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**Project No.:** PL-1755

**Request:** Request for a conditional use approval for a food truck park

**Location:** The subject property is located on the north side of E Commerce Street and west of Mt. Pleasant, more specifically 140 E Commerce Street, in Section 18, Township 3, Range 7

**Applicant:** Vance Daly, owner.

**Date:** September 12<sup>th</sup> 2023

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### **INTRODUCTION:**

Vance Daly, owner of the property, is requesting a conditional use to operate a food truck park in the C2 zone. The subject property is located on the north side of E Commerce Street and west of Mt. Pleasant, more specifically 140 E Commerce Street, in Section 18, Township 3, Range 7

### **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: See attached narrative - but new parking lot will be added

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

Applicant: See attached narrative - but each food truck is outfitted with its own fire protection devices

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

Applicant: See attached narrative - but a food truck vendor park will benefit and improve the character of the neighborhood

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

Applicant: See attached narrative - a food truck vendor park will be an asset to the City as this is something new

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

Applicant: See attached narrative - but no public facilities will be used, as this is on private property

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

Applicant: See attached narrative - but we are proceeding under the City's newly enacted food truck regulations

**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 Vance Daly, for a conditional use to operate a food truck park in the C2 zone based on the criteria below. The subject property is located on the north side

of E Commerce Street and west of Mt. Pleasant, more specifically 140 E Commerce Street, in Section 18, Township 3, Range 7

- 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 Vance Daly, for a conditional use to operate a food truck park in the C2 zone based on the criteria below. The subject property is located on the north side of E Commerce Street and west of Mt. Pleasant, more specifically 140 E Commerce Street, in Section 18, Township 3, Range 7

- 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 Vance Daly, for a conditional use to operate a food truck park in the C2 zone based on the criteria below. The subject property is located on the north side of E Commerce Street and west of Mt. Pleasant, more specifically 140 E Commerce Street, in Section 18, Township 3, Range 7 until the next meeting.



## CONDITIONAL USE APPLICATION

### I. PROPERTY LOCATION AND DESCRIPTION

Property Location: 140 E. Commerce Street

Located on the: North Side of Commerce Street

Nearest Intersection: Commerce and Mt. Pleasant Total Site Acreage: 1.6 Acres

Section: 18 Township: 3S Range: 7W Existing Zoning: C-2

### II. APPLICANT CONTACT INFORMATION

12 Stones Properties, LLC, 140 E. Commerce Street, Hernando; 601-941-2530; 12stoneshernando@gmail.com

Property Owner	Address	Telephone	E-mail
Vance Daly	140 E. Commerce Street, Hernando;	601-941-2530;	vdaly@dalykirk.com

Owner's Designated Agent	Address	Telephone	E-mail
same			

Developer	Address	Telephone	E-mail
Ben Womble	2883 Elise Drive, Hernando;	901-604-0904;	bwomble@wombleengineering.com

Engineer/Surveyor	Address	Telephone	E-mail

### III. DESCRIPTION OF CONDITIONAL USE

Please give a description of the Conditional Use being requested.

I am seeking approval for a mobile food vendor park that will accommdate up to ten (10) food trucks, which is more fully described in the attached narrative and pictures.

### IV. SUBMITTAL FEE

Commercial Variance.....\$330.00

Residential Variance .....\$110.00

Note: All fees are nonrefundable

## V. **CONDITIONAL USE CRITERIA**

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Applications for conditional use for uses authorized by the zoning ordinance shall be made to the Planning Commission. The Planning Commission will investigate all aspects of the application giving particular regard to whether or not such proposed use will:

1. Substantially increase traffic hazards or congestion.  
  
See the attached narrative
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood or adversely affect the general welfare of the city.
4. Overtax public utilities or community facilities.
5. Be in conflict with the General Development Plan.

## VI. **SUBMITTAL ACKNOWLEDGEMENT**

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I, the undersigned, being the owner of record, or the owner's designated agent, certify that the above information is true and correct to the best of my knowledge. I further agree that I am informed concerning the provisions of the zoning ordinance of the City of Hernando, Mississippi, as it affects the approval of zoning amendments by the City. Applicant states that the following items are included with this application at the time of submission:

- The Conditional Use Application, the Disclosure of Ownership form, and the Designation of Agent Form.
- A drawing of the property sought to be considered, drawn to scale, showing the dimensions thereof, the proposed development of the site, including building locations, parking and traffic circulation, access points, landscaping, etc., and the width of any street, roads, or alleys contiguous thereto. (one 8.5" x 11" copy)
- A current survey of the property. (one 8.5" x 11" copy)
- An architectural drawing of each elevation of any proposed structures (one 8.5" x 11" copy)
- A legal description by metes and bounds of the entire property that is being considered for the conditional use. (one 8.5" x 11" copy)
- A drawing of the neighborhood, drawn to scale, showing all properties, and the owners of those properties, within 500 ft. of any property line of the subject property, including the dimensions of each property, and the widths of all streets, roads or alleys. (one 8.5" x 11" copy)
- A list of the names and addresses of the owners reflected upon the drawing of the neighborhood on gummed mailing labels
- All required items are to be submitted in a digital format (.pdf) online at [www.mygovernmentonline.org](http://www.mygovernmentonline.org).

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Signature of Property Owner or Designated Agent

Date

# Under the Magnolias

## Food Truck Court

Under the Magnolias is a proposed food truck court for up to ten (10) food trucks, with a pavilion style outdoor seating to accommodate the patrons. The proposal is to be open for business breakfast (if a food truck serves breakfast), lunch and dinner - seven (7) days a week.

The attached drawing shows the proposed layout out of the site, including a new parking lot for additional parking, the space for the pavilion to be constructed, and a layout for the food trucks.

**Parking** - the parking lot will concrete to match the parking lot already in existence on site, except that it will be 65 feet in depth to accommodate parking in both directions. I'm uncertain as to the number of parking spaces to be added, but I believe around 16-18 spaces.

**The Pavilion** - the pavilion will be simple in concept, something similar to the attached pictures. Just a simple slanted/metal roof with open sides that provides a cover for people wanting to eat on site. There will be electricity run to the pavilion so that it will have lights, fans and heaters to accommodate the different seasons and temperatures.

**Garbage Collection** - There will also be garbage cans throughout the pavilion for the collection of the trash and garbage associated with the patrons eating on site.

**Bathrooms** - there are commercial bathrooms in the existing building on site that are accessible to the patrons.

**Food Truck Area** - the food truck area will have designated spaces for ten (10) food trucks, with each space generally allowing for 20 feet. The typical food truck is sixteen (16) feet long, so the additional four feet per space will allow adequate wiggle room.

The proposed area for the trucks will be a white rock/gravel base, with the open space between the trucks being astroturf.

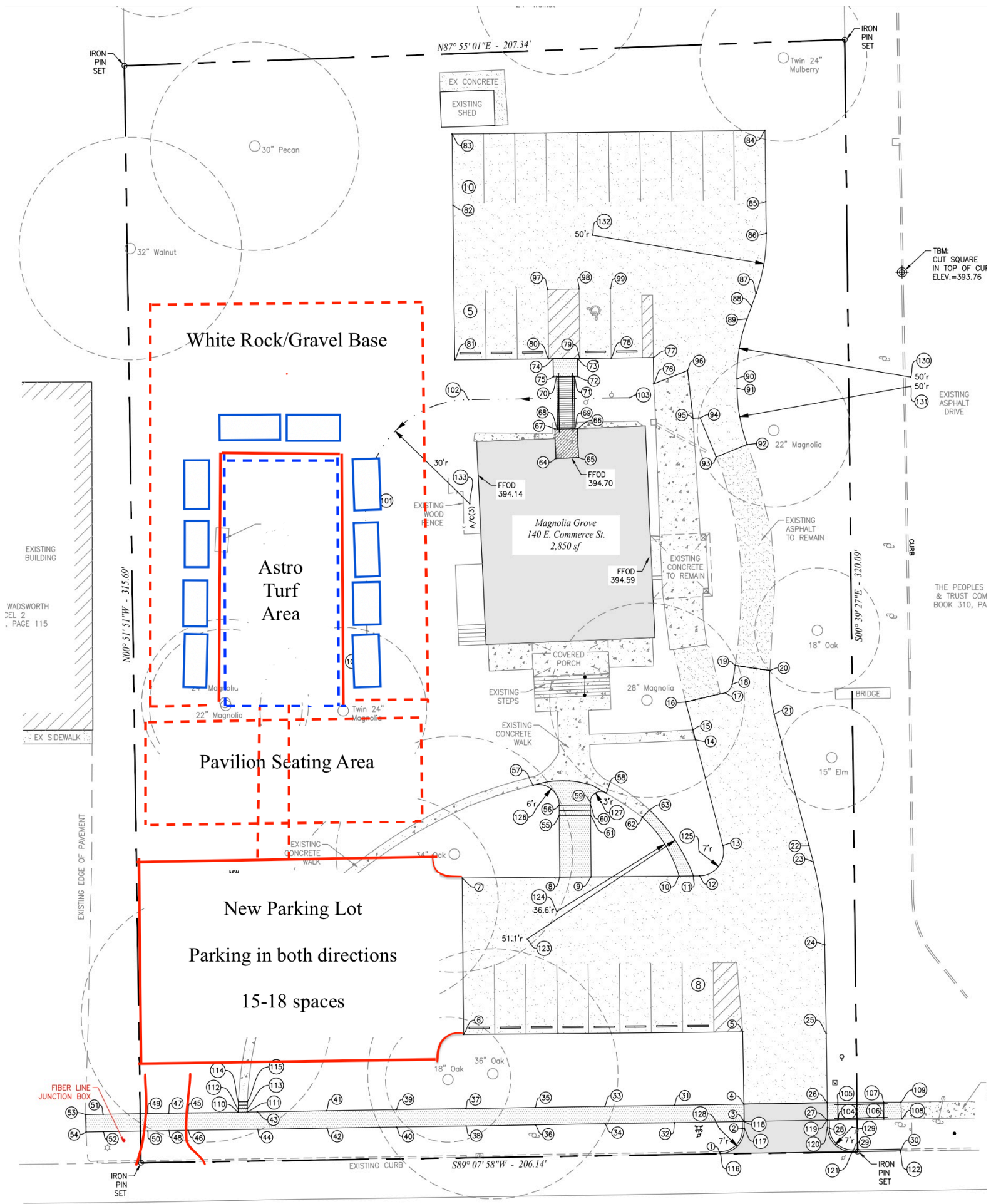
**Electricity** - the proposed food truck court will have electrical plugins available for each food truck to avoid noisy generators.

## **Conditional Use Criteria -**

1. There will be an increase in traffic to this site, but this is being addressed by adding an additional parking lot with another access point on Commerce Street.
2. Presumptively there would be an increase in fire hazards merely because there will be food trucks on site, all of which have a potential to be a fire hazard. However, each food truck will be outfitted with its own fire extinguishers and other safety measures required for the operation of a food truck.
3. There will be no adverse affect on the character of the neighborhood or the general welfare of the city. This is a commercially zoned area, surrounded by restaurants and other businesses. This will improve the character of the neighborhood and will be a great benefit to the city, as it is something new that will attract people to the area.
4. There will not be an overtax on public utilities. As noted above, new electrical will be added to the site to provide electrical hookups to each food truck. There will be no use of any community facilities as this is on private property.
5. There is nothing in this proposal that conflicts with the General Development plan. As a matter of fact, this is in line with the General Development Plan, as food truck regulations were just added to Hernando's ordinances to accommodate such an idea as this.







WADSWORTH  
 DEL 2  
 PAGE 115

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 ELEV.=393.76

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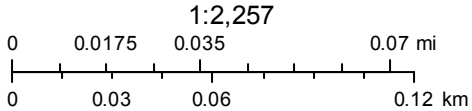




# Aerial Map



August 11, 2023

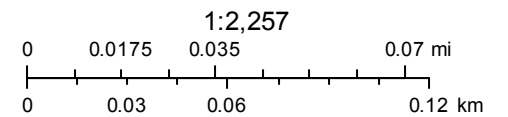




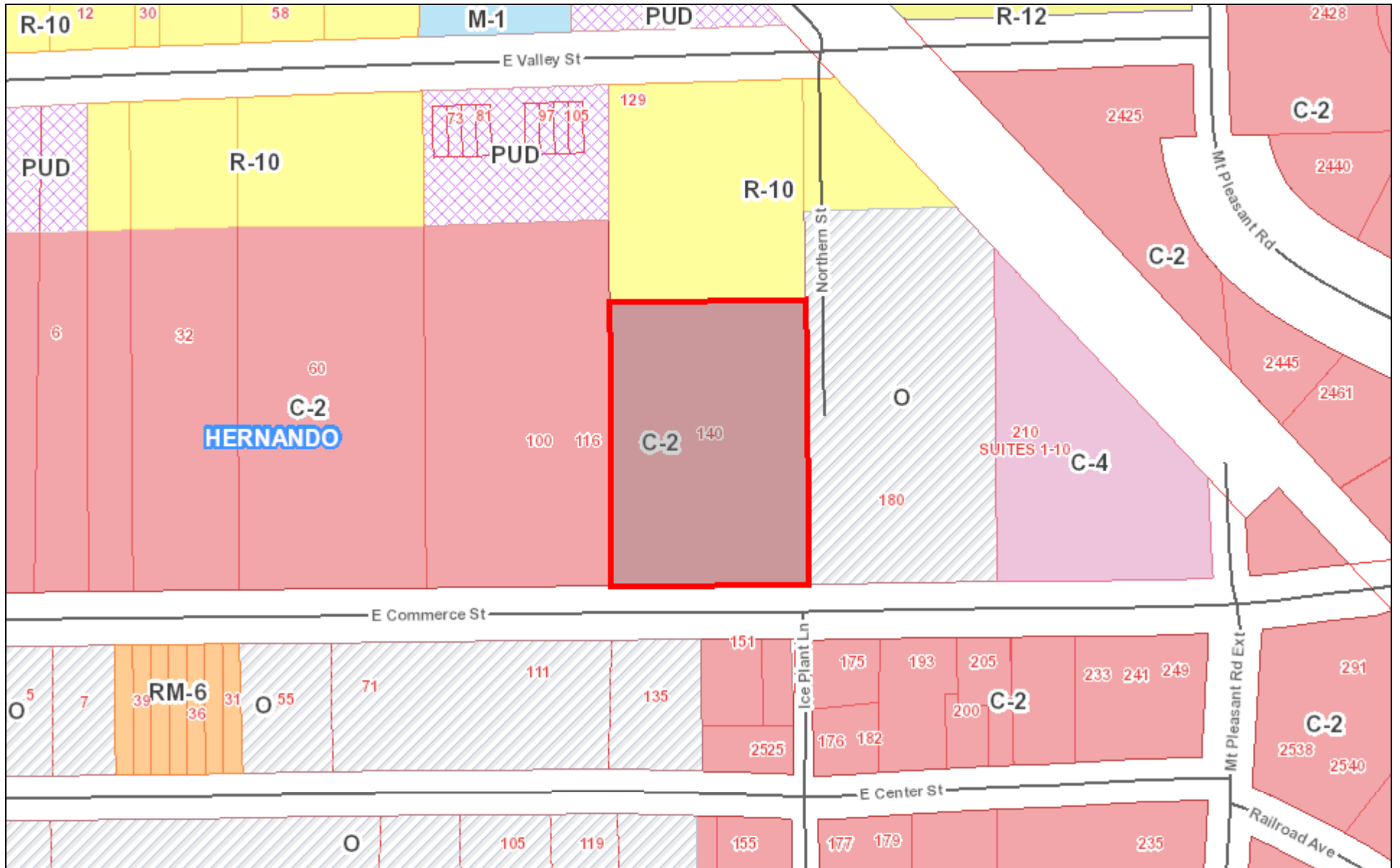
# Site Map



August 11, 2023



# Zoning Map



August 11, 2023

