

OPEN HOUSE AT DOS DIABLOS

FEBRUARY 3, 2010

6PM – 7PM

On February 3, 2010 an open house was held at Dos Diablos for the purpose of addressing the concerns of nearby residents. There were thirteen people in attendance from the surrounding neighborhoods. Owners, David Stone and Patrick Melson were present as well as me, Theresa Morse (Consultant for Dos Diablos).

A second mailing to all of the residents/property owners within 750 feet (as prescribed by the City of Scottsdale) were sent to notify interested parties of the open house. In addition, this second mailing included residents who spoke or completed a speaker card at the City of Scottsdale Planning Commission on January 13, 2010.

Although notification to property and residents had been mailed out in October 2009, there was no feedback from the surrounding neighborhood residents until one or two days prior to January 13, 2010. In light of the issues raised by some speakers at the Planning Commission, the owners decided to hold a meeting at their business for the purpose of addressing their concerns.

The points of concern by some of the residents were the propensity for noise which might disturb them since most of them retire (to bed) early. This included music and noise from vehicular traffic leaving at 2 am. The 2:00 am closing was a concern many of the residents expressed. Many thought that 10 pm was an appropriate closing time.

It should be made clear that the business operation hours until 2:00 am are regulated by the Arizona Revised State Statute 4-244.17 which allows them to remain open until 2:00 am to sell alcoholic beverages. The use permit issues became tangled with the business hours of operation due to the request for live entertainment. The business has been open until 2:00 am and had not received any complaints from Scottsdale Police Department or any residents for that matter.

It was made clear during the meeting that the City of Scottsdale may levy some stipulations on this 'Use Permit' and that should the business be in violation of City noise ordinances and/or stipulations they (Dos Diablos) may be subject to fines or penalties and the 'Use Permit' may be revoked.

One of the residents wanted to know how many notices were mailed out. He was provided with that information. Several of the attendees stated that they were not against the use permit being approved and that they did not want the building to be vacant. Many of the



residents had eaten at the establishment before and stated that the food was good and they wanted the business to succeed.

I made it clear that it was legal for the windows to remain open when there was not entertainment on the premises. There was some misunderstanding that the windows needed to be closed at all times.

One of the residents asked if any stipulations were placed on the use permit by the Planning Commission. I was not aware of any other than what was documents regarding all of the windows/doors kept closed, no exterior speakers utilized during live entertainment. In addition, another resident expressed his concern over the fact that he thought the 'open house' was prompted by the City. He asked if the business was required to report back on the outcome as if the owners were not genuine in their efforts but merely going through a 'process' to obtain the use permit. I explained that the city suggested an open house but that it was the decision of the business owners to hold it and address concerns.

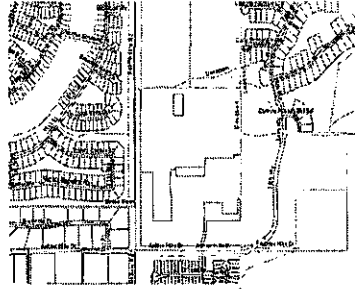
The meeting concluded at approximately 7:00 pm and many residents thanked the owners and me for the opportunity to meet on their concerns

Respectfully,

Theresa J. Morse  
Consultant

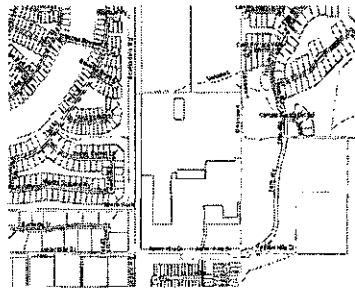
This is an invitation to an Open House at Dos Diablos Restaurant located at 32527 N. Scottsdale Road, Scottsdale Arizona. The Open House is scheduled on Wednesday, February 3<sup>rd</sup> from 6:00 pm until 7:00 pm. We look forward to meeting with you and to answer any questions you may have pertaining to our application for a Use Permit to allow live entertainment and patron dancing at our restaurant.

- Project number: 300-PA-2009
- Zoning: C-2
- Applicant: Theresa Morse Contact #: 480-353-8035
- City of Scottsdale Contacts: Don Hadder and Doris McClay 480-312-7000



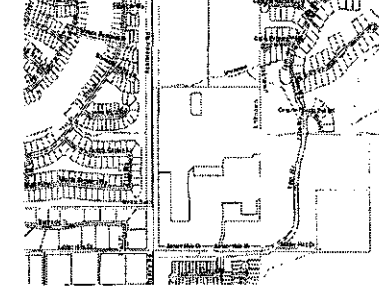
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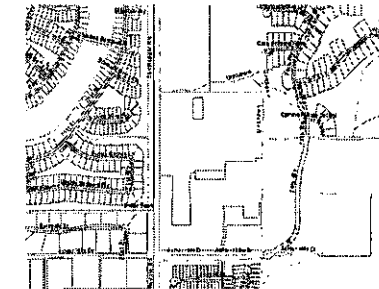
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# OPEN HOUSE @ Dos Diablos March 2

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