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.
15-06-041
Jae L. Torpy
5836 Lake Street
Omaha NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Jae Torpy appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Torpy applied to register a firearm on May 13, 2015 and was denied due to a drug paraphernalia conviction dated February 20, 2009 and a marijuana less than 1 ounce conviction dated August 8, 2009. He added that the only other items on Mr. Torpy's record were minor traffic and animal related charges.

Mr. Torpy stated that the reason for his appeal was that he needed personal protection. In response to Mr. Weaver, he stated that he was not a recreation drug user.

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

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

Motion carried 4-0. Appeal granted.
2. 15-06-042
Dustin A. Peters REQUEST: Appeal Police Department denial of firearm registration
16267 Wood Drive
Omaha NE 68130

Dustin Peters was not present when his case was called. Kevin Denker, City Planning, explained that Mr. Peters contacted the Secretary prior to the meeting and informed her that he intended to return his firearm to the retailer and withdraw his appeal.

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

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

Motion carried 4-0. Appeal denied.

3. 15-06-043
Edward E. Spencer REQUEST: Appeal Police Department Denial of Taxicab Driver’s Permit
2507 South 49th Street
Omaha NE 68106

Edward Spencer appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Spencer applied taxicab permit on May 27, 2015 and was denied due to 3 Driving Under the Influence (DUI) convictions dated December 17, 2002, May 27, 2004 and September 29, 2005.

Mr. Spencer stated that the reason for his appeal was that he needed supplemental income and that he has not received a DUI in approximately 10 years. He responded to the Board that he no longer had a drinking problem, but was not a member of an alcoholic support group. He also explained that he had an offer of employment with the taxicab company.

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

AYES: Lopez-Nuno, Weaver, Levy

NAYES: O’Connor

Motion carried 3-1, with Ms. O’Connor dissenting. Appeal granted.

4. 15-05-035 (held over from 05/18/15)
Tom Markel REQUEST: Appeal Police Department Notice of Nuisance
Storz Trophy Room Grill & Brewery
345 Riverfront Drive
Omaha NE 68102
(RE: 345 Riverfront Drive)

Tom Markel was not present when his case was called. The Secretary confirmed that a return receipt for certified mail was received. Mike Johnson, City Planning, explained that the case was held over from last month and that Mr. Markel’s trailer in question was still at the address, but parked on concrete. Officer James Stokes, Police Department, stated that the nuisance was out-of-state registration and parking on an unpaved surface for the trailer and explained that the trailer was now in compliance and currently registered in Nebraska. He informed Mr. Markel that he was in violation if the trailer was moved onto an unpaved surface.
Motion to DENY by Mr. Levy. Second by Mr. Weaver.

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

Motion carried 4-0. Appeal denied.

5.
15-06-044
Christopher G Landis
3116 North 100th Plaza, #15
Omaha NE 68134

REQUEST: Appeal Police Department Notice of Nuisance
(RE: 3116 North 100th Plaza)

Christopher Landis appeared before the Board. Mike Johnson, City Planning, explained that the vehicle was still in violation with South Dakota license plates (Exhibit 2). Officer James Stokes, Police Department explained that state statute required any vehicle stored, operated or parked in the state of Nebraska for over 30 days to obtain Nebraska registration.

Mr. Landis stated that the reason for his appeal was that the vehicle was owned by his father-in-law, who resided in South Dakota, and that the vehicle was insured. He responded to the Board that his father-in-law loaned him the car approximately 2 years ago and Officer Stokes explained that the only exceptions permitting out-of-state registration were for full-time college students and military personnel. Mr. Landis stated that he was not a full-time college student or military personnel.

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

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

Motion carried 4-0. Appeal denied.

6.
15-06-045
Mark Sanford
Mark Sanford Group
1306 North 162nd Street
Omaha NE 68118

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 15555 Q Street, Inter-Tech Collision)

Mark Sanford, Mark Sanford Group, Architect, Tom Wortmann, Owner, Inter-Tech Collision Center, and Julia Plucker, Attorney for the owner, appeared before the Board. Ryan Haas and Murthy Koti, Public Works Department, appeared before the Board.

Mr. Haas explained that the site was proposed for new construction of building for a collision repair business and that the request for 2 driveways was non-compliant. He further explained that the proposed driveway along "Q" Street did not meet the distance requirement from the intersection of 156th and "Q" Streets and that the driveway along 156th Street met all requirements.

Mr. Sanford stated that 2 driveways currently existed at the site and that the owner requested to retain both access drives along "Q" Street and 156th Street. Ms. Plucker added that the proposed business was a micro body shop and that an appeal was recently granted from the Zoning Board of Appeals with the understanding the applicant work with Public Works to keep the "Q" Street driveway open. She added that goals were to minimize traffic through the neighborhood and prevent U-turns at the 156th and "Q" Streets intersection. She then submitted an aerial map of the area (Exhibit 2). Mr. Wortmann stated that he currently had 5 locations in Omaha and explained that similar concepts existed on the west and west coasts. He further explained that the new 10,000 square foot facility would have approximately 20
vehicles per day from customers and parts deliveries. In response to Mr. Levy, Mr. Wortmann confirmed both driveways were right-in and right-out only because of existing islands on 156th Street and "Q" Street.

Mr. Haas explained that a new use and new facility triggered new driveway regulations for the site. Mr. Koti stated that Public Works Department followed standards regarding driveway location to ensure safety and that the Department also worked to achieve a balance between business needs and public safety. He then explained that the facility was a destination business and routes were typically planned. In response to Mr. Weaver, Mr. Koti and Mr. Haas briefly discussed crash statics and that driveways located further away from large intersections increased traffic safety.

In response to Mr. Levy, Mr. Sanford explained that the existing curb cuts for both driveways would remain the same.

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

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

Motion carried 4-0. Appeal granted.

7.
15-06-046
Steve Eveans Architect PC
14927 Shirley Circle
Omaha NE 68144

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 3510 North 33rd Street, J3F&R LLC)

Steve Eveans, Architect, Ken Johnson, representative, and James Thomas Sr., owner, appeared before the Board. Ryan Haas and Murthy Koti, Public Works Department, appeared before the Board.

Mr. Haas stated that the site was a proposed funeral home and that the applicant requested 3 driveways for the business. He also stated that regulation allowed one two-way driveway for the site and noted that all proposed driveways were on to low-speed, low-volume local streets.

Mr. Eveans appeared before the Board and stated that the proposed plan consolidated parcels and vacated alleys. He explained that the main purpose was to maintain onsite traffic for queued processional vehicles and that the secondary exit to the southwest at Emmett Street allowed a relief exit for those not partaking in the cemetery procession. He further explained that the north parcel for overflow parking was inaccessible by vehicle to and from the site due to the existing building on the adjacent parcel to the south, but was accessible for pedestrian traffic. He further explained that the existing 33rd & Pinkney Street access was planned for reconfiguration to city standards and that all parking was on-site. Mr. Eveans stated that the majority of vehicles exited at the two main driveways at 33rd & Pinkney Streets and Emmett Street to access Bedford Avenue to the south, then traveled east to North 30th Street for procession to the majority of the cemeteries. In response to Mr. Levy, Mr. Eveans stated that two driveways existed on the site, but one was not at current city standards.

James Thomas, Sr. appeared before the Board. Mr. Thomas stated that he predicted the majority of traffic exiting at Emmett Street would travel east and that the residential driveways to the south of the site were slightly west of the proposed driveway.

In response to Mr. Weaver, Mr. Eveans stated that along Emmet Street, one home was adjacent to the west of the site, parcels directly to the south were vacant lots, and homes to the southwest were existing.

Mark Robinson, 3320 Emmet Street and Donna Robinson, representing Dorothy Robinson at 3331 Emmet Street, appeared before the Board. Mr. Robinson stated that he was opposed to the proposed driveway at Emmet Street because of increased traffic and noise in typically quiet neighborhood. Ms.
Robinson stated that she was also opposed for the same reasons. In response to Mr. Weaver, Mr. Robinson explained that he resided adjacent to the west of the site on and that his mother resided to the south of the site. He added that the Evans Street driveway on the north side of the site did not affect residential properties.

Ken Johnson appeared before the Board on behalf of the applicant and stated that along Emmet Street, only three homes were occupied and the remaining parcels were abandoned homes or vacant lots. He added that although the project increased traffic, the project was an improvement to the area.

In response to Mr. Weaver, Mr. Robinson stated that the proposed project did not benefit the quiet neighborhood. Mr. Johnson stated that a neighborhood meeting was held with approximately 20 attendees and that all neighbors supported the project, except for Mr. Robinson’s family. Mr. Eveans briefly discussed the required zoning regulations for the project and noted that two existing parcels were consolidated to create a single parcel. In response to the Board, Mr. Haas stated that the site use was not part of the denial and that driveway regulations determined the impact accesses had on street, traffic and adjacent street networks. He added that regulation allowed one driveway access for the site; therefore the request for three driveways was denied.

After repetitive discussion regarding the direction of traffic flow from the site and impact on residents, Mr. Eveans responded to the Board that the second driveway at Emmet Street was a matter of convenience for attendees and relieved the volume of traffic at 33rd & Pinkney Streets. Mr. Weaver questioned a second exit at Evans Street and Mr. Eveans explained to the Board that due to topography and bufferyard requirements, the north lot was isolated from the site and only accessible by pedestrian traffic.

Tim Himes, City Attorney, reminded the Board that the issue on appeal was non-conformance to driveway regulations.

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

AYES: Lopez-Nuno, Weaver

NAYS: O’Connor

ABSTAIN: Levy

Motion carried 2-1-1. Appeal granted.

Bryan Zimmer, The Architectural Office, Architect, Jeff Royal, Dundee Bank and Matt Dwyer, developer, appeared before the Board. Ryan Haas and Murthy Koti, Public Works Department, appeared before the Board.

Mr. Levy recused himself from the case.

Mr. Haas explained that the proposed site was a renovation of the exiting building into a bank and that the property fronted three streets, two of which were main arterial streets. He added that non-compliance issues were drive-through stacking, two proposed driveways and a hazardous situation at the proposed
driveway. He stated that the Department completed recent studies regarding stacking and supported a waiver of 100 feet per stacking lane. Mr. Haas then stated that although the site was challenging, greatest concern was regarding the south driveway at Harney Street. He explained that the intersection at 38th and Harney Street had a high crash rate and that the additional reason for denial was the increased hazardous situation. He added that less concern was expressed for a driveway at South 38th Street or Farnam Street and noted that 38th & Farnam was a signalized intersection.

Mr. Koti added that the Department met with applicant multiple times to discuss alternate plans and that he was opposed to the driveway at Harney Street, not the use of the site. He stated that necessary safety improvements at the 38th & Harney Street intersection were investigated and implemented. He then submitted photos from various directional views of the site (Exhibit 2) explaining that site distance was a concern and that the proposed driveway at Harney Street was an additional conflict point for traffic.

Jeff Royal appeared before the Board. Mr. Royal explained that the entire site contained six existing driveway points along Harney and Farnam Streets and that the proposed plan was only two driveways. He added that the proposed plan was necessary for the success of their business.

Bryan Zimmer appeared before the Board. Mr. Zimmer referred to the case file photos depicting views of the site along Harney and Farnam Streets and explained that the tree and home obstructing vehicular views along Harney Street would be removed. He referenced the case file photos again explaining that 4 homes total, 2 of which were condemned properties, would be demolished with the proposed plan and that a proposed parking lot along Farnam Street was for community use.

Matt Dwyer appeared before the Board. Mr. Dwyer stated that the ideal situation for clientele was to enter the site at Harney to access the facility and drive-through, then briefly discussed traffic concerns and noted that traffic exiting the site at Farnam Street were required to travel west and needed to access Harney Street to travel east. He expressed that entering and exiting at Harney Street was the safer option.

Mr. Haas stated that visibility along Harney Street was the main concern and briefly discussed the noted crash sites on an aerial map (Exhibit 3). He added that national standards were used to evaluate site distance at intersections and noted that the Harney Street driveway lacked site distance. Mr. Koti added that traffic exiting at Harney Street from the site increased safety hazards for vehicles traveling through the 38th & Harney intersection and noted that traffic along Harney did not stop at the 38th and Harney intersection. He noted that although reducing the number of driveways for the site was safer, volume of traffic was still a concern. In response to the applicant, Mr. Koti stated that crash statistics dated from 2008 to 2013, with approximately 60 crashes during that study period. Mr. Haas added that the traffic safety lights were in place prior to 2008. In response to Ms. O’Connor, Mr. Zimmer stated that grade was an issue for a driveway at 38th Street, 38th Street was narrower and the two driveways at Farnam and Harney Streets were existing with a more convenient layout for the business. Repetitive discussion regarding traffic safety and the proposed site plan continued.

Mr. Weaver then motioned to APPROVE the waiver for the stacking requirement at 100 feet and allow the City and applicant to determine driveway access points at a later time. Mr. Lopez Nuno seconded the motion.

AYES: Lopez-Nuno, Weaver, O’Connor

ABSTAIN: Levy

Motion carried 3-0-1. Appeal granted for drive-through stacking to 100 feet.

Mr. Haas noted that if an agreement was not found for the driveway locations, the applicant could appeal at a later time. In response to Mr. Weaver, he then explained that the distance of the Farnam Street
driveway from the signalized intersection and the number of driveways requested both needed a waiver. He added that the minimum distance requirement was 230 feet.

Mr. Zimmer requested a two minute break. The Board moved to approve meeting minutes.

Mr. Zimmer requested consideration for approval from the Board for full-access driveway locations along Farnam Street and 38th Street. Mr. Koti stated that he was not opposed to that consideration.

Motion to RE-OPEN the case by Mr. Weaver, second by Mr. Lopez-Nuno.

AYES: Lopez-Nuno, Weaver, O’Connor

ABSTAIN: Levy

Motion carried 3-0-1.

Motion to APPROVE the existing driveway located on Farnam Street and a driveway located on South 38th Street that meets width and alignment regulation by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Lopez-Nuno, Weaver, O’Connor

ABSTAIN: Levy

Motion carried 3-0-1. Appeal granted for the existing driveway located on Farnam Street and a driveway located on South 38th Street that meets width and alignment regulation.

**APPROVAL OF MINUTES:**

Motion by Mr. Weaver to approve the minutes from March 30, 2015 and April 27, 2015. Second by Mr. Lopez-Nuno.

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

Motion carried 4-0.

**ADJOURN:**

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

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

Motion carried 4-0. Meeting adjourned at 3:16 pm.