

## Attachment A- Stipulations- PHO-1-22--Z-147-06-1

**Location:** Approximately 365 feet east of the southeast corner of 51st Avenue and Cactus Road

### Stipulations:

1.	<del>That</del> THE development shall be in general conformance WITH to the site plan and elevations date stamped MARCH 9, 2022 <del>January 30, 2007</del> , as approved or modified by the FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND Development Services Department.
2.	<del>That there shall be a 25 foot landscape setback along the 49th Drive (eastern) side of the P-1 parcel, as approved by the Development Services Department.</del>  ON THE P-1 PORTION OF THE SITE, THERE SHALL BE A MINIMUM 10-FOOT LANDSCAPE SETBACK ALONG 49TH DRIVE AND A MINIMUM 10-FOOT-WIDE LANDSCAPE AREA ADAJCENT TO BUILDINGS ALONG THE WEST SIDE OF THE P-1 AREA, AS DEPICTED ON THE SITE PLAN DATE STAMPED MARCH 9, 2022, AND AS APPROVED OR MODIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
3.	<del>That</del> Landscape requirements for the P-1 parcel shall meet or exceed the R-3 G-4 Zoning Ordinance standards, as approved by the PLANNING AND Development Services Department.
4.	<del>That an eight foot high solid masonry screen wall or view fence with landscaping to provide appropriate screening shall be provided at the south property line adjacent to the Arizona Canal Diversion Channel, as approved by the Development Services Department.</del>
5.	<del>That a drive-through, non-food facility shall be permitted on the site, and it shall be located at the far western end of the site, as approved by the Development Services Department.</del>
6.	<del>That an additional drive-through facility for a retail coffee business only shall be permitted on the site subject to obtaining a use permit and as approved by the Development Services Department.</del>
7.	<del>That the drive-through canopies, lanes, speaker boxes, and service windows shall not be located on the eastern side of the drive-through facilities, as approved by the Development Services Department.</del>
8.	<del>That the westernmost driveway access shall be configured to ensure emergency access, as approved by the Development Services Department.</del>
9.	<del>That there shall be no pedestrian access to 49th Drive.</del>

4.	THE DEVELOPER SHALL DEDICATE 40-FEET OF RIGHT-OF-WAY AND A 10-FOOT-WIDE SIDEWALK EASEMENT FOR THE LENGTH OF THE PROJECT AREA ALONG THE SOUTH SIDE OF CACTUS ROAD, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
5.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.

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