

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

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100 Maryland Avenue, Room 200
Rockville, Maryland 20850
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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 SEPTEMBER 16, 2025**

Pursuant to the Show Cause Order dated August 27, 2025 the Hearing Examiner held a remote status hearing on September 16, 2025.

The following individuals attended the remote status hearing on September 16, 2025 at 9:30 am. Josh Kaye attended on behalf of Planning and Greg Nichols attended on behalf of DPS. Nicole Soltyka, Justin Hughes, Kent Ege, and Kim Rooney attended from the community. Dean Packard did not attend.¹ Mr. Ege texted Mr. Packard asking if he would join. The Hearing Examiner waited for 15 minutes for Mr. Packard to arrive. When Mr. Packard failed to appear she asked Mr. Nichols and Mr. Kaye what they had observed over the last two weeks. Mr. Nichols shared photographs of some progress and noted some stormwater management cleanup.

The Hearing Examiner noted Mr. Packard submitted the updated spreadsheet on 9/15/25, which was then uploaded onto the OZAH website. Neighbors reiterated their frustrations with the length of time it takes to get any one project completed and expressed particular frustration with the lack of functioning streetlights. The Hearing Examiner reported on her conversation with DPS regarding the status of the right-of-way and sediment control violations. While there is some subject matter overlap with DPS enforcement and compliance with the terms of the conditional

¹ Mr. Packard emailed the Hearing Examiner at 10:01 am on 9/16/25 explaining he missed the hearing because he mistakenly thought the remote hearing was scheduled for the following day.

use, the two actions distinctly different. DPS will update the Hearing Examiner in mid-October regarding the status of compliance with the outstanding violations.

In light of the fact that work seems to happen in the days leading up to a hearing, the Hearing Examiner will be scheduling show cause hearings every two weeks scheduling the next remote hearing for Wednesday, October 1, 2025 at 9:30 am.

Based on the statements made on September 16, 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 every **Monday** until the terms of the conditional use are completed; 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 **Wednesday, October 1, 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 26th day of September 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, 8/13/25, 8/25/25 and 9/16/25 hearings