



Development Services Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: 105 NW 5th Avenue
Project Location: 105 NW 5th Avenue
Request: Certificate of Appropriateness (COA) - 2019-154
Board: Historic Preservation Board
Meeting Date: July 3, 2019

Board Action:

Denied the Certificate of Appropriateness and Class I Site Plan Modification by a vote of 2-4 (Caruso Absent, Sherman, Baffer, Klein and Harden dissenting) for the painting of a mural on the north, south and west elevations of a non-contributing structure.

Project Description:

The subject property is located on the east side of NW 5th Avenue between NW 1st Street and NW 2nd Street, within the West Settlers Historic District. Built in 1960, the Masonry Modern style structure is classified as a non-contributing structure in the West Settlers Historic District. The West Settlers Historic District originally known as “the Sands” is the site of the first African American settlement in Delray Beach established in 1894.

In 2017, A Certificate of Appropriateness was administratively approved for a color change to the building.

The request before the board is for the approval of the painting of a mural on the north, south and west elevations of the 1-story portion of the two-story building located at 105 NW 5th Avenue. The north elevation of the mural is a Lake Ida lake scene with the idea that this represents “Leisure Life” in Delray Beach, designed by artist Bulk Styles, who is an artist throughout Palm Beach County. The south elevation of the mural, is a portrait of Alfred “Zack” Straghn, in honor of his lifetime as a Delray Beach resident and business owner, designed by Cody Parker, a resident of Delray Beach. The west elevation is where the two murals meet in an abstract manner.

Board Comments:

The Board comments were not supportive.

Public Comments:

No members of the public spoke for or against the project.

Associated Actions: All required actions were taken.

Next Action: HPB action is final.



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING
100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444
(561) 243-7040

HISTORIC PRESERVATION BOARD STAFF REPORT

105 NW 5th Avenue

Meeting	File No.	Application Type
July 3, 2019	2019-154	Certificate of Appropriateness (COA) & Class I Site Plan Modification

Request

The action before the Board is approval of a Certificate of Appropriateness (COA) & Class I Site Plan Modification associated with the painting of a mural on the north, south and west elevations of a non-contributing structure located at **105 NW 5th Avenue, West Settlers Historic District**, pursuant to Land Development Regulations (LDR) Section 2.4.6(H) and 2.4.5(I)(5).

General Data

Agent: Glayson Leroy
Owner/Applicant: Leratex South, LLC & Delray Classic, LLC
Location: 105 NW 5th Avenue
PCN: 12-43-46-16-01-027-0070
Property Size: 0.23 Acres
FLUM: Commercial Core (CC)
Zoning: Central Business District (CBD)
Adjacent Zoning:

- CF - Community Facilities (North)
- R-1-A Single-Family Residential (East)
- CBD (West)
- CBD (South)

Existing Land Use: Retail
Proposed Land Use: Retail
Historic District: West Settlers Historic District



Background Information

The subject property is located on the east side of NW 5th Avenue between NW 1st Street and NW 2nd Street, within the West Settlers Historic District. Built in 1960, the Masonry Modern style structure is classified as a non-contributing structure in the West Settlers Historic District. The West Settlers Historic District originally known as “the Sands” is the site of the first African-American settlement in Delray Beach established in 1894.

In 2017, A Certificate of Appropriateness was administratively approved for a color change to the building.

The request before the board is for the approval of the painting of a mural on the north, south and east elevations of the single-story portion of the two-story building located at 105 NW 5th Avenue. The north elevation of the mural is a Lake Ida lake scene designed by artist Bulk Styles, who is an artist throughout Palm Beach County, with the idea that this represents “Leisure Life” in Delray Beach. The south side is designed by Cody Parker, a resident of Delray Beach, in honor of a lifetime Delray Beach resident and business owner Alfred “Zack” Straghn.

(attached is a detailed description of the honor and idea behind the mural). The west elevation is where the two murals meet in an abstract manner.

Review and Analysis

Pursuant to LDR Section 2.4.6(H)(5), prior to approval, a finding must be made that any Certificate of Appropriateness which is to be approved is consistent with Historic Preservation purposes pursuant to Objective A-4 of the Land Use Element of the Comprehensive Plan and specifically with provisions of Section 4.5.1, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.

Future Land Use Element Objective A-4: The redevelopment of land and buildings shall provide for the preservation of historic resources. The objective shall be met through continued adherence to the City's Historic Preservation Ordinance and the following policies:

Policy A-4.1: Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Historic Preservation Design Guidelines."

Pursuant to Land Development Regulation (LDR) Section 2.4.5(I)(5), Architectural (appearance) elevations, the Site Plan Review and Appearance Board or the Historic Preservation Board, as appropriate, may approve, approve subject to conditions or deny architectural elevations or plans for a change in the exterior color of a building or structure, or for any exterior feature which requires a building permit.

LDR SECTION 4.5.1, HISTORIC PRESERVATION, DESIGNATED DISTRICTS, SITES, AND BUILDINGS

Pursuant to LDR Section 4.5.1(E), Development Standards, all new development or exterior improvements on individually designated historic properties and/or properties located within historic districts shall, comply with the goals, objectives, and policies of the Comprehensive Plan, the Delray Beach Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the Development Standards of this Section.

Pursuant to LDR Section 4.5.1(E)(5) - Standards and Guidelines: a historic site, building, structure, improvement, or appurtenance within a historic district shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, and the Delray Beach Historic Preservation Design Guidelines, as amended from time to time.

Standard 1

A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Standard 2

The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Standard 3

Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Standard 4

Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Standard 5

Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Standard 6

Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Standard 7

Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Standard 8

Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Standard 9

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Standard 10

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interiors Standards and Guidelines for Rehabilitation

The Guidelines recommendations relating to painting of masonry are as follows:

It is recommended that the repainting historically-painted masonry, wood, and metal features with colors that are appropriate to the building and district. It is not recommended using paint colors on historically-painted masonry, wood, and metal features that are not appropriate to the building or district.

Standards 1, 2, 3, 5, and 9 are applicable. The applicant's proposal of the painting of the mural does not meet the intent of these Standards as it represents a modification of the exterior elevation that will obscure character defining architectural features, having a potential negative effect on the historic integrity of the West Settlers Historic District. Further, painting of a mural on historic structures may not be appropriate for structures in a historic district as it can compromise the integrity of the historic structure and overall streetscape of the district. It is noted, that HPB has approved a mural on a perimeter wall that was set back from the streetscape (103 NE 4th Street, Del-Ida Park). A mural in a historic district may be seen to be more appropriate on an accessory structure such as a perimeter wall or dumpster enclosure. Based upon the above, positive findings cannot be made to these requirements.

It is noted that: an analysis of historic preservation programs in other communities throughout Florida have indicated that murals in those communities may not be approved as they can be seen to be in conflict with architectural style of structures. Some communities are working to modify their architectural design standards and code requirements to specifically address murals.

Pursuant to LDR Section 4.5.1(E)(7) - Visual Compatibility Standards: new construction and all improvements to both contributing and noncontributing buildings, structures and appurtenances thereto within a designated historic district or on an individually designated property shall be visually compatible. In addition to the Zoning District Regulations, the Historic Preservation Board shall apply the visual compatibility standards provided for in this Section regarding height, width, mass, scale, façade, openings, rhythm, material, color, texture, roof shape, direction, and other criteria set forth elsewhere in Section 4.5.1. Visual compatibility for minor and major development as referenced in Section 4.5.1(E)(2) shall be determined by utilizing criteria contained in (a)-(m). Visual compatibility for all development on individually designated properties outside the district shall be determined by comparison to other structures within the site.

The following criteria apply:

- a) **Height:** The height of proposed buildings or modifications shall be visually compatible in comparison or relation to the height of existing structures and buildings in a historic district for all major and minor development. For major development, visual compatibility with respect to the height of residential structures, as defined by 4.5.1(E)(2)(a), shall also be determined through application of the Building Height Plane.
- b) **Front Facade Proportion:** The front facade of each building or structure shall be visually compatible with and be in direct relationship to the width of the building and to the height of the front elevation of other existing structures and buildings within the subject historic district.
- c) **Proportion of Openings (Windows and Doors):** The openings of any building within a historic district shall be visually compatible with the openings exemplified by prevailing historic architectural styles of similar buildings within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings shall be visually compatible within the subject historic district.
- d) **Rhythm of Solids to Voids:** The relationship of solids to voids of a building or structure shall be visually compatible with existing historic buildings or structures within the subject historic district for all development, with particular attention paid to the front facades.
- e) **Rhythm of Buildings on Streets:** The relationship of buildings to open space between them and adjoining buildings shall be visually compatible with the relationship between existing historic buildings or structures within the subject historic district.
- f) **Rhythm of Entrance and/or Porch Projections:** The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with existing architectural styles of entrances and porch projections on existing historic buildings and structures within the subject historic district for all development.
- g) **Relationship of Materials, Texture, and Color:** The relationship of materials, texture, and color of the facade of a building and/or hardscaping shall be visually compatible with the predominant materials used in the historic buildings and structures within the subject historic district.
- h) **Roof Shapes:** The roof shape, including type and slope, of a building or structure shall be visually compatible with the roof shape of existing historic buildings or structures within the subject historic district. The roof shape shall be consistent with the architectural style of the building.
- i) **Walls of Continuity:** Walls, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to ensure visual compatibility with historic buildings or structures within the subject historic district and the structure to which it is visually related.
- j) **Scale of a Building:** The size of a building and the building mass in relation to open spaces, windows, door openings, balconies, porches, and lot size shall be visually compatible with the building size and mass of historic buildings and structures within a historic district for all

development. To determine whether the scale of a building is appropriate, the following shall apply for major development only:

- a. For buildings wider than sixty percent (60%) of the lot width, a portion of the front façade must be setback a minimum of seven (7) additional feet from the front setback line:
- b. For buildings deeper than fifty percent (50%) of the lot depth, a portion of each side façade, which is greater than one story high, must be setback a minimum of five (5) additional feet from the side setback line:
- k) **Directional Expression of Front Elevation:** A building shall be visually compatible with the buildings, structures, and sites within a historic district for all development with regard to its directional character, whether vertical or horizontal.
- l) **Architectural Style:** All major and minor development shall consist of only one (1) architectural style per structure or property and not introduce elements definitive of another style.
- (m) **Additions to individually designated properties and contributing structures in all historic districts:** Visual compatibility shall be accomplished as follows:
 1. Additions shall be located to the rear or least public side of a building and be as inconspicuous as possible.
 2. Additions or accessory structures shall not be located in front of the established front wall plane of a historic building.
 3. Characteristic features of the original building shall not be destroyed or obscured.
 4. Additions shall be designed and constructed so that the basic form and character of the historic building will remain intact if the addition is ever removed.
 5. Additions shall not introduce a new architectural style, mimic too closely the style of the existing building nor replicate the original design but shall be coherent in design with the existing building.
 6. Additions shall be secondary and subordinate to the main mass of the historic building and shall not overwhelm the original building.

The Rhythm of Solids to Voids involves the relationship of a structure with existing buildings and structures within the subject historic district with particular attention is paid to the front façade. The proposed mural may compromise the rhythm of the structures along NW 5th Avenue and within the West Settlers Historic District.

The Relationship of Material, Texture and Color of the façade of a building shall be visually compatible with the predominant materials use in the historic buildings and structures within a historic district. There are no existing murals painted on structures within the West Settlers Historic District; thus, the proposal would not visually compatible with surrounding structures.

The Delray Beach Historic Preservation Design Guidelines

When painting a structure the DB Guidelines state:

Paint is essentially a protective covering that is applied to both frame and masonry surfaces. The choice of paint color for the exterior of a historic property is a combination of personal taste, and in historic districts, consideration as to how that paint color will affect the character of the neighborhood.

The combination of colors selected for wall mass, trim and decorative elements should be complimentary and should avoid disharmony of color clashes.

Certain architectural styles lend themselves to different color treatments. For example, Mediterranean Revival designs are generally associated with warm colors in which the dominant hues are reds and yellows. Cool colors are at the opposite end of the color wheel, and blues and greens are dominant. These cool colors, when used in a lighter intensity, create the pastels that have frequently been associated with Art Deco designs. Paint color changes must be administratively or Board approved.

Based upon the above, the proposal mural may have a negative effect on the character of the neighborhood; and thus, may not be visually compatible with the West Settlers Historic District. A positive finding cannot be made to 4.5.1(E)(7).

Pursuant to LDR Section 4.6.7(F)(3)(e) Murals and signs within mural, A large painting or drawing affixed to the wall of a building located in commercially zoned districts shall be subject to approval by the Site Plan Review and Appearance Board or the Historic Preservation Board.

The subject property is within the Central Business District (CBD) zoning district which is a commercially zoned district.

Review by Others

The development proposal is in a geographic area requiring review by the **Community Redevelopment Agency (CRA)** and the **Downtown Development Authority (DDA)**.

Downtown Development Authority (DDA) - The request was reviewed by the DDA on May 13, 2019.

Community Redevelopment Agency (CRA) – The request was provided to the CRA on May 14, 2019.

Alternative Actions

- A. Move to continue with direction
- B. Approve the Certificate of Appropriateness (2019-154) for a Class I Site Plan Modification for the painting of a mural located at **105 NW 5th Avenue, West Settlers Historic District**, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof meets the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5).
- C. Approve the Certificate of Appropriateness (2019-154) for a Class I Site Plan Modification for the painting of a mural located at **105 NW 5th Avenue, West Settlers Historic District**, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof meets the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5), subject to conditions.
- D. Deny the Certificate of Appropriateness (2019-154) for a Class I Site Plan Modification for the painting of a mural located at **105 NW 5th Avenue, West Settlers Historic District**, by adopting the findings of fact and law contained in the staff report and finding the request and approval thereof does not meet the criteria set forth in Land Development Regulations Section 2.4.6(H)(5) and 2.4.5(I)(5).

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

☐ Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

☒ Public Notices are not required for this request.

☒ Agenda was posted on (June 25, 2019), 5 working days prior to meeting.



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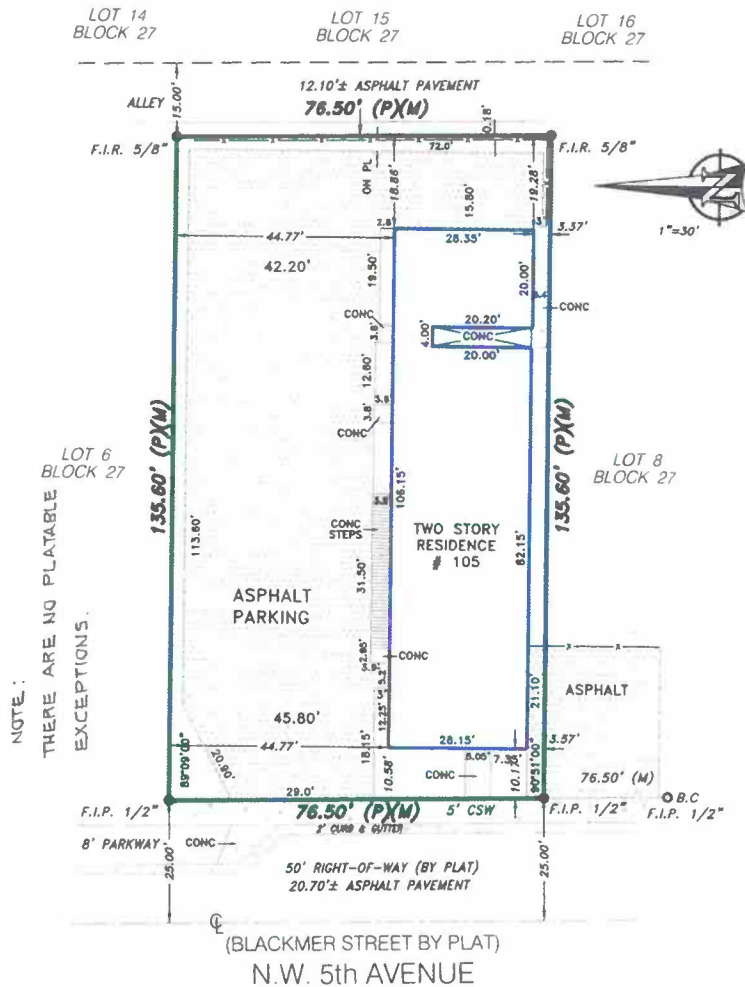
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105





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NOTE:

THERE ARE NO PLATABLE
EXCEPTIONS.

Accepted By: _____

Property Address:
105 N.W. 5 Avenue
Delray Beach, FLORIDA 33444

**Notes: ASPHALT AND FENCE ENCROACH OVER SOUTH
LOT LINE. COMMITMENT FUND# 325571 SCHEDULE B-II
WAS REVIEWED**

SURVEYOR'S CERTIFICATION: I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND
CORRECT REPRESENTATION OF A BOUNDARY PREPARED UNDER MY DIRECTION. THIS COMPLIES
WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE STATE OF FLORIDA BOARD OF
PROFESSIONAL LAND SURVEYORS, CHAPTER 5J-17.01 THROUGH 5J-17.05, FLORIDA
ADMINISTRATIVE CODE PURSUANT TO CHAPTER 461, FLORIDA STATUTES.

SIGNED
EFRAIN LOPEZ
STATE OF FLORIDA

FOR THE FIRM
P.S.M. No. 6792

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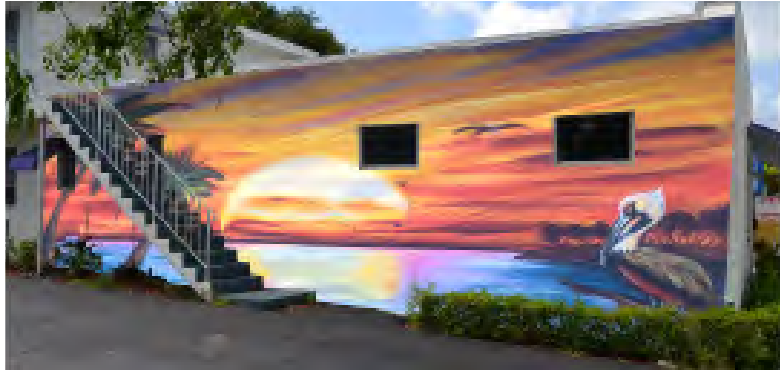


COLLECTIVE

Delray Beach, FL

5TH AVE HISTORIC HOTEL

Artist: Bulk Styles



North Side:

This mock-up idea is to represent the the lakes of Delray (i.e. Lake Ida). The parks and lakes of Delray are a place where everyone from the community goes to relax, have family events as well local gatherings. So by representing the lakes on this building we feel it gives a good representation of what the parks have to offer.



5TH AVE HISTORIC HOTEL

Artist: Cody Parker



South Side:

The subject for this side will be Mr Alfred “Zach” Straghn the founder of Straghn and Sons Funeral Home in Delray Beach. He started running a funeral home business for a prominent black family when he was 21. At a very early age, he was the child who always buried the dead farm animals and created a funeral service and program for the other children to be participants. Straghn who runs the family business with his three sons had provided services for almost 10,000 people since being in the funeral business. The business has grown tremendously as one son serves as embalmer, one is the public relations manager, and the other son is the business manager. Alfred Straghn is a native of Palm Beach County and was born in Delray Beach. He attended Bethune-Cookman College in Daytona Beach, Florida where he earned a bachelor's degree. He is a very active member of several strong community organizations including the NAACP. Many adults in the community remember him as their Sunday school teacher, a position he has held for many, many years. Not one to taut his generosity, he is a philanthropist and has provided assistance to many when it was needed for professional service, clothing, tuition, food, utilities, etc. While he has received many honors, trophies, and plaques, a recent singular honor was bestowed upon him when he was recognized as a Distinguished Man of Excellence by the Delta Heritage Foundation.



5TH AVE HISTORIC HOTEL

Artists: Bulk Styles and Cody Parker



East Side:

Where the two mural meet in an abstract manner. We are considering adding Mr Alfred "Zach" Straghn name in a classy legible font to the front.



Creation is Life

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