

**CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2018-04**

The City of Union, Kentucky at its meeting held on May 21, 2018 had a second reading of Ordinance 2018-04 and same was adopted by the Union, Kentucky City Commission, a Summary of which is set forth below:


**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING THE  
REQUEST OF KROGER LIMITED PARTNERSHIP, BY AND THROUGH DON  
BARNETT FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN  
IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 7.853  
ACRE SITE LOCATED ON THE SOUTH/EAST SIDE OF U.S. 42, AND TO THE  
IMMEDIATE SOUTH/WEST OF THE BOONE COUNTY PUBLIC LIBRARY,  
SCHEBEN BRANCH, AT 8899 U.S. 42, UNION, KENTUCKY AND A 4.8589 ACRE SITE  
LOCATED ON THE EAST SIDE OF U.S. 42 AND TO THE WEST OF THE KROGER  
MARKETPLACE PROPERTY AT 9001 U.S. 42, UNION, KENTUCKY**

That the requested Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 7.853 acre site located on the south/east side of U.S. 42, and to the immediate south/west of the Boone County Public Library, Scheben Branch, at 8899 U.S. 42, Union, Kentucky and a 4.8589 acre site located on the east side of U.S. 42 and to the west of the Kroger Marketplace property at 9001 U.S. 42, Union, Kentucky shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution No. R-18-002-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance. If this approval for a Change in an Approved Concept Development Plan shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.

This Summary of the Ordinance was prepared by Greg D. Voss, Esq., 301 West Pike Street, Covington, Kentucky, an attorney licensed to practice law in the Commonwealth of Kentucky.

A complete copy of this Ordinance may be reviewed during normal business hours at the Office of the Union City Clerk, located at the Union City Building, 1843 Mt. Zion Road, Union, Kentucky.

**CITY OF UNION, KENTUCKY**

  
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**DONNA WAHOFF**  
**CITY CLERK**

**CITY OF UNION, KENTUCKY  
ORDINANCE NO. 2018-04**

**AN ORDINANCE OF THE CITY OF UNION, KENTUCKY GRANTING THE REQUEST OF KROGER LIMITED PARTNERSHIP, BY AND THROUGH DON BARNETT FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A COMMERCIAL TWO/PLANNED DEVELOPMENT (C-2/PD) ZONE FOR A 7.853 ACRE SITE LOCATED ON THE SOUTH/EAST SIDE OF U.S. 42, AND TO THE IMMEDIATE SOUTH/WEST OF THE BOONE COUNTY PUBLIC LIBRARY, SCHEBEN BRANCH, AT 8899 U.S. 42, UNION, KENTUCKY AND A 4.8589 ACRE SITE LOCATED ON THE EAST SIDE OF U.S 42 AND TO THE WEST OF THE KROGER MARKETPLACE PROPERTY AT 9001 U.S. 42, UNION, KENTUCKY**

*WHEREAS*, the City of Union, Kentucky is a member of the county-wide planning unit, having a county-wide planning commission know as the Boone County Planning Commission; and

*WHEREAS*, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 7.853 acre site located on the south/east side of U.S. 42, and to the immediate south/west of the Boone County Public Library, Scheben Branch, at 8899 U.S. 42, Union, Kentucky and a 4.8589 acre site located on the east side of U.S. 42 and to the west of the Kroger Marketplace property at 9001 U.S. 42, Union, Kentucky ; and

*WHEREAS*, the Boone County Planning Commission as the planning unit for the City of Union, Kentucky was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending the Concept Development Plan Amendment; and

*WHEREAS*, the Boone County Planning Commission by Resolution No. R-18-002-A recommended approval of the Concept Development Plan Amendment described above; and

**WHEREAS**, the recommendation of the Boone County Planning Commission is based upon certain findings and conditions attached to its Resolution, all of which have been reviewed by the City Commission for the City of Union, Kentucky; and

**WHEREAS**, a majority of the Union City Commission desires to adopt the recommendation of the Boone County Planning Commission pursuant to K.R.S. 100.211 within ninety (90) days of the Planning Commission's final action;

***NOW THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY as follows:***

### **SECTION I**

That the request for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone for a 7.853 acre site located on the south/east side of U.S. 42, and to the immediate south/west of the Boone County Public Library, Scheben Branch, at 8899 U.S. 42, Union, Kentucky and a 4.8589 acre site located on the east side of U.S. 42 and to the west of the Kroger Marketplace property at 9001 U.S. 42, Union, Kentucky shall be and is hereby approved, with conditions, as set forth in the Boone County Planning Commission's Resolution No. R-18-002-A, which includes, but is not limited to, their Findings of Fact and Description of the real estate which is the subject of this Ordinance and is attached hereto and marked Exhibit "A" and incorporated herein by reference.

### **SECTION II**

If this approval for a Change in an Approved Concept Development Plan shall be held invalid, in whole or in part, by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, zoning map, or comprehensive plan provisions as they are severable from this Ordinance and they are intended to have effect regardless of any invalidity relating to this particular Ordinance.


**SECTION III**

Publication of this Ordinance is hereby authorized to be by summary publication in accordance with Kentucky Law.

**PASSED AND APPROVED ON FIRST READING *this the 2nd day of April, 2018.***

**PASSED AND APPROVED ON SECOND READING *this the 21st day of May, 2018.***

**APPROVED:**

  
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**HON. LARRY K. SOLOMON, MAYOR**

**ATTEST:**

  
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**DONNA WAHOFF, CITY CLERK**