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Economics of rezoning request stressed

Property owner's lawyer says denial of application for parcel at Routes 100, 103 to cost jobs and taxes

by a sun reporter

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It resembled Economics 101 rather than the rezoning hearing it was. The question, though, is whether the fear of losing jobs and taxes will preempt a less passionate analysis of an application to rezone fewer than 28 acres at Routes 100 and 103.

In an effort to give new life to the long-stalled plans of the property owner, attorney David A. Carney largely employed a strategy of warning officials that Howard County will suffer irreparably if the rezoning is denied.

The message was clear: The county won't just lose jobs, but perhaps thousands of them. And it won't lose just some tax dollars, but millions of dollars.

What he largely skirted were two key issues: Have substantive changes occurred in the neighborhood to render existing zoning of the property obsolete, or did the county make a mistake by not rezoning the land two years ago?

The Zoning Board must affirm that at least one of those occurred to rezone the property and free it from a referendum challenging all rezoning decisions made last year in what is commonly referred to as Comp Lite. Voters will decide the referendum in November's general election.

Carney raised both issues in a losing effort last month before the Planning Board. During a break in the latest hearing, he said he would get to those points again. But he didn't Wednesday night, because the Zoning Board recessed after 3 1/2 hours and before he could call his final witness.

Nonetheless, the heart of his strategy appears to be convincing the board that there is more to lose by not rezoning the 27.5 acres than by doing so.

The board, which is made up of members of the County Council, continued the hearing until May 3. When Carney completes his case, opponents, led by attorney Katherine L. Taylor, will present their arguments on

why the rezoning should be denied.

Carney represents Nancy Cavey, who administers the estate of Carroll and Ruth Braun, her parents. She is seeking rezoning from residential to planned office research (POR) for 14 acres and community center transition (CCT) for the rest of the land.

Cavey said formal plans are not final, but she envisions residential and commercial uses on the property.

That plan, she testified, was a "compromise" fashioned by former Councilman David A. Rakes.

"He was trying to make everyone happy," she said of Rakes. "He called it win-win-win. A win for me. A win for the community. And a win for the county."

She also said that Councilman Christopher J. Merdon and the staff of the Department of Planning and Zoning advised her that the most "appropriate" zoning for her property was POR.

Cavey said that although she will suffer significant financial loss by permitting commercial development compared to what she could receive from residential developers, she is willing to abide by the compromise.

The county rezoned the land last year during Comp Lite, but that action was thrown into limbo by the referendum. Nearby residents oppose commercial development on Cavey's property, alleging it will be incompatible with the neighborhood and cause severe traffic problems.

But Carney, and his colleague, attorney William E. Erskine, focused mainly on the economic repercussions of the county losing land suitable for commercial purposes.

Two real estate experts testified on behalf of the rezoning. Both said there is an acute shortage of prime land for Class A, or premium, office space to meet the demands of defense contractors as part of the federal government's realignment of military bases.

That realignment is projected to bring 5,300 jobs to Fort Meade and the surrounding area. But that is believed to be only the beginning.

"The impact on the defense-contractor industry is probably going to be 2-1 or 3-1," Richard W. Story, chief executive officer of the county's Economic Development Authority, said late last year. "That's another 10,000 to 15,000 people -- high-level, technology people ... all making well into the six digits."

Kevin L. Wilson, a principal of Capitol Creag, a commercial real estate advisory firm, described Cavey's property as a "prime" location and said defense contractors are interested in relocating or expanding to the site.

The county, he said, is "not really equipped with product" to serve those firms.

Stephen W. Shaw, a representative of Merritt Properties LLC, warned the board that, "without the Class A space, you're not going to get the Class A tenant."

The growth in defense contractors, he said, has "been a thriving part of Howard County's growth." Those firms, Shaw said, "don't want to be in [Washington] D.C. or in Baltimore. They want a Howard County office," an ideal location between the two cities.

There is an "enormous demand" for Class A office space, and Shaw said it will be a mistake if the county does not rezone the Cavey property to help meet that demand.

Mickey A. Cornelius, senior vice president of The Traffic Group, said the fears of congestion are unfounded. The main roads near the Carvey property, he said, are not overtaxed now, nor will they be if the land is developed commercially.

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