



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

STAFF REPORT

5090 West Atlantic Ave – Fifth Third Bank

Meeting	File No.	Application Type
November 26, 2024	2024-227 MUR-PAAB (Façade 1 -West) 2025-004 MUR-PAAB (Façade 2 - North) 2024-005 MUR-PAAB (Façade 3 - South) 2024-006 MUR-PAAB (Façade 4 - East)	Mural Permit Applications
Property Owner	Applicant / Agent	
KP Delray, LLC	Benjamin Lewis, BDG Architects	

Request

Consideration of the installation of four murals on the north, south, west, and east facades of the bank building being constructed at 5090 W. Atlantic Avenue.

General Data

Location: 5090 West Atlantic Avenue

PCN: 12-42-46-14-38-000-0010

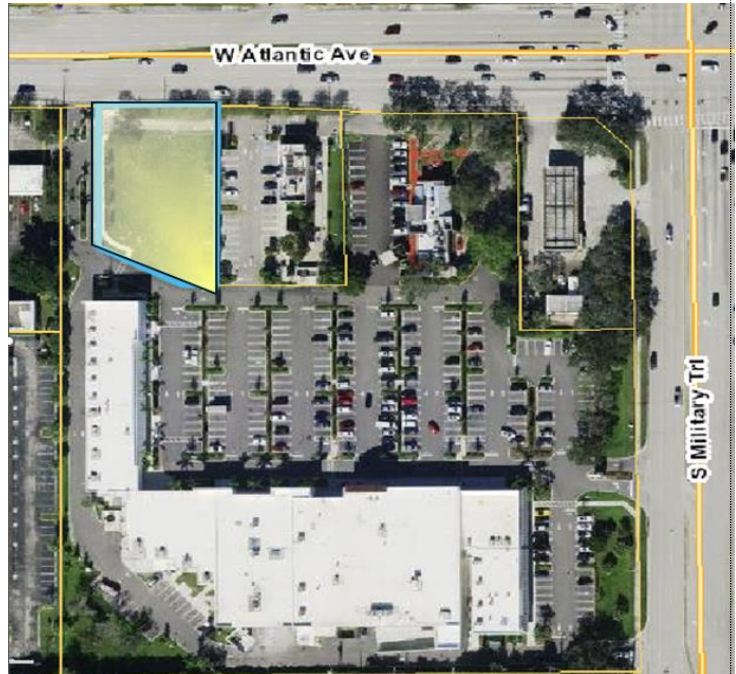
Property Size: 0.554 acres

Land Use Designation: General Commercial

Zoning District: Planned Commercial District (PC) with Four Corners Overlay District

Adjacent Zoning:
North, South, West, and East -- Planned Commercial District

Future Use: Retail Bank under construction



Background

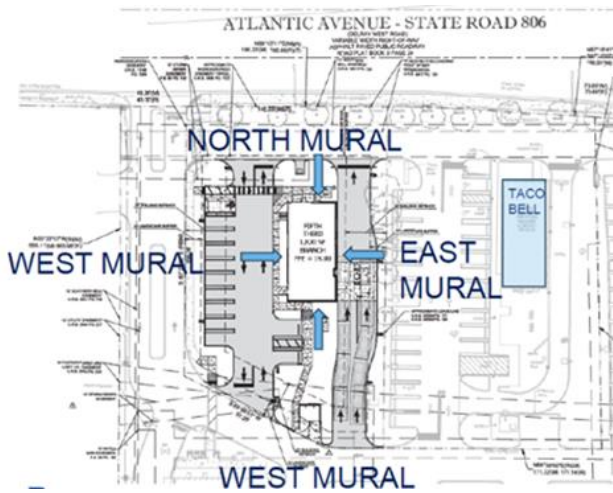
The subject property is located at the NW corner of the Delray Landing Shopping Center, 5024 West Atlantic Avenue, in the Planned Commercial Zoning District within the Four Corners Overlay District. The 0.554-acre parcel faces West Atlantic Avenue and was approved for the construction of a Fifth-Third Bank. A summary of the development history is below:

2023: The Planning and Zoning Board approved a Master Development Plan (File No. 2023-039) with waivers to the Four Corners District site development regulations to allow new development in the northwest area of the shopping center. The

Site Plan Review and Appearance Board (SPRAB) approved a Class V site plan (File No. 2022-267) for the proposed bank. The bank will be immediately west of the Taco Bell restaurant which has existing murals on the east and west facades.

The applicant is requesting approval for four murals, one on each face of the bank building. Pursuant to **Land Development Regulation 8.5.3(C)(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." Therefore, separate action is required on each of the elevations of the building.

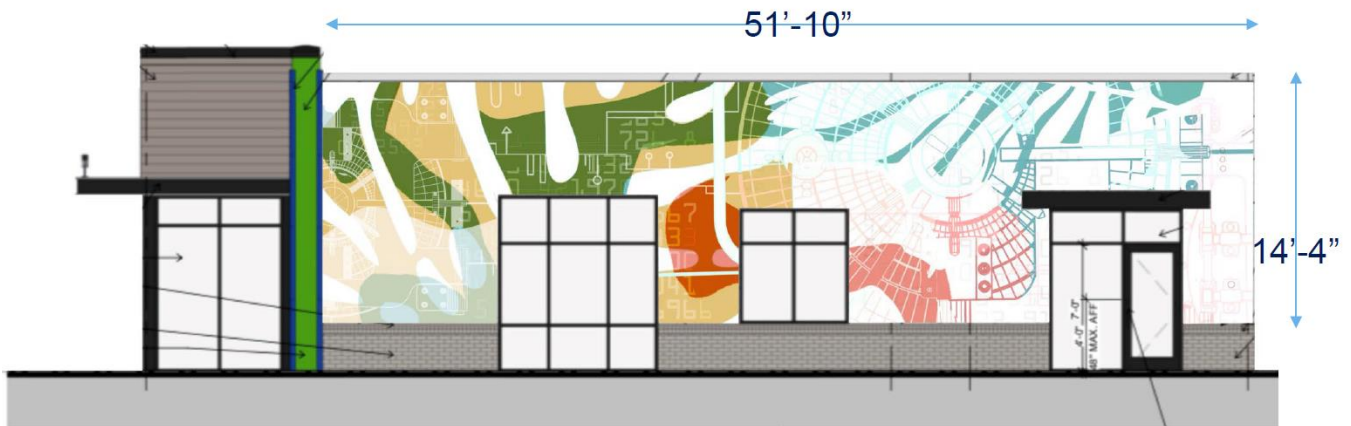
Description of Request



The applicant requests approval of four murals to be applied to the north, south, east, and west façades of the approved Fifth Third Bank Building at 5090 West Atlantic Avenue.

Figure 1 - LOCATION OF PROPOSED BANK MURALS

Façade 1 – West Elevation. Application No.: 2024-227 MUR-PAAB



The proposed mural for the west elevation of the Fifth Third Bank building, spans 51 feet and 10 inches in width and 14 feet and 4 inches in height, encompassing 558 square feet in total. Covering the entire façade, except for the designated openings, the mural is designed with an abstract, symbolic representation of banking and financial themes. Through an intricate interplay of geometric shapes, lines, and financial iconography, the mural aims to evoke a sense of stability and trust that aligns with the bank's identity. The visual language used here subtly reflects the systematic, organized nature of financial operations, providing both an aesthetically engaging experience and a conceptual anchor that complements the bank's purpose.

The mural's scale and style have been carefully calibrated to respect the architectural structure of the façade, avoiding any interference with windows or structural details, thus ensuring visual continuity and architectural integrity

Façade 2 – North Elevation.

Application No.: 2025-004 MUR-PAAB

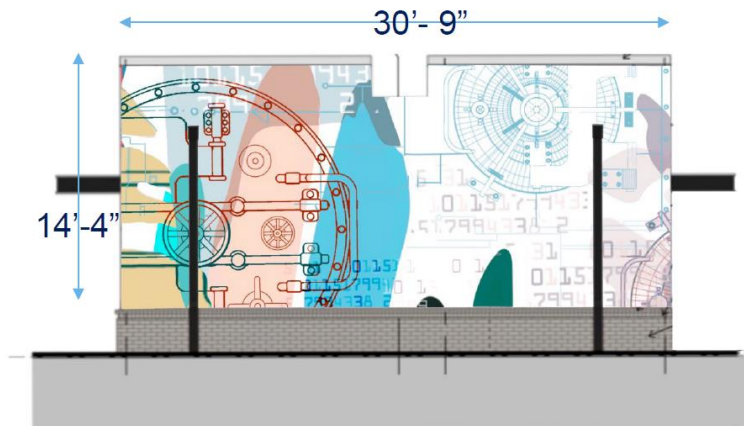


The mural proposed for the north elevation, spans a width of 12 feet, 7 inches, and a height of 14 feet, 4 inches, covering a total area of 118 square feet. This mural fully occupies the façade, aside from openings and the main entrance. The design utilizes a series of stylized symbols that echo elements of the banking and finance sector, employing a contemporary visual style that aligns with the bank's corporate identity.

This mural aims to engage passersby with a modern yet subtle representation of the financial world, combining abstract forms that imply movement and connectivity, core aspects of banking. The artwork's composition has been crafted to ensure seamless integration with the entrance area, drawing attention to the entryway while preserving the architectural features of the façade. This approach allows the mural to both complement the building's design and reinforce the brand's association with security, order, and the flow of financial transactions.

Façade 3 – South Elevation

Application No.: 2024-005 MUR-PAAB

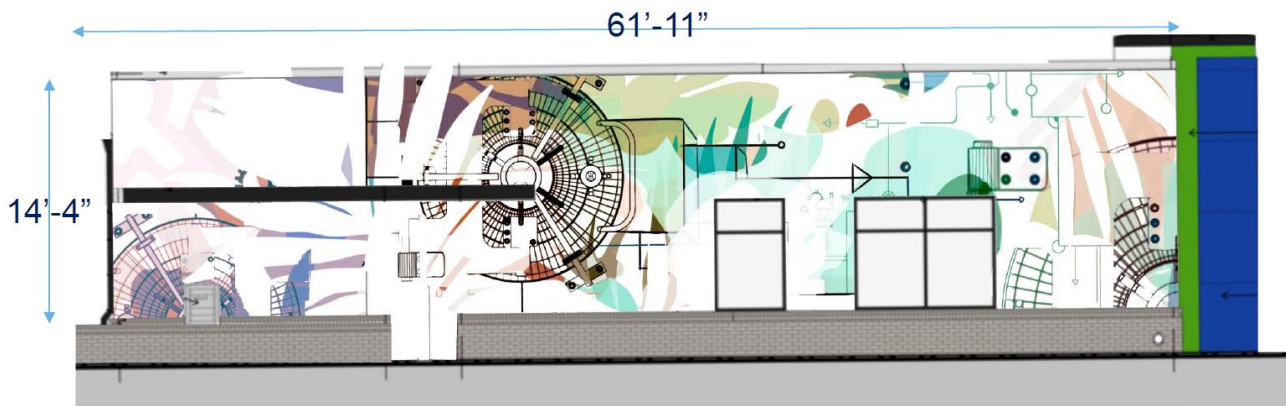


The proposed mural for the south elevation, spans 30 feet, 9 inches in width and 14 feet, 4 inches in height, covering a total area of 406 square feet. This mural, encompassing the entire façade, portrays the imagery of a vault—a powerful visual metaphor that speaks to the concepts of security, stability, and trust inherent to banking and financial services.

The vault imagery is rendered with attention to both symbolic and aesthetic impact, using a balance of depth, shading, and structural detail to create a striking visual effect that resonates with the building's purpose. The design is intended to evoke a sense of assurance and reliability, reinforcing the bank's role as a trusted guardian of assets. By depicting this iconic element of banking, the mural provides an accessible and memorable representation of the bank's core values while enhancing the building's visual presence along the south elevation.

Façade 4 – East Elevation

Application No.: 2024-006 MUR-PAAB



The mural proposed for the east elevation, spans 61 feet, 11 inches in width and 14 feet, 4 inches in height, covering a substantial area of 775.01 square feet. Occupying the entire façade, except for designated openings, this mural employs an abstract array of symbols and shapes that subtly evoke the themes of banking and financial connectivity.

Designed to enhance the bank's presence along this prominent elevation, the mural's composition integrates a series of interwoven forms that convey a sense of continuity and movement. This visual language mirrors the flow of financial transactions and the dynamic nature of the banking industry, capturing the essence of commerce and interaction. The artwork's expansive scale and layered design provide a visually engaging backdrop, reinforcing the bank's identity within the surrounding commercial district while respecting the architectural rhythm of the façade.

Mural Analysis

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.

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 PC zoning district and will be applied to a bank building when it is complete, specifically at 5090 West Atlantic Avenue. It does not face a railroad right of way or Interstate 95. The building abuts West Atlantic Avenue which is a principal commercial corridor.

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.

The attached report by the artist provides information and other works of the local artist, Benjamin Heller, who has collaborated with Brightline and local private equity developer PEEB Enterprises.

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.

Each proposed mural is designed to cover 100% of its respective wall surface, ensuring no obstruction to existing architectural features such as windows and doors. The positioning of each mural has been carefully considered to respect the structural

and aesthetic elements of the building. Notably, all four murals are devoid of text and signage, maintaining a focus on visual artistry rather than commercial messaging.

The applicant has provided a maintenance plan that outlines periodic touch-ups and adjustments, coordinated between the artist and client, to uphold the murals' appearance and longevity. The artist intends to use Sherwin Williams exterior paint, in flat or satin finishes, with a quality level of Super Paint or higher to ensure durability and weather resistance.

In compliance with safety and visual impact standards, the murals incorporate no electronic or animated elements and lack illumination that could create glare or distract drivers along adjacent roadways, thereby minimizing any potential impact on traffic safety.

It is noted that two existing murals are present on the adjacent Taco Bell restaurant at 5070 West Atlantic Avenue, located east of the proposed bank site. According to Appendix A of the Land Development Regulations (LDRs), these murals qualify as "Public Art," encompassing works of art such as murals, sculptures, integrated architectural features, and community art installations.

The proposed murals satisfy the primary criterion for public art consideration as outlined in the Land Development Regulations. However, to ensure alignment with the broader objectives set forth in the Always Delray Comprehensive Plan, a further review of relevant planning policies is recommended. This assessment aims to ensure that new art installations effectively support the City's vision for cultural enrichment, especially within designated commercial and cultural corridors.

Comprehensive Plan Policies:

The Always Delray Comprehensive Plan emphasizes the importance of public art in enriching cultural resources and enhancing community identity. It advocates for strategic partnerships with creative arts organizations to develop policies and programs that position Delray Beach as a culturally diverse city, drawing on its attractions, traditions, and vibrant business districts. The Plan also highlights the potential for synergy among cultural and innovation districts, aiming to stimulate economic development within mixed-use centers and neighborhoods. Currently, the majority of murals are concentrated within the city center.

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.

Delray Beach's vision includes preserving established cultural districts while identifying new opportunities to expand public art through the creation of innovation districts. These initiatives are intended to strengthen Delray Beach's cultural brand, foster economic prosperity, and expand clusters of cultural assets within 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.

The Public Art Advisory Board should consider whether the proposed murals are compatible with the surrounding neighborhood, exhibit exceptional quality, and offer enduring value aligned with the City's goals for cultural diversity. The Board should also assess if these murals present opportunities to support innovation districts that promote economic growth. Additionally, the Board must evaluate whether expanding public art, traditionally concentrated in the downtown area, is appropriate for this location or if an alternative site within Delray Beach might better serve the City's objectives.

The Board's review of mural requests should be guided by the specific criteria established for public art approval, ensuring each installation aligns with the policies of the Always Delray Comprehensive Plan.

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.

Review by Others:

Item shall appear in the appealable action section of the City Commission agenda.

Optional Board Actions

Façade 1 – West Elevation, 2024-227 MUR-PAAB

- A. Move approval, of the Mural Permit (2024-227), Façade 1, to paint a mural on the west elevation of proposed band building at 5090 West Atlantic Avenue, 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 (2024-227), Façade 1, to paint a mural on the west elevation of proposed band building at 5090 West Atlantic Avenue, 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 Mural Permit (2024-227), Façade 1, to paint a mural on the west elevation of proposed band building at 5090 West Atlantic Avenue, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
- D. Postpone

Façade 2 – North Elevation, 2025-004 MUR-PAAB

- A. Move approval, of the Mural Permit (2025-004), Façade 2, to paint a mural on the north elevation of proposed band building at 5090 West Atlantic Avenue, 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 (2025-004), Façade 2, to paint a mural on the north elevation of proposed band building at 5090 West Atlantic Avenue, 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 Mural Permit (2025-004), Façade 2, to paint a mural on the north elevation of proposed band building at 5090 West Atlantic Avenue, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
- D. Postpone

Façade 3 – South Elevation, 2024-005 MUR-PAAB

- A. Move approval, of the Mural Permit (2025-005), Façade 3, to paint a mural on the south elevation of proposed band building at 5090 West Atlantic Avenue, 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 (2025-005), Façade 3, to paint a mural on the south elevation of proposed band building at 5090 West Atlantic Avenue, 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 Mural Permit (2025-005), Façade 3, to paint a mural on the south elevation of proposed band building at 5090 West Atlantic Avenue, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
- D. Postpone

Façade 4 – East Elevation, 2024-006 MUR-PAAB

- A. Move approval, of the Mural Permit (2025-006), Façade 4, to paint a mural on the east elevation of proposed band building at 5090 West Atlantic Avenue, 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 (2025-006), Façade 4, to paint a mural on the east elevation of proposed band building at 5090 West Atlantic Avenue, 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 Mural Permit (2025-006), Façade 4, to paint a mural on the east elevation of proposed band building at 5090 West Atlantic Avenue, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
- D. Postpone