

## Comment on Development Proposal

donotreply@sedonaaz.gov  
To: Cari Meyer; Megan Yates; Laura Stewart  
Fri 8/16/2024 8:56 AM

Retention: Default City Employees (2 years) Expires: Sun 8/16/2026 8:56 AM

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Development Proposals  
**Date & Time:** 08/16/2024 8:56 a.m.  
**Response #:** 643  
**Submitter ID:** 6985  
**IP address:** 70.176.9.98  
**Time to complete:** 4 min. , 2 sec.

### Survey Details

#### Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth and Flame CUP

**2. What are your comments, concerns, ideas, and suggestions about this project?**

Not in the best interests of the City or its residents. Bottom line, Sedona and Yavapai County are wading into a legal minefield if they do not comply with the requirements for modifying the federal land grant. Not only could the decision by the political bodies be successfully challenged in court, probably at the federal level, but Prop 207 would tie up Sedona and Yavapai in state civil courts for years, and, in the end, there would be substantial payouts to affected property owners, including the very large legal bills this kind of litigation would generate.

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:** Not applicable  
**Address (or Street Name):** N/A  
**City of Residence** N/A  
**E-mail:** not applicable

**4. Would you like to receive notices about this project, such as public meeting dates?**

Not answered


## Community input on Cloth and Flame CUP

**LB** [Linda Bonder <runwalkhike@gmail.com>](mailto:runwalkhike@gmail.com)

To: Laura Stewart

Mon 8/19/2024 2:54 PM

 Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 2:54 PM

Hello,

We ask that the P&Z Commission enforce the requirements of the "Community Facilities" zoning of the property in question and DENY the Cloth and Flame CUP.

That property was zoned for Community Facilities for a reason. It is a precious area for Sedona residents and visitors, and one should not need an invitation to an exclusive private event in order to enjoy it.

The Cloth and Flame CUP does not come anywhere close to meeting the standards required of the Community Facilities zoning. Cloth and Flame have stated clearly that 80% of their use will be private.

Please deny this CUP.






Thank you  
Linda Bonder & Dave Garten  
60 Forest Circle, Sedona


 Reply

 Forward

## Airport Mesa

**L** [lcapa1960@gmail.com](mailto:lcapa1960@gmail.com)  
To: Laura Stewart

      
Mon 8/19/2024 11:29 AM

 Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 11:29 AM

Do not approve Cloth and Flame for this property. And DO NOT change the zoning for this property. Keep it is "Community Facility" as per the current classification.

I find it disturbing that Planning and Zoning so easily changes zoning classifications. It should be very difficult to change the zoning.

Thank you.  
Louie Caparelli  
2235 Vista Dr.  
Sedona, AZ

 Reply

 Forward

### Cloth & Flame at the Venue

Carla <carla@kirlinoriginals.com> To: Laura Stewart Mon 8/19/2024 12:06 PM

Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 12:06 PM

To All it may concern,

In spite of Cloth & Flame's disclosure and outreach - an absolute, "NO!" on this project! Stop. Please. Stop limiting the few locations we have left here! Most people have been priced out of the ability to use that location already, and now this?! Stop catering (and re-zoning) to the dollar signs rolling around in people's minds! Let them find a different location in which they can cater to the super rich, with some "specialty" restaurant - and that's what it is - a (mostly) private restaurant. How insulting, especially to those of us who live here! Locals (and tourists alike) search for affordable restaurants, venues and events for the community, but again, locations are only available to those who are forced to cater to people who can afford stupidly high prices. Are only the wealthy people worthy of something that is, or should be, meant for everyone? Views? Availability?

That particular location sat empty for years, until in the spring of 2021, a hand-full of people (literally) saw it's potential. They invested their own time and money to clear the property of all the over-growth - trees, weeds, trash, etc; - same was true for the interior of the building. They loved that place back into being. Did it still need a lot of work? Yes, but it was successfully used for many, fun and affordable, community events over the next 2 years, and not just music events, but educational and family events as well. I definitely did not support events that hosted many 100's or 1000's of people there, but those were rare. Sometimes, common sense needs to prevail.

After word got out, the people of Sedona were, once again, set aside, and that location became impossibly expensive for simple, affordable, community events, sponsored and presented by locals. Developers saw it's functionality, the cost shot to an astronomical 7500.00 for the weekend, and that was for use of only the outside and one room in the building. The second room became storage. If renters were in need of furnishings, lighting, access to the kitchen, etc., additional charges were incurred! Astonishing...

Now we're being asked to support, yet another, specialty, expensive, exclusive restaurant/venue?! Forget re-zoning, because we don't need another expensive restaurant! When do we stop being hypocrites, selling off and exploiting parts of Sedona (which everyone claims to care about so much) to the highest bidder, caring about only a few? When is enough, enough? There are plenty of high-priced, specialty establishments here already. Please, I implore you - Stop.


With respect,  
Carla K Darin ~

--  
Ministry For The Remnant

## Regarding item 5A Planning and Zoning

**DS** dave safarijeeptours.com <dave@safarijeeptours.com>  
To: Laura Stewart

    ...  
Sun 8/18/2024 8:40 PM

 Retention: Default City Employees (2 years) Expires: Tue 8/18/2026 8:40 PM

I want to give you some input on the conditional use permit for the Sedona Airport Venue.

I feel it should be approved because the County has given the city the chance to put restrictions into the permit,

With both of the new candidates running for County Supervisor not in favor of giving the airport to the city I think it is wise to approve this request so as not to upset them and cause them to approve it without city input. At any time the County could change their mind and just approve it with no city input.

None of us know what they county may do but things are changing and they may get frustrated with the city.

For this reason I feel it is in the best interests of the citizens of sedona to get it approved with restrictions.

The airport is required to get the most money they can from their property and the next idea could be worse if this is not approved.

Thanks,  
Dave

 Reply


 Forward

 Delete  Archive  Report  Reply  Reply all  Forward  Zoom  R

## Cloth and Flame

**TF** [theresa felzenberg <theresafelz@gmail.com>](mailto:theresafelz@gmail.com)  
To: Laura Stewart

      
Tue 8/20/2024 8:20 AM

 Retention: Default City Employees (2 years) Expires: Thu 8/20/2026 8:20 AM

Cloth and Flame described plans for airport Mesa property is a private establishment . This would require a change in zoning from the present public /semi public.

I'd rather the property zoning remain unchanged

Respectfully yours

Theresa Felzenberg

15 Homestead Rd

Sedona

 Reply

 Forward

## Re: P&Z Agenda Item - Cloth and Flame CUP

Laura Stewart <LStewart@sedonaaz.gov>

Mon 8/19/2024 4:32 PM

To: ann kelleydata.com <ann@kelleydata.com>

Hello Ann,

Thank you for your comments. These will be provided to the P&Z Commission prior to the meeting tomorrow (8.20.24).

Best Regards,  
Laura



Laura Stewart  
Development Services Assistant

Community Development Department  
102 Roadrunner Drive, Building 104  
Sedona, AZ 86336  
lstewart@sedonaaz.gov  
(928) 203-5071

*Business Hours: Mon-Thur 7 am - 6 pm*  
*Walk-in Hours: Mon-Thur 7:30 am - 5 pm*  
*Public safety 24/7*

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**From:** ann kelleydata.com <ann@kelleydata.com>  
**Sent:** Sunday, August 18, 2024 10:21 AM  
**To:** Laura Stewart <LStewart@sedonaaz.gov>  
**Subject:** P&Z Agenda Item - Cloth and Flame CUP

Dear Planning & Zoning Commission,

Please let me lead off by saying that Cloth and Flame have done well with public outreach. And as seen in the application, they have taken great strides to be good neighbors, ensuring guests sign a code of conduct, insisting on the use of shuttles for larger groups, and selecting equipment appropriate to not disturb neighbors. At a community outreach event they held in the middle of the day, at which was staged their operations to show scope and scale, one Sedona Residents Unite member cranked up their equipment to full volume (well beyond the level they intend to cap usage at) and walked behind the stage towards the road and found the road noise to be greater than the music coming from the system.

BUT the Planning and Zoning Commission's fundamental duty is to ensure that zoning requirements are met. And as I review the recommendation from Staff, I am left confused:

**We have a property that is zoned "Community Facilities"**. Per LCD it is "intended primarily for the accommodation of public/semi-public uses (other than street rights-of-way)". The CF district includes community uses such as public safety facilities,

schools, libraries, community centers, City buildings, and public utilities as well as incidental and accessory uses.” *Semi-Public Use means* a use or building located on private land to serve public benefits. So the zoning description is all about PUBLIC USE.

But you are considering a CUP that is none of the things listed above. It is not a public safety facilities, school, library, community center, City building or a public utility. It is a business indicating that 80% of their events will be PRIVATE.

*Staff then assesses that the Use is an “Outdoor Recreation Facility”*- picnic areas, outdoor swimming pools, skateboard parks, tennis courts, basketball courts, baseball diamonds, soccer and football fields, amphitheaters, outdoor arenas, and outdoor theaters. *But the CUP description is none of the activities listed here.*

Cloth & Flame specifically defines themselves as a "culinary experience". They have sample menus in its advertisements and on their website. Cloth & Flame is a high-end food and beverage business seeking the ability to serve lavish meals outside with the beauty of Sedona as the backdrop. Sounds like a restaurant. So what is the LDC’s definition of a restaurant?

*Per the LDC: Restaurant* - An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area or sidewalk café.

Staff rejects this classification stating that the use is not a Restaurant because it does not meet “open to the public” – per Staff’s assessment Cloth and Flame is PRIVATE.

Well that declaration just brings us back around to the Zoning classification – “Community Facilities”. The proposed Cloth and Flames’ CUP indicates that 80% of the events will be PRIVATE. The Staff assessment reaffirms that the use is PRIVATE. That does NOT meet the zoning classification – “Community Facilities”. **So the application needs to be denied.**

**It is indefensible to allow this CUP to be approved.** You need to follow your own rules and rezone this property to “Commercial” if you want to approve this. That is how you are treating it.

As a resident, I would prefer that we keep it classified as “Community Facility” and take action to move it in that direction. We have had some great PUBLIC USE community events on that property in the last 4 years. Let’s work toward having more versus shutting the residents out.

Respectfully,

Ann Kelley

Sedona Resident



## Comment on Development Proposal

**D**   [donotreply@sedonaaz.gov](mailto:donotreply@sedonaaz.gov)   😊   ↩️   ↩️   ➡️   ⋮  
To: Cari Meyer; Megan Yates; Laura Stewart   Mon 8/19/2024 9:25 PM

**i** Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 9:25 PM

A new entry to a form/survey has been submitted.

**Form Name:**        Comments on Development Proposals  
**Date & Time:**     08/19/2024 9:25 p.m.  
**Response #:**        647  
**Submitter ID:**     6999  
**IP address:**        47.215.246.6  
**Time to complete:** 16 min. , 38 sec.

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### Survey Details

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#### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth and Flame

**2. What are your comments, concerns, ideas, and suggestions about this project?**

The organization has been holding events for 2 years under individual Conditional Use permits. Including alcohol. Yes, we have a restaurant like all restaurants that serve alcohol already. There have been zero complaints, in fact most people don't know that many events have already been held.

The current company is exactly what the Masons had done since BEFORE the city was incorporated. They rented the facility to all kinds of organizations and events. Not an issue and no complaints.

The hysteria is mind boggling especially since the owners are residents of our city, one who lives just below the rim. It is time to approve their request and let them be a responsible member of our business community. They already are and have proven themselves.

The company wants to invest a substantial amount of money to upgrade the facility. But without a long term lease, it cannot

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:**                    Michael Schroeder  
**Address (or Street Name):**   100 N Primrose Point

# Comment on Development Proposal

donotreply@sedonaaz.gov <donotreply@sedonaaz.gov>

Fri 8/16/2024 9:41 AM

To: Cari Meyer <CMeyer@sedonaaz.gov>; Megan Yates <MYates@sedonaaz.gov>; Laura Stewart <LStewart@sedonaaz.gov>

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Development Proposals  
**Date & Time:** 08/16/2024 9:41 a.m.  
**Response #:** 644  
**Submitter ID:** 6987  
**IP address:** 47.215.237.205  
**Time to complete:** 3 min. , 56 sec.

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## Survey Details

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**

Cloth & Flame CUP

**2.**

**What are your comments, concerns, ideas, and suggestions about this project?**

I won't be able to attend the P&Z hearing the 20th at 1630-this one, anyway (I'll be a little busy/appt out of state pre-op)--and have more to say than the 3 minutes offered anyway. That said, I DO encourage all who can, and all who are interested-which should be every Sedona tax payer (see below...) to attend-assuming it goes on as scheduled.

I will submit a detailed rebuttal, to P&Z, M/CC. city attorney today-16AUG24, both to what amounts to, in my opinion, Ms Meyers incorrect/incomplete analysis/ her "legal interpretation" of code use definitions, ( She is not a lawyer-I believe she has an undergrad degree in 'Urban planning' ) ,and the pure baloney/gibberish M Cooley put forth in his late July CUP app amendment... with reference to his earlier public posts/protestations that his project was really just for "occasional, small intimate dinners"- which,of course, goes to his credibility, re statements, and/or promises made on his present CUP application, amended a few weeks past..

I will underscore the fact that:

1. Ms Meyers proposal to terminate CUP duration at end of 2025 is a naive pipe dream-once a land lease interest goes into effect- M Cooley-who is also not an attorney- asserts that this is triggered "immediately" upon CUP approval ( his words are, "is earned"..whatever that's supposed to mean)... is incorrect, as there is a right to appeal, but it does sound like an implied threat of legal action -Presumably IF he can get someone else to pay for it-which I can assure you won't be the property's title holder, Yavapai Co., who have been trying for years to give the airport to the City; they won't be spending any money to bail him, nor their troublesome tenant-SAA out.

2. That said, C&F et al would likely sue, if their CUP approval is terminated after 2025 -with or even perhaps without a valid leasehold. They will 'reckin' the City won't be willing to go to Ct in opposition- because, unlike the ongoing Heritage Lodge fiasco (who's 'facts' were an obvious loser- from the get go, and are wholly unlike/distinguishable from the fact pattern here...), there's no imminent election "need" for the M/CC to pander to voters.

Parenthetically, I'd be interested to learn if Cloth & Flame, i.e., 'Matt n Olivia', have any other 'investors'...like say Mike Schroeder,who is, according to his ND profile, an "entrepreneur", or perhaps other SAA 'colleagues'/employees-as I suspect his/their interest goes well beyond simple rental fees..This whole "thing", is, after all, about the Money-an attempt by a tenant and hoped for sublessee to monetize the location/views, of property they don't own..

HOWEVER, for the purposes/interests of P&Z members, and Sedona tax payers of most concern is,

3.CUP Approval, and subsequent harm to affected property owners, will provide an opportunity for a large number of individual

actions ( there are MANY property owners that will be impacted- who have hundreds of millions of their real dollars invested here...) v the P&Z members, and the City ( including, but perhaps not limited to Ms Meyer, and M/CC) pursuant to Prop 207-1-21-2006– for damages due neighborhood property owners on diminution of their property values due to harm from a land use code approval. This element of a claim must of course must be proven-however I'm confident admissible evidence for this requirement for success will be relatively easy to obtain, from any of a number of realtors locally-Clearly, nobody bought here, nor would buy in the future at current market value, property in this location to be burdened by listening to 'drunks on mikes', DJs/ "dance music", etc- 300 evenings out of the year—#s seen on Cooley's initial/earlier submission- hastily amended, and markedly downward, upon "advice", after substantial resident blow back (question-who gave that advice ?), and as seen in the advertisements he's been running for quite some time,including up to the present.

Obviously, all this can not be addressed in a 3 minute speaking allowance at a hearing-scheduled to be held when many are out of town on vacation. So I will draft a document, and send it to members of P&Z, and M/CC/City Attorney, before the 20th, and before the "performative" site visit, presently scheduled for 0900 that same day. All principals will be "noticed" before the hearing, giving them time to reflect upon/reconsider the wisdom of acceptance, on its face, of Ms Meyer's "findings", and in proceeding in haste, when there is no compelling need to be hasty, in light of the significant legal risks....

ps-relevant part of 207-1-21-2006

"Proposition 207 also provides that a property owner is entitled to just compensation if the value of a person's property is reduced by the enactment of a land use law"

–they will argue that's not what this was/is-we/plaintiffs will argue that it is-then, we'll see what an AZ Ct thinks...n.b., I would argue the legislative intent of prop 207 was, specifically, to protect individual property owners financial interests and "rights". This is very helpful, imo, in a proceeding here in AZ-

" land use law is defined as a law that regulates the use or division of land, such as municipal zoning laws...If a property owner were successful in a lawsuit for reduction in the property's value, the court could award attorney fees and costs".

Nb., Re Prop 207- there's a 3yr SOL to "file", and as noted above,upon success,there is a provision for movants to be awarded attorney fees, and costs.(that could cost defendants a LOT of money...)

The prospect of 50-100 separate suits should give P&Z, the city, and its attorney, pause-cumulative potential judgements would most probably far exceed any liability coverage the City has for "official acts"; presumably city and/or perhaps personal assets could be attached, in the satisfaction of any judgment(s)...

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:** Daniel J Sullivan MD,JD  
**Address (or Street Name):** 550 Oak Creek Blvd  
**City of Residence** Sedona  
**E-mail:** djsmdjd@gmail.com

**4. Would you like to receive notices about this project, such as public meeting dates?**

Not answered

Thank you,  
**City of Sedona**

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**This is an automated message generated by Granicus. Please do not reply directly to this email.**

## Comment on Development Proposal

**D** donotreply@sedonaaz.gov To: Cari Meyer; Megan Yates; Laura Stewart Mon 8/19/2024 11:58 AM

Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 11:58 AM

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Development Proposals  
**Date & Time:** 08/19/2024 11:58 a.m.  
**Response #:** 646  
**Submitter ID:** 6997  
**IP address:** 47.215.228.89  
**Time to complete:** 9 min. , 55 sec.

### Survey Details

#### Page 1

**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth & Flame CUP

**2. What are your comments, concerns, ideas, and suggestions about this project?**

Oh, boy. As much as I would like to have a place in town where I can invite 250 people at once, this really shouldn't be the place. Events are time-related, meaning the incoming and outgoing traffic will be concentrated. It seems like another Cooks Hill in the making, although this will be cars waiting at that Airport Road streetlight and along 89A heading to West Sedona. Liquor will, to the slightest degree (or more), impair those on their way down the only road as they exit their events. Especially for events ending at nighttime, this is quite dangerous. There are not enough parking spaces to handle the average guests expected at an event, and certainly not the largest. If you have the power to say no, please do so!!

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:** Meri Thomason  
**Address (or Street Name):** 129 REBECCA WAY  
**City of Residence** SEDONA  
**E-mail:** meri\_bill@yahoo.com

**4.**

## Comment on Development Proposal

**D**   [donotreply@sedonaaz.gov](mailto:donotreply@sedonaaz.gov)   😊   ↩️   ↩️   ➡️   ⋮  
To: Cari Meyer; Megan Yates; Laura Stewart   Mon 8/19/2024 10:22 PM

**i** Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 10:22 PM

A new entry to a form/survey has been submitted.

**Form Name:**        Comments on Development Proposals  
**Date & Time:**     08/19/2024 10:21 p.m.  
**Response #:**       648  
**Submitter ID:**    7000  
**IP address:**       47.215.229.87  
**Time to complete:** 50 min. , 18 sec.

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### Survey Details

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#### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth & Flame

**2. What are your comments, concerns, ideas, and suggestions about this project?**

Please do not approve Cloth & Flame's proposal. You would be privatizing and monetizing what is publicly owned space. We, the taxpayers of Yavapai County do not want you to turn public land into a business. The land is not zoned commercial.

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**






**Name:**                     Sarah L Watts  
**Address (or Street Name):** 190 Copper Canyon Dr.  
**City of Residence**        SEDONA  
**E-mail:**                     Watts@wfu.edu


**4. Would you like to receive notices about this project, such as public meeting dates?**

(o) No

## Cloth & Flame

WW [Warren Woodward <w6345789@yahoo.com>](mailto:w6345789@yahoo.com)  
To: Laura Stewart

      
Mon 8/19/2024 4:04 PM

 Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 4:04 PM

P&Z,

Don't blow it (again!).

Cloth & Flame is a commercial enterprise, plain & simple. The property where Cloth & Flame wants to operate is *not* zoned commercial. You must follow the law and decline their request.

Sincerely,

Warren Woodward  
Sedona

 Reply

 Forward

## Comment on Development Proposal

**D**   [donotreply@sedonaaz.gov](mailto:donotreply@sedonaaz.gov)   😊   ↩️   ↩️   ➡️   ⋮  
To: Cari Meyer; Megan Yates; Laura Stewart   Mon 8/19/2024 11:12 AM

**i** Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 11:12 AM

A new entry to a form/survey has been submitted.

**Form Name:**        Comments on Development Proposals  
**Date & Time:**     08/19/2024 11:12 a.m.  
**Response #:**        645  
**Submitter ID:**     6995  
**IP address:**        47.215.243.189  
**Time to complete:** 10 min. , 37 sec.

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### Survey Details

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#### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth and Flame

**2. What are your comments, concerns, ideas, and suggestions about this project?**

I see that there is a meeting tomorrow regarding the permits for the business of Cloth and Flame. My husband and I are opposed to the permitting of this business at the airport. It would be nice if the people voting on this would side with the residents. I feel we are often thought of last and tourism first. The tourist have enough of Sedona and we residents need to feel our opinions are valued. You all know what the issues are-additional traffic that has probably been drinking, music and even if they stop at 10 it is an annoyance to others. I live in West Sedona and have heard events from there and we moved here for peace, not a party place. Please do not even give a conditional permit or a short term permit as it only opens the door and Pandora's box has already be opened and cannot be closed with STR. Please vote for the people who live here, not the visitors.

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:**                    Debra  
**Address (or Street Name):** Whippet  
**City of Residence**        Sedona  
**E-mail:**                    Lindeez70@protonmail.me

**4. Would you like to receive notices about this project, such as public meeting dates?**

## Airport Mesa

KY   [Karen Yoder <kdmyoder@yahoo.com>](mailto:kdmyoder@yahoo.com)



To: Laura Stewart

Mon 8/19/2024 1:58 PM

ⓘ Retention: Default City Employees (2 years) Expires: Wed 8/19/2026 1:58 PM

Hello Sedona Planning & Zoning Commission,

I am a property owner in the Saddlerock neighborhood, just below/north of the Airport Mesa. I respectfully request that you maintain the **Community Facility** designation of the Airport Mesa and vote NO on the Cloth & Flame project. Cloth & Flame is a private, for-profit, commercial company, and they will utilize the Airport Mesa accordingly, restricting public access and enjoyment of the Airport Mesa.

Best regards,

Karen Yoder

↩️ Reply

➡️ Forward



# Comment on Development Proposal

donotreply@sedonaaz.gov <donotreply@sedonaaz.gov>

Tue 8/20/2024 9:14 AM

To:Cari Meyer <CMeyer@sedonaaz.gov>;Megan Yates <MYates@sedonaaz.gov>;Laura Stewart <LStewart@sedonaaz.gov>

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Development Proposals  
**Date & Time:** 08/20/2024 9:14 a.m.  
**Response #:** 651  
**Submitter ID:** 7003  
**IP address:** 47.215.236.29  
**Time to complete:** 4 min. , 47 sec.

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## Survey Details

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### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**

Opposed to Cloth & Flame - Venue on Airport Mesa

**2.**

**What are your comments, concerns, ideas, and suggestions about this project?**

Honorable Commissioners:

As home owner and full-time resident in Saddlerock Homes, I oppose Cloth & Flame's proposed Venue on Airport Mesa and urge Planning & Zoning to DENY this application. It presents an unreasonable nuisance and does not provide sufficient community benefit to justify the CUP. Sounds like it also doesn't meet the zoning requirements.

The property is zoned Community Facilities, which is all about "public use." Yet the proposed CUP is for a private business that fails to provide substantial activities qualifying as Semi-Public Use or Outdoor Recreation Facility. It is indefensible to allow this accessory use and permit request to be approved for what the applicant intends as 80% Commercial use.

I am gravely concerned about the adverse impact of year-round events, especially outdoor events on:

- Property values
- Quality of Life
- Neighborhood character
- Quiet enjoyment of my property
- Traffic congestion on Airport Road and in the city
- Hazardous egress from Saddlerock at Valley View Drive and Airport Road, especially if the Village at Saddlerock Crossing gets approved
- Safety and emergency access for police, fire, EMS, evacuations in emergencies thus endangering the lives of event attendees and surrounding neighborhoods
- Drunk Drivers - No Liquor License!
- Nuisances from raucously partying intoxicated people
- Noise
- Lighting high up on the Mesa (should be 2200K "amber" lighting)
- Streams of headlights driving down Airport Road late at night
- Pollution from increased traffic

- Strain on local resources and infrastructure
- Inadequate water pressure for fire sprinklers
- Stressing the labor supply, will take employees from brick and mortar service businesses
- Welfare and displacement of wildlife for feeding, watering or traveling to/from bedding areas
- Dark skies, local observatories and birds that require darkness
- Prop 207 Diminished value lawsuits against the city?

IMPORTANT - ADD RESTRICTIONS TO THE ZONING CUP if you decide to approve it (lessons learned from Oak Creek Heritage Lodge, add any restrictions or undesirable uses to the zoning):

- No outdoor amplified sound of any kind allowed
- No conference or entertainment centers allowed
- No restaurants nor cafes allowed.
- Events end at 9:00 pm or 10:00 pm at the latest
- Limit events to 100 people with shuttles required over 50 people
- Inadequate water pressure for fire sprinklers
- CUPs run with the land. Once "Outdoor Commercial Activities" have been allowed, will this be allowed forever?
- No outdoor music
- No liquor licenses, no consumption of alcohol on site (no drunk drivers down Airport Rd)
- Enforce the adjacent Residential noise ordinance of 60dB and 50 dB.
- No helium filled balloons (they end up in our waterways and parklands, damaging our environment and harming wildlife. Balloons burst and break down into small pieces of brightly colored plastic that can look like food and are often ingested by wildlife.
- No fireworks, sparklers, pyrotechnics, explosives of any kind, nor other substances or combinations of substances that could cause fires (even on holidays when state law allows fireworks).
- No releasing colored powder into the air (e.g., for gender reveal parties), which can contaminate soil, waterways, and water supplies).
- No smoking tobacco nor marijuana on site.
- Who will have jurisdiction and get taxes? - City of Sedona or Yavapai County?

Thank you!

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:** Mitch Laurich  
**Address (or Street Name):** 160 Saddlerock Ln  
**City of Residence** Sedona  
**E-mail:** Not answered

**4. Would you like to receive notices about this project, such as public meeting dates?**

(o) Yes

Thank you,  
**City of Sedona**

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# Comment on Development Proposal

donotreply@sedonaaz.gov <donotreply@sedonaaz.gov>

Tue 8/20/2024 8:46 AM

To: Cari Meyer <CMeyer@sedonaaz.gov>; Megan Yates <MYates@sedonaaz.gov>; Laura Stewart <LStewart@sedonaaz.gov>

A new entry to a form/survey has been submitted.

**Form Name:** Comments on Development Proposals  
**Date & Time:** 08/20/2024 8:46 a.m.  
**Response #:** 649  
**Submitter ID:** 7001  
**IP address:** 47.215.236.29  
**Time to complete:** 9 min. , 5 sec.

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## Survey Details

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### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**

Cloth & Flame; Venue on The Airport Mesa

**2.**

**What are your comments, concerns, ideas, and suggestions about this project?**

Dear Commissioners,

As a full-time resident and home owner in the Saddlerock subdivision directly impacted, I am writing to express my opposition to Cloth & Flame's proposed Venue on Airport Mesa and respectfully urge Planning & Zoning to uphold its fundamental duty to ensure that zoning requirements are adhered to and DENY this application.

The applicant is a food and beverage experience company so it doesn't make sense to me that they have been operating under a TUP for meetings. Regardless, the property is zoned "Community Facilities," which is all about "public use." Yet the proposed CUP is for a private business that fails to provide substantial activities qualifying as "Semi-Public Use" or "Outdoor Recreation Facility." It is indefensible to allow this accessory use and permit request to be approved for what the applicant intends as 80% Commercial use. Note also that the original land grant was for an airport, not entertainment nor any other for-profit business, and this proposed use is decidedly non-aviation in nature. Possibly the Old Masonic Lodge activities were allowed under public use since typically non-profit in nature, or possibly activities violated zoning? Sedona was a drastically different city in those days.

The proposed CUP use will compromise the area's unique character, tranquility and safety, and represents an unreasonable and unnecessary nuisance, creating lasting negative impact on residents' property values, quality of life and increased traffic congestion. I am concerned the additional events proposed (which have seemed to keep evolving in terms of the numbers of events and people and whether or not there is music), coupled with limited egress routes at the airport, raise significant safety concerns. In event of an emergency, the increased traffic will strain local resources and infrastructure, endangering both the event attendees and the surrounding neighborhoods. The intended application for a 6 Series Liquor License only exacerbates hazards and safety concerns when adding alcohol into the mix - not to mention raucous behaviors and related noise and nuisances.

How is it possible one way in and one way out satisfies Adequate Road Systems Requirements and was it a lack of staff that resulted in a determination that no traffic study was necessary (in a city with grossly substantial traffic problems)? Imagine vendor and participant traffic for the applicant's events, including transport shuttles between hotels and the Airport Mesa,

consider impacts of a 6 Series Liquor License, add in the current traffic already using Airport Road, including jet fuel and AV gas deliveries, airport vendors and patrons, events at Sky Ranch Lodge (are they expanding?), Mesa Grill diners, sunset and star gazers, local residents, the promotion of airport viewing by local hotels - impacts of the proposed Village at Saddlerock Crossing and other new hotels or expansions already approved or in process. All traffic served by one road and one traffic light. The intersections off of Airport Road are already unsafe, especially at Valley View Drive which will become even more hazardous if the proposed Village at Saddlerock Crossing gets approved - further hindering and encumbering egress from Saddlerock Homes subdivision.

References to past Masonic Lodge operations without issue ignore all the growth and increased use on Airport Road and the Mesa. References to desired "fly-ins" for sponsored events seems a ruse to make the venue airport related, but regardless will increase air traffic which is already a nuisance to neighboring residents. The extent of airport expansions of runways, flights and activities could not have been foreseen for this small land grant airport. The surrounding neighborhoods and Sedona definitely don't need uses that increase air traffic. The Airport Authority's professed FAA mandate has nothing to do with the city, which isn't required to change or accommodate regulations or approve disallowed uses to suit the airport, especially when proposed uses are contrary to the best interests of the city and its residents.

How can residents not be suspicious about long-term plans for what may become a huge commercial events venue at the Airport according to its RFP. Plans for The Venue On The Mesa as a full build-out of an indoor/outdoor conference and entertainment center, a restaurant, with an "outdoor amphitheater" are contained in the Rent & Development Agreement signed by Harrell Cooley LLC and the Sedona Airport Authority found in documentation from the Yavapai County Board of Supervisors meeting minutes 7/20/2020. The applicant may have modified the CUP to reflect actual operations, however I fear precedents set cannot be clawed back. It's also my understanding the applicant originally stated it ultimately hoped to host over 300 events per year, but it was recommended that this be dialed back to the substantially fewer number of events now requested. The applicant has tried to assure the community it hosts, "quieter, smaller-scale early evening dinners," but 250 people is neither smaller-scale nor quieter. They also stated events can go to 12:00 AM (inside), but this is not an early evening dinner either. I have also read the applicant commit to "No Music," but the city's analysis references music. Lighting on the Mesa high above Sedona will become a nuisance for a lot of the city, not to mention nightly streams of today's bright LED headlights from vehicles descending down Airport Road late at night. We have no reason to trust the Airport Authority in its management of this applicant and activities - or future applicants should the business be sold or management transitioned. The Airport Authority has not been a good neighbor imo, seems to have little to no oversight or accountability, and seems aggressively defensive or deaf in response to complaints. Many groups of residents oppose expansion of commercial events at the Airport, but space continues to be rented for big commercial events - for money - at the expense of the residents' right to quiet enjoyment of our own properties. I fear this CUP may be a strategy to by-pass a real zoning change request, and create a work-around to start as a small venue, take profit and ultimately build a larger entertainment restaurant complex.

Sedona needs to stop the "let's try it and see" mentality, please. Planning should give the benefit of the doubt to resident quality of life imo. As quality of life deteriorates further as a result of these decisions, it becomes demoralizing. As more residents flee or become increasingly disengaged and apathetic out of frustration, there are fewer residents left to complain or show up at future meetings. This gets interpreted as consent or a lack of issues, when this may not be the case at all. I suppose at some point it is plausible that only STRs will remain and then it won't matter. But is it true that CUPs run with the land and once "Outdoor Commercial Activities" have been allowed on this parcel, this will be allowed forever? This is a disturbing precedent to set. Also given that the applicant's 10-year Lease with the Airport goes into effect with this "temporary" CUP, are there legal implications and what are they?

No Community Benefit - This proposed use in particular, for entertainment, is unnecessary and provides net-negative community benefit imo. Sedona does not need a party in the sky to generate more noise, more traffic or more tourism. The vendors, participants and shuttles will increase traffic throughout town and increase pollution, especially over surrounding neighborhoods already unfairly burdened with hazardous emissions and pollution from increased air traffic. Considering lighting and noise, evening use (noted up to 9:00 pm outdoors and 12:00 am indoors?) is especially troubling and will also encroach upon and be harmful for wildlife, birds and our dark skies. Wildlife may become displaced by the evening lighting, noise and activity during feeding, watering, traveling and bedding times. What will be the impact of potential lighting until midnight high up on the Mesa on our local observatories? Where will employees come from? Taken from other businesses? Where will they live?

Considering this is Yavapai County jurisdiction, does Sedona receive any - or adequate - taxes and/or fees to offset the city resources used by the applicant and venue for infrastructure and road maintenance, police, fire, EMS etc.? Which agency will provide oversight of things like implementation and operations and adequacy of things like infrastructure, resources, compliance and safety? Perhaps this venue is more appropriate as part of the Cultural Park Community Plan?

Approval, and subsequent harm to affected property owners, may result in large numbers of individual actions for diminished value due to harm from a land use code approval by the many property owners who have millions of dollars invested and will be impacted - pursuant to Prop 207-1-21-2006.

Please consider the long-term interests of Sedona and her residents. I believe no further development or new uses should be approved until Sedona hires an evacuation expert firm to study the city and create a detailed evacuation plan (beyond the zones that have been established). Please protect the financial interests and rights of Sedona's property owners. Please DENY this

permit.

IF THE CUP IS GRANTED, please stipulate and attach restrictions to the CUP to ensure protections for the city and property owners (as the Oak Creek Heritage Lodge attorney suggested):

- Events shall end by 9:00 PM so that noise from departure and cleanup is complete by 10:00 pm.
- No conference nor entertainment centers shall be allowed.
- No restaurants nor cafes shall be allowed.
- No outdoor amplified sound of any kind shall be allowed.
- No music (per the applicant on Nextdoor or no outdoor music).
- No liquor license - Alcohol shall not be served nor consumed on site (Sedona doesn't need drivers under the influence trying to navigate their way down a steep and dark windy Airport Road).
- Enforce the application of Noise Ordinance for Residential zoning: 7am-10pm 60 dB(A) and 10pm -7am 50 dB(A) to supersede Commercial zoning considering the adjacent proximity to Residential zoned neighborhoods.
- 2200K Amber lighting or lower shall be used wherever possible with 2700K used only for safety. No lighting above 2700K.
- Helium filled balloons shall not be permitted (balloons end up in our waterways and parklands, causing significant damage to our environment and harming wildlife in many ways. Balloons can burst and break down into small pieces of brightly colored plastic that can look like food and are often ingested by wildlife.
- No fireworks, sparklers, pyrotechnics, explosives of any kind, nor other substances or combinations of substances that could cause fires (even on holidays when state law allows fireworks).
- No releasing colored powder into the air (e.g., for gender reveal parties), which can contaminate soil, waterways, and water supplies).
- No smoking tobacco nor marijuana on site.

Thank you for your time, service and consideration.

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:** Brigitte McBride  
**Address (or Street Name):** Saddlerock  
**City of Residence** Sedona  
**E-mail:** bemalt@yahoo.com

**4. Would you like to receive notices about this project, such as public meeting dates?**

(o) Yes

Thank you,  
**City of Sedona**

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## Comment on Development Proposal

**D**   [donotreply@sedonaaz.gov](mailto:donotreply@sedonaaz.gov)   😊   ↩️   ↩️   ➡️   ⋮  
To: Cari Meyer; Megan Yates; Laura Stewart   Tue 8/20/2024 9:26 AM

**i** Retention: Default City Employees (2 years) Expires: Thu 8/20/2026 9:26 AM

A new entry to a form/survey has been submitted.

**Form Name:**        Comments on Development Proposals  
**Date & Time:**     08/20/2024 9:26 a.m.  
**Response #:**       652  
**Submitter ID:**     7004  
**IP address:**       2601:243:2381:200:bd73:ecc3:c68d:d816  
**Time to complete:** 3 min. , 57 sec.

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### Survey Details

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#### Page 1

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**We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.**

**1. Project Name:**  
Cloth and Flame

**2. What are your comments, concerns, ideas, and suggestions about this project?**

To Council,

Please do not approve of this project in its proposed location. The amount of noise and music that will be generated from the gatherings echo down through the valley where I have a home in the Saddlerock Subdivision. Between the proposed Saddlerock Crossing and now this project, we will be sandwiched between two potentially excess noise and light pollution!

Thanks and please do not approve!

Debbie Obradovich  
95 Valley View Dr

**3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)**

**Name:**                     Debbie Obradovich  
**Address (or Street Name):** 95 Valley View  
**City of Residence**        Sedona  
**E-mail:**                    debbieobradovich@gmail.com

**To: P&Z COMMISSIONERS**  
**From: Maria & Rob West, residents**  
**RE: Response to Staff Recommendation P&Z Hearing Aug 20, 2024**

**1. TOPIC:**

Staff calls this Zoning 'Commercial'

**STAFF SOURCE:**

BACKGROUND: Zoning and Community Plan Designations. LDC Section 2.17.A

**STAFF EXPLANATION:**

The property is zoned Community Facilities (CF) and designated as Commercial in the Community Plan. The purpose of the CF zone is stated as: ... primarily for the accommodation of public/semi-public uses (other than street rights-of-way). The CF district includes community uses such as public safety facilities, schools, libraries, community centers, City buildings, and public utilities as well as incidental and accessory uses.

**RESPONSE:**

Altho the Community Plan description might show Community Facilities as Commercial, this statement from Staff can be misleading if not qualified with further information.

Referencing the actual governing document, which is the Sedona Land Development Code Article 3.1 Table of Uses, the Community and Cultural Facilities designation is listed under "Public/Civic Uses" category - and not the "Commercial" category.

A "Community Facilities" distinction for this property refines it from the strictly Commercial, makes it more narrow and descriptive of actual activities intended for a particular site. It is the more narrow definition that P&Z should adhere to in this case, as it is much more specific as to "Use" which would favor the local community - therefore truly aligning the words "Community Facilities" with the focus on residents, as opposed to the for-profit vision of the Airport Authority.

When looking at Cloth & Flame objectively in terms of its core function, its business operations include the activity of advertising and selling access at a location to a group gathered for a common purpose, furnish and decorate that location, and prepare and serve meals at that location.

The Food & Beverage Service component of their business does not fall within the allowed uses for Community Facilities, and is not listed in either the Conference/Meeting Facility nor the Outdoor Recreation Facility. It is found under Commercial Uses, which is a wholly different category from Public/Civic Uses and "Community Facilities".

The Table of Uses describes these uses as "regulatory" and thus should be adhered to. There is the tendency toward staff deference to commercial, but this more refined distinction of "community" should be paramount. P&Z, our decision-making body, should use their discretion in how heavily to weigh the rights of residents against the requests of the strictly commercial interests.



**2. TOPIC:**

Staff recommends considering this space as its former use

**STAFF SOURCE:**

PRODUCT DESCRIPTION: Use of this site is permitted in accordance with the Land Development Code (LDC) requirements, specifically Article 3 (Use Regulations)

**STAFF EXPLANATION:**

REQUIREMENTS FOR A CONDITIONAL USE PERMIT: The building on the site (former Masonic Lodge) currently operates as a Conference/Meeting Facility, which the LDC lists as a permitted use in the CF zone (LDC Section 3.2.E)

. . . .The building on this portion of the property (the former Masonic Lodge) has been approved for use as a Conference/Meeting Facility. . . . The applicant has obtained an occupancy permit to use the building as a meeting facility

**RESPONSE:**

1. Focus should be on the function of the user, to know if the space is being used as intended.
2. Looking at the activities that occur in that space.

For the first point: The building may have been approved for the Conference/Meeting Facility use at one time, but Cloth & Flame is not continuing in the same manner as before for that property, because the former user was a Club/Lodge which was allowed to use that space. That use ended when the Masons 50-year lease expired. Cloth & Flame is decidedly not a club or lodge, it is a commercial business which does not meet the same “entry requirements” in order to claim that similar use. Neither does SOCAA.

As to the second point, Cloth & Flame does not hold consistent meetings for any club or organization at that space, either inside or outside. They are open to anyone who will pay, with an ever-changing clientele. Cloth & Flame’s activities are sold to the general public, and their offerings are not consistently intended for the members of any one specific group.

There is no justification here for sliding back into the “old use” of this space as was the norm when the Masons had their lease there. The use of that space as a true meeting facility has been abandoned in favor of chasing a bigger money-making opportunity at that site.



**3. TOPIC:**

Operates as Kitchen / Food & Beverage Service. LDC Section 9.4.C

**STAFF SOURCE:**

REQUIREMENT FOR CUP: Use Classification: There have been questions about whether the “restaurant” category would be more appropriate for the proposed use. Restaurant is defined as follows: An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the principal building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. Accessory uses may include an outdoor dining area or sidewalk café. LDC Section 9.4.C, emphasis added

**STAFF EXPLANATION:**

USE CLASSIFICATION: The definition of restaurant states that it is an establishment that is open to the public. The use, as proposed by the applicant, is primarily for private events, which does not meet the definition of restaurant. Further, the use will not have a permanent kitchen, with a temporary satellite kitchen being used when needed. Therefore, it was determined that,



based on the use description provided by the applicant, it would be more appropriate to consider this use as a meeting facility/outdoor recreation facility rather than a restaurant.”

**RESPONSE:**

We strongly challenge the use description provided by the applicant as being appropriate for this site according to the current zoning regulations. This particular Staff assessment seems incomplete, in that it entirely ignores the “function” of each and every event, that of offering Food and Beverage Service to customers. Staff put an emphasis on the first part of the sentence which defines a restaurant, and then ignored the very next words - “where food and beverages are prepared, served and consumed . . . “

How can staff pick one single word out of the referenced definition to defend their interpretation and totally ignore the remainder of the sentence, which substantially qualifies the actual FUNCTION of a restaurant? And it is the word FUNCTION that most closely relates to the notion of the “Use” of the property in question, not any perceived or desired label the Applicant wants to try on so they can get this CUP approved.

Cloth & Flame describes itself as operating “culinary experiences” which is supported by at least 15 different words throughout this application that pertain to food and drink. It is hard to imagine how Cloth & Flame would even have this business without the Food & Beverage Service component.

Looking at it objectively, the applicant considers 80% of its business operations the activity of advertising and selling access to a location to a group for a common purpose, furnish and decorate that location, and prepare and serve meals at that location. This percentage actually goes higher when you consider that of the 20% of events they say are reserved for the community - most of those are the serving of a meal as well. So that probably brings it closer to almost 90% as evidence of Food & Beverage Service activity in that space.

\* \* \* \* \*

We would challenge how the words “public” and “private” are applied here by staff. Staff’s reliance on the concept that this is a private use (such as might be allowed if the applicant were an actual “club/lodge”) seems to be inadequate — as demonstrated by the very public advertising Cloth & Flame and Open Venues pushes out to the internet, print media, social media, by word of mouth and published recommendations from former customers. This is a for-profit commercial business, trying to pigeonhole itself into a Use category so that it can get a CUP approved for expanded commercial activities.

“Private” would mean that the only clients served are the same ones over and over again, like “private” members of a club or organization. That is definitely not the case here.

The approach to customers is certainly very public; the only stand-out component is that they serve one dinner at a time to a different group of people each event - and that is more a reflection of the boutique nature of their operation and the limitations of their menu than a true “private” definition of their function. In no way can these dinners, be considered private in this context when we are trying to determine if the Use of this space is appropriate according to the zoning requirements. The word “private” really has very little meaning as to staff’s recommendation ***and should not be counted on to define any Use nor to support any approval of this CUP.***

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#### **4. TOPIC:**

Use of property has been changed

#### **STAFF SOURCE:**

REVIEW, COMMENTARY & ANALYSIS

##### **B. Prior Approvals**

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

#### **STAFF EXPLANATION:**

Staff Evaluation: No previous land use approvals impact the review of this application. Five TUPs have been granted for the operation of outdoor events at this location this year, with no code enforcement complaints. The proposal is in compliance with this criterion.

#### **RESPONSE:**

By insisting solely on the label “Outdoor Recreation Facility, the very much advertised and photographed Food & Beverage Service component obviously described in the application and in advertising media, is largely being ignored by Staff in making a determination of eligibility for proper use of this space.

Staff’s dependence on “the former use” of this property seems weak and incomplete. Instead of simply accepting the label Cloth & Flame wants to adopt in order to get this CUP, staff should keep the focus on the function of the user of this space during 2023 and 2024.

It is interesting that Staff does not mention that in 2023, apparently SOCAA rented this same space to Cloth & Flame Open Venues for commercial activities that were perhaps not authorized with a permit. There were for-profit dinner events advertised as “Sedona Summer Series: Dinner at Venue on the Mesa”.

<https://clothandflame.com/collections/sedona-summer-series-dinner-at-venue-on-the-mesa>

June 24, 2023

July 7-8, 2023

July 21-22, 2023

August 4-5, 2023

Sept 8-9, 2023

Sept 22-23, 2023

On Cloth & Flame’s Open Venues website, there are descriptions of these events, and photos of dinner tables with the backdrop of the view from the Sedona airport location.

Applicant only obtained Occupancy Permit April of 2024. A records search found no Certificate of Occupancy to run a business there in 2023. If these Food & Beverage Services events were held at that Sedona Airport location during 2023, they may have been held without benefit of authorizations from the City of Sedona.

Simply by virtue of using the old masonic lodge property in a new way for an extended time, using it so prominently and openly to operate weddings and dinners (and without benefit of being a “club/lodge” as the previous tenant had been), the old use of “meeting/conference facility” no longer seems valid for this discussion.

Applicant substantially changed the use of that property in 2023 to support its Food and Beverage Service function, which has now become the predominant use. Applicant cannot reasonably go backwards in time now that they want this CUP, try to claim a former use in the same way that the Masons may have legitimately used this space according to their status as a Club/Lodge.

~~~~~

**5. TOPIC:**

Weddings/Conferences already defined Temporary Use, Special Events (number & frequency)

**STAFF SOURCE:**

DEVELOPMENT PROPOSAL: The applicant, Cloth and Flame, is applying for a CUP to allow for outdoor events, including weddings, private, corporate, and community events on a portion of the Sedona Airport property. A detailed description of the proposal, including a site plan of the property, were submitted by the applicant, and are included in Attachment 2.a.

**RESPONSE:**

Both “weddings” and “conferences” are already notably defined and adequately addressed in the LDC as a “Special Event” under the category of “Temporary Use”. They have very distinct meanings and use regulations. Which comes with the express stipulation that the number of these events held at that location is to be limited in both frequency and interval. There must be time between events — — NOT allowed every weekend.

Sedona LDC. Article 9.4. Use-Related Definitions G. Temporary Uses

The activity is not permitted in this CF on a continuous schedule, such as proposed by the Applicant. Cloth & Flame is trying to bypass the City’s zoning regulations by standardizing wedding offerings on a regular basis at this location by virtue of a CUP so they do not have to request all the individual TUPs.

The entire point to zoning regulations is to have a strong structure in place so that commercial interests do not overwhelm the other Uses necessary for a city. Trying to do this just shows the applicant is maneuvering to get around a real zoning change.

The Airport Authority seems to be trying to change the original intent for the use of this parcel and establish weddings and conferences along with Food and Beverage Service as a permanent use in this space. That fundamentally changes the Article 3 Table of Allowed Uses without going thru the process of addressing a zoning change. Yet the staff recommendation in this case was for approval of this CUP, with the number of events higher and more frequent that would normally be allowed. ***On its face, we find very little justification - and no benefit to nearby residents - to override the zoning regulations in this manner by granting this CUP when the current system of the TUP will address this issue. The attached conditions only serve to temper the way in which things are done, and bring added frequency perhaps in the hope that residents will become accustomed to the presence of this commercial activity in that location. They do not address the standards on which the regulations are based.***

~~~~~

**6. TOPIC:**

NO Amplified sound outdoors / use as Outdoor Recreational Facility runs with the land

**STAFF SOURCE:** Sound Management

**STAFF EXPLANATION:**

Outdoor speakers will face south (away from residences) Outdoor activities/music on the property will cease at 9:00pm (if the event continues, it will be required to be moved inside).

**RESPONSE:**

Cloth & Flame has demonstrated a willingness to respond to residents concerns about noise during the events. They are doing all the right things now in hopes of getting this CUP approved. Cloth & Flame could sell their business, and any new tenant would then benefit from the CUP already being in place; so this “goes with the land outdoor use” might continue automatically and be transferred to the new tenant.

A subsequent business might have louder sounds, and no regard for neighbors. And after granting any CUP that allows outdoor amplified sound, the only way the city has any further involvement is in a responsive mode. It puts residents in the uncomfortable position of having to make a formal complaint. Nearby residents do not want to hear amplified sounds from parties, conferences speeches or outdoor movies. Allowing outdoor amplified sound in this airport location shows an overall deference to commercial interests over that of the residents. So our original objection to Outdoor Recreational Use of this site is still very much in place - we ask P&Z that if they are considering approval of this CUP, **they add a very specific condition that there be no outdoor amplified allowed at that location. Loud music and dancing, amplified speeches, recordings over loudspeakers, movies can happen indoors.**

~~~~~

**8. TOPIC:**

Conditions cannot be less restrictive than allowed use

**MY SOURCE:**

Sedona LDC Article 8, Administration and Procedures. 8.3. Common Review Procedures  
E. Staff Review and Action (6) Conditions of Approval  
c. No conditions of approval shall be less restrictive than the requirements of this Code, except where the Code expressly allows deviations.

**RESPONSE:**

As demonstrated to this point, considering that the most notable and advertised commercial activities proposed by Cloth & Flame do not comply with the zoning regulations of this parcel, it would make sense that this CUP is rejected. Any approval of this CUP, albeit with conditions, would also be inappropriate based on the statement provided in the Staff review procedures outlined above.

Following the above guideline as to a conditional approval - It seems as if there is no opportunity to create permitted Food & Beverage Service activities on this parcel, and that any suggested condition accompanying the possible granting of this CUP which allows the proposed dinner events - would be by definition, “less restrictive than the requirements of this Code”. **Therefore this CUP should not be approved.**