

**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 JANUARY 23, 2025
FOLLOW-UP SHOW CAUSE HEARING**

Pursuant to the Show Cause Order dated January 23, 2025, the Hearing Examiner held a remote hearing on February 27, 2025 in follow-up to the a remote show cause hearing held with the parties on January 23, 2025.

On February 26, 2025, Dean Packard on behalf of Garrett Gateway Partners LLC emailed the Hearing Examiner and copied, Mr. Josh Kaye with the Planning Department and Mr. Greg Nichols with the Department of Permitting Services. Mr. Packard explained in his email that the investor providing the funding via a \$450,000 loan identified during the January 23, 2025 hearing has since defaulted on the loan and no additional funds will be available to complete the project as promised. Exhibit 19. During the hearing, Mr. Packard reiterated this fact and further stated he was working on securing other sources of funding but as of that date had not been successful in his attempts.

Per Mr. Packard's statement that Garrett Gateway Partners, LLC cannot produce the funding to complete the project, the Hearing Examiner rescheduled the show cause hearing to Thursday, March 13, 2025 at 9:30 am in order for a court report to be present to create an official transcript. The Hearing Examiner stated she was inclined to suspend the conditional use on March 13, 2025 and request the appropriate county agencies recall their various bonds to complete the outstanding work. Further the Hearing Examiner stated she would be reaching out to various

individuals with the Department of Permitting Services and the Planning Department to fully understand the next steps for calling in the various bonds to complete the work and exactly what “calling in” the bonds actually means for the community, timeline, who completes the work, etc.

Various community members present during the remote hearing noted their concern and had questions regarding the next steps and what happens when the bonds are called. Ms. Linda Kobylski and Mr. Greg Nichols testified to their prior experience with calling in bonds. Community members also expressed their disappointment with the fact that they are the ones left with the burden of the unfinished work.

The Hearing Examiner finds that Garrett Gateway Partners LLC does not have adequate funding to complete the work at the site to satisfy terms of the Conditional Use Order dated December 2, 2016 and in response to the testimony **ORDERED** the following:

1. That, Dean Packard on behalf of Garrett Gateway Partners, LLC and representatives of Department of Permitting Services and Planning appear REMOTELY via Teams before the Hearing Examiner with Office of Zoning and Administrative Hearings on **Thursday, March 13, 2025 at 9:30 am** for a hearing in the presence of a Court Reporter at which time the Hearing Examiner shall determine whether CU16-11 should be suspended or revoked, and further
2. That, prior to the March 13, 2025 hearing date, the Hearing Examiner will contact supervisors with the Department of Permitting Services and the Planning Department to obtain information regarding the standard procedures and potential outcome for “calling in” the bonds related to for Conditional Use 16-11; and further
3. That, any approvals related to development, construction, permits, work, etc. on Phase II of the “Design for Life” project shall halt until the Hearing Examiner determines that the terms of Conditional Use 16-11 and the related preliminary plan are satisfied.

It is so ORDERED, this 3rd day of March 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 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,
1/23/25, and 2/27/25 hearings