

**To:**

The Honorable Mayor Jason Gray and Members of the Castle Rock Town Council  
Town of Castle Rock, Colorado

**From:**

Sarah Miles and John Egbert  
Owners of Milestone Properties, LLC. (240, 302, and 314 Wilcox Street, 330 3rd Street, and 416 Perry Street)

**Date:** Monday, June 30th 2025

**Subject:** Request to Reconsider Proposed Downtown Height Restriction

Mayor Gray, Councilmembers Hollingshead, Cavey, Bracken, Davis, Brooks, and Dietz:

We are writing as long-time residents and property owners in downtown Castle Rock. Our investments in 240, 302, and 314 Wilcox Street, 330 3rd Street, and 416 Perry Street reflect our deep belief in this town and its long-term future.

We understand the Town is considering a proposal to reduce the allowed building height downtown to a uniform four-story limit. If approved, this change would significantly reduce the development potential and value of our properties. The current code allows for more, and that framework has shaped our decisions and investments. A change like this would rewrite the rules midstream.

Currently, under Castle Rock's zoning code, properties in the Downtown Core District are allowed to build up to four stories, with a maximum height of 60 feet. The building owner may seek approval for one additional story. In the North and South Downtown Districts, the limit is six stories, with the possibility of up to eight stories through Board approval.

When a similar proposal came before Council in August 2021, it led to warnings given by the public that legal action may be considered. That outcome is still a possibility now, not because we want it, but because we may have no other way to protect our property rights.

Courts have ruled against municipalities that take similar actions without clear public purpose, proper compensation, or transitional protections:

- *Dolan v. City of Tigard* (1994): The U.S. Supreme Court found that a city cannot impose disproportionate land-use conditions. Doing so constitutes a taking under the Fifth Amendment.
- *Lucas v. South Carolina Coastal Council* (1992): The Court ruled that eliminating all economically viable use of a property requires compensation.
- *Agins v. City of Tiburon* (1980): The Court held that zoning laws must substantially advance a legitimate state interest or else risk being considered a regulatory taking.

Colorado courts have affirmed these same principles. Sudden zoning restrictions that limit development potential and remove property value can trigger valid legal challenges. We are asking the Town Council not to force that outcome.

Instead, we request the Council take the following steps:

1. Commission a third-party economic impact study to fully understand how a four-story cap would affect current property owners.
2. Include clear grandfathering or phased transition provisions to protect property rights.
3. Engage directly with affected owners before advancing a vote on this change.

We are not against growth management. We are not asking for special treatment. We are asking that the Town avoid actions that would unfairly harm long-standing property owners and force them into legal disputes.

We want Castle Rock to thrive. We want to keep investing here. But we also need to know that the rules we followed yesterday will not be pulled out from under us tomorrow.

Thank you for your time and service.

Respectfully,

Sarah Miles

John Egbert

A handwritten signature in blue ink that reads "Sarah G. Miles". The signature is written in a cursive style with a large, looped "S" and "M".A handwritten signature in blue ink that appears to be "John Egbert". The signature is written in a cursive style with a large, looped "J" and "E".

Milestone Properties, LLC  
<https://www.milestoneblock.com>