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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Emily Fishman, Long Range Planner

**DATE:** June 20, 2025

**SUBJECT:** Preliminary Background Report:  
Application Z-10120-2025 Zoning Map Amendment  
CarMax  
**16383 and 16411 Shady Grove Road**

**APPLICANT**

CarMax Auto Superstores, Inc. 12800  
Tuckahoe Creek Parkway Richmond,  
Virginia 23238

**OWNER**

CarMax Auto Superstores, Inc. 12800  
Tuckahoe Creek Parkway Richmond,  
Virginia 23238

**TAX MAP REFERENCE**

Tax Sheet: GS 13  
Tax Parcel ID Number: N658 and N582

**TAX ACCOUNT NUMBER**

ID #09-03749438, #09-03749440

## **REQUEST**

The Applicant, CarMax Auto Superstores, Inc. (CarMax), has submitted Amendment to Zoning Map application Z-10120-2025<sup>1</sup>, to rezone a 13.34 acre area (“Site”) from the MXD (Mixed Use Development) zone to the C-2 (General Commercial) zone. This application is only to change the zoning under the standard method. No new site development plan has been submitted for review.

## **LOCATION**

The Site is located off Shady Grove Road, south of its intersection with Oakmont Avenue and north of the intersection of North Frederick Avenue (MD Route 355) and Shady Grove Road. The Site is addressed at 16383 and 16411 Shady Grove Road. The (“Site”) includes two parcels and consists of 13.34 acres of land.



<sup>1</sup> Exhibit 1

## **REQUIRED ACTIONS**

### **Zoning Map Amendment Z-10120-2025**

As stated, the Applicant is requesting a zoning map amendment to change the Site's existing MXD (Mixed Use Development) zone to the C-2 (General Commercial) zone. Section 24-12.3 of the zoning ordinance states that zoning map amendment applications are subject to a joint public hearing, followed by Planning Commission recommendation, then final action by City Council. Section 4-204 of the Maryland Land Use Article lays out the required findings for approval of a zoning map amendment for non-floating zones:

*(b) (1) If the purpose and effect of a proposed map amendment is to change a zoning classification, the legislative body shall make findings of fact that address:*

- (i) Population change;*
- (ii) The availability of public facilities;*
- (iii) Present and future transportation patterns;*
- (iv) Compatibility with existing and proposed development for the area;*
- (v) The recommendation of the planning commission; and*
- (vi) The relationship of the proposed amendment to the local jurisdiction's plan.*
- (vii)*

*(2) The legislative body may grant the amendment to change the zoning classification based on a finding that there was:*

- (i) a substantial change in the character of the neighborhood where the property is located;*
- or*
- (ii) a mistake in the existing zoning classification.*

This is a complete application as defined by Section 24-12.3 for standard method zoning map amendments and no site plan is required.

## **EXISTING LAND USE/PHYSICAL CHARACTERISTICS**

A natural resource inventory/forest stand delineation (NRI/FSD)<sup>2</sup> was submitted and approved as part of the X-184 Annexation Application. The NRI/FSD was vested with the approval of the final Forest Conservation Plan<sup>3</sup>.

This somewhat rectangular Site currently contains a CarMax Dealership and associated parking lots. The topography of this Site is relatively flat and there are no steep slopes.

The Natural Resources Conservation Service (NRCS) Web Soil Survey indicates three soil types present on the Site: Glenelg Silt Loam, Glenville Silt Loam, and Urban Land. None of these soils are highly erodible, unsuitable or unsafe soils. The majority of the Site is Urban

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<sup>2</sup> Exhibit 13

<sup>3</sup> Exhibit 14

Land soil designation, which applies to areas that are covered with impervious surfaces (buildings and parking lots).

There is no forest on the Site. Landscape trees exist in parking islands and along the perimeter of the Site. None of these trees are of significant size. There are no streams observed on the CarMax site and FEMA has not mapped any floodplain on or within 100 feet of the Site. Additionally, there are neither wetlands on the Site nor any dams upstream of the Site. There have been no rare, threatened, or endangered species observed, identified or known to occur on or near the Site. There are no cultural or historic resources on the Site.

### **NEIGHBORHOOD LAND USE AND ZONING**

Northeast of the Site is the U.S. Postal Distribution Center and Post Office at Shady Grove, which is zoned IM (Moderate Industrial) in Montgomery County. The surrounding the area also includes the WMATA property (Shady Grove Metro Station) zoned CR (Commercial Residential) and the County’s Transfer Station zoned IM (Moderate Industrial). West of the Site are the rights of way of both Shady Grove Road and Interstate I-370. Northwest, across Shady Grove Road and I-370 is the Oakmont Industrial Park, which is zoned IM (Moderate Industrial) in the County. This includes a mix of retail, warehouse and industrial businesses.



## **ZONING AND SITE PLAN HISTORY**

### **Site Plan History**

The Mayor and City Council annexed this Site as owned by Sears Roebuck & Company as part of Annexation Petition X-184 by Resolution R-53-12, which became effective on September 20, 2012. At the time of the annexation approval, the City Council also established MXD (Mixed Use Development) zoning and retail and warehouse use for the Site, consistent with the 2009 Master Plan Land Use Element<sup>4</sup> and approved Annexation Agreement, which in part made the annexation plan act as a sketch plan.

The sketch plan for the entire Site was amended (ASK-1746-2013)<sup>5</sup> in April 2013 to allow for automobile sales and services, with associated parking and storage of automobiles. In conjunction with ASK-1746-2013, CarMax received approval of a Schematic Development Plan (SDP) on April 2, 2013 (SDP-1747-2012)<sup>6</sup> for the lot containing the Dealership and an outlot for a future commercial building. The City approved the Final Site Plan No. SP-3173-2013<sup>7</sup> on February 19, 2014, to authorize the construction of a CarMax dealership and related improvements at 16411 Shady Grove Road.

### **Master Plan and Zoning**

The Site is included as Map Designation no. 23 in the 2009 Master Plan Land Use Element. The Master Plan recommends a Commercial/Industrial-Research-Office land use designation and rezoning to CD (Corridor Development) or MXD (Mixed Use Development), or a future zone that facilitates sustainable development standards. The City's Master Plan's recommendation of the MXD zoning for the Site is based on Montgomery County's 2006 Shady Grove Sector Plan, which at the time, envisioned the surrounding area redeveloping into a more urban, mixed-use form, including residential.

### **Amended Annexation Agreement**

With the adoption of a new Zoning Ordinance by the City on July 15, 2024, the CarMax site, an Automobile Sales Establishment, became a nonconforming use since it is no longer a permitted use in the MXD zone. Furthermore, the Use Restriction placed on the Site due to the close proximity of the solid waste station ("Transfer Station") states that no portion of the Site "shall be developed, leased, rented, or occupied for residential use...for so long as the Transfer Station remains in operation on the County Land for the benefit of the general public."<sup>8</sup> As the Use Restriction remains in place and prohibits residential uses on the Site, it effectively

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<sup>4</sup> Exhibit 5

<sup>5</sup> Exhibit 10

<sup>6</sup> Exhibit 11

<sup>7</sup> Exhibit 12

<sup>8</sup> Exhibit 2

prevents the mixed-use redevelopment the MXD zone intended to support.

The amendment to the Annexation Agreement<sup>9</sup> became effective on June 10<sup>th</sup>, and acknowledges that:

- A rezoning to C-2 (General Commercial) is most appropriate;
- The Sketch Plan (ASK-1746-2013), would be treated as a C-2 Concept Plan, should there be a new rezoning to C-2; and
- All current approvals including the SDP (SDP-1747-2012), and the Final Site Plan (SP-3173-2013), are vested under the C-2 zone with an approved rezoning.

## **ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)**

### **Water and Sewer Services and Public Utilities**

The Site maintains W-1 and S-1 categories (areas served by community systems which are either existing or under construction). Service does exist and, therefore, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer, § 24-247. Further, the *2003 Municipal Growth Element* and the *2009 Water Resources Element* both affirmed that there is sufficient water and sewer supply capacity for growth area developments.

### **Fire and Emergency Services**

The City's APFO requires that any development project be served by at least two (2) fire stations with a ten (10) minute response time. The CarMax site is within the ten (10) minute response areas of Montgomery County Department of Fire and Rescue Services Stations 3, 8 and 28.

### **Schools**

The use of Automobile Sales and Services and Office/Commercial/Restaurant Building will not generate any students. Therefore, the schools test for adequate facilities is not required.

### **Traffic Impacts**

A Traffic Study was submitted and approved with the currently approved CarMax development plans. The standard method Zoning Map Amendment Application does not require any new traffic impact studies as there is no additional development plan to review.

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<sup>9</sup> Exhibit 8

## **Z-10120-2025 APPLICATION**

As discussed in the Applicant's Request and Justification Statement<sup>10</sup>, rezoning to C-2 (General Commercial) will allow the CarMax properties to become a permitted use in compliance with the City's new Zoning Ordinance and establishes a new zone for the Site that does not envision residential uses.

Since the time of the Annexation Agreement in 2012, it has become apparent that the development and use of the area has not proceeded as predicted when recommending the Site for the MXD Zone, as refined through the 2021 Shady Grove Sector Plan update. There have been actual physical changes to the nearby properties tilting more commercial and industrial and the change in the County's master plan no longer calling for residential mixed-use in the immediate area surrounding the Site that render the original MXD zoning designation inappropriate. Montgomery County has indicated that it wants to expand the operations of the existing Transfer Station and a recorded use restriction precluding residential on the subject properties remains. The residentially based, mixed-use environment envisioned in both the 2006 Shady Grove Sector Plan and the City's Land Use Element will not be realized. The number of industrial and commercial uses near Shady Grove Road including the U.S. Postal Distribution Center and Post Office, the County's Transfer Station, and the Shady Grove Metro Station and their mostly IM (Moderate Industrial) zoning affirm that the C-2 Zone is the more appropriate zone for this Site.

As stated in the recorded amended Annexation Agreement, the following previously approved plans are vested, therefore becoming plans of record under the C-2 zone, as is the continued use of the existing improvements for the Dealership, including, but not limited to, forest conservation, stormwater management, and adequate public facilities review and approvals.:

### **Sketch Plan (Concept Plan) ASK-1746-2013**

The Amendment to Sketch Plan proposed two use types for the Site. The first use type was a proposed Automotive Sales and Services for a CarMax Superstore (automobile dealership) to consist of a maximum of 25,000 square feet, with a maximum height limit of 45 feet, with associated parking and storage of automobiles. The second use was a future office/commercial/restaurant building site with associated parking. The sketch plan amendment proposed to allow a maximum of 225,000-square foot building at a maximum height of 10 stories to be built as part of a future second phase. Should the zoning map amendment be approved, the second phase would be considered a concept plan under C-2.

### **Schematic Development Plan SDP-1747-2013**

The approved Schematic Development Plan (SDP) for CarMax included the 9.83-acre Site that was the first phase of the overall development of the proposed Amendment to

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<sup>10</sup> Exhibit 2

the Sketch Plan, ASK-1746-2013. The SDP proposed a 25,000-square foot automobile sales and service center.

### **Final Site Plan SP-3173-2013**

The approved Final Site Plan includes an approximately 11,017 square foot sales building with an attached approximately 2,118 square foot presentation area, a 6,150 square foot service area, a 936 square foot non-public carwash, and associated surface parking.

### **SUMMARY**

The Applicant has submitted for consideration Zoning Map Amendment Application Z-10120-2025, rezoning two properties from the MXD (Mixed Use) Zone to the C-2 (General Commercial) Zone. This is a complete application as defined by Section 24-12.3 for standard method zoning map amendments and no site plan is required. A joint public hearing with Mayor and City Council and the Planning Commission has been scheduled for July 7, 2025.

For the purpose of concluding the public hearing, Staff recommends:

1. The Planning Commission make a motion hold their record open until 5:00 PM on Monday, July 28, 2025 (21 days), with Planning Commission recommendation to the Mayor and City Council tentatively scheduled for August 6, 2025.
2. The Mayor and City Council make a motion to hold their record open until 5:00 PM on Friday, August 15, 2025 (39 days), with policy discussion tentatively scheduled for September 15, 2025.