

**ORDINANCE NO. 2020-11
CITY OF KUNA, IDAHO**

**EPIC DEVELOPMENT IDAHO LLC
MUNICIPAL REZONE**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:

- **MAKING CERTAIN FINDINGS; AND**
- **REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NO. S1315449223 OWNED BY EPIC DEVELOPMENT IDAHO LLC, SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND**
- **AMENDING THE 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**, EPIC DEVELOPMENT IDAHO LLC, (the “Owner”) is the owner of the certain real property which has been designated by the Ada County Assessor’s office as Parcel No. **S1315449223** 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 **C-1 - NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO R-20 - HIGH DENSITY RESIDENTIAL (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 August 27, 2019 as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on September 10, 2019) where it was recommended to the Mayor and Council that the rezoning for the lands described in Exhibit A from Neighborhood Commercial (C-1) to High Density Residential (R-20) be approved; and
- 1.4 WHEREAS**, the Kuna City Council, pursuant to public notice as required by law, held a public hearing on October 15, 2019, and on November 6, 2019 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 (November 6, 2019) and determined that the requested rezone should be granted with a zoning classification R-20 (High Density Residential); 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:

- 2.1** The Subject Real Property is rezoned from **C-1 - NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO R-20 – HIGH DENSITY RESIDENTIAL (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 18th day of February, 2020.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:


Chris Engels, City Clerk



EXHIBIT A
EPIC DEVELOPMENT IDAHO LLC
REZONE TO R-20

LEGAL DESCRIPTION

THE POINT OF BEGINNING IS ON THE TEN MILE CENTERLINE AND WHEN IT CLOSSES THEY STATE THE POINT OF BEGINNING IS AT THE WESTERN R/W, LEGAL DOESNT CLOSE.

A parcel of land being a portion of the SE1/4 of Section 15, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said Section 15, monumented by a 3.5" aluminum cap (Corner Record No. 10212985), from which the E1/4 corner of said Section 15, monumented by a 2" aluminum cap (Corner Record No. 2015-077010), bears North 00°14'52" East, a distance of 2661.45 feet;

Thence North 00°14'52" East, coincident with the east line of said Section 15, a distance of 984.42 feet to the **POINT OF BEGINNING**

Thence North 89°45'08" West, perpendicular to said east line, a distance of 195.25 feet to the beginning of a tangent curve to the right;

Thence northwesterly along the arc of said curve the right, an arc distance of 157.98 feet, said curve having a radius of 161.36 feet, a central angle of 56°05'44" and a chord bearing of North 61°42'16" West a distance of 151.75 feet;

Thence North 33°39'24" West, a distance of 334.67 feet to the southerly line of the Amended Plat of McClure Subdivision, Book 58, Pages 5637-5638, Ada County Records;

Thence South 89°22'45" East, coincident with said southerly line, a distance of 139.47 feet;

Thence North 06°06'03" East, coincident with said southerly line, a distance of 188.79 feet;

Thence South 87°21'08" East, coincident with said southerly line, a distance of 309.40 feet to said westerly right of way line;

Thence South 00°14'52" West, coincident with said westerly right of way line, a distance of 523.06 feet to the **POINT OF BEGINNING**.

The above described parcel contains 178,750 square feet or 4.104 acres, more or less.

Together with and subject to covenants, easements, and restrictions of record.

The basis of bearings for this parcel is North 00°14'52" East between the southeast corner and the E1/4 corner of said Section 15.

EXHIBIT B LOCATION MAP

