

RESOLUTION NO. 2024-021

A RESOLUTION APPROVING A VARIANCE PURSUANT TO CHAPTER 9.16.070.E OF THE CASTLE ROCK MUNICIPAL CODE FOR NIGHTTIME CONSTRUCTION ACTIVITIES RELATED TO THE 2024 PAVEMENT MAINTENANCE PROGRAM, 2024 TOWN FACILITY PARKING LOT IMPROVEMENT PROGRAM, 2024 PAVEMENT MARKING MAINTENANCE PROGRAM AND 2024 PAVEMENT CAPITAL IMPROVEMENT PROGRAM PROJECTS

WHEREAS, Section 9.16.030.A of the Castle Rock Municipal Code (“CRMC”) provides that “[n]o person shall make, continue or cause to be made or continued, any noise disturbance, including, but not limited to, the specific noise disturbances prohibited in Subsection B of this Section;” and

WHEREAS, CRMC Section 9.16.030.B.5 expressly prohibits “[o]perating or permitting the operation of any tools or equipment in connection with construction, drilling or demolition work between the hours of 7:00 p.m. and 7:00 a.m. the following day on weekdays and between the hours of 6:00 p.m. and 8:00 a.m. on weekends or holidays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for. . . work exempted. . . by variance issued pursuant to Subsection 9.16.070.E;” and

WHEREAS, the Town’s Public Works Department has made an application for a variance (the “Variance”) to the Town’s noise ordinance pursuant to CRMC Chapter 9.16.070.E necessary for nighttime construction activities related to the 2024 Pavement Maintenance Program, 2024 Town Facility Parking Lot Improvement Program, and 2024 Pavement Capital Improvement Program projects; and

WHEREAS, to minimize inconvenience to the public and mitigate traffic impacts including, but not limited to, peak hour traffic times, the Public Works Department anticipates that night work is necessary; and

WHEREAS, the Town Council finds that the activity will be of temporary duration and, even with the application of the best available control technology, the maintenance cannot be done in a manner that would comply with Chapter 9.16 without approval of a nighttime construction activities variance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Approval. Town Council hereby approves the application for the Variance for the 2024 Pavement Maintenance Program beginning May 1, 2024, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2024, at 6:00 p.m., to August 31, 2024, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and between 6:00 p.m. and 8:00 a.m. on weekends or

holidays. This time period may be extended for up to one additional month to then expire no later than September 30, 2024, at 11:59 p.m. at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the 2024 Pavement Maintenance Program.

- B. The Variance shall apply only to maintenance work performed for pavement marking, pavement maintenance, pavement removal, pavement repairs, concrete repairs, roadway construction, street sweeping, and asphalt mill and overlay. Any other maintenance work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

Section 2. Approval. Town Council hereby approves the application for the Variance for the 2024 Capital Improvement Program beginning May 1, 2024, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2024, at 6:00 p.m., to August 31, 2024, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to one additional month to then expire no later than September 30, 2024, at 11:59 p.m. at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the 2024 Capital Improvement Program.
- B. The Variance shall apply only to work performed for the Four Corners Intersection Improvements Project, the Wolfensberger Road and Park Street Intersection Improvement Project, the Crowfoot Valley Road Widening Project, and the Crystal Valley Interchange Project (including Dawson Trails Boulevard). Any other construction work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

Section 3. Approval. Town Council hereby approves the application for the Variance for the 2024 Pavement Marking Maintenance Program beginning May 1, 2024, subject to the following restrictions:

- A. The Variance shall be in effect from May 1, 2024, at 6:00 p.m., to August 31, 2024, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to one additional month to then expire no later than September 30, 2024, at 11:59 p.m. at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the 2024 Pavement Marking Maintenance Program.
- B. The Variance shall apply only to maintenance work generally consisting of the re-application of existing pavement markings, grinding, thermo plastic installation and the installation of new pavement markings. Any other maintenance work shall comply

with the noise restrictions set forth in Chapter 9.16 of the CRMC.

Section 4. Approval. Town Council hereby approves the application for the Variance for the 2024 Town Facility Parking Lot Improvement Program beginning May 1, 2024, subject to the following restrictions:

1. The Variance shall be in effect from May 1, 2024, at 6:00 p.m., to August 31, 2024, at 11:59 p.m. The Variance allows for overnight work to occur between 7:00 p.m. and 7:00 a.m. on weekdays, and between 6:00 p.m. and 8:00 a.m. on weekends or holidays. This time period may be extended for up to one additional month to then expire no later than September 30, 2024, at 11:59 p.m. at the discretion of the Director of Public Works, if such extension is reasonably necessary to complete work undertaken for the Town Facility Parking Lot Improvement Program.
2. The Variance shall apply only to parking lot maintenance work performed at the Fourth Street Parking Lot. Any other maintenance work shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

PASSED, APPROVED AND ADOPTED this 5th day of March, 2024, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Daniel Sailer, Director of Public Works