



**AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 02, 2022 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [October 19, 2022 Regular Meeting Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 22-00000018](#): Request by Edward Jones for a previously installed mural at 1032 North Dixie Highway. The subject site is zoned Mixed Use- Dixie Highway (MU-HD) and has a future land use designation of Mixed Use- East (MU-E).
- B. [PZB Project Number 22-00000020](#): Request by Joseph Lallave for the approval of a previously installed mural with two components located on the west and the south faces of the building at 604 Lake Avenue. The subject site is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU). The subject site is also within the Community Redevelopment Agency (CRA) district.
- C. [PZB Project Number 22-00000014](#): Request by Rodney Mayo for installation of a new mural installation at 522 Lucerne Avenue. The subject site is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU). The subject site also within the Community Redevelopment Agency (CRA) district.

D. [PZB Project Number 22-0000011: Request by Wes Blackman on behalf of Mathews Brewing Company, LLC for the approval of a mural installation with two proposed new murals and a previously installed mural on the west face of the subject building located at 130 South H Street. The subject site is zoned Artisanal Industrial \(AI\) and has a future land use designation of Artisanal Mixed Use \(AMU\). The subject site is also within the Community Redevelopment Agency \(CRA\) district.](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may 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)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 19, 2022 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Juan Contin, Chairman; Mark Humm; Edmond LeBlanc; Zade Shamsi-Basha; Alexander Cull; Daniel Walesky, Vice-Chair. Evelin Urcuyo arrived 6:05 pm. Also present were: Scott Rodriguez, Principal Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: None

APPROVAL OF MINUTES:

A. September 7, 2022 Regular Meeting Minutes

Motion: M. Humm moves to approve the September 7, 2022 meeting minutes as presented;
A. Cull 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS: Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet.

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: D. Walesky knows Tim Carey from working with him on a different project.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. **PZB Project Number 22-00500008:** A Conditional Use Permit (CUP) request for Sunbelt Rentals at 1800 Aragon Ave for the establishment of an equipment rental facility designated as an equipment rental and leasing use (high Intensity Industrial Uses—Use area greater than 7,500 sq. ft. and/or high intensity impact uses) by LDR Section 23.3-6. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use

designation of Industrial (I). The project is being processed concurrently with a minor site plan amendment to address new landscaping and accessory outdoor storage.

Staff: S. Rodriguez presents case findings and analysis. As the proposal is consistent with the City of Lake Worth Beach Land Development Regulations, the Comprehensive Plan, and Strategic Plan staff is recommending approval with Conditions. The minor site plan is reviewed after the approval of the Conditional Use. This allows staff to implement the Conditions such as landscaping

Agent for the Applicant-Josh Nichols-The business is for commercial rental of flooring polishers and cleaners. Typically there are two (2) vehicles and two (2) trailers for deliveries to the client. Landscaping will be reviewed, approved and added to the site per the minor site plan modification.

Board: J. Contin inquires about the cleaning of the equipment upon return from the client and whether that is being addressed through Public Services or Water Utilities; will there be sufficient dumpsters to accommodate any waste that is generated.

Agent for Applicant: Believes one dumpster will be sufficient for the site.

Board: Add a Condition to task City Engineers to review at time of minor site plan the cleaning of equipment upon return from the client including water runoff.

Motion: D. Walesky moves to approve PZB 22-00500008 based upon competent substantial evidence in the staff report and in the testimony at the public hearing; A. Cull 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 22-00500013: A conditional use permit request for Mint Dentistry at 1114 North Dixie Highway for the establishment of an ±5,400 square foot dental office (outpatient clinic/medical office use). The subject site is zoned Mixed Use- Dixie (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Staff: S. Rodriguez presents case findings and analysis. The lot has been vacant for 6-7 years. Staff is recommending approval with conditions. A Unity of Title between the parcels is a Condition of Approval as well as landscape improvements and recorded shared parking agreement. The applicant is proposing interior changes to include 15 patient spaces, no exterior improvements are being proposed. The property is currently in Code Compliance for violations. Public Works is proposing the improvement of the alley, thus encouraging the turn movement into the alley rather than exit through the community (further on J Street). Only trash bins may be required rather than a dumpster. As they have a medical waste pickup and office waste.

Agent for the Applicant: Andrea Cortez- The interior will be fully remodeled, the existing interior will be demolished. They have had other offices with off-site shared parking agreements.

Board: Parking spaces may be lost to landscaping; concerns are expressed with regard to the traffic pattern and parking movements.

Motion: D. Walesky moves to approve PZB 22-00500013 based upon competent substantial evidence in the staff report and testimony at the public hearing; E. LeBlanc 2nd

Vote: Ayes all, unanimous

C. PZB Project Number 22-01500004: Request by Romi DiRoberto of Happy Car Sales for consideration of a Variance to allow a fence to be setback a minimum 5 feet from the front property line at 821 South Dixie Highway. LDR Section 23.4-4 requires that fences on commercial properties be set back to the minimum building setback line of 10 feet.

The subject site is zoned Mixed-Use Dixie Highway (MU-DH) and has a future land use designation of Mixed-Use East (MU-E).

Staff: S. Rodriguez- The use is a non-conforming use and as such the variance will not run with the land but only until time of re-development and non-conformity ceases. Additional landscape installations are required.

Board: Will the lot be re-stripped? Response- that has already occurred through the permit process. Will lighting be improved? Response- No, it is sufficient.

Business Owner- Rich Emke- The property has had three break-ins within a short period of time. The bollards were installed as a result and a chain link fence. The applicant found out shortly thereafter the chain link was not allowed. Preference it to not move the fence back into the sales area. As there isn't enough stacking or queueing distance onto the site from Dixie Hwy, the solution is a folding metal gate/fence.

Motion: A. Cull moves to approve PZB 22-01500004 to install approximately 300 linear feet of aluminum fencing and gate setback five (5) feet from the property line, with staff recommended conditions. The application meets the criteria based upon data and the analysis in the staff report.

Vote: Motion carries 5/2; E. LeBlanc and M. Humm dissenting for the following reasons: there is not a real hardship for setback on a fence and not wanting to set a precedent.

D. PZB Project Number 22-01400020: A major site plan, conditional use permit and sustainable bonus requests for the property located at 2202 Lake Worth Rd to construct a 4 story, ±99,800 sf indoor self-storage facility. The sustainable bonus request is for an additional 2-stories in height to allow the 4-story building. The property is zoned Mixed-Use West (MU-W).

Staff: E. Sita presents case findings and analysis. Mural requires separate application and Board presentation. Required parking is 15 spaces and the applicant has provided 24. The eastern portion of the property will receive landscaping to buffer residential units in unincorporated Palm Beach county as per FPL "Right tree in the Right place" publication. The buffer falls within a utility easement. The applicant has proposed medium size, mature native trees. Although two (2) live oaks and three (3) sabal palms are proposed to be removed, no mitigation is required due to onsite replacement. The Substantial Bonus value equates to \$374,250.00. The applicant will provide half the incentive value to the City account and the other half shall be in the form of a mural, sculpture, enhanced landscaping and Florida Green Building certification.

Agent for Applicant: Tim Carey- the applicant owns and operates his properties; they never build and run. Rosemurgy is a family owned business founded in 1977 Trying to make it unlike most self-storage facilities with unique contemporary architecture with articulation on all facades. Undercover parking in case of rain. Truck rentals will not be included within this approval process. Green certification being sought. The proposed mural and sculpture at the southwest corner of property along with generous landscaping throughout the site is intended to enhance the pedestrian experience and streetscape.

Board: Questions regarding the residential areas to the east on Buffalo Street were answered once discovered that one individual owned all the parcels. The area is still in unincorporated Palm Beach County. Annexation is an outstanding topic as it is an area covered within the Interlocal agreement. Is the Sustainable Bonus Program and height being revised?

Staff: Staff explains, in this case the Planned Development regulations do not apply. This is a Tier one Sustainable Bonus which allows this two-story height. Tier 2 requires CC approval. TOD and MU-West is intense commercial and only allowed west of I-95. Any tier above Tier one would only be a recommendation to the City Commission.

Public Comment: None

Motion: A. Cull moves to approve PZB 22-01400020 with staff recommended Conditions of Approval based upon competent substantial evidence in the staff report and testimony at the public hearing; J. Contin 2nd.

Vote: Ayes all, unanimous.

D. Ordinance 2022-20: Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 7 “Public Districts,” Section 23.3-26 “P- Public,” and Section 23.3-27 “PROS – Public Recreation and Open Space” for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 “Conservation District,” Section 23.3-28 “C- Conservation,” for consistency with the use tables in Section 23.3-6, correcting a scrivener’s error and modifying the approval process to require conditional use approval for new uses; and Division 1 “Generally,” Section 23.3-6 “Use Tables,” to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the “Temporary Uses” category.

Staff: E. Sita Education Foundation on Barton Road – realized in the process of the rezoning that the request was for a warehouse use. Technically it was not allowed which is ironically counter to what Public district zoning uses currently include. For example, Community Centers were not included. at the direction of City Commission Explains the intent is to remove from the use tables the columns entitled “P, Pros, and C”. The text remains within the Land Development Regulations. Additionally, if all uses in those zoning districts require Conditional Use approval, the review by public hearing will be more stringent and publicly advertised than if by Administrative approval by staff. It will improve the efficiency of the review and increase scrutiny of city uses on city property.

Motion: E. LeBlanc moves to recommend to the City Commission approval/adoption of Ordinance 2022-20; D. Walesky 2nd.

Vote: Ayes all, unanimous

E. Ordinance 2022-21 (PZHP 22-03100006): Consideration of an ordinance amending Chapter 23 “Land Development Regulations,” Article 3 “Zoning Districts,” Division 2 “Residential Districts,” Section 23.3-7 “SFR – Single-family residential,” Section 23.3-8 “SF-TF – Single-family and two family residential,” Section 23.3-10 “MF-20 – Multifamily residential,” Section 23.3-11 “MF-30 – Medium density multi-family residential,” and Section 23.312 “MF-40 – High density multi-family residential,” to reduce the minimum side setback requirement for lots over 50 feet to a minimum of five (5) feet allowing additional flexibility in the placement of accessory structures and pools.

Staff: This amendment would be to reduce the side setback for accessory structures and pools to lots greater than 50 feet allowing for flexibility with placement on the lot. It will help with pool equipment setback. Will also benefit ADU’s Accessory Dwelling Units in certain zoning districts.

Chairperson: The flexibility to move a smaller structure around on any lot increases but changing the primary structure setback would encompass many more code and urban issues.

It allows for greater landscape buffers and more parking but would caution to speak with PBC Fire with regard to separation issues.

Board: Question as to whether is was also considered for the primary structure? **Response:** No. Why would it not apply to new construction? It is understood how it would work for existing sites but would like it to include new construction. Would like to modify the code as other cases heard tonight prior to this change interpreted the code. This is the chance to modify the code.

Staff: The Board may recommend changes to the Commission but they are not decision makers with matters pertaining to the Land Development Regulations. Typically the Commission directs staff to consider changes, not the other way around. Staff suggests that if it is important to the Board, they could recommend to Commission they would like the scope of this Ordinance to include primary structure setbacks, it would be at the pleasure of the Commission if they would want to include that as part of the Ordinance.

Some Board members are not in favor of this change at this time; others would like to have a workshop to discuss changes to LDR's. If City Commission is not ready to consider changes to certain topics, the workshop would be for naught.

Motion: D. Walesky moves to recommend to the City Commission approval/adoption of Ordinance 2022-21; A. Cull 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES: Planning and Zoning Board will be on December 14 as there will be no HRPB meeting on the 14th, the January meeting will be the 3rd Wednesday. There will be two Planning & Zoning Board meetings in November, the first and third Wednesdays.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: Board members suggest the Vice-Chair bring a list of items to the next meeting that the Board could determine what they might like to workshop.

Staff: In response to the aggregation of land, it's clear that more land allows for easier planning as all new construction involves parking, drainage, waste containment and landscaping.

ADJOURNMENT: 8:07 PM

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00000018: Request by Edward Jones for a previously installed mural at 1032 North Dixie Highway. The subject site is zoned Mixed Use- Dixie Highway (MU-HD) and has a future land use designation of Mixed Use- East (MU-E).

Meeting Date: November 2, 2022

Property Owner: Edward Jones/ Herff Jones

Applicant: Edward Jones

Address: 1032 North Dixie Highway

PCNs: 38-43-44-2115-310-0050

General Location: Southeast corner of 11th Avenue North and North Dixie Highway

Existing Land Use: Photography studio

Current Future Land Use Designation: Mixed Use-East (MU-E)

Zoning District: Mixed Use- Dixie Highway (MU-DH)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs). Staff recommends that the Board review the proposed mural and make determination of consistency with these standards. Photos of the mural are included as **Attachment A**. Additional information including the artist credentials for Carlton Jones and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Edward Jones is requesting approval for a mural installation on the south façade of the building fronting a parking lot and 10th Avenue North. The mural was previously installed and shows graduates throwing their caps at Bryant Park. The subject property is located in the Mixed Use- Dixie Highway (MU-DH) zoning district and retains a Future Land Use (FLU) designation of Mixed Use - East (MU-E). The existing land uses of the subject is a photography studio.

PUBLIC COMMENT

Staff has not received letters of support or opposition from adjacent nor nearby neighbors.

BACKGROUND

The proposed mural will be 24' wide by 11' high and will be on the south elevation of the structure located at 1032 North Dixie Highway.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The City's Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City's Strategic Plan Pillar III.D is to "Inspire arts and culture through City through events and program." Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

Per LDR Section 23.1-12, a mural is defined as, "Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window."

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*
- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Staff Analysis: The proposed mural is located on an south façade that fronts a parking lot and not the City's major thoroughfare of North Dixie Highway as consistent with LDR Section 23.5-1(e)13. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(l), which specifies community appearance review criteria. The criteria are listed below, and include staff's response to each criterion.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(l); Community Appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Analysis: The mural generally appears to be of good taste and good design. It illustrates graduates throwing their caps at Bryant Park, some flora, and a craftsman. The mural also meets the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Analysis: The proposed mural will be painted by Carlton Jones, an artist who has over nine years of experience in working with various art mediums. The proposed mural appears to be of a high quality, and will not cause harm to the local environment.

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Analysis: The surrounding area of the subject property includes a mix of commercial and residential buildings, and generally appears to be in harmony with murals that exist elsewhere in the City.

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

Analysis: The subject property, 1032 North Dixie Highway is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

The proposed mural's location, design and installation appear to be generally consistent with the City's Land Development Regulations as conditioned. The conditions are outlined below:

Planning and Zoning

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of all murals included within PZB 22-00000018.
2. This approval does not include any physical alterations to building exteriors aside from paint application.
3. A mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County, prior to completion of the proposed mural.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-00000018 for a **mural** installation for the structure located at **1032 North Dixie Highway**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-00000018 for a **mural** installation for the structure located at **1032 North Dixie Highway**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the mural. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Proposed Mural
- B. Additional Information

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-0000020: Request by Joseph Lallave for the approval of a previously installed mural with two components located on the west and the south faces of the building at 604 Lake Avenue. The subject site is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU). The subject site is also within the Community Redevelopment Agency (CRA) district.

Meeting Date: November 2, 2022

Property Owner: Lucerne Ave Development LLC

Applicant: Joseph Lallave

Address: 604 Lake Avenue

PCNs: 38-43-44-21-15-509-0100

General Location: East 600 block of Lake Avenue

Existing Land Use: Vacant Commercial

Current Future Land Use Designation: Downtown Mixed Use (DMU)

Zoning District: Downtown (DT)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends that the Board review the proposed mural installation and make determination of consistency with these standards. Photos of the mural are included as **Attachment A**. Additional information including the artist credentials for Eduardo Mendieta and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Joseph Lallave, business owner of Cana Bar & Grill, is requesting approval for a previously installed mural with two components located on the west and the south faces of the building at 604 Lake Avenue. The existing mural features images of individuals dancing and playing music painted in sepia tones. The subject property is located in the Downtown (DT) zoning district and retains a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). The existing land use of the subject building is vacant commercial.

PUBLIC COMMENT

At the time of publication of the agenda, staff has not received written public comment.

BACKGROUND

The mural was previously installed on the western and southern building elevations and features dancers and musicians in sepia tones. The mural faces Lake Avenues (southern elevation) and John Rice Way (western elevation).

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The City's Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City's Strategic Plan Pillar III.D is to "Inspire arts and culture through City through events and programs." Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

Per LDR Section 23.1-12, a mural is defined as, "Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window."

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*
- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Analysis: The Planning and Zoning Board is tasked in LDR Section 23.5-1(e)13 with determining the appropriateness of the mural component facing the Lake Avenue. Mural fronting major thoroughfares are not permitted unless reviewed and approved by the appropriate Board. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(I), which specifies community appearance review criteria. The criteria are listed below, and include staff's response to each criterion.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(I); Community Appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Analysis: The mural installation generally appears to be of good taste and good design. It illustrates several images of individuals dancing in sepia tones. The mural is consistent with the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Analysis: The proposed mural installation combination was painted by Eduardo Mendieta for this project. The proposed mural appears to be of a high quality, and is not anticipated to cause harm to the local environment.

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Analysis: The surrounding area of the subject property includes a mix of commercial and retail buildings, and the mural installation generally appears to be in harmony with murals that exist elsewhere in the City.

4. The proposed structure or project complies with this section and 23.2-29, as applicable.

Analysis: The subject property, 604 Lake Ave, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

Staff is recommending that the PZB discuss the proposed mural installation combination is appropriately located on the western building façade fronting John Rice Way and southern building façade fronting Lake Avenue; is in conformity with good taste and design; and is in harmony with the Downtown core area as required by and consistent with the City's Land Development Regulations. Staff has drafted conditions of approval of the proposed mural installation request. The conditions are outlined below:

Planning and Zoning

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of all murals included within PZB 22-00000020.
2. This approval does not include any physical alterations to building exteriors aside from paint application.
3. Prior to the approval of the building permit, a mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-00000020 for **mural** installation for the structure located at **604 Lake Ave**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-00000020 for **mural** installation for the structure located at **604 Lake Avenue**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Murals. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Proposed Murals
- B. Additional Information (Artist credentials and justification statement)

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00000014: Request by Rodney Mayo for installation of a new mural installation at 522 Lucerne Avenue. The subject site is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU). The subject site also within the Community Redevelopment Agency (CRA) district.

Meeting Date: November 2, 2022

Property Owner: Loretta Lutfy /522 Lucerne LLC

Applicant: Rodney Mayo

Address: 522 Lucerne Avenue

PCNs: 38-43-44-21-15-024-0290

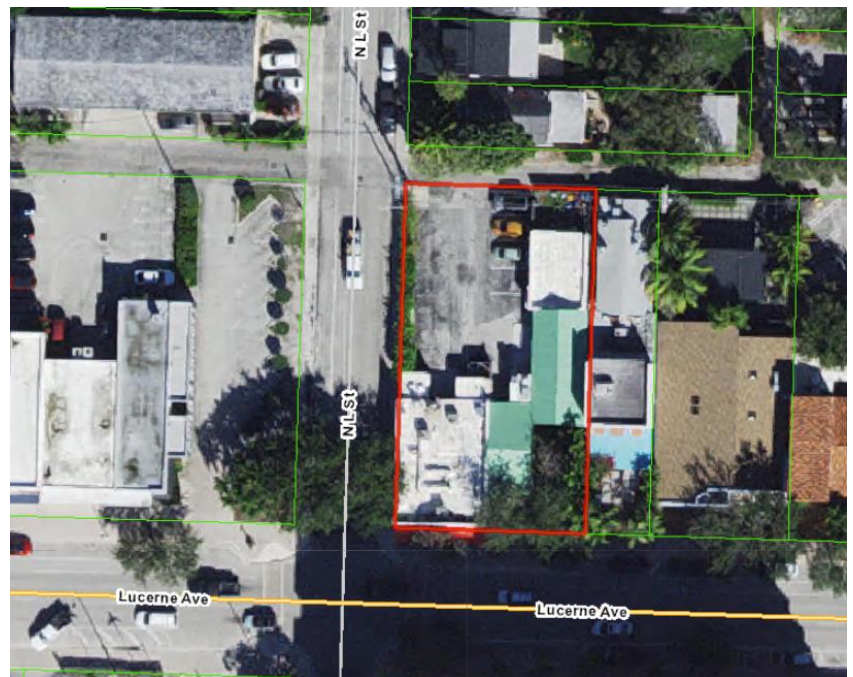
General Location: Southeast corner of North L Street and Lucerne Avenue

Existing Land Use: Vacant-commercial

Current Future Land Use Designation: Downtown (DT)

Zoning District: Downtown Mixed Use (DMU)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends that the Board review the proposed mural for consistency with these standards. Photos of the mural are included as **Attachment A**. Additional information including the artist credentials for Nargiza Dadabaeva and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Rodney Mayo is requesting approval for a new mural installation on the west façade of the building fronting North L Street. The mural is an abstract monochromatic motif comprised of images of young women from the art work of Man Ray, a famous artist from the Surreal and Dad movements of the 20th Century. The subject property is located in the Downtown (DT) zoning district and retains a Future Land Use (FLU) designation of Downtown Mixed Use (DMU). The existing land uses of the subject building is vacant commercial.

PUBLIC COMMENT

Staff has not received letters of support or opposition from adjacent nor nearby neighbors.

BACKGROUND

The proposed mural will be 40' wide by 12' high on the west façade of the structure located at 522 Lucerne Avenue.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The City's Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City's Strategic Plan Pillar III.D is to "Inspire arts and culture through City through events and program." Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

Consistency with the City's Land Development Regulations

Per LDR Section 23.1-12, a mural is defined as, "Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window."

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*
- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Staff Analysis: The proposed mural is located on a west façade that fronts North L Street and is not along the City's major thoroughfare of Lucerne Avenue as consistent with LDR Section 23.5-1(e)13. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(l), which specifies community appearance review criteria. The criteria are listed below, and include staff's response to each criterion.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(I); Community Appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Analysis: The mural generally appears to be of good taste and good design. The mural is an abstract monochromatic motif comprised of images of young women from the art work of Man Ray, a famous artist from the Surreal and Dad movements of the 20th Century. The mural also meets the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Analysis: The proposed mural will be painted by Nargiza Dadabaeva, an Uzbek airbrush artist. The proposed mural appears to be of a high quality, and will not cause harm to the local environment.

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Analysis: The surrounding area of the subject property includes a mix of commercial and residential buildings, and generally appears to be in harmony with murals that exist elsewhere in the City.

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

Analysis: The subject property, 522 Lucerne Avenue is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

The proposed mural is appropriately located on the west façade of the building fronting North L Street; is in conformity with good taste and design; and is in harmony with the surrounding area as required by and consistent with the City's Land Development Regulations. Therefore, staff recommends approval with conditions of the proposed mural installation request. The conditions are outlined below:

Planning and Zoning

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of all murals included within PZB 22-00000014.
2. This approval does not include any physical alterations to building exteriors aside from paint application.
3. A mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County, prior to completion of the proposed mural.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-00000014 for a **mural** installation for the structure located at **522 Lucerne Avenue**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-00000014 for a **mural** installation for the structure located at **522 Lucerne Avenue**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the mural. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Proposed Mural
- B. Additional Information

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-00000011: Request by Wes Blackman on behalf of Mathews Brewing Company, LLC for the approval of a mural installation with two proposed new murals and a previously installed mural on the west face of the subject building located at 130 South H Street. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed Use (AMU). The subject site is also within the Community Redevelopment Agency (CRA) district.

Meeting Date: November 2, 2022

Property Owner: Mathews Brewing Company LLC

Applicant: Wes Blackman, AICP

Address: 130 South H Street

PCNs: 38-43-44-21-15-053-0010

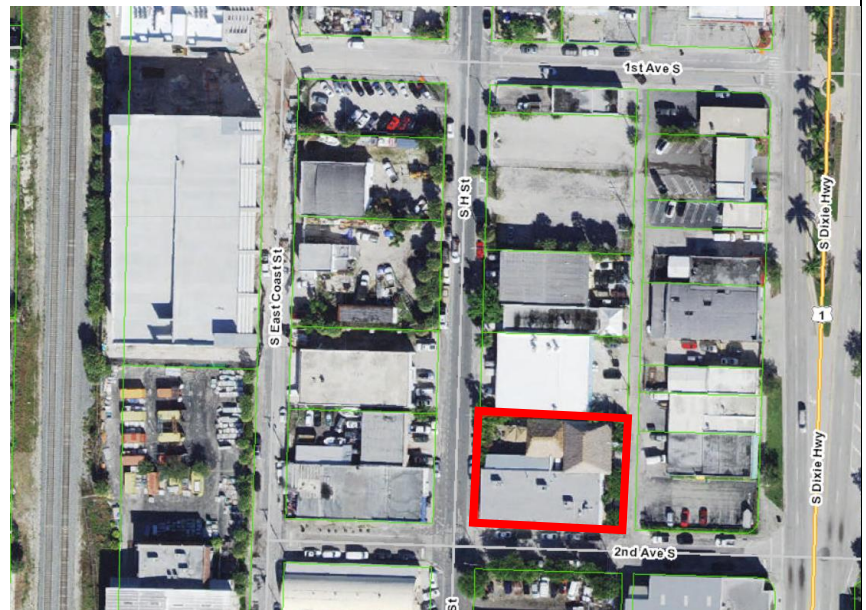
General Location: South 100 block of South H Street

Existing Land Use: Brewery

Current Future Land Use Designation:
Artisanal Mixed Use (AMU)

Zoning District: Artisanal Industrial (AI)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends that the Board review the proposed murals and make a determination of consistency with these standards. Photos of the mural are included as **Attachment A**. Additional information including the artist credentials for Marcus Borges and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Wes Blackman, AICP, on behalf of property owner David Mathews, is requesting approval for two mural installations and one existing mural on the west façade of the building fronting South H Street. The proposed murals feature images of fauna and kites with the text “CRA District”, “Royal Poinciana Neighborhood” and “Welcome to Lake Worth Beach”. The existing mural features a drummer playing on a set of beer cans with the text “Where craft beer meets rock and roll”, “live music venue”, and “craft brewery”. The subject property is located in the Artisanal Industrial (AI) zoning district and retains a Future Land Use (FLU) designation of Artisanal Mixed Use (AMU). The existing land use of the subject building is industrial.

PUBLIC COMMENT

At the time of publication of the agenda, staff has not received written public comment.

BACKGROUND

The site has a painted sign and a mural with commercial messages that were installed without a sign permit. The sign is comprised of text that read “Mathews Brewing Co.,” a logo, and a drummer mural with commercial text. The subject application includes the previously installed drummer mural with commercial messaging and the two new proposed murals. The proposed murals will be placed next to the existing mural on the west building façade facing South H Street. The applicant is requesting approval of all three murals on the west façade of the building.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The City’s Comprehensive Plan, including in both the Future Land Use Element and the Economic Development Element, has multiple goals, objectives and policies encouraging the arts and economic development through arts and cultural activities. The City’s Strategic Plan Pillar III.D is to “Inspire arts and culture through City through events and program.” Murals in general are consistent with both the Comprehensive Plan and Strategic Plan.

Consistency with the City’s Land Development Regulations

Per LDR Section 23.1-12, a mural is defined as, “Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window.”

LDR Section 23.5-1(e)13 provides standards and requirements for mural installation within the City. With regard to placement and location of murals, generally:

- *Murals shall be permitted in commercial and industrial districts.*
- *Murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate Board.*
- *Murals may co-exist with all types of on premises signs. If printed commercial messages are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.*

Staff Analysis: The proposed murals are located on the west façade that fronts South H Street, which is consistent with location requirements in LDR Section 23.5-1(e)13. However, the drummer mural contains commercial messaging which will need to be removed if all combined signage exceeds total maximum wall sign area of 75 square feet. The LDRs also require that the design of the mural be consistent with the requirements of Section 23.2-31(l), which specifies community appearance review criteria. The criteria are listed below, and include staff's response to each criterion.

Lake Worth Beach Code of Ordinances, Land Development Regulations Section 23.2-31(l); Community Appearance criteria:

1. The plan for the proposed structure or project is in conformity with good taste, good design, and in general contributes to the image of the city as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas and high quality.

Analysis: The mural generally appears to be of good taste and good design. It illustrates several images of kites, and some flora. The mural also meets the intent of the City's Comprehensive Strategic Plan to enhance the character of Lake Worth Beach and to inspire arts and culture throughout the City.

2. The proposed structure or project is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

Analysis: The proposed murals will be painted by Marcus Borges, the artist who also installed the existing mural at the subject site. The proposed mural appears to be of a high quality, and will not cause harm to the local environment.

3. The proposed structure or project is in harmony with the proposed developments in the general area, with code requirements pertaining to site plan, signage and landscaping, and the comprehensive plan for the city, and with the criteria set forth herein.

Analysis: The surrounding area of the subject property includes a mix of commercial and industrial buildings, and generally appears to be in harmony with murals that exist elsewhere in the City.

4. The proposed structure or project is in compliance with this section and 23.2-29, as applicable.

Analysis: The subject property, 130 South H Street, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

The proposed murals located on the front façade of the building fronting a parking lot and South H Street; are in conformity with good taste and design; and are in harmony with the artisanal industrial area as required by and consistent with the City's Land Development Regulations as conditioned. The conditions are outlined below:

Planning and Zoning

1. Commercial messaging shall be removed from the drummer mural if the total existing sign area exceeds 75 sf. A painted wall sign permit shall be required if the commercial messaging is to be retained as component of the drummer mural.
2. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of all murals included within PZB 22-00000011.
3. This approval does not include any physical alterations to building exteriors aside from paint application.

4. A mural removal agreement shall be entered between the applicant and the City of Lake Worth. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County, prior to completion of the proposed mural.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-00000011 for **mural** installation for the structure located at **130 South H Street**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-00000011 for **mural** installation for the structure located at **130 South H Street**. The project does not meet the mural criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Murals. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Proposed Murals
- B. Additional Information (Artist credentials and justification statement)