

**CITY OF TEMPE
HEARING OFFICER**

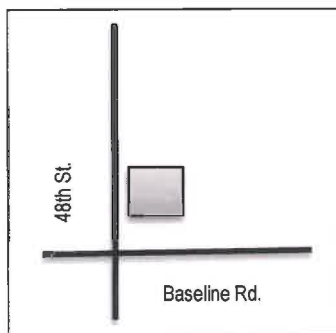
**Meeting Date: 03/15/2022
Agenda Item: 2**

ACTION: Request approval to abate public nuisance items at the TL Qik Stop Property located at 3233 S. 48th Street. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$956 for abatement request: landscape and graffiti 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 TL QIK STOP 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 CM211465: landscape and graffiti cleanup.



Property Owner
Applicant
Zoning District:
Code Compliance
Inspector:

TL Qik Stop Market Inc.
City of Tempe – Code Compliance
PCC-1, Planned Commercial Center Neighborhood
Michael Glab

ATTACHMENTS: Supporting Attachment

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

Department Director: Shelly Seyler, Interim Department 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 TL Qik Stop Property located at 3233 S. 48th Street, in PCC-1, Planned Commercial Center Neighborhood district. This case was initiated 11/29/2021, 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 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	TL QIK STOP MARKET INC	EXISTING ZONING	PCC-1	<input type="checkbox"/>
PROJECT ADDRESS	3233 S. 48TH ST., TEMPE, AZ 85282	SUITE(S)		<input type="checkbox"/>
PROJECT DESCRIPTION	EATON FREEWAY INDUSTRIAL PARK MCR 171/31 PT LOT 127 COMM W/MOST SW ABATEMENT OF CM211465 MARCH 15, 2022	PARCEL No(s)	123-28-130J	<input type="checkbox"/>

PROPERTY OWNER INFORMATION - REQUIRED (EXCEPT PRELIMINARY SITE PLAN REVIEW & SIGN TYPE K)

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 COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461
		PHONE 2	
		STATE	AZ
		ZIP	85281-3681

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	2/10/22
<i>Michael A. Glab</i>			

BUSINESS INFORMATION - REQUIRED FOR USE PERMITS & SIGN DPRs

BUSINESS NAME	ADDRESS	CITY	STATE	ZIP
CONTACT NAME	PHONE	EMAIL		
TYPE OF BUSINESS				

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

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



DATE: February 10th, 2022
TO: Jack Scofield, Senior Code Inspector
FROM: Michael Glab, Code Inspector
SUBJECT: CM211465, TL QIK STOP MARKET INC Property Abatement

LOCATION: 3233 S. 48TH ST., Tempe, AZ 85282

PARCEL: 123-28-130J

OWNER: TL QIK STOP MARKET INC
3233 S 48TH ST
TEMPE, AZ 85282

FINDINGS:

11/29/21 The Code Compliance Division received complaint for graffiti and deteriorated landscape.

11/30/21 Inspected property and found graffiti and deteriorated landscape present on exterior of building. Notice to comply mailed to owner.

12/29/21 Inspected property and found graffiti and deteriorated landscape present on exterior of building. Bids sought for property abatement.

01/06/22 Inspected property and found graffiti and deteriorated landscape present on exterior of building.

01/07/22 Posted notice to structure and mailed to property owner.

01/10/22 Notice mailed to property owner.

01/18/22 The Code Compliance Division received a second complaint for graffiti and deteriorated landscape

02/10/22 Inspected property and found graffiti and deteriorated landscape present on exterior of the building.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations at the property at 3233 S 48TH ST due to property owner's failure to bring property into compliance with Tempe City Code 22-105 and 21-3.b.8. TL QIK STOP MARKET INC 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.~~ The property has been previously abated for the same matters. 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,

Inspectors Name
Code Inspector

ACTION TAKEN: Submit

NAME 

DATE: 2/11/22



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:02/10/2022
CASE # CM211465

TL QIK STOP MARKET, INC.
3233 S 48TH ST
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: 3233 S 48TH ST., TEMPE, AZ 85282
PARCEL: 123-28-130J

This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 03/15/2022. 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

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:

Violation of City of Tempe Code 21-3.b.8

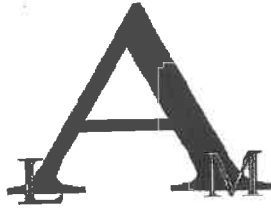
Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any 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 remove or paint over the graffiti located on the property. If painting over, please use a color of paint consistent with existing paint colors. Please remove the grass/weeds from the gravel portions of the property, including any over height grass/weeds

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 **\$956.00**. 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: MICHAEL GLAB
Phone Number: 480-350-5461
E-mail: Michael_glab@tempe.gov



Artistic Land Management, Inc.

January 6, 2022

City of Tempe
Attn: Michael Glab
Code Inspector

RE: Clean-Up at 3233 S. 48th St.

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 3233 S. 48th St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

Scope of Work

- Painting over of graffiti on the gas station building, with a color close in shade to existing color
- Grass/weed removal from the landscape in the front and rear of the building
- Haul away and dispose of removed debris
- PD presence on-site for duration of the visit

Total = \$956.00

Respectfully,

Jose Hernandez





COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

11/30/2021

DEBBIE L NGUYEN
525 N VAL VISTA DR UNIT 45
MESA, AZ 85213-7066

Case #: CM211465
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/29/2021 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
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of 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	SITE REINSP ON OR AFTER
Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors	12/14/2021

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-4311
Email:Michael_Glab@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

<p>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.</p>



COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

11/30/2021

DEBBIE L. NGUYEN
 1328 E MINTON DR
 TEMPE, AZ 85282

Case #: CM211465
 Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/29/2021 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	SITE REINSP ON OR AFTER
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of 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		
	Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors	12/14/2021

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Email: Michael_Glab@tempe.gov

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

11/30/2021

TL QIK STOP MARKET, INC.
 3233 S 48TH ST
 TEMPE, AZ 85282-3148

Case #: CM211465
 Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 11/29/2021 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.

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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION		SITE REINSP ON OR AFTER
	Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors	12/14/2021

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COMMUNITY DEVELOPMENT DEPARTMENT
 CODE COMPLIANCE
 CORRECTION NOTICE

01/10/2022

DEBBIE L NGUYEN
 525 N VAL VISTA DR UNIT 45
 MESA, AZ 85213-7066

Case #: CM211465
 Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/07/2022 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.

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TCC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated 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

**SITE REINSP
ON OR
AFTER**

Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors. Please remove the grass/weeds from the gravel portions of the landscape, including any over height grass/weeds elsewhere on the property or adjacent right of way

01/24/2022

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-4311
Email: Michael_Glab@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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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

01/10/2022

DEBBIE L. NGUYEN
1328 E MINTON DR
TEMPE, AZ 85282

Case #: CM211465
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

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SITE REINSPECTION ON OR AFTER

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

01/24/2022

Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors. Please remove the grass/weeds from the gravel portions of the landscape, including any over height grass/weeds elsewhere on the property or adjacent right of way

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Michael Glab
Code Inspector

Direct: 480-350-5461
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COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE

01/10/2022

TL QIK STOP MARKET, INC.
3233 S 48TH ST
TEMPE, AZ 85282-3148

Case #: CM211465
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**SITE REINS
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

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01/24/2022

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Michael Glab
Code Inspector

Direct: 480-350-5461
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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

01/10/2022

TL QIK STOP MARKET, INC.
1821 S COUNTRY CLUB DR
TEMPE, AZ 85210

Case #: CM211465
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 01/07/2022 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
Sec.22-105.	All sidewalks, walls, buildings, fences, signs, and other structures of surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property
TCC 21-3.b.8	Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated 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;

**SITE REINSP
ON OR
AFTER**

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

Please remove the graffiti from the property (e.g. exterior walls of the market building, etc.). If painting over, please use a color of paint consistent with existing paint colors. Please remove the grass/weeds from the gravel portions of the landscape, including any over height grass/weeds elsewhere on the property or adjacent right of way

01/24/2022

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

Michael Glab
Code Inspector

Direct: 480-350-5461
Code Compliance: 480-350-4311
Email: Michael_Glab@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.