

DOCKET 1163

DATE OF HEARING	August 4, 2014
NAME	Blue Ocean Portfolios, LLC
DESCRIPTION OF PROPERTY	1588 S. Lindbergh Blvd.
CAUSE FOR APPEAL	Relief from the decision of the City Clerk and City Planning Consultant for a sign which violates Section X, F, (4), (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board denied the variance for the sign because the applicant failed to prove the existence of practical difficulties or unnecessary hardship, and the decision of the City Clerk and City Planning Consultant is affirmed.

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
Monday, August 4, 2014

DOCKET 1163
1588 S. Lindbergh Blvd.

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, August 4, 2014, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Mr. David Schlafly
Ms. Liza Forshaw
Mr. John Shillington
Ms. Laura Long

Also present were: Mayor Nancy Spewak; Mr. Michael W. Wooldridge, Asst. to the Mayor / City Clerk; Mr. Michael Gartenberg, Building Official.

Mr. Walch called the meeting to order at 4:00 PM.

Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1163**

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by Blue Ocean Portfolios, LLC, St. Louis, MO 63131, requesting relief from the ruling of the City Planning Consultant and City Clerk who declined to issue a permit for a building sign which violates Section X, F, (4), (b) of Zoning Ordinance 1175.

The hearing will be held at 4:00 p.m. on Monday, August 4, 2014, at the City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Zoning Board of Adjustment could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

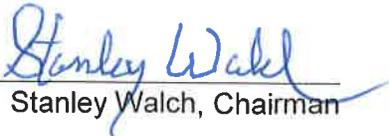
Stanley Walch, Chairman
Zoning Board of Adjustment

Mr. Walch introduced the following exhibits to be entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;
Exhibit B – Public Notice of the Hearing;
Exhibit C – Permit denial dated May 30, 2014;
Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated June 16, 2014,
and any letters of support;
Exhibit F – Entire file relating to the application.

(Transcript attached as part of the minutes)


Mr. Stanley Walch, Chairman

CERTIFIED COPY

ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:)

)

BLUE OCEAN PORTFOLIOS)

1600 SOUTH LINDBERGH)

LADUE, MISSOURI 63124)

Monday, August 4, 2014

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BOBBIE LUBER, LLC

*Certified Court Reporters*

P.O. BOX 31201 - 1015 GRUPP ROAD - ST. LOUIS, MO 63131

314-993-0911

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ZONING BOARD OF ADJUSTMENT

CITY OF LADUE

LADUE, MISSOURI

IN THE MATTER OF:            )  
                                          )  
BLUE OCEAN PORTFOLIOS        )  
1600 SOUTH LINDBERGH         )  
LADUE, MISSOURI 63124         )

BE IT REMEMBERED that on the 4th day of August, 2014, hearing was held before the Zoning Board of Adjustment of the City of Ladue, Missouri, at Ladue City Hall, 9345 Clayton Road, in the City of Ladue State of Missouri 63124, regarding the above-entitled matter before Bobbie L. Luber, Certified Court Reporter, Registered Professional Reporter, Certified Shorthand Reporter, a Notary Public within and for the State of Missouri, and the following proceedings were had.

1 A P P E A R A N C E S:

2  
3 BOARD MEMBERS:

4 Mr. Stanley Walch, Chairman

5 Ms. Liza Forshaw

6 Ms. Laura Long

7 Mr. David Schlafly

8 Mr. John Shillington

9  
10 Also Present:

11 Mr. Michael Wooldridge, City Clerk

12 Mr. Michael W. Gartenberg, Building Official and  
13 Planning Consultant

14 Mayor Nancy Spewak

15 Ms. Kelly Shamel, Attorney

16 Mr. James Winkelmann

17 Mr. Schneithorst, Jr.

18 Ms. Mary Ann Rober

19  
20 Court Reporter:  
Bobbie L. Luber  
21 Registered Professional Reporter #9209  
Missouri CCR #621  
22 Illinois CSR #084.004673  
Bobbie Luber, LLC  
23 P.O. Box 31201  
St. Louis, MO 63131  
24 (314) 993-0911  
bluber@lubercourtreporting.com  
25

1                   (The Meeting of the Zoning Board of  
2 Adjustment of the City of Ladue was called to order at  
3 4:00 p.m.)

4                   CHAIRMAN WALCH: Good afternoon. I will  
5 call this meeting to order.

6                   Welcome to the Ladue Zoning Board of  
7 Adjustment hearings. My name is Stan Walch. And we  
8 have three cases to be heard today by the board.

9                   I will start today's proceedings with some  
10 general procedural matters that we are required to  
11 incorporate into the record of each of these zoning  
12 appeals, which are Docket Numbers 1152, 1162, and  
13 1163.

14                  Before I get into the really dull stuff I  
15 will introduce the members of the board and some other  
16 people in attendance. On my far right is David  
17 Schlafly. On my immediate right is Liza Forshaw. On  
18 my left is John Shillington. And on my far left is  
19 Laura Long. We are the members of the board who will  
20 be deciding today's issues.

21                  We are also fortunate to have our mayor,  
22 who just returned from a lovely vacation in Spain,  
23 Nancy Spewak. Up in the dais is the city clerk,  
24 Michael Wooldridge, and the deputy building  
25 commissioner Michael Gartenberg.

1           So, I will proceed now with the dull stuff.  
2     The Code of Ordinances of the City of Ladue will be  
3     incorporated into the record by reference in Docket  
4     Numbers 1161, 1162 and 1163. I think that's really  
5     Docket Number 1152. I think my script has got it  
6     wrong. It's 1152, 1162, and 1163.

7           As a part of the record of the appeals we  
8     will hear this afternoon I will explain how we work.  
9     The appellant in each appeal will be given the  
10    opportunity to present reasons why he or she feels  
11    that a variance is warranted based on practical  
12    difficulties or undue hardships. Reasons of economic  
13    consideration and self-inflicted hardships will not be  
14    considered by the board. The board may have questions  
15    of each appellant.

16           Following the appellants' presentation any  
17    member of the board -- any member of the audience who  
18    wishes to address the case will be heard. Then the  
19    portion of each public hearing for public comment will  
20    be closed, and the board will discuss the matter among  
21    ourselves and may ask additional questions of the city  
22    staff and the appellant. After the discussion I will  
23    ask if any member of the board wishes to propose an  
24    amendment to approve the requested variance. If the  
25    motion is proposed and seconded, the board will vote

1 on that motion. Otherwise I will ask the board to  
2 vote on whether the requested variance should be  
3 granted.

4 This is very important. Four out of five  
5 members of the board must approve in order to grant a  
6 variance.

7 Finally, the members of the board have  
8 visited each of the sites just prior to this meeting  
9 and so we are familiar with the physical layout.  
10 Since we know what each site looks like the appellants  
11 need not describe the physical characteristics of the  
12 site to us.

13 Now I will open the first case which is  
14 docket number 1163 concerning the request by Ocean  
15 Portfolios for a sign at the Schneithorst's Shopping  
16 Center.

17 First, I will ask the city clerk to explain  
18 the reason or reasons the plans were disapproved so  
19 the audience and the members of the board have a clear  
20 understanding of the issues in this case.  
21 Mr. Wooldridge.

22 MR. WOOLDRIDGE: The sign was denied under  
23 Section X, F, (4), (b) of the Zoning Ordinance 1175  
24 which prohibits the placement of a sign on a wall  
25 space or a second floor non-retail business.

1                   CHAIRMAN WALCH: Was that the only reason  
2 for denial? In other words, everything else about the  
3 sign complied with the ordinance restrictions?

4                   MR. WOOLDRIDGE: Correct. Size was okay.  
5 It was just the placement for a non-retail business.

6                   CHAIRMAN WALCH: All right. Any other  
7 questions for Mr. Wooldridge before we move on?

8                   The following documents will now be marked  
9 as exhibits and introduced into evidence in this  
10 appeal. First is Exhibit B, which is the public  
11 notice of this hearing.

12                   Second is Exhibit C, which is a denial  
13 letter from the city planning consultant and the city  
14 clerk dated May 30th, 2014.

15                   Exhibit D is the list of residents to whom  
16 the notice of this public hearing was mailed.

17                   And Exhibit E is the applicant's letter  
18 requesting a variance dated June 6th, 2014. And any  
19 other letters in support or opposition to the variance  
20 will also be included in Exhibit E. But I believe  
21 there are no such letters, are there, Mr. Wooldridge?

22                   MR. WOOLDRIDGE: No. It's just the denial  
23 based upon the application.

24                   CHAIRMAN WALCH: Finally, Exhibit F will be  
25 the entire file pertaining to the application,

1 including all memoranda from staff and consultants to  
2 the Zoning Board of Adjustment and the City of Ladue.

3 So, with those preliminary remarks out of  
4 the way, will the appellant, or anyone who wants to  
5 speak on the appellant's behalf, come forward, and  
6 give your name to the city clerk (sic) and she will  
7 swear you in.

8 (At this time Kelly Shamel, James  
9 Winkelmann, and James Schneithorst were sworn in by  
10 the court reporter.)

11 CHAIRMAN WALCH: Ms. Shamel.

12 MS. SHAMEL: I'm an attorney with  
13 Greensfelder, Hemker & Gale. As you know, I'm here  
14 tonight to speak on behalf of Blue Ocean Portfolios,  
15 LLC in connection with this denial of the sign  
16 application.

17 The premise in question is located at 1588  
18 South Lindbergh Boulevard, Suite 205. Jim Winkelmann  
19 is the owner of the company, and also Jim  
20 Schneithorst, who is with the building ownership and  
21 will be able to answer any questions should the board  
22 have any.

23 Blue Ocean Portfolios is located at the  
24 mixed-use development commonly known as the Village at  
25 Schneithorst. The Village at Schneithorst has such

1 tenants as office tenants, retail tenants, and  
2 different types of users. It is a mixed-use  
3 development. Examples of tenants include Prudential  
4 Alliance, as well, of course, the Schneithorst's  
5 Restaurant.

6 As you stated, the reason given for the  
7 denial of the petitioner's sign application is that a  
8 second floor sign is only allowed for retail  
9 establishments. And it's our understanding that the  
10 building commissioner has determined that the use by  
11 Blue Ocean Portfolios, LLC is considered service, and  
12 not retail.

13 However, I will say that within the  
14 industry Blue Ocean Portfolios is considered a retail  
15 user. It is a SEC registered advisement investment  
16 company. It is advertised directly to the end user,  
17 not to additional businesses or retailers of services.  
18 So it does market to the end consumer, the end  
19 customer. And, for example, it advertises on local  
20 media here on KMOX, and as a result gets many of its  
21 clients through walk-in business or call-in business  
22 for clients to make appointments, as well as verbal  
23 advertising in the media. So within the industry it  
24 is typically considered a retail use.

25 Obviously I understand the petition has

1 been denied, and so putting aside whether or not you  
2 have to properly categorize it as retail versus  
3 service, we are here to ask for a variance given the,  
4 you know, unnecessary hardship and the practical  
5 difficulties that not only my client, but especially  
6 his clients, will endure if it's not allowed to have  
7 building identification signage.

8           As far as hardship, the premises, as you  
9 know, is located entirely on the second floor of the  
10 building. So without any type of identification  
11 signage it will be very difficult for existing  
12 clients, and especially new clients, to find its  
13 location.

14           This difficulty is further exacerbated by  
15 the fact that they do a lot of retirement planning.  
16 And their typical client is usually in the mid to late  
17 50's and looking for retirement needs. We do have  
18 those types of clients that are particularly utilizing  
19 the services of Blue Ocean Portfolios and need to find  
20 a location.

21           Another hardship is, while there is a code  
22 section which deals with signage for office buildings  
23 there is no such mixed use code section dealing with  
24 development like the development at Village at  
25 Schneithorst. And because Blue Ocean Portfolios does

1 not lease at least 4,000 square feet they can't  
2 qualify to have any signage available on any monument  
3 sign, should that be available. So really they have  
4 no practical opportunity for any type of signage given  
5 the way the code is written.

6           You will find, and you are probably well  
7 aware, that Prudential Alliance Group brought the same  
8 hardship to this board in 2005 for the same reason  
9 that the code read, again, only retail users could  
10 have second floor signage. And because they didn't  
11 fit that mold they had to apply for a request to the  
12 variance in 2005.

13           I would also like to point out there is no  
14 relative harm in overruling the commissioner's ruling  
15 and grant a variance. This is, again, a development  
16 which already permits retail users to have existing  
17 signage on the second floor. So, I mean, in my  
18 opinion, a sign is a sign. We would just like the  
19 same opportunity for Blue Ocean Portfolios to have  
20 identification signage. And given that the code  
21 permits such signage for a retail user, obviously it's  
22 contemplated that value is harmonious with the  
23 existing code and in line with the city values.

24           And one other point I want to make. It is  
25 a commercial district, and the signage is not going to

1 directly face any residential area. As you recognized  
2 before, the sign will meet all the other criteria that  
3 are required as far as, it will have the minimum -- or  
4 maximum of 12-foot limit on square feet. There will  
5 be no logo or tag line. It will be consistent with  
6 material and everything else in the development. So  
7 it will be consistent with other tenant signage.

8 And another thing, it will have to be an  
9 illuminated halo to match all the other signage in the  
10 development.

11 I would pronounce there is no slippery  
12 slope issue here. I think this type of building is  
13 very unique to the city. I'm not personally aware of  
14 another multi tenant mixed use two-story building that  
15 has an issue with the signage problem. So I don't  
16 see, as a result of granting the variance, that it  
17 would open floodgates for some other applicants to  
18 come forward. You can probably better tell me because  
19 they just granted one in 2005, anything to show where  
20 Blue Ocean Portfolios is located, but also the  
21 clients, especially in locating its premises and  
22 finding the space. And then also in light of the fact  
23 there is really little to no harm, if any, that would  
24 be caused by granting this, we would ask that you  
25 grant the variance.

1 I'm available for questions as well as Jim  
2 Winkelmann and Jim Schneithorst.

3 CHAIRMAN WALCH: I have one question. You  
4 are welcome to sit down.

5 Do you know if your client was aware of one  
6 of the conditions that was attached to the variance  
7 that was granted after 2005? None of the present  
8 members of the board were on the board at that time.  
9 But we have looked at that variance.

10 MR. SCHLAFLY: I was.

11 CHAIRMAN WALCH: David was. David was.  
12 I'm sorry.

13 MR. SCHLAFLY: That's okay.

14 CHAIRMAN WALCH: David Schlafly was on the  
15 board at that time.

16 That condition was that it would be the  
17 only variance that would be granted on the second  
18 floor of that building. Do you know, were you aware  
19 of that? Was your client aware of that before you  
20 purchased the property?

21 MR. WINKELMANN: This is the first I have  
22 learned of the condition on that variance.

23 CHAIRMAN WALCH: You knew it before you  
24 entered into the lease?

25 MR. WINKELMANN: No. What you are saying

1 right now is the first we know.

2 MR. SCHNEITHORST: I was not aware of it.

3 MS. LONG: How do you get into the space?

4 Do you go inside to the elevators?

5 MR. SCHNEITHORST: You would enter through  
6 the main floor area, the space immediately above our  
7 bar/lounge area.

8 MS. LONG: And is there a -- I don't know  
9 the proper name for them. Is there one of those  
10 plaques on the inside that list what the tenants of  
11 the building are?

12 MR. SCHNEITHORST: There is.

13 CHAIRMAN WALCH: Just for the record, so  
14 the applicant is aware of it. The variance, according  
15 to the minutes of the meeting of Docket Number 946,  
16 which was held on April 4th, 2005, here at the City  
17 Hall, the condition that was incorporated into the  
18 variance that was granted is that this sign will be  
19 the only second floor tenant to have a sign permit.  
20 You were not aware of that, Mr. Schneithorst?

21 MR. SCHNEITHORST: I was not. I was not  
22 present at that Planning and Zoning meeting for  
23 Prudential Alliance.

24 CHAIRMAN WALCH: It was a meeting of this  
25 Board of Adjustment, not the Planning and Zoning.

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MR. SCHNEITHORST: Yes.

CHAIRMAN WALCH: All right. The appellant may proceed if he has any further presentation to make.

MR. WOOLDRIDGE: Mr. Chairman.

CHAIRMAN WALCH: Yes.

MR. WOOLDRIDGE: If you will look at page 2 of those minutes, the second paragraph.

CHAIRMAN WALCH: Yes. According to these minutes you were present at that meeting, Mr. Schneithorst. And you identify the tenants, the sign code for tenants at that meeting. Maybe it's not you. Are you James Schneithorst, Jr.?

MR. SCHNEITHORST: I am. That's me.

CHAIRMAN WALCH: Okay. Then it would have been you. I'm sure you have forgotten about it. My question is: Do you have a sign code for tenants?

MR. SCHNEITHORST: We do. We have a fairly strict sign code. We keep our signs very clean. Our signs are all black, reverse lit. Very clean. Obviously, you know, it's something I protect vigorously considering some of our tenants have special needs, or 800 pound gorillas when it comes to coffee makers and things like that, they would like their sign to be a certain way. We hold the line. I

1 feel that we protect the integrity of the development  
2 to the highest standard, including our signage with  
3 the way that we are able to keep, you know, tenants  
4 that have national presence to conform to our  
5 standards.

6 I reviewed Mr. Winkelmann's sign. I think  
7 it's very fitting to the development. I think it's  
8 appropriately placed in an appropriate area facing  
9 Clayton Road opposite Prudential Alliance, now  
10 Berkshire Hathaway.

11 I think it's very fitting and very  
12 appropriate for his use. And he is the type of tenant  
13 that we strive to attract in our development. I feel  
14 it's very appropriate, and I ask the commission to  
15 grant this for him and for his business. It's not a  
16 condition upon the lease of the space. But, you know,  
17 we do our best to help our tenants out and that's why  
18 we are here to help support his application.

19 CHAIRMAN WALCH: Is Blue Ocean a real  
20 estate company, or are they the only two tenants on  
21 the second floor.

22 MR. SCHNEITHORST: We actually have three  
23 tenants that occupy the second floor. Fidelity  
24 Investments has a split floor, there is a stairwell  
25 within their premises. So they have what we call two

1 bays, or retail space down in the first level with the  
2 staircase that occupies the front portion of the glass  
3 that we face, so their space goes up and it faces the  
4 back side. And then Prudential Realtor occupies the L  
5 shape in the front side of Clayton and Lindbergh. And  
6 then Blue Ocean would occupy the opposite space  
7 formerly occupied by the Woods Group, which is  
8 immediately adjacent upon our lounge.

9 CHAIRMAN WALCH: What was the Woods Group  
10 business?

11 MR. SCHNEITHORST: Family -- family office  
12 for -- I don't know how to describe it. Family office  
13 for James Wood. Marketing, various kinds of things.  
14 It was a family office, I guess.

15 CHAIRMAN WALCH: Did they sell goods?

16 MR. SCHNEITHORST: They did not sell goods.

17 CHAIRMAN WALCH: Did they sell services?

18 MR. SCHNEITHORST: They did not sell  
19 services.

20 CHAIRMAN WALCH: Was it a charitable  
21 foundation of some sort?

22 MR. SCHNEITHORST: I think it was just a  
23 gentleman that liked to have a space to make an office  
24 that he ran his foundations and things like that out  
25 of.

1                   CHAIRMAN WALCH: All right. Private  
2 office?

3                   MR. SCHNEITHORST: Private office.

4                   CHAIRMAN WALCH: All right. Anything else  
5 from the appellant on this matter? Any questions from  
6 the board?

7                   MS. SHAMEL: I will just reiterate that,  
8 you know, while we are asking for a variance, it is  
9 our initial position that this is a retail use.  
10 Again, just hearing Mr. Schneithorst talk about the  
11 office tenant, he doesn't have any customers coming  
12 in. This is a business that will have people coming  
13 in responding to you, advertising, they are able to  
14 attract customers and first and foremost customers  
15 coming to a location, and so it is different in that  
16 sense.

17                   CHAIRMAN WALCH: I understand your  
18 position. I hope you appreciate, as a lawyer, that  
19 this board is in the business of granting variances,  
20 it's not in the business of interpreting the  
21 ordinance. The ordinance does clearly state that it's  
22 required to be in a retail space, and both the city  
23 consultant and the clerk administers the sign  
24 ordinance, and have interpreted it as not a retail  
25 business. And so our jurisdiction is to give a

1 variance or not give a variance as opposed to  
2 interpreting the ordinance, which is not something we  
3 do.

4 MS. SHAMEL: One other thing I will just  
5 touch upon. I was not around in 2005 either, nor  
6 aware of the restriction on that prior variance given  
7 until just now. But I looked at -- not having the  
8 background, I'm not sure how that would be a  
9 restriction that would hold up given a pretty equal  
10 protection argument, and so I ask the board to  
11 consider that that would be upheld if a variance is  
12 granted, to say you can be the only one in that  
13 development.

14 CHAIRMAN WALCH: David, can you answer that  
15 question, since you were present?

16 MR. SCHLAFELY: I don't remember or recall  
17 the retail element of it being emphasized as the  
18 dominance of this particular tenant in a project  
19 completed by the Schneithorst family of a level and  
20 quality of that seen in Ladue. And the discussion  
21 points were other areas of the country in which  
22 developments of two-story large infrastructure  
23 projects were being built with parking and high  
24 infrastructure costs. And Prudential had come in and  
25 was a dominant, dominant tenant that had a tremendous

1 amount of retail visits by nature, it's just  
2 customarily understood that it was a retail office.

3 I don't remember us discussing in detail  
4 the retail element of it. I would have to go back and  
5 look at the notes to being refreshed.

6 MS. SHAMEL: I think my question was more  
7 towards how it was determined. I understand that was  
8 the thing at the time, but my question is more a  
9 decision of this would be the only tenant that would  
10 be granted that type of variance, period.

11 MR. SCHLAFLY: They were quite dominate.  
12 Let me ask the question. Do they have the entire  
13 second floor? They described it as an entirety at the  
14 time. When they came in they said the second floor in  
15 its entirety.

16 MR. SCHNEITHORST: Roughly about 8,000  
17 square feet of 15,000 on the second floor.

18 MR. SCHLAFLY: So they didn't wind up in  
19 entirety?

20 MR. SCHNEITHORST: No. And also I would  
21 like to add that, you know, the monument we keep  
22 clean. And we get a lot of people that want monument  
23 signs and things like that. If I opened that up, you  
24 know, it's something I don't want -- I would like --  
25 do you all understand that we take that very seriously

1 there in making it appear orderly and appropriate for  
2 the city in a way I like it to look when people drive  
3 into the entrance of the city?

4 CHAIRMAN WALCH: Is Blue Ocean on the  
5 monument?

6 MR. SCHNEITHORST: We have nobody on the  
7 monument. It just says the Village at Schneithorst.

8 MR. WINKELMANN: I would like to articulate  
9 our business strategy is we spend between 10 and  
10 \$20,000 a month advertising to end users of our  
11 services through primarily a radio media. We don't  
12 know who is going to hear this message. So the  
13 clients come from Wentzville to Carbondale, Highland,  
14 Illinois, Ladue, all over the KMOX footprint to come  
15 to us for investment counsel. Whether we are selling  
16 bananas or investment services, the advertising is  
17 clearly aimed at end users.

18 There is no definition of the word retail.  
19 I understand that the city clerk and the outside  
20 counsel concluded it wasn't retail, but there is no  
21 definition of what retail is or isn't.

22 CHAIRMAN WALCH: That's true, in the  
23 ordinance there is no definition.

24 Any other questions? You wanted to say  
25 something, ma'am?

1 MS. ROBER: I do. I'm Mary Ann Rober. I  
2 live on Blaytonn.

3 CHAIRMAN WALCH: You need to be sworn in if  
4 you want to testify.

5 (At this time Ms. Rober was sworn in by the  
6 court reporter.)

7 CHAIRMAN WALCH: State your name for the  
8 record.

9 MS. ROBER: Mary Ann Rober. I live at 14  
10 Blaytonn Lane.

11 I was here at the last hearing for  
12 Prudential. And as a neighbor to Schneithorst we are  
13 directly impacted, but I must say the structure is  
14 tastefully done. We have had no problems with as many  
15 years ago we had with the facility.

16 I just want to say, when Prudential wanted  
17 to do the sign upstairs, I was concerned about that,  
18 but I don't think it's problematic. And so I'm just  
19 saying since I received the notice, and I seem to be  
20 the only one here from Blaytonn Lane, I just want to  
21 say that I personally don't have -- no matter how the  
22 city rules, I have no say, yes or no, but I can say  
23 that the signage that's up there again is well done  
24 and there is no illuminating lights. So it's just as  
25 a resident I wanted to share that with you.

1                   CHAIRMAN WALCH: Thank you. I assume you  
2 have no objection if the variance were granted?

3                   MS. ROBER: No, I don't.

4                   CHAIRMAN WALCH: Thank you. Anybody else  
5 in the public want to comment on this matter before I  
6 close the public comment portion of this meeting?

7                   Hearing none, if no one comes forward, I  
8 will, unless some member of the board objects, close  
9 the public comment portion of the meeting and we will  
10 proceed with our discussion.

11                   Since Robbye is absent today, does anyone  
12 want to lead our discussion?

13                   MS. FORSHAW: I will say this. Every  
14 business would like to have more signage. And  
15 municipalities have an interest in, I guess, limiting  
16 the proliferation of signage, and they draw the line  
17 somewhere. And I guess the Ladue City Council has  
18 chosen to draw the line in this case at retail  
19 businesses on the second floor.

20                   And I appreciate that the wealth management  
21 business, what you do may be considered retail for  
22 purposes of the brokerage industry, but I doubt that  
23 it's considered retail for purposes of the zoning  
24 ordinance, because, really, what would distinguish  
25 your investment advisory business from, say, a law

1 office or a CPA office that might locate on the second  
2 floor of that building?

3 MR. WINKELMANN: Is that a question?

4 MS. FORSHAW: No. I don't see a real way  
5 to distinguish it from the perspective of the zoning  
6 law. A lawyer can serve individual clients, CPAs can  
7 serve individual clients. They may have some form of  
8 advertising.

9 I guess I'm concerned that granting this  
10 variance would essentially be gutting the distinction  
11 that the Ladue zoning ordinance has drawn for retail  
12 businesses of the second floor.

13 I was not here in 2005 when that other  
14 variance was granted, but looking at the minutes it  
15 appears there was some discussion that it was going to  
16 be a large residential real estate office that would  
17 take up, I guess, more than half of the second floor  
18 of the building, and would have quite a bit of public  
19 traffic coming and going. And I assume your office is  
20 quite a bit smaller than that. So I guess --

21 CHAIRMAN WALCH: You are entitled to ask  
22 him, if you want, the size of the office.

23 MS. FORSHAW: Sure. What is the size of  
24 the Blue Ocean office?

25 MR. WINKELMANN: It's about 2,000 square

1 feet.

2 MS. FORSHAW: Versus 8,000 square feet for  
3 the other office that received a variance. So, I  
4 mean, there are ways to distinguish the two.

5 But I guess the concern I'm expressing is  
6 that we have to be very careful about granting  
7 commercial sign variances because we could quickly  
8 undercut the intent of the City Council in the sign,  
9 for instance, that they have.

10 CHAIRMAN WALCH: All right. Anybody else  
11 care to comment on this matter?

12 MR. SCHLAFLY: Perhaps the solution for  
13 Mr. Winkelmann is to open up an expansion space on the  
14 first floor, as some of the other tenants have done.

15 MR SCHNEITHORST: Fidelity is the only  
16 tenant.

17 MR. SCHLAFLY: Do you have that option  
18 available?

19 MR. SCHNEITHORST: No.

20 CHAIRMAN WALCH: Any other comments?

21 MS. LONG: No. I guess I would draw an  
22 analogy to some of the big office buildings. You  
23 know, they don't have -- like maybe Greensfelder  
24 downtown, they don't have signs directing inside of  
25 the building. And you have to know that you are going

1 to that building, and you get the address, and you go  
2 inside and look at the sign, I can't think of the name  
3 of it.

4 CHAIRMAN WALCH: The directory.

5 MS. LONG: The directory. Such a simple  
6 term.

7 I'm not even thinking about or concerned  
8 about 2005, or what happened back then.

9 CHAIRMAN WALCH: Any other comments from  
10 the members of the board? Hearing none, I will ask if  
11 anyone cares to make a motion.

12 Hearing no motion being proposed I will  
13 simply ask the board to vote on whether this request  
14 for a variance should be granted or denied -- should  
15 be granted. How do you vote?

16 MR. SCHLAFLY: I vote no.

17 MS. FORSHAW: No.

18 CHAIRMAN WALCH: No.

19 MR. SHILLINGTON: No.

20 MS. LONG: No.

21 CHAIRMAN WALCH: Sorry, Mr. Winkelmann.  
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CERTIFICATE OF REPORTER

I, Bobbie L. Lubber, Registered Professional Reporter, Certified Court Reporter, and Notary Public within and for the State of Missouri, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.



Bobbie L. Lubber, RPR, CCR #621

