

TO: Members of the Planning Commission

FROM: Melora Furman, Senior Planner, Planning Division

RE: Public Art Piece for the Wellborn Crossing Subdivision

DATE: June 22, 2020

Findings:

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.)

The developer has selected a sculptural metal archway that will be placed over the main entrance to the subdivision (see attached application with renderings and examples of other similar artworks designed by the artist).

Evaluation of the public art piece in relation to the qualifying standards:

Sec. 2.12.7. - Bonus density qualifying standards.

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

***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).**

The public art piece is located over the main entrance to the development. It is valued at \$40,000, which is over .005 of the estimated cost of the building permit.

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

The piece has been commissioned from artist Ayekele Oyundele, an experienced sculptor who has created public art sculptures for cities throughout the United States, including the City of Atlanta.

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.

The applicant has stated that 115% of the art piece will be deposited with the Department of Planning & Sustainability prior to the issuance of the building permit.

- c. Public art or public works of art are 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, statues, and bas reliefs.**

The public art piece that has been selected for the Wellborn Crossing subdivision is a sculpture in the form of an archway. It will be an aesthetically pleasing element of the site.

- 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 for the architectural embellishment of a building or structure. Architects and landscape architects are not considered artists under this definition.**

The proposed art piece is not an embellishment of a building or structure, but qualifies as a public art piece because it is a sculptural arch that will be placed on the site.

- 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, 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.**

The proposed art piece is an original, is not a copy or reproduction, is not mass produced, and has been commissioned from an artist as an integral aspect of the site.

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";
3. Attached hereto as Exhibit "C" Examples of Public Art shown on <http://www.odeleyesculpturestudios.com>.
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".



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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



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EXHIBIT "A"

Site Plan Attached

A B C D E F G H I J K L M N O P Q

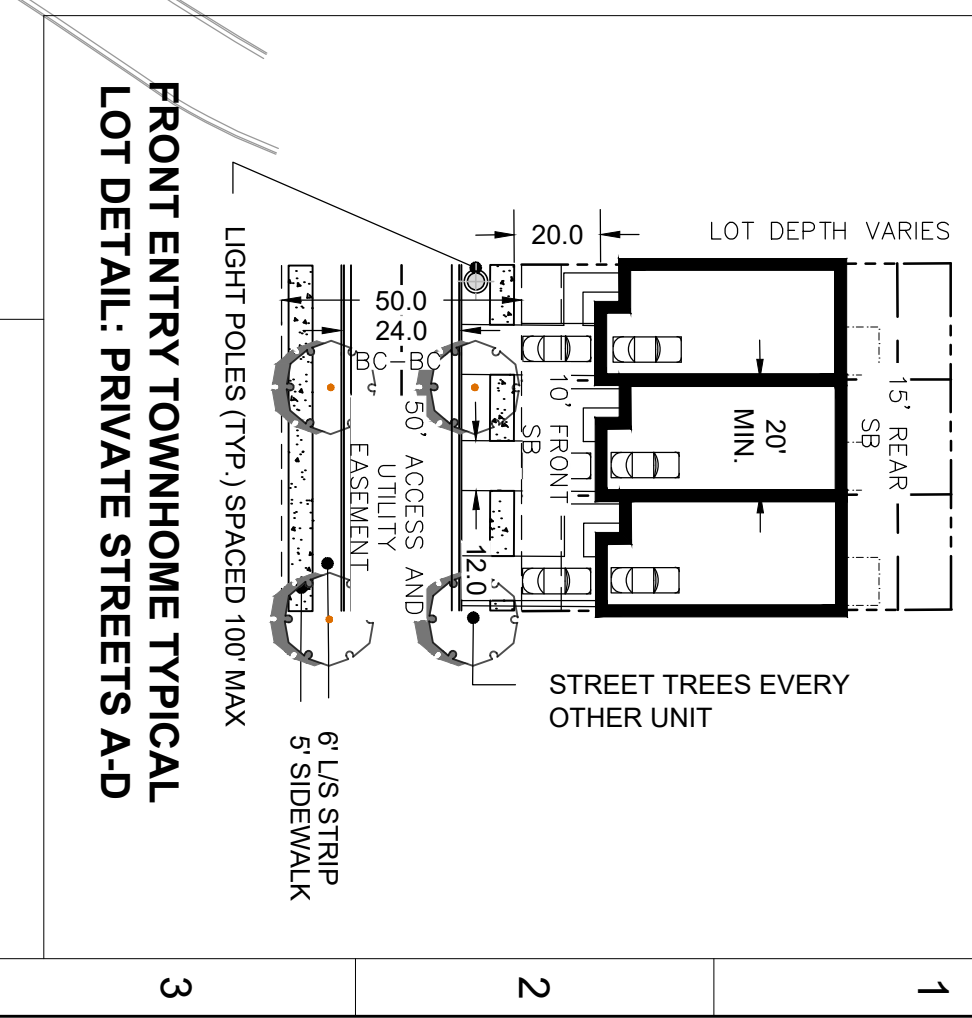
- Recommended Conditions**
Z-19-124346 (Commercial)
Rezone Property from C3 (Local Commercial) to M-1 (Medium Density Residential)
- The development shall be for a maximum of 124 townhome units.
 - No wooden fencing shall be permitted along Wellborn Road or Covington Highway.
 - Exterior building materials shall comply with the Article 3 standards of the zoning Ordinance and shall be a mix of 2 different materials. The front facade of the units shall incorporate multiple textures and materials similar to those depicted on the photographs titled "Building Form Example 1" and "Building Form Example 2", which were submitted to the Planning and Sustainability Department and date stamped January 3, 2019. Additionally, the rear facade of any unit facing Wellborn Road shall be a mix of 2 different materials.
 - The recorded covenants for establishing the Homeowners' Association shall contain a 35% rental restriction. A copy of the recorded covenants with the rental restriction highlighted shall be delivered to the Department of Planning and Sustainability prior to the recording of the final plat for the townhome community. The Homeowners' Association shall enforce the rental restriction.

- A dedicated left turn lane shall be installed on Wellborn Road to allow access into the entrance for the proposed development, subject to the approval of the DeKalb County Transportation Department. Additionally, the Applicant shall provide a dedicated left turn lane for the proposed development, subject to the approval of the DeKalb County Transportation Department. Additionally, the Applicant shall provide a dedicated left turn lane for the proposed development, subject to the approval of the DeKalb County Transportation Department.
- Open space shall be provided along the perimeter of the boundary line of the property adjacent to the "Wind Kiosk on Wellborn" townhome community. There shall be a mandatory Homeowners' Association ("Homeowners' Association") which shall own and maintain the common areas and enforce the covenants placed on the common areas.
- The recorded covenants for establishing the Homeowners' Association shall contain a 35% rental restriction. A copy of the recorded covenants with the rental restriction highlighted shall be delivered to the Department of Planning and Sustainability prior to the recording of the final plat for the townhome community. The Homeowners' Association shall enforce the rental restriction.

- SITE DATA**
- GROSS PROPERTY SIZE: 14.36 AC. / 625,688 SF
 - ZONING: MR-1
 - AVERAGE LOT WIDTH: 20.00'
 - AVERAGE LOT DEPTH: 90.00'
 - MINIMUM HEATED FLOOR: 1,200 SF
 - PARKING SPACES: 2 PER UNIT (1 IN GARAGE & 1 IN DRIVEWAY) + 31 EXTRA SPACES = 279 TOTAL SPACES
 - SETBACKS (REQUIRED)
 - FRONT: 10'
 - REAR: 15'
 - OPEN SPACE: 2.69 AC
 - % OF PROPERTY = 18.7%
- PROJECT RECEIVING UTILITIES:**
 SITE DISCHARGES TO COUNTY R/W DRAINAGE DITCH, THEN ULTIMATELY POLE BRODE CREEK.

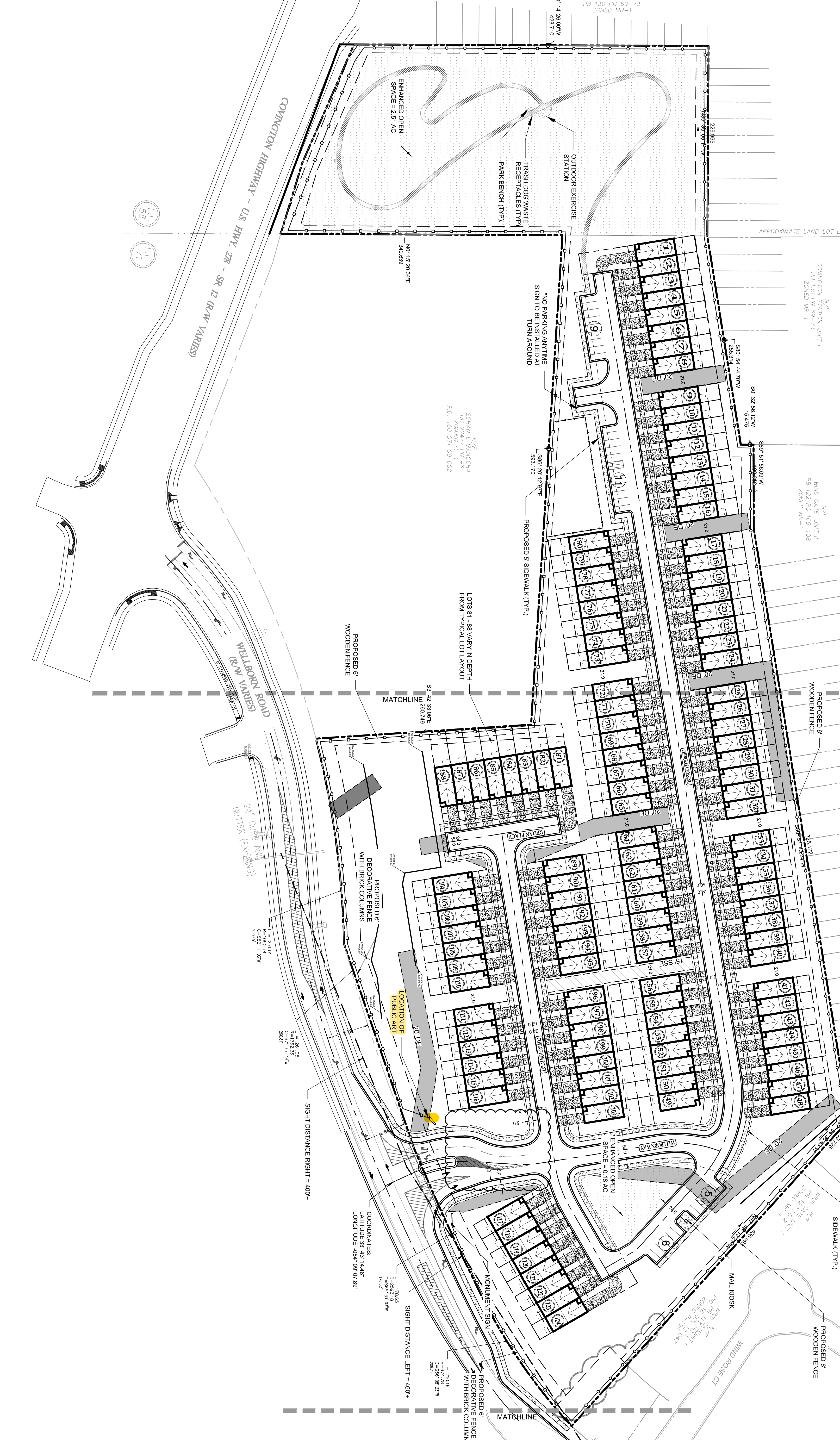
- GENERAL NOTES:**
- THERE ARE NO WETLANDS ON SITE
 - RECORDED OFF-SITE SEWER EASEMENT REQUIRED PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT
 - A/3 TRIBUTARY BUFFER SHALL BE MAINTAINED ON ALL STATE AND FEDERAL WATERWAYS
 - ENGINEERING VARIANCE BY DEKALB COUNTY OR GA EPD. SKETCH PLAN APPROVAL OR SANITARY SEWER SYSTEMS APPROVAL OF THE STORM DRAINAGE OR SANITARY SEWER SYSTEMS, NO CONSTRUCTION SHALL BEGIN UNTIL CONSTRUCTION PLANS ARE APPROVED AND A DEVELOPMENT PERMIT IS OBTAINED.
 - THE OWNER OF THIS PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS REQUIREMENTS REGARDING WETLANDS
 - DEKALB COUNTY SANITATION SHALL BE RESPONSIBLE FOR MATERIAL HOUSEHOLD WASTE, 1YARD DEBRIS AND RECYCLABLE MATERIAL
 - WATER AND SEWER SERVICES WILL BE PROVIDED BY DEKALB COUNTY.
 - ADDRESSES WILL BE ASSIGNED FROM THE CENTER OF THE SIDE OF THE BUILDING WHERE THE FRONT DOOR IS LOCATED. HOWEVER WHEN THE FRONT DOOR IS OBSCURED OR INVISIBLE FROM THE ROAD OR THE STRUCTURE IS OBVIOUSLY BEST REACHED FOR EMERGENCY PURPOSES BY THE DRIVEWAY, ASSIGN THE PROPERTY NUMBER BASED ON WHERE THE DRIVEWAY INTERSECTS THE ROAD.

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NOTES

- ALL INTERIOR STREETS ARE PRIVATE WITH 50' ACCESS/UTILITY EASEMENTS.
- SIDEWALK AND LANDSCAPE STRIP SPACING IN R/W TO MATCH NEW DOT DESIGN.



Sketch Plat for WELLBORN CROSSING

2387 WELLBORN ROAD
 DISTRICT 16
 LL 58 & 71
 DEKALB COUNTY, GA

DEVELOPER
ROCKLYN HOMES
 The Most Important Home We'll Build Is Yours
 3505 KROGER BLVD SUITE 275
 DULUTH, GA 30096
 24 HOUR CONTACT:
 TONY MARTIN - 770-231-2338
 TMARTIN@ROCKLYNHOMES.COM

ISSUE DATE: 12/20/2019
DESIGNED BY: JDS
CHECKED BY: TSM
PROJECT #: 18051

Scale: 1" = 60'
Scale: 1" = 60'

811
 CALL BEFORE YOU DIG

NOTE: DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.

811
 CALL BEFORE YOU DIG

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811
 CALL BEFORE YOU DIG

NOTE: DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.

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GA REGISTERED PROFESSIONAL ENGINEER
 TYLEE SCOTT
 12-20-19
 TYLEE@EPAL.COM

GA REGISTERED PROFESSIONAL ENGINEER
 TYLER MARSHMAN
 12-20-19
 TYLER@EPAL.COM

GA REGISTERED PROFESSIONAL ENGINEER
 JAMES R. BERRY
 12-20-19
 JAMES@EPAL.COM

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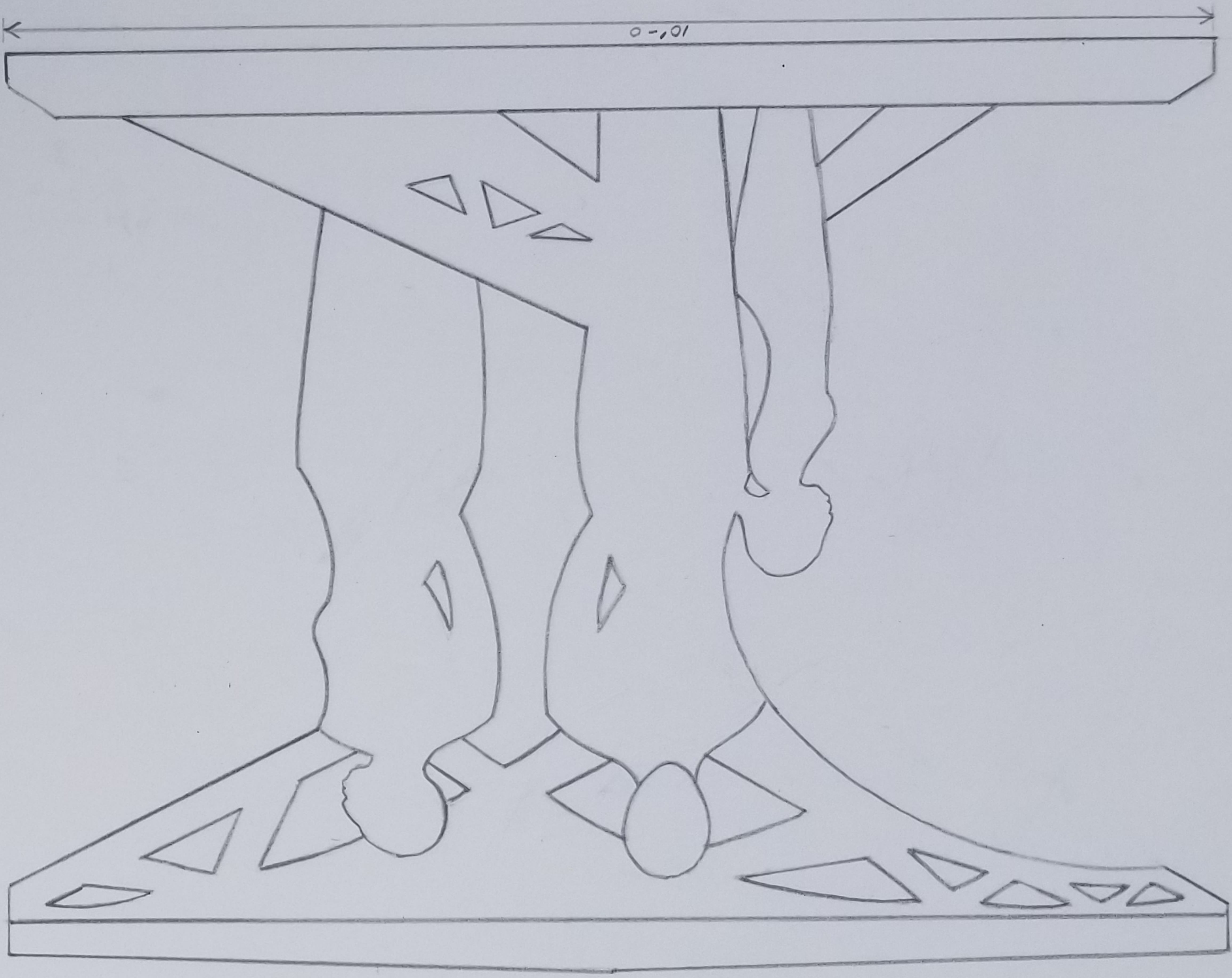


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EXHIBIT "B"

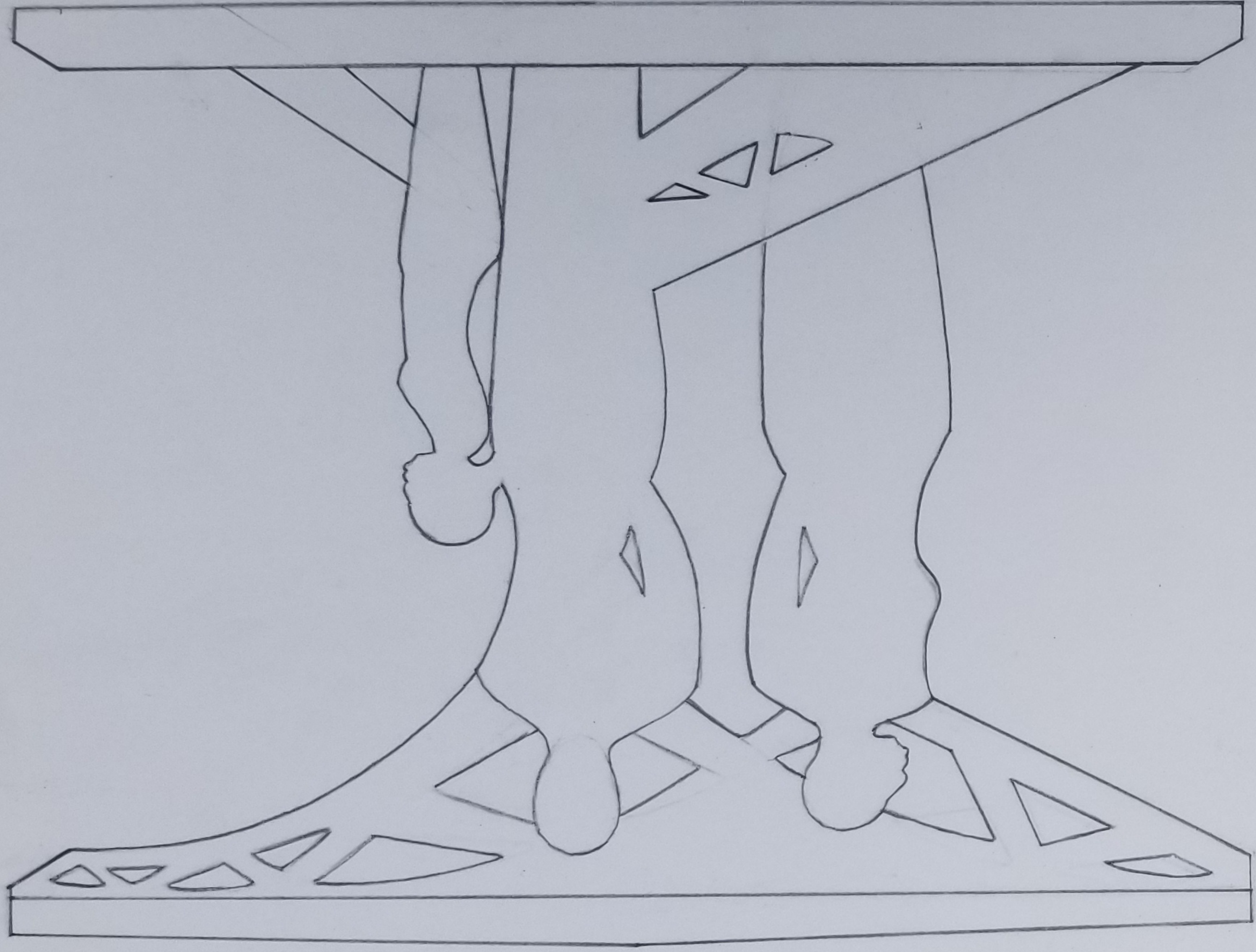
Drawing of Proposed Public Art
And Example of Steel Material to be Used

ODEEYE SCULPTURE STUDIOS © 2020
THE RESIDENTS #2 STAINLESS STEEL



7'-6"

BACK ELEVATION







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EXHIBIT "C"

Example of Past Work







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EXHIBIT "D"

AYOKUNLE ODELEYE

BIOGRAPHY

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.



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- **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: $\$4,158,095 \times .005 = \$20,790.00$

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: $\$20,000 \times 115\% = \$23,908.50$

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.



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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
Page 2

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 A. Jenkins
Authorized Signatory
Dated: April 7, 2020

ODELEYE SCULPTOR STUDIOS, LLC

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