

REPORT OF THE PLANNING DEPARTMENT**APPLICATION FOR ZONING EXCEPTION 2025-0312 (E-25-15)****JUNE 3, 2025**

Location: 2777 University Boulevard West, Unit 10-12 + 16
At northwest corner of the intersection of
University Boulevard West and St. Augustine Road

Real Estate Number: 147857-0200

Zoning Exception Sought: Retail sales and service of all alcoholic beverages
including liquor, beer or wine for on-premises
consumption with restaurant and a billiards parlor.

Current Zoning District: Commercial Community/General – 1 (CCG-1)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Southeast (District 3)

City Council District: District 5

Applicant/Agent: Faheem Zia
4260 Bear Gully Road
Winter Park, FL 32216

Owner: Grocery Anchore LLC
7077 Boneval Road #400
Jacksonville, FL 32792

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Exception **2025-0312 (E-25-15)** seeks an exception to allow for operation of a billiards parlor and restaurant serving liquor, beer or wine. The subject property is located at 2777 West University Boulevard. The subject site is a total of approximately 5.59 acres, and as previously mentioned, is located on University Boulevard, which is classified as a minor arterial roadway on the City's Functional Highway Classifications Map. Furthermore, the site was developed as a commercial shopping center (Shoppes of San Jose) in 1977. The business, Diamond Billiards, will operate in units 10-12 and 16. The property is in the Commercial Community General (CGC) land use category and the urban development area and is generally typical of surrounding properties.

The Planning Commission has approved two previous exceptions for this property. Applications **E-89-210** and **E-15-85** previously allowed for the sale and service of alcoholic beverages in conjunction with a restaurant. This exception seeks to renew the liquor license due to a change in ownership; the business will operate under the name Diamond Billiards Inc., D/B/A Diamond Billiards and Sports Bar.

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the City Council shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) *Will the proposed use be consistent with the Comprehensive Plan?*

Yes. The proposed exception for alcohol sales with restaurant and billiards parlor would be consistent with the Future Land Use Maps (FLUMs) adopted as part of the 2045 Comprehensive Plan. The subject property is in the CGC functional land use category. The proposed use is consistent with the intent as a commercial restaurant and entertainment facility.

CGC in the Urban Development Area is intended to provide compact development in nodal and corridor development patterns while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is encouraged to provide support for commercial and other uses. Principal uses in the CGC land use category include commercial retail sales and service establishments, including restaurants as well as commercial recreational and entertainment facilities. The proposed exception for retail sales and service of all alcoholic beverages for on-premises consumption and for the billiard parlor use is consistent with the CGC land use category.

The request is also consistent with the following provisions of the *Future Land Use Element (FLUE)*.

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service

delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.2 Promote and sustain the viability of existing and emerging commercial and industrial areas to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

Policy 3.2.1 The City shall encourage development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Policy 3.2.2 The City shall encourage, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

(ii) ***Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values, and existing similar uses or zoning?***

Yes. The proposed use by exception will be compatible with the existing contiguous uses considering the sale of alcohol is currently operating in the general area of the subject site. There are no proposed change to the development pattern, density, design, scale, traffic flow or orientation of structures. The business will continue to operate as previous uses under new ownership.

Adjacent land uses and zoning districts are as follows:

Adjacent Property	Land Category	Use	Zoning District	Current Use
North	MDR BP		RMD-B IBP	Single Family Residences Light manufacturing
East	CGC		CCG-1	Supermarket (Publix)
South	CGC		CCG-1	Property Storage Medical offices Apartments
West	LDR RPI		RLD-60 CRO	Single Family Residences Offices

The essential characteristic of the area is commercial use with a mix of other uses. Orientation of the subject building interposes the structure itself between the unit entrance and residential uses to the north and west. Apartments to the south are non-conforming in relation to the land use and are separated from the proposed use by University Boulevard West, a four-lane collector roadway, and are also oriented at right angles so that there is not a direct line of sight to the proposed use.

The distance limitation to the nearest school is 980 feet to the southeast and there is no direct line of sight.

- (iii) ***Will the proposed use have an environmental impact inconsistent with the health, safety and welfare of the community?***

No. Provided that the applicant adheres to all applicable health, safety and environmental regulations there is no indication that the use will have an environmental impact inconsistent with the health, safety, and welfare of the community.

- (iv) ***Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety and welfare of the community?***

No. The site is already developed, and the grant of the exception request would not have any significant effect on traffic in the area. The subject property contains sufficient area to accommodate the required on-site parking and maneuvering for vehicles.

- (v) ***Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?***

No. The site and surrounding area are already near full development.

- (vi) ***Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?***

No. The site is developed, and this use will not create objectionable or excessive noise, vibrations, fumes, odors, dust, or physical activities inconsistent with the existing surrounding development. Surrounding houses are separated from any potential impacts by distance and orientation.

(vii) ***Will the proposed use overburden existing public services and facilities?***

No. The proposed exception will not require additional services nor adversely affect those public services and facilities that are currently provided to the subject property.

(viii) ***Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?***

Yes. The site is already developed with curb cuts to University Boulevard and cross access to parcels to the east that will permit entry onto the property for fire, police, rescue, and other service vehicles.

(ix) ***Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?***

Yes. The proposed exception is consistent with the definition of a zoning exception as set forth in the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **May 5, 2025**, by the Planning Department, the Notice of Public Hearing sign **was** posted.

Figure A:



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the Application for Zoning Exception **2025-0312 (E-25-15)** be **APPROVED**.

Figure B:



Arial view of subject property, facing north

Figure C:



Planning and Development Department, 5/5/2025

View of shopping center from University Boulevard West, facing northeast

Figure D:



Planning and Development Department, 5/5/2025
View of subject property/business, facing east

	<p>REQUEST SOUGHT:</p> <p>RETAIL SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES FOR ON-PRMISES CONSUMPTION. BILLIARD PARLOR</p>	<p>LOCATION MAP:</p> <p>COUNCIL DISTRICT:</p> <p>5</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2025-0312</p>	<p>TRACKING NUMBER</p> <p>E-25-15</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>