

City of Coral Gables City Commission Meeting

Agenda Item E-1

February 24, 2009

City Commission Chambers

405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II

Vice Mayor William H. Kerdyk, Jr.

Commissioner Maria Anderson

Commissioner Rafael “Ralph” Cabrera, Jr.

Commissioner Wayne “Chip” Withers

City Staff

Interim City Manager, Maria Alberro Jimenez

City Attorney, Elizabeth Hernandez

City Clerk, Walter J. Foeman

City Clerk Staff, Billy Urquia

Carlos Mindreau, City Architect

Martha Salazar-Blanco, Zoning Administrator

Public Speaker(s)

Manny Perez, Applicant

E-1 [Start: 9:39:22 a.m.]

Board of Architects Appeal – Application AB 08-10-0808

Mr. Manny Perez, the applicant, filed an appeal with the Coral Gables City Commission from a decision made by the Board of Architects at their regular meeting on January 22, 2009, wherein the Board denied application AB 08-10-0808, in connection with increased signage at the property located at 4104 Ponce de Leon Boulevard, Coral Gables, Florida. (Property also known as “The Collection Building”).

Summary of Appeal:

Steinway Piano Gallery, located at 4104 Ponce de Leon Boulevard (The Collection Building) has an existing sign located on the façade of the building, directly over the space occupied by the tenant. The Board of Architects denied a request for the installation of two additional signs to be mounted on the existing canvas awnings of the building.

Mayor Slesnick: All people that intend to be heard on this matter, if they would please raise their hand, they will be sworn by the City Clerk.

City Attorney: Mr. Mayor this is not a quasi-judicial matter in the sense of testimony or new evidence. This is not a denovo hearing, the parties before you are merely here to

address the City Commission on the basis of their appeal and what legal arguments and position they have that would justify reversal of the Board of Architects decision.

Mayor Slesnick: I appreciate that it's not a denovo, but certainly we can take evidence from the record and if it's a repetition of that, that will be fine, but I would like to have them sworn in. Mr. Clerk, please swear in the witnesses please.

City Attorney: Alright

City Clerk: Do you solemnly swear or affirm that the statements or testimony you will provide this morning will be the truth and nothing but that truth? Thank you

Mr. Perez: Good Morning and thank you for seeing me. I am Manny Perez, the General Manager at Steinway Piano Gallery on Ponce. I hope most of you have seen it? Yes? It's interesting, because a lot of times I ask people in Miami where Steinway Piano Gallery is and they don't know. I used to own Piano and Art Galleria which is on US-1, the one that was in the Riviera Plaza, and then Steinway asked me to join them, and in these economic times I thought that would be a wise decision, and so I joined Steinway. What I found was that we were not getting the type of traffic I used to get, of course on US-1 it's different, but not even a fourth of the traffic, and I started looking to see what was going on. I took a picture yesterday of the sign and I would like all of you too look at it.

Mayor Slesnick: Has this sign changed since the time of your appearance before the Board of Architects? I just want to remind you that our City Attorney has called to our attention that this is not a denovo hearing. We are only here to talk about what you told the Board of Architects. So has this changed since the Board of Architects hearing?

Mr. Perez: It has not changed.

Mayor Slesnick: Okay then, we are looking at a sign that has been there since then?

Mr. Perez: Yes

Mayor Slesnick: I just need to remind you of the requirements of this hearing, is that we are not to bring any new evidence. Whatever it was you discussed with the Board of Architects is what we will hear.

Mr. Perez: The only thing that might have changed is that the palm tree grew a little more.

Commissioner Anderson: You can't stop that.

Mr. Perez: What has happened is that the palm tree has covered the entire sign. And when the sign was first made, the decision to do something with the palm tree really can't happen. We had come up with the idea to add to the awnings, Steinway Piano Gallery, which is an easy solution for all parties involved, for better visibility. We do a lot of

concerts for children and so forth, and a lot of times they do not find the store and drive and drive and drive. They can see the pianos in the window, but they still don't see it.

Commissioner Cabrera: You know, I remember sitting on the Board of Adjustment many years ago when this building was I guess built, and it was fresh, and I remember The Collection coming to us to get signage on their awnings. And in fact, if you drive on Bird Road, I think you'll see that the awnings have signage on them.

Mayor Slesnick: The different names of the cars.

Commissioner Cabrera: Yes, the different brands of the vehicles. I ended up voting against them back then, because my concern was that if we allow The Collection to do it, then we have let everybody else do it. Well, I was out voted something like 5-2 or 6-1 or something like that, which never happens to me on this board. I just think that this might be a nice way to help them out, from the stand point of getting them the visibility that they, lack and it's already up on Bird Road. Like Mayor Slesnick said, if you drive on Bird Road you see all the brand name of the vehicles on the awnings.

Vice Mayor Kerdyk: Can I counter to that?

Commissioner Cabrera: Sure.

Vice Mayor Kerdyk: I mean, I have seen exactly what you are talking about. These sign issues perpetuate in different locations. For instance, it was not long ago when Morton's had the same issue, so they just went ahead they delivered their awnings and they had Morton's on all their signs, and the City looked at it and told them they had to take it off. There was one other tenant that did this within the last couple of years, and the City told them hey, this doesn't meet our sign ordinance; you have to take this off. So I that think your conclusion on when you were on the Board of Adjustment is a good one, because the fact is that if you allow this to happen, you are going to have to allow this to happen in other locations, and that is a concern. There are other alternatives, there are perpendicular signs, which you are allowed to have with the one, the façade, is that correct?

City Architect Mindreau: They are called blade signs. They come out.

Vice Mayor Kerdyk: You are allowed to do that. Is your sign a designer sign?

Mr. Perez: What we were initially going to do was take down the big sign, which we spent \$14,000.00 on, and then just go with the sign on the awnings. What really jumps out is the sign on the awning. If you go next door, and interestingly enough, and I do not want to point fingers, but across the street from us is Robb & Stucky Interiors, and they have nine, actually ten signs. They have one large sign on the building, and nine signs on the awnings. So, they are able to do that.

Vice Mayor Kerdyk: Why does that happen?

City Architect Mindreau: That predates me.

Commissioner Cabrera: Lets you and I talk a little bit about the suggestion you have, because I think you make a very valid point. The reason I was trying to make the point about the Board of Adjustment was because it is in the immediate area, that's the only reason. In fact it's a contiguous building in terms of the awnings, so it's not like we are doing something that is...I mean what is it Morton's that you used as an example? Which is a phenomenal example, because Morton's would have been the only awning with signage, but the point that I was trying to make, that maybe I was not clear on, is that they already have had signage on this building, contiguous building for a car dealership, so that's why I find it appropriate. Secondly, gosh Bill, I don't know about you, but I find the blade signage more offensive, than the signage on an awning, because I think the awning at least it blends with the building, and so for that reason you know I feel sympathetic in trying to help the folks at Steinway Pianos.

Vice Mayor Kerdyk: We may want to relook at our Sign Ordinance if that's an issue, because you are allowed to do that per our sign ordinance, if that's something that's concerning to you.

Commissioner Cabrera: I think if we approve this today, we all get the use of a Baby Grand Piano for one year at our homes.

Mr. Perez: Well you are all invited to our first private concert.

Commissioner Cabrera: I am just joking. That was a joke, a very bad joke. I am going to move to approve this request, this appeal.

Commissioner Anderson: I'll second it.

Mayor Slesnick: It's been moved by Commissioner Cabrera and seconded by Commissioner Anderson to approve the appeal of the applicant Steinway Piano Gallery to overturn the decision of the Board of Architects. Is there any further discussion?

Commissioner Anderson: Yes...

Commissioner Withers: Yes...Go ahead Maria.

Mayor Slesnick: Go ahead

Commissioner Anderson: I guess, we have the signs on the other side on The Collection. My only thing is consistency, so long as we do it consistently throughout, that's fine, I have no problem, so long as it's that size as portrayed here. As long as everyone else has to adhere to the same thing, so there is a visual consistency, and even if it had to happen at Morton's, as long as it's consistent. Not only from a visual stand point, but from an application stand point that it be would consistent for everyone. We may want to consider that, because I do not find that offensive because they are small signs.

Commissioner Withers: I think with The Collection and Morton's, I think I am not sure, is that that's a building sign, which they are allowed to have, it's The Collection Building. The retail sign is what's allowed on the awnings, so it's really not a deviation from our existing ordinance.
Is that correct?

Martha Salazar Blanco: That's correct.

Commissioner Cabrera: Wait a minute that was a variance.

Martha Salazar-Blanco: The variances that were granted for The Collection, those were variances for the height of the letters, and the amount of signs that are there, are based on the old provisions for the signs. The new provisions do not allow the signs that they are proposing, so even if the Commission approves the appeal of the Board of Architects, it will need to go before the Board of Architects for a variance, because it is not allowed by the provisions.

Commissioner Withers: Here is how I could support your motion, if you like, is if you could put the temporary signs allowed on the awning, the owner could proceed at their own risk, until it is bedded through the process again. And if he loses he takes it down, because I think comprehensively, I think we need to look at Miracle Mile, Ponce, and other places, we just can't look at this district. I will support it with the understanding that it is temporary until the City has had a chance to review this. Now at the pace we are moving now, this may take three months or two years.

Commissioner Anderson: Enjoy it while you can.

Mr. Perez: We could consider changing the big sign.

Commissioner Cabrera: I accept your condition as far as a motion.

Vice Mayor Kerdyk: So it's going back to the Planning and Zoning Department?

Commissioner Withers: Board of Architects is where it would start and then through the Planning and Zoning Department because it is an Ordinance.

Martha Salazar Blanco: If this is approved then it goes forward and their next step would be to go to the Board of Adjustment.

Vice Mayor Kerdyk: Are you talking about this one specific sign, or are you talking about re-looking at the whole entire ordinance?

Commissioner Withers: I think we have to look at the whole, because what is going to happen is you are going to have a proliferation of Miracle Mile merchants who have those oak trees that are blocking their signs; so to me it is only fair, that if we are trying to "Green" the Gables up, like we really have been pushing toward, this is not going to be the

item that Willy Bermello is talking about, has a less landscape area, in front of a retail area, and I guarantee there is going to be an issue with that also. If we have an initiative to put landscaping downtown, what swayed me was the palm tree...nice angle that you took it at.

Vice Mayor Kerdyk: So you want to look at this collectively and then if for some reason this comes back to us, because at some point it needs to come back to us, and we say no, the first thing they're doing is going to Steinway and saying, you need to take down this awning.

Mr. Perez: If we have no choice at that point, can we take off the large sign?

Vice Mayor Kerdyk: You would need to comply with the sign ordinance. But that's how you understand this right? So you are going to go through the whole process again, and like you said, this may be a two year or one year process before this comes back to us.

Commissioner Withers: Who knows, maybe the palm tree keeps growing, or maybe your awnings get blown away by the next hurricane.

Commissioner Withers: It will get you through the next year.

Mayor Slesnick: Let me take a shot at this too, because I like Ralph having come here from the Planning and Zoning Board, and I remember specifically The Collection vote, and I see no difference in the signage that's proposed here and the signs at The Collection. I think it's just a matter of word play and gaming words to say that we are letting them have a Collection sign on the building and then brand signs on the awning. Signs are still on the awnings, no matter what they are, and I don't find them offensive at all, and I am usually very conservative our approach to our City. In fact, I think awning signage is much more minimal to the look and feel of our City, than the blade signs or any other signs. And I continue to ask about the blade sign on Aragon and no one has ever responded to me once yet...right next to Café Abracci. And if that's an example of an allowable blade sign, then I think we should get rid of them all, although I have seen a couple that are cute. I support the motion and I support the sign. Any other comments?

Mr. Clerk would you call the roll please.

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Commissioner Withers: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Mayor Slesnick: Go forth and sell pianos...Do you need the Commissioners address to deliver the piano? (Laughs)

[End: 09:53:33 a.m.]