

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

CU16-11  
Exhibit 58

**Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850  
<http://www.montgomerycountymd.gov/ozah/index.html>  
Phone: (240) 777-6660; Fax (240) 777-6665**

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

**ORDER IN RESPONSE TO  
FOLLOW-UP SHOW CAUSE HEARING ON AUGUST 13, 2025**

Pursuant to the Show Cause Order dated August 18, 2025 the Hearing Examiner held a remote status hearing on August 27, 2025.

The following individuals attended the remote status hearing on August 27, 2025 at 9:30 am, Mr. Dean Packard on behalf of Garrett Gateway Partners, LLC. Josh Kaye attended on behalf of Planning and Greg Nichols attended on behalf of DPS. Nicole Soltyka, Kristin Wienecke, Justin Hughes, Patti Simone, Luke and Vivan Uliana, Molly Gvozdich and JD Carr attended from the community. The Hearing Examiner noted Mr. Packard submitted two spreadsheets, both of which were uploaded to the OZAH website. The Hearing Examiner asked specifically about the streetlights. Mr. Packard stated he called for the TPF inspection and anticipates it will be completed tomorrow. Mr. Kaye sought clarification regarding the timing between the public and private streetlights. Mr. Packard confirmed that the TFP inspection relates to the private streetlights and that everything has been completed on his end for PEPCO to connect the public streetlights. He will continue to call to get on PEPCO's schedule for the public streetlights.

Mr. Kaye and Mr. Nichols both confirmed that either they or other staff visit the site at least weekly to check on progress. The Hearing Examiner asked Mr. Kaye and Mr. Nichols about the difference between what is required in the preliminary plan and what DPS is seeking to enforce via sediment control and right-of-way. They explained that while the detail being enforced by

sediment control and right-of-way is shown on the preliminary plan that work under court order is issued via a separate permit and separate bonds. The details on the preliminary plan go beyond what is being enforced by DPS Land Development Division. The Hearing Examiner intends to reach out to the DPS chief for the detail on those two enforcement actions to better understand the status of those violations.

Ms. Soltyka took issue with the timeline presented by Mr. Packard. She believes it to be unrealistic and asked is the landscape plan complete and does Mr. Packard have a contract for the landscaping? Mr. Packard explained that LIG Group, which “are Mike’s guys” will be installing the landscaping. There is no separate contract for this work. The Hearing Examiner confirmed the landscape plans are complete. Ms. Soltyka expressed doubt that those workers would be available to be onsite and complete the work based on past experience with work at the site. Mr. Packard stated they would stay until the planting work is completed and he has the funding to complete all work. All agreed the September to early November timeline as being the “sweet spot” for planting. Mr. Carr asked for confirmation on the timeline for the streetlights. The Hearing Examiner reiterated to Mr. Packard that the community does not trust he can complete the work as identified on the spreadsheet. Once again the Hearing Examiner explained that if Mr. Packard fails to complete the work per the conditions set forth in the conditional use the Hearing Examiner will have no choice but to revoke the conditional use leaving the property owners in a difficult position and placing progress on phase two in jeopardy.

The Hearing Examiner instructed Mr. Packard to continue to update the spreadsheet weekly, even if it changes daily, so that the Hearing Examiner and the neighborhood can be notified of the progress. Because a number of deadlines for either work to start or to be completed are targeted for September 15, 2025, the Hearing Examiner scheduled the next remote hearing for Tuesday, September 16, 2025 at 9:30 am.

Based on the statements made on August 27, 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 submit to the Hearing Examiner and representatives of DPS and Planning an **updated** “Site Cost Work to Finish Project” by the close of business on the following days:

**Tuesday, September 1, 2025,**

**Monday, September 8, 2025 and**

**Monday, September 15, 2025;** and further

4. 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
5. 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
6. 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
7. 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 **Tuesday, September 16, 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 27<sup>th</sup> day of August 2025.



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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, 8/13/25 and 8/25/25 hearings