

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

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

**ORDER IN RESPONSE TO  
FOLLOW-UP SHOW CAUSE HEARING ON OCTOBER 29, 2025**

Pursuant to the Show Cause Order dated October 15, 2025 the Hearing Examiner held a remote status hearing on October 29, 2025.

The following individuals attended the remote status hearing on October 29, 2025 at 9:30 am. Dean Packard, on behalf of Garrett Gateway Partners, Josh Kaye behalf of Planning and Greg Nichols on behalf of DPS. Nicole Soltyka, JD Carr, Luke Uliana and Patti Simone attended from the community. The Hearing Examiner reviewed the spreadsheet submitted by Mr. Packard on October 28, 2025. Mr. Packard in an email to the Hearing Examiner on October 28, 2025 indicated that PEPCO required additional work at the streetlights, pavers were set without first installing the forms and materials delivered to the site were improperly stored. All of these events caused delays to turning on the streetlights, finishing the playground, delaying the planting and additional paving. Mr. Packard reiterated these errors during the status hearing to which the Hearing Examiner and others noted all errors and delays were caused by Mr. Packard and/or his contractors.

Ms. Soltyka expressed concern for the viability of the plantings stating they appeared to be dead and urged Mr. Packard to water or replace them if they had been eaten by deer as Packard claimed. Ms. Soltyka, Ms. Simone and Mr. Uliana all expressed concern over the delays caused solely by Mr. Packard and observed no work the past two weeks and continued to express their frustration with Mr. Packard. Mr. Kaye also observed no work over the past two weeks. Mr.

Nichols noted that we are still within the window for the planting to occur per the revised schedule proposed by Mr. Packard. Mr. Packard stated the extended dates in the schedule represent a more realistic timetable.

The Hearing Examiner shared with the group that she was informed by DPS that the hearing before the County District Court on the right of way and sediment control violations resulted in a postponement by the Court to April 2026. Mr. Packard confirmed that understanding. Mr. Uliana asked why the case was postponed. Mr. Nichols explained that when a code enforcement case goes before a Judge, if the person in violation can show that they have made progress then the Judge will extend the time for compliance. In this case Mr. Packard made progress on the stormwater management violation and more than likely the Judge will wait until April to allow time for groundcover to grow to fully abate the violations.

The Hearing Examiner told the group she would be leaving County employment and that Lynn Robeson Hannan would be taking over as the assigned Hearing Examiner. In light of that fact, the Hearing Examiner scheduled a show cause hearing for **Friday, November 7, 2025 at 9:30 am**. Ms. Robeson Hannan will continue to monitor and schedule status hearings as needed.

Based on the statements made on October 29, 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” including detailing the work

- related to the two open violations with sediment control and right of ways 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 **Friday, November 3, 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 3<sup>rd</sup> day of November 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  
Lynn Robeson Hannan  
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 on 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, 9/16/25, 10/1/25,  
10/15/25, and 10/29/25.