



**MEMORANDUM DATE:** December 31, 2019

**AGENDA DATE:** January 8, 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 19-00500008** and **19-00000011:** A request for a Conditional Use Permit and a request for 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

**BACKGROUND:**

The two-story structure located at 921 Lake Avenue was constructed c.1930. The 2001 Designation Report for Old Town Local Historic District classified the contributing resource as a Masonry Vernacular structure, although City records indicate the primary structure fronting Lake Avenue is wood framed. The property has frontage on South J Street to the east. Although no architectural drawings of the building are available in the City's property files, a property card from 1944 (included as **Attachment B**) describes the structure as being of wood frame construction with stucco exterior walls, wood windows, and a flat roof. The property card also indicates that a rear attached structure was constructed with concrete block exterior walls, wood windows, and a flat roof. The original uses are listed as stores, apartments, and offices. City permit records indicate the structure has had alterations over time, including permits for façade alterations and interior renovations associated with changes in use. Overall, the structure retains a low degree of historic integrity of location, setting, materials and design.

**REQUEST:**

The Applicant has submitted a request for a mural installation on the west elevation, facing South H Street. A general project description, a justification statement, a rendering of the proposed murals, paint color samples, as well as resumes and work samples from the mural artist, David Arranhado, has been submitted. These items have been included in this report as **Attachments C** and **D**.

The Applicant is also requesting a Conditional Use Permit to allow the use of a bar, as a component of Café Hermanas; a Mexican inspired restaurant at the subject property. The interior floor plan of the new restaurant and bar have been included as **Attachment F**.

### **ANALYSIS: MURAL INSTALLATION**

#### Zoning

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. The criteria are listed below, and include Staff’s response to each criterion. The Applicant has also provided a justification statement, included as **Attachment D**.

#### **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.

**Staff response:** The murals appear to portray good taste and design, contributing to the artistic aesthetics of the City. According to the Applicant, the mural will be designed and executed by acclaimed Portuguese artist David Arranhado. It will be a tropical-themed mural that will add 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 response:** The murals do not appear to be of inferior quality and are subject to the mural removal agreement, which requires the applicant to continuously maintain the murals for the duration of their 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 response:** The mural will be located within the Old Town Local Historic District, which is comprised of a mix of commercial, residential, and public uses. The proposed 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 response:** Not applicable. Section 23.2-29 refers to the conditional use permit process, and this request for a mural installation does not require a conditional use permit.

#### Historic Preservation

It is the analysis of Staff that the project as proposed is generally compatible with the review criteria set forth in the City's Land Development Regulations, Historic Preservation Ordinance, Section 23.5-4.

Historic commercial structures often utilized murals on the side and rear elevations in downtown commercial core areas in order to advertise products or to add artistic beauty and interest within the downtown. Murals on the front of structures in historic commercial downtowns are atypical. The primary facades of these structures were typically reserved for signage and were not ornamented with murals so that the architectural details on the storefront facades could be readily visible. The proposed mural will be installed on the west (side) elevation, fronting South H Street. It is Staff's analysis that the mural location is appropriate for the Old Town Local Historic District.

#### Comprehensive Plan

The proposed mural is compatible with the following portions of the City of Lake Worth Beach's Comprehensive Plan:

**Policy 1.1.1.7:** The Downtown Mixed Use land use category is intended to provide for the establishment and expansion of a broad range of office, retail and commercial uses, including higher intensity commercial, and some residential within the traditional down-town core of the City. Diversity of retail uses is encouraged; however, certain commercial uses are not permitted in the Downtown Mixed Use category because they would be detrimental to the shopping or office functions of the area.

**Policy 1.1.2.9:** The Downtown Mixed Use land use designation is intended for mapping of areas considered to be the traditional downtown core. The area is primarily bounded on the north by 2nd Avenue North, the east by Golfview Road, the south by 1st Avenue South, and the west by H Street. This concentrated downtown core demonstrates a reasonably good potential for intensive use by office and

retail establishments and shall provide for the vertical or horizontal mixing of land uses within a single site in order to allow development and redevelopment in specific geographic areas of the City that take maximum advantage of existing utility systems and services; and promotes compact development, safe and pedestrian-friendly streets, and provides transportation choices.

### **ANALYSIS: CONDITIONAL USE**

#### **Surrounding Properties**

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.

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.

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.

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.

#### **Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest**

The Applicant has also provided a justification statement, included as **Attachment D**. The project is in compliance with the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

**Staff Response:** The subject site is a suitable location in which to locate a restaurant and bar. The site is located within the Downtown zoning district and has a future land use of Downtown Mixed Use, a broad range of office, retail and commercial uses, including higher intensity commercial. According to the Applicant, Cafe Hermanas at 921 Lake Avenue will be a Mexican inspired restaurant in the Downtown District of City Lake Worth Beach. The space has been used in the same capacity, as a seating food service establishment. The area has several food service establishments already so we will be adding to the already diverse restaurant mix keeping “in harmony” with the area.

#### **Meets Criterion.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

**Staff Response:** The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use/Name of Development
North	Public	Public (P)	City of Lake Worth Beach City Hall
South	Downtown Mixed Use	Downtown (DT)	Multi-Family Residential
East	Downtown Mixed Use	Downtown (DT)	Mixed-Use (Restaurant and Residential)
West	Downtown Mixed Use	Downtown (DT)	Commercial Offices

The subject property is located on the southeast corner of Lake Avenue and South H Street. The site is surrounded by a mix of commercial, residential, and public uses, located within the Downtown (DT) and Public (P) zoning districts. The proposed restaurant and bar use will be in harmony with the commercial nature of the surrounding area. The Applicant stated that in the immediate area there are several other dining options that make it a dining area destination.

**Meets Criterion.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

**Staff Response:** A medium intensity (building size less than 7,500 square feet) restaurant is a use subject to an administrative use permit review, which is a staff level review and approval process. The proposed restaurant with a bar is a conditional use permit review, which is a Board level review and approval process. The conditional use request to allow a restaurant and bar at this location will not negatively impact the public benefit or cause harm. The area surrounding the subject site is urban and residential in nature. The proposed use as a restaurant and bar is in an ideal location in which to develop this use, as the urban nature of the development furthers the City’s objectives for the area. The uses and subsequent development of the site will enhance the area by providing a dining establishment within walking distance of the downtown, and is compatible with the existing developments surrounding the site. According to the Applicant, the structure has been used as a restaurant for the past several decades, and the new use will not affect the public benefit in any harmful way.

**Meets Criterion.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

**Staff Response:** The Conditional Use request to allow a restaurant and bar on this site will not result in a more intensive development in advance of the Future Land Use Element of the City’s Comprehensive Plan. The development of this site will enhance the area and further the objectives of the City.

**Meets Criterion.**

**Section 23.2-29(e): Specific standards for all conditional uses**

1. The proposed conditional use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

**Staff Response:** The Applicant contends that the business that previously occupied the space is of the same nature of the proposed new use, and as a result, traffic volumes will not be significantly impacted.

**Meets criterion.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

**Staff Response:** According to the Applicant, as the Downtown Lake Worth Beach area is already a restaurant destination traffic volumes will not be significantly impacted on local streets.

**Meets criterion.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

**Staff Response:** The Applicant stated that the restaurant location will comply with local, state and federal regulations and will not produce any significant pollution emissions.

**Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Response:** The proposed restaurant and bar use on the site will not result in a higher net public cost or earlier incursion of public cost than would result from a development permitted by right.

**Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

**Staff Response:** The Applicant is proposing to utilize the existing infrastructure since the previous use was a restaurant. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request.

**Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

**Staff Response:** The request for a Conditional Use approval for a restaurant and bar use will not place a demand on municipal police or fire protection services beyond capacity.

**Meets Criterion.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by

right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

**Staff Response:** According to the Applicant, as an establishment whose primary purpose will be food service, there will not be any noise levels generated above the permitted decibel level as set forth by the City.

**Meets Criterion.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

**Staff Response:** No exterior changes are proposed therefore, additional exterior lighting or glare will not be generated.

**Meets Criterion.**

#### Public Comment

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

#### **CONSEQUENT ACTION:**

Approve the application; approve the application with conditions; continue the hearing to a date certain to request additional information; or deny the application.

#### **Mural Installation**

If the Board chooses to approve the application, Staff suggests the following conditions:

- 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 applicants 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.

#### **POTENTIAL MOTIONS:**

I MOVE TO **APPROVE** HRPB Project Number 19-00000011: Consideration of a request for mural installation for the contributing structure located at **921 Lake Avenue**, with the conditions as

recommended by Staff, based upon the competent substantial evidence, and pursuant to the City of Lake Worth Beach Land Development Regulations Sections 23.5-1(e)13, 23.2-31(l) and 23.5-4.

I MOVE TO **DENY** HRPB Project Number 19-00000011: Consideration of a request for mural installation for the contributing structure located at **921 Lake Avenue**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations Sections 23.5-1(e)13, 23.2-31(l) and 23.5-4.

#### **Conditional Use Permit**

Should the Board choose to approve the application, Staff suggests the following conditions:

- 1) The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the restaurant and bar.

#### **POTENTIAL MOTIONS:**

I MOVE TO **APPROVE** HRPB Project Number 19-00500008: Consideration of a request for a Conditional Use Permit to allow the use of a restaurant and bar for the contributing structure located at **921 Lake Avenue**, with the conditions as recommended by Staff, based upon the competent substantial evidence, and pursuant to the City of Lake Worth Beach Land Development Regulations Sections 23.2-29(d), 23.2-29(e) and 23.5-4.

I MOVE TO **DENY** HRPB Project Number 19-00500008: Consideration of a request for a Conditional Use Permit to allow the use of a restaurant and bar for the contributing structure located at **921 Lake Avenue**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations Sections 23.2-29(d), 23.2-29(e) and 23.5-4.

#### **ATTACHMENTS:**

- A. Location Map – 921 Lake Avenue
- B. Property File Documentation
- C. Mural Application
- D. Applicant Justification Statement
- E. Current Photos
- F. Proposed Floor Plan



ATTACHMENT A

