

Minutes of the Roy City Council Work Session held electronically via Zoom and YouTube on December 1, 2020 at 4:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy	City Manager, Matt Andrews
Councilmember Paul	City Attorney, Andy Blackburn
Councilmember Saxton	City Planner, Steve Parkinson
Councilmember Wilson	
Councilmember Burrell	

Also present were: Morgan Langholf, Steve Parkinson, and Randy Sant

A. Welcome & Roll Call

Mayor Dandoy welcomed those in attendance and noted Councilmembers Burrell, Paul, Saxton, Wilson were present. Councilmember Jackson was excused. Mayor Dandoy read the following statement:

I, Mayor Robert Dandoy, and in accordance with Utah Code Section 52-3-207(4) have determined that conducting a meeting in the Roy City Council Chambers presents a substantial risk to the health and safety of those who would be present, the basis for this determination is that due to the infectious nature and potentially dangerous health effect of contracting the COVID-19 virus there is not sufficient space in the Council Chambers to provide appropriate safe physical distancing for the safety individuals who would attend. Accordingly, the December 1st, 2020 meeting will be held electronically without an anchor location.

B. Discussion Items

1. Chapter 13 Mixed Use

Mayor Dandoy stated that the conversation ended last time with the question of reducing building height in Core A from 80 feet to 70 feet. He invited Councilmember Saxton comment on this issue. Councilmember Saxton said that the current zoning of the area limited height to 60 feet. He felt that setting the allowed height at 70 feet would be more palatable for the residents that were opposed to the change. Another item he wanted to address was the possibility of requiring at ground floor commercial to be 50% retail in all developments. This would provide the sales tax generating uses the City needed.

Councilmember Wilson agreed that there had been a lot of concern about the proposed height, and they should consider the concerns of the residents that live in the area. She reminded the Council that the most recent survey had question regarding building height, so it would be prudent to wait on this decision until those survey results were gathered and examined. In general, people have expressed the desire for a more open feel in the City, and tall buildings probably wouldn't be conducive to that. Regarding retail on the ground level, Councilmember Wilson said that developers often found it difficult to fill retail units, so they were instead filled by office uses.

Councilmember Burrell asked about the tax revenue generated from residential, office, and retail uses,

and staff provided the information. For retail and office uses, the City received property tax revenue, and retail generated retail sales tax revenue.

City Planner Steve Parkinson noted that Core A was at least two city blocks away from the nearest residential homes, and the area between them had a lower height restriction as a buffer. In their research, he didn't find anyone that was concerned about the height on the east side of 1900 West, which is why the Committee decided to keep the height at 80 feet.

Randy Sant encouraged the Council to consider the revenue that would be generated from higher buildings. By his rough calculation, 6,000 square feet of commercial was generating about \$9,000 in actual sales tax revenue for the City. With multi-use developments, they could not only be generating revenue from the ground floor retail, but also the property tax of all the residential units on the upper floors. Height adds revenue, no matter what the use. Mr. Sant noted that developers don't usually fill retail or office uses right away. Once the residential tenants came in, there was a greater incentive for retail businesses to fill those spaces. He suggested that the Council do a baseline study showing what the existing commercial uses generate for the City. This would allow the RDA to compare proposed developments to the existing revenue and determine if it would be more profitable. They wanted any incoming development to be equal to or greater than what was currently being generated.

Mayor Dandoy asked the Council how they wanted to proceed with the height restriction. Mr. Parkinson said that the buildings across 1900 West were limited to 60 feet, and they were closer to the existing residential homes. The Committee felt it was acceptable to keep the height on this side of 1900 West. Councilmember Burrell asked about the height allowance in the original draft, and Mr. Parkinson said it was limited to 12 stories. Depending on construction materials and design, this could be 120 feet or more. Mr. Sant noted that developers are getting feedback from residential tenants saying that they were seeking units with taller ceilings. If developers accommodated this, 80 feet would not be enough for an eight-story building. He anticipated they would see five- or six-story buildings with an 80-foot height limitation. It was also unlikely that all of the buildings in the Downtown area would reach 80 feet in height.

Councilmember Wilson asked about the communication tower in the area, and how that would be affected by taller buildings. It was much taller than 80 feet. Mr. Parkinson said that communication towers were under a different section of code, and would not be impacted by the changes. It was unlikely that the tall buildings would affect cell signal from the tower, but there was the concern of buildings being constructed too close to the tower.

Councilmember Burrell felt there wasn't too much difference between 70 feet and 80 feet, so she didn't see the need to lower the height restriction. Regarding commercial versus retail use, she could see that office use couldn't be as tax generating, but it would still bring traffic into the area, so it might still generate revenue. The City needed the retail, but she wasn't sure how much. Mayor Dandoy noted that the amount of retail could be decided on a case-by-case basis. Mr. Sant stated that some developers would be coming to the RDA to ask for a tax incentive, and the RDA can require a certain amount of retail in exchange for that assistance. Mayor Dandoy said that the question was whether to require retail in the statute now, or deal with that requirement as developments came in.

Councilmember Wilson reiterated that they should wait to make a final decision on height until they had the results of the recent survey. That survey would provide much needed input from the community. The City Council agreed.

The group then discussed the retail requirement. City Attorney Andy Blackburn was concerned that requiring 50% retail in the statute now would cause issues in the future. A developer would come along

that wanted to do something different, and they would have to go through a whole process to change the code to allow it. Something like that would have to go before the Planning Commission and the City Council. His preference would be to allow the percentage to be required based on the project. Councilmember Burrell agreed. Mr. Sant offered to draft a policy, to be adopted by the RDA, that would outline how much retail the City wanted overall. This policy could be used as a base for the RDA as they made retail requirements. The Council was in favor of the idea.

There was a brief discussion regarding the impact this ordinance would have on existing businesses. Staff stated that existing businesses would be grandfathered in. The Legal Department was looking into the non-conformance clause to ensure that existing businesses would be covered.

C. Adjournment

Councilmember Paul motioned to adjourn the City Council meeting at 5:25 p.m. Councilmember Saxton seconded the motion. All Councilmembers voted “Aye”. The motion carried.

Robert Dandoy
Mayor

Attest:

Morgan Langholf
City Recorder

dc: