

**STAFFORD COUNTY, VIRGINIA**

**CONDITIONAL USE PERMIT IMPACT STATEMENT**

Applicant: Raising Cane’s Restaurants, L.L.C. (the “Applicant”)  
Owner: Route 606 – Reston LLC (the “Owner”)  
Property: Stafford County Tax Map Parcel 20-AC-1-1 (the “Property”)  
Project Name: “Raising Cane’s Garrisonville” (the “Project”)  
Plan: Conditional Use Permit Plan, titled “CONDITIONAL USE PERMIT PLAN FOR RAISING CANES #C0970”, dated March 17, 2023, and prepared by Bohler, which plan is attached hereto and marked as **Exhibit A** (the “Plan”)  
CUP Request: A fast food restaurant with drive-through facilities  
Date: March \_\_\_, 2023  
File No.: CUP \_\_\_\_\_

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**I. APPLICATION**

The Applicant, or its successors and assigns, hereby request a conditional use permit (“CUP”) to develop a Raising Cane’s fast food restaurant with drive-through facilities on the Property in Stafford County, Virginia’s (the “County”) Planned Traditional Neighborhood Development (“P-TND”) zoning district, all in accordance with Sections 28-35 and 28-185, et al. of the County’s Zoning Ordinance. Note that the P-TND zoning district permits fast food restaurants with drive-through facilities upon the County’s issuance of a CUP.

**II. OVERVIEW**

The Applicant is Raising Cane’s Restaurant, L.L.C. (“Raising Cane’s”), which is one of the fastest-growing large restaurant brands in the United States that opened its first location on August 28<sup>th</sup>, 1996. Since its opening nearly 27 years ago, Raising Cane’s has expanded to over 660 restaurants in the United States, yet it remains true to its core vision and values – Raising Cane’s vision is to have restaurants all over the world and be known as the brand for quality chicken finger meals, a great crew, cool culture and active community involvement. This Project will be the first Raising Cane’s restaurant in the County; and its expansion into the County is a natural fit to enhance its ability to serve the community, meet market demands, and provide growth opportunities for its brand, employees, and the County.

The Property is generally located on the eastbound side of Garrisonville Road (Route 610), at the intersection of Highpointe Boulevard and within “The Garrison at Stafford” mixed-use residential and commercial community currently being developed by The Pence Group. And as further noted above, the Property is zoned P-TND, which permits fast food restaurants with drive-through facilities upon the County’s issuance of a CUP. Specifically, Section 28-34 of the County’s Zoning Ordinance states that the purpose of the P-TND is:

“to provide areas of the county which are suitable for an approach to land-use planning and urban design that promotes the development or redevelopment of pedestrian-friendly neighborhoods with a mix of uses, housing types and prices, lot sizes and density, architectural variety, a central civic building and use, a network of streets and alleys that may include on-street parallel parking, and defined development edges.”

Additionally, Section 28-185 of the County’s Zoning Ordinance states that:

“[c]onditional uses are those uses which are generally compatible with the other land uses permitted in a land use district, but which require individual review of their location, design, and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location.”

The Project proposes to develop a fast food restaurant with drive-through facilities, which is considered a commercial retail use and is appropriately located within a larger mixed use community (The Garrison at Stafford) envisioning such use. This Project adds to the mix of uses in the existing P-TND zoning district and in this developing mixed use community; it further aligns with the general development pattern of this area. Overall, we believe that this Project meets the purpose of both the P-TND district and the requirements for a CUP.

As briefly mentioned above, this Project aligns with, compliments and supports the development pattern of this general area. More specifically, the Property is bordered on the east, west and south by vacant land zoned P-TND (note that these areas are largely intended to be developed as a part of The Garrison at Stafford with additional residential and commercial uses). On the opposite side of Garrisonville Road to the north are several commercially zoned businesses, including, but not limited to, Dunkin’, Arby’s, Koi Tea, Stafford Wings, Advance Auto Parts, Sam’s Pizza & Subs, Nara Thai Cuisine and Liberty Sports and Physical therapy, all zoned Urban Commercial (B-2). Accordingly, we believe that this Raising Cane’s restaurant will be compatible with existing and future uses intended to grow around it.

The Property consists of approximately 1.29 acres and is proposed to accommodate an approximately 3,077 square foot fast food restaurant with drive-through facilities, as shown on the Plan. The proposed FAR is 0.05 +/- of the Property, and approximately 28% of the Property will be open space, all as shown on the Plan. Adjacent properties will experience minimal impacts due to landscaping, screening and buffering, also as shown on the Plan. Further, the Project will have no impacts on schools or parks, and it is expected to create minimal impacts on public facilities and services – any impacts will be mitigated as provided herein.

As described in more detail below, the Applicant’s proposal generally conforms to the policies established by the County’s Comprehensive Plan, as dated August 16, 2016 and amended November 16, 2021 (the “Comp Plan”). In this regard, the Property is designated as having a future land use of Suburban and is also located within the County’s Highway Corridor Overlay District (“HCOD”) and Urban Services Area (“USA”), all as discussed further below.

Finally, according to County requirements and correspondence between the Applicant and the County, a traffic impact analysis is not required for the Project. In this regard, the Applicant prepared a document containing traffic generation estimates, prepared by GoroveSlade, and is attached as **Exhibit C** (the “Traffic Generation Report”). As provided by the Traffic Generation Report, the Project is expected to generate 71 primary vehicle trips during the AM peak hour, 52 primary vehicle trips during the PM peak hour, 728 primary vehicle trips during an average weekday.<sup>1</sup>

### III. CONDITIONAL USE PERMIT STANDARDS

Section 28-185(d) of the County’s Zoning Ordinance requires that CUP applications meet the following standards:

1. *The use shall not tend to change the character and established pattern of development in the vicinity of the proposed use* – The Applicant is requesting a CUP on a site consistent in size with surrounding parcels, located along a four-lane principal arterial road and around other commercially zoned and appropriate businesses. The sites immediately adjacent to the Project include Commercial and vacant P-TND property all of which are future planned for commercial and residential uses of similar intensity. The mix of property uses in the immediate vicinity of the Property—including properties that are also zoned P-TND and B-2, which are designed for similar commercial uses, demonstrate that the Project will not change the character and established pattern of development in the vicinity.

Also, as mentioned above, this Project is part of a larger, mixed use community that envisions the development of commercial and residential uses, called The Garrison at Stafford. The Garrison at Stafford intends to develop approximately 500,000 square-feet of commercial space and 453 multi-family residential units – with conditional use permits already approved for a gas service station and a drive-through bank. Accordingly, this Project will complement and support the envisioned character and development pattern of this area.

2. *The use shall be in harmony with the uses permitted by right under a zoning permit in the land use district and shall not adversely affect the use of adjacent properties* – The Property is currently zoned P-TND. As mentioned above, the purpose of the P-TND district is to “*promote the development or redevelopment of pedestrian-friendly neighborhoods with a **mix of uses***” (***emphasis added***). The proposed use of a fast food restaurant with drive-through facilities will add to the mix of uses in this area and

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<sup>1</sup> Note that the Project generates less primary vehicle trips than the County’s traffic impact analysis threshold of 1,000 vehicle trips per day.

provide convenient service offerings to the existing and future community. Since many of the uses adjacent to the Property are to be developed at a similar level of intensity as the Project, the proposed use will be in harmony with the district’s permitted uses and is not expected to adversely affect the use of the adjacent properties – rather, we believe that the Project will enhance and support the overall development of this area.

3. *The location and height of buildings, the location, nature, and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof* – The Project will neither hinder nor discourage the appropriate development and use of adjacent land and buildings or impair their value because (1) the majority of adjacent properties have similar zoning designations as that of the Property; and (2) the location and height of the proposed buildings, as well as the landscaping, will mitigate any potential adverse impacts to the surrounding properties. The location, height, general architectural design, features, and materials for the Project are more particularly depicted on the illustrative elevations prepared by PM Design Architectural Solutions Group, dated March 2022 and titled “Exterior Elevations” (the “Elevations”), which are attached and incorporated as a material part of this application by this reference, as **Exhibit B**.

Again, the Property is located along a four-lane principal arterial road and around other commercially zoned and appropriate businesses. Because the surrounding vacant property is zoned P-TND, any subsequent development of that property will likely be of a similar developmental intensity and is therefore not expected to be negatively impacted by the Project.

4. *The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use* – The Property is zoned P-TND. The Project is consistent with P-TND zoning requirements and the proposed development of a fast food restaurant with drive-through facilities is not expected to adversely affect the health or safety of persons residing or working in the vicinity of the Project.
5. *The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood* – The Property is zoned P-TND. The proposed use is consistent with P-TND zoning requirements and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
6. *The use shall be in accord with the purposes and intent of this chapter and the comprehensive plan of the county* – For the reasons described above, the Project is in accord with Chapter 28 of the County Code. Additionally, the Project is in accord with the County’s Comp Plan – please see Section IV below for additional information.

#### **IV. COMPREHENSIVE PLAN**

##### Economic Development

According to the Comp Plan, the main thrust of economic development is to attract new businesses and industries to the area, diversify the economic base, and promote job creation for County residents while supporting the retention and growth of existing businesses and industries. One of the Comp Plan's economic development goals is to support the County's economic vitality through land use policies which are consistent with attracting employment options for County residents and encouraging the development of accessible, convenient commercial locations. The Project satisfies both these conditions.

As mentioned above, this Project will be the first Raising Cane's location in the County. In support of this application, the Applicant gathered fiscal data ranges by analyzing its existing, similar restaurants with drive-through facilities. More specifically, this Project is expected to employ approximately 75 to 100 full-time and part-time employees to work in the restaurant, with 3 to 5 at the managerial level. Raising Cane's also expects to hire local delivery services for its products and local maintenance for the Project building and the Property. For example, Raising Cane's generally spends upwards of \$25,000.00 annually on landscape maintenance alone. Overall, Raising Cane's expects to pay roughly \$450,000.00 to \$650,000.00 in state and local taxes annually. Accordingly, this Project meets the Comp Plan's vision and goals for economic development within the County.

#### Future Land Use Map

The Comp Plan identifies the Property as being within the County's USA. USAs are areas designated within the County in which growth should occur in order to reduce growth pressure in rural parts of the community. USAs are further comprised of planning areas, suburban areas, business and industry areas, and redevelopment areas.

The Property is located within the County's USA suburban area within the commercial corridor, which specifically encourages commercial retail and office development. This Project meets several of the USA suburban commercial corridor goals, including:

- The Project is located along Garrisonville Road, which will provide adequate transportation facilities;
- The Project will infill development along Garrisonville Road;
- The Project will be served by The Garrison at Stafford's sidewalk system;
- The Project's floor area ratio does not exceed 0.35, as recommended in the Comp Plan for commercial uses within the suburban USA – in fact, it is significantly lower at only 0.05.
- The Project is appropriately screened and setback from adjacent uses.
- The Project will be served by public water and sewer.

Further, as briefly noted above, the Comp Plan identifies this Property as being located within the County's HCOD, which intends to prevent or reduce traffic congestion, and distracting visual clutter which may result in danger on the public and private streets. Section 28-59 of the County Code outlines the requirements of the HCOD, and this Project accommodates each requirement as more particularly depicted on the attached Elevations and Plan.

## V. TRAFFIC AND TRANSPORTATION IMPACTS

The Applicant requested a traffic generation report, which was prepared by GoroveSlade and attached hereto as **Exhibit C** (the “Trip Generation Report”). And, according to correspondence between the Applicant and the County, a traffic impact analysis is not required for the Project since it is expected to generate less than 1,000 primary trips per day, as further detailed in the Trip Generation Report. In this regard, as provided by the Traffic Generation Report, the Project is expected to generate 71 primary vehicle trips during the AM peak hour, 52 primary vehicle trips during the PM peak hour, 728 primary vehicle trips during an average weekday.<sup>2</sup>

## VI. PUBLIC UTILITIES, FACILITIES, AND SERVICES

- Roads. As noted above, a TIA is not required for this Project and the road infrastructure is expected to adequately serve the Project.
- Utilities. As noted above, the Property is located within the County’s USA and will be served by public water and sewer facilities. The existing infrastructure is expected to be adequate to serve the Project.
- Schools. The Project will not impact schools.
- Recreational Facilities. The Project will not impact parks or recreational facilities.
- Fire & Rescue. It is anticipated that the Property will be primarily served by Station 14 Garrisonville Fire & Rescue Station, which is located approximately one mile to the northwest of the Property. Please note that the Aquia Harbour Volunteer Rescue Squad is also located less than 3 miles southeast of the Project, and is capable of responding to any emergencies at the Project. The Project is expected to have minimal impacts on police and emergency services – and is not expected to materially increase the fire and rescue service needs for this area.

## VII. ENVIRONMENTAL IMPACTS, NOISE, DUST, AND SMOKE

The Property is currently vacant and undeveloped. However, this Property is surrounded by both vacant land and existing commercial uses, including Dunkin’, Advance Auto Parts, and Koi Tea. Further, this Project is intended to be a part of a larger, mixed used development (The Garrison at Stafford) consisting of a variety of commercial and residential uses. Accordingly, the Project upon full build-out is not expected to generate noise beyond the level customary for commercial uses in this area, nor is it expected to generate dust or smoke. While we note that some noise and dust may be generated during construction, all construction activity will conform to applicable County requirements. Overall, we expect the Project to be compatible with surrounding uses, and we do not believe there will be any adverse impacts to surrounding properties.

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<sup>2</sup> Note that the Project generates less primary vehicle trips than the County’s traffic impact analysis threshold of 1,000 vehicle trips per day.

Finally, this Property does not include any environmentally sensitive features nor is it located in the County's historical district. Accordingly, the Project is not anticipated to adversely affect the environmental, cultural, or historic resources.

## **IX. COMMUNITY INVOLVEMENT**

As briefly discussed above, Raising Cane's vision is to have locations all over the world and be known as the brand for quality chicken finger meals, a great crew, and active community involvement. Raising Cane's may be one of the fastest-growing large restaurant brands, but it remains active in its communities – Raising Cane's emphasizes that it owes its success to its supportive communities. Accordingly, Raising Cane's works hard to be involved in as many philanthropic and community groups, programs, events and partnerships as it can. This ranges from providing a gift basket for a door prize at a philanthropic event, all the way to its collegiate level partnership with the University of Virginia. Raising Cane's is proud to support organizations and community groups of many kinds – and will never hesitate to pursue unique partnership opportunities with organizations throughout the Commonwealth.

**EXHIBIT A**

Plan



**EXHIBIT B**

Elevations

**EXHIBIT C**

Traffic Generation Report

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