

RESOLUTION NO. 2021-

**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
OLINGER ANDREWS CALDWELL CHAPEL PROJECT
(407 JERRY STREET)**

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 Olinger Andrews Caldwell Chapel development 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 Olinger Andrews Caldwell Chapel Project at 407 Jerry Street; and

WHEREAS, to minimize inconvenience to the public and mitigate traffic impacts including, but not limited to, peak hour traffic times, the Olinger Andrews Caldwell Chapel developer 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 AS FOLLOWS:

Section 1. Approval. Town Council hereby approves the application for the Variance for the Olinger Andrews Caldwell Chapel project beginning June 2, 2021, subject to the following restrictions:

1. The Variance shall be in effect from June 2, 2021, at 6:00 p.m., to June 30, 2021, at 11:59 p.m. The Variance allows for weekday work to occur between 7:00 p.m. and 7:00 a.m. Further, the Variance allows for overnight work to occur 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 August 1, 2021, at 11:59 p.m., at the discretion of the Director of Development Services, if such extension is reasonably necessary to complete work undertaken for the Olinger Andrews Caldwell Chapel Project.

2. The Variance shall apply only to work associated with water main connections for the Project. Any other construction work for the Project shall comply with the noise restrictions set forth in Chapter 9.16 of the CRMC.

PASSED, APPROVED AND ADOPTED this 1st day of June, 2021 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, 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

Tara Vargish, P.E., Director of Development Services