
**CITY OF TEMPE
HEARING OFFICER**

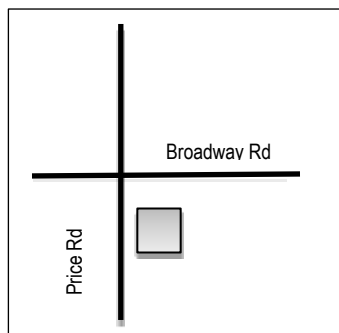
**Meeting Date: 06/04/2024
Agenda Item: 3**

ACTION: Request approval to abate public nuisance items at the MCKINNON PROPERTY located at 2112 S. Cottonwood Dr. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1,175.00 for abatement request: Remove deteriorated landscape, high grass and weeds.

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 MCKINNON 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 CE236025: Remove deteriorated landscape, high grass and weeds.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

David McKinnon
City of Tempe – Code Compliance
R1-6: Single Family Residential District
Missy Heineman

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 MCKINNON PROPERTY located at 2112 S. Cottonwood Dr. in the R1-6, Single-Family Residential District. This case was initiated 11/06/2023, 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	MCKINNON PROPERTY ABATEMENT	EXISTING ZONING	R1-6 <input type="checkbox"/>
PROJECT ADDRESS	2112 S COTTONWOOD DR, TEMPE, AZ 85282	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CE236025 06/04/2024	PARCEL No(s)	134-40-092 <input type="checkbox"/>

PROPERTY OWNER INFORMATION – REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)					
BUSINESS NAME		ADDRESS	*****		
CONTACT NAME	*****	CITY	*****	STATE	***** ZIP *****
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/CODE ENFORCEMENT	ADDRESS	21 E. 6TH STREET, SUITE 208		
CONTACT NAME	MISSY HEINEMAN, CODE INPECTOR	CITY	TEMPE	STATE	AZ ZIP 85281
EMAIL	MISSY_HEINEMAN@TEMPE.GOV	PHONE 1	(480) 350-8224	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 Missy Heineman	Digitally signed by Missy Heineman Date: 2024.04.30 08:06:04 -07'00'	DATE	4/30/24
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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: April 30, 2024
TO: David Rich, Senior Code Inspector
FROM: Missy Heineman, Code Inspector
SUBJECT: CE236025, DAVID MCKINNON PROPERTY ABATEMENT

LOCATION: 2112 S COTTONWOOD DR, AZ 85282

PARCEL: 134-40-092

OWNER: DAVID MCKINNON
2112 S COTTONWOOD DR
TEMPE, AZ 85282

FINDINGS:

11/06/2023 The Code Compliance Division received complaint for deteriorated landscape.

11/07/2023 Inspected property and found grass and weeds growing in the gravel landscape of the front and side yards as well as driveway and sidewalk cracks. Notice to comply mailed to property owner.

11/27/2023 Inspected property and found grass and weeds growing in the gravel landscape of the front and side yards as well as driveway and sidewalk cracks. Final notice to comply mailed to property owner.

12/11/2023 Inspected property and found grass and weeds growing in the gravel landscape of the front and side yards as well as driveway and sidewalk cracks. Pink final notice to comply posted to the property.

1/29/2024 Civil Citation issued (1790082).

2/1/2024 Civil arraignment NLT 2/14/24.

2/14/24 Pending default appear NLT 2/28/24.

2/28/24 Owner failed to appear for court, default fines and fees imposed.

3/19/24 Received complaint for deteriorated landscape.

4/22/24 Received complaint for deteriorated landscape, junk trash and debris, and inoperable/unregistered vehicles.

4/26/24 Photos taken that show the current condition of the property.

4/30/2024 Posted notice of intent to abate to property and mailed to property owner.


RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 2112 S COTTONWOOD DR due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. MR. MCKINNON 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,

Missy Heineman
Code Inspector

ACTION TAKEN: Submit
NAME: 
DATE: 4/7/2024



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:4/30/2024
CASE # CE236025

**DAVID MCKINNON
2112 S COTTONWOOD 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: 2112 S COTTONWOOD DR., TEMPE, AZ 85282
PARCEL: 134-40-092

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 06/04/2024. 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:

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 or slum-like 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. REMOVE GRASS AND WEEDS FROM THE GRAVEL AREAS OF THE FRONT AND SIDE YARD LANDSCAPE AS WELL AS DRIVEWAY AND SIDEWALK CRACKS.**

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 **\$1,175.00**. 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: Missy Heineman
Phone Number: (480) 350-8224
E-mail: Missy_Heineman@tempe.gov



April 2, 2024

City of Tempe
Attn: Missy Heineman
Code Compliance Inspector

RE: Clean-Up at 2112 S. Cottonwood 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 2112 S. Cottonwood Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

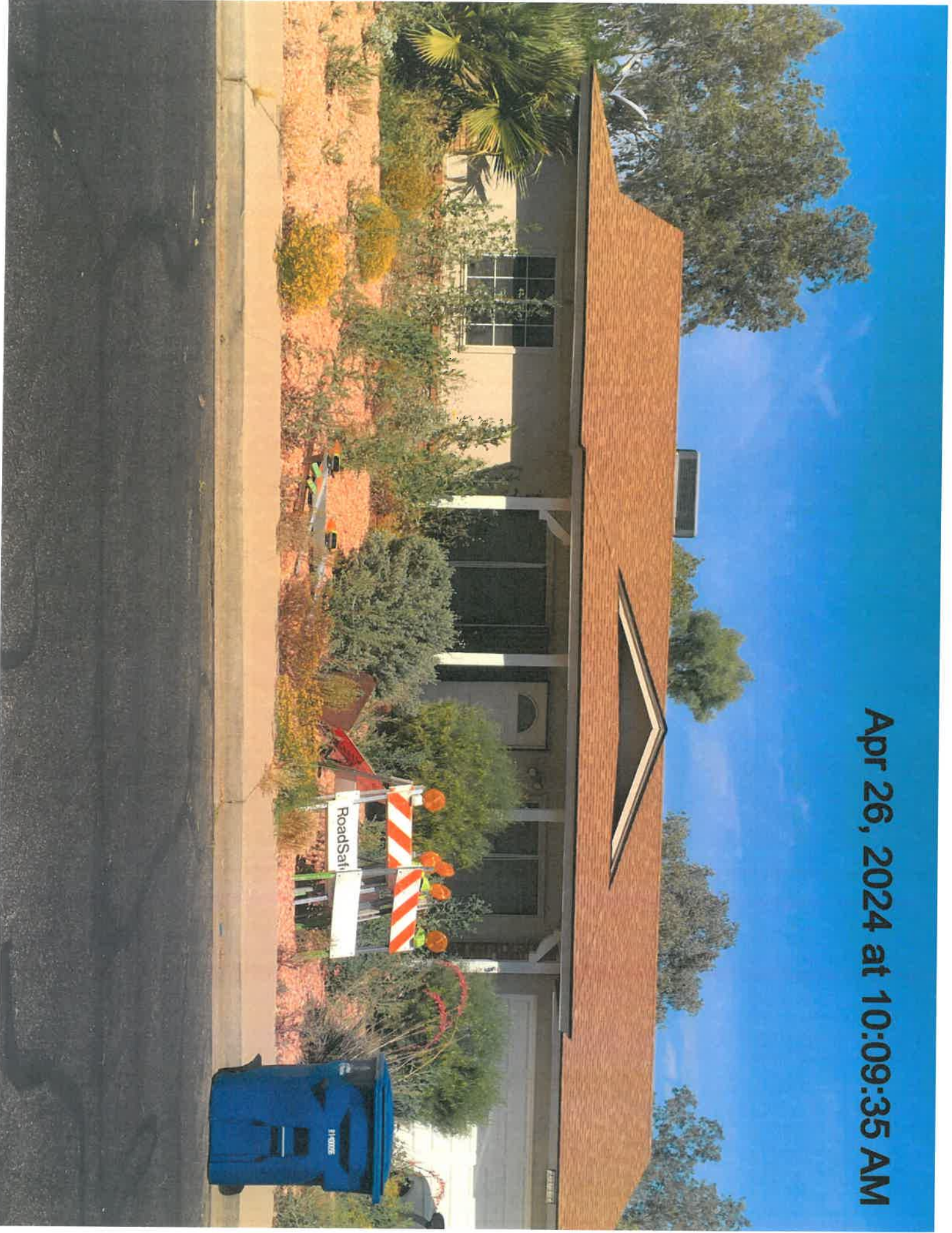
- Cut the over height grass and weeds in the front and side yards
- Trim any overgrown bushes, shrubs, or trees in the front and side yards
- Haul off debris
- Police presence on-site for duration of the visit

Total: \$1,175.00

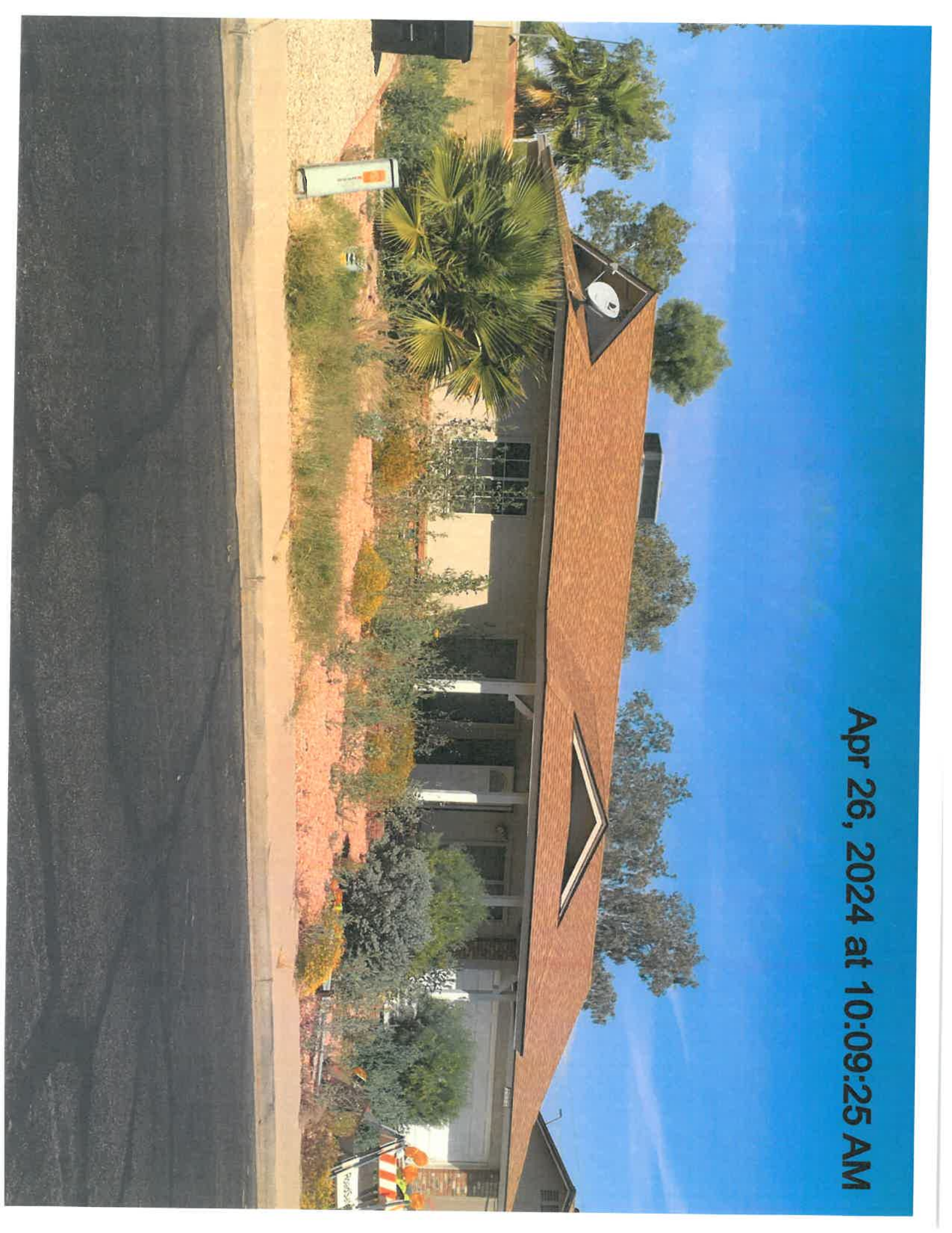
Respectfully,

Freddie Panzella

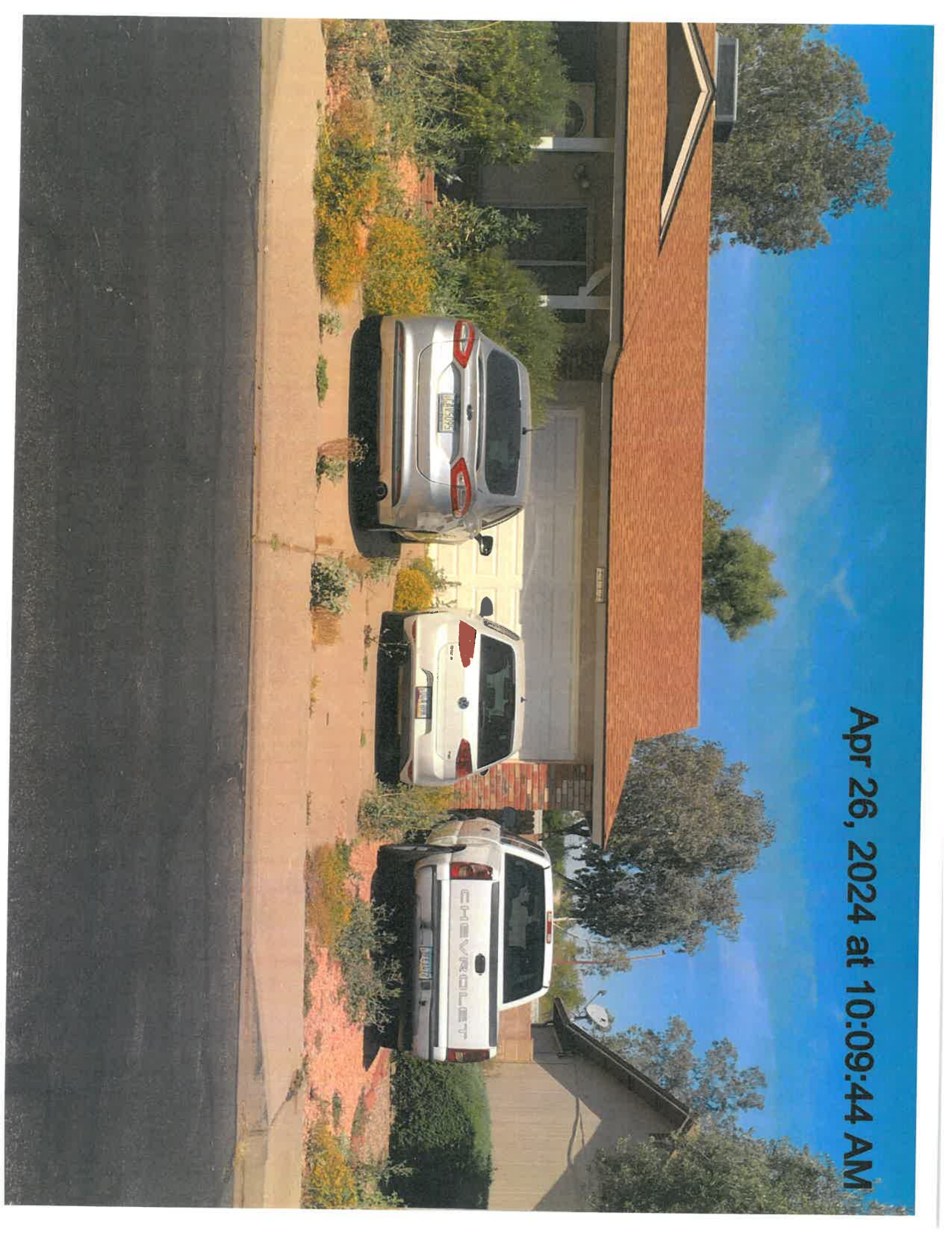
Apr 26, 2024 at 10:09:35 AM



Apr 26, 2024 at 10:09:25 AM



Apr 26, 2024 at 10:09:44 AM





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

11/07/2023

MCKINNON DAVID K/TAMARA L/BRADEN G
2112 S COTTONWOOD DR
TEMPE, AZ 85282

Case #: CE236025
Site Address: 2112 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/07/2023 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	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

**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/OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH, REGARDLESS OF HEIGHT.	11/21/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Missy Heineman
Code Inspector

Direct: 480-350-8224
Code Compliance: 480-350-4311
Email:Missy_Heineman@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

11/27/2023

MCKINNON DAVID K/TAMARA L/BRADEN G
2112 S COTTONWOOD DR
TEMPE, AZ 85282

Case #: CE236025
Site Address: 2112 S COTTONWOOD DR, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/22/2023 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.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterize by uncontrolled growth, or presents a deteriorated appearance

**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/OR SIDES OF THE PROPERTY IN THE GRAVEL LANDSCAPED AREAS. ALL GRAVEL LANDSCAPES MUST BE MAINTAINED FREE AND CLEAR OF ANY UNCONTROLLED GROWTH, REGARDLESS OF HEIGHT.	12/11/2023
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Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Missy Heineman
Code Inspector

Direct: 480-350-8224
Code Compliance: 480-350-4311
Email:Missy_Heineman@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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**City of Tempe
Code Compliance**
Community Development
21 E. 6th St., #208
Tempe, AZ 85281

Phone: 480-350-4311

Code Compliance Office Hours
Monday - Friday 8 a.m. to 5 p.m.

We attempted to contact you on _____
regarding the indicated violation:

- Deteriorated landscape *Please remove all grass/weeds from landscape + driveway cracks.*
- Inoperable/Unregistered vehicle
- Junk, rubbish or debris
- Lawn parking
- Street or sidewalk obstruction
- Swimming pool _____
- Tall grass or weeds in gravel landscape
- Other _____

Message

Please get in touch with
me before the close of business
on 12/15/23, to avoid receiving
a citation on 12/18/23.
Thank you -

Missy H
(480) 350-8224
melissa_heineman@tempe.gov

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1790082	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	<input type="checkbox"/> 16 Passenger Vehicle	Incident Report Number CF 236 025	

Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language	Defendant Name (First, Middle, Last) David McKinnon	Juvenile						
Residence Address, City, State, Zip Code 2112 S Cottonwood Dr Tempe AZ 85282	Telephone: (cell phone) <input type="checkbox"/>							
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 01	Day 29	Year 2024	Time 3:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace	Direction of Travel
At	Location 2112 S Cottonwood Dr						Temp 85282	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: TC 21-3 A	ARS Violation: CC 21-3.B.8 Determinated 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	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 2/14/2024	Time: Between 9AM & 4PM
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM
Court Address, City, State, Zip Code		Date:	Time:	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No.

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	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.	
*First Class mail + Certified	Complainant McKinnon	ID # 23280

Comments: **First violation Fees Apply**

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 _____

A = \$200 **\$200 total**

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1790082

COMPLAINT

Case No: 24-003084-4 **Title:** CITY OF TEMPE vs DAVID MCKINNON

MCKINNON, DAVID

2112 S COTTONWOOD DR
TEMPE, AZ 85282

Case Status: Inactive
Filed: 2/1/2024

Case Balance Owing: \$290.25
Stayed Balance Owing: \$0.00

TPC Due Date:
TPC Amount Due:

Cite Number	Code	Violation Date	Description	Filed	Disposition	Disp Date
1790082A	21-388	01/29/2024	LANDSCAPING-DEAD, DAMAGED, UNCONTROL	2/1/2024	58 - FAIL TO APPEAR	2/28/2024

Citations: 1

REGISTER OF ACTION

Date	Cite Number	Action	Amount	Judge	User
2/1/2024		ATTC FILED			CRP
2/1/2024	1790082 A	CIVIL ARRAIGNMENT NLT 2/14/2024			CRP
2/14/2024		CV ARR FTA - PENDING DEFAULT APPEAR NLT 2/28/2024			SYS
2/28/2024	1790082 A	DEFAULT FEE IMPOSED	\$50.00		SYS
2/28/2024	1790082 A	FINE AND APPLICABLE FEES IMPOSED	\$200.00		SYS
2/28/2024	1790082 A	JCEF TIME PAYMENT FEE IMPOSED	\$20.00		SYS
2/28/2024	1790082 A	FTA DEFAULT			SYS
2/29/2024		CASE HAS BEEN REFERRED TO VALLEY FOR COLLECTION	\$20.25		

Actions: 8