

Resolution No.: 18-337
Introduced: November 17, 2015
Adopted: December 1, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Leventhal at the request of the City of Rockville

SUBJECT: Approval of the City of Rockville's request to reclassify the 15931 Frederick Road (CarMax) property from CRT 1.5, C0 .5, R 1.25, H 100 zone to the City's Mixed Use Transit District (MXTD) zone (Annexation Petition ANX2015-00145)

Background

1. The Local Government Article, Section 4-416 of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification that permits a land use substantially different from the use for the land specified in the current and duly adopted master plan without express approval of the County Council. The law defines substantial higher density as exceeding its current allowed density by 50% or more.
2. The CarMax Property (15931 Fredrick Road) is within the Maximum Expansion Limits of the City of Rockville.
3. The City of Rockville is proposing to annex approximately 4.03 acres of land located at the southeastern quadrant of Frederick Road (MD 355) and King Farm Boulevard/Metro Access Road. The site is currently classified in the CRT 1.5, C 0.5, R 1.25, H 100 zone in Montgomery County. The maximum density allowed under its current zoning is 311,738 square feet; a Floor Area Ratio of 1.525, including a 22% MPDU bonus. Any density at or below 467,607 square feet would be 50% or less than the site's current allowed density.
4. Under the annexation proposal, the CarMax property would be reclassified to the City's MXTD zone, which allows a mix of residential and commercial uses consistent with its current zoning.
5. Based on calculations from the City of Rockville, the zone proposed in the Rockville annexation would allow 653,225 square feet of floor area. The development proposed in the annexation agreement is for 458,225 square feet of floor area.

6. On November 12, 2015, the Montgomery County Planning Board recommended approval consistent with the recommendations of the November 12, 2015 Planning Staff report.
7. On December 1, 2015, the County Council reviewed Annexation Petition ANX2015-00145 and generally agreed with the Planning Board's recommendations.

Action

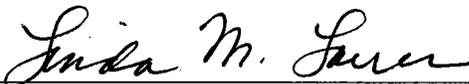
The County Council for Montgomery County, Maryland, approves the following resolution:

Under the Local Government Article, Section 4-416 of the Annotated Code of Maryland, if the City of Rockville's annexation agreement limits the allowable development to a maximum of 458,225 square feet of floor area, the District Council approves the reclassification by the City of Rockville of the CarMax Property from the County's CRT 1.5, C 0.5, R 1.25, H 100 zone to the City's MXTD zone as proposed in Annexation Petition ANX2015-00145.

The Council recommends that the Mayor and Council of Rockville require the development of the CarMax Property to provide:

- 1) the minimum right-of-way for the Corridor Cities Transitway on the property;
- 2) streetscaping on the property; and
- 3) a means to achieve the goals of the Shady Grove Transportation Management District.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council