ROLL CALL:

Mr. Levy 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. 17-02-013
   Bryan Nielsen
   HDR, Inc.
   8404 Indian Hills Drive
   Omaha NE 68114
   REQUEST: Appeal Public Works Department denial of driveway permit
   (RE: 84th Street & West Dodge Road, Children’s Hospital)

Bryan Nielsen, HDR Inc, was not present when the case was called. Ryan Haas, Public Works Department, appeared before the board.

Jay Davis, Planning Department, stated that the applicant requested a layover until the March 27, 2017 meeting.

Motion to HOLD OVER UNTIL THE MARCH 27, 2017 MEETING by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.
2.
17-02-014
Dustin Shropshire
RW Engineering & Surveying Inc.
6225 North 89th Circle
Omaha NE 68134

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 46th & Marinda Streets, Norris Middle School)

Dustin Shropshire, RW Engineering & Surveying Inc., and Ryan Haas, Public Works Department, appeared before the board.

Mr. Haas stated that the proposed site plan was for on-site improvements at the existing middle school to and improved bus traffic. He explained that plan proposed reconfiguration of parking lot parcel on the northeast corner of 46th and Marinda Streets with a one-way pair of accesses. He further explained that plan for the school parcel was to keep the existing access on 46th Street and provided a new second access on Marinda Street. He explained that non-compliance issues were the number of driveways and that the northeast parking lot access on 46th Street was non-compliant with 60 feet minimum offset from Marinda Street. He added that the Department had no concerns with the proposed plan.

Mr. Shropshire stated that the proposed plan alleviated bus traffic congestion. In response to the Board, he explained that the parking lot on the northeast corner had a one-way ingress on 46th Street and one-way egress on Marinda Street.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

3.
17-02-015
Paul R. Kimmons, Architect
8031 West Center Road, Suite 309
Omaha NE 68124-3134

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 4201 South 24th Street, Husker Food Store)

Paul Kimmons and Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas stated that the site was an existing convenience store with 3 accesses and that the applicant wanted a drive-through operation for the new kitchen addition. He then stated that proposed 95 feet on-site stacking for the drive-through was non-compliant with the required 300 feet minimum and that with the current traffic volume for 24th Street, 200 feet on-site stacking could be administratively approvable by the Department. He noted that stacking onto the public right-of-way caused safety concerns and that an upcoming project reduced 24th Street from 2 lanes each direction, to 1 lane each direction with a center turn lane. In response to the Board, Mr. Haas explained that an engineering study was completed to determine the average length of 25 feet per car for stacking.

Mr. Kimmons stated that he represented the owner of the property and that he took over the site project from the prior architect who was now deceased. He explained that on July 28, 2014 a building permit was issued for the site and that the kitchen addition was completed in the fall of 2016. He then stated that a city inspector noted non-compliance issues with the site, but that zoning guidelines changed on August 12, 2014, two weeks after the applicant’s building permit was issued. Mr. Kimmons commented that the zoning regulations were unaccommodating for denser urban areas of the city and that the plan proposed alternate stacking on-site for the business.
In response to the Board, Mr. Haas explained the driveway regulations in current form were adopted by City Council on January 10, 2012 and that the August 12, 2014 revision added a third general requirement. He further explained that the third requirement was applicable when a structure that accommodated the primary use of the parcel was constructed and removed, or reconstructed, and that the proposed plan was a land use change from convenience store to convenience store with drive-through. He then stated that queues were measured from the pickup window to the shortest route to the street and that closing the 24th Street access allowed a greater stacking queue to the G Street access.

Mr. Kimmons submitted site plans showing approved changes and Mr. Levy noted the revision date on the plan was May 5, 2016 for the kitchen modification. He also explained that with the closing of the 24th Street access, tanker trucks were unable to exit the site safely. The Board discussed with Mr. Haas and the applicant that proposed stacking to G Street as shown on the plan was on public right-of-way and possibly required additional approvals.

Mr. Davis explained that the building permit issued on July 28, 2014 included a storage addition and an office, but that a drive through was not included on the plan. He also explained that the proposed site included two drive-through windows, one for a check cashing business and one for food pickup. Mr. Davis then stated that a check-cashing business in conjunction with another business was prohibited by state law.

Mr. Levy commented that alternate plans needed to be further discussed with the Planning Department and Public Works to ensure compliance.

Mr. Kruse motioned to deny, but upon discussion with the Board regarding opportunities for possible revisions to the proposed plan, he withdrew his motion.

Motion to HOLDOVER UNTIL THE MAY 22, 2017 MEETING by Mr. Santo. Second by Mr. Kruse.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

4.
17-02-016
Dean Fajen
HGM Associates Inc.
640 Fifth Avenue
Council Bluffs IA 51501-6400
REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 1410 North Saddle Creek Road, Midtown Reality Coffee)

Dean Fajen and John Jorgensen, HGM Associates Inc., Jim Hanam and Josh Hanam, property owners, and Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas stated that the proposed plan added a drive-through coffee kiosk as a leased site to the west of the existing building currently used as a door and window business. He explained the arrangement was considered as a single-site and that a one-way in access, along with 2 one-way out accesses, and the existing two-way access on Charles Street was non-compliant with the one access per site regulation. He also explained that the stacking measuring to Saddle Creek Road was at 164 feet and was non-compliant with the 200 feet relaxed stacking approved for the site. He noted that the stacking regulation for a coffee drive-through was 275 feet and then stated that the applicant submitted alternate options for the drive-through configuration.

Mr. Fajen stated that the current owners of the site and existing business, Jim and Josh Hanam, wanted to add the drive-through only coffee kiosk. He explained that the plan proposed one-way in and one-way out along Saddle Creek Road, with an additional one-way out along Charles Street. He noted that the stacking was 184 feet from the curb line and 164 feet from the property line.
In response to the Board, Mr. Fajen displayed alternate options for the proposed drive-through. He explained that the second option eliminated only the Charles Street exit and increased the stacking from 164 feet to 185 feet. He then explained that the third option relocated the kiosk to meet stacking regulations with a racetrack type drive-through and provided a two-way access at Saddle Creek Road.

Mr. Haas again noted that the stacking was relaxed to 200 feet for the site and that stacking regulations provided for traffic and pedestrian safety. Mr. Santo questioned if the kiosk could be incorporated into the existing business with the existing access and Mr. Fajen stated the owner wanted the businesses separate.

Mr. Josh Hanam explained that because employee traffic continuously moved through the existing business during morning hours, a separate access was ideal. In response to the Board, Mr. Fajen explained that the placement of the kiosk was limited by setback regulations. Mr. Haas stated that the option with the existing driveway along Charles Street and access along Saddle Creek Road allowed 242 feet of stacking and was closest in conformance with driveway regulations. Mr. Hanam briefly discussed traffic patterns through their lot and explained that the plan as submitted was ideal for the business and traffic patterns.

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

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

5.
17-02-017
Cortney L. Quinn
6527 South 117th Street
Omaha NE 68137

REQUEST: Appeal Police Department denial of firearm registration

Cortney Quinn, and Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that Ms. Quinn applied to register a firearm on January 12, 2017 and was denied for a marijuana less than one ounce conviction dated July 12, 2008.

Ms. Quinn stated that she purchased the firearm prior to moving to Omaha and that the conviction was almost 10 years ago. She added that she was a single mother and wanted the firearm for home protection.

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

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

6.
17-02-018
Ricky R. Sledge, Jr.
3801 Bedford Avenue
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Ricky Sledge was not present when his case was called. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. The Secretary stated that she spoke with the applicant the morning of the meeting and confirmed he would attend the meeting.
Lt. Sedlacek stated that Mr. Sledge applied to register a firearm on January 14, 2017 and was denied for 3 marijuana less than one ounce convictions dated September 15, 2008, July 6, 2015 and May 18, 2016.

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

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

7.
17-02-019
Nicholas R. Poe REQUEST: Appeal Police Department denial of firearm
3203 South 117th Street registration
Omaha NE 68144

Nicholas Poe, and Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that Mr. Poe applied to register a firearm on January 13, 2017 and was denied for a marijuana less than one ounce conviction dated May 22, 2012.

Mr. Poe stated that he was currently an EMT and paramedic and as part of his EMT licensure he was required to obtain chemical dependency treatment. He then stated that he completed the treatment, attended AA meetings, was drug tested, and granted a 5-year probationary license. He added that he was randomly drug tested and received his paramedic license with the continuation of the probationary period and longer used drugs. Mr. Poe stated that he volunteered for the Big Brothers program, was employed full time as a paramedic with a private company and attended college.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

8.
17-02-020
Barry D. Tate REQUEST: Appeal Police Department denial of firearm
4957 South 48th Street registration
Omaha NE 68117

Barry Tate was not present when his case was called. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. The Secretary stated that she received a return receipt for certified mail signed by Mr. Tate.

Lt. Sedlacek stated that Mr. Tate applied to register a firearm on January 31, 2017 and was denied for a carry concealed weapon conviction dated November 15, 1990.

Motion to HOLD OVER UNTIL THE MARCH 27, 2017 MEETING by Mr. Kruse. Second by Mr. Santo.

AYES: Santo, Bessmer, Kruse, Levy

NAYS: O’Connor

Motion carried 4-1.
9.
17-02-021
Daniel Partida
4602 Hamilton Street
Omaha NE 68132
REQUEST: Appeal Police Department denial of firearm registration

Daniel Partida was not present when his case was called. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. The Secretary stated that she spoke with the applicant regarding attendance at the meeting after receiving his application in the mail and that an email with meeting information was successfully sent to Mr. Partida. She noted that a return receipt for certified mail was not received.

Lt. Sedlacek stated that Mr. Partida applied to register a firearm on January 30, 2017 and was denied for a marijuana less than one ounce conviction March 30, 2010.

Motion to HOLD OVER UNTIL THE MARCH 27, 2017 MEETING by Mr. Kruse. Second by Mr. Bessmer.

AYES: Santo, Bessmer, Kruse, Levy

NAYS: O’Connor

Motion carried 4-1.

10.
17-02-022
Erik Stone
6422 South 91st Avenue Circle
Omaha NE 68127
REQUEST: Appeal Police Department Notice of Nuisance (RE: 6422 South 91st Avenue Circle)

Erik Stone appeared before the Board. Officer James Stokes, Omaha Police Department appeared before the Board.

Officer Stokes stated that he received a Mayor’s hotline complaint regarding a motor home in violation of the front yard setback. He then stated that upon visiting the property today, the motor home was over 20 feet in length and still parked in the driveway, which violated the front yard setback regulations.

Mr. Stone stated that in order to become compliant, he planned to extend his driveway down the side of the home in the spring this year and that he needed more time to do the work. Officer Stokes explained that Mr. Stone resided at the end of a cul-de-sac and that the motor home was currently not a traffic obstruction. In response to the Board, Mr. Stone noted that 90 days was sufficient time to complete the driveway.

Motion to DENY WITH 90 DAYS TO COMPLY by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.
11.
17-02-023
Sean C. Rogers
10909 Jones Street
Omaha NE 68154
REQUEST: Appeal Police Department Notice of Nuisance (RE: 10906 Jackson Street)

Sean Rogers was not present when his case was called before the Board. Officer James Stokes, Omaha Police Department appeared before the Board. The Secretary stated that she spoke with the applicant regarding attendance at the meeting after receiving his application in the mail and that an email with meeting information was successfully sent. She noted that a return receipt for certified mail was not received.

Officer Stokes stated that he received two Mayor’s hotline complaints regarding a motor home over the 20 feet limit and in violation of the front yard setback. He then stated that upon visiting the property today, the motor home was not at the residence.

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

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

12.
17-02-024
Scott W. Wilson
3418 Pedersen Drive
Omaha NE 68144
REQUEST: Appeal Police Department Notice of Nuisance (RE: 3418 Pedersen Drive)

Scott Wilson was not present when his case was called before the Board. Officer James Stokes, Omaha Police Department appeared before the Board. The Secretary stated that she received a return receipt for certified mail signed by Mr. Wilson.

Officer Stokes stated that he received a Mayor’s hotline complaint regarding a motor home parked off-pavement at the residence. He then stated that he spoke with Mr. Wilson last week regarding the violation and that upon visiting the residence recently, a tree was removed in his front yard in preparation to extend the driveway to park the motor home.

Motion to DENY WITH 30 DAYS TO COMPLY by Mr. Kruse. Second by Mr. Bessmer.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

13.
17-02-025
Bruce Clayton
3706 Arbor Street
Omaha NE 68105
REQUEST: Appeal Police Department Notice of Nuisance (RE: 3706 Arbor Street)

Bruce Clayton and Officer James Stokes, Omaha Police Department appeared before the Board.

Officer Stokes stated that he received a Mayor’s hotline complaint regarding an unregistered blue 1988 Dodge D150 and an unregistered silver 1985 Dodge Power Ram both parked on the property on a paved surface not connected to a street or alley. He then stated the violation included an unregistered green Dodge Stratus parked on an unpaved surface. He explained that upon visiting the property today, the
Dodge D150 and Dodge Ram were both registered and parked on the street, but the Dodge Stratus was not currently registered and parked on the property on the paved surface not connected to the street or alley.

Mr. Clayton stated that he was admitted to the VA hospital for approximately 15 months and his brother promised to take care of the vehicles. He explained that the concrete pad in the middle of the property formerly had a gravel drive with a garage and that he planned to install pavers to the concrete pad until he could build a garage. Mr. Clayton stated that he was waiting on paperwork from other states to remove his ex-wife’s name from the Dodge Stratus title in order to register the vehicle. In response to the Board, Mr. Clayton stated that 90 days was sufficient time to become compliant.

Motion to DENY WITH 90 DAYS TO COMPLY by Mr. Kruse. Second by Mr. Santo.

AYES: Santo, Bessmer, Kruse, O'Connor, Levy

Motion carried 5-0.

14.
17-02-026
Ray Brock
19189 Monroe Lane
Crescent IA 51526
REQUEST: Appeal denial of First Grade Stationary Engineer License

Ray Brock and Tom Phipps, Permits & Inspections Department, appeared before the Board. Mr. Phipps stated that he sent Mr. Brock a certified letter dated January 18, 2017 denying renewal of his First Grade Stationary Engineers license because of non-renewal of his 2016 license.

Mr. Brock stated that he never received a statement and forgot to renew the license. He explained that during the time of renewal, he cancelled his post office box and that this was the first time since obtaining his license in 1976 that he neglected to renew.

Mr. Phipps stated that the Department has never received a complaint against Mr. Brock from any citizen of the city or former employer.

Motion to APPROVE by Mr. Kruse. Second by Ms. O'Connor.

AYES: Santo, Bessmer, Kruse, O'Connor, Levy

Motion carried 5-0.

15.
17-02-027
Jess Napiorkowski
18112 Murray Trail
Gretna NE 68028
REQUEST: Appeal denial of Third Grade Stationary Engineer License

Jess Napiorkowski and Tom Phipps, Permits & Inspections Department, appeared before the Board. Mr. Phipps stated that Mr. Napiorkowski Third Grade Stationary Engineers license became invalid on March 1, 2017 upon non-renewal of his 2016 license.

Mr. Napiorkowski stated that his employer always handled renewal of his license and noted that recently the employer was under new management. In response to the Board, he stated that this was the first time in 35 years that he neglected to renew his license.
Mr. Phipps stated that the Department has never received a complaint against Mr. Napiorkowski from any citizen of the city or former employer.

Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

**Election of Officers**

Motion to a retain David Levy as Chairman by Mr. Kruse. Second by Mr. Bessmer.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

Motion to retain Ann O’Connor as Vice-Chair by Mr. Kruse. Second by Mr. Levy.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0.

**ADJOURN:**

Motion to adjourn by Mr. Kruse. Second by Ms. O’Connor.

AYES: Santo, Bessmer, Kruse, O’Connor, Levy

Motion carried 5-0. Meeting adjourned at 2:58 pm.