

Attachment A



LAND DEVELOPMENT APPLICATION

NAME OF PROJECT: Combolist PROJECT NO. _____
PROPERTY ADDRESS / GENERAL LOCATION: 732 Jerry St Castle
LEGAL DESCRIPTION: North 39 ft lot 19 3/4 tract lots
20-24 Blk 11 Wilcox Add

PLEASE CHECK THE TYPE OF APPLICATION:

- | | | |
|--|--|---|
| <input type="radio"/> SKETCH PLAN | <input type="radio"/> SDP- USE BY SPECIAL REVIEW | <input type="radio"/> GESC |
| <input type="radio"/> ANNEXATION | <input type="radio"/> SDP-AMENDMENT | <input checked="" type="radio"/> ZONING/SIGN V. |
| <input type="radio"/> ZONING/REZONING | <input type="radio"/> WIRELESS USE BY SPECIAL REVIEW | <input type="radio"/> TEMPORARY USE |
| <input type="radio"/> PLANNED DEVELOPMENT PLAN | <input type="radio"/> DOWNTOWN FAÇADE/VARIANCE | <input type="radio"/> OTHER: _____ |
| <input type="radio"/> PDP AMENDMENT | <input type="radio"/> PLAT | |
| <input type="radio"/> SITE DEVELOPMENT PLAN | <input type="radio"/> CONSTRUCTION DOCUMENTS | |

SUMMARY DATA:

Present Zoning/Use Commercial car wash Proposed # of Lots/DUs NA
Proposed Zoning/Use commercial sign Proposed Building Sq. Ft. NA
Area in Acres 0.596

PROPERTY OWNER INFORMATION:

Name Dale Reynolds
Company _____
Address 512 Central Unit 14
Castle Rock, CO 8004
Fax _____
Phone 303 519 7089
Email _____
see leasehold interest
Signature of Property Owner
Dale Reynolds
Name (Please Print)

REPRESENTATIVE INFORMATION:

Name Mike Margow
Company _____
Address PO Box 40
Parker, CO 8014
Fax _____
Phone 303 818 622
Email mmargow@
mmargow.com
Signature of Representative
Mike Margow
Name (Please Print)

Staff Use Only

Date Received: _____
Application Fee Received: _____

Staff Contact: _____

Achieving the Community Vision through Excellence, Dedication and Service

COMBOLISK LEASE AGREEMENT

In consideration of [REDACTED] on Combolisk, payable monthly by **Combolisk Organization** as Lessee, Lessor hereby leases the following described for the exclusive Combolisk (digital broadcast) use by Lessee for a term of twenty years beginning upon completion of erection.

PREMISES: for access to and construction of **one Combolisk** to be located at the frontage property described as 732 Jerry Street, Castle Rock, CO 80104.

If the view of the leased premises or Lessee's Combolisk is obstructed or impaired or the use of such Combolisk is prevented by law, or for any reason a building permit for the erection of Lessee's Combolisk is refused, Lessee shall have the right to terminate this agreement served by written notice to Owner.

Lessee shall remain the owner of all Combolisks, structures and improvements placed by it on the leased premises, and have the right to remove them at any time.

Lessee shall protect and save harmless Lessor from all damage to persons or property by reason of accidents resulting from negligent acts of its agents, employees, or workmen in construction, maintenance, repair, or removal of its Combolisk from the premises.

This agreement is binding upon heirs, assigns, successors and other parties in interest of the undersigned as Lessee and Lessor as owner.

Lessor covenants that they are the legal owner of the premises and have full power and authority to execute this agreement. The word Owner as used herein shall include Owners.

ACCEPTED AND APPROVED

As Lessor:

: Dale Reynolds

Dale Reynolds

Soc. Sec. or Fed ID: [REDACTED]

By: _____

Date: 6/19/15

ACCEPTED AND APPROVED

As Lessee

Soc. Sec. or Fed ID: [REDACTED]

Mike Macgowan Jr

By: _____

Authorized Signature

Date: 7/6/15

732 Jerry Street Combolisk Request for Variance

The following addresses the supplemental information for variance application request per Tammy King decision of 11/14/18 and timeline from email on 11/27/18.

Existing Use

The existing use of the property is a self serve car wash. The proposed use is a digital broadcast location or Combolisk, with back to back faces offset mounted on a single pole described below.

History of the Combolisk

I formed the Combolisk as a new term denoting a combination of the words community and Obelisk. Community stands for the eventual organization of a digital network of outdoor broadcast sites dedicated to putting community first. The Greek Obelisk is one of the first uses of written speech to inform the traveling public, predating Castle Rock, Colorado and even the United States and forms the second half of the new term. The display is thus an inherent tenet of free people and expression that is preserved as our most precious asset in the Constitution of the United States guaranteed by the First Amendment, Freedom of Speech. It is why the justices voted to remand a prohibitive off-premise billboard ordinance in *Metromedia v. San Diego*. Rather than rule on whether commercial free speech is protected, the justices ruled that prohibiting all off premise signs would interfere with nonprofit use of the display faces and is unconstitutional. Said ruling predates the use of digital faces for broadcasting.

Eventually we hope to utilize a more recent precedent in *Reed v. Gilbert* to justify developing Combolisk broadcast sites without permits. The Gilbert precedent sets a high standard for governing authorities to justify restrictions of free speech. There must be stated values in the ordinance to justify limiting free speech and a process to determine how such values may be preserved by limiting the free speech as it was found to be unconstitutional when the City of Gilbert tried to limit the number of hours that signs could be present. The town had provided no evidence that the required off times would further the value to the city. The beauty of the digital displays is that they can be changed remotely like a computer and with little to no cost. Therefore any governing authority will have to provide process to show that a value is gained by limiting the paid sponsors between nonprofit broadcasts.

When we form a nonprofit organization that can eliminate safety issues by publically recording required certified structural designs from an engineer licensed in the state, and a qualified inspector validates that designs are followed, it will be difficult for governing authorities to find values that can be constitutional and limit Combolisk development. This is exactly the reason we seek to provide an overseeing organization that will limit development to standards. By developing a set of standards and rules based on population while involving Combolisk operators, as well as business sponsors, the broadcast value can be maintained. Otherwise, the expectation based on the proliferation of signage pre highway Beautification Act is the loss of value and abandonment of an acceptable standard. We hope to use this for profit display to cover the costs of developing said organization. Then by utilizing self rule, the industry and supporting businesses can limit their own speech to preserve the value of the whole country and eliminate the need for government to find ways to limit free speech without being

bombarded with challenges.

Although everyone wins in the end, no one wants to accept a new digital standard until it is implemented. Authorities are limited to existing law which, in cases like Castle Rock, is illegal at best. At worst, there is little or no room to allow uses which do not fit the check boxes on applications for use. Similarly, the outdoor advertising industry is reluctant to test the application of an upgraded standard for fear of losing the monopoly that exists in the industry, and for upsetting the regulatory authority that keeps the industry in balance. In short, challenges in small cities such as Castle Rock were not made due to cost vs gain. , Billboard companies fear winning a battle and losing the war in a battle that may cost more than a single location will ever gain. To do so at the fear of further restrictive legislation is also a deterrent. This is . However, this is exactly what has lead to monopolistic behaviors in the industry and limits to unlawful limits to free speech. As an individual, I can attempt filings on my own and I can make a living off a single victory. Similarly, the business community is reluctant to offer locations or make agreements to sponsor until local authorities have signed off on the use as legal conforming for fear of reprisal from authorities which also govern local business. Finally, the public is reluctant to get involved in donating to causes that do not affect people or animals. Thus, our disadvantage in providing a value to getting the industry to commit to a new standard is to build a case model or models and then get the industry to change once the models have been proven. We must build the horse before the cart before a new standard can be adopted. We even see some change in Castle Rock as your web site has been updated to reflect the Reed decision, which I brought to the attention of the zoning department.

Our disadvantage is clearly governmental opposition to change. Our previous inquiry into the nature of the Highway Beautification Act following the Gilbert decision indicates that not one of our fifty states has conducted any process or review to validate “beautification”. Without question, the entire standard should be challenged. Although I brought up these issues to Castle Rock years ago, there is no process to directly allow a Combolisk based on a safe industry supported standard within public records. We were even denied a nonprofit status by the IRS, although the recommendation through the appellate process was that we refile for nonprofit status based on an overseeing organization rather than a donation model. The problem is that we have no financial support to move forward. This is not our disadvantage for the variance but limits our approach.

Our hope is to begin with a variance to a digital sign application which can later fund the development of an overseeing nonprofit Combolisk Organization. The variance would allow me as an individual to build a single digital location. I have suggested to staff that a take down and replacement ordinance replace the current one during the interim of the development of a new Combolisk overseeing organization. Once we have a profitable use, we can donate the funds for funding a new overseeing organization. Once the online presence is available, we can move forward with a non-permitted model in another community. If that model prevails, we can ask that the industry and business sponsors adopt the model to manage the development of combolisks and provide opportunities for broadcasting messages from all nonprofits. By finally getting to this stage, the public wins. Local authorities can get out of the Combolisk permitting and simply monitor for compliance. Our own standards will also go further to ensure that the Combolisks are maintained or removed.

Set Back

We seek a variance to the set back requirements. We also seek to modify the application from a center mounted design to an offset flag design as indicated on the site plan. We would like to have this

approved so that the structure could be developed on or close to the property line and the display faces would project onto the interior of the property. The site is separated by a city right of way from the adjacent neighbor to the east by a steep hill, making the right of way property unusable. We would agree if necessary to provide some landscaping to this area in order to provide a more aesthetic nature to this area of the city. By moving the mount to the property line, we would allow more freedom of access to the existing car wash. As per the Gilbert standard, the city would be hard pressed to prove moving an obstacle out of the way and placing it where it will not be hit by cars utilizing the existing business as a value to be gained by the city. Our set back variance is completely justified on a safety issue. We are disadvantaged by the hill and a rule which does not appear applicable for any value other than to arbitrarily limit free speech.

Height

Our argument here is the same as the set back. In order to see the broadcast display faces from the traveling public along I-25, it is necessary to project the display space over the top of the car wash and surrounding uses. The disadvantage is the placement of the property line. If it were located on the hill, then there would be a different grade for determining overall height. If there were time to have the unusable city property divided between the adjoining area, then the ground point could be changed without changing the overall height. The intended location of the broadcast faces would not need to change, but the measure would be reduced. This coupled with the multi storied adjacent uses, existing permitted digital use similar in height north of the next exit, and the uses which would be higher on the hill, provide argument as to why the proposed height is harmonious with the neighborhood. In fact, if we had leased the property to the east, we could have made application without a variance for height. In contrast, the outlets location pictured below is several feet above the tops of the buildings yet is a monument sign based on the property's property line adjacent to the interstate above the property on grade.

Size

The proposed broadcast faces are 10'6" x 36' for a number of reasons. Most important is that this is the smallest industry supported standard for displays along interstates measuring 378 square feet. The industry has a long supported history of supported sizes. A variance to the standard would make acceptance difficult for corporate sponsors. It would also reduce the copy size to letters and pictures too small to be viewed by the traveling public and raise additional constitutional issues for individuals with vision and age challenges, Thus proving the value gained by limiting our size below that of an industry standard would bring additional constitutional issues regarding equal protection under the law, as well as age discrimination and arguments for those that have sight issues like myself. The words on the display must be large enough to be read by the traveling public or they have no value.



The industry evolved by supporting two traditional billboards. One was the painted bulletin. The traditional use was a painted face 14' x 48' or 672 sq. feet. It was often painted in place on a permanent structure or painted in the shop and then the whole face was physically moved to rotating locations over time to reach a percentage of views to a given population. In an attempt to work with authorities to reduce restrictions on sign development, the bulletin was reduced in size to a 10'-6" x 36' 378 sq ft. scaled version of the original for interstates with the number of lanes and set back like that of this location. These bulletins were placed along interstates and prominent locations along primaries. In contrast, the poster is a smaller sign. The 12' x 24' often faces non-illuminated structures placed on primaries and along surface streets in order to reach a population by pasting paper or vinyl onto the face, often many at a time, for smaller intervals to hit the market with a presence. The trim was cut down and the corners were rounded to reduce the overall square footage; however, this type is too small to be read from the interstate.

We would be at a disadvantage for anything other than a standard bulletin face deployment of the digital broadcast use described in the application even though digital displays can be any size. We would argue the use is harmonious with the digital sign at the Outlets at Castle Rock location. This would cause us to operate with numerous disadvantages if not allowed to pursue a similar digital broadcast display set at the standard supported in other jurisdictions around the country.

Digital Signs

The evolution of digital broadcasts has changed the nature of broadcasting free speech. There is no longer a clear line defining traditional zoning law and use. We would argue that another constitutional issue blocks our development, equal protection under the law. Traditional signs were painted or constructed. The expense to change the display often costs thousands or tens of thousands of dollars. A digital face can be changed remotely with the click of a button. It can also be changed multiple times per minute. As a result, the definition of on premise and off premise is blurred. How can the city deny an off premise use but allow an on premise use when the operator of the sign broadcasts political, advertisements for incidental products, links to social media, or even nonprofit messages for indiscriminate periods of time? Your zoning manager indicates "As it relates to the inquiry regarding compliance with our Code, please note that our Zoning Department is complaint based. Therefore, upon receipt of a complaint, we investigate to ensure compliance with the Code." We are thus denied equal protection under the law of no process exists to monitor digital broadcast sites twenty-four hours per day, seven days a week and segregates applications into on and off premise designations. We cannot be denied a variance based on the definition of what an off premise digital sign is unless all digital signs are monitored for compliance. Let me be the first to complain that I have seen copy that should be considered prohibitive to on premise use. I have seen ancillary products advertised, political promotions, and requests for likes to social media to name a few.

Additionally, the city, by its code, should be committed to prohibiting cell phone use. Aren't digital broadcasts just big tablets? If they are connected by cell service to the Internet, aren't they just big cell phones? This may seem ridiculous but advertisements on cell phones are prohibited off premise use. The city cannot deny them as this would impede free speech. Self-regulation of the industry is the best method for the industry to work to preserve and maintain the value of the broadcast space. We are at a disadvantage that these issues were not brought up at the time the first Greek Obelisks were constructed. If we do not move in this direction, we will continue to be denied multiple constitutional rights, including free speech and equal protection under the law. The alternative is finding ways for authorities to try to define uses writing constitutional boundaries.

Just Compensation

There is precedent for just compensation in the billboard industry. Lady Byrd Johnson was the promoter of the Highway Beautification Act under the Johnson administration. The industry did not push to challenge the issue effectively. One reason is because they feared losing the war and facing the loss of the whole industry. The other is because many operators became rich for removing signs that were abandoned or unusable for fees based on historical use. Rather than clean up and remove unused signs, the industry was paid to remove eye sores, followed by a monopoly granted for operators in commercial and industrial areas as authorities such as Castle Rock jumped on the bandwagon to prohibit off premise advertising. This does not mean that the issue of just compensation is complete. While there may be and are justifications for restricting free speech, the issue of just compensation based on inherent rights to the use of real property has not been effectively challenged. We have argued for a new term denoting, in part, the use of the Obelisk, which predates our own federal constitution. We would argue that if your authority restricts the inherent right to the use of the Obelisk, then we are to be compensated as well as many other locations within the city limit. Based on a common multiplier in the industry and past compensation calculations under the Highway Beautification Act, we require payment from the city in the amount of two million, four hundred thousand. If this variance is not approved, please remit the payment for our loss of use.

Summary

Our exceptional hardship in overcoming the barriers to restricted free speech, we must put the horse (this single Combolisk application) before the cart (an industry supported nonprofit organization to preserve the value of digital display space through self-governance). The building blocks for the cart are already in place as the Supreme Court has provided important precedents as a litmus test for governing free speech. There are three important tests in applying equal protection under the law. First is that noncommercial billboards must be at least preserved by opening up opportunities for at least an off premise billboard within a jurisdiction. The second is that values must be established and a process must be in place to evaluate that the values are measured. The third is that just compensation be provided when an inherent right to real property is prevented. We ask that these exceptional hardships be considered and our plan for putting the community first be considered in our variance for a digital Combolisk display.

Preserving and enhancing the real property with a freedom of speech display is a fundamental right to free speech. The loss would be harmful to local businesses, nonprofits and the community in denying access to the free speech use and would be unconstitutional. The current application is a reasonable use of digital displays and the variance specifically asks for a site plan relocation to ensure the safety of users of the property. The proposed display is in line with minimum standards in the industry.

From: [Mike Macgowan](#)
To: [Dale Reynolds](#); [Tammy King](#); [Elizabeth Allen](#)
Subject: Re: 732 Jerry Street Variance
Date: Monday, January 28, 2019 1:49:16 PM
Attachments: [012719 site plan.png](#)

Dear Elizabeth,

I met with Dale this weekend to update the location for the Combolisk digital display for the variance application. I am attaching an updated site plan for the file. It does not affect the application other than the placement as we are asking for a setback variance already. Although we are closer to the unused right of way alley, my understanding is that the owner to the east will update the drainage for the property above and then the city will vacate the right of way giving each property owner an additional ten feet of space.

Let me know if you have any further questions. I believe we can go forward with the February hearing unless there are any other concerns that need to be addressed. Thank you.

Sincerely,

Mike Macgowan Jr.
ph 303.818.6245
mmacgowa@yahoo.com

On Wednesday, January 23, 2019, 5:34:25 PM MST, Elizabeth Allen <EAllen@crgov.com> wrote:

Good afternoon, Mr. Reynolds:

Thank you for the email and response to the questions. Based on your responses, Mr. Macgowan does not have authority to request the sign in the location shown on the variance application. Therefore, the BOA Hearing scheduled for February 7th cannot proceed unless the Town receives an updated variance application with written assurances from both you and Mr. Macgowan on the agreed on location of the sign on your property no later than Monday, January 28, 2019 by 5pm.

In the event that the Town does not receive the information by Monday, the BOA may continue the February 7, 2019 BOA Hearing to March 7, 2019 at 6pm, to allow time for the submittal of an agreed on sign location. In order for the BOA to proceed with a hearing on March 7th, 2019, the updated sign application must be submitted by February 21, 2019 at 5pm.

Alternatively, Mr. Macgowan may request to suspend the variance application until the sign location can be determined. The Town will remove the variance from the Hearing on February 7th and await the submittal of the new sign location to update the variance application. After receipt of the updated sign location, the Town will notice and schedule a BOA Hearing.

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

Regards,

Elizabeth

From: Dale Reynolds [mailto:dalelreynolds@gmail.com]
Sent: Wednesday, January 23, 2019 1:55 PM
To: Elizabeth Allen <EAllen@crgov.com>
Subject: Re: 732 Jerry Street Variance

Hi Elizabeth yes I did sign the document in question and Mr Macgowan dose have my approval to request A variance to build A sign on my property but not where indicated when Mr Macgowan and I spoke the placement of the sign would be about 50/60 feet north and on the same property line the lay out dose not show my true property line which runs north to 8th street

On Tue, Jan 15, 2019 at 4:05 PM Elizabeth Allen <EAllen@crgov.com> wrote:

Good afternoon, Mr. Reynolds:

Thank you for the opportunity to discuss the variance application BOA Hearing notice sign posted on your property located at 732 Jerry Street this morning. Per our conversation, it has been a number of years since you last spoke with the applicant, Mr. Macgowan, regarding the sign and you do not recall signing a lease or the application related to the variance request. Based on our conversation, the Town seeks confirmation of the following:

Please find the Lease agreement with your signature received on 10/10/18 (LEASE 10.102018.PDF). Did you sign this document?

Additionally, does the Mr. Michael Macgowan have the authority to request a variance on your property to build a sign?

Thank you, in advance, for your consideration in this matter. As we discussed, the BOA Hearing is scheduled for 6pm on February 7, 2018 at Town Hall, Council Chambers, 100 N. Wilcox St, Castle Rock, CO 80104.

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

Regards,

Elizabeth

Elizabeth Allen

Assistant Town Attorney

Office of the Town Attorney

303-660-1362

100 Wilcox Street :: Castle Rock, CO 80104



732 Jerry Street Combolisk Request for Variance

The following addresses the email and phone conversation with Elizabeth Allen as a supplement and request for a 4th variance request under 19.04.052.B Electronic Message Signs. This supplement is made in protest of right to due process, free speech and equal protection under the law.

History

The existing application defines the Combolisk. It basically allows nonprofits to exist on a broadcast structure with support from sponsors. The structure is based on the Greek Obelisk as an inherent right to real property. The right is to promote speech. The Combolisk will provide free broadcasts to nonprofits and utilize sponsor broadcasts between nonprofit broadcasts to fund and maintain the development of the Combolisk

This use was first described to the mayor on 5/20/15. Although I have been consistent on the use of the Combolisk, the entity and permit filing has changed over the years. Initially, I had applied for a 501(c)3 organization under IRS designation. This organization structure was abandoned on appeal with the IRS as it is not the best fit for an overseeing industry organization. Meanwhile I tried to obtain validation of status as a non-permitted use with the city. There was an impasse as the application process does not acknowledge review of non-permitted use. The nonprofit was dissolved and the lease asset, the Combolisk interest in the Jerry Street location, was returned to me. I filed a digital sign application to build the first Combolisk as a for profit venture and plan to use the proceeds to file and create a different nonprofit organization to oversee the development of future Combolisks. I claimed off premise use on the original sign application. This history has been well documented with staff.

I asked for a final order that the issue be resolved in court. Manager King indicated the process for moving forward would be by variance. My responses to emails have been to comply with requests from staff, but the issue of what is to be displayed on the Combolisk has never changed.

Due Process

Due process is required. As indicated above, my use of the Combolisk has not changed since 2015. The filing entity and the application for permit are the only changes. Thus I have been denied due process for obtaining a variance hearing in a timely manner. The presumption moving forward from my original application should have been for acceptance of all items that were moved to variance with those remaining items that were not challenged or denied to be approved. Any denial at this point would make the process unconstitutional. Thus a denial of variance for a new issue regarding off premise use would be unconstitutional. It should not be considered based on the presumption of approval. Precedent suggests that when an application moves forward based on the error of the authority it is presumed approved especially in light of the fact that prohibition of ALL off premise use has been found unconstitutional in *Metromedia v San Diego*. So either off premise is allowed under the digital displays designation or the city is complicit in an ordinance that is unconstitutional.

Free Speech

What are the values gained by the city that can justify a limit to free speech? An electronic broadcast display is no different from a cell phone, computer, tablet or similar electronic device except for the issue of safety i.e. a permanent structure.

Safety does not appear a valid issue for the given application. Similar billboards and on premise permitted uses throughout the country are equal in scope. Studies have indicated the electronic displays have no measured effect on safety. Thus the visual impact on the traveling public is not of valid issue. The proposed location will meet building code standards and be inspected and installed as to state standards for wind and design. Thus the only applicable value to be gained by the city is to limit the proposed use for speech. The *Reed v. Gilbert* litmus test must be applied.

Electronic devices are capable of displaying all kinds of images, text, language and symbols. Forcing a variance for speech requires censorship and is thus unconstitutional. As indicated previously, the *Metromedia v San Diego* precedent denies prohibition of all billboards in an ordinance and the previous supplements for variance indicate that the application being considered is the smallest industry supported size and shape for standard as a broadcast display for speech. The Combolisk by definition of a new type of digital display comprising an inherent speech component to real property with a requirement of nonprofit displays is subject to the previous precedent state above. An additional precedent is called for determining the value between broadcasts in *Reed v. Gilbert*. What value is gained if the structure in place is required by precedent but the city wants to impose restriction on commercial speech between broadcasts? Any value prohibiting the sponsors would affect the ability to provide “free” broadcasts to nonprofits. The use should be allowed by free speech and application of the *Reed v Gilbert* precedent, or there is a component of just compensation required for limiting the broadcasts to just free nonprofit broadcasts.

The broadcast of only nonprofit speech is a requirement of *Metromedia v San Diego* and must be allowed. The city does not gain any further value by requiring a designation on in other speech that is applied between broadcasts without solving the same paradox in the *Reed v. Gilbert* precedent. If you deny based on off premise use then you must define the value gained by having a legal structure that exists and show that there would be value to the city by having “no speech” broadcasts” between nonprofit messages. Since this period of sponsorship would affect the use of “free” use by the nonprofits, then the city would be obligated to pay for the loss of use of the sponsors to pay for the operation of the Combolisk. Unless you are willing to pay for the loss of sponsors or the loss of use of the entire Combolisk as an inherent right to real property, all variances must be approved.

Denial would violate state and federal requirements for free speech.

Equal Protection Under the Law

The constitutions also require equal protection under the law. Manager King has indicated there is no process for monitoring digital displays for content. This would certainly add undue costs for the city to monitor and measure displays for censorship of content. Any person traveling the roadways can attest to the fact that digital displays that broadcast icons for on premise business also broadcast requests to join social media, display images for nonprofits, incidental items for sale on premise, off premise advertisements and political statements. If not, everyone will attest to at least the fact that electronic devices are capable of such capability. Thus equal protection under the law would require that all

electronic devices be subject to the same measure. The city would be forced to subject even cell phones to prohibition if this application is denied. Forcing this application to attest to some restriction of speech is thus unconstitutional under equal protection requirements. The forced application for variance is unconstitutional and in the least should be either rejected as not necessary or approved to prevent challenge under equal protection and free speech issues.

Conclusion

If this application for a Combolisk is approved, everyone wins. The biggest win is for the community. There is no venue that exists that can offer nonprofits the opportunity to gain free exposure to the population of Castle Rock, to Colorado and eventually to the nation. We are preserving the value of the public broadcast space by defining the term Combolisk. We preserve the value of the inherent right in the land to broadcast to the traveling public. We provide a value to businesses in the community. We provide value in the broadcast space by developing an organization within the outdoor broadcast community to limit itself in order to provide the free broadcasts to the community and maintain the value of the public broadcast space. By developing an organization with rules and limits based on population, we provide equal access to the space and limit based on the organization's ability to limit their own speech and preserve the space. The alternative is the failed history of the governmental censorship, and hindrance on free speech and forced compensation. While the people may not like having broadcasts in public, they are guaranteed by our constitution and the removal could even be more expensive than any value gained by eliminating them.



New proposed location

4' diameter Pole location 76' north of car wash. Flag extends from pole west to 4' of property line on Jerry street. Pole is 1' west of property line on east side of property which is also the right of way line for an alley proposed to be evacuated. Once evacuated, owner will add 10' to east property line.

Property lines

Click on the map to add to your path

Total distance: 119.61 ft (36.46 m)

Ashva Yoga

Imagery ©2019 Google, Map data ©2019 Google

United States

Terms

Send feedback

50 ft

Address

8:43 PM

1/27/2019