

AGENDA ITEM 4A

**Conditional Use Permit — Casey's
Lot 3 Harrison Hills**



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: PCUP 19-0004

FOR HEARING OF: December 12, 2019

REPORT PREPARED ON: December 4, 2017

I. GENERAL INFORMATION

A. APPLICANT:

Casey's Retail Company
Katie DeRouchey
One SE Convenience Blvd
Ankeny, IA 50021

B. PROPERTY OWNER:

Harrison I-80 LLC
10855 W Dodge Road
Omaha, NE 68154

C. LOCATION: 11728 Emilie Street

D. LEGAL DESCRIPTION: Lot 3 Harrison Hills

E. REQUESTED ACTION(S): Conditional Use Permit to operate a convenience store with limited fuel sales.

F. EXISTING ZONING AND LAND USE:

C-3 Highway Commercial/Office Park District, Gateway Corridor Overlay (Overlay District); the property is vacant.

G. PROPOSED USES: The Conditional Use Permit (CUP) will allow the applicant to operate a convenience store with limited fuel sales.

H. SIZE OF SITE: 1.52 acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property is vacant. The topography of the property is relatively flat with a gradual downward slope to the west.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Tax Lot 17 17-14-12; Vacant; I-1 Light Industrial District, Gateway Corridor District (Overlay District)

2. **East:** Lot 4 Harrison Hills; Vacant; C-3 Highway Commercial/Office Park District, Gateway Corridor Overlay (Overlay District).
3. **South:** Lot 1 Harrison Hills; Proposed Streck industrial campus; I-1 Light Industrial District, PUD, Gateway Corridor Overlay (Overlay District)
4. **West:** Lot 2 Harrison Hills; Restaurant Depot; C-3 Highway Commercial/Office Park District, PUD, Gateway Corridor Overlay (Overlay District)

C. RELEVANT CASE HISTORY:

N/A

D. APPLICABLE REGULATIONS:

1. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial/Office Park District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for commercial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from a right-in/right-out along 118th Street and a full access point onto Emilie Street.
2. Due to anticipated traffic impacts detailed within the Traffic Impact Analysis dated October 2019 provided by Lamp Ryneanson to analyze the combined impacts of the proposed Casey's and Streck's proposed development on Lot 1 Harrison Hills to the south, traffic signal improvements to the existing signal at 118th Street and Harrison Street may be required by the City of Omaha. Prior to the issuance of a Certificate of Occupancy, Casey's will be required to make any signal improvements required by the City of Omaha.

The Traffic Impact Analysis demonstrates that the unsignalized intersection of 115th/116th Street and Harrison Street is not anticipated to warrant the need for a traffic signal in any scenario. Full recommendations are available in the attached Traffic Impact Analysis dated October 2019.

- D. UTILITIES:** All utilities are available to the site.
- E. PARKING REQUIREMENTS:** The parking requirements would follow the minimum needed for this use within Section 7.06 of the zoning ordinance. Based on the size of the facility, 29 parking spaces would be required. The site plan depicts 29 parking stalls, two of which are handicap accessible, including spaces adjacent to fuel pumps that are allowed within the overall count as per the Zoning Ordinance Section 7.06.
- F. LANDSCAPING:** The landscaping plan has been reviewed as per the Gateway Corridor District design guidelines. Comments regarding the landscaping plan are stated within the design review letter from the City's Design Review Architect attached to this report. The documents provided to the Planning Commission have been revised since the last review letter to address these comments. Final design review approval of the landscaping plan will be required prior to City Council review of the Conditional Use Permit.
- G. BUILDING DESIGN:** The building design has been reviewed as part of the design review process that is required for developments within the Gateway Corridor District (Overlay District). The overall design review process has made substantial progress toward completion and will be required to be fully completed prior to issuance of a building permit.

IV. REVIEW COMMENTS:

- 1. The Conditional Use Permit specifically requires the proposed use to be limited to the operations described within the Operational Statement (Exhibit B).
- 2. A post-construction storm water management plan will be required at the time of building permit application.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

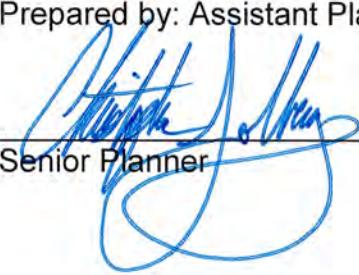
- 1. Vicinity Map
- 2. Draft CUP & Exhibits
- 3. Review Letters
- 4. Design Review Letter

VII. **COPIES OF REPORT TO:**

1. Katie DeRouchey, Casey's Retail Company
2. Rob DuVall, Schemmer
3. Public Upon Request



Prepared by: Assistant Planner



Michael Johnson

12/6/19

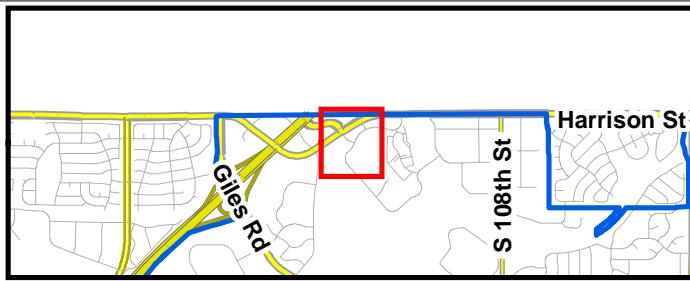
Date



Casey's - Conditional Use Permit Lot 3 Harrison Hills

12/6/2019

CB



City of La Vista Conditional Use Permit

Conditional Use Permit for Convenience Store with Limited Fuel Sales

This Conditional Use Permit issued this 21st day of January, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Casey’s Retail Company (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales) upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 3, Harrison Hills, La Vista, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales); and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to Owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area designated on Exhibit “A” hereto for a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales), said uses hereinafter being referred to as “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights or obligations granted or imposed by this permit shall run with the land, are transferable, and shall be binding on any successors or assigns. Any deviation from or breach of any terms hereof shall automatically cause permit to expire and terminate.
2. In respect to the proposed Permitted Use:
 - a. The premises shall be developed and maintained in accordance with the CUP Plan Set (“Exhibit C”) as presented to the City Council on January 21, 2020 and incorporated herein by this reference. Any modifications must be submitted to the La Vista Planning Department for approval.
 - b. Hours of operation for convenience store will be 24 hours a day, seven days a week.
 - c. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the convenience store, except as approved in writing by the City.
 - d. Due to anticipated traffic impacts detailed within the Traffic Impact Analysis (Exhibit D), traffic signal improvements to the existing signal at 118th Street and Harrison Street may be required by the City of Omaha. Prior to the issuance of a Certificate of Occupancy,

Casey's will be required to make any signal improvements required by the City of Omaha.

- e. The City acknowledges that the Use will involve the construction, placement and maintenance of underground motor fuel storage tanks and gasoline dispensing pumps (permitted structures) on the premises. The structures shall be constructed, maintained and operated in a safe and responsible manner, and in accordance with any applicable laws, rules or regulations, including, but not limited to, applicable environmental or safety laws, as amended or in effect from time to time, and shall not cause, or create risk of injury or damage to, or loss of life, property or the environment. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises, including, but not limited to, hazard or risk involving the permitted structures, that is discovered or should be discovered (including, but not limited to, those of an environmental or safety nature) and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
- f. Owner shall obtain all required permits, including without limitation all required permits of the City of La Vista, and shall comply with any additional requirements as determined by the La Vista Planning Department or other applicable authorities.
- g. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- h. Owner hereby indemnifies the city against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or any agents, employees, assigns, suppliers or invitees of Owner, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. In respect to the Gateway Corridor Design Guidelines design criteria:

- a. Building Exterior
 - i. The convenience store shall be constructed and maintained in accordance with the CUP Plan Set (Exhibit C).
- b. Trash Enclosure
 - i. The three sides of the trash enclosures shall be constructed of the same brick as used on the building. Gate material on the fourth side shall be of material approved by the City.
- c. Exterior Light Fixtures
 - i. Any exterior pole-mounted light fixtures used on this project shall match the approved light fixture provided within the Gateway Corridor Design Guidelines.
 - ii. All exterior light fixtures must be submitted for approval.
- d. Landscaping
 - i. Site landscaping shall be installed and maintained in accordance with the landscaping plan provided within the CUP Plan Set (Exhibit C).
- e. Signage
 - i. All signs shall comply with the City's sign regulations and meet the requirements

of the Gateway Corridor Design Guidelines.

4. The applicant's right to maintain the Use as approved pursuant to these provisions shall be based on the following:
 - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The Use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures and accessory facilities and any remaining environmental or safety hazard shall be abated and/or removed at owner's expense within the time required by applicable law or regulations, and in all cases no later than twelve (12) months of cessation of the Permitted Use.
5. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the Permitted Use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Conditional Use.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
 - d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
6. If the Permitted Use is not commenced within one (1) year from January 21, 2020, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to Owner's right to file for an extension of time pursuant to Section 6.04 of the La Vista Zoning Ordinance.
7. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove the permitted structures or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the city the costs incurred to remove the same. Owner irrevocably grants to City permission to assess, impose and file with the Sarpy County Register of Deeds against the property a lien for any such costs that are not paid within 30 days. Owner hereby irrevocably grants the City, its agents and employees an easement and the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
8. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this Permit shall be binding upon Owner, his successors and assigns.

1. Delay of City to terminate this Permit on account of breach of Owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach in writing and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the Owner as follows:

Contact Name and Address: Katie DeRouchey
Casey's Retail Company
One SE Convenience Blvd
Ankeny, IA 50021

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe, CMC
City Clerk
CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by Owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2019, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

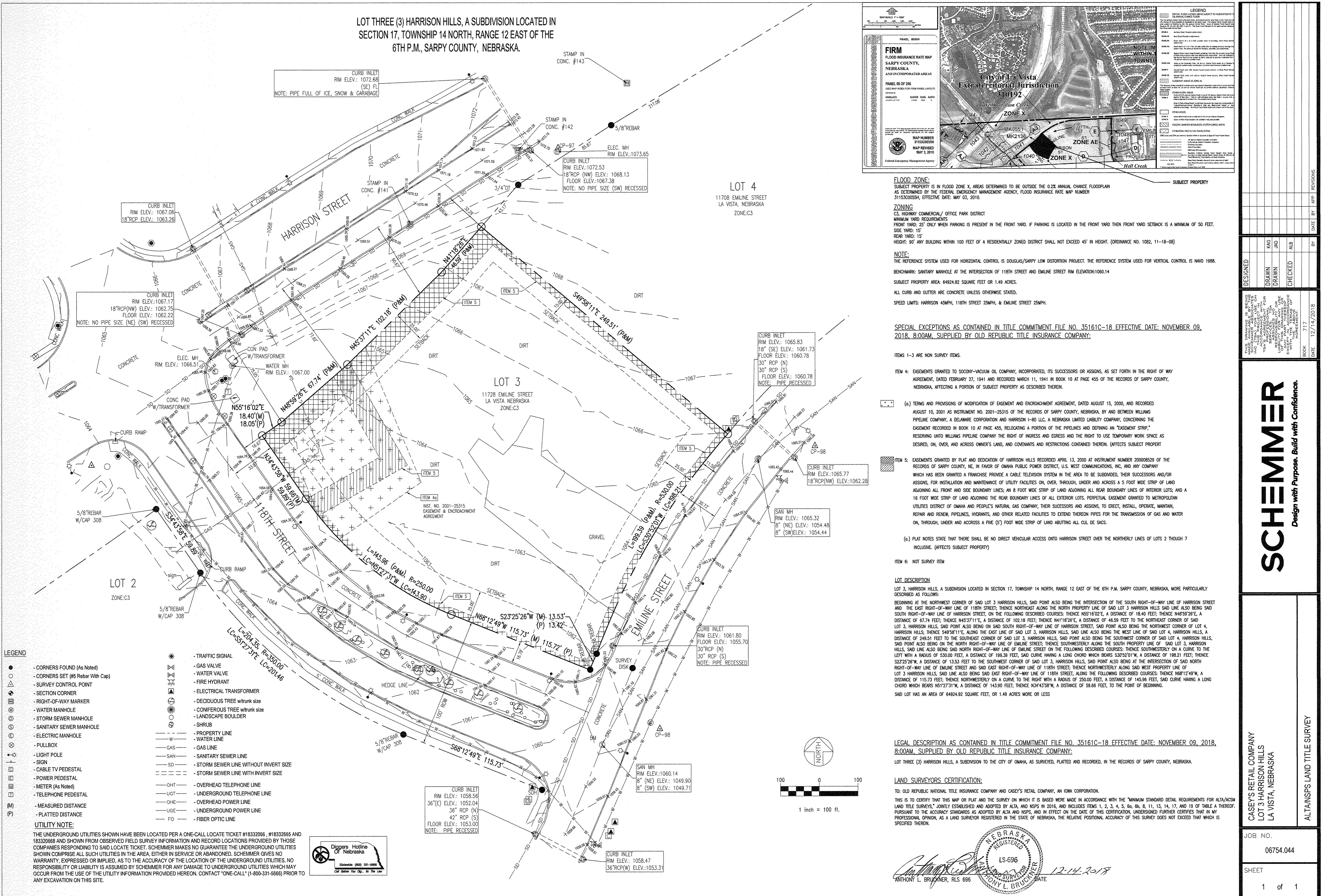
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2019, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the _____ of Casey's Retail Company, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public



Casey's Retail Company Project Narrative

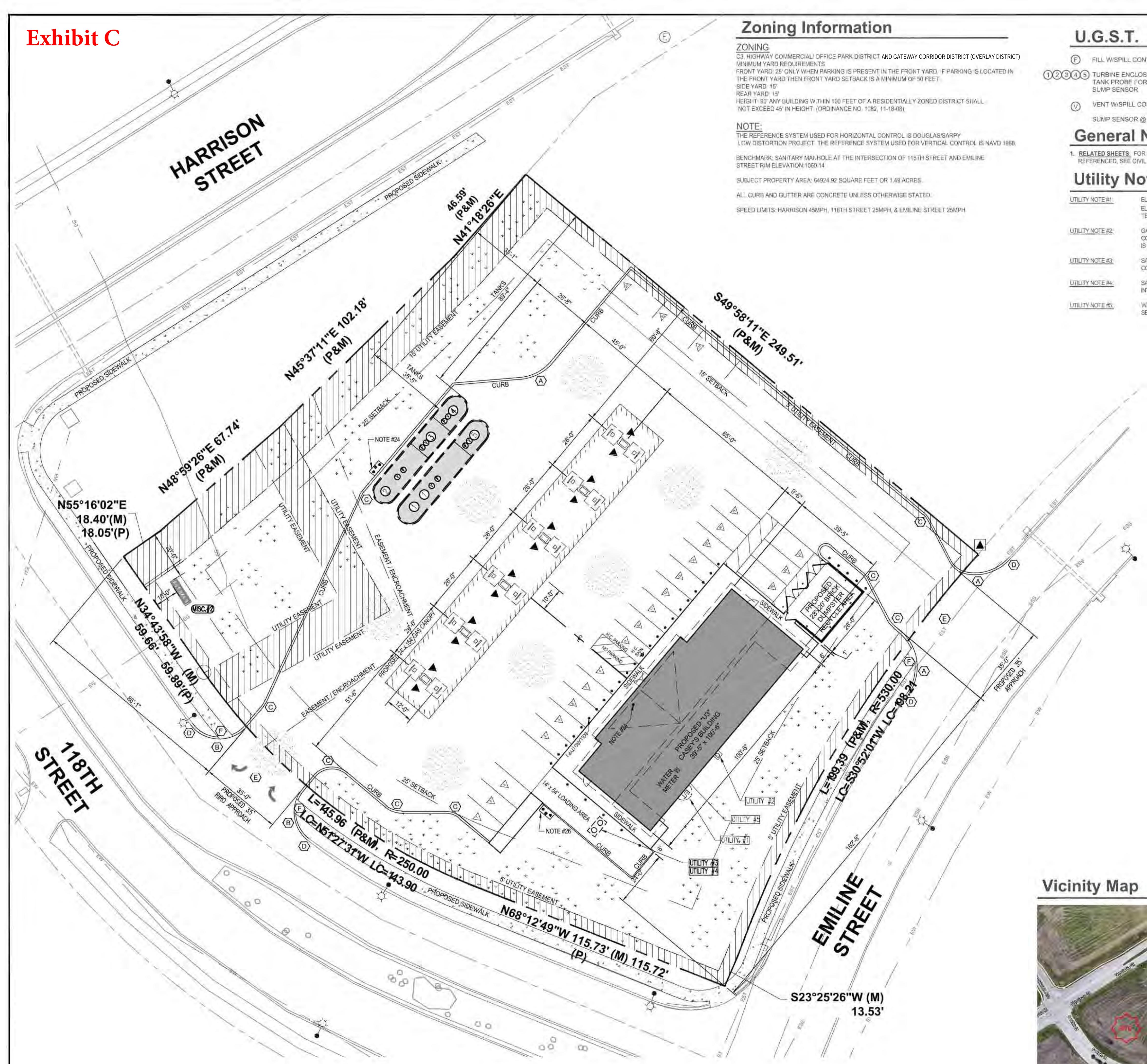
Casey's Retail Company is proposing the construction of a convenience store with gasoline sales in LaVista, Nebraska, located at 11728 Emilie Street. The proposed development would include a one-story building consisting of 5,980 square feet, 6 double-sided fuel pumps, a 24' x 154' canopy over the fuel pumps, and two underground fuel storage tanks. The subject property is currently zoned C-3 (Commercial/Office Park) district with a Gateway Corrido District overlay. The C-3 district allows a conditional use for convenience store with limited fuel sales and alcohol sales.

The proposed Casey's General Store will be a 24-hour store, as permitted. The store will employ 20-25 employees, both part time and full-time, and include management opportunities. There are 17 designated parking spaces, 2 of which are handicap accessible, as well as 12 available spaces at the fuel pumps.

The proposed Casey's General Store will be brick on all 4 sides and the rooftop equipment will be screened. There will be faux windows on the ends and rear of the building. The dumpster will be in brick enclosure. The proposed Casey's General Store will not have any outdoor storage.

The proposed Casey's General Store will offer the following fuel products: 87E, Diesel, 87C, 91C and E85. In addition to typical convenience items, the store will have prepared food items such as pizza, made-to-order sub sandwiches, donuts, and coffee.

Exhibit C



Zoning Information

ZONING
C3, HIGHWAY COMMERCIAL/ OFFICE PARK DISTRICT AND GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)
MINIMUM YARD REQUIREMENTS
FRONT YARD: 25' ONLY WHEN PARKING IS PRESENT IN THE FRONT YARD. IF PARKING IS LOCATED IN THE FRONT YARD THEN FRONT YARD SETBACK IS A MINIMUM OF 50 FEET
SIDE YARD: 15'
REAR YARD: 15'
HEIGHT: 90' ANY BUILDING WITHIN 100 FEET OF A RESIDENTIALLY ZONED DISTRICT SHALL NOT EXCEED 45' IN HEIGHT. (ORDINANCE NO. 1082, 11-18-08)

NOTE:
THE REFERENCE SYSTEM USED FOR HORIZONTAL CONTROL IS DOUGLAS/SARPY
LOW DISTORTION PROJECT. THE REFERENCE SYSTEM USED FOR VERTICAL CONTROL IS NAVD 1988.

BENCHMARK: SANITARY MANHOLE AT THE INTERSECTION OF 118TH STREET AND EMINILE STREET. RIM ELEVATION: 1080.14

SUBJECT PROPERTY AREA: 64924.92 SQUARE FEET OR 1.49 ACRES.

ALL CURB AND GUTTER ARE CONCRETE UNLESS OTHERWISE STATED.

SPEED LIMITS: HARRISON 45MPH, 118TH STREET 25MPH, & EMINILE STREET 25MPH.

U.G.S.T. Notes

(1) (2) (3) (4) (5) FILL W/SPILL CONTAINMENT & OVERSPILL PROTECTION (TYP.)
TURBINE ENCLOSURE TYP. CONTAINS: SUB-PUMP W/LINE LEAK DETECTION, TANK PROBE FOR FUEL MONITORING, INTERSTITIAL SENSOR AND TANK SUMP SENSOR

(V) VENT W/SPILL CONTAINMENT & EXTRACTOR
SUMP SENSOR @ EACH DISPENSER

General Notes

1. RELATED SHEETS: FOR ADDITIONAL INFORMATION NOT DIRECTLY REFERENCED, SEE CIVIL PLANS DONE BY SCHEMNER ENGINEERING.

Utility Notes

UTILITY NOTE #1: ELECTRICAL (C-STORE) ELECTRICAL SERVICE ENTRANCE. ELECTRIC 3-PHASE, 800 AMP. OR 1200 AMP. 120 VOLTS, 4 WIRE. TELEPHONE 20 PAIR, 8 LINES.

UTILITY NOTE #2: GAS (C-STORE): 15' SCHEDULE 40 IRON PIPE GAS SERVICE CONNECTION. CONNECTION LOAD IS 680 MBH. TOTAL CONNECTED LOAD IS 680,000 BTU/H. CLFT. H.R. HOUSE PRESSURE IS 7 W.C.

UTILITY NOTE #3: SANITARY SEWER (C-STORE): 6" SCHEDULE 40 PVC SANITARY SEWER CONNECTION.

UTILITY NOTE #4: SANITARY SEWER (C-STORE): 1,000 GALLON BELOW GRADE GREASE INTERCEPTOR WITH 2 MANHOLES.

UTILITY NOTE #5: WATER (C-STORE): 2" CTS, HDPE, SDR9 C5-200 PSI WATER SERVICE CONNECTION.

Legend

▲ MARKED PARKING SPACES (PAINT LINES AS INDICATED)

■ CONCRETE PAVING OR SIDEWALKS (46,057 SQ. FT.)

□ AREA TO BE SOD

◆ AREA LIGHTS (0 SHOWN)
REFER TO LIGHTING PLAN RL-7-S1
DONE BY RED LEONARD

□ DETECTABLE SIDEWALK MAT. VERIFY WITH CITY.

General Construction Notes

1.) 2-30,000 GALLON DOUBLE WALL FIBERGLASS TANKS.
TANK 1- 30,000 GALLON (PTE)
TANK 2- 14,000 GALLON (DIESEL)
TANK 3- 8,000 GALLON (B7C)
TANK 4- 8,000 GALLON (91C)
TANK 5- 8,000 GALLON (E85)

2.) TANK SETTING DETAILS PAGE OF-301

3.) FILL PIPE AND MANHOLE DETAIL PAGE OF-301

4.) CIRCUIT BREAKER PANEL PAGE E-501

5.) REFRIGERATION WIRING PAGE QR-602

6.) GILBARCO WIRING PAGE OF-601

7.) GAS ISLAND SIZE - 3' x 5' W/DUAL GUARD PIPE

8.) 6" GAS GILBARCO 700 S DISPENSERS
2 = NG14 NOZZLES & 8 METERS EACH
4 = NF8 6 NOZZLES & 8 METERS EACH

9.) ISLAND DETAILS PAGE AL-501

10.) ISLAND CONDUIT DETAIL PAGE E-602

11.) DO NOT PLACE PRODUCT PIPING UNDER ISLAND

12.) 18" MIN. FROM TANK PIPING TO FINISH SURFACE

13.) SIGN BASE DETAILS PAGE AL-601

14.) SIGN DETAILS PAGE AL-601

15.) DRIVEWAY JOINTS TO BE PACKED & CAULKED

16.) CONCRETE JOINTS - MIN. 12" x 12" x 12" x 12" DEEP

17.) CONCRETE JOINTS - PINNED 4" O.C. 12" EACH WAY WITH 1/2" REBAR #4 APPROACHES TO BE 7" NON-REINFORCED OR AS PER STATE/CITY SPEC.

18.) SLOPE MAX. 2% FOR BUILDING SIDEWALK, H.C. PARKING 1:56 ALL DIRECTIONS

19.) ALL ACCESS ISLE STRIPPING AT 45 DEGREE ANGLE BEING MAX. 4' SEPARATION RUN VENT LINES UP SEPARATE CANOPY COLUMN AND DIMENSIONS

20.) VERIFY ALL UTILITY LOCATIONS AND DIMENSIONS

21.) CANOPY FOOTING: SIZE 6'-3" LENGTH x 6'-3" WIDTH x 3'-0" DEPTH. CONCRETE: MINIMUM COMPRESSIVE STRENGTH OF FC-3000 p.s.i. CONCRETE REINFORCING: ASTM A-615 GRADE 60.

22.) REBAR CAGE: (8) #6 HORIZONTAL TIES LENGTH WISE TOP AND BOTTOM 12" MAXIMUM SPACING

23.) ALL FUEL DISPENSERS FALL WITHIN A 100 FOOT RADIUS OF THE EMERGENCY SHUT-OFF SWITCH LOCATED INSIDE AT THE SALES COUNTER FOR THE CONVENIENCE STAFF A SECONDARY SHUTOFF SHALL BE INSTALLED ON A POST AT THE CURB IF ALL FUEL DISPENSERS DO NOT FALL WITHIN A 100 RADIUS.

24.) IRRIGATION REQUIRED WITH RAIN SENSORS MOUNTED ON BACK RAILING OF ROOF.

25.) AIR COMPRESSOR BOX, MOUNTED TO STEEL POLE. INSTALLED ON 3' x 6' CONCRETE PAD 16" FROM BACK OF CURB 110 VOLT-60HZ-5.5 AMP 8 GAUGE MINIMUM RECOMMENDED.

Keyed Construction Notes

NOTICE: ALL WORK IN/ON THE R.O.W. AREA IS SUBJECT TO THE CITY OF LA VISTA & NE D.O.T. APPROVAL AND SPECIFICATIONS.

(A) PROPOSED 20' RADIUS (D) TIE INTO AND MATCH EXISTING CURB & FLOW LINE

(B) PROPOSED 15' RADIUS (E) 2% MAX. CROSS-SLOPE IN SIDEWALK AREA.

(C) PROPOSED 10' RADIUS (F) DETECTABLE SIDEWALK MAT. VERIFY WITH CITY.

Legal Description

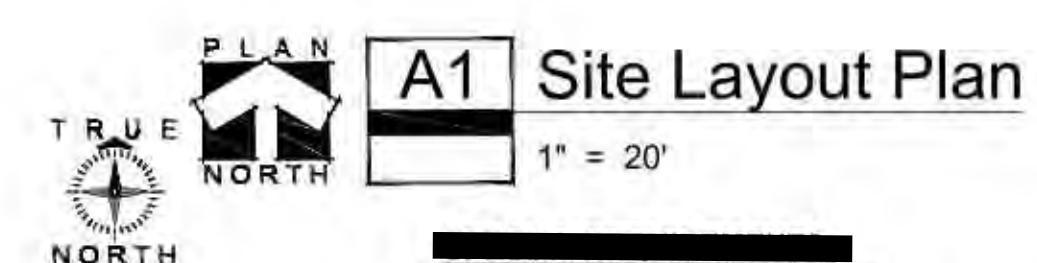
LOT DESCRIPTION

LOT 3, HARRISON HILLS, A SUBDIVISION LOCATED IN SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA. NOT PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, HARRISON HILLS, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET AND THE EAST RIGHT-OF-WAY LINE OF 118TH STREET, THENCE NORTHEAST ALONG THE NORTH PROPERTY LINE OF SAID LOT 3, HARRISON HILLS, SAID LINE ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET, ON THE FOLLOWING DESCRIBED COURSES: THENCE N55°16'02"E, A DISTANCE OF 18.40 FEET, THENCE N48°59'26"E, A DISTANCE OF 67.74 FEET; THENCE N45°37'11"E, A DISTANCE OF 102.18 FEET, THENCE N46.59' (P&M), A DISTANCE OF 249.51 FEET, THENCE N41°18'26"E, A DISTANCE OF 115.72 FEET, THENCE S23°25'26"W (M) 13.53' FEET, THENCE S23°25'26"W (P) 59.88' FEET, THENCE S00°00'00"E, A DISTANCE OF 115.73 FEET, THENCE N68°12'49"W 115.72' FEET, THENCE N34°43'58"W 59.66' (M) 59.88' (P) FEET, THENCE S23°25'26"W (M) 13.53' FEET, THENCE S23°25'26"W (P) 59.88' FEET, THENCE S00°00'00"E, A DISTANCE OF 115.73 FEET; THENCE N00°00'00"E, A DISTANCE OF 143.90 FEET, THENCE S23°25'26"W (M) 13.53' FEET, THENCE S23°25'26"W (P) 59.88' FEET, THENCE S00°00'00"E, A DISTANCE OF 143.90 FEET; THENCE N49°58'11"E 249.51' (P&M), A DISTANCE OF 59.88 FEET, TO THE POINT OF BEGINNING.

SAID LOT HAS AN AREA OF 64924.92 SQUARE FEET, OR 1.49 ACRES MORE OR LESS.

Misc. Notes



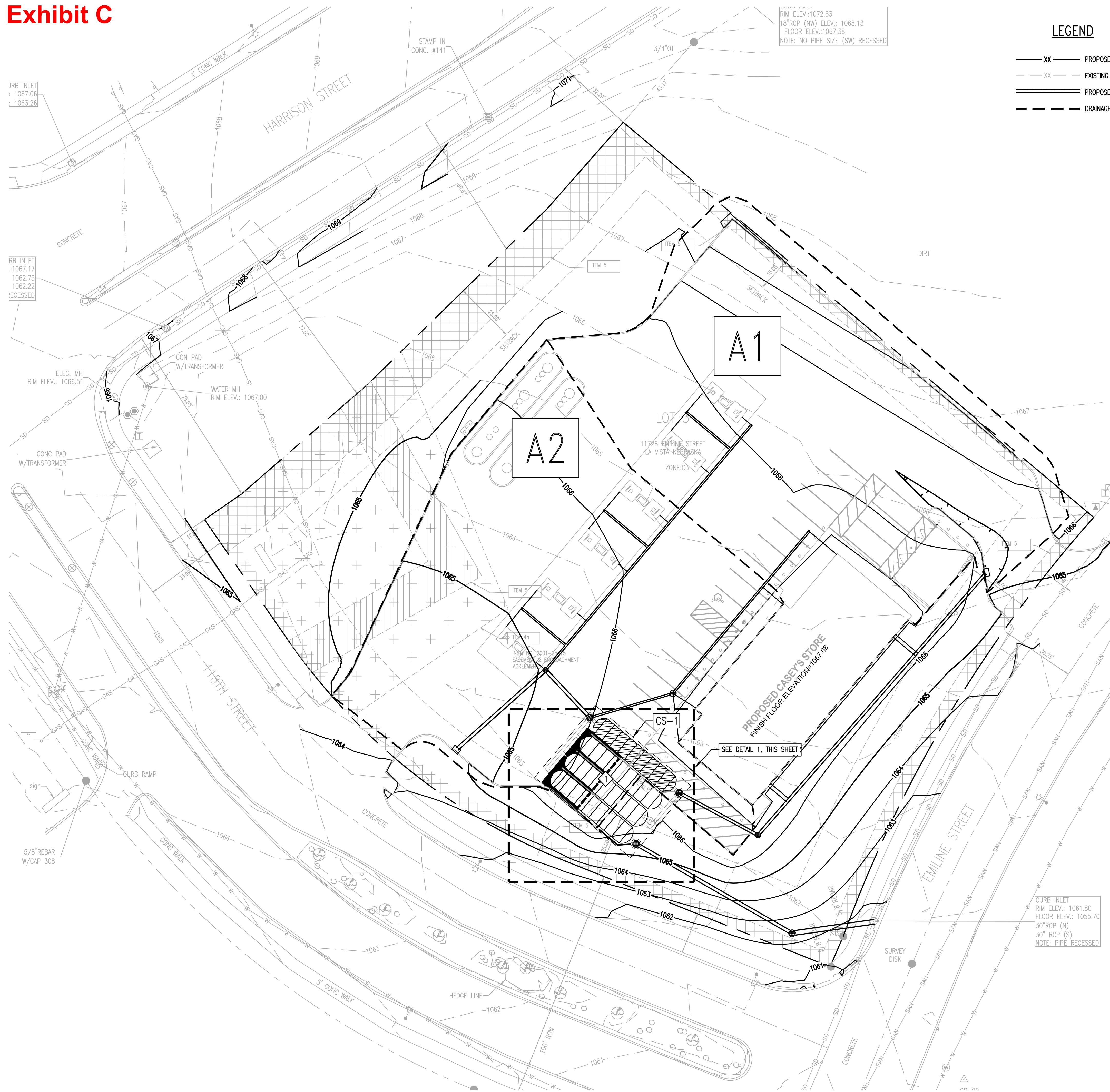
Vicinity Map



CASEY'S CONSTRUCTION DIVISION	
One Convenience Blvd., P.O. Box 3001, Ankeny, IA 50021 515-965-6100	
PRINCIPAL:	LA VISTA, NE.
CONTRACTOR:	HARRISON ST/118TH ST U3 STORE
DATE:	06-21-19
ISSUED ON:	08-01-19
RECEIVED ON:	08-07-19
DRAWING NUMBER: CONSTRUCTION DIVISION	
DRAWN BY:	J. VILMAN
CHECKED BY:	
APPROVED BY:	

AL-101

Exhibit C

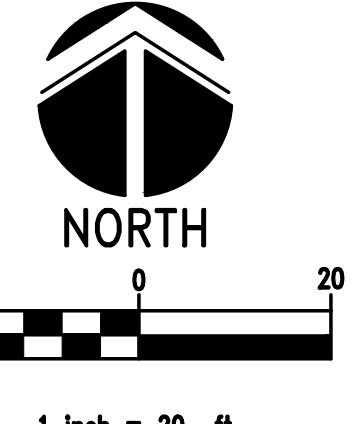


CSW-201903863

LAV-20190729-5096-T

LEGEND

- XX — PROPOSED CONTOUR
- XX — EXISTING CONTOUR
- PROPOSED STORM SEWER
- - - DRAINAGE BOUNDARY



REFERENCED CONSTRUCTION NOTES(⊗):

1. SEE C-603 AND DETAILS THIS SHEET FOR ADDITIONAL INFORMATION.

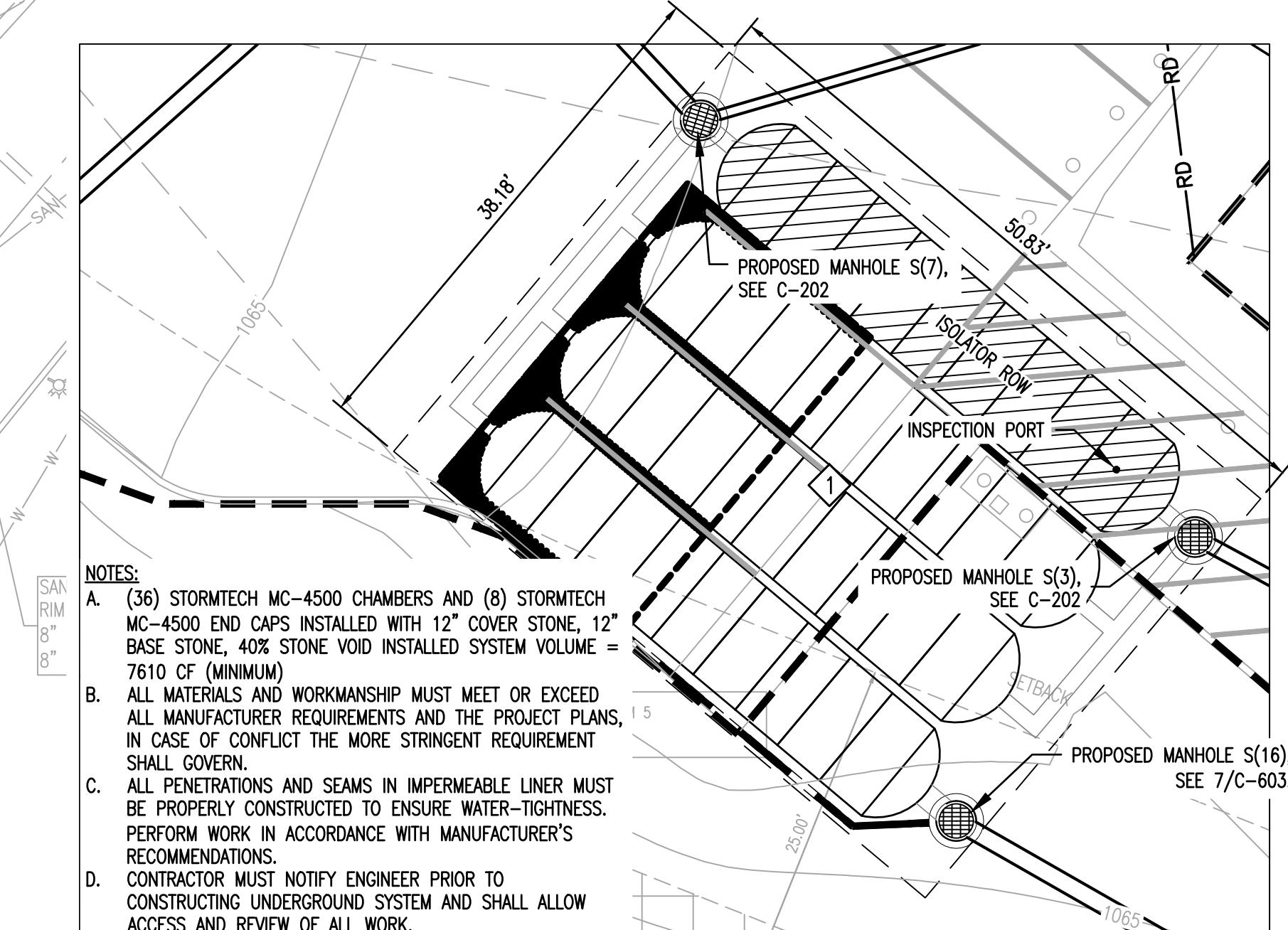
BMP CALCULATIONS

BMP ID #	TYPE	DRAINAGE AREA	EXISTING 100-YEAR RUNOFF	PROPOSED 100-YEAR RUNOFF
CS-1	ROCK CHAMBER STORAGE WITH ISOLATOR ROW	1.00 AC.	4.32 CFS	4.22 CFS

DRAINAGE AREA	PRE CONSTRUCTION		POST CONSTRUCTION	
	IMPERVIOUS	PERVIOUS	IMPERVIOUS	PERVIOUS
A1	0.07 AC.	0.48 AC.	0.53 AC.	0.02 AC.
A2	0.07 AC.	0.38 AC.	0.45 AC.	0.00 AC.

PCSMP NOTES:

- A. THE OWNER SHALL CONTROL LITTER. THIS SHALL BE DONE BY HAVING THE ADEQUATE NUMBER OF TRASH RECEPTACLES LOCATED ON SITE. THE RECEPTACLES SHALL BE EMPTIED REGULARLY OR WHEN FULL. TRASH DUMPSTERS SHALL HAVE COVERS ON THEM, AND THE COVERS SHALL REMAIN CLOSED.
- B. STREETS, PARKING LOT, AND SIDEWALK SHALL BE SWEEP WHEN DIRT OR DUST BECOMES PRESENT. POWER WASHING OR HOsing OFF WILL NOT BE ALLOWED.
- C. ALL INLETS IN THE PAVEMENT AREAS SHALL HAVE LABELS STATING, "NO DUMPING - DRAINS TO LIVE STREAM".
- D. PERIMETER OF SITE WILL BE OBSERVED REGULARLY TO PICK UP ANY LITTER ON OWNER'S PROPERTY.



1 STORMTECH UNDERGROUND STORAGE SYSTEM CS-1 (ENLARGED PLAN)

1 SCALE: 1"=10'

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

Following are the main conclusions and recommended improvements:

- The site is anticipated to generate a total of 274 trips in the AM peak hour and 248 trips in the PM peak hour. In the AM peak hour, 241 vehicle trips will be entering the site and 33 trips exiting the site. For the PM peak hour, there will be 42 trips entering the site and 206 trips exiting the site.
- The gas station is anticipated to generate 244 trips in the AM peak hour with 122 trips entering and 122 trips exiting. For the PM, the gas station generates 324 trips with 162 trips entering and 162 trips exiting.
- An annual growth rate of 1.1 percent was used for this study.
- Synchro analysis shows that the lane configuration of the existing roadway network has the capacity to handle the anticipated trips generated from the proposed development.
- Based off of the MUTCD Warrant 2 (Four-Hour) and the MUTCD Warrant 3 (Peak Hour), the unsignalized intersection of 115th Street/116th Street and Harrison Street is not anticipated to warrant the need for a traffic signal in any scenario.
- Multiple movements are anticipated to operate at a LOS of F in various scenarios. The eastbound and southbound movements at the intersection of 118th Street/Harry Anderson Boulevard and Harrison Street operate at a LOS of F in background scenarios. By updating these movements to add a permissive/protected phase to the traffic signal, these movements are improved. The northbound and southbound left turning movements at the intersection of 115th Street/116th Street and Harrison Street are shown to be operating at a LOS of F in both the AM and PM peak hour in the background scenarios. This is also the case for the northbound and southbound right turning movement in the PM peak hour. This delay is not uncommon for the minor legs of an unsignalized intersection.
- Analysis shows that there could be situations where queuing could extend outside of the storage lane in various scenarios. The largest queuing length occurs along the south leg at the intersection of 115th Street/116th Street and Harrison Street.

The northbound right turning movement is shown to currently have a poor queue which is not uncommon for the minor legs of an unsignalized intersection.

July 16, 2019



Rob DuVall
Schemmer
1044 N 115th Street, STE 300
Omaha, NE 68154

RE: Conditional Use Permit – Initial Review
Proposed Casey's – 118th & Harrison
Lot 3, Harrison Hills
Convenience Store & Gas Station

Mr. DuVall:

Thank you for your submittal of the Casey's retail store Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal based on the elements for consideration set forth in Article 6.05 of the Zoning Regulations and have provided the following initial comments:

1. Regarding Articles 6.05.02, 6.05.04, 6.05.06, 6.05.07 and 6.05.11, we find that the proposed use will not violate these conditions on the basis that the proposed use is to be located in an existing business park with commercial and industrial zoning involving activities similar in nature to the proposed convenience store.
2. Regarding Articles 6.05.01, 6.05.05 and 6.05.10, concerning traffic congestion, the applicant needs to have a traffic impact study performed by a qualified traffic engineer. The study will need to include the intersections of 118th & Harrison, and 115th & Harrison for existing condition traffic volumes and for buildout year of the proposed facility. This should include a review of MUTCD traffic signal warrants at the 115th & Harrison intersection and evaluation of whether modifications are needed at the 118th & Harrison intersection to maintain the existing levels of service. The proposed location of the right-in/right-out access onto 118th Street needs to be evaluated relative to queue lengths on 118th Street. A draft scope of traffic study should be prepared and submitted by the applicant's traffic engineer. We will review that scope with the City's traffic engineering consultant (Felsburg, Holt and Ullevig) and with the City of Omaha Traffic Engineer. The City of Omaha operates and maintains the traffic signals along Harrison Street and their concurrence in the study and conclusions will be necessary. The traffic study that was performed for the Restaurant Depot on the other side of 118th Street can be provided to the applicant to assist them in conducting the requested study. The traffic study for this proposal should be submitted and reviewed prior to taking action on the Conditional Use Permit.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

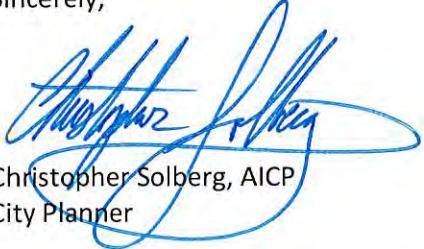
3. Regarding Articles 6.05.04, the proposed Site Layout Plan needs to identify type and location of best management practices that will be used to address water quality and no increase in 2-year storm event peak flows above pre-development conditions. Detailed design is not required, just an indication as to how this will be addressed.
4. Regarding Article 6.05.03, the Site Layout Plan proposes a shared driveway with the adjoining Lot 4 to the east. The owner of the adjacent lot needs to provide a written statement that they are agreeable to the proposed shared access. A finalized easement including maintenance provisions will be required prior to issuing a building permit.
5. In regards to Article 6.05.09, site lighting will be reviewed as part of the design review process.
6. The zoning listed on the site plan needs to be revised to include "Gateway Corridor District (Overlay District)".
7. Strike "Misc. Notes" #1 as the dumpster design will be handled through the design review sheet set.
8. Strike "Misc. Notes" #2 as the signage will be handled outside of the Conditional Use Permit approval process.
9. Strike "Special Requirements" as most of the items listed will be handled within the design review exhibits to the Conditional Use Permit or through sign permits outside of the Conditional Use Permit approval process.
10. Project narrative mentions an "included sign packet". A "sign packet" was not included in the application submittal. Regardless, discussion about signage can also be removed from the Project Narrative as signage will be handled outside of the Conditional Use Permit approval process.
11. An application for design review approval under the Gateway Corridor Design Guidelines has not been submitted at this time. Select documents from the design review process will be included within the Conditional Use Permit as exhibits to that permit. Please note that the Conditional Use Permit application cannot proceed to the Planning Commission until the design review process is substantially complete.

A draft Conditional Use Permit (CUP) will be forwarded to you after review of the requested traffic study and the design review process has commenced.

Please submit 4 full size copies (along with electronic copies) of the revised documents. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents and the results of the initial design review.

Should you have any questions please contact me at 402-593-6402 or
csolberg@cityoflavista.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher Solberg".

Christopher Solberg, AICP
City Planner

Cc: John Kottmann, City Engineer
Jeff Sinnott, Chief Building Official
Katie DeRouchey, Casey's Retail Company
File



Design with Purpose. Build with Confidence.

November 8, 2019

Christopher Solberg, AICP
City Planner
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

RE: Conditional Use Permit – Initial Review Response Letter
Proposed Casey's – 118th & Harrison
Lot 3, Harrison Hills
Convenience Store & Gas Station
Schemmer Project No. 06754.064

Dear Mr. Solberg:

Please see the following responses to your comments in your letter dated July 16, 2019. Feel free to contact me with any questions at (402) 431-6369 or rduvall@schemmer.com.

1. Regarding Articles 6.05.02, 6.05.04, 6.05.06, 6.05.07 and 6.05.11, we find that the proposed use will not violate these conditions on the basis that the proposed use is to be located in an existing business park with commercial and industrial zoning involving activities similar in nature to the proposed convenience store.
 - a. We acknowledge that this use will not violate the conditions on the basis that the proposed use is to be located in an existing business park with commercial and industrial zoning.
2. Regarding Articles 6.05.01, 6.05.05 and 6.05.10, concerning traffic congestion, the applicant needs to have a traffic impact study performed by a qualified traffic engineer. The study will need to include the intersections of 118th & Harrison, and 115th & Harrison for existing condition traffic volumes and for buildout year of the proposed facility. This should include a review of MUTCD traffic signal warrants at the 115th & Harrison intersection and evaluation of whether modifications are needed at the 118th & Harrison intersection to maintain the existing levels of service. The proposed location of the right-in/right-out access onto 118th Street needs to be evaluated relative to queue lengths on 118th Street. A draft scope of traffic study should be prepared and submitted by the applicant's traffic engineer. We will review that scope with the City's traffic engineering consultant (Felsburg, Holt and Ullevig) and with the City of Omaha Traffic Engineer. The City of Omaha operates and maintains the traffic signals along Harrison Street and their concurrence in the study and conclusions will be necessary. The traffic study that was performed for the Restaurant Depot on the

PHONE 402.493.4800
FAX 402.493.7951

1044 North 115th Street, Suite 300
Omaha, Nebraska 68154-4436

other side of 118th Street can be provided to the applicant to assist them in conducting the requested study. The traffic study for this proposal should be submitted and reviewed prior to taking action on the Conditional Use Permit.

- a. A traffic impact study was performed for this site and is attached to this email.
- 3. Regarding Articles 6.05.04, the proposed Site Layout Plan needs to identify type and location of best management practices that will be used to address water quality and no increase in 2-year storm event peak flows above pre development conditions. Detailed design is not required, just an indication as to how this will be addressed.
 - a. A StormTech® underground detention system is proposed for this site. A Post Construction Stormwater Management Plan is attached to this email.
- 4. Regarding Article 6.05.03, the Site Layout Plan proposes a shared driveway with the adjoining Lot 4 to the east. The owner of the adjacent lot needs to provide a written statement that they are agreeable to the proposed shared access. A finalized easement including maintenance provisions will be required prior to issuing a building permit.
 - a. We have modified the site plan to only include a driveway on our lot and it is attached to this email.
- 5. In regards to Article 6.05.09, site lighting will be reviewed as part of the design review process.
 - a. We acknowledge that the site lighting will be review as part of the design review process.
- 6. The zoning listed on the site plan needs to be revised to include "Gateway Corridor District (Overlay District)".
 - a. The zoning listed on the site plan has been revised to include "Gateway Corridor District (Overlay District).
- 7. Strike "Misc. Notes" #1 as the dumpster design will be handled through the design review sheet set.
 - a. We removed this note from the site plan.
- 8. Strike "Misc. Notes" #2 as the signage will be handled outside of the Conditional Use Permit approval process.
 - a. We removed this note from the site plan.
- 9. Strike "Special Requirements" as most of the items listed will be handled within the design review exhibits to the Conditional Use Permit or through sign permits outside of the Conditional Use Permit approval process.
 - a. We removed this note from the site plan.
- 10. Project narrative mentions an "included sign packet". A "sign packet" was not included in the application submittal. Regardless, discussion about signage can also be removed from the Project Narrative as signage will be handled outside of the Conditional Use Permit approval process.
 - a. We removed this from the narrative and attached the revised narrative.

11. An application for design review approval under the Gateway Corridor Design Guidelines has not been submitted at this time. Select documents from the design review process will be included within the Conditional Use Permit as exhibits to that permit. Please note that the Conditional Use Permit application cannot proceed to the Planning Commission until the design review process is substantially complete.

- a. We have applied for design review approval under the Gateway Corridor Design Guidelines.

Sincerely,

THE SCHEMMER ASSOCIATES INC.



Robert DuVall, P.E.
Project Manager

Enclosures

City of La Vista Design Review of Casey's General Store 118th and Harrison.

Submitted by Kevin Schluckebier, AIA on Nov. 11, 2019.

Based on: Gateway Corridor District dated 17 September 2013



Summary:

Good submittal with minimal additional information requested, see following detailed comments. I'll only comment on items that have concerns in this Review Letter.

I & II Relationship of Building to Site and Adjoining Area:

- Pedestrian scale on sides noted within Building Design area.
- Although plantings are provided along Harrison, some earth berming may assist with four season screening.
- Not all utility information is noted. Please confirm all utility transformers, pedestals etc, are screened.

III Landscape and Site Treatment:

- Landscape beds are mostly linear along the perimeter of the paving. Provide more natural undulation and interest within planning bed layout.
- Confirm all utility pedestals, transformers etc, are all screened.
- **Lighting fixture cuts not provided for review.**

IV Building Design:

- Scale of building. Gable ends are 4x pedestrian scale. Current design provides no detail in upper portion of wall. Stone at lighting only breaks up lower portion of wall. Suggest additional color/detail of upper gable area. Pilasters terminate into more brick with minimal detail.
- Four-sided building: See note above regarding the side elevations. The south side does appear as a back. An option to detail the mechanical area as more of a porch with horizontal stone between the stone piers creating a porch look would help break up that elevation. Suggest moving the lighting to the pilasters under the center mechanical area only as on the sides to minimize attention to the utilities.
- Materials:
 - Brick is acceptable
 - Stone. Sample has not been provided. Provide a through color product.
 - Metal window/door framing bronze is acceptable.
 - Hardie Board is acceptable in mechanical court as noted. Color provided is acceptable.
 - Metal screening, gutters, downspouts: Do they match metal window framing?
- Equipment Screening: **Provide a Section** and product cuts for sizing that screening is effective at elevation view of largest element.
- Ladder support, **provide section detail** of this element and how it incorporates into the screening. Openings?
- **Provide light fixture cuts.**

- Are any site furnishings provided?

V Signs: Not Reviewed

IV Maintenance:

- Overall materials submitted will provide a long life. Confirm the painting/coating on exterior metal (gas pump bollards and any exposed metal), through color of stone products. Design provides separation of building and mowing, etc to minimize potential impacts.

If you have any questions or clarifications regarding this review, please don't hesitate to contact me.

Kevin Schluckebier, AIA,

P: 402.651.8506

kschluckebier@cox.net