

IN THE MATTER OF : BEFORE THE
Potomac Energy Holdings, LLC : HOWARD COUNTY
Petitioner : BOARD OF APPEALS
: HEARING EXAMINER
: Case No. BA-22-001C&V

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DECISION AND ORDER

On June 16, 2022, the undersigned, serving as a Howard County Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, heard the petition of **Potomac Energy Holdings, LLC**, Petitioner, for (1) approval for a Conditional Use for a motor vehicle fueling facility with a convenience store and car wash under Section 131.0.O.2 of the Howard County Zoning Regulations (“HCZR”); and (2) approval for a variance to reduce the 30-foot structure and use setback from the public right-of-way to 10.26 feet for a dumpster enclosure under Section 119.0.D.2.A.

The Petitioner provided certification that notice of the hearing was advertised and certified that the property was posted as required by the Howard County Code. I viewed the property as required by the Hearing Examiner Rules of Procedure.

The Petitioner was represented by Adam Baker, Esq., Rosenberg Martin Greenberg, LLP. Anthony Williams, Senior Real Estate Manager for Wills Group, Inc., and Taylor Gelinas, of Bohler Engineering, appeared in support of the petition. No one appeared in opposition to the petition.

The Petitioner filed a Conditional Use Petition and a Variance Petition. The Petitions were accompanied by an “Original Plan” dated 8/11/21. At the beginning of the hearing, Mr. Baker

requested that an “Amended Plan” (Revision 1 to the Original Plan) be admitted. He explained that after the Original Plan was filed, the Petitioner received comments from the Design Advisory Panel and as a result amended the Original Plan. The Amended Plan The Amended Plan was deemed to be nonsubstantive and I admitted it into the record. The Amended Plan is

FINDINGS OF FACT

Based upon the evidence presented at the hearing, I find as follows:

1. Subject Property.

The subject property is known as 9075 Baltimore National Pike/RT. 40, Tax Map 24, Grid 5, Parcel 112 Par A (“Property”), is in a B-2 (Business: General) Zoning District and containing about 1.78 acres. The Property has a parallelogram shape and contains a motor vehicle fueling facility, convenience store and car wash. The site is somewhat flat – the low point of the Property is approximately 390 feet in elevation at the southeast corner and it rises to the northwest to an elevation of approximately 401 feet. The motor vehicle fueling facility and convenience store were originally approved through Special Exception BA-90-13E in 1991.

2. Vicinal Properties.

Vicinal properties are as follows. To the north, south and east of the Property are parcels zoned B-2 which are used for Office and Retail. To the West is a parcel zoned B-2 which includes a Motor Vehicle Fueling Facility and slightly southwest is a parcel zoned R-20 which is improved with a Cemetery.

3. Roads.

Baltimore National Pike has three eastbound travel lanes, three westbound travel lanes, a right turn lane and two left turn lanes within a 150-foot right-of-way. The speed limit is 45 miles

per hour. St. John's Lane has two southbound travel lanes and one northbound travel lane with one left turn lane within a 60-foot right-of-way. The speed limit is 30 miles per hour. According to Maryland Department of Transportation data, the AADT (Annual Average Daily Traffic) count on Baltimore National Pike in 2018 was 57,130. There are no traffic counts for this portion of St. John's Lane.

4. Water and Sewer Service. The Property is within the Metropolitan District and the Planned Service Area for Water and Sewer. The Property is served by public water and sewerage facilities.

5. General Plan.

The Property is designated Growth and Revitalization on the Designated Place Types Map of PlanHoward 2030. Baltimore National Pike is an Intermediate Arterial and St. John's Lane is a Major Collector.

6. Prior Zoning History.

This site has long been the location of a gasoline service station, convenience store and car wash. In Case No. BA-83-01V, a variance to reduce the 30' setback from public right-of-way to 5' for the construction of a kiosk, canopy and pump islands and for reconfiguration and enlargement of nonconforming use gas station was approved on April 29, 1983. In Case No. BA-90-13E, a Special Exception for a gasoline service station/convenience store/car wash granted on March 21, 1991.

7. Requests.

- a. Conditional Use. The Petitioner proposes to demolish the existing motor vehicle fueling facility, approved through BA-90-013E, and construct a new motor vehicle

fueling facility consisting of a 4,506 square foot convenience store, 10 fuel dispensers, a 3,051 square foot car wash, seven (7) self-service vacuum spaces and 30 parking spaces.

- b. Variances. The Petitioner requests variances to reduce the 30-foot structure and use setback from a public street right-of-way to 10.76 feet for a dumpster enclosure and to reduce the 10-foot parking setback from a public street right-of-way to four (4) feet for three (3) parking spaces.
8. Exhibits. The petitioner submitted the following premarked exhibits which were accepted into the record:

EXHIBIT 2 - Case No. 22-001C&V - Conditional Use Plan (amended)

EXHIBIT 1 - Case No. 22-001C&V - Conditional Use Plan (original)

EXHIBIT 3.1 - Case No. 22-001 C&V - Aerial (close up)

EXHIBIT 3.2 - Case No. 22-001 C&V - Aerial (extended view)

EXHIBIT 4 - Case No. 22-001 C&V - Existing Conditions

EXHIBIT 5 - Case No. 22-001 C&V - Signage and Elevations

EXHIBIT 6 - Case No. 22-001 C&V - Illustrative Site Plan

EXHIBIT 7 - Case No. 22-001 C&V - Lighting Plan

EXHIBIT 8 - Case No. 22-001 C&V - Gelinas CV

EXHIBIT 9 - Case No. 22-001 C&V - DAP Response

EXHIBIT 10 - Case No. 22-001 C&V - Truck Turning Exhibit

EXHIBIT 11 - Case No. 22-001 C&V - Landscape Plan and Details

9. Testimony.

Mr. Williams described the plans for the facility in detail. He described that the plan is to update the entire facility. He reviewed the proposed signage and the plans for the proposed new convenience store and car wash. He also reviewed the lighting plan. Mr. Williams stated that there will not be any changes to the Rout 40 ingress/egress, but that there would be changes to the ingress/egress onto St. John's Lane.

Mr. Gelinas is the project manager for the project and described the history of the site. She reviewed the Amended Plan and testified that the general and specific standards for a conditional use are met by the Amended Plan. She also discussed the variance requests and stated that the variances should be granted because the lot is a corner lot with an irregular shape, resulting in a smaller developable area.

10. Proposed Redevelopment Changes.

The Petitioner seeks Conditional Use and Variance approval to redevelop the existing Motor Vehicle Fueling Facility to update the existing operation to meet the demands of contemporary customers and continue to provide valuable service to the surrounding community.

The proposed redevelopment includes:

- Replace the four (8) MPD canopy with a ten (10) MPD canopy.
- Upgrade existing tank field from four (4) underground tanks to two (2) 20,000-gallon underground tanks.
- Replace the existing 2,600 square foot convenience store with a 4,506 square foot convenience store with a Dash-In kitchen concept.
- Replace 1,300 square foot Splash-In car wash with a 3,051 square foot Splash-In car wash.
- Seven (7) self-service vacuum spaces with canopies.
- Thirty-seven (37) total accessory parking spaces.
- Access to the site will remain from Baltimore National Pike as right in and right out.
- Access along St. John's Lane will remain right in and right out, but the existing

pork- chop median will be enlarged to restrict the right in and right out access (to and from St. John's Lane).

- The sidewalk along St. John's Lane will remain and a new sidewalk along Baltimore National Pike is proposed.
- There is a proposed retaining wall along the rear of the site (south side of the property) with a maximum height of six (6) feet.

See Petitioner's Conditional Use Petition.

CONCLUSIONS OF LAW

A. General Criteria for Conditional Uses (Section 131.0.B of the Howard County Zoning Regulations).

- 1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.**

As stated in the Technical Staff Report, while Howard County General Plan policies are not directly related to Conditional Use requests for motor vehicle fueling facilities, properly sited motor vehicle fueling facilities can be considered compatible with predominately commercial areas such as this one.

Thus, the proposed use will be in harmony with the Howard County General Plan and PlanHoward 2030.

- 2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.**

The proposed redeveloped facility will not change the intensity of the existing facility, nor will it change the scale of the use. The proposed redesign of the ingress and egress points on St. John's Lane will be an improvement to the traffic circulation both on site and for vehicles entering and exiting the property. The Property is 77,536 square feet and has approximately 513

feet of combined frontage on Baltimore National Pike and St. John's Lane. Thus, the size and frontage requirements exceed the 60,567 square foot minimum lot size and 180-foot minimum frontage requirements of Sec. 131.0.O.2. The Truck Turn Exhibit shows sufficient area for tractor trailer turning movements. The proposal complies with all setbacks except for encroachments of a dumpster. The variance requested for the dumpster is evaluated below. I find the use would be appropriate in scale relative to this site.

The Functional Road Classification Map of Plan Howard 2030 depicts Baltimore National Pike is an Intermediate Arterial and St. John's Lane is a Major Collector, both of which are appropriate classifications for this use.

Therefore, the nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use is appropriate for the site.

- 3. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will not be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning district.**

The properties to the north, east, south and west are zoned B-2 and contain non-residential uses. The R-20 zoned property to the west contains a cemetery and is separated from the Property by St. John's Lane, a retaining wall and landscaping. Motor vehicles visiting the property will produce noise and fumes/odors, which is typical of other motor vehicle fueling facilities in the B-2 zoning district and similar commercial districts. To the extent such impacts may exist those impacts certainly will not be greater at the subject site than they would generally be elsewhere in the B-2 zone or applicable other zones; particularly in light of the large size of the subject property and the fact that it is largely surrounded by commercial uses and sits along a

busy road. The intensity of lighting will be similar to other motor vehicle fueling facilities in B-2 and will be directed into the property where practical.

Therefore, the impact of adverse effects will not be greater at the proposed site than it would generally be elsewhere in the R-20 zoning district.

- 4. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.**

The maximum height allowed in the B-2 zoning district is 40 feet. The convenience store is 24 feet tall, and the canopy is 19.1 feet tall. The canopy and convenience store comply with all setbacks.

The property to the southwest contains a cemetery that is approximately 100 feet from the proposed convenience store and will be screened by a retaining wall and mature vegetation. The properties to the north, east, and south are zoned B-2 and contain a bank, a retail shopping center, offices and a motor vehicle fueling facility. The proposed landscaping covers 23.6% of the Property, which exceeds the 20% minimum requirement.

Therefore, the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than generally elsewhere.

- 5. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.**

The existing and proposed parking areas will be of adequate size for the particular uses. In addition, parking areas, loading areas, driveways and refuse areas will continue to be properly located and screened from public roads and residential uses to minimize adverse impacts on

adjacent properties. Pursuant to Sec. 133.0, the following parking is required:

- A motor vehicle fueling facility with a car wash requires four (4) spaces.
- A convenience store requires five (5) spaces per 1,000 sq. ft. The proposed convenience store is 4,506 sq. ft., which equates to twenty-three (23) spaces.
- The car wash requires two (2) spaces.
- Combined, the facility with a car wash and convenience store requires a total of 29 spaces and 37 are provided.
- The stacking requirements for the car wash is 10 spaces per bay/lane and 16 spaces are provided.

The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas are appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

- 6. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.**

Sight distance measurements are typically conducted during the site development stage.

The estimated site distance on eastbound Baltimore National Pike exceeds 400 feet from the egress drive. According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, the estimated stopping sight distance for a car going 45 miles per hour is 360 feet. The estimated site distance on northbound St. John's Lane exceeds 300 feet. According to the American Association of State Highway and Transportation Official (AASHTO) guidelines, the estimated stopping sight distance for a car going 30 miles per hour is 200 feet. The proposed access points appear to provide safe access with adequate stopping sight distance.

The driveways are not shared with other residential properties.

Thus, I find that this criterion has been met.

7. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

According to the Staff Report, the nearest environmentally sensitive area is a wetland over 630 feet to the south.

Therefore, the proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

8. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

There are two historic sites in the vicinity - the St. John's Cemetery Lodge (Howard County Inventory No. HO-397) and Old St. John's Rectory (Howard County Inventory No. HO-142) are located to the south of the Property on the west side of St. John's Lane. The proposal seeks redevelopment of the existing motor vehicle fueling facility that has existed on the Property since the 1970s. The redeveloped facility will improve the aesthetics of the site and is unlikely to diminish the character or significance of these properties.

Therefore, the proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

B. Evaluation of petition according to Section 131.0.O.2 (New Conditional Use Categories-Motor Vehicle Fueling Facilities):

1. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the Motor Vehicle Fueling Facility is proposed and will not have a blighting influence as a result of a proliferation of Motor Vehicle Fueling Facilities within a particular area.

The Property is located along a commercial corridor with adjacent uses consisting of a bank, a retail shopping center, offices and a motor vehicle fueling facility. The existing motor

vehicle fueling facility has operated on the Property since the 1970s. The proposed use will be a complete redevelopment of the lot and will upgrade the appearance of the Property. Therefore, the use is unlikely to adversely affect the general welfare or logical development of the area and will not have a blighting influence.

- 2. The minimum lot size for a Motor Vehicle Fueling Facility is 40,000 square feet. If a Motor Vehicle Fueling Facility is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.0.O.1.k.**

The proposal includes a 4,506 square foot convenience store, a 3,051 square foot car wash, an 8,000 square foot parking and loading area, and approximately 5,010 square feet of vehicle stacking. Based upon the requirements of Section 131.0.O.2.k, the proposed expansion requires a lot size of 60,567 square feet and the Property is 77,660 square feet.

- 3. The lot shall have at least 180 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be counted.**

The Property has a total of 513 linear feet of combined frontage on Baltimore National Pike and St. John's Lane.

- 4. Fuel dispensers shall be located at least 300 feet from any school, park, or day care or assisted living facility. This criterion is not applicable to existing Motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.**

There are no schools, parks, and day care or assisted living facilities within 300 feet of the Property.

5. **The proposed use shall be located at least 100 feet from any streams, rivers or floodplains. This criterion is not applicable to existing motor vehicle fueling facilities, except that it shall be applicable if an existing motor vehicle fueling facility proposes an enlargement that includes additional fuel dispensers.**

The proposed use is located over 100 feet from streams, rivers and floodplains.

6. **At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.**

The conditional use plan indicates that 23.6% of the Property will be landscaped. The landscaping will include retention of existing trees and shrubs and the addition of six (6) street trees along St. John's Lane and a Type "A" landscaping of shrubs along the perimeter. The adjacent properties contain commercial uses; therefore, vegetative buffers are not required by the Howard County Landscape Manual.

7. **Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site borders a residential district. When solid walls are required, landscape planting is required on the outside of the wall.**

The Property does not border a residential district. Therefore, this criterion does not apply.

8. **Refuse areas shall be fenced or screened from view. The plan shall indicate the disposal methods to be used for all waste material generated by any vehicle repair operations.**

The dumpster enclosure area will consist of masonry walls on three (3) sides and will be gated on the fourth side. There will be no vehicle repair operations.

9. **A proposed site plan shall show that efficient traffic flow and queuing at the pump islands may be accommodated. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.**

The site plan shows adequate space on site to accommodate efficient traffic circulation

and queuing at the pump islands. The Petitioner submitted a Truck Turn Exhibit that shows efficient traffic flow, and the Conditional Use plan depicts adequate queuing at the fuel dispensers. The stacking requirements for the car wash is 10 spaces per bay/lane, and the petitioner is providing 16 spaces.

10. Operation

- a. Outside operations shall be limited to the dispensing of motor vehicle fuel, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.**

The outside operations of the proposed Motor Vehicle Fueling Facility will consist of the dispensing of motor vehicle fuel, oil, water, pressurized air, and a self-service vacuum.

- b. Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.**

The sale of propane is proposed as an accessory use. While the Amended Plan does not depict where the propane tanks would be stored, the Order below will require that any vending machines or propane tanks must be screened or enclosed.

- c. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the Motor Vehicle Fueling Facility.**

The Petitioner agrees to comply with this criterion.

- d. Where a Motor Vehicle Fueling Facility is adjacent to a residential district, its hours of operation and a detailed landscaping and screening plan and a lighting plan shall be approved by the Hearing Authority.**

The Property is not adjacent to a residential district; therefore, this criterion does not apply.

11. Other Uses

- a. Other uses may be located on the same lot as a Motor Vehicle Fueling Facility, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority, and;**

A convenience store and car wash are proposed. Both uses are permitted as a matter of right in the B-2 zoning district.

- b. The minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of 40,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.**

The conditional use plan indicates that the proposed convenience store is 4,506 square feet, the proposed car wash is 3,051 square feet, the associated parking and loading areas are 8,000 square feet and the stacking area is 5,010 square feet. Therefore, the required lot size is 60,567. The Property is 77,660 square feet.

- c. In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not exceed 3,500 feet.**

The Property is zoned B-2; therefore, this criterion does not apply.

C. Evaluation of petition according to Section 130.0.B.2.a. of the Zoning Regulations (general criteria for evaluating variances).

For a variance to be granted, the hearing authority must find:

- a. That there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.**

The location of the proposed dumpster is impacted by the sloping topography, which forces development toward the St. John's Lane right-of-way. The east property line is

angled, and the lot narrows along Baltimore National Pike, resulting in an irregular lot shape.

The Property is a corner lot and subject to a 30-foot setback on two (2) sides. Additionally, the Property is subject to the Route 40 design guidelines, which restricts development along the Route 40 frontage, further reducing the developable area. The proposed enclosure location is the optimum location, given the site layout and elevation changes, to provide safe and efficient pedestrian and vehicular circulation and to buffer the structure from adjacent properties. These physical conditions result in practical difficulties in locating a dumpster enclosure that complies with the 30-foot structure and use setback from the St. John's Lane right-of-way.

These criteria are met.

- b. That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of the adjacent property; and will not be detrimental to the public welfare.**

The Property is located along a commercial corridor zoned B-2 consisting of a bank, a retail shopping center, offices and a motor vehicle fueling and service facility. The R-20 zoned property to the west contains a cemetery and is buffered by St. John's Lane, landscaping and a retaining wall. Therefore, the encroachments are unlikely to alter the essential character of the area, substantially impair the use of adjacent properties, or be detrimental to the public welfare.

Therefore, the variance is unlikely to substantially impair the use of adjacent properties or be detrimental to the public welfare.

- c. That such practical difficulties or hardships have not been created by the owner provided, however, that where all other required findings are made, the purchase of a lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.**

The practical difficulties resulting from size and shape of the lot and the fact that the Property is at a corner resulting in a smaller developable area were not created by the owner, who purchased the Property in 2009.

- d. That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.**

The Petition has demonstrated that there are practical difficulties that justify relief from the 30-foot structure setback from St. John's Lane. The proposed location also allows for optimum traffic flow, which accommodates trash vehicle turning movements and minimizes pedestrian conflicts.

The dumpster enclosure variance is approximately 20 feet into the 30-foot setback, leaving 10-feet, which will align the dumpster enclosure with the parking setback and allow for trees to buffer it from St. John's Lane. Additionally, the proposed location is elevated from St. Johns Lane, further reducing visibility from the adjacent property. Therefore, the variance is the minimum necessary to afford relief.

Therefore, the request is the minimum necessary to afford relief within the intent and purpose of the Zoning Regulations.

- e. That no variance be granted to the minimum criteria established in Section 131.0 for Conditional Uses except where specifically provided therein or in an historic district. Nothing herein shall be construed to prevent the granting of variances in any zoning district other than to the minimum criteria established in Section 131.0.

The requested variances are to the bulk regulations in Sec. 119.0.D and the Property is not in a historic district; therefore, this criterion does not apply.

ORDER

Based upon the foregoing, it is this **18th day of July 2022**, by the Howard County Hearing Examiner, **ORDERED**:

1. That the Petition of Potomac Energy Holdings, LLC, for approval of a Conditional Use for a motor vehicle fueling facility with a convenience store and car wash under Section 131.0.O.2 of the Howard County Zoning Regulations shall be and hereby is **GRANTED**; and
2. That the Petition of Potomac Energy Holdings, LLC, for approval of a variance to reduce the 30-foot structure and use setback from the public right-of-way to 10.26 feet for a dumpster enclosure under Section 119.0.D.2.A. of the Howard County Zoning Regulations shall be and hereby is **GRANTED**.

Provided, however:

1. The conditional use and variance will apply only to the uses and structures as described in the Conditional Use Petition, Variance Petition and Amended Plan submitted and not to any other activities, uses, structures, or additions on the Property;

2. Any Site Development Plan, or its equivalent, shall include a note containing all conditions of approval;
3. Petitioner shall comply with all federal, state, and local laws and regulations;
4. Outside operations shall be limited to the dispensing of motor vehicle fuel, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.
5. Any vending machines and the propane tank storage or sale areas must be screened or enclosed.
6. The premises shall be always maintained in a clean and orderly condition, including the care or replacement of plant materials required in the landscape plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the Motor Vehicle Fueling Facility.
7. The hours of the proposed facility are seven (7) days per week, twenty-four (24) hours per day.
8. The landscaping (Exhibit 11) and lighting (Exhibit 7) plans submitted with the Petition shall be adhered to.

**HOWARD COUNTY
HEARING EXAMINER**

Katherine L. Taylor

Date Mailed: _____

NOTICE: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.