

**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 MARCH 13, 2025  
FOLLOW-UP SHOW CAUSE HEARING**

Pursuant to the Show Cause Order dated March 3, 2025, the Hearing Examiner held a remote hearing on March 13, 2025 in follow-up to the a remote show cause hearing held with the parties on February 27, 2025.

Pursuant to the Order of March 3, 2025, the Hearing Examiner met with representatives with the Department of Permitting Services (DPS) and the Department of Planning (Planning) prior to March 13, 2025 to gain an understanding of how the agencies would “call in the bonds”. Following those meetings, representatives from DPS and Planning walked the property that is the subject of CU 16-11 on Monday, March 10, 2025 to assess the current condition and prepare checklists/report of the outstanding work to be completed to bring the subject property into compliance with the terms of the Conditional Use Order and the Preliminary Plan. Also on Monday, March 10, 2025 Mr. Dean Packard emailed the Hearing Examiner indicating his believe that he would have access to funding in the amount of \$200,000 to put toward completing work at the subject property on or about Wednesday, March 12, 2025. Exhibit 21.

On Thursday, March 13, 2025 the remote public hearing took place in the presence of a Court Reporter. The following DPS representatives were in attendance Linda Kobylski, Tom Weadon, and Greg Nichols. Josh Kaye attended on behalf of Planning. The Hearing Examiner asked those from DPS and Planning to describe their site observations from Monday’s visit. After

some discussion regarding the status of the work, DPS and Planning are to prepare reports identifying the current condition of the subject property as it relates to stormwater management, rights of way, and the subject property's compliance with the Conditional Use and Preliminary Plan. DPS and Planning will also prepare checklists of work to be completed and organize the checklist in order of life safety priority as well as order of construction priority.

Mr. Packard updated the Hearing Examiner regarding his efforts to obtain financing. He explained Garrett Gateway Partners, II has been formed to move forward with funding for Phase II and that a loan of \$850,000 should close on Monday, March 17, 2025. Further he stated that \$200,000 of the \$850,000 will be used to finance the work required to bring the subject property into compliance with the Conditional Use and Preliminary Plan.

The following community members were also present during the remote hearing Luke Ulianares, Greg Simone, Justin Hughes, JD Carr, Matt Rooney, Kimberly Rooney and Nicole Soltyka. Several individuals identified areas of concern regarding the current condition at the property and also noted their frustration over the amount of time it has taken to get to this point for enforcement.

Based on the testimony heard on March 13, 2025, the Hearing Examiner finds that as of this date Mr. Packard's funding still is not secure and **ORDERS** as follows:

1. That, DPS and Planning immediately take the required steps to "call in" the respective 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, DPS and Planning work together to coordinate and share resources in their efforts to "call in" the bonds and once the bonds are secure to coordinate as much as possible to ensure completion of all required work; and further

3. That, Dean Packard continue to pursue funding individually to bring the subject property into compliance; and further
4. That, Dean Packard by close of business on **Friday, March 14, 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
5. That, Dean Packard email the Hearing Examiner and representatives of DPS and Planning by close of business on **Wednesday, March 19, 2025** to report on the status of the \$850,000 loan closing, which is to occur on Monday, March 17, 2025; and further
6. That, DPS and Planning submit their detailed reports and priority checklists to the Hearing Examiner by close of business **Thursday, March 20, 2025**, and further
7. That in the event the loan does close as scheduled and Mr. Packard receives funding to complete work on the subject property that Mr. Packard and his contractors shall meet representatives of DPS and Planning at the subject property **at 9:30 am on Monday, March 24, 2025** for a preconstruction meeting; and further
8. 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
9. 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
10. That in the event the loan does not close, no preconstruction meeting will take place on Monday, March 24, 2025; and further

11. 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
12. 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, **April 10, 2025 at 9:30 am** for a hearing regarding the status of Mr. Packard’s funding and progress as well as the status of the County Bonds.

It is so ORDERED, this 13<sup>th</sup> day of March 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 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 and 3/13/25 hearings