



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

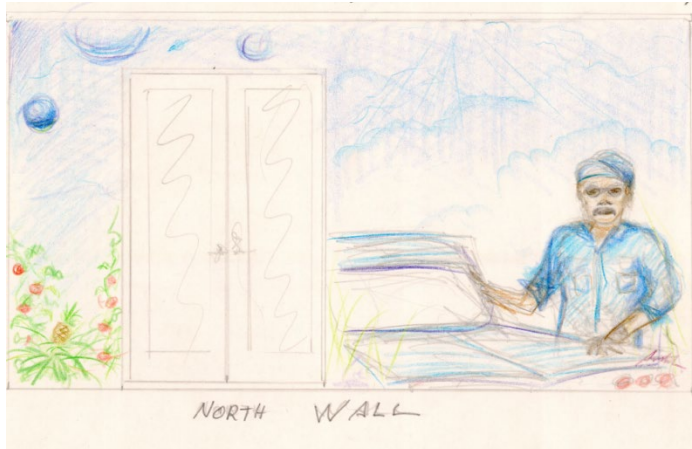
Meeting: September 27, 2022	File No. 2022-244	Application Type: Mural Permit
<p>Applicant: Delray Design and Development, LLC Property Owner: Delray Design and Development, LLC Address: 1133 West Atlantic Avenue PCN: 12-43-46-17-17-001-0090 Land Use Map Designation: Commercial Core (CC) Zoning: Central Business District (CBD), West Atlantic Neighborhood Sub-district Adjacent Zoning:</p> <ul style="list-style-type: none"> North, East, South, West: CBD, West Atlantic Neighborhood Sub-district <p>Existing Use: Retail Item before the Board: Consideration of four Murals on the north, south, east, and west elevations.</p>		
<p>Background: The building was built in 1959 as Byrd's Auto Shop, which was in business until 2016. Since then, it has functioned as a business office and is currently a retail store "Vapes N Smoke".</p>		
<p>Description of Request: The request before the Board includes four new murals on all four building elevations. The murals can be viewed from the public right of way by motorists and at the pedestrian street level along both West Atlantic Avenue and NW 12th Avenue. All four elevations are provided in the attachments.</p> <p>The murals are being curated and completed by Anibal Fernandez, who is a native of Uruguay and studied at Montevideo's Art University. The proposed murals will be airbrushed on all the elevations. The type of paint that will be used is Benjamin Moore with a UV Flat Clear protection</p>		

<p>Project Planner: Jennifer Buce, Planner buce@mydelraybeach.com</p>	<p>Review Dates: September 27, 2022</p>	<p>Attachments:</p> <ol style="list-style-type: none"> Existing Elevations Proposed Rendering
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and an anti-graffiti paint protector. The theme for all four walls is to “Reconnect with Nature”. Anibel’s artwork is inspired by everyday living.

The proposed mural on the north elevation (rear) is of Deacon Earnest Byrd, who owned and operated Byrd’s Paint & Body Shop at 1133 West Atlantic Avenue, which is the location of the proposed murals. The south, east and west elevations are consistent with the theme of “Reconnect with Nature”. They are themed with a sun, flowers, bees, dragonfly, birds, and the sky. Some of the drawings are abstract.



Mural Analysis:

Pursuant to **LDR Section 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. Each mural is to be reviewed separately and approved separately. There are four murals, one on each elevation that continue a similar theme on the south, east and west elevations.*

The proposed murals comply with **LDR Section 8.5.3 (A)(1)(c) Location:** *Murals may be proposed on a **façade** of any building or structure on a property that is not located in a historic district or individually designated on the Local Register of Historic Places but that is located within the **Central Business District (CBD)**. The proposed murals are proposed on each façade of the building, which is within the CBD West Atlantic Neighborhood Sub-district.*

LDR Section 8.5.3(C)(2) states that *Murals shall not cover windows or mask architectural details in a manner that detracts from the architecture of the building.* Each facade contains windows or a door system that is not proposed to be painted or incorporated into the mural.

The murals proposed carries a similar theme on each elevation. The coverage of the murals is appropriate and permitted per **LDR Section 8.5.3(C)(1)**. The public safety for others is not in any way interfering with pedestrians or motorists, therefore, LDR Section 8.5.3 Placement and Design requirements has been met.

In addition to the technical criteria provided above, there is specific criteria to be considered when reviewing a mural request. Pursuant to **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.*

The location of the murals is allowed in the Central Business District, located on a façade, and covers 100 percent of the façade not including window and door openings. There is a contiguous theme which can be seen on the four proposed facades. The proposed mural conforms with the definition of public art and is compatible with the neighborhood, in particular the entry features from I-95, which has a similar color scheme. Additionally, there is no text, commercial signage messaging, or illumination incorporated into the design or part of the proposal.

PUBLIC ART. Means artwork or works of art including, but not limited to sculptures, integrated architectural or landscape architectural work, community art, digital media installations, or murals, that are: located in the public right-of-way; on City owned property; located on structures that are located in the public right-of-way or on City owned property; or located on private property and funded by the City.

Comprehensive Plan

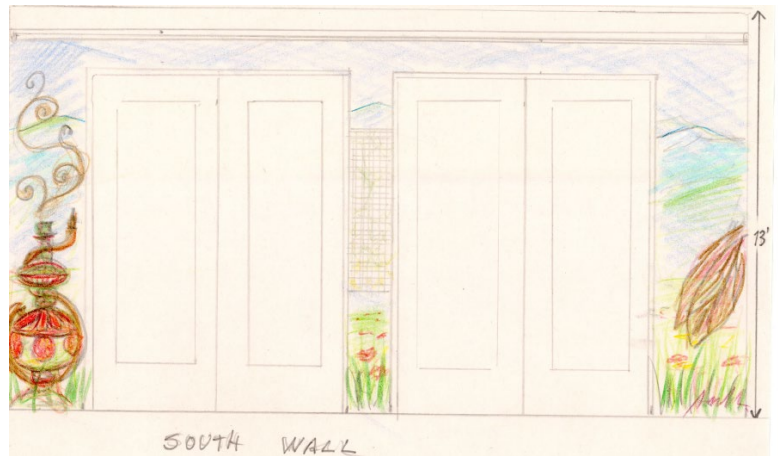
The West Atlantic Area is one of the City's gateways into the downtown from I-95, and the proposed murals can bring an added artistic view into the West Atlantic Sub district. There are additional murals that have been approved along West Atlantic Avenue. The Always Delray Comprehensive Plan could support the request by promoting and implementing public art opportunities and improving facades in the update of the West Atlantic Redevelopment Plan.

Policy NDC 2.7.7

Update the West Atlantic Avenue Redevelopment Plan, which was adopted in 1995; new improvements and development shall comply with the provisions of the West Atlantic Avenue Redevelopment Plan until an update to the West Atlantic Avenue Redevelopment Plan is adopted. [Complete by 2025]

Reviewed by Others:

The mural was reviewed by the Downtown Development Authority on September 12, 2022. The DDA recommended approval with a condition that a pineapple be added in place of the proposed hookah on the south (front) elevation.





Optional Board Motions for Action Item:

Mural One (North Elevation)

1. Move **approval** for the painting of a mural (2022-244) on the **north elevation** located at **1133 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.
2. Move **denial** for the painting of a mural (2022-244) on the **north elevation** located at **1133 West Atlantic Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
3. Move to **continue with direction**.

Mural Two (South Elevation)

1. Move **approval** for the painting of a Mural (2022-244) on the **south elevation** located at **1133 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.
2. Move **denial** for the painting of a Mural (2022-244) on the **south elevation** located at **1133 West Atlantic Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
3. Move to **continue with direction**.

Mural Three (East Elevation)

1. Move **approval** for the painting of a Mural (2022-244) on the **east elevation** located at **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.
2. Move **denial** for the painting of a Mural (2022-244) on the **east elevation** located at **West Atlantic Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
3. Move to **continue with direction**.

Mural Four (West Elevation)

1. Move **approval** for the painting of a Mural (2022-244) on the **west elevation** located at **1133 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.
2. Move **denial** for the painting of a Mural (2022-244) on the **west elevation** located at **1133 West Atlantic Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Chapter 8 of the Land Development Regulations.
3. Move to **continue with direction**.