



June 24, 2020

**VIA: USPS Standard Mail and Email**

Scott Carlson  
12460 1<sup>st</sup> Street  
Eastlake, Colorado 80614

[scottcarlson@carlsonland.net](mailto:scottcarlson@carlsonland.net)

**RE: Request for Gas Station Use on Heckendorf Parcel Area I**

Dear Mr. Carlson:

The Town of Castle Rock has previously reviewed the request to allow a gas station use on the property located at the southwest corner of the intersection of Crystal Valley Parkway and Montaine Boulevard, also referred to as Area I ("the Property"), and made a determination. This letter is intended to summarize the past year of correspondence with you on that topic and to reiterate the next steps previously provided to move forward with a gas station on the Property.

In June of 2019, the Town received an inquiry regarding if a gas station/fueling center was an allowed use on the Property, per the existing Heckendorf Ranch PD zoning on the Property.

On June 27, 2019, after review and confirmation with the Town Attorney's Office, a Letter of Determination was issued by Zoning Manager Tammy King (the "2019 Determination Letter"). A copy of the 2019 Determination Letter is attached for reference. In summary, the 2019 Determination Letter states that retail and convenience good uses are separate from automotive services, including gas stations/fueling centers, and are, therefore, not allowed in the current zoning. From the date of issuance, the 2019 Determination Letter served as the Town's official determination regarding the Property.

Also on June 27, 2019, the Town provided written information indicating that a gas station/fuel center on the Property could be achieved through a PD amendment to allow for a gas station/fueling center use.

The Town did not receive any correspondence regarding uses on the Property from June 27, 2019 until March 17, 2020.

The Town then received an email on March 17, 2020, that included a forwarded email from the Town's previous Zoning Manager, dated August, 2016, regarding a lot in Use Area H of Heckendorf Ranch PD (the "2016 Email"), which pertains to a different Use Area than the Property. The 2016 Email stated "convenience store/gas station = retail sales and service and convenience goods." The 2016 Email is not an official, signed Letter of Determination with any references to definitions or PD language. Additionally, the 2016 Email pertains to Use Area H, which is not the Use Area of the Property.

In response to the March 17, 2020 email, sometime between March 17 and March 20, 2020, the Development Services Director, Bill Detweiler, had a phone conversation with you regarding uses on the Property. The Town received an email on March 20, 2020 (the "March 2020 Email"), containing your summary of the conversation with Mr. Detweiler stating that he determined a convenience retail with gas is not the same as automotive uses and, therefore, the existing zoning allows for a contemporary designed convenience store with gas. The March 2020 Email also states that Mr. Detweiler asked you to write up what you wanted to do and outline the details of your uses and request staff to "respond on the record."

The Town disagrees with the March 2020 Email's characterization of a determination, as the Town does not make use determinations outside of official Letters of Determination. Town staff did receive comments from Mr. Detweiler indicating an anticipated new, written submission from you requesting a review of permitted uses on the Property and indicating that no new determination had been made whatsoever. The Town notes that the 2019 Determination Letter still served as the Town's official determination regarding the Property. Additionally, the Town notes that there was no new submission, as outlined in the March 2020 Email, or request to review the uses on the Property from March 20, 2020 to June 4, 2020.

On June 4, 2020, Zoning Manager Tammy King received an email requesting a confirmation that the 2016 Email was applicable to the Property. The Town notes that this email also did not contain a new submission, as described in the March 20, 2020 Email. Without a new submission as outlined in the March 20, 2020 Email, but with a new request for determination, Town staff again reviewed the approved zoning for the Property and consulted with the Town Attorney's Office.

After the aforementioned review, on June 17, 2020, staff reissued a Letter of Determination (the "2020 Determination Letter"), with the same conclusion as the 2019 Determination Letter, and indicated the appeal period, per Municipal Code 17.06.020.B.3, is 15 days from the date of that decision, which is **July 2, 2020**. The Code states that an appeal of an administrative decision may be appealed to the Board of Adjustment.

The Town received an email response on June 17, 2020, indicating a reliance on the verbal conversation with Mr. Detweiler referenced above. The email also stated that you pulled the application for rezoning the Property. Please note, the Town did not have a formal submittal

seeking to rezone the Property on file and, therefore, could not act on the request to pull said application.

The Town has provided two Letters of Determination correlating to the two requests for determination of the Property, the 2019 Determination Letter and 2020 Determination Letter. Both official determinations conclude that a gas station/fueling center is not an allowed use on the Property. The Town notes both that the determination has not changed in approximately a year and the Town still has not received a new submission described in the March 2020 Email.

The 2020 Determination Letter may be appealed to the Board of Adjustment by **July 2, 2020**, or an application to rezone the Property may be submitted at any time. Part of the preliminary requirements for a rezoning application include seeking public input from the surrounding neighborhood, which may aid in determining whether or not to proceed with a formal rezoning application.

Please let me know if I may be of any further assistance in this matter.

Regards,

A handwritten signature in blue ink, appearing to read "Tara A. Vargish".

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

Cc: Dave Corliss, Town Manager  
Bob Slentz, Town Attorney  
Elizabeth Allen, Senior Assistant Town Attorney  
Kevin Wrede, Planning Manager  
Tammy King, Zoning Manager  
Sandy Vossler, Senior Planner