

MEMORANDUM

TO: MAYOR & CITY COUNCIL 
FROM: GREGORY J. ORAVEC, CITY MANAGER
SUBJECT: AMENDMENT TO ORDINANCE 09-100, ART IN PUBLIC PLACES
DATE: SEPTEMBER 19, 2012

As you consider the dueling proposals discussed in the enclosed memorandum from Katherine H. Huntress, Planner, please note that the proposal from the Chamber of Commerce also includes amending the composition of the Public Arts Advisory Board to include a member of the Chamber of Commerce and a member of the Treasure Coast Builders Association.

If you have any questions or would like additional information, please do not hesitate to contact me. The staff and I look forward to receiving your direction on this item.

Thank you.



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: GREGORY J. ORAVEC, CITY MANAGER

THROUGH: DANIEL HOLBROOK, AICP, DIRECTOR OF PLANNING AND ZONING *DH*

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: AMENDMENT TO ORDINANCE 09-100
P12-096 CITY OF PORT ST. LUCIE
ART IN PUBLIC PLACES REQUIREMENTS

DATE: SEPTEMBER 11, 2012

RECEIVED

SEP 18 2012

City Manager's Office

Please add this memo to the September 24, 2012 City Council agenda as a new business discussion. We would like to request direction from the City Council. This memo contains three different tiered approaches to the Public Art Requirements. One is from city staff, one from the Public Art Advisory Board, and one from the St. Lucie County Chamber of Commerce.

At the July 19, 2012 City Council Summer Retreat the Public Art Advisory Board and the Public Art Requirements were discussed (see attached). The City Manager advised Council that staff would work on a tier of costs for Public Art and bring it back to the Council at a later date. The existing guidelines for funding for architectural enhancement, special landscaping and works of art are as follows:

- 1% of construction costs for all site plans.
- A cap of \$50,000 applies to all site plans.

After review of the costs, staff came up with the following proposal to amend Ordinance 09-110 (see attached) which is an ordinance recognizing the importance of art in public places. The purpose of this proposal is to revise the guidelines for funding for architectural enhancement, special landscaping, and works of art to create a tier of costs as follows:

- 0% for minor site plans less than 10,000 square feet that comply with the City of Port St. Lucie Citywide Design Standards.

- ½% for major site plans 10,000 square feet to 50,000 square feet or minor site plans that don't comply with the City of Port St. Lucie Citywide Design Standards or the design standards of a PUD (Planned Unit Development).
- 1% for major site plans over 50,000 square feet.
- A cap of \$50,000 applies to all site plans.

The Public Art Advisory Board reviewed the Step Thresholds for Public Art at their meeting on August 14, 2012 (see attached minutes) and unanimously voted to recommend a tier of costs as follows:

- ½ % for minor site plans less than 10,000 square feet that comply with the City of Port St. Lucie Citywide Design Standards.
- 1% for major site plans 10,000 square feet or larger.
- A cap of \$50,000 applies to all site plans.

The city has received correspondence from the St. Lucie County Chamber of Commerce (see attached) which states that the public art requirement should not apply to private projects. It further goes on to state that if the city remains firm in its application of the fee to all projects, whether publicly or privately funded, they recommend the following tier of costs, which is similar to what staff has presented:

- 0% for minor site plans less than 10,000 square feet that comply with the City of Port St. Lucie Citywide Design Standards.
- ½% for major site plans 10,000 square feet to 50,000 square feet.
- 1% for major site plans over 50,000 square feet.
- A cap of \$50,000 applies to all site plans.

Once staff receives direction as to how the City Council would like to amend the Public Art Requirement, staff will prepare and bring back to the City Council an amendment to the Public Art Ordinance 09-100 and to the public art procedures.

**CITY OF PORT ST. LUCIE
SPECIAL CITY COUNCIL MEETING ACTION AGENDA
JULY 19, 2012**

CITY MANAGER OVERVIEW

OTHER: The City Manager requested that the City Attorney create a formal declaration of 'War On Litter'.

OTHER: The City Manager directed the City Engineer to figure out a way to begin beautification of US 1.

OTHER: Vice Mayor Bartz and Councilman Kelly directed the City Manager to hire an assistant.

PUBLIC ART ADVISORY BOARD

→ **OTHER:** The City Manager advised Council that staff will work on a tier of costs for Public Art and bring it back to the Council at a later date. ←

ACTION: It was the consensus of the Council to direct the City Manager to begin working on a concept plan to have the Guy Harvey poster put onto a billboard.

COUNCIL ITEM 8C
DATE 1/11/10

COUNCIL ITEM 10D
DATE 12/21/09

ORDINANCE 09-100

AN ORDINANCE AMENDING RECOGNIZING THE IMPORTANCE OF ART IN PUBLIC PLACES; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PUBLIC ART ADVISORY BOARD; PROVIDING FOR FUNDING FOR ART IN PUBLIC PLACES; PROVIDING FOR THE ART IN PUBLIC PLACES TRUST FUND; PROVIDING PROCEDURES; PROVIDING SELECTION CRITERIA FOR SITE AND PUBLIC ART; PROVIDING FOR OWNERSHIP AND MAINTENANCE; ALLOWING THE PUBLIC ART ADVISORY BOARD TO DEVELOP PROCEDURES; PROVIDING AN EFFECTIVE DATE

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Goals.

(a) The City Council has determined that art, which may include architectural enhancement and special landscape treatment, should be planned as an integral part of the city. The mission of this Ordinance is to enhance the quality of the visual environment in the Port St. Lucie community, both natural and built; and in so doing add to the quality of life and raise the level of citizen awareness of the importance of aesthetic experiences in their everyday lives.

The principal goals of this Ordinance are:

- (1) To increase public access to art and the aesthetically designed environment, and to promote understanding and awareness of the visual arts in the public environment.
- (2) To contribute to the civic pride and economic development of our community.
- (3) To enhance the climate for artistic creativity in our community.
- (4) To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts.

Section 2. Definitions.

For the purpose of this Ordinance, the words and phrases listed below shall have the following definitions:

1. *Architectural Enhancement* is the physical result of the application of skill and taste according to aesthetic principles to the architectural embellishment of a building, the placement of works of art in the interior or exterior spaces of the building, or special landscape treatments such as parks, plazas or atriums.

ORDINANCE 09-100

2. *Construction or Public Work* means any private or commercial development project, including remodeling, or any capital project, excluding transportation and utility projects, paid for wholly or in part by the City of Port St. Lucie or paid for with monies granted to the City of Port St. Lucie by other governmental agencies; including but not limited to any project to construct or remodel a building, a decorative or commemorative structure, park, parking facility or beautification project or any portion thereof within the city limits of the City of Port St. Lucie.

3. *Public Art Advisory Board* is the Board created in this Ordinance.

4. *Public Art Master Plan* is defined as the plan generated by the Public Art Advisory Board and approved by the City Council, which presents selected sites and criteria for the selection of works of art, special landscape treatments and architectural enhancement.

5. *Public Places* are defined to be City-owned parks and buildings with high visibility and/or heavy pedestrian traffic or privately-owned property with high visibility and/or levels of pedestrian traffic that is consistently and constantly open to the public.

6. *Special Landscape Treatment* shall be defined as landscaping that creates a park-like setting or plaza, as opposed to the landscaping requirements normally associated with the siting of a public facility.

7. *Works of Art* are defined as the application of skill and taste to tangible objects produced according to aesthetic principles and include, but are not limited to, paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas reliefs, tapestries, photographs and drawings.

Section 3. Public Art Advisory Board, Creation, Composition, Responsibility.

1. A Public Art Advisory Board is hereby created as a body of individuals appointed by the Mayor and confirmed by City Council which shall have the duty and responsibility to generate a Public Art Master Plan for review and approval by the Planning and Zoning Board and City Council and to make recommendations on specific public art projects, including the selection of works of art, special landscape treatments and architectural enhancements.

ORDINANCE 09-100

2. The Public Art Advisory Board shall be comprised of seven (7) ~~five (5)~~ members as follows:

Wherever possible, members shall be representative of one (1) or more of the following classifications:

- architect or interior designer
- landscape architect or land use planner
- professional in the field of art
- art or architectural historian
- art educator
- artist

The architect or other design professional for a specific City project may advise the Board during the selection process as it relates to his/her project but shall not be a voting member of the Board.

Section 4. Funds for Architectural Enhancement and Works of Art.

Except as provided herein, all estimates for the construction or renovation of capital, private and commercial development projects and all requests for authorizations or appropriations for such projects may include an amount for a Public Art Trust Fund which represents a combined amount for works of art, architectural enhancement or special landscaping treatment equal to one percent (1%) of the total estimated cost of the project, excluding land costs. The one percent (1%) calculation shall apply to all residential and commercial development projects, but shall only apply to the first \$5,000,000.00 for any single capital project which has an estimated construction cost exceeding \$5,000,000.00. The Public Art Fund appropriation shall only apply if such an expenditure is legally permissible for that project and under the specific project funding sources. If the source of funding or other appropriate law with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the aforesaid calculation. Said works of art, architectural enhancement or special landscape treatment may be integral parts of the building; situated within or outside the building, may be located in or near government facilities which have already been constructed, or may be located in other public places where numbers of people may experience them. The

ORDINANCE 09-100

location of works of art, architectural enhancement or special landscape treatment paid for out of project funds at a site other than the specific project site requires a prior finding by the City Council that the location of works of art, architectural enhancement or special landscape treatment at the specific project site is inappropriate or that particular project, that it serves a municipal purpose to locate such are objects or improvements elsewhere, and that it is an appropriate use of those particular funds. A fee may be paid in lieu of artwork placement upon approval of City Council.

Section 5. Procedures.

1. For construction or public works financed by the City of Port St. Lucie, the following procedure shall be complied with:

a. Early in the design of a project with a Public Art Appropriation, the Architect or other design professional retained for that project shall work with the Public Art Advisory Board to develop a site plan for adding art works, architectural enhancements or special landscape treatments to the project.

b. The Public Art Advisory Board shall recommend to the City Council those works of art, architectural enhancements, or special landscape treatments it deems are appropriate to the project in accordance with the Public Art Master Plan. In no case shall the Public Art Advisory Board take such time to render its findings as to delay or hinder the design or construction of the project.

c. The City Council shall, in its discretion, accept or reject the recommendations of the Public Art Advisory Board. If such recommendations are rejected, the City Council may request the Public Art Advisory Board to submit alternative recommendations. When recommendations are accepted, the City Council may designate the manner by which artists, sculptors, designers, craftsmen or contractors are retained for each project, but in no case shall the City Council be required to comply with the purchasing requirements of Section 35.01, et seq., of the Port St. Lucie City Code unless the City Council determines it appropriate under the circumstances.

2. When funds have accrued from construction and public works projects which do not lend themselves to the visual arts or for which there is no major public benefit, the Public Art Advisory Board shall, in accordance with the Public Art Master Plan, select works

ORDINANCE 09-100

of art, architectural enhancements, or special landscape treatments for other sites and recommend them to City Council for approval.

Section 6. Public Art Trust Fund.

(a) *Fund.* There is hereby created a public art trust fund consisting of all funds appropriated and deposited to the trust fund in connection with the construction or major renovation of public places. The trust fund is also authorized to accept gifts, grants and donations made to the City for art in public places. All appropriations, gifts, grants and awards of monies for art in public places shall be deposited in an interest-bearing account entitled the City of Port St. Lucie Public Art Trust Fund Account, which shall be a separate account established and maintained apart from the general revenue funds and accounts of the City. All interest earned in said account shall accrue to the use and benefit of the trust fund account. Funds deposited or credited to the public art trust fund account and not expended by the close of any fiscal year shall be carried forward into the next succeeding fiscal year.

(b) *Terms of existence.* The public art trust fund account shall be self-perpetuating from year to year unless specifically terminated by the City Council.

(c) *Trust Fund expenditures.* Monies may be used in accordance with the requirements of this Ordinance for all costs associated with acquiring and commissioning art for public places, including costs for administration, travel, training, postage, printing, grants match, and education workshops. Any gifts, grants and awards received subject to a condition shall be expended strictly in accordance with that condition. If an appropriation is not used for the acquisition of art for the public place for which it was appropriated, it shall be retained in the trust fund to supplement other appropriations for the acquisition of art or to place art in, at, or near public buildings which are already in existence.

Section 7. Selection Criteria for Sites and Public Art.

In the selection process, the Art Advisory Board shall consider the following criteria:

1. Works of art, architectural enhancements and special landscape treatments shall be located in areas where residents and visitors live, work or congregate and shall be highly visible and accessible.

ORDINANCE 09-100

2. The Public Art Advisory Board shall consider the intrusive nature of public art on the lives of those who frequent public places. Works of art, architectural enhancements or special landscape treatments shall take into account appropriateness to the site, permanence of the work relative to environmental conditions, maintenance requirements and costs, and the enduring nature of the artistic statement.

3. Wherever possible, the selection should show sensitivity to the aesthetic and cultural traditions of the City of Port St. Lucie, to its history and to the environmental and geographic characteristics that make it unique.

Section 8. Ownership and Maintenance.

Unless otherwise provided, ownership of all works of art and architectural enhancements acquired by the City under this section is vested in the City including copyrights, patents and other reproduction rights. The City shall be responsible for managing the reproduction rights of each acquisition with advice and counsel from the Public Art Advisory Board. Privately sited art works shall remain the property of the property owner for the life of the certificate of occupancy and title to the art work shall pass to any new owner of the property upon which it is situated. The owner must maintain the work in good condition. Failure to maintain the artwork may result in a violation of this ordinance and penalties as provided in section 10.99.

Section 9. Procedures.

Subject to City Council approval, the Public Art Advisory Board shall develop written guidelines and procedures to govern the manner and method of selection of proposed sites, works of art, architectural enhancement and special landscape treatment; and the process by which the recommendations shall be made to City Council and by which Council shall approve acquisitions.

Section 10. This ordinance shall become effective ten (10) days after its final adoption.

ORDINANCE 09-100

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,
this 11th day of January, 2010.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: [Signature]
Patricia P. Christensen, Mayor

ATTEST:

[Signature]
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: [Signature]
Roger G. Orr, City Attorney

ShareOrdinanceOrdinances - 2009Ord in public places amendments



APPLICATION FOR SITE PLAN REVIEW

ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772) 871-5124

P&Z File No. _____
Fees (Nonrefundable) \$ _____ Arch.: \$ _____
Receipt #'s: _____

.....
PRIMARY CONTACT EMAIL ADDRESS: _____

PROJECT NAME: _____

LEGAL DESCRIPTION: _____

LOCATION OF PROJECT SITE: _____

PROPERTY TAX I.D. NUMBER: _____

STATEMENT DESCRIBING IN DETAIL _____

THE CHARACTER AND INTENDED USE
OF THE DEVELOPMENT: _____

GROSS SQ. FT. OF STRUCTURE (S): _____
NUMBER OF DWELLING UNITS & DENSITY
FOR MULTI-FAMILY PROJECTS: _____

UTILITIES & SUPPLIER: _____

GROSS ACREAGE & SQ. FT. OF SITE: _____ **ESTIMATED NO. EMPLOYEES: _____

FUTURE LAND USE DESIGNATION: _____ ZONING DISTRICT: _____

OWNER(S) OF PROPERTY:
Name, Address, Telephone & Fax No.: _____

APPLICANT OR AGENT OF OWNER:
Name, Address, Telephone & Fax No.: _____

PROJECT ARCHITECT/ENGINEER:
(Firm, Engineer Of Record,
Florida Registration No., Contact
Person, Address, Phone & Fax No.) _____

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245, inclusive, of the zoning ordinance.
***When a corporation submits an application, it must be signed by an officer of the corporation.** Corporation signatures must be accompanied with an approved resolution authorizing the individual to sign such applications.
NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

OWNER'S SIGNATURE HAND PRINT NAME TITLE DATE

SITE PLAN SUFFICIENCY CHECKLIST

Revised September, 2011

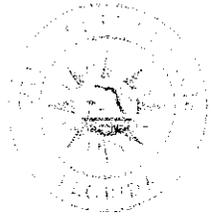
Project Name: _____

Project Number: P _____ New Submittal _____ or Resubmittal _____ (Check One)

Applicant should submit the site plan package to Planning & Zoning Department with all items listed below to initiate the review process. Other drawings or information may be required, if deemed necessary, upon review of the submittal for the Site Plan Review Committee Meeting.

The Applicant should complete the Project Information, Applicant Checklist and Applicant Certification. Use the following to complete the checklist: ✓ = *Provided* X = *Incomplete or Missing* NA = *Not Applicable*

Applicant Checklist	Description of Item Provided	Sufficient		
		P&Z	Eng.	Utility
	Sufficiency Checklist: One original completed and signed by applicant.			
	Cover Letter: Sixteen copies of a typed letter explaining the purpose and history of the application.			
	Written Response to Comments: Sixteen copies. For resubmittals only.			
	Completed Application: Sixteen copies. Use black ink or type to fill out completely and legibly.			
	Owner's Authorization: Sixteen copies of authorization on Owner's letterhead.			
	Application Fees: Refer to each department's fee schedule			
	Proof of Ownership: Three copies of the recorded deed(s) for each parcel			
	Site Plans:			
	Sixteen sets of 24" x 36" blacklines that are folded to 9" x 12", collated, stapled and numbered.			
	Complete, legible and sufficient detail. (Review may determine that submittal does not comply)			
	Resubmittals - completed revision blocks with a reference number or "cloud".			
	Overall plan view on one sheet			
	Master index or key map on each plan sheet showing how plan sheets relate. (If applicable)			
	Projects ≥ two acres - aerial map with type & location of vegetation per the FLUCCS System.			
	Traffic statement			
	Drainage statement			
	Show project phasing, if applicable.			
	Show existing and proposed utility mains and services.			
	Show the location of proposed lift station or grinder.			
	Outdoor Lighting Detail: Show location and height of light poles and fixtures. Show fixture detail.			
	Boundary and Topographic Survey:			
	Sixteen sets of 24" x 36" blacklines that are folded to 9" x 12", collated, stapled and numbered.			
	Complete, legible and sufficient detail			
	Contours or spot elevations (½ foot minimum).			
	Vertical datum is NAVD			
	Current Florida Registered Surveyor's signature and seal.			
	Tree Survey: See Sections 153.13 thru 153.19.			
	Conceptual Floor Plans Sixteen sets of 24" x 36" blacklines that are folded to 9" x 12", collated, stapled and numbered.			
	Conceptual Building Elevations: Sixteen sets of 24" x 36" blacklines that are folded to 9" x 12", collated, stapled and numbered. Indicate height and color of building(s).			
	Citywide Design Standards Selection List and Fee: Two copies of the information requested in the Citywide Design Standards Manual unless development is temporary, single-family residential, industrial or located in St. Lucie West or Tradition.			
	Public Art Requirement Checklist			



SITE PLAN SUFFICIENCY CHECKLIST
Revised September, 2011

Project Name: _____

Project Number: P _____ New Submittal _____ or Resubmittal _____ (Check One)

Applicant Certification

I, _____ (*Print or type name*), do hereby certify that the information checked above has been provided to the City of Port St Lucie for the subject project. I understand that the checklist is used to determine if the submittal is complete so that the project can be added to the Site Plan Review Agenda. I further understand that review of the submittal contents will not be made at this time and that a sufficient submittal does not exempt a project from being tabled or denied at the Site Plan Review Committee.

(*Signature of Applicant*)

(*Date*)

Planning and Zoning Department Representative

I, _____ (*Print name*), as a representative of the Planning and Zoning Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).

Additional Comments:

(*Signature of Planning and Zoning Department Representative*)

(*Date*)

Engineering Department Representative

I, _____ (*Clearly print or type name*), as a representative of the Engineering Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).

Additional Comments:

(*Signature of Engineering Department Representative*)

(*Date*)

Utilities System Department

I, _____ (*Clearly print or type name*), as a representative of the Utilities System Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).

Additional Comments:

(*Signature of Utility System Department Representative*)

(*Date*)

CONSTRUCTION PLANS SUFFICIENCY CHECKLIST

Revised September, 2011

Project Name: _____

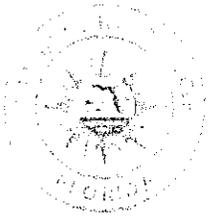
Project Number: P _____ New Submittal _____ or Resubmittal _____ (Check One)

Applicant should submit the construction plan package to Planning & Zoning Department with all items listed below to initiate the review process. The construction plan package may be submitted along with or after the site plan package. Other drawings or information may be required, if deemed necessary, upon review of the submittal for the Site Plan Review Committee Meeting. Also, the construction/detail plans must be approved by the Site Plan Review Committee prior to receiving a Building Permit.

The Applicant should complete the Project Information, Applicant Checklist and Applicant Certification.

Use the following to complete the checklist: ✓ = *Provided* X = *Incomplete or Missing* NA = *Not Applicable*

Applicant Checklist	Description of Item Provided	Sufficient		
		P&Z	Eng.	Utility
	Sufficiency Checklist: One original completed and signed by applicant.			
	Cover Letter: Sixteen copies of a typed letter explaining the purpose and history of the application.			
	Written Response to Comments: Sixteen copies. For resubmittals only.			
	Construction/Detail Plans:			
	Sixteen sets of 24" x 36" blacklines that are folded to 9" x 12", collated, stapled and numbered.			
	Complete, legible and with sufficient details. (Review may determine that submittal does not comply)			
	Resubmittals - completed revision blocks with a reference number or "cloud".			
	Provide an overall plan view for projects that require more than one sheet to illustrate the plan view.			
	For projects that require more than one sheet to show the plan view, provide a master index or key map on each plan sheet showing how plan sheets relate.			
	Clearing Plan: For projects with one or more acres provide an aerial overlay of the area to be cleared. Plans should be signed and sealed by a Florida Registered Engineer. See Sections 153.20 thru 153.28.			
	Erosion Sediment Control/Stormwater Pollution Prevention Plan: Signed and sealed by a Florida Registered Engineer.			
	Paving and Drainage Plan: Signed and sealed by a Florida Registered Engineer.			
	Signed and sealed traffic study, if required.			
	Signed and sealed drainage calculations.			
	Off-site roadway improvements, if required.			
	Off-site drainage improvements, if required.			
	Water and Sewer Plan: Signed and sealed by a Florida Registered Engineer.			
	All utility lines shown on the profile sheets			
	Locations of outdoor light poles shown on utility sheets.			
	Landscape Plan: Signed and sealed by a Florida Registered Landscape Architect.			
	Provide utility separation language.			
	Show existing and proposed utilities.			
	Provide note and show that landscaping meets FDOT clear zone and sight distance criteria.			
	Tree Survey: See Sections 153.13 thru 153.19			
	Irrigation Plan			



CONSTRUCTION PLANS SUFFICIENCY CHECKLIST
Revised September, 2011

Project Name: _____

Project Number: P _____ New Submittal _____ or Resubmittal _____ (Check One)

Applicant Certification

I, _____ (*Print or type name*), do hereby certify that the information checked above has been provided to the City of Port St Lucie for the subject project. I understand that the checklist is used to determine if the submittal is complete so that the project can be added to the Site Plan Review Agenda. I further understand that review of the submittal contents will not be made at this time and that a sufficient submittal does not exempt a project from being tabled or denied at the Site Plan Review Committee.

(Signature of Applicant)

(Date)

Planning and Zoning Department Representative

I, _____ (*Print name*), as a representative of the Planning and Zoning Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).
Additional Comments:

(Signature of Planning and Zoning Department Representative)

(Date)

Engineering Department Representative

I, _____ (*Clearly print or type name*), as a representative of the Engineering Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).
Additional Comments:

(Signature of Engineering Department Representative)

(Date)

Utilities System Department

I, _____ (*Clearly print or type name*), as a representative of the Utilities System Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on _____ (*date*).
Additional Comments:

(Signature of Utility System Department Representative)

(Date)



PUBLIC ART REQUIREMENT CHECKLIST

January 4, 2011

Project Name: _____

Project Number: P _____ **-** _____ **New Submittal:** _____ **Re-submittal:** _____ (check one)

Applicant is required to submit the public art requirement package to the City Clerk's Office with all items listed below a minimum of three weeks prior to a regularly scheduled Public Art Advisory Board (PAAB) meeting to initiate the review process. PAAB meetings are the first Tuesday of every month and the applicant is strongly encouraged to attend. If any items are incomplete or missing, it may delay review of the application by the PAAB. Other drawings or information may be required, if deemed necessary, upon review by the PAAB. The Public Art Requirement approval must be obtained prior to the site plan being scheduled for City Council.

Description of Item to be provided: (Twelve copies of all items collated into sets)

	Completed Public Art Requirement Checklist: One original, completed and signed by applicant.
	Copy of Site Plan Application: Copy of Signed Site Plan application as submitted to P&Z.
	Cover Letter: Describe to the PAAB your proposal to meet the Public Art Requirements. Please be as descriptive as possible.
	Written Response to Comments: For resubmittals only.
	Calculation of Public Art Requirement Value: Applicant must provide cost estimate for proposed improvements which include building, site improvements such as paving, drainage and parking (civil), landscape, and site lighting. Complete Public Art Requirement Value Calculation section of this application and attach supportive cost estimates from licensed professionals within each discipline.
	Proposed Public Art Requirement Method: Identify which method you are choosing to meet the requirement by placing the number in the box to the left. 1. Artwork On Site 2. Art Donated to the City of Port St. Lucie 3. Payment of Fee in Lieu of Artwork On Site
	Public Art Requirement Proposal: Submit the appropriate supportive information to clearly communicate the proposal and to assist the PAAB in evaluation of the proposed Public Art. <u>ART ON SITE:</u> Complete "Artwork Proposal and Specifications" Section of Application. <u>ENHANCED ARCHITECTURE:</u> Provide proposed elevations clearly showing enhanced elements above minimum architectural requirements. <u>ENHANCED LANDSCAPE:</u> Provide proposed plan and elevation views clearly showing 'enhanced elements' above minimum landscape requirements. Applicant must clearly demonstrate a unique and identifiable element or space which is definable apart from the minimum landscape or site design requirements.
	Payment in Lieu of Artwork On Site: (if applicable) Check must be attached to application. Payment made to: City of Port St. Lucie: \$

CALCULATION OF PUBLIC ART REQUIREMENT VALUE:

Building Costs (Vertical construction estimate)	\$
Civil Costs (Paving, Drainage, Parking)	\$
Landscape Costs	\$
Site Lighting Costs	\$
TOTAL ESTIMATED COSTS:	\$
Public Art Requirement Value: (1% of Total Estimated Costs)	\$

(Maximum Public Art Requirement Value is \$50,000.00.)

ARTWORK PROPOSAL AND SPECIFICATIONS:

1. Artwork & Artist Information:

Artwork Title: _____
Artwork Site: _____
Artwork Material: _____
Artwork Dimensions: _____
Artist Name: _____
Address: _____
City, State Zip: _____
Telephone: _____
Website: _____

2. Artwork Description:

3. Siting:

4. Materials with Specifications:

5. Fabrication and Installation Procedures:

6. Yearly Maintenance and Conservation Plan:

7. Examples of artist's work or related pieces:

I acknowledge (as applicant/owners representative) that The Public Art Requirement approval must be obtained prior to the site plan being scheduled for City Council. I have provided all required checklist items and the estimates used to calculate the Public Art Requirement Value are accurate to the best of my knowledge.

Applicant's Signature

Printed Applicant Name:

Date:

**CITY OF PORT ST. LUCIE
PUBLIC ART ADVISORY BOARD MEETING MINUTES
AUGUST 14, 2012**

A Regular Meeting of the PUBLIC ART ADVISORY BOARD of the City of Port St. Lucie was called to order by Vice Chair Friedman on August 14, 2012, at 3:05 p.m., at Port St. Lucie City Hall, 1st Floor Conference Room 188, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

1. CALL TO ORDER

2. ROLL CALL

Members Present: Debra Magrann, Chair (Arrived at 3:10 p.m.)
Irving Friedman, Vice Chair
Richard Gabel
Lee T. Griffis
Marge Organ
Enrique Veloz

Members

Not Present: Linda Relis (Excused)

Others Present: Daniel Holbrook, Director, Planning and
Zoning
Katherine Huntress, Planning and Zoning
Department
Thresiamma Kuruvilla, Planning and
Zoning Department
Margie L. Wilson, Deputy City Clerk

3. APPROVAL OF MINUTES - JUNE 12 AND JULY 10, 2012

There being no corrections, the minutes were unanimously approved.

4. REVIEW OF PROJECTS

A. MANN RESEARCH CENTER @ SOUTHERN GROVE

Andrew Favata, Vice President, Mann Research Center, said, "I am glad to be back to the Board. We met several months ago when we were describing our project. Today we are presenting the final artwork for your consideration and approval. With me are John Gallagher, Chairman of the Tradition Design Review Committee, and Howard Ehrsam, Creech Engineers, our engineer of record. The final project is 8'x15'x28' and will rest on a masonry base that

**PUBLIC ART ADVISORY BOARD MEETING
MINUTES**

AUGUST 14, 2012

is clad in limestone. The artwork consists of two sculptures. One is an artistic rendering of the State of Florida with a dark blue metallic finish. The other piece is intertwined inside that sculpture. It is an artist's rendition of an atomic nucleus and the orbital path of electrons and protons that you would see under a microscope. The project is illuminated in a light blue LED lighting. We feel it is absolutely appropriate for the Tradition Center for Innovation. It is one of south Florida's premier research parks right in our back yard. We're very proud of the work. We'd like to hear any questions and comments and move forward for your consideration."

Vice Chair Friedman asked what the circles are made of. Mr. Favata replied that they are composite metals and aluminum. Vice Chair Friedman asked about wind resistance. Mr. Favata advised, "They are all done according to current local and state building codes." Mr. Griffis said, "At night you show the white letters against a darkened background. How do you achieve that?" Mr. Favata answered, "They are illuminated from the interior. During the day the interior is a darker color." Mr. Griffis said, "At our last meeting we had a question about how long lights would be left on during the night and on weekends. Is this a 24/7 thing?" Mr. Favata replied, "We don't anticipate that right now." Mr. Gallagher said, "Typically a photo cell comes on as the sun goes down and you can set it to go off at daylight. Our towers in Tradition go to midnight or 1:00 a.m. and then shut down. Those are on timers." Mr. Griffis said, "Chairman, at the last meeting when we talked about the church and having the window lighted, I thought there was a decision, which I don't remember now, in regard to that. Were they allowed to turn the lights off at midnight, or are we saying it should be on all night long? If it should be on all night long, should this also be on all night long?" Mr. Holbrook advised, "The City doesn't have regulations as far as the timing of lighting of signage. This is an arterial of the City, where there is anticipated to be a large volume of traffic, given the research facilities as well as the hospital. I would leave it to the property owners concerning the hours of operation and whether they wish to have it lit or not. I wouldn't place any conditions." Mr. Griffis said, "For much smaller operations in the future that have backlit signs, are we saying that like this major project, they would only have to have it backlit as long as they choose? Or do some of them in the future, because they're not as big and prestigious, have to do it 24/7? I think we should set a standard for ourselves." Mr. Holbrook answered, "I appreciate the concept. If you want to explore being able to read a sign, you can read it during the day and in the evening you have the options, so you are addressing that. Photovoltaic will provide

light when dusk has occurred." Vice Chair Friedman observed that there are streetlights in the area, so it is not totally dark. Mr. Ehram advised that there are streetlights and added, "One thing to consider with this project is that while it was developed by Mann, it may ultimately end up back in the Tradition CDD. The signage promotes Tradition at large within a specific area, the Center for Innovation. If it comes back into that category, my company manages all the entities in Tradition. In doing that we always look to promote Tradition and the City of Port St. Lucie through those types of items. Daniel is right. We use the flexibility to our advantage and constantly change the timings as appropriate for the amenity. We look to have this lit for a good amount of time to show it off and to show off the area." Mr. Griffis said, "To perfectly understand where I'm coming from, I have no objection to your turning it off at midnight or 1:00 a.m. or even 10:00 p.m. What I am trying to establish is whether we as a Board have one standard that we can apply both to small and large." Chair Magrann said, "I would say at the pleasure of the Board that every project that comes before us is case by case. I really don't think we need to box ourselves in in any way. If that's your feeling, let's move on." Mr. Veloz added, "The last time we were dealing with a residential neighborhood and talking about local residences. . . ." Chair Magrann said, "The discussion was focused on did it satisfy the intent of the ordinance. With that in mind I need a motion to accept the project as presented." Ms. Organ **moved** to accept the project. Mr. Griffis **seconded** the motion, which **passed unanimously** by voice vote.

Chair Magrann said, "I'd like to know if we approved the minutes, because in the June minutes there are a lot of things that are not correct. I didn't print out my changes. Can I forward them to the Clerk's Office?" The Deputy City Clerk replied in the affirmative. Mr. Griffis asked if they could touch on it under Old Business. Chair Magrann said, "The Board has already approved the minutes." Vice Chair Friedman suggested that it be brought up again under Old Business for next month and Chair Magrann can bring her notes.

B. GRANDE PALMS @ TRADITION

Mr. Griffis said, "Look at the third paragraph of the cover letter where it talks about reducing the number of units. Are you allotting that land for public use or open space?" Leo Repetti, Kimley-Horn and Associates, stated, "A good place to start is by going to the first large sheet. The PUD allows up to 300 multifamily residential units on these two tracts. The developer decided not to max out the density but instead to

build 252 units. In an effort to help meet the public art ordinance, they will provide two park areas. On Village Parkway is an area identified as North Park, with an area of .46 acres. To the south is another one called South Park. We could have easily accommodated two or more additional buildings to increase the density. To answer your question, the developer specifically did not max the density, but did create some open space tracts." Mr. Griffis asked, "Was there any requirement for open spaces before?" Mr. Repetti replied, "Within the PUD there is a requirement for I believe 10% green, and we have greatly exceeded that. The anticipated project cost is in excess of \$14 million, so we would have to look at the \$50,000 maximum threshold, based on 1% of the construction cost. Look at the color exhibit on the second large page. North Park is approximately .46 acres to create open space and play space. We divided it into four sections. Within the park there is a lot of landscaping, including shade trees and flowering trees. There are large specimen palms, hedges, and flowering ground covers. The next page shows the park bench. In the center of each park is a fountain. The fountain detail elevation is on the left side of the page. There are benches as pictured facing the center of the fountain, and there is pedestrian level lighting around them. As you approach there will be decorative columns that flank the brick paver walkway. A fair bit of money and effort has gone into creating something that is unique and definitely an amenity for residents." Mr. Griffis asked if it is an adult only or 55+ community. Mr. Repetti replied in the negative. Mr. Griffis asked, "Are there any areas set aside now for children? I'm wondering if some of this could be a wading thing for children."

Chair Magrann said, "Part of our intent is to get artist driven. . . . We are endeavoring to employ creative people. I think Mr. Griffis is offering possibly instead of an architectural fountain, could it be something that brings the community more into an activity, rather than a fountain that is raised above ground level that is something people don't participate in, something that they just view." Mr. Repetti said, "That would be for the developer to make the determination. Our firm did the fountains at Indian Riverside Park in Jensen Beach. It's considered a public pool with all sorts of rules and regulations. It's a completely different level of maintenance and operation and cost. From the liability perspective it's a swimming pool. If you think about Tradition, it's not like the majority of Port St. Lucie. It's a very walkable community. This project has a couple of miles of sidewalks between all the buildings, the parking areas, the clubhouse, and the tot play areas. There is a lot of pedestrian connectivity to the outside

network, such as the school. Digital Domain is to the northeast. We hope that families with children will be attracted to the garden apartments. Tradition does have an interactive fountain at Tradition Station."

Mr. Holbrook asked, "With the fountain you're proposing, is there an opportunity for people to sit on the benches and have interaction?" Mr. Repetti answered, "The height of the base is 16 inches off the ground, which is the same as a seating height. I envision people sitting along the perimeter. The benches also focus in toward the fountain." Chair Magrann asked if the fountain is concrete. Mr. Repetti replied, "It's precast concrete. The large diameter band is 14 inches off the ground, which makes it a low seating wall. It would lend itself well to small children and their families." Chair Magrann asked, "Is there any way we could integrate, instead of these metal benches, could we have an artist create mosaic benches? I don't know what your cost factors are. How many benches are you thinking of?" Mr. Repetti replied, "There are eight benches. They're consistent with some of the other elements by the clubhouse. They were doing a unified theme. I truly don't know the developer's pleasure as far as maintenance and long term obligations. If these need upgrades it is quite simple to replace them, as opposed to trying to re-commission another artist. If I might, I would like to point to the Code and Ordinance 09-100, Section 2. Under definitions, Subsection 6 has special landscape treatment in lieu of commissioning an artist to do specific art elements like the sign for Mann Research. It does allow for the creation of a park like or plaza setting like this in lieu of traditional landscaping. Though it would be nice to try to do a mosaic bench, our approach is the upgraded landscaping. Within the City Code and the PUD the developer could have easily created a small flat football field for less than \$5,000 worth of sod for both of the parks. They are spending almost \$250,000 to create this park like plaza as defined by the public art ordinance."

Chair Magrann said, "We haven't had many proposals come before us where they went so far above the requirement. It caps at \$50,000 anyway." Mr. Repetti noted, "It's part of the nature of the community. It will be heavily landscaped. Tradition has higher landscape standards than the City does at large. The parks are above something you would find even in Tradition." Chair Magrann said, "I understand the scope of this. But if you look at urban planning now it is quite different. It uses a lot of xeriscaping. I don't know how much water that's going to take to keep green. As I said before, the intent of this board is to try to get public art, to get artists work, and to get items

**PUBLIC ART ADVISORY BOARD MEETING
MINUTES**

AUGUST 14, 2012

incorporated to put artists to work. Do you know how much these benches cost per item?" Mr. Repetti answered, "They are \$900 a piece." Mr. Griffis asked, "Is there any way to decorate the fountains or some part of the fountains to incorporate an artist?" Mr. Repetti said, "The fountains are kind of decorative already, with almost \$50,000 in the two fountains alone." Mr. Griffis said, "I think that is primarily in your supply and drainage requirements. The pumps for the fountains, the drainage. . . . There is a lot of expense involved in just supplying the water and where it goes to. These almost have to be treated like swimming pools." Mr. Repetti noted that there is a separate line item for plumbing and electric and added, "We are truly trying to do the right thing. When the developer looked at the ordinance they asked what the best way to do it would be. Is it to create a \$50,000 sculpture somewhere tucked into a corner of the site, or is it something like this, which I would imagine the residents would get much more use and enjoyment out of. The parks are specifically identified in the ordinance as one of the three options." Mr. Veloz asked if there are plans for speakers or sound. Mr. Repetti replied in the negative.

Mr. Griffis said, "I think it's a very generous plan, and it's smart to spend that amount of money. Is there a marketing demographic?" Mr. Repetti responded, "They are garden apartments and a little more upscale. It's probably a mix of income where the price point might be higher than some others. I don't know of a high and low that might be projected. There are one, two and three bedroom units. They are looking to tap into the demographic of employees in Tradition. People are working at The Landing, Digital Domain, Torrey Pines, Mann, and the hospital. They would love for people to live, work, and play in Tradition." Chair Magrann said, "Again, part of what we are tasked to do is we are trying to get a public art presence. Enrique, I have to turn to you. Working at Digital Domain and being so immersed in art, what would you want to see in your community? This is very bland to me. It's lovely, but it's Tradition; it's planned. Nothing is breaking out of the mold here." Mr. Repetti observed, "But it clearly meets the requirements of the ordinance that was passed by City Council." Mr. Holbrook added, "I would agree that it meets the criteria and the elements of public art. I think what you are hearing from the board is that they are asking for some more. You have standards that are being supplied by the benches. Is there a way that you could add something to enhance it and give it a unique element that you won't see everywhere else in Tradition? I'm sure there are creative ways of handling that." Mr. Repetti said, "I've heard your comments about trying to put in mosaic

benches. I could go back to the client; they would probably fuss at me if I agree to replace the ornamental metal benches that are shown here with some sort of mosaic bench. I've seen them in some downtown areas." Chair Magrann said, "There is an artist who lives locally. I'm not saying to hire this particular artist, but the example is the benches that have been done in St. Lucie County. That is what links this whole county as an artistic endeavor. It is artist driven because it employs an artist to do the work. I know that at that cost per item you can get a bench. It is the responsibility of the owner to maintain whatever it is that satisfies the art requirement. The only thing I've seen as far as those benches being off is if they get sprayed with well water they would be discolored. Can you go back to them and possibly entertain that?" Mr. Veloz said, "I was thinking of tile around the fountain itself." Mr. Repetti said that he would worry about tile being slippery. Mr. Veloz continued, "It doesn't have to be porcelain." Chair Magrann said that it doesn't have to be glazed. Mr. Repetti stated, "It seems like the mosaic bench might be a very good solution to hold intact what they have proposed and to add the artistic flair the board is looking for." Mr. Griffis said, "Instead of the ongoing maintenance of a fountain, maybe they can put something of visual interest done by an artist, which will eliminate long term maintenance costs. There could be some low level thing in the middle. It could be almost like a table but raised up, and it's an artistic thing in the middle. You could still keep the benches you have focused around the middle." Chair Magrann said, "That's the idea. The roundabouts in Ft. Pierce have just done that. There is one in historic downtown Ft. Pierce where they put their Christmas tree. The public art that has recently been replaced was a horse to honor the crackers and agriculture. That is an excellent alternative to the fountain. It provides a nice conversation piece. You'd have something very interesting and probably at a lesser cost."

Mr. Repetti stated, "They used a similar fountain at a project in Doral, and it was very well received by the residents. I'm pretty sure they have their heart set on a fountain in each of the parks." Mr. Griffis asked if they get a special price for doing two fountains. Vice Chair Friedman said, "East Lake has a gorgeous statue of children. They have beautiful benches all around for people to rest." Chair Magrann said, "They would save a lot of money." Mr. Veloz noted, "Being that I do work at Digital Domain, I will tell you that a lot of my coworkers are moving to West Palm Beach because these communities are all cookie cutters of each other. Or they are moving back to LA and New York. They don't feel this area satisfies them." Chair Magrann noted, "It doesn't satisfy the soul." Mr. Repetti said,

"This project will provide something unique. It's not just rectangular boxes with no relief. Going back to the mosaic benches, that is something I can probably agree to on behalf of the developer. If you want to add that as a condition of approval I would be happy to take that to them." Chair Magrann said, "I would still like to offer to replace the fountains. Is that something they would be open to at all?" Mr. Repetti replied, "They definitely want to keep the fountains. Water is a central theme in Florida." Mr. Veloz said, "It could be a sculptured fountain that is artwork." Chair Magrann indicated the marlin in Stuart and stated, "Communities are getting away from this type of design, because the ecology of it is not. . . ." Mr. Holbrook said, "There is a proposal before the board for your consideration. You can recommend approval, approval with conditions, or you can recommend denial and state the reasons. Obviously they are meeting the criteria which is provided. The board has challenged you, asking you to provide something more of interest that is unique. The fountain is a very important feature for your client. Maybe you could add some element of interest." Mr. Griffis suggested they take a few trees down and put the money on the fountain. Vice Chair Friedman suggested a more interesting fountain. Mr. Holbrook continued, "The board has a proposal. You can make an approval with a recommendation. I remind the board that this is an advisory board, and the recommendation will go before the City Council."

Chair Magrann said, "My recommendation would be to scale back on the expensive items of the fountains and to instead offer the community roundabouts with sculpture and mosaic benches that are fabricated and made by an artist. Artist designed and fabricated." Mr. Repetti stated, "Before a second is offered or not, when you say roundabout, are you talking about roundabouts within roadways?" Chair Magrann answered, "No. Just instead of having an actual fountain, the central. . . ." Mr. Repetti asked, "Would it be something in addition to the fountain, or is it in lieu of a fountain?" Mr. Griffis asked, "An enhanced fountain or in lieu of a fountain?" Mr. Repetti asked, "Could we try to create something at one of the parks with something other than a fountain, and leave the fountain in one of the parks?" Chair Magrann said, "That would be fine. A smaller one?" Mr. Repetti answered, "I am their engineer. Everything in my world is right angles and black and white. I need to get back with them on artistic elements, but I think that is a reasonable approach, providing mosaic type benches commissioned by an artist and then to explore something other than a fountain at one of the plazas." Mr. Gabel noted, "At the end of the day there is probably some reduced cost for your client but it would provide an additional look and feel for the community."

Chair Magrann said, "So there is a recommendation. I would need a motion to accept that. It is for the developer to scale back." Mr. Griffis said, "One of the fountains for an item of an artistic nature." Chair Magrann continued, "Hopefully the fountain would be included in the smaller park, and at the larger park for it to be more of a central focus with an artistic sculpture in a roundabout fashion. And with eight benches of artistic fabrication commissioned by an artist." Mr. Repetti suggested, "If we could not pen in which one gets the fountain yet, so they can look at the massing and scaling and see which works best." Chair Magrann said, "Okay. Does that make sense for a recommendation?" Vice Chair Friedman said, "I don't like that recommendation. There are fountains out there that are gorgeous. We're not just talking about circles with water squirting out of them. They are designed after artists' renderings. They're beautiful, similar to the one at Haney Circle. There are some benches available that don't have to be individually sculptured. It would bring his cost down. I think we would be forcing them to spend more money than they might be willing to." Chair Magrann said, "That's not what the recommendation is. The recommendation is for them to save money, and the benches can be fabricated at \$900 each depending on size and scale. That is up to them to negotiate with an artist." Vice Chair Friedman said, "I'm thinking of what you're thinking about, and I don't like those benches. Those aren't the benches I'm interested in." Chair Magrann said, "That's up to the client to find the artist." Vice Chair Friedman said, "There are benches around that could be had." Chair Magrann said, "We are also tasked with encouraging nothing off the shelf, that they are employing an artist to satisfy a true public art requirement. We are endeavoring to employ artists." Vice Chair Friedman stated, "We are also empowered to accept beautiful landscaping as a part of it." Chair Magrann noted, "True, which this is." Mr. Griffis said, "That's what we did at Martin Memorial. They were going to add fountains, so we agreed that the fountains would suffice for specific art. Then they said they would have art throughout the hospital anyhow." Vice Chair Friedman commented, "We must remember that landscaping is art." Chair Magrann said, "When it is artistically designed. What does the board want to do? We have the recommendation." Mr. Veloz said, "I'm okay with that recommendation. I will **move** that we accept the plans based on our recommendations and what the client wants to do." Chair Magrann said, "We do not want to hold up anything timewise. Everybody has a schedule to follow." Mr. Gabel **seconded** the motion. Vice Chair Friedman asked that the motion be read. The Deputy City Clerk said, "The last recommendation I have is to scale back on the fountains and perhaps put a fountain in the smaller park, but then Mr. Repetti

wanted to leave that. . . ." Chair Magrann said, "We're going to strike that." The Deputy City Clerk continued, "You suggested eight benches, artist fabricated, completed by the artist." Chair Magrann said, "Because there are two fountains they are putting four benches each, so it's a total of eight benches. If the client wants to keep one fountain, the other would be a sculpture or something of creativity. It could be a light sculpture. Something within the dollar figure they choose, but definitely something creative." Mr. Veloz said, "Not an identical fountain." The **motion passed unanimously** by voice vote.

C. CHARTER SCHOOL @ TRADITION

Brian Smith said, "I'm with the Ryan Company as a developer for the charter school. We have worked very closely with staff to come up with a good functional Site Plan. Charter USA is the largest charter operator in the State of Florida. They have 40,000 students in their curriculum. They are very passionate about making sure the students get a well-rounded education, including art and architecture. The prototype architecture they have asked us to employ incorporates some traditional cornice lines and moldings to give the architecture extra pop, so students can understand that there are different forms of architecture from the typical south Florida stucco and pastel colored buildings. In order to meet the public art criteria we are using enhanced architecture with trim packages using very traditional cornice lines and window and door moldings. We have added an enhanced landscaping package, because we think it's a good thing for the environment to plant more trees and create more oxygen to inspire creativity. The packet shows some building details that have been employed recently throughout the state." Mr. Griffis asked where the school in the photos is located. Mr. Smith answered, "The first one is in Riverview. We just completed schools in Manatee, Leon, and Hillsborough Counties." Mr. Griffis asked, "Is this two or one inch brick in front of concrete?" Mr. Smith explained, "What appears to be brick is actually concrete panels. It's precast and painted to look like brick." Mr. Griffis commented, "You do have to paint them every so often. With the Florida sun, if you're not using pigmented cement. . . ." Mr. Smith advised, "We're using a very high quality epoxy paint that is anticipated to last 20 years. This will be located at the very end of the current Tradition Parkway at Abingdon." Mr. Griffis said, "All of the charter schools today pretty much use this style." Mr. Smith said, "Not all of them. The ones we're building for Charter USA do." Mr. Griffis noted, "I studied under Mies van der Rohe and attended Frank Lloyd Wright lectures, and this is not architecture."

Chair Magrann added, "I was a tour guide for the Frank Lloyd Wright home and studio in Oak Park, Illinois, and this is not artistic. I'm sorry. Are there any recommendations we can make for this?" Mr. Smith asked, "What is normally done with schools? That's the issue." Chair Magrann answered, "Pine Crest in Ft. Lauderdale was designed by a firm out of Miami, and that school is a knockout. They have interior waterfalls; it's phenomenal." Mr. Smith noted, "These are state funded tax dollars being used to build the school and to meet the public art requirement." Mr. Gabel asked, "Are there design codes within Tradition that help them create this?" Mr. Holbrook answered, "Tradition has their own architectural design standards. Each property owner and developer comes with a concept of what they want. They work with them." Mr. Griffis said, "I don't have any problem with the architecture itself, except it's very mundane."

Chair Magrann said, "I just had a thought. If they could take their landscaping and provide ample space for a butterfly garden, that would be something different and creative that would add character. It would create conversation for the students; there would be an educational process. That could include butterfly sculptures and something three dimensional to give it a different character." Mr. Griffis asked, "If you were to maintain the architectural style of the building, is there a public assembly area on the outside to accomplish what the Chair is suggesting?" Chair Magrann noted, "The reason I bring up a garden is because next year for Viva Florida 500 there is an initiative in the artists' community in Miami that the FIU School of Architecture will distribute over 900,000 seeds of the state flower to students. At the end of May they will get that and they will need to plant gardens. If there is an established garden already that is a master butterfly type of garden, that would bring some kind of artistic. . . ." Ms. Organ suggested benches. Mr. Griffis asked if there is a basketball court in the LA2 area of the Site Plan. Mr. Smith answered that there is a basketball court and a soccer field, as well as an open area. Mr. Griffis asked if a butterfly garden could be in the open area, and Mr. Smith replied in the affirmative. Mr. Griffis said, "It's a very standard and mundane design. If you had designed it in the 1920's you would have used this design. Somewhere between the 1920's and today we had a little evolution of what is modern day architecture. Is this a pre-cast building?" Mr. Smith replied in the affirmative.

Chair Magrann asked, "Why does the design show these particular types of streetlights?" Mr. Smith explained, "That's a picture of one we completed in a DRI. That was their standard. This one is getting Tradition standard lights." Chair Magrann stated, "I

would make a recommendation that they would consider identifying native plants, host plants, nectar sources for butterflies to also incorporate some kind of sculpture such as a dragonfly or a butterfly, and possibly a shaded area. This is Florida and children need to be in the shade." Mr. Smith advised, "We anticipate putting a shade structure over the tot lot. That area is just north of the building. It's a separate fenced area for the younger students to make sure they don't get picked on by the older students. There is playground equipment that will be shaded." Chair Magrann noted, "All of the surrounding area is for cars. Where do you think a butterfly garden might be located?" Mr. Smith suggested the open space by the playing fields. Chair Magrann said, "That pushes it away from where the public is." Mr. Veloz asked if the basketball court could go in the back area. Mr. Smith said, "They will use the basketball court more than the butterfly garden." Mr. Veloz said, "I see the handicap parking area. You could move that to the front." Mr. Smith indicated that there is a bus lane. Mr. Holbrook said, "I would recommend that we don't redesign the area. If there is an area that has landscaping that you may feel may be more appropriate. . . ." Mr. Smith said that there is a green space of about 20'x60' in front of the building. Chair Magrann asked, "Is everything that surrounds the tot lot a hardscape?" Mr. Smith answered, "The tot lot will have a six-foot fence. Inside will be Astroturf and rubber surface under the playground equipment. Surrounding it is green space, and there is green space out back but it's isolated space."

Mr. Smith said, "There's a drop off and pick up area. Is there an opportunity for some sort of mosaic on the wall where all the students congregate every day? That's at the south elevation. There will be columns with a canopy. The school operator has asked if we can provide a wall or space for the students to have changing art displays. It could be inside or outside. It would be a good way to promote art education." Mr. Griffis said, "You have 19 windows with semicircles over them. Are they plain? Could they have some sort of decorative artwork? Maybe the school has a logo or icon. An artist could design it and it could be replicated."

Chair Magrann said, "There is sod by the flagpole. That's a perfect spot; it's right in front of the school." Mr. Smith said, "We have bike racks there. But we could create some hard space with a couple of benches and display future art." Chair Magrann stated, "No. Just the garden." (Clerk's Note: There was a general discussion about art walls.) Chair Magrann said, "My recommendation to the board, if you would consider it, is on LA3 where it says flagpoles. . . ." Mr. Smith indicated that they

can move the flagpoles around. Chair Magrann continued, "Among what they have presented from our friends Lucido, to also ask the landscape architect to possibly design a feature that would be a butterfly garden for that area. There's a covered sidewalk. Plants die, so it has to be something that is maintained. Being a charter school, I would think they are up on their game. My son attended two years at Palm Pointe, and there are times that the weeds take over. They would have to be stakeholders, and they would have to take pride in keeping the garden alive and beautiful. Part of next year's statewide celebration for Viva Florida 500 focuses on our native plants. It incorporates education, it's beautiful, and it would fill an artistic spot. It would be admired by everyone who comes into the front office." Mr. Griffis asked how large the space for the flagpoles is. Mr. Smith said that it's 20'x30' approximately. Chair Magrann said, "It's a start."

Mr. Griffis asked, "Did you say you definitely know what is going in the circles?" Mr. Smith replied, "There hasn't been any additional architectural design done for those. They're just plain concrete with the trim package on top, for a three-dimensional appearance." Mr. Griffis asked, "Can you investigate if they can do something with those to be more decorative? It's not part of the actual requirement." Mr. Smith answered, "We can put any kind of three-dimensional precast concrete package in there." Mr. Griffis suggested that they could have an artist design one and then repeat it. Mr. Smith noted, "All the trim on the building was originally designed by an artist. The molds were made by an artist." Chair Magrann said, "The last two pages of the proposal are what is being offered to fulfill the art requirement?" Mr. Smith replied, "The landscape enhancement documentation shows approximately \$25,000 of additional landscaping above the Code minimum." Chair Magrann said, "I'm wondering what the plantings will look like after the first year. Are charter schools maintained by the school board staff?" Mr. Smith answered, "The operator maintains them. They have a maintenance staff. I think they will probably employ a landscape maintenance company to cut the grass and trim the bushes." Mr. Holbrook said, "We have two public charter schools in the city now. That may give you an idea of the standard of maintenance." Chair Magrann said, "I would recommend that the landscape architect. . . . I can see jatropa, firebush, and cassia; those are great for butterfly gardens. If they would select plants specifically for a butterfly garden with a dollar value to meet the requirement, that would be my recommendation. Are there any other alternative ideas?" Mr. Veloz asked, "Are we also recommending that there be some type of sculpture?" Chair Magrann replied, "Yes: dragonfly or butterfly or something

ecological." Vice Chair Friedman pointed out the medallions over the windows. Mr. Smith said, "We would like to stay on schedule to break ground in November, so it will be done for next August."

Mr. Griffis **moved** to accept the architectural design as offered, but with a recommendation to add a butterfly garden, possibly in the flagpole area in the front of the building, and on the medallions over the special windows have an architect design at least one design that the school can identify with on all of the windows that are so adorned. Chair Magrann said, "And that the butterfly garden would include the sculpture." Mr. Griffis continued, "It will include appropriate sculpture to reflect on it being a butterfly garden at the school's discretion." Mr. Smith stated, "I think that's fine. I'd like to get some guidance on the value of each of those items. We're at \$175,000 of added. . . ." Chair Magrann said, "They'll know their flowers. Pull from these lists. We're not adding. Rearrange it to make it a butterfly garden." Mr. Smith said, "And then a sculpture." Mr. Griffis added, "And the medallions over those specific windows." Chair Magrann said, "We have a botanical garden if you would like to consult with any of the master gardeners there. I wouldn't think they would need that." Ms. Organ **seconded** the motion, which **passed unanimously** by voice vote. Mr. Smith said, "Thank you for your input. We will try to provide some plans and make sure we can come up with something that meets all of those criteria."

5. REVIEW STEP THRESHOLDS FOR PUBLIC ART

Mr. Holbrook stated, "At the summer Retreat we had the opportunity to present the discussion of the public art ordinance to the City Council. There has been a lot of discussion and requests for change to the ordinance. The Council still supports the concept of public art and the ordinance. They did feel that we have an opportunity to change some of the language and to provide a tier program. A lot of the smaller projects are often families or individuals who are coming forward to build a development that is usually small. Maybe it has one or two bays. To get caught in a lot of process sometimes becomes very difficult for them. They may not have the opportunity or the consultants on board that there are on larger projects such as you've seen today. What is the opportunity we have to try to work with them and give them some relief? The Council directed staff to come up with a proposed tier program. What you have is a three-step tier for public art. The first is for minor Site Plans that are less than 10,000 square feet. We are proposing that if they are meeting the Citywide Design

Standards, which require site placement, certain types of landscaping, and architectural features, they wouldn't be required to go through this process. Think of a lot of the strip centers along Port St. Lucie Boulevard. Most of those would meet this criteria." Mr. Griffis asked if this means the square footage of the building or of the land. Mr. Holbrook answered, "The square footage of the building. They are already obligated to meet the Citywide Design Standards. We are proposing that they would have 0% for public art. If they are not required to meet the Citywide Design Standards, such as outdoor storage areas, cell phone towers, they would still have to meet the criteria. We have seen in the past that they will provide a donation in lieu of. The second step is for major Site Plans from 10,000 square feet to 50,000 square feet. They would have to meet ½%. For Site Plans that are over 50,000 square feet, they would have 1%. This would be capped at \$50,000. I have discussed this with one of the members of the Areawide Chamber to get initial feedback and see if this is palatable to the development community. Informally it seemed that it would be acceptable. We have been implementing this portion of the ordinance for one year. Congratulations for that. We have some funds. It is an appropriate time to see if changes are needed. We want to see if this sounds acceptable and if you have any questions. We will incorporate this into an ordinance amendment that would go to City Council for formal approval. We would like your feedback."

Mr. Gabel said, "I'm not a builder or developer. From a historical standpoint, is the 10,000 to 50,000 square feet about 80% of what is built in Port St. Lucie? Are we going back to ½% in essence?" Mr. Holbrook responded, "Speaking of projects and of square footage will get you different answers. The number of projects we have up and down Bayshore, Port St. Lucie Boulevard, and Prima Vista Boulevard would mostly be 10,000 square feet and under. Most of the shopping centers are 100,000+ square feet. We have a lot of the large and small, and there's not a lot in the middle. There are some. Walgreens would probably fall into that category." Mr. Griffis said, "Site Plan seems to incorporate the land and the building. We're really talking about the building. The terminology should be about building construction." Mr. Holbrook explained, "In the City's zoning regulations a minor Site Plan is a Site Plan that has less than 10,000 square foot buildings. A major Site Plan has 10,000+. A Site Plan is when you come in with a piece of land. There is going to be some type of infrastructure built on it. Most of the time there is vertical construction. What I would ask is if you have issues with the concept." Mr. Griffis replied, "No issues at all. The

City determines what it wants. We're here to follow the City's instructions."

Chair Magrann said, "I'm not comfortable with the ½%. I think they can also pay 1%." Mr. Veloz asked, "What would be their payment in lieu of?" Mr. Holbrook said, "They have three options: provide it on site, donate art to the City, or pay in lieu of." Chair Magrann said, "The 1% is the total valuation of their building cost." Mr. Griffis added, "Not including the land development cost." Mr. Holbrook said, "The direction we have from Council is that it is going to be a tiered approach. We took that as three tiers. It could be more, but I would prefer less. All the projects presented today were major Site Plans."

Vice Chair Friedman stated, "I think we're going backwards. Any place in the United States the figure has been 1%. I understand under 10,000 square feet. It's a hardship for them. But to go from 10,000 to 50,000 is way too big a spread. To go from 1% back to ½%. . . . It's too little of a difference, for one thing. All over the United States it's at least 1%. The City is going backwards, and I think it's a shame." Chair Magrann said, "I agree." Mr. Veloz said, "I can respect your opinion. I don't know that we're going backwards; I haven't been on the board long enough." Chair Magrann suggested that it is cutting back. Mr. Griffis said, "We have yet to have a major building in the \$50,000 category that has ever agreed to just pay the fee. They already have so much money in the project that our 1% is not going to affect the decision to go ahead or not. But they can very easily come along with a hiccup at 50,000 square feet. They'll do their art. But the small guy is going to do 10,000 square feet, and maybe he's cutting the edge just to come in and do the building." Ms. Organ asked, "What about 10,000 to 20,000?" Mr. Griffis asked, "Are they really asking us to come back and offer them something else, or just to approve what they come up with, because they are our bosses?" Mr. Holbrook explained, "The City Council directed staff to prepare a tiered plan. Staff has put together this tiered plan for your consideration and recommendation. The City Council has not said, 'Here are the numbers we want.'" Chair Magrann said, "That's how it always is. We recommend and they make the decision." Mr. Holbrook noted, "That is the same with staff, as well. The staff proposes, and it is the pleasure of the Council." Vice Chair Friedman stated, "It's a workable situation all over the United States. I agree with 0% for up to 10,000, but from 10,000 up it should be 1%. I **move** that the City should go with 1% from 10,000 square feet up." Mr. Griffis said, "It doesn't hurt the big project to have the 1%. It does hurt the small project. \$100 on the 50,000 is \$5 million, and 1% of \$5 million is \$50,000."

That's where it caps." Mr. Gabel said, "I understand that from an artistic standpoint it's important not to go backwards. I might argue that because of what has been going on in the last few years you will find more cities doing away with ordinances, or like Ft. Meyers, leaving it to the discretion of the developer. We don't want to get to that." Chair Magrann said, "Kansas did away with their Cultural Division and reinstated it this year." Mr. Gabel continued, "Things are slowly coming back, but I don't want stronger powers to take the ordinance away altogether. My fear is that if the recommendation is to not do anything, we stand a chance of going to the other side too far." Chair Magrann said, "The Mayor ran on a platform of bringing art and culture here. Whatever the Council decides, I'm fine with. But I'm not fine with ½%. I'm not fine with recommending we go backwards." Vice Chair Friedman said, "If a guy does a nice landscaping job, that is art in itself. I can't see us being too stringent with somebody, and saying you can't have landscaping; you must have a statue. That's where we could run into trouble and get a reputation and cause the City harm." Chair Magrann asked, "Are we at peace with having 0% for minor Site Plans and 1% for major?" Mr. Griffis said, "I'd like to offer the concept of ½% for under 10,000 and 1% for anything above that. At ½% a lot of the small projects will do the fee, and that will bring in a little bit of money for the City to decide when they want art." Mr. Gabel said, "That's where the biggest discussion came when we attended the area art. . . . If you're trying to build something small it's another fee." Mr. Griffis said, "We're trying to get something for the City. Why are we here otherwise? The big projects are still going to be \$50,000, and those people have already decided to put into the project just to make it more marketable." Vice Chair Friedman noted, "If instead of a plain building they do some nice architecture, that is part of our purpose, also." Mr. Griffis said, "If someone is putting in a 3,000 square foot warehouse, the ½% will at least get something for the City to decide how to use. After a year we have \$13,000." Mr. Veloz commented that 0% to 10,000 is better and Mr. Gabel agreed. Mr. Veloz **seconded** the motion, which **passed unanimously** by voice vote.

→ Mr. Griffis **moved** to have ½% on Site Plans less than 10,000 square feet. Vice Chair Friedman **seconded** the motion. Ms. Organ said, "For something small, I'm not sure it's a good idea." Chair Magrann said, "It would possibly urge them to contribute to public art in payment in lieu of. Then we could put it toward our Master Plan." Ms. Organ said that she would agree. The motion **passed** by voice vote with Chair Magrann, Mr. Griffis, Vice Chair Friedman, and Ms. Organ in favor, and Mr. Gabel and Mr. Veloz against. Chair Magrann said, "We'll see what Council ←

decides." Mr. Gabel asked if staff can modify the board decision. Mr. Holbrook said, "We will take the minutes and have a staff report. We will identify the motions. They will see what staff initially presented to the board. The key part is that we were taking the direction to give them a tier approach. Here's something to start the discussion."

6. NEW BUSINESS

Chair Magrann said, "I would like the board to consider joining the Florida Association of Public Art Professionals. It's \$150 a year. It's well worth the investment because these are go-to people. As we entertain a real project that we would be in charge of, there are many questions that may come up. These are professional people who administer public art in bigger cities." Mr. Griffis asked if they are on boards or just commercial artists. Chair Magrann answered, "It's everything from consultants to executive directors of cultural affairs and professional artists. The level for our board is \$150. For individuals it's \$50. That is a recommendation to join." Mr. Holbrook noted, "There are funds available." Mr. Veloz **moved** to join. Ms. Organ **seconded** the motion. Vice Chair Friedman asked what they get out of it. Chair Magrann explained, "We have membership in a professional organization that can assist us with questions and procedures. Rather than me imposing upon these people like I've been doing, we can be colleagues. We can also attend their yearly conference." The **motion passed unanimously** by voice vote.

Chair Magrann said, "At the Area Council meeting on June 13 a lot of the education process began. Has the Planning and Zoning Department had further comments?" Mr. Holbrook answered, "No. We are waiting to see what Council does." Chair Magrann said, "There was a comment made that there were no other area ordinances. At the Retreat Mr. Holbrook made a presentation and put together a chart of ordinances in cities and counties, so we don't have to come up against such criticisms in the future. The county's webpage says that the City of Ft. Pierce passed a similar ordinance in 1999. The program is administered by City staff. In instances where the county and city jointly decide on an appropriate project within city limits, the selection is done by a committee representing both jurisdictions. The cost of the project is split, making it possible for the funds to go farther. In the future we could partner with the Alliance to do something that would add to our Master Plan. There is a summit tomorrow. Is it appropriate for this board to attend?" Mr. Gabel said, "The board could. Thursday we are doing a Summer Arts Summit for arts organizations through the county. My

**PUBLIC ART ADVISORY BOARD MEETING
MINUTES**

AUGUST 14, 2012

counterparts from Martin and Indian River Counties are coming. If anyone would like to come, we would love to have you. Our website has the details."

Chair Magrann said, "St. Lucie County has a 5% tourism tax collected on accommodations rented for six months or less. The first two cents are for operation and maintenance of the St. Lucie County Sports Complex, Digital Domain Park. The third cent is to promote tourism. The fourth cent pays debt service on bonds used to finance the reconstruction and renovation of Digital Domain Park. The fifth cent is split: 67% is for debts service on the bonds, and the remaining 33% is allocated for capital facilities that promote tourism located north of Midway Road. It excludes our botanical gardens because it didn't exist when this was designed." Ms. Organ said that she has been fighting that for a year. Chair Magrann continued, "We can get the third cent that promotes tourism." Ms. Organ said that she was told they can't do it this year. Mr. Griffis said, "If one cent is going to tourist development and it is at county level, and everybody at the county level is in Ft. Pierce, we are the poor cousins. Three and a half cents go to the stadium, but it's a county building in the City." Chair Magrann said that the botanical garden is an asset. Mr. Griffis added that the Civic Center could be, because of the cultural events there, as well as the art gallery. Mr. Gabel said, "I think the one cent should come to me at the Arts Alliance, so we could grant it." Chair Magrann said, "Last year Heathcote got nine years of funding that had been held."

7. OLD BUSINESS

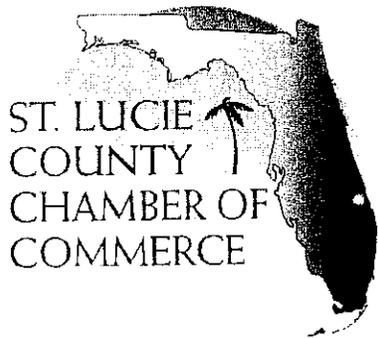
There was nothing for this item.

ADJOURN

There being no further business, the meeting adjourned at 5:00 p.m.

Debra Magrann, Chair

Margie L. Wilson, Deputy City Clerk



RECEIVED

August 23, 2012

SEP 04 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

Mayor and City Council
Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Dear Mayor and City Council:

On behalf of the Port St. Lucie Area Council and the St. Lucie County Chamber of Commerce, we would like to thank city staff for meeting with Chamber representatives on several occasions to discuss the existing public art ordinance.

After much discussion by the Port St. Lucie Area Council and input from Chamber members, it is our recommendation that the existing Art in Public Places Requirements of Ordinance 09-100 be modified. While we recognize the importance of art to our community, we also must insure that businesses are able to reasonably construct new facilities or improve existing facilities without making it cost prohibitive. To that end, the public art requirement should not apply to private projects as the language in the current ordinance suggests. Such a fee may serve as a deterrent to business locating with the city.

If the city remains firm in its application of the fee to all projects, weather publicly or privately funded, we recommend a tiered fee system applied to the "under air" square footage of commercial expansion and new construction:

- Minor site plans less than 10,000 square feet: no public art shall be required.
- Major site plans 10,000 sq. ft to 50,000 sq. ft: .5% of the total estimated project costs
- Major site plans over 50,000 sq. ft: 1% of the total estimated project costs
- A cap of \$50,000 shall apply to any projection regardless of size.

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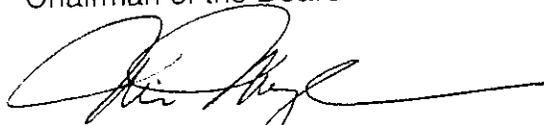
The Chamber also seeks a seat on the Public Art Advisory Board along with a seat for the Treasure Coast Builders Association as well.

We appreciate your consideration of this request.

Very truly yours,



Richard Kolleda
Chairman of the Board



Michael Mulleady
Chairman, Port St. Lucie Area Council

cc: Greg Oravec, City Manager
Daniel Holbrook, Planning Director
Maddie Williams, TCBA
Richard Gabel, Arts & Cultural Alliance of St. Lucie