building. Additionally, there are no parameters to review the proposed sign as to its length, area, height of lettering etc.

The proposed sign structure consists of a frame and face containing all the text and/or logo symbols within a single enclosed cabinet area. Cabinet signs are specifically prohibited as a sign type in the Coral Gables "Zoning Code."

The granting of these variances would confer on the Applicant, a special privilege which is denied by the Coral Gables "Zoning Code" to other lands, buildings or structures within the same zoning district. Staff recommends **DENIAL** of items no. 1 and 2 of the Applicant's proposal.

STAFF RECOMMENDATION: Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the "Zoning Code," the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That special conditions and circumstances do not exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
2. That the special conditions and circumstances would result from the actions of the Applicant.
3. That granting the variance requested will confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of these regulations would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would not work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").
5. That the variance granted is not the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will not be in harmony with the general intent and purpose of these regulations and that such variance will be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **DENIAL** of Items 1 and 2 of the Applicant's proposal.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared O.V. FERBEYRE, who on oath says that he or she is the VICE PRESIDENT, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF CORAL GABLES - BOARD OF ADJUSTMENT PUBLIC HEARING - AUGUST 3, 2009

in the XXXX Court,
was published in said newspaper in the issues of

07/24/2009

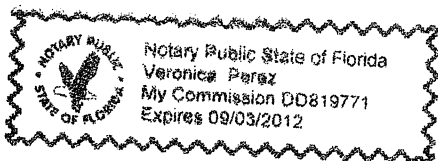
Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this

24 day of JULY A.D. 2009

(SEAL)

O.V. FERBEYRE personally known to me



BOARD OF ADJUSTMENT NOTICE OF PUBLIC HEARING

All interested parties are hereby notified that the Board of Adjustment of the City of Coral Gables, Florida, will hold a public hearing for the purpose of hearing variance requests and taking action on such requests, reviewing and taking action on appeals from Administrative Officials, and other decision making orders, as outlined in Section 2-401 of Ordinance No. 2007-01, as amended and known as the "Zoning Code" of the City of Coral Gables, Florida, to wit:

1. Case No. 8693-Z Consider variance requests in regard to the proposed swimming pool, pool deck, and pool equipment for the existing single family residence located at 950 Hardee Road Coral Gables, Florida.
2. Case No. 8701-Z Consider variance requests in regard to the proposed sign for the existing commercial building located at 475 S. Dixie Highway, Coral Gables, Florida.
3. Case No. 8702-Z Consider a variance request in regard to the maximum square foot floor area coverage permitted for the existing single family residence located at 230 Ridgewood Road, Coral Gables, Florida.
4. Case No. 8703-Z Consider variance requests in regard to the maximum height of the residence, and garage façade for the proposed single family residence located at 630 Sunset Drive, Coral Gables, Florida.
5. Case No. 8704-Z Consider variance requests in regard to exterior wall material, maximum height of flat roof, and exterior wall facing material for the proposed single family residence located at 6815 Sunrise Drive, Coral Gables, Florida.
6. Case No. 8705-Z Consider variance requests in regard to the proposed tennis court, side and back nets, and chain link fence surrounding tennis court for the existing single family residence located at 9540 Old Cutler Road, Coral Gables, Florida.

Interested parties may express their views at the hearing or file them in writing with the undersigned on or before the commencement of the hearing which will be held before the Board of Adjustment of the City of Coral Gables at City Hall, 405 Biltmore Way, in the Commission Chamber, Coral Gables, Florida, commencing at 8:00 A.M., Monday, August 3, 2009.

If a person decides to appeal any decision made by a board / committee with respect to any matter considered at a meeting or hearing, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105).

Any person requiring special accommodations for participation in the meeting should contact R. Alberto Delgado, Public Works Director at (305) 460-5001, with requests for auxiliary aids or services at least one business day before the meeting.

Elizabeth Gonzalez
Secretary

7/24

09-3-112/1273948M

**THE CITY OF CORAL GABLES, FLORIDA
NOTICE OF APPEAL FROM BOARD OF ADJUSTMENT
TO CITY COMMISSION**

Nelson De Leon, AIA, Applicant has filed an Appeal to the Coral Gables City Commission, from a decision of the Board of Adjustment at its regular meeting of August 3, 2009, wherein it denied the following variances as outlined under the Applicant's Proposal as follows:

APPLICANT'S PROPOSAL NO. 8701-Z: In connection with the subject Property located at 475 S. Dixie Highway, Coral Gables, legally described as Beginning 632.3 feet southwest of northeast corner of Block 36-A southwest 50 feet southeast 100 feet northeast 50 feet northwest 100 feet to POB Coral Gables Riviera Section 2, Revised PB/PG: 28/18

1. Grant a variance to allow the tenant "Starbucks Coffee" to have two (2) signs vs. only one (1) sign permitted per street level, per street right-of-way frontage as stipulated by Section 5-1904 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the tenant "Starbucks Coffee" to have a cabinet sign vs. cabinet signs are prohibited as stipulated by Section 5-1902 (D) (4) of the Coral Gables "Zoning Code."

Pursuant to Section 286.0105, Florida Statutes (2009), anyone wishing to appeal any decision made by the City Commission shall be required to ensure that a verbatim record of the proceedings is made, including all testimony and evidence upon which an appeal may be based.



WALTER J. FOEMAN
CITY CLERK

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT (A.D.A.), ANY PERSON REQUIRING SPECIAL ACCOMODATIONS FOR PARTICIPATION IN THE MEETING DUE TO A DISABILITY, SHOULD CONTACT ALBERTO DELGADO, PUBLIC WORKS DIRECTOR, (305) 460-5001, WITH ANY REQUESTS FOR AUXILIARY AID OR SERVICE, NO LESS THAN THREE WORKING DAYS PRIOR TO THE MEETING.

CITY OF CORAL GABLES
Building and Zoning Class 1 Department
Board of Adjustment Application

B.O.A. No.: _____

Applicant: <u>NEILSON DE LEON, AIA</u>	Phone: <u>3057400120</u>
Address: <u>LOCUS ARCHITECTURE, INC.</u> Cell: <u>305790675</u>	
<u>500 S.D. HIGHWAY STE 310</u> Fax: <u>3057400650</u>	
<u>CORAL GABLES, FL 33146</u>	
E-mail: <u>NEI@LOCUSARCHITECTURE.BIZ</u>	

This is a request for a X Variance _____ Appeal _____ Ruling _____
(Provide a "X" on desired request)

Owner: THE HALEGUA Phone: 3056676920

Owner's Address: 299 ALTAMIRA CIRCLE CORAL GABLES, FL 33134

Job Address: 475 S. DIXIE HIGHWAY Folio No.: 0341201230500

Legal Description:

Section: <u>RIVIERA Section 2; KATHY BISCAYN</u>	Block: <u>36; 3</u>
Lot(s): <u>18 & 19; 13</u>	PB/PG: <u>51/13; 5/50</u>

Architect: NEILSON DE LEON, AIA Phone: 3057400120

Board of Arch.#: AB 09052963 Date: 5/22/09. Action: APPROVED AS NOTED.

Has there been a Board of Adjustment hearing on the property in the last year? N/A

Is this request the result of a Notice of Violation? NO

Is this request the result of a deviation from an approved set of plans? NO

Has the property owner owned the property for at least one year? YES

The information provided in this application is true and correct, and the application is being submitted with all of the documents necessary for review by the Board of Adjustment and the Building and Zoning Department. I understand that failure to provide the information necessary for review by the Board of Adjustment may cause my application to be deferred without further review of consideration. I have read and understand all of the information in the City of Coral Gables Board of Adjustment Information brochure.

Applicant (Signature)  Date: 6/23/09.

Board of Adjustment Owner's Affidavit

I/We INO HALEGUA as Owner(s) of Lot(s) 18, 19 ; 13

Block 36 ; 3, Section Riviera Sect. 2 ; KATIE BECAVNE, PB/PG 57/13 ; 5/50

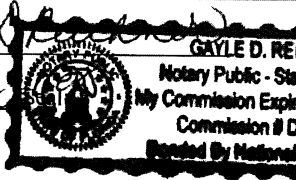
(the Subject property) located at 475 S. DIXIE HWY. desires to file an application for a public hearing before the Board of Adjustment of the City of Coral Gables and I/we do understand and agree as follows:

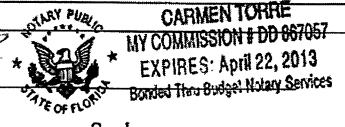
1. That the application for a variance will not be heard unless the applicant is present at the Board of Adjustment Hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing at which time it is the Applicant's responsibility to remove the sign.
3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
A. Conditional uses and variances: six (6) months. B. Change in zoning map, zoning text amendments, comprehensive land use plan text, comprehensive land use plan map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
7. That the applicant is responsible for the submission and accuracy of a certified mailing list and (3) three sets of mailing labels according to the latest ad valorem tax record of all property owners with (1,000) one thousand feet of the property for which a public hearing before the Board of Adjustment is being requested.
8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for (12) twelve months from the date of approval. If a permit is not issued within the (12) twelve months, and work commenced, then the variance shall become null and void. One twelve-month extension of a variance may be granted by the Development Review Official.

I/We as the owners of the subject property: ☒ (do hereby authorize LOCUS ARCHITECTURE, INC. to)

☐ (will on my / our own behalf)

Act as the applicant and make application in connection with this request for a public hearing before the Board of Adjustment.

Signature of Owner <u>[Signature]</u> Print Owner's Name <u>INO HALEGUA</u>	Notary Public Signature <u>[Signature]</u> Print Notary's Name <u>Gayle Reichner</u>
	
Signature of Owner _____	Notary Public Signature _____
Print Owner's Name _____	Print Notary's Name _____ Seal: _____

Signature of Applicant <u>[Signature]</u> Print Applicant's Name <u>Nelson de Leon</u>	Notary Public Signature <u>[Signature]</u> Print Notary's Name _____ Seal: _____
	



June 1, 2009

Board of Adjustment
City of Coral Gables
Building and Zoning Department
City Hall
465 Biltmore Way
Coral Gables, FL 33134

Re: Applicant's Proposal
Additional Tenant Signage (street level) on East Elevation
Starbucks Coffee Company
Store location: 475 South Dixie Highway
Coral Gables, FL 33146

To Whom It May Concern:

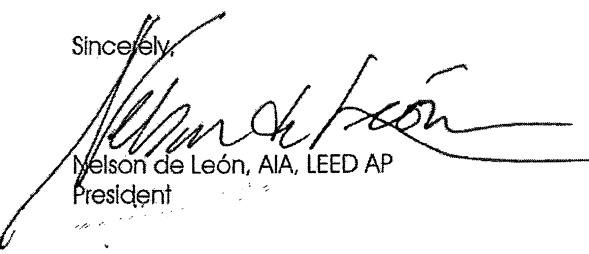
We are requesting the Board of Adjustment grant a 36" diameter logo-type sign to be placed on the side elevation (facing southbound traffic on US 1) of the existing Starbucks referenced above. The existing store has an approved sign mounted on the street elevation (facing US 1). Note that the parking lot and drive-through can only be entered via southbound traffic on US 1.

The location of the proposed signage will not interfere with the existing sightlines from US 1 as it will be mounted mid-way between the existing mansard roof and will not project beyond the buildings existing footprint. Note that a 36" diameter sign=7 square feet; maximum allowed sign size is 18 square feet.

The Zoning Code permits one street level sign per right-of-way [per Article 5-Development Standards, "tenant signage", we are requesting a variance from Section 5-1904, Standards for on premise signs. In addition, we are also requesting an additional variance to allow for a "Cabinet Sign" which is currently prohibited as per Article number 5-Development Standards, Section 5-1902 D-4.

The stand-alone building sits on a property located on US 1 (South Dixie Highway), one block South of Lejeune, on the southbound side of the street. The property currently houses Starbucks Coffee; adjacent and northeast of the property is a small commercial strip shopping center (restaurants and retail). South of the property is the fire station. Across the street from the property are 2-3 story office buildings, retail commercial, and a small restaurant.

Sincerely,



Nelson de León, AIA, LEED AP
President



June 1, 2009

Board of Adjustment
City of Coral Gables
Building and Zoning Department
City Hall
465 Biltmore Way
Coral Gables, FL 33134

**Re: Letter of Intent:
Additional Tenant Signage (street level) on East Elevation
Starbucks Coffee Company
Store location: 475 South Dixie Highway
Coral Gables, FL 33146**

We are applying for a variance authorization in order to allow a 36" diameter logo-type sign to be placed on the East elevation of the existing Starbucks referenced above. The existing store has an approved sign mounted on the street elevation (facing US 1).

The location of the proposed signage will not interfere with the existing sightlines from US 1 as it will be mounted mid-way between the existing mansard roof and will not project beyond the buildings existing footprint. Note that a 36" diameter sign=7 square feet; maximum allowed sign size is 18 square feet.

The hardships as we have interpreted them are as follow;


1. The special circumstance existing that is peculiar to the property is that this free-standing building is located directly on the property line less than six feet from the edge of US 1 and the parking lot can only be entered from Southbound traffic—the signage as it currently exist cannot be seen by Southbound traffic until one has passed the store (only persons familiar with the area know this and can safely slow down and turn into the parking lot). Allowing the small but familiar Starbucks logo to be placed on the East elevation (facing southbound traffic, see attached photos and rendering) would allow both enough time to recognize the location of the store and to safely slow down, turn on the turn-signal and enter the parking lot or drive-through.

The other businesses in this district which are located on the southbound side of US 1 (between Lejeune and Starbucks) have either signage on the East elevation (Poe's Rentals), a stand-alone sign (Tex Mex) or are set back sufficiently from US 1 as to allow southbound traffic to see them within their cone of visibility thus allowing them enough time to react.

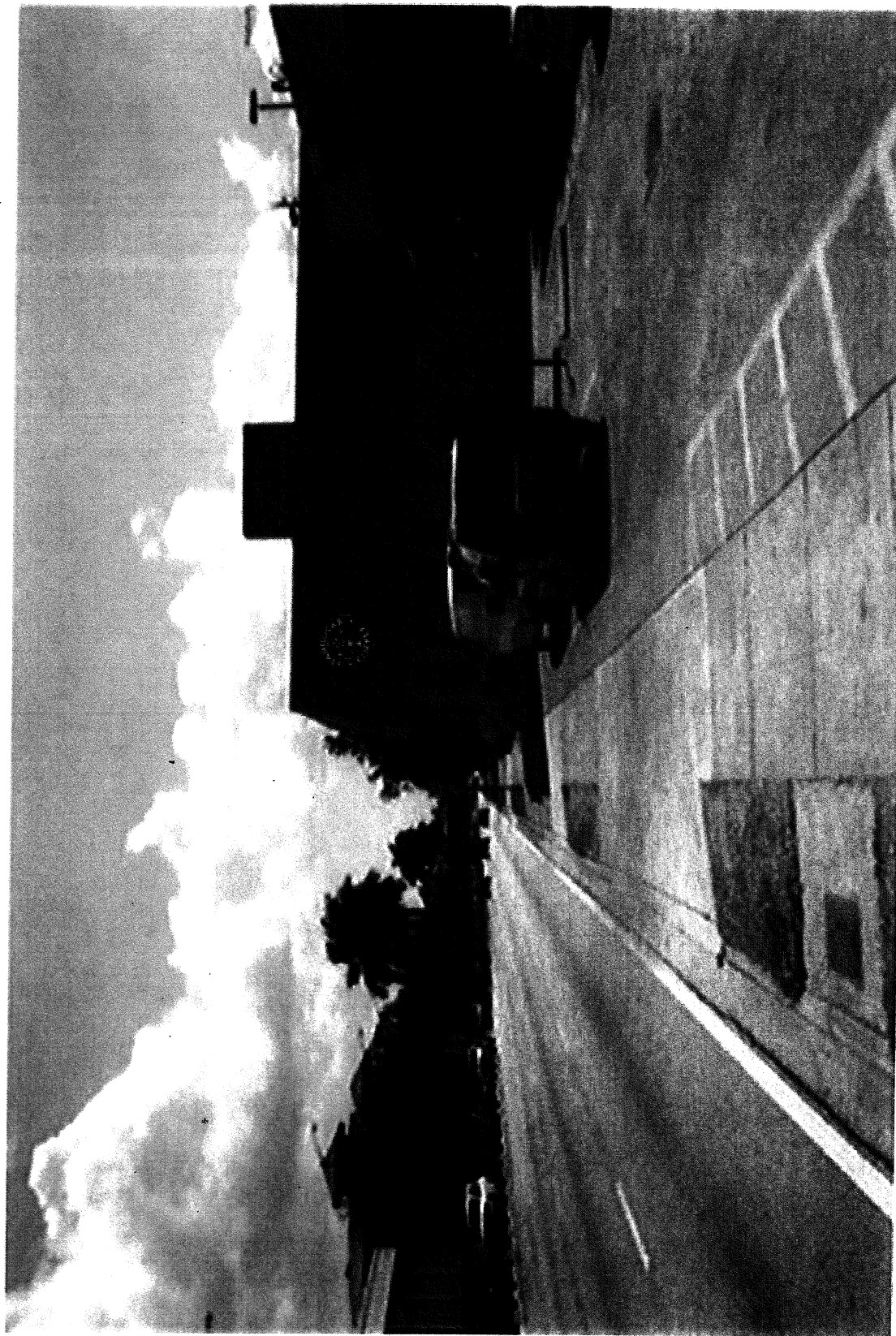
2. This condition does not result from the action of the applicant as the building was built many years prior to the applicant moving in.
3. The granting of this variance will not confer any special privilege to the applicant as several buildings within this district already have signage on more than one elevation, the nearest of which is Poe's Rentals which has signage on three elevations.

4. The literal interpretation of the "Zoning Code" would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, which have signage facing southbound traffic.
5. The sign variance is the minimum requested variance which will make possible the reasonable use of the building regarding its identifiableness from southbound traffic.
6. The granting of the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. The granting of this variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
8. This property is not designated as a historic landmark. Therefore, no impact will be made to preservation of a historic landmark/district.

Sincerely,



Nelson de León, AIA, LEED AP
President



VIEW: SOUTH BOUND US 1

STARBUCKS COFFEE
475 SOUTH DIXIE HIGHWAY

LOCUS
ARCHITECTURE
P A R T N E R S



JUNE 1, 2009
CITY OF CORAL GABLES
VARIANCE SUBMITTAL

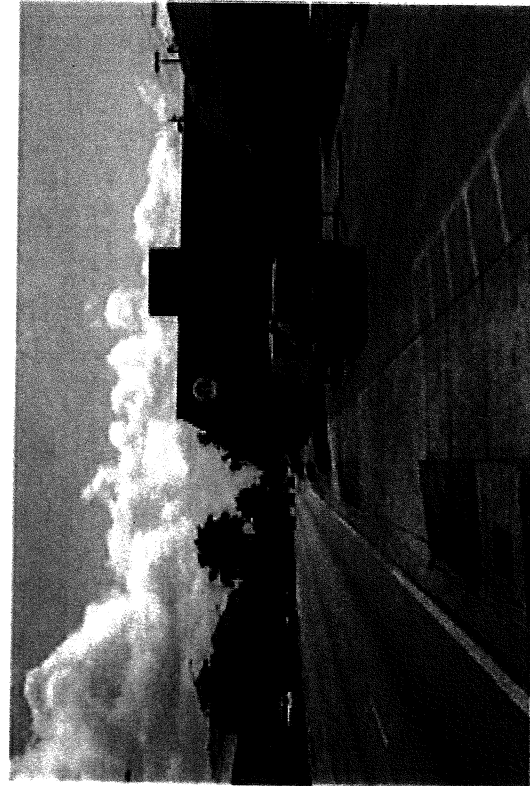
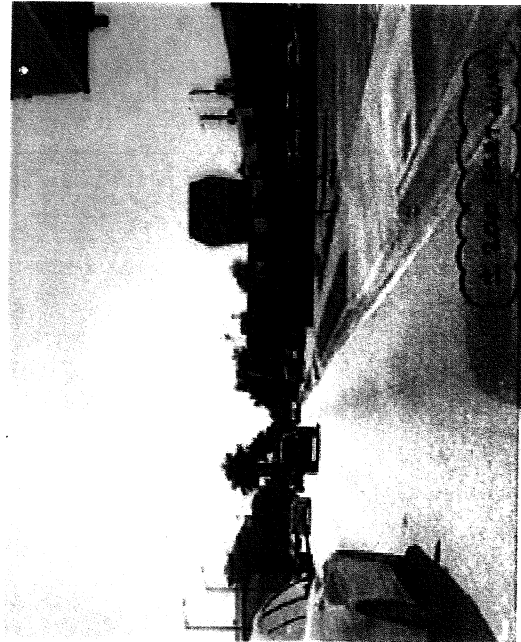


1,500 FEET AWAY



1,500 FEET AWAY

VIEW: SOUTH BOUND US 1



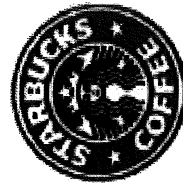
VIEW: SOUTH BOUND US 1



VIEW: NORTH BOUND US 1



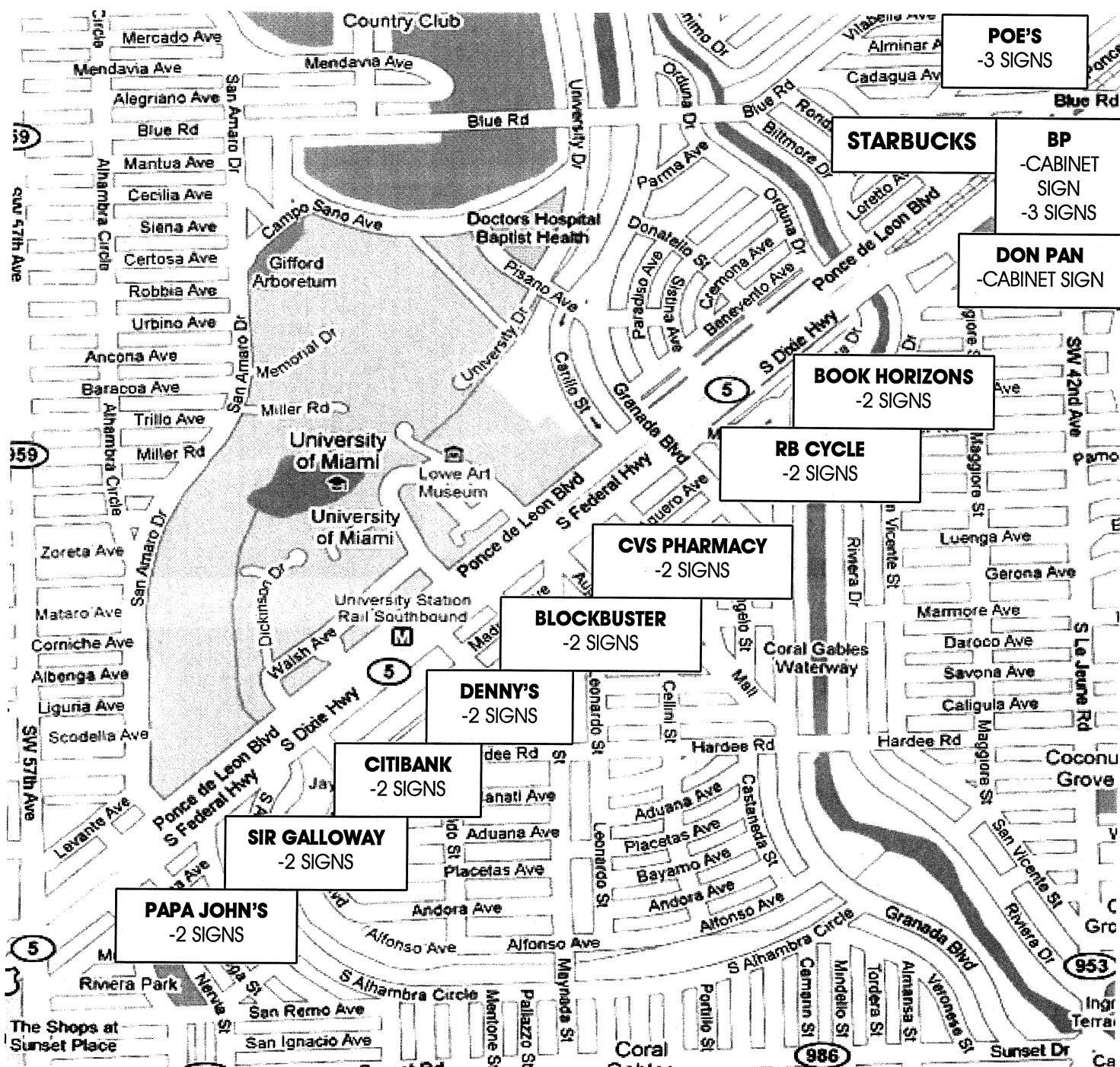
STARBUCKS COFFEE
475 SOUTH DIXIE HIGHWAY



JUNE 1, 2009
CITY OF CORAL GABLES
VARIANCE SUBMITTAL

LOCATION MAP

*BUSINESS LOCATIONS WITH EITHER 2 STREET SIGNS OR A CABINET TYPE SIGN



STARBUCKS COFFEE CO.

VARIANCE REQUEST FOR:

Item 1: Two Signs vs. One Sign (at street level)

Item 2: Cabinet Sign

*Supplemental Images August 3, 2009



LOCUS ARCHITECTURE INCORPORATED

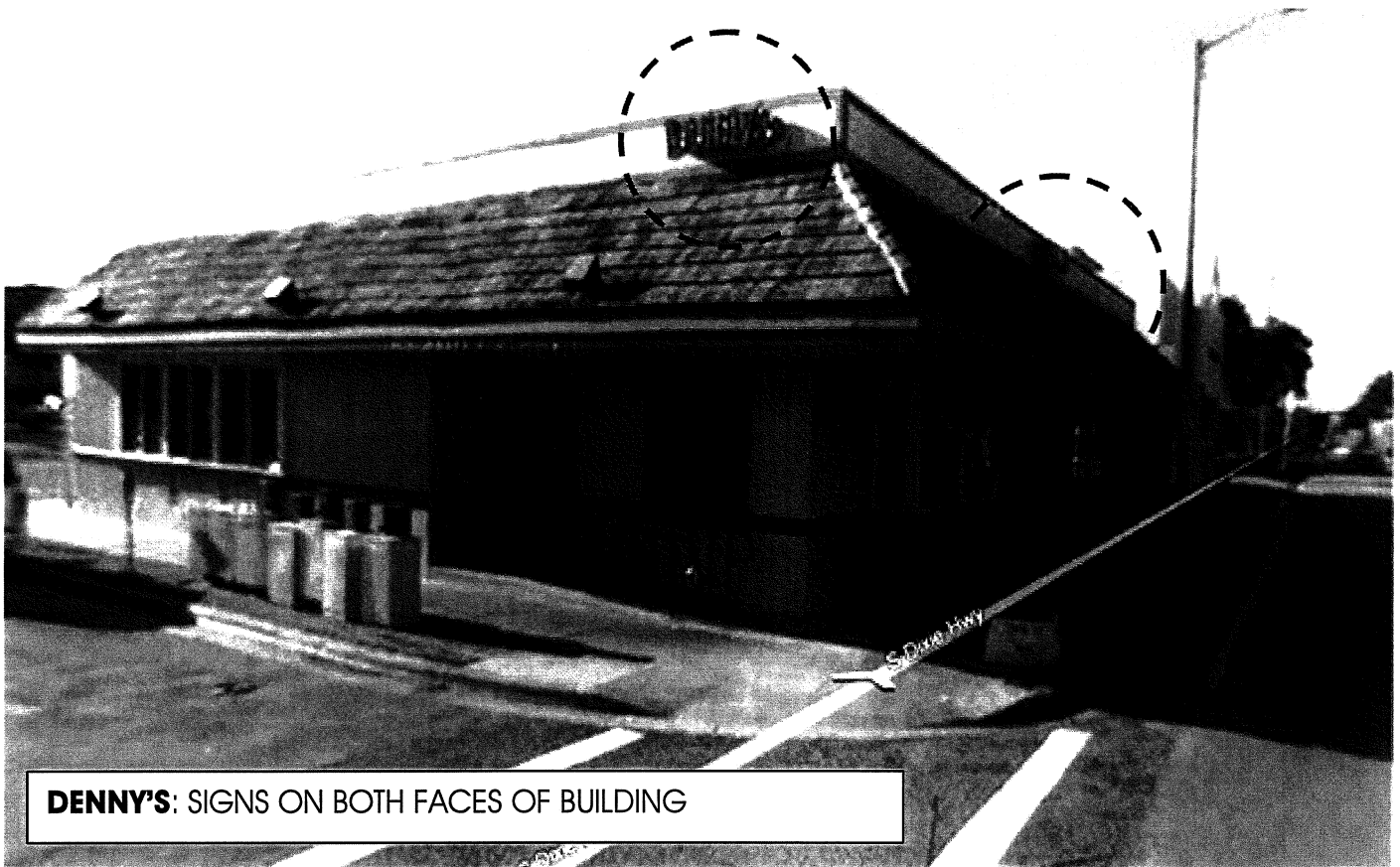
500 South Dixie Highway, Suite 310
Coral Gables, Florida 33146
Tel (305) 740-0120
Fax (305) 740-0520
www.locusarchitecture.biz
License No. AA0002733



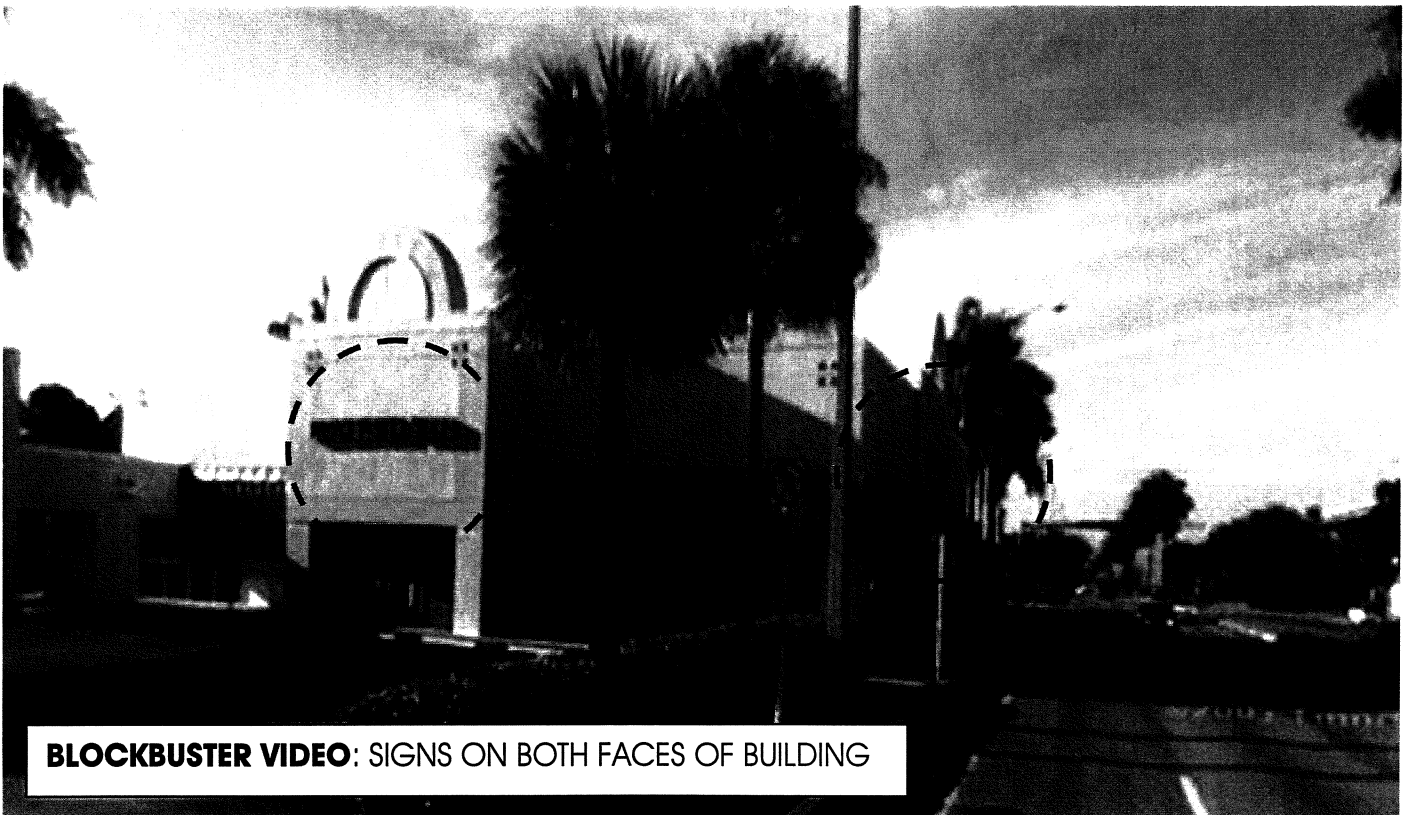
CVS PHARMACY: SIGNS ON BOTH FACES OF BUILDING



CITIBANK: SIGNS ON BOTH FACES OF BUILDING



DENNY'S: SIGNS ON BOTH FACES OF BUILDING



BLOCKBUSTER VIDEO: SIGNS ON BOTH FACES OF BUILDING

1 IN THE CITY OF CORAL GABLES
2 PLANNING DEPARTMENT
3 CASE NO.: 8701-Z
4
5 IN RE:
6
7 NELSON DE LEON, AIA - APPLICANT
8 INSCORE, LLC - OWNER
9 NELSON DE LEON, AIA - ARCHITECT/ENGINEER
10
11
12
13
14 BOARD OF ADJUSTMENT OF THE CITY OF CORAL GABLES
15
16
17
18 Commission Chambers
19 405 Biltmore Way
20 Coral Gables, Florida
21 Monday, 8:00 a.m.
22 August 3, 2009
23
24
25 - -

1 APPEARANCES:
2 BOARD MEMBERS PRESENT:
3 JOHN LUKACS, CHAIRMAN
4 SERGIO ARTIGUES
5 DR. KATHERINE DE BLU
6 JORGE MORA
7 DR. JOE BRIGGLE
8 TONY BELLO
9
10 FROM THE CITY:
11 ELIZABETH L. GONZALEZ, SECRETARY OF MEETING
12
13
14 FROM THE HOMEOWNER:
15 NELSON DE LEON, AIA
16 JORGE MARTINEZ
17
18 THEREUPON:
19 (The following proceedings were had:)
20 (Thereupon, all participants were sworn.)
21 * * * * *
22 THE CHAIRMAN: Next item is 8701-Z.
23 MS. GONZALEZ: Case Number 8701-Z.
24 The property address is 475 South Dixie
25 Highway.
The applicant is requesting two
variances. The first variance is to
install an additional sign, on the side of
the building, and the second variance is to

1 allow the sign to be a cabinet type of
2 design sign.
3 The Code is very specific, in only
4 allowing one sign per street right-of-way
5 and not allowing them either in the alley
6 or on the side of the building.
7 The Code is also very specific as to
8 the types of signs that we allow. Cabinet
9 signs are specifically prohibited in the
10 Code.
11 I'd like to point out that there are
12 many -- numerous businesses along South
13 Dixie Highway, LeJeune Road, Ponce de Leon
14 or 8th Street with the same type of
15 situation.
16 After review of the plans, Staff
17 recommends denial of the applicant's
18 request.
19 THE CHAIRMAN: Good morning.
20 MR. DE LEON: Good morning. My name
21 is Nelson de Leon. I'm with Locus
22 Architecture. We're at 500 South Dixie
23 Highway, Suite 310.
24 My client is Starbucks Coffee Company,
25 store location, 475 South Dixie Highway,

1 which is approximately a half -- a block
2 south of LeJeune, on South Dixie Highway.
3 We have a two-part variance. The
4 first part is to put up an additional sign.
5 That sign we're requesting to be placed on
6 the east elevation, which is facing
7 southbound traffic. The second part of the
8 variance deals with the sign design itself,
9 but we'll start with the request for the
10 additional sign location.
11 I have some supplementary information.
12 May I pass this to the Board?
13 THE CHAIRPERSON: Absolutely.
14 MR. DE LEON: Thank you.
15 The -- this store -- this retail
16 location can only be entered via southbound
17 traffic.
18 If you turn to the packet that was
19 originally submitted, you'll see there's a
20 page with five photographs. Not in the
21 supplementary package that was handed, but
22 one that was submitted. That shows you the
23 sequence of entering or approaching the
24 store. Before I go to that, I want to
25 emphasize the southbound approach. If

5

1 you're traveling north, and you see the
2 store location, you cannot -- if you decide
3 to have coffee here -- you can't get back
4 to that store without making no less than
5 ten turns. You have -- because if you're
6 on the right-hand lane of South Dixie
7 Highway, you have to turn right on LeJeune,
8 right on Menendez, make a U-turn, make a
9 left on LeJeune, cross South Dixie Highway,
10 make a right on Ponce, make another U-turn,
11 get back on LeJeune, make another right on
12 South Dixie and make a right to get into
13 the store.

14 So northbound traffic is virtually
15 eliminated from entering the store, only
16 because of the difficulty in accessing it.

17 So we're left with only southbound
18 traffic. Now, southbound traffic, as you
19 can see in these five photos, from as far
20 away as the Mobil Station, which is
21 approximately five to six hundred feet
22 away, you can start to see the store,
23 because of the bend in the road.

24 As you approach LeJeune, you're three
25 to four hundred feet away, you can start to

6

1 see the actual edge of the building, and
2 then the subsequent two photos show the
3 approach and the signage that's -- that's
4 along the road.

5 So the idea behind this sign was, we
6 can only capture southbound traffic, and
7 without that signage there now, as many
8 people -- even I, which work across the
9 street, have heard from people, when first
10 -- when this store first opened, traffic
11 would just go right by it and not realize
12 there was a Starbucks there, until you
13 reach the point where you actually have to
14 enter, and traveling 40 to 45 miles an hour
15 would make that turn impossible, or you'd
16 go around the block, Riviera, and then five
17 turns to come back to the store.

18 So the idea is that with this sign
19 located on the southbound facing elevation,
20 we would -- or, rather, traffic would have
21 enough time to see that sign, slow down,
22 get in the correct lane, and approach that
23 store at a safe speed.

24 Being a retail store, Starbucks is --
25 falls among the whole impulse buying

7

1 market, and what happens with impulse
2 buying is that sometimes, as you're driving
3 along the street, you see a sign, such as
4 Starbucks, and you decide to stop. The
5 only way to do that impulse buying is to
6 allow someone sufficient time to see that
7 and get the image in their heads, and make
8 that turn.

9 Now, that impulse market, studies have
10 shown, is 10 to 15 percent, which is why
11 Starbucks is requesting this variance, that
12 even at the low end, that 10 percent is, in
13 today's market, in many cases, the
14 difference between a location staying open
15 and a location closing.

16 Now, the sign itself is labeled by the
17 Zoning Department as a cabinet sign. The
18 -- I looked under the Zoning Code for the
19 definition of a cabinet sign and could not
20 find one. What they do have is an Article
21 8 definition -- which I made a copy of that
22 page -- is a sign that I feel represents
23 what my client is requesting, that is, a
24 logo and a logo type sign, and I'll briefly
25 read the definition. It's pretty short.

8

1 It says, "A logo or logo type sign means a
2 trademark, company name or symbol
3 identifying the business or service
4 provided, and which may be all or a part of
5 the sign. The sign or logo type shall be
6 included as part of the allowable overall
7 sign area."

8 Now, that's in there, and, obviously,
9 you can't see that from here, but the
10 companies that are displayed as examples
11 are all internationally recognized
12 companies, which is what Starbucks is, an
13 internationally recognized company.

14 So I really feel that our sign falls
15 under the logo or logo type, as opposed to
16 the cabinet.

17 Now, under Definitions 829, there's
18 another sign type that is in the Zoning
19 Code, which is called a wall-mounted sign,
20 and that, simply stated, is a sign attached
21 to the side of a building. That definition
22 could also refer to this sign, but a
23 cabinet sign itself is not something that
24 is within the definition, so it's difficult
25 for me to address what, actually, a cabinet

1 sign is.

2 In conclusion -- or, actually, before
3 I do my conclusion, the supplementary
4 package that I gave you, which is this
5 sheet, on this is a list of businesses that
6 have two or three signs. All of these
7 businesses are stand-alone businesses, that
8 have the building right up against the edge
9 of South Dixie Highway, the exact situation
10 that this location has.

11 Now, there's 12 businesses within one
12 mile -- Gables businesses, within one mile
13 of this location that currently have two or
14 more signs. You can flip through each of
15 these pages and see each one of those,
16 starting at -- and I'll grant that some of
17 these do have two right-of-ways, such as
18 the BP, the Denny's, The Citibank, but I've
19 included them, only from an architectural
20 point of view, that having two signs on a
21 street, along US-1, is not, by any means,
22 an unusual situation.

23 So you have Book Horizons, RB Cycles,
24 CVS Pharmacy, Computer Village,
25 Blockbuster, Denny's, Citibank, Sir

1 Galloway, Manny's Best Pizza, Papa John's.
2 All of these have two to three signs.
3 They're all buildings that are right on
4 US-1 and they're all stand-alone buildings.

5 So by conferring this on Starbucks,
6 you are, by no means, conferring any
7 special privilege. As a matter of fact, if
8 you were to take a count, it would be more
9 the norm, than the exception, to have a
10 building, with this configuration, not have
11 two signs on it.

12 In conclusion, I think, with this
13 supplementary packet, with the number of
14 businesses that you see that are located
15 there, I think you can clearly make the
16 case that this is not, by any means, a
17 special privilege, nor would it confer on
18 my client any -- any rights that are not
19 currently enjoyed by a number of other
20 businesses along US-1, which far exceed the
21 ones that only have one sign, that are,
22 again, retail oriented businesses, and that
23 the sign, by my interpretation and by the
24 definitions in the Zoning Code, is a logo,
25 logo type, which is in there to distinguish

1 those businesses which are recognized at
2 the national level, and, I think, with
3 that, I've covered everything I have, so if
4 there's any questions --

5 THE CHAIRPERSON: Thank you, Mr. De
6 Leon.

7 To Staff, Elizabeth, can you speak to
8 the issue of cabinet signs versus logo
9 signs, and why Staff is referring to this
10 as a cabinet sign as being specifically
11 prohibited by the Code?

12 MS. GONZALEZ: We consider a cabinet
13 sign a sign that the structure is made up
14 of the frame and the face. Most of the
15 signs, the majority of the signs, are
16 individual channel letters, reverse
17 letters, painted on the wall.

18 When the sign is encompassed
19 completely with a plastic frame or any type
20 of material, it's considered a cabinet
21 sign. The logo does not -- the definition
22 of a sign logo does not prohibit -- or does
23 not allow cabinet signs. Nowhere under the
24 logo definition does it say, "A logo is a
25 trademark, a symbol, and we're permitting

1 cabinet signs." That's just the way the
2 Code reads.

3 THE CHAIRMAN: What's the difference
4 between this location and the locations
5 that Mr. De Leon has displayed as being
6 comparable? For instance, immediately next
7 door, there's the TexMex, which is located
8 on the strip shopping center. Further to
9 the north of that is the Poe's Hardware,
10 which has been there forever.

11 MR. DE LEON: Correct.

12 THE CHAIRMAN: That also has two signs
13 --

14 MR. DE LEON: Actually, they have
15 three -- they have all three walls --

16 MS. GONZALEZ: In reviewing this
17 packet that he submitted to me, there could
18 be numerous reasons that these were
19 approved. I know that Poe's has been
20 there for many, many years. Maybe at the
21 time of installation the Sign Code
22 permitted it. For instance, the Citibank
23 that he has on Page 3, it's a -- there's a
24 sign on South Dixie, and I believe, on the
25 side street. The Denny's, there's also a

13

1 sign on the South Dixie side and a side
2 street. Maybe some were done with
3 variances or maybe some were done
4 illegally. There are numerous
5 possibilities as to why they're there.

6 The Code is specific in allowing only
7 tenant signage on street level. If you
8 look at the Denny's that he has submitted,
9 you'll notice that there is a sign on South
10 Dixie, but there is also a sign on the side
11 street. You'll notice the Citibank has the
12 same type of situation.

13 Again, there could be numerous
14 possibilities as to why the other ones were
15 allowed. Maybe at the time of
16 installation, as Poe's, which has been
17 there for, I believe, 20, 30, 40 years, the
18 Sign Code allowed it.

19 There are also provisions in the Code
20 for detached pole signs, and that's
21 probably why TexMex has the detached pole
22 sign.

23 THE CHAIRPERSON: Is there anybody
24 here that wishes to speak in support of
25 this application?

14

1 Anyone here that wishes to speak in
2 opposition?

3 There being none, the public hearing
4 portion is closed. Members of the Board,
5 any questions of the applicant that you
6 wish to ask?

7 DR. BRIGGLE: I have a question. If
8 Starbucks were to put the logo on the side
9 of the building, not an actual vision sign,
10 if they were to paint the logo on the side
11 of the building, that would be acceptable
12 or --

13 MS. GONZALEZ: No. That is also
14 considered a sign.

15 DR. BRIGGLE: That's still considered a
16 sign?

17 MS. GONZALEZ: Yes, sir.

18 THE CHAIRPERSON: Other than the
19 distinction drawn between your location and
20 the others that are depicted in these
21 exhibits that you provided, what exactly is
22 the hardship itself?

23 MR. DE LEON: Well, the hardship is --
24 and it's why all of those other buildings
25 along US-1 have two signs, is that when

15

1 you're up on US-1, and traffic is going by
2 you, your field of vision does not allow
3 you to see the signage until you're at such
4 an angle that you're really no longer in a
5 position to make the turn.

6 Now, if you're a Gables resident,
7 you're familiar with these businesses, so
8 you can react, but when you're not a Gables
9 resident, and your market has 10 to 15
10 percent relying on impulse purchases, that
11 extra visibility is what makes the
12 difference of somebody being able to not
13 only identify it, but to safely get in the
14 position of making the turn, because we all
15 know how fast traffic moves on US-1.

16 THE CHAIRPERSON: How long has this
17 Starbucks been at that location?

18 MR. MARTINEZ: About two years.

19 MR. DE LEON: About two years.

20 THE CHAIRPERSON: Presumably, from a
21 location standpoint, this was a location
22 that was selected by Starbucks itself,
23 given its proximity to the flow of traffic?

24 You may, please.

25 MR. MARTINEZ: My name is Jorge

16

1 Martinez. I'm the project manager for
2 Starbucks Coffee Company, and we actually
3 opened this restaurant approximately two
4 years ago.

5 When we did the studies to put this
6 Starbucks at this location, we actually
7 went in to try to put a sign on the side,
8 but, again, it was denied, because of the
9 Codes and Ordinances.

10 We decided to take a risk at that
11 point, go ahead and go with only the
12 front-facing sign. Again, the economy
13 was a lot better than it is right now, and,
14 you know, we decided to go ahead -- just go
15 ahead forward and just move and see what
16 happens, and, you know, it's one of those
17 risk takers that we would take to see how
18 business would function.

19 Unfortunately, things have not gone
20 very well for us, at that point. It's a
21 very good location, but, unfortunately,
22 because of what Mr. Nelson de Leon said, is
23 that, you know, we depend also on the
24 impulse buying, which basically is the
25 traffic -- again, traffic from the street,

21

1 DR. BRIGGLE: I make a motion to deny,
2 as it stands, as the variance stands before
3 us.

4 THE CHAIRPERSON: Is there a second?

5 MS. DE BLUE: Second.

6 THE CHAIRPERSON: Okay. Any further
7 discussion?

8 There being none, Madam Secretary,
9 please call the roll.

10 MS. GONZALEZ: Mr. Bello?

11 MR. BELLO: Yes.

12 MS. GONZALEZ: Dr. Briggles?

13 DR. BRIGGLE: Yes.

14 MS. GONZALEZ: Dr. De Blu?

15 DR. DE BLU: Yes.

16 MS. GONZALEZ: Mr. Artigues?

17 MR. ARTIGUES: Yes.

18 MS. GONZALEZ: Mr. Lukacs?

19 THE CHAIRMAN: Yes.

20 * * * *

21 (Thereupon, the meeting was concluded at
22 9:30 a.m.)

23
24
25

22

C E R T I F I C A T E

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6
7

8
9 I, NIEVES SANCHEZ, Court Reporter, and a
10 Notary Public for the State of Florida at Large, do
11 hereby certify that I was authorized to and did
12 stenographically report the foregoing proceedings
13 and that the transcript is a true and complete
14 record of my stenographic notes.

15

16 DATED this 18th day of August, 2009.

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NIEVES SANCHEZ

17

1 and because we don't have the visibility to
2 kind of move the traffic in, in an adequate
3 and safe length of time, we basically are
4 losing, you know, some of the -- it's
5 creating us some hardship due to the
6 economy?

7 MS. GONZALEZ: Excuse me, could you
8 sign in, please?

9 THE CHAIRPERSON: Members of the
10 Board, you've got anything further?

11 MR. ARTIGUES: I have a question. The
12 sign that you currently have on the front
13 of the building, what type of sign is that?

14 MR. DE LEON: That is -- it's like
15 channel letters.

16 MR. ARTIGUES: It's channel letters.

17 THE CHAIRPERSON: So it does not have
18 the logo on the front of the building?

19 MR. DE LEON: No.

20 MR. ARTIGUES: And the one that you
21 are illustrating on this, does that comply
22 with the required size?

23 MR. DE LEON: The required size, as I
24 looked at it, and it's in my analysis,
25 allows for up to 18 square feet of signage.

18

1 A 36-inch diameter is about seven square
2 feet. So it's roughly a third of the
3 square footage that would be allowed.

4 MR. ARTIGUES: I see. Thank you.

5 THE CHAIRPERSON: Anything further?

6 No further discussion, may I entertain
7 a motion?

8 Let me comment, economic hardship,
9 with all due respect, is not the type of
10 hardship that is within the province of
11 this Board. You indicate that there are
12 certain risks that were taken. There were
13 studies that were also undertaken by the
14 business owner itself to evaluate this site
15 for this type of use.

16 Members of the Board, my personal
17 opinion is that a hardship has not been
18 demonstrated sufficiently to grant a
19 variance.

20 Any comment? Can I have a motion?

21 MR. DE LEON: Mr. Chair, can I make a
22 comment before the --

23 THE CHAIRPERSON: You may.

24 MR. DE LEON: If Starbucks is willing
25 to remove a sign, for instance, the sign

19

1 facing South Dixie Highway, or relocate the
2 one that's facing South Dixie highway, on
3 the side, and stay with only one sign, as
4 opposed to two signs, is that something the
5 Board would view favorably?

6 THE CHAIRPERSON: Let me say this,
7 this Board will evaluate whatever
8 alternatives your client wishes to propose,
9 but whatever alternatives are proposed,
10 those would have to be evaluated by Staff,
11 and we rely upon Staff to give us a
12 synopsis. If that's something that you
13 wish to do, you certainly have that right
14 to do so.

15 MR. DE LEON: Well, if the vote is
16 negative, I think that's something that
17 we -- should we want --

18 THE CHAIRPERSON: Well, I haven't
19 received a motion yet, but -- and I can't
20 sit here and tell you --

21 MR. DE LEON: I understand that.

22 THE CHAIRPERSON: But you'll have a
23 choice now, in this matter. The Board
24 members will be voting shortly.

25 MR. DE LEON: Okay.

20

1 THE CHAIRPERSON: Do you have any
2 preferences?

3 MR. MARTINEZ: Well, we definitely
4 would like to have the sign on the side.
5 Like I said, you know, it's been in the
6 loop for quite a number of months now.
7 Actually, we've been trying to attempt this
8 for over a year now, and, basically, you
9 know, we feel very strongly that we
10 definitely need to have that sign on the
11 side, and we've talked internally, as far
12 as what could we do. That's why we're here
13 about that sign. I know that it's on a
14 street frontage, but it's basically facing
15 almost the street, traffic, and we said,
16 "You know, if worse comes to worst, if we
17 have to give up that sign on the front, we
18 would, to have that sign on the side."

19 THE CHAIRPERSON: I believe that's a
20 discussion you're going to have to have
21 with Staff. I don't think this Board has
22 the power to entertain modifications to
23 your pending application.

24 I would ask the members of the Board
25 to make a motion at this time.