

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

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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 DECEMBER 19, 2024
FOLLOW-UP SHOW CAUSE HEARING**

Pursuant to the Show Cause Order dated November 20, 2024, the Hearing Examiner held a remote hearing on December 19, 2024 in follow-up to the a remote show cause hearing with the parties on November 19, 2024.

During the December 19, 2024 hearing, the Hearing Examiner heard from Mr. Dean Packard on behalf of Garrett Gateway Partners LLC, Mr. Josh Kaye on behalf of Planning and Mr. Greg Nichols on behalf of the Department of Permitting Services. The Hearing Examiner asked Mr. Packard about the status of the requested update to the “site cost work to finish” spreadsheet that was not received by the Hearing Examiner prior to the hearing date. Mr. Packard explained he did update the spreadsheet but failed to send it. T. 6 The Hearing Examiner asked about the status of the \$400,000 CD to which Mr. Packard responded that he expected the funds from the CD to be released “today or tomorrow.” T. 7. Mr. Packard explained his plan for financing as follows: A) a loan for an amount of \$450,000 with monthly draws of \$50,000 each month starting in December through July 2025; B) the \$400,000 CD that just matured and C) another \$450,000 loan. T. 7-8. Mr. Packard further explained that the approximately \$1.3 million in financing is to complete the work promised and to proceed with the next phase of the development. T. 9. The Hearing Examiner asked Mr. Nichols and Mr. Kaye about their observations on site. Mr. Nichols reiterated that completion of the work is dependent on the financing and that DHCA inspectors go

to the site on a regular basis and have verified that some areas were repaired. T. 10-11. Mr. Kaye agreed with Mr. Nichols in that not much else can be completed without financing and indicated that he did not see that much work that had been done since the November hearing, specifically noting that the hole in the ground is still waiting for the PEPCO meter can, no lights, and gutter repairs are not completed. T. 12. Regarding funding, Mr. Packard explained the first \$50,000 draw went to pay attorneys, paving and underground wiring and that the next \$50,000 will pay for the lights and concrete, curb, gutter and topcoat. T. 14. In discussing the area around the manhole, Mr. Kaye noted that work still needed to be completed. T. 14. Ms. Simone noted the open hole for the PEPCO meter created dangerous condition. T. 15. Mr. Packard committed to “going to the site today” and making sure the plywood covers the hole and placing cones on the plywood to alert passersby to the potential danger. T. 16-17. Discussion continued regarding the construction timeline and community concerns. Because Mr. Packard did provide proof that he obtained financing, the Hearing Examiner did not suspend or revoke the conditional use and in response to the testimony **ORDERED** the following:

1. That, Dean Packard, representative of the Applicant, Garrett Gateway Partners, LLC, update the schedule of construction consistent with the discussion during the December 19, 2024 hearing and send it via email to this Hearing Examiner, Greg Nicols with DPS and Josh Kaye with Planning on **Thursday, December 19, 2024**, the schedule of construction must also be updated to **identify the contractor/entity hired to complete each item as is currently known.**¹
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

¹ Dean Packard emailed the requested spreadsheet to the Hearing Examiner on 12/19/24.

Office of Zoning and Administrative Hearings on **Thursday, January 23, 2025 at 9:30 am** for an update on the progress of work completed.

3. That, Dean Packard on behalf of Garrett Gateway Partners, LLC will
 - a. Ensure the plywood covering the PEPCO meter hole is properly placed and that cones be placed on top to alert passersby of the hole.²
 - b. Visit the site 2 to 3 times a week to ensure safety of meter hole and check on the general condition of the property; and
 - c. Email all neighbors 48 hours prior to any contractors and/or work being done on site.

4. That the following work be completed before the next hearing date:
 - a. Exterior streetlights on and working.
 - b. Concrete poured and concrete repairs made; and
 - c. Topcoat completed.

5. 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.

6. 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 8th day of January 2025.



Kathleen E. Byrne
Hearing Examiner

Copies sent via email to:

Dean Packard for Garrett Gateway Partners, LLC
Barbara Jay, Executive Director

² Dean Packard indicated in his email of 12/19/24, that he placed the cones on the meter hold plywood on 12/19/24.

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 and 12/19/24 hearings