

---

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 03/16/2021  
Agenda Item: 5**

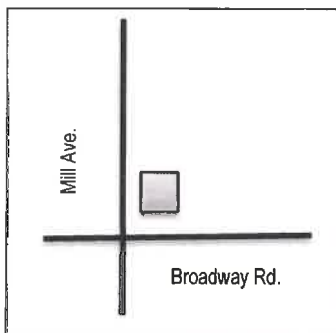
---

**ACTION:** Request approval to abate public nuisance items at the University Crossroads LLC Property located at 64 E. Broadway Road. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$540.00 for abatement request: Graffiti removal.

**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 UNIVERSITY CROSSROADS 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 CM210011: Graffiti removal.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

University Crossroads LLC  
City of Tempe – Code Compliance  
CSS – Commercial Shopping & Service  
Jack Scofield - Code Inspector

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Jeff Tamulevich, Code Compliance Administrator

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 University Crossroads LLC Property located at 64 E. Broadway Road, in the CSS – Commercial Shopping & Service district. This case was initiated 1/5/2021, 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 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 5<sup>th</sup> 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	UNIVERSITY CROSSROADS LLC	EXISTING ZONING	CSS <input type="checkbox"/>
PROJECT ADDRESS	64 E BROADWAY RD TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	ABATEMENT OF CM210011 MARCH 16, 2021	PARCEL No(s)	133-16-121A <input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW)			
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 ST STE 208
CONTACT NAME	JACK SCOFIELD/CODE INSPECTOR	CITY	TEMPE
EMAIL	jack_scofield@tempe.gov	PHONE 1	(480) 350-8967
		STATE	AZ
		ZIP	
		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	2/9/2021
---------------------	---	------	----------

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. 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
<b>TOTAL NUMBER OF APPLICATIONS</b>	<b>1</b>			

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 <sup>nd</sup> or 3 <sup>rd</sup> submittal, use planning resubmittal form)			TOTAL APPLICATION FEES
			RECEIVED BY INTAKE STAFF (INITIALS)

**SEE REVERSE SIDE FOR REQUIRED PROJECT DATA**

**DATE:** February 9, 2021  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Jack Scofield, Code Inspector  
**SUBJECT:** CM210011, University Crossroads LLC

---

**LOCATION:** 64 E BROADWAY RD TEMPE, AZ 85281

**LEGAL:** UNIVERSITY ESTATES TR A BLK 5 DESC AS FOL BEG SW COR TR A TH N 0D36' W 27.03' TO TRUE POB TH ALG CUR HAV RAD 20' TH S ALG CURV 31.45' TH N 89D19' E 129.97' TH N 0D36' W 150' TH S 89D19' W 150' TO PT IN W LN TR A TH S 129.97' TO POB EX RD P/D 84-496113

**PARCEL:** 133-16-121A

**OWNER:** UNIVERSITY CROSSROADS LLC  
2130 E KALER DR  
PHOENIX, AZ 85020

**FINDINGS:**

1/5/2021 The Code Compliance Division received complaint for graffiti on property. Inspected property and found graffiti on the freestanding monument sign. Notice to comply mailed to owner.

1/6/2021 The Code Compliance Division received an additional complaint for graffiti.

1/11/2021 Received phone call from owner Jeff Knowles advising he is obtaining bids to have graffiti removed.

1/13/2021 The Code Compliance Division received an additional complaint for graffiti.

1/15/2021 The Code Compliance Division received an additional complaint for graffiti.

1/20/2021 Contacted owner Jeff Knowles via phone and granted a 1-week extension to remove graffiti.

1/27/2021 Mailed final notice to comply to owner and to tenant.

2/9/2021 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 64 E Broadway Rd due to property owner's failure to bring property into compliance with Tempe City Code 22-105.A. Owner has been given ample time to come into compliance and maintain the property. 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: Submitt  
NAME [Signature]  
DATE: 2 10 21



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 2/9/2021  
CASE # CM210011

**UNIVERSITY CROSSROADS LLC  
2130 E KALER DR  
PHOENIX, AZ 85020**

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

**LOCATION:** 64 E BROADWAY RD TEMPE, AZ 85281  
**PARCEL:** 133-16-121A

---

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on **03/16/2021**. 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.A**

(a) 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.

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 GRAFFITI THE FREESTANDING SIGN ON THE SOUTHWEST CORNER OF PROPERTY. PAINT NEEDS TO BE COMPATIBLE WITH EXISTING PAINT COLOR.**

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 **\$540.00**. 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: Jack Scofield**  
**Phone Number: 480-350-8967**  
**E-mail: jack\_scofield@tempe.gov**



WELLS FARGO

64

WELLS FARGO

02/09/2021





## East Valley Disaster Services

---

East Valley Disaster Services, Inc.  
257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

Client: City of Tempe / Nuisance Abatement Services  
Property: 64 East Broadway Road  
Tempe, AZ 85282

Operator: SKIP

Estimator: Skip Yaw  
Company: EVDS

Business: (480) 833-4538  
E-mail: skip@evds.co

Type of Estimate: Nuisance Abatement Services  
Date Entered: 2/9/2021                      Date Assigned:

Price List: AZPH8X\_JAN21  
Labor Efficiency: Restoration/Service/Remodel  
Estimate: 21-1108-NUISANCE





## East Valley Disaster Services

East Valley Disaster Services, Inc.  
 257 W. Broadway  
 Mesa, AZ 85210  
 (480) 833-4538 (Office & 24 Hour Emergency)  
 Info@evds.co  
 EIN: 86-0721883 / ROC: B License #097838

**21-1108-NUISANCE**  
**Nuisance Abatement Services**

**Exterior**

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	TOTAL
1. Nuisance Abatement Services	1.00 EA	0.00	540.00	0.00	540.00
<b>NOTE: Abatement includes: Removing graffiti from unpainted brick wall using media blasting. Also includes additional labor to re-point joints as needed following media blasting.</b>					
Totals: Exterior				0.00	540.00
Total: Nuisance Abatement Services				<b>0.00</b>	<b>540.00</b>
<b>Line Item Totals: 21-1108-NUISANCE</b>				<b>0.00</b>	<b>540.00</b>



## East Valley Disaster Services

---

East Valley Disaster Services, Inc.  
257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

### Summary

Line Item Total	540.00
<b>Replacement Cost Value</b>	<b>\$540.00</b>
<b>Net Claim</b>	<b>\$540.00</b>

---

Skip Yaw



## East Valley Disaster Services

---

East Valley Disaster Services, Inc.  
257 W. Broadway  
Mesa, AZ 85210  
(480) 833-4538 (Office & 24 Hour Emergency)  
Info@evds.co  
EIN: 86-0721883 / ROC: B License #097838

- 1 1-IMG\_1643  
Date Taken: 2/3/2021





COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

1/5/21

UNIVERSITY CROSSROADS LLC  
2130 E KALER DR  
PHOENIX, AZ 85020

Case#: CM210011  
Site Address: 64 E BROADWAY RD TEMPE, AZ 85281

**SITE REINSPECTION ON OR AFTER: 01/19/2021**

This is a notice to inform you that this site was inspected on 1/5/21 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 22-105.A**

(a) 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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

- 1. REMOVE GRAFFITI FROM THE FREESTANDING SIGN ON THE SOUTHWEST CORNER OF THE PROPERTY. PAINT NEEDS TO BE COMPATIBLE WITH EXISTING PAINT COLOR.**

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  
CORRECTION NOTICE

1/27/21

UNIVERSITY CROSSROADS LLC  
2130 E KALER DR  
PHOENIX, AZ 85020

Case#: CM210011  
Site Address: 64 E BROADWAY RD TEMPE, AZ 85281

**SITE REINSPECTION ON OR AFTER: 02/10/2021**

This is a notice to inform you that this site was inspected on 1/27/21 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 22-105.A**

(a) 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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

- 1. REMOVE GRAFFITI FROM THE FREESTANDING SIGN ON THE SOUTHWEST CORNER OF THE PROPERTY. PAINT NEEDS TO BE COMPATIBLE WITH EXISTING PAINT COLOR.

**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED AND/OR ABATEMENT PROCEEDINGS INITIATED.**

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  
CORRECTION NOTICE**

1/27/21

WELLS FARGO  
64 E BROADWAY RD  
TEMPE, AZ 85281

Case#: CM210011  
Site Address: 64 E BROADWAY RD TEMPE, AZ 85281

**SITE REINSPECTION ON OR AFTER: 02/10/2021**

This is a notice to inform you that this site was inspected on 1/27/21 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 22-105.A**

- (a) 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.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:**

- 1. REMOVE GRAFFITI FROM THE FREESTANDING SIGN ON THE SOUTHWEST CORNER OF THE PROPERTY. PAINT NEEDS TO BE COMPATIBLE WITH EXISTING PAINT COLOR.**

**CORRECTIVE ACTION MUST BE COMPLETED OR CITATIONS WILL BE ISSUED AND/OR ABATEMENT PROCEEDINGS INITIATED.**

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.