



PUBLIC ART ADVISORY BOARD

STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

PUBLIC ARTS ADVISORY BOARD

Meeting: December 29, 2020

File No. 2021-010

Application Type: Mural Permit

Applicant: Raghnall Rafe

Address: 9 NE 2nd Avenue

PCN: 12-43-46-16-01-084-0082

FLUM: Commercial Core (CC)

Zoning: Central Business District (CBD)

Adjacent Zoning:

- North: CBD
- West: CBD
- South: CBD
- East: CBD

Existing Land Use: Ice-cream shop

Item before the Board:

Consideration of a Mural Permit application (2020-010) associated with the painting of two murals on the patio walls of an existing ice-cream shop.



Optional Board Motions for Action Item:

1. Move to continue with direction.
2. Move approval of the Mural Permit (2021-010) of elevations changes for the painting of two murals on the walls on the north and south side of the courtyard walls at **9 NE 2nd Avenue**, as amended, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 3 of the Land Development Regulations.
3. Move denial of the Mural Permit (2021-010) of elevations changes for the painting of two murals on the walls on the north and south side of the courtyard walls at **9 NE 2nd Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 3 of the Land Development Regulations.

Background:

The subject property is located on northeast 2nd Avenue within the Central Business District (CBD) and consists of the Lots 8 and 9, Block 84, Town of Linton. Built in 1960, the structure contains the ice cream shop and a restaurant. At the entrance of the ice-cream shop is an outdoor patio with seating.

Project Description:

The request before the board is a Mural Permit associated with the painting of murals on the interior patio walls.

Project Planner:

Rachel Falcone, Planner
FalconeR@mydelraybeach.com
561-330-6052

Review Dates:

PAAB – December 29, 2020

Attachments:

1. Existing Elevations
2. Proposed Rendering



Mural Analysis:

The murals are located on the 12 ft high by 11 ft wide interior patio walls at the entrance of the building. Previously, the interior patio walls contained four (4) graphics of ice-cream and the “Brendy’s” logo.

The mural on the northern wall is a graphical art mosaic of various ice creams with pink, yellow, red, orange, and blue colors woven through with the word “ice cream” on the on the lower right. The mural on the southern wall is a graphic art image of three scoops of ice cream in one waffle cone with various toppings with a light blue background and sprinkles throughout. The light blue background and sprinkles continue to the front façade wall. The artists who created the murals are Cody Parker (Instagram: @_code_e) and Destroy or Motivate Everybody (Instagram: @domefacekillah). The murals were completed prior to an approval by the Public Art and Advisory Board.

According to the Mural definition in Appendix A of the LDR; a *mural* is “An original, one-of-a-kind unique mosaic, painting, or graphic art or combination thereof that does not contain any product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.

The proposed mural contains text phrases that do not comply with mural definition in the LDR. Additionally, pursuant to LDR Sec. 4.6.7(E)(7), signs are not permitted if they do not face a dedicated street frontage. Therefore, the proposed “Ice Cream” sign requires a sign waiver.

LDR Section 8.5.2(A) – Criteria for Board Action: The following criteria shall be considered, by the Public Art Advisory Board (PAAB), in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

1. Whether the proposed public art conforms to the definition of public art;
2. Whether the proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
3. Whether the proposed public art presents a safety hazard to the public;
4. Whether the proposed public art is of exceptional quality and enduring value;
5. Whether the proposed public art serves to further the City's goal of promoting cultural diversity;
6. Whether the proposed public art is appropriate to the site;
7. Whether the proposed public art should be installed at the proposed location on a site or at a different location;
8. Whether the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repairing, or repair or replacement of moving parts.
9. Whether the proposed public art conforms with all other applicable aspects of the LDRs.

Reviewed by Others:

On November 4, 2020, the Pineapple Grove Advisory Board (PGAB) recommended approval of the mural.

On November 16, 2020, the Downtown Development Authority (DDA) recommended approval of the mural with the “suggestion that the Public Art Advisory Board takes into consideration the right-hand side mural as an example for attention to detail.”