

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

**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 OCTOBER 17, 2024  
FOLLOW-UP SHOW CAUSE HEARING**

During the public hearing on July 12, 2024 pursuant to the Show Cause Order issued by this Hearing Examiner dated April 17, 2024 a follow-up in person Show Cause hearing was scheduled for October 22, 2024. *See* Show Cause Order dated July 15, 2024. On September 27, 2024, the Hearing Examiner emailed Mr. Kaye and Mr. Nichols, representatives of DPS and Planning, regarding the status of compliance with the Hearing Examiner’s Order dated July 15, 2024.<sup>1</sup> Mr. Packard, representing Garrett Gateway Partners, LLC responded on September 27, 2024 that the required work was not completed. In light of that fact the Hearing Examiner canceled the in person public hearing on October 22, 2024 and scheduled a remote only public hearing follow-up with the parties on October 17, 2024.

During the October 17, 2024 hearing, the Hearing Examiner heard from Mr. Packard, Mr. Nichols and Mr. Kaye. Mr. Nichols confirmed that Mr. Packard provided the proof of funding and a timeline, but not much more had happened onsite except for lighting work had started. Per Mr. Nichols the work that still needs completion includes street work, common areas and landscaping to satisfy the conditions established in the Conditional Use Decision and Preliminary Plan. Mr. Kaye noted that his office has seen some progress, but not enough. He observed some

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<sup>1</sup> All documents referenced in this Order may be found at [Hearing July 12 2024 Office of Zoning and Administrative Hearings \(montgomerycountymd.gov\)](http://www.montgomerycountymd.gov/ozah/index.html)

work on the light poles, some tunneling and stakes for stormwater management ponds. Mr. Packard stated the lighting contractor completed 80% of the cabling for the lights and expects additional progress in the next few days. In addition, Mr. Packard explained that prior to paving or curb and gutter work, additional cutting/tunneling needs to be completed for the water lines. Mr. Packard confirmed that all funding is in place to complete the required work per conditions established in the Conditional Use Report and Decision dated December 2, 2024 and the subsequent approved Preliminary Plan.

In response to the testimony provided, the following is hereby **ORDERED**:

1. That, Dean Packard, representative of the Applicant, Garrett Gateway Partners, LLC, provide a schedule of construction via email to this Hearing Examiner, Greg Nicols with DPS and Josh Kaye with Planning no later than close of business **Monday, October 10, 2024**, the schedule of construction must contain the following information:
  - a. Identifying all outstanding items for completion to satisfy the outstanding Notices of Violation for the Subject Property and satisfy the conditions as set forth in the above referenced Decision and Preliminary Plan;
  - b. Organize the outstanding items for completion in chronological order identifying dates for start of work and completion of work; and
  - c. Identify the contractor/entity hired to complete each item as is currently known.
2. That, Dean Packard on behalf of Garrett Gateway Partners, LLC and representatives of DPS and Planning appear **REMOTELY** via Teams before the Hearing Examiner with Office of Zoning and Administrative Hearings on **November 19, 2024 at 9:30 am** for an update on the progress of work completed.

3. That, the Hearing Examiner will schedule remote hearings approximately every 30 days until she is satisfied that the work completed meets the criteria established by the above referenced Decision and Preliminary Plan. The next hearing date will be scheduled with the parties at the conclusion of the hearing on November 19, 2024.
4. That, should the Applicant fail to make sufficient progress, the Hearing Examiner reserves the right during any the subsequently scheduled hearings to determine whether CU16-11 should be suspended or revoked

It is so ORDERED, this 18<sup>th</sup> day of October 2024.



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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 July 12, 2024 and October 17, 2024 hearings