

**ORDINANCE NO. 2021-02
CITY OF KUNA, IDAHO**

**CHALLENGER DEVELOPMENT INC
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 NOS. R0501710340, R0501710360 AND R0501710380 OWNED BY CHALLENGER DEVELOPMENT INC, 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.**

BE IT ORDAINED by the Mayor and City Council of the City of Kuna, Ada County, Idaho:

Section 1: The City Council findings: The City Council makes the following findings of its authority, purpose and the history of its enactment of this ordinance:

- 1.1 City of Kuna, Idaho (the “City”) 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 CHALLENGER DEVELOPMENT INC (the “Owner”) is the owner of the certain real property which has been designated by the Ada County Assessor’s office as Parcel Nos. R0501710340, R0501710360 and R0501710380 and which is legally described in “Exhibit A” –and is depicted in the Location Map “Exhibit B” both of which are 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-4 – MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT TO C-1 – NEIGHBORHOOD COMMERCIAL (the “Rezone”); and
- 1.3 The Subject Real Property formerly was in two parcels of 114 acres more or less; and
- 1.4 Corey Barton Homes, Inc. the original owner of the Subject Real Property, filed an application for the annexation of the Subject Real Property from a Rural Residential Zone to an R-4 zone which was processed as Case No. 02-01-AN (Annexation), a Preliminary Plat which was processed as Case No. 02-01-S, a Planned Unit Development which was

processed as 02-01-PUD and a Development Agreement with a request for Neighborhood Commercial as a condition of development; (the “Subject Permit Applications”) and

- 1.5 The City Planning and Zoning Commission, pursuant to public notice as required by law, held a public hearing on the Subject Permit Applications on November 19, 2002 as required by Section 67-6525, Idaho Code, made findings (approved by the Commission on November 25, 2002) with a recommendation to the Mayor and Council that the rezoning for the Subject Real Property from Medium Density Residential (R-4) to Neighborhood Commercial (C-1) be approved; and
- 1.6 The Kuna City Council, pursuant to public notice as required by law, held a public hearing on April 14, 2003 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 issued findings of fact, conclusions of law and decision on (April 28, 2003) that the requested rezone was granted with a zoning classification C-1 (Neighborhood Commercial); and
- 1.7 The City still provides in Section 5-2-2 of the Kuna City Code for a C-1 Neighborhood commercial district as it did in April of 2003; and
- 1.8 Based upon the request of the Owner and upon the prior actions of the Kuna City Council as herein set forth 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 from the City’s R-4 – MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT TO C-1 – NEIGHBORHOOD COMMERCIAL (the “Rezone”).

Section 2: Action:

- 2.1 The Subject Real Property is rezoned from R-4 – MEDIUM DENSITY RESIDENTIAL TO C-1 – NEIGHBORHOOD COMMERCIAL (the “Rezone”); and
- 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 I.C. § 50-901A, Idaho Code, may be published together with compliance with the requirement of I.C. § 50-901 A (2), that either the section of this ordinance which contain the legal description or a map containing sufficient detail of the area of the Subject Real Property be published in full.


DATED this 5th day of January, 2021.

CITY OF KUNA



Joe L. Stear, Mayor

ATTEST:



Chris Engels, City Clerk



EXHIBIT A

CHALLENGER DEVELOPMENT INC
REZONE TO C-1

Legal Descriptions

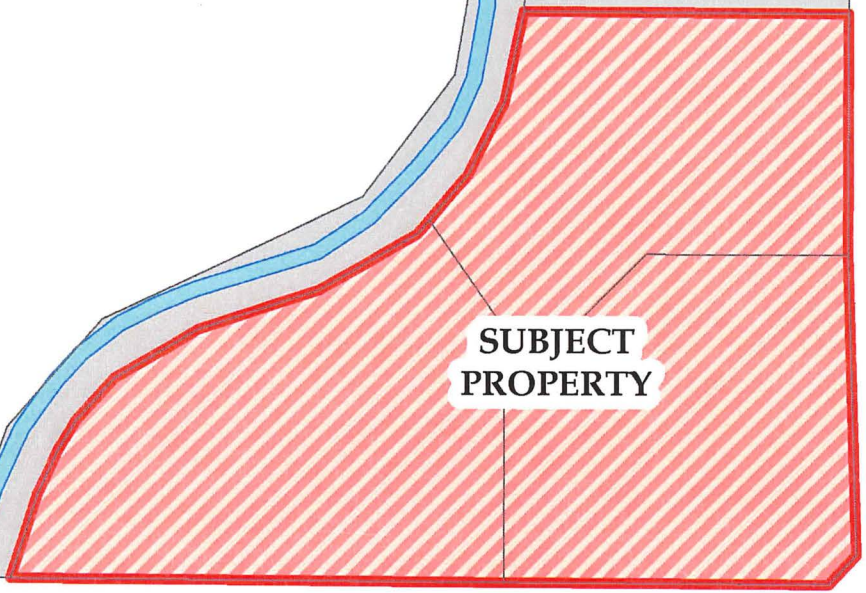
Arbor Ridge Villas

A parcel being a portion of the SW ¼ of Section 14, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly describes as follows:

All of lots, 17, 18, and 19 of Block 15 of Arbor Ridge Subdivision No. 5, as same is recorded in Book 118 of Plats at Page 18091-18094, records of Ada County, Idaho.

Said parcels containing 2.10 acres, more or less.

EXHIBIT B LOCATION MAP






SUBJECT
PROPERTY

N School Ave

W Ardell Rd

LEGEND

-  SUBJECT PROPERTY
-  KUNA CITY LIMITS
-  ADA COUNTY PARCELS

MLB