MINUTES
Administrative Board of Appeals
February 25, 2019

MEMBERS PRESENT:
David C. Levy, Chairman
Jeffrey Beals
Brian W. Kruse
Blake Peterson, Alternate

MEMBERS NOT PRESENT:
Ann O’Connor, Vice Chair
Ryne Bessmer, Alternate

STAFF PRESENT:
Mike Wilwerding, Planning Department
Tim Himes, Law Department
Clinette Ingram, Recording Secretary

Mr. Levy called the meeting to order at 1:02 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

CASES:

1. 19-02-016
   Peter Nagel, AIA
   The Redmond Company
   W228 N745 Westmound Drive
   Waukesha, WI 53186
   REQUEST: Appeal Public Works Department denial of a site plan dated 2/7/19. (RE: Veridian Credit Union – 7529 Dodge Street)

At the Administrative Board of Appeals meeting held on February 25, 2019, Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the applicant could not be present for the case. He stated that the site currently has two accesses onto Dodge Street that would be consolidated into a single, two-way right-in/right-out access. The access would be far enough of way from the signalized intersection at 76th Street to meet the spacing requirements. The only deficiency with the site would be the stacking requirement for banks. The site would have three, full-service drive-through lanes and an ATM lane. Mr. Haas explained that the driveway regulations require 200’ per lane of stacking for banks. Public Works has received feedback from banks explaining that those regulations are excessive since the trend has been that there is less and less traffic at bank locations. Public Works agreed and believed that the requirements should be 100’ per lane. The regulations have not been updated to reflect that fact so a waiver from the board is required. He added that as long as the applicant could meet the 100’ minimum, Public Works supported the request.

Mr. Kruse moved to GRANT the appeal. Mr. Beals seconded the motion.

AYES: Peterson, Beals, Kruse, Levy

MOTION CARRIED: 4-0. Appeal granted.
At the Administrative Board of Appeals meeting held on February 25, 2019, Ted Zetzman (Noddle Companies) and John Coolidge (Lamp Rynearson) appeared before the board. Ryan Haas appeared on behalf of the Public Works Department.

Mr. Haas stated that the proposed site plan consolidates two city blocks into one long block from Mike Fahey Street to Cuming Street and from 15th Street to 16th Street. The south end of the site (Lot 1) would be the location of the Kiewit headquarters and the north end of the lot would be for future development; they would both have different uses and owners. There would be a parking garage between the two uses. As proposed, there would be two, two-way accesses on 16th Street, one two-way access onto 15th Street and a one-way inbound access on 15th Street. He noted that although 15th and 16th Streets are collector streets, they are in a downtown setting. Because there are two distinct sites, he stated that there could be three, two-way accesses there: one for each site and a shared access. This results in a waiver request for the additional one-way inbound access that would exceed the driveway regulations. The second waiver request would be for one of the 15th Street accesses that has a 36’ width and a 16th Street access that is 38’ in width (35’ is the maximum width allowed). The third waiver request was for a minimum offset from Burt Street of only 70’ instead of 115’ as per driveway regulations. He explained that that requirement was challenging to meet in a downtown setting. The fourth waiver request was for a loading area on the 16th Street driveway that would require some backing maneuvers. He noted that in that area the waiver would be necessary; however, Public Works requested that the applicant limit those types of maneuvers to specific times. Mr. Haas stated that Public Works had no real objections to what was being requested.

Mr. Zetzman stated that a residential use is planned for the north end of the site. He explained that the garage could be expanded in the future from 560 to 700 stalls. He added that, due to the nature of the business, there should be very few truck deliveries. Mr. Coolidge commented on the need for the waivers.

Mr. Kruse moved to GRANT the appeal as requested. Mr. Beals seconded the motion.

AYES: Peterson, Beals, Kruse, Levy

MOTION CARRIED: 4-0. Appeal granted.
3.  19-02-018
Jonathan Brown  REQUEST:  Appeal of the Omaha Police Department’s
1513 North 31st Street  denial of a firearm registration dated 1/9/19.
Omaha, NE 68111

At the Administrative Board of Appeals meeting held on February 25, 2019, Jonathan Brown appeared before the board. Lt. Sedlacek appeared on behalf of the Omaha Police Department.

Lt. Sedlacek stated that Mr. Brown was denied a firearm registration for two marijuana less than one ounce convictions from March 2010 and September 2012. He was fined $300 in both cases. Lt. Sedlacek discussed the facts of the cases.

Mr. Brown stated that he had changed his life around. He explained that he has two, full-time jobs that both perform drug-testing. He added that he had both convictions set aside. He submitted copies of the set aside orders to the board (Exhibit 2).

There was some discussion about the setting aside of the convictions. Lt. Sedlacek stated that the Police Department had no paperwork to show that the convictions had been set aside. It was determined that if the convictions were set aside then no appeal would be necessary.

Mr. Levy suggested that the case be laid over to give Lt. Sedlacek time to confirm that the convictions had been set aside.

Mr. Kruse moved to LAYOVER the appeal until the March 25th meeting. Mr. Beals seconded the motion.

AYES: Peterson, Beals, Kruse, Levy

MOTION CARRIED: 4-0.

MINUTES:

Mr. Kruse moved to APPROVE the minutes for the January 28, 2018 meeting. Mr. Beals seconded the motion.

AYES: Beals, Kruse, Levy

ABSTAIN: Peterson

MOTION CARRIED: 3-0-1.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 1:26 p.m.