



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

DECEMBER 11, 2013

9:30 AM

For information regarding procedures for public participation at 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 will be offered immediately after the lunch break.)

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 205-2013 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 322 Seaspray Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54,

Page 7

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.

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

- B. RESOLUTION NO. 206-2013 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 284 Monterey 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 34

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

- C. RESOLUTION NO. 207-2013 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 253 Oleander Avenue 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 59

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

- D. RESOLUTION NO. 208-2013 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 North County Road Tree Canopy 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 District 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 84

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

VIII. DEVELOPMENT REVIEWS

A. Appeals

B. Time Extensions and Waivers

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #13-2013** The application of Sterling Palm Beach LLC and Sidney Spiegel; relative to property commonly known as **340 Royal Poinciana Way**; described as Lengthy

legal description on file; located in the C-PC Zoning District. The applicant is requesting Site Plan Modification to change eight areas of the existing parking lot striping to comply with the current ADA requirements. The proposal modifies eight areas of the parking lot to include required ADA parking spaces, access isles and ramps as provided for in the plan. The proposed changes do not reduce the amount of required parking but add an additional 4 parking spaces to the subject property.

[Attorney: John Little]

Deferred from the October 9, 2013, Town Council Meeting

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

- b. **VARIANCE #42-2013** The application of 310 Australian LLC, (Jonathan Rapaport, Managing Member); relative to property commonly known as **310 Australian Avenue**; described as The East 15 feet of Lot 22 and All of Lots 23 and 24, Block 6 of REVISED MAP OF ROYAL PARK ADDITION, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to allow construction of a new 4,562 square foot two story residence on a lot with a width of 65 feet in lieu of the 75 foot minimum required and a lot area of 8,125 square feet in lieu of the 10,000 square feet minimum required in the R-C Zoning District; a variance to allow the proposed residence to have a rear yard setback of 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District. [Attorney: Maura Ziska]

Deferred from the November 13, 2013 Town Council Meeting

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

2. New Business

- a. **SITE PLAN REVIEW #16-2013** The application of John Andrica; relative to property commonly known as **134 Seagate Road**; described as Lot 9, NORTH SHORE ADDITION TO PALM BEACH, 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 Plat Book 20, Page 62; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to construct a new 4,300 square foot two story home on a nonconforming platted lot, which is 97.97 feet deep in lieu of the 100 feet minimum required. [Representative: Rick Gonzalez, AIA]

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

- b. **SPECIAL EXCEPTION #20-2013 WITH SITE PLAN REVIEW** The application of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 South County Road**; described as All of that plat of Breakers Row Plat No. 1 Re-Plat, recorded in Plat Book 46, Pages 188 through 190, Public Records of

Palm Beach County; located in the PUD-A Zoning District. The applicant is requesting modification of a hotel amenity which requires a special exception with site plan review approval. The request is to expand the existing 7,416 square foot playground by adding an additional 2,096 square feet, new equipment and a 1,470 square foot canopy to shade the area. In addition, the playground is proposed to be lighted and the existing Astroturf to be replaced. The playground is located west of the Beach Club next to the Italian Restaurant. [Attorney: James M. Crowley, Esq.]

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

- c. **VARIANCE #43-2013** The application of David Dalenberg; relative to property commonly known as **414 Australian Avenue**; described as Lots 38, 39 and 40, Block 5, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA, according to the Plat thereof, as recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to replace an awning over a portion of an existing second floor terrace with a second floor addition over the existing first floor with an east side yard setback of 5.3 feet in lieu of the 10 feet minimum required. [Representative: Jose Gonzalez]

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

- d. **VARIANCE #44-2013** The application of Virginia E. Dadey; relative to property commonly known as **267 Atlantic Avenue**; described as Lots 73 and 74 (less the South 5 feet thereof), ORANGE GROVE PARK, according to the Plat thereof as recorded in the Plat Book 5, Page 97, Public Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant is requesting a variance to construct a 235.46 square foot one story, one car garage addition and a swimming pool (8 ft x 26 ft) on the east side of the existing residence. The proposed addition and pool require the following variances: (1) an east side yard setback of 3 feet in lieu of the 10 foot minimum required; (2) a lot coverage of 36.47% in lieu of the 30% maximum allowed and the 31.76% existing; and, (3) a landscaped open space of 40.32% in lieu of the 45% minimum required and 47.66 existing. [Attorney: Maura Ziska]
[Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

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

D. Other

1. Temple Emanu-El: One Year Review of Conditions of Approval for Special Exception No. 8-2012 with Variance, 224, 226 and 234 Page 107

Seminole Avenue and 190 North County Road

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

2. Proposed Declaration of Use Agreement for Sixt Rental Car, Special Exception No. 19-2013 with Variances, 340 Royal Poinciana Way Page 112

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

IX. ORDINANCES

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: 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.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. 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.

Note 3: 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.

Note 4: 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.

Note 5: 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.

Note 6: 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

Any citizen is entitled to be heard concerning any

CITIZENS:

matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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 Development Review on: December 11, 2013

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 205-2013 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 322 Seaspray Avenue 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 S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated November 27, 2013 from John S. Page, Director of Planning, Zoning and Building](#)
- [Resolution No. 205 - 2013](#)
- [Designation Report for 322 Seaspray Avenue](#)
- [Excerpt from the Minutes of the Landmarks Preservation Commission Meeting of November 20, 2013](#)
- [Applicable Code](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

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 322 Seaspray Avenue
Resolution No. 205 – 2013

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 322 Seaspray Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the November 20, 2013 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (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.

Landmark Designation of 322 Seaspray Avenue

Resolution No. 205 - 2013

November 27, 2013

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OWNER CONSENT

Please be advised that the property owner supports the landmark designation of his property.

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. 205 - 2013 relating to 322 Seaspray Avenue, 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. 205 - 2013

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 322 SEASPRAY AVENUE 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 **322 Seaspray Avenue** and the property to be landmarked is legally described as follows:

LOTS 393 AND 395, POINCIANA PARK 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 6, PAGE 86 OF THE 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 December, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

322 Seaspray Avenue



DESIGNATION REPORT

November 20, 2013

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

322 Seaspray Avenue

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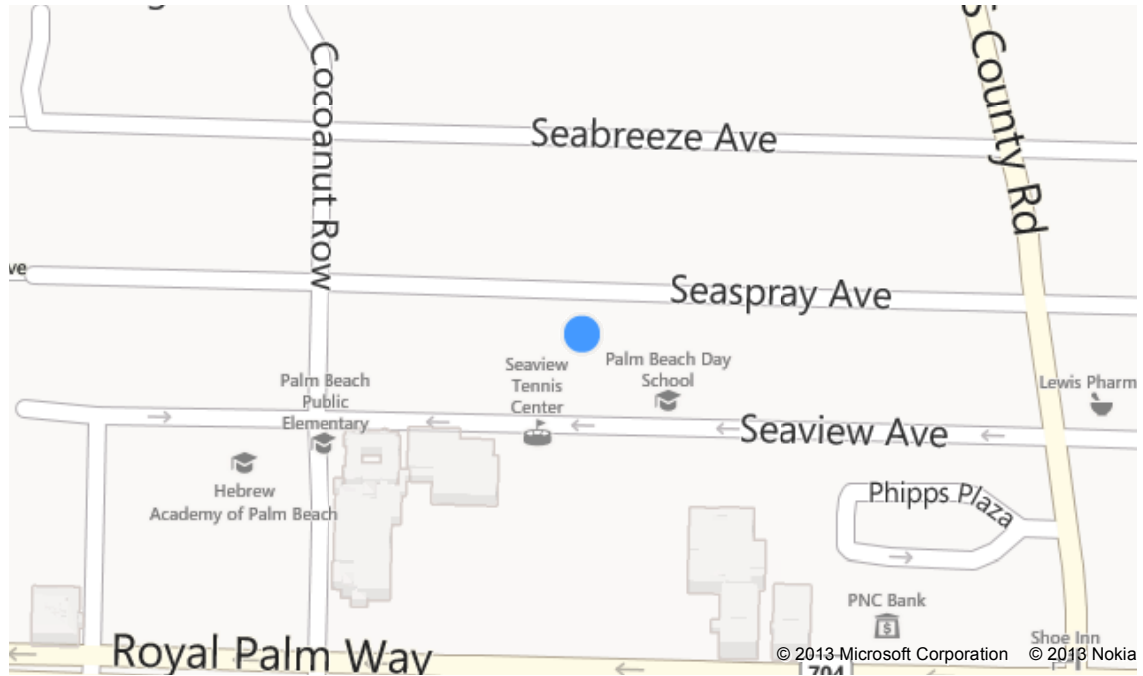
Report produced by Murphy Stillings, LLC

I. General Information

Location:	322 Seaspray Avenue Palm Beach, Florida
Date of Construction:	1919
First Owner:	Otto E. Heineman
Architect:	None Listed; Likely Builder Designed and Built
Builder/Contractor:	Wesley. A. Rhodehamel
Present Owner:	Michael V. Spaziani
Present Use:	Residential
Present Zoning:	RB
Palm Beach County Tax Folio Number:	50-43-43-22-07-000-3930
Current Legal Description:	Poinciana Park Second Addition Lots 393 & 395

II. Location Map

322 Seaspray Avenue



III. Architectural Information

The house at 322 Seaspray Avenue is a good example of the Bungalow style of architecture that was popular throughout the United States from approximately 1905 - 1930. Built in 1919 of hollow clay tile and frame construction covered with stucco, the house is one-and-a half stories in height with broad overhanging eaves. Though the house has had a few alterations, 322 Seaspray Avenue retains its architectural integrity and features many original elements, which are defining characteristics of the Bungalow style.

The most common features of the Bungalow style are low-pitched, gable roofs with unenclosed eave overhangs and exposed roof rafters or brackets. Other identifying features include full or partial porches supported by square columns, dormers and contiguous bands of windows. At 322 Seaspray Avenue, the main house is covered with a low-pitched side-gable roof punctuated with wide front-gabled dormers on both the front and rear roof slopes. These wide dormers break the large expanse of the roof line and emphasize the horizontal feeling that is typical of most Bungalow designs. Both the main roof and the dormers have wide overhanging eaves with carved brackets and triangular knee braces. They are also both covered with composition shingles.



Unlike many houses of this era, 322 Seaspray Avenue features the original one-over-one double-hung wood sash windows. The wood window surrounds on both the interior and exterior are also original to the house. Although a few of the windows are single, most are paired or in bands of three, a typical feature of Bungalow style dwellings. Large Bahama shutters extend over the windows in the front and rear dormers as well as those in the east and west gable ends.

The main entry of the residence is in the center bay of the first floor and has the original multi-light wood door. An unadorned brick chimney covered with stucco is located on the west facade. Oversized attic louvers are found in the side gables and dormers, providing much needed cross ventilation to the house.

The porch on the Bungalow at 322 Seaspray Avenue runs the full width of the first story and has a central screen door entered at the top of three tiled steps. This large open porch has a low wall and wide arched openings on the front, east and west sides. Because the openings are arched, the common use of square columns or pier porch supports was not used. However, the banding at the base of the arched opening is used to create the effect of a substantial pier support. Though the porch is screened it still serves as casual outdoor living space. This is not common with Bungalows in Palm Beach as many of the front porches have been enclosed to provide additional interior living space.



The roofing material and the first floor rear of the house are the only exterior features that have been altered in the main residence. Like most houses of this age, the roofing material has been replaced a number of times. The roof is currently covered with composition shingles, which is likely similar in appearance to the original shingles. In 1983, the rear porch was enclosed with windows and a door. French doors, new landscaping and a swimming pool were added in 2000, making the rear yard an inviting retreat.



On the southwest corner of the property is a one-story building that originally served as a garage but was converted into a cabana and storage room by the current owner. Like the main residence, this building is constructed of hollow clay tile and wood framing covered with stucco. It also has wide overhanging eaves with the same carved brackets as the main house. When the garage was converted to a cabana and storage room, the garage door was replaced with multi-light wood doors and sidelights, reflecting its new use.



Bungalow Style

The Bungalow or Craftsman-style house was the dominant style of smaller houses built throughout the United States during the early decades of the twentieth century. The Bungalow design originated as shelter for British travelers in India during the eighteenth and nineteenth centuries.¹ By the time it reached the United States in the late-nineteenth century, the Bungalow had gained design features from both Japanese architecture and the English Arts and Crafts movement. Techniques of Japanese construction exhibited at late-nineteenth century American expositions, particularly the extensive display of structural members, became integral parts of Bungalow designs.²

The American version of the Craftsman-type Bungalow originated in Southern California primarily through the work of the Greene Brothers, and many landmark examples are still found there. Central to the Bungalow's popularity was the idea that simplicity and artistry could work together and still be an affordable home. The style's popularity spread quickly throughout the United States when plans were published in pattern books and popular magazines such as *House Beautiful*, *Good Housekeeping*, *Ladies Home Journal*, *Bungalow Magazine* and *The Craftsman*.³ In addition, companies such as Sears, Montgomery Ward, Alladin and others began offering pre-fabricated "Mail Order Houses," many of which were offered in the Bungalow style.⁴ Therefore, it is not surprising that between 1910 and 1926 Bungalows became the most popular style of middle class architecture in south Florida.

IV. Historical Information

The house at 322 Seaspray Avenue is located in the Poinciana Park Subdivision.⁵ Poinciana Park was platted and largely developed by Oscar A. Jose and his City Builders Realty Company. In 1914, Oscar A. Jose and his family began to spend their annual winter vacations in Palm Beach. Jose, a successful Indianapolis

¹ The term "Bungalow" was inspired by the British Colonial experience in India at the turn of the century. Derived from either the Hindu name "Bania" that was used to describe a house built for the English Civil Service by native Indian labor," or the Indian word "Bangle" which was a small thatched hut that the English adapted with wide, covered verandas and an open floor plan to facilitate cross ventilation and protection in the hot dusty Indian climate. Despite which derivation the word "Bungalow" comes from, the inspiration of the style is from India.

² Paul Duchscher, *The Bungalow* (New York: Penguin Studio, 1995).

³ Virginia and Lee McAlester. *A Field Guide to American Houses* (New York: Alfred A. Knopf, 1984). P. 454

⁴ Katherine Cole Stevenson and H. Ward Jandl, *House by Mail* (New York: John Wiley & Sons, 1986).

⁵ Royal Poinciana Park Second Addition.

developer, created Poinciana Park by purchasing tracts of land from the lake to the ocean south of the Breakers and the Royal Poinciana Hotel. These became the “Sea” streets with Sea Breeze platted in 1914 followed by Sea Spray in 1918 and the north side of Sea View in 1923.⁶ A brochure designed and distributed by City Builders Realty Company titled “Poinciana Park, The Preferred Location,” goes into great detail about the many advantages of wintering in Palm Beach and the benefits of owning or leasing a house in centrally located Poinciana Park, close to all of the town’s amenities but removed from the “rush and bustle of the hotel center.”⁷ Jose was one of the early developers to recognize the potential in Palm Beach for building something other than a grand estate or spending the season at a hotel. Poinciana Park was an attempt to make Palm Beach more family oriented and the Palm Beach life-style accessible to the “upper-middle class.”⁸

Although 322 Seaspray Avenue was not constructed by City Builders Realty Company, the Bungalow dwelling is representative of this era in Palm Beach history and likely shares a similar development and ownership history to many of the City Builder houses. The original building permit dated December 1, 1919, indicates that the house and garage were built by Wesley A. Rhodehamel for owner Otto E. Heineman at the approximate cost of \$5000. Research in the City Directories from this period indicate that Otto Heineman and his wife Margaret lived in “Darling Villa” on Sea Breeze and never occupied the house on Sea Spray. Little is known about the Heineman’s other than they were from Pittsburgh, Pennsylvania and were early winter residents of Palm Beach. City Directory research also revealed that until 1924, different people lived at 322 Seaspray Avenue each season, indicating that it was likely being leased. From 1924 - 1928 George T. and Elizabeth McCarthy from Bridgeport, Connecticut occupied the house. Before moving to 322 Sea Spray Avenue, the McCarthy’s had lived on both Root Trail and Sea Breeze Avenue. In 1929 they are listed as living on Royal Palm Way. The house appears to be leased for much of the 1930s and 1940s. In 1948, Andrew Thomas Night and his wife Roberta moved into the house and lived there for forty years. Despite their long residency in Palm Beach, research did not turn up any information on the Knights. The current owner, Michael V. Spaziani, has owned 322 Seaspray Avenue since 1998.

⁶ Sea Breeze, Sea Spray and Sea View were the original spellings of the Poinciana Park Avenues

⁷ “Poinciana Park, The Preferred Location,” Brochure distributed by City Builders Realty. No Date. Located in the Poinciana Park file at the Preservation Foundation of Palm Beach.

⁸ “Preservationist’s Home Gets Landmarks’ OK,” Palm Beach Daily News, 22 January 1998.

V. Architects Biography

There is no architect listed on the Building Permit for 322 Seaspray Avenue and therefore, like many more modest Palm Beach houses built in the early twentieth century, it was most likely designed and built by the listed contractor Wesley A. Rhodehamel. Wesley A. Rhodehamel was a builder from Indianapolis, Indiana, and in 1918 and 1919 he lived just west of 322 Seaspray Avenue at 326 Seaspray Avenue. Unfortunately the original house at 326 Seaspray Avenue no longer exists. In 1920, Rhodehamel's office was located at 124 N. Olive Avenue in West Palm Beach and he was living at 306 Vallette Way, also in West Palm Beach. This house on Vallette Way is a traditional bungalow and is a contributing dwelling in the Mango Promenade Historic District, which is known for its early Bungalow style houses.

VI. Statement of Significance

The house at 322 Seaspray Avenue is a good example of the Bungalow style of architecture and is a part of the cohesive fabric of Poinciana Park in both style and scale. Because of the wide spread popularity of the Bungalow style, 322 Seaspray Avenue not only “embodies distinguishing characteristics of an architectural type,” fulfilling criterion (3), but it also fulfills criterion (1) because it reflects a broad national housing trend as well as a local trend as Bungalows were a popular housing style in the early development of Palm Beach.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site 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:

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

Coming out of California and the Craftsman movement of the early twentieth century, the Bungalow style of architecture enjoyed widespread popularity throughout the United States. Variations of the style were built in Palm Beach, including many in Poinciana Park, during the early years of the of the island's

history. This house is a good example of the local and national trends and as such deserves protection under criterion (1) of the Landmarks Preservation Ordinance.

(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.”

The house at 322 Seaspray Avenue is a good example of the Bungalow style of architecture. It features many original and distinguishing characteristics of the style that are unique to this site and make it valuable for study. These characteristics include the low-pitched side gable roof, wide eave overhangs, carved brackets, triangular braces under the gables, a wide front porch, dormers and contiguous bands of windows. Bungalows are an important part of the fabric of Palm Beach but they have also been one of the Town’s fastest disappearing styles. Therefore, 322 Seaspray Avenue fulfills criterion (3) of the Town of Palm Beach Landmarks Preservation Ordinance.

VIII. Selected Bibliography

Curl, Donald W. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

Duchscherer, Paul. The Bungalow. New York: Penguin Studio, 1995.

From Wilderness to Metropolis: The History and Architecture of Dade County (1825-1940). Second Edition. Metropolitan Dade County, Historic Preservation Division, 1992.

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Hoffstot, Barbara D. Landmark Architecture of Palm Beach. Revised Edition. Pittsburgh, Pennsylvania: Ober Park Associates, Inc., 1980.

McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, Inc., 1984.

The Palm Beach Daily News. Archived Articles Online

The Palm Beach Post. Archived Articles Online

The Preservation Foundation of Palm Beach. Files on Poinciana Park

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1926. City of West Palm Beach Public Library, Florida Room.

Sears, Roebuck Catalog of Houses 1926. New York: Dover Publications, 1991.

Stevenson, Katherine Cole and H. Ward Jandl. Houses by Mail: A Guide to Houses from Sears, Roebuck and Company. New York: John Wiley & Sons, 1986.

Town of Palm Beach. Building Permits, 1919– 2013.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1918-1966.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06764

Recorder # Jane S. Day

Field Date 10/6/2010

Form Date 10/19/2010

FormNo 201010

FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Michael Spaziani, 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>322</u>		<u>Seaspray</u>	<u>Avenue</u>	

Cross Streets (nearest/ between) Cocoanut Row & S. County Rd.
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-22-07-000-3930
 Subdivision Name Poinciana park, 2nd Add Block _____ Lot 393, 395
 Ownership Private Individual
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the south side of Seaspray Ave. between Cocoanut Row and S. County Rd.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PALM BEACH;1983
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S ;43E ;22;UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Bungalow 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) _____ >> Concrete Block
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Gable
 Other Roof Type(s) _____
 Roof Material(s) _____ >> Composition roll
 Other Roof Material(s) _____
 Roof Secondary Structure(s) (dormers etc) _____ >> Gable dormer
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 1
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) west central

HISTORICAL STRUCTURE FORM

8PB06764

DESCRIPTION (continued)

Window Descriptions 1/1 DHS

Main Entrance Description (stylistic details) On the north facade through a front porch

Porches: #open _____ #closed 1 #incised _____ Location(s) entry - n

Porch Roof Types(s) under main roof of house

Exterior Ornament exposed rafters, attic vent, knee brackets

Interior Plan Unknown

Other Interior Plan _____

Condition Good

Structure Surroundings

Commercial: NONE of this category

Residential: ALL 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 1919

Architect (last name first): unknown

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 _____ Year Use Started _____ Year Use Ended _____ >> Private residence;1919;

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? INSUFF. INFO

Name of Local Register if Eligible Palm Beach Landmarks

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance _____

>> Architecture

Other Historical Associations _____

Explanation of Evaluation (required) This is a good example of the Bungalow style that was common in the early decades of Palm beach history.

HISTORICAL STRUCTURE FORM

8PB06764

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: <u>SS</u> Electronic Form Used: <u>S110</u> Form Type Code: <u>NORM</u> Form Quality Ranking: <u>NEW</u> Form Status Code: <u>SCAT</u> Supplement Information Status: <u>NO SUPPLEMENT</u> Supplement File Status: <u>NO SUPPLEMENT FILE</u> Form Comments: _____ _____ _____	SHPO's Evaluation of Resource Date _____ FMSF Staffer: _____ Computer Entry Date: <u>11/15/2004</u>
--	--

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 20, 2013**

IX. DESIGNATION HEARINGS:(10:25:55 a.m.)

Item 1: 322 Seaspray Avenue

Owner: Michael V. Spaziani

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

PRESENTATION BY: Janet Murphy, Murphy Stillings LLC

Ms. Murphy announced that Mr. Spaziani was in the audience in support of the designation. She testified to the history, builder, architectural style and architectural history relative to this 1919 residence in the Bungalow style. Ms. Murphy 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; 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 craftsmanship.

Commission members commented very favorably in support of this designation.

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

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation.

MOTION BY MR. FELDKAMP THAT 322 SEASPRAY AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MR. MURPHY.

MOTION CARRIED UNANIMOUSLY.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

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

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

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

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 county property 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 Development Review on: December 11, 2013

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 206-2013 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 284 Monterey 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 S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated November 27, 2013 from John S. Page, Director of Planning, Zoning and Building](#)
- [Resolution No. 206 - 2013](#)
- [Designation Report for 284 Monterey Road](#)
- [Excerpt from the Minutes of the Landmarks Preservation Commission Meeting of November 20, 2013](#)
- [Applicable Code](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

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 284 Monterey Road
Resolution No. 206 – 2013

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 284 Monterey Road as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the November 20, 2013 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (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 284 Monterey Road

Resolution No. 206 - 2013

November 27, 2013

Page 2

OWNER CONSENT

The following is an excerpt from the property owner's letter of October 14, 2013: "I would prefer not to have my house listed as a landmark. If I were to sell it I would like it to be free of restrictions of any kind." Neither the owner nor any other designee attended the designation hearing.

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. 206 - 2013 relating to 284 Monterey 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. 206 - 2013

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 284 MONTEREY 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 **284 Monterey Road** and the property to be landmarked is legally described as follows:

THE WEST 5 FEET OF LOT 25, PLAT OF GREGORY ADDITION, PALM BEACH, FLORIDA, 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 16, PAGE 71 AND ALL OF LOTS 27 AND 27A, REPLAT OF LOTS 27-30 INCLUSIVE, GREGORY ADDITION, PALM BEACH, FLORIDA, 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 18, PAGE 10.

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 December, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

284 Monterey Road



DESIGNATION REPORT

Wednesday, November 20, 2013

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

284 Monterey Road

Table of Contents

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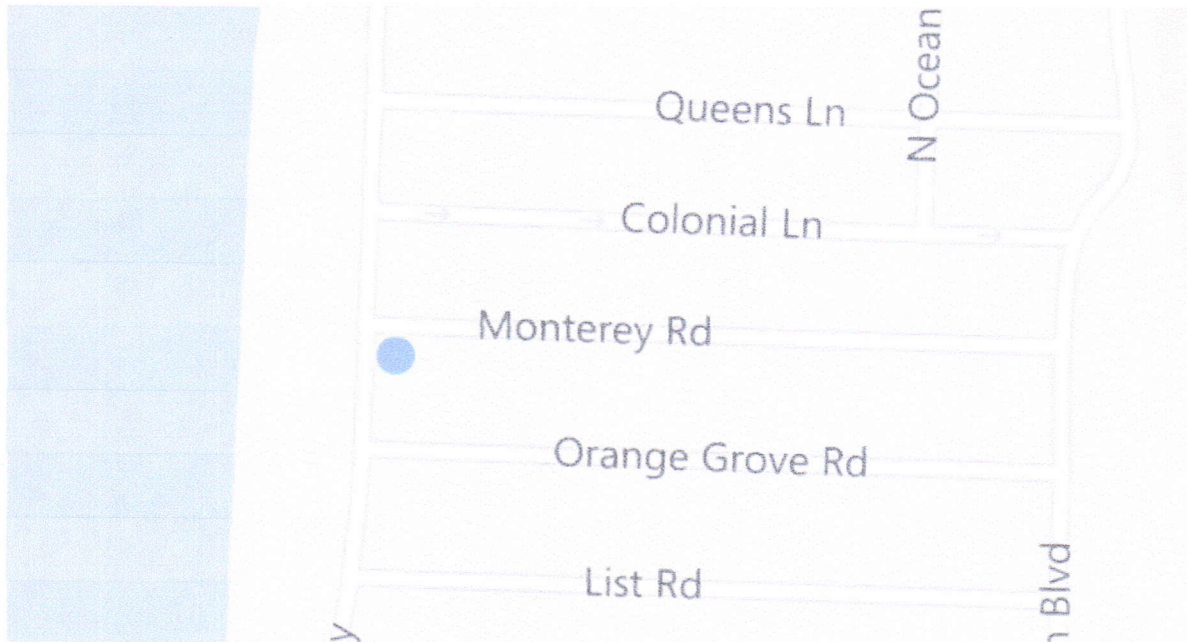
Report produced by Murphy Stillings, LLC

I. General Information

Location:	284 Monterey Road Palm Beach, Florida
Date of Construction:	1941
First Owner:	E.B. Walton, Inc.
Architect:	Wyeth and King
Builder/Contractor:	E.B. Walton, Inc.
Present Owner:	Mary L. Magee
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50-43-43-03-13-000-0251-001
Current Legal Description:	Gregory Addition & repl. of Lots 27 to 30 inc. Gregory Addition W 5 feet of Lot 25 & Lots 27 & 27A

II. Location Map

284 Monterey Road



III. Architectural Information

The residence at 284 Monterey Road is a good example of the Bermuda style of architecture dating from the pre World War II era. The Bermuda style, also known as the British Colonial style, is the commonly used name for the West Indian adaption of Georgian architecture. It was inspired by the traditions of the English colonists' architectural heritage. Ornamental details were kept to a minimum in response to the characteristics of the local building materials. Residences designed in this style are usually one or two stories in height. They are symmetrical in fenestration and have white tile roofs and stucco exteriors. Although introduced to Palm Beach in 1925, the Bermuda style did not become popular until the 1930s and 1940s.

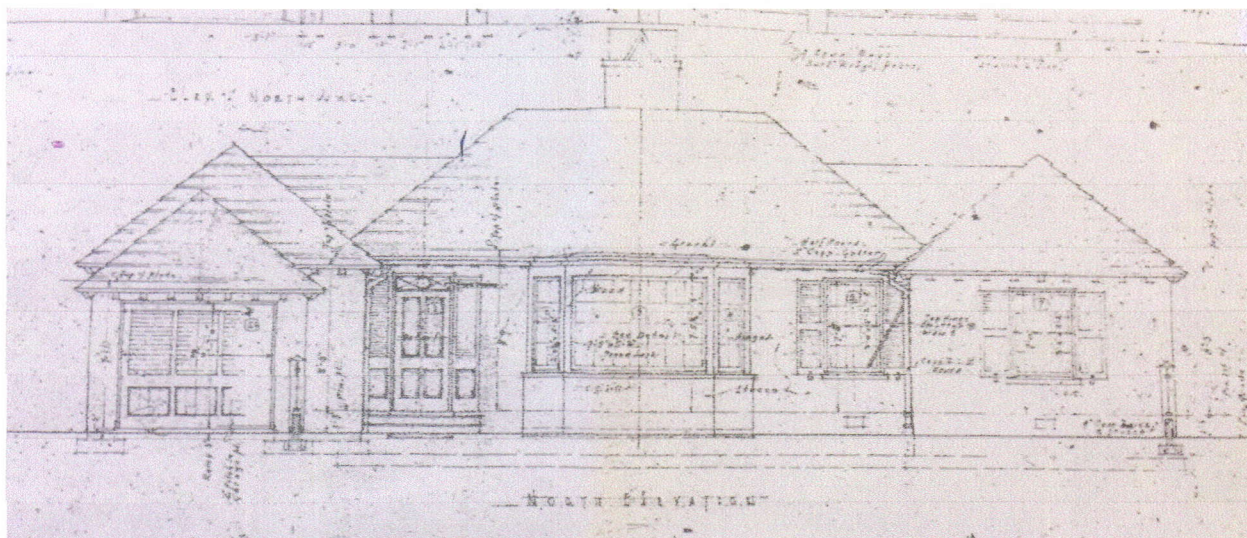
Symmetrical in form and fenestration, 284 Monterey Road has a one story central block with wings extending to the east and west. The exterior walls are covered with stucco. The main feature on the front façade is a large projecting bay with fixed and casement windows. The remainder of the windows are traditional Georgian 6/6 double hung sash windows. The windows are flanked by side-hinged shutters, which are common to Bermuda style structures. The central block of the residence has a truncated hip roof. Lower height hip roofs are located on each wing of the residence. The roofs are steeply pitched and covered with white flat tiles, both character defining details of the Bermuda style. A chimney with a geometric windcap is centrally located. Exposed rafters create a transition between the roof and the wall junctions. A single car garage wing extends to the north of the front façade.



Since construction in 1941 only minor alterations have been done to the property, including roof repairs, interior remodeling, and the installation of a pool, hurricane panels and air conditioning.¹

IV. Historical Information

The house at 284 Monterey Road was designed by Marion Sims Wyeth and built by and for E. B. Walton, Inc. most likely as a speculative investment. E. B. Walton signed building permit #2941 on February 28, 1941. The original price on the residence was listed as \$10,000.² The residence is located on the southeast corner of Monterey Road and North Lake Way in the Gregory Addition, which was platted in 1935 in the northern end of Palm Beach.



Drawing of 284 Monterey Road by Wyeth and King, 1941

Howard Major introduced the Bermuda style of architecture in Palm Beach in 1925 with the design of Major Alley on Peruvian Avenue. Major proposed that the Bermuda style, lighter and simpler in design than the Mediterranean Revival style, was better suited to the South Florida climate.³ The Bermuda style was not commonly used, however, until the 1930s when John L. Volk expanded on the theme and constructed a number of Bermuda style residences including White Gables on South County Road.⁴

¹ Town of Palm Beach Building Permits.

² Ibid.

³ Shirley Johnston, *Palm Beach Houses*, (New York: Rizzoli International Publications, 1991), p. 19.

⁴ Donald W. Curl, *Palm Beach County, An Illustrated History*, (Northridge, California: Windsor Publications, 1986), p. 98.

Wyeth's version of the Bermuda style at 284 Monterey Road was built immediately before residential construction slowed for World War II. Housing and entertainment were on a smaller scale than during the Boom Times of the 1920s and this residence reflects that change.

V. Architects Biography

Marion Sims Wyeth

Marion Sims Wyeth, whose career spanned 60 years, was one of Palm Beach's earliest and most successful architects. Wyeth was noted for his "quiet, subdued and rational"⁵ interpretations of both the Spanish and Italian styles. With Addison Mizner, Maurice Fatio, Joseph Urban and John Volk, he is credited with creating the "Palm Beach Style".⁶

Wyeth, a member of a well-known family of artists, was born in New York City in 1889. He began architectural studies at Princeton in 1910 and completed his classic training at L'Ecole des Beaux Arts in Paris. He started his career in New York with the firm Carrere and Hastings before relocating to Palm Beach in 1919 where he met with immediate success. He was a founding partner in Wyeth and King, later becoming Wyeth, King and Johnson with offices in New York and Palm Beach.

The socially popular Wyeth was a prolific craftsman whose designs are found throughout Palm Beach. More than 100 of his residential designs have graced the Island, including Qui Si Sana (101 El Brillo Way), Casa Juanita (80 Middle Road) and Hogarcito (17 Golfview Road). His impressive list of contributing works includes many prominent structures including Good Samaritan Hospital, Seminole Golf Club, Bethesda by the Sea rectory, the Norton Gallery and the Governor's Mansion in Tallahassee.

Wyeth's contemporaries recognized his genius. He was known to help Addison Mizner bring reality into some of his more complex ideas. While Joseph Urban is credited with Mar-a-Lago, Wyeth's association with the project was essential for its completion.⁷

⁵ Palm Beach Daily News, March 6, 1981.

⁶ Palm Beach Daily News, February 17, 1982.

⁷ Palm Beach Daily News, March 16, 1981.

Later in his career Wyeth designed homes in a Southern Colonial style. He always remained faithful to his classic training. Refined and graceful designs were his trademark. Wyeth, who died in 1982, was the first Palm Beach architect to be elected to a fellow of the American Institute of Architecture.⁸

Ernest Benjamin Walton, Sr.

Ernest Benjamin Walton was born in Genoa, Nebraska on December 7, 1881. The Walton's, whose American origins date back to the mid 1650s, had a family home "Mosswood" in Harford County, Maryland. When President Ulysses S. Grant appointed Walton's father, William, an Agent to the Indian Bureau in 1869, he and his wife moved to Nebraska.

In 1893, the Walton family returned to Maryland where Ernest and his five siblings continued their education. Walton's youth in Nebraska and summer vacations on family farms in Maine left him with a life long love of the outdoors. In his senior year at college Walton convinced his father to invest in 260 acres of land on Lake George in New York. Upon receiving a degree in Civil Engineering from Lehigh University in 1901, Walton returned to Lake George to begin surveying the area and planning the future development of Glenburnie. Walton and his father constructed a cottage colony and hotel, The Glenburnie Inn. He spent winters in New York City with various building firms and returned to Glenburnie each spring.

Walton and his wife, Julia, made their first trip to Florida in 1916-1917. A side trip to Fort Lauderdale from Sanibel convinced Walton of the possibilities of Florida's east coast. Eventually Walton decided upon the Palm Beach area as a source of winter work. World War I and a First Lieutenant's commission postponed the family's move until after the war.

By the 1920s Walton began his long and successful career in South Florida with the construction of some small houses in the El Cid area of West Palm Beach and the construction of four apartment buildings in West Palm Beach and Palm Beach. Demand for Walton's company continued from the Boom Times into the Depression Era. The company successfully developed numerous streets throughout the northern section of Palm Beach, which include North Shore Addition, Monterey Road, Colonial Lane, and Sanford Avenue. Walton also constructed large estates designed by Palm Beach's prominent architects.

⁸ Shirley Johnston, Palm Beach Houses. New York: Rizzoli International Publications, 1991, p. 285.

In the 1940s Walton again served in the United States Army. During World War II he served as Assistant Post Engineer. His classified work included sketches of old military buildings north of Cape Canaveral. These sketches were included in the start of the Cape Canaveral Space Center.

Walton's success was not limited to residential construction. His company built numerous Mount Vernon and Howard Johnson Motor Lodges throughout the southeastern United States. Local commercial buildings include the West Palm Beach Women's Club, Palm Beach Town Hall additions (1960s), Seminole Building, U.S. Trust Office Building, and the Heart of Palm Beach Hotel. In the 1950s, Walton's two sons, Ben and Bill, joined him in the family business.

VI. Statement of Significance

The residence at 284 Monterey Road is a good example of the Bermuda style of architecture as interpreted in the Town of Palm Beach during the early 1940s just prior to the Second World War. The residence was designed by noted architect Marion Sims Wyeth and constructed by master builder E.B. Walton.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria that relate to this property and justification for designation:

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

Most domestic building in the United States ceased during World War II. The residence at 284 Monterey Road, built in 1941, reflects the end of the pre-war era and represents the development of the north end of Palm Beach by the contracting firm of E.B. Walton, Inc.

(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."

The Bermuda style of architecture popularized in the Town of Palm Beach exhibits the adaptations of Georgian architecture to the landscape and climate of southeast Florida. The residence at 284 Monterey Road is a good example of the Bermuda style as designed by Marion Sims Wyeth in 1941 for the architectural firm of Wyeth and King.

(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.”

Marion Sims Wyeth, one of Palm Beach’s master architects, and E.B. Walton, one of Palm Beach’s master builders, collaborated on the construction of 284 Monterey Road. This partnership created an excellent example of the Bermuda style of architecture that was built in Palm Beach just prior to World War II.

VIII. Selected Bibliography

Curl, Donald. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc. 1985.

Johnston, Shirley. Palm Beach Houses. New York: Rizzoli International Publications, Inc. 1991.

McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, Inc., 1984.

The Palm Beach Daily News. Archived articles online and articles from the files of the Historical Society of Palm Beach County and the Preservation Foundation of Palm Beach.

The Palm Beach Post. Archived articles online and articles from the files of the Historical Society of Palm Beach County and the Preservation Foundation of Palm Beach.

Town of Palm Beach. Building Permits, 1941 – present.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1940-1966.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

First Site Form Recorded for this Site? NO

Site # FB09409
 Recorder # Day, Jane
 Field Date 10/20/2010
 Form Date 12/8/2010
 Form No 201010
 Form No - Field Date (YYYYMM)

GENERAL INFORMATION

Site Name (address if none) Joan Lucier, 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>284</u>		<u>Monterey</u>	<u>Road</u>	

Cross Streets (nearest between) North Lake Way and North Ocean Way
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-03-13-000-0251
 Subdivision Name Gregory Addition Block Lot 27-30
 Ownership Private Individual
 Name of Public Tract (e.g. park)
 Route to (especially if no street address) On the southeast corner of Monterey Road and North Lake Way

MAPPING

USGS 7.5' Map Name Publication Date >> PALM BEACH;1986
 Township: Range: Section: 1/4 section: >> 50-43-43-03-13-000-0251
 Irregular Section Name:
 Landgrant
 UTM: Zone Easting Northing
 Plot or Other Map (map's name, location)

DESCRIPTION

Style British Colonial Other Style
 Exterior Plan Irregular Other Exterior Plan
 Number of Stories 1
 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) >> Hip
 Other Roof Type(s)
 Roof Material(s) >> Concrete tile
 Other Roof Material(s)
 Roof Secondary Structure(s) (dormers, etc) >>
 Other Roof Secondary Structure(s)
 Number of Chimneys 1
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) central ridge

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB09409

DESCRIPTION (continued)

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

Main Entrance Description (stylistic details) On the north facade with full length shutters on either side and lights

Porches: \$open 1 \$closed \$incised Location(s) entry - n

Porch Roof Type(s)

Exterior Ornament shutters, exposed rafters, wooden railing

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: NONE of this category

Residential: ALL 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) This house has been under consideration for Landmarking since 1998. The outcome was dependent on an North End study. This study was not conclusive

HISTORY

Construction year 1941

Architect (last name first): Wyeth and King

Builder (last name first): Walton, E. B.

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; 1941;

Other Structure Uses

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

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods windshield, tax

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 is a good example of the Bermuda style by Wyeth and King. It is worthy of designation.

HISTORICAL STRUCTURE FORM

8FB09409

DOCUMENTATION (Photos, Plans, etc.)

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

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

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane
 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: Form Comments: _____ _____ _____	SHPO's Evaluation of Resource Date: _____ FHSF Staffer: Computer Entry Date:
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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 20, 2013**

Item 2: 284 Monterey Road

Owner: Mary L. Magee

Call for disclosure of ex parte communication: No disclosures

PRESENTATION BY: Emily Stillings, Murphy Stillings LLC

Ms. Stillings testified to the history, builder, architect, architectural style and architectural history relative to this 1941 residence in the Bermuda style which was designed by Wyeth and built by E.B. Walton. Ms. Stillings 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; 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 craftsmanship, 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.

Mr. Lindgren read a letter into the record from the property owner, wherein she stated that she would prefer not have her home listed as a landmark.

Commission members commented very favorably in support of this designation, together with the hope that the property owner will understand the benefits of landmarking.

Mrs. Delp verified that proof of publication and proper legal service were achieved relative to this designation hearing.

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

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Mr. Cooney called for comments from the public, but there were none heard.

MOTION BY MR. FELDKAMP THAT THE PROPERTY AT 284 MONTEREY ROAD BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MRS. ALBARRAN.

MOTION CARRIED UNANIMOUSLY.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

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

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

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

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 county property 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 Development Review on: December 11, 2013

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 207-2013 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 253 Oleander Avenue 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 S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated November 27, 2013 from John S. Page, Director of Planning, Zoning and Building](#)
- [Resolution No. 207 - 2013](#)
- [Designation Report for 253 Oleander Avenue](#)
- [Excerpt from the Minutes of the Landmarks Preservation Commission Meeting of November 20, 2013](#)
- [Applicable Code](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

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 253 Oleander Avenue
Resolution No. 207 – 2013

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 253 Oleander Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the November 20, 2013 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (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.

Landmark Designation of 253 Oleander Avenue

Resolution No. 207 - 2013

November 27, 2013

Page 2

OWNER CONSENT

Please be advised that the property owner supports the landmark designation of his property.

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. 207 - 2013 relating to 253 Oleander Avenue, 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. 207 - 2013

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 253 OLEANDER AVENUE 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 **253 Oleander Avenue** and the property to be landmarked is legally described as follows:

**LOTS 6, 7 AND 8, DAISY E. ERB'S ADDITION TO PALM BEACH, FLORIDA,
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 75 OF
THE 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 December, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

253 Oleander Avenue



DESIGNATION REPORT

November 20, 2013

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

253 Oleander Avenue

Table of Contents

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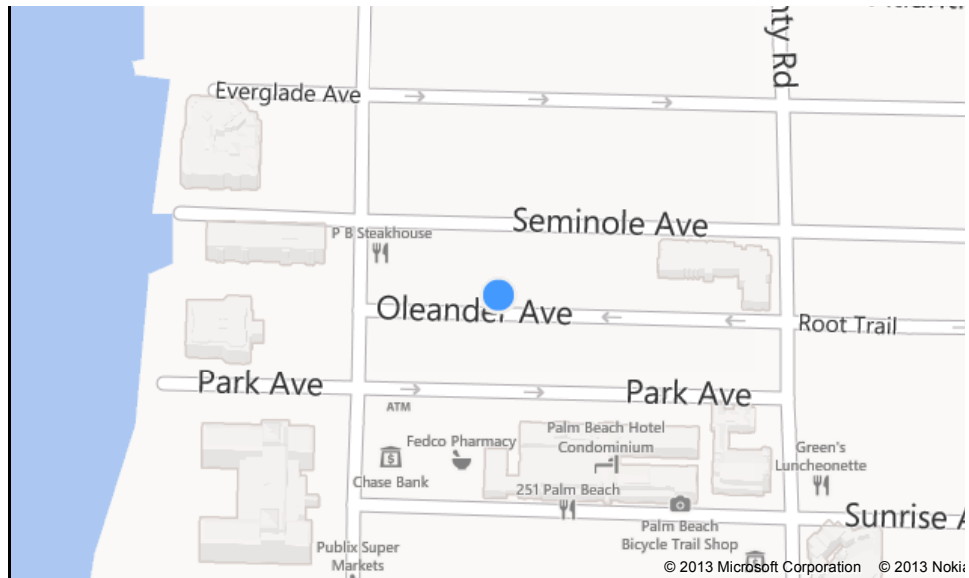
Report produced by Murphy Stillings, LLC

I. General Information

Name:	Araho Apartments
Location:	253 Oleander Avenue Palm Beach, Florida
Date of Construction:	1925
First Owner:	Joseph B. O'Hara (J.B.)
Architect:	None Listed; Likely Builder Designed and Constructed
Builder/Contractor:	Jack W. Stephens of Newlon & Stephens
Present Owner:	Calle Gato Ocho LLC
Present Use:	Multi-Family Residential
Present Zoning:	RC
Palm Beach County Tax Folio Number:	50434315050000060
Current Legal Description:	Daisy E Erbs Addition Lots 6 to 8 INC

II. Location Map

253 Oleander Avenue



III. Architectural Information

The Araho Apartment building at 253 Oleander Avenue is a two-story, eight-unit Mediterranean Revival style building constructed in 1925. The repeated use of blind arches with single and paired rectangular windows separated by Ionic pilasters is an uncommon design pattern for Palm Beach Mediterranean Revival style buildings and makes the Araho Apartments an interesting example of this style.

The Araho Apartment building is eight-bays wide by four-bays deep and faces south onto Oleander Avenue. The building is covered with a hipped barrel tile roof in the front separated by a parapet wall and a flat roof in the rear. Beneath the hipped portion of the roof the building has overhanging eaves with carved wooden brackets.



The front façade of the building has a varied mix of openings. The first story of this facade has five blind arches with a 6/6 double-hung sash window centered in each arch. There is also a ten-light fixed window with a fanlight above creating a large arch. The main entrance is on the eastern bay of this façade and includes a small foyer with a tiled floor, a decorative metal lantern and three multi-light wood doors; two leading to apartments and one leading to stairs for the second floor apartments. There is also a smaller entry on the western bay of this façade that also includes a small foyer with a tiled floor, a decorative metal lantern and three multi-light wood doors

leading to apartments and stairs. The building's second story front façade contains four sets of paired arched openings each with paired 6/6 double-hung sash windows with a fanlight above. These arches are separated by Ionic pilasters that sit atop two-bay wide bands creating a distinct rhythm across the second story.



1st Floor Main Entrance



2nd Floor Windows

The east and west façades have a number of arched openings but the fenestration is mixed with various single, double and triple groupings of double hung sash windows. The rear façade also has a varied fenestration. The first floor has a mix of window types, a set of multi-light double doors in the center and stairs leading to a second floor rear hall at the west end. The second floor rear façade mimics the second floor front facade with blind arches, Ionic pilasters and decorative bands in a two-bay rhythmic pattern. The only disparity is that several of the blind arches on the rear façade do not contain windows.

Over the years there have been alterations and additions to the Araho Apartment building. In 1935, a permit was issued to the Araho Corporation to remodel the building. The permit did not specify what was remodeled, however, between 1935 and 1937 the number of apartments increased from five apartments to eight apartments. Newspaper articles from the mid-1920s suggest that the O'Hara's had a large first floor apartment that they used for living and entertaining and that the second floor apartments were mostly rented to seasonal occupants.¹ The addition and alterations of windows and doors were most likely done at this time to accommodate the addition of

¹ A June 27, 1926, Palm Beach Times article describes a reception Mrs. J. B. O'Hara held at her "lovely apartment house "Araho" for 200 women with the "large living room and dining room on the first floor opened together for the reception," indicating that the O'Hara's apartment likely spanned the first floor of the building with the additional four apartments on the second floor.

apartments on the first floor. Permits for repairs were taken out in the 1940s and 1960s. At some time in the 1960s or later the original wood double-hung sashes were replaced with metal double-hung sashes. The wood window frames, however, appear to be original. Window air conditioning units are also in place in a number of the windows but they are temporary and will be removed when central air conditioning is installed.

III. Historical Information

The Araho Apartments were built in 1925 during the Florida Land Boom by Joseph B (J.B.) O'Hara and his wife Nellie. As was common at the time, owners often named their homes and buildings in a creative alteration of their name, thus the Araho is O'Hara spelled backwards. The Araho was one of the first buildings constructed on Oleander Avenue as the narrow street was not constructed until 1924 extending west of Root Trail from North County Road to Bradley Place. This area that became Oleander Avenue was originally part of the Enoch Root homestead.² Some time in the 1910's, Daisy E. Erb and her relatives, William and Norrie Erb, purchased the property and named it Oleander. They later platted the area and Oleander Avenue became part of the Daisy E. Erbs Addition.

Daisy Erb was a well-known artist who arrived in Palm Beach in 1914. She was very active in the Palm Beach County Art Club and according to a May 2, 1925, Palm Beach Post article Daisy Erb also became a successful real estate developer. As stated in the article, "Miss Erb is one of the most astute business women in Palm Beach, and anyone who says artists have no capacity for business are respectfully referred to Miss Erb who during her several years residence in Palm Beach acquired some of its most valuable property and has established herself in the real estate business meeting with great success."³ Demand for housing had increased dramatically during the Land Boom and soon after Oleander Avenue was built Daisy Erb sold much of her property there. By 1925, four apartment buildings, including the Araho, and a few houses had been constructed on Oleander Avenue, including her own on the north side of the street behind the Jonas Building.⁴

² "History of Palm Beach County Art Club One of Fascinating Chapter in Annals of the City." Palm Beach Times. 17 February 1924.

³ Palm Beach Post. 2 May 1925.

⁴ Palm Beach City Directories 1924 and 1925.

The Araho Apartments' original owners, J.B. and Nellie O'Hara, arrived in Palm Beach in 1911.⁵ J.B. was a printer and his wife Nellie was formerly a school teacher. It is not known where in Palm Beach the O'Hara's lived when they first arrived but on March 20, 1914, J.B. O'Hara purchased a lot in Root's Subdivision from Enoch and Victoria Root. The 1918 City Directory lists Jos. B. and Nellie O'Hara as residents of Root Trail and refers to J.B. O'Hara as a printer with his business also on Root Trail. In late 1920, the O'Hara's sold their property on Root Trail and moved to Lake Worth where J.B. worked as editor of the Lake Worth Herald.

In early 1926, the O'Hara's left Lake Worth and moved into their newly constructed Araho Apartment building. Like many others during the 1920's Land Boom, J.B. O'Hara became involved in real estate sales and development. According to a 1925 Palm Beach Post article, J.B. O'Hara had many successful real estate investments in Palm Beach, Lake Worth and Kelsey City.⁶ J.B. O'Hara remained associated with the printing business and for many years served as president of the Palm Beach County Typographical Union.

Nellie O'Hara was a very active and prominent civic leader in Palm Beach. She was Palm Beach's leading advocate for women's suffrage and founded the Civic League of Women at Palm Beach from which the Florida League of Women Voters developed (1921).⁷ For several years she served as president of both leagues and an article in the Florida Historical Quarterly about the first League of Women Voters in Florida described Nellie O'Hara as "one of the strongest and most influential women in the State of Florida."⁸ Before the formation of the State league, Palm Beach County boasted the only League of Women Voters in the state and because of this the women of Palm Beach County were the first women in Florida to cast the ballot. Nellie O'Hara was president of the Palm Beach Women's Club from 1918 – 1920. During her presidency she worked with Daisy Erb to establish an art committee that eventually turned into the prestigious Palm Beach County Art Club. Nellie O'Hara was also a founder and leader of numerous other

⁵ They moved to Palm Beach from Cincinnati, Ohio

⁶ "\$3 Was Once Big Price for Ocean Front Here." Palm Beach Post Mid-Summer Edition 1925.

⁷ "Mrs. O'Hara Chosen President of Women Voters' Organization." Palm Beach Post. 2 April 1921.

⁸ Joan S. Carver. "The First League of Women Voters in Florida," The Florida Historical Quarterly. Vol. 67, No. 4, April 1985. This article stated that Nellie O'Hara was the first president of the Florida League of Women Voters and she served as president from 1921-1926. It also stated that she was a native of New York, a teacher in Ohio, a newspaper person, a realtor, and the prestigious election to the president of the Women's Club of Palm Beach. According to this document, Nellie O'Hara also held several appointive County Posts.

charitable, civic and public welfare organizations. An April 2, 1921 Palm Beach Post article described Nellie O'Hara as "a woman of unusual capabilities, insight and tact and one of the most valuable women to the social welfare of Palm Beach County."⁹

V. Architects Biography

There is no architect listed on the Palm Beach building permit for 253 Oleander Avenue and therefore, like many Palm Beach buildings constructed in the early twentieth century, it was most likely designed and built by the listed contractor Jack W. Stephens. Jack W. Stevens was a general contractor and builder in partnership with William Newlon.¹⁰ During the 1920's, Newlon & Stephens offices were located in the Guaranty Building in West Palm Beach and both William Newlon and Jack Stephens were well known and active builders in Palm Beach and West Palm Beach. In 1925, they were the general contractors for the Palm Beach Town Hall. During the height of the Land Boom in 1926 their firm was listed as general contractors, builders and real estate developers.

VI. Statement of Significance

The Araho Apartment building is a noteworthy example of a Mediterranean Revival style apartment building constructed during the 1920's Florida Land Boom. The building's location on Oleander Avenue in the Daisy E. Erbs Addition specifically links it to both Daisy Erb and J.B. O'Hara's successful real estate development and the need for apartment buildings to accommodate the growing number of seasonal residents in Palm Beach during the mid-1920's.¹¹ In addition, the connection to original owner Nellie O'Hara and her significance to the women's suffrage movement in Palm Beach and the State of Florida adds to the historical importance of 253 Oleander Avenue.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark

⁹ "Mrs. O'Hara Chosen President of Women Voters' Organization." Palm Beach Post. 2 April 1921.

¹⁰ 130 Brazilian Avenue is the only other Palm Beach Landmark designed by Newlon & Stephens.

¹¹ While Nellie O'Hara was president of the Palm Beach Women's Club from 1918-1920, she and Daisy Erb collaborated to start an artist's committee

site and suggests that at least one criterion must be met to justify the designation. Listed below are the criteria which relate to this property and justification for designation:

(1) “Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.”

The Araho Apartment building was constructed during the Florida Boom Time Era of the 1920s and is a good example of Mediterranean Revival style architecture so popular during that era. It was built as an apartment building to house the growing number of seasonal residents in Palm Beach as well as the residence for the original owners, J.B. and Nellie O’Hara. The O’Hara’s moved to Palm Beach in 1911 and were active in the town’s civic and charitable organizations. Nellie O’Hara was a prominent leader in the women’s suffrage movement at both the local and state levels and spearheaded the way for women of Palm Beach County to be the first women in Florida to cast the ballot. The architecture and persons associated with the Araho Apartments reflect the broad cultural, political, economic and social history of the Town of Palm Beach and the State of Florida and therefore deserves protection under criterion (1) of the Landmarks Preservation Ordinance.

(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.”

The Araho Apartment building is a good example of Mediterranean Revival style architecture popularized in Palm Beach during the Land Boom of the 1920s and still recognized as the “Palm Beach Style.” The apartment building embodies distinctive Mediterranean Revival characteristics including blind and open arches, Ionic pilasters, decorative metal light fixtures and a hipped barrel tile roof with overhanging eaves and carved brackets thereby fulfilling criterion (3) of the Town of Palm Beach Landmarks Preservation Ordinance.

VIII. Selected Bibliography

Carver, Joan S. "The League of Women Voters in Florida." The Florida Historical Quarterly. Vol. 63, No. 4, April 1985.

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_____. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1988

Florida Voter. January 1929. A Publication of the Florida League of Women Voters.

The Historical Society of Palm Beach County. O'Hara, Daisy Erb and Oleander Files.

Hoffstot, Barbara D. Landmark Architecture of Palm Beach. Revised Edition. Pittsburgh, Pennsylvania: Ober Park Associates, Inc., 1980.

McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, Inc., 1984.

The Palm Beach Daily News and Palm Beach Post. Archived Articles

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1926. City of West Palm Beach Public Library, Florida Room.

Town of Palm Beach. Building Permits, 1925–2013.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1918-1966.

IX. Florida Master Site File Form

 	HISTORICAL STRUCTURE FORM Electronic Version 1.1.0	Site # <u>PB06619</u> Recorder # <u>Jane S. Day</u> Field Date <u>10/1/2010</u> Form Date <u>10/14/2010</u> Form No <u>201010</u> Form No = Field Date (YYYYMM)
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First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Sharon P. Talbot, TR, 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>253-255</u>		<u>Oleander</u>	<u>Avenue</u>	

Cross Streets (nearest/ between) North County Rd & Bradley Place
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-15-05-000-0060
 Subdivision Name Erbs Daisy E. Add In Block _____ Lot 6,7,8
 Ownership Private Individual
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the north side of Oleander Avenue between North County Road and Bradley Place

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PAIM BEACH; 1986
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 438 ; 438 ; 15; Irrelevant-Irregular
 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) _____ >> Unspecified
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Hip
 Other Roof Type(s) parapet, flat
 Roof Material(s) _____ >> Built-up
 Other Roof Material(s) barrel tile
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 0
 Chimney Material _____
 Other Chimney Material(s) _____
 Chimney Location(s) _____

HISTORICAL STRUCTURE FORM

8PB06619

DESCRIPTION (continued)

Window Descriptions DHS 4/4, 6/6, fixed

Main Entrance Description (stylistic details) Inset in front

Porches: #open _____ #closed _____ #incised 1 Location(s) south entrance

Porch Roof Type(s) _____

Exterior Ornament exposed rafters, engaged columns, belt course

Interior Plan Irregular

Other Interior Plan _____

Condition Good

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 1925

Architect (last name first): unknown

Builder (last name first): unknown

Changes in Locations or Conditions

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

Structure Use History

Use _____ Year Use Started _____ Year Use Ended _____ >> Private residence; 1925;

Other Structure Uses apartments

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? INSUFF. INFO

Name of Local Register if Eligible _____

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 is an example of the Mediterranean Revival style used in an apartment building. It was constructed during the Boom Times and is similar to others in the immediate area.

HISTORICAL STRUCTURE FORM

8PB06619

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 561-732-7258

Recorder Affiliation Research Atlantica

Other Affiliation _____

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

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

Cultural Resource Type: BB

Electronic Form Used: 0110

Form Type Code: NORM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer: _____

Computer Entry Date: 7/27/2004

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 20, 2013**

Item 3: 253 Oleander Avenue

Owner: Calle Gato Ocho LLC

Call for disclosure of ex parte communication: Disclosures by several members

PRESENTATION BY: Janet Murphy, Murphy Stillings LLC

Ms. Murphy announced that the property owner was in the audience in support of the designation. She testified to the history, builder, architectural style and architectural history relative to this 1925

structure known as the Araho Apartments. This is a two-story, eight-unit apartment building constructed in the Mediterranean Revival style. Ms. Murphy 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; 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 craftsmanship.

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

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

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

Commission members commented very favorably in support of this designation.

MOTION BY MRS. ALBARRAN THAT 253 OLEANDER AVENUE BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED UNANIMOUSLY.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

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

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

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

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 county property 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 Development Review on: December 11, 2013

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 208-2013 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 North County Road Tree Canopy 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 District 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 S. Page, Director of Planning, Zoning and Building

Supporting Documents

- [Memorandum dated November 27, 2013 from John S. Page, Director of Planning, Zoning and Building](#)
- [Resolution No. 208 - 2013](#)
- [Designation Report for North County Road Tree Canopy](#)
- [Excerpt from the Minutes of the Landmarks Preservation Commission Meeting of November 20, 2013](#)
- [Applicable Code](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

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 North County Road Tree Canopy
Resolution No. 208 – 2013

Date: November 27, 2013

STAFF RECOMMENDATION

Staff recommends ratification of the property known as the North County Road Tree Canopy as a Town landmark district.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the November 20, 2013 meeting of the Landmarks Preservation Commission, the Commission voted unanimously to recommend to the Town Council that the above mentioned property be designated as a landmark district. In accordance with Section 54-164 (a) (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 district of the Town of Palm Beach.

Sec. 54-162 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-162 (5) Constitutes a unique area of architecture, landscaping and planning.

Landmark Designation of North County Road Tree Canopy

Resolution No. 208 - 2013

November 27, 2013

Page 2

OWNER CONSENT

The Town Council, elected officials responsible for the public right-of-way, will render their consent or disapproval at the December 11, 2013 designation ratification hearing.

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. 208 - 2013 relating to the North County Road Tree Canopy, 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. 208 - 2013

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 NORTH COUNTY ROAD TREE CANOPY 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 DISTRICT 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 district 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 district; 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 district, and shall be designated as a landmark district;

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 district is hereby ratified, approved and confirmed.

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

ALL THAT PROPERTY LYING WITHIN THE RIGHT-OF-WAY FOR NORTH COUNTY ROAD EXTENDING FROM THE NORTH RIGHT-OF-WAY LINE OF WELLS ROAD TO A LINE LYING PARALLEL TO AND 200 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF MIRAFLORES DRIVE, ALL LYING AND BEING IN THE TOWN OF PALM BEACH, 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 district, 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 December, 2013.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, MMC, Town Clerk

Michael J. Pucillo, Town Council Member

North County Road Tree Canopy



DESIGNATION REPORT

November 20, 2013

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

North County Road Tree Canopy

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Report produced by Murphy Stillings, LLC

I. General Information

Location:	North County Road Wells Road to Miraflores Drive Palm Beach, Florida
Date of Construction:	1930
Architect:	Unknown
Builder/Contractor:	Greynolds and Monroe & The Palm Beach Company
Present Owner:	Town of Palm Beach
Present Use:	Public Street
Present Zoning:	R B
Palm Beach County Tax Folio Number:	50-43-43-23-05-020-0030
Current Legal Description:	Town of Palm Beach, Right of Way

II. Location Map

North County Road Tree Canopy



III. Site Description

County Road is a main thoroughfare through the Town of Palm Beach. North County Road begins at Royal Poinciana Way and runs north to the Palm Beach Country Club, parallel to the Atlantic Ocean. The North County Road Tree Canopy begins at Wells Road on the south and continues to Miraflores Drive on the north. It is a two lane divided roadway with a median. A sidewalk/path is located on the west side and the road is flanked by a series of ficus trees. The trees are a combination of *Ficus Benjamina* and *Ficus Nitida*. The right-of-way ranges from 70 feet to 85 feet in width.

Under criteria set down by the Department of the Interior, the North County Road Tree Canopy qualifies as a "Designated Historic Landscape," a type of landscape within the broader category of historic landscape.¹ This type of landscape is defined as being "consciously designed and laid out by a master gardener, landscape architect, architect, or horticulturalist to a design principle, or an owner or other amateur using a recognized style or tradition."² It is further described under the following Department of the Interior subtypes: (1) City Planning or Civic Design and (2) Parkways, Drives and Trails.³



¹ J. Timothy Keller, ASLA, and Genevieve P. Keller, "How to Evaluate and Nominate Designed Historic Landscape," National Register Bulletin #18, p.2.

² Ibid.

³ Ibid.

IV. Historical Information

Following the July 1926 storm, the residents along North Ocean Boulevard began requesting the abandonment of North Ocean Boulevard. The road had been destroyed and needed to be rebuilt. The Town of Palm Beach reconstructed the road in a “temporary fashion” only to have it washed out again in the hurricane of 1928. The 1928 storm brought the residents together to submit a petition to the Town to abandon the road. The petition was filed by R.E. Alley of the Palm Beach Company and signed by seven of the large landowners along the roadway – E.T. Stotesbury, Gurnee Munn, H.S. Phipps, J.C. Phipps, Amy Guest, C.A. Munn and the Palm Beach Company. The property owners agreed to pay for all expenses to widen County Road (Palm Beach Avenue) from 30 feet to 70 feet and to beautify the roadway in exchange for the Town abandoning North Ocean Boulevard from Wells Road to the Palm Beach Country Club.⁴

The reconstruction of North County Road was done during the summer of 1930 and completed in November of that year. The work included the construction of “two 20-foot roadways with a park through the middle and a walk for pedestrians and wheel chairs on the west side.”⁵ An escrow account was established for the funding of the project in the amount of \$250,000. The roadway was constructed by Greynolds and Monroe, and the beautification work was done by the Palm Beach Company. A newspaper article stated, “Completion of the work on north



County Road, 1930 Courtesy of J. Kenneth Brower

⁴ “Parts of North Ocean Road are to be Abandoned,” Palm Beach Post 22 May 1929.

⁵ “Palm Beach Street is Being Repaired,” Palm Beach Times 7 August 1930.

Palm Beach Avenue from Wells Road to the Palm Beach Country Club will result in a completely altered highway which will rank among Palm Beach's most beautiful thoroughfares."⁶



County Road, 1934

Courtesy of J. Kenneth Brower



County Road, 1937

Courtesy of J. Kenneth Brower

⁶ "Thoroughfare in Resort to be Beautified," Palm Beach Times 16 October 1930.

The trees planted along North County Road in 1930 were *Ficus Benjamina*, a non-native species that originated in Southeast Asia and Australia. *Ficus Benjamina* trees can reach approximately 100 feet tall and have graceful drooping branches with glossy leaves. Thriving in tropical locations, the ficus tree has been used throughout Florida as a stately tree for parks and other urban situations, such as roadways.⁷ Through the years other types of ficus trees have been introduced including *Ficus Nitida*.



⁷ "Ficus Benjamina," Wikipedia, accessed March 11, 2013.

V. Architects Biography

The landscape architect of the North County Road Tree Canopy is unknown at this time.

VI. Statement of Significance

The North County Road Tree Canopy is significant as a "Designed Historic Landscape" in the Town of Palm Beach. The tree canopy was a result of the abandonment of North Ocean Boulevard due to the roadway being washed out several times in the Town's early history. The widening and beautification of North County Road from Wells Road to Miraflores Drive reflects the history of the Town of Palm Beach.

VII. Criteria For Designation

Section 54-162 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a historic district 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:

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

The North County Road Tree Canopy reflects the early planning of the Town of Palm Beach. It is an example of the cooperation between Town government and property owners. The ficus trees also represent one of the preferred types of landscaping used in parkways, drives and trails throughout Florida.

- (5) "Constitutes a unique area of architecture, landscaping and planning."**

The North County Road Tree Canopy is a unique area of landscaping and planning. The widening and beautification of North County Road with the canopy of ficus trees and large pedestrian path also reflects the history of the Town.

VIII. Selected Bibliography

"Beach Avenue to be Widened," Palm Beach Times 11 April 1930.

"County Road Plea Denied," Palm Beach Times 9 November 1929.

"Ficus Benjamina." Wikipedia. Accessed 11 March 2013.

<http://en.wikipedia.org/wiki/Ficus_benjamina>

Marconi, Richard and Debi Murray with the Historical Society of Palm Beach County. Images of America: Palm Beach. Charleston, South Carolina: Arcadia Publishing, 2009.

"Palm Beach Street is being Repaired," Palm Beach Times 7 August 1930.

"Parts of North Ocean Road are to be Abandoned," Palm Beach Post 22 May 1929.

Palm Beach Daily News. Archived articles online and articles from the files of the Historical Society of Palm Beach County.

Palm Beach Post. Archived articles online and articles from the files of the Historical Society of Palm Beach County.

"Resort Improvements will be Finished Soon," Palm Beach Post 23 September 1930.

"Thoroughfare in Resort to be Beautified," Palm Beach Times 16 October 1930.

Town of Palm Beach. Signed and Sealed Survey of North County Road from Wells Road to Miraflores Drive, 7 June 2012.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1927-1931.

EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION COMMISSION
MEETING OF NOVEMBER 20, 2013

Item 4: North County Road Tree Canopy

Owner: Town of Palm Beach

Call for disclosure of ex parte communication: No disclosures

PRESENTATION BY: Emily Stillings, Murphy Stillings LLC

Ms. Stillings testified to the history, builder, and unique characteristics of this area of landscaping and planning which is viewed as an iconic area in the heart of Palm Beach, along North County Road, from Wells Road to Miraflores Drive. Ms. Stillings stated that this property meets the following criteria for landmark designation:

Section 54-162 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and

Section 54-162 (5) Constitutes a unique area of architecture, landscaping and planning.

Mrs. Delp verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Mr. Cooney acknowledged Ken Brower for providing additional historical photos of the tree canopy area. Mr. Cooney provided additional historical information relative to the tree canopy area in general, the abandonment of North Ocean Boulevard and the subsequent widening and beautification of North County Road in this area.

While all members agreed that this is a very special area of the Town of Palm Beach, members were not all in agreement that landmarking the area is absolutely essential. Concerns affecting the area were listed as: White Fly; trimming of trees associated with above-ground power lines; potential for issues relative to tree replacement (similar to Wells Road problems with Australian Pines); burdening the Town to replace the trees in kind; and, the Town is responsible for the maintenance of the area in any case. Members in support of the landmarking, however, felt that the tree canopy meets the Town's criteria for landmark designation; that the Town could always come to the LPC if a change in species becomes warranted; that it is the job of the LPC to protect this area because of the inherent risks involved; landmarking will protect the tree canopy for the future; protect it, honor its history, and use it as an opportunity for education; perhaps establish an historic marker; it is worth preserving even though there is a potential financial impact to the Town; and, in the history of Palm Beach, "green" area is as important as buildings...and this is an original piece of "green".

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

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MRS. ALBARRAN THAT THE NORTH COUNTY ROAD TREE CANOPY, FROM WELLS RD. TO MIRAFLORES, BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. MURPHY.

MOTION CARRIED 6-1, WITH MR. FELDKAMP OPPOSED.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

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

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

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

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 county property 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 Development Review on: December 11, 2013

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #16-2013 The application of John Andrica; relative to property commonly known as **134 Seagate Road**; described as Lot 9, NORTH SHORE ADDITION TO PALM BEACH, 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 Plat Book 20, Page 62; located in the R-B Zoning District. The applicant is requesting a Site Plan Review to construct a new 4,300 square foot two story home on a nonconforming platted lot, which is 97.97 feet deep in lieu of the 100 feet minimum required. [Representative: Rick Gonzalez, AIA]

Presenter

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

Supporting Documents

- [Email Dated December 5, 2013, from Isabelle Pangia](#)

From: Isabelle Pangia <isabelle.pangia@gmail.com>
To: pcastro <pcastro@townofpalmbeach.com>,
Date: 12/05/2013 10:02 AM
Subject: 134 SEAGATE ROAD

Hello,
i have reviewed the Andrica plan for 134 Seagate road ans i support it.
Thank you,

Isabelle Pangia

TOWN OF PALM BEACH

Town Council Meeting Development Review on: December 11, 2013

Section of Agenda

Development Review - Other

Agenda Title

Temple Emanu-El: One Year Review of Conditions of Approval for Special Exception No. 8-2012 with Variance, 224, 226 and 234 Seminole Avenue and 190 North County Road

Presenter

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

Supporting Documents

- [Memorandum dated November 21, 2013 from John S. Page](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Temple Emanu-El: Consideration of Conditions of Approval for Special Exception
No. 8-2012 with Variance, 224, 226 and 234 Seminole Avenue and 190 North County
Road

Date: November 21, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council reaffirm all previous conditions of approval as detailed in this Memorandum and extend the review period for the impacts of the Temple for an additional year.

GENERAL INFORMATION

The Town Council, at its October 10, 2012 meeting, conditionally approved the Special Exception with Site Plan Review to use the 23,200 square feet of open space on the west side of the Synagogue for religious services and other Temple related activities such as blessing of animals, sukkot and other uses that are accessory to a house of worship. In addition, a Special Exception was approved to expand the seating from 245 seats to 553 seats (308 additional permanent seats) in the Temple sanctuary. A variance related to the increased seating was also approved to provide zero (0) additional on-site parking spaces in lieu of the additional 77 parking spaces that were required for the 308 additional seats.

The conditions of approval were outlined in a Declaration of Use Agreement which was also approved by the Town Council at its October 10, 2012 meeting. Those conditions of approval and their status are as follows:

1. The Owner shall comply at all times with the applicable provisions of the Town's noise ordinance contained in the Town Code of Ordinances, as amended from time to time (hereinafter called the "Town Code").

According to Police Department records, there have been two verified noise complaints. One was for a temporary generator and the other was for an event in the Garden. In both cases the police officer who responded asked the Temple to curtail the noise. The Temple complied.

2. The Owner shall not construct and utilize any permanent barbecue or other permanent cooking pit within the Garden. Neither shall there be any outdoor cooking in the Garden except for two (2) afternoon picnics per year.

To our knowledge, the applicant is compliant with this condition.

3. The Owner shall comply at all times with the applicable provisions of the lighting regulations of the Town which were incorporated as part of the Agreement.

To our knowledge, the applicant is compliant with this condition.

4. The Owner shall install and maintain along the Northern, Western and Southern boundaries of the Garden a continuous plant hedging of sufficient density to effectively screen the Garden from the neighboring properties surrounding or within direct view of the Garden. All such plant hedging shall, at planting, be of a height not less than six (6) feet, to grow within a reasonable period of time not to exceed three years to eight (8) feet, and shall be maintained at a minimum height of eight (8) feet. Such planting shall be horizontally contiguous, except for such openings for pedestrian and/or maintenance vehicles as are approved by the Town and planted in such a way as to prevent viewing the Garden from the right-of-way or adjoining properties. The property shall be landscaped as provided for in the Agreement. Access to the Garden shall be as indicated in the Agreement.

To our knowledge, the applicant is compliant with this condition.

5. Attendance at any Event held in the Garden shall be limited to 300 people.

To our knowledge, the applicant is compliant with this condition.

6. Subject to the limitation set forth in #5 above, attendance at Concurrent Events shall not exceed a total of four hundred seventy-five (475) persons, provided that Owner shall have arranged for off-street parking sufficient to accommodate the additional parking needs generated by persons attending such Concurrent Events. As used herein, the term "Concurrent Events" means more than one (1) Event occurring at the same time, where such Event is taking place in the Garden and the other Event(s) is/are taking place in the Synagogue building. Temple shall hire one off duty police officer to monitor traffic and keep order at all Events in the Garden at which more than one hundred twenty-five (125) people are in attendance.

To our knowledge, there have been no concurrent events during the past year, nor traffic problems reported as a result of individuals attending events in the Garden.

There have been 18 complaint calls, beginning on December 1, 2012. Those calls were for the valet operation, noise and on-street parking. Nine of these calls were unfounded by the Police Department upon arrival.

Seven of the nine valid complaint calls were for on-street parking (vehicles were cited on four occasions). The other two were for noise. The parking complaints were for loitering valets; reserving/coning of on-street parking spaces; and illegal staging of vehicles in the street. There have been no complaints since September 22, 2013.

7. No Events shall be permitted to begin before 9:00 a.m. or to extend past 10:00 p.m. The 10:00 p.m. deadline shall be applicable to religious services connected with ceremonies conducted within the Synagogue with a maximum 150 people to be allowed at such Event. All other Events, other than the religious Events described hereinabove, shall be concluded by 8:00 p.m.

To our knowledge, the applicant is compliant with this condition.

8. Events in the Garden will be held on not more than twenty (20) days during any twelve (12) month period. (The eight days of Sukkot shall count as one event.) There shall be no more than three (3) events per month (Sukkot excepted). Only one of the three events may allow up to 300 people, the remaining two events shall be limited to 150 people or less.

To our knowledge, the applicant is compliant with this condition.

9. The Garden will not be used for secular or commercial activities.

To our knowledge, the applicant is compliant with this condition.

10. Provided the Owner complies with the applicable requirements of the Town Code for permits to erect a tent in the Garden, the Town shall issue such permits, upon the condition that the Owner shall require the tent vendor to remove each such tent expeditiously following the Event for which it is used, but in no event more than forty-eight (48) hours following such Event.

To our knowledge, the applicant is compliant with this condition.

11. Owner shall return to the Town Council to address matters relating to compliance and impacts of the use of the Garden one (1) year from the Effective Date of this Agreement. At said meeting the Town Council shall have the authority to modify the terms and conditions of this Agreement based upon testimony presented at such meeting relating to the impact of the use of the Garden on the residential neighborhood in which it is located. Reconsideration shall be based upon the criteria set forth in the Town's code relating to special exceptions and site plan review. In the event Owner does not approve of modifications, if any, made to the Declaration of Use Agreement, the rights of the Owner and the Town shall revert to those which existed prior to the effective date of this Agreement.

The applicant is compliant with this condition.

12. No amplification devices such as amplifiers or microphones or megaphones shall be used in the Garden.

To our knowledge, the applicant is compliant with this condition.

In summary, as evidenced by police reports over the last year, the Temple has experienced operational difficulties with its valet operations. Staff recommends the Police Department continue to monitor valet operations (especially on those dates that generate larger

attendance). In October, 2013, the time of valet parking permit renewal, Code Enforcement advised Palm Beach Parking (the Temple's valet operator) of all of the complaints received. The Company was advised that any confirmed violations by the valets would result in code enforcement action against Palm Beach Parking.

Staff recommends that the Council extend the review period for the impacts of the Temple for an additional year and reaffirm all previously enacted provisions of operation as detailed in this Memorandum. If you have any questions about this issue please contact Paul Castro, Zoning Administrator at 227-6406.

Attachment

cc: Thomas Bradford, Deputy Town Manager
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan A. Owens, Town Clerk
Bill Bucklew, Acting Building Official
Kirk Blouin, Captain, Police Department
Raychel Houston, Code Enforcement
zf & pf

TOWN OF PALM BEACH

Town Council Meeting Development Review on: December 11, 2013

Section of Agenda

Development Review - Other

Agenda Title

Proposed Declaration of Use Agreement for Sixt Rental Car, Special Exception No. 19-2013 with Variances, 340 Royal Poinciana Way

Presenter

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

Supporting Documents

- [Memorandum dated November 21, 2013 from John S. Page](#)
- [Declaration of Use Agreement](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: December 11, 2013

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Declaration of Use Agreement for Sixt Rental Car, Special Exception
No. 19-2013 with Variances, 340 Royal Poinciana Way

Date: November 21, 2013

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed Amendment to the Declaration of Use Agreement.

GENERAL INFORMATION

On November 13, 2013, the Town Council considered Special Exception #19-2013 to allow an automobile rental business to open in Royal Poinciana Plaza. The Council conditionally approved the application. A condition of approval was that the applicant enter into a Declaration of Use Agreement addressing the prohibition of storage or parking of rental vehicles on the subject property, the hours of operation and the per occurrence fee for violation of those conditions. Staff and the applicant agree on the terms in the attached Agreement.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me at 227-6405.

TOWN ATTORNEY REVIEW

The proposed Declaration of Use Agreement was approved by Town Attorney Randolph for legal form and sufficiency.

Attachment

cc: Mayor and Town Council
Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
Raychel Houston, Code Enforcement
pf & zf

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

SIXT RENT A CAR, LLC

Prepared by and return to:
JOSEPH M. MAUS
The Maus Law Firm
901 E. Atlantic Blvd.
Pompano Beach, FL 33060
(954) 784-6310
jmaus@mauslawfirm.com

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2013 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and SIXT RENT A CAR, LLC, 1850 SE 17th Street Causeway, Fort Lauderdale, FL 33316 (hereinafter called "Tenant"), which terms "Town" and "Tenant" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, by Application for Special Exception No. 19-2013, Tenant sought approval of the Town Council to allow the operation of a car rental business without vehicle storage at 340 Royal Poinciana Way, Unit 324, Palm Beach, FL 33480, also known as Royal Poinciana Plaza, Unit 324 (the "Plaza"); and

WHEREAS, the Town Council at its November 13, 2013 meeting conditionally approved Tenants Application for Special Exception, and approved Tenant's operation of a car rental business without vehicle storage at the Plaza, subject to the execution and recordation of this Declaration of Use Agreement which identifies the terms and conditions of approval.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I

RECITALS

The recitals set forth above are true and correct and are incorporated herein and made a part hereof.

ARTICLE II

AUTHORITY

Tenant has full right to enter this Agreement and to bind itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the Plaza in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is

required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transaction contemplated hereby will violate any restrictions, court order or agreement to which Tenant is subject.

ARTICLE III

CONDITIONS

1. Tenant shall operate its car rental business between the hours of 8 a.m. to 5 p.m., Monday through Saturday only.
2. Tenant shall not be permitted to park or store any rental vehicles at the Plaza.
3. Tenant shall not deliver any rental vehicles to the Plaza nor shall any customers be allowed to return rental vehicles to the Tenant at the Plaza.
4. Tenant employees shall be allowed to park the vehicle they drive to and from work in the Plaza's parking lot.
5. Tenant shall come back to the Town Council six (6) months after the opening of Tenant's business in the Plaza and provide evidence demonstrating that the business meets the Town-serving requirements as defined in Chapter 134, Zoning, in the Town's Code of Ordinances.
6. Tenant shall provide an affidavit of compliance each year at the time of renewal of the business tax receipt.

ARTICLE IV

VOLUNTARY AGREEMENT

Tenant agrees to be bound by the terms and conditions in this Agreement, and Tenant waives any legal objection it might otherwise have to said terms and conditions or part thereof.

ARTICLE V

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Tenant of said violation(s) and the date upon which said violation(s) shall be corrected, Tenant shall pay to the Town a liquidated amount of \$2,000.00 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the Tenant. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event Tenant disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this agreement, or in the event the Tenant disputes any code violation, Tenant may appeal the determination of the Director of the Planning, Zoning, and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County, Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VI

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE VII

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE VIII

MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits hereto, which exhibits are by this reference made a part hereof. In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Witnesses:

Town of Palm Beach, a municipal corporation

Print Name: _____

By: _____
Gail Coniglio, Mayor

Print Name: _____

Print Name: _____

By: _____
David Rosow, Town Council President

Print Name: _____

Print Name: _____

By: _____
Peter B. Elwell, Town Manager

Print Name: _____

Sixt Rent A Car, LLC, a Delaware limited liability company

Print Name: _____

By: _____
V. Todd Sazera
Its: Manager

Print Name: _____

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) :SS

 This foregoing instrument was acknowledged before me this _____ day of _____, 2013 by GAIL CONIGLIO, as Mayor of the Town of Palm Beach, a municipal corporation, who is () personally known to me or who () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

NOTARY PUBLIC

(Notary Seal)

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) :SS

This foregoing instrument was acknowledged before me this _____ day of _____, 2013 by DAVID ROSOW, as Town Council President of the Town of Palm Beach, a municipal corporation, who is () personally known to me or who () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

NOTARY PUBLIC

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) :SS

This foregoing instrument was acknowledged before me this _____ day of _____, 2013 by PETER B. ELWELL, as Town Manager of the Town of Palm Beach, a municipal corporation, who is () personally known to me or who () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

NOTARY PUBLIC

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH) :SS

This foregoing instrument was acknowledged before me this _____ day of _____, 2013 by V. Todd Sazera, as Manager of Sixt Rent A Car, LLC. He is () personally known to me or he () has produced _____ as identification.

(Signature)

(Type or Print Name)

My Commission Expires: _____

NOTARY PUBLIC

(Notary Seal)

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire