Mr. Ryan, Chairman, called the meeting to order at 1:00 P.M., introduced the board members, as well as the staff, and explained the procedures for hearing the cases. Roll call was taken with six members present.

Mr. Ryan informed those present that a copy of The Open Meetings Law is available in the board room for anyone to review. He noted that only those items on today’s agenda could be discussed at today’s public hearing.

Mr. Ryan explained that this Board does not have the authority to waive any requirements of the Americans with Disabilities Act, Federal Fair Housing Act, or NFPA Life Safety Code. This Board does have the authority to hear appeals of the International Fire Code, Nebraska Accessibility Guidelines, and the Nebraska Fair Housing Act. Life Safety Regulations are administered by the State Fire Marshal.

Mr. Ryan requested that speakers limit their presentation to 10 minutes.

Mr. Epstein moved to approve the minutes of the December 14, 2009 meeting as corrected. Mr. Thibodeau seconded.

AYES: Epstein, Kucks, Limpach, Thibodeau, Meyerson, Ryan

MOTION CARRIED: 6-0
CASES:

Case No. 09-40
Diane Larson
(Over from 11/9/09, 12/14/09)
Professional Termite & Pest Control
4922 ‘Q’ Street 68117

LOCATION: 4922 ‘Q’ Street
REQUEST: Waiver to allow barbed wire to remain in a location that is not allowed by the municipal code.

Mr. Douglas Dreessen, Thompson Dreessen & Dorner Inc., 10836 Old Mill Rd., appeared on behalf of the applicant.

Mr. Dreessen announced that the applicant was not able to attend the last two meetings due to her husband suffering a stroke. Dreessen stated that the applicant was concerned about the material that had been delivered to the site for construction. The applicant preferred to have the barbed wire remain until the new building is erected so as not to be vulnerable to theft of tools and other material. He stated that according to the applicant, they plan to continue moving forward. He stated that the material was delivered and is currently laying onsite inside the fence which is locked. Dreessen stated that the applicant is ultimately juggling the construction situation with additional residential issues while dealing with her husband’s condition.

Mr. Limpach recommended that a one-year time limit would be reasonable due to the applicant’s circumstances. Mr. Greg Hauptman stated that the building permit is good for 30 months, assuming that they get started within six months, and getting a footing inspection is typically the official start.

Mr. Limpach moved to approve the waiver allowing barbed wire to remain, contingent upon the barbed wire fence being removed prior to certificate of occupancy or within a one-year timeframe beginning on January 11, 2010. Mr. Meyerson seconded.

AYES: Epstein, Kucks, Thibodeau, Ryan

MOTION CARRIED: 6-0
Case No. 09-45
Daniel Willrich
(Over from 12/14/09)
Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines, IA 50266

LOCATION: 747 N 132 Street
REQUEST: Waiver to allow unlimited area in a building that does not provide 60’ or 40’ open yards around the entire perimeter.

Mr. Daniel Willrich, Hy-Vee, Inc., 5820 Westown Parkway, West Des Moines, Iowa, presented this request.

Mr. Willrich presented hand-outs (site plan) and stated that the existing store at that location (approximately 62,000 sq. ft.) is part of a larger retail center. He stated that in this case, Hy-Vee leases from the owner of the retail center located there. Willrich is proposing an addition which will bring the store up to approximately 75,000 sq. ft. to include a sales floor, a mezzanine, and offices, with separate space for a wine and spirits. Presently, there is a zero lot line situation which will not allow 75,000 sq. ft. He stated that since their lesior owns the entire retail space, that the whole building be seen as one building rather than splitting off the Hy-Vee building. Willrich added that the owner has another building there which is twenty feet off of the end of the facility. If the owner agrees, Willrich proposes to connect the building making it one continuous facility. He stated that there would be 60-foot setbacks on the majority of the building notwithstanding a couple of areas less than 60’ and more than 40’ and the standard requirements would be met on wall and windows. Willrich stated that doing the unlimited area is because of the fire-proofing, especially when expanding an existing building that is able to remain open during remodeling. He stated that he has met with SGD Westridge, LLC (property owner) to talk about the situation and they see the benefits as well.

Mr. Ryan stated that Mr. Hauptman does not have objection to this request, with certain provisions. Mr. Willrich referred to in the site plan which identified how the buildings would be attached. He added that the rest of the retail building meets the requirement in terms of non-combustible material.

Mr. Kucks moved to allow unlimited area in a building that does not provide 60’ or 40’ open yards around the entire perimeter with the condition that the north and west walls of the addition are 3-hour rated and the openings on the two sides are protected with 3-hour rated doors, frames and window assemblies. Mr. Limpach seconded.

AYES: Epstein, Thibodeau, Meyerson, Ryan

MOTION CARRIED: 6-0
Mr. Justin Burton, FP&C Consultants, Inc., 3770 Broadway, Kansas City, Missouri, representing Mainstreet Theaters, presented this request and Mr. John Hughes, Magnum Development Corporation, 11550 I Street, Omaha, appeared in support of this request.

Mr. Burton stated that this Type II-A building requires the roof structure to be rated for all portions of the roof that is below 20 feet. Based on the design of the theater which has tiered-seating, there are some areas that are below 20 feet. As an alternative in accordance with Sec. 43-14 of the municipal code and 703.3 and engineering analysis in accordance with the IBC, the applicant proposes to have additional sprinklers above ceiling on the portions of the structure that are located below 20 feet. He stated that the lowest point is at 15 feet. Burton provided a rational analysis and performed calculative fire sizes to establish that based on the fire load and the fuel load in the theaters there will not be a fire large enough to cause structural failure. He stated that the current analysis also reflects reverse engineering determining that it would take a 2,500 Btu fire to heat the steel to above 1,100 degrees. He felt that it is a much larger fuel load than what is anticipated in the theater. The applicant has submitted an American Petroleum Institute document that establishes that water mist or spray will maintain the temperature of the steel to less than 212 degrees (the boiling point of water or steam). So there are small areas of the building that provide water on the steel, and any of the structure that runs perpendicular to those areas water will disperse to a distance where there is a stopping point of the parallel structure. Anything that is parallel with that will be rated to that portion that is less than 20 feet. Burton explained that the structural element will be rated out to the major beam or column. He stated that they will provide .30 density above-ceiling on the sprinkler system in addition to sprinklers below ceiling as well. In discussing the manual on the API system, Mr. Hauptman, City Plans Examiner, stated that he was comfortable with this alternative method of use. He stated that this method is acceptable for a petroleum business with a potential for fire greater than the potential for fire in a theater. Burton stated that this method is a protective alternative that is consistent with what this fire protection and engineering firm typically will recommend to larger structures, such as stadiums and arenas. Mr. Epstein stated that in meeting with Capt. Dickerson and others, it was noted that sprinkler coverage will be 4’ to 5’ beyond the 20’ line in areas that are parallel.

Mr. Hauptman had concerns regarding the use of this method only along certain areas of the theater roof unless it was parallel. Burton responded that he took it to a major structural element to maintain continuity, adding that the locations of concern have a major beam with rated columns which will protect the beam on the side that is less than 20 feet. Burton stated that wetting the interior flange of an I-beam on one side will not allow the temperature to rise on the other side of the element, due to thermal conductivity. Burton added that the structural element is more than 20 feet in the air in all of the cases. Burton stated that a fire dynamics simulation was run, which establishes what the temperature will be in the ceiling, and the fire never reached a temperature that would cause structural failure or heat the steel to 1100 degrees. He stated that all the chairs meet the California Flame Spread which is a recognized document that addresses theater-style seating so that they do not propagate flame-spread. Burton also stated that the interior finish requirements for the theater comply with all the interior finish requirements.
Mr. Kucks moved to waive the required fire-resistance rating of a roof in Type II-A construction and use an alternate method contingent upon implementing a fire protection system from American Petroleum Institute, Recommended Practice 2030 and providing it is agreed upon by the Permits and Inspection Division. Mr. Limpach seconded.

AYES: Kucks, Limpach, Thibodeau, Meyerson, Ryan

ABSTAIN: Epstein

MOTION CARRIED: 5-0

Mr. Chair and the members present discussed meeting notifications going forward and decided to have the board secretary email meeting notices to the members one week prior to the monthly meeting in which the members will respond via email when unable to attend.

It was the consensus of the board to adjourn the meeting at 1:46 pm.

Claudia Moore, Secretary

Jack Ryan, Chairman