

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 [checked] Walton Union

(Check One)

2. [checked] Conditional Use Permit [checked] Variance Appeal Change in Non-Conforming Use

3. Applicant's Name Empire Gas Phone Number 859-654-6414 Fax No. 859-654-3765 Applicant's Address 2640 Hwy 27 N. Falmouth KY 41040

4. Description of Request: Purchase property next to our property

to add on to the lot for storage. Variance & Conditional use

5. Name of Development Metro Lft Propane

6. Location of Development Mullen Dr, Walton, KY

7. Acreage Under Review 0.5002

8. Lot Number and Name of Subdivision (if part of a subdivision) PION 077.00-00-044.01 (Parcel 4 DB B82 ps 354)

9. Owner of Property Murphy Cotton

10. Address of Property Owner 115 Bessmer Ln Phone No. 859-405-6739 Walton KY 41094

11. Proposed Use(s) on Site property add on and Tank Storage

12. Total Square Footage of Existing and/or Proposed Buildings NO BUILDINGS.

13. Current Zoning on Property F-1 LCD

14. Deed Book 861 Page No. 616 Group No. 2080

15. Is the site subject to a zone change? NO

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

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

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

ORIGINAL Property Owner's Signature: [Signature] - Murphy Cotton (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature] - Empire Gas (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

(over)

Barry Stevens cell # 859-948-6999

⑦ Variance to reduce 500' Road Change neg. for two curb cuts. ⑨ Heritage Operating c.p. PO Box 6789 Helena, MT 59604 DB 906 PC 803

STAFF REPORT

APPLICANT: Empire Gas

LOCATION: 137 Mullen Drive and a 0.5002 acre tract currently located at 115 Bessmer Lane, Walton, Kentucky

ZONING: Industrial One (I-1)

DATE: May 10, 2011

PROPOSAL

The applicant has submitted the following applications:

1. A Conditional Use Permit to allow Metro Lift Propane and Empire Gas to expand their business at 137 Mullen Drive and onto an adjoining 0.5002 acre tract located 115 Bessmer Lane (property is currently owned by Murphy-Catton).

Metro Lift Propane currently operates from 137 Mullen Drive. The business refills 33.5 pound propane cylinders and delivers them to industrial companies so they can fuel their forklifts. Empire Gas is a sister company which deals with residential customers. They fill domestic tanks which vary in size (120, 250, 330, and 500 gallon tanks are common).

The preliminary Site Plan and letter from the applicant indicate the fenced storage yard will be expanded to allow a second 30,000 gallon propane tank, additional cylinder storage, and additional truck and employee parking. The applicant informed Staff that empty tanks could be located in the storage yard until such time that they are filled. The plan also shows that a second access point is being proposed on Mullen Drive.

2. A Variance to reduce the 500 foot road frontage requirement to 201.53 feet so the business can have two curb cuts on Mullen Drive.

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.

9/6/05 – The Walton Board of Adjustment approved a Conditional Use Permit allowing Metro Propane to operate a propane cylinder exchange company on a future 1.4572 acre lot.

10/14/05 – Boone County Planning Commission Staff approves a Site Plan for a 1,200 square foot office, 868 square foot canopy, 30,000 gallon propane tank, 5 parking spaces, fenced asphalt storage lot, and an access point on Mullen Drive.

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that two duties of the Board of Adjustment is to act on Variance and Conditional Use Permit requests.

Section 250 of the Boone County Zoning Regulations states that the Board of Adjustment and Zoning Appeals shall have the power to hear and decide on applications for variances. A variance is defined as a departure from the dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

The Board should evaluate the applicant's variance request in terms of the criteria listed in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulation from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

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 Conditional Use Permit as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 & 1133 of the 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.

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.

Section 3221 of the Boone County Zoning Regulations states that a proposed development is permitted one access point for each 500 feet of site frontage.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for "Industrial" uses. This designation is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The following Goals & Objectives relate 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, and undeveloped lot (I-1)
- Northwest: Murphy-Catton (I-1)
- Southeast: Undeveloped lot in North Walton Commerce Park (I-1)
- Southwest: Murphy-Catton (I-1)

SITE CHARACTERISTICS

The 1.4737 acre site is located on the southwest side of Mullen Drive and contains a commercial propane company. A 1,200 square foot office and 5 parking spaces are located immediately off of Mullen Drive. The rear storage area is fenced off and contains an 868 square foot canopy and a 30,000 gallon propane tank. The rear of the property is heavily wooded with mature deciduous trees.

The proposed 0.5002 acre lot is located immediately to the northwest of Metro Lift Propane. The rear of the lot is heavily wooded with mature deciduous trees. Boone County G.I.S. shows that the topography of the parcel falls from 930' above sea level at Mullen Drive to 900' above sea level at the rear property line.

STAFF COMMENTS

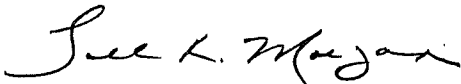
1. Staff contacted Boone County Building Department and Walton Fire Department regarding the requests. Both agencies commented that they have no issues with the proposal (see attachments).
2. The Material Safety Data Sheets (MSDS) for odorized propane are attached to the back of the Staff Report for review.
3. The applicant informed Staff that the second access point will make it easier for the delivery trucks to enter and exit the site.
4. Staff reviewed the approved 10/14/05 Site Plan and found that the fencing along the southeast property line was not installed correctly and that a lot of the required landscaping was not installed.
5. 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.
7. Staff recommends that the Board should analyze the following Variance criteria before voting on the request:
- A. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the Zoning Regulations.
- B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
8. Staff recommends the following condition if the request is proposed:
- A. The entire site shall be brought into compliance with the perimeter landscaping requirements which are found in Article 36 of the Boone County Zoning Regulations.

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 requests.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

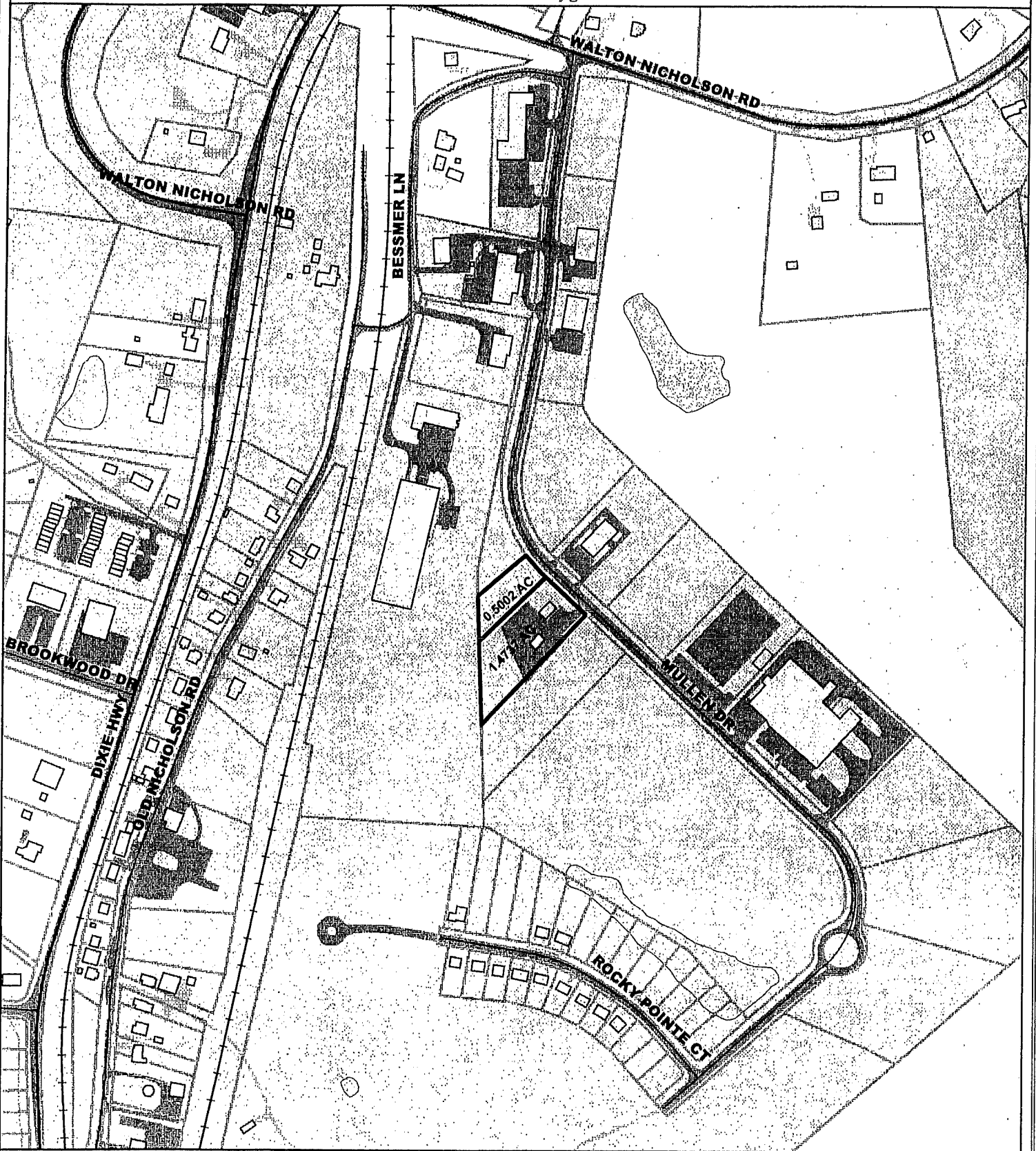
Attachments

- *Site Vicinity Map
- *Letter From Applicant
- *Proposed Plan
- *Material Safety Data Sheets
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *E-Mail from Allen Roberts
- *Letter from Mark Martin
- *10/14/05 Approved Site Plan
- *10/14/05 Approved Landscaping Plan
- *Application

SITE VICINITY MAP

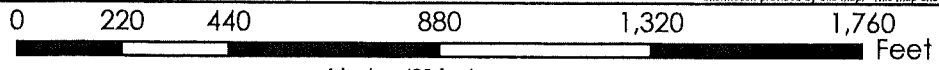
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Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/01/2008

Boone County GIS
ArcMap Document (*.mxd)

Empire Gas

Relationships Matter.™

To: Boone County Planning Commission

Empire Gas plans on purchasing the property next to our sister company Metro-Lift at 137 Mullen Drive Walton Ky. We plan on connecting these properties with fencing and paving the entire lot. We will be installing a gate on the new property so our delivery trucks will have more room to exit our plant. With our 2 companies housing out of one location we also will need the room to park our trucks and more employee parking.

Thank You
Barry Stephens
Empire Gas District Manager

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:

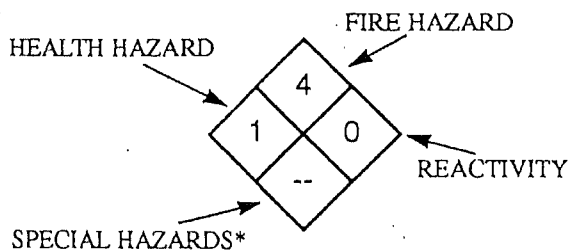
2. COMPOSITION/INFORMATION ON INGREDIENTS

INGREDIENT NAME /CAS NUMBER	PERCENTAGE	OSHA PEL	ACGIH TLV
Propane/74-98-6	87.5-100	<div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div> 1,000 ppm	Simple asphyxiant
Ethane/74-84-0	0-5.0		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, CO², 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

HAZARD CLASS: 2.1 (Flammable Gas)

IDENTIFICATION NUMBER: UN 1075

PRODUCT RQ: None SHIPPING LABEL(S): Flammable gas

IMO SHIPPING NAME: Propane

PLACARD (WHEN REQUIRED): Flammable gas

IMO IDENTIFICATION NUMBER: UN 1978

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: _____

This material safety data sheet and the information it contains is offered to you in good faith as accurate. This Supplier does not manufacture this product but is a supplier of the product independently manufactured by others. Much of the information contained in this data sheet was received from sources outside our Company. To the best of our knowledge this information is accurate, but this Supplier does not guarantee its accuracy or completeness. Health and safety precautions in this data sheet may not be adequate for all individuals and/or situations. It is the user's obligation to evaluate and use this product safely, comply with all applicable laws and regulations and to assume the risks involved in the use of this product.

NO WARRANTY OR MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSES, OR ANY OTHER WARRANTY IS EXPRESSED OR IS TO BE IMPLIED REGARDING THE ACCURACY OF COMPLETENESS OF THIS INFORMATION, THE RESULTS TO BE OBTAINED FROM THE USE OF THIS INFORMATION OR THE PRODUCT, THE SAFETY OF THIS PRODUCT, OR THE HAZARDS RELATED TO ITS USE.

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

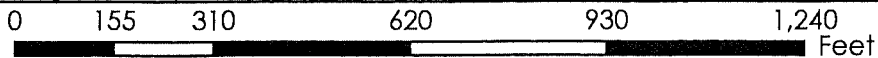
2009 AERIAL MAP

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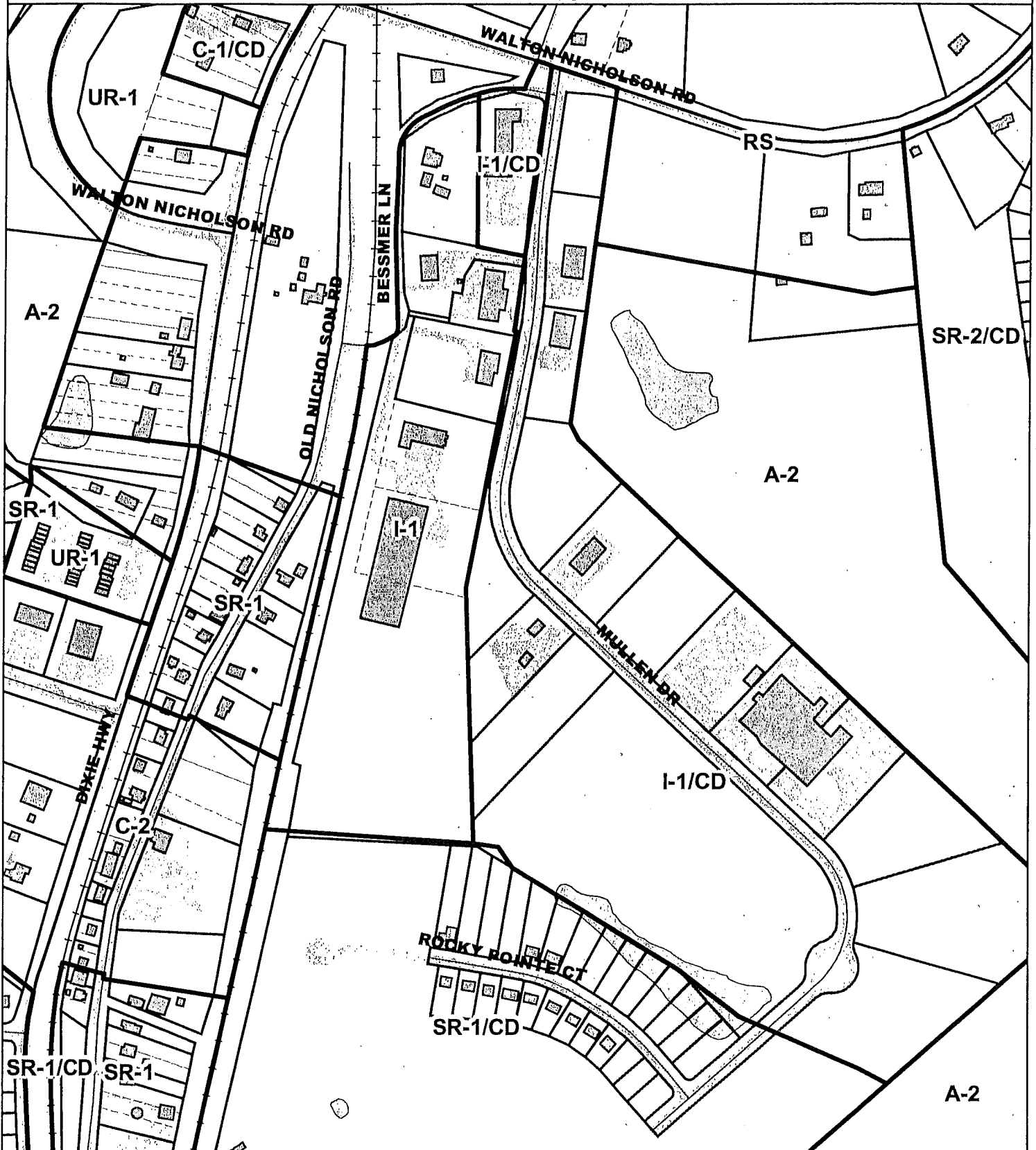


Boone County GIS - Putting Northern Kentucky on the Map



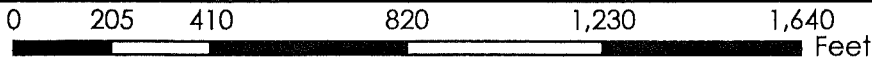
ZONING MAP

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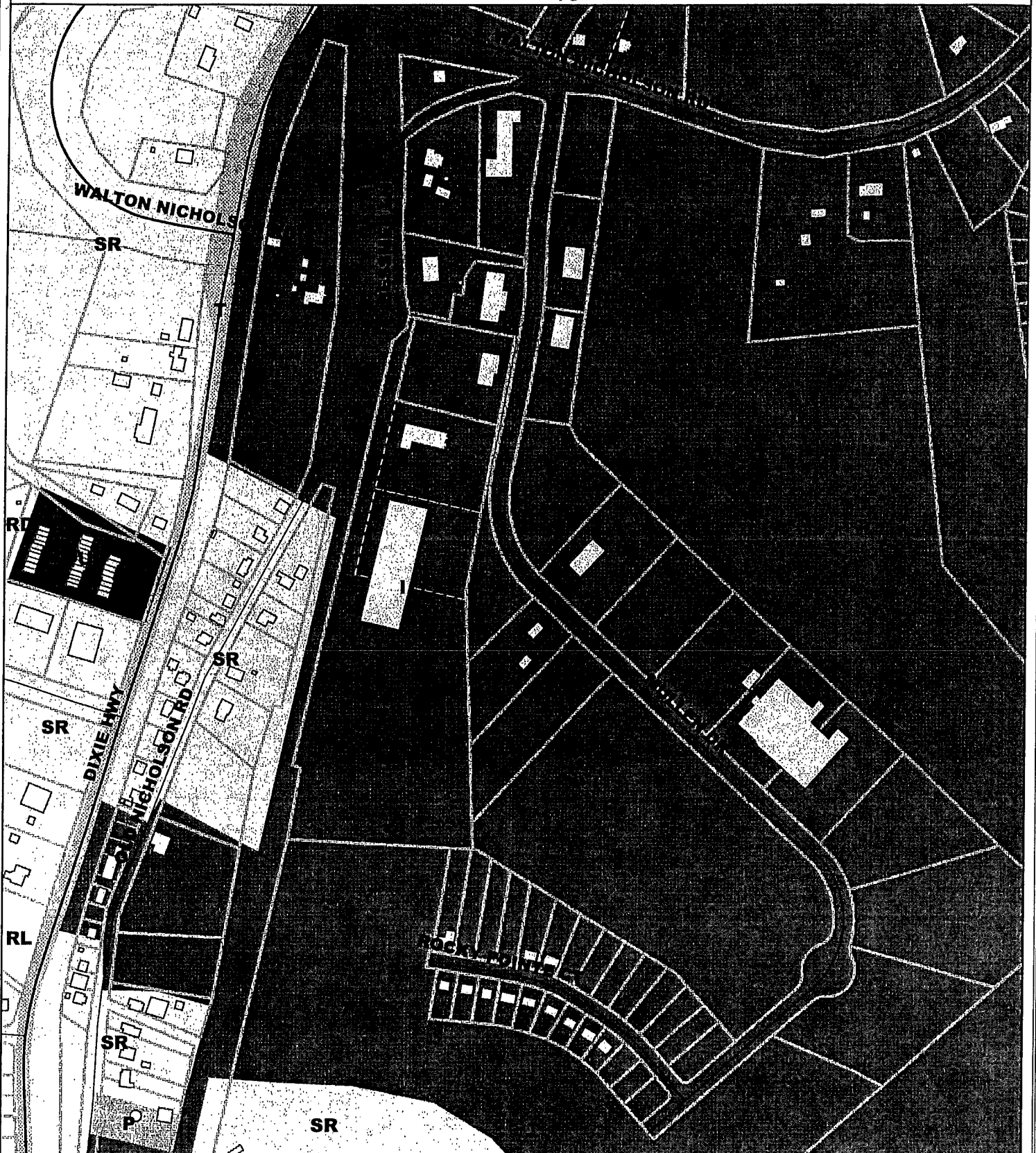


Boone County GIS - Putting Northern Kentucky on the Map



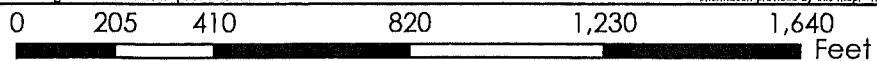
FUTURE LAND USE MAP

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1 inch = 400 feet

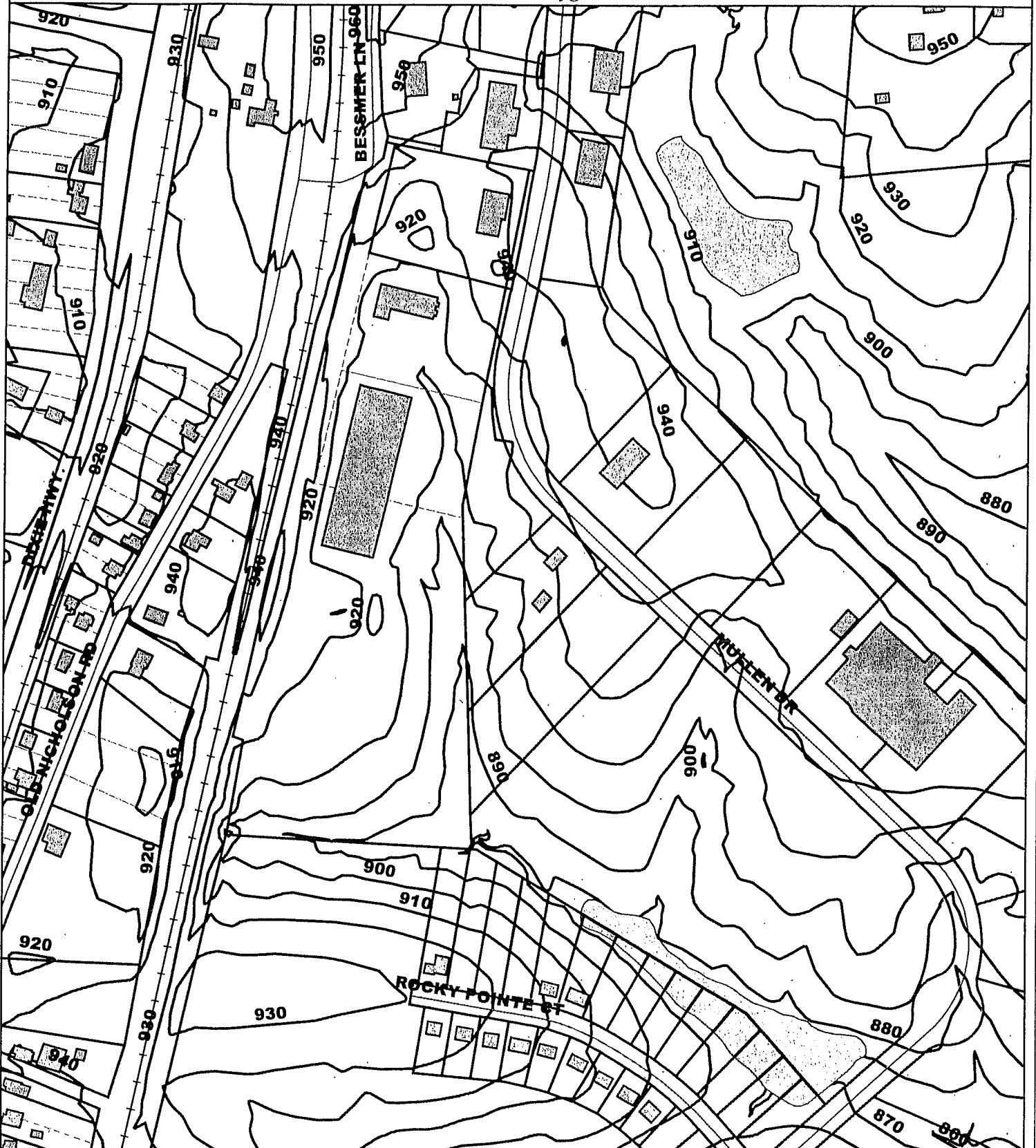


Boone County GIS - Putting Northern Kentucky on the Map



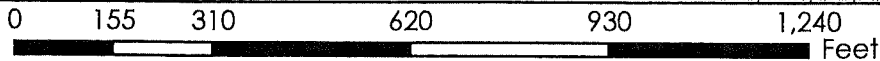
TOPOGRAPHICAL MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map



Todd Morgan

From: Allen Roberts [Allen.Roberts@waltonfireky.com]
Sent: Wednesday, April 27, 2011 7:30 AM
To: Todd Morgan
Subject: Metro Lift
Attachments: image002.jpg

Todd,

I have several questions on the plans I picked up the other day.

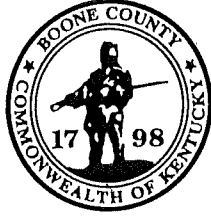
- 1) Tire Discounters: This business is requesting the zone change in order to be built. If that's all we have no comments on it. It looks fine to us.
- 2) Bob Sumerel: We see nothing wrong on our end with this, it also looks good no comment.
- 3) Metro Lift: What is the reasoning for going to Walton Board of Adjustments? We see no problem with the additional tank nor with the additional storage area for the small tanks.

Thanks
Allen

Deputy Chief Allen Roberts
12600 Towne Center Dr.
P.O. Box 007
Walton, KY 41094
859-485-7439



GARY W. MOORE
County Judge-Executive



JIM KEY
Chief Building Official

JEFFREY S. EARLYWINE
County Administrator

BUILDING DEPARTMENT

www.BooneCountyKy.org

P.O. Box 960
2950 Washington Street
Burlington, KY 41005
(859) 334-2218
Fax (859) 334-3137

April 29, 2011

Todd Morgan, Senior Planner
Boone County Planning Commission
2950 Washington Street
Burlington, KY 41005

Re: Proposed Site Improvements
Empire Gas
137 Mullen Dr., Walton

To Whom It May Concern:

Per our conversation this date regarding the proposed changes at 137 Mullen Dr., i.e. addition of an additional 30,000 Gallon Propane Tank, additional storage area and additional operations of loading residential delivery trucks. I find there to be no conflicts regarding 2007 Kentucky Building Code regulations.

Proposed propane tank supporting structure will be permitted by the Boone County Building Department the remainder of the proposed improvements tank and any other alterations to the propane fueling system will require a permit from the Hazardous Materials Section of the Kentucky State Fire Marshalls Office.

Should there be any further questions please contact me.

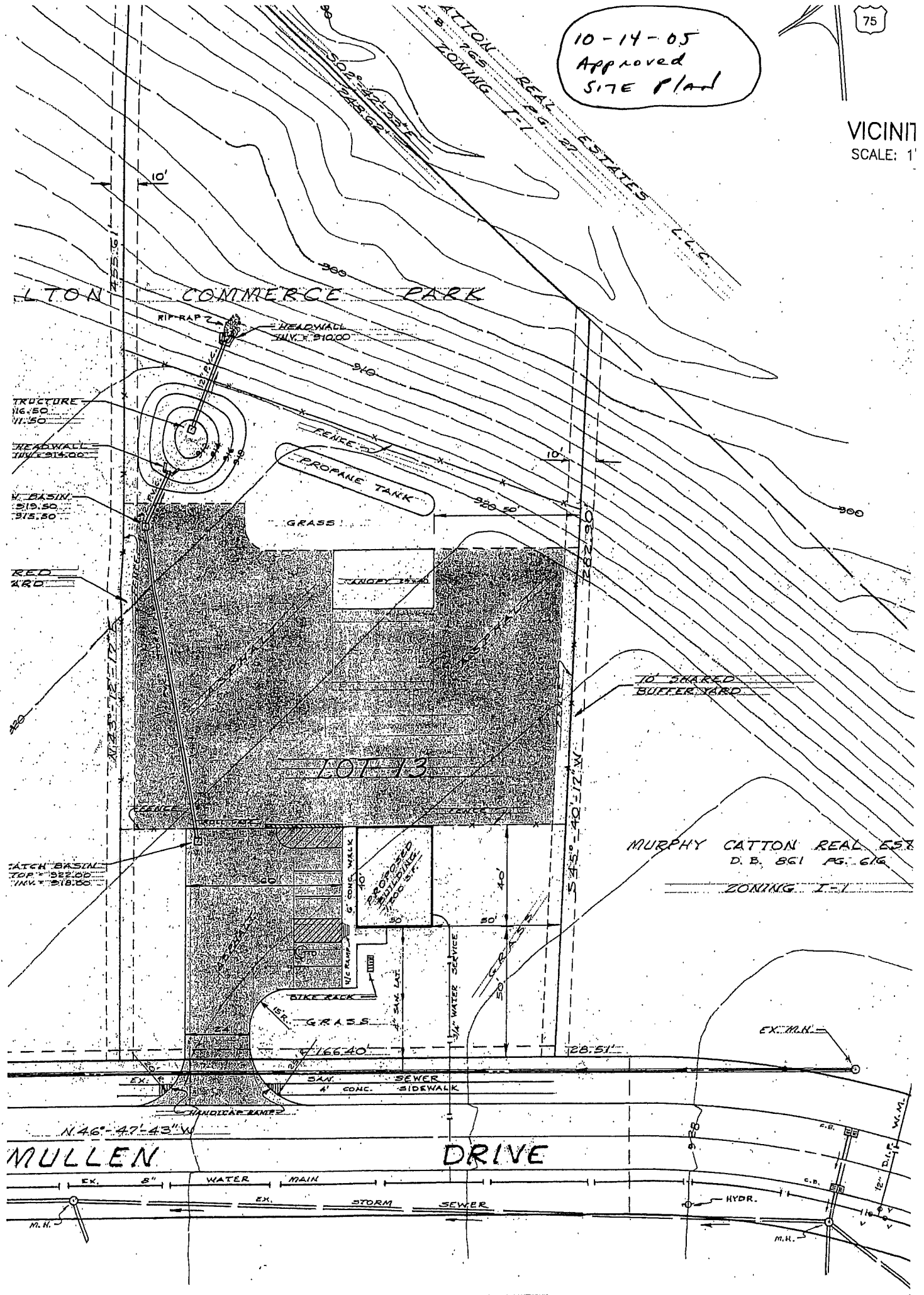
Cordially,

Mark E. Martin,
Assistant Chief Building Official

MEM/mm

10-14-05
Approved
SITE PLAN

VICINITY
SCALE: 1"



COMMERCE PARK

STRUCTURE
TOP 916.50
INV 917.50

HEADWALL
INV 914.00

CATCH BASIN
TOP 919.50
INV 915.50

RED
YARD

CATCH BASIN
TOP 922.00
INV 918.50

PROPOSED
MULTIFAMILY

MURPHY CATTON REAL ESTATE
D. B. 861 PG. 616

ZONING I-1

MULLEN DRIVE

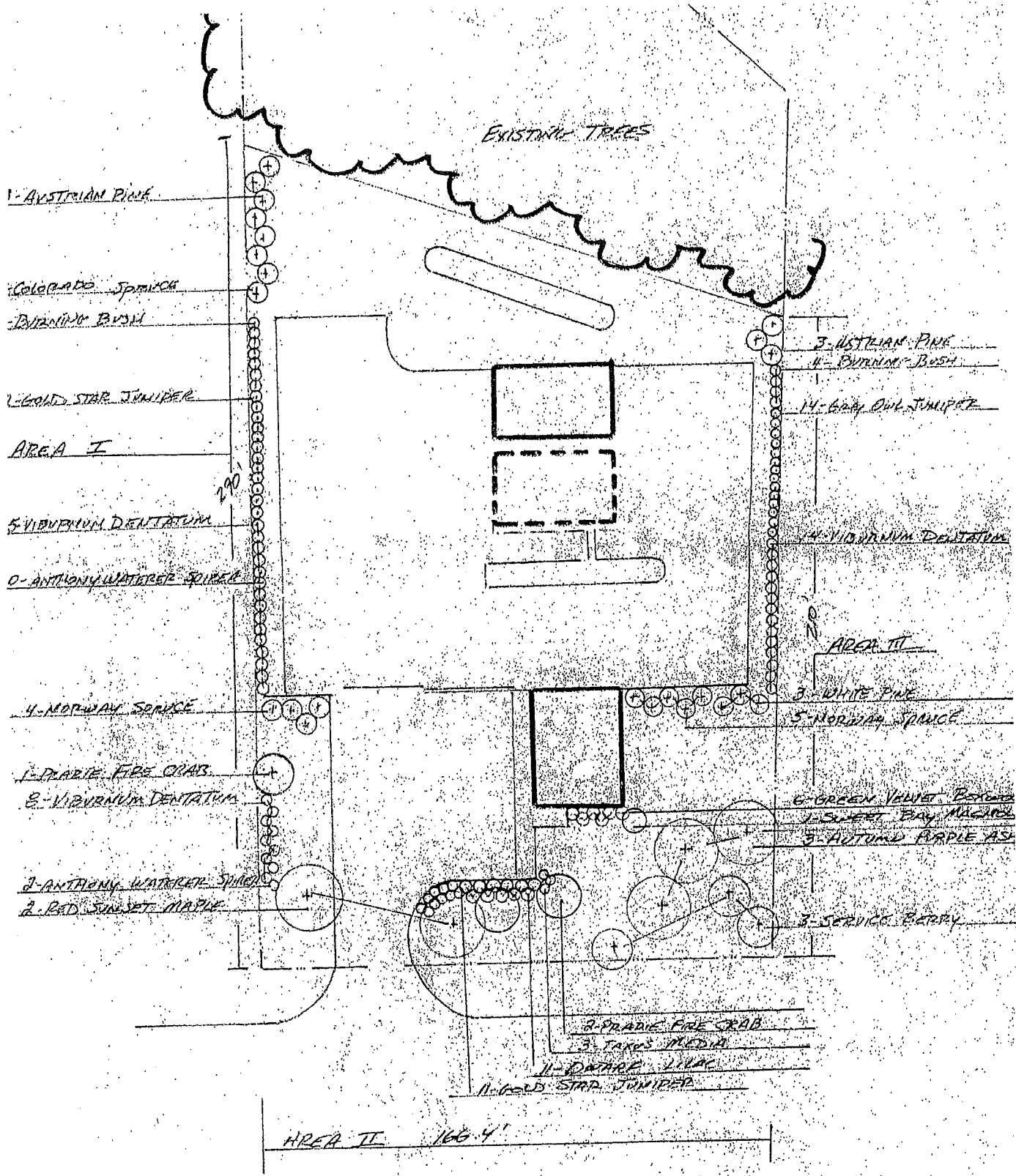
N 46° 47' 43" W

EX. 8" WATER MAIN
EX. STORM SEWER

HYDR.

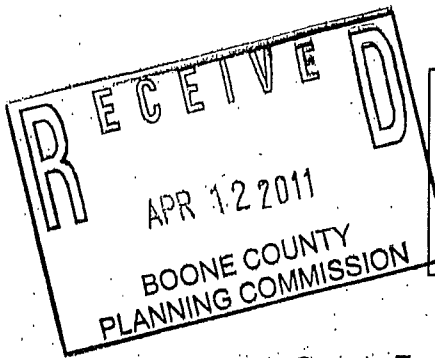
M.H.

ZONING I-1



10/14/05 Approved Landscaping Plan

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 [checked] Walton Union

(Check One)

2. [checked] Conditional Use Permit Variance Appeal Change in Non-Conforming Use

3. Applicant's Name: EMPIRE GAS Phone Number: 859-654-6414 Fax No: 859-654-3765 Applicant's Address: 2640 Hwy 27 N, Falmouth, KY 41040

4. Description of Request: Purchase property next to our property

to add on to the lot for storage. Variance & Conditional use

5. Name of Development: Metro LIFT propane

6. Location of Development: Mullen Dr, Walton, KY

7. Acreage Under Review: .5002

8. Lot Number and Name of Subdivision (if part of a subdivision): PION 077-00-00-044.01 (Parcel 4 DB 882 pg 354)

9. Owner of Property: Murphy Catton

10. Address of Property Owner: 115 Bessmer Ln, Walton, KY 41094 Phone No: 859-485-6739

11. Proposed Use(s) on Site: property Add on and TANK Storage

12. Total Square Footage of Existing and/or Proposed Buildings: NO Buildings

13. Current Zoning on Property: F-1 LCD

14. Deed Book: 861 Page No: 616 Group No: 2080

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?

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

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

ORIGINAL Property Owner's Signature: [Signature] - Murphy Catton

ORIGINAL Applicant's Signature: [Signature] - Empire Gas

(over)

Barry Stevens cell # 859-948-6999

⑦ Variance to reduce 500' Road frontage req. for two curb cuts

⑨ Heritage Operating L.P. PO Box 6789 Helena, MT 59604 DB 906, PG 803

COPY

CLUR #11-WBOA-005-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Murphy Catton
115 Bessmer Lane
Walton, KY 41094
DEED BOOK 861 PAGE NO. 616

Heritage Operating L.P.
P.O. Box 6789
Helena, MT 59604
DEED BOOK 906 PAGE NO. 803

2. ADDRESS OF PROPERTY
137 Mullen Dr. & 115 Bessmer Ln.
Walton, KY 41094

3. NAME OF SUBDIVISION OR
DEVELOPMENT (if applicable)
Empire Gas

4. GROUP NO. 2080

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

Zoning Map Amendment: Conditional Use Permit
From _____ To _____

Development Plan Conditional Zoning

Subdivision Plat Other:
(Not Recorded)

Variance

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
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005

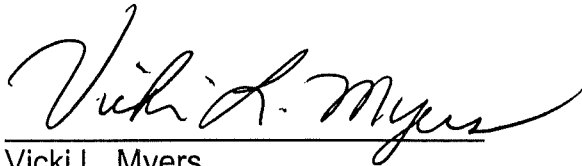
Todd K. Morgan
SIGNATURE OF COMPLETING OFFICIAL

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

COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

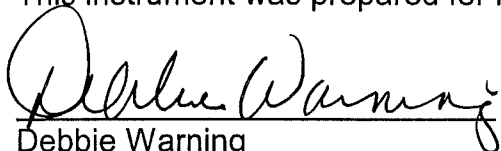
Subscribed, sworn to, and acknowledged before me by Todd K. Morgan on behalf of the
Boone County Planning Commission this 11 day of May, 2011.



Vicki L. Myers
Notary ID 438411
NOTARY PUBLIC, State at Large

My commission Expires:
April 17, 2015

This instrument was prepared for recording purposes only by:



Debbie Warning
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

NO TITLE EXAMINATION

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

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the Conditional Use Permit and Variance approved by the Walton Board of Adjustments and in accordance with the current zoning in effect as of May 10, 2011 Certificate of Land Use Restriction (#11-WBOA-005-A), for Murphy Catton and Heritage Operating L.P., Property Owner(s).

The following conditions will apply:

- 1) The entire site shall be brought into compliance with the perimeter landscaping requirements which are found in Article 36 of the Boone County Zoning Regulations.

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

DEED BOOK 906 PAGE NO. 803 and DEED BOOK 861 PAGE NO. 616

GROUP NO. 2080