

CITY OF ROELAND PARK, KANSAS

RESOLUTION NO. 664

A RESOLUTION AMENDING RESOLUTION NO. 601; ADDING A SECTION TO ALLOW CERTAIN PROPERTY DEVELOPERS TO MAKE A CONTRIBUTION TO THE CITY FOR PUBLIC ART.

WHEREAS, the City of Roeland Park, Kansas ("City") previously approved Resolution No. 601 for the purpose of conditioning certain development approvals on the developer's agreement to provide public art valued at one percent (1%) of the total project costs on the developer's property;

WHEREAS, the City agrees that there are circumstances where it would be more appropriate for a developer to make a contribution to the City for public art in lieu of providing the public art;

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS:

A. Resolution No. 601 is hereby amended to read as follows:

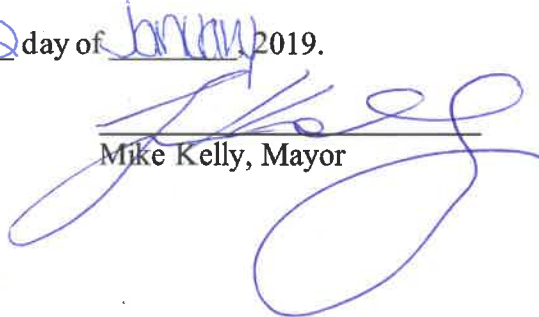
1. It is hereby declared that the Governing Body intends to condition certain development or redevelopment approvals on the developer's agreement to provide public art valued at one percent (1%) of the total project costs.
2. This public art requirement will apply to all new development, including redevelopment, of properties zoned or rezoned to one of the following zoning district classifications: Multiple Residence District; Office Building District; Retail Business District; Planned Industrial Park District; Planned Office Building District; Planned Restricted Business District; Planned General Business District; and Planned Mixed-Use District. In addition, the public art requirement shall apply to all public buildings, school and churches in any zoning district. The public art requirement may be applied to developments requesting a special use permit depending upon the nature of the development.
3. To comply with the public art requirement, the developer shall, prior to the issuance of any building permit for the project, deposit with the City Clerk cash, a letter of credit or such other security as is satisfactory to the City Council, in the amount of 1% of the estimated project costs. Estimated project costs shall be certified, under oath, by a project engineer or project architect.
4. The funds shall be held in escrow until such time as the developer has demonstrated that public art has been provided that is valued at one percent (1%) of the project costs. Certifications of value, under oath, shall be provided by a person qualified to give an opinion of value for the type of art provided. Alternatively, the developer may ask the City's Arts Advisory Committee to provide an opinion of value.
5. For purposes of this Resolution, "public art" is define as any structure of a permanent character intended for ornament or commemoration or other suitable expression

including, but not limited to, sculpture, painting and fountains. Public art may also be an integral part of a building, facility or structure, and may be integrated with the work of other design professionals. Public art is intended to supplement the visual elements of building projects. While coordination is important between a public art project and the visual elements of the building or project to which it relates, public art is separate and distinct from those project elements. Architectural design features, decorative building art, landscaping and similar project elements are considered to be part of the building project itself and would not ordinarily qualify as public art. Public art under this program is intended to be a major artistic activity and will almost always include the selection and use of an artist.

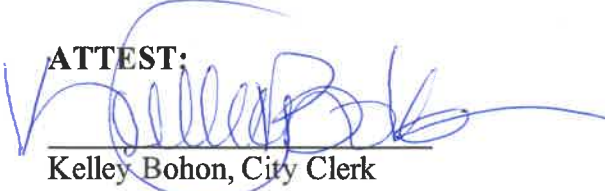
6. The public art must be located on property owned by the developer and must be able to be viewed by the public at all times.
7. In lieu of providing the public art, a qualifying developer may make a contribution to the City in the amount of one percent (1%) of the total project costs to be used by the City for public art.
8. To qualify, a developer may present reasons to the Governing Body explaining why strict application of the resolution would not be appropriate. The decision to grant a developer's request shall be at the sole discretion of the Governing Body
9. If a request is approved, the Governing Body will utilize the funds held in escrow at its sole discretion to complete a public art project, including establishing reserves for ongoing maintenance, on or within city owned property, including but not limited to the right-of-way, parks, the Roeland Park Community Center, or the Roeland Park Aquatic Center. The project should be completed within 18 months of the developer's contribution.

B. All other provisions of Resolution No. 601 not in conflict with this Resolution shall remain in full force and effect.

ADOPTED by the Governing Body this 22 day of January, 2019.


Mike Kelly, Mayor

ATTEST:


Kelley Bohon, City Clerk

APPROVED AS TO FORM:


Steve Mauer, City Attorney