

**CITY OF TEMPE
HEARING OFFICER**

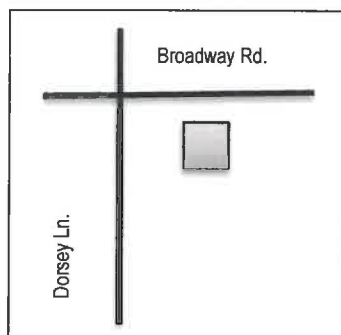
**Meeting Date: 07/18/2023
Agenda Item: 5**

ACTION: Request approval to abate public nuisance items at the McCooley Property located 1430 E. Palmdale Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2066 for abatement request: front & back yard landscape cleanup.

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 MCCOOEY 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 CE232224: front & back yard landscape cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Kevin & Susan D. McCooley
City of Tempe – Code Compliance
R1-6 Single Family Residential District
Andrew Gongora

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 McCooey Property located at 1430 E. Palmdale Drive, in the R1-6 Single Family Residential District. This case was initiated 4/13/23 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	KEVIN MCCOOEY/SUSAN D - PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	1430 E. PALMDALE DR	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE232224 HEARING IS JULY 18TH, 2023	PARCEL No(s)	133-31-308 <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)			
BUSINESS NAME	KEVIN MCCOOEY/SUSAN D	ADDRESS	1430 E PALMDALE DR
CONTACT NAME		CITY	TEMPE
		STATE	AZ
		ZIP	85282
EMAIL		PHONE 1	
		PHONE 2	

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	ADDRESS	21 E. 6TH ST
CONTACT NAME	ANDREW GONGORA	CITY	TEMPE
		STATE	AZ
		ZIP	85281
EMAIL	ANDREW_GONGORA@TEMPE.GOV	PHONE 1	480-350-8623
		PHONE 2	

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	6/16/23
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BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs			
BUSINESS NAME		ADDRESS	
CONTACT NAME		CITY	
		STATE	
		ZIP	
TYPE OF BUSINESS		PHONE	
		EMAIL	

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)
PL TRACKING #			VALIDATION OF PAYMENT (STAMP)
SPR TRACKING # (if 2 nd or 3 rd submittal, please use Planning Resubmittal Form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: June 16, 2023
TO: Julie Scofield, Senior Code Inspector
FROM: Andrew Gongora, Code Inspector
SUBJECT: CE232224, Kevin McCooey/Susan D Property Abatement

LOCATION: 1430 E PALMDALE DR TEMPE, AZ 85282

PARCEL: 133-31-308

OWNER: KEVIN MCCOOEY/SUSAN D
1430 E PALMDALE DR
TEMPE, AZ 85282

FINDINGS:

4/13/2023 This inspector identified the property in violation of having Grass and Weeds in the front gravel landscape. Correction notice mailed.

4/27/2023 Inspected property, no progress made, Mailed Final Notice to property owner.

5/11/2023 Inspected property, violations present, left red tag with contact information and instructions to contact this inspector by 5/15/23 to avoid citation on 5/16/23.

5/16/2023 Issued citation #1789701 for grass and weeds and weeds in gravel landscape.

5/30/2023 Property inspected, still in violation.

6/6/2023 Property inspected, violations still exist, including backyard over height grass and weeds. Photos taken, send notice for backyard over height grass and weeds.

6/13/2023 Citation sent by certified mail, on 5/16/2023, was returned on 6/13/23 as Unclaimed, Unable to forward.

6/13/2023 Called cell number from water bill, 805-443-0157, at 3:00pm, for Kevin McCooey, no answer, left V/M to return call and discuss violations on property.

6/14/2023 Home contact attempt, no answer, posted citation on property door.

6/16/2023 Inspected property, violations exist in front and back of the property. Photos taken to show condition of the property. Submitting notice to abate. Mailed notice to abate to property owner and posted notice on property door.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 1430 E Palmdale Dr due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. Mr. McCooey 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. 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,

Andrew Gongora
Code Inspector

ACTION TAKEN: submitted
NAME Julie Scofield
DATE: 6/14/23



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 06/16/2023
CASE #: CE232224

MCCOOEY KEVIN/SUSAN D
1430 E PALMDALE DR
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: 1430 E PALMDALE DR TEMPE, AZ 85282
PARCEL: 133-31-308

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers **07/18/2023**. 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:

- CC 21-3.b.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches
- CC 21-3.b.8** Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

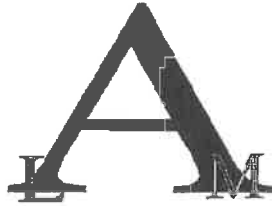
As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct any violation as described below. If the violation(s) have not been corrected, our office will proceed with the abatement process.

- CC 21-3.b.8** **Please remove all grass and or weeds, including removing all dead remnants of weeds from the front and side(s) of the property. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.**
- CC 21-3.b.8** **Please cut all over height weeds and grass from the backyard of the property.**

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 **\$2,066.00**. In addition to the actual cost of abatement, an administrative charge of fifteen percent (15%) 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 of 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: Andrew Gongora
Phone Number: 480-350-8623
E-mail: Andrew_Gongora@tempe.gov



Artistic Land Management, Inc.

June 12, 2023

City of Tempe
Attn: Andrew Gongora
Code Inspector

RE: Clean-Up at 1430 E. Palmdale Dr.

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 1430 E. Palmdale Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

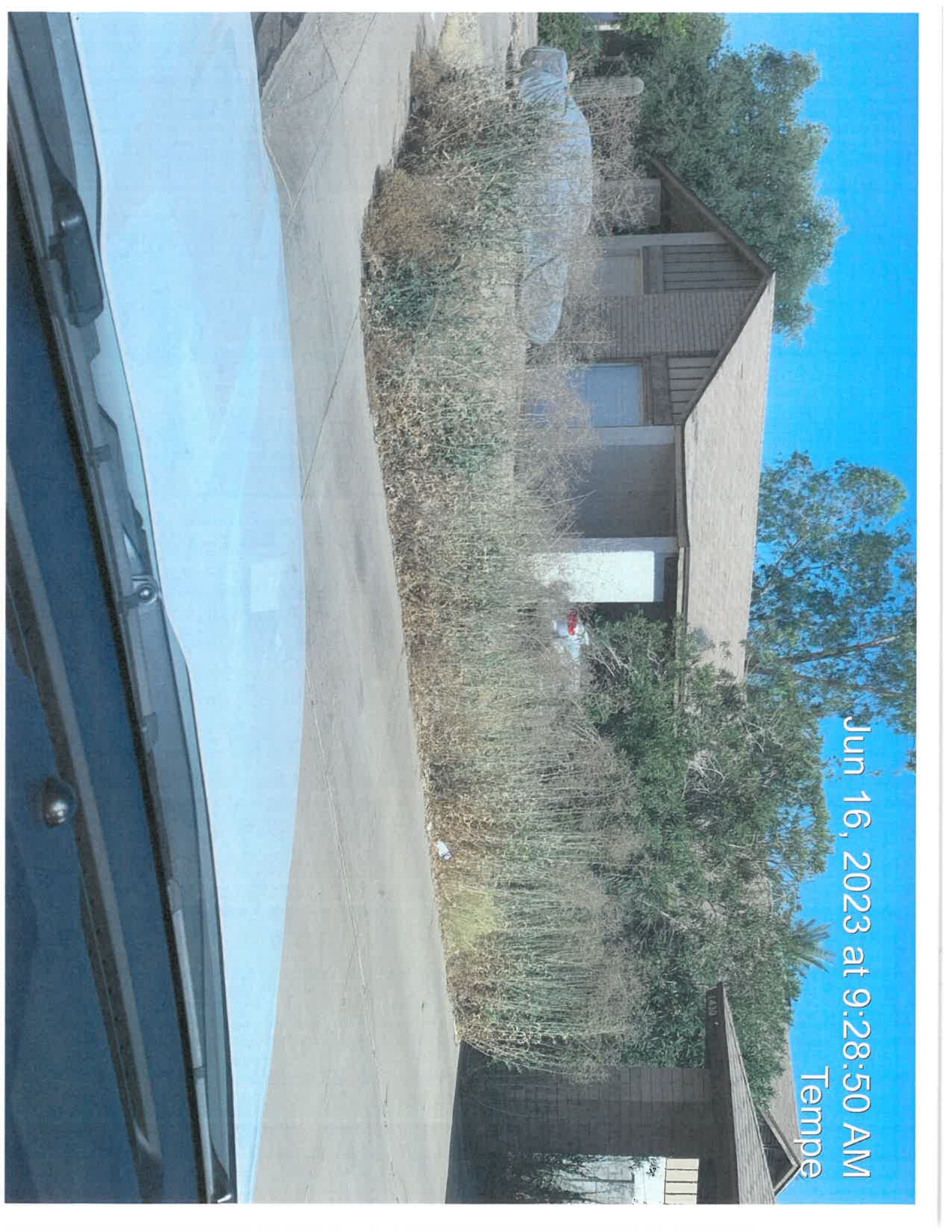
- Cut down grass and weeds in the front and backyard
- Haul off and dispose of debris
- Police presence for duration of the visit

Total: \$2,066.00

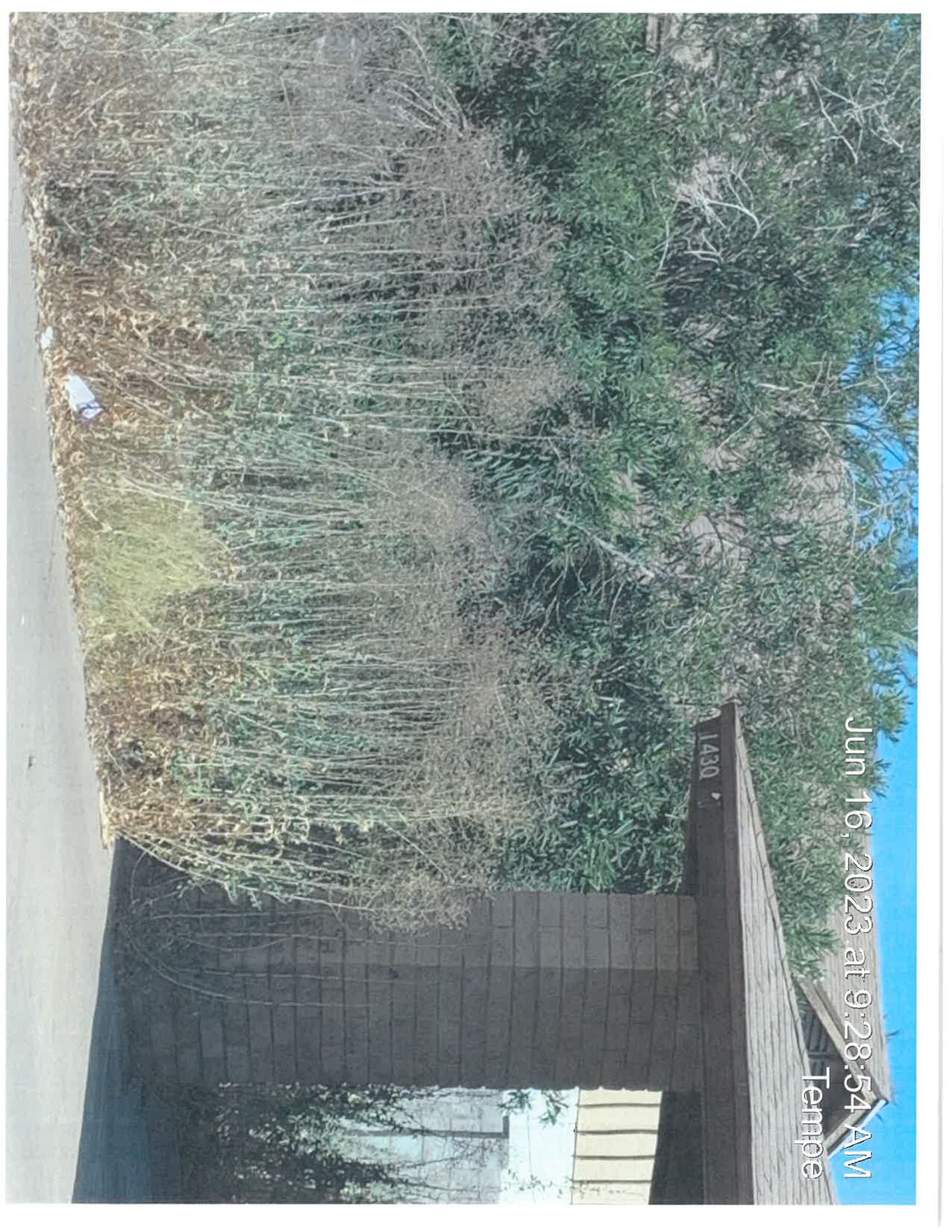
Respectfully,

Jose Hernandez

Jun 16, 2023 at 9:28:50 AM
Tempe



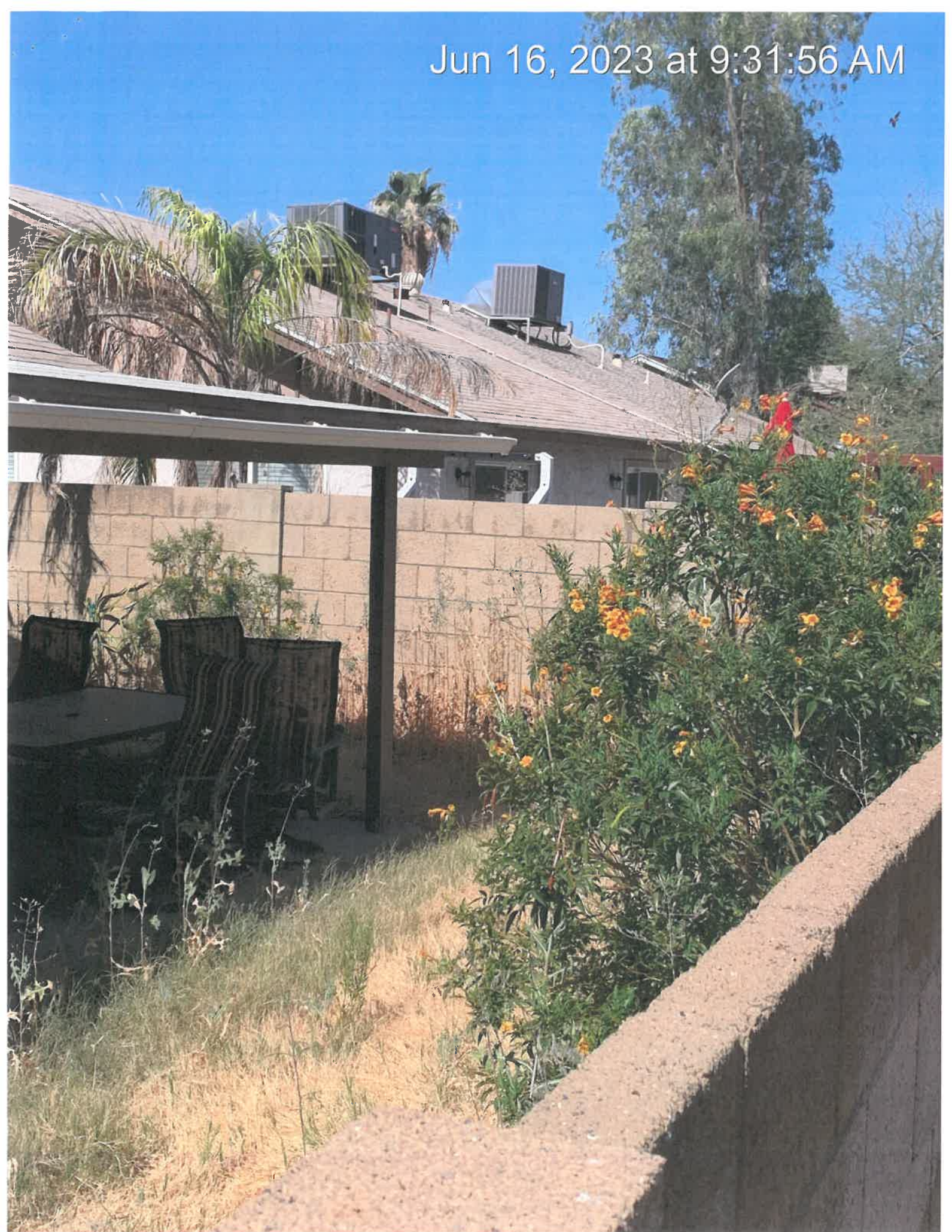
Jun 16, 2023 at 9:28:54 AM
Tempe



Jun 16, 2023 at 9:31:36 AM



Jun 16, 2023 at 9:31:56 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

04/13/2023

MCCOOEY KEVIN/SUSAN D
1430 E PALMDALE DR
TEMPE, AZ 85282

Case #: CE232224
Site Address: 1430 E PALMDALE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/13/2023 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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please remove all grass and or weeds from the front and side(s) of the property. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.	4/27/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Andrew Gongora
Code Inspector

Direct: 480-350-8623
Code Compliance: 480-350-4311
Email: Andrew_Gongora@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
FINAL CORRECTION NOTICE

04/27/2023

MCCOOEY KEVIN/SUSAN D
1430 E PALMDALE DR
TEMPE, AZ 85282

Case #: CE232224
Site Address: 1430 E PALMDALE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 04/27/2023 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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
CC 21-3.b.8	Please remove all grass and or weeds, including removing all dead remnants of weeds from the front and side(s) of the property. All gravel landscapes must be kept free and clear of any uncontrolled growth regardless of height.	5/11/2023

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

Andrew Gongora
Code Inspector

Direct: 480-350-8623
Code Compliance: 480-350-4311
Email: Andrew_Gongora@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

06/06/2023

MCCOOEY KEVIN/SUSAN D
1430 E PALMDALE DR
TEMPE, AZ 85282

Case #: CE232224
Site Address: 1430 E PALMDALE DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 06/06/2023 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.8	Uncultivated weeds in gravel landscape, or a lawn higher than 12 inches

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

CC 21-3.b.8	Please cut all over height weeds and grass from the backyard of the property.	6/20/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Andrew Gongora
Code Inspector

Direct: 480-350-8623
Code Compliance: 480-350-4311
Email: Andrew_Gongora@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).

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Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1789701	Case Number	Social Security Number	Military	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial
Driver's License No.	DLP <input type="checkbox"/>	State	Class	Endorsements M H N P T X D	Incident Report Number CE232224		

Interpreter Required? Spanish Other Language

Defendant Name (First, Middle, Last) **KEVIN MCCOBBEY** Juvenile

Residence Address, City, State, Zip Code **1430 E PALMDALE DR TEMPE AZ 85282** Telephone: (cell phone)

Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address

Business Address, City, State, Zip Code Business Phone No.

Vehicle Color Year Make Model Style License Plate State Expiration Date

Registered owner & address, City, State, Zip Code Vehicle Identification Number

The Undersigned Certifies That:

On Month **5** Day **16** Year **2023** Time **9:19** AM PM **Speed** Approx. Posted R & P Speed Measurement Device Radar Laser Pace Direction of Travel

At Location **1430 E PALMDALE DR** Tempe **85282** State of Arizona Area Dist.

The Defendant Committed the Following:

A	Section: TCC 21-3 A	ARS Violation: CC 21-3 B 8 DETERIORATED LANDSCAPE	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
B	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
C	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
D	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense
E	Section:	ARS Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic	<input type="checkbox"/> Petty Offense

You must appear on the date and time indicated at:

Tempe Municipal Court
140 E. 5th Street
Tempe, AZ 85281
Court No. 0753

Traffic Court Suite 150, 1st Floor Date: **5/30/2023** Time: **Between 9AM & 4PM**

Criminal Court Suite 200, 2nd Floor Date: _____ Time: _____ AM PM

Court: _____ Date: _____ Time: _____ AM PM Court No. _____

Court Address, City, State, Zip Code

Criminal: Without admitting guilt, I promise to appear as directed hereon.

Civil: Without admitting responsibility, I acknowledge receipt of this complaint.

X MAIL/CERT

Victim? Victim Notified?

I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.

Complainant **[Signature]** ID # **26424**

Comments: **1st CITATION \$200.00**

Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license / driving privileges until you comply or reach your 18th birthday.

Initials _____ Date issued if not violation date _____

If you were charged with a civil ordinance violation and you fail to appear as directed in this complaint, a default judgement will be entered, and a monetary penalty will be imposed.

COMPLAINT



1789701