

**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT**

Case Number: A.N. 23-54

Application Type: Consumption on Premise Liquor, Beer, Wine & Sunday Sales

Business Name: Jim N Nicks BBQ #4052

Hearing Date: October 31, 2023

Report Prepared By: Julietta H. Walton, Business License & Customer Service Manager

Applicant: *Ryan M. Simms*

Property Owner: Whitehall Holdings LLC 50% Int

Address of Property: 275 Robert C. Daniel Jr. Pkwy

Tax Parcel #: 031-0-187-00-0

Commission District: District: 3 Super District: 10

Background: New Location

ANALYSIS: Location restrictions: zoning and proximity to churches, libraries, schools, and public recreation areas.

- **Zoning:** B-2 (General Business) Zone
- **Distance Requirements:** The proposed location for consumption on premise Liquor, Beer, Wine & Sunday Sales meets the minimum distance location to churches, schools, libraries, and public recreation areas.

ADDITIONAL CONSIDERATIONS:

- **Reputation, character.** The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct business.
- **Previous violations of liquor laws.** If the applicant is a previous holder of a license to sell alcoholic liquors, whether or not he has violated any laws, regulations or ordinance relating to such business.
- **Manner of conducting prior liquor business.** If the applicant is a previous holder of a license to sell alcoholic liquors, the manner in which he conducted the business thereunder especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.

- **Location.** The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent surrounding property values.
 - **The proposed is a New Location.**
- **Number of licenses in a trading area.** The number of licenses already granted for similar business in the trading area of the place for which the license is sought.
- **Dancing.** If dancing is to be permitted upon the premise for which the license is sought and the applicant has previously permitted dancing upon the premises controlled or supervised by him, the manner in which he controlled or supervised such dancing to prevent any violation of any law, regulation, or ordinance.
- **Previous revocation of license.** If the applicant is a person, whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages licenses suspended or revoked. Payment of taxes. If the applicant and business are not delinquent in the payment of any local taxes.
- **Congregation of minors.** Any circumstances, which may cause minors to congregate in the vicinity of the proposed location, even if the location meets the distance requirement under section 6-2-64 (b) herein.
- **Prior incidents.** Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of application.
- **Previous Denial or Revocation.** The denial of an application or revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

FINANCIAL IMPACT: The applicant will pay a pro-rated fee of \$3,492.50.

RECOMMENDATION:

The Planning & Development approved the application subject to additional information not contradicting the applicant's statements.

The Sheriff's Office approved the application subject to additional information not contradicting applicant's statements.

Note: The staff report includes the information available approximately two weeks prior to the Public Services Committee meeting. It represents an evaluation of the facts presented by the applicant, research done by the staff, and consideration of the relevant factors in the Comprehensive Zoning Ordinance and the Alcohol Ordinance of Augusta, Georgia. New facts may emerge, and staff reserves the right to make an oral recommendation at the hearing based on all the information available at that time.



Augusta-Richmond County
1815 Marvin Griffin Road
Augusta, GA 30906

ALCOHOL BEVERAGE APPLICATION

Alcohol Number _____ Applied For _____ Year 2023 Alcohol Account Number _____ Applied For _____

1. Name of Business Jim N Nick's Management, LLC d/b/a Jim N Nick's BBQ #4052
2. Business Address 275 Robert C. Daniel Jr. Parkway
3. City Augusta State GA Zip 30909
4. Business Phone (803) 906-9906 Home Phone (_____) _____
5. Applicant Name and Address: Jim N Nick's Management, LLC / Mr. Ryan M. Simms
6365 Spinnaker Lane
Alpharetta, GA 30005
6. Applicant Social Security # _____ D.O.B. _____
7. If Application is a transfer, list previous Applicant:
N/A
8. Business Location: Map & Parcel 0310187000 Zoning X
9. Location Manager(s) Andrew B. Beall
10. Is Applicant an American Citizen or Alien lawfully admitted for permanent residency?
(X) Yes () No

OWNERSHIP INFORMATION

11. Corporation (if applicable): Date Chartered: 04/12/2018
12. Mailing Address:
Name of Business Jim N Nicks Management, LLC
Attention Lindsey Pourciau
Address 10 Inverness Center Parkway, Suite 250
City/State/Zip Birmingham, AL 35242
13. Ownership Type: () Corporation () Partnership () Individual **(LLC)**
14. Corporate Name: Jim N Nicks Management, LLC
List name and other required information for each person having interest in this business.

Name	Position	SSNO #	Address	Interest
Brian Lyman	President		<u>211 E. Edwards Dr</u> <u>311060000 AL 35209</u>	0%
Ryan Simms	VP & Treasurer		<u>6365 Spinnaker Lane</u> <u>Alpharetta, GA 30005</u>	0%
JNN Holdings, LLC	Sole Member		<u>10 Inverness Center Parkway,</u> <u>Suite 250, Birmingham, AL 35242</u>	100%

15. What type of business will you operate in this location?
(X) Restaurant () Lounge () Convenience Store
() Package Store () Other: _____

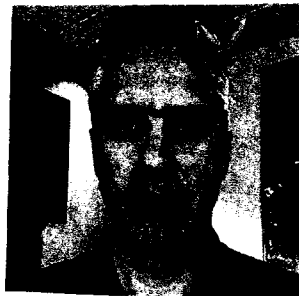
License Information	Liquor	Beer	Wine	Dance	Sunday Sales
Retail Package Dealer	N/A	N/A	N/A	N/A	N/A
Consumption on Premises	X	X	X	N/A	X
Wholesale	N/A	N/A	N/A	N/A	N/A

Total License Fee: \$ _____
Prorated License Fee: (After July 1 ONLY) \$ _____

16. Have you ever applied for an Alcohol Beverage License before: Yes
If so, give year of application and its disposition: Please see attached Exhibit "A" for a list of
alcohol licenses held by Jim N Nicks Management.
17. Are you familiar with Georgia and Augusta-Richmond County laws regarding the sale of
alcoholic beverages? (X) Yes () No If so, please initial. MM



18. Attach a passport-size photograph (front view) taken within two years. Write name on back of the dealer submitting the license application.



19. Has any liquor business in which you hold, or have held, any financial interest, or are employed, or have been employed, ever been cited for any violation of the rules and regulations of Richmond County or the State Revenue Commission relating to the sale and distribution of distilled spirits? (x) Yes () No
If yes, give full details: Please see attached Exhibit "B" for a list of violations by Jim N Nicks Management, LLC
Mr. Simms was not involved in these violations.

20. Have you ever been arrested, or held by Federal, State, or other law-enforcement authorities, for any violation of any Federal, State, County or Municipal law, regulation or ordinance? (Do not include traffic violations, with the exception of any offenses pertaining to alcohol or drugs.) All other charges must be included, even if they are dismissed. () Yes (x) No
If yes, give reason charged or held, date and place where charged and its disposition.
N/A

21. List owner or owners of building and property.
Whitehall Holdings, LLC and TBone Four, LLC

22. List the name and other required information for each person, firm or corporation having any interest in the business.
Please see attached Exhibit "C"

23. If a new application, attach a surveyor's plat and state the straight line distance from the property line of school, church, library, or public recreation area to the wall of the building where alcohol beverages are sold.

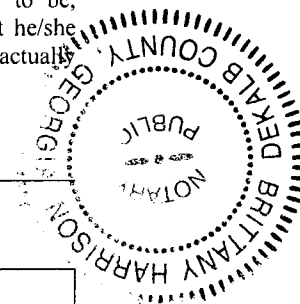
A.) Church 415 yards C.) School 3,150 yards
B.) Library 3,380 yards D.) Public Recreation 2,816 yards

24. State of Georgia, Augusta-Richmond County, I, Ryan M. Simms
Do solemnly swear, subject to the penalties of false swearing, that the statements and answers made by me as the applicant in the foregoing alcoholic beverage application are true.

[Signature]
Applicant Signature

25. I hereby certify that Ryan M. Simms is personally known to be, that he/she signed his/her name to the foregoing application stating to me that he/she knew and understood all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true.
This 19 day of September, in the year 2023.

[Signature]
Notary Public



FOR OFFICE USE ONLY

Department Recommendation	Approve	Deny	Comments
Alcohol Inspector			
Sheriff			
Fire Inspector			

The Board of Commissioners on the _____ day of _____, in the year _____
(Approved, Disapproved) the foregoing application.

Administrator

Date