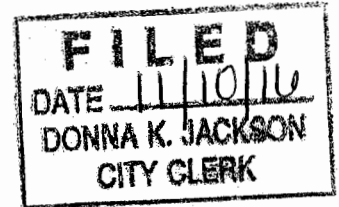


IN THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS

RE: CU-16-17
Conditional Use: 2404 E. Matthews - Chris Kidd



APPEAL

Neil Stallings Properties #1, LLLP, f/k/a Stallings/Moore Limited Partnership #1, LLLP (a/k/a Stallings Moore, LLP#1 as referenced in the Craighead County Assessor's real estate records), and Stallings & Gibson, Inc. (collectively, "Appellants"), respectfully appeal to the City Council of the City of Jonesboro, Arkansas, to reverse the decision of the Metropolitan Area Planning Commission ("MAPC") related to CU-16-17 (see Minutes, attached as **Exhibit "A"**) for the following reasons:

1. The proposed use does not conform to all applicable provisions related to I-1 zoning. Although a laundromat is a potential conditional use in such district, an unattended, late-night operation with minimal parking and little or no safety measures for pedestrian traffic, is not contemplated by the district regulations.
2. The proposed use is not proposed to be designated, located and operated in a manner that the public health, safety and welfare will be protected. Surrounding business and properties are occupied and managed during regular working hours and cater to vehicular traffic.
3. The proposed land use is incompatible with and will adversely affect other property in the area. [See above].
4. The parking, lighting, pedestrianways are inadequate and inconsistent with the purposes and requirements of I-1 zoning. [See above].

5. There are insufficient safeguards proposed to limit crime and potential injury to the public.

6. The MAPC failed to adopt conditions to the approval that specifically require the applicant to take action, rendering the decision arbitrary and ambiguous. There is no public record that documents the “several conditions attached” to the approval of the conditional use, and therefore no method to determine whether the applicant has abided by, or violated the conditions. To the extent conditions were in fact attached, they are vague and ambiguous and therefore impossible to interpret or enforce.

7. The MAPC failed to confirm that landowners within 200 feet of the property had received proper notice of the proposed use, and the hearing date, time and place, and that such notice was effectuated at least ten (10) days prior to the hearing. No return receipts were included in the Staff Summary provided by the Planning Department prior to the hearing before the MAPC, and no plat or map was presented that reflected the property location and the owners of all properties within 200 feet of the proposed location of the laundromat.

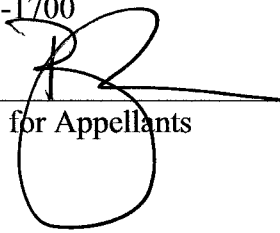
8. The MAPC failed to obtain proof of ownership of the property that is the subject of the proposed conditional use. Although the apparent owner of the property (Burns Finis Revocable Trust) is listed on the application, there is no signature of the Trustee of the trust, and it lacks any verification by “at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.” *Jonesboro Municipal Code* Sec. 117-199(1)(a).

Appellants are property owners within 200 feet of 2404 E. Matthews, Jonesboro AR. See attached **Exhibit “B.”**

For all of the above reasons, the Appellants submit that the approval by the MAPC of the applicant's conditional use application was arbitrary, capricious, and inappropriate.


Respectfully,

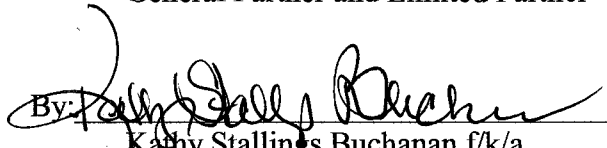
Ralph W. Waddell (85163)
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By: 
Attorneys for Appellants

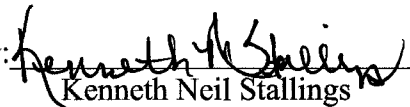
APPROVED:

**Neil Stallings Properties #1, LLLP f/k/a
Stallings/Moore Limited Partnership #1, LLLP**

By: 
Kenneth Stallings
General Partner and Limited Partner

By: 
Kathy Stallings Buchanan f/k/a
Kathy Moore
General Partner and Limited Partner

Stallings & Gibson, Inc.

By: 
Kenneth Neil Stallings
President