

Attachment A – Conditions of Approval

The approval of the Use Permit is subject to the following conditions and stipulations:

1. All future development on the Property is subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation; and,
2. The Drive-Through Restaurant shall be designed and operated in accordance with the requirements of Section 4-2-18 of the Goodyear Zoning Ordinance; and,
3. The Drive-Through Restaurant shall not occupy more than fifty percent (50%) of a multi-tenant building; and,
4. The Drive-Through Restaurant shall mitigate food odors generated by its operations if it is determined to emit food odors discernible outside the boundaries of the Property by the Development Services Director, or designee. If the Drive-Through Restaurant is determined to emit odors beyond the boundaries of the Property, then an odor mitigation plan shall be submitted to the City of Goodyear that specifies the range of odor mitigation practices to be used onsite to control odor-emitting activities, sources, and locations. Prior to the issuance of a certificate of occupancy the odor mitigation plan must be approved by the Development Services Director, or their designee. The odor mitigation plan shall include, at a minimum:
 - a. An exhaust scrubbing device, such as the AirMaid Corona Glass Cell or similar product, shall be installed to mitigate odor impact to nearby residential developments. Such installation shall be reviewed and approved as part the building permit review; and
 - b. All mitigation measures in the approved odor mitigation plan shall be installed and completed prior to the issuance of a certificate of occupancy for the restaurant; and
 - c. The failure to maintain all approved mitigation measures in good working order shall be a violation of the terms of the Use Permit and unless timely corrected is grounds for the termination of the Use Permit.
5. The development of the Property shall conform to the standards designated for Lighting Zone 2 as established in Article 10, Outdoor Lighting Standards, of the City of Goodyear Zoning Ordinance; and,
6. All site lighting (building, parking, or security) shall be directed down with sharp cut-off directional lighting fixtures. All lighting on the site shall be dimmed to 50% between 10 p.m. and 6 a.m. No wall mounted lights, on the east side of the building, may be placed higher than above eight (8) feet above the building foundation. All under-canopy lights shall be screened by the canopy edge, such that the light source is not visible from the east property line; and,
7. Speakers for the drive-through facilities located on the Property shall not be audible from any residentially zoned property. Sound shall be mitigated using volume control, sound attenuation walls, landscaping, or other measures acceptable to the Zoning Administrator or designee; and,
8. The configuration and location of the proposed drive-through lanes and pick-up window and resultant traffic patterns shall be developed in substantial conformance with the

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preliminary site plan attached hereto. An amendment to the Use Permit shall be required if the Zoning Administrator determines that the site plan submitted for approval is not in substantial conformance with the preliminary site plan attached hereto; and,

9. In no instance shall queued vehicles obstruct designated fire lanes or public streets. Any observed obstruction by city staff shall be immediately remediated by the owner/operator and owner/operator shall prepare a traffic management plan to prevent future obstructions, which shall be completed and submitted to the Fire Chief and Director of Engineering or their respective designees within thirty (30) days of city staff's observation of the obstruction of the fire lanes and/or public streets. Said plan shall require approval from the Fire Chief and Engineering Director, or designees. The failure to comply with the requirements set forth herein can result in the termination of this Use Permit if the approved traffic management plan required herein is not in place and implemented in a timely fashion following city staff's observations of obstructions to designated fire lanes and/or public streets; and,
10. No signage is approved as part of this Use Permit. All signage proposed on the Property shall require separate submittal and review of sign permits, and shall comply with the City of Goodyear Zoning Ordinance and the following:
 - a. Internally illuminated signage shall not be placed on the east side of any building on the Property. External illumination is permitted as long as the light source is fully shielded and not visible; and,
11. Hours of operation for the Drive Through Restaurant shall be restricted to 5am to 10pm. Product or service deliveries associated with the restaurant shall be prohibited between the hours of 10:00 p.m. and 6 a.m.