

**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 MAY 14, 2025
FOLLOW-UP SHOW CAUSE HEARING**

Pursuant to the Show Cause Order dated April 29, 2025, the Hearing Examiner held a remote hearing on May 14, 2025.

The following individuals attended the remote hearing on May 14, 2025. Mr. Dean Packard on behalf of Garrett Gateway Partners, LLC. Greg Nichols attended on behalf of DPS and Josh Kaye attended on behalf of Planning. Ms. Nicole Soltyka, Mr. Matt Rooney, Ms. Kimberly Rooney and Mr. Justin Hughes attended from the community. On April 16, 2025, Mr. Packard provided an additional proof of funding letter. Exhibit 28. On April 29, 2025, Mr. Packard provided an updated site timeline/cost worksheet and a Roadway Repair Recommendation from Geolab. Exhibits 29 and 32. On May 9, 2025, Mr. Kaye sent an email to the Hearing Examiner, Mr. Packard and others in DPS and Planning reporting no progress made at the site since the April 10, 2025 hearing. In response on the same date, Mr. Packard emailed that the concrete contractor and asphalt contractor were scheduled to be onsite the following Monday and Tuesday. Exhibit 30. On May 11, 2025, Mr. Packard further updated the Hearing Examiner, DPS and Planning regarding his efforts with PEPCO, the asphalt and concrete contractors. Exhibit 31. On May 13, 2025, Mr. Packard twice emailed the Hearing Examiner, DPS and Planning regarding work started on the cracked curb along with progress photos of the spaces where the concrete was removed. Exhibit 33.

During the hearing on May 14, 2025, the Hearing Examiner asked Mr. Packard about specific milestones identified in the previously submitted site timeline/cost worksheet provided on April 29, 2025 that were out of date. The Hearing Examiner asked Mr. Packard to provide an updated worksheet with accurate dates, contractors and costs by Friday May 16, 2025.¹ The Hearing Examiner stressed the importance of accurately projecting the timeline for the work to be completed. She further expressed that the possible reason for the lack of confidence shown by the neighbors and County staff in Mr. Packard's promises was because he set unrealistic expectations and timelines for the work that needed to be done. The Hearing Examiner specifically asked that the updated worksheet be as accurate as possible with date projects and expectations.

During the hearing the neighbors expressed concern that the concrete work started on a day it was raining, and rain was expected for several more days. Additionally, the neighbors expressed concern regarding the late timing of the start work notification. Both Mr. Kaye and Mr. Nichols informed Mr. Packard that he was to text them before he is to start any work. The Hearing Examiner stressed to Mr. Packard the importance of contacting Mr. Kaye and Mr. Nichols noting that he is being given direct access to County Staff to prevent any delay on the County side in getting the work done and that he is to follow those instructions.

Mr. Nichols and Mr. Kaye informed the Hearing Examiner that their respective agencies are continuing to work to "call in" the County bonds to complete work on the site. Mr. Packard stated he would cooperate with the bond agents and meet staff on site.

Based on the testimony heard on May 15, 2025, the Hearing Examiner **ORDERS** as follows:

1. That, DPS and Planning continue on the path the required to "call in" the respective bonds held by each agency to complete the work required at "Cashell Estates" to bring

¹ As of the date of this Order the Hearing Examiner has not received the updated worksheet.

- the subject property into compliance with CU 16-11 Garrett Gateway Partners, LLC;
and further
2. That, Dean Packard by close of business on **Friday, May 16, 2025**, submit to the Hearing Examiner and representatives of DPS and Planning an **updated** “Site Cost Work to Finish Project” including, but not limited to the following information:
 - a. item to be completed,
 - b. description of the item,
 - c. status of completion,
 - d. cost of work,
 - e. priority and
 - f. contractor hired to do the work; and further
 3. 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
 4. 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
 5. 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
 6. That, Dean Packard on behalf of Garrett Gateway Partners, LLC and representatives of DPS and Planning appear **ON SITE** at the intersection of Garrett Boulevard and Redland Road, Derwood, Maryland before the Hearing Examiner with Office of Zoning and Administrative Hearings on **Wednesday, June 11, 2025 at 9:30 am** for a site visit and status update regarding the status the work at the site and the status of the County Bonds.

It is so ORDERED, this 3rd day of June 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 and 5/14/25 hearings