



## City of Westlake

### Planning and Zoning Department – Staff Report

City Council Meeting (3/14/2023)

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#### PETITION DESCRIPTION

**PETITION NUMBER:** AIPP-2022-01 Pod G SW “James Business Park” Art Sculpture  
**OWNER:** Minto PBLH, LLC  
**APPLICANT:** Cotleur & Hearing  
**ADDRESS:** 17035 & 16935 Persimmon Boulevard West  
**PCN:** 77-40-43-01-00-000-1010  
**REQUEST:** The applicant is requesting approval of a proposed art sculpture installation called “ORANGE WITH 3 BLOSSOMS’ for the James Business Park development.

#### SUMMARY

The applicant is requesting approval for a public art sculpture installation for the James Business Park development located within the Pod G Southwest. On September 7, 2022, the City Council approved site plan (SPR-2022-01) for a 145,643 square feet (sq. ft.) of light-industrial warehouse development.

In accordance with Ordinance No. 2021-12, all non-residential development projects with building constructions costs of one million dollars (\$1,000,000.00) as determined by the City’s Building Official or more shall be subject to the requirements of the Art in Public Places program. The non-residential development must either contribute one percent (1%) of the building constructions costs of the project as a fee to the art Acquisition Fund, or provide artwork that has an appraised value equal to three quarters of a percent (0.75%) of the building construction costs.

The applicant has chosen to provide artwork onsite. Per the applicant’s submitted estimated cost of vertical construction, the total for both buildings is approximately \$13,000,000.00 and the proposed artwork is approximately \$200,000.00 (required \$97,500.00). The proposed sculpture will be located at the northwest corner of the site. The applicant has revised the previously approved Master Signage Plan to accommodate the proposed art sculpture installation and monument sign.

The subject application (AIPP-2022-01), was recommended for approval (vote 4-0) by the Art in Public Places Advisory Board on February 6, 2023, including staff proposed conditions of approval.

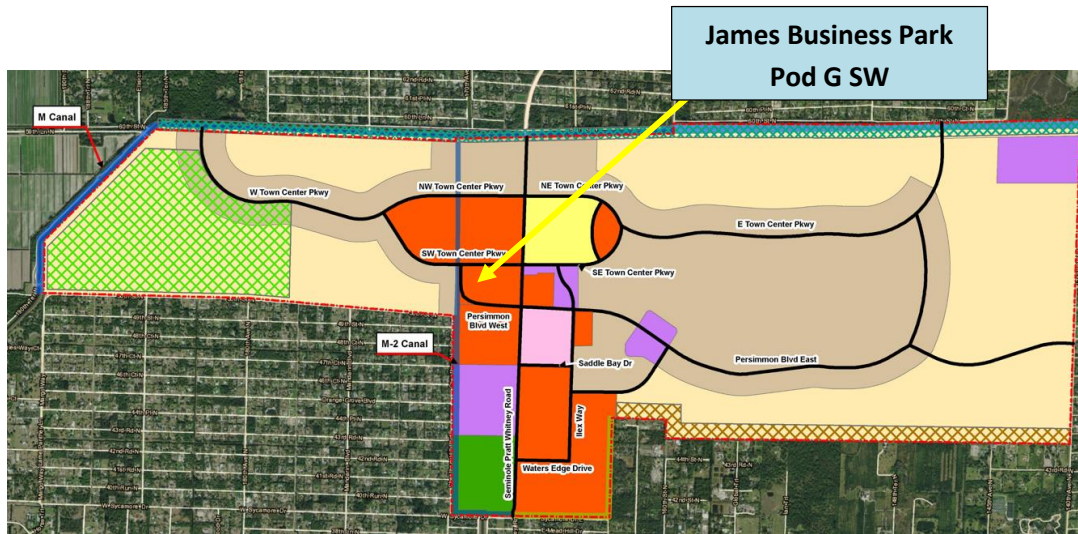
#### STAFF RECOMMENDATION

Based upon the facts and findings contained herein, **the Planning and Zoning and Engineering Department** recommends **approval** of the subject application with the following conditions :

1. The sign shall be relocated as to not encroach into the landscape buffers.
2. An executed Maintenance Agreement shall be provided to the City prior to building permit issuance.

**PETITION FACTS**

- a. Artwork Name: ORANGE WITH 3 BLOSSOMS
- b. Artwork Type: Stainless Steel Sculpture
- c. Artwork Specifications: 3 - ( 30" x 14" ) - 3/8" Aluminum Bases & 1 x (14" Circular Base) - 3/4"
- d. Letters: 3 x (34" x 20" ) - 1" Aluminum Bases & 8 x (3" x 3" x 1/4") Wall Stiffener
- e. Artwork Cost: \$200,000 (req. 0.75% of vertical construction)
- f. Land Use and Zoning
- g. OFuture Land Use: Downtown Mixed Use  
Zoning: Mixed Use



**Background**

The 11.66 acre site received a site plan approval by City Council on September 7, 2022, (SPR-2022-01) for a 145,643 square feet (sq. ft.) of light-industrial warehouse facility. The development includes a one-story north building with 135,540 sq. ft.; and a one-story south building with 10,103 sq.ft. within Pod G Southwest. On July 5, 2022, the City Council granted approval for a Master Signage Plan including the following waivers: Eight (8) for Principal Tenant Wall Signs, four (4) for Secondary Tenant Wall Signs, two (2) for Principal Tenant Rear Wall Signs, six (6) for Building ID Signs, and two (2) for Tenant Directional Signs totaling twenty-two (22) waivers.

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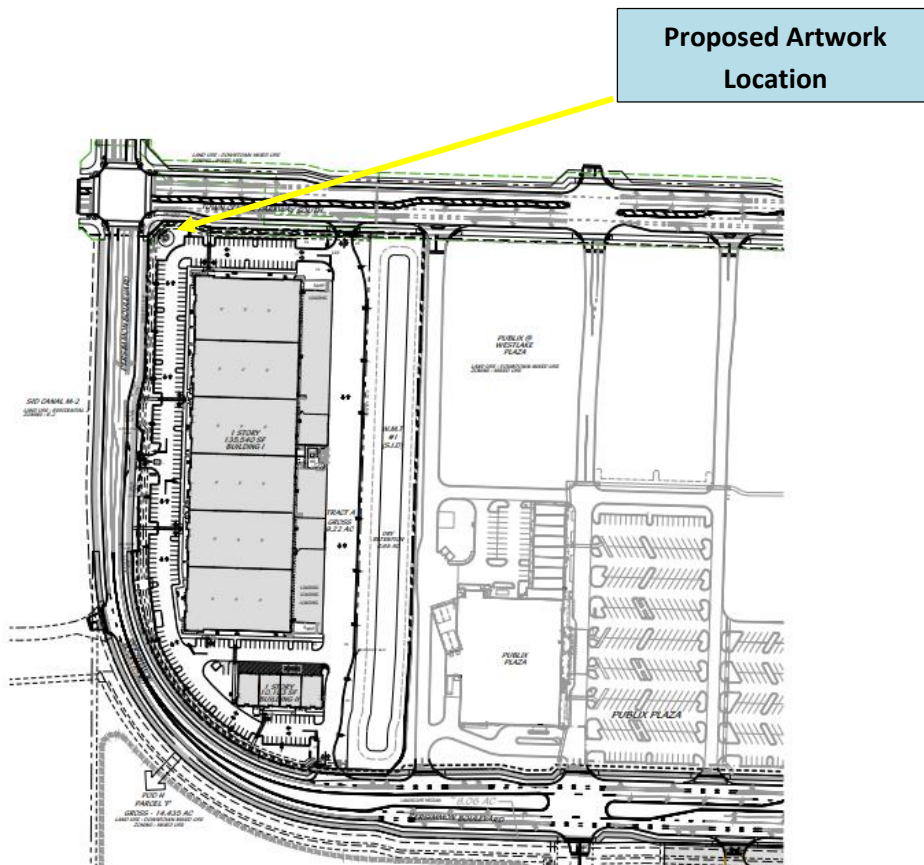
**STAFF ANALYSIS**

**Per Chapter 24. Article 24.1.** *Art or Artwork means all tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages, mosaics, bas-reliefs, tapestries,*

photographs, drawings, artist-designed seating, iconic or placemaking architecture, or other functional art pieces and collaborative design projects between architects and/or landscape architects and artists, together with all hard costs and soft costs such as, but not limited to, design, engineering, permitting, artistic fees, lighting, landscaping, or other aesthetic effects or enhancements integrated with the art and approved by the City Planner. The city council shall not consider for approval art objects which are mass-produced in unlimited quantities.

*Ineligible artwork. The following shall not be considered artwork:*

- a. *Art objects which are mass produced or of standard manufacture, such as playground equipment, fountains, statuary elements, signage, maps, corporate logos or other functional elements, unless incorporated into an artwork by an artist commissioned for that purpose.*
- b. *Reproductions, by mechanical or other means, of original artwork, except in the cases of limited editions controlled by the artist, cast sculpture, film, video, photography, printmaking, or other media arts.*
- c. *Commercial expression, including design elements related to the visual identity of a developer or occupant of a building such as a logo, trademark iconography, color scheme or theme, even if created by an artist.*
- d. *Services or utilities necessary to operate and maintain an artwork over time.*



**Review of Artwork:**

The City zoning code includes the following criteria for reviewing the artwork.

**1. Exhibition and experience of the artist**

According to the submitted artist Statement, the artist, Mr. Ralfonso provides 20 plus years designing large monumental kinetic, light and interactive sculptures for public places around the world, including Russia, China, Europe, Taiwan, United Arab Emirates and the USA. Sculpture designs ranging in size from 2 feet to 1,00 feet in height.

**2. The ability of the artist to complete the project within a specified schedule**

The artist will be able to complete the project within schedule. The artist possesses extensive experience and specializes in the design and execution of large to monumental environmentally interactive kinetic and light sculptures for public places.

**3. The compliance with the standards of this Chapter.**

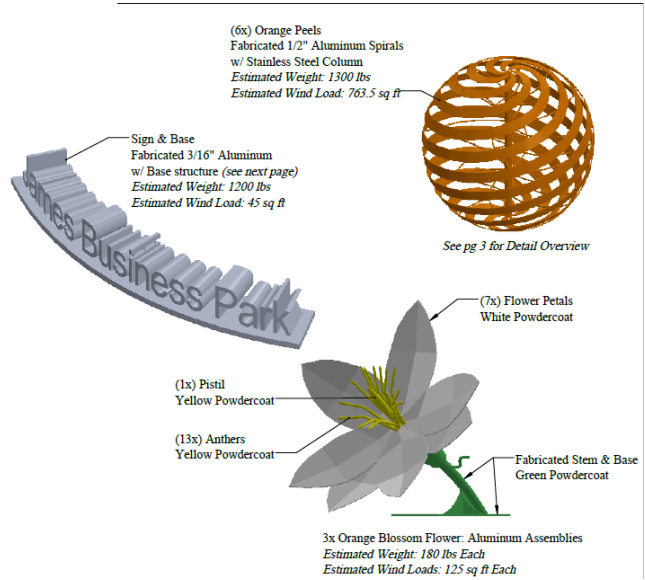
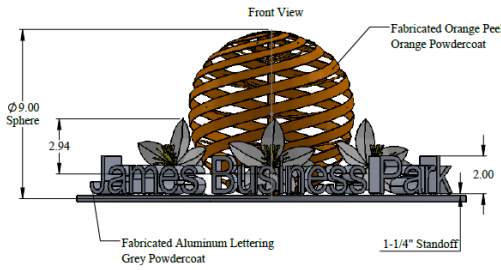
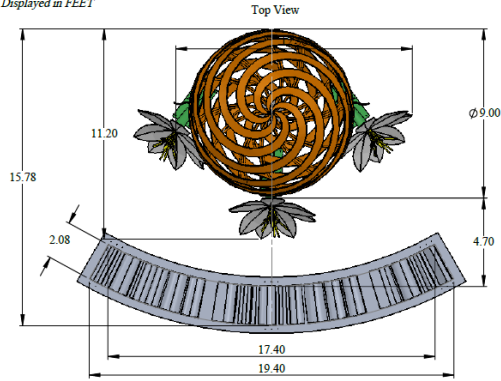
The proposed sculpture complies with the established standards of Ordinance No. 2021-12, and the zoning requirements for setbacks and landscaping.

**Standards for the Artwork:****a. Display**

The proposed sculpture designed as static movement is called "Orange With 3 Blossoms", includes three (3) orange blossom flowers, each with 13 anthers (totaling 39 anthers, which represent the Westlake as the 39<sup>th</sup> Municipality). Per the artist Statement, *"the proposed dynamic design, showing an Orange Peel in "static movement" provides the viewer with the optical illusion of movement, as they walk or drive by the sculpture. The anthers are a vital part of the flower, responsible for the pollination, seeds and the new and next generation of Orange Blossoms, just as Westlake is building a new city for the next generations. The signage's arial font and silver color connects to the silver accents on the buildings, and compliments the spherical shape of the artwork."*

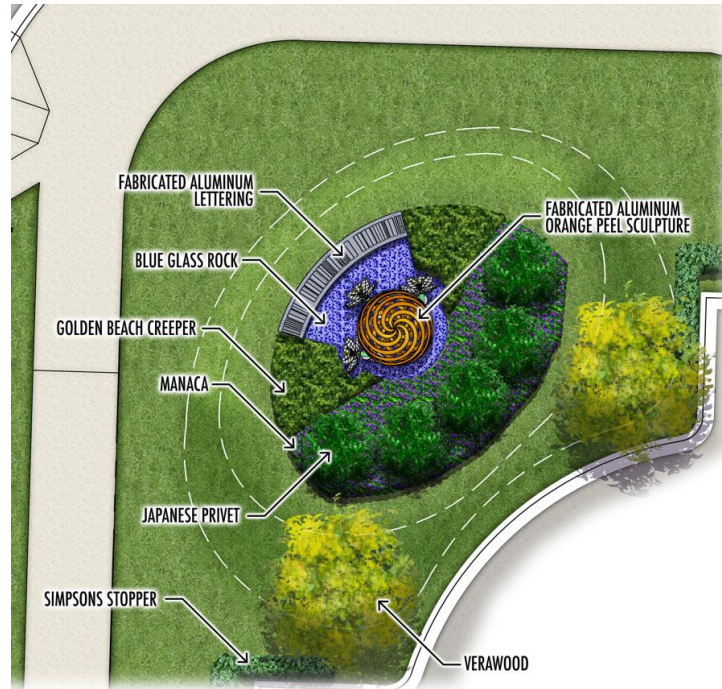
The artwork includes a monument sign which is an integral part of the sculpture, fabricated with 3/16" Aluminum with a base structure. The applicant has revised the previously approved Master Signage Plan to accommodate the art sculpture installation and the monument sign.

Dimensions Displayed in FEET



**b. Integration**

The sculpture will be located at the northwest corner of the site and is complemented by landscaping. The proposed landscaping plan proposes small ligustrum trees behind the art to create a green barrier, flowering shrubs lined up in front for a layered affect. At the base of the sculpture will be covered with blue glass rocks, and large palms are provided for scale.



#### **FINAL REMARKS**

The subject application (AIPP-2022-01), was recommended for approval by the Art in Public Places Advisory Board on February 6, 2023. The application was legally advertised per city code requirements and will be heard by the City Council on March 14, 2023.