

**KUNA CITY ORDINANCE NO. 2019-32  
NSDF, LLC PROPERTY  
MUNICIPAL REZONING**

**A MUNICIPAL REZONE ORDINANCE OF THE CITY COUNCIL AND THE CITY OF KUNA;**

- **MAKING CERTAIN FINDINGS AND DECLARATION OF AUTHORITY; AND**
- **REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY ASSESSOR'S PARCEL NO. S1323212410 OWNED BY NSDF, LLC SITUATED WITHIN THE COPORATE LIMITS OF THE CITY OF KUNA, IDAHO; AND**
- **RESPECTIVELY ESTABLISHING C-1 ZONING DISTRICT CLASSIFICATION OF SAID REAL PROPERTY; AND**
- **AMENDING THE OFFICIAL ZONING MAP; AND**
- **DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

**Section 1:** The City Council finds:

- 1.1 WHEREAS,** City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts are established in Kuna City Code § 5-2-2; and
- 1.2 WHEREAS,** the NSDF, LLC (the "Owners") is the owner of the certain real property which has been designated by the Ada County Assessor's office: as Parcel No. **S1323212410** and which is more particularly described in "Exhibit A" – Legal Description and "Exhibit B" – Location Map, attached to this Ordinance and incorporated herein by reference (the "Subject Real Property") and has requested that the Subject Real Property be rezoned from the City's **R-6 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT ( the "Rezone")**; and
- 1.3 WHEREAS,** the Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing on March 13, and March 27, 2018, as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on April 10,

2018) where it was recommended to the Mayor and Council that the Owner's Rezone request; and

- 1.4 **WHEREAS**, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on June 19, 2018, on the Rezone, as required by Section 67-6525, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 made findings (approved on July 3, 2018) and determined that the requested rezone should be granted with a zoning classification C-1; and
- 1.5 **WHEREAS**, it is necessary that the City Council adopt this Ordinance, as required by Section 67-6511 (2) Idaho Code and Kuna City Code § 5-1A-7 G, to complete the process of implementing the decision of the Kuna City Council to Rezone the Subject Real Property.

**Section 2: Action:**

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO**, as follows:

- 2.1 The Subject Real Property is rezoned from **R-6 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT TO C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT (the "Rezone")**
- 2.2 The Zoning Map of the City of Kuna is hereby amended to comply with this Rezone.

**Section 3: Directing the City Engineer and City Clerk:**

- 3.1 The City Engineer is directed to change the zoning district depictions of the Subject Real Property on the Zoning Map of the City in accordance with this Rezone ordinance; and
- 3.2 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the City Engineer, Planning and Zoning Director and Owner.

**Section 4: Effective Date**

- 4.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 3<sup>rd</sup> day of September, 2019.

CITY OF KUNA



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Joe L. Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk

**EXHIBIT A**

**NSDF, LLC PROPERTY  
MUNICIPAL REZONE**

**PARCEL NO. S1323212410 Legal Description**

The following describes a Parcel of Land being a portion of the NE 1/4 NW1/4 of Section 23, Township 2 North, Range 1 West, Boise Meridian, Ada Canyon County Idaho, and more particularly described as follows:

**COMMENCING** at a found Brass Cap Marking the Northeast Corner of the NE 1/4 NW 1/4 (North 1/4 Corner) of said Section 23; From which, the Center 1/4 Corner of said Section 23 bears, South 00°02'52" West, a distance of 2636.10 feet which is being Monumented with a found Brass Cap;

Thence along the Northerly Boundary Line of the NE 1/4 NW1/4 of said Section 23, North 89°54'27" West, a distance of 46.97 feet to a point;

Thence leaving said Northerly Boundary Line, South 00°05'33" West, a distance of 45.00 feet to a point on the Southerly Right of Way Line of West Deer Flat Road, the **POINT OF BEGINNING**;

Thence along said Southerly Right of Way Line, South 44°55'50" East, a distance of 24.05 feet to a point on the Westerly Right of Way Line of North School Avenue;

Thence leaving said Southerly Right of Way Line, and along the Westerly Right of Way Line of North School Avenue, South 00°02'52" West, a distance of 423.00 feet to a point;

Thence leaving said Westerly Right of Way Line, North 89°54'43" West, a distance of 339.88 feet to a point;

Thence, North 00°11'27" West, a distance of 440.03 feet to a point on the Southerly Right of Way Line of West Deer Flat Road;

Thence along the Southerly Right of Way Line of West Deer Flat Road, South 89°54'27" East, a distance of 324.71 feet to the **POINT OF BEGINNING**;

**The above Described Parcel of Land contains 3.44 Acres, more or less.**

