



**MEMORANDUM DATE:** June 3, 2020

**AGENDA DATE:** June 10, 2020

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

**RE:** **513 – 515 Lake Avenue**

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

**TITLE:** **HRPB#20-002100003:** A Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business, pursuant to but not limited to Sections 23.2-7, 23.3-14, and Section 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and is a contributing resource to the Old Town Local Historic District.

**OWNER:** Robert Mandell  
513 515 Lake Avenue LLC  
5550 Homeland Road  
Wellington, Florida 33449

**APPLICANT:** Maria Paz  
Art Studio Café LLC  
515 Lake Avenue  
Lake Worth Beach, Florida 33460

#### **PROPERTY DEVELOPMENT HISTORY**

The subject property at 513 - 515 Lake Avenue was constructed c.1952 in the commercial Mid-Century Modern architectural style. The structure is located on the south side of Lake Avenue, between L and M Street. Prominent local architect Edgar Wortman designed the structure at a cost of \$21,000. The original architectural drawings are included as **Attachment B**. The architectural drawings illustrate a single-story, three-bay commercial building of masonry construction with a flat roof. Character-defining features of the building include a stone veneer on the front façade, large plate glass storefront windows with jalousie vents at the top, aluminum detailing, and a recessed parapet designed to accommodate signage. City building permit records indicate the structure was constructed as a two-bay commercial building instead of three-bays as indicated in the original architectural drawings. The building has been subject to significant alterations overtime, which include interior renovations, awning installation, and exterior alterations that removed original character-defining features from the front façade. At the February 12, 2020, Historic Resources Preservation Board (HRPB) meeting, a mural installation was approved on the rear east elevation facing South M Street.

#### **PROJECT DESCRIPTION**

The Applicant, Maria Paz, is requesting a Distance Proximity Waiver from other alcoholic beverage establishments, protected land uses, and residential properties within five hundred (500) feet of the proposed beer and wine sales for on-site consumption. 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. Distance Proximity Waiver:** A request to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at 513 – 515 Lake Avenue.

**STAFF RECOMMENDATION**

Staff recommends **approval with conditions** as provided on page 6.

**PROPERTY DESCRIPTION**

Owner	Robert Mandell
General Location	South side of Lake Avenue, between L and M Street
PCN	38-43-44-21-15-023-0141
Zoning	Downtown (DT)
Existing Land Use	Art Gallery/Studio
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 Lucerne Condominium. Similar to the subject property, the parcel is zoned Downtown (DT) and has a future land use designation of Downtown Mixed Use (DMU).
- SOUTH:** To the south of the subject property, across from the alley, is a surface parking lot. The parcel is zoned Mixed-Use East (MU-E) has a future land use designation downtown Mixed Use (DMU).
- EAST:** To the east of the subject property, is a commercial office for Coastline Realty. 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, is the restaurant Nature's Way Café. 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 a distance proximity waiver to allow beer and wine sales for on-site consumption as an accessory use to the existing art gallery/studio business, Art Studio Café, within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties.

### **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. The intent of the Downtown Mixed Use land use category is to promote the establishment and expansion of a broad range of office, retail and commercial uses. Ground floors facing Lake and Lucerne Avenues must be retail/office/personal service-based uses. The existing business, Art Studio Café, is consistent with the intent Downtown Mixed Use as it provides retail of art and souvenirs and art classes facing Lake Avenue. 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 Art Studio Café promotes the enlargement of cultural arts within the City's downtown by providing a space where art is created and sold. The subject request is accessory in nature and will not change the principal use of the business.

### **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 alcoholic beverages.

### **Section 5.5(d) – Standards for Review/Decision**

A decision on a request for a waiver shall be guided by the following factors:

- 1) Whether approval of the waiver will result in two (2) or more alcoholic beverage establishments having a license within five hundred (500) feet of a protected land use or each other, or within five hundred (500) feet of a property zoned for residential use;

**Staff Analysis:** The approval of the waiver will result in thirteen (13) alcoholic beverage establishments having a license within five hundred (500) feet of the proposed beer and wine sales for on-site consumption. **Attachment C** provides a map of alcoholic establishments within five hundred (500) feet of the property located at 513 – 515 Lake Avenue. Per LDR Section 5.5(a)(2), protected land uses are identified as churches, public or private schools, parks, and libraries. The approval of the waiver will result in the City's Public Library and a church (Church by the Glades) being located within five hundred (500) of the proposed accessory use. Additionally, residential uses along Lake Avenue and Lucerne Avenue, as well as the residential neighborhoods south of Lake Avenue, will be located five (500) feet from the beer and wine sales for on-site consumption if the waiver is approved.

- 2) Whether the license is being added to or is a license upgrade of an existing use or to an establishment which is relocating to the subject location;

**Staff Analysis:** The proposed beer and wine sales for on-site consumption will be an accessory use to the existing art gallery/studio business. If approved, Staff has added a condition of approval that the Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the on-site consumption of alcoholic beverages.

- 3) If the property contains a structure which is on the National Register of Historic Places or otherwise has been designated by the city as having historic architectural significance, whether the structure will be preserved or developed so as to retain its architectural and historic character; and

**Staff Analysis:** The subject property is classified as a contributing resource to the Old Town Local Historic District. The Applicant is not proposing any exterior alterations as part of the request for beer and wine sales for on-site consumption.

- 4) Whether the waiver promotes the health, safety and welfare of the neighborhood and the public.

**Staff Analysis:** The Applicant states in the justification statement, included as **Attachment E**, that Lake Avenue is an area richly endowed with bars and restaurants. The Art Studio Café is a social gathering venue for the community. The ability to offer beer and wine will enhance the experience of “sip and paint” and “drag and draw” art classes already offered. Additionally, the site was reviewed to maximize compliance of the historic property with the City’s LDRs to promote the health, safety and welfare of the neighborhood as feasible.

Staff has added several conditions of approval so that the business operates within the allowed hours of sale and minimum landscape requirements to ensure the proposed accessory use promotes health, safety, and welfare and is not a detriment to the surrounding community.

#### **HISTORIC PRESERVATION ANALYSIS**

The Historic Preservation Program reviews requests for exterior alterations to all properties within the historic districts, and individually listed properties. The Distance Proximity Waiver for the proposed beer and wine sales for on-site consumption as an accessory use to the existing business does not simultaneously propose exterior alterations to the contributing resource. Per the Certificate of Appropriateness (COA) Approval Matrix, interior alterations not affecting the exterior appearance do not require Historic Preservation approval.

#### **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 waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of business or other alcoholic beverage establishments, protected land uses, and residential properties.

Conditions of Approval:

- 1) The Applicant shall apply for a City of Lake Worth Beach Business License to legally operate the on-site consumption of beer and wine as an accessory use to the existing business.
- 2) The on-site consumption of beer and wine is not allowed as a principal use.
- 3) A designated bar and/or seating area for the on-site consumption of beer and wine is not allowed.
- 4) Any interior structural alterations shall require a City of Lake Worth Beach Building Permit.
- 5) No person shall sell, deliver, consume or permit the sale, delivery, service or consumption of alcoholic beverages on the premises except for the following hours where a business holds a legal alcohol license: The hours of sale of alcoholic beverages of more than one (1) percent of alcohol by weight shall be from 12:00 a.m. (midnight) to 2:00 a.m., and 7:00 a.m. to 11:59 p.m., each day.
- 6) The rear parking lot shall be landscaped and maintained to meet minimum landscape requirements, subject to Staff review at permitting.

**POTENTIAL MOTION**

I MOVE TO **APPROVE** HRPB Project Number 20-02100003 with staff recommended conditions to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of business of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at **513 – 515 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 20-02100003 to waive the prohibition of alcoholic beverage sales within five hundred (500) feet of other place of other alcoholic beverage establishments, protected land uses, and residential properties for the existing business Art Studio Café located at **513 – 515 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. Property Survey
- B. Property File Documentation
- C. Current Photos
- D. Alcoholic Establishment Map
- E. Applicant Justification Statement