

**City of Coral Gables City Commission Meeting**  
**Agenda Item E-1**  
**September 8, 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**

**City Manager, Patrick Salerno**  
**City Attorney, Elizabeth Hernandez**  
**City Clerk, Walter J. Foeman**  
**Deputy Clerk, Billy Urquia**  
**Zoning Official, Martha Salazar Blanco**  
**Planning Director, Eric Riel**

**Public Speaker(s)**

**Nelson De Leon, Attorney Representing Starbucks**  
**George Martinez, Project Manager, Starbucks Coffee**

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E-1 [Start: 9:33:36 a.m.]

Board of Adjustment Appeal – Application No. 8701-Z

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 an application for variances for the property located at 475 South Dixie Highway pursuant to Ordinance No. 2007-01, as amended and known as the “Zoning Code” (Board of Adjustment Vote: 5-0)

1. Grant a variance to allow the tenant “Starbucks Coffee” located at 475 S. Dixie Hwy, Coral Gables, to have two (2) signs versus 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”.

Mayor Slesnick: E-1 – this is a Board of Adjustment Appeal (The Mayor read the above title into the record).

Commissioner Withers: Mr. Mayor, before we start, just want to ask the City Attorney a question; Nelson is doing some work for my architectural services, do I have a conflict here Liz?

City Attorney Hernandez: No Commissioner, that's totally unrelated to this matter before the City Commission, and under Chapter 112 you have no conflict which prevents you from voting, so are compelled to participate in the proceedings.

Commissioner Withers: Thank you – thank you Mr. Mayor.

Mayor Slesnick: Who is here for the Board of Adjustment, staff and so forth?- is it Ed Weller?- no; before we start let's get everybody in the room here. Do you need some time?- are you engaged...no, no, we are waiting for you to start the entire presentation.

Ms. Salazar: I was taking care of what you just approved, the Oktoberfest, taking care of that.

Mayor Slesnick: Are you ready for this?

Ms. Salazar: I'm ready.

Mayor Slesnick: OK – if you're ready for this we are ready. Nelson.

Mr. Leon: Good morning Mayor Slesnick, Commissioners Anderson, Cabrera, Kerdyk, Withers, City Manager Salerno, which I haven't met, nice to meet you. My name is Nelson De Leon, I'm with Lucas Architecture, we are located at 500 South Dixie Highway, I am both a business owner and resident here in the Gables; my client is Starbucks Coffee Company, store location, 475 South Dixie Highway, that store is located approximately one block south of LeJeune. As the Mayor mentioned, this is a two part variance: the first part of the variance involves the request for an additional sign on the east elevation facing southbound traffic; the second part has to do with the actual design of the sign. There are currently on U.S.-1 within the City of Coral Gables property line fourteen (14) businesses which have similar characteristics as this location; that is to say they are a stand-alone business either right on the property line, or within a few feet of the property line on U.S.-1. Of those fourteen businesses, thirteen of those fourteen currently have two or more signs; the only location that does not have two signs and has been denied the right to have two signs is the Starbucks location. Now the reason all these other locations have two signs or three signs is because they have realized that if you cannot face a sign onto oncoming traffic, traffic will just drive by you, when your business is located on U.S.-1 you do not have the time to react if you are in the first, second or third lanes, unless you know that business is there. The hardship that those businesses does realize and have gotten two signs is the reason why we are also requesting this hardship variance that would allow us that sign facing southbound traffic. This location can only be entered via southbound traffic. If you are heading north and see this Starbucks location, I see that there is at least one fan here, which my client would be happy to see the Starbucks cup, you would have to make no less than ten turns to come back to that store location; therefore, if you are heading north the odds of you coming to the store are virtually nil, so you have to capture that southbound traffic. Now, in your packet there is a photo which has our proposed sign location; this photo is taken from approximately 100 feet away, but from as far back as about 500 feet away, before you reach the Mobile Station, you

could actually see the edge of the store because of the bend in the road. Once you cross LeJeune, which is 200-300 feet from the store location, you could clearly see the corner of the building, what you cannot see is the face of the building where the signage is placed. Now, the reason these other thirteen or fourteen businesses have added that second sign is because not only do you get recognition of your store location, but you get what these types of establishments require which is an impulse purchase; a fifteen percent sometimes more of all purchases for these types of establishments revolve around impulse, that is site recognition of the store at a distance where you can react and decide if you are going to enter that store. Now without that sign there, if you are not familiar with the Gables, you just will not see that store, you will just drive by it. So our request to have that sign is to have the same rights enjoyed by those other thirteen property owners. Now, the second part of the variance involves the actual design of the sign. The Zoning staff has indicated this is a cabinet sign; I interpret the sign to be a logo or logo-type sign. Now under the Zoning Ordinance under "Definitions", there is no definition for what a cabinet sign is, but there is a definition for sign and logo, logo and logo-type signs, that is found in Article 8, Definitions 827. I'll read it briefly because it's only one sentence. Logo or logo-type means a trademark, company name, and/or symbol identifying the business or services provided. So Starbucks arguably is an internationally recognized symbol. Now under this section a sign could have as much as 18 square feet, we are requesting for roughly a third of that; we are requesting for a sign, a 36 inch diameter sign, which is roughly seven square feet. In the photo which is in your packet, the TexMex sign which is in front of our proposed Starbucks location, is roughly 25 square feet, so the sign that we are requesting is a fraction of that sign, but located strategically on the \_\_\_\_ would give the visibility required for this location. We have – if you have this page in your packet this outlines eleven of those fourteen businesses that are located on U.S.-1, and I'll just read them off quickly, Papa John's, Miami's Best Pizzas, Sir Galloway – three signs, CitiBank, Denny's, Blockbusters, CVS Pharmacy, Stir Moon, Arby Cycle, Book Horizons, three signs, Don Pan – two signs, BP, the Poes, the Mobile; all of these have at least two signs, some have three signs; and some have under the definition of a cabinet sign, which is a sign with some kind of structure around it such as BP and Mobile, they already have those kinds of signs, and neither the request for the second sign nor in the design style of the sign are we requesting anything that is unusual, not only to U.S.-1 as a whole, but to U.S.-1 in particular as it relates to the City of Coral Gables. So in conclusion I'd like to just emphasize again the thirteen or fourteen buildings of this type already have two signs, and granted some of those are on two rights-of ways, which would allow you to have a second sign, but the majority of them are not.

Mayor Slesnick: Well that's a good point; how many of those have two rights-of-ways?- which would allow them under the Code to have two signs?- that's an important distinction.

Mr. Leon: Those would be CitiBank, Denny's, Don Pan, BP.

Mayor Slesnick: So four of the thirteen.

Mr. Leon: Four of the thirteen.

Mayor Slesnick: OK, thank you, appreciate your presentation. Martha.

Ms. Salazar: Good morning Mayor, Commissioners, Zoning Official for the City. I have heard Mr. Leon and I understand his argument, however, I am the...he keeps on saying about the thirteen or twelve signs that are out there, I want to remind the Commission that these are signs that had been there previous to the old sign provisions, and because all these signs are out there that what he is stating, this is one of the reasons why it was reviewed, it was recommended, and it was approved to amend the sign provisions, because of these sign provisions to make it more stricter, this is why now this is not being allowed and why there are twelve or thirteen businesses like Mr. Leon is saying out on Dixie or in other locations of the City; however, in reviewing his request for an appeal, I want to remind the Commission that the staff reviews the standards of variances, all seven standards. Based on that, that's the reason why staff recommended denial for both variances, and that's also the reason why the Board of Adjustment denied the application. I request that the Commission upholds the Board of Adjustment's decision.

Mayor Slesnick: Could you remind us the seven standards?

Ms. Salazar: Yes. The standard for variances that special conditions and circumstances do not exist which are peculiar to the land, structures or building involved and which are not applicable to other lands; structures or buildings in the same zoning district; that the special conditions, circumstances will result from the action of applicant; that the granting of 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; that literal interpretation of the provision of these regulations would not deprive the applicant rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and will not work unnecessary and undue hardship on the applicant; that the variances granted is not the minimum variance that will make possible the reasonable use of the land, building or structure; that granting the variance will change the use to one that is not permitted in the zoning district or different from other lands in the same district; and that the granting of the variances will not be in harmony with the general intent and purpose of these regulations and as such variance will be injurious to the area involved or otherwise detrimental to the public welfare; and based on all those seven that's the Zoning Division staff recommended denial of the applicant's request.

Mayor Slesnick: Let me mention, we are trying out, this is a system that is on loan to us, this has not been purchased by the City, but an effort to try to get us prepared for large public hearings, there is now a button that the Commissioners can...

Commissioner Cabrera: Was this donated by the healthcare reform town hall meeting administrators?

Mayor Slesnick: The system in front of the Commissioners is only for the Commissioners to -- as they hit the button I get a list up here of who wants to speak, and what order they hit the button, so that's....you just took yourself off the list.

Commissioner Cabrera: I don't want to be on it -- never mind I do, I do, Oh! There it is.

Mayor Slesnick: The other part of the system is the speaker light system but that has nothing to do with this. OK. Ms. Anderson.

Commissioner Anderson: Yes. Mr. Leon, where is the other sign currently on the Starbucks?

Mr. Leon: The Starbucks sign is currently facing U.S.-1; on the photo that....

Commissioner Anderson: I'm trying to remember from my passing by. I just want to make a comment; I understand that we are sensitive to signs and I think that's rightfully so, but this one's discrete enough for me that I have a comfort level for that. We did that with the bank on LeJeune Road, that in order for it to get exposure from the people coming, I think, north from the bank that we did that; we did that with the condition that if something changed and there was a building that changed there, I think that we would go ahead and asked them to remove it, but I would be in favor of upholding it because I think its discrete enough as far as a sign, and it is a logo that attracts people to that location, so.

Mayor Slesnick: Mr. Kerdyk.

Vice Mayor Kerdyk: Martha, how long ago did they build this Starbucks?- because I remember it coming up here, if I remember correctly we had the....we owned the land to the, I guess, to the west of it, to the west of this structure; how long ago was that?

Ms. Salazar: I would guess about two years ago.

Vice Mayor Kerdyk: At that point did you tell him what the sign ordinance was?

Ms. Salazar: That's correct. They had....their sign package was pretty much what they are asking for, plus what they have there, and they were aware that was not allowed, so they did take it out, and what they have presently is what's allowed.

Vice Mayor Kerdyk: So they knew it, you told them about it and they proceeded along with making the deal. I think we made some concessions for them when they came through the process there. I can't support it based on the fact that I believe in the sign ordinance, I think that the signs that he mentions are signs like Poes that have been there for forty-fifty years, and we are trying to make a process where we are a little more cognizant of not having so many signs, if not we might just as well throw out the sign ordinance and just go ahead and put out...so respectfully, even though I supported the Starbucks, and I really like having it there and utilize it myself, I just can't support it because I don't see the reason for granting the variance.

Mayor Slesnick: Mr. Withers.

Commissioner Withers: Martha, is there a box sign on that property, a free standing sign?

Ms. Salazar: Yes there is; there is a detached sign and there is a drive there, and its right in front of that drive facing U.S.-1. So they have taken care of all the signs possibly that they could have; they have detached signs, they have a building sign, tenant sign, drive thru signs, so pretty much they have all the signs that they are allowed by the sign provisions.

Commissioner Withers: And I remember this Commission struggled a little bit with signage on Miracle Mile, with signs that were coming off of buildings because the argument was, as people were walking down the sidewalks they wanted some visual signage on the side of the awning or perpendicular to the building, otherwise you would have to go out into the street to see it. This is a U.S.-1 corridor where cars zip by 50-60 miles per hour, and I go home that way so I have actually been in the right hand lane where people in the center lane do all of a sudden do realize there is a Starbucks, and they do shoot over there. So in this variance request is there anything at all that attributes a variance request to public safety?

Ms. Salazar: Not at all. I understand...

Commissioner Withers: Let me ask, and I'm just curious to know why that's never taken into consideration, if there...

Ms. Salazar: Its not one of the seven requirements for the standard of variances, it's not about public safety. We didn't see it as that; we saw it as what the provision allows and basically that's why we recommended denial; we did not go for public safety, or the speed whether you are going northbound or southbound because that's not in the code on whether you are going north or southbound.

Commissioner Withers: So this is just a logo about three feet in diameter?

Ms. Salazar: Yes, that's correct.

Commissioner Withers: So it's not Starbucks, is it lit or anything?

Ms. Salazar: Yes – and I do want to...I mean the logo is basically, the size of the logo's are really based on the Board of Architect's approval. The Board of Architect could have approved an eight foot diameter, its all up to the Board of Architects; understand that even high-rise buildings, they are limited to thirty inches.

Commissioner Withers: I understand.

Ms. Salazar: So this is a thirty-six inch diameter, but we did not even go into the size because that's up to the Board of Architects, we are just going by a cabinet size that's prohibited by the zoning provisions in the Zoning Code, and we went by the amount of signage, they are only allowed one sign which is street frontage, and not on the side which is facing the other property that normally you would see traffic going southbound.

Commissioner Withers: I guess there is an alley on the north side of the building, excuse me, the west side, or east side of the building.

Ms. Salazar: Yes.

Commissioner Withers: So would you consider that a corner or not?

Ms. Salazar: No, unless you have street frontage we cannot consider that a corner.

Commissioner Withers: I don't have a problem with this; I mean, I think for the public safety component number one, and number two, if you look at someone...I go to Poes regularly, they have three signs, and just for the fact that is a busy corridor, I think if its tastefully done, I understand Bill, where you are coming from, but if its tastefully done I think this is more tastefully done than some of the pole signs we have along the U.S.-1 corridor now.

Ms. Salazar: I agree, and again these are signs that were allowed under the previous sign provisions of the old Code, and that's why you are seeing all these signs that Mr. Leon is mentioning; all these signs have been approved and were allowed under the old Code.

Commissioner Withers: Wasn't there, and maybe I have it mixed up because we have seen the sign ordinance so many times, wasn't there a period of time that after a while they were grandfathered out – after ten years?

Ms. Salazar: As soon as you touch the sign – well that provision came out, but then in the Zoning Code it said as soon as they touch the sign, then they have to bring it up to Code.

Commissioner Withers: Bring it up to Code or remove it?

Ms. Salazar: Bring it up to Code or remove it, or whatever they are proposing, for example Poes, if they would want to put or touch or remove it they would need to comply with the present...

Commissioner Withers: If they paint building – couple of these people have painted their buildings and repainted the signs, so that's not touching the sign?

Ms. Salazar: For example, Poes has painted that building under, around, and they make sure they do not touch that sign because they understand that as soon as they touch that sign it has to be brought up to Code.

Commissioner Anderson: Which begs the question that it's a valuable location, I understand, I mean, I'm not contesting staff, I think you absolutely have to go by the letter of the law, but there is such a spirit is one, but also as far as businesses when you are located on a corridor like that; its almost different than, we approved one on the bank on LeJeune Road which is another corridor that has to capture that eye because so much of it is about attracting the eye, and bringing the people into the businesses. So I'm not questioning your legal interpretation of the sign, I just think from a practical application, that's why Poes put that sign there originally, and I know that they are grandfathered in, but they are smart, that's marketing, and branding. So I'd be supportive of a motion to up hold the....

Vice Mayor Kerdyk: Let me just say maybe we need to look at our major corridors and revisit the issue. I think we are going into a dangerous president by going against the sign ordinance in this particular time, I think it just opens up other possible people coming in and seeking the same.

Mayor Slesnick: Its also when people do touch their signs, we are not going to be about to tell them they are out of the grandfathering period if we have allowed other people to do it, so it kind of destroys that, might as well take that provision out.

Vice Mayor Kerdyk: That's ridiculous.

Mayor Slesnick: Let me ask you about this; explain to me what a cabinet sign is versus what this sign is, I know you have declared this is a cabinet sign; is there another kind of sign that they could put up that's not a cabinet sign?

Ms. Salazar: Whether it's a cabinet sign, painted sign, individual reverse channel letters that would take care of the cabinet sign if they do not have that round diameter sign, because it would not be a cabinet sign if it were to be individual letters; however, just putting a sign on that side that is still a variance; a cabinet sign would be...

Mayor Slesnick: What is a cabinet sign?

Ms. Salazar: A cabinet sign is a sign structure that is has a frame and a face, and it could be whatever is inside; it could be electrical, or whatever is in there, that's a cabinet sign, but there is not a definition in the Zoning Code.

Mayor Slesnick: And we don't allow cabinet signs?

Ms. Salazar: That's correct, it's...

Mayor Slesnick: Are there other cabinet signs that we have allowed since the new Code?

Ms. Salazar: Since the new Code – yes, and they have been reviewed as design signs because they were three dimensional, and they met all the parameters of a design.

Mayor Slesnick: But this is not?

Ms. Salazar: This is not a design sign; this is just a cabinet sign...

Mayor Slesnick: That kind of concerns me too because we've got two provisions of the Code here we are about to vote on, and one is how many signs, and the second one is what kind of sign. So if we prohibit this kind of sign, number one, we should make sure that we define it clearly so that lay people like us who are going to be voting on things can understand what a cabinet sign is, and two, if we approve a cabinet sign here, how do we say no to any other cabinet signs. What was the purpose of prohibiting them in the first place?

Ms. Salazar: I think that the box signs, the cabinet signs that was in the sign provisions in the old Code and that was transferred over to the new because we did not have design signs under the old Code, now we do so its, yes, there are two sections in the Code, one that was transferred over from the old sign ordinance.



Mayor Slesnick: Actually we need to ask Mr. Riel who is not here what the purpose was of saying no to cabinet signs, that's a Planning function.

Ms. Salazar: And that was the same thing that was allowed under the old Code, so it was just taken from the old Code...

Mayor Slesnick: So we prohibited cabinet signs under the old Code.

Ms. Salazar: That's correct.

Mr. Leon: Mr. Mayor may I comment? The difficulty that we've had with the sign is we see the sign really as a design sign; it's really a beautiful design, a logo. I think it's a matter of semantics here of what a cabinet sign and a design sign is, but I cannot address a cabinet sign when it's not addressed in your ordinance. That to me means a representation of a definition that could be one year one thing, and another year another thing. So its hard for me to address because there isn't a clear definition here in your ordinance of what that is; and I understand Commissioner Kerdyk your concern with signage, and that is something that needs to be looked at carefully in every instance when it is presented. I took this on because I truly believe that this sign is not only a relatively small sign, but in the context of U.S.-1 and if you even look just at the TexMex sign is just a few feet in front of it, it's a relatively small sign compared to all of these other signs, and on top of that it's a very well designed sign and a sign that has international recognition. So I did not take this on lightly; I took this on only after consideration and I am a resident, I'm a pitching shot away from this both as a resident and as an owner, that's how close I live to this location, I see it on a daily basis.

Vice Mayor Kerdyk: Let me just ask another question, this does not apply to this particular situation, but the post signs, the ones that stick perpendicular out from the office buildings or in this retail center, could this be done on this building here where you have those, what are they called Ed, where they...

Ms. Salazar: Like projection signs.

Vice Mayor Kerdyk: Projection signs.

Ms. Salazar: They are allowed to have projection signs and that can come out of the building, that's an additional type of signage that can be done, and that can be seen from going southbound or northbound.

Vice Mayor Kerdyk: So the Commission understands that they can do these projection signs, now in this particular case I don't know how effective it would be on U.S.-1, but in addition to the signs that you are allowed by our Code, you are also allowed to have these projection signs, and again I'm not sure the terminology is correct, projection sign, but the ones that are perpendicular to the buildings, so we offer and proffer to the tenant these options of having additional signage to their buildings for properties on Miracle Mile or everywhere.

Mr. Leon: Sir, those projection signs, if I may comment, I believe are pedestrian oriented signs because of their scale and the nature of their application where they are used, and they are not of the scale...

Vice Mayor Kerdyk: Didn't I just say that though, I just said it probably doesn't work on South Dixie Highway, but I just wanted to make sure that...

Mr. Leon: You did say that, I may have...

Vice Mayor Kerdyk: Yeah, I did say that.

Commissioner Anderson: I'll go ahead and make a motion to uphold the...to accept the appeal, how correctly to phrase that.

Mayor Slesnick: Well I think that we are going to have to – was this combined to one singular vote on both issues?

Ms. Salazar: Both issues.

Mayor Slesnick: OK, well the appeal is of both issues; Ms. Anderson moves that we uphold the appeal which means to overturn the Board of Adjustment decision...

Commissioner Anderson: Overturn the Board of Adjustment decision of August 3<sup>rd</sup>.

Mayor Slesnick: Do I have a second?

Commissioner Cabrera: Second.

Mayor Slesnick: Mr. Cabrera seconds; any further discussion?

**Mr. Clerk**

**Commissioner Anderson: Yes**

**Commissioner Cabrera: Yes**

**Vice Mayor Kerdyk: No**

**Commissioner Withers: Yes**

**Mayor Slesnick: No**

**(Vote: 3-2)**

Mayor Slesnick: Mr. City Manager, I really think that it has been pointed out to us today, we have a deficiency in the Code as to definition of cabinet sign and if we are every going to uphold that, if it ever became the subject of a legal action, we are going to need a definition, and furthermore for us to understand what it is, even the architects don't understand.

Commissioner Cabrera: I have a question for Mr. Leon; what is the significance of the mermaid in the Starbucks logo?

Mr. Leon: Well we have a representative from Starbucks they may have that.

Commissioner Cabrera: I'm just curious; I've always wanted to know.

Mr. Leon: I think she brought coffee beans from Hawaii over to Seattle and that is how they honored her.

Mr. Martinez: Good morning, my name is George Martinez, I am the Project Manager for Starbucks Corporation and our office is in Hollywood, Florida. The definition of the mermaid was derived many years ago, as you know Starbucks came out in 1971, and it was actually made out of, for whatever reason, a ship coming out sailing and basically they actually had this mermaid on the ship, and there's a long story to it, I'm sorry I don't know the story, but it was really to this ship that kind of sailed across the world and that has this mermaid, as far as the logo, their own significance. That's the only thing I can tell you right now how this all came about, I don't know all the specific details of it.

Commissioner Cabrera: Thank you.

Mr. Martinez: Thank you.

Mr. Leon: You know to be ready for next time.

Mr. Martinez: I will. That's one question I hadn't really planned for.

Commissioner Cabrera: You thought we were going to talk to you about something much more pertinent to the sign.

Mr. Martinez: Right.

Mayor Slesnick: Thank you all.

Commissioner Anderson: Thank you very much.

Commissioner Withers: Mr. Mayor maybe when we look at that ordinance, I really think that we might want to see if there is a public safety component that can be addressed, and also a way faring component that can be addressed.

Mayor Slesnick: Mr. Manager your Planning Director is in the room, I just wanted to repeat to you for him to hear that one has been pointed out today, there is no definition of a cabinet sign which we prohibit in our Code, but we do not define, and secondly there has been discussion, we have 3-2 voted again to override the Zoning Code on signage to allow a prohibited sign, but it bothered us that we weren't quite sure what a cabinet sign was or wasn't, and how we could in fact enforce that if we didn't have an adequate definition; and secondly there has been discussion now twice at least I remember one of the Commissions, about major arteries and whether or not on major arteries signage regulation might be different because of traffic concerns, and Mr.

Withers has brought up safety concerns of vehicles changing lanes upon late notification in their minds that they need to turn into a place they want to go that they didn't know was coming up. Anyway the vote was 3-2, so there were two people who voted to uphold your Code, so you can thank Mr. Kerdyk and I, but we do need those clarifications Mr. Manager, I think that would be helpful. Let me ask you Eric, when we went through the question that Martha was inappropriately asked because she didn't create the Code, do you remember what the purpose was for prohibiting, well actually you know what?- you are not going to be able to answer that because Martha did tell us that we adopted that from the old Code so forget the question.

Mr. Riel: It was previously prohibited and that just carried forward. Basically they are prohibited signs because of the typically the size, its a cabinet, its not very attractive, when they are allowed to go up to 72 square feet, that's a large box protruding, is typically prohibited in sign code.

Mayor Slesnick: So maybe in this case because the architect here has said that he considers in his own mind because we don't have a definition, that this is a designer sign not a cabinet sign because of its size and its logo in nature, so maybe we need to get in there and as we define cabinet signs decide what it is we really don't like about them versus what we might. I know that would be a discussion that Mr. Cabrera and I would have had on the Planning and Zoning Board years ago if we were considering such a thing.

Mr. Riel: When there is no definition we just refer to Webster's Dictionary, that is actually in the Code, and that basically would define how a cabinet sign is.

Mayor Slesnick: And you think cabinet sign is in Webster's Dictionary.

Mr. Riel: It's either in Black's Law Dictionary or Webster's Dictionary.

Mayor Slesnick: How about if we try to work on a definition because it's just what you said, I mean, if this had come in here at twelve feet, I don't think we would have approved the sign...

Commissioner Withers: It's a small logo.

Mayor Slesnick: So that, and also U.S.-1 corridor, is it different or should we continue to try to cut down signs.

Commissioner Cabrera: What's the speed limit on U.S.-1?

Commissioner Withers: Like 45 miles per hour.

Mayor Slesnick: Thousand miles per hour, except for the traffic jams. OK. We have voted and your appeal has been approved.

Mr. Leon: Thank you.

Mayor Slesnick: I think you still have to get a permit  
[End: 10:07:34 a.m.]