Date: February 9, 2009

To: Councilman Tony Nelssen

From: Dr. Robert Cappel

Subject: February 16, 2010 Consent Agenda Item #15, Dos Diablos Conditional Use Permit (36-UP-2009)

Dear Tony,

My name is Dr. Robert Cappel and I am the President of the Board of Directors for the Winfield Home Owners Community Association. Winfield is a gated community of 511 homes located in north Scottsdale between Scottsdale and Hayden Roads on the east and west, and between Westland and Dove Valley Roads on the north and south. Winfield is north of the Summit shopping plaza where Dos Diablos is located, and there is currently only open desert between the Summit and a number of homes in Winfield.

In October, 2009, Dos Diablos submitted this Conditional Use Permit application (36-UP-2009) to the City staff to allow live entertainment and extended hours between 10:00 pm and 2:00 am. Apparently, the City staff granted approval for this from the time of initial application until the Planning Commission recently held their hearing on January 13, 2010 and voted to recommend approval to the City Council.

All of the areas surrounding the Summit are quiet, residential neighborhoods, including the sacred Indian land located just behind the Summit. All of the land in this area is also under Scottsdale's Environmentally Sensitive Lands Ordinance (ESLO), which should also dictate some restrictions on noise, including traffic noise and lights late at night. Winfield has always been very supportive of protecting the Sonoran Desert and is a member of the Coalition of Pinnacle Peak and the Greater Pinnacle Peak Association.

Public Notification of this permit application appeared to be a problem, as many of the residents around the Summit did not realize this application had been filed until a few days before the Planning Commission hearing on January 13, 2010. None of the residents in Winfield received notification in the mail and, although a number of our residents along Dove Valley Road had heard music late at night, they didn't realize it was coming from Dos Diablos. In spite of the fact that 16 to 18 area residents submitted comments opposing this permit application, with only the 2 owners supporting it, the Planning Commission voted 6-0 to recommend approval by the City Council.

None of our homeowners in Winfield want the additional noise and late night traffic that this application will bring to our quiet, rural residential neighborhoods. The Council is certainly aware of the problems that live entertainment and traffic late at night has created for residents in other areas of Scottsdale. We do not want these problems in north Scottsdale.

Unfortunately, the City does not currently have a noise ordinance. However, I understand that on March 23, 2010, the Director of Scottsdale Neighborhood Services will present the Council with options for a noise ordinance. Winfield is asking that the Council please remove item #15, Dos Diablos Conditional Use Permit (36-UP-2009, from the Consent Agenda. We are also asking the Council to deny their continued use of live entertainment until such time that the City has enacted a noise ordinance and the area residents are then able to assess the potential adverse effects late night music and traffic under this new ordinance.

Thank you in advance for your assistance on this matter.

Dr.Robert Cappel, President Winfield Homeowners Community Association 33600 N. 79th Way Scottsdale, AZ 85266 480-595-1805

From:

Richard Hetke [rick@hetke.com]

Sent:

Thursday, February 11, 2010 11:02 AM

To:

Lane, Jim; Borowsky, Lisa M; Ecton, Wayne; Klapp, Suzanne; Littlefield, Robert; McCullagh,

Ron; Nelssen, Tony

Subject:

February 16, 2010 Consent Agenda Item #15, Dos Diablos Conditional Use Permit (36-

UP-2009)

Date: February 11, 2009

To:

Scottsdale City Council

From: Richard Hetke

Subject: February 16, 2010 Consent Agenda Item #15, Dos Diablos Conditional Use Permit (36-UP-2009)

Dear Council Member,

My name is Richard Hetke and I am the Secretary of the Board of Directors for the Winfield Home Owners Community Association. Winfield is a gated community of 511 homes located in north Scottsdale between Scottsdale and Hayden Roads on the east and west, and between Westland and Dove Valley Roads on the north and south. Winfield is north of the Summit shopping plaza where Dos Diablos is located, and there are currently only about 200 yards of open desert between the Summit and a number of homes in Winfield.

In October, 2009, Dos Diablos submitted this Conditional Use Permit application (36-UP-2009) to the City staff to allow live entertainment and extended hours between 10:00 pm and 2:00 am. Apparently, the City staff granted approval for this from the time of initial application until the Planning Commission recently held their hearing on January 13, 2010 and voted to recommend approval to the City Council.

All of the areas surrounding the Summit are quiet, residential neighborhoods, including the sacred Indian land located just behind the Summit. All of the land in this area is also under Scottsdale's Environmentally Sensitive Lands Ordinance (ESLO), which should also dictate some restrictions on noise, including traffic noise and lights late at night. Winfield has always been very supportive of protecting the Sonoran Desert and is a member of the Coalition of Pinnacle Peak and the Greater Pinnacle Peak Association.

Public Notification of this permit application appeared to be a problem, as many of the residents around the Summit did not realize this application had been filed until a few days before the Planning Commission hearing on January 13, 2010. None of the residents in Winfield received notification in the mail and, although a number of our residents along Dove Valley Road had heard music late at night, they didn't realize it was coming from Dos Diablos. In spite of the fact that 16 to 18 area residents submitted comments opposing this permit application, with only the 2 owners supporting it, the Planning Commission voted 6-0 to recommend approval by the City Council.

None of our homeowners in Winfield want the additional noise and late night traffic that this application will bring to our quiet, rural residential neighborhoods. The Council is certainly aware of the problems that late night live entertainment and traffic has created for residents in other areas of Scottsdale.

We do not want these problems in north Scottsdale.

Unfortunately, the City does not currently have a noise ordinance. However, I understand that on March 23, 2010, the Director of Scottsdale Neighborhood Services will present the Council with options for a noise ordinance. Winfield is asking that the Council please remove item #15, Dos Diablos Conditional Use Permit (36-UP-2009, from the Consent Agenda. We are also asking the Council to deny their continued use of live entertainment until such time that the City has enacted a noise ordinance and the area residents are then able to assess the potential adverse effects late night music and traffic under this new ordinance.

Thank you in advance for your assistance on this matter.

Richard Hetke, Secretary Winfield Homeowners Community Association 7987 E. Russet Sky Drive Scottsdale, AZ 85266 480-595-5877

From:

Kent & Lois Salisbury [clarkkentandlois@cox.net]

Sent:

Thursday, February 11, 2010 2:48 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Kent Salisbury and I live at 33120 N. 72nd Way in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

Russell J. Kern [rjksc90@cox.net]

Sent:

Thursday, February 11, 2010 2:43 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is (Russell J. Kern) and I live at (7374 East Russet Sky Drive) in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern. Russ Kern

Russell J. Kern
Arizona Ideas, Inc.
www.arizonaideas.com
7374 East Russet Sky Drive, Scottsdale AZ 85266-4206
Home phone-480-595-1445, mobile phone-480-580-3053
fax-415-534-1445
Email- riksc90@cox.net

From: Sent:

Robert Brunet [246robertbrunet@gmail.com] Thursday, February 11, 2010 2:37 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is (

Robert Brunet

) and I live at (7723 E.) in Scottsdale, close

Evening Glow Dr.

to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support

on this major concern.

From:

Tony Sparks [itsparks@cox.net]

Sent:

Thursday, February 11, 2010 2:29 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Tony Sparks and I live at 7787 E Soaring Eagle Way in the development of Winfield in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb.

15th Council meeting. Thank you in advance for your support on this major concern.

From: Sent: Vicki Catelain [vicki.catelain@yahoo.com] Thursday, February 11, 2010 2:16 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is (Vicki Catelain) and I live at (7885 E Soaring Eagle Way) in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

alba [bobbcatt@cox.net]

Sent:

Thursday, February 11, 2010 2:06 PM

To: City Counc

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is (Alba McNiece) and I live at (shooting star way) in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

Sue Hetke [Sue@Hetke.com]

Sent: To: Thursday, February 11, 2010 2:06 PM

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Susan Hetke and I live at 7987 E. Russet Sky Drive in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From: Sent: Pat Thuman [pa_thuman@mac.com] Thursday, February 11, 2010 1:55 PM

City Council

To: Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Raymond Thuman and I live at 7479 E. Sunset Sky Circle Scottsdale AZ 85266, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

Peggy Bruns [pbruns17@cox.net] Thursday, February 11, 2010 1:59 PM

Sent: To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Margaret Bruns and I live at 33159 N. 72nd Way in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

William Krauss [alwill5@cox.net]

Sent:

Thursday, February 11, 2010 1:57 PM

City Council

To: Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

Our names are Bill and Alice Krauss and we live at Winfield in Scottsdale, close to the Summit. We are absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

Bill and Alice Krauss

rom:

RGCRG@aol.com

ent:

Thursday, February 11, 2010 1:53 PM

City Council

ubject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

live close to the Summit in Scottsdale.

am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood.

am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is in the Consent Agenda for next Tuesday's Feb. 15th Council meeting.

hank you in advance for your support on this major concern.

incerely,

Gwen Taylor 921 E. Shooting Star Way Scottsdale, AZ 85266 480) 595-6924

From:

Gerrie & Bob [remgsm@cox.net] Thursday, February 11, 2010 1:52 PM

Sent: To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Robert McAlhany and I live at 7277 E. Crimson Sky Trail (Winfield) in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

Robert and Gerrie McAlhany

From:

Bill Scott [wilbilsct@cox.net]

Sent: To: Thursday, February 11, 2010 1:50 PM

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is William T. Scott and I live at 7323 E. Sunset Sky Circle in Scottsdale (85266), close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

Arlene Fertik [afne1410s@cox.net] Thursday, February 11, 2010 1:49 PM

Sent: To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Arlene Fertik and I live at Winfield in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

Bev Kennedy [BKennedy@ccusd93.org] Thursday, February 11, 2010 1:44 PM

Sent: To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos DiablosConditional Use Permit

My name is Bev Kennedy and I live at 7434 E. Quien Sabe Way in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 16th Council meeting. Thank you in advance for your support on this major concern.

Bev Kennedy Principal's Administrative Ass't. DAMS x2331

From:

Hert Kaye [okhert@aol.com]

Sent:

Thursday, February 11, 2010 1:31 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My husband, kids and I live in the Winfield Community in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment past 10:00 pm in our quiet, rural, residential neighborhood. The reason we purchased a home in this location was primarily because of the quiet community and distance from the hustle and bustle of downtown. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 16th Council meeting. Thank you in advance for your support on this major concern. Kaye Hert

okhert@aol.com

From:

GivinTre@aol.com

Sent:

Thursday, February 11, 2010 1:29 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Wm. & Lee Perrin and we live at 33231 N. 72nd Place, Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

William and Lee Perrin 33231 N. 72nd Place Scottsdale, AZ 85266

From:

BMM817@aol.com

Sent:

Thursday, February 11, 2010 1:27 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Bruce Machadoand I live at 7718 E Soaring Eagle Way in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

Bruce Machado 7718 E. Soaring Eagle Way Scottsdale, AZ 85266 480-437-9184

From:

Scott Golan [dgsg823@comcast.net]

Sent:

Thursday, February 11, 2010 1:17 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

To the City Council,

My name is Scott Golan and I live at 7323 E. Evening Glow Dr. in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting.

Thank you in advance for your support on this major concern,

Scott Golan

7323 E Evening Glow Dr.

Scottsdale, Az. 85266

847-913-0588

From: Sent:

Clark Catelain [clark.catelain@yahoo.com] Thursday, February 11, 2010 1:12 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item 15, Dos Diablos Conditional Use Permit

My name is Clark Catelain and I live at 7885 E. Soaring Eagle Way in Scottsdale, close to the Summit. I am absolutely opposed to live music entertainment late at night in our quiet, rural, residential neighborhood. I am asking the City Council to please deny the Conditional Use Permit application, 36-UP-2009, for Dos Diablos, which is on the Consent Agenda for next Tuesday's Feb. 15th Council meeting. Thank you in advance for your support on this major concern.

From:

rausterlade@cox.net

3ent:

Thursday, February 11, 2010 12:13 PM

To:

City Council

Subject:

February 16, 2010 Consent Agenda Item #15, Dos Diablos Conditional Use Permit (36-

UP-2009)

Contact Information (if blank, user did not provide):

Name: Ron Austerlade

Address: 7587 E Camino Salida Del Sol,

C/S/Z: Scottsdale, AZ 85266

Phone: 480-275-5230

MESSAGE:

Date: February 11, 2009To:Scottsdale City CouncilFrom:Ron

AusterladeSubject: February 16, 2010 Consent Agenda Item #15, Dos Diablos Conditional Use Permit (36-UP-2009)Dear City Council Member, My name is Ron Austerlade and I currently reside at 7587 E Camino Salida Del Sol in Las Piedras at Sevano Village. Las Piedras is a gated community of 64 homes located in north Scottsdale between Scottsdale and Hayden Roads on the east and west, and between Dove Valley Roads and Ashler Hills on the north and south. Las Piedras is east of the Summit shopping plaza where Dos Diablos is located, and there is currently only open desert between the Summit and a number of homes in Las Piedras.In October, 2009, Dos Diablos submitted a Conditional Use Permit application (36-UP-2009) to the City staff to allow live entertainment and extended hours between 10:00 pm and 2:00 am. Apparently, the City staff granted approval for this from the time of initial application until the Planning Commission recently held their hearing on January 13, 2010 and voted to recommend approval to the City Council. All of the areas surrounding the Summit are quiet, residential neighborhoods, including the sacred Indian land located just behind the Summit. All of the land in this area is also under Scottsdales Environmentally Sensitive Lands Ordinance (ESLO), which should also dictate some restrictions on noise, including traffic noise and lights late at night. Winfield has always been very supportive of protecting the Sonoran Desert and is a member of the Coalition of Pinnacle Peak and the Greater Pinnacle Peak Association. I am absolutely opposed to this application for live entertainment and extended hours by Dos Diablos. None of us in Las Piedras want the additional noise and late night traffic that this application will bring to our quiet, rural residential neighborhoods. The Council is certainly aware of the problems that live entertainment and traffic late at night has created for residents in other areas of Scottsdale. We do not want these problems in north Scottsdale. Unfortunately, the City does not currently have a noise ordinance. However, I understand that on March 23, 2010, the Director of Scottsdale Neighborhood Services will present the Council with options for a noise ordinance. Las Piedras is asking that the Council please remove item #15, Dos Diablos Conditional Use Permit (36-UP-2009, from the Consent Agenda. I am also asking the Council to deny Dos Diablos their continued use of live entertainment until such time that the City has enacted a noise ordinance and the area residents are then able to assess the potential adverse effects late night music and traffic under this new ordinance. Thank you in advance for your assistance on this matter.Ron Austerlade

This message was generated from the following web page: http://www.scottsdaleaz.gov/site4.aspx

rom:

LOUNAPOLI@MSN.COM

ent:

Thursday, February 11, 2010 12:11 PM

City Council

Jubject:

DOS DIABLOS PERMIT 36-UP-2009

iontact Information (if blank, user did not provide):

Name: LOU & PAT NAPOLI

Address: 7527 E.CAMINO SALIDA DEL SOL,

C/S/Z: SCOTTSDALE, AZ 85266

Phone: 480-368-5586

MESSAGE:

I LIVE IN A QUIET, RURAL RESIDENTS LAS PIEDRAS BEHIND THE SUMMIT.I AM OPPOSED TO LATE NIGHT MUSIC ENTERTAINMENT IN THIS AREA OF NORTH SCOTTSDALE.I AMASKING THE CITY COUNCIL TO PLEASE DENY THE CONDITIONAL USE PERMIT APPLICATION, 36-UP-2009, FOR DOS DIABLOS, ON THE CONSENT AGENDA FOR THE COUNCIL MEETING ON NEXT YUESDAY, FEB.16TH.THANK YOU IN ADVANCE FOR YOUR SUPPORT ON THIS MAJOR CONCERN."

This message was generated from the following web page: http://www.scottsdaleaz.gov/Topics/Government.asp

•

bobbysctdl@aol.com

om: ent:

Thursday, February 11, 2010 12:08 PM

City Council

,. ıbject:

Dos Diablos Permit 36-UP-2009

ontact Information (if blank, user did not provide):

Name: Bob Jastrzab

Address: 7564 E. Camino Salida del Sol,

C/S/Z: Scottsdale, AZ 85266

Phone: 480-991-7408

SSAGE:

live in a quiet, rural residential neighborhood by the Summit. I am opposed to late night ve music entertainment in this area of north Scottsdale. I am asking the City Council to ease deny the Conditional Use Permit Application, 36-UP-2009, for Dos Diablos, on the ensent Agenda for the Council meeting on next Tuesday, Feb. 16th. Thank you in advance for support on this major concern

is message was generated from the following web page: tp://www.scottsdaleaz.gov/Topics/Government.asp