

**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 NOVEMBER 7, 2025**

Pursuant to the Show Cause Order dated November 3, 2025 the Hearing Examiner held a remote status hearing on November 7, 2025.

The following individuals attended the remote status hearing on November 7, 2025 at 9:30 am. Lynn Robeson Hannan with OZAH and Josh Kaye behalf of Planning. Nicole Soltyka, JD Carr, Matt Rooney, Kent Ege and Justin Hughes attended from the community. Mr. Packard emailed the Hearing Examiner on November 3, 2025 that due to a death in the family he would be unable to attend the remote status hearing. Mr. Nichols with Planning also had a conflict and could not attend. The Hearing Examiner requested Mr. Kaye describe the photos he submitted and also those submitted by Mr. Packard. Mr. Kaye indicated Mr. Packard's photos mainly identified work that has been completed. Mr. Kaye expressed his belief that the timeline to complete the work on the spreadsheet is unrealistic pointing out several problems including the construction of the retaining wall, the forms/sticks for the concrete work, the grading work that still needed to be completed around the second entrance and the curb and gutter work and noted that based on the site conditions he observed on Thursday there is no way the curb and gutter work can happen on Monday. The Hearing Examiner asked him what a realistic timeline would be, to which Mr. Kaye responded if full crews were on site working together at the same time to complete the various items, the work could be done within 30 days. When the Hearing Examiner asked about the

weather for planting, Mr. Kaye stated that December is still a fine time to plant and it is frozen ground which would prohibit planting.

Mr. Rooney raised an issue with the existing street lights noting that after the heavy rain they went out and Dean needed to come back and fix them. He expressed serious concern about the lights going forward and questioned Mr. Packard's competence or ability to get the work complete. Mr. Rooney and Mr. Hughes asked at what point will the County say enough is enough and just take over to complete the work. The Hearing Examiner shared what she knew of the status of the right-of-way and sediment control violations as she did at the last hearing that both violations are still open and Mr. Packard has until when he is back in Court in April 2026 to come into compliance. Further she shared what she knew of the status of the bonds. Per DPS, the bonding agents are all aware of the project and are continuing to monitor Mr. Packard's progress, but up to this point the bonding agents are unwilling to "call in the bonds" because Mr. Packard is making some forward progress toward completing the work. The Hearing Examiner added that in the event Mr. Packard does not complete the work that the show cause will remain open until the bonds were called and the work on site is completed to satisfy the terms of the conditional use and preliminary plan.

Mr. Carr suggested Ms. Robeson Hannan, who will be taking over for Ms. Byrne as the assigned hearing examiner, visit the site so she could see the conditions for herself. Ms. Robeson Hannan agreed that she would like to see the site. In discussing dates and options, it was agreed that the next remote status hearing would be held on **Friday, November 21, 2025 at 9:30 am** and at that status hearing Ms. Robeson Hannan may schedule a date/time for site visit.

Based on the statements made on November 7, 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 21, 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 10th day of November 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

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, 10/29/25 and 11/7/25.