

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

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Rockville, Maryland 20850  
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**CASE NO. CU 16-11 – GARRETT GATEWAY PARTNERS, LLC,**

**ORDER IN RESPONSE TO JANUARY 23, 2025  
FOLLOW-UP SHOW CAUSE HEARING**

Pursuant to the Show Cause Order dated January 8, 2025, the Hearing Examiner held a remote hearing on January 23, 2025 in follow-up to the a remote show cause hearing held with the parties on December 19, 2024.

During the January 23, 2025 hearing, the Hearing Examiner heard from Mr. Dean Packard on behalf of Garrett Gateway Partners LLC, Mr. Josh Kaye on behalf of the Planning Department and Mr. Greg Nichols on behalf of the Department of Permitting Services. The Hearing Examiner acknowledged the email received from Mr. Packard on January 21, 2025 regarding the status of the work that was to be completed during the last 30 days. Mr. Packard testified to the content of that email explaining that because of the poor weather conditions none of the construction milestones as set forth in the las Show Cause Order has been completed because the concrete work is a required first step before the lights can be turned on and the waterline installed. Mr. Packard stated he has a meeting set up for Monday, January 27, 2025 with the contractor to coordinate and schedule dates for the concrete work to begin. Mr. Nichols confirmed Mr. Packard's statement regarding the weather's impact to the start of the concrete work and stated that the County would not want to see any concrete work done during adverse weather conditions. Mr. Kaye agreed with Mr. Nichols statement. When community members asked about repairs to the existing concrete work, Mr. Packard indicated that those repairs would be completed when the new concrete work

is installed. During the last 30 days, Mr. Packard was made aware of new sink hole near the Rooney property. Mr. Packard testified that he filled the hole with stone and put up cones as a warning. When asked about site visits to inspect the general condition of the site, Mr. Packard stated he is visiting the site regularly checking on conditions and that the other location where he placed cones remains secure.

When the Hearing Examiner asked about the other sources of funding discussed during the last show cause hearing, Mr. Packard indicated he had “plenty” of money to complete the work and continues to seek additional funding so he as backup funding in place. Mr. Rooney asked if payments have been made to the utility or others so there is no delay once the weather breaks. Mr. Packard indicated that a check was cut to WSSC and other vendors have also been paid. The Hearing Examiner requested Mr. Packard add a line to the site work spreadsheet indicating which payments have made or that are pending for the work identified. Mr. Packard agreed to update the spreadsheet by close of business Friday, January 31, 2025 with the updated work schedule, including but not limited to the concrete work, and he will add and update a “payment” column. When asked by a community member about payments to the home builder, Mr. Packard stated the builder has been paid in full and that the builder is in default with the contract he has with Mr. Packard. Mr. Packard stated he is focusing on fulfilling the requirements of the preliminary and site plan.

The Hearing Examiner finds the delay to the construction schedule has been caused by the weather 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 January 23, 2025 hearing and send it via email to this Hearing Examiner, Greg Nicols with DPS and Josh Kaye with Planning no later than **Friday, January 31, 2025**, the schedule of

- construction must also be updated with a “payments” column indicating when payments have been made to various contractors, utilities and/or the County as required.
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 **Thursday, February 27, 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. Visit the site 2 to 3 times a week to ensure safety of meter hole, sink hole near the Rooney property and check on the general condition of the property; and
    - b. 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 23<sup>rd</sup> day of January 2025.



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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 Motazed, 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 and  
1/23/25 hearings