
**CITY OF TEMPE
HEARING OFFICER**

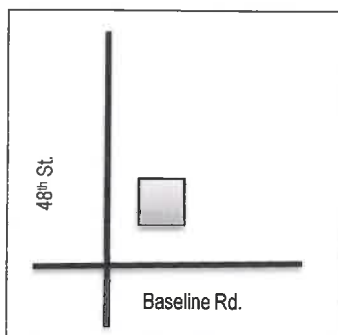
**Meeting Date: 04/04/2023
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the TL Qik Stop Property located 3233 S. 48th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2610 for abatement request: landscape cleanup, remove junk, trash, debris, remove graffiti.

RECOMMENDATION: Staff – Approval of 180-day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the TL QIK STOP PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CM230224: landscape cleanup, remove junk, trash, debris, remove graffiti.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

TL Qik Stop Market Inc.
City of Tempe – Code Compliance
PCC-1 Planned Commercial Center
Michael Glab

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director
Legal review by: N/A
Prepared by: Barbara Simons, Code Inspector
Reviewed by: Drew Yocom, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the TL Qik Stop Property located at 3233 S. 48th Street, in the PCC-1 Planned Commercial Center district. This case was initiated 01/30/2023, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement, the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180-day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

Planning Application Submittal Form

Part 1 of 2

City of Tempe
 Community Development Department
 31 East 5th Street, Garden Level, Tempe, Arizona 85281
 (480) 350-4311 Fax (480) 350-8677
 Planning Fax (480) 350-8872
<http://www.tempe.gov/planning>



All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

PROJECT INFORMATION – REQUIRED

PROJECT NAME	TL QIK STOP MARKET INC	EXISTING ZONING	PCC-1	<input type="checkbox"/>
PROJECT ADDRESS	3233 S. 48TH ST., TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	EATON FREEWAY INDUSTRIAL PARK MCR 171/31 PT LOT 127 COMM W/MOST SW ABATEMENT OF CM230224 APRIL 04, 2023	PARCEL No(s)	123-28-130J	<input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE 1	PHONE 2		
EMAIL				

I hereby authorize the applicant below to process this application with the City of Tempe.

PROPERTY OWNER SIGNATURE	X	DATE
or attach written statement authorizing the applicant to file the application(s)		

APPLICANT INFORMATION – REQUIRED

COMPANY / FIRM NAME	CITY OF TEMPE / CODE COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208		
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	STATE	AZ	ZIP 85281-3681
EMAIL	michael_glab@tempe.gov	PHONE 1	PHONE 2		
		(480) 350-5461			

I hereby attest that this application is accurate and the submitted documents are complete. I acknowledge that if the application is deemed to be incomplete it will be returned to me without review, to be resubmitted with any missing information.

APPLICANT SIGNATURE	X	DATE	02/28/23
<i>Michael J. Glab</i>			

BUSINESS INFORMATION – REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

<input checked="" type="checkbox"/> APPLICATION (Check all that apply)	QTY	SPECIFIC REQUEST (See Planning & Zoning Fee Schedule for types)	FOR CITY USE ONLY (Planning record tracking numbers)	
<input type="checkbox"/> A. PRELIMINARY SITE PLAN REVIEW			SPR	
<input type="checkbox"/> B. ADMINISTRATIVE APPLICATIONS			ADM	
<input type="checkbox"/> C. VARIANCES			VAR	
<input type="checkbox"/> D. USE PERMITS / USE PERMIT STANDARDS			ZUP	
<input type="checkbox"/> E. ZONING CODE AMENDMENTS			ZOA	ZON
<input type="checkbox"/> F. PLANNED AREA DEVELOPMENT OVERLAYS			PAD	REC
<input type="checkbox"/> G. SUBDIVISION / CONDOMINIUM PLATS			SBD	REC
<input type="checkbox"/> H. DEVELOPMENT PLAN REVIEW			DPR	
<input type="checkbox"/> I. APPEALS				
<input type="checkbox"/> J. GENERAL PLAN AMENDMENTS			GPA	
<input type="checkbox"/> K. ZONING VERIFICATION LETTERS			ZVL	
<input checked="" type="checkbox"/> L. ABATEMENTS			CE	CM
<input type="checkbox"/> M. SIGN TYPE K			GO	SE
TOTAL NUMBER OF APPLICATIONS	0			

FOR CITY USE ONLY

DS TRACKING #	FILE APPLICATION WITH CE / CM / IP TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: April 04th, 2023
TO: Jack Scofield, Senior Code Inspector
FROM: Michael Glab, Code Inspector
SUBJECT: CM230224, TL QIK STOP MARKET INC Property Abatement

LOCATION: 3233 S. 48TH ST., Tempe, AZ 85282

PARCEL: 123-28-130J

OWNER: TL QIK STOP MARKET INC
3233 S 48TH ST
TEMPE, AZ 85282

FINDINGS:

01/30/23 The Code Compliance Division received complaint for over height grass/weeds. Inspected the property and found over height grass/weeds present. Notice mailed to property ownership.

02/14/23 Inspected property and found over height grass/weeds remained. Bids sought for property abatement.

02/22/23 Observed newly added graffiti to building exterior and junk/trash/debris along the rear of the site.

02/28/23 Posted notice of intent to abate to structure and mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 3233 S 48TH ST due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.1, 21-3.b.8 and 22-105. TL QIK STOP MARKET INC has been given ample time to come into compliance and maintain the property. ~~The property owner has been issued a civil citation and has failed to appear to court.~~ The property has been previously abated for graffiti, debris and landscaping. There has been no indication that the property owner will bring the property into compliance. The property represents a health hazard and an eyesore to the community.

Without the intervention of abatement, the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Inspectors Name
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 2/28/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:02/28/2023
CASE # CM230224

TL QIK STOP MARKET INC
3233 S 48TH ST
TEMPE, AZ 85282

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LOCATION: 3233 S 48TH STREET., TEMPE, AZ 85282
PARCEL: 123-28-130J

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 04/04/2023. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 22-105

Graffiti prohibited. All sidewalks, walls, buildings, fences, signs, and other structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property.

Violation of City of Tempe Code 21-3.B.1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;

Violation of City of Tempe Code 21-3.B.8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground;

If the violations have not been corrected within thirty days, our office will proceed with the abatement process. As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below:

- 1. Please remove or paint over the graffiti located on the property (north side of the building exterior). If painting over, please use a color of paint consistent with existing paint colors**
- 2. Please remove grass/weeds from all gravel portions of the site and/or adjacent right of way (e.g. frontage, parking lot islands, rear of the site, etc.)**
- 3. Please remove junk, trash or debris from the entirety of the site and/or adjacent right of way**

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$2,610.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-4311.

Code Inspector: MICHAEL GLAB

Phone Number: 480-350-5461

E-mail: Michael_glab@tempe.gov



Artistic Land Management, Inc.

February 24, 2023

City of Tempe
Attn: Michael Glab
Code Inspector

RE: Clean-Up at 3233 S. 48th St.

Thank you for giving Artistic Land Management, Inc the opportunity to serve your landscaping needs. Below is our price to provide all labor, equipment, landfill fees, and supervision to perform the work listed below at 3233 S. 48th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Removal of all grass/weeds from gravel portions of the site, to include the frontage and rear landscape islands
- Application of pre-emergent over the entirety of the site
- Removal of junk, trash, or debris abandoned on site
- Graffiti removal or painting over
- Thinning of overgrown vegetation on-site
- Disposal of removed waste
- Police presence on-site for duration of the visit

Total: \$2,610.00

Respectfully,

Jose Hernandez

Feb 28, 2023 9:13:40 AM
Tempe



Feb 28, 2023 9:16:53 AM
Phoenix

3233



Feb 28, 2023 9:14:26 AM

Tempe

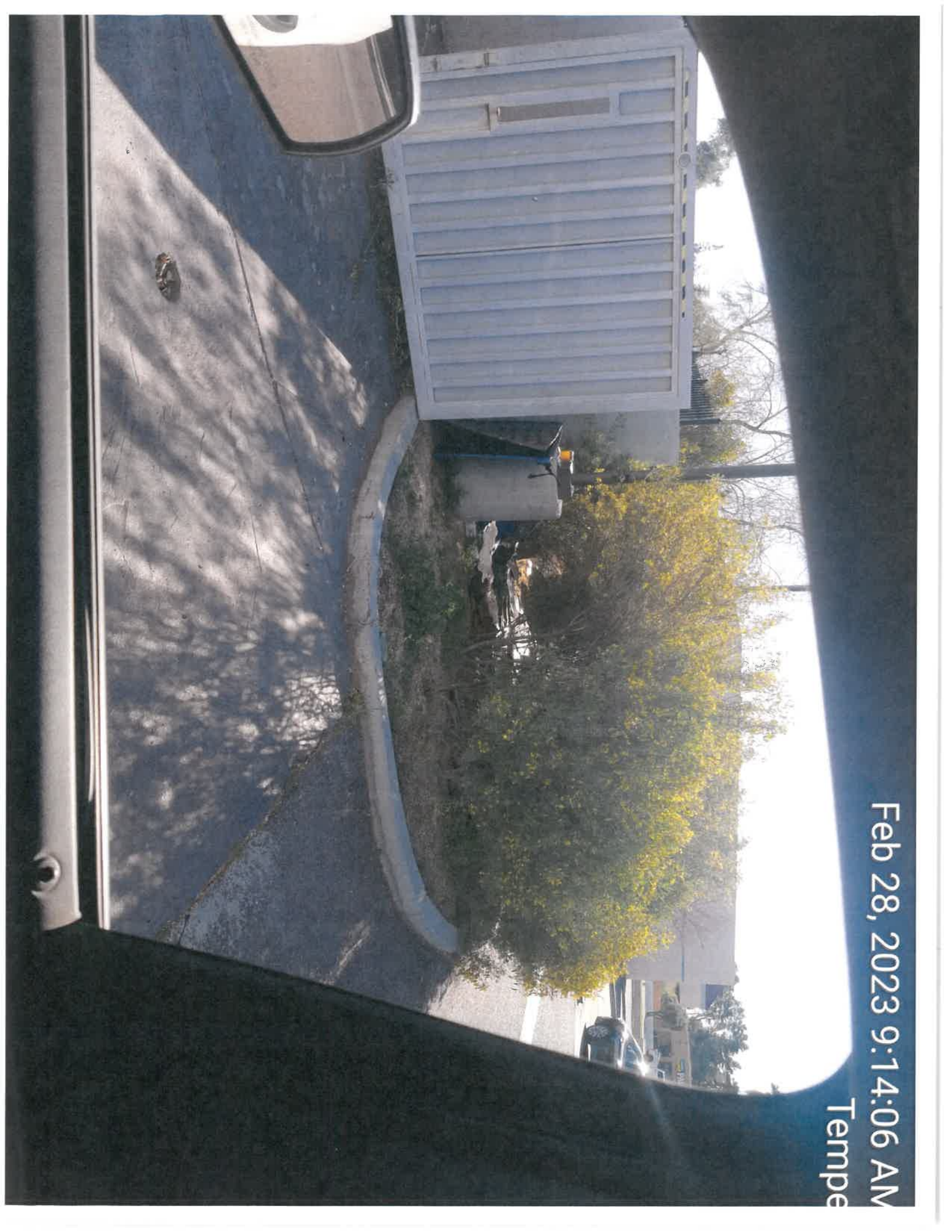
3233

QVAEK



Feb 28, 2023 9:14:06 AM

Tempe





COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

02/22/2023

DEBBIE NGUYEN
 1328 E MINTON DR
 TEMPE, AZ 85282

Case #: CM230224
 Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/22/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

Section	Violation
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
CC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground;
ZDC 4-102.E.6.	The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
Please remove the grass/weeds from the gravel portions of the property and/or adjacent right of way. Please remove, or paint over, the graffiti located on site (e.g. building exterior). If painting over, please use a color of paint consistent with existing paint colors. Please remove trash, litter and debris	03/08/2023

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Michael Glab
 Code Inspector

Direct: 480-350-5461
 Code Compliance: 480-350-4311
 Email: Michael_Glab@tempe.gov

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$82.00 pursuant to City Code Section 21-51, subsection (b).

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, 17-19 and 21; Sections 21-4; 21-13; Section 21-24; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

02/22/2023

TL QIK STOP MARKET, INC
3233 S 48TH ST
TEMPE, AZ 85282

Case #: CM230224
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

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Michael Glab
Code Inspector

Direct: 480-350-5461
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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

02/22/2023

TL QIK STOP MARKET, INC
1821 S COUNTRY CLUB DR
MESA, AZ 85210

Case #: CM230224
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 02/22/2023 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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Michael Glab
Code Inspector

Direct: 480-350-5461
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