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ORDINANCE NO. 1981-3

AN ORDINANCE

PURSUANT TO CHAPTER 36, SECTION 36-51 THROUGH 36-58 SFCC 1973 (BEING ORDINANCE NO. 1962-19, AS AMENDED) THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE CLASSIFICATION OF A CERTAIN AREA WHICH IS PRESENTLY DESIGNATED AND CLASSIFIED AS R-2 (2 UNITS/ACRE) SINGLE FAMILY RESIDENTIAL AND RM-1 (21 UNITS/ACRE) MULTIPLE FAMILY RESIDENTIAL TO PRC, PLANNED RESIDENTIAL COMMUNITY, (2.39 UNITS PER ACRE, NEIGHBORHOOD COMMERCIAL SERVICES, PARKS AND OPEN SPACE).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1: The following area which is restricted to and classified as R-2 (2 units/acre) Single Family Residential and RM-1 (21 units/acre) Multiple Family Residential is reclassified as PRC, Planned Residential Community (2.39 units per acre, Neighborhood Commercial Services, Parks and Open Space).

Tract A

Beginning at the southwest corner of the tract herein described from whence Sanitary Sewer Manhole No. X5-C3 bears:

S 81° 13' W 56.75 feet;

thence from said point and place or beginning along the following bearings and distances:

N 21° 48' 30" E 120.1 feet;  
S 68° 25' 30" E 110.1 feet;  
N 21° 40' 30" E 108.24 feet;  
N 67° 30' W 10.1 feet;  
N 21° 46' E 164.8 feet;

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S 68° 16' E 39.93 feet;  
N 21° 54' E 24.90 feet;  
S 68° 00' E 57.12 feet;  
N 52° 50' E 122.45 feet;  
S 67° 57' E 35.1 feet;  
N 22° 02' E 149.78 feet;  
N 67° 56' W 155.4 feet;  
N 21° 27' E 50.10 feet;  
N 23° 58' E 99.38 feet;  
N 24° 02' E 358.4 feet;  
N 78° 27' W 153.7 feet;  
N 76° 44' W 130.25 feet;  
N 62° 56' E 55.55 feet;  
S 76° 19' E 132.8 feet;  
N 72° 56' E 151.6 feet;  
N 54° 51' E 185.2 feet;  
N 68° 39' E 752.6 feet;  
S 51° 16' E 486.95 feet;  
S 54° 24' E 197.6 feet;  
S 54° 21' E 187.7 feet;  
S 54° 22' E 1023.15 feet,

to a point on the north right of way of Hyde Park Road;  
thence 80.91 feet along a curve to the left whose chord  
bears: S 67° 22' W, 80.8 feet; thence S 69° 36' W,  
1553.9 feet; thence 760.77 feet along a curve to the  
right whose chord bears: S 85° 20' W, 751.21 feet;  
thence N 10° 28' E, 10.06 feet; thence 258.81 feet  
along a curve to the right whose chord bears:

N 73° 24' 30" W 258.03 feet;  
S 22° 46' 30" W 19.7 feet;  
N 68° 07' 30" W 430.08 feet;  
S 23° 18' W 14.5 feet;  
N 67° 33' W 75.08 feet;

to a point of beginning, containing 68.36 acres, more  
or less, as shown on plat of survey by Jack G. Horne,  
entitled "The Prince Estate-North of Hyde Park Road,"  
dated February 12, 1980.

Tract B

Beginning at a point from which Manhole No. W3K2-2  
bears N 27° 46' E, 46.7 feet, thence from said point of  
beginning:

S 78° 05' W 118.0 feet;  
S 80° 28 1/2' W 434.56 feet;  
S 9° 14' W 92.0 feet;  
S 43° 50' E 120.0 feet;  
S 84° 17' W 295.2 feet;  
N 63° 31' W 39.83 feet;  
S 19° 42' W 85.0 feet;  
N 53° 13' W 225.6 feet;

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N 63° 41' W 79.92 feet;  
S 23° 58' W 187.1 feet;  
N 65° 00' W 66.1 feet;  
N 33° 05' W 34.0 feet;  
N 58° 54' W 31.3 feet;  
N 34° 10' E 397.1 feet;  
N 73° 04 1/2' W 175.56 feet;  
S 25° 50' W 214.3 feet;  
N 74° 23' W 109.5 feet;  
N 77° 31' W 35.1 feet;  
N 28° 00' E 221.0 feet;  
S 73° 04 1/2' E 50.3 feet;  
N 37° 21' E 1026.19 feet;  
N 50° 18' W 93.95 feet;  
N 59° 27' E 125.55 feet;

thence 145.19 feet along a curve to the left whose chord bears:

N 66° 08' E 145.13 feet;  
S 54° 30 1/2' E 1693.1 feet;  
S 53° 01' W 1984.46 feet;  
N 78° 03' W 330.14 feet;  
N 80° 56' W 665.03 feet;  
N 78° 55' W 357.4 feet;  
N 18° 45' E 201.54 feet,

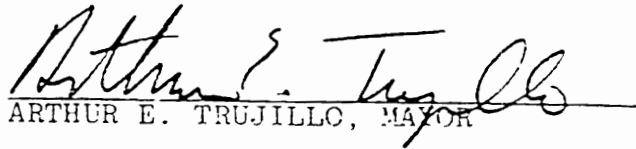
to a point and place of beginning. Containing 120.90 acres, more or less, as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate - South of of Hyde Park Road," dated February, 1980.

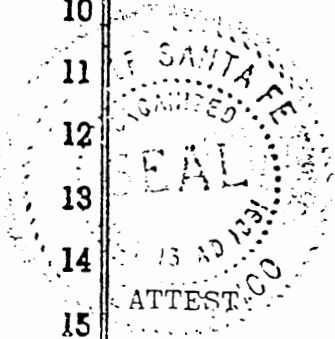
Section 2: The Official Zoning Map of the City of Santa Fe adopted by Resolution 1981-6 is amended to conform to the change of classification set out in Section 1 of the Ordinance.

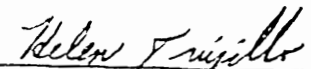
Section 3. This Ordinance shall be effective five days after its publication in its entirety as provided in Section 3-17-5, NMSA 1978.

1 This Ordinance is approved subject to terms and conditions  
2 on file in the City Clerk's Office and available to the public:  
3 which terms and conditions are incorporated herein by reference  
4 as though set forth in full detail and as recorded in the Minutes  
5 of the Governing Body at its regularly scheduled meeting of  
6 January 28, 1981, commencing at 7:30 P.M.

7  
8 PASSED, ADOPTED AND APPROVED THIS 28th DAY OF January, 1981

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12 ARTHUR E. TRUJILLO, MAYOR



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18 HELEN TRUJILLO, City Clerk

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21 APPROVED AS TO FORM:  
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24 FRANK COPPLER, City Attorney  
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CONDITIONS OF ORDINANCE 1981-3 ESTANCIA PRIMERA PRC  
PLANNED RESIDENTIAL COMMUNITY - PRC

The property described as follows:

Two certain tracts of land lying and being situate within the City of Santa Fe, State of New Mexico, being more particularly described as follows:

TRACT A:

Beginning at a point on the north right of way line of Hyde Park Road from which manhole No. X 5-C3 bears:

S 81° 14' W 56.75 feet;

thence from said point and place of beginning along the following bearings and distances:

- N 21° 50' E 120.1 feet;
- S 68° 27' E 110.1 feet;
- N 21° 38' E 108.24 feet;
- N 67° 30' W 10.1 feet;
- N 21° 46' E 164.8 feet;
- S 68° 16' E 39.93 feet;
- N 21° 48' E 24.9 feet;
- S 68° 06' E 57.12 feet;
- N 52° 44' E 122.45 feet;
- S 67° 56' E 35.1 feet;
- N 22° 02 1/2' E 149.78 feet;
- N 68° 01' W 155.4 feet;
- N 21° 23' E 49.9 feet;
- N 23° 59' E 99.3 feet;
- N 24° 05 1/2' E 358.3 feet;
- N 78° 47' W 153.7 feet;
- N 76° 44' W 130.25 feet;
- N 62° 56' E 55.55 feet;
- S 76° 19' E 132.8 feet;
- N 72° 56' E 151.6 feet;
- N 54° 45 1/2' E 185.2 feet;
- N 68° 43' E 752.6 feet;
- S 51° 19' E 486.95 feet;
- S 54° 27' E 383.1 feet;
- S 54° 29' E 1023.15 feet,

thence 80.91 feet along a curve to the right whose chord bears:

- S 67° 15' W 80.9 feet;
- S 69° 36 1/2' W 1553.9 feet,

thence 759.05 feet along a curve to the right whose chord bears:

- S 85° 16' W 749.6 feet;
- N 10° 28' E 10.06 feet,

thence 258.81 feet along a curve to the right whose chord bears:

- N 73° 24' W 258.43 feet;
- S 22° 46 1/2' W 19.7 feet;
- N 68° 09' W 430.0 feet;
- S 23° 20' W 14.5 feet;
- N 67° 32' W 75.12 feet,

7-11-744  
 STATE OF NEW MEXICO  
 COUNTY OF SANTA FE 155  
 WILLIAM H. HARRIS, Notary Public  
 My Hand and Seal of Office  
 C. KOLUNA R. GONZALES  
 County Clerk, Santa Fe County, N.M.  
 I hereby certify that this instrument was  
 for record on the 28 day of April, A.D.,  
 1981 at 2:34 o'clock P.M.  
 and was duly recorded in Book 419  
 page 679-685 in the records of Santa Fe County

*Dolores Hargrove*  
 Deputy

419400

to the point of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-North of Hyde Park Road", dated February 12, 1980.

TRACT B:

Beginning at a point from which manhole No. W3K2-2 bears N 27° 46' E., 46.7 feet, thence from said point of beginning:

S 78° 05' W 118.0 feet;  
S 80° 28 1/2' W 434.56 feet;  
S 9° 14' W 92.0 feet;  
S 43° 50' E 120.0 feet;  
S 84° 17' W 295.2 feet;  
N 63° 31' W 39.83 feet;  
S 19° 42' W 85.0 feet;  
N 53° 13' W 225.6 feet;  
N 63° 41' W 79.92 feet;  
S 23° 58' W 187.1 feet;  
N 65° 00' W 66.1 feet;  
V 33° 05' W 34.0 feet;  
N 58° 54' W 31.3 feet;  
N 34° 10' E 397.1 feet;  
N 73° 04 1/2' W 172.56 feet;  
S 25° 50' W 214.3 feet;  
N 74° 23' W 109.5 feet;  
N 77° 31' W 35.1 feet;  
N 28° 00' E 221.0 feet;  
S 73° 04 1/2' E 50.3 feet;  
N 37° 21' E 1026.19 feet;  
N 50° 18' W 93.95 feet;  
N 59° 27' E 125.55 feet,

thence 291.87 feet along a curve to the left whose chord bears:

N 84° 25' E 291.4 feet;  
S 10° 56' E 189.69 feet;  
N 79° 04' E 209.3 feet;  
N 11° 00' W 208.9 feet;  
N 60° 45' E 33.4 feet;  
N 69° 36 1/2' E 1550.7 feet,

thence 145.19 feet along a curve to the left whose chord bears:

N 66° 08' E 145.13 feet;  
S 54° 30 1/2' E 1693.1 feet;  
S 53° 01' W 1984.46 feet;  
N 78° 03' W 330.14 feet;  
N 80° 56' W 665.03 feet;  
N 78° 55' W 357.4 feet;  
N 18° 45' E 201.54 feet,

to the point and place of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-South of Hyde Park Road", dated February, 1980. (the property)

was zoned by the governing body as a PRC with an average density of 2.38 units per acre, up to 450 units, on January 28, 1981.

The property, as zoned, has the following conditions attached thereto:

1. Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on those submittals.
2. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera inter-section.
3. No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:
  - (a) if it remains as residential
  - (b) if it is approved for commercial
4. Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.
5. Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 22, 1980.
6. The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer's share shall be proportionate to the development's impact on those required improvements.
7. **SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA, LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL SUBMITTALS AND CONDITIONS & MISCELLANEOUS:**
  - A. **SITE PLANNING CRITERIA.** All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through A.3.
    1. **Topography.** No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination.

The slope analysis to be submitted by NMRI shall be the basis for this determination.

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2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in (1) above, or 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.

3. Maximum Height of Buildings.

a. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.

b. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excepted from this height limitation.

c. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excepted from this height limitation.

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission:

1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.

2. In addition to the provisions of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitations to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.

3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.

4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.



5. A phasing program for development incorporating schedules by tract or phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.

C. GUARANTEES. NMRI, in order to guarantee compliance with the plans and conditions of approval of the final subdivision plat for each individual PRC tract, agrees to the following:

1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.

2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.

3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

4. NMRI and its successors in interest, including the homeowners or the homeowners' association, shall provide necessary liability and property damage insurance in order to protect adjacent property owners from failure of drainage and erosion control structures which were required for the development.

5. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.

D. MISCELLANEOUS.

1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment to the PRC zoning district which requires the review and approval by the Commission and City Council.

2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster

housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unit within an approximate 30 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City Staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.

3. NMRI or its successors in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. I.e. these Conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community - PRC are covenants running with the property and binding upon any and all successors in interest.

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plans approved by the City on January 28, 1981.

7. The phrase "commission" means the Santa Fe City Planning Commission or its successor in interest.

8. TRACT O DEVELOPMENT CONDITIONS:

A. Tract "O", as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract "O" of NMRI or the developer of Tract "O"'s intent to apply for final plat approval for the development of Tract "O".

C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.

D. If the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".

E. These conditions shall be binding upon NMRI or the developer of Tract "O" and any assignee or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.

F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

9. OFF SITE IMPROVEMENTS.

A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and the City to the following streets and intersections:

1. Hyde Park Road
2. Otero Street intersection with Paseo de Peralta
3. Hyde Park Road intersection with Bishop's Lodge Road
4. Bishop's Lodge Road intersection with Paseo de Peralta

B. Improvements to the intersection of Hyde Park Road and the Estancia Primera street system shall be constructed at the sole expense of NMRI.

C. Between the North boundary of Tract K and the South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1981, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzales Road to the Estancia Primera development, NMRI or its successors in interest will dedicate said easement to the City as a right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenants in deeds to lot owners or unit owners in tracts J and K, inform said lot owners or unit owners of the easement and the conditions of dedication of this easement as right-of-way to the City.

TEST:

CITY OF SANTA FE

Helena Trujillo, Clerk

Arthur E. Trujillo, Mayor

APPROVED:

Frank Coppler, City Attorney