

Submitted May 20, 2022

Approved May 25, 2022

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 07-2022  
Wednesday, April 13, 2022**

The City of Rockville Planning Commission convened in regular session  
via WebEx at 7:00 p.m.  
Wednesday, April 13, 2022

**PRESENT**

Suzan Pitman - Chair

Andrea Nuñez                      Sam Pearson  
John Tyner, II

**Present:** Nicholas Dumais, Senior Assistant City Attorney  
Jim Wasilak, Chief of Zoning  
Christine Henry, Deputy Director, Department of Recreation and Parks  
David Levy, Deputy Director, Department of Community Planning and Development Services

Chair Pitman opened the meeting at 7:00 p.m., noting that the meeting was being conducted virtually by WebEx due to the coronavirus pandemic.

**I. DISCUSSION**

**A. Discussion on Proposed Parkland Dedication Requirements, Including Fee-In-Lieu of Dedication and Impact Fees**

Mr. Wasilak briefly recalled for the Commission a number of parkland acquisition options that the city is currently considering through the development process. He noted that the parkland dedication options were tentatively scheduled to be discussed by the Mayor and Council at its April 25<sup>th</sup> meeting, and added that the formal text amendment encapsulating the parkland dedication options would be finalized at some time in the future. Mr. Wasilak further outlined the next steps in the amendment process, including authorization by the Mayor and Council to file the zoning text amendment and initiate the public review process, undertake public outreach, review and recommendation by the Planning Commission and finally a public hearing and decision by the Mayor and Council.

Commissioner Nuñez inquired whether there had been any projections on the amount of funding that would be produced as a result of implementing the proposed parkland impact fee requirement. Mr. Wasilak responded that projections on the revenue to be produced by such fees had not yet been done as the staff was still working to formulate a reasonable fee amount. He added that staff would be making projections on where future development would be anticipated, most notably in the Rockville Pike corridor and Shady Grove areas.

Commissioner Tyner inquired about the potential maintenance costs that would be associated with the City acquiring additional parkland and establishing new parks in the City. Ms. Henry responded that a system would have to be created for operating cost impacts and based on each project's particular situation and the programming envisioned for a site, an associated operating budget would have to be created to support meeting the park needs for the site. She gave the examples of the two major golf courses in the City, Lakewood Country Club and Woodmont Country Club, where if such properties were ever to redevelop, their large acreages would potentially offer the City an opportunity to gain significant areas for usable parkland. She added that there would be challenges in gaining large tracts of land for parkland, given the limited number of large properties yet to be developed or anticipated for redevelopment in the City. Commissioner Tyner further inquired, and Mr. Wasilak confirmed, that developments proposing more than three dwelling units would be subject to the proposed parks impact fees.

Mr. Dumais commented that whether implemented as impact fees or payments in lieu of dedication, either option would be treated like exactions. He explained that this meant that either option could not be for general revenue purposes and either option would have to have some level of connection to the impact of particular projects on the park system. He added that state law has clearly directed funds to be used for the benefit of the project in regards to parkland dedication. In the case of impact fees, he likened the potential for parkland impact fees to other established fees for the provision of facilities such as schools and transportation, and would effectively allow additional capacity among the City's park facilities, for the benefit of city residents. Mr. Dumais added that the proposed regulations consider triggering parkland dedication on properties that are a minimum of 5 acres and added that there are a limited number of properties in the City that would meet such a threshold. Mr. Wasilak added that beyond the two major country clubs properties, sites were scattered throughout the City with many being in the Research Boulevard corridor as prior zoning required such properties to be of a larger size.

Given the limited number of large properties which could be redeveloped for parkland, Chair Pitman asked what would happen to the revenues from collected impact fees if the City was not able to purchase suitable properties for parkland. Mr. Dumais responded that as currently proposed, the money received in lieu of parkland dedication are anticipated to be subject to a refund provision where after a certain amount of time, such money could be refunded if not used. In the case of the proposed parks impact fees, Mr. Dumais commented that such fees were not considered to be refundable as the purpose of such fees would be to increase capacity of park facilities for residents through improvements, expansion and upgrades of facilities rather than the targeted focus of acquisition of parkland specifically.

Chair Pitman transitioned the discussion towards the broadening of what the City understood to be a park in order to take advantage of the variety of spaces and properties which could potentially be a beneficial park space to residents. She emphasized the need to consider how to provide green space, forest space, and play space at every opportunity so that the City continues to maintain and grow its park facilities to meet the needs of residents. Chair Pitman added that on larger properties, afforestation should also be considered rather than considering them only got active open space. She also emphasized the need of making parkland a priority in the

consideration of annexation proposals. Commissioners Pearson and Nuñez concurred with the Chair's disposition to prioritize opportunities to expand green space throughout the City.

Commissioner Tyner emphasized the need for the City to also consider maintenance costs for park facilities in its discussion of parkland, so that the rising cost of maintaining existing and future facilities are considered. Chair Pitman along with Commissioners Nuñez and Pearson concurred with the need to include maintenance costs in its recommendations to the Mayor and Council.

Upon inquiry from Chair Pitman, the Commissioners gave their opinions on the proposed parkland options of park impact fees and parkland dedication/fee-in-lieu proposals and the detailed numbers which would trigger both options. Commissioner Nuñez inquired and Mr. Wasilak confirmed that for parkland dedication/fee-in-lieu option, the threshold proposed was 20 dwelling units or 25,000 square feet of commercial or office space and for project impact fees, a lower threshold of 3 dwelling units proposed would trigger the fee with no fee required for non-residential development. Mr. Wasilak clarified that implementing both options were currently being considered by staff, with parkland dedication for larger properties and park impact fees applied more broadly across the board for residential development projects, with exception of small residential projects (3 dwelling units or less). Mr. Dumais further explained the options and detailed that a larger property which would be subject to parkland dedication would also be eligible for credits toward applicable park impacts fees which could mitigate the cost burden and essentially negate the occurrence of double parkland fees on a particular project.

Chair Pitman outlined a number of issues which the Commission agreed should be considered in the proposed consideration of parkland acquisition, including the reframing of how parks are defined in the City, the implementation of green roofs and forestry, outdoor education and prioritizing parkland dedication through annexation petitions.

Commissioners Tyner and Pearson noted that they were in favor of park impact fees while Chair Pitman and Commissioner Nuñez indicated that they would be in favor of a hybrid option in which both park impact fees and parkland dedication or a fee-in-lieu were implemented. Ms. Henry noted that staff was proposing an exemption of the parkland requirements for MPDU units as to not create a burden for developers in producing affordable housing in the City.

Commissioner Pearson made a motion that Chair Pitman work with Mr. Wasilak to develop the Commission's formal comments on the proposal and options for parkland dedication. The motion was seconded by Commissioner Nuñez. The motion carried 4-0.

## II. COMMISSION ITEMS

- A. **Staff Liaison Report** – Mr. Wasilak reported that there were no agenda items anticipated for the Commission's next meeting on April 27, 2022, and further offered that the Commission could consider cancellation of such meeting if it saw fit. He continued that looking forward to the Commission's May meeting, there are several developments projects that are anticipated for the Commission's consideration.

Upon inquiry from Commissioner Tyner, Mr. Wasilak also reported that implementation of the Comprehensive Plan was proceeding and presentation of zoning text amendments to implement interim recommendations of the Comprehensive Plan would be brought to the Mayor and Council for introduction during the month of June.

Chair Pitman inquired for an update on the WMATA study on the Rockville station.

- B. Old Business** – Chair Pitman inquired about the Commission’s participation in the upcoming RedGate Park listening sessions. Mr. Dumais responded that if all members of the Commission would attend, the Commission would have to notice the meeting to the public.
- C. New Business** – Upon inquiry from Chair Pitman, Ms. Henry further offered that the scale of the City’s upcoming Hometown Holidays event would be such to offer safe and enjoyable conditions for attendees.

Chair Pitman and fellow Commissioners thanked Mr. Levy for his dedicated service to the City.

- D. Minutes Approval**– Chair Pitman asked if there were any changes needed to the minutes of the Commission’s March 9, 2022 meeting. Commissioner Nuñez made the motion to approve the March 9, 2022 minutes as presented. The motion was seconded by Commissioner Tyner. The motion carried unanimously 4-0.
- E. FYI/Correspondence** –None.

### III. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Nuñez moved, seconded by Commissioner Pearson, that the meeting be adjourned at 8:35 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison