

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for
MONTGOMERY COUNTY**

CU 16-11
Exhibit 55

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CASE NO. CU 16-11 – GARRETT GATEWAY PARTNERS, LLC,

**ORDER IN RESPONSE TO SITE VISIT AND
FOLLOW-UP SHOW CAUSE HEARING ON JUNE 11, 2025**

Pursuant to the Show Cause Order dated June 11, 2025 the Hearing Examiner held a remote status hearing on August 13, 2025.

The following individuals attended the hybrid status hearing on August 13, 2025 at 9:30 am, Mr. Dean Packard on behalf of Garrett Gateway Partners, LLC. Josh Kaye attended on behalf of Planning. Nicole Soltyka, Kristin Wienecke, Kent Ege, Matt Rooney, Kim Rooney, Justin Hughes, Patti Simone, and JD Carr attended from the community. The Hearing Examiner asked for an update from Mr. Kaye, who reported “zero progress” since the paving that was taking place during the July 11th site visit. On August 5, 2025, the insurance company for the bonding agent conducted a site visit. Mr. Packard stated the insurance agent has given him until October 15, 2025 to complete the work in the right-of-way. Mr. Packard explained there are two outstanding citations for violations issued by code enforcement for sediment control and right-of-way and he is under Court order to complete the work by October 15, 2025. The Hearing Examiner asked Mr. Packard to forward her copies of the Court Orders by close of business Wednesday, Friday, August 15, 2025.¹

¹ Mr. Packard did send the Hearing Examiner copies of the “orders” on 8/15/25, however because the nature of the Court action, the orders do not contain enough information for her to understand the full scope of what is expected of Mr. Packard. The Hearing Examiner will be reaching out directly to Sediment Control and Right-of-Way for additional information regarding the violations and the status.

At the conclusion of the site visit/status hearing, all parties agreed to skip July's status hearing because the Hearing Examiner, Mr. Kaye, and Mr. Nichols relied on statements made by Mr. Packard that all the outstanding work would be completed or nearly completed by the end of July. Mr. Packard was to update the Hearing Examiner weekly with an updated spreadsheet. Mr. Packard failed to submit the required weekly updates. Mr. Packard emailed the Hearing Examiner on August 12, 2025, updating the reason for all the delays and identifying the next steps for the work on site. See Exhibit 40.

The Hearing Examiner expressed her frustration over Mr. Packard's lack of communication, disorganized process and failure to complete the work as promised. The Hearing Examiner stated she cannot micro-manage this project and that Mr. Packard must adhere to the terms of the Orders issued. The Hearing Examiner instructed Mr. Packard to update the spreadsheet weekly, even if it changes daily, so that the Hearing Examiner and the neighborhood can be notified of the progress. Mr. Rooney raised the same issues he has seen for the last year in that everything on site is reactive, not proactive, and the community's frustration with the last-minute notice and disjointed process. Ms. Soltyka informed the Hearing Examiner that everything stopped after the site visit on June 11, 2025 and she believes weekly status meetings are necessary to make sure the work gets completed. Further she doubted the existence of sufficient funds, pointing to the fact that Mr. Packard is doing the work himself instead of hiring contractors. Ms. Soltyka stated her level of frustration is "off the charts", noting that nothing is organized properly, that there is no real project management, and asked if it was possible to transfer the funds into an escrow account. The Hearing Examiner explained she did not have the authority to order that action. Ms. Simone agreed with everything stated by Ms. Soltyka. Mr. Hughes also expressed his frustration and asked about the huge ditch in the community and when it will be fixed.

Mr. Packard explained that it would be a week and a half for the electrical inspector to come out and then PEPCO before the ditch could be filled. Neither the community members present, nor the Hearing Examiner were interested in hearing from Mr. Packard the reasons why the work was not done, only that it needs to be completed

Based on her observations at the site and the statements heard on August 13, 2025, the Hearing Examiner **ORDERS** as follows:

1. That, DPS and Planning continue to monitor the status of the bonds held by each agency to complete the work required at “Cashell Estates” to bring the subject property into compliance with CU 16-11 Garrett Gateway Partners, LLC; and further
2. That, Dean Packard continue to send weekly updates of progress to the County’s bonding agent and copy Linda Kobylski on each email; and further
3. That, Dean Packard by close of business on Wednesday, August 13, 2025, send a copy of the Court orders via email to the Hearing Examiner; and further
4. That Dean Packard by close of business **Friday, August 15, 2025**², submit to the Hearing Examiner and representatives of DPS and Planning an **updated** “Site Cost Work to Finish Project” including but not limited to the following information:
 - a. Adding the name of the electrician working on the streetlight meter,
 - b. Adding a line for the installation of the streetlights on Garrett Road, including a date for the 2-point survey and completion by PEPCO,
 - c. all other items to be completed,
 - d. description of the items,
 - e. status of completion,
 - f. cost of work,
 - g. priority and
 - h. contractor hired to do the work; and further
5. That, Mr. Packard submit an updated “Site Cost Work to Finish Project” spreadsheet by close of business on **Friday, August 22, 2025**; and further

² The Hearing Examiner emailed Mr. Packard on Monday, August 18, 2025, asking for the updated spreadsheet, which he provided shortly after the email. The spreadsheet has been uploaded onto the OZAH website.

6. That, no work shall begin on the subject property by any contractor without either that contractor or Mr. Packard first notifying and scheduling the work with DPS and Planning; and further
7. That, Mr. Packard shall notify the community members no later than 48 hours before the start of any construction on the subject property; and further
8. That, any applications or pending approvals related to development, construction, permits, work, etc. on Phase II of this “Design for Life” project with either Planning or DPS shall halt until the Hearing Examiner determines that the terms of CU 16-11 and the related Preliminary Plan are satisfied, and further
9. That, Dean Packard on behalf of Garrett Gateway Partners, LLC and representatives of DPS and Planning appear **REMOTE** before the Hearing Examiner with Office of Zoning and Administrative Hearings on **Wednesday, August 27, 2025 at 9:30 am** for a status update hearing regarding the status the work at the site and the status of the County Bonds.

It is so ORDERED, this 18th day of August 2025.



Kathleen E. Byrne
Hearing Examiner

Copies sent via email to:

Dean Packard for Garrett Gateway Partners, LLC
Barbara Jay, Executive Director
Montgomery County Board of Appeals
Robert Kronenberg, Deputy Director, Planning
Mark Beall, Planning
Patrick Butler, Planning
Josh Kaye, Planning
Ehsan Motazedi, Division Chief, Zoning & Site Plan Enforcement, DPS

Greg Nichols, Manager, SPES, Zoning & Site Plan Enforcement, DPS
Victor Salazar, Program Manager II, Zoning & Site Plan Enforcement, DPS
Elana Robinson, Assistant County Attorney, Office of the County Attorney
Community members present during the 7/12/24, 10/17/24, 11/20/24, 12/19/24,
1/23/25, 2/27/25, 3/13/25, 4/10/25, 5/14/25, 6/11/25 and 8/13/25 hearings