

Public Comments

PZ17-00010 (Major CPA, ZC)

Son Silver West Parking Lot



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • Fax: (928) 204-7124

The following are the written comments that City Staff has received regarding the Son Silver West Major Community Plan Amendment and Zone Change proposal. The cut-off time to be included in this packet was September 6, 2017, at 12:00 noon. Any comments received after the cut-off time will be provided to the Planning and Zoning Commission at the Work Session and/or public hearing.

In addition to the attached written comments, Community Development Department staff has received several comments via phone, summarized below.

- Approximately 6 anonymous voice messages from individuals indicating that they are frequent out of town visitors, and they support the continuation of the Son Silver West business.
- Steven Landon, property owner of lots 38 and 39 (two properties to the south of the proposed parking lot) contacted staff regarding the proposal expressing concerns about preserving the 20 foot vehicular easement on lots 39/40. In addition, he stated that if the City grants the zone change request for commercial use of lot 40, he expects the same approvals for both his lots.
- Paul Wilson, resident of Phoenix, contacted staff stating that Son Silver West is a great family business and is disappointed that the City is forcing them to close their doors in order to allow a big box corporate business, such as WalMart to locate on the site. He stated that the City should negotiate with Son Silver West and put the big box corporate businesses in the Village of Oak Creek.

Audree Juhlin - Son Silver West Parking Issues - #1 MY CAR

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJUHLIN@SEDONAAZ.GOV" <AJUHLIN@SEDONAAZ.GOV>
Date: 2/27/2017 12:15 PM
Subject: Son Silver West Parking Issues - #1 MY CAR
Attachments: IMG_20170217 parking MY CAR.jpg

Dear Ms. Juhlin,

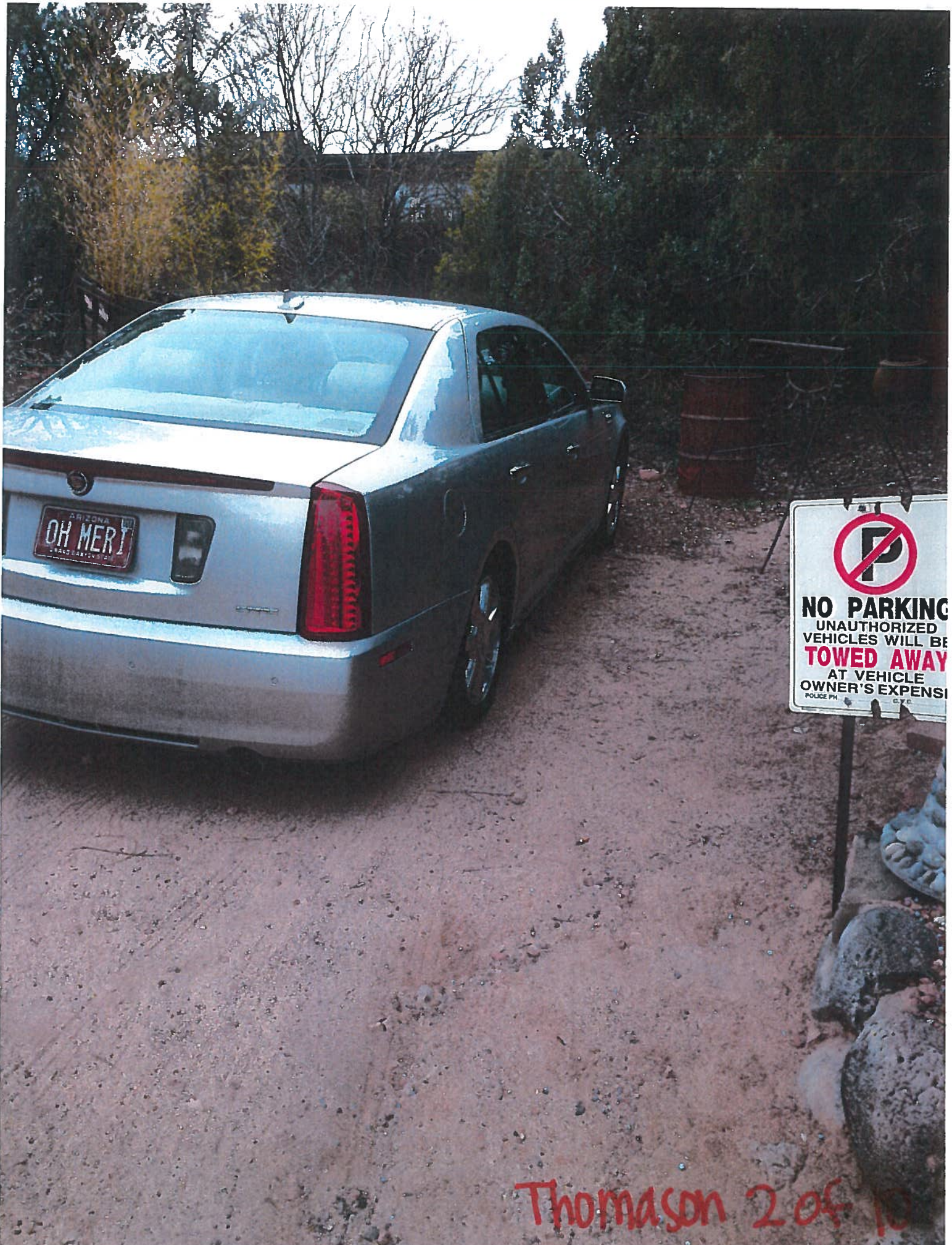
This is part of an email I tried sending earlier this month, but my pictures may have been too large for it to reach you. I am resending and breaking up the pics. This is the one that shows where I was told to park.

So, I have been documenting the parking problem with some pictures from the past 30 days showing cars parked illegally at Son Silver West. Today, I was asked by the man in the hat (second picture) if I planned to go in the store. When I answered yes, he then motioned for me to park right next to the signage! I said, "What about this sign saying not to park here?" and he said to pay no attention to it.

I would also like to register my complaint that some of the other signs (that face 179 instead of the area where the parking would actually be) are tattered and look ugly from the otherwise beautiful sidewalk. Can anything be done??

Meri Thomason
[\(928\) 204-9129](tel:9282049129) -

Thomason 1 of 10



Thomason 2 of 10

Audree Juhlin - SSW Pkg Issues #2 w/worker

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJUHLIN@SEDONAAZ.GOV" <AJUHLIN@SEDONAAZ.GOV>
Date: 2/27/2017 12:15 PM
Subject: SSW Pkg Issues #2 w/worker
Attachments: IMG_20170217_Parking.jpg

Here's another, which shows the man in the hat telling someone else to park illegally.

Meri

Thomason 3 of 10



Thomason 4 of 10

Audree Juhlin - SSW Pkg Issues #3

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJUHLIN@SEDONAAZ.GOV" <AJUHLIN@SEDONAAZ.GOV>
Date: 2/27/2017 12:16 PM
Subject: SSW Pkg Issues #3
Attachments: 2017 02 09 SSW pkg near sign.jpg

This phot was taken about a week earlier.

Thomason 5 of 10



Thomason 60410

Audree Juhlin - SSW Pkg issues #4

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJUHLIN@SEDONAAZ.GOV" <AJUHLIN@SEDONAAZ.GOV>
Date: 2/27/2017 12:17 PM
Subject: SSW Pkg issues #4
Attachments: IMG_20170209 parking 2.jpg

Also on the 9th, showing another car illegally parked.
Meri

Thomason 7 of 10



Thomason 8 of 10

Audree Juhlin - SSW Pkg Issue #5

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJUHLIN@SEDONAAZ.GOV" <AJUHLIN@SEDONAAZ.GOV>
Date: 2/27/2017 12:20 PM
Subject: SSW Pkg Issue #5
Attachments: IMG_20170205 parking.jpg

This was the first pic documented this month.

Thomason 9 of 10



Thomason 10 of 10

Audree Juhlin - ila.anderson@yahoo.com

From: "Ila Anderson" <ila.anderson@yahoo.com>
To: "Juhlin, Audree" <AJuhlin@SedonaAZ.gov>
Date: 3/16/2017 12:20 PM
Subject: ila.anderson@yahoo.com

We are frequent visitors to Sedona. Often visit Son Silver West. Understand they may be forced to close. Please do your best to keep it open. Thank you.

Anderson 1 of 1

Audree Juhlin - Son Silver West application

From: Eric Shrode <eshrode@gmail.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 7/31/2017 9:26 AM
Subject: Son Silver West application
Attachments: letter to the city on SSW 7-31-17.docx; supplemental Restrictions Tracks 38 - 61 Broken ArrowSubdivision..pdf

Hi Audree

Please provide my letter and the copy of the Supplemental Restrictions to the Planning and Zoning Commission.

Thanks

Eric Shrode

Sent from [Mail](#) for Windows 10



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Shrode 1 of 5

7/31/17

To: City of Sedona Planning and Zoning Commission

From: Eric Shrode
Nancie Plum
238 Paramount Drive
Sedona, AZ 86336

Dear Commissioner,

Son Silver West has filed an application for a Major Community Plan Amendment and is requesting approval of a Planned Area Land Use. (i.e. – Zone change)

In that application they have misled the reader with misinformation, partial information and outright untruths.

They cite the Broken Arrow West Platt and the Deed Restrictions as proving that the original owners' intention was to provide for a "business district" and they go on to jump to the conclusion that their intent was a full blown commercial business district. They provided you with copies of the deed restrictions to support their contention. **However, they conveniently forgot to include the "Supplemental Restrictions" filed with the Coconino County Recorder's Office on June 13, 1956 which specifically details what they meant by "Business District" for lots 38-44 inclusive.(Recorded in Book 91, Page 44 -Copy Attached)**

If you read this document pertaining to lots 38-44 inclusive, along with the documents they provided you pertaining to lots 1-7 and 31-34 inclusive, you will note that the term "Business Lots" are defined as one family dwelling erected thereon containing a so called learned profession business office (restricted to 600 sq. ft. on the east side of St. Rt. 179) to remain a single family dwelling in which such professional person shall utilize the dwelling for their own residential purposes. In other words – the intent was for professional offices and small cottage industry – not full blown commercial as contended in the application.

The original owners, Mary Ernestine Nestler Todd and her Husband were friends with my grandmother who lived on the east side of St. Rt.179 and asked my grandmother's help in securing neighbors approval for her to incorporate a small (approximately 600 sq.ft.) art gallery in her home. The neighbors all agreed that a small art gallery to help local artists sell their work would be in the spirit of the Deed Restrictions. La Galleria was built and the Todds conducted business within the confines of their home for a number of years. They did not have outdoor displays of merchandise sitting all over as contended by Son Silver West.

Shrode 2 of 5

Son Silver West purchased the property in 1981 and has embarked on a systematic change and expansion of the property since that date. Although the City tried to restrain them with a Conditional Use Permit (CUP), they have ignored the CUP requirements since day one. I believe you have been made aware of the many ongoing violations that have taken place over the years. They will promise you anything to get what they want and then ignore those promises.

Do not believe anything they promise to do in return for whatever it is they want. Their record speaks for itself.

We earnestly ask you to recommend denial of their application. This is a single family residential neighborhood, is zoned as such, and we want it to stay that way. Broken Arrow has been my family's home for over 65 years - don't let them destroy it.

Sincerely
Eric Shrode
Nancie Plum

SUPPLEMENTAL RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS: That NORTHERN ARIZONA LIME CO., an Arizona corporation, TRUSTEE, being owner of the legal title to:

TRACTS 38, 39, 40, 41, 42, 43 and 44, of BROCKEN ARROW SUBDIVISION, tracts 38 to 61 inclusive, a subdivision located in and being a part of the S¹/₂ S¹/₂ SE¹/₄ of Section 18 and 19 NE¹/₄, of Section 19, Township 17 North, Range 6 East, G&SRB¹/₂, Coconino County, Arizona, according to the plat of record in the office of the County Recorder of Coconino County, Arizona, in Book 2 of Maps, page 71, Official Records of said County and State

hereby amend and supplement, as to said Tracts 38, 39, 40, 41, 42, 43 and 44 only, the restrictions placed on all of said subdivision by instrument dated July 8, 1955 and recorded July 21, 1955, in Book 79 of Official Records, page 509, records of Coconino County, Arizona, as follows:

1. Said Tracts 38, 39, 40, 41, 42, 43 and 44 shall be used for single family dwelling home purposes only, except that professional offices for surgeons, physicians, osteopaths, chiropractors, dentists, attorneys, architects, realtors or engineers may be maintained thereon in conjunction with the use of the premises by any such professional persons for their own residential purposes as single family dwellings.

2. Except as above set forth, each and all of said Tracts 38, 39, 40, 41, 42, 43 and 44 shall be considered residential Tracts and as such shall be, and are hereby declared, subject to all of the covenants, conditions and restrictions as set forth in the instrument above referred to as recorded in Book 79 of Official Records, page 509, records of Coconino County, Arizona, and to all of the terms thereof.

IN WITNESS WHEREOF, the said Northern Arizona Title Co., as Trustee has executed this instrument by its duly authorized officers this 13th day of June, 1956.

NORTHERN ARIZONA TITLE CO., Trustee,
By Chas. B. Wilson, Jr.
President
ATTEST: H. H. Cameron
Secretary



APPROVED:

Frank E. Brasley
Frank E. Brasley

STATE OF ARIZONA)
County of Coconino) ss.

On this, the 13th day of June, 1956, before me, the undersigned officer, personally appeared Chas. B. Wilson, Jr. and H. H. Cameron, who acknowledged themselves to be the President and Secretary, respectively, of the Northern Arizona Title Co., a corporation, and that they, as such President and Secretary, respectively, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation, by themselves as President and Secretary, respectively.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My commission expires:

November 5, 1958

William C. ...
Notary Public

No. 2923
RECORDED AT REQUEST OF NORTHERN ARIZONA TITLE CO.
June 13th 1956 3:00 PM
4th Official Recs. 44-45
Edna Mae Thornton
Edna M. Bishop

1956 31 45

From: Andrea Smith <asfaltd@aol.com>
To: <AJuhlin@sedonaaz.gov>
Date: 7/31/2017 9:46 AM
Subject: Son Silver West: community and zone changes

Dear Commissioner

I live at 140 Paramount.

We respectfully request you deny any more applications for expansion of the business Sun Silver West located on the west side of route 179 in the Broken Arrow subdivision.

Initially the lot on Tract 40 was

intended to be a professional/ office type structure. There was 600 feet allotted for the business on the lot owners along with their home.

Sun Silver West has expanded from 600 feet to over 15,000 feet over the last 36 years and does not reside at the property .

Sun Silver West seems to just be thumbing its nose at the City and other law abiding business owners. I have had a business in Sedona for 18 years and have to abide by laws.

A few of the infractions include:

Lighting violations

Non-compliant fencing and screening

Non-compliant signage

Excessive traffic

Parking violations

Using residential lots for manufacturing,packing, welding etc.

Creation of a coffee shop with no permits

Aside from these infractions the tactics of the Robson's have been really disgusting .

They canvassed my neighborhood looking for infractions and fraudulently sent in complaints posing as neighbors against neighbors. Thank goodness our neighbors are all in communication.

As a business owner and as a home owner I strongly object

to their total disregard for laws or government. They are disrupting an otherwise quiet neighborhood and ignoring rules, laws, taxes, boundaries etc.

Now they have the audacity to apply for a community amendment when they are not even in compliance with what they have!

Thank you for your consideration and time.

Andrea Smith

Gary Smith

Sent from my iPhone

Smith 1 of 1

Audree Juhlin - Son Silver West Major Community Amendment and Violations

From: Alex Gutierrez <alexgutierrezu@hotmail.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 7/31/2017 11:06 AM
Subject: Son Silver West Major Community Amendment and Violations

7/31/17

To: City of Sedona Planning and Zoning Commission

From: Alejandro Gutierrez

RECEIVED
JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

Dear Commissioner,

We respectfully request that you recommend a denial of the application for a Major Community Amendment submitted by the business known as Son Silver West located on the west side of State Route 179 in the Broken Arrow Subdivision. This Amendment would result in a change of the zoning of tract #40 in Broken Arrow West from single family residential to commercial for the purpose of creating a parking lot to serve the Son Silver West business.

I believe Son Silver West should first comply with all ordinances before requesting additional permits. They have long history of violations and disregard for the law and no respect for its neighbors. I live accross the road and overlook their business. It is not correct that some citizens/businesses are allowed to continue operating when it is clear that they have been in blatant violation of the law.

Luckily, we have a strong Community Development department in the City of Sedona which is on top of this issue and I trust that in due time Son Silver West will have to comply. In the meantime, however, no business that is in violation of city ordinances should be even considered for additional permits.

Respectfully,

Alejandro Gutierrez
40 Columbia Dr. Sedona.

Gutierrez 1 of 2

PROTEST REGARDING PROPOSED ZONING CHANGE

WHEREAS, By application dated June 5, 2017, Linda Rose Robson and William B. Robson, Trustees of the Linda Rose Robson Living Trust dated July 12, 1999 submitted to the City of Sedona an application in the form of a letter of intent in support of the Son Silver West Major Community Plan Amendment Application for Tract 40 of the Broken Arrow subdivision located at 1535 State Route 179 (hereafter "the proposed amendment"); AND

WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE That we, the undersigned owners of property that lies farther than 150 feet from the subject tract #40, but within the Broken Arrow subdivision community area, are:

1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. opposed to and PROTEST the proposed amendment.

Name & Address of Property Owner - Subject Property Signature of Owner/date

Alejandro Gutierrez [Signature] 07/19/17
40 Columbia Dr. Sedona, AZ 86336

Audree Juhlin - Son Silver West Plan Amendment

From: scott schroeder <pdspartner@gmail.com>
To: Audree Juhlin <AJuhlin@sedonaaz.gov>
Date: 7/31/2017 10:10 AM
Subject: Son Silver West Plan Amendment
Attachments: SSW letter to the city.docx

Hi Audree, I am attaching a letter to the Commission. Please see that it is included in the official record or let me know who I need to send it to for that purpose. Thanks

--

Scott L. Schroeder

925 989 0998

pdspartner@gmail.com

"you can't run with the Cheetahs if you think like a Zebra..."

Schroeder 1 of 3

7/31/17

RECEIVED
JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

To: City of Sedona Planning and Zoning Commission

From: Scott Schroeder 121 Arrow Drive, Sedona

Dear Commissioner,

I respectfully request that you recommend a denial of the application for a Major Community Amendment submitted by the business known as Son Silver West located on the west side of State Route 179 in the Broken Arrow Subdivision. This Amendment would result in a change of the zoning of tract #40 in Broken Arrow West from single family residential to commercial for the purpose of creating a parking lot to serve the Son Silver West business.

The original intent of the "business lot" on tract 40 as stated in the original Broken Arrow CC & R's was to allow an office/professional type of business to be established in lots along the "Sedona Rim Rock" highway frontage (now SR179). These "business lots" were to be restricted to a maximum of 600 square feet of space that could be utilized for business purposes within the living quarters of the lot owner. Examples of allowable uses were artist studio, private doctor office, private real estate office, etc. It is important to note that the zoning remained residential, not commercial.

Son Silver West has a long history of illegal use and expansion of the lots on which they have done business. The original "artist studio" which had been established on Tract 42 prior to the Robson's purchase in 1981 has been illegally expanded from the original 600 sq. ft. of "business" use to over 15,000 sq. ft. Since this expansion has taken place over 36 years, the Broken Arrow Civic Improvement Association was not attentive to the violation of the CC&R's that was gradually taking place.

Schroeder 2 of 3

In 2015, Son Silver West applied for a Planned Area Development, which brought the neighborhood focus on what had been occurring at that business site. It was revealed that the Robsons had purchased 4 additional adjoining lots and were planning to utilize all of these lots for business purposes. It was also revealed that these residential lots were being illegally used for manufacturing, packing, shipping and other business purposes.

Multiple other violations have since been discovered. Set-back encroachments, parking violations, use of a shed for a non-permitted "chapel", lighting violations, non-compliant fencing and screening, fire safety violations, non-compliant signage, and excessive traffic and noise have all come to the attention of the neighborhood and city.

When Son Silver was confronted by these violations by the city and neighborhood, they responded by attacking the city and individuals in the neighborhood on social media and flyers that are located in their store. They also canvassed the Broken Arrow neighborhood for code violations and fraudulently used neighbor's emails and names as the complainant of the alleged violation. Finally, they have verbally threatened neighbors with various repercussions if they are in opposition to the Robson's business practices.

The Robsons have made NO attempt to operate by the same rules that a civil society would expect. They knowingly violate laws and codes and thumb their noses at their neighbors and the city. When they are subjected to the rule of the law, they use the law to appeal and delay enforcement. Shockingly, in spite of all the code violations that have occurred, they have the nerve to apply for a Community Plan Amendment.

We respectfully request that you send a strong message to the Robsons. We urge a unanimous recommendation to the City Council that the Community Plan Amendment request by Son Silver West be denied.

Sincerely,

Scott & Sharolyn Schroeder

121 Arrow Drive, Sedona

Schroeder 3 of 3

From: Christine Adams <light@esedona.net>
To: Audree Juhlin <ajuhlin@sedonaaz.gov>
Date: 7/31/2017 10:41 AM
Subject: SON SILVER WEST --- PROTEST LETTER
Attachments: SON SILVER WEST == PROTEST LETTER.pdf

Hi Audre —

Attached is one more Petition protest letter —

thank you
Christine Adams

Adams 1 of 2

PROTEST REGARDING PROPOSED ZONING CHANGE



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WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE That we, the undersigned owners of property that lies farther than 150 feet from the subject tract #40, but within the community area, are:

1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. Opposed to and PROTEST the proposed amendment.

Name of Property Owner Subject Property Signature of Owner/date

Mike Reed 250 Paramount  7-30, 2017
Debra Reed 250 Paramount  7/30/17, 2017

Audree Juhlin - PROTEST ZONING CHANGE

RECEIVED
JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

From: Jerry Hartleben <jerrycamera@gmail.com>
To: <AJuhlin@sedonaz.gov>
Date: 7/31/2017 12:34 PM
Subject: PROTEST ZONING CHANGE
Attachments: PROTEST ZONING CHANGE - SIGNED PETITION.pdf

Subject: PROTEST ZONING CHANGE

My wife, Sheri Schlozman and I are in full support of those who live within 150ft of Son Silver West and have signed their protest.

We are OPPOSED and PROTEST the amendment to the change of zoning and are providing enclosed a document with our signatures to affirm our opposition.

--
Jerry Hartleben
520 Morgan Rd.
Sedona
jerrycamera@gmail.com

Hartleben 1 of 2

PROTEST REGARDING PROPOSED ZONING CHANGE

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1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. opposed to and PROTEST the proposed amendment.

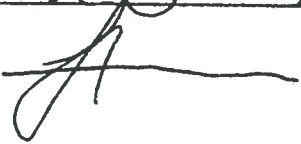
Name & Address of Property Owner - Subject Property Signature of Owner/date

JERRY HARTLEBEN



7/31/2017

SHERI SCHLOZMAN



7/31/2017

520 MORBAN RD.

SEDONA, AZ 86336

Audree Juhlin - Son Silver West Application

From: lstr8or <lstr8or@gmail.com>
To: <AJuhlin@sedonaaz.gov>
Date: 7/31/2017 1:33 PM
Subject: Son Silver West Application
Attachments: Letter to the city on SSW.pdf

RECEIVED
JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

Dear Audree Juhlin,

Please provide our letter to the Planning and Zoning Commission.

Thank you.
Sincerely,
Don Sciore

Sciore 1 of 2

7/31/17

To: City of Sedona Planning and Zoning Commission

From: Don Sciore,
Tom Jackson
324 Bowstring Dr.
Sedona, AZ, 86336

Dear Commissioner,

We respectfully request that you recommend a denial of the application for a Major Community Amendment submitted by the business known as Son Silver West located on the west side of State Route 179 in the Broken Arrow Subdivision. This Amendment would result in a change of the zoning of tract #40 in Broken Arrow West from single family residential to commercial for the purpose of creating a parking lot to serve the Son Silver West business.

The original intent of the "business lot" on tract 40 as stated in the original Broken Arrow CC & R's was to allow an office/professional type of business to be established in lots along the "Sedona Rim Rock" highway frontage (now SR179). These "business lots" were to be restricted to a maximum of 600 square feet of space that could be utilized for business purposes within the living quarters of the lot owner. Examples of allowable uses were artist studio, private doctor office, private real estate office, etc. It is important to note that the zoning remained residential, not commercial.

It is our understanding Son Silver West has a long history of illegal use and expansion of the lots on which they have done business. Since this expansion has taken place over 36 years, the Broken Arrow Civic Improvement Association was not attentive to the violation of the CC&R's that was gradually taking place.

In 2015, Son Silver West applied for a Planned Area Development, which brought the neighborhood focus on what had been occurring at that business site. It was revealed that the Robsons had purchased 4 additional adjoining lots and were planning to utilize all of these lots for business purposes. It was also alleged that these residential lots were being illegally used for manufacturing, packing, shipping and other business purposes.

We urge a unanimous recommendation to the City Council that the Community Plan Amendment request by Son Silver West be denied.

Sincerely,
Don Sciore
Tom Jackson

Sciore 2 of 2

RECEIVED
 AUG 01 2017
 CITY OF SEDONA
 COMMUNITY DEVELOPMENT

PROTEST REGARDING PROPOSED ZONING CHANGE

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WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE That we, the undersigned owners of twenty per cent or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty feet therefrom, or of those directly opposite thereto extending one hundred fifty feet from the street frontage of the opposite lots, are opposed to and PROTEST the proposed amendment.

Name of Property Owner	Subject Property	Signature of Owner/date
<u>LAREN M Farmer</u>	<u>1536 AZ179</u>	<u>LAREN M Farmer 7/11/17</u>
<u>Thomas J. Farmer</u>	<u>1536 AZ179</u>	<u>Thomas J. Farmer 7/11/17</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Farmer 1 of 11

RECEIVED
AUG 01 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

1536 State Route 179
Sedona, AZ 86336
July 31, 2017

City of Sedona
102 Roadrunner Dr.
Sedona, AZ 856336

Dear Sedona City Counselors, City Attorney, and Zoning Committee,

As a homeowner within 150 feet of Son Silver West, I am writing to provide additional detail supporting my protest statement of Son Silver West's application for zoning change for the vacant lot directly across the street from our home. My husband and I purchased our home in October, 2015. At the time of purchase, I was not particularly concerned with its proximity to Son Silver West since it was a favorite shopping destination on our visits here, and I had performed due diligence on the subject lot which assured me it was zoned vacant residential. I was under the impression we would not be directly impacted by the Son Silver West business. I later found I was dead wrong.

Uninvolved until the Board of Adjustment meeting on June 3, 2016, I spoke out due to my observations of habitual encroachment of the business on the vacant lot across from our home. It was my intention to speak out and then curtail my involvement. However, after hearing all the promises stating current and intended future compliance made by the Robson's on all their adjoining residential properties at this hearing and observing **exactly the opposite** in the following months, I started paying closer attention to exactly what was going on.

The continued flagrant disregard for zoning law and the lack of promised conformance to these regulations, repeated harassment to me and my family when we reported these violations, as well as the continued campaign of misinformation propagated by Son Silver West cause great alarm about their plans for continued impingement on my right to quiet enjoyment of my property, and the corresponding negative repercussions to property values of our home as the Robson's continue to expand their business with utter disregard of neighbors and the zoning regulations.

I look forward to the continued protection of my property rights by the city through the enforcement of the ongoing zoning violations of Son Silver West, and I hope for your future application refusal allowing for additional expansion through a zoning change to the adjacent vacant lot. The Son Silver West application amounts to nothing more than a thinly veiled strategy to circumvent the existing rulings against their business violations called out by the Sedona Zoning Committee. These violations were later upheld by both the Sedona Board of Adjustment and the Arizona Superior Court, which lead me to question how there can be any basis to

Farmer 2 of 11

even consider this application. With the procurement of commercial zoning on the vacant lot, all excess retail space disallowed by the 1993 CUP can simply be moved to the vacant lot should approval be granted, thus allowing the Robsons an expedient path to continue to circumvent the law.

The vacant lot across from our home has been, and continues to be abused for overflow parking, merchandise transport between Rio Robson's home on Bowstring, and commercial deliveries as early as 4:30 am. The constant noise and eyesore of constant parking make our front porch and the area of our property adjacent to 179 largely unusable.

I sincerely hope that you will consider the negative impact to our family and our neighbors who own adjacent properties, before allowing a zoning change to allow for additional parking for which there is no logically established basis in the application materials. It is my understanding that the Robson's currently have an active court order requiring the reduction of commercial space by 10,000 sq ft to bring their business into compliance to their 1993 CUP. It seems like the most expedient resolution would entail their immediate compliance with this order. The repurposing of excess outdoor retail display areas would allow for an immediate resolution to the parking problem with little to no construction requirement. Further, any allowed rezoning of this property is simply a mechanism which allow the Robsons to circumvent the active court order by relocating their excess structures to the vacant lot should their zoning request be granted. In the attachment, you will find a summary of my observations over the last 10 mos., Audree Juhlin will have a full history of our communications on file, or you may contact me directly with any questions or need for clarification.

Sincerely,



Karen M Farmer
karen_m_farmer@yahoo.com
602.502.5399

Attachment

Farmer 3 of

Concise history of observed Son Silver West Zoning violations

After the Board of Adjustment meeting where the Robsons claimed compliance and promised future compliance of their Arrow, Bowstring, and vacant lot properties, I have noticed continued flagrant violations. Since the Son Silver West application was filed, I have observed that there has been largely a discontinued use of these properties with the exception of the vacant lot. Since the access drive to the Son Silver West property was built on the vacant parcel (and it was built much wider than a standard drive), this drive continues to accommodate customer parking. I have largely stopped photographing **since there has not been a single day when in town where I have not observed overflow parking occurring on the driveway portion of the vacant lot. This situation continues at this time.**

September 16, 2016: observed use of Chapel structure built on Arrow property, despite promises to discontinue use of Arrow address for commercial use:



December 28, 2016, 4:45 am: I was awoken by a loud truck delivery at approx. 4:30am:



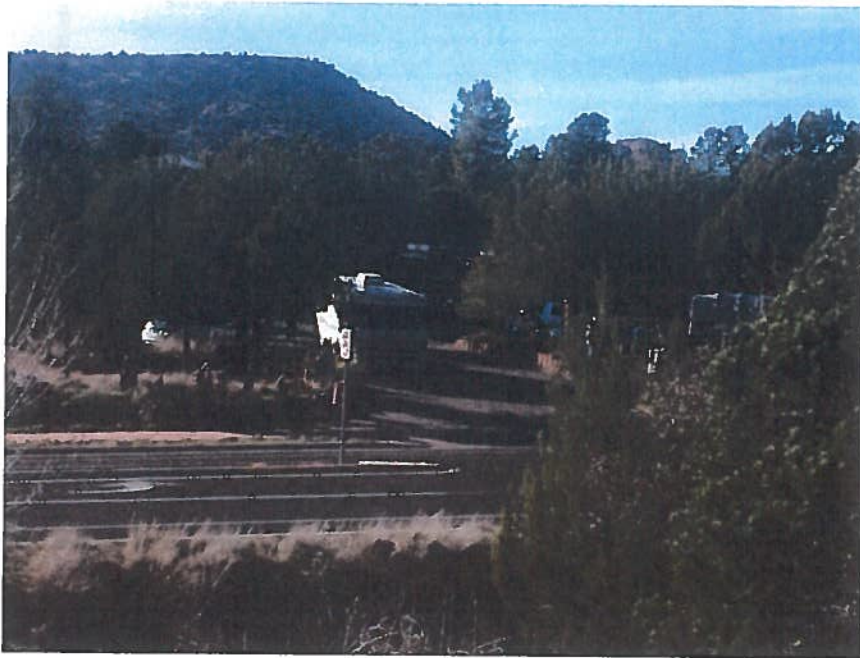
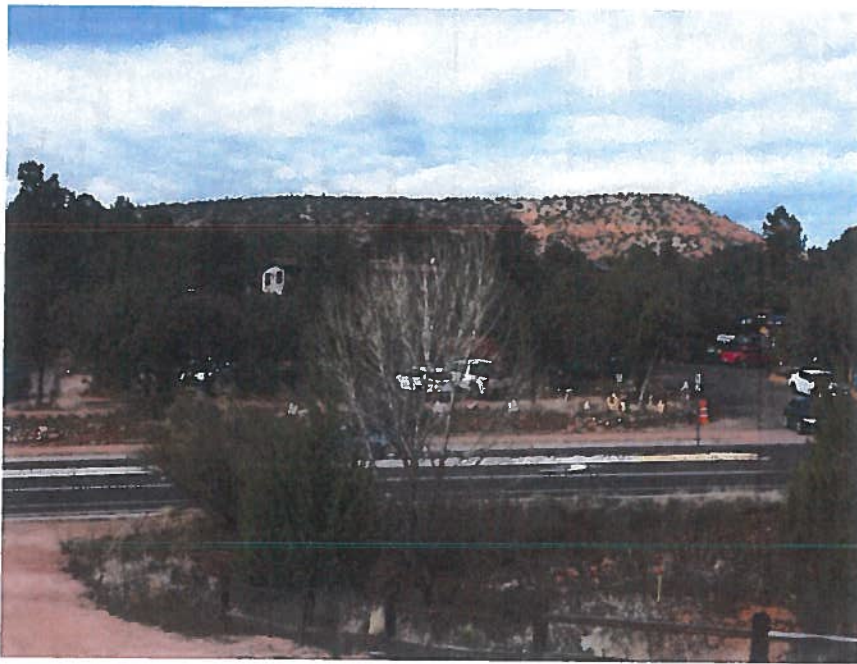
December 29, 2016: I observed a commercial transfer between bowstring property and Son Silver West with the unloading of merchandise on the vacant lot, despite promises that Bowstring and vacant lot would not be used for commercial uses:





Various dates February - July, 2017: Illegal use of vacant lot for parking. Despite claims that parking is thwarted via no parking signs, vacant lot is graded for parking and "no parking" signs are not in graded parking areas but rather facing highway where it would be impossible to park. Further, I have personally observed a Son Silver West employee directing customers to parking on vacant lot:





Farmer 7 of 11



February 10, 2017: Observed large commercial delivery on driveway situated on vacant stipulated for ingress/egress only during business hours. Photo time stamp indicate commercial delivery took in excess of 3 hours. Rio Robson proceeds to harass me by calling the police due to my documentation of violation, when all photos taken from my driveway and public sidewalks:

Farmer 9 of 11



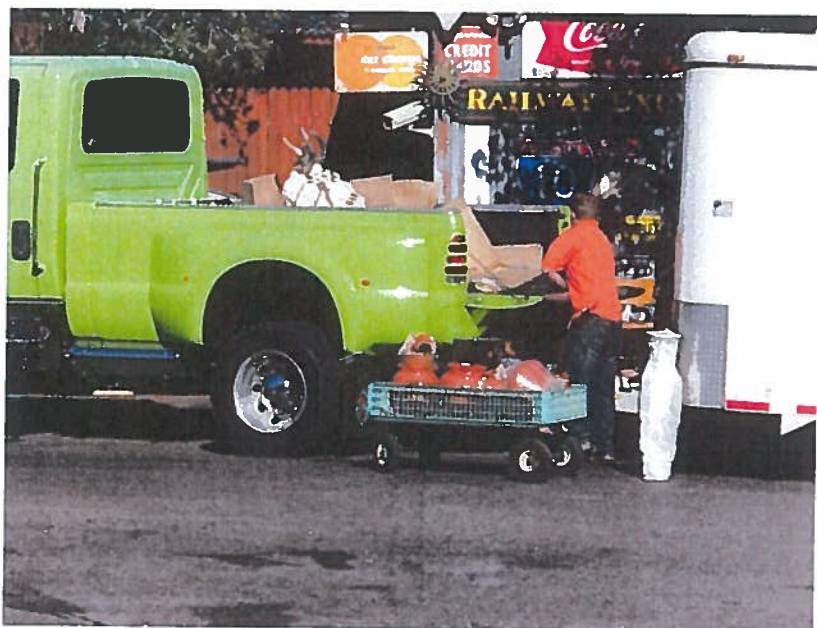
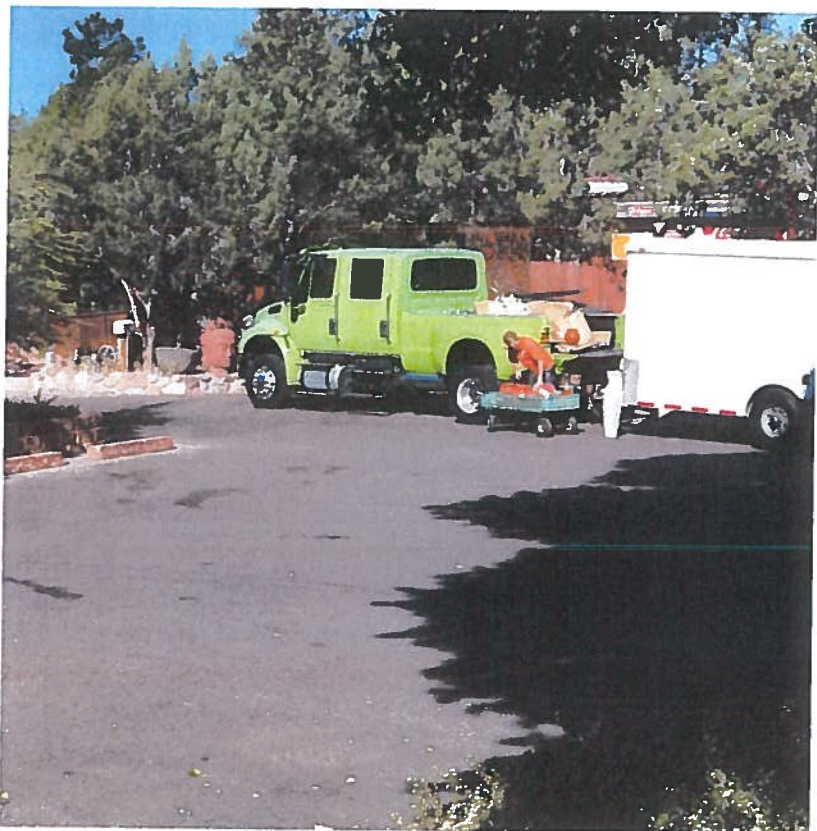
Farmer 9 of 11



April 10, 2017: Large crate stored on vacant lot for approximately one week:



April 10, 2017: Rio Robson proceeds to verbally accost my husband as he is walking down 179 to Circle K and verbally threatens him to stay away from his property and to stop me from photographing. At this time I overhear the heated voices, and I walk down to sidewalk outside his property and inform him that I have just observed him transferring commercial merchandise from his home and is performing a commercial delivery which is in violation to zoning restrictions. Rio states that he can do whatever he wants with his personal truck and it is not illegal to transfer "milk and groceries". Since he was standing in front of a truck full of commercial merchandise rather than milk, I proceed to photograph him unloading chimineas, pottery, and cow skulls on vacant lot:



A full record of my communications and all photos can be found at the following shared dropbox link that I have shared with the recipients of this letter:

https://www.dropbox.com/sh/5hjsqp2yr4yqcj5/AABR3zSeU_PnrUn8NnN11Dsxa?dl=0

Farmer 11 of 11

Audree Juhlin - RE: Son Silver West's P&Z request (from M Thomason)

From: Meri on Yahoo! <meri_bill@yahoo.com>
To: "AJuhlin@sedonaaz.gov" <AJuhlin@sedonaaz.gov>
Date: 8/1/2017 11:28 AM
Subject: RE: Son Silver West's P&Z request (from M Thomason)
Attachments: 2017 07 31 Homeowners against SSW.jpg; 2017 07 SSW letter MERI.docx

Dear Ms. Juhlin,

I have attached a petition and a letter which I would like to have included in the Planning and Zoning Commission's packet for their meeting in August.

Please let me know if I must bring hard copies of these to your office today, or if the electronic documents will suffice.

I appreciate the help you've given the neighbors in making our concerns known. I am assuming that the earlier emails I submitted to you (months ago!) with pictures documenting parking violations are already part of some record - but please let me know if I must do more to help make our case against Son Silver West.

Thanks,
Meri

Thomason (B) 1 of 3

July 31, 2017

To: City of Sedona Planning and Zoning Commission
Re: Major Community Plan Amendment Proposed Change

From: Meri Thomason
129 Rebecca Way
Sedona, Arizona 86336-6408

Dear Sedona P&Z Commissioner and Commission Members,

I am writing to you today to share my perspective regarding Son Silver West (SSW) and their application for a Major Community Plan Amendment along with their request for approval of a Planned Area Land Use/ Zone change. Their application contains misinformation, in some cases only partial information and, unfortunately, some outright lies.

SSW claims the original owners' intention was to provide for a "business district" and then they conclude that this intent was a full blown commercial business district. SSW has provided you with copies of the Broken Arrow deed restrictions to support their contention, but they did not include the "Supplemental Restrictions" as recorded in Book 91, Page 44 and filed with the Coconino County Recorder's Office on June 13, 1956 which specifically details what they meant by "Business District" for lots 38-44 inclusive. That document defines the term "Business Lots" as a one-family dwelling erected thereon containing a so-called learned profession business office (restricted to 600 sq. ft. on the east side of St. Rt. 179) to remain a single family dwelling in which such professional person shall utilize the dwelling for their own residential purposes. This would NOT include a full-blown commercial site such as the current SSW store.

Mary Todd and her husband (the original owners) enlisted the help of neighbors to get the approval to incorporate a small art gallery in her home. They all agreed that this would help local artists sell their work and would not be in conflict with the spirit of the Deed Restrictions. The Todds built "La Galleria" and conducted business **inside their home** for a number of years. Contrary to what SSW has stated, there were no outdoor displays of merchandise offered for sale.

SSW purchased this property in 1981. Since then, they've been constantly changing and expanding the space they use. The City tried to restrain them with a Conditional Use Permit (CUP) which they ignored. There have been many ongoing violations that have taken place over the years, which I'm sure you know, regardless of the promises made by SSW. **Their word is NOT to be taken as truth.**

I am enclosing a petition signed by myself and another homeowner. We plead with you to deny SSW's application. We want our single family residential neighborhood to remain the way it is zoned.

Sincerely,
Meri Thomason

Thomason (B) 2 of 3

PROTEST REGARDING PROPOSED ZONING CHANGE

WHEREAS, By application dated June 5, 2017, Linda Rose Robson and William B. Robson, Trustees of the Linda Rose Robson Living Trust dated July 12, 1999 submitted to the City of Sedona an application in the form of a letter of Intent in support of the Son Silver West Major Community Plan Amendment Application for Tract 40 of the Broken Arrow subdivision located at 1535 State Route 179 (hereafter "the proposed amendment"); AND

WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE that we, the undersigned owners of property that lies farther than 150 feet from the subject tract #40, but within the community area affected by the business, are:

1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. Opposed to and PROTEST the proposed amendment.

PRINTED Name & Address of Property Owner

Signature of Owner

Date

MERI THOMASON 129 Rebecca Way
86336

Meri Thomason

7/30/17

LORRAINE L. FEXAS, 140 CREEK MESA DR.

Lorraine L. Fexas

7/30/17

Thomason(B)
3 of 3

7/30/17

To: City of Sedona Planning and Zoning Commission

From: Robert and Christine Adams
181 Paramount Dr.
Sedona Arizona 86336

Dear Commissioner,

We respectfully request that you recommend a denial of the application for a Major Community Amendment submitted by the business known as Son Silver West located on the west side of State Route 179 in the Broken Arrow Subdivision. This Amendment would result in a change of the zoning of tract #40 in Broken Arrow West from single family residential to commercial for the purpose of creating a parking lot to serve the Son Silver West business.

The original intent of the "business lot" on tract 40 as stated in the original Broken Arrow CC & R's was to allow an office/professional type of business to be established in lots along the "Sedona Rim Rock" highway frontage (now SR179). These "business lots" were to be restricted to a maximum of 600 square feet of space that could be utilized for business purposes within the living quarters of the lot owner. Examples of allowable uses were artist studio, private doctor office, private real estate office, etc. It is important to note that the zoning remained residential, not commercial.

Son Silver West has a long history of illegal use and expansion of the lots on which they have done business. The original "artist studio" which had been established on Tract 42 prior to the Robson's purchase in 1981 has been illegally expanded from the original 600 sq. ft. of "business" use to over 15,000 sq. ft. Since this expansion has taken place over 36 years, the Broken Arrow Civic Improvement Association was not attentive to the violation of the CC&R's that was gradually taking place.

In 2015, Son Silver West applied for a Planned Area Development, which brought the neighborhood focus on what had been occurring at that business site. It was revealed that the Robsons had purchased 4 additional adjoining lots and were planning to utilize all of these lots for business purposes. It was also revealed that these residential lots were being illegally used for manufacturing, packing, shipping and other business purposes.

Multiple other violations have since been discovered. Set-back encroachments, parking violations, creation of a non-permitted coffee shop, use of a shed for a non-permitted "chapel", lighting violations, non-compliant fencing and screening, fire safety violations, non-compliant signage, and excessive traffic and noise have all come to the attention of the neighborhood and city.

Adams (B) 1 of 2

When Son Silver was confronted by these violations by the city and neighborhood, they responded by attacking the city and individuals in the neighborhood on social media and flyers that are located in their store. They also canvassed the Broken Arrow neighborhood for code violations and fraudulently used neighbor's emails and names as the complainant of the alleged violation. Finally, they have verbally threatened neighbors with various repercussions if they are in opposition to the Robson's business practices.

The Robsons have made no attempt to operate by the same rules that a civil society would expect. They knowingly violate laws and codes and thumb their noses at their neighbors and the city. When they are subjected to the rule of the law, they use the law to appeal and delay enforcement. Shockingly, in spite of all the code violations that have occurred, they have the nerve to apply for a Community Plan Amendment.

We respectfully request that you send a strong message to the Robsons. We urge a unanimous recommendation to the City Council that the Community Plan Amendment request by Son Silver West be denied.

Sincerely,

Adams (B) 2 of 2

Audree Juhlin - PROTEST LETTERS RE:- SON SILVER WEST ZONE CHANGE AND COMMUNITY PLAN AMENDMENT

From: Christine Adams <light@esedona.net>
To: Audree Juhlin <ajuhlin@sedonaaz.gov>
Date: 8/1/2017 11:30 AM
Subject: PROTEST LETTERS RE:- SON SILVER WEST ZONE CHANGE AND COMMUNITY PLAN AMENDMENT
Attachments: SON SILVER WEST -- PROTEST LETTERS.zip

Dear Audre and Community Development staff

Below is a list of code violations and grievances I am placing for Son Silver West. Although I live more than 150- from the property, I am a neighbor who will be directly effected by any zone change or Major Community Plan Amendment for this business---

I have included five letter from neighbors. Please include this letter and these protest letters in the Son Silver West file and share with Planning and Zoning and the City Council —

As a home owner who will be directly effected by any zone change to SSW property or a Mj Community Plan Amendment, I strongly protest this action. This business has been in violation of City Codes and also our community CC&Rs for a long long time. Rewarding them for their deceptive business practices would be a travesty to this community and change its residential character forever but it would also set dangerous standards for other City of Sedon businesses that refuse to obey safety and zoning codes.

I applaud the City of Sedona and Community Development to stand strong to enforce codes with these business owners. It is seriously unfair to all other businesses that work hard to meet City code standards.

Adams(c) 1 of 6

PROTEST REGARDING PROPOSED ZONING CHANGE

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WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE That we, the undersigned owners of property that lies farther than 150 feet from the subject tract #40, but within the community area, are:

1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. Opposed to and PROTEST the proposed amendment.

Name of Property Owner Subject Property Signature of Owner/date

Will E Ellis William E Ellis 8-30, 2017
Patricia A Ellis PATRICIA A ELLIS 8-30, 2017

176 Paramount Dr
Sedona, AZ 86336

PROTEST REGARDING PROPOSED ZONING CHANGE

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Name of Property Owner Subject Property Signature of Owner/date

Paul A. Lindberg 205 Paramount Dr 7-29-, 2017
[Signature] _____, 2017

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2. opposed to and PROTEST the proposed amendment.

Name & Address of Property Owner - Subject Property Signature of Owner/date

CHRISTINE ADAMS  7-19-17

181 PARAMOUNT DR

SEDONA, AZ

939-3503

Robert Adams



7-28-17

Adams (c) 4 of 6

PROTEST REGARDING PROPOSED ZONING CHANGE

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Name of Property Owner Subject Property Signature of Owner/date

Walter Eric Shrode 238 Paramount Dr., Sedona, AZ 86336

 July 18, 2017

Nancie L.Plum 238 Paramount Dr. Sedona, AZ 86336

 July 18, 2017

PROTEST REGARDING PROPOSED ZONING CHANGE

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2. Opposed to and PROTEST the proposed amendment.

Name of Property Owner Subject Property Signature of Owner/date

[Signature] 145 Paramount Dr. 7-30-, 2017
[Signature] 145 Paramount - 30-, 2017

RECEIVED
 Aug. 01
 2017
 CITY OF SEDONA
 COMMUNITY DEVELOPMENT

PROTEST REGARDING PROPOSED ZONING CHANGE

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CB:ZDAM
 gfm

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Name of Property Owner Subject Property Signature of Owner/date

Scott & Sharylnd Schneider 121 Arrow Dr

[Signature] 6/27/17

Lynne Lacey & Alex Gillon

335 Bowstring Dr.

[Signature] 7/6/17

RECEIVED
 AUG 01 2017
 CITY OF SEDONA
 COMMUNITY DEVELOPMENT
 @ 8:20 am
 jfm

PROTEST REGARDING PROPOSED ZONING CHANGE

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Name of Property Owner Subject Property Signature of Owner/date

<u>TONY & ANNE KHOURY</u>	<u>1535 ARROW DR</u>	<u>[Signature]</u> 6/27/17
<u>Scott & Sharilyn Schindler</u>	<u>121 Arrow Dr</u>	<u>[Signature]</u> 6/27/17
<u>DON SCIORE</u>		
<u>TOM JACKSON</u>	<u>324 Bowstring</u>	<u>[Signature]</u> 7/12/17
<u>TIM ERNSTER</u>		<u>Tim Ernst</u>
<u>Victoria Oldham</u>	<u>185 ARROW DRIVE</u>	<u>[Signature]</u>
<u>THE</u>		

Protest 2 of 2

PROTEST REGARDING PROPOSED ZONING CHANGE

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<u>David Soto</u>	<u>235 MORROW RD</u>	<u>7/30/</u>	<u>2017</u>
<u>Wignina Soto</u>	<u>235 MORROW RD</u>	<u>7/30/</u>	<u>2017</u>

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JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

Soto 1 of 3

7/31/17

To: City of Sedona Planning and Zoning Commission

From: David A. Soto, Virginia M. Soto
235 Morgan Road
Sedona, AZ 86336

Dear Commissioner,

We respectfully request that you recommend a denial of the application for a Major Community Amendment submitted by the business known as Son Silver West located on the west side of State Route 179 in the Broken Arrow Subdivision. This Amendment would result in a change of the zoning of tract #40 in Broken Arrow West from single family residential to commercial for the purpose of creating a parking lot to serve the Son Silver West business.

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Multiple other violations have since been discovered. Set-back encroachments, parking violations, creation of a non-permitted coffee shop, use of a shed for a non-permitted "chapel", lighting violations, non-compliant fencing and screening, fire safety violations, non-compliant signage, and excessive traffic and noise have all come to the attention of the neighborhood and city.


Soto 2 of 3

When Son Silver was confronted by these violations by the city and neighborhood, they responded by attacking the city and individuals in the neighborhood on social media and flyers that are located in their store. **The also canvassed the Broken Arrow neighborhood for code violations and fraudulently used neighbor's emails and names as the complainant of the alleged violation.** Finally, they have verbally threatened neighbors with various repercussions if they are in opposition to the Robson's business practices.

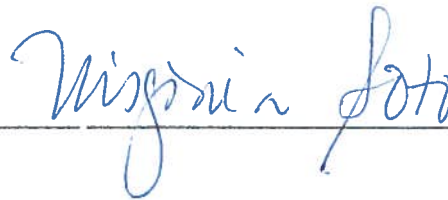
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We respectfully request that you send a strong message to the Robsons. We urge a unanimous recommendation to the City Council that the Community Plan Amendment request by Son Silver West be denied.

Sincerely,



David A. and Virginia M. Soto



RECEIVED
AUG 01 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

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Name of Property Owner Subject Property Signature of Owner/date

Laraine Boothe *[Signature]* 7-31-17 1566 St. Route ~~179~~ 179

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Name of Property Owner Subject Property Signature of Owner/date

Mike Reed 250 Paramount Dr 7-30, 2017
Debra Reed 250 Paramount Dr 7/30/17

RECEIVED
JUL 31 2017
CITY OF SEDONA
COMMUNITY DEVELOPMENT

Reed 1 of 1

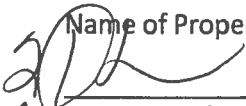
PROTEST REGARDING PROPOSED ZONING CHANGE

WHEREAS, By application dated June 5, 2017, Linda Rose Robson and William B. Robson, Trustees of the Linda Rose Robson Living Trust dated July 12, 1999 submitted to the City of Sedona an application in the form of a letter of intent in support of the Son Silver West Major Community Plan Amendment Application for Tract 40 of the Broken Arrow subdivision located at 1535 State Route 179 (hereafter "the proposed amendment"); AND

WHEREAS the proposed amendment would effect a change of the subject property from one zone to another as described in ARS 9-462.03 and is thus subject to ARS 9-462.04 and Sedona Land Development Code § 400.7;

NOW THEREFORE, TAKE NOTICE That we, the undersigned owners of property that lies farther than 150 feet from the subject tract #40, but within the community area, are:

1. In full support of the protest signed by those property owners whose property lies within the 150 feet requirements of ARS 9-462.03 and ARS 9-462.04
2. Opposed to and PROTEST the proposed amendment.

Name of Property Owner	Subject Property	Signature of Owner/date
	225 Morgan Rd	7/30/2017
Lucia Cohen	225 Morgan Rd	7/30/2017

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Name of Property Owner Subject Property Signature of Owner/date

Allen Bernstein 190 MORGAN RD 7.30, 2017

Diana Bernstein 190 MORGAN RD 7.30, 2017

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