

**City of Hernando, Mississippi**

**Office of Planning**

**PLANNING COMMISSION**

**September 12, 2023, MINUTES**

The Planning Commission met in a regular session on September 12, 2023, at 6:00 p.m. at City Hall Board Room, 475 W Commerce Street. The following Commissioners were present: Commissioner Ashworth, Commissioner Thorn, Commissioner Clark, Commissioner Max, Commissioner Jordan, Commissioner Hawkins, Commissioner Skeen, and Commissioner Safley. The following staff members were also present, Josie Gilder, City Attorney, Kristen Duggan, and Austin Cardosi.

Commissioner Hawkins called the meeting to order at 6:02 p.m. and Commissioner Safley gave the invocation followed by roll being called.

Commissioner Hawkins asked if everyone had reviewed the August 8, 2023, minutes. Commissioner Clark made a motion to approve the minutes as written. Commissioner Max seconded the motion.

Chairman Hawkins announced the following item:

**PL-1748 –1791 Wooten Dr –** – Request for a fence variance to encroach 10-foot into the setback. The subject property is located on the south of Andys Way, West side of Wooten Dr, more specifically 1791 Wooten Dr, in Sections 25 Township 2, and Range 8, Tyler Jaap, owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

The applicant was not present to represent the application.

Commissioner Skeen made a motion to table the application until the applicant is present. Commissioner Max seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Safley “Nay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” Commissioner Skeen “Yay.”

Chairman Hawkins announced the following item:

**PL-1754** – **1946 Wooten Dr –** 1946 Wooten Rd Variance - Request for a fence variance to encroach 10-foot into the setback. The subject property is located on the south side of Millers Way, east side of Wooten Dr, more specifically 1946 Wooten Dr, in Sections 25 Township 2, and Range 8, George Woldt, owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

The applicant was not present to represent the application.

Commissioner Max made a motion to table the application until the applicant is present. Commissioner Skeen seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Yay,” Commissioner Safley “Nay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” Commissioner Skeen “Yay.”

Chairman Hawkins announced the following item:

**PL-1757** – **54 W Robinson –** Request for a variance to the allowable size of an accessory building. The subject property is located on the north side of E Robinson Street, east of Northview Street, more specifically 54 W Robinson Street in Section 13, Township 3, Range 6. Richard Korthauer, the owner of the property.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Richard Korthauer came forward to represent the application. He explained that the covering would be for his boat.

Commissioner Jordan asked if there would be sides on the structure. Mr. Korthauer stated that there would not be sides, only a roof.

Commissioner Hawkins asked if there was anyone present to speak for or against the application. There was no one.

Commissioner Skeen made a motion to **APPROVE** a request by Richard Korthauer for a variance to exceed the allowable square footage on a detached building based on the following A-d. The subject property is located on the north side of E Robinson Street, east of Northview Street, more specifically 54 W Robinson Street in Section 13, Township 3, Range 6

1. *That the special conditions and circumstances that exist* ***are*** *peculiar to the land, structures, or buildings involved, and are not generally applicable to other lands, structures, or buildings in the same district.*
2. *That the literal enforcement of the provisions of these standards* ***would*** *deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.*
3. *That the special conditions and circumstances* ***do not*** *result from the actions of the applicant and are not based upon economic considerations.*
4. *That granting the variance requested* ***would not*** *confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.*

Commissioner Jordan seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**PL-1752** – **Winningham Secition “E” Final Plat –** Winningham Section E - Final Plat Request for final plat approval of Winningham Estates Subdivision, Section “E,” consisting of 26 single-family residential lots, located west of Andy’s Way, and west of Miller’s Way, in Section 25, Township 2 South, Range 8 West. Lloyd Miller, representing Winningham Estates

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Andy Richardson came forward to represent the application. The commission had no questions for Mr. Richardson

Commissioner Hawkins asked if there was anyone present to speak for or against the application. There was no one.

Commissioner Jordan made a motion **APPROVE** the final plat for Winningham Estates Subdivision, Section “E,” consisting of 26 single-family residential lots, west of Andy’s Way, and west of Miller’s Way, in Section 25, Township 2 South, Range 8 West based upon a finding that the submitted final plat generally conforms the requirements of the City’s codes and ordinances, subject to the following conditions:

1. A Homeowners Association is to be established prior to the recording of the final plat. Any buffer areas, retention basins, landscape areas, open areas, street medians, entrance signs, and any other common elements, proposed to be dedicated to the Homeowners Association in Section “E,” **or any of the previous phases**, shall be deeded over to the Homeowners Association. A copy of the finalized incorporation papers and all deeds transferring common elements to the Homeowners Association shall be submitted to the staff for inclusion in the file. All common elements required in all previous sections of the development must be completed and dedicated to the Homeowners Association prior to the issuance of any building permits in Section “E”
2. The Homeowners Association covenants shall be submitted to and approved by Planning Staff prior to recording of the plat for Section “E” The submitted covenants shall match the covenants that were recorded with Section “D” of Winningham Estates Subdivision. If amendments are requested by the developer, if the proposed changes are more restrictive than what is currently required by the previous phases of Winningham Estates Subdivision, then those changes may be approved by the Planning staff. If the proposed changes are less restrictive than what is currently required by the previous phases of Winningham Estates Subdivision, then those changes must be approved by the Planning Commission.
3. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
4. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
5. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
6. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three inches (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
7. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
8. Sidewalks shall be installed on both sides of all streets.
9. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
10. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
11. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
12. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Max seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**PL-1756** – **Jefferson Estates Section “E” Final Plat –** Request for Final Plat Approval, Jefferson Estates Subdivision, Section “E,” 35 residential lots and 2 common open space lots on 17.33 acres located on the south of Holly Springs Road and east of Jaybird Road in Section 21, Township 3 South, Range 7 West, zoned “PUD,” Planned Unit Development District – Andy Richardson of R&H Engineering and Surveying, representing Robert Reiner, the property-owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Andy Richardson came forward to represent the application. The commission had no questions for Mr. Richardson

Commissioner Hawkins asked if there was anyone present to speak for or against the application. There was no one.

Commissioner Max made a motion to **APPROVE** the Final Plat for Jefferson Estates Subdivision, Section “E,” a 35-lot single family residential subdivision located on the southeast corner of Holly Springs Road and Jaybird Road, at the eastern terminus of Beauvoir Road in Section 21, Township 3 South, Range 7 West, based upon a finding that the submitted final plat generally conforms to the approved preliminary plan for the planned unit development, and generally meets the requirements of the City’s codes and ordinances, subject to the following conditions:

1. A Homeowners Association is to be established prior to the recording of the final plat. Any buffer areas, retention basins, landscape areas, open areas, street medians, entrance signs, and any other common elements, proposed to be dedicated to the Homeowners Association in that phase shall be deeded over to the Homeowners Association with the recording of the final plat of that respective phase. A copy of the finalized incorporation papers and all deeds transferring common elements to the Homeowners Association shall be submitted to the staff for inclusion in the file.
2. The Homeowners Association covenants shall be submitted to and approved by Planning Staff prior to recording of the plat. The submitted covenants shall match the covenants that were recorded with Phases “A,” “B,” and “C” and “D” of Jefferson Estates Subdivision. If amendments are requested by the developer, if the proposed changes are more restrictive than what is currently required by the previous sections of Jefferson Estates Subdivision, then those changes may be approved by the Planning staff. If the proposed changes are less restrictive than what is currently required by the previous sections of Jefferson Estates Subdivision, then those changes must be approved by the Planning Commission.
3. All common elements required in all previous sections of the development must be completed and dedicated to the Homeowners Association prior to the issuance of any building permits in Section “E.”
4. Improvements are to be the responsibility of the developer and not the responsibility of the City of Hernando.
5. All landscaping in all common open space areas, natural areas, buffer areas, streetscape areas, medians, islands, and the entrance signage areas and such other associated improvements shall be installed/constructed prior to the issuance of any building permit within that respective phase of the development. Street trees may be bonded insuring their installation prior to the final inspection and occupancy of the residence upon each lot.
6. The developer shall install drainage pipe, erosion control material, sewer mains and service, water mains, fire hydrants, and service, gas mains and service, curb and gutter for all streets, and gravel or soil cement base for the streets and one (1) layer of blacktop, 1½" thick, before the plat of the subdivision is recorded. A performance guarantee must be filed for the remainder of the improvements in an amount set by the City Engineer. This includes another 1½" of blacktop making a total of three (3") of blacktop surface and sidewalks. Prior to recording the final plat, all public improvements shall be installed, completed, and accepted by the City of Hernando.
7. Prior to the beginning of utility and improvement construction, the Developer shall enter into a Development Contract with the City of Hernando for the installation of all required Public Improvements. This is in accordance with Article VI Required Minimum Improvements, §B. Procedures for Posting or Release of Bonds of the City of Hernando’s Land Subdivision Ordinance.
8. Sidewalks shall be installed on both sides of all streets.
9. Grading, drainage, and engineering construction plans to be approved by the City Engineer and Public Works Director.
10. Streetlights shall be installed at the developer’s expense. Streetlight plans shall be submitted to the Office of Planning for City Engineer and Planning Director approval.
11. All utilities and services (electric, telephone, cable, etc.) are to be installed underground. The water service lines shall be installed with tracing wire at the top.
12. Following Plat Approval, the Developer shall submit two (2) complete sets of construction plans for review and approval to the Office of Planning.
13. Prior to recording the final plat, the Developer shall submit for approval a schedule of Lot Numbers and associated street addresses to the Office of Planning. Corner lots shall include potential addresses for both streets.
14. Prior to submitting the plat for recording, the applicant shall coordinate with the Post Office the centralized delivery location of the mailboxes.

Commissioner Safley seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**PL-1749** – **1985 Holly Springs Rd –** 1985 Holly Springs ADU Conditional Use – Request for a Conditional Use Approval for an Accessory Dwelling Unit. The subject property is located on the west side of Jaybird, south side of Holly Springs in Sections 20, Township 3, and Range 7, Clay Wilkinson, the owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

The applicant was not present to represent the application.

Commissioner Thorn made a motion to table the application until the applicant is present and could submit more information on the proposed structure. Commissioner Max seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Yay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” Commissioner Skeen “Yay.”

Chairman Hawkins announced the following item:

**PL-1751** –**74 E Commerce St Food Truck Conditional Use** – Request for a Conditional Use Approval for a food truck. 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, Claire Agner, representing Don Breshears, the owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Josh Agner and Mr. Darren Downen were present to represent the application.

Mr. Agner came forward and explained that his business has done food trucks for special events for the past 4 – 5 years with no issues and they would like to continue to have them present at their location.

Commissioner Clark asked if there was ever any negative feedback from the surrounding businesses. Mr. Agner stated that they have never complained. They make sure to have different types of food than the restaurants around them serve.

Commissioner Safley mentioned traffic issues and Commissioner Thorn asked about customers using the restroom facilities of surrounding businesses. Mr. Agner again stated that he was not aware of any issues.

Commissioner Jordan asked if they were solely ran on generator and Mr. Agner confirmed that they were generator powered.

Commissioner Max stated that there are several brick-and-mortar businesses in the strip center and across the street that food trucks would be competing with for business. He wants to make sure that are considered.

Several commissioners mentioned their concern with these trucks taking away from the required parking for this business as well as the other businesses in the strip center.

Commissioner Jordan asked about the hours for these trucks. Mr. Agner stated that they are usually only present for about four hours during an event and the Bagel guy is only there from 8 am – 10 am on Saturday mornings. Commissioner Jordan then asked what the businesses hours of operation were and he stated that they were 10 am – 7 pm. Commissioner Max pointed out that the bagel truck is there outside of the business hours of operation so they can not provide the required restroom facilities.

Commissioner Thorn stated that the bagel truck may need to come during business hours of operation. Mr. Agner stated that they would be willing to open at 8 am on Saturdays. Mr. Downen came forward and said that they could provide port a potty for the restroom requirement.

Mr. Downen also stated that they have had food trucks at this location for the past 4-5 years without issue. He also stated that he does not agree with the competition aspect that has been discussed. This is just a different way to distribute the food.

Commissioner Hawkins asked if there was anyone present to speak for or against the application.

Ms. Susan Mattin came forward. She stated that the bagel truck has a large, loyal following and has been coming to Hernando for years. It does not create any traffic issues and they do not need a restroom on site. There should be wiggle room with these requirements. She added that there would be many people upset if the bagel truck was not allowed to continue setting up.

Mr. Aaron Hahn came forward. He explained that he owns AC’s Steakhouse and is concerned with what will happen with this. Brick and mortar restaurants invest a lot of money into their business and the community. The trucks are portable businesses with very low overhead in comparison. Brick and mortar businesses pay property taxes and are fully invested in the community. Portable trucks are not. He said that he is in favor of food truck parks and feels that they are a compromise. They can be easily controlled and regulated.

Robert Cooke then came forward. He is concerned with the events that take place at this location, not just the food trucks. They create parking and traffic hazards.

Kim Derryberry came forward. She stated that she is speaking for her business, Side Alley Gift and Bakers Corner, and Coffee Central. She explained that this does affect the surrounding businesses. These businesses are invested in the community. She feels that food trucks and food truck parks pull from the local businesses that have invested in this community.

Commissioner Jordan asked if Coffee Central sold bagels. Ms. Derryberry stated they do and they sell other breakfast foods. They are already being affected by the new Starbucks and Dunkin Donuts that are being built. We should not try to kill our local businesses.

Ms. Derryberry also asked how do we regulate these other provisions and make sure that things don’t get stretched little by little. We need to take care of our local businesses.

Commissioner Thorn stated that there must be a balance. There is a huge demand for food trucks, but we also need to consider our local businesses. He also added that if the provisions placed are not met, we can revoke the conditional use at any point.

Ms. Derryberry ended by asking the commission to imagine if we have 10 15 business along Commerce Street that request a conditional use for 5 food trucks a month. We would have every business with a food truck in front of it every weekend. That is not a good look or good for local businesses.

Vance Daly then came forward. He stated that they have been doing this for 5 years as a marketing tactic. They are just trying to meet the new ordinance/requirement for the City of Hernando. Approving this conditional use would not change anything.

Commissioner Thorn voiced his concern on the location of the food truck and the lack of available restrooms. He suggested moving the truck up a few spots.

Commissioner Max asked if port a potty is the required bathroom plan for this conditional use application was. Mr. Downen said that it was.

Commissioner Max made a motion 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.**

Commissioner Safley seconded the motion. The motion passed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Nay,” Commissioner Jordan “Yay,” Commissioner Safley “Yay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” Commissioner Skeen “Yay.”

Chairman Hawkins announced the following item:

**PL-1753** –**Watts Studio Conditional Use Renewal** – Request for a Conditional Use Renewal for a tattoo shop. The subject property is located on the north side of Monteith Ave, east of McIngvale Rd, more specifically 1576 Monteith Ave, in Sections 17, Township 3, and Range 7, Natasha Watts, representing the owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Vance Daly came forward to represent the application. He explained that this business has been in operation for a year. There have been no issues. They would like to add the word tattoo to their sign.

Ms Natasha Watts, the owner, came forward and stated that this would be in small fine print on the sign. The customers are having trouble locating the business. She also added that they are requesting for the conditional use to be longer than one year.

The commissioners had a brief discussion regarding the sign.

Commissioner Hawkins asked if anyone was present to speak for or against the application.

Mr. Charles Johnson came forward. He stated that he is a customer of this establishment and has seen no problem with the business. They have been an asset to the community.

Commissioner Jordan made a motion to **APPROVE** a Conditional Use to allow a studio with a floor area not exceeding 2500 square feet – to be used as a tattoo shop for a period of 5 years and will be consistent with the conditions of the originally approval. We will also allow the word tattoo to be added to the sign. The subject property is located on the North side of Monteith Ave. and East of McIngvale Road, more specifically 1547 Monteith Avenue in Section 17, Township 3, and Range 7 based on the following:

1. **The proposed use WILL NOT substantially increase traffic hazards or congestion.**
2. **The proposed use WILL NOT substantially increase fire hazards.**
3. **Thr proposed use WILL NOT adversely affect the character of the neighborhood.**
4. **The 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.**

Commissioner Safley seconded the motion. The motion passed unanimously.

Chairman Hawkins announced the following item:

**PL-1755** – **Daly Food Truck Park –** Request for a Conditional Use for a Food Truck Park. 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, Vance Daly, owner.

Mr. Cardosi presented the application to the commission. The commission had no questions for Mr. Cardosi.

Mr. Vance Daly came forward to represent the application. He explained that the parking lot will be extended to add more spaces. There will be a white pavilion with columns to match the house and a sitting area for eating. There will also be a play area for kids. A stand alone building for restrooms will be built. They will run underground electrical, water, and drains to each of the food truck parking spots.

Commissioner Thorn said he had many questions and is concerned with this being a historic home. He then asked how the trucks will get to the 10 spots that are planned. Mr. Daly stated that they would come in from the other side of the building to gain access. Commissioner Thorn then stated that this is an aggressive plan for only 10 spots. He asked if there were 10 commitments from food trucks. Mr. Daly stated that he does have 10 interested parties, but there is nothing to commit to until they have approval.

Commissioner Thorn went on to say he was not a fan of the wedge plan that has been presented. Mr. Daly stated that this is only a conceptual plan, and he is hoping that if approval is granted, he will have some allowance for design options.

Commissioner Jordan voice his concerns as being that the trucks are permanent, and he is also concerned with the design and colors of the trucks. Mr. Daly stated that he has a vested interest in his property, and he plans to make this as upscale as possible. He plans to be very careful and very specific with the trucks that he approves.

Commissioner Max asked what the hours of operation will be. Mr. Daly stated that this would be dependent on each truck.

Commissioner Max then asked what would be visible from the back side of the property. Mr. Daly stated that the back of some of the food trucks would be visible.

Commissioner Thorn stated that this decision will impact the future of what Hernando will look like and he is not sure if he is comfortable making a decision of this magnitude tonight. Commissioner Max added that 10 trucks, open 7 days a week, is a big decision. He is also concerned with the effect on the brick-and-mortar restaurants. Mr. Daly stated that this is the same competition as any other restaurant, just a different concept. He does not feel this will have as big of an impact as the commission thinks.

Commissioner Skeen asked about the noise level and Mr. Daly stated that each truck will have an individual electrical line run to the parking spot so there will be no generators running. Commissioner Skeen stated that he is concerned with the noise levels of people gathering and music. There are townhomes right behind this location and he does not want this to affect the people living in this area.

Commissioner Ashworth asked if there were any traffic studies done for this area. The traffic here is already bad, and he is concerned about the increase in traffic that this will bring.

Commissioner Hawkins asked if there was anyone present to speak for or against the application.

Mr. Thomas Freeman came forward. He is representing West Layne apartments HOA and is concerned with the noise issues that this will cause as well as the visibility from the homes to the back side of a food truck. He is also concerned that people will use their parking lot for access. The HOA of West Layne Townhomes is against this application.

Ms. Kim Derryberry came forward and stated that she is not against the application but is not in favor of it being open seven days a week. Food truck parks need to be a more controlled environment.

Mr. Aaron Hahn stated that he feels this should be an even playing field and they should be required to follow the same rules as other restaurants with grease traps, etc.

Commissioner Thorn stated that he was not ready to make this decision tonight.

Commissioner Max said he is concerned about that the parking spaces are not sufficient.

Mr. Cardosi explained that if the number of trucks is an issue that can be regulated through this conditional use. Commissioner Jordan then asked if the applicant would be willing to start with 4 trucks for the first year and then expand at renewal. Mr. Daly said no. He does not want to pigeonhole himself with a large area but limited allowance of trucks.

Commissioner Clark made a motion 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.**

Commissioner Safley seconded the motion. The motion failed with the following vote: Commissioner Clark “Yay,” Commissioner Thorn “Nay,” Commissioner Jordan “Nay,” Commissioner Safley “Yay,” Commissioner Max “Nay,” Commissioner Ashworth “Nay,” Commissioner Skeen “Nay.”

Commissioner Max made a motion 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 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.**

Commissioner Thorn seconded the motion. The motion failed with the following vote: Commissioner Clark “Nay,” Commissioner Thorn “Yay,” Commissioner Jordan “Nay,” Commissioner Safley “Nay,” Commissioner Max “Yay,” Commissioner Ashworth “Yay,” Commissioner Skeen “Yay.”

There being no further business to come before the commission, a motion was made and seconded to adjourn the meeting. The meeting was adjourned at 9:07 p.m.