



To: Planning and Zoning Commission
From: City Staff
Date: August 17, 2021
Re: Case # - 21024 - Whataburger Site Plan

GENERAL INFORMATION

Applicant: Alyssia Lester
Whataburger
300 Concord Plaza Drive
San Antonio, TX 78216

Requested Action: Site plan for Whataburger

Property Location: **1921 W. Foxwood Drive**

Aerial Photograph:



Property Photographs:



(View from Traffic signal at 58 Hwy looking west)



(View from Traffic Signal at 58 Highway looking south)



(View looking west along north property line)



(View looking west along south property line - access road)



(View of shared access with Raymore Market Center to the west)



(View looking southwest at access to site off access drive)



(View looking north along west property line)

Existing Zoning: C-3 “Regional Commercial District”

Existing Surrounding Uses:
North: Commercial - China Star
South: Commercial -Lowe’s
East: Commercial (Vacant)
West: Commercial (Panda Express)

Total Tract Size: 80,124 square feet (1.839 acres)

Subdivision Plat: Raymore Galleria 1st Plat Lot 3

Growth Management Plan: The Future Land Use Plan Map contained in the Growth Management Plan identifies this property as appropriate for commercial development.

Major Street Plan: The Major Thoroughfare Plan Map contained in the Growth Management Plan has 58 Highway classified as a major arterial.

Advertisement: City Ordinance does not require advertisement for Site Plans.

Public Hearing: City Ordinance does not require a public hearing for Site Plans.

PROPOSAL

Outline of Requested Action: The applicant seeks to obtain site plan approval for Whataburger, a 3,746 square foot fast food restaurant with dual drive-thru lanes. The applicant proposes to demolish the existing vacant Golden Corral building and remove the existing parking lot area. Most existing trees around the perimeter of the site will remain with relocation of some of the existing trees.

SITE PLAN REQUIREMENTS AND STANDARDS

In order for the applicant to accomplish the aforementioned action, they must meet the provisions of the Unified Development Code. Chapter 470 of the Unified Development Code outlines the requirements and actions that need to be taken in order to site plan property, specifically Section 470.160.

Section 470.160 Site Plan Review

A. Purpose

The City of Raymore recognizes that the nature of land development creates the potential for traffic congestion, overcrowding, adverse visual and environmental impacts, and health problems. The City strives to promote growth in Raymore while stabilizing the established residential character of the area. Site plan review regulates the development of structures and sites in a manner that takes into consideration the following considerations:

1. the balancing of landowners' rights to use their land, with the corresponding rights of neighboring landowners, residents and the general public, to live without undue disturbances (e.g., noise, smoke, vibration, fumes, dust, odor, glare, stormwater runoff, etc.);
2. the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas or roads;
3. the adequacy of waste disposal methods and protection from pollution of surface or ground water;
4. the protection of historic and environmental features on the site under review and in adjacent areas;
5. the stability of the built environment, particularly residential neighborhoods, by promoting urban development which is compatible with clearly identified natural resources; and
6. the adequacy of provisions for resulting additional system demands which may be imposed by the development upon roads and streets, water supply and storage,

storm sewerage, and sanitary sewerage and wastewater treatment and the consistency of the development with the City's Growth Management Plan.

B. Applicability

1. All applications for building permits for developments in the multi-family, commercial and industrial zoning districts are subject to site plan review in accordance with this section. All nonresidential uses in residential districts require site plan review.
2. No building permit will be issued without being granted site plan approval when it is required by this subsection.

C. Application

Applications for site plan review may be obtained from the Community Development Director. The application must be completed in its entirety in accordance with Section 470.010C and filed with the Community Development Director. The applicant must submit copies in accordance with the submission schedule regularly adopted by the Planning and Zoning Commission.

D. Procedure

1. Community Development Director Action
 - a. All site plans will be reviewed by the Community Development Director.
 - b. The Community Development Director has the authority to take final action (approve, conditionally approve or deny) on applications for:
 - (1) developments that have an approved site plan on file where the application proposes to expand the existing use by less than 10 percent or 5,000 square feet, whichever is less; or
 - (2) developments that have an approved site plan on file where the application proposes to modify signage, parking, landscaping or other minor feature and the proposed modifications will be in compliance with all requirements of this Code.
 - c. The Community Development Director must complete the review within 20 days of receiving a complete application.

2. Planning and Zoning Commission Action

With the exception of those cases identified in paragraph 1 above, all other applications for site plan review will be reviewed by the Community Development Director, and forwarded to the Planning and Zoning Commission for review and action. The Commission has the authority to take final action, and may approve, approve with conditions or disapprove the application.

3. Conditions of Approval

In approving a site plan, the Planning and Zoning Commission or, when applicable the Community Development Director, may impose reasonable conditions, safeguards and restrictions upon the applicant and the premises.

E. Findings of Fact

1. In order to be approved, the Community Development Director or Planning and Zoning Commission must find that the following conditions are met:

- a. the plan complies with all applicable standards of this code and all other applicable City ordinances and policies;
- b. the plan does not conflict with the adopted plans of the City of Raymore or the purpose and intent of this code;
- c. the proposed use is allowed in the district in which it is located;
- d. vehicular ingress and egress to and from the site, and circulation within the site provides provides for safe, efficient, and convenient movement not only within the site but also on adjacent roadways;
- e. the plan provides for safe, efficient, and convenient movement of pedestrians on and to the site;
- f. the arrangement of structures and buildings on the site allows for efficient use of the land, is compatible with development on adjacent property, and minimizes potential adverse impacts on existing or planned municipal infrastructure and services;
- g. open space and natural features on the site are arranged in such a way that unique natural resources are preserved and creates a desirable and functional environment for site users;
- h. the plan avoids unnecessary or unreasonable alterations to existing topography, preserves existing healthy, mature trees and woodlands, and designs drainage facilities to promote the use and preservation of natural watercourses;
- i. provides adequate parking for the use, including logical and safe parking and circulation;
- j. provides landscaping and screening as required by this code that creates logical transitions to adjoining uses, screens incompatible uses, minimizes the visual impact of the development on adjacent roads and properties, and utilizes native plant materials selected to withstand the local climate and individual site microclimates; and
- k. includes site illumination that has been designed and located to minimize adverse impacts on adjacent properties.

F. Effect of Approval

If the Planning and Zoning Commission or, when applicable, the Community Development Director approves a site plan, it will be considered permission to prepare and submit a building permit application that complies with the approved site plan and conditions of approval.

G. Appeals

1. The applicant may appeal the decision of the Community Development Director to the Planning and Zoning Commission.
 - a. The applicant must notify the Community Development Director of their intent to appeal within 10 days of the date of decision from the Community Development Director.
 - b. The Community Development Director will schedule the appeal for the next regularly scheduled Planning and Zoning Commission meeting which is no sooner than 15 days from the date the intent to appeal was filed.
 - c. The applicant must provide an additional 15 review copies of the drawings and the additional required fee along with the intent to appeal.
2. The applicant may appeal the decision of the Planning and Zoning Commission to the City Council.
 - a. The applicant must notify the Community Development Director of their intent to appeal, in writing, within 10 days of the date of the Planning and Zoning Commission meeting when the application was considered.
 - b. The Community Development Director will schedule the appeal for the next regularly scheduled City Council meeting provided it is at least 15 days from the date the intent to appeal was filed.
 - c. The applicant will provide an additional 15 review copies of the drawings along with the intent to appeal.

PREVIOUS ACTIONS ON THE PROPERTY

1. The zoning of the property was reclassified to the "C-3" Regional Commercial District on March 27, 2005.
2. The Raymore Galleria 1st Plat was approved by the City in 2005.
3. The existing building was constructed in 2014 and has been vacant since 2020.

ENGINEERING DIVISION COMMENTS

Please refer to the attached memorandum.

STAFF COMMENTS

- 1. Development Standards:** The development standards applicable to the property are as follows:

C-3	
Minimum Lot Area	
per lot	-
per dwelling unit	2,000 sq.ft.
Minimum Lot Width (ft.)	100
Minimum Lot Depth (ft.)	100
Yards, Minimum (ft.)	
Front	30
rear	20
side	10
side, abutting residential district	20
Maximum Building Height (feet)	80
Maximum Building Coverage (%)	50

- 2. Special Use Conditions:** A restaurant with drive-thru lanes must comply with Section 420.030F and Section 420.030L of the Unified Development Code:

Section 420.030 Use-Specific Standards, Public and Civic Uses

F. Restaurant (*Amendment 25 – Ordinance 2017-051 8.28.17*)

- 1.** The sale of alcoholic beverages will be permissible only as an adjunct, minor and incidental use to the primary use which is the sale and service of food.
- 2.** Restaurants with drive-through facilities must meet the requirements of Section 420.030L.
- 3.** Outdoor patio dining areas are allowed provided the patio area is at least one hundred feet (100') from any residentially zoned property or area containing residential uses.
 - a.** Patio areas adjacent to vehicle access drives shall be protected with a railing or similar barrier.

Note: There is no outdoor patio dining area provided.

Section 420.030 Use-Specific Standards, Public and Civic Uses

L. Drive-through Facilities

1. General

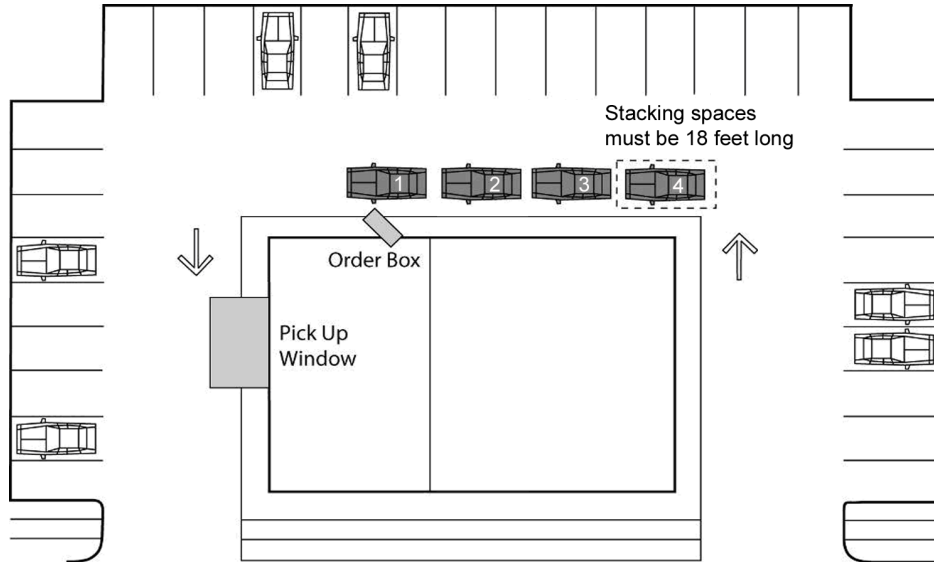
Drive-through facilities are permitted as indicated in the use table in Section 410.020.

2. Vehicle Stacking Areas

- a. Each drive-through facility must provide the minimum vehicle stacking spaces as follows:

The following requirements shall be followed in determining the minimum stacking length per lane:	
Use	Stacking Requirement
Financial Institution	
- teller lane	3
- ATM	3
Car Wash	
- automatic service	4
Restaurant	4 behind menu board
Pharmacy	2
Other uses	To be determined by the Director

- b. Vehicle stacking spaces include the space at the menu board, order box or service window.
- c. Each vehicle stacking space shall be 18 feet long by 9 feet wide.
- d. Each vehicle stacking lane shall be separate from any access aisle, loading space, or parking space.
- e. No vehicle stacking lane shall conflict with any vehicle entrance or exit, vehicle access way or pedestrian crosswalk.
- f. The Commission has the authority to allow a deviation to the stacking requirement based upon a study submitted by a traffic engineer which provides evidence to allow the reduction of these stacking requirements.



3. Adjacent to Residential Districts

- a. Drive-through facilities, including stacking areas, must be separated from residentially-zoned property by at least 40 feet.
- b. Speaker systems used in conjunction with drive-through facilities must be designed so that they are not audible at the property line abutting residentially-zoned property.

The site plan complies with the use-specific standards for a restaurant use with drive-thru facilities.

3. Parking: A restaurant must comply with the following parking standard:

Use	Minimum Parking Spaces Required
COMMERCIAL USES	
Eating and Drinking Establishment	1 per 4 seats or 1 per 50 square feet of customer service area, whichever is greater

Based on a seating capacity of 53, the required number of parking spaces is 14. Based on the customer service area of 1,389 square feet, the required number of parking spaces is 28.

A total of 86 parking spaces are provided for, including 4 ADA compliant spaces.

The proposed site plan is in compliance with the parking standards for the City of Raymore by providing the 86 parking spaces. The site plan also provides the required number of accessible parking spaces. A total of 4 accessible spaces are required and 4 spaces are provided.

4. Landscaping

Twenty percent (20%) of the lot is required to be reserved for landscaped area. A landscaped area a minimum of six feet in width shall be provided along all street frontages and along all perimeter property lines. A total of twenty-six percent (26%) of the site is provided with impervious area and landscaping.

No screening is required along the west property line. The landscape plan reflects 9 trees to be planted between the drive-thru lanes of Whataburger and Panda Express.

A total of 18 existing trees along the perimeter of the site will be protected during construction activity and will remain. In addition, a total of 10 existing trees are being relocated on the site. Additional trees are being planted in the landscaped islands in the parking lot area.

The required trees and shrubs in the parking lot landscaping islands are provided.

Landscaping is provided around the proposed monument sign as required.

5. Building Design:

The proposed building is in compliance with the building design standards contained in Section 440.010 listed below.

Section 440.010 Building Design Standards

C. Building Materials

1. Masonry Construction

A minimum of 50 percent of front and side facades shall consist of materials described by this sub-section.

- a. Masonry construction shall include all masonry construction which is composed of solid, cavity, faced or veneered-wall construction, or similar materials approved by the Planning and Zoning Commission.
- b. Stone materials used for masonry construction may consist of granite, sandstone, slate, limestone, marble or other hard and

durable all-weather stone. Ashlar, cut stone and dimensioned stone construction techniques are acceptable.

- c. Brick material used for masonry construction shall be composed of hard-fired (kiln-fired), all weather common brick or other all-weather common brick or all-weather-facing brick.
- d. Concrete finish or precast concrete panel (tilt wall) construction shall be exposed or aggregate, hammered, sandblasted or other finish as approved by the Planning and Zoning Commission.
- e. Stucco or approved gypsum concrete/plaster materials are also permitted.

2. Glass Walls

Glass walls shall include glass-curtain walls or glass-block construction. A glass-curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass and other surfacing materials supported in a metal frame.

3. Metal Walls

- a. The use of metal siding is permitted only in industrial districts and only for side and rear façades. The materials used on the front façade shall be incorporated into any façade visible from a public street to break up the monotony of those facades.
- b. The use of corrugated panels, with a depth of less than three-quarter inch or a thickness less than U.S. Standard 26 gauge is prohibited.
- c. The use of unpainted metal panels, excluding panels made from copper, weathering steel, or stainless steel, is prohibited. The color finish of metal panels and exposed fasteners shall have extended durability with high resistance to fade and chalk.
- d. Corrugated metal facades shall be complemented with masonry, whether brick, stone, stucco or split-face block. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping shall be used to complement and enhance a building's design, color and material.

6. Pedestrian Access:

Pedestrian Access to the building has been provided. The existing sidewalk connection between the site and the sidewalk along 58 Highway will be retained.

- 7. Signage:** Signage is not approved as part of the site plan but is shown for illustration purposes only. A sign permit is required prior to installation of any sign.

The proposed location and design of the monument sign is in compliance with the UDC. The sign will be in the same location as the monument sign for Golden Corral.

The drive-thru menu boards are located to the west of the proposed building. The boards are in a location compliant with Section 435.060H of the UDC.

- 8. Fire District Review:** The site plan was reviewed by the South Metropolitan Fire Protection District. A truck turning movement plan was submitted as required.

The South Metropolitan Fire Protection District requires the issuance of a building permit from the district. This permit is in addition to the building permit issued by the City of Raymore.

- 9. Stormwater Management:** Stormwater will be collected on site and discharged into the stormwater collection system for Raymore Galleria. Stormwater from the site is collected and detained in the detention basin for Raymore Galleria.

A mechanical stormwater treatment structure is being installed to meet the City BMP requirements.

- 10. Site Lighting:** The proposed site lighting plan is in compliance with the outdoor lighting performance standards of the City. Parking lot lighting poles will be 27.5' tall with a 90 degree cutoff fixture.

- 11. Trash Enclosure:** The exterior of the trash enclosure will be constructed of the same materials as the main building. The enclosure is located between the building and the stacking lanes for the drive-thru.

- 12. Screening of Mechanical Equipment:** All electrical and mechanical equipment located adjacent to the building shall be screened from view from adjacent properties and any adjacent street. Accessory utility facilities that are in excess of 3½ feet shall be screened. This requirement will be monitored when the equipment is installed to determine the applicability of the requirement.

- 13. Site Access**

Access to the site will be provided off of the east-west access road in the Raymore Galleria Shopping Center.

14. Building Demolition

An application to demolish the existing building has been submitted. The demolition plan also indicates that the existing concrete parking lot will be removed.

STAFF PROPOSED FINDINGS OF FACT

Section 470.160 of the Unified Development Code states that the Planning and Zoning Commission and the City Council must make findings of fact taking into consideration the following:

a. the plan complies with all applicable standards of this code and all other applicable City ordinances and policies;

The site plan does comply with all applicable standards of the Unified Development Code and all other applicable City ordinances and policies.

b. the plan does not conflict with the adopted plans of the City of Raymore or the purpose and intent of this code;

The site plan does not conflict with any of the adopted master plans of the City or the purpose and intent of the Unified Development Code.

c. the proposed use is allowed in the district in which it is located;

A fast food restaurant with drive-thru lanes is a permitted use in the C-3 zoning district.

d. vehicular ingress and egress to and from the site, and circulation within the site provides for safe, efficient, and convenient movement not only within the site but also on adjacent roadways;

Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of vehicles. Access to the site is off of the internal access road for the Raymore Galleria shopping center.

e. the plan provides for safe, efficient, and convenient movement of pedestrians on and to the site;

The site plan does provide for safe, efficient and convenient movement of pedestrians. Sidewalks are provided to allow pedestrians to access the site from 58 Highway.

- f. the arrangement of structures and buildings on the site allows for efficient use of the land, is compatible with development on adjacent property, and minimizes potential adverse impacts on existing or planned municipal infrastructure and services;**

The placement of the building on the west side of the property allows for efficient use of the land and minimizes potential adverse impacts on existing and planned municipal infrastructure and services. There is adequate area for vehicle stacking on site for the drive-thru lanes.

- g. open space and natural features on the site are arranged in such a way that unique natural resources are preserved and creates a desirable and functional environment for site users;**

There are no unique natural resource features on the site that need to be preserved.

- h. the plan avoids unnecessary or unreasonable alterations to existing topography, preserves existing healthy, mature trees and woodlands, and designs drainage facilities to promote the use and preservation of natural watercourses;**

This is a redevelopment of an existing commercial site. There are minor alterations to the existing topography of the lot that will be made for this project.

- i. provides adequate parking for the use, including logical and safe parking and circulation;**

Parking for the use exceeds the minimum requirement and is provided in a logical manner. Circulation through the site is well planned.

- j. provides landscaping and screening as required by this code that creates logical transitions to adjoining uses, screens incompatible uses, minimizes the visual impact of the development on adjacent roads and properties, and utilizes native plant materials selected to withstand the local climate and individual site microclimates; and**

Adequate landscaping is provided for the site. Redevelopment of the site preserves several existing trees. There is no screening required as part of this project.

- k. includes site illumination that has been designed and located to minimize adverse impacts on adjacent properties.**

The site illumination has been designed and located to minimize adverse impacts on adjacent properties.

REVIEW OF INFORMATION AND SCHEDULE

Action
Site Plan Review

Planning Commission
August 17, 2021

STAFF RECOMMENDATION

The staff recommends the Planning and Zoning Commission accept the staff proposed findings of fact and approve Case #21025 Whataburger Site Plan subject to the following conditions:

Prior to commencement of any land disturbance activities:

1. A City of Raymore land disturbance permit shall be obtained prior to the commencement of any site grading or land disturbance activities.
2. All erosion control measures identified on the stormwater pollution protection plan and required by the land disturbance permit must be installed prior to grading and these measures must be maintained until the requirements of the SWPPP are satisfied.

Prior to issuance of a Building Permit

3. Building construction plans shall be approved by the Building Official.

Prior to issuance of a Certificate of Occupancy:

4. All accessible parking spaces must be identified by signs complying with the Manual of Uniform Traffic Control Devices and the Department of Justice, Code of Federal Regulation 28 CFR Part 36, ADA Standards for Accessible Design. The sign must be vertically mounted on a post or wall no more than five feet from the space and centered on the width of the space.
5. One of the accessible parking spaces shall be served by an access aisle a minimum of ninety-six inches wide and shall be designated "lift van accessible only" with signs that meet the requirements of the federal Americans with Disabilities Act.
6. If the electrical transformer box and any other accessory utility facility is taller than three and one-half feet or covers more than twenty-five square feet in area then it must be screened in accordance with Section 420.040D of the Unified Development Code.

7. All work shall be completed in accordance with the site plan approved by the Planning and Zoning Commission.
8. All requirements of the South Metropolitan Fire Protection District shall have been met.

Perpetual Conditions:

9. Prior to removing erosion control measures at the conclusion of the project, the contractor must obtain concurrence from the City.
10. A signed copy of the weekly and post rain event erosion control inspection reports shall be submitted to the City upon completion of each report.
11. Owner must immediately notify City staff of any illicit discharge that enters or has the potential to enter the storm sewer system.

PLANNING AND ZONING COMMISSION ACTION - 8/17/2021

The Planning and Zoning Commission, at its August 17, 2021 meeting, voted 8-0 to accept the staff proposed findings of fact and approve Case #21025 Whataburger Site Plan subject to the following conditions:

Prior to commencement of any land disturbance activities:

1. A City of Raymore land disturbance permit shall be obtained prior to the commencement of any site grading or land disturbance activities.
2. All erosion control measures identified on the stormwater pollution protection plan and required by the land disturbance permit must be installed prior to grading and these measures must be maintained until the requirements of the SWPPP are satisfied.

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