

**CITY OF TEMPE  
HEARING OFFICER**

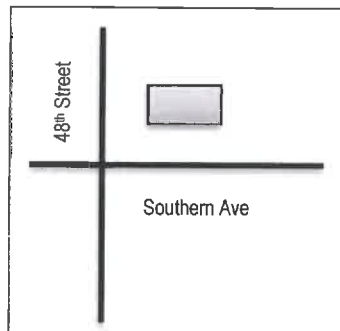
**Meeting Date: 09/6/2022  
Agenda Item: 6**

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

**FISCAL IMPACT:** \$1556.00 for abatement request, including Junk, trash and debris on property, Security on site.

**RECOMMENDATION:** Staff – Approval

**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 (CM211465). 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: Junk, trash, debris. The request includes the following:



Property Owner	TL QIK STOP MARKET, INC
Applicant	City of Tempe – Code Compliance
Zoning District:	PCC-1, Planned Commercial Center Neighborhood District
Code Compliance Inspector:	Michael Glab

**ATTACHMENTS:** Supporting Attachment

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

Department Director: Jeff Tamulevich, Community Development Director  
Prepared by: Cassidy Hernandez, Administrative Assistant  
Reviewed by: Drew Yocom, Code Compliance Administrator

**COMMENTS:**

Code Compliance is requesting approval to abate the TL QIK STOP Property located at 3233 South 48<sup>th</sup> Street in the PCC-1, Planned Commercial Center Neighborhood District. This case was initiated 06/10/22 following 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 the 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	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 SEPTEMBER 06, 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		
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
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 <i>Michael A. Glab</i>	DATE	8/5/22
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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:** August 05th, 2022  
**TO:** Jack Scofield, Senior Code Inspector  
**FROM:** Michael Glab, Code Inspector  
**SUBJECT:** CM20850, TL QIK STOP MARKET INC Property Abatement

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**LOCATION:** 3233 S. 48<sup>TH</sup> ST., Tempe, AZ 85282

**PARCEL:** 123-28-130J

**OWNER:** TL QIK STOP MARKET INC  
3233 S 48<sup>TH</sup> ST  
TEMPE, AZ 85282

**FINDINGS:**

06/10/22 The Code Compliance Division received complaint for junk, trash and debris. Inspected the property and found junk, trash and debris present to the east of the building

07/21/22 The Code Compliance Division received complaint for junk, trash and debris.

07/28/22 Inspected property and found junk, trash and debris present on east side of the parcel. Notice to comply mailed to owner. Bids sought for property abatement.

08/01/22 The Code Compliance Division received complaint for junk, trash and debris.

08/05/22 Posted notice to structure and mailed to property owner.

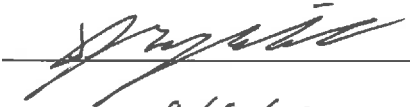
**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 3233 S 48<sup>TH</sup> ST due to property owner's failure to bring property into compliance with Tempe City Code 21-3.b.1. 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 graffiti. 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: 8/8/22



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE:08/05/2022  
CASE # CM220850

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

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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 09/06/2022. 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 21-3.b.1**

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;

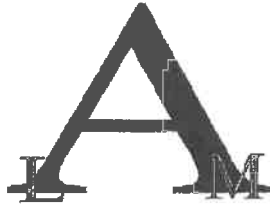
**Please remove the trash, litter, junk, debris and/or stored items from the property (e.g. debris located along the east side of the parcel, etc.)**

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 **\$1,556.00**. 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.**

August 3, 2022

City of Tempe  
Attn: Michael Glab  
Code Inspector

RE: Clean-Up at 3233 S. 48<sup>th</sup> 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. 48<sup>th</sup> St, Tempe, AZ. Please give us a call for any questions you may have at 480-821-4966.

#### Scope of Work

- Remove junk, trash, debris, and/or stored items, located on east side of the former gas station building, beneath the gas roof cover, the landscaping along the back wall, as well as the interior of the dumpster enclosure
- Dispose of removed waste off-site
- PD presence on-site for duration of the visit

Total = \$1,556.00

Respectfully,

Jose Hernandez







COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/28/2022

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

Case #: CM220850  
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/28/2022 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
CC 21-3.b.1	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the County Health Officer or this Code or any other ordinance of the City;
ZDC 4-102.E.6.	The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
<b>Please remove trash, litter, debris and/or stored items from the property (e.g. dumpster enclosure interior; along the east block wall; beneath the gas station pump roof/cover, etc.)</b>	08/11/2022

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

<b>Michael Glab</b> Code Inspector	<b>Direct: 480-350-5461</b> <b>Code Compliance: 480-350-4311</b> <b>Email: Michael_Glab@tempe.gov</b>
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**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

07/28/2022

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

Case #: CM220850  
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/28/2022 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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PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION	SITE REINSP ON OR AFTER
<b>Please remove trash, litter, debris and/or stored items from the property (e.g. dumpster enclosure interior; along the east block wall; beneath the gas station pump roof/cover, etc.)</b>	08/11/2022

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

07/28/2022

DEBBIE NGUYEN  
1328 E MINTON DR  
TEMPE, AZ 85282

Case #: CM220850  
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/28/2022 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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**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).

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE  
CORRECTION NOTICE

07/28/2022

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

Case #: CM220850  
Site Address: 3233 S 48TH ST, TEMPE, AZ 85282

This is a notice to inform you that this site was inspected on 07/28/2022 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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**Michael Glab**  
Code Inspector

**Direct: 480-350-5461**  
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