



Bill No. 4126

Ordinance No. \_\_\_\_\_

INTRODUCED BY

ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

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AN ORDINANCE PROVIDING FOR THE ANNEXATION BY THE CITY OF BALLWIN, MISSOURI OF AN AREA OF UNINCORPORATED LAND DESCRIBED HEREIN AND REFERRED TO AS "CHARLESTON OAKS SUBDIVISION", AND PROVIDING FOR APPROVAL OF AN ANNEXATION PLAN AND A SIMPLIFIED BOUNDARY CHANGE PROPOSAL TO BE SUBMITTED TO THE ST. LOUIS COUNTY BOUNDARY COMMISSION FOR ITS CONSIDERATION.

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WHEREAS, the City has received verified petitions signed by at least seventy-five percent (75%) of the registered voters within an area of land located in unincorporated St. Louis County referred to as "Charleston Oaks Subdivision" in the City of Ballwin's Annexation Map Plan submitted to the St. Louis County Boundary Commission, hereinafter referred to as "Charleston Oaks Subdivision"; and

WHEREAS, the area proposed to be transferred, referred to as "Charleston Oaks Subdivision", is predominantly residential in character and has an average residential density of not less than one dwelling unit per three (3) acres; and

WHEREAS, the Annexation Area proposed to be annexed constitutes an "unincorporated area" as that term is defined in Section 72.407.1(2) of the Revised Statutes of Missouri; and

WHEREAS, the City of Ballwin proposes to annex the property referred to as "Charleston Oaks Subdivision" into the City as a simplified boundary change pursuant to 72.405.6 of the Revised Statutes of the State of Missouri; and

WHEREAS, the City has developed a Plan of Intent to be submitted to the St. Louis County Boundary Commission for approval of the simplified boundary change of the area referred to as "Charleston Oaks Subdivision" by the City setting forth, among other things, the various impacts of the boundary change proposal, a legal description of the Annexation Area, proposed time schedule for the provision of the services to the Annexation Area, the current tax rates, the revenue sources, the effect of the simplified boundary change on St. Louis County resource distribution, the proposed zoning, and the effective date of the proposed Annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City will seek the inclusion of the Charleston Oaks Subdivision within the City's limits through a simplified boundary change proposal as being in the best interest of the City of Ballwin, the unincorporated area subject to the simplified boundary change proposal and the area adjacent to the unincorporated area subject to the proposed simplified boundary change.

Section 2. The City has caused to be prepared a Plan of Intent for submission to the St. Louis County Boundary Commission, wherein the City has described and analyzed:

- a) The verified petitions signed by the property owners;
- b) The various impacts of the boundary change proposed;
- c) The ability to accommodate the orderly incorporation in the city;
- d) Legal description of the Charleston Oaks Subdivision;
- e) Present level of major services provided by the City and St. Louis County and proposed to be provided to the Charleston Oaks Subdivision;
- f) Proposed time schedule for the provision of services to Charleston Oaks Subdivision;
- g) Current tax rates;
- h) Revenue sources;
- i) Effect of boundary change on St. Louis County resource distribution;
- j) Proposed zoning;
- k) Compactness of the Annexation Charleston Oaks Subdivision; and
- l) Effective date of the proposed transfer.

Section 3. The City is well prepared to effectuate the simplified boundary change of the Charleston Oaks Subdivision as described in the Plan of Intent, which the City hereby adopts. The Plan of Intent, a certified copy of this Ordinance and all other information deemed necessary to the St. Louis County Boundary Commission, shall be submitted to the St. Louis County Boundary Commission for its consideration and approval.

Section 4. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**TIM POGUE, MAYOR**

ATTEST: \_\_\_\_\_  
**ERIC STERMAN, CITY ADMINISTRATOR**

**Draft of the Submittal to St. Louis  
County Boundary Commission for the  
Annexation of Charleston Oaks  
Subdivision**

**By  
City of Ballwin, Missouri**



**Submitted to the Boundary Commission, St. Louis County**

**Date TBD**

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## Section 1: Executive Summary

Ballwin is now within our 72<sup>nd</sup> year as a municipality of the State of Missouri, having been formally incorporated in December of 1950. Initially a village, our status as a City of the Fourth Class was voted in by our residents in 1958, and it continues to stand today. We started out with a population of 850 people but over time, through the growth of our boundaries and migration to West County, our population has grown to 31,103 people, where it has remained fairly steady for the last two decades. Since incorporation, Ballwin has accepted twenty-eight annexations. Together, these have more than quadrupled Ballwin's territory and allowed an approximately 35-fold increase in population over a period of nearly seven decades. The past success of annexation has been such that we continue to embrace it to this day. We always ensure that no annexation will be undertaken which is judged to negatively impact the quality of life for all residents of Ballwin.

The Charleston Oaks Annexation Area is adjacent to the southeastern part of the City of Ballwin. This approximately 40 acre subdivision is bounded by the City limits of the City of Ballwin to the north and the Unincorporated St. Louis County to the east, west, and south. The annexation area is mostly developed at this time and has existed as a portion of a large unincorporated pocket north of the Meramec River which exists between the Cities of Ballwin, Wildwood, Ellisville, Manchester, Valley Park and Twin Oaks.

The Charleston Oaks Subdivision contains 105 parcels, upon which 103 are developed for single-family housing units. The intensity of development in Charleston Oaks Subdivision, as measured in dwelling units and people per acre, is comparable to what one would find in southern Ballwin. Currently, the land use in the Charleston Oaks is zoned under St. Louis County's R3 single-family, and this is expected to be re-evaluated to conform to Ballwin's zoning code.

Ballwin proposes to provide the same full complement of municipal services to this area that we provide to the present City. This includes, but is not limited to, able policing, roadway maintenance, parks and recreation, and general administrative services.

## Section 2: Plan of Intent

### Geographic:

#### 1. General Description:

The Charleston Oaks Annexation Area proposed with this submittal for annexation into the City of Ballwin lies adjacent to Ward 1, south of Big Bend Road, positioned at the southwestern corner of the Big Bend Road/Ries Road intersection. The area is generally bounded by Unincorporated St. Louis County to the west, east and south, and The City of Ballwin to the north.

#### 2. Map of Proposed Annexation Area: Located in Appendix A

#### 3. Map of Ballwin with annexation area and surrounding municipalities: Located in Appendix B

#### 4. Demographic and Geographic Information

	Population (2020)	Land Area (Acres)	Dwelling Units (2022)
Charleston Oaks Subdivision	≈ 271 residents*	40	103
City of Ballwin	31,103 residents	5,775.87	12,625

\*Charleston Oaks Subdivision's population is estimated based off of Meramec Township's average population per household from 2019 ACS data, 2.63 persons per household, multiplied by the amount of households within the subdivision, 103 residences. Meramec Township's inclusion into the equation is due to the fact that Charleston Oaks Subdivision makes up a portion of Meramec Township Precinct 43.

#### 5. Community of Interest

The residents of the Charleston Oaks Subdivision have significant ties with Ballwin, MO. They are within the school boundaries of the Parkway School District, more specifically Oak Brook Elementary School, within Unincorporated St. Louis County adjacent to Ballwin's boundaries, and a school attended by many youth in the surrounding subdivisions within Ballwin's southeastern city limits and they have the option of a local private elementary school through the Holy Infant School, within Ballwin's boundaries. The residents receive mail from the Ballwin Post Office, located less than three miles from their subdivision.

#### 6. List of Subdivisions:

Charleston Oaks Subdivision is the only subdivision included in this proposal and comprises a small portion of the large unincorporated pocket. There will be no splitting of the subdivision as a result of this annexation proposal.

7. Addressing Compactness of the Proposed Annexation:

- a. There is only one (1) street connection into Charleston Oaks Subdivision: Charleston Oaks Drive to Big Bend Road, which is directly adjacent to Ballwin's current boundaries, Big Bend Road has a large route through Ballwin and connects directly to the City Limit without any barriers between.
- b. Charleston Oaks Subdivision is highly accessible, and their small population will incur no major impact on the efficiency of the delivery of our services.
- c. There are no natural or manmade barriers that would impede efficiency of delivery of service to this subdivision.

8. Acreage of Proposed Annexation Area vs. Total Combined Area Affected by Annexation:

As shown above under #4, the proposed annexation area is fairly small, amounting to approximately seven-tenths (0.7) of a percent of the acreage of Ballwin's current boundaries.

The combined total in the event of successful annexation of Charleston Oaks Subdivision into the City of Ballwin would amount to approximately 5,816 acres.

9. Extent of Boundary Adjacency:

The Charleston Oaks Annexation Area has a perimeter of approximately 5,314 linear feet, the coterminous boundary shared with Ballwin is 1,333 linear feet to the midline of Ries Rd. The portion of the total perimeter shared with Ballwin is 25.01%, complying with State Law requiring a minimum of 15% shared boundary between the proposed annexation and the municipality seeking said annexation.

10. Stranding Parcels in Unincorporated St. Louis County:

This annexation intends to act as the first attempt to begin parsing off portions of Unincorporated St. Louis County which have high accessibility to Ballwin, no portion of Charleston Oaks Subdivision would be left out of this annexation attempt.

11. Municipal Expansion Plans:



Pursuant to the 2018 Map Plans submitted to the St. Louis County Boundary Commission at the beginning of this Annexation Period, this subdivision is part of a 490 acre area of Unincorporated St. Louis County to the south of Big Bend Road between Ballwin's city limits along New Ballwin Road and Sulphur Springs, bordered to the south by Castlewood State Park and Fern Glen, which have no other municipalities beyond Ballwin who staked a claim to annex for the current 5-year period. The logic behind this annexation in regards to our future plans lies squarely within the fact that Ballwin's current annexation goals include helping to close up the surrounding pockets of Unincorporated St. Louis County along our borders.

#### Financial:

##### 1. Tax Rate Changes:

- a. Real Estate Tax: There will be no change to current real estate tax payments.
- b. Sales Tax: Residents will see a 1% higher sales tax on the purchase of vehicles. Saint Louis County collects a 7.738% sales tax, whereas Ballwin collects an 8.738% sales tax.
- c. Personal Property Tax: Ballwin has no personal property tax.
- d. Utility Tax: Residents will see a 2% higher utility tax. St. Louis County collects a 5% utility tax, whereas Ballwin collects a 7% utility tax.

##### 2. Table of Revenues and Expenditures:

Year	Revenues	Expenditures
2023	\$63,757	\$10,215
2024	\$63,885	\$10,521
2025	\$64,012	\$10,837

##### 3. Table of Revenues, Expenditures and Fund Balance History:

Year	Revenues	Expenditures	Fund Balance
2020	\$20,318,207	\$17,466,174	\$16,073,560
2021	\$21,853,073	\$17,812,655	\$21,090,162
2022	\$22,993,482	\$20,753,253	\$15,232,503

##### 4. Combined Table of Revenues and Expenditures Projections:



Year	Revenues	Expenditures
2023	\$21,590,935	\$21,146,539
2024	\$21,767,332	\$21,562,888
2025	\$21,937,253	\$22,043,416

5. Capital Improvement Projects:

The street infrastructure of the annexation area has been reviewed by the City of Ballwin's Public Works Department. The City of Ballwin recognizes that annexation carries the responsibility of maintaining all public streets and sidewalks. Currently, there are 289 slabs in Charleston Oaks, with the average cost for slab replacement estimated at approximately \$1,762.56 per slab. Unless an emergency situation arises, the annexation area would begin to see street maintenance beginning the fiscal year following the date of annexation with consideration towards street condition and budget constraints.

6. Extraordinary Effect:

There will be no extraordinary effect on the distribution of tax resources in St. Louis County arising from this annexation.

7. Table of Redirected Revenue Sources:

Tax Type	Amount
Public Safety tax	\$15,906
Utility tax	\$25,956
Vehicle sales tax	\$4,415
Motor Fuel tax	\$7,639
Motor Vehicle fees	\$1,348
Road/Bridge tax	\$7,868
Permits	\$625

8. Impact Fee Assessment:

New residential developments are assessed as a recreational impact fee. This is based upon the number of dwelling units or lots being created in the new development. At this time, there is no impact expected as the subdivision is completely developed.

9. Traffic Generation Assessment:

Ballwin will allow St. Louis County to collect any Traffic Generation Assessment it is due from this area. Ballwin has no policies or ordinances which prohibit participation in the TGA program.

10. Subdivision Escrow Accounts:

Ballwin has no policies or ordinances that would affect existing subdivision escrow accounts held by St. Louis County. In past instances of annexation, where such accounts are held, Ballwin has worked with the County to facilitate releases and final subdivision acceptance. There have been no problems or negative consequence to this process.

11. Impacts on Tax Base and Revenue Generation:

- a. Area Subject to Boundary Change: The annexation should have no impact on the ability of the annexing area to raise revenues. Ballwin can envision no organization that would be impacted. No organization having any jurisdiction in the area other than the County would cede any taxing jurisdiction as a result of the annexation.
- b. Existing Municipality and its Residents: There will be no impact on Ballwin or its residents relative to either's ability to raise revenues. Ballwin has the ability to assess taxes under the provisions of state law for cities of the fourth class. This will not be impacted.
- c. Adjoining Areas and Residents Outside of the Annexation: There will be no impact from a tax base or revenue generation perspective on the residents or the area adjacent to, but outside of, the proposed annexation.
- d. Entire Geographic Area of the County and its Residents: There will be nominal impact from a tax base or revenue generation perspective on the residents or the entire geographic area of the County. Most of the revenues that come to governmental jurisdictions providing municipal services are based on population or the number of dwelling units. There will be a redistribution of revenues between Ballwin and the county upon the change of jurisdiction, but the overall impact on tax base and revenue generation will be virtually nil.

Services:

1. List of Municipal Services and Providers:

Service	Present Provider	Post-Annexation Provider	Fee	In-House	Contract
Legislation	County	Ballwin	No	x	
Administration	County	Ballwin	No	x	
Police	County	Ballwin	No	x	
Parks & Rec.	Private	Ballwin	Some	x	
Solid Waste**	Private	Ballwin	Yes		x
Recycling	Private	Ballwin	No		x
Leaf Pickup	Private	Ballwin	No	x	
Code Enforcement	County	Ballwin	No	x	
Planning & Zoning	County	Ballwin	No	x	
Street Lighting	Subdivision	Ameren UE	No		x
New Street Lights	Private	Ballwin	No		x
Street Maintenance*	County	Ballwin	No	x	
Snowplowing	County	Ballwin	No	x	
Sidewalk Maintenance*	County	Ballwin	No	x	
New Sidewalks*	County	Ballwin	No	x	
Municipal Court	County	Ballwin	No	x	
Fire Protection	District	District	N/A	N/A	
Utilities					
Electric	Ameren UE	Ameren UE	N/A	N/A	
Water	Missouri American Water Co.	Missouri American Water Co.	N/A	N/A	
Sewer	MSD	MSD	N/A	N/A	
Social Services	County/State	County/State	No	x	
Public School	District	District	N/A	N/A	
Library	County	County	N/A	N/A	

\* Except in emergency situations, major street maintenance and upgrades in annexed areas will not begin sooner than the beginning of the fiscal year following the effective date of the annexation and will be performed in accordance with Ballwin's existing procedure. Based on budget constraints and regular citywide surveys of roadway conditions, an annual listing of the roadways most in need of work is prepared for each Ward for the annual work program. Sidewalk repairs are approached in the same manner as street repairs. All efforts are made to monitor and correct deterioration as soon as it is discovered.

\*\* Use of Ballwin's trash removal contract cannot be required for two years following the effective date of the annexation, but the rate will be made available on a voluntary basis sooner.

2. Barriers to Efficient Delivery of Services:

There are no barriers that will impede the efficient delivery of services to the area proposed for annexation.

3. Effective Date of Service Provision:

With the exception of trash removal services, which are otherwise regulated by state law, Ballwin will provide all services upon the effective date of the annexation. In the case of seasonal services, such as leaf removal and snowplowing services will be provided as needed or according to the service schedule in effect across the City.

**Zoning/Land Use:**

1. Percentage of Land Use:

Land Use	Acres	Percentage
Commercial	0.00	0.00%
Industrial	0.00	0.00%
Institutional/ Governmental	0.00	0.00%
Single-Family Residential	33.27	83.18%
Multi-Family Residential	0.00	0.00%
Vacant	6.73	16.82%
Total	40.00	100.00%

2. Zoning Maps: Located in Appendix C

3. Zoning Change Description:

In the past, Ballwin has explained our position not to intend rushing into a rezoning of annexed areas. Any modern annexations have generally resulted in an eventual rezoning several months following the effective date of the annexation.

We would anticipate that the subdivision to be rezoned to Ballwin's R-3 Single Family Zoning District.

4. Creation of Nonconformities

There will be no nonconformities developed as a result of the proposed zoning changes.

5. Regulations Impacting Annexation Area

Ballwin has a process that has been in place since 1971 for Occupancy Inspections to be undertaken as residences change owners. This program ensures safe and healthy inhabited structures, and is similar to programs the St. Louis County uses in certain designated neighborhoods. Many municipalities have also adopted similar programs.

6. Impact on Prospective Development



The area to be annexed is a largely developed subdivision with a low likelihood for any further development to occur in the near future. However, that stated, any development which might occur would be directly affected by the annexation. Development approvals will be subject to Ballwin procedures and not those of St. Louis County.

7. Code Compliance:

No developments are presently underway in Charleston Oaks Subdivision. However, any permits outstanding as of this date are typically completed by St. Louis County. Ballwin would then be asked to sign off on any final inspections jointly with the County. Any nuisance or similar complaints would be passed into Ballwin's care to be evaluated and responded to by Ballwin's capable Code Enforcement Inspectors.

8. Future Development (3 yrs.)

Ballwin does not anticipate any development of consequence in Charleston Oaks Subdivision in the foreseeable future. The area is largely developed with it being unlikely that future developments would occur in the vacant parcels. It should be additionally noted that should any future development occur while the subdivision exists under the proposed Ballwin R-4 zone, they would be required to conform to all regulations.

**Summary:**

In the past, Ballwin has occasionally pursued annexation without the invitation of the areas being proposed for annexation. Throughout the last three decades, however, it has been the philosophy of the City of Ballwin to not aggressively pursue annexation, but rather to give careful consideration to any group of people approaching the City with a wish to be annexed. It is also Ballwin's philosophy that anyone has the right to be part of the city as long as such an annexation does not negatively impact the overall quality of life enjoyed by all residents.