

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SE corner of Bosley Avenue and	*	DEPUTY ZONING
York Road		
8 th Election District	*	COMMISSIONER
3 rd Councilmanic District		
(10525 York Road)	*	FOR BALTIMORE COUNTY
Harry Kolodner	*	Case No. 08-208-SPHA
<i>Legal Property Owner</i>		
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* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Harry Kolodner, on behalf of the proposed contract purchaser, Bill Kidd’s Volvo. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To approve a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 409.8 of the B.C.Z.R.; and
- To approve the construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R., and Sections 3112.00 and 3112.2 of the Baltimore County Building Code; and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.).

The Variance request is from Section 1B01.1.B.1.e of the B.C.Z.R. to allow a parking lot with a 10 foot buffer and setback in lieu of the required 50 foot RTA buffer and 75 foot RTA setback. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Kevin Townsley on behalf of Petitioner Bill Kidd’s Volvo, and their attorney,

Jason T. Vettori, Esquire. Also appearing in support of the requested relief was Patrick C. Richardson, Jr. with Richardson Engineering, LLC, the professional engineer who prepared the site plan. A number of Protestants and interested citizens also attended the hearing. They are identified on the “Citizen’s Sign-In Sheet” that is contained within the case file. Although a number of persons testified in opposition to the requested relief, the Protestants’ “informal” spokespersons were Ann Heaton and Nancy Coradi, President and Vice President, respectively, of the Sherwood Hill Improvement Association, Inc., which represents approximately 600 homes in the vicinity of the subject property. In addition, Eric Rockel, President of the Greater Timonium Community Council, appeared and articulated his organization’s concerns over the requested relief.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 2.595 acres, more or less, and split zoned B.R., D.R.3.5 and R.O. The property is located at the southeast corner of Bosley Avenue and York Road (MD Route 45) approximately 300 feet north of Warren Road in the Cockeysville area of Baltimore County. It has approximately 157 feet of frontage on York Road and 352 feet of frontage on Bosley Avenue. It is also bordered to the south by an intermittent tributary to the Beaver Dam. The property is currently improved with several existing structures, including a one-story 10,500 square foot building (35 feet wide by 300 feet long) located closest to York Road which at one time supported a retail (furniture) store; a one-story 3,450 square foot building (23 feet wide by 150 feet long) fronting Bosley Avenue which housed an auto repair facility; a one-story 611 square foot shed located between the aforementioned buildings; and a one-story 1,606 square foot dwelling located on the south side of the property. The existing commercial buildings and shed are located in the B.R. zoned portion of the property; the existing dwelling is located in the

D.R.3.5 zoned portion of the property. Some of the structures are in a state of disrepair, as shown in the photographs which were marked and accepted into evidence as Petitioner's Exhibit 2.

As many residents in the Cockeyville-Lutherville-Timonium communities are aware, Petitioner operates Bill Kidd's Toyota-Volvo on the east side of York Road, just south of Warren Road, and also operates a vehicle service facility south of the car dealership on Industry Lane in Cockeyville. Petitioner is now contemplating purchasing the subject property from the current owner, Mr. Kolodner, and proposes utilizing the property for a new Volvo sales facility and adjoining outdoor sales area to replace the portion of the existing Bill Kidd's dealership dedicated to selling Volvos. The new car sales facility will be located in the largest of the existing structures on the subject property (the 10,500 square foot building). This structure will be substantially rehabilitated, and a portion will be razed so as to reduce the length by 57 feet and the overall size of the structure by nearly 20%. Other smaller buildings on the site will be removed so that as a result, the site will be aesthetically improved and less crowded by structures. Petitioner's counsel, Mr. Vettori, indicated that Petitioner also recognizes and understands that areas such as the subject property generally have significant commercial uses on the main roads such as York Road, but often back up to residentially zoned and used areas. In order to diminish any impact on the surrounding neighborhood, the site plan indicates a proposed 10-foot landscape area, along with a six foot privacy fence. Petitioner has also met with Avery Harden, the County's landscape architect for the Department of Permits and Development Management ("PADM") and David L. Thomas with the Department of Public Works ("DPW") regarding the relief requested in the petitions, and any substantive issues related to those petitions.

Petitioner notes that the proposed car dealership is permitted as a matter of right in the B.R. zone. Petitioner does not require any approval to conduct this business at this location. Pursuant to Section 236.1 of the B.C.Z.R., the B.R. zone permits uses permitted and as limited in the B.M. zone, as well as other uses. Pursuant to Section 233.2 of the B.C.Z.R., the B.M. zone permits automobile sales as a matter of right. Hence, the B.R. zone allows automobile sales. Petitioner also points out that no zoning relief is being sought for any existing or proposed “structures,” or for the use of the B.R. portion of the property. The requests for variance and special hearing are for the proposed parking facility, which lies on the D.R. portion of the property.

As to the proposed operation of the new car sales facility, Petitioner indicates that no outside speaker system is proposed for the site. Petitioner also stresses that there will be no body work, painting or the like on the site, nor will dismantled or junk cars unfit for operation on the highways be stored anywhere on site. The hours of operation will be from 9:00 AM until 9:00 PM Monday through Friday, and 9:00 AM until 5:00 PM Saturday, with no business operations on Sundays. There will not be a gate proposed for the subject site. A vehicle will be parked to block the access, but the entrance will remain open during off-hours. The site is to be used for the sale of Volvos exclusively. Petitioner also noted that it is a policy of Volvo that no streamers or balloons be used to promote sales or holiday events.

Petitioner is seeking variance relief from the RTA (Residential Transition Area) buffer and setback requirements contained in Section 1B01.1.B.1.e of the B.C.Z.R. to allow a parking lot with a 10 foot buffer and setback in lieu of the required 50 foot RTA buffer and 75 foot RTA setback. Petitioner contends that the RTA variance is distinguishable from typical variance relief from height, area, off street parking, or sign regulations. Section 1B01.1.B.1.a(1) of the

B.C.Z.R. defines the RTA as “a one hundred foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed.” Pursuant to Section 1B01.1.B.1.a(2) of the B.C.Z.R., “[t]he purpose of an RTA is to assure that similar housing types are built adjacent to one another, or that adequate buffers and screening are provided between dissimilar housing types.” In Petitioner’s view, the RTA is intended to protect the owner of a dwelling from having a dissimilar “housing type” placed adjacent to his property, and is not applicable to the instant commercial proposal. Pursuant to Section 1B01.1.B.1.b of the B.C.Z.R., “[t]he RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C., which:

- 1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or
- 2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

As previously indicated, Petitioner contends the parking facility, not the retail structure, is what generates the RTA buffer and setback. Any parking area permitted under Section 409.8.B of the B.C.Z.R., as is the case in the instant matter, is considered a residential transition use, which under Section 1B01.1.B.1.d(3) of the B.C.Z.R., is subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan. Parking spaces as an accessory use under Section 1B01.1.A.18.d of the B.C.Z.R. are considered a residential transition use under Section 1B01.1.B.1.d(1) of the B.C.Z.R. As conditions in residential transition areas, Sections 1B01.1.B.1.e(2) and (5) of the B.C.Z.R. require that parking lots must be set back from the tract boundaries 75 feet and provide a 50 foot RTA buffer.

Petitioner believes the requested variance should be granted because special circumstances and conditions exist that are peculiar to the land and structure. The property is

unique due to its shape and as a result of constraints from environmental features, as well as its orientation to York Road and its historic use. Strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship, as the property would be so constrained that no reasonable use would be viable. Moreover, the existing use with improvements would likely be subject to a similar request for relief, if not greater. In short, the vast majority of uses permitted by right in the B.R. zone would require more parking than is proposed by the instant use, which would similarly interfere with the 50 foot buffer and 75 foot setback requirements of the RTA. As such, according to Petitioners, the requested variance should be granted, as it is in strict harmony with the spirit and intent of the height, area, off street parking, or sign regulations.

As previously indicated, the new automobile sales facility proposed in the B.R. portion of the property and the parking lot in the D.R.3.5 portion of the property are uses permitted by right. The off-street parking facilities, which are the subject of the variance request, are subject to the design, screening and landscaping requirements set forth in the Landscape Manual adopted pursuant to Section 32-4-404 of the B.C.C. and lighting requirements pursuant to Section 409.8.A of the B.C.Z.R. Furthermore, Section 1B01.B.1.e(4) of the B.C.Z.R. states as follows:

- 4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.

The spirit and intent of the RTA regulations that require the aforementioned setback and buffer from which a variance is sought is to provide adequate screening, which Petitioner believes the proposed plan provides. Furthermore, Petitioner notes that Avery Harden, Baltimore County's

landscape architect, will have the opportunity to review the proposed lighting, screening and landscaping for the subject site during the Development Plan Review Process. Similarly, the Department of Environmental Protection and Resource Management (“DEPRM”) will evaluate the Development Plan to ensure no harm will be done to the environment. In fact, Petitioner also notes that efforts to obtain a Forest Buffer Variance have commenced.

Special Hearing relief is requested in order to obtain a use permit for business parking in a residential zone and to permit construction of a parking facility in a riverine floodplain. Petitioner emphasizes that the existing use, under the current regulations, and virtually all uses permitted under the current zoning of the property would require similar relief. Under the authority granted by Sections 500.6 and 500.7 of the B.C.Z.R., Petitioner is seeking to have the Zoning Commissioner issue a use permit pursuant to Section 409.8.B of the B.C.Z.R. for the use of land within a residential zone for parking facilities to meet the requirements of Section 409.6 of the B.C.Z.R.

The zoning regulations provide two means by which a use permit may be obtained. First, as articulated in the zoning regulations, Section 409.8.B.1(a),(b) and (c) of the B.C.Z.R. sets out a procedure whereby an application can be filled out for a use permit, which does not necessitate a public hearing. Section 409.8.B.1(d) of the B.C.Z.R. requires a public hearing on the use permit if a formal request for a public hearing is filed. Second, while Section 409.8.B.1 of the B.C.Z.R. does not explicitly state that a use permit can be obtained by filing a petition for special hearing, Section 500.7 of the B.C.Z.R. permits a petitioner to voluntarily request a public hearing so that the Zoning Commissioner can interpret and apply this section. The instant Petition for Special Hearing is filed in accordance with this section.

As indicated on the site plan, the proposed parking facility extends from the B.R. zone into the D.R.3.5 zone. The proposed use, a new automobile sales facility -- and all uses in Baltimore County -- are required to provide sufficient on site parking for the use. The use permit being sought -- for the use of land in a residential zone (D.R. 3.5) for parking facilities to meet the requirements of Section 409.6 of the B.C.Z.R. -- is the subject of this first request for special hearing relief. Section 409.6.A of the B.C.Z.R. sets out the general requirements for the required minimum number of on site parking spaces to support proposed uses. Furthermore, it clearly indicates that “[w]here the required number of off-street parking spaces is not set forth for a particular type of use, the Director of the Department of Permits and Development Management shall determine the basis of the number of spaces to be provided.”

According to Petitioner, a new car sales facility has traditionally been regarded as being included in the “retail-general” use as set forth in Section 409.6.A.2 of the B.C.Z.R. Therefore, a new car sales facility is commonly parked at five spaces per 1,000 square feet of gross floor area, which is the required number of spaces required for a “retail-general” use. Petitioner acknowledges that the proposed use requires more than the normal or minimum number of spaces required by a “retail-general” use because it contains elements of an “automotive service station” use. Section 409.6.A.2 of the B.C.Z.R. contains regulations applicable to an “automobile service station” use. Pursuant to this section, the minimum number of required off street parking spaces is stated in Section 405 of the B.C.Z.R under the heading “fuel service station.”

Section 405.4.A.3.d of the B.C.Z.R. sets forth the required number of parking spaces on the site of any fuel service station. This section requires parking for a retail component as well as parking required for features unique to a fuel service station. Section 405.4.A.3.d(2) of the

B.C.Z.R. distinguishes between convenience stores up to 1,500 square feet (parked at three spaces per 1,000 square feet of gross floor area) and convenience stores larger than 1,500 square feet (parked at five spaces per 1,000 square feet of gross floor area). The new automobile sales facility, while not a convenience store, is above 1,500 square feet in gross floor area and does contain characteristics similar to a convenience store, which necessarily requires additional parking spaces pursuant to Section 405.4.A.3.d of the B.C.Z.R.

This is the same number of parking spaces required for a “retail-general” use pursuant to Section 409.6.A.2 of the B.C.Z.R. Pursuant to Section 405.4.A.3.d of the B.C.Z.R., the requirements for a fuel service station include, in addition to the number of spaces required for the retail component, one space per employee, three spaces per service bay, one space per self-service air or vacuum cleaner unit, and one space per automatic teller machine. Under the authority granted by Sections 500.6 and 500.7 of the B.C.Z.R., Petitioner contends that Section 409.6.A of the B.C.Z.R. allows the Zoning Commissioner to make the determination of the required number of off street parking spaces if it “is not set forth for a particular type of use.”

The parking requirements for a fuel service station under Section 405.4.A.3.d(2) provide that a convenience store larger than 1,500 square feet is required to provide five spaces per 1,000 square feet of gross floor area.. Given that the proposed structure in this case is approximately 8,500 square feet, Petitioner believes it is required to provide five spaces per 1,000 square feet of gross floor area, or 43 spaces. Additionally, pursuant to Section 405.4.A.3.d(1) of the B.C.Z.R., a fuel service station must provide one space per employee on the busiest shift. Due to the sheer volume of workers at a new automobile sales facility, similar parking requirements are appropriate. Mr. Townsley indicated that approximately nine employees will be on site during

the busiest shift. Therefore, the car dealership should be required to have an additional nine (9) parking spaces.

Section 405.4.A.3.d(3) of the B.C.Z.R. also requires that a fuel service station provide three spaces per service bay, not counting service spaces in the bays. As shown on the site plan, Petitioner anticipates having three vehicle display spaces inside the proposed revised structure that will be viewable from the outside by window. For parking purposes, Petitioner believes a fuel service station “service bay” is comparable to a “showroom” for new car sales. As such, it is appropriate to require three to nine spaces for this accessory use. Sections 405.4.A.3.d(4) and (5) of the B.C.Z.R. require one space per self service air or vacuum cleaner unit and one space per automatic teller machine, respectively. The proposed site plan shows an area to rinse vehicles and Petitioner believes it is appropriate to require one or more spaces for washing vehicles. As mentioned above, the unique conditions of a new automobile sales facility do not have parking requirements specifically enumerated in the B.C.Z.R. As such, Petitioner seeks to have the undersigned, under the authority of Sections 500.6 and 500.7 of the B.C.Z.R., require additional “auxiliary” parking for the automobile sales facility use, for a total of up to 62 “auxiliary” parking spaces.

Special Hearing relief is also requested in order to approve the construction of the parking facility in a riverine floodplain. In particular, it is proposed that a portion of the parking facility will be located at the southern end of the property, located furthest from Bosley Avenue, in a riverine floodplain. Prior to the Zoning Hearing, Mr. Richardson, Petitioner’s engineer, met with Dave Thomas of the County’s Department of Public Works to review the site plan and the potential impact of the parking facility on the riverine floodplain. A copy of a follow up letter dated January 8, 2008 from Mr. Richardson to Mr. Thomas was marked and accepted into

evidence as Petitioner's Exhibit 3. In addition, a copy of the "Chart of Datums" obtained from the Department of Public Works to aid in assessing the impact on the riverine floodplain was marked and accepted into evidence as Petitioner's Exhibit 4. Mr. Thomas testified at the hearing that he reviewed the proposed plan and indicated he did not object to the waiver requests and special hearing request, provided the riverine floodplain indicated on the site plan was accurate. In an Inter-Office Correspondence dated January 23, 2008, Edward Adams, Director of the Department of Public Works, upon the information and recommendation of Mr. Thomas, issued a favorable recommendation for the proposed plan to Timothy Kotroco, Director of Permits and Development Management, which is contained within the case file.

Testifying in opposition to the requested relief were a number of nearby neighbors, as well as Ms. Coradi and Ms. Heaton with the Sherwood Hill Improvement Association, Inc., and Mr. Rockel with the Greater Timonium Community Council. In summary, the community made it clear that they oppose the use of the D.R. portion of the property for commercial parking purposes. They believe allowing this type of parking will have detrimental effects on the surrounding residential communities, and will cause property values to decrease. In short, they desire for the residentially zoned property to remain residential. The community also believes that the buffers and setbacks required by the RTA are very important, helping to delineate the residential areas from the commercial corridors. Allowing commercial parking would erode the buffer between the two uses and cause the commercial activity to further encroach into the residential areas. The community also expressed opposition to allowing the commercial parking in the riverine floodplain. It is against the principles of the floodplain to allow additional impervious surfaces to be placed on a large area of the property, especially where the resulting additional runoff will have no place to go but the stream which is directly impacted by the

floodplain. Copies of photographs showing areas near the floodplain following significant rain were marked and accepted into evidence as Protestants' Exhibits 1A and 1B. Also marked and accepted into evidence as Protestants' Exhibit 3 was a Petition in opposition to the requested relief, which was circulated at the nearby assisted living facility and signed by a number of residents. Finally, a letter from a resident, Ms. Ann Blackwell, in opposition to the requested relief, was marked and accepted into evidence as Protestants' Exhibit 4.

Mr. Rockel then testified as to concerns over the potential detrimental impacts on the health, safety and welfare of the community. He wondered aloud how a finding could be made pertaining to the potential detrimental effects of Petitioner's plan without a finding, first, from the Department of Environmental Protection and Resource Management (DEPRM) as to the environmental and forest buffer impacts of the plan. He also believes reducing the 50 foot RTA buffer to 10 feet will have detrimental impacts.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Office of Planning dated December 6, 2007 indicates that Office does not support Petitioner's request for special hearing or variance. The Office of Planning indicates that the parking facilities should be limited to the B.R. zoned portion of the site because there would be too much of an impact on the adjacent property owners and residents. In addition, construction of a parking facility in the riverine floodplain would adversely impact an already fragile stream system despite it being currently dry. As to the request for variance from the RTA buffer and setback requirements, the Office of Planning indicates that the RTA buffer is required to keep commercial enterprises from impacting the surrounding residences, and having almost no buffer between the proposed parking lot and the adjacent properties undermines that purpose.

This case presents a compelling example of attempting to balance the needs and interests of residential communities that are near commercial areas, while also determining the applicability and proper interpretation of the relevant zoning regulations. As indicated earlier in this Order, this becomes even more difficult in areas such as in the instant case, where there are extensive commercial uses along a major road (i.e. – York road) and there are also established residential communities in largely D.R. zoned areas -- right next to the areas zoned for commercial and business use. However, based upon the testimony and evidence offered, I am persuaded to grant the relief requested. The Variance request is appropriate under the unique circumstances that are peculiar to the land that is the subject of this variance request. I find that strict compliance with the zoning regulations would pose a practical difficulty or unreasonable hardship and the request for relief is in strict harmony with the spirit and intent of the zoning regulations. Furthermore, the relief requested is of such a scale that it can avoid injury to the public health, safety and general welfare. The granting of the variance will be conditioned upon approval of a specific landscape plan for the buffer area, which must meet the requirements for a Class A plan. In short, the landscaping, fencing, and lighting requirements, in addition to the specific requirements of Section 409.8.B.2 of the B.C.Z.R., must be met.

As to the special hearing requests, pursuant to Section 409.8.B.1.e(4) of the B.C.Z.R., the Zoning Commissioner may either deny or grant a use permit for business or industrial parking in a residential zone, conditioned upon any additional requirements deemed necessary by him, to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of the special exception criteria contained in Section 502.1 of the B.C.Z.R. In addition, as indicated above, business parking facilities are subject to the conditions of Section 409.8.B.2 of the B.C.Z.R.

Testimony has been offered by Kevin Townsley on behalf of Petitioner that it is his intention to abide by these conditions and make them part of the Development Plan Approval Process and operation of the proposed use. Moreover, Section 409.8.A of the B.C.Z.R. sets out additional requirements, which will be implemented during the Development Plan Approval Process. Hence, the Special Hearing relief for the use permit is appropriate, given the split zoning of the subject property, its limited size, and the fact that virtually any use would require similar relief, given the unique site layout. Finally, the request for Special Hearing relief to permit construction of a parking facility in a riverine floodplain does not pose a major impact to the riverine floodplain, and the impact can be negated through landscaping and other site specific measures.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of February, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To approve a use permit for the use of land in a residential zone for parking facilities to meet the requirements of Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), pursuant to Section 409.8 of the B.C.Z.R.; and
- To approve the construction of a parking facility in a riverine floodplain pursuant to Section 500.6 of the B.C.Z.R., and Sections 3112.00 and 3112.2 of the Baltimore County Building Code, and Sections 32-4-107, 32-4-404, 32-4-414, and 32-8-301 of the Baltimore County Code (B.C.C.),

be and the same are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from Section 1B01.1.B.1.e of the B.C.Z.R. to allow a parking lot with a 10 foot buffer and setback in lieu of

the required 50 foot RTA buffer and 75 foot RTA setback be and the same is hereby GRANTED, subject to the following which are conditions precedent to the relief granted herein:

1. Petitioner may apply for their permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.
2. The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.
3. The structures shall be constructed as shown on the site plan.
4. No outside loudspeakers shall be permitted on the subject site.
5. No loading of vehicles shall take place on the premises.
6. No body work, painting or the like on the site is permitted.
7. The hours of operation shall be limited to 9:00 AM to 9:00 PM Monday to Friday and 9:00 AM to 5:00 PM Saturday.
8. No streamers or balloons shall be used to promote the sale of vehicles.
9. This approval is subject to the approval by the County's Landscape Architect of a specific landscape plan for the buffer area which must meet the requirements of a Class A plan.
10. This approval is subject to the design, screening and landscaping requirements as set forth in the Landscape Manual adopted pursuant to BCC § 32-4-404 and lighting requirements.
11. Storage of "inventory" will be confined to the B.R. zoned portion of the property.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

