

*HISTORIC  
PRESERVATION  
BOARD*

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JANUARY 18, 2023

**CORAL  
GABLES**®  
THE CITY BEAUTIFUL



# CASE FILE

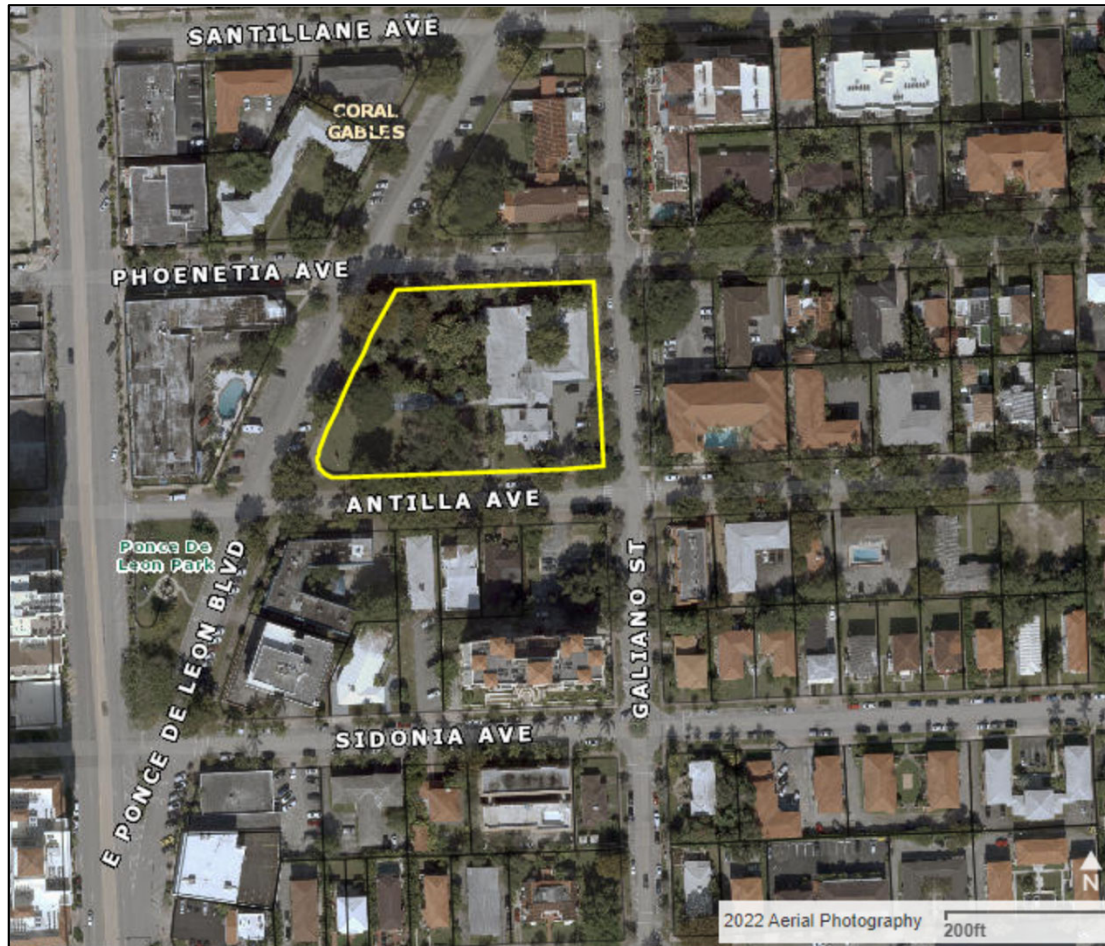
## LHD 2022-014

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Consideration of the local historic designation of the property at **110 Phoenetia Avenue**, legally described as Lots 1 to 10 inclusive, Block 21, Coral Gables Douglas Section, according to the Plat thereof, as recorded in Plat Book 25, at Page 69, of the Public Records of Miami-Dade County, Florida..



# 110 Phoenetia Avenue



# 110 Phoenetia Avenue - Site





## 110 Phoenetia Avenue Site - Structures





## Garden of Our Lord



## Background

- July 21, 2021: Historic Significance Request submitted to the Historic Preservation Office. August 9, 2021: Historic Preservation Staff responded property did not meet the criteria for designation.
- c.November 24, 2021: Property was purchased by the current owner.
- January 28, 2022: Development Review Committee reviewed proposal for a Comprehensive Plan Map Amendment, Zoning Code Map Amendment, Planned Area Development (PAD), Mixed-Use Site Plan, and Transfer of Development Rights Receiving Site Plan.
- August 19, 2022: Applicant submitted Historic Designation application. Applicant and property owner agreed to allow Staff sufficient time to review submittal.
- November 29, 2022: Historic Preservation Office determined property did not meet criteria for designation. Applicant informed the application and request should be presented to Historic Preservation Board at meeting of December 21, 2022.
- On December 2, 2022: Applicant requested 30 days to submit an amended report. The request was granted, and a final designation report was submitted to the Preservation Office on December 29, 2022.

## **Clarification**

The following are not for Historic Preservation Board consideration:

- Proposed mixed-use development.
- Any required rezoning.
- The creation of a park.
- Tree preservation.



## Clarification

Reports based on the initial designation report suggest the garden served as a cemetery.

- No church records identifying burials have been located.
- No historic newspapers identifying burials have been located.
- The previous owner of the site, St. James Lutheran Church, did not indicate to the current owner there are any burials on site.
- The current owners exercised all due diligence prior to purchase. Three bronze concrete memorials set in the ground were evaluated by Mr. Ari Oberstein, a Funeral Director in Miami-Dade County for 30 years, who determined they are in memorium garden dedications, or tree dedications, with no urn placements.
- Should any remains be uncovered during excavation, work will have to stop, and the County Archaeologist must be informed.

## **Clarification**

Per the owner's representative, two urns containing cremated remains were interred in the garden wall. The urns have been removed and given to family members of the deceased in accordance with all legal requirements as confirmed in a letter from Wendy Russell Weiner of Deathcare Regulatory Legal and Consulting Services. Ms. Weiner is an attorney licensed to practice law in Florida since 1993 who has practiced exclusively in this area for most of her career.



# Code Considerations

Pursuant to Article 16. Definitions of the City Code:

Historic landmark means any site, building, structure, landscape feature, improvement, or archaeological site, which property has been designated as an historic landmark pursuant to procedures described in Article 8.



## Code Considerations

Pursuant to Section 8-110. Removal or destruction of existing landscape features of the City Code:

- A. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective destruction by damage of any landscape features or archaeological sites especially designated as significant within the boundaries of an historic landmark or historic landmark district unless one (1) of the following conditions exists:
1. The designated landscape feature or archaeological site is located in the buildable area or yard area where a structure may be placed and unreasonably restricts the permitted use of the property;
  2. The designated vegetation is inappropriate in an historical context or otherwise detracts from the character of the district; or
  3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with utility service, creates unsafe vision clearance or conflicts with other applicable laws and regulations.

Pursuant to Article 16. Definitions of the City Code:

Landscape feature means any site improvement or vegetation including outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, signs, exterior lighting, paving, trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo and other similar elements.



# Integrity

Pursuant to Section 8-103. Criteria for designation of historic landmarks or historic districts:

Districts, sites, buildings, structures and objects of national, state and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, or association. In order to qualify for designation as a local historic landmark or local historic landmark district, individual properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the City, state or nation.

## **Robert Fitch Smith**

While he was an accomplished architect with some notable sites that meet the criteria for historic designation, he was not a landscape architect.

As noted in the designation report:

“By the 1930s, Robert Fitch Smith developed a keen understanding and talent of subtropical design integration in his designs for Arden Hayes “Doc” Thomas and Col. and Mrs. Montgomery, which has been dubbed “Stairways to the Sun.” He went on to design several buildings related to their environment at Fairchild Botanical Gardens.”

From the Tropical Audubon Society (owners of the “Doc Thomas House”) website:

“... Thomas commissioned Robert Fitch Smith, newly graduated from the University of Miami architecture program, to design a home that would fit organically into the property’s wooded setting.”

From the Montgomery Botanical Center website:

Historically, Colonel Montgomery utilized the expertise and professional advice of the landscape architects Winton H. Reinsmith and William Lyman Phillips.



# Wall/Walk Permit No. 19662M

CITY OF CORAL GABLES, FLORIDA

19662M

## APPLICATION FOR BUILDING PERMIT

Application is hereby made for the approval of the detailed statement of the plans and specifications herewith submitted for the building or other structure herein described. This application is made in compliance and conformity with the Building Ordinance of the City of Coral Gables, Florida. All provisions of the Laws of the State of Florida, all ordinances of the City of Coral Gables, and all rules and regulations of the Building Department of the City of Coral Gables shall be complied with, whether herein specified or not.

OWNER St. James Lutheran Church Date 5/19 1951  
 ADDRESS 110 Phoenicia  
 Lot(s) A11 Block 21 Section Doug

Number of Stories	_____	Actual	_____
Number of Units	_____	Required	_____
Type of Roof	_____	Detached Buildings	_____
Use of Structure	<u>wall/walk</u>	Land Coverage	_____ %
Is building within easement area?	_____	Actual cu. ft. per front foot (Commercial Buildings)	_____
Is water available for this building?	_____		
Size of Lot	<u>X</u>		
Setback F _____ R _____ L _____ R _____			
Estimated Cost	<u>\$ 8000</u>		
Architect	<u>Robert Fitch Smith</u>	Bond No.	<u>\$ 75000</u>
		TOTAL	\$ _____

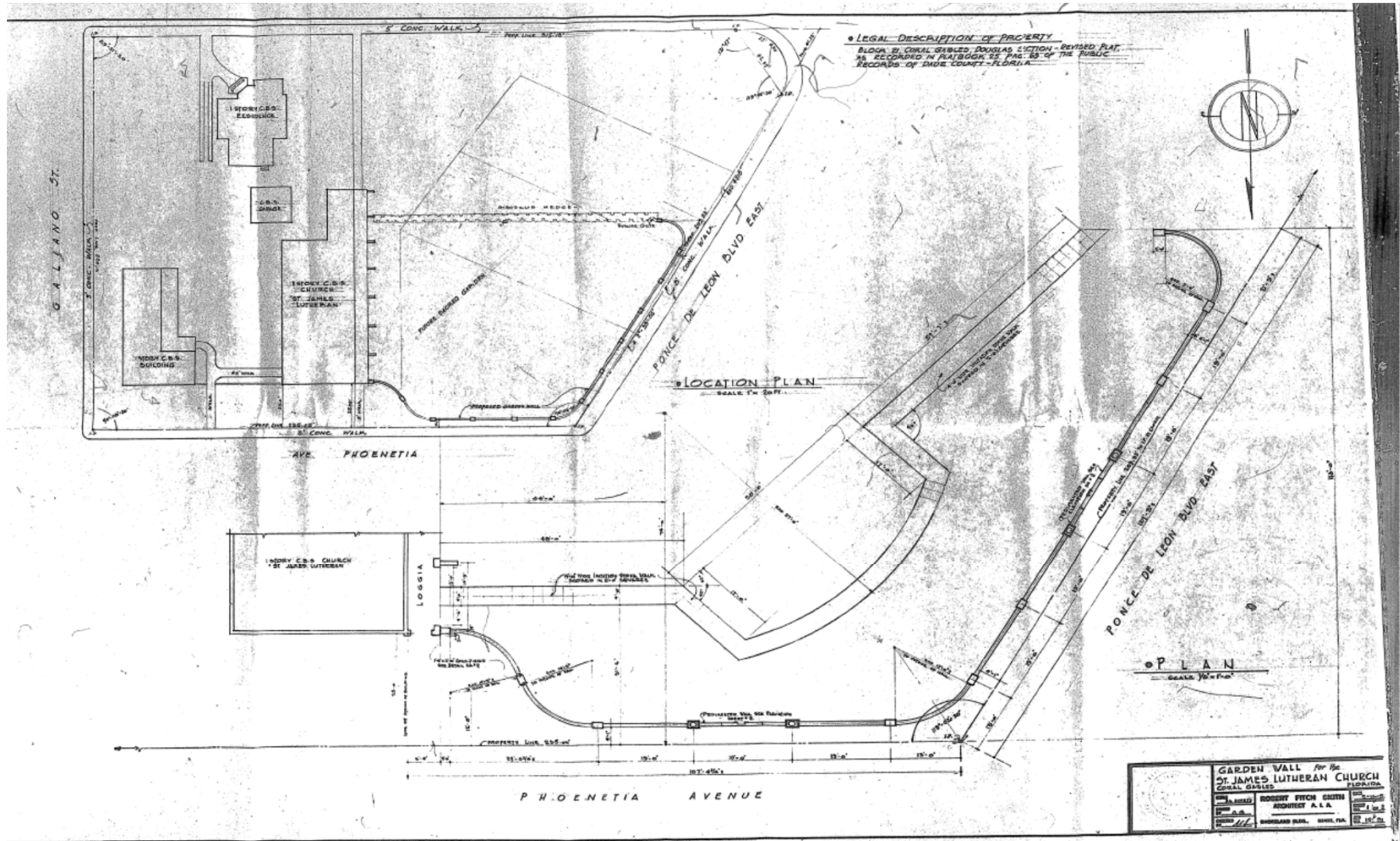
SQUARE FOOTAGE

FEEES

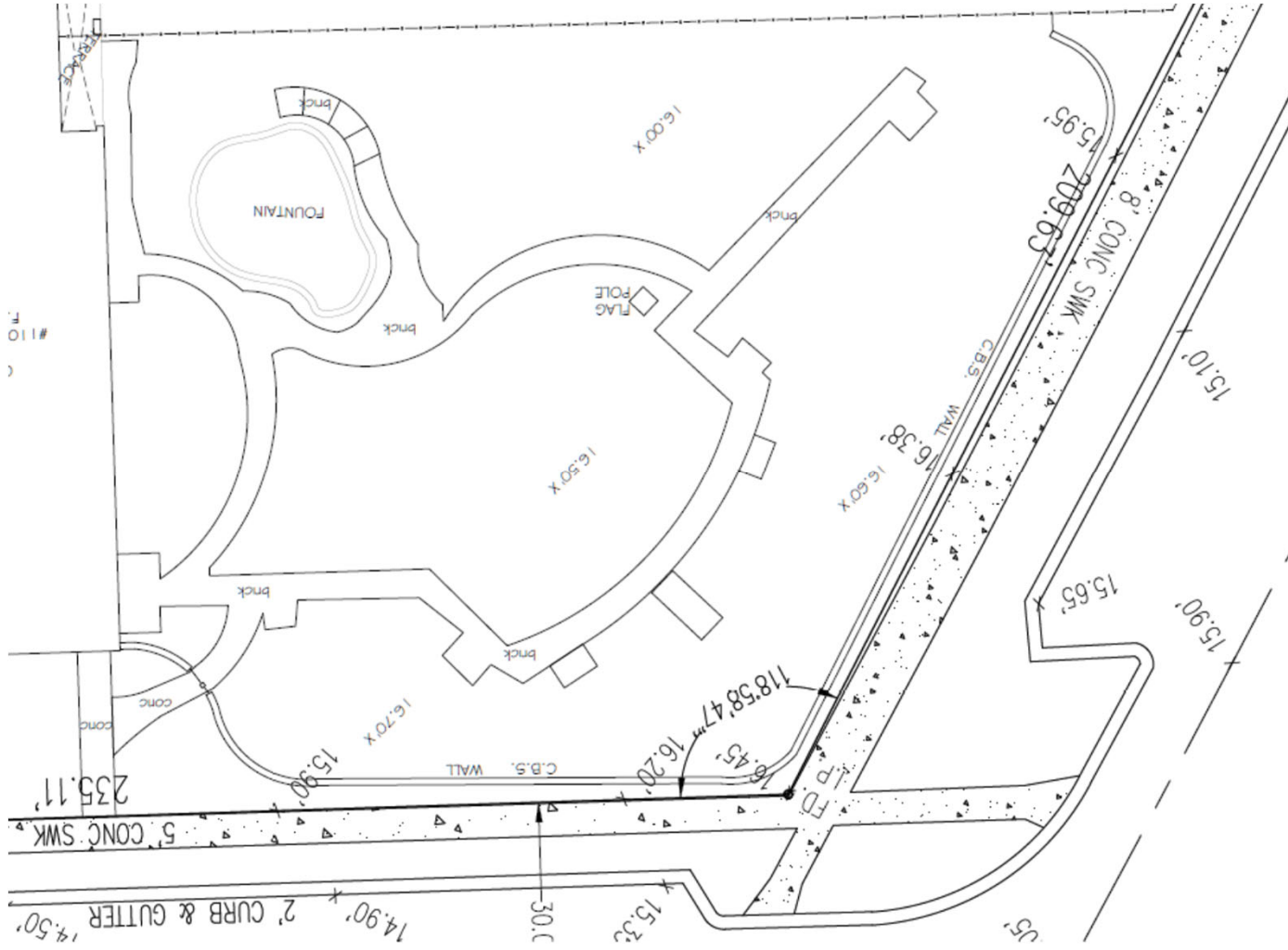
MISCELLANEOUS PERMITS:

wall see plans

# Plan - Permit 19662M



# Existing Survey

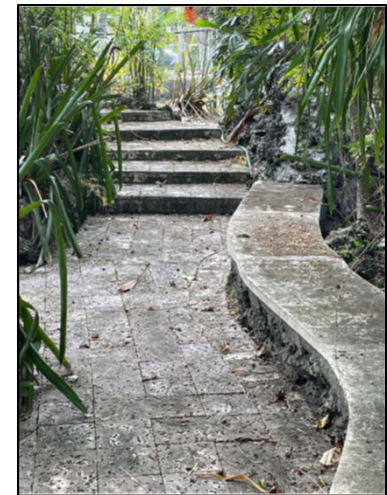




## Original Plan v Existing Comparison

Comparison of the permit drawing and the current survey shows:

- The pathway is different from the original submitted design
- A coral rock pond has been added
- Coral rock walls have been added
- Steps have been added
- The original plan notes “4-0’ wide imitation stone walk scored in 2-0’ squares” which is not what exists.



## Trees and Shrubs

- As noted in historic newspaper articles and the designation report, the “Garden of Our Lord” was originally designed as a Biblical Garden.
- A Biblical Garden is made up of plants mentioned in the Bible.
- Early reports indicate many of the plants were donated by people, suggesting there was no planting or landscape plan.
- Per a Miami News report from 1971, titled “Gable’s frankincense really home grown plant”, and according to Wallace C. Manis, director of the U.S. department of agriculture’s plant introduction station, many of the plants were not the Biblical plants. The frankincense, myrrh, and spikenard were common Florida plants by the name of ilang, orange jasmin and vitex. The myrtle tree was not “myrtus communis” as labeled but actually the “crepe myrtle”, a different species of the same family.

## **Trees and Shrubs**

- The Rev. Theodore Bartus, pastor at the time was not sure which plants came and how and church files give no clues. Again, suggesting no planting or landscape plan existed.
- The original trees and shrubs as noted in newspaper reports no longer exist per the owner's expert.
- Per a Miami Herald article from 1974, the garden had started to decline. The report, titled "'Garden of Our Lord' Grows in Coral Gables" notes the loss of trees, vandalism, the theft of statues, damage to the statue of Christ, and discovering hypodermic needles and marijuana plants on the site.
- A further Herald article from 1974 notes alterations to the church including a renovation of the garden.
- Newspaper articles from 1974 onward are few and mainly consist of notifications of events and services.



## **Additional Comments on the Submitted Report**

The expert opinions contained in the report appear to use copies of the applicant's photographs or show only the exterior of the garden wall or contain no photos. This raises the question of how many of those contributing to the report have visited the interior of the garden?

The contribution by Nanette Martinez begins with "The Garden of Our Lord" was designed by Robert Fitch Smith...." The remainder of the report focuses on the wall and the streetscape and does not address the garden itself.

The contribution by Carlos Marin states "... Fitch Smith designed not only the wall but also the geometrical structure the Garden grew upon: coral rock paths leading to a grotto, a pond, and steps to a marble statue representing Jesus Christ, the Garden's focal point."

The contribution by Rocco Ceo and Joanna Lombard focuses mostly on the wall and the Architect.

## **Additional Comments on the Submitted Report**

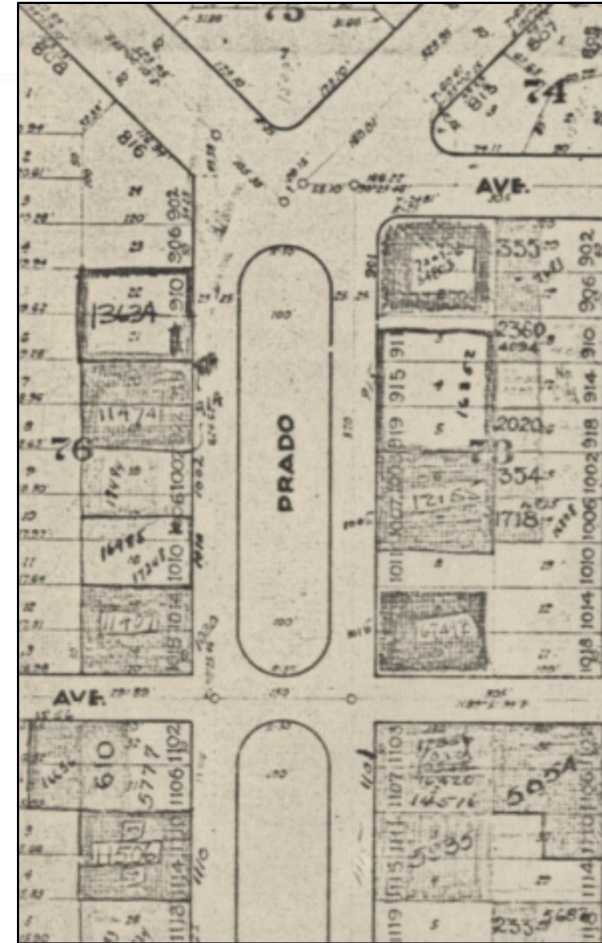
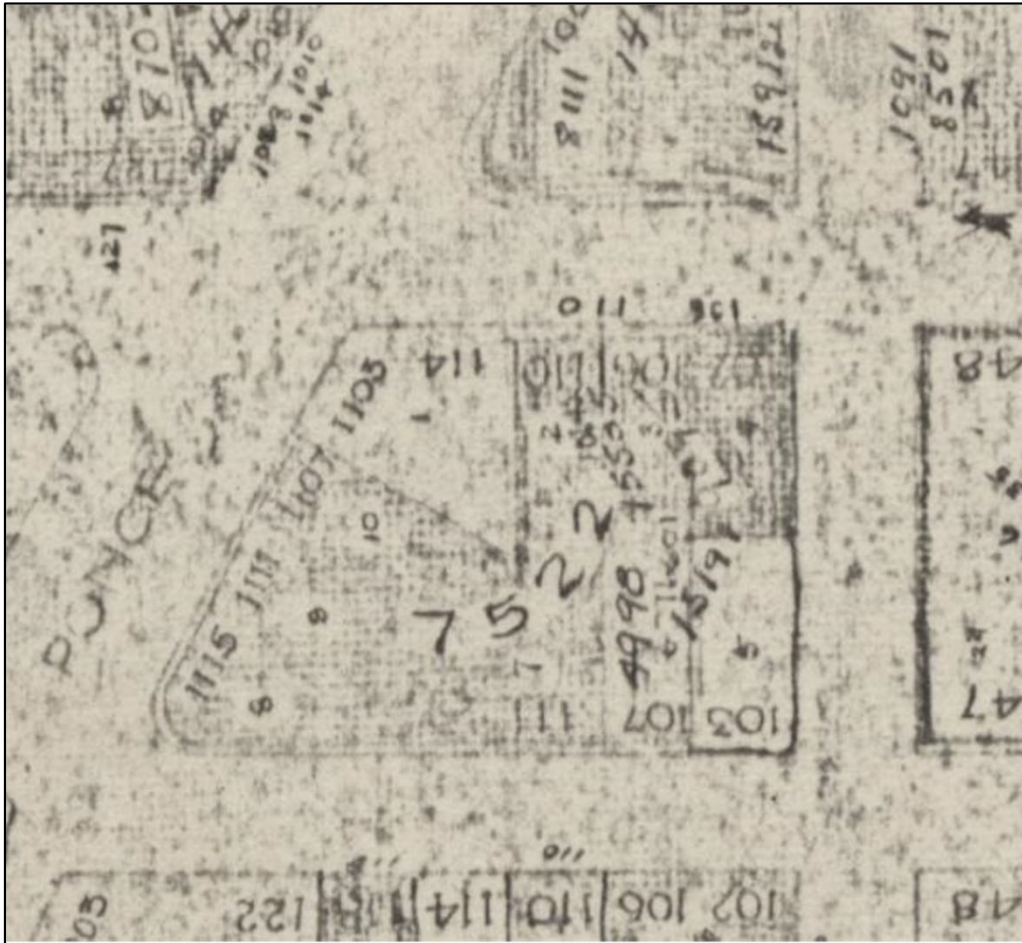
According to the designation report:

“He (Merrick) also wholeheartedly incorporated the Garden City precepts of comprehensive planning with defined areas for different uses (i.e., residential, commercial, trades), offering housing for different income levels without sacrificing quality, as well as providing an abundance of public facilities.”

“With the acquisition of additional land, the Douglas Section was dedicated to multifamily residences and was designed to be the same high quality design spirit as the rest of Coral Gables.”

“...the Douglas Section was clearly meant to be a hub of activity with Ponce de Leon Boulevard, a wide parkway and one of the main commercial thoroughfares in Coral Gables, running through it.”

# Additional Comments on the Submitted Report





## Additional Comments on the Submitted Report



# Criteria

The application form submitted by the applicant states the site is eligible for designation under the following criteria:

A. Historical, cultural significance:

1. Is associated in a significant way with the life or activities of a major historic person important in the past;
2. Is the site of an historic event with significant effect upon the community, city, state, or nation;
4. Exemplifies the historical, cultural, political, economic, or social trends of the community;
5. Is associated in a significant way with a past or continuing institution, which has contributed, substantially to the life of the City.

# Criteria

## B. Architectural significance:

1. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;
2. Embodies those distinguishing characteristics of an architectural style, or period, or method of construction;
3. Is an outstanding work of a prominent designer or builder;
4. Contains elements of design, detail, materials or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the South Florida environment.

## Criteria

### C. Aesthetic significance:

1. By being a part or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on an historical, cultural, or architectural motif;
2. Because of its prominence of spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood, village, or the City and contributes to the distinctive quality or identity of such neighborhood, village, or the City. In case of a park or landscape feature, is integral to the plan of such neighborhood or the City.