

City Planning Commission Meeting
Tuesday, June 23, 2015

CPC Deadline: 08/07/15
CC Deadline: 09/08/15
Council District: B - Cantrell

PRELIMINARY STAFF REPORT

To: City Planning Commission
Zoning Docket: 050/15

Prepared by: Sabine Lebailleur
Date: June 9, 2015

I. GENERAL INFORMATION:

Applicant: ABC NOLA, LLC

Request: This is a request for an Amendment to Ordinance No. 21,484 M.C.S. (Zoning Docket 003/04, which granted a Conditional Use to permit the expansion of an existing fast food restaurant) to permit the sale of alcoholic beverages for on-premises consumption at a fast food restaurant in a B-1A Neighborhood Business District.

Location: The petitioned property is located on Square 227, Lots A, B and C, in the Sixth Municipal District, bounded by Magazine, Marengo, Camp and Constantinople Streets. The municipal address is 4041 Magazine Street. (PD 2)

Description: The site is a square parcel fronting on Magazine Street at the corner of Marengo Street and Magazine Streets. It measures ninety (90) feet in width and depth, eight thousand one hundred square feet (8,100 sq. ft.) in area, and is made up of three (3) lots, Lots A, B and C, all fronting on Magazine Street and measuring thirty feet (30') in width. The parcel is developed with a late 20th Century stucco commercial structure that is built approximately eight feet (8') from the front property line on Magazine Street and the side property line on Marengo Street. It is built almost entirely on Lot A, leaving approximately a 55 feet (55') setback from the Constantinople Street side property line, and a twenty two foot (22') rear setback. Lots B and C are used for parking, providing eight (8) off-street parking spaces. The one story structure has a total floor area of approximately 1,500 square feet. It is occupied by an operating restaurant, Izzo's Illegal Burrito. The applicant has requested the conditional use to allow alcoholic beverages to be served for on-premises consumption with meals at this restaurant.

Why is City Planning Commission action required?

The sale of alcoholic beverages at a restaurant is a conditional uses in the B-1A Neighborhood Business District, according to Article 5, Section 5.5.5. *Conditional Uses* of the Comprehensive Zoning Ordinance.

The City Planning Commission is required to make a recommendation on all conditional use applications prior to City Council action, in accordance with **Article 16, Section 16.6.4. Procedures for Conditional Use Permits** of the Comprehensive Zoning Ordinance.

II. ANALYSIS

A. What is the zoning of the surrounding areas? What is the existing land use and how are the surrounding areas used?

The subject property is located within a linear B-1A Neighborhood Business District generally covering all properties along Magazine Street between Washington and Napoleon Avenues. This district is primarily occupied by single and two story, wood-frame and masonry commercial and mixed-use structures built to the Magazine Street property line. While many of the commercial structures within this district were originally built in the 19th and early 20th Centuries, and feature the physical characteristics of historic retail buildings, such as storefronts at the ground floor with display windows, storefront cornice, canopies, and residences above, the subject commercial structure is a late 20th century stucco building. It was previously occupied by a Popeyes fast food restaurant. Contrary to most of the surrounding structures which predate the automobile, the petitioned site provides off-street parking spaces. Eight (8) parking spaces are located on the right side of the structure and are accessible from two parking entrances, one on Magazine Street, and one on Marengo Street, behind the structure. The district has a large variety of uses, including apparel retail outlets, novelty stores, antique shops, general and professional offices, personal services, coffee shops, restaurants, banks, multiple-family housing, cocktail lounges, convenience and grocery stores. The uses nearest the subject site include a uniforms and embroidery shop to the east side, and a double camelback shotgun residence to the north. Directly opposite Magazine Street from the site are the offices of an auction company, and on the other side of Marengo Street is a consulting business office.

To the lake-side of Magazine Street is a large RD-2 District generally bounded by Napoleon Avenue, to the upriver side, Jackson Avenue, to the downriver side, Prytania Street, to the lake side, and Magazine Street, to the river side. This district is divided into lots of varying size that are developed with a mix of single- and two-family residences dating from the late 19th Century. Some of these residences, particularly those on larger lots, provide off-street parking, while others do not. Abutting the river-side of Magazine Street is a vast RM-2 Multi-Family Residential District that covers the area bounded by Jefferson Avenue, to the upriver side, Louisiana Avenue, to the downriver side, Magazine Street, to the lake side, and Tchoupitoulas Street, to the river side. Squares within this district are divided into rectangular lots most commonly measuring thirty (30) feet in width and one hundred twenty (120) feet in depth. These lots are developed primarily with single- and two-family residential structures dating from the late 19th Century, as well as some examples of multiple-family residential structures and occasional instances of non-conforming

commercial uses. These structures are typically located beyond shallow front and side yards that do not allow off-street parking to be provided.

B. What is the zoning and land use history of the site?

Zoning and Land Use History

Zoning: 1929 – "F" Commercial District
1953 – "F" Heavy Commercial District
1970 – B-2 Neighborhood Business District
1986 – B-1A Neighborhood Business District¹

Land Use: 1929 – Commercial
1949 – Commercial
1999 – Commercial²

C. Have there been any recent zoning changes or conditional uses in the area? If so, do these changes indicate any particular pattern or trend?

In the past five (5) years, there have been the following zoning actions within a 1,800 foot radius (approximately five (5) blocks) of the site:

Zoning Docket 005/14 was a request for a conditional use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-2 Neighborhood Business District. The municipal address is 4518 Magazine Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within four and a half (4.5) blocks of the subject site*

Zoning Docket 017/14 was a request for a conditional use to permit a parking lot providing off-street parking for a main use located within 300 feet of said lot in an RD-2 Two-Family District. The municipal address is 3601 Camp Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within six (6) blocks of the subject site*

Zoning Docket 078/14 was a request for a conditional use to permit a school in an RM-2 Multiple-Family District. The municipal address is 812 General Pershing Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within two (2) blocks of the subject site*

¹ Ordinance No. 11,560 M.C.S. (Zoning Docket 98/85) resulted in the rezoning of the B-2 Neighborhood District that covered the site, as well as other zoning districts, to B-1A Neighborhood Business District.

² The 1999 Land Use Plan presented a generalized description of existing land use; it was not lot-specific.

Zoning Docket 004/13 was a request for a conditional use to permit a parking lot providing off-street parking for a main use within 300 feet of said lot in an RM-2 Multiple-Family Residential District. The municipal address is 820 General Pershing Street. The City Planning Commission recommended denial of the request. The request was withdrawn prior to City Council action. *This site is located within two (2) blocks of the subject site*

Zoning Docket 107/13 was a request for a conditional use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1A Neighborhood Business District. The municipal address is 4128-4130 Magazine Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within one (1) block of the subject site*

Zoning Docket 056/13 was a request for a zoning change from an RD-2 Two-Family Residential District to an RM-2A Multi-Family Residential District. The municipal address is 3601 Camp Street. The City Planning Commission recommended modified approval of the request which was subsequently approved by City Council. *This site is located within seven (7) blocks of the subject site*

Zoning Docket 094/12 was a request for a conditional use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1A Neighborhood Business District. The municipal address is 4213 Magazine Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within one and a half (1.5) block of the subject site*

Zoning Docket 045/12 was a request for a Residential Planned Community (RPC) District overlay to permit a multi-family development in an existing structure in an RD-2 Two-Family Residential District. The municipal address is 912 Napoleon Avenue. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within four (4) blocks of the subject site*

Zoning Docket 036/12 was a request for a conditional use to permit the sale of alcoholic beverages for consumption on-premises at a standard restaurant in a B-1A Neighborhood Business District. The municipal address is 4206 Magazine Street. The City Planning Commission recommended approval of the request which was subsequently approved by City Council. *This site is located within one (1) block of the subject site*

Zoning Docket 027/11 was a request for a conditional use to permit a commercial child care center in an RM-2 Multiple-Family Residential District. The municipal address is 812 General Pershing Street. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. *This site is located on a square that is adjacent to the subject square.*

These recent zoning actions include some examples of requests for conditional uses to allow the sale of alcoholic beverages at standard restaurants within five blocks of the subject site. The City Planning Commission has consistently supported these requests.

The property that is the subject of the current application was also subject of the application below. This is the conditional use that is to be amended by the current application.

Zoning Docket 003/04 was a request for a conditional use to permit the expansion of an existing fast food restaurant. The City Planning Commission recommended approval of the request, which was subsequently approved by the City Council. The conditional use was granted under Ordinance No. 21,484 M.C.S. The request was approved subject to the following seven (7) provisos:

Provisos

1. Parking shall not be permitted in the front yard or sidewalk areas.
2. Adequate landscaping comprising shade trees, flowering plants and shrubs shall be provided on both frontages and at the entrance to the parking lot, subject to the approval of the City Planning Commission.
3. The restaurant shall participate in a litter abatement program with the name of the manager on file in case of violations. The program should include daily removal of litter and periodic hosing of the sidewalks in the public right-of-way.
4. Lighting shall be used to light sidewalks and to enhance the architectural qualities of the building and shall be directed away from adjacent residential uses. Flood lighting shall not be permitted.
5. Signage shall be in compliance with **Article 5, Section 5.5.6 Permitted Signs** of the B-1A District regulations. Backlit signs shall not be permitted.
6. Mechanical equipment shall not be located in the side yards.
7. Outdoor speakers shall not be used after 8:00 p.m. and shall be utilized only in compliance with the City's Noise Ordinance.

D. What are the comments from the design review staff?

Site Layout

The petitioned property is located on Magazine Street, three blocks downriver from Napoleon Avenue. It measures approximately ninety feet (90') in width along Magazine Street and one ninety feet (90') feet in depth with a total area of 8,100 square feet. The site is developed with a late 20th Century one-story 21.2' feet high stucco commercial building. The applicant is currently operating a fast food restaurant and is requesting a conditional use to permit the sale of alcoholic beverages in conjunction with meal service at the subject site. The entire structure contains approximately one thousand five hundred square feet (1,500 sq. ft.) of floor area, which is entirely occupied by the restaurant. The structure is located about eight feet (8') from the Magazine Street and Marengo Street side property lines. The rear and side setbacks, approximately twenty two feet (22') and fifty five feet (55') respectively, offer off-street parking and loading on the site.

Building Layout

The submitted floor plan indicates that the structure provides a dining area, a counter for point of sale, food preparation, and beverage machine, a prep/kitchen and walking cooler area, two sets of restrooms (both of which are handicapped accessible), and a storage room accessible from outside. There is one dining area inside the building, and some tables are provided outside on the patio along Magazine and Marengo Streets. The submitted floor plan also indicates that the restaurant provides seating for thirty two (32) patrons at nine (9) tables inside and twenty eight (28) patrons at eight (8) tables on the patio. The site plan indicates that the dumpster area is enclosed on the rear side of the building, on the parking lot side. The parking area provides seven regular parking spaces and one handicap parking space.

The building was recently modified between the closure of Popeyes restaurant and the opening of Izzo's restaurant. The outside patio has been entirely enclosed with a metal balustrade, and a canopy has been added on the front and west side of the structure to cover the patio along Magazine and Marengo Streets. The staff believes the addition of the canopy has enhanced the aspect of the structure by breaking an otherwise very plain façade deprived of any architectural details. New window openings have been added on the west side of the structure, which has also enhanced the aspect of the façade. The following figures show the appearance of the structure before and after the opening of Izzo's restaurant.



Figure 1: Front facade before the opening of Izzo's restaurant

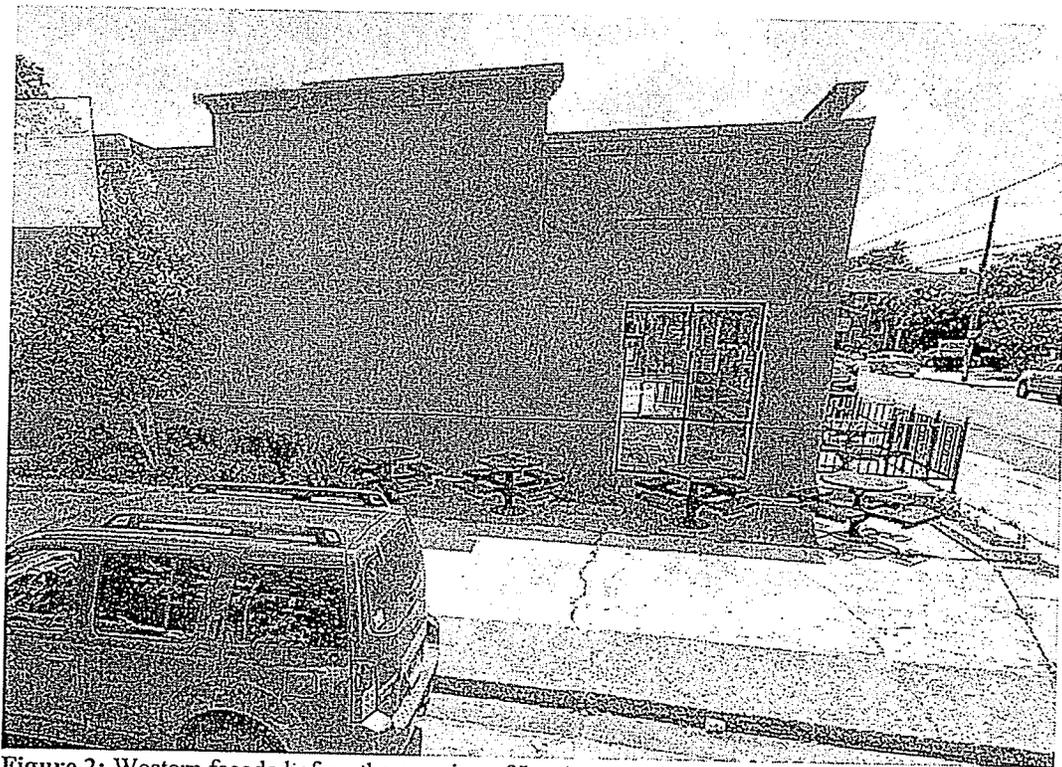


Figure 2: Western facade before the opening of Izzo's restaurant



Figure 3: Current front facade



Figure 4: Current western facade

There will not be any interior or exterior modifications to the existing building. From a design perspective, the service of alcohol will not make any changes and would not be inappropriate for the area or offensive to surrounding properties.

Landscaping

The submitted site plan indicates that there are one small palm tree in the front of the structure along Magazine Street, and two small trees on the west side of the structure along Marengo Street. None of these trees are located within the public right-of-way. The location of these trees was confirmed upon staff's site visit.

Operational characteristics

Currently, the restaurant is open from 10:30 a.m. to 10 p.m. Tuesday through Saturday and from 10:30 a.m. to 9 p.m. on Sunday. Given that the sale of alcohol beverages is customary with food service and typical of a restaurant, the approval of the requested conditional use would not change the nature of the operation. Staff believes that the existing hours are reasonable and recommends the following provisos to ensure the restaurant does not morph into a nuisance:

- The applicant shall not operate the business between the hours of 12:00 a.m. and 6:00 a.m.
- Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.

Signage

The submitted plans indicate signage on two facades of the building, the one fronting Magazine Street and the one fronting Marengo Street. Both signs have an overall height of four feet (4'), width of six feet (6'), and area of 24 square feet. The structure is located at a corner lot and as such has two street frontages. Per **Article 5, Section 5.5.6 Permitted Signs**, one (1) flat sign limited to 0.75 square feet per lineal foot of street frontage shall be permitted in the B-1A Neighborhood Business District, in which the petitioned property is located. The street frontage of the subject building is approximately eighty six feet (86') with approximately sixty feet (60') on Marengo Street and twenty six feet (26') on Magazine Street, allowing a sign area up to 64.5 square feet. The proposed total signage area measures 48 square feet, which complies with the signage requirements of the B-1A Neighborhood Business District. Upon the staff's site visit it was noted that there is also an existing pole sign located along Magazine Street in front of the parking lot. This pole sign was installed prior to the tenant occupying the building. It was approved by Ordinance No. 21,484 M.C.S.

(Zoning Docket 003/04, which granted a Conditional Use to permit the expansion of Popeyes fast food restaurant).

To ensure that the business does not begin to advertise the sale of alcoholic beverages should the conditional use be approved, the staff recommends the following proviso relative to signage:

- Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages or the presence of video poker machines shall be prohibited.

To ensure appropriate management of all litter generated by the restaurant, staff recommends the following proviso:

- The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall litter be stored so that it is visible from the public right-of-way.

Lastly, to ensure the alcoholic beverage license is not issued by the Department of Safety and Permits prior to finalizing the conditional use, the staff recommends the following proviso:

- The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.

E. What is the potential traffic impact? What are the off-street parking and off-street loading requirements? Can the required number of off-street parking spaces be provided on site, or would a waiver be required?

Traffic

Magazine Street is designated as a major street and provides one travel lane in each direction, as well as a parking lane on each side. Two of the three streets bounding the subject square, Marengo and Camp Streets are two lane streets that carry traffic traveling in two directions,

and have parking on each side. The third street bounding the subject square, Constantinople Street, is a one lane street that carries traffic traveling in one direction and has a parking lane on each side. Most other non-arterial streets in the vicinity of the site are similar in width to those streets and carry traffic traveling in one or both directions.

Magazine Street serves as a major traffic connector from the Central Business District and Lower Garden District to the Uptown and Audubon neighborhoods. As a result, traffic along Magazine Street is moderate to heavy during morning and evening commuting times. Additionally, Magazine Street is flanked by a large number of small commercial uses, including retail, service, and restaurant uses, that attract patrons during both daytime and nighttime hours. The majority of the streets intersecting Magazine Street are residential in nature and can become somewhat congested with the parked cars of both neighborhood residents and the patrons of nearby businesses. Because alcoholic beverages are generally consumed only with meals in restaurants, the staff does not believe that allowing the sale of alcoholic beverages at the restaurant would have any significant impact on the levels of traffic or demand for parking it produces compared to that which it would otherwise generate. As such, the granting of the conditional use is not anticipated to affect the levels of traffic or demand for on-street parking in the vicinity of the site.

Parking

Even though the B-1A Neighborhood Business District in which the petitioned property is located does not require the provision of off-street parking for commercial uses with less than 5,000 square feet of floor area, such as the subject restaurant³, eight parking spaces are actually provided on the side of the structure, including one (1) handicap parking space. All are reserved to Izzo's customers and are limited to one (1) hour. Additionally, a bike rack is located on the side of the structure along Marengo Street. The sale of alcoholic beverages should not significantly increase the number of customers so the staff does not anticipate the parking demand to rise if this restaurant was to serve alcoholic beverages.

Off-Street Loading

No off-street loading spaces are required for the use, as it occupies less than 5,000 square feet of floor area⁴, but the site provides off-street loading space in the back and right side of the structure.

³ No off-street parking is required for the restaurant, in accordance with Article 5, Section 5.5.8(1)(a) of the Comprehensive Zoning Ordinance.

⁴ Article 5, Section 5.5.8(2)(a) of the Comprehensive Zoning Ordinance

F. Are there any comments from other agencies, departments, or committees?

Planning Advisory Committee

The request was considered by the Planning Advisory Committee at its meeting of June 3, 2015. The Committee noted that an awning was installed above the exterior patio prior to this request. This awning measures 11 feet deep from the outside wall of the structure, covering the patio but extending approximately 2 feet over the public sidewalk, necessitating the lease of that City property. The staff recommends the following proviso:

- The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

There were no other comments. The Committee passed a motion of no objection to the request subject to further review by the City Planning Commission.

G. What effects or impacts would the proposed conditional use have on adjacent properties?

The applicant proposes to sell alcoholic beverages for on-premises consumption at an Izzo's Illegal Burrito restaurant. Izzo's Illegal Burrito restaurants are found in fifteen other locations in Louisiana, thirteen of which have an alcohol license that allows the sale of bottled beer and liquor. However all Izzo's restaurants sell only bottled beer and margaritas. There are currently three other locations in the Greater New Orleans area, in Metairie, Harvey and New Orleans, that all sell bottled beer and margaritas. The applicant intends to follow the same concept for the subject restaurant on Magazine Street. The applicant has indicated that similar Izzo's locations have alcohol sales that are less than 5% of total sales, and that Izzo's restaurants do not feature a full bar, only bottled beer and margaritas, which are served in clear plastic cups. The restaurant's management does not promote the consumption of alcoholic beverage outside the premises and intends to install signs forbidding patrons to carry alcoholic beverages beyond the premises.

It is the position of the City Planning Commission staff in most instances that the sale of alcoholic beverages with meals in restaurants has few, if any, negative impacts on nearby properties. At most restaurants, alcoholic beverages are served only with meals and the consumption of those beverages is no different in impact than the consumption of non-alcoholic beverages. It is the staff's belief that the sale of alcoholic beverages at restaurants is only problematic if not responsibly managed or when a business identifies itself as a restaurant for licensing purposes but actually assumes the operational characteristics of a cocktail lounge, which can include the sale of alcoholic beverages without meals, late operating hours, and exterior signage advertising alcohol sales. This potential for the restaurant at the subject site to operate as a de facto cocktail lounge can be addressed through

the imposition and enforcement of provisos governing the operational characteristics of the business. These provisos should mitigate the impact of alcoholic beverage sales at the restaurant, ensuring that the levels of noise, litter, and other activity the restaurant produces when selling alcoholic beverages with meals are no greater than they are currently without the sale of alcoholic beverages. Due to the restaurant's proximity to a residential neighborhood, this responsible management is particularly important to the staff.

III. Are the proposed actions supported by or in conflict with the policies and strategies of the *Plan for the 21st Century: New Orleans 2030*?

The proposed conditional use is **neither supported by nor in conflict with** the *Plan for the 21st Century*, commonly known as the Master Plan. "Chapter 14: Land Use Plan" of the Master Plan designates the future land use of the petitioned site as **Mixed-Use Low Density**. The goal, range of uses and development character for these designations are copied below:

MIXED-USE LOW DENSITY

Goal: Increase neighborhood convenience and walkability within and along edges of neighborhoods with low density residential and neighborhood-serving retail/commercial establishments.

Range of Uses: Low-density single-family, two-family and multifamily residential and neighborhood business; typically businesses in residential scale buildings interspersed with residences. Uses can be combined horizontally or vertically (ground floor retail required in certain areas). Limited light-industrial uses (craft and value added industry and passive warehousing and storage) may be allowed in some areas.

Development Character: Height/mass, and density of new development varied depending on surrounding neighborhood character.

The requested conditional use would permit the fast food restaurant to serve alcoholic beverages with meals in a B-1A Neighborhood Business District. The Master Plan does not address the issue of alcoholic beverage service for a fast food restaurant in the Mixed-Use Low Density category. As long as the proposal is not inconsistent with the Master Plan, the decision whether to grant a conditional use may be made on a case-by-case basis.

IV. SUMMARY

Zoning Docket 050/15 is a request for a conditional use to permit the sale of alcoholic beverages for on-premises consumption with meals at a fast food restaurant in a B-1A Neighborhood Business District. The subject site is a 8,100 square foot parcel at the corner of Magazine Street and Marengo Streets that is developed with a one-story late 20th Century structure containing one ground-floor commercial space. The 1,500 square foot commercial

unit is occupied by an operating fast food restaurant that requests a conditional use to allow the sale of alcoholic beverages for on-premises consumption with meals. The staff generally believes that the sale of alcoholic beverages is acceptable in restaurants and that it does not cause restaurants to produce greater levels of noise, activity, traffic, or demand for parking than they would otherwise. In the staff's view, the sale of alcoholic beverages at a restaurant is only problematic when a restaurant is not managed well or when it actually assumes the operational characteristics of a cocktail lounge rather than a restaurant. To ensure that this does not occur at the subject site, the staff recommends the imposition of several standard provisos limiting the restaurants hours of operation, allowing alcohol to be served only with meals, and other provisos that should mitigate any adverse impacts on nearby properties.

V. PRELIMINARY STAFF RECOMMENDATION⁵

The staff recommends **APPROVAL** of Zoning Docket 050/15, a request for a an amendment to Ordinance No. 21,484 M.C.S. (Zoning Docket 003/04, which granted a Conditional Use to permit the expansion of an existing fast food restaurant) to permit the sale of alcoholic beverages for consumption on-premises at a fast food restaurant in a B-1A Neighborhood Business District, subject to eight (8) provisos. New language is shown in **bold, underlined** text.

Provisos

1. Parking shall not be permitted in the front yard or sidewalk areas.
2. Adequate landscaping comprising shade trees, flowering plants and shrubs shall be provided on both frontages and at the entrance to the parking lot, subject to the approval of the City Planning Commission.
- ~~3. The restaurant shall participate in a litter abatement program with the name of the manager on file in case of violations. The program should include daily removal of litter and periodic hosing of the sidewalks in the public right of way.~~
- 4.3. Lighting shall be used to light sidewalks and to enhance the architectural qualities of the building and shall be directed away from adjacent residential uses. Flood lighting shall not be permitted.
- 5.4. Signage shall be in compliance with **Article 5, Section 5.5.6 Permitted Signs** of the B-1A District regulations. Backlit signs shall not be permitted.

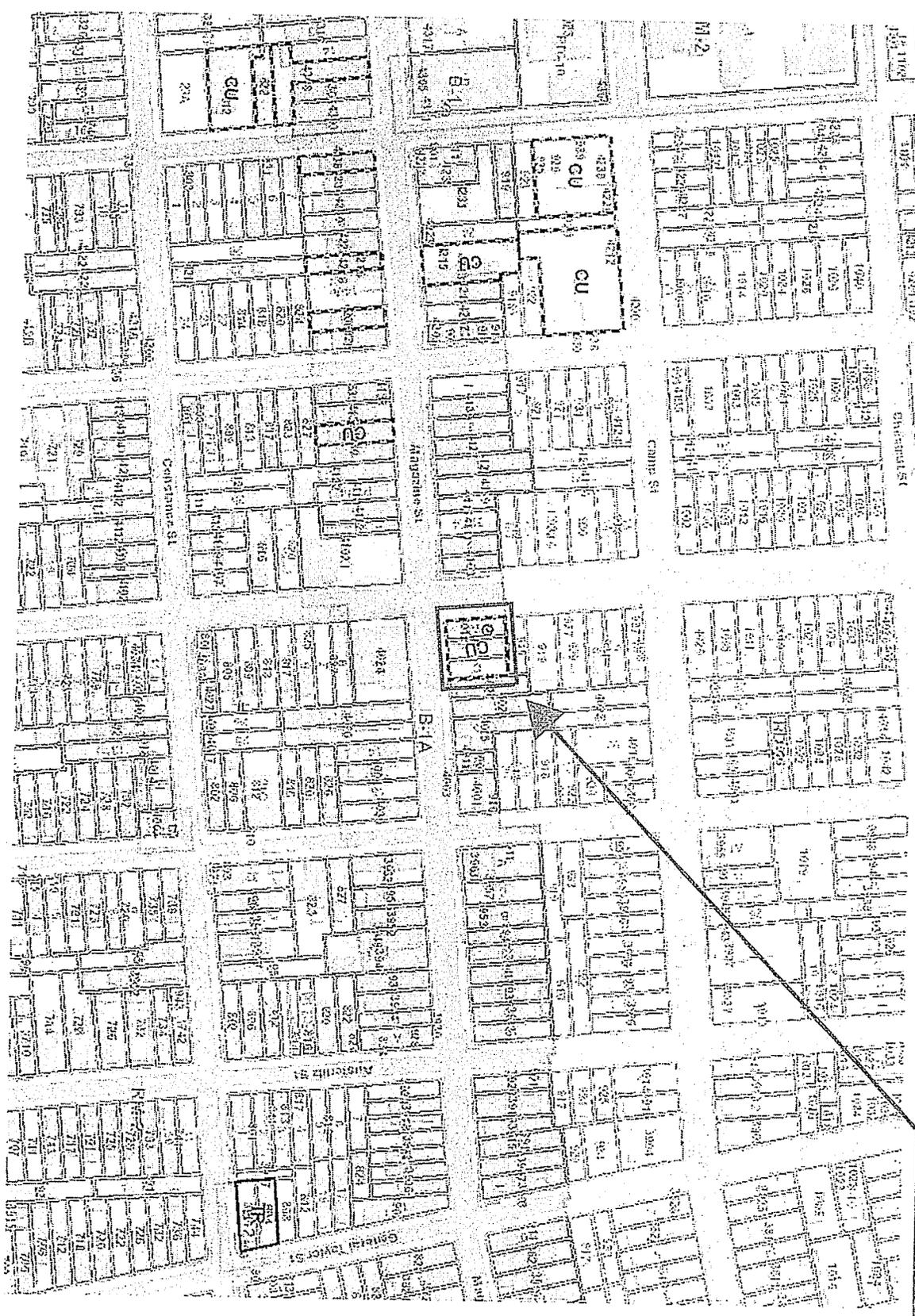
⁵ Subject to modification by the City Planning Commission

- ~~6.5.~~ Mechanical equipment shall not be located in the side yards.
- ~~7.6.~~ Outdoor speakers shall not be used after 8:00 p.m. and shall be utilized only in compliance with the City's Noise Ordinance.
7. The sale of alcoholic beverages for on-premises consumption at a fast food restaurant shall be authorized subject to the following requirements:
- a. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
 - b. The applicant shall not operate the business between the hours of 12:00 a.m. and 6:00 a.m.
 - c. Alcoholic beverage service for consumption on premises shall be served only in combination with food service. Food service shall comprise at least fifty percent (50%) of the revenue for the restaurant and a full food menu shall be available at all times that the restaurant is open.
 - d. The applicant shall submit a litter abatement program letter to the Department of Sanitation for review and approval. The letter shall include the stated location of litter storage, the type and quantity of trash receptacles, the frequency of litter pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall litter be stored so that it is visible from the public right-of-way.
 - e. Exterior signage or signage affixed to or mounted directly in a window that can be seen from the public right-of-way indicating the sale of alcoholic beverages or the presence of video poker machines shall be prohibited.

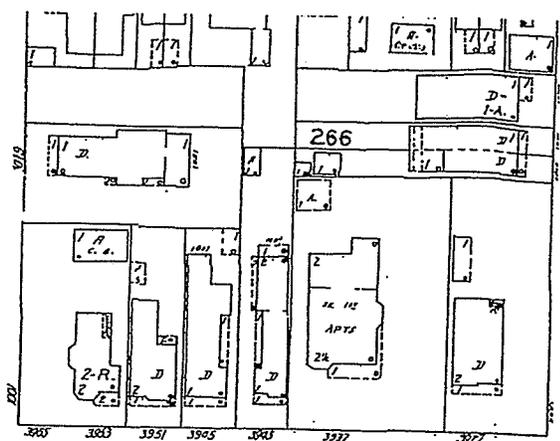
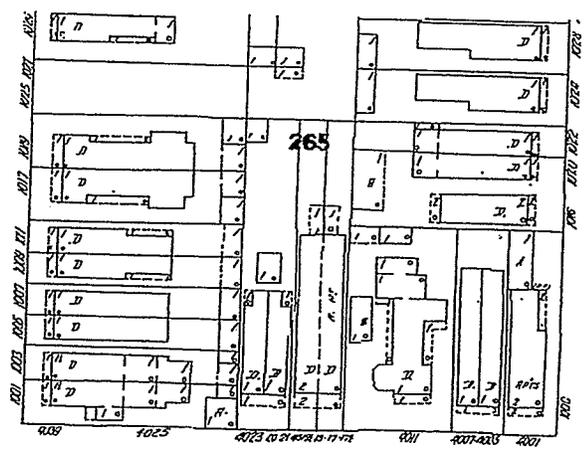
- f. The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

VI. REASONS FOR RECOMMENDATION

1. If responsibly managed subject to the recommended provisos, the sale of alcoholic beverages with meals would have few, if any, negative impacts on the surrounding properties. Any adverse impacts that may occur at the subject site should be mitigated by the recommended operational provisos.
2. The request is consistent with the *Plan for the 21st Century*.

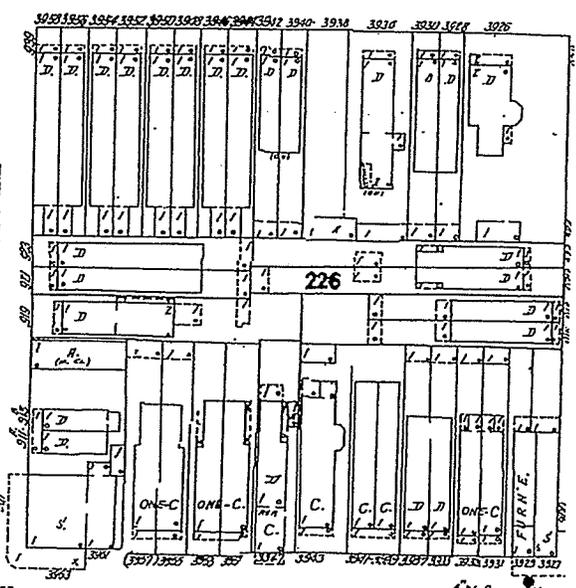
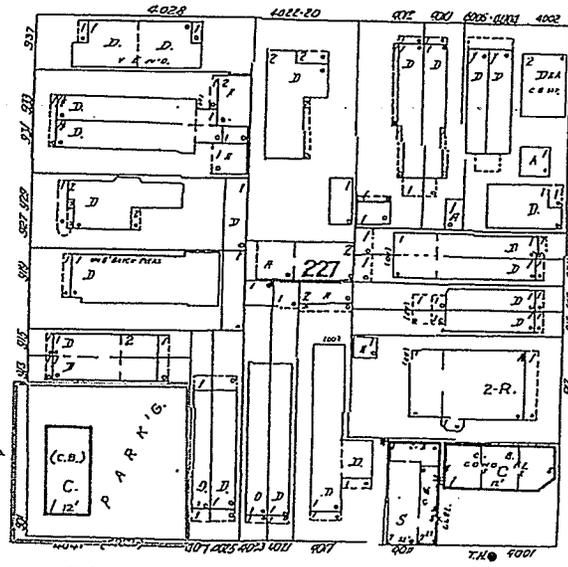


Zoning Docket
050/15

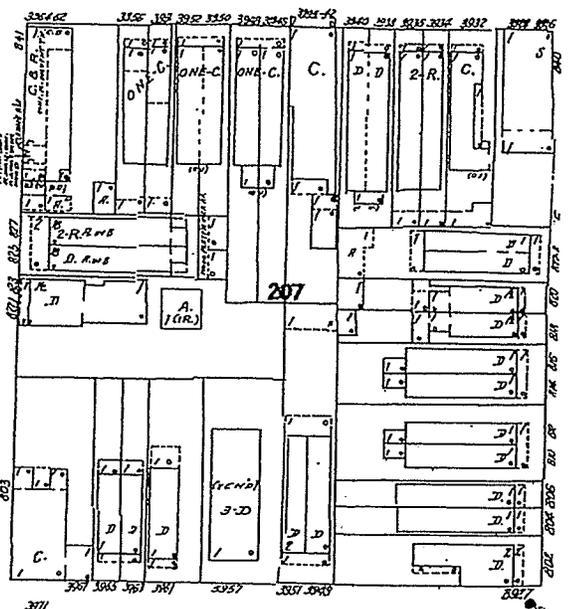
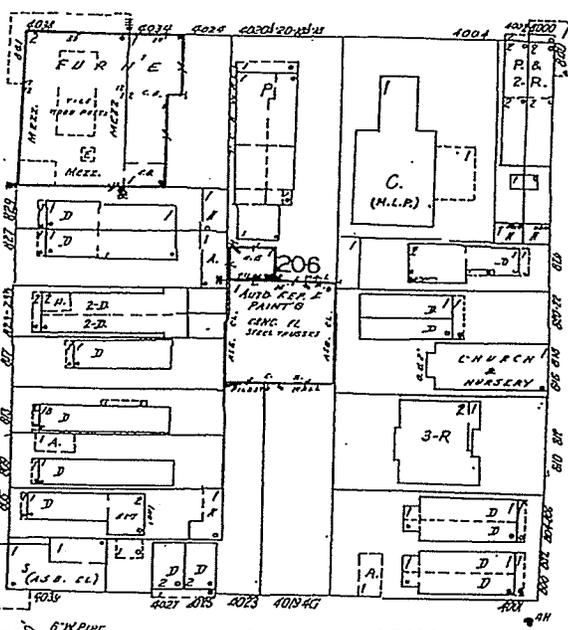


CAMP

CONSTANTINOPLE



MAGAZINE



CONSTANCE

456

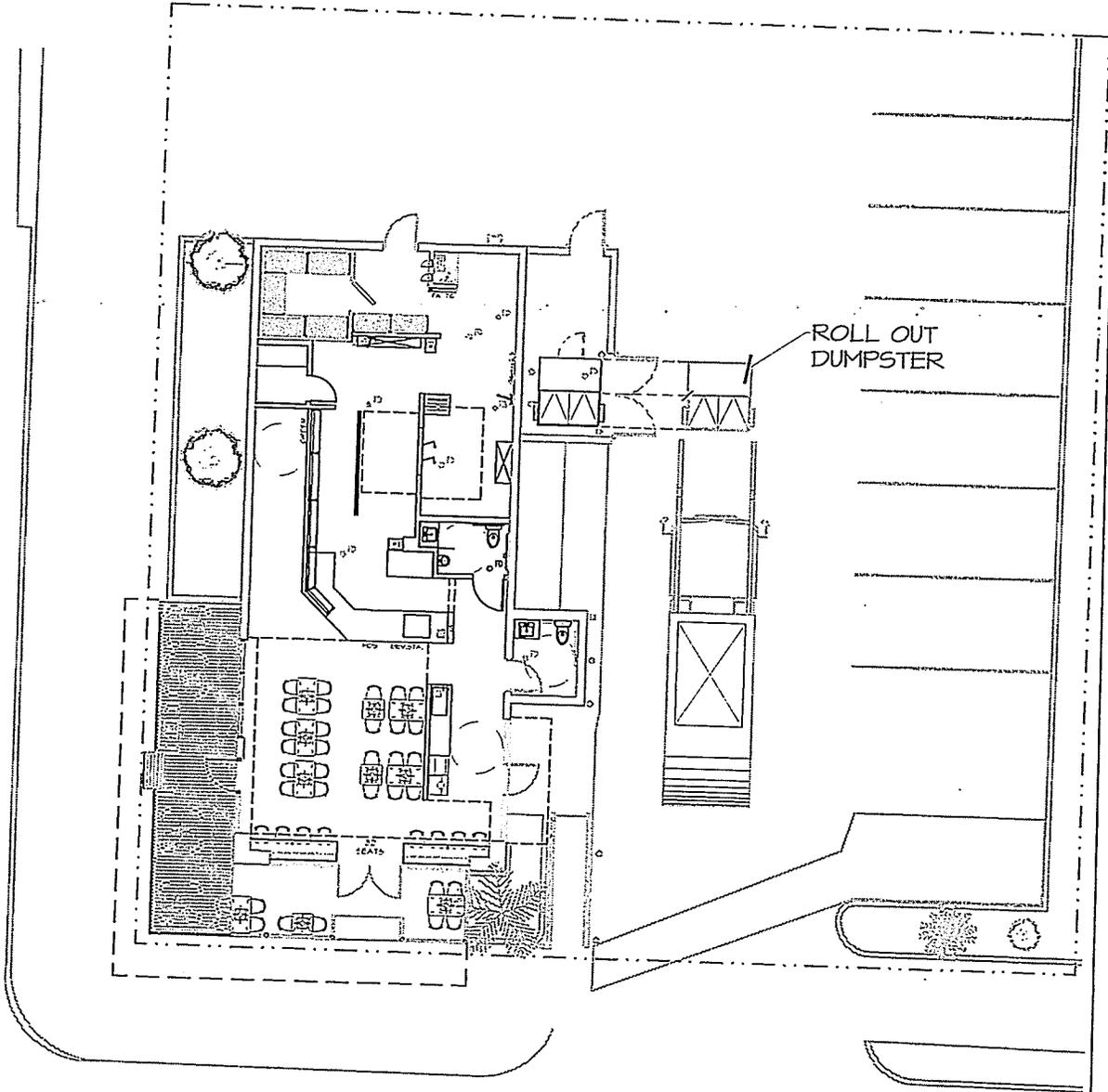
Zoning Docket 050/15

MARENGO

452



MARENGO STREET



ROLL OUT
DUMPSTER

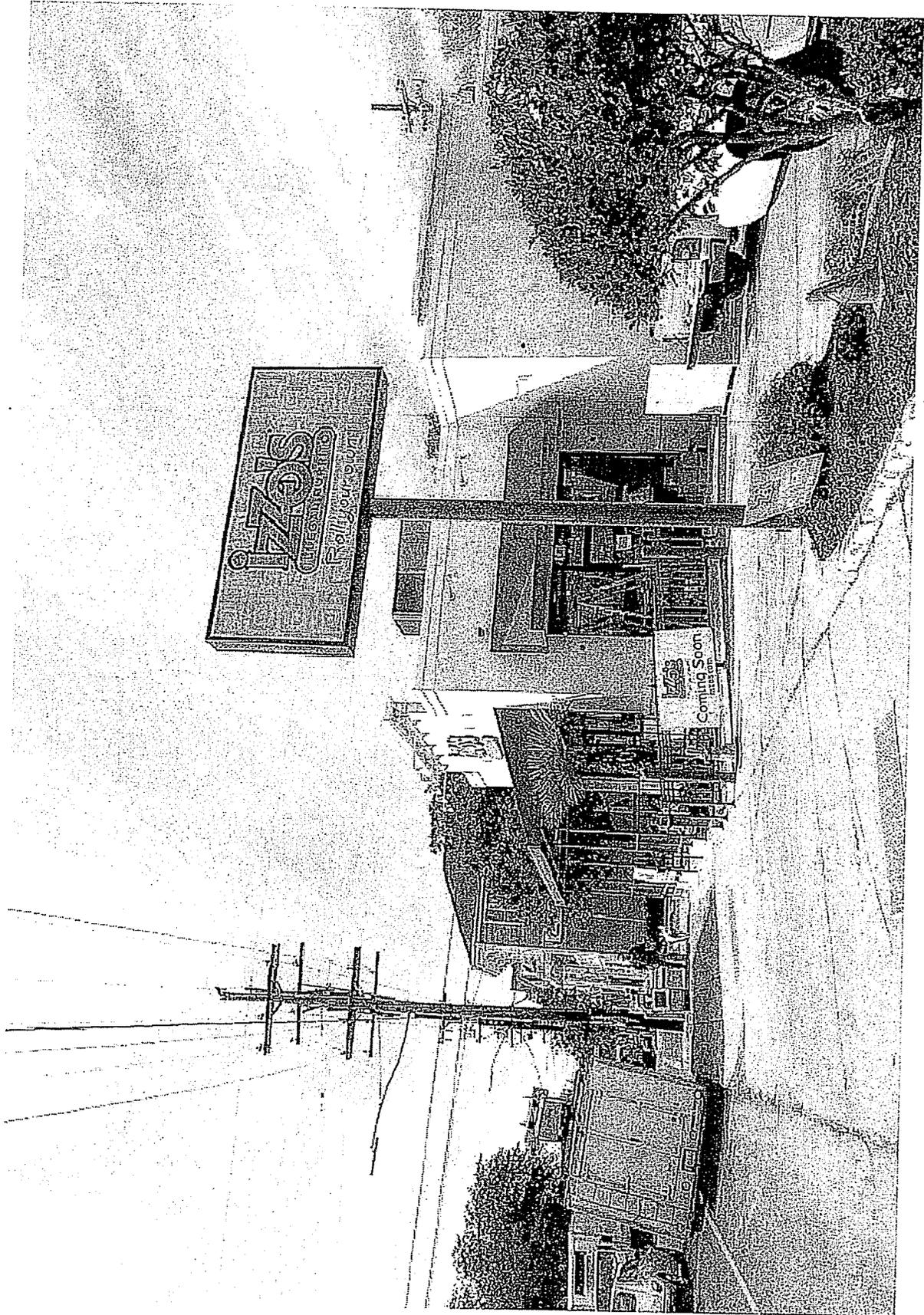
MAGAZINE STREET

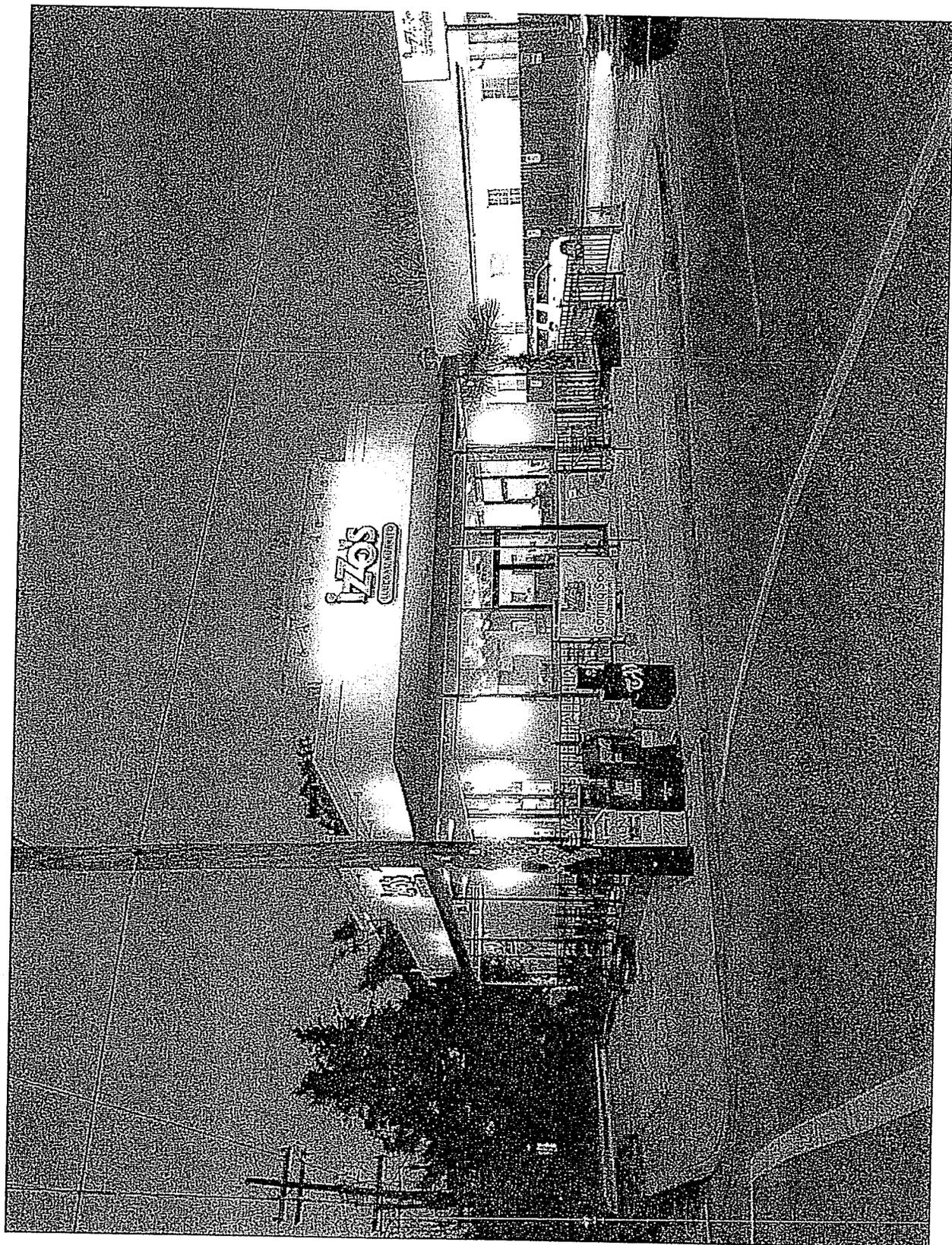
Site Plan

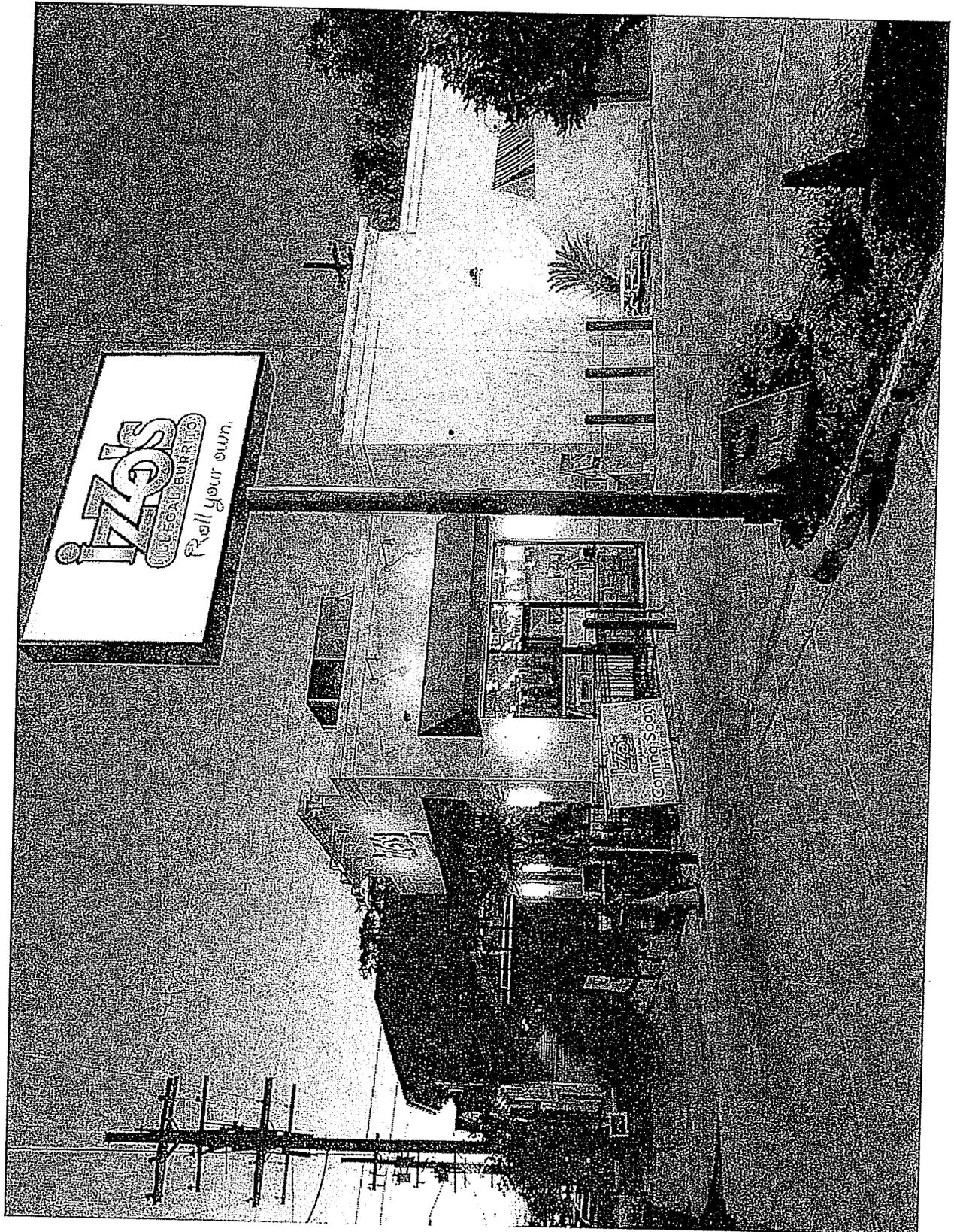
DEPARTMENT OF
SAFETY & PERMITS
PLANNING DIVISION
REVIEWED FOR CODE COMPLIANCE

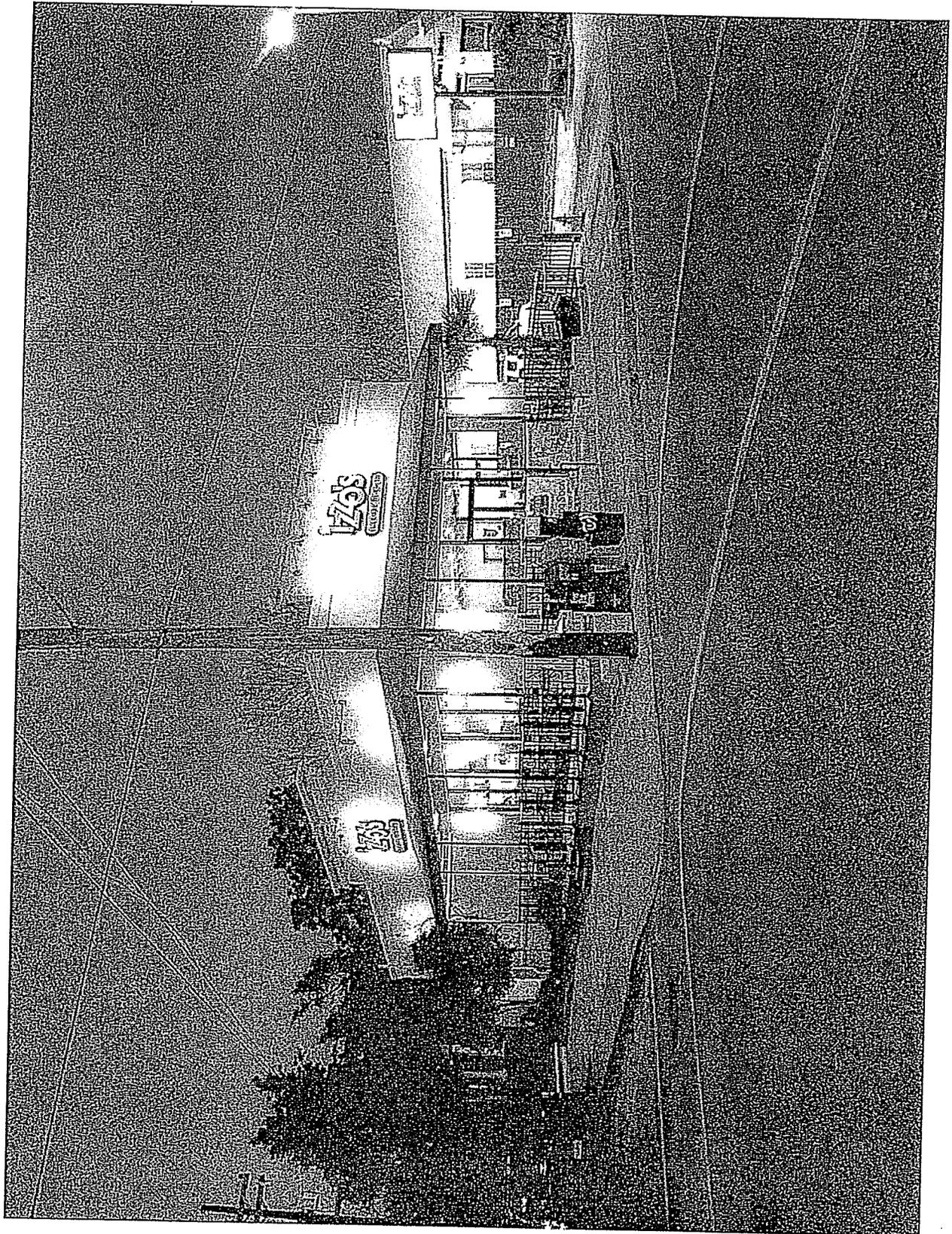
10/20/2014

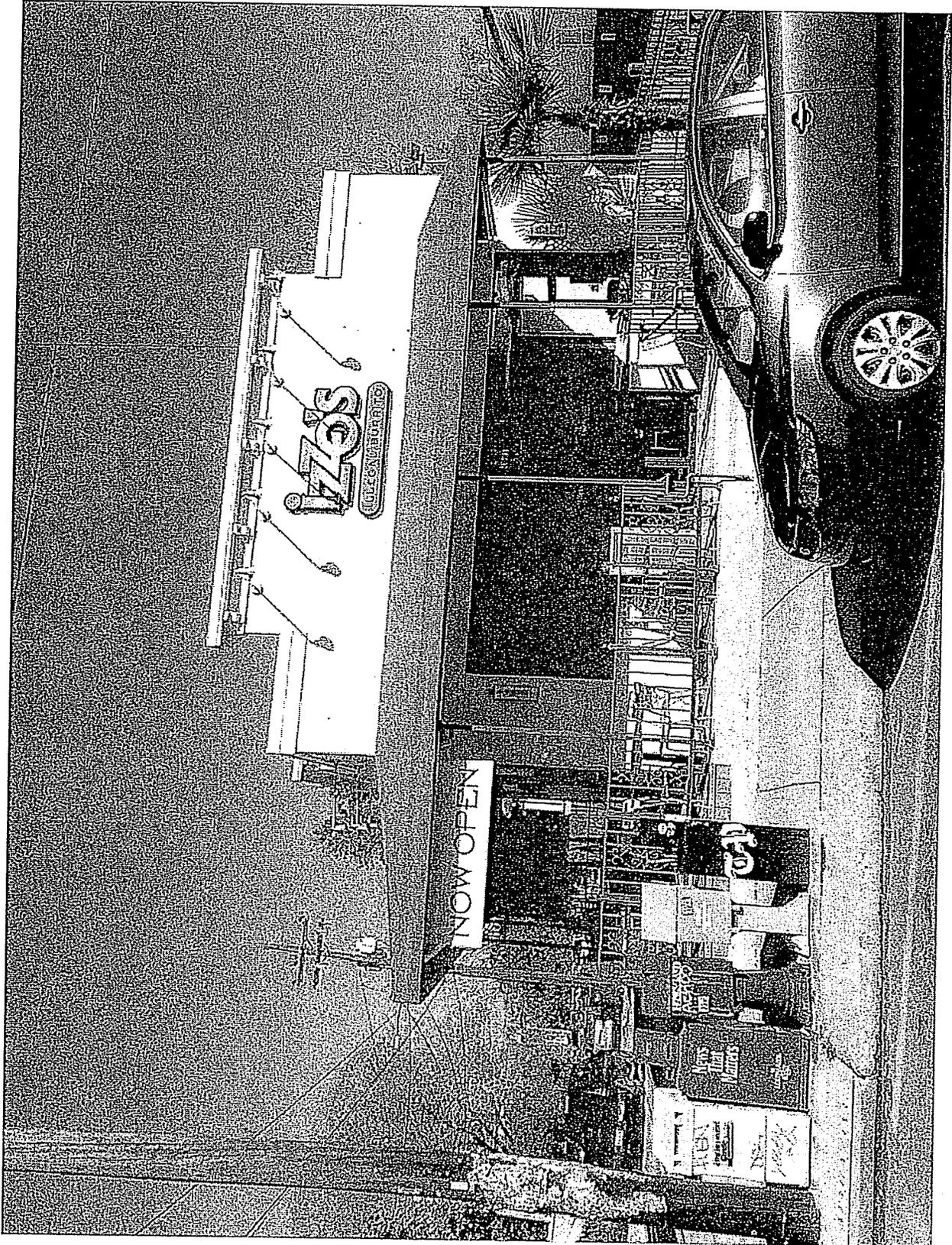
10/20/2014











Project NPP Report

Date of report: April 15, 2015

Project Name: Izzo's Illegal Burrito



Roll your own.

Rolling You A Better Burrito!®

Re: NPP Summary Report – 4041 Magazine Street Conditional Use to sell Alcohol

Overview: This report provides results of the implementation of the Neighborhood Participation Program for the property located at 4041 Magazine Street and Marengo. The applicant intends to apply for a conditional use to serve alcoholic beverages. This report provides a summary of the contacts with the citizens, neighbors, public agencies and interested parties. Opportunities have been provided to learn about and comment on the proposed plan. Comments, sign-in sheets, letters and other materials attached.

Contact:

Ozzie Fernandez
18169 E. Petroleum Dr Ste A
Baton Rouge, LA 70809
225-706-7000 ext 102 izzo@izzos.com

Neighborhood Meetings: The following dates and location of all meetings where citizens were invited to discuss the applicant's proposal)

- March 31, 2015 – 4041 Magazine Street, 7 pm, 2 people in attendance
- April 14, 2015 – 4041 Magazine Street, 7 pm, 15 people in attendance

Correspondence:

- March 13, 2015 – letters mailed to contact list, including homes, apartments, churches and schools
- March 31, 2015 – letters mailed to neighborhood associations and city council representative

Results:

Summary of concerns, issues and problems:

- General idea of having an establishment on the corner of Magazine/Marengo with a liquor license; don't want more liquor licenses granted in this area
- Increased noise and potential for "rowdy crowds"; trash and littering
- Worried about location having conditional use if Izzo's were to close, what would come in after is a concern

How concerns, issues and problems will be addressed:

- Izzo's will not feature a full bar, only bottled beer and margaritas
- Fast casual concept, average dining time is 20 minutes
- Stores hours are 10:30 am till 10 pm; no alcohol sales after closing time
- Similar Izzo's locations have alcohol sales that are less than 5% of total sales

Ozzie Fernandez
Co-Founder/CEO

18169 E. Petroleum Ste B
Baton Rouge, LA 70809

Office 225. 706. 7000
Fax 225. 706. 7001
izzo@izzos.com



Roll your own.

Rolling You A Better Burrito!®

March 13, 2015

Dear Neighbor:

Our company, Roll it Good Magazine, LLC, dba: Izzo's Illegal Burrito, is the lessee of a building (former Popeye's Chicken) at the corner of 4041 Magazine Street and Marengo Street. The owner, or lessor, of the building is ABC NOLA, LLC. We recently renovated the interior and exterior of the building and opened for business February 5th, 2015. We are operating as a fast-casual restaurant serving Mexican cuisine. Hours of operation are 10:30 a.m. to 9:00 p.m. Sunday and 10:30 a.m. to 10:00 p.m. Tuesday through Saturday.

The main focus of our restaurants is to serve our guests a great meal and provide an exceptional dining experience. As in our other locations in Louisiana, we would like the opportunity to serve beer and margaritas to our guests that want to complement their meal with an alcoholic beverage. The restaurant will NOT feature a full bar and we expect alcohol sales to be a very small percentage of our total food and beverage sales.

This site is in a location where a Class AR Permit (Alcohol) is a Conditional Use, which means we are required to apply for approval to obtain this permit. Our application has to be heard by the Alcohol & Tobacco Control and the City Council. Because you are a nearby neighbor or otherwise interested in the neighborhood, we are inviting you to a NPP meeting where you can learn more about what we propose, and present any questions or concerns. We are required to do this before we submit our application to the City Council for consideration.

The meeting will take place:

Tuesday, March 31, 2015 at 7:00 p.m. at 4041 Magazine Street, New Orleans, LA 70115

This letter is being delivered through U.S. Mail. At the meeting, we will provide a sign-in sheet to obtain email addresses, so that we can keep you updated if there are any changes to the plans.

If you have any questions or comments, please feel free to contact us. We hope to see you at the meeting on March 31st.

Best Regards,

Ozzie Fernandez
CEO/Co-Founder

18169 E. Petroline Ste. B
Baton Rouge, LA 70809
Office 225. 706. 7008
Fax 225. 706. 7001
IZZO'S.COM



Roll your own..

Rolling You A Better Burrito!®

March 31, 2015

Dear Neighbor:

Our company, Roll it Good Magazine, LLC, dba: Izzo's Illegal Burrito, is the lessee of a building (former Popeye's Chicken) at the corner of 4041 Magazine Street and Marengo Street. The owner, or lessor, of the building is ABC NOLA, LLC. We recently renovated the interior and exterior of the building and opened for business February 5th, 2015. We are operating as a fast-casual restaurant serving Mexican cuisine. Hours of operation are 10:30 a.m. to 9:00 p.m. Sunday and 10:30 a.m. to 10:00 p.m. Tuesday through Saturday.

The main focus of our restaurants is to serve our guests a great meal and provide an exceptional dining experience. As in our other locations in Louisiana, we would like the opportunity to serve beer and margaritas to our guests that want to complement their meal with an alcoholic beverage. The restaurant will NOT feature a full bar and we expect alcohol sales to be a very small percentage of our total food and beverage sales.

This site is in a location where a Class AR Permit (Alcohol) is a Conditional Use, which means we are required to apply for approval to obtain this permit. Our application has to be heard by the Alcohol & Tobacco Control and the City Council. Because you are a nearby neighbor or otherwise interested in the neighborhood, we are inviting you to a NPP meeting where you can learn more about what we propose, and present any questions or concerns. We are required to do this before we submit our application to the City Council for consideration.

The meeting will take place:

Tuesday, April 14, 2015 at 7:00 p.m. at 4041 Magazine Street, New Orleans, LA 70115

This letter is being delivered through U.S. Mail. At the meeting, we will provide a sign-in sheet to obtain email addresses, so that we can keep you updated if there are any changes to the plans.

If you have any questions or comments, please feel free to contact us. We hope to see you at the meeting in April.

Best Regards,

Ozzie Fernandez
CEO/Co-Founder

18169 E. Petroleum Ste B Office 225. 706. 7000
Baton Rouge, LA 70809 Fax 225. 106. 7001
© 2015 IZZO



Roll your own.®

4641 Magazine Street, New Orleans, LA 70145

Application for Conditional Use

4/14/15



WELCOME!

Please sign in by your name.

NAME	SIGNATURE
Cantrell, LaToya	
Dumbourian, Greg	
Galatas, Marie	
Graybill, Julie	
Price, Mary	
Smoak, James	<i>James Smoak</i>
<i>Hecknicht, Summer</i>	<i>Summer Hecknicht</i>
<i>Rella Zapletal</i>	<i>Rella Zapletal</i>

Katie Baudoun
Ricky Dietz

Kathleen Baudoun
Ricky Dietz

Robert Eisen

Robert Eisen

JAMES SMOAK

James Smoak

Emily Palak

Emily A Palak

Chris Reed

Chris Reed

Juan Baneto

Juan Baneto



WELCOME!

Please sign in by your name/organization.

3/31/15

NAME	SIGNATURE
4112 Magazine, LLC	
Armstrong, Elizabeth	
Bassett, Darlene	
Biggers, Mary	
Boyd, Betty	
Brown, Ted	
Casemore, Mark	
Clark, Mitchell	
Collam, Virginia	
Community Service Center Representative	
Dawson, Robert	
Fine, David	
Gillen, Garland	
Hildreth, Paul	
Holland, Martin	
KCT Real Estate Ventures, LLC Representative	
Koerner, Ann	
Lanier Properties Representative	
Lee, John	
Lovell, Charles	
Lyman, Timothy	TIM LYMAN timlyman@gmail.com
Many, Charles	
McCray, Kathleen	
Mazzanti, Jeffrey	
N & H Realty, LLC	
Neal, John	
Ossick, Lynne	Lynne Ossick lynneossick@cox.net
Pelias, Gus	
Reade, Christopher 4/14/15	
Reisig, James	
Richards, Alfred	
Sciortino, Ronald	
Sutton, Kenneth	
Swayze, Thomas	
Taha, Karim	
Talebloo Properties Representative	
The Solitario Family Trust Representative	
The Working Feet Representative	
USRP Funding Representative	

AGAINST

14/15
 MARCHAND, Karen KEMCKAY@aol.com
 READE, KENDRA KENDRA@mail.com
 SMOAK, James & ORGA NOWASTAKEHOUSE@aol.com
 PAULI, Pauli pauli@gmail.com

Address Label	Owner Name
Building	Owner Address
4118 Magazine St	Maloney-Sept LLC
Amcref Community Capital	C/O Kurt B Maloney 5000 Old Gentilly Rd, New Orleans, LA 70126-5005
4000 Magazine St	Community Service Center
927 Marengo St	4000 Magazine St, New Orleans, LA 70115
919 Marengo St	Mazzanti Jeffrey T
826 Constantino St	929 Marengo St, New Orleans, LA 70115
4121 Magazine St	Many Charles H
928 Marengo St	Et Als 919 Marengo St, New Orleans, LA 70115
4101 Magazine St	Mc Collam Virginia T
Lanier A Association	826 Constantino St, New Orleans, LA 70115
4025 Magazine St	Mccray Kathleen
930 Marengo St	C/O Flag Boy Properties LLC 5500 Poytania St Pmb #440, New Orleans, LA 70115
916 Constantino St	Lynan Timothy H
4041 Magazine St	928 Marengo St, New Orleans, LA 70115
Popay's Famous Fried Chicken #2027	Lanier Properties L C
4119 Magazine St	4101 Magazine St, New Orleans, LA 70115
Feet First	The Working Feet, LLC
933 Marengo St	749 Palihawn Dr, Gretna, LA 70056
4105 Magazine St	Hildreth Paul A
912 Marengo St	930 Marengo St, New Orleans, LA 70115
4122 Magazine St	Biggers Mary F
4113 Magazine St	918 Constantino St, New Orleans, LA 70115
Tales Beauty Salon	Ustp Funding 2001-A L P
920 Constantino St	C/O Afc Enterprises Inc-Tax Depart 400 Perimeter Center Terrace Suite 1000, Atlanta, GA 30346
	Kot Real Estate Ventures, LLC
	2403 Camp St, New Orleans, LA 70130
	Baulden Percy M Jr
	931 Marengo St, New Orleans, LA 70115
	Lanier Properties L C
	4101 Magazine St, New Orleans, LA 70115
	Smith Gloria Collins
	Et Al 912 Marengo St, New Orleans, LA 70115
	Maloney-Sept LLC
	C/O Kurt B Maloney 5000 Old Gentilly Rd, New Orleans, LA 70126-5005
	Poolle Alice R
	4115 Magazine St, New Orleans, LA 70115
	Swapq James T
	Etal 920 Constantino St, New Orleans, LA 70115

4017 Magazine St	Karla Katz & Company LLC
Karla Katz Interiors	4017 Magazine St, New Orleans, LA 70115
4020 Camp St	Réada Christopher R
	4020 Camp St, New Orleans, LA 70115
822 Constantlinople St	Gillen Garland R
	822 Constantlinople St, New Orleans, LA 70115
4002 Camp St	Richards Alfred H Jr
	4002 Camp St, New Orleans, LA 70115-7011
4004 Camp St	Casemore Mark A
	4004 Camp St, New Orleans, LA 70115
818 Constantlinople St	Clark Mitchell A
	Etal 1107 Black Pine Lane, Pleasant Hill, CA 94523
4004 Magazine St	4004 Magazine LLC
	C/O Ted W Brown 4004 Magazine St, New Orleans, LA 70115
4109 Magazine St	Lanier Properties I L C
	4101 Magazine St, New Orleans, LA 70115
4112 Magazine St	4112 Magazine, LLC
Bamboe Apothecary	125 Lee Lane, Covington, LA 70433
817 Marengo St	Ossick Lynne C
	17 Nouvelle lane west, Metairie, LA 70003
4124 Magazine St	Mhk Realty Inc
Monal's Cafe	C/O Karim Taha 3901 Banks St, New Orleans, LA 70119
926 Constantlinople St	Sutton, Kenneth B
	926 Constantlinople St, New Orleans, LA 70115
920 Marengo St	Reisig James S
	922 Marengo St, New Orleans, LA 70115
4021 Magazine St	Ann Koerner Antiques LLC
Ann Koerner Antiques	801 East Scenic Dr, Pass Christian, MS 39571
4122 Camp St	Holland Martin H
	C/O Upper Hand Investments, LLC P O Box 78488, Shreveport, LA 71137
4012 Camp St	Boyd Betty K
	4010 Camp St, New Orleans, LA 70115
4038 Magazine St	Neal John R
Neal Auction Co Inc	209 West 7th St, Columbia, TN 38401-3233
913 Marengo St	Dawson Robert C
	915 Marengo St, New Orleans, LA 70115
4001 Magazine St	Sclorkino Ronald R
Snowizard Sno Balls	825 Constantlinople St, New Orleans, LA 70115
4011 Magazine St	Armstrong Elizabeth A
Wehnsheins Inc	2895 Villere Street, Mandeville, LA 70448

818 Marengo St	The Soltero Family Trust
4116 Camp St	Eral 80 Via Buena Vista, Monterey, CA 93940
829 Marengo St	Lovell Charles M
4125 Magazine St	4116 Camp St, New Orleans, LA 70115
Hand's In Clay, LLC	Neal John R
4128 Magazine St	209 West Seventh St, Columbia, TN 38401-3233
823 Marengo St	4125 Magazine LLC
4100 Magazine St	C/O Darlene T Bassett, 6305 Magazine St, New Orleans, LA 70118
4018 Magazine St	Talehloo Properties
937 Marengo St	2015 Magazine St, New Orleans, LA 70130
912 Constantino St	Swayze Thomas R Jr
	325 Eleonore St, New Orleans, LA 70115
	Great Neighbors LLC
	C/O David R Fine 4100 Magazine Street, New Orleans, LA 70115
	N & H Realty LLC
	4027 Metairie Hgts Ave, Metairie, LA 70002
	Pallas Gus M III
	937 Marengo St, New Orleans, LA 70115
	Lee John R
	912 Constantino St, New Orleans, LA 70115

Owner
Meloney-Sept LLC
Community Service Center
Jeffrey T Mazzanti
Charles H Mary
Collan Virginia T Mc
Kathleen McCray
Timothy H Lyman
Properties L C Lanier
The Working Feet, LLC
Paul A Hildreth
Mary F Biggers
Enterprises, Inc. A/c; Funding 2001-A L P Usrp
Kct Real Estate Ventures, LLC
Percy M Jr Baulden
Properties L C Lanier
Gloria Collins Smith
Meloney-Sept LLC
Alice R Poole
James T Synop

Karla Katz & Company LLC
Christopher R Reade
Garland R Gillen
Alfred H Jr Richards
Mark A Casemore
Mitchell A Clark
4004 Magazine LLC
Properties L C Lanier
4112 Magazine, LLC
Lynne C Ossick
Atk Realty Inc
Kenneth B Sutton
James S Reisig
Ann Koerner Antiques LLC
Martin H Holland
Betty K Boyd
John R Neal
Robert C Dawson
Ronald R Sciortino
Elizabeth A Armstrong

Solitario Family Trust The
Charles M Lovell
John R Neal
4125 Magazine LLC
Properties Taleblou
Thomas R Jr Swayze
Great Neighbors LLC
N & H Realty LLC
Gus M III Peltas
John R Lee

Name	Address1	Address2
Lee John R	City: 912 Constantino St New Orleans	St Zip: LA 70115
Smith Gloria Collins	Et Al New Orleans	912 Marengo St LA 70115
Dawson Robert C	915 Marengo St New Orleans	LA 70115
Biggers Mary F	918 Constantino St New Orleans	LA 70115
Lanier Properties L C	4101 Magazine St New Orleans	LA 70115
Lanier Properties L C	4101 Magazine St New Orleans	LA 70115
Lanier Properties L C	4101 Magazine St New Orleans	LA 70115
Poort Martinus J	813 Marengo St New Orleans	LA 70115
Ossick Lynne C	17 Nouvelle Lane West Metairie	LA 70003
The Solitario Family Trust	Et Al Monterey	80 Via Buena Vista CA 93940
Gillen Garland R	822 Constantino St New Orleans	LA 70115
Swayze Thomas R Jr	325 Eleonore St New Orleans	LA 70115
Sclafino Ronald R	825 Constantino St New Orleans	LA 70115
Mc Collam Virginia T	826 Constantino St New Orleans	LA 70115
Neal John R	209 West Seventh St Columbia	TN 38401-3233
Swoop James T	Et Al New Orleans	920 Constantino St LA 70115
Reisig James S	922 Marengo St New Orleans	LA 70115
Schorr Kathleen S	923 Milan St New Orleans	LA 70115
Sutton Kenneth B	926 Constantino St New Orleans	LA 70115

Mazzanti Jeffrey T	929 Marengo St New Orleans	LA	70115
Lyman Timothy H	928 Marengo St New Orleans	LA	70115
Hildreth Paul A	930 Marengo St New Orleans	LA	70115
Baulden Percy M Jr	931 Marengo St New Orleans	LA	70115
Pellas Gus M III	937 Marengo St New Orleans	LA	70115
Neal John R	209 West 7th St Columbia	TN	38401-3233
Casemore Mark A	4004 Camp St New Orleans	LA	70115
Karla Katz & Company L L C	4017 Magazine St New Orleans	LA	70115
N & H Realty LLC	4027 Metairie Hgts Ave Metairie	LA	70002
Reade Christopher R	4020 Camp St New Orleans	LA	70115
Ann Koerner Antiques LLC	801 East Scenic Dr Pass Christian	MS	39571
Poole Alice R	4115 Magazine St New Orleans	LA	70115
Lovell Charles M	4116 Camp St New Orleans	LA	70115
Maloney-Sept LLC	C/O Kurt B Maloney New Orleans	EA	70126-5005
Maloney-Sept LLC	C/O Kurt B Maloney New Orleans	EA	70126-5005
Ntrk Realty Inc	C/O Katin Taha New Orleans	LA	70119
4125 Magazine LLC	C/O Darlene T Bassett New Orleans	LA	70118
Krjlov Morris	2500 Houma Bl Apt 312 Metairie	LA	70001
McCray Casey	917 Milan St New Orleans	LA	70115
Kct Real Estate Ventures, L	2403 Camp St New Orleans	LA	70130

Community Service Center	4000 Magazine St New Orleans	LA 70115
The Working Faaf, LLC	749 Fairlawn Dr Gretna	LA 70056
Afc Enterprises, Inc.	C/O Property Tax Department Atlanta	GA 30346
Armstrong Elizabeth A	2895 Villere Street Mandeville	LA 70448
Great Neighbors LLC	C/O David R Fine New Orleans	LA 70115
4112 Magazine, LLC	125 Lee Lane Covington	LA 70433
4004 Magazine LLC	C/O Ted W Brown New Orleans	LA 70115
Malinda Joseph P	14671 Silver Glen Dr. E Jacksonville	FL 32258
Boyd Betty K :	4010 Cimp St New Orleans	LA 70115
Macray Kathleen	C/O Flag Boy Properties LLC New Orleans	LA 70115
Holland Martin H	C/O Upper Hand Investments, LLC Shreveport	LA 71137
Many Charles H	Et Als New Orleans	LA 70115
Ustrp Funding 2001-A L P	C/O Afc Enterprises Inc-Tax Depart Atlanta	GA 30346

PD	Organization Name	Street	City	State	Zip	Point of Contact	Position	Telephone Number	Email Address
2	Faubourg Marigny Neighborhood Association		New Orleans	LA		Julie Graybill		504-898-2201	juliebob@pelicanult.net
2	Magazine St. Merchants Association	P. O. Box 15028	New Orleans	LA	70175	Greg Dumbourian		504-342-4435	guide@magazinestreet.com
2	Tour-Bourgeois Neighborhood Association	1302 General Taylor Street	New Orleans	LA	70115	James Strook	President	504-891-4770	nolesmonkhouse@aol.com
2	Verde Galatas Neighborhood Association	720 General Taylor Street	New Orleans	LA	70115	Mario Galatas	President	504-895-0004	nesmissionary@hotmail.com
3	Jefferson City Improvement Association	5015 Camp Street	New Orleans	LA	70115	Mary Price		504-895-7851	mpjdunbar@cox.net

Boundaries	Meeting Dates	Meeting Location	Website	Active/ Inactive	City Council
Arbuckle Ave., Perdido St., Magazine St., Tchoupchoules St.				A	1
Magazine St. from Arbuckle to Grand St.					
St. Charles Ave., Magazine St., Louisiana Ave., Harpokan Ave.					
Louisiana Ave., Harpokan Ave., Tchoupchoules St., Magazine St.					
St. Charles Ave., Lyons St., Joseph St., Tchoupchoules St.					

4100 Magazine St	Great Neighbors LLC	Great Neighbors LLC
4018 Magazine St	C/O David R. Fine 4100 Magazine Street, New Orleans, LA 70115	
	H & H Realty LLC	H & H Realty LLC
937 Marengo St	4027 Metairie Hgls Ave, Metairie, LA 70002	
	Pellias Gus M III	Gus M III Pellias
912 ConstantInople St	937 Marengo St, New Orleans, LA 70115	
	Lee John R	John R Lee
	912 Constantinople St, New Orleans, LA 70115	

Address Label	Owner Name	Owner
Building	Owner Address	
4119 Magazine St	Meloney-Sept LLC	Meloney-Sept LLC
America Community Capital	C/O Kurt B. Meloney 5803 Old Gentilly Rd, New Orleans, LA 70125-5005	
4900 Magazine St	Community Service Center	Community Service Center
927 Marengo St	4910 Magazine St, New Orleans, LA 70115	
929 Marengo St	Hazzani Jeffrey T	Jeffrey T Hazzani
929 Marengo St	929 Marengo St, New Orleans, LA 70115	
826 Constantinople St	Hazy Charles H	Charles H Hazy
	Et Al: 919 Marengo St, New Orleans, LA 70115	
	McCollam Virginia T	Collam Virginia T Mc
4124 Magazine St	876 Constantinople St, New Orleans, LA 70115	
928 Marengo St	McCray Kathleen	Kathleen McCray
	C/O 1 Bay Properties LLC 5500 Pryor St FmB #400, New Orleans, LA 70115	
4101 Magazine St	Lyman Timothy H	Timothy H Lyman
4025 Magazine St	920 Marengo St, New Orleans, LA 70115	
928 Marengo St	Lanter Properties L C	Properties L C Lanter
916 Constantinople St	Lanter A Assadzhan	
4041 Magazine St	4101 Magazine St, New Orleans, LA 70115	
4025 Magazine St	The Working Feet, LLC	The Working Feet, LLC
928 Marengo St	749 Falgout Dr, Gretna, LA 70056	
916 Constantinople St	Hilbreth Paul A	Paul A Hilbreth
4041 Magazine St	920 Marengo St, New Orleans, LA 70115	
4119 Magazine St	Biggers Mary F	Mary F Biggers
4119 Magazine St	818 Constantinople St, New Orleans, LA 70115	
4119 Magazine St	Enterprise, Inc. Atc, Funding 2012-A L P L Srp	Enterprise, Inc. Atc, Funding 2012-A L P L Srp
4119 Magazine St	KCI Real Estate Ventures, LLC	KCI Real Estate Ventures, LLC
4119 Magazine St	7403 Camp St, New Orleans, LA 70115	
4119 Magazine St	Boukiri Percy M Jr	Percy M Jr Boukiri
4105 Magazine St	921 Marengo St, New Orleans, LA 70115	
912 Marengo St	Lanter Properties L C	Properties L C Lanter
4122 Magazine St	4101 Magazine St, New Orleans, LA 70115	
4113 Magazine St	Smith Gloria Collins	Gloria Collins Smith
4113 Magazine St	Et Al 912 Marengo St, New Orleans, LA 70115	
4113 Magazine St	Meloney-Sept LLC	Meloney-Sept LLC
4113 Magazine St	C/O Kurt B. Meloney 5803 Old Gentilly Rd, New Orleans, LA 70125-5005	
4113 Magazine St	Pooler Alice R	Alice R Pooler
4113 Magazine St	4113 Magazine St, New Orleans, LA 70115	
4113 Magazine St	Swoop James T	James T Swoop
4113 Magazine St	Erst 920 Constantinople St, New Orleans, LA 70115	
4113 Magazine St	Katz Katz & Company L L C	Katz Katz & Company L L C
4113 Magazine St	4017 Magazine St, New Orleans, LA 70115	
4113 Magazine St	Reade Christopher R	Christopher R Reade
4113 Magazine St	4020 Camp St, New Orleans, LA 70115	
4113 Magazine St	Given Gerisud R	Gerisud R Given
4113 Magazine St	822 Constantinople St, New Orleans, LA 70115	
4113 Magazine St	Richards Alfred H Jr	Alfred H Jr Richards
4113 Magazine St	4002 Camp St, New Orleans, LA 70115-7011	
4113 Magazine St	Casemore Mark A	Mark A Casemore
4113 Magazine St	4004 Camp St, New Orleans, LA 70115	
4113 Magazine St	Clark Mitchell A	Mitchell A Clark
4113 Magazine St	Et Al 1107 Black Pine Lane, Pleasant Hill, CA 94520	
4113 Magazine St	4004 Magazine LLC	4004 Magazine LLC
4113 Magazine St	C/O Ted W Brown 4004 Magazine St, New Orleans, LA 70115	
4113 Magazine St	Lanter Properties L C	Properties L C Lanter
4113 Magazine St	4101 Magazine St, New Orleans, LA 70115	
4113 Magazine St	4112 Magazine LLC	4112 Magazine LLC
4113 Magazine St	125 Lee Lane, Covington, LA 70435	
4113 Magazine St	Ossick Lyane C	Lynne C Ossick
4113 Magazine St	17 Rousseau Lane West, Metairie, LA 70003	
4113 Magazine St	Realty Inc	Realty Inc
4113 Magazine St	C/O Kar-m Tolia 3501 Banks St, New Orleans, LA 70119	
4113 Magazine St	Sutton Kenneth B	Kenneth B Sutton
4113 Magazine St	926 Constantinople St, New Orleans, LA 70115	
4113 Magazine St	Reid James S	James S Reid
4113 Magazine St	822 Marengo St, New Orleans, LA 70115	
4113 Magazine St	Ann Kosmer Antiques LLC	Ann Kosmer Antiques LLC
4113 Magazine St	801 East Scenic Dr, Foss Christian, MS 39571	
4113 Magazine St	Holland Martin H	Martin H Holland
4113 Magazine St	C/O Upper Hand Investments, LLC P O Box 70100, Shreveport, LA 71217	
4113 Magazine St	Burd Betty K	Betty K Burd
4113 Magazine St	4010 Camp St, New Orleans, LA 70115	
4113 Magazine St	Hcal John R	John R Hcal
4113 Magazine St	209 West 7th St, Columbia, TN 38401-9233	
4113 Magazine St	Dawson Robert C	Robert C Dawson
4113 Magazine St	915 Marengo St, New Orleans, LA 70115	
4113 Magazine St	Scharfina Ronald R	Ronald R Scharfina
4113 Magazine St	823 Constantinople St, New Orleans, LA 70115	
4113 Magazine St	Armstrong Elizabeth A	Elizabeth A Armstrong
4113 Magazine St	2895 V-Pero Street, Mandeville, LA 70448	
4113 Magazine St	The Sullivans Family Trust	Sullivan Family Trust The
4113 Magazine St	Et Al 10 Via Elena Vista, Monterey, CA 93940	
4113 Magazine St	Lovell Charles H	Charles H Lovell
4113 Magazine St	4116 Camp St, New Orleans, LA 70115	
4113 Magazine St	Hcal John R	John R Hcal
4113 Magazine St	209 West 5th St, Columbia, TN 38401-9233	
4113 Magazine St	4125 Magazine LLC	4125 Magazine LLC
4113 Magazine St	C/O Darlene T Doyell 6205 Magazine St, New Orleans, LA 70116	
4113 Magazine St	Talibov Properties	Properties Talibov
4113 Magazine St	2015 Magazine St, New Orleans, LA 70116	
4113 Magazine St	Swayze Thomas R Jr	Thomas R Jr Swayze
4113 Magazine St	325 Eschore St, New Orleans, LA 70115	

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: March 18, 2004

CALENDAR NUMBER: 25,182

NO. 021484 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GILBERT

AN ORDINANCE to provide for the establishment of a conditional use to permit the expansion of an existing fast food restaurant in a B-1A Neighborhood Business District, on Square 227, Lots A, B, C and Pt. E, in the Sixth Municipal District, bounded by Constantinople, Camp, Marengo and Magazine Streets (Municipal Address: 4041 Magazine Street); and otherwise to provide with respect thereto.

WHEREAS, Zoning Docket Number 3/04 was initiated by US Restaurant Properties Funding 2001 ALP and referred to the City Planning Commission; and

WHEREAS, the City Planning Commission held a public hearing on this zoning petition and recommended approval, in its report to the City Council dated January 15, 2004, of the conditional use presented in Zoning Docket Number 3/04; and

WHEREAS, the recommendation of the Planning Commission was upheld and the changes were deemed necessary and in the best interest of the City of New Orleans, and were approved subject to seven (7) provisos in Motion Number M-04-141 of the Council of the City of New Orleans adopted on February 19, 2004.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS** that a conditional use to permit the expansion of an existing fast food restaurant
3 in a B-1A Neighborhood Business District, on Square 227, Lots A, B, C and Pt. E, in the
4 Sixth Municipal District, bounded by Constantinople, Camp, Marengo and Magazine Streets
5 (Municipal Address: 4041 Magazine Street); is hereby authorized and approved, subject to
6 the following provisos, as specifically set forth herein:

7 **PROVISOS:**

8 No person shall use any of the properties described herein or permit another to use
9 any of those properties described herein for the use authorized by this ordinance, unless the
10 following requirements are met and continue to be met:

- 11 1. Parking shall not be permitted in the front yard or sidewalk areas.
- 12 2. Adequate landscaping comprising shade trees, flowering plants and shrubs shall be
13 provided on both frontages and at the entrance to the parking lot, subject to the approval
14 of the City Planning Commission.
- 15 3. The restaurant shall participate in a litter abatement program with the name of the
16 manager on file in case of violations. The program should include daily removal of litter
17 and periodic hosing of the sidewalks in the public right-of way.
- 18 4. Lighting shall be used to light sidewalks and to enhance the architectural qualities of the
19 building and shall be directed away from adjacent residential uses. Flood lighting shall
20 not be permitted.

- 21 5. Signage shall be in compliance with Article 5, Section 5.5.6. *Permitted Signs* of the B-1A
22 District Regulations. Backlit signs shall not be permitted.
- 23 6. Mechanical equipment shall not be located in the side yards.
- 24 7. Outdoor speakers shall not be used after 8:00 p.m. and shall be utilized only in
25 compliance with the City's Noise Ordinance.

1 SECTION 2. Whoever does anything prohibited by this Ordinance or fails to do
2 anything required to be done by this Ordinance shall be guilty of a misdemeanor and upon
3 conviction shall be subject to a fine or to imprisonment or both, such fine and/or
4 imprisonment set by Section 1-13 of the 1995 Code of the City of New Orleans, or should
5 alternatively be subject to whatever civil liabilities, penalties or remedies the law may
6 prescribe. Conviction shall be cause for the immediate cancellation of the Use and
7 Occupancy permit of the premises.

1 SECTION 3. This ordinance shall have the legal force and effect of authorizing this
2 conditional use only after all the provisos listed in Section 1 of this Ordinance which impose
3 a one-time obligation have been completely fulfilled and complied with, and only after all the
4 provisos listed in Section 1 which impose a continuing or on-going obligation shall have
5 begun to be fulfilled, as evidenced by the Planning Commission's approval of a final site plan
6 (which shall be incorporated into this ordinance by reference) and its subsequent recordation,
7 and no use or occupancy certificates or permits (other than the building permits needed to
8 fulfill the provisos) shall be issued until all the provisos which impose a one-time obligation
9 have been completely fulfilled and complied with, and only after all the provisos listed in

10 Section 1 which impose a continuing or ongoing obligation shall have begun to be fulfilled,
11 as evidenced by the Planning Commission's approval of final site plan (which shall be
12 Incorporated into this ordinance by reference) and its subsequent recordation.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS APR 15 2004

Oliver M. Thomas Jr.
PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON APR 16 2004

APPROVED:

~~DISAPPROVED~~

APR 20 2004

C. RAY NAGIN
MAYOR

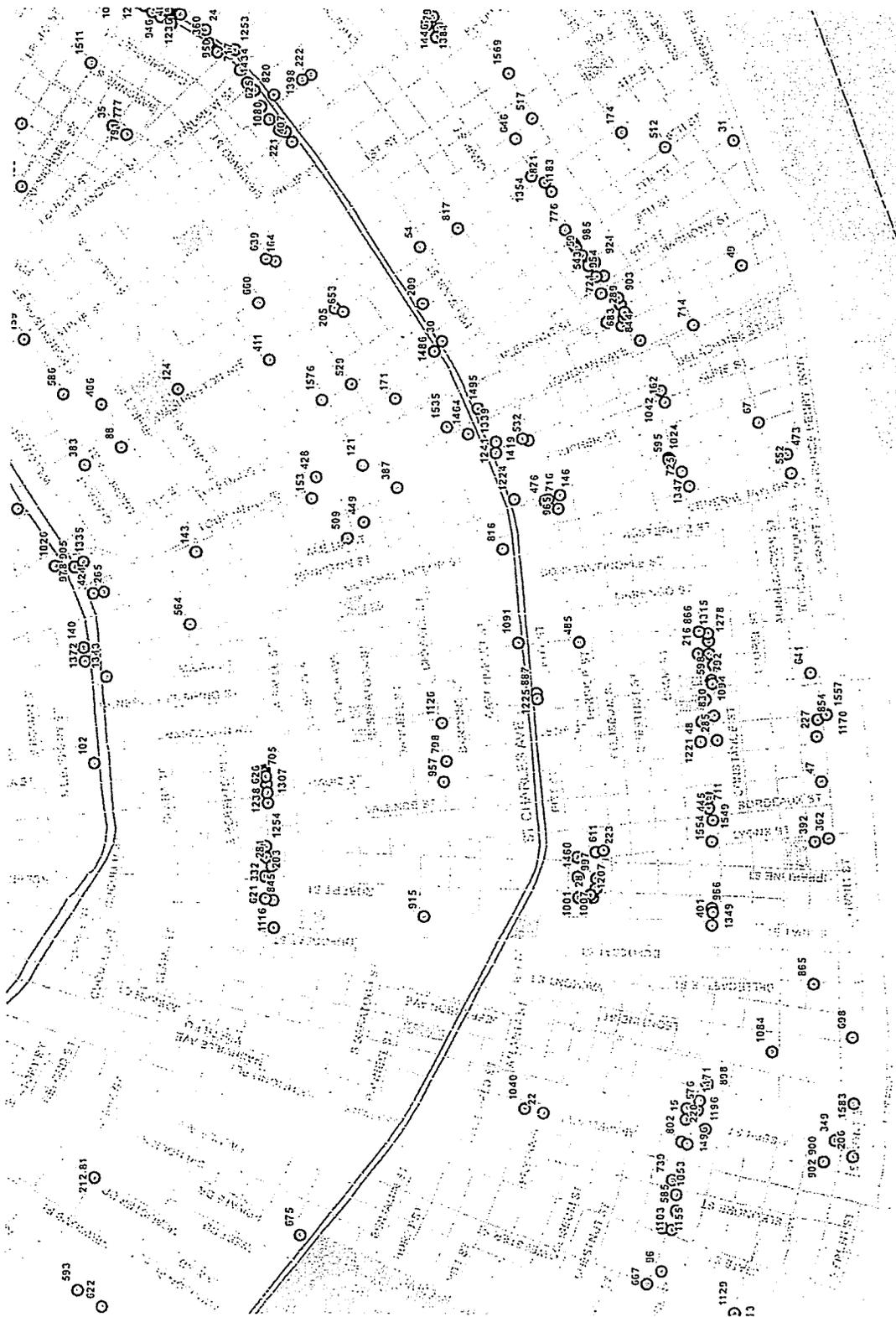
RETURNED BY THE MAYOR ON APR 22 2004 AT 2:40 PM

PEGGY CRUTCHFIELD
CLERK OF COUNCIL

YEAS: Batt, Gill Pratt, Gusman, Sapir, Thomas ---5

NAYS: 0

ABSENT: Clarkson, Willard-Lewis - 2



This map shows the general location of licensed alcoholic beverage outlets that sell alcohol for consumption on premises or off premises, including, but not limited to, restaurants, grocery stores, package liquor stores, cocktail lounges/bars, private clubs, amusement places, etc. There is no correspondence between the numbers on the map and the type of alcoholic beverage outlet.

The data used to generate this map was provided by the Department of Finance as of December 31, 2013. The points on the map do not exactly correspond with the actual locations of individual alcoholic beverage outlets. This data has not been field verified by City Planning staff, but previous site visits suggest that it may not accurately represent the number of active alcoholic beverage outlets within any given geography.

Ann and Robert Eisen
4029 Camp Street
New Orleans, Louisiana 70115

New Orleans City Planning Commission

Cc:

Rdrivers@nola.gov

lcantrell@nola.gov

shhead@nola.gov

June 12, 2015

This letter is in regard to the public hearing taking place on June 15, 2015 regarding an alcohol permit for Izzos on the corner of Marengo and Magazine Street. My understanding is that zoning prohibits fast food establishments from having alcohol and this place is nothing more than fast food. He may call it fast casual but I don't know of a definition of fast casual on the zoning laws in New Orleans.

If this permit is allowed, there will be no control over what goes into this location after Izzos closes. If another fast food goes in to the space, they could then serve liquor or it could turn out to be another bar. This is a quiet residential neighborhood and we do not want Izzos to become another bar.

Please do not give an alcohol permit to this place.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Eisen". The signature is written in a cursive style with a large initial "A".

Robert and Ann Eisen

Stephen Kroll

From: CPCinfo
Sent: Friday, June 12, 2015 2:16 PM
To: Stephen Kroll
Subject: FW: Izzo's Magazine Street Alcohol Permit

The City Planning Commission Staff

From: Erica Avila [<mailto:nolafergus@gmail.com>]
Sent: Friday, June 12, 2015 9:10 AM
To: CPCinfo
Subject: Izzo's Magazine Street Alcohol Permit

Good Morning,

I am writing to express our non-opposition to Izzo's request for an alcohol permit. My husband and I love this franchise, but are still forced to patron the Metairie location due to our neighborhood Izzo's not having beer and margaritas. To us, it's not an Izzo's without the alcohol. We never imagined they wouldn't be allowed to operate in the same manner as all of their other locations (or at least the ones I am aware of). We don't think it's fair to deny this location the right to serve alcohol, and we don't think it's fair to deny us a "regular" Izzo's. If other cities in Louisiana don't have a problem with Izzo's having a liquor license, why on earth should New Orleans?

Thank you for your consideration in the matter

--
Erica Avila
Vincent Avila
3421 Chestnut St
New Orleans, LA 70115

Stephen Kroll

From: CPCinfo
Sent: Friday, June 12, 2015 2:19 PM
To: Stephen Kroll
Subject: FW: Alcohol permit for Izzo's

The City Planning Commission Staff

From: Tag Purvis [<mailto:tpurvis@fmcfinance.net>]
Sent: Friday, June 12, 2015 2:17 PM
To: CPCinfo
Subject: Alcohol permit for Izzo's

Good afternoon,

I live at 1113 General Pershing Street a few blocks away from Izzo's. I would like to voice my support in allowing this restaurant to serve alcohol. It is very hard for a restaurant to compete and a Mexican restaurant without a margarita is just too tough of a sale –particularly in New Orleans. I do not believe that allowing them to serve alcohol would in any way be detrimental to the character or have any negative impact on my neighborhood. Quite the contrary, I think that restriction places an unnecessary and unfair burden on the business owner and those of us that expect a margarita with our chips. There are a million restaurants and bars serving alcohol in New Orleans. One more addition, is unlikely to muddy the water and is in truth part of the fabric that we expect in this wonderful city and neighborhood.

Kind regards,
Tag Purvis
1113 General Pershing Street

Stephen Kroll

From: CPCinfo
Sent: Friday, June 12, 2015 2:20 PM
To: Stephen Kroll
Subject: FW: Zoning Docket 50/15, Izzo's Illegal Burrito Alcohol Permit

The City Planning Commission Staff

From: Kendra Reade [<mailto:kendramail@gmail.com>]
Sent: Thursday, June 11, 2015 10:21 PM
To: CPCinfo; Robert D. Rivers; LaToya Cantrell; Stacy Head
Cc: Summer McKnight; Rella Zapletal
Subject: Re: Zoning Docket 50/15, Izzo's Illegal Burrito Alcohol Permit

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

RE: Zoning Docket 50/15

6/11/2015

To Whom It May Concern:

As a 15 year resident of the Touro Bouligny Neighborhood and on the same block as the requestor, I cannot support a conditional use permit for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant.

Zoning specifically prohibits fast food restaurants from selling alcohol. Mr. Fernandez argues his is a "fast casual" restaurant, but this is not a designation within New Orleans zoning and his counter-service restaurant chain is therefore "fast food."

While I'm not specifically against a margarita with my chips, I am **very** concerned about what business may follow this one and their having an alcohol permit without my say-so. The last place I need a bar, late night noise and drunk patrons is in my backyard (the rear of our properties abuts), whether they are Izzo's patrons or someone else's.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,
Kendra Reade
4020 Camp St.

Sabine E. Lebailleux

From: CPCinfo
Sent: Tuesday, June 16, 2015 10:45 AM
To: Sabine E. Lebailleux
Subject: FW: Zoning Docket 50/15, not in support of sale of alcoholic beverages

The City Planning Commission Staff

From: Juan [<mailto:jbarreto@cox.net>]
Sent: Monday, June 15, 2015 2:53 PM
To: CPCinfo; drivers@nola.gov; LaToya Cantrell
Subject: Zoning Docket 50/15, not in support of sale of alcoholic beverages

New Orleans City Planning Commission

1300 Perdido Street

Suite 7W03

New Orleans, LA 70112

RE: Zoning Docket 50/15

June 16, 2015

As a resident of the Touro Bouligny Neighborhood, and as a board member of the neighborhood association, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. The potential negative impacts to the large residential neighborhood adjacent to the property include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, irritating or even threatening to neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Juan Barreto

4222 Perrier St, New Orleans, La 70115

C

Stephen Kroll

From: Robert D. Rivers
Sent: Monday, June 15, 2015 4:47 PM
To: Stephen Kroll; Sabine E. Lebailleur
Subject: FW: Zoning Docket 50/15
Attachments: position-letter-Izzos-1.pdf

From: Touro Bouligny [<mailto:tbnasd@gmail.com>]
Sent: Monday, June 15, 2015 4:44 PM
To: CPCinfo
Cc: Stacy Head; Robert D. Rivers; LaToya Cantrell
Subject: Zoning Docket 50/15

City Planning Commission,

Please find attached a letter from the Touro Bouligny Board of Directors outlining our position on the application by Roll It Good Magazine, LLC. dba Izzo's Illegal Burrito for a conditional use to permit the sale of alcoholic beverages at the fast food restaurant located at 4041 Magazine Street. We appreciate your thoughtful consideration.

Respectfully,

Summer McKnight



TOURO BOULIGNY ASSOCIATION

...From Napoleon to Louisiana, Magazine to St. Charles

June 15, 2015

Mr. Robert D. Rivers, Executive Director
City Planning Commission

1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

Dear Mr. Rivers:

RE: Zoning Docket 050/15, Application for conditional use for the sale of alcoholic beverages by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito, located at 4041 Magazine Street.

Concerns have been raised regarding the application of Roll It Good Magazine, LLC. dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages at their fast food restaurant located at 4041 Magazine Street. The proposed use will result in a significant negative impact on and is incompatible with the surrounding neighborhood, per Section 16.6.5. The potential negative impacts include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, which could be perceived as irritating or even threatening by neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages, many of which are prohibited by existing Good Neighbor Agreements. Therefore, the Touro Bouligny Association must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use to serve alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses.

Master Plan – The *Plan for the 21st Century*, commonly known as the Master Plan, provides a stated goal of improving quality of life for neighborhoods, with policies to support its achievement. Specifically, Ch. 5 of Volume 2 provides policies to establish systems to enforce quality of life regulators and eliminate nuisance businesses, and to develop a protocol for dealing with businesses that are incompatible with residences. In the more detailed narrative following the stated goals, the Master Plan provides:

“Neighborhood residents sometimes find that businesses located in residential areas cause problems by attracting or facilitating crime or by other adverse impacts on neighborhood life. A particular focus of concern has been businesses that sell alcohol and permit criminal activity to occur. A change in the code

www.TouroBouligny.com

3623 Camp Street, New Orleans, LA 70115



TOURO BOULIGNY ASSOCIATION

...From Napoleon to Louisiana, Magazine to St. Charles

to tie licenses for alcoholic beverage outlets to the location and the owner or operator would make it possible to require new approval of alcoholic beverage licenses when there are new operators or owner.”

While the recommended change in the code has not yet occurred, the underlying concerns regarding the relationship between inexpensive, conveniently obtained alcoholic beverages and criminal activity should be given serious consideration in light of the ever increasing criminal activity occurring in the area. Not to mention the exclusion of the community from participating in the decision making process to allow the sale of alcoholic beverages for the next owner or operator at 4041 Magazine Street. Further, authorizing the proposed conditional use would set a dangerous precedent for other fast food operators in the city to join the marketing trend for selling alcoholic beverages in fast food restaurants. The proposed conditional use would only exacerbate the ongoing issues addressed in the Master Plan, thus inconsistent with the policies embodied in the adopted Master Plan.

Applicable Zoning District Regulations - The property located at 4041 Magazine Street is in a B-1A Neighborhood Business District with an authorized conditional use as a fast food restaurant. The B-1A NBD also allows for a conditional use for the sale of alcohol for premises occupying less than 5,000 ft², for *any permitted use allowed in the B-1A Neighborhood Business District*. The distinction within the B-1A NBD between permitted, accessory, and conditional uses evidences the intent of the authors to restrict a conditional use for the sale of alcohol to only those uses of land which are authorized as permitted uses within the B-1A NBD, and which do not exceed 5,000ft². Since the fast food restaurant is authorized as a conditional use within the B-1A NBD, a fast food restaurant is ineligible for a conditional use for the sale of alcoholic beverages. The proposed use at the specified location is inconsistent with the general purpose and intent of the applicable zoning district regulations.

Section 11.13 of the current CZO – In the case that an argument for the reading of the word “permitted” in Section 5.5.5.20 as a synonym for authorized and not a restriction to the express permitted uses within the B-1A NBD is deemed to have merit, applying the standards of Section 11.13 results in the same conclusion. Section 11.13 of the current CZO states, “...the proposed use shall not be injurious to nearby properties or contrary to the public interest...” The danger inherent in the sale of alcoholic beverages at fast food restaurants is the direct result of the lack of sit down service. The applicant states in the Project NPP report that the average dining time is 20 minutes. The average adult human metabolizes the equivalent of one beer per hour. The average time to metabolize the purported single alcoholic beverage is three times the average dining time. For any patron imbibing alcohol, the neighborhood will have to suffer them to wait at the establishment until such appropriate time has passed, or walk on our neighborhood



TOURO BOULIGNY ASSOCIATION

...From Napoleon to Louisiana, Magazine to St. Charles

sidewalks, or risk innocent lives driving our neighborhood streets. Whether the patrons are driving or walking, they present a danger manifested in public drunkenness or driving under the influence. The proposed use does not meet all standards specifically applicable to the use as set forth in Article 11.

Therefore, the Touro Bouligny Association must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use to serve alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. Thank you for your thoughtful consideration and concern.

Respectfully,

Summer McKnight, President
Touro Bouligny Association

Sabine E. Lebailleux

From: Robert D. Rivers
Sent: Monday, June 15, 2015 3:18 PM
To: Stephen Kroll; Sabine E. Lebailleux
Subject: FW: Zoning Docket 50/15, Izzo's Illegal Burrito Alcohol Permit

From: Kendra Reade [<mailto:kendramail@gmail.com>]
Sent: Thursday, June 11, 2015 10:21 PM
To: CPCInfo; Robert D. Rivers; LaToya Cantrell; Stacy Head
Cc: Summer McKnight; Rella Zapletal
Subject: Re: Zoning Docket 50/15, Izzo's Illegal Burrito Alcohol Permit

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

RE: Zoning Docket 50/15

6/11/2015

To Whom It May Concern:

As a 15 year resident of the Touro Boulogny Neighborhood and on the same block as the requestor, I cannot support a conditional use permit for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant.

Zoning specifically prohibits fast food restaurants from selling alcohol. Mr. Fernandez argues his is a "fast casual" restaurant, but this is not a designation within New Orleans zoning and his counter-service restaurant chain is therefore "fast food."

While I'm not specifically against a margarita with my chips, I am very concerned about what business may follow this one and their having an alcohol permit without my say-so. The last place I need a bar, late night noise and drunk patrons is in my backyard (the rear of our properties abuts), whether they are Izzo's patrons or someone else's.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,
Kendra Reade
4020 Camp St.
New Orleans, LA 70115

Nancy L. Clarke
922 Constantinople Street
New Orleans, LA 70115

June 11, 2015

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov
rdrivers@nola.gov
lcantrell@nola.gov
shhead@nola.gov

Ref.: Zoning Docket 50/15

Dear Ladies and Gentlemen:

As a resident of the Touro Bouligny Neighborhood who lives around the corner from Izzo's Illegal Burrito, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant.

The potential negative impacts to the large residential neighborhood adjacent to the property include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, irritating or even threatening to neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages.

Additionally, as I understand it, the liquor license would automatically transfer to the next business that occupies that address without having to go through the approval process. Each and every business that wants a liquor license in this city should have to apply for one based on their unique situation and business, it should not be an automatic licensing that goes with the property address.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses.

I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Nancy L. Clarke

Sabine E. Lebailleux

From: Robert D. Rivers
Sent: Monday, June 15, 2015 3:18 PM
To: Stephen Kroll; Sabine E. Lebailleux
Subject: FW: Izzo's Magazine Street Alcohol Permit

From: Erica Avila [<mailto:nolafergus@gmail.com>]
Sent: Friday, June 12, 2015 9:10 AM
To: Robert D. Rivers
Subject: Izzo's Magazine Street Alcohol Permit

Good Morning,

I am writing to express our non-opposition to Izzo's request for an alcohol permit. My husband and I love this franchise, but are still forced to patron the Metairie location due to our neighborhood Izzo's not having beer and margaritas. To us, it's not an Izzo's without the alcohol. We never imagined they wouldn't be allowed to operate in the same manner as all of their other locations (or at least the ones I am aware of). We don't think it's fair to deny this location the right to serve alcohol, and we don't think it's fair to deny us a "regular" Izzo's. If other cities in Louisiana don't have a problem with Izzo's having a liquor license, why on earth should New Orleans?

Thank you for your consideration in the matter

--
Erica Avila
Vincent Avila
3421 Chestnut St
New Orleans, LA 70115

Ann and Robert Eisen
4029 Camp Street
New Orleans, Louisiana 70115

New Orleans City Planning Commission

Cc:

Rdrivers@nola.gov

lcantrell@nola.gov

shhead@nola.gov

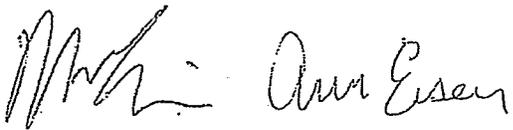
June 12, 2015

This letter is in regard to the public hearing taking place on June 15, 2015 regarding an alcohol permit for Izzos on the corner of Marengo and Magazine Street. My understanding is that zoning prohibits fast food establishments from having alcohol and this place is nothing more than fast food. He may call it fast casual but I don't know of a definition of fast casual on the zoning laws in New Orleans.

If this permit is allowed, there will be no control over what goes into this location after Izzos closes. If another fast food goes in to the space, they could then serve liquor or it could turn out to be another bar. This is a quiet residential neighborhood and we do not want Izzos to become another bar.

Please do not give an alcohol permit to this place.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Eisen". The signature is written in dark ink on a white background.

Robert and Ann Eisen

Sabine E. Lebailleux

From: Robert D. Rivers
Sent: Monday, June 15, 2015 3:17 PM
To: Stephen Kroll; Sabine E. Lebailleux
Subject: FW: Alcohol permit for Izzo's

From: Tag Purvis [<mailto:tpurvis@fmcfinance.net>]
Sent: Friday, June 12, 2015 2:17 PM
To: Robert D. Rivers
Subject: Alcohol permit for Izzo's

Good afternoon,

I live at 1113 General Pershing Street a few blocks away from Izzo's. I would like to voice my support in allowing this restaurant to serve alcohol. It is very hard for a restaurant to compete and a Mexican restaurant without a margarita is just too tough of a sale –particularly in New Orleans. I do not believe that allowing them to serve alcohol would in any way be detrimental to the character or have any negative impact on my neighborhood. Quite the contrary, I think that restriction places an unnecessary and unfair burden on the business owner and those of us that expect a margarita with our chips. There are a million restaurants and bars serving alcohol in New Orleans. One more addition, is unlikely to muddy the water and is in truth part of the fabric that we expect in this wonderful city and neighborhood.

Kind regards,
Tag Purvis
1113 General Pershing Street

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov

rdrivers@nola.gov

lcantrell@nola.gov

shead@nola.gov

RE: Zoning Docket 50/15

June 15, 2015

As a resident of the Touro Bouligny Neighborhood, I support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. Given the number of restaurants/bars in close proximity, I do not see how this would have any significant negative impacts residents in the neighborhood adjacent to the property, of which I'm one. It seems to me that this would only add to the appeal of Izzo's and make it a viable business that could be a boon to the area..

Therefore, I respectfully request that the City Planning Commission recommend approval of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Ron E. Samford
1505 Marengo St
New Orleans, LA 70115

Sabine E. Lebailleux

From: Robert D. Rivers
Sent: Monday, June 15, 2015 3:16 PM
To: Stephen Kroll; Sabine E. Lebailleux
Subject: FW: Zoning Docket 50/15

From: Kcmclay@aol.com [<mailto:Kcmclay@aol.com>]
Sent: Sunday, June 14, 2015 2:36 PM
To: CPCinfo; Robert D. Rivers; LaToya Cantrell; Stacy Head
Subject: Zoning Docket 50/15

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov

rdrivers@nola.gov

lcantrell@nola.gov

shhead@nola.gov

RE: Zoning Docket 50/15

June 14, 2015

As a resident of the Touro Bouligny Neighborhood, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. The potential negative impacts to the large residential neighborhood adjacent to the property include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, irritating or even threatening to neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Karen Marchand

918 Milan St
New Orleans, LA 70115

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

RE: Zoning Docket 50/15

June 15, 2015

To Whom it May Concern:

As a resident of the Touro Bouligny Neighborhood, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street; a fast food restaurant. There is high potential negative impact to the large residential neighborhood adjacent to the property as well as throughout the city. The precedent of allowing a fast food restaurant to have an alcohol permit, one which stays with the property in perpetuity despite changes in business or business ownership, is dangerous. Each and every business requesting a liquor license in this city should have to apply for one based on their unique situation and business, it should not be an automatic licensing that goes with the property address.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Katherine Baudouin
3424 Camp Street
New Orleans, LA 70115

Sabine E. Lebailleux

From: Robert D. Rivers
Sent: Monday, June 15, 2015 3:15 PM
To: Stephen Kroll; Sabine E. Lebailleux
Subject: FW: Objection to Zoning Docket 50/15

fyi

From: Emily Palit [<mailto:emilypalit@gmail.com>]
Sent: Monday, June 15, 2015 2:51 PM
To: CPCinfo; Robert D. Rivers; LaToya Cantrell; Stacy Head
Cc: summer.mcknight@mail.com; Rella Zapletal
Subject: Objection to Zoning Docket 50/15

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

Re: Zoning Docket 50/15

To Whom it May Concern:

I have been a resident of the Touro Bouligny Neighborhood for 10 years, and I live within a block of Izzo's Illegal Burrito. I ask you to turn down Mr. Fernandez' request for permission to sell alcohol at his fast food restaurant.

Our zoning specifically prohibits fast food restaurants from selling alcohol. While Mr. Fernandez deems his restaurant "fast casual," this designation does not exist in New Orleans zoning. Liquor sales at a counter-serve, fast food restaurant will be a huge detriment both to our neighborhood and to the quality of life in Orleans Parish. Granting his liquor license will be a dangerous precedent in New Orleans.

I respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC, dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street.

I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,
Emily Palit
1017 Marengo
New Orleans, LA 70115

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

RE: Zoning Docket 50/15

June 15, 2015

To Whom it May Concern:

As a resident of the Touro Bouligny Neighborhood, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. There is high potential negative impact to the large residential neighborhood adjacent to the property as well as throughout the city. The precedent of allowing a fast food restaurant to have an alcohol permit, one which stays with the property in perpetuity despite changes in business or business ownership, is dangerous. Each and every business requesting a liquor license in this city should have to apply for one based on their unique situation and business, it should not be an automatic licensing that goes with the property address.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Katherine Baudouin
3424 Camp Street
New Orleans, LA 70115

Stephen Kroll

From: CPCinfo
Sent: Monday, June 15, 2015 12:24 PM
To: Stephen Kroll
Subject: FW: Zoning Docket 50/15

The City Planning Commission Staff

From: Kcmclay@aol.com [<mailto:Kcmclay@aol.com>]
Sent: Sunday, June 14, 2015 2:36 PM
To: CPCinfo; Robert D. Rivers; LaToya Cantrell; Stacy Head
Subject: Zoning Docket 50/15

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov

rdrivers@nola.gov

lcantrell@nola.gov

shead@nola.gov

RE: Zoning Docket 50/15

June 14, 2015

As a resident of the Touro Bouligny Neighborhood, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. The potential negative impacts to the large residential neighborhood adjacent to the property include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, irritating or even threatening to neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Karen Marchand
918 Milan St
New Orleans, LA 70115

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov

rdrivers@nola.gov

lcantrell@nola.gov

shead@nola.gov

RE: Zoning Docket 50/15

June 15, 2015

As a resident of the Touro Bouligny Neighborhood, I support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. Given the number of restaurants/bars in close proximity, I do not see how this would have any significant negative impacts residents in the neighborhood adjacent to the property, of which I'm one. It seems to me that this would only add to the appeal of Izzo's and make it a viable business that could be a boon to the area..

Therefore, I respectfully request that the City Planning Commission recommend approval of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Ron E. Samford
1505 Marengo St
New Orleans, LA 70115

Nancy L. Clarke
922 Constantinople Street
New Orleans, LA 70115

June 11, 2015

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov
rdrivers@nola.gov
lcantrell@nola.gov
shead@nola.gov

Ref: Zoning Docket 50/15

Dear Ladies and Gentlemen:

As a resident of the Touro Bouligny Neighborhood who lives around the corner from Izzo's Illegal Burrito, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant.

The potential negative impacts to the large residential neighborhood adjacent to the property include high levels of noise and traffic at late night hours that would not otherwise occur, and patrons of the fast food restaurant, if intoxicated, could behave in obnoxious manners outside of the establishment, irritating or even threatening to neighbors. The potential for negative impacts on neighbors is greater than it would be for a standard restaurant, due to the convenience and ease of access to inexpensive alcoholic beverages.

Additionally, as I understand it, the liquor license would automatically transfer to the next business that occupies that address without having to go through the approval process. Each and every business that wants a liquor license in this city should have to apply for one based on their unique situation and business, it should not be an automatic licensing that goes with the property address.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses.

I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,

Nancy L. Clarke

New Orleans City Planning Commission
1300 Perdido Street
Suite 7W03
New Orleans, LA 70112

cpcinfo@nola.gov

rdrivers@nola.gov

lcantrell@nola.gov

shead@nola.gov

RE: Zoning Docket 50/15

June 16, 2015

Dear Councilmembers:

As a resident of the Touro Bouligny Neighborhood, I cannot support a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street, a fast food restaurant. The potential negative impacts to the large residential neighborhood adjacent to the property include:

1) Increased traffic in an already congested cml and tourist area
2) Proximity to 4 elementary schools that, at times, walk by there on field trips, and wait near there for rides:

(St. George's- 100+ students soon- preK the 8th with 3 car lines,
St Stephens 60 Students nursery- 4th, Blocking Chestnut with car line,
Lycée bilingual (French school), nursery- 8th, and

Audubon Charter 1-4th, which blocks Milan St from Tchoupitoulas and side streets which results in parents having kids walk to meet them near Izzo's.)

Students do not need excess exposure, and I thought there was a restriction for being so close to a school.

3) Crowds from outside the neighborhood will congregate in the parking lot to drink and party at all hours.

4) The established could then turn into a bar, and we already have plenty from Ms. Mae's to the Bulldog.

5) Next occupant of location will be allowed to have a Bar without a restaurant

6) No value to the neighborhood- We don't need it.

Therefore, I must respectfully request that the City Planning Commission recommend denial of the proposal by Roll It Good Magazine, LLC dba Izzo's Illegal Burrito for a conditional use for the sale of alcoholic beverages for the property located at 4041 Magazine Street to the City Council as being incompatible with existing uses. I appreciate the consideration and support of the City Planning Commission in this matter.

Respectfully,
Ann C. Middleton
1005 Milan Street
New Orleans, LA 70115

TO: New Orleans City Planning Commission

CC: The Hon. LaToya Cantrell

CC: Touro Bouligny Neighborhood Association

RE: ZONING DOCKET 050/15 hearing 6/23/15, in lieu of appearance.

FROM: Timothy H. Lyman, 928 Marengo Street

Wait – what? You are thinking of a zoning change to allow a fast food restaurant a liquor license for outdoor drinking on Marengo Street?

There are no other bars the length of Marengo Street. It would be a bad precedent for a great street.

Why should a fast food restaurant get a liquor license? In the twenty years I've been living at 928 Marengo, I've watched restaurants serving all sorts of slow food not get a liquor license for years, indoors on Magazine Street, and struggle as a business for it. Now fast food outdoors? Are we thinking of bringing back daiquiri shoppes?

You allowed them to construct a nice covered outdoor dining area on the Marengo Street side of the building. *Of course* they want to sell drinks to the people there. But it is a slippery slope, and allowing liquor there will surely be popular enough to demand expansion of the space, the hours, and to others who want to imitate success.

I think you should nip it in the butt, right here. They have the nice outdoor dining area. There you go. That's enough.

Sincerely,

Tim Lyman

928 Marengo, N.O. LA 70115

Tel: 895-7951

CPCinfo

From: Tim Lyman <timlyman@bellsouth.net>
Sent: Thursday, June 04, 2015 11:48 AM
To: CPCinfo
Subject: Letter Re: Zoning Docket 050/15 attached
Attachments: CPC-Letter-About-4041-Magazine.docx

To the New Orleans City Planning Commission, the Touro Bouligny Neighborhood Association, and the office of LaToya Cantrell--

Attached is a letter about Zoning Docket 050/15.

Thank you for your consideration.

Timothy H. Lyman
928 Marengo
N.O. LA 70115
895-7951