



Exterior Perspective | Southeast



Downtown Pensacola YMCA





See to Manufacturing and Installation.

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REVIEW OF ARB DENIAL OF
INTERNALLY ILLUMINATED SIGNS



at using other materials for the parking lot. Chairman Townes offered to provide names of landscape professionals after the meeting.

Mr. Mead reminded the Board that tabling was not possible, but the applicant could withdraw in writing; Mr. Jacobo agreed with denial. **Mr. Mead then made a motion to deny without prejudice, seconded by Ms. Campbell-Hatler, and it carried unanimously.**

**Item 4
Signage**

165 E. Intendencia St.

**Palafox Historic Business District
C-2**

Action taken: Approved with comments.

Mr. Tom Renshaw, Complete Signs, was requesting approval for attached wall signage on the YMCA building. This application is for the "YMCA" signage currently on the building as well as the proposed additional "Baptist" signage. Initially, the signage for the YMCA was presented as an abbreviated review. After being denied for internal illumination, the signage was modified to non-illuminated letters. However, the signage which was installed does not comply with the approval and is internally illuminated. The proposed "Baptist" signage was also presented as an abbreviated review; however, the reviewer determined full Board approval was warranted and should include the previous submittal. Also, Caldwell and Associates was requesting approval for a minor exhibit area to be located within the entry plaza of the YMCA on the northwest corner of the site. **This exhibit focuses on the "First Early Learning City" concept and promotes the use of visual aids within the community to teach children. However, at this time, Caldwell and Associates wanted to withdraw this request.**

Brian Lumbatis with Complete Signs stated the client (YMCA) did prefer internally luminated signage, and they were instructed to build them as such, but the client would not turn them on. He stated they submitted the same drawings with non-illuminated language until they could get approval for internal illumination. The signage was approved, built and installed. He stated the materials and construction were according to the approved drawings. Ms. Deese informed that Mr. Quina had approved the proposal in an abbreviated review. However, Mr. Quina explained the package he approved did not allow for internally luminated signage. He approved the "Y" and the "Bear-Levin-Studer Family YMCA." When the additional abbreviated review package for "Baptist Health Care" was submitted, he sent it to the full Board to make sure of the full intention, not knowing they were already internally illuminated. The new proposal is to place "Baptist Health Care" below the "Y". Mr. Lumbatis advised this signage would be backlit for a halo effect. Mr. Mead clarified that you cannot substitute an operational restriction for an architectural requirement. Mr. Lumbatis stated it was the client's intent to seek approval for the illuminated signage.

For further clarification, Mr. Ed Carson stated there was some miscommunication. The external signage was pulled out and left to the executive director of the YMCA and staff to work out; there wasn't a lot of communication between the construction team and staff. It was his recollection that they had depicted the signs the way they are with illumination. Mr. Jones recalled that conversation came up, and the illumination was not allowed. Mr. Carson advised they showed illumination from the beginning. Mr. Mead explained that backlit is allowed. Ms. Campbell lives in the area, and had several comments from the historic village about the bright lights. Mr. Mead pointed out in the original application signage was indicated, and if there was conduit in the plans, it did not show the manner of illumination.

Mr. Carson wanted a solution to the problem and asked for the language in the Code. Chairman Townes stated Section 12-13-3 charges the Board with maintaining the historic integrity of the Pensacola historic districts, and the Board makes its rulings based upon what they have done for precedence in the past. The Board has determined that it is architecturally acceptable to backlight signs in the historic districts, and they have never in the ten plus years he has been on the Board allowed internally illuminated signs. **Ms. Deese indicated in Section 12-2-10 the language spelled out signs which are prohibited which includes internally illuminated signage.** She advised the illuminated signage had been denied two times.

Mr. Quina then suggested the bulbs be removed from the signage. Mr. Mead was concerned with stacking up signage on the building because everyone wants to be associated with the YMCA. Mr. Carson stated they had taken time to consider the square footage allowed for building signage and tried to stay within that limit. The Board discussed having the Baptist signage below the "Y" in both locations, and Mr. Pristera agreed there should be consistency on the location. Mr. Mead suggested if the client is within the area limits, there is only so much the Board could do, and if

Excerpt from Minutes of ARB Meeting on November 17, 2016

- Ms. Deese indicated in Section 12-2-10 the language spelled out signs which are prohibited which includes internally illuminated signage.

Baptist Health Care is a legitimate tenant, it would be appropriate. Ms. Campbell suggested the "Baptist Health Care" signage be located under the "Y" on the east side, same as the north side; the Baptist signage was indicated as backlit. Chairman Townes had no problem with multiple-tenant buildings with multiple signage for advertising purposes. Ms. Campbell-Hatler asked about the square footage, and Ms. Deese explained the clients were under their 200 sq. ft. limitation, with possibly 2 or 3 sq. ft. left.

Mr. Quina made a motion to approve the Baptist sign as submitted to the north elevation, with the east elevation in the same proximity as the "Y" on the north elevation; regarding the two signs presently lit, the internal illumination needed to be removed in some manner immediately. Mr. Mead seconded the motion and encouraged illumination, but it would have to be brought into compliance with the Code; it was not appropriate to be internally illuminated. Ms. Campbell stated it was regrettable that the sign was built with components which were not allowed in this section of Pensacola. The applicant would have to provide some type of hardship for the requested lighting, and more importantly, the Board would be setting a precedent for what is allowed. Ms. Campbell-Hatler pointed out as a leading architectural piece in downtown, the applicant needed to consider what they have presently is not up to Code. She inquired about the "First Early Learning City" signage which was withdrawn, and Ms. Deese explained this signage was considered an exhibit and not a tenant, and the permitted 200 square footage would not come into play. **The motion then carried unanimously.**

Item 5 **200 Blk Garden St** **Palafox Historic Business District**
New Construction **Pensacola Historic District**

Action taken: Approved with comments.

Mr. Steve Jernigan, Bay Design Architecture, was requesting final approval for a 5-story bank and office building with a drive-thru extension. This project was presented to the Board on June 16, 2016, as a 4-story bank and office building with a drive-thru beneath the first floor; the Board approved the conceptual design with comments. The applicant has taken the Board's comments under advisement and has provided a submittal with the building anchoring the corner and the parking lot to the rear of the site as directed. Additionally, the aesthetic of the building has been modified.

Mr. Jernigan advised the building had been reoriented to address the corner and they worked out the accessibility issues to the building. He furnished brick samples and stated the building would be all brick floors 1 through 4 (matching the brick on the Beck Building), with a buff brick at the 5th floor. He advised the signage would not be internally illuminated.

Mr. Jones asked about the dumpster enclosure, and Mr. Jernigan stated it would probably be brick to match the building. He also indicated there would be an ATM in the drive-thru.

Mr. Quina suggested having brick with more consistency. He asked if the horizontal band at the 2nd floor could be removed. He also appreciated moving the building to the corner and asked about landscaping. Mr. Jernigan stated he could bring the dumpster enclosure and landscaping back to the Board.

Chairman Townes asked about signage. Mr. Jernigan stated there was one prime tenant in the building with a building mounted sign, and they were considering a small ground-mounted monument sign near the corner for any additional tenants. He explained they wanted to begin construction in January. Mr. Mead asked how consciously they were mimicking the proportions of the Blount Building; Mr. Jernigan stated it was not intentional. He advised the site lighting would be brought to the Board at a later date.

Mr. Quina made a motion for approval based on the Board's conversation about the entrance, brick selections, landscape plan, site lighting and signage for final approval, seconded by Ms. Campbell. Ms. Deese asked if landscaping, site lighting and dumpster enclosures would be an abbreviated review or full Board; it was determined to be the full Board. Mr. Jernigan stated they would probably present again at the Board's January meeting. **The motion then carried unanimously.**

Item 6 **418 E. Intendencia St.** **Pensacola Historic District**
Contributing Structure **HR-1 / Wood Cottages**

Action taken: Approved

Mr. Marcus Gross was requesting approval for the removal of the roof on the side porch on the principle (contributing) structure and the demolition of a non-contributing accessory structure. Mr. Gross provided pictures to the Board

Excerpts from Minutes of ARB Meeting on November 17, 2016

- Mr. Quina made a motion . . . regarding the two signs presently lit, the internal illumination needed to be removed in some manner immediately. Mr. Mead seconded the motion and encouraged illumination, but it would have to be brought into compliance with the Code; it was not appropriate to be internally illuminated. Ms. Campbell stated it was regrettable that the sign was built with components which were not allowed in this section of Pensacola.
- Ms. Campbell-Hatler pointed out as a leading architectural piece in downtown, the applicant needed to consider what they have presently is not up to Code.

- (E) *Duties*. The [Architectural Review Board] shall have as its purpose the preservation and protection of buildings of historic and architectural value and the maintenance and enhancement of the following district:
 - a. Pensacola Historic District. Refer to subsection 12-2-10(A).
 - b. North Hill Preservation District. Refer to subsection 12-2-10(B).
 - c. Old East Hill Preservation District. Refer to subsection 12-2-10(C).
 - d. Palafox Historic Business District. Refer to section 12-2-21.
 - e. Governmental Center District. Refer to section 12-2-22.

- Sec. 12-2-10. - Historic and preservation land use district.
- The regulations in this section shall be applicable to the Pensacola Historic District, the North Hill Preservation District and the Old East Hill Preservation District: HR-1, HR-2, HC-1, HC-2, PR-1AAA, PR-2, PC-1, OEHR-2, OEHC-1, OEHC-2 and OEHC-3.

Pensacola Historic District; North Hill Preservation District, and Old East Hill Preservation District
Section 12-2-10(A)(5)(d)2 provides:

- 2. Prohibited signs.
 - a. Any sign using plastic materials for lettering or background.
 - b. Internally illuminated signs.
 - c. Portable signs.
 - d. Nonaccessory signs.

Sec. 12-2-21. – Palafox historic business district.

Sec. 12-2-21(F)(a) provides:

- Signs. In the case of any proposed new or altered sign, that the sign will not impair the architectural or historical value of any building to which it is attached, nor any adjacent building, and that such sign is consistent with the theme and spirit of the block where it is to be located, and that such sign is consistent with the following provisions:

Sec. 12-2-21. – Palafox historic business district.

Sec. 12-2-21(F)(a) provides:

- 3. Rooftop signs are prohibited, provided the business for which the sign is erected remains continuously in business, existing signs violating this provision may continue in use. Upon application to and approval by the board, such existing signs may be permitted to remain in place for a longer period if the board finds that the sign is consistent with the theme and character of the district.
- 4. Whirling and flashing signs attached to a building are prohibited, unless such signs replicate an original sign used at that location in the historical theme area. Balloon-type, portable or nonaccessory signs are prohibited.

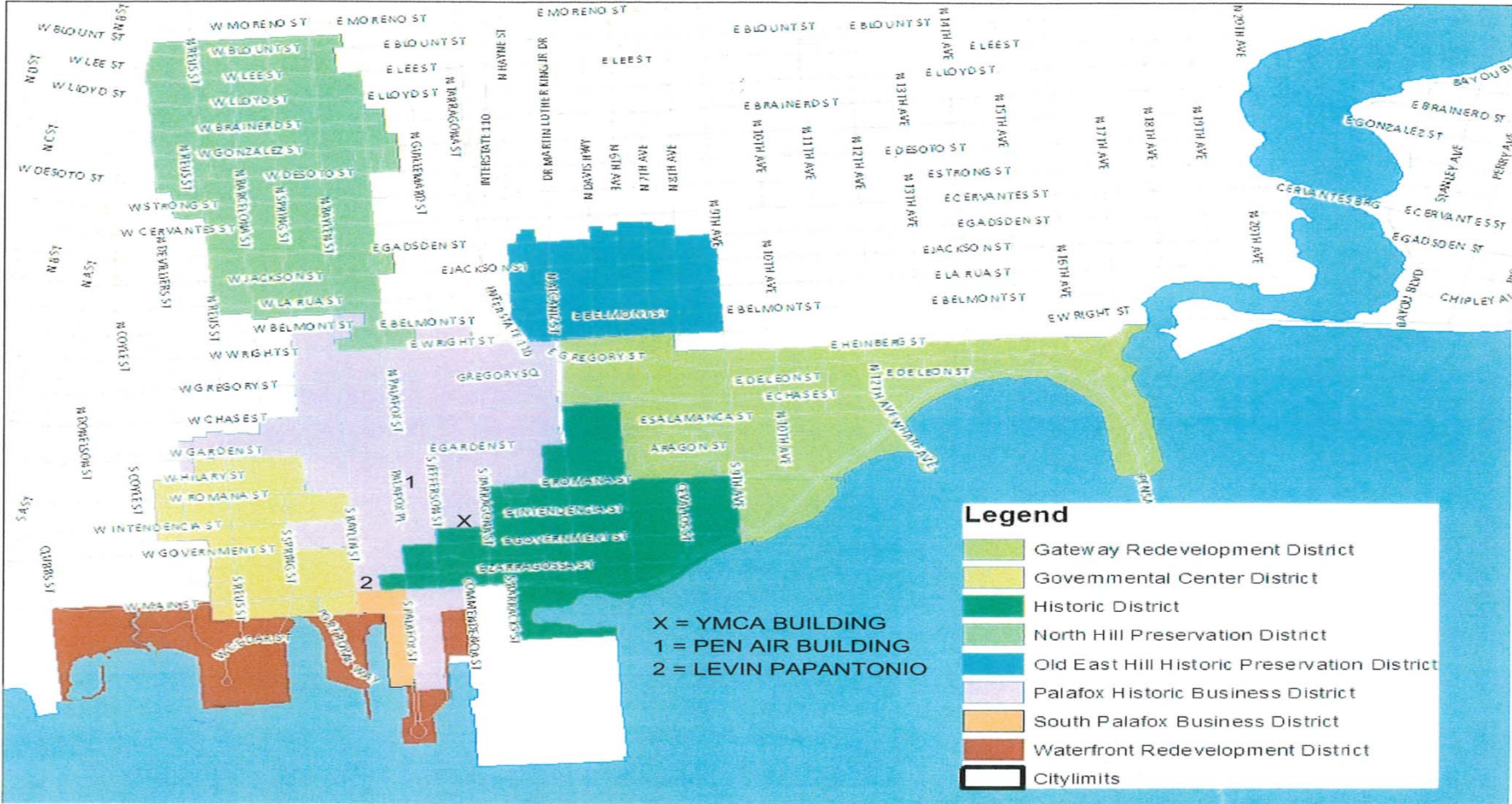








MAP OF DISTRICTS









REVIEW OF ARB DECISION CONCERNING
PLACEMENT OF “BAPTIST HEALTH CARE” SIGN

Exterior Perspective | Southeast



Downtown Pensacola YMCA





See to Manufacturing and Installation.

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- The Florida Supreme Court has held that a zoning ordinance must prescribe definite standards. *North Bay Village v. Blackwell*, 88 So2d 524 (1956).
- Objective criteria are necessary so that: persons are able to determine their rights and duties; the decisions recognizing such rights will not be left to arbitrary administrative determination; all applicants will be treated equally. *Friends of Great S., Inc. v. City of Hollywood ex rel. City Com'n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007).

- Likewise, the 4th District Court of Appeals has held that objective criteria are necessary so that: persons are able to determine their rights and duties; the decisions recognizing such rights will not be left to arbitrary administrative determination; all applicants will be treated equally; and meaningful judicial review is available. *Friends of Great S., Inc. v. City of Hollywood ex rel. City Com'n*, 964 So. 2d 827, 830 (Fla. 4th DCA 2007).

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Mr. Quina made a motion to approve the Baptist sign as submitted to the north elevation, with the east elevation in the same proximity as the “Y” on the north elevation. . .

The motion then carried unanimously.

- In the present situation, the ARB merely determined that the Baptist Health Care sign on the east elevation should be in the same proximity as the “Y” on the north elevation.
- The ARB had no standards under the City Code on which to base such a determination.
- The ARB exceeded its authority and arbitrarily decided where the property owner needed to place its signs.
- This decision violates Florida law and should be overturned.
- The plans as presented to the ARB should be approved.

