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VIA EMAIL (TownCouncil@CRgov.com)

Town of Castle Rock
100 N. Wilcox Street
Castle Rock, Colorado 80104

Ladies and Gentlemen:

This letter is delivered on behalf of our client, Confluence Companies, LLC (“Confluence”). Late in the afternoon on Friday, June 27, representatives of Confluence first became aware of proposed Ordinance No. 2025-025 that is scheduled for consideration at the July 1 Town Council meeting. Confluence asked me to provide this letter to the Town on its behalf because the principals of Confluence, like many others in the community, are not able to attend the public hearing on this important issue that has been scheduled for a holiday week.

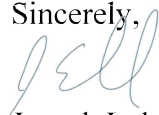
As a threshold, Confluence does not oppose a fresh look at height limitations for the Downtown Overlay District nor does it necessarily disagree with the concerns underlying this piece of proposed legislation. Confluence’s concern rests with the lack of community involvement and input on the proposed ordinance and respectfully requests that the Town table resolution of this ordinance until a true public process can be undertaken, similar to what would be required by the Town were a landowner seeking a rezoning. Such a process would not only provide community stakeholders with the opportunity to have their voices heard in a meaningful way, but would also likely result in a more well-rounded and consensus-built law.

Among other possible issues, Confluence’s preliminary review of the proposed ordinance has resulted in a few fundamental concerns that we believe a further public process could help address. First, as an existing property owner within the affected downtown area, Confluence is concerned that insufficient consideration has been given to the effect this ordinance would have on existing structures that would become “nonconforming structures” under Section 17.16 of the Municipal Code. We see no provision in the ordinance that would permit full reconstruction of existing structures within the affected zone district in the event of significant or total casualty, despite the ordinance’s recital that the ordinance “will not have any impact upon any development or redevelopment projects within the DOD that were previously approved by the Town.” Instead, it appears that the existing limitations on reconstruction of nonconforming structures currently set forth in the Municipal Code would apply. Limiting reconstruction of nonconforming structures within these new zone districts to only those circumstances currently set forth in the Municipal

Code would have a direct and significant effect on those existing property owners and could have an adverse effect on the marketability and financeability of those existing projects.

Second, Confluence believes that the approach to height limitations set forth in the draft ordinance undermines the Town's otherwise stated desire for mixed-use development in the downtown area. The methods and means of constructing mixed-use buildings with ground floor commercial are different (and more expensive) than constructing single-use buildings. Confluence believes that the current approach taken in the draft ordinance does not account for the cost complexities of mixed-use construction that often necessitate additional stories of development. Unless re-examined, the effects of the ordinance in its current form may well be less desirable uses that lack the ground floor commercial vitality otherwise sought by the Town and/or a complete abandonment of redevelopment opportunities by developers in the Town's downtown area.

As noted above, Confluence does not oppose the concepts and concerns behind Ordinance No. 2025-025. Rather, Confluence's desire is that it and other community stakeholders be provided a meaningful opportunity to participate in the planning process for any such zoning-related changes. As such, Confluence respectfully requests that consideration of Ordinance No. 2025-025 be tabled at the July 1 Town Council meeting and that the Town provide the community with a meaningful opportunity to participate in the crafting of these new limitations through a more thorough and deliberate process as would be required for rezoning applications from landowners under the provisions of Section 17.04 of the Municipal Code.

Sincerely,

Joseph Lubinski

cc: David Corliss, Town Manager (dcorliss@crgov.com)
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