



KROB LAW OFFICE, LLC
Attorneys at Law

MEMORANDUM

To: Board of Trustees of the Town of Granby

From: Nathan Krob

Date: July 12, 2022

Re: Special Review of Final Development Plan of Granby Ranch Filing 13

In July 2007, the Town of Granby approved a Final Planned Development Plan for Granby Ranch Filing No. 13 (the “Filing 13 FDP”). The Filing 13 FDP provided a development schedule of public improvements including the completion of road and utility infrastructure by the summer of 2010 and the completion of paving by the fall of 2010.

The Granby Municipal Code provides that the Planning Commission may conduct a final development plan special review if the developer of a subdivision: (1) fails to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 18 months of the scheduled starting date or extensions thereto; (2) displays inactivity or a documented lack of progress as determined by either the staff or planning commission at any stage of the project for more than two years from the last completed benchmark in the approved development schedule; or (3) fails to complete improvements in a timely manner. If, after the special review hearing, the Planning Commission finds any of these delinquencies, the Planning Commission may recommend to the Board of Trustees that it either amend the final development plan or declare it null and void.

Staff has determined that the development of Granby Ranch Filing No. 13 has failed to substantially adhere to the Filing 13 FDP development schedule. In particular, no building permit for construction as detailed in the development schedule was drawn within 18 months of the scheduled starting date or extensions thereto, there has not been any activity related to the project for a period of more than two years from the last completed benchmark in the approved development schedule, and the improvements contemplated to be completed in 2010 remain incomplete in 2022.

Given the substantial delay in developing the project, Town staff suggested to the Planning Commission that it recommend to the Board of Trustees that the Board declare the Filing 13 FDP null and void, and require new development plan or plans be submitted and approved prior to any

further development in Filing 13. The Planning Commission agreed with Town staff, and recommends the Board of Trustees declare the Filing 13 FDP null and void.

Attachments: Resolution

Proposed motion: “Motion to approve Resolution 2022-07-12_, a resolution declaring null and void the Final Development Plan for Granby Ranch Filing Number 13”

**TOWN OF GRANBY
BOARD OF TRUSTEES
RESOLUTION 2022-07-12__**

**A RESOLUTION DECLARING NULL AND VOID THE FINAL
DEVELOPMENT PLAN FOR GRANBY RANCH FILING NO. 13**

WHEREAS, on July 3, 2007, the Board of Trustees of the Town of Granby approved Ordinance No. 693, which among other things, approved the Final Development Plan for Granby Ranch Filing No. 13 (the “Filing 13 FDP”); and

WHEREAS, the Filing 13 FDP provided a development schedule of public improvements including the completion of road and utility infrastructure by the summer of 2010 and the completion of paving by the fall of 2010; and

WHEREAS, Section 16.90.140(a) of the Granby Municipal Code provides that the Planning Commission may conduct a final development plan special review if the developer of a subdivision: (1) fails to begin subdivision platting and/or draw building permits for construction as detailed in the approved development schedule within 18 months of the scheduled starting date or extensions thereto; (2) displays inactivity or a documented lack of progress as determined by either the staff or planning commission at any stage of the project for more than two years from the last completed benchmark in the approved development schedule; or (3) fails to complete improvements in a timely manner; and

WHEREAS, the developer of Granby Ranch Filing No. 13 has failed to substantially adhere to the Filing 13 FDP development schedule and pursuant to Town staff recommendation, the Planning Commission for the Town of Granby conducted a final development plan special review on May 9, 2022, after the matter was continued from its originally scheduled hearing date of May 2, 2022; and

WHEREAS, after considering the status of the project and any statements or documentation provided by the public and developer at such review, the Planning Commission determined that: (1) the Developer has not drawn a building permit for construction as detailed in the development schedule within 18 months of the scheduled starting date or extensions thereto, (2) there has not been any activity related to the project for a period of more than two years from the last completed benchmark in the approved development schedule, and (3) the improvements contemplated to be completed in 2010 remain incomplete in 2022, and, based on its findings, recommended the Board of Trustees declare the Final Development Plan for Filing No. 13 null and void.

WHEREAS, on July 12, 2022, after considering the recommendation of the Planning Commission, as well as, any other matters presented to it, the Board of Trustees of the Town of Granby determined that the Final Development Plan for Granby Ranch Filing No. 13 should be deemed null and void, and of no further effect.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY, COLORADO AS FOLLOWS:

1. The Final Development Plan for Granby Ranch Filing No. 13 is hereby declared null and void.

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRANBY THIS 12TH DAY OF JULY, 2022.

ATTEST:

**TOWN OF GRANBY
BOARD OF TRUSTEES**

Deborah K. Hess, CMC
Town Clerk

By: _____
Joshua Hardy
Mayor

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____