

**CITY OF TEMPE
HEARING OFFICER**

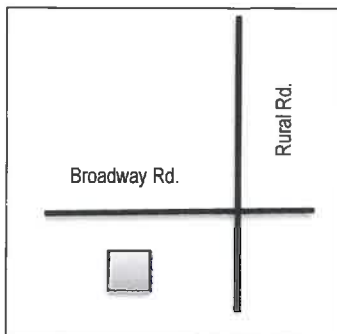
Meeting Date: 07/07/2020
Agenda Item: 2

ACTION: Request approval to abate public nuisance items at the Broadway Collective Property located at 501 E. Broadway Road. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$1075.00 for abatement request: Vacant lot 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 BROADWAY COLLECTIVE 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 CM200577: Vacant lot landscape cleanup.



Property Owner	Broadway Collective LLC
Applicant	City of Tempe – Code Compliance
Zoning District:	RO, Residential Office
Code Compliance Inspector:	Jack Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Broadway Collective Property located at 501 E. Broadway Road, in the RO, Residential Office district. This case was initiated 04/02/20, 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

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	BROADWAY COLLECTIVE LLC PROPERTY ABATEMENT	EXISTING ZONING	RO	<input type="checkbox"/>
PROJECT ADDRESS	501 E BROADWAY RD TEMPE 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CM200577 JULY 7, 2020	PARCEL No(s)	133-25-002C	<input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)

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 ENFORCEMENT	ADDRESS	21 E 6TH ST STE 208			
CONTACT NAME	JACK SCOFIELD/CODE INSPECTOR	CITY	TEMPE	STATE	AZ	ZIP
EMAIL	jack_scofield@tempe.gov	PHONE 1	(480) 350-8967	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	5/22/2020
<i>Jack Scofield</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. SUBDIVISIONS / CONDOMINIUMS			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	1		CE	CM
TOTAL NUMBER OF APPLICATIONS	1			

FOR CITY USE ONLY

DS TRACKING #	FILE THIS APPLICATION WITH CE / CM TRACKING #	DATE RECEIVED (STAMP)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			
SPR TRACKING # (if 2 nd or 3 rd submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA

DATE: May 22, 2020
TO: Jeff Tamulevich, Code Compliance Administrator
FROM: Jack Scofield, Code Inspector
SUBJECT: CE200577, Broadway Collective LLC Property Abatement

LOCATION: 501 E BROADWAY RD TEMPE, AZ 85282

LEGAL: S 210F OF N 265F OF E 296F OF W 306F OF W2 NE4 NE4 SEC 27 EX
W 120F TH/OF & EX S 100F OF N 155F OF E 60F OF W 306F OF W2
NE4 NE4 SD SEC 27

PARCEL: 133-25-002C

OWNER: BROADWAY COLLECTIVE LLC
3307 S TERRACE RD
TEMPE, AZ 85282

FINDINGS:

4/2/2020 The Code Compliance Division received a for deteriorated landscape. Inspected property and found over height grass and weeds on a vacant lot. Notice to comply mailed to owner.

4/23/2020 Mailed final notice to comply to owner.

5/7/2020 Issued civil citation.

5/21/2020 Owner failed to appear for court.

5/22/2020 Notice of intent to abate mailed to property owner.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 501 E Broadway Rd due to property owner's failure to bring property into compliance with Tempe City Code 21-3.B.8. The property owner 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,

Jack Scofield
Code Inspector II

ACTION TAKEN:

Submit
CSW
5 22 20

NAME

DATE:

CASE # CM200577



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 5/22/20

**BROADWAY COLLECTIVE LLC
3307 S TERRACE RD
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:

Legal: S 210F OF N 265F OF E 296F OF W 306F OF W2 NE4 NE4 SEC 27 EX W 120F TH/OF & EX S 100F
OF N 155F OF E 60F OF W 306F OF W2 NE4 NE4 SD SEC 27
Location: 501 E BROADWAY DR TEMPE 85282
Parcel: 133-25-002C

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on **07/07/2020**. 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:

1. REMOVE GRASS AND WEEDS FROM VACANT LOT.

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

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 **\$1075.00**. 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) 350-8967.

Code Inspector: Jack Scofield

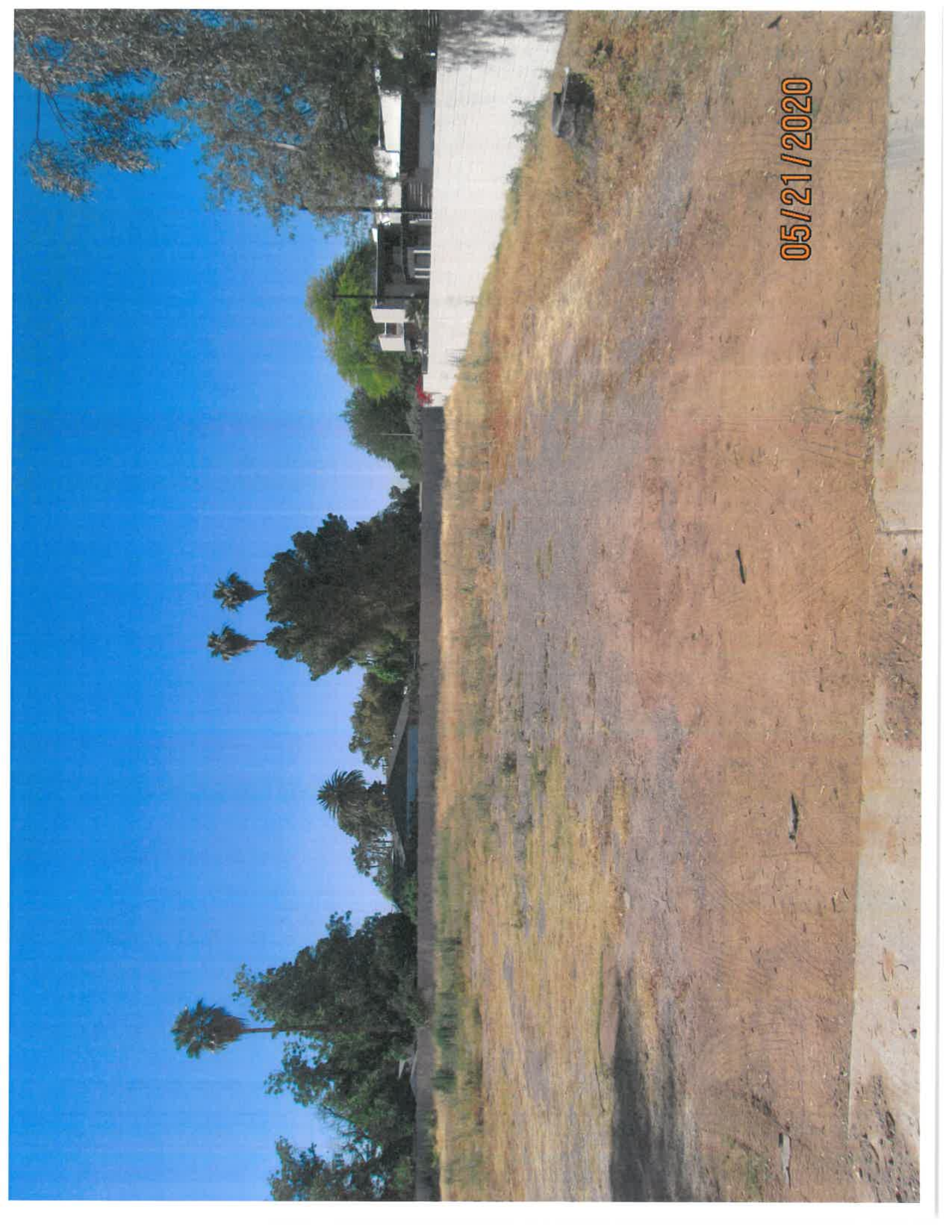
Phone Number: (480)350-8967

E-mail: jack_scofield@tempe.gov

05/21/2020



05/21/2020



HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JACK SCOFIELD

FIRM: CITY OF TEMPE

DATE: 5/17/20

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 501 E BROADWAY RD

1 LANDSCAPE, REMOVE TRASH AND DEBRIS VACANT LOT	\$1,000.00
2 ESTAMATED DUMP FEES	\$75.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<u>\$1,075.00</u>

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

4/2/20

BROADWAY COLLECTIVE LLC
3307 S TERRACE RD
TEMPE, AZ 85282

Case#: CM200577
Site Address: 501 E BROADWAY RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 04/23/2020

This is a notice to inform you that this site was inspected on 4/2/20 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.

VIOLATION SECTION:

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.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE GRASS AND WEEDS FROM VACANT LOT.

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

Jack Scofield
Code Inspector II
E-Mail

Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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 \$75.00 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**

4/23/20

**BROADWAY COLLECTIVE LLC
3307 S TERRACE RD
TEMPE, AZ 85282**

Case#: CM200577
Site Address: 501 E BROADWAY RD TEMPE, AZ 85282

SITE REINSPECTION ON OR AFTER: 05/07/2020

This is a notice to inform you that this site was inspected on 4/23/20 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.

VIOLATION SECTION:

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

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

- 1. REMOVE GRASS AND WEEDS FROM VACANT LOT.**

CORRECTIVE ACTION MUST BE COMPLETED OR A CITATION WILL BE ISSUED.

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

**Jack Scofield
Code Inspector II
E-Mail**

**Direct: 480-350-8967
Code Compliance: 480-350-8372
jack_scofield@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 \$75.00 pursuant to City Code Section 21-51, subsection (b).

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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.

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1701649	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 CM200577	<input type="checkbox"/> 16 Passenger Vehicle <input type="checkbox"/> Haz. Material

Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language	Defendant Name (First, Middle, Last) Broadway Collective LLC	Juvenile						
Residence Address, City, State, Zip Code 3307 S Terrace Rd 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 05	Day 07	Year 2020	Time <input checked="" type="checkbox"/> AM <input 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 501 E Broadway Rd						<input checked="" type="checkbox"/> Tempe	State of Arizona		Area	Dist.

The Defendant Committed the Following:

A	Section: 21-3 B 8	ARS CC	Violation: Deteriorated Landscape	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
B	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
C	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
D	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						
E	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
MVD						

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: 05/21/2020	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.	
X	Complainant <i>[Signature]</i>	70003 PSN

Comments: **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 _____

1st Violation Fee \$200.00

Date issued if not violation date _____

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.



COMPLAINT