

April 22, 2026

Dear Members of the Planning Board:

Re: Variance Petition VP-26-000020

In light of points raised in the recent meeting, let me supplement the petition with the following:

1. USE OF THE NAME CAFÉ.

One comment appeared to question the serving of beer and wine in a “café”. Let me simply call attention to the Café Marquis located in the Marco Town Center, a shopping center directly across Elkcarn Circle from St. Mark’s Episcopal Church. The café’s website advises that it is open from 8 am to 10 pm and its menu includes both beer and wine. Possibly the next closest dining establishment expressly using “café” in its name is Carole’s Place Café and French Bakery at 8793 Tamiami Trail East; while its website does not suggest any beer sales, it presents a full page wine list.

Also, while not employing the term “café” in either’s name, both Hoots on Elkcarn Circle and Red Rooster on San Marco Road include beer and wine on their menus.

2. REVIEW OF THE MARCO ISLAND LAND DEVELOPMENT CODE.

Chapter 30 of the city code presents the City of Marco Island Land Development Code (the LDC). At issue is its Sec. 30-65. – Variance procedures. The section allows for variances from the terms of the LDC (Land Development Code). It expressly provides:

Sec. 30-65. - Variance procedures.

...

(b) Types of variances authorized. A variance is authorized for any dimensional development standard, including the following: height, area, and size of structure; height of fence; size of yards and open spaces; landscaping and buffering requirements; architectural and site design standards; and minimum requirements for off-street parking facilities.

...

The section requires an initial public hearing before the Planning Board and it provides nine express standards for guiding the Planning Board in making its determination on the petition.

3. REVIEW OF CHAPTER 4 OF THE CITY'S CODE OF ORDINANCES.

Independent of the Land Development Code, Chapter 4 of the city code is entitled "Alcoholic Beverages" and its announced purpose is to provide uniform operational regulations "for all establishments in the city dealing directly or indirectly with the sale or consumption of alcoholic beverages".

Article II of Chapter 4 is entitled, "LOCATIONAL RESTRICTIONS FOR ESTABLISHMENTS INVOLVING ON-PREMISES CONSUMPTION, and it provides:

Sec. 4-32. - Enumerated.

Sale of alcoholic beverages for consumption on-premises is subject to compliance with all zoning restrictions and the following locational criteria:

- (1) No such use shall be located within 500 feet of any established elementary, middle or high school, child-care center, public library, place of worship, public park public playground excluding beach access points, or existing establishment whose primary function is the sale of alcoholic beverages for consumption on-premises ("existing establishment") unless a variance is granted pursuant to section 4-36 by the city council.**

...

Sec. 4-33. - Exemptions.

The following uses shall be exempted from the distance limitations of section 4-32, but shall comply with all other requirements of this article:

- (1) Any restaurant with a state special food service alcoholic beverage retail license that requires that at least 51 percent of its gross revenue be from the sale of food and nonalcoholic beverages.**

...

Sec. 4-36. - Variance of distance requirements.

- (a) The city council is authorized to grant a variance from the minimum distance requirement set forth in section 4-32 if the upon determining that the site proposed for the sale and consumption of alcoholic beverages is separated from an established school, child care center, public library, place of worship, public park, public playground, or existing establishment by natural or manmade boundaries, structures or other features or circumstances which offset or limit the necessity for such minimum distance requirement.**
- (b) Variances under this section are subject to the procedures and requirements for variances set forth in section 30-65 of the land development code, provided that the standard for granting a variance**

in section 4-36(a) shall apply in lieu of those in section 30-65(g)(3). The city council shall consider the following factors:

(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.

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

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

(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.

Of note, Chapter 4 places no limitation on package stores selling liquor for off-site consumption.

4. FLORIDA DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO LICENSES.

Florida has a number of available licenses permitting the retail sale of alcohol. While many address the package sale of beer, wine, and liquor, the following two are relevant for on premises consumption:

2COP This license permits the sale of beer and wine for consumption on the premises.

4COP This is a special food service establishment license permitting the sale of beer, wine, and liquor for consumption on the premises. It requires 2,000 square feet of service area with no less than 120 seats, serving food throughout the operating hours and deriving at least 51 per cent of its revenue from the sale of food and nonalcoholic beverages.

5. PROXIMITY OF EXISTING ALCOHOL SALES AND PLACES OF WORSHIP ON MARCO ISLAND.

The Jewish Congregation Center is within 500 feet of Marco Walk Plaza (home of four restaurants all selling liquor under 4COP licenses) as well LaTavola Restaurant (also selling liquor under a 4COP license). Further, it appears that within our city every place of worship in proximity to commercially zoned property has existing establishments within 500 feet that sell alcoholic beverages.

MARCO LUTHERAN CHURCH. The Wynn Dixie supermarket has an independent liquor store operation.

ST. MARK'S EPISCOPAL CHURCH. The Speakeasy of Marco Island is located directly across Collier Blvd. The Marco Town Center shopping center is located directly across Elkcam Circle, and it contains a Publix liquor store, the Marco Island Brewery, The Crazy Flamingo, Margarita's, Cocomo's, and Paddy Murphy's as well as the Marquis Café. Finally, both The Boulevard and Ciao Bella Ristorante Italiano are within 500 feet of the church property.

MARCO PRESBYTERIAN CHURCH. Jack's Lookout was operated across Bald Eagle Drive until it was destroyed by Hurricane Ian. Further, the Dolphin Tike Bar and Grill is across the street within Angler's Cove.

MARCO CHURCH OF GOD (NEW LIFE COMMUNITY CHURCH). Marco Town Center, Kretch's Restaurant and KJ Sushi and Asian Bistro are all within 500 feet.

Hopefully the foregoing will be of service to you. Thank you for your attention.

Respectfully submitted,



Fred Kramer for Donna DiPromessa, LLC