

CITY OF TEMPE HEARING OFFICER

Meeting Date: 04/16/2024

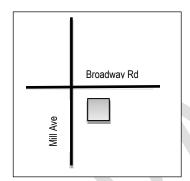
Agenda Item: 4

ACTION: Request approval to abate public nuisance items at the SUNRISE INVESTMENT III LLC Property located at 107 E. Broadway Rd. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$2800.00 for abatement request: Remove junk/debris, high grass and weeds, dead trees.

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 SUNRISE INVESTMENT III LLC 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 CM231540: Removal of junk/debris, high grass and weeds, dead trees.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

Sunrise Investments III LLC- C/O Zhong Long Xie City of Tempe – Code Compliance CSS: Commercial Shopping and Service District Michelle Van Etten

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Jack Scofield, Code Administrator (480-350-8967)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Shawn Daffara, CPTED Coordinator Reviewed by: Jack Scofield, Code Administrator

COMMENTS:

Code Compliance is requesting approval to abate the SUNRISE INVESTMENTS III LLC located at 107 E. Broadway Rd in the CSS, Commercial Shopping and Services District. This case was initiated 07/18/2023, 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.

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 NAM	Sunrise Investment III LLC	: - C/O >			y Abatement		EXISTING CSS						
	PRO	JECT ADDRES	\$ 107 E Broadway Rd., Tem	pe AZ 8	35282			SUITE(S)							
PR	OJEC	T DESCRIPTION	Abatement of CM231540	116/	24			PARCEL No(s)	133-2	3-022					
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			Sunrise investment iii LLC	-C/O XI	nong Xie		1366 W Bruce Ct		,						
		CONTACT NAMI	E		CITY Gilbert STATE AZ					Z	IP 85233	3			
		EMAI		PHONE 1 PHONE 2											
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	C	CONTACT NAME	Michelle Van Etten, Code I	nspecto	or	CITY	Tempe	STATE	AZ	ZI	IP 85281				
		EMAII	michelle_vanetten@tempe	aov		PHONE 1	480-350-2895	PHONE 2							
I he	reby	attest that t	his application is accurate	and the	submitted a	locuments	are complete. I acknowledg	e that if the applica	ation is	deem	ed to be				
inc	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														
						M	ulille va le		DATE 2/27/24						
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	G.	SUBDIVISION	/ CONDOMINIUM PLATS					SBD		REC					
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DATE:

February 27, 2024

TO:

Jack Scofield, Code Compliance Administrator

FROM:

Michelle Van Etten, Code Inspector

SUBJECT:

CM231540, 107 E Broadway Rd, Tempe - Abatement

LOCATION: 107 E Broadway Rd, Tempe, AZ. 85282

PARCFI:

133-23-022

OWNER:

Sunrise Investment III LLC - C/O Zhong Long Xie

1366 W Bruce Ct Gilbert, AZ 85233

FINDINGS:

On 07/18/2023 I inspected the property located at 107 E Broadway Rd, and observed tall grass and weeds, a tree stump, and trash and debris on the property. I mailed a notice to the owner.

I reinspected the property on 08/01/2023 and found that the violations had not been corrected. I mailed a "final" notice to the owner.

I was contacted by the property owner on 8/3/2023 who asked for additional time to get the violations corrected. I granted an extension.

On 09/25/2023 I reinspected the property and found that the violations had not been corrected. I issued a citation for the violations of trash and debris and deteriorated landscape. This citation was ultimately satisfied with the courts, but the violations were not corrected.

I reinspected the property on 11/03/2023 and found the violations had not been corrected. I issued a second citation to the owner for deteriorated landscape and trash and debris. That citation was ultimately satisfied with the courts.

I reinspected the property on 12/07/2023 and found that the violations were not corrected. I issued a third citation. That citation was also satisfied with the courts. On 01/03/2024 I received a voicemail from the owner asking what needed to be done to avoid additional citations. I left a voice message for him indicating that what needed to be done and advised that the next step would involve criminal prosecution for failure to correct the violations and / or abatement proceedings where the city would request to intervene and correct the violations as his expense.

On 02/27/2024 I inspected the property and found that the violations remained. I mailed a notice of intent to abate the property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 107 E Broadway Rd, Tempe due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.8 – Landscape violation and 21-3.b.1 – Trash and Debris violation. The owner was given ample time to come into compliance and maintain the property. There is no indication that the property will be brought into compliance in the near future. The property represents 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,

Michelle Van Etten Code Inspector

ACTION TAKEN: 5-6m, t

NAME

DATE: 2/27/24



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 02/27/2024 CASE # CM231540

SUNRISE INVESTMENT III LLC – C/O ZHONG LONG XIE 1366 W BRUCE CT GILBERT, AZ 85233

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

LOCATION: 107 E BROADWAY RD, TEMPE AZ 85282

PARCEL: 133-23-022

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 04/16/2024. 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 LANDSCAPING THAT IS SUBSTANTIALLY DEAD, DAMAGED OR CHARACTERIZED BY

UNCONTROLLED GROWTH OR PRESENTS A DETERIORATED APPEARANCE, OR ANY DEAD

TREES, BUSHES, SHRUBS, OR PORTIONS THEREOF INCLUDING STUMPS

CC 21-3.B.1 FILTHY, LITTERED DEBRIS OR TRASH-COVERED EXTERIOR AREAS

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. COMPLETELY REMOVE ALL GRASS AND WEEDS FROM GRAVEL / DIRT LANDSCAPE AREAS. CUT ALL GRASS LANDSCAPE AREAS TO LESS THAN 12" IN HEIGHT AND REMOVE ALL WEEDS FROM IT. REMOVE ANY DEAD VEGETATION OR PORTIONS THEREOF. REMOVE THE TREE STUMP IN THE BACK PARKING LOT BY CUTTING TO GROUND LEVEL.
- 2. REMOVE ALL PILES OF DIRT, VEGETATION DEBRIS, LITTER AND RUBBISH, METAL DRUMS, AND ANY OTHER MISC. TRASH AND DEBRIS ITEMS FROM 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 \$2,800.00. 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: Michelle Van Etten

Phone Number: 480-350-2895

E-mail: michelle_vanetten@tempe.gov



Skunky's Junk Removal

107 East Broadway Road Tempe, AZ 85282

michelle vanetten@tempe.gov

ESTIMATE	#567
SERVICE DATE	Feb 24, 2024
TOTAL	\$2,800.00

CONTACT US

2618 W. First Street, Suite 7 Tempe, AZ 85281

(844) 758-6597

info@skunkysjunk.com

ESTIMATE

Services			amount
OCI VICES			- Carrier - Carr

107 E Broadway project

\$2,800.00

Removal of dead tree, remove grass and weeds, remove trash/debris including metal drums, piles of dirt, vegetation debris and misc rubbish on premises.

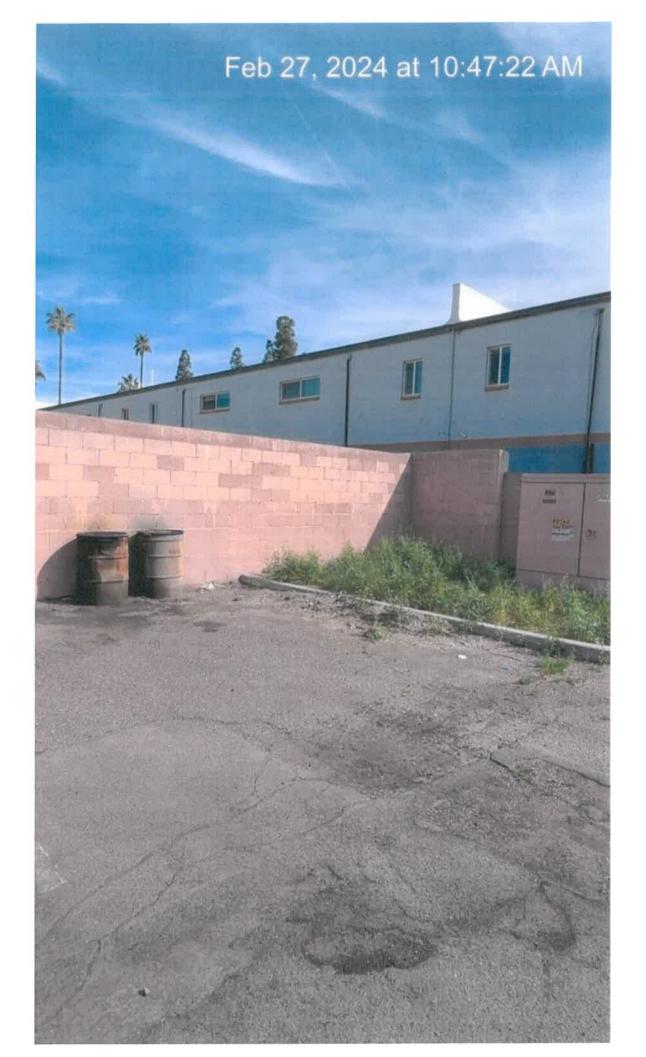
Services subtotal: \$2,800.00

Total

\$2,800.00

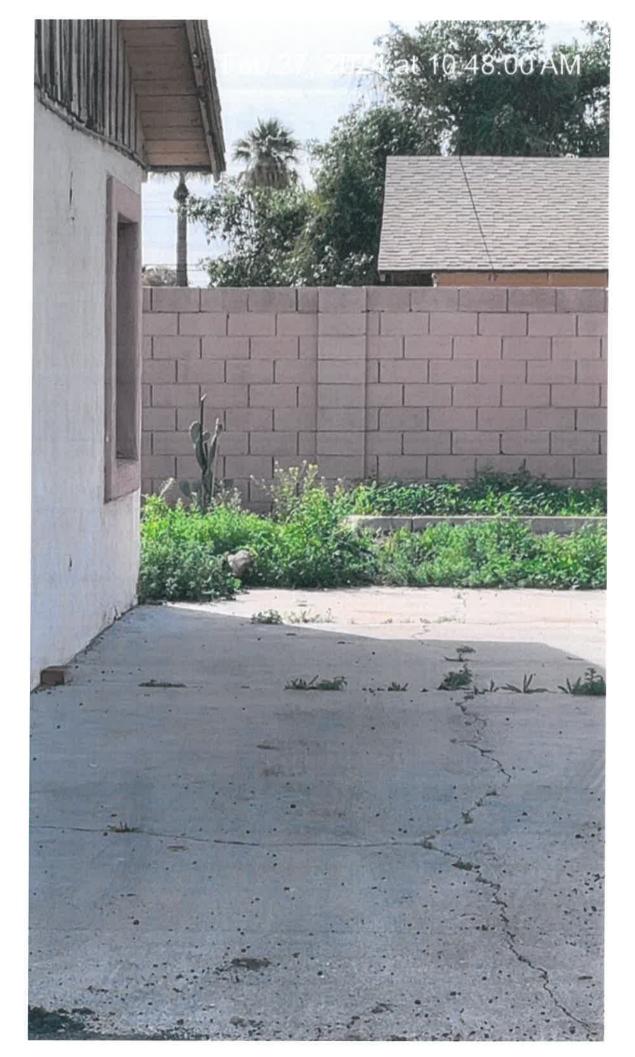
Skunky's Junk Removal is a full service Junk removal company located in Tempe Arizona. Skunky's is dedicated to diverting waste from landfills and donates salvageable items to local charity's.













COMMUNITY DEVELOPMENT DEPARTMENT CODE COMPLIANCE CORRECTION NOTICE

07/18/2023

SUNRISE INVESTMENT III LLC C/O ZHONG LONG XIE 1366 W BRUCE CT GILBERT, AZ 85233

Case #: CM231540

Site Address: 107 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/18/2023 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	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
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
ZDC 3-202A.	Permitted land uses in commercial and mixed-use districts

PLEASE TAKE 1	THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
CC 21-3.b.8	PLEASE REMOVE ALL TALL GRASS AND WEEDS THROUGHOUT THE PROPERTY, REMOVE ANY DEAD VEGETATION AND REMOVE THE TREE STUMP IN THE REAR LOT AREA. (INCLUDES REAR "YARD" AREA SURROUNDING THE POOL)	8/1/2023
CC 21-3.b.1	REMOVE TRASH AND DEBRIS FROM THE REAR AREAS OF THE PROPERTY (VEGETATION DEBRIS, TIRES, MISC. TRASH AND DEBRIS ITEMS)	8/1/2023
ZDC 3-202A.	REMOVE THE TENT STRUCTURE IN THE REAR LOT AREA. PERMIT MUST BE OBTAINED TO DO SO. DO NOT ALLOW ANYONE TO LIVE IN THE REAR LOT AREA, AS THE PROPERTY IS NOT ZONED TO DO SO.	8/1/2023

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

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle_vanetten@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

08/01/2023

SUNRISE INVESTMENT III LLC C/O ZHONG LONG XIE 1366 W BRUCE CT GILBERT, AZ 85233

Case #: CM231540

Site Address: 107 E BROADWAY RD, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 08/01/2023 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	Landscaping that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated appearance; or any dead trees, bushes, shrubs or portions thereof, including stumps
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
ZDC 3-202A.	Permitted land uses in commercial and mixed-use districts

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION								
CC 21-3.b.8	PLEASE REMOVE ALL TALL GRASS AND WEEDS THROUGHOUT THE PROPERTY, REMOVE ANY DEAD VEGETATION AND REMOVE THE TREE STUMP IN THE REAR LOT AREA. (INCLUDES REAR "YARD" AREA SURROUNDING THE POOL)	8/22/2023						
CC 21-3.b.1	REMOVE TRASH AND DEBRIS FROM THE REAR AREAS OF THE PROPERTY (VEGETATION DEBRIS, TIRES, MISC. TRASH AND DEBRIS ITEMS)	8/22/2023						
ZDC 3-202A.	REMOVE THE TENT STRUCTURE IN THE REAR LOT AREA. PERMIT MUST BE OBTAINED TO DO SO. DO NOT ALLOW ANYONE TO LIVE IN THE REAR LOT AREA, AS THE PROPERTY IS NOT ZONED TO DO SO.	8/22/2023						

CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED

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

Michelle Van Etten Code Inspector

Direct: 480-350-2895

Code Compliance: 480-350-4311 Email:michelle_vanetten@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**

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Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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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

Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



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	The Undersigned Certifies That:												
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Civi					olaint.	describe	d contra	reasonable g ry to law and	rounds I belie I have served	ve the defendan a copy of this	t committed the act complaint upon the		
<u>M</u>	MANUEL	>				defendar 1		VANL E	SHEN	· \~	8060		
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1 10001	ire to appear or comply as ordered It in a suspension of your driv ise/driving privileges until you con	01 0					-	TOTAL	- 4	600 -00			
or re	ach your 18th birthday.	Initials				Date iss	ued if no	t violation date		~ ~ ~	-		

COMPLAINT

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



Arizona Traffic Ticket and Complaint

City of Tempe Maricopa County State of Arizona



Com	7027	03	Case I	Number		Soci	al Secu	irity Numbe	r		M	ilitary		rious ysical ury	□ 11		enger Vehic	cle _		mercial Material
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Sex	Sex Height Weight Eyes Hair Origin Date of Birth Restrictions Email Address																			
Busi	ness Address	, City, State	э, Zip (Code													Business (Phone i	No.	
V	ehicle	Color		Ye	ear	Vlake		Model		Sty	le		Licens	se Plate	8		State	Expir	ation	Date
	stered owner	& address,	City, St	ate, Zip (Code								Vehici	le Ident	tificati	on Nun	nber			
	The Undersigned Certifies That:																			
	Month Day Year Time NAM Approx. Posted R & P Speed Measurement Device Direction of Travel																			
On	12	07	2023	308	12	РМ	Spee	d			_	TZ		Rada		Laser	Pac	e Area		Dist.
At	Location	107	E	BROA	DWA	Y RI	>						856	689	-	Stat	e of Arizon			,
	10 "				(ABOL)	The		ndant Com				ig:			300000	tio.	T-0:-		Outraction	al T45-
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COMPLAINT

