05-WBDA-003-A

RECEIVED
JUL 28 2005
BOONE COUNTY
PLANNING COMMISSION

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. _____ Boone _____ Florence ✓ Walton _____ Union

(Check One)

2. ✓ Conditional Use Permit _____ Variance _____ Appeal
_____ Change in Non-Conforming Use

3. Applicant's Name DAVID NEFF (RADIUS CONTR CO., INC.)
Phone Number (859) 291-8812 Fax No. (859) 655-8974
Applicant's Address 409 W. 35TH STREET
COVINGTON KY 41015
City State Zip

4. Description of Request: APPROVAL FOR STORAGE OF GAS ON SITE.

5. Name of Development NORTH WALTON COMMERCE PARK

6. Location of Development MULLEN DRIVE OF KENTUCKY 16 IN WALTON, KY

7. Acreage Under Review 1.4572

8. Lot Number and Name of Subdivision (if part of a subdivision)
FUTURE LOT #24-A

9. Owner of Property BESSMER LANE LLC
Phone Number of Owner 859-282-6900

10. Address of Property Owner 8080 STEILEN DR FLORENCE KY 41042
City State Zip

11. Proposed Use(s) on Site A REFILL AND DELIVERY SITE FOR 33.5 POUND CYLINDERS OF PROPANE FOR FORK LIFT FUEL

12. Total Square Footage of Existing and/or Proposed Buildings 1200

13. Current Zoning on Property I 1

14. Deed Book 787 Page No. 708 Group No. 2084

15. Is the site subject to a zone change? NO
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [signature]

Property Owner's Signature: [signature]

(over)

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION APPLICATION PAGE 2

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 7-28-05 Fee Received $869.00 Rt# 43242
2. Is application complete? ___ Yes ___ No
3. Staff Reviewer ___
4. Scheduled Board Action Date ___
5. Board Action:
   9-6-05 **Approved**
   [redacted] **Approved with Conditions** (See #6)
   ___ **Denial** (See #7)
6. Conditions of Approval: NONE
7. Reasons for Denial: ___

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Radius Construction for Metro Propane

LOCATION: Future Lot 24-A of North Walton Commerce Park, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: September 6, 2005

PROPOSAL

The applicant is requesting a Conditional Use Permit in order to allow a Metro Propane to operate a propane cylinder exchange company on future lot 24-A of North Walton Commerce Park. The business refills 33.5 pound propane cylinders and delivers them to industrial companies so they can fuel their forklifts.

The submitted Concept Development Plan shows that a 1,200 square building office building with 5 parking stalls will be constructed in the front of the lot. Two (2) 24' x 40' canopy buildings will be located in the middle portion of the site. These buildings are used for storing, filling, and loading of 33.5 pound aluminum cylinders (see picture #1). The rear portion of the site contains a 30,000 gallon propane tank (see picture #2). The propane stored in this tank is used to refill the individual cylinders. A propane tanker truck fills the 30,000 gallon tank with 9,000 gallon of fuel once a week.

Site History

3/12/01 – The City of Walton approved an Ordinance which rezoned an approximate 115 acre site from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) to allow light industrial uses. There were no conditions which limited any of the principally permitted I-1 uses.

APPLICABLE REGULATIONS

Article 2, Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

Article 11, Section 1133 of the Boone County Zoning Regulations permits a business which "stores gas" as a Conditional Use within the Industrial One (I-1) district.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1133 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;

2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;

3. Will not be hazardous to existing or future neighboring uses;

4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;

7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Article 11, Section 1133 of the Boone County Zoning Regulations allows a business which "stores gas" as Conditional Uses in the Industrial One (I-1) district provided that:

a. the activity is provided primarily in support of and obtains its trade from the employees of the district; or

b. the activity is of integral relation to the purpose of the district;

c. the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and

d. provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goals & Objectives from the 2005 Boone County Comprehensive Plan apply to the application:

A. "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas" (Business Activity, Goal).

B. "Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies" (Business Activity, Industrial Objectives).

C. "Provisions shall be made for proper control of industrial uses, which have processes or make products that could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals). New and existing industrial uses shall comply with federal and state air and water pollution regulations" (Business Activity, Industrial Objectives).

SURROUNDING LAND USES & ZONING

Northeast: Mullen Drive & Northern Kentucky Mortuary Services (I-1)

Northwest: Murphy-Catton (I-1)

Southeast: Future Lots in North Walton Commerce Park (I-1)

Southwest: Murphy-Catton (I-1)

SITE CHARACTERISTICS

The future 1.4572 acre site is located on the southwest side of Mullen Drive and is zoned Industrial One (I-1). The property is undeveloped has flat to rolling topography. A mature deciduous tree line is located along the rear property boundary.

STAFF COMMENTS

1. The applicant has provided a letter (see attachments) which addresses the business operation.

2. The applicant has informed Staff that the 30,000 gallon propane tank can be filled with up to 24,000 gallons of propane.

3. Staff has asked a representative from Walton Fire Department to attend the Board of Adjustment meeting.

4. Although no elevation drawings were submitted with the request, the applicant has informed Staff that the office building will be half concrete block and half metal siding. The Board needs to determine if these are acceptable building materials.

5. Staff would like to make the applicant aware that Section 3314 of the Boone County Zoning Regulations requires all driveways, outdoor storage, and vehicle circulation areas to be improved with asphalt or concrete. The Concept Plan shows that the rear portion of the parking lot will be gravel.

6. Staff would like to make the Board aware that a Zoning Map Amendment application has been submitted to change the zoning of a nearby 67.82 acre parcel from Industrial One (I-1) to Suburban Residential One (SR-1). The Concept Development Plan for this request shows that 216 single-family residential lots are being proposed and that access to them will come from Mullen Drive (see Concept Development Plan). The Boone County Planning Commission is scheduled to vote on this request on September 7, 2005. The Planning Commission's vote will be forwarded to the City of Walton as a recommendation.

7. Staff recommends that the Board should analyze the following conditional use permit criteria before voting on the request:

   A. the use "will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order"

   B. the use "will not be hazardous to existing or future neighboring uses"

   C. The use "will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors"

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to grant the Applicant's request.

Respectfully submitted,

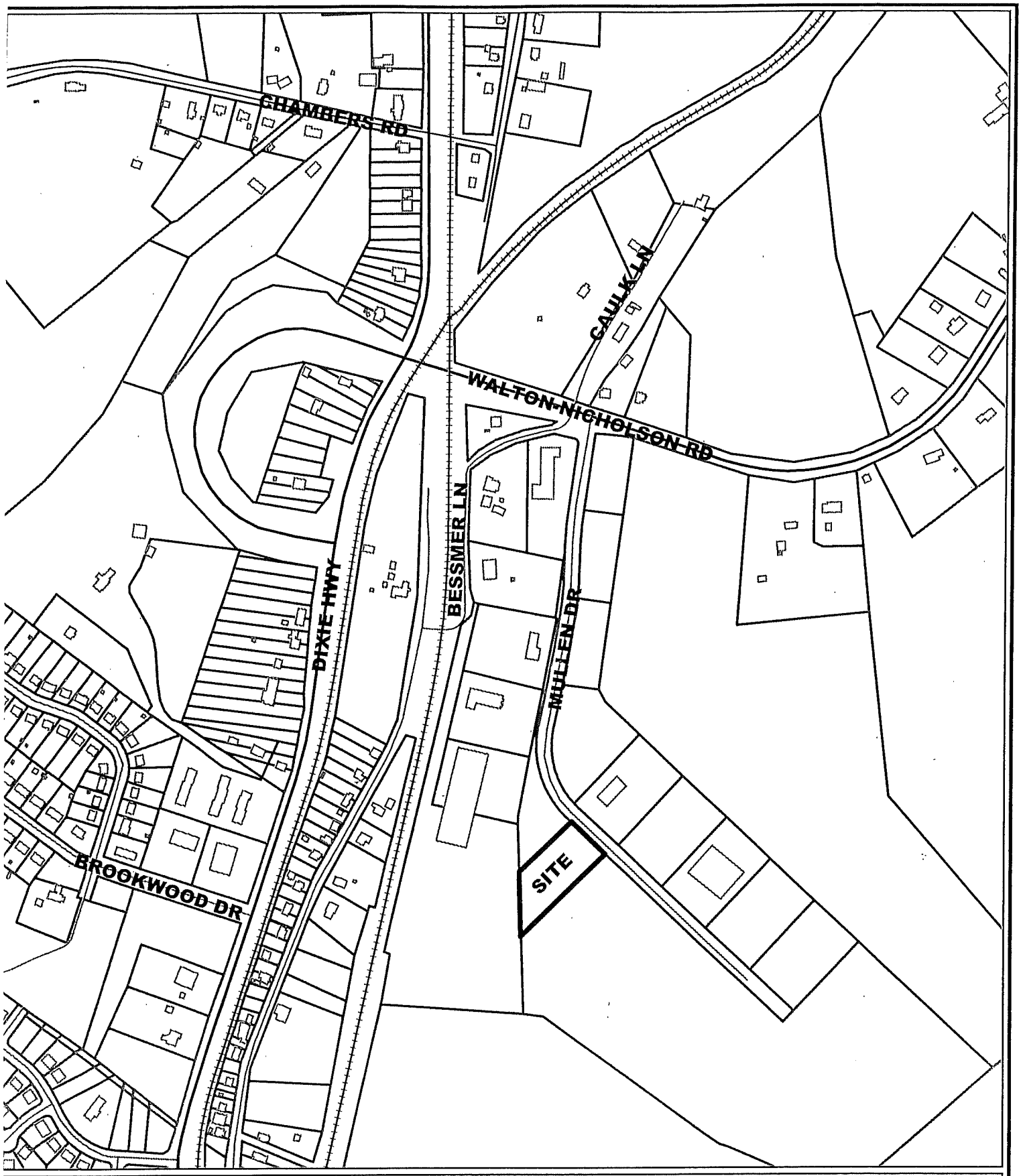
Todd K. Morgan

Todd K. Morgan, AICP
Planner, Zoning Services

TKM/pr

Attachments

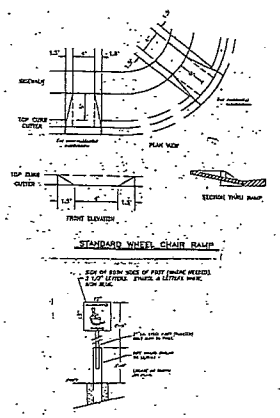
Exhibit A – Site Vicinity Map
Exhibit B – Concept Development Plan
Exhibit C – Letter From Applicant
Exhibit D – Pictures From a Similar Facility
Exhibit E – Material Safety Data Sheets
Exhibit F – Aerial Map
Exhibit G – Zoning Map
Exhibit H – Future Land Use Map
Exhibit I – Topographical Map
Exhibit J – Concept Plan for 67.82 Acre Site
Exhibit K – Application

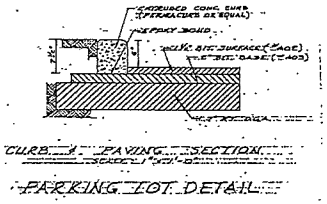


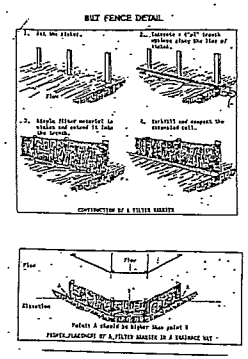
Metro Propane Site Vicinity Map

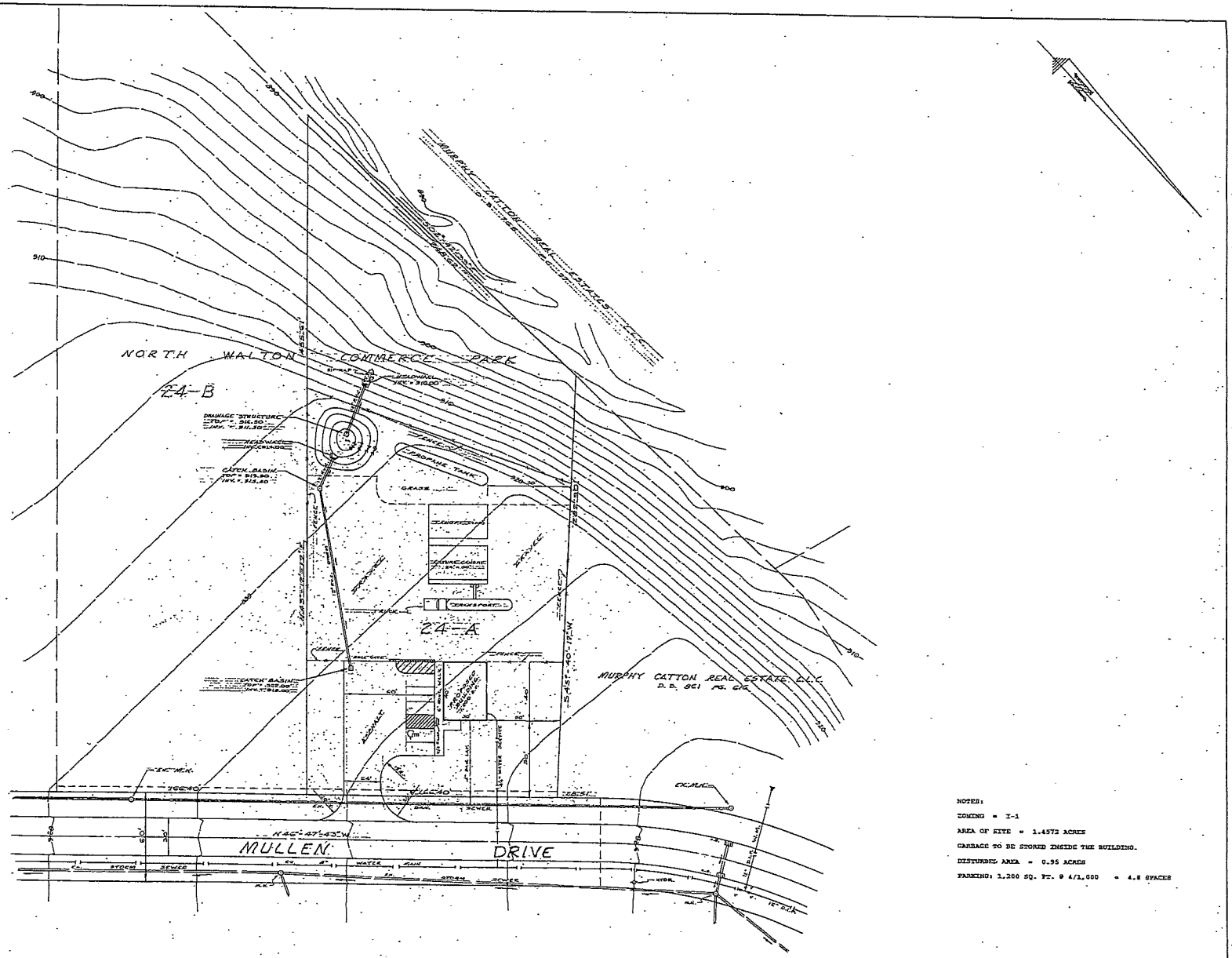
500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2005









NOTES:

ZONING = I-1

AREA OF SITE = 1.4572 ACRES

GARBAGE TO BE STORED INSIDE THE BUILDING.

DISTURBED AREA = 0.95 ACRES

PARKING: 1,200 SQ. FT. @ 4/1,000 = 4.8 SPACES

SITE PLAN METRO PROPANE		
SCALE: 1" = 30'	APPROVED BY:	DRAWN BY N.A.K.
DATE: 7-27-03		REVISED
MULLEN DRIVE WALTON - BOONE CO., KY.		
JAMES W. BERLING KY. ENGR. Co. No. 5743		DRAWING NUMBER

METRO LIFT PROPANE

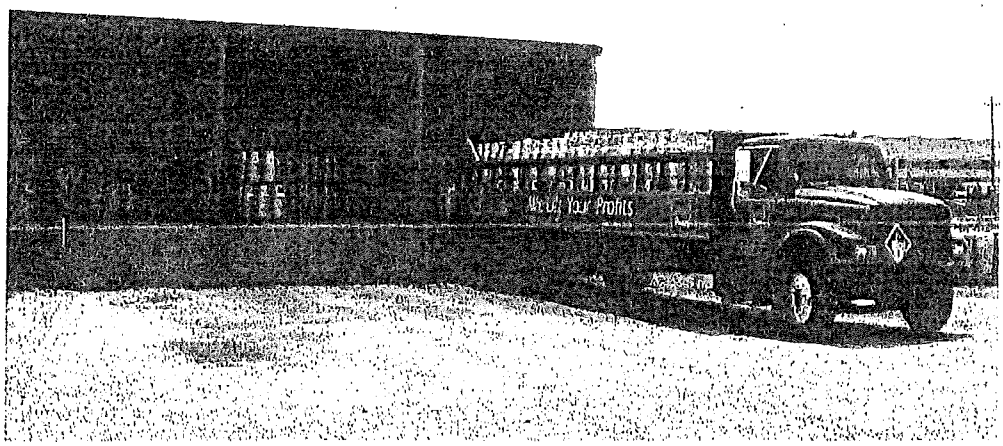
To: David Neff
Radius Construction

Metrolift Propane is a cylinder exchange company, we fill 33 ½ pound aluminum cylinders to deliver to industrial company's for forklift usage. We have no customers at our office on a day to day basis. We are strictly a refilling & delivery site for fork lift fuel only. If you have any questions or concerns please feel free to contact me.

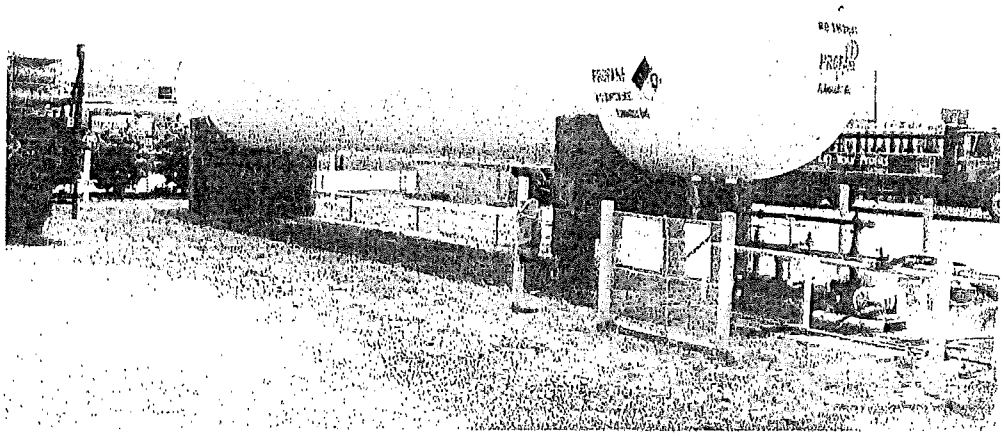
Thank you

Marcus Withers
(502) 724-5390

1999 Outerloop • Louisville, KY 40219 • 502-968-3575 • 502-968-2808 FAX



Picture #1



Picture #2

MATERIAL SAFETY DATA SHEET

MSDS

FOR ODORIZED PROPANE

Health Administration Hazard Communication Standard published November 23, 1983 (Title 29 CFR Part 1910).

Chemical Manufacturers, Importers, and Distributors must have complied by November 25, 1985. All manufacturing employers covered by the Standard (SIC Codes 20-39) must have complied by May 25, 1986.

The Standard was amended August 24, 1987 (Vol. 52, *Federal Register,* page 31852) to extend its application beyond the manufacturing sector and to include all employers where chemicals are either used, distributed, or are produced for use or distribution, effective May 23, 1988.

Also for complying with the requirements of the Environmental Protection Agency Community Right to Know rules published October 15, 1987 (Vol. 52, *Federal Register,* page 38344) under Title III of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499).

INSTRUCTIONS TO SUPPLIER USING THE MSDS:

- Insert Supplier Name, Address, and Emergency Phone Number in "1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION."
- Insert issue date on last page of MSDS.
- Have copies reproduced for distribution.

MATERIAL SAFETY DATA SHEET
FOR ODORIZED PROPANE

1. Chemical Product and Company Identification

Product Name: Odorized Commercial Propane

Chemical Name: Propane

Chemical Family: Paraffinic Hydrocarbon

Formula: C3H8

Synonyms: Dimethylmethane, LP-Gas, Liquefied Petroleum Gas (LPG), Propane, Propyl Hydride

Name & Address:	Transportation Emergency Number:	Emergency Number:
		For Routine Info, Call:

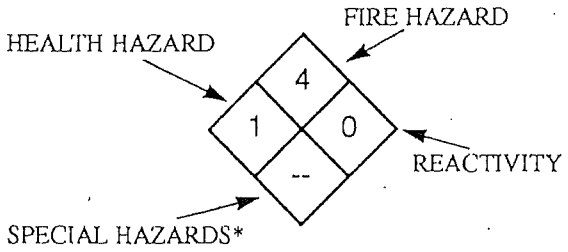
2. Composition/Information on Ingredients

INGREDIENT NAME /CAS NUMBER	PERCENTAGE	OSHA PEL	ACGIH TLV
Propane/74-98-6	87.5-100		Simple asphyxiant
Ethane/74-84-0	0-5.0	1,000 ppm	Simple asphyxiant
Propylene/115-07-1	0-10.0		Simple asphyxiant
Butanes/various	0-2.5		Simple asphyxiant
Ethyl Mercaptan/75-08-1	16-25 ppm	0.5 ppm	0.5 ppm

3. Hazards Identification

EMERGENCY OVERVIEW

DANGER! Flammable liquefied gas under pressure. Keep away from heat, sparks, flame, and all other ignition sources. Vapor replaces oxygen available for breathing and may cause suffocation in confined spaces. Use only with adequate ventilation. Odor may not provide adequate warning of potentially hazardous concentrations. Vapor is heavier than air. Liquid can cause freeze burn similar to frostbite. Do not get liquid in eyes, on skin, or on clothing. Avoid breathing of vapor. Keep container valve closed when not in use.



Severe 4 — 1 Slight

Serious 3 — 0 Minimal

Moderate 2 — * (Ref. NFPA 704)

POTENTIAL HEALTH EFFECTS INFORMATION

ROUTES OF EXPOSURE:

Inhalation: Asphyxiant. It should be noted that before suffocation could occur, the lower flammability limit of propane in air would be exceeded, possibly causing both an oxygen-deficient and explosive atmosphere. Exposure to concentrations >10% may cause dizziness. Exposure to atmospheres containing 8%-10% or less oxygen will bring about unconsciousness without warning, and so quickly that the individuals cannot help or protect themselves. Lack of sufficient oxygen may cause serious injury or death.

Eye Contact: Contact with liquid can cause freezing of tissue.

Skin Contact: Contact with liquid can cause frostbite.

[Skin Absorption]: None.

[Ingestion]: Liquid can cause freeze burn similar to frostbite. Ingestion not expected to occur in normal use.

CHRONIC EFFECTS: None.

MEDICAL CONDITIONS AGGRAVATED BY OVEREXPOSURE: None.

OTHER EFFECTS OF OVEREXPOSURE: None.

CARCINOGENICITY: Propane is not listed by NTP, OSHA or IARC.

4. First Aid Measures

INHALATION: Persons suffering from lack of oxygen should be removed to fresh air. If victim is not breathing, administer artificial respiration. If breathing is difficult, administer oxygen. Obtain prompt medical attention.

EYE CONTACT: Contact with liquid can cause freezing of tissue. Gently flush eyes with lukewarm water. Obtain medical attention immediately.

SKIN CONTACT: Contact with liquid can cause frostbite. Remove saturated clothes, shoes and jewelry. Immerse affected area in lukewarm water not exceeding 105° F. Keep immersed. Get prompt medical attention.

INGESTION: If swallowed, get immediate medical attention.

NOTES TO PHYSICIAN: None.

5. Fire-fighting Measures

FLASH POINT: -156° F (-104° C) AUTOIGNITION: 842° F (432° C)

IGNITION TEMPERATURE IN AIR: 920-1120° F

FLAMMABLE LIMITS IN AIR BY VOLUME: Lower: 2.15% Upper: 9.6%

EXTINGUISHING MEDIA: Dry chemical, CO^2, water spray or fog for surrounding area. Do not extinguish fire until propane source is shut off.

SPECIAL FIRE-FIGHTING INSTRUCTIONS: Evacuate personnel from danger area. Immediately cool container with water spray from maximum distance, taking care not to extinguish flames. If flames are accidentally extinguished, explosive re-ignition may occur. Where water is abundant and immediate, the fire should be allowed to burn while the container and area are cooled and the flow of propane is shut off. Where water is scarce, compare the risk of allowing the area to continue to heat from the fire and the alternative of extinguishing the fire without shutting off the propane flow, which may allow for the propane to accumulate and re-ignite explosively.

UNUSUAL FIRE AND EXPLOSION HAZARDS: Propane is easily ignited. It is heavier than air; therefore, it can collect in low areas where an ignition source can be present. Pressure in a container can build up due to heat and container may rupture if pressure relief devices should fail to function. Propane released from a properly functioning relief valve on an overheated container can also become ignited.

HAZARDOUS COMBUSTION PRODUCTS: None.

6. Accidental Release Measures

STEPS TO BE TAKEN IF MATERIAL IS RELEASED OR SPILLED: Evacuate the immediate area. Eliminate any possible sources of ignition and provide maximum ventilation. Shut off source of propane, if possible. If leaking from container, or valve, contact your supplier.

7. Handling and Storage

HANDLING PRECAUTIONS: Propane vapor is heavier than air and can collect in low areas that are without sufficient ventilation. Leak-check system with a leak detector or solution, never with flame. Make certain the container service valve is shut off prior to connecting or disconnecting. If container valve does not operate properly, discontinue use and contact supplier. Never insert an object (e.g. wrench, screwdriver, pry bar, etc.) into pressure relief valve or cylinder valve cap openings. Do not drop or abuse cylinders. Never strike an arc on a gas container or make a container part of an electrical circuit.
See "16. OTHER INFORMATION" for additional precautions.

STORAGE PRECAUTIONS: Store in a safe, authorized location (outside, detached storage is preferred) with adequate ventilation. Specific requirements are listed in NFPA 58, *Standard for the Storage and Handling of Liquefied Petroleum Gases.* Isolate from heat and ignition sources. Containers should never be allowed to reach temperature exceeding 125° F (52° C). Isolate from combustible materials. Provide separate storage locations for other compressed and flammable gases. Propane containers should be separated from oxygen cylinders, or other oxidizers, by a minimum distance of 20 feet, or by a barrier of non-combustible material at least 5 feet high having a fire rating of at least 1/2 hour. Full and empty cylinders should be segregated. Store cylinders in upright position, or with pressure relief valve in vapor space. Do not drop or abuse cylinders. Keep container valve closed and plugged or capped when not in use. Install protective caps when cylinders are not connected for use. Empty containers retain some residue and should be treated as if they were full.

8. Exposure Controls/Personal Protection

ENGINEERING CONTROLS

Ventilation: Provide ventilation adequate to ensure propane does not reach a flammable mixture.

RESPIRATORY PROTECTION (SPECIFY TYPE)

General Use: None.

Emergency Use: If concentrations are high enough to warrant supplied-air or self-contained breathing apparatus, then the atmosphere may be flammable (See Section 5). Appropriate precautions must be taken regarding flammability.

PROTECTIVE CLOTHING: Avoid skin contact with liquid propane because of possibility of freeze burn. Wear gloves and protective clothing which are impervious to the product for the duration of the anticipated exposure.

EYE PROTECTION: Safety glasses are recommended when handling cylinders.

OTHER PROTECTIVE EQUIPMENT: Safety shoes are recommended when handling cylinders.

9. Physical and Chemical Properties

BOILING POINT: @ 14.7 psia = -44° F

SPECIFIC GRAVITY OF VAPOR (Air = 1) at 60° F: 1.50

SPECIFIC GRAVITY OF LIQUID (Water = 1) at 60° F: 0.504

VAPOR PRESSURE: @ 70° F = 127 psig
@ 105° F = 210 psig

EXPANSION RATIO (From liquid to gas @ 14.7 psia): 1 to 270

SOLUBILITY IN WATER: Slight, 0.1 to 1.0%

APPEARANCE AND ODOR: A colorless and tasteless gas at normal temperature and pressure.
An odorant (ethyl mercaptan) has been added to provide a strong unpleasant odor. Should a propane-air mixture reach the lower limits of flammability, the ethyl mercaptan concentration will be approximately 0.5 ppm in air.

ODORANT WARNING: Odorant is added to aid in the detection of leaks. One common odorant is ethyl mercaptan, CAS No. 75-08-01. Odorant has a foul smell. The ability of people to detect odors varies widely. Also, certain chemical reactions with material in the propane system, or fugitive propane gas from underground leaks passing through certain soils, can reduce the odor level. No odorant will be 100% effective in all circumstances. If odorant appears to be weak, notify propane supplier immediately.

10. Stability and Reactivity

STABILITY: Stable.

Conditions to Avoid: Keep away from high heat, strong oxidizing agents and sources of ignition.

REACTIVITY:

Hazardous Decomposition Products: Under fire conditions, fumes, smoke, carbon monoxide, aldehydes and other decomposition products. When used as an engine fuel, incomplete combustion can cause carbon monoxide, a toxic gas.

Hazardous polymerization: Will not occur.

11. Toxicological Information

Propane is non-toxic and is a simple asphyxiant, however, it does have slight anesthetic properties and higher concentrations may cause dizziness.

[IRRITANCY OF MATERIAL]: None.

[SENSITIZATION TO MATERIAL]: None

[REPRODUCTIVE EFFECTS]: None

[TERATOGENICITY]: None

[MUTAGENICITY]: None

[SYNERGISTIC MATERIALS]: None

12. Ecological Information

No adverse ecological effects are expected. Propane does not contain any Class I or Class II ozone-depleting chemicals (40 CFR Part 82). Propane is not listed as a marine pollutant by DOT (49 CFR Part 171).

13. Disposal Considerations

WASTE DISPOSAL METHOD: Do not attempt to dispose of residual or unused product in the container. Return to supplier for safe disposal.

Residual product within process system may be burned at a controlled rate, if a suitable burning unit (flare stack) is available on site. This shall be done in accordance with federal, state and local regulations.

14. Transport Information

DOT SHIPPING NAME: Liquefied Petroleum Gas

IDENTIFICATION NUMBER: UN 1075

IMO SHIPPING NAME: Propane

IMO IDENTIFICATION NUMBER: UN 1978

HAZARD CLASS: 2.1 (Flammable Gas)

PRODUCT RQ: None

SHIPPING LABEL(S): Flammable gas

PLACARD (WHEN REQUIRED): Flammable gas

SPECIAL SHIPPING INFORMATION: Container should be transported in a secure, upright position in a well-ventilated vehicle.

15. Regulatory Information

The following information concerns selected regulatory requirements potentially applicable to this product. Not all such requirements are identified. Users of this product are responsible for their own regulatory compliance on a federal, state [provincial] and local level.

U.S. FEDERAL REGULATIONS

EPA Environmental Protection Agency

CERCLA Comprehensive Environmental Response, Compensation and Liability Act of 1980 (40 CFR Parts 117 and 302)

Reportable Quantity (RQ): None

SARA Superfund Amendment and Reauthorization Act

- SECTION 302/304: Requires emergency planning on threshold planning quantities (TPQ) and release reporting based on reportable quantities (RQ) of EPA's extremely hazardous substances (40 CFR Part 355).

  Extremely Hazardous Substances: None

  Threshold Planning Quantity (TPQ): None

- SECTIONS 311/312: Require submission of material safety data sheets (MSDSs) and chemical inventory reporting with identification of EPA-defined hazard classes (40 CFR Part 370). The hazard classes for this product are:

  IMMEDIATE: No

  PRESSURE: Yes

  DELAYED: No

  REACTIVITY: No

  FLAMMABLE: Yes

- SECTION 313: Requires submission of annual reports of release of toxic chemicals that appear in 40 CFR Part 372.

  Propane does not require reporting under Section 313.

40 CFR PART 68 Risk Management for Chemical Accidental Release

TSCA Toxic Substance Control Act

Propane is listed on the TSCA inventory.

OSHA Occupational Safety and Health Administration

29 CFR 1910.119: Process Safety Management of Highly Hazardous Chemicals.

FDA Food and Drug Administration

21 CFR 184.1655: Generally recognized as safe (GRAS) as a direct human food ingredient when used as a propellant, aerating agent and gas.

16. Other Information

SPECIAL PRECAUTIONS: Use piping and equipment adequately designed to withstand pressure to be encountered.

NFPA 58 *Standard for the Storage and Handling of Liquefied Petroleum Gases* and OSHA 29 CFR 1910.10 require that all persons employed in handling LP-gases be trained in proper handling and operating procedures, which the employer shall document. Contact your propane supplier to arrange for the required training. Allow only trained and qualified persons to install and service propane containers and systems.

WARNING: Be aware that with odorized propane the intensity of ethyl mercaptan stench (its odor) may fade due to chemical oxidation (in the presence of rust, air or moisture), adsorption or absorption. Some people have nasal perception problems and may not be able to smell the ethyl mercaptan stench. Leaking propane from underground gas lines may lose its odor as it passes through certain soils. While ethyl mercaptan may not impart the warning of the presence of propane in every instance, it is generally effective in a majority of situations. Familiarize yourself, your employees and customers with this warning, and other facts associated with the so-called "odor-fade" phenomenon. If you do not already know all the facts, contact your propane supplier for more information about odor, electronic gas alarms and other safety considerations associated with the handling, storage and use of propane.

ISSUE INFORMATION

Issue Date:_____

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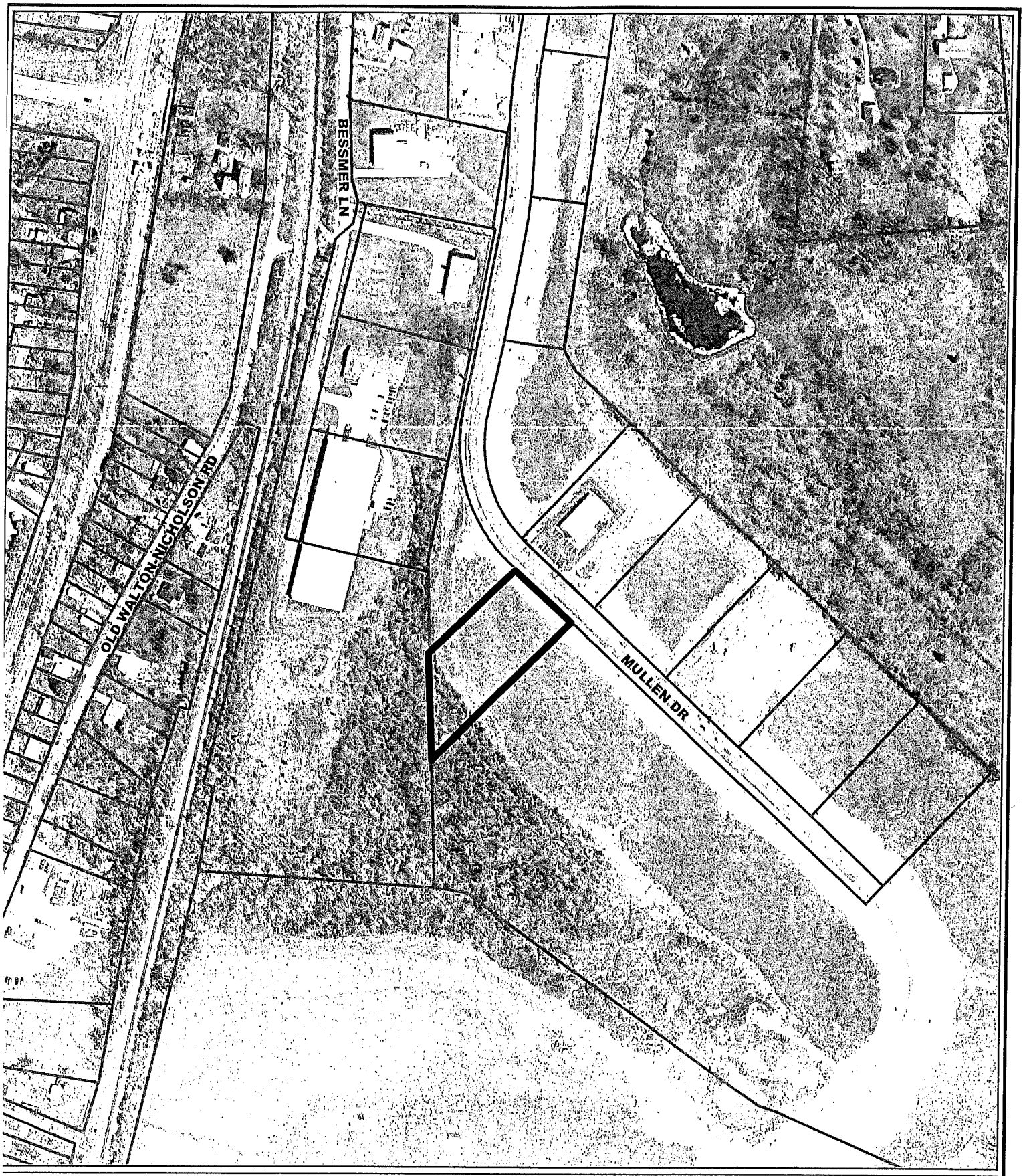
Prepared by
NATIONAL PROPANE GAS ASSOCIATION
1600 Eisenhower Lane, Suite 100, Lisle, Illinois 60532
Phone 630/515-0600
Printed in U.S.A.

The purpose of this bulletin is to set forth general safety practices for the installation, operation, and maintenance of LP-gas equipment. It is not intended to be an exhaustive treatment of the subject, and should not be interpreted as precluding other procedures which would enhance safe LP-gas operations. Issuance of this bulletin is not intended to nor should it be construed as an undertaking to perform services on behalf of any party either for their protection or for the protection of third parties. The National Propane Gas Association assumes no liability for reliance on the contents of this bulletin.

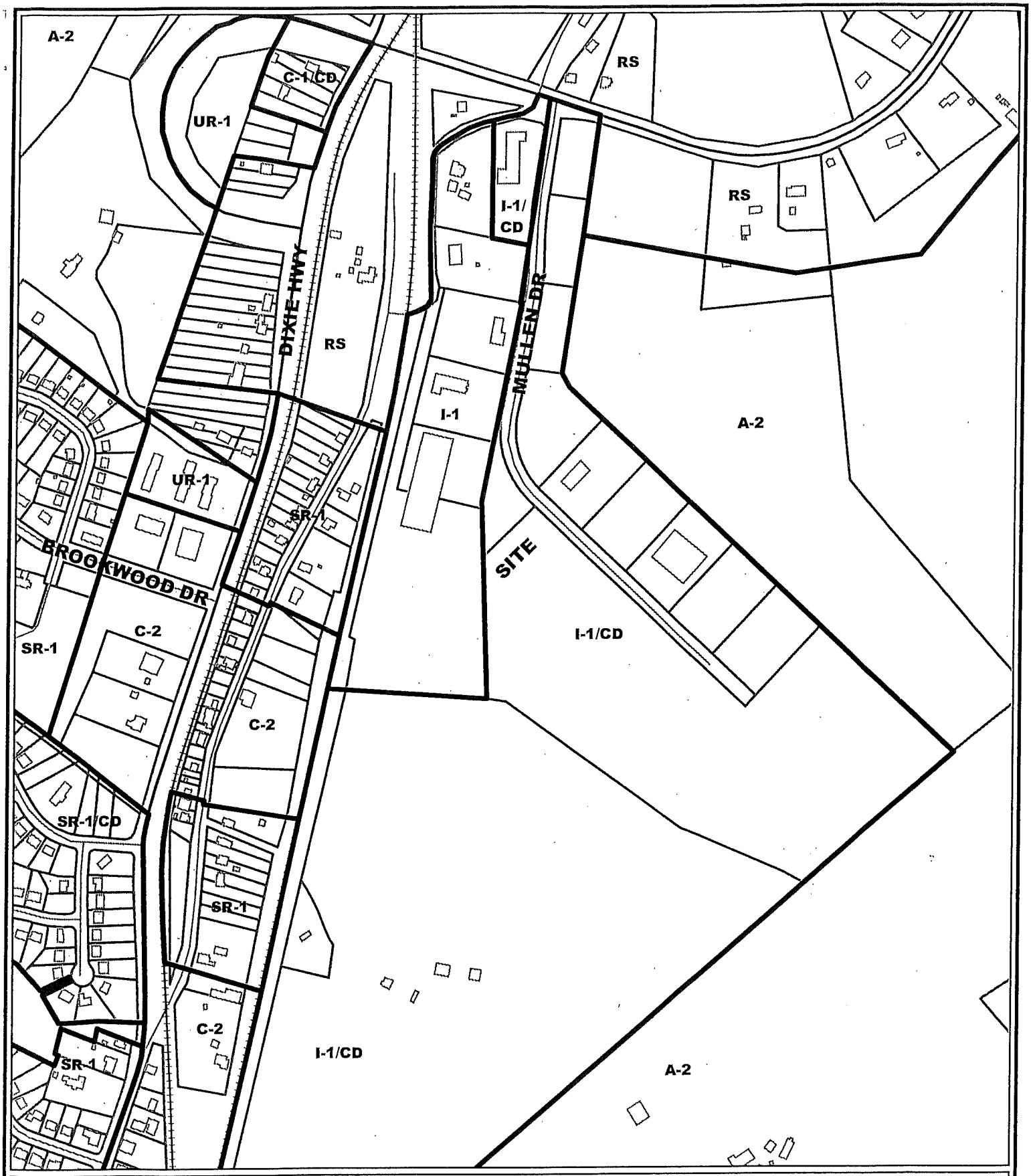
Issued 12/96



Metro Propane Aerial Map

300 0 300 Feet

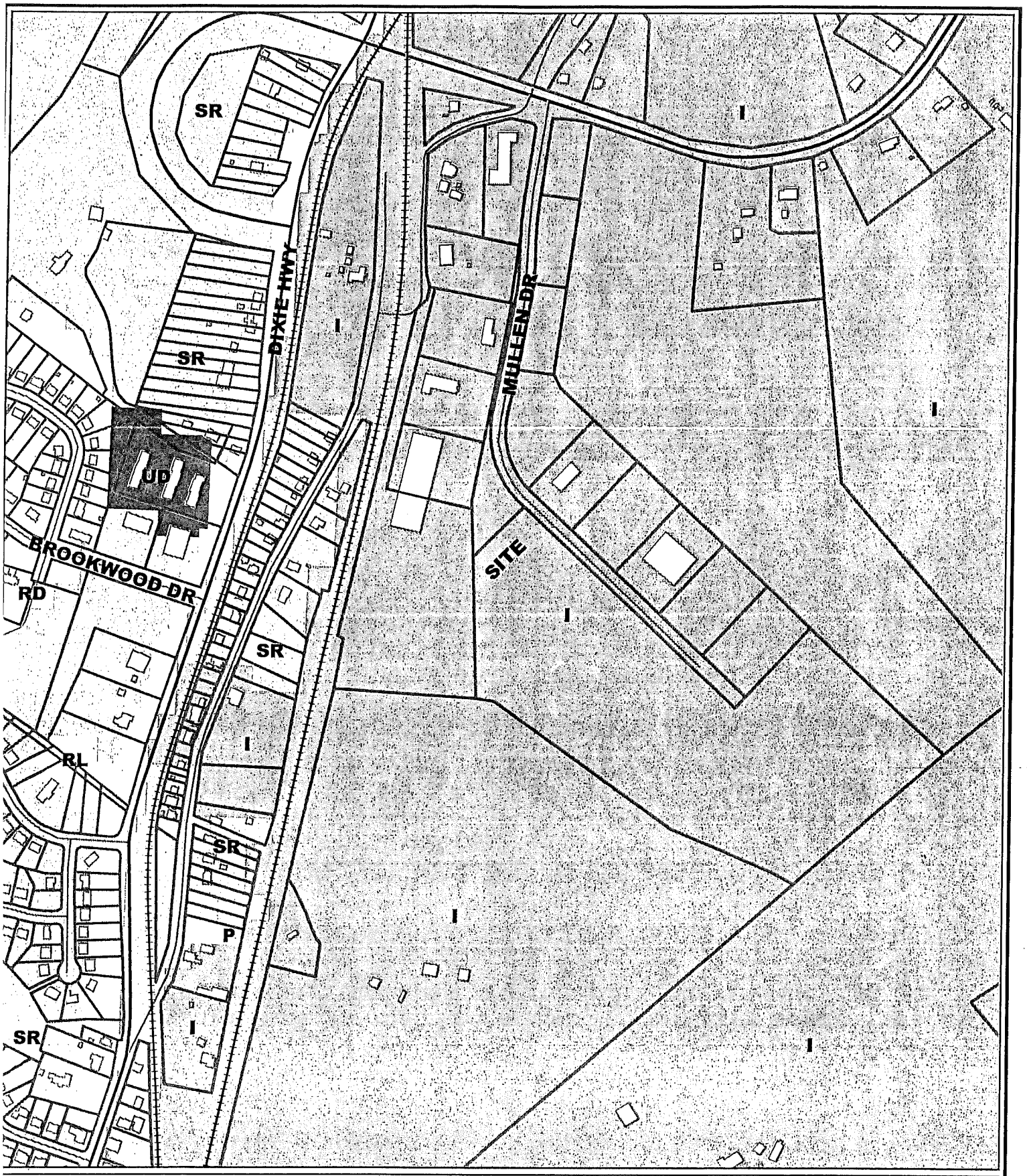
1 inch equals 300 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2005



Metro Propane Zoning Map

500 0 500 Feet

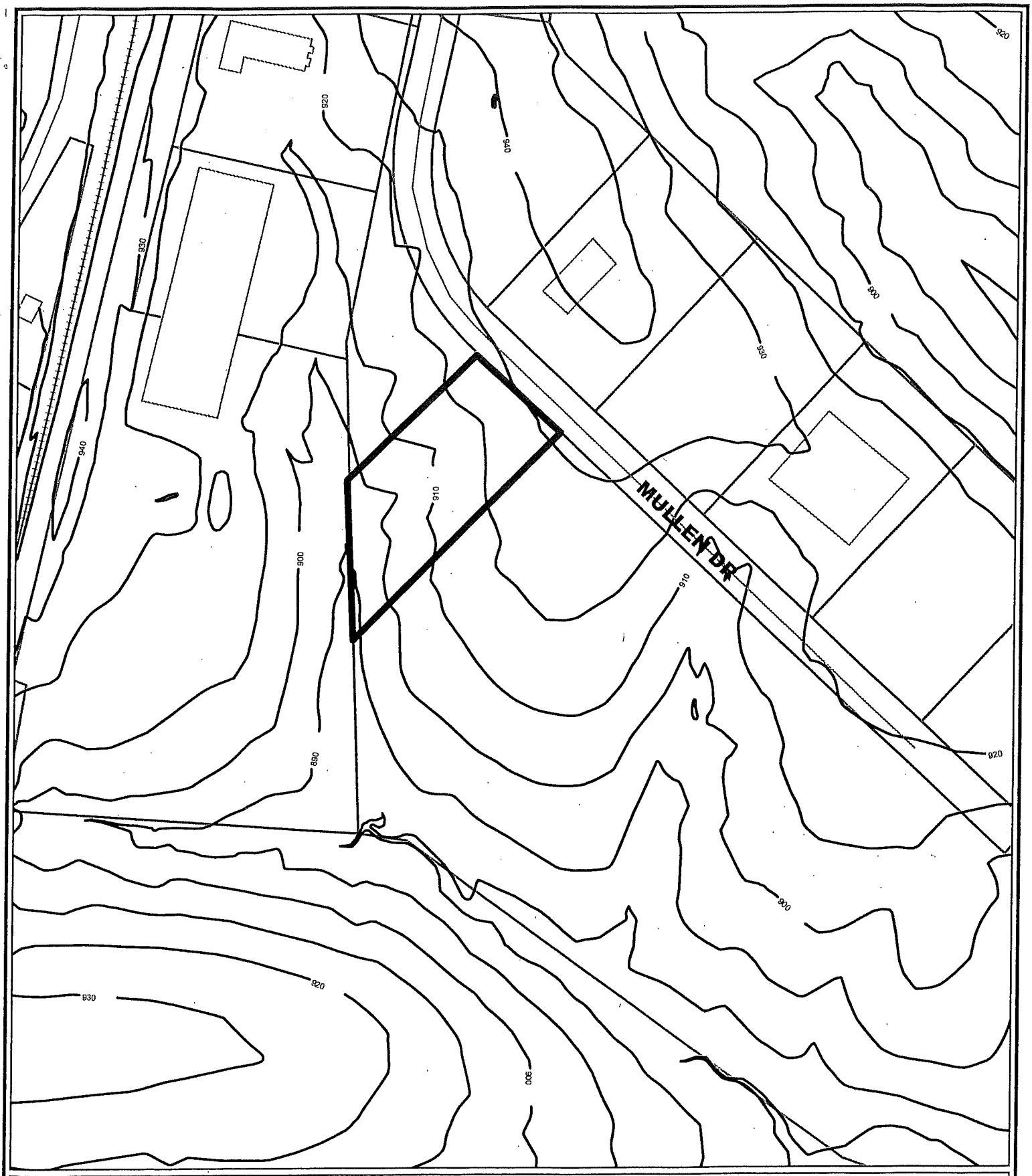
1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2005



Metro Propane
Future Land Use Map

500 0 500 Feet

1 inch equals 500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2005



Metro Propane Topographical Map

200 0 200 Feet

1 inch equals 200 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 30, 2005

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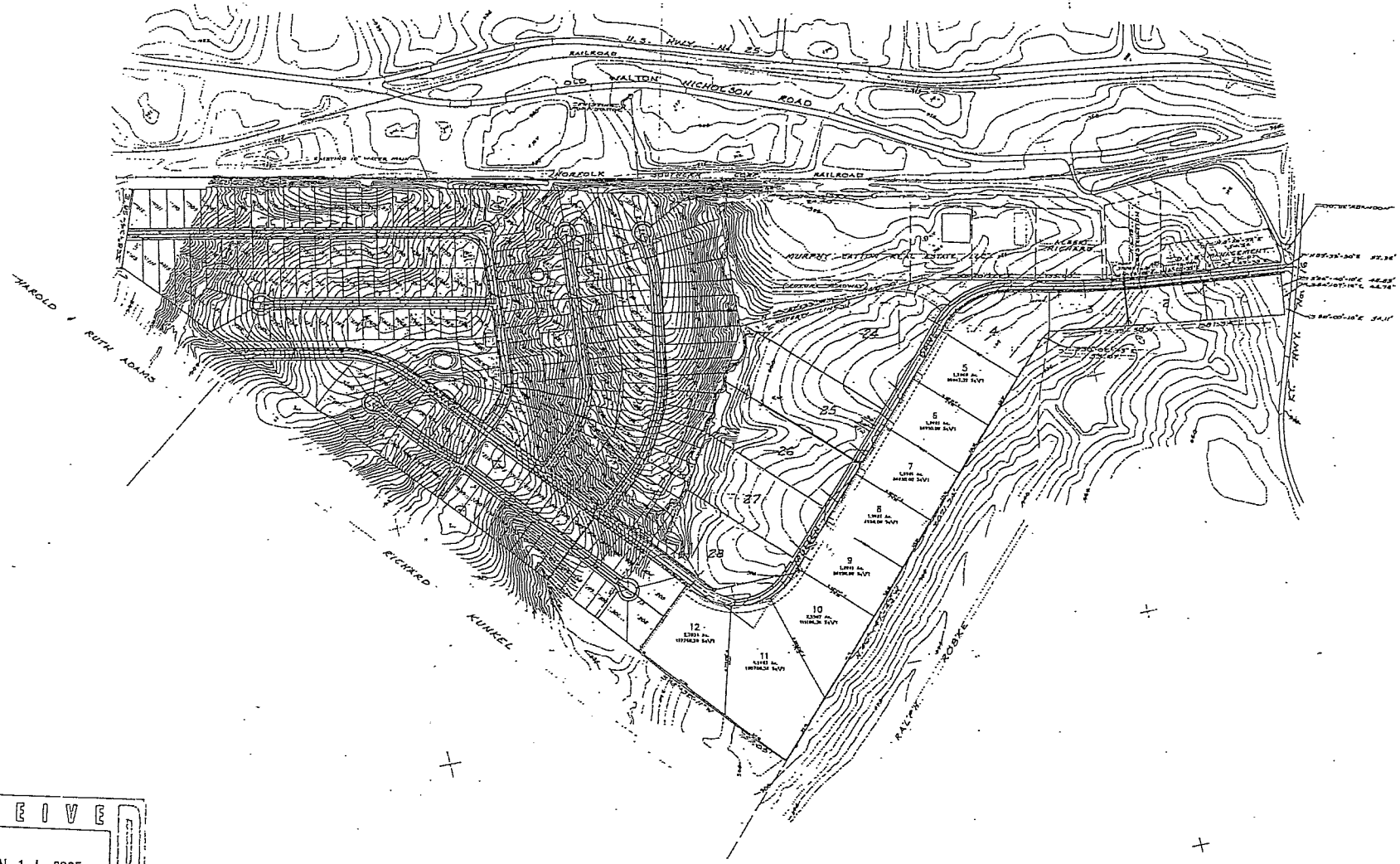

RECEIVED
JUN 14 2005
BOONE COUNTY
PLANNING COMMISSION

ZONE CHANGE MAP
NORTH WALTON PARK

SCALE: 1" = 200'
DATE: 9-23-00
APPROVED BY:
DRAWN BY: N.K.K.
REVISED: 5-14-01

KY. HIGHWAY No. 16
WALTON, KENTUCKY

JAMES W. BERLINE
KY. ENGR. LIC. No. 3745
DRAWING NUMBER

MA

RECEIVED
JUL 28 2005
BOONE COUNTY
PLANNING COMMISSION

APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION

BOONE COUNTY PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. _____ Boone _____ Florence ✓ Walton _____ Union

(Check One)

2. ✓ Conditional Use Permit _____ Variance _____ Appeal
_____ Change in Non-Conforming Use

3. Applicant's Name DAVID NEFF (RADNOS CONSTR CO., INC.)
Phone Number (859) 291-8812 Fax No. (859) 655-8974
Applicant's Address 409 W. 3RD STREET
COVINGTON KY 41015
City State Zip

4. Description of Request: APPROVAL FOR STORAGE OF GAS ON SITE.

5. Name of Development NORTH WALTON COMMERCE PARK

6. Location of Development MULLEN LANE OF KENTUCKY 16 IN WALTON, KY

7. Acreage Under Review 1.4572

8. Lot Number and Name of Subdivision (if part of a subdivision)
FUTURE LOT #24-A

9. Owner of Property BESSMER LAND LLC
Phone Number of Owner 859-282-6900

10. Address of Property Owner 8080 STALLION DR FLORENCE KY
City State Zip 41042

11. Proposed Use(s) on Site A REFILL AND DELIVERY SITE FOR 33.5 POUND CYLINDERS OF PROPANE FOR FORK LIFT FUEL

12. Total Square Footage of Existing and/or Proposed Buildings 1200

13. Current Zoning on Property I 1

14. Deed Book 787 Page No. 708 Group No. 2084

15. Is the site subject to a zone change? NO
If yes, give date of approval _____

16. Have you submitted a Site Plan with this request? YES

17. Have you submitted a list of adjoining property owners with this request? YES

18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Applicant's Signature: [signature]

Property Owner's Signature: [signature]

(over)

COPY

CLUR #05-WBOA-003-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)
   Bessmer Lane, LLC
   8080 Steilen Drive
   Florence, KY 41042

2. ADDRESS OF PROPERTY
   Mullen Drive
   Walton, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
   North Walton Commerce Park

4. DEED BOOK 787 PAGE NO. 708 GROUP NO. 2084

5. TYPE OF RESTRICTION(S) (Check all that apply)

   ____ Zoning Map Amendment:
   From_____To

   _____ Development Plan

   ____ Subdivision Plat
   (Not Recorded)

   ____ Variance

   _X_ Conditional Use Permit

   ____ Conditional Zoning

   _____ Other:

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2995 WASHINGTON STREET
BURLINGTON, KENTUCKY 41005

Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Planner, Zoning Services
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the Boone County Planning Commission this 8 day of September, 2005.

Vicki L. Myers
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2007

This instrument was prepared for recording purposes only by:

Debbie A. Warning
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)

CLUR #05-WBOA-003-A

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of September 6, 2005 Certificate of Land Use Restriction (#05-WBOA-003-A), for Bessmer Lane, LLC, Property Owner(s).

The following conditions will apply:

No conditions.

The approved Conditional Use Permit as well as the preceding conditions apply to the property described in:

DEED BOOK 787 PAGE NO. 708 GROUP NO. 2084