

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 6, 2017**

<u>CASE NUMBER</u>	6141/6008/5824
<u>APPLICANT NAME</u>	Centre for the Living Arts
<u>LOCATION</u>	301 Conti Street (Southwest corner of Conti Street and South Royal Street.)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two banner signs, one 220± square feet and one 286± square feet, to be hung for a nine-month period at a non-profit arts facility in a T-5.2 Sub-district of the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one banner sign per business with a maximum size of 32 square feet for a duration of thirty days, three times per year, in a T-5.2 Sub-district of the Downtown Development District.
<u>ZONING</u>	T-5.2, a Mixed-Use District of Medium Intensity.
<u>AREA OF PROPERTY</u>	39,690± s.f.
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow two banner signs, one 220± square feet and one 286± square feet, to be hung for a nine-month period at a non-profit arts facility in a T-5.2 Sub-district of the Downtown Development District; the Zoning Ordinance allows one banner sign per business with a maximum size of 32 square feet for a duration of thirty days, three times per year, in a T-5.2 Sub-district of the Downtown Development District.

The Zoning Ordinance states no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an

unnecessary hardship; and, no variance shall be granted where economics are the basis for the application. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The site is within the Church Street East Historic District; therefore, this request is also subject to review by the Architectural Review Board.

The site has been given a **Downtown** land use designation per the recently adopted Future Land Use Plan and Map (FLUM). The FLUM complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. Downtown is called-out as a separate land use designation due to its distinct role, layout and fabric. As a land use district, Downtown is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units/acre (du/ac)); civic, education and cultural destinations; entertainment options; and other public amenities, including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24-hour, 7-days per week, active Downtown Mobile.

Development in the Downtown district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets, and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate such pedestrian orientation.

It should be noted that the FLUM components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the FLUM allows the Planning Commission and City Council to consider individual cases based on additional information, such as: the classification request; the surrounding development; the timing of the request; and, the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The subject site is the former Mobile Press Register building which is now used as an arts exhibition and workshop facility. In preparation for a planned extended exhibition, the applicant proposes to display two oversized banners for nine months: one 322± s.f. banner on the

building's North elevation, along Conti Street; and one 286± s.f. banner on the building's East elevation, along South Jackson Street. Similar requests have been approved for the site by the Board, first at its May 6, 2013 meeting and, most recently, at its November 2, 2015 meeting; the differences being smaller banner sizes, and a one-month extension of a previously approved eight-month display duration. The applicant states the following as justification for the request:

*Centre for the Living Arts (DBA Alabama Contemporary Art Center) located at 301 Conti Street, Mobile, AL 36602 respectfully requests permission to hang two **oversized** banners (Conti St: 25'5" wide x 12'8" tall, S Jackson St: 22'7" wide x 12'8" tall) with **extended time period** (for the duration of each nine-month exhibition, once per year) providing the name and dates of our current exhibitions on the exterior walls of building.*

These banners would hang during each exhibition period and spark the interest of the community to visit the gallery. Located on Cathedral Square in the former Press Register building, it is our belief that the banners will aid in clarifying that Alabama Contemporary Art Center is an art gallery, and that we have much to offer visitors, both local and regional. In addition to our exhibition, which is offered free to the public every Friday, Alabama Contemporary offers regular educational and public programming.

The applicant does not state the specific dates of the aforementioned exhibition for which the banners are being requested, but previous requests indicated that display of the banners would occur once the appropriate approvals were obtained.

It should be noted that the purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The Board has typically been lenient toward granting Sign Variances for special events and celebrations for organizations which promote the economic development and cultural enrichment of the local and regional area as a whole. Additionally, previous approvals of similar requests at the site may indicate such an event as an art exhibition is not contrary to the public interest and upholds the spirit of the ordinance. Furthermore, special conditions may exist considering the site's location within an entertainment district of Downtown and its objective to facilitate and sustain the interests of residents and visitors with respect to the intentions of the FLUM; the achievement of which may otherwise be limited as a result of the applicable sign regulations. As such, additional approval may be appropriate.

Finally, if approved, the applicant will be required to obtain the appropriate sign permits.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval:

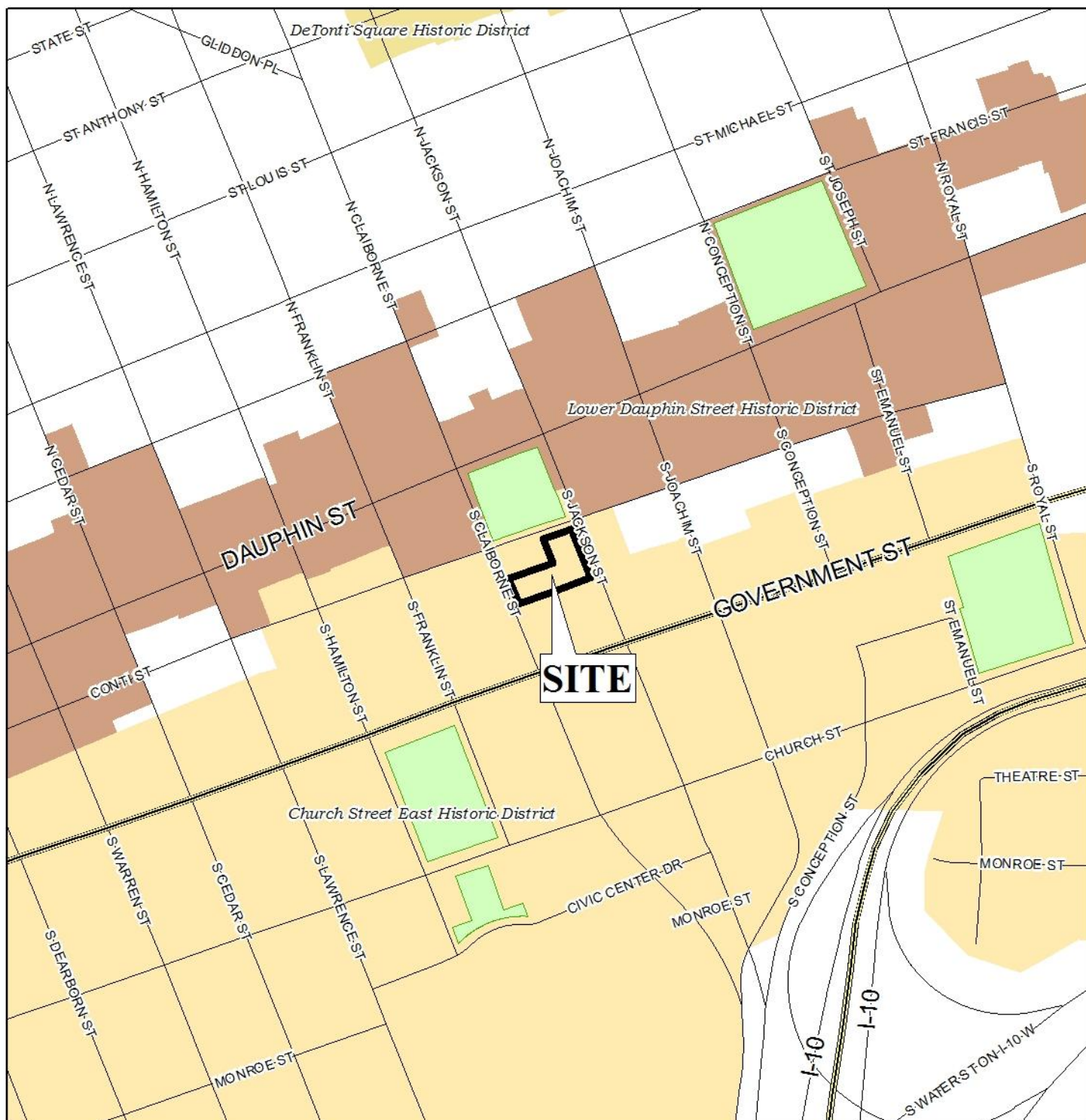
- 1) Approving the variance request will not be contrary to the public's interest given the fact that the Board approved similar requests for this site in 2013 and 2015;

- 2) Special conditions appear to exist given the site's location within an entertainment district of downtown, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship since adequate signage is important for residents and visitors frequenting this area of downtown; and,
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since it would help facilitate the intentions of the FLUM.

The approval is subject to the following conditions:

- 1) Approval from the City of Mobile Architectural Review Board,;
- 2) Obtainment of the appropriate sign permits; and,
- 3) Removal of the banners no later than nine (9) months after an initial fifteen (15) day appeal period.

LOCATOR MAP



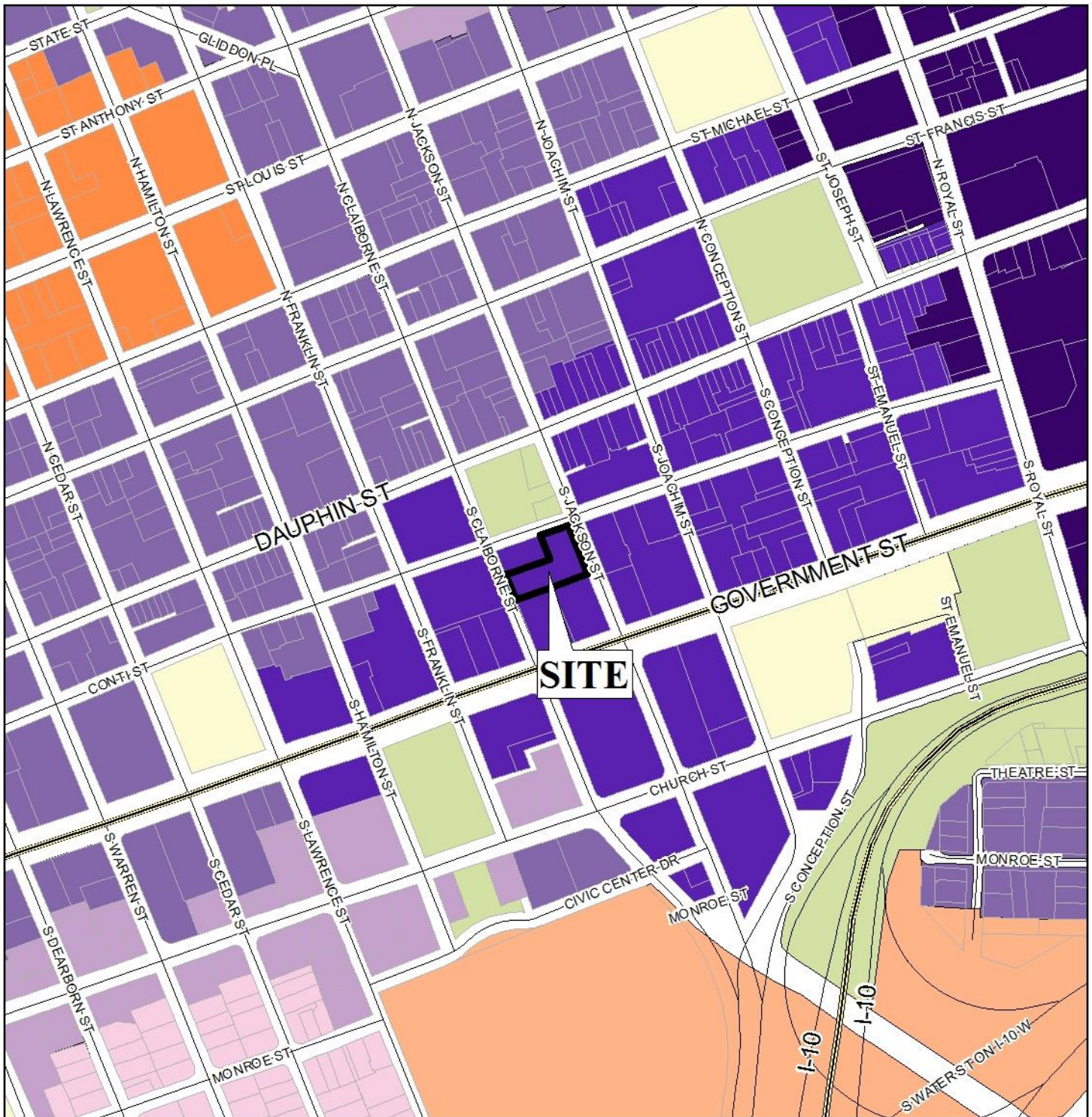
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APPLICANT Centre for the Living Arts

REQUEST Sign Variance



LOCATOR ZONING MAP



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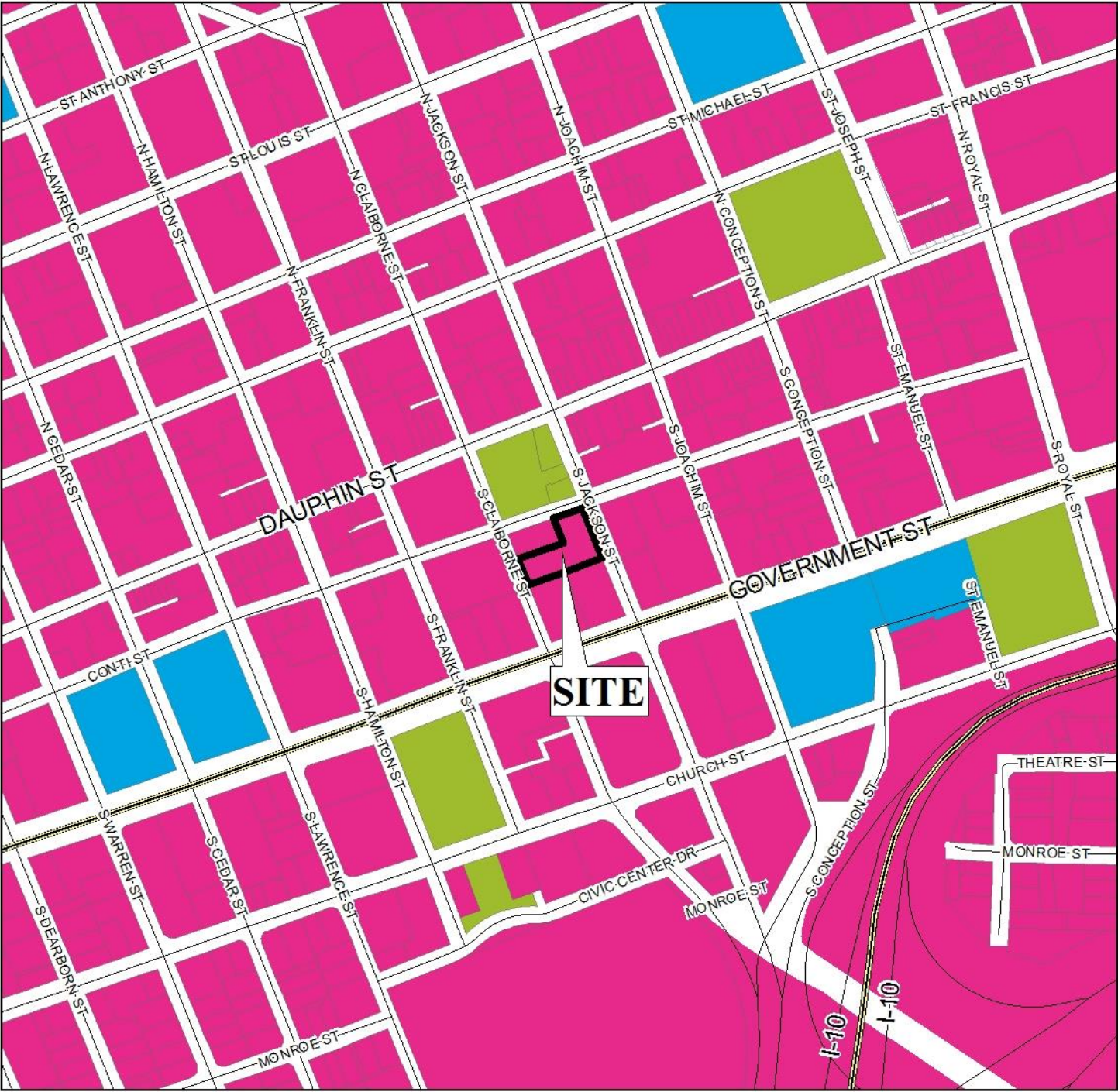
APPLICANT Centre for the Living Arts

REQUEST Sign Variance



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FLUM LOCATOR MAP



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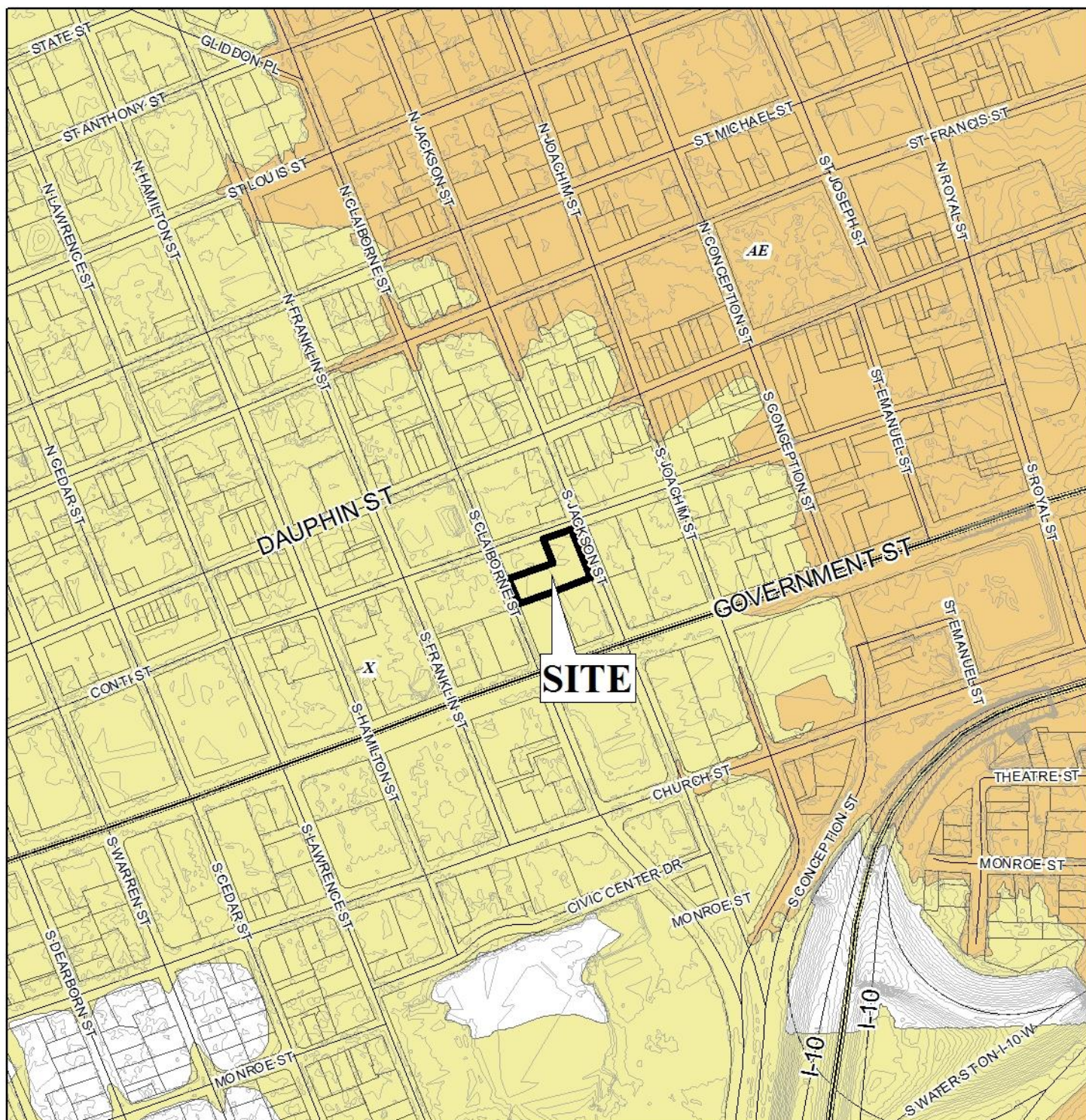
APPLICANT Centre for the Living Arts

REQUEST _____ Sign Variance _____

- | | | | |
|---------------------------|----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center- Traditional | Downtown Waterfront | Water Dependent |
| Mixed Density Residential | Traditional Corridor | Light Industry | Parks & Open Space |
| Downtown | Neighborhood Center- Suburban | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



ENVIRONMENTAL LOCATOR MAP



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APPLICANT _____ Centre for the Living Arts

REQUEST_____Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.
Residential units are located to the west.

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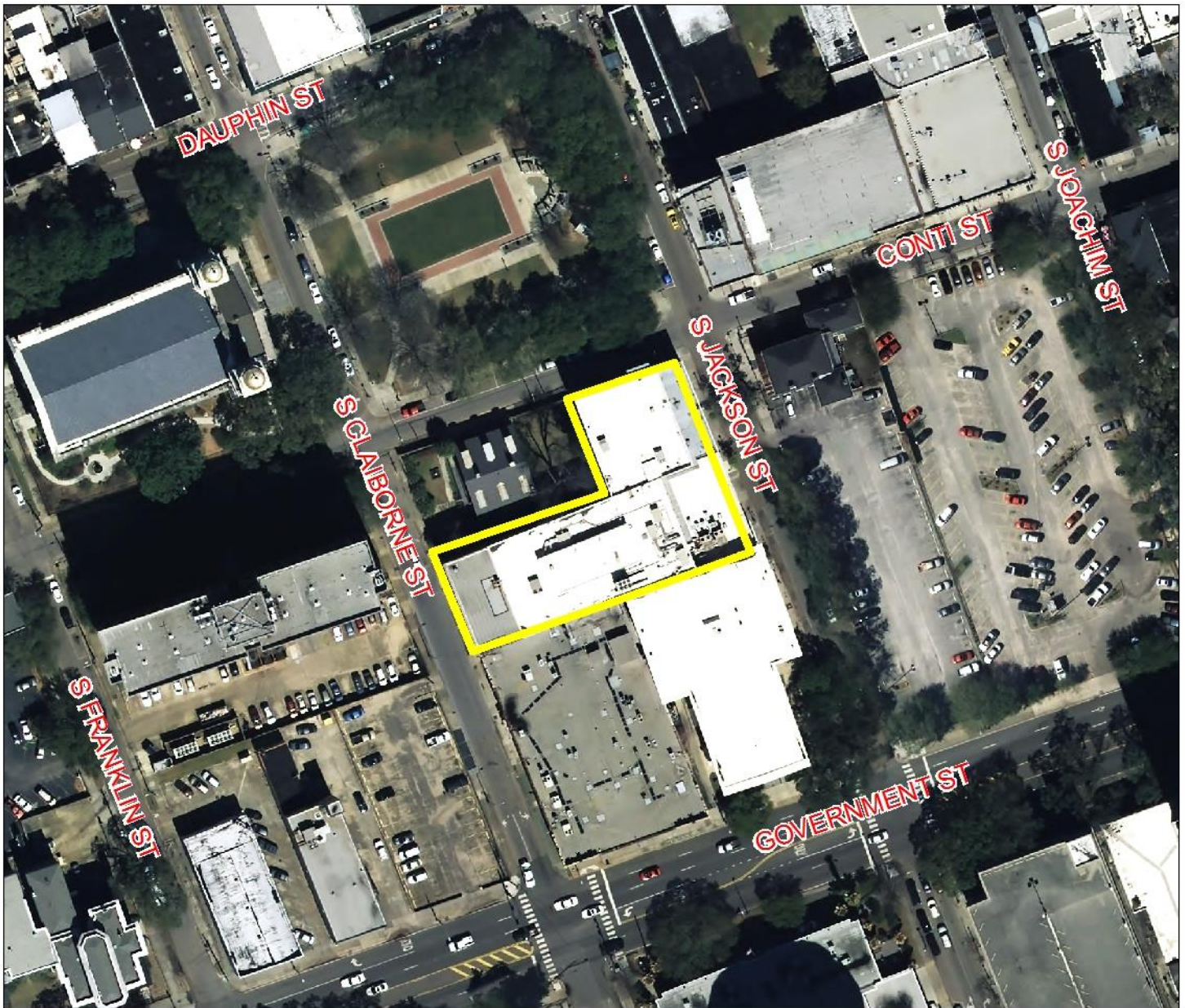
APPLICANT Centre for the Living Arts

REQUEST Sign Variance

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

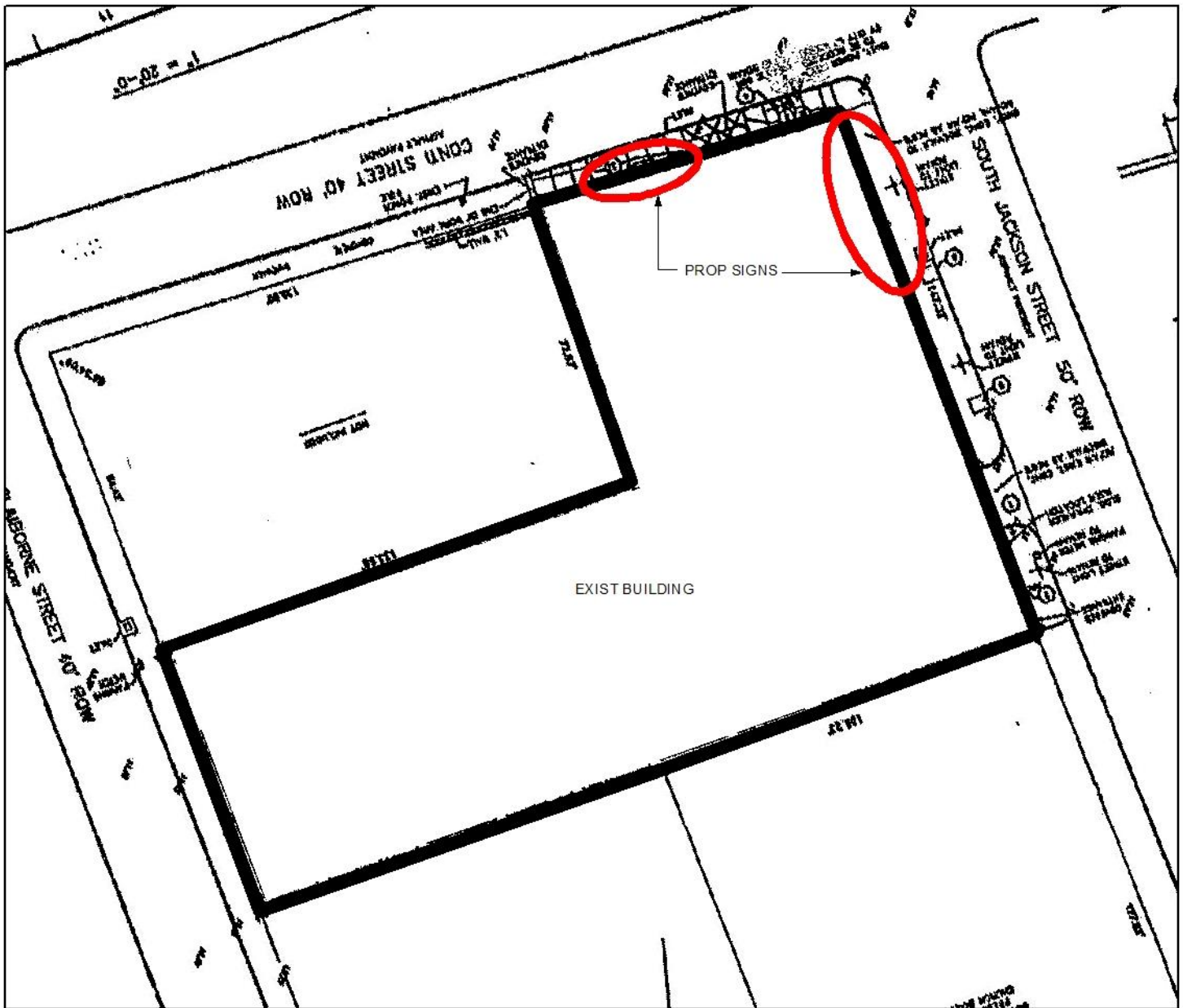


The site is surrounded by commercial units.
Residential units are located to the west.

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SITE PLAN



The site plan illustrates the existing building and proposed sign locations.

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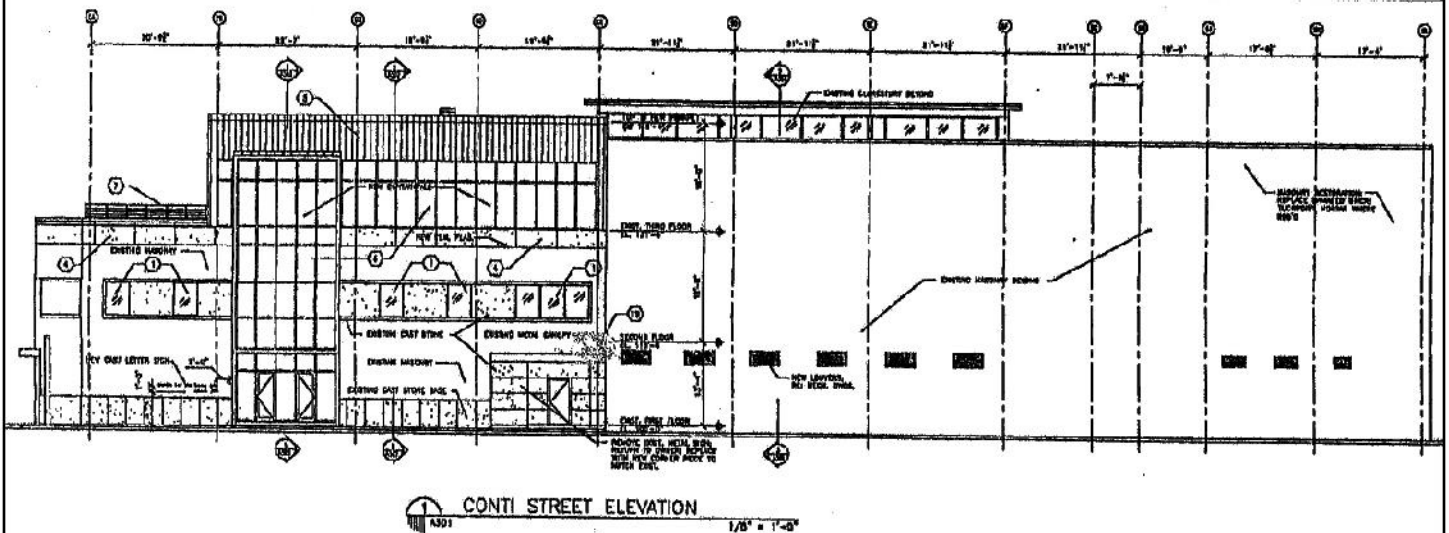
APPLICANT Centre for the Living Arts

REQUEST Sign Variance



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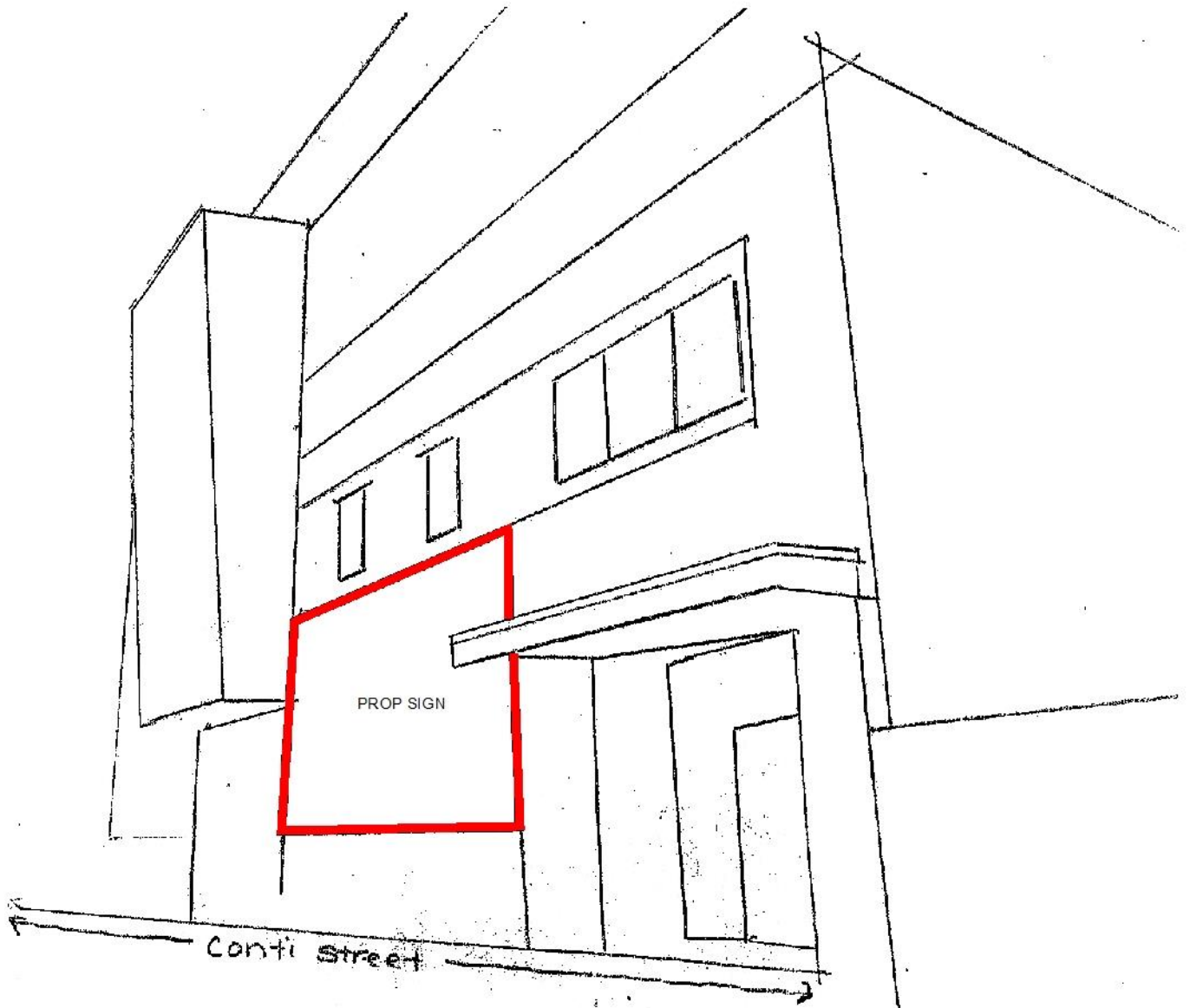
DETAIL SITE PLAN



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DETAIL SITE PLAN



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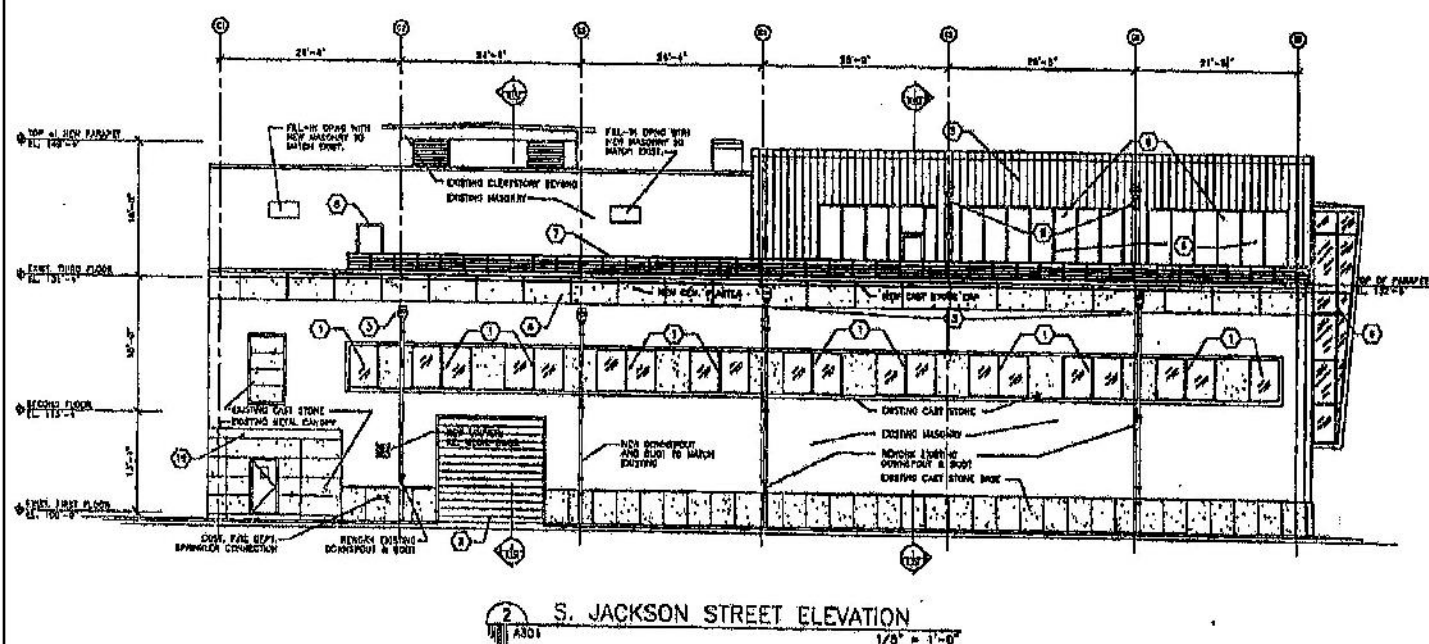
APPLICANT Centre for the Living Arts

REQUEST Sign Variance



NTS

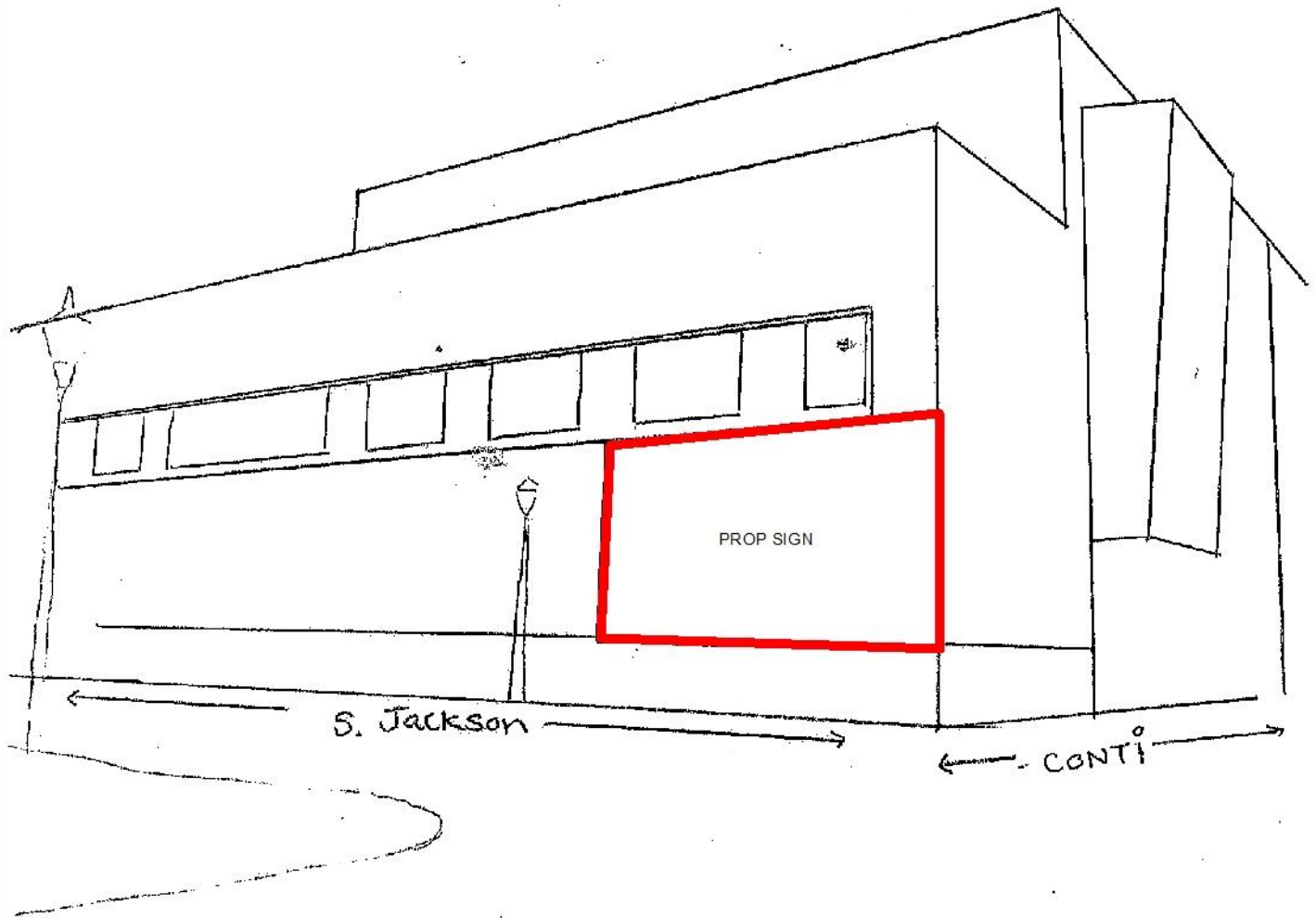
2 S. JACKSON STREET ELEVATION



REQUEST_____Sign Variance



DETAIL SITE PLAN



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APPLICANT Centre for the Living Arts

REQUEST Sign Variance



