



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PUBLIC ARTS ADVISORY BOARD STAFF REPORT

1880 Dr. Andre's Way

Meeting	File No.	Application Type
February 25, 2025	2025-051 (Bldg. 1880 Façade 4)	1 Mural Permit Application

Property Owner	Applicant /Agent
JMS Boynton Beach	Rose Marcom, LLC (Andrew M. Rose)

Request
 Consideration of the installation of 1 mural on west elevation of Building 1880 located at 1880 Dr. Andre's Way.

General Data

Location: 1880 Dr. Andre's Way

PCN: 12-43-46-18-16-000-0020

Property Size: 3.9 acres

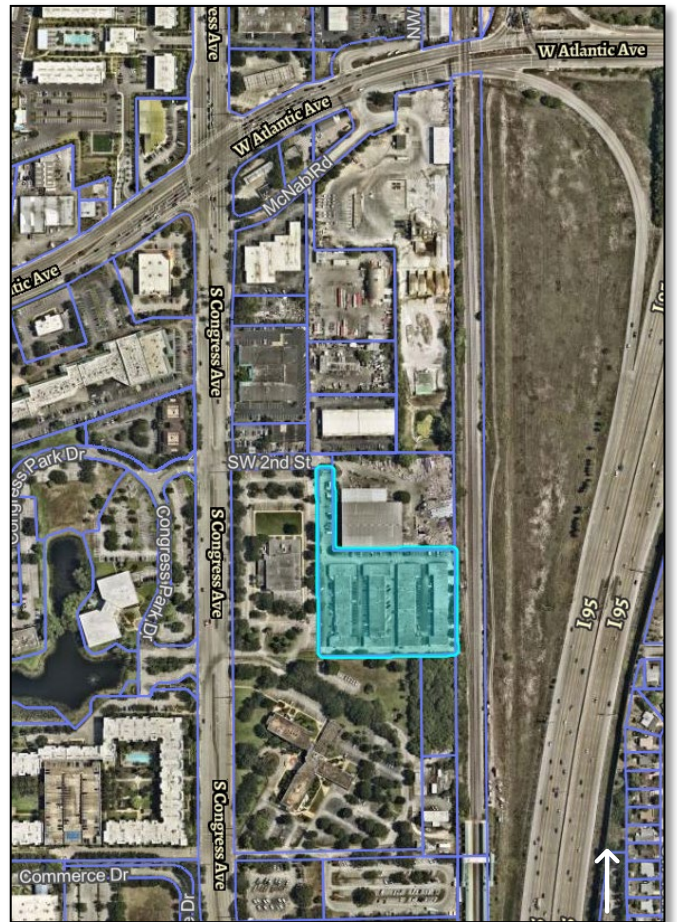
Land Use Designation: Congress Avenue Mixed Use (CMU)

Zoning District: Mixed Residential Office Commercial (MROC)

Adjacent Zoning:

- o North, South, and West – MROC
- o East: Conservation District (CD) and Florida Department of Transportation (Railroad)

Existing Use: Mixed Use Commercial, Retail, Warehouse and Light Industrial



Background

The subject property is located directly west of I-95 and the FEC Railway, south of Atlantic Avenue on the east side of South Congress Avenue. The site is approximately 286 feet from S. Congress Avenue, beyond the County's Administrative Complex that is accessible by SW 2nd Street unto Dr. Andre's Way; a private access into the subject property. The 3.91-acre site, also known as "Andre's Design District" is located within the Mixed Residential Office and Commercial (MROC) zoning district and features four warehouse buildings, each with its own address, and associated parking providing 176 parking spaces. A summary of the development history is outlined below:

1979: The City Commission approved the final plat for a two-lot subdivision. Lot 1 received a Conditional Use for the McEwen Lumber Company. Additionally, a site plan was approved for the Store-All Warehouse Center Industrial Park to develop a four-building office/warehouse complex (Building A–D) with a total gross floor area of 65,075 square feet. Construction of these buildings occurred between 1981 and 1985.

1984: A site plan modification was approved to reduce the footprint of Building D (1874) from 18,000 square feet to 12,935 square feet. All four buildings are single-story structures.

1990: As part of a Citywide rezoning initiative, the property's zoning designation was changed from Light Industrial (LI) to Mixed Industrial and Commercial (MIC).

1997: The City Commission granted a Conditional Use to convert four bays, totaling 1,500 square feet located at the northeast corner of the site, to accommodate a stone cutting facility. Furthermore, the City Commission approved an amendment to the MIC zoning district regulations, reclassifying automobile paint, body, and repair shop from a Permitted use to a Conditional Use.

1998: An additional 9,785 square feet received Conditional Use approval for the establishment of automobile paint, body, and repair shops.

2004: The Public Art Advisory Board was established via Ordinance No. 77-04 with the purpose of advising and making recommendations to the City Commission on public art policy.

2007: City Commission passed Ordinance No. 5-07 to rezone the property from MIC to MROC zoning district.

2019: The current property owner acquired the four buildings with a vision to transform them into Delray's next hub for local businesses, galleries and restaurants which are permitted uses within the MROC zoning district. To attract the public to the "off the beaten path" unique mix of businesses known as "The Andre Design District", a series of murals were commissioned.

However, these murals were installed without the required mural permit approvals, in violation of the Land Development Regulations (LDR).

2022: The site became a subject to code enforcement action due to the unauthorized painting of the murals, without approval through the required mural permit process. At that time, mural installations were not permitted within the MROC zoning district.

In response, the City Commission adopted Ordinance No. 22-20, which expanded the zoning districts allowed for mural installations to include MROC, streamlining the approval process. Currently, there are 36 murals adorning the buildings, with each mural either directly associated with an individual tenant space or located on the exterior walls of the multi-bay warehouse.



It should be noted that the Code Enforcement case related to these murals remains active until all murals receive formal approval through the Public Arts Advisory Board (PAAB). Mural permit applications have been duly submitted for each building, and the murals are now scheduled for review and final action by the Board.

April 23, 2024: At the PAAB meeting, the board approved the first three murals for façades 1 and 4 on Building 1876 and façade 4 on Building 1874. The review of murals on Façade 2 of Building 1876 was postponed to a later meeting date to allow for concurrent review of all proposed murals on the same façade. This should enable the Board to determine if the murals represent a consistent theme or image.

October 29, 2024: The PAAB approved five murals on façade 2 of Building 1876.

November 26, 2024: The 13 murals located on Building 1878 were scheduled at the PAAB meeting but were postponed to the January 28, 2025 meeting.

January 28, 2025: The 13 murals located on Building 1878 were scheduled at the PAAB meeting and no action was taken due to the applicant absence.

February 25, 2025: The following 9 murals located on Building 1880 are scheduled for review by the PAAB.

Description of Request

LDR Section 2.1.8(E)(5), Duties, powers, and responsibilities. Board Actions

The following duties, powers, and responsibilities shall be carried out by the Public Art Advisory Board: The Board shall take action on all requests for the installation of murals on property not located within a historic district or on any individually designated site listed on the Local Register of Historic Places.

LDR Section 2.1.8(F), Final Actions.

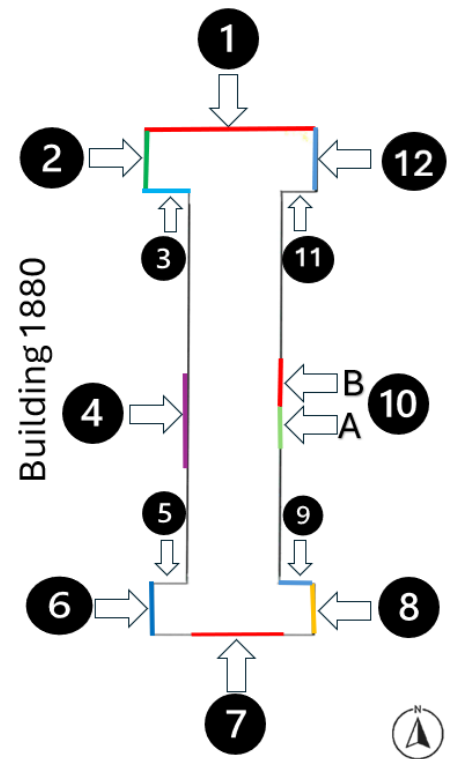
All decisions may be appealed to the City Commission, pursuant to the procedures of [Chapter 2](#).

The request is to allow 9 existing murals on building 1880 located at 1880 Dr. Andre's Way. A total of 9 mural permit applications have been submitted, however, a total of 10 murals are existing on the façades of building 1880. On facade 2 is an existing mural, however no permit application was submitted within this request.

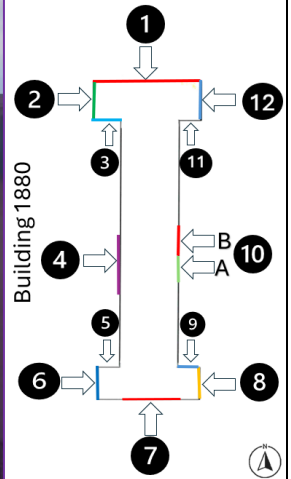
Pursuant to **LDR Section 8.5.3(C)(3)**, each **façade** is limited to **one** mural and may continue across a contiguous wall provided that the image or theme is consistent throughout. Each façade or surface included in the mural shall require a separate mural permit application.

Building 1880 has a total of **12 façades**. A "façade" is considered the exterior surface or face of a building. Therefore, each flat surface of the exterior wall of the building is considered a distinct façade.

On façade 4, no murals exist; however, the walls are painted in a black color without prior approval through the required color-change approval process. Before the Board, is a request to paint a mural on façade 4 on building 1880.



Building 1880 Façade 4 (File No. 2025-051)



Dimensions: 12 feet high by 35.5 feet wide (426 square feet)
Coverage: 100% of the façade
Text Size: 3 feet high by 7 feet wide (21 square feet or 4.93%)

The mural on Façade 4 is a large abstract artwork measuring 12 feet high by 35.5 feet wide (426 sq. ft.), covering 100% of the west elevation of Building 1880. It features a blend of colors primarily in yellow, golden, white, and brown hues, creating a dynamic and vibrant appearance with the text “The Rose Delray” prominently displayed in a bold red and black letters. The upper portion of the mural resembles clouds or a heavenly scene, characterized by its lighter tones and ethereal quality. In contrast, the lower section depicts a cracked faux wall, utilizing dark shades of brown and yellow, adding depth and texture to the composition. The transition between the two areas suggests a movement from a grounded, earthly element to a more celestial or heavenly atmosphere. The entrance of the tenant business - Rose Marcom LLC, a full-service marketing and communications company – depicts a red detailed rose above with black rounded vertical strips that tapers off in the background.

While the mural meets the general definition of public art per Appendix A of the LDRs, its integration with commercial messaging raises concerns regarding compliance with **LDR Section 8.5.3(C)(4)**, *the mural shall be predominantly pictorial, with text limited to no more than 5 percent of the proposed mural size, except for text used to create the graphic.* The “The Rose Delray” text functions as identification signage rather than an artistic component, however, maintaining the 5% text limit established for murals. According to LDR



Sign Code Section 4.6.7, text within murals that serves a commercial or branding function is classified as a wall sign, requiring a separate sign permit. In this case, the mural blurs the line between artistic expression and business advertising, making it non-compliant with the mural regulations without a sign waiver.

From a design perspective, the composition is visually simplistic, relying heavily on shapes, colors, lines, and textures to create a composition. The proposed mural raises concerns about long-term maintenance. Without clear maintenance commitments, the artwork risks degrading quickly, impacting its overall effectiveness as a public art feature.

While the mural partially meets LDR requirements for coverage, placement, and façade integration, its commercial branding, and maintenance concerns present significant compliance issues. Although use of text does not exceed allowable limits, the content of the text functions as a commercial sign rather than integrated as part of the mural. This raises the question of whether the mural genuinely enhances the district's creative vision or simply serves as a stylized branding tool for the development.

Mural Analysis

A thorough analysis of each mural is provided in the individual mural reviews. There are specific criteria for the Board to consider when taking action on mural requests. The following board criteria and technical criteria are listed below.

LDR Section 8.5.2(A) – Criteria for Board Action.

The following guidelines are to be utilized when making a recommendation or acting on a request for the installation of public art, whether located on private or public property: 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.*

The following analysis is provided that includes the board criteria listed above, and the technical criteria listed below.

LDR Section 8.5.3(A), Location

Murals may be proposed on a façade, flat top roof, parking deck, perimeter walls or fences, or dumpster enclosures of any building or structure on a property not located in a historic district or individually designated on the Local Register of Historic Places but that:

- (a) *Faces a railroad right-of-way;*
- (b) *Faces Interstate 95;*
- (c) *Is located within the Central Business District (CBD), Community Facilities (CF), Industrial (I), Light Industrial (LI), Mixed Industrial and Commercial (MIC), **Mixed Use Residential Office and Commercial (MROC)**, General Commercial (GC), Planned Commercial (PC), Neighborhood Commercial (NC), Planned Office Commercial (POC), Professional Office District (POD), Open Space and Recreation (OSR), or Special Activities District (SAD) zoning districts.*

The subject property is located within the MROC zoning district and features a warehouse building, specifically Building 1878. Although this building does not directly face either a railroad right-of-way or Interstate 95, the property in its entirety does front the FEC Railway and Interstate 95 is directly to the east of the railway.

LDR Section 8.5.3(B), Design and installation

Each mural shall be designed and installed with techniques and/or materials that do not permanently damage the facade of the building. Murals are also subject to compliance with the applicable requirements of the Florida Building Code any other applicable local, state, or federal regulations.

LDR Section 8.5.3(C), Placement and Design requirements

All murals must meet the following requirements:

- (1) **Coverage, size, and scale.** *Murals shall be proportionate in size and scale to the building facade. A mural may cover 100 percent of the wall, provided it does not paint over windows.*

- (2) **Façade features.** Murals shall be positioned on the façade in a manner that respects architectural features. Murals shall not cover windows or mask architectural details in a manner that detracts from the architecture of the building.
- (3) **Mural limitations.** Each facade or surface of a building or accessory structure shall have only one mural. A consistent image or theme may continue across contiguous walls; however, each facade or surface included in the mural shall require a separate mural permit.
- (4) **Mural text size.** The mural shall be predominantly pictorial, with text limited to no more than 5 percent of the proposed mural size, **except for text used to create the graphic.**
- (5) **Signage and commercial messaging.** Signage and commercial messaging in murals are regulated in accordance with Section 4.6.7.
- (6) **Illumination.** Murals may be illuminated only by indirect lighting. Any proposed illumination shall be accompanied by a photometric plan as set forth in Section 2.4.3(B)(17) that demonstrates compliance with Section 4.6.8. Illumination shall not continue after 11:00 pm. Internal illumination, blinking lights, and flashing lights are prohibited.
- (7) **Preservation and maintenance.** Applicants must provide a preservation and maintenance plan for the proposed mural.
- (8) **Public safety.** Mural faces may not have any moving or animated parts, or any other electronic movements. Murals may not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles.
- (9) **Compliance with laws.** Murals must comply with all applicable laws, rules and regulations of the federal, state and county governments. Any proposed amendments to this section must be consistent with applicable federal, state and county laws and ordinances in effect at the time of such amendment.

Appendix A of the LDR defines a “**mural**” as “an original, one-of-a-kind unique mosaic, painting, or graphic art or combination thereof (including collage effects) that is professionally applied to aesthetically enhance the exterior of a building or accessory structure such as a dumpster enclosure, fence, or site wall, **that does not contain any brand name, 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 mural regulations allow text on murals subject to the text size does not exceed 5% of the total mural size **and** meets the definition of a mural.

In addition, Appendix A provides a definition of a “**painted wall sign**” which is defined as “a sign applied with paint or similar substance on the face of a wall.” Furthermore, a “**wall sign**” is defined as “a **sign painted** or attached parallel to the outside of a building”. Therefore, any letters applied by paint are considered a wall sign and shall be subject to the Sign Code regulations set forth in Section 4.6.7.

Pursuant to Table 4.6.7(A), Sign standards per zoning district, the MROC zoning district allows various sign types. One type of signage allowed is a wall sign which is restricted to one wall sign per business that faces a dedicated street frontage or facing I-95 and one wall sign per building restricted to 9 square feet to the rear of the building not facing a street. As the subject property does not face any streets or I-95, the subject property is limited to only one wall sign per building, not included the other various sign types such as directory, projecting, under canopy or free-standing sign.

The applicant has provided a detailed maintenance plan for the murals, which includes biannual visual assessments to check for signs of fading, chipping, cracking, vandalism, or other damages. In addition, minor repairs will be addressed promptly with touch-ups for fading, damage or vandalism within 72 hours of identification. The maintenance plan also outlines an annual cleaning schedule for removing dirt, dust, and pollutants from all murals, with a protective clear coat or sealant reapplied to safeguard the

murals against environmental factors. The proposed murals do not include any electronic components, animated parts or any illumination that would cause glare to impair or distract the vision of motorists from the ability to safely operate their vehicle

Hal Yaskulka - the artist commissioned for this proposed artwork, is an artist born in Brooklyn, New York with experience in portraits, figurative works, abstract and landscape works for private collections and Hollywood films. He has experience in painting murals for Disney and casinos in Las Vegas.

Overall, Andre Design District has a total of 31 existing murals spread across four warehouse buildings, illustrating various murals. Per Appendix A of the LDRs, "Public Art" is defined as "a means of artwork or works of art including, but not limited to sculptures, integrated architectural or landscape architectural work, community art, digital media installations, or murals...."

The subject property is surrounded by industrial use to the north and the County's Administrative Complex to the west and south within the Congress Avenue Corridor with a Congress Avenue Mixed Use (CMU) land use designation. The vision for the Congress Avenue Corridor is to offer new development and redevelopment with a mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.

Objective NDC 1.4 Industrial Land Use Designations
Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.

Policy NDC 1.4.9
Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.

OBJECTIVE HCE 3.6 Design & Social Interaction
Encourage new developments to promote social interaction through site design.

Policy HCE 3.6.3
Encourage the provision of public art and preserve and increase access to cultural resources.

A similar redevelopment strategy has been taking wave through industrial zoned districts such as Wynwood in Miami to revitalize the neighborhood after a mass exodus of residents leaving behind abandoned warehouses. The transformation began for the neighborhood in the early 2000s by a real estate developer who bought the properties. Wynwood has since evolved into one of the most prominent creative communities in the United States, and a global

destination for art, fashion, and innovation.

In 2019, the current property owner acquired the four buildings with a vision to transform them into Delray's next hub for local businesses, galleries and restaurants which are permitted uses within the MROC zoning district. The purpose was to attract the public to the "off the beaten path" offering a unique mix of businesses known as "The Andre Design District". At that time, the commissioning of the existing murals existing today was pursued.

Objective SPE 2.1 Private and Nonprofit Organizations
Increase efforts to build new public-private partnerships and expand existing partnerships to improve the quality of life for Delray Beach residents.

Policy SPE 2.1.9
Coordinate with private partners involved in the creative arts to establish policies and programs in building a cultural master plan. [Complete by 2025]

The Comprehensive Plan highlights the importance of allowing public art, preserving and increasing access to cultural resources. It promotes strategic partnerships with those involved with the creative arts to establish policies and programs that enhance Delray Beach as a diverse City through cultural attractions, traditions, communities and business districts. The plan also identifies synergies between these clusters of cultural and innovation districts to encourage economic development in mixed use centers and neighborhoods.

Objective ECP 3.2 Cluster Marketing
Market and brand Delray Beach focused on the synergies of its industry clusters.

Policy ECP 3.2.6
Promote Delray Beach as a diverse city highlighting cultural attractions, traditions and communities in neighborhoods and business districts as well as downtown.

Delray Beach is rich in cultural history, and the vision for the city includes preserving the existing cultural districts, market and brand cultural attractions and traditions. Meanwhile, identifying new opportunities for additional cultural district, allow public arts and expand by creating innovation districts to grow the clusters to create economic prosperity in mixed use centers and neighborhoods.

Policy ECP 3.3.2
Identify opportunities for potential zones, cultural districts or innovation district to grow the clusters and encourage economic development in mixed-use centers and neighborhoods.

The creation of a new cultural or innovation district through the commissioning of these murals in the "Andre Design District" aligns with the vision of the Comprehensive Plan provided that this initiative improves the quality of life of Delray Beach residents.

Additionally, further analysis is required under **LDR Section 8.5.3(C)(3), mural limitations** which regulates the number of murals permitted on a façade or flat surface. Only one mural is permitted on one façade of the building. The LDR continues to highlight that a “consistent image or theme may continue across contiguous walls; however, each facade or surface included in the mural shall require a separate mural permit.” Therefore, the LDR implies that one mural is permitted on a façade that may continue across a contiguous wall provided it is one image or theme. The Board shall consider the proposed mural in consideration of any future murals that could be incorporated on façade 4 of Building 1880 and whether it consists of a consistent image or theme.

The Board shall consider whether the proposed public art is compatible with the surrounding neighborhood, created with exceptional quality and enduring value that serves the City’s goal of promoting cultural diversity and identifies as an opportunity to create an innovative district to grow and encourage economic development. The Board shall also consider if the expansion of the public art which is typically found downtown is appropriate to this site or shall be located at a different location. Additionally, the Board shall consider if the existing non-compliant signage incorporated into the existing murals and the mural maintenance plan shall incorporate bi-monthly inspections and maintenance such as cleaning and reapplying a protective clear coat or sealant to safeguard the murals from deteriorating from harsh conditions and keeping the exceptional quality and enduring value the City strives to uphold.

Optional Board Actions

Façade 4 (File No. 2025-051)

- A. Move approval, of the Mural Permit (2025-051) to paint a mural (façade 4) on the west elevation of Building 1880 located at **1880 Dr. Andre’s Way**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 8 of the Land Development Regulations.
- B. Move approval, as amended, of the Mural Permit (2025-051) to paint a mural (façade 4) on the west elevation of Building 1880 located at **1880 Dr. Andre’s Way**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 8 of the Land Development Regulations.
- C. Move denial of the of the Mural Permit (2025-051) to paint a mural (façade 4) on the west elevation of Building 1880 located at **1880 Dr. Andre’s Way**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Chapter 8 of the Land Development Regulations
- D. Postpone