MEMBERS PRESENT:
Ann O’Connor, Vice Chair
Brian W. Kruse
Mark Santo

MEMBERS NOT PRESENT:
David C. Levy, Chairman
John R. Barrett, Alternate
Marty Conboy, Alternate

STAFF PRESENT:
Timothy Himes, 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. 16-02-004
   Dave Harnisch
   EAD
   3635 South 149th Street
   Omaha, NE 68144
   REQUEST: Appeal Public Works Department denial of driveway permit
   (RE: 9645 Ida Street)

Jeffery Guyette, appeared before the Board on behalf of Bucky’s Convenient Stores. Ryan Haas, Murthy Koti and Todd Pfitzer, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed plan was for a new convenience store and that the existing site had a shared-access driveway with the property to the north. He explained that the applicant requested a north driveway width of 54 feet, totaling 85 feet with shared access, and that regulation allowed a maximum driveway width of 35 feet. He further explained that the Department was not opposed to a request for driveway width at 35 feet for the site. Mr. Haas then stated that the requested driveway to the south was non-compliant because of close-proximity the major intersection of Ida Street and Blair High Road and that the request increased conflict points and potential crash sites. He added that another concern was lack of a median on Ida Street at the proposed right-in only driveway to the south. Mr. Koti stated that he was not opposed to the development but that safety must be considered with development of the property. He explained that the Department was opposed to the proposed south driveway, but was willing to compromise on width of the north driveway.

Mr. Guyette submitted an aerial map (Exhibit 2) and explained that nearby existing drives on arterial streets had similar widths as the proposed site. He also explained that the requested right-in only driveway was at the cost of the applicant and that the north shared driveway served 3 businesses. He mentioned that the applicant planned to purchase a portion of the adjacent property for their site expansion.
Mr. Haas stated that driveway regulations allowed for the turning radius of larger trucks and that submittals for new construction prompted new regulations for the sites. He then stated that the south deceleration lane was seen as an extension of the public street and was required to meet City standards. Mr. Koti submitted an aerial of the crash sites (Exhibit 3) and again explained that the concern was the close proximity of the deceleration lane and south driveway to the major arterial intersection. Mr. Guyette explained that the south right-in only driveway eliminated traffic and potential crashes at the existing north driveway. He added that because Ida Street lacked a median, the applicant was willing to taper the south driveway and provide signage to prevent right-out traffic. Mr. Koti explained that additional driveways increased conflict points and that potential for crashes increased. He further explained that with the close proximity of the south driveway to the intersection on Blair High Road, traffic queues extended into the intersection.

In response to the Board, Mr. Haas explained that private accesses were property rights, public improvements were required to meet street design standards and the requested public improvement was considered sub-standard by the Department.

Mark Schumacher, Dave’s Auto Body, appeared before the Board and explained that he shared the north driveway with Bucky’s. He stated that traffic safety concerns currently existed at the north driveway and that he was not opposed to the improvements of the submitted plan.

In response to the Board, Mr. Haas stated that installation of a median on Ida Street increased safety but was not a solution for the close proximity to the major intersection. He also stated that the Department worked with the applicant for approximately 3 years regarding solutions for the proposed site. He then commented that the Department also worked with the business to the west, Tractor Supply, regarding alignment of their driveway with the driveway at Bucky’s to increase traffic safety. Mr. Pfitzer explained that a standard deceleration and right turn lane was 240 to 300 feet from the major arterial intersection, which the site did not meet.

Mr. Kruse made a motion to approve the north driveway and deny the south driveway, but the motion was withdrawn for further discussion.

After repeated discussion regarding the request for the deceleration lane and south driveway, and the safety concerns associated with the request, options were discussed and the Department again stated their safety concerns. Mr. Guyette expressed concern that the adjacent owner would not be willing to sell the land without the additional south driveway.

Motion to APPROVE only the north driveway at a width of 35 feet, with DENIAL of the south driveway and deceleration lane by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo, O’Connor

Motion carried 3-0. Appeal granted only for the north driveway at a width of 35 feet, with denial of the south driveway and deceleration lane.
2.

16-02-005
Joshua C. White
10524 Evans Plaza, Apt. 721
Omaha, NE 68134
REQUEST: Appeal Police Department denial of firearm registration

Joshua White appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. White applied to register a firearm on January 17, 2016 and was denied due to a marijuana less than 1 ounce conviction dated January 7, 2013. He confirmed that the only other items on Mr. White’s record were related to traffic.

Mr. White stated that he obtained his permit to purchase and was denied registration within Omaha. He explained that the incident resulting in his conviction occurred with friends and that he did not use marijuana. He further explained that he was taking security classes and carry conceal classes to start his own security business. In response to the Board, Mr. White stated that he wanted the firearm for home protection and a future security business.

In response to the Board, Lt. Sedlacek confirmed that if Mr. White obtained a carry concealed weapon permit he would not need to register his firearm with the City of Omaha.

Motion to DENY by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo, O’Connor

Motion carried 3-0. Appeal denied.

3.

16-02-006
Jevon Hannon
3931 North 94th Street
Omaha, NE 68134
REQUEST: Appeal Police Department denial of firearm registration

Jevon Hannon appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Hannon applied to register a firearm on January 11, 2016 and was denied due to a carry concealed weapon conviction dated July 14, 2010. He explained that the weapon was a handgun.

Mr. Hannon stated that the conviction was the only item on his record and that he was with his current employer for approximately 10 years. He added that he wanted the firearm for protection.

In response to the Board, Lt. Sedlacek confirmed that the only other items on Mr. Hannon’s record were related to traffic. Mr. Hannon explained that the weapon related to the conviction was properly registered in his name and that he received his permit to purchase.

Motion to APPROVE by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo

NAYS: O’Connor

Motion carried 2-1. Appeal granted.
Jerry Richardson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Richardson applied to register a firearm on February 8, 2016 and was denied due to a marijuana less than 1 ounce conviction dated October 31, 2007. He explained that Mr. Richardson had minor convictions for open-container, traffic and shoplifting, but those convictions did not affect his registration.

Mr. Richardson stated that he currently worked security and obtained a degree in criminal justice. He added that owning a properly registered firearm offered better employment opportunities.

Motion to APPROVE by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo, O’Connor

Motion carried 3-0. Appeal granted.

ADJOURN:

Motion to adjourn by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo, O’Connor

Motion carried 3-0. Meeting adjourned at 2:10 pm.