



DATE: April 26, 2022

TO: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

CC: Rory O'Sullivan, Acting County Counselor
Donna Vogt, County Council

FROM: Michael Hurlbert, Director of Community Development

RE: Item for May 9, 2022 County Council Meeting

The Community Development Department is submitting the following item for the May 9, 2022 County Council Agenda.

BILL FOR INTRODUCTION:

Planning and Zoning Commission recommends **Approval:**

CONDITIONAL USE PERMIT REQUEST - 291 BOONE COUNTRY LANE

Application No:	CUP22-01
Property Owners:	Anthony Brinker and Tammy L. Brinker
Applicant:	Tony's Processing, LLC
Current Zoning:	A, Agricultural District
Conditional Use Request:	Custom Butchering
Parcel Size:	23.23 acres
Location:	Approximately 3220 feet from the intersection of Boone Country Lane and South Highway 94
County Council District:	2
Account No.:	172560C000

CONDITIONAL USE PERMIT

APPLICATION NUMBER:	CUP22-01
PROPERTY ZONING:	A, AGRICULTURAL DISTRICT
IT IS REQUESTED THAT CONDITIONAL USES BE GRANTED FOR:	CUSTOM BUTCHERING
OWNER OR OWNERS OF PROPERTY:	ANTHONY BRINKER AND TAMMY L. BRINKER
APPLICANT:	TONYS PROCESSING, LLC
LOCATION OF PROPERTY:	291 BOONE COUNTRY LANE, LOCATED APPROXIMATELY 3220 FEET FROM THE INTERSECTION OF BOONE COUNTRY LANE AND SOUTH HIGHWAY 94. THE PROPERTY CONSISTS OF 23.23 ACRES AND IS LOCATED IN COUNTY COUNCIL DISTRICT 2.

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY:

A TRACT OF LAND BEING PART OF U. S. SURVEY 20, TOWNSHIPS 44 AND 45 NORTH, RANGE 2 EAST, ST. CHARLES COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET ALUMINUM MONUMENT WITH CAP AT THE SOUTHWEST CORNER OF AFORESAID U.S. SURVEY 20; THENCE NORTH 22 DEGREES 03' 59" EAST, ALONG THE WEST LINE OF SAID U.S. SURVEY 20, 250.00 FEET TO A SET IRON ROD; THENCE SOUTH 67 DEGREES 00' 00" EAST, DEPARTING SAID SURVEY LINE, 1618.26 FEET TO A SET IRON ROD; THENCE NORTH 23 DEGREES 00' 00" EAST, 190.03 FEET TO A SET IRON ROD; THENCE SOUTH 67 DEGREES 00' 00" EAST, 200.00 FEET TO A SET IRON ROD MARKING THE NORTHWEST CORNER OF A TRACT CONVEYED TO ANTHONY AND TAMMY L. BRINKER PER DEED RECORDED IN DEED BOOK 822, PAGE 1354 OF THE ST. CHARLES COUNTY RECORDER'S OFFICE; THENCE SOUTH 23 DEGREES 00' 00" WEST, ALONG THE WESTERN LINE OF SAID BRINKER TRACT, 440.00 FEET TO THE SOUTHWEST CORNER OF SAID BRINKER TRACT ON THE SOUTH LINE OF AFORESAID U.S. SURVEY 20, FROM WHICH AN OLD IRON BAR BEARS SOUTH 23 DEGREES 00' 00" WEST, 4.04 FEET; THENCE NORTH 67 DEGREES 00' 00" WEST, ALONG SAID SURVEY LINE, 1,814.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.295 ACRES, MORE OR LESS, AS SURVEYED BY LANDMARKSURVEYING AND ENGINEERING, INC., DURING DECEMBER, 1994 AND JANUARY, 1995.

SURVEYED TRACT SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD, AND THOSE NOT OF RECORD.

AND ALSO:

A TRACT OF LAND BEING PART OF U. S. SURVEY 20, TOWNSHIPS 44 AND 45 NORTH, RANGE 2 EAST. ST. CHARLES COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SET ALUMINUM MONUMENT WITH CAP AT THE SOUTHWEST CORNER OF AFORESAID U.S. SURVEY 20; THENCE SOUTH 67 DEGREES 00' 00" EAST, ALONG THE SOUTH LINE OF SAID U. S. SURVEY 20, 2,114.35 FEET TO AN OLD IRON ROD MARKING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED, SAID OLD IRON ROD ALSO MARKING THE SOUTHEAST CORNER OF A TRACT CONVEYED TO ANTHONY AND TAMMY L. BRINKER PER DEED RECORDED IN DEED BOOK 822, PAGE 1354 OF THE ST. CHARLES COUNTY RECORDER'S OFFICE; THENCE DEPARTING SAID SURVEY LINE, NORTH 23 DEGREES 00' 00" EAST, ALONG THE EASTERN LINE OF SAID BRINKER TRACT, 440.00 FEET TO A SET IRON ROD MARKING THE NORTHEAST CORNER OF SAID BRINKER TRACT; THENCE SOUTH 67 DEGREES 00' 00" EAST, 883.54 FEET TO A SET IRON ROD ON THE WESTERN LINE OF A 30.00 ACRES, MORE OR LESS, TRACT SURVEYED BY LANDMARK SURVEYING AND ENGINEERING, INC., DURING JULY, 1994; THENCE SOUTH 23 DEGREES 00' 00" WEST, ALONG SAID WESTERN LINE, 440.00 FEET TO AN OLD IRON ROD MARKING THE SOUTHWEST CORNER OF SAID TRACT ON THE AFORESAID SOUTH LINE OF U.S. SURVEY 20; THENCE NORTH 67 DEGREES 00' 00" WEST, ALONG SAID SURVEY LINE, 883.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.925 ACRES, MORE OR LESS, AS SURVEYED BY LANDMARK SURVEYING AND ENGINEERING, INC., DURING DECEMBER, 1994 AND JANUARY, 1995.

SURVEYED TRACT SUBJECT TO EASEMENTS, CONDITIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD, AND THOSE NOT OF RECORD.

EXHIBIT B
CONDITIONAL USE PERMIT REQUEST

Application CUP22-01

CONDITIONAL USE PERMIT REQUEST - 291 BOONE COUNTRY LANE

Application No:	CUP22-01
Property Owners:	Anthony Brinker and Tammy L. Brinker
Applicant:	Tony's Processing, LLC
Current Zoning:	A, Agricultural District
Conditional Use Request:	Custom Butchering
Parcel Size:	23.23 acres
Location:	Approximately 3220 feet from the intersection of Boone Country Lane and South Highway 94
County Council District:	2
Account No.:	172560C000

CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Custom Exempt Operations Information
- Aerial Photo
- Surrounding Zoning Map
- 2030 Land Use Map
- Notification Area Map
- CUP Narrative
- Preliminary Concept Plan
- Letters received
 - ◆ None
- Planning and Zoning Commission minutes from the April 20, 2022 meeting

April 26, 2022

This communication summarizes the following application and bill to be introduced at the May 9, 2022 County Council meeting:

CONDITIONAL USE PERMIT REQUEST - 291 BOONE COUNTRY LANE

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Applicant: Tony's Processing, LLC
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Location: Approximately 3220 feet from the intersection of Boone Country Lane and South Highway 94
County Council District: 2
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Approval of this bill would authorize a Conditional Use Permit to for custom butchering of livestock and game. The applicant indicates that the service to local farmers and will be conducted on an appointment basis with approximately 100 animals butchered annually. Livestock would be slaughtered on site with offal contained and hauled away for disposal by a rendering company. Equipment would be limited to one saw and one grinder. The CUP concept plans shows the use of existing buildings on the subject 23-acre parcel with no new buildings or exterior improvements shown other than a designated parking area for customers.

Custom butchering is a service whereby animal carcasses are processed and packaged for consumption on a custom, per order basis. Specifically, the County's Zoning Regulations (Section 405.060 of the County Code) define "custom butchering" as "Custom Butchering activity that is licensed by the Missouri Meat and Poultry Inspection Program as a custom exempt operation, with no retail or wholesale sales." Unlike a meat shop, a custom butcherer provides a service which does not include buying or selling animals, carcasses, or packaged meat. The transportation of live animals from a farm to a custom butcherer is more manageable than transporting dead carcasses. Under Federal and State laws and regulations, custom butchering can include the humane slaughtering of animals, in which case animal holding pens are necessary.

Federal food safety laws and regulations provide exemptions from Federal inspection of:

- The slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation of such livestock exclusively for use by him and members of his household and his nonpaying guests and employees; and
- The custom slaughter by any person of cattle, sheep, swine, goats, and game animals on behalf of and for the owner for use in the household and for nonpaying guests and employees.

The latter of these exemptions is what St. Charles County defines as custom butchering.

The State of Missouri requires that meat processors engaged in custom butchering obtain a State permit and undergo State inspections of such facilities. Under St. Charles County's Zoning Regulations, the slaughtering of animals on farms for personal use has always been allowed in the A, Agricultural District (except in platted subdivisions) as an accessory use to farming, dairy farming, livestock and poultry raising. However, until 2022, the County's Zoning Regulations did not provide a land use category allowing custom butchering outside of "meat packing manufacturing and stockyard" in the I2, Heavy Industrial District. The nature and scale of custom butchering is significantly different than meat packing manufacturing and stockyards.

The proposed conditional use will require the use of an onsite sewage disposal system. Because offal from slaughtered animals will be collected and hauled away by a rendering service, the applicants indicate that sanitation water rather than animal waste will be disposed on onsite.

The Planning and Zoning Commission held a public hearing at its April 20, 2022 meeting with the following input:

Speakers: 1 Support 0 Opposed 0 Concerns
Letters on file: 0 Support 3 Opposed 2 Concerns

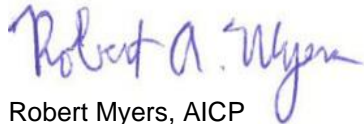
Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

 9 Approval 0 Denial 0 Abstentions

Recommendation:

The Planning & Zoning Commission recommends approval subject to specific conditions as suggested in the attached bill. The Planning & Zoning Division concurs with this recommendation as conforming to the County's CUP criteria in Section 405.510.B of the County Code.

Sincerely,



Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration
Rory O'Sullivan, Acting County Counselor

STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Application No.: CUP22-01

Prepared by: Robert Myers, AICP
Date: April 13, 2022

BACKGROUND:

Property Owner: Anthony Brinker and Tammy L. Brinker
Requested Actions: A conditional use permit for custom butchering
Location: 291 Boone Country Lane; 3,200 feet from the intersection of Boone Country Lane and South Highway 94, near Matson
Current Zoning: A, Agricultural District
Current Land Use: single-family residential (one residence) and agricultural
Parcel Size: 23.23 acres
Parcel Account No.: 172560C000

Adjacent Land Uses and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural District	Agricultural (cultivation) and single-family residential
South	A, Agricultural District	Railroad tracks and Agricultural (cultivation)
East	A, Agricultural District	Single-family residential
West	A, Agricultural District	Agricultural (cultivation)

Public Services: County Council District 2 – Joe Brazil
School District – Washington School District
Fire District – Augusta Fire Protection District

Utilities: Water – Public Water Supply District No. 2
Sewer– individual wastewater treatment systems

This request is a conditional use permit (CUP) application for custom butchering of livestock and game. The applicant indicates that the service to local farmers and will be

conducted on an appointment basis with approximately 100 animals butchered annually. Livestock would be slaughtered on site with offal contained and hauled away for disposal by a rendering company. Equipment would be limited to one saw and one grinder. The CUP concept plans shows the use of existing buildings on the subject 23-acre parcel with no new buildings or exterior improvements shown other than a designated parking area for customers.

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ANALYSIS

Conditional use permits are evaluated based on criteria established within the Unified Development Ordinance. Section 405.510.B of the Unified Development Ordinance specifies the following factors in considering and reporting on Conditional Use Permit applications:

1. Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?
2. Would the conditional use injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?
3. Would the conditional use injure the aesthetic and/or scenic values of the vicinity?
4. Would the conditional use substantially diminish or impair property values within the neighborhood?
5. Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?

Given the limited scope of the proposed operation – at about 100 animals annually and the use of existing buildings only – and the fact that the penning of animals is a permitted use in the A, Agricultural District, County staff recommends a finding that the proposed conditional use conforms to the standards of Section 405.510.B of the County Code.

STAFF RECOMMENDATION

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval with the following conditions:

1. The conditional use shall substantially comply with the attached CUP concept plan and CUP narrative submitted by the applicants.
2. The conditional use operator shall obtain and maintain necessary State licenses and permits, including, but not limited to, licenses and permits from the Missouri Meat and Poultry Inspection Program.
3. The conditional use operator shall obtain a permit from St. Charles County, and/or the State of Missouri, as necessary, for construction, operation, and maintenance of an onsite sewage disposal permit.
4. No conditional use shall become active until all conditions of approval have been met.