



Planning Board Staff Report

Meeting Date: April 3, 2026

TO: Marco Island Planning Board

FROM: Joshua G. Ooyman

DATE: March 26, 2026

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

PROJECT DESCRIPTION:

Mr. Kramer has submitted 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. Please find attached the application, plans, and justification narrative to the criteria used for reviewing a variance pursuant to Section 4-36.

OWNER:

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

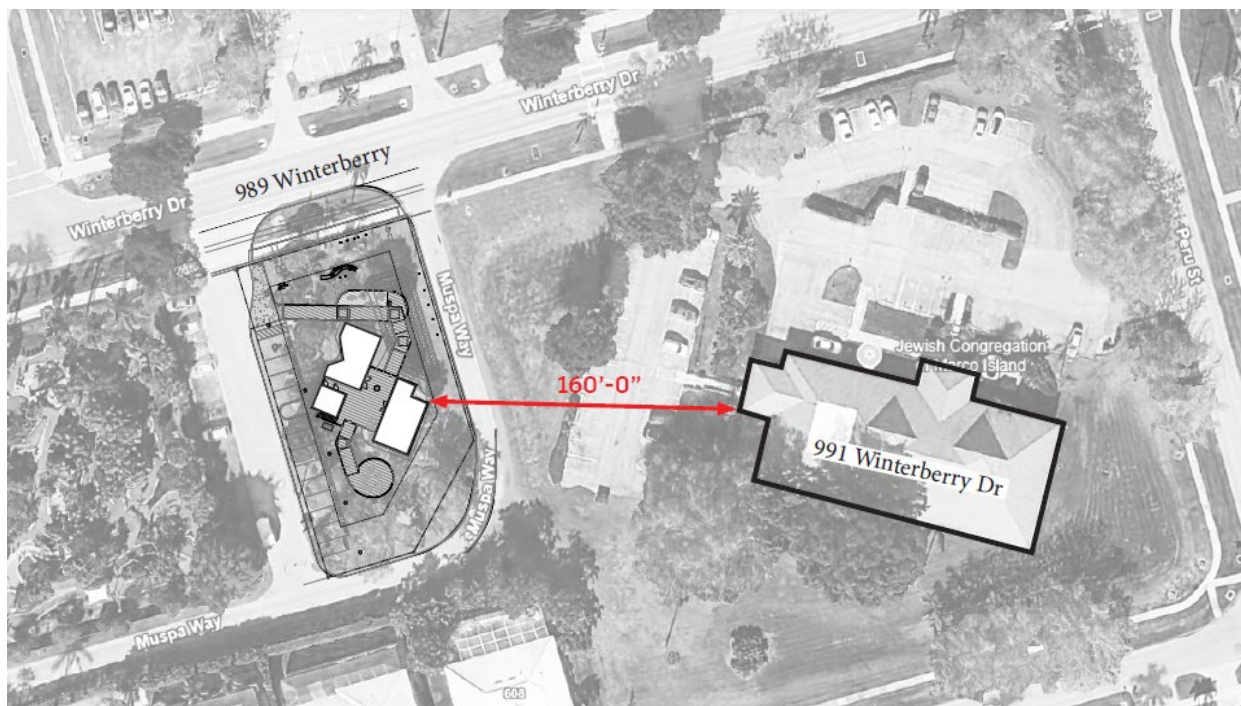
AGENT:

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

APPLICANT PROVIDED SITE PLAN:



STAFF ANALYSIS:

An SDP 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) prohibits alcoholic beverage sales and consumption within 500 feet of a place of worship – in this case the Jewish Center of Marco Island. 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 site and the Jewish Center.

- (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 most, if not all, religious services 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.

STAFF RECOMMENDATION:

Staff recommend the Planning Board forward their recommendation of approval to the City Council with the findings below:

Findings of Approval:

- (1) 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.
- (2) As stated above, there is an alleyway and proposed landscape buffering between the site and the place of worship.
- (3) It is reasonable to expect that most, if not all, religious services are conducted indoors and not subject to noise and light disturbance produced by the subject business.
- (4) Alcoholic beverages will be sold in conjunction with food at the proposed café.

Condition:

- (1) The Owner shall install a 10-foot-wide landscape buffer along the property line between the site and the Jewish Center Property.