



**Project #22-068**  
**The Yellow House in Logan**  
**Located at 130 North 100 East**

**REPORT SUMMARY...**

*Project Name:* The Yellow House in Logan  
*Proponent/Owner:* Baylee McKinley & Raeghn Torrie / M&R Rentals  
*Project Address:* 130 North 100 East  
*Request:* Conditional Use Permit  
*Current Zoning:* Town Center (TC-2)  
*Date of Hearing:* January 26, 2023  
*Type of Action:* Quasi-Judicial  
*Submitted By:* Tanya Rice, Planner II

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**RECOMMENDATION**

Staff recommends that the Planning Commission **conditionally approve** a Conditional Use Permit for Project #22-068, The Yellow House in Logan, to operate live music events at the property located at 130 North 100 East: TIN #06-066-0011.

*Land use adjoining the subject property*

<i>North:</i>	TC-2: Commercial Uses	<i>East:</i>	TC-2: Commercial Uses
<i>South:</i>	TC-1: Commercial Uses	<i>West:</i>	TC-1: Commercial Uses

***Request***

The proponent is requesting a Conditional Use Permit to operate live music events at 130 North 100 East in the Town Center 2 Zoning District (TC-2). The live music events are a proposed new use to the existing operation of the Good Times School of Rock where music and art lessons and studio space has been provided to youth since 2019. The .13-acre property contains a newly renovated historic 2-story structure where 800 SF of the main floor will be used for the live music venue. The venue consists of a stage, seating and standing area and restrooms.

***Conditional Use Permit (CUP)***

The Land Development Code (LDC) allows “minor entertainment events” in the TC-2 zoning district as a Conditional Use. A “minor” event includes a structure with less than 10,000 square feet of assembly area and/or an anticipated attendance of less than 300 people. The live music is proposed for up to once a week, on Friday or Saturday evenings (weekends only) from 7:00 pm – 9:30 pm. Concerts may include quarterly recitals for parents of students of the Yellow House and youth organized fundraisers. The proceeds of these events go toward the Wayne Julien Foundation, a non-profit organization that works toward helping youth reach their potential through science, technology, engineering, music, entrepreneurship, and empowerment. Each event will have two to three (2-3) employees on site and, based on the 800 square feet that will be used for this activity, the maximum number of occupants will be 49. However, if the applicant is desiring more occupants than 49, the Logan City Building and Fire Departments are requiring an architectural code analysis to determine a maximum occupancy load (Condition 11e).

The proposed Yellow House, a minor entertainment venue, is a permitted use in the TC-2 zone and is located within two blocks of the new City plaza, one block off Main, adjacent to several small businesses on Church & Federal so is complementary to the walkable fabric of downtown Logan. The purpose of the Conditional Use Permit is for the Planning Commission to specifically review neighborhood compatibility and the potential impacts of the proposed use on the

surrounding neighborhood. The concerns with this type of use include parking, access, and noise.

### ***Neighborhood Compatibility***

Staff's assessment of the impact of the proposed use on the neighboring uses will be manageable. Management and mitigation of impacts of parking and noise are addressed below.

### ***Parking and Access***

The Yellow House in Logan (Yellow House) is located near the intersection of 100 North and 100 East. An existing driveway off 100 East is shared access with neighboring businesses, two (2) residential structures and a short term rental. The site contains no on-site parking for live music performances. The applicant states that public access to the driveway will be managed with additional signage at the entrance and various locations along the driveway. The pedestrian entrance is in the front of the building facing 100 East

The LDC states that within the TC districts, no additional parking is required when using an existing building abutting public parking. But because this is a CUP, parking requirements shall be based on the building use type as specified in the LDC. The LDC identifies parking requirement for minor entertainment events as one (1) parking stall per three (3) people at maximum capacity and maximum occupancy is based on the architectural code analysis yet to be performed. Based on the 800 SF event space and the 49 occupants (staff & patrons), 17 parking stalls are required for the 2.5 hour performances. If additional attendees are permitted in the future and building codes approvals are complete, additional parking will be addressed and the applicant will need to amend their Conditional Use Permit.

Since the subject property does not have on-site parking, the applicant submitted an alternative parking plan. The applicant has identified public street parking on 100 E adjacent to the venue as well as the public city parking lot on Federal Avenue that contains 117 stalls for parking during their 2-hour performances. The applicant is in the process of evaluating the parking needs and demands of surrounding businesses on the public streets and lots in the area during 7:00-9:30. As conditioned with the approval of the alternative parking plan, use of public parking, and maximum occupancy of 49 attendees, the project meets the City standard for parking.

### ***Noise and Safety***

Noise is regulated by the Logan City Municipal Code in order to limit disturbances of amplified sound after 10:00 pm (§8.16.412 & §8.16.600). §8.16.412 prohibits the playing of loud music in a manner that creates "a noise disturbance across a real property boundary" between the hours of 10:00 pm and 7:00 am. §8.16.600 stipulates the maximum permissible sound level of 60 dBA from 7:00 am - 10:00 pm for locations where the origin of noise is within 100' of where people normally sleep. The proposal includes approximately 2.5 hours of live music from 7:00 pm to 9:30 pm, a maximum of once a week and only on a weekend evening (Friday/Saturday). In warm months of the year, the applicant said air conditioning and closed windows are used in lieu of open windows during live music performances. Should maximum noise levels not be exceeded (60 dBA), the impacts to the neighborhood from noise is expected to be minimal as the music is performed indoors. As conditioned, with a noise level below 60 dBA during performances, the project meets the City standards for noise control.

### ***Staff Analysis***

While town center zoning is established to encourage a mix of uses, including entertainment intended to bring people to downtown, compatibility between small music events and residential neighboring properties can be challenging. Measures and conditions such as decibel limitations and limited event times, and physical constraints such as closed windows and off-site vehicle parking have been used to minimize impacts to neighbors. With use of the public parking lot,

pedestrian traffic would be the primary way of arrival to the events. The applicant says they are committed to the conditions presented herein.

### AGENCY AND CITY DEPARTMENT COMMENTS

Comments were solicited from the following City departments or local agencies; some comments are included as recommended conditions of approval:

• Environmental	• Engineering
• Water/Cross Connection	• Fire

### PUBLIC NOTIFICATION

Public hearing notices were sent to property owners within 300' on 11/28/22. The project was noticed in the Herald Journal on 12/03/22 and posted on the Utah Public Meeting Notice website on 12/05/22.

### PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, four (4) comments from the public had been received.

### RECOMMENDED CONDITIONS OF APPROVAL

*This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.*

1. All standard conditions of approval will be recorded with the Conditional Use Permit and are available in the Community Development Department.
2. Live music hours of operation are limited to 7:00 PM to 9:30 PM weekend evenings (Friday/Saturday) only. No live music is permitted Sunday - Thursday.
3. Live music shall not exceed 60 dBA as measured at the nearest property line.
4. City noise ordinance shall be in effect after 10 PM.
5. Failure to comply with the operational limitations, e.g., days of use, times, noise levels, & managing the shared driveway access will result in a revocation of the Conditional Use Permit.
6. The maximum permitted occupancy during live music events is 49 individuals and shall comply with fire and building codes. If an architectural code analysis demonstrates the ability to increase the occupant load, then the applicant is required to have any proposed changes to the CUP reviewed by the Planning Commission.
7. Planning commission approves the off-site alternative parking plan.
8. Signage shall be added to the shared driveway access to prevent parking or blocking the driveway.
9. No signs are approved with this Conditional Use Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
10. A Logan City building/fire inspection is required to determine maximum occupancy prior to operation.
11. A Logan City business license is required prior to operating.
12. The Yellow House shall comply with local and state Building, Health, Fire, Safety, Maintenance and Nuisance Codes prior to operating.
13. Prior to issuance of Business License, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
  - a. **Fire—contact 716-9515**
    - See Building Department comments.
  - b. **Engineering—contact 716-9153**
  - c. **Water/Cross Connection—contact 716-9627**

- All points of use of water down stream of this properties water meter should meet Utah's current IPC plumbing code and amendments. This would help minimize the risk of contamination of the water for homes occupants and Logan Cities water system. This also would help minimize liabilities to the owner.

A hazard assessment of the properties water system would answer this.

**d. Environmental —contact 716-9761**

- Applicant can continue existing service.

**e. Building Department —contact 716-9032**

- The applicant needs a licensed architect provide the building department with a code analysis showing how this project meets the building and fire code for their use.

## **RECOMMENDED FINDINGS FOR APPROVAL**

The Planning Commission bases its decisions on the following findings supported in the administrative record for this project:

1. A Yellow House is compatible with surrounding land uses and zoning designations and, as conditioned, will not interfere with the use and enjoyment of adjoining properties.
2. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code and is consistent with the allowable maximum densities of the underlying zone compatible with surrounding land uses and will not interfere with the use and enjoyment of adjoining properties.
3. The proposed use is compatible with the surrounding neighborhood character as defined in Section 17.62.
4. The streets providing access and other infrastructure to the subject property have adequate capacities and level of service for the conditional use.
5. The conditional use is aimed at mitigating the possible negative impacts of excessive light, noise, and traffic.
6. The Conditional Use Permit conforms to the requirements of Title 17 of the Logan Municipal Code as an identified conditional use.
7. The project meets the goals and objectives of the Town Center Zoning designation and General Plan designation.
8. The project was noticed as required by State and City regulations and proper procedure was followed in processing this request.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



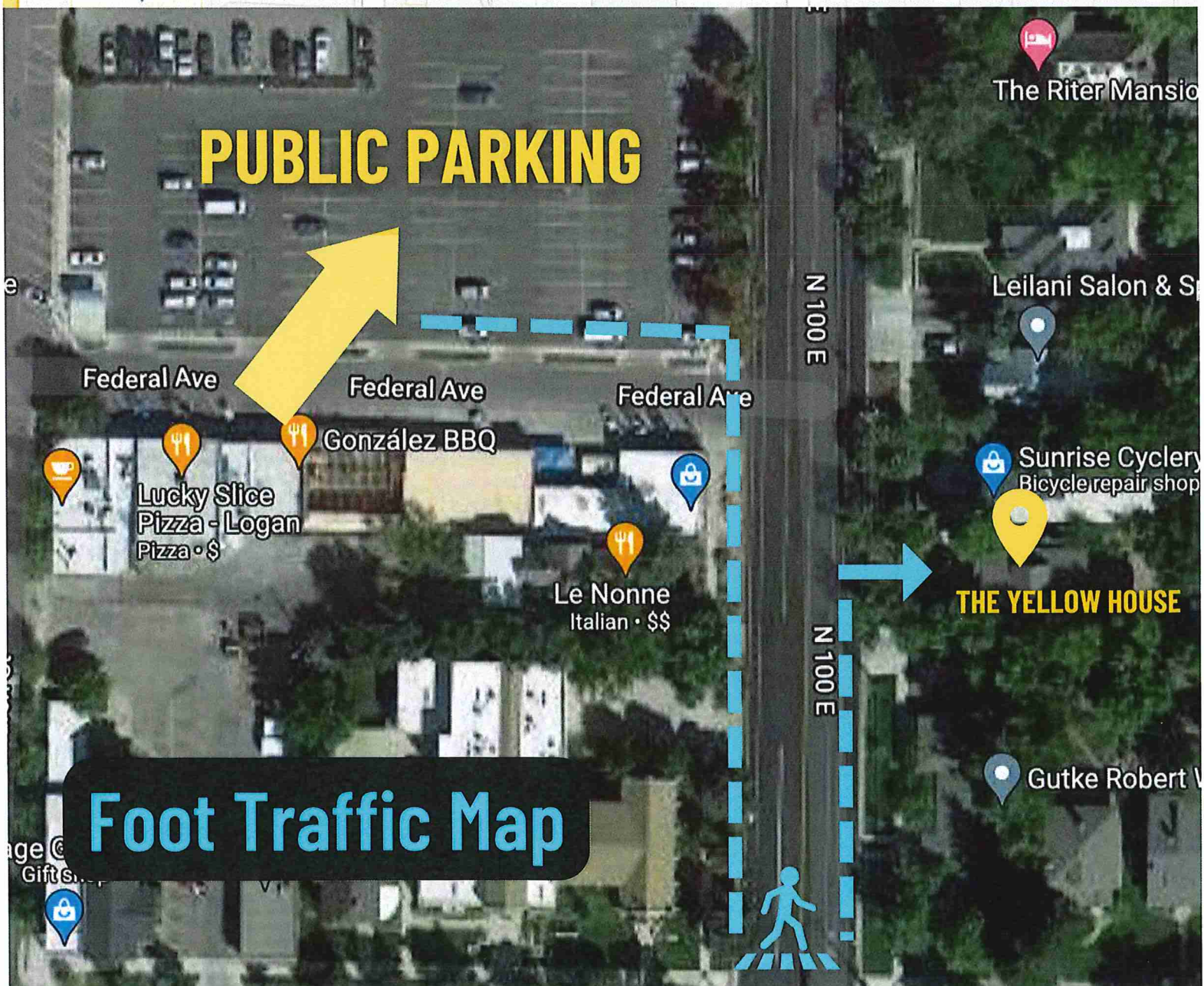
# APPLICATION FOR PROJECT REVIEW

For Staff Only				
<input checked="" type="checkbox"/> Planning Commission		<input type="checkbox"/> Land Use Appeal Board		<input type="checkbox"/> Administrative Review
Date Received	Planner	Zone/Neighborhood	Scheduled Meeting Date	Application Number
11/7/22		TC-2 / ADAMS	DEC. 15	PC 22-068
Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Subdivision <input type="checkbox"/> Administrative Design Review <input type="checkbox"/> Code Amendment <input type="checkbox"/> Appeal <input type="checkbox"/> Zone Change <input type="checkbox"/> Other				
PROJECT NAME				
The Yellow House in Logan				
PROJECT ADDRESS			COUNTY PLAT TAX ID #	
130 N 100 E, Logan, UT. 84321			0011 06-066-0011	
AUTHORIZED PROJECT REPRESENTATIVE FOR OWNER			PHONE #	
Baylee McKinley and Raeghn Torrie			(435) 213-5906	
MAILING ADDRESS		CITY	STATE	ZIP
130 N 100 E, Logan, UT. 84321				
EMAIL ADDRESS				
info@theyellowhouseinlogan.com				
PROPERTY OWNER OF RECORD			PHONE #	
M&R Rentals (Raeghn Torrie)			(435) 757-5484	
MAILING ADDRESS		CITY	STATE	ZIP
880 N 8000 W, Mendon, UT. 84325				
EMAIL ADDRESS				
raeghnt@gmail.com				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE NOTICED AND PRESENTED (Include as much detail as possible - attach a separate sheet if needed)			Total Lot Size (acres)	
We are a family Friendly Event Venue. We host charity fundraisers (including live music events), and other various events to better the community and raise money for charity. (All our event proceeds received go towards the Wayne Julien Foundation, a non profit organization that works towards helping others see their worth and reach their potential through Science, Technology, Engineering, Music, Entrepreneurship, and Empowerment.) Our charity live music nights are at least once a month on Friday evenings, and are from 7:00pm to 9:30pm.			0.13	
			Size of Proposed New Building (square feet)	
			N/A	
			Number of Proposed New Units/Lots	
			N/A	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permit on behalf of the property owner.		Signature of Property Owner's Authorized Project Representative		
		Baylee McKinley		
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.		Signature of Property Owner		
		Raeghn Torrie		

**APPLICATION MUST BE ACCURATE AND COMPLETE**  
**NO SITE ACTIVITY MAY OCCUR UNTIL AFTER APPROPRIATE COMMITTEE APPROVAL.**



# THE YELLOW HOUSE IN LOGAN PARKING PLAN/MAP





# Alternative Street Parking

**\* in the spring & summer**



To: Logan City Planning Commission  
Michael DeSimone, Director of Community Development

Re: Project #PC 22-068 Conditional Use Permit

Thank you for this opportunity to have input on the above referenced request to allow a modification to the existing use of the subject property. We own the home located at 139 East 100 North which is less than a half of a block from the subject property. We are opposed to the conditional use /variance as requested for the following reasons;

This area is a unique and historic part of Logan and has a history of mixed uses of low impact commercial buildings and residential dwellings. The location which is requesting the variance is closely located to, and certainly within audio impact range of, several important religious facilities, restaurants, and in our case a historical residential home which the family has owned since the 1920s. This block has historically acted as a natural buffer between the commercial activities on Main, Federal and Church Streets and the residential uses and the Logan Temple block to the east. The low impact nature of the commercial uses on the block, such as offices, small retail and services, do not have a significant adverse affect on the historic residences which co-exist there. The proposed conditional use/variance requested would be highly impactful to the quiet enjoyment of the existing dwellings and would also potentially have a significantly negative impact on the existing commercial and cultural sites such as Le Nonne restaurant, St. Johns Episcopal Church and the LDS Tabernacle and Temple, which are within the audio impact zone of an outdoor concert venue. The nature of the requested conditional use as stated in paragraph 1 of the public hearing notice is so vague that to allow it, as requested, could subject the neighborhood to virtually unlimited audio impact. As previously stated, this unique neighborhood which has to this point had a compatible mix of historic residential and small commercial uses would be irrevocably and negatively altered by the use of the subject property as an outdoor concert venue. The result would be the defacto creation of a nuisance which would undoubtedly degrade the current usefulness and property value of the neighborhood generally. We appreciate your consideration of these issues.

Edwin T. Peterson

Laquita H. Peterson





## Yellow House

1 message

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**Jane Nicholson** <jknicholson48@yahoo.com>

Sun, Dec 4, 2022 at 7:28 PM

To: "planning.commission@loganutah.org" <planning.commission@loganutah.org>

Logan Planning Commission

I want to express my opposition to the Conditional Use Permit to The Yellow House. The property is adjacent to my home. I have been impacted over the past few years by the noise from concerts and practice sessions at the Yellow House as have many others in the neighborhood. You state that "the live music nights are at least once per month on Fridays". Does your approval mean that live music events might happen more than on those 4 Fridays each month? It sounds like the neighbors might be listening to the "live music" on many nights each month. In this residential neighborhood that is untenable and I ask you please, "don't approve this permit".

Jane Nicholson  
107 East 100 North  
Logan, UT 84321

To: Logan City Planning Commission

December 6, 2022

Michael DeSimone. Director of Community Development  
Re: Project #PC 22-068 Conditional Use Permit

We appreciate the opportunity to be able to provide input regarding a "Conditional Use Permit" for "The Yellow House" located at 130 North 100 East Logan. We are very much opposed for the following reasons.

We are the direct neighbors to the North, residing at 138 North 100 East, Logan. We have lived and operated Sunrise Cyclery since 1981, at this location. We have been an anchor in this neighborhood and have added to the Logan community through Sunrise Cyclery and LotoJa. LotoJa is one of Logan's biggest events, bringing in millions of taxable funds. Until The Yellow House this has been a relatively quiet neighborhood, other than the occasional extra loud event at The Ritter House.

This block is a rather unique part of Logan, with several houses on the historic registry. This block has a history of blended business/commercial and residential use that has worked well for over 40+ many years. Most of the activity in the area is the typical daytime hours of office, retail, and service businesses and the same with the noise. And until now there has not been an event/entertainment businesses here.

The impact on our home is significant. In every room of our home, we can hear the music next door. Not only the drums and the base, but the words to the songs! We can hear all that through our house with our insulated windows closed. Our back yard and deck where we used to enjoy a quiet evening is not available whenever there is an event or practicing next door. We have called Logan City about the sound ordinance many times for both the volume and for playing past 10 PM.

Although it is up to our other neighbors to respond on their own, in visiting with neighbors, they too are experiencing too much noise. The Conditional Use Permit for the Yellow House would dramatically change the neighborhood experience for the benefit of a few, and risk what has been historically enjoyed here by many, for over 40 years.

The Yellow House has been, by far, the most disruptive neighbor over these 40 + years. Because noise knows no boundaries, having a music venue in a residential neighborhood makes no sense. Allowing for Live Music Nights "**at least once a month**" would be a decision that would negatively change the current use of the surrounding properties.

We hope you understand how hard it has been to have to live with what the Yellow House is currently doing with events and renting their space for events. We are surprised Logan City allowed a music venue without sound suppression for the surrounding neighbors.

Thank you for your time and consideration of this matter.

Jeffrey S. Keller

Renee S Raber

Dec 3, 2022

Logan City Planning Commission,

I am writing in opposition to the issuance of a Conditional Use Permit to Baylee McKinney/Raeghn Torrie-M&R Rentals. I own the property at 131 East 100 North which is occupied by three tenants. Having had previous experience with the 130 North 100 East property when it was used as a practice venue for musicians I can attest to noise that carried to my property. In fact, amplified music carries much farther than those within the 300 feet that were contacted. To be fair to residents outside that distance that will be impacted by the sound, notification should be sent to residents up to 200 East. The application states the property would be used at least once a month for live music nights. That implies that four nights a month would be acceptable. I think having loud music in this close a proximity to residences would be an unacceptable nuisance. Based on this I would request that the Conditional Use Permit be denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Neilson', with a stylized, cursive script.

Richard Neilson

435-7400212

neilsrr@yahoo.com