

REC
7/1/2025

Dan Berkenkotter/Berkenkotter Holdings
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Castle Rock, CO 80104
303-809-1618
06/27/2025

To:
Castle Rock Town Council
Town of Castle Rock
100 N Wilcox St
Castle Rock, CO 80104

Subject: Opposition to Proposed Four-Story Height Limit – Protection of Property Rights and Investment Expectations

Dear Mayor and Members of the Castle Rock Town Council,

As a property owner and long-time investor in downtown Castle Rock, I am writing to express my strong opposition to the proposed amendment that would limit building heights in the downtown area to four stories.

Over the years, I have invested considerable time, capital, and planning into assembling property under the current zoning code, which allows for buildings up to seven stories. My decisions have been based in good faith on these long-standing regulations and the Town's stated development vision. A sudden downzoning would not only derail future plans, but also significantly devalue the investments I have made.

This proposed change raises several serious concerns:

1. **Loss of Property Value:** Reducing the allowable height to four stories would materially diminish the development potential — and therefore the value — of my property.
2. **Violation of Investment-Backed Expectations:** I made substantial investments based on the Town's current zoning. Changing these rules retroactively, without compensation, raises significant legal concerns regarding regulatory takings under both the U.S. and Colorado Constitutions.

3. Unequal Treatment and Fairness: Several downtown buildings already exceed four stories. Allowing existing projects to benefit from taller development while denying that same opportunity to others is not only unfair, but may expose the Town to legal challenges for inconsistent treatment.
4. Chilling Effect on Future Investment: Sudden and retroactive zoning changes erode confidence in Castle Rock's development process. Investors must be able to rely on consistent, transparent rules — not shifting policies that penalize those who plan ahead.

I urge the Council to consider the broader implications of this proposal — not only for existing stakeholders like myself, but for the future of downtown Castle Rock. Rather than impose a blanket height limit, I encourage the Town to explore a more balanced approach that respects both community goals and private property rights.

At the very least, I respectfully request that any change include a grandfather clause for property owners and development plans that were initiated under the current seven-story zoning.

Thank you for your service and for your thoughtful consideration of this matter.

Sincerely,
Dan Berkenkotter