



**MEMORANDUM DATE:** May 6, 2020

**AGENDA DATE:** May 13, 2020

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **921 Lake Avenue**

**FROM:** Jordan Hodges, Senior Preservation Coordinator  
Abraham Fogel, Preservation Planner  
Department for Community Sustainability

**TITLE: HRPB Project Number 19-0000011 REVISION:** A request to retroactively approve alterations to a previously approved mural installation for the contributing structure located at **921 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

**Owner:** Ahu Serter  
Lucky Feet Baking Goods LLC  
921 Lake Avenue  
Lake Worth Beach, FL 33460

**PROJECT DESCRIPTION:**

The property owner, Ahu Serter, is requesting approval to retroactively permit alterations to a mural approved at the January 8, 2020 Historic Resources Preservation Board (HRPB) meeting. The mural, as installed, exceeds the scope of the approval and is in conflict with several conditions included in the Development Order. The mural was also installed prior to applying for a City of Lake Worth Beach building permit. The subject property is located in the Downtown (DT) Zoning District and retains a Future Land Use (FLU) of Downtown Mixed Use (DMU).

The application will require the following approval:

- 1. Mural:** A request to approve alterations to a previously approved mural installation for the contributing structure located at 921 Lake Avenue.

**STAFF RECOMMENDATION:** Staff recommends **approval with conditions** as provided on page 8.

**PROPERTY DESCRIPTION**

Owner	Ahu Serter
General Location	Southwest corner of Lake Avenue and South H Street
PCN	38-43-44-21-15-015-0110
Zoning	Downtown (DT)
Existing Land Use	Vacant (Restaurant Proposed)
Future Land Use Designation	Downtown Mixed Use (DMU)

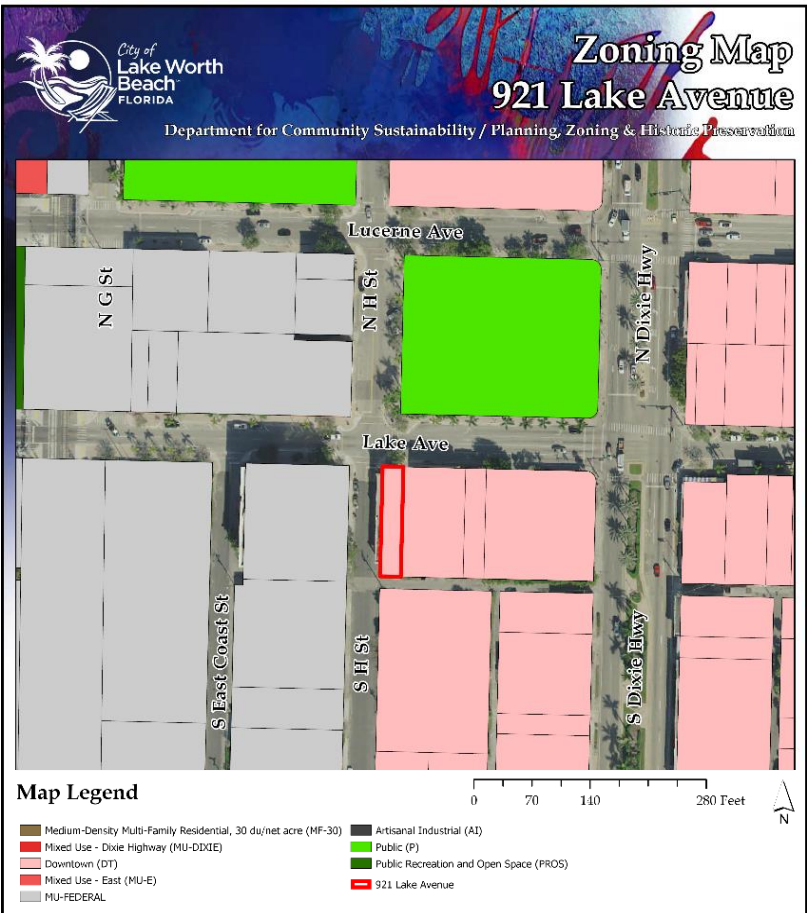


**SITE ANALYSIS**

**Surrounding Properties**

The following summarizes the nature of the surrounding properties adjacent to the subject site:

- NORTH:** To the north of subject property, across from Lake Avenue, is the City of Lake Worth Beach City Hall. The parcel is zoned Public (P) and has a future land use designation of Public (P).
- SOUTH:** To the south of the subject property, across from the alley, is multi-family structures. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- EAST:** To the east of the subject property, is a mixed-use structure with a restaurant (Couco Pazzo) and residential units. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- WEST:** To the west of the subject property, across from South H Street, is a commercial office structure. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).



The Applicant is requesting to permit alterations to a previously approved mural installation. As installed, the mural extends the full length of the west elevation of the structure, which exceeds the approved mural area. The mural application also obscures window and door openings and the decorative parapet, in violation of the conditions of approval.

### **Consistency with the Comprehensive Plan**

The subject property is located in the Downtown Mixed Use Future Land Use (FLU) designation, within the Cultural Arts Overlay District. Although murals are not specifically addressed in the Comprehensive Plan, the intent of The Cultural Arts Overlay land use category (Policy 1.1.1.14) is to provide for the establishment and enlargement of cultural arts related uses within a variety of broader land use categories near the urban core of the city and along the FEC railway corridor within close proximity of the historic downtown. The proposed mural is consistent with the intent of the Cultural Arts Overlay District as it enlarges the cultural arts near the City's downtown.

### **Arts and Culture Master Plan**

The Arts and Cultural Master Plan promotes the Downtown as a destination for the art-related businesses, art and cultural programs and arts-related education. The proposed mural is consistent with the following strategies and actions:

#### **B1: Make efforts to be the community for arts to live**

B1.2 Facilitate, promote, and expand the number of physical places for artists to show/perform/display

#### **C1: Make arts and culture more visible in the Downtown**

C1.4 Encourage arts and culture groups to take arts and culture "outside" their venues in order to better connect with the Lake Worth community and access new audiences

The proposed mural is located on the side elevation (fronting South H Street) of a structure where public art was previously not installed. The proposal also expands the number of physical places where art is displayed in the public realm.

### **ZONING ANALYSIS**

Staff has reviewed the documentation and materials provided and has outlined the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) concerning mural installation.

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 regards 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.*

The Code regulations also require that the design of the mural must meet the requirements of Section 23.2-31(l), which defines community appearance standards and review criteria.

### **Section 23.2-31(l) – Review/Decision**

- 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.

**Staff Analysis:** The mural appears to portray good taste and design, contributing to the artistic aesthetics of the City. The mural was designed and executed by acclaimed Portuguese artist David Arranhado. According to the Applicant, it is a tropical-themed mural that adds beauty to 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.

**Staff Analysis:** The mural does not appear to be of inferior quality and is subject to the mural removal agreement, which requires the Applicant to continuously maintain the mural for the duration of its existence.

- 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.

**Staff Analysis:** The mural is located within the Old Town Local Historic District, which is comprised of a mix of commercial, residential, and public uses. The mural appears to be in harmony with the surrounding properties in the general vicinity.

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

**Staff Analysis:** Not applicable. Section 23.2-29 refers to the conditional use permit process, and this requires to retroactively permit alterations to a previously approved mural installation does not require a conditional use permit.

## **HISTORIC PRESERVATION ANALYSIS**

The Historic Preservation Board (HRPB) approved the mural installation at 921 Lake Avenue on January 8, 2020, as follows:



During Board discussion, it was determined that the mural should not obscure the decorative parapet and the window openings. Staff's recommendations #6, 7, and 8 were included in the motion to approve the request. Also, a final Condition of Approval was added by the Board that the sidewalk be protected during the work process to prevent permanent damage from the paint application.

### **Conditions of Approval (As written in the January, 8, 2020 Staff Report)**

- 1) Previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.) and windows shall not be painted.
- 2) This approval does not include any physical alterations to building exteriors aside from paint application.
- 3) Prior to the mural being installed, the Applicant shall apply for a City of Lake Worth Beach building permit.
- 4) Unless a time extension is granted in accordance with Code, this application shall expire one year from Historic Resources Preservation Board Approval.

- 5) Prior to the completion of the proposed murals, a Mural Removal Agreement shall be entered between the Applicant and the City of Lake Worth Beach for each mural. This removal agreement shall be recorded with The Clerk and Comptroller of Palm Beach County.
- 6) Staff *recommends* that the mural terminate before it reaches the decorative parapet.
- 7) Staff *recommends* that the mural extend the full length of the west elevation.
- 8) Staff *recommends* that the mural's focal point (tree) be repositioned to ensure a window opening does not obscure it.

### **Proposed Mural Request**

The mural was installed on the full length of the west elevation beyond the approved dimensions and prior to submitting an application for a building permit. The Applicant is requesting of approval of the mural as installed in the photos below:



The subject mural was installed outside of the scope of the HRPB approval as follows:

### *Conditions of Approval (As written in the Development Order)*

- 1) Previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.) and windows shall not be painted.  
**Staff Analysis:** The windows and doors were painted.
- 3) Prior to the mural being installed, the Applicant shall apply for a City of Lake Worth Beach building permit.  
**Staff Analysis:** The mural was installed prior to applying for a building permit.
- 6) The mural shall terminate before it reaches the decorative parapet.  
**Staff Analysis:** The decorative parapet was painted in the mural application.

- 7) The mural shall extend the full length of the west elevation.  
**Staff Analysis:** The mural was extended the full length of the west elevation of the structure, beyond the proposed plane of the mural area.
- 8) The mural's focal point (tree) shall be repositioned to ensure a window opening does not obscure it.  
**Staff Analysis:** The mural's focal point was not repositioned and is located over existing windows openings.
- 9) The sidewalk shall be protected during the mural's installation.  
**Staff Analysis:** The sidewalk was protected during the mural application process to prevent damage.

Staff has modified the previously approved conditions of approval for consistency with the previous Board approval. Specifically, the paint application shall be removed from the windows and doors. Staff defers to the Board to determine if the paint shall be removed from the decorative parapet and the previously unapproved portions of the rear west façade.

#### **PUBLIC COMMENT**

At the time of publication of the agenda, Staff has received no public comment.

**CONCLUSION:** Based on the data and analysis in this report, staff recommends approval with conditions, listed below, to allow retroactive alterations to the previously approved mural installation.

Conditions of Approval:

- 1) The mural paint application shall be removed from the windows and doors (surface of the glass, frame, and screens) and any previously unpainted masonry building materials (i.e. unpainted brick, coral stone, Oolitic limestone, etc.). The Applicant shall be responsible for contacting Historic Preservation Staff to review and inspect the mural during permitting process.
- 2) This approval does not include any physical alterations to building exteriors aside from paint removal and/or application.
- 3) Unless a time extension is granted in accordance with Code, this application shall expire one year from Historic Resources Preservation Board Approval.
- 4) The sidewalk shall be protected during the work process.

#### **POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 19-00000011 REVISION with staff recommended conditions of the request to retroactively permit alterations to the mural installed on the contributing structure located at **921 Lake Avenue**, based upon the competent substantial evidence provided in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.



I MOVE TO **DENY** HRPB Project Number 19-00000011 REVISION the request to retroactively permit alterations to the mural installed on the contributing structure located at **921 Lake Avenue**, because the Applicant has not established by competent substantial evidence that the request is in compliance with the City of Lake Worth Beach Land Development Regulations.

**ATTACHMENTS:**

- A. Current Photos
- B. HRPB#19-00500008\_19-00000011 – Staff Report – January 8, 2020 HRPB