***JF 4.10.19 Draft Conditions of approval (Level II staff review)***

**TACO BELL AMENDMENT**

*(Note: the intro para of the approval letter will detail the cross easement dates etc, the dates etc of the approved plan, and identify the date and number of the site plan approval that is being amended)*

1. That the right, title and interest for this amendment is based on the submitted signed cross-easement agreement that confirms that the owner and a specific buyer have rights for access over the “Rite Aid Drive” abutting the site to the north. This easement shall be recorded in the Cumberland County Register of Deeds prior to the issuance of a building permit (If needed) or prior to the Pre Con meeting noted below (Standard Conditions). This approval is subject to the buyer remaining the party noted in the signed cross-easement.
2. The new rear access drive that connects to the “Rite Aid” Drive (as depicted on the approved site plan, including signage) shall be implemented within 2 months of the date of this letter, or within 2 months of the recommencement of a Taco Bell operation if not operating as of the date of this letter.
3. That the new rear access drive that connects to the “Rite Aid” Drive (as depicted on the approved site plan, including signage) shall be open and accessible through the site and over the “Rite Aid” Drive at all times when the restaurant and drive- through are operating, except during the implementation period as noted in 2 above.
4. That the amended site plan is approved subject to the requirement that only right-turn vehicle movements are permitted from the driveway onto Washington Avenue (left-turns are prohibited). All vehicles exiting to Washington Avenue southbound shall use the rear exit and “Rite Aid Drive”.
5. That when the applicant sells the site to the buyer, the buyer and seller shall execute an agreement whereby the buyer agrees to assume ALL obligations and rights (omnibus assignment) associated with this approval, including the payment of fees associated with the cross-easement.
6. That a detailed design of the retaining wall and associated facing blocks, drainage, structural and other elements (such as fencing) shall be prepared by a Professional Engineer and submitted to the Planning Authority for review and approval. Once approved by the Planning Authority, any required building or other permits shall be obtained prior to construction.
7. That the drive-through is approved as part of the Taco Bell use only. If the occupant changes and the drive-through remains in operation, the new occupant shall submit a traffic analyses relating to the new occupant’s drive through traffic generation to the Planning Authority for review and approval. If the new occupant’s drive through use results in “peak hour” traffic volumes that are greater than those associated with Taco Bell (as documented in the 2016 Taco Bell site plan application), the new occupant may be required to modify the layout and/or obtain a Traffic Movement Permit.
8. The Taco Bell building design was approved as being in conformance with the B2 Design Standards (as shown in the attached elevation) based on the understanding that any new windows will be specified to be Solarban 60 Starphire Ultra‐Clear Glass (or equivalent) of a tint to match the tint of the existing windows. Any modifications to the elevations, material or glass specifications shall be submitted for review and approval by the Planning Authority prior to implementation.