MEMBERS PRESENT:
Ann M. O’Connor, Chair
David C. Levy, Vice Chair
Jim Weaver
Bode M. A. Labode
Jose Lopez-Nuno

MEMBERS NOT PRESENT:
John R. Barrett, Alternate
Marty Conboy, Alternate

STAFF PRESENT:
Timothy Himes, Jr., Law Department
Kevin Denker, Planning Department
Rikki Flott, Recording Secretary

ROLL CALL:
Ms. O’Connor called the meeting to order at 1:00 pm. The Board received as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Cases:

1. 15-04-021
   Kurtis Johnson
   1631 North 84th Avenue
   Omaha NE 68114
   REQUEST: Appeal Police Department denial of firearm registration

Kurtis Johnson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Johnson applied to register a firearm on March 14, 2015 and was denied due to a marijuana less than 1 ounce conviction dated September 19, 2007.

Mr. Johnson stated that the reason for his appeal was that he wanted the firearm for hunting purposes and home defense. He explained that since the conviction, he only received minor traffic violations and that he now had 4 children.

Mr. Weaver verified with Mr. Johnson that the Douglas County Sheriff issued a Permit to Purchase on April 23, 2012. Lt. Sedlacek explained that the Permit to Purchase was valid when Mr. Johnson applied, but expired as of today.

Motion to APPROVE by Mr. Labode. Second by Mr. Weaver.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.
2. 15-04-022
Eric Glenn
3956 North 40th Street
Omaha NE 68111

REQUEST: Appeal Police Department revocation of firearm registration

Eric Glenn appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Glenn applied to register a firearm on March 25, 2015 and was denied due to two marijuana less than 1 ounce convictions dated June 10, 2005 and May 22, 2009, and two carry concealed weapon convictions dated June 5, 2007 and June 12, 2009, both were firearms.

Mr. Glenn stated that the reason for his appeal was that during both carry concealed weapon convictions he did not have bullets in the chamber or magazines in his firearm. He further explained that he now owned a business, cared for his grandmother and daughters, and needed protection for his home and business. He added that he renewed his purchase permit in 2015 and was not aware his firearm registration was suspended.

Lt. Sedlacek noted that the 2007 report indicated the pistol was equipped with 2 loaded magazines. The 2009 report indicated the gun was fully loaded in the glove-compartment box of the vehicle. Mr. Johnson denied the weapons were loaded. In response to Mr. Levy, Lt. Sedlacek stated that the revoked firearms were registered prior to 2007 and that policy did not require recovery of the revoked firearms.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

3. 15-04-023
Deontae Bradley
3920 North 40th Street
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Deontae Bradley appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Glenn applied to register a firearm on April 2, 2015 and was denied due to a carry concealed weapon conviction dated July 14, 2010, which involved a stolen handgun.

Mr. Bradley stated that the reason for his appeal was that the firearm belonged to cousin and was reported stolen in approximately 2008 when he was not a resident of Nebraska. He further explained that he completed a concealed carry class and renewed his purchase permit in 2013. He mentioned that he was recently pulled over for a traffic violation in February, informed the officer he had a weapon in the vehicle, the officer checked and returned the gun, and let him go. Mr. Bradley stated that he worked overnight and, cared for his 3 year old daughter and grandparents, and wanted the firearm for protection. In response to Mr. Levy, Mr. Bradley stated that the recent traffic violation occurred approximately February 28, 2015.

In response to Mr. Weaver, Lt. Sedlacek stated the initial charge was for a stolen firearm and was reduced to a carry concealed weapon charge by the Prosecutor. Mr. Bradley explained to Mr. Weaver that he passed a carry concealed weapon class at the Nebraska Safety Council, but did not have the completion certificate with him today. He informed Mr. Levy that he completed the class in 2012.
Motion to APPROVE by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

4.

15-04-024
Michael Pratt
2223 S Street
Omaha NE 68107

REQUEST: Appeal Police Department denial of firearm registration

Michael Pratt appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Pratt applied to register a firearm on April 8, 2015 and was denied due to a carry concealed weapon conviction dated December 14, 2012.

Mr. Pratt stated that the reason for his appeal was that he purchased the firearm from a friend 2 days prior to being pulled over and did not have time to properly register the firearm. He noted that he was a former military police office and Douglas County Correction Officer.

In response to Mr. Weaver, Mr. Pratt explained that the officer searched his vehicle, found the weapon in a duffle bag in his vehicle and confiscated the firearm. He recently purchased a new firearm and was denied registration due to his record. Mr. Pratt explained to Mr. Levy that he previously had 4 firearms registered and used the weapons for the shooting range and protection.

Motion to APPROVE by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

5.

15-04-025
George R. Keys
3968 Read Street
Omaha NE 68112

REQUEST: Appeal Police Department Notice of Nuisance (RE: 3968 Read Street)

George Keys appeared before the Board. Mr. Mike Johnson, Planning Department, appeared before the Board.

Mr. Keys stated that the vehicles in his driveway were purchased to be repaired and donated to unwed mothers. He explained that the mechanic, Mr. Sanchez, was out of the state for approximately 4 months and due back to Omaha at the beginning of May 2015. He explained that after the Notice was issued, the 1999 Windstar and 1995 Ford Explorer were donated to Catholic Charities. He stated that the 1983 E150 and Dodge Caravan remained at the property and that he needed more time to repair the vehicles.

Mr. Johnson submitted photos of the property (Exhibit 2) taken the day of the meeting, along with photos from 2013 that showed the vehicles in question at the property. He added that the vehicles were parked on pavement but were not currently registered and that the car parts needed to be stored in the garage.

Mr. Keys explained to the Board that the transmission part was also donated to Catholic Charities and that he could have the vehicles removed by the end of May.
Motion to DENY with 45 days to comply, by Mr. Levy. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal denied with 45 days to comply.

6.

15-04-026
Alice M. Baker
1516 North 94th Street
Omaha NE 68114

REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 1516 North 94th Street)

Alice Baker was not present at the meeting. Kevin Denker, Planning Department stated that Ms. Baker informed him she could not attend the meeting. Mike Johnson, Planning Department, appeared before the Board.

Mr. Johnson submitted photos of the property (Exhibit 2) taken the day of the meeting and stated that the vehicle remained and the property was not in compliance. Mr. Denker explained to the Board that in a conversation with Ms. Baker, she indicated she had to work and could not attend the meeting, but needed additional time to comply.

Motion to DENY with 30 days to comply, by Mr. Levy. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal denied with 30 days to comply.

7.

15-04-027
John G. Holzappel
4177 L Street
Omaha NE 68107

REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 4112 Q Street)

John Holzappel appeared before the Board. Mike Johnson, Planning Department, appeared before the Board and submitted photos of the property taken that morning (Exhibit 2). Mr. Johnson stated that the vehicles were parked on an unpaved surface and submitted a copy of the Planning Department Complaint Record depicting the same complaint dated December 12, 2014 (Exhibit 3).

Mr. Holzappel stated that he was a licensed Nebraska auto dealer and purchased the property approximately 6 months prior. He explained that the sidewalk on his property was currently under construction by the City for a water main maintenance project along Q Street, so he was not able to connect to the water main for his property. He further explained that because of the water main issue he was not able to obtain the necessary occupancy permit for his business and that he was not able to install concrete for parking until the City project was completed. Mr. Holzappel stated that the vehicles on the property had proper dealer plates placed inside the vehicle to prevent theft.

Mr. Johnson verified a City project was underway at the corner of 42nd & Q Streets adjacent to Mr. Holzappel’s property. Mr. Holzappel stated that he was informed by a City employee working on the project that the City would install a new access for his property when completed.

Motion to DENY with 30 days to comply, effective upon completion of the Public Works Department construction project at 42nd & Q streets, which is adjacent to the subject property, by Mr. Weaver. Second by Mr. Levy.
AYES: Labode, Lopez-Nuno, Weaver, Levy, O'Connor

Motion carried 5-0. Appeal denied with 30 days to comply, effective upon completion of the Public Works Department construction project at 42nd & Q streets, which is adjacent to the subject property.

8.

15-04-028
Alison Ingunza
HDR Inc.
8404 Indian Hills Drive
Omaha, NE 68114

REQUEST: Appeal Public Works Department denial of driveway permit (RE: 70th & Cass Streets, Omaha Conservatory of Music)

Tim Wurtele and Brian Ray, HDR Inc., and Larry Jobeun, attorney for the property owner, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the property was an existing site repurposed by the Omaha Conservatory of Music. He explained that site modifications included removing 1 driveway along Cass Street and retaining the remaining 2 driveways along Cass Street. He stated that regulation was 1 driveway for the property.

Mr. Wurtele submitted photos and site plans of the property (Exhibit 2) and stated that the proposed plan closed the far west entrance along Cass, retained the middle entrance with right and left turn lanes, and also retained the east entrance, which was needed for an administrative and catering entrance. Mr. Ray noted that the existing overhang attached to the building on the east side restricted the drive access to the east of the property where deliveries were made. Mr. Jobeun stated that 2 driveways were necessary to successfully utilize the site and noted that the property was a single-use on 8 acres of land.

Motion to APPROVE by Mr. Levy. Second by Mr. Lopez-Nuno.

AYES: Lopez-Nuno, Weaver, Levy, O’Connor

ABSTAIN: Labode

Motion carried 4-0-1. Appeal granted.

9.

15-04-029
Jason Thiellen
E&A Consulting Group Inc
330 North 117th Street
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit (RE: North 24th & Cuming Streets, CHI Academic Clinic)

Paul Gonzales E&A Consulting Group, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed use was a CHI medical facility and was adjacent to the existing McDonald’s to the east. He noted that McDonald’s worked extensively with the Department on the access issues at the corner of 24th & Cuming Streets. He explained that McDonald’s obtained easement rights, and that 5 access drives were proposed for CHI; 2 of which were shared with McDonald’s. Mr. Haas noted that the Department was opposed to the proposed Cuming Street access and preferred a restricted right-in/right-out only access for this driveway.

Mr. Gonzales stated that the proposed plan was to move the 2 existing drives adjacent to McDonald’s further from the intersection at 24th & Cuming Streets and that McDonald’s easement rights would be revised. He added that the ambulance entrance was proposed for the intersection at 25th Street and that CHI was in the process of acquiring additional adjacent properties as the project moved forward.
In response to the Board, Mr. Haas noted that all other driveways met spacing requirements. Mr. Gonzales explained to the Board that CHI was in the process of obtaining approval of easement revisions and full movement access from the McDonald’s corporate office. He explained that when additional properties were acquired, the proposed plan would change. Mr. Haas responded to the Board that the right-in/right-out only access on Cuming Street was an improvement from the current access, but needed approval from McDonald’s. Mr. Weaver commented that additional time was necessary to allow issued to be resolved regarding the proposed plan.

Motion to HOLD OVER until applicant and the Public Works Department submit additional information to the Board by Mr. Weaver. Second by Mr. Labode.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Case held over until applicant and the Public Works Department submit additional information to the Board.

10.

Doug Kellner
Thompson Dreessen & Dorner Inc
10836 Old Mill Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit (RE: North Main Street & Park Road, Elkhorn Valley Apartments)

Doug Kellner, Thompson Dreessen & Dorner Inc., and Jim Lang, attorney for the developer, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board and stated that the proposed use was a multi-family project. He explained that the proposed plan was 2 driveways, but regulation allowed 1 driveway for the site. He further explained that the driveway along Park Road met spacing requirements and that the east driveway lined up with Poplar Street right-of-way as required.

Mr. Kellner stated that the site was a proposed 90-unit apartment complex and that more than 1 access was necessary for the project.

Mr. Lang stated that Park Road and Main Street were collector streets and that the existing Elk Hills Phase I was adjacent on the south, but a retaining wall prevented access between the sites.

Motion to APPROVE by Mr. Weaver. Second by Mr. Levy.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

11.

Mike McIntosh
Lamp Rynearson & Associates
14710 West Dodge Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit (RE: 60th Street & Northwest Radial Highway, Benson Mixed-Use Apartments)

Chris Erickson, City Ventures and Scott Oswald, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board and stated that the proposed project plans were submitted for Phase I and Phase II and that the development was a mixed-use site with commercial on the lower level and apartment units on the upper levels. He explained that Phase I was a proposed parking lot and driveway and that although the proposed bank drive-through did not meet stacking regulations, the Department supported a waiver. He added that during Phase I, the proposed full movement access on
Northwest Radial Highway and partial access on 61st Street met spacing requirements, but more than 1 driveway was not within regulation. Mr. Haas stated that Phase II proposed additional commercial space, apartment units and a parking structure and that because of grading issues, the parking structure required an additional full-movement access on Northwest Radial Highway.

Mr. Erickson submitted drawings of the proposed project (Exhibit 2) and stated that existing bank had 10 access driveways and that the proposed plan required 3 access driveways upon completion of Phase II. He explained that a steep grade change from the north to the south of the property was an issue and that the existing retaining wall to the south of the site, adjacent to the residential properties to the south, would remain. He further explained that because of additional building structures from Phase I to Phase II and grade change on the property, the site required multiple access points.

In response to the Board, Mr. Erickson stated that Phase I was approximately 99 apartment units and Phase II added approximately 50 additional units. He explained that Phase I was scheduled to begin approximately August of 2015 and that the start of Phase II depended on the financial status of the development.

Mr. Haas noted that during Phase II the proposed plan depicted a 1-way drive on 61st Street, but the applicant clarified the access drive was proposed for 2-way access.

Motion to APPROVE with the condition that during Phase II, the driveway onto North 61st Street will be a 2-way driveway by Mr. Levy. Second by Mr. Weaver.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted with the condition that during Phase II, the driveway onto North 61st Street will be a 2-way driveway.

APPROVAL OF MINUTES:

Motion by Mr. Labode to approve the minutes from December 29, 2014, January 26, 2015 and February 23, 2015. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0.

ADJOURN:

Motion to adjourn by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Labode, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0.

Meeting adjourned at 2:39 pm.