

**Before the Boundary Commission, St. Louis County, Missouri**

In re: Proposal of the City of Florissant )  
 )  
 ) File No. BC9603  
 ) Crest Aire Area  
 )  
 )  
 )

**Summary and Decision of the Boundary Commission, St. Louis County  
January 14, 1997**

**Summary of Facts:**

The Boundary Commission, St. Louis County gathered the following facts:

On April 15, 1996 a proposal requesting a boundary change (hereinafter referred to as the "official submittal") by the City of Florissant (hereinafter referred to as the "municipality") was submitted to the Boundary Commission (hereinafter referred to as the "Commission") at its office, pursuant to the Rules of the Commission in effect as of March 12, 1996 . The official submittal contained the information required of all proposals as found in Article III(A) of the Rules. Additionally, the official submittal contained the following information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality.

- A. Article III C(1) - Certification of 15% Adjacent
- B. Article III C(2) - Ordinance providing for Annexation
- C. Article IV C - Copy of Budget and Audit Report
- D. Article IV D - Statement regarding Fire Service

On June 4, 1996 a public hearing was conducted by the Commission based upon the official submittal.

The area proposed for annexation is generally located in the western portion of the City of Florissant. It is more specifically bounded on three sides (northwest, northeast and southeast) by the City of Florissant and the remainder of the territory (southwest) by the City of Hazelwood. A map showing the location of the area is attached as Exhibit "A" and is the same map presented in the proposal by the municipality.

The area proposed to be annexed is generally a fully developed residential subdivision, similar to the City of Florissant. A small portion of the area land use and zoning is commercial. This area is along the northwestern border of the annexation area. Street access into the annexation area is on streets of the City of Florissant.

| <b>BASIC ANNEXATION AREA INFORMATION</b> |   |                                       |
|--|---|---------------------------------------|
|  | <i>City of Florissant Declarations:</i> | <i>St. Louis County Declarations:</i> |
| <i>Area</i>                              | 75.52 acres                             | 75.52 acres                           |
| <i>Population</i>                        | 698                                     | 698                                   |
| <i>Dwelling Units</i>                    | 218                                     | 215                                   |
| <i>Dwelling Units per Three Acres</i>    | 8.6                                     | 8.5                                   |
| <i>Total Assessed Valuation</i>          | \$3,576,350                             | \$4,747,033                           |
| <i>Assessed Valuation per Capita</i>     | \$5,123                                 | \$6,801                               |

| <b>INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET</b>                            |   |
|---|---|
| <b>Criteria</b>   | <b>Finding</b>  |
| Average residential density in excess of one dwelling per three acres                               | The area has an average residential density greater than one dwelling unit per three acres. |
| Population of less than five thousand (5,000) people  | The area has a population less than 5,000 people.   |
| Accessible by public or private roadways only from incorporated jurisdictions and/or another county | The area is accessible only by public roadways from another incorporated jurisdiction.      |

**FACTOR 1**

(Impact, including but not limited to the impact on the tax base or on the ability to raise revenue)

*City of Florissant Declarations:*

The financial evidence presented by the municipality only quantified the impact on the tax base of the existing municipality. The municipality estimated they would receive an

additional \$149,000 in revenue from the annexed area. It was estimated the residents of the area would pay an additional \$52.64 to the City of Florissant. Subsequently, the City confirmed their commitment to a reduction in the Utility Tax, effective January, 1997 from the current 7% to 4%. Revised financial projections were not submitted.

The municipality did not quantify the financial impact on the County except to point out "revenues lost by St. Louis County will be more than offset by the elimination of their services to this area."

The municipality offered the following non-financial impacts:

- Municipality:
  - alignment of city limits to natural, logical borders or boundaries
  - steady, consistent growth
  
- Area subject to change:
  - ensure quality of life through proper community planning and zoning
  - prevention of adverse land development and land usage
  - ability to use city services and facilities
  - availability of convenient and more accessible government

*St. Louis County Declarations:*

The estimated impact of the annexation on a typical single family residential property would be a combined estimated increase in property (real and personal) tax and utility tax of \$54 per year. As a result, the County estimated the impact of the annexation on the tax base of the municipality would be an increase in revenue of \$149,305.

FACTOR 2  
(Legal Description of Area)

For the legal description of the area subject to the boundary change proposal, the municipality submitted the document attached hereto as Exhibit "B" and generally described as "Crest Aire Legal Description."

FACTOR 3  
(Ability to accommodate orderly incorporation in the County)

*City of Florissant Declarations:*

On the ability of the proposal to accommodate the orderly incorporation of the County, the City of Florissant represented that the increase in land area and population could be easily incorporated into the City.

**FACTORS 4 and 5**

(Present level of major services and proposed time schedule for delivery of services)

On the present level of major services and the proposed time schedule to provide those services, the Boundary Commission received the following evidence.

| <b>Provision of Services to Annexation Area</b> |                          |                         |            |                             |            |             |
|---|--------------------------|-------------------------|------------|-----------------------------|------------|-------------|
| <i>Service</i>                                  | <i>Service Unchanged</i> | <i>Service Changed</i>  |            |                             |            |             |
|   |                          | <i>Present Provider</i> | <i>Fee</i> | <i>New Provider</i>         | <i>Fee</i> | <i>Date</i> |
| Police Services                                 |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Fire/EMS/ALS Service                            | No Change                |                         |            |                             |            |             |
| Water Service                                   | No Change                |                         |            |                             |            |             |
| Sewer Service                                   | No Change                |                         |            |                             |            |             |
| Street Maintenance                              |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Utility Agreements                              | No Change                |                         |            |                             |            |             |
| Parks Service                                   |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Recreation Service                              |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Refuse Service                                  | No Change                |                         |            |                             |            |             |
| Sidewalk Maintenance                            |                          | St. Louis County        | No         | Property Owner              | Yes        | 6 mos       |
| Street Lighting                                 |                          | Property Owner          | Yes        | Florissant                  | No         | 6 mos       |
| Code Administration                             |                          | St. Louis County        | Yes        | Florissant/St. Louis County | Yes        | 6 mos       |
| Planning & Zoning                               |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Municipal Court                                 |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |
| Health Services                                 |                          | St. Louis County        | No         | Florissant                  | No         | 6 mos       |

**FACTORS 6 and 7**  
(Current tax rates of area and sources of revenue)

On the current tax rate of the area subject to the proposal and the sources of revenue of the area subject to the proposal, the Boundary Commission received the following evidence:

**Change in Tax Rates for Property and Utility Taxes after Annexation**

| Source of Tax | Change in Tax Rate                         |
|---------------|--|
| Property Tax  | Increase by \$.08/\$100 Assessed Valuation |
| Utility Tax   | Increase from 5 to 7% <sup>1</sup>         |

**Revenue, Cost and Balance Estimates after Annexation**

| Source of Revenue                                | New Revenue after Annexation Estimated |                |
|--|--|----------------|
|  | by Municipality                        | by County      |
| Property Tax                                     | \$2,900                                | \$3,798        |
| Utility Tax                                      | 41,900                                 | 35,347         |
| Sales Tax  | 73,700                                 | 71,859         |
| Gasoline/Motor Vehicle Tax                       | 16,400                                 | 157,392        |
| County Road and Bridge Tax                       | 3,800                                  | 4,984          |
| Cigarette Tax                                    | 3,300                                  | 2,984          |
| Cable T.V. Tax                                   | No Estimate                            | 1,548          |
| Misc   | 7,000                                  | 7,000          |
| Estimated Total New Revenue from Annexation Area | \$149,000                              | \$149,305      |
| Estimated Cost of Extending Service to Area      | \$141,100                              | \$141,100      |
| <b>Estimated Net Surplus (Deficit)</b>           | <b>\$7,900</b>                         | <b>\$8,205</b> |

The estimated surplus by the City of Florissant would represent a 0.2% increase in the current General Fund (\$3,371,232) of the City.

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<sup>1</sup>The City confirmed their commitment to a reduction in the Utility Tax, effective January, 1997 from the current 7% to 4%. Revised financial projections were not submitted.

**FACTOR 8**

**(Extraordinary effect of the boundary change on distribution of tax resources)**

Regarding the extraordinary effect the boundary change will have on the distribution of tax resources in the county, the Boundary Commission received the following evidence:

*City of Florissant Declarations:*

The municipality did not quantify an effect the annexation would have on the distribution of tax resources in the county. They deferred to St. Louis County as being able to best present this information.

*St. Louis County Declarations:*

St. Louis County estimated the annual loss in gross revenue from the proposed annexation to be \$118,951. They offered the following analysis of revenue loss by funding source.

| <b>Estimated Gross Revenue Loss To St. Louis County from Crest Aire Annexation</b> |                  |
|--|------------------|
| Revenue Source   | Amount           |
| Sales Tax  | \$71,859         |
| Utility Tax  | 25,248           |
| County Road Funding (C.A.R.T.)   | 12,325           |
| County Road and Bridge   | 4,984            |
| Cigarette Tax  | 2,987            |
| Cable T.V. Tax   | 1,548            |
| <b>TOTAL</b>   | <b>\$118,951</b> |

**FACTOR 9**  
**(Current and Proposed Zoning)**

As to how the municipality proposes to zone the area proposed for annexation, the following evidence was submitted to the Boundary Commission.

*City of Florissant Declarations:*

The City identified three County zoning classifications contained within the proposed annexation area.

| <b>Proposed Zoning - Crest Aire Annexation Area</b> |   |  |                       |
|---|---|--|-----------------------|
| County Zoning Classification                        | Proposed Florissant Zoning Classification | Proposed Zoning Classification New or Existing | Timing for Transition |
| R-3 (Residential)                                   | R-3 (Residential)                         | Existing                                       | 6 mos.                |
| C-2 (Commercial)                                    | B-2(Commercial)                           | Existing                                       | 6 mos.                |
| C-8 (Commercial)                                    | B-5                                       | Existing                                       | 6 mos.                |

In general, the City of Florissant identified that setback requirements generally vary between St. Louis County zoning districts and those of the City of Florissant. Any newly annexed structure which did not meet the setback requirements of the existing City zoning classification would be treated as non-conforming.

The City of Florissant offered the following regarding their process for identifying proposed zoning districts. The City of Florissant would evaluate each property to determine the appropriate zoning classification. Properties would be classified in a City Zoning District most comparable to St. Louis County. Properties and buildings may be non-conforming subject to the City Zoning Ordinance. Any property varying considerably from the City Zoning Districts (R-3, R-4, R-5) would be evaluated for a new zoning district. (The City of Florissant did not offer a schedule for an evaluation or decision on the possible creation of new districts.)

*St. Louis County Declarations:*

The County offered the following summary regarding this factor:

“It does not appear that any obvious problems would result regarding zoning and non-conformities if the annexation occurs and St. Louis County zoning districts are replaced by the most comparable City of Florissant zoning districts.”

**FACTOR 10**  
(Compactness of area)

As to how the proposal addresses the compactness of the area subject to proposal, the following evidence was provided the Boundary Commission.

*City of Florissant Declarations:*

| <b>Compactness of Area</b>       |  |
|----------------------------------|--|
| Criteria                         | Municipality   |
| Service delivery/access          | The City can readily and routinely provide services from Flordawn Dr., Layven Dr., Paul Dr., Albert Dr., and Keeven Ln., all Florissant streets, and Howdershell, a County street.                                 |
| Community of Interest            | Residents have common interests in preservation of property values through code enforcement, police protection and better park/recreation facilities. They also share schools, churches and commercial properties. |
| Natural and/or Man-Made Barriers | Evidence not presented   |
| Shared or Common Boundaries      | Florissant city limit boundaries to the North and East.  |

*St. Louis County Declarations:*

Regarding the access for delivery of services, the County commented that five direct local street connections would provide ample access for the provision of services.

From a compactness and shape standpoint, the proposed boundaries would be logical.

**FACTOR 11**  
(When boundary change to become effective)

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission.

*City of Florissant Declarations:*

Within six months of a favorable election vote, the City would provide full services to this area.



**Decision:**

The City of Florissant is a proposing agent as defined by §72.400(4) of the Revised Statutes of the State of Missouri and the Boundary Commission has jurisdiction over the proposal.

The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

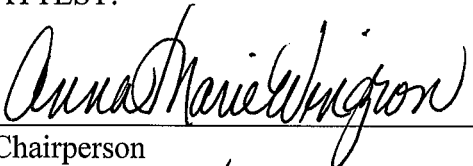
The boundary change proposal is identical in scope to a proposal submitted by the City of Hazelwood, BC9605.

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting by a roll call vote, and the Proposal was **DISAPPROVED**. Those members voting against the proposal had the following reasons:

The proposal would not be in the best interest of the unincorporated territories affected by the proposal:

- i. A competing proposal (BC9605) offered a more favorable tax structure than the City of Florissant.
- ii. Evidence presented suggested a strong interest by the residents in the affected area in being annexed to the City of Hazelwood.

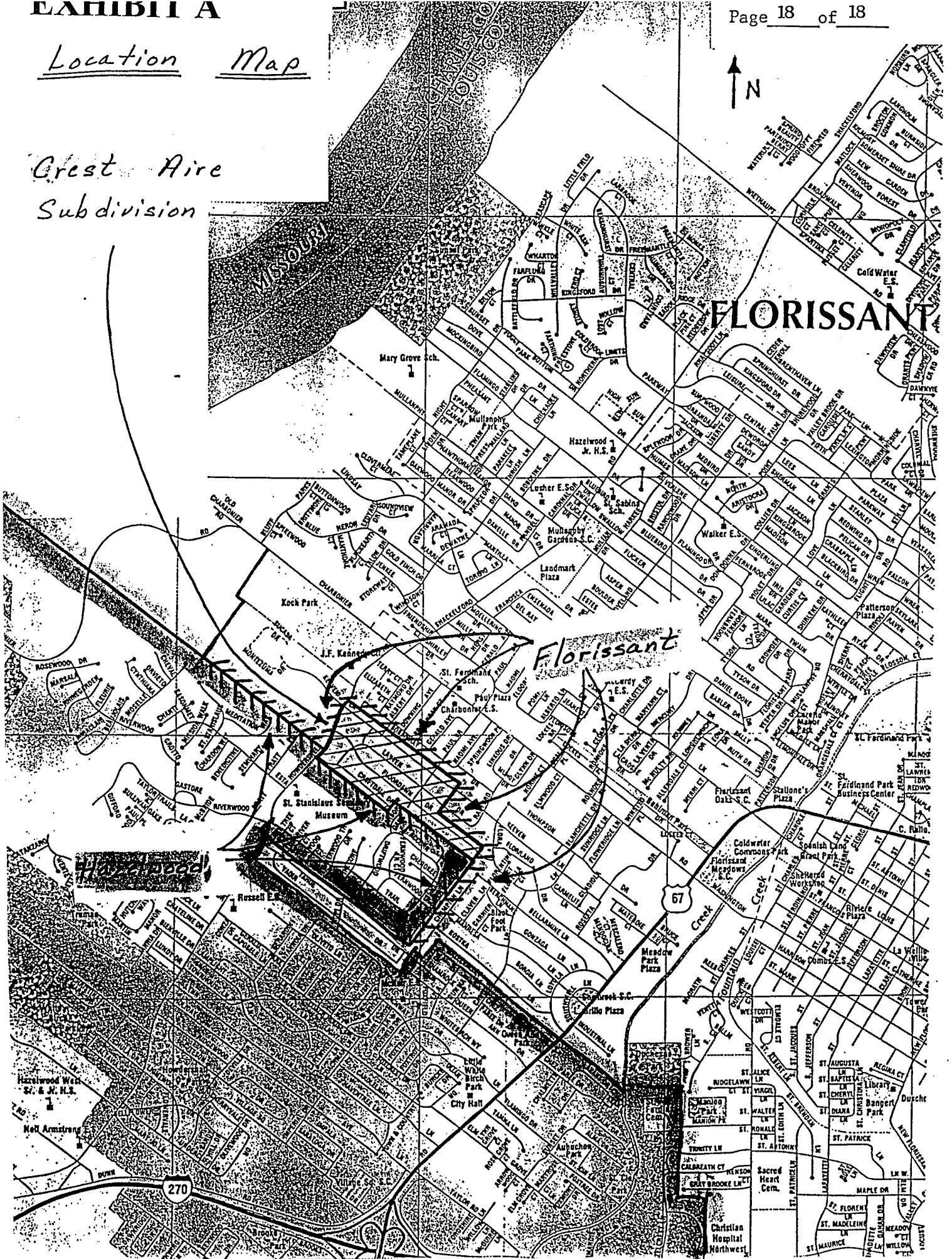
ATTEST:

  
\_\_\_\_\_  
Chairperson

Date 1/24/97

Location Map

*Crest Aire  
Subdivision*



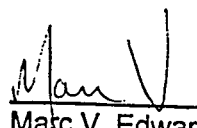
Farnsworth  
Polk, Inc.

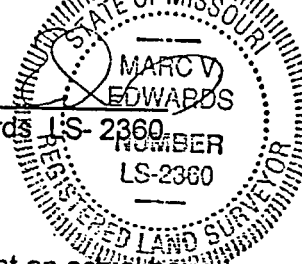
engineers  
& surveyors

# EXHIBIT B

## CREST AIRE SUBDIVISION LEGAL DESCRIPTION

Beginning at a point being the intersection of the Eastern line of Howdershell Road and the Northeastern line of Crest Aire Plat 2 as recorded in Plat Book 124 pages 12 and 13 of the St. Louis County Records; thence Southeastwardly along the Northeastern lines of Crest Aire Plat 2 and Crest Aire Plat 1 as recorded Plat Book 123 page 34 of the St. Louis County Records South 53 degrees 07 minutes 30 seconds East a distance of 2546.22 feet to the most Eastern corner of said Plat 1; thence Southwestwardly along the Southeastern lines of said Plat 1 and Crest Aire Plat 3 as recorded in Plat Book 124 page 52 of the St. Louis County Records South 36 degrees 51 minutes 00 seconds West a distance of 652.50 feet to a point in the Northeastern line of Crest Aire Plat 5 as recorded in Plat Book 127 page 80 of the St. Louis County Records; thence along said Northeastern line South 53 degrees 11 minutes 30 seconds East a distance of 214.27 feet; thence South 36 degrees 48 minutes 30 seconds West a distance 2.31 feet; thence continuing along said Northeastern line South 52 degrees 58 minutes 15 seconds East a distance of 708.12 feet; thence continuing along said line South 53 degrees 16 minutes 26 seconds East a distance of 228.50 feet to the Eastern most corner of said Plat 5; thence along said Southeastern line of said Plat 5 South 38 degrees 05 minutes 30 seconds West a distance of 315.50 feet to the Southern most corner of said Plat 5; thence along the Southwestern line of said Plat 5 North 53 degrees 11 minutes 05 seconds West a distance of 1880.00 feet to the Eastern most corner of Crest Aire Plat 7 as recorded in Plat Book 134 page 30 of the St. Louis County Records; thence along the Southeastern line of said Plat 7 South 36 degrees 48 minutes 55 seconds West a distance of 250.00 feet to the Southern most corner of said Plat 7; thence along the Southwestern line of said Plat 7 North 53 degrees 11 minutes 05 seconds West a distance of 1679.82 feet to the Western most corner of said Plat 7, said corner also being on the East line of Howdershell Road; thence along the prolongation of the Southwestern line of said Plat 7 North 53 degrees 11 minutes 05 seconds West to a point in the West line of Howdershell Road; thence Northeastwardly along said West line of Howdershell Road a distance of 1235.00 feet more or less to a point being the intersection of the West line of Howdershell Road with the prolongation of the Northeastern line of said Crest Aire Plat 2; thence Southeastwardly along said Northeastern line to a point in the East line of Howdershell Road; and also being the Point of Beginning and containing 75.52 acres more or less.

  
Marc V. Edwards, L.S. 2360



**NOTE:**

Description is based on record information and does not represent an actual boundary survey.

144 West Lockwood  
St. Louis, MO 63119

314/962-7900  
962-1253 Fax