

CityClerk

From: Paxton, Kara
Sent: Friday, March 11, 2022 1:34 PM
To: CityClerk
Subject: FW: Request to appeal planning commission's February 28, 2022, decision

Follow Up Flag: Follow up
Flag Status: Flagged

Team,

I received the below email from Council Member Jones. He is supporting the appeal to go to City Council regarding the Planning Commission decision.

Thank you,

#

Kara Paxton, MSISM, CMC
City Clerk Treasurer
City of Fayetteville, Arkansas
kapaxton@fayetteville-ar.gov
T 479.575.8323#



From: D'Andre Jones <dre91732000@gmail.com>
Sent: Friday, March 11, 2022 12:11 PM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Subject: Fwd: Request to appeal planning commission's February 28, 2022, decision

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kara I am forwarding this item for appeal per Blake Pennington

----- Forwarded message -----

From: **D'Andre Jones** <dre91732000@gmail.com>
Date: Fri, Mar 11, 2022 at 10:34 AM

Subject: Fwd: Request to appeal planning commission's February 28, 2022, decision
To: Blake Pennington <bpennington@fayetteville-ar.gov>, Kit Williams <kwilliams@fayetteville-ar.gov>

Good morning I would like to bring a resolution forward appealing the planning commissions deciding to the city council on behalf of Prairie Street!!

Sent from my iPhone

Begin forwarded message:

From: April Lee <praiiestreetlive@gmail.com>
Date: March 7, 2022 at 12:29:31 PM CST
To: "Harvey, Sonia" <sonia.harvey@fayetteville-ar.gov>, "Jones, D'Andre" <dandre.jones@fayetteville-ar.gov>, "Kinion, Mark" <mark.kinion@fayetteville-ar.gov>, "Scroggin, Sloan" <sloan.scroggin@fayetteville-ar.gov>, "Wiederkehr, Mike" <mike.wiederkehr@fayetteville-ar.gov>, "Bunch, Sarah" <sarah.bunch@fayetteville-ar.gov>
Subject: Request to appeal planning commission's February 28, 2022, decision

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilman,

I am appealing the decision of the Planning Commission to not grant an extra hour of music on Thursdays until 10pm and an extra day of operation each week. I believe my request should be granted pursuant to Sections 163.02 & 163.10 of the UDC because Prairie Street Live is compatible with adjacent properties and other properties in the district as well as being compatible with the goals and intent of the city's strategic plan. As of March 1st, 2022, Prairie Street Live had contracts totalling \$20,000 through April 16th cancelled due to the 9pm time constraint. 40% of that was earmarked for more noise mitigation and improvement to the property. I am requesting that three of you please support my appeal and send a letter to the city clerk stating your support. The deadline for my appeal is March 14, 2022. Thank you for your consideration in this very important matter.

April Lee
Prairie Street Live
509 W Prairie St.
Fayetteville, AR 72701
479.236.2404
www.praiestreetlive.com



CityClerk

From: Kinion, Mark
Sent: Friday, March 11, 2022 3:02 PM
To: Williams, Kit; Paxton, Kara; Pennington, Blake; CityClerk
Cc: praiestreetlive@gmail.com; Harvey, Sonia; Jones, D'Andre; mcwied@icloud.com; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Hertzberg, Holly
Subject: Appeal Prairie Street Live

Follow Up Flag: Follow up
Flag Status: Flagged

I will sponsor an appeal of the recent Conditional Use permit approved by the Planning Commission regarding Prairie Street Live.

Prairie Street live is near the Arts Corridor and could be compatible. It offers a venue for local bands/events. It has affordable/free tickets offering entertainment to a broader base of citizens. This also is more affordable for large families.

The owner has requested the appeal. I believe with sound abatement measures in her plans this venue could possibly meet Fayetteville's Sound Ordinance. It is a needed entertainment venue with a unique niche.

-Mark Kinion
Council Member
Ward 2 Position 1

CityClerk

From: Harvey, Sonia
Sent: Thursday, March 10, 2022 4:47 PM
To: Pennington, Blake; April Lee
Cc: CityClerk; Williams, Kit
Subject: Re: Request to appeal planning commission's February 28, 2022, decision

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: FYI

Got it, thanks!

Sonia Harvey
Fayetteville City Council Member
Ward 1, Position 1
(479) 409-5064

Report a concern:
<http://www.fayetteville-ar.gov/1782/Report-a-Concern>
Speak up on City projects:
<https://speakup.fayetteville-ar.gov/>

From: Pennington, Blake <bpennington@fayetteville-ar.gov>
Sent: Thursday, March 10, 2022 10:37:51 AM
To: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; April Lee <praiiestreetlive@gmail.com>
Cc: CityClerk <cityclerk@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: RE: Request to appeal planning commission's February 28, 2022, decision

Thanks, Sonia. This is the first appeal email I have seen so far. The City Clerk will need two more council members to sign on to add this to the next available agenda.

Thanks,

Blake

--

Blake E. Pennington
Assistant City Attorney
Tele: (479) 575-8313
bpennington@fayetteville-ar.gov

From: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>
Sent: Thursday, March 10, 2022 9:25 AM
To: April Lee <praiiestreetlive@gmail.com>
Cc: CityClerk <cityclerk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Re: Request to appeal planning commission's February 28, 2022, decision

Good morning!

I am happy to bring April's appeal to Council. Her business is a cornerstone of the Arts Corridor.

Let me know what I need to do to continue the process.

If my replies are slow, feel free to text or call and leave a message the number below.

Sincerely,
Sonia Harvey
Fayetteville City Council Member
Ward 1, Position 1
(479) 409-5064

Report a concern:
<https://documents.fayetteville-ar.gov/Forms/ReportAConcern>

Speak up on City projects:
<https://speakup.fayetteville-ar.gov/>

From: April Lee <praiestreetlive@gmail.com>
Sent: Monday, March 7, 2022 12:29:26 PM
To: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Kinion, Mark <mark.kinion@fayetteville-ar.gov>; Scroggin, Sloan <sloan.scroggin@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>
Subject: Request to appeal planning commission's February 28, 2022, decision

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilman,

I am appealing the decision of the Planning Commission to not grant an extra hour of music on Thursdays until 10pm and an extra day of operation each week. I believe my request should be granted pursuant to Sections 163.02 & 163.10 of the UDC because Prairie Street Live is compatible with adjacent properties and other properties in the district as well as being compatible with the goals and intent of the city's strategic plan. As of March 1st, 2022, Prairie Street Live had contracts totalling \$20,000 through April 16th cancelled due to the 9pm time constraint. 40% of that was earmarked for more noise mitigation and improvement to the property. I am requesting that three of you please support my appeal and send a letter to the city clerk stating your support. The deadline for my appeal is March 14, 2022. Thank you for your consideration in this very important matter.

April Lee
Prairie Street Live
509 W Prairie St.
Fayetteville, AR 72701
479.236.2404
www.praiestreetlive.com





MEETING OF APRIL 5, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: March 18, 2022

SUBJECT: **APPEAL OF: ADM-2022-000001: Administrative Item (509 W. PRAIRIE ST./PRAIRIE STREET LIVE, 523):** Submitted by APRIL LEE for property located at 509 W. PRAIRIE ST in Ward 2. The property is zoned MS-C, MAIN STREET-CENTER and contains approximately 0.92 acres. The request is for an amendment of the original CUP-19-6721 (Thurs. night music until 10pm, currently 9pm/amplified music 3 days per week, currently 2/change annual review of CUP to indefinite).

RECOMMENDATION:

Planning staff and Planning Commission recommend the applicant maintain their current hours of operation, which includes 2 nights of amplified music per week, a 9 PM conclusion time for Thursday nights, and an extra day of music for previously approved city-wide events. Planning staff and Planning Commission also recommend the permit be extended indefinitely.

BACKGROUND:

The subject property is located on the southeast corner of Gregg Avenue and Prairie Street, with the Razorback Greenway/Frisco Trail bordering its eastern boundary. The property was rezoned to DG, Downtown General, in 2006 as a part of the Downtown Master Plan, and subsequently to MSC, Main Street/Center in 2019. The property is currently home to Prairie Street Live, an outdoor music venue. On August 12, 2019, the Planning Commission approved a conditional use permit (CUP 19-6721) for low-volume, ambient music throughout the week, one larger event per week with hours determined by day of the week, and one additional event per week during citywide events like Roots Festival and Bikes, Blues, and BBQ. The permit was approved for a three-month provisional period to receive a follow-up public hearing on November 12, 2019. At that hearing the permit was extended to November 12, 2020 with the possibility of further extension following a determination of nuisance and compliance with noise ordinance standards.

In January 2021, Planning Commission approved an extension to the CUP without an expiration date, and also authorized an additional hour of music until 11:00 PM on Friday and Saturday nights for a period of one year. The decision was appealed by City Council members Turk, Kinion, and Bunch, and the appeal was granted to approve only a one-year extension to the conditional use permit until February 19, 2022, with all other conditions in effect. The conditional use permit

expired on February 19, 2022, which prompted the item to be brought back to the Planning Commission in early 2022.

DISCUSSION:

The applicant requested to extend their conditional use permit approval indefinitely, as well as to allow for an additional hour of music on Thursday nights until 10 PM, and amplified music from two days per week to three days per week. They also requested consideration for an extra day of music during all city-wide events, beyond just Jazz Fest, Roots Fest, and Bikes Blues and Barbecue.

The item was first presented at the February 14, 2022 Planning Commission meeting. The applicant requested to table themselves in order to allow more members of the public to speak on the venue's behalf. 11 members of the public spoke in both opposition and support of the item at the meeting. Commissioners voted to table the item until the February 28, 2022 Planning Commission meeting with a vote of 8-0-1 (Commissioner Sharp recused).

On February 28, 2022, the Planning Commission partially approved ADM-2022-000001 by a vote of 6-0-1. Commissioner Belden made the motion, to include the following conditions:

- Extension of the permit without expiration;
- Amending existing condition #3 of the original conditional use permit, striking the provision that three documented violations of the Fayetteville noise ordinance would result in a public hearing for permit consideration for approval, amendment, or revocation; instead the permit would defer to the conditions as outlined in chapter 163.10 for noise ordinance violations associated with outdoor music venues;
- Maintaining the venue's existing hours of operation

Commissioner Sparkman seconded the motion and the vote was unanimous among present Commissioners. Commissioner Sharp recused. Approximately 11 individuals spoke in support and opposition to the amendment.

Public comment was heard at both meetings. Most of the opposition to the request comes from nearby neighbors who have issued complaints about noise disruptions, vulgar language, and parking difficulties when the venue is operating. Those in support of the request find that the venue supports the local performing arts community, hosts family-friendly events, and reflects the spirit and intent of the Cultural Arts Corridor.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Planning Commission Staff Report



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: February 28, 2022 **Updated with PC hearing results from February 28, 2022**

SUBJECT: **ADM 2022-000001: Administrative Item (509 W. PRAIRIE ST./PRAIRIE STREET LIVE, 523):** Submitted by APRIL LEE for property located at 509 W. PRAIRIE ST. The property is zoned MS-C, MAIN STREET-CENTER and contains approximately 0.92 acres. The request is for an amendment of the original CUP-19-6721 (Thurs. night music until 10pm, currently 9pm/amplified music 3 days per week, currently 2/change annual review of CUP to indefinite).

RECOMMENDATION:

Staff recommends partial approval of **ADM 2022-000001**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **ADM-2022-000001** with conditions, determining:*

- *In favor of compatibility with adjacent properties: and*
- *In favor of all other conditions as recommended by staff."*

February 14, 2022 PC Meeting:

At the February 14, 2022 PC meeting, the applicant requested to table themselves. Staff recommended a partial approval of the proposal, recommending the location to maintain its current conditional use permit, but not extend their hours of operation or nights of performance. Public comment was also heard on the item, with members of the public expressing both opposition to the request, and support of the request. In the interim, staff obtained additional clarifying information regarding the citations that were issued to the venue, which have been attached to the report. Staff also received additional public comment, which is attached to this report.

BACKGROUND:

The subject property is located on the southeast corner of Gregg Avenue and Prairie Street, with the Razorback Greenway/Frisco Trail bordering its eastern boundary. The property was rezoned to DG, Downtown General, in 2006 as a part of the Downtown Master Plan, and subsequently to MSC, Main Street/Center in 2019. The property is currently home to Prairie Street Live, an outdoor music venue. On August 12, 2019, the Planning Commission approved a conditional use permit (CUP 19-6721) for low-volume, ambient music throughout the week, one larger event per week with hours determined by day of the week, and one additional event per week during citywide events like Roots Festival and Bikes, Blues, and BBQ. The permit was approved for a three-month provisional period to receive a follow-up public hearing on November 12, 2019. At that hearing the permit was extended to November 12, 2020 with the possibility of further extension following a determination of nuisance and compliance with noise ordinance standards.

In January 2021, Planning Commission approved an extension to the CUP without an expiration date, and also authorized an additional hour of music until 11:00 PM on Friday and Saturday nights for a period of one year. The decision was appealed by City Council members Turk, Kinion, and Bunch, and the appeal was granted to approve only a one-year extension to the conditional use permit until February 19, 2022, with all other conditions in effect. The conditional use permit expired on February 19, 2022. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Single-family Residential	R-O, Residential Office; DG, Downtown General
South	Warehousing/Commercial	MSC, Main Street/Center
East	Mixed-use Residential-Office-Retail	MSC, Main Street/Center
West	Warehousing/Commercial	DG, Downtown General

Request: The applicant requests to extend their conditional use permit approval indefinitely, as well as to allow for an additional hour of music on Thursday nights until 10 PM, and amplified music from two days per week to three days per week. They would also request consideration for an extra day of music during all city-wide events, beyond just Jazz Fest, Roots Fest, and Bikes Blues and Barbecue.

Public Comment: Staff has received public comment in both support of and opposition to the request. Most of the opposition to the request comes from nearby neighbors who have issued complaints about noise disruptions, vulgar language, and parking difficulties when the venue is operating. Those in support of the request find that the venue supports the local performing arts community, hosts family-friendly events, and reflects the spirit and intent of the Cultural Arts Corridor.

DISCUSSION:

Staff partially supports the applicant’s requests. Staff finds that mounting neighborhood complaints indicate that the venue has not always positively contributed to the immediately surrounding neighborhood, but recognizes the contribution that a music venue adds to the Cultural Arts Corridor and the overall growth of this central part of Fayetteville. The Fayetteville Police Department has reported an uptick in calls since Prairie Street Live opened, finding that in 2020, the police received 10 calls for service, eight of which were for noise complaints. In 2021, the police received 25 calls for service, 12 of which were for “Noise Complaints,” but also included “Disturbances,” “Intoxicated Person,” and “Extra Patrols”. Prairie Street has received two violations of the noise ordinance in 2021; one more issued violation would result in the possible revocation of their permit per their conditions of approval. Staff finds that maintaining the venue’s hours of operation to what they are currently permitted for would prevent the venue from further disturbing the surrounding residential neighborhood, which does predate the venue’s operation, though allowing the Conditional Use Permit to operate indefinitely would save City resources from re-evaluating the permit on an annual basis.

RECOMMENDATION: Staff recommends partial approval of ADM-2022-000001 with the following conditions:

Conditions of Approval:

- 1. Planning Commission determination of compatibility for an extension of outdoor music at 509 W. Prairie Street, to remain in effect indefinitely, provided all other conditions of approval are maintained;**

Amended condition #3 from original conditions of approval, as shown on page 5.

2. All other conditions of CUP 19-6721 not amended by this request shall remain in effect, including 2 nights of amplified music per week, a 9 PM conclusion time for Thursday nights, and an extra day of music for previously approved city-wide events;
3. Conditional use approval does not grant approval for any proposed improvements or alterations. Development entitlement, grading, building, or mechanical permits may be required for review of compliance with all City codes along with any associated inspections.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 28, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Motion: Belden	with conditions as recommended by staff, but amending condition #3 of original request regarding documented citations. The CUP will defer to chapter 163.10 for management of noise ordinance violations.		
Second: Sparkman			
Vote: 6-0-1 (Sharp recused)			

BUDGET/STAFF IMPACT:

None

Attachments:

- Previous Conditions of Approval (CUP 19-6721 and associated amendments)
- Request Letter
- Police Memo
- Issued Citations
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map

Conditions of Approval (ADM-2020-000017, as approved by City Council Resolution 67-21)

Conditions of Approval:

1. **Planning Commission determination of compatibility for an extension of outdoor music at 509 W. Prairie Street through January 11, 2022. Staff supports**

City Council Resolution 67-21 granted extension approval for only one year, from February 19, 2021 until February 19, 2022

the extension of outdoor music, but only for one year, for reduced hours on Friday and Saturday, and at the currently approved frequency of events ;

~~Extended indefinitely by the Commission~~

2. **The conditional use permit shall be amended as follows:**
 - The permit's approval is limited to one additional year, expiring on January 11, 2021, upon which time the applicant may submit an amendment to extend the permit subject to the Planning Commission's approval;
 - Outdoor music hours:
 - Friday: 6:00 PM to ~~9:00 PM~~ **11:00 PM** Extended to 11:00 PM, subject to review after January 11, 2022.
 - Saturday: 11:00 AM to ~~9:00 PM~~ **11:00 PM**
3. **All conditions of CUP 19-6721 not amended by this request shall remain in effect; and**
4. **Conditional use approval does not grant approval for any proposed improvements or alterations. Development entitlement, grading, building, or mechanical permits may be required for review of compliance with all City codes along with any associated inspections.**

Conditions of Approval (as approved 11-12-2019):

1. **Planning Commission reaffirmation of compatibility with adjacent properties.** *Staff finds that with the additional conditions below, and the limited time-frame the venue may be operated in a compatible manner that contributes to rather than detracts from the surrounding neighborhood;*
2. **For events including speakers oriented to the east, the residential zone noise levels of the noise ordinance shall be observed, as outlined below:**

Maximum

Use Districts	Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
		70 dB(A)

All commercial zones	11:00 p.m. to 7:00 a.m.	
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

Condition struck on Feb. 28, 2022

3. ~~From this date, three documented violations of the noise ordinance as outlined under Condition #2 shall result in a public hearing for permit consideration for approval, amendment, or revocation;~~
4. The permit's approval is limited to one year, expiring on November 12, 2020, upon which the applicant may submit an amendment to extend the permit subject to the Planning Commission's approval;
5. If at the end of the permit's one year extension, repeat and/or frequent documented, validated, and repeat nuisance complaints associated with the venue may result in staff's recommending denial of renewal; and
6. All conditions of the previously approved CUP 19-6721, as attached, shall remain in effect unless amended herein.

Conditions of Approval (as approved 8-12-2019):

1. **Planning Commission determination of compatibility with adjacent properties.**
Staff finds that without a parking plan for the development and with the number of proposed events, adverse impacts are likely on adjacent residents, businesses, and pedestrians, potentially resulting in incompatible and unsafe conditions;
Planning Commission found in favor of compatibility.
2. **Planning Commissioner determination of a variance of §166.21(E)(1), Downtown Design Overlay District, Exterior Architectural Elements, requiring trash dumpsters to only be located in the rear yard.** *Without any indication of hardship, staff recommends denial of this request, finding that the dumpster enclosure's location at the edge of right-of-way will not meet the Downtown Design Overlay District's intent to create attractive and usable space.*
Planning Commission found in favor of the variance.
3. ~~This conditional use permit is limited to use for Prairie Street Live as described herein, including use of the site consistent with the site plan presented.~~ This conditional use permit is non-transferrable to a different business or property owner. Outdoor music shall be limited to the days and times outlined above under the applicant's request; *Planning Commission found in favor of the variance, revising Condition #3 to refer to the revised proposal (see above).*
4. **Violation of the City's noise ordinance shall also be considered a violation of this conditional use permit subject to revocation by the Planning Commission. The project shall comply with the City's noise ordinance, as enforced by the Police Department. All music (acoustic or electronically amplified) shall be subject the regulations as follows:**

(A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was

emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

TABLE 1

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

5. ~~Speakers shall be oriented south or north, and not east towards existing residential housing. When speakers are oriented north, the noise ordinance will be applied as described in Condition #4 for residential zones;~~
Stricken by the Planning Commission with consideration for revised request.
6. Sound checks shall not occur prior to 4:00 PM;
7. ~~Per the attached Fire Department comments, some or all on-site structures have been approved as storage occupancies for building and fire code purposes. Those intended for assembly occupancy may be subject to improvements or modifications;~~
Stricken by the Planning Commission with consideration for revised request.
8. All outdoor lighting on-site, with the exception of existing fixtures, must meet the requirements of §176, Outdoor Lighting. Unshielded string lights are not permitted outside of exemptions permitted for outdoor cafes and holidays;
9. ~~The applicant shall provide a parking plan indicating the number of anticipated patrons for all events, a projected number vehicles, and how an adequate number of spaces are provided either on-site, on-street, or at public facilities;~~ and
10. Conditional use permit approval does not constitute development approval. This must be granted separately.
11. The permit shall be approved for a three-month provisional period and be heard by the Planning Commission again on November 12, 2019.

Employees: 5 to 10 typical; 15 to 20 at peak use

Parking: None provided; shared parking agreements under negotiation

Parking agreement with O'Reilly provided; additional agreements under review

Typical Week (every night)

- Speakers oriented south or west
- Low-volume, "ambient" music
- Hours and anticipated traffic
 - **Monday-Wednesday**
 - 11:00 AM to 9:00 PM
 - 100 patrons/day (40 at peak hour)
 - **Thursday**
 - 11:00 AM to 10:00 PM
 - 150 patrons/day (75 at peak hour)
 - **Friday and Saturday**
 - 11:00 AM to Midnight
 - 300 patrons/day (100 at peak hour)
 - **Sunday**
 - 9:00 AM to 9:00 PM
 - 150 patrons/day (40 at peak hour)

-Will not exceed residential levels per the noise ordinance

Flexible Week (up to three times a week) (one time a week)

- Volume will not exceed 75dB
- Sounds checks limited to 4:00 PM or later
- Hours and speaker orientation
 - **Monday-Wednesday**
 - 6:00 PM to ~~8:30 PM~~ 9:00 PM
 - Speakers oriented south
 - **Thursday**
 - 6:00 PM to ~~9:30 PM~~ 9:00 PM
 - Speakers oriented south or east
 - **Friday**
 - 6:00 PM to ~~11:00 PM~~ 10:00 PM
 - Speakers oriented south or east
 - **Saturday**
 - ~~1:00 PM to 6:00 PM or 6:00 PM to 11:00 PM~~ 11:00AM to 10:00 PM
 - Speakers oriented south or east
 - **Sunday**
 - ~~1:00 PM to 7:00 PM~~ 11:00AM to 9:00 PM
 - Speakers oriented south
- No limits on the number of patrons

Prairie Street Live
509 W Prairie St.
Fayetteville, AR 72701
January 3, 2022

Dear City of Fayetteville Planning Staff:

I am submitting amendments to my conditional use permit for amplified music that will expire on March 12, 2022. Over the last 29 months we have had over 60 events with only two noise violations. We have worked diligently to operate within the noise constraints which is almost unobtainable on the north and west property boundaries, but have been mostly successful. During the last year Prairie Street Live experienced a high demand for private event rentals on Thursday, but we were overlooked as an option due to the early time restriction of 9pm on Thursday. It is costly and time consuming for me and the city to continue reviewing this CUP annually. Unless we have three violations within a 12 month time frame, we would like the CUP extended indefinitely.

I would like to request three amendments to the current conditional use permit as follows:

1. Thursday night music until 9pm- amend to 10pm
2. Amplified music two days per week-amend to three days per week
If amendment #2 above is not granted, then amplified music for one extra day during three city wide events(Jazz Fest, Roots Fest & BBQ- amend to an extra day during all city wide events.
3. CUP reviewed annually-amend to indefinitely

Thank you for your time and consideration on this matter.

Regards,

April Lee
Owner, Prairie Street Live
479.236.2404

01/21/2022

Re: 509 W. Prairie Street

Andy & Jessie

Thank you for reaching out to the Police Department in reference to the CUP for Prairie Street Live. According to our records, during the time period of January 1st, 2020 to January 1st, 2021, there were a total of ten calls for service to 509 W. Prairie Street. Eight of these calls were for Noise Complaints.

According to our records, during the time period of January 1st, 2021 to January 1st, 2022, there were a total of twenty-five calls for service to 509 W. Prairie Street. Twelve of these were due to Noise Complaints.

In the last twelve months, police department calls for service have over doubled. These call types include Noise Complaints, Disturbances, Intoxicated Person, and Extra Patrols initiated by our officers. Over the past year we have received complaints of not just noise, but light pollution. We have also notice noise complaints coming from locations as far away as W. Stone Street. This night we received four noise complaints from different citizens. The complaints ranged from children that can't go to bed, distressed pets, to windows rattling. Prairie Street Live received a Citation as a result of a reading of 91 decibels.

The Fayetteville Police Department typically has one or two officers working at night that are certified on the noise meter. Due to call volume at that time of night, the odds of those officers being assigned to that area or even available at the time of the noise complaint can be rare. The officers assigned to the area of Prairie Street Live have tried to conduct Extra Patrols in hopes that our presence will curtail calls for service, however this is not possible every night due to staffing and call volume.

If I can assist any further, please let me know.

Cpl. Greg Dawson

COP Division

100 West Rock Street

City of Fayetteville, AR 72701

gdawson@fayetteville-ar.gov

T 479.575.8351 | F 479.575.8283

FAYETTEVILLE POLICE DEPARTMENT

Citation #: E0000343



Offense Date and Time: 10/23/2021 at 8:42 PM
 Issue Date and Time: 10/23/2021 at 8:42 PM

You are hereby informed that failure to appear at the stated time, place and court shall constitute a separate offense for which you may be prosecuted and which may result in your arrest and punishment in the amount of \$1,000.00 fine and/or one year in jail. I promise to appear in court at the following date and time.

11/22/2021 at 8:00 AM

Fayetteville District Court
 176 S Church Ave
 Fayetteville, AR 72701
 479-587-3590

Signature: _____

DRIVER							
LAST NAME LEE		FIRST APRIL		MIDDLE VICTORIA			
RESIDENCE ADDRESS 509 W PRAIRIE ST				PHONE			
CITY FAYETTEVILLE			STATE AR		ZIP CODE 72701		
DRIVER LICENSE NUMBER 903224643		DL CLASS D	DL STATE AR		CDL No		
DOB 04/01/1972	ETH NH	SEX F	RACE W	HEIGHT 600	WEIGHT 220	EYE GRN	HAIR

VEHICLE INFO			
LICENSE PLATE	STATE AR	REG. EXP.	COLOR
MAKE	MODEL		TYPE
VIN	YEAR	CMV No	HAZMAT No
TRAILER PLATE	TRAILER STATE	TRAILER REG. EXP.	DOT #

LOCATION	
509 W PRAIRIE ST	
Direction of Travel:	Direction of Turn:

VIOLATION(S)			
1) Noise measurements			
96.03		Fine/Bond Code: CODE 5	
SPEED (MPH)	POSTED SPEED (MPH)	INCIDENT NO. 2021-00075769	
CONSTR. ZONE No	WORKERS PRESENT No	SCHOOL ZONE No	ACCIDENT No
SEARCH NO SEARCH		CONTRABAND	
SPEED DETERMINED		MOV./STAT.	

OFFICER INFORMATION	
OFFICER TOLE 462	
SECOND OFFICER/BADGE OFFICER SAMUELS 347	
Officer Signature: <u> SZR42 </u>	

Violation 1). 96.03
Noise measurements

DATE _____
Signature of Judge or Clerk

COURT ACTION

Date _____
Plea _____
Finding by Court _____

The Court therefore enters the following order:

Fine \$ _____ Costs \$ _____ Fee \$ _____

Bond Forfeited \$ _____

COURT'S ORDERS OR NOTES

As provided by Law, I hereby certify that the information on this ticket
is a true abstract of the record of this court or bureau in this case.



Incident Report



Print Date/Time: 11/22/2021 16:48
Login ID: wnewman

Fayetteville Police Department
ORI Number: AR0720100

Incident: 2021-00075769

Incident Date/Time: 10/23/2021 5:55:56 PM
Location: 301 S WEST AVE
FAYETTEVILLE AR 72701
Phone Number: (870)615-0890
Report Required: No
Prior Hazards: No
LE Case Number:

Incident Type: NOISE
Venue: FAYETTEVILLE
Source: Phone
Priority: 3-Low
Status: Not In Progress
Nature of Call:

Unit/Personnel

Unit	Personnel
347	347-SAMUELS
462	462-TOLE
	347-SAMUELS

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	LEVI, ED		(870)615-0890			03/11/1946

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
03NORPT	1
05CITATION	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

CAD Narrative

10/23/2021 : 18:30:41 mtheriault Narrative: 315 REQ NIGHT SHIFT RESPOND

10/23/2021 : 17:59:39 joverland Narrative: CALLER DID ADV HE HAS REQUESTED PD TWICE PRIOR AND NEITHER TIMES DID THEY SHOW UP WITH A METER

10/23/2021 : 17:57:27 joverland Narrative: ADV HAS BEEN ONGOING FOR AWHILE NOW

10/23/2021 : 17:57:21 joverland Narrative: REF NOISE ISSUE AT PRAIRIE STREET LIVE, 509 W PRAIRIE ST

10/23/2021 : 17:57:10 joverland Narrative: CHANGED CALL LOC TO HIS ADDRESS FOR MTR READING

10/23/2021 : 17:56:44 joverland Narrative: ADV HE IS OVER 600FT AWAY AND BELIEVES IT IS OVER THE LIMIT RIGHT NOW

10/23/2021 : 17:56:06 joverland Narrative: CALLER WANTS NOISE METER READING

FAYETTEVILLE POLICE DEPARTMENT

Citation #: E0007635



Offense Date and Time: 11/19/2021 at 10:51 PM
 Issue Date and Time: 11/19/2021 at 10:51 PM

You are hereby informed that failure to appear at the stated time, place and court shall constitute a separate offense for which you may be prosecuted and which may result in your arrest and punishment in the amount of \$1,000.00 fine and/or one year in jail. I promise to appear in court at the following date and time.

12/16/2021 at 8:00 AM

Fayetteville District Court
 176 S Church Ave
 Fayetteville, AR 72701
 479-587-3590

DRIVER							
LAST NAME LEE		FIRST APRIL		MIDDLE VICTORIA			
RESIDENCE ADDRESS 509 W PRAIRIE ST				PHONE 4792362404			
CITY FAYETTEVILLE			STATE AR	ZIP CODE 72701			
DRIVER LICENSE NUMBER 903224643		DL CLASS D	DL STATE AR	CDL No			
DOB 04/01/1972	ETH NH	SEX F	RACE W	HEIGHT 600	WEIGHT 220	EYE GRN	HAIR

Signature: _____

VEHICLE INFO			
LICENSE PLATE	STATE AR	REG. EXP.	COLOR
MAKE	MODEL		TYPE
VIN	YEAR	CMV No	HAZMAT No
TRAILER PLATE	TRAILER STATE	TRAILER REG. EXP.	DOT #

LOCATION	
513 S GREGG AVE	
Direction of Travel:	Direction of Turn:

VIOLATION(S)			
1) Noise-(Resid) unreasonable of excessive noise prohibited			
96.02		Fine/Bond Code: Must Appear	
SPEED (MPH)	POSTED SPEED (MPH)	INCIDENT NO. 2021-00082962	
CONSTR. ZONE No	WORKERS PRESENT No	SCHOOL ZONE No	ACCIDENT No
SEARCH NO SEARCH		CONTRABAND	
SPEED DETERMINED		MOV./STAT.	

OFFICER INFORMATION	
OFFICER HARRIS 433	
SECOND OFFICER/BADGE	
Officer Signature: 	

Violation 1). 96.02
Noise-(Resid) unreasonable of excessive noise prohibited

DATE _____
Signature of Judge or Clerk

COURT ACTION

Date _____
Plea _____
Finding by Court _____

The Court therefore enters the following order:

Fine \$ _____ Costs \$ _____ Fee \$ _____

Bond Forfeited \$ _____

COURT'S ORDERS OR NOTES

As provided by Law, I hereby certify that the information on this ticket
is a true abstract of the record of this court or bureau in this case.



Incident Report



Print Date/Time: 11/22/2021 16:24
Login ID: wnewman

Fayetteville Police Department
ORI Number: AR0720100

Incident: 2021-00082962

Incident Date/Time:	11/19/2021 9:20:58 PM	Incident Type:	NOISE
Location:	509 W PRAIRIE ST FAYETTEVILLE AR 72701	Venue:	FAYETTEVILLE
Phone Number:	(479)249-7612	Source:	Phone
Report Required:	No	Priority:	3-Low
Prior Hazards:	No	Status:	Not In Progress
LE Case Number:		Nature of Call:	

Unit/Personnel

Unit	Personnel
433	433-HARRIS
439	439-SINIAWA

Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	CENTERS, LEE ANN					02/26/1974

Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

Disposition(s)

Disposition	Count
03NORPT	2
05CITATION	1

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

CAD Narrative

11/19/2021 : 23:43:58 charris Narrative: NOISE READINGS WERE TAKEN IN MULTIPLE LOCATIONS WITH THE HIGHEST BEING 91.5DB ON GREGG AVENUE NEAR THE STAGE. EMPLOYEES STATED THEY WERE CHECKING IT AS WELL AND DID NOT BELIEVE THE READING. WE WALKED THE PROPERTY AND SHOWED MULTIPLE TIMES MY METER AND HIS WAS OVER 78 TO 85 DB WITH HIM AGREEING IT WAS TOO LOUD. A CITATION WAS ISSUED TO THE PROPERTY OWNER.

11/19/2021 : 22:31:42 hlong Narrative: ANOTHER CALLER IS AT 413 S WEST AVE AND IS MAKING A COMPLAINT ABOUT THE NOISE.

11/19/2021 : 22:11:14 hlong Narrative: CALLER IS UPSET, ADV THAT HE WANTS A DECIBEL ORDER DONE. HE IS STATING THAT THE LEVEL IS AT 70 RIGHT NOW AND NOT 60

11/19/2021 : 22:09:59 hlong Narrative: ANOTHER CALLER IS AT 301 S WEST AVE. HE IS WANTING A METER READING. ED LEVI 8706150890.

11/19/2021 : 21:40:51 msiniawa Narrative: Called Ms. Centers and discussed the noise ordinance and sanctioned decibel levels. She was mostly content with waiting for the party to end in about an hour. d3

11/19/2021 : 21:34:52 hlong Narrative: SHE IS ADV THAT IT WAS VIBRATING HER WINDOWS EARLIER BUT ISN'T CURRENTLY.

11/19/2021 : 21:34:24 hlong Narrative: ANOTHER CALLER AT 676 STONE ST IS REQ A NOISE METER READING. MARY NEVIN 479-443-4113.

11/19/2021 : 21:22:11 aacord Narrative: CALLER HAS A CHILD SHE IS TRYING TO GET TO SLEEP

11/19/2021 : 21:22:02 aacord Narrative: ADV THE NOISE HAS NEVER BEEN THIS LOUD

11/19/2021 : 21:21:52 aacord Narrative: REF THE EVENT ADV THE BASS HAS IS RATTLING HER HOUSE AND HER ANIMALS ARE HIGHLY DISTRESSED

2021 Noise Citations

Ticket Date.Calendar	Calendar 2021
Row Labels	Charge Count
1764 N GARLAND AVE, FAYETTEVILLE, AR	1
NOISE - (RESID)UNREASONABLE OR EXCESSIV NOISE PROH	1
Traffic	1
E0014195	1
509 W PRAIRIE ST, FAYETTEVILLE, AR	1
NOISE MEASUREMENTS	1
Criminal	1
E0000343	1
513 S GREGG AVE, FAYETTEVILLE, AR	1
NOISE - (RESID)UNREASONABLE OR EXCESSIV NOISE PROH	1
Criminal	1
E0007635	1
S ONTARIO PL / W MITCHELL ST, FAYETTEVILLE, AR	1
NOISE - (RESID)UNREASONABLE OR EXCESSIV NOISE PROH	1
Criminal	1
E0015575	1
W DICKSON ST / N CAMPBELL AVE, FAYETTEVILLE, AR	1
NOISE - (REVING) PROHIBIT EXCESSIVE ENGINE	1
Traffic	1
E0018735	1
W DICKSON ST / N WEST AVE, FAYETTEVILLE, AR	2
NOISE - (REVING) PROHIBIT EXCESSIVE ENGINE	2
Traffic	2
E0017007	1
E0021502	1
W MARTIN LUTHER KING JR BLVD / S FUTRALL DR, FAYETTEVILLE, AR	1
NOISE - MV/MC SOUND LIMIT (STEREO)	1
Warning	1
E0017243	1
W WEDINGTON DR / N MARVIN AVE, FAYETTEVILLE, AR	1
NOISE - MV/MC SOUND LIMIT (STEREO)	1
Warning	1
E0006048	1
W WEDINGTON DR / N MEADOWLANDS DR, FAYETTEVILLE, AR	1
NOISE - MV/MC SOUND LIMIT (STEREO)	1
Warning	1
E0006046	1
W WEDINGTON DR / N STEAMBOAT DR, FAYETTEVILLE, AR	1
NOISE - MV/MC SOUND LIMIT (STEREO)	1
Warning	1
E0006027	1
Grand Total	11

From: Prairie Street Live News [<mailto:praiestreetlive.news@gmail.com>]
Sent: Monday, February 07, 2022 2:27 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Fayetteville City Council,

My name is Alex Flaherty, and I am the owner and operator of RedPhoxPhoto LLC. We offer photography, videography, and concert production to events, venues, and musicians in the Fayetteville area. I started my business with a single camera in March of 2021, probably the worst time to quit my “real” job and join the creative industry but as we’ve all seen life happens in funny ways sometimes. I guess fortunately, global circumstances made an opening in the market for me.

Out of every single venue I have worked at in Fayetteville/NWA (over 3 dozen venues with 100+ paid/unpaid events in 2021!) Prairie Street Live is the only place where I not only feel extremely welcomed, I have interacted with many other production teams, the team at PSL is the only group that from day 1 were kind and professional to both myself and every single member of my team (and friend group) that I have brought to a show here. I look forward to doing tons of work with them in the future. This is only venue I have ever been to where the owner is working harder than anyone and doesn't seem to be mad at the fact that they own an event space. I have only met maybe 1 or 2 other venue owners in the dozens and dozens of events my company has been a part of in the last 11 months, and she is actively working on some improvement to the property or some event coordination 99% of the time I have interacted with her. I literally just told her in a text a few days ago that “you do too much, do you ever sleep or relax btw?”

Many other venues in town put extremely minimal effort into their music events, and Prairie Street Live regularly has events that have had multiple days of decoration and months of preparation going into a 10 hour event. I have attended shows at PSL that had 30-50 people in the crowd and there was still a full production crew venue provided speakers, venue provided lights (that were better than the piano bars lights), AND a full video crew recording and live streaming to multiple platforms. Other venues in town are either 100% DIY or they put ZERO effort into smaller local artists. I have watched the power fail at a concert in town 9 times during the OPENING SONG of a band's set. The band literally had to play their intro song 10 times in order to get through it without the venue's power failing them. There were at least 75-100 people in the crowd. I felt absolutely embarrassed for the band, and the venue still acts like it's not an issue and continues to book acts semi-weekly.

If this was put up to a vote and I had a say, my vote would be to take a few million from the arts corridor renovation and throw it to April Lee for renovations at PSL, show that Fayetteville City Council actually cares about the art that’s already here, not just a bunch of shops and one off murals on the bike trail. This could be a place where multi-day music festivals are thrown, it has the capacity to hold bigger shows than JJs live and Georges, and it’s within the entertainment district. This is a no brainer. With a few renovations and a bit of cooperation with the city, this could be an event/weekly concert space that could easily hold 3-4k people, and it’s already set up to be a perfect pit stop along the bike trail with food and drink.

The staff at the PSL bar are all super friendly, the BBQ truck on the property is so good I'm actually irritated that it's closed during the winter, and it's one of the few spaces around here that does free outdoor movies and events weekly when they are open. We need to keep that "music in the park vibe" if we really want to "Keep Fayetteville Funky". When this place is open and there is something being hosted, I would rather spend my money eating and drinking here than any other place in Fayetteville.

I truly believe this venue should be allowed to operate 7 nights a week at full capacity, anyone complaining that they live next to an outdoor concert venue in a cool town should move down wedington and go live in the woods, do the people living on/directly off Dickson St get to complain about the guy playing Star Wars on the bagpipes at 1:45am? What about the community nuisance (and danger) that Chick-Fil-A STILL causes on MLK daily with cars backed up into the road 25ft from the intersection? What about the issue of parts of the Bike Trail still not being safe at night due to the homelessness and drug epidemic issue? I'm much more concerned about these issues and I think the city should be too, and I don't think you need to be voting on PSLs rule book every year anymore.

In conclusion, this place is a gem, and it needs to be allowed to thrive and grow into what this town needs. Do we really want Eureka Springs and Rogers to have insane outdoor venues and Fayetteville not?

-Alex Flaherty
Director of Operations and Creative Services,
Red Phox Photo LLC.

RedPhoxPhoto@gmail.com

From: Brandi Beach <brandilb1024@gmail.com>
Sent: Wednesday, February 9, 2022 10:43 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commissioners of Fayetteville:

My name is Brandi Beach and I am a resident of Fayetteville. We recently moved from the Kansas City area.

I am writing in regards to Prairie Street Live and the requested amendments proposed:

1. Thursday night amplified music end time from 9pm to 10pm- PSL is a family friendly venue that not only holds events such as live music, crawfish boils, and an overall good time, but is absolutely a great place to relax, hang out with friends and have fun with the kids. The increase from 9:00 - 10:00 is

especially important during the warmer months. An extended timeframe for events is much appreciated among patrons.

2. Weekly amplified music event allowance amended

from two nights per week to three nights per week. Again, warmer days are very important for families and like minded folks to have a safe, comfortable place to hang out. The fact that PSL is an inclusive venue that holds many fundraisers and is a very positive representation of what Fayetteville stands for is a huge benefit for the city and should not be dismissed. Increasing the number of nights would only be a positive for the city and show that we stand behind local venues that represent the best of Fayetteville.

3. Amend annual committee review of conditional

use permit to extend the CUP indefinitely- PSL is a family oriented, inclusive, safe place that not only has amazing live music, but utilizes the space to raise awareness and money for many different types of local people, places and things. The time and money spent to review this annually could be spent on things that are not so positive for the city.

Please allow PSL the above listed requests as they are minimal considering what PSL represents for the city of Fayetteville.

Sincerely,

Brandi L Beach

2592 W. Lori Dr.
Fayetteville, AR. 72704

From: Chase Myska [<mailto:myska707@gmail.com>]
Sent: Wednesday, February 09, 2022 1:47 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey my name is Chase Myska. I am a local comedian and Prairie Street Live has been a great venue for music and comedy. I'd like to keep that going. I'm asking that you consider allowing Prarie Street Live to have live entertainment until 10pm on Thursdays and until 11pm on Fridays and Saturdays indefinitely.

Thank you for your consideration,
Chase Myska

From: Ed Levi <edlevibeas@gmail.com>
Sent: Tuesday, February 8, 2022 11:29 AM
To: Planning Shared <planning@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Prairie Street Live's request for permanent permit and extension of hours to be included in the packet for the Planners

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Planning Commission regarding Prairie Street Lives request (ADM-2022-000001)

Although I've already written a letter that was sent to Jessica Masters I am writing this in an effort to be clearer. To start with, under the current conditions I will be extremely disappointed if the Planning Commission recommends acceptance of Prairie Street Live's request. I want to clearly state that I am not against such a venue if it has a positive influence on the residents of the neighborhood but let me spell out my objections.

I was present at the City Council meeting when they first accepted the Commission's recommendation and approved a Conditional Use Permit when the applicant originally applied. The applicant said clearly at that time that she wanted to be a good neighbor, wanted to have a family friendly venue, had ample parking available, would provide public toilets for those using the Greenway and would abide by the pertinent ordinances. None of these have been met.

The venue has projected amplified music that is disturbing for residents. My home is about 600 feet north and slightly east of the venue. I cannot use my yard for entertaining friends or family when PSL is active because we cannot hear each other. I cannot have my windows open when I want to go to sleep but instead I have to run the AC so as to overcome hearing the lyrics, but I still hear the percussion. I have measured the decibels of the bands on my back porch as high as the high 70's range. I have, on several occasions, heard in my yard, and even in my house, such profanities as the frequent use of "F-bombs". (A police officer told me that the "F-bomb" falls under freedom of speech. That may be so, but I don't want to hear it in my house.) None of this is neighbor friendly.

In my opinion shouting the F'bomb is not family friendly either. A relative of the applicant also told me that she'd "learned several new ways to describe a vagina in one song during a session where families with kids were present." This is not family friendly.

I have seen and heard from more than one resident on Prairie Street that parking during PSL events is totally jammed up. Cars are often parked on private property without permission and I've even seen cars parked partway into the intersection. While this isn't a problem for me, it isn't what the Commission or the Council was told.

I use the Greenway often and after two years have not seen restrooms that are accessible to the trail on that property as promised.

As for the ordinances, PSL has received two citations for violations of noise that surpassed the ordinance. (The applicant thinks that's good.) But, in fact, that's not even half of what they should have been given. According to Jonathan Curth, the first year of their permit the police didn't realize that there were two different noise limits affecting their location. One is to the south

and a lower one toward the residential zone to the north. (I personally told the applicant when I learned that from Mr. Curth and she hadn't known it either.) I actually had officers tell me that first year that they were not breaking the noise ordinance because they were not over 75 decibels. They should not be over 65 at their northern property line but the police were not of that or enforcing it. (I never called the police when they weren't amplifying music over 65 db on my back porch!) If you factor in the distance between their venue and my property, they were not even close to being in compliance.

I need to say here that nobody, including myself, wants to bother the police with little matters when the police have bigger matters to attend to. But that said, I have gotten to the point of calling them a few times because the noise was so annoying. Two times during the second year of their CUP when I called I know that the police didn't come. One time the dispatcher told me on the phone that they couldn't come because they were stretched thin because of a football game. The other time they told me that if an officer could get out there that he'd stop by my house on the way but he never showed up. Then, on top of that, one time, when an officer came to my house he told me that he didn't have a decibel meter. And the last time, when an officer was actually down at the venue, he called me on the phone and said that "there wasn't an officer available that was certified to use a decibel meter." That time I measured the decibels hitting in the high 70's on my porch and I could clearly hear the F-bombs inside house with my doors and windows shut. (I was told that same night, someone else was told by an officer that on the Prairie Street they were hitting "80 something" decibels.)

Also you should be aware that that afternoon the applicant sent her mother to my house to offer my wife and me a dinner out and a hotel room "because they're liable to get loud down there tonight". I suppose that was supposed to be neighborly except I don't think we should have to move out of the comfort of our house because, "they're liable to get loud". We didn't take the offer and, as I said above, it got loud and rude. Apparently they knew in advance that they would be annoying neighbors and breaking ordinances.

Other than the parking problem, it seems that there is more than one way to eliminate all the problems. Just denying the permit would be the easiest and would be best for the neighborhood but that isn't good for the applicant or their performers. The second way is to write into the permit a lower decibel level than that of the ordinance. Mr. Curth told me that it's a possibility that the commission could recommend and the Council could mandate a lower decibel level in PSL's permit. (That would be meaningless unless it was low enough to make a difference for the neighborhood and then, the police would need to be diligent in enforcing that agreement.) Thirdly, like George's or JJ's Live, they would have to build a building in which to contain the noise. And the fourth choice would be for PSL to move to another location where they wouldn't be disturbing residents.

Being that Prairie Street Live has not been neighborly, has not been "family friendly, did not have the parking situation "taken care of", did not provide the restrooms as promised and has not abided by the noise ordinances, it doesn't seem appropriate to honor their requests.

Homeowners and renters pay money to live in and enjoy their homes. That enjoyment should not be infringed upon by those who break ordinances and promises. Therefore I hereby request

the Planning Commission to find another solution than to give a positive recommendation for the applicant's request.

Respectfully,

Ed Levi

301 S. West Ave., Fayetteville, AR 72701

From: FestyPanda <festypandapromotions@gmail.com>

Sent: Wednesday, February 9, 2022 6:08 PM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville City Planning Commission,

My name is Jason "FestyPanda" Balk. I am the in-house photographer, FestyPanda Photography, for Prairie Street Live. Ever since being able to start doing photos and videos at PSL my life has changed for the best. My art has gotten extremely better and have been able to get ahead on a lot of debt that I had.

PSL is an amazing place where people of ALL ages can get together and have fun while enjoying live music. This is something that we have very little of in Arkansas. Most live venues are 18+. This makes it so adults don't have to figure out how to find babysitters and can help their children's artistic minds grow. I remember growing up and having a few venues like this and am so thankful to have been able to have that experience.

We have had many people leave sad or surprised that we can't have 3 days of music at the venue. We would love to see Thursdays until 10 PM with Friday and Saturdays until 11 PM being allowed indefinitely. This can only help the city of Fayetteville's ever-growing entertainment district and as a music venue is something that needs to be allowed to be able to stay around.

I really hope that PSL can be able to get the go-ahead to have these things happen. Music has changed my life and with throwing these events I hope we can change other people's lives too.

Thank you for your time,
Jason "FestyPanda" Balk

--

Jason "FestyPanda" Balk Jr.



FestyPanda Photography & Promotions
[Facebook.com/FestyPanda/](https://www.facebook.com/FestyPanda/)
479-431-1252



From: Holden O'Keefe <holdenmokeefe@outlook.com>
Sent: Wednesday, February 9, 2022 6:39 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live (PSL) Support

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I am one of the social chairs for Sigma Nu at the University of Arkansas. I fully support the amendments April has proposed to you all.

Prairie Street Live is a great venue, not only for fraternities/sororities, but anyone looking for something to do with their weekends. I respect April's straightforward way of conducting business and believe she deserves to have the opportunity to host more events at her venue. She should not have to pass on events due to subjective technicalities.

Thank you for taking the time to consider my support.

Cheers,
-Holden

Sent from [Mail](#) for Windows

From: Jan Townsley <jan.townsley@gmail.com>
Sent: Wednesday, February 9, 2022 4:27 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Prairie Street Live's request (ADM-2022-000001)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

February 9, 2022

To The Planning Commissioners:

I've recently become aware that Prairie Street Live is requesting that their conditional use permit be made permanent and that their hours of amplified operation be extended. I'm hoping that request will not be granted and am writing to share my concerns.

There are 6 homes between ours and Prairie Street Live which should be plenty to allow that noise to dissipate, but the sounds funnel up along the bike trail and registers between 65 and 75 decibels in our backyard. We have completely given up having friends over for outside visits on the weekends. We get tired of yelling and asking to have everything repeated, and the lyrics aren't always kid-appropriate. Having windows open on summer evenings is out of the question and we keep ear plugs available for those evenings when we want to read. It's some consolation that PSL only amplifies on Friday and Saturday nights, but I see they'd like to add Thursday nights as well. Music, unlike traffic or even trains, is hard to tune out. It doesn't matter the genre. It grabs your attention and doesn't let go until 11pm which can seem pretty late.

I understand that the City is growing and that a majority of voters passed a bond issue to develop a Cultural Arts Corridor. To an extent, change is inevitable. But how that change is managed is key to keeping Fayetteville the wonderful City that it is. If the City is promoting infill, if greater density is desirable to cut down on traffic and prevent urban sprawl, if a goal is walkability, and if multi-use zoning includes housing options, then the area needs to remain a place where people would actually want to live. This means making sure the businesses established in a community don't force the people who live there to pack up their things and flee to the suburbs.

Perhaps PSL could move indoors like George's Majestic did some time back. I'm not really sure what other options there might be but the status quo is hard to live with.

Sincerely,

Jan Townsley

From: leilanilaw09@gmail.com [<mailto:leilanilaw09@gmail.com>]

Sent: Monday, February 07, 2022 2:06 PM

To: Planning Shared <planning@fayetteville-ar.gov>

Cc: priariestreetlive.news@gmail.com

Subject: Prairie Street Live C.U.P.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear folks on the Fayetteville Planning Commission~

It is with sincere interest and support that I am writing to encourage your decision to grant the venue, Prairie Street Live the following three amendments to their conditional use permit.

1. Thursday night music amended music end time from 9pm to 10pm
2. Weekly amplified music event allowance amended from two nights per week to three nights per week.
3. Amend annual committee review of Conditional Use Permit to extend the Conditional Use Permit indefinitely.

As a studio artist, art business owner & active community member who highly values art, we can not afford to NOT support venues who provide exposure for artists and patrons of the arts in Fayetteville. The opportunities for artists (of all mediums) to perform, exhibit, collaborate & contribute to the vitality of our Fayetteville community has all but vanished...even prior to the pandemic.

There was a time when (not that long ago) Fayetteville was the place in NWA most known as having a vibrant art community. Sadly, that is not true any longer.

The 'promise' of a corridor of the arts to regenerate that vibrancy seems empty to myself & most artists still living here.

Prairie Street live, however, IS along this corridor and I have attended many wonderful gatherings there with artists exhibiting, performing and bringing a much needed connection and appreciation for the arts and community for all who attend.

The arts have the power to bridge divergent groups together, inspire imagination, reconnect us to our deeper selves and to celebrate our unlimited potential as human beings.

The hosts of Prairie Street Live have that magical blend that accommodate artists wonderfully and make all who attend feel welcome, inspired and restored.

I hope your decision(s) will support their desires as we all can benefit greatly by their offerings!

Sincerely,

L. Leilani Law

www.studiroleilani.com

ART from the inside-out

From: Nancy Ward <nsw555@gmail.com>

Sent: Monday, February 7, 2022 4:24 PM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

We support the 3 requested amendments to the Conditional Use Permit for Prairie Street Live. We believe they are an asset to our community.

Nancy & Bill Ward
915 N. Park 72701

From: Nelson O <nelson@eartistsagency.com>
Sent: Wednesday, February 9, 2022 9:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Brandon Denson <bd@eartistsagency.com>; Melissa Stewart <melissa@eartistsagency.com>
Subject: Prairie Street Live || Fayetteville Planning Commission - Conditional Use Permit Amendments

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To whom it may concern,

Please see the attached letter from Eclectic Artists to be used at the hearing regarding the Conditional Use Permit for Prairie Street Live.

Many thanks,

Nelson Oyesiku III

Eclectic Artists LLC

Booking Agent

Email: Nelson@eartistsagency.com

Cell: (404) 626-8214

Click [this link](#) to schedule a call on my calendar!



CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender. Please destroy the original transmission and its attachments without reading or saving in any manner.

From: Stan Johnson [<mailto:bushmanstan@outlook.com>]
Sent: Wednesday, February 09, 2022 1:06 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from [Mail](#) for Windows
Jessica,

I am writing today in opposition to the renewal of conditional use permit and/or the issuance of a permanent permit for the subject matter above. The continued operation of PSL at this location is a nuisance to almost everyone in the neighborhood due to excessive noise, vulgar language (amplified), traffic congestion and (most of all) illegal parking. I tried , unsuccessfully, for 3 years to work out a parking agreement with the owner/operator of PSL. It became apparent that their patrons feel entitled to park anywhere and everywhere and PSL accepts no responsibility for minimizing their impact on the neighborhood from the events they host for a profit.

I own the property directly across the street (513 W. Prairie) from PSL and have since 1987. As this part of town transforms it makes sense for me to look at re-purposing this property. And the natural fit is some sort of mixed use with multifamily housing mixed with office or retail per current zoning. I am almost certain that each and every member of the City Council would choose to not live across the street from a live outdoor music venue. So why do they think it is such a good fit for Prairie Street. The continued operation of this neighborhood nuisance, PSL, takes away the potential for any sort of residential development in my opinion.

The Fayetteville City Council seems to have no regard for the property rights of individuals as they continue to ignore complaints from people that live and work in this neighborhood. The fact that someone chooses to live in Fayetteville should not come with the condition that you have to be subjected to out of place zoning and just accept that as a price citizens have to pay. Amplified music is very subjective to say the least. It's just plain wrong to expect residential neighborhoods to just shut up and take it.

I attended, via zoom, a City Council meeting last year and spoke in opposition to the renewal of conditional use permit and in opposition to additional hours of operation. The City Council granted both even though the Planning office had recommended the hours of operation stay the same.

I urge you to recommend to City Council that existing condition use permit be revoked or, at the least, remain conditional.

Thank you for your time in reading this email.

Stan Johnson

From: ATG Accounting [<mailto:atgaccounting@auroratactical.com>]

Sent: Thursday, February 10, 2022 8:47 AM

To: Planning Shared <planning@fayetteville-ar.gov>

Subject: Prairie Street Live

Importance: High

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville Planning!

As a citizen of Fayetteville, Arkansas I would like to show support for April Lee and Prairie Street Live located at 509 Prairie St. I strongly feel the following requests for amendments to her business would continue to build on the foundation of the business and surrounding area.

Please consider these following amendments:

1. Thursday night music can be extended to 10pm from 9pm
2. Weekly amplified music event allowance amended from two nights per week to three nights per week.
3. Amend annual committee review of conditional use permit to extend the CUP indefinitely.

April has spent a substantial amount of resources and time to build a wall between Prairie St and the stage for this season coming up. She is always mindful of the volume and for 98% of the season the acts she has booked have also been respectful of the volume. Any acts that do not respect the sound codes are not asked back because that is not what April wants for her establishment or the area. This venue is very special and provides a nice size yet intimate setting for artists. It offers something unique to the city and offers something for the whole family. Thank you for your time and consideration.

Kind Regards,
Tanya Pelt
479-751-8136

From: Brandi Taylor [<mailto:toocool101@gmail.com>]
Sent: Monday, February 14, 2022 7:23 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

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We need our use permit to be continued indefinitely!
We need to be able to have 3 nights of big events per week!
We need to be able to go to
11pm on Friday/Saturday and
until 10pm on Thursday!
PSL is an incredibly important part of the arts scene and its in the arts corridor!

Why would the city ever vote against the music and musicians? Eureka Springs is for the art and the artist. It is truly why my husband and I come and spend a good deal of money on hotels and restaurants every month there. The music, the arts, Prairie street live!

What is going to happen next? Let them have their permit indefinitely, please.

-Brandi Nicole T.

From: C. Michael Daily <carl.mike@gmail.com>
Sent: Wednesday, February 23, 2022 6:21 AM
To: Planning Shared <planning@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: ADM-2022-000001

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Ms. Masters,

In addition to my comments from my Feb. 12, 2022 email, please pass on the following information to the Planning Commissioners for consideration:

First, I believe that Commissioner Garlock was spot on in his comments from the last meeting. This is not a popularity contest, or "people v. the arts". The actual issue is whether a live music venue, who apparently can only play at high volume, can operate without violating the law. By definition, a property use is only compatible if it is capable of existing together with other properties "without discord or disharmony." See *Rolling Pines Ltd. Partnership v. City of Little Rock*, 73 Ark. App. 97, 40 S.W.3d 828 (2001). On Feb. 14, 2022, Mr. Butt's comments served to confirm that PSL cannot (or will not) operate at a volume level that complies with the law. Knowing that PSL only intends to play music at a volume level that violates the law, and creates discord within the community, is crystal clear proof that their outdoor music venue and business model is incompatible with the surrounding properties.

Lost in this discussion is the fact that PSL could operate 7 days a week. There are a variety of ways they could operate without violating the noise ordinances, but they just choose not to. Allowing PSL additional days/time, or even allowing a CUP in this instance, given that they are unwilling to comply with the law of this city, only perpetuates the problem.

If the Planning Commission were to extend PSL's outdoor music venue CUP, then they should impose additional conditions; not fewer. In a typical scenario, the Commission would require the business to **first** submit a site plan and the site plan would show how the business would avoid noise violations. Take for instance Section 163.10 (A)-(C):

"...All other outdoor music establishments may be allowed as conditional uses where they are permitted subject to the following additional conditions:

(A)

Site Plan. A site plan showing the proposed location and size of the outdoor music area; location and direction of the speakers; noise absorbing walls, structures or devices; proposed days and hours of operation of the outdoor music area; and measures proposed to lessen or eliminate any adverse effects upon nearby residences and businesses.

(B)

Planning Commission Review. In addition to all normal considerations for a conditional use, the Planning Commission may require noise reducing measures and structures be incorporated into an outdoor music area, may limit the size, power, number and direction of speakers, and may limit the hours of outdoor music generation from the establishment.

(C)

Fayetteville Noise Ordinance Violation. If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville noise ordinance (§96.06 of the *Code of Fayetteville*), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment."

Responsible planning dictates that proof of mitigation should occur **before** a CUP is issued; not after. If PSL wants to play loud music that would otherwise violate the noise ordinances, then they should be required to submit a plan that demonstrates how it will mitigate the sound going forward--plain and simple. Sound mitigation won't hurt their business. Honestly, why would anyone pay to go see a show at PSL if you can listen to the music for free half a mile away?

Also, note that there is no "3 strikes rule"; rather, according to subsection (C), after any **one** conviction, the Planning Commission can revoke the CUP. There were two convictions in a 30-day span last fall; one where the music was measured at 90+ decibels, which at the North end of the property, is over 100 times louder than allowed. Lack of convictions does not equate compliance. Citizen complaints doubled from the previous years. If there had been consistent enforcement, there would have been dozens of convictions.

The surrounding property owners appreciate the arts, but not at the expense of comfort in one's own home. Personally, I moved here for the Arts Corridor, and despite Commissioner Winston's flippant "some people will have to move" remark, I don't intend to go anywhere. But, I do expect the Planning Commission to make rational decisions that represent the interests of all of the City's property owners-- not just one. And, if he is incapable of doing so, then perhaps he shouldn't vote on this issue. No single property owner should be able to dominate the air space of the entire Arts Corridor. How is another cafe/restaurant/bar supposed to also have live music, when it cannot be heard over the ordinance violating music from PSL?

I would request that the Planning Commission revoke PSL's CUP until they demonstrate that they are capable of complying with the laws of this City. If they want to continue to operate at loud volume only, then that means they will need to mitigate the sound, first; not at some undetermined time down the road.

Mike Daily

On Sat, Feb 12, 2022 at 8:08 AM C. Michael Daily <carl.mike@gmail.com> wrote:
To Jessie Masters and the Planning Commission:

Please consider my comments and concerns at the Feb. 14, 2022 meeting of the Planning Commission.

Prairie Street Live's ("PSL") request to the Planning Commission should be denied. First, PSL's business concept is not compatible with the surrounding area. The lower area of the Mill District is not the entertainment district. It is a mixed-use area that consists mostly of residences (condos, homes, and apartments). While an outdoor amplified music venue *could* be compatible with Dickson Street, this business concept is incongruent and does not belong within the development of the resident-heavy Mill District.

The business is also incompatible because it apparently cannot operate without being in persistent violation of the City's own noise ordinances. Not only has PSL exceeded the noise decibel levels set forth in Section 96.04 of the code, but it has also committed repeated violations of Sections 96.01 and 96.02(A) by creating a noise disturbance during any given event.

Under 96.01, a "noise disturbance" is defined as:

"Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property."

Section 96.02(A) of the municipal code states:

"Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue or cause or permit to made or continued, any noise disturbance."

In other words, PSL breaks the law anytime it causes a "noise disturbance" as defined under 96.01 and 96.02, or exceeds the decibel levels set forth in Section 96.04. For over two years, residents and property owners have provided specific instances where PSL has violated noise ordinances, by annoying and disturbing property owners, residents, and their pets, and harmed their property. The noise emanating from PSL can be heard from over 600-feet away in every direction (even as far North as the houses that are near the library). Property owners have reported that their windows and walls shake during concert events.

By repeatedly violating the law, PSL consistently creates the textbook example of a nuisance, and by allowing an outdoor amplified music venue to exist so close to residences, the Planning Commission actually encourages it. If a business must consistently break the law in order to function at location, then how can it be compatible in that neighborhood? This is a rhetorical question, and the answer is obvious--PSL's business is simply not compatible with the Mill District.

PSL's proximity to the Arts Corridor does not exempt it from complying with the law. Giving PSL a pass, yet requiring similar businesses (JBGB/Georges) to enclose its facilities demonstrates that the Planning Commission is willing to arbitrarily enforce its own rules.

Even if PSL is allowed to continue to hold amplified events, it needs constant monitoring. A year ago, PSL received an extension of its CUP because city planners noted that there had been no documented noise citations. PSL then received two separate noise citations within a 30-day period in October and November of 2021. The noise and other police calls have doubled from a year ago.

The lack of documented noise citations does not mean that PSL has always been compliant. Several variables must be met before the police issue a noise citation. First, an affected resident must call the police. Property owners and residents that I have spoken with feel uncomfortable doing this, because they recognize that our police officers have higher priority matters to attend to. By using documented noise citations as the compliance standard, the planning commission has placed property owners in the uncomfortable position of needing to bother the police. Otherwise, it is assumed that PSL has done nothing wrong.

Second, the police must physically visit PSL. This has not always happened in response to calls. There are call records that reveal that the police department will first contact PSL to request that they reduce the volume. While this might temporarily resolve a noise violation on a given night, it never results in a citation.

Third, there must be an officer on duty that evening who is trained to use the decibel reader, and that particular officer must be the one who investigates the noise complaint. Up until the fall of 2021, there were few, if any, police officers adequately trained to respond to these calls. In some cases, the responding officer did not possess the decibel reader or was not adequately trained to operate it. In other instances, the officer did not realize that measurements from the North boundary could not exceed 60 decibels.

Last fall, PSL received two violations within a 30-day period--one in October, and one in November. One reading taken from behind the stage measured at over 90 decibels. At the time of the November citation, PSL's owner even commented that she knew that their show was going to be loud that evening.

The two documented noise citations within such a short period of time, and the owner's acknowledgement that she was violating the noise ordinances on purpose, should validate all of the concerns that nearby residents and property owners have had for the past two years. It demonstrates PSL's owner's clear and willful disregard for the law, and her lack of respect for the rights and concerns of anyone other than herself. While I can understand that the planning commission would prefer to no longer review the CUP on an annual basis, unfortunately, this is a problem that was self-inflicted. Like the bad kid in the classroom, PSL now needs constant monitoring. It has not demonstrated that it can follow simple rules, and thus, it does not deserve to receive any favors. PSL is not entitled to an additional minute of amplified music, and the permit should be reviewed, at least annually, if not more frequently.

Alternatively, the planning commission can recognize what is obvious, which is that this business concept is incompatible in this district of our city and revoke the CUP altogether.

C. Michael Daily

From: C. Michael Daily <carl.mike@gmail.com>

Sent: Saturday, February 12, 2022 8:08 AM

To: Planning Shared <planning@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: ADM-2022-000001

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The two documented noise citations within such a short period of time, and the owner's acknowledgement that she was violating the noise ordinances on purpose, should validate all of the concerns that nearby residents and property owners have had for the past two years. It demonstrates PSL's owner's clear and willful disregard for the law, and her lack of respect for the rights and concerns of anyone other than herself. While I can understand that the planning commission would prefer to no longer review the CUP on an annual basis, unfortunately, this is a problem that was self-inflicted. Like the bad kid in the classroom, PSL now needs constant monitoring. It has not demonstrated that it can follow simple rules, and thus, it does not deserve to receive any favors. PSL is not entitled to an additional minute of amplified music, and the permit should be reviewed, at least annually, if not more frequently.

Alternatively, the planning commission can recognize what is obvious, which is that this business concept is incompatible in this district of our city and revoke the CUP altogether.

C. Michael Daily

From: Chadwick Platt [mailto:outlook_100155C71B49710C@outlook.com]
Sent: Friday, February 11, 2022 1:52 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: prairiestreetlive@gmail.com
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the esteemed members of the Fayetteville Planning commission:

I would like to offer my comments in support of the amendments proposed for Prairie Street Live. I have known the owners of this establishment for many years and I am very proud of and impressed by the entertainment venue that they have created on Prairie Street in Fayetteville. April Lee has taken a historic railroad sight and turned into an entertainment and event venue that is both family friendly and cutting edge.

- 1) During Covid, it was a haven for people who craved live music and kinship with their friends, but were concerned about crowds. They had drawn squares on the grass lawn so that people could create their own "pods" and space out quite a bit in the fresh air. I also love the fact that they have fun games for customers to play with their friends such as Cornhole and Connect 4, a full bar, and a great pavilion with nice furniture, big screen tv's for sports, outdoor movies, etc.
- 2) They have continually sought out diversity in their music choices, guest DJ's, etc.
- 3) They have hosted many lovely weddings, fundraisers and other private events
- 4) They have always done their best to respect their neighbors

Moreover, the area is destined to become an entertainment district given the pub next door, the Airstream Air BnB next door, the restaurants and all of the cool funky housing in the neighborhood. The addition of the Fay Jones Park will increase foot traffic and tourism in the area as well. In my opinion, the good folks at Prairie Street Live have been very patient and cooperative, given all the restrictions that have been placed on their business thus far.

Sincerely,
Chaddie Kumpe Platt
Owner, Dog Party USA

Sent from [Mail](#) for Windows

From: ciavash zaifi [<mailto:ciavashzaifi@yahoo.com>]
Sent: Sunday, February 13, 2022 9:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: We need 3 nights of music at prairie street

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Greetings!

Please allow music to 10pm Thursdays and to 11pm Saturday and Sundays at Prairie St. Live. We the people need it!

Best regards,

Ciavash Zaifi

From: dsewell83@gmail.com [<mailto:dsewell83@gmail.com>]
Sent: Thursday, February 17, 2022 9:05 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Praire St Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey y'all,

I support Praire St Live and I hope you let them do more nights a week and move the time to 11pm. Praire St Live means so much to me and the hip hop and R&B community in NWA. We had our annual

Arkansas Summer Jam event and two other events there last year and they were wonderful. Prairie st live is a fun family friendly environment that only adds to our great community.

Darren T. Sewell aka DJ D. Sewell
Kiss 105.3 Program Director

From: Jason Gill <jason.s.gill72@gmail.com>
Sent: Friday, February 11, 2022 8:27 AM
To: Planning Shared <planning@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Prairie Street Live (ADM-2022-000001)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

My name is Jason Gill and I live at 221 W. South St. in Fayetteville. I have lived at this address for almost 20 years now and I have seen many changes to this neighborhood and our city during that time. The number of new restaurants, breweries, and entertainment venues that have opened within walking distance of my house has been incredible. My family feels very fortunate to have such opportunities literally at our doorstep.

We are also fortunate to have made very strong connections with our neighbors and we have built some very deep and enduring friendships with the people that live nearby. Many are like family. It has been said that good fences make good neighbors, but really what makes a good neighbor is a shared sense of responsibility, mutual consideration and respect. We feel very fortunate to have such good neighbors around us and we try to act in such a manner that they feel the same about us.

This brings us to the reason I am writing to you today. The Prairie Street Live venue located at 509 W. Prairie St. is an example of one of the new venues that has opened in the area in the last couple of years. They offer food, drinks and live music in a great outdoor setting along the Frisco Trail. I feel that they have done a really good job transforming their property into a nice business which really adds to the dining and entertainment options for the surrounding neighborhood and beyond.

The only issues that I have with the venue are with the volume level of the amplified music at night and the hours that the amplified music plays on a weeknight. I live roughly a quarter mile from the venue but can easily hear the music on some nights while sitting in my house with all the windows and doors closed and the television on. I have thought of calling the police non emergency number on a number of occasions to complain. It's frustrating to not be able to have peace inside my home and I can only imagine what it must be like for people who live closer to the venue.

To clarify, we understand that living in the center of town is going to result in a fair amount of noise. It's not like we just moved in next to George's on Dickson and then started complaining about the music volume. We live within the "Golden Triangle" of the police station, fire station and the Central EMS ambulance station. We are used to frequent sirens and the traffic noise from Archibald Yell. This fact does not absolve anyone in the area from their responsibilities when it comes to abiding by the local

noise ordinances or their duties as good neighbors when it comes to considering the people that live around them.

When an ordinance is put in place that limits the decibel level of a venue then the city should also have the capability to determine if their ordinance is being followed or not. This is not a subjective matter. There are scientific methods to determine what is "too loud", just as there are scientific methods to determine if a motorist is driving "too fast". Leaving it up to neighbors to determine whether a business is compliant with city ordinances puts an unfair responsibility on them. These ordinances are in place for a reason. Let's enforce them.

Until it has been found that the venue is abiding by the decibel limits that they have agreed to work within, I feel like it is premature to expand the number of days or hours allowed in the current permit.

Thank you,

Jason Gill
221 W. South St.
Fayetteville, AR 72701
479.466.9074

From: Kappa Alpha Social Chair [<mailto:kaaosocial@gmail.com>]
Sent: Thursday, February 10, 2022 12:11 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

My name is John Fischbach and I am one of the social chairs for Kappa Alpha Order at the University of Arkansas located at 340 N Arkansas Ave. I am writing to you today to show my support for April and the amendments she has proposed. The City of Fayetteville has long prided itself on its amazing culture, which nightlife and live music play a large role in.

April and Prairie Street Live have done an amazing job providing to our great city's unique culture, but often find themselves limited because of these small technicalities that she has asked to have changed. When reviewing her proposal keep in mind that you could be letting April help grow our city's culture and lead to its continued success.

Thank You for your time and consideration,
John Fischbach KA

From: Leonard, Kim [<mailto:Kim.Leonard@gmr.net>]
Sent: Thursday, February 10, 2022 1:54 PM

To: Planning Shared <planning@fayetteville-ar.gov>
Cc: prairiestreetlive@gmail.com
Subject: support for Prairie Street Live Amendments

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Fayetteville Planning Commission,

I am writing you in behalf of Prairie Street Live. I am a first responder, and a RN. It has been a difficult past 2 years during the pandemic. Speaking from my perspective as a healthcare provider the increase of morale, PTSD, and suicide is at an extreme high. What helps is music, laughter, and the culture that PSL venue has had to offer. It allows us to forget all the deaths, long hours worked, and most of all the need for healing. Fayetteville is my home, and we need to have a place that is an outside venue with music. PSL not only provides music but fellowship within our community. Its an opportunity for networking and meeting new families and sharing experiences of what is happening in our world. PSL is a safe place of freedom of diversity and culture. We all work different days and shifts by allowing PSL to continue music until 10:00 on Thursday is a huge value. One hour extra on Thursday nights, and 3 nights a week will make an impact as mentioned for the above reasons. Please amend the annual committee review of conditional use permit to extend the CUP indefinitely. Due this for our community, fellowship, and most of all your healthcare providers who take care of our citizens on a daily. Thank you for your time.

Kim Leonard R.N.,NREMT-P
Regional Manager of Clinical Practices- South
417.274.7497 | www.globalmedicalresponse.com
Extraordinary stories. Extraordinary people. | www.atamomentsnotice.com

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As a member of the Center for Patient Safety's PSO, GMR is pleased to participate in programs that permit health care providers to review and discuss information and/or documents as part of a quality & safety improvement process. These programs are fully privileged, protected by the PSQIA and all applicable federal and/or state laws. They are designed to review the quality and efficiency of patient care provided, the competence and qualifications of health care providers who rendered patient care, to improve the quality and safety of patient care, to reduce morbidity and mortality, and to assess compliance with applicable laws, rules and regulations. We consider communication related to this process to be confidential, privileged patient safety work product.

From: Korey McKelvy [<mailto:koreymckelvy@gmail.com>]
Sent: Monday, February 14, 2022 2:12 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live Support

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To Whom it May Concern,

I am reaching out to show support for the Arts Corridor music venue, Prairie Street Live. I know they are working towards an indefinite permit to have three full nights of music with Thursday nights going until 10:00pm and Friday/Saturday nights going until 11:00pm. This venue has been greatly supportive of our local community of musicians, as well as family oriented concert-goers, who are able to bring their children to a quality music venue with plenty of space and safety. I believe any adjustments to the permit that will give Prairie Street Live the opportunity to be in a better position financially, as well as offer more music to our community, is absolutely a forward step. Venues like this are very limited in our area, and they deserve the best chance at success that they can get. Thanks for your consideration.

Kindly,
Korey McKelvy
5809 Ball St, Fayetteville, AR 72704
479-981-4414

From: Leandro Walter [<mailto:leandromiguelwalter@gmail.com>]
Sent: Thursday, February 10, 2022 12:02 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Prairiestreetlive@gmail.com
Subject: Support to Prairie Street Live's Request

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This email is in support of the request made by Prairie Street Live. As a musician, I can say that they added a lot of value to the music community and I think they should be able to have music until 10 pm on Thursdays. Also I wish they will be able to have musical events at least three times a week, and that their permit can be extended indefinitely.

Thanks for your time.

--

Leandro Walter
Drummer/Percussionist
Fayetteville, Arkansas.
+1 (479) 721 - 2052

From: Smiley Kent [<mailto:smileysbbq1@gmail.com>]
Sent: Thursday, February 10, 2022 3:53 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Prairie Street Live

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am sending an email in support of Prairie Street Live. Downtown Fayetteville needs a true outdoor venue with live music and a place for venues outdoors, they provide that. The community loves to go to PSL and visit with friends and family. They need a later live music time on Thursday. They should be able to play live music more than three days a week. It an essential venue for NWA.

To the City Planning Commission regarding AND 2022-000001 Prairie Street Live's CUP Application

Dear Commissioners,

Feb. 23, 2022

In your decision whether or not to recommend the applicant's request for extended hours and days and making her Conditional Use Permit indefinite, it becomes necessary to separate the real issues from the deflections and distractions.

There's not been a shortage of distractions in this case. In considering whether or not the Planning Commission should recommend the applicant's requests, there's only one question that needs to be considered: Is the venue disturbing the peace of the adjoining residential neighborhood by not acting in compliance with the city's ordinances?

Instead of focusing on this question, these distractions have been clouding the issue. Clearly, Prairie Street Live (PSL) has violated the city's noise ordinance which was set so as to not have noise disturbances. While this violation has been documented only twice; this is simply a distortion of the facts. Those two police citations took place 27 days apart at the end of the venue's activities for the last season. The first one, Oct. 2021, was for noise more than 15 times louder than the ordinance allows. The last citation, Nov. 2021, was for noise more than 30 times louder than the ordinance allows.

There are several factors that have limited PSL's violations to two citations. According to the Director of Planning, Mr. Curth has confirmed that, for the first year of their CUP, the police didn't understand that the venue had two ordinances to consider. It was assumed that being in a commercial zone their noise limits were those of a commercial zone. In fact, they are also restricted by the noise ordinance for the adjacent residential zone. Several times the police stated that they were not breaking the higher ordinance while they were, in fact, considerably above the ordinance for the residential zone. It was a misunderstanding that "allowed" the venue to be much louder than the ordinance permits.

While I understand that you have to rely on complaint driven police reports. Because of that, it needs to be understood, that many people don't know that the police are the only way to document violations. Also, many people who don't like the noise don't want to make noise themselves. And then there's the fact that people know that the Police have more important things to attend to and nobody wants to bother the police for noise disturbances. Even so, police reports indicate that on numerous occasions, numerous complaints have been received from the adjoining residential neighbors. All this would indicate that there are more disturbances than even reported. (I, for one, have never called the police if the decibel levels were not at least 5 times louder than the ordinance, at my house, which is 600 feet away from where the measurement should be taken.)

Then, on more than one occasion, the police dispatcher has replied to a complaint saying that they doubted that they could send an officer for this because there were other priorities at the time. What's more, several times, when an officer that did go to the site, he has said that he didn't have a decibel meter and/or that he didn't know if an officer who was certified to read one was on duty. By their own admittance, the police didn't understand the ordinance, wasn't able to respond to some complaints and weren't adequately equipped to see when the noise ordinance was violated. This seems to be a city problem not caused by the complaints but by flagrant infringements of an ordinance that the city hasn't been able to regularly enforce. But all those reasons point to why they didn't get more citations. Still, there were two serious infractions that were documented in a 27 day period.

In the original application of 2019, applicant said and the Commission believed that PSL would be a good neighbor. They haven't been. But then, at last year's application, the applicant and her employees asked for more hours, a permanent permit and complained about the restrictions on the volume of their music. I'm not sure who was informed of this at the time, other than the applicant? I wasn't. This Commission voted to recommend the permit even though the venue admits that they can't control the noise. The program manager has been quoted as saying, "I don't even amplify the drums" and "I can't control the noise of the crowds?"

Another neighbor, as you know, went to the trouble of an FOIA and received a few of the police recordings from body and vehicle cams. I've had the "pleasure" to see some of them. If you want to understand what's going on after complaints from neighboring residents, I suggest you watch them. In case you don't want to watch them, I'll put a few of the things that can be seen in an appendix to this letter.(I)

Again, I need to explain how the decibel system works and then put it in terms of infringements of ordinances. Since the problem is disturbance of residents, the technical explanation could also be considered a distraction from the problem and, therefore I'll explain that in an appendix below.(II) There's another distraction and misconception I've heard from at least one Planning Commissioner. This is in regard to the Ramble or the Cultural Arts Corridor. I'll speak to that in Appendix III.

There's one other thing that I must address that is really not pertinent to this issue and I'll attach that as the third appendix.(IV)

So, to stay focused, it comes down to two opposing desires; The applicant feels that she is too restricted by the noise ordinance, is wanting more days and hours and is asking for her permit to be indefinite versus "nearby" residents that are being disturbed by violations of the noise ordinance and have tolerated these infringements for two years already . All other issues seem to be distractions.

I personally support musicians and the arts. To indicate otherwise is a deflection. I am not against Prairie Street Live and hope they could find a way to succeed without being a disturbance in my house, in my yard and in my neighborhood. It seems that the commission should be able to find a solution to these problems so that both sides are satisfied. Giving more permits to the applicant will not do that and it has already been demonstrated for two years that the problems will persist.

Respectfully,

Ed Levi, Homeowner and Resident
301 S. West Ave, Fayetteville

APPENDIX

(I) I've had the unhappy "privilege" to see just a few of the tapes taken by the Fayetteville Police Department (PD) on their body and vehicle cams. While quite tedious, I've looked through some of them and need to share some excerpts with the Planning Council. If you want to see them in full, I'm sure you'll find more things of interest. I won't bother you with all the times I've been disturbed but I want to show you that the noise ordinance has been violated more times than the citations indicate.

- On April 25, 2021, during PSL's warm-up they were hitting 83dB as an average and 91dB at their peak. Admittedly, this was on my meter, but my back deck some 600 ft away from PSL's gate. (I've had my meter checked against "official OSHA" ones but it is not certified.) They did not get a citation on that date! Yet, just at their average, at my house, was 23 times louder than the ordinance allows.



I've asked officers several times to take a measurement with their meters in my back yard but they never have. (I know that wouldn't mean much if it wasn't above 60 dB but it would be and it'd also verify if my meter is reading about the same as that of the PD. They'd understand why I'm complaining.) But still, they're accepting readings from PSL staff on PSL's meter and taken whenever and wherever, as you'll see from some excerpts below:

- On a video from an officer's body cam on Oct. 16, 2021, when it was over 70 dB at my house on my meter, an officer went to PSL. He told the "acting manager" that there'd been a complaint from an apartment across the street. The officer stated that he didn't have a meter and that it took a certified officer to read one and he didn't know if any were on duty. Then, after finding out that PSL staff had a meter, he asked them to measure the noise level and he'd try to come by later and see their readings. The Program Manager replied that he took readings often and that it's usually around 58. (Given my reading and the distance, it would likely be closer to 85 dB.)
- Shortly later and on the phone with the same officer, but still on tape, I asked him if he heard the "f-bomb" being amplified. He admitted that he did hear it but that he "couldn't do anything about that because it falls under Freedom of Speech". Actually, not only is this not "family friendly", it's a criminal offense. In three cases, the US Supreme Court settled the issue that broadcasting obscene language is a criminal offense. And yet I hear it coming from PSL over and over inside my house with the doors and window closed.

- The following week, Oct. 23, 21, and again on tape, after the Program Manager again said that he checks often and they stay under the limit. The officer then showed him that it was around 75.8 dB outside their northern gate. When the petitioner asked if he “was going to give her a ticket,” the officer said that he’d walk away for 5 minutes and then he’d come back to check. Given the chance, April ran to get the noise down, but when the officer came back it was still 75.6 dB. (At the same time on the PSL meter, they said they were “getting 56-61” dB.) That time, after a very generous warning, they got a citation. The Program manager replied that he “can’t turn it down,... it’s just band without PA.” He went on to say, “this is just a segway into a fight we’re going to have with the city. We are in the Entertainment District but are treated differently than everyone else”.
- 27 days later, just prior to the event on Nov. 19, 2019, a representative of the applicant came to my house saying that the applicant wanted to offer my wife and me dinner out and a night at a hotel. I asked why and she said that, “it’s liable to be loud tonight”. They were trying to control complaints while planning to violate the city noise ordinance.
- Sure enough! I called the PD when it was in the upper 70s at my house and the “f-bomb” was loud and clear inside with doors and windows shut. Again, and on tape, after the PSL staff still insisted that they were below the noise ordinance limits, but then admitted their meter was getting readings at 67 – 71dB where the officer was getting 76. the officer replied by stating that he was there because there’d been “about 10 complaints” and, as the officer on 2/14 told you that included people saying their windows were rattling and their children couldn’t sleep. The officer then took a measurement, which can be seen on a body cam tape that they were just west of their property on Gregg St. The meter showed 92.8 dB and the officer told the manager that it was “about 93” behind the stage. This is the same officer who told me the broadcasting the F-bomb was protected my the Freedom of Speech.

There are more examples but, in sum, there have been many infractions of the Fayetteville’s noise ordinance coming from PSL. Many more violations than citations!

- (II) Decibel measurements do not work like a speedometer. A speedometer indicating 10 mph above a city ordinance, in a residential zone, of 20mph would mean that you’re going 30 mph. (You’d likely get a warning.) But the decibel system is a 10 base logarithmic system. If speed was measured this way and you were going 10mph over a 20mph speed limit, you’d be going 10 times faster than the ordinance or 200 mph! (A complaint driven follow-up wouldn’t work because you’d be gone and the police couldn’t catch you anyway.)
So, in noise measurements, if the city ordinance is 60 dB and you’re admitting noise at 70 dB it’s not that you’re 1/6th louder. You are actually 10 times the limit of the ordinance. Prairie street live was sighted more than 30 times over the allowed ordinance! Previously, when the police didn’t understand that they had a lower limit because of adjoining residential neighborhood, they let them pass at 15 times louder than the ordinance. No wonder there are complaints!
- (III) While members of this commission has said that PSL is part of the Ramble or at least just across the street from it, and that venues like theirs was planned for. This is just not the case and is basically a misunderstanding and another distraction of the question at hand. Because I wanted to be supportive and involved, I attended every public forum and participated in every opportunity for input for the Cultural Arts Corridor(CAC). Over and over I heard and read about the plans for the

CAC. For one thing, except for the little ribbon of the Greenway, the Ramble does not even extend to Prairie Street. The southern limit of the Corridor on West Ave. stops at South St and the Fay Jones Woodland. The road and sidewalk improvement on West Ave and south of South St. are paid for by an entirely different budget item.

Furthermore, in all the discussions, there were no mentions of any permanent music venues, outdoors or enclosed. That wasn't ever mentioned nor was it voted upon when the bond issue came up. What was discussed was periodic, pop-up art, pop-up acoustical music, poetry and story telling. And although those things were mentioned to be along the trail in the area of the woodland, it was mostly directed to be in the plaza between Dickson and Spring Streets. Further south has never been called the entertainment district. South of Spring St. and especially south of Center is the Ramble is mostly connecting the Greenway to the Urban Forest and the library. It is not what people voted on for the CAC or what the money was spent on. Discussing that and future developments of what may happen across MLK is irrelevant in this issue.

- (IV) At the 2/14 meeting one of the commissioners, after hearing that Prairie Street Live was, in fact, cited for infractions of the city noise ordinance, clearly inferred that, if people didn't like it, they might just have to move. I found this statement to be offensive, unprofessional and inappropriate for someone representing the city to say. As an aside, I actually know of one residential renter that actually did move because "her baby couldn't sleep" because of the noise coming from Prairie Street Live. That's just wrong!! Wrong for the renter, the baby and the landlord.

February 9, 2022

City of Fayetteville
Planning Commission
113 W. Mountain Street
Room 219
Fayetteville, AR 72701
planning@fayetteville-ar.gov

Re: Support for Prairie Street Live's Requested Amendments to CUP

Dear Planning Commission:

I am writing to express support for the amendments Prairie Street Live ("PSL") seeks to its conditional use permit 19-6721. I am the owner and Chief Executive Officer of Eclectic Artist, LLC ("EA"). EA is a full service entertainment company headquartered in Atlanta, Georgia. We are one of the largest college and student organization concert and event planning companies in the United States of America. We focus on providing our clients with excellent service by coordinating all aspects of an event or concert including securing an appropriate venue, musical talent, transportation, food, beverage, and security.

PSL is one of our preferred vendors in Fayetteville, Arkansas when we plan and produce events for our client - student organizations affiliated with the University of Arkansas. In all of our interactions with PSL, we have found the Company and its employees to be professional, respectful, collegial, and a great representation of the town of Fayetteville.

As you know, PSL seeks the following amendments to its conditional use permit: (1) end time on Thursdays to be extended by one hour to 10:00 p.m.; (2) increasing the number of amplified music days from two days per week to three days per week. I believe that both of these amendments will be beneficial to PSL, our clients, and the City of Fayetteville.

First, as mentioned above, the events that EA plans and produces at PSL are events for student organizations at the University of Arkansas. A majority of these events are scheduled for Thursday evenings. A common request EA receives from its University of Arkansas clients is to secure an event venue where the event can run from 8 p.m. to 10 p.m. This time period is critical because many students attend classes in the late afternoon and early evening. In fact, according to the University

of Arkansas's Spring 2022 schedule, which can be viewed at <https://scheduleofclasses.uark.edu/Main?strm=1223&evening=y&Search=Search>, over 114 classes take place on Thursday evenings. Allowing PSL to host Thursday events until 10 p.m. is critical for our ability, and presumably the ability of other companies, to continue to book our client events at PSL.

Second, increasing PSL's ability to host three amplified music events per week will increase our ability to meet the increased client demand for concerts and other events with amplified music. As you can imagine, these students have had to cancel, reschedule, and sometimes cancel again numerous events over the past two years. They are eager to move forward with their events and finally connect in-person with their friends and classmates.

Finally, the proposed amendments will allow PSL and the related Fayetteville businesses that benefit from the events hosted at PSL to increase their revenue and increase the City's tax revenue. In my view, everyone wins.

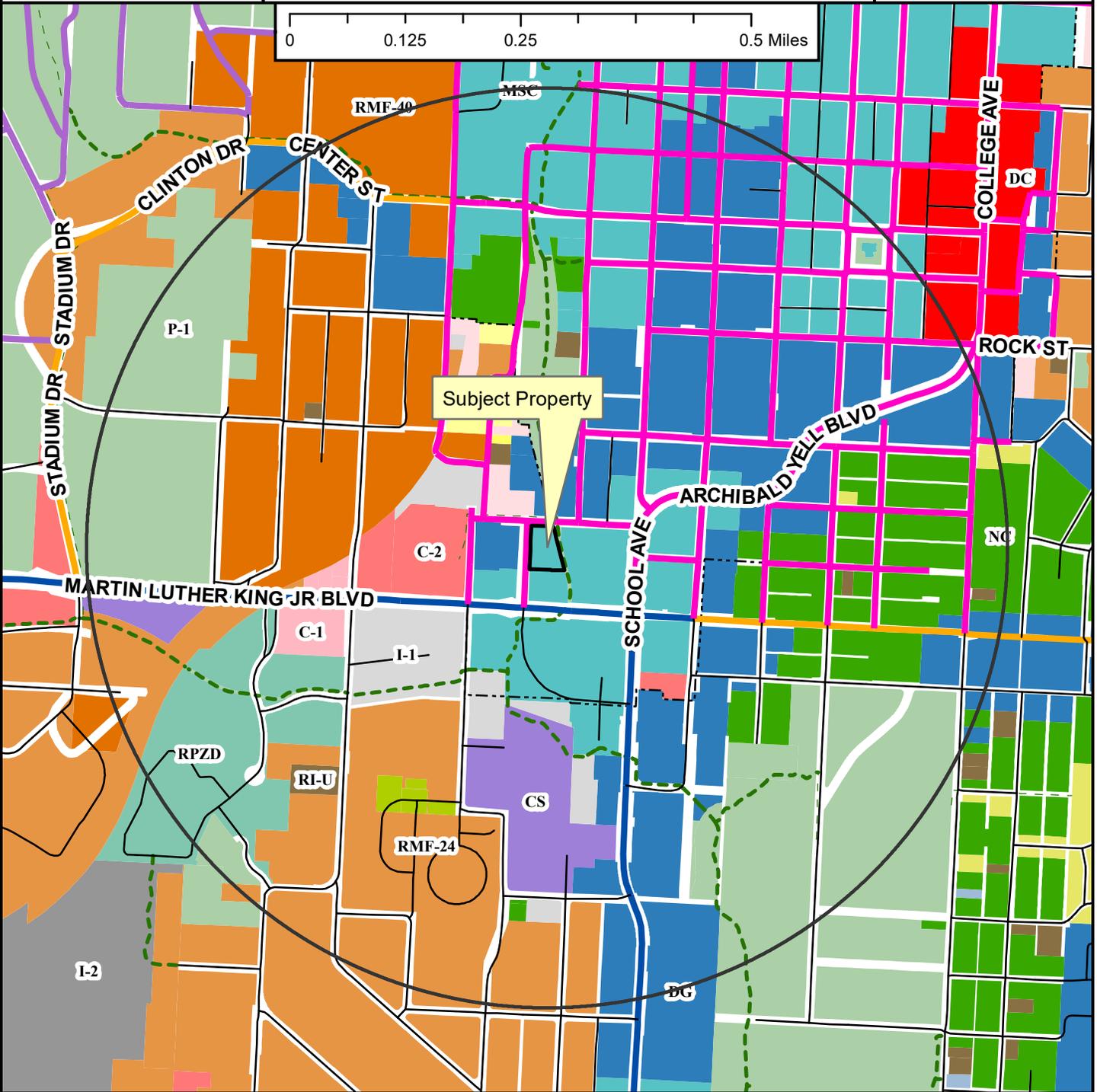
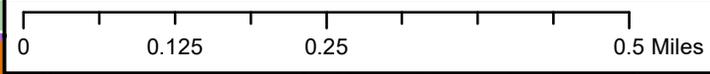
If you have any questions, please contact me. Thank you for your consideration.

Sincerely,

Brandon Denson
Owner and CEO
Eclectic Artists, LLC
bd@eartistsagency.com

DocuSigned by:

693E78CC91EA445...



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

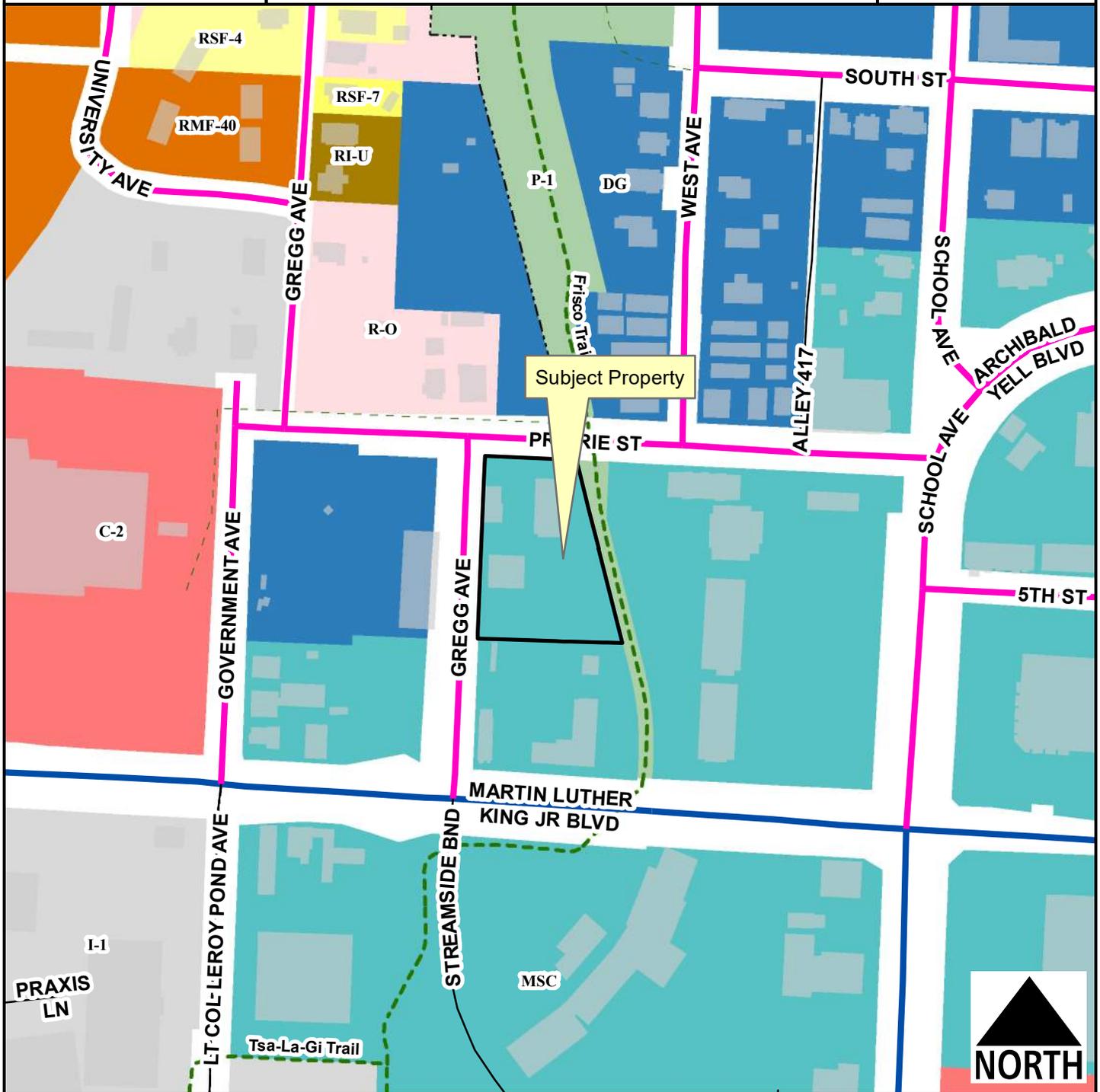


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-16
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

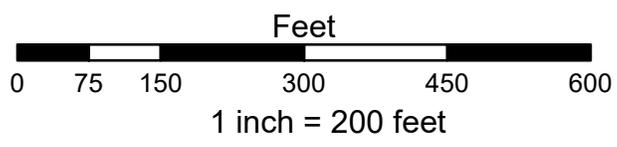
ADM-2022-000001

509 W PRAIRIE ST

Close Up View



- Regional Link - High Activity
- Urban Center
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- RSF-4
- RSF-7
- RI-U
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Main Street Center
- Downtown General
- P-1

ADM-2022-000001

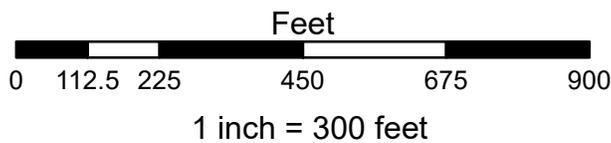
509 W PRAIRIE ST



Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway