

**Agenda Item No.:** GB-B.

**Meeting Date:** October 9, 2023

**Subject:** Resolution No 23-91, a Resolution Granting a Second Extension of the Deadline for Compliance with a Condition of Approval for Mesa Ridge Filing No. 1 Subdivision.

**Presenter:** Jennifer Krieger, AICP, Community Development Director

**Background:** By Resolution No 22-79, adopted by the City Council on October 24, 2022, the City Council approved a final subdivision plat, final development plan, and Subdivision Agreement for Mesa Ridge Filing No. 1 Subdivision, conditioned on all construction plans for the public improvements being approved, final plat and FDP mylars being submitted to the City for recording, and the Improvement Guarantee required by the Subdivision Agreement being provided to the City within six (6) months. By Resolution No. 23-40 adopted on April 10, 2023, the City Council approved an extension of this deadline to October 31, 2023.

The Applicant is requesting a second time extension to meet the conditions of approval. The absorption rate of homes in nearby projects owned by the Applicant remains slow due to high interest rates. Approval of Resolution 23-91 will amend the conditions of approval and extend the timeline to April 30, 2024.

**Staff Recommendation:** Staff recommends approval of Resolution No 23-91.

## RESOLUTION NO. 23-91

### A RESOLUTION GRANTING A SECOND EXTENSION OF THE DEADLINE FOR COMPLIANCE WITH A CONDITION OF APPROVAL FOR MESA RIDGE FILING 1 SUBDIVISION

**WHEREAS**, by Resolution No 22-79 adopted by the City Council on October 24, 2022, the City Council approved a final subdivision plat, final development plan, and Subdivision Agreement for Mesa Ridge Filing 1 Subdivision, conditioned on all construction plans for the public improvements being approved, final plat and FDP mylars being submitted to the City for recording, and the Improvement Guarantee required by the Subdivision Agreement being provided within six (6) months; and

**WHEREAS**, by Resolution No. 23-40 adopted on April 10, 2023, the City Council approved an extension of this deadline to October 31, 2023; and

**WHEREAS**, the applicant has requested a second extension of time to meet this condition of approval, and the City Council has held a properly noticed public hearing on such request pursuant to Section 4 of Resolution No. 22-79; and

**WHEREAS**, based upon the testimony and other evidence presented at the public hearing, the City Council finds this condition of approval should be amended as set forth herein.

### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** The deadline for meeting the condition of approval set forth in Section 4 of Resolution No. 22-79, which conditionally approved a final subdivision plat, final development plan, and Subdivision Agreement for Mesa Ridge Filing 1, is hereby extended as follows:

On or before ~~October 31, 2023~~ April 30, 2024, all construction plans for the public improvements must be approved, final plat and FDP mylars must be submitted to the City for recording, and the Improvement Guarantee required by the Subdivision Agreement must be provided to the City. If timely submission of all items is not made, this matter will be scheduled for a public hearing before the City Council, at which hearing the City Council will reconsider the approvals granted herein. Written notice of such hearing shall be provided to the applicant and published as required by the Dacono Municipal Code. No extension of the time period set forth in this Section 4 may be granted except by resolution adopted by the City Council.

INTRODUCED, READ, and ADOPTED this 9<sup>th</sup> day of October, 2023.

CITY OF DACONO, COLORADO

---

Adam Morehead, Mayor

ATTEST:

---

Valerie Taylor, City Clerk



August 28, 2023

Jennifer Krieger, AICP  
Community Development Director  
City of Dacono  
[JKrieger@CityofDacono.com](mailto:JKrieger@CityofDacono.com)

**RE: Mesa Ridge First Filing (Resolution No. 22-79) – Final Plat Recordation Extension**

Dear Jennifer,

Please accept this letter as a request to extend the Mesa Ridge Filing 1 Final Plat Approval (Resolution No. 22-79). The purpose behind the request is two-fold:

1. Current market conditions and interest rates in conjunction with LGI's current inventory in the Dacono area not yet requiring replenishment.
2. Occidental has not yet provided a draft agreement for the Plug and Abandonment of their well on-site. They require a firm schedule for the agreement, and their current schedule indicates 'the latter half of 2023'. The draft agreement is required for recordation of the Final Plat due to the location of their storage facility and the proposed Eldorado Drive ROW. We have continued to follow up with Occidental on the timing of their Plug & Abandonment of this well and have not received a firm date. We understand their intention is still to complete this work by the end of the year, but without a draft agreement we are unable to record the plat. Given the responsiveness of Occidental to date, we do not expect there will be sufficient time to record the plat prior to the deadline of October 31, 2023.

Please let me know if you have any questions or if further information will be required to process the request. We appreciate your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Tim Bruggman".

Tim Bruggman  
Vice President, Land Development  
LGI Homes  
[Tim.bruggman@lgihomes.com](mailto:Tim.bruggman@lgihomes.com)