

**Barry County Planning Commission  
Meeting Minutes  
March 28, 2022**

The meeting was called to order by Chairperson Clyde Morgan at 7:00 p.m. in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, Jack Miner, Jack Nadwornik, Joyce Snow, and Robert Vanderboegh. Vivian Conner and John LaForge were absent. Others in attendance included: Allen Kempf, Esther Kempf, Jim Carr, Barry County Planning & Zoning Administrative Assistant Susanne Huebner, and other interested people.

Motion by Morgan to excuse Conner for this meeting. Support by Snow. All ayes - motion carried.

Motion by Miner to approve the agenda as printed. Support by Vanderboegh. All ayes - motion carried.

Motion by Miner to approve the minutes of March 14, 2022 as written. Support by Nadwornik. All ayes - motion carried.

**BUSINESS**

Morgan explained the procedures of a public hearing.

**Special Use**

**Case No. SP-2-2022**

**Allen & Esther Kempf (Property Owners)**

Morgan recessed the Planning Commission and opened the public hearing.

Jim Carr, representing Allen and Esther Kempf, noted that the Kempf's would like to move their current variety store to the corner of Barryville and Lawrence Road. He noted that the property was rezoned last year. He noted that the store is a convenience store, but will not sell cigarettes, alcohol, or magazines, and that the current store serves the Amish as well as the non-Amish local community.

Carr said that the store will have a sign, but it will not have a light, and will be similar to the one shown on the picture submitted with the application. The store will have enough buggy and vehicle parking.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed. There was no response.

Carr said that the store at the current location never had any problems, and it was helpful and needed for the community.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked if the concrete platform directly to the south of the house was for the store.

Kempf said no.

Miner asked about the proposed produce structure on the site plan. Kempf said that it had nothing to do with his store. Carr noted the proposed produce market was added to the site plan drawing as a reference point.

Vanderboegh asked if the store would be a duplication of the existing one. Kempf agreed. Vanderboegh asked if the same items would be for sale as at the current location. Kempf said yes, and noted they are planning on adding a bakery.

Snow verified that the store will be on the southwest corner. Kempf said yes. He noted that only the house had been built so far, as they were waiting on the Planning Commission's approval before moving forward with the construction of the store.

Carr noted the house and the store will be hooked together.

Snow asked about a paved drive. Kempf said he was not sure about the drive, but would like to have asphalt, concrete, or gravel in the front of the building.

Snow asked about the hours of operation. Kempf said 9-5 Monday-Friday, and 8-4 on Saturdays. The store will be closed on Sundays.

Snow asked about the number of employees. Kempf said they currently have one employee, but noted he would like to add one more.

Snow asked if these employees were non-family. Kempf said yes.

Morgan asked about handicapped parking. Carr said there will be a sign up in front of the store.

Morgan went through the requirements of Section 2321 of the current Barry County Zoning Ordinance.

Snow verified the hours of operation.

Morgan asked if the hours of operation would stay the same throughout the year. Kempf said yes.

Morgan noted that the dumpster for the trash needs to be enclosed. Kempf agreed.

Morgan noted that there cannot be any cars or buggies parked that are for sale. Kempf agreed.

Carr noted that the Kempf's are not involved with buggy sales.

Morgan noted lighting will not be an issue.

Morgan asked if anything would be run on diesel engines. Kempf said they run the cooler on diesel fuel.

Morgan asked about the size of the fuel tank. Carr noted that the trash, generator, and tank will all be enclosed and not visible.

Morgan was concerned about possible fuel spills and containment. Carr reiterated that all will be enclosed in a way that it will not be visible.

Nadwornik asked about containment in case of a fuel spill. Carr said there will be containment measures if that is what is needed.

Morgan noted that whatever size of tank there would be, the containment should hold such amount in case of a leak.

Vanderboegh noted that for tanks in size of 1,000 gallons or more, a secondary containment is needed in addition.

Miner asked if Kempf would have solar power. Kempf said yes.

Miner asked if he would have outside lighting. Kempf said no, and noted that the solar power is just for the inside lights.

Miner asked about the size of the solar panels. Kempf said he had not thought about that yet. He noted that he currently has two panels for the store.

Miner asked if the panels would be free-standing. Kempf agreed.

Motion by Vanderboegh to approve Case No. SP-2-2022 per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Snow.

Nadwornik asked to add a stipulation for fuel containment.

Discussion.

Motion to approve Case No. SP-2-2022 per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended, with the stipulation that appropriate fuel containment based on the actual tank size will be added.

Roll call vote taken: 5 ayes - 0 nays - motion carried. Special Use Approved with Stipulation.

### Retail Study

Huebner noted that the Planning Department was still waiting on information regarding a proposed retail study.

### Farmland Agreements

#22-1, #22-2, #22-3

Mr. & Mrs. Kurt Chase

Huebner noted that the applications were reviewed by the Planning Director and it was determined that all three properties were both planned and zoned as Agricultural.

Motion by Snow to recommend approval of #22-1, #22-2, and #22-3 to the Board of Commissioners. Support by Vanderboegh. All ayes - motion carried.

Motion by Miner to adjourn. Support by Vanderboegh. All ayes - motion carried.

Meeting adjourned at 7:25 p.m.

Respectfully submitted,



Jack Nadwornik,  
Secretary