



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
P.O. Box 716
Charles Town, West Virginia 25414

File #: 19-1-CUP
Mtg. Date: 02/28/19
Fee Paid: \$ 300.00
Staff Int.: GH

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Application for a Conditional Use Permit

Conditional Use Permit process is outlined in Article 6 of the Zoning Ordinance

Project Name

MCDONALDS NSN 13445

Property Owner Information

Name: MCDONALD'S CORPORATION

Business Name: MCDONALD'S

Mailing Address: 13 N EDGEWOOD DRIVE, HAGERSTOWN MD 21740

Phone Number: Email Response:

Mail ☐ Yes
Response: ☒ No

Applicant Information

Name: TRACEY DIEHL

Business Name: EXPEDITE THE DIEHL

Mailing Address: 6487 HILLIARD DRIVE, CANAL WINCHESTER, OH 43110

Phone Number: 614-828-8215 Email Response: TRACEY@ETD.WEBSITE

Mail ☒ Yes
Response: ☐ No

Engineer(s), Surveyor(s), or Consultant(s) Information

Name: DONNA ELLIOTT

Business Name: RRMM

Mailing Address: 1317 EXECUTIVE BLVD #200 CHESAPEAKE VA 23320

Phone Number: 7576222828 Email Response:

Mail ☐ Yes
Response: ☒ No

Physical Property Details

Physical Address: 31 MADDEX SQUARE DRIVE (LT #6 MADDEX SQUARE SHPPNG CNTR & MGR)

Tax District: Shepherdstown Dist

Map No: 8C

Parcel No. 09 8C006800000

Parcel Size: .88 AC

Deed Book: 646

Page No: 642

Zoning District (please check one)

Residential
Growth
(RG)

☐

Industrial
Commercial
(I-C)

☐

Rural*
(R)

☐

Residential-
Light Industrial-
Commercial
(R-LI-C)

☒

Village
(V)

☐

Neighborhood
Commercial
(NC)

☐

General
Commercial
(GC)

☐

Highway
Commercial
(HC)

☐

Light
Industrial
(LI)

☐

Major
Industrial
(MI)

☐

Planned
Neighborhood
Development
(PND)

☐

Office/
Commercial
Mixed-Use
(OC)

☐

* For properties in the Rural Zoning District:

Is property located on a primary or secondary road?

☐ Yes ☒ No

Name of Road and/or Route Number: 31 MADDEX SQ DR.

RECEIVED

JAN 23 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

CUP Application, 09-07-17

Sketch Plan (see cover sheet for description)☒ Attached**A list of all adjacent and confronting property owners (see cover sheet for description)**☒ Attached**State the proposed land use as listed in Appendix C and provide a description of the proposed use.**No change to current land used**Please provide any information or known history regarding this property.**293-01 CUP (05-11-93)**Please respond (in detail) to the following statements located in Section 6.3 of the Zoning Ordinance:****1. The proposed use is compatible with the goals of the adopted Comprehensive Plan. Section 6.3A.1**There is an existing McDonalds under an existing Conditional Use - this proposal is for a modification to the CUP for the replacement of menu boards**2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety, and welfare. Section 6.3A.2**Menu board replacement is proposed for an existing drive thru and poses no threat to public health, safety and welfare.**3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. Section 6.3A.3**No change to current development, proposal is for menu boards only and will not hinder, harm or be a detriment to the use of adjacent land and buildings**4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. Section 6.3A.4**☒ I am aware of the landscaping buffer requirements and will adhere to them.☐ I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.**5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. Section 6.3A.6**☐ Applicable (Trip Generation Data attached)☐ Not Applicable**The information given is correct to the best of my knowledge. Original Signature Required.**as Senior Counsel of
McDonald's Corporation12/14/18

Property Owner

Date

Property Owner

Date

The property located at 31 Maddex Square Drive, exists as a McDonald's drive thru restaurant. The proposal is to replace the existing drive thru menu boards and upgrade them to digital menu boards. This is for an overall reduction in square footage as the proposed menu boards are smaller than the existing menu boards. Additionally the proposed menu boards would not have animated, flashing, moving or scrolling sign copy. The digital menu boards would change three times a day and the images are static.

The sign proposal will not increase any nonconformities that may exist and the signs proposed will enhance the overall appearance of the property.

MINUTES
JEFFERSON COUNTY PLANNING & ZONING COMMISSION
MAY 11, 1993

The Jefferson County Planning & Zoning Commission met on Tuesday, May 11, 1993, with the President, H. Richard Flaherty, presiding. Other Planning Commission members present were: Page Wright, Jim Knode, Carolyn Hoffman, Scott Coyle, Rosella Kern, Betty Roper, Sam Donley, Ernie Benner and Cam Tabb. Staff members present were Paul Raco, Paula Markstrom and Becky Burns.

Dick Flaherty called the meeting to order at 7:30 p.m. Scott Coyle motioned to accept the Minutes of the April 27, 1993 meeting. Jim Knode seconded the motion which carried unanimously.

1. Final Plat Public Hearing for the Thomas M. Stokes Estate Subdivision was held. Carolyn Hoffman arrived (7:32 p.m.) during the public hearing. The Staff and Engineer recommended the final plat be accepted contingent upon a note being added to the final plat restricting building in the floodway and floodplain, the necessary signed original copies being submitted and recordation in the Clerk's Office within ninety (90) days of this final plat public hearing (August 11, 1993). There was no public comment. Ernie Benner motioned to accept the final plats subject to the Staff's contingencies. Rosella Kern seconded the motion which carried with a vote of 7 for and 1 abstention (Carolyn Hoffman).

2. Public Hearing on Conditional Use Permit for McDonalds Corporation was held. Page Wright arrived (7:34 p.m.) during Paul's reading of the Staff Report. Paul read from Article 7, Section 7.6 of the Zoning Ordinance outlining the purpose of the public hearing on the unresolved items. Dick reiterated that the public hearing was to address the unresolved items only. Paul read the Staff Report as a result of the Neighborhood Compatibility Hearing. Shannon Brown, attorney for McDonalds Corporation stated they had no problem with the Staff Report. And that item #5 regarding landscaping was an agreement to agree to the landscaping plan with the citizens.

Shannon presented the sign that had been agreed upon by McDonalds and Pam Berry on behalf of the citizens. The sign agreed upon will be monumented; constructed of the same brick as the building and will be 8' x 3 1/2' with a nonlit McDonalds arch on top. There would also be two roof signs located on the building neither of which are to face Route 45. Pam Berry stated they (citizens) agreed to the proposed signs in terms of design as presented to the Commission.

The Staff recommended issuance of the Conditional Use Permit contingent upon the nine resolved items listed in the Staff Report and the sign proposal being apart thereof. Page Wright motioned to issue the Conditional Use Permit subject to the Staff's recommendation. Scott Coyle seconded the motion which carried unanimously.

3. Request by Renny Travers Smith on behalf of Crystal Lake Property Owners Association (Bakerton Quarry) to discuss the road situation at the Valley View Subdivision. Bob Murto presented the request and handed out copies to the Commission. Mr. Murto stated

STAFF REPORT
PROJECT: McDonalds at Maddex
DATE: April 30, 1993

On March 31, 1993, at 10:00 A.M. in the County meeting room an advertised compatibility meeting was held on the above captioned project. Shannon Brown, counsel for McDonalds, made the developer's presentation. The proposal is detailed in File #Z93-1 which can be found in the Planning Commission's office at 104 E. Washington Street, Charles Town.

Many concerns were aired by the public, including; landscaping, buffering, screening, dumpster location, signage, entrances, playgrounds, traffic, traffic controls, turning lanes, orientation of drive-through and menu board, lighting (height and orientation), drainage, construction material, and height and type of flags.

The following items were resolved between the Public and McDonalds;

The developer agreed to:

1. Buffer the dumpsters from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct the lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
5. Work out the landscaping plan directly with Pam Berry;
6. Not have an entrance or exit directly on Route 45;
7. Locate any playground on the northern side of the building provided that it does not affect the required pervious surface; and that it would meet all site plan and ordinance standards in effect at that time;
8. Not fly a McDonald's flag;
9. Limit the height of the American and West Virginia flag to no higher than the existing lights in Maddex Square.

The next items are unresolved.

The developer did not agree to;

1. Eliminate free standing sign.

A Public Hearing has been scheduled for May 11, 1993, at 7:30 p.m. to hear testimony on the unresolved item.

This report was prepared by Paul J. Raco.

Paul J. Raco 4/30/93

JEFFERSON COUNTY PLANNING AND ZONING COMMISSION

CONDITIONAL USE PERMIT

This is to certify that effective May 11, 1993 the property described as:

Property Owner: Maddex Square Associates Limited Partnership
for McDonald's Corporation
Address: P. O. Box 1714, Henderson, North Carolina 27536
McDonald's Corporation, 3015 Williams Drive
Fairfax, Virginia 22031
Tax Map Reference: Shepherdstown District Tax Map 8C Parcel 66
Deed Book Reference: Deed Book 646 Page 642
Subdivision Name: McDonald's Corporation
Zoning District: Residential/Light Industrial/Commercial
Other Descriptions: _____

has been granted permission to use said property in the following way:

McDonald's Fast Food Restaurant.

Conditional upon:

1. Buffer the dumpsters from the road and residential structures with a green planting screen;
2. Orientate the menu board east and west and screen such;
3. Direct lighting downward;
4. Limit the height of the lights to 20' high and not make them any higher than the ones in the existing shopping center;
5. Work out the landscaping plan directly with Pam Berry;
6. Not have an entrance or exit directly on Route 45;
7. Locate any playground on the northern side of the building provided that it does not affect the required pervious surface; and that it would meet all site plan and ordinance standards in effect at that time;
8. Not fly a McDonald's flag;
9. Limit the height of the American and West Virginia flags to no higher than the existing lights in Maddex Square; and,
10. Free standing monumented sign constructed of the same brick as the building which is to be 8' x 3 1/2' in size with a lighted McDonald's arch on top. There will also be two roof signs located on the building neither of which are to face Route 45.

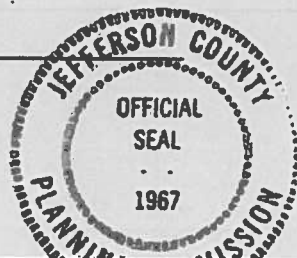
In the event construction or use is not commenced by November 11, 1994, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Zoning Board of Appeals.

This certification in no way relieves the owner, applicant or user from any requirements of Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.



Zoning Administrator

Planning Commission Seal



May 11, 1993
Date