

# Board of Adjustment

## Staff Report

**CASE NUMBER:** BA14-058 (PLN2014-00534)  
**STAFF PLANNER:** Kaelee Wilson, Planner I  
**LOCATION/ADDRESS:** The 2800 block of North Power Road (west side)  
**OWNER:** MDC Ridgeview Plaza  
**APPLICANT:** Jeffery Maas, Gensler

**REQUEST:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a commercial use in the LC-PAD zoning district.*

### SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the placement of an ATM kiosk in the parking lot of an existing commercial center. The site is located just north of the northwest corner of McDowell and Power Road. The overall center was initially constructed in 1988 with some pad sites constructed at a later date.

### STAFF RECOMMENDATION

Staff recommends approval of case BA14-058, *conditioned upon the following:*

1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.
2. The screen wall adjacent to Power Road shall be a minimum of 40 inches.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. All landscaping quantities shall comply with Section 11-33-5-B in the Zoning Ordinance.

### SITE CONTEXT

**CASE SITE:** Existing Commercial Shopping Center, zoned LC PAD  
**NORTH:** Existing Church- RS-9  
**EAST:** (across Power Road) Existing Commercial Shopping Center, zoned LC PAD-BIZ  
**SOUTH:** (across McDowell Road) Existing commercial developments; zoned LC  
**WEST:** Existing residential; zoned RS-6 PAD/ RM-2 PAD

### STAFF SUMMARY AND ANALYSIS

The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for the placement of an ATM kiosk in the parking lot of an existing shopping center. The Zoning Ordinance classifies kiosks as buildings; thus, the same development standards apply. As proposed, the applicant is unable to meet the setback requirement to the east and the foundation base requirement.

The shopping center's PAD was approved in 1988 and required a minimum of a 20 foot setback adjacent to Power Road due the site's proximity to Desert Upland's area. Around 1992, the right-of-way width increased from 65' to 75' leaving the center with less than the required 20' landscape setback on the east side. Based on a survey provided by the applicant, the current landscape setback line is at 10'- 10" where the ATM is being proposed. The applicant is not proposing to encroach further than the existing curb line.

The proposed ATM location is on the far east of the property in a row of 10 parking spaces. The applicant provided a parking analysis of the entire center based on the current occupancies. Upon the removal of

these ten parking spaces, the site will exceed the required number of parking spaces by 25.

The applicant is also requesting a deviation to the foundation base requirement. The Zoning Ordinance requires a minimum of two feet on the drive-thru side and five feet on the remaining sides. The applicant is providing less than 2 feet on both the drive-thru side (east) and on the west side. The applicant is providing a substantial amount of landscaping to the north and south of the ATM that far exceeds the minimum 5 foot requirement. The originally proposed bollards have been replaced with decorative concrete planters that will offer some visual relief from the lack of foundation base landscaping directly adjacent to the ATM.

The SCIP is required to facilitate the construction of the kiosk without drastically altering the circulation of the site. Without the granting of the SCIP the parking to the west would have to be reconfigured, the drive aisle would need to jog and mature trees would need to be removed. Although the site is just on the edge of the Desert Upland's boundaries, it was conditioned as part of the zoning case in 1988 to abide by the Desert Upland's design guidelines. Even though it is a small scale project, the applicant has done a nice job incorporating Desert Upland's colors and standards into the design.

#### **FINDINGS**

- 1.1 The proposed modifications invoke current development standards.
- 1.2 Since the time of initial construction, additional right-of-way was acquired. This acquisition made the entire site legal non-conforming.
- 1.3 The proposed use will not be detrimental to the surrounding properties.
- 1.4 The proposed project will provide a substantial amount of landscaping to the north and south of the kiosk.
- 1.5 Without the granting of the SCIP, the site would have to be drastically altered to accommodate the proposal.

#### **ORDINANCE REQUIREMENTS**

##### **Zoning Ordinance, Sec. 11-73-3 – Substantial Conformance Improvement Permits – Required Findings:**

A SCIP shall not be granted unless the Zoning Administrator, acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this Ordinance that can be attained without causing or creating any of the following conditions:
  1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or
  2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
  3. The creation of new non-conforming conditions.
- B. The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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## **Board of Adjustment Justification/Compatibility Statement**

### **Bank of America Riverview Plaza ATM**

Northwest Corner of Power Road and McDowell Road  
Mesa, Arizona

Gensler

Project # 57.7100.270

September 25, 2014

*Revised 10.22.2014*

The Justification/Compatibility Statement is responding to the July 16, 2014 City of Mesa Planning Division Memorandum that notes some Staff Comments/Concerns and to the SCIP request. The Statement speaks to all such comments, but specific attention has been given to item 9 Kiosk Foundation Base. In addition this Statement will address those specific *Desert Uplands Area Design Guidelines* that are applicable to this site improvement and have been respected.

### **Staff Comments/Concerns**

#### ***1. Kiosk encroaches 5' into the required 20' landscape setback.***

There has been confirmation that the minimum front landscape setback that is required on the Power Road frontage is 15 feet. The drive-thru lane has been shifted further west (away from Power Road) to align with the existing curb to be in conformance to the existing conditions previously allowed on-site. Subsequent to the initial submittal of this letter, actual field survey data showed that the existing curb alignment is approximately 10'-10" back from the existing property line.

#### ***2. Please dimension future width line on site plan.***

The property line at the proposed Kiosk location is 75' from the center line of Power Road. The balance of the property line along Power Road is currently at 65' from the centerline of Power Road. It was confirmed with the City of Mesa that the furthest planned ROW expansion along Power Road is 75' from the centerline of Power Road. In effect, the current property line nearest the proposed ATM kiosk is at the furthest planned ROW expansion and no further adjustments are anticipated.

**3. The signage on all four sides of the kiosk is not allowed; please submit revised elevations with reduced signage.**

The kiosk signs have been revised with the signs being completely removed on the north and south elevations. Signs on the west and east elevations have been reduced in size and length as required, and meet the City of Mesa requirements.

**4. The signage also exceeds 50 percent of the width of the kiosk which is a violation of code.**

Kiosk signs on the west and east elevations have been reduced in vertical height and therefore in length to be in compliance with this requirement.

**5. Please replace the bollards with decorative planters.**

Many different design options have been explored and have respected the need for vertical devices at the bollard locations that protect the ATM unit from vehicular impact and as required by the Bank of America. Design proposes to provide integral, low profile cast in place concrete planters on either side of the ATM in lieu of bollards. The planter is proposed to be board-formed with a textured or patterned surface that will visually anchor the composition. Natural desert plantings selected from the Desert Uplands approved plant list will be integrated into the planters. The 24" high protective planters will have an integrally designed bumper that will reinforce the horizontal banding design element of the project while providing a level of protection from damage to vehicles that may inadvertently drive against the sides of the planter.

(Other options as decorative pots and screened bollards were either not technically working given the required locations, appeared visually awkward, and would be inappropriate given the tight conditions at the ATM island or not approved by the client due to security concerns.)

**6. Please choose material for the kiosk that better matches the shopping center.**

The ATM has been reclad in a textured plaster with a light colored P-3 paint to match the existing center.

**7. The canopy needs to be better designed to integrate with the surrounding center.**

The canopy has removed the earlier red color and is being painted a P-5 paint or BOA Champagne Metallic MP21314 Semi-Gloss, which is visually compatible with the existing center.

**8. The height clearance pole needs to be painted a color complimentary to the center.**

The height clearance pole and a remote ATM pedestal are to be painted and to match the existing building color.

**9. Foundation base is required around the kiosk. Five feet is required on three sides and two feet (flush curbing) on the drive thru side.**

Architectural site plan proposes to provide a foundation base that is 10'-6" feet deep to the north, 1'-4 3/8" feet to the east (drive thru side) for functionality, 23'-6" feet deep to the south, and 1'-4 3/8" feet deep to the west. Therefore the foundation plan north dimension of 10'-6" feet and south dimension of 23'-6" feet substantially exceed the minimum 5 feet requirement. The west side dimension (or third side) is 1'-4 3/8" feet and less than desired and the subject of the formal SCIP request. The total foundation base area provided for the ATM is 169 sq. ft. and only 115 sf is required with 5 feet on three sides. The design proposal suggests the required foundation area is simply being reallocated around the ATM.

(Should the 5 feet to the west side of the ATM be required it would automatically dictate that the existing parking 24 feet drive be shifted further west, put a serpentine curve within the impacted drive, encroach into two existing landscaped islands with 4 mature trees to be relocated, and remove 6 additional parking spaces. We hope that the City of Mesa agrees that such negative impacts do not serve the retail center well and do not warrant the minimal benefit of 4 additional feet being added west of the ATM.)

**10. Please provide a landscape plan.**

A landscape plan is being provided by GK Flanagan, landscape architects. The plan reflects the use of the required *Desert Uplands Area Design Guidelines 'Preferred Desert Uplands Plant List.'* They are drought-resistant and desert-appropriate plants. An irrigation system will be provided and will be submitted to the City of Mesa with the final contract drawings.

### **Desert Uplands Area Design Guidelines Compliance**

Gensler has thoroughly reviewed the *Desert Uplands Area Design Guidelines* that are applicable to this ATM site improvement. The following highlights the specific design aspects that speak directly to these guidelines.

#### **1. Desert environment:**

ATM is resting within an island of desert landscaping and 1/4" minus decomposed granite of a light desert color, which is consistent within the larger Desert Uplands context and the immediate site surroundings.

#### **2. Native Vegetation:**

The proposed plants within the provided Landscape Plan are native vegetation wherever possible and respect this priority.

**3. *Compatible with architectural theme of the project:***

ATM vertical structure is visually respectful of the existing retail center in regards to stucco texture and a few select paint colors that match the center.

**4. *Open space allows views of natural land forms throughout the area:***

The ATM vertical structure is minimal in regards to floor area being only 21 square feet, which maintains the openness that currently exists and continues to provide access to existing surrounding views.

**5. *Structures blend harmoniously with the natural environment:***

The single vertical structure is respectful of the desert environment with a palette of natural materials as textured stucco and warm-colored metal panels.

**7. *Access to sites should be efficient and safe, provide equal access for vehicles:***

Existing vehicular access to the retail center is essentially unchanged with this new site improvement. Access to the ATM is provided by a new drive-thru at the edge of the existing parking lot and parallel to an adjacent drive, thereby not disrupting the existing flow within the body of the parking lot. The traffic geometrics for entry into the drive-thru and exit have curb lines that provide for more gradual turning movements than earlier plans, which make it a more natural movement that is safe and efficient.

**8. *Minimize the visual impact of drives:***

The one drive being provided is visually screened with a 41'-6" long and landscaped island that mitigates a broad-side view of the drive. Landscape will meet current City of Mesa standards and be much denser than that which exists immediately to the north, east, and south of this area. The provided west elevation shows this visual screening. An existing 3'-0" high solid plastered wall that runs north/south and east of the new drive also visually screens it from the Power Road exposure. Our east elevation reflects this wall in the foreground to mitigate views from the street.

**9. *Preferred Desert Uplands Plant List, informal and natural:***

The provided Landscape Plan reflects the use of this required plant list. Plant placement does reflect a more informal and natural arrangement, and avoids any formality.

**10. *Site disturbance is minimized:***

The minimal amount of the existing site is being disturbed by this minor site improvement, and with the new landscaped island is actually improving the existing harsh condition with very little or no landscaping.

**11. *Parking reduces the visual impact and reduces the urban heat island impact, take on a softer, curvilinear form.***

Although no parking is planned for this project, the provided drive layout was slightly reconfigured with a curvilinear aspect and softened radius terminations at the island in order to align with this design criteria. Adjacent landscaping at the island will further soften this condition.

**12. *¼" minus decomposed granite of a desert tone:***

Project proposes to use this technical specification for the decomposed granite and we believe does match the existing size and type.

**13. *The quality of the dark nighttime outdoor environment, low profile fixtures, lighting for safety near building, integral component of the theme of the project:***

The only lighting provided is within the underside of the cantilevered canopy and a potential site light pole, shielded from view, and is directed to the front face of the ATM. Lighting quantity and lighting level will ensure safety for the customers that use the drive-thru and access the ATM.

**14. *Signage be integrated or features in the architectural composition:***

Bank of America (B of A) signage is integrated into the ATM vertical structure with a continuous colored band that wraps all sides and is flush with the adjacent walls. Within the band there is B of A lettering to the east and west sides only and which have size letters and overall length that meets the City of Mesa requirements.

**15. *Shade elements such as canopies are integral element:***

To cap the ATM vertical structure is a cantilevered canopy that projects toward the drive-thru side. By its nature it suggests to Power Road a more protective and sheltering device in this harsh sunny place. It provides shade to a customer accessing the ATM while eliminating glare on the face of the ATM unit. Canopy is clad in a durable metal panel and painted a light color to match the existing retail center.

**16. *All sides of the project are attractive:***

The design suggests a single small vertical structure that is simple, wrapped with horizontal bands of textured warm colors, and subtle reveals between differing materials. There is consistency with the overall approach and does demonstrate an integrity. The racetrack-shaped island actually suggests the vehicular movement around it, and the integrated landscape planters reinforce this same racetrack notion.

**17. *Site design, building placement, architecture, landscaping, exterior lighting, signage and decorative structures complement each other.***

Design is viewed as being holistic and respecting the integration of these specific aspects. Overall project will look intentional and resolved, and avoid awkward unresolved moments.

**18. Durable local building materials as stucco:**

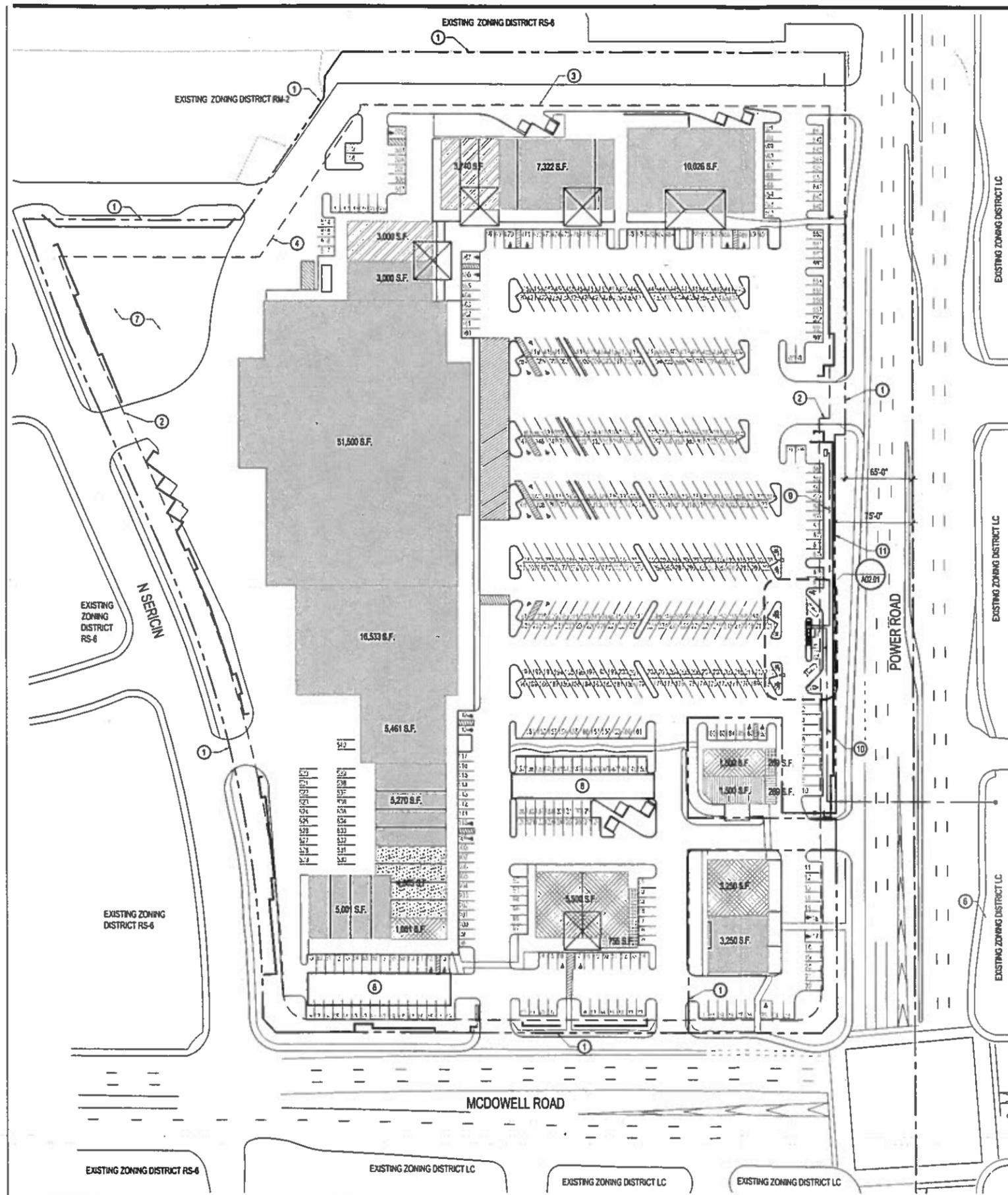
Materials being provided include walls of textured stucco that is painted, natural board formed concrete with patterned or textured sides, and canopy of flush metal panels painted. This palette makes for a very durable and long lasting solution.

**19. Should incorporate accent materials that are durable and complement primary building materials:**

Accent colors are encouraged and the only color proposed is this narrow and horizontal red band, which is only 13.7% of the total warm-colored wall area.

**20. Maximum reflectivity index of 50, desert hues, may include brighter accent colors for minimal surface areas:**

All solid wall, concrete planters, and canopy are either natural or painted with colors that respect a maximum reflectivity index of 50. They all match other existing retail center colors. The only exception is the red accent that again is only 13.7% of the total ATM structure wall area.



**KEY NOTES**

- ① CURRENT PROPERTY LINE
- ② BUILDING SETBACK, STREET FACING SIDE BUILDING
- ③ BUILDING SETBACK, INTERIOR SIDE AND REAR ADJACENT TO RS DISTRICT
- ④ BUILDING SETBACK, INTERIOR SIDE AND REAR ADJACENT TO RM DISTRICT
- ⑤ BUILDING SETBACK, INTERIOR SIDE AND REAR ADJACENT TO NON-RESIDENTIAL DISTRICT
- ⑥ EXISTING BUS STOP
- ⑦ LANDSCAPE / EXISTING PVT UNDERGROUND RETENTION
- ⑧ EXISTING PVT UNDERGROUND RETENTION
- ⑨ NEW POWER SUPPLY FOR PROJECT CONNECTED TO EXISTING UTILITY TRANSFORMERS
- ⑩ NEW DATA SUPPLY FOR PROJECT CONNECTED TO EXISTING UTILITY SERVICE
- ⑪ CURRENT AND FUTURE PROPERTY LINE

**GENERAL NOTES**

- A. REFER TO ENLARGE PLANS FOR DETAILED DESCRIPTION OF THE WORK.
- B. ALL CONDITIONS CRITICAL TO THE PROJECT TO BE FIELD VERIFIED.
- C. PARCEL DIMENSIONS ON THE DRAWINGS ARE NOT EXACT AND MIGHT DIFFER FROM THE ACTUAL LOCATION OF THE PROPERTY LINE.

**PARKING ANALYSIS**

TABLE 11-32-3.A: REQUIRED PARKING SPACES BY USE

USE	MINIMUM STANDARD	SQ. FT.	REQUIRED PARKING SPACES
GENERAL OFFICES, RETAIL, AND SERVICES	1 SPACE PER 375 SQUARE FEET	107,363	287
MEDICAL/DENTAL OFFICES AND OUTPATIENT CLINICS	1 SPACE PER 200 SQUARE FEET	4,228	22
INDOOR - EATING AND DRINKING ESTABLISHMENTS (NO DRIVE-THROUGH WINDOW)	1 SPACE PER 75 SQUARE FEET FOR INDOOR AREA	11,301	151
OPEN SEATING - EATING AND DRINKING ESTABLISHMENTS (NO DRIVE-THROUGH WINDOW)	1 SPACE PER 200 SQUARE FEET FOR OUTDOOR SEATING	1,024	6
INDOOR - EATING ESTABLISHMENTS (WITH DRIVE-THROUGH WINDOW AND ASSOCIATED QUEUING DRIVE AISLE)	1 SPACE PER 100 SQUARE FEET FOR INDOOR AREA	1,500	15
OPEN SEATING - EATING ESTABLISHMENTS (WITH DRIVE-THROUGH WINDOW AND ASSOCIATED QUEUING DRIVE AISLE)	1 SPACE PER 200 SQUARE FEET FOR OUTDOOR SEATING	269	2
HEALTH SPACE AND CLUBS, GYMS, AND TENNIS, HANDBALL, AND RACQUETBALL COURTS AND CLUBS	1 SPACE PER 100 SQUARE FEET, EXCLUDING COURTS, PLUS 2 SPACES PER COURT	6,740	68
<b>TOTAL USE AREA</b>		<b>132,425</b>	
<b>TOTAL REQUIRED PARKING SPACES</b>			<b>551</b>

**EXISTING PARKING CONDITIONS**

EXISTING PARKING SPACES	556
EXISTING ACCESSIBLE PARKING SPACES	30
<b>TOTAL EXISTING PARKING SPACES</b>	<b>586</b>

**PROPOSED PARKING MODIFICATIONS**

PROPOSED PARKING SPACES REMOVED	10
PROPOSED ACCESSIBLE PARKING SPACES REMOVED	0
<b>TOTAL REMAINING PARKING SPACES</b>	<b>576</b>

**BANK OF AMERICA**

**RIDGEVIEW PLAZA  
ATM**

NW Corner of E. McDowell Rd. and N. Power Rd.  
MESA, AZ 85215

**Gensler**

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Issue	Date & Issue Description	By	Check
01	06/12/14		
ISSUED FOR ADMINISTRATIVE REVIEW			
03	10/22/14		
REVISED FOR BOARD OF ADJUSTMENT REVIEW			

Scale/Signature

Project Name  
BANK OF AMERICA - RIDGEVIEW PLAZA ATM

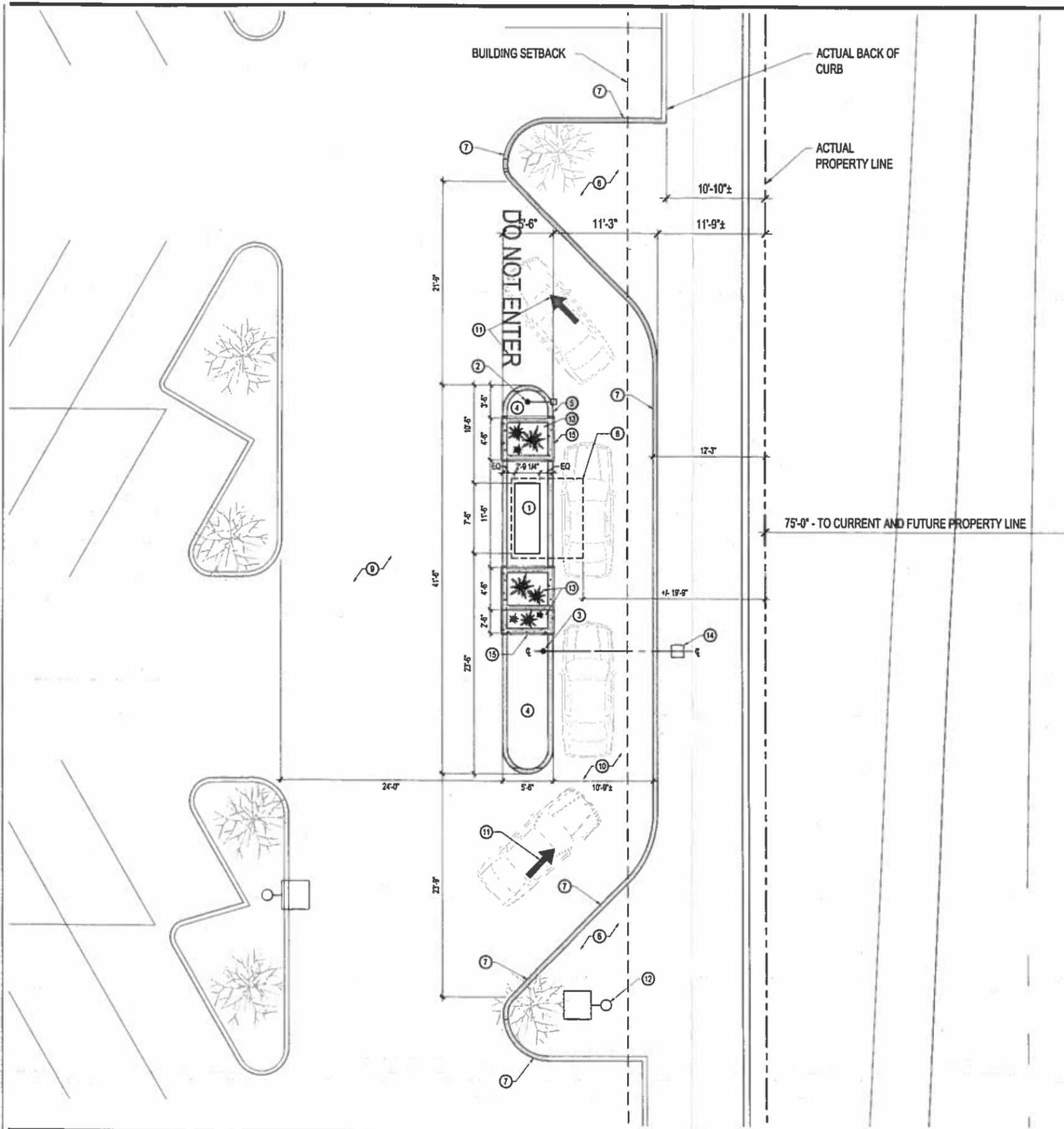
Project Number  
57.7100.270  
CAD File Name  
A00-50.dwg

Description  
OVERALL ARCHITECTURAL REFERENCE SITE PLAN  
GRADE LEVEL

Scale  
0 25 50 100  
North

**A00.50**

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**KEY NOTES**

- ① (N) UBA-DU DRIVE UP ATM KIOSK, REFER TO PRODUCT CUTSHEETS FOR MORE INFORMATION.
- ② (N) LIGHT POLE. REFER TO ELEVATION AND PRODUCT CUT SHEETS
- ③ (N) DIRECT BURIAL CLEARANCE POLE.
- ④ (N) LANDSCAPE AREA.
- ⑤ (N) ATM KIOSK ISLAND.
- ⑥ (N) LANDSCAPING TO MATCH EXISTING.
- ⑦ (N) SIX INCH CURB TO MATCH EXISTING
- ⑧ (N) KIOSK OVERHANG REFER TO ELEVATIONS
- ⑨ EXISTING ASPHALTIC PAVING
- ⑩ (N) ASPHALTIC PAVING
- ⑪ (N) PAINTED SIGNAGE ON PAVING. TO MATCH EXISTING
- ⑫ EXISTING LIGHT POLE. ALL EXISTING LIGHT POLES TO REMAIN.
- ⑬ (N) BOARD FORMED CONCRETE PLANTER.
- ⑭ REMOTE ELECTRICAL PEDESTAL.
- ⑮ (N) PROTECTIVE BUMPER.

**SHEET NOTES**

- A. PARCEL DIMENSIONS ON THE DRAWINGS ARE NOT EXACT AND MIGHT DIFFER FROM THE ACTUAL LOCATION OF THE PROPERTY LINE.
- B. NO MAJOR CHANGES TO THE EXISTING LANDSCAPE, GRADING, DRAINAGE, SITE LIGHTING AND BUILDING ELEVATIONS ARE PROPOSED.

**BANK OF AMERICA**

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Issue	Date & Issue Description	By	Check
- 01	09/12/14		
	ISSUED FOR ADMINISTRATIVE REVIEW		
- 02	09/29/14		
	ISSUED FOR BOARD OF ADJUSTMENT REVIEW		
- 03	10/22/14		
	REVISED FOR BOARD OF ADJUSTMENT REVIEW		

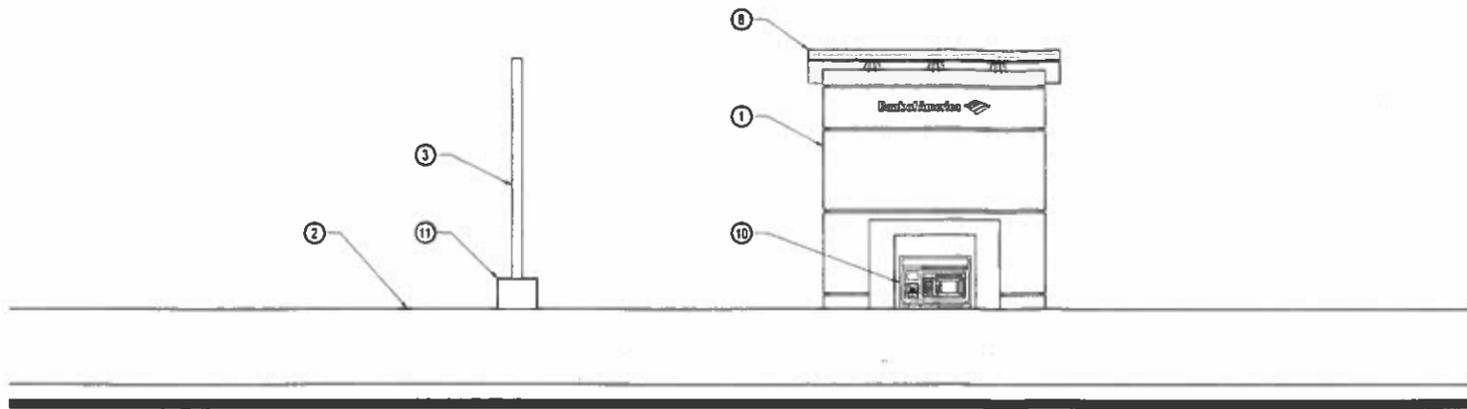
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Boat/Signature

Project Name  
BANK OF AMERICA - RIDGEVIEW PLAZA ATM

Project Number  
57.7100.270  
CAD File Name  
A02-01.dwg  
Description  
CONSTRUCTION PLAN



**A02.01**

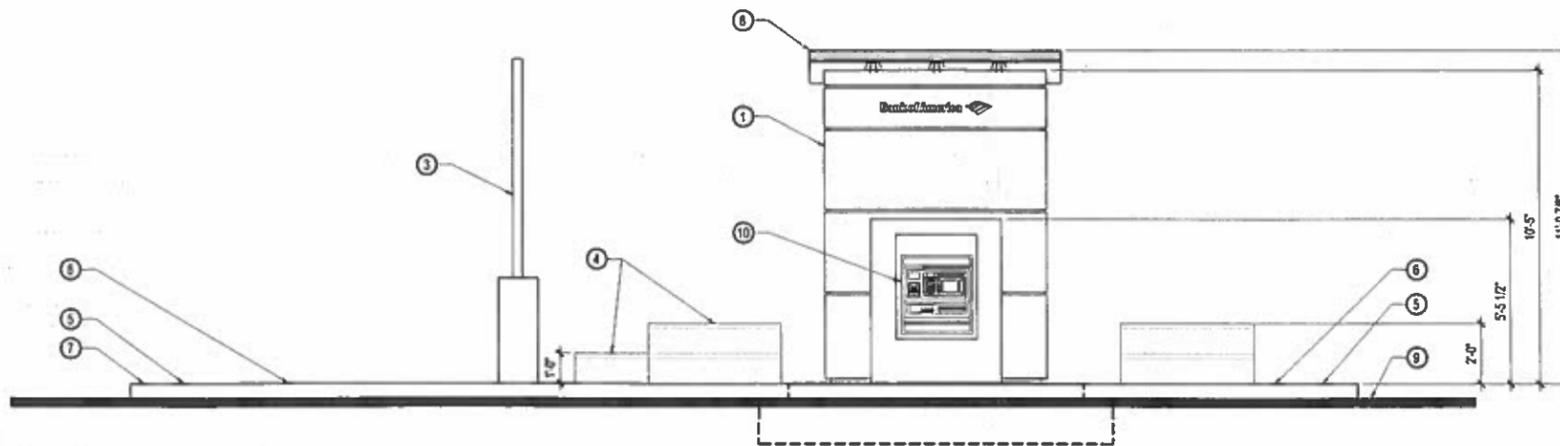


**KEY NOTES**

- ① (N) DRIVE UP ATM KIOSK - REFER TO PRODUCT CUTSHEETS FOR MORE INFORMATION.
- ② EXISTING SITE WALL
- ③ (N) DIRECT BURIAL CLEARANCE POLE.
- ④ (N) BOARD FORMED CONCRETE PLANTER WITH PROTECTIVE BUMPERS.
- ⑤ (N) ATM KIOSK ISLAND
- ⑥ (N) LANDSCAPING TO MATCH EXISTING
- ⑦ (N) SIX INCH CURB TO MATCH EXISTING
- ⑧ (N) KIOSK OVERHANG - SEE PLAN.
- ⑨ EXISTING GRADE AT ASPHALTIC PAVING
- ⑩ (N) ATM
- ⑪ (N) REMOTE ELECTRICAL PEDESTAL.

**EAST ELEVATION (FROM POWER ROAD)**  
SCALE: 3/8" = 1'-0"

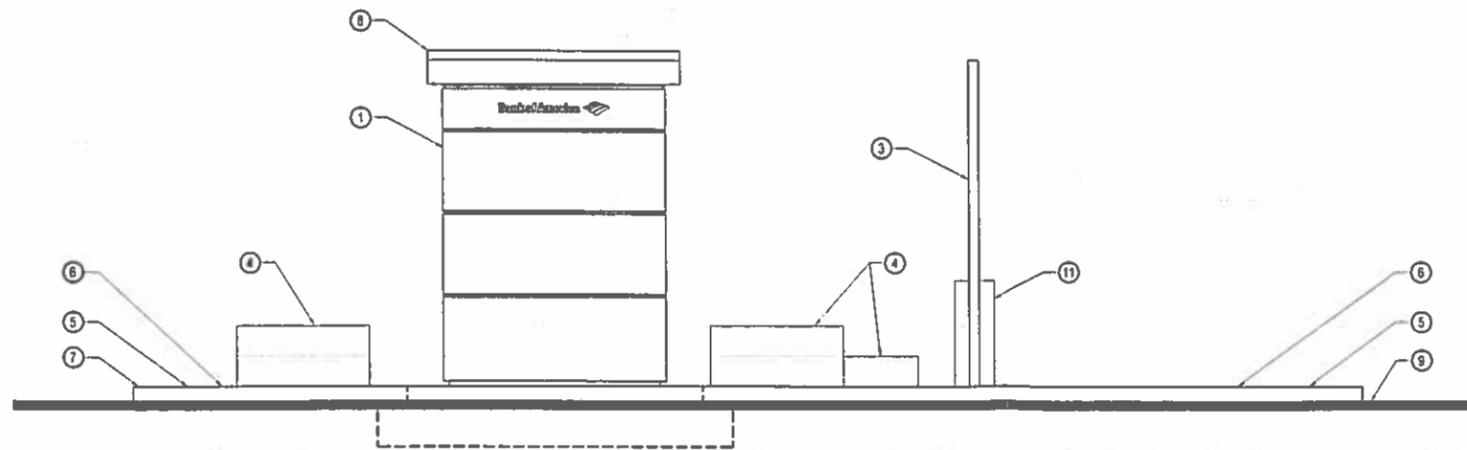
**1**



**EAST ELEVATION**  
SCALE: 3/8" = 1'-0"

**2**

**SHEET NOTES**



**WEST ELEVATION**  
SCALE: 3/8" = 1'-0"

**3**

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- 03	10/22/14 REVISED FOR BOARD OF ADJUSTMENT REVIEW		

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Scale/Signature

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BANK OF AMERICA - RIDGEVIEW PLAZA ATM

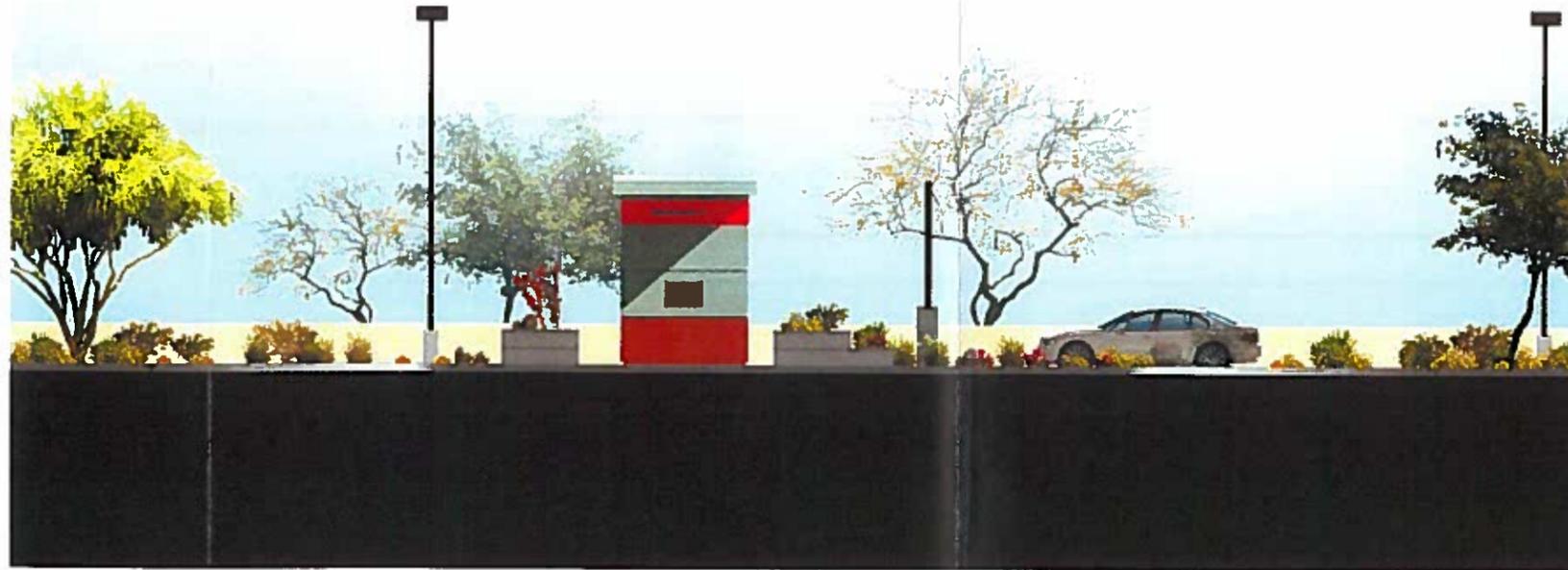
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Description  
KIOSK ISLAND ELEVATIONS

Scale



**A09.02**

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**COLORED WEST ELEVATION**  
SCALE: 1/4" = 1' - 0"



**KEY NOTES**

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	ISSUED FOR ADMINISTRATIVE REVIEW		
- 03	10/22/14		
	REVISED FOR BOARD OF ADJUSTMENT REVIEW		

**SHEET NOTES**

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Signature

Project Name  
BANK OF AMERICA - RIDGEVIEW PLAZA ATM

Project Number  
57.7100.270

CAD File Name  
A09-03.dwg

Description  
COLORED WEST ELEVATION

Scale



**A09.03**