

Staff Summary Report



Hearing Officer Hearing Date: 9/06/11

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the City of Tempe – Code Compliance Section to abate public nuisance items at the Spiral Broadcasting Company SBC LLC Property located at 616 West Baseline Road.

DOCUMENT NAME: 20110906cdsl02 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the City of Tempe – Code Compliance Section to abate public nuisance items in violation of the Tempe City Code for the **SPIRAL BROADCASTING COMPANY SBC LLC PROPERTY (PL110293 /ABT11032 /CE110482)** (Marvin White, Inspector; Doug McClure/Spiral Broadcasting Company SBC LLC, property owner) located at 616 West Baseline Road in the CSS, Commercial Shopping and Services District.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

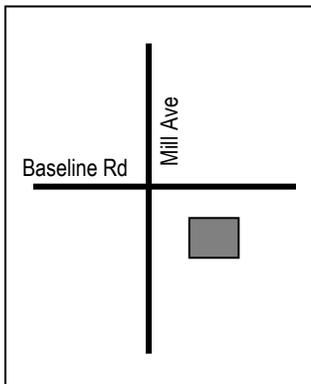
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

FISCAL NOTE: \$306.00 for abatement request, including deteriorated landscape, debris, unsecured building and graffiti.

RECOMMENDATION: **Staff – Approval of Abatement Proceedings**

ADDITIONAL INFO:



Code Compliance is requesting approval to abate the Spiral Broadcasting Company SBC LLC Property located at 616 West Baseline Road in the CSS, Commercial Shopping and Services District. 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 110482: deteriorated landscape, debris, unsecured building and graffiti.

Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline.

PAGES:

1. List of Attachments
2. Comments; History & Facts/Description

ATTACHMENTS:

1. Location Map
2. Aerial Photo
- 3-10. Code Compliance Report & Photographs

COMMENTS:

Code Compliance is requesting approval to abate the Spiral Broadcasting Company SBC LLC Property located at 616 West Baseline Road in the CSS, Commercial Shopping and Services District. This case was initiated 07/11 following which Code Compliance has attempted to obtain compliance through correspondence with the property owners regarding violations of the Tempe City Code for deteriorated landscape, debris, unsecured building and graffiti.

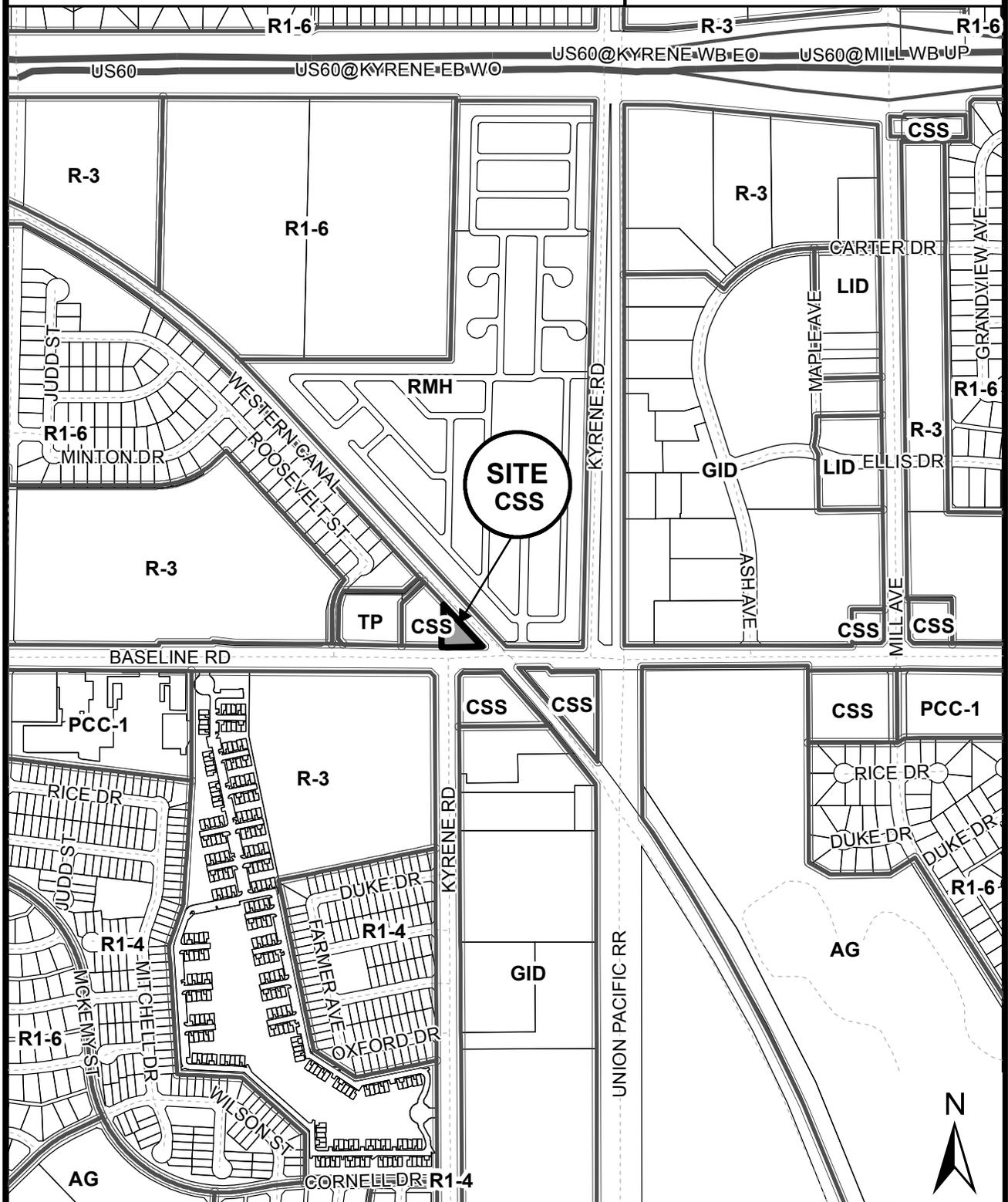
Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve the abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code. Due to the history of recidivism of the property owner and several months of attempts to have the site remediated by the property owner, staff is requesting a 180 day open abatement to prevent repeated property neglect and neighborhood decline

HISTORY & FACTS:

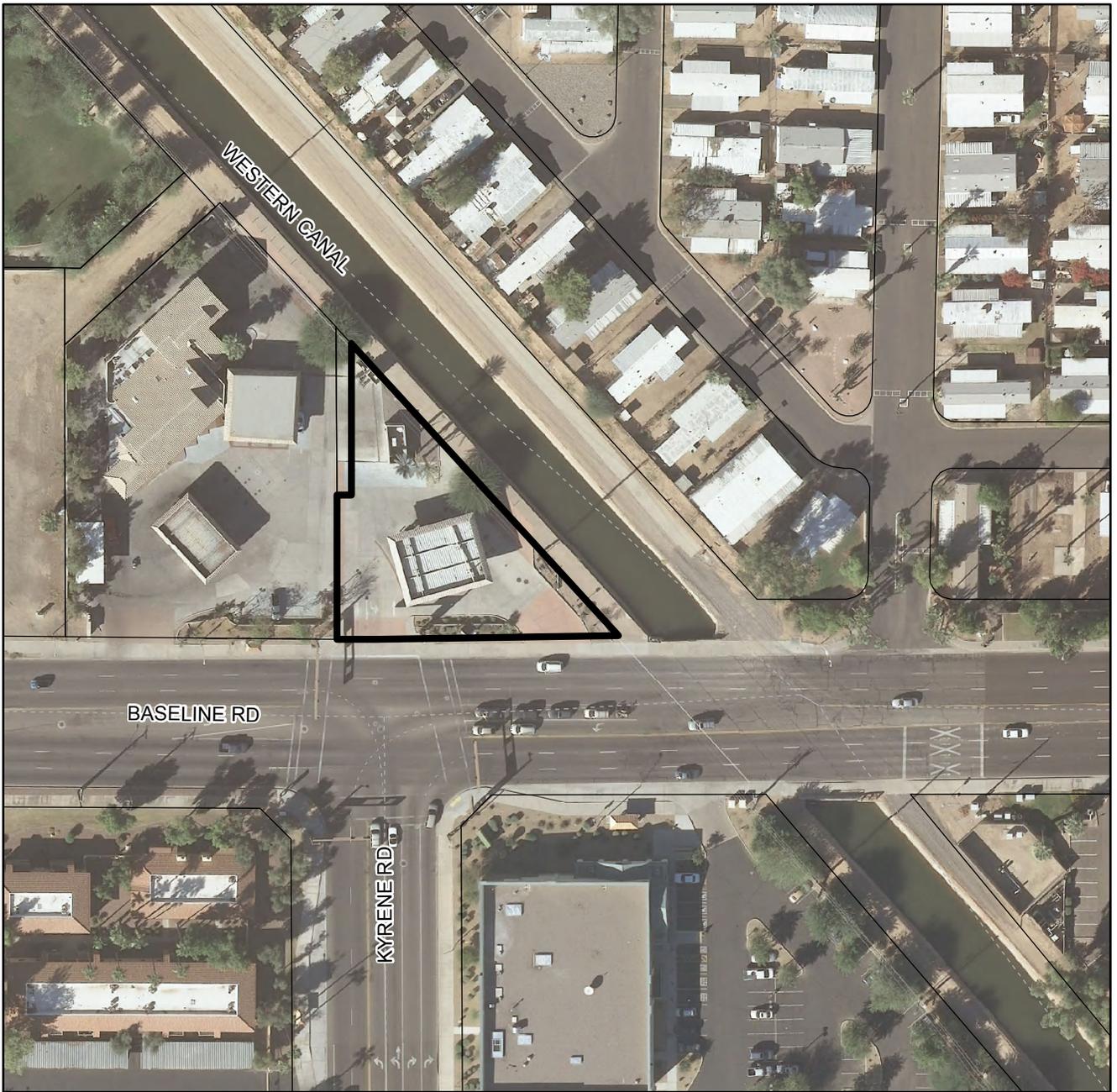
The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

SPIRAL BROADCASTING COMPANY SBC LLC PROPERTY

PL110293



Location Map



SPIRAL BROADCASTING COMPANY SBC LLC PROPRERTY (PL110293)

DATE: August 04, 2011
TO: Jeff Tamulevich, Code Compliance Manager
FROM: Marvin White, Code Inspector
SUBJECT: CM110482 Spiral Broadcasting Company SBC, LLC / Douglas McClure Property Abatement

LOCATION: 616 W. Baseline Rd. Tempe, AZ 85283
LEGAL: Book , Map , Parcel , as recorded with the Maricopa County Assessor
OWNER: Spiral Broadcasting Company SBC, LLC. / Douglas McClure
1120 N. Anita Ave.
Tucson, AZ. 85705

FINDINGS:

07/20/2011 Received a complaint from Tempe Police of property being unsecured.

07/20/2011 Inspected the property and noticed a broken window with the door unsecured a photo was taken.

07/20/2011 Contacted the property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC. I was advised that the unsecured building would be secured.

07/27/2011 Inspected the property and no change noticed.

07/27/2011 Violation letter mailed to the property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC.

07/28/2011 Inspected the property and no change noticed.

07/28/2011 Contacted the property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC. A message was left.

08/03/2011 Second violation letter mailed to the property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC.

08/04/2011 Inspected the property and no change noticed photos taken.

08/04/2011 Citation issued and mailed to the property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC.

08/04/2011 Property approved for emergency abatement by Jeff Tamulevich.

PREVIOUS COMPLAINT HISTORY:

07/02/2002 Overgrown weeds & debris.
05/17/2004 Overgrown weeds & debris.
08/21/2006 Canopy's installed w/o approval
04/09/2009 Overgrown weeds & debris.

RECOMMENDATIONS:

I recommend a 180 day abatement of the property at 616 W. Baseline Rd. The property owner Douglas McClure / Spiral Broadcasting Company SBC, LLC. has failed to bring the property into compliance with Tempe City Codes. The property has become blighted and a detriment to the neighborhood.

Thank you,

Marvin White
Code Inspector II

ACTION TAKEN:

SUBSIDY
[Signature]
8.4.11

NAME

DATE:



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE**

SECOND CORRECTION NOTICE

07-27-2011

SPIRAL BROADCASTING COMPANY (SBC), LLC.
6909 W. RAY RD. # 15
CHANDLER, AZ. 85226

Case#: CM110482
Site Address: 616 W. BASELINE RD.

SITE REINSPECTION ON OR AFTER: 08/04/2011

This is a notice to inform you that this site was inspected on 07/27/2011 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

| <u>SECTION</u> | <u>VIOLATION</u> |
|----------------|---|
| ZDC 4-102.E.1 | Site not maintained overgrown weeds, debris and unsecured building. |
| CC 22-105(a) | Graffiti present on property. |

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION

| | |
|---------------|---|
| ZDC 4-102.E.1 | Maintain site in conformance with plans approved by the City and secure building and remove weeds and debris. |
| CC 22-105(a) | Remove graffiti from property. |

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

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: (480)350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation | Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. | Section 21-25: \$1020 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (B) Habitual Offender: 1st occurrence \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. | Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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.

SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE**

SECOND CORRECTION NOTICE

08-03-2011

DOUGLAS MCCLURE
1120 N. ANITA AVE.
TUCSON, AZ. 85705

Case#: CM110482
Site Address: 616 W. BASELINE RD.

SITE REINSPECTION ON OR AFTER: 08/08/2011

This is a notice to inform you that this site was inspected on 07/27/2011 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

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| CC 22-105(a) | Remove graffiti from property. |

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

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: (480)350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

| |
|---|
| <p>City Code Section 21-3, subsections (b) 1-8, 15 and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 per violation, 2nd occurrence \$270 per violation, 3rd occurrence \$370 per violation Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$270 per violation, 2nd occurrence \$470 per violation, 3rd occurrence \$670 per violation Section 21-3, subsections (b) 9-14, 16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$370 per violation, 2nd occurrence \$670 per violation, 3rd occurrence \$970 per violation. Section 21-25: \$1020 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. Section 21-4 (B) Habitual Offender: 1st occurrence \$520 in addition to other fines, 2nd occurrence \$1020 in addition to other fines, 3rd occurrence, \$1520 in addition to other fines. Zoning and Development Code: 1st occurrence \$140 per violation, 2nd occurrence \$390 per violation, 3rd occurrence \$790 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> |
|---|

SEE PAGE 2 (OTHER SIDE OF NOTICE) FOR CC/ZDC REFERENCE

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



| | | | | | | | | |
|---|---|------------------------|----------|--|---|--|-------------------------------------|-----------------|
| Complaint Number 1380834 | 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 CM110482 | | | |
| Defendant | Name (First, Middle, Last) SPECIAL BROADCASTING COMPANY, LLC. / DOUGLAS McCLURE | | | | | | Juvenile | |
| Residence Address, City, State, Zip Code 1120 N. ARIZONA AVE. TULSON, AZ. 85705 | | | | | | Residence Phone No. (520) 360-8177 | | |
| Sex | Height | Weight | Eyes | Hair | Origin | Date of Birth | Restrictions | |
| Business Address, City, State, Zip Code 6909 W. RAY RD. #15 CHANDLER, AZ. 85226 | | | | | | 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 8 | Day 4 | Year 11 | Time 2:00 | <input type="checkbox"/> AM <input checked="" 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 616 W. BASILINE RD. TEMPE, AZ. 85283 | | | | | | <input checked="" type="checkbox"/> Tempe | State of Arizona | | Area | Dist. |

The Defendant Committed the Following:

| | | | | | | | | | |
|----------|----------------------------------|-----------|---|---|-----------------------------------|---|--|--|--|
| A | Section: 2PC 4-102 E 1 | ARS CC | Violation: SEE NOT MAINTAINED UNSECURED BATTERY | <input type="checkbox"/> Domestic Violence Case | <input type="checkbox"/> Criminal | <input type="checkbox"/> Criminal Traffic | <input checked="" type="checkbox"/> Municipal Code | <input type="checkbox"/> Civil Traffic | <input type="checkbox"/> Petty Offense |
| B | Section: | ARS CC | Violation: | <input type="checkbox"/> Domestic Violence Case | <input type="checkbox"/> Criminal | <input type="checkbox"/> Criminal Traffic | <input type="checkbox"/> Municipal Code | <input type="checkbox"/> Civil Traffic | <input type="checkbox"/> Petty Offense |
| C | Section: | ARS CC | Violation: | <input type="checkbox"/> Domestic Violence Case | <input type="checkbox"/> Criminal | <input type="checkbox"/> Criminal Traffic | <input type="checkbox"/> Municipal Code | <input type="checkbox"/> Civil Traffic | <input type="checkbox"/> Petty Offense |
| D | Section: | ARS CC | Violation: | <input type="checkbox"/> Domestic Violence Case | <input type="checkbox"/> Criminal | <input type="checkbox"/> Criminal Traffic | <input type="checkbox"/> Municipal Code | <input type="checkbox"/> Civil Traffic | <input type="checkbox"/> Petty Offense |
| E | Section: | ARS CC | Violation: | <input type="checkbox"/> Domestic Violence Case | <input type="checkbox"/> Criminal | <input type="checkbox"/> Criminal Traffic | <input type="checkbox"/> Municipal Code | <input type="checkbox"/> Civil Traffic | <input type="checkbox"/> Petty Offense |

| | | | | |
|---|--|---|----------------------|-------------------------|
| 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: 8-18-11 | Time: Between 9AM & 4PM |
| | | <input type="checkbox"/> Criminal Court Suite 200, 2nd Floor | Date: _____ | Time: _____ |
| | <input type="checkbox"/> Court: | | Date: _____ | Time: _____ |
| Court Address, City, State, Zip Code | | | | |

| | | | | | |
|------------------------------------|---------------------------------|--|--|---|---|
| Criminal: <input type="checkbox"/> | Civil: <input type="checkbox"/> | Without admitting guilt, I promise to appear as directed hereon. | Without admitting responsibility, I acknowledge receipt of this complaint. | Victim? <input type="checkbox"/> | Victim Notified? <input type="checkbox"/> |
| X | | | | 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. | |
| | | | | <i>Mason White</i> Complainant | 26054 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 _____

FIRST OFFENSE \$170.00

8-4-11
Date Issued if not violation date

COMPLAINT



1380834

JACK HARRINGTON
3831 W AVALON
PHOENIX, AZ. 85019
TEL: (602) 446-2630
FAX: (602) 347-5487
EMAIL: JACKHBOARDUPS@YAHOO.COM

THE FOLLOWING DOCUMENT IS FOR:

NAMEMERVIN WHITE
FIRM: CITY OF TEMPE CODE COMPLIANCE

THIS TRANSMISSION MEMORANDUM PLUS 0 PAGE(S)

DATE: 8-4-11

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # TO8-092-02

ADDRESS: 616 W BASELINE TEMPE, AZ.

1. SECURE BLIILDING 4SHEET OF PLYWOOD ON BROKEN DOORS AND WINDOWS
4 SHEETS OFPLY @60.00/ \$240.00

2. 3 MANHOURS TO SECURE OTHER OPENS 66.00

TOTAL COST FOR JOB \$306.00

THANK YOU

ACCEPTANCE

JACK HARRINGTON



