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ATTACHMENT TO
APPLICATION FOR A ZONING ORDINANCE MAP AMENDMENT
FOR BLUE PLATE, LLC

1. Blue Plate, LLC, purchased the property on August 15, 2008. (See attached Warranty Deed). It appears that the property was zoned residential but the City has allowed commercial retail restaurant/food establishments to operate under the "grandfather clause" since at least October of 2003 when Ms. G's Deli was in business. (See attached Replat dated October 10, 2003).

2. The property was leased to Mr. Gerardo Silva for his business, Taquito Loco Mezicano, to reopen as a retail restaurant/food establishment. After investing over \$10,000.00 in improvements to comply with various permit and licensing requirements, Mr. Silva was informed by the City that the property was zoned residential and his business would not be allowed open because of this zoning restriction. The City has historically allowed the use of the property as a commercial retail restaurant/food establishment by various business owners for many years through the "grandfather clause" exception. For example, Jonesboro Total Healthcare, LLC, in December of 2015 leased the property for three (3) years and ran a commercial food establishment until it decided to relocate the end of November or the first of December of 2016. Subsequently, Blue Plate, LLC entered into a lease agreement with Mr. Silva and for months substantial improvements were made to the property in order to get it reopened within one (1) year from the closure of the prior retail business in order to maintain the "grandfather clause" exception status. However, despite his timely applications, Mr. Silva has not been allowed to open Taquito Loco Mezicano. The rezoning is necessary to avoid continuing economic hardship to Blue Plate, LLC and to Mr. Silva. Further, the rezoning is necessary to avoid a judicial interpretation as to whether the property is entitled to continue under the "grandfather clause" exception as well as any future complications with the use of the property for commercial purposes.

3. The property is already developed to be used as a retail restaurant/food establishment and the business has been ready to open since October 5, 2017, after being granted a license to operate a Retail Food Establishment by the Arkansas State Board of Health.

4. Basically the same as all prior food establishments that have been opened at this location. (See attached Replat dated October 10, 2003 for building square footage).

5. By applying for a rezoning Blue Plate, LLC is not waiving the "grandfather clause" exception status and Blue Plate, LLC is specifically reserving the right to maintain the same in the event the City does not authorize the rezoning request.

6. Rezoning would be in the public's interest in that this would resolve any future issues regarding the use of this property and the avoid expending public funds in a judicial setting to resolve of the same in light of the City's continued recognition as to this type of use under the "grandfather clause".

7. There is commercial property in the area and a large drainage pond.

8. The building on this property has been operated as a retail food establishment for many years and is built for that purpose. In fact, in order to reopen, and serve Mexican food, new drain lines, sinks, roof vents and a 1,000 Gallon grease trap with outside manhole was required and has been completed at a cost of almost \$10,000. Failure to be able to continue to operate a commercial retail food establishment either by rezoning or under the "grandfather clause" exception creates a substantial undue economic hardship on Mr. Silva, his family and Blue Plate, LLC.

9. The operation of the business will be similar to all of those commercial uses that have operated at this location in the past; however, the improvements should increase the property value of any properties located nearby.

10. The property technically has not been vacant for very long in that while improvements have been made the business has not been open to the public. However, it has been less than one (1) year since Jonesboro Total Healthcare, LLC discontinued operating it business at this location.

11. None should be different than when the prior business operations were allowed by the City for this use in a residential zoning pursuant to the "grandfather clause".

12. Please see answer to number 3 above.

13. Evidentially it has not been a problem since various restaurants have operated there for many years while in a residential zoning, and under these circumstances, a neighborhood meeting has not been requested or held. Also, there is commercial property in the area.

14. N/a