



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, JANUARY 11, 2012

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE **(Another opportunity for communications from citizens will be offered immediately after the lunch break.)**

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 11-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the 400 South Ocean Boulevard Condominium, in its entirety, Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. Page 9
- B. RESOLUTION NO. 12-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 330 Island Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. Page 43
- C. RESOLUTION NO. 13-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 100 El Bravo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach. Page 69

VIII. ORDINANCES

- A. Second Reading
1. ORDINANCE NO. 31-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County Florida, Amending Chapter 134, Zoning, At Sections 134-1472 And 134-1473 By Referencing Chapter 66 For The Requirement Of Removal Of Pest Plants And Eliminating The Removal Deadline Date In The Beach Area Zoning District; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Page 100

Providing For Codification; Providing For An Effective Date.
[John Page, Director of Planning, Zoning, and Building]

B. First Reading

1. ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-Ts Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

TIME CERTAIN: 10:00 AM

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2. ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility

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And Threshold Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A “Purpose” Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25) Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Sunset Provision For The Overlay Regulation; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

TIME CERTAIN: 10:00 AM

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **MODIFIED SPECIAL EXCEPTION #34-2011** The application of Buccan (Piper Quinn); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Play Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 6,333 square foot/177 seat restaurant into 845 square feet of adjacent space in the Bustani Building along Australian Avenue. There will be access from the restaurant to the new space which will be used for the restaurant's office and storage. The total square footage of the restaurant and proposed expansion will be 7,178 square feet. The restaurant will continue to have the same number of seats and will follow the applicable conditions of the existing restaurants' approval. [Attorney: Maura A. Ziska]

Deferred from the December 14, 2011, Town Council Meeting.

- b. **SPECIAL EXCEPTION #36-2011 WITH VARIANCES** The application of Café Via Flora; relative to property commonly known as **240 Worth Avenue, Suite 3**; described as Lots 5 through 16 in Block 18, of ROYAL PARK ADDITION, TOWN OF PALM BEACH, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach, Florida, in Plat Book 4, Page 1; located in the C-WA Zoning District. The applicant requests a Special Exception use to convert a specialty food establishment with "take-out only" into a restaurant with full service dining that will have a total of 72 seats; a request for special exception to have 56 outdoor seats in the via. Variances are requested to have zero (0) off-street parking spaces in lieu of the 24 parking spaces that are required for the proposed restaurant seating and to have outdoor seating which exceeds the inside capacity of the building. [Attorney: Maura A. Ziska]

Deferred from the December 14, 2011, Town Council Meeting.

2. New Business

- a. **SPECIAL EXCEPTION #1-2012 WITH SITE PLAN REVIEW** The application of 221 El Vedado, LLC; relative to property commonly known as **221 El Vedado Road**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests a Special Exception with Site Plan Review to permit construction of a two-story, single family residence containing approximately 6,690 square feet on an unplatted lot which is 100 feet wide, in lieu of the 125 foot minimum required and a lot area of 16,000 square feet in lieu of the minimum 20,000 square feet required.
[Attorney: Maura A. Ziska]
- b. **VARIANCE #1-2012** The application of Bryson & Cynthia Cook; relative to property commonly known as **131 E. Inlet Drive**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to allow a sliding driveway gate with a ten (10) foot setback from the edge of pavement in lieu of the eighteen (18) foot minimum required.
[Attorney: Maura A. Ziska]
- c. **VARIANCE #2-2012** The application of 456 WA, LLC (Larry Keller, Manager); relative to property commonly known as **456 Worth Avenue**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to allow construction of a 567 square foot two story loggia addition and a 576 square foot one story garage and demolition of 2,615.2 square feet of existing structures that will result in a cubic content ratio (CCR) of 4.36 in lieu of the 5.11 existing and the 3.90 maximum allowed in the R-B Zoning District.
[Attorney: Maura A. Ziska]
[Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject landmark property. Carried 6-0.]
- d. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant

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proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Request for Deferral to the February 15, 2012, Town Council Meeting Per Letter Dated December 19, 2011, from Maura A. Ziska.

D. Other

None

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 11-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as the 400 South Ocean Boulevard Condominium, in its Entirety, Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John S. Page dated January 3, 2012
- Resolution No. 11-2012
- Designation Report for 400 South Ocean Boulevard
- Excerpt from Minutes of the December 21, 2011, Meeting of the Landmarks Preservation Commission
- Code of Ordinances Applicable Section

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 400 South Ocean Boulevard Condominium
Resolution No. 11 – 2012

Date: January 3, 2012

STAFF RECOMMENDATION

Staff recommends ratification of the property known as the 400 South Ocean Boulevard Condominium as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the December 21, 2011, meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 400 S. Ocean Boulevard Condominium
Resolution No. 11 - 2012

January 3, 2012

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FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 11 - 2012 relating to the 400 S. Ocean Boulevard Condominium, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 11-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS THE 400 SOUTH OCEAN BOULEVARD CONDOMINIUM MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **the Four Hundred South Ocean Boulevard Condominium** and the property to be landmarked is legally described as follows:

THE FOUR HUNDRED SOUTH OCEAN BOULEVARD CONDOMINIUM, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM DATED FEBRUARY 1, 1965 AND FILED FOR RECORD FEBRUARY 1, 1965 IN OFFICAL RECORD BOOK 1151, PAGE 500 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THE UNDIVIDED INTEREST IN COMMON ELEMENTS DECLARED IN SAID DECLARATION OF CONDOMINIUM TO BE AN APPURTENANCE TO THE ABOVE DESCRIBED DWELLING UNIT, AND TOGETHER WITH EACH INDIVIDUALLY OWNED CONDOMINIUM UNIT, AS ATTACHED.

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of January, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

Gary R. Nikolits, CFA Property Appraiser's Public Access System PAPA

Property Appraiser

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Owner Name	Location	Municipality	Parcel Number
KERTESS HANS W	400 S OCEAN BLVD 1010	PALM BEACH	50434326060091010
CAROLAN MARY FAMILY TRUST	400 S OCEAN BLVD 1020	PALM BEACH	50434326060091020
CAROLAN RICHARD F TRUST &	400 S OCEAN BLVD 1020	PALM BEACH	50434326060091020
FRANNIE LAND TRUST	400 S OCEAN BLVD 1020	PALM BEACH	50434326060091020
KAMPEL DANIEL S &	400 S OCEAN BLVD 1030	PALM BEACH	50434326060091030
KAMPEL LAURA G	400 S OCEAN BLVD 1030	PALM BEACH	50434326060091030
CASEY IRENE D	400 S OCEAN BLVD 1040	PALM BEACH	50434326060091040
CASEY IRENE D TR	400 S OCEAN BLVD 1040	PALM BEACH	50434326060091040
WILLIAMSON GEORGE T &	400 S OCEAN BLVD 1050	PALM BEACH	50434326060091050
WILLIAMSON PATRICIA J	400 S OCEAN BLVD 1050	PALM BEACH	50434326060091050
BLAIR ROSE V	400 S OCEAN BLVD 1060	PALM BEACH	50434326060091060
OBSER HERIBERT &	400 S OCEAN BLVD 1070	PALM BEACH	50434326060091070
OBSER JEANETTE	400 S OCEAN BLVD 1070	PALM BEACH	50434326060091070
REHNERT BERNADETTE T	400 S OCEAN BLVD 1080	PALM BEACH	50434326060091080
LUCCHETTI RAYMOND	400 S OCEAN BLVD 1090	PALM BEACH	50434326060091090
AYCOCK PAMELA	400 S OCEAN BLVD 1100	PALM BEACH	50434326060091100
HIMMELSTEIN MARC &	400 S OCEAN BLVD 1100	PALM BEACH	50434326060091100
WALDIN ERIK	400 S OCEAN BLVD 2010	PALM BEACH	50434326060092010
KREINDLER ELLEN C	400 S OCEAN BLVD 2020	PALM BEACH	50434326060092020
AKIYAMA CAROL TR	400 S OCEAN BLVD 2030	PALM BEACH	50434326060092030
DEUTSCHE BANK TRUST CO NA TR	400 S OCEAN BLVD 2030	PALM BEACH	50434326060092030
FLAMM ELAYNE	400 S OCEAN BLVD 2030	PALM BEACH	50434326060092030
FLAMM ELAYNE TR	400 S OCEAN BLVD 2030	PALM BEACH	50434326060092030
SIMSES ROBERT G TR	400 S OCEAN BLVD 2030	PALM BEACH	50434326060092030
SOUTH OCEAN LLC	400 S OCEAN BLVD 2050	PALM BEACH	50434326060092050
BURT JAMES M &	400 S OCEAN BLVD 2070	PALM BEACH	50434326060092070
BURT SUE ANN COLE	400 S OCEAN BLVD 2070	PALM BEACH	50434326060092070
S & S LIMITED PARTNERSHIP	400 S OCEAN BLVD 2080	PALM BEACH	50434326060092080
LICKLE GARRISON D	400 S OCEAN BLVD 2090	PALM BEACH	50434326060092090
FRANKENHOFF JILL H	400 S OCEAN BLVD 2100	PALM BEACH	50434326060092100
GIBBONS MICHAEL J	400 S OCEAN BLVD 2110	PALM BEACH	50434326060092110
KEAN JOHN C	400 S OCEAN BLVD 2120	PALM BEACH	50434326060092120
L ESPERANCE FAMILY CORP	400 S OCEAN BLVD 2130	PALM BEACH	50434326060092130
FERRARA BARBARA N	400 S OCEAN BLVD 2140	PALM BEACH	50434326060092140
FERRARA RALPH C &	400 S OCEAN BLVD 2140	PALM BEACH	50434326060092140
WALDIN ERIK	400 S OCEAN BLVD 2150	PALM BEACH	50434326060092150
RAIMONDO ROBERT C	400 S OCEAN BLVD 2160	PALM BEACH	50434326060092160
KLEINBERG DAVID	400 S OCEAN BLVD 2170	PALM BEACH	50434326060092170
DOUGHERTY SUSAN	400 S OCEAN BLVD 2180	PALM BEACH	50434326060092180
THORNDIKE JOHN &	400 S OCEAN BLVD 2190	PALM BEACH	50434326060092190
THORNDIKE SUZANNE	400 S OCEAN BLVD 2190	PALM BEACH	50434326060092190
ADAMS ALEXANDRA &	400 S OCEAN BLVD 2200	PALM BEACH	50434326060092200
NORDBACK GUSTAF	400 S OCEAN BLVD 2200	PALM BEACH	50434326060092200
HILL EDWARD R &	400 S OCEAN BLVD 2210	PALM BEACH	50434326060092210
HILL MARSHA E	400 S OCEAN BLVD 2210	PALM BEACH	50434326060092210
LADD GEORGIANA B	400 S OCEAN BLVD 2220	PALM BEACH	50434326060092220
LADD ROBERT T &	400 S OCEAN BLVD 2220	PALM BEACH	50434326060092220
BURRUS ELIZABETH T	400 S OCEAN BLVD 2230	PALM BEACH	50434326060092230
WRIGHT RICHARD	400 S OCEAN BLVD 2240	PALM BEACH	50434326060092240

PRICE BARBARA	400 S OCEAN BLVD 4010	PALM BEACH	50434326060094010
PRICE GORDON W &	400 S OCEAN BLVD 4010	PALM BEACH	50434326060094010

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Gary R. Nikolits, CFA Property Appraiser & Public Access System **PAPA**

Property Appraiser

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Owner Name	Location	Municipality	Parcel Number
PRICE GORDON W &	400 S OCEAN BLVD 4010	PALM BEACH	50434326060094010
GILBANE ROBERT V	400 S OCEAN BLVD 4020	PALM BEACH	50434326060094020
GILBANE SARAH B	400 S OCEAN BLVD 4020	PALM BEACH	50434326060094020
GARDINER NANCY T	400 S OCEAN BLVD 4030	PALM BEACH	50434326060094030
PRAY NATALIE THOMAS	400 S OCEAN BLVD 4040	PALM BEACH	50434326060094040
KORNEGAY BRYAN B JR &	400 S OCEAN BLVD 4050	PALM BEACH	50434326060094050
KORNEGAY CORISA C	400 S OCEAN BLVD 4050	PALM BEACH	50434326060094050
HAUBOLD CAROLINE V	400 S OCEAN BLVD 4060	PALM BEACH	50434326060094060
HAUBOLD SAMUEL A &	400 S OCEAN BLVD 4060	PALM BEACH	50434326060094060
BAIRD ELIZABETH G	400 S OCEAN BLVD 4070	PALM BEACH	50434326060094070
BEASLEY JANE	400 S OCEAN BLVD 4080	PALM BEACH	50434326060094080
EVANS ROBERT E TR	400 S OCEAN BLVD 4090	PALM BEACH	50434326060094090
MCCUSKER FRANCIS C &	400 S OCEAN BLVD 4090	PALM BEACH	50434326060094090
MELLON BANK NA TR &	400 S OCEAN BLVD 4090	PALM BEACH	50434326060094090
RICCOBENE MARY	400 S OCEAN BLVD 4090	PALM BEACH	50434326060094090
EVANS ROBERT E TR &	400 S OCEAN BLVD 4100	PALM BEACH	50434326060094100
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MELLON BANK TR	400 S OCEAN BLVD 4100	PALM BEACH	50434326060094100
FREE ANN TODD	400 S OCEAN BLVD 4110	PALM BEACH	50434326060094110
FREE JAMES C &	400 S OCEAN BLVD 4110	PALM BEACH	50434326060094110
DODGE LORE M	400 S OCEAN BLVD 4120	PALM BEACH	50434326060094120
BROUGHER NANCY M	400 S OCEAN BLVD 4130	PALM BEACH	50434326060094130
400 S OCEAN I LLC	400 S OCEAN BLVD 4150	PALM BEACH	50434326060094150
400 S OCEAN II LLC &	400 S OCEAN BLVD 4150	PALM BEACH	50434326060094150
400 S OCEAN I LLC	400 S OCEAN BLVD 4160	PALM BEACH	50434326060094160
400 S OCEAN II LLC &	400 S OCEAN BLVD 4160	PALM BEACH	50434326060094160
MARROCCO ANTHONY TR	400 S OCEAN BLVD 4170	PALM BEACH	50434326060094170
ONEGLIA RODERIC M TRUSTEE	400 S OCEAN BLVD 4180	PALM BEACH	50434326060094180
RODERIC M ONEGLIA SPRAY TRUST	400 S OCEAN BLVD 4180	PALM BEACH	50434326060094180
JONES JANIS	400 S OCEAN BLVD 4190	PALM BEACH	50434326060094190
CHAMBY DAN C &	400 S OCEAN BLVD 4200	PALM BEACH	50434326060094200
CHAMBY ETSUKO	400 S OCEAN BLVD 4200	PALM BEACH	50434326060094200
ROE RANDALL B	400 S OCEAN BLVD 4210	PALM BEACH	50434326060094210
LEAMER LAURENCE &	400 S OCEAN BLVD 4220	PALM BEACH	50434326060094220
LEAMER VESNA	400 S OCEAN BLVD 4220	PALM BEACH	50434326060094220
HANSEN JULIA S	400 S OCEAN BLVD 4230	PALM BEACH	50434326060094230
DEANGELIS MARJORIE	400 S OCEAN BLVD 4240	PALM BEACH	50434326060094240
HOULIHAN JAMES G &	400 S OCEAN BLVD 5010	PALM BEACH	50434326060095010
POLLARD CORNELIA B	400 S OCEAN BLVD PH B	PALM BEACH	50434326060095020
PBI LIMITED PARTNERSHIP	400 S OCEAN BLVD 5030	PALM BEACH	50434326060095030
TOSI DYANNE C	400 S OCEAN BLVD PH D	PALM BEACH	50434326060095040
SWAN DENISE G	400 S OCEAN BLVD 5060	PALM BEACH	50434326060095060

Rows 51 to 93 of 93

Click Parcel ID for Detail

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400 South Ocean Boulevard



DESIGNATION REPORT

Wednesday, December 21, 2011

**Landmarks Preservation Commission
Palm Beach, Florida**

DESIGNATION REPORT

400 South Ocean Boulevard

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

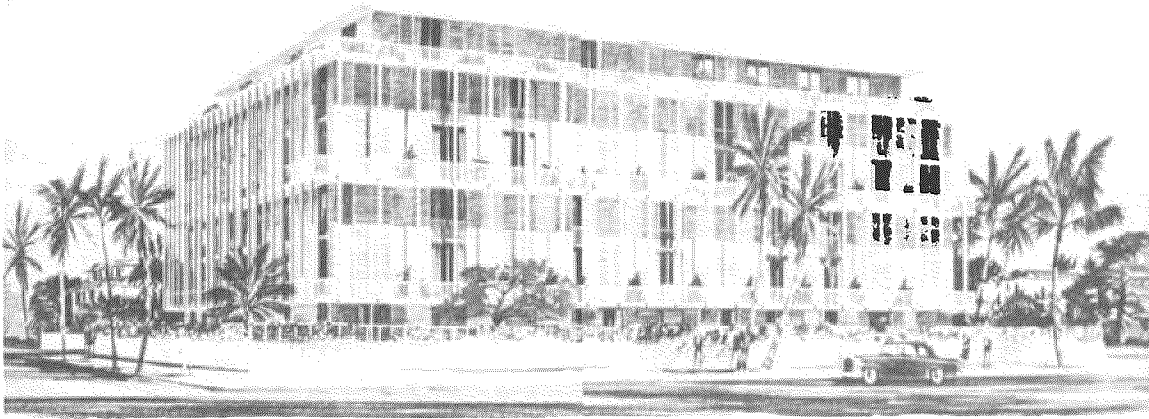
Location:	400 South Ocean Boulevard Palm Beach, Florida
Date of Construction:	1962
Principal Designer:	Edward Durrell Stone
Present Owner:	400 Association, Inc. Multiple owners (See attached)
Present Use:	Condominium
Present Zoning:	RD - 2
Palm Beach County Tax Folio Number:	Multiple parcels (See attached)
Current Legal Description:	Four Hundred So Ocean Condominium

Evaluation in the "Historic Building Survey of Palm Beach, 2010": This is an important apartment building by Edward Durrell Stone. It is eligible for local landmarking.

Special thanks for the support of this designation must go the owners and residents at 400 South Ocean Boulevard. In particular, President Nancy Brougher and her Board of Directors: Erik Waldin, Lore Dodge, Alan Menkes, Robert Gilbane, Laurence Leamer, and Dyanne Tosi worked hard to make this happen. Gary Lickle, Rose Blair, Michael & Cynthia Gibbons, and Nancy Gardiner also gave the project their full support and shared architectural and cultural details about the building. Manager Alice D. Hodach facilitated site visits and helped with everything that was needed both for the Town of Palm Beach and the residents.

II. ARCHITECTURAL INFORMATION

Building Permit #20362 was issued on May 8, 1962 to Arnold Construction Company to build the foundation and basement walls for an apartment house with five floors and a penthouse at 400 South Ocean Boulevard. A month later, on June 14, 1962, a second permit was issued for the building itself. This one further described the project as a sixty-three unit apartment building with a full basement, first floor garden units, second/third floor and fourth/fifth floor two story units, and a penthouse floor. A pool was scheduled to be built at the penthouse level. Edward Durell Stone and Miles A. Gordon were listed as the architects for the project and Bernard Shaw & Associates were the engineers. Victore Development Co. was listed as the contractor. The entire building was to be 189,523 square feet under a tar & gravel roof. The estimated cost was \$1,800,000.¹ Edward Durell Stone, Jr., the architect's son, was the landscape architect.



Rendering for 400 South Ocean Boulevard²

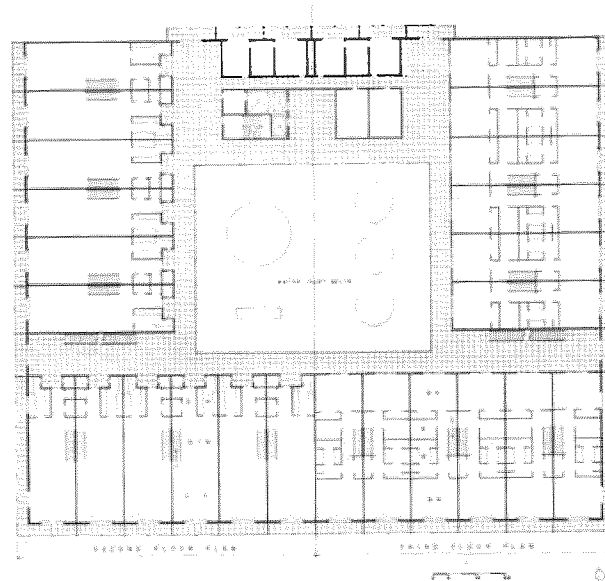
Describing 400 South Ocean Boulevard from the public exterior of the building is misleading. It appears to be a rather simple design, but it is a complicated structure that cannot be pigeonholed into any one style, having elements of both the Modernist movement and the International style. It is, in fact, unique in Palm Beach. At first glance, 400 South Ocean Boulevard is a rectangular building with a simple white stucco exterior, slender two story columns, and simple railings. The fenestration is regular and the penthouse is stepped back from the main block of the building creating a roof top

¹Building Permits # 20362 and #30362. On file with the Town of Palm Beach.

²Edward Durell Stone, The Evolution of an Architect. (New York: Horizon Press, 1962) 274-275.

deck. The first floor garden apartments are shielded from the street by a garden wall. Parking is beneath the building and entered on the north side. The front entrance is through a Modernist porte cochere on the west facade. Edward Durell Stone himself described the building as a “sophisticated garden apartment” in a 1962 article in *The New York Times*.³ It is so sophisticated, in fact, that the more it is explored, the more it can be appreciated.

When invited into 400 South Ocean Boulevard or looked at in plan, the viewer understands that the structure is built around a central courtyard. This central atrium was “reminiscent of one the architect designed for the American Embassy in New Delhi, India”⁴ but it is site specific. Stone used it in Palm Beach, combined with facade openings around the structure, to create a building that was cooled by fresh air circulation and sea breezes. It was also shuttered for hurricanes.



Floor plan showing apartments around central atrium⁵

The iconic landscaping of the atrium is accomplished with a blue rectangular pool, landscaped

³“Edward D. Stone Designs Florida Oceanfront Suites,” *The New York Times*, September 9, 1962.

⁴Ibid.

⁵Stone, Edward Durrell, *The Evolution of an Architect*. (New York: Horizon Press, 1962) 274.

islands, fountains and statuary. This was designed to circulate cooling air up past the units. The affect is stunning when the visitor enters the courtyard, particularly in contract to the stark white of the exterior. It has also been pointed out by resident Nancy Gardiner that the color scheme is an adaptation of Mondrian's block paintings, yellow being added at the entrances of individual apartments as a nod to Palm Beach's famous Flagler yellow.⁶



**Atrium showing pool, landscaped islands, and armillary sphere on marble pedestal.
Note the Flagler yellow at the doorway to individual apartments.**



⁶E-mail to the author, November 10, 2011.

Besides the central courtyard, another common area is on the roof. 400 South Ocean Boulevard boasts the only rooftop swimming pool in Palm Beach and the views are spectacular. A gathering/party room and cabana are also at the penthouse level and used by all residents. The pictures below offer a glimpse of this iconic space.



In 2000, 400 South Ocean Boulevard went through a major restoration and upgrading of common elements. Hicks Stone, one of Edward Durrell Stone's sons completed the renovation design using a technique he called "extending Dad's language."⁷ Hicks Stone noted at the time that in an effort to complete the project quickly in 1962, many of the details in the original drawings had not been carried out. Travertine marble was added on all exterior walkways and the lobby was reconfigured to Edward Durrell Stone's original specifications. Edward Durrell Stone, Jr. completed the landscape renovations.⁸ Despite the renovation, the building retains its architectural integrity and is worthy of landmark designation.



Modeling Lilly Pulitzer - a Slim Aarons photograph at 400 South Ocean Boulevard

III. HISTORICAL INFORMATION

The building at 400 South Ocean Boulevard, designed by Edward Durell Stone in 1962, was first conceived of as rental apartments for members of the Everglades Club who did not want the expense or bother of keeping a private house just for the season. Rents in the building were to have ranged

⁷Elizabeth Hughes, "Family Affair," Multifamily Executive Magazine, May, 2006.

⁸Ibid.

from \$5,200 to \$11,500 a year.⁹ Before the building was finished, however, the Bay of Pigs and Kennedy era Missile Crisis had caused the development groups' business plan to collapse and the units were sold as the first condominium in Palm Beach and perhaps Florida.¹⁰ With prices ranging from \$47,000 to \$103,000, Carl D. Schlitt, counsel for the Home Title Guaranty Company of New York, who provided legal documentation facilitating the sales noted, "I think it is fitting and proper that American's foremost winter resort colony was selected as the location of one of the first luxury condominium buildings in the nation."¹¹ "The condominium's legal framework was based on the New York model, called the "New York experiment" at its beginning."¹²

Two hundred people attended the opening of the building on December 20, 1962. Included in the crowd was Palm Beach Mayor Claude Reese, Doyle Rogers, Charles Munn, Byron Ramsing, and Mr and Mrs. Atwater Kent. The Palm Beach Daily News carried the story and stated that the building was "destined to be the most talked about luxury condominium building in the country."¹³ Architect John L. Volk, who was also at the opening remarked that 400 South Ocean Boulevard was, "Magnificent in its simplicity and chasteness."¹⁴

A review of building permits for 400 South Ocean Boulevard indicate that although exterior common areas retain their original architectural integrity, many changes have occurred in individual units. Apartments have been enlarged by connecting them with neighboring units. They have been remodeled and redecorated. Always, however, the building has retained a sense of style and the excitement of its grand opening.

⁹"Edward D. Stone Designs Florida Oceanfront Suites," The New York Times, September 9, 1962.

¹⁰Elizabeth Hughes, "Family Affair," Multifamily Executive Magazine, May, 2006.

¹¹Augustus Mayhew, "Edward Durrell Stone in Florida" New York Social Diary. September 27. 2011.

¹²Ibid.

¹³"Two Hundred Guests Attend 400 Preview," Palm Beach Daily News. December 20, 1962.

¹⁴Ibid.



1970 and 2011



IV. STATEMENT OF SIGNIFICANCE

The importance of 400 South Ocean Boulevard to the architectural palette of the Town of Palm Beach cannot be overstated. This is the only building in the Town designed by well known architect Edward Durell Stone. It is illustrative of the cutting edge of architecture in the 1960s and important in Stone's career as his first apartment building. It is also the first condominium in Palm Beach. 400 South Ocean Boulevard is a Palm Beach icon and should be preserved and protected as a Landmark of the Town of Palm Beach.

V. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

400 South Ocean Boulevard was the first condominium project in the Town of Palm Beach. This, combined with its outstanding architecture, representative of the 1960s, exemplifies the cultural and social history of the town and the state.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

The condominium at 400 South Ocean Boulevard is an important piece of architecture designed by Edward Durell Stone and is his only work in the Town of Palm Beach. On an international level, it references Stones's project for the United States Embassy in New Delhi, India. It is also a site specific project designed with Palm Beach and the South Florida environment in mind.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Edward Durell Stone is a notable American twentieth century architect who also worked on the international scene. Sometimes known as the father of the new "formalists," along with Phillip Johnson, this group is now referred to as the Post-Modernists. 400 South Ocean Boulevard is Stone's only work in the Town of Palm Beach.

VI. ARCHITECT'S BIOGRAPHY

Edward Durrell Stone

Edward Durrell Stone was born in 1902 in Fayetteville, Arkansas, the last of Ben and Ruth Stone's four children. One of his childhood friends was J. William Fulbright, the future United States Senator from Arkansas and the Chairman of the Senate Foreign Relations Committee. Although Stone's grandfather had owned a prosperous dry goods business, his father Ben proved to be a business failure. This limited Edward's educational possibilities so that in his youth he stayed close to Fayetteville and attended the University of Arkansas. Edward's brother, James Hicks Stone was sixteen years his senior and a practicing architect in Boston, Massachusetts. Hicks encouraged his younger brother to join him in Boston where Edward attended the Boston Architectural Club, Harvard University and MIT, but he never received a degree. He did, however, receive the Rotch Traveling Fellowship which allowed him to travel to Europe and North Africa for two years.

In 1929, Stone returned to New York and joined the firm of Schultze and Weaver where he worked on the Waldorf-Astoria Hotel. His next job was with Reinhardt, Hoffmesiter, Hood & Fouilhoux where he was the principal designer for Radio City Music Hall. His first independent commission was in 1933 for a modernist house in Mount Kisco, New York for Richard Mandel. This building was listed in the National Register of Historic Places in 1996. In 1937, Stone designed the Museum of Modern Art with Philip Goodwin and opened his own firm. But the young architect's practice was interrupted by World War II. He enlisted in the army and served in Washington, D.C.

Edward Durrell Stone reopened his practice in New York City in 1945. Important commissions from the 1940s and 1950s included: El Panama Hotel, Panama City, Panama (1946), Fine Arts Center, University of Arkansas (1948), United States Embassy, New Delhi, India (1954), Stanford Medical Center, Palo Alto, California (1955), U.S. Pavilion at the Expo 58, Brussels, Belgium (1957), Gallery of Modern Art for Huntington Hartford Collection, New York (1958), and the International Trade Mart, New Orleans (1959).

The 1960s were also productive for Edward Durrell Stone. Commissions included: the North Carolina State Legislative Building, Raleigh North Carolina (1960), National Geographic Society Building, Washington, D.C. (1961), State University of New York at Albany (1962), John F. Kennedy Center for the Performing Arts, Washington, D.C. (1962), General Motors Building, New York City (1964), and The Fort Worth City Hall (1967). It was during this time period that Stone completed his only project in Palm Beach, a condominium building at 400 South Ocean Boulevard in 1962. Stone also completed other important projects in Florida. He designed the Miami Beach Convention Center, Florida International University and in 1977, he designed the Florida State Capitol in Tallahassee.

Edward Durrell Stone died in New York City on August 6, 1978. He has been called one of the nation's premier architects.

VII. SELECTED BIBLIOGRAPHY

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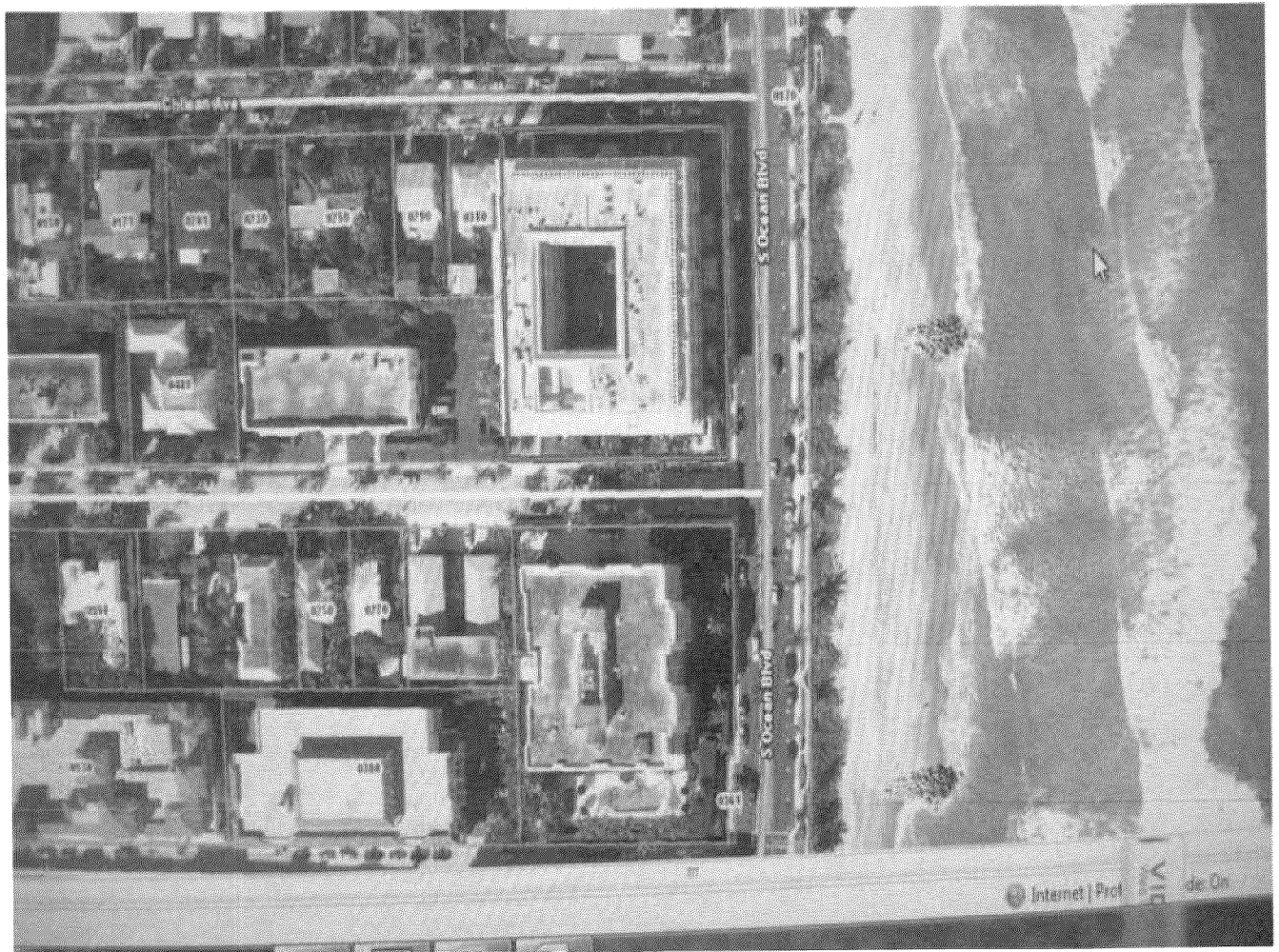
Stone, Hicks, Edward Durrell Stone: A son’s untold story of a legendary father. New York: Rizzoli International Publications, Inc, 2011

Palm Beach County Property Appraiser

Town of Palm Beach Building and Zoning Department.

“Two Hundred Guests Attend 400 Preview,” Palm Beach Daily News. December 20, 1962

VIII. LOCATION MAPS



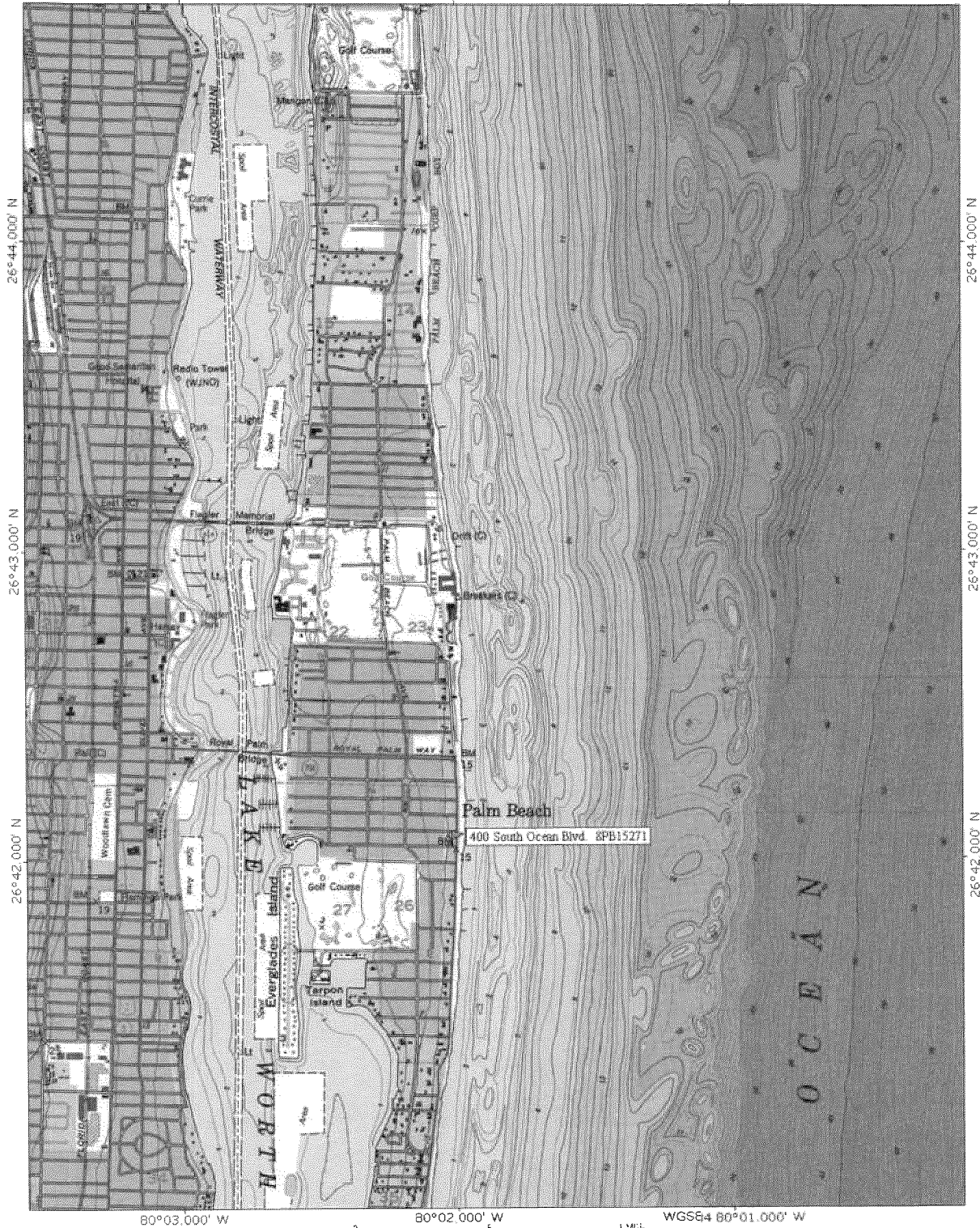
Palm Beach County Property Appraiser Map - 2011

TOPO! map printed on 04/07/11 from "Florida topo" and "Untitled.tpg"

80°03.000' W

80°02.000' W

WGS84 80°01.000' W



26°44.000' N

26°43.000' N

26°42.000' N

26°44.000' N

26°43.000' N

26°42.000' N

80°03.000' W

80°02.000' W

WGS84 80°01.000' W

MN TN
6°

0 1 2 3 4 5 6 7 8 9 10
0 100 FEET 0 500 1000 METERS
Map created with TOPO!® ©2001 National Geographic (www.nationalgeographic.com/topo)



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB15271
Recorder # Jane S. Day
Field Date 12/15/2010
Form Date 3/1/2011
FormNo 201012
FormNo - Field Date (YYYYMM)

First Site Form Recorded for this Site? YES

GENERAL INFORMATION

Site Name (address if none) Four Hundred So. Ocean Blvd Condominiums Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
400	South	Ocean	Boulevard	

Cross Streets (nearest/ between) Peruvian Ave. & Chilean Ave.
City / Town (within 3 miles) Town Of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) 50-43-43-26-06-009-1010
Subdivision Name Block Lot 33-37
Ownership Private-Corporate-for Profit
Name of Public Tract (e.g., park)
Route to (especially if no street address) on the west side of S. ocean Blvd taking up the whole street between Peruvian Ave. and Chilean Ave.

MAPPING

USGS 7.5' Map Name Publication Date >> PALM BEACH; 1986
Township: Range: Section: 1/4 section: >> 43S ; 43E ; 26; UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Moderne Other Style
Exterior Plan Square Other Exterior Plan
Number of Stories 400
Structural System(s) >> Concrete block
Other Structural System(s)
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s)
Roof Type(s) >> Flat
Other Roof Type(s)
Roof Material(s) >> Tar & gravel
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >>
Other Roof Secondary Structure(s)
Number of Chimneys
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

HISTORICAL STRUCTURE FORM

8PB15271

DESCRIPTION (continued)

Window Descriptions sliding glass doors, foxed transoms

Main Entrance Description (stylistic details) on the west facade into an interior courtyard landscaped with pools and open to the sky

Porches: #open #closed #incised Location(s) porches surround to the building

Porch Roof Types(s)

Exterior Ornament railings, columns

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: SOME of this category Residential: MOSTly this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1962

Architect (last name first): Stone, Edward Durell

Builder (last name first): unknown

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Apartment Year Use Started Year Use Ended >> Apartment; 1962;

Other Structure Uses condominium

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods tax records, windshield

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? YES

Potential Contributor to NR District? NO

Area(s) of historical significance >> Architecture

Other Historical Associations

Explanation of Evaluation (required) This is an important apartment building by edward Durell stone. It is eligible for local landmarking

PB15271-201012

Supplementary Printout

- > USGS map name/year of publication or revision:**
PALM BEACH;1888
- > Township/Range/Section/Qtr:**
43S ;43E ;28;UNSP
- > Structural system(s):**
Concrete block
- > Foundation types:**
Continuous
- > Foundation materials:**
Concrete Block
- > Exterior fabrics:**
Stucco
- > Roof types:**
Flat
- > Roof materials:**
Tar & gravel
- > Roof secondary structures (dormers etc):**
- > Change status/year changed/date noted/nature:**
- > Original, intermediate, present uses/year started/year ended:**
Apartment;1962;
- > Research methods:**
Examine local property records
Informal inspection
Examine local tax records
- > Area(s) of historical significance:**
Architecture
Community planning & development
- > Repositories: Collection/Housed/Accession#/Describe**
- > [Other name(s)]:**

KERTESS HANS W	400 S OCEAN BLVD 1010	PALM BEACH	50434326060091010
CAROLAN RICHARD F TRUST &	400 S OCEAN BLVD 1020	PALM BEACH	50434326060091020
KAMPEL DANIEL S &	400 S OCEAN BLVD 1030	PALM BEACH	50434326060091030
CASEY IRENE D	400 S OCEAN BLVD 1040	PALM BEACH	50434326060091040
WILLIAMSON GEORGE T &	400 S OCEAN BLVD 1050	PALM BEACH	50434326060091050
BLAIR ROSE V	400 S OCEAN BLVD 1060	PALM BEACH	50434326060091060
OBSER HERIBERT &	400 S OCEAN BLVD 1070	PALM BEACH	50434326060091070
REHNERT BERNADETTE T	400 S OCEAN BLVD 1080	PALM BEACH	50434326060091080
LUCCHETTI RAYMOND	400 S OCEAN BLVD 1090	PALM BEACH	50434326060091090
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S & S LIMITED PARTNERSHIP	400 S OCEAN BLVD 2080	PALM BEACH	50434326060092080
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FRANKENHOFF JILL H	400 S OCEAN BLVD 2100	PALM BEACH	50434326060092100
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KEAN JOHN C	400 S OCEAN BLVD 2120	PALM BEACH	50434326060092120
L ESPERANCE FAMILY CORP	400 S OCEAN BLVD 2130	PALM BEACH	50434326060092130
FERRARA RALPH C &	400 S OCEAN BLVD 2140	PALM BEACH	50434326060092140
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KLEINBERG DAVID	400 S OCEAN BLVD 2170	PALM BEACH	50434326060092170
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PRICE GORDON W &	400 S OCEAN BLVD 4010	PALM BEACH	50434326060094010
GILBANE SARAH B	400 S OCEAN BLVD 4020	PALM BEACH	50434326060094020
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KORNEGAY BRYAN B JR &	400 S OCEAN BLVD 4050	PALM BEACH	50434326060094050
HAUBOLD SAMUEL A &	400 S OCEAN BLVD 4060	PALM BEACH	50434326060094060
BAIRD ELIZABETH G	400 S OCEAN BLVD 4070	PALM BEACH	50434326060094070
BEASLEY JANE	400 S OCEAN BLVD 4080	PALM BEACH	50434326060094080
RICCOBENE MARY	400 S OCEAN BLVD 4090	PALM BEACH	50434326060094090
MCDONOUGH RICOBENE MARY TRUST	400 S OCEAN BLVD 4100	PALM BEACH	50434326060094100
FREE JAMES C &	400 S OCEAN BLVD 4110	PALM BEACH	50434326060094110
DODGE LORE M	400 S OCEAN BLVD 4120	PALM BEACH	50434326060094120
BROUGHER NANCY M	400 S OCEAN BLVD 4130	PALM BEACH	50434326060094130
400 S OCEAN II LLC &	400 S OCEAN BLVD 4150	PALM BEACH	50434326060094150
400 S OCEAN II LLC &	400 S OCEAN BLVD 4160	PALM BEACH	50434326060094160
MARROCCO ANTHONY TR	400 S OCEAN BLVD 4170	PALM BEACH	50434326060094170
RODERIC M ONEGLIA SPRAY TRUST	400 S OCEAN BLVD 4180	PALM BEACH	50434326060094180
JONES JANE	400 S OCEAN BLVD 4190	PALM BEACH	50434326060094190



Gary R. Nikolits, CFA

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CHAMBY DAN C &	400 S OCEAN BLVD 4200	PALM BEACH	50434326060094200
ROE RANDALL B	400 S OCEAN BLVD 4210	PALM BEACH	50434326060094210
LEAMER LAURENCE &	400 S OCEAN BLVD 4220	PALM BEACH	50434326060094220
HANSEN JULIA S	400 S OCEAN BLVD 4230	PALM BEACH	50434326060094230
DEANGELIS MARJORIE	400 S OCEAN BLVD 4240	PALM BEACH	50434326060094240
HOULIHAN JAMES G &	400 S OCEAN BLVD 5010	PALM BEACH	50434326060095010
PBI LIMITED PARTNERSHIP	400 S OCEAN BLVD 5030	PALM BEACH	50434326060095030
SWAN DENISE G	400 S OCEAN BLVD 5060	PALM BEACH	50434326060095060
POLLARD CORNELIA B	400 S OCEAN BLVD PH B	PALM BEACH	50434326060095020
TOSI DYANNE C	400 S OCEAN BLVD PH D	PALM BEACH	50434326060095040

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**EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF DECEMBER 21, 2011**

ITEM 2: 400 South Ocean Boulevard Condominium

Owner: 400 South Ocean Boulevard Condominium and each of the individual 400 South Ocean Boulevard Condominium unit owners

Dr. Day stated that she, along with the Preservation Foundation, has been working with the owners at the 400 South Ocean Boulevard Condominium for several years relative to designating this important property as a Town landmark. The building was designed by architect Edward Durrell Stone and built in 1962 as a 63 unit apartment building. She provided information as to the condo's history, architectural style, and its architect. Though the building concept was originally for an apartment building, it was decided later that the units would be condominium units, one of the first condos in the State of Florida. Dr. Day testified that this property fulfills the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age

MOTION BY MR. COOLEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

Chairman Cooney thanked all parties involved for their efforts toward this designation. Alexander Ives, Director of the Preservation Foundation, discussed his involvement in this designation process and called the designation of this property a big step for preservation and for the landmarking program in the Town.

MOTION BY MRS. ALBARRAN TO RECOMMEND THE 400 SOUTH OCEAN BOULEVARD CONDOMINIUM TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 12-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 330 Island Road Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 3, 2012, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 12-2012
- Designation Report for 330 Island Road
- Excerpt from the Minutes of the December 21, 2011, Meeting of the Landmarks Preservation Commission
- Code of Ordinances Applicable Section

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 330 Island Road
Resolution No. 12-2012

Date: January 3, 2012

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 330 Island Road as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the December 21, 2011, meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 330 Island Road
Resolution No. 12-2012
January 3, 2012
Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No.12-2012 relating to 330 Island Road and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 12-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 330 ISLAND ROAD MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE No. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **330 Island Road** and the property to be landmarked is legally described as follows:

The West 85 feet of Lot 3, all of Lot 4 and the East 6 feet of Lot 5, Revised Plat Showing Island Road Development, according to the Plat thereof as recorded in Plat Book 18, page 35, Public Records of Palm Beach County, Florida

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of January, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

330 ISLAND ROAD



DESIGNATION REPORT

Wednesday, December 21, 2011

**Landmarks Preservation Commission
Palm Beach, Florida**

DESIGNATION REPORT

330 Island Road

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location: 330 Island Road
Palm Beach, Florida

Date of Construction: 1939

Principal Designer: Treanor & Fatio

Present Owner: Milan E. A. T . LLC

Present Use: Private Residence

Present Zoning: RA

**Palm Beach County
Tax Folio Number:** 50-43-43-27-04-000-0031

**Current Legal
Description:** REV Plat of Island Road Dev W 85 FT of LT3, LT 4
& E 6 FT of LT 5

Evaluation in the "Historic Building Survey of Palm Beach, 2010": This is an excellent example of the Monterey style house by Maurice Fatio. It is worthy of local designation.

II. ARCHITECTURAL INFORMATION

The house at 330 Island Road was designed in the Monterey style of architecture by master architect Maurice Fatio in 1939. Monterey was an eclectic style that was popular in the United States from 1925 to 1955. Adapted from the Spanish Colonial architecture of Northern California, the Monterey examples in Palm Beach often display English Colonial and French Creole details to the design prototype. In this case, Fatio used Georgian Revival details to create an attractive, understated water front home that has just now (in 2011) passed to a second owner after seventy-two years.¹

The most distinguishing characteristic of the Monterey style is a second-story balcony which is usually cantilevered and covered under the principal roof. At 330 Island Road, two of these balconies are on the north front facade. The major balcony feature is centered over the front door in the central block of the house. The subsidiary balcony is in the service wing to the east, set back from the main block. Originally this second balcony was open, but is now enclosed with casement windows. The exterior is covered with red brick.



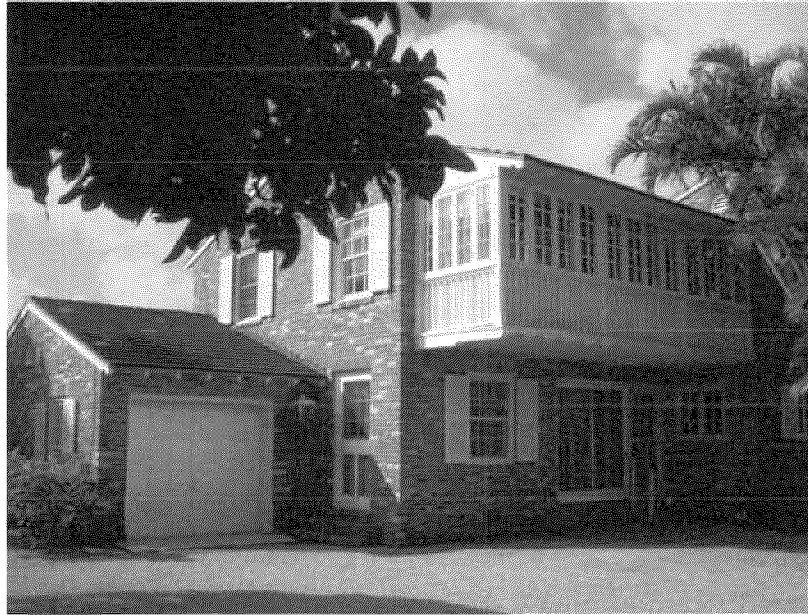
The front (north) facade showing entry and cantilevered balcony

The front door is centered under the main balcony on the east third of the main block. A single, six panel door with an elliptical fanlight above the door, typical of the Georgian Revival style, is reached up a short rise of steps and framed with wrought iron railings. The other important feature on the front facade is the bay window to the west of the front door. This window has fixed glass in the center and a 1/1 pattern on either side. The sections of glass are separated by classical pilasters. Other windows throughout the house are 4/4, 6/6 and 8/8 double hung sash. A row of sliding glass

¹Hofheinz, Darrell, "Late Frances Archbold Hufty's Island Road home sells for \$6.8 million," Palm Beach Daily News. June 27, 2011.

doors line the first floor of the south facade to give access to the back yard. Casement windows are in the kitchen and were used to enclose the second cantilevered balcony. Many of the windows on the house are shuttered with louvered shutters.

The roof of 330 Island Road is a succession of three side facing gables, descending in height from the west toward the east with the highest over the main block of the house on the west of the structure. Wooden rafter ends are visible at the roof line. The roof is covered with a flat red clay tile. A single brick chimney is on the central ridge on the west side of the main roof. A single car garage is attached to the structure on the east facade.



The second cantilevered balcony (now enclosed) and the one car garage wing

Over the lifetime of this house, few alterations have been made. Fatio, himself, added a small loggia addition to the west of the library in 1940.² John L. Volk completed a dining room addition to the house on the south facade in 1953, and an elevator was also added to the south during the last decade.³ All three of these additions are being removed in the 2011/2012 renovation of the house being completed by Eugene Pandula. This project is currently being considered by the Landmarks Commission.

²Building Permit dated July 5, 1950. On file with the Town of Palm Beach.

³Building Permit # 23153. On file with the Town of Palm Beach.



Existing conditions on the south facade showing elevator and dining room which will be removed in the present restoration.

III. HISTORICAL INFORMATION

The house at 330 Island Road was designed by Maurice Fatio of the Palm Beach firm Treanor and Fatio for Page Hufty in 1939. It was Commission No. 431 for the firm and building permit # 4639 states that Smith and Yetter were the contractors for the project. The price was listed as \$35,000.⁴

The original owners of the new house, which was one of the first on Island Road, were Mann Randolph Page Hufty and his wife Frances Archbold Hufty. Mr. Hufty was an insurance executive and financier. Frances, his wife of sixty-eight years, was the granddaughter of John Archbold, one of the founders of Standard Oil.⁵ The Huftys raised their family in this home, dividing their time between Palm Beach and Washington, D.C.

⁴Building Permit # 4639 on file with the Town of Palm Beach.

⁵Darrell Hofheinz, "Late Frances Archbold Hufty's Island Road home sells for \$6.8 million," Palm Beach Daily News. June 27, 2011.

In 2009, Frances Hufty, then 96, commented in an interview by Augustus Mayhew for an article on Everglades Island in The Palm Beach Daily News entitled: "Redevelopment jostles Everglades Island yet its appeal endures." Mrs. Hufty said, "It is one of the only waterfront house in Palm Beach with a southerly exposure providing sunshine all day. We rented a house at the end of El Bravo until our house was ready in 1939...Living here is absolutely marvelous, and to think, we watched it all being built." ⁶

In 2010 as part of the centennial of the Town of Palm Beach, Centennial Commission Chairman Bill Bone announced that forty-two leaders "with longtime ties to the town accepted the honor of serving as "Centennial Ambassadors." Although Mrs. Hufty had passed away on November 20, 2009, she was still honored as an ambassador for her contributions to the Town and the greater community: "Frances Hufty...was an avid supporter of environmental causes and conservation long before such causes were popular. She served as trustee chairwoman of the Archbold Biological Station, founded by her brother, Richard Archbold, in central Florida and the state's most significant land holding of sand pine scrub; and Palm Beach's Pine Jog Environmental Educational Center, with which she was involved from its inception."⁷

It is gratifying to think that Mrs Hufty's dedication to environmental preservation is being expanded to historic preservation with the designation and protection of her Island Road home.

IV. STATEMENT OF SIGNIFICANCE

The house at 330 Island Road is a good example of a Monterey style home designed by Maurice Patio in 1939. It's value is further enhanced by its association with the Page and Frances Hufty family, environmentalists and Centennial Ambassadors to the first hundred years of history in the Town of Palm Beach.

V. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of

⁶Augustus Mayhew, "Redevelopment jostles Everglades Island yet its appeal endures," Palm Beach Daily New. August 22, 2009.

⁷Darrell Hofheinz,, "Faces of History: Committee honors residents as 'Centennial Ambassadors' with longtime ties to Palm Beach," Palm Beach Daily News. December 10, 2010.

indigenous materials or craftsmen."

The house at 330 Island Road is a good example of a Monterey style house by Maurice Fatio of the firm Treanor and Fatio. Built in 1939, it was one of the first houses developed as part of the Everglades Island development.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Maurice Fatio was one of the most influential architects to practice in the Town of Palm Beach during the twentieth century. His designs range from the Mediterranean Revival style of the boom times of the 1920s to the Norman Tudor style, to the Monterey and Georgian style works of the 1930s and 1940s. This house is a notable work from 1939.

VI. ARCHITECT'S BIOGRAPHY

Maurice Fatio

Maurice Fatio was one of the Palm Beach's top architects from the 1920s to the early 1940s. His firm, Treanor & Fatio, was one of the largest architectural firms in Palm Beach and Fatio's distinctive designs can be seen throughout Palm Beach, Boca Raton and Miami, Florida.

Fatio was born in 1897 in Geneva, Switzerland. He studied architecture under Karl Moser at the Zurich Polytechnical. After graduation in 1920, Fatio came to America and apprenticed with Harris T. Lindeberg, a prominent New York architect of Norman and English style country houses.

In 1921, Fatio formed a partnership with William A. Treanor, another architect in Lindeberg's firm. They quickly achieved a great deal of success, constructing numerous houses, primarily Colonial, on Long Island as well as buildings in Manhattan, including Beekman Tower on the East River.

Fatio's association with Florida can be traced to his employment with Lindeberg, when he received the commission for eight small houses in New Smyrna, Florida. In October, 1923, Treanor and Fatio were asked to be the architects for the Olympia Beach development, now Jupiter Island. The next year Fatio opened an office in the Town of Palm Beach.

Fatio's many commissions for houses and commercial buildings in Palm Beach were based on his reputation in New York as well as his charm, good looks, and European manner. During his career in Florida, Fatio designed in many diverse styles. Mediterranean Revival, more specifically, Italianate houses incorporating tower blocks, were designed for William McAneeny (195 Via Del Mar), the Coopers (801 South County Road), Mortimer Schiff (920 South Ocean Boulevard), and Daniel McCarthy (550 South Ocean Boulevard). More horizontal, symmetrical and formal Florentine houses were designed for Otto Kahn (690 North County Road) and Joseph Widner (1500

South Ocean Boulevard). In the mid-30s, Fatio began designing in the Georgian and British Colonial styles. Large commissions were designed for Albert Worswick (1860 South Ocean Boulevard), E. F. Hutton (1768 South Ocean Boulevard), and Wolcott Blair (1960 South Ocean Boulevard). With their simple materials and uncluttered lines these homes reflected the sober economic climate and set the pace for the smaller Colonial and Regency commissions that followed them.

During this time, Fatio also worked in the modern style, producing such modern masterpieces as "The Reef" built for Mrs. Barclay Douglas (Jo Hartford). Other modern houses were designed for Messmore Kendall, aviator pioneer Grover Loening, and Prince and Princess Zalstem-Zalesky (Evangeline Johnson Merrill).

World War II brought a halt to construction in Palm Beach. Although Fatio was already beginning to suffer from cancer, he entered the Office of Strategic Services in June of 1943. He died of cancer later that same year, on December 2, 1943.

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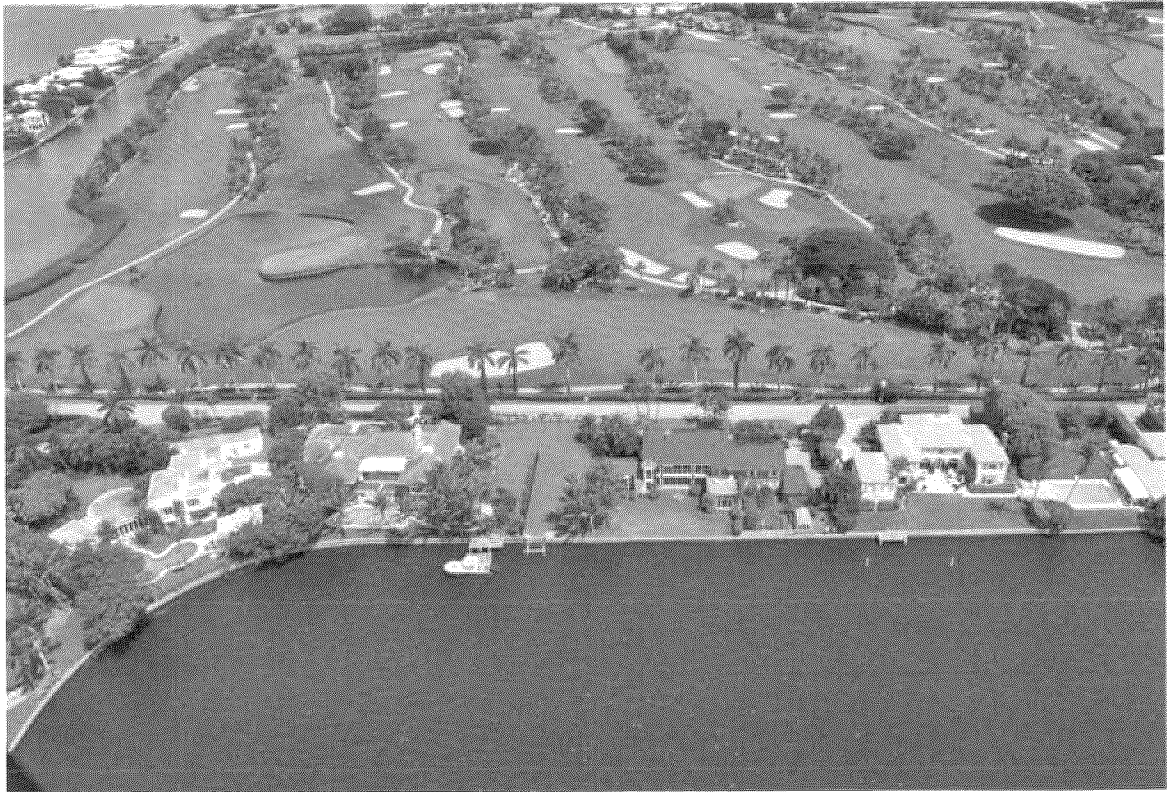
Mayhew, Augustus, "Hufty family helps Richard Archbold's legacy thrive through conservation, research station," Palm Beach Daily News. May 2, 2010.

"Redevelopment jostles Everglades Island yet its appeal endures," Palm Beach Daily News. August 22, 2009.

Mockler, Kim I., Maurice Fatio, Palm Beach Architect. New York: Acanthus Press, 2010.

Palm Beach County Property Appraiser

Town of Palm Beach Building and Zoning Department.



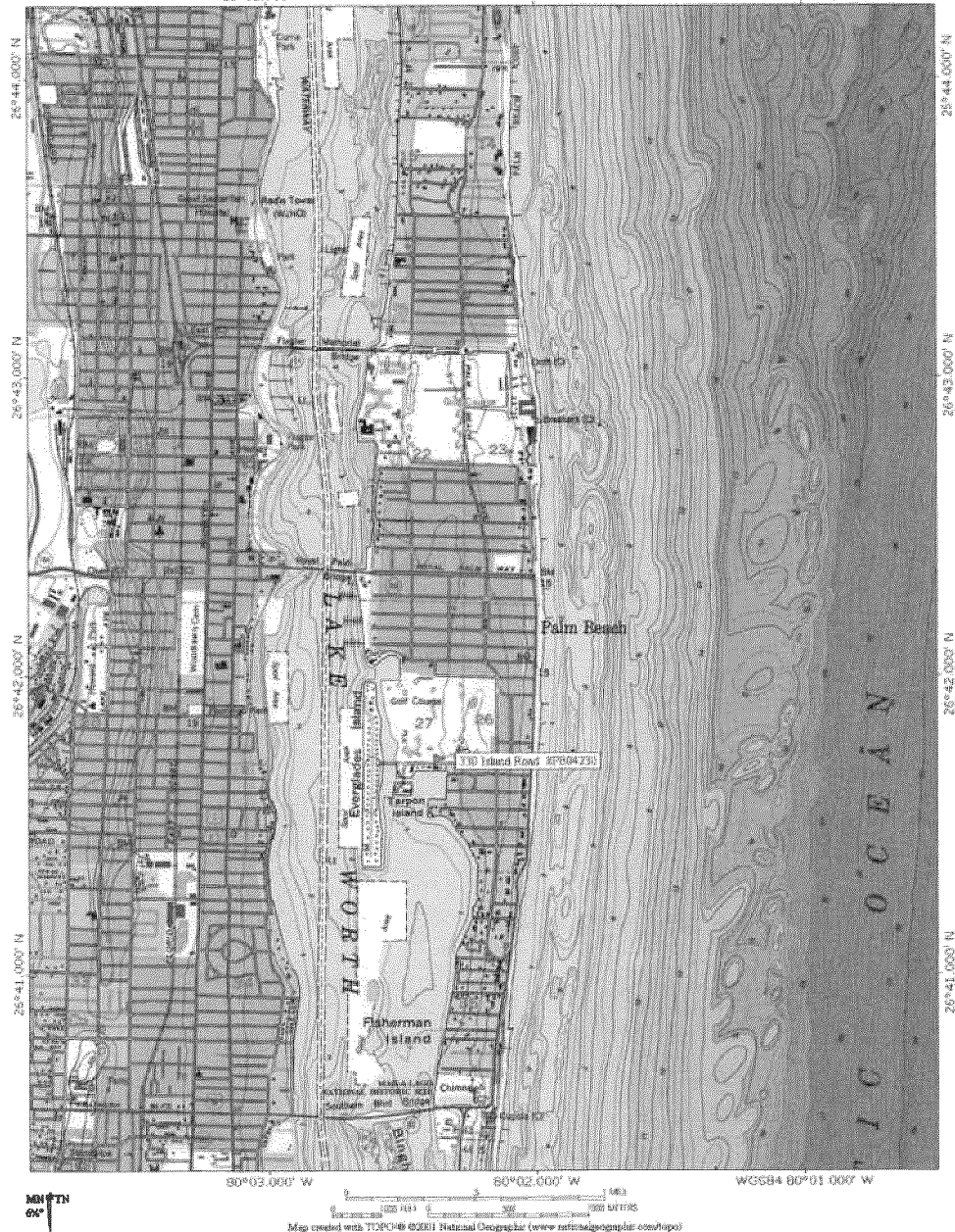
**Aerial view of 330 Island Drive in 2011 (house with red roof).
This photograph shows the location of the house between the Everglades Club
Golf Course to the North and Lake Worth to the south.**

VIII. LOCATION MAPS



Palm Beach County Property Appraiser Map - 2011

TOPOI map printed on 03/15/10 from "Florida.tpo" and "Untitled.tpg"
 80°03.000' W 80°02.000' W WGS84 80°01.000' W



Map created with TOPOGIS (www.nationalgeographic.com/topogis)



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB04230
Recorder # Jane S. Day
Field Date 5/25/2010
Form Date 10/5/2010
FormNo 201005
FormNo = Field Date (YYYYMM)

Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Frances Archibald Hufty, House Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address
Street No. Direction Street Name Street Type Direction Suffix
330 Island Road

Cross Streets (nearest/ between) South County Rd & Tarpon Way
City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) 50-43-43-27-04-000-0031
Subdivision Name Island Drive Development Block Lot 3-5
Ownership Private Individual
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the south side of Island Drive between South County Rd and Tarpon Way

MAPPING

US 7.5' Map Name Publication Date >> PALM BEACH; 1946
Township: Range: Section: 1/4 section: >> 43S ; 43E ; 27; UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Monterey Other Style
Exterior Plan Irregular Other Exterior Plan
Number of Stories 2
Structural System(s) >> Masonry - General
Other Structural System(s)
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) >> Brick
Other Exterior Fabric(s)
Roof Type(s) >> Gable
Other Roof Type(s)
Roof Material(s) >> Concrete tile
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >> shed extension
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material Brick
Other Chimney Material(s)
Chimney Location(s) central ridge

HISTORICAL STRUCTURE FORM

8PB04230

DESCRIPTION (continued)

Window Descriptions 6/6, 8/8 DHS, bay window, fixed

Main Entrance Description (stylistic details) on the north facade under the cantilevered balcony with a fanlight above

Porches: #open 2 #closed #incised Location(s) entry - n, 2nd floor balcony - n

Porch Roof Type(s) shed extension over the balcony

Exterior Ornament shutters, exposed rafters, exposed floor beams, decorative metal railings

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: NONE of this category Residential: MOSTLY this category

Institutional: SOME of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features) This house is across from the Everglades Club golf course.

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1939

Architect (last name first): Treanor & Fatio

Builder (last name first): Smith & Yetter, Inc.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Year Use Started Year Use Ended >> Private residence; 1939;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.) This house is still owned by the original family.

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? NO

Area(s) of historical significance

>> Community planning & development

Other Historical Associations

Explanation of Evaluation (required) This is an excellent example of the Monterey style by Maurice Fatio. It is worthy of local designation.

PB04230-201005

Supplementary Printout

- **USGS map name/year of publication or revision:**
 - PALM BEACH;1946
 - PALM BEACH;1983

- > **Township/Range/Section/Qtr:**
 - 43S ;43E ;27;UNSP

- > **Structural system(s):**
 - Masonry - General

- > **Foundation types:**
 - Continuous

- > **Foundation materials:**
 - Concrete Block

- > **Exterior fabrics:**
 - Brick

- > **Roof types:**
 - Gable

- > **Roof materials:**
 - Concrete tile

- > **Roof secondary structures (dormers etc):**
 - Shed extension

- > **Change status/year changed/date noted/nature:**

- > **Original, intermediate, present uses/year started/year ended:**
 - Private residence;1939;

- > **Research methods:**
 - Examine local property records
 - Sanborn maps
 - FL Master Site File-Manuscripts
 - Informal inspection

- > **Area(s) of historical significance:**
 - Community planning & development
 - Architecture

- > **Repositories: Collection/Housed/Accession#/Describe**

- > **[Other name(s)]:**

**EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF DECEMBER 21, 2011**

ITEM 1: 330 Island Road

Owner: Milan E A T LLC

Dr. Day testified relative to this house which was designed in 1939 by architect, Maurice Fatio of Treanor and Fatio. She offered information as to the home's history, architectural style, and its architect.

Dr. Day testified that this home fulfills the following criteria for designation as a landmark:

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MRS. ALBARRAN THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

Chairman Cooney offered his appreciation to the property owner for volunteering this lovely home for designation, and to the current architect, Mr. Pandula, for working with the property owners and helping them arrive at that decision.

MOTION BY MS. DIVER THAT THE LPC ASK THE TOWN COUNCIL TO DESIGNATE THIS PROPERTY AS A LANDMARK.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 13-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 100 El Bravo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 3, 2012, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 13-2012
- Designation Report for 100 El Bravo Way
- Excerpt from the Minutes of the November 16, 2011, Meeting of the Landmarks Preservation Commission
- Code of Ordinances Applicable Section

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 100 El Bravo Way
Resolution No. 13-2012

Date: January 3, 2012

STAFF RECOMMENDATION

Staff recommends ratification of the property known as the 100 El Bravo Way as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the November 16, 2011 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.
- Please be advised that the property owner opposed the designation during the November 16, 2011 designation hearing, and his attorney, James Brindell, and the owner's expert witness presented arguments against the designation.

Landmark Designation of 100 El Bravo Way

Resolution No. 13- 2012

January 3, 2012

Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 3 - 2012 relating to 100 El Bravo Way, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
John Lindgren, AICP, Planning Administrator
Pf

RESOLUTION NO. 13-2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 100 EL BRAVO WAY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **100 El Bravo Way** and the property to be landmarked is legally described as follows:

LOT 2, EL BRAVO PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 9

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 11th day of January, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

100 El Bravo Way Casa Beata



**DESIGNATION REPORT
Wednesday, November 16, 2011**

**Landmarks Preservation Commission
Palm Beach, Florida**

DESIGNATION REPORT

100 El Bravo Way

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

With assistance from The Anthony K. Baker Interns, The Preservation Foundation of Palm Beach: Lawrence Griffin, Heather Mashburn, and Melissa Walton

I. GENERAL INFORMATION

Location:	100 El Bravo Way Palm Beach, Florida
Date of Construction:	1922 1930, Second Floor Addition
Principal Architect:	Marion Sims Wyeth, 1922 Howard Major, 1930
Present Owner:	Kenneth G. and Kathleen O. Tropin
Present Use:	Residential
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-27-05-000-0020
Current Legal Description:	El Bravo Park LT 2

Evaluation in the "Historic Building Survey of Palm Beach, 2010": This residence uses minimal architectural detailing with free composition of openings in a largely solid front. The residence was designed by noted architect Marion Sims Wyeth. It is worthy of local designation.

II. ARCHITECTURAL INFORMATION

Casa Beata, located at 100 El Bravo Way, is a large Mediterranean Revival style home that was designed by Marion Sims Wyeth in 1922 for Mr. and Mrs. George A Dobyne.¹ The Mediterranean Revival style of architecture was inspired by European structures that were built around the basin of the Mediterranean Sea. Borrowing themes from Spanish, Italian, North African and Moorish examples, the style was used widely in California and Florida during the 1920s and 1930s, and adapted well to Florida's climate. At the time, Casa Beata was one of eight major commissions Wyeth was working on in Palm Beach, proving that his decision to establish a Palm Beach office had been a wise one.²

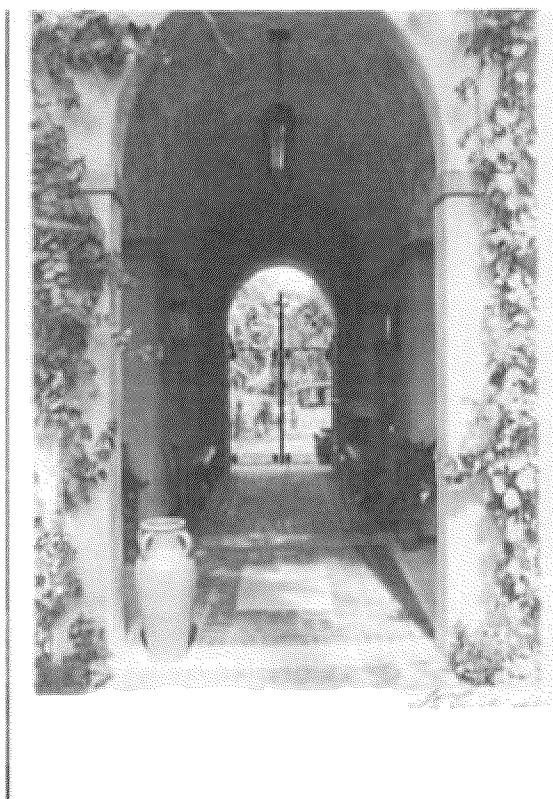


Original north façade designed by Marion Sims Wyeth
Photograph by Frank E. Geisler, N.Y.
In the collection of the Preservation Foundation of Palm Beach

¹ Marion Sims Wyeth, "Drawing #1, 100 El Bravo Way," 1922. On file with the Preservation Foundation of Palm Beach.

² Donald W. Curl, "Marion Sims Wyeth, Architect", 11. Unpublished article on file at the Preservation Foundation of Palm Beach.

Building Permit # 5722 was issued to contractor H. R. Corwin by the Town Of Palm Beach in 1922 to build the Dobyne residence. The permit specified a two story building to be constructed of hollow clay tile covered with roofs of tile and composition. The cost was listed as \$30,000.³ In 1928, Mr. Dobyne added a pool with dark tile, an antique fountain from overseas, and a turquoise bird bath.⁴ On August 8th, 1930, it was announced that, "The George A. Dobyne residence on South Ocean Boulevard at El Bravo is to be enlarged by the addition of a second story and a complete two-story servants' wing, according to plans revealed today by Howard Major, architect for the project."⁵ Howard Major was also responsible for the addition of the Garden Pavilion containing two dressing rooms and the laundry extension of the garage for Mr. and Mrs. Dobyne.⁶ Major's addition included adding a second story on to the north façade containing several bedrooms. This addition was to be added in the same style as Wyeth's original design.⁷ Building Permit # 1244 indicates Wyeth returned to alter and restore Casa Beata in 1944.⁸



Original view from interior courtyard looking north, *Preservation Foundation*

³ Town of Palm Beach, Building Permit # 5722. On file with the Town of Palm Beach.

⁴ *Palm Beach Times*, December 10, 1928. On file at the Historical Society of Palm Beach County.

⁵ "Dobyne Residence Will Be Enlarged", *Palm Beach Times*, August 21, 1930. On file at the Historical Society of Palm Beach County.

⁶ Howard Major, "Unnumbered Drawing, 100 El Bravo Way, Town of Palm Beach." On file with the Town of Palm Beach, Planning, Zoning and Building Department.

⁷ *Palm Beach Times*, December 10, 1928.

⁸ Town of Palm Beach, Building Permit # 1244. On file with the Town of Palm Beach.

The basic footprint of the building is a “U” shape, which placed “a lofty two-story living room on the ocean side of the house and a dining room with cypress beamed ceilings on the opposite side of the patio.”⁹ This layout provides privacy from the surrounding roads, since the site is boarded on the north by El Bravo Way and east by South Ocean Boulevard. The original U-shape floor plan has a courtyard enclosed by a wall on the south facade with an arched arcade that was originally open air but has since been enclosed. Over time, the arms of the “U” have been stretched towards the south and a wing has been added branching off to the west. Enlargement of the floor plan has also expanded the courtyard.

The north facade, on the south side of El Bravo Way, serves as the main entrance to the private residence. At first glance, the façade seems to have minimal embellishment, but “the absolute simplicity of this house emphasizes the very subtle details.”¹⁰ The entrance itself is articulated by an arched opening which is a distinct break from the rectangularity of the other elements. The front door leads to a groin-vaulted cloister around the courtyard. Decorative elements include a unique glazed wall niche above the front door, exposed rafters, iron balustrades and a wooden second floor balcony. Wyeth’s original niche was placed to the left of the front door on the first floor, but this element was relocated by Howard Major when he added the second story in 1930.¹¹ The structure is hollow clay tile and wood framing covered with stucco. There are several different roofs types including flat, hip, and gabled barrel tile which is typical of the Mediterranean style.¹²

In 2002, Elias Management and Construction, Inc. completed more renovations to the structure. “Elias did a total renovation and expanded the original pool house to 14,000 square feet.”¹³ The east arm of the “U” shape was enlarged to include a large living area on the ground floor with an elevator leading up to the new master suite. On the west side of the home, a loggia and guest house were built towards the south. The kitchen was enlarged to the west and a four car garage was built under the existing structure.

⁹ Donald W. Curl, “Marion Sims Wyeth, Architect”, 11.

¹⁰ Barbara D Hoffstot, *Landmark Architecture of Palm Beach*, (Pittsburgh: Pittsburgh History & Landmarks Foundation, 1991) 197.

¹¹ Howard Major, “Unnumbered Drawing, 100 El Bravo Way, Town of Palm Beach.”

¹² *Landmark Architecture of Palm Beach*, 197.

¹³ “Playing the Odds on Mansion Building”, *Palm Beach Daily News*, March 3, 2002. On file at the Preservation Foundation of Palm Beach (had no access to interior so has not been verified).



East Façade, view from South Ocean Boulevard
Photograph by Lucein Capehart for Sotheby's International Realty

A comparison of the original floor plans to the Elias Management & Construction, Inc. real estate brochure reveals that the original “U” shape plan is still intact and has been added to over time.¹⁴ The east and west arms of the “U” shape have been stretched toward the south to provide a larger living area. The wing branching off to the west which was added shortly after the home was built, has also been enlarged to accommodate a bigger garage and service area. A comparison of historic and present photographs reveals that some changes to the façade as well have occurred over time. The entrance originally featured a wrought iron gate which has been replaced with pecky cypress doors. A unique interior feature is “The Wyeth Taproom” which is a hidden passage that leads to a wine cellar.¹⁵ (No access was granted to verify this detail) Although alterations have been done, since most have been done by well known architects and builders Casa Beata still retains its architectural integrity.

III. HISTORICAL INFORMATION

100 El Bravo Way, designed by Palm Beach architect Marion Sims Wyeth, was built in 1922. It is a product of a decade known as the “Boom Times” in Florida, due to the rapid development and population increase in the state. For example, between 1923 and 1925 approximately

¹⁴ Elias Management & Consturction, Inc., 100 El Bravo Brochure, 2003. On file at the Preservation Foundation of Palm Beach.

¹⁵ “Playing the Odds on Mansion Building.”

300,000 people came to Florida to settle, as real estate developers bombarded the state.¹⁶ Nine new counties were created in south Florida during this time; thirteen counties total were created throughout Florida.¹⁷ Thus, 100 El Bravo Way is a product of this pivotal and exciting time in the growth of south Florida real estate.

Also known as Casa Beata, 100 El Bravo Way was originally built for Mr. and Mrs. George A. Dobyne. Casa Beata means “Happy House” and all who have ever congregated under the Dobyne’s hospitable roof will bear witness that the house is well named”.¹⁸ The Dobyne’s were extremely well established as winter residents in Palm Beach, holding memberships with the Bath and Tennis Club, the Everglades Club, Gulf Stream Golf,¹⁹ and even holding a membership at Country Club de la Habana²⁰ in Havana, Cuba.

The Dobyne’s were very active in the arts while in Palm Beach. Mr. and Mrs. Dobyne, along with their son-in-law and daughter, Mr. and Mrs. John Charles Thomas, founded and sponsored the Romany Chorus,²¹ comprised of 70 vocalists backed by a 50 to 60-piece orchestra, which entertained Palm Beach residents from 1928-1942.²² The Romany Chorus performed at Whitehall, The Everglades Club, and The Bath and Tennis Club, among other Palm Beach social spots.²³ Rehearsals and parties for the Romany Chorus were often hosted by the Dobyne’s at Casa Beata. One such party, in 1933, was an old-fashioned plantation style dinner and party to entertain the board of directors of the Romany Chorus and guests.²⁴ Dinner was held in the Casa Beata garden, and a board meeting and rehearsal followed the event.²⁵

16 Michael Gannon, ed, *The New History of Florida*, (Gainesville: The University Press of Florida, 1996), 291.

17 Ibid, 291.

18 “Beauty Qualities Of The Resort Taken Into Consideration As Names Are Chosen For Homes”, *Palm Beach Daily News*, March 29, 1930, 1.

19 *Palm Beach Social Directory 1927*, 77.

20 Ibid, 77.

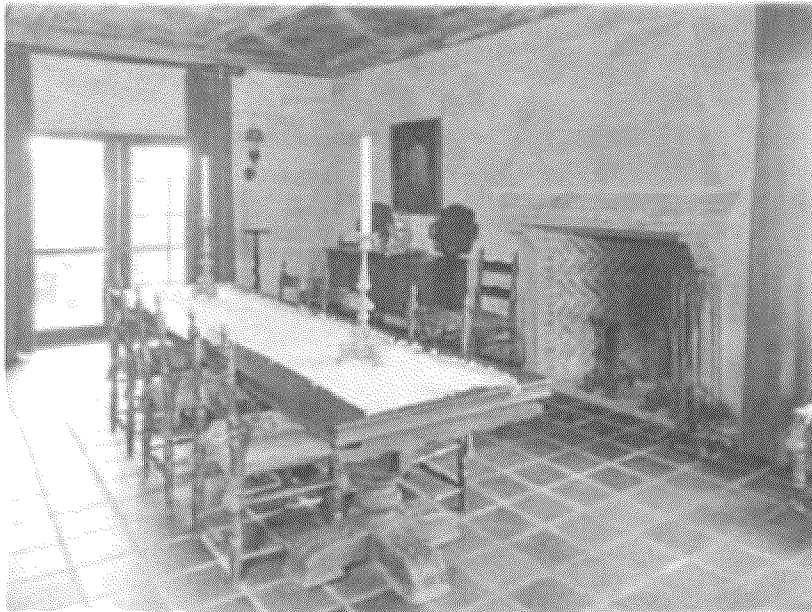
21 “Romanies To Take Sabbatical Year From Giving Spectacular Performances At Palm Beach,”, *Palm Beach Post*, March 24, 1936, 13.

22 Stuart B. Melver, *Yesterday’s Palm Beach*, (Miami: E.A. Seemann Publishing, 1976), 118.

23 “Romanies To Take Sabbatical Year From Giving Spectacular Performances At Palm Beach”, 13.

24 “Palm Beach Notes”, *Palm Beach Post*, January 17, 1933, 3.

25 Ibid, 3.



Original Dining Room
Photograph by Frank E. Geisler, N.Y.
In the collection of the Preservation Foundation of Palm Beach

Like many Palm Beach residents, Mr. and Mrs. George A. Dobyne constantly entertained at their home. In 1931, they held a late-in-season field day from 11 A.M. to 7 P.M. at Casa Beata.²⁶ Swimming, clock golf, and other games were held on their ocean front lawn, while indoor activities included bridge, backgammon, and chess.²⁷ Music, dancing, and orations followed the buffet luncheon and afternoon tea at this invitation only field day.²⁸ The *Palm Beach Post* called this event one of the Dobyne's "original and unique affairs they give each year late in the season".²⁹

During several of Casa Beata's events, the swimming pool, a 1928 addition to the home,³⁰ was the highlight of the party. The Casa Beata swimming pool was part of the main event at a "bathing beauty contest" held by Mrs. Dobyne on January 11, 1929.³¹ Mrs. Dobyne herself participated in the show, wearing a "long sleeved bathing suit with ankle length tights" and a

²⁶ "Field Day is Planned", *Palm Beach Post*, March 11, 1931, 9.

²⁷ "Field Day is Planned", *Palm Beach Post*, March 11, 1931,

²⁸ Ibid, 9.

²⁹ Ibid, 9.

³⁰ *Palm Beach Times*, November 17, 1928.

³¹ "Everybody Wins When Bathing Beauties Parade; Mrs. Dobyne Is Hostess As Well As Contestant", January 12, 1929.

large hat.³² Maurice Fatio, another prominent Palm Beach architect, was among those in attendance.³³



Arcade, looking east towards the "Wyeth Tap Room"
Photograph by Frank E. Geisler, N.Y.
In the collection of the Preservation Foundation of Palm Beach

Casa Beata did not change owners until the 1940s. The second owners were Dr. and Mrs. Norman Ditman. Dr. Ditman was the author of *Home Hygiene and Prevention of Disease*.³⁴

Mr. and Mrs. George Steele purchased Casa Beata in 1969. Mr. Steele expressed a variety of interests throughout his life. He graduated from Yale, School of Fine Arts as an architecture student and later opened his own firm on Madison Avenue, New York City, designing numerous New England and New York homes.³⁵ Steele later gave up architecture to pursue a career in painting (primarily impressionist and abstract works), a hobby he had enjoyed for years.³⁶ In 1952, Mr. Steele converted to Catholicism and joined a monastery; then left the monastery, and

32 "Everybody Wins When Bathing Beauties Parade; Mrs. Dobyne Is Hostess As Well As Contestant".

33 Ibid.

34 "Bath a Day Week", *The Miami News*, June 28, 1921, 4.

35 "Artist George Steele, 76, Dies of Carbon Monoxide Poisoning", *Palm Beach Daily News*, May 3, 1979, 1.

36 Ibid, 1.

in 1962, married and returned to the professional artist's life.³⁷ The *Palm Beach Daily News* spoke highly of Mr. Steele: "George Steele has been called a man for all seasons and rightly so, seeing as he is not only a fine artist, but has run the gamut from opera singer to architect – and even a short stint at becoming a monk."³⁸ The same article announced an event held at his 100 El Bravo home, showcasing his and his wife's art works.³⁹ All art was for sale and all proceeds went directly to charity.⁴⁰ As another hobby, Mr. Steele often contributed his voice in opera numbers and choirs. Bethesda-by-the-Sea's Festal Choir presented "The Passion According to the Evangelist St. Matthew," in which Steele played the role of Pilate.⁴¹

Sadly, during the first week of May 1979, George Steele was found dead in his car in the garage of his 100 El Bravo home, suicide note and sleeping pills by his side.⁴² His cause of death was ruled as carbon monoxide poisoning, as his car was still running when the maid found him the following morning.⁴³ Steele was suffering from extreme depression due to the death of his wife, Martha.⁴⁴

After the Steeles' death in 1979, Samuel and Victoria Newhouse purchased 100 El Bravo. The Newhouses were part of the publishing company which produced popular periodicals such as the *New Yorker*, *Vogue*, and *Vanity Fair*.⁴⁵ In, 1980 Belford Shoumate complete restorations, repairs, and revisions to 100 El Bravo for Mr. and Mrs. S.I. Newhouse.⁴⁶

Currently, 100 El Bravo is owned by Mr. and Mrs. Kenneth Tropin.

IV. STATEMENT OF SIGNIFICANCE

Casa Beata, 100 El Bravo Way, is a good example of the work of Marion Sims Wyeth who designed important buildings in Palm Beach and West Palm Beach. The Mediterranean Revival style of the home is representative of the 1920s Boom times era in South Florida and shows the way in which the style was interpreted by Wyeth. During the Boom times, Casa Beata was the site of many social gatherings and was an important part of Palm Beach social history. In 1930, Howard Major designed a second story addition for the main house. Although alterations to the building have been completed throughout its history, Casa Beata retains its architectural integrity

³⁷ Ibid, 1.

³⁸ "Civic Chitchat Was On The Rutherford's PB Party Agenda", *Palm Beach Daily News*, April 26, 1978, 2.

³⁹ Ibid, 2.

⁴⁰ "Civic Chitchat Was On The Rutherford's PB Party Agenda", 2.

⁴¹ "Festal Choir Will Present The 'Passion'", *Palm Beach Daily News*, March 27, 1964, 3.

⁴² "Artist George Steele, 76, Dies of Carbon Monoxide Poisoning", 1.

⁴³ Ibid, 1.

⁴⁴ Ibid, 1.

⁴⁵ Ava Van de Water, *Palm Beach Post*, January 17, 1999.

⁴⁶ Belford Shoumate, "Drawing # Howard Major, "Unnumbered Drawing, 100 El Bravo Way, Town of Palm Beach " On file with the Town of Palm Beach, Planning, Zoning and Building Department.

and as such deserves designation and protection under Chapter 54 of the Code of Ordinances of the Town of Palm Beach.

V. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Casa Beata, 100 El Bravo Way, exemplifies the cultural, economic and social history of the Palm Beach area during the Boom Times of the 1920s. It is a product of the massive building explosion associated with Florida's population and real estate boom during this time. Casa Beata was also the scene of numerous social gatherings that were widely reported in the press primarily during the 1920s and 1930s when the house was owned by Mr. And Mrs. George Dobyne.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

Casa Beata is a good example of a Mediterranean Revival style home which was the prevailing stylistic preference in Palm Beach during the Boom years of the 1920s. It is valuable to see how this architectural type could be conceived by one architect, Marion Sims Wyeth, and later added to by another talented architect, Howard Major.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Casa Beata was designed in 1922 by architect Marion Sims Wyeth in the Mediterranean Revival style. It is representative of one of Wyeth's large commissions during this time period and is equally important because of its location on the corner of South Ocean Boulevard and ElBravo Way. Value is also added to the designation, because the house was added to by Howard Major in 1930.

VI. ARCHITECT'S BIOGRAPHY

Marion Sims Wyeth

Marion Sims Wyeth was one of Palm Beach's earliest and most successful architects, designing residential and commercial masterpieces for 60 years. Along with Addison Mizner, Maurice Fatio, Joseph Urban, and John Volk, Wyeth is credited with creating the unique "Palm Beach

Style” The growing, wealthy community of Palm Beach was graced with Marion Sims Wyeth’s classical designs, most of which were erected between 1920 and 1940, an architectural period often called the golden age.

Wyeth was born on February 15, 1889 in New York City to Dr. and Mrs. John Allan Wyeth. His father was not only a pioneer in postgraduate medical education, but he founded the New York Polyclinic Hospital in 1882 and was also a Civil War cavalryman. Wyeth’s mother, Florence Sims, was the daughter of Dr. J. Marion Sims, surgeon of Montgomery, Alabama, from whom Marion Sims Wyeth gains his name. Dr. J. Marion Sims was also known for inventing surgical implements still used today.

During his years as a student, Marion Sims Wyeth earned a top-notch education from some of the most credited schools available. First, Wyeth attended the Lawrenceville School in New Jersey. In 1910 he graduated from Princeton where he studied architecture for four years, continuing his education in Paris at The Ecole des Beaux Arts where he became established in classicism and proportion, elements the Beaux Arts, and now Wyeth himself, are known for.

Upon returning to the United States in 1915, Wyeth briefly worked in the New York architectural firm of Bertram Grosvenor Goodhue. He married Eleanor Orr on November 25 of the same year in Chicago. After these events, he worked for another New York firm, Carrere & Hastings. With the start of the First World War, Marion Sims Wyeth served as a Lieutenant in the United States Army Air Service. In World War II, he also served in the Architect-Engineer Corps designing structures such as bridges for the war effort.

After serving in World War I, Marion Sims Wyeth arrived in Palm Beach in July 1919 where through his father’s connections, earned the \$66,465 contract to design Good Samaritan Hospital’s first building in West Palm Beach. Today the hospital has expanded and is West Palm Beach’s primary hospital. In the same year, Wyeth also received his first two residential contracts on Palm Beach. He opened his Palm Beach office in 1919 allowing himself to compete with the only other established architect on the island, Addison Mizner. Wyeth created a partnership in order to maintain offices in both New York City and Palm Beach. His partnership was with Frederick Rhineland King, a fellow student at the Beaux Arts. King worked at the New York office while Wyeth stayed in Palm Beach. In 1925, Wyeth hired William Johnson as a draftsman, and in 1944 Johnson was added to his partnership, creating Wyeth, King, and Johnson.

After establishing his Palm Beach office, Wyeth went on to be an extremely prolific architect for Palm Beach, but also made his work known in other parts of Florida. Palm Beachers often say that there is no street on the island that has not been graced with the presence of one of Wyeth’s creations. Some of his most famous designs include Hogarcito in Palm Beach, Seminole Golf Club in Juno Beach, Bethesda-by-the-Sea Rectory in Palm Beach, the Norton Gallery of Art in West Palm Beach, and the Florida Governor’s Mansion in Tallahassee. Hogarcito, which Wyeth began working on in 1921, was called “one of the most desirable properties on the Palm Beach island” by the *Palm Beach Daily News*. Wyeth is also associated with Mar-a-Lago, though the grand estate is often credited to architect Joseph Urban.

Marion Sims Wyeth retired from architectural practice in July of 1973, having made a lasting effect on Palm Beach. While remaining faithful to his training in the classical style, he also designed many Mediterranean Revival style and later, Southern Colonial style homes. He was recognized as the first Palm Beach architect to be elected as a fellow of the American Institute of Architecture. Marion Sims Wyeth died on February 4, 1982 in Good Samaritan Hospital in West Palm Beach.

Howard B. Major

Howard Brougham Major was born in 1883 and died in 1974 at the age of ninety two. Trained at the Pratt Institute and the Atelier of the Society of Beaux-Arts in New York City, Major practiced on Long Island before coming to Palm Beach in 1925. He joined Addison Mizner's firm and began his Palm Beach career by designing Spanish style houses for Nelson Odman and Richard Cowell in Palm Beach, and Howard Whitney in Gulfstream.

Although Major started his Florida career in the Spanish style he soon became disenchanted with the results. In a 1926 article for *Architectural Forum* entitled "A Theory Relating to Spanish and Italian Houses in Florida," he suggested that other styles of architecture were more appropriate to the Florida climate and the "national character." Major also was the author of a book entitled *Domestic Architecture of the Early American Republic: The Greek Revival*. He favored the Greek Revival style and was also a proponent of the British Colonial style and all its variants.

In Palm Beach Howard Major is best known for designing "Major Alley," a small complex of six Bermuda style town homes on Peruvian Avenue. These homes are currently listed as Landmarks of the Town of Palm Beach. He also completed a home for Charles Merrill called "Merrill's Landing" that has been demolished. Other projects included homes for Mr. Robert Magowan, Mrs. Henry Littleton, Mrs. Arthur Gardner and Mr. Atwater Kent, Jr.

Besides his work in Palm Beach, Howard Major did projects in Hobe Sound and Gulfstream, Florida. In Naples he laid out the development of Port Royal and designed the "Church of Trinity-by-the-Sea." In Nassau, Bahamas, Major designed the Porcupine Club and residences for Arthur Vining Davis and Edward Lynch.

VII. SELECTED BIBLIOGRAPHY

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VIII. LOCATION MAP



Property Appraiser of Palm Beach County



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 FB06500
 Recorder # Jane S. Day
 Field Date 7/17/2010
 Form Date 9/19/2010
 FormNo 201007
 FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Kenneth G. Tropin, House Multiple Listing (DHR only) _____
 Other Names _____ >> _____
 Survey or Project Name Palm Beach historic Sites Survey, Phase V Survey# _____
 National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>100</u>		<u>El Bravo</u>	<u>Way</u>	

Cross Streets (nearest/ between) s. Ocean Blvd.
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-27-05-000-0020
 Subdivision Name El Bravo Park Block _____ Lot 2
 Ownership Private Individual
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the southwest corner of El Bravo Way and S. Ocean Blvd.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PAIM BEACH, 1986
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S, 43E, 27, UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____
 Exterior Plan Irregular Other Exterior Plan _____
 Number of Stories 2
 Structural System(s) _____ >> Wood frame
 Other Structural System(s) hollow clay tile
 Foundation Type(s) _____ >> Continuous
 Other Foundation Types _____
 Foundation Material(s) _____ >> Poured Concrete Footing
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Hip
 Other Roof Type(s) gable
 Roof Material(s) _____ >> Barrel tile
 Other Roof Material(s) _____
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 3
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) E. - exterior, W interior and exterior

HISTORICAL STRUCTURE FORM

8PB06500

DESCRIPTION (continued)

Window Descriptions casement, french doors

Main Entrance Description (stylistic details) arched insised entryway

Porches: #open 5 #closed #incised Location(s) 2 2nd floor balconies E, 3 2nd floor balcony W

Porch Roof Type(s)

Exterior Ornament exposed rafters, engaged columns wrought iron

Interior Plan Irregular

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: NONE of this category

Residential: MOSTly this category

Institutional: NONE of this category

Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1922

Architect (last name first): Wyeth, Marion Sims

Builder (last name first): Corwin, H.R.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>> <u>Unspecified;1980;;</u>			

Structure Use History

Use Year Use Started Year Use Ended >> Private residence;1922;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register?

YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register?

INSUFF. INFO

Potential Contributor to NR District?

NO

Area(s) of historical significance

>> Architecture

Other Historical Associations

Explanation of Evaluation (required) This residence uses minimal architectural detailing with free composition of openings in a largely solid front. The residence was designed by noted architect Marion Sims Wyeth. It is worthy of local designation.

HISTORICAL STRUCTURE FORM

8PB06500

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____
File or Accession #: _____ Descriptive Information: _____

>> _____

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.
Recorder Address / Phone 728 Granada Dr., Boca Raton, FL 33432 561-362-4473
Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach
Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: _____

Electronic Form Used: _____

Form Type Code: _____

Form Quality Ranking: _____

Form Status Code: _____

Supplement Information Status: _____

Supplement File Status: _____

FMSF Staffer: _____

Computer Entry Date: _____

Form Comments: _____

SHPO's Evaluation of Resource

Date _____

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF NOVEMBER 16, 2011

ITEM 3: 100 El Bravo Way

Owner: Kenneth G. and Kathleen O. Tropin

Mrs. Delp verified that proof of publication and proper legal service had been achieved relative to this hearing. Mrs. Delp administered the oath to any additional persons present who wished to testify.

Call for disclosure of ex parte communication: Disclosure by Mr. Cooney

Dr. Day stated that the fact that this building has been changed over time does not make it unworthy for landmark designation. She maintained that the house retains its architectural integrity. Dr. Day testified to the history, architecture, architectural history, and the architect with regard to the property at 100 El Bravo Way which was designed in 1922 by Marion Sims Wyeth. Specifically, she stated that this property meets the following criteria for landmark designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town;

Sec. 54-161(3) Embodies the distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MR. COOLEY TO MAKE THE DESIGNATION REPORT A PART OF THE RECORD.

MOTION SECONDED BY MR. FELDKAMP.

MOTION CARRIED UNANIMOUSLY.

Attorney James Brindell, on behalf of the property owner, testified that the owners object to having the property designated as a landmark. Mr. Brindell listed the architectural changes to this home. He made several points, some of which follow: that the home's architectural integrity has been lost as a result of all of the changes; that better Mediterranean Revival Wyeth designs are already landmarked; and, that the house, as it exists today, does not reflect the house that the owners enjoyed when it was built. Mr. Brindell spoke to the criteria listed in the report, and made his case to refute them.

Mr. Brindell introduced his expert witness and presented his curriculum vitae. John S. Garner, Ph.D. testified, at length, in support of the owner's objection to the landmark designation. Dr. Garner presented and submitted his report entitled, *100 El Bravo Way, The Tropin Residence*:

Response to the Landmark Designation Report. Dr. Garner maintained that the changes to this property have compromised the architectural integrity of the structure, and he recommended against designation.

Alexander Ives, Executive Director of the Preservation Foundation, addressed some comments made by Mr. Brindell and Dr. Garner.

Bill Diamond, 220 Wells Road, inquired as to partial designations.

Dr. Day provided additional testimony in support of the designation.

Under commission comments, which were quite lengthy, it was clear that the commission was divided on this issue, and there was much focus on the appropriateness of a designation based upon criterion 4 in this case.

MOTION BY MR. FELDKAMP THAT THE PROPERTY AT 100 EL BRAVO WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT CRITERIA (1) AND (3), WITH THE OMISSION OF CRITERION (4), BE MADE PART OF THE RECORD. MOTION SECONDED BY MS. WILLIS.

After further discussion, MOTION CARRIED 5-2, WITH MESSRS. COOLEY AND MOORE OPPOSED.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

- (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
- (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
- (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

ORDINANCE NO. 31-2011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTIONS 134-1472 AND 134-1473 BY REFERENCING CHAPTER 66 RELATING TO THE REQUIREMENT OF REMOVAL OF PEST PLANTS AND ELIMINATING THE REMOVAL DEADLINE DATE IN THE BEACH AREA ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

WHEREAS, after public hearings pursuant to notices as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, shall be amended as hereinafter set forth.

Section 1. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1472, Height, width and length limit of properties adjacent to properties in the R-B district, at subsection (c) (3) to read as follows:

(3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in Section 66-311. The property shall, thereafter, be maintained free of all these species.

Section 2. Amend ARTICLE VI, DISTRICT REGULATIONS, Section 134-1473, Height, width and length limit of properties adjacent to properties in districts other than R-B, at subsection (c) (3) to read as follows:

(3) To ensure the ecological integrity of the beach area and enhance the ocean vista, all pest plants recognized as category I and category II invasive exotic species by the Florida Exotic Pest Plant Council shall be removed from the property as a part of a construction permit or as provided in Section 66-311. The property shall, thereafter, be maintained free of all these species.

Section 3. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. Repeal of Ordinances in Conflict.

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. Codification.

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 14th day of December, 2011, and second and final reading on this 11th day of January, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-TS Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

Deferred from the December 14, 2011, Town Council Meeting.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 4, 2012, from John S. Page, Director of Planning, Zoning, and Building
- Ordinance No. 29-2011
- Calvin Giordano and Associates Report Dated October 11, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: Proposed Modifications and Changes to the Town's Comprehensive Plan and Chapter 134, Zoning (Testa's), Which Create the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District
Ordinance Nos. 29-2011 and 30-2011

Date: January 4, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 29-2011 on first reading and transmit proposed comprehensive plan amendments to the Florida Department of Economic Opportunity. In addition, staff recommends that the Council approve companion Ordinance No. 30-2011, containing related zoning ordinance text changes, on first reading.

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency, at its meeting of November 15, 2011, recommended by a 5-2 vote (Mr. Wideman and Mr. Schuler dissenting), approval of Ordinance Nos. 29-2011 and 30-2011 which modify the comprehensive plan text and zoning code regulations by creating the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District contingent upon the applicant submitting a traffic study that meets the Town's concurrency requirements prior to first reading of the Ordinances.

GENERAL INFORMATION

On October 18, 2011, the Planning and Zoning Commission, as the Local Planning Agency (LPA), considered the Testa Family, LLC, comprehensive plan and zoning text amendment application (copy previously provided) which proposes to create an overlay district for a portion of the Commercial Town-Serving District bounded on the west by the east right-of-way line of Bradley Place, on the east by the west right-of-way line of North County Road, on the north by the south right-of-way line of Sunset Avenue, and on the south by the north right-of-way line of Royal Poinciana Way. In addition, the LPA considered the Town consultant's (Calvin Giordano & Associates) report on the Application, dated October 11, 2011. At the meeting, staff reported that the applicant had not satisfied traffic concurrency. However, the proposed Ordinances could

be considered by the LPA and a recommendation rendered provided that prior to first reading, all traffic concurrency issues were resolved. After hearing all testimony, the LPA recommended that staff draft ordinances based on the consultant's recommended changes to the application on pages 11 through 30 of the Calvin Giordano Report (copy attached).

On November 15, 2011, the LPA considered the draft Ordinances for the proposed Royal Poinciana Village Overlay Area (Ordinance Nos. 29-2011 and 30-2011 attached). Proposed Ordinance No. 29-2011 would create text within the Town's Comprehensive Plan permitting an Overlay within the Commercial Future Land Use designation in the Future Land Use Element. Proposed Ordinance No. 30-2011 would create the Royal Poinciana Village Overlay Area within the C-TS Zoning District in Chapter 134, Zoning, in the Town Code of Ordinances.

After hearing all testimony, the LPA recommended approval of the draft Ordinances with two modifications to Ordinance No. 30-2011. The first modification changes the language in subsection (r) "Special Review Criteria" in the Ordinance so that the criteria are not encouraged, but required to be met in order to use the proposed Overlay regulations. The second change to the proposed Ordinance adds subsection (x) which creates a five year "sunset" provision of the proposed regulations. This provision would eliminate any Bert Harris takings argument if the Council decided to let the Overlay regulations lapse.

On December 14, 2011, the Town Council considered both proposed Ordinances and had a brief discussion related to parking, height and density. The Council deferred the proposed Ordinances to the January 11, 2012, meeting in order for the applicant to satisfy County and Town traffic concurrency requirements. The applicant has met those requirements and has not contacted staff with any supplements/revisions since the proposal was deferred at the December Council meeting.

If adopted, property owners within the Overlay Area would be able to re-develop using either the Commercial Town-Serving Zoning District regulations, or if they meet the eligibility criteria, the Overlay regulations. The Overlay regulations provide more limited uses than the C-TS Zoning District, but provide more flexible lot, yard and bulk zoning regulations. The permitted uses would be retail, restaurant, professional and studio type schools on the first floor and offices on the second floor provided that any of these uses are not any larger than 3,000 square feet. The special exception uses would be bars, lounges, banks, museums and outdoor seating on the first floor and residential uses above the first floor. Uses over 3,000 square feet would still be required to obtain special exception approval by demonstrating Town-serving.

If a property owner meets the Criteria for Eligibility and the "Special Review Criteria" (Subsections (e) and (r) in Ordinance No. 30-2011) in the Royal Poinciana Village Overlay Area, development would be allowed subject to:

1. A density of a maximum of 24 dwelling units per acre with not less than 25% of a development being residential in lieu of the 6 dwelling units per acre presently allowed.
2. A minimum lot area of 40,000 square feet in lieu of the 4,000 square foot minimum presently allowed.
3. A minimum lot width and depth based on the lot meeting the "through lot" definition in lieu of the 30 foot minimum width and the 90 foot minimum depth presently allowed.

4. A maximum height of 50 feet and 4 stories in lieu of the 25 feet and two stories maximum presently allowed.
5. A maximum overall height of 60 feet in lieu of the 35 feet maximum presently allowed.
6. No maximum building floor area in lieu of the 15,000 square foot maximum presently allowed.
7. A maximum building length of 300 feet in lieu of the 150 feet maximum presently allowed.
8. A maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor in lieu of the 70% maximum presently allowed. Sub-basements would not count in lot coverage.
9. A zero setback for a rear or street rear yard for the first two stories and a 20 foot setback for the third and fourth story in lieu of the 10 foot minimum presently required.
10. A zero side yard setback for the first and second floor and a 15 foot setback from the first floor facade for the third and fourth floors. A 1 foot setback for every two feet of building height above 45 feet. The existing regulations require a 1 foot setback for every 2 feet of building height above 15 feet.
11. A zero front setback for the first and second story with a 10 foot minimum setback for the third and fourth floors.
12. A two foot setback on all sides for sub-basements.
13. A provision for new definitions only relevant to the Overlay Area which define covered open space, landscaped open space, hardscape open space and vertical mixed use.
14. A catch-all provision which requires all other zoning code regulations to be met which are not addressed in the Overlay.
15. A provision to “sunset” the proposed Royal Poinciana Village Overlay five years from the date it is adopted provided that the Town Council does not extend the Overlay.

If you have any questions about the attached Ordinances, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance Nos. 29-2011 and 30-2011 were approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

PBE:jsp:pc

cc: Planning and Zoning Commission/LPA
Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
Frank Lynch, Esq.

ORDINANCE 29-2011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON JULY 13, 2011, WITH THE ADOPTION OF ORDINANCE NOS. 1-11 AND 3-11, BY AMENDING THE FUTURE LAND USE ELEMENT AND AMENDING POLICY 2.3.3 TO PROVIDE FOR THE CREATION OF AN OVERLAY AREA WITHIN THE C-TS ZONING DISTRICT WITHIN THE AREA BOUNDED BY THE EAST RIGHT OF WAY LINE OF BRADLEY PLACE TO THE WEST, THE SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE TO THE NORTH, THE WEST RIGHT OF WAY LINE OF NORTH COUNTY ROAD TO THE EAST AND THE NORTH RIGHT OF WAY LINE OF ROYAL POINCIANA WAY TO THE SOUTH; FURTHER AMENDING POLICY 2.3.3 TO PROVIDE INCREASES IN HEIGHT FROM THREE (3) STORIES TO A MAXIMUM OF FOUR (4) STORIES, CHANGE IN DENSITY FROM SIX (6) UNITS PER PALM BEACH ACRE TO A MAXIMUM OF TWENTY-FOUR (24) UNITS PER PALM BEACH ACRE AND CHANGE IN LOT COVERAGE FROM SEVENTY-FIVE PERCENT (75%) TO EIGHTY-FIVE PERCENT (85%) ON THE FIRST FLOOR, SIXTY-FIVE PERCENT (65%) ON THE SECOND FLOOR, FIFTY PERCENT (50%) ON THE THIRD FLOOR AND FORTY PERCENT (40%) ON THE FOURTH FLOOR PROVIDED CERTAIN THRESHOLD CRITERIA ARE MET, AND PROVIDING FOR SAID CERTAIN THRESHOLD CRITERIA; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Comprehensive Plan in accordance with the requirements of the 1993 Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on July 13, 2011 with the adoption of Ordinance No. 1-11; and

WHEREAS, the Town is amending the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3.3 as it relates to height, density and lot coverage, within a limited area of the C-TS zoning district, provided certain criteria are met, providing said certain criteria and amending Policy 2.4 to substitute "intensity of use" for "density"; and

WHEREAS, after considering the Second Amended Comprehensive Land Use Plan Amendment of Testa Family, LLC, dated September, 2011, (the "Application") (Exhibit "A" attached) and reviewing the proposed amendments to the Town's Comprehensive Plan at their November 15, 2011 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), recommended approval and transmittal of the amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, after considering the Application and reviewing the proposed amendments to the Town's Comprehensive Plan, the Town Council determined that the aforementioned changes should be made.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set forth herein.

Section 2. FINDINGS

The proposed amendments to the Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met, all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and maximum lot coverage of 85% on the first floor, 65% on

the second floor, 50% on the third floor and 40% on the fourth floor, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) the property shall lie within the C-TS zoning district as of June 30, 2011,
- 5) no curb cuts shall be permitted on any state road for any future development,
- 6) projects shall require a residential component of not less than twenty-five percent (25%) of the total development, and
- 7) parking for any redeveloped property shall be fifty percent (50%) of the required parking enclosed on site in a structure, the ceiling of which is below the crown of the road elevation.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
- c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where mixed uses shall be eighty-five percent (85%) on the first floor, sixty-five percent (65%) on the second floor, fifty percent (50%) on third floor and forty percent (40%) on the fourth floor, provided the threshold criteria are met.
- d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance for any reason, is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby.

Section 5. EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Economic Opportunity or Administrative Commission finding the amendment in compliance in accordance with Chapter 163.3187(3)(C), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Economic Opportunity, Plan Processing Team.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 11th day of January 2012.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the ____ day of _____, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Testa Family, LLC

Comprehensive Plan Amendment and Zoning Ordinance Modification Application Report

Prepared For:

Mr. John S. Page
Director, Planning, Zoning & Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

CGA #06-5369.10

Prepared by:



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS

1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807

October 11, 2011

INTRODUCTION

Applicant: Testa Family, LLC

Address: 221 Royal Poinciana Way

Agent: Frank Lynch, Esq.

This is a private property owner initiated application proposing amendments to the text of the Town's Comprehensive Plan and Zoning Code to create an overlay zoning area for a portion of the Commercial-Town Serving (C-TS) zoning district. The area is bound on the north by Sunset Avenue, on the east by N. County Road, on the south by Royal Poinciana Way and on the west by Bradley Place. The area is one of the gateways into the Town and as such is an important focal point. The area is comprised of town-serving businesses such as a bank, restaurants, a hotel, small shops and apartments.

As part of the applicant's zoning modification, an overlay area called the Royal Poinciana Village Overlay Area (RPVOA) is proposed where property owners would have the ability to redevelop their property in accordance with the requirements and associated design criteria in the zoning code for the overlay area.

The intent of the application is to provide for mixed use residential and commercial development within the existing C-TS zoning district where residents can live, work, dine and shop without the need for use of an automobile. It is also the intent of this application to provide zoning incentives to property owners to infill or redevelop their respective properties without adding any burden on existing infrastructure.

SUMMARY OF PROPOSED AMENDMENTS

The Applicant is proposing several text amendments to the Town's Comprehensive Plan and Commercial Town-Serving (C-TS) zoning district. The purpose of the Comprehensive Plan text amendments is to create language within the Commercial designation of the Future Land Use Element to allow an overlay with mixed use development with a residential density of up to 24 dwelling units/acre and a height of 4 stories (50 feet). The comprehensive plan and zoning text amendments would create the RPVOA overlay area under which an applicant could develop or redevelop their property if certain criteria are met. Property owners within the designated geographic area would have the option of applying for the RPVOA regulations or developing under the existing C-TS district regulations. The designated area for the RPVOA would be limited to the area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road. The proposed amendments would:

1. Create threshold criteria that a property must meet in order to be eligible to be developed or redeveloped within the RPVOA overlay area,
2. Allow for an increase in maximum height from 2 stories by right to 4 stories as a special exception,
3. Allow for an increase in maximum lot coverage from 70% to 85% and,
4. Allow for an increase in density from 6 units per acre to 24 units per acre.

The proposed changes to the comprehensive plan and the zoning code would encourage the development of a residential mixed use environment where residents could live, work, and dine without significant impacts on the surrounding streets while still maintaining the town-serving commercial aspect of the area.

Applicant's Rationale for the Amendment

The Applicant has stated that Royal Poinciana Way has become a stagnant commercial area and increasingly difficult for businesses to survive. Businesses are concerned that there is little to moderate pedestrian traffic and most people drive to an existing business, take care of their business and then leave. This is a disincentive for property owners to invest and upgrade the area. The creation of an overlay area within this portion of the C-TS district would enhance the opportunities for property owners to redevelop their properties. At the same time, the properties would be brought up to current building codes, become compliant with current parking requirements while maintaining small-scale commercial uses with a residential component. The Comprehensive Plan acknowledges that comprehensive and cohesive redevelopment criteria would avoid a piecemeal approach to redevelopment. The RPVOA overlay and associated threshold criteria and design criteria would encourage redevelopment of the area.

Proposed Text Amendments to Future Land Use Element

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. Removing the word density as proposed could lead to future unanticipated consequences.**
2. Page I-20a provides the proposed language for mixed use within the Commercial future land use category. The purpose of the mixed use language would be to allow parcels within the specific bounds of the proposed RPVOA overlay area to be developed under the RPVOA regulations. Additionally, those property owners desiring to apply the RPVOA to their property would be required to develop the land consistent with the RPVOA zoning criteria.

3. Policy 2.3.3 on Page I-49a would create policy language for mixed uses within the Commercial future land use category by creating the Royal Polynesian Village Overlay Area. The policy would provide for residential uses up to 24 units per gross Palm Beach acre, maximum height of four stories and maximum lot coverage of 85%. The policy would further establish the location of the RPVOA and the threshold criteria that must be met in order for an applicant to develop utilizing the RPVOA.
4. Subsections (a) through (d) of Policy 2.3.3 on Page I-50a are modified to be consistent with a new policy. **Staff does not support limited residential uses on the first floor. This would interrupt retail continuity staff believes is vital to this commercial area.**

CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF COMPREHENSIVE PLAN

The Town's updated comprehensive plan adopted on April 15, 2009 recognizes the shortage of Town-serving services as property values continue to rise and there is continuing pressure for local retailers and businesses to cater to clientele beyond the Town's borders. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the island. The vertical mixed use requirement of the RPVOA overlay would increase the amount of residential which could encourage redevelopment and bring a new vibrancy to a stagnant area.

Future Land Use Element

Objective 1: Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

Staff Analysis: **Staff finds the proposed amendment CONSISTENT with Objective #1 of the Future Land Use Element.** The proposed amendment would maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities and compatibility with its surrounding diverse land uses. The threshold criteria required in order to implement the RPVOA and its associated design criteria would ensure that the Town's unique physical and historic character will be maintained within the context of the RPVOA area. A density and height study within a 1,000 foot radius of the RPVOA area which was done by the applicant indicates that while 80% of the buildings are two stories or less, the remaining buildings that are greater than 3 stories have substantial footprints and from a massing perspective appear much larger. The zoning and design criteria proposed for buildings within the RPVOA would reduce the massing effect of the proposed height with setback and open space requirements. The existing density within the 1,000 foot radius of the RPVOA ranges from less than 10 units per

acre to more than 100 units per acre with almost half (48.5%) of the properties at a density of 10-25 units per acres.

Objective 2: Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of the Town residents.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #2 of the Future Land Use Element. The proposed amendment would continue to maintain the character of the Town as a predominantly residential community having only the type and amount of business and other support services necessary to meet the needs of the Town's proposed and future residents living within the RPVOA. The concept of "Town Serving" remains unchanged by this proposed amendment and no greater intensity of commercial uses is sought.

Objective 3: Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if it meets the building elevations identified in the Flood Insurance Rate Maps (FIRM) and the requirements of the Florida Department of Environmental Protection (FDEP).

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #3 of the Future Land Use Element. All development orders or permits for new development or redevelopment would conform to the requirements of the Flood Insurance Rate Maps ("FIRM"), the requirements of the Federal Emergency Management Agency ("FEMA"), Florida Department of Environmental Protection ("FDEP") and the Town. At no point would any of the proposed redevelopment in the RPVOD be constructed seaward of the Coastal Construction Control Line and would comply with all building standards as contained in the Florida Building Code, as well as those amendments passed by the Town of Palm Beach.

Objective 4: No new urban development shall be permitted on lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #4 of the Future Land Use Element. None of the proposed infill or redevelopment would be developed on lands predominantly characterized by tidal soils or other soil types which would prohibit urban redevelopment or infill on such lands.

Objective 5: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #5 of the Future Land Use Element. Any and all development orders and permits issued for the redevelopment and infill within this area would be required to demonstrate compliance with the Town's adopted level of service standards for all facilities and services necessary for a proposed project within the RPVOA.

Objective 6: While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #6 of the Future Land Use Element. While this initial objective indicates that there are no areas of the Town in need of redevelopment, the Applicant has reviewed the condition of the structures within the proposed RPVOA area. Staff has done site inspections and concurs with the applicant that some of the buildings are beginning to deteriorate and many properties are vacant or under-utilized. Allowing for an increase in density and height within a vertical mixed use project would promote the stabilization and redevelopment of this town-serving area.

Objective 7: The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #7 of the Future Land Use Element. The amendment does not propose any incompatible uses located within the overlay area if proper safeguards are placed on the Special Exception uses allowed within the overlay area.

Objective 8: The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #8 of the Future Land Use Element. Infill redevelopment of previously developed sites encourages the preservation of natural resources by directing development away from existing open spaces.

Objective 9: The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #9 of the Future Land Use Element.** In order for a property to be eligible for the RPVOA neither the property nor the improvements could be a landmark.

Objective 10: The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS and approved by the Governor and Cabinet. The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #10 of the Future Land Use Element.** The applicant's proposed amendment would not affect the resource planning and management requirements pursuant to Chapter 380 of Florida Statutes.

Objective 11: Provide for Planned Unit Developments and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #11 of the Future Land Use Element.** Although the proposed project would not be considered a Planned Unit Development, the applicant has submitted design criteria for mixed-use development within the commercial district of a Town-serving nature, consistent with the stated intent of the Comprehensive Plan. Furthermore, the applicant's height and density study which was conducted within a 1,000 foot radius of the site, and verified by staff, indicates that the uses contemplated in the proposed overlay would be consistent with the surrounding area.

Objective 12: The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #12 of the Future Land Use Element.** The Town continues to coordinate with the Regional Hurricane Evacuation Plan. The additional 165 persons projected as a result of maximum residential buildout under this amendment would not have a negative impact on the Plan.

Objective 13: To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with Palm Beach County School District (hereinafter referred to as the District) for the location and development of public educational facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #13 of the Future Land Use Element.** The applicant states that given the target market of proposed new residents to occupy the proposed units contemplated for this area, it is doubtful that there would be any impact on the public school system. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary in the future.

Transportation Element

Objective 1: By year-end 2006, correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of safe, convenient, and energy efficient multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Transportation Element.** A vertical mixed use development encourages pedestrian mobility. Furthermore, if adopted, the design review criteria would ensure that any proposed buildings would not encroach into the street rights-of-way.

Objective 2: Development permits for land uses provided for on the Future Land use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development will operate at no less than the minimum levels of service standards set forth in this Element.

Staff Analysis: Staff finds the proposed amendment, as submitted, **CONSISTENT with Objective #2 of the Transportation Element**. This proposal as submitted would not create a degradation of the level of service as required and set forth in this element. However, staff does not believe that there is enough of a mixed use with commercial limited to first floor uses only. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

Housing Element

Staff Analysis: **Not applicable.** The Goals, Objectives and Policies of the Housing Element deal with issues of affordable housing, preventing the housing stock from deteriorating, the placement of group homes, and preserving historic homes.

Infrastructure Element

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Goals, Objectives and Policies of the Infrastructure Element**. Applicant has provided written confirmation from the service providers that adequate capacity would be available to serve the proposed increase in demand for drainage, wastewater, potable water, solid waste.

Coastal Management/Conservation Element

Objective 1: The Town shall protect the quality of its air from degradation.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Coastal Management/Conservation Element**. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the Island. Furthermore, if the proposal was adopted, the new residents could live, work, dine and shop without the need for use of an automobile.

Objective 9: The Town shall protect and preserve its prehistoric and historic resources.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #9 of the Coastal Management/Conservation Element**. Properties that are landmarked are not eligible for the RPVOA.

Recreation/Open Space Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Recreation/Open Space Element. The applicant has performed the required analysis and there is sufficient recreation and open space acreage within the Town schools to accommodate the additional population.

Intergovernmental Coordination Element

Objective 1: The Town shall participate in intergovernmental coordination processes to insure full consideration is given to the impacts of proposed comprehensive plan amendments and future developments on the ability of the Town and adjacent local governments to implement their comprehensive plans and to address area wide land use needs and justifications for amendments.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #1 of the Intergovernmental Coordination Element. This application will be reviewed by the County, and the Treasure Coast Regional Planning Council. A representative from the Palm Beach County School District will be participating with the LPA when this item is considered.

Capital Improvements Element

Objective 3: The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA will be subject to site plan review. As part of that review process, all Level of Service standards will have to be met. However, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Objective 4: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA would be subject to site plan review. As part of that review process, all Level of Service standards would have to be met. However, as stated previously, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if Staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Public Schools Facilities Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Public Schools Facilities Element. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary on the future.

PROPOSED TEXT AMENDMENTS TO ZONING CODE

The applicant is proposing modifications to the text of the Town Zoning Code to provide for an overlay area within the C-TS zoning district called the Royal Poinciana Village Overlay Area (RPVOA). The area within the C-TS identified for the RPVOA is bound on the north by the south right-of-way line of Sunset Avenue, on the west by the east right-of-way line of Bradley Place, on the south by the north right-of-way line of Royal Poinciana Way and on the east by the west right-of-way line of North County Road.

The purpose of the RPVOA is intended to create a vertical, commercial and residential mixed use development where residents can live, work, dine and shop without the need for significant traffic impacts on surrounding streets. It is intended to encourage redevelopment and enhance the general character of the area, using a residential component consistent with its town-serving surroundings.

Property owners would have the option of developing their property utilizing the RPVOA overlay regulations or the existing C-TS regulations. The proposed RPVOA text contains standards contained within traditional zoning districts. In addition to these regulations, the RPVOA includes criteria for development and requirements for a vertical mix of residential and non-residential uses. The RPVOA also provides for special review criteria. All proposed developments under

the provision of the RPVOA would be required to file an application for site plan review. The site plan review would be required to be evaluated in terms of compatibility with adjacent properties, provisions for public open space, and pedestrian amenities. Other design criteria to further encourage and enhance the pedestrian experience would be required. Special Exception uses would be subject to the existing regulations in the Code.

RECOMMENDATION

The proposed density increase represents a significant shift in Town policy and could create precedence for property owners outside of the RPVOA who may also want to take advantage of increased density. The Town must carefully consider the ramifications of allowing a density increase of this magnitude and the potential implications on a town-wide basis.

There are many components to the overlay that would further the goals of the Town. The Town-serving character of the commercial area would be preserved and adding more residential uses in a vertical mixed use development would provide the incentives needed for property owners to reinvest in their properties. Recent changes to the Florida Growth Management Laws specifically encourage local governments to apply innovative planning tools to address mixed use developments in urban areas.

The proposed mixed use development is generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The applicant has demonstrated that there is sufficient capacity in terms of water, sewer, drainage, school, and parks to accommodate the proposed change. If staff's recommendation to allow commercial uses on the second floor is accepted, the Traffic Study would have to be updated to reflect non-residential uses on the second floor. Since second story commercial is currently permitted, the additional traffic would be a result of the residential uses on the upper two stories. It is anticipated that the additional impact on the roadway network would be minimal.

If the Town concurs with the concept of encouraging new, vertical mixed use development along Royal Poinciana Way and also concurs with our findings of consistency with the Town's comprehensive plan, then the overlay text amendments should be approved with the staff recommended changes to the text amendment of the Comprehensive Plan and the RPVOA zoning.

MODIFICATIONS TO THE COMPREHENSIVE PLAN TEXT AMENDMENTS

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. The overall potential increase of 121 units is of a de minimus**

Impact and removing the word density as proposed could lead to future unanticipated consequences.

2. Subsections (a) of Policy 2.3.3 on Page I-50a provides for limited residential uses on the first floor. **Staff does not support limited residential uses on the first floor.**

The underlined portion of the comprehensive plan text amendments are the applicant's proposed changes to the comprehensive plan. The staff recommended changes to the comprehensive text amendment are highlighted in gray with the staff rationale in italics.

FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met and Policy 2.4 substituting "intensity of use" for "density", all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code and all elements of the adopted Comprehensive Plan.

Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth.

AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85%.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and a maximum lot coverage of 85%, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) the improvements on the property shall be more than thirty (30) years old,
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- 5) the property shall lie within the C-TS zoning district as of June 30, 2011,

- 6) no curb cuts shall be permitted on any state road for any future development,

- 7) projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre, of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

- 8) parking for any redeveloped property shall be provided on site with a minimum fifty percent (50%) self-contained on the property in a below grade parking structure,

This language will ensure that all required parking would be contained on site with at least 50% in a below grade parking structure.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per

gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Within the RPVOA, limited residential uses may be permitted on the first floor interior courtyard areas set back at least fifty feet (50') from the public right of way, provided the threshold criteria are met.

Staff does not support residential on the first floor.

- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
- c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where eighty-five percent (85%) shall be permitted, provided the threshold criteria are met.
- d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.

B. POLICY 2.4 – *staff does not recommend any changes to this policy*

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low density-high density areas or structures to more intensive use patterns, and thereby lower the pattern of density intensity of use, where possible, and to minimize tourism inflow.

MODIFICATIONS TO PROPOSED ZONING TEXT

The staff recommended changes zoning text changes to the Testa Family, LLC application proposal are provided in strike through and underlined format with the rationale for the proposed changes in italics.

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's

persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. It is the express purpose of this ordinance to create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.
2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's intended core business areas.
3. Require a vertical mixed-use environment where residents can live, work, dine and worship without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above, where limited residential uses may be permitted on the first story in the interior courtyard areas set back at least fifty feet (50') from any public right of way.
4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townspeople.
5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
7. Add to the district an enhanced residential component consistent with its town-serving surroundings and consistent with surrounding properties with established densities in excess of that currently permitted in the C-TS zoning district. Signs are limited to those accessory to businesses conducted on the premises,

including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.

8. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 9. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be landmarked,
- ii) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- iii) the property shall be a "through lot" as defined by the Code,
- iv) ~~the improvements on the property shall be more than thirty (30) years old,~~
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- v) the property shall lie within the C-TS zoning district as of June 30, 2011,
- vi) no curb cuts shall be permitted on any state road for any future development,
- vii) ~~projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre~~ of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

and

- viii) parking for any redeveloped property shall be provided on site with a minimum of fifty percent (50%) self-contained on the property in a of the required parking enclosed in a structure which ceiling is below the crown of the road elevation grade parking structure, with the remainder of any required parking to be above grade in accordance with the Code.

This language will ensure that all required parking would be contained on site with at least 50% in a below ground parking structure.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) ~~Residential uses at grade opening into interior courtyards and not closer than fifty feet (50') to any public right-of-way, and above.~~

Staff does not support residential on the first floor.

- ii) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:

1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

Staff recommends bars/lounges as a special exception use.

2. ~~Outdoor seating associated with permitted restaurants.~~

Staff recommends outdoor seating as a special exception use.

3. ~~Banks excluding financial institutions, such as securities or financial brokerage and trust companies.~~

Staff recommends banks as a special exception use.

4. ~~Nonprofit cultural centers.~~

5. Professional or studio-type schools.

6. Essential services.

7. Public or private parking garages that are accessory to the permitted uses.

(2) Second floor and above

- i) residential units only

- ii) offices, executive office suites, professional services, business services and securities and financial brokerage and trust companies.

The uses that staff are recommending being removed as permitted uses in the overlay area are not conducive to the mixed use concept being proposed or are uses which should only be approved by special exception.

- b) ~~Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article IV of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000-square-footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in any of the C-TS or C-WA districts and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot stores, one being a toy store and the other a shoe store, such a change would be allowed without prior town council approval. However, if the owner of the same 8,000-square-foot ladies apparel store wanted to change to a bank or an office or a business service or the owner wished to subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 2,000 square foot maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. All existing, non-conforming commercial uses within the RPVOA are subject to the requirements of Sec. 134-1107(b) of the CTS zoning district.~~

Staff recommends reference to the applicable code section. It is not necessary to repeat what is already in the code.

(g) Accessory Uses:

- (1) Off-street parking and loading, including parking located in a fully subgrade structure.
- (2) Signs.

(3) Accessory uses customarily incident to the permitted or approved special exception uses.

(4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(5) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

(1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.

(2) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) shall be attached to a building. All dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(i) Special Exception Use: The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

~~(1) Private social clubs.~~

(2) Public structures.

~~(3) Supplemental parking.~~

~~(4) Public or private academic schools.~~

~~(5) Drive-in business service facilities.~~

~~(6) Churches, synagogues or other houses of worship.~~

(7) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.

~~(8) Roof-deck automobile parking.~~

(9) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.

(10) Nightclubs, bars and lounges.

(11) Outdoor seating.

(12) Banks.

(13) Third and/or fourth floor residential.

The uses recommended for removal from the proposed RPVOA do not promote the intent of the mixed use area.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229(12) prior to being granted a ~~new occupational license~~ business tax receipt. This subsection shall not apply to renewal of an existing occupational license.

These changes were made when the Town-serving regulations were modified this year.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

~~(1) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such approval:—~~

~~(1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~

~~(2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~

~~(2) In the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, extra outdoor patron seating, over and above the~~

~~inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:~~

- ~~(1) The take-out food business inside tenant space does not exceed 3,000 square feet.~~
- ~~(2) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~
- ~~(3) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~
- ~~(4) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.~~
- ~~(5) The amount of outdoor seating cannot exceed eight seats, nor can it extend beyond any property line of the take-out business tenant space.~~

The provision for outdoor seating is provided for in Sec. 134-1111.

Staff recommends reference to the applicable Code section. It is not necessary to repeat what is already in the Code.

(m) Commercial uses; ~~s~~Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications within the RPVOA shall be subject to site plan approval.

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum length along a public thoroughfare of any structure or group of attached structures shall not exceed 300 feet.~~

This requirement is provided for in section (n) (10) below.

(n) Lot, yard and area requirements--Generally.

Since the RPVOA requires vertical mixed use, it does not make sense to have a distinction between residential and commercial uses.

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) Lot area.

- ~~a. For multifamily uses, A~~ projects shall not be less than one (1) Palm Beach acre in size. ~~A~~ Projects are is defined as development and/or

redevelopment proposals under common or unified ownership, or under common site plan approval.

~~b. For commercial uses, minimum lot area is 4,000 square feet.~~

(2) *Lot width.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot width is 150 feet.~~

~~c. For commercial uses, the minimum lot width is 30 feet.~~

a. Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot and to be a minimum of one Palm Beach acre in size, the minimum lot width would be a result of these two criteria.

(3) *Lot depth.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot depth is 200 feet.~~

~~c. For commercial uses, the minimum lot depth is 90 feet.~~

a. The minimum lot depth shall be determined by the definition of through lot in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot, the lot depth would be determined by the through lot requirement.

(4) *Density.*

~~d. For townhouses, the maximum density is 10 dwelling units per Palm Beach acre. See article III of this chapter for site plan review requirements.~~

~~e. For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre except as qualified below:~~

See article III of this chapter for site plan review requirements, with the residential component of not less than 25% of the total development.

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

(5) *Front yard.*

f. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

g. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

For all buildings, all stories above the 2nd story shall setback a minimum of ten (10) feet from the front of the building facades at the ground floor.

h. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required. When the side yard of a RPVOA property adjoins property zoned in any R district, a ten-foot side yard is required on that side.

(b) For all buildings, all stories above the second story shall be setback a minimum of fifteen (15) feet from all side facades of the building at the ground floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be setback a minimum of ~~ten (10)~~ twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no set back shall be required.

Staff recommends a 20 foot setback above the second story since Sunset Avenue is much narrower than Royal Poinciana Way.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 30 feet.
- c. For three-story buildings, by special exception only, the maximum building height is 45 feet.
- d. For four-story buildings, by special exception only, the maximum building height is 50 feet.
- e. Maximum allowable building height is 50 feet.
- f. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only, 50 percent on the third floor and 40 percent on the fourth floor. ~~Underground parking shall be permitted to have 100 percent lot coverage, subject to the applicable setback requirements for underground parking.~~

Underground parking cannot have 100% lot coverage since there are setback requirements.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement.

(12) *Applicability.*

In order to apply for the RPVOA, the property shall have a land use of Commercial and a current zoning designation of C-TS Commercial Town Serving. This overlay district shall not apply to any other land use or zoning category in the Town.

(o) Review Process; site plan approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum dimension of any structure or group of attached structures shall not exceed 300 feet along the public thoroughfare.~~

This language is provided elsewhere in the proposed overlay regulations.

(2) All developments within the RPVOA shall be subject to the Town's Site and Development Plan Process per requirements in Article III in Chapter 134 of the Town Code.

These changes insure that any RPVOA applicant is required to meet the criteria and process for site plan review.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades may be constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. ~~The Planning and Zoning Commission shall evaluate the application with reference to the specific criteria and provide a recommendation to the Town Council. The criteria proposed are as follows:~~

The Planning and Zoning Commission does not review land development applications such as site plan review and therefore should not be part of the process.

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public realm improvements, public open space and pedestrian amenities for the public benefit are included.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue is uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the conditional use process.

~~(5) Actions, designs, construction or other solutions not literally in accord with adopted Town ordinances are permitted provided they satisfy public purposes and provide public benefit to at least an equivalent degree.~~

This criterion is vague and implies that the implementation of Town ordinances can be waived.

(6) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(7) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(8) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(9) New buildings are encouraged to provide arcades or other forms of shaded base. The configuration dimensions and use thereof may vary with each project, but it should generally be a one story element less than 46 15 feet high and defined by columns, arches or other vertical supporting elements.

This would be consistent with other sections of the Code.

(10) All new developments are encouraged to incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(11) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances should be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(12) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(13) ~~Equipment rooms, stair towers, and towers used only as architectural features, may be erected no more than twenty percent (20%) above the allowable building height and may occupy no more than fifteen percent (15%) two percent (2%) of the ground floor area of such building or structure. Height exceptions are provided for in Sec. 134-1120 and Sec. 134-1607.~~

The other proposed changes either strike broad, more subjective language or make the requirements consistent with subsection (u) below. In addition, the other type of equipment is also addressed in Sec. 134-1607.

(s) Parking:

- ~~(1) Off-street parking including parking garages, underground parking if provided as part of the development and/or building(s) is permitted to front secondary or side streets, or alleys, and shall be fully enclosed within the structure. Parking garages and/or underground parking shall be screened from view from primary streets.~~
- ~~(2) Projects and/or building(s) that provide underground parking, parking garages or accommodate 50% or more of the project's parking needs on-site shall be permitted to increase the maximum lot coverage by 5%.~~
- ~~(3) Parking requirements for standard development within the district shall meet the requirements of Article IX. Due to the concentrated nature of the district, required parking for offices, professional and business services, banks and financial institutions, and retail and personal services uses may apply Section 134-230 in lieu of the standard parking requirements, whichever is less. For residential uses providing self-contained underground parking facilities, 1.5 spaces per dwelling unit shall be required the requirements of Article IX notwithstanding. In the event a variance for parking is required, the Town shall permit a property owner or developer to submit a parking study identifying the redevelopment or development's project needs and how those needs are proposed to be addressed. The parking study shall be prepared by a licensed traffic engineer. A parking study may take into consideration:
 - ~~(a) Available off-street parking owned or leased by the property owner or developer if not located on the same site as the proposed redevelopment or development project.~~
 - ~~(b) Public transportation~~
 - ~~(c) Peak hour parking generation rates~~
 - ~~(d) Any other alternative program proposed by the property owner or developer that meets the intent of the Town's parking requirements.~~~~

The Provision for required, supplemental and/or shared off-street parking is provided for in Sec. 134-2171 through 134-2320.

Staff recommends reference to the applicable code sections. The parking standards should not be changed for the overlay if a minimum of 50% of the parking has to be below the street elevation. On-site shared parking concepts are in the existing off-street parking provisions in the Code to provide flexible opportunities to accommodate required off-street parking.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(u) Architectural tower features:

~~In the RPVOA, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets. Architectural tower regulations are provided in Sec. 134-1120.~~

Staff recommends reference to the applicable code section. It is not necessary to create new language for the provision of architectural features.

(v) Definitions:

(1) Covered Open Space.

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) Landscaped Open Space.

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) Hardscaped Open Space.

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) Vertical Mixed Use.

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor ~~where limited residential uses may be permitted on the first story in interior courtyard areas set back at least fifty feet (50') from any public right of way, with residential uses above.~~

The definition should be consistent with the permitted uses.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

This new proposed provision is a "catch all" intended to ensure that all other provisions in the Code are complied with, including and not limited to sign regulations and definitions.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Special Review Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25) Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. ***Deferred from the December 14, 2011, Town Council Meeting.***

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated January 4, 2012, from John S. Page, Director of Planning, Zoning, and Building
- Ordinance No. 30-2011
- Calvin Giordano and Associates Report dated October 11, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director, Planning, Zoning & Building Department

Re: Proposed Modifications and Changes to the Town's Comprehensive Plan and Chapter 134, Zoning (Testa's), Which Create the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District
Ordinance Nos. 29-2011 and 30-2011

Date: January 4, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 29-2011 on first reading and transmit proposed comprehensive plan amendments to the Florida Department of Economic Opportunity. In addition, staff recommends that the Council approve companion Ordinance No. 30-2011, containing related zoning ordinance text changes, on first reading.

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency, at its meeting of November 15, 2011, recommended by a 5-2 vote (Mr. Wideman and Mr. Schuler dissenting), approval of Ordinance Nos. 29-2011 and 30-2011 which modify the comprehensive plan text and zoning code regulations by creating the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District contingent upon the applicant submitting a traffic study that meets the Town's concurrency requirements prior to first reading of the Ordinances.

GENERAL INFORMATION

On October 18, 2011, the Planning and Zoning Commission, as the Local Planning Agency (LPA), considered the Testa Family, LLC, comprehensive plan and zoning text amendment application (copy previously provided) which proposes to create an overlay district for a portion of the Commercial Town-Serving District bounded on the west by the east right-of-way line of Bradley Place, on the east by the west right-of-way line of North County Road, on the north by the south right-of-way line of Sunset Avenue, and on the south by the north right-of-way line of Royal Poinciana Way. In addition, the LPA considered the Town consultant's (Calvin Giordano & Associates) report on the Application, dated October 11, 2011. At the meeting, staff reported that the applicant had not satisfied traffic concurrency. However, the proposed Ordinances could

be considered by the LPA and a recommendation rendered provided that prior to first reading, all traffic concurrency issues were resolved. After hearing all testimony, the LPA recommended that staff draft ordinances based on the consultant's recommended changes to the application on pages 11 through 30 of the Calvin Giordano Report (copy attached).

On November 15, 2011, the LPA considered the draft Ordinances for the proposed Royal Poinciana Village Overlay Area (Ordinance Nos. 29-2011 and 30-2011 attached). Proposed Ordinance No. 29-2011 would create text within the Town's Comprehensive Plan permitting an Overlay within the Commercial Future Land Use designation in the Future Land Use Element. Proposed Ordinance No. 30-2011 would create the Royal Poinciana Village Overlay Area within the C-TS Zoning District in Chapter 134, Zoning, in the Town Code of Ordinances.

After hearing all testimony, the LPA recommended approval of the draft Ordinances with two modifications to Ordinance No. 30-2011. The first modification changes the language in subsection (r) "Special Review Criteria" in the Ordinance so that the criteria are not encouraged, but required to be met in order to use the proposed Overlay regulations. The second change to the proposed Ordinance adds subsection (x) which creates a five year "sunset" provision of the proposed regulations. This provision would eliminate any Bert Harris takings argument if the Council decided to let the Overlay regulations lapse.

On December 14, 2011, the Town Council considered both proposed Ordinances and had a brief discussion related to parking, height and density. The Council deferred the proposed Ordinances to the January 11, 2012, meeting in order for the applicant to satisfy County and Town traffic concurrency requirements. The applicant has met those requirements and has not contacted staff with any supplements/revisions since the proposal was deferred at the December Council meeting.

If adopted, property owners within the Overlay Area would be able to re-develop using either the Commercial Town-Serving Zoning District regulations, or if they meet the eligibility criteria, the Overlay regulations. The Overlay regulations provide more limited uses than the C-TS Zoning District, but provide more flexible lot, yard and bulk zoning regulations. The permitted uses would be retail, restaurant, professional and studio type schools on the first floor and offices on the second floor provided that any of these uses are not any larger than 3,000 square feet. The special exception uses would be bars, lounges, banks, museums and outdoor seating on the first floor and residential uses above the first floor. Uses over 3,000 square feet would still be required to obtain special exception approval by demonstrating Town-serving.

If a property owner meets the Criteria for Eligibility and the "Special Review Criteria" (Subsections (e) and (r) in Ordinance No. 30-2011) in the Royal Poinciana Village Overlay Area, development would be allowed subject to:

1. A density of a maximum of 24 dwelling units per acre with not less than 25% of a development being residential in lieu of the 6 dwelling units per acre presently allowed.
2. A minimum lot area of 40,000 square feet in lieu of the 4,000 square foot minimum presently allowed.
3. A minimum lot width and depth based on the lot meeting the "through lot" definition in lieu of the 30 foot minimum width and the 90 foot minimum depth presently allowed.

4. A maximum height of 50 feet and 4 stories in lieu of the 25 feet and two stories maximum presently allowed.
5. A maximum overall height of 60 feet in lieu of the 35 feet maximum presently allowed.
6. No maximum building floor area in lieu of the 15,000 square foot maximum presently allowed.
7. A maximum building length of 300 feet in lieu of the 150 feet maximum presently allowed.
8. A maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor in lieu of the 70% maximum presently allowed. Sub-basements would not count in lot coverage.
9. A zero setback for a rear or street rear yard for the first two stories and a 20 foot setback for the third and fourth story in lieu of the 10 foot minimum presently required.
10. A zero side yard setback for the first and second floor and a 15 foot setback from the first floor facade for the third and fourth floors. A 1 foot setback for every two feet of building height above 45 feet. The existing regulations require a 1 foot setback for every 2 feet of building height above 15 feet.
11. A zero front setback for the first and second story with a 10 foot minimum setback for the third and fourth floors.
12. A two foot setback on all sides for sub-basements.
13. A provision for new definitions only relevant to the Overlay Area which define covered open space, landscaped open space, hardscape open space and vertical mixed use.
14. A catch-all provision which requires all other zoning code regulations to be met which are not addressed in the Overlay.
15. A provision to “sunset” the proposed Royal Poinciana Village Overlay five years from the date it is adopted provided that the Town Council does not extend the Overlay.

If you have any questions about the attached Ordinances, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance Nos. 29-2011 and 30-2011 were approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

PBE:jsp:pc

cc: Planning and Zoning Commission/LPA
Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
Frank Lynch, Esq.

ORDINANCE NO. 30- 2011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134, ZONING, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8 BY CREATING SECTION 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA") WITHIN A PORTION OF THE COMMERCIAL TOWN-SERVING ZONING DISTRICT BOUNDED BY THE EAST RIGHT-OF-WAY LINE OF BRADLEY PLACE TO THE WEST, THE SOUTH RIGHT-OF-WAY LINE OF SUNSET AVENUE TO THE NORTH, THE WEST RIGHT-OF-WAY LINE OF NORTH COUNTY ROAD TO THE EAST AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL POINCIANA WAY TO THE SOUTH, WHICH ALLOWS FOR THE USE OF THE FOLLOWING ZONING CODE PROVISIONS IF ELIGIBILITY AND SPECIAL REVIEW CRITERIA IN THE RPVOA, AS PROVIDED FOR IN THIS ORDINANCE, ARE MET: PROVISION OF A "PURPOSE" SECTION; PROVISION OF RPVOA PERMITTED USES, SPECIAL EXCEPTION USES, PROHIBITED USES AND ACCESSORY USES; PROVISION FOR ACCESSORY STRUCTURES; VARIED LOT, YARD AND BULK REQUIREMENTS AS FOLLOWS: INCREASED MINIMUM LOT SIZE FROM FOUR THOUSAND (4,000) SQUARE FEET TO FORTY THOUSAND (40,000) SQUARE FEET; INCREASED MINIMUM LOT DEPTH AND LOT WIDTH BASED ON THE THROUGH LOT REQUIREMENT FOR THE RPVOA; INCREASED RESIDENTIAL DENSITY FROM SIX (6) DWELLING UNITS TO A MAXIMUM OF TWENTY-FOUR (24) DWELLING UNITS PER PALM BEACH ACRE; A RESIDENTIAL COMPONENT OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE TOTAL DEVELOPMENT; INCREASED NUMBER OF STORIES FROM A MAXIMUM OF TWO (2) STORIES TO A MAXIMUM OF FOUR (4) STORIES; INCREASED LOT COVERAGE FROM SEVENTY (70) PERCENT TO ALMOST ONE-HUNDRED (100) PERCENT IN THE SUB-BASEMENT, EIGHTY-FIVE (85) PERCENT ON THE FIRST FLOOR, SIXTY-FIVE (65) PERCENT ON THE SECOND FLOOR, FIFTY (50) PERCENT ON THE THIRD FLOOR AND FORTY (40) PERCENT ON THE FOURTH FLOOR; INCREASED HEIGHT FROM A MAXIMUM OF TWENTY-FIVE (25) FEET TO FIFTY (50) FEET BY SPECIAL EXCEPTION; INCREASED OVERALL HEIGHT FROM THIRTY-FIVE (35) FEET TO SIXTY (60) FEET; A TWO (2) FOOT FRONT SETBACK FOR A SUB-BASEMENT AND DIFFERING BUILDING SETBACK REQUIREMENTS FOR TALLER BUILDINGS; DECREASED LANDSCAPE OPEN SPACE FROM A MINIMUM OF TWENTY-FIVE (25) PERCENT TO TEN (10) PERCENT; INCREASED BUILDING LENGTH FROM A MAXIMUM OF ONE HUNDRED FIFTY (150) FEET TO THREE HUNDRED (300) FEET; PROVIDING A SUNSET PROVISION FOR THE OVERLAY REGULATIONS; PROVIDING THE ELIMINATION OF THE MAXIMUM FLOOR AREA REQUIREMENT; PROVIDING A SITE PLAN REVIEW PROCESS; CREATING NEW DEFINITIONS FOR THE RPVOA;

PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

WHEREAS, after a public hearing pursuant to notice as required by law, the Town's Local Planning Agency has recommended that the Town Council amend Chapter 134, Zoning, of the Code of Ordinances, as herein set forth;

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach require that the aforesaid Chapter 134, Zoning, of the Code of Ordinances, be amended as hereinafter set forth.

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article VI, District Regulations; Division 8, TOWN-SERVING COMMERCIAL DISTRICT to incorporate a new Section 134-1121 to read as follows:

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and to reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. Create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot

coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.

2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's core business areas.
 3. Require a vertical mixed-use environment where residents can live, work and dine without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above.
 4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or as individual parcels, providing for the frequently recurring needs of townspersons.
 5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings. Therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
 6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
 7. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 8. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-

island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be a landmark.
- ii) The property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area.
- iii) The property shall be a “through lot” as defined by the Code.
- iv) The property shall lie within the C-TS zoning district as of December 14, 2011.
- v) No curb cuts shall be permitted on any state road for any future development.
- vi) Projects shall require a residential component of not less than twenty-five percent (25%) of the total development.
- vii) Required off-street parking for any property developed under the RPVOA regulations shall be a minimum of fifty percent (50%) of the required parking enclosed in a structure which ceiling of which is below the abutting crown of road elevations.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:
 - 1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.
 - 2. Professional or studio-type schools.
 - 3. Essential services.
 - 4. Public or private parking garages that are accessory to permitted uses.

(2) Above first floor

- i) residential units

- ii) offices, executive office suites, professional services, business services and securities and financial brokerages and trust companies only on the second floor.

b) *Regulation of existing nonconforming commercial uses.* All existing non-conforming commercial uses within the RPVOA are subject to the requirements of Section 134-1107(b) of the C-TS zoning district.

(g) Accessory Uses:

- (1) Required off-street parking and loading for the property, including parking located in a sub-basement structure.
- (2) Accessory uses customarily incident to the permitted or approved special exception uses.
- (3) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.
- (4) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

- (1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.
- (2) *Dish antennas.* The provision for dish antennas in the manner provided in Section 134-1110(b).

(i) Special Exception Use: The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

- (1) Public structures.
- (2) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.
- (3) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.
- (4) Nightclubs, bars and lounges.
- (5) Outdoor seating.
- (6) Banks.

(7) Third and/or fourth floor residential.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

The provision for outdoor seating in the manner provided for in Section 134-1111.

(m) **Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.**

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith.

(n) **Lot, yard and area requirements--Generally.**

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*

A Project shall not be less than one (1) Palm Beach acre in size. A Project is defined as development and/or redevelopment proposals under common or unified ownership.

(2) *Lot width.*

Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Section 134-2.

(3) *Lot depth.*

The minimum lot depth shall be determined by the definition of "through lot" in Section 134-2.

(4) *Density.*

For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre with the residential component of not less than twenty-five percent (25%) of the total development.

(5) *Front yard.*

a. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

b. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

c. For all buildings, all stories above the 2nd story shall set back a minimum of ten (10) feet from the front of the building facades at the ground floor.

d. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required for the first and second story.

(b) For all buildings, all stories above the second story shall be set back a minimum of fifteen (15) feet from all side facades of the building at the first floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear or Street Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be set back a minimum of twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no setback shall be required.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

a. For one-story buildings, the maximum building height is 15 feet.

b. For two-story buildings, the maximum building height is 30 feet.

c. For three-story buildings, by special exception only, the maximum building height is 45 feet.

d. For four-story buildings, by special exception only, the maximum building height is 50 feet.

e. Maximum allowable building height is 50 feet.

f. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only on the third and fourth floor, 50 percent on the third floor and 40 percent on the fourth floor.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement..

(o) Review Process; site plan review approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith.

(2) All developments with the RPVOA shall be subject to the Town's Site and Development Plan requirements set forth in Article III in Chapter 134 of the Town Code.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades may be constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. The criteria proposed are as follows:

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public open space and pedestrian amenities for the public benefit.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue shall be uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the site plan review and/or special exception process.

(5) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(6) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(7) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(8) New buildings shall provide arcades or other forms of shaded base. The configuration, dimensions and use thereof may vary with each project, but the arcade or shaded base shall be a maximum of 15 feet high and defined by columns, arches or other vertical supporting elements.

(9) All new developments shall incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(10) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances shall be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(11) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(12) Height exceptions are provided for in Section 134-1120 and Section 134-1607.

(s) Parking:

- (a) The provision for required, supplemental and/or shared off-street parking is in the manner provided for in Section 134-2171 through Section 134-2320.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in the manner provided in Section 134-1728 and 134-1729.

(u) Architectural tower features:

Architectural tower regulations are provided in the manner provided in Section 134-1120.

(v) Definitions:

(1) *Covered Open Space.*

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) *Landscaped Open Space.*

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) *Hardscaped Open Space.*

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) *Vertical Mixed Use.*

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor, with residential uses above.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

(x) Sunset Provision:

The Royal Poinciana Village Overlay Regulations in Sec. 134-1121(a) through (w) shall sunset on March __, 2017, unless the Town Council by a majority vote approves an extension of these regulations at a regularly scheduled Town Council meeting prior to their expiration.

Section 2. Severability.

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other Ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading.

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 11th day of January 2012, and second and final reading on this _____ day of _____, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Michael J. Pucillo, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Testa Family, LLC

Comprehensive Plan Amendment and Zoning Ordinance Modification Application Report

Prepared For:

Mr. John S. Page
Director, Planning, Zoning & Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

CGA #06-5369.10

Prepared by:



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS

1800 Eller Drive, Suite 600, Fort Lauderdale, Florida 33316
Phone: 954.921.7781 • Fax: 954.921.8807

October 11, 2011

INTRODUCTION

Applicant: Testa Family, LLC

Address: 221 Royal Poinciana Way

Agent: Frank Lynch, Esq.

This is a private property owner initiated application proposing amendments to the text of the Town's Comprehensive Plan and Zoning Code to create an overlay zoning area for a portion of the Commercial-Town Serving (C-TS) zoning district. The area is bound on the north by Sunset Avenue, on the east by N. County Road, on the south by Royal Poinciana Way and on the west by Bradley Place. The area is one of the gateways into the Town and as such is an important focal point. The area is comprised of town-serving businesses such as a bank, restaurants, a hotel, small shops and apartments.

As part of the applicant's zoning modification, an overlay area called the Royal Poinciana Village Overlay Area (RPVOA) is proposed where property owners would have the ability to redevelop their property in accordance with the requirements and associated design criteria in the zoning code for the overlay area.

The intent of the application is to provide for mixed use residential and commercial development within the existing C-TS zoning district where residents can live, work, dine and shop without the need for use of an automobile. It is also the intent of this application to provide zoning incentives to property owners to infill or redevelop their respective properties without adding any burden on existing infrastructure.

SUMMARY OF PROPOSED AMENDMENTS

The Applicant is proposing several text amendments to the Town's Comprehensive Plan and Commercial Town-Serving (C-TS) zoning district. The purpose of the Comprehensive Plan text amendments is to create language within the Commercial designation of the Future Land Use Element to allow an overlay with mixed use development with a residential density of up to 24 dwelling units/acre and a height of 4 stories (50 feet). The comprehensive plan and zoning text amendments would create the RPVOA overlay area under which an applicant could develop or redevelop their property if certain criteria are met. Property owners within the designated geographic area would have the option of applying for the RPVOA regulations or developing under the existing C-TS district regulations. The designated area for the RPVOA would be limited to the area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road. The proposed amendments would:

1. Create threshold criteria that a property must meet in order to be eligible to be developed or redeveloped within the RPVOA overlay area,
2. Allow for an increase in maximum height from 2 stories by right to 4 stories as a special exception,
3. Allow for an increase in maximum lot coverage from 70% to 85% and,
4. Allow for an increase in density from 6 units per acre to 24 units per acre.

The proposed changes to the comprehensive plan and the zoning code would encourage the development of a residential mixed use environment where residents could live, work, and dine without significant impacts on the surrounding streets while still maintaining the town-serving commercial aspect of the area.

Applicant's Rationale for the Amendment

The Applicant has stated that Royal Poinciana Way has become a stagnant commercial area and increasingly difficult for businesses to survive. Businesses are concerned that there is little to moderate pedestrian traffic and most people drive to an existing business, take care of their business and then leave. This is a disincentive for property owners to invest and upgrade the area. The creation of an overlay area within this portion of the C-TS district would enhance the opportunities for property owners to redevelop their properties. At the same time, the properties would be brought up to current building codes, become compliant with current parking requirements while maintaining small-scale commercial uses with a residential component. The Comprehensive Plan acknowledges that comprehensive and cohesive redevelopment criteria would avoid a piecemeal approach to redevelopment. The RPVOA overlay and associated threshold criteria and design criteria would encourage redevelopment of the area.

Proposed Text Amendments to Future Land Use Element

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. Removing the word density as proposed could lead to future unanticipated consequences.**
2. Page I-20a provides the proposed language for mixed use within the Commercial future land use category. The purpose of the mixed use language would be to allow parcels within the specific bounds of the proposed RPVOA overlay area to be developed under the RPVOA regulations. Additionally, those property owners desiring to apply the RPVOA to their property would be required to develop the land consistent with the RPVOA zoning criteria.

3. Policy 2.3.3 on Page I-49a would create policy language for mixed uses within the Commercial future land use category by creating the Royal Poinciana Village Overlay Area. The policy would provide for residential uses up to 24 units per gross Palm Beach acre, maximum height of four stories and maximum lot coverage of 85%. The policy would further establish the location of the RPVOA and the threshold criteria that must be met in order for an applicant to develop utilizing the RPVOA.
4. Subsections (a) through (d) of Policy 2.3.3 on Page I-50a are modified to be consistent with a new policy. **Staff does not support limited residential uses on the first floor. This would interrupt retail continuity staff believes is vital to this commercial area.**

CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF COMPREHENSIVE PLAN

The Town's updated comprehensive plan adopted on April 15, 2009 recognizes the shortage of Town-serving services as property values continue to rise and there is continuing pressure for local retailers and businesses to cater to clientele beyond the Town's borders. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the island. The vertical mixed use requirement of the RPVOA overlay would increase the amount of residential which could encourage redevelopment and bring a new vibrancy to a stagnant area.

Future Land Use Element

Objective 1: Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

Staff Analysis: **Staff finds the proposed amendment CONSISTENT with Objective #1 of the Future Land Use Element.** The proposed amendment would maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities and compatibility with its surrounding diverse land uses. The threshold criteria required in order to implement the RPVOA and its associated design criteria would ensure that the Town's unique physical and historic character will be maintained within the context of the RPVOA area. A density and height study within a 1,000 foot radius of the RPVOA area which was done by the applicant indicates that while 80% of the buildings are two stories or less, the remaining buildings that are greater than 3 stories have substantial footprints and from a massing perspective appear much larger. The zoning and design criteria proposed for buildings within the RPVOA would reduce the massing effect of the proposed height with setback and open space requirements. The existing density within the 1,000 foot radius of the RPVOA ranges from less than 10 units per

acre to more than 100 units per acre with almost half (48.5%) of the properties at a density of 10-25 units per acres.

Objective 2: Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of the Town residents.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #2 of the Future Land Use Element. The proposed amendment would continue to maintain the character of the Town as a predominantly residential community having only the type and amount of business and other support services necessary to meet the needs of the Town's proposed and future residents living within the RPVOA. The concept of "Town Serving" remains unchanged by this proposed amendment and no greater intensity of commercial uses is sought.

Objective 3: Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if it meets the building elevations identified in the Flood Insurance Rate Maps (FIRM) and the requirements of the Florida Department of Environmental Protection (FDEP).

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #3 of the Future Land Use Element. All development orders or permits for new development or redevelopment would conform to the requirements of the Flood Insurance Rate Maps ("FIRM"), the requirements of the Federal Emergency Management Agency ("FEMA"), Florida Department of Environmental Protection ("FDEP") and the Town. At no point would any of the proposed redevelopment in the RPVOD be constructed seaward of the Coastal Construction Control Line and would comply with all building standards as contained in the Florida Building Code, as well as those amendments passed by the Town of Palm Beach.

Objective 4: No new urban development shall be permitted on lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #4 of the Future Land Use Element. None of the proposed infill or redevelopment would be developed on lands predominantly characterized by tidal soils or other soil types which would prohibit urban redevelopment or infill on such lands.

Objective 5: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #5 of the Future Land Use Element. Any and all development orders and permits issued for the redevelopment and infill within this area would be required to demonstrate compliance with the Town's adopted level of service standards for all facilities and services necessary for a proposed project within the RPVOA.

Objective 6: While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #6 of the Future Land Use Element. While this initial objective indicates that there are no areas of the Town in need of redevelopment, the Applicant has reviewed the condition of the structures within the proposed RPVOA area. Staff has done site inspections and concurs with the applicant that some of the buildings are beginning to deteriorate and many properties are vacant or under-utilized. Allowing for an increase in density and height within a vertical mixed use project would promote the stabilization and redevelopment of this town-serving area.

Objective 7: The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #7 of the Future Land Use Element. The amendment does not propose any incompatible uses located within the overlay area if proper safeguards are placed on the Special Exception uses allowed within the overlay area.

Objective 8: The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #8 of the Future Land Use Element. Infill redevelopment of previously developed sites encourages the preservation of natural resources by directing development away from existing open spaces.

Objective 9: The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #9 of the Future Land Use Element**. In order for a property to be eligible for the RPVOA neither the property nor the improvements could be a landmark.

Objective 10: The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS and approved by the Governor and Cabinet. The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #10 of the Future Land Use Element**. The applicant's proposed amendment would not affect the resource planning and management requirements pursuant to Chapter 380 of Florida Statutes.

Objective 11: Provide for Planned Unit Developments and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #11 of the Future Land Use Element**. Although the proposed project would not be considered a Planned Unit Development, the applicant has submitted design criteria for mixed-use development within the commercial district of a Town-serving nature, consistent with the stated intent of the Comprehensive Plan. Furthermore, the applicant's height and density study which was conducted within a 1,000 foot radius of the site, and verified by staff, indicates that the uses contemplated in the proposed overlay would be consistent with the surrounding area.

Objective 12: The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #12 of the Future Land Use Element**. The Town continues to coordinate with the Regional Hurricane Evacuation Plan. The additional 165 persons projected as a result of maximum residential buildout under this amendment would not have a negative impact on the Plan.

Objective 13: To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with Palm Beach County School District (hereinafter referred to as the District) for the location and development of public educational facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #13 of the Future Land Use Element.** The applicant states that given the target market of proposed new residents to occupy the proposed units contemplated for this area, it is doubtful that there would be any impact on the public school system. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary in the future.

Transportation Element

Objective 1: By year-end 2006, correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of safe, convenient, and energy efficient multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Transportation Element.** A vertical mixed use development encourages pedestrian mobility. Furthermore, if adopted, the design review criteria would ensure that any proposed buildings would not encroach into the street rights-of-way.

Objective 2: Development permits for land uses provided for on the Future Land use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development will operate at no less than the minimum levels of service standards set forth in this Element.

Staff Analysis: Staff finds the proposed amendment, as submitted, **CONSISTENT with Objective #2 of the Transportation Element**. This proposal as submitted would not create a degradation of the level of service as required and set forth in this element. However, staff does not believe that there is enough of a mixed use with commercial limited to first floor uses only. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

Housing Element

Staff Analysis: **Not applicable.** The Goals, Objectives and Policies of the Housing Element deal with issues of affordable housing, preventing the housing stock from deteriorating, the placement of group homes, and preserving historic homes.

Infrastructure Element

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Goals, Objectives and Policies of the Infrastructure Element**. Applicant has provided written confirmation from the service providers that adequate capacity would be available to serve the proposed increase in demand for drainage, wastewater, potable water, solid waste.

Coastal Management/Conservation Element

Objective 1: The Town shall protect the quality of its air from degradation.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Coastal Management/Conservation Element**. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the Island. Furthermore, if the proposal was adopted, the new residents could live, work, dine and shop without the need for use of an automobile.

Objective 9: The Town shall protect and preserve its prehistoric and historic resources.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #9 of the Coastal Management/Conservation Element**. Properties that are landmarked are not eligible for the RPVOA.

Recreation/Open Space Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Recreation/Open Space Element. The applicant has performed the required analysis and there is sufficient recreation and open space acreage within the Town schools to accommodate the additional population.

Intergovernmental Coordination Element

Objective 1: The Town shall participate in intergovernmental coordination processes to insure full consideration is given to the impacts of proposed comprehensive plan amendments and future developments on the ability of the Town and adjacent local governments to implement their comprehensive plans and to address area wide land use needs and justifications for amendments.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #1 of the Intergovernmental Coordination Element. This application will be reviewed by the County, and the Treasure Coast Regional Planning Council. A representative from the Palm Beach County School District will be participating with the LPA when this item is considered.

Capital Improvements Element

Objective 3: The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA will be subject to site plan review. As part of that review process, all Level of Service standards will have to be met. However, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Objective 4: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA would be subject to site plan review. As part of that review process, all Level of Service standards would have to be met. However, as stated previously, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if Staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Public Schools Facilities Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Public Schools Facilities Element. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary on the future.

PROPOSED TEXT AMENDMENTS TO ZONING CODE

The applicant is proposing modifications to the text of the Town Zoning Code to provide for an overlay area within the C-TS zoning district called the Royal Poinciana Village Overlay Area (RPVOA). The area within the C-TS identified for the RPVOA is bound on the north by the south right-of-way line of Sunset Avenue, on the west by the east right-of-way line of Bradley Place, on the south by the north right-of-way line of Royal Poinciana Way and on the east by the west right-of-way line of North County Road.

The purpose of the RPVOA is intended to create a vertical, commercial and residential mixed use development where residents can live, work, dine and shop without the need for significant traffic impacts on surrounding streets. It is intended to encourage redevelopment and enhance the general character of the area, using a residential component consistent with its town-serving surroundings.

Property owners would have the option of developing their property utilizing the RPVOA overlay regulations or the existing C-TS regulations. The proposed RPVOA text contains standards contained within traditional zoning districts. In addition to these regulations, the RPVOA includes criteria for development and requirements for a vertical mix of residential and non-residential uses. The RPVOA also provides for special review criteria. All proposed developments under

the provision of the RPVOA would be required to file an application for site plan review. The site plan review would be required to be evaluated in terms of compatibility with adjacent properties, provisions for public open space, and pedestrian amenities. Other design criteria to further encourage and enhance the pedestrian experience would be required. Special Exception uses would be subject to the existing regulations in the Code.

RECOMMENDATION

The proposed density increase represents a significant shift in Town policy and could create precedence for property owners outside of the RPVOA who may also want to take advantage of increased density. The Town must carefully consider the ramifications of allowing a density increase of this magnitude and the potential implications on a town-wide basis.

There are many components to the overlay that would further the goals of the Town. The Town-serving character of the commercial area would be preserved and adding more residential uses in a vertical mixed use development would provide the incentives needed for property owners to reinvest in their properties. Recent changes to the Florida Growth Management Laws specifically encourage local governments to apply innovative planning tools to address mixed use developments in urban areas.

The proposed mixed use development is generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The applicant has demonstrated that there is sufficient capacity in terms of water, sewer, drainage, school, and parks to accommodate the proposed change. If staff's recommendation to allow commercial uses on the second floor is accepted, the Traffic Study would have to be updated to reflect non-residential uses on the second floor. Since second story commercial is currently permitted, the additional traffic would be a result of the residential uses on the upper two stories. It is anticipated that the additional impact on the roadway network would be minimal.

If the Town concurs with the concept of encouraging new, vertical mixed use development along Royal Poinciana Way and also concurs with our findings of consistency with the Town's comprehensive plan, then the overlay text amendments should be approved with the staff recommended changes to the text amendment of the Comprehensive Plan and the RPVOA zoning.

MODIFICATIONS TO THE COMPREHENSIVE PLAN TEXT AMENDMENTS

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. The overall potential increase of 121 units is of a de minimus**

Impact and removing the word density as proposed could lead to future unanticipated consequences.

2. Subsections (a) of Policy 2.3.3 on Page I-50a provides for limited residential uses on the first floor. **Staff does not support limited residential uses on the first floor.**

The underlined portion of the comprehensive plan text amendments are the applicant's proposed changes to the comprehensive plan. The staff recommended changes to the comprehensive text amendment are highlighted in gray with the staff rationale in italics.

FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met and Policy 2.4 substituting "intensity of use" for "density", all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code and all elements of the adopted Comprehensive Plan.

Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth.

AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85%.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and a maximum lot coverage of 85%, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) ~~the improvements on the property shall be more than thirty (30) years old,~~
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- 5) the property shall lie within the C-TS zoning district as of June 30, 2011,

- 6) no curb cuts shall be permitted on any state road for any future development,

- 7) projects shall require a residential component ~~with a minimum of fifteen (15) dwelling units per acre, of not less than 25% of the total development,~~

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

- 8) parking for any redeveloped property shall be ~~provided on site with a minimum fifty percent (50%) self-contained on the property in a below grade parking structure,~~

This language will ensure that all required parking would be contained on site with at least 50% in a below grade parking structure.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per

gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Within the RPVOA, limited residential uses may be permitted on the first floor interior courtyard areas set back at least fifty feet (50') from the public right of way, provided the threshold criteria are met.

Staff does not support residential on the first floor.

- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
 - c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where eighty-five percent (85%) shall be permitted, provided the threshold criteria are met.
 - d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.
- B. **POLICY 2.4 – *staff does not recommend any changes to this policy***

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low density-high density areas or structures to more intensive use patterns, and thereby lower the pattern of density intensity of use, where possible, and to minimize tourism inflow.

MODIFICATIONS TO PROPOSED ZONING TEXT

The staff recommended changes zoning text changes to the Testa Family, LLC application proposal are provided in strike through and underlined format with the rationale for the proposed changes in italics.

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's

persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. It is the express purpose of this ordinance to create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.
2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's intended core business areas.
3. Require a vertical mixed-use environment where residents can live, work, dine and worship without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above, where limited residential uses may be permitted on the first story in the interior courtyard areas set back at least fifty feet (50') from any public right of way.
4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townspeople.
5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
7. Add to the district an enhanced residential component consistent with its town-serving surroundings and consistent with surrounding properties with established densities in excess of that currently permitted in the C-TS zoning district. Signs are limited to those accessory to businesses conducted on the premises,

including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.

8. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 9. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinclana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be landmarked,
- ii) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- iii) the property shall be a "through lot" as defined by the Code,
- iv) ~~the improvements on the property shall be more than thirty (30) years old,~~
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- v) the property shall lie within the C-TS zoning district as of June 30, 2011,
- vi) no curb cuts shall be permitted on any state road for any future development,
- vii) ~~projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre~~ of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

and

- viii) parking for any redeveloped property shall be provided on site with a minimum of fifty percent (50%) self-contained on the property in a of the required parking enclosed in a structure which ceiling is below the crown of the road elevation grade parking structure, with the remainder of any required parking to be above grade in accordance with the Code.

This language will ensure that all required parking would be contained on site with at least 50% in a below ground parking structure.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) ~~Residential uses at grade opening into interior courtyards and not closer than fifty feet (50') to any public right-of-way, and above.~~

Staff does not support residential on the first floor.

- ii) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:

1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

Staff recommends bars/lounges as a special exception use.

2. ~~Outdoor seating associated with permitted restaurants.~~

Staff recommends outdoor seating as a special exception use.

3. ~~Banks excluding financial institutions, such as securities or financial brokerage and trust companies.~~

Staff recommends banks as a special exception use.

4. ~~Nonprofit cultural centers.~~

5. Professional or studio-type schools.

6. Essential services.

7. Public or private parking garages that are accessory to the permitted uses.

(2) Second floor and above

- i) residential units only

- ii) offices, executive office suites, professional services, business services and securities and financial brokerage and trust companies.

The uses that staff are recommending being removed as permitted uses in the overlay area are not conducive to the mixed use concept being proposed or are uses which should only be approved by special exception.

- b) ~~Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article IV of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000-square-footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in any of the C-TS or C-WA districts and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot stores, one being a toy store and the other a shoe store, such a change would be allowed without prior town council approval. However, if the owner of the same 8,000-square-foot ladies apparel store wanted to change to a bank or an office or a business service or the owner wished to subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 2,000 square foot maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. All existing, non-conforming commercial uses within the RPVOA are subject to the requirements of Sec. 134-1107(b) of the CTS zoning district.~~

Staff recommends reference to the applicable code section. It is not necessary to repeat what is already in the code.

(g) Accessory Uses:

- (1) Off-street parking and loading, including parking located in a fully subgrade structure.
- (2) Signs.

(3) Accessory uses customarily incident to the permitted or approved special exception uses.

(4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(5) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

(1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.

(2) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) shall be attached to a building. All dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(i) Special Exception Use: The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

~~(1) Private social clubs.~~

(2) Public structures.

~~(3) Supplemental parking.~~

~~(4) Public or private academic schools.~~

~~(5) Drive-in business service facilities.~~

~~(6) Churches, synagogues or other houses of worship.~~

(7) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.

~~(8) Roof-deck automobile parking.~~

(9) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.

(10) Nightclubs, bars and lounges.

(11) Outdoor seating.

(12) Banks.

(13) Third and/or fourth floor residential.

The uses recommended for removal from the proposed RPVOA do not promote the intent of the mixed use area.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229(12) prior to being granted a ~~new occupational license~~ business tax receipt. This subsection shall not apply to renewal of an existing occupational license.

These changes were made when the Town-serving regulations were modified this year.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

~~(1) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such approval:—~~

~~(1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~

~~(2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~

~~(2) In the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, extra outdoor patron seating, over and above the~~

~~inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:~~

- ~~(1) The take-out food business inside tenant space does not exceed 3,000 square feet.~~
- ~~(2) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~
- ~~(3) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~
- ~~(4) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.~~
- ~~(5) The amount of outdoor seating cannot exceed eight seats, nor can it extend beyond any property line of the take-out business tenant space.~~

The provision for outdoor seating is provided for in Sec. 134-1111.

Staff recommends reference to the applicable Code section. It is not necessary to repeat what is already in the Code.

(m) Commercial uses; ~~s~~Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications within the RPVOA shall be subject to site plan approval.

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum length along a public thoroughfare of any structure or group of attached structures shall not exceed 300 feet.~~

This requirement is provided for in section (n) (10) below.

(n) Lot, yard and area requirements--Generally.

Since the RPVOA requires vertical mixed use, it does not make sense to have a distinction between residential and commercial uses.

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) Lot area.

- ~~a. For multifamily uses, A~~ projects shall not be less than one (1) Palm Beach acre in size. ~~A~~ Projects are is defined as development and/or

redevelopment proposals under common or unified ownership, or under common site plan approval.

~~b. For commercial uses, minimum lot area is 4,000 square feet.~~

(2) *Lot width.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot width is 150 feet.~~

~~c. For commercial uses, the minimum lot width is 30 feet.~~

a. Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot and to be a minimum of one Palm Beach acre in size, the minimum lot width would be a result of these two criteria.

(3) *Lot depth.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot depth is 200 feet.~~

~~c. For commercial uses, the minimum lot depth is 90 feet.~~

a. The minimum lot depth shall be determined by the definition of through lot in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot, the lot depth would be determined by the through lot requirement.

(4) *Density.*

~~d. For townhouses, the maximum density is 10 dwelling units per Palm Beach acre. See article III of this chapter for site plan review requirements.~~

~~e. For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre except as qualified below:~~

See article III of this chapter for site plan review requirements, with the residential component of not less than 25% of the total development.

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

(5) *Front yard.*

f. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

g. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

For all buildings, all stories above the 2nd story shall setback a minimum of ten (10) feet from the front of the building facades at the ground floor.

h. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required. When the side yard of a RPVOA property adjoins property zoned in any R district, a ten-foot side yard is required on that side.

(b) For all buildings, all stories above the second story shall be setback a minimum of fifteen (15) feet from all side facades of the building at the ground floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be setback a minimum of ~~ten (10)~~ twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no set back shall be required.

Staff recommends a 20 foot setback above the second story since Sunset Avenue is much narrower than Royal Poinciana Way.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 30 feet.
- c. For three-story buildings, by special exception only, the maximum building height is 45 feet.
- d. For four-story buildings, by special exception only, the maximum building height is 50 feet.
- e. Maximum allowable building height is 50 feet.
- f. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only, 50 percent on the third floor and 40 percent on the fourth floor. ~~Underground parking shall be permitted to have 100 percent lot coverage, subject to the applicable setback requirements for underground parking.~~

Underground parking cannot have 100% lot coverage since there are setback requirements.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement.

(12) *Applicability.*

In order to apply for the RPVOA, the property shall have a land use of Commercial and a current zoning designation of C-TS Commercial Town Serving. This overlay district shall not apply to any other land use or zoning category in the Town.

(o) Review Process; site plan approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum dimension of any structure or group of attached structures shall not exceed 300 feet along the public thoroughfare.~~

This language is provided elsewhere in the proposed overlay regulations.

(2) All developments within the RPVOA shall be subject to the Town's Site and Development Plan Process per requirements in Article III in Chapter 134 of the Town Code.

These changes insure that any RPVOA applicant is required to meet the criteria and process for site plan review.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades may be constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. ~~The Planning and Zoning Commission shall evaluate the application with reference to the specific criteria and provide a recommendation to the Town Council. The criteria proposed are as follows:~~

The Planning and Zoning Commission does not review land development applications such as site plan review and therefore should not be part of the process.

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public realm improvements, public open space and pedestrian amenities for the public benefit are included.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue is uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the conditional use process.

~~(5) Actions, designs, construction or other solutions not literally in accord with adopted Town ordinances are permitted provided they satisfy public purposes and provide public benefit to at least an equivalent degree.~~

This criterion is vague and implies that the implementation of Town ordinances can be waived.

(6) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(7) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(8) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(9) New buildings are encouraged to provide arcades or other forms of shaded base. The configuration dimensions and use thereof may vary with each project, but it should generally be a one story element less than 46 15 feet high and defined by columns, arches or other vertical supporting elements.

This would be consistent with other sections of the Code.

(10) All new developments are encouraged to incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(11) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances should be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(12) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(13) ~~Equipment rooms, stair towers, and towers used only as architectural features, may be erected no more than twenty percent (20%) above the allowable building height and may occupy no more than fifteen percent (15%) two percent (2%) of the ground floor area of such building or structure. Height exceptions are provided for in Sec. 134-1120 and Sec. 134-1607.~~

The other proposed changes either strike broad, more subjective language or make the requirements consistent with subsection (u) below. In addition, the other type of equipment is also addressed in Sec. 134-1607.

(s) Parking:

- ~~(1) Off-street parking including parking garages, underground parking if provided as part of the development and/or building(s) is permitted to front secondary or side streets, or alleys, and shall be fully enclosed within the structure. Parking garages and/or underground parking shall be screened from view from primary streets.~~
- ~~(2) Projects and/or building(s) that provide underground parking, parking garages or accommodate 50% or more of the project's parking needs on-site shall be permitted to increase the maximum lot coverage by 5%.~~
- ~~(3) Parking requirements for standard development within the district shall meet the requirements of Article IX. Due to the concentrated nature of the district, required parking for offices, professional and business services, banks and financial institutions, and retail and personal services uses may apply Section 134-230 in lieu of the standard parking requirements, whichever is less. For residential uses providing self-contained underground parking facilities, 1.5 spaces per dwelling unit shall be required the requirements of Article IX notwithstanding. In the event a variance for parking is required, the Town shall permit a property owner or developer to submit a parking study identifying the redevelopment or development's project needs and how those needs are proposed to be addressed. The parking study shall be prepared by a licensed traffic engineer. A parking study may take into consideration:
 - ~~(a) Available off-street parking owned or leased by the property owner or developer if not located on the same site as the proposed redevelopment or development project.~~
 - ~~(b) Public transportation~~
 - ~~(c) Peak hour parking generation rates~~
 - ~~(d) Any other alternative program proposed by the property owner or developer that meets the intent of the Town's parking requirements.~~~~

The Provision for required, supplemental and/or shared off-street parking is provided for in Sec. 134-2171 through 134-2320.

Staff recommends reference to the applicable code sections. The parking standards should not be changed for the overlay if a minimum of 50% of the parking has to be below the street elevation. On-site shared parking concepts are in the existing off-street parking provisions in the Code to provide flexible opportunities to accommodate required off-street parking.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(u) Architectural tower features:

~~In the RPVOA, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets. Architectural tower regulations are provided in Sec. 134-1120.~~

Staff recommends reference to the applicable code section. It is not necessary to create new language for the provision of architectural features.

(v) Definitions:

(1) Covered Open Space.

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) Landscaped Open Space.

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) Hardscaped Open Space.

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) Vertical Mixed Use.

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor ~~where limited residential uses may be permitted on the first story in interior courtyard areas set back at least fifty feet (50') from any public right of way, with residential uses above.~~

The definition should be consistent with the permitted uses.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

This new proposed provision is a "catch all" intended to ensure that all other provisions in the Code are complied with, including and not limited to sign regulations and definitions.

TOWN OF PALM BEACH

Town Council Meeting on: January 11, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #3-2012 The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirsaol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning

District. [Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Request for Deferral to the February 15, 2012, Town Council Meeting Per Letter Dated December 19, 2011, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated December 19, 2011, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel*•

•Also admitted in New York

•Also admitted in Michigan

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

December 19, 2011

VIA FACSIMILE: 561-835-4621

Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance #3-2012/ 108 El Mirasol, Palm Beach

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the January 11, 2012 Town Council meeting to the February 15, 2012 Town Council meeting. The reason for the deferral is that the project was deferred at Arcom at the December 16th meeting.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,



Maura A. Ziska

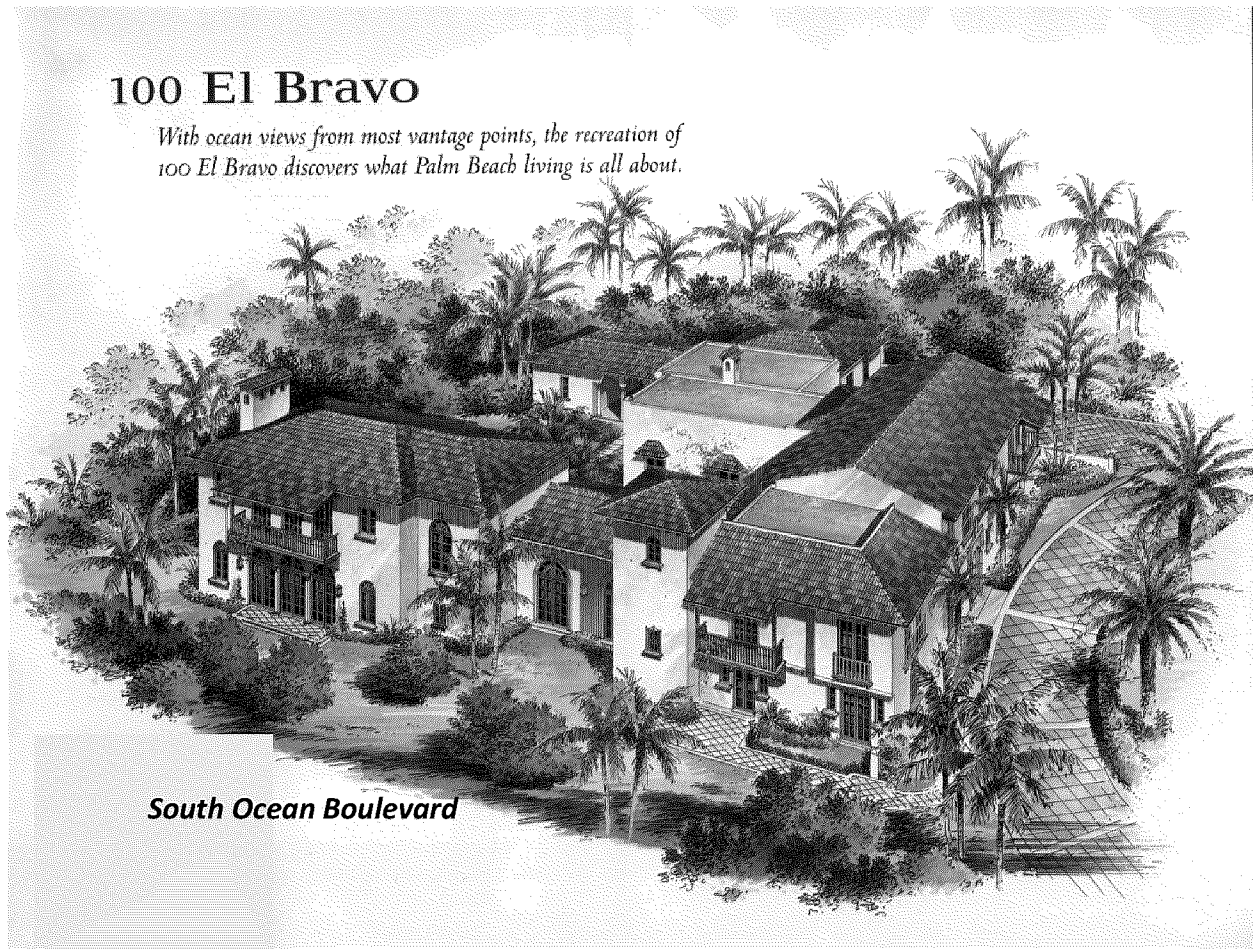
MAZ/mr

cc: Paul Castro

00012365

100 El Bravo Way, The Tropin Residence: Response to the Landmark Designation Report

John S. Garner, Ph.D., Preservation Consultant
502 E. Sunnycrest Ct., Urbana, IL



**November 16, 2011, Landmarks Preservation Commission,
Town of Palm Beach, FL**

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**100 El Bravo Way, The Tropin Residence: Response to the
Landmark Designation Report, November 16, 2011, Landmarks
Preservation Commission, Town of Palm Beach, FL**

John S. Garner, Ph.D., Preservation Consultant
502 E. Sunnycrest Ct., Urbana, IL

A Question of Architectural Integrity

When the Landmarks Preservation Commission voted earlier this year to move forward with designation, its members may not have been aware of the extensive changes to the residence in the last decade, nor approvals given by the Architectural Commission for those additions and renovations. In the Designation Report prepared by Research Atlantica, Inc. and submitted on October 17, 2011, these changes—amounting to a doubling in the size of the residence—are acknowledged. In that acknowledgement, section II of the report concludes: “Although alterations have been done, since most have been done by well known architects and builders, Casa Beata still retains its architectural integrity.” To the contrary, the architectural integrity of 100 El Bravo Way has been significantly and substantially compromised. That the original U- shape plan can still be identified within the expanded layout does not mean that the walls that define it or spaces within have not been changed.¹

The word *integrity* has been defined by the National Park Service as that which gives a property meaning and value, and it is the very underpinning of the NPS Standards for Rehabilitation. These standards are included in the *Landmark Manual* prepared by Jane S. Day for the Town of Palm Beach. In a sales brochure (cover page) printed by Elias Management and Construction, ca. 2002, a perspective view of the residence was prepared and captioned “With ocean views from most vantage points, the recreation of 100 El Bravo discovers what Palm Beach living is all about.” Aptly used is the word *re-creation*, and what is represented in the view is what Palm Beach living today is all about—a mansion with every creature comfort—and not the modest casa originally designed by Marion Sims Wyeth.²

Meeting the Designation Criteria

The designation report asserts that the residence meets three of the criteria necessary for designation under Sec. 54- 161 of the Landmark Ordinance.³

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

¹ Designation Report, Wednesday, November 16, 2011, Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc., p. 4; 100 El Bravo, a sales brochure printed by Elias Management & Construction, Inc., n.d.

² William J. Murtagh, **Keeping Time**, NY: John Wiley, 2003, pp. 117-18; **Landmark Manual** prepared by Jane S. Day, Town of Palm Beach, Florida, Landmarks Preservation Commission and The Preservation Foundation of Palm Beach, 2009, pp. 32-35.

³ Designation Report, p. 9.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

100 El Bravo Way, Palm Beach, Florida, does not qualify for listing under any of the designation criteria. The residence has undergone substantial additions, remodeling, and renovations. In the process, its original character and historic integrity have been compromised. The residence, as it exists today, is not the one identified by Walter C. Kidney for the Florida Master Site File in 1980; nor is it the same as described in the guide written by Barbara D. Hoffstot, *Landmark Architecture of Palm Beach*, in 1974. Beginning in 1980 and continuing to 2002, the residence underwent substantial enlargement and many of its historic architectural features were changed. Because of these changes, and especially those seen in public view from El Bravo Way and South Ocean Boulevard, the nomination should not be approved for listing by the Landmark Preservation Commission of the Town of Palm Beach.⁴

Why the Designation Criteria are not applicable

Criterion (1) The residence as viewed today is not the one described in the social columns of the 1920s. Were it to reflect the **“broad social. . .or cultural history. . .of the town”** it should appear as it was in the historical photos and write-ups referred to in the Designation Report. The current house does not, nor is the residence experienced today in the same open-air way of the Wyeth design. It is true that the original owners—the Dobyne—hosted parties and events, but the Ditmans who followed were rarely cited in the press. Does the criterion apply only to the roaring twenties, the Gatsby era of parties and celebrations? If so, the current house does not reflect the broad history of the Town, only one brief part of it (see page 19 and footnote 14).

Criterion (3) The residence was designed in the Mediterranean style, but too many of its distinguishing features have been lost. It is no longer **“a specimen inherently valuable for the study of a period, style, method of construction.”** There are far too many better examples of the period, style, and construction which have already been designated or have yet to be designated. While the recent renovations and additions were made in sympathy with the earlier work, the original entry portal, doors, windows, chimney, balconies, and grilles have been removed or replaced. Perhaps in part to the

⁴ Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as “Altered.” Barbara D. Hoffstot, *Landmark Architecture of Palm Beach* Pittsburgh: Ober Park Assoc., 1974, p. 166

changes made, 100 El Bravo Way has not been included in books dedicated to Palm Beach architecture published in recent years (see page 22 and footnote 15).

Criterion (4) Architects, Marion Sims Wyeth and later Howard Major, were accomplished artists “**whose individual ability has been recognized or who influenced his age.**” But to what degree is their work still to be seen in 100 El Bravo Way? Their work has been transformed. Major sacrificed Wyeths’ asymmetry in the north elevation and scrapped his beautiful wrought- iron grilles. In turn, Major’s handsome garden pavilion was destroyed in later additions. The residence as seen today should be ascribed to the work of Smith and Moore. Following the owners instructions, and with the approval of ARCOM, they substantially transformed the north and east facades.

History and Description of Construction

Occupying Lot 2, El Bravo Park Addition, Town of Palm Beach, 100 El Bravo Way, is a residence designed in the Mediterranean style, also known as the Mediterranean Renaissance Revival style, a style popularized by Addison Mizner (1873- 1933) in the period 1915 to 1925 and thereafter until the 1930s. The architect, Marion Sims Wyeth (1889- 1982), embraced the new style introduced by Mizner and proceeded to create a residence once known as Casa Beata for George A. Dobyne of Beverly Farms, Massachusetts. The building permit was issued in December of 1922 and most of the drawings were completed during that month. Construction took place in 1923 and the builder of record was H.R. Corwin. At the time, the estimated cost was \$70,000.⁵

The foundation was concrete slab supported by concrete grade beams beneath load- bearing walls constructed of hollow tile and finished on the exterior in stucco, a mixture of lime, sand, and fine gravel. The finish floors were brick with encaustic tile pavers. The roof framing was timber, and where the timber was exposed, such as in the living room trusses and the exterior balconies and rafters, the timber was pecky cypress. The roof was a combination of built- up tarred felt and red mission tile. The windows were wood casement. The

⁵Entry for Marion Sims Wyeth by Victoria Newhouse, Adolf K. Placzek, ed. , **Macmillan Encyclopedia of Architecture** NY: The Free Press, 1982, p. 457; Plat for El Bravo Park, Plat Book 8, pg. 9; Request for Building Permit for Residence, Lot 2 of El Bravo Park, permit #57. Dec. 30, 1922.

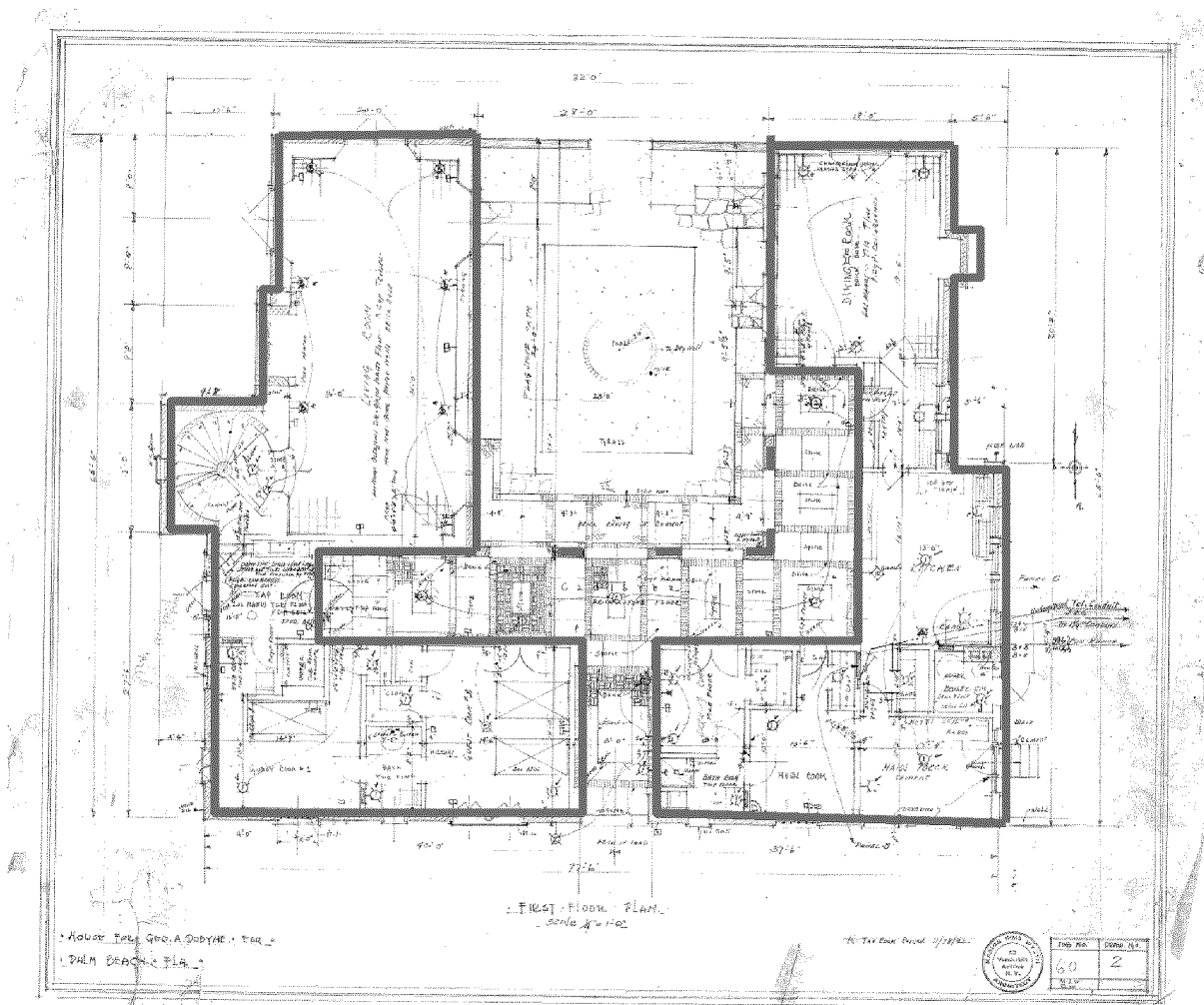


Fig. 1 First Floor Plan of 100 El Bravo Way as originally constructed in 1923. The green lines (by author) show the enclosed portion of the residence. The vestibule and loggia are open. Wyeth Collection, Preservation Foundation of Palm Beach.

interior wall finish was Acme plaster. A second floor reached by a circular stair provided a master bedroom, closet and bath. At 5518 sq. ft., including the garage, the residence was modest in size compared to some of its neighbors.⁶

This residence and others of the period designed by Wyeth in the 1920s relied on natural ventilation. The living and sleeping areas usually spanned a single bay with windows to either side. Loggias served as external hallways, and although covered by roofs to shed rain and shield the sun, they were open to

⁶ Wyeth Collection, "A House for George A. Dobyne," plans, et al., Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

the breezes. The mild climate of Palm Beach and prevailing ocean breezes meant that doors and windows were often left open. Although a portal existed where the present front door is located, there was no door originally, only a wooden grille to serve as a gate.

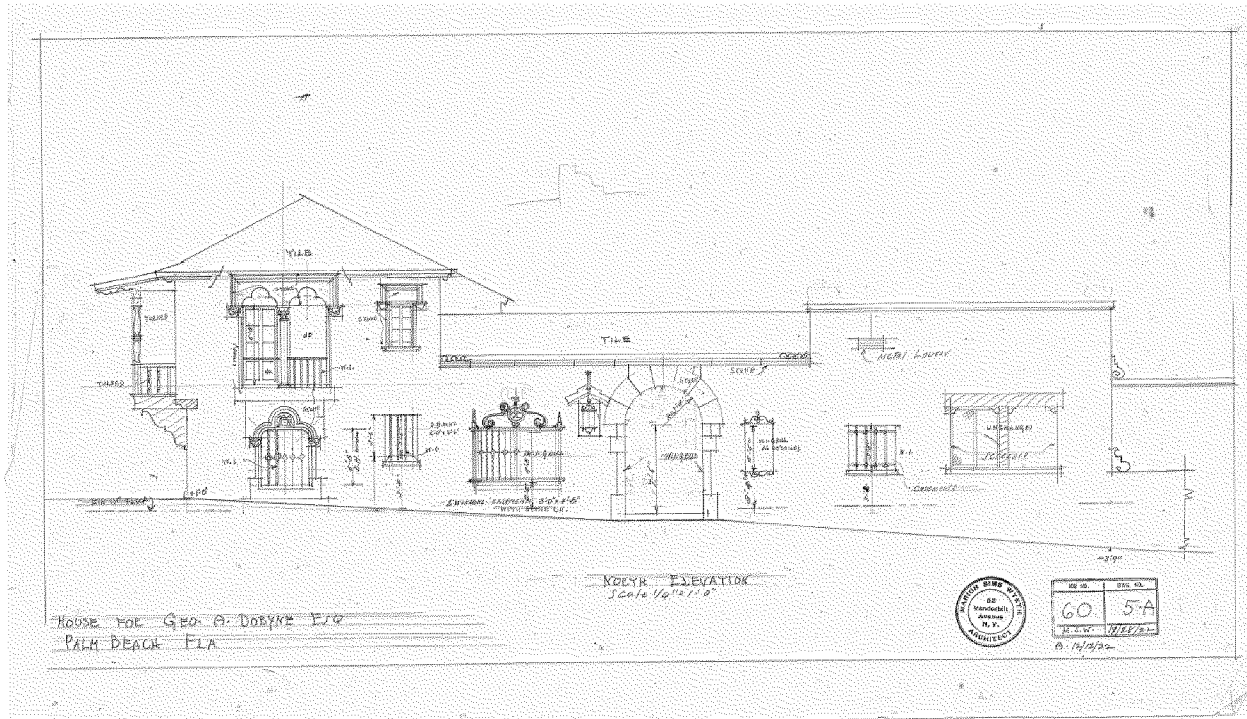


Fig. 2 North Elevation of 100 El Bravo Way as drawn in 1922. As constructed in 1923 the north-facing balconies and cast-stone rustication shown at the portal were left out. Of note, however, are the decorative window grilles, which were built as shown. Wyeth Collection, Preservation Foundation of Palm Beach.

In elevation, the massing was asymmetric. Windows and balconies were the signal features used to accent the stucco walls. Wyeth took special care in designing grilles, both in wood and wrought-iron, to accent doors and windows, all in character with the Catalan influences of the style. In all likelihood these grilles were produced by the Los Manos factory founded by Mizner to supply the many new residences in Palm Beach and elsewhere in South Florida designed by himself, Wyeth, and others.

Wyeth excelled in designing residences in the Mediterranean style and he probably had greater finesse when it came to the detail of the style than other of his Palm Beach contemporaries. Wyeth, after all, had overseen the

reconstruction of the Venetian palazzo, Villa Giardini, when relocated to Palm Beach in 1920.⁷

Moreover, Wyeth had traveled extensively in Europe, including Italy and Spain, during his architectural studies at the Ecole des Beaux Arts.⁸

In the seminal work on the Mediterranean style, Rexford Newcomb's ***Mediterranean Domestic Architecture***, 1928, five of Wyeth's residences are illustrated in plan and photograph. In each case the residences have unenclosed circulation with two or three walls in each room benefitting from natural ventilation. Most have U-shaped plans centered on patios. Assuming Wyeth had some say in which residences were selected for publication, it is



Fig. 3 Frank P. Frazier Residence, Palm Beach, FL, 1925 , Marion Sims Wyeth. Note the U- shape plan with court- yard at center, facing South Ocean Blvd. For natural ventilation, the wings are single bay in width and the loggia is open, just as in the case of 100 El Bravo Way. Newcomb, ***Mediterranean Domestic Architecture***, 1928.

⁷ Justin A. Nylander, *Casas to Castles: Florida's Historic Mediterranean Revival Architecture* Arglen, PA: Schiffer Publications, 2010, pp. 153-201.

⁸ Wyeth, *Macmillan Encyclopedia of Architecture*, p. 457.



Fig. 4 North Façade from entry portal looking southeast. Note the single- story entry bay. In a departure from the architect's drawings, there is no ornamental treatment of the portal, no rusticated stone or stucco surround. As shown, the only rooms to occupy the second story are the master bedroom and bath. The present façade bears no resemblance to the original. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 5 Detail of North Façade showing ornamental wrought iron grille, lantern and pent roof, none of which presently exists. The lost iron work was custom-made to the architect's specifications and probably produced by the Los Manos factory, founded by Mizner. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 6 Contemporary photo of the section of the wall shown above. Note that it bears no resemblance to the original design. Photograph by James Norquest, Gunster, Yoakley and Stewart, September 2011.

Worth noting that 100 El Bravo Way was not included. Those which were illustrated were Casa Alexandro, Tre Fontaine, and the Wheeler, Geist, and the others were larger and more imposing.⁹

⁹ Rexford Newcomb, **Mediterranean Domestic Architecture in the U.S.** Cleveland: Jansen, 1928, pp. 114-43.



Fig. 7 Photo looking south from within the entry portal. In the background lies the courtyard. All of these spaces seen in the entry vestibule and intersecting loggia are open to the elements. This is no longer the case.

In 1930 a front door replaced the wooden gate in the vestibule and beginning in 1980 the first floor loggia was enclosed in glass. New glass doors were installed in 2000- 01. Photograph by Frank E. Geisler, Preservation Foundtion of Palm Beach.

In 1930 Howard Major (1883- 1979) designed additions to 100 El Bravo Way. In addition to extending a second story across part of the north façade to create a new guest bedroom and bath, he also expanded the servant's quarters and designed a laundry addition and garden pavilion on the west and east sides of the residence, work totaling more than \$42,000. He also extended in length the dining room to the south. Smith and Riddle were the contractors for the approximately 2,000 sq. ft. of new enclosed floor area. Although Major designed his additions in sympathy to the existing style, he attempted to create a somewhat more balanced composition in the north façade, and in the process eliminated some of the more beautiful and ornamental grille work. Major's design of the façade was more restrained than Wyeth's. He removed the small entry portal. He also closed the portal with a cypress door.¹⁰

¹⁰ Howard Major, "Alterations to Residence of George Dobyne, Esq.," Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

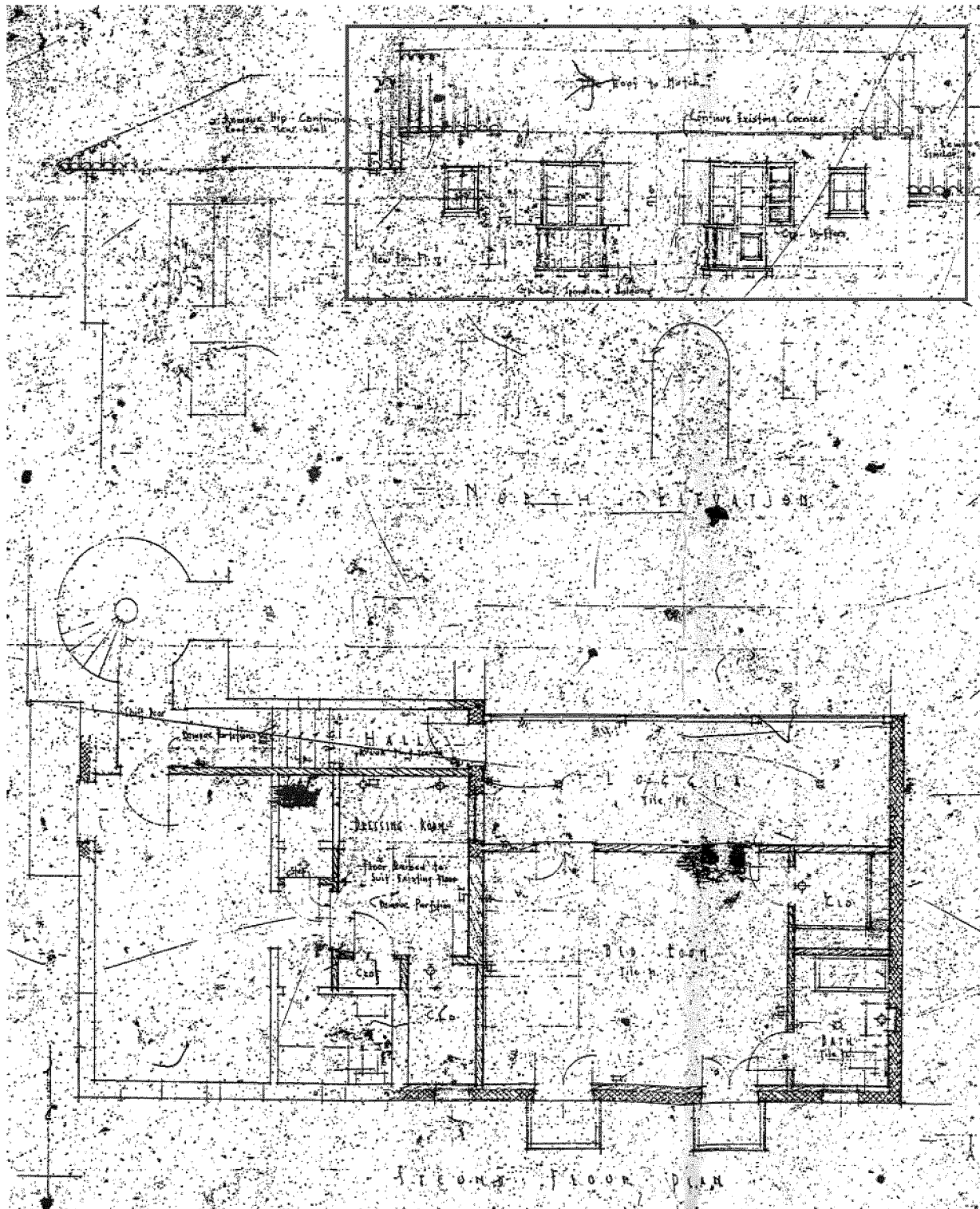


Fig. 8 North Elevation and Second Floor Plan drawn by Howard Major, 1930. New construction in elevation shown in red outline. In plan, the cross-hatched area is new construction. The loggia is open.

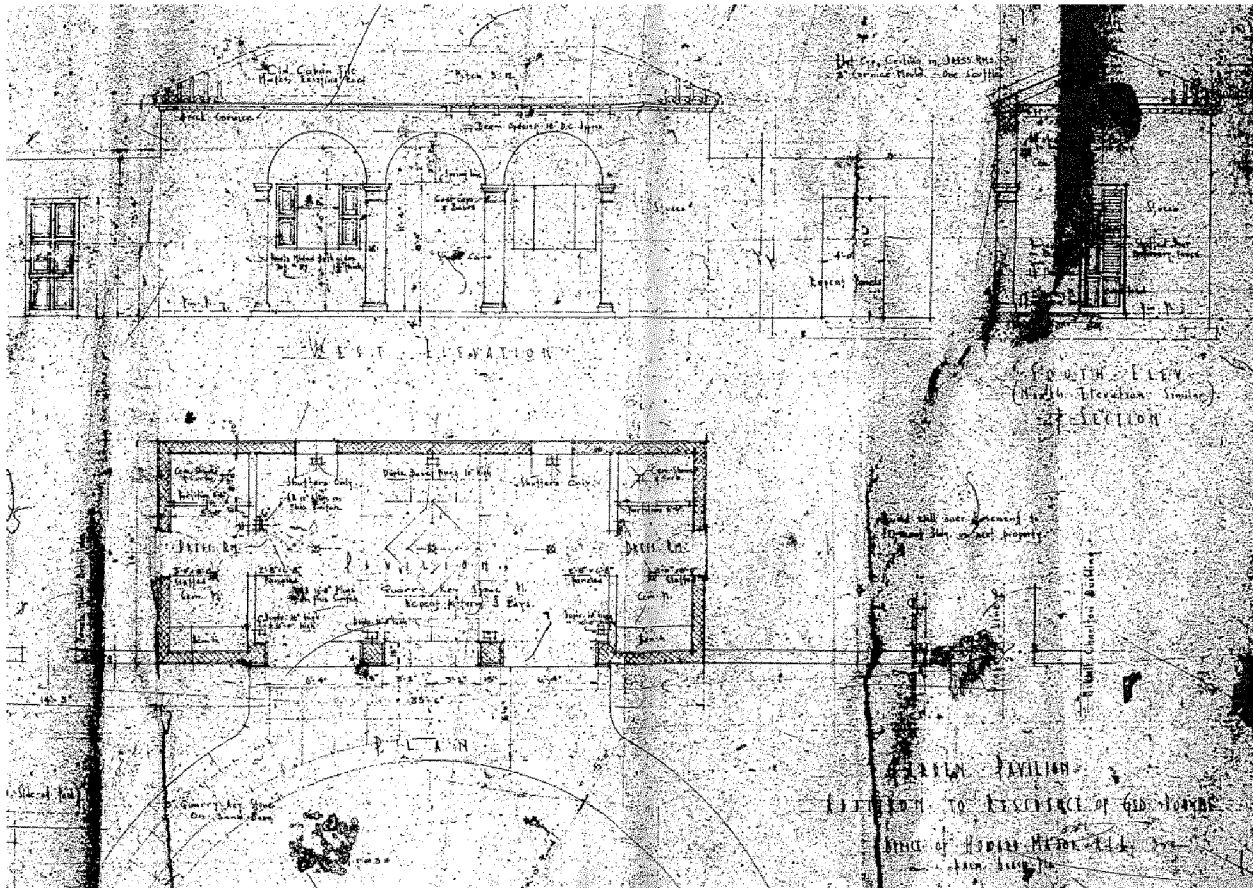


Fig. 9 The Garden Pavilion drawn by Howard Major, 1930, which served as dressing rooms for the swimming pool that had been added in 1928. It lay south of the original living room and was seen from South Ocean Boulevard. It was razed in 2001 to make way for the new living room and bedroom wing.

In 1935, the residence was sold to the Ingleton Company and in June of 1941 the property was conveyed to Norman E. Ditman. During the Ditmans ownership only minor repairs were made, such as the repair of roofing. The same is true of George S. Steele who acquired the property in 1969 and retained it until 1980¹¹

Until 1980, when the residence was purchased by Samuel I. and Victoria B. Newhouse, the architecture as seen from the exterior was largely that of 1930. It is after 1980 that major changes were made. The architect Belford Shumate was employed to renovate the living quarters of the residence and to restore some exterior features and finishes. There were a number of structural issues that also needed addressing, and the firm of Hutcheon Engineers was hired to

¹¹ 100 El Bravo Way, Building Permits, Dept. of Public Work, Town of Palm Beach, entries 1935 to 1960; James Norquist, Gunster, Yoakley & Stewart, chain of ownership.

resurvey the property. In Shumate's "Restoration, Repairs and Revisions," as the project was labeled, he altered the east façade by removing a pair of Wyeth's windows and replacing them with casement doors and a balcony. The loss of the windows with their Venetian trefoil influenced arched openings diminished the character of the façade as Wyeth had designed it. On both the east and north facades, the wood in the balconies was replaced. Inside, the first of two elevators was installed, the kitchen remodeled, and bathrooms updated with new fixtures. Of equal consequence, the residence was now air conditioned with a central air delivery system. The first- story loggia, facing the courtyard, was enclosed with plate glass- doors. The environmental character of the residence was changed. The rooms no longer adjusted to the temperature and humidity to breathe with the climate.¹²



Fig. 10 Detail of cypress timbers supporting the loggia above requiring substantial restoration in 1980. The original timbers here were preserved. Window above doors in fanlite dates from the renovations in 2000- 2002. Photo by author, 2011.

¹² Belford Shumate, "Restoration, Repairs, and Revisions to 100 El Bravo Way, Palm Beach, FL."

chimney and fireplace were removed and a pair of outward opening casement doors were put in their place. This alteration affected both the exterior as seen from South Ocean Boulevard and the historic interior of the original living room.

Smith and Moore made the additions in sympathy to the existing style and finishes. Some of their decisions, such as window replacement, were in part code driven. The original casement doors and windows could have been

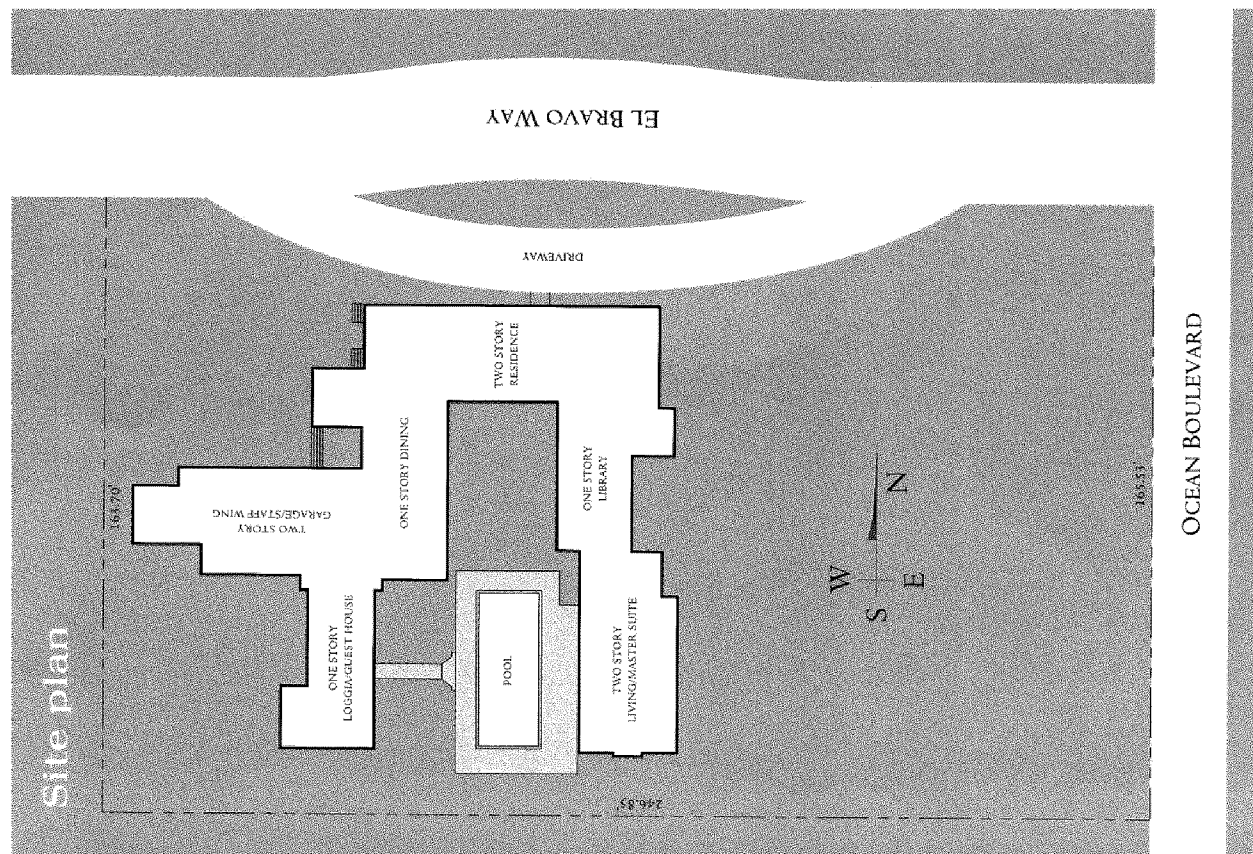


Fig. 12 Configuration of present site plan, construction completed in 2002.

up-graded, though at additional cost to that of replacement. These renovations, alone, would disqualify the residence from National Register consideration. Further, the architects enhanced the original entry-way with a stone surround, where none had previously existed. Most troubling, however, was the decision to raise a portion of the wall forming the north façade. This was done at the client's request to provide an additional bedroom above what had been the maid's room in the Wyeth drawings. This affected both the massing and the balance in proportions of the facade created by Major back in

1930. In Major's composition, the wall stepped down and provided a better balanced effect of openings to solid wall.¹³



Fig. 13 View of the North façade, showing the altered wall in red outline. The raised wall in this area permitted the construction of an additional guest bedroom. The wooden balcony was also created to complement those on the east façade. Photo by James Norquest, 2011.

¹³ 100 El Bravo Way, Building Permits, Planning, Zoning & Building Department, Town of Palm Beach, 2000-2001, North Palm Beach Engineering, Inc., Specifications and drawings, Residence at 100 El Bravo Way, February 8 and March 12, 2001; See Secretary of the Interior's Standards for Rehabilitation in Murtagh, **Keeping Time**, p. 184.

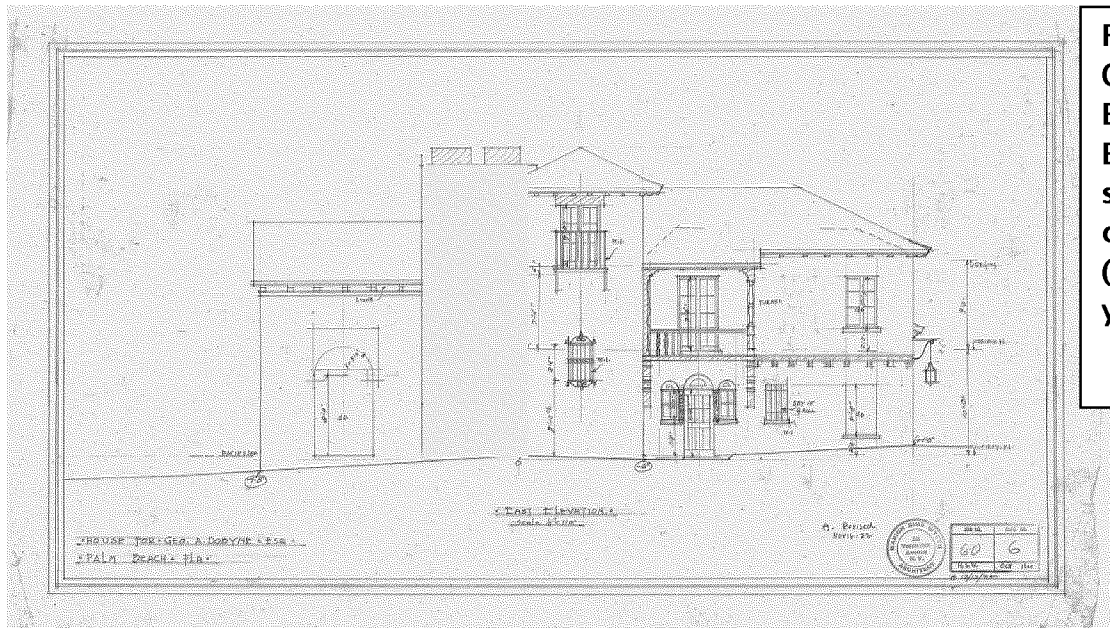


Fig. 14
Original
East
Elevation,
showing
chimney
(in
yellow)

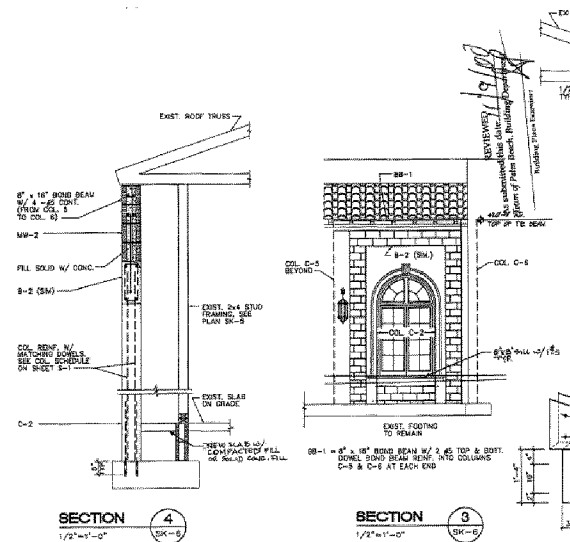
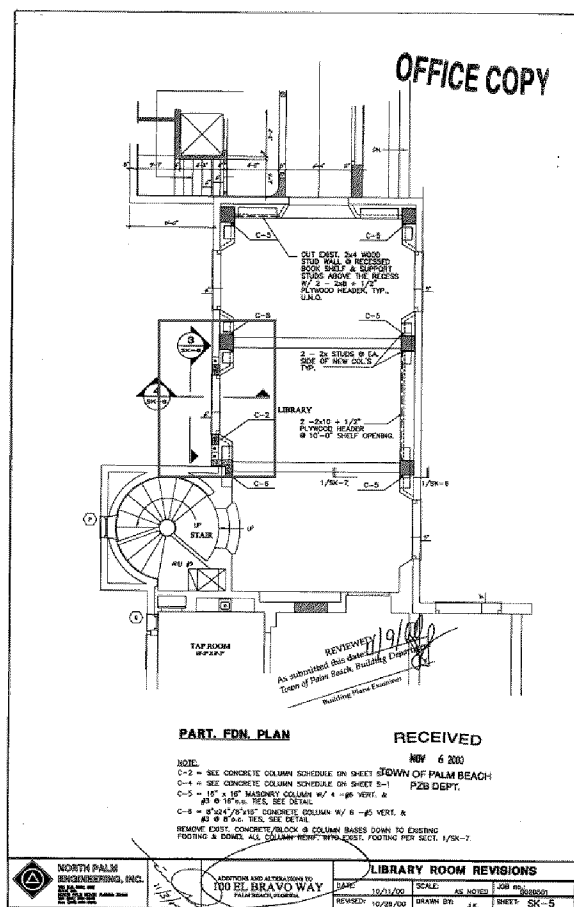


Fig. 15 Detail drawings prepared by North Palm Beach Engineering, Inc., Feb. 8, 2001, showing plan, section, and elevation of what was the original chimney and fireplace, removed for casement doors. Location outlined in red.

Social and Cultural History of 100 El Bravo Way

The residence was designed and constructed during the heyday of Palm Beach construction. Vacationing families who prior to WWI had quartered in the large residential hotels were now constructing private residences, especially in the area south of Worth Avenue and the Everglades Club. Many entertained company in their homes and clubs, and the George A. Dobyne's were no exception. Most of the new residents came down from the Mid- Atlantic and New England states to enjoy the winter season, and their camaraderie was class driven. As industrialists and financiers, or their legatees, they had much in common. Many enjoyed putting their affluent life- styles on display. But just as quickly as this period flourished, it ended. The Great Depression wiped out many of the nouveau- riche. Like the Dobyne's, a number of home owners were forced to sell their estates. Restraint if not austerity introduced new styles of architecture, and the sunny opulence, ebullience, and exoticism displayed in the Mediterranean style gave way to variations of Neo- classicism seen in the Georgian Revival and Regency styles, especially as borrowed from the West Indies. It would be an exaggeration to suggest that 100 El Bravo Way is reflective of the "broad social. . .cultural history. . .of the town" because of what took place there in the 1920s, any more that it reflects the 2000s. Moreover, the residence as seen and inhabited today, is not the one that experienced the dinner parties and swimming events of that earlier era. The open air, open circulation which provided the space for numerous guests—on one occasion two hundred at a swimming event—is no longer the case. The courtyard and pool are now flanked by two imposing wings to the east and west as well as a garden wall on the south. The leisure of indoor/outdoor circulation by open loggia no longer exists, a victim of air conditioning and security.¹⁴

¹⁴ For perspective, see Cleveland Amory, **The Last Resorts**, New York: Harper, 1952; "Palm Beach Social Index," **The Spur**, April 1, 1926, p. 118; "200 in Palm Beach at Dobyne Villa," **New York Times**, Feb. 8, 1928; "G. A. Dobyne's give a Christmas Party," **New York Times**, Dec. 25, 1929; "At the Winter Resorts," **The Spur**, Jan. 1, 1925, p. 28.



Figs. 16 and 17 Detail views of the north façade showing the raised portion of the wall in the second story and the portal surround. Neither of these features are historic. The new balcony does not match those on the east facade which are less tall or attenuated in comparison.

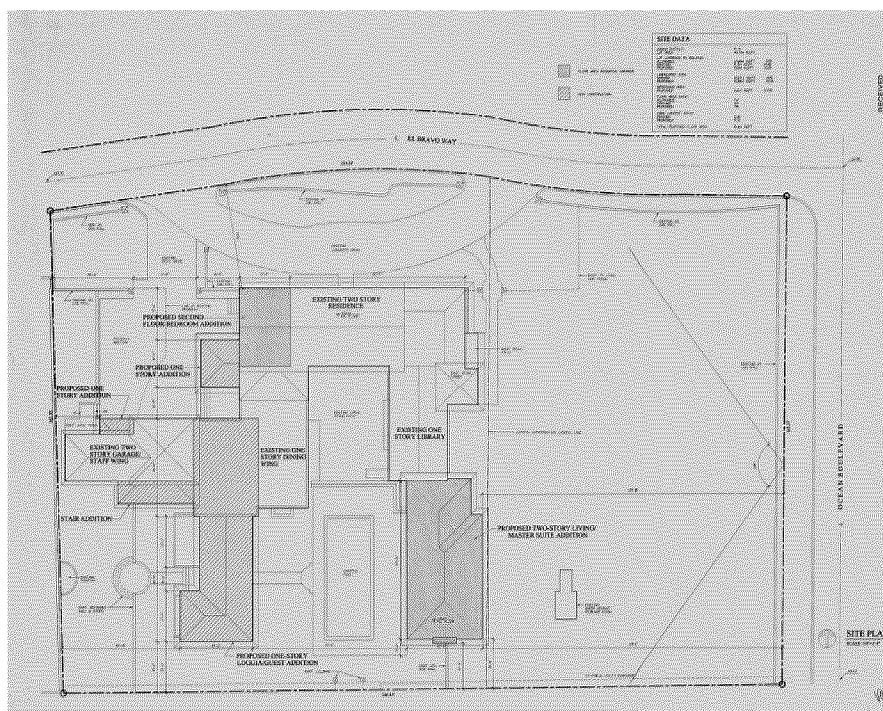


Fig. 18 Site plan prepared in 2000 by Smith and Moore, showing in darker gray the additions only and not the renovations.

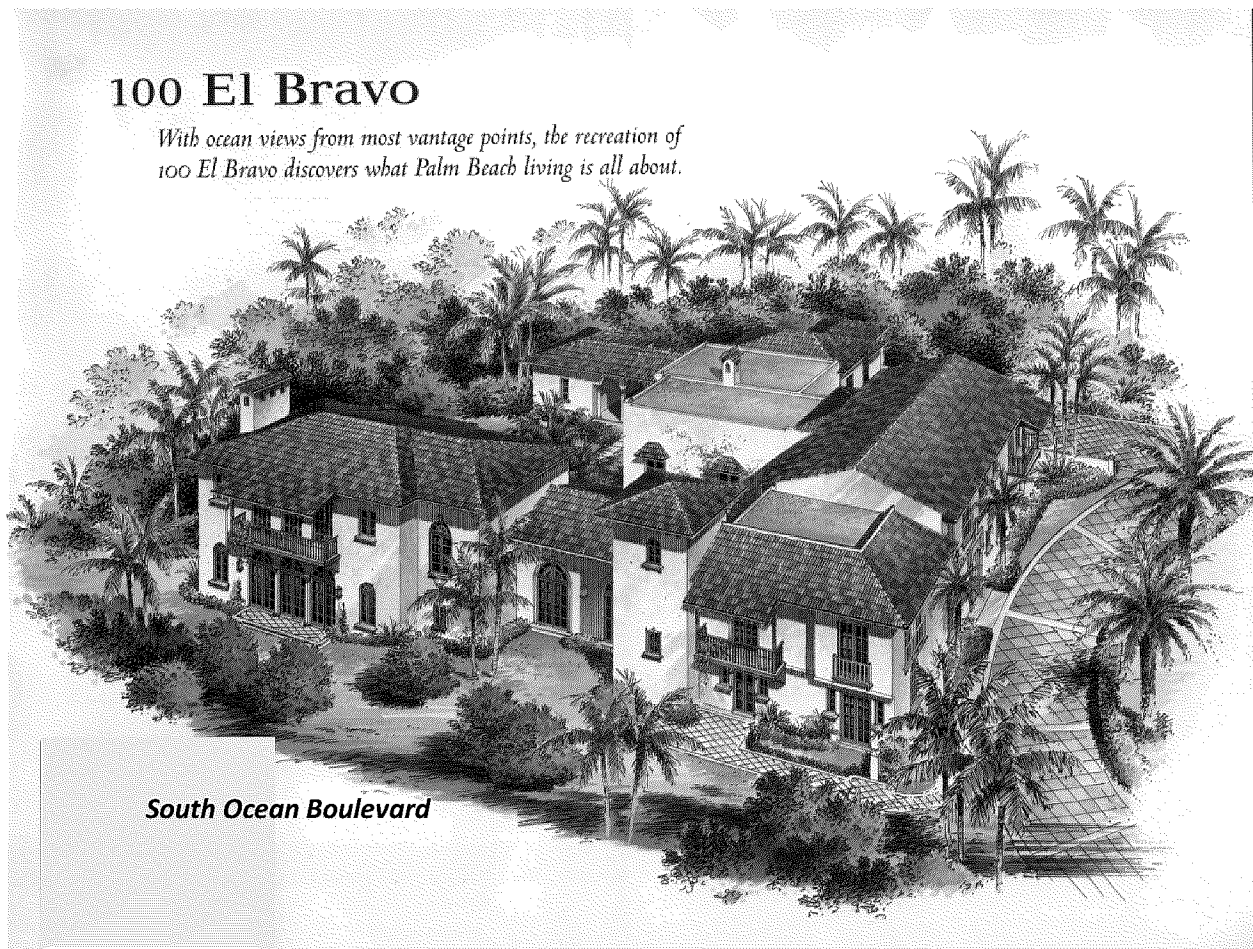


Fig. 19 This perspective drawing of 100 El Bravo Way prepared for a sales brochure in 2002 bears little resemblance to the residence designed by Wyeth and amended by Major. Wyeth collection, Preservation Foundation of Palm Beach, Palm Beach, Florida.

Summary List of Changes to the Original Structure

- 1) In November 1928, a swimming pool was constructed south of the courtyard. The garden wall on the south was razed and the axis of the site extended.
- 2) In August and September of 1930, building permits were granted for designs by Howard Major for additions to the ground floor and second story, affecting the character of the north façade. A garden pavilion was erected to complement the new swimming pool.
- 3) In January, March, and June 1980, permits were granted for work by the architect Belford Shumate for exterior and interior remodeling and the restoration of all rotten wood. A double window on the second floor of the master bedroom designed by Wyeth and facing South Ocean Blvd. was replaced

with a balcony and casement doors. A new site survey was executed by Hutcheon Engineers, and the roof tile was replaced.

4) In May and July 2000, architects Smith and Moore, following the approval of a variance request to exceed permissible wall heights, designed additions and renovations amounting to a doubling of the size of the residence, building permits were granted. A new two-story wing containing living quarters south of the original living room was erected facing South Ocean Blvd. To the west side of the residence, a family room, kitchen expansion, and garage and servants' wing were added or enlarged. The north façade facing El Bravo Way was changed with the extension in wall height on the second floor to match existing heights and permitting higher ceiling space in a guest bedroom. The entry portal was up-graded with a stone surround, balcony railings were replaced, and new windows replaced old. Wyeth's original fireplace, visible on the east was also removed. The landscape to the north, east, and within the courtyard area was also changed.

5) In February 2001, a permit was granted to once again replace the tile roof.

Concluding Remarks

The residence seen in Fig. 19 bears little resemblance to the original design of Wyeth or the addition of Major. If anything, it reflects the contemporary work of Smith and Moore. In the minutes of the Architectural Commission of the Town of Palm Beach, there was no reservation given to the potential or future landmark designation of the residence during applications for variance approval or design approval in May and June of 2000. Surely ARCOM would have questioned such a large addition, not to mention the sweeping renovations to an historic residence, had it considered it worthy of designation. Only the Town Council on review considered the proposed work to be “overwhelmingly massive.” Why is it that 100 El Bravo Way has escaped the attention of writers and photographers intent on capturing the architectural history of Palm Beach. The likely answer is that the residence no longer reflects the plans and elevations of its original designer. Wyeth was a master architect who excelled in the various architectural styles of the early twentieth century. Had his original drawings been fully realized, and had the residence maintained its architectural integrity, it would have been an historical example worthy of study in both style and craftsmanship.¹⁵

¹⁵ Architectural Commission, B50-00, Additions, May 24, 2000, testimony by Elias and Moore regarding changes to 100 El Bravo Way approved; Variance #17-2000, June 13, 2000, Planning, Zoning & Building Department, Town of Palm Beach; With the exception of the Hoffstot guide published more than 35 years ago, there is no reference to 100 El Bravo Way in the architectural press. It is not cited in Shirley Johnston's **Palm Beach Houses**, NY: Rizzoli,

The Landmarks Commission is asked to make its findings based on the evidence in hand—what has been presented in the designation report. The report fails to describe in any detail, let alone differentiate, the historic work of the architects involved. It suggests that the recent expansions and alterations to the residence have not affected its integrity. In the words of the report's author: "Although alterations have been done, since most have been done by well known architects and builders Casa Beata still retains its architectural integrity." But the truth is that well respected architects and builders, acting on the wishes of their clients, and with approval by the oversight commissions of the local government, removed and replaced historic additions and features, including a garden pavilion, balconies, chimney, railings, doors and windows.

100 El Bravo Way is a handsome residence which is much enjoyed by its present owners. If anything, it has been a work in adaptive re- use, expanding and upgrading to meet its owners needs. But because of its extensive changes, it should not be considered for designation. Had the Shumate and the Smith and Moore alterations been reviewed by the Landmarks Commission, it would have found that they violate the landmark ordinance. For example, **Sec. 54- 123.**

Exterior Alterations. states "Exterior alterations shall not affect the architectural quality or historical character of the building." The Landmark Commission's **Landmark Manual** sets out in both the *Secretary of Interior's Standards for Rehabilitation* and *Rehabilitation and Maintenance* the type of work deemed appropriate for restorations and additions to historic structures. In this case, the work done does not meet these standards and guidelines.

For the reasons cited in this report, The Landmarks Commission should vote against the designation of this residence.¹⁶

1991; Jennifer Ash and Alex McLean, **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992; or Justin A. Nylander, **Casas to Castles: Florida's Historic Mediterranean Revival Architecture** Arglen, PA: Schiffer, 2010.

¹⁶ Landmark Ordinance, Sec. 54-123. (b); **Landmark Manual**, pp. 32-38,

Appendices

Chain of Ownership of 100 El Bravo Way

1.	Clement, Anna L.	Charlton, Earle P.	07/26/1922
2.	Charlton, Earl P.	Dobyne, Margaret M	12/07/1922
3.	Dobyne, Margaret M. & George A.	The Ingleton Company	10/23/1935
4.	The Ingleton Company	Ditman, Norman E.	06/06/1941
5.	Ditman, Grace, Cumnock,	President and Fellows of Harvard College	11/14/1968
6.	President and Fellows of Harvard College	Steele, George s. and Martha S.	04/15/1969
7.	Steele, George S. & Martha S.	Glessner, John J (III)	08/22/1977
8.	Steele, George S. (Jr.) and Glessner, John J. (III), individually and as Trustees under the Indenture dated 6/6/77	Newhouse, S. I. (Jr.)	03/18/1990
9.	Glessner, Virginia	Newhouse , S.I. (Jr.)	03/18/1980
10.	Barrett, Evelyn S.	Newhouse, S. I. (Jr.)	03/18/1980
11.	Elhadj, Deborah	Newhouse, S. I. (Jr)	03/18/1980
12.	Wadsworth, Ellen G.	Newhouse, S. I. (Jr.)	03/18/1980
13.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, S. I. (Jr.) and Victoria B., h/w	10/21/1980
14.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, Victoria B.	08/12/1996

15.	Newhouse, Victoria B.	South Ocean El Bravo LLC	04/18/2000
16.	South Ocean El Bravo LLC	Tropin, Kenneth G. & Kathleen	05/29/2003

Record of Building Permits

ADDRESS _____ 100 El Bravo Way _____

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
January 1921	Plat for El Bravo Park recorded	Plat Book 8 Pg. 9	
December 9, 1922	Deed recorded transferring Lot 2 of El Bravo Park from Earl and Ida Charlton to Margaret M. Dobyne	Deed Book 171, Pg. 421	No liens recorded on property in County records
December 30, 1922	Request for building permit for residence Work value \$70,000 ?	Permit # 57	Owner: George A. Dobyne Builder: H.R. Cowen
April 30, 1928	Request for building permit for additions to ?? room Work value \$1800 ?	Permit #6028	Owner: Dobyne Builder: F.B. Earle
---- 17, 1928	Repair storm damage Work value \$4700	Permit #19728	Owner: Asa Dobin Builder: J.R. Waldeman
November 13, 1928	Construct swimming pool Work value \$6000	Permit #31128	Owner: George Dobyne Builder: Jack Stephens
April 24, 1929	Addition to pantry Work value \$1500	Permit #7429	Owner: George A. Dobyne Builder: J.R. Hackman
August 17, 1930	Additions and alterations	Permit #12530	Owner: George Dobyne

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Work value \$9000		Builder: Smith & Riddle
August 21, 1930	Residence to be enlarged "by the addition of a second story and a complete servants' wing"; estimated cost \$25,000	Newspaper article	Owner: George A. Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u>
September 16, 1930	Laundry extension and garden pavillion Work value \$8000	Permit #13250	Owner: Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u> Partial Plans available
October 9, 1935	Deed recorded transferring Lot 2 from Margaret M. and George A. Dobyne to The Ingleton Company	Deed Book 518 Pg. 80	
May 10, 1941	Alteration? Work value \$13,450	Permit #1244?	This permit appears to refer to a different residence, not 100 El Bravo Way
June 4, 1941	Deed recorded transferring Lot 2 from The Ingleton Company to Norman E. Ditman	Deed Book 631 pg. 125	
November 19, 1955	Repair roof Work value \$180	Permit #4155	Owner: Mrs. Norman E. Ditman Builder: D.W. Pitts
February 12, 1957	Repair ? Work value \$500 ?	Permit #7857	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
October 22, 1957	??---servant's quarters Work value ?	Permit #?	Owner: Mrs. Norman Ditman Builder: Adelpia Construction
December 21,	Repair roofing, first floor area at open terrace below	Permit #81659	Owner: Mrs. Norman Ditman

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
1959	second floor balcony area Work value \$300		Builder: D.W. Pitts
January 19, 1960	Erect pool fencing Work Value \$120	Permit # 3660	Owner: Mrs. Norman Ditman Builder: Southern Steel Co
---,---, 1960	Replace flat roof.... Work value \$400	Permit #77260	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
---,---, 1980	Restore all rotten wood on house --- outside and interior remodeling according to attached list Work Value \$50,000	Permit #08601	Owner: Mrs. Newhouse Builder: Frank H. Johns Construction
March 10, 1980			Have survey of this date
June 13, 1980	Replace tile roof Work Value \$49,873	Permit #08808	Owner: Mrs. Newhouse Builder: North Roofing
June 1980	Restoration, repairs, and revisions to 100 El Bravo	ARCOM #65-80	Plans prepared by <u>Belford Shoumate</u> Partial Plans available
September 9, 1980	Variance request to install a second kitchen in existing second floor staff's quarters	Variance #31-80	Approved by Town Council subject to kitchen removal agreement, later recorded in Book 3402, Pg. 0056. Plans associated with the variance were prepared by <u>Belford Shoumate</u>
May 14, 1985	Variance request to construct 10' chain link fence along a portion of the south property line	Variance #29-85	Approved by Town Council at 8' high Owner: Samuel Newhouse

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
November 1985	Plan for 8' chain link fence with coral stone posts and new aluminum gate on south property line		Plan reviewed by Building Department <u>Alexander Gorain/Gorlin Architectural Design</u>
August 12, 1986	Warranty deed recorded transferring Lot 2 from S.I. Newhouse and Victoria B. Newhouse to Victoria B. Newhouse	Book 4969 Pg. 0296	
April 9, 1987	Plan for new canopy over door at northwest corner of house		Plan reviewed by Building Department <u>Alex Gorlin, Architect</u>
October 16, 1990	Repair stucco edge of two north --- balconies Work value \$600		Owner: Ms. V. Newhouse Builder: Davis General Contracting
February 1, 2000			Have survey of this date
April 18, 2000	Statutory Warranty Deed recorded transferring Lot 2 from Victoria B. Newhouse to South Ocean El Bravo, LLC	ORB 11726 Pg. 1885	
May 9, 2000	Request for variance to construct additions at a point of measurement of 17.6' in lieu of 14.61' required	Variance #17-2000	Deferred to June Town Council meeting after discussion. Mayor found the proposed addition to be "overwhelmingly massive". Owner: Victoria B. Newhouse
May 24, 2000	ARCOM review for "one and two story additions to an existing two-story	B50-00	Two wings and some decoration added to building. First floor pool house removed and replaced

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Mediterranean style residence"		with a second floor master bedroom and family room. Minor changes to front elevation. Architect: <u>Smith & Moore</u> Have approved plan
June 13, 2000	Variance request for point of measurement variance to allow "new additions" to match existing beam height	Variance #17-2000	Project apparently changed after May Town Council meeting, such that variance(s) no longer needed. However Town Council approved the project with the variance. Have approved plans
June 28, 2000	ARCOM review for "changes to previous approval; addition of a second floor bedroom and change of beam height at east elevation"	B63-00	Only changes from previously approved project are a modification to the roof line and addition of two balconies. ARCOM approved the version of the plan which required a variance.
July 5, 2000	Building permit for addition of 9242 SF 2- story CBS additions, kitchen, add staircase/living room/master bedroom/family room Work Value \$2,266,500	Permit #8040624	Permit ref. ARCOM B50-00 & B63-00 "loggia/guest house remodel/alter 5568 SF exist main house, staff qtrs, garage, remodel exist pool & fountain add new spa" Permit updated in November 2001 to reflect higher construction value - an addition of \$278,632.00 . Owner: Victoria B. Newhouse Partial plans available

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
July 5, 2000	Building permit for new structure; wall Work Value \$6,000	Permit #8040625	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
July 5, 2000	Building permit for landscape, hardscape, gate, fence Work Value \$47,500	Permit #8040626	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
December 2001			Have plans submitted to Town this date
February 1, 2001	Building permit for reroof, clay tile Work Value \$88,500	Permit #8045545	
January 23, 2002			Have survey of this date
February 8, 2002	Driveway permit, two openings Work Value: none given	Permit # 8052903	
February 25, 2002	Certificate of Approval and Occupancy for "additions and alterations to residence"		
April 15, 2003	Kitchen Removal Agreement for accessory kitchen		Cancels and replaces prior agreements Owners: Kenneth and Kathleen Tropin
May 29, 2003	Warranty Deed recorded transferring Lot 2 from South Ocean El Bravo, LLC to Kenneth G. Tropin and Kathleen O. Tropin	ORB 15291 Pg. 1343	
June 26, 2003	Building permit to	Permit	Owners: Kenneth and Kathleen

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	remodel/alter throughout house – cabinetry, light fixtures, plumbing fixtures Work Value \$50,000	#8062657	Tropin
May 15, 2006	Building permit to rebuild site wall damaged by hurricane Work Value \$14,000	Permit #8083018	West wall on property line
January 19, 2011	Property placed “under consideration” for landmark designation		

*Some dates and written entries are difficult to read, especially on older permits

John S. Garner, Ph.D
Preservation Consultant
502 E. Sunnycrest Ct.
Urbana, IL 61801
jsgarner@illinois.edu
217-778-3662
Fax 217-244-2900

John S. Garner is a preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, where he chaired the division of architectural history and preservation before retiring in 2007. He is the chief investigator and author of several reports on historic buildings and districts in Illinois and is the author/editor of several articles, chapters, and books on architectural history and preservation, including The Midwest in American Architecture, (University of Illinois Press, 1991). He has appeared before several building preservation commissions, planning commissions, and city councils and county supervisors to testify concerning the historic and architectural significance of historic structures (in the state of Illinois in Chicago, Lake Forest, Pontiac, Effingham, Champaign, Peoria, and Springfield). He has also appeared before the Illinois Historic Preservation Agency's Advisory Council to testify concerning National Register listings. He has served as an advisor to the National Park Service's Historic American Buildings Survey. With a professional degree in architecture and doctorate in history and more than thirty years of experience, the author is an expert in investigating and documenting historic buildings and is a qualified witness.

CV

I. Personal History and Professional Experience Educational Background

Oklahoma State University, B.Arch., Architecture, 1969

University of Illinois, M.Arch., Architectural History, 1970

Boston University, Ph.D., Urban History, 1974

Academic Positions

1970-71, Instructor in Architecture, University of Illinois

1973-74, Lecturer in Urban Affairs, Boston University

1974-77, Assistant Professor of Architecture, Texas A&M University

1977-81, Associate Professor of Architecture, Texas A&M University

1981-87, Associate Professor of Architecture, University of Illinois

1987- , Professor of Architecture, University of Illinois

2002-07, Chair, Architectural History and Preservation, Univ. of Illinois

2007- Professor Emeritus, awarded by Board of Trustees, Univ. of Illinois

Other Professional Employment

1967-69, Architectural Intern, Hudgins, Thompson, Ball, Tulsa, OK

1971-73, Preservationist, Society for the Preservation of New England Antiquities, Boston, MA

1977-, Preservation Consultant

Honors, Recognition, Etc.

1973-74, National Endowment for the Humanities Fellowship

1979-80, Fulbright-Hays Senior Research Award to France

1997, Magister Profesor, Universidad de Tucuman, Argentina

1998- , Who's Who Among America's Teachers

Invited Lectures

1986, "Hopedale: A Centenary," keynote lecture on occasion of the 100th anniversary of the incorporation of Hopedale, MA

1988, "Architectural Preservation: An Outlook," Diamond Jubilee of the School of Architecture, Oklahoma State University

1991, "Early Chinese Temples and Tombs," Department of Landscape Architecture, UIUC

1992, "The Nature of Building Preservation," Department of Art History, UIUC

1997, "Direcciones Actuales en La Arquitectura Norteamericana," public lecture
at Civic Auditorium, Tucuman, Argentina

1998, "An International Perspective of Model Workers' Housing, 1880-WWI," in a symposium, Change at the Millenium, University of North Carolina at Charlotte

1999, "Keynote Address on dedication of the J.H. Hawes Grain Elevator Museum," Atlanta, IL

2003, "The Pullman State Historic Site, Chicago, IL, USA," Congreso Internacional de Ciudades Historicas, Camaguey, Cuba

2004, "Keynote Address in Sao Paolo, Brazil, "Understanding the Single-Enterprise Town."

Review Panels

1996-2000, Member of Board of Directors, Historic American Buildings Survey Foundation, National Park Service, Washington, D.C.

II. Publications and Creative Works

Books

The Model Company Town: Urban Design through Private Enterprise in 19th –century New England (Amherst: University of Massachusetts Press, 1984).

The Midwest in American Architecture (Champaign: University of Illinois Press, 1991).

The Company Town: Architecture and Society in the Early Industrial Age (New York: Oxford University Press, 1992, 2002).

Chapters in Books

"Preserving the Prosaic," in Adaptive Re-use (New York: Van Nostrand Reinhold Co., 1988).

"Tanks and Towers: Waterworks in America," American Public Architecture (College Park: Pennsylvania State University Press, 1990).

"The Garden City and Planned Industrial Suburbs: Housing and Planning on the Eve of World War I," in From Tenement to Taylor Homes: American Urban Housing Policy (College Park: Pennsylvania State University Press, 1999).

Monographs

"East Texas Architecture: A Select Study," College Station, TX: Texas Society of Architects, 1979.

"Washington Park: Quincy, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1982.

"Public Square: Oakland, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1983.

"Main and Market Streets: Mt. Carroll, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1986.

"The Fitzpatrick Homestead, Lockport, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1987.

"World War II Temporary Military Buildings," Champaign, IL: USACERL, 1993.

Articles in Quarterly Journals

* "Leclaire, Illinois: A Model Company Town, 1890-1934," Journal of the Society of Architectural Historians (October, 1971).

* "Nathaniel Hawthorne's Legends of the Province House, His Use of Architecture, Artifact, and History," Old-Time New England (Fall, 1972).

** "Preface to Special Issue on Gravestone Carving," Old-Time New England (Spring, 1973).

* "Architecture at Texas A&M: The Past Hundred Years," Texas Architect (Spring, 1977).

* "The Saga of a Railroad Town: Calvert, Texas, 1868-1918," Southwestern Historical Quarterly (October, 1981).

** "How Fare Thee Fair Camelot," Reflections (Spring, 1983).

* (with Richard Mattson), "Quincy's Grand Past: Recapturing the Architectural Heritage of a River Town," Gateway Heritage (Spring, 1984).

* "Architecture and Philanthropy in a Model Company Town," Places (Spring, 1988).

* "La Company Town. Industria e Territorio nel XIX Secolo," Rassegna (Fall, 1997).

Bulletins, Reports (including expert testimony), and Conference Proceedings

** "The Growth of Cities in Victorian Texas," Proceedings of Texana III (Austin: Texas Historical Commission, 1983).

** "Family and Philanthropy in North Easton, Massachusetts," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1987).

** "Pullman Revisited: The Architecture and Planning of a Model Company Town," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1989).

"Resurvey: Northside Historic District Development Area," Peoria: Northside Planning and Development Corporation, 1993.

"John H. Hall House, Historic Structures Report," Peoria: Northside Planning and Development Corporation, 1994.

"The Homer Municipal Building, Historic Structures Report," Homer, IL: Village Board, 1998.

"Expert testimony on behalf of the Hillel Foundation, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Solon House, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Bush Temple of Music Building, Chicago, IL,"
City of Chicago Landmarks Commission, 2001.

"Octave Chanute Aerospace Museum: Conservation Assessment," Rantoul, IL: Heritage Preservation, Washington, 2001.

"Expert testimony on the First Unitarian Church, Peoria, IL,"
City of Peoria Landmarks Commission, 2003.

"Mark Twain Boyhood Home and Museum: Conservation Assessment,"
Hannibal, MO: Heritage Preservation, Washington, 2003.

"Expert testimony on the Smythe House, Palm Beach, FL," Town of Palm Beach Landmarks Commission, Town Council of Palm Beach, 2004.

"Expert testimony on the Jacks House, Lake Forest, IL," City of Lake Forest Building Review Board, 2005.

"Landmarks Designation Analysis of the Royal Poinciana Plaza, Palm Beach, FL," 2007

"Expert testimony on the Royal Poinciana Plaza, Palm Beach, FL," Town Council of Palm Beach, 2007

"Appraisal of 809 W. Main St., Urbana, IL," for preservation purposes, 2008

"Hamilton Boulevard from Water to North Street, a response to landmark application, HPC case no. 08-27, Peoria, IL, Methodist Medical Center, 2008

"Old Farm House (Mumford House), campus, University of Illinois, Urbana, IL," testimony before Facilities and Services, to retain structure in present location, 2009

Expert testimony on the Du Pont House, Palm Beach, FL, "Town Council of Palm Beach, 2010

"Appraisal of 701 W. Florida Ave., Urbana, IL, the President's House, University of Illinois," regarding interior conservation, 2011

Other: Encyclopedia Entries

** "Company Towns," in Encyclopedia of Urban America, Vol. 1 (Santa Barbara, CA: ABC-CLIO, 1998).

** "Industrial Towns," in Encyclopedia of Twentieth Century Architecture (London: Thames & Hudson, 2000).

** "Industrial Utopian Communities," Encyclopedia of New England Culture (New Haven: Yale University Press, 2002).

** "The Prairie School of Architecture," Encyclopedia of the Midwest (Columbus: Ohio State University, 2005).

References

Amory, Cleveland. **The Last Resorts**. New York: Harper, 1952.

Architectural Commission, B50-00, Additions, May 24, 2000, testimony by Elias and Moore regarding changes to 100 El Bravo Way approved; Variance #17-2000, June 13, 2000. Planning, Zoning & Building Department, Town of Beach, FL

Ash, Jennifer and Alex McLean. **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992.

Building Permits, entries 1922 to 1990 for 100 El Bravo Way. Dept. of Public Works, Town of Palm Beach, FL.

Designation Report, Wednesday, November 16, 2011. Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc.

Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as "Altered."

Hoffstot, Barbara D. **Landmark Architecture of Palm Beach**. Pittsburgh: Ober Park Assoc., 1974.

Johnston, Shirley. **Palm Beach Houses**. NY: Rizzoli, 1991

Landmark Manual, prepared by Jane S. Day. Town of Palm Beach, Florida: Landmarks Preservation Commission and The Preservation Foundation of Palm Beach, 2009.

Murtagh, William J. **Keeping Time**. NY: John Wiley, 2003.

Newcomb, Rexford. **Mediterranean Domestic Architecture in the U.S.** Cleveland: Jansen, 1928.

Newhouse, Victoria. Entry for Marion Sims Wyeth, **Macmillan Encyclopedia of Architecture**. Adolf K. Placzek, ed. NY: The Free Press, 1982.

New York Times, Feb. 8, 1928, "200 in Palm Beach at Dobyne Villa"; Dec. 25, 1929, "G. A. Dobyne give a Christmas Party."

Nylander, Justin A. **Casas to Castles: Florida's Historic Mediterranean Revival Architecture**. Arglen, PA: Schiffer Publications, 2010.

Plat for El Bravo Park, Plat Book 8, pg. 9. County Recorder's Office, County of Palm Beach, FL.

The Spur, April 1, 1926, p. 118; "Palm Beach Social Index"; Jan. 1, 1925, p. 28; "At the Winter Resorts."

Wyeth Collection, "A House for George A. Dobyne," plans, et al., Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

WEDNESDAY, JANUARY 11, 2012, TOWN COUNCIL MEETING

"APPROVAL OF AGENDA" INFORMATION SHEET

IX. DEVELOPMENT REVIEWS

C. Variances, Special Exceptions, and Site Plan Reviews

2. New Business

- d. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District.

Defer to
2/15ACTUAL WAS
March?

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

*Request for Deferral to the February 15, 2012, Town Council Meeting Per Letter Dated December 19, 2011, from Maura A. Ziska.***Page 6****TIME CERTAIN:**

VIII. ORDINANCES

B. First Reading

1. **ORDINANCE NO. 29-2011** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach

2/15

Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-Ts Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

***Request for Deferral to the February 15, 2012, Town Council Meeting
Per Letter Dated January 6, 2012, from Thomas J. Testa.***

Page 3

- 2115
2. ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Threshold Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of

Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25) Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Sunset Provision For The Overlay Regulation; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

[John Page, Director of Planning, Zoning, and Building]

Deferred from the December 14, 2011, Town Council Meeting.

***Request for Deferral to the February 15, 2012, Town Council Meeting
Per Letter Dated January 6, 2012, from Thomas J. Testa.***

Page 3

ARE THERE ANY OTHER CHANGES TO THE AGENDA?

2818 MCGILL TERRACE, NW
WASHINGTON, DC 20008

January 10, 2012

John Lindgren, AICP
Planning Administrator
Town of Palm Beach
Planning, Zoning & Building Department
Post Office Box 2029
360 South County Road
Palm Beach, FL 33480

Re: Notification of January 11, 2012 Town Council Public Hearing on Landmark
Designation for **400 South Ocean Boulevard Condominium, Palm Beach,
Florida**

Dear Mr. Lindgren,

Thank you for notifying me of the scheduled January 11 hearing before the Town Council of Palm Beach to consider the Landmark Preservation Commission's recommendation that the 400 South Ocean Boulevard Condominium be designated as a landmark of the Town of Palm Beach. As I indicated to you in my November 23, 2011 letter, I am a resident of the 400 Building and entirely support designating the building as a town landmark.

In my letter to the Landmark Preservation Commission, I suggested that the Commission might wish to consider, in determining whether to extend landmark status to the 400 Building, recommending that the building be brought back to its original architectural design by replacing the large metal sliding plantation shutters that were intended when closed to shelter the windows from storms. As I mentioned in my earlier letter, the shutters are long gone and with them an important artistic element that Mr. Stone had incorporated into the building's original design. For a landmark building, those architectural elements may be worth preserving to ensure the artistic integrity of the site.

To be clear, however, I am completely supportive of the proposal and would appreciate you sharing with the Town Council this letter and my earlier November 23, 2011 submission. Regrettably, I will not be able to attend the Town Council session.

Regards,


Ralph Ferrara

Attachment

2818 MCGILL TERRACE, NW
WASHINGTON, DC 20008

November 23, 2011

John Lindgren, AICP
Planning Administrator
Town of Palm Beach
Planning, Zoning & Building Department
Post Office Box 2029
360 South County Road
Palm Beach, FL 33480

Re: Notification of Hearing for Landmark Designation for
400 South Ocean Boulevard Condominium, Palm Beach, Florida

Dear Mr. Lindgren,

Thank you for notifying me of the scheduled December 21st hearing before the Town of Palm Beach Landmark Preservation Commission, convened to consider designation of 400 South Ocean Boulevard as a landmarked property. I am a resident of the 400 Building and entirely support designating the building as a town landmark.

I have long considered the 400 Building to be the only multi-family residential property in the town of Palm Beach that is far more than an attractive building – it is a work of art. As you know, its artist was Edward Durell Stone, one of America's premier architects with important buildings sited in major American cities as well as capitals around the globe. The 400 Building as a post-modern delight evokes images of Washington's Kennedy Center, New York's "GM Building" and structures of similar prominence. Preserving the 400 Building as a landmark will assure the town of Palm Beach for decades to come will enjoy the distinction of an Edward Durell Stone creation.

There is one factor the Preservation Commission may wish to consider in determining whether to extend landmark status to the 400 Building. As you may know, the building as originally conceived by Mr. Stone had its exterior adorned with large metal sliding plantation shutters that were designed, when closed, to shelter the windows from storms. When the building was renovated a few years ago, the owners installed either electric roll-down shutters or hurricane proof glass (or both). These innovations rendered the metal shutters as vestigial accoutrements and they were discarded. Thought was given by the building to mount fixed replacements, but that led to some concern about attaching the shutters permanently to the exterior walls might breach the waterproof seal of the building's exterior.

John Lindgren, AICP
November 23, 2011
Page 2

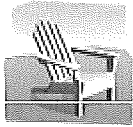
Today, the shutters are long gone and with them an important artistic element that Mr. Stone had incorporated into the building's original design. With a bit of creativity (albeit at some expense), it should be possible to return the shutters (although they would be inoperable) to the exterior of the building so that as landmarked 400 S. Ocean would present as the architect originally intended. I believe that a majority of tenants in the building have previously considered doing so and determined that the cost outweighed the decorative contributions that the shutters give to the façade. However, for a landmark building, those architectural elements may be worth preserving to ensure the artistic integrity of the site.

In either event, I am completely supportive of the proposal.

Regards,



Ralph Ferrara



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:31 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:30 AM -----

From: Frederick McCarthy <fredmccarthypb1519@hotmail.com>
To: Gail Coniglio <gconiglio@townofpalmbeach.com>, David Rosow <drosow@townofpalmbeach.com>, Robert Wildrick <rwildrick@townofpalmbeach.com>, Richard Kleid, Michael Pucillo <mpucillo@townofpalmbeach.com>, William Diamond <wdiamond@townofpalmbeach.com>
Cc: Peter Elwell <townmanager@townofpalmbeach.com>
Date: 01/09/2012 07:08 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

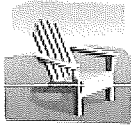
Dear Mayor Coniglio & Town Council Members:

This Town resident agrees with the Preservation Society's opposition to Testa's proposed "overlay".

Sincerely, Frederick W. McCarthy.

- > Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area
- > Date: Mon, 9 Jan 2012 18:41:17 -0500
- > From: aives@palmbeachpreservation.org
- > To: aives@palmbeachpreservation.org
- >
- > Another proposal by Testa's for a mixed-use overlay district in the
- > Royal Poinciana Way area will go before the Town Council. When this was
- > before the Planning and Zoning Commission in the Fall, the Foundation
- > publicly opposed it. Our official position remains: the area needs
- > revitalization without an increase in density. The mixed-use overlay
- > would create a 15% increase in lot coverage, a 200% increase in height
- > and floorage, and a 400% increase in density.
- >
- > What we seek is a consistency of purpose. We are willing to embrace new
- > ideas but they must respect where we have been while maintaining our
- > best prospects for the future. Town Council President David Rosow has
- > said, "we should look at an applicant's request and determine whether it
- > is in the best interest of our community". On April 14, 2010 when a
- > similar overlay was last proposed, Councilman Bill Diamond opposed it on
- > the grounds that "there will be greater bulk within the district."
- >
- > The best interest of our community is stated in our comprehensive plan
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> the cost it would create; I would be opposed to any possible tax
> ramifications that could occur; I would be opposed to changing the
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> Council members. Do they expect a complete reversal by our elected
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> overlay.
>
> John D. Mashek, Jr.
>
> Chairman
>
> Preservation Foundation of Palm Beach
>
>
>
>



Fw: Construction

Cheryl Kleen to: Peter B Elwell
Cc: John Page, Susan Owens, Anne Boyles,
Skip_Randolph.PALMBEACH

01/10/2012 08:33 AM

To M&TC

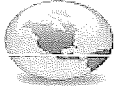
----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:32 AM -----

From: Esther Feldberg <poetspath2@gmail.com>
To: townmanager@townofpalmbeach.com
Date: 01/10/2012 06:38 AM
Subject: Construction

I WISH TO CAST MY VOTE AGAINST ANY LARGE CONSTRUCTION ON OUR BEAUTIFUL ROYAL POINCIANA WAY. DO NOT BE PART OF ALLOWING DEVELOPERS TO SPOIL OUR BEAUTIFUL PALM BEACH. IT IS WITHOUT A DOUBT THE ONLY TOWN OF ALL FLORIDA THAT IS SO PRECISELY BEAUTIFUL.

POINCIANA WAY IS SPECIAL. TELL THE TOWN COUNCIL TO VOTE AGAINST THE PROPOSED ORDINANCE CHANGES. WE DO NOT WANT OUR VERY SPECIAL TOWN TO BE DESTROYED WITH CONDOS ON POINCIANA WAY

ESTHER FELDBERG 1020 NORTH OCEAN BOULEVARD



Fw: New Zoning Royal Poinciana Way!
Peter B Elwell to: Cheryl Kleen, Anne Boyles

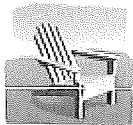
01/10/2012 08:44 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 08:44 AM -----

From: Robert Klecinsky <robertinfla@att.net>
To: "pelwell@townofpalmbeach.com" <pelwell@townofpalmbeach.com>
Date: 01/09/2012 12:51 PM
Subject: New Zoning Royal Poinciana Way!

Please do not allow the increase in density.
This is driven by the Attorneys, architects, contractors and property owners
"that will sell to speculators" at a profit.
Once it's built, you can not go back to a Palm Beach that was quaint and
charming again.
City Place and crime will follow!
Sincerely,
RFK

Sent from my iPhone



Fw: Overlay

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:30 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:28 AM -----

From: Heather Henry <heatherhenry@gmail.com>
To: council@townofpalmbeach.com
Date: 01/09/2012 06:51 PM
Subject: Overlay

Dear Council President Rosow, Councilman Diamond, Councilman Kleid,
Councilman Pucillo and Councilman Wildrick,

I wanted to let you know in advance that The Garden Club of Palm Beach will not be taking a position as a club on the proposed Overlay Ordinance. Our members are concerned about this issue . We have selected expressions of opinion on all sides of this issue and e-mailed them to all of our members so that they are fully informed. Some of our members will be voicing their opinions as private citizens. Our Executive Committee is following this issue carefully. However we feel our stands should be on issues that are the prime focus of our club. Therefore although I will be in attendance I will not be making a statement on behalf of our club.
Thank you for all you do for our town.

Sincerely,
Heather C. Henry
President of The Garden Club of Palm Beach

--

Heather C. Henry
630 Crest Road
Palm Beach, FL 33480
561-848-2523



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/10/2012 08:25 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 08:25 AM -----

From: "Alexander Ives" <aives@palmbeachpreservation.org>
To: "Alexander Ives" <aives@palmbeachpreservation.org>
Date: 01/09/2012 06:42 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Another proposal by Testa's for a mixed-use overlay district in the Royal Poinciana Way area will go before the Town Council. When this was before the Planning and Zoning Commission in the Fall, the Foundation publicly opposed it. Our official position remains: the area needs revitalization without an increase in density. The mixed-use overlay would create a 15% increase in lot coverage, a 200% increase in height and floorage, and a 400% increase in density.

What we seek is a consistency of purpose. We are willing to embrace new ideas but they must respect where we have been while maintaining our best prospects for the future. Town Council President David Rosow has said, "we should look at an applicant's request and determine whether it is in the best interest of our community". On April 14, 2010 when a similar overlay was last proposed, Councilman Bill Diamond opposed it on the grounds that "there will be greater bulk within the district."

The best interest of our community is stated in our comprehensive plan which clearly directs the town "to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density" and "to prevent critical and dangerous overuse." Further, it states that it is "to be a major objective of the town to inhibit further commercialization."

Just a few months ago, on October 12th, when town condominium residents came before the Town Council asking that recently combined condos be allowed to be split back, the Town Council put aside the idea. Town Council President Rosow said that it would create a doubling in density. Councilman Bob Wildrick stated "as far as disrupting the whole town operation to satisfy a few people I would be opposed to that; I would be opposed to the controversy that it would create; I would be opposed to the cost it would create; I would be opposed to any possible tax ramifications that could occur; I would be opposed to changing the comprehensive plan."

That request by condominium residents could have created an increase in density of 59 units. The Testa mixed-use overlay would result in an increase of 122 units. The fact that Testa's would re-submit this proposal flies in the face of the previously stated positions of Town Council members. Do they expect a complete reversal by our elected officials who are upholding the structure of our Town?

What we do may change but why we do it should remain firm and stable in principal. We strongly urge the Town Council to reject the mixed-use overlay.

John D. Mashek, Jr.

Chairman

Preservation Foundation of Palm Beach



Fw: crossroads for planning
Peter B Elwell to: Cheryl Kleen, Anne Boyles

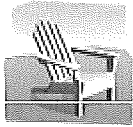
01/09/2012 07:29 PM

----- Original Message -----

From: "pkjellstrom@verizon.net" [pkjellstrom@verizon.net]
Sent: 01/09/2012 06:03 PM EST
To: Peter Elwell
Subject: crossroads for planning

I totally agree with the ad in the paper today - PLEASE do not develop the Royal Poinciana area with the proposed current plan- we want to keep some of the old PB. Do not want modern buildings everywhere, do not want more than 2-story buildings there. More plantings and a sprucing up would be welcome but not the rest of it.
P. K.

mail2web - Check your email from the web at
<http://link.mail2web.com/mail2web>



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:31 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:30 AM -----

From: Frederick McCarthy <fredmccarthypb1519@hotmail.com>
To: Gail Coniglio <gconiglio@townofpalmbeach.com>, David Rosow <drosow@townofpalmbeach.com>, Robert Wildrick <rwildrick@townofpalmbeach.com>, Richard Kleid, Michael Pucillo <mpucillo@townofpalmbeach.com>, William Diamond <wdiamond@townofpalmbeach.com>
Cc: Peter Elwell <townmanager@townofpalmbeach.com>
Date: 01/09/2012 07:08 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Dear Mayor Coniglio & Town Council Members:

This Town resident agrees with the Preservation Society's opposition to Testa's proposed "overlay".

Sincerely, Frederick W. McCarthy.

- > Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area
- > Date: Mon, 9 Jan 2012 18:41:17 -0500
- > From: aives@palmbeachpreservation.org
- > To: aives@palmbeachpreservation.org
- >
- > Another proposal by Testa's for a mixed-use overlay district in the
- > Royal Poinciana Way area will go before the Town Council. When this was
- > before the Planning and Zoning Commission in the Fall, the Foundation
- > publicly opposed it. Our official position remains: the area needs
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> John D. Mashek, Jr.
>
> Chairman
>
> Preservation Foundation of Palm Beach
>
>
>
>

GOLFVIEW ROAD ASSOCIATION
Golfview Road, Palm Beach, Florida 33480

Monday, January 9, 2012

Pamela Lomba & Heinrich Lowenberg,
Café Via Flora
240 Worth Ave.
Palm Beach, FL 33480

Dear Ms. Lomba & Mr. Lowenberg:

In response to your brief six sentence letter of December 31, 2011, you state that you have "made some adjustments in our business practices and we trust you have noticed positive improvement." No mention is made as to what adjustments you have made or have in mind?

When you initially came before the Town Council on December 14, 2011 for a variance approval permitting a restaurant at 240 Worth Avenue, you were in violation of several codes or in the words of one of the Council members: you did not come before the Council "with clean hands." Mention was also raised at the last Town Council meeting that the plaza where you wish seating for the restaurant, while privately owned, is a public space rightaway, not intended to be incorporated for private use nor in the interest of the tax payer. So no vote was taken on your variance request at the time.

Frankly, adjustments to your business practices as they might be applied to a "restaurant" are not what also concerns us. Rather, it is, quite simply, a restaurant that prepares and serves breakfast, lunch, dinner and alcoholic beverages. The proposed restaurant kitchen literally sits on the property line of one of the beautiful Golfview Road residences and is but fifteen feet, let me underscore that distance – 15 feet - from their: 1) outdoor sizeable garden-loggia, 2) spacious indoor kitchen-dining area, and 3) their upstairs bedroom area windows! A commercial kitchen, if a variance was granted, that would be operating right under their noses.

We have no problem with the existing take-out service continuing during the daylight hours, providing public space is not usurped for seating, where

sandwiches salads, soups, and fruits, are the standard fare, or if food is "cooked," it is done elsewhere and only non-alcohol beverages are served. Otherwise, odor and noise become unavoidable and unacceptable factors in any "restaurant" plans you may have in mind.

The word "hardship" has been offered as a reason for the Council to approve a variance to you both as lessees, lessees whose restaurant managerial skills as owners are untested and whose master plan for the 240 Worth Avenue site rests with your lessor, and may, or may not, ultimately include you.

Before the Council votes on this matter, we would like to invite the members to actually view for themselves first-hand the obvious, and we submit unacceptable, proximity of what would be the "kitchen space." I seriously question, if the residence fifteen feet away from the kitchen space was theirs, they would approve any restaurant plans at that site.

Therefore, we ask that the Council not approve the variance. This letter is presented to the Council at this meeting as a matter of record.

Respectfully submitted by the undersigned members of the Golfview Road Association (of there are 14 resident members),

<i>John C. Wheelton</i>	JOHN C. WHEELTON
<i>Wynant Vanderpoe</i>	WYNANT VANDERPOE
WILLIAM JAMES PROXY GIVEN TO VANDERPOE	
DAVID GILMOUR PROXY GIVEN TO VANDERPOE	
FRANK BUTLER PROXY GIVEN TO WHEELTON	
DAVID KASOY PROXY GIVEN TO WHEELTON	
IRVING BAILEY PROXY GIVEN TO WHEELTON	
<i>Bruce D. Bent</i>	BRUCE D. BENT
<i>Marion H. Antoin</i>	MARION H. ANTOIN
<i>Jay Cinque</i>	JAY CINQUE
<i>Cecile Drainie</i>	CECILE DRAINIE

JANE S. DAY, Ph.D.

728 Granada Drive
Boca Raton, Florida 33432
H (561) 362-4473
Cell (954) 260-5538
dayjane@bellsouth.net

Education

Florida Atlantic University, Boca Raton, Florida
Ph.D. in Comparative Studies for the Public Intellectual, 2010

Florida Atlantic University, Boca Raton, Florida
M.A., History, 1994

Goucher College, Towson, Maryland
B.A., Art History, 1968

Experience

Jane S. Day, Ph.D. is the President of Research Atlantica, Inc., an historical consulting firm that has specialized in the management and preservation of historical resources since 1989. Working with the private and public sectors, the firm investigates, documents and publicizes Florida's valuable historical heritage. Since 1992, Dr. Day has been the Preservation Consultant to the Town of Palm Beach where she has written and presented eighty-four reports resulting in local designation and protection. She has also successfully listed eight sites on the National Register of Historic Places. Dr. Day's special interest is in the Bahamas and Florida Keys.

Publications and Presentations

- 2011 "Maintaining Historic Properties: The Nuts and Bolts of Maintenance and Repair," with Gene Pandula, Chris Mattingy, Robin Lunsford, Rick Herpel, Jim Bailey, Jm Sztuk, Jason Lovelady and John Maffett, Preservation Foundation of Palm Beach.
- 2011 Historic Palm Beach - Mobile Workshop, American Planning Association - Florida Chapter, Breakers Hotel, Palm Beach. Florida.
- 2011 "John L. Volk,; Architects on the Architects Lecture Series," Preservation Foundation of Palm Beach, with Thomas Kirchhoff.
- 2010 "Form Follows Culture: Palm Beach Architecture of the 30s, 40s and 50s" Preservation Foundation of Palm Beach.
- 2009 "Preserving Modernism," Preservation Foundation of Palm Beach, Florida.
- 2009 "John L. Volk: A Remarkable Life," Palm Beach Jewelry, Art & Antique Show, Palm Beach County Convention Center, for the Historical Society of Palm Beach County
- 2008 "Maintaining Historic Properties: Determining Your Needs," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 2008 "Enhancing the Written Record: Using Archaeology to Expand the Historic Legacy at Preacher's Cave, Eleuthera, Bahamas," the seventy-third meeting of the Society of American

Archaeology, Vancouver, British Columbia, Canada

- 2008 "Light Years: 92,900,000 miles to the end of the Lane," poetry published in *The Secret of Salt, An Indigenous Journal*, Key West, Florida
- 2007 "Explore the Architectural History of the Town of Palm Beach," presentation to the Palm Beach Landmarks Commission and invited guests
- 2007 "Lucayans, Puritans and Free Blacks: Preacher's Cave and the Convergence of Culture," Third International African Diaspora Heritage Trail Conference, The Atlantis Resort, Paradise Island, Nassau, Bahamas
- 2007 "Marketing Historic Properties," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 2007 "Starting a National Park in the Bahamas: The Exciting Discovery of Preacher's Cave, Eleuthera, Bahamas," Ph.D. Colloquium, Florida Atlantic University, Boca Raton, Florida
- 2006 "An Archaeological and Historical Assessment of Preacher's Cave, North Eleuthera, Bahamas," with the Archaeological and Historical Conservancy, Inc., presented to the Bahamas Ministry of Tourism and the North Eleuthera Historical Society
- 2006 "Impressive Houses, Influential People: Preserving Palm Beach's Masterpieces," lecture at Newer Dimensions Dinner Series, Ocean Club of Florida, Ocean Ridge, Florida
- 2004 "Town of Palm Beach, Florida, Historic Sites Survey," Phase IV, Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman.
- 2004 "It's A Long Way to Old Miami: Building the Tamiami Trail," XXXI Symposium of the International Committee for the History of Technology, Bochum, Germany
- 2004 "The Architecture of John Volk and Maurice Fatio: an Overview," The Collectors' Forum, Boca Raton Museum of Art, Boca Raton, Florida
- 2003 "Adaptive Re-Use and Historic Preservation in Palm Beach," The Florida Chapter of the American Planning Association, The Breakers Hotel, Palm Beach, Florida, with Wes Blackman, Rick Gonzales, Eugene Pandula and Timothy M. Frank
- 2003 "John Volk and the Renovation of Town Hall," John L. Volk Foundation, Newsletter, Palm Beach, Florida
- 2003 "The Bahamian work of Architect John L. Volk," lecture at the Lyford Cay Club, Nassau, Bahamas
- 2003 "Palaces in Paradise: The Architecture of Maurice Fatio," Lecture and publication for the Twenty-First Annual Palm Beach Winter Antiques Show to benefit The Historical Society of Palm Beach County, Crown Plaza Hotel, West Palm Beach, Florida
- 2003 "The Lysistrata Project: A Theatrical Act of Dissent," participation in the Boca Raton Reading of *Lysistrata* by Aristophanes, Florida Atlantic University, Boca Raton, Florida
- 2002 *The Day Arrives*, collaborative art and poetry book that consists of twenty-one original poems by Day and forty-two paintings by artist, Lenny Addorisio. The art show and book signing for this project were part of the 2003 Key West Literary Seminar, Woodenhead

Gallery, Key West, Florida. In April 2003 the work was shown again at the Jack Rabbit Moon Gallery, Delray Beach, Florida.

- 2002 "A Plan for Howard Park, West Palm Beach, Florida," collaborative grant project with artist, Michael Singer, The Armory Art and Cultural Center, West Palm Beach, Florida
- 2002 "Historic Preservation and Social Consciousness," Florida Atlantic University, Boca Raton, Florida, The Public Intellectuals Colloquium
- 2002 "The Arts All Around Us," Arts National Honor Society, Marjorie Stoneman Douglas High School, Coral Springs, Florida
- 2002 "The Status of Historic Preservation in the Town of Palm Beach," Palm Beach Chamber of Commerce, Breakers Hotel, Palm Beach, Florida
- 2001 "John L. Volk, Architect Extraordinaire," Town of Palm Beach Preservation Celebration, The Society of the Four Arts, Palm Beach, Florida
- 2000 "Saving Historic Structures through Local Ordinance in the Town of Palm Beach," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 2000 "Haitians in Bahamas are trapped in history," *Fort Lauderdale Sun-Sentinel*, May 29, 2000.
- 1999 "Hemingway in Bimini," part of the opening exhibition of the International Game Fishing Museum, Hollywood, Florida
- 1998 "Key West: An Historic Sites Survey," lecture at Monroe County Library, Key West, Florida
- 1998 "City of Key West, Florida: Historic Sites Survey," City of Key West and Bureau of Historic Preservation, Tallahassee, with Sandra L. Norman
- 1998 "Indian Key, Florida: Research Report" Islamorada Historical Society and Florida Department of Natural Resources, with Sandra L. Norman.
- 1997 "Town of Palm Beach, Florida, Historic Sites Survey," Phase III, Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman
- 1997 "The 17th Century Legacy of a Bahamian Genetic Isolate: A Prototype Archaeological and Molecular Study," with Lisa L. Baumbach, Ph.D. The Beach Club, Palm Beach, Florida.
- 1997 "Preservation Palm Beach Style," Palm Beach Chamber of Commerce, Breakers Hotel, Palm Beach, Florida
- 1997 "John L. Volk, Architect: An Overview," Preservation Foundation of Palm Beach, Palm Beach, Florida
- 1996 "Clinical, Biochemical and Molecular Investigations of a Bahamian Genetic Isolate of Laron Syndrome," *The Journal of Clinical Endocrinology and Metabolism*, with L. Baumbach, A. Schiavi, R. Bartlett, E. Perea, M. Brown, S. Stein, M. Edison, J.S. Parks, and W. Cleveland, December, 1996
- 1995 "Owning an Historic Landmark: Yes, You Can Change!" Town of Palm Beach Preservation Celebration, The Society for the Four Arts, Palm Beach, Florida

- 1995 "Preservation Palm Beach Style: Respect for the Past, Responsibility for the Future," Palm Beach County Planning Council, Henry Flagler Museum, Palm Beach, Florida
- 1995 "Banker's Row: A Case for Preservation in Delray," Old School Square, U.S. Trust Lecture Series, The DeWitt Home and Gardens Showcase
- 1994 "John L. Volk and the Development of Paradise Island Bahamas," Palm Beach County Historical Society ,Henry Morrison Flagler Museum, Palm Beach, Florida
- 1994 "Molecular Investigations of a Bahamian Genetic Isolate with Laron Syndrome and Its Relationship to 17th Century Ancestral Remains," with A. Schiavi, W. Cleveland and L. Baumbach, University of Miami School of Medicine, Miami, Florida
- 1994 Published photograph, "Old Dillard School." *National Register of Historic Places, African American Historic Places*, Beth L. Savage, editor, Preservation Press: National Park Service
- 1994 "City of Homestead, Florida: Historic Sites Survey," City of Homestead and Bureau of Historic Preservation, Tallahassee, Florida, with Sandra L. Norman
- 1993 "Preacher's Cave: A Preliminary Report." Lecture at the Bahamas Historical Society, Nassau, Bahamas
- 1992 "Archaeological Investigations at Preacher's Cave, North Eleuthera, Bahamas: Phase II, May 1992," National Archives of the Bahamas and the Spanish Wells Museum, with Robert S. Carr and Sandra L. Norman.
- 1992 "A Preliminary report on Phase II Excavation," National Archives of the Bahamas and the Spanish Wells Museum, with Robert S. Carr and Sandra L. Norman
- 1992 "Archaeological Survey of the Town of Palm Beach, Florida," Town of Palm Beach and Bureau of Historic Preservation, Tallahassee, Florida, with Robert S. Carr and Sandra L. Norman
- 1991 The Spanish Wells Museum, A Quincentennial Project: Design, Installation and Lecture, with Sandra L. Norman and Robert S. Carr
- 1990 "Town of Gulf Stream Historic Site Survey," Town of Gulf Stream , Florida, with Emily Perry Dieterich.
- 1990 Book Review: "Killing Mister Watson, by Peter Mattheissen," *South Florida History Magazine*, Fall, Number Four
- 1990 "The Bimini Bay Rod and Gun Club," *South Florida History Magazine*, Spring, Number Two
- 1990 "Bimini Bay Rod and Gun Club: Out Island Tourism during the Roaring Twenties," Bahamas Historical Society, Nassau, Bahamas
- 1989 "Bimini, Bahamas: Hemingway's Island in the Stream," *South Florida History Magazine*, Fall, Number Four

Memberships and Professional Affiliations

Florida Trust for Historic Preservation

National Trust for Historic Preservation
Preservation Foundation of Palm Beach
Phi Alpha Theta - International History Honor Society
Phi Kappa Phi - National Honor Society
North Eleuthera Historical Society, Secretary

John S. Garner, Ph.D.
Preservation Consultant
502 E. Sunnycrest Ct.
Urbana, IL 61801
jsgarner@illinois.edu
217-778-3662
Fax 217-244-2900

John S. Garner is a preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, where he chaired the division of architectural history and preservation before retiring in 2007. He is the chief investigator and author of several reports on historic buildings and districts in Illinois and is the author/editor of several articles, chapters, and books on architectural history and preservation, including The Midwest in American Architecture, (University of Illinois Press, 1991). He has appeared before several building preservation commissions, planning commissions, and city councils and county supervisors to testify concerning the historic and architectural significance of historic structures (in the state of Illinois in Chicago, Lake Forest, Pontiac, Effingham, Champaign, Peoria, and Springfield). He has also appeared before the Illinois Historic Preservation Agency's Advisory Council to testify concerning National Register listings. He has served as an advisor to the National Park Service's Historic American Buildings Survey. With a professional degree in architecture and doctorate in history and more than thirty years of experience, the author is an expert in investigating and documenting historic buildings and is a qualified witness.

CV

I. Personal History and Professional Experience

Educational Background

Oklahoma State University, B.Arch., Architecture, 1969
University of Illinois, M.Arch., Architectural History, 1970
Boston University, Ph.D., Urban History, 1974

Academic Positions

1970-71, Instructor in Architecture, University of Illinois
1973-74, Lecturer in Urban Affairs, Boston University
1974-77, Assistant Professor of Architecture, Texas A&M University
1977-81, Associate Professor of Architecture, Texas A&M University
1981-87, Associate Professor of Architecture, University of Illinois
1987- , Professor of Architecture, University of Illinois
2002-07, Chair, Architectural History and Preservation, Univ. of Illinois
2007- Professor Emeritus, awarded by Board of Trustees, Univ. of Illinois

Other Professional Employment

1967-69, Architectural Intern, Hudgins, Thompson, Ball, Tulsa, OK
1971-73, Preservationist, Society for the Preservation of New England
Antiquities, Boston, MA
1977-, Preservation Consultant

Honors, Recognition, Etc.

1973-74, National Endowment for the Humanities Fellowship
1979-80, Fulbright-Hays Senior Research Award to France
1997, Magister Profesor, Universidad de Tucuman, Argentina
1998- , Who's Who Among America's Teachers

Invited Lectures

1986, "Hopedale: A Centenary," keynote lecture on occasion of the 100th
anniversary of the incorporation of Hopedale, MA
1988, "Architectural Preservation: An Outlook," Diamond Jubilee of the
School of Architecture, Oklahoma State University
1991, "Early Chinese Temples and Tombs," Department of Landscape
Architecture, UIUC
1992, "The Nature of Building Preservation," Department of Art History,
UIUC
1997, "Direcciones Actuales en La Arquitectura Norteamericana," public
lecture
at Civic Auditorium, Tucuman, Argentina
1998, "An International Perspective of Model Workers' Housing, 1880-
WWI," in a symposium, Change at the Millenium, University of North
Carolina at Charlotte

1999, "Keynote Address on dedication of the J.H. Hawes Grain Elevator Museum," Atlanta, IL
2003, "The Pullman State Historic Site, Chicago, IL, USA," Congreso Internacional de Ciudades Historicas, Camaguey, Cuba
2004, "Keynote Address in Sao Paolo, Brazil, "Understanding the Single-Enterprise Town."

Review Panels

1996-2000, Member of Board of Directors, Historic American Buildings Survey Foundation, National Park Service, Washington, D.C.

II. Publications and Creative Works

Books

The Model Company Town: Urban Design through Private Enterprise in 19th-century New England (Amherst: University of Massachusetts Press, 1984).

The Midwest in American Architecture (Champaign: University of Illinois Press, 1991).

The Company Town: Architecture and Society in the Early Industrial Age (New York: Oxford University Press, 1992, 2002).

Chapters in Books

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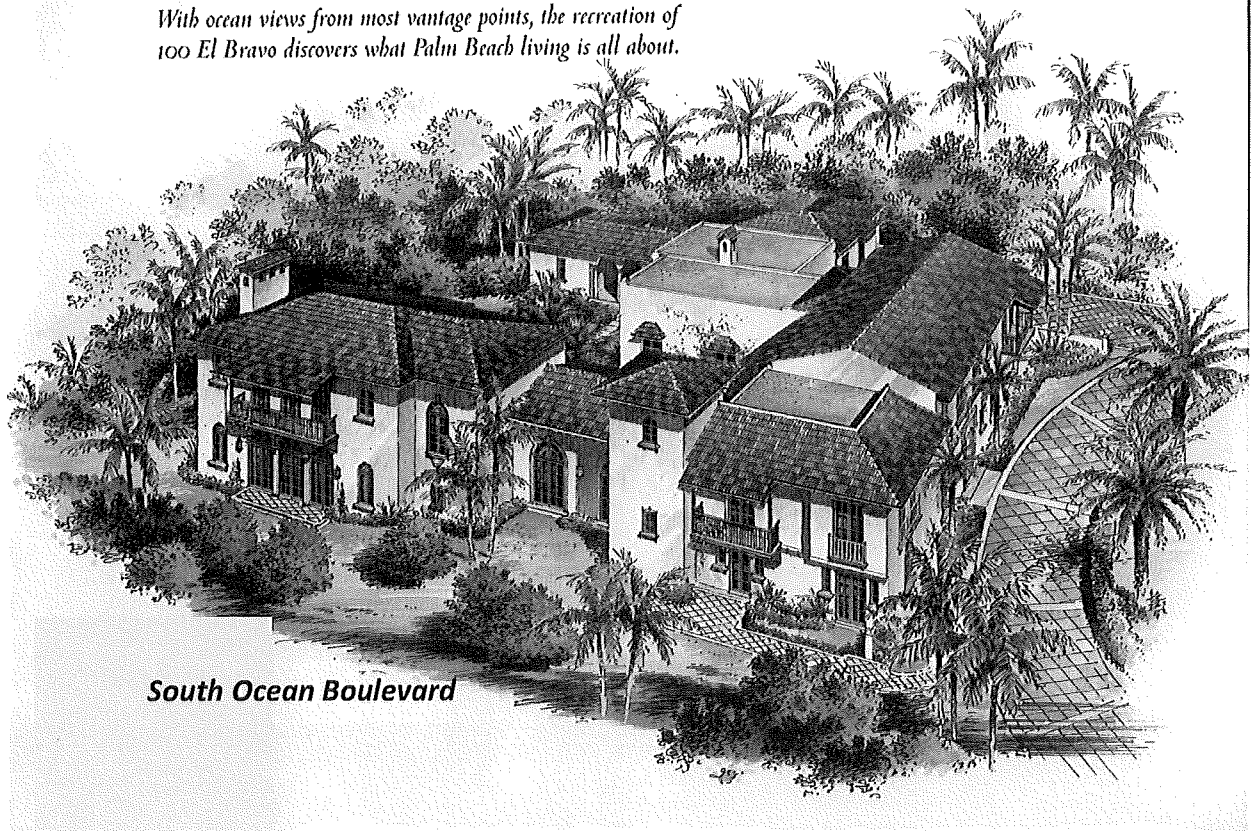
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100 El Bravo Way, The Tropin Residence: Response to the Landmark Designation Report

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502 E. Sunnycrest Ct., Urbana, IL

100 El Bravo

*With ocean views from most vantage points, the recreation of
100 El Bravo discovers what Palm Beach living is all about.*



South Ocean Boulevard

**November 16, 2011, Landmarks Preservation Commission,
Town of Palm Beach, FL**

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**100 El Bravo Way, The Tropin Residence: Response to the
Landmark Designation Report, November 16, 2011, Landmarks
Preservation Commission, Town of Palm Beach, FL**

John S. Garner, Ph.D., Preservation Consultant
502 E. Sunnycrest Ct., Urbana, IL

A Question of Architectural Integrity

When the Landmarks Preservation Commission voted earlier this year to move forward with designation, its members may not have been aware of the extensive changes to the residence in the last decade, nor approvals given by the Architectural Commission for those additions and renovations. In the Designation Report prepared by Research Atlantica, Inc. and submitted on October 17, 2011, these changes—amounting to a doubling in the size of the residence—are acknowledged. In that acknowledgement, section II of the report concludes: “Although alterations have been done, since most have been done by well known architects and builders, Casa Beata still retains its architectural integrity.” To the contrary, the architectural integrity of 100 El Bravo Way has been significantly and substantially compromised. That the original U-shape plan can still be identified within the expanded layout does not mean that the walls that define it or spaces within have not been changed.¹

The word *integrity* has been defined by the National Park Service as that which gives a property meaning and value, and it is the very underpinning of the NPS Standards for Rehabilitation. These standards are included in the *Landmark Manual* prepared by Jane S. Day for the Town of Palm Beach. In a sales brochure (cover page) printed by Elias Management and Construction, ca. 2002, a perspective view of the residence was prepared and captioned “With ocean views from most vantage points, the recreation of 100 El Bravo discovers what Palm Beach living is all about.” Aptly used is the word *re-creation*, and what is represented in the view is what Palm Beach living today is all about—a mansion with every creature comfort—and not the modest casa originally designed by Marion Sims Wyeth.²

Meeting the Designation Criteria

The designation report asserts that the residence meets three of the criteria necessary for designation under Sec. 54-161 of the Landmark Ordinance.³

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

¹ Designation Report, Wednesday, November 16, 2011, Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc., p. 4; 100 El Bravo, a sales brochure printed by Elias Management & Construction, Inc., n.d.

² William J. Murtagh, *Keeping Time*, NY: John Wiley, 2003, pp. 117-18; *Landmark Manual* prepared by Jane S. Day, Town of Palm Beach, Florida, Landmarks Preservation Commission and The Preservation Foundation of Palm Beach, 2009, pp. 32-35.

³ Designation Report, p. 9.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

100 El Bravo Way, Palm Beach, Florida, does not qualify for listing under any of the designation criteria. The residence has undergone substantial additions, remodeling, and renovations. In the process, its original character and historic integrity have been compromised. The residence, as it exists today, is not the one identified by Walter C. Kidney for the Florida Master Site File in 1980; nor is it the same as described in the guide written by Barbara D. Hoffstot, *Landmark Architecture of Palm Beach*, in 1974. Beginning in 1980 and continuing to 2002, the residence underwent substantial enlargement and many of its historic architectural features were changed. Because of these changes, and especially those seen in public view from El Bravo Way and South Ocean Boulevard, the nomination should not be approved for listing by the Landmark Preservation Commission of the Town of Palm Beach.⁴

Why the Designation Criteria are not applicable

Criterion (1) The residence as viewed today is not the one described in the social columns of the 1920s. Were it to reflect the **“broad social. . .or cultural history. . .of the town”** it should appear as it was in the historical photos and write-ups referred to in the Designation Report. The current house does not, nor is the residence experienced today in the same open-air way of the Wyeth design. It is true that the original owners—the Dobyne—hosted parties and events, but the Ditmans who followed were rarely cited in the press. Does the criterion apply only to the roaring twenties, the Gatsby era of parties and celebrations? If so, the current house does not reflect the broad history of the Town, only one brief part of it (see page 19 and footnote 14).

Criterion (3) The residence was designed in the Mediterranean style, but too many of its distinguishing features have been lost. It is no longer **“a specimen inherently valuable for the study of a period, style, method of construction.”** There are far too many better examples of the period, style, and construction which have already been designated or have yet to be designated. While the recent renovations and additions were made in sympathy with the earlier work, the original entry portal, doors, windows, chimney, balconies, and grilles have been removed or replaced. Perhaps in part to the

⁴ Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as “Altered.” Barbara D. Hoffstot, *Landmark Architecture of Palm Beach* Pittsburgh: Ober Park Assoc., 1974, p. 166

changes made, 100 El Bravo Way has not been included in books dedicated to Palm Beach architecture published in recent years (see page 22 and footnote 15).

Criterion (4) Architects, Marion Sims Wyeth and later Howard Major, were accomplished artists **“whose individual ability has been recognized or who influenced his age.”** But to what degree is their work still to be seen in 100 El Bravo Way? Their work has been transformed. Major sacrificed Wyeths’ asymmetry in the north elevation and scrapped his beautiful wrought-iron grilles. In turn, Major’s handsome garden pavilion was destroyed in later additions. The residence as seen today should be ascribed to the work of Smith and Moore. Following the owners instructions, and with the approval of ARCOM, they substantially transformed the north and east facades.

History and Description of Construction

Occupying Lot 2, El Bravo Park Addition, Town of Palm Beach, 100 El Bravo Way, is a residence designed in the Mediterranean style, also known as the Mediterranean Renaissance Revival style, a style popularized by Addison Mizner (1873-1933) in the period 1915 to 1925 and thereafter until the 1930s. The architect, Marion Sims Wyeth (1889-1982), embraced the new style introduced by Mizner and proceeded to create a residence once known as Casa Beata for George A. Dobyne of Beverly Farms, Massachusetts. The building permit was issued in December of 1922 and most of the drawings were completed during that month. Construction took place in 1923 and the builder of record was H.R. Corwin. At the time, the estimated cost was \$70,000.⁵

The foundation was concrete slab supported by concrete grade beams beneath load-bearing walls constructed of hollow tile and finished on the exterior in stucco, a mixture of lime, sand, and fine gravel. The finish floors were brick with encaustic tile pavers. The roof framing was timber, and where the timber was exposed, such as in the living room trusses and the exterior balconies and rafters, the timber was pecky cypress. The roof was a combination of built-up tarred felt and red mission tile. The windows were wood casement. The

⁵Entry for Marion Sims Wyeth by Victoria Newhouse, Adolf K. Placzek, ed. , **Macmillan Encyclopedia of Architecture** NY: The Free Press, 1982, p. 457; Plat for El Bravo Park, Plat Book 8, pg. 9; Request for Building Permit for Residence, Lot 2 of El Bravo Park, permit #57. Dec. 30, 1922.

the breezes. The mild climate of Palm Beach and prevailing ocean breezes meant that doors and windows were often left open. Although a portal existed where the present front door is located, there was no door originally, only a wooden grille to serve as a gate.

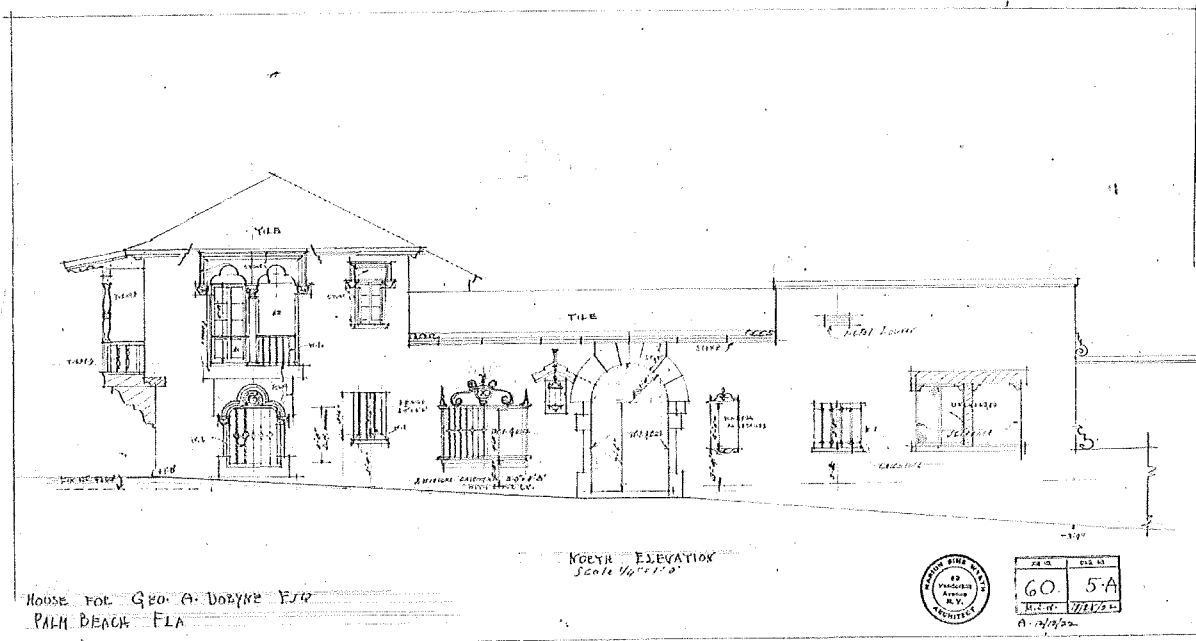


Fig. 2 North Elevation of 100 El Bravo Way as drawn in 1922. As constructed in 1923 the north-facing balconies and cast-stone rustication shown at the portal were left out. Of note, however, are the decorative window grilles, which were built as shown. Wyeth Collection, Preservation Foundation of Palm Beach.

In elevation, the massing was asymmetric. Windows and balconies were the signal features used to accent the stucco walls. Wyeth took special care in designing grilles, both in wood and wrought-iron, to accent doors and windows, all in character with the Catalan influences of the style. In all likelihood these grilles were produced by the Los Manos factory founded by Mizner to supply the many new residences in Palm Beach and elsewhere in South Florida designed by himself, Wyeth, and others.

Wyeth excelled in designing residences in the Mediterranean style and he probably had greater finesse when it came to the detail of the style than other of his Palm Beach contemporaries. Wyeth, after all, had overseen the

reconstruction of the Venetian palazzo, Villa Giardino, when relocated to Palm Beach in 1920.⁷

Moreover, Wyeth had traveled extensively in Europe, including Italy and Spain, during his architectural studies at the Ecole des Beaux Arts.⁸

In the seminal work on the Mediterranean style, Rexford Newcomb's *Mediterranean Domestic Architecture*, 1928, five of Wyeth's residences are illustrated in plan and photograph. In each case the residences have unenclosed circulation with two or three walls in each room benefitting from natural ventilation. Most have U-shaped plans centered on patios. Assuming Wyeth had some say in which residences were selected for publication, it is



Fig. 3 Frank P. Frazier Residence, Palm Beach, FL, 1925 , Marion Sims Wyeth. Note the U-shape plan with court-yard at center, facing South Ocean Blvd. For natural ventilation, the wings are single bay in width and the loggia is open, just as in the case of 100 El Bravo Way. Newcomb, *Mediterranean Domestic Architecture*, 1928.

⁷ Justin A. Nylander, *Casas to Castles: Florida's Historic Mediterranean Revival Architecture* Arglen, PA: Schiffer Publications, 2010, pp. 153-201.

⁸ Wyeth, *Macmillan Encyclopedia of Architecture*, p. 457.



Fig. 4 North Façade from entry portal looking southeast. Note the single-story entry bay. In a departure from the architect's drawings, there is no ornamental treatment of the portal, no rusticated stone or stucco surround. As shown, the only rooms to occupy the second story are the master bedroom and bath. The present façade bears no resemblance to the original. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 5 Detail of North Façade showing ornamental wrought iron grille, lantern and pent roof, none of which presently exists. The lost iron work was custom-made to the architect's specifications and probably produced by the Los Manos factory, founded by Mizner. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 6 Contemporary photo of the section of the wall shown above. Note that it bears no resemblance to the original design. Photograph by James Norquest, Gunster , Yoakley and Stewart, September 2011.

WORTH NOTING THAT TOO EL BLAVO WAY WAS NOT INCLUDED. THOSE WHICH WERE illustrated were Casa Alexandro, Tre Fontaine, and the Wheeler, Geist, and the others were larger and more imposing.⁹

⁹ Rexford Newcomb, *Mediterranean Domestic Architecture in the U.S.* Cleveland: Jansen, 1928, pp. 114-43.

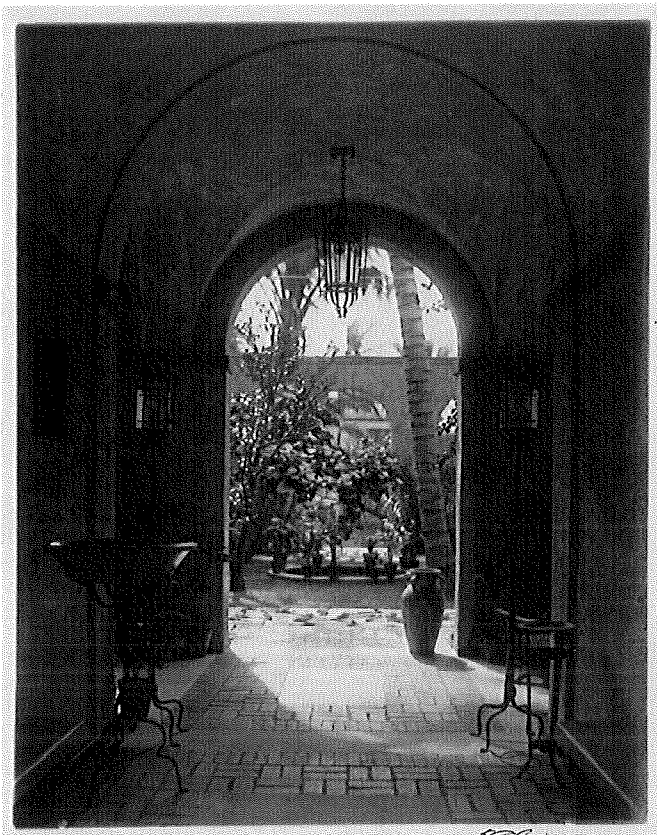


Fig. 7 Photo looking south from within the entry portal. In the background lies the courtyard. All of these spaces seen in the entry vestibule and intersecting loggia are open to the elements. This is no longer the case.

In 1930 a front door replaced the wooden gate in the vestibule and beginning in 1980 the first floor loggia was enclosed in glass. New glass doors were installed in 2000-01. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.

In 1930 Howard Major (1883-1979) designed additions to 100 El Bravo Way. In addition to extending a second story across part of the north façade to create a new guest bedroom and bath, he also expanded the servant's quarters and designed a laundry addition and garden pavilion on the west and east sides of the residence, work totaling more than \$42,000. He also extended in length the dining room to the south. Smith and Riddle were the contractors for the approximately 2,000 sq. ft. of new enclosed floor area. Although Major designed his additions in sympathy to the existing style, he attempted to create a somewhat more balanced composition in the north façade, and in the process eliminated some of the more beautiful and ornamental grille work. Major's design of the façade was more restrained than Wyeth's. He removed the small entry portal. He also closed the portal with a cypress door.¹⁰

¹⁰ Howard Major, "Alterations to Residence of George Dobyne, Esq.," Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

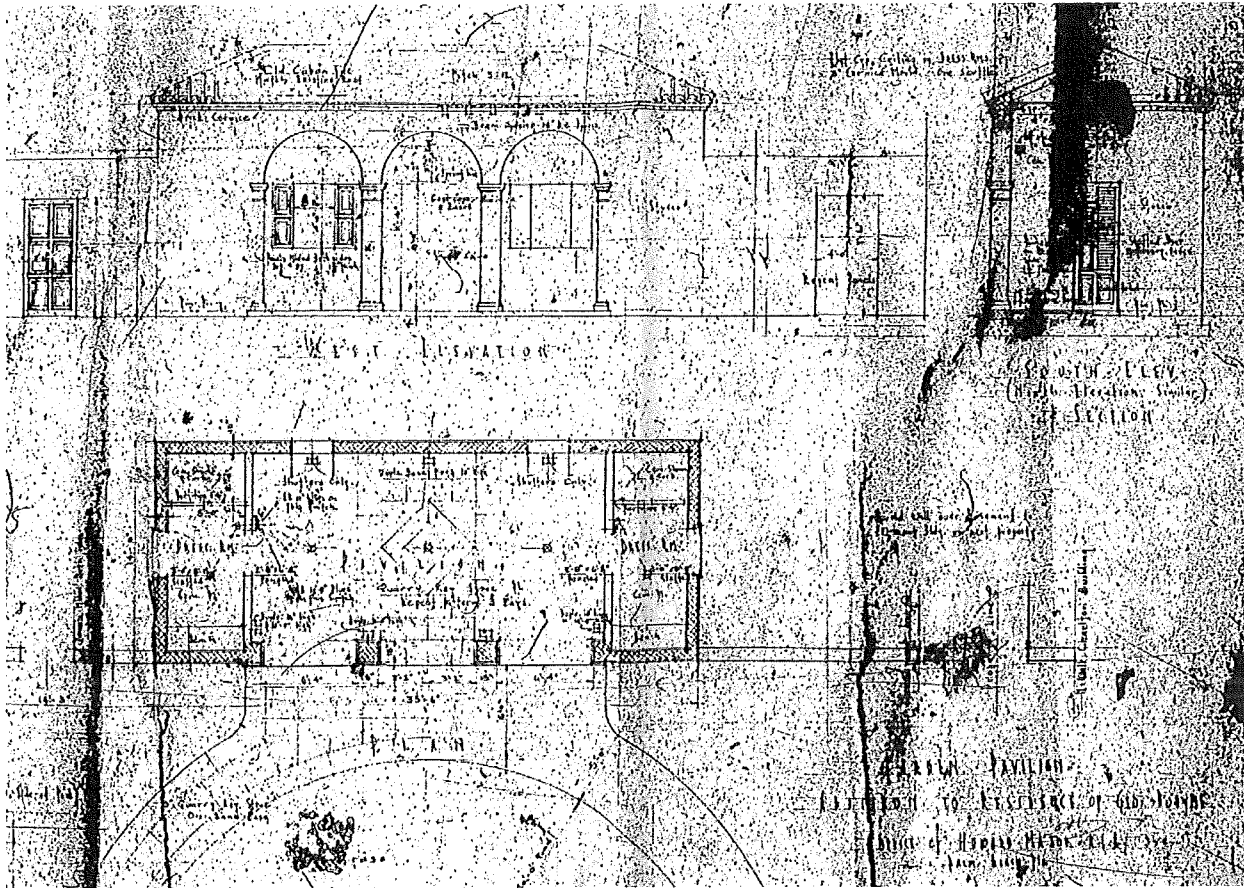


Fig. 9 The Garden Pavilion drawn by Howard Major, 1930, which served as dressing rooms for the swimming pool that had been added in 1928. It lay south of the original living room and was seen from South Ocean Boulevard. It was razed in 2001 to make way for the new living room and bedroom wing.

In 1935, the residence was sold to the Ingleton Company and in June of 1941 the property was conveyed to Norman E. Ditman. During the Ditmans ownership only minor repairs were made, such as the repair of roofing. The same is true of George S. Steele who acquired the property in 1969 and retained it until 1980¹¹

Until 1980, when the residence was purchased by Samuel I. and Victoria B. Newhouse, the architecture as seen from the exterior was largely that of 1930. It is after 1980 that major changes were made. The architect Belford Shumate was employed to renovate the living quarters of the residence and to restore some exterior features and finishes. There were a number of structural issues that also needed addressing, and the firm of Hutcheon Engineers was hired to

¹¹ 100 El Bravo Way, Building Permits, Dept. of Public Work, Town of Palm Beach, entries 1935 to 1960; James Norquist, Gunster, Yoakley & Stewart, chain of ownership.

resurvey the property. In Shumate's "Restoration, Repairs and Revisions," as the project was labeled, he altered the east façade by removing a pair of Wyeth's windows and replacing them with casement doors and a balcony. The loss of the windows with their Venetian trefoil influenced arched openings diminished the character of the façade as Wyeth had designed it. On both the east and north facades, the wood in the balconies was replaced. Inside, the first of two elevators was installed, the kitchen remodeled, and bathrooms updated with new fixtures. Of equal consequence, the residence was now air conditioned with a central air delivery system. The first-story loggia, facing the courtyard, was enclosed with plate glass-doors. The environmental character of the residence was changed. The rooms no longer adjusted to the temperature and humidity to breathe with the climate.¹²



Fig. 10 Detail of cypress timbers supporting the loggia above requiring substantial restoration in 1980. The original timbers here were preserved. Window above doors in fanlite dates from the renovations in 2000–2002. Photo by author, 2011.

¹² Belford Shumate, "Restoration, Repairs, and Revisions to 100 El Bravo Way, Palm Beach, FL."

were removed and a pair of outward opening casement doors were put in their place. This alteration affected both the exterior as seen from South Ocean Boulevard and the historic interior of the original living room.

Smith and Moore made the additions in sympathy to the existing style and finishes. Some of their decisions, such as window replacement, were in part code driven. The original casement doors and windows could have been

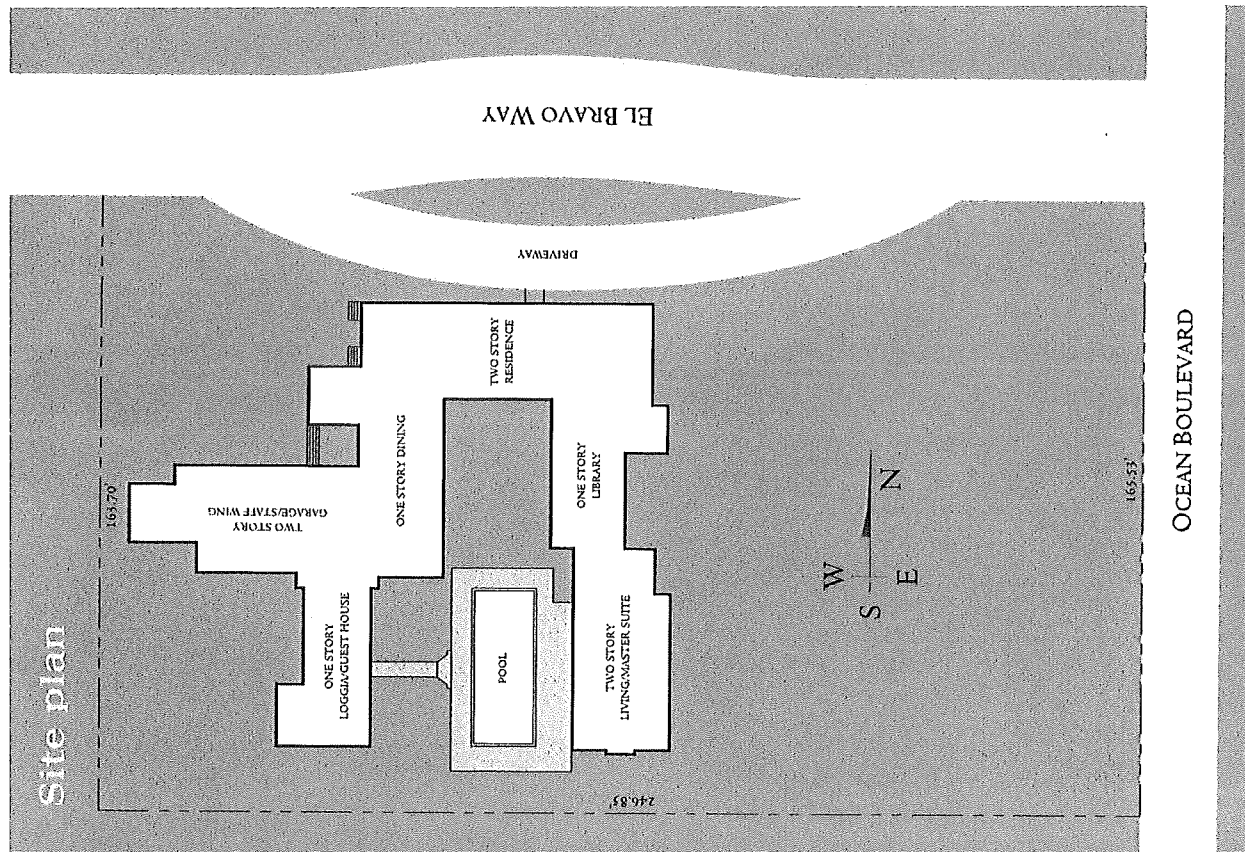


Fig. 12 Configuration of present site plan, construction completed in 2002.

up-graded, though at additional cost to that of replacement. These renovations, alone, would disqualify the residence from National Register consideration. Further, the architects enhanced the original entry-way with a stone surround, where none had previously existed. Most troubling, however, was the decision to raise a portion of the wall forming the north façade. This was done at the client's request to provide an additional bedroom above what had been the maid's room in the Wyeth drawings. This affected both the massing and the balance in proportions of the facade created by Major back in

1930. In Major's composition, the wall stepped down and provided a better balanced effect of openings to solid wall.¹³



Fig. 13 View of the North façade, showing the altered wall in red outline. The raised wall in this area permitted the construction of an additional guest bedroom. The wooden balcony was also created to complement those on the east façade. Photo by James Norquest, 2011.

¹³ 100 El Bravo Way, Building Permits, Planning, Zoning & Building Department, Town of Palm Beach, 2000-2001, North Palm Beach Engineering, Inc., Specifications and drawings, Residence at 100 El Bravo Way, February 8 and March 12, 2001; See Secretary of the Interior's Standards for Rehabilitation in Murtagh, *Keeping Time*, p. 184.

Fig. 14
Original
East
Elevation,
showing
chimney
(in
yellow)

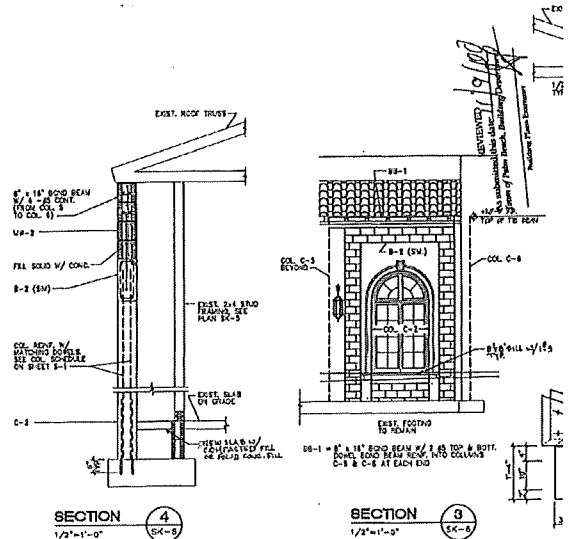
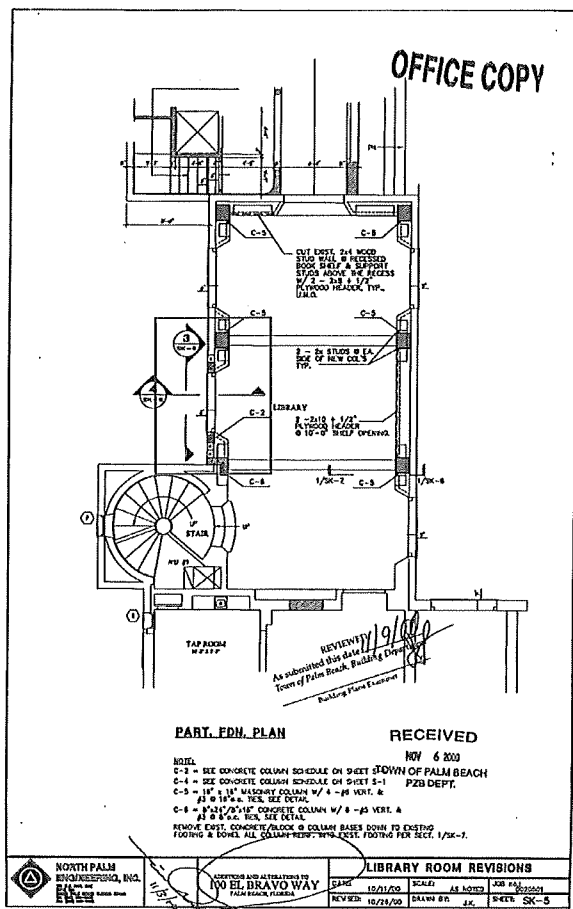
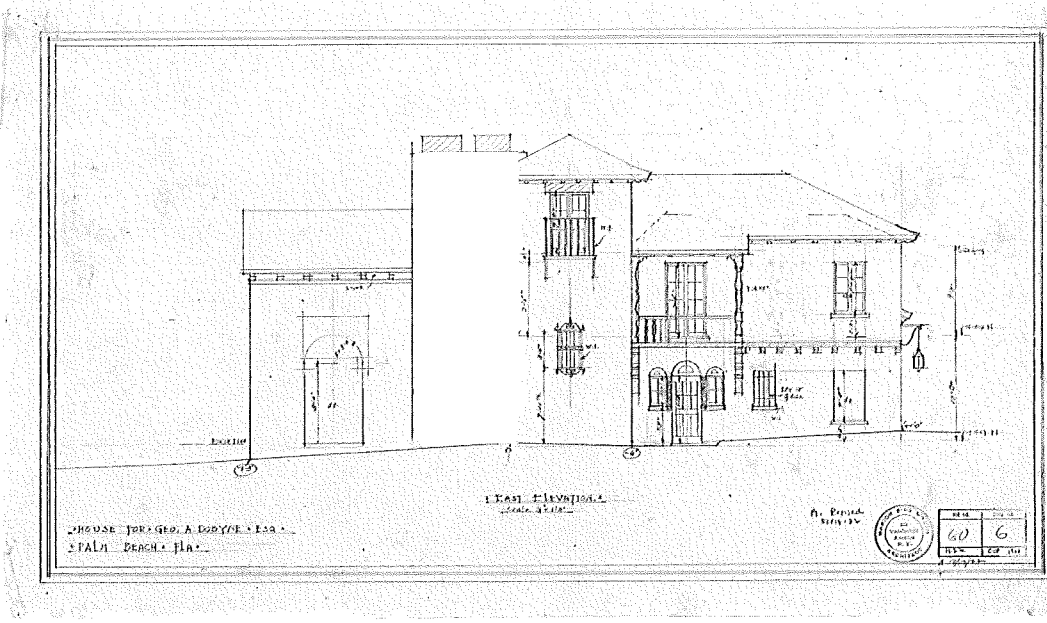


Fig. 15 Detail drawings prepared by North Palm Beach Engineering, Inc., Feb. 8, 2001, showing plan, section, and elevation of what was the original chimney and fireplace, removed for casement doors. Location outlined in red.

Social and Cultural History of 100 El Bravo Way

The residence was designed and constructed during the heyday of Palm Beach construction. Vacationing families who prior to WWI had quartered in the large residential hotels were now constructing private residences, especially in the area south of Worth Avenue and the Everglades Club. Many entertained company in their homes and clubs, and the George A. Dobyne's were no exception. Most of the new residents came down from the Mid-Atlantic and New England states to enjoy the winter season, and their camaraderie was class driven. As industrialists and financiers, or their legatees, they had much in common. Many enjoyed putting their affluent life-styles on display. But just as quickly as this period flourished, it ended. The Great Depression wiped out many of the nouveau-riche. Like the Dobyne's, a number of home owners were forced to sell their estates. Restraint if not austerity introduced new styles of architecture, and the sunny opulence, ebullience, and exoticism displayed in the Mediterranean style gave way to variations of Neo-classicism seen in the Georgian Revival and Regency styles, especially as borrowed from the West Indies. It would be an exaggeration to suggest that 100 El Bravo Way is reflective of the "broad social. . .cultural history. . .of the town" because of what took place there in the 1920s, any more that it reflects the 2000s. Moreover, the residence as seen and inhabited today, is not the one that experienced the dinner parties and swimming events of that earlier era. The open air, open circulation which provided the space for numerous guests—on one occasion two hundred at a swimming event—is no longer the case. The courtyard and pool are now flanked by two imposing wings to the east and west as well as a garden wall on the south. The leisure of indoor/outdoor circulation by open loggia no longer exists, a victim of air conditioning and security.¹⁴

¹⁴ For perspective, see Cleveland Amory, *The Last Resorts*, New York: Harper, 1952; "Palm Beach Social Index," *The Spur*, April 1, 1926, p. 118; "200 in Palm Beach at Dobyne Villa," *New York Times*, Feb. 8, 1928; "G. A. Dobyne's give a Christmas Party," *New York Times*, Dec. 25, 1929; "At the Winter Resorts," *The Spur*, Jan. 1, 1925, p. 28.



Figs. 16 and 17 Detail views of the north façade showing the raised portion of the wall in the second story and the portal surround. Neither of these features are historic. The new balcony does not match those on the east facade which are less tall or attenuated in comparison.

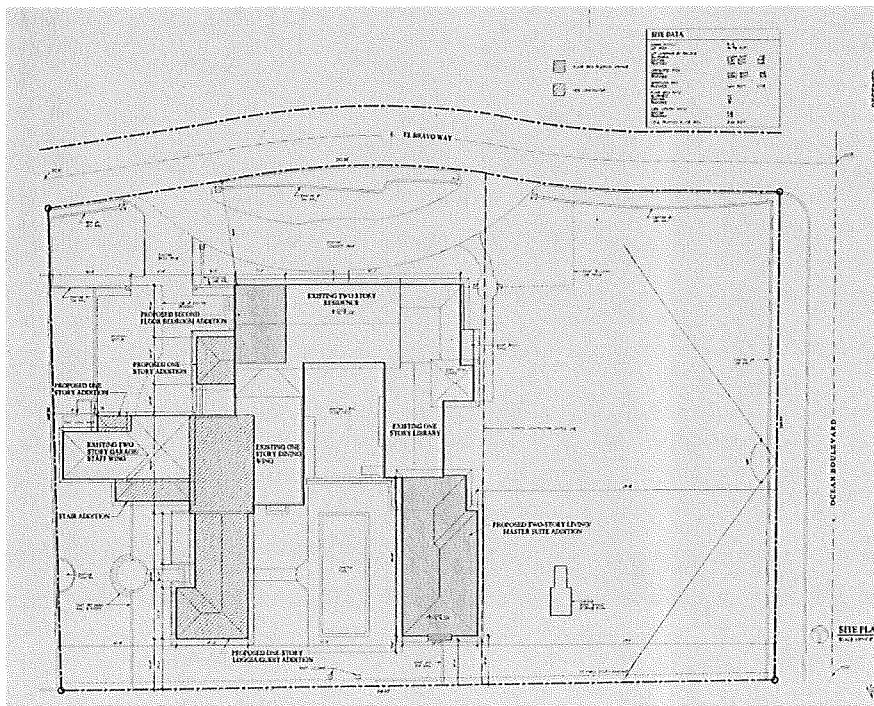


Fig. 18 Site plan prepared in 2000 by Smith and Moore, showing in darker gray the additions only and not the renovations.

100 El Bravo

*With ocean views from most vantage points, the recreation of
100 El Bravo discovers what Palm Beach living is all about.*

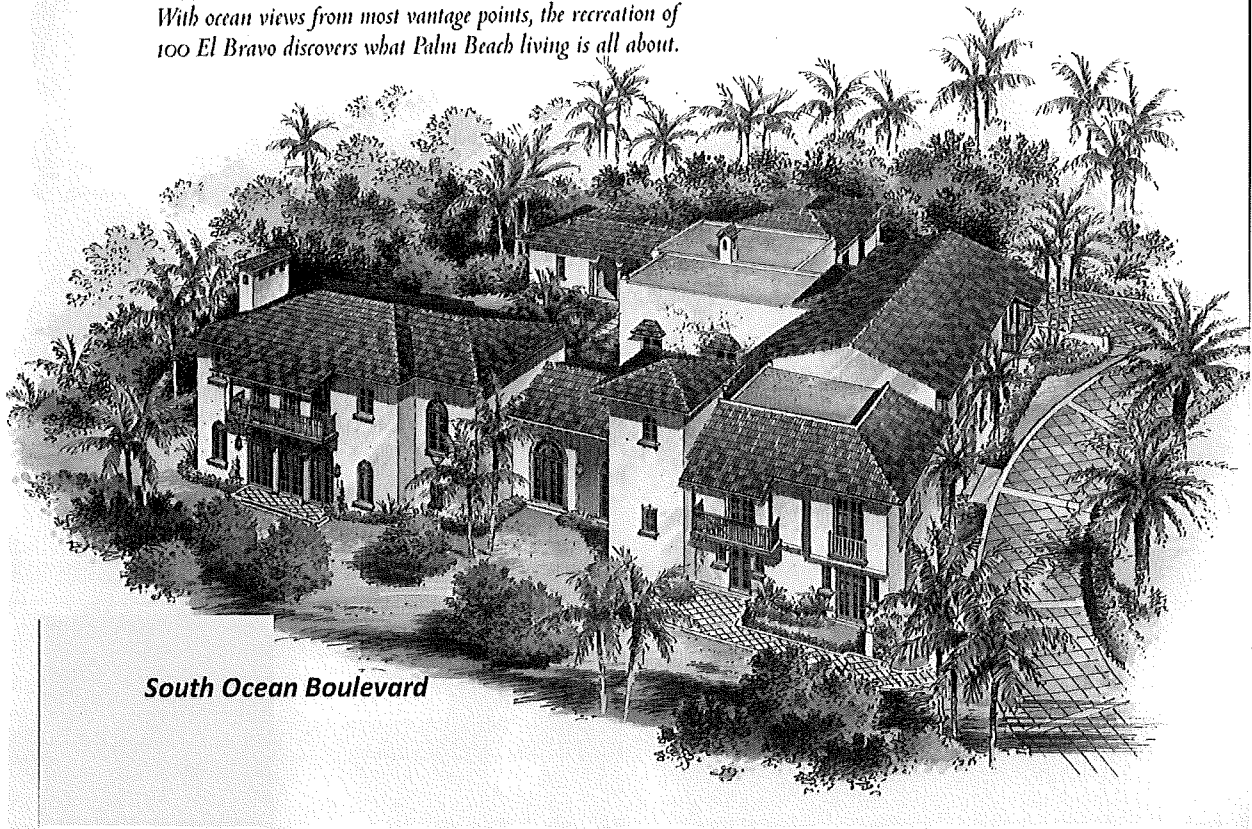


Fig. 19 This perspective drawing of 100 El Bravo Way prepared for a sales brochure in 2002 bears little resemblance to the residence designed by Wyeth and amended by Major. Wyeth collection, Preservation Foundation of Palm Beach, Palm Beach, Florida.

Summary List of Changes to the Original Structure

- 1) In November 1928, a swimming pool was constructed south of the courtyard. The garden wall on the south was razed and the axis of the site extended.
- 2) In August and September of 1930, building permits were granted for designs by Howard Major for additions to the ground floor and second story, affecting the character of the north façade. A garden pavilion was erected to complement the new swimming pool.
- 3) In January, March, and June 1980, permits were granted for work by the architect Belford Shumate for exterior and interior remodeling and the restoration of all rotten wood. A double window on the second floor of the master bedroom designed by Wyeth and facing South Ocean Blvd. was replaced

with a balcony and casement doors. A new site survey was executed by Hutcheon Engineers, and the roof tile was replaced.

4) In May and July 2000, architects Smith and Moore, following the approval of a variance request to exceed permissible wall heights, designed additions and renovations amounting to a doubling of the size of the residence, building permits were granted. A new two-story wing containing living quarters south of the original living room was erected facing South Ocean Blvd. To the west side of the residence, a family room, kitchen expansion, and garage and servants' wing were added or enlarged. The north façade facing El Bravo Way was changed with the extension in wall height on the second floor to match existing heights and permitting higher ceiling space in a guest bedroom. The entry portal was up-graded with a stone surround, balcony railings were replaced, and new windows replaced old. Wyeth's original fireplace, visible on the east was also removed. The landscape to the north, east, and within the courtyard area was also changed.

5) In February 2001, a permit was granted to once again replace the tile roof.

Concluding Remarks

The residence seen in Fig. 19 bears little resemblance to the original design of Wyeth or the addition of Major. If anything, it reflects the contemporary work of Smith and Moore. In the minutes of the Architectural Commission of the Town of Palm Beach, there was no reservation given to the potential or future landmark designation of the residence during applications for variance approval or design approval in May and June of 2000. Surely ARCOM would have questioned such a large addition, not to mention the sweeping renovations to an historic residence, had it considered it worthy of designation. Only the Town Council on review considered the proposed work to be "overwhelmingly massive." Why is it that 100 El Bravo Way has escaped the attention of writers and photographers intent on capturing the architectural history of Palm Beach. The likely answer is that the residence no longer reflects the plans and elevations of its original designer. Wyeth was a master architect who excelled in the various architectural styles of the early twentieth century. Had his original drawings been fully realized, and had the residence maintained its architectural integrity, it would have been an historical example worthy of study in both style and craftsmanship.¹⁵

¹⁵ Architectural Commission, B50-00, Additions, May 24, 2000, testimony by Elias and Moore regarding changes to 100 El Bravo Way approved; Variance #17-2000, June 13, 2000, Planning, Zoning & Building Department, Town of Palm Beach; With the exception of the Hoffstot guide published more than 35 years ago, there is no reference to 100 El Bravo Way in the architectural press. It is not cited in Shirley Johnston's **Palm Beach Houses**, NY: Rizzoli,

The Landmarks Commission is asked to make its findings based on the evidence in hand—what has been presented in the designation report. The report fails to describe in any detail, let alone differentiate, the historic work of the architects involved. It suggests that the recent expansions and alterations to the residence have not affected its integrity. In the words of the report's author: "Although alterations have been done, since most have been done by well known architects and builders Casa Beata still retains its architectural integrity." But the truth is that well respected architects and builders, acting on the wishes of their clients, and with approval by the oversight commissions of the local government, removed and replaced historic additions and features, including a garden pavilion, balconies, chimney, railings, doors and windows.

100 El Bravo Way is a handsome residence which is much enjoyed by its present owners. If anything, it has been a work in adaptive re-use, expanding and upgrading to meet its owners needs. But because of its extensive changes, it should not be considered for designation. Had the Shumate and the Smith and Moore alterations been reviewed by the Landmarks Commission, it would have found that they violate the landmark ordinance. For example, **Sec. 54-123.**

Exterior Alterations. states "Exterior alterations shall not affect the architectural quality or historical character of the building." The Landmark Commission's **Landmark Manual** sets out in both the *Secretary of Interior's Standards for Rehabilitation* and *Rehabilitation and Maintenance* the type of work deemed appropriate for restorations and additions to historic structures. In this case, the work done does not meet these standards and guidelines.

For the reasons cited in this report, The Landmarks Commission should vote against the designation of this residence.¹⁶

1991; Jennifer Ash and Alex McLean, **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992; or Justin A. Nylander, **Casas to Castles: Florida's Historic Mediterranean Revival Architecture** Arglen, PA: Schiffer, 2010.

¹⁶ Landmark Ordinance, Sec. 54-123. (b); **Landmark Manual**, pp. 32-38,

Appendices

Chain of Ownership of 100 El Bravo Way

1.	Clement, Anna L.	Charlton, Earle P.	07/26/1922
2.	Charlton, Earl P.	Dobyne, Margaret M	12/07/1922
3.	Dobyne, Margaret M. & George A.	The Ingleton Company	10/23/1935
4.	The Ingleton Company	Ditman, Norman E.	06/06/1941
5.	Ditman, Grace, Cumnock,	President and Fellows of Harvard College	11/14/1968
6.	President and Fellows of Harvard College	Steele, George s. and Martha S.	04/15/1969
7.	Steele, George S. & Martha S.	Glessner, John J (III)	08/22/1977
8.	Steele, George S. (Jr.) and Glessner, John J. (III), individually and as Trustees under the Indenture dated 6/6/77	Newhouse, S. I. (Jr.)	03/18/1990
9.	Glessner, Virginia	Newhouse , S.I. (Jr.)	03/18/1980
10.	Barrett, Evelyn S.	Newhouse, S. I. (Jr.)	03/18/1980
11.	Elhadj, Deborah	Newhouse, S. I. (Jr)	03/18/1980
12.	Wadsworth, Ellen G.	Newhouse, S. I. (Jr.)	03/18/1980
13.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, S. I. (Jr.) and Victoria B., h/w	10/21/1980
14.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, Victoria B.	08/12/1996

15.	Newhouse, Victoria B.	South Ocean El Bravo LLC	04/18/2000
16.	South Ocean El Bravo LLC	Tropin, Kenneth G. & Kathleen	05/29/2003

Record of Building Permits

ADDRESS 100 El Bravo Way

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
January 1921	Plat for El Bravo Park recorded	Plat Book 8 Pg. 9	
December 9, 1922	Deed recorded transferring Lot 2 of El Bravo Park from Earl and Ida Charlton to Margaret M. Dobyne	Deed Book 171, Pg. 421	No liens recorded on property in County records
December 30, 1922	Request for building permit for residence Work value \$70,000 ?	Permit # 57	Owner: George A. Dobyne Builder: H.R. Cowen
April 30, 1928	Request for building permit for additions to ?? room Work value \$1800 ?	Permit #6028	Owner: Dobyne Builder: F.B. Earle
---- 17, 1928	Repair storm damage Work value \$4700	Permit #19728	Owner: Asa Dobin Builder: J.R. Waldeman
November 13, 1928	Construct swimming pool Work value \$6000	Permit #31128	Owner: George Dobyne Builder: Jack Stephens
April 24, 1929	Addition to pantry Work value \$1500	Permit #7429	Owner: George A. Dobyne Builder: J.R. Hackman
August 17, 1930	Additions and alterations	Permit #12530	Owner: George Dobyne

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Work value \$9000		Builder: Smith & Riddle
August 21, 1930	Residence to be enlarged "by the addition of a second story and a complete servants' wing"; estimated cost \$25,000	Newspaper article	Owner: George A. Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u>
September 16, 1930	Laundry extension and garden pavillion Work value \$8000	Permit #13250	Owner: Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u> Partial Plans available
October 9, 1935	Deed recorded transferring Lot 2 from Margaret M. and George A. Dobyne to The Ingleton Company	Deed Book 518 Pg. 80	
May 10, 1941	Alteration? Work value \$13,450	Permit #1244?	This permit appears to refer to a different residence, not 100 El Bravo Way
June 4, 1941	Deed recorded transferring Lot 2 from The Ingleton Company to Norman E. Ditman	Deed Book 631 pg. 125	
November 19, 1955	Repair roof Work value \$180	Permit #4155	Owner: Mrs. Norman E. Ditman Builder: D.W. Pitts
February 12, 1957	Repair ? Work value \$500 ?	Permit #7857	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
October 22, 1957	??---servant's quarters Work value ?	Permit #?	Owner: Mrs. Norman Ditman Builder: Adelpia Construction
December 21,	Repair roofing, first floor area at open terrace below	Permit #81659	Owner: Mrs. Norman Ditman

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
1959	second floor balcony area Work value \$300		Builder: D.W. Pitts
January 19, 1960	Erect pool fencing Work Value \$120	Permit # 3660	Owner: Mrs. Norman Ditman Builder: Southern Steel Co
---,---, 1960	Replace flat roof.... Work value \$400	Permit #77260	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
---,---, 1980	Restore all rotten wood on house --- outside and interior remodeling according to attached list Work Value \$50,000	Permit #08601	Owner: Mrs. Newhouse Builder: Frank H. Johns Construction
March 10, 1980			Have survey of this date
June 13, 1980	Replace tile roof Work Value \$49,873	Permit #08808	Owner: Mrs. Newhouse Builder: North Roofing
June 1980	Restoration, repairs, and revisions to 100 El Bravo	ARCOM #65-80	Plans prepared by <u>Belford Shoumate</u> Partial Plans available
September 9, 1980	Variance request to install a second kitchen in existing second floor staff's quarters	Variance #31-80	Approved by Town Council subject to kitchen removal agreement, later recorded in Book 3402, Pg. 0056. Plans associated with the variance were prepared by <u>Belford Shoumate</u>
May 14, 1985	Variance request to construct 10' chain link fence along a portion of the south property line	Variance #29-85	Approved by Town Council at 8' high Owner: Samuel Newhouse

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
November 1985	Plan for 8' chain link fence with coral stone posts and new aluminum gate on south property line		Plan reviewed by Building Department <u>Alexander Gorain/Gorlin Architectural Design</u>
August 12, 1986	Warranty deed recorded transferring Lot 2 from S.I. Newhouse and Victoria B. Newhouse to Victoria B. Newhouse	Book 4969 Pg. 0296	
April 9, 1987	Plan for new canopy over door at northwest corner of house		Plan reviewed by Building Department <u>Alex Gorlin, Architect</u>
October 16, 1990	Repair stucco edge of two north --- balconies Work value \$600		Owner: Ms. V. Newhouse Builder: Davis General Contracting
February 1, 2000			Have survey of this date
April 18, 2000	Statutory Warranty Deed recorded transferring Lot 2 from Victoria B. Newhouse to South Ocean El Bravo, LLC	ORB 11726 Pg. 1885	
May 9, 2000	Request for variance to construct additions at a point of measurement of 17.6' in lieu of 14.61' required	Variance #17-2000	Deferred to June Town Council meeting after discussion. Mayor found the proposed addition to be "overwhelmingly massive". Owner: Victoria B. Newhouse
May 24, 2000	ARCOM review for "one and two story additions to an existing two-story	B50-00	Two wings and some decoration added to building. First floor pool house removed and replaced

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Mediterranean style residence"		with a second floor master bedroom and family room. Minor changes to front elevation. Architect: <u>Smith & Moore</u> Have approved plan
June 13, 2000	Variance request for point of measurement variance to allow "new additions" to match existing beam height	Variance #17-2000	Project apparently changed after May Town Council meeting, such that variance(s) no longer needed. However Town Council approved the project with the variance. Have approved plans
June 28, 2000	ARCOM review for "changes to previous approval; addition of a second floor bedroom and change of beam height at east elevation"	B63-00	Only changes from previously approved project are a modification to the roof line and addition of two balconies. ARCOM approved the version of the plan which required a variance.
July 5, 2000	Building permit for addition of 9242 SF 2- story CBS additions, kitchen, add staircase/living room/master bedroom/family room Work Value \$2,266,500	Permit #8040624	Permit ref. ARCOM B50-00 & B63-00 "loggia/guest house remodel/alter 5568 SF exist main house, staff qtrs, garage, remodel exist pool & fountain add new spa" Permit updated in November 2001 to reflect higher construction value - an addition of \$278,632.00 . Owner: Victoria B. Newhouse Partial plans available

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
July 5, 2000	Building permit for new structure; wall Work Value \$6,000	Permit #8040625	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
July 5, 2000	Building permit for landscape, hardscape, gate, fence Work Value \$47,500	Permit #8040626	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
December 2001			Have plans submitted to Town this date
February 1, 2001	Building permit for reroof, clay tile Work Value \$88,500	Permit #8045545	
January 23, 2002			Have survey of this date
February 8, 2002	Driveway permit, two openings Work Value: none given	Permit # 8052903	
February 25, 2002	Certificate of Approval and Occupancy for "additions and alterations to residence"		
April 15, 2003	Kitchen Removal Agreement for accessory kitchen		Cancels and replaces prior agreements Owners: Kenneth and Kathleen Tropin
May 29, 2003	Warranty Deed recorded transferring Lot 2 from South Ocean El Bravo, LLC to Kenneth G. Tropin and Kathleen O. Tropin	ORB 15291 Pg. 1343	
June 26, 2003	Building permit to	Permit	Owners: Kenneth and Kathleen

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	remodel/alter throughout house – cabinetry, light fixtures, plumbing fixtures Work Value \$50,000	#8062657	Tropin
May 15, 2006	Building permit to rebuild site wall damaged by hurricane Work Value \$14,000	Permit #8083018	West wall on property line
January 19, 2011	Property placed "under consideration" for landmark designation		

*Some dates and written entries are difficult to read, especially on older permits

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John S. Garner is a preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, where he chaired the division of architectural history and preservation before retiring in 2007. He is the chief investigator and author of several reports on historic buildings and districts in Illinois and is the author/editor of several articles, chapters, and books on architectural history and preservation, including The Midwest in American Architecture, (University of Illinois Press, 1991). He has appeared before several building preservation commissions, planning commissions, and city councils and county supervisors to testify concerning the historic and architectural significance of historic structures (in the state of Illinois in Chicago, Lake Forest, Pontiac, Effingham, Champaign, Peoria, and Springfield). He has also appeared before the Illinois Historic Preservation Agency's Advisory Council to testify concerning National Register listings. He has served as an advisor to the National Park Service's Historic American Buildings Survey. With a professional degree in architecture and doctorate in history and more than thirty years of experience, the author is an expert in investigating and documenting historic buildings and is a qualified witness.

CV

I. Personal History and Professional Experience Educational Background

Oklahoma State University, B.Arch., Architecture, 1969

University of Illinois, M.Arch., Architectural History, 1970

Boston University, Ph.D., Urban History, 1974

Academic Positions

1970-71, Instructor in Architecture, University of Illinois

1973-74, Lecturer in Urban Affairs, Boston University

1974-77, Assistant Professor of Architecture, Texas A&M University

1977-81, Associate Professor of Architecture, Texas A&M University

1981-87, Associate Professor of Architecture, University of Illinois

1987- , Professor of Architecture, University of Illinois

2002-07, Chair, Architectural History and Preservation, Univ. of Illinois

2007- Professor Emeritus, awarded by Board of Trustees, Univ. of Illinois

Other Professional Employment

1967-69, Architectural Intern, Hudgins, Thompson, Ball, Tulsa, OK

1971-73, Preservationist, Society for the Preservation of New England Antiquities, Boston, MA

1977-, Preservation Consultant

Honors, Recognition, Etc.

1973-74, National Endowment for the Humanities Fellowship

1979-80, Fulbright-Hays Senior Research Award to France

1997, Magister Profesor, Universidad de Tucuman, Argentina

1998- , Who's Who Among America's Teachers

Invited Lectures

1986, "Hopedale: A Centenary," keynote lecture on occasion of the 100th anniversary of the incorporation of Hopedale, MA

1988, "Architectural Preservation: An Outlook," Diamond Jubilee of the School of Architecture, Oklahoma State University

1991, "Early Chinese Temples and Tombs," Department of Landscape Architecture, UIUC

1992, "The Nature of Building Preservation," Department of Art History, UIUC

1997, "Direcciones Actuales en La Arquitectura Norteamericana," public lecture at Civic Auditorium, Tucuman, Argentina

1998, "An International Perspective of Model Workers' Housing, 1880-WWI," in a symposium, Change at the Millenium, University of North Carolina at Charlotte

1999, "Keynote Address on dedication of the J.H. Hawes Grain Elevator Museum," Atlanta, IL

2003, "The Pullman State Historic Site, Chicago, IL, USA," Congreso Internacional de Ciudades Historicas, Camaguey, Cuba

2004, "Keynote Address in Sao Paolo, Brazil, "Understanding the Single-Enterprise Town."

Review Panels

1996-2000, Member of Board of Directors, Historic American Buildings Survey Foundation, National Park Service, Washington, D.C.

II. Publications and Creative Works

Books

The Model Company Town: Urban Design through Private Enterprise in 19th –century New England (Amherst: University of Massachusetts Press, 1984).

The Midwest in American Architecture (Champaign: University of Illinois Press, 1991).

The Company Town: Architecture and Society in the Early Industrial Age (New York: Oxford University Press, 1992, 2002).

Chapters in Books

"Preserving the Prosaic," in Adaptive Re-use (New York: Van Nostrand Reinhold Co., 1988).

"Tanks and Towers: Waterworks in America," American Public Architecture (College Park: Pennsylvania State University Press, 1990).

"The Garden City and Planned Industrial Suburbs: Housing and Planning on the Eve of World War I," in From Tenement to Taylor Homes: American Urban Housing Policy (College Park: Pennsylvania State University Press, 1999).

Monographs

"East Texas Architecture: A Select Study," College Station, TX: Texas Society of Architects, 1979.

"Washington Park: Quincy, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1982.

"Public Square: Oakland, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1983.

"Main and Market Streets: Mt. Carroll, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1986.

"The Fitzpatrick Homestead, Lockport, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1987.

"World War II Temporary Military Buildings," Champaign, IL: USACERL, 1993.

Articles in Quarterly Journals

* "Leclaire, Illinois: A Model Company Town, 1890-1934," Journal of the Society of Architectural Historians (October, 1971).

* "Nathaniel Hawthorne's Legends of the Province House, His Use of Architecture, Artifact, and History," Old-Time New England (Fall, 1972).

** "Preface to Special Issue on Gravestone Carving," Old-Time New England (Spring, 1973).

* "Architecture at Texas A&M: The Past Hundred Years," Texas Architect (Spring, 1977).

* "The Saga of a Railroad Town: Calvert, Texas, 1868-1918," Southwestern Historical Quarterly (October, 1981).

** "How Fare Thee Fair Camelot," Reflections (Spring, 1983).

* (with Richard Mattson), "Quincy's Grand Past: Recapturing the Architectural Heritage of a River Town," Gateway Heritage (Spring, 1984).

* "Architecture and Philanthropy in a Model Company Town," Places (Spring, 1988).

* "La Company Town. Industria e Territorio nel XIX Secolo," Rassegna (Fall, 1997).

Bulletins, Reports (including expert testimony), and Conference Proceedings

** "The Growth of Cities in Victorian Texas," Proceedings of Texana III (Austin: Texas Historical Commission, 1983).

** "Family and Philanthropy in North Easton, Massachusetts," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1987).

** "Pullman Revisited: The Architecture and Planning of a Model Company Town," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1989).

"Resurvey: Northside Historic District Development Area," Peoria: Northside Planning and Development Corporation, 1993.

"John H. Hall House, Historic Structures Report," Peoria: Northside Planning and Development Corporation, 1994.

"The Homer Municipal Building, Historic Structures Report," Homer, IL: Village Board, 1998.

"Expert testimony on behalf of the Hillel Foundation, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Solon House, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Bush Temple of Music Building, Chicago, IL,"

City of Chicago Landmarks Commission, 2001.

"Octave Chanute Aerospace Museum: Conservation Assessment," Rantoul, IL: Heritage Preservation, Washington, 2001.

"Expert testimony on the First Unitarian Church, Peoria, IL,"

City of Peoria Landmarks Commission, 2003.

"Mark Twain Boyhood Home and Museum: Conservation Assessment,"

Hannibal, MO: Heritage Preservation, Washington, 2003.

"Expert testimony on the Smythe House, Palm Beach, FL," Town of Palm Beach Landmarks Commission, Town Council of Palm Beach, 2004.

"Expert testimony on the Jacks House, Lake Forest, IL," City of Lake Forest Building Review Board, 2005.

"Landmarks Designation Analysis of the Royal Poinciana Plaza, Palm Beach, FL," 2007

"Expert testimony on the Royal Poinciana Plaza, Palm Beach, FL," Town Council of Palm Beach, 2007

"Appraisal of 809 W. Main St., Urbana, IL," for preservation purposes, 2008

"Hamilton Boulevard from Water to North Street, a response to landmark application, HPC case no. 08-27, Peoria, IL, Methodist Medical Center, 2008

"Old Farm House (Mumford House), campus, University of Illinois, Urbana, IL," testimony before Facilities and Services, to retain structure in present location, 2009

Expert testimony on the Du Pont House, Palm Beach, FL, "Town Council of Palm Beach, 2010

"Appraisal of 701 W. Florida Ave., Urbana, IL, the President's House, University of Illinois," regarding interior conservation, 2011

Other: Encyclopedia Entries

** "Company Towns," in Encyclopedia of Urban America, Vol. 1 (Santa Barbara, CA: ABC-CLIO, 1998).

** "Industrial Towns," in Encyclopedia of Twentieth Century Architecture (London: Thames & Hudson, 2000).

** "Industrial Utopian Communities," Encyclopedia of New England Culture (New Haven: Yale University Press, 2002).

** "The Prairie School of Architecture," Encyclopedia of the Midwest (Columbus: Ohio State University, 2005).

References

Amory, Cleveland. **The Last Resorts**. New York: Harper, 1952.

Architectural Commission, B50-00, Additions, May 24, 2000, testimony by Elias and Moore regarding changes to 100 El Bravo Way approved; Variance #17-2000, June 13, 2000. Planning, Zoning & Building Department, Town of Beach, FL

Ash, Jennifer and Alex McLean. **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992.

Building Permits, entries 1922 to 1990 for 100 El Bravo Way. Dept. of Public Works, Town of Palm Beach, FL.

Designation Report, Wednesday, November 16, 2011. Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc.

Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as "Altered."

Hoffstot, Barbara D. **Landmark Architecture of Palm Beach**. Pittsburgh: Ober Park Assoc., 1974.

Johnston, Shirley. **Palm Beach Houses**. NY: Rizzoli, 1991

Landmark Manual, prepared by Jane S. Day. Town of Palm Beach, Florida: Landmarks Preservation Commission and The Preservation Foundation of Palm Beach, 2009.

Murtagh, William J. **Keeping Time**. NY: John Wiley, 2003.

Newcomb, Rexford. **Mediterranean Domestic Architecture in the U.S.** Cleveland: Jansen, 1928.

Newhouse, Victoria. Entry for Marion Sims Wyeth, **Macmillan Encyclopedia of Architecture**. Adolf K. Placzek, ed. NY: The Free Press, 1982.

New York Times, Feb. 8, 1928, "200 in Palm Beach at Dobyne Villa"; Dec. 25, 1929, "G. A. Dobyne give a Christmas Party."

Nylander, Justin A. **Casas to Castles: Florida's Historic Mediterranean Revival Architecture**. Arglen, PA: Schiffer Publications, 2010.

Plat for El Bravo Park, Plat Book 8, pg. 9. County Recorder's Office, County of Palm Beach, FL.

The Spur, April 1, 1926, p. 118; "Palm Beach Social Index"; Jan. 1, 1925, p. 28; "At the Winter Resorts."

Wyeth Collection, "A House for George A. Dobyne," plans, et al., Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

Cooney: No further discussion. I am going to call the question. There is a motion on the second on the floor to recommend designation per conditions previously stated. All in favor

Man: Aye

Man: Aye

Oppose? Aye

Chairman

Cooney: Roll call, please

Delp: Mr. Feldkamp – Aye
Ms. Willis – Aye
Mr. Cooney – Aye
Mr. Moore – No
Mrs. Albarran – Aye
Mr. Strawbridge – yes
Mr. Cooley – yes
Motion carries 5/2

Chairman

Cooney: Thank you very much. Thank you all for your patience in our designation hearing. We get to have fun now that we are in the season. Good discussion. The end of the agenda – staff before we move forward. That it being said, we are adjourned until our December meeting.

Chairman
Cooney:

Okay. Thank you.

Man?:

In regard to the motion, the clerk has pointed out to me that the motion did not include the criteria and that is fine if you are basing your motion on the report as set forth but I didn't know if you wanted to make any comment in regard to your motion in regard to that. Okay, it is fine the way it is stated.

Chairman
Cooney:

Okay. There is a motion and seconded on the floor. Mr. Ives

Ives:

Just quickly. The question of the criteria and how you are to interpret them as Attorney Randolph has pointed out is your order here. Your job here. Dr. Day has done a wonderful job. Chairman Cooney has done a wonderful job, but I think in simplest terms from the examples they have given. You have to ask yourself. Have those 4 criterion have ever been interpreted to designate a building with several different architect and different periods and obviously with Mar-a-Lago as a great example, Bath and Tennis Club and Everglades, it has. I'm sure you can ask attorney Randolph to further than or expect that he would back me up, but please keep that in mind. Thank you.

Lindgren:

Mr. Chair, real quickly, in my notes, I had Mr. Feldkamp's motion as recommending the Town Council landmarking this site based on criterion #1 and #3. I thought that was his motion?

Chairman
Cooney:

Defer to the question

Dr. Day:

I'm sorry, I didn't hear that.

Feldkamp:

That was my motion

Dr. Day.

based on #1 and #3. Thank you very much.

Chairman

Chairman
Cooney:

Okay. Mr. Moore. Mr. Rogers and Mr. ____ Jane go ahead.

Dr. Day:

I would just like to address what Mr. Moore had to say because I understand the confusion with this and I am a historian and a period can be defined in different ways by different authors. So if you are talking about a period being the 20th century, you would be talking about everything that happened in the 20th century. This report references that this building represents as a period the boom times of 1920's in particular what is happening in that very flamboyant time period. Is there enough of that fabric still left to meet that criteria. I think one of things that Mr. Brindell and his experts have shown is that there is a lot to study here. There is a lot to study on how things have added and subtracted and what we have left, but I think the basis of it is that we can look at this. The building that is left and have an architectural type valuable for the study of a period. It doesn't mean that it has to be the best, but it is valuable for this study and to look at what people were wanting to do with the environment and how they lived outdoors and those sorts of things. Style method of construction or use of indigenous materials but this report contemplates that period being the boom times of the 1920's and says that in the statement of significance and overlaps quiet slightly into 1930 for Howard Major's addition to that.

Chairman
Cooney:

Thank you Dr. Day.

Moore:

You're saying that this period extends to 2009 or whenever the Smith & Moore came along

Dr. Day:

No, I'm not saying that at all. I am saying that this property as it sits on 100 El Bravo lets us look at what happened in the 1920's in the boom times with the Mediterranean Revival style, how it was added onto by important owners and then part of that study could be how subsequent additions were added and whether or not they were appropriate or not, but the important part of this building is the north façade and the part that Marion Sims Wyeth and Howard Major did from 1922 through 1930 in my expert opinion.

to protect those buildings. The loss of which would substantially diminish the quality of life in Palm Beach.

Randolph

That's not true

Man 2:

The Council has advised us to the contrary.

Randolph:

I think you ask that in a form of a question and if you were here simply to preserve buildings that lend to the quality of life in Palm Beach that would be beyond your stated jurisdiction. You are here to hear the specific criterion set forth in your code and make your determination based upon competent substantial evidence so I needed to answer that because I feel strongly against what you said. Your jurisdiction does not go to simply preserving buildings that you think are beautiful or that you like or are on important corners in the Town of Palm Beach. You are confined by the criteria.

Mr. Roger:

I appreciate your correction and I think it is a shame.

Chairman

Cooney:

Thank you Mr. Rogers.

Man? :

I would still like to go back and just ask what is your definition of a period? You seem to think that there is nothing...

Dr. Day:

Are you talking to me?

Man? :

Yeh, and does this

Dr. Day:

I'm not a historian, specifically, so I am not going to talk specifically about a style or which part of it, but I think that all throughout there are elements within the house that referenced different architectural styles and periods and I think that Mr. Rogers.

Moore:

That's right. periods...what I want to know is.. I am still getting back to the verbiage, I am just concerned of our acting on the verbiage which we are suppose to be doing.

goes from the 20's to 2011 and is that a period? The majority of these changes were made just a few years ago and I am still getting back to the criterion for landmarking. I'm just.. I believe in what so much has been said that I understand my designated responsibilities it is to hear to the criterion that we have been given. I am just questioning the verbiage of some of this stuff. I'm sorry. So I am asking that we just glance over the fact that we are only talking about criterion #4. I question criterion #3 as well and maybe we only have to have 1 so they entertained. That's fine.

Chairman
Cooney:

Ms. Lorentzen.

Lorentzen:

I think that Dr. Day made reference to the real estate brochure not because she was trying to get us involved in the interior of the house, but I think she made reference to that brochure because even at that time which I think was 1999, that the owners even at that time felt that there were so many historic elements to the house and they were themselves highlighting as were the professionals that were marketing the house and I do think that it meets criterion #3 and to criterion #1 and Mr. Brindell's comment of how frivolous it is to have, you know, talked about whether they were entertainers and whether they appeared in the paper or not, I think that is a lot about the roaring 20's and the nature of this town and the fact that so many people came here for this season and whether you were entertained and were in the paper or not, for doing so would have been relevant to the historical aspects of this town more than just the architecture, but you made yourself, Mr. Chairman that point of the wooden balconies. I don't know how often you would see that being built if it wasn't in a historical structure, so they are historical elements and so I just put that on the record in response.

Chairman
Cooney:

Thank you. Mr. Rogers and Mr. Moore and then I am going to call the question.

Rogers:

Mr. Moore has brought up an interesting thing what our job is. Is it to interpret the criterion that we have been given. I think our job is

changes that may be appropriate negate or nullify integrity of landmark structure. That's my opinion.

Cooley:

This isn't a landmark structure, it is 90%, its 80% built in the 80's, its 10% landmark and you are trying to stuff the rest of it in there.

Chairman

Cooney:

Would you in your opinion then would a home that we allowed to which we allowed a sizeable addition, should that not be a landmark?

Cooley:

My opinion for the purpose of this hearing is directed at this specific property. I have given you my opinion on it.

Chairman

Cooney:

Thank you. Mr. Feldkamp.

Feldkamp:

Well, my opinion, in my opinion, Dr. Day has demonstrated that criterion #1 and #3 have been met and are Chairman's comments have bolstered that argument. Criterion #4 may or may not be met and in order to create the best perhaps legal case, I would prefer to omit Criterion #4 from this, but with that said, I would like to move 101 El Bravo Way be recommended to the Town Council for designation as a landmark of the Town of Palm Beach and criterion #1 and #3 with the omission of criterion #4 be made part of the record.

Chairman

Cooney:

you misstated the address of the property. You said 101 . 100

Feldkamp:

I'm sorry, 100 El Bravo Way. Thank you.

Chairman

Cooney:

There is a motion on the floor. Is there a second?
Motion seconded by Ms. Willis. Yes of course, discussion.

Moore:

I am not at all trying to be a nit-picker. I am not sure that criterion #3 that this property meets this criterion #3 either. It's been recited about criterion #4. I am just asking an architectural type or he is a specimen inherently valuable for the study of a period. Now, this

Cooney:

How would...what is your... if I may ask, what is your concern of this hurting our ordinance by approving something that has changed?

Mr. Cooley:

Basically, when you look at this east façade here, you can, the stair tower, two windows next to it, I can't see that the door or window remain unchanged. The rest of it has been changed including the roof line and everything to the right or to the left and then going down the other side its all been changed. Basically, what you got here.

Chairman

Cooney:

Major for the most part..

Mr. Cooley:

Excuse me, I wasn't done. Basically, what you have here is 10% of a house that meets the criterion and 90% that doesn't but we are trying to stuff that 90% into the 10% that does and it doesn't work. It hurts our ordinance, he hurts the effort and the I don't think we should do it.

Chairman

Cooney:

So, I guess my problem with that argument would be that we allow and work, I think quite successfully. Its part of the success of our program that we allow people to make sizeable changes to structure. Would it be then in your opinion that and by your argument, its seems to me that the additions we allowed I don't believe that those subsequently make something not designated. We didn't allow additions to 1200 South Ocean Blvd. and then say okay, but now the historic character is gone so we aren't going to landmark it. Its shaping, we allow sizeable additions and changes and I don't think the fact that they' have been done, undermines them. If any of the houses that have been modernized or upgraded: 640 South Ocean Blvd. at the corner of El Brillo, the one I previously mentioned. Jim Smith and redoing and its originally a Mizner. I don't think, I think that it is still a landmark even though it is finishing. You drove by this summer, it was brought down to the block and re-skimmed and rebuilt and they added a sizeable addition. I don't think that would negate if something was previously designated as a landmark. I don't think that those

wanted to respond to something quickly. I have some other comments so I don't want to go long.

Mr. Brindell:

This is the second time that this statement was made that is not quiet correct so I hope I. Dr. Garner and I did not say. What we said was if the original elements including the design features: the windows and all of the, you know the grill work and all, if these things were still there, and you could see them, you know, that is one thing, but those things, from the Sims Wyeth, those things are mostly gone! So that's the difference, when you compare those things and you look at the changed differences in the things that aren't there or have been changed in their size or, there is, I just, it's amazing the amount of changes that have occurred here. The niche you talked about isn't in the location that it was in originally,

Chairman

Cooney:

But, it's where Major moved it to.

Mr. Bindell:

Sigh. Well, it was blank originally to ____/

Chairman

Cooney:

I have a couple more comments and then I think we are probably getting ready to have a motion about this. But Mr. Cooley your light is on.

Mr. Cooley:

Thank you Mr. Chairman. Is this a fine property and should it be retained because of its individual beauty and its valued to the neighborhood, the answer is yes. Does this property meets the strict criterion of our code? The answer is no. I love historic preservation but I believe we hurt our effort by designating a property like this, as pretty as it is, that has been basically rebuilt in the 1980's. I would hope that the Town Council could come up with a method of not allowing demolition without requirements of landmarking so some bodies could take a look at demolition before it occurs, but short of that change to the ordinance. I don't think this is something I can vote for to designate this house.

Chairman

building. One of the most notable things to me is that in, all along, there was talk about all these historic features which have been lost. I still see the original stylings of Wyeth's balconies with the wood pickets and wood brackets and detailing and the tower element and that balcony are preserved. A lot of people go now if they are doing major maintenance work to something not wood for the maintenance factor. They preserve these key Wyeth elements and the balcony on the new addition picks up on that. Most interestingly in my opinion is that through all of the major renovations, one thing has been saved and it's a quirky bit of the house that fits the Mediterranean style and it's the niche that has. I don't know one can see on the top here, to the right of the front door, there is a niche and above the door on the bottom, there is a niche. The niche contains a Mary and Jesus figurine within this niche which would have been appropriate to Mediterranean Revival style because it emulates works from Catholic cultures in many cases. The niche was maintained not only by Howard Major in 1930 when he added a second floor and put it over the top. It was maintained by Smith & Moore who didn't take it out. It's a quirky interesting feature that adds to the character of the home and if somebody was doing insensitive changes to a house, they probably would have gotten rid of the niche. It's a quirky thing, some people might not be comfortable with and some people may not be Christians or may not be comfortable with the religious imagery or may not like looking at a mom and her baby statute every time they walk in their front door, but that is a key feature that has been maintained. If you can just go to the next 10 as well, please. No, the next one, sorry. Perfect. I mean Mr. Cooley or some others have made the comment of you know, where is this key Wyeth. I look at the right and I am seeing this key Wyeth's structure and to the left which I am seeing an addition which while large is connected with a small lower roof element and that would be the direction and way we would want someone doing additions for instance at 1,200 the thinnest connection possible to the sizeable addition that was approved there was the way we would be accomplish best historic preservation. So I see so many of these elements actually preserved despite the very eloquent and astute comments of Mr. Brindell and Dr. Garner, but I don't think some of their criticism holds up and that is all I have to say. Mr. Brindell you

part were very sensitive and they preserve and enhanced original features and do a lot of things that we would have liked them to do. Those balconies that you see on the east façade at the lower right corner and some of the balconies elsewhere that are wood picket is a classic Wyeth element and they are an original feature to the original drawings. On the nearer element over to the left, they picked up on and carried over that detail. That's probably something we would have liked to have seen had they appeared before us. The windows are arched top as opposed to square. There is a differential between the newer addition and the original structure which would be something that the Secretary of Interior would comply in spirit with some of the Secretary of Interior Standards for a visual difference between the new and old. And furthermore the connection between the old element what we can see on the right is that was as was stated before with the tower and elsewhere being the key Wyeth part and then the north addition where the second floor was added by Major and Mr. Brindell and Dr. Garner have even expressed that core of the house had or has maintained some of its original character. The addition while sizeable and visible from the road seems to be something that was a problem and when I look at that the connection between the addition and the original structure was done in a lower one story massing roof. It gets a hip roof, the connector between the original and older structure is as minimal as possible which is what Dr. Day would advise us to do if we were hearing something now and as she stated they preserved as they expanded the building. They maintained the U shape plan which is key to the essence of the house and the service areas have been changed and all of that. Give me a moment that I make sure that I didn't miss anything. I have covered a lot of ground but if you give me a moment please.

Okay. If you could down Mr. Norquest may be one of the ones you have the side to side drawings, #9. I look at this and sure of the windows have changed we have seen that remember 801 South County used to have those gothic-arched windows on the ocean façade and they went square bi-Fatio and we wanted them to go back to that. Some of that stuff does change, but the arched entrance is the same. The fact that the window, the iron work is not identical, that has happened over time and can be changed. Those are addition, there are elements, but they are applied to historic

conditioning, people would like to stay in the air conditioning. Jackie, you, as an architect, you've done certain loggia enclosures.

Albarran:

Many

Chairman

Cooney:

We allow them as long as they are done sensitively and appropriately. We still allow them. It's not something we use to allow and don't any more. 105 Banyan, second floor of that, had part of its outdoor loggia enclosed because the only way to get to the master suite was to go outside and they wanted to not to have that. I like the charm of the open-aired loggia and I agree the charm of the open aired-loggias and I agree that is a wonderful key feature to the Mediterranean Revival at that time, but it's a choice we made as a landmarks program and community to allow those things to happen and they are removable. You know that, I don't see that having any negative effects that the activities were and hurt the social effect nor do I have any problem that the fact that the Dittmans did, the owners to the 40's to the 60's aren't mentioned on the report. Some people are private and some people are less significant or accomplished or written about than others and I don't think that someone boring owned my house for a while, I wouldn't, I don't know the Dittmans, so I don't mean that, but I couldn't see that having any major impact and then finally much of the argument hinges on the fact of the Smith & Moore additions and the size of it. A lot of what they are showing and could you go to some of your earlier slides for me. Comparing the additions. Mr. Brindell or Mr. Garner could you? Okay, who can? Who are you? Oh, I expected you had to get up. Go to the beginning. I can't quiet recall where we were. Yes, start at the top one, if you would. You can start at the very tippy top at 2, right there, and the next one. You can start, no, no, the one that is rendering the sketch, the very tippy top. Yes sir. Thank you. If you are looking here because this is a helpful view, on the left is what they are saying what is the Smith & Moore addition. Now we allow as we have talked about before sizeable square footage addition. Mr. Brindell's comment about the square footage percentage changes are fine. The numbers are convincing, but those don't mean anything to me in this regard as long as the changes have been appropriate. These changes went to ARCOM and not Landmarks, however, I think that the changes for the most

Albarran:

Almost doubled

Chairman

Cooney:

So I don't think those things change the integrity of the house. Those are just examples in the community. The other thing was the proportion of the north façade hurting the integrity. These are about criterion #3 these comments. The proportions of the north façade changing and hurts the integrity. Well, the addition was primarily made by Howard Major and to comments made by him and not liking the Mediterranean style and it not being his preferred style. Yes, Howard Major is principally known for Major Alley in the later island and Colonial influenced homes that he built, but unlike Major like Wyeth was an intellectual and highly trained and he was also trained at the Ecole des Beaux-Arts and he was a master of Spanish architecture and worked in Mizner office but also I think one of the finest home on the island is in the Mediterranean style and is tucked away on Via Bethesda, but is the house Casa Coral, completely clad in coral and it is magnificent. His written articles about the Mediterranean style. He may have argued in some of his articles at the time that he didn't know if it was the most appropriate but he was doing that, that doesn't mean that he would not be adept at working in the style. He may think another style is appropriate, but if a client asked him to make a change in the Mediterranean style, he certainly qualified to do so. I'm, and then some of the other changes. Criterion #1 may be this is not ?---. We talked about the open-aired character of the house now being gone. It's true. Open-aired homes were what were built in Florida. We did not have air conditioning so the cross ventilation and breezes were essential to live comfortable here and all of the early homes from that period had these features. Architecture was changed quite significantly with the introduction of air conditioning and as we have allowed older homes to adapt. We let people put in air conditioning and one of the most common things the point was made that its no longer open-air that loggias have been enclosed. I can think of 10 houses off the top of my head that have had exterior loggias enclosed because one wanted a see in many of these old Mediterranean houses. One would have to go to get between a master bedroom and certain spaces, one would have to go outside to a loggia and back inside. Now in the days of air

recognizing that we live in a hurricane prone part of the country and that people want to have protection, we are very flexible in allowing people to modernize their homes, add air conditioning, but also impact windows. While I prefer wood impact windows, sometimes aluminum clad windows are used and that is a decision on a case-by-case basis, the Landmarks Commission can make, but I don't think that violates the integrity. I don't think that the whole house being skimmed with new stucco violates the integrity. Take many of the houses, 105 Banyan, that is going to be skimmed with new stucco. Let's, well 640 South Ocean Blvd. which was here earlier today that is Mizner on the ocean that Jeff Smith is currently finishing. It's been totally replaced to be modernized, mechanical equipment, waterproofing, these are things we do because we recognize that in the harsh climate of South Florida that in order to preserve things a lot more may have to be done to preserve these buildings. You know, the whole house being skimmed with new stucco. A lot of these houses, Jackie you can probably attest to the fact in your professional experience.

Albarran:

Seagull

Chairman
Cooney:

Water is, yes, water is... water is one of the biggest problems we get and these old houses need to be waterproofed if you are spending the type of money or doing a renovation. Now we encourage property owners to insure that their properties are shored up and brought up to code and will last much longer. I want people to have a waterproofed house. I don't think that thermal elastic paint or roof replacement, or windows, or you know another item that was mentioned was the rod iron is now aluminum. Well, we will allow people to that all the time. They are going to come in for a restoration as long as they are replicating what was there, as we would request to do, material changes, we allow and that is particular to our community and its part of the success of the landmarks program is that we are, I think quite flexible and innovative with materials and construction techniques and we have to secure these buildings for the long term. Jackie mentioned Seagull cottage which used to be a shingle house and now has hardy board and has all new windows and has the large addition, quite a large addition and ...

as a landmarks. The other property and as Mr. Feldkamp indicated that this La Bulucio 1200 South Ocean is getting a sizeable addition. Would we tomorrow decide that we don't want to landmark that because now someone added even though we approved it. You know we didn't, just because we didn't rubber stamp this addition doesn't mean its not a sensitive changes. The other structure that I have in mind that has been substantially. Oh, it was on the agenda earlier and we've heard in the past year was 105 Banyan. We allowed them to demolish about 50% of the square footage of the house and rebuilt on that rebuilt that section of the house. Now it was the part of the house that didn't have its integrity, it was about half of the square footage, but and that was a Wyeth home and we allowed sizeable changes and flexibility. One of the other points made by Dr. Garner is integrity and he spent a fair amount of time addressing that issue and the integrity of its structure is extremely important to its value. We had situations where properties have changed to the degree that the integrity is no longer there. In this case, I don't believe that is the case. A lot of things Dr. Garner represents may be in an academic historic preservation sense correct, but about materials. He references Secretary of the Interior Standards as we know, we don't adhere to those stricter standards unless we are doing a tax agreement program, but we have decided our ordinance is a little more flexible and its been the long-standing practice of this commission to be quiet flexible and academic interpretation of historic preservation probably would think that much of what we approve might not be appropriate and might not meet that criteria. However, preservation and how it's executed is unique to each community. Every community does historic preservation in their own way in order to be flexible and adaptable this commission has always been very flexible in working with property owners in the house isn't frozen in time or a museum. Those changes can me made over time. Like people do on all houses. Like they did in the 30's and like they do in 90's and 2000 and the... in addition. Oh, he gets into a fair amount of materials that all the windows had been scraped and what's the value there. We... I get an academic point of historic preservation would preserve the windows. Dr. Day, our trusted expert, has done work in Key West and she'll tell you that in that community it is key and they are very tough about wanting to maintain the original wood windows. As a community, we have made the decision that

what we are evaluating today. But as Dr. Day said the criterion are intentionally broad and specifically there has been a fair amount of concerns about the interpretation of criterion #4 with the language of a notable work of a master architect whose individual ability if that the, I mean Mr. Brindell and Dr. Garner have very ably argued their point on behalf of their clients and both have a lot of experience in this regard so they very eloquently and explained their things properly, I do disagree with their interpretation of how the criterion apply to this property. Personally, I don't, I don't, if we were to follow the interpretation that criterion #4 required that the building be a pure work of a master architect, nothing in this Town would get designated and I think of some of the greatest landmark in this Town that have alterations. Many made in the 30's and many made later. If you were to go by criterion #4 and the interpretation some have discussed in this room, the Everglades Club wouldn't be designated because it is principally Mizner but you know, Volk added that big ballroom and Wyeth added or it was renovated by several people. The Bath & Tennis Club would not be designated because John Volk totally rebuilt it, its missing its top bell tower that blew down in a storm and he enclosed a lot of previously exterior spaces. I still believe that the Bath & Tennis Club is an important landmark and retains its character. Now, it's the work of Joseph Urban but also substantially of John Volk and I don't think anybody would make the argument that it's not representative of quality work or worthy of being a landmark. In fact, I hear it referred to as one of Urban's best and most special works and we are fortunate to have preserved. Additionally, Jane mentioned 150 South Ocean Blvd., the residence currently owned by David Koch which is a Mizner but it had additions and renovations by Fatio and addition that I think quite significant by Joseph Urban that have enhanced that so that interpretation particularly of criterion #4 in looking at one particular architect doesn't fly to me and unfortunately, this argument has been made before and the Attorney in front of us made a similar argument on behalf of another property. The former Kennedy property which did not get designated as he argued at that time part of the integrity of that structure had been changed because Fatio had done renovations to the original Mizner structure. Now, I'm judging, I'm basing my decisions and interpretations of the criterion specifically on this property, but as another example, I think that shows that things that change may be worthy as being designated

S. Randolph:

Comment on regard to that. I think that what you last said that you believe that it meets the criteria is a legitimate statement to make, but I don't think it's appropriate to say we shouldn't get caught up in the details of the criteria. Your job here is to make a determination as to whether or not it meets the criteria. You indicated that the Town Council has asked you to be proactive but they have asked you to be proactive in regard to your jurisdiction that is to make a determination as to whether or not the criteria applies and that does not mean that they are asking you to be proactive to save a house because it is on an important corner or because it is a beautiful home worth preserving and perhaps that's not what you meant, but I had to clarify because that is how it sounded to me.

Rachel
Loventzen:

Okay fair enough. I deserved that but let me say what I meant about not being caught up in the semantics. If the semantics in this particular instance are we keep coming back to a individual and an individual and in fact you show us situations where they are two or three or four individuals, I think that might, for me, be semantics because maybe Jane would have rewritten it to say, an individual or in those indications or in those instances where two or more architects, I don't know whether we can make provisions for every single potential instance, but it does meet criterion #1 and #3 anyway. Quite aside from the semantics of singular or plural in criterion #4 is what I would say. And I like to say, Jane Day, in the past, I can't remember in the past I can't remember the instance, but we have modified a designation report before it went to the council. If you believe it does not meet criterion #4, you could vote to nominate it for recommendation to the Council if it only meets criterion #1 and #3.

Chairman
Cooney:

Thank you. Okay, I am going to make my comments now. I have several. There were so many ideas going on and all of that so I am going to try to somewhat order in this. A lot of the discussions centered on criterion and meeting the criterion which is obviously

tend to believe that criterion #1 and #3 are met and that would be sufficient.

Chairman

Cooney:

Thank you. As you know, property only has to meet 1 criterion per the ordinance. Just for clarification. The next ...My light is on next so I am going to go. Actually, Rachel, you've been waiting. Do you want to ahead?

Rachel

Loventzen:

I just want to say that first of all the Council has instructed us to be proactive and that this whole process becomes a vehicle for insuring that important properties aren't torn down and that we can come at it after the fact after someone has put something in front of us and that this is an important address. It's sitting on two important streets and an important neighborhood and I don't think we should get too involved in the semantics of the exact wording of this criterion. They are met as guideposts for us because conceptually I believe what we are trying to do is to look at whether things are worthy of preserving. I mean we are here as a preservation commission and we are not necessarily adhering to the national standards 1 and things have changed and we are trying to say to owners that it shouldn't be onerous to have your house landmarked because we will go with the times if there are hurricane windows or if people have interior kitchens instead of outhouse kitchens or they enclose their loggias because they need more living space or times change and you don't want to have to walk outside in the rain to get to a bedroom so I think this does meet the criteria but also that we shouldn't get caught up on the semantics because there is probably as many different ways that a house or property could come at this and to have criteria that meet every single occasion would probably be very, very difficult for Jane to put forth for us. Anyway.

Man ? :

Mr. Chairman may I ...

Chairman

Cooney:

Please

Dr. Day: Part of that Mr. Moore is the footprint and the setbacks from the street and the way it relates to its site and the rest of the street.

Mr. Moore: I am just telling you. I'm not arguing against the project. I'm ...I'm, I am very, very confused with the criteria.

Dr. Day: Well, I have to work on my educational presentation.

Chairman

Cooney: Mr. Feldkamp. Patiently waiting

Feldkamp: Thank you very much. A number of items, your assertion as is mine is that there is fabric of the original still remaining which deserves to be retained.

Man ?

Interrupts.. let me interrupt because I don't think there has been any assertion from Mr. Diamond. He has just asked a question.

Feldkamp: Okay then I will make the assertion that parts of the original do remain and deserve reverence and I also note Mr. Rogers' comment that one of the original bedrock issues of architecture in Palm Beach is the concept of growth over a period of time. On the other hand, I agree with one of Mr. Moore's assertion is that criteria #4 is very much in the singular and we are dealing with something that is not in the singular we have a number of architects over time so I worry that criteria #4 may not being met by this which brings us back to looking at criteria #1 and #3 and I tend to believe that we do meet those criteria that the structure amplifies the broad cultural and social history of the town. If we were to go by the Secretary of the Interior Standards then for instance La Bulucia which you mentioned which is an enormous addition to a Mizner house at 1260 house that we would of then required it to be designed as a Michael Graves may be or a Richard Meyer or something completely different. This Town tends not to want that criterion to be met that it has to look completely different there are tons of issues here where windows have been changed. We just had one today where two windows were removed and French doors put in and fireplace put in the manner of the original architecture. Smith & Moore's addition were large there is no doubt about it and they were not in the style of Graves or Meyer. I think they are consistent with the original so I

what is important and allow the rest of the house not to be landmarked. Skip, Dr. or Mr. Randolph should really

Randolph: Dr. is fine

Dr. Day: Dr. is fine. I'm not nervous but this is just..I don't know the start of the season. We should refresh our memory however that when that happens when only a portion of the house is landmarked. The decision has been made in the past that all of the building program in the future has come to landmarks but that landmarks has put their ARCOM hat on when they have evaluated one of these projects for example that section of David Koch's house, the house back portion of the property was allowed to be completely reworked as long as the archways were kept.

Man ? : Thank you.

Albarran: Jane, just to add 800 South County, the facade and the 4 ft. back, 25 middle Road, its just the façade and 4 ft. back

Dr. Day: Thank you Jackie you've been here longer than I have.

Albarran: I worked on both. So I remember very well that we were able to do all sorts of things to the rear as long as we maintained that. Yep.

Mr. Moore: In my presumption is...

Chairman

Cooney: Mr. Moore

Moore: Excuse me. I'm sorry.

Chairman

Cooney: Do you mind if we get through some other folks?

Mr. Moore: Can I just make one quick observation? My presumption is that your assertion is that some portion of the original structure remains as untouched basically and I don't see that here. Just as an FYI.

Albarran: Right

Dr. Day: More difficult to read.

Albarran: Because, what I think I am having trouble with and may be some of us is that you see the original Wyeth and then you see the existing and that is a big difference, but we don't really see to compare what the Howard/Major project was and that might not be that different and we all in agreement that was a landmarkable.

Dr. Day: And in fact the one piece of evidence we have for what Howard Major did and its in the footnote of the Designation Report is the tiny little article that Heather found at the Historical Society that wrote in the paper that Howard Major was doing this addition for them rather than the visual.

Albarran: That to me is the problem, it probably got rid of that asymmetrical look and did the symmetrical balconies on either side, we don't know.

Dr. Day: It's a hard decision to make

Albarran: To me that is the hardest because there is an in between that is landmarkable that we don't know what it looked like.

Diamond: I just have a question about designations. Have you ever, I think you may have designated a portion of a house, a façade portion for example or the original portion thereby retaining what is historically important?

Dr. Day: Yes

Diamond: Not allowing and therefore allowing changes to be made to the non-historical portions.

Dr. Day: Yes, we have in number of times. Dr. Rose's house that the Mizner only the front door has been designated. I am just pulling these out of my head. David Koch's house that is on the corner South Ocean and Clark Avenue, only the front façade was designated in the Howard Major portion of his house. So there have been a number of times that the Town Council has made that compromise with property owners so that we can keep

with the tower and most of the Moorish influence of it is Joseph Urban who put the stage setting on it and that was designated as being the combination of those two and some people don't even know that Marion Sims Wyeth started that design for Marjorie Meriwether Post. It's a difficult decision. The house has been altered, it is a beautiful house. I believe it meets the criteria, but you have to make up your mind of whether it does or not.

Chairman

Cooney: Thank you Dr. Day. Mr. Rogers you are next in line.

Mr. Rogers: Yes. Mizner for example spent a fortune making houses look like they grew over a period of years done by different architects, not just different decades, but in different centuries. We run head long here into the question of the alteration by an established and important architect of a building by an important and established architect. Four of them as a matter of fact. I think we have Wyeth, Major, Shoumate, and Smith & Moore. I mean these are all well established, important architectural firms. I think we have to expand when it says the study of a period. The period this house represents is 80 decades of the 20th century and what you are looking at is the work of 4 different established architects, each individual in their own way, and by looking at this house you can see the history of architecture in Palm Beach over 8 decades.

Dr. Day: Thank you well said.

Chairman

Cooney: Thank you Mr. Rogers. Mrs. Albarran.

Albarran: I just had a question because part of..well probably, Jane, we don't have I suppose any drawings or even pictures when it was in 1980, just the Wyeth and Howard Major structure.

Dr. Day: We have a photograph in Barbara Hoftstot's book

Albarran: Okay.

Dr. Day: that is from the 70's that shows it. The microfiche is very difficult to read Jackie and

changes to our ordinance? I mean this is, I think on the far end of what we have authority to do.

Dr. Day: I would defer to Skip. I don't think that it would be a disservice to our ordinance. I would like to think that if this house came to ARCOM for a demolition permit, would we have a repeat of what we had with the house across the street where the community said why are you tearing a Marion Sims Wyeth/Howard Major design and the Council has said to us be proactive in saving what you want to save. The Landmarks Commission needs to decide now this is your decision making time period. Is this something that you would like to save? It is particularly ironic to me that 2 of the members of this board were on ARCOM when the other question came up.

Cooley: Can I just respond to that? I personally don't think anybody in this room would argue the fact that it's a house that is beautiful and should be saved. The question is whether or not it meets the criteria. I get back.. I am reading this think, it says, "representative of a notable work of a master builder designer, or architect whose individual ability has been recognized or to influence his age". This is a collective effort here and I'm sorry, my question is whether or not the criteria are proper for us as a commission to use in the evaluation of this request. I am having trouble with it and it's not because I don't think that it is a gorgeous home. Its certainly should not be demolished, but we got closing influences here Jane.

Dr. Day: This is the only criteria that we have to work with right now. I think that there is nothing...

Cooley: I hear you but..

Dr. Day: I think there is no question that Marion Sims Wyeth individually and Howard Major, individually are notable architects whose work influenced their ages. This is a combination of those two and that is why this hybrid is difficult to evaluate.

Cooley: The criterion doesn't say combination; that is my point.

Dr. Day: That is correct, it does not. But we have, Mike gave the example of Mara Lago. Mar-a-Lago was started by Marion Sims Wyeth but what you see

remnants of the Marion Sims Wyeth design there and the Howard Major addition. The portion of the house that both Barbara Hoftstot, Mr. Kinney in the original Master Site File Form and these two gentlemen said if we had that house before the Smith & Moore addition that it would be worthy of landmarking that it was a good example. These criteria I believe are intentionally broad so that each individual application can be looked at individually with what the historic and architectural records is and that you can determine whether or not you should designate a property. This program is so successful in the Town of Palm Beach because the Landmark Commission has made those determinations. Not every house in town deserves to be a landmark but if Marion Sims Wyeth, I got the figure 8, Dr. Garner says 6 houses in 1922 at the beginning of his career here in the boom years of the 20's, there will never be another Marion Sims Wyeth house that is built so I contend we should save what we have and that it does meet these 3 criteria and in fact I think criteria 1 the social criteria that this was an important house and important couple in town for this the social history during the boom times of the 1920's whether or not those spaces are now air conditioned or outdoor spaces, I think is irrelevant to that social history.

Man 1: Thank you Dr. Day. Mr. Cooley.

Cooley: Dr. Day you say there will never be another Marion Sims Wyeth house. The question I have is this one.

Dr. Day: I believe that it is. I believe that it is based on the foundations of Marion Sims Wyeth design. Perhaps some of the details on the exterior has changed. Luckily we have the Preservation Foundation and the original plans so that if anyone wanted to come forward and reapply applied ornamentation like the rod iron, we could do that. The entrance door is in the same place. The tower element that faces the corner and the east side of the property is still there. It could be reconstructed and restored with those plans and the U-shape of the house as it was originally envisioned by Wyeth so that it could take advantage of the environment has been kept intact with both ends of the U extended to the south and the west to give the owners over the years more living space.

Cooley: One more question Mr. Chairman. Dr. Day do you think that maybe we would be doing a disservice by designating a house with this many

architects. It has been changed but I learned a lot. I wasn't allowed on the property so I didn't realize what they had the opportunity to do by being on there that the original Marion Sims Wyeth design was so designed for the environment with the single bay rooms with the way it took the ocean breezes and I think that it is still an important to keep. It ispause...would you like to speak? I believe it meets the criteria as we looked at it in the past with other properties, but it is up to your commission to debate that between yourselves and to decide if you think it is an example worth saving. I believe it meets the criteria, they do not. You have to go forward with your own discussion in the Landmarks Commission. I would be happy to answer any questions that you have from me. The other thing that I think that is really important to point out is. Although the Landmark manual that I prepared with the thanks of the Preservation Foundation, includes the Department of Interior Standard that were referenced our Landmarks ordinance does not include those standards and the preference for people in the Town of Palm Beach when adding addition has been to make those additions look seamless and part of the original rather than the criteria that says that it should look different and something that your obviously look at as a difference. Where the Department of Interior Standards come into play in the Town of Palm Beach is if someone is going forward with the tax abatement program and because that was an amendment to the State Constitution that required those standards to be in there we included those standards in the manual so that the people going forward with tax abatement would know what they were getting into if they decided to apply for that. Thank you.

Man 1: Thank you Dr. Day. Why don't we have some discussions amongst ourselves? Mr. Moore you are...

Dudley

Moore: May I just ask that you expand upon that Jane because I think these people have done a very good job of stating their position regardless of how we react and the question in my mind is whether or not the criteria as set forth in the landmarking process is something that needs to be revisited. Now your statement earlier would indicate the answer is no, but may be I am presuming something and I liked ...and maybe this is not the appropriate time to talk about it but it seems to me that these people have done a good job of stating their position in relationship to our criteria.

Dr. Day: I think they have shown you that there have been a lot of changes to this house. I knew that when I looked at the property. I knew it when I looked at the original plans of the property but I don't think that alterations and additions are the only thing that matter. I believe you can still see the

of landmarking. So the question we have is that Smith & Moore addition. And it is very large. But I don't think there's anywhere in the landmarking ordinance that says you can't have additions to a building. That's not something we look at as a criteria hindrance in any way. And I'd ask you to keep that in mind as you go into debate here but also, obviously, Mr. Brindell is a talented lawyer and Dr. Garner is an architectural expert. There is a bigger concept besides just that ordinance and that is that there's a reason we have a landmarking system here and a reason you all serve and I think that we do think of it as a community issue and there's a reason we want to have these buildings and land mark them. So I'd ask you to keep that in mind. Thank you.

Male: Thank you Mr. Ives. Mr. Brindell, did you want to respond?

Brindell: I think perhaps that Mr. Ives is a little confused about what I said and what Dr. Garner said. I don't think there was a conflict. I said this wasn't reflective of that Sims Wyeth and/or Sims Wyeth/Howard Major house. What Dr. Garner said was, if that was still what you saw today, that would be worthy. But it isn't what's here today. It's not just a question that Smith & Moore made mass changes to the house, I mean, physical and I gave you those numbers before, they're tremendous. But Dr. Garner showed you and we can show...if you were looking at the elevations of Sims Wyeth versus Smith & Moore, hardly any of those architectural details of Sims Wyeth are there anymore. They're almost all gone. That's the point we were trying to make.

Ives: I don't want to back and forth between you guys...

Male: One very short point. In those drawings we saw at Smith & Moore versus Wyeth, obviously we're talking about the idea of the Wyeth/Major house, we're not seeing the major additions in that and the consideration. Thank you.

Male: Dr. Day, did you want an opportunity to respond to comments of Mr. Brindell and Dr. Garner?

Dr. Day: I'm here to answer any questions. Having worked for 19 years now, I look at the Smith & Moore additions to this house and I'm reminded of what the Landmarks Commission is approved for say La Bulucilla the Jeff Green house which is just south of the Bath and Tennis Club which is a massive addition to a property so that present owners can live into the 21st century with these properties. The thing that we know for certain in Palm Beach is that houses change over time; and the thing we know is that people update them; and that thing we know is that windows are changed all the time and you give permission to change windows for impact resistant windows on most of the projects that come forward. I think we have an important corner on an important street that we have the remnants perhaps of two important

within the period styles. This Town should be proud that it has works representative of them. And that so many of those works survived and had been landmarked. But this particular property, 100 El Bravo Way, is not representative of the notable work by Wyeth. Actually in 1922, he had a number of commissions going. Six different commissions. This was the smallest of them. I don't think this was reflective of his work. If anything, criterion 4 should say that it's representative of the work of Smith & Moore and maybe 30 or 40 years from now, when their work becomes historic, you'll recognize this and say, hey, this is something we should designate because of what they've done. But the work that you see today is largely that that has taken place since the original Florida site master file had suggest this be a property examined or since the period in which Barbara Hoffstot had included in her manual. There have been a number of books published in the last 20 years on the architecture of Palm Beach. And you'll note this property's not included. And I think it's not included for good reason because it's undergone such great change.

I think that'll conclude my comments.

Male: Thank you Dr. Garner.

Brindell: Let me just conclude by saying that we, again, think that none of the 3 criteria that have been listed here in the designation report have been met. Dr. Garner has made an extensive explanation of why that is the case. The current house, again, doesn't resemble at all Marion Sims Wyeth design or even as modified by Howard Major. You can see not only in terms of the proportions and the elements that have all been changed but many, many of the architectural features on the facades are gone. There are very little left, frankly, of Sims Wyeth or Major's work here. And so, we don't think this really reflects that work, that period of time. As Dr. Garner pointed, it's a very open air experience house, that's not what it has become and we think that you should vote not to designate this property. Thank you. And I'd like you to accept Dr. Garner's response into the record, if you would, please.

Male: You can provide it to the clerk, please. Thank you. Could you make sure we all receive a copy of that at some point? At this point, any other members of the public who want to come and...

Ives: Howard Ives, executive director of the Preservation Foundation. Very interesting comments made by Mr. Brindell and Dr. Garner. Obviously very respected gentlemen. But, there's a little bit of a conflict, I've noticed, between the two statements that were made by them even though they're supposed to be representing the same idea. And that is that Mr. Brindell looks at the Wyeth Major house that we would've seen in 1979 or so as non-iconic, not worthy of landmarking, failing to meet standards of Mediterranean Revival, all these things that are landmarking ordinance. Yet Dr. Garner has gotten up and said repeatedly, that would be a house worthy

environmental character which is the other point I really wish to make with this. The environmental character which is natural ventilations, the open loggia, the carefree atmosphere; there wasn't a door on the north, there was a portal. But there was nothing but a wood and grill gate that you stepped through and all of the doors that opened into the house to the various guest bedrooms, the living room, those are just separate doors. There was no enclosed hallway or circulation space in this house. So that doesn't prevail to this day. The activities that took place in the 1920's are one thing. That's one small part of the social history of the Town but what about the 1930's, the 1940's, the 1950's? The people who purchased this property went into receivership in 1935, the Dittmans, who moved in, eventually acquiring title in 1941. And they lived there until 1968. Where are they mentioned in the press? What is their social history associated with this property? I wasn't able to find it and I spent a good deal of time looking in the archives, not only here but the national archives, just trying to find information regarding this property and the people who owned this property.

Moving on to the third criterion, that it embodies distinguishing characteristic of an architectural type and as a specimen inherently value worth a study of a period. I don't know when you look at this property today, you look at all the changes that you see and if I had an architectural intern or a student and I would ask that person to take a look at this, and you're looking at all the windows which have been scrapped in place of aluminum clad new windows, double insulated, what is the value of that method of construction? The new wing that has been added as [cmu?] it's not originally hollow clay tile. The whole house has been skinned by a new veneer, the stucco, with a thermal elastic paint job. The roof is new and it's been replaced several times. Mission tile. Many of the historic handsome features are gone. The wrought iron work is gone. What wrought iron balconies you see today in this property or were wrought iron balconies were removed and replaced with modern aluminum balconies which if you know anything about this atmosphere, aluminum takes a heck of a beating. But because it can be powder coated or enameled finish to it, it'll last for awhile, but not too long. It'll even suffer from this climate. The chimney is gone. The door that was created of cypress in 1930, that survives. A portion of the north façade that said something about the _____, that has changed. It was raised and I don't think it was handled in the best way. I think the proportions are wrong. So there have been many modifications to this house. In the Elias publication brochure, it lists a litany of all of the changes and modifications that have been made to this property. I think if you look at those and you look at what was originally there, I think you'd have a hard time recognizing the original property.

And then finally in this fourth criterion, that this is representative of the notable work of a master builder, designer, architect who influenced this age. Marion Sims Wyeth and Maurice Fatio, he's not involved here, but these were two of the great architects of the early 20th century who worked

same trefoil design, it's a venetian design that was actually executed so that it complimented what was seen on the north. That had survived after the Major modifications. But in 1980 that was taken out to create casement doors and a balcony which modifies that design. And also, if you'll see just to the left of the stair tower in the original scheme, was this massive chimney and that was removed after 2000 to create another set of casement doors. And on the other side was that very handsome fireplace and mantle in what is now the library but originally was the living room. Now the additions to this property are handsomely executed. It's complimentary. You see the overall scheme and you still recognize this as a Mediterranean style residence. But the integrity is not there. This addition doesn't stand out by itself. I mean, it doesn't differentiate itself from the original building as the secretary of the interior standards would ask. Much has been lost. Let's go to the next view.

Looking at, again, just to point out some of these original features and made this such a handsome house as was originally designed. Now a number of the Wyeth houses that have been listed by this commission maintain the integrity of their original design. Not only portions of the house that just came before you but also what one thinks of Casa de las _____ and even Mar-a-Lago and a number of other of the Wyeth designed houses, you still recognize what you would have seen in the 1920's and 1930's. That is not the case here. These features are all gone. Next.

Here again, and just to point these out with the photos up above, changes that really change or alter the nature of the scheme from the 1930's to the present. Now to the criteria in this next image and I'm going to kind of stop at this point because I want to go through the criteria. I'm just going to summarize what I have said in my response. About that first criterion, I think there are two factors here. One, does it exemplify or reflect the broad cultural or social history of the Town. Had the original house been maintained, it would have in that boom period of the 1920's, that great Gatsby era of party giving and the Dobyne's were at the very heart of this and their activities were published in the Washington Post, the New York Times and the Spur which was a popular paper of the time. But that is not the residence that we see today. Those activities that took place there were largely open-air events. This place is hermitically sealed. It's not an open-air. The loggia is enclosed. It is true that the pool is open but everything else is internal. This is done for an 11-phase or an 11-zone air conditioning, air handling system and for security purposes. No one questions the fact that houses undergo change and so this house has undergone change reflecting the wishes of their owners. But not at a time that the property had already been designated as a landmark. If you had attended one of those wonderful parties in the late 1920's and say you were Rip Van Winkle, fell asleep and woke up, and now drove up to this residence in your Packard or Stutz Bearcat or whatever, you got out, you would say, where am I? This is not the place I recall or remember. It doesn't have the same kind of

don't think the owner at the time, who commissioned these changes, Victoria Newhouse, who was an architectural historian in her own right, thought that this was a property worthy of designation.

Let's go to the next image. So you've seen some of these images before. Towards the left is a view of the Wyeth north façade as he conceived it and as it was executed in 1923 and you're looking at a contemporary view on the right. Unfortunately the view on the right you're only really looking at the area from the entrance and it's true that the porthole, the original entry porthole, is in the same location as in this design. Let's go to the next image.

Here we have a comparison, top and bottom. The top is a drawing which is fortunately preserved by the Preservation Foundation in the Wyeth archives drawings of the house as it was designed in late 1922, December of that year. At the bottom was the proposed elevation from 2000 by Smith & Moore. Really, I think the two have very, very little resemblance. Unfortunately, when Major undertook his renovations in 1930, he scrapped the beautiful wrought iron work which I believe was probably produced by the Los Manos factories and he also did away with the raised treatment in the façade that provided that nice trefoil design there at the very top of the windows in that original wing. On both levels, below and above. Handsome features. They were reflective of this style. Moreover, the asymmetrical massing has been pointed out so that you really see the original wing and this lower structure, it pops up a little bit on the right where there is a kitchen and the maid's quarters, this was largely to vent the heat from the kitchen. Now in the contemporary view on the left, we have a further modification from what Howard did. And that was with approval of a variance which was to raise the level on the right to create another bedroom and this further affected the massing of the north elevation. Even with Howard's work, there was still an asymmetry at work. Unfortunately, today, as you see this, it's much more symmetric. And the creation here of a balcony on the right which is a little too attenuated. Proportions are wrong. Also shown here in the drawing is a suggestion by the architects for a hood mold over the front door and a kind of rusticated frontal piece. You'll notice in the original drawing, Wyeth had suggested a rusticated treatment surrounding the entry but that was never executed. He also had a handsome little pent roof and lantern that was at the left. So all of this is gone? You don't see any of this today. Next image.

Let's pass beyond this. This is simple the service quarters before and after. This is the other public elevation in this scene. This is the east façade seen at the top in the drawings of the original Wyeth design and largely maintained by Howard Major and at the bottom what one sees today. In 1980, Belford Shoumate came in and changed the window in the upper right hand corner of the original portion and what isn't shown in the drawing but what was created here was a raised feature or panel in that façade with that

that shaped that house, including the prevailing breezes out of the south and southeast and so the living compartments or wing of the house was largely to the east side. So as the sun set in the west, the heat load was on the servant's quarters and on the service court and even the dining room section which was to the west was sheltered by that service element and so it took the sun off of the residential portions of the house. The style, regardless of what Howard Major said about the Mediterranean style, I think it was a very appropriate style for southern California and southern Florida. And of course, it was emulated all over the United States as you know. In this style the walls are relatively thick. Hollow tile was a structure element. Stucco on the veneer. Deep reveals. The windows were typically casements so they can be opened to the breezes and Wyeth, I think even more so than Mizner, really took advantage of the single bay structure so that in his framing of a central courtyard, most of the rooms are a single structural bay which means that you can open up the windows on one side and open up on the other and you've got breezes that come directly through the premises.

Let's go to the next image. Here we see changes that were made by 1930. A pool was excavated in 1928. Small garden wall in the original Wyeth design had been taken down to provide access to the new pool. Immediately to the right of that, you see the garden pavilion pool house, a very handsome design that was produced by Major. Also a second story element and a second story loggia there at the top seen both from what would be seen from the public view on the north façade. To the left, or to the west, the service court and garage modifications and the addition to the dining room, the original dining room. So this is the footprint. At the time that the Florida State Master File became available with the forms completed in 1980, and I might say that form was completed by Walter Kidney, a recognized architectural historian who came down from Pittsburgh, you're largely were looking at this house and within the guide to Palm Beach Architecture produced by Barbara Hoffstot which was published in 1974, you're largely looking at a house with this footprint. And I would say you're looking at a property that should've been designated.

Let's go to the next image. But that is not what you see today. This is a very different place. It has largely been transformed. Many of the defining characteristic and features of this house have been changed or altered. Rather than to retain, the choice was to replace. And I don't hold at fault the work of the architects involved here, Shoumate or the Smith & Moore. Perhaps to be held at fault should be the Architectural Commission who approved these variances and modifications and changes which transformed the appearance of the house. They had the power at that time to withhold approval and they chose not to. Nor do I think, after talking to Mr. Moore, the principal in the architectural firm, that he ran into any interference with the Commission because I don't believe the Commission members thought this was a property worthy of landmark designation. I

Going to the next image. And so here we have an aerial photograph and what's been done here is in color, some of the changes that have been made are identified. So the original property is seen kind of in that tan area there towards the corner of Ocean Boulevard and El Bravo Way. With modifications that have been made in blue, the modification in blue was done in 1980 by the architect Belford Shoumate which reconfigured the windows and changed those windows into a balcony as Mr. Brindell has mentioned. And there immediately to the left of the stair tower in blue was a location of the original chimney and on the other side was a fireplace that was so beautifully shown in your illustration, which of course, no longer exists with its marble mantle. And in red, under the roof you can see that this was the change that was made in 1930 by Howard Major which would've been historic, no question about it. He made an addition to the house, that was historic work and worthy of consideration for designation. And he also made an addition to the service quarter or service wings at the back, including a garage and he also extended the dining room section of the house. So this was completed in 1930 and rather hidden there to the lower left was the original guard and pavilion pool house right in that location which was a really handsome little pavilion that was clearly shown and seen from South Ocean Boulevard. That was raised after 2000 to make way for this new wing. And so much of the change you see in green is the work by Elias Management and through the work of the Smith architectural group. Originally in 2000, Smith & Moore.

Let's go to the next image. In this we get a footprint of the property and the orientation is north to the top of the image and east to the right and you can see in orange some of the footprint of the house and the changes that have been added onto or made by Smith & Moore. More than a doubling of the square footage of the house as after an effect the work of Howard Major in 1930. If you could just lift off that section, grab it and lift it off, set it to the side, and let's look at the change in terms of the overwhelming modifications that have been...these are not just additions, there's nothing inherently wrong with additions to historic buildings, in fact the Secretary of the Interior standards recognize in point 9 and point 10 that additions can be made to historic structures but what it says that when addition is made, it should be clearly identified. And in the standard 10, it says that were those additions to be removed at some point in the future, it would not impinge upon or affect the integrity of the original structure. But it's not just additions that we're looking at. We're looking at renovations to this property which encompass largely the whole of the work so in effect the work, since 2000, as to a large degree, cocooned, encompassed the original building. So what you see in blue was the footprint of the Marion Sims Wyeth design of 1922 just executed in 1923. And in this there is a kind of circulation area where loggia that can kind of be pointed out right in here and this was a very much an open air element in the plan. Because although it was sheltered from above, the loggia was open. And Wyeth was a master at organizing the plan of a house and taking advantage of the environmental conditions

Garner: For the record, I'm John Garner, preservation consultant from Urbana, Illinois and I am here to speak on behalf of the owner. I have written a response to the designation report and in the response I have written, I explained why I do not believe the property meets the designation criteria. So if we can have the first image. Let's go to the next image which is a drawing...

Male: So you mentioned you've written a response, that wasn't like a document that any of us received because I didn't receive, apparently haven't received it at this point.

Brindell: We're going to produce after he goes through it. He's going to go through it.

Male: Fair enough. Got it. Thank you.

Garner: You're looking at a perspective view of the house as it is seen today and at the time that the commission gave its approval, this was in January, to move forward with placing the property under consideration for designation, I'm not sure many of you recognize the extent to which this property had been changed. And much of this change has come since the year 2000. In the designation report, as Dr. Day has mentioned, she acknowledges the fact that changes have been made to the property. But that designation report does not go into very much detail regarding the changes that have been made and I wish to do so. Just to paraphrase from the designation report, which says that changes have been done, but because the changes were done by recognized architects and builders, the integrity of the structure has been maintained. Well, to the contrary. The changes have compromised the integrity of the structure. And the word "integrity" here is an important one to use because it is recognized by the National Park Service as that which gives a property its meaning and value. And it is at the very underpinning of the Secretary of the Interior standards for rehabilitation and as you read those standards, time and again, you come across the phrase that every effort should be made to maintain or to repair and preserve rather than to replace. And indeed, those standards are incorporated in your landmarks manual that was approved in 2009 and prepared by Dr. Day. And so integrity is a critical issue. And as you look at this picture of the house which shows the present configuration, you might be hard put to identify the original house. It's actually that portion that you see at the corner and what we're looking at here is a view that's looking off towards the southwest and the immediate foreground to the left would South Ocean Boulevard and to the right would be El Bravo Way. And so it's that portion that's under the mansard roof and with the stair tower adjacent to it that would be reflective of the accomplishments of Marian Sims Wyeth as seen in this view. And the rest of what you see has largely been a transmogrification of the original property.

The criterion for provided that the structures represented the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age. The report says that it satisfies that because as representative of one of last large commissions during this time and is equally important because of its location on the corner of South Ocean Boulevard and El Bravo Way. And then it says value is added to the designation because the house was added to by Howard Major. Now criterion 4 requires that the structure be the notable work of a master architect or builder, not a notable combination of a multiple of architects. It doesn't say that. It's supposed to mean something of a master architect or a builder. Of course, as we've said, this is a combination of several different architects over time. Being representative of one of Sims Wyeth's large commissions isn't a factor either that's listed here anywhere in the criteria. It's not. It's about the quality of the work itself, not that maybe it was a large commission for him at the time. It might've been a small commission compared to others at the time. That's not a relative factor. And the location of the house on the street grid is also not a factor in any of the criteria for landmark designation. None. And yet those are the things that are used again with the connection of this extra value added because Howard Major had a role in it when Howard Major didn't even like this kind of style. As you know, he did a whole different type of style for which he is known, by the way, and for which he is recognized as a master architect.

I'd like to introduce Dr. John Garner who some of you have known and seen before. I'd like to just go over briefly a few points of his resume so that those of you who may not know him or may have forgotten about it will be refreshed. Dr. Garner is a preservation consultant and a professor emeritus of architecture at the University of Illinois at Urbana-Champaign where he chaired the division of architectural history and preservation. He has a bachelor's degree in architecture from Oklahoma State University, a master's degree in architectural history from the University of Illinois and a PhD in urban history from Boston University. Dr. Garner served as a preservationist for the Society of Preservation of New England Antiquities in Boston and is an advisor to the National Park Services Historic American Buildings Survey. He's taught at Boston University and Texas A&M University, he's the author of numerous published articles on books on architecture and urban history and he has testified in front of this town as a landmark preservation expert in the past. Dr. Garner, I'd just like to ask you if that's a fair summary of your vita and...

Garner: It is.

Brindell: I would like to introduce his vita into the record if I may, please. And then I'm going to ask Dr. Garner to tell you what he did, what he looked at, the physical things he looked at, the documents he looked at and then what his analysis is of this house relative to the designation criteria.

they were more design appropriate for the climate here. You'll see later on how this house has changed from the original house that was more open-air type of house. Section 54-123(b), exterior alterations in your Landmarks Code provides that exterior alterations "shall not affect the architectural quality or historical character of the building". We certainly think that has been violated here. I would suggest to you that Smith & Moore had come here in 2000 with the proposed changes that they ultimately implemented that you would've found that they did not satisfy the criteria for these kinds of modifications. Now to the point of the house in its setting in the 1920's and early '30's, for social gatherings and that being a basis for supporting designation. First of all, it's important to remember that the house that people experienced in that period is not the house that's there at all today. That house was, in fact, a very open-air house and Dr. Garner will show you the changes that have been made that now have eliminated a lot of it. This has become an indoor house with all the expanded areas and of course, added air conditioning. It does not reflect what the people who gathered there experienced. Secondly, I don't think that just because someone entertained and got in the newspaper should be enough to designate a house. Hundreds of people do that in this town and have for a century during the season. There has to be something I would say kind of iconic about it in order to use that particular element as a basis for designating a house. Just the fact that you can find a few notices in the paper about parties, I think, is a very dangerous approach to take if you find that as a basis for a landmarking. And I don't believe that's really what that particular criterion means. For example, there's nothing in the designation report to conclude that the house is any more representative of Florida's massive building explosion and the associated population and the real estate boom than any other 1920's structure in town. Nothing. Just a statement that it is. It's a conclusion. There's nothing to support that. There is no suggestion that some important cultural, political, or social event took place in the house. The only assertion, again, is they entertained often and got in the newspaper. It's not suggested, for example, that the house is, again, it represents some iconic place. Like maybe Mar-a-Lago did, for example. Or even the Everglades Club. Or the Bath & Tennis Club. It didn't do that.

Going to the criteria in the designation report. The statement is that the structure embodies the distinguishing characteristics of an architectural type in this case Mediterranean Revival and is inherently valuable for the study of the period, the style, the method of construction or use of indigenous materials. The report says it satisfies those because it was a style of home which was a prevailing style preference at the time and states that it's valuable to see how this style could be conceived by one architect, Marion Sims Wyeth, and later added by another one, Howard Major. But most of what you see there today is Smith & Moore. It's neither of those two. There's really no explanation for in what way is this educational in that sense compared to any of the other houses that have been designated to date.

Garner is here today, some of you have seen him before. He's going to go through that in detail but I want to give you some overview in the beginning. As I said, Marion Sims Wyeth in 1922 designed a house at 5,518 square feet. It was predominantly 1 story with a small second story master bedroom element. In 1930, Howard Major came in and added a second story addition on the north and increased the area by about 2,000 square feet. In 1980, Belford Shoumate came and replaced second story Wyeth windows on the eastern side of the balcony and casement doors, thereby altering the historical character of that façade. And then again in 2000, Smith & Moore virtually doubled the area of the house bringing it to 14,703 square feet to Marion Sims Wyeth original 5,500 square feet. The total increase in square footage therefore is about 9,185 square feet. That's 266% larger than the home that Marion Sims Wyeth originally established here which then is touted as representative of the boom of the era, real structures of the era, and will get in a minute to the social events of the area. The cubic content has been increased by about 166% since Marion Sims Wyeth's original design. The massing and rhythm have been substantially changed. The original entry portal doors, windows, balconies and grills have been removed or replaced as has a large chimney that used to be on the east façade. The asymmetric massing of Marion Sims Wyeth's design was changed to a more symmetrical massing initially by Howard Major. And by the way, it should be noted, I think, that in this commission's landmarks manual, it lists asymmetrical façade as one of the typical architectural elements of the Mediterranean Revival style. Aluminum clad exterior doors and windows have been added rather than the previous wooden ones. There's was no effort to replace them with even modern wooden ones to try to replicate what was being replaced. Aluminum balcony railings have been added. A stone surround was added to the original entryway. What you see today is not the entryway that was there originally. And a portion of the wall forming the north façade has been raised thereby affecting the balance that even Howard Major had created in 1930. The Town has already landmarked today 31 Mediterranean Revival structures by Marion Sims Wyeth coming from the decade of the 1920's. I would suggest there are many more that are already been designated. They're far better examples of his Mediterranean Revival work. The Town, in addition, has already landmarked 159 overall Mediterranean Revival properties which is 58% of the 270 existing ones and of course, Mediterranean Revival from that period was a major design style so maybe that's not surprising. But my suggestion is there are far better examples of Mediterranean Revival than this particular house given all of the changes that have occurred to it. Interestingly, with Howard Major, he isn't known for Mediterranean Revival. In fact, he didn't even like Mediterranean Revival. He didn't think Mediterranean Revival was even appropriate for the climate here. That's why he used a different style. He had worked for Mizner for about a year and kind of got fed up and went out on his own and started designing the British colonial type of things that he did. Because he thought

landmark the exterior property. You might be very impressed with what's inside of the house and it might be very hard to separate that and if it's not relevant then what is the point of it. So I think there should be some thought given to that, certainly in the future, about that type of testimony. The other comments that Dr. Day made had to do with landmarking this house because it's an important part of the neighborhood and the other one was that if it's not landmarked, it could be demolished which would be, again, detrimental to the neighborhood. Well I don't see anywhere in the criteria for landmarking that that's a factor here. I do think, by the way, this whole idea of character of the neighborhoods and protecting them is an ARCOM issue. ARCOM has the authority to set all kinds of design standards if they wish to. They could even have a relatively narrow pallet of architectural styles if they adopted them in order to "preserve" the character of neighborhoods. I don't think the landmark process should be used for that broad or objective. So with that, let me proceed into some general comments about this. The designation report lists Marian Sims Wyeth and Howard Major as the principal architects and states that that construction since it was done in 1922 and 1930. But in fact, other than referencing Bill Elias, who was the developer and a real estate developer, it fails to indicate that Smith & Moore in the year 2000 designed major changes to the house and added some 7,185 square feet. That was a 95.5% increase in area in this house over the house that sat there which was even a combination of Sims Wyeth which was about a 5,100 square foot house and a 2,000 square feet that Howard Major had added. That's a huge change. And we're going to show you some graphics in a little while so you can appreciate it better but I want to just give you some numbers here so you can begin to get, what we believe, is the gravity of these changes.

Male: Mr. Brindell, just a point of clarification, she mentioned Mr. Elias and you're mentioning Smith & Moore. I just wanted to clarify that that was the same project.

Brindell: Yes. Smith & Moore was the architect, right.

Male: Smith & Moore was the architect for Mr. Elias. Okay, just want...okay got it.

Brindell: And they're not acknowledging the designation report as chief major architects and yet they did a 95% increase inside this house.

Male: Just clarifying. Carry on, please.

Brindell: The architectural integrity of the house, we believe, has been lost as a result of all the changes that have been made, particularly as a result of the Smith & Moore changes in 2000. The fact that well-known architects and builders caused the alterations to a house doesn't mean that its architectural integrity has been maintained. That's a factual question based on looking at what actually occurred with respect to these changes. And again, Dr. John

Male: If someone has a great concern with the designation report and did not want to make it a part of the record because they thought there were corrections to be made, you could defer it but this is a procedural matter.

Male: Thank you.

Male: Mr. Sherman, I move that we make the designation report a part of the record.

Brindell: I'm Jim Brindell, I'm here on behalf of Mr. and Mrs. Tropin and just on this procedural issue, Skip, it seems to me that...

Male: I think there's a motion on the floor Mr. Chairman. We either withdraw it or get a second for it.

Male: Second.

Brindell: I want to object because I think if you accept the report into evidence is what you're trying to do without hearing the other side; I think you might want to reconsider that if you heard the other side. So I think procedurally it'd be better to wait until you've heard everything to decide if you want to do that. Or else, I guess you should accept whatever other report comes also.

Male: I don't think it matters. When a plaintiff presents the case, the evidence is received prior to the defendant being heard and the defendant's evidence is heard on the defendant's side of the case. So I think they can go ahead.

Chairman

Cooney: I'd like to move the question.

Male: There's a motion and a second for to accept the designation report. All in favor?

All: Aye.

Male: Thank you. At this point, I'm going to call for any other witnesses or members of the public who care to testify. Mr. Brindell? We'll give you the first crack.

Brindell: Again, I'm Jim Brindell, I'm here on behalf of Kenneth and Kathleen Tropin, the owners of the house. They do object to having their property designated as a landmark. I'd like to address just a couple of the comments that Dr. Day made because I think they raise some pretty serious questions about the process of landmarking. As many of you know, I've been in front of this body for over 25 years on landmarking matters so this is not a new experience for me. But she said, for example, that she talked about all these historical details within the interior space of the house. That's really irrelevant. That's legally irrelevant to your consideration. I personally don't think they should be part of being presented to you because what you do is

beyond this street and this house. Let's look at Mar-a-Lago. Marion Sims Wyeth did the original plans for Marjorie Meriwether Post. But Joseph Urban came in and put his theatrical stamp on it so that in many ways it didn't resemble any of Marion Sims Wyeth plans. Still it's not only a local landmark, it's a national historic landmark, and it's a building that's worthy of protection. I can contend that this one is as well. Finally it fills criteria 4. Designed in 1922 by Marion Sims Wyeth, it is an example of what he was doing in this important beginning position of his career in Palm Beach, how he related to his clients, and is therefore part of the importance of his career in the Town and the importance that Marion Sims Wyeth has played to the Town. If you have questions for me, I'd be happy to entertain those now or you'd like to hear from Mr. Brindell and his expert first, that's fine too.

Male: Does anyone have any questions at this point for Dr. Day? We can always come back.

Male: Did you want to accept the report now or wait?

Male: I'm going to...yes, let's do that. At this point, I'm looking for a motion.

Male: Do we normally defer these if there's the motion...there's a designation report, there's a motion or thought of a motion to accept the designation report if the commission had some doubt about this because the issue is controversial. Do we normally defer those? Is that a possibility you designate and then you worry about...

Male: Are you saying defer the designation or defer the acceptance of the report? Because that's just a purely procedure.

Male: Okay. Alright, that's what...

Male: Not an endorsement or...

Male: Okay.

Male: Is that correct?

Female: All you're doing is accepting the report as part of the _____.

Male: Okay, that's what I was trying to raise. Thank you.

Male: Mr. Randolph, is my interpretation correct?

Randolph: Yes, that's what I was going to advise that you just want to be sure that you make the designation report part of the record.

demolition permit is applied for, there is no mechanism within the Town ordinance to deny that demolition. So this house by Jeff Smith, and Jeff had tried to reference the Mortimer Shift house that Maurice Fatio did with the bounds of brick and the keystone came down. So let's look at the neighborhood because I was asked to go to the ARCOM meeting and show them what else was going on in this neighborhood. At the time Gene Pandula, the commissioner of the Landmarks Commission, said, "this site is essentially a landmark district." And so we have in this aerial photograph that was taken this last year 101 El Bravo that is the house to the right that replaced Jeff Smith's house; 100 El Bravo, the house that's across the street that we're looking at for Landmark designation right now. 4 El Bravo, won the Balinger award, that's owned by Ken Caracall, that's Mizner and Wyeth and John Volk that's behind that. If you look on just El Brillo and El Bravo, there are 11 structures that are landmarked in those streets and what I showed to ARCOM in that brief presentation I made was design details that were in the neighborhood so that they could pick up on those to use on the new building that was being done. The existing Jeff Smith house was 9,860 square feet. The new house that was built was 16,970 square feet. Mr. Caracall, who lived next door, felt that the house a significant massing that was moving closer to the street and thus impacted not only that important corner on South Ocean Blvd. and El Bravo, but also his 100 block of El Bravo. But finally ARCOM did approve the design of the new house. This is what replaced the Jeff Smith house. It will be up to future art historians and architectural historians to look at it and see if it's worthy of Landmark designation. But when you get back to 100 El Bravo, there's a skill and a difference and a sensitivity that even though this house has been altered it was altered by Marion Sims Wyeth, Howard Major looked at again by Wyeth, Bill Alias who worked on many Landmarked houses and advertised his development company as working on older houses rather than just demolishing them and starting from scratch so I believe that the house still does meet the criteria of the Landmark ordinance. In this case, with the help of the interns and all that cultural history that we found, we found that 1) it exemplifies or reflects the broad culture of political, economic or social history of the nation, state county or town. Casa Beata at 100 El Bravo exemplifies what was happening in the 1920's in the boom times. Owners were important social couple during this time period and they entertained regularly and their activities were covered regularly within the newspaper media. It embodies distinguishing characteristic of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous material craftsmanship.

Casa Beata is a good example of the Mediterranean style. Which was prevailing style listed performance preference in Palm Beach during the boom times of the 1920's. But it's also valuable because it shows how one important architect, Howard Major, altered the work of another important architect, Marion Sims Wyeth. Let's look and think for a minute

view and from a marketing standpoint for the real estate community they were still looking at this as a historic house. Barbara Hoftstot has certainly looked at this as a historic house in 1979 when she advocated for the Landmarks ordinance in the Town of Palm Beach and published her Landmarks Architecture in the Town of Palm Beach. Well Mr. Bill Elias bought this and with Smith & Moore added a great deal of square footage to this the house has been altered but I believe it's an important part of the neighborhood. When Bill Elias of Elias Management & Construction eventually bought the property in 2002 completed major renovations and additions. According to the Palm Beach Daily News he said "a total renovation and expanding of the original pool house to 14,000 square feet, the east arm of the view was enlarged to include a master suite on the second floor. The kitchen was enlarged and a loggia and guest house were built to the south. So this house has been altered. You can't get away from that now. I have brought things to you in the past and say this is altered and it doesn't have it architectural integrity but I believe that it does. I believe that everyone has worked on this house has done things to this house that would have been approved by the Landmark Commission. I can't know that for sure but that's my expert testimony. I also thing that because the second floor addition by Howard Major was do so early in the history of the house, 8 years after it was originally built and done by the original owner that it was to their program and that he did what they wanted to do in the style that they had originally commissioned for. Also the fact that Marion Sims Wyeth comes back and looks at the house again says that Marion Sims Wyeth again leaves his stamp on that. But another reason that we should look at landmarking and because the Town Council has asked us to be proactive about landmarking is because when things go to ARCOM and a demolition permit is asked for there is nothing that can be done to deny a demolition permit and one of the things that I want to bring to your attention is if this house is not landmarked and everyone comes forth with a demolition permit the results could be detrimental to the neighborhood. On April 25, 2007 a demolition permit was applied for to demolish the house at 101 El Bravo this is directly across the street from the house that we're looking at designed by the Smith Architectural Group in 1991. The chairman of ARCOM at the time, Morgan Wheelock, read a letter from Margarita Taylor who lived at 120 El Bravo who requested denial of destruction of this lovely charming house in favor of a cookie cutter mcmansion. Mr. Strawbridge, who sat on ARCOM at the time and is now member of Landmarks, made a motion to defer the project to May so that he could go to the Landmark Commission to see if it met the criteria for landmarking. The motion was seconded by Mr. Feldkamp and was carried unanimously. So the only time that I've been working at landmarks for 19 years, a house from ARCOM came to Landmark saying, hey, this contributes to the character of the neighborhood and we'd like to save it. Well, as you know from not only what happened to this but to other incidences that came up, once a

when I did the grant application for the Mizner Fountain that is in front of this town hall they came and sang there soon after the opening. So what we're seeing is bits and pieces of the social history of the Town of Palm Beach. These people entertained here and did what they needed so that their home could be the gathering place the happy home that they envisioned. The first thing they added was in 1928 they added a swimming pool and Mrs. Dobyne immediately had a bathing beauty contest in 1929 in which she herself was a participant, Maurice Fatio was listed as one of the guests. Then in 1930 they decided that they needed more guest rooms. Here's the original house, one story in style really a lot different than you see it today, but it did have a tower element that was to the east on the ocean, the doorway is the same place that it is today but they hired not Marion Sims Wyeth to come back and do their second story addition, they hired Howard Major. As we know, all of us that know anything about the architectural history of the town Howard Major's idea was to simplify this go for broke Mizner style and get away from the ornateness of the Mediterranean Revival. He did that when he added the second story addition. It's also interesting to note that not only did he complete that second story addition, but he also did a two-story service wing in the back and he was also responsible for a garden pavilion. But the Dobyne's weren't completely happy with everything that Howard Major did either because in 1944 they asked Wyeth to come back and do more alterations for them and restore Casa Beata. We have some historic photos again from the Preservation Foundation to give you an idea of what the house was like in the 1920s. I don't know personally which of these details are still intact because although I wasn't asked to come into the house and so one of the things that I have to do and that I have to teach the interns to do is to be able to do these evaluations from public access and for documents that are available in the public record which is what we did so I don't know how many of those are intact. In 1999 there was a real estate brochure that went out to try and sell this property and if you read that 1999 and I know that from the roman numerals on the side Sothebys International it was advertised as a historical residence, historical details dwell in every part of this 2 story 5 bedroom Marion Sims Wyeth home built in 1922 classical arch doorways and original tile and lighting fixtures give this remarkable residence a rare ambiance. First level the foyer directly opens to the _____ and pool area which includes original iron lanterns, coquina tile, to the left a formal living room with high wood beamed ceilings centers on a wood and wrought-iron fireplace original Cuban tile is retained throughout along with a Mizner style spiral stairway with an ocean front window of the summit. The left side also includes a bar area, two bedrooms, two baths, the right wing features a formal dining room with stone fireplace, wood doors, with antique iron work and original tiles. The pantry and kitchen are directly behind the dining room the side of the house also features 4 staff bedrooms. What we're hearing is that as late as 1999 at least from a professional point of

Dr. Day:

If 125 Via del Lago was an easy property to look at for consideration of landmarking even though it had been changed and had additions to it, 100 El Bravo Way is a difficult property to evaluate and decide whether or not it meets the criteria of the landmark ordinance. I believe that it does and I have written that in the Designation Report. I have also thought long and hard about it and I thought about the process that we go through for landmarking. How this building came to be listed on the historic site survey is something that was worthy of landmarking. How this building was listed in Barbara Hoftstot's book Landmarks of Palm Beach. Where it was listed as an important house by Marion Sims Wyeth when addition by Howard Major. I thought about the applicants that we had before you this morning. The Everglades Club whom in one of the first statements that Mr. Smith said to you was that as early as 1928 there were additions to the Everglades Club, not only by Mr. Mizner who did the original plans, but by Lesser Guisler who worked in his office and buildings change over time. We know that to be true. As Mr. Pandula showed you in 330 Island Road, John Volk did an addition to the Maurice Fatio plan. Maurice Fatio did an addition to the house. That doesn't make it unworthy of designation. The question then comes up if the original architect did it one way and relatively early in the history of the structure, it was significantly altered. What do you we do with that? This is not an easy case. I'll just go through all of the particulars with you. The house was designed by Marion Sims Wyeth in 1922 for Mr. and Mrs. George Dobyne. At that time, it was one of 8 commissions that Wyeth was working on in Palm Beach. Most of these were on Gulfview Road. Mr. Wyeth had been educated in Lawrenceville School, at Princeton, at the Ecole des Beaux-Arts in Paris and he served in World War I, but what brought him to South Florida was he received the commission for Good Samaritan in the hospital. His father was a physician and with his father's connection, he received that commission and so for \$66,465 he came down to Palm Beach and decided he would try his luck here. Mizner had just changed the architectural vocabulary of the town in 1919 with the Everglades Club that you saw this morning to Mediterranean Revival. Marion Sims Wyeth picks up on that and goes forward with some of the best of the Mediterranean Revival buildings that we have in town. As Heather found out, the Dobyne's were well established in Palm Beach. They were in the society column often. Their social gatherings were prominent. Their guests were listed in the paper. They represent the social history of what is happening in the town of the Palm Beach during the boom times of the 1920s. They belong to the Bath and Tennis Club, The Everglades Club, the Goldstream Golf Club and the Country Club to Havana Cuba. So they were boaters, they were down here a lot and with their son and daughter-in-law they established the Romany Chorus which was 70 vocalists backed by a 50 to 60 piece orchestra who entertained regularly and were written about often. I don't know much about the Romany Chorus, but I do remember that

Female: No

Skip R.: Let me, excuse me. Just remind you that in addition to ...who you talk to and you need to say what you talked about.

Chairman Cooney: Yes, and I actually have an addition. I spoke with members of the Preservation Foundation and expressed to them that I would hope that I advocated in favor of landmarking this property and discussed their thoughts on the matter. The other disclosure I would have is I spoke to the next door neighbor, Mr. Caracol, just about the fact that it was under consideration and we discussed his thoughts on the process as a neighbor. Does that..is that adequate?

Skip: Yes, it would...

Chairman Cooney: I mean I would love to --like I like to do this as early as possible, so guide me.

Skip: Well, you are suppose to..if you..the purpose of exparte communications is not necessarily what you said, but what these folks propose to you.

Chairman Cooney: Okay

Skip: And also, I like you to clarify that even though you indicated that you might be in favor of landmarking this property that you are perfectly open to the testimony that is going to be heard in regard of this and you have not made up your mind in that...

Chairman Cooney: I have not, and with any quasi-judicial hearing, I base my decisions on the testimony and evidence brought before us in this hearing.

Skip: Thank you.

Chairman Cooney: Thank you for that.

Dr. Day: Thank you, Skip. May I continue Mr. Chairman?

Chairman Cooney: Please.

**Landmarks Preservation Commission
November 16, 2011
Hearing**

100 El Bravo Way

Dr. Day: Alright, the next designation report is for 100 El Bravo Way. The house was called Casa Beata which means happy house.

Chairman

Cooney: Just to make – can I verify that we have proof of publication and proper legal service for this?

C. Delp: Yes, we do.

Chairman

Cooney: Okay, and Cindy would you please swear in any witnesses for this.

C. Delp: We did, or maybe Mr. Ives. Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth so help you God?

Ives: I do

Chairman

Cooney: Thank you. Turn it over our ---thank you Dudley, exparte

Male: No

Male: No

Male: No

Chairman

Cooney: I have spoken with representatives of the Preservation Foundation.

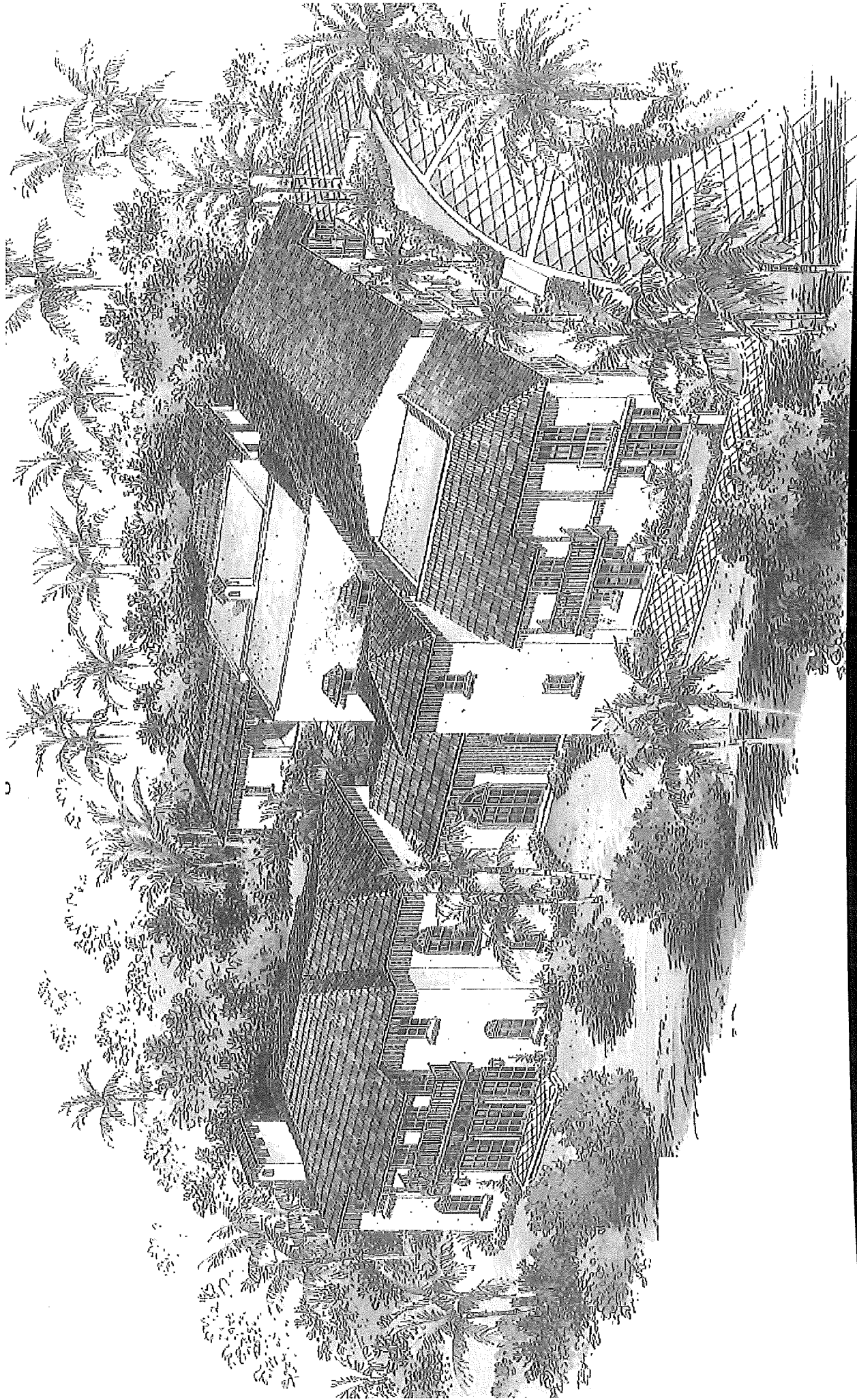
Male: No

Albarran: No

Male: No

***100 El Bravo Way, The Tropin Residence
Response to Designation Report***

***January 11, 2012
Town Council
Town of Palm Beach***



The Tropin Residence



Howard	Major Renovations	Other Significant Changes
Smith & Moore Renovations		



Combined Alterations





S Ocean Blvd

El Bravo Way



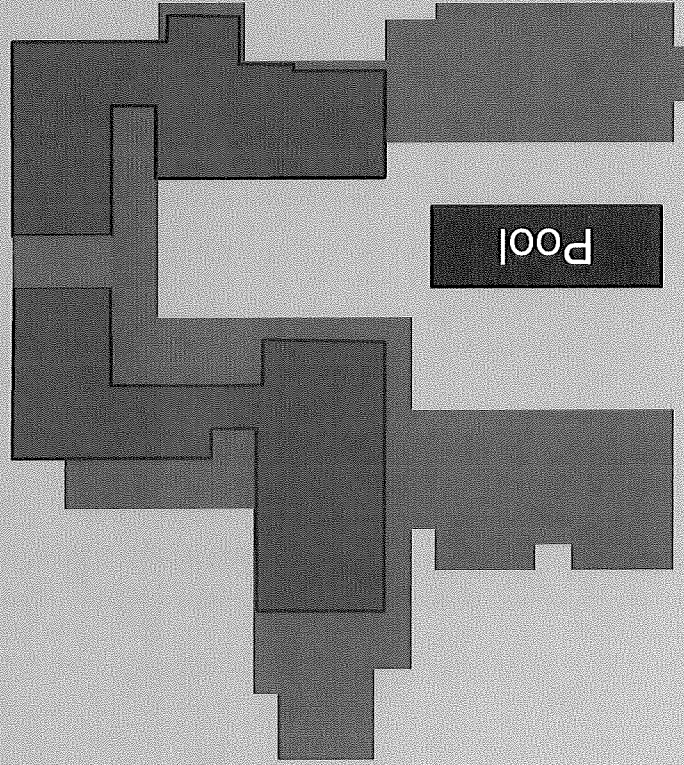
**Combined
Alterations**



S Ocean B

El Bravo Way

EL BRAVO WAY



Smith &
Moore
Renovations

Wyeth

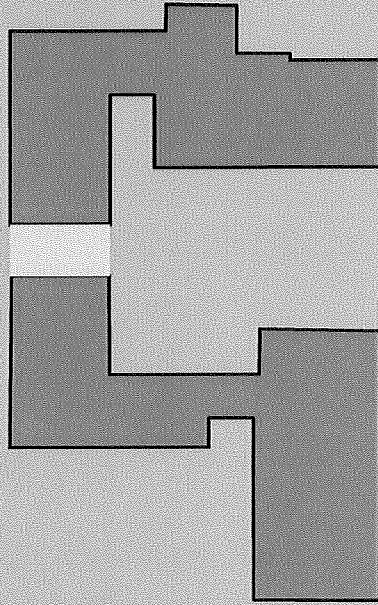
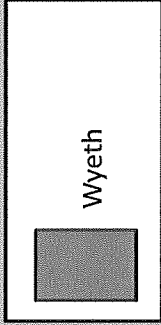
Pool

OCEAN BOULEVARD

ATLANTIC OCEAN

Smith and Moore 2002 Reconstruction and Additions

EL BRAVO WAY



163.70'

165.53'

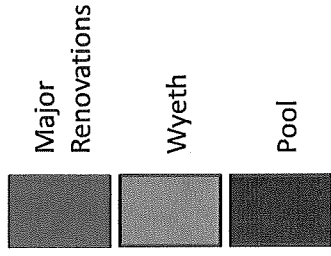
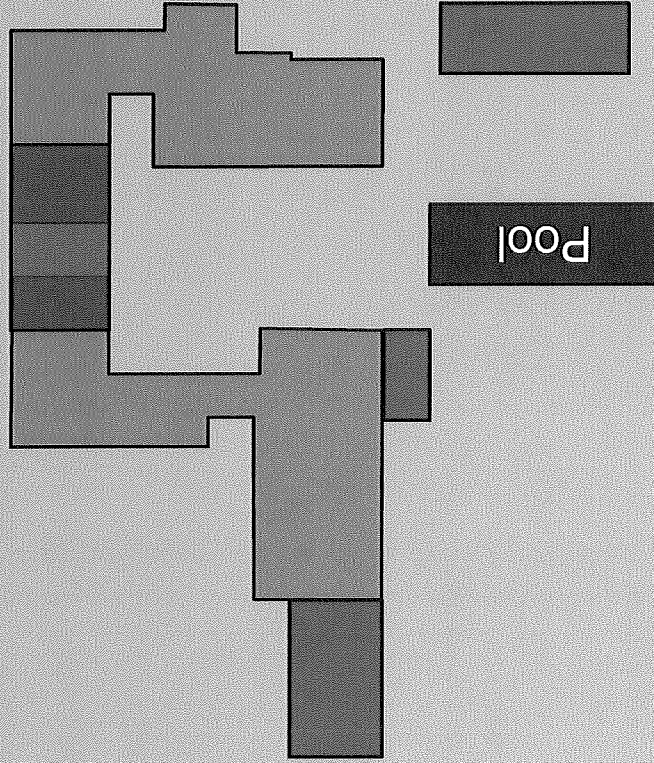
246.85'

OCEAN BOULEVARD

ATLANTIC OCEAN

Marion Sims Wyeth 1922 Original Footprint

EL BRAVO WAY

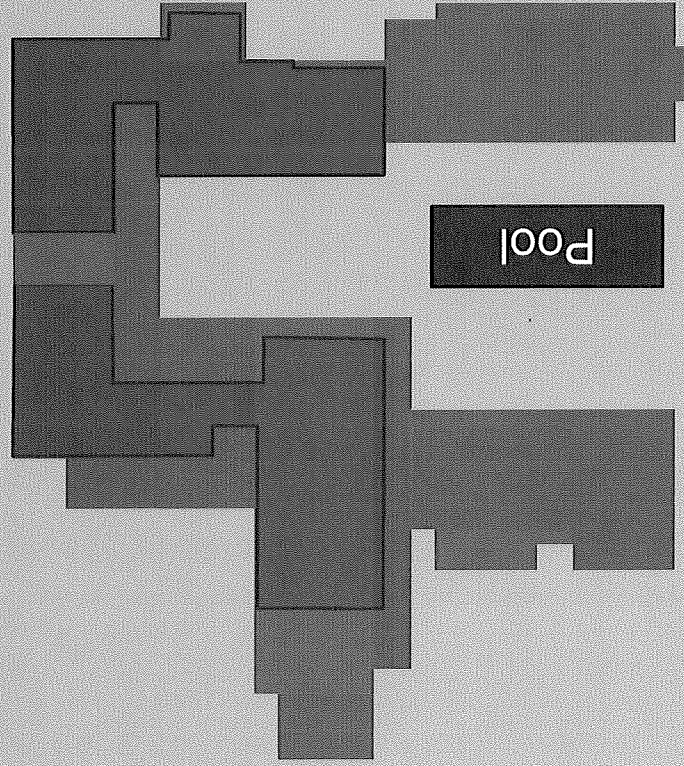


OCEAN BOULEVARD

ATLANTIC OCEAN

Howard Major 1930 Renovations

EL BRAVO WAY



Smith &
Moore
Renovations

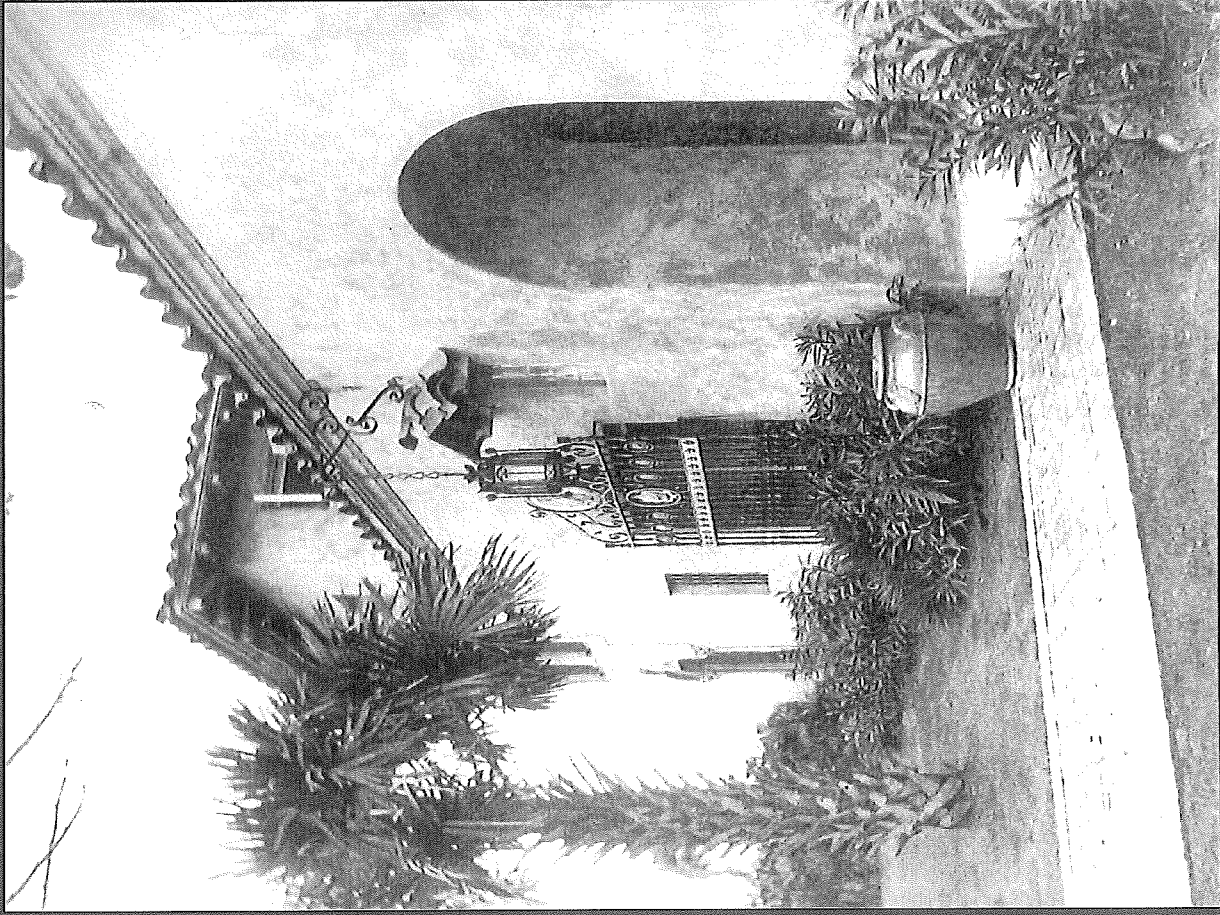
Wyeth

Pool

OCEAN BOULEVARD

ATLANTIC OCEAN

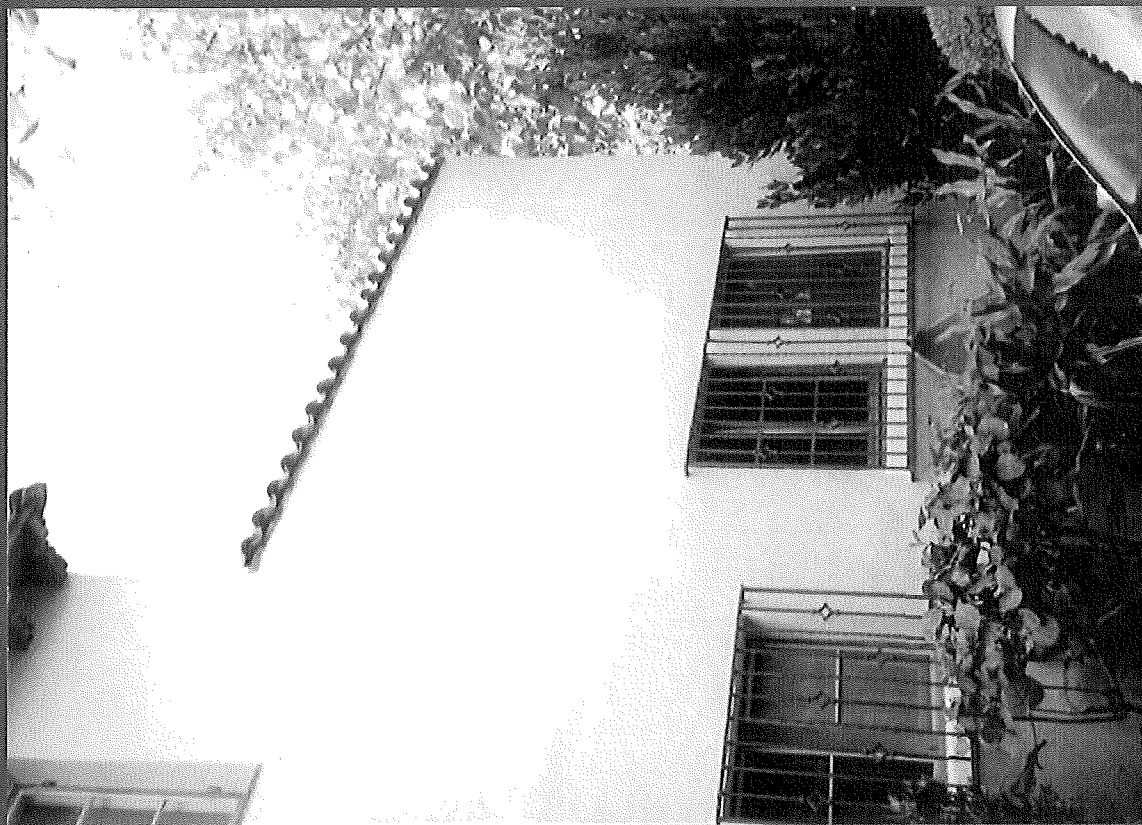
Smith and Moore 2002 Reconstruction and Additions



North Façade - Wyeth



North Façade Pre-2000



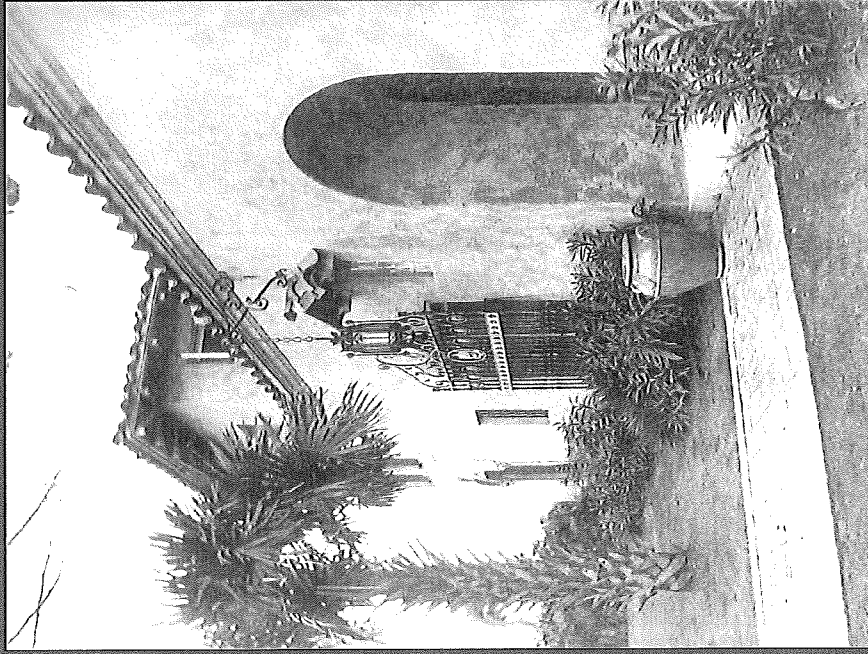
North Façade Pre-2000



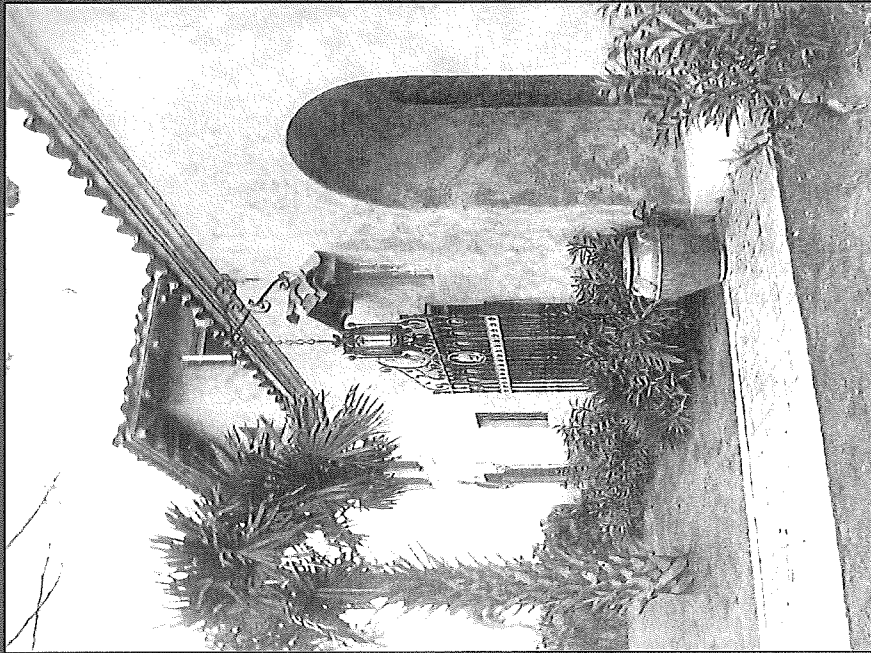
North Façade Today



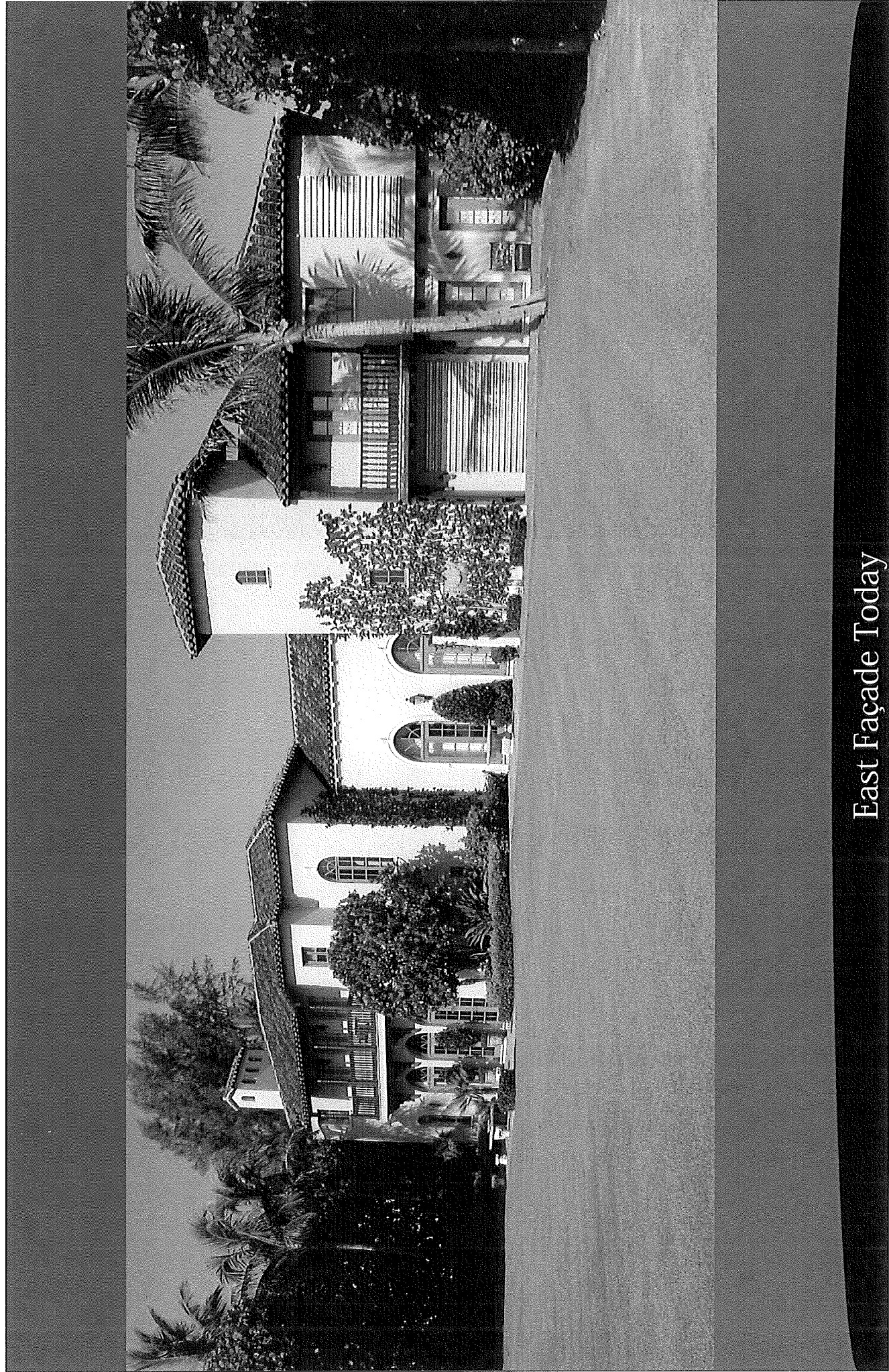
North Façade 2002



North Façade Comparison



North Façade Comparison and Additions



East Façade Today

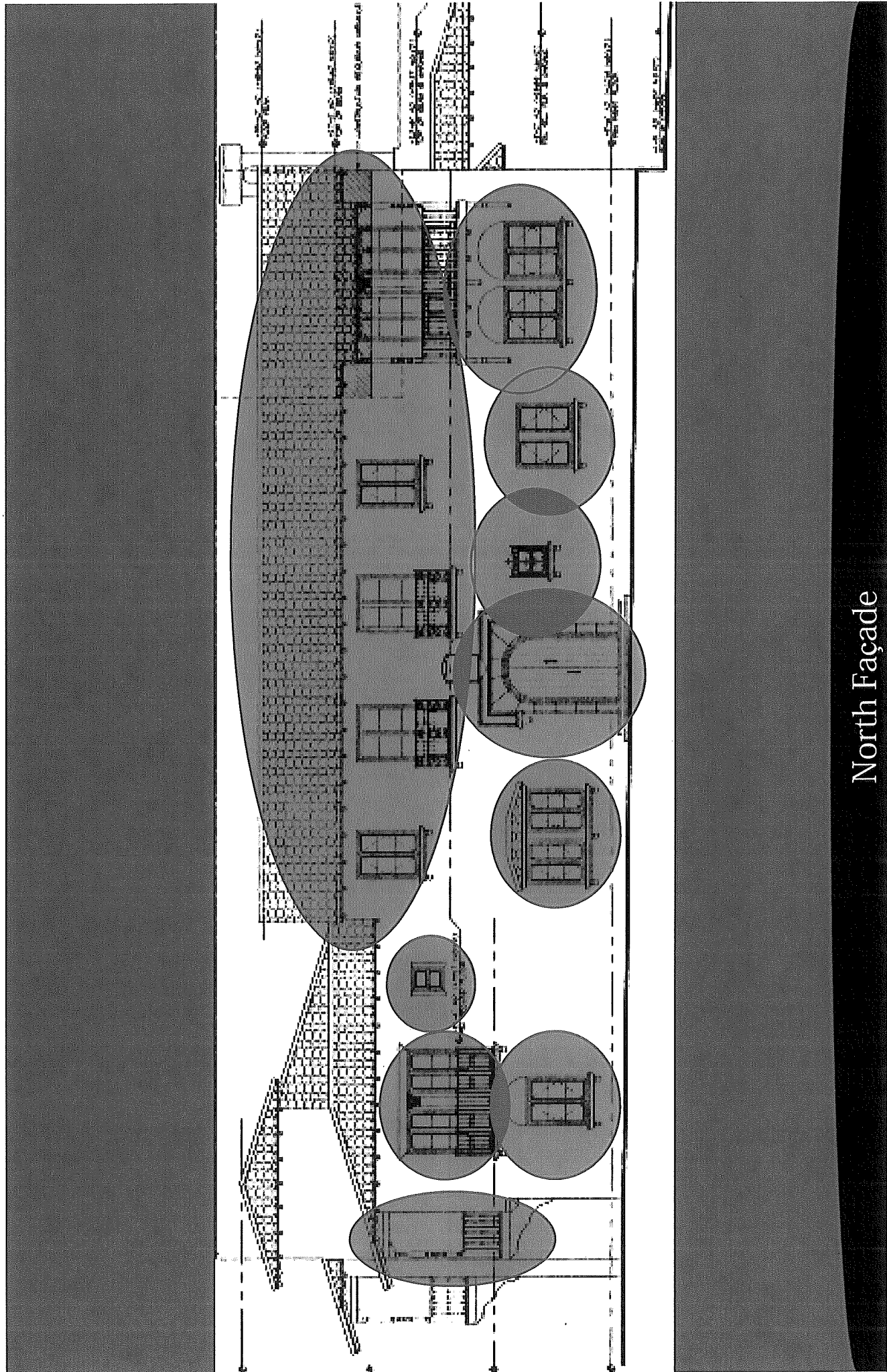


East Façade Additions / Deletions

This architectural drawing shows the front elevation of a building. The structure features a prominent porch on the left side, supported by columns. The central part of the facade includes a large arched window and a doorway. The drawing is annotated with various labels and dimensions, including 'Y.I.B.' (likely indicating a specific material or section), 'SIZES', 'DETAILS', and 'FURNITURE'. The overall style is that of a technical architectural sketch, with clear lines and detailed annotations.

This architectural drawing shows a detailed elevation of a building facade. The structure features a variety of window types, including small square windows, larger rectangular windows with decorative lintels, and a prominent arched window. A large, ornate door is centrally located. The facade is decorated with intricate patterns, possibly representing stone masonry or plasterwork. The drawing is oriented vertically, with the top of the building at the bottom of the page.

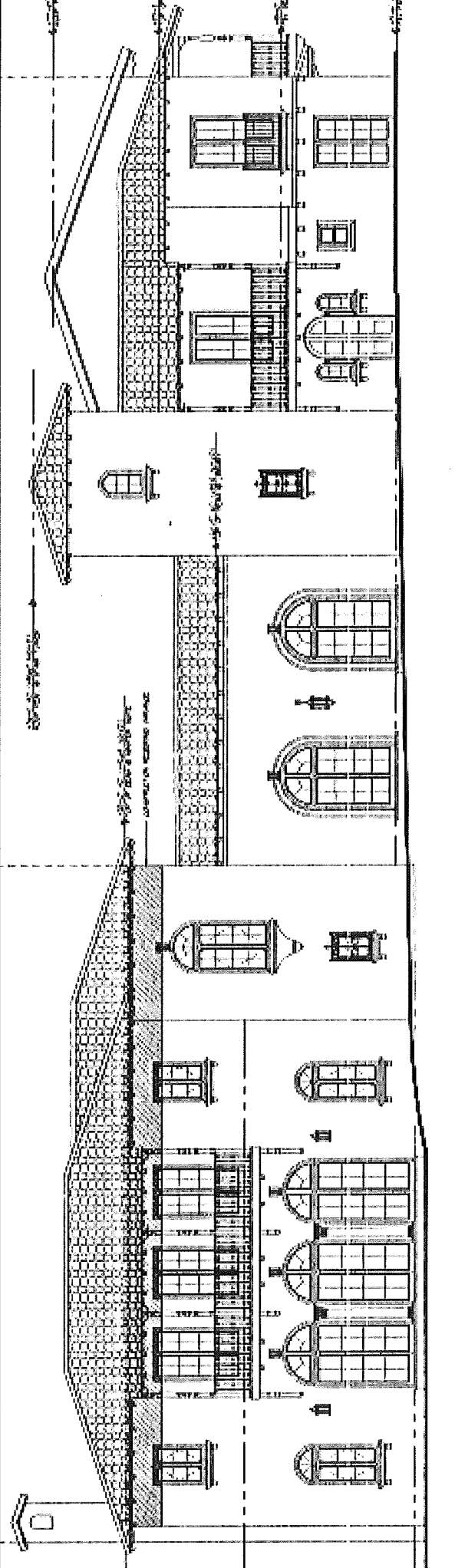
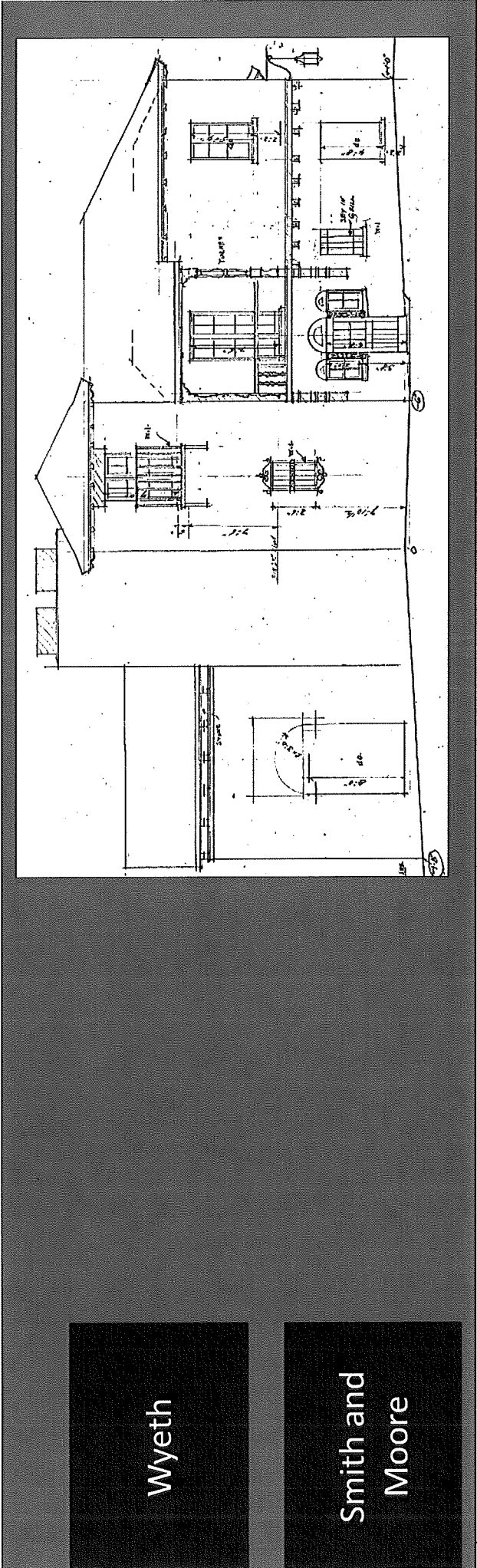
North Façade



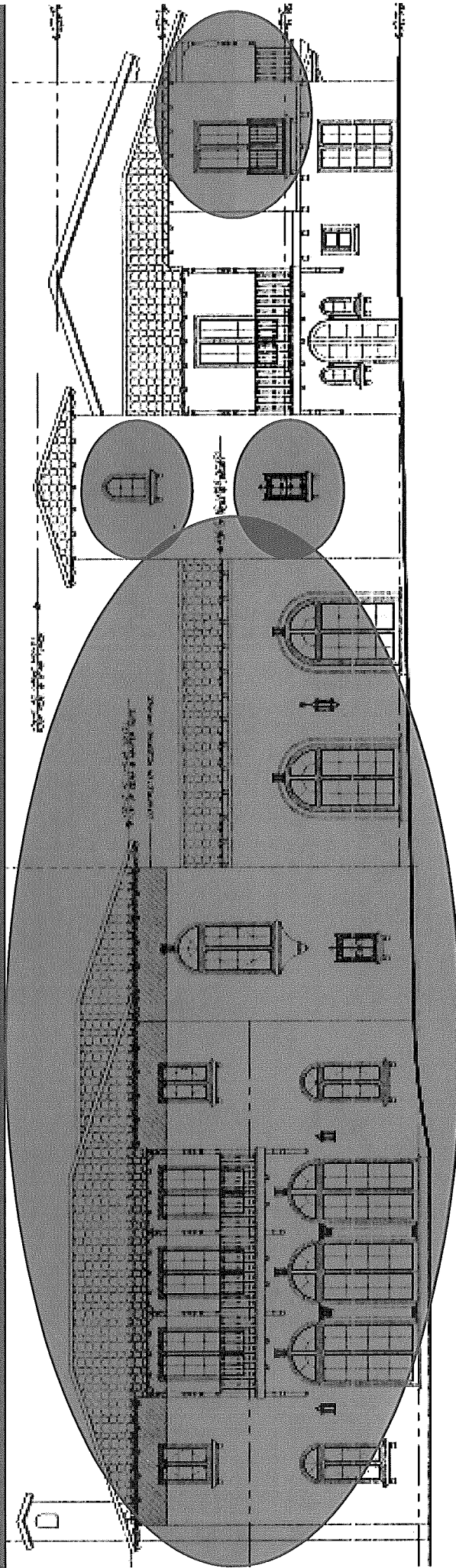
North Façade

Wyeth

Smith and Moore

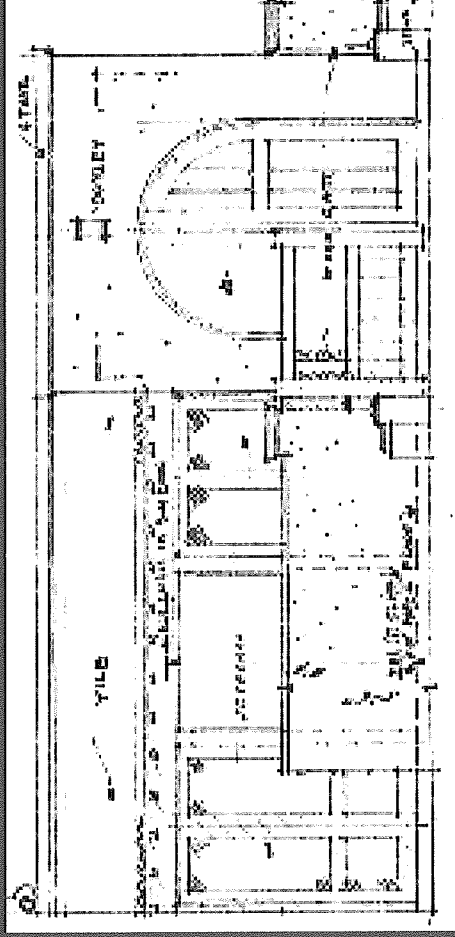


East Façade

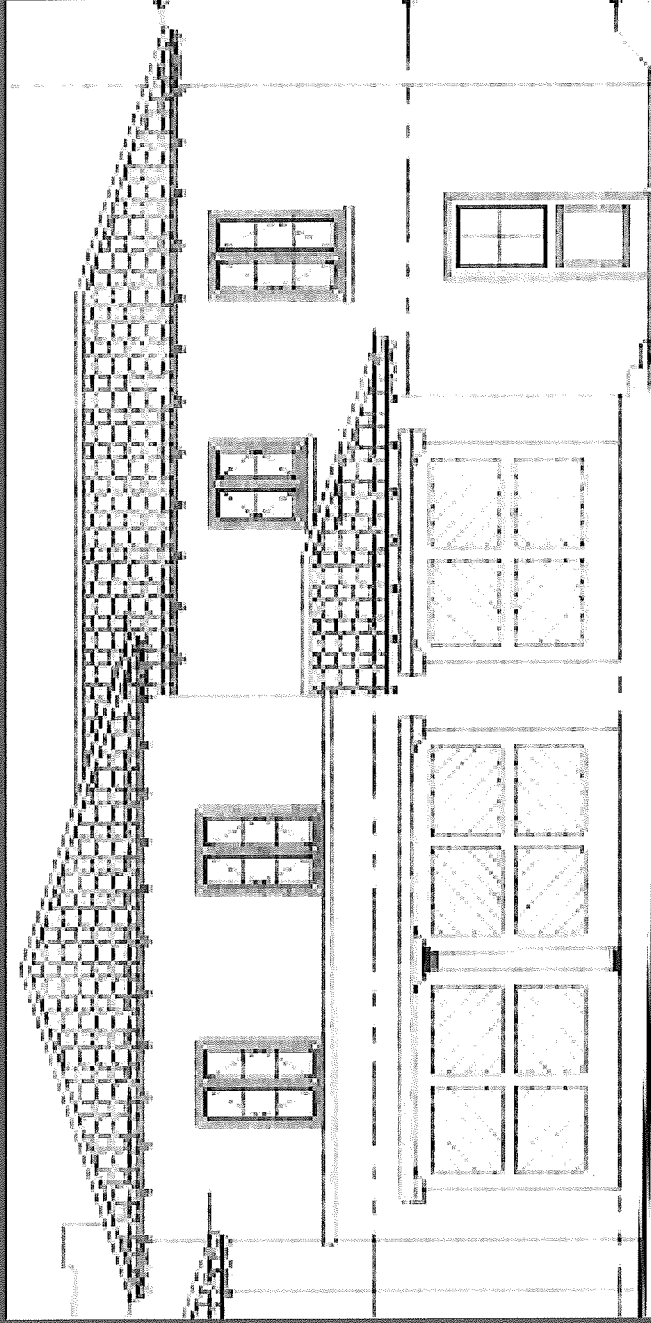


East Façade

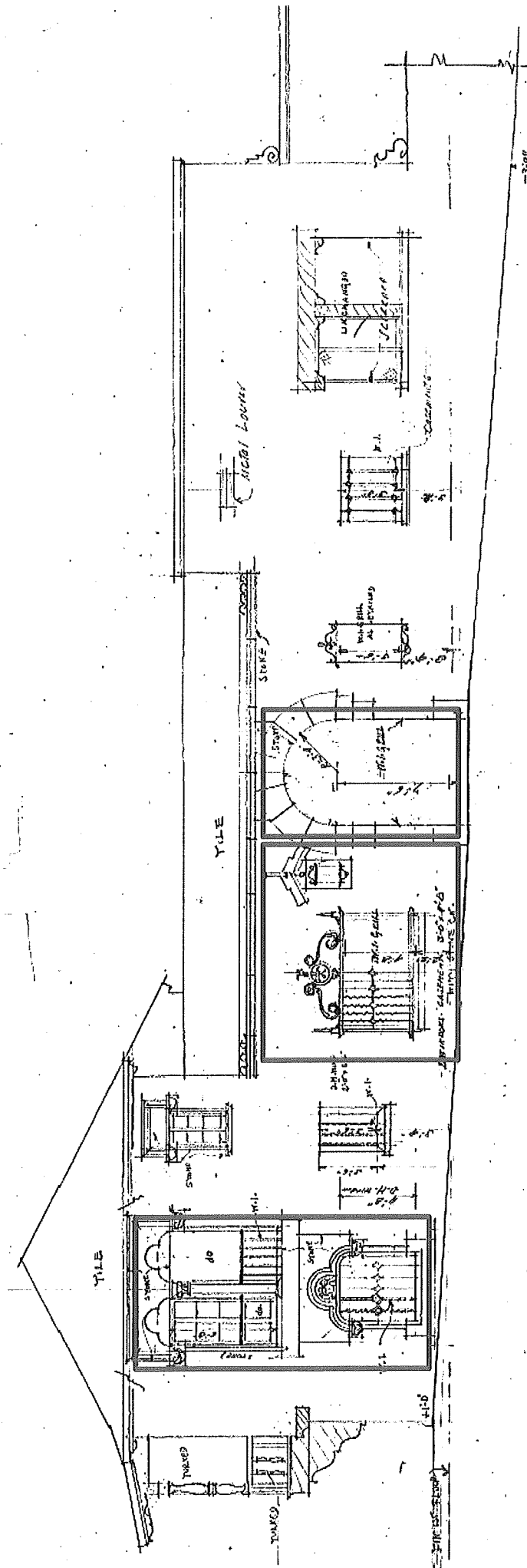
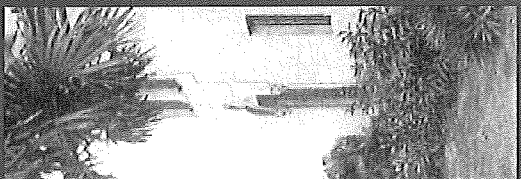
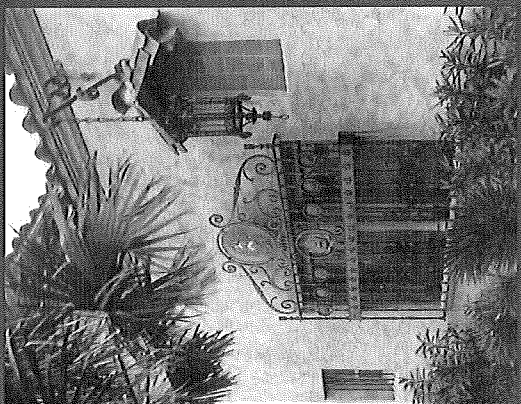
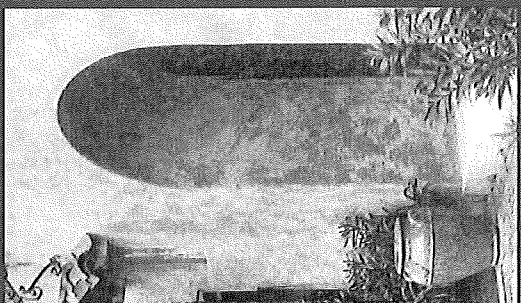
Wyeth

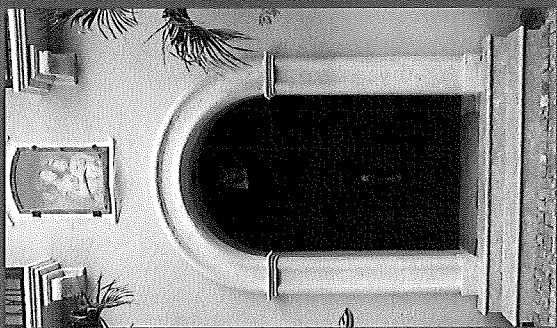
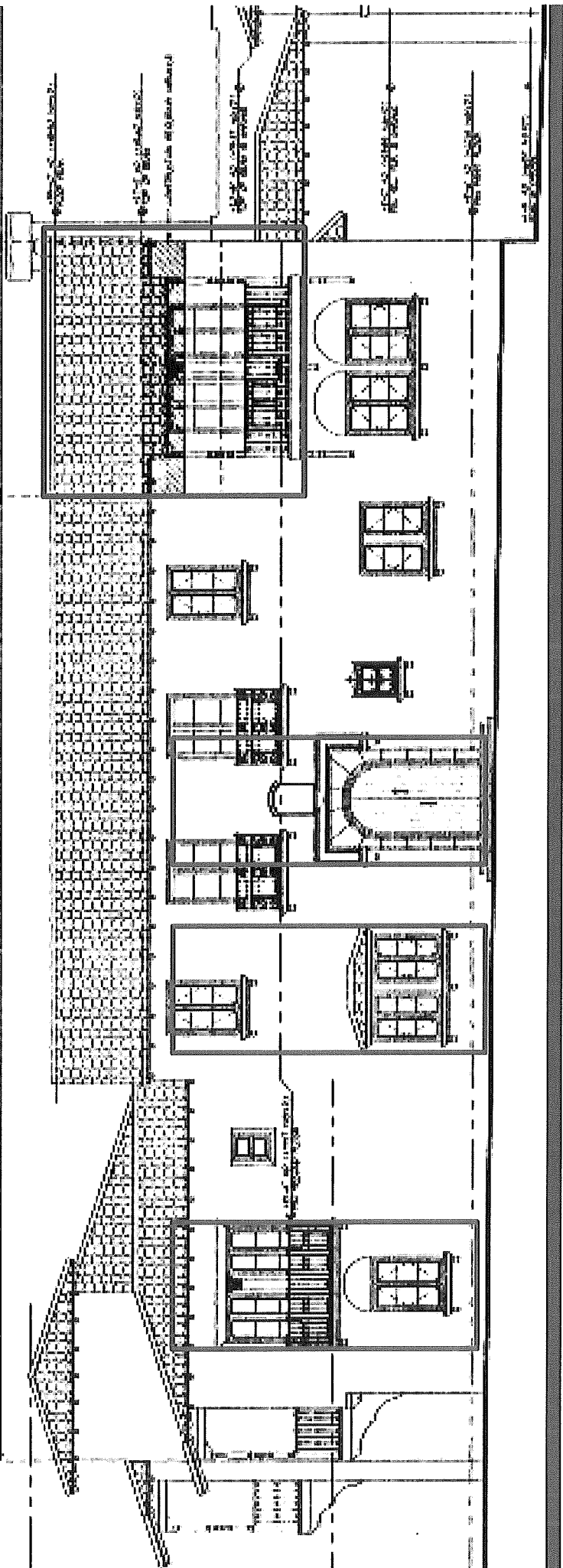


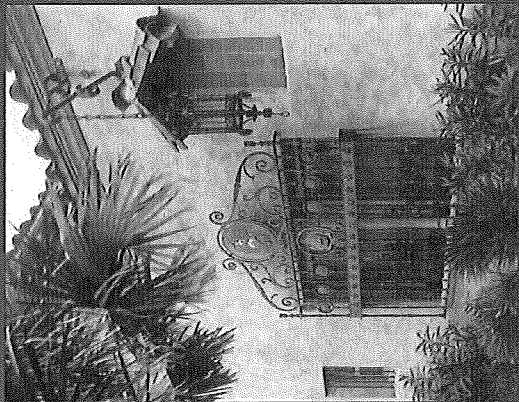
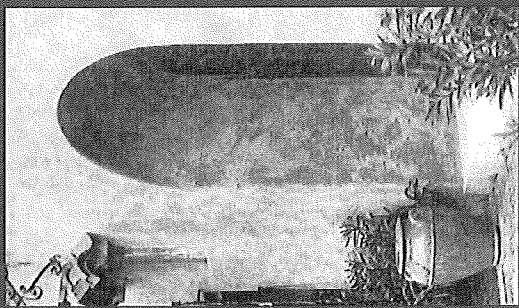
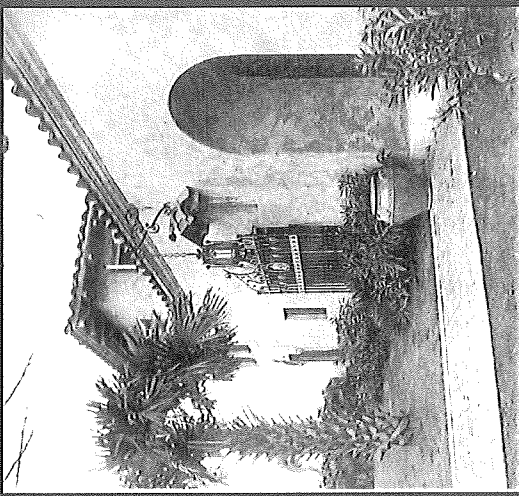
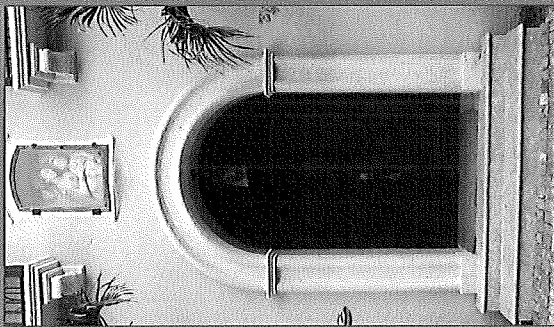
Smith and
Moore



North Façade Garage



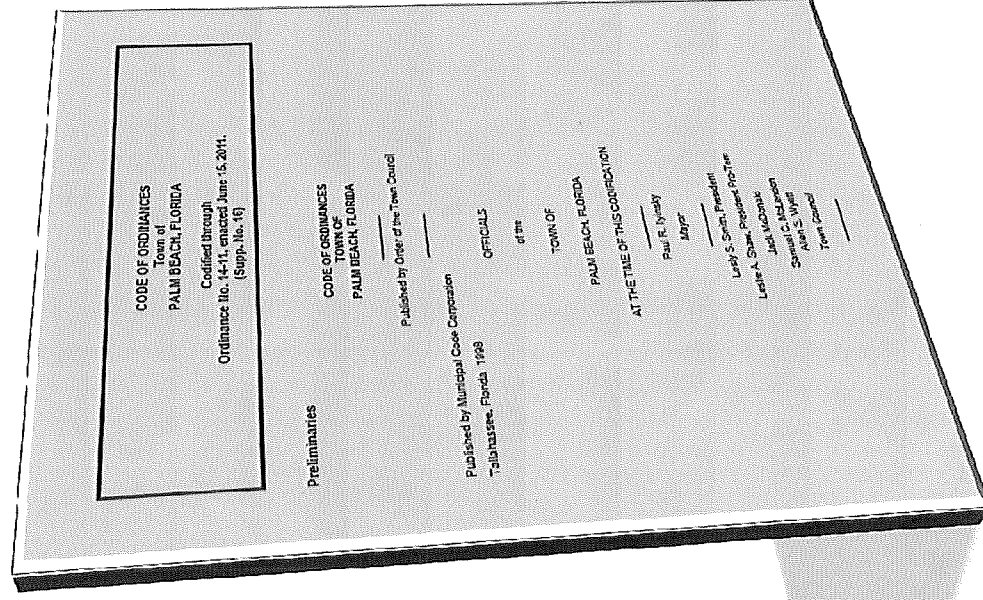




Designation Criteria

- *Criterion (1) provides that the structure “exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.”*
- *Criterion (3) provides that the structure “embodies distinguishing characteristic of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous material or craftsmanship.”*

Code of Ordinances – Town of Palm Beach

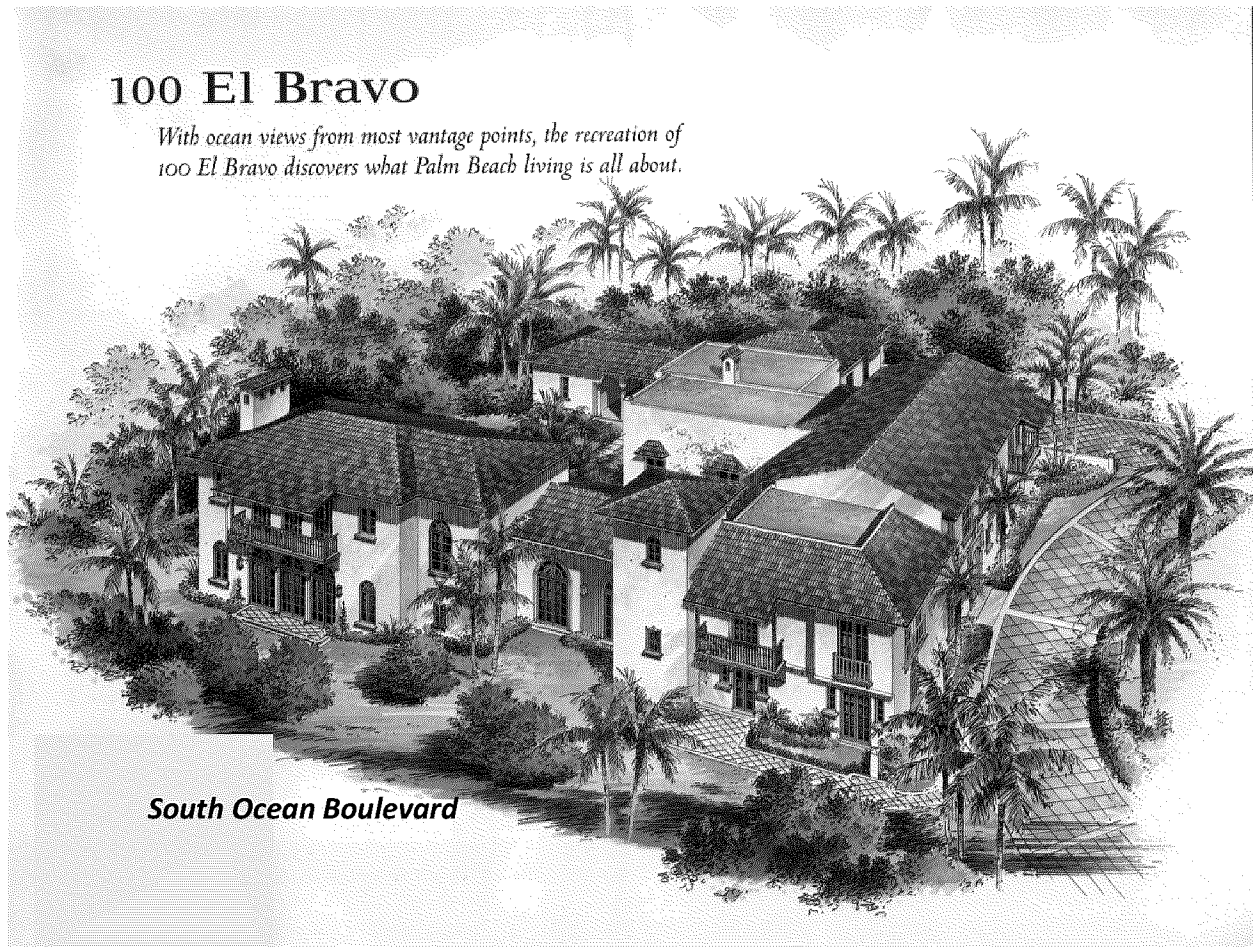


Section 54-123(b) on Exterior Alterations in the Landmarks Code provides that “exterior alterations shall not affect the architectural quality or historical character of the building.”

Section 54-122(b) on New Construction provides that “existing rhythm created by existing building masses and space between them should be preserved.”

100 El Bravo Way, The Tropin Residence: Response to the Landmark Designation Report

John S. Garner, Ph.D., Preservation Consultant
502 E. Sunnycrest Ct., Urbana, IL



**November 16, 2011, Landmarks Preservation Commission,
Town of Palm Beach, FL**

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A Question of Architectural Integrity

When the Landmarks Preservation Commission voted earlier this year to move forward with designation, its members may not have been aware of the extensive changes to the residence in the last decade, nor approvals given by the Architectural Commission for those additions and renovations. In the Designation Report prepared by Research Atlantica, Inc. and submitted on October 17, 2011, these changes—amounting to a doubling in the size of the residence—are acknowledged. In that acknowledgement, section II of the report concludes: “Although alterations have been done, since most have been done by well known architects and builders, Casa Beata still retains its architectural integrity.” To the contrary, the architectural integrity of 100 El Bravo Way has been significantly and substantially compromised. That the original U- shape plan can still be identified within the expanded layout does not mean that the walls that define it or spaces within have not been changed.¹

The word *integrity* has been defined by the National Park Service as that which gives a property meaning and value, and it is the very underpinning of the NPS Standards for Rehabilitation. These standards are included in the *Landmark Manual* prepared by Jane S. Day for the Town of Palm Beach. In a sales brochure (cover page) printed by Elias Management and Construction, ca. 2002, a perspective view of the residence was prepared and captioned “With ocean views from most vantage points, the recreation of 100 El Bravo discovers what Palm Beach living is all about.” Aptly used is the word *re-creation*, and what is represented in the view is what Palm Beach living today is all about—a mansion with every creature comfort—and not the modest casa originally designed by Marion Sims Wyeth.²

Meeting the Designation Criteria

The designation report asserts that the residence meets three of the criteria necessary for designation under Sec. 54- 161 of the Landmark Ordinance.³

(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

¹ Designation Report, Wednesday, November 16, 2011, Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc., p. 4; 100 El Bravo, a sales brochure printed by Elias Management & Construction, Inc., n.d.

² William J. Murtagh, **Keeping Time**, NY: John Wiley, 2003, pp. 117-18; **Landmark Manual** prepared by Jane S. Day, Town of Palm Beach, Florida, Landmarks Preservation Commission and The Preservation Foundation of Palm Beach, 2009, pp. 32-35.

³ Designation Report, p. 9.

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

100 El Bravo Way, Palm Beach, Florida, does not qualify for listing under any of the designation criteria. The residence has undergone substantial additions, remodeling, and renovations. In the process, its original character and historic integrity have been compromised. The residence, as it exists today, is not the one identified by Walter C. Kidney for the Florida Master Site File in 1980; nor is it the same as described in the guide written by Barbara D. Hoffstot, *Landmark Architecture of Palm Beach*, in 1974. Beginning in 1980 and continuing to 2002, the residence underwent substantial enlargement and many of its historic architectural features were changed. Because of these changes, and especially those seen in public view from El Bravo Way and South Ocean Boulevard, the nomination should not be approved for listing by the Landmark Preservation Commission of the Town of Palm Beach.⁴

Why the Designation Criteria are not applicable

Criterion (1) The residence as viewed today is not the one described in the social columns of the 1920s. Were it to reflect the **“broad social. . .or cultural history. . .of the town”** it should appear as it was in the historical photos and write-ups referred to in the Designation Report. The current house does not, nor is the residence experienced today in the same open-air way of the Wyeth design. It is true that the original owners—the Dobynes—hosted parties and events, but the Ditmans who followed were rarely cited in the press. Does the criterion apply only to the roaring twenties, the Gatsby era of parties and celebrations? If so, the current house does not reflect the broad history of the Town, only one brief part of it (see page 19 and footnote 14).

Criterion (3) The residence was designed in the Mediterranean style, but too many of its distinguishing features have been lost. It is no longer **“a specimen inherently valuable for the study of a period, style, method of construction.”** There are far too many better examples of the period, style, and construction which have already been designated or have yet to be designated. While the recent renovations and additions were made in sympathy with the earlier work, the original entry portal, doors, windows, chimney, balconies, and grilles have been removed or replaced. Perhaps in part to the

⁴ Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as “Altered.” Barbara D. Hoffstot, *Landmark Architecture of Palm Beach* Pittsburgh: Ober Park Assoc., 1974, p. 166

changes made, 100 El Bravo Way has not been included in books dedicated to Palm Beach architecture published in recent years (see page 22 and footnote 15).

Criterion (4) Architects, Marion Sims Wyeth and later Howard Major, were accomplished artists “**whose individual ability has been recognized or who influenced his age.**” But to what degree is their work still to be seen in 100 El Bravo Way? Their work has been transformed. Major sacrificed Wyeths’ asymmetry in the north elevation and scrapped his beautiful wrought- iron grilles. In turn, Major’s handsome garden pavilion was destroyed in later additions. The residence as seen today should be ascribed to the work of Smith and Moore. Following the owners instructions, and with the approval of ARCOM, they substantially transformed the north and east facades.

History and Description of Construction

Occupying Lot 2, El Bravo Park Addition, Town of Palm Beach, 100 El Bravo Way, is a residence designed in the Mediterranean style, also known as the Mediterranean Renaissance Revival style, a style popularized by Addison Mizner (1873- 1933) in the period 1915 to 1925 and thereafter until the 1930s. The architect, Marion Sims Wyeth (1889- 1982), embraced the new style introduced by Mizner and proceeded to create a residence once known as Casa Beata for George A. Dobyne of Beverly Farms, Massachusetts. The building permit was issued in December of 1922 and most of the drawings were completed during that month. Construction took place in 1923 and the builder of record was H.R. Corwin. At the time, the estimated cost was \$70,000.⁵

The foundation was concrete slab supported by concrete grade beams beneath load- bearing walls constructed of hollow tile and finished on the exterior in stucco, a mixture of lime, sand, and fine gravel. The finish floors were brick with encaustic tile pavers. The roof framing was timber, and where the timber was exposed, such as in the living room trusses and the exterior balconies and rafters, the timber was pecky cypress. The roof was a combination of built- up tarred felt and red mission tile. The windows were wood casement. The

⁵Entry for Marion Sims Wyeth by Victoria Newhouse, Adolf K. Placzek, ed. , **Macmillan Encyclopedia of Architecture** NY: The Free Press, 1982, p. 457; Plat for El Bravo Park, Plat Book 8, pg. 9; Request for Building Permit for Residence, Lot 2 of El Bravo Park, permit #57. Dec. 30, 1922.

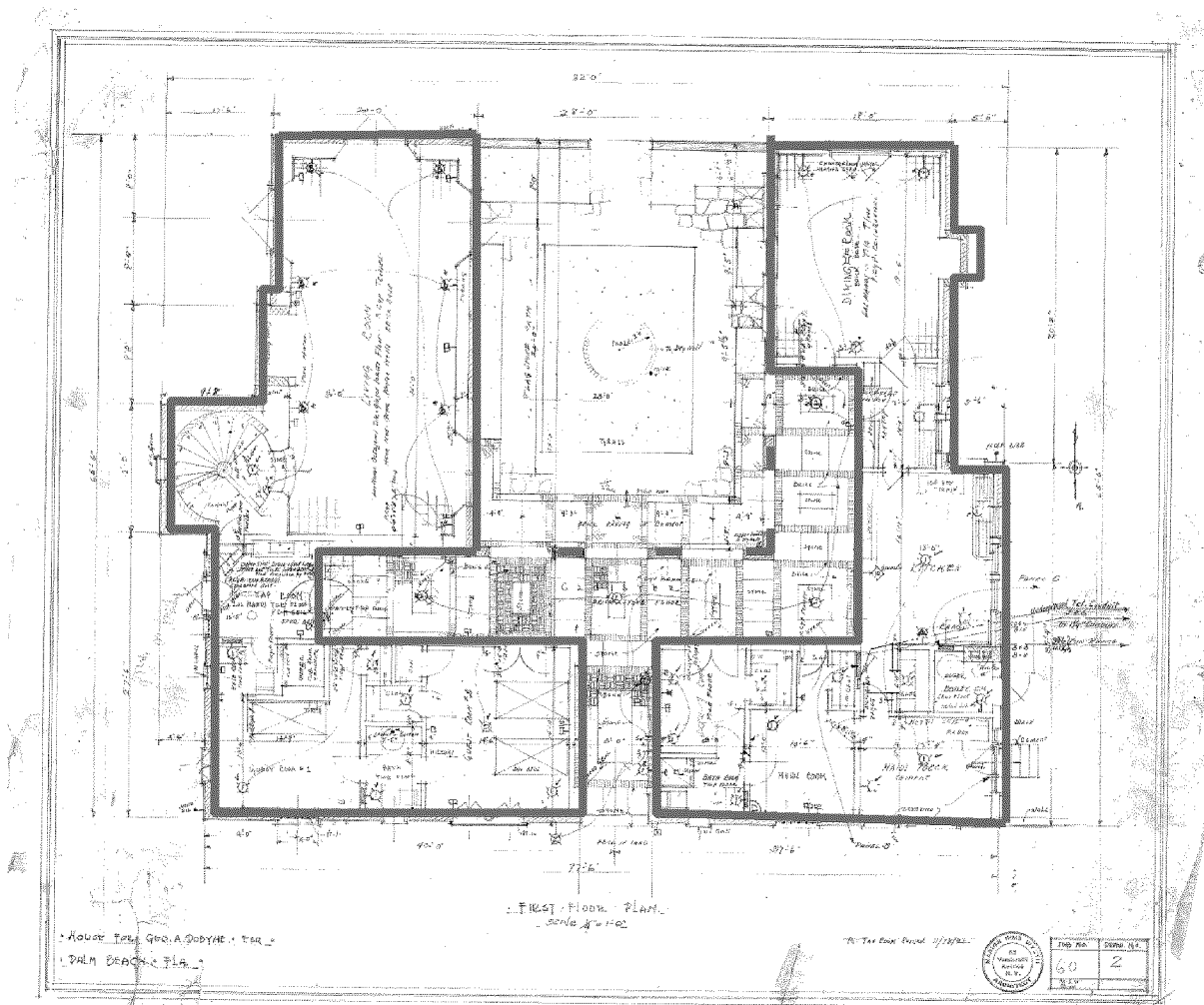


Fig. 1 First Floor Plan of 100 El Bravo Way as originally constructed in 1923. The green lines (by author) show the enclosed portion of the residence. The vestibule and loggia are open. Wyeth Collection, Preservation Foundation of Palm Beach.

interior wall finish was Acme plaster. A second floor reached by a circular stair provided a master bedroom, closet and bath. At 5518 sq. ft., including the garage, the residence was modest in size compared to some of its neighbors.⁶

This residence and others of the period designed by Wyeth in the 1920s relied on natural ventilation. The living and sleeping areas usually spanned a single bay with windows to either side. Loggias served as external hallways, and although covered by roofs to shed rain and shield the sun, they were open to

⁶ Wyeth Collection, "A House for George A. Dobyne," plans, et al., Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

the breezes. The mild climate of Palm Beach and prevailing ocean breezes meant that doors and windows were often left open. Although a portal existed where the present front door is located, there was no door originally, only a wooden grille to serve as a gate.

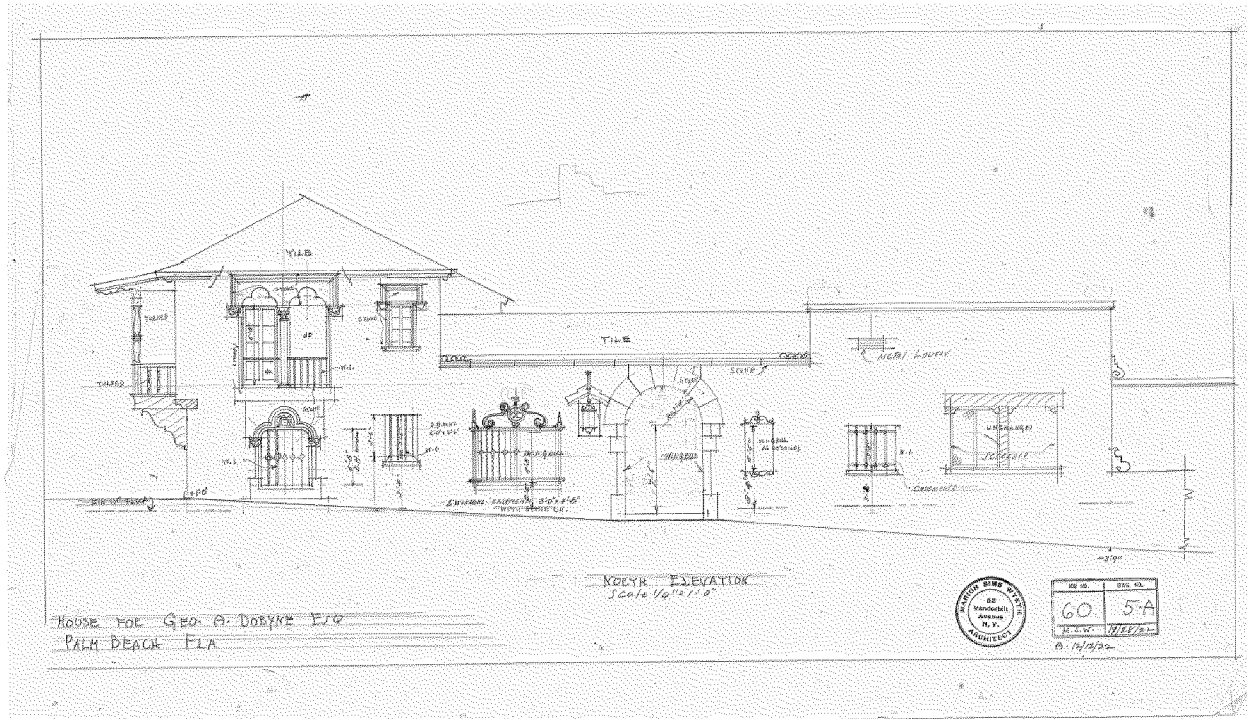


Fig. 2 North Elevation of 100 El Bravo Way as drawn in 1922. As constructed in 1923 the north-facing balconies and cast-stone rustication shown at the portal were left out. Of note, however, are the decorative window grilles, which were built as shown. Wyeth Collection, Preservation Foundation of Palm Beach.

In elevation, the massing was asymmetric. Windows and balconies were the signal features used to accent the stucco walls. Wyeth took special care in designing grilles, both in wood and wrought-iron, to accent doors and windows, all in character with the Catalan influences of the style. In all likelihood these grilles were produced by the Los Manos factory founded by Mizner to supply the many new residences in Palm Beach and elsewhere in South Florida designed by himself, Wyeth, and others.

Wyeth excelled in designing residences in the Mediterranean style and he probably had greater finesse when it came to the detail of the style than other of his Palm Beach contemporaries. Wyeth, after all, had overseen the

reconstruction of the Venetian palazzo, Villa Giardini, when relocated to Palm Beach in 1920.⁷

Moreover, Wyeth had traveled extensively in Europe, including Italy and Spain, during his architectural studies at the Ecole des Beaux Arts.⁸

In the seminal work on the Mediterranean style, Rexford Newcomb's ***Mediterranean Domestic Architecture***, 1928, five of Wyeth's residences are illustrated in plan and photograph. In each case the residences have unenclosed circulation with two or three walls in each room benefitting from natural ventilation. Most have U-shaped plans centered on patios. Assuming Wyeth had some say in which residences were selected for publication, it is



Fig. 3 Frank P. Frazier Residence, Palm Beach, FL, 1925 , Marion Sims Wyeth. Note the U- shape plan with court- yard at center, facing South Ocean Blvd. For natural ventilation, the wings are single bay in width and the loggia is open, just as in the case of 100 El Bravo Way. Newcomb, ***Mediterranean Domestic Architecture***, 1928.

⁷ Justin A. Nylander, *Casas to Castles: Florida's Historic Mediterranean Revival Architecture* Arglen, PA: Schiffer Publications, 2010, pp. 153-201.

⁸ Wyeth, *Macmillan Encyclopedia of Architecture*, p. 457.



Fig. 4 North Façade from entry portal looking southeast. Note the single- story entry bay. In a departure from the architect's drawings, there is no ornamental treatment of the portal, no rusticated stone or stucco surround. As shown, the only rooms to occupy the second story are the master bedroom and bath. The present façade bears no resemblance to the original. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 5 Detail of North Façade showing ornamental wrought iron grille, lantern and pent roof, none of which presently exists. The lost iron work was custom-made to the architect's specifications and probably produced by the Los Manos factory, founded by Mizner. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.



Fig. 6 Contemporary photo of the section of the wall shown above. Note that it bears no resemblance to the original design. Photograph by James Norquest, Gunster, Yoakley and Stewart, September 2011.

Worth noting that 100 El Bravo Way was not included. Those which were illustrated were Casa Alexandro, Tre Fontaine, and the Wheeler, Geist, and the others were larger and more imposing.⁹

⁹ Rexford Newcomb, **Mediterranean Domestic Architecture in the U.S.** Cleveland: Jansen, 1928, pp. 114-43.



Fig. 7 Photo looking south from within the entry portal. In the background lies the courtyard. All of these spaces seen in the entry vestibule and intersecting loggia are open to the elements. This is no longer the case.

In 1930 a front door replaced the wooden gate in the vestibule and beginning in 1980 the first floor loggia was enclosed in glass. New glass doors were installed in 2000- 01. Photograph by Frank E. Geisler, Preservation Foundation of Palm Beach.

In 1930 Howard Major (1883- 1979) designed additions to 100 El Bravo Way. In addition to extending a second story across part of the north façade to create a new guest bedroom and bath, he also expanded the servant's quarters and designed a laundry addition and garden pavilion on the west and east sides of the residence, work totaling more than \$42,000. He also extended in length the dining room to the south. Smith and Riddle were the contractors for the approximately 2,000 sq. ft. of new enclosed floor area. Although Major designed his additions in sympathy to the existing style, he attempted to create a somewhat more balanced composition in the north façade, and in the process eliminated some of the more beautiful and ornamental grille work. Major's design of the façade was more restrained than Wyeth's. He removed the small entry portal. He also closed the portal with a cypress door.¹⁰

¹⁰ Howard Major, "Alterations to Residence of George Dobyne, Esq.," Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.

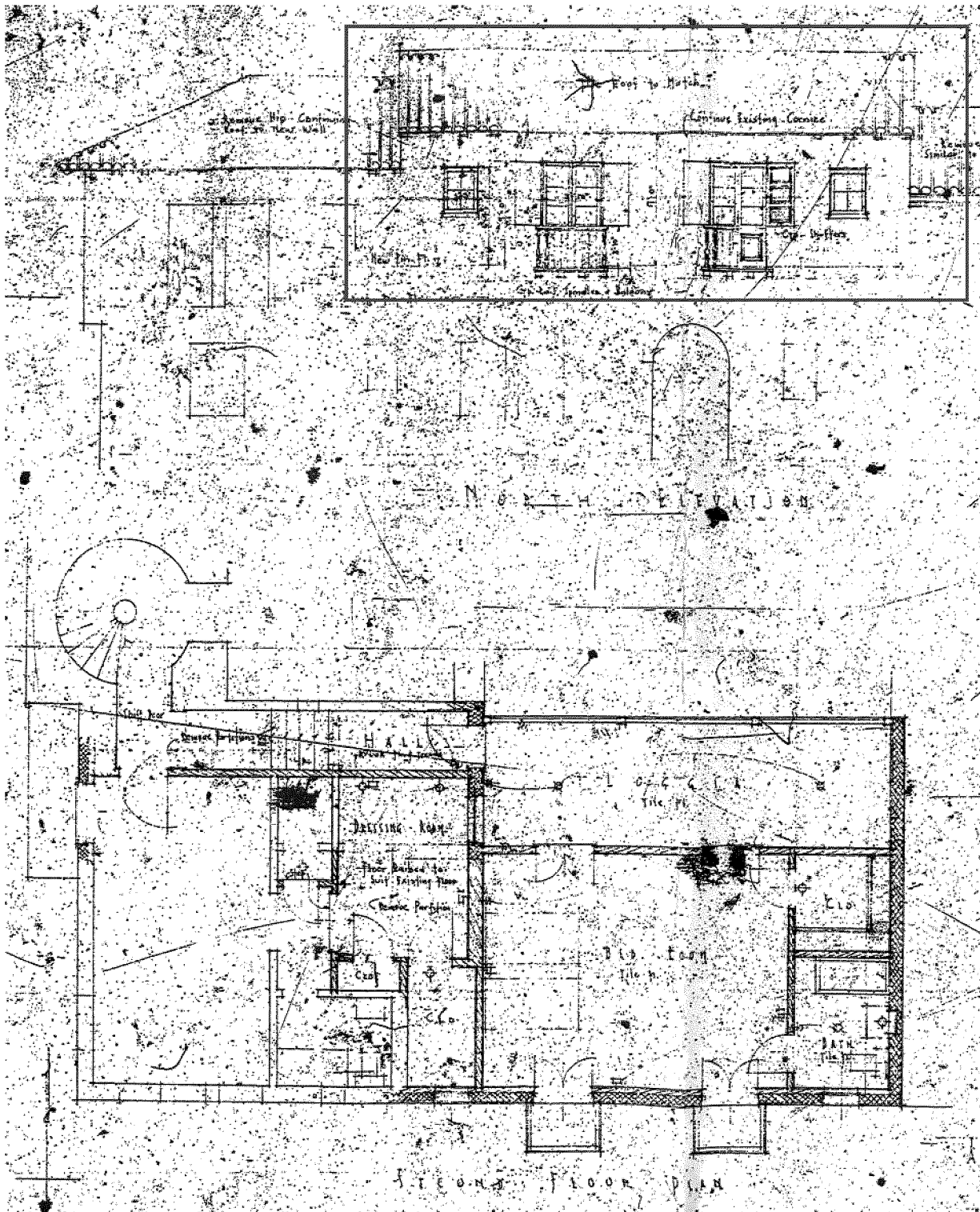


Fig. 8 North Elevation and Second Floor Plan drawn by Howard Major, 1930. New construction in elevation shown in red outline. In plan, the cross-hatched area is new construction. The loggia is open.

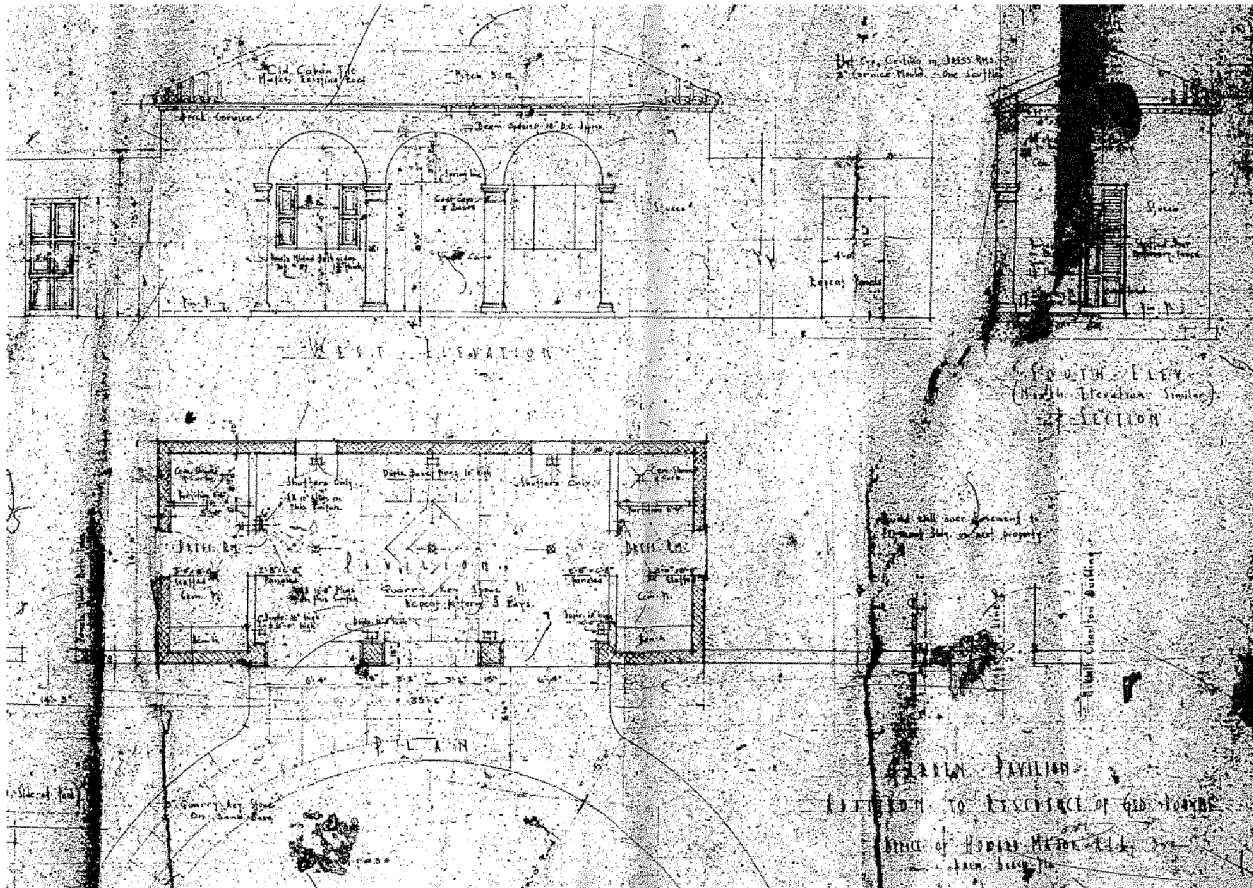


Fig. 9 The Garden Pavilion drawn by Howard Major, 1930, which served as dressing rooms for the swimming pool that had been added in 1928. It lay south of the original living room and was seen from South Ocean Boulevard. It was razed in 2001 to make way for the new living room and bedroom wing.

In 1935, the residence was sold to the Ingleton Company and in June of 1941 the property was conveyed to Norman E. Ditman. During the Ditmans ownership only minor repairs were made, such as the repair of roofing. The same is true of George S. Steele who acquired the property in 1969 and retained it until 1980¹¹

Until 1980, when the residence was purchased by Samuel I. and Victoria B. Newhouse, the architecture as seen from the exterior was largely that of 1930. It is after 1980 that major changes were made. The architect Belford Shumate was employed to renovate the living quarters of the residence and to restore some exterior features and finishes. There were a number of structural issues that also needed addressing, and the firm of Hutcheon Engineers was hired to

¹¹ 100 El Bravo Way, Building Permits, Dept. of Public Work, Town of Palm Beach, entries 1935 to 1960; James Norquist, Gunster, Yoakley & Stewart, chain of ownership.

resurvey the property. In Shumate's "Restoration, Repairs and Revisions," as the project was labeled, he altered the east façade by removing a pair of Wyeth's windows and replacing them with casement doors and a balcony. The loss of the windows with their Venetian trefoil influenced arched openings diminished the character of the façade as Wyeth had designed it. On both the east and north facades, the wood in the balconies was replaced. Inside, the first of two elevators was installed, the kitchen remodeled, and bathrooms updated with new fixtures. Of equal consequence, the residence was now air conditioned with a central air delivery system. The first- story loggia, facing the courtyard, was enclosed with plate glass- doors. The environmental character of the residence was changed. The rooms no longer adjusted to the temperature and humidity to breathe with the climate.¹²



Fig. 10 Detail of cypress timbers supporting the loggia above requiring substantial restoration in 1980. The original timbers here were preserved. Window above doors in fanlite dates from the renovations in 2000- 2002. Photo by author, 2011.

¹² Belford Shumate, "Restoration, Repairs, and Revisions to 100 El Bravo Way, Palm Beach, FL."

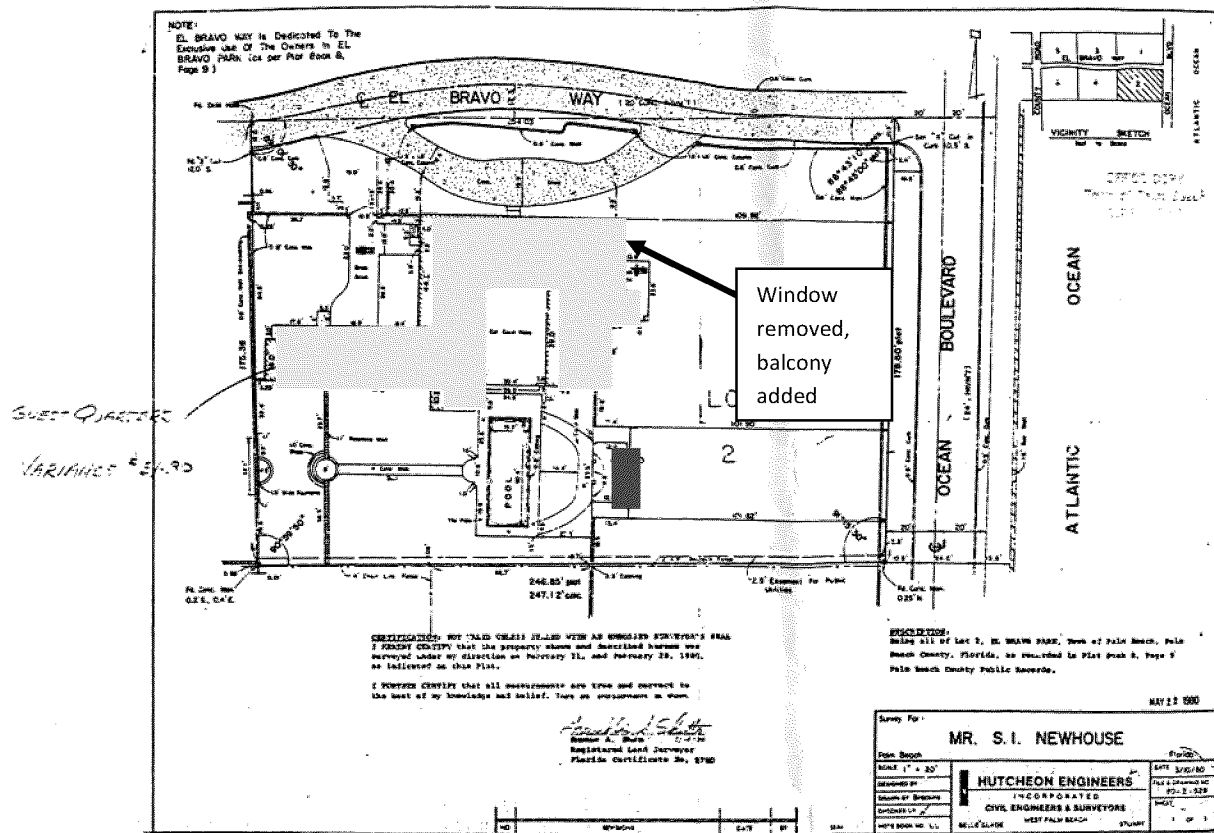


Fig.11 Survey of site plan produced by Hutcheon Engineers, 1980, showing residence in yellow and the Garden Pavilion in red. Note arrow pointing to altered fenestration in east wall designed by Belford Shumate.

Between 2000 and 2002, the owner, Victoria B. Newhouse, commissioned architects Smith and Moore to design major additions to the residence to bring the total square footage to 14,703 sq. ft. Work totaling approximately \$2,408,500 saw the additions of a new family room adjacent the existing dining room, a new living room with master bedroom suite above served by stair and elevator, an expansion of the cook's kitchen, a garage expansion, new aluminum-clad exterior doors and windows, new stucco exterior, new aluminum balcony railings, and a renovated pool. New wiring and mechanical systems were installed. In addition, the structural stability of the earlier portions of the residence was greatly re-enforced. North Palm Beach Engineering, Inc., provided structural drawings for steel channels as columns and lintels to re-enforce the tile block walls in the library (original living room) and floor joist and roof truss enhancement for the upper floor and roof in the guest bedrooms on the north. As part of the structural work, the original

chimney and fireplace were removed and a pair of outward opening casement doors were put in their place. This alteration affected both the exterior as seen from South Ocean Boulevard and the historic interior of the original living room.

Smith and Moore made the additions in sympathy to the existing style and finishes. Some of their decisions, such as window replacement, were in part code driven. The original casement doors and windows could have been

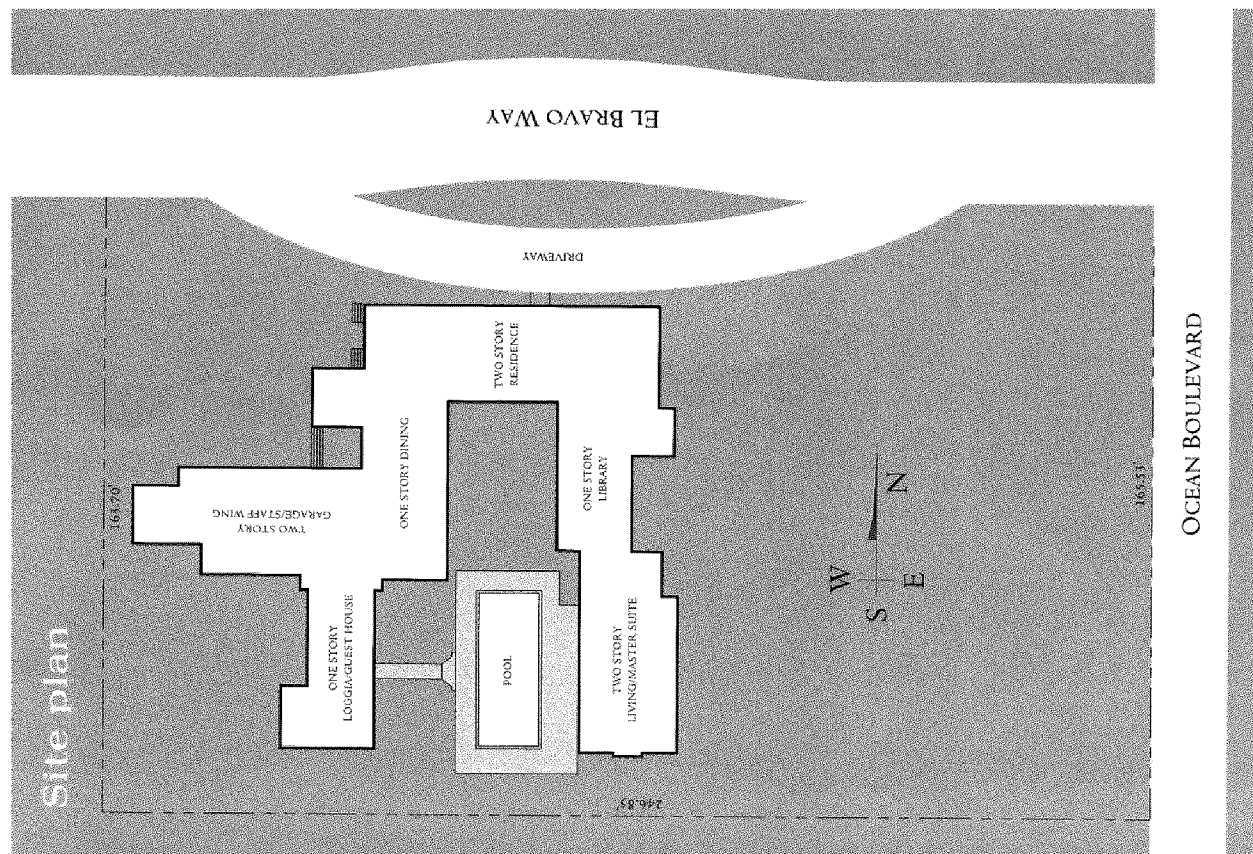


Fig. 12 Configuration of present site plan, construction completed in 2002.

up-graded, though at additional cost to that of replacement. These renovations, alone, would disqualify the residence from National Register consideration. Further, the architects enhanced the original entry-way with a stone surround, where none had previously existed. Most troubling, however, was the decision to raise a portion of the wall forming the north façade. This was done at the client's request to provide an additional bedroom above what had been the maid's room in the Wyeth drawings. This affected both the massing and the balance in proportions of the facade created by Major back in

1930. In Major's composition, the wall stepped down and provided a better balanced effect of openings to solid wall.¹³



Fig. 13 View of the North façade, showing the altered wall in red outline. The raised wall in this area permitted the construction of an additional guest bedroom. The wooden balcony was also created to complement those on the east façade. Photo by James Norquest, 2011.

¹³ 100 El Bravo Way, Building Permits, Planning, Zoning & Building Department, Town of Palm Beach, 2000-2001, North Palm Beach Engineering, Inc., Specifications and drawings, Residence at 100 El Bravo Way, February 8 and March 12, 2001; See Secretary of the Interior's Standards for Rehabilitation in Murtagh, **Keeping Time**, p. 184.

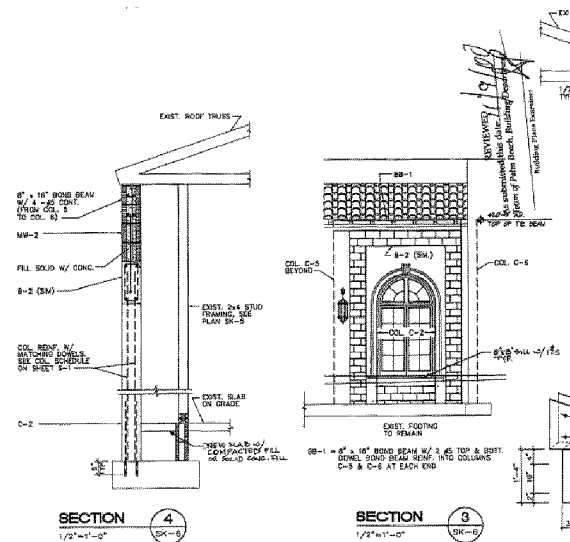
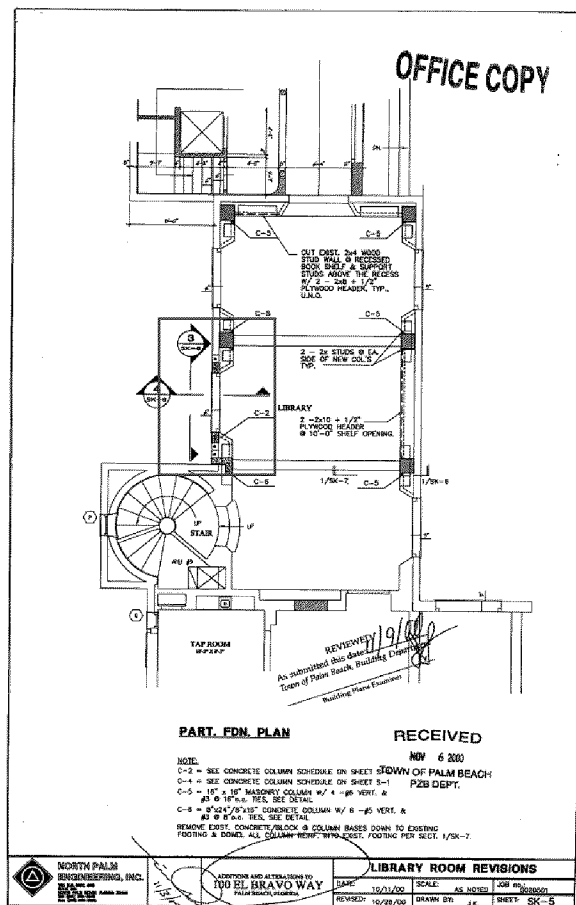
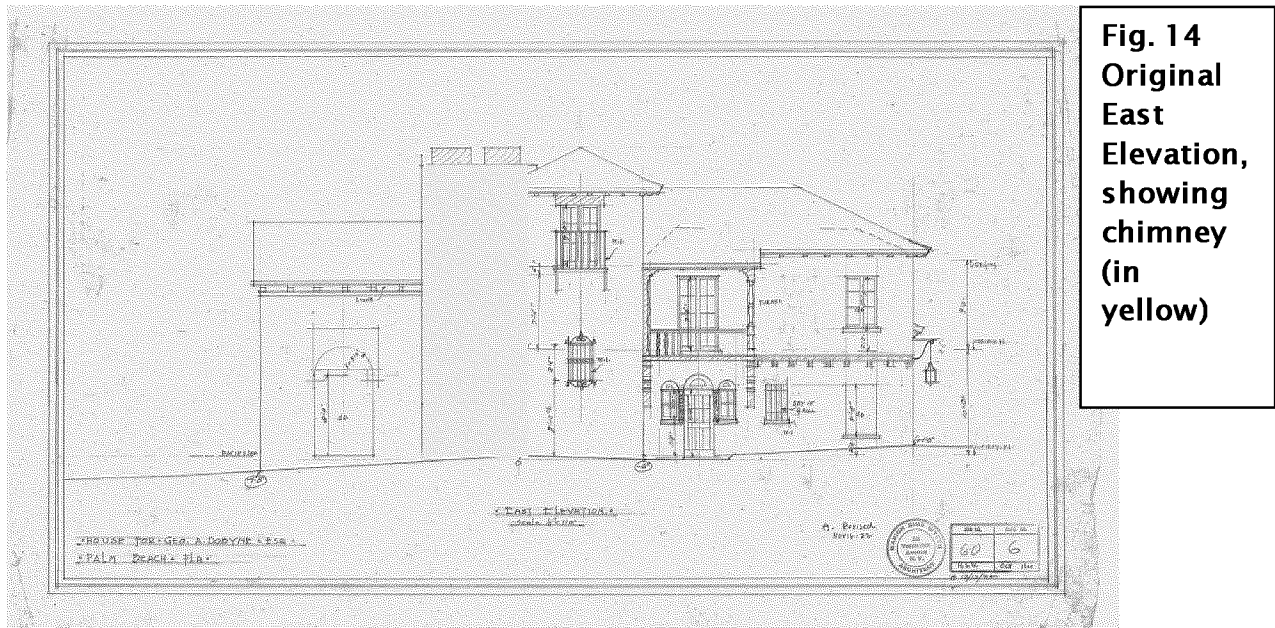


Fig. 15 Detail drawings prepared by North Palm Beach Engineering, Inc., Feb. 8, 2001, showing plan, section, and elevation of what was the original chimney and fireplace, removed for casement doors. Location outlined in red.

Social and Cultural History of 100 El Bravo Way

The residence was designed and constructed during the heyday of Palm Beach construction. Vacationing families who prior to WWI had quartered in the large residential hotels were now constructing private residences, especially in the area south of Worth Avenue and the Everglades Club. Many entertained company in their homes and clubs, and the George A. Dobyne's were no exception. Most of the new residents came down from the Mid- Atlantic and New England states to enjoy the winter season, and their camaraderie was class driven. As industrialists and financiers, or their legatees, they had much in common. Many enjoyed putting their affluent life- styles on display. But just as quickly as this period flourished, it ended. The Great Depression wiped out many of the nouveau- riche. Like the Dobyne's, a number of home owners were forced to sell their estates. Restraint if not austerity introduced new styles of architecture, and the sunny opulence, ebullience, and exoticism displayed in the Mediterranean style gave way to variations of Neo- classicism seen in the Georgian Revival and Regency styles, especially as borrowed from the West Indies. It would be an exaggeration to suggest that 100 El Bravo Way is reflective of the "broad social. . .cultural history. . .of the town" because of what took place there in the 1920s, any more that it reflects the 2000s. Moreover, the residence as seen and inhabited today, is not the one that experienced the dinner parties and swimming events of that earlier era. The open air, open circulation which provided the space for numerous guests—on one occasion two hundred at a swimming event—is no longer the case. The courtyard and pool are now flanked by two imposing wings to the east and west as well as a garden wall on the south. The leisure of indoor/outdoor circulation by open loggia no longer exists, a victim of air conditioning and security.¹⁴

¹⁴ For perspective, see Cleveland Amory, **The Last Resorts**, New York: Harper, 1952; "Palm Beach Social Index," **The Spur**, April 1, 1926, p. 118; "200 in Palm Beach at Dobyne Villa," **New York Times**, Feb. 8, 1928; "G. A. Dobyne's give a Christmas Party," **New York Times**, Dec. 25, 1929; "At the Winter Resorts," **The Spur**, Jan. 1, 1925, p. 28.



Figs. 16 and 17 Detail views of the north façade showing the raised portion of the wall in the second story and the portal surround. Neither of these features are historic. The new balcony does not match those on the east facade which are less tall or attenuated in comparison.

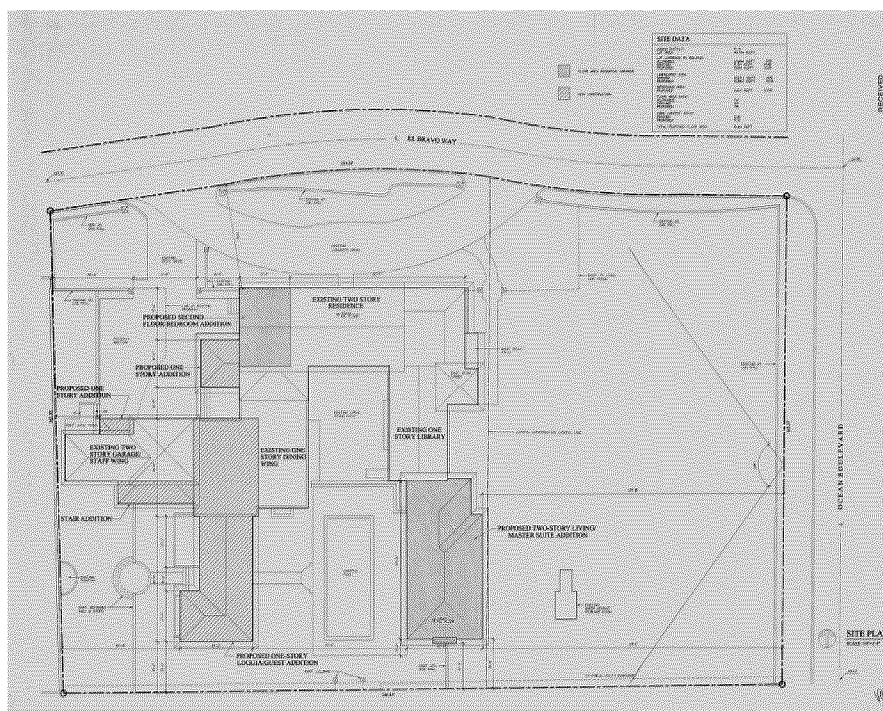


Fig. 18 Site plan prepared in 2000 by Smith and Moore, showing in darker gray the additions only and not the renovations.

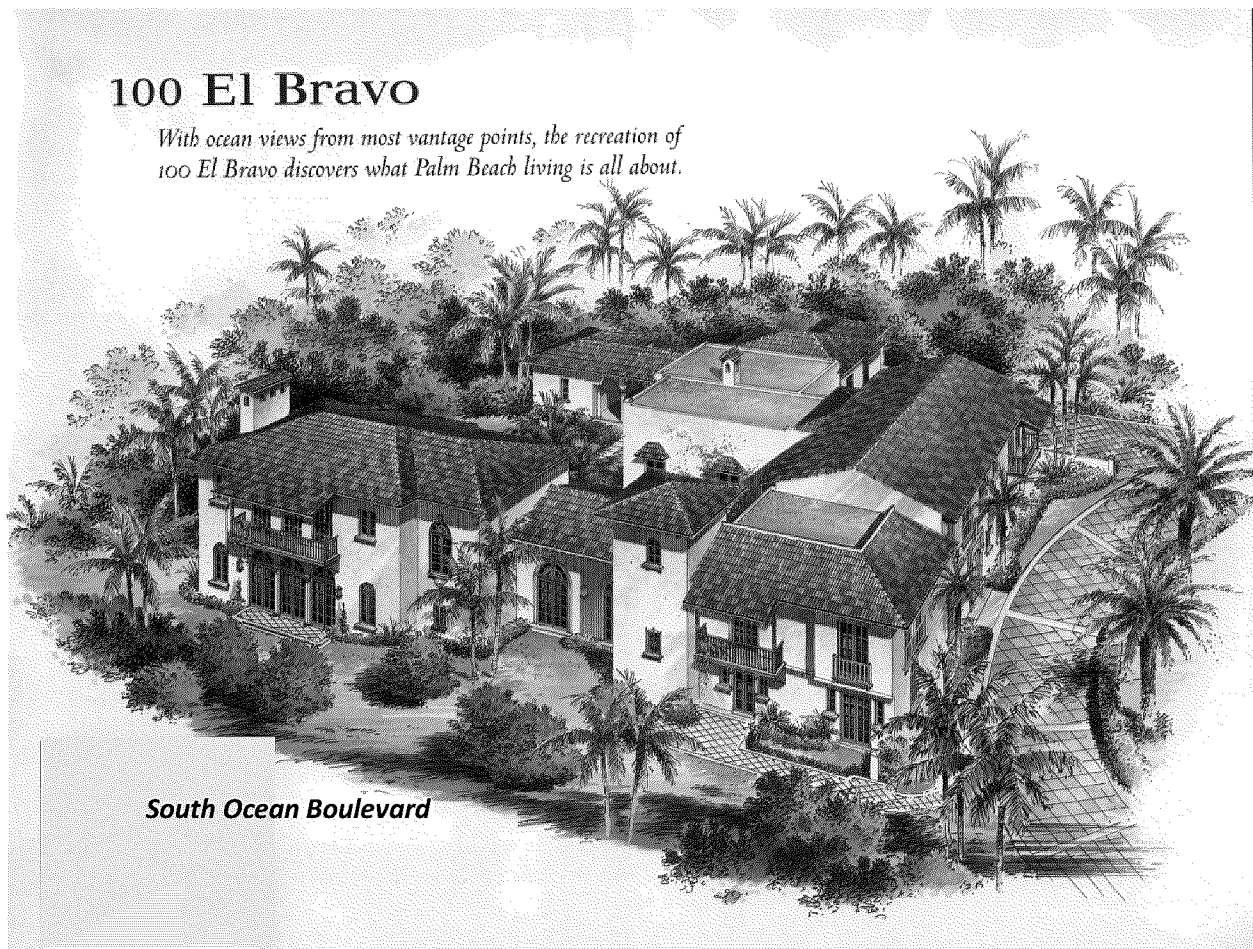


Fig. 19 This perspective drawing of 100 El Bravo Way prepared for a sales brochure in 2002 bears little resemblance to the residence designed by Wyeth and amended by Major. Wyeth collection, Preservation Foundation of Palm Beach, Palm Beach, Florida.

Summary List of Changes to the Original Structure

- 1) In November 1928, a swimming pool was constructed south of the courtyard. The garden wall on the south was razed and the axis of the site extended.
- 2) In August and September of 1930, building permits were granted for designs by Howard Major for additions to the ground floor and second story, affecting the character of the north façade. A garden pavilion was erected to complement the new swimming pool.
- 3) In January, March, and June 1980, permits were granted for work by the architect Belford Shumate for exterior and interior remodeling and the restoration of all rotten wood. A double window on the second floor of the master bedroom designed by Wyeth and facing South Ocean Blvd. was replaced

with a balcony and casement doors. A new site survey was executed by Hutcheon Engineers, and the roof tile was replaced.

4) In May and July 2000, architects Smith and Moore, following the approval of a variance request to exceed permissible wall heights, designed additions and renovations amounting to a doubling of the size of the residence, building permits were granted. A new two-story wing containing living quarters south of the original living room was erected facing South Ocean Blvd. To the west side of the residence, a family room, kitchen expansion, and garage and servants' wing were added or enlarged. The north façade facing El Bravo Way was changed with the extension in wall height on the second floor to match existing heights and permitting higher ceiling space in a guest bedroom. The entry portal was up-graded with a stone surround, balcony railings were replaced, and new windows replaced old. Wyeth's original fireplace, visible on the east was also removed. The landscape to the north, east, and within the courtyard area was also changed.

5) In February 2001, a permit was granted to once again replace the tile roof.

Concluding Remarks

The residence seen in Fig. 19 bears little resemblance to the original design of Wyeth or the addition of Major. If anything, it reflects the contemporary work of Smith and Moore. In the minutes of the Architectural Commission of the Town of Palm Beach, there was no reservation given to the potential or future landmark designation of the residence during applications for variance approval or design approval in May and June of 2000. Surely ARCOM would have questioned such a large addition, not to mention the sweeping renovations to an historic residence, had it considered it worthy of designation. Only the Town Council on review considered the proposed work to be “overwhelmingly massive.” Why is it that 100 El Bravo Way has escaped the attention of writers and photographers intent on capturing the architectural history of Palm Beach. The likely answer is that the residence no longer reflects the plans and elevations of its original designer. Wyeth was a master architect who excelled in the various architectural styles of the early twentieth century. Had his original drawings been fully realized, and had the residence maintained its architectural integrity, it would have been an historical example worthy of study in both style and craftsmanship.¹⁵

¹⁵ Architectural Commission, B50-00, Additions, May 24, 2000, testimony by Elias and Moore regarding changes to 100 El Bravo Way approved; Variance #17-2000, June 13, 2000, Planning, Zoning & Building Department, Town of Palm Beach; With the exception of the Hoffstot guide published more than 35 years ago, there is no reference to 100 El Bravo Way in the architectural press. It is not cited in Shirley Johnston's **Palm Beach Houses**, NY: Rizzoli,

The Landmarks Commission is asked to make its findings based on the evidence in hand—what has been presented in the designation report. The report fails to describe in any detail, let alone differentiate, the historic work of the architects involved. It suggests that the recent expansions and alterations to the residence have not affected its integrity. In the words of the report's author: "Although alterations have been done, since most have been done by well known architects and builders Casa Beata still retains its architectural integrity." But the truth is that well respected architects and builders, acting on the wishes of their clients, and with approval by the oversight commissions of the local government, removed and replaced historic additions and features, including a garden pavilion, balconies, chimney, railings, doors and windows.

100 El Bravo Way is a handsome residence which is much enjoyed by its present owners. If anything, it has been a work in adaptive re- use, expanding and upgrading to meet its owners needs. But because of its extensive changes, it should not be considered for designation. Had the Shumate and the Smith and Moore alterations been reviewed by the Landmarks Commission, it would have found that they violate the landmark ordinance. For example, **Sec. 54- 123.**

Exterior Alterations. states "Exterior alterations shall not affect the architectural quality or historical character of the building." The Landmark Commission's **Landmark Manual** sets out in both the *Secretary of Interior's Standards for Rehabilitation* and *Rehabilitation and Maintenance* the type of work deemed appropriate for restorations and additions to historic structures. In this case, the work done does not meet these standards and guidelines.

For the reasons cited in this report, The Landmarks Commission should vote against the designation of this residence.¹⁶

1991; Jennifer Ash and Alex McLean, **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992; or Justin A. Nylander, **Casas to Castles: Florida's Historic Mediterranean Revival Architecture** Arglen, PA: Schiffer, 2010.

¹⁶ Landmark Ordinance, Sec. 54-123. (b); **Landmark Manual**, pp. 32-38,

Appendices

Chain of Ownership of 100 El Bravo Way

1.	Clement, Anna L.	Charlton, Earle P.	07/26/1922
2.	Charlton, Earl P.	Dobyne, Margaret M	12/07/1922
3.	Dobyne, Margaret M. & George A.	The Ingleton Company	10/23/1935
4.	The Ingleton Company	Ditman, Norman E.	06/06/1941
5.	Ditman, Grace, Cumnock,	President and Fellows of Harvard College	11/14/1968
6.	President and Fellows of Harvard College	Steele, George s. and Martha S.	04/15/1969
7.	Steele, George S. & Martha S.	Glessner, John J (III)	08/22/1977
8.	Steele, George S. (Jr.) and Glessner, John J. (III), individually and as Trustees under the Indenture dated 6/6/77	Newhouse, S. I. (Jr.)	03/18/1990
9.	Glessner, Virginia	Newhouse, S.I. (Jr.)	03/18/1980
10.	Barrett, Evelyn S.	Newhouse, S. I. (Jr.)	03/18/1980
11.	Elhadj, Deborah	Newhouse, S. I. (Jr)	03/18/1980
12.	Wadsworth, Ellen G.	Newhouse, S. I. (Jr.)	03/18/1980
13.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, S. I. (Jr.) and Victoria B., h/w	10/21/1980
14.	Newhouse, S. I. (Jr.) & Victoria B.	Newhouse, Victoria B.	08/12/1996

15.	Newhouse, Victoria B.	South Ocean El Bravo LLC	04/18/2000
16.	South Ocean El Bravo LLC	Tropin, Kenneth G. & Kathleen	05/29/2003

Record of Building Permits

ADDRESS _____ 100 El Bravo Way _____

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
January 1921	Plat for El Bravo Park recorded	Plat Book 8 Pg. 9	
December 9, 1922	Deed recorded transferring Lot 2 of El Bravo Park from Earl and Ida Charlton to Margaret M. Dobyne	Deed Book 171, Pg. 421	No liens recorded on property in County records
December 30, 1922	Request for building permit for residence Work value \$70,000 ?	Permit # 57	Owner: George A. Dobyne Builder: H.R. Cowen
April 30, 1928	Request for building permit for additions to ?? room Work value \$1800 ?	Permit #6028	Owner: Dobyne Builder: F.B. Earle
---- 17, 1928	Repair storm damage Work value \$4700	Permit #19728	Owner: Asa Dobin Builder: J.R. Waldeman
November 13, 1928	Construct swimming pool Work value \$6000	Permit #31128	Owner: George Dobyne Builder: Jack Stephens
April 24, 1929	Addition to pantry Work value \$1500	Permit #7429	Owner: George A. Dobyne Builder: J.R. Hackman
August 17, 1930	Additions and alterations	Permit #12530	Owner: George Dobyne

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Work value \$9000		Builder: Smith & Riddle
August 21, 1930	Residence to be enlarged "by the addition of a second story and a complete servants' wing"; estimated cost \$25,000	Newspaper article	Owner: George A. Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u>
September 16, 1930	Laundry extension and garden pavillion Work value \$8000	Permit #13250	Owner: Dobyne Builder: Smith & Riddle Architect: <u>Howard Major</u> Partial Plans available
October 9, 1935	Deed recorded transferring Lot 2 from Margaret M. and George A. Dobyne to The Ingleton Company	Deed Book 518 Pg. 80	
May 10, 1941	Alteration? Work value \$13,450	Permit #1244?	This permit appears to refer to a different residence, not 100 El Bravo Way
June 4, 1941	Deed recorded transferring Lot 2 from The Ingleton Company to Norman E. Ditman	Deed Book 631 pg. 125	
November 19, 1955	Repair roof Work value \$180	Permit #4155	Owner: Mrs. Norman E. Ditman Builder: D.W. Pitts
February 12, 1957	Repair ? Work value \$500 ?	Permit #7857	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
October 22, 1957	??---servant's quarters Work value ?	Permit #?	Owner: Mrs. Norman Ditman Builder: Adelpia Construction
December 21,	Repair roofing, first floor area at open terrace below	Permit #81659	Owner: Mrs. Norman Ditman

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
1959	second floor balcony area Work value \$300		Builder: D.W. Pitts
January 19, 1960	Erect pool fencing Work Value \$120	Permit # 3660	Owner: Mrs. Norman Ditman Builder: Southern Steel Co
---,---, 1960	Replace flat roof.... Work value \$400	Permit #77260	Owner: Mrs. Norman Ditman Builder: D.W. Pitts
---,---, 1980	Restore all rotten wood on house --- outside and interior remodeling according to attached list Work Value \$50,000	Permit #08601	Owner: Mrs. Newhouse Builder: Frank H. Johns Construction
March 10, 1980			Have survey of this date
June 13, 1980	Replace tile roof Work Value \$49,873	Permit #08808	Owner: Mrs. Newhouse Builder: North Roofing
June 1980	Restoration, repairs, and revisions to 100 El Bravo	ARCOM #65-80	Plans prepared by <u>Belford Shoumate</u> Partial Plans available
September 9, 1980	Variance request to install a second kitchen in existing second floor staff's quarters	Variance #31-80	Approved by Town Council subject to kitchen removal agreement, later recorded in Book 3402, Pg. 0056. Plans associated with the variance were prepared by <u>Belford Shoumate</u>
May 14, 1985	Variance request to construct 10' chain link fence along a portion of the south property line	Variance #29-85	Approved by Town Council at 8' high Owner: Samuel Newhouse

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
November 1985	Plan for 8' chain link fence with coral stone posts and new aluminum gate on south property line		Plan reviewed by Building Department <u>Alexander Gorain/Gorlin Architectural Design</u>
August 12, 1986	Warranty deed recorded transferring Lot 2 from S.I. Newhouse and Victoria B. Newhouse to Victoria B. Newhouse	Book 4969 Pg. 0296	
April 9, 1987	Plan for new canopy over door at northwest corner of house		Plan reviewed by Building Department <u>Alex Gorlin, Architect</u>
October 16, 1990	Repair stucco edge of two north --- balconies Work value \$600		Owner: Ms. V. Newhouse Builder: Davis General Contracting
February 1, 2000			Have survey of this date
April 18, 2000	Statutory Warranty Deed recorded transferring Lot 2 from Victoria B. Newhouse to South Ocean El Bravo, LLC	ORB 11726 Pg. 1885	
May 9, 2000	Request for variance to construct additions at a point of measurement of 17.6' in lieu of 14.61' required	Variance #17-2000	Deferred to June Town Council meeting after discussion. Mayor found the proposed addition to be "overwhelmingly massive". Owner: Victoria B. Newhouse
May 24, 2000	ARCOM review for "one and two story additions to an existing two-story	B50-00	Two wings and some decoration added to building. First floor pool house removed and replaced

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	Mediterranean style residence”		with a second floor master bedroom and family room. Minor changes to front elevation. Architect: <u>Smith & Moore</u> Have approved plan
June 13, 2000	Variance request for point of measurement variance to allow “new additions” to match existing beam height	Variance #17-2000	Project apparently changed after May Town Council meeting, such that variance(s) no longer needed. However Town Council approved the project with the variance. Have approved plans
June 28, 2000	ARCOM review for “changes to previous approval; addition of a second floor bedroom and change of beam height at east elevation”	B63-00	Only changes from previously approved project are a modification to the roof line and addition of two balconies. ARCOM approved the version of the plan which required a variance.
July 5, 2000	Building permit for addition of 9242 SF 2- story CBS additions, kitchen, add staircase/living room/master bedroom/family room Work Value \$2,266,500	Permit #8040624	Permit ref. ARCOM B50-00 & B63-00 “loggia/guest house remodel/alter 5568 SF exist main house, staff qtrs, garage, remodel exist pool & fountain add new spa” Permit updated in November 2001 to reflect higher construction value - an addition of \$278,632.00 . Owner: Victoria B. Newhouse Partial plans available

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
July 5, 2000	Building permit for new structure; wall Work Value \$6,000	Permit #8040625	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
July 5, 2000	Building permit for landscape, hardscape, gate, fence Work Value \$47,500	Permit #8040626	Permit ref. ARCOM B50-00 & B63-00 Owner: Victoria B. Newhouse
December 2001			Have plans submitted to Town this date
February 1, 2001	Building permit for reroof, clay tile Work Value \$88,500	Permit #8045545	
January 23, 2002			Have survey of this date
February 8, 2002	Driveway permit, two openings Work Value: none given	Permit # 8052903	
February 25, 2002	Certificate of Approval and Occupancy for "additions and alterations to residence"		
April 15, 2003	Kitchen Removal Agreement for accessory kitchen		Cancels and replaces prior agreements Owners: Kenneth and Kathleen Tropin
May 29, 2003	Warranty Deed recorded transferring Lot 2 from South Ocean El Bravo, LLC to Kenneth G. Tropin and Kathleen O. Tropin	ORB 15291 Pg. 1343	
June 26, 2003	Building permit to	Permit	Owners: Kenneth and Kathleen

Date *	Nature of Request/Activity *	Permit or petition # *	Comment/Notes
	remodel/alter throughout house – cabinetry, light fixtures, plumbing fixtures Work Value \$50,000	#8062657	Tropin
May 15, 2006	Building permit to rebuild site wall damaged by hurricane Work Value \$14,000	Permit #8083018	West wall on property line
January 19, 2011	Property placed “under consideration” for landmark designation		

*Some dates and written entries are difficult to read, especially on older permits

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John S. Garner is a preservation consultant and professor emeritus of architecture at the University of Illinois at Urbana/Champaign, where he chaired the division of architectural history and preservation before retiring in 2007. He is the chief investigator and author of several reports on historic buildings and districts in Illinois and is the author/editor of several articles, chapters, and books on architectural history and preservation, including The Midwest in American Architecture, (University of Illinois Press, 1991). He has appeared before several building preservation commissions, planning commissions, and city councils and county supervisors to testify concerning the historic and architectural significance of historic structures (in the state of Illinois in Chicago, Lake Forest, Pontiac, Effingham, Champaign, Peoria, and Springfield). He has also appeared before the Illinois Historic Preservation Agency's Advisory Council to testify concerning National Register listings. He has served as an advisor to the National Park Service's Historic American Buildings Survey. With a professional degree in architecture and doctorate in history and more than thirty years of experience, the author is an expert in investigating and documenting historic buildings and is a qualified witness.

CV

I. Personal History and Professional Experience Educational Background

Oklahoma State University, B.Arch., Architecture, 1969

University of Illinois, M.Arch., Architectural History, 1970

Boston University, Ph.D., Urban History, 1974

Academic Positions

1970-71, Instructor in Architecture, University of Illinois

1973-74, Lecturer in Urban Affairs, Boston University

1974-77, Assistant Professor of Architecture, Texas A&M University

1977-81, Associate Professor of Architecture, Texas A&M University

1981-87, Associate Professor of Architecture, University of Illinois

1987- , Professor of Architecture, University of Illinois

2002-07, Chair, Architectural History and Preservation, Univ. of Illinois

2007- Professor Emeritus, awarded by Board of Trustees, Univ. of Illinois

Other Professional Employment

1967-69, Architectural Intern, Hudgins, Thompson, Ball, Tulsa, OK

1971-73, Preservationist, Society for the Preservation of New England Antiquities, Boston, MA

1977-, Preservation Consultant

Honors, Recognition, Etc.

1973-74, National Endowment for the Humanities Fellowship

1979-80, Fulbright-Hays Senior Research Award to France

1997, Magister Profesor, Universidad de Tucuman, Argentina

1998- , Who's Who Among America's Teachers

Invited Lectures

1986, "Hopedale: A Centenary," keynote lecture on occasion of the 100th anniversary of the incorporation of Hopedale, MA

1988, "Architectural Preservation: An Outlook," Diamond Jubilee of the School of Architecture, Oklahoma State University

1991, "Early Chinese Temples and Tombs," Department of Landscape Architecture, UIUC

1992, "The Nature of Building Preservation," Department of Art History, UIUC

1997, "Direcciones Actuales en La Arquitectura Norteamericana," public lecture
at Civic Auditorium, Tucuman, Argentina

1998, "An International Perspective of Model Workers' Housing, 1880-WWI," in a symposium, Change at the Millenium, University of North Carolina at Charlotte

1999, "Keynote Address on dedication of the J.H. Hawes Grain Elevator Museum," Atlanta, IL

2003, "The Pullman State Historic Site, Chicago, IL, USA," Congreso Internacional de Ciudades Historicas, Camaguey, Cuba

2004, "Keynote Address in Sao Paolo, Brazil, "Understanding the Single-Enterprise Town."

Review Panels

1996-2000, Member of Board of Directors, Historic American Buildings Survey Foundation, National Park Service, Washington, D.C.

II. Publications and Creative Works

Books

The Model Company Town: Urban Design through Private Enterprise in 19th –century New England (Amherst: University of Massachusetts Press, 1984).

The Midwest in American Architecture (Champaign: University of Illinois Press, 1991).

The Company Town: Architecture and Society in the Early Industrial Age (New York: Oxford University Press, 1992, 2002).

Chapters in Books

"Preserving the Prosaic," in Adaptive Re-use (New York: Van Nostrand Reinhold Co., 1988).

"Tanks and Towers: Waterworks in America," American Public Architecture (College Park: Pennsylvania State University Press, 1990).

"The Garden City and Planned Industrial Suburbs: Housing and Planning on the Eve of World War I," in From Tenement to Taylor Homes: American Urban Housing Policy (College Park: Pennsylvania State University Press, 1999).

Monographs

"East Texas Architecture: A Select Study," College Station, TX: Texas Society of Architects, 1979.

"Washington Park: Quincy, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1982.

"Public Square: Oakland, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1983.

"Main and Market Streets: Mt. Carroll, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1986.

"The Fitzpatrick Homestead, Lockport, Illinois: A University of Illinois Case Study in Recording Historic Buildings," UIUC, 1987.

"World War II Temporary Military Buildings," Champaign, IL: USACERL, 1993.

Articles in Quarterly Journals

* "Leclaire, Illinois: A Model Company Town, 1890-1934," Journal of the Society of Architectural Historians (October, 1971).

* "Nathaniel Hawthorne's Legends of the Province House, His Use of Architecture, Artifact, and History," Old-Time New England (Fall, 1972).

** "Preface to Special Issue on Gravestone Carving," Old-Time New England (Spring, 1973).

* "Architecture at Texas A&M: The Past Hundred Years," Texas Architect (Spring, 1977).

* "The Saga of a Railroad Town: Calvert, Texas, 1868-1918," Southwestern Historical Quarterly (October, 1981).

** "How Fare Thee Fair Camelot," Reflections (Spring, 1983).

* (with Richard Mattson), "Quincy's Grand Past: Recapturing the Architectural Heritage of a River Town," Gateway Heritage (Spring, 1984).

* "Architecture and Philanthropy in a Model Company Town," Places (Spring, 1988).

* "La Company Town. Industria e Territorio nel XIX Secolo," Rassegna (Fall, 1997).

Bulletins, Reports (including expert testimony), and Conference Proceedings

** "The Growth of Cities in Victorian Texas," Proceedings of Texana III (Austin: Texas Historical Commission, 1983).

** "Family and Philanthropy in North Easton, Massachusetts," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1987).

** "Pullman Revisited: The Architecture and Planning of a Model Company Town," Proceedings of the Society for American Planning History (Columbus, OH: Society for American Planning History, 1989).

"Resurvey: Northside Historic District Development Area," Peoria: Northside Planning and Development Corporation, 1993.

"John H. Hall House, Historic Structures Report," Peoria: Northside Planning and Development Corporation, 1994.

"The Homer Municipal Building, Historic Structures Report," Homer, IL: Village Board, 1998.

"Expert testimony on behalf of the Hillel Foundation, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Solon House, Champaign, IL," City of Champaign, 1999.

"Expert testimony on the Bush Temple of Music Building, Chicago, IL,"
City of Chicago Landmarks Commission, 2001.

"Octave Chanute Aerospace Museum: Conservation Assessment," Rantoul, IL: Heritage Preservation, Washington, 2001.

"Expert testimony on the First Unitarian Church, Peoria, IL,"
City of Peoria Landmarks Commission, 2003.

"Mark Twain Boyhood Home and Museum: Conservation Assessment,"
Hannibal, MO: Heritage Preservation, Washington, 2003.

"Expert testimony on the Smythe House, Palm Beach, FL," Town of Palm Beach Landmarks Commission, Town Council of Palm Beach, 2004.

"Expert testimony on the Jacks House, Lake Forest, IL," City of Lake Forest Building Review Board, 2005.

"Landmarks Designation Analysis of the Royal Poinciana Plaza, Palm Beach, FL," 2007

"Expert testimony on the Royal Poinciana Plaza, Palm Beach, FL," Town Council of Palm Beach, 2007

"Appraisal of 809 W. Main St., Urbana, IL," for preservation purposes, 2008

"Hamilton Boulevard from Water to North Street, a response to landmark application, HPC case no. 08-27, Peoria, IL, Methodist Medical Center, 2008

"Old Farm House (Mumford House), campus, University of Illinois, Urbana, IL," testimony before Facilities and Services, to retain structure in present location, 2009

Expert testimony on the Du Pont House, Palm Beach, FL, "Town Council of Palm Beach, 2010

"Appraisal of 701 W. Florida Ave., Urbana, IL, the President's House, University of Illinois," regarding interior conservation, 2011

Other: Encyclopedia Entries

** "Company Towns," in Encyclopedia of Urban America, Vol. 1 (Santa Barbara, CA: ABC-CLIO, 1998).

** "Industrial Towns," in Encyclopedia of Twentieth Century Architecture (London: Thames & Hudson, 2000).

** "Industrial Utopian Communities," Encyclopedia of New England Culture (New Haven: Yale University Press, 2002).

** "The Prairie School of Architecture," Encyclopedia of the Midwest (Columbus: Ohio State University, 2005).

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Ash, Jennifer and Alex McLean. **Tropical Style: Private Palm Beach**. NY: Abbeville Press, 1992.

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Designation Report, Wednesday, November 16, 2011. Landmarks Preservation Commission, Palm Beach, FL: prepared by Jane S. Day, Research Atlantica, Inc.

Florida Master Site File, Site Inventory Form for 100 El Bravo Way; property owned by George S. Steele, 1980; the recorder, Walter C. Kidney, marked the property as "Altered."

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Newcomb, Rexford. **Mediterranean Domestic Architecture in the U.S.** Cleveland: Jansen, 1928.

Newhouse, Victoria. Entry for Marion Sims Wyeth, **Macmillan Encyclopedia of Architecture**. Adolf K. Placzek, ed. NY: The Free Press, 1982.

New York Times, Feb. 8, 1928, "200 in Palm Beach at Dobyne Villa"; Dec. 25, 1929, "G. A. Dobyne give a Christmas Party."

Nylander, Justin A. **Casas to Castles: Florida's Historic Mediterranean Revival Architecture**. Arglen, PA: Schiffer Publications, 2010.

Plat for El Bravo Park, Plat Book 8, pg. 9. County Recorder's Office, County of Palm Beach, FL.

The Spur, April 1, 1926, p. 118; "Palm Beach Social Index"; Jan. 1, 1925, p. 28; "At the Winter Resorts."

Wyeth Collection, "A House for George A. Dobyne," plans, et al., Jack C. Massey Architectural Archives, Preservation Foundation of Palm Beach.