CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

FILED
2025 OCT -2 PM 1:25
CIVIL DISTRICT COURT D-12

NO. 2025-09535 DIVISION

JUST SAY NIX, LLC,
CARROLLTON RIVERBEND NEIGHBORHOOD ASSOCIATION,
CENTRAL CARROLLTON ASSOCIATION LLC,
MAPLE AREA RESIDENTS, INC.
TOWN OF CARROLLTON WATCH, LLC,
HISTORIC N.O. NEIGHBORHOODS, LLC,
AND LANE RUTHERFORD TRIPPE

VERSUS

THE CITY OF NEW ORLEANS

****

FILED DEPUTY CLERK

PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

1.

NOW INTO COURT, through undersigned counsel, come Plaintiffs;

Just Say Nix, LLC, a limited liability company opposed to the introduction of a medical marijuana retailer at 1407 South Carrollton Avenue, New Orleans, in the vicinity of schools, churches and residences; and immediately adjacent to Nix Memorial Library;

Carrollton Riverbend Neighborhood Association, a non-profit corporation and neighborhood organization with a mission to improve and promote the quality of life within the Carrollton Riverbend area;

Central Carrollton Association, LLC, a non-profit limited liability company whose mission is to improve the quality of life in the neighborhood it serves;

Maple Area Residents, Inc. a non-profit corporation and neighborhood organization in the Carrollton section of New Orleans, dedicated to improving residential quality of life and encouraging healthy commercial development in the Carrollton section of New Orleans.

Town of Carrollton Watch, LLC, a limited liability company and advocacy organization that monitors developers who commercialize and suburbanize historic residential Carrollton;

Historic N.O. Neighborhoods, LLC, a limited liability company advocating for the preservation of historic New Orleans neighborhoods and the rights of residents; and

Lane Rutherford Trippe, a person of the age of majority, residing at 1418 Short Street, New Orleans, immediately behind the proposed retailer.

2.

Made Defendant is the City of New Orleans, a body both corporate and politic through its City Planning Commission (CPC) and its Department of Safety & Permits, susceptible to suit.

3.

Plaintiffs are collectively aggrieved by the issuance of non-structural renovation work Permit #25-04201-RNVN (the "Permit") to CREDC Carrollton NOLA, LLC, by the Department of Safety & Permits for a commercial medical marijuana retailer at 1407 South Carrollton Avenue, New Orleans, Louisiana.

4.

In response to a zoning verification letter addressed to the Department of Safety & Permits by Nola Cannabis, the Department of Safety & Permits classified and confirmed the project as a "retail goods establishment."

5.

The commercial project is located in an HU-B1 Neighborhood Business District, a zoning district "intended for commercial areas that predominantly serve the needs of the nearby residential neighborhoods," according to the City of New Orleans Comprehensive Zoning Ordinance (CZO) Article 12.1.B, which provides also, in part, that "the general character of this type of development should be sensitive to and compatible with its residential surroundings."

6.

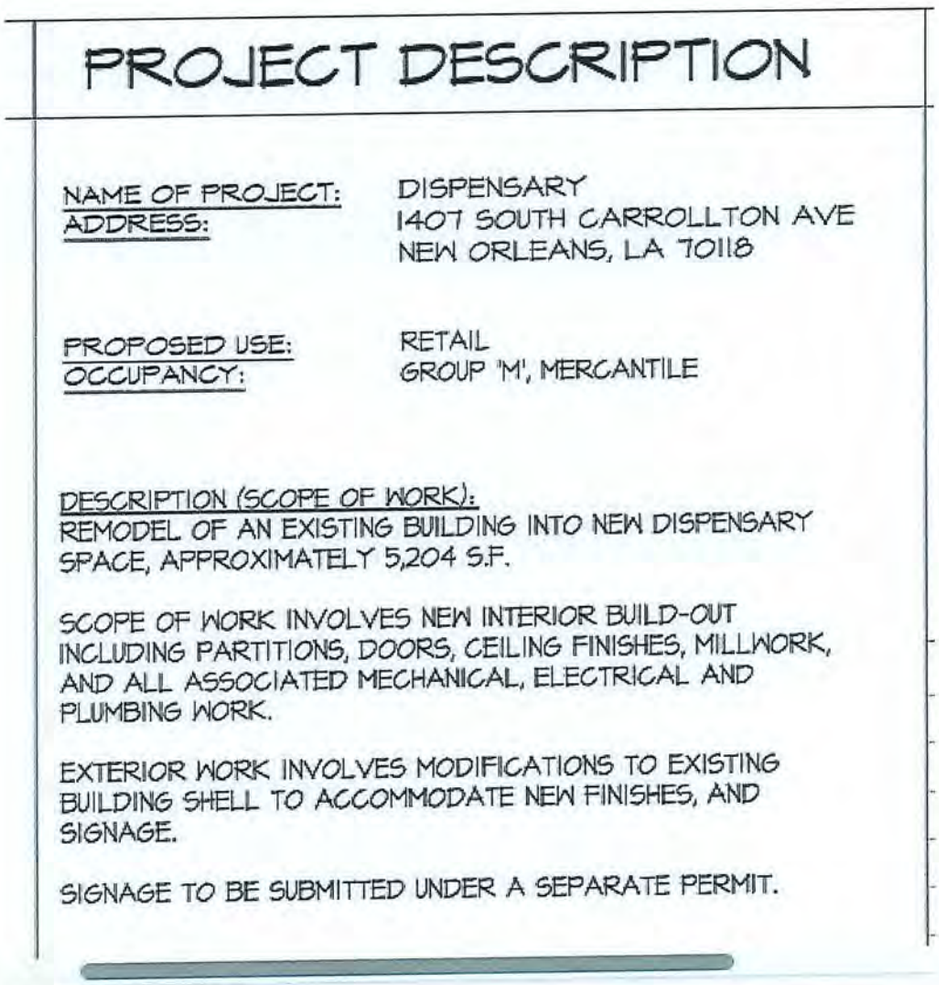
Plaintiffs assert that the Permit for a "retail goods establishment" in an HU-B1 Neighborhood Business District should not have issued without the conduct of the conditional use process required by CZO Article 12.2.B.1.b, which provides:

COMMERCIAL USE FLOOR AREA LIMITATION

Conditional use approval required for any commercial use of five thousand (5,000) square feet of floor area or more with the exception of grocery stores.

7.

The architect's plans for this project, submitted to the Department of Safety & Permits, in connection with the permit application, describe the scope of work as a "remodel of an existing building into new dispensary space, approximately 5,204 S.F," and that "exterior work involves modifications to existing building shell," i.e. the entirety of the building, as depicted in the image below. [1]



PROJECT DESCRIPTION

NAME OF PROJECT: DISPENSARY
ADDRESS: 1407 SOUTH CARROLLTON AVE
NEW ORLEANS, LA 70118

PROPOSED USE: RETAIL
OCCUPANCY: GROUP 'M', MERCANTILE

DESCRIPTION (SCOPE OF WORK):
REMODEL OF AN EXISTING BUILDING INTO NEW DISPENSARY SPACE, APPROXIMATELY 5,204 S.F.

SCOPE OF WORK INVOLVES NEW INTERIOR BUILD-OUT INCLUDING PARTITIONS, DOORS, CEILING FINISHES, MILLWORK, AND ALL ASSOCIATED MECHANICAL, ELECTRICAL AND PLUMBING WORK.

EXTERIOR WORK INVOLVES MODIFICATIONS TO EXISTING BUILDING SHELL TO ACCOMMODATE NEW FINISHES, AND SIGNAGE.

SIGNAGE TO BE SUBMITTED UNDER A SEPARATE PERMIT.

[1] Note also that the CZO defines "use" as "the purpose or activity for which land or **a structure** is designed, arranged, or intended, or for which it is occupied or maintained." The "structure" for which a commercial retail use is planned is in excess of 5,000 square feet.

8.

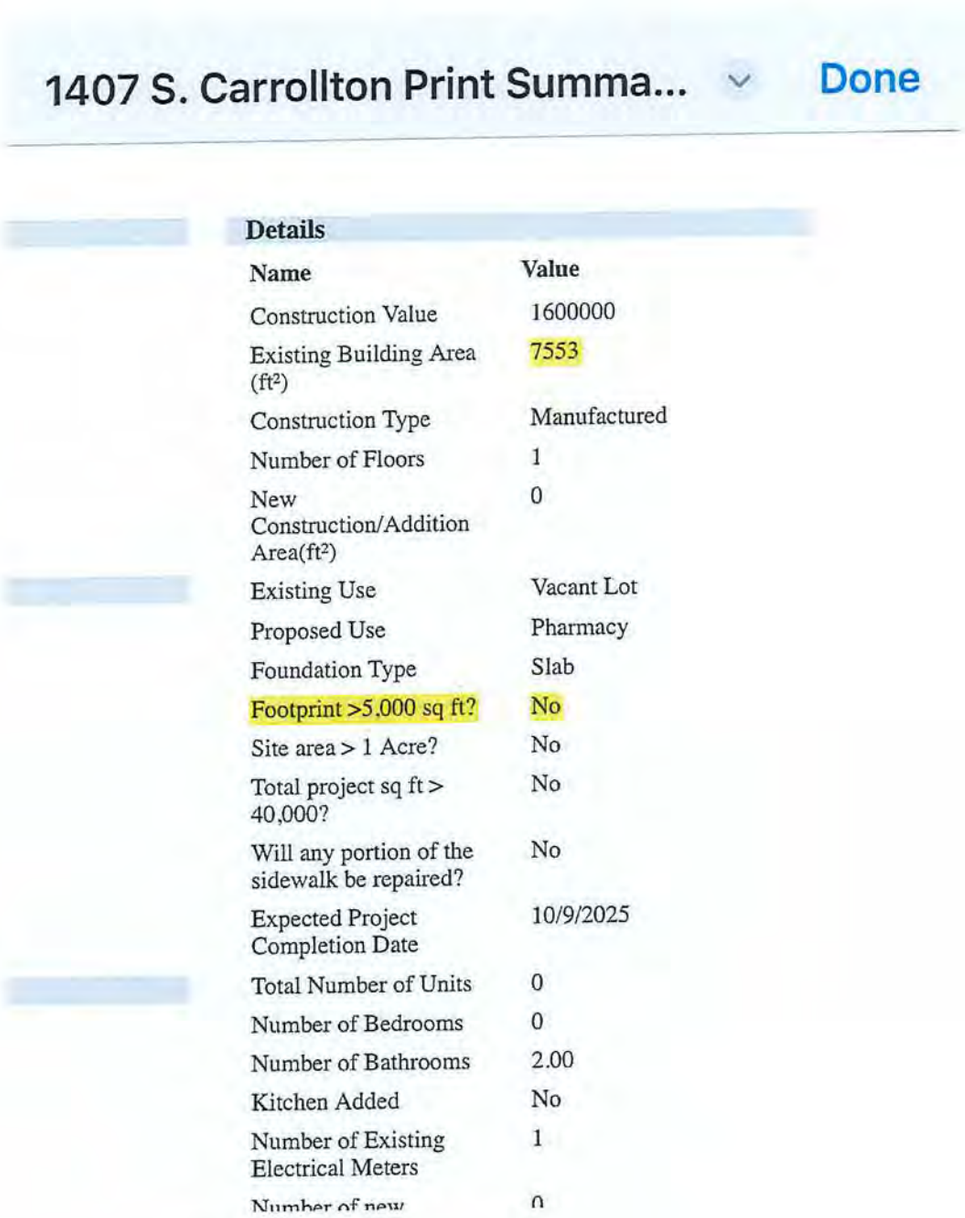
Along with the project description, the Department of Safety & Permits' print summary for non-structural renovation work Permit #25-04201-RNVN for 1407 South Carrollton Avenue indicates an existing building area (ft^2) of 7553 square feet. The Assessor's summary for the property indicates a building square footage of 7533 square feet. An MLS sale listing indicates a building square footage of 6,800 square feet. Multiple real estate listings indicate the building's square footage is in excess of 5,000 square feet. A "Plans Review Questionnaire for Medical Marijuana Dispensaries," as submitted to the Louisiana Department of Health by Crescent City Therapeutics, LLC, on March 19, 2025, indicates that the square footage of the development is 5204 square feet. (collectively Exhibit A, In Globo).

9.

On information and belief, the developers of this commercial project are knowledgeable and sophisticated, and/or have retained knowledgeable and sophisticated consultants, including a former Director of the Department of Safety & Permits, and were aware, or should have been aware, that the square footage of the commercial retail project exceeded 5,000 square feet, triggering the requirement of the conditional use process, suggesting a deliberate and/or fraudulent misrepresentation of the square footage of the commercial project in the permit application process to avoid the conditional use process.

10.

To that end, on or about February 10, 2025, the Permit applicant falsely and incorrectly indicated that the development did not exceed 5,000 square feet via a "check box" in the Department of Safety & Permit's electronic application process, as depicted in the image below.


1407 S. Carrollton Print Summa... Done

Details

Name	Value
Construction Value	1600000
Existing Building Area (ft²)	7553
Construction Type	Manufactured
Number of Floors	1
New Construction/Addition Area(ft²)	0
Existing Use	Vacant Lot
Proposed Use	Pharmacy
Foundation Type	Slab
Footprint >5,000 sq ft?	No
Site area > 1 Acre?	No
Total project sq ft > 40,000?	No
Will any portion of the sidewalk be repaired?	No
Expected Project Completion Date	10/9/2025
Total Number of Units	0
Number of Bedrooms	0
Number of Bathrooms	2.00
Kitchen Added	No
Number of Existing Electrical Meters	1
Number of new	0

11.

On March 19, 2025 John B. Davis, the Owner's Managing Officer for Crescent City Therapeutics, LLC, dba NOLA Cannabis Company submitted to the Louisiana Department of Health an affidavit also falsely and incorrectly asserting that the project at 1407 S. Carrollton Ave. complies with the applicable local zoning.

12.

On September 17, 2025 undersigned counsel submitted a zoning interpretation request to the Director of the Department of Safety & Permits, as follows:

> Article 4.10, et seq. of the Comprehensive Zoning Ordinance (CZO) provides for an application for a zoning text interpretation by the Director of Safety &

Permits by any interested party. As an interested party this will serve as my request for the interpretation of CZO Article 12.2.B.1.b as applied to the permit application of and resultant permit issuance to CCT Investment Holdings, LLC, for the development of a medical marijuana retailer outlet at 1407 South Carrollton Avenue.

CZO Article 12.2.B.1.b provides in part:

COMMERCIAL USE FLOOR AREA LIMITATION

Conditional use approval required for any commercial use of five thousand (5,000) square feet of floor area or more with the exception of grocery stores.

The Department of Safety & Permit's print summary for non-structural renovation work permit #25-04201-RNVN for 1407 South Carrollton Avenue indicates an "Estimated Building Area" of 7553 square feet. The Assessor's summary for the property indicates the building's square footage is 7553 square feet. A 2025 ROAM MLS listing for the property references 5,300 square feet. Multiple real estate listings indicate the building is in excess of 5,000 square feet. A "Plans Review Questionnaire for Medical Marijuana Dispensaries," as submitted to the Louisiana Department of Health by Crescent City Therapeutics, LLC, on March 19, 2025, indicates that the square footage of the development is 5204 square feet.

Accordingly, this will serve to request the interpretation of CZO Article 12.2.B.1.b that resulted in the issuance of permit #25-04201-RNVN for 1407 South Carrollton Avenue without the required conditional use processing for commercial use of five thousand (5,000) square feet or more, given that multiple sources indicate that the commercial use proposed is in excess of five thousand (5,000) square feet.

13.

That same day undersigned counsel received an email from noreply.nola.gov indicating that the Department of Safety and Permits declined to provide a zoning interpretation and that the request for interpretation was considered closed. Attempts to resume this discussion with the Department of Safety & Permits proved fruitless. Plaintiffs herewith appeal the denial of this request for a zoning interpretation.

14.

The conditional use process requires written application and filings by the developers and/or their consultants; a CPC Staff review and report; a public hearing and comment before the CPC; a CPC recommendation to the City Council; a public

hearing and comment before the Council; Council approval or denial; and the possibility of an appeal to the Civil District Court for the Parish of Orleans.

15.

The conditional use process allows for public input; and often results in the imposition of conditions or provisos that are necessary to the neighborhood and the public. Specifically, per CZO Article 4.3.A (Conditional Use—Purpose) the conditional use process provides for the consideration of "the public need for the particular use at the particular location."

16.

The failure of the City of New Orleans to recognize that the proposed commercial development and retail use in excess of 5,000 square feet required the conduct of the conditional use process caused the Plaintiffs irreparable harm in the denial to the Plaintiffs of the necessity of public hearings and input and the potential conditions or provisos that are necessary to them and to the neighborhood. Additionally, the granting of the Permit without the conduct of a conditional use process represents a direct violation of a prohibitory law, justifying injunctive relief.

17.

Plaintiffs seek a zoning interpretation from the Department of Safety & Permits as to the interpretation of CZO Article 12.2.B.1.b that resulted in the issuance of permit #25-04201-RNVN for 1407 South Carrollton Avenue without the required conditional use processing for commercial use of five thousand (5,000) square feet or more, given that multiple sources indicate that the commercial use proposed is in excess of five thousand (5,000) square feet.

18.

Plaintiffs seek declaratory relief in the form of a Declaratory Judgment that the conditional use process provided for by CZO Article 12.2.B.1.b was, and is, required for the development of a commercial medical marijuana retailer at 1407 South Carrollton Avenue, New Orleans, in an HU-B1 zoning district.

19.

Plaintiffs further seek injunctive relief in the form of a Temporary Restraining Order, and/or Preliminary Injunction and Permanent Injunction enjoining the issuance of any further permits for the development of a commercial medical marijuana retailer at 1407 South Carrollton Avenue, New Orleans, in an HU-B1 zoning district, including any Certificate of Occupancy and any Occupational License, until such time as the conditional use process is observed.

20.

Plaintiffs further seek any and all equitable and supplemental relief.

RESPECTFULLY SUBMITTED,

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