

## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 22-0000024:** A request by 1017 Lake Ave, LLC., for The Bohemian at 101 South East Coast Street for the establishment of a mural on the western building façade to replace existing signage and for the approval of a previously installed mural painted on the northern garage façade. The subject site is zoned Transit Oriented Development East (TOD-E) and has a future land use designation of Transit-Oriented Development (TOD).

**Meeting Date:** January 18, 2023

**Property Owner:** 1017 Lake Ave, LLC

**Applicant:** 1017 Lake Ave, LLC

**Address:** 101 South East Coast Street

**PCNs:** 38-43-44-21-15-500-0010

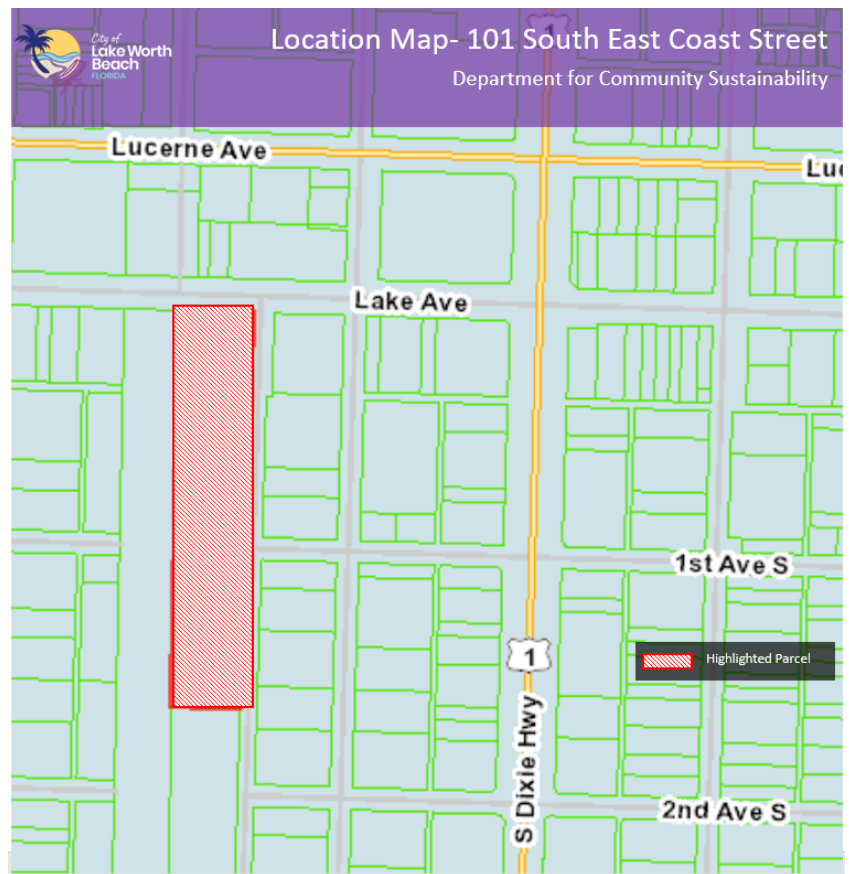
**General Location:** Southwest corner of South East Coast Street and Lake Avenue

**Existing Land Use:** Mixed-use, multi-family development

**Current Future Land Use Designation:** Transit-Oriented Development (TOD)

**Zoning District:** Transit Oriented Development East (TOD-E)

### 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 for consistency with these standards. Photos of the murals 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

The applicant, 1017 Lake Ave, LLC, is requesting approval for a previously installed mural along the northern façade of the garage building facing the main residential building, and a new mural installation along the western façade of the main building fronting the railroad tracks to replace existing signage. The mural on the garage building depicts a tropical plant, and the new mural on the main building depicts green leaves and orange bird of paradise flowers encompassing the project nickname “Boho”. Both murals are designed by Eduardo Mendieta, a local artist. The subject property is located in the Transit Oriented Development East (TOD-E) zoning district and retains a Future Land Use (FLU) designation of Transit-Oriented Development (TOD). The existing land use of the subject building is a mixed-use, multi-family development.

## PUBLIC COMMENT

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

## BACKGROUND

On July 30, 2020, Ordinance 2020-08 was passed for the creation of a Mixed Use Urban Planned Development District at the subject property. The ordinance approved a development of significant impact, conditional use permit, density and height bonus incentives through the City’s Sustainable Bonus Incentive Program and Transfer of Development Rights Program, and a major site plan for the construction of a mixed-use development consisting of 200 residential units, a 3,619 square foot commercial structure, and a five-story parking garage.

The approval included a master sign plan that is regulated in Exhibit B of Ordinance 2020-08, with the following planning condition: “10. A maximum of 20% of the final approved design of the painted wall sign design shall be allocated to commercial signage. The remaining 80% will be an artistic mural.”

The existing mural is approximately 28’-0” wide by 46’-10” high on the northern façade of the garage structure, and the proposed mural on the west façade of the main residential structure that will replace existing signage will be approximately 9’-4” wide by 40’-0” high at 101 South East Coast Street.

## 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.” The proposed murals are generally 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 previously installed mural is located on the north façade of the garage structure, facing the main residential building, and the proposed new mural is located on the west façade that fronts the railroad tracks. The murals are not located 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 responses

The new mural that replaces existing signage on the west façade that fronts the railroad contains a commercial message "Boho" that refers to the name of the development. For consistency with Ordinance 2020-08, staff has included a condition of approval that limits how much of the mural can be devoted to a commercial message. The applicant may need to reduce the text "Boho" unless the board determines that the text does not constitute commercial messaging.

### **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. The existing mural depicts a tropical plant and the proposed mural depicts green leaves and orange bird of paradise flowers encompassing the project nickname "Boho". The murals also meet the intent of the City's Comprehensive Plan and 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 Eduardo Mendieta, a local artist. The proposed murals appear 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, 101 South East Coast Street, is not applying for a Conditional Use Permit. Therefore, this criterion is not applicable.

## CONCLUSION AND CONDITIONS

The existing and proposed murals are appropriately located on the northern garage façade and west façade of the residential building fronting the railroad tracks; are in conformity with good taste and design; and are in harmony with the surrounding area as required by and consistent with the City's Land Development Regulations. Staff is requesting that the Board discuss and determine if the text "Boho" constitutes commercial messaging. Staff is recommending approval with conditions, as 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 22-00000024.
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.
4. The mural on the on the west façade shall limit the "Boho" commercial message to the dimensions depicted in the plans. Any decrease in the area may be required by staff and any increase shall be subject to further review by the Planning and Zoning Board.

## BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 22-00000024 for **mural** installations for the structures located at **101 South East Coast Street**. The application meets the mural criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 22-00000024 for **mural** installations for the structures located at **101 South East Coast 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 mural. The Applicant may appeal the Board's decision to the City Commission.*

## ATTACHMENTS

- A. Proposed Murals
- B. Additional Information