



July 6, 2011

Board of Zoning Adjustments
and City Planning Commission
1340 Poydras Street, Suite 900
New Orleans, Louisiana 70112

Via Email to Misty Owns and Leslie Alley

Dear City Staff and Board Members:

Re: ZD 142-11, 3940 Tulane Avenue; appeal of the decision of the Director of Safety and Permits regarding the position that the Greater Tulane Avenue Interim Zoning District prohibits the Department of Finance from accepting new applications for alcohol permits.

The Mid-City Neighborhood Organization has received notice of the referenced Zoning Docket, reviewed the request carefully, and voted on it as a board. For the reasons listed below, we **OPPOSE** this request. We ask the CPC Staff to recommend against it and that the BZA deny the appeal and uphold the decision of the Director of Safety and Permits.

The language for the Zoning District, which has already been recommended and approved by the City Planning Commission, specifically expands the area of applicability for the Inner City Urban Corridor (ICUC) overlay to include the parcel and property addressed in this appeal. Section 10.3A.4. of the ICUC ordinance, *Uses Authorized in the District*, states that Cocktail Lounges (aka a Nightclub, the use proposed by this property owner) shall become conditional uses and thereby require application to the City Planning Commission.

Furthermore, motion M11-158, which initiated the establishment of the Greater Tulane Avenue Interim Zoning District and was presented and passed by City Council in April, states:

In accordance with Article 16, Section 4.4(3) of the Comprehensive Zoning Ordinance, all appropriate agencies of City Government shall not accept any applications for permits or licenses that are in conflict with the intent and provisions of the proposed *Greater Tulane Avenue Interim Zoning District* for properties contained within the aforesaid area during the consideration of this matter, including Section 10.3A.4.2.

This is standard language in City Council motions establishing special Zoning Districts (both interim and overlay), and has considerable historic precedent throughout the city including overlay districts in Mid-City.

Given that the proposed use of the property is a nightclub (which qualifies as a cocktail lounge), the owner has not gained approval for that conditional use, and the purpose of alcohol sales is to facilitate attainment of this goal, any application with the Department of Finance for an alcohol permit would be in conflict with the intent and provisions of the proposed district and therefore prohibited.

Consequently, we ask the Board of Zoning Adjustments to deny this appeal and direct the property owner to follow the legal process by which he might be able to apply for an alcohol permit, should he be approved for the appropriate conditional use.

For the record, should the property owner decide to apply for a conditional use to run a nightclub/cocktail lounge at this location, MCNO will oppose the request.



The owner of this property owns numerous blighted commercial parcels in Mid-City, several of which are in the immediate vicinity of the subject property. Furthermore, nightclubs he has operated in this area have been the locations of numerous violent criminal incidents that were very detrimental to the neighborhood.

This property owner has repeatedly proven himself to be irresponsible and a terrible neighbor. MCNO will use all available means to advocate against the issuance of any alcohol beverage permits for this location and property owner, now and in the future, even if he gains this conditional use against our wishes.

MCNO fully supports the *Greater Tulane Avenue Interim Zoning District*. Its intent is to revitalize Tulane Avenue in a positive fashion and protect the neighborhood against just such predatory property owners as this.

Please contact me at (504) 232-7178 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Farwell". The signature is written in a cursive style with a large, looped "J" and "F".

Jennifer Farwell
Mid-City Neighborhood Organization
President; Director of Neighborhood Revitalization