



## MEMORANDUM

**Date:** February 15, 2024

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jennifer Hamblen, Director of Development Services  
Jon Baughman, City Planner

**Re:** Whataburger  
Site Plan  
Map - 078  
Parcel(s) – 10.09

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**Request:** Submitted by Kimley Horn on behalf of Whataburger Restaurants, LLC. The applicant requests Site Plan approval for a 3,305sf drive-through fast food restaurant at the nexus of Golden Bear Gateway, Legacy Pointe Blvd. and Rutland Drive in District 3.

**Analysis:** This project is proposed for the corner of GBG, Rutland Drive and Legacy Pointe Blvd. The property is zoned CI and is approximately 1.21 acres. A rezone from OPS to CI was recently processed and approved for this use to be permitted at this location; a drive through restaurant with two drive through aisles.

**Bulk Regulations:** The plan indicates the proper building setbacks, and the structures does not encroach (30', 10', 20'). Impervious surfaces cover 65% (80% max.) and building coverage is 6.25% (50% max.). The proposed height is 20', 8" well below the maximum 35' permitted in CI districts.

**Parking:** The number of parking spaces is sufficient for a drive through restaurant (1/100 sqft.) at 34 (34 required), two ADA spaces and five bicycle spaces. All spaces are appropriately sized (9'x18') and drive aisles are 26' wide. Wheel stops are not proposed.

**Access:** Two points of access are proposed, both full movement, one on Legacy Pointe Blvd. and one on Rutland Drive. The drive through area is along Legacy Pointe. There are two drive through lanes 12.5' wide and a bypass lane, 12' wide, which exceeds code requirements. The stacking requirement is met (5 minimum) with approximately 16 spaces.

Six-foot-wide sidewalk is shown along the property's Rutland Drive and Legacy Pointe frontages and a pedestrian connection to the building, from the street, is provide via striping. A 10' wide multi-use path is provided along GBG. A sidewalk connection from the path to the building is provided via pavement and striping. Sidewalk adjacent to parking spaces exceed 7' width to accommodate vehicle overhang. A loading area is specified per 9-105, on the west side of the building.

Landscaping and Buffering: The landscape plan has been approved.

6-103.7 Commercial Design Standards: Elevations show a building composed primarily of brick, and glazing. The building height is 20'-8" (35' permitted). The roof mounted HVAC equipment is screened with a brick screen wall and a waiver is requested. Wall mounted utility equipment and meters are screened via a large metal panel which shall be revised to brick.

Other: The dumpster enclosure is compliant with 6-103.7. A trash can and bike rack, and details, are provided and adequate. Notes provided indicate all poles and posts will be painted black or colors complimentary to the primary structures. Bollards are identified to be gray. Guardrails are painted gray.

Exterior, pole mounted lighting fixtures are identified and are similar to the typical fixtures the City has approved in the past. Wall mounted exterior lighting fixtures are decorative gooseneck style. The photometric plan indicates excessive light at the property lines, revise to < 0.5f/c.

Waivers/Variances: Two waiver requests are listed on the cover sheet:

1. 6-103.7: Metal canopies. **STAFF SUPPORTS**
2. 6-103.7: Mechanical screen wall of thin brick rather than a full parapet wall of brick to screen roof mounted utility equipment from horizontal view. **STAFF SUPPORTS, use door of same material for access area.**

Summary: The items remaining to be addressed are found in the condition of approval below. The waivers requested are subject to Planning Commission approval.

Recommendation: Staff recommends approval of the Site Plan for Whataburger on Golden Bear Gateway, subject to the conditions of approval below.

Planning and Zoning:

1. Excepting any waivers granted, all commercial design standards, 6-103.7, shall be met.
2. Brick shall be clay, baked and individually laid.
3. The electric meter screen wall shall be brick.
4. Signage to be reviewed and approved via separate application to the Planning Department.
5. Revise the lighting plan to not exceed 0.5f/c at property lines.

Public Works:

1. Drainage report under preliminary review. A comprehensive review of the drainage report will take place during the construction plan review.
2. The dumpster drain shall tie into the storm sewer system with appropriate BMPs to provide water quality.
3. Provide curb and gutter, a six-foot grass strip, and a 10-foot-wide asphalt multi-use path along the Golden Bear Gateway frontage. Placement of these items and elimination of the shoulder can be reviewed at construction plan submittal. Project Prosper (Costco) will be

providing a right turn deceleration lane on Golden Bear, so this development will need to coordinate their design with Costco's design of the right turn lane.

4. The applicant shall also provide spread calculations to determine curb inlet spacing and requirements between Volunteer Blvd. and Legacy Pointe Blvd. The applicant is only required to install inlets needed from this analysis for the property frontage.
5. A concrete curb shall be constructed separating drive-thru lanes from drive-thru bypass lane to force vehicles entering from Rutland Drive to circulate site before entering drive-thru line to improve site circulation.
6. Landscaping plans shall be approved prior to the start of construction plan review.
7. The traffic impact analysis study has been completed and no further action is required by the applicant.
8. A letter of approval from West Wilson Utility District will be needed prior to construction plan approval is issued.

West Wilson Utility District:

1. No comments provided this review cycle.

Mt. Juliet Fire Marshal:

1. No combustible material (mulch, bark, etc.) within 3 ft. From the structure. Only material that can be next to a structure is no combustible (rock, brick, concrete, etc.)