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**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 01/03/2023**

**Agenda Item: 2**

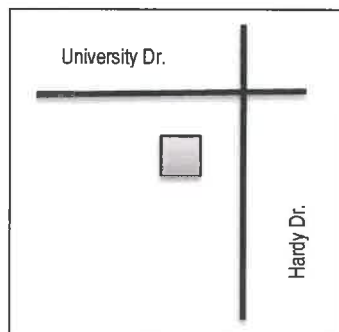
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**ACTION:** Request approval to abate public nuisance items at the Beck Developments LLC Property located at 1101 W. University Drive. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$535 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 BECK DEVELOPMENTS 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 CM221292 : graffiti removal.



Property Owner  
Applicant  
Zoning District:  
Code Compliance  
Inspector:

Beck Developments LLC  
City of Tempe – Code Compliance  
MU-4, Mixed Use High Density  
Michael Glab

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Code Administrator (480-858-2190)

Department Director: Jeffrey Tamulevich, Department Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Code Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the Beck Developments LLC Property located at 1101 W. University Drive, in the MU-4 Mixed Use High Density district. This case was initiated 07/26/2022, 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 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	BECK DEVELOPMENTS LLC	EXISTING ZONING	MU-4 <input type="checkbox"/>
PROJECT ADDRESS	1101 W UNIVERSITY DR., TEMPE, AZ 85281	SUITE(S)	<input type="checkbox"/>
PROJECT DESCRIPTION	VALE CONDOMINIUMS MCR 674-48 COMMON ELEMENTS ABATEMENT OF CM221292 JANUARY 03, 2023	PARCEL No(s)	124-61-214 <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 COMPLIANCE	ADDRESS	21 E 6TH ST SUITE 208
CONTACT NAME	MICHAEL GLAB / CODE INSPECTOR	CITY	TEMPE STATE AZ ZIP 85281-3681
EMAIL	michael_glab@tempe.gov	PHONE 1	(480) 350-5461 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 <i>Michael S Glab</i>	DATE	11/7/22
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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)	VALIDATION OF PAYMENT (STAMP)
PL TRACKING #			TOTAL APPLICATION FEES
SPR TRACKING # (if 2 <sup>nd</sup> or 3 <sup>rd</sup> submittal, please use Planning Resubmittal Form)			RECEIVED BY INTAKE STAFF (INITIALS)

SEE REVERSE SIDE FOR REQUIRED PROJECT DATA



**DATE:** November 7th, 2022  
**TO:** Jack Scofield, Senior Code Inspector  
**FROM:** Michael Glab, Code Inspector  
**SUBJECT:** CM221292, BECK DEVELOPMENTS LLC Property Abatement

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**LOCATION:** 1101 W UNIVERSITY DR., Tempe, AZ 85281

**PARCEL:** 124-61-214

**OWNER:** BECK DEVELOPMENTS LLC  
16347 E SEGUNDO DR  
FOUNTAIN HILLS, AZ 85268

**FINDINGS:**

07/26/22 The Code Compliance Division received complaint for graffiti. Inspected property and found graffiti present on south facing side of wall located on south parcel line, facing the alleyway. Notice to comply mailed to the owner.

08/09/22 Inspected property and found graffiti present on south facing side of wall located on the south parcel line, facing the alleyway. Final notice mailed to the owner.

08/25/22 Attempted to phone responsible party for site, but two numbers disconnected as of afternoon of 08/25/22. Phoned tenant on site, who was unable to provide me updated contact information for property ownership or management. Bids sought for property abatement.

09/05/22 Bid received from contractor(s).

09/21/22 Inspected property and found graffiti present on south facing side of the wall located on the south parcel line, facing the alleyway. I became aware of a possible property manager/tenant, phoned them at 1037am, reaching voicemail, message left requesting call back.

10/25/22 Inspected property and found graffiti present on south facing side of the wall located on the south parcel line, facing the alleyway. Became aware of one additional property manager/owner, phoned them at 250pm, reaching voicemail, message left requesting call back.

11/04/22 Inspected the property and found graffiti present on the exterior of the building. Abatement packet submitted for addition to JANUARY 03, 2023 Hearing agenda

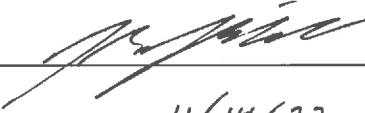
**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 1101 W UNIVERSITY DR due to property owner's failure to bring property into compliance with Tempe City Code 22-105. BECK DEVELOPMENTS LLC 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,

Inspectors Name  
Code Inspector

ACTION TAKEN: submit  
NAME   
DATE: 11/14/22



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 11/07/2022  
CASE # CM221292

**BECK DEVELOPMENTS LLC  
16347 E SEGUNDO DR  
FOUNTAIN HILLS, AZ 85268**

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

**LOCATION:** 1101 W UNIVERSITY DR., TEMPE, AZ 85281  
**PARCEL:** 124-61-214

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This office will submit this complaint to the Community Development Abatement Hearing Officer located at the Tempe City Council Chambers on 01/03/23. 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:

- 1. Please remove or paint over the graffiti located on the property (south side of the southmost wall, facing the alleyway). If painting over, please use a color of paint consistent with existing paint colors**

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 **\$535.00**. 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.

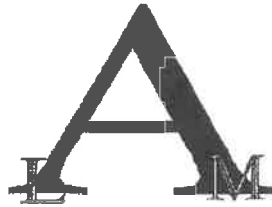
**If you have questions regarding this matter, please contact our office at (480) 350-4311.**

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**Code Inspector: MICHAEL GLAB**

**Phone Number: 480-350-5461**

**E-mail: Michael\_glab@tempe.gov**



**Artistic Land Management, Inc.**

September 2, 2022

City of Tempe  
Attn: Michael Glab  
Code Inspector

RE: Graffiti Clean-Up at 1101 W. University 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 1101 W University Dr, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Paint over graffiti with matching paint as close as possible

Total = \$535.00

Respectfully,

Jose Hernandez







COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/26/2022

BECK DEVELOPMENT LLC  
16347 E SEGUNDO DR  
FOUNTAIN HILLS, AZ 85268

Case #: CM221292  
Site Address: 1101 W UNIVERSITY DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 07/26/2022 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

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
Please remove, or paint over, the graffiti, located on the south side of parcel 124-61-214. If painting over, please use a color of paint consistent with existing paint colors	08/09/2022

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.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/26/2022

BECK DEVELOPMENT LLC  
c/o NICOLE ROBERTS  
16853 E PALISADES BLVD #201  
FOUNTAIN HILLS, AZ 85268

Case #: CM221292  
Site Address: 1101 W UNIVERSITY DR, TEMPE, AZ 85281

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

08/10/2022

BECK DEVELOPMENT LLC  
16347 E SEGUNDO DR  
FOUNTAIN HILLS, AZ 85268

Case #: CM221292  
Site Address: 1101 W UNIVERSITY DR, TEMPE, AZ 85281

This is a notice to inform you that this site was inspected on 08/09/2022 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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**SITE REINSP  
ON OR  
AFTER**

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

**Please remove, or paint over, the graffiti, located on the south side of parcel 124-61-214. If painting over, please use a color of paint consistent with existing paint colors**

08/25/2022

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