TO: Members of the Planning Commission

FROM: Melora Furman, Senior Planner

RE: Public Art Piece for the Wellborn Crossing Subdivision

DATE: June 3, 2020

Rezoning of property from C-1 (Local Commercial) to MR-1 (Multifamily Residential-1) at 2387 Wellborn Road was recommended for approval by the Planning Commission on May 7, 2019 and approved by the Board of Commissioners on May 28, 2019. The inclusion of public art in the proposed development enabled the applicant, Rockland Homes, to qualify for a density bonus of 20% more units than the base density of 8 units per acre in the Suburban land use designation. (The development has a total density of 8.4 units per acre.)

Section 2.12.7(A)(3) states, “To qualify for a bonus density, a proposed work of art shall be subject to approval by the planning commission . . . “ The developer of Wellborn Crossing, through its attorney Michelle Battle, has indicated that a public art piece has been selected. Therefore, consideration of the public art piece has been added as Agenda Item N14 to the July 7 Planning Commission agenda. Staff will be submitting a staff report for your consideration but will not, however, be making a recommendation.

The qualifying standards for public art are shown in the grey-highlighted regulations below.

Please find attached the information submitted to Staff regarding the public art piece that is subject to your consideration.

Attachment: Public Art Application
Sec. 2.12.7. - Bonus density qualifying standards.

The following standards shall be applied when considering whether bonus density may be allowed:

A. Qualifying public improvements.

1. Bus shelter. To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.

2. Park-n-ride and/or ride-share. To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of one hundred (100) parking spaces, and park-n-ride amenities shall provide a minimum of three hundred (300) parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.

3. Public art. To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off site, and have a value of at least one-half of one percent (.005) of the total construction valuation of the building permit. The maximum required value shall not exceed two hundred fifty thousand dollars ($250,000.00).

   a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.

   b. For commissioned work, a deposit with the planning department of one hundred fifteen (115) percent of the value of the public art is required prior to the issuance of a building permit.

   c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including but not limited to:

      • Paintings;
      • Sculptures;
      • Site specific installations;
      • Engravings;
      • Carvings;
      • Frescos;
      • Mobiles;
      • Murals;
      • Collages;
      • Mosaics;
      • Statutes; and
      • Base-reliefs.

   d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.

   e. The following shall not be considered public art or public works of art:

      • Reproductions or unlimited copies of original art work;

      • Art objects which are mass produced;
• Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and

• Architectural rehabilitation or historical preservation.

4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
   a. Parking decks not integrated into other buildings shall be located internal to the site.
   b. Structures are either at least two (2) stories above ground or greater; and/or
   c. Alternatively, at least one (1) story is underground.
   d. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary building(s).

5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter (0.25) mile and shall connect to a greenway/trail or sidewalk network external to the site.

B. *Qualifying amenity clarifications.*
   1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9, including pharmacies with diagnostic services.
   2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. No. 15-06, 8-25-2015)
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(Ord. No. 15-06, 8-25-2015)
June 1, 2020

VIA EMAIL

Jahnee Prince, Deputy Director
DeKalb County Planning & Sustainability Dept
330 W. Ponce de Leon Avenue, 3rd Floor
Decatur, GA 30030

Re: CZ-19-1243046 2387 Wellborn Road
Submittal of Public Art for Review of Planning Commission

Dear Jahnee,

On behalf of Rocklyn Homes, Inc. in accordance with Condition 4 of the approved conditions for CZ-19-1243046, I am hereby submitting for review by the DeKalb County Planning Commission the proposed public art for the townhome community to be located at 2387 Wellborn Road. In connection with this submission, enclosed please find the following:

1. Approved Site Plan for 2387 Wellborn Road showing location of Public Art attached hereto as Exhibit “A”;

2. Drawing of Proposed Sculpture prepared by Ayokunle Odeleye of Odeleye Sculpture Studios LLC, 2542 Young Road, Stone Mountain, GA 30088 attached hereto as Exhibit “B”;


4. Biography for Ayokunle Odeleye attached hereto as Exhibit “D”; and

5. List of List of Public Art Commissions and Grants (Partial Listing) attached hereto as Exhibit “E”.

6. Valuation Calculation attached hereto as Exhibit “F”; and

7. Copy of Memorandum of Understanding Between Rocklyn Homes, Inc. and Odeleye Sculpture Studios, LLC executed April 7, 2020 attached hereto as Exhibit “G”.

MICHÈLE L. BATTLE, ESQ.
President
mlb@battlelawpc.com
I hereby request that this submission be delivered to the DeKalb County Planning Commissioner for their review and approval.

Sincerely,

Michèle L. Battle

cc: Tim Jenkins  
    Melora Furman  
    Andrew Baker  
    Matthew Williams
EXHIBIT “A”

Site Plan Attached
EXHIBIT “B”

Drawing of Proposed Public Art
And Example of Steel Material to be Used
EXHIBIT “C”

Example of Past Work
Ayokunle Odeleye has been working as a professional sculptor and arts educator for the past thirty-eight years. He received a Bachelors Degree in Art Education from Howard University in 1973 and a Master’s Degree in sculpture from Howard University in 1975. He has taught art at Dunbar High School, The Duke Ellington School for the Arts and Howard University in Washington D.C., and at Woodland Middle School, Spelman College and Georgia State University in Atlanta. Currently he is a senior Professor of Art at Kennesaw State University in Kennesaw, Georgia where he has been teaching for the past twenty-two years.

He is the owner, primary designer and fabricator of Odeleye Sculpture Studios in Stone Mountain, Georgia. This studio specializes in the creation of large scale sculptures for public spaces in a variety of media. He has created sculptures for cities across the United States from Atlanta to Alaska, many of which have historic significance. The studio also creates finely crafted works of sculpture in a variety of hardwoods and mixed media.

Ayokunle recently created a stainless steel and bronze sculpture for the City of Atlanta Office of Cultural Affairs, to be placed at the intersection of Cascade Rd. and Benjamin Mays Blvd. The sculpture which also functions as a working sundial and light fixture includes elements designed to honor significant individuals from the Cascade Road community who’s scholarship and creativity has impacted Atlanta and beyond.

In July of 2011, Ayokunle received the prestigious Mid-Career Artist Award from The National Black Arts Festival in recognition of his 38 years as a professional artist and arts educator. In November of 2012 the Museum of Contemporary Art in Atlanta honored Ayokunle with a Retrospective Exhibition of drawings, photographs and models of his work highlighting 32 years of excellence in the field of Public Art.
EXHIBIT “E”

ODELEYE SCULPTURE STUDIOS, LLC

List of Public Art Commissions and Grants (Partial Listing)

- **2018 Commission, Lake Cumberland Memorial Committee**
  To create a twenty-foot tall stainless steel sculpture to commemorate the resting place of enslaved persons and their contributions in Somerset Kentucky.

- **2017 Commission, City of Norfolk Virginia Public Art Program**
  To create a thirty-foot tall stainless-steel gateway sculpture with accompanying eight-foot tall concrete elements that reflect the history and culture of this Church Street Community in Norfolk Virginia.

- **2016 Commission, Ebenezer Baptist Church**
  Created a mahogany and bronze speaker’s podium and a mahogany offering table for this historic Church in Atlanta, Georgia.

- **2014 Commission, City of Fredericksburg Virginia**
  To create a bronze bust sculpture of the late Judge John Scott for the new Fredericksburg Courthouse.

- **2013 Commission, Clark Atlanta University**
  To create a 5ft.h X 5ft.w bronze sculpture bust of a historic figure and a concrete pedestal for the campus of Clark Atlanta University in Atlanta Georgia.

- **2013 Commission, St. Georges Episcopal Church of Fredericksburg, Virginia**
  To create a 3ft.h X 2ft.6in.w bronze sculpture for the City of Fredericksburg, Virginia. The sculpture celebrates the 150 year commemoration of The Emancipation Proclamation.

- **2012 Commission, City of Atlanta, Office of Cultural Affairs**
  To create a gathering place for the Cascade Road community in Atlanta, Ga. consisting of a 16ft.h X 8ft.L sundial sculpture made of stainless steel and bronze with a stone and brick plaza and seating area.

- **2010 Commission, City of Aurora, Art In Public Places**
  To create a 32ft.L X 7ft.h stainless steel sculpture for the front facade of Aurora Municipal Court Facility in Aurora, Colorado. (Work in Progress)

- **2008 Commission, City of Wilmington, NC**
  To create six sixteen feet tall bronze sculptural elements as part of a memorial for the City of Wilmington, North Carolina. The memorial commemorates a historic event in the history of Wilmington.

- **2005-2007 Commission, Rockland County Art In Public Places Program**
  To create two 16ft.h stainless steel free standing sculptures for a park in the city of Spring Valley, New York.

- **2004-2005 Commission, Alaska State Council on the Arts**
  To create a 14ft.h X14ft.w wall relief wood and mixed media wall relief sculpture for the Alaska Psychiatric Institute and Recovery Center in Anchorage, Alaska.

- **2003 Commission, Prince George’s County Public Art Program**
  To create three stainless steel free standing sculptures for the Bunker Hill Fire Station in Brentwood, Maryland.
2002 Commission, Hartsfield Jackson International Airport
To create a mixed media wood relief sculpture for the airport’s international Concourse. Atlanta, Georgia.

2001 Commission, St. Petersburg Bureau of Cultural Affairs
To create three abstract figurative stainless steel sculptures for the Wildwood Recreation Center in St. Petersburg, Florida.

2000 Commission, Fulton County Arts Council
To create two 5ft.h X 12ft.L stainless steel wall relief sculptures for the Adams Park Library in Atlanta, Georgia.

1999 Commission /Grant Award, Fulton County Arts Council
To work with Magnet Arts High School Students at North Springs High School to create a large permanent wood relief sculpture for the school. Atlanta, Georgia

1997 Commission, Clayton College and State University
To work with a college design class in creating a design for a 14ft. stainless steel sculpture with stainless steel seating for the college’s campus. Morrow, Georgia.

1996/97 Commission, City of Richmond Public Art Commission
To create three 6'h x 6 w' carved figurative wood relief panels for the courthouse lobby. Richmond, Virginia.

1996 Commission, Atlanta Committee for the Olympic Games
To create a monumental bronze sculpture for an Olympic stadium community in Atlanta, Georgia in conjunction with the 1996 Olympic Games.

1995 Commission, Morehouse College
To design and carve a ceremonial throne / chair to be utilized by the President of Morehouse College during college ceremonies. Atlanta, Georgia

1995 Commission, Dallas Area Rapid Transit Authority
To create a 14ft.H x 18ft. L bronze sculpture for a newly built light rail station in Dallas, Texas.

1994 Commission, City of Atlanta Bureau of Cultural Affairs
To create a 14’ h stainless steel sculpture for a park in the Martin Luther King historic district. Atlanta Georgia

1992 Commission, Martin Luther King Memorial Commission of Pensacola Florida
To create a bronze portrait bust of Dr. King for an out-door park plaza in Pensacola, Florida.

1990 Commission, Georgia State Council for the Arts
To carve a wood relief sculpture for Spelman College. Atlanta, Georgia
EXHIBIT “F”

Valuation Calculation

Chapter 27, Section 2.12.7 A. 3

To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off site, and have a value of at least one-half of one percent (.005) of the total construction valuation of the building permit. The maximum required value shall not exceed two hundred fifty thousand dollars ($250,000.00).

Estimated Building Permit Construction Value: $4,158,095 X .005 = $20,790.00

Proposed Total Cost of Public Art: $40,000.00

Section 2.12.7. A. 3 b

For commissioned work, a deposit with the planning department of one hundred fifteen (115) percent of the value of the public art is required prior to the issuance of a building permit.

Proposed Escrow: $20,000 x 115% = $23,908.50

Please note that prior to the issuance of the building permit, Rocklyn Homes, Inc. will have already paid $20,000.00 towards the total cost of the Public Art.
EXHIBIT “G”

Copy of Memorandum of Understanding
Memorandum of Understanding for the Rocklyn Holmes Sculpture Project

Rocklyn Homes will enter into an agreement with Odeleye Sculpture Studios for the design, fabrication and installation of a stainless steel sculpture for the housing development to be built at 2387 Wellborn Road in Lithonia Georgia. Once an agreement has been signed the client will provide the artist with a notice to proceed on the development of the drawings for the sculpture. The agreement includes the following terms.

The artist will execute all work within the agreed upon scope of services in the contract for the sum of $40,000. The fee will include concept design drawings, attorney and engineering fees, insurance, materials and fabrication labor and signage plate. All related foundation materials and labor as well as transporting the sculpture to site will be the responsibility of the client. The artist will supervise the installation of the sculpture.

Scope of Services and Production Sequence
The artist will provide the client with drawings representing two separate ideas for a stainless steel free standing sculpture measuring approximately 8ft in height, 10ft. in length and 2ft in depth for the designated area of the development.

Drawings of the proposed designs will be presented to the client within 15 days of the signing of the agreement. Since “Time is of the Essence”, the client will inform the artist of the acceptance or rejection of one of the designs within 7 days of receipt.

Should the client wish to see additional drawings representing modifications or alternative ideas, the artist will either modify the designs or develop a second set of drawings. The second set of drawings will be developed and submitted to the client within 15 days of the artist receiving notice from the client that additional drawings or alterations are requested.

Once the client has acquired approval of the sculpture design from the Dekalb County Planning Commission a, a retainer payment of 50% ($20,000) of the contract amount will be paid to the artist by the client for design development, attorney fees, sculpture and foundation engineering, materials, commercial liability insurance and for the initial start of fabrication. At this time the client will send the artist a notice to proceed with the fabrication of the sculpture.

The contract between the artist and client will become null and void should the Dekalb County Planning Commission not approve the sculpture project for any reason. In this instance the artist will be compensated by the client for his time in developing the sculpture designs in the amount of $2,000.

Copies of all documents related to the project, including sculpture designs, engineering stamped drawings and commercial liability insurance certificates will be made available to the client prior to the start of fabrication.

The artist will receive a second payment of 25% ($10,000) of the contract amount upon completion of 50% of all fabrication work completed.

The final payment of 25% ($10,000) of the contract amount will be paid to the artist within 15 days after installation of the sculpture and completion of all contractual obligations by the artist and acceptance of the sculpture by the client.

Upon the signing of the sculpture contract the artist will provide the client with a maintenance plan for the sculpture.
Memorandum of Understanding for the Rocklyn Holmes Sculpture Project continued

Any three dimensional model of the sculpture developed by the artist remains the property of the artist. The artist retains copyright of the image of the sculpture.

The installation date for the sculpture will be 12 months from the receipt of the 50% ($20,000) retainer payment from the client along with the written notice to proceed.

ROCKLYN HOMES, INC.

BY: Timothy Jenkins
Authorized Signatory
Dated: April 7, 2020

ODELEYE SCULPTOR STUDIOS, LLC

By: Ayokunle Odeleye
Ayokunle Odeleye, Its Manager/Member
June 1, 2020