

Garnett Planning Commission Meeting  
Minutes  
March 21, 2017  
Garnett City Hall

The meeting of the Garnett Planning Commission was called to order on March 21, 2017, by Chairperson Beth Mersman at 6:00 p.m. with the following members present: Beth Mersman, Chairperson; Adam Caylor, Skip Landis, Mike Norman, Burt Peterson and Les Thomas. Absent: Matt Jones. Others in attendance were Andy Frye, current Zoning Administrator; Gary Giczewski, new Zoning Administrator; Terry J. Solander, City Attorney; Susan Wettstein, Administrative Assistant; and Justin Spurrier and Robert W. Garcia, property owners of 202 W. 4th Avenue, Mike Wawrzewski, representing the First Baptist Church, nearby property owners Gordon and Rosanna Blackie, Desiree Donovan, Gary Steele, Scott Rogers, caretaker of The Kirk House, Scott and Kimberly Harris and Walter Heath.

#### APPROVAL OF MINUTES

A motion was made by Mike Norman to approve the February 21, 2017 minutes as written. Skip Landis seconded the motion. Those in favor: 6. Opposed: 0. Motion passed unanimously.

#### PUBLIC HEARINGS

Chairman Beth Mersman opened the Public Hearing at 6:03 p.m. The purpose of this hearing is for the Planning Commission to consider an application on the City's own motion to rezone 202 W. 4th Avenue, 225 W. 5th Avenue, 409 S. Walnut Street and 417 S. Walnut Street in Garnett, Kansas, from an R-2 (Residential) zoning district to an O-I (Office-Institutional) zoning district.

Zoning Administrator Andy Frye presented members of the Zoning Board of Appeals with two maps showing the location of the properties set forth in the application. Tracts 1 and 3 owned by Robert Garcia and Justin Spurrier and Tracts 2 and 4 owned by the First Baptist Church. One is a photocopy of the City's plat map and the other an aerial (Google Earth). Also included with the City's application is the Notice of Public Hearing. In addition to these documents were letters submitted by nearby property owners Gordon Blackie and Desiree Donovan.

Mr. Frye explained that it was his understanding that the church had recently acquired the lot north of the church and cannot use the property to park on it without zoning changes. He also stated that he understood that the new owners of the old doctor's office had plans for an historical museum and possibly plans to put a bed and breakfast in there, similar to The Kirk House, and in order to comply would require a rezoning. The chairperson opened the floor to comments.

Mr. Wawrzewski: When it was presented to us (First Baptist Church), I don't see how it will really change how we use the property. We were given the lot which is 50 feet by 52 feet located south of the Stevens property. The former structure has been torn down and the property does now belong to the church. In the future, whatever the church wants to do

will not affect the zoning whatsoever to us, from a R-2 to an O-I. So as far as I am concerned as an individual, and I guess I am representing the First Baptist Church as well, and it was presented to the church, there was no known objection. We have no objections to it one way or another. I would certainly like to see it rezoned and give these gentlemen an opportunity to have their bed and breakfast and hopefully improve the community a little bit.

Mr. Skip Landis: Your parking lot will not extend all the way over to 4th Street?

Mr. Gary Giczewski: It does not extend that far, only to the south side of 202 W. 4th Avenue.

Mr. Les Thomas: It is Lot 16 on the map.

Mr. Wawrzewski: Again, I think it would be a good deal if you would rezone it (202 W. 4th Avenue) and give these gentlemen the opportunity to improve the community. I'm kind of a historical buff myself, but that is my two cents worth.

Mr. Burt Peterson: Is this one application by two different owners or two separate applications?

Mr. Frye: This is one application filed by the City.

Mr. Robert Garcia: Hi, I represent Justin and I for the old Steven's place, or the 1858 Garnett House Hotel, which is the oldest antebellum structure in Anderson County, Kansas, that we recently acquired. Our plan is really to make it more of a historical landmark. Not so much as a bed and breakfast where people would be sleeping there like The Kirk House, but more of a tour place of a 19th Century building. So our plan at this time is to get it back up to more of a presentable condition so it looks like a very nice building there on the corner.

Mr. Peterson: Are you going to apply for a bed and breakfast permit or operate as a museum, or what?

Mr. Garcia: It is a special use type permit we will be apply for.

Mr. Landis: Your comment is that you want to turn it into a landmark, perhaps a museum and then possibly a bed and breakfast?

Mr. Garcia: We plan to host events but I am not seeing it as a place where you would go sleep, like a hotel. The mere name of the hotel is simply because it represents that it was the town of Garnett's first hotel in 1858.

Mrs. Beth Mersman: It is my understanding too that you were going to see if you could work with the Harris House to get more tourists as well?

Mr. Garcia: Yes, that is part of our plan. Once we have this house operating then we can expand our events to the other historical homes on 4th Avenue. To encourage our tour guests to go elsewhere as well.

Mr. Peterson: How many guests do you think you will bring in?

Mr. Garcia: 15 to 20.

Mr. Peterson: Where are you going to park?

Mr. Garcia: Right now our plan is to park right where we are currently with the driveway on the side street. But our hope is to one day park people on the side lot (lot to the west of structure, Lot 2).

Mr. Thomas: So I may be clear and understand, you have no plans to make this a bed and breakfast?

Mr. Garcia: As a traditional bed and breakfast, no.

Mr. Thomas: I just want to know that you have no plans to come back in the future and say you are ready to put in a bed and breakfast?

Mr. Garcia: No.

Mr. Thomas: Then this is your entire plan. (Mr. Garcia responded yes). Thank you very much.

Mrs. Mersman: Anyone else from the audience?

Mr. Scott Rogers: Most of you know me, I am Scott Rogers. I have done a lot to promote this community over the years, as you are well aware. I have always been concerned with what will happen to those properties. I was thrilled to find out that someone was interested in planning a future for the old doctor's office building because it is an incredible piece of history. For any of you that have read Ed Fink's recollections of the house, or any other history on it, it is noteworthy. I grew up just down the street at 230 W. 4th Avenue so I am very familiar with that property and it hasn't changed one single bit in my 47 years, other than a new roof they put on it about 15 years ago or so. After meeting Justin and Rob and seeing how they are preserving some of the features inside; whether it's linoleum, old newspapers and such as that I appreciate as a history major myself. I have visited with them about painting it and cleaning up the yard a bit, which is more than has been done to it in quite a long time, other than Gary (Gary Steele who is present) mowing it and trimming it every once in a while. As far as the traffic, I see plenty of parking opportunities. The Chamber Players is on one corner and The Kirk House is on the other. The dentist office is down the street. The greenhouse and Jump Start are 3 blocks down. For what little parking needs they will have I see no concerns. As a former member of the tourism committee, to be able to bring people into the community and expand beyond to other venues within the city, and to see additional appreciation for the history and architecture is

great. I am very thrilled that they are maintaining the integrity and historical value of the house. As I said before, nothing has really changed in that house during my 47 years. I would encourage everyone in supporting this. Does anyone have any questions for me? (None)

Mrs. Kimberly Harris: My name is Kimberly Harris. We moved to Garnett in November, bought our house in February. it is a 100-year old home that we are fixing it up. Walking around town I ran into Justin fixing up his old house. It intrigued me because we are doing the same thing. We got to know Justin and he gave me a little tour. He told me his plan to make it a touristy history spot. This interests me because none of my family will come down and visit me because this town is boring. There is nothing to do. So if he was to pair up with The Kirk House and the Harris House, then there would be something I could say like, "Hey, parents, siblings, come down. We'll go do things and we'll go eat." You have great food here but everything else, there is just kind of nothing to do for my age. There is nothing. So I am very, very, very impressed with his plan. I have seen him out there almost every day working on it. I love his drive. I love that he is working hard and using social media to his advantage which helps everyone in the community. Because if we paired up and match our social media then everybody's shops can be visited and there can be tours. I think this could be an awesome opportunity, especially for the younger age group. Thank you.

Mr. Gordon Blackie: My name is Gordon Blackie. I would like to present another point of view that I have not heard by any of these presenters previously. I would like to call your attention to the fact that 4th Avenue is very unique. Not only in Garnett but in other Kansas towns. Seems obvious to me that the planners had in mind that 4th Avenue would be the entrance to our square to our visitors. It is a beautiful street. There are two times of year it is exceptionally beautiful. We have just passed through the blossom season and in the fall we have leaf season. My wife and I spent a whole weekend driving around to see the leaves and come home and wondered why we wasted so much time. Fourth Avenue is the prettiest place we found, and we had traveled all the way down into Missouri. This is something we need to be careful that we preserve. Because of its unique beauty and configuration there is a special problem. There is no parking on the street. You must have access to the alleys. If it were not for the generosity of the First Baptist Church it would be almost unworkable. I have to object partially to this zoning. My objections focus mostly on 4th Avenue. Anything the First Baptist Church would want to do to expand their parking, I would be in favor of. I just want to make that clear. I am really leery about bringing any business onto that corner, just because of the parking problem. There are times, even now, when you cannot get into the alley and it happens at odd hours. It happens on holidays and in the evenings. You just can't get in the alley. And again, it is workable now because of the generosity of the First Baptist Church. But to bring more people to the area is going to exacerbate that parking problem. So, I am concerned about the appearance. What I am really concerned about is not so much what is being proposed but the way we are going to do it; to change the zoning to O-I. I have a list here. I just pulled it off a city document. There are two and one-half pages of things that can go into O-I if this property later on changes hands. Very few of them require a special use permit. Amusement, recreation, a gas station, a drinking place, an eating place, hardware store. They are not all objectionable

but if you make this O-I there are two and one-half pages of things that could go in that I would ask you to rebuke before you make this decision.

Mr. Landis: Your basic issue Gordon is if the zoning changes the opportunities perhaps present themselves for businesses you may not want in this particular place?

Mr. Blackie: Yes.

Mr. Peterson: If I may interrupt, I share the same concerns you are sharing regarding this. I would like to inquire of our staff... Spot zoning, is not a great term for this.

Attorney Terry Solander: This is not spot zoning because it is adjacent to O-I.

Mr. Peterson: I understand that. One of the benefits of a special use permit is that they typically go with the ownership of the land. Therefore, if we allow them to do something I am very much in support of, I am absolutely with Gordon on the fact that a gas station on that corner would very much anger me deeply. A liquor store would anger me. There are about 50 permitted uses that, especially the guys that bought the property wouldn't approve going in there if they don't succeed and sell it to someone else. Why just cart blanche it? Say let's change it to O-I. Why can't we say absolutely for this owner? If this owner doesn't make a go of it, and God willing you guys succeed and have a great time. I think it's a great idea.

Mr. Blackie: May I remind you I am the mayor and I am in favor of businesses coming to town.

Mr. Peterson: Right, but why can't we change the application to fly with the ownership so that if these guys make a run at it and they fail...

Attorney Solander: There is no zone that you can put this in with a special use given the present regulation. This is the only zone that would work for either an eating establishment, a bed and breakfast type facility or a museum. I simply mention if there is something planned, which the first discussions that I was privy to was when these two owners were in talking to the city manager. That is the only zone that fits all three. It is also the most consistent with what probably should be made where the Baptist Church is. Both the Baptist Church, their parking lot and the doctor's building has been non-conforming uses since May of 1973 when Garnett started zoning. So in order to fit this into the regulatory grid that is what staff concluded most appropriate and it is adjacent to an O-I District. So it seems the most logical. Is that the only way it can be done? I presume if the grid was revised, it could be approached that way. But that would be at least another step or two in the process and in terms of making an application, if we came to a point where there was no other way to do it we probably would have recommended to them that we would have to go to the City Commission and ask for the grid to be amended. Unless the grid is amended, the O-I District is really the only alternative that fits what they told us they want to do with the property. We pulled the Baptist Church into it because it was not conforming and we thought we might as well take the opportunity of one procedure to fix two non-conforming situations.

Mr. Peterson: So one more step of revising the grid would allow for a special use?

Attorney Solander: If this Planning Commission recommended it to the City Commission it could be done.

Mr. Blackie: In my opinion, that is a much safer way to go. It is a more controlled way to go.

Mr. Mike Norman: You stated that you as mayor would like to bring more people to town. If you think parking is the only problem with this then we should never have Square Fair or several other things that happen.

Mr. Blackie: Those are special uses for a short period of time.

Mr. Thomas: I don't see parking as an issue. As far as the structural soundness of the building, I don't see that as an issue either. There is nobody in this room qualified to make that decision. While those issues may have to be addressed I am assuming these people are on top of that. Nobody wants a building that is going to fall over. We have been watching Dr. Julius' office fall over for 45 years. I have lived here all my life and it hasn't changed one iota. It is kind of the Leaning Tower of Pisa for Garnett. The issue I believe at hand is the issue that is before us and quite frankly I see no problem with changing it to O-I. And, I don't like, with all due respect, to do this special permits here and there. Because, if they do change then we are all right back here doing special permitting again. I can't think for the life of me that we have as citizens of Garnett, that the Commission of Garnett, and the Zoning Commission of Garnett have ever said that we didn't want to do something to benefit Garnett. And the property along 4th Street is non-conforming in spots anyway, so this is one of the truly, truly historic buildings that starts the first block past the square. So I see nothing wrong with seeing a historic building being saved and utilized. There are a couple of houses on 4th Street that shouldn't even be on there so some of these are non-conforming. Now if it was in a district or an area where the architecture was all the same and it was all historic then this might have been an issue but this isn't that case. It blows my mind when you say these things can happen.

Mr. Landis: If we go ahead and open it up to an O-I and these people at some time leave that building and "Joe Schmo" wants to put a gas station there, and in an O-I that is permissible. But in the back of my mind thinking of the volume of traffic we do need to be bringing into Garnett. I read Desiree's letter here and some of that makes a lot of sense. I know we have some events that come to town that bring a lot of people and we have special permits for those. I just don't see the parking as a major issue with that type of a facility as a museum. If fifteen people need to park cars and church isn't going on at the time they would probably park at the Baptist Church lot.

Mr. Blackie: My one main objection is opening that lot to all of these (uses). I'm hearing there is an alternate procedure and I believe you should pursue it.

Mr. Norman: A 52 feet by 90 feet lot. There would not be enough room to put fuel tanks in, let alone a gas station.

Mr. Peterson: Have you gentlemen heard back from a structural engineer yet?

Mr. Spurrier: Yes, I have spoken with him a couple of times. And I have had him hold off on the report because I wanted to come to this meeting and get to speak with you first and see the outcome of this meeting before going any further. In all honesty, it is just money that we are throwing out there. You guys said structural engineer, not us. We were certainly going to get to that point but we were hit with a lot of expenses up front that we were not anticipating.

Mr. Landis: Quite a bit of expenses; perhaps a lot more expenses than that building is probably worth.

Mr. Peterson: I want to see them succeed. But I see no reason why we should not take the extra step to protect the future of that lot.

Mr. Blackie: And I will leave it at that. I am not objecting to a business coming in. This is just too long a list, and in 20 years how do you know that a gas station will need big tanks?

Mr. Peterson: I have built a lot of things and it happens to be one of my specialties. It is a liquor store or things like that, that bother me. You are the mayor, right? So you set on the commission and if it does come to you...

Attorney Solander: No. By speaking here this evening as an individual he has necessarily recused himself from any participation pertaining to this vote.

Mr. Thomas: But here's the thing. We have had liquor stores on the square in Garnett. A liquor store here or anywhere on the square, in my mind, has no consequence. We all want to see this building redone and this is an opportunity. But let's say the worst case scenario for these two individuals is that this building falls down, God forbid. And then we have a vacant lot on this corner of the business square that would have opportunities to put a business there. I have lived here all my life and I have never had a problem of pulling out of the alley onto Walnut. That may have something to do with the fact that people aren't parking when I pull in. But we can control parking by moving the parking and no-parking zones up away from the alley. So the Baptist Church is agreeable to allow the city to use their parking for any city function. They have been very, very good about that. I wonder if there is a big deal at the library if people were to park on Walnut. I don't see parking to be the problem but I do see the future of Garnett hinging on some of these things we go willy-nilly on and say, "Oh my God there's going to be a gas station on that corner." I doubt there will ever be a gas station on 4th Street, but I guess one of these days when there is nothing in Garnett, then maybe a gas station might look kind of attractive. Unless there is something that is in great violation of zoning I see nothing that I would be against.

Mr. Norman: I think if we take the time to change the grid that it would take a lot of time and effort.

Attorney Solander: About twice the amount of time. Probably 60 days. Everything would have to drop into place perfectly. You have to give them 20 days notice of hearings, 20 days of changing the grid, then it goes to the Commission and then 20 days on the application, assuming the grid is changed.

Mr. Norman: So during the time it takes, these gentlemen's hands are tied and their money is tied up until whenever.

Mr. Thomas: Baring no appeals. This could end up taking a considerable amount of time.

Mrs. Mersman: Do you have anything else Gordon?

Mr. Blackie: No.

Mr. Spurrier: My name is Justin Spurrier, co-owner of the Garnett 1858 House Hotel and School. We recently found out that it was also once a school, right after it ceased as a hotel. By the social graces of someone on social media reaching out to us. A lot of the community is behind us. We get messages on Facebook from around Garnett showing support; a lot of thumbs ups. In addressing the aesthetics of the home and 4th Street and preserving that historic look we have no intensions on altering it with new siding, a flashy roof or anything. Keeping it looking as close to the original is what we do. As far as parking, we did acquire the property directly to the west and are wanting to put some kind of trees or shrubbery to cover that empty lot from the road and from Mr. Steele's property to the west. We also have that big lot left where we could do something with parking if needed. I do realize that 4th Street is narrow and we don't want anyone going in and out of that area, but entering it from the alley I don't see a problem as I have been here almost every day for 3 weeks and I have driven around in all different patterns to figure out the best way to get to the home if I were coming from a different direction and I haven't had any issues and I have a very large car. I have not had any issues with parking myself.

Attorney Solander: You might add that one of the staff's considerations when trying to fit this into the existing grid was the future use of the vacant lot as a parking lot. Again, the O-I zone would permit that without them having to do anything further.

Mr. Spurrier: If we did do parking in Lot 2, I wouldn't necessarily want to drive down 4th Street and see what would seem like a commercial parking lot. So that brought to our attention the need to put some sort of shrubbery or something in the front of that vacant lot to hide that because we really want to keep it as original as we can. There is no intention to make the property look commercialized.

Mr. Landis: Structurally you are going to have to do some things to it to have the public in as a museum to have them tour it.

Mr. Spurrier: We took the advice that was given to us by the City to hire a structural engineer. We had plans to get a hold of an engineer, an architect and some contractors to see why the home did have a lean to it. What we discovered is only the initial home which most people don't realize is it was 2 rooms up and 2 rooms down. So it is basically one-



third of what is there now that leans. Everything else is pretty much straight. And the engineer seems to think during the first few years it shifted and then the second addition locked it in place. And that is why I am getting people who are 60 years old plus telling me that it has leaned since they can remember. If it is indeed locked in place he (engineer) had no worries about it. Now where I would be concerned is that now all of a sudden that we have ownership this has become a problem. Because it was grandfathered in apparently as a business before. We have removed so much weight from the second floor. So much stuff was up there. You would think that would have helped matters but it doesn't seem to have changed at all. Going back in the history documents, and from what we have found in the newspapers, when the home was first built the wife wanted out of the home within the first year because she said it swayed in the wind. So her husband traded it to another guy and he made it into a hotel and started adding on. So the next 2 additions were added on within the next 15 years of the home originally being built. If that is the case, then this structure has had a lean to it for approximately 140 years. This was the area's first frame built home and it is still here and has outlasted a lot of others. We do want to make anything repair-wise to make it safe obviously. There was a load bearing wall that was removed during one of the additions and it has been that way for probably 80 to 100 years and it is starting to show on the inside but has nothing to do with why it stands like that outside. It is a totally different part of the home.

Mr. Peterson: Are you going to put it on the National Register of Historic Places?

Mr. Spurrier: We have always considered that as an option but we don't want to jump to that yet because they have their own rules to follow. If we found out in the future that would help us we could definitely look into that. I think there are already some mistakes being made about a home in Garnett on the National Register claiming to be the oldest home and we found out we predate them by over 15 years. So they (NRHP) obviously would have to make changes once they verified our information. We don't have plans to register the property at this time. Right now we just want to work as two dads with a bunch of kids who take time off to come down here when we can, but we need to start getting people in to raise some money towards it. Going into a nice weather season we feel like we worked hard for a month just cleaning stuff out, that we would hope to be able to bring people in the sooner the better.

Mr. Thomas: Have you ever done anything like this before? Is it the Music Man where someone comes in and sells band instruments? We are concerned about someone waking up one day and saying, "Hey we're going to put on a play". Do you have any qualifications, background or anything? Have you ever done this type of endeavor before?

Mr. Spurrier: Rob and I do a similar thing in other places for an occupation. We have just never owned our own place until now. We found this as an opportunity that is almost exactly between where he and I live. I am in Chanute and he is in Shawnee. I travel all over the country. People hire me to give historical tours. I am to be in Gettysburg 2 nights from now. I will be there for 2 weeks giving historical tours. So as far as tours and acts of kindness and volunteering my time to preservation, I do that all the time. Rob does everything in Kansas City for the Antebellum homes up there. So it is something we have always done. We have just never did it to some place we've owned. We have given our

money to other places or donated time to other places. Rob does tours all through the fall. This is just something to keep me closer to home so that I am not traveling so much. I don't like being away from my kids so much. I couldn't believe we found this gem. We actually backed out of another sale in another town days before closing in favor of this. We are excited to find a place with so much history and so close to home. I used to come to Garnett to visit the flea markets on the square and bring friends up here who were into antiques because they (flea markets) were really good. I just see this as a way to get more people to Garnett. The people who come are usually into flea markets. And then they get hungry. They drive and they need gas. And if we can give them other options, such as the Harris House and if they can bring money into other places. If the Historical Society would open their doors to them, I just think it would be traffic, and it's not bad traffic in my opinion. It would be ideal for anyone who has a business here.

Mr. Landis: In my hearing you (Mr. Spurrier) speak my question is this: You know that is going to be a large undertaking. You said you have already cleaned out the second floor and you are going to do some other things too. What is your anticipated timeline before you welcome a tour in and charge a small fee?

Mr. Spurrier: We are trying to make sure all the walls are repaired and patched. I think we could start this at any time after we have secured these walls. We've made sure the isles and lanes are clear. We've wiped down every baseboard multiple times. It is pretty much dust free, which is a big accomplishment. We have 3 windows in the home and 1 window in the garage to replace.

Mr. Landis: Time line? You are telling me what you need to get it ready to get it presentable to the public but how long is this going to take? Are you going to put furnishings in there? Are you going to have historical pictures? Other collections?

Mr. Thomas: That is my question too. Are you just going to have the old doctor's office? Old hotel? What is your purpose? We have been visiting among ourselves (while you are talking) and ask, is there any admissions? Unless you are pretty wealthy, this sounds like a pretty aggressive venture.

Mr. Spurrier: What we want to do is keep a little of everything. Keep what is "the kitchen" in tact, which was the laboratory to the doctor's office. Part of the reason for that is someone left us an x-ray machine that is deactivated and bolted to the floor. We have found things that we have secured (with lock) and kept private and plan to discard what needs to be destroyed in the proper manner. We want to preserve the kitchen as the doctor section. We want to dedicate one bedroom in the house to each of the famous guests; for instance, the Wild Bill Hickok Room. We have purchased pictures (reprints) of each person. We have brought in a truckload of period furnishings and will continue to add. This is a start. Timeline? I think we can start this soon, because not everyone is wanting to come see it as a finished product. They simply are wanting to visit for the "Wow" factor. To see the actual 1858 floors that these people slept on. Even in these current conditions, it blows my mind every time I walk in. Just to know it is still standing. I think we can get people in there by spring, just to make a donation towards the home. There are donations coming in on Facebook and on the Internet. The campaign has been pretty much localized; Garnett only.

We wanted to see what local support we had, not particularly someone from like Florida. There are people out there who are like us and want to save something like this. We have received seven donations in the course of about 15 days. Most all of it is from Garnett. I think we can get people in fairly soon. It just won't be as it will be one day. We would like to get to where we can have events and make a donation to a local charity. All of the work to be done is to be done by community people. People who roof houses, paint houses. Keep it all in Garnett. Unfortunately, some things such as a structural engineer we had to reach out to other places. Not a lot of structural engineers hanging out in Garnett.

Mr. Landis: My gut feeling is that when you came into this meeting and have this great idea, I am looking for that great proposal of 20 to 30 pages and a timeline and how is it going to be used. If we make a change in the total zoning that affects, of course, your property, but also opens up a can of worms if you guys don't make it and it doesn't happen. And then in turn, what else could have been there and it comes right back to this commission again. Now that we have opened it up, can a liquor store be there or a gas station? A liquor store might end up there before a gas station. But, I wish you well. I really do, but at the same time I am looking for more concrete, written things to happen. Such as yes, we have contacted the structural engineer and this is our purpose. We plan to bring in "X" amount of people to tour through Garnett. We intend to charge this much. I am looking for some more substance. You have some great ideas. Facebook substance to me only goes so far. I know people who might click a thumbs up but if you ask them to write a comment they won't do it.

Mr. Norman: I think the substance is in the proof that they have been working over there day and night for a long time... (interrupted)

Mr. Landis: That is substance, true, but if you are going to come to a commission like us and make your proposal like this? I'm thinking I want to see more written and more spelled out, instead of having this conversation. Because when he writes it down it means something. The pen is mightier than the word and it holds him accountable.

Mr. Spurrier: In my defense, the letter wasn't sent to us on time. We don't live at that address. We didn't get it and we still made it here. This was a rush for both of us. We backed out of another sale to come here, which is a totally different style building, much larger in size and totally different. This was totally new to us. We were here within a week and we were being told sidewalks will need changed. We were still cleaning out the first room. Three weeks in we were told there might be a concern about structural support and words of a condemnation meeting. Could that happen? Most neighbors are in support of us. I don't think that was fair that within 1 week it's sidewalks and 3 weeks we're still trying to clean up what was there and... (interrupted)

Mr. Thomas: We don't doubt your commitment or enthusiasm. Some of the people on this panel have had businesses and have done projects. Even if we don't have a specific project, we have a specific plan. This is a dream you guys have and we are all for it. But you haven't given us anything. Like I said before, it's just like the musical, Music Man. I don't know if you are familiar with it. The reason I asked you if you had any experience at this and you

say you are a history buff and help with guided tours, but have you ever bought a property that is historic, set it up for public viewing?

Mr. Spurrier: The answer is no.

Mr. Thomas: We ask to find out if you have the wherefore all, not because we don't like you. We are the biggest cheerleaders in Garnett. We are for you, but we are not for you failing. That is why we ask if you have sat down and written a step-by-step plan. You surely have to have a plan. If you don't have a plan, then your plan is failure.

Mr. Spurrier: What I was saying about being rushed is that we just purchased the property and we are starting the clean up. Everything had happened so quick and we haven't had time to make you a 20 to 30 page proposal yet.

Mr. Landis: One of the things you realize when you buy a property like this, as my professional business has been school buildings, kind of the same thing as Burt does in working with city councils, government agencies and KDOT, etc. I think what you want to do is great but I think you are 6 to 8 months away from the standpoint that I know the hoops you have to go through. For the fact that you don't want any liabilities to happen after you get the structure in the shape you want it in.

Mr. Peterson: What is the first major event that happens in Garnett?

Mr. Norman: Square Fair in May.

Mr. Peterson: What is the next one?

Mr. Landis: Probably our fair.

Mr. Norman: Susan?

Mrs. Susan Wettstein: There is a car show downtown on June 3rd. But city wide garage sales in April is probably your first big event. But then the county fair.

Mr. Adam Caylor: Will this have hours of operation or open by appointment for bus tours? Will there be someone there all the time?

Mr. Spurrier: No, mostly by appointment. Once there is a demand for someone to be there we would seek out someone from the community to work for us part-time.

Mr. Caylor: Would you be scheduling any tour buses during special events?

Mr. Spurrier: I didn't know there were any events in town. I hear there are bus lines that used to, or still do, come to Garnett to tour homes. If so, I think it would be great to get on that list, but where do you typically park a bus in town?

Mrs. Wettstein: Typically we park them along the First Baptist Church, because a lot of times they will actually eat at the theatre while they give a presentation, and also tour The Kirk House and shop the square.

Mr. Thomas: Again, I don't see an issue with parking. Have you visited with the Tourism Committee to see what they think? We have these commissions here to help people. Have you been to the Historical Society meeting to find out how often they are open? Are you going to be able to coordinate tours if you both live out of town? That is what we are asking plan-wise. What have you done to establish this venture of yours? I don't want you to think we are trying to be facetious.

Mr. Peterson: I have one more question and then I would like to make a motion.

Mrs. Wettstein: May I speak? When I learned that they were purchasing this property I met with them to answer any questions they had regarding tourism. I don't really need to preach to them about having bus tours because that is what they already do somewhere else so this is kind of a win/win for us because a lot of times with attractions I have to explain how it works and I'm preaching to the choir when it comes to these guys. They know how to do that part of it. They've got that down pat. As far a plan and what they have to do structurally is up for another discussion, but they have met with us and they have a good understanding of what they want to do and we have some great ideas on what they could be doing with our historical attractions around the community.

Mr. Spurrier: I just cannot explain what a rush it has been to try and work on this. People continually knock on the door, curious or they want x-rays from the 1980's. People asking what are you doing? Is there anything in there? They watch from outside and when they see you through the window they either knock on the door or they just come on in. This has made it difficult to get things done. We have tried to take the most careful approach, and I am sorry we don't have the 20 pages prepared, but we are serious. We just don't have it on paper for you tonight.

Mr. Landis: My concern in changing the zoning is the fact of what can happen in the future. I want to keep 4th Street historical.

Mr. Peterson: Terry, can we make a motion to recommend a certain number of lots?

Mr. Solander: I would counsel against splitting zoning classification along lines of a particular ownership.

Mr. Peterson: Lots 13, 14, 15 and 16 belonging to the Baptist Church and I don't see anyone on this Board or this county objecting to the zoning change to O-I on that. I don't think anyone in this town or county, especially myself, have any objection on your receiving the go ahead on what you are wanting to do only under slightly different circumstances. I happen to know what it costs to support a bed and breakfast in this town. You have to be pretty doggone wealthy. There have been a lot of people start businesses and most of them fail within the first year. I am going to come over and help you guys after hearing your story. I am going to give you one-hundred bucks, and I hope you succeed. But

I don't want to approve cart blanche your zoning because ninety-percent of small businesses fail within the first year and I want your dream to work. I just don't feel comfortable allowing 4th Street to be changed and someday have a psychiatric hospital there. Don't take this wrong, I'm just trying to make you understand our side too. If you were to fail and somebody knock that thing down. What could happen next. If you don't succeed it could be just a whole bunch of blight.

Mr. Norman: Can I say something? Through all of this you are so worried about the O-I, can you honestly think in your own minds that anything on this paper could be put on that corner in the amount of footage that is there that anybody in their right mind would tear that house down and put a business there?

Mr. Peterson: There is a liquor store on a smaller lot than this.

Mr. Norman: In a business area.

Mr. Scott Harris: I would also like to speak in support of what these guys want to do. To the point of the zoning I have never opened up a liquor store but I am pretty sure I can't do it overnight. There is a lot of things to do in order to make that happen. I understand your concerns but we are wanting to invest in this community as well. I just don't see how, on all those things on that list, even if these gentlemen do not succeed you could not do any of those things right away. Don't they require further permit? You have to have a liquor license and other hoops.

Mr. Peterson: Yes but there is no zoning requirement. You can get a liquor license in 30 days.

Mr. Norman: You cannot put a liquor store within 1,000 feet of a church.

Mr. Thomas: I agree with Mike. I am not opposed to changing it to O-I. If we call it to question right now I am voting for it. I have lived here all my life. I am proud of Garnett. I don't want you to fail. I wished you would have come with a little more substance but when it comes right down to it we are the zoning committee and before us right now is changing the zoning, and I think we should call it to question.

Skip Landis made a motion that we make the recommendation to the City Commission to change the zoning of all lots as outlined in the application to an O-I from R-2. Les Thomas seconded the motion. Chairman Beth Mersman asked for any further discussion before voting.

Mrs. Desiree Donovan: I have a question for you as I am trying to understand your perspective, but what is The Kirk House currently zoned at? Is it O-I?

Mrs. Mersman: O-I.

Mrs. Donovan: And the church is moving into O-I, correct? Then really, anything that goes under could be turned into a liquor store or an insane asylum.

Mr. Peterson: That is correct.

Mrs. Donovan: For you to approve the church, and I mean no offense to the church by any means, but to approve the church in the same meeting you are going to deny them (Spurrier/Garcia). That reason does not seem logical. I would also like to hope that the next time you see these gentlemen that they would probably have a plan in place to present to you, but you have got to give them the opportunity to get to it. You are here strictly as zoning to give them the opportunity. Please don't shut the door in their face because it sends a horrible, horrible message to anyone else who is wanting to come to our town. Thank you.

With no further discussion, the votes were cast on the motion at hand as follows: Those in favor: 5. Opposed: 0. Abstention: 1 (Beth Mersman). Motion carried.

Old Business: None.

New Business:

Mr. Peterson stated he would like to recommend that we take a look at the O-I permitted classifications.

Attorney Solander stated that his observation is there are a number of uses that are on the list that he always wondered why they were in the O-I, and he thinks some of them ought to be offered under a special use. A number of board members agreed.

Mrs. Wettstein questioned if the Harris House is on O-I and Attorney Solander responded he thinks it is an R. She stated that if you were worried about another place that could be affected similarly would be the Harris House with it being so close to the highway business district. If it is zoned residential as a museum then it is similar to the property in question this evening. Mr. Peterson questioned if the Harris House is on the National Register of Historic Places. Mrs. Wettstein responded no. The Tipton House is the only home listed on the NRHP. And then the courthouse.

Each board member will look at the O-I grid on their own time and changes will be discussed during a work session at the April 18th meeting.

A motion was made by Mike Norman to adjourn the meeting. Burt Peterson seconded said motion. Motion passed unanimously. The meeting adjourned at 7:18 p.m.

Minutes recorded by Susan Wettstein.

