

**BOUNDARY COMMISSION
ST. LOUIS COUNTY, MISSOURI**

**MEETING MINUTES
July 1, 1997**

ROLL CALL

COMMISSIONER	PRESENT (P)/ ABSENT(A)
ED BRUER	A
JULIUS FRAGER	P
AGNES GARINO	P
DENISE HADDOCK	P
SCOTT MIDDELKAMP	P
JACK REHAGEN	A
CHARLES SAULSBERRY	P
JACK WIESEHAN	A
ANNA MARIE WINGRON	P
DON WOJTKOWSKI	P
LARRY YOUNGBLOOD	P

OTHERS PRESENT:

Carl Ramey - Executive Director
Steve Martin - Attorney
Libby Rohlfig - Administrative Assistant

CALL TO ORDER

The meeting was called to order by Chairperson Wingron at 6:00 p.m. on July 1, 1997. The meeting was held at the office of the Boundary Commission, 1516 S. Brentwood Blvd., Brentwood, MO 63144.

ROLL IS CALLED-QUORUM DECLARED

Carl Ramey called the roll and a quorum was declared.

APPROVAL OF AGENDA

A motion was made by Mr. Middelkamp to accept the agenda as submitted. The motion was seconded by Mr. Frager. Voice Vote: Ayes - All Nays - None *The motion passed.*

APPROVAL OF MINUTES

A motion was made by Mr. Middelkamp to approve the minutes for the Commission meeting of June 3, 1997. The motion was seconded by Ms. Haddock. Voice vote: Ayes - All Nays - None. *The motion passed.*

A motion was made by Mr. Youngblood to approve the minutes for the Public Hearing of June 17, 1997. The motion was seconded by Mr. Middelkamp. Ms. Garino noted an error on page four, third line from the bottom of the first paragraph. The word "rationale" was misspelled, and the words "which were" should be added before "already mentioned". Mr. Ramey agreed to make these changes. Voice vote: Ayes - All Nays - None. *The motion passed.*

PUBLIC COMMENT

There was no public comment.

ANNOUNCEMENTS/COMMUNICATIONS

Mr. Ramey informed the Commission that an article appeared in the *St. Louis Post-Dispatch* newspaper regarding a failed boundary adjustment between the Cities of Manchester and Winchester. The property involved is an extremely small stretch of Manchester Road that due to the realignment of Sulphur Springs Road, is now located in Winchester though belonging to Manchester. The two Cities attempted to use the provision in the statutes for boundary changes involving property owned by one municipality but located in another that exempts Boundary Commission review. The Commission received correspondence from the County that stated this particular adjustment can not be honored because it also involves owners of property. If this determination is accurate, the Cities are required to bring the adjustment to the Boundary Commission. Mr. Ramey stated that he spoke with the Administrator at the City of Manchester, but their attorney is currently on vacation. The announcement was intended to be informational as the cities involved have not yet made a decision regarding their next step.

Mr. Ramey mentioned he has also been working with the Cities of Ellisville and Wildwood, and predicts they will bring forth a transfer of jurisdiction some time in August. Both Cities indicated that they intend to place an ordinance on the agenda by the end of this month. A number of other cities have begun discussions regarding plans for various small annexations. The City of Normandy has indicated they want to go forward with their plans to annex a nursing home located in the middle of the City. It will have to be determined whether the property is considered a single or multiple dwelling unit because the number of residents involved will establish the density which could result in the annexation area being considered an unincorporated pocket. A similar issue may appear in the potential annexation of a condominium complex, where the number of parcels and fee owners will effect the percentage of petitioners needed to qualify for the simplified procedure.

NEW BUSINESS

A. *Discussion re: BC9702 - First Baptist Church Annexation Area - City of Fenton*

Ms. Wingron opened the discussion by reminding the Commission they have closed the public hearing, approved the minutes, and are now in the 21 day period for public comment. She identified that representatives of the City were present, and introduced Valerie Adams, the Assistant to the Mayor, who in turn introduced the City's Mayor, Fran Ruzicka, their legal counsel, Jerry Wallach, the City Engineer, Bill Schweir, and the Finance Director Don Carrey.

Ms. Garino started the discussion by asking for clarification on the plans for improving or extending Country Home Road. Mr. Schweir stated that he spoke the previous week with Don Spencer at the St. Louis County Highway Department who has arranged for a meeting of the trustees from the subdivisions to the south of the annexation area. Residents of these subdivisions

expressed concern at the public hearing regarding an increase in traffic that could result from an extension of this road. The trustees plan to take a petition type vote of the residents in the two major subdivisions to determine their feelings on this issue.

Mr. Schweir indicated the plans for this road have existed for a while; the County has hoped to build a connector street across the creek to highway 141. As it was the City's impression that the County wanted the collector street built, they saw wisdom in requiring any developer building on this particular property to contribute to the expense of constructing this road. Although a large amount of intense development has occurred south of this area since the County expressed a desire to build the road, the City believed they were honoring the County intentions. They did not foresee such strong objections to the flow of traffic going through the area. Most developers would prefer not to bridge the creek, instead diverting the traffic to their development elsewhere. This particular developer resisted, but finally agreed to the City's request.

But he still perceives that the people of the area would be best served by a connector street through the area which would facilitate the flow of traffic. Currently the street dead ends at a point south of the two homes located at the southern extreme of the annexation property. The State highway redevelopment plans have always called for an access service road which would probably end in a cul-de-sac near the church property in the annexation area. There are plans to close the exit off of Highway 30 which would leave the only exit from Country Home Drive at Summit Road. He concluded that a connector street to Highway 141 would provide an alternative exit and facilitate not only the flow of traffic, but delivery of services and safety arrangements. Country Home Road was built as a collector street and has been identified as such, it is not a residential street. What changes are needed on the road will remain an issue whether the property is annexed into Fenton or remains in the County, whether a development is built or not. Summit road is under-designed for the amount of development that has occurred and the traffic that flows out of these subdivisions.

Mr. Middelkamp asked how recent most of the development is. Ms. Adams responded within the last five years. There is also an apartment complex development on the east side of Highway 30, not shown on the aerial photos the City brought, in addition to another new development to the west of the annexation area.

Ms. Wingron asked if the Commission approves the annexation, regardless of what happens with the Dierbergs development, what attempts would the City make to improve this road? Mr. Wallach stated that despite the difficulties involved in developing this area, it is ripe for development even if it is not the proposed Dierbergs. There are a lot of rooftops in the area, and there is a strong need for goods and services in the area. But there are no plans to improve the road, which is a County arterial road, at the City's expense. Though they do not predict that this is a likely scenario, they would be amenable to considering such improvements. But whether it is the present development or another, they will be required to construct the road if it is decided this is the appropriate traffic measure. It is inevitable that this corridor will be developed as it is the last undeveloped corner on highway 30.

Mr. Wojtkowski expressed his concern that this proposal exists in order to annex an area solely to execute a major development in an area bordering unincorporated County. As Fenton develops it, these neighbors will be the most affected, and they will no longer have a voice in their municipal government. What assurances can the City give that they will demonstrate the necessary sensitivity towards the residents in the area regarding the site plans, etc. Mr. Wallach explained that in large part due to the shared zip code, many people in this area all the way south to Jefferson County consider themselves to be "Fenton area" residents. This is true in the media as well, which is not always a benefit, because incidents occurring outside their municipal boundaries are often attributed to "Fenton," further indication that this is a widespread public perception. The City has spent considerable effort to upgrade their community, and expressed their objection to the letter from Mr. Anderson, the representative of the developers, that implied the City's standards are lower than the County's. The annexation area is across the street from the City of Fenton, they are close to the development and would not allow an inferior development to be built. It is in close proximity to a major part of their own population with high quality homes, maintained even in the older neighborhoods.

Mr. Wojtkowski asked about the possibility that the residents in the subdivisions to the south of the area will end up facing the back end of the development while the good face of the

properties front the main arteries. Mr. Wallach responded that the County has zoned a plethora of property in the area C-8, and there is an extensive piece of property between the southern subdivisions and the annexation area which will serve as a buffer piece. That property is also zoned commercial, and being ripe for development, is more likely to generate such problems for the surrounding neighborhoods than the annexation area. Additionally, all residents in the area, whether they live within Fenton City limits or not, will have their voice heard on any site development plan at open public hearings at Fenton City Hall which is located in close proximity to those residents most affected.

Ms. Adams responded the City has just established a brand new zoning code to speak to those very issues Mr. Wojtkowski mentioned. It is a comprehensive plan, and the City is very sensitive to the needs of the surrounding community. They believe in being a good neighbor, as what affects the area also affects the City, and all residents will be allowed to speak on planning and zoning issues. Due to the zip code, people feel they are within the City limits and many already participate in public meetings.

Mayor Ruzicka stated that the Lindbergh school district also crosses through their City contributing to this sense of community. He stated their zoning is tighter than St. Louis County's although the letter the Commission received from the developers implied they may be lax in comparison. The trustees of those neighborhoods used the Fenton City Hall to discuss this issue because there is no other place to meet in the area. What happens at that corner affects their community, and they would like to have jurisdiction.

Ms. Haddock asked what the plans for the church are. Mr. Wallach replied the church in recent years has been trying to sell the property in order to build on property they have already acquired in Fenton. The highway has had a significant impact on the church and without this sale they have insufficient funds to build this new church. Ms. Haddock asked about the additional building and playground equipment on the property. Mr. Wallach responded that to his knowledge it belongs to the church.

Ms. Haddock asked for a response to the question she raised at the hearing: why does the developer want to build in Fenton rather than St. Louis County? Mr. Wallach restated the City's discomfort with the response submitted by the developer to this question which implied they are more lax or easier to deal with. In his opinion, the motivation stems from the TIF district the City considered offering that may have created the perception that the City is more accessible. He stated he respects the County government and does not want to engage in a dogfight with the County over this matter.

Mr. Wojtkowski asked if the City discussed with the developer the type of zoning they could pursue before meeting with the County. Mr. Wallach stated they set the C-8 precedent prior to discussions. Mr. Wojtkowski stated he does not want to be put in the position of acting as a planning and zoning commission. Mr. Wallach responded he has represented a number of owners along this stretch in condemnation hearings and this County and State highway Department has stated this area is ripe for development. Mr. Powers at the St. Louis County Planning Department concluded that the Baptist Church property is a logical node of commercial development. The Church was once zoned commercially but requested to abandon that zoning to unify with the surrounding territory.

Mr. Wojtkowski stated it would make the job of the Commission easier if they didn't have to deal with a zoning discrepancy, if the property was already zoned C-8 today. The Commission's charge is not to deal with issues of roadway, zoning, flood plains, etc. Ms. Wingron interjected her opinion that this annexation proposal should be considered strictly a land issue; it is not their job to serve as a planning and zoning commission. This development may not go through even if it goes to the City. A development is only a pipe dream until final approval is granted. She suggested that beyond the development issue, the important issue is whether the City is willing to consider seriously what the people in the surrounding community think about the matter. The City, if they are considering long term annexation attempts, will not likely risk angering these residents. The Commission has been petitioned by the residents to come into the City of Fenton as land through a simplified annexation proposal and that is the issue at hand.

Mr. Frager stated his objections to the City taking only this corner as opposed to a larger piece of land that would make this fit better. If the City's long term intentions are to annex the surrounding territory, than this annexation is too small in his opinion. It creates an uneven piece of

boundary and crosses a major highway. Mr. Wallach returned to the map of the City's proposed future annexation that would extend the boundaries to the Jefferson County line. This petition provided an opportunity to get the property developed, and though presented itself now, was consistent to their future annexation plans. They consider the area as a whole, and the City offers a library, over 200 acres of park, a community center and a sense of community. This development and the desire of the property owners to go into the City expedited this proposal coming forth for a smaller area, but this would facilitate a development that would provide goods and services sorely lacking not only for Fenton city residents, but other residents in the area.

Mr. Frager answered that the Dierbergs can pursue their plan with the County and the City shouldn't wait for a developer to put their proposal together. Regardless of the desires of the land owners, it is the Commission's responsibility to oversee even, smooth and logical boundary changes.

Ms. Adams stated that the City has discussed these annexations and want to use formal and strategic planning to ensure smooth progress through all three phases, and work through all the details before they submit the final plan. They are working with Harland Bartholomew and AG Edwards to ensure good, responsible growth for their community. Mr. Wojtkowski agreed this vision for the future is important for the Commission's charge: orderly incorporation in the County, but he would consider more favorably a larger, more progressive annexation not driven by development.

Mr. Youngblood stated his contention with this annexation is that this proposal is not driven by the property owners desire to go into the City, but the developers desire for money which they can get quicker through the \$8 million in TIF money. The engineers said at the hearing the standards are different and he is concerned about the impact on the adjoining parcels. Even with the explanation offered by the City regarding their future annexation plans, this seems a quick grab at a small parcel for specific reasons and recommends they come forward with a proposal more consistent with their larger plans.

Ms. Garino asked what the timetable for coming forward with their other annexation proposals. Ms. Adams said within the next year they hope to come in with a few proposals but she could not give a more precise timetable. Mayor Ruzicka stated that when he arrived in office they had a lot of housekeeping to do and the aldermen wish to move forward, but there had been some other issues to resolve first. They would like to see this development occur, because it is a good development for that corner and meets the needs of the area residents as well as fitting in with the strategic planning undertaken by the City.

B. *Establishment of Transition Committee - City of Manchester Annexation*

A motion was made by Mr. Middelkamp to establish the transition committee for the Manchester Annexation. Mr. Frager seconded the motion. Voice vote: Ayes - All Nays - None. *The motion passed.*

ADJOURNMENT

Mr. Wojtkowski made a motion to adjourn. Mr. Youngblood seconded the motion. Voice vote: Ayes - all. Nays - none. *The motion passed.*

This being a memorandum of the activities at this meeting.

Respectfully submitted,
Carl E. Ramey
Executive Director

Approved July 15, 1997