

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON GRANTING A SPECIAL PERMIT TO SUNDT CONSTRUCTION, INC. TO ALLOW FOR WORK HOURS OUTSIDE THOSE ORDINARILY ALLOWED PURSUANT TO SECTION 17-20 (C)(3)(F) OF THE CITY OF DENTON CODE OF ORDINANCES, WITH RESPECT TO HOURS OF OPERATION RELATED TO BONNIE BRAE PHASE 3 FOR THE CONSTRUCTION OF BONNIE BRAE STREET AND JOINING STREET CONNECTIONS, LOCATED BETWEEN AIRPORT ROAD/FM1515 AND ROSELAWN DRIVE: PROVIDING FOR APPROVAL OF A SPECIAL PERMIT FOR A VARIANCE IN THE HOURS OF OPERATION DURING WEEKDAYS AND WEEKENDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the hours for the erection, excavation, demolition, alteration, or repair work within the limits of the City of Denton are ordinarily limited to the hours between the hours of 6:00 a.m. and 8:30 p.m. Monday through Friday from June 1 to September 30; between 7:00 a.m. and 8:30 p.m. Monday through Friday from October 1 to May 31; between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday, pursuant to Section 17-209(c)(3)(f) of the Code of Ordinances; and

WHEREAS, pursuant to this Code provision, the City Council may issue special permits or exceptions for construction work at other hours, in cases of urgent necessity and in the interest of public safety and convenience; and

WHEREAS, Sundt Construction, Inc., has requested a Special Permit, as shown in the attached Exhibit A, to allow work hours outside those ordinarily allowed for the months of July 2025 through project completion (estimated to be November 2026) to allow for the construction of Bonnie Brae Street and intersecting streets between Airport Road and Roselawn Drive, allowing for the continuous operations of concrete paving and associated work, authorizing unrestricted hours of operation; and

WHEREAS, the City's Criteria Manual – Construction Specifications prevent any concrete paving from occurring in temperatures 95 degrees and higher; and

WHEREAS, the Bonnie Brae Phase 3 project is being paved with concrete including concrete sidewalks/sidepaths; and

WHEREAS, the temperature during the summer months of June, July, August and sometimes September regularly exceed the temperature requirement during standard operating hours; and

WHEREAS, Staff has reviewed and recommends approval of the submitted Special Permit submitted by Sundt Construction Inc., as shown in Exhibit A; and

WHEREAS, the City Council finds that the extended hours of operation and/or Sundays for the construction requested is for a case of necessity and in the interest of public safety, due to the following reasons:

1. Temperature constraint of a maximum 95 degrees for concrete paving prevents paving activities from occurring during standard operating hours during the summer months.
2. Allowance of overnight work prevents the project from being delayed due to the temperature restriction and also avoids any delay claims from the contractor.

WHEREAS, the City Council further finds that granting a special permit for this construction project, limited to the extended hours requested, and limited to the restrictions contained herein, would serve the public interest; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. Pursuant to Section 17-20(c)(3)(f) of the Code of Ordinances, Sundt Construction, Inc. is hereby granted approval for the Noise Ordinance Special Permit submitted and attached as Exhibit A, for the amplified sound prohibition subject to the following restrictions:

1. Special Permit issued pursuant to Section 17-20(C)(3)(f) of the Code of Ordinances of the City of Denton, is granted only in connection with the construction of Bonnie Brae Phase 3 and intersecting streets located between Airport Road/FM 1515 and Roselawn Drive, for the following the months of July 2024 through project completion (estimated November 2026) and only on days that meet the temperature constraint; and
2. Sundt Construction, Inc. agrees to take full responsibility for ensuring that the conditions of this exception are met and to take all reasonable measures necessary to avoid disturbing persons of ordinary sensibilities in the immediate vicinity of the activity; and
3. This Ordinance confers no personal or property rights, and may be amended, modified, suspended, or revoked in whole or in part at the will of the City Council of the City of Denton, without any advance warning, hearing, or compensation, for any reason at all, or for no reason; and
4. This Ordinance shall be strictly construed as an exception granted pursuant to Section 17- 20 of the Code of Ordinances of the City of Denton. The City of Denton expressly reserves unto itself and all other persons any and all legal remedies, both civil and criminal, relating to excessive noise in connection with the construction activity, and hereby disclaims any promissory, or equitable estoppel which might in any way impede the pursuit of such remedies by any person.

SECTION 3. This Ordinance shall be effective immediately upon its passage and approval and shall expire upon the completion of the Bonnie Brae Phase 3 Project (November 2026), unless sooner repealed, modified, or rescinded.

The motion to approve this ordinance was made by _____ and seconded by _____, the ordinance was passed and approved by the following vote [___ - ___]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Suzi Rumohr, District 3:	_____	_____	_____	_____
Joe Holland, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Jill Jester, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2025.

GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: *Marcella Lunn*

EXHIBIT A

(NOISE ORDINANCE SPECIAL PERMIT)



SUNDT

June 4, 2025

Robin Davis PMP
Construction Projects Manager
City of Denton - Capital Projects/Engineering
401 N. Elm Street
Denton, TX 76201

RE: Bonnie Brae PH 3 Capital Improvement Project – Noise Ordinance Special Permit Request

Dear Robin,

This letter is to advise you in advance of essential construction activities for the Bonnie Brae Phase 3 Capital Improvement Project.

Sundt kindly requests the City of Denton's approval for the attached Noise Ordinance Special Permit to allow extended construction hours and days for pavement construction activities.

Section 17-20(c)(3)(f) of the Code of Ordinances limits the work hours for the construction of any building from 7:00 a.m. to 8:30 p.m. Monday through Friday from October 1 to May 31; from 6:00 a.m. to 8:30 p.m. Monday through Friday from June 1 to September 30; from 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday.

Sundt requests an exception from the allowed construction work hours for the construction of the City's Capital Project Bonnie Brae Phase 3 from June 2025 through August 2026 (when the project construction is estimated to be complete) to be allowed to work, as needed, with no time restrictions during weekdays and weekends, with pre-approval by the Capital Projects Manager.

The reason for the requested exception is to address the issues with pouring concrete in extremely hot weather. With the temperatures in Texas during the summer months, it is vital to pour concrete overnight when the temperatures are cooler. It is especially an issue with concrete paving as some pours can be up to 2000 CY and last 12 or more hours. Pouring concrete in the hot weather will cause the concrete to cure too quickly and result in a poor finish and poor product.

Please advise if this request is approved.

Thank you,

Chris Bailey,
Project Manager, Sundt Construction

CHECKLIST RESPONSES

1.1.i Provide the name of the development and address:

- Project Name: Bonnie Brae Phase 3 (City CSP 8094-1)
- Location: Bonnie Brae Street
- Contractor: Sundt Construction
8445 Freeport Pkwy, Ste 240, Irving, TX, 75063
- City Project Manager: Robin Davis, PMP
- Sundt Project Manager: Chris Bailey
- Sundt Superintendent: Joshua McKinney/Jason Bryant

1.1ii. Description of construction activities being performed outside of allowed hours including the hours requested

Concrete paving, sidewalk, and shared use path concrete pours.

1.1iii. State the date range or specific dates when the construction activities are planned to occur

June 2025 - August 2026

1.1iv. Describe the urgent necessity for the special permit request including what is unique about this project requiring construction work to be conducted outside of the hours stipulated in the Noise Ordinance

The necessity is to provide a quality product to the City of Denton based on the following reasoning:

- To address the issues with pouring concrete in extremely hot weather. With the temperatures in Texas during the summer months, it is vital to pour concrete overnight when temperatures are cooler. It is especially an issue with concrete paving as some pours can be up to 2000 CY and last 12 or more hours. Pouring concrete in the hot weather will cause the concrete to cure too quickly and result in a poor finish and poor product.

1.1v. Explain the plans to minimize the noise impact on the surrounding properties

The project is relatively remote and there are no residents within a 400-foot radius of the concrete batch plant. Minimizing noise impacts will not offer a significant benefit, if any.

1.1vi. State the proximity of the site to the nearest properties. Describe plans to notify and solicit feedback from surrounding property owners

The batch plant area is relatively remote (behind the City's Police Training - Substation on Vintage Blvd) and there are no residents within a 400-foot radius of the batch plant.

Paving activities will occur along Bonnie Brae between Airport Road/FM1515 and Roselawn.

UNT facilities make up the fronting properties from Airport Road to Willowwood.

At Willowwood, residential homes begin to front Bonnie Brae on either side ranging from 60 feet to 317 feet from the work area. (28 single family residences)

Door Hangers will be distributed to area residents along with the cities noise ordinance providing contact information for both Sundt and City Staff.

1.2 Provide an aerial map of the development area



1.3 Provide a construction sequence map depicting the specific constructed work and locations within the site that will be conducted during the requested special permit hours

The batch plant will produce concrete for the various pours and use dump trucks to haul the concrete to the project limits (Bonnie Brae street between Airport Road and Roselawn)





NOTICE OF NIGHT WORK

CAPITAL PROJECTS

Date: 07/16/2025

Project: Bonnie Brae Phase 3

Location: Bonnie Brae from Roselawn to
Airport Road/FM 1515

Dear Resident/Property Owner:

As you may know, Sundt Construction has entered the paving phase of the Project. City specification restricts concrete paving when the ambient temperature is 95 and higher. To ensure paving efforts continue as planned, Sundt has requested to perform concrete paving work outside the city's normal working hours.

This request "Noise Ordinance – Special Permit" was considered and approved by City Council on July 15, 2025.

Section 17-20(c)(3)(f) of the Code of Ordinances which limits the work hours for the construction of any building/project from 6:00 am to 8:30am Monday through Friday from June 1 to September 30 and 7:00 a.m. to 8:30 p.m. Monday through Friday from October 1 to May 31; and between 8:00 a.m. and 8:30 p.m. on Saturday; and between 1:00 p.m. and 8:30 p.m. on Sunday. When temperatures warrant, Sundt may perform paving related work, as needed, from approximately 8:30 p.m. to 6:00 a.m., during weekdays and weekends.

If you have concerns regarding overnight work or other project related concerns, you may contact the following:

Project Manager: Robin Davis - 940.349.7713
Robin.davis@cityofdenton.com

Project Senior Inspector: Ryan Cuba – 940.349.8416
Ryan.Cuba@cityofdenton.com

Thank you for your patience while we complete improvements in the area.



Visit www.improvingdenton.com for more information, to stay updated on current and upcoming projects from the City, sign up for email notifications, and view construction maps.



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