

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-00000009: Request by Robert Cartagine for the approval of a mural located on the south façade of the building at 920 North Dixie Highway. The subject site is zoned Mixed Use – Dixie Highway (MU-DH) and has a future land use designation of Mixed Use – East (MU-E).

Meeting Date: June 28, 2023

Property Owner: 914 920 N DIXIE HWY LLC

Applicant: Robert Cartagine

Address: 920 North Dixie Highway

PCN: 38-43-44-21-15-278-0050

General Location: East 900 block of North Federal Highway

Existing Land Use: Store/Retail

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), and for consistency with the Comprehensive Plan and Strategic Plan. The proposed mural is consistent with the Comprehensive Plan, Strategic Plan, and LDRs as conditioned. Therefore, a **recommendation of approval with conditions** is provided to the Planning and Zoning Board. The conditions are located on pages 3 and 4 of this report.

A rendering of the mural is included as **Attachment A**. Additional information including the mural specifications, artist work samples for James Deluce, and a justification statement are included as **Attachment B**.

PROJECT DESCRIPTION

Robert Cartagine, business owner of The Chill Room, is requesting approval for a new mural on the south façade of the building at 920 North Dixie Highway. The mural will show a “Fijian Beach” scene. It will be installed using a printable vinyl adhesive with UV protection. The subject property is located on the east side of the 900 block of North Dixie Highway.

PUBLIC COMMENT

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

BACKGROUND

Below is a summary of the property based on Palm Beach Property Appraiser’s records and City records:

Construction: The existing structure was constructed in 1955.

Use: The property’s use is specialty retail store (The Chill Room).

Code Compliance: There are no active code cases associated with this property.

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. 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 analysis.

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 a "Fijian Beach" with views of palm trees, an erupting volcano, beach chair, boat, and turtle. It was designed by the artist James Deluce. 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: Typically, mural installations in the City consist of painted applications to the exterior of a building. The proposed mural, however, utilizes a printable vinyl adhesive with UV protection. The applicant indicated that the product comes with a 4 to 7-year warranty against defects or erosion. The required mural removal agreement ensures that any deterioration that is not remedied would require removal of the mural. Therefore, 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. Staff has included a condition of approval that the QR code be removed from the mural so that it does not contain commercial messaging in accordance with LDR Section 23.5-1(e)(13)(C).

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

Analysis: The subject property, 920 North Dixie Highway, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

CONCLUSION AND CONDITIONS

Staff is recommending approval of the proposed mural installation since it is in conformity with good taste and design; and is in harmony with the area as required by and consistent with the City's Land Development Regulations. Staff has drafted conditions of approval for the proposed mural installation request, outlined below:

Planning and Zoning

1. The applicant shall apply for a City of Lake Worth Beach building permit for the installation of the mural.
2. This approval does not include any physical alterations to the building's exterior aside from mural installation.

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 by the applicant.
4. The QR code shall be removed from the mural so that it does not contain commercial messaging in accordance with LDR Section 23.5-1(e)(13)(C).

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-00000009 for **mural** installation for the structure located at **920 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 23-00000009 for **mural** installation for the structure located at **920 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 Murals. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Proposed Mural
- B. Additional Information (mural specifications, justification stamen, and artist samples of work)