

**West Point City  
Planning Commission  
3200 West 300 North  
June 8, 2017**

**Present:** Brian Vincent, Jeff Macfarlane, Brad Lee, Rob Ortega, Jake Shepherd, Jeremy Strong, Korey Kap, Boyd Davis – Community Development Director, Troy Moyes – City Planner, Michelle Bailey - Planning Commission Secretary

**Visitors:** Paul Smith, Kent Dahl, Bobby Gilbert, David Anderson

**WORK SESSION**

**1. Discussion regarding Preliminary and Final Plat approval for the Gilgert Single Family Home Subdivision, a single lot subdivision, located at 371 North 4500 West, Randy Parks, applicant.**

Troy Moyes stated that Randy Parks is seeking preliminary plan and final plat approval for a single lot subdivision located at 371 North 4500 West, named Gilgert Single Family Home Subdivision. This lot is proposed to be .321 acres located in an R-2 single family residential zone. The street, 4500 West, is a UDOT road and has strict access requirements and requires a variance from UDOT. The property owner, Bobby Gilgert, has provided all of the approval letters that he has received from UDOT, Hooper Water, North Davis Sewer District, Davis & Weber Counties Canal Company and North Davis Fire District. All of the requirements have been met and Staff recommends approval.

**2. Discussion regarding Pad Approval for Culver's Restaurant, located at 267 North 2000 West, David Anderson, applicant.**

David Anderson, from Anderson Wahlen & Associates, is seeking pad approval for a Culver's Restaurant, located at 267 North 2000 West. The building is proposed to be located on the southwest corner of 2000 West and 300 North within "The Point" commercial development. The site will consist of a 4,300 square foot building with approximately 52 parking stalls, a drive thru lane, and a fully landscaped site. A color rendering was also submitted showing color and material used to match the existing Smith's Marketplace.

Staff has spent a significant amount of time reviewing this application to make sure it is in compliance with West Point City Code. This type of use has several areas in the Code that control it. In particular with this application, specifically the horizontal and vertical articulation requirements, it has been difficult to determine due to a lack of definition, if the proposed building meets the Code. The architectural standards of the Code are found in 15.20.160(E). Troy Moyes, in summary, said, "Our Code says that relief in the building must take place on the horizontal and the vertical. On the height of the building, times 2. So if the building is 10 feet tall, every twenty feet it must have relief of 5% on the horizontal. On the vertical, it has to have relief of every 15%. So on a 10 foot building you would span 20 feet. Every 20 feet it has to have a change of 15%. The problem Staff ran into is that the Code doesn't specifically say how to measure the wall height. Should

it be measured from the tallest point of the building or the shortest point of the building; that changes the calculation. Culvers has submitted new drawings now so this isn't relevant. They made some changes so the building will meet the Code if it is measured from the tallest point on the building. If measured from the shortest point, it does not meet Code. Extensive discussion took place regarding the horizontal and vertical articulation requirements. Staff feels that this meets the standards. The Commission agreed and feel that it is a nice looking building. The drive-thru will face 300 North. They will be required to obtain a conditional use permit because it is a fast food restaurant. The Code requires us to hold a public hearing before the conditional use is granted so that will be held at the next planning commission meeting.

**3. Discussion regarding a Conditional Use Permit for an Accessory Building, located at 1279 North 5000 West, Jake Shepherd, applicant. (Non-agenda Item)**

Jake Shepherd said he is building a home on 5000 West and they would like to build an accessory building on the property. They plan to dig the hole before the next meeting and do the foundation for that at the same time. Jake showed the commission the plot plan. He would like to construct a 40' x 40' building. He is 10 feet off from the setback of the house and he will be one foot off the property line. Jake asked if there were any questions regarding the building and said it will be on the agenda for the next meeting. There were no questions at this time.

**4. Discussion regarding proposed changes to West Point City Code regarding Accessory Apartment regulations.**

Troy Moyes said that, based on discussions in past meetings, he is proposing that we strike the portion of the Code in Accessory Buildings that says "There shall be no living space allowed in an accessory building." And then he proposed that we add the following in the Accessory Apartment Conditional Use. It would be paragraph B. Stating "The Planning Commission may grant approval for an accessory apartment to be placed in an accessory building if: 1. The setback of the accessory building maintains the same setback as the primary structure; and 2. Follows the remaining guidelines found in this chapter." Troy asked if the commission feels that we need more strict requirements. Jeremy Strong asked how we should address already existing buildings that would be grandfathered in. Jake Shepherd commented that you could make a provision that says that if it is so far behind the adjacent property's rear setback then that might be a little different.

**5. Presentation by the Utah Apartment Association regarding the Good Landlord Program.**

Paul Smith, Executive Director of the Utah Apartment Association, has agreed to come to our meeting and discuss the Good Landlord Program and answer any questions that the commission may have.

Mr. Smith began by talking about rental licensing. He said we have 2,714 housing units according to the U. S. Census. We have a 94% homeowner rate, so we have about 6%, or only about 200 rental units in West Point. What is rental licensing? Every business has to

have some type of business license. In many cities in the State of Utah, you can require the owner of a property that rents it to a non-owner occupant to have a license. In some cities, they have a bifurcated fee for rental licensing. They have the low fee for what they classify as the “good landlords” and they have the high fee for who they classify as “everybody else”. The good landlord discount is something that is given to businesses that do things that are designed to reduce the cost to municipalities; costs for police, fire, code enforcement etc. Those things that they do to help us reduce costs are: 1. Background checks 2. Inspections 3. Certain rules and regulations that help mitigate the damages that non-owner occupants can do to communities. Some cities have passed the Good Landlord ordinance as a part of business licensing.

Mr. Smith discussed the pros and cons of the Good Landlord Program.

Pros: typically in cities where they have standards for the landlords to follow, Code Enforcement complaints on rental properties go down by about 2/3. Police and fire costs go down by about 28%. A lot of those costs are caused by renting to people with criminal histories. If you make a landlord do a background check, which is one of the primary requirements of the Good Landlord Program, they are less likely to rent to someone who is going to be a perpetual police incident. This works very well in big cities like West Valley and Ogden. It doesn't work very well in cities like Salt Lake City. The reasons are more political rather than city size. If the philosophy of the city is, “We want to help landlords. We want to work with them to provide resources.” It works a lot better than if it is “We want more tools to regulate and punish and persecute them.” Mr. Smith doesn't recommend integrating the Good Landlord Program if the philosophy of our city is to use it as a tool to harass or raise the standards of landlords. If we use it as a tool to help them run better businesses, they in turn will be better neighbors.

Questions Mr. Smith is frequently asked:

1. What is the benefit of the program to the City? Mr. Smith said he isn't sure there is much benefit with a city as small as West Point except for getting ahead of it if we do allow construction of apartments. We could have an ordinance in place that requires background checks etc. Or a higher fee to compensate us for the higher costs.
2. What are the benefits for the landlord? They want to be trained by the city. The Apartment Association provides a training every two years and have sample forms for landlords to take and use. They also get police notification if there is a police, fire, or code enforcement call on their property.
3. What are the drawbacks of the program? In a small city, it does create a little more bureaucracy. If you don't have a streamlined system, business licensing now has 200 more licenses they have to deal with and they still have the same staff, same resources, and same limitations. But a definite benefit to the program is that crime in the cities that use this program has gone down 28%-40% in neighborhoods with rental properties.
4. Struggles landlords have experienced. Landlords want cities that are trying to help them.
5. What are the components of the program? You would simply pass a licensing act that would say “Everyone who is a landlord must be licensed” or you could say “Everybody that owns more than X number of units must be licensed.” Mr. Smith said he isn't a fan of only licensing the landlords with multiple units. He feels that

landlords of single family units need to be licensed as well. Recent legislature has been changed saying that cities can make landlords do background checks but unless they have a halfway house in the city, they can't tell them who to say yes or no to. Mr. Smith said he is on board with letting the landlords choose who they rent to.

Mr. Smith asked the Commission for questions that they have. Brian Vincent said, "So on some of those communities, you don't direct what background check is done, just a background check?" Mr. Smith responded that they say they must do a criminal background check and a financial check. Typically that entails the financial check which includes credit and if they make enough to afford the rent. And the criminal check which asks if they have committed any serious crimes or crimes that would be a threat to the neighbors, the property, or the community. Most the time landlords are already pretty tough and won't rent to sex offenders or people who possess or manufacture drugs. If the charges are from 5, 10, 15 years ago, most landlords don't care about it. They are looking for people who are risks.

Boyd Davis asked about requiring people who rent out single family residences and why it is recommended to include them in the program. Mr. Smith responded that he understands the politics, but the reality is that the worst landlords are the landlords who own single family homes. None of the 13 cities that have the Good Landlord Program exclude single family renters. Some of them exclude accessory apartments, but none of them exclude single family. There are cities in the State that license landlords but exclude triplex owners and below.

Jake Shepherd asked what the statistic was regarding crime going down. Mr. Smith responded that in South Salt Lake, in the four years after implementing the Good Landlord Program, calls for service on rental properties dropped 28%.

Korey Kap asked if the Davis County Sheriff's office, who we contract through, will raise the rates of our contract once we start building apartments. Boyd Davis responded that it is possible that they will do that. They renegotiated our contract when the Smith's Marketplace was built. Mr. Smith said cities must do a fee study which will assess how much it costs in calls for services and they tell the city whether they even need these or not. With a city as small as West Point, the cost of that study will be \$25,000.00. Is it possible to re-coop that fee in licensing fees and landlord fees? Probably not. You cannot charge disproportionate business license fees without doing a business license fee study which tells you the average calls for service for retail, restaurant, and residential rental property. You use those numbers to quantify what additional costs can be charged. You have to do a study to justify those fees. Mr. Smith said he felt that for 108 units, it wouldn't be worth it for us to implement the program. He suggested we watch things for a year or two and if calls for service are significantly higher than we could deal with it then. The city can set up a contract with a landlord saying, "If there is a criminal act on the premises or a disturbance, landlord, you agree to immediately evict." Or, the city can place conditions on the developer when he develops the rental units asking him to maintain certain standards that are outlined in the beginning.

Troy Moyes asked if the city doesn't have a halfway house, can they force the landlords to evict people still. Mr. Smith said you can, but the only thing the legislature says you

can't do is impose restrictions on who they must deny. The city can't say the landlord cannot rent to justice involved individuals. You can't deny them solely because of a criminal act but if they commit a crime once they are there you may evict them. The cities need to have a good interactive dialogue with the landlord. Get the contact information of the landlord; cell phone number, email address, etc. It is much easier to get a hold of a landlord to work out issues if you can contact them via a phone or email rather than having to send a letter to a PO box. Ideally, cities should provide services to our landlords that reduce our municipal costs. If we choose to license landlords, there is nothing to prevent us from requiring certain things. Such as, if we end up renegotiating our contract with Davis County, we can arrange to be notified of any incidences that occur at the rental properties and then immediately we can notify the landlord so they can evict that person. We can do things like this, which are appropriate and helpful, without the Good Landlord Program.

Troy Moyes asked what is typically required of the landlord. Mr. Smith said the major components of the Good Landlord Program are 1. They agree to get training every couple of years. 2. They agree to run background checks. 3. Evict anyone that is a problem.

Brian Vincent asked, "If we choose not to do licensing, can we do a registration?" Mr. Smith replied, "I don't think that you can require, under State Statute, members of a business class to voluntarily register. But what you could do is have a no-fee license."

## **REGULAR MEETING**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Prayer:** given by Korey Kap
- 4. Approval of Minutes from May 25, 2017.**

Brad Lee made a motion to approve the minutes from the meeting held on May 25, 2017, as written. Rob Ortega seconded the motion. All voted aye.

- 5. Public Comments:** None given
- 6. Preliminary and Final Plat approval for the Gilgert Single Family Home Subdivision, a single lot subdivision, located at 371 North 4500 West, Randy Parks, applicant.**

Troy Moyes reviewed the application. Randy Parks is seeking preliminary plan and final plat approval for a single lot subdivision located at 371 North 4500 West, named Gilgert Single Family Home Subdivision. This lot is proposed to be .321 acres located in an R-2 single family residential zone. The street, 4500 West, is a UDOT road and has strict access requirements and requires a variance from UDOT. The property owner, Bobby

Gilgert, has provided all of the approval letters that he has received from UDOT, Hooper Water, North Davis Sewer District, Davis & Weber Counties Canal Company and North Davis Fire District. All of the requirements have been met and Staff recommends approval. There were no questions for Staff or Mr. Gilgert.

Jeff Macfarlane made a motion to approve the Preliminary and Final Plat for the Gilgert Single Family Home Subdivision, a single lot subdivision, located at 371 North 4500 West, Randy Parks, applicant. Jake Shepherd seconded the motion. All voted aye.

**7. Pad Approval for Culver's Restaurant, located at 267 North 2000 West, David Anderson, applicant.**

Troy Moyes reviewed the application. David Anderson, from Anderson Wahlen & Associates, is seeking pad approval for a Culver's Restaurant, located at 267 North 2000 West. The building is proposed to be located on the southwest corner of 2000 West and 300 North within "The Point" commercial development. The site will consist of a 4,300 square foot building with approximately 52 parking stalls, drive through lane, and a fully landscaped site. A color rendering was also submitted showing color and material used to match the existing Smith's Marketplace. There are several Code requirements pertaining to a business site plan. Staff has reviewed this application and it was discussed in depth during the work session. Staff feels the applicant has met the requirements and standards outlined in the West Point City Code and recommends approval. The applicant will need to come back for a Public Hearing for the use of a restaurant.

Jeremy Strong made a motion to grant Pad Approval for Culver's Restaurant, located at 267 North 2000 West, David Anderson, applicant. Rob Ortega seconded the motion. All voted aye.

**8. Planning Commission Comments**

Jake Shepherd had no comments.

Brad Lee encouraged all in attendance to be a part of the City's 4<sup>th</sup> of July celebration if it works into their schedule. We do a lot of fun things and it's all free to the community.

Jeremy Strong thanked Staff for all that they do.

Rob Ortega thanked Staff for the work they do.

Jeff Macfarlane echoed the previous comments made.

Korey Kap had no comments.

Brian Vincent thanked everyone for their participation.

**9. Adjournment**

Brad Lee made a motion to adjourn at 7:12 p.m. Jeff Macfarlane seconded the motion.  
All voted aye.

  
Chairperson – Brian Vincent

  
Secretary – Michelle Bailey

