



LETTER OF INTENT SECOND SUBMITTAL

DATE: February 22, 2024

TO: Town of Palm Beach, Planning, Zoning & Building Dept.

RE: ZON-24-049 (ARC-24-053) 216-218 WORTH AVE (BRUNELLO CUCINELLI)

REQUEST

On behalf of Brunello Cucinelli c/o Marilu Lasagna ("**Applicant**"), Shutts & Bowen LLP ("**Agent**") submits a request for a Special Exception ("**SE**") with a Site Plan Review ("**SPR**") for the expansion of the existing Brunello Cucinelli Boutique ("**Boutique**") and a Minor Architectural Commission ("**ARCOM**") request to change the storefront door/window from non-impact glass to impact glass for the building located at 218 Worth Avenue ("**Site**").

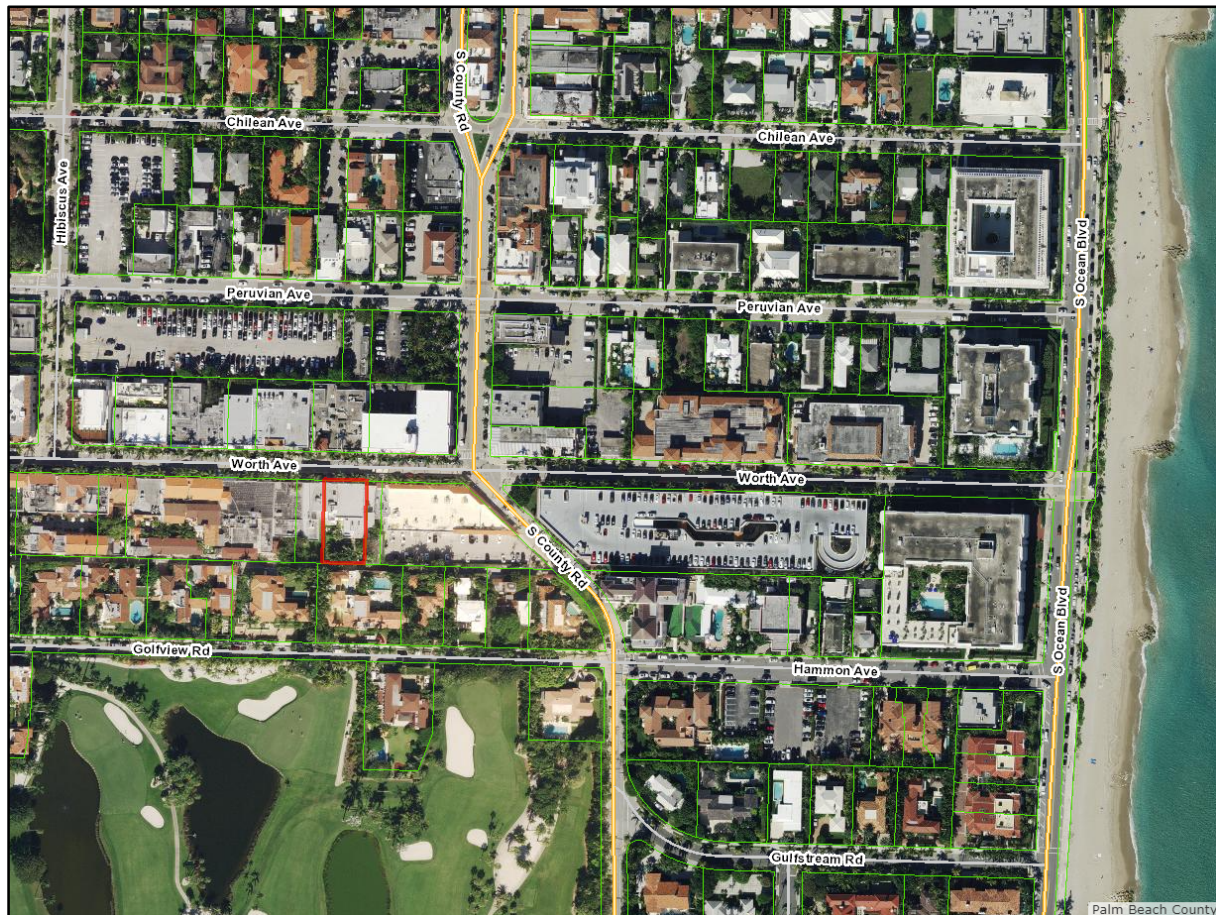


FIGURE 1 – Location map

Location:	216 and 218 Worth Ave. (<i>Figure 1</i>)
Property Control Number(s)	50434323050180190
Zoning District:	Commercial Worth Avenue (C-WA)
Acreage:	0.25 acres

REQUEST

Request for an SE, SPR, and Minor ARCOM as follows:

- Pursuant to Section 134-1159(a)(9), the sales of apparel and accessories is a SE use when the Gross Leasable Area (“**GLA**”) is greater than 4,000 square feet (“**sq. ft.**”). The Applicant is requesting an expansion of the Boutique from 1,710 sq. ft. to 4,107 sq. ft. (+1,140 sq. ft. on the first floor and + 1,257 sq. ft. on the second floor for a total of 2,397 sq. ft. at 218 Worth Avenue). As such, the Applicant is requesting approval of a SE to allow a 4,107 sq. ft. of retail sales of apparel and accessories use to be located on the Site. It’s important to note that the actual sales of the apparel and accessories is limited to the first floor with a total of 2,880 sq. ft., with the second-floor space being used for back of house operations. The back of house uses will include a well-organized storage space, an office, a restroom, a pantry and a changing area for the store staff.
- Pursuant to Section 134-1159(a), SE uses requires a SPR.
- Minor ARCOM to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

BACKGROUND

Brunello Cucinelli is an Italian luxury fashion brand which sells menswear, women's wear and accessories in Europe, North America and East Asia. The company was founded by Brunello Cucinelli in 1978. It is a brand that places a premium on quality and craftsmanship. Each piece in their collection is meticulously crafted by skilled artisans who have honed their skills over decades. From the selection of the finest materials to the attention to detail in the finishing touches, every aspect of the design process is carefully considered to ensure that each piece is of the highest possible standard.

The Applicant opened a Brunello Cucinelli Boutique in Palm Beach in 2015 for retail sales of menswear, women's wear and accessories. The Applicant currently occupies 1,710 sq. ft. and is proposing to expand into the adjacent 2,397 sq. ft. space for a total of 4,107 sq. ft. As noted above, the building is two stories and the retail sales of the apparel and accessories will occur on the first floor (1,140 sq. ft.) of the new space with the second floor being used for back of house uses (1,257 sq. ft.).

Since 2015 the Boutique has grown and added several new lines like the children collection, and additional accessories including shoes and bags. As such, the existing space is not efficiently functional anymore and there is a need for additional space to properly display the apparel and accessories. The intent is to dedicate the 216 Worth Avenue space for women’s wear and the 218 Worth Avenue space for menswear.

The philosophy of Brunello Cucinelli is based on dignity of the workers, making profit with ethics, dignity and morals, while providing the patrons with the highest levels of excellent customer service. For these reasons, the Applicant proposes to expand the existing space so that the store staff have good spaces to work and feel comfortable and the customers get the highest level of service that can be provided.

SUPPLEMENTAL APPLICATION REQUIREMENTS

As required, attached are the responses to the review standards/guidelines for the SE and variance request:

- **Exhibit A:** Special Exception in accordance with Section 134-229.
- **Exhibit B:** Site Plan Review in accordance with Section 134-1159(a).
- **Exhibit C:** Criteria for building permit in accordance with Section 18-205.
- **Exhibit D:** Town-serving Affidavit certifying that 51% or more of the Boutique serves townpersons.
- **Exhibit E:** A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site – Not Applicable
- **Exhibit F:** Property Info sheet.
- **Exhibit G:** Legal Description.

PARKING STATEMENT

There are no changes proposed to the parking.

EXHIBIT A

Sec. 134-229. Requirements for granting a Special Exception.

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.

RESPONSE: *Retail sales of apparel and accessories that exceed 4,000 sq. ft. GLA is permitted as a SE in the C-WA zoning district.*

- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass. The retail sales of apparel and accessories use is so designed, located and proposed to be operated so that the public health, safety, welfare and morals will be protected.*

- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

RESPONSE: *The retail sales of apparel and accessories use will not cause substantial injury to the value of other properties in the neighborhood where it is to be located. In fact, the retail sales of apparel and accessories use will occupy commercial retail space which is consistent with the prior approvals granted.*

- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

RESPONSE: *The retail sales of apparel and accessories use is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located.*

- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *As noted above, all improvements are basically internal to the building and thus there are no proposed changes that affect the yard, open space or any special requirements set out in Article VI for the particular use involved.*

- (6) The use will comply with all elements of the comprehensive plan.

RESPONSE: *The proposed use complies with all the elements of the comprehensive plan.*

- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

RESPONSE: *The proposed use is internal to the building and has been designed and situated in such a manner to have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district.*

- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

RESPONSE: *No changes are proposed to the ingress and egress to the Site. As such, there are no impacts on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

RESPONSE: *The building signage is proposed to be compatible and in harmony with the adjacent properties in the district.*

- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The current request does not affect the location, availability or compatibility of utility services.*

- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

RESPONSE: *The current request is to renovate the interior of the building and change the storefront door/window from a non-impact glass to impact glass, none of which affects the refuse and service areas.*

- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

RESPONSE: *A Town-serving Affidavit certifying that 51% or more of the proposed use serves townpersons is included with the application submittal as Exhibit C.*

- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

RESPONSE: *There are no changes proposed that affect the exterior landscaping on the Site. All improvements will be internal to the building.*

- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

RESPONSE: *The proposed use does not place an additional burden on Town Police or Fire Rescue Services.*

EXHIBIT B

Sec. 134-329. Review by town council for Special Review.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

RESPONSE: *Applicant is the leaseholder and in control and possession of the entire parcel which is subject of this application. The Applicant is responsible for the care and upkeep of the entire Site. No maintenance responsibility will become the obligation of the Town.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

RESPONSE: *There are no new land uses, programming or changes to the intensities of use proposed for the Site. As noted above, the retail sales of apparel and accessories use is only replacing another retail sales of apparel and accessories use, and located internal to the building.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

RESPONSE: *There are no changes proposed to the ingress and egress to the Site. Automobile and pedestrian safety will be maintained to comply with all applicable standards. Separation of automotive traffic, traffic control and flow, service for utilities and refuse collection and access in case of fire or emergency will not be affected.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

RESPONSE: *There are no changes proposed to the off-street parking.*

- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

RESPONSE: *There are no changes proposed to any perimeter screening or buffers.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

RESPONSE: *There are no changes proposed that will affect the manner of drainage on the Site onto adjacent and nearby properties or on the Town's overall drainage capacities.*

- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

RESPONSE: *There are no changes proposed that will impact hook-in locations, availability or capacity of utilities.*

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

RESPONSE: *There are no changes proposed that impact recreation facilities.*

- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

RESPONSE: *There are no other standards that may be imposed by the Code for the use.*

- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

RESPONSE: *There are no changes proposed to the exterior of the building. All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass.*

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

RESPONSE: *There are no changes proposed to the visible size and bulk of the building. All improvements are internal to the building with the exception of building signage and the request to change the storefront door/window from a non-impact glass to an impact glass.*

EXHIBIT C

Sec. 18-205. Criteria for building permit.

- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

RESPONSE: The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain. That said, the proposed renovation of the building is in conformity with good taste and design and contributes to the image of the Town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.

- (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

RESPONSE: The proposed renovation of the building indicates the manner in which the building is reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

RESPONSE: The proposed renovation of the building is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

- (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

RESPONSE: The proposed renovation of the building is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

- (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

RESPONSE: *The proposed renovation of the building is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.*

- (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
- a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.

RESPONSE: *The proposed renovation of the building is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.*

- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

RESPONSE: *The proposed renovation of the building includes no additions or accessory structures.*

- (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

RESPONSE: *The proposed renovation of the building is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.*

- (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

RESPONSE: *The proposed renovation is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the existing building.*

- (10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

RESPONSE: The proposed renovation project's location and design are unchanged and adequately protects existing unique site characteristics. The proposed renovation is only to change the existing storefront window and door from non-impact glass to impact glass within the existing masonry opening. There are no other changes proposed to the exterior of the building and as such, all decorative façade elements are to remain.

EXHIBIT D

Town-Serving Affidavit



BRUNELLO CUCINELLI

T O W N - S E R V I N G A F F I D A V I T

The undersigned, (the "Affiant"), IGNAZIO MASSIMO CARONNA President of Brunello Cucinelli Boutique located at 216 Worth Avenue, Palm Beach, FL 33480 ("Boutique"), does hereby certify that:

1. Affiant states that he/she is familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature.
2. Affiant has read the foregoing Affidavit and states that each and every statement contained herein is true and correct.
3. The Zoning Code of Ordinances (the "Code") of the Town of Palm Beach (the "Town") defines "Town-Serving" as establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of persons not defined as townpersons. The Code defines "townpersons" as all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town.
4. Affiant has reviewed the records of the customers served at the Boutique.
5. Affiant has concluded that a minimum of 51% of the customers served at the Boutique qualify as "townpersons" as defined in the Code.
6. The Boutique will be expanded to the adjacent space located at 218 Worth Avenue, Palm Beach, FL 33480 (the "Boutique Expansion") to dedicate the Boutique space for women's wear and the Boutique Expansion space for menswear.
7. As the Boutique is a "Town-Serving" establishment, the Boutique Expansion will be "Town-Serving" as defined by the Code.

[SIGNATURES ON NEXT PAGE]

Brunello Cucinelli USA Inc. 466 Sawmill River Road, Ardsley, NY 10502



BRUNELLO CUCINELLI

Wherefore Affiant has signed this Affidavit this 7TH day of February, 2024.

Ignazio Massimo Cardonna

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 7th day of February, 2024, by IGNAZIO MASSIMO CARDONNA, who ☐ is personally known to me or ☒ has produced PASSPORT as identification.

(NOTARY SEAL)



WILAILUCK RODRIGUEZ
Notary Public
State of Florida
Comm# HH176888
Expires 9/20/2025

Wilailuck Rodriguez

Notary Public, State of Florida

Name: WILAILUCK RODRIGUEZ

My commission expires: 09/20/2025

Serial No.: HH176888

Brunello Cucinelli USA Inc. 466 Sawmill River Road, Ardsley, NY 10502

EXHIBIT E

SITE HISTORY

N/A

EXHIBIT F

PROPERTY INFORMATION

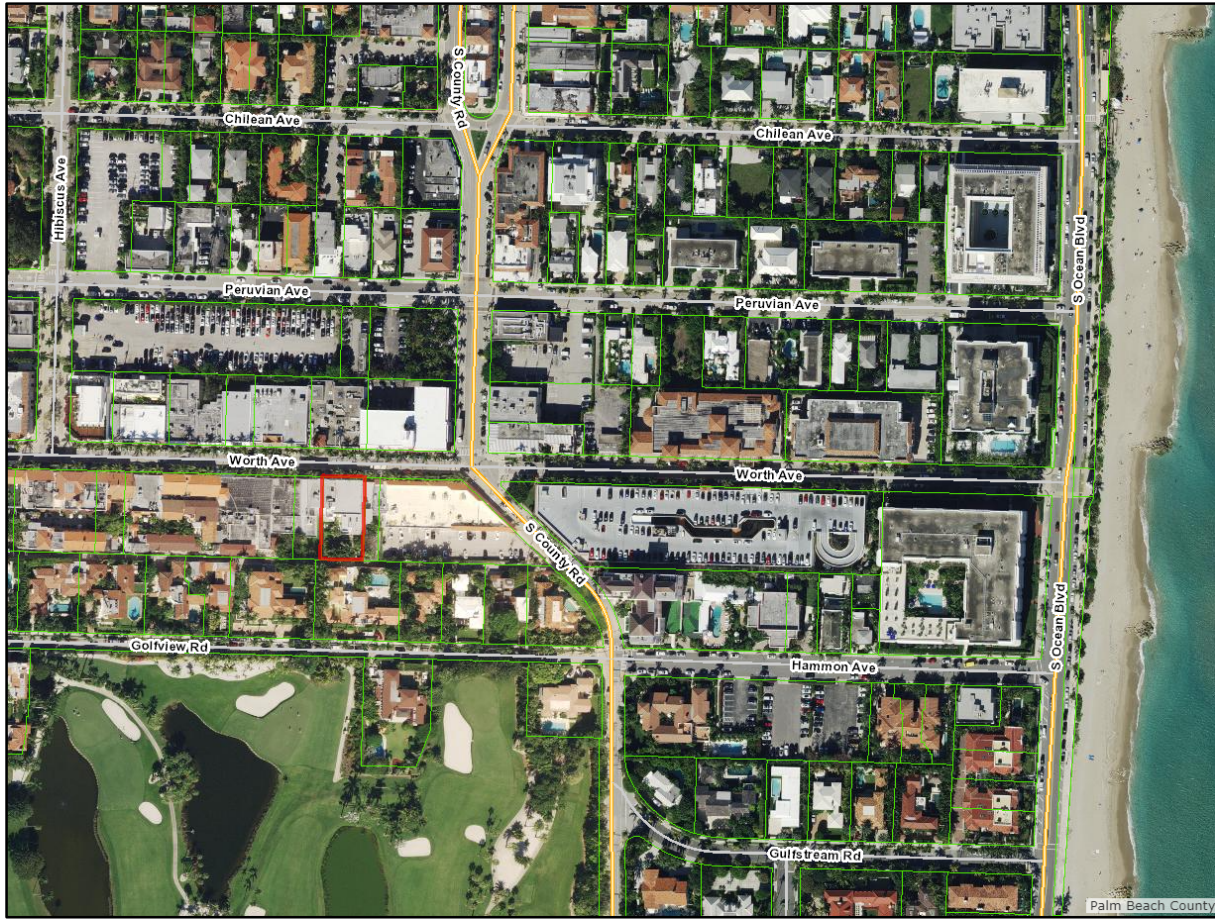


FIGURE 1 – Location map

Location:	218 Worth Ave. (Figure 1)
Property Control Number(s)	50434323050180190
Zoning District:	Commercial Worth Avenue (C-WA)
Acreage:	0.25 acres

EXHIBIT G

LEGAL DESCRIPTION

Lots 19, 20 and 21, Block 18, **REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH**, according to the map or plat thereof as recorded in Plat Book 4, Page(s) 1, Public Records of Palm Beach County, Florida.

EXCEPTING from said Lot 21, the following described parcel of land to-wit:

COMMENCING at the Northeast corner of Lot 21, Block 18, **ROYAL PARK, AN ADDITION TO THE TOWN OF PALM BEACH, FLORIDA**, according to the plat thereof on file in the office of the Clerk of the Circuit Court of Palm Beach County, Florida;

thence in a Southerly direction along the East Boundary of said Lot 21, a distance of 90 feet to the **POINT OF BEGINNING**;

thence at right angles measured from east to west from said East line of Lot 21, a distance of one foot to a point;

thence in a Southerly direction parallel to the East line of said Lot 21 to the South boundary of said Lot 21;

thence in an Easterly direction along the South boundary of said Lot 21, a distance of one foot to the Southeast corner of said Lot 21;

thence Northerly along the East boundary of said Lot 21, to the **POINT OF BEGINNING**.