

**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 SITE VISIT AND
FOLLOW-UP SHOW CAUSE HEARING ON JUNE 11, 2025**

Pursuant to the Show Cause Order dated June 3, 2025 the Hearing Examiner held a site visit and status hearing on June 11, 2025.

The following individuals attended the in-person site visit/status hearing on June 11, 2025 at 9:30 am at the corner of Redland Road and Garrett Road in Derwood. 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. Nicole Soltyka, Kent Ege, Patti Simon, and JD Carr attended from the community. At the outset of the site visit/status hearing, the Hearing Examiner explained that the site visit was scheduled in conjunction with a status hearing for the Hearing Examiner to receive information from Mr. Packard, Mr. Kaye, Mr. Nichols, and community members regarding work completed to date and schedule of work projected, just as she heard in prior remote hearings, but to also observe actual work completed and existing site conditions.

During the site visit, the Hearing Examiner observed the topcoat of asphalt being laid on Universal Court. Additionally, the Hearing Examiner observed concrete work on the sidewalks and gutters and the relocation of the topsoil stockpile from the second entrance area. Mr. Nichols and Mr. Kaye both agreed that the spreadsheet sent by Mr. Packard properly identified the items to be completed and the priority assigned to each to be appropriate. Exhibit 38. Mr. Packard anticipates all outstanding work to be completed by the end of July, further noting that the

streetlights should be on by July 4th with the progression being hardscapes first then landscapes. Mr. Packard hired an electrician to install the meter for the streetlights. The Hearing Examiner asked that the name of the electrician be put on the spreadsheet along with a timeline for the survey of the 2 points for the streetlights on Garrett Road in preparation for PEPCO installation.

Mr. Packard also anticipates opening the second entrance in the first part of July. When asked about funding adequacy, Mr. Packard stated he will have enough money and continues to work on refinancing. When asked about the status of plantings per the approved plan, Mr. Kaye noted that it was crucial to get the plants in the ground no matter the season and that Mr. Packard take the necessary steps to keep those plants alive. Mr. Nichols reinforced with Mr. Packard that he follows the requirements identified in the plan for specific plants, soil specifications and placement on/in the earth.

When the Hearing Examiner asked about the status of the County's bonds, Mr. Packard noted that he met with the County's bond agent on site three weeks ago and continues to send the agent weekly updates on his progress. The Hearing Examiner asked Mr. Packard to make sure that Linda Kobylski is copied on every email sent to the bonding agent. Both Mr. Nichols and Mr. Kaye believed that because Mr. Packard is moving forward with work under bond, the bonding agent waiting to process those County bonds. The Hearing Examiner again stressed to Mr. Packard that he be onsite when work is being done, contact Mr. Nichols and/or Mr. Kaye ask directed and properly inform the community prior to work onsite.

At the conclusion of the site visit/status hearing, the Hearing Examiner asked Mr. Nichols and Mr. Kaye if a July next remote hearing should be scheduled given that all the work is to be completed by the end of July. Both believed that an August date would be sufficient with Mr. Packard updating the parties weekly with the site spreadsheet. The Hearing Examiner stated at

the end of the site visit/status hearing that the next hearing would be held REMOTE on Wednesday, August 13, 2025 at 9:30 am.

Based on her observations at the site and the statements heard on June 11, 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 by close of business on **Friday, June 13, 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. Adding the name of the electrician working on the streetlight meter,
 - b. Adding a line for the installation of the streetlights on Garrett Road, including a date for the 2-point survey and completion by PEPCO,
 - c. all other items to be completed,
 - d. description of the items,
 - e. status of completion,
 - f. cost of work,
 - g. priority and
 - h. contractor hired to do the work; and further
4. That, Mr. Packard submit an updated “Site Cost Work to Finish Project” spreadsheet weekly here on out no later than the close of business on the following dates:
 - a. Friday, June 20, 2025
 - b. Friday, June 27, 2025
 - c. Thursday, July 3, 2025
 - d. Friday, July 11, 2025
 - e. Friday, July 18, 2025
 - f. Friday July 25, 2025
 - g. Friday, August 1, 2025
 - h. Friday, August 8, 2025

5. 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
6. 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
7. 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
8. 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 **Wednesday, August 13, 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 11th 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, 5/14/25 and 6/11/25 hearings