



MEMORANDUM

To: City of Burlington, WA
From: Liz Willmot, PE and Nick Chen, AICP
Kimley-Horn and Associates, Inc.
Date: October 3, 2025
Subject: Raising Cane's Drive-Through Facility Conditional Use Permit – Project Narrative

Project Background

Raising Cane's is proposing a new standalone restaurant with drive-through access at northwest corner of S Burlington Boulevard and Gilkey Road/Cascade Mall Drive. The project is zoned Mixed Use Commercial (MUC-2) and is subject to the Burlington Municipal Code (BMC) Title 12 (Streets, Sidewalks, and Public Places), Title 14 (Environmental Regulation), and Title 17 (Comprehensive Zoning Ordinance).

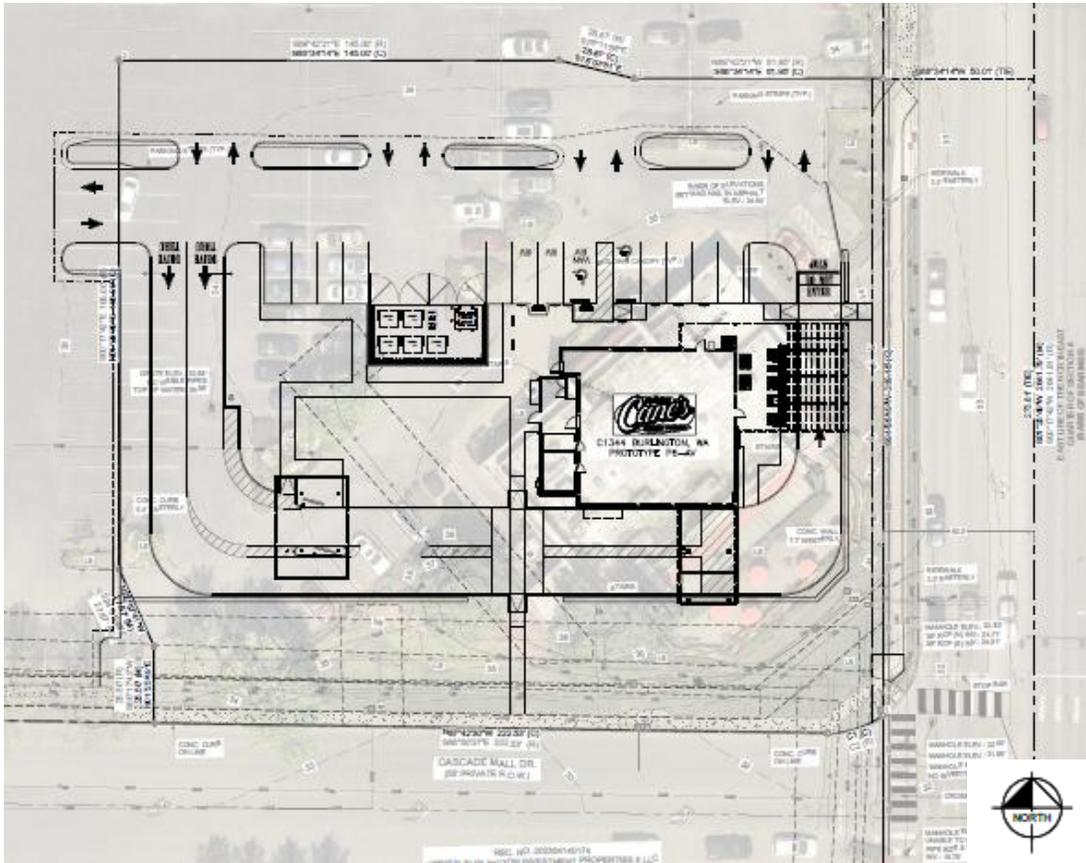


Figure 1: Proposed Site Plan

Raising Cane’s met with the Planning Division on February 5, 2025 and received pre-application review comments including a need to seek a variance to increase the allowed setback to avoid existing easements. The first corrections letter received from the City of Burlington on August 19 stated a recommendation to withdraw the application for variance, citing that the City allows exemptions for setback requirements for utilities “as minimally necessary to avoid a utility easement that makes compliance with the maximum setback impossible.”

This application requires a narrative for a Conditional Use Permit (required for drive-through use).

The narrative will consist of an analysis of the following sections of Burlington Municipal Code:

- BMC 17.50 MUC-2 Mixed Use Commercial Zone
- BMC 17.50.070(C) MUC-2 Conditional uses
- BMC 14A.05.140 Conditional use applications

BMC 17.50 MUC-2 Mixed Use Commercial Zone

The proposed site is in the MUC-2 Zone (Mixed-Use Commercial). Pursuant to BMC 17.50, eating and drinking establishments are allowed outright in the MUC-2 zone (BMC 17.50.050.O). Drive-through facilities are listed as a conditional use in the MUC-2 zone, and are only permitted in limited locations, including corner lots at signalized intersections (BMC 17.50.070.C.1.a).

BMC 17.50.070.C MUC-2 Conditional uses

Code Requirement	Criteria Evaluation
C. Drive-through facilities, subject to the following:	Criteria met.
1. Drive-through facilities shall only be permitted at the following locations: <ul style="list-style-type: none"> a. Corner lots at signalized intersections; or b. Corner lots at non-signalized intersections within a binding site plan or plat where the lot was designated and approved for drive-through uses during the land division approval process; or c. Through lots or lots with alley access. 	Criteria met. The proposed development site is a corner lot located at the intersection of Cascade Mall Drive and Burlington Boulevard. This intersection is signalized; therefore, a drive-through restaurant could be permitted with a conditional use permit.
2. Drive-through facilities shall only permitted when the vehicle entrances and exits fully comply with the intersection and driveway spacing requirements identified in chapter 12.28 BMC .	Criteria met. All vehicle entrances and exits are compliant, and each cross-access point and driveway on the proposed site are 24 feet wide.
3. Buildings shall be located as close to adjoining streets as possible and shall comply with the maximum setback requirements of this chapter except as minimally necessary to accommodate a single queuing lane.	Criteria met. The preliminary plans show that the building will need to exceed the maximum setback to accommodate an existing utility easement which meets one of the requirements for exceeding the maximum setback of 10 feet. The plans also show more than one queuing lane. In order to have two

Code Requirement	Criteria Evaluation
	queuing lanes and to meet the setback requirement, a covered awning over the queuing lanes is incorporated into the design to bring some element of the building closer to both street frontages.
4. In addition to any other applicable landscaping and screening requirements, queuing lanes shall be screened from view using a landscaped earthen berm or a low masonry wall. The screening shall have a minimum height of three feet, as measured above the grade of the adjacent queuing lane and shall be consistent with the standards for Type II screening identified in chapter 17.81 BMC.	Criteria Met. A low masonry wall is proposed between the drive thru lanes and public right-of-way.
5. A raised pedestrian crossing with a minimum walking surface width of five feet shall be provided wherever a pedestrian path crosses a queuing lane.	Criteria Met. Pedestrian crossings are designed as elevated and greater than five feet.
6. For drive-through facilities with inside seating or service areas the primary building entrance shall face the street and a direct pedestrian connection shall be provided between the entrance and the street. For drive-through uses with no inside seating or service areas, a walkup window or service area shall be provided to allow pedestrians to place and pick up orders without entering a vehicle queuing lane.	Criteria Met. This proposal includes inside seating, and one of the two primary customer building entrances is located in the patio area that oriented towards Burlington Boulevard. Direct pedestrian access is provided via two separate elevated pedestrian walkways.
7. The design shall incorporate enhanced pedestrian amenities and measures to mitigate the impacts of additional vehicle traffic on pedestrian access.	Criteria Met. Pedestrian amenities such as landscaping and raised walkways are provided to mitigate vehicle encroachment on pedestrian ways.

Conditional Use Application

BMC 14A.05.140 CONDITIONAL USE APPLICATIONS, WHEN REQUIRED, SUBMITTAL REQUIREMENTS, REVIEW CRITERIA AND CONDITIONS OF APPROVAL.

Code Requirement	Criteria Evaluation
<p>A. A conditional use permit is required when the use proposed is listed as requiring a conditional use in the regulations for the zone in which it is located. A conditional use permit is also required for uses which are not listed as conditional or permitted in any zone. The community development director is authorized to waive the conditional use permit requirement for unlisted uses if the director determines the use is substantially the same as another use permitted in the zone in which the proposed use will be located.</p>	<p>Criteria Met. Drive-through facilities are listed as a conditional use in the MUC-2 zone, and are only permitted in limited locations, including corner lots at signalized intersections (BMC 17.50.070.C.1.a).</p>
<p>B. An application shall be required for approval of a conditional use permit. Applications for conditional use permit approval shall be made on forms provided by the director and shall include all of the information required by the form in addition to all of the items listed below. Only applications including all of the information required by this section shall be deemed complete for purposes of complying with this title. A complete application shall include:</p>	<p>Criteria Met. See below.</p>
<p>1. Vicinity map;</p>	<p>The site plan submittal shall include all required components listed.</p>
<p>2. Name, address, phone number of property owner;</p>	
<p>3. Name, address, phone number of engineer or agent;</p>	
<p>4. A site plan drawn to scale showing all of the following: a. Boundaries and dimensions of property; b. Adjacent public streets; c. Easements, existing and proposed; d. Location and size of all existing and proposed utilities; e. Location of buildings, including setbacks; f. Location and layout of off-street parking; g. Location and height of fences; h. Location and size of signs; i. Landscape detail;</p>	
<p>5. Elevation drawings showing the height of all proposed buildings.</p>	
<p>C. The site plan shall be adopted and made part of the permit. All subsequent permits authorizing</p>	<p>Noted.</p>

Code Requirement	Criteria Evaluation
<p>development, building, site improvements or construction activity shall be in accordance with the approved site plan. Adjustments to the site plan may be approved as follows:</p>	
<p>D. Approval Criteria. Conditional use permits shall only be approved if consistent with all of the following criteria:</p>	<p>Criteria Met.</p>
<p>1. The use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service areas, utilities, screening and buffering, signs, yards and other open spaces, height, bulk and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes and vibration; and</p>	<p>Criteria Met. The proposed use is consistent with allowed uses in the MUC-2 zone.</p>
<p>2. The proposal is in accordance with the goals, policies and objectives of the comprehensive plan; and</p>	<p>Noted. See analysis within this narrative.</p>
<p>3. The proposal complies with all the requirements of this title; and</p>	<p>Criteria Met.</p>
<p>4. The proposal can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity and provides a high quality of development; and</p>	<p>Criteria Met.</p>
<p>5. The proposal will not adversely affect the public infrastructure.</p>	<p>Criteria Met. The development replaces an existing similar use and does not impact public infrastructure.</p>
<p>E. Conditional use permit decisions shall include written findings of fact demonstrating compliance with each of the approval criteria enumerated above.</p>	<p>Criteria Met. Written findings of fact provided below.</p>
<p>F. Conditions of Approval. In order to mitigate any adverse impact or address a finding of fact associated with the proposal, conditions may be imposed which increase requirements in the standards, criteria, or regulations of this title or other city legislation or adopted policies. (Ord. 1854 § 2 (Exh. B), 2018).</p>	<p>Noted.</p>

BMC 14A.05.140.D.1

The use will have no more adverse effect on the health, safety or comfort of persons living or working in the area, and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area, than would any use generally permitted in the district. Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service areas, utilities, screening and buffering, signs, yards and other open spaces, height, bulk and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes and vibration.

The proposed development is consistent with existing use of the site. The site plan includes and considers the above considerations and is not anticipated to create additional adverse effects.

BMC 14A.05.140.D.2

The proposal is in accordance with the goals, policies and objectives of the comprehensive plan.

This proposal aligns with the Comprehensive Plan and meets the objectives therein. Below are key objectives, goals, and policies which are consistent with this proposal.

Land Use Element

Element Feature	Feature Description	Compliance
Objectives	Compact Growth	This is a redevelopment of an existing site with the same use.
	Efficient and cost-effective development	This is a redevelopment of an existing site with the same use.
	Access to jobs and services	The proposed site is located Downtown with multiple modes of access.
Goals and Policies	Development Costs: Investments should prioritize in the Downtown	The proposed site is within the Downtown Priority Development Area.
	Natural Resources: Redevelopment should be encouraged.	The proposed site is the redevelopment of an existing restaurant use.
	Transportation: Access should contribute to a coherent transportation system.	Proposed site access facilitates efficient movement throughout the site.
	Compatibility: Burlington Boulevard frontage should be reserved for uses that generate high levels of activity	The proposed site is along Burlington Boulevard and Raising Canes uses historically are a high activity generating use.
	Long-Range Planning: The City shall prioritize growth in priority development areas.	The proposed site is within the Downtown Priority Development Area.

Element Feature	Feature Description	Compliance
	MUC Zone: MUC is intended for commercial uses.	The proposed use is a permitted use within MUC-2.
	MUC is intended to be in proximity to services	This proposal is in proximity to many downtown services.
	MUC-2 zone is intended to accommodate high intensity commercial uses.	The proposed use is a permitted use within MUC-2.
	2.61 Downtown PDA (Priority Development Area) development should be prioritized.	The proposed site is within the Downtown Priority Development Area.

Natural Resources Element

Element Feature	Feature Description	Compliance
Goals and Policies	Ecological Footprint: Accommodate growth and development through infill and redevelopment.	The proposed site is the redevelopment of an existing restaurant use.

Transportation Element

Element Feature	Feature Description	Compliance
Objectives	Convenience and access	Comprehensive Plan indicates proposed bike lanes approximately 1 block east and west of the site. This site is also near Burlington Boulevard, which is one of the City’s few streets classified as a principal Street. The proposed site is between Route 80x and Route 208, both of which provide major transit service.
	Supporting new forms of development	Though this is a commercial development, multiple modes of transportation provide convenient access from residential uses to the site.
	Reducing costs	This development is proposed to be on a site with adequate infrastructure for a drive-through restaurant. Redevelopment of an existing site is encouraged as a means to reduce costs.

BMC 14A.05.140.D.3

The proposal complies with all the requirements of this title.

Criteria met. See narrative content.

BMC 14A.05.140.D.4

The proposal can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity and provides a high quality of development.

As outlined in the sections above, this proposal matched the existing character of the general vicinity.

BMC 14A.05.140.D.5

The proposal will not adversely affect the public infrastructure.

Criteria met. This proposal accommodates and does not adversely affect the conditions of the public infrastructure.

Closing

In summary, we believe that granting approval of this conditional use permit to allow a drive-through facility in association with the proposed Raising Cane's project is warranted given:

- The unique limitations created by existing easements
- The increased on-site pedestrian safety conditions and aesthetic quality that consolidating and screening the two lanes into the southeast portion of the site brings to the project.
- The location being in alignment with the purposes of uses within the MUC-2 zoning district.

Thank you for your consideration of this request. Our team is available to answer any questions regarding this request that the City Planning staff may have.