



September 7, 2022

City of Albuquerque  
Administrative Amendment

Re: Justification/Explanation Letter

This letter is to inform you that Array Technologies, Inc located at 3901 Midway Pl NE intends to pull a permit to install a new 6' chain link fence around their property, to secure their site. The IDO Zone Atlas page E-17-Z shows where the property is located. The Property is 6.18 acres in size and has an office/warehouse on site. The building is oriented on a 45-degree angle to the property line. The property is further back than a typical site. The six-foot fence will extend to the end of the secured loop road around the property, but not to the actual front of the property. This fence will not negatively impact any public safety, health, or welfare. The steel fence is aesthetically pleasing and will be used to improve the safety and security of the property.

Respectfully submitted,

Jeremy Zak  
Project Manager  
[jeremyz@klingerllc.com](mailto:jeremyz@klingerllc.com)  
505.366.7631

**KLINGER CONSTRUCTORS, LLC**

8701 Washington NE • Albuquerque, NM 87113 • PO Box 90850; 87199 • 505.822.9990 • FAX 505.821.0439  
[www.klingerllc.com](http://www.klingerllc.com) • New Mexico License 89629

## FORM P3: ADMINISTRATIVE DECISIONS AND MINOR AMENDMENTS

A single PDF file of the complete application including all plans and documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other on-line resources such as Dropbox or FTP.

### ☐ **INFORMATION REQUIRED FOR ALL ADMINISTRATIVE DECISIONS OR AMENDMENTS**

- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Zone Atlas map with the entire site clearly outlined and label

### ☐ **ARCHEOLOGICAL CERTIFICATE**

- ☐ Archaeological Compliance Documentation Form with property information section completed
- ☐ Only the information above is required unless the City Archaeologist determines that the application does not qualify for a Certificate of No Effect, in which case a treatment plan prepared by a qualified archaeologist that adequately mitigates any archeological impacts of the proposed development must be submitted and reviewed for a Certificate of Approval per the criteria in IDO Section 14-16-6-5(A)(3)(b)

### ☐ **MINOR AMENDMENT TO SITE PLAN – ADMIN, EPC, or DRB**

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Y)(2)
- ☐ The approved Site Plan being amended
- ☐ Copy of the Official Notice of Decision associated with the prior approval
- ☐ The proposed Site Plan, with changes circled and noted  
*Refer to the Site Plan Checklist for information needed on the proposed Site Plan.*
- ☐ Completed Site & Building Design Considerations Form in accordance with IDO Section 5-2(D) for new commercial and multifamily development except if the development is industrial or the multifamily is less than 25 units

***Minor Amendments must be within the thresholds established in IDO TABLE 6-4-4. Any amendment beyond these thresholds is considered a Major Amendment and must be processed through the original decision-making body for the request.***

### ☒ **MINOR AMENDMENT TO SITE DEVELOPMENT PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF THE IDO**

- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Z)(1)(a)—
- ☒ The approved Site Development Plan being amended
- ☒ Copy of the Official Notice of Decision associated with the prior approval
- ☒ The proposed Site Development Plan, with changes circled and noted  
*Refer to the Site Plan Checklist for information needed on the proposed Site Plan.*
- ☐ Completed Site & Building Design Considerations Form in accordance with IDO Section 5-2(D) for new commercial and multifamily development except if the development is industrial or the multifamily is less than 25 units

***Minor Amendments must be within the thresholds established in IDO TABLE 6-4-4. Any amendment beyond these thresholds is considered a Major Amendment and must be processed through the original decision-making body for the request.***

### ☐ **ACCELERATED EXPIRATION SITE PLAN**

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)(c)
- ☐ Site Plan to be Expired

### ☐ **ALTERNATIVE SIGNAGE PLAN**

- ☐ Proposed Alternative Signage Plan compliant with IDO Section 14-16-5-12(F)(5)
- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-5(C)(3)(b)
- ☐ Required notices with content per IDO Section 14-16-6-4(K)
  - ☐ Office of Neighborhood Coordination notice inquiry response and proof of emailed notice to affected Neighborhood Association representatives
- ☐ Sign Posting Agreement

### ☐ **ALTERNATIVE LANDSCAPE PLAN**

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-5-6(C)(16)
- ☐ Landscape Plan



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

| Administrative Decisions  | Decisions Requiring a Public Meeting or Hearing                                   | Policy Decisions   |
|---|---|--|
| <input type="checkbox"/> Archaeological Certificate (Form P3)                     | <input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)  | <input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z) |
| <input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L) | <input type="checkbox"/> Master Development Plan (Form P1)                        | <input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)                |
| <input type="checkbox"/> Alternative Signage Plan (Form P3)                       | <input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L) | <input type="checkbox"/> Amendment of IDO Text (Form Z)  |
| <input checked="" type="checkbox"/> Minor Amendment to Site Plan (Form P3)        | <input type="checkbox"/> Demolition Outside of HPO (Form L)                       | <input type="checkbox"/> Annexation of Land (Form Z)   |
| <input type="checkbox"/> WTF Approval (Form W1)                                   | <input type="checkbox"/> Historic Design Standards and Guidelines (Form L)        | <input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)                                |
|   | <input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)    | <input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)                            |
|   |   |  |
|   |   | <b>Appeals</b>   |
|   |   | <input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)                      |

### APPLICATION INFORMATION

|   |                  |                                     |
|---|------------------|-------------------------------------|
| Applicant: <u>Jeremy Zak Project Manager, Kluger Constructors</u> |                  | Phone: <u>(505) 366-7631</u>        |
| Address: <u>PO Box 90850</u>                                      |                  | Email: <u>Jeremy.Z@klugercc.com</u> |
| City: <u>ABQ</u>  | State: <u>NM</u> | Zip: <u>87199</u>                   |
| Professional/Agent (if any):                                      |                  | Phone:                              |
| Address:  |                  | Email:                              |
| City:   | State:           | Zip:                                |
| Proprietary Interest in Site:                                     |                  | List <u>all</u> owners:             |

### BRIEF DESCRIPTION OF REQUEST

|   |
|---|
| <u>Installing a 6' tall Chain Link Fence around Perimeter of Property</u> |
|---|

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

|                                   |                               |   |
|-----------------------------------|-------------------------------|---|
| Lot or Tract No.: <u>B1 B1 A1</u> | Block:                        | Unit:                                   |
| Subdivision/Addition:             | MRGCD Map No.:                | UPC Code:                               |
| Zone Atlas Page(s): <u>E-17-2</u> | Existing Zoning: <u>NR-3P</u> | Proposed Zoning: <u>No Change</u>       |
| # of Existing Lots: <u>1</u>      | # of Proposed Lots: <u>1</u>  | Total Area of Site (acres): <u>6.18</u> |

### LOCATION OF PROPERTY BY STREETS

|  |          |      |
|--|----------|------|
| Site Address/Street: <u>3601 Midway Pl. NE</u> | Between: | and: |
|--|----------|------|

### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

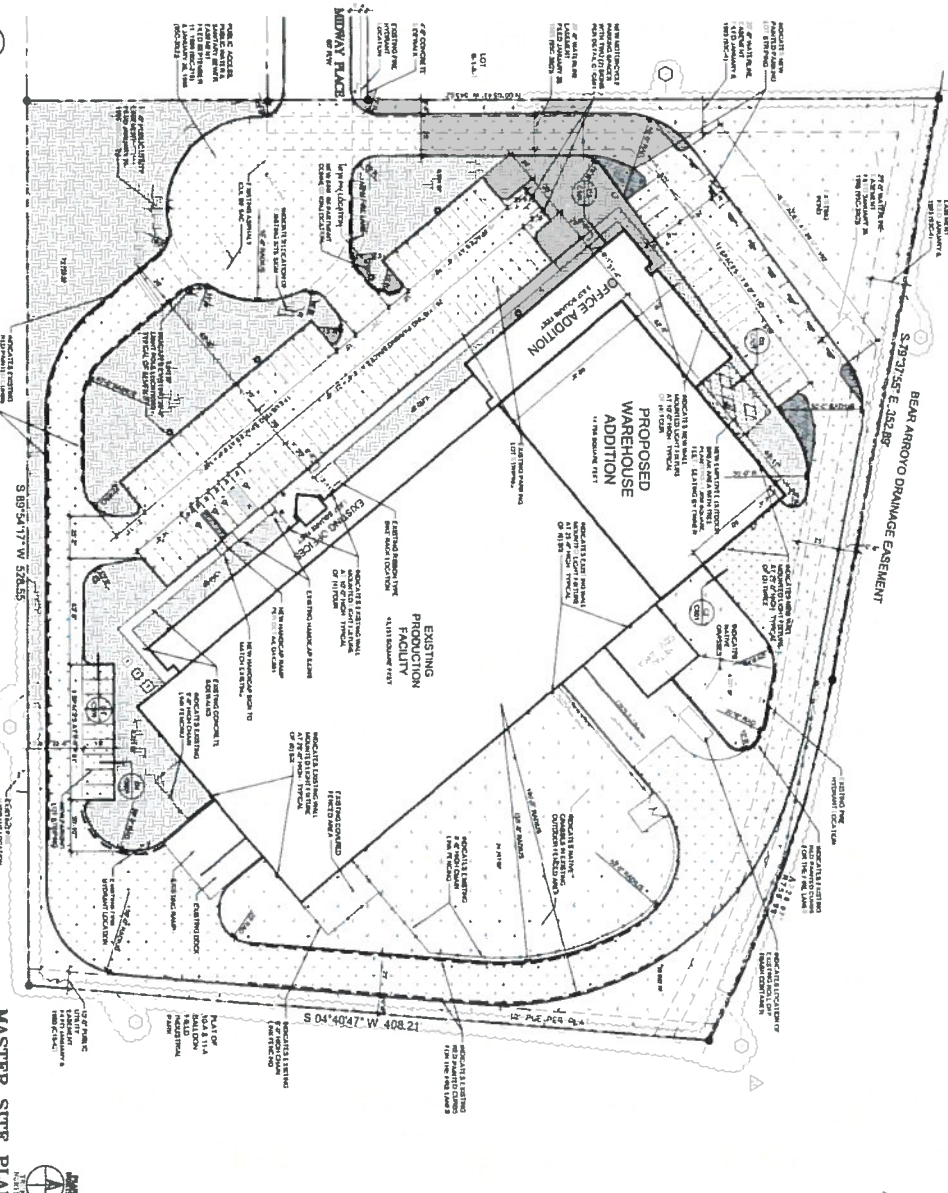
|                                 |   |
|---------------------------------|---|
| Signature: <u>[Signature]</u>   | Date: <u>9.7.22</u>   |
| Printed Name: <u>Jeremy Zak</u> | <input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent |

### FOR OFFICIAL USE ONLY

| Case Numbers          | Action | Fees | Case Numbers | Action | Fees |
|-----------------------|--------|------|--------------|--------|------|
|                       |        |      |              |        |      |
|                       |        |      |              |        |      |
|                       |        |      |              |        |      |
|                       |        |      |              |        |      |
| Meeting/Hearing Date: |        |      | Fee Total:   |        |      |
| Staff Signature:      |        |      | Date:        |        |      |
|                       |        |      | Project #    |        |      |



D3 VISION MAP / LOCATION MAP



A2 SCALE 1" = 30'-0"

MASTER SITE PLAN

LEGEND

- LOTION OF LANDSCAPED AREA AND LOT 100 AREA
- EXISTING ASPHALT CONCRETE PAVING
- EXISTING CONCRETE PAVING AND CONCRETE SIDEWALKS
- EXISTING ASPHALT DRIVEWAYS
- PROPERTY LINE
- EXISTING ROADWAY

KEYED NOTES

1. NEW 10' TALL CHAIN LINK SECURITY FENCE

PROJECT INFORMATION

PROJECT: ARRAY TECHNOLOGIES - NEW SECURITY FENCE

OWNER: ARRAY TECHNOLOGIES, 3601 MIDWAY PLACE, N.E. ALBUQUERQUE, NEW MEXICO 87108

ARCHITECT: STUDIO SOUTHWEST ARCHITECTS, 2101 KRAMER ROAD NW Suite B Albuquerque NM 87104

LEGAL DESCRIPTION: LOT 100, ALBUQUERQUE INDUSTRIAL PARK, SITE 1017062156 18530255

ZONING ATLAS MAP: E-172

CURRENT ZONING CLASSIFICATION: VR-8P

ORIGINAL ZONING CLASSIFICATION: NO CHANGE - JP ZONE (INDUSTRIAL PARK)

BUILDING TYPE: OFFICE WAREHOUSE

CONSTRUCTION TYPE: TYPE IIB 100% FIRE SPRINKLER SYSTEM

NUMBER OF FLOORS: ONE FLOOR

GROSS SQUARE FOOTAGE: 59,565 GSF

ALLOWABLE AREA: 103800 SQUARE FEET

TOTAL BUILDING AREAS: 69,565 SQUARE FEET

BUILDING HEIGHT: ONE STORY 43'-0" ABOVE FINISH GRADE

TOTAL LOT AREA: 269,342 SQUARE FEET 6.1804 ACRES

NET LOT AREA: 196,776 SQUARE FEET

TOTAL PARKING & PAVED AREA: 86,729 SQUARE FEET

TOTAL LANDSCAPED AREA PROVIDED: 40,802 SQUARE FEET

PERCENTAGE OF SITE LANDSCAPED: 15%

LANDSCAPE TO PARKING AREA RATIO: 1 TO 0.4892

**STUDIO SW ARCHITECTS**  
3115 Main Street, Suite 100, Albuquerque, NM 87110  
505.241.5623 www.studiosw.com



Project Name: ARRAY TECHNOLOGIES SECURITY FENCE  
Project Address: 3601 MIDWAY PLACE, N.E. ALBUQUERQUE, NEW MEXICO 87108



| No. | Date    | Description  |
|-----|---------|--------------|
| 1   | 5-27-22 | Final Design |
| 2   | 5-27-22 | Final Design |
| 3   | 5-27-22 | Final Design |
| 4   | 5-27-22 | Final Design |
| 5   | 5-27-22 | Final Design |
| 6   | 5-27-22 | Final Design |
| 7   | 5-27-22 | Final Design |
| 8   | 5-27-22 | Final Design |
| 9   | 5-27-22 | Final Design |
| 10  | 5-27-22 | Final Design |





501 Rio Grande Boulevard, N.W.  
Albuquerque, New Mexico  
Phone: (505) 942-1113

**CHARTERED ACCOUNTANTS**

## CONSULTANTS

**PROFESSIONAL SEAL**

**ADAM**

**ARRAY  
TECHNOLOGIES**  
OFFICE WAREHOUSE  
ADDITION &  
RENOVATION  
3001 MURRAY PLACE, N.Y.

[illegible]

**C101**

[illegible]

**SIGNATURE BLOCK**

[illegible]

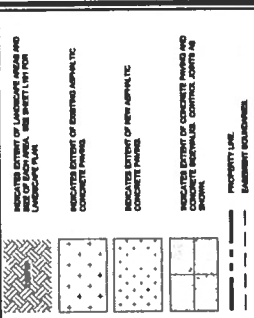
## WINN-DIXIE MAP



### STUDY PLAN LEGEND



### **SITE PLAN LEGEND**



**EXISTING SITE SIGN**

BEAR ARROYO DRAINAGE EASEMENT  
S 79° 37' 55" E 352.69'

# MASTER SITE PLAN



**CONFIDENTIAL FILE  
INTERVIEW LOCATION**

⑤

## SMALL WALL / FENCE APPLICATION

PERMIT# CEP-2020-001804

### CONSTRUCTION ADDRESS:

3901 Midway PI NE

City: Albuquerque, NM 87109

State:

Zip:

### APPLICANT:

Name: Joe Cormier, Array Technologies

Phone: (505) 339-5965

Email: jcormier@arraytechinc.com

### PROPERTY OWNER (If different from applicant)

Name: Same As Applicant

Address:

City:

State:

Zip:

Phone:

Email:

WALL / FENCE PERMIT 441109-4919000

FEES TOTAL \$35.00

### ZONING OFFICIAL USE ONLY

APO:

CPO#

HPO#

VPO#

Lot:

Block:

Subdivision:

Zone:

Map page:

UPC#

Does historic zone apply

Yes ☐ No ☐

If yes LC approval req'd

(attach copy)

Within 1000 feet of landfill site

Yes ☐ No ☐

If yes Env. Health approval req'd

(attach copy)

Site Plan

Yes ☐ No ☐

ONC

Yes ☐ No ☐

Mapped Area

Yes ☐ No ☐

### APPROVED / DENIED (Circle one)

ZHE Project #

Approved By:

Date:

Denied By:

Date:

Description Of Wall / Reason For Denial:

Linear feet:

I hereby acknowledge that this application is correct and I agree to comply with all city ordinances. I understand that this permit shall not be valid without full knowledge of the property owner. I understand that the issuance of this permit shall not prevent zoning enforcement from thereafter requiring correction of violations. Finally, I understand that this permit is not valid until a fee is paid.

SIGNATURE

Joe Cormier

DATE 1/7/2021

\* Site Plan



CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Array Technologies, Inc. (Agent, Joel Loes) requests a variance for a 6 foot fence for Lot B1B1A1, ABQ Industrial Park Site, located at 3901 Midway PL NE, zoned NR-BP [Section 14-16-5-7-D]

Special Exception No:..... **VA-2021-00293**  
Project No: ..... **Project#2021-005767**  
Hearing Date: ..... 09-21-21  
Closing of Public Record: ..... 09-21-21  
Date of Decision: ..... 10-06-21

On the 21st day of September, 2021, Joel Loes, agent for property owner Array Technologies, Inc. ("Applicant") appeared before the Zoning Hearing Examiner ("ZHE") requesting a variance for a 6 foot fence ("Application") upon the real property located at 3901 Midway PL NE ("Subject Property"). Below are the ZHE's finding of fact and decision:

FINDINGS:

1. Applicant is requesting a variance for a 6-foot fence.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(O)(3)(a) (Variance-Review and Decision Criteria) reads: "... *an application for a Variance-ZHE shall be approved if it meets all of the following criteria:*
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties."*
3. The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO Section 14-16-6-4(E)(3).
4. The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO Section 14-16-6-4(E)(4).
5. Applicant appeared and gave evidence in support of the application.

DECISION:

APPROVAL of a variance for a 6-foot fence.

APPEAL:

If you wish to appeal this decision, you must do so by October 21, 2021 pursuant to Section 14-16-6-4(V), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number. Approval of a conditional use or a variance application is void after one year from date of approval if the rights and privileges are granted, thereby have not been executed, or utilized.



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Robert Lucero, Esq.  
Zoning Hearing Examiner

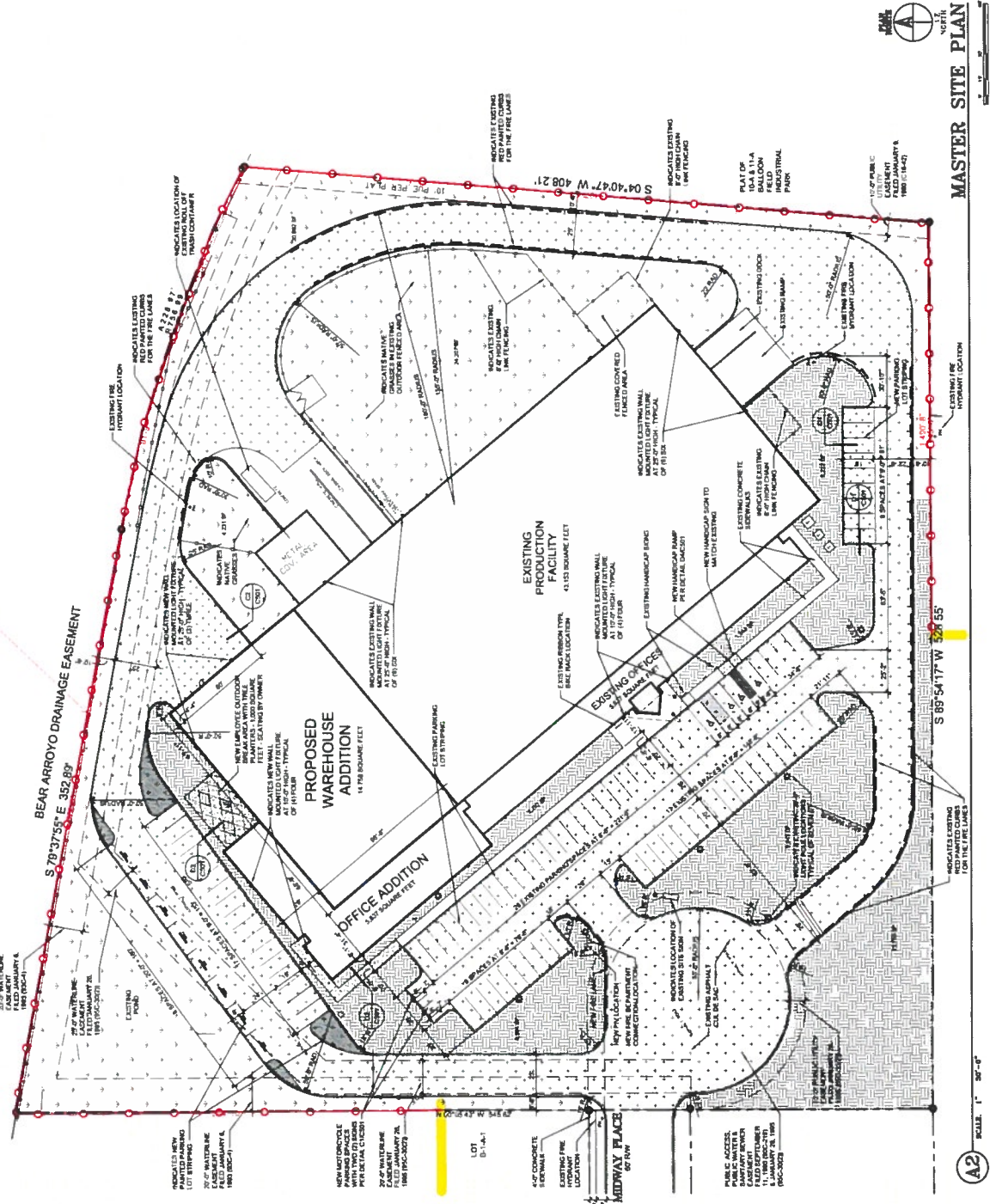
Cc:

ZHE File  
Zoning Enforcement  
Joel Loes, JoelL@klingerllc.com



\* Site amendment

+/- 1490 LF OF 6' HIGH  
CHAIN LINK FENCING



- ### SITE GENERAL NOTES
- THE CONTRACTOR SHALL NOTIFY THE OWNER'S SURVEY FOR THE SITE AND BOUNDARY DESCRIPTION.
  - THE CONTRACTOR SHALL SUBMIT AUTOMATIC FIRE SPRINKLER SYSTEMS FOR APPROVAL TO THE CITY OF ALBUQUERQUE, NEW MEXICO, FOR APPROVAL AS REQUIRED PER NFPA 13.
  - THE CONTRACTOR SHALL SUBMIT FIRE ALARM SYSTEM SHOP DRAWINGS WITH A SEAL TO THE CITY OF ALBUQUERQUE FIRE DEPARTMENT FOR APPROVAL.
  - THE FIRE SPRINKLER SYSTEM SHALL BE SHUT DOWN AND MONITORED FOR 30 MINUTES AFTER THE SYSTEM IS SHUT DOWN.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF ALBUQUERQUE UTILITIES PRIOR TO COMMENCING WITH CONSTRUCTION OR INSTALLATION.
  - ALL WORK WITHIN THE RIGHT OF WAY SHALL MEET CITY OF ALBUQUERQUE STANDARDS.
  - THE SOAKAWAY LOCATIONS SHALL BE LOCATED ON THESE PLANS FOR ARCHITECTURAL AND ENGINEERING PURPOSES ONLY.
  - THE BUILDING ADDRESS IS LOCATED ON THE SITE MEASUREMENT AND IS VISIBLE AND CLEARLY LEGIBLE FROM THE STREET OR ACCESS.
  - TREES AND SHRUBS SHALL BE PLANTED NO LESS THAN 3' FROM ANY EXISTING OR NEW FOUNDATION WALLS.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF ALBUQUERQUE HYDROLOGICAL SECTION PRIOR TO COMMENCING WITH CONSTRUCTION OR INSTALLATION OF ANY HYDROLOGICAL STRUCTURES OR DEVICES.
  - AN AS-BUILT COPY OF THE APPROVED TRAFFIC CIRCULATION LAYOUT (ILLUSTRATED BY THE ENGINEER) SHALL BE SUBMITTED TO THE CITY OF ALBUQUERQUE FOR APPROVAL. THE SITE HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE TCU VERIFICATION REPORT. THE CONTRACTOR SHALL NOTIFY THE CITY OF ALBUQUERQUE FOR A FINAL CERTIFICATE OF OCCUPANCY FOR THE BUILDING.
  - THE CERTIFICATE OF OCCUPANCY FOR THE BUILDING SHALL NOT BE ISSUED UNTIL ALL PARKING LOT RELATED WORK IS COMPLETED.
  - UNLESS OTHERWISE INDICATED WITH A DETAIL, THE ALL CURBS ARE EXISTING.



**CLAUDIO VIGIL  
ARCHITECTS**

1801 Rio Grande Boulevard, N.W.  
Albuquerque, New Mexico  
Phone: (505) 842-1113  
Fax: (505) 842-1330

OWNER OF INSTRUMENTS OF SERVICE  
ALL DESIGN, CONSTRUCTION, AND  
CONSTRUCTION DOCUMENTS, SPECIFICATIONS,  
AND ALL OTHER DOCUMENTS, SHALL BE  
THE PROPERTY OF CLAUDIO VIGIL ARCHITECTS, P.C.  
AND SHALL REMAIN THE PROPERTY OF CLAUDIO VIGIL ARCHITECTS, P.C.  
UNLESS OTHERWISE INDICATED WITH A DETAIL, THE ALL CURBS ARE EXISTING.

CONSULTANTS

PROFESSIONAL SEAL



**ARRAY  
TECHNOLOGIES**  
OFFICE WAREHOUSE  
ADDITION &  
RENOVATION  
3901 MIDWAY PLACE, N.E.  
ALBUQUERQUE, NEW MEXICO

| DATE       | DESCRIPTION                  |
|------------|------------------------------|
| 11/11/2011 | REVISION 1: ADDITIONAL NOTES |
| 11/11/2011 | REVISION 2: ADDITIONAL NOTES |
| 11/11/2011 | REVISION 3: ADDITIONAL NOTES |
| 11/11/2011 | REVISION 4: ADDITIONAL NOTES |
| 11/11/2011 | REVISION 5: ADDITIONAL NOTES |

PROJECT NUMBER: ARRAY-TECH-001  
CLIENT: ARRAY TECHNOLOGIES  
DESIGNER: CLAUDIO VIGIL ARCHITECTS, P.C.  
DATE: 11/11/2011

**MASTER  
SITE  
PLAN**

PROJECT NUMBER: C101

### SITE PLAN LEGEND

|  |  |  |  |                                   |
|--|--|--|--|-----------------------------------|
| INDICATES EXISTING OF LANDSCAPE AREA AND SIZE OF EACH AREA SET IN FEET 1:10 FOR LANDSCAPE PLAN | INDICATES EXISTING OF EXTERIOR ASPHALT CONCRETE PAVING | INDICATES EXISTING OF NEW ASPHALT CONCRETE PAVING                                    | INDICATES EXISTING OF CONCRETE PAVING AND CONCRETE SIDEWALKS CONTROL JOINTS AS SHOWN | INDICATES EXISTING NATIVE GRASSES |
| INDICATES EXISTING OF EXTERIOR ASPHALT CONCRETE PAVING   | INDICATES EXISTING OF NEW ASPHALT CONCRETE PAVING      | INDICATES EXISTING OF CONCRETE PAVING AND CONCRETE SIDEWALKS CONTROL JOINTS AS SHOWN | INDICATES EXISTING NATIVE GRASSES  | INDICATES EXISTING NATIVE GRASSES |

# REQUEST FOR SPECIAL EXCEPTION

☐ Variance ☐ Conditional Use ☐ Other

Interpreter: ☐ Yes ☐ No

VA# \_\_\_\_\_ PR# \_\_\_\_\_

|  |                             |                            |                      |
|--|-----------------------------|----------------------------|----------------------|
| <b>Date:</b> 5/4/2021  |                             | <b>Received By:</b> Robert |                      |
| <b>Address of Request:</b> 3901 MIDWAY PL NE   |                             |                            |                      |
| City: Albq.  | State: NM                   | Zip: 87109                 |                      |
| Lot: B1B1A1  | Block: 0000                 | Zone: NR-BP                | Map page: E17        |
| Subdivision: ABQ INDUSTRIAL PARK SITE  |                             | UPC# 101706215516530255    |                      |
| <b>Property Owner(s):</b> ARRAY TECHNOLOGIES INC -- Joe Cormier, Safety & Facilities Manager |                             |                            |                      |
| Mailing Address: -Same as above-   |                             |                            |                      |
| City: Albq   | State: NM                   | Zip: 87109                 |                      |
| Phone: 505-339-5965  | Email:                      |                            |                      |
| <b>Agent:</b> Joel Loes, Senior Project Manager, Klinger Constructors                        |                             |                            |                      |
| Mailing Address: PO Box 90850  |                             |                            |                      |
| City: Albq   | State: NM                   | Zip: 87199                 |                      |
| Phone: 505-280-2740  | Email: JoelL@klingerllc.com |                            |                      |
|  |                             |                            | <b>Fee Total: \$</b> |

## Completed Application Requirements:

- ✓ Copy of relevant IDO section
- ✓ Letter of authorization (if agent representation)
- ✓ Proof of Pre-application Meeting (not required for a variance)
- ✓ Proof that neighborhood meeting requirements were met
- ✓ Proof that public notice requirements were met
- ✓ Photos (site and existing structures)
- ✓ Sketch plan
- ✓ Justification letter
- ✓ Sign posting ACKNOWLEDGEMENT ATTACHED

Approved for acceptance by:

Date:

Hearing Date:

## ZONING OFFICIAL USE ONLY

**Request for exception to IDO Section: 14-16- 5-7-D**

**Description of request:** Variance to allow 6ft view fencing.

☒ Ownership verified on AGIS ☐ Proof of ownership included ☐ Letter of authorization included

Case history number(s) from AGIS:

APO: -- CPO# -- HPO# -- VPO# --

Wall variances not allowed in low-density residential development in these 2 areas per 5-7(D)(3)(e):

- 1) CPO 3 and 2) Monte Vista / College View Historic Dist. - Mapped Area:
- 2) CPO-8 states walls no more than 3 feet high, but may request a variance

## **VARIANCE JUSTIFICATION LETTER GUIDELINES - GENERAL**

Per Integrated Development Ordinance 16-14-6-4(E)(3): **The applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence.**

Per Integrated Development Ordinance 14-16-6-4(E)(4) **The applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary.**

**Because the burden of evidence is borne by the applicant, you may choose to retain the services of a development professional that is knowledgeable in land use matters to guide your application and represent you at the public hearing.**

To justify your request and aid our review, please provide a detailed response to items 1-5.

### **6-6(O) VARIANCE – ZHE**

All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(O) or the DPM.

#### **6-6(O)(3) Review and Decision Criteria**

##### **6-6(O)(3)(a) General**

An application for a Variance – ZHE shall be approved if it meets all of the following criteria:

1. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.
2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.
4. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
5. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

**YOU MAY USE THE FORM BELOW TO ENSURE ALL ITEMS ARE ADRESSED**



# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

#### 1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

#### 2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

#### 3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

#### 4. TIME

Signs must be posted from \_\_\_\_\_ To \_\_\_\_\_

#### 5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

\_\_\_\_\_  
s/ JML  
(Applicant or Agent)

\_\_\_\_\_  
5/27/21  
(Date)

I issued \_\_\_\_\_ signs for this application, \_\_\_\_\_, \_\_\_\_\_  
(Date) (Staff Member)

**PROJECT NUMBER:** \_\_\_\_\_

**5-7 WALLS AND FENCES****5-7(A) PURPOSE**

This Section 14-16-5-7 regulates walls, fences, retaining walls, and vertical combinations of those items (collectively referred to in this section as “the wall” or “walls”) in order to enhance the visual appearance of development in the city; establish a consistent, attractive streetscape; ensure visual compatibility with public spaces such as City parks and trails, major arroyos, and Major Public Open Space; and promote street and neighborhood character.

**5-7(B) APPLICABILITY**

- 5-7(B)(1) The Standards in this Section 14-16-5-7 apply to new walls and replacement or repair of existing walls, unless modified elsewhere in this IDO.
- 5-7(B)(2) A wall shall be erected only after obtaining a permit, pursuant to the provisions in Subsections 14-16-6-5(F) (Permit – Wall or Fence – Minor) or 14-16-6-6(H) (Permit – Wall or Fence – Major), as applicable.
- 5-7(B)(3) If the wall permit is approved pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor) or is granted a Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), and the Permit allows for location, height, or design elements that differ from the regulations in this Section 14-16-5-7, then the requirement in the Permit shall prevail.
- 5-7(B)(4) Where higher walls are required for buffering and screening purposes in Section 14-16-5-5 (Parking and Loading), Subsection 14-16-5-6(E) (Edge Buffer Landscaping), Subsection 14-16-5-6(F) (Parking Lot Landscaping), Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas), or Section 14-16-5-9 (Neighborhood Edges), the highest specified wall height allowance shall prevail, but the wall shall be subject to any other applicable standards in this Section 14-16-5-7.
- 5-7(B)(5) Requests for walls taller than allowed by any provision in this Section 14-16-5-7 require the approval of a Variance, pursuant to Subsection 14-16-6-6(H) (Variance – EPC) for walls associated with a Site Plan – EPC or Subsection 14-16-6-6(O) (Variance – ZHE) for all other walls, and shall meet the additional requirements in Subsection 14-16-5-7(E)(2) (Articulation and Alignment).
- 5-7(B)(6) Walls adjacent to major arroyos and Major Public Open Space shall be required to follow additional standards in this Section 14-16-5-7 as well as any applicable standards in Subsections 14-16-5-2(I) (Major Arroyo Standards), 14-16-5-2(G) (Irrigation Facility (Acequia) Standards), and 14-16-5-2(J) (Major Public Open Space Edges).
- 5-7(B)(7) Retaining walls shall be required to follow standards in Subsections 14-16-5-7(B)(8) and 14-16-5-7(F).
- 5-7(B)(8) Access to bikeways shall be added pursuant to Section 14-16-5-3(C)(5) (Bicycle Circulation).

**5-7(C) WALL LOCATION**

- 5-7(C)(1) Walls may be constructed anywhere on a lot, including but not limited to any front, side, or rear setback area, unless otherwise prohibited by this IDO, by with Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by clear sight triangle requirements.
- 5-7(C)(2) Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO, by Articles 14-1, 14-2, and 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code), or by the DPM, including but not limited to, clear sight triangle requirements or standards for alignments and easements. Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner.

**5-7(D) MAXIMUM WALL HEIGHT****5-7(D)(1) Maximum Wall Height Table**

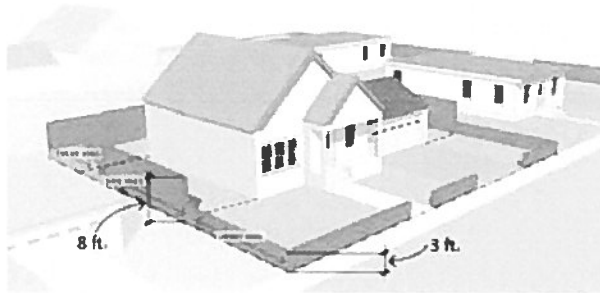
Unless specified otherwise in Subsection 14-16-5-7(D)(3) (Exceptions to Maximum Wall Height) or elsewhere in this IDO, walls shall comply with the height standards in Table 5-7-1.

| <b>Table 5-7-1: Maximum Wall Height</b>  |                    |  |  |                                       |                           |
|--|--------------------|--|--|---------------------------------------|---------------------------|
| <b>Zone Category</b>   | <b>Residential</b> | <b>Mixed-use</b>                       | <b>Non-residential (NR-C, NR-BP)<sup>[1]</sup></b> | <b>Non-residential (NR-LM, NR-GM)</b> | <b>See also:</b>          |
| <b>Standard Wall Height</b>  |                    |  |  |                                       |                           |
| Wall in the front yard or street side yard <sup>[2][3][4]</sup>  | 3 ft.              | 3 ft.                                  | 3 ft.  | 6 ft.                                 | 5-7(D)(2)                 |
| Wall in other locations on the lot <sup>[5][6]</sup>   | 8 ft.              | 8 ft.                                  | 8 ft.  | 10 ft.                                | 5-7(D)(2)                 |
| <b>Corner Lot Abutting Residential Zone District</b>   |                    |  |  |                                       |                           |
| Any portion of a wall in the rear yard abutting the front yard of a Residential zone district.   |                    |  |  |                                       |                           |
| <10 ft. from the lot line abutting the street <sup>[3]</sup>   | 3 ft.              | 3 ft.                                  | 3 ft.  | 6 ft.                                 | 5-7(D)(2)<br>5-7(D)(3)(g) |
| ≥10 ft. from the lot line abutting the street  | 6 ft.              | 8 ft.<br>Low-density residential: 6ft. | 8 ft.  | 8 ft.                                 | 5-7(D)(2)                 |
| <b>Walls Abutting Major Arroyos and Major Public Open Space</b>  |                    |  |  |                                       |                           |
| Wall in a rear or interior side yard abutting a major arroyo   | 6 ft.              | 8 ft.                                  | 8 ft.  | 8 ft.                                 | 5-7(D)(2)<br>5-7(E)(4)    |
| Wall in a rear or interior side yard abutting Major Public Open Space  | 6 ft.              | 6 ft.                                  | 6 ft.  | 10 ft.                                | 5-7(D)(2)<br>5-7(E)(4)    |
| <p>[1] In the NR-BP zone district, wall heights shall be specified in the Master Development Plan. If no Master Development Plan exists or if no wall heights are specified in the Master Development Plan, then the wall height requirements in this table apply.</p> <p>[2] Taller walls may be approved for multi-family residential development pursuant to Subsection 14-16-5-7(D)(3)(c).</p> <p>[3] Taller walls may be approved for low-density residential development pursuant to Subsections 14-16-5-7(D)(3)(d) or 14-16-5-7(D)(3)(g).</p> <p>[4] Taller walls may be approved in any NR-C or NR-BP zone district pursuant to Subsection 14-16-5-7(D)(3)(e).</p> <p>[5] Portions of walls in the rear yard of a corner lot abutting the front yard of a Residential zone district are treated differently, with provisions later in this table.</p> <p>[6] Where the rear yard of a through lot abuts at least 1 lot with any residential development that faces the second public street, the rear and side walls shall be subject to the same height restrictions applicable within the required front setback of the abutting residential property.</p> |                    |  |  |                                       |                           |

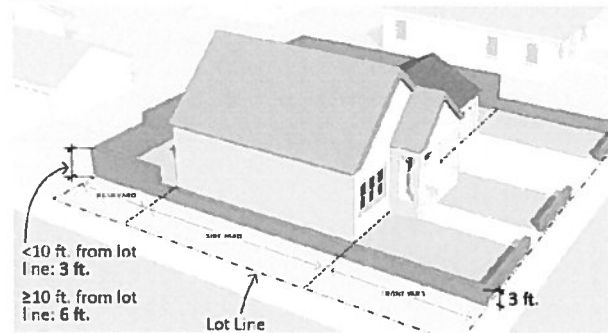


## 5-7(D)(2) Wall Illustrations

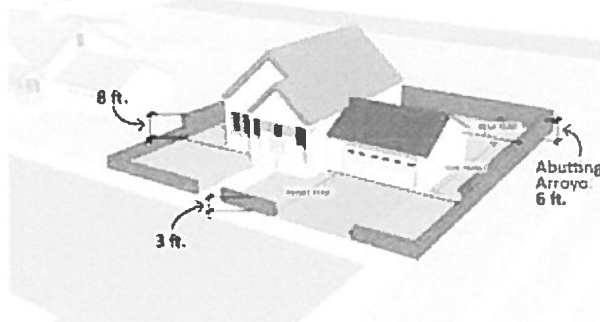
**Residential**  
Standard Wall



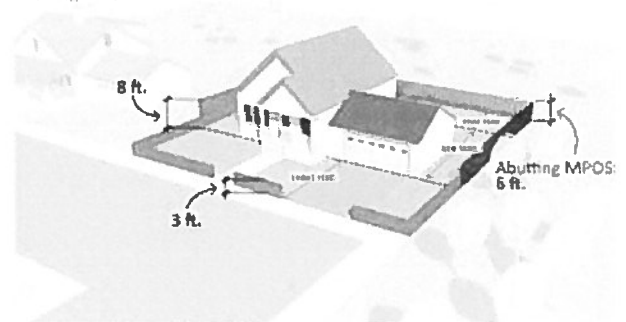
**Residential**  
Corner



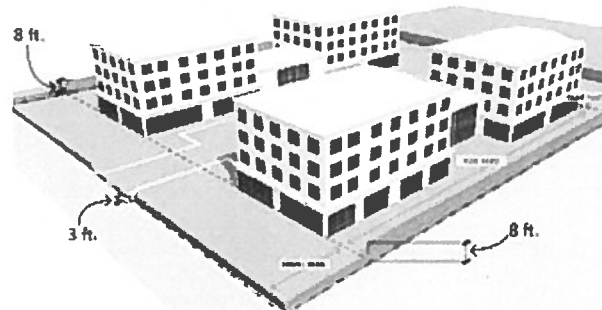
**Residential**  
Abutting Arroyo



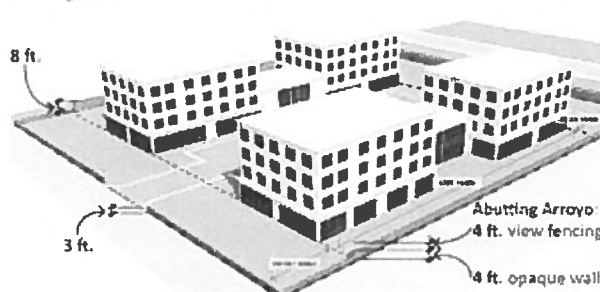
**Residential zone districts**  
Abutting MPOS



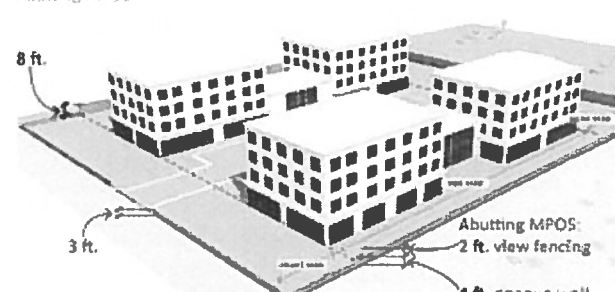
**Mixed-use / NR-C / NR-BP**  
Standard Wall

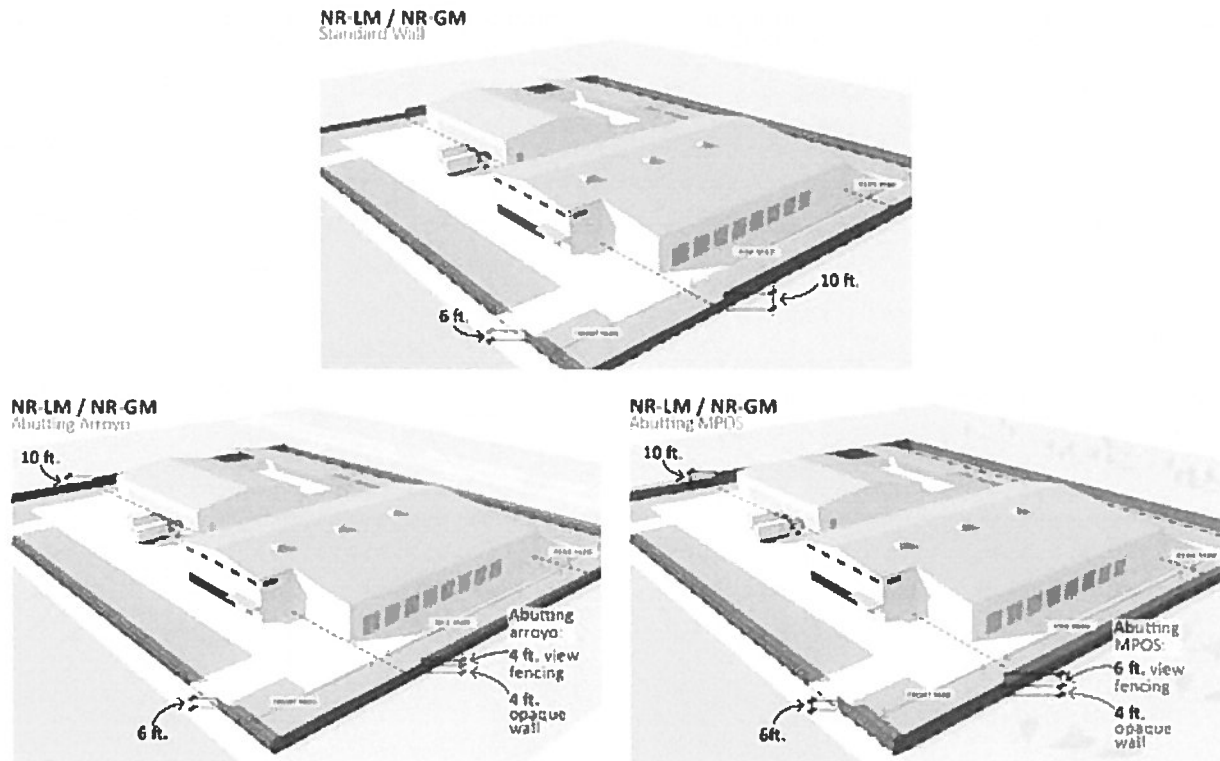


**Mixed-use / NR-C / NR-BP**  
Abutting Arroyo



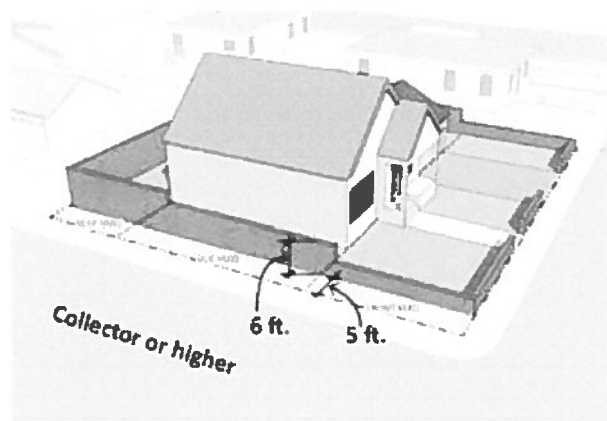
**Mixed-use / NR-C / NR-BP**  
Abutting MPOS





### 5-7(D)(3) Exceptions to Maximum Wall Height

- 5-7(D)(3)(a) Design elements may project vertically 2 feet above the maximum wall height. Such elements shall have a maximum width of 5 feet and are allowed at intervals of no less than 50 feet.
- 5-7(D)(3)(b) Retaining walls are subject to the height restrictions in Subsection 14-16-5-7(F)(1) (Maximum Height).
- 5-7(D)(3)(c) For multi-family residential development, the maximum height is 6 feet if view fencing is used for portions of a wall above 3 feet.
- 5-7(D)(3)(d) For low-density residential development, the maximum height of a wall in the street side yard is 6 feet if that yard abuts a street classified as a collector, arterial, or interstate highway and if the wall is set back at least 5 feet from the property line. (See figure below.)



- 5-7(D)(3)(e) For development in any NR-C or NR-BP zone district, the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet.
- 5-7(D)(3)(f) Except where a Permit – Wall or Fence – Major is required pursuant to Subsection (g) below or where prohibited pursuant to Subsection (h) below, the Zoning Enforcement Officer (ZEO) may make an exception to the height standards in Table 5-7-1 for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site, pursuant to Subsection 14-16-6-5(F) (Permit – Wall or Fence – Minor).
- 5-7(D)(3)(g) For low-density development in or abutting a Residential zone district where wall height in any front or street side yard is restricted to 3 feet by Table 5-7-1, a request for a taller wall that meets the height and location standards in Table 5-7-2 shall require Permit – Wall or Fence – Major pursuant to Subsection 14-16-6-6(H), except where a taller wall is prohibited pursuant to Subsection (h) below.

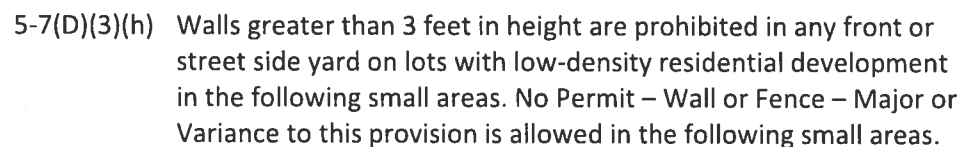
**Table 5-7-2: Options for a Taller Front or Side Yard Wall<sup>[1]</sup>**

| Wall Type and Location  | Maximum Wall Height | Illustration  |
|---|---------------------|---------------|
| <b>View Fencing</b>   |                     |               |
| View fencing at most 50 percent opaque may be added above 3 ft. to increase the total height of the wall as follows:  |                     |               |
| <10 ft. from lot line abutting the street   | 5 ft.               | 0             |
| ≥10 ft. from lot line abutting the street   | 6 ft.               | 0             |
| <b>Courtyard Walls</b>  |                     |               |
| ≥10 ft. from lot line abutting the street or edge of the sidewalk closest to the primary building, whichever is more restrictive  | 6 ft.               | 5-7(D)(3)(g)2 |
| <b>Corner Lots</b>  |                     |               |
| On a corner lot where the rear yard abuts the front yard of a residentially zoned lot, a taller wall enclosing the rear yard may be approved as follows:                      |                     |               |
| <10 ft. from the lot line abutting the street   | 5 ft.               | 5-7(D)(2)     |
| [1] The maximum wall heights in this table require an approval pursuant to the standards in Subsections 14-16-5-7(D)(3)(g) and 14-16-6-6(H) (Permit – Wall or Fence – Major). |                     |               |

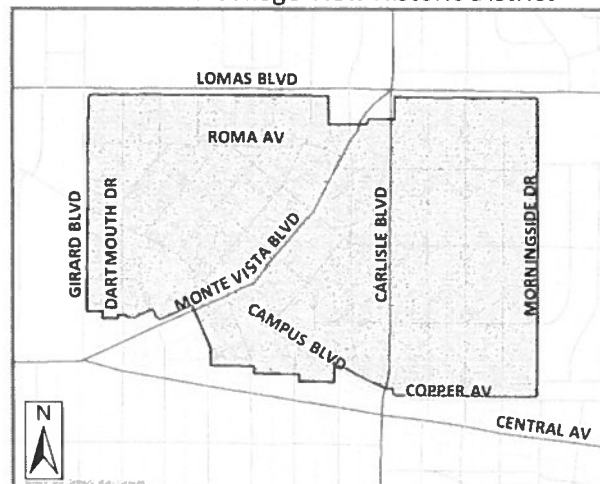
**Residential**  
View Fencing (Requires Variance - ZHE)



**Residential**  
Courtyard Wall (Requires Variance – ZHE)



1. Downtown Neighborhood Area – CPO-3
2. Monte Vista and College View Historic District



## 5-7(E) MATERIALS AND DESIGN

### 5-7(E)(1) Materials and Texture

5-7(E)(1)(a) Unless specified otherwise in this IDO, walls may be opaque.

- 5-7(E)(1)(b) Acceptable wall materials include, but are not limited to, stucco over concrete masonry unit (CMU) blocks or other structural materials; stabilized adobe; split face blocks; slump blocks; bricks; stone; glass blocks; curved interlock blocks; wood; tubular steel; wrought iron bars; chain link fencing; other grill work; or a combination of these materials, with the following exceptions:
1. Exposed flat-faced CMU blocks shall not constitute more than 50 percent of any wall facing a public street or City park or trail.
  2. Chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from a public street, City park or trail, Major Public Open Space, or major arroyo except in the R-A, R-1, NR-LM, or NR-GM zone districts. Chain link fencing is allowed as temporary security fencing during active construction in any zone district.
- 5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are regulated as follows:
1. In or adjacent to any Residential zone district, such materials are prohibited, except that critical infrastructure facilities are exempt from this regulation.
  2. In or adjacent to any Mixed-use zone district, such materials are prohibited, except that critical infrastructure facilities are exempt from this regulation.
  3. In Non-residential zone districts, such materials are allowed on street-facing walls that meet all of the following criteria:
    - a. The wall is at least 6 feet in height.
    - b. The wall is set back at least 5 feet.
    - c. The wall is not adjacent to any Residential or Mixed-use zone district, where Subsections 1 and 2 above apply.
    - d. The wall is not visible from a City park or trail.
    - e. The wall is not visible from Major Public Open Space.

#### **5-7(E)(2) Articulation and Alignment**

Portions of walls that obtain approval for a wall that exceeds the maximum height limits in Section 14-16-5-7(D) (Maximum Wall Height) or are required to exceed those limits and that face any public street, City park or trail, Major Public Open Space, or major arroyo, shall incorporate at least 1 of the following features to break up the massing of the wall. (See figure below for illustrations of each option).

##### **5-7(E)(2)(a) Option 1**

Vertical pilasters with a minimum projection of 2 inches from the public side of the wall surface at intervals of no more than 20 feet in length.

**5-7(E)(2)(b) Option 2**

Decorative features, such as columns with a minimum projection of 4 inches from the public side of the wall surface at intervals of no more than 60 feet in length.

**5-7(E)(2)(c) Option 3**

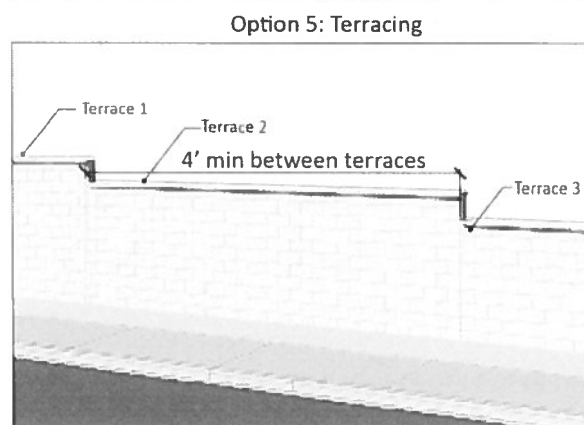
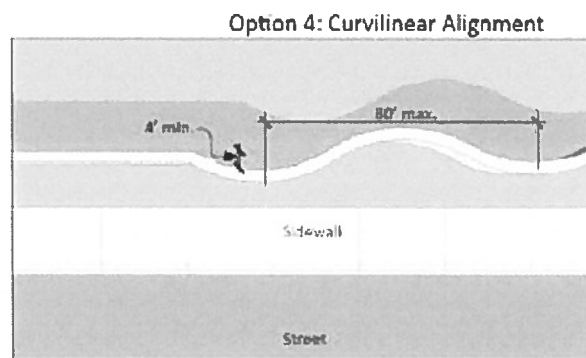
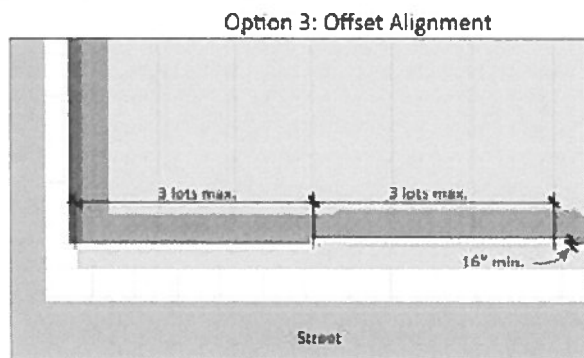
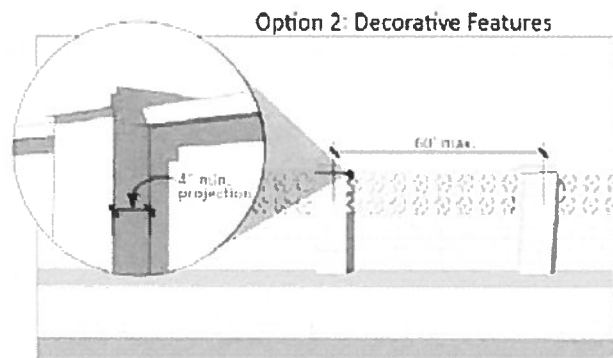
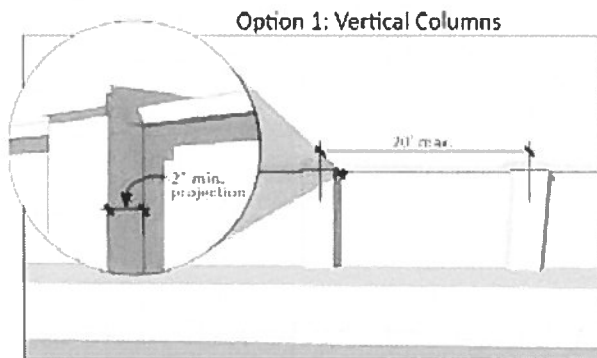
Offset in wall alignment of at least 16 inches, spaced so that no more than 3 consecutive lots have the same wall alignment.

**5-7(E)(2)(d) Option 4**

Curvilinear alignments with a minimum distance of 4 feet between the outer surfaces of the wall. The outermost point of each curve shall have intervals no greater than 80 feet.

**5-7(E)(2)(e) Option 5**

Terracing of walls with a minimum horizontal distance of 4 feet separating the vertical height segments.





**5-7(E)(3) Wall Design**

Any portions of a wall facing a public street, City park or trail, Major Public Open Space, or major arroyo shall comply with at least 1 of the following. (See figure below for illustrations of each option).

**5-7(E)(3)(a) Option 1**

Openings distributed throughout the length of the wall equal to at least 5 percent of the wall surface, constructed into the surface or created by using see-through pattern blocks, tubular steel or wrought iron bars, wood, or other grillwork.

**5-7(E)(3)(b) Option 2**

Variation in wall height at intervals of at least every 20 feet along the length of the wall. The normal stepping of the wall to accommodate grade change does not satisfy this requirement.

**5-7(E)(3)(c) Option 3**

Use of a second and visually contrasting material, texture, or color along the length of the wall on at least 20 percent of its surface.

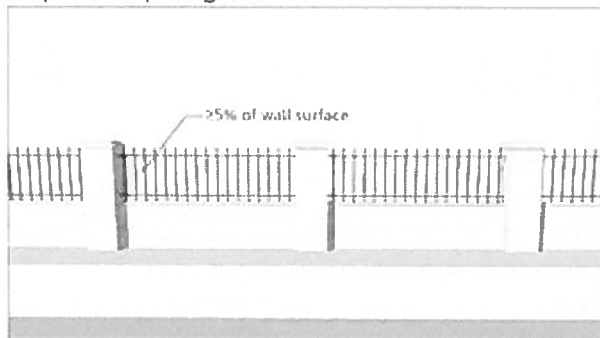
**5-7(E)(3)(d) Option 4**

A continuous overhang cap along the length of the wall that projects at least 2 inches from the public side of the wall surface.

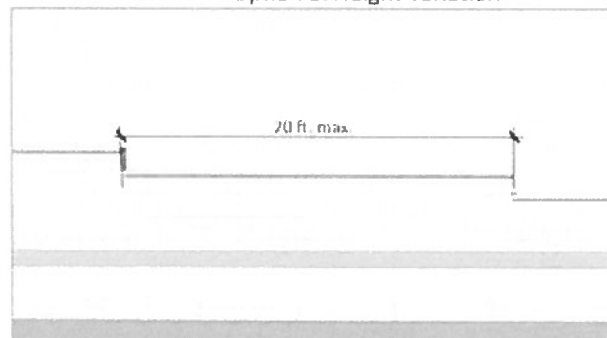
**5-7(E)(3)(e) Option 5**

A variety of living shrubs, trees, and/or vines covering or overhanging at least 1/3 of the length of the wall in conjunction with a streetscape/landscape maintenance agreement between the City and the adjoining property owner and/or community association as part of a subdivision approval.

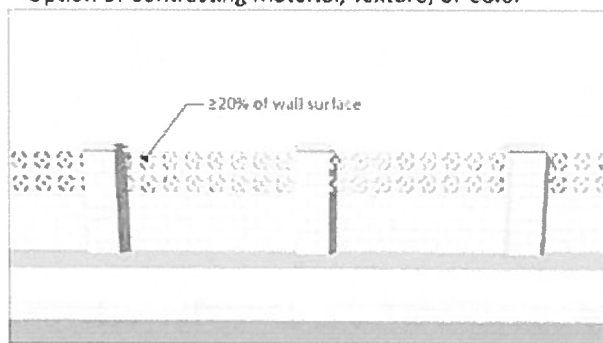
Option 1: Openings



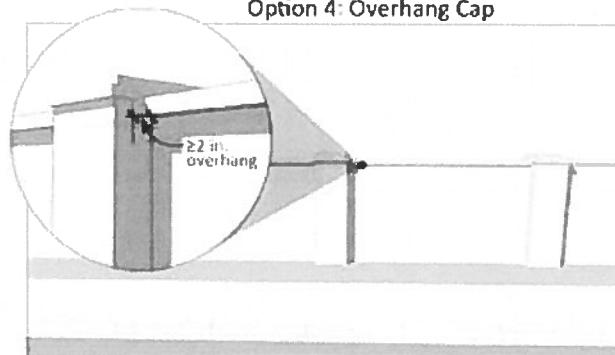
Option 2: Height Variation



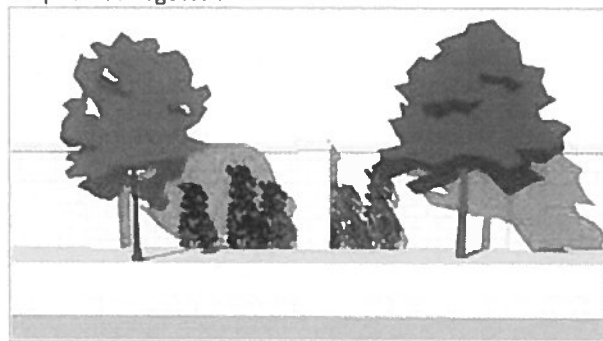
Option 3: Contrasting Material, Texture, or Color



Option 4: Overhang Cap



Option 5: Vegetation

**5-7(E)(4) Walls Adjacent to Major Arroyos or Major Public Open Space**

All walls other than retaining walls adjacent to a major arroyo or any Major Public Open Space must comply with the following standards, in addition to all other applicable standards in this Section 14-16-5-7. If any of the following standards conflict with another wall standard in this IDO, the standard in this Subsection 14-16-5-7(E)(4) shall prevail.

- 5-7(E)(4)(a) In any zone district adjacent to Major Public Open Space and in any Mixed-use or Non-residential zone district adjacent to arroyos, only the following wall types are allowed on the sides of the lot facing the Major Public Open Space or arroyo:
1. View fencing of at most 50 percent opacity constructed of wood, painted or coated pipe, wrought iron, or smooth wire pasture fence material. Where allowed, chain-link fencing shall be accompanied by a vegetative screen with a mature height at least as tall as the fence and with at most 75 percent opacity, planted on the public side of the fence but within the lot line containing the proposed development.
  2. Opaque walls of 4 feet or less, combined with view fencing as described in Subsection 1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
  3. Where allowed, opaque walls shall be constructed of wood, stucco over CMU blocks, stained concrete block, stone, split-faced or fluted block, or adobe. Exposed CMU block walls are prohibited. Predominant materials shall be earth tone in color,

with a Light Reflective Value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

- 5-7(E)(4)(b) Where walls are allowed to be higher than 4 feet pursuant to Table 5-7-1, the following standards apply:
1. Opaque walls over 4 feet in height are allowed adjacent to arroyos only in any Residential zone district.
  2. Opaque walls may be no more than 4 feet tall, combined with 1 of the fencing types described in Subsection (a)1 above, with a combined height not to exceed the maximum wall height in Table 5-7-1.
  3. Each wall over 4 feet tall shall include a horizontal offset of at least 16 inches every 100 feet.
- 5-7(E)(4)(c) On lots adjacent to the Petroglyph National Monument, perimeter walls abutting the Petroglyph National Monument shall be view fencing, such as post and wire, with a maximum of 10 percent opacity.
1. In any zone district, 1 screening wall with higher than 10 percent opacity may be constructed parallel to the lot line abutting the Petroglyph National Monument, subject to the following requirements:
    - a. The wall is not located within the minimum building setbacks required by the zone district.
    - b. The wall is no more than 20 feet long or up to 50 percent of the lot width, whichever is less.
    - c. Wall materials shall be the same as or complement the primary building and shall be constructed of earth tone materials with an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.
  2. In any Residential zone district, on lots greater than 10,000 square feet, courtyard walls with higher than 10 percent opacity are allowed to be constructed parallel to the lot line abutting the Petroglyph National Monument that meet the following requirements:
    - a. Walls forming the courtyard are attached to the primary building.
    - b. Walls are not located within the minimum setbacks required by the zone district.
    - c. Wall materials shall be the same or complement the primary building and shall be constructed of earth-tone materials an LRV ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

- d. The total area of enclosed spaces on a lot (e.g. any combination of patio, pool enclosure, or courtyard) shall be limited to 1,000 square feet or up to 50 percent of the primary building square footage, whichever is greater, up to a maximum of 2,000 square feet.
3. For single-family and two-family detached dwellings abutting a trail on the Petroglyph National Monument, an opaque perimeter wall is allowed but may only be constructed of stucco over CMU blocks, coyote fencing, or stone per height requirements in Subsection 14-16-5-7(D) (Maximum Wall Height).

**5-7(F) RETAINING WALL STANDARDS**

**5-7(F)(1) Maximum Height**

- 5-7(F)(1)(a) Retaining walls shall have a maximum height as specified in Section 14-16-5-7(D) (Maximum Wall Height) unless a higher wall is approved by the City Engineer as necessary on a particular lot.
- 5-7(F)(1)(b) Retaining walls higher than 6 feet tall shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm. Terracing shall be limited to 3 tiers.

**5-7(F)(2) Terracing**

- 5-7(F)(2)(a) A terrace at least 4 feet wide, with a maximum slope of 1:3 (rise:run), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the City Engineer where site constraints limit the amount of space available to accommodate the minimum required width.
- 5-7(F)(2)(b) Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

**5-7(F)(3) Setback**

Retaining walls must be set back so that the underground footing does not encroach on any abutting public right-of-way.



FOLLOW THE SUN.  
FOLLOW THE LEADER.

Joe Cormier  
Array Technologies  
3901 Midway Pl NE

City of Albuquerque  
5/27/2021

I, the undersigned, hereby authorized Joel Loes, Senior Project Manager with Klinger Constructors, LLC, to represent Array Technologies, Inc in the process of submitting, amending, and executing the Request for Special Exceptions for the variance request for a six foot fence on our property located at 3901 Midway Pl NE in Albuquerque. This authorization is effective immediately through the completion of the proposed project or otherwise amended.

Sincerely,

A handwritten signature in black ink that reads "Joe Cormier". The script is fluid and cursive, with the first letters of "Joe" and "Cormier" being capitalized and prominent.

Joe Cormier  
Safety & Facilities Manager  
Array Technologies, Inc

## Joel M. Loes

---

**From:** Joel M. Loes  
**Sent:** Wednesday, January 6, 2021 4:44 PM  
**To:** newmexmba@aol.com; peggynorton@yahoo.com; dlreganabq@gmail.com; mgriffee@noreste.org  
**Cc:** Joe Cormier  
**Subject:** Public Notice for Zoning Permit CEP-2020-001804  
**Attachments:** Array Permit.pdf; IDOZoneAtlasPage\_E-17-Z.PDF

Dar neighborhood association representatives,

This email is to inform you that Array Technologies, Inc., located at 3901 Midway Pl NE intends on pulling a permit through the City of Albuquerque to install a 6' chain link fence around their property to secure their site. Attached you will find a site plan indicating the extent of the fence in red and the IDO Zone Atlas Page E-17-Z where the property is located.

The Owner for the project is Array Technologies.  
The Contractor for the project is Scott's Fencing.

Thanks,

Joel Loes, LEED AP BD+C  
Senior Project Manager



(505) 856-8203

<http://www.klingerllc.com>

*Commercial, Industrial & Institutional Construction Since 1982*  
*New Construction / Renovations / Additions / Tenant Improvements / Facility Services*

[WebEx](#)



## Joel M. Loes

---

**From:** Joel M. Loes  
**Sent:** Thursday, May 27, 2021 9:31 AM  
**To:** 'newmexmba@aol.com'; 'peggynorton@yahoo.com'; 'dlreganabq@gmail.com'; 'mgriffiee@noreste.org'  
**Cc:** 'Joe Cormier'  
**Subject:** RE: Public Notice for Zoning Permit CEP-2020-001804  
**Attachments:** Array Technologies Variance Request Notification 2021-05-27.pdf

Please see attached variance request notification for the six foot view fencing along a portion of the front of Array Technologies' property at 3901 Midway Pl. Included in the notification is a form to request a meeting regarding this project if you wish.

Thanks,

Joel Loes  
Senior Project Manager



(505) 856-8203  
<http://www.klingerllc.com>

*Commercial, Industrial & Institutional Construction Since 1982*  
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[WebEx](#)

**From:** Joel M. Loes  
**Sent:** Wednesday, January 6, 2021 4:44 PM  
**To:** newmexmba@aol.com; peggynorton@yahoo.com; dlreganabq@gmail.com; mgriffiee@noreste.org  
**Cc:** Joe Cormier <JCormier@arraytechinc.com>  
**Subject:** Public Notice for Zoning Permit CEP-2020-001804

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The Owner for the project is Array Technologies.  
The Contractor for the project is Scott's Fencing.

Thanks,

Joel Loes, LEED AP BD+C  
Senior Project Manager

## VARIANCE JUSTIFICATION LETTER - GENERAL

Zoning Hearing Examiner  
City of Albuquerque  
600 2<sup>nd</sup> Street NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

RE: Request for Variance of to allow six foot view fencing at the front of the property  
at 3901 Midway Pl NE, Albuquerque, NM 87109 (address of the subject property).

1) There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards. **PLEASE EXPLAIN:**

The building is oriented on a 45 degree angle to the property lines, so the front of the property is further back than a typical site. The six foot fencing will extend to the end of the secured loop road around the property, but not to the actual front of the property on Midway Pl

2) The Variance will not be materially contrary to the public safety, health, or welfare **BECAUSE:**  
The variance will secure the site protecting personnel and property. It will not negatively impact any public safety, health, or welfare.

3) The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity **BECAUSE:**  
The front of the property where the view fence will be installed is adjacent to the back and sides of the neighboring properties.

4) The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district **BECAUSE:**  
The steel fencing is aesthetically pleasing and will be used to improve the safety and security of the property.

5) The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties **BECAUSE:**  
The fence is only proposed to extend to the edge of the secured loop road, minimally extending towards the front of the property, but it is not proposed to extend to the actual front of the property or to Midway Pl.

Signature s/ JML

Date 5/28/21

## REQUEST FOR NEIGHBORHOOD MEETING

Date: 5/27/2021

To Whom This May Concern:

I am requesting approval from the Zoning Hearing Examiner within the City of Albuquerque for a conditional use or variance to allow for a 6' viewing fence on the front of the property

\_\_\_\_\_ (summary of request).

Property owner Array Technologies, Inc

Agent if applicable **Joel Loes, Senior Project Manager, Klinger Constructors**

Property Address 3901 Midway Pl NE, Albuquerque, NM, 87109 (zip code).

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

Thank you,

Applicant Name Joel Loes

Email [joell@klingerllc.com](mailto:joell@klingerllc.com)

Phone Number 505-856-8203

The City may require the applicant to attend a City-sponsored facilitated meeting with the Neighborhood Associations whose boundaries include or are adjacent to the proposed project, based on the complexity and potential impacts of a proposed project. For more information, please contact the ZHE Administrative Assistant Suzie Sanchez at 505-924-3894 or [suzannasanchez@cabq.gov](mailto:suzannasanchez@cabq.gov).

Please note: "You may submit written comments to the Zoning Hearing Examiner up to 6 days before the hearing (5pm on the Wednesday before the hearing). Written comments received after that deadline will not be taken into consideration for this application.

[Note: Items with an asterisk (\*) are required.]

## Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request\*: \_\_\_\_\_

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)\*: \_\_\_\_\_

Name of NA Representative\*: \_\_\_\_\_

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: \_\_\_\_\_

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.<sup>2</sup>

Email address to respond yes or no: \_\_\_\_\_

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

\_\_\_\_\_

### Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 3901 Midway Pl NE  
Location Description Array Technologies
2. Property Owner\* Array Technologies
3. Agent/Applicant\* [if applicable] Joel Loes
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]
  - ☐ Conditional Use Approval
  - ☒ Permit Wall (Carport or Wall/Fence – Major)
  - ☐ Site Plan
  - ☐ Subdivision \_\_\_\_\_ (Minor or Major)

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

<sup>2</sup> If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (\*) are required.]

- ☐ Vacation \_\_\_\_\_ (Easement/Private Way or Public Right-of-way)
- ☒ Variance **6' view fencing**
- ☐ Waiver
- ☐ Zoning Map Amendment
- ☐ Other: \_\_\_\_\_

Summary of project/request<sup>3\*</sup>:

\_\_\_\_\_

\_\_\_\_\_

5. This type of application will be decided by<sup>\*</sup>: ☐ City Staff
- OR at a public meeting or hearing by:
- ☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
- ☐ Landmarks Commission (LC) ☐ Environmental Planning Commission (EPC)
- ☐ City Council
6. Where more information about the project can be found<sup>4\*</sup>:
- \_\_\_\_\_

**Project Information Required for Mail/Email Notice by IDO Subsection 6-4(K)(1)(b):**

1. Zone Atlas Page(s)<sup>5\*</sup> **E-17-Z**
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project<sup>\*</sup>:
- ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation:

**6' view fence at front side of property**

\_\_\_\_\_

\_\_\_\_\_

4. An offer of a Pre-submittal Neighborhood Meeting is required by Table 6-1-1<sup>\*</sup>: ☐ Yes ☐ No

<sup>3</sup> Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (\*) are required.]

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information:**

1. From the IDO Zoning Map<sup>6</sup>:

- a. Area of Property [typically in acres] 6.10 ac
- b. IDO Zone District NR-BP
- c. Overlay Zone(s) [if applicable] \_\_\_\_\_
- d. Center or Corridor Area [if applicable] \_\_\_\_\_

2. Current Land Use(s) [vacant, if none] Array Technologies, Inc

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: North Valley Coalition [Other Neighborhood Associations, if any]

District 4 Coalition of Neighborhood Associations

<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>



## Joel M. Loes

---

**From:** Joe Cormier <JCormier@arraytechinc.com>  
**Sent:** Wednesday, January 6, 2021 4:28 PM  
**To:** Joel M. Loes  
**Subject:** Fwd: 3901 Midway Pl NE Public Notice Inquiry  
**Attachments:** IDOZoneAtlasPage\_E-17-Z.PDF

Get [Outlook for iOS](#)

---

**From:** Carmona, Dalaina L. <dlcarmona@cabq.gov>  
**Sent:** Wednesday, January 6, 2021 4:23 PM  
**To:** Joe Cormier  
**Subject:** 3901 Midway Pl NE Public Notice Inquiry

**Notice: External Sender**

Dear Applicant,

Please find the neighborhood contact information listed below.

| Association Name                                  | First Name | Last Name | Email                 | Address Line 1        | City        |
|---|------------|-----------|-----------------------|-----------------------|-------------|
| North Valley Coalition                            | Doyle      | Kimbrough | newmexmba@aol.com     | 2327 Campbell Road NW | Albuquerque |
| North Valley Coalition                            | Peggy      | Norton    | peggynorton@yahoo.com | P.O. Box 70232        | Albuquerque |
| District 4 Coalition of Neighborhood Associations | Daniel     | Regan     | dlreganabq@gmail.com  | 4109 Chama Street NE  | Albuquerque |
| District 4 Coalition of Neighborhood Associations | Mildred    | Griffiee  | mgriffiee@noreste.org | PO Box 90986          | Albuquerque |

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each: <https://ido.abc-zone.com/integrated-development-ordinance-ido#page=393>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning

Department for approval. PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334  
[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov

**Sent:** Wednesday, January 06, 2021 2:35 PM

**To:** Office of Neighborhood Coordination <jcormier@arraytechinc.com>

**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>

**Subject:** Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Other (please specify in field below)

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Wall

Contact Name

Joe Cormier

Telephone Number

505-881-7567

Email Address

[jcornier@arraytechinc.com](mailto:jcornier@arraytechinc.com)

Company Name

Array Technologies

Company Address

3901 Midway Pl NE

City

Albuquerque

State

NM

ZIP

87109

Legal description of the subject site for this project:

LOT B1B1A1, ALBUQUERQUE INDUSTRIAL PARK SITE; 101706215516530255

Physical address of subject site:

3901 Midway Pl NE

Subject site cross streets:

Singer Blvd NE & Office Blvd NE

Other subject site identifiers:

This site is located on the following zone atlas page:

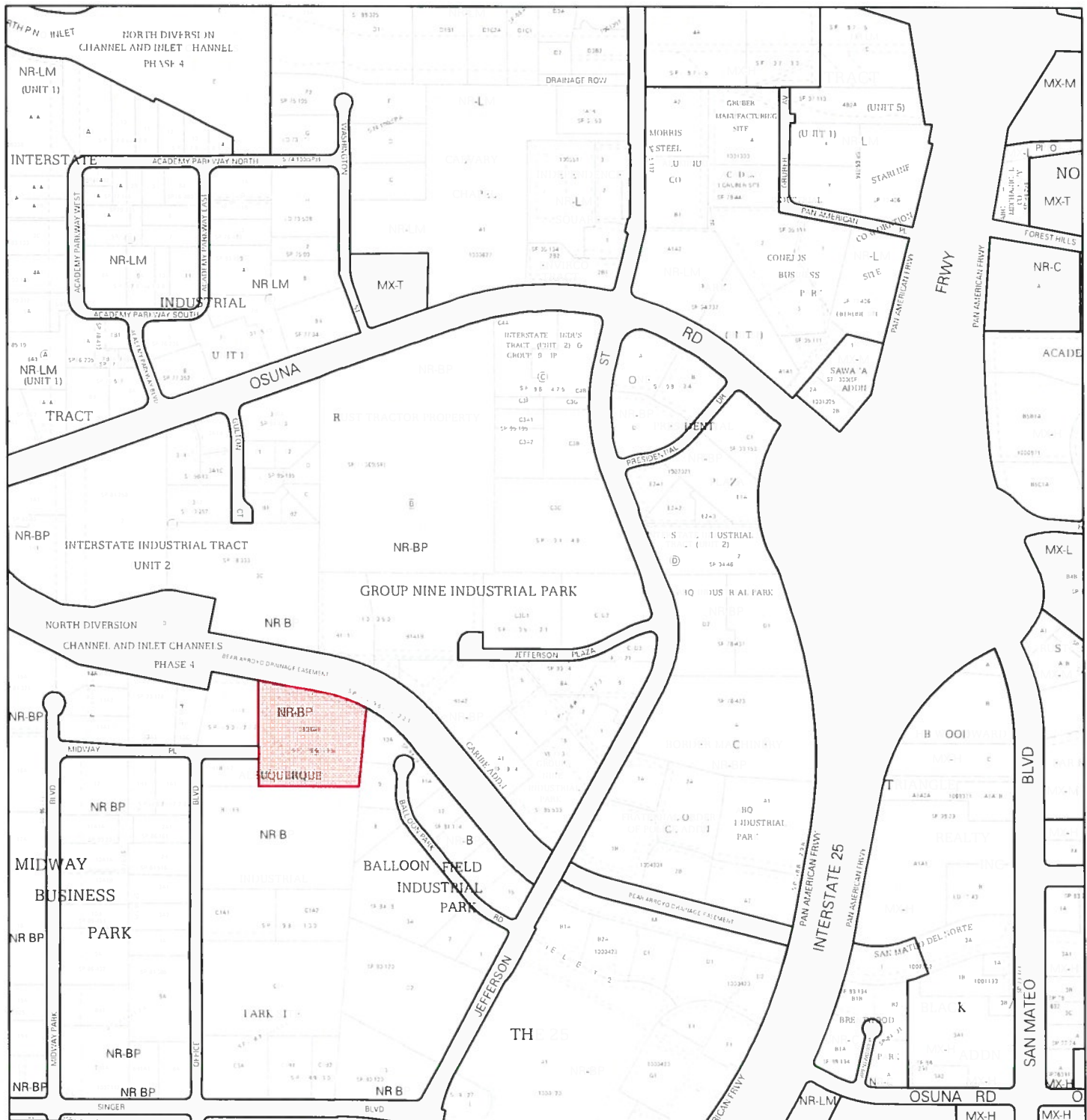
E-17-Z

=====  
This message has been analyzed by Deep Discovery Email Inspector.

**Notice: This message originated outside of the Array Technologies Network. Array Technologies IT Department**

Confidentiality Statement: The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this message and deleting the material from any computer. Thank you.

Confidentiality Statement: The information contained in this message may be privileged and/or confidential and protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to this message and deleting the material from any computer. Thank you.

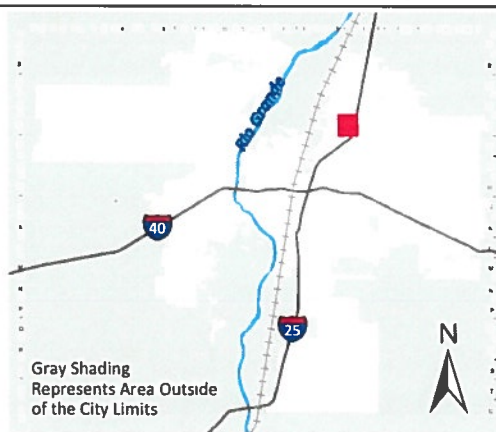


For more details about the Integrated Development Ordinance visit <http://www.cabq.gov/planning/codes/policies/regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Gray Shading  
Represents Area Outside  
of the City Limits

Zone Atlas Page:  
**E-17-Z**

Easement Escarpment

Petroglyph National Monument

Areas Outside of City Limits

- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

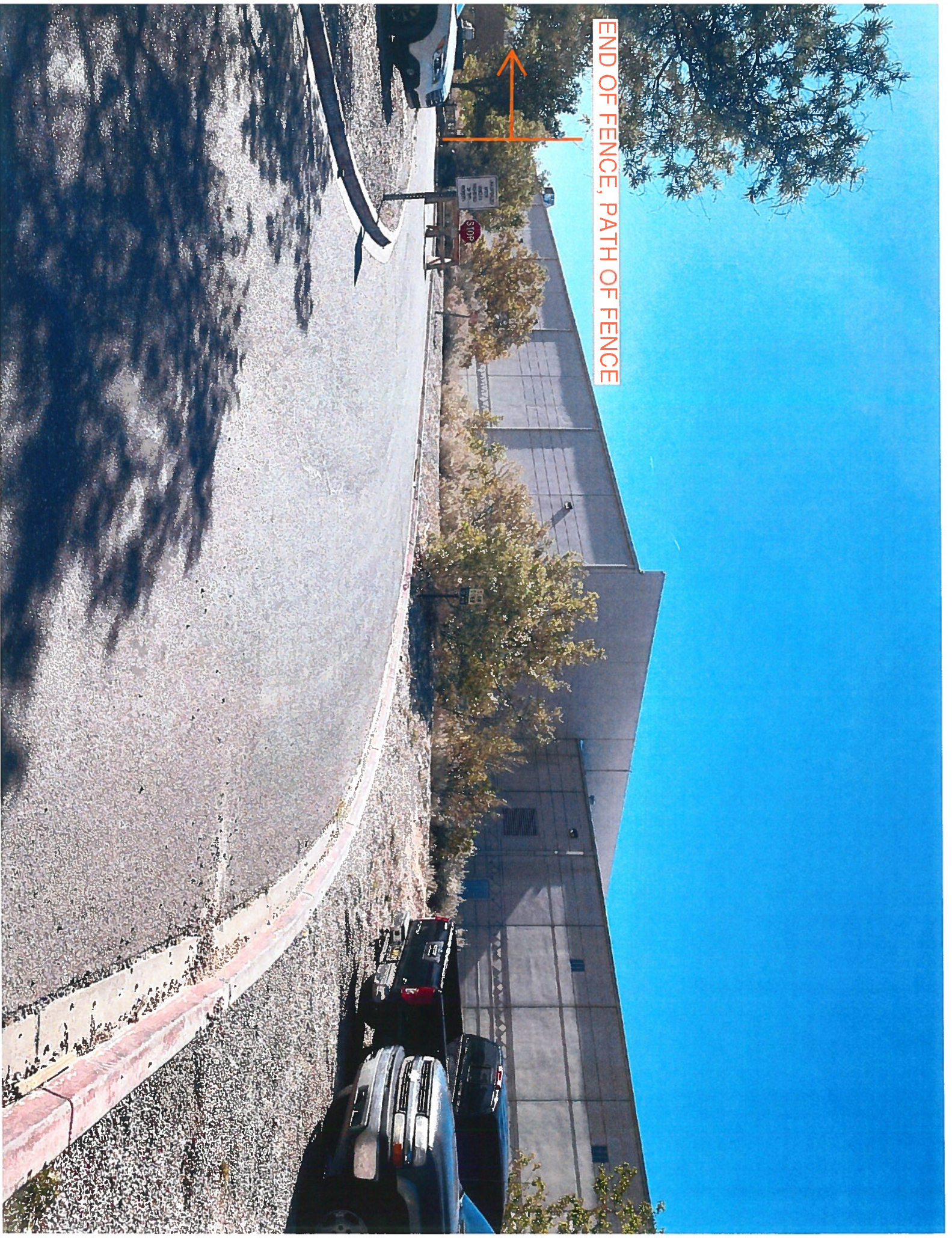




END OF FENCE, PATH OF FENCE



END OF FENCE, PATH OF FENCE







END OF FENCE, PATH OF FENCE

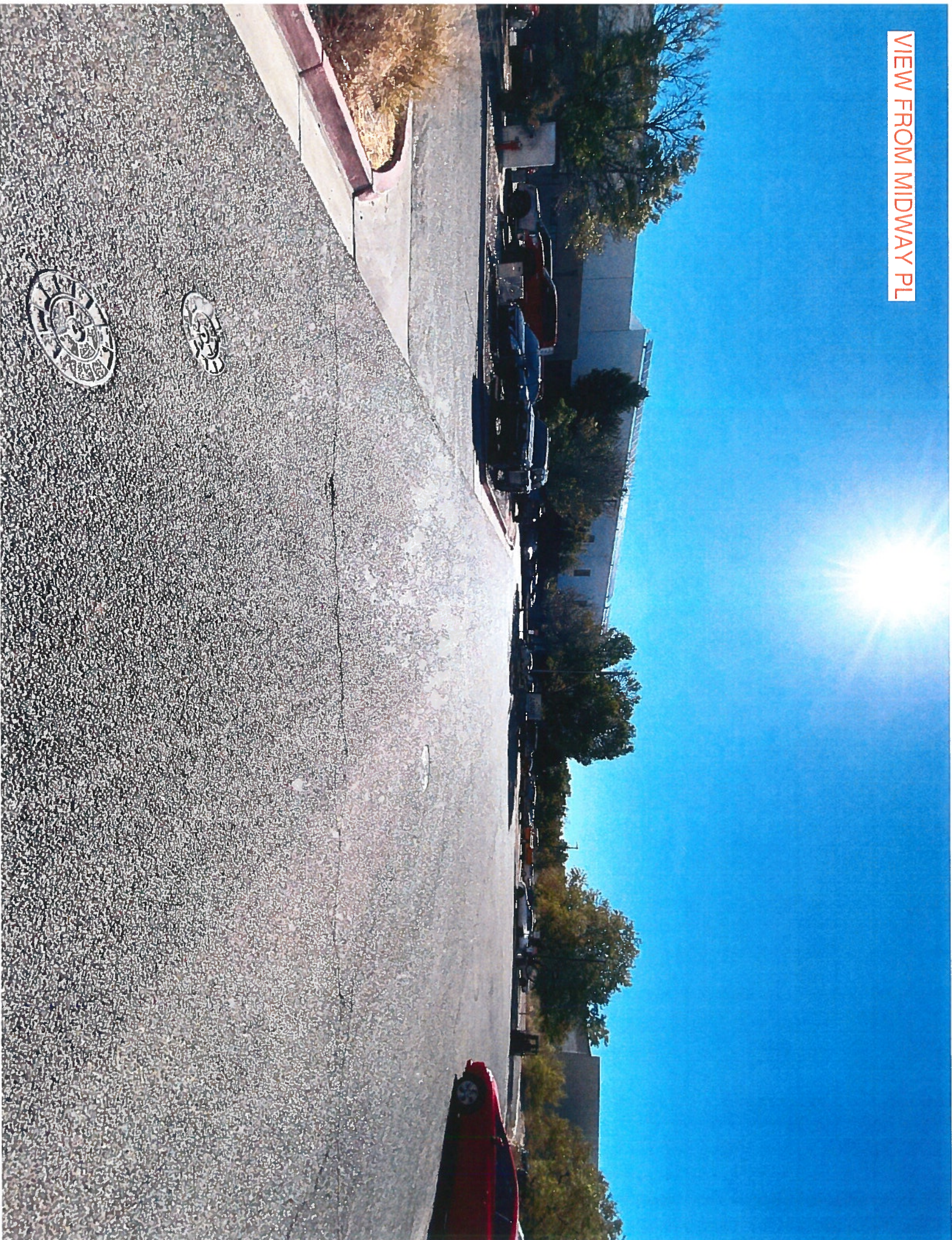


FRONT OF BUILDING





VIEW FROM MIDWAY PL





END OF FENCE, PATH OF FENCE

TRUCK  
EXIT  
ONLY  
AMZ

