



April 29, 2005

HAND DELIVERED

Honorable Charlie A. Dooley
St. Louis County Executive
41 S. Central
Clayton, MO 63105

Re: Annexation Proposal by City of Ellisville Designated as the Ellisville Annexation Area - BC0405

Dear Mr. County Executive:

I am enclosing the St. Louis County Boundary Commission's Summary of Decision for the Proposal submitted by the City of Ellisville, Missouri, for the area designated by the City as the Ellisville Annexation Area. The Commission disapproved this Proposal as a Boundary Change—Annexation. Members of your Planning Department attended the March 22 meeting and are aware of the disapproval.

If you have any questions, please do not hesitate to contact myself or our Executive Director, Courtney Irwin, at the Commission office.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew H. Armstrong".

Matthew H. Armstrong
Chairman
Enclosure

cc: Honorable Jeffrey Khoury – Mayor of the City of Ellisville (w/ encl.)
Glenn Powers – St. Louis County Planning Department (w/ encl.)
Tim Fischesser – St. Louis County Municipal League (w/ encl.)
Suzanne Pratl – St. Louis County Clerk (w/ encl.)

Before the Boundary Commission, St. Louis County, Missouri

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) File No. BC0405
In re: Proposal of the City of Ellisville)
) Ellisville Annexation Area
)
)

SUMMARY OF DECISION
PROPOSAL FOR ANNEXATION OF THE ELLISVILLE ANNEXATION AREA
CITY OF ELLISVILLE, MISSOURI

Pursuant to Section 72.405.2, RSMo. (2002), in disapproving any boundary change proposal, the St. Louis County Boundary Commission (the “Commission”) is required to issue a document indicating the reason such proposal was disapproved.

The Boundary Change submitted by the City of Ellisville (the “City”) was disapproved for the following reasons:

INTRODUCTION

On the 30th day of June 2004, the City deposited its Official Submittal (the “Proposal”) with the Commission wherein the City proposed to annex an area of property currently within the boundaries of St. Louis County, Missouri, and which was not within the jurisdiction of any municipality, township, village or other incorporated entity. The area is located adjacent to the southeastern City limits and includes approximately 530 acres. The City refers to the area as the Ellisville Annexation Area (the “Area”) and the Commission has adopted this designation. In response to the completeness review performed by the Commission staff, the City submitted a revised Plan of Intent on July 12, 2004. As revised, the Commission deemed the Proposal complete.

On August 24, 2004, pursuant to Order of the Commission and statutory public notice, the Commission held a public hearing on the Proposal at the Ridge Meadows Elementary School. At the public hearing, the City was permitted to present evidence in addition to the Proposal and representatives of the St. Louis County government were permitted to present evidence in response to the Proposal. Public comment was received from anyone in attendance wishing to speak. During the public hearing, members of the public were also notified by the Commission Chairman that they, as well as others not in attendance at the public hearing, could submit written comments to the Commission within 21 days following the date of the public hearing. Written comments from the public were received following the hearing. St. Louis County government also provided additional, detailed, written comments on the Proposal in the form of a written report dated September 14, 2004 (the “Report”).

The Commission makes the following findings based upon: (1) the Proposal submitted by the City; (2) information provided by the City at the public hearing; (3) information presented by St. Louis County government at the public hearing and in their subsequent written comments; (4) the public comments received by the Commission at the hearing; and (5) the written comments received within 21 days after the hearing.

GEOGRAPHIC

The City submits that the Area contains approximately 530 acres. The Area is bounded by the city limits of Ellisville on the north, the city limits of Ellisville and Wildwood on the west, and a large parcel of the Forest Ridge Trails Subdivision on the south. The Area overlaps with the Proposals submitted by the City of Wildwood (the "Wildwood Proposal") and the City of Ballwin (the "Ballwin Proposal"). While the Proposal indicates that the Area is 25% contiguous to the City, thereby meeting the statutory contiguity requirements, the Proposal does not represent a logical extension of the City's boundaries from a geographic perspective. The Proposal creates a very elongated boundary and decreases the City's compactness.

FINANCIAL

The City and St. Louis County presented evidence of the financial impacts and benefits the proposed transfer would have on the Area, St. Louis County and the City.

Impact on the Area

The City established that real property or personal property taxes would increase by \$0.15 per \$100.00 assessed valuation. The City levies a seven (7) percent gross receipt utility tax rate, a two (2) percent increase over St. Louis County's utility tax rate. The City is a "pool participant" and distribution of sales-tax revenues is premised on the population of the community, which will lead to an increase in sales-tax revenues for the City due to the overall increase in the population of the City as a result of the proposed annexation. Evidence presented by the City demonstrates that the sales tax will increase from 6.075% to 6.575%, which includes a one-half cent park and storm water improvement sales tax.

Impact on St. Louis County

The Report calculates that the County will annually lose approximately \$185,098 from the Area. The Report explains that lost revenues can be attributed to a reduction in sales tax pool revenues based on lost population, loss of the Road and Bridge tax to the City, loss of utility taxes, reduction of highway user tax (CART) funds because of the reduction of the assessed values and miles of roads maintained in the unincorporated area, as well as losses cigarette taxes, cable TV franchise fees, and fines and court costs for traffic and other violations. Based on the foregoing, the commission concurs with the County's conclusion that the loss of revenue that would result from the proposed

annexation would not be an insignificant loss to St. Louis County and would have some negative impact on the provision of services to citizens of St. Louis County.

Impact on Annexing Municipality

The Proposal does not anticipate the hiring of any additional personnel to provide services in the Area. Nor does the Proposal mention any plans that the City may have for capital improvements for the Area. The City anticipates expenditures of \$110,264 in the Area while estimating revenues from the Area to be \$249,209, thereby resulting in approximately \$140,000 annually not being reinvested into the Area.

Additionally, the Area includes two Traffic Generation Assessment Road Trust Fund Areas: the Pond-Grover Fund and the Big Bend-Oak-Kiefer Creek Corridor Fund. The Proposal states that the City of Ellisville does not acknowledge that there is a Traffic Generation Assessment Road Trust Fund established by the County in the Area nor does it indicate that it will continue to require participation in the fund by any new development.

SERVICES

The proposed Annexation would result in a number of municipal type services currently being provided by St. Louis County being transferred to the City of Ellisville.

LAND USE AND ZONING

The primary land use in the Area is single-family residential. The Ellisville Zoning Code is modeled after the St. Louis County Zoning Ordinance, therefore, all districts can be accommodated by equivalent Ellisville designations. The maximum residential density under the City's Zoning Code would be very similar to the current St. Louis County maximum densities, however, the City's R-2 designation allows a slightly smaller maximum residential lot size than the County's R-1A maximum, which may result in some non-conforming lot sizes. Furthermore, the City's regulations are slightly more restrictive with regard to front and rear residential setbacks and building heights thereby resulting in additional nonconforming lots.

DECISION

At a public meeting of the Commission on March 22, 2005, with required statutory notice having been given, the Commission reviewed and discussed the Proposal and the additional information presented by all interested parties. Following discussion of the foregoing, and after each Commissioner had been provided the opportunity to express their respective thoughts concerning the Proposal, a motion was made to reject the Proposal as a Boundary Change – Annexation, with details of the motion, seconding of the motion, and vote of the Commissioners set forth in the approved minutes of the Commission from that meeting, which is incorporated by reference herein. The vote of the Commission was eight (8) in the affirmative and zero (0) in the negative with three

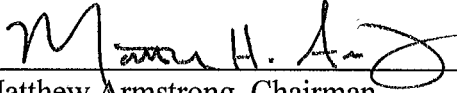
Commissioners having been absent. Pursuant to the Rules of the Commission, the motion carried and the Proposal was disapproved.

Pursuant to the foregoing vote, the Commission determines that the Proposal is not in the best interest of the City, the Area, or the unincorporated territories affected by the Proposal, and of those areas of St. Louis County next to the Area. In consideration of the best interest test required by applicable statutes and the rules adopted by the Commission, it is the opinion of the majority of the Commission members that the Proposal should be disapproved as a Boundary Change—Annexation. Based on all of the circumstances, including the Proposal and the evidence presented to the Commission, the Commission has determined that disapproval of the Proposal is appropriate and justified by all of the factors available to the Commission for its consideration.

NOW THEREFORE, as of Tuesday, April 26, 2005, the Proposal shall be, and hereby is DISAPPROVED, as a Boundary Change—Annexation.

ATTEST:

BOUNDARY COMMISSION,
ST. LOUIS COUNTY, MISSOURI



Matthew Armstrong, Chairman

April 29, 2005

Date