

DOCKET 1137

DATE OF HEARING	May 6, 2013
NAME	DESCO Group
DESCRIPTION OF PROPERTY	8915 Ladue Road
CAUSE FOR APPEAL	Relief from the decision of the City Planning Consultant and City Clerk 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, May 6, 2013**

**DOCKET 1137
8915 Ladue Road**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, May 6, 2012, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman
Ms. Liza Forshaw
Ms. Elizabeth Panke
Mr. Fred Goebel
Mr. John Shillington

Also present were: Mayor Nancy Spewak; Mr. James Schmieder, Building Office; Mr. Michael Gartenberg, Building Official (arr. 4:15 PM); Mr. John Maupin, City Attorney.

Chairman Walch called the meeting to order. Notice of Public Hearing, as follows:

**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF LADUE, MISSOURI
DOCKET NUMBER 1137**

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 The Desco Group, 8815 Ladue Road, St. Louis, MO 63124, requesting relief from the ruling of the City Planning Consultant and City Clerk who declined to issue a permit for building signage which violates Section X, F, (4), (b) of Ordinance 1175.

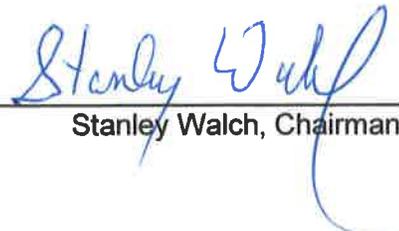
The hearing will be held at 4:00 p.m. on Monday, May 6, 2013, at the City Hall, 9345 Clayton Road.

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

(Transcript attached as part of the minutes)


Stanley Walch, Chairman

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ZONING BOARD OF ADJUSTMENT
CITY OF LADUE
LADUE, MISSOURI

IN THE MATTER OF:)
)
THE DESCO GROUP) Docket No. 1137
8915 LADUE ROAD)
LADUE, MISSOURI 63124)

Monday, May 6, 2013

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BOBBIE LUBER, LLC  
P.O. Box 31201, 1015 Grupp Road, St. Louis, MO 63131  
314-911-0911

**CERTIFIED COPY**

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ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE  
LADUE, MISSOURI

IN THE MATTER OF:            )  
                                          )  
THE DESCO GROUP            ) Docket No. 1137  
8915 LADUE ROAD            )  
LADUE, MISSOURI 63124    )

BE IT REMEMBERED that on the 6th day of  
May, 2013, 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. Lubber, Certified Court  
Reporter, Registered Professional Reporter, a Notary  
Public within and for the State of Missouri, and the  
following proceedings were had.

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

BOARD MEMBERS:

- Mr. Stanley Walch, Chairman
- Ms. Liza Forshaw
- Mr. Fred Goebel
- Ms. Elizabeth Panke
- Mr. John Shillington
  
- Mr. John Maupin, City Attorney
- Mr. James Schmieder, Building Department and Code Enforcement
  
- Mr. Michael Gartenberg, Building Official
- Mr. Pona
- Mr. Mark Schnuck

Court Reporter:  
Bobbie L. Luber  
Registered Professional Reporter #9209  
Missouri CCR #621  
Illinois CSR #084.004673  
Bobbie Luber, LLC  
P.O. Box 31201  
St. Louis, MO 63131  
(314) 993-0911

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: I'm going to call this  
5 meeting to order. First, good afternoon and welcome  
6 to the Ladue Zoning Board of Adjustment hearings. My  
7 name is Stan Walch.

8                   We have three cases to be heard by the  
9 board today. I will start today's proceeding with  
10 some general procedural matters that will be  
11 incorporated into the record of the zoning appeals we  
12 will hear today, and those are Docket Numbers 1137,  
13 1138, and 1139.

14                  Before I do that, however, I want to  
15 introduce the members of the board. On my right is  
16 Fred Goebel, on my far right. On my immediate right  
17 is Liza Forshaw. On my left is Elizabeth Panke. And  
18 on my far left is John Shillington. And in attendance  
19 today we have our new mayor, Nancy Spewak, who is  
20 sitting right over there. And so congratulations,  
21 Ms. Spewak, on your recent election.

22                  Also sitting at the dais we have Jim  
23 Schmieder from the building office. James Pona, who  
24 is the consultant, planning consultant of the City of  
25 Ladue. And he figured predominately in this new case.

1 And our city attorney, John Maupin. Someplace the  
2 deputy building commissioner is here, but not in  
3 attendance.

4 I will go through the general matters here  
5 that we have to do on the record. This will be in the  
6 record of all three of the Docket Numbers 1137, 1138,  
7 and 1139. The first thing is the Code of Ordinance of  
8 the City of Ladue is incorporated in reference by  
9 record in each of those docket numbers. The zoning  
10 code of the City of Ladue, Ordinance 1175 as amended  
11 will be used by the board today to reach their  
12 decision in the zoning appeal case, and it will be  
13 marked as Exhibit A and included in the docket numbers  
14 I just read.

15 Now, as part of the record in the appeals  
16 we will hear this afternoon, I will explain how we  
17 work. The appellant in each case will be given the  
18 opportunity to present reasons why he or she feels the  
19 variance is warranted based on practical difficulty or  
20 undue hardship.

21 We have a couple of cases today that have  
22 specialized rules, namely parking signs, and so those  
23 would come into play.

24 The reason of economic consideration and  
25 self-inflicted hardship will not be considered by the

1 board. The board may have questions of each  
2 appellant. Following that, any member of the audience  
3 who wishes to address the board will be heard. Then  
4 the portions of each hearing for public comment will  
5 be closed and the board will discuss the matter among  
6 ourselves and arrive at a decision here this  
7 afternoon.

8           While we are doing the discussion we may  
9 ask additional questions of either the appellant's  
10 representative or any member who commented or any  
11 member of the city representatives for information.

12           After the discussion I will ask if any  
13 member of the board wishes to propose a motion to  
14 approve the requested variance. If a motion is  
15 proposed and seconded the board will vote on that  
16 motion. Otherwise I will simply ask the board to vote  
17 on whether the requested variance should be granted.

18           Four out of the five members of the board  
19 must vote in the affirmative to approve the variance.  
20 So it's not a majority rule, it's a super majority  
21 rule.

22           I just see that our former mayor, Tony  
23 Bommarito, is sitting in the audience. He enjoys this  
24 so much he just can't stay away. Welcome, Tony.

25           Finally, the members of the board have

1 visited the site for which each of the appellants are  
2 seeking a variance this afternoon. And because we  
3 know what each site looks like you don't have to waste  
4 a lot of time describing the physical characteristics  
5 of the site.

6 The hearing in the first case, which is  
7 Docket Number 1137, concerning the building signage  
8 which violates Section F -- Section X, F, (4), (b) of  
9 Ordinance 1175.

10 First, I will ask Mr. Pona, the city  
11 planning consultant, to explain the reason or reasons  
12 why the plan were -- the plans were denied.

13 MR. PONA: Thank you Mr. Chairman, members  
14 of the board. I won't turn in this testimony until I  
15 am finished.

16 The sign is regulated at Ordinance Number  
17 1175 X C, X F -- two passages in X F, subparagraph  
18 (3), and X F (4) (B).

19 A permit request for a smaller sign on this  
20 site was originally submitted on September 27th, 2012.  
21 At the time the proposed dimensions and areas were to  
22 be 12 inches by 98 inches, and 12 square feet  
23 respectively. The request complied with the ordinance  
24 and the approval was conveyed to the applicant.

25 The applicant subsequently sought to

1 install a larger sign of 25 square feet, which does  
2 not comply with the regulations. The maximum area  
3 allowable is 12 square feet. It is my understanding  
4 that the applicant is at issue with the method of  
5 determining the sign area and is also differentiating  
6 between what constitutes a sign as opposed to an  
7 architectural feature.

8           The definition for sign area in Section  
9 X(C) of the Zoning Ordinance reads: Sign area, gross,  
10 the entire area within a single continuous perimeter  
11 composed of parallelograms, triangles, circles,  
12 ellipses, and combinations thereof, enclosing the  
13 extreme limits of the sign, but not including  
14 structural supports which are not an integral part of  
15 the sign, except in the case of an individual letter  
16 sign erected on a wall only two-thirds of the entire  
17 area of the enclosing parallelograms, et cetera, shall  
18 be counted as the gross area of the sign. Where a  
19 sign has two or more faces the gross area of all such  
20 faces shall be included in determining the total gross  
21 area of the sign.

22           Thus, application of this formula to the  
23 proposed larger sign considers the extreme limits of  
24 the sign face and yields dimensions of 30 inches by  
25 120 inches width for a total area calculation of 25

1 square feet. It is my understanding that in Ladue the  
2 extreme limits of such signs have always been used to  
3 determine the sign area. I believe this standard, in  
4 fact, is one of the reasons why the individual letter  
5 provision in the ordinance was included, as an option  
6 to enable the use of larger letters by eliminating the  
7 extreme limits of a traditional sign face and thereby  
8 reducing overall sign bulk.

9 CHAIRMAN WALCH: When you say individual  
10 letter, does that mean you could use more than one  
11 letter?

12 MR. PONA: Yes, sir. There is a provision  
13 in the ordinance which allows an applicant to apply  
14 individual letters directly to the wall of the side of  
15 the building, and they get a sign bonus because of  
16 that. And it's a way of reducing the overall  
17 appearance of the sign bulk.

18 CHAIRMAN WALCH: And they can do that  
19 without a variance?

20 MR. PONA: And they can do that without a  
21 variance, yes, sir.

22 So regarding the question of whether the  
23 proposed sign could be considered an architectural  
24 feature, I believe that was another question. The  
25 following are typical definitions from other cities

1 which have been included in the American Planning  
2 Association's Planners Dictionary and have become more  
3 or less a standard for referencing various terms in  
4 the field.

5           Architecture feature. A part, portion, or  
6 projection that contributes to the beauty or elegance  
7 of a building or structure, exclusive of signs, that  
8 is not necessary for the structural integrity of the  
9 building or structure or to make said building or  
10 structure habitable. That's from the city in  
11 California.

12           Architectural feature. Any prominent or  
13 characteristic part of the building, including but not  
14 limited to windows, columns, awnings, marquee, facade  
15 or fascia. That comes from the citation in the  
16 Sedona, Arizona zoning ordinance.

17           Based on this documentation and on the  
18 city's history in applying its gross sign area  
19 definition, it's my belief that the proposal under  
20 consideration is a sign rather than an architectural  
21 feature.

22           It is my understanding that the applicant  
23 is also interested in standardizing all signs within  
24 the shopping center. I commend this approach as it is  
25 a long recognized -- it's been a long recognized

1 method of helping to improve and protect the character  
2 and order of commercial places.

3 CHAIRMAN WALCH: Any other questions of  
4 Mr. Pona? Is that your presentation?

5 MR. PONA: Yes, sir.

6 CHAIRMAN WALCH: Any other questions of  
7 him? All right. Now, I have to put a number of  
8 documents in the record in this case, which will be  
9 marked as exhibits. The first is the public notice of  
10 this hearing, and that will be Exhibit B.

11 The second is the permit denial from the  
12 planning consultant that you just heard explain why it  
13 was denied, which will be marked as Exhibit C.

14 The third is the list of residents to whom  
15 the Notice of Public Hearing has been sent, which will  
16 be marked as Exhibit D.

17 The appellant's letter requesting a  
18 variance which is a letter dated April 12th, 2013,  
19 from the Desco Group. And any other letters in  
20 support or opposition for the request of variance and  
21 have been received will be marked as Exhibit E.

22 Mr. Schmieder, are there any other letters other than  
23 the appellant's letter, the Desco Group's letter?

24 MR. SCHMIEDER: No, Mr. Chairman.

25 CHAIRMAN WALCH: Thank you. Finally, the

1 entire file pertaining to the application, including  
2 all memoranda from staff and consultants to the Zoning  
3 Board of Adjustment of the City of Ladue will be  
4 marked as Exhibit F.

5 With that, will the appellant, or anyone  
6 else who wants to speak on behalf of the appellant  
7 please come forward and give your name to the court  
8 reporter, and she will swear you in.

9 MR. SCHNUCK: I'm Mark Schnuck, president.

10 (At this time Mr. Schnuck was sworn in by  
11 the court reporter.)

12 MR. SCHNUCK: Thank you Mr. Chairman and  
13 committee members. I appreciate the opportunity to  
14 speak to you and present a hardship for your  
15 consideration.

16 We spent considerable time over the last  
17 year and a half developing every detail of this  
18 redevelopment to insure that we would have -- we would  
19 be creating a flagship for the entrance to the City of  
20 Ladue.

21 We feel a consistent sign package, as Jim  
22 has outlined, with the significant architectural  
23 detail that I will talk through, is a finishing touch  
24 for this project.

25 The signage that we are submitting by code

1 is larger than allowed. It is larger, as Jim  
2 outlined, the architectural elements that these sign  
3 letters themselves are attached to.

4 The signage, if you calculate the square  
5 footage of the lettering of the sign within this area,  
6 all of these fall within the 12 square feet that is  
7 the current sign ordinance for the City of Ladue.

8 Our hardship is that this project sits 150  
9 feet from the road. Most of the retail establishments  
10 in the City of Ladue are 40 feet, there are one or two  
11 that are within 70 feet. But if you go up and down  
12 Clayton Road where the majority of the retail is in  
13 the City of Ladue, they are 40 feet off the road. So,  
14 the site criteria, the framework that the city has  
15 works beautifully within that kind of a distance.

16 We believe that due to this project being  
17 150 feet from the road, which is a significant  
18 difference versus what is up and down Clayton Road,  
19 that really meets the definition of a hardship needed  
20 to secure the variance.

21 The consideration and approval of our  
22 request would be greatly appreciated.

23 CHAIRMAN WALCH: Is that your presentation,  
24 Mr. Schnuck?

25 MR. SCHNUCK: Yes, it is.

1                   CHAIRMAN WALCH: I have a couple of  
2 questions. Did you consider the possibility of -- I  
3 think you heard me asking Mr. Pona a question about  
4 how you could use individual letters applied directly  
5 to the facia of the building; did you consider that  
6 option?

7                   MR. SCHNUCK: We did. But as we looked at  
8 the design of this, we really looked at trying to  
9 create something that gave a little better feel than  
10 just block letters. Our project next door, Ladue  
11 Crossing, has got individually lit letters. It's a  
12 totally different feel than what this project is. In  
13 fact, at some point in time I think we would like to  
14 redo the signage there. That signage also is greater  
15 than what the city ordinance is, and we were able to  
16 get that approved because we came in an overall site  
17 approval process of which this project did not.

18                   We looked at that. And we think that this  
19 sign pad, which is similar to a quarter board you see  
20 in Martha's Vineyard or up on the Cape, really ties  
21 into the brand and the image of what we are trying to  
22 create in the shopping center.

23                   The letters themselves are individual and  
24 they are applied to this wooden backing itself.

25                   CHAIRMAN WALCH: All right. Thank you.

1 Any other questions of Mr. Schnuck?

2 MS. PANKE: So the letters are -- we all  
3 read your letter, so basically the board itself is  
4 going to be larger than what is allowed, the square  
5 footage is larger. The letters -- you are pointing  
6 that the letters stay within the --

7 MR. SCHNUCK: The ordinance.

8 MS. PANKE: But not the width.

9 MR. SCHNUCK: This sign, you take the  
10 outline of the sign, of the board itself, that's 25  
11 square feet. All the letters, of all of the signs  
12 that we have are 12 square feet. And the 12 square  
13 feet is what the city's ordinance is for signage.

14 MS. PANKE: So that's guaranteed no matter  
15 how many words you are putting on there, you are  
16 staying within the 12?

17 MR. SCHNUCK: Correct.

18 MS. PANKE: So it's the board that is  
19 larger?

20 MR. SCHNUCK: Exactly. And we think --  
21 there is a lot of white in the center. Green awning.  
22 There is a lot of color definitions and outlining of  
23 the sign itself.

24 MS. PANKE: If that were a painted appliqué  
25 on the facia board.

1 MR. SCHNUCK: We would get around the  
2 signage issue if it was painted.

3 We were hoping that we can create a little  
4 bit more depth in the look of the sign by having the  
5 applied letters on top of the board instead of on a  
6 painted surface. This is a much better look than if  
7 we just painted that on the building. It would  
8 cheapen it up, in my view.

9 CHAIRMAN WALCH: I do have another  
10 question. In your packet you only submitted one --

11 MR. SCHNUCK: One sign.

12 CHAIRMAN WALCH: One sign. It was for the  
13 hair dry place.

14 MR. SCHNUCK: Right.

15 CHAIRMAN WALCH: Are you asking us to grant  
16 a variance for all of the -- for the entire building,  
17 or for just the one sign?

18 MR. SCHNUCK: What we are asking for is the  
19 variance to allow for the backing board, the 25 square  
20 feet. And that each of our signs within that will  
21 meet the 12 feet that the city code is asking for. So  
22 we will have a consistent package all the way through  
23 the shopping center.

24 MS. PANKE: What's the limit, the lettering  
25 to get bigger than the 12 square feet?

1 MR. SCHNUCK: Pardon me?

2 MS. PANKE: Who is going to limit that  
3 doesn't get bigger?

4 MR. SCHNUCK: We will come in to the city  
5 and ask for a permit. And we will control that as  
6 well when we get the signs approved -- when we approve  
7 the signs ourselves by the tenants. We are not going  
8 to allow them to come in with anything greater than 12  
9 square feet on the letters. But, again, we will come  
10 in to the city, and you all will be the final say-so  
11 on that. Our intent is to govern that type.

12 CHAIRMAN WALCH: We, as a matter of policy,  
13 to my knowledge granted a variance sort of without  
14 specific plans, specific visuals in the case of signs.  
15 I will probably ask our legal counsel during the  
16 proceeding if we even have the power to do such a  
17 thing. I'm doubtful of that.

18 MR. SCHNUCK: When we went in to the city  
19 for our Ladue Crossing development, we did get an  
20 overall sign criteria approved. And then each sign  
21 would have to come in for approval to make sure it met  
22 that sign criteria.

23 And that's basically what we are asking for  
24 here. That the sign criteria be approved for the  
25 project, and that it be allowed, the quarter board

1 logo of 25 square feet and limited to 12 square feet  
2 for the letters on each of those signs.

3 As each of the tenants came in for their  
4 sign approval, they would have to be approved here at  
5 the city. And they would be within the framework that  
6 we are asking you all to address.

7 CHAIRMAN WALCH: And that was done by the  
8 Zoning Board of Adjustment? It was done before my  
9 time.

10 MR. SCHNUCK: No. It actually happened  
11 when we did our overall approval, because we had a  
12 site plan approval process for that development which  
13 was different from how this project went through  
14 approval.

15 CHAIRMAN WALCH: From whom did you get that  
16 approval?

17 MR. SCHNUCK: The City of Ladue.

18 MR. MAUPIN: The Zoning and Planning  
19 Commission.

20 MR. SCHNUCK: Right. Mr. Schlafly was head  
21 of the Zoning and Planning Commission back in '93. It  
22 opened in '93.

23 CHAIRMAN WALCH: That's a different kettle  
24 of fish, if you would.

25 MR. SCHNUCK: My point, though, is we came

1 in for a sign package to approve for the whole center,  
2 and then each of the tenants came in for their signage  
3 that the city approved.

4 CHAIRMAN WALCH: That's probably something  
5 you went through the Zoning and Planning Commission  
6 on, and probably resulted -- John, you correct me if  
7 I'm wrong, but probably resulted in a special use  
8 permit.

9 MR. MAUPIN: Well, under Ladue's zoning  
10 ordinance we felt a commercial application for a  
11 certain size property, bring in a site development  
12 plan, and the site development plan is reviewed by  
13 Zoning and Planning and approved -- and tweaked and  
14 actually approved. And once that site development  
15 plan is approved then the permit process goes forward.  
16 But the permits have to be granted in conjunction with  
17 the compliance of the site development plan.

18 So the site development plan said the  
19 signage should be whatever it was. And then when they  
20 came in to make their application for the individual  
21 signs, the building department merely applied the  
22 perimeters of the already approved development plan  
23 and issued the individual permits and the individual  
24 signs.

25 MR. SCHNUCK: Back then I believe there was

1 even a sign committee of which Carolyn Hager  
2 (phonetic), Leonard Cornel (phonetic), and I have  
3 forgotten who the other members were, though, that I  
4 presented to before it went to that next step.

5 MR. MAUPIN: That was before my time. I  
6 think what they are asking -- what they are talking  
7 about here, Stan, is basically an approval of the  
8 concept that the 25 square foot backing is -- can be  
9 granted a variance conditioned upon the sign itself  
10 only being 12 square feet.

11 CHAIRMAN WALCH: Correct. I understand.

12 MR. MAUPIN: To me, what your concern from  
13 the Zoning Board of Adjustment is, you are delegating  
14 any discretionary authority to the Building  
15 Department.

16 CHAIRMAN WALCH: I think you probably will  
17 not be.

18 MR. MAUPIN: So, if you give a strong  
19 direction, then you are not delegating your  
20 discretionary authority. You are making a decision,  
21 and they are simply applying your decision to the  
22 application as they come in. That's how I would  
23 analyze it.

24 MS. FORSHAW: Mr. Schnuck, we visited the  
25 site this afternoon and there were signs up already.

1 MR. SCHNUCK: All temporary.

2 MS. FORSHAW: They did not have a backing?  
3 I'm trying to remember.

4 MR. SCHNUCK: Some of those are just  
5 planted on a flat board with a square outline. They  
6 are completely temporary. I can't each tell you what  
7 the square footage is.

8 CHAIRMAN WALCH: They were all legible from  
9 Clayton Road -- Ladue Road.

10 MR. SCHNUCK: Right. Which is what we  
11 want. This rendering shows to scale what we are  
12 asking for, which is the backing component which is 25  
13 square feet, and the lettering to be 12 square feet.

14 MS. PANKE: Back to your Blown Away sample  
15 that you have given us. We have got 18 inches for the  
16 lettering, but you are saying -- and by 92, which is  
17 different than the 12 by 98, but it meets the 12  
18 square foot criteria, and so that's how that fits; is  
19 that what you are saying?

20 MR. SCHNUCK: Yes.

21 MS. PANKE: So, it's not that these are 12,  
22 it's just the whole overall; is that a problem?

23 CHAIRMAN WALCH: Ask Mr. Pona.

24 MR. PONA: I believe, if I understand the  
25 question, how do you come up with the correct

1 measurement that they comply with the individual  
2 letter rule?

3 MS. PANKE: Yes.

4 MR. PONA: Okay. Let's use an example. If  
5 we take the wording in any one of those signs --

6 MS. PANKE: How about the one we were  
7 given.

8 MR. PONA: Which is --

9 CHAIRMAN WALCH: Here is the sign. This is  
10 easier.

11 MR. PONA: The 66 percent bonus is allowed  
12 on a height dimension of this from the bottom of the  
13 letter to the top, times a width dimension, which is  
14 from the left side of that letter to the right side of  
15 that letter, times .666. And that's what they have to  
16 come in at, at or under 12 square feet.

17 MR. GOEBEL: So, on this sign example, the  
18 top one would B, and the Y would define the vertical  
19 height?

20 MR. PONA: The way we typically measure it  
21 is -- actually, okay. I saw the line here.

22 MR. SCHNUCK: That's how we measured 12  
23 square feet.

24 MR. PONA: And I'm going to correct what I  
25 just said. It's not from top to bottom of this letter

1 B. It's from the top of the letter B to the bottom of  
2 the subject. Sorry about that confusion. But it does  
3 go -- it does use the width from the lower case B on  
4 top to the right side to the lower case Y.

5 MS. PANKE: So it's going to be taller than  
6 12.

7 MR. PONA: It can be more than 12 square  
8 feet as long as you apply that .666. It comes in at  
9 or around 12 square feet.

10 CHAIRMAN WALCH: Any other questions of  
11 Mr. Schnuck before we let him go?

12 MR. SCHNUCK: I'm here.

13 CHAIRMAN WALCH: Hearing none, is there any  
14 other member of the public that cares to speak to this  
15 case? If not, does any member of the board object to  
16 closing the public comment portion of this hearing?

17 Hearing no objection I will declare that  
18 the public comment portion of this meeting is closed.

19 Does any board member want to start our  
20 discussion of this matter?

21 MS. FORSHAW: I would say that we have to  
22 be guided by the principle that with signs it's  
23 extremely important that the city be even-handed with  
24 its merchants. And I would say every retailer in the  
25 city would probably love to have a larger sign than he

1 or she has. And it is important that we respect the  
2 intent of all ordinances, and grant variances only for  
3 genuine hardships.

4 CHAIRMAN WALCH: Any other comments?

5 MR. GOEBEL: Well, I have a couple of  
6 comments. You know, a building built like this has a  
7 number of different trim features. I think this  
8 photograph does not demonstrate things like brick  
9 molds and raised panels on the lower sections, while  
10 the windows, it has a cornice piece up at the top  
11 there. It seems like there is opportunity for other  
12 architectural trim along that fascia that represents  
13 the sign painting.

14 So, it seems like the problem here is the  
15 panels themselves that form the sign. And even though  
16 our ordinance would say we can't really do anything  
17 but count that entire panel as the sign. It seems  
18 like the solution is more to go away from the  
19 individual panels and use individual letters. Even  
20 the Blown Away sign.

21 There is always a tradeoff on how much  
22 lettering and how large the text is in any signs that  
23 are done. They are using all lower case letters.  
24 Some shopping centers use all upper case. They even  
25 use all the same colors. I guess you find all kinds

1 of things. That's up to the individual tenants and  
2 the landlord.

3 I mean, it seems like we are stuck here  
4 with wanting to use the sign panels and those by  
5 definition of the ordinance become the size of the  
6 sign. I don't think we are here today to change how  
7 that is read.

8 But it seems to me that somewhere in the  
9 solution might be to just simply step away from the  
10 sign panels, go back to individual letters. And then  
11 if they want to do some architectural trim, it looks  
12 like there is plenty of opportunity on these  
13 elevations that we have been given that show areas  
14 where there is already indication of architectural  
15 trim on the building.

16 I mean, sometimes they may fall, you know,  
17 right where the sign wants to go. But I think tenants  
18 are changing over. Sometimes there are two tenants in  
19 a bay. Sometimes there are one. Other times there  
20 are three or more tenants, you never know, and so they  
21 have to change.

22 I guess what I'm in favor of, I don't  
23 really see a hardship related to the visibility of the  
24 signs, but I think they are trying really hard to get  
25 some architectural detail. I think the center is

1 beautiful. It's certainly a big improvement over what  
2 has been done here.

3 To separate the two things, the  
4 architectural trim, let it be that, and then use  
5 individual letters. But in terms of allowing a major  
6 sign increase, I think we have a number of people in  
7 their locations wanting additional signage increases  
8 that is very visible along Ladue Road there. There is  
9 a lot of openness, and far off the street. But it's  
10 very visible to raise it a little bit. Those are my  
11 observations.

12 CHAIRMAN WALCH: Okay. Any other comments?

13 MS. PANKE: I think you said that well.

14 MR. GOEBEL: There is maybe some spot  
15 lighting on the building, or is it lighted otherwise?

16 CHAIRMAN WALCH: You can ask Mr. Schnuck.

17 MR. SCHNUCK: We have hired an individual  
18 by the name of Randy Burkett (phonetic) who did all  
19 the lighting for the Arch and the Old Post Office, to  
20 design lighting that just focused right on the signage  
21 itself off of the light standards, so you wouldn't  
22 have any architectural elements that didn't work on  
23 the building.

24 MR. GOEBEL: I like the individualization  
25 of the sign. I don't know if these are all real

1 tenants.

2 MR. SCHNUCK: Those are all real tenants.

3 MR. GOEBEL: Are they? The one gentleman,  
4 it looks like they have a strip mall. It's a little  
5 hard for me to read from here. But clearly if your  
6 name is Margulous (phonetic) you get a lot more bang  
7 for your sign size than you do if your name is --

8 MR. SCHNUCK: Women's Exchange or  
9 Olivalations (phonetic).

10 MR. GOEBEL: It kind of illustrates that  
11 size is the function of the size of the letter and the  
12 background color with contrast. You have made a great  
13 effort here to really keep it personalized. But on  
14 the signage side, even having done an unfair  
15 calculation of the Blown Away sign, if we took just  
16 the words Blown Away, I thought it was about 1,105  
17 square inches, and 3 foot by 4 is 1,700. I mean, you  
18 are kind of self-imposing a 60 percent reduction that  
19 the city wouldn't ask you to if you used individual  
20 letters. Maybe it wouldn't be that big based on what  
21 Mr. Pona said about how they take the line. But when  
22 it comes to the outside signs, there is definitely an  
23 advantage to using block letters all the same size.  
24 Not that I would say that's the way to do it, but  
25 certainly if you have a simple name or a simple

1 graphic, people just trying to find you generally in  
2 the center there, but there is definitely a penalty  
3 that comes with having more in the name.

4 MS. FORSHAW: I think the use of having  
5 sign panels is attractive, but I don't know who we  
6 would say to -- there must be a large number of other  
7 retail stores in Ladue that have sign panels, and, you  
8 know, it would not be appropriate or fair in my mind  
9 to grant a variance for this and not grant a variance  
10 for all of those other stores.

11 MR. SCHNUCK: May I make one other comment?  
12 Part of the center is in the City of Clayton. The  
13 eastern about one-third of it. And the City of  
14 Clayton would allow a signage up to 50 square feet.  
15 And that's why we are trying to come in between with a  
16 beautiful package where we can control that as well.

17 And our thought is that individual letters,  
18 versus what we are asking for, tends to look like  
19 every other shopping center, and that's not what we  
20 are trying to design here.

21 MS. FORSHAW: The great majority of the  
22 strip is in the City of Clayton; right -- in Ladue?

23 MS. PANKE: Ladue.

24 MR. SCHNUCK: In Ladue. That's correct.

25 CHAIRMAN WALCH: Well, that really --

1 MS. FORSHAW: I'm in favor of following  
2 Ladue's rules.

3 CHAIRMAN WALCH: Right. And, of course,  
4 Ladue's rules, we are not at liberty to change. That  
5 goes to Planning and Zoning, and ultimately to the  
6 City Council. But Planning and Zoning would be the  
7 appropriate place. We just don't have jurisdiction,  
8 that we have jurisdiction to grant or deny a variance,  
9 and we require some proof of undue hardship. We are  
10 not in the design business, although you would never  
11 know that from our discussions frequently. They  
12 frequently wander off into that.

13 Any other comments by any member of the  
14 board? Hearing none, does anybody care to make a  
15 motion on this matter? If I don't hear anyone wanting  
16 to make a motion I will call for a vote. And that is,  
17 the vote is simply, should we grant the relief by  
18 variance that Mr. Schnuck has requested here today,  
19 and I would include with that a condition that the --  
20 that the lettering size on the panels, the panels  
21 themselves, not exceed -- I believe -- was it 25  
22 square feet? Yeah. 25 square feet.

23 MR. PONA: 12.

24 MS. PANKE: The letters is 12, and they are  
25 asking for 25. Yes. That Schnuck's not exceed 25

1 square feet. This is Mr. Schnuck's request. And the  
2 lettering within those panels not exceed the 12 square  
3 feet. So, how do you vote Mr., Goebel?

4 MR. GOEBEL: Would you restate the motion,  
5 please?

6 CHAIRMAN WALCH: Okay. I will. I'm sorry  
7 to put these conditions in here, but when we are  
8 having an up or down vote I think it's appropriate  
9 that I do so.

10 The question is: How do you vote with  
11 respect to Mr. Schnuck's proposal for a variance which  
12 would give the shopping center the authority to use  
13 panels of up to 25 square feet, conditioned upon the  
14 lettering not being greater than 12 square feet? I  
15 think that's it.

16 MR. GOEBEL: I understand.

17 CHAIRMAN WALCH: That's the motion that I'm  
18 asking for to vote.

19 MR. GOEBEL: No.

20 THE CHAIRMAN: Ms. Forshaw?

21 MS. FORSHAW: No.

22 CHAIRMAN WALCH: Reluctantly, no.

23 MS. PANKE: No.

24 MR. SHILLINGTON: No.

25 CHAIRMAN WALCH: I really would encourage

1 you to go to Planning and Zoning.

2 MR. SCHNUCK: And follow what track?

3 CHAIRMAN WALCH: To try to get the same  
4 size they have in Clayton.

5 MR. SCHNUCK: That's not what we want. To  
6 try to get the signage ordinance?

7 CHAIRMAN WALCH: Right.

8 MR. SCHNUCK: We will discuss that. Thank  
9 you for your time.

10 CHAIRMAN WALCH: Thank you.

11 (Hearing concluded.)

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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

