

## PLANNING COMMISSION RECOMMENDATION

REPORT DATE: August 1, 2025

RESPONSIBLE STAFF: Emily Fishman,  
Long Range Planner

**RECOMMENDATION MEETING DATE**

August 6, 2025

**APPLICATION NUMBER**

Z-10120-2025

**SUMMARY OF REQUEST**

The Applicant, CarMax Auto Superstores Inc., has submitted amendment to zoning map application Z-10120-2025, to rezone a 13.34 acre area, consisting of 2 parcels, from the MXD (Mixed Use Development) zone to the C-2 (General Commercial) zone, in accordance with City Code § 24-12.3 and with Maryland Land Use Article § 4-204 "Application for C-2 Zone."

**APPLICANT**

CarMax Auto Superstores Inc.

**SUBJECT PROPERTY ADDRESS**

16383 and 16411 Shady Grove Road

**ZONE**

MXD to C-2

**EXISTING LAND USE**

Commercial

**STAFF RECOMMENDATION**

**Staff recommends that the Planning Commission, based upon the findings presented in the staff analysis, the Applicant's testimony, and the evidence in the record, recommend approval of Z-10120-2025 to the Mayor & City Council with no conditions, finding is conformance with Section 24-12.3 and Section 4-204 of the Maryland Land Use Article.**

**Staff further recommends that the Planning Commission, based upon the findings presented in the staff analysis, the Applicant's testimony, and the evidence in the record, determine that events since the adoption of the 2009 Master Plan make the zoning recommendation for the Site in that plan no longer relevant, in accordance with City Code Section 24-12.3(F)(2).**

Approve

Approve With Conditions

Deny

Defer

**Enclosures:**

Staff Analysis

Index of Memoranda (Exhibits in **BOLD**)

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

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

**DATE:** August 1, 2025

**SUBJECT:** Staff Analysis:  
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, to rezone a 13.34 acres 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

## GENERAL INFORMATION

### LOCATION:

The Site is located off Shady Grove Road, south of its intersection with Oakmont Avenue and north of its 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. For a detailed description of the zoning and site plan history of the property, refer to the Preliminary Background Report.<sup>1</sup>

**Z-10120-2025 ZONING MAP AMENDMENT:**

The Applicant is requesting a standard method zoning map amendment, as outlined in Section 24-12.3 of the zoning ordinance, which does not require any type of site development plan.

Per Section 24-12.3(f), zoning map amendment applications are subject to a joint public hearing, followed by Planning Commission recommendation, then final action by City Council. While this application does not include any site development plan; if approved, any new development desired in the future would require City Planning Commission review and approval.

As stated, the Applicant has submitted an application seeking to change the zoning of the property from the MXD (Mixed Use Development) zone to the C-2 (General Commercial) zone, in accordance with amended X-184 Annexation Agreement<sup>2</sup>. 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.*

*(2) The legislative body may grant the amendment to change the zoning classification based on 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*

The City Council established MXD for the Site at the time of the original annexation agreement in 2012, consistent with the 2009 Master Plan Land Use Element. The X-184 first amendment became effective on June 10<sup>th</sup>, 2025, and acknowledges that:

- A rezoning to C-2 (General Commercial) is most appropriate;

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<sup>1</sup> Exhibit 7

<sup>2</sup> Exhibit 8

- 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.

A joint public hearing before the Mayor and City Council and the Planning Commission was held on July 7, 2025. The hearing was advertised in the Washington Post and published on the City's web page, the property was posted, and notifications were sent to property owners within 200 feet of the subject property, in compliance with Section 24-12.3(e) of the City zoning ordinance. During the course of the hearing, the Applicant presented an overview of the rezoning request, including the following aspects:

- The purpose of the rezoning request:
  - The primary structure at 16411 Shady Grove Road is currently non-conforming due to the newly adopted zoning ordinance no longer allowing Automobile Sales Establishments in the MXD zone;
  - The rezoning would align with the Use Restriction held by the operating County Transfer Station preventing residential development on the property;
  - The rezoning would reflect the update of the 2021 Shady Grove Sector Plan that no longer envisions the relocation of the Transfer Station and a larger mixed-use development.
- The role of the X-184 first amendment including:
  - The acknowledgement of rezoning the Site to C-2, as the surrounding area has not redeveloped as a mixed-use area as expected and reflected in the recommendation of the City's 2009 Land Use Plan;
  - The existing, approved Site Plans becoming vested within the C-2 zone with no further action or approvals required.
- Proving substantial change in the character of the neighborhood through developments surrounding the Site like Montgomery County's Division of Fleet Services and the Maryland Transportation Authority facility.
- The findings required by Section 4-204 of the Maryland Land Use Article in order to support the rezoning from MXD to C-2.

During the joint public hearing, there were no questions or comments from the Mayor and City Council, Planning Commission, or public.

**Z-10120-2025 PUBLIC COMMENTS:**

Staff has received no further public comments on zoning map amendment application Z-10120-2025 prior to the Commission's record closing.

## **STAFF FINDINGS ANALYSIS AND RECOMMENDATIONS**

### **ZONING MAP AMENDMENT Z-10120-2025 FINDINGS:**

Approval of Zoning Map Amendment Z-10120-2025 and its subject parcels (Site) by the City Council is dependent upon the findings required under Section 4-204 of the Maryland Land Use Article. The following outlines the required findings and justifications for a City Council approval of zoning map amendment application Z-10120-2025:

*(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;*

Staff concurs with the Applicant's Statement<sup>3</sup> that application Z-10120-2025 complies with this finding as residential development is restricted as stated in the Use Restriction. Similarly, the proposed C-2 zoning permits commercial uses only and this rezoning will not result in the addition of housing units or an increase in the City's population. As such, there will be no impact on population levels.

*(ii) The availability of public facilities;*

Staff concurs with the Applicant's Statement that application Z-10120-2025 meets this finding as the Site is already serviced by public water, sewer, police, fire/emergency services, and an adequate transit network. No changes to the Property are presented as part of the rezoning request, hence no new demand will be imposed on public facilities.

*(iii) Present and future transportation patterns;*

Staff concurs with the Applicant's Statement that application Z-10120-2025 complies as CarMax has been operating on the property since 2013, and it faces Shady Grove Road, which provides easy access to MD 355, I-270, and MD 200. No new upgrades or operational modifications are suggested as part of the rezoning request, implying that the application will make no significant changes to current or future traffic patterns.

*(iv) Compatibility with existing and proposed development for the area;*

Application Z-10120-2025 proposes rezoning to a zone that better reflects the existing and proposed surrounding developments, whose uses are industrial and single-use commercial in nature. The current MXD zoning was based on the 2006 Shady Grove Sector Plan, which was applied under the assumption that the immediate area would redevelop with open spaces, residential uses, and neighborhood-scale commercial. However, the updated 2021 County Plan no longer supports this vision. As a result, MXD zoning is not appropriate as defined in the X-184 first amendment.

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<sup>3</sup> Exhibit 2

- (v) *The recommendation of the planning commission; and*

Pursuant to Section 24-12.3(F)(2) of the City's zoning ordinance, in the review of this rezoning application, it is appropriate for the Planning Commission to find that "events that have occurred to render the current applicable master plan recommendation no longer relevant." Assuming that the area would be redeveloped as mixed-use including residential in the future, the City's 2009 Land Use Element suggested MXD zoning to potentially allow residential uses in the future or be more harmonious in a greater mixed-use context. However, the surrounding development has resulted in and is master planned to maintain a distinctly commercial and light-industrial character, and this proposed rezoning to C-2 would better maintain consistency with the current and proposed land use context around the site.

- (vi) *The relationship of the proposed amendment to the local jurisdiction's plan.*

Application Z-10120-2025 reflects the City's current intent, noting that the 2009 City's Land Use Element had recommended MXD zoning based primarily on Montgomery County's 2006 Shady Grove Sector Plan. However, that vision for development never materialized. The 2021 update to the County Plan, which supersedes the 2006 version, now identifies the area surrounding the Site as predominantly commercial and industrial. In light of this, the approved X-184 first amendment outlines the justification for an updated zoning for the Site, effectively acknowledging that the 2009 Master Plan's zoning recommendation is outdated and no longer applicable. Instead, the proposed C-2 zoning for the Site defined in the X-184 first amendment accurately reflects the City's current goals for the area.

\* \* \*

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

- (iii) *A substantial change in the character of the neighborhood where the property is located; or*
- (iv) *A mistake in the existing zoning classification*

Staff concurs with the Applicant's Statement that application Z-10120-2025 is a response to the existing use, Automobile Sales Establishments, being non-conforming to the MXD zoning and substantial and unanticipated changes in the area surrounding the Site, make the original MXD zoning designation no longer suitable. In particular, Montgomery County updated its 2006 Shady Grove Sector Plan in 2021, reaffirming the industrial and commercial nature of the surrounding properties, including the Transfer Station located directly south of the Site. The updated Plan no longer supports the type of redevelopment anticipated in 2012; instead, it recognizes that the Transfer Station is expected to remain in its current location for the long term. Consequently, the existing Use Restriction that

prohibits residential development on the Site is likely to persist, effectively preventing the kind of mixed-use development that the MXD zone was intended to support.

In recent years, the physical development surrounding the Site has increasingly aligned with the vision set forth in the 2021 County Plan, shifting the area's character toward a more industrial focus rather than the mixed-use approach outlined in 2012. To the west of the Site, a surface parking lot has been developed, while to the east several industrial facilities have been established, including the Montgomery County Division of Fleet Management Services and the Maryland Transportation Authority Facility. These additions, along with the existing U.S. Post Office, have collectively contributed to the corridor being dominated by auto-oriented, commercial, and light industrial uses. As such, a rezoning of the Site to a commercial zone would be consistent with the surrounding land use pattern.

### **STAFF RECOMMENDATION**

Staff is supportive of the subject Z-10120-2025 application. The proposed rezoning meets all of the requirements for rezoning to a non-floating zone. The Applicant intends to maintain the Site as an Automobile Sales Establishment, and a rezoning is needed so the Site can be conforming to its intended use. Any future redevelopment must be approved by the City Planning Commission in an open, public process, and must meet specific findings for approval, including those that address compatibility with surrounding uses.

**Staff recommends THAT THE PLANNING COMMISSION, BASED UPON THE FINDINGS PRESENTED HEREIN, THE APPLICANT'S TESTIMONY, AND THE EVIDENCE IN THE RECORD RECOMMEND APPROVAL OF ZONING MAP AMENDMENT Z-10120-2025 TO THE MAYOR AND CITY COUNCIL WITH NO CONDITIONS, FINDING IT IN CONFORMANCE WITH SECTION 24-12.3 AND SECTION 4-204 OF THE MARYLAND LAND USE ARTICLE .**

**Staff further recommends THAT THE PLANNING COMMISSION, BASED UPON THE FINDINGS PRESENTED HEREIN, THE APPLICANT'S TESTIMONY, AND THE EVIDENCE IN THE RECORD, DETERMINE THAT EVENTS SINCE THE ADOPTION OF THE 2009 MASTER PLAN MAKE THE ZONING RECOMMENDATION FOR THE SUBJECT SITE IN THAT PLAN NO LONGER RELEVANT, IN ACCORDANCE WITH SECTION 24-12.3(F)(2) OF THE CITY CODE.**