Wichita-Sedgwick County Metropolitan Area Planning Department

Brian Cunningham
1625 North Waterfront Pkwy
Suite 200
Wichita, KS 67206

February 4, 2025

RE: CON2024-00273 – Conditional Use request in the City to permit a Tavern and Drinking Establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 East Waterman Street).

Dear applicant,

At its regular meeting on **January 9, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request, subject to the following conditions:

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to zoning, sign code, building, fire, health codes or licensing requirements.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

No protests were received for the case. Therefore, the decision of the MAPC is final. If you have any questions, please contact our office at 268-4421.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I

Wichita-Sedgwick County Metropolitan Area Planning Department

Brian Cunningham
4316 East Lewis Street
Wichita, KS 67218

January 16, 2025

RE: CON2024-00273 – Conditional Use request in the City to permit a Tavern and Drinking Establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 East Waterman Street).

Dear applicant,

At its regular meeting on **January 9, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request, subject to the following conditions:

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to zoning, sign code, building, fire, health codes or licensing requirements.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **January 23, 2025**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **January 23, 2025**, at 5:00 p.m.

This case will be heard by the District Advisory Board (DAB) I on **Monday, February 3, 2025**. Meetings take place at the Atwater Neighborhood Resource Center, 2755 East 19th Street North, Wichita, KS 67214, at 6pm. For more information, please contact the Community Services Representative for District I, Cameron Jackson, at 316-303-8018 or CTJackson@wichita.gov.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD
Lily Shawver, *via email*

CONDITIONAL USE RESOLUTION NO. CON2024-00273

WHEREAS, 1640East LLC, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a Tavern and Drinking Establishment in CBD Central Business District zoning located at 1640 East Waterman Street, legally described as:

Lots 65, 67, 69, 71, and 73, on Hydraulic Avenue, Hyde's Addition to Wichita, Sedgwick County, Kansas.

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of January 9, 2025, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for a Tavern and Drinking Establishment in CBD Central Business District zoning located at 1640 East Waterman Street, legally described as:

Lots 65, 67, 69, 71, and 73, on Hydraulic Avenue, Hyde's Addition to Wichita, Sedgwick County, Kansas.

Approved subject to the following conditions:

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to zoning, sign code, building, fire, health codes or licensing requirements.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 1st Day of MARCH, 2025.

METROPOLITAN AREA PLANNING COMMISSION

Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	620514	Print Legal Ad-IPL02086590 - IPL0208659	MAPC/BZA Jan. 9, 2025	$73.33	2	61 L

Attention: Mandy Hebert

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on December 18, 2024
(One Time Only)
MAPC/BZA January 9, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 9, 2025, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00080: Variance request in the City to reduce the side and rear setbacks to 0 feet to build a two-car garage on the rear half of the property, generally located on the east side of North Dellrose, within 100 feet south of East 2nd Street North (240 North Dellrose).

CON2024-00259: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the north side of East Gilbert Street, within 400 feet west of South Armour Drive (7310 East Gilbert Street).

CON2024-00273: Conditional Use request in the City to permit a drinking establishment on property zoned CBD Central Business District located at the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 E Waterman).

CON2024-00275: Conditional Use request in the City to allow a Tavern and Drinking Establishment on property zoned LI Limited Industrial District, generally located on the northeast corner of East 35th Street North and North Oliver Avenue.

CUP2024-00046: CUP Amendment request in the City to amend CUP DP-86 to allow an off-site billboard, generally located on the west side of North Seneca Street, north of I-235 (4121 North Seneca Street).

VAC2024-00054: Vacation request in the City of platted access control; generally located on the east side of North Rock Road and within 200 feet north of East 35th Street North (3718 North Rock Road).

VAC2024-00055: Vacation request in the City for a portion of platted front setbacks; generally located on the north side of North Reece Street and within 650 feet south of West 21st Street North.

VAC2024-00056: Vacation request in the City to vacate a portion of the 30 foot front yard setback to allow for the creation of a garage addition on property zoned SF-5 Single-Family and located less than 200 feet south of the intersection of W. Columbine Ln. and N. Richmond Ave. (2380 N. Richmond Ave.)

VAC2024-00057: Vacation request in the City to vacate McLean Boulevard right-of-way and drainage facilities on property zoned LI Limited Industrial District, generally located at the intersection of South McLean Boulevard and West 47th Street South.

VAC2024-00058: Vacation request in the City to vacate a 20-foot utility easement and a portion of a 25-foot sewer easement for the development of a multi-family residential building on property zoned PUD #61, generally located on the northwest corner of West Maple Street and North McLean Boulevard.

ZON2024-00057: Zone Change request in the City from SF-5 Single-Family Residential to MF-29 Multi-Family Residential; generally located on the west side of South Handley Street and within 600 feet of South Seneca Street (4301 South Handley Street).

ZON2024-00058: Zone Change request in the City from TF-3 Two-Family Residential District to NR Neighborhood Retail, generally located on the west side of North Chautauqua Avenue and within 150 feet north of East Douglas Avenue (117 North Chautauqua Avenue).

IPL0208659
Dec 18 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:
12/18/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 12/18/2024 to 12/18/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 12/18/2024

Margaret K. Wilson

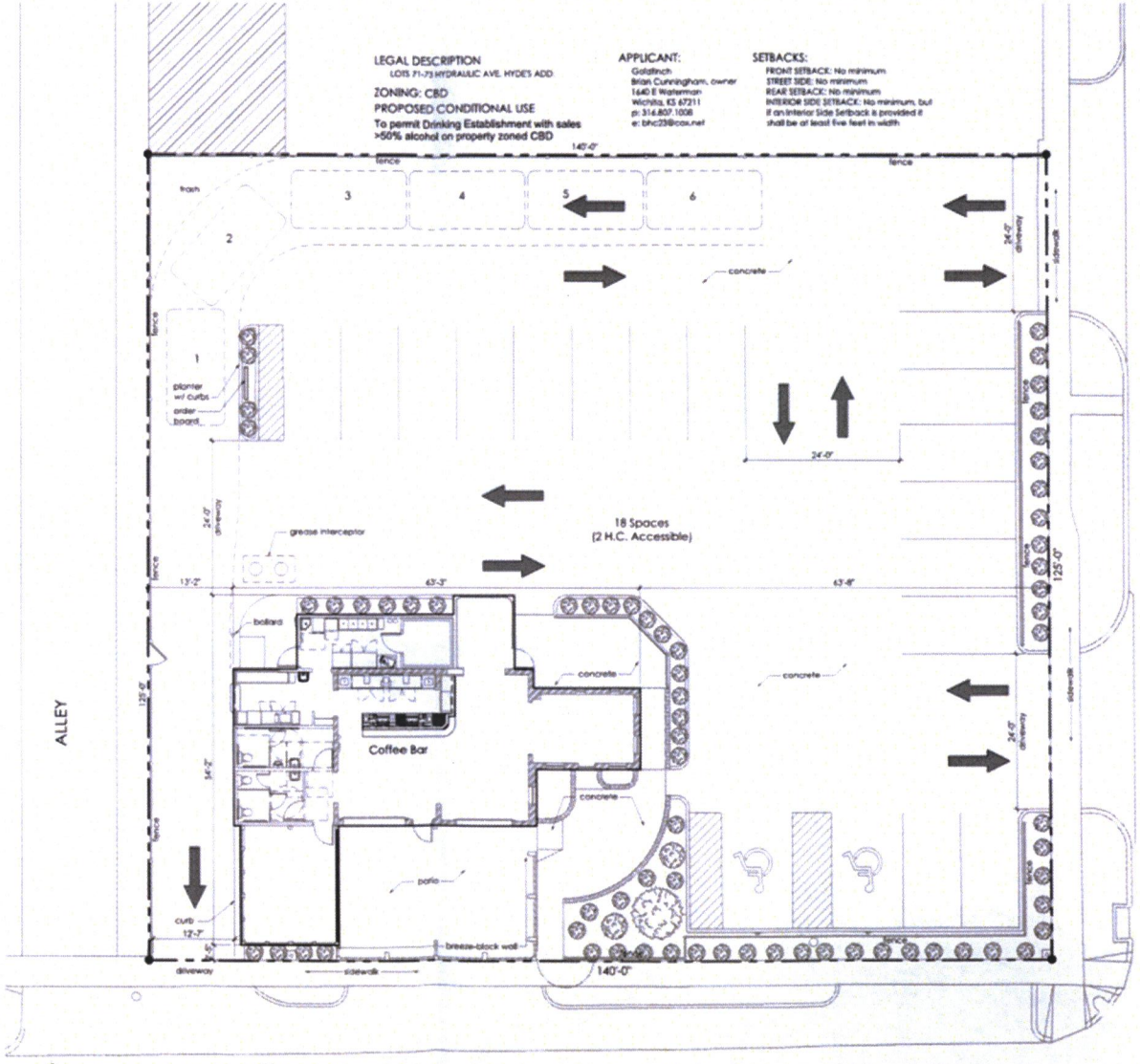
Notary Public in and for the state of Texas, residing in Dallas County

MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

SITE PLAN

APPROVED 2/4 BY CMR



STUDIUM

151 N. Rock Island, Suite 18
Wichita, Kansas 67202
studiumwichita.com
316.295.4543

ANTHONY J. JACKSON
LICENSED
5102
11-06-24
KANSAS
ARCHITECT

East Waterman Coffee Bar

1640 E Waterman St, Wichita, KS 67211

owner
1640 East, LLC
Owner Address: 1620 N
WATERFORD PKWY SUITE 200
WICHITA, KS 67206-6620
contact: Brian Cunningham
p: 316.807.1008
e: bhc23@cox.net

architect
STUDIUM
151 N Rock Island, 18
Wichita, KS 67202
p: 316.295.4543
contact: Tony Jackson
email: tony@studiumwichita.com

general contra
Proficient Facilities
1640 E English St
Wichita, KS 67211
p: 316.867.0709
contact: Clinton Sutv
email: clint@proficientfacilities.com

structural engineer

mep engineer
Enginuity Consulting Engineers
111 N Hydraulic Ste 200
Wichita, KS 67202
p: 316.229.7999
contact: Travis Rau
email: travis@enginuityce.net

Conditional Use Permit Application 11.06.24

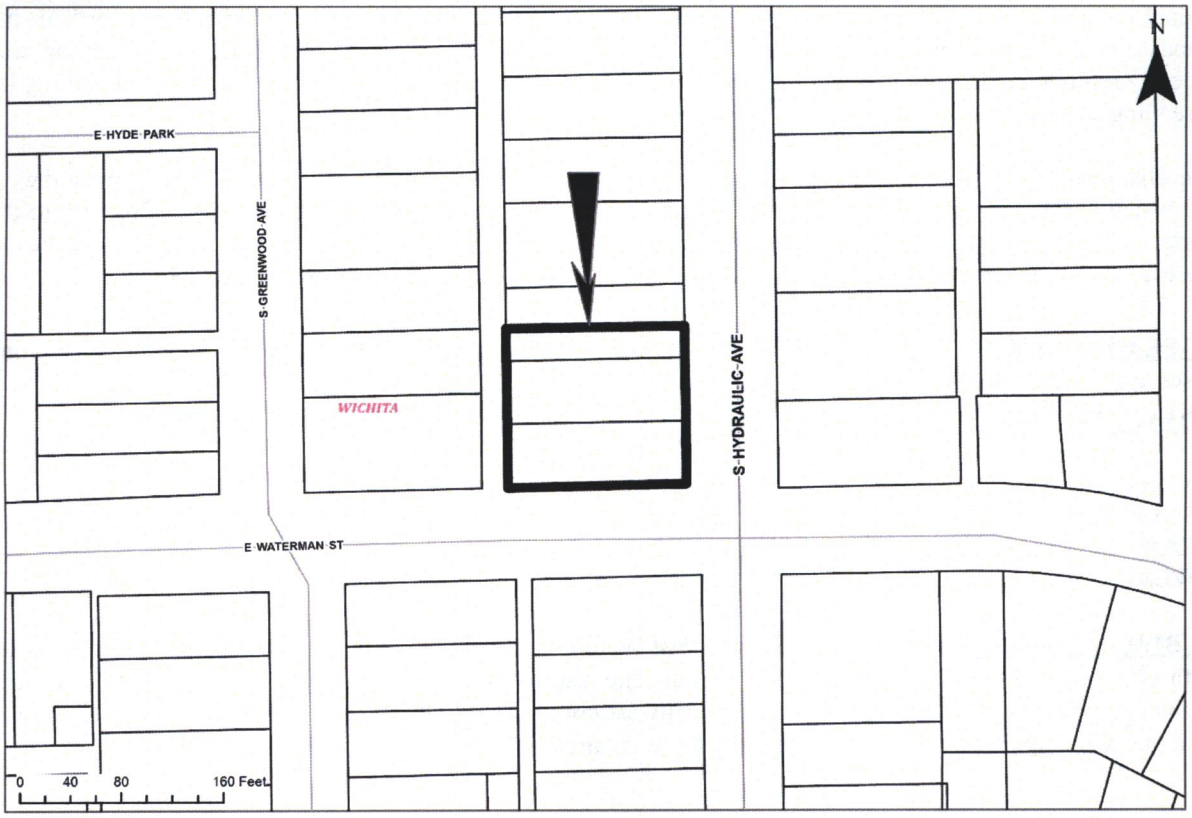
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.7

STAFF REPORT

MAPC: January 9, 2025
DAB I: January 6, 2025

CASE NUMBER:	CON2024-00273
APPLICANT/AGENT:	1640East LLC/Brian Cunningham (Applicant), Solimojo Waterman LLC/John and Mary Shawver (Agents)
REQUEST:	Tavern and Drinking Establishment
CURRENT ZONING:	CBD Central Business District
SITE SIZE:	0.16 acres
LOCATION:	Generally located on the northwest corner of East Waterman Street and South Hydraulic Avenue (1640 East Waterman Street).
PROPOSED USE:	Establishment with over fifty percent of alcohol sales.
RECOMMENDATION:	Approval with conditions.



BACKGROUND: The applicant is requesting a Conditional Use for a Tavern & Drinking Establishment on property zoned CBD Central Business District. The subject site is 0.16 acres in size and is generally located on the northwest corner of East Waterman Street and South Hydraulic Avenue. The subject site is currently developed with a vacant building and parking lot. The applicant is requesting the Conditional Use to have an establishment in which alcohol sales exceed 50 percent.

Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code (UZC) require a Conditional Use for "Tavern & Drinking Establishment" when it is within 300 feet of residential zoning district. The need for the Conditional Use at this location is due to the requested land use and the proximity of B Multi-Family District (B) zoning, which is located approximately 230 feet east of the subject property.

According to the site plan, the applicant intends to utilize the existing building for the Tavern and Drinking Establishment and coffee bar, which includes an existing outdoor patio and parking lot. The site can be accessed via South Hydraulic Street. One entrance can be used primarily for in-store customers, and the other entrance can be used primarily for the drive-thru. The entrances from South Hydraulic Avenue are two-way, and East Waterman Street is exit only. Therefore, any lights from cars in the drive-thru would face west or south, towards commercially zoned properties.

The site plan shows 18 parking spaces on site, two of which are ADA-compliant. Section IV of the UZC requires one parking space per two occupants, except no additional parking for initial 16 occupants in outdoor seating area. Therefore, the capacity of the Tavern and Drinking Establishment shall be limited to 52 occupants. The amount of required parking can be reduced by ten percent through an Administrative Adjustment with the Planning Department, or up to 25 percent if the site is remodeled sufficiently.

Properties in the CBD District are exempt from the majority of landscaping requirements set forth in the Landscape Code. However, parking lots are required to provide parking lot screening. The building was recently remodeled and came into compliance with the Landscape Code by installing the required parking lot screening as seen on the site plan.

The character of the neighborhood is commercial and high-density residential. Properties to the north and west are zoned CBD; properties to the south and east are zoned GC General Commercial District. Property to the north is developed with a car dealership. Property to the south is developed with a retail store. Properties to the east are developed with quadplexes. Property to the west is developed with a multi-tenant retail space.

CASE HISTORY: On May 12, 1884, the property was platted as part of Hyde's Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Car dealership
SOUTH:	GC	Retail
EAST:	GC	Multi-family dwellings
WEST:	CBD	Retail

PUBLIC SERVICES: This site has access to East Waterman Street, a two-way local street with sidewalks on both sides, and South Hydraulic Avenue, a four-lane arterial street with sidewalks on each side. Wichita Transit provides regular bus service on the northwest corner of East Waterman Street and South Hydraulic Avenue. Municipal services, such as water and sewer, already serve the subject site.

CONFORMANCE TO PLANS/POLICIES: The request is in conformance with The Community Investments Plan. The Community Investment Plan (the Wichita-Sedgwick County Comprehensive Plan) recommends the subject site as appropriate for "Commercial" land uses. This category supports the full diversity of commercial development found in a large urban municipality.

The request is also in conformance with the Locational Guidelines of the Comprehensive Plan. A general Development Pattern Guideline states: "*Development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with the development.*" The site of the proposed Tavern & Drinking Establishment has municipal services on site and is developed with a vacant building suitable for the requested use.

The requested Conditional Use is in conformance with the *Wichita: Places for People Plan*. The *Plan* outlines six Strategies "to help guide the community in their actions to create walkable places within Wichita." Strategy 3 aims to "Improve the economic feasibility of commercial/service uses and the markets necessary to support them." Granting the Conditional Use for Tavern and Drinking Establishment adds a permitted commercial/service use on site and thus improves its economic feasibility. Strategy 6 aims to "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The applicant requests to redevelop the site in a manner that is appropriate within its setting.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the following conditions:

1. Tavern & Drinking Establishment shall adhere to Supplementary Use Regulations in Section III-D.6.w of the Unified Zoning Code.
2. The site shall be developed in general conformance with the approved site plan and in compliance with all city ordinances, including but not limited to zoning, sign code, building, fire, health codes or licensing requirements.
3. The parking lot shall be kept free of all trash and debris.
4. No loitering, congregating or excessive noise shall be permitted in the parking lot.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is commercial and high-density residential. Properties to the north and west are zoned CBD; properties to the south and east are zoned GC General Commercial District. Property to the north is developed with a car dealership. Property to the south is developed with a retail store. Properties to the east are developed with quadplexes. Property to the west is developed with a multi-tenant retail space.

2. The suitability of the subject property for the uses to which it has been restricted: The building could be utilized for a wide variety of CBD uses allowed by the current zoning. In this case, the Conditional Use is only required because of the proposed use being located within 300 feet of residential district zoning.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not

anticipate the requested Conditional Use to have significant detrimental effects to nearby property. The requested use on site is appropriate for the area.

4. Length of time subject property has remained vacant as zoned: The property has been developed with a commercial building since 1925.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the application is not anticipated to have significant detrimental impacts on the public health, safety, or welfare of the community. Denial of the application may result in a loss of economic opportunity for the applicant.

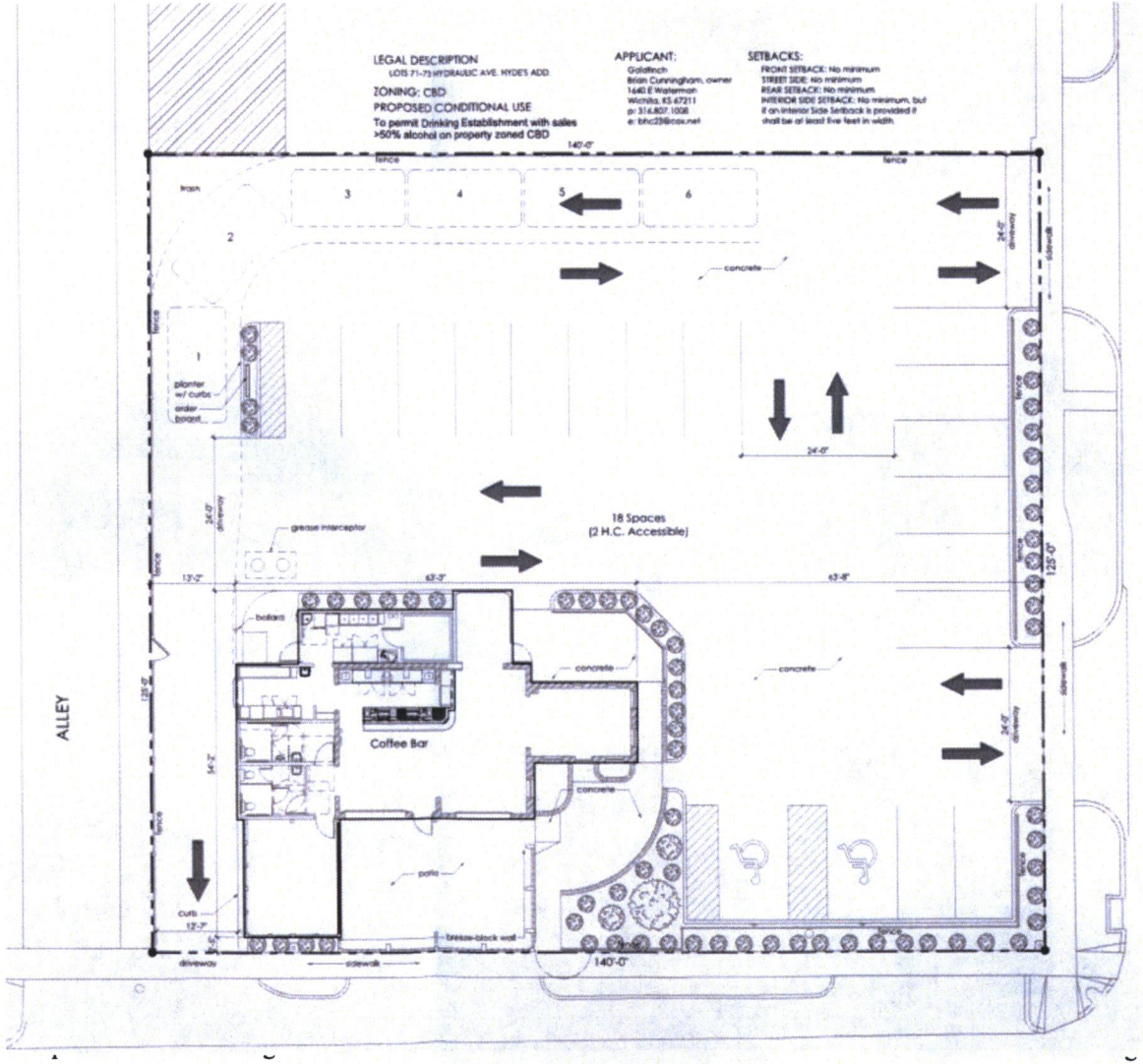
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan* and the *Places for People Plan*, as discussed in the staff report.

7. Impact of the proposed development on community facilities: It is not anticipated that the Conditional Use will have significant negative impacts on community facilities. Redevelopment of a vacant building may result in a slight increase in traffic to the area.

8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment on the requested Conditional Use.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Pictures
6. Public Comment



STUDIUM

151 N. Rock Island, Suite 18
Wichita, Kansas 67202
studiumwichita.com
316.295.4543

ANTHONY J. JACKSON
5302
11-06-24
KANSAS
ARCHITECT

East Waterman Coffee Bar

1640 E Waterman St. Wichita, KS 67211

owner
1640 East, LLC
Owner Address: 1620 N
WATERFORD PKWY SUITE 250
WICHITA, KS 67206-6620
contact: Brian Cunningham
p: 316.807.1008
e: bhc23@cox.net

architect
STUDIUM
151 N Rock Island, 18
Wichita, KS 67202
p: 316.295.4543
contact: Tony Jackson
email: tony@studiumwichita.com

general contractor
Proficient Facilities
1440 E English St
Wichita, KS 67211
p: 316.867.0199
contact: Clinton Suhr
email: clint@proficientfacilities.com

structural engineer

mep engineer
Enginuity Consulting Engineers
111 N Market Ste 300
Wichita, KS 67202
p: 316.239.7999
contact: Travis Ray
email: travis@enginuityconsult

Conditional Use Permit Application 11.06.24


E HYDE PARK
S GREENWOOD AVE
WICHITA
S HYDRAULIC AVE
E WATERMAN ST
0 37.5 75 150 Feet
N


BZA11-94
BZA8-99
BZA4-95
CON2019-00031
BZA62-83
E DOUGLAS AVE
N 1135 RAMP
BZA2004-00051
BZA7-98
BZA14-99
CON2016-00053
PO-123
PUD-59
PUD-117
PUD-117
E HYDE PARK
CON2014-00014
S HYDRAULIC AVE
S KANSAS AVE
S MINNESOTA AVE
E ENGLISH ST
E ENGLISH ST
PO-98
AA97-5
BZA19-97
E HYDE PARK
BZA10-65
WICHITA
S MINNEAPOLIS AVE
E WATERMAN ST
S ELLIS AVE
S GREENWOOD AVE
E MCKNIGHT DR
E KELLOGG RAMP
S 1135 HWY
BZA97-57
S LULU AVE
E GILTNER CIR
S PATTIE AVE
E LEWIS ST
BZA2-35
E LEWIS CIR
S 1135 RAMP
WICHITA DRAINAGE CANAL
BZA2004-00048
BZA2015-00051
BZA12-77
N
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
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PUD
AIRPORT
OLD TOWN


2035 Wichita
Future Growth
Concept Map
Legend
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
Major Institutional
Neighborhood & Area Plans
Application Area
N
Central Northeast Area Plan Update
OHIO
INDIANA
CLEVELAND
MATHEWSON
NEW YORK
VICTOR
PENNSYLVANIA
KANSAS
ASH
MADISON
1ST
DOUGLAS
HYDE
ENGLISH
MINNEAPOLIS
MINNESOTA
I135
HYDRAULIC
Wichita Central
PATTIE
WATERMAN
GREENWOOD
MCKNIGHT
GILTNER
KELLOGG
LEWIS
LAURA
LULU
ELLIS
ORME

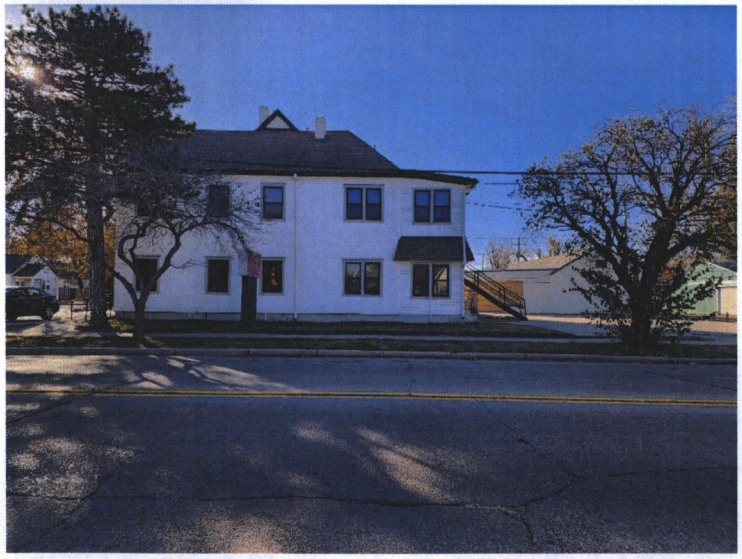
Looking north towards site



Looking west towards site



Looking south away from site



Looking east away from site



Looking east towards site



Looking west away from site

