



City Council Staff Report

Meeting Date: June 1, 2026

TO: Marco Island City Council

FROM: Joshua G. Ooyman

DATE: May 21, 2026

RE: Variance Petition 26-000020 – 989 Winterberry Drive
Alcoholic Beverage Sales and On-Site Consumption Within 500 Feet of House of Worship

PROJECT DESCRIPTION:

Mr. Kramer, on behalf of Donna DiPromessa, LLC, the Owner of the property at 989 Winterberry Drive, Marco Island (the “Subject Property”) submitted a variance petition to request that the City Council grant a variance to Section 4-32 of the City of Marco Island Code of Ordinances to allow for the sale and on-site consumption of alcoholic beverages within 500 feet of a place of worship. attached to the staff report are the application, plans, and justification narrative to the criteria used for reviewing a variance pursuant to Section 4-36.

SUMMARY OF PLANNING BOARD MEETING AND RECOMMENDATION:

The City of Marco Island Planning Board held a public hearing and considered this request at their April 3rd and May 1, 2026 meetings.

April 3rd 2026 Planning Board Meeting Summary:

The Planning Board discussed how the sale and on-site consumption of alcoholic beverages was not presented to the Planning Board during the site development plan approval at the Planning Board’s January, 2025 meeting. In addition, the Planning Board discussed the intent of the 500 feet separation requirement, how the sale of alcoholic beverages occurs at nearby properties, if the Jewish Congregation of Marco Island had provided comment to the variance request, and if the variance could be conditioned. Minutes from the meeting are provided. A motion was made and seconded to approve the variance; however, that motion was withdrawn, and a motion to continue the application to the May 1, 2026 Planning Board meeting was made and passed in order to allow for the Jewish Congregation of Marco Island to provide comment to the variance request.

May 1, 2026 Planning Board Meeting Summary:

During the May 1, 2026 Planning Board meeting, there was discussion regarding the Jewish Congregation of Marco Island’s letter submitted to the City and Planning Board. Mr. Kramer presented a subsequent private agreement between the property owner and the Jewish Congregation of Marco Island prohibiting alcohol from being served during certain dates and times. A motion was made and seconded to recommend approval of the variance with the conditions below:

- After 6:30 pm on Friday evening services.
- On the two days of Rosh Hashana services.

- On the day of the Rom Kippur services.
- After 4 pm on the dates of the outdoor Hanaka celebration.

Minutes of the meeting are provided. After discussion, the Planning Board made a motion to approve the variance as requested. The motion failed 4-3. Based on that motion, the Planning Board is forwarding a recommendation that the City Council not approve the variance petition.

OWNER:

Donna DiPromessa, LLC.
 950 N. Collier Blvd., Ste 101
 Marco Island, FL 34145

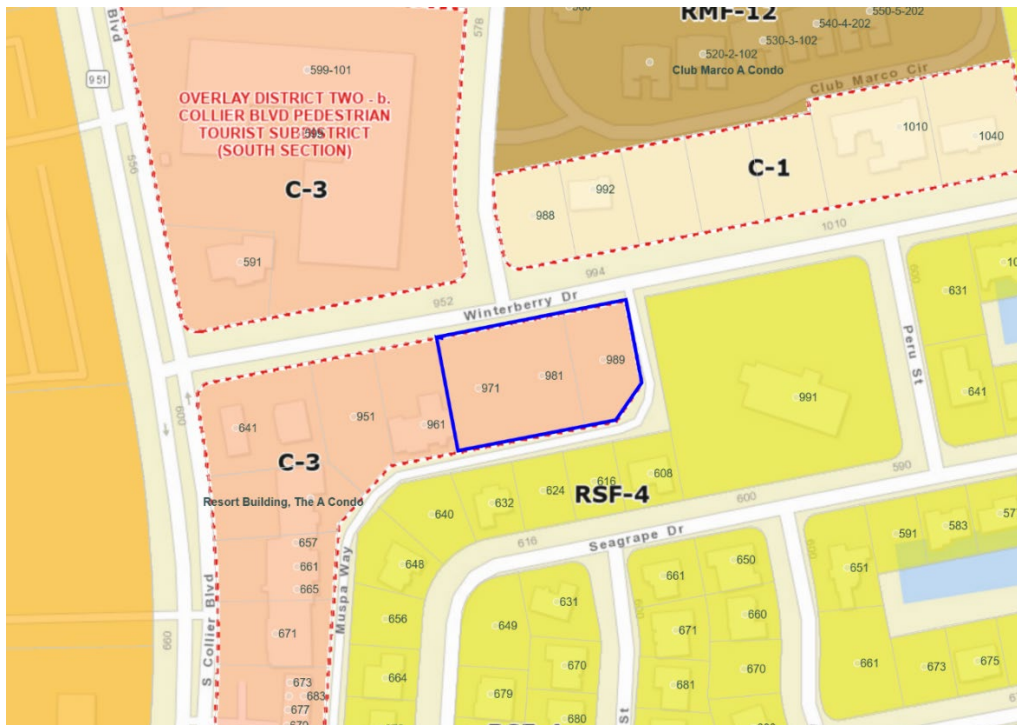
AGENT:

Mr. Frederick C. Kramer, Esq.
 950 N. Collier Blvd., Ste 101
 Marco Island, FL 34145

PROJECT ADDRESS:

Street Address: 989 Winterberry Drive, Marco Island, FL 34145
 Zoning District: C-3, Overlay District Two-b., Pedestrian Tourist Subdistrict South
 Legal Description: MARCO BCH UNIT 10, BLK 348, LOTS 13-15
 Folio Number: 57872120006

ZONING MAP OF SUBJECT PARCEL



STAFF ANALYSIS:

A Site Development Plan Amendment was approved by the Planning Board in 2025 for an elevated retail shop, café and outdoor deck with seating - and currently undergoing construction. The requested variance is to reduce the 500-foot minimum separation requirement from a place of worship for the sale and on-premises consumption of alcoholic beverages – proposed to be beer and wine.

Section 4-32(1) of the City of Marco Island Code of Ordinances prohibits the sale of alcoholic beverages for consumption on-premises within 500 feet of a place of worship. The Jewish Center of Marco Island is located within 500’ of the Subject Property. As staff previously opined, the variance requested is reasonable as this site is within the Collier Boulevard pedestrian tourist district which contains multiple existing restaurants that sell alcoholic beverages for on-premises consumption.

STANDARDS FOR REVIEW AND APPROVAL OF A VARIANCE:

City Council is authorized to grant a variance from the minimum distance requirement, pursuant to the variance standards provided in Section 4-36(b). Staff’s comments on each standard are below each standard.

- (1) The nature and type of natural or manmade boundary, structure or other feature lying between the proposed establishment and an existing school, childcare center, public library, church, public park or public playground which is determined by the board of zoning appeals to lessen the need for the total 500-foot distance requirement. Such boundary, structure or other feature may include, but not be limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and major rights-of-way.

Staff Comments: The separation requirement is measured as the shortest distance between the two lots, which is 30 feet. However, the structure-to-structure separation is approximately 160 feet and separated by the Muspa Way alleyway. Additionally, a 10-foot-wide landscape buffer will be installed between the Subject Property and the Jewish Center property.

- (2) The paths of vehicular and pedestrian traffic, which could be taken between the establishment and the uses listed in this section.

Staff Comments: As stated above, there is an alleyway and proposed landscape buffering between the site and the place of worship.

- (3) The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.

Staff Comments: It is reasonable to expect that a majority of the religious services at the Jewish Center are conducted indoors and not subject to noise and light disturbance produced by the subject business.

- (4) Whether alcoholic beverages will be sold in conjunction with food or whether the establishment is primarily engaged in the sale of alcoholic beverages as a primary use.

Staff Comments: Alcoholic beverages will be sold in conjunction with food at the proposed café.