

Before the Boundary Commission, St. Louis County, Missouri

Original

In re: Proposal of the City of Des Peres

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File No. BC9903
Barrett Meadows
Annexation Area

**Summary of Decision of the Boundary Commission, St. Louis County
May 18, 1999**

Summary of Facts:

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

On February 1, 1999, the City of Des Peres (hereinafter referred to as the "City") submitted a proposal requesting a boundary change (hereinafter referred to as the "official submittal") to the Boundary Commission (hereinafter referred to as the "Commission") at its office. The City submitted the proposal according to the Rules of the Commission that were in effect as of August 28, 1998. 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 information required under the Rules for boundary change requests involving the annexation of unincorporated territory to a municipality through a simplified boundary change, as found in Article III.C.4.

On March 2, 1999, the Commission conducted a public hearing based upon and regarding the official submittal.

The area proposed to be annexed contains 42 detached, single family homes and five vacant parcels of land. one parcel of common ground. The majority of the area is situated in the Barrett Meadows Subdivision, with three lots in the subdivision being slit between the City and unincorporated St. Louis County. The area proposed to be annexed adjoins the City of Des Peres along the City's western boundary. It does not adjoin or abut any other municipality. A map showing the location of the area proposed to be annexed is attached as Exhibit "A" and is the same map as presented in the proposal by the City.

The proposal to annex this area to the City of Des Peres was initiated by the submission of notarized petitions from more than 75% of the residential property owners of all fee interest of record in that area. The City also offered that the annexation represented a natural and logical extension of the city. The area to be annexed already is perceived by the public to be apart of the City of Des Peres.

BASIC ANNEXATION AREA INFORMATION DATA	
Area	22.7 acres
Population (1990 Census)	16 ¹
Dwelling Units	42 ²
Dwelling Units per Three Acres	5.55

INFORMATION REGARDING ANNEXATION AREA AS AN UNINCORPORATED POCKET	
Criteria	Finding
Average residential density in excess of one dwelling per three acres	The area has a residential density greater than one dwelling unit per three acres
Population of less than two thousand five hundred (2,500) people	The population of the area is less than 2,500 people.
Accessible by public or private roadways only from incorporated jurisdictions and/or another county	Accessible by public roadway through unincorporated St. Louis County.

GEOGRAPHIC

City of Des Peres Declarations:

The area proposed to be annexed adjoins the City on its western boundary. The majority of the area includes a subdivision (Barrett Meadows) that exclusively contains detached, single-family residential homes. The homes are of a similar style, character and value to those in the adjoining subdivision that is found next to and within the City. The area to be annexed was expanded to include not only the Barrett Meadows subdivision, but also five (5) parcels lying between Dougherty Ferry road and the Barrett Meadows subdivision. The City offered the following reasons for this decision:

- to avoid the creation of an unincorporated pocket
- in recognition that the Barrett Meadows subdivision was designed to allow the subdivision at some time in the future to expand south into the adjoining unincorporated territory

The public already perceives the area to be annexed to be apart of the adjoining subdivision and the

¹The current population estimate is 154. The Barrett Meadows subdivision was not built in 1990.

²Current number of dwelling units

City. The annexation offers no technical or service delivery problems for the City of Des Peres.

Presently, the Barrett Meadows subdivision is split between the City and unincorporated County. Some individual lots are also split between both jurisdictions.

The area to be annexed has a common boundary to the City of Des Peres that is 62.0% of the boundary of the area to be annexed. Its inclusion into the City will have a minimal impact on the city's size. It represents an increase in total land area of .008%. For the legal description of the area subject to the boundary change proposal, the City submitted the document attached as Exhibit "B" and generally described as the "Barrett Meadows Annexation Area."

FINANCIAL

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:

The City of Des Peres suggested at the time of submittal, the following were the relevant tax rates before and after the boundary change.

Tax Rates		
Tax	Current	After Annexation
Real Estate and Personal Property:		
County (All Funds)	\$0.58/\$100 assessed valuation	\$0.58/\$100 assessed valuation
Fire District	\$0.62/\$100 assessed valuation	\$0.00/\$100 assessed valuation
Sales Tax (local)	1.00%	1.75%
Use Tax (local)	0.00%	1.75%
Utility Taxes:		
Electric	5.00%	3.61%
Natural Gas	5.00%	4.00%
Telephone	5.00%	5.00%
Water	5.00%	5.00%
Cable TV	3.00%	3.00%

The City said it estimated that the "average homeowner" in the area to be annexed would realize a projected savings at \$364.00 per household. Although the City currently does not levy a property tax, it does have the legal authorization to levy a \$0.35 property tax. If that were to happen, the savings would be reduced to \$221.00.

The City offered the following projection of revenues and expenditures derived from the cost of providing service to the area to be annexed for a period of three years after annexation.

Revenues and Expenditures derived from Annexation Area			
	2000	2001	2002
Revenues	\$9,283	\$32,059	\$33,021
Expenditures	\$13,647	\$18,949	\$19,577
Net Surplus (Deficit)	(\$4,364)	\$13,110	\$13,444

The area to be annexed contains public roadways built within the past five (5) years. The City offered there would be some investment in infrastructure improvements. The City estimated that less than \$3,500 would be required to bring the streets and sidewalks within the subdivision up to standard. The city also indicated that due to the very small size of the area to be annexed, the annexation would have a negligible effect on the distribution of tax resources in the County.

The City offered that the annexation would have the following effect on the distribution of tax resources on St. Louis County. They stated the County would lose revenue from sales taxes, utility tax, road and bridge tax, etc. but these losses would be offset by savings in expenditures and will not be "extraordinary" as defined in the Boundary Commission Rules.

Estimated Gross Revenue Loss To St. Louis County from Barrett Meadows Annexation Area	
Revenue Source	Amount
Sales Tax ³	\$1,770
Utility Tax	4,200
County Road Funding (C.A.R.T.)	617
County Road and Bridge Tax	1,801
Cigarette Tax ⁴	72
Cable T.V. Tax	378
TOTAL	\$8,838

The city offered that the annexation would have a negligible impact on the tax base or the ability to

³Does not include annexation adjustment under HB618

⁴Revenues allocated on a per capita basis are based upon 1990 Census

raise revenue by the City of Des Peres or St. Louis County. The relative size of area and its use as single-family residential properties dictate that the area to be annexed offers little opportunity for substantial changes in the tax base or the ability to raise revenue. For the residents, the annexation would result in a financial gain through the reduction in taxes. As to the adjoining unincorporated area to the north, south and west, there is little in common with or physical connection to those areas.

SERVICES

Provision of Services to Annexation Area					
Service	Service Unchanged	Service Changed			
		Present Provider	Fee	New Provider	Fee
Police Services		St. Louis County	No	Des Peres	No
Fire/EMS/ALS Service	No Change				
Water Service	No Change				
Sewer Service	No Change				
Street Maintenance		St. Louis County	No	Des Peres	No
Utility Agreements		St. Louis County	No	Des Peres	No
Parks Service		St. Louis County	No	Des Peres	No
Recreation Service		St. Louis County	No	Des Peres	No
Refuse Service		Private Haulers	yes	Des Peres	No
Sidewalk Maintenance		St. Louis County	No	Des Peres	No
Street Lighting		Private	yes	Private	no
Code Administration		St. Louis County	Yes	Des Peres ⁵	Yes
Planning & Zoning		St. Louis County	No	Des Peres	No
Municipal Court		St. Louis County	No	Des Peres	No
Health Services		St. Louis County	No	Des Peres/ St. Louis County	No

The City offered that the area to be annexed would receive a reduction in the fees associated with the use of the Des Peres Park and Recreation programs. The only change in a fee for service that might to apply to a resident in this single-family district is a requirement to pay a \$25 annual license fee if a home occupation was being operated from one of the homes.

The City offered that services would be delivered using either Barrett Station Road to access the Barrett Meadows subdivision.

⁵The City of Des Peres contracts with St. Louis County for inspection services for all codes, except single and two family buildings.

The City offered that services would be extended to the area effective upon the date of annexation. The exception is residential solid waste services. It is the City's policy to follow the statutory requirement of a two-year waiting period following annexation regardless of the size of the annexation.

ZONING AND LAND USE

The City offered the following description of land use for the area to be annexed:

Land Use: Barrett Meadows Annexation Area		
Type of Use	Percentage	Area (in acres)
Commercial	0.0%	0
Industrial	0.0%	0
Institutional/Governmental	0.0%	0
Single Family Residential	78.0%	17.7
Multi-Family Residential	0.0%	0
Vacant/Common Ground	22.0%	5.0

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

Proposed Zoning - Barrett Meadows Annexation Area			
County Zoning Classification	Proposed Des Peres Zoning Classification	Proposed Zoning Classification New or Existing	Timing for Transition
R-3	E-Alternative Density	Existing	120 days
N-U	E-Alternative Density	Existing	120 days

Although the municipal code provides that all annexations be zoned "A" single family, to do so would be inconsistent with the current zoning classifications in the county. Within 120 days of annexation and in accordance with its municipal code, the City offered that it anticipates the area to be zoned "E-Alternative Density" residential. In changing the zoning the development would not meet the zoning setback requirements for the front yard. The City Code does provide for adjustments to the strict interpretation of the Code. Otherwise, non-conforming situations would require a variance to allow any expansion of the properties into that setback area.

The city indicated the area is not affected by other regulations such as flood plain, historic preservation, neighborhood improvement district, etc. The City does not anticipate the area will redevelop in the future, because it has only been recently developed as a single-family development of substantial value.

EFFECTIVE DATE

Regarding the effective date of the proposed boundary change, the following evidence was presented to the Commission by the City:

The effective date of the annexation would be July 1, 1999 or on the 1st day of the month following final approval by the Boundary Commission.

DECISION

The City of Des Peres 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.

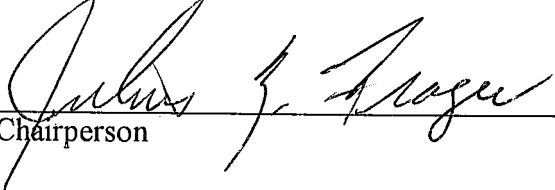
The boundary change sought by the municipality is an annexation governed by Chapter 72 RSMo.

Based upon the entire record, the Boundary Commission, St. Louis County, voted at an open public meeting on May 4, 1999 by a roll call vote, and the proposal was **APPROVED**. Those members voting for the proposal had the following reasons:

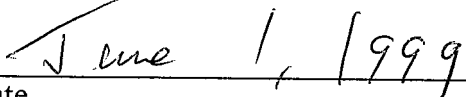
- A. The proposal is in the best interest of the municipality.
- B. The proposal is in the best interest of the unincorporated territories affected by the proposal.
- C. The proposal is in the best interest of the areas of the county next to such proposed boundary change.

The Commission determined pursuant to Article IX.B.1 of the Commission's Rules that the proposal is approved as a simplified boundary change, and further that no election is required. The effective date of the change will be July 1, 1999.

ATTEST:



Chairperson



Date

EXHIBIT "B"
BARRETT MEADOWS
ANNEXATION AREA

LEGAL DESCRIPTION

Barrett Meadows Annexation Area

Part of Barrett Meadows as recorded in Book 317, Page 7 of the St. Louis County Recorder's office and other land all being part of Lots 6, 7 and 8 of the Richard Lowe Estate in U.S. Survey 1928, Township 44 North, Range 5 East, St. Louis County, Missouri, more particularly described as follows:

Beginning at the intersection of Barrett Station Road (82'W) and the north line of Barrett Meadows; thence N61°41'11"E along said north line 1062.10 feet; thence N00°09'26"E, 330.83 feet; thence S89°13'11"E, 194.95 feet to the present Des Peres city limit line; thence southerly along the existing city limit line 1168 feet more or less to the South line of Dougherty Ferry Road; thence westerly along the south line of Dougherty Ferry 970 feet more or less to the east line of Barrett Station Road; thence northerly along the east line of Barrett Station Road 765 feet more or less to the point of beginning. Containing in all 22.7 acres more or less.

The foregoing land description has been prepared from record information and does not represent an actual survey of the land.



L. H. Attebery 1-21-99
L. H. Attebery, MoRLS 1550