



Project No.: PL-1751

Request: Approval of a Conditional Use for a food truck to be operated at 74 W Commerce Street

Location: The subject property is located on the north side of E Commerce St, east side of Northview St in Sections 13, Township 3, and Range 8

Applicant: Claire Agner, representing Don Breshears, the owner of the property.

Date: September 12th, 2023

INTRODUCTION:

Claire Agner, owner of Commerce Street Market, is requesting a conditional use to have food truck availability. The subject property is located on the north side of E Commerce St, east side of Northview St in Sections 13, Township 3, and Range 8

BACKGROUND:

This use is listed as a conditional use in the C2 district and the Commission can attach conditions as deemed appropriate. This can include hours of operation, number of customers allowed, or others to directly address the approval or denial criteria.

DISCUSSION:

To be considered, applicants for a Conditional Use must address the following questions adequately:

- 1. Explain how the proposed use WILL NOT substantially increase traffic hazards or congestion.**

Applicant: We have had over 20 events with food trucks in the past and it has never been an issue.

- 2. Explain how the proposed use WILL NOT substantially increase fire hazards.**

Applicant: With having them in a wide open space and no permanent structures close or near the food trucks, there will be no fire hazards.

3. Explain how the proposed use WILL NOT adversely affect the character of the neighborhood.

Applicant: It is a commercial zoned temporary one-day use at a time - request.

4. Explain how the proposed use WILL NOT adversely affect the general welfare of the City.

Applicant: Not only would it not have a negative effect, Food trucks will actually bring more revenue to our city as well as new people coming to shop in other small businesses in town while they are here which will over all benefit everyone. When we do events our main objective is to host charitable events that will promote the public good within the community.

5. Explain how the proposed use WILL NOT overtax public utilities or community facilities.

Applicant: They will be using Commerce Street Market Bathroom Facilities. Events only last a few hours and we do not use any public utilities or community facilities.

6. Explain how the proposed use of the property WILL conform to the recommendations of the City's General Development Plan.

Applicant: By allowing us to have food trucks for our temporary events we host we are able to benefit numerous community causes. Our charitable events in the past have benefited Roger Swanzanya, Greg Tacker, Ava's Cancer Journey, The Hernando Animal Shelter, as well as dozens more. When we do events our main objective is to host charitable events that will promote the public good within the community.

STAFF COMMENTS:

1. If approved, staff recommends establishing a time limit for the approval and consideration.
2. In accordance with Article XVI §c. ¶ v. Any person or persons aggrieved by any decision of the Planning Commission may appeal within 10 days to the City of Hernando and the City of Hernando may affirm, reverse, remand, or modify the decision as may be proper. Parties aggrieved by decisions of the City of Hernando may seek review by a Court of Record as provided by law.
3. If an appeal is made, the appeal shall be submitted in writing to the Office of Planning as prescribed above.

PROPOSED MOTION:

Motion to Approve

I move to approve the application by Claire Agner, owner of Commerce Street Marker, for a Conditional Use for a food truck to be operated at 74 W Commerce Street. The subject property is located on the north side of E Commerce St, east side of Northview St in Sections 13, Township 3, and Range 8

- 1. The proposed the proposed use WILL NOT substantially increase traffic hazards or congestion.**
- 2. The proposed use WILL NOT substantially increase fire hazards.**
- 3. The proposed use WILL NOT adversely affect the character of the neighborhood.**
- 4. The proposed use WILL NOT adversely affect the general welfare of the City.**
- 5. The proposed use WILL NOT overtax public utilities or community facilities.**
- 6. The proposed use of the property WILL conform to the recommendations of the City's General Development Plan.**

Motion To Deny

I move to deny the application by Claire Agner, owner of Commerce Street Marker, for a Conditional Use for a food truck to be operated at 74 W Commerce Street. The subject property is located on the north side of E Commerce St, east side of Northview St in Sections 13, Township 3, and Range 8

- 1. The proposed the proposed use WILL substantially increase traffic hazards or congestion.**
- 2. The proposed use WILL substantially increase fire hazards.**
- 3. The proposed use WILL adversely affect the character of the neighborhood.**
- 4. The proposed use WILL adversely affect the general welfare of the City.**
- 5. The proposed use WILL overtax public utilities or community facilities.**

- 6. The proposed use of the property WILL conform to the recommendations of the City's General Development Plan.**

Motion to Table

I move to table the application by Claire Agner, owner of Commerce Street Marker, for a Conditional Use for a food truck to be operated at 74 W Commerce Street. The subject property is located on the north side of E Commerce St, east side of Northview St in Sections 13, Township 3, and Range 8

Conditional Use Application

Additional Information

We are applying for a conditional use permit to host a food truck in front of our store a limited number of times per month. Our aim is threefold: to bring new tastes and cuisines to our city, to introduce new businesses to Hernando, and to promote charitable causes in our community.

Our city is fortunate to have several great dining options, including Mexican eateries, old-school walk-ups, New American grills, and more. We would like to add to this diverse food scene by inviting popular restaurants that serve, for example, fresh New England lobster, artisan grilled cheeses, and Southern fusion entrées. Regarding logistics, we are seeking approval to host a food truck in front of our store up to five times per month. Each hosted event would be less than four hours in duration and typically fall on either a Saturday or a Sunday. (Saturdays would provide more options for tourists and Sundays would give everyone more options on a day when many small businesses are closed.) The food truck would be parked in the southwest corner of our parking lot and occupy three to four parking spaces.¹ Food truck customers would be able to park in our parking spaces and use our restroom facilities. We believe that the result would be a constant variety of new culinary options, ones that would complement our existing establishments and that people in Hernando would welcome.

Many food truck owners are looking for safe, high-traffic locations to test the appeal of their food in Hernando and to develop their businesses, and we believe that we could provide such a spot. For example, we would like to host Threeway Bagels at our store every Saturday from approximately 8am to 10am. The owner has been serving our city for several years now and has built up a tremendous following. He also runs a popular restaurant in Oxford (The Luv Shak), holds a food manufacturing permit from the Mississippi State Department of Health, and has diligently been specifying Hernando as the city of sale when paying relevant sales tax. In this case, we would like to host Threeway Bagels on Saturday mornings and still maintain the ability to host one other food truck that day—subject to our stated limit of up to five events per month. There would be only one food truck on our premises at any given time.

Lastly, we would like to mention that our events with food trucks typically support local charitable causes. When people show up for food trucks, they usually shop at surrounding businesses, including ours. On those days, we like to give a percentage of our sales to good causes in our community. Past recipients include the Hernando Animal Shelter and families of children with life-threatening illnesses. We consciously partner with food truck owners who support these causes, and we plan to continue this practice.

We thank the Board of Adjustment members for reviewing our application. We welcome any clarifying questions about its content, and we look forward, in hope of its approval, to serving our city in the ways stated therein.

¹ See Supplement #1 below for a visual image.

Supplement #1

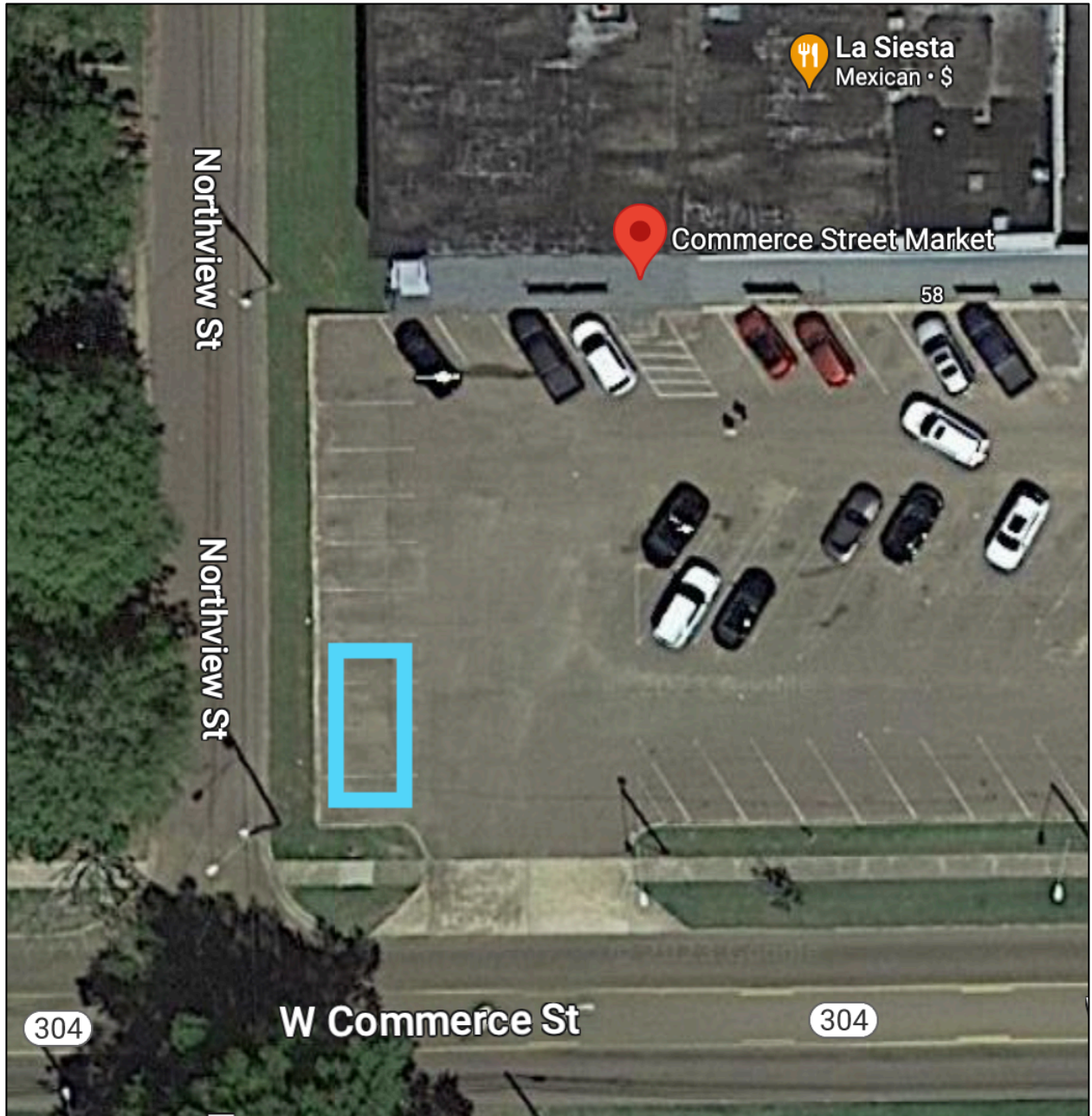
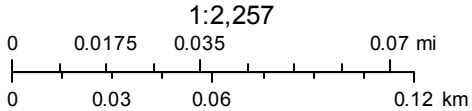


Image 1: The proposed location for the food truck is outlined above with a blue rectangle.

Aerial Map



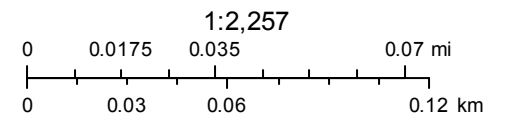
August 11, 2023



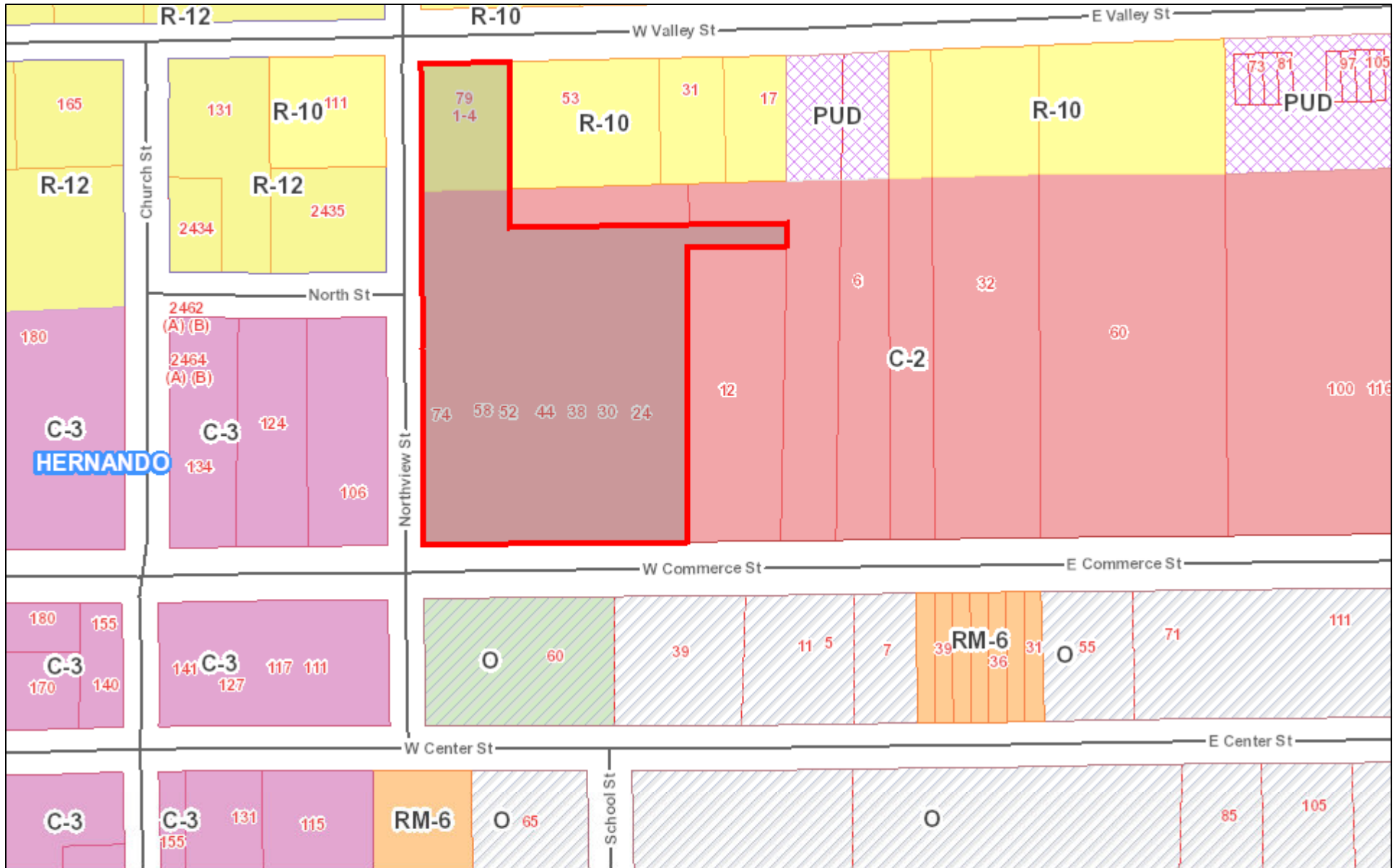
Site Map



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Zoning Map



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