



**MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK
PLANNING AND ZONING COMMISSION**

Wednesday, August 13, 2008 7:00 P.M.

Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

1. **CALL TO ORDER** The meeting was called to order at 7:00 p.m.

2. **ROLL CALL**

Present

Chairman Ingram
Vice-Chairman Trapp-Jackson
Commissioner Sossaman
Commissioner Perry
Commissioner Atkinson
Commissioner Fehlman

Absent

Commissioner Moore

Staff

Present

Community Development Director Condit
Planning Manager Balmer
Principal Planner Brittingham
Principal Planner McCauley
Planner Williams
Community Development Manager Kaserman

Absent

3. **PUBLIC COMMENT**

Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting.

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Chairman will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Commission and/or staff may remove any item for separate consideration.

- a. Consideration and Possible Approval of July 9, 2008 Work Study and Regular Session Minutes;

Motion: Commissioner Sossaman

To approve the Consent Agenda as presented.

2nd: Vice-Chairman Trapp-Jackson

Vote: All ayes. Motion carried 6-0 (Moore absent)

5. **Public Hearing, Discussion and Possible Action on CU08-074/SP08-073, Schnepf Farms Request for Conditional Use Permit.** A request by Mark Schnepf for approval of a Site Plan and Conditional Use Permit to allow outdoor live musical events with ending times of 11 pm; and allowing the measurement of sound levels to be made from the property line. The property is located at the southwest corner of Cloud and Rittenhouse roads. *Continued from the July 9 Commission Meeting.* Staff is recommending approval of SP08-073, CU08-074, subject to the Conditions of Approval outlined in the staff report.

Planner Williams presented the staff report, noting the subject area is a 35-acre portion in the center of the farm, which is a total of 270 acres. Mr. Williams reiterated the applicant is requesting to allow large musical events to be held up to 15 days per calendar year, with an ending time of no later than 11 p.m. They are requesting that noise measurements be made from the property line and are also requesting temporary directional signage to be installed throughout the town at key locations for the purpose of better traffic management. In addition, the applicant is requesting smaller scale events. As such, Mr. Williams illustrated a small event site plan. The example illustrated was for a model sail plane event. This site plan included a parking and camping area on the site plan. Mr. Williams noted that camping is already permitted at Schnepf Farms. The medium-sized event is very similar with just more attendees. An example of a medium-sized event would be the battlefield reenactment. Mr. Williams illustrated the areas for the battlefield reenactment, the temporary staging area for actors, and parking to the north. An example of a large-sized event would be the Edgefest concert. Mr. Williams illustrated the layout for that as well.

Mr. Williams noted that staff has received public comments, both in favor and in opposition. During the Work Study Session, staff provided to the Commission all public comment received up until 4 p.m. today. Mr. Williams noted that staff has also received a petition in opposition to the applicant's request. At the Commission's request, a map was generated which included all addresses listed on the petition that are in Maricopa County. The map included a one-mile and a two-mile ring showing the proximity of the petitioners to the subject property.

Mr. Williams summarized the Conditions of Approval, noting the key points as follows:

- This Conditional Use Permit shall be tied to the original rezoning of the site, which is scheduled to terminate in 2013 unless the Town Council reapproves it;
- Staff is recommending an ending time of no later than 11 p.m., with additional language inserted as follows: ALL AMPLIFIED MUSIC AND NOISE AT EVENTS SHALL CEASE BY 11 P.M.
- Fireworks shall end no later than 10 p.m.
- All events held at Schnepf Farms are to comply with the Town of Queen Creek and Maricopa County dust control standards and ordinances.
- Sound levels shall be measured from Signal Butte Road to the west, Cloud Road to the north, Rittenhouse Road to the east, and Riggs Road approximately half a mile south of the Riggs Road alignment to the south, and shall comply with all aspects of the Zoning Ordinance.
- The applicant must provide specific locations for where they are requesting temporary directional signage be installed. These locations must be approved by the Town Traffic Engineer and Neighborhood Preservation Staff. The applicant has offered, and Town Staff has agreed, to changing the size of these directional signs from 5 square feet to up to 6 square feet (2 feet X 3 feet).

Mr. Williams stated staff is recommending approval of this request, subject to the conditions of approval set forth in the staff report.

QUESTIONS FROM THE COMMISSION:

Commissioner Sossaman questioned the noise standards and boundaries, asking for more detail as far as what type of noise levels would be measured and from what points. Mr. Williams responded the current noise ordinance contained in the Zoning Ordinance allows for different levels of noise based on the timing and intensity of the noise. A short duration noise is allowed to be higher in decibels than something that would be longer in duration. The Zoning Ordinance states a short duration noise (1-2 minutes) is allowed a maximum of 75 decibels. A longer duration noise (one hour) is required to be no more than 55 decibels. These decibel levels are required to be measured from the property line.

Commissioner Sossaman asked what he would hear one foot over the property line at a 55 decibel level while a concert is going on with amplified speakers. Mr. Williams responded by using a Pegasus Airpark exhibit as an example, stating that a major arterial road averages about 65 decibels over time during a rush-hour period. This sound would be 10 decibels less.

Chairman Ingram asked about the sound measurements that were taken during last year's event. Mr. Williams stated that a Temporary Use Permit was issued for the Edgefest event last year. One of the concerns at that time was for noise bleeding over into the wash. During the height of the event, during the headlining act, Mr. Williams conducted a series of patrols on foot, at which time he could not hear any of the concert noise bleeding over to Signal Butte Road, Cloud or Rittenhouse roads. Mr. Williams stated at that time he was hearing more traffic noise than concert noise.

Last year, all speakers were directed facing south, away from residential areas. Staff is recommending the speakers be set-up the same way this year. Chairman Ingram asked if any noise complaints were received last year. Mr. Williams responded there were no complaints filed last year. This was verified through the Code Enforcement department who is responsible for responding to these types of complaints, as well as telephone reception staff.

Mark Schnepf, 22601 E. Cloud Road, Queen Creek, addressed the Commission. He provided a brief history of the request, and addressed some public comments/concerns of which he has already been made aware.

He stated Schnepf Farms began operations in 1941; Public participation at the orchards and fields started in the 1970s. The first entertainment event was hosted in the 1980s. A Special Use Permit was granted by the Town in 1993 for Country Thunder, which allowed up to 150 days of events per year, including music concerts; however, no music concerts took place at that time. Mr. Schnepf provided background information for when Country Thunder was held at Schnepf Farms. He stated the process and goal of Schnepf Farms to host music concerts is not new. This use was started in 1994. Mr. Schnepf has been active in recruiting music events to the Farm since Country Thunder found a new venue, with Edgefest being held last year. Edgefest is held on a 34-acre portion of the farm which is currently zoned Agriculture, but which is also zoned for camping and parking and other small level events.

This request is being presented in order to streamline the Schnepf's process for obtaining Use Permits for musical events held throughout the year. If approved, this request will allow the Schnepfs to obtain one Conditional Use Permit, limiting the number of days to 15/year for musical events, rather than coming back to the Town on a repeated basis for Temporary Use Permits.

Mr. Schnepf also provided information on the overall goal of Schnepf Farms being farm preservation, noting it has been the community's shared goal since the Town incorporated in 1989 to preserve farmland. Mr. Schnepf stated the way his farm preserves agriculture is by bringing entertainment and education uses onto the farm. The concerts are just a portion of that, which bring in revenue to support the farm.

Mr. Schnepf noted the events for which Schnepf Farms donates their land include the Kiwanis 4th of July Celebration, staging area for London's Run, church campouts, Trunk or Treat activities, scouts and local school fundraisers.

Mr. Schnepf then addressed issues raised by the public that he has become aware of, including:

- 1) **Traffic** - This is being coordinated with the MCSO and Town's Traffic Engineer. This will become less of a problem when Riggs Road is extended.
- 2) **Dust** – The Town has adopted very strict dust-control measures, and closely monitored this last year. Mr. Schnepf complied with all dust issues.
- 3) **Alcohol** – Alcohol is a part of music concerts, as well as sporting events and dinner theater.
- 4) **Noise** – Noise to the west last year was minimal, as speakers are facing south, which is vacant land and eventually will be commercial.
- 5) **Additional fireworks** – None will be done after 10 p.m.
- 6) **Compatibility** of the use to the surrounding area – Mr. Schnepf disagrees with this as being a problem or legitimate issue. He stated they've been doing music concerts at the farm since 1994, which is a great use and opportunity for people to get out of the city and come to the country, with a venue that offers wide open spaces, which is different from anything else in the Valley.

Mr. Schnepf noted the development south of Schnepf Farms will be a commercial project to include big box users, an auto mall, a hospital, and multi-family housing. In addition, Riggs Road is planned to be a six-lane road of regional significance. Mr. Schnepf stated he feels these two projects will have a far greater impact on the lifestyle and the country atmosphere than the music events being hosted at Schnepf Farms. With this in mind, he stated he hopes his neighbors would weigh the benefits of having preserved farmland close to them with the inconveniences of having a little added traffic and noise a few days of the year.

QUESTIONS FROM THE COMMISSION:

Commissioner Sossaman asked who is responsible for measuring the noise levels. Mr. Schnepf responded he has not received specific complaints that needed to be addressed. He does not have the answer to this question. He stated he had a situation with one of his Christmas events that included amplified speakers facing directly west and the Christmas music was left on overnight. Once he was notified of this, he made sure the speakers were turned off every night at 10 p.m. He deferred to staff to answer Commissioner Sossaman's question.

Commissioner Sossaman asked based on the size and days of the concert, how is traffic coordinated – is it done through the Town, the Sheriff's office, or is a special patrol requested?

Mr. Schnepf responded the special events are actually put on by promoters. Mr. Schnepf is the property owner and leases the property to the promoter. The promoter is responsible for putting together a traffic plan far in advance of the event, which is then submitted to the Town staff who reviews the traffic plan (including the Traffic Engineer and Sheriff's department). If the Town or Sheriff's office has any concerns or want to make changes, they have the right to make changes to the traffic plan.

There were no further questions by the Commission for the applicant. Chairman Ingram opened the Public Hearing.

Chairman Ingram read "Request to Speak Cards" from people who did not wish to speak, but wanted their comments read into the record:

- 1) Luis Gomez, no address provided (Queen Creek) **opposed** to request due to traffic and noise generated.
- 2) Velia Gomez, no address provided (Queen Creek): **opposed:** I am strongly in opposition to this request. I am deeply concerned about the traffic and noise these events would generate. And as you know, dust is always a concern. I ask that you please vote against this request. Thank you!
- 3) Nikki Price, no address provided (Queen Creek): **opposed:** As a neighbor and supporter of the Farm I am extremely concerned about these events. Traffic that roads cannot accommodate, the farm is not enclosed with fencing to at least attempt to contain stragglers and Mark stated that would be to (sic) expensive. Does he or the Town care about these issues?
- 4) Ruth M. Reese, no address provided (Queen Creek): **opposed:** I am against more liquor sales and additional noise.
- 5) Joyce Bond, no address provided (Queen Creek): **opposed:** This is very near my home and at present, a quiet neighborhood. Having all these extra people and noise is completely unacceptable.
- 6) David Weiss, no address provided (Queen Creek): **opposed:** Unfortunately I cannot stay due to a QC Parks & Recreation basketball practice. First, there would be a significant noise impact to the surrounding neighborhoods. Just because the stage is facing one direction, the noise will go in all directions. Second, the committee has not addressed the safety of residents/drivers due to alcohol-related accidents. Five hundred plus persons leaving a venue after drinking alcohol will produce a very high potential of serious accident either in town or further outside of town. The Town has a major reputational risk. The committee has not addressed any risk management controls, such as server tracking, ID checks, bag checks, driver checks and high liquor liability insurance requirements with protection for the Town in the form of additional insured protection.
- 7) Ruth Ann Tryon, no address provided (Queen Creek): **opposed:** I am generally in favor of the events held at Schnepf Farms. Rezoning for events on this scale will have both safety and noise issues detrimental to our neighborhood.
- 8) Dawn Wallner, no address provided (Queen Creek): **opposed:** I am strongly opposed to Schnepf Farms' request. Traffic is already a nightmare. October fireworks and Christmas music all night long is already too much! I live here for serenity of the country.
- 9) Allen Prather, no address provided (Queen Creek): **opposed:** Traffic is bad enough on Cloud Road. I reside on Cloud Road 2 houses from Schnepf Farms. In the past on the 4th of July I have observed several people urinating on my front lawn, parking on my property and loud drunk people walking around the area. NO MORE!!

PUBLIC COMMENTS FROM PEOPLE WISHING TO SPEAK:

- 10) Velia Gomez, 22337 E. Cloud Road, Queen Creek; **opposed:** with respect to what has already been said, she stated, “yes, we do hear noise. And as far as the complaints they have had to call the Sheriff’s office a couple times because of the Christmas music that was on all weekend long that time. But, traffic is really a concern for us and also the noise too. I don’t think it’s something you can really contain. And out there it’s just so quiet out there and it just travels and I don’t think there’s a whole lot you can do about that. I mean I’m hoping you will vote against it.
- 11) Adrienne Call, 24820 S. 223rd Place, Queen Creek; **opposed:** Ms. Call read a letter (also submitted to the Town) “Schnepf Farms has been an asset for not only Queen Creek, but for the whole state of Arizona by giving people a chance to experience the farm just like Mark has said and it’s something that I’m usually proud to be next to, but and I feel like Queen Creek’s identity of being the rural, agricultural and family-oriented place that it is, I feel like it’s at risk right now with this proposal. In the staff report I want to address on the nine standards for the Conditional Use Permit, I want to address number 5 and number 8. Number 5 states that the proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas. And living where we do there are noise issues but I haven’t complained because I like Mark. He’s a friend of mine, so I haven’t really complained but I am concerned about having 15 additional concerts that could be as large as the Edgefest concerts. And on the 4th of July we have left town the last three years because of the dust and the traffic issues that the 4th of July has brought into Schnepf Farms. We can’t even enjoy having a nice pool party outside on our patio because of all the dust. Of course we would like to enjoy them for their fireworks. Okay, number 8 states the operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. I am worried about the public health and safety. Our traffic in Queen Creek cannot tolerate an additional 10,000 cars coming to a concert off of Rittenhouse. When I’ve eaten at Schnepf’s restaurant, it’s been difficult to get out back onto Rittenhouse and that’s just on a normal day without a big concert. And I’m also worried about those same drivers that are trying to get out who will have been drinking and they will be inebriated from the beer garden, and so I’m just worried about that. I just want to say I’m very concerned about the Edgefest concert. They were kicked out of Tempe for their, crude and obnoxious behavior. The promoter is Edge103 who also produces the “Get Naked Concert Report” Is this what you as town leaders and planners want to support? This goes against the family-oriented, rural ambience that is here in Queen Creek that we have right now, which is what I thought was our goal. The proposal that they’re asking I feel like they’re laying the groundwork to let these types of promoters come into Queen Creek and once they get the permit, there’s nothing that we can do to stop it. I employ you to think carefully about these proposals and the future significance of them. I remember reading last year that the City of Mesa turned down a proposal for a nightclub on Power Road because the neighbors were concerned about what it would do to their neighborhood. Please give us the same courtesy. I want Schnepf Farms to succeed but not at the risk of losing what Queen Creek now has. Thank you.”

- 12) Michelle Solomon, 22209 E. Merlot Street, Queen Creek; **opposed**; Ms. Solomon stated she has been long time friends with Carrie and Mark, and when people ask her where she lives, she loves to be able to say, “a quarter mile west of Schnepf Farms” because it’s a landmark that she’s been very proud of. She enjoys the Peach Festival and the Pumpkin Chili Festival, and has enjoyed taking her children. Ms. Solomon stated she feels the Schnepfs have been very generous to allow London’s Run and she’s been very proud of all of the things that have transpired there. However, she is very worried about the things she hears from children who come home from high school talking about what other kids have said about the things that have gone on at Country Thunder and at Edgefest. She has not been proud or happy with that. She addressed the traffic issue stating she lives near Cloud and Signal Butte and it traffic is difficult now. Her greatest concern is just the moral climate that the Edgefest and Country Thunder-type events bring. She stated that approximately 8 years ago, she was at the Farm with her children during a TV spot and at that time Carrie Schnepf had mentioned how great it would be to get Metallica to come out to the Farm sometime. Ms. Solomon was in disagreement and voiced her concern that it is this type of thing she’s worried about.
- 13) Lori Morris, 2613 W. (inaudible) Court, Morning Sun Farms, lives south of Schnepf Farms. **Opposed**. When Edgefest was at Schnepf Farms last year, Mrs. Morris did hear the music, as the speakers were faced south towards her home. The noise woke up her baby. She is concerned about the noise, with the speakers faced that way. She is also concerned about the traffic. In order to get to her home, she has to drive down Cloud, Rittenhouse, Ellsworth, where the traffic is. She is also concerned about alcohol and people driving while intoxicated. She agrees that Schnepf Farms has given the community lots of great opportunities and fun activities, but is concerned about continual concerts.
- 14) Leroy Hale, 22317 East Merlot Street, Queen Creek. **Opposed**. Mr. Hale stated he has not seen anything on the plan so far as far as egress or ingress for this facility. He understood from the neighborhood meeting that the traffic travel down the Riggs Road alignment, which is a dirt road. He stated he knows what happens when the fireworks went down Signal Butte Road, which is not a city or county road, but is maintained by the residents who live there. They are currently faced with four nights/week with fireworks that go to 9:30 two nights week and until 10:30 on two other nights of the week. He stated a lot of the community works in construction or other fields that require them to go to bed early and get up early. He cannot listen to the TV news at 10 pm without turning the volume on the TV way up because the fireworks are so noisy in his house. He stated the plan he sees now is different from what Mr. Schnepf indicated at the neighborhood meeting. Originally, the stage was going to face the west. He stated, “we need to do something to keep this as a family area. There are a lot of people that live here and that love to live here, and want to continue to live here.” He understand the request to populize (sic) the farm, but he encouraged the Schnepfs to go into different areas that are more family oriented, since that is what they originally started out with. When the fireworks were done last year, Cloud Road was closed off completely on both ends. He stated he tried to come home and met an officer that told him he couldn’t drive that way. Once he told the officer he lived there, he was let through; however, there were other people that were directed back around and had to come in the other way to get home. Also during the fireworks, Mr. Hale stated there was so

much dust, the children who were swimming in their pools were coming out covered with dust. He has not seen anything happening with dust control. He stated whatever Mr. Schnepf said he was putting down only lasted as long as it took for 5 cars to drive over it. It only lasts longer if the layered surface is watered for every 10 cars. He stated there is no way to keep the dust under control with as many cars as are anticipated unless the road is paved – not graveled. He stated Signal Butte Road is a private road, and as such should not have any more traffic on it from this event.

- 15) Peggy Peterson, 24824 S. Signal Butte, Queen Creek. **Opposed;** Mrs. Peterson stated she likes the farm, the pumpkin chili festival, and a lot of the family events that have been established over the years; however, she is very concerned about the future of the town. She loves her home and her neighbors and her community. She stated that Mr. Schnepf had mentioned he wanted signature events for the community. She wants the Town Council to think about signature events and signature things that define who the Town is. She stated that Edgefest was so rowdy that the Town of Tempe kicked them out. There was a lot of drinking, alcohol, marijuana, and crowds that were completely out of control. She does not feel comfortable with putting an event like this as the signature event for the community. She thinks it will change everything about Queen Creek. She is also concerned about other concerts that could come to the community with no limitation on who is invited. She is very concerned about safety, and feels this may be her top priority. Road access is very difficult. She feels there will be fatalities. A recent fatality on Hunt Hwy. shut down traffic for six hours. She is worried that the traffic will not slow down at all. She addressed the shopping center planned south of Schnepf Farms, stating that hospitals do not allow decibel levels over (inaudible). Therefore, a hospital could not be placed there since the speakers face south. Either the speakers would have to be moved to face west or other residences, or there could not be a hospital there. She stated there are quite a few issues that would affect the future planning of the community. She said that parking was right next to her yard last year, and it is again planned this year to be within 100 feet of her property line. She stated last year, the lights were so bright she could not see anything when she walked outside. She stated the people doing drugs and alcohol stand right next to her property and are allowed to do so because there is no fencing.
- 16) Elise Dana, 22325 E. Vallejo Street, Queen Creek. **Opposed;** Ms. Dana stated she started the petition. She is a mother of three small children. She was in an accident on Signal Butte and Cloud roads last year with a non-intoxicated driver. The other driver did not want to wait for Ms. Dana to make a left-hand turn on Signal Butte Road. This tells her the Town cannot handle intoxicated drivers on a dark street. There are no streetlights. She also does not think the decibels need to be raised because her children cannot sleep at night. She stated her son was crying for hours until the noise tamed down. She feels this is just too much. She has asked for a perimeter fence along the west side to keep people from coming into her neighborhood. There are currently only sparse trees with big spaces, giving people free access to the neighborhood. She feels she needs to change the way she lives. She has to lock up everything she owns. She does not feel this is a family-friendly event. She supports Schnepf Farms and was proud to move in next to it, but she does not support this because it is not safe, it is not good for the community and it does not send a good message.

- 17) Chad Dana, 22325 E. Vallejo Street, Queen Creek. **Opposed**; Mr. Dana stated he moved in next to Schnepf Farms, and it has never been a problem because it's always been a limited amount of concerts and fireworks. It's been loud, but they've enjoyed it. His concern is with the 4th of July due to the number of people who show up. He stated people who come to the 4th of July celebration drive through his neighborhood to look for free parking so they do not have to pay to see the fireworks. There is a lot of dust, and it's not fun to be around. He stated his family usually goes out of town so they do not have to worry about it because people park in front of the house to watch the fireworks. He feels this will also happen with Edgefest. He is also concerned with traffic during rush hour in Queen Creek. People on two-lane roads who are impatient try to pass illegally and cause severe accidents. What will it be like after a long day of having fun and drinking and coming out onto a little two-lane road that is backed up. He feels there will be a lot more of this. He questioned if Queen Creek is really ready for an event this size.
- 18) Paul D. Reese, 24712 S. Signal Butte, Queen Creek. **Opposed**; Mr. Reese stated he has submitted a letter to the Commission. He noted many of the things spoken about at this meeting show genuine concerns. He stated the City Council (sic), should consider all of the area and everyone's feelings. He stated his admiration for the efforts of Mark Schnepf, the Town and the community; however, he thinks it is a mistake to allow an event like this that brings in 18,000 people. His neighborhood has to tolerate the people who are not going to stay on the farm. He feels as the events get bigger, there will be more problems. There will be people complaining to the Town because it's affecting the safety of the children and the community. He stated the traffic affects the quiet neighborhood trying to maintain family life. He is concerned about this one event causing drug and alcohol problems. He feels this is well monitored on Schnepf Farms, but he knows the applicant has no responsibility for what happens outside of their property.
- 19) Wayne Call, 24820 S. 223rd Place, Queen Creek. **Opposed**; Mr. Call stated he has known the Schnepfs for 25 years, considers them friends and thinks they have been an asset to the community. Mr. Call stated the petition has nearly 100 signatures in opposition to this Conditional Use Permit. He stated more signatures will be coming. He recognizes he lives on a County island. Many of the County island neighbors feel they do not have a voice in the community because of living on the County island. He considers himself a member of the community and would like to feel that the Commission and the Town Council considers his concerns about this request. He feels if this request were approved, and up to 18,000 people per event were allowed to come in, this is over a quarter of a million additional people annually that will come onto Queen Creek's roadways and into the community. He questioned if Queen Creek is able to handle this additional traffic on an annual basis. If this is done over five years, it is over one million additional people coming into the community. Although this is good advertising for bringing people into the community, he asked if the Town is ready to handle this onslaught. He referred to the Edge Web site and stated the promotion of the "Get Naked Concert Reporting" series is not appropriate and does not send the right message to the outside community that Queen Creek is a family-oriented community. He also feels the dust is out of control and is an issue the Town needs to address if this request is approved. Alcohol also is a major concern and impacts safety.

20) Michael Robin Benning, 20521 E. Ocotillo Road, Queen Creek. **In Favor.** Mr. Benning believes there are legitimate concerns that need to be addressed and met by Town staff. He stated staff is very highly qualified to act on behalf of the residents to coordinate traffic, dust control, security issues, etc., which are outside of the plan. He believes the most important thing is to promote some other economic development components, such as entertainment and tourism. Unfortunately, construction has greatly decreased so the Town cannot depend on those revenues. He stated he is also concerned about noise. He took his children to the concert last year and found it to be very well-controlled, with the exception of the traffic situation. He stated he did not see drugs. He believes this Conditional Use Permit meets the criteria, although the one event in particular may not make many members of the community happy.

There were no further public comments. Chairman Ingram closed the Public Hearing.

Mr. Schnepf responded to the concerns raised during the Public Hearing. He stated he respected the people who spoke and respects their arguments. He stated his opening remarks attempted to answer these issues. He reiterated that the Town Traffic Engineer and the MCSO office are working to smoothly move people in and out of the property. He added that this will be done at the promoter's expense, not the taxpayers'. He stated Schnepf Farms usually moves about 120,000 people in and out of their property in the month of October. Since it is spread over 16 days and people come and go throughout the day, the traffic is not felt as significantly as it is with a one-day event. Referring to the alcohol consumption issue, Mr. Schnepf stated this is overseen by the State Liquor Department and the laws are enforced by the MCSO personnel who are on site. There are stiff penalties and fines imposed if the laws are not followed. He added that Arizona is one of the toughest states in the nation concerning liquor laws. Referring to the type of music at Edgefest, he stated he walked around the event and was pleasantly impressed by the number of young adults (13-15 year olds) who were present walking around with their parents. He does not think this is what some people perceive to be a drinking binge or drug usage event. He stated things ran well with Edgefest at Schnepf Farms last year. The difficulties experienced in Tempe were not experienced at Schnepf Farms. He reminded the Planning & Zoning Commission that the application is for up to 15 days of music events, some of which may not be anything like Edgefest. They may be Christian or other religious music. He feels there may be concerts hosted that would accommodate people who do not like the Edgefest type music. He has asked Edge 103 to correct some items on their Web site in the past, which they have done. He will ask them to remove the "Get Naked" information. Regarding dust complaints, he feels most of these complaints came during the 4th of July event, which is controlled by Kiwanis and not him. Although, now that he, as a property owner, can be fined by the County for dust control, he has taken a much more active role in making sure Kiwanis is complying with dust regulations. He does not feel this will be a problem in the future.

Mr. Schnepf noted that there are a number of smaller events for which the property is currently not properly zoned. This application also addresses those issues, so that he can continue to legally bring these smaller events, such as London's Run and the historical battlefield reenactment, to Schnepf Farms.

Commissioner Perry asked Mr. Schnepf to address the issues raised by residents concerning the lack of fences or any types of barriers to stop people from cutting across from Schnepf Farms to the residential neighborhood to find free parking. Mr. Schnepf responded the area to the west which is immediately adjacent to the residents has a big dip filled with weeds and a line of trees. It is a little difficult to get from the parking areas, through the weeds and the dip and get over into the other neighborhood. He stated he does not know of any actual situation where people have wandered from the Schnepf Farms parking lot over to the neighbors' area. He intends to fence his property; however, at this point it is an economic issue. When he is able to install fencing, the area running along the Signal Butte alignment, which is approximately $\frac{3}{4}$ of a mile will be the first area he fences. The actual area where the concert is held is temporarily fenced by the promoter.

Commissioner Sossaman referred to the different types of concerts that Mr. Schnepf recruits, noting that the Commission and the Town Council do not have the authority to decide what type of music is and is not played. The role of these two bodies is to decide if this is a proper use for the property. He stated it is up to the property owner to decide if the person coming onto their property will be complying with the rules and regulations of the use of the property pertaining to sound, dust, etc. Commissioner Sossaman stated a lot of the comments made tonight were in opposition to the kinds of people that would attend the event, or the kinds of concerts that would attract a certain kind of person. This is a valid concern, but not for the Planning & Zoning Commission to decide. He asked Mr. Schnepf to explain how he, as a landowner, looks to promoters and to events to decide who he would want to recruit.

Mr. Schnepf responded he and his wife have worked for years to build up their reputation in the community and state-wide, so they do not want to do anything to damage that reputation. He doesn't necessarily like the type of music played at Edgefest, however, it is not a bad event. In his contracts with groups, he ensures through broad contractual content that nothing related to drugs or obscene behavior occurs on his property. He stated there is a broad range of entertainment that appeals to a diverse range of people that may involve the use of alcohol, as most entertainment events do include.

Commissioner Atkinson asked if Mr. Schnepf has an expected timeframe for fencing the west portion of his property. Mr. Schnepf responded he does not have a schedule for installing permanent fencing; however, he could install temporary fencing if that is required for this event. The cost of permanent fencing, along with an open issue of road right-of-way at Signal Butte Road, makes it difficult to give a timeframe for permanent fencing.

Commissioner Atkinson then asked if the request is for 15 additional days for events each year on top of what is already allowed. Mr. Schnepf clarified the application is for approval of 15 days total in a calendar year of music concerts. At this point, he just has one future event booked, which is a two-day Christian music festival. The previous permit allowed Mr. Schnepf a period of 150 days. He is requesting 15 days, as he thinks this is a reasonable amount of time that would allow him to develop this part of his business without being so repetitive that it would impact his neighbors too often.

Commissioner Fehlan asked if the contracts with the promoters could include monitoring the alcohol consumption of the attendees. Mr. Schnepf responded the promoters do monitor this. They are under State regulation. Mr. Schnepf stated the State Liquor Department sends out spotters that roam the crowd looking for underage drinking, etc. In addition, the Sheriff's Department monitors drinking.

Commissioner Atkinson asked if the noise from the concerts at Schnepf Farms could impede the construction of the planned hospital. Planning Manager Balmer responded the construction of the hospital is several years away. There is another hospital currently under construction at Combs and Ironwood roads. The site that's referred to on Riggs Road is owned by Catholic Healthcare West (CDW), which is a competing hospital. Typically, hospitals begin as a clinic and then evolve into a hospital. Several hospitals are located at freeway entrances/off-ramps and are in environments that have exposure to noise. Construction methods for in new hospitals are done to ameliorate noise. Mr. Balmer referred to the hospital located at Combs and Ironwood, which are two heavily-trafficked streets. That hospital has a helipad and other activities at this location.

In response to a question from Commissioner Sossaman on processes and procedures for differing types of Conditional Use applications, Planning Manager Balmer stated that the Stipulation #4 on the Conditions of Approval state: "Any event over 500 attendees in the area of the farm identified under this Conditional Use Permit shall require a Tier 3 Special Event Permit and administrative approval by Town Staff." When a Special Event Permit is approved, the Town is looking for noise, dust, etc. to be regulated as part of the permit. In this way, the Town does take an active role in these requests. The Town is currently reviewing different methods for including additional interaction among Town staff and agencies such as the Sheriff's Office in an effort to be proactive. Mr. Balmer pointed out that Queen Creek is a rural community that does not have wide streets, such as what's typically found in an urban setting. In this case, the applicant is requesting approximately 5 days of events for every 120 days of the year. He stated Schnepf Farms is currently in a transitional position from rural to urban, with the question remaining of when does it outgrow its facility and when does it transition to something else. This is part of the reason the staff recommendation includes the stipulation that this permit be linked to the permit previously approved by Town Council on the entire property so that the use of the property for this particular event could be evaluated by the Council in 2013 as part of their decision on whether or not this should continue.

Commissioner Sossaman clarified with staff that if Mr. Schnepf wanted to apply for permits on a repetitive basis, such as two times/month, those requests would be reviewed on a case-by-case basis. With approval of this request, the permit allows up to 15 days, processed administratively through the Town staff, rather than going through the Commission and Town Council. Mr. Balmer added that the reason for this request is to say that the process if approved generally, then technical issues for each particular event would still be reviewed and worked out.

Commissioner Sossaman asked for clarification on what would be a deciding factor that would cause the Town to deny a specific request due to either the promoter isn't willing to have adequate security or the physical barriers are inadequate, etc. Mr. Williams responded to the Commission, stating through the Special Event Permit process, in the event that all departments could not reach agreement, then the permit could be denied. If a promoter would be unwilling to provide something

the Sheriff's Office is requiring, then the Town could deny the permit. This is an example of built-in safeguards for what the Town is recommending.

Commissioner Sossaman raised a concern about off-street parking that occurred last year after the event had already started, and asked how the Town would mitigate this from happening again. Mr. Williams responded that to address the case of off-street parking that occurred last year along the Rittenhouse Road right-of-way and the Union Pacific Railroad right-of-way, staff has included a stipulation in the Conditions of Approval to build-in "No Parking" signage along this entire area to give the Sheriff's Office the ability to cite drivers who park here. This is in addition to installing hard traffic tape barriers. The Town's Traffic Engineering Department is also devising a plan to either have a tow-truck immediately available on-site, or have Deputies available patrolling that can immediately address the problem. The issue last year with parking was that security was internal to the site. There was roping security, however, within a few minutes too many cars were illegally parked that could not be responded to quickly.

In response to a question by Commissioner Perry, Mr. Williams stated that Edgefest would take place through a Temporary Use Permit, which are administratively approved at the staff level with significant oversight. The permit for this year's Edgefest is not finished, but the application has been filed.

Discussion ensued on controversial cases coming before the Commission and the continuances that have occurred in order to garner additional information before voting on the proposals. Commissioner Perry stated he does not want to jeopardize the Edgefest permit that is currently in the administrative approval process, but suggested action on this item be continued to a future meeting in order to give Town Staff the opportunity to monitor dust, noise, light, traffic, fencing, etc. at this year's Edgefest and allow the Commission to make a more intelligent decision.

The Commission concurred with Commissioner Perry's suggestion.

Sound monitoring devices, light meters (is light encroaching from the parking lot), check traffic patterns and receive a report from the Sheriff's office, in order to test this request.

Motion: **Commissioner Perry**

To continue SP08-073/CU08-074 Schnepf Farms Outdoor Musical Events, to the November 12, 2008 Planning & Zoning Commission Meeting, and direct Town Staff to analyze the pertinent issues, such as traffic, noise, light, dust, emergency services, and obtain an accident and traffic report from the Sheriff's Office, as well as a report of any calls that are received by the Sheriff's Office or the Town, with staff to enumerate what the specific comments and/or complaints are.

2nd: **Commissioner Sossaman**

Vote: **All ayes. Motion carried, 6-0 (Moore absent).**

ADMINISTRATIVE ITEMS (if not done during Work Study)

All Administrative Items were discussed during Work Study Session.

6. **Discussion and Possible Action on Election of Chairman and Vice-Chairman**
7. **Review** of next month's agenda items.
8. **Report** on Town Council Action
9. **Communication** from members of the Commission and Staff.
10. **Adjournment**

Motion: **Vice-Chairman Trapp-Jackson**

To adjourn.

2nd: **Commissioner Atkinson**

Vote: **All ayes. Motion carried 6-0. (Moore absent)**

The meeting adjourned at 8:45 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Steve Ingram, Chairman

ATTEST:

Laura Moats, Community Development Assistant

I, Laura Moats, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the August 13, 2008 Regular Session Meeting of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 4th day September, 2008.

Passed and Approved this 10th day of September, 2008.