

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**FEBRUARY 20, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
QUIK TRIP CORPORATION – CUP, IMPROVEMENTS AGREEMENT & RIGHT-OF-WAY DEDICATIONS LOT 3, BROOK VALLEY II BUSINESS PARK (117 <sup>th</sup> & GILES ROAD)	◆ RESOLUTION (4) ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and resolutions prepared for Council to consider an application for a Conditional Use Permit, an Improvements Agreement and Right-of-way Dedications to locate and operate a convenience store with limited fuel sales on Lot 3, Brook Valley II Business Park, generally located at 117<sup>th</sup> and Giles Road.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Quik Trip Corporation on behalf of the property owner, Gordo 79, LLC, for a Conditional Use Permit, an Improvements Agreement and Right-of way Dedications to locate and operate a convenience store with limited fuel sales on Lot 3, Brook Valley II Business Park. The property is zoned C-3 Highway Commercial/Office Park District, Gateway Corridor District (Overlay District). A convenience store with limited fuel sales is listed in the C-3 District as a conditional use. The applicant proposes to construct a 4,840 sq. ft. Quik Trip store and gas station on the southeast corner of 117<sup>th</sup> Street and Giles Road.

A detailed staff report is attached.

The Planning Commission held a public hearing on December 14, 2017, and unanimously voted to recommend approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR QUIK TRIP CORPORATION, TO OPERATE A CONVENIENCE STORE WITH LIMITED FUEL SALES ON LOT 3, BROOK VALLEY II BUSINESS PARK.

WHEREAS, Quik Trip Corporation has applied for approval of a conditional use permit for a convenience store with limited fuel sales on Lot 3, Brook Valley II Business Park, located southeast of 117<sup>th</sup> Street and Giles Road; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Quik Trip Corporation to allow for a convenience store with limited fuel sales on Lot 3, Brook Valley II Business Park.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY, 2018.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN IMPROVEMENTS AGREEMENT FOR LOT 3, BROOK VALLEY II BUSINESS PARK.

WHEREAS, the City Council did on February 20, 2018, approve a Conditional Use Permit for a convenience store with limited fuel sales on Lot 3, Brook Valley II Business Park subject to certain conditions; and

WHEREAS, the Developer, Quik Trip Corporation, and the Seller, Gordo-79, LLC, have agreed to execute an Improvements Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Improvements Agreement presented at the February 20, 2018, City Council meeting for Lot 3, Brook Valley II Business Park be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council Conditional Use Permit approval and with such modifications that the City Administrator or City Engineer may determine necessary or advisable.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY, 2018

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY FOR THE IRREGULAR PARCEL OF REAL ESTATE, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 17 AND THE NORTHEAST 1/4 OF SECTION 20, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT "A".

WHEREAS, the City Council approved Resolution No. 18-\_\_\_\_\_ which called for the seller and the developer of Lot 3, Brook Valley II Business Park, to construct certain public improvements; and

WHEREAS, the improvements require the dedication and deed for an irregular parcel of real estate described on Exhibit "A" for public right-of-way; and

WHEREAS, the City Council recommends approval of the dedication and deed document as attached for the irregular parcel, located in the Southeast 1/4 of Section 17 and Northeast 1/4 of Section 20, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska as identified in the attached Exhibit "A"; and

WHEREAS, the City Engineer and Public Works Director recommend approval of the dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the dedication and deed for public street right-of-way as shown on the attached Exhibit "A" and authorize the Mayor to sign the deed and dedication.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY, 2018.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

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WHEREAS, the City Council approved Resolution No. 18-\_\_\_\_\_ which called for the seller and the developer of Lot 3, Brook Valley II Business Park, to construct certain public improvements; and

WHEREAS, the improvements require the dedication and deed for an irregular parcel of real estate described on Exhibit "A" for public right-of-way; and

WHEREAS, the City Council recommends approval of the dedication and deed document as attached for the irregular parcel, located in the Southeast  $\frac{1}{4}$  of Section 17 and Northeast  $\frac{1}{4}$  of Section 20, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska as identified in the attached Exhibit "A"; and

WHEREAS, the City Engineer and Public Works Director recommend approval of the dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the dedication and deed for public street right-of-way as shown on the attached Exhibit "A" and authorize the Mayor to sign the deed and dedication.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY, 2018.

**CITY OF LA VISTA**

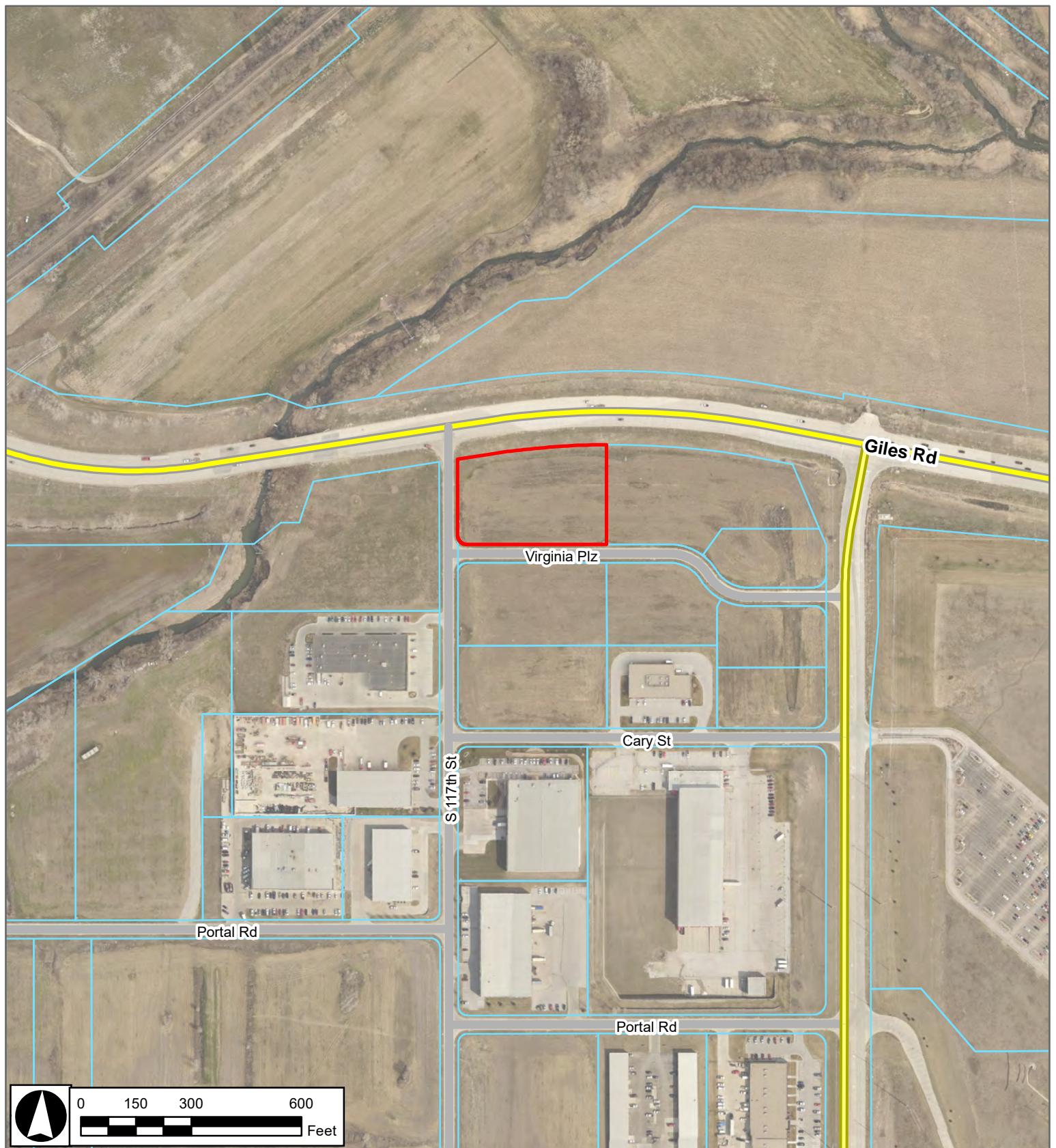
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Douglas Kindig, Mayor

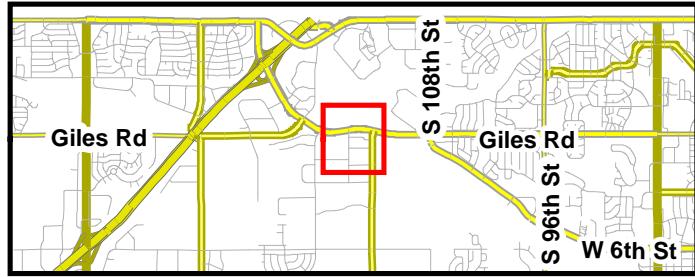
ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



## Project Vicinity Map



## Lot 3 Brook Valley II Business Park

12-5-2017

JMC





**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: PCUP-17-0006

FOR HEARING OF: February 20, 2018  
REPORT PREPARED ON: February 12, 2018

**I. GENERAL INFORMATION**

- A. APPLICANT:** QuikTrip Corporation
- B. PROPERTY OWNER:** Gordo 79 LLC
- C. LOCATION:** 11626 Virginia Plaza, Southeast of 117<sup>th</sup> and Giles.
- D. LEGAL DESCRIPTION:** Lot 3 Brook Valley II Business Park
- 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 District (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:** 2.39 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 north.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  1. **North:** Tax Lot 3 17-14-12; Vacant; TA Transitional Agriculture District with a Gateway Corridor District (Overlay District)
  2. **East:** Lot 2 Brook Valley Business Park II; Vacant; C-3 Highway Commercial/Office Park District, Gateway Corridor District (Overlay District)
  3. **South:** Lot 1 Brook Valley Business Park II, Replat Three; Commercial Strip Shopping Center; C-3 Highway Commercial/Office Park District, Gateway Corridor District (Overlay District)

4. **West:** Lot 1 Brook Valley Business Park II, Replat One; Vacant; C-3 Highway Commercial/Office Park District, Gateway Corridor District (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 117<sup>th</sup> Street and two full access points onto Virginia Plaza.
2. The cross-section of 117<sup>th</sup> Street would be improved to a three-lane section with a median to Virginia Plaza. Additional right-of-way will be required due to the additional width of the improvements.
3. As per the revised traffic study, the commencement of operations of this use will cause an MUTCD Traffic Signal Warrant 2 to be met for the 117<sup>th</sup> Street and Giles Road intersection, making the installation of a traffic signal at this location warranted as part of the site improvements.
4. Upon installation, the traffic signal will need to be coordinated with the rest of signal system along Giles Road.
5. A copy of the Final Traffic Memo, minus the exhibits, has been attached to the CUP as an exhibit.

**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, 28 parking spaces would be required. The site plan depicts 50 parking stalls, not including spaces adjacent to fuel pumps that are allowed within the overall count as per the ordinance.

- F. LANDSCAPING:** The landscaping plan has been reviewed as per the Gateway Corridor 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. Additionally, the landscaping plan will need to comply with Section 7.17 of the zoning ordinance. Final adjustments to the landscaping plan will be required prior to issuance of a Certificate of Design Review Approval and building 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 is substantially complete 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. An agreement outlining requirements and financial commitments regarding roadway improvements to 117<sup>th</sup> Street and signalization improvements to the intersection of 117<sup>th</sup> Street and Giles Road has been drafted and provided for approval as part of this project. The agreement includes a commitment from the City to provide \$40,000 to pay for a portion of the cost of the improvements.
3. The improvement of 117th Street to a three-lane section will require the dedication of additional right-of-way on both sides of 117<sup>th</sup> Street from Giles to Virginia Plaza. Requirements for this dedication are detailed within the agreements as provided in this packet.
4. The building elevations attached as exhibits to the CUP include signage that has not been reviewed in accordance with the zoning ordinance. Signage will be reviewed at the time of submission of an application for sign permits.
5. 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 well as the approval of the related agreements, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CUP:**

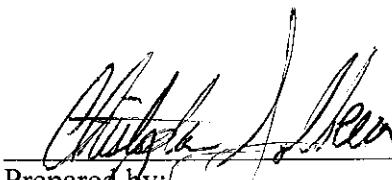
The Planning Commission held a public hearing on December 14, 2017 and unanimously voted to recommend approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Applicant's Operational Statement
3. Staff Review Letter
4. Design Review Letter
5. Draft CUP

**VIII. COPIES OF REPORT TO:**

1. Erik Eckhart, QuikTrip Corporation, Applicant
2. Jeff Wilmes, Gordo 79 LLC, Property Owner
3. Joe Flaxbeard, Lamp Rynearson
4. Public Upon Request

  
\_\_\_\_\_  
Prepared by: \_\_\_\_\_  
 2-13-18  
Community Development Director Date

## **AGENDA ITEM B1**

**Conditional Use Permit**

August 25, 2017



Eric Eckhart  
QuikTrip Corporation  
5725 Foxridge Drive  
Mission, KS 66202

RE: Conditional Use Permit – Initial Review  
Proposed QuikTrip – 117<sup>th</sup> and Giles  
Lot 3, Brook Valley II Business Park

Mr. Eckhart:

Thank you for your submittal of the QuikTrip Convenience Store with Limited Fuel Sales Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

1. In regards to 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 114<sup>th</sup> and Giles, 117<sup>th</sup> and Giles, and 117<sup>th</sup> and Virginia for existing condition traffic volumes and for buildout year of the proposed facility. This should include a review of the MUTCD traffic signal warrants at the 117<sup>th</sup> and Giles intersection. If a new driveway access is to be made onto 117<sup>th</sup> Street as shown then it will be necessary for the applicant to include a raised median on 117<sup>th</sup> Street to restrict access to right-in/right-out movements. Widening of 117<sup>th</sup> Street may also be required, particularly if signalization of 117<sup>th</sup> and Giles is found to be warranted. Installation of the traffic signal and any street widening would be the responsibility of the applicant to provide. The applicant's traffic engineer may contact Felsburg, Holt & Ullevig to obtain existing signal timings along Giles Road if needed for the study. Contact information can be provided.
  
2. In regards to Articles 6.05.04 and 6.05.11 concerning adequate facilities to serve the proposed use, staff recommends that Virginia Plaza be converted back to a public street. It was originally constructed as a public street and then it was vacated to allow for the development proposal called "Shoppes on Giles" that was going to include on-street parking stalls and other amenities that would not be allowed in a public street. It now appears that such a development concept is not going to proceed. This project is shown to occur on the originally platted Lot 3 and does not include any of the vacated Virginia Plaza. This would require a right-of-way dedication process by the current property owner of Virginia Plaza. The site plans submitted with the application indicate that storm water management has been considered. Detailed review will be conducted during a building permit review to verify no increase in 2-

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

year peak flows between pre-development and post-development and treatment of the first half-inch of storm water runoff. The path of tanker trucks on the site to serve the fuel tanks should be illustrated on the site plans.

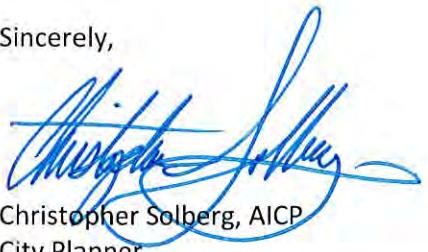
3. Each plan set provided depicts a monument sign location with the dimensions of the proposed sign. The dimensions should be removed from the plan set. Sign size and design of all proposed signage will be handled at the time of sign permit review.
4. Sheet 1 (Site/Demo Plan) depicts a 5' sidewalk along the south and west sides of the property. The sidewalk on the west side of the property needs to extend to the north property line.
5. Sheet L100 (Landscaping Plan) depicts an Austrian Pine at the G1 coordinate in a line of pines along the eastern property line. This should be removed to allow for a possible future internal connection to Lot 2 Brook Valley II Business Park. Additionally, the subject line of pine trees is depicted on Lot 2 Brook Valley II Business Park, rather than on the subject property. This needs to be corrected. Additional comments regarding the Landscaping Plan will be provided through the Gateway Corridor Design Review process.
6. The design review application submittal for the project has been forwarded to the City's Design Review Architect. Due to a backlog of projects, expect a delay in the provision of a review letter regarding compliance with the Gateway Corridor Design Guidelines. A review letter will be forwarded upon receipt and review by the Planning Department. As noted in the pre-application meeting, the project 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 in the coming days for your review. It should be noted that this is just a draft of the CUP document, the City Attorney will review the draft prior to forwarding it on to City Council.

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](mailto:csolberg@cityoflavista.org).

Sincerely,



Christopher Solberg, AICP  
City Planner

Cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Jeff Sinnett, Chief Building Official  
Jeff Wilmes, Gordo 79 LLC  
Joe Flaxbeard, Lamp Rynearson  
File

November 17, 2017

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: QuikTrip - Design Review #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's design review and submittal package dated September 27, 2017. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines.

**General:**

1. The palette of primary exterior material samples submitted is generally acceptable and in the earth tone range as required by the Guidelines. A list of required clarifications for full approval is as follows
  - a. No membrane roofing or glass information was submitted. All major exterior materials must be submitted for review by either physical samples or detailed color cut sheets. Roof membranes are required to be in the lighter color range, such as white.
  - b. A sample of Daltile, Invoke – Evening Veil was submitted and labeled for use at building columns. The color exterior elevations do not note this material anywhere, but do note a dark gray color EIFS. Are they essentially representing the same application? Please clarify. Either way, this material color appears to have a cool gray hue and should be re-selected to have a warmer, more earth tone hue. One possibility may be to utilize the darker accent brick, Interstate – Midnight Black, at all these areas instead of introducing a third material.
  - c. The drawings indicate a retaining wall on the north side of the site, but there was no segmental retaining wall block sample or literature included. A sample will be required for approval and demonstrating a close match in color, texture, and scale similar to the character of the building.
  - d. Any exterior field paint is required to be a high durability coating system similar to Tnemec, or equal.
2. No lighting fixture cut sheets were submitted for parking lot poles or building mounted lighting. The Guidelines do not allow flexibility in the types of exterior lights that can be provided. Consistency throughout the Gateway Corridor District is the established precedent. Refer again to Appendix B for mandated fixtures.

**Drawings:**

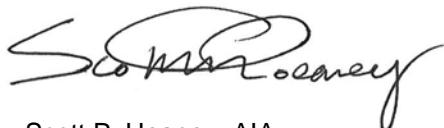
1. Site/Demo Plan 1:
  - a. The refuse enclosure indicated on the west side of the site must be constructed of materials matching the building. A sample of a black poly mesh material was included on the sample board and labeled as Trash Enclosure/Mechanical Screen. I don't know how this material is meant to be incorporated, but it would not be considered a permanent, high quality material. Review again the Equipment Screening requirements outlined in Section IV.H.
  - b. All site signage shall be reviewed separately by Planning Department staff and meet the City of La Vista signage regulations.
2. Preliminary Grading Plan 4 & Landscape Plan L100:
  - a. The preliminary contours indicate a good variety of natural, undulating site forms, but plantings should avoid being arranged in consistent straight lines. Planting arrangements need to be reconsidered. Refer again to Section III.F.
  - b. All site utility service equipment, meters, etc. (e.g. transformer) need to be screened all year round by plantings.
  - c. The Plant Schedule proposes several species that are non-compliant. Review again Section III.D. for the minimum number of species required and review the approved Plant Materials list in Appendix A of the Guidelines.
    - i. Deciduous Trees –
      1. Swamp White Oak is on the approved plant list.
  - d. The two above ground detention areas need to be planted with species that are suited to bioretention conditions. No plantings are shown at this time. Refer again to Section III.K.5. referencing Nebraska Bioretention and Rain Garden Plants Guide, 2010 edition.
3. Color Exterior E elevations:
  - a. The Guidelines require four-sided architecture with same caliber of finishes and design attention on all facades. Large areas of blank exterior areas to be avoided. The entire north (rear) elevation would be considered "blank" and has very little architectural variety, and needs to be reconsidered to be more similar to the other three elevations. Refer again to Section IV.C.
  - b. Exterior ladders are not allowed.
  - c. All roof top mechanical units appear to be adequately screened by either a raised building parapet or a screen enclosure, but the screening infill material cannot be poly mesh.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6317 direct  
sheaney@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.



Scott P. Heaney, AIA  
Senior Architect  
Commercial Market Leader

January 25, 2018

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: QuikTrip - Design Review #2

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's design resubmittal package dated November 27, 2017. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines.

**General:**

1. The outstanding exterior material samples requested have been submitted as listed below and are acceptable.
  - a. A PDF product data sheet of a Versico membrane roof system was submitted and adequately demonstrates available options for a light colored membrane in either white, gray, or tan. The designer has indicated in their response letter that white will be provided.
  - b. A sample of a dark brown/black color EIFS with textured flecks was received and it has been clarified that this material will be used as the dark accent material indicated on the exterior elevations.
  - c. The segmental retaining wall previously indicated on the north side of the site has been removed from the design so no material sample is required.
  - d. The designer has acknowledged that any exterior field paint elements will utilize a high durability coating system similar to Tnemec, or equal.
2. Regarding exterior lighting, a copy of Appendix B was submitted and the designer has indicated in their response letter that all fixtures will match with this standard.

**Drawings:**

1. Site/Demo Plan 1:
  - a. Per the designer's response letter the refuse enclosure gates are still proposed to be clad with a black poly-mesh material and will still not be considered a permanent, high quality material. Review again the Equipment Screening requirements outlined in Section IV.H.
2. Landscape Plan L100:
  - a. Planting arrangements have been adjusted to provide natural and undulating layouts.
  - b. All site utility service equipment, meters, etc. (e.g. transformer) have been indicated to be adequately screened by plantings.
  - c. The Plant Schedule has been revised and all species are compliant.

PHONE 402.493.4800  
FAX 402.493.7951

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

- d. The two above ground detention areas have been further developed to indicate being planted with species that are suited to bioretention conditions.

3. Color Exterior Elevations:

- a. New color elevations have been submitted. As previously stated, the Guidelines require four-sided architecture with the same caliber of finishes and design attention on all facades. The south elevation is still lacking the same design attention as the other facades. The Applicant may want to consider additional grey piers, faux windows with awnings above, and varying the parapet height on the south elevation.
- b. The exterior ladder previously indicated has been removed as requested.
- c. All roof top mechanical screening has been revised from poly-mesh to a painted metal as requested. The legend on the elevations sheet identifies the metal as Dark Bronze and manufactured by Lane. Please submit for review and approval a PDF product data sheet, and a physical sample of the prefinished metal color selected.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct  
dkerns@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.

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

Dan Kerns, AIA, NCARB  
Shareholder - Senior Architect  
Commercial Market Leader

February 9, 2018

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: QuikTrip - Design Review #3

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's design resubmittal package dated January 29, 2018. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines.

**Drawings:**

1. Site Plan:
  - a. The resubmitted site plan did not indicate a revision to the refuse enclosure gates and are still proposed to be clad with a black poly-mesh material and will still not be considered a permanent, high quality material. Review again the Equipment Screening requirements outlined in Section IV.H.
2. Color Exterior Elevations:
  - a. The Guidelines require four-sided architecture with same caliber of finishes and design attention on all facades. The front and sides are acceptable as submitted. The resubmitted rear elevation added some grey piers and faux windows. To match the same caliber of finishes on the other 3 sides, it is recommended that the Applicant install sloped awnings over the faux windows similar to the front elevation.
  - b. All roof top mechanical units appear to be adequately screened by either a raised building parapet or a screen enclosure, but the screening infill material cannot be poly mesh.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct  
[dkerns@schemmer.com](mailto:dkerns@schemmer.com)

Sincerely,

THE SCHEMMER ASSOCIATES, INC.

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

Dan Kerns, AIA, NCARB  
Shareholder - Senior Architect  
Commercial Market Leader

## **City of La Vista Conditional Use Permit**

### **Conditional Use Permit for Convenience Store with Limited Fuel Sales**

This Conditional Use Permit issued this 20th day of February, 2018, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, QuikTrip Corporation (“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, Brook Valley II Business Park, 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 an amendment to the 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 granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed 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 February 20, 2018 and incorporated herein by this reference. Any modifications must be submitted to the City Planner 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 Final Traffic Memo (Exhibit D), roadway improvements to 117th Street and signalization improvements to the intersection of 117th Street and Giles Road will be required to be completed prior to the issuance of a

Certificate of Occupancy. A development agreement outlining requirements and financial commitments regarding roadway improvements to 117th Street and signalization improvements to the intersection of 117th Street and Giles Road will need to be finalized and approved by the City and involved parties prior to the issuance of a building permit. Additionally, as the design for the roadway improvements include the widening of 117<sup>th</sup> Street south of Giles, right-of-way dedications from the abutting property owners will need to be finalized and approved by the City and involved parties prior to the issuance of a building permit.

- 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 from the City of La Vista and shall comply with any additional requirements as determined by the City Planner.
- 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 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, his agents, employees, assigns, suppliers or invitees, 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. Gas Pump Canopy
  - i. The vertical canopy supports shall be clad with the same brick as the building.
- c. 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.
- d. 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.
- e. Landscaping
  - i. Site landscaping shall be installed and maintained in accordance with the landscaping plan provided within the CUP Plan Set (Exhibit C).
- f. 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 twelve (12) months of cessation of the special 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 February 20, 2018, 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 11-710 of the La Vista Municipal Code.

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 hereby irrevocably grants the City, its agents and employees 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 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:** Erik Eckhart  
QuikTrip Corporation  
5725 Foxridge Drive  
Mission, KS 66202

**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:

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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 \_\_\_\_\_, 2018, 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.

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## Notary Public

## ACKNOWLEDGMENT OF NOTARY

STATE OF KANSAS )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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 QuikTrip Corporation, 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.

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## Notary Public

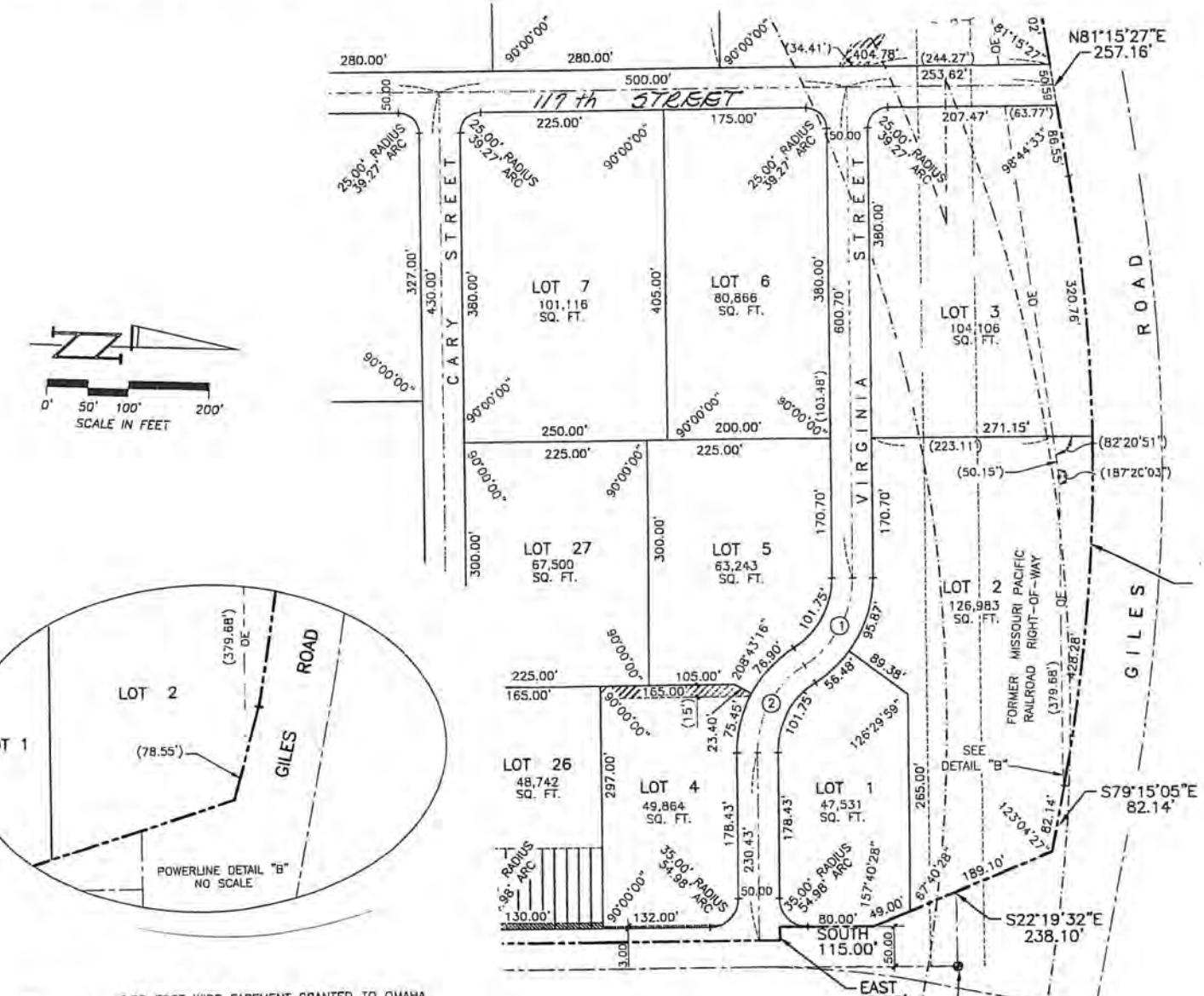
**Exhibit A**  
**Surveyor's Certificate**

# LAND SURVEYOR'S CERTIFICATE

hereby certify that this survey was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

## LEGAL DESCRIPTION

Lot 3, Brook Valley II Business Park, a subdivision as surveyed, platted, and recorded in Sarpy County, Nebraska.



3.00 FOOT WIDE EASEMENT GRANTED TO OMAHA  
PUBLIC POWER DISTRICT RECORDED IN BOOK 47  
AT PAGE 104 OF THE SARPY COUNTY RECORDS



STORM SEWER AND DRAINAGE EASEMENT  
(SEE RECORDED INSTRUMENT)

CENTERLINE		CURVE		INFORMATION
CURVE NO.	DELTA	TANGENT	LENGTH	RADIUS
1 AND 2	58'00"00"	69.57"	127.05'	125.51'

ADDRESS: \_\_\_\_\_ BUILDING PERMIT NO. \_\_\_\_\_

Date January 25, 1998 Reg. No. 308



## LEGEND

• corners found  
 o corners set  
 recorded distance  
 measured distance  
 computed distance or angle  
 crimped top pipe  
 open top pipe  
 set temporary point

R  
 M  
 COMP.  
 C.T.P.  
 O.T.P.  
 △

TD<sup>2</sup> FILE NO. 850-117

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**Exhibit B**  
**Operational Statement**

## **Executive Summary**

The QuikTrip Corporation will open a new Gas Station and Convenience Store located on the corner of S 117<sup>th</sup> street and Giles Road, La Vista, Nebraska.

The QuikTrip Corporation Store #0577 hours of operation will be 24 hours per day, 365 days per year.

The QuikTrip Corporation Store #0577 will serve La Vista and the surrounding communities with competitive gas prices and quality convenience products at an affordable price.

The QuikTrip Corporation Store #0577 will capture an increasing share of the local and commuter traffic passing through Giles Road.

The QuikTrip Corporation Store #0577 is a venture maintained by a group of successful business individuals led by Chester E. Cadieux.

## **The Market**

The targeted market segment is made up of consumers who desire a quality convenience store stocked with quality products for an affordable price. Our target audiences are automobile owners and drivers, students, travelers, visitors, tourists, et al.

## **Our Product**

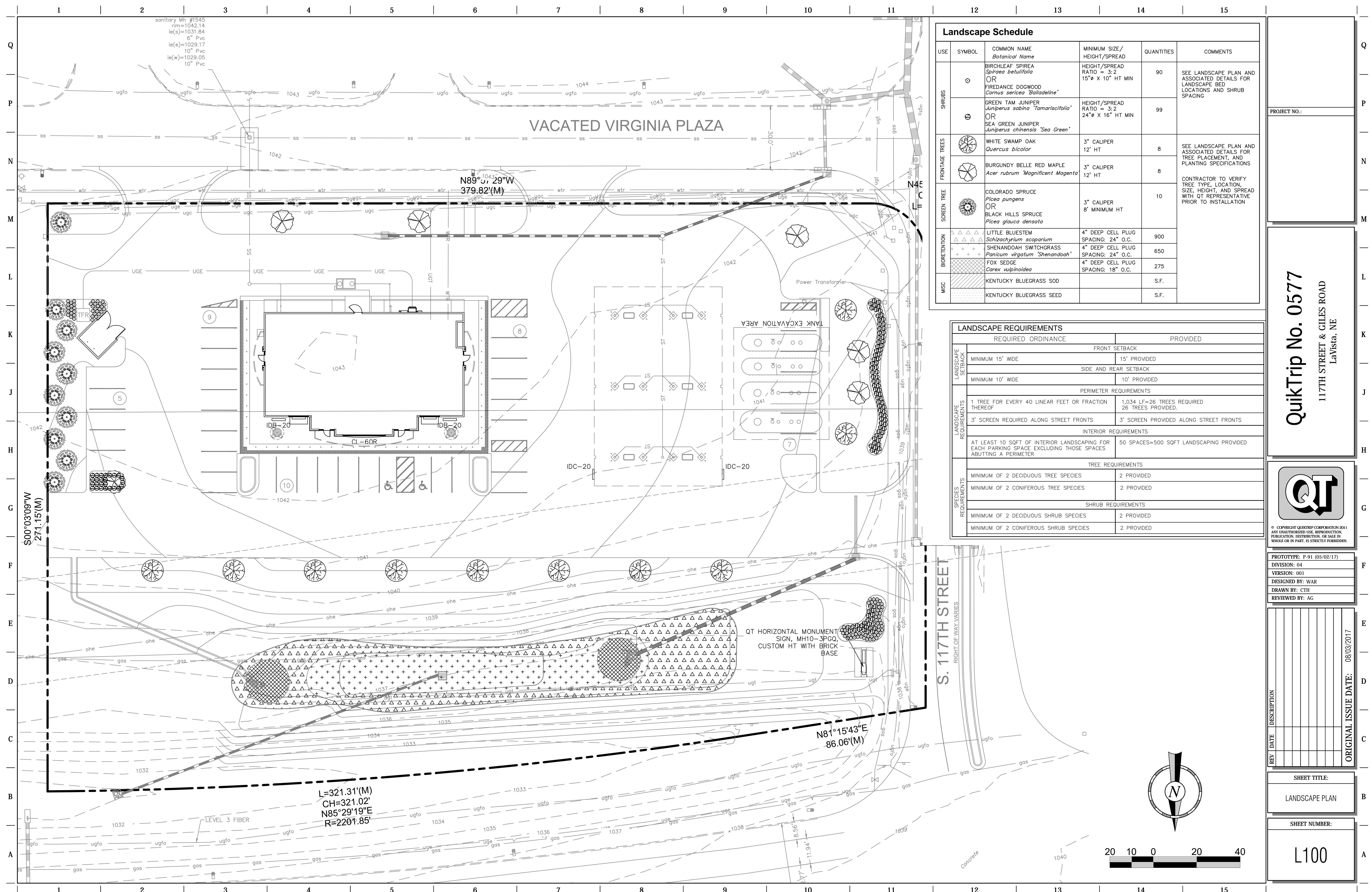
The QuikTrip Corporation Store #0577 is a fully registered and licensed standard gas station, positioned in the gas station industry in the United States of America to maximize profits. Aside from the point that we will be retailing gasoline, we will also engage in other complimentary services that will help us maximize profits.

The following are products and services that will be made available to our customers:

- Gas
- Retailing of Groceries and Soft Drinks et al

**Exhibit C**  
**CUP Plan Set**

# QUIKTRIP CUP SITE PLAN







**QuikTrip.**

4705 South 129th East Ave.  
Tulsa, OK 74134-7008  
P.O. Box 3475  
Tulsa, OK 74101-3475  
(918) 615-7700

Store # 577 G3S Building Elevations

Serial # 04-0577-G3S2 Scale: 1/16"=1'-0" Issue Date: 01.29.18

Address:

117th and Giles Road

City, State:  
La Vista, NE

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FINISH	MANUFACTURER	SPECIFICATION
1. BRONZESTONE	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
2. QUARTZ	INTERSTATE BRICK	ATLAS STRUCTURAL BRICK
3. HLG-ALUMINUM	ALUMIC	FASCIA
4. QT RED	LANE	STANDING SEAM AWNING
5. RED POLYCARBONATE	ALLEN INDUSTRIES	ILLUMINATED BAND
6. DARK BRONZE	LANE	METAL/PAINT
7. BLACK	ALL COURT FABRICS	POLYPRO 95 MESH
8. GRANITE	STONER	SCARF
9. GRANITE	STONER	A100GSES
10. IDB-20	ALLEN INDUSTRIES	ILLUMINATED SIGNAGE

**Exhibit D**  
**Final Traffic Memo without Exhibits**



## LAMP RYNEARSON

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154  
[P] 402.496.2498  
[F] 402.496.2730  
[www.LRA-inc.com](http://www.LRA-inc.com)

November 13, 2017

Mr. John Kottmann  
City of La Vista  
9900 Portal Road  
La Vista, NE 68128

REFERENCE: QuikTrip #577  
Final Traffic Memo  
LRA Job No. 0117074.01-119

Dear Mr. Kottmann:

We have the following responses to the comments dated October 18, 2017.

1. COMMENT: In general, we concur with the analysis scenarios as developed by LRA for this study for the 2017, 2020, 2025, and 2040 analysis years. The *Nebraska Multisport Complex (NMSC) Traffic Impact Study* was used to develop the traffic volumes for this project.

RESPONSE: No response.

2. COMMENT: Page 2, Data Collection: The second paragraph refers to data obtained from MAPA to establish a growth factor (assumed to be annual) of 1.2% along Giles Road. Based upon a cursory review of recent traffic studies in the study area, the growth factor may be slightly higher than 1.2%.

*Please have the applicant provide information from MAPA and the growth factor calculations in the report.*

RESPONSE: The MAPA data is provided in the appendix.

3. COMMENT: Page 2, Trip Generation; Table 1: We concur with the AM and PM peak hour site generated trips for the proposed development based on the ITE Trip Generation Manual, 9<sup>th</sup> Edition. Pass-by trip calculations are provided in Table 1 but are not used in the analysis.

*Please have the applicant remove the pass-by trip calculation fields from Table 1. Pass-by trips are not applied to the analysis and the inclusion of the information in the table is confusing.*

RESPONSE: Pass-by trips are included in the analysis.

4. COMMENT: Figure 2, Site Plan: The site plan from Figure 2 does not match the site plan submitted to the City of La Vista on September 26, 2017. The most recent site plan depicts a raised median on 117<sup>th</sup> Street from Giles Road to Virginia Plaza.

*Please have the applicant update the site plan in Figure 2 to match the most recent site plan submitted to the City. The plan should include a raised median on 117<sup>th</sup> Street.*

RESPONSE: The site plan has been updated in the traffic study.

5. COMMENT: Page 4, 2017 Background Scenario; Page 10 Traffic Signal Warrant: A statement is made that traffic signal warrants are met with 2017 volumes at the intersection of 117<sup>th</sup> Street with Giles Road.

### LAMP RYNEARSON COMPANIES



LAMP RYNEARSON



TZA Water Engineers



LARKIN  
LAMP RYNEARSON



LARKIN AQUATICS

In the report appendix, a graph is provided with the 2017 PM peak hour volumes on what appears to be MUTCD Warrant 3 for Peak Hour. The peak hour warrant is intended to be used in unusual cases such as intersections adjacent to manufacturing plants or industrial complexes where a shift change discharges a large number of vehicles in a short period of time. MUTCD Warrant 1 or Warrant 2 are the appropriate warrants to evaluate for typical traffic conditions. A cursory review of MUTCD traffic signal warrants indicates that the 2017 volumes do not meet the thresholds for Warrants 1 or 2.

*Please have the applicant provide MUTCD traffic signal warrant spreadsheets for Warrant 1 (eight-hour) and Warrant 2 (four-hour) at the intersection of 117<sup>th</sup> Street with Giles Road. Northbound right-turns should not be counted as they would be expected to be able to enter Giles Road with minimal delay. It is not expected that a traffic signal is warranted for the existing condition (2017).*

RESPONSE: The traffic signal warrant spreadsheets for the MUTCD Warrant 2 (four-hour) has been included in the appendix.

6. COMMENT: Pages 4-9 future year scenarios: The analysis has been performed assuming a traffic signal is in place at the intersection of 117<sup>th</sup> Street with Giles Road. MUTCD Warrants 1 or 2 are not expected to be satisfied with the base condition.

*Please have the applicant provide MUTCD Warrant 1 and 2 spreadsheets for the various build scenarios at the intersection of 117<sup>th</sup> Street with Giles Road. Northbound right-turns should not be counted as they would be expected to be able to enter Giles Road with minimal delay. The applicant should provide an estimated year that a signal is warranted. If the traffic volume scenarios do not satisfy either of the warrants, the analysis should be updated to reflect the existing traffic control (stop sign on 117<sup>th</sup> Street).*

RESPONSE: The anticipated traffic volumes on the south approach of 117<sup>th</sup> Street are expected to satisfy Warrant 2 in the MUTCD, four-hour warrant, when the store opens opening day. The traffic signal has been included in all of the future build-out scenarios.

7. COMMENT: Pages 4-9, future year scenarios: The analysis has been performed assuming a single northbound lane at the intersection of 117<sup>th</sup> Street with Giles Road. The site plan submitted to the City of La Vista on September 26, 2017 appears to provide 24 feet of width on the northbound approach. This is consistent with the area practice of providing two approach lanes to a signalized intersection (if warranted).

*Please have the applicant update the analysis to include two northbound approach lanes at the intersection of 117<sup>th</sup> Street with Giles Road if traffic volumes satisfy MUTCD traffic signal warrants. If the traffic volume scenarios do not satisfy either of the warrants, the analysis should be updated to reflect a single northbound lane and the existing traffic control.*

RESPONSE: The intersection of 117<sup>th</sup> Street and Giles Road has been updated to a three-lane section in the build-out scenarios.

8. COMMENT: Page 11, first bullet: A statement is made that dual left-turn lanes will be needed by 2040 for the east and south legs of the intersection of 114<sup>th</sup> Street with Giles Road. A review of the 2040 background traffic indicates over 500 northbound lefts and 150 westbound lefts. Standard practice for provision of dual left-turn lanes is when hourly left-turn volumes exceed 200 vehicles. We concur with the need for northbound dual lefts. The need for westbound dual lefts is questionable based upon the projects volumes.

QuikTrip #577  
Final Traffic Memo  
November 13, 2017  
Page 3 of 3

*Please have the applicant provide further documentation for why westbound dual left-turns are needed. Additional time could be allocated to the westbound left-turn phase if needed.*

RESPONSE: With the additional analysis, the westbound dual left turn lanes are not needed with reallocation of time at the signal for this phase. The recommendation for the westbound dual left turn lanes has been removed and the analysis has been updated.

9. COMMENT: The study should be sealed and signed by a professional engineer licensed in the state of Nebraska.

RESPONSE: The final traffic study has been signed by a licensed professional engineer in the state of Nebraska.

Thank you for your timely attention to this project. Please do not hesitate to contact me if you need further information.

Sincerely,

LAMP RYNEARSON



Matthew L. Kruse, P.E., PTOE  
Senior Project Manager



# QUIKTRIP #577 117<sup>TH</sup> STREET AND GILES ROAD

November 2017

## FINAL TRAFFIC MEMO

LRA Job Number 0117074.01-119



Prepared For

QuikTrip Corporation  
&  
City of La Vista



Lamp, Rynearson & Associates, Inc.

14710 West Dodge Rd      Ph: 402.496.2498  
Omaha, Ne 68154      Fax: 402.496.2730

[www.LRA-INC.com](http://www.LRA-INC.com)

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## INTEROFFICE MEMORANDUM

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**TO:** JOE FLAXBEARD  
**FROM:** MATTHEW KRUSE  
**SUBJECT:** QUIKTRIP TRAFFIC ANALYSIS  
**DATE:** NOVEMBER 10, 2017  
**CC:**



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### **Introduction:**

Lamp Rynearson was contacted to provide engineering services for a proposed QuikTrip located at 117<sup>th</sup> Street and Giles Road in La Vista, Nebraska. Currently, the site consists of undeveloped land. The proposed layout of the site would consist of three access points. One access point is located along 117<sup>th</sup> Street and two access points are located along Virginia Street. There is currently a median at the intersection of 114<sup>th</sup> Street and Virginia Street so all traffic that would use Giles Road would have to do so from 117<sup>th</sup> Street. The overall site location is shown in Figure 1 of the study and a current aerial is included in Figure 2.

Giles Road is currently a four lane section in the vicinity of the site with a posted speed limit of 45 miles per hour. Left turn lanes are located along both the east and west leg at the 114<sup>th</sup> Street. There is also a westbound left turn lane at the intersection of 117<sup>th</sup> Street and Giles Road. Both of the intersections along Giles Road have an eastbound right turn lane. Currently, both of the analyzed intersections are "T" intersections with no north leg. One of the analyzed intersections is signalized, which is 114<sup>th</sup> Street while 117<sup>th</sup> Street is unsignalized. The existing geometry is shown in Figure 3.

The goal of this traffic analysis was to estimate the level of service and queue lengths at the proposed access points along with investigating any roadway improvements that may be required with the installation of the store. The trips for the proposed Nebraska Multisports Complex were also included for a portion of the analysis as part of this study, which was assumed to be built by the year 2020. The methodology for the traffic analysis and the overall findings are included and summarized in this traffic memo.

### **Data Collection:**

Traffic counts were conducted by LRA staff on Tuesday, August 8, 2017 in the study area along Giles Road at the intersections of 114<sup>th</sup> Street and 117<sup>th</sup> Street. These traffic counts took place from 7:00 am to 9:00 am and from 4:00 pm to 6:00 pm to determine the AM and PM peak hours. The peak hour of the traffic observed in the traffic counts occurred during the PM peak hour, which took place from 4:30 pm to 5:30 pm. The AM peak hour was found to occur from 7:15 am to 8:15 am. Figure 4 shows the 2017 background traffic volumes for the AM peak hour while the PM peak hour volumes can be found in Figure 5.

Based on data obtained from MAPA, an overall growth factor was calculated at approximately 1.2 percent along Giles Road. This growth rate was then added to the year 2020, year 2025 and year 2040 background volumes. The 2020 AM background scenario is shown in Figure 6 with the PM in Figure 7. The 2025 background scenario is shown in Figure 8 for the AM peak hour and Figure 9 for the PM peak hour. Figure 10 shows the 2040 AM background scenario while Figure 11 shows the 2040 PM background scenario. The multisports complex volumes are shown in Figure 12.

Comments received from the City of La Vista stated their preference to use either the 8 hour or 4 hour traffic volume warrants in the Manual on Uniform Traffic Control Devices (MUTCD). With this in mind, a traffic count was conducted on a similar QuikTrip in the metro area to obtain data in regards to the traffic that is generated from that site and correlate that data to this proposed QuikTrip site. This count took place from 7:00 am to 9:00 am and from 4:00 pm to 6:00 pm on November 2, 2017. There were 16 pumps at this gas station, thus the total entering and exiting vehicles were decreased proportionally to estimate the trips for a 12 pump gas station.

### **Trip Generation:**

The area studied as part of this traffic study is currently undeveloped land. The goal of this study was to estimate the impact on the surrounding roadway network after the addition of the gas station. A trip generation table was complete to estimate the number of trips generated by the gas station.

The vehicle trips generated the proposed development were estimated with two different methods. The first way was using standard trip generation rates, as published in the ITE *Trip Generation Manual*, 9<sup>th</sup> Edition, 2014. The second method was by counting the incoming and outgoing traffic at a similar QuikTrip site in the metro area. A detailed breakdown of the trip generation rates is shown in Table 1 for the daily AM and PM peak hour. The observed traffic volumes were larger than the estimated vehicle trips from the ITE manual. Since the counts were obtained at a similar QuikTrip site in the metro area they were expected to be more accurate and were used for the trip generation and trip distribution as part of this study. The observed vehicle trips were directionally distributed onto the roadway network using directional percentages calculated from the existing travel patterns found from the background traffic volumes collected in the traffic counts.

The traffic pattern for the number of cars entering the development at each location was determined based on the location of the gas station. The AM and PM peak hour trip distributions can be found in Figures 13 and 14. These site generated trips are then added to the 2020, 2025 and 2040 background traffic volumes to estimate the scenario build out volumes for the AM and PM peak hour for the proposed school. Figure 15 and Figure 16 show the 2020 full build-out volumes. The 2020 full build-out volume with the sports complex is shown in Figure 17. The AM 2025 full build-out scenario can be found in Figure 18 with the PM shown in Figure 19. The 2025 full build-out volume with the sports complex is shown in Figure 20. Figure 21 shows the AM 2040 full build-out scenario with Figure 22 showing the PM. The 2040 full build-out volume with the sports complex is shown in Figure 23.

### **Traffic Analysis:**

Synchro analysis was completed on two intersections around the development in the background and full build-out scenarios. The level of service (LOS) was then determined based on the Synchro inputs. LOS is a measure of effectiveness for intersection operating conditions, and is based on delay experienced by vehicles passing through the intersection. LOS ranges from "A" to "F," with LOS "A" representing little or no delay, and LOS "F" representing extreme delay. LOS "C" or better is considered desirable, LOS "D" being acceptable in some urban situations. The qualitative definition of each category can

be found in the Appendix. The following Table 2 shows the intersection LOS Criteria for both signalized and unsignalized intersection (HCM 2010):

Table 2 – Intersection LOS Criteria

LEVEL OF SERVICE	Signalized Control Delay Range	Unsignalized Control Delay Range
A	$\leq 10$ seconds	$\leq 10$ seconds
B	$>10$ and $\leq 20$ seconds	$>10$ and $\leq 15$ seconds
C	$>20$ and $\leq 35$ seconds	$>15$ and $\leq 25$ seconds
D	$>35$ and $\leq 55$ seconds	$>25$ and $\leq 35$ seconds
E	$>55$ and $\leq 80$ seconds	$>35$ and $\leq 50$ seconds
F	$>80$ seconds	$>50$ seconds

The intersections that were analyzed as part of this study included 114<sup>th</sup> Street and Giles Road and 117<sup>th</sup> Street and Giles Road. The 114<sup>th</sup> Street and Giles Road intersection is a signalized intersections. The intersection of 117<sup>th</sup> Street and Giles Road is an unsignalized intersection. The Synchro outputs are included in the appendix.

#### 2017 Background Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of B in the AM and PM peak hour. All individual movements except for one operate at a LOS of C or better. The northbound left turning movement operates at a LOS of D in the AM peak hour and a LOS of E in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The northbound full movement operates at a LOS of C in the AM peak hour and a LOS of F in the PM peak hour. The westbound left turning movement operates at a LOS of A in the AM peak hour and a LOS of B in the PM peak hour.

The 2017 Background LOS and the corresponding delays are included in Figure 24.

### 2020 Background Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of B in the AM and PM peak hour. All individual movements except for two operate at a LOS of B or better. The westbound left turning movement operates at a LOS of D in the PM peak hour. The northbound left turning movement operates at a LOS of D in the AM peak hour and a LOS of E in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The westbound left movement is anticipated to operate at a LOS of A in the AM peak hour and a LOS of B in the PM peak hour. The northbound full movement is anticipated to operate at a LOS of D in the AM peak hour and a LOS of F in the PM peak hour.

The 2020 Background LOS and the corresponding delays are included in Figure 25.

### 2025 Background Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of B in both the AM and PM peak hour. All individual movements except for two operate at a LOS of C or better. The westbound left turning movement is anticipated to operate at a LOS of E in the PM peak hour. The northbound left turning movement is anticipated to operate at a LOS of D in the AM peak hour and a LOS of F in the PM peak hour.

A recommended improvement to this intersection would be to turn the westbound left turning movement to a permitted/protected phase. This proposed improvement is anticipated to improve the performance of the individual movements where they all operate at a LOS of D or better.

- 117<sup>th</sup> Street & Giles Road: The westbound left turning movement is anticipated to operate at a LOS of B in the AM peak hour and a LOS of C in the PM peak hour. The northbound movement is shown to operate at a LOS of D in the AM peak hour and a LOS of F in the PM peak hour.

The 2025 Background LOS and the corresponding delays are included in Figure 26. The 2025 Background LOS with improvements is shown in Figure 27.

#### 2040 Background Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of C in the AM peak hour and a LOS of E in the PM peak hour. Three individual movements operate at a LOS of D or worse. The westbound and northbound left turning movements are shown to operate at a LOS of F in the PM peak hour. The eastbound through movement is anticipated to operate at a LOS of E in the PM peak hour.

Adding dual left turn lanes to the south leg of the intersection would help improve the overall performance of the intersection. It is anticipated that, by adding dual left turn lanes to this approach, it would eliminate the LOS of F at the various movements. With this improvement, the overall intersection is shown to operate at a LOS of C in both the AM and PM peak hour. All individual movements except for two are shown to operate at a LOS of D or better. The northbound left turning movement is shown to operate at a LOS of E in the PM peak hour. The westbound left turning movement is shown to operate at a LOS of E in the PM peak hour.

- 117<sup>th</sup> Street & Giles Road: The westbound left turning movement is anticipated to operate at a LOS of B in the AM peak hour and a LOS of C in the PM peak hour. The northbound movement is shown to operate at a LOS of F in both the AM and PM peak hour.

The 2040 Background LOS and the corresponding delays are included in Figure 28.

The 2040 Background LOS with Improvements is shown in Figure 29.

### 2020 Build-out Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of B in both the AM and PM peak hour. All individual movements except for two operate at a LOS of C or better. The westbound left turning movement operates at a LOS of F in the PM peak hour. The northbound left turning movement operates at a LOS of D in the AM peak hour and a LOS of F in the PM peak hour.

A recommended improvement to this intersection would be the addition of a permitted/protected phase on the westbound left movement. This is also recommended in the 2025 background scenario.

- 117<sup>th</sup> Street & Giles Road: The westbound left turning movement is anticipated to operate at a LOS of B in the AM peak hour and a LOS of C in the PM peak hour. The northbound movement operates at a LOS of F in both the AM and PM peak hour.

With the addition of the QuikTrip development, 117<sup>th</sup> Street is planned to be widened to a three lane section. Based off the Manual on Uniform Traffic Control Devices (MUTCD), this intersection meets the warrant for a traffic signal based on Warrant 2 – four hour traffic volume warrant. With these improvements, the overall intersection operates at a LOS of A in the AM and a LOS of B in the PM peak hour. All individual movements are shown to operate at a LOS of D or better.

The 2020 Build-out LOS and the corresponding delays are included in Figure 30.

The 2020 Build-out LOS with Improvements are shown in Figure 31.

### 2020 Build-out Scenario with Sports Complex

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of B in the AM and a LOS of C in the PM peak hour. All individual movements except for two operate at a LOS of C or better. The westbound left turning movement is shown to operate at a LOS of F in the PM peak hour. The northbound left turning movement is shown to operate at a LOS of D in the AM peak hour and a LOS of F in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of A in both the AM and PM peak hour. All individual movements except for the northbound full movement operate at a LOS of A or better. The northbound movement is shown to operate at a LOS of F in both the AM and PM peak hour.

The 2020 Build-out LOS with the Sports Complex and the corresponding delays are included in Figure 32.

Since the build-out scenario meets the warrant for a traffic signal at the Giles Road and 117<sup>th</sup> Street Intersection, another figure showing the addition of the traffic signal was added. The 2020 Build-out LOS with the Sports Complex and Improvements is shown in Figure 33.

### 2025 Build-out Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: This analysis includes the westbound left permitted/protected phase from the 2025 background scenario. The overall intersection is shown to operate at a LOS of C in both the AM and PM peak hour. All individual movements except for one operate at a LOS of D or better. The northbound left turning movement is shown to operate at a LOS of E in the PM peak hour.

- 117<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of A in both the AM and PM peak hour. All individual movements except for the northbound movement operates at a LOS of B or better. The northbound movement operates at a LOS of C in the AM peak hour and a LOS of D in the PM peak hour.

The 2025 Build-out LOS and the corresponding delays are included in Figure 34.

#### 2025 Build-out Scenario with Sports Complex

The intersection's overall and individual movements are discussed in further detail below. There is very little change with the additional trips to and from the sports complex.

- 114<sup>th</sup> Street & Giles Road: This analysis includes the westbound left permitted/protected phase from the 2025 background scenario. The overall intersection is shown to operate at a LOS of C in the AM peak hour and a LOS of D in the PM peak hour. All individual movements except for one are anticipated to operate at a LOS of D or better. The northbound left turning movement is shown to operate at a LOS of E in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of A in the AM peak hour and a LOS of B in the PM peak hour. All individual movements except for the northbound left turning movement operates at a LOS of C or better. The northbound left turning movement is shown to operate at a LOS of D in both the AM and PM peak hour.

The 2025 Build-out LOS with Sports Complex are included in Figure 35.

#### 2040 Build-out Scenario

The intersection's overall and individual movements are discussed in further detail below.

- 114<sup>th</sup> Street & Giles Road: This analysis includes the westbound left permitted/protected phase from the 2025 background scenario. The overall intersection is shown to operate at a LOS of C in the AM peak hour and a LOS of D in the PM peak hour. All individual movements except for two operate at a LOS of D or better. The westbound left turning movement is shown to operate at a LOS of E in the PM peak hour. The northbound left turning movement is anticipated to operate at a LOS of E in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of A in the AM peak hour and a LOS of B in the PM peak hour. All individual movements except for the northbound left turning movement operates at a LOS of B or better. The northbound left turning movement is shown to operate at a LOS of D in both the AM and PM peak hour.

The 2040 Build-out LOS and the corresponding delays are included in Figure 36.

#### 2040 Build-out Scenario with Sports Complex

The intersection's overall and individual movements are discussed in further detail below. Similar to the other sports complex scenarios, there is very little change shown with the additional trips to and from the sports complex.

- 114<sup>th</sup> Street & Giles Road: This analysis includes the westbound left permitted/protected phase from the 2025 background scenario. The overall intersection is shown to operate at a LOS of C in the AM peak hour and a LOS of D in the PM peak hour. All individual movements except for two operate at a LOS of D or better. The westbound and northbound left turning movements are shown to operate at a LOS of E in the PM peak hour.
- 117<sup>th</sup> Street & Giles Road: The overall intersection is shown to operate at a LOS of A in the AM peak hour and a LOS of B in the PM peak hour. All individual movements are shown to operate at a LOS of D or better.

The 2040 Build-out LOS with the Sports Complex are included in Figure 36.

#### **Queue Length Analysis:**

Based on the volumes used in the previous analysis, the anticipated vehicle queue lengths were determined using the Synchro Software. The 95<sup>th</sup> percentile shows the five highest representative volumes of one hundred cycles and is considered to be the maximum queue length that will be experienced at the intersection. The 50<sup>th</sup> percentile shows the maximum queue for a typical cycle. The longest anticipated delay is shown in the 2040 build-out scenario with the sports complex. The 95<sup>th</sup> percentile eastbound through movement delay at this scenario is shown to be 1005 feet. However, this does not block any intersections and would only occur for a very short period of time on the few occasions where the sports complex was being completely utilized. In the 2040 full build-out scenario (without the sports complex), the 95<sup>th</sup> percentile queue is shown to be 955 feet.

The intersection of 117<sup>th</sup> Street and Virginia Street was analyzed for right and left turn lane warrants and it is not anticipated to meet any warrants based on the NCHRP 279. The individual movements at this intersection are anticipated to operate at a LOS of A in both the AM and PM peak hour in every scenario.

#### **Traffic Signal Warrant:**

In the preliminary report, a traffic warrant analysis was completed using Warrant 3 – peak hour volume warrant. The intersection of 117<sup>th</sup> Street and Giles Road was anticipated to meet this warrant. The comment was received that the City of La Vista would prefer to see the analysis of Warrant 1 – eight hour traffic volume warrant or Warrant 2 – four hour traffic volume warrant, instead of the peak hour traffic volume warrant. As has been described, additional traffic data was collected at a similar QuikTrip site in the metro area to allow for analysis to be completed on the four hour traffic volume warrant. Based on the estimated trips on the south approach of 117<sup>th</sup> Street and the volumes collected in the field on Giles road, the intersection of 117<sup>th</sup> Street and Giles Road is anticipated to meet Warrant 2 – four hour traffic volume warrant during the opening year of the site. A graph of the Manual of Uniform Traffic Control Devices (MUTCD) four hour warrant graph is

provided in the Appendix. The left turning vehicles for the south approach of 117<sup>th</sup> Street at the Giles Road intersection were calculated as shown in the table below.

<u>Hour</u>	<u>Volume</u>				<u>Left</u>	<u>Turning</u>	<u>Cars</u>	<u>Background</u>		<u>Total</u>
					<u>Percent</u>			<u>Left</u>	<u>TURNS</u>	
7:00-8:00 (Hour 1)	191	X	(12/16)	=	143	X	0.57	=	82	+ 11 = 93
8:00-9:00 (Hour 2)	164	X	(12/16)	=	123	X	0.57	=	70	+ 22 = 92
4:00-5:00 (Hour 3)	208	X	(12/16)	=	156	X	0.40	=	62	+ 80 = 142
5:00-6:00 (Hour 4)	198	X	(12/16)	=	149	X	0.40	=	60	+ 57 = 117

### **Conclusions:**

- The QuikTrip is proposed to have 12 vehicle pumping stations with three exits. One exit is located along 117<sup>th</sup> Street while two are located along Virginia Street.
- Traffic counts were conducted by LRA in August 2017 at two intersections along Giles Road at 114<sup>th</sup> Street and 117<sup>th</sup> Street. After preliminary comments were received, additional traffic counts were obtained from QuikTrip Store 585 for the same four hours as the peak hour traffic counts.
- With the addition of the QuikTrip development, 117<sup>th</sup> Street is planned to be widened to a three lane section at the request of the City of La Vista.
- The anticipated growth rate for this area was calculated to be 1.2 percent based on the existing traffic counts and the future traffic projections provided by the Metropolitan Area Planning Agency (MAPA).
- According to the MUTCD Warrant 2 – four hour traffic volume warrant, the intersection of 117<sup>th</sup> Street and Giles Road meets the warrant for a traffic signal in when the QuikTrip Store opens.
- If a signal is installed at the intersection of 117<sup>th</sup> Street and Giles Road, the intersection is shown to operate at an acceptable level with a three lane section on the south approach of 117<sup>th</sup> Street and the existing geometry on Giles Road.
- By the year background year 2025 or the build-out year 2020, it is recommended that the intersection of 114<sup>th</sup> Street and Giles Road will need a permitted/protected phase for the left turn lane on the east leg of the intersection.

- Based on the background traffic volumes and the growth information provided by MAPA, the intersection of 114<sup>th</sup> Street and Giles Road will need dual left turn lanes along the south leg of the intersection in the background year 2040. These improvements are based on the background traffic alone and is not from the addition of the QuikTrip development trips.
- The Nebraska Multisport Complex was assumed to be built by 2020 and was added to the build-out volumes with separate figures.
- Based on the NCHRP 279, the intersection of 117<sup>th</sup> Street and Virginia Street is not anticipated to meet the warrant for a right or left turn lane. All individual movements are shown to operate at a LOS of A in both peak hours in all scenarios.
- The site is not anticipated to have any queuing problems.



## **AGENDA ITEM B2**

### **Improvements Agreement**

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[Space above the line for recording data]

## **IMPROVEMENTS AGREEMENT (117<sup>th</sup> and Giles)**

THIS AGREEMENT is made and entered into this 20th day of February, 2018, by and between QUIKTRIP CORPORATION, (hereinafter referred to as "Developer"), GORDO-79 LLC, a (hereinafter referred to as "GORDO-79 LLC", and the CITY OF LA VISTA, NEBRASKA (hereinafter referred to as "City").

WHEREAS, GORDO-79 LLC is the owner and has a contract to sell to Developer, and Developer has a contract to purchase from GORDO-79 LLC, Lot 3 Brook Valley II Business Park as depicted on the Land Surveyor's Certificate attached hereto as Exhibit A (hereinafter referred to as the "Property") and any private improvements thereon; and

WHEREAS, Developer at its cost proposes to construct buildings and other private improvements on or serving Lot 3 Brook Valley II Business Park to be used for the operation of an approximately 4,840 square foot QuikTrip; and

WHEREAS, Developer proposes to construct certain public improvements; and

WHEREAS, Developer has caused a traffic impact study to be performed which shows that vehicular access to and from Giles Road at an existing location identified on the CUP Site Plan attached hereto as Exhibit B is expected to meet traffic signal warrants under the Manual of Uniform Traffic Control Devices immediately upon development of Lot 3 Brook Valley II Business Park shown on Exhibit A, and Developer and City desire to provide for acquisition and installation of traffic signals and related pavement modifications at the locations identified on the Plan for Public Improvements Exhibit C ("Public Improvements"), at the cost of Developer, GORDO-79 LLC, and the City; and

WHEREAS, Developer agrees to improvements to 117<sup>th</sup> Street, from Giles Road to Virginia Plaza, as identified on the Plan for Public Improvements Exhibit C ("Public Improvements"), at the cost of Developer; and

WHEREAS, Developer, GORDO-79 LLC and City desire to agree on the method for the installation and allocation of expenses for any public improvements to be constructed within or abutting the limits of the Property or within any adjacent public right-of-way and right-of-way acquisitions.

NOW, THEREFORE, the parties agree as follows:

1. Plans and Permits. QuikTrip Corporation shall obtain environmental permits required for the proposed Public Improvements and construction plans for review and approval by the City prior to construction.
2. Construction Certification. QuikTrip Corporation shall cause the Public Improvements to be observed by a professional engineer licensed in Nebraska and shall have the professional engineer issue to the City a Certificate of Compliance with the approved plans prior to obtaining compensation as set forth elsewhere in this agreement.
3. Financial Guarantee; Bonds: Prior to City's release of the Conditional Use Permit for recording, Developer shall provide to City a financial guarantee (i.e., a bank letter of credit) in form and content satisfactory to the City Engineer in the amount of 110% of the total estimated cost to design and construct the Public Improvements, as shown on "Exhibit C" and the estimated total cost as set forth on "Exhibit D". Developer warrants to City, for a period of two years following completion of such construction and its acceptance by the City Engineer of City, that such construction shall have been performed using first quality materials, in a good and workmanlike manner, and in accordance with the plans and specifications approved by the City Engineer of City. Upon completion of such construction, Developer's engineer shall submit to City as-built records and a certification that the construction was performed in substantial compliance with the design approved by the Public Works Department of City (City Engineer) prior to construction. A certificate signed by the City Engineer showing that the City accepts the public improvements as constructed by Developer shall operate as a release of such financial guarantee and commencement of the two-year warranty period.

Developer shall also require its contractor performing the Public Improvements to provide to Developer and City a performance bond, a labor and materials payment bond, and a two-year maintenance bond regarding such construction work, with Developer and City to be named as co-obligees on such bonds. Such bonds shall be in forms and amounts satisfactory to City, and shall have one or more sureties thereon who are authorized to write such bonds in the State of Nebraska.

4. Installation of Public Improvements: Upon picking up its building permit for its proposed development of the QuikTrip on Lot 3 Brook Valley II Business Park, Developer agrees to commence the timely and orderly installation of the Public Improvements in accordance with this Agreement. Nothing in this Agreement, however, shall be deemed a waiver or lessening of any approvals specifically required by this Agreement or of City's requirements regarding approval by City of the site plan for any building or other improvements prior to the issuance of a building permit therefor or regarding compliance

with any other applicable requirements, including requirements of the Municipal Code, zoning, or subdivision regulations.

Subject to all other provisions of the Agreement and any exhibits hereto attached, to the extent any of the Public Improvements constructed pursuant to this Agreement are not considered already owned by the City, Developer, upon completion of said Improvements and without charge to the City, hereby unconditionally gives, grants, conveys and fully dedicates Public Improvements comprising the widening of 117<sup>th</sup> Street, and right-of-way acquisitions to the City, its successors and assigns free and clear of all encumbrances, subject to any further action required of Developer or City to complete said conveyance, and City thereafter shall be responsible for maintenance, repairs and replacements of said Public Improvements comprising the widening of 117<sup>th</sup> Street, excluding public sidewalks, in accordance with all applicable laws, regulations and requirements. Notwithstanding the foregoing, Developer shall retain ownership to all private improvements located on the Property and Improvements comprising the public sidewalk along 117<sup>th</sup> Street and Virginia Plaza, and any other improvements if so provided in this Agreement, in accordance with all applicable laws, regulations and requirements. The City reserves the right to withhold the issuance of a certificate of occupancy until the Public Improvements are satisfactorily completed.

5. **Compensation for Public Improvements.** QuikTrip Corporation has proposed to install traffic signals at the intersection of 117<sup>th</sup> and Giles and make improvements to 117<sup>th</sup> Street, from Giles Road to Virginia Plaza, from a two-lane section to a three-lane divided section as shown on the plan for Public Improvements (Exhibit "C"). City, Gordo-79 LLC and QuikTrip Corporation agree that the Public Improvements are necessary for safe and efficient traffic flow in the area upon the development of the proposed QuikTrip on Lot 3 Brook Valley II Business Park. For this reason, the City is not compensating the entire cost of the Public Improvements but will compensate QuikTrip Corporation for a portion of the traffic signal installation. The compensation shall consist of the following:
  - a. City will make payment in the amount of \$40,000.00 to QuikTrip Corporation subject to the satisfactory construction of the Public Improvements.
  - b. QuikTrip Corporation and Gordo-79 agrees to pay for the remainder of the cost of the improvements.
6. **City Engineer to be Determiner.** The City shall have the right, but not any obligation, to inspect any work on, or relating to, the improvements described in this Agreement. All specifications and contracts relating to the Public Improvements shall be subject to prior review and approval of the City Engineer.
7. **Exhibit Summary.** The Exhibits attached hereto and incorporated herein by this reference and made a part hereof, are as follows:

Exhibit "A": Land Surveyor's Certificate – Lot 3 Brook Valley II

Business Park

Exhibit "B": QuikTrip CUP Site Plan

Exhibit "C":	Plan for Public Improvements
Exhibit "D"	Estimate of total costs of Public Improvements

8. **Right to Enforce.** Provisions of this Agreement may be enforced at law, or in equity by the owners of land within the QuikTrip CUP Site Plan and may be enforced by the City at law, in equity or such other remedy as City determines appropriate. All rights and remedies of a party, whether specified in this Agreement or otherwise provided, are cumulative.
9. **Incorporation of Recitals.** Recitals at the beginning of this Agreement are incorporated into this Agreement by reference.
10. **Nondiscrimination.** Notwithstanding anything in this Agreement to the contrary, (i) each party agrees that neither it nor any subcontractor of the party shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, age, sex, disability, or national origin; and (ii) the City is a recipient of federal funds; and as a result, all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the parties.
11. **Assignment.** This Agreement may not be assigned by any party without the express written consent of all parties.
12. **Entire Agreement.** This Agreement represents the entire agreement and understanding, and supersedes all prior understandings and agreements, written or oral, of the parties with respect to the matters contained herein. The Agreement only may be amended by a written amendment executed by all parties.
13. **Severability.** If any part of this Agreement is held by a court of competent jurisdiction to be illegal or unenforceable, the illegality or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed as if such illegal or unenforceable provision had never been included herein.
14. **Binding Effect; Recording:** This Agreement shall be binding upon the parties, and their respective successors, contractors, agents and assigns. This Agreement shall be recorded with the Register of Deeds of Sarpy County, Nebraska and shall constitute a covenant running with the land and shall be binding on Developer, GORDO-79 LLC, and their respective successors and assigns. City shall have the right, but not the obligation, to enforce any and all such covenants. It is further agreed that after City releases the Conditional Use Permit to Developer for recording, Developer promptly will record such Conditional Use Permit with the Register of Deeds of Sarpy County, Nebraska. It is expressly agreed, however, that City shall not release the Conditional Use Permit for recording until (i) Developer provides to City the financial guarantees required by this Agreement; and (ii) City is satisfied that GORDO-79 LLC and Developer, or their respective successors and assigns, have concluded (closed), or made arrangements satisfactory to the City to conclude (close), purchase and sale of the Property as described

herein and their respective transactions requiring the actual construction of all of the Private Improvements on the Property as contemplated on the date of execution of this Agreement. It is further expressly agreed that if the conditions described in the immediately preceding sentence have not occurred within 24 months after the date of this Subdivision Agreement, neither Developer nor GORDO-79 LLC shall be required, nor entitled without the written consent of the City, to move forward with the project.

*[Remainder of page intentionally left blank; signatures to follow]*

## **CITY OF LA VISTA, NEBRASKA,**

Mayor

Date

ATTEST:

---

## City Clerk

---

Date

## ACKNOWLEDGMENT

STATE OF NEBRASKA \_\_\_\_\_ )  
 ) ss.  
COUNTY OF SARPY \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for said County and State, personally appeared Douglas Kindig, Mayor of the City of La Vista, Nebraska, and Pamela A. Buethe, City Clerk of the City of La Vista, Nebraska, who executed the above instrument and acknowledged the execution thereof to be their voluntary act and deed on behalf of the City.

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NOTARY PUBLIC  
My Commission expires \_\_\_\_\_.

**DEVELOPER:**

\_\_\_\_\_, Trustee of the QuikTrip Corporation  
Real Estate Business Trust

Date: \_\_\_\_\_

## ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, the Trustee of the QuikTrip Corporation, who executed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the trust.

NOTARY PUBLIC  
My Commission expires \_\_\_\_\_.

## **GORDO-79 LLC:**

\_\_\_\_\_, President of GORDO-79 LLC Investment Company, Inc.

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Date: \_\_\_\_\_

## ACKNOWLEDGMENT

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, President of GORDO-79 LLC Investment Company, Inc., who executed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the corporation.

NOTARY PUBLIC  
My Commission expires \_\_\_\_\_.

**EXHIBIT A**  
**LAND SURVEYOR'S CERTIFICATE – LOT 3 BROOK VALLEY II BUSINESS PARK**

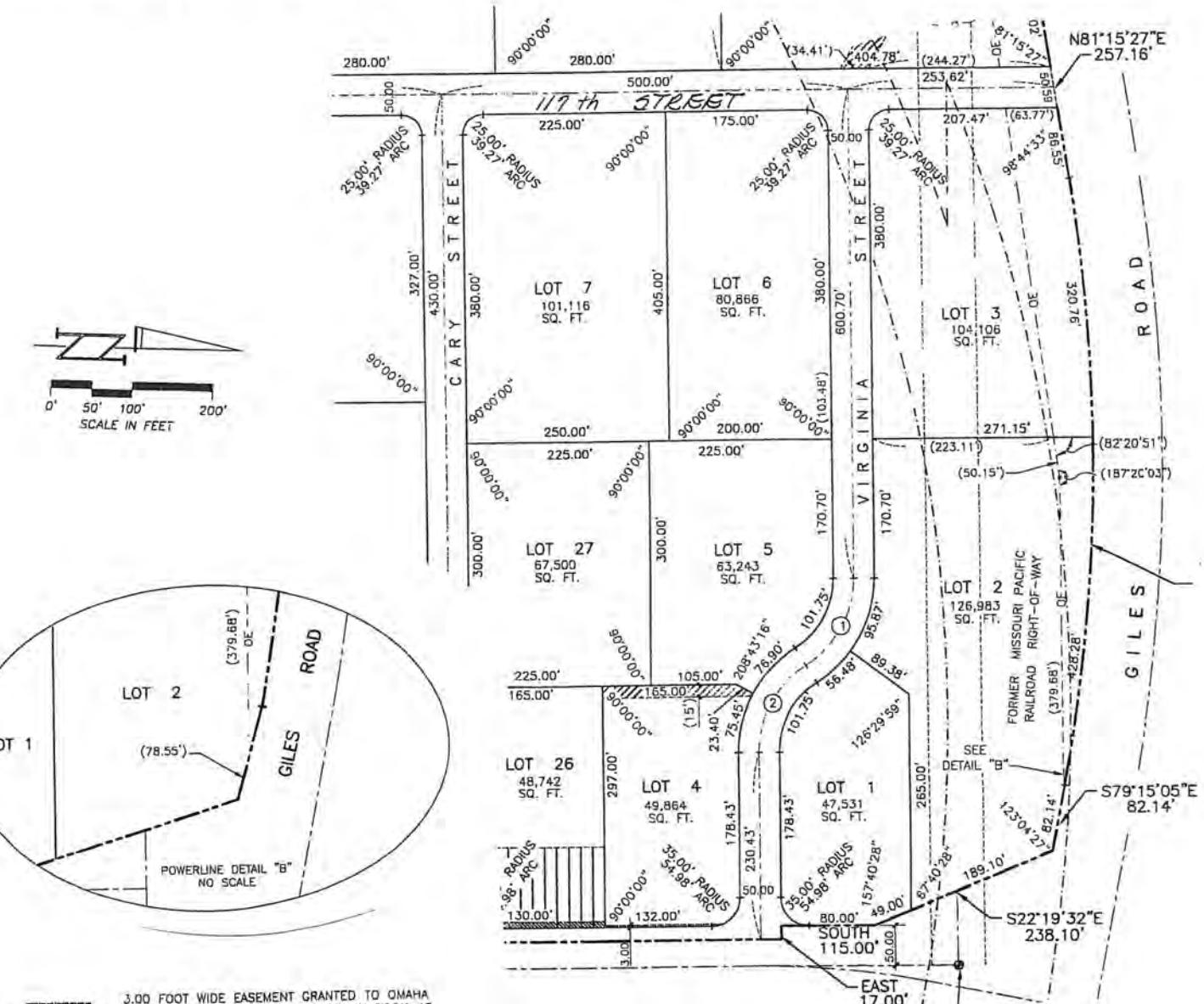
(Attached)

# LAND SURVEYOR'S CERTIFICATE

hereby certify that this survey was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

## LEGAL DESCRIPTION

Lot 3, Brook Valley II Business Park, a subdivision as surveyed, platted, and recorded in Sarpy County, Nebraska.



3.00 FOOT WIDE EASEMENT GRANTED TO OMAHA  
PUBLIC POWER DISTRICT RECORDED IN BOOK 47  
AT PAGE 104 OF THE SARPY COUNTY RECORDS



STORM SEWER AND DRAINAGE EASEMENT  
(SEE RECORDED INSTRUMENT)

CENTERLINE		CURVE		INFORMATION
CURVE NO.	DELTA	TANGENT	LENGTH	RADIUS
1 AND 2	58'00"00"	69.57"	127.05'	125.51'

ADDRESS: \_\_\_\_\_ BUILDING PERMIT NO. \_\_\_\_\_

Date January 25, 1998 Reg. No. 308



## LEGEND

• corners found  
 o corners set  
 recorded distance  
 measured distance  
 computed distance or angle  
 crimped top pipe  
 open top pipe  
 set temporary point

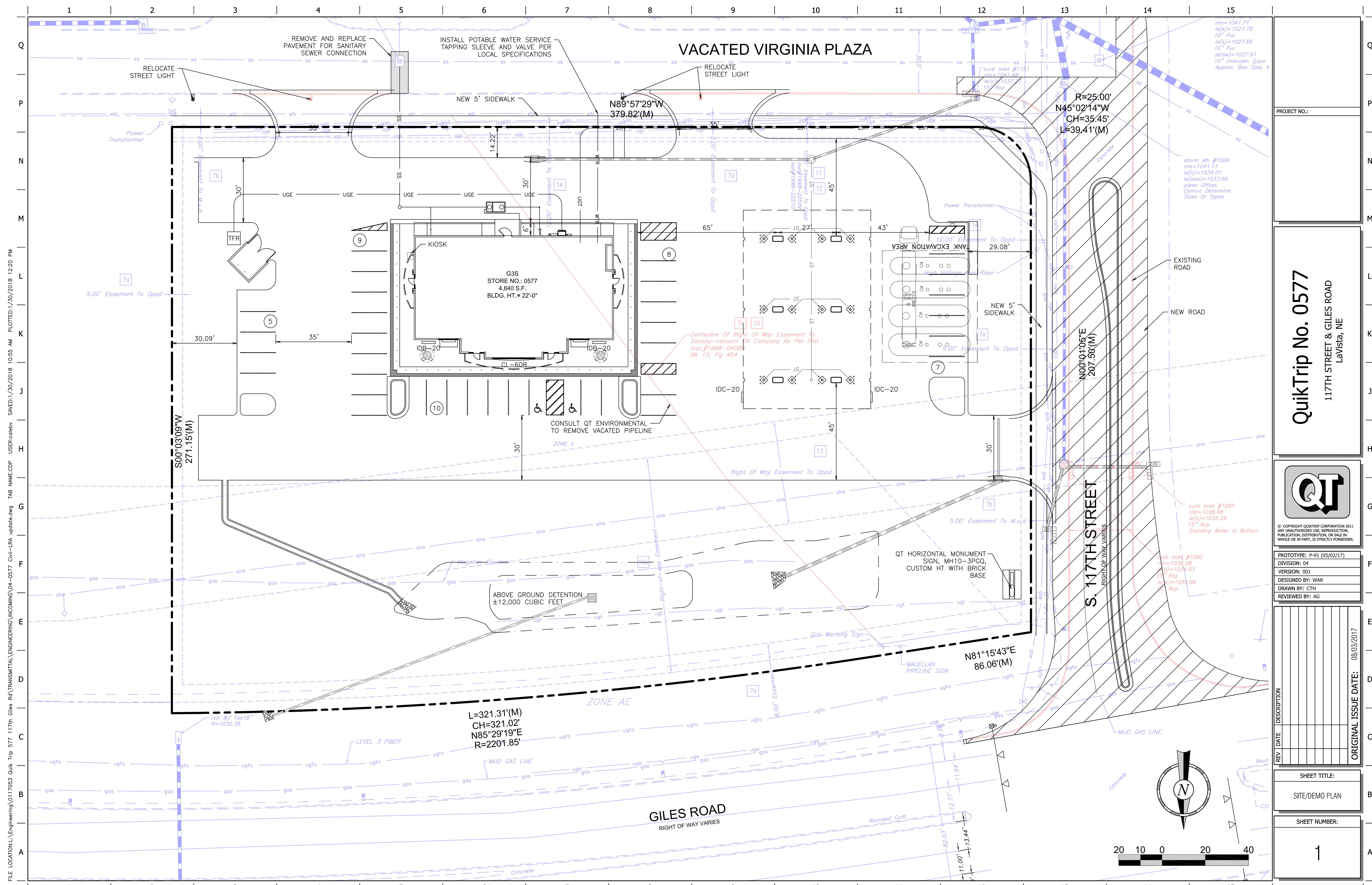
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 O.T.P.  
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TD<sup>2</sup> FILE NO. 850-117

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**EXHIBIT B**  
**QUIKTRIP CUP SITE PLAN**

(Attached)

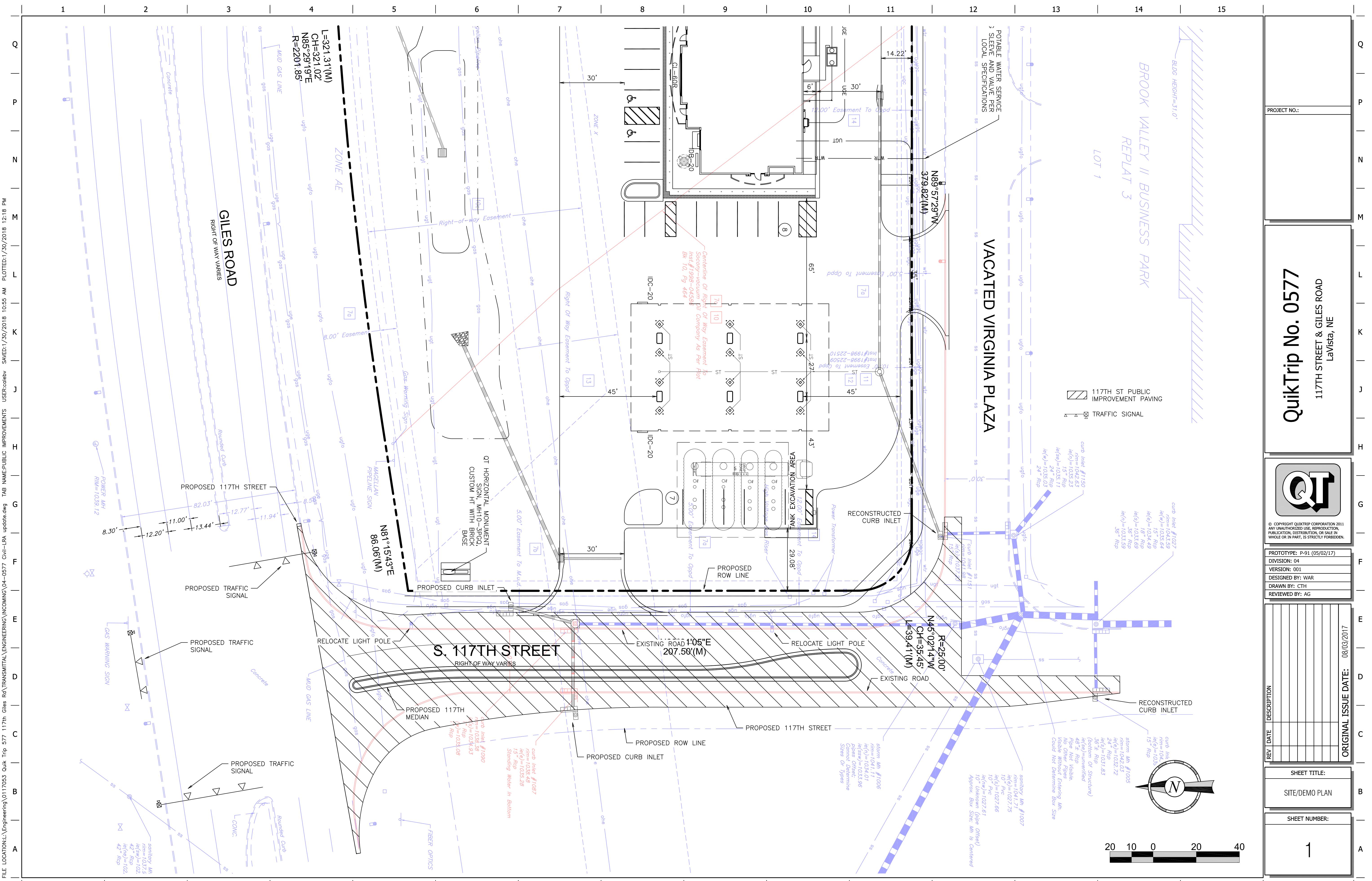


# EXHIBIT B: QUIKTRIP CUP SITE PLAN

**EXHIBIT C**  
**PUBLIC IMPROVEMENTS**

**(Attached)**

# EXHIBIT C: PLAN FOR PUBLIC IMPROVEMENTS



**EXHIBIT D**  
**ESTIMATE OF TOTAL COST OF IMPROVEMENTS**

**(Attached)**

**Site Design- 117TH & GILES PUBLIC IMPROVEMENTS****Assumptions/Comments:**

WIDENING OF 117TH STREET FROM VIRGINIA PLAZA TO GILES ROAD  
AND TRAFFIC SIGNAL AT 117TH AND GILES.

**EXHIBIT D**

<b>Bid Item Description</b>	<b>Approximate Quantity</b>	<b>Unit</b>	<b>Unit Price</b>	<b>Total</b>
1 . SAWCUT PAVEMENT	175	LF	\$5.00	\$875.00
2 . REMOVE CONCRETE PAVEMENT	1,300	SY	\$8.00	\$10,400.00
3 . REMOVE CURB INLET	4	EA	\$500.00	\$2,000.00
4 . SUBGRADE PREPARATION	2,100	SY	\$3.00	\$6,300.00
5 . CONSTRUCT 18" RCP STORM SEWER	70	LF	\$50.00	\$3,500.00
6 . CPMSTRUCT 18" PIPE BEDDING	70	LF	\$10.00	\$700.00
7 . CONSTRUCT STORM SEWER MANHOLE (1 EA)	5	VF	\$600.00	\$3,000.00
8 . CONSTRUCT CURB INLET	4	EA	\$4,000.00	\$16,000.00
9 . CONSTRUCT 10" PC CONCRETE PAVING	1,900	SY	\$50.00	\$95,000.00
10 . CONSTRUCT MEDIAN SURFACING	2,000	SF	\$10.00	\$20,000.00
11 . STRIPING	1	LS	\$5,000.00	\$5,000.00
12 . CONSTRUCT TRAFFIC SIGNAL (117TH AND GILES)	1	LS	\$190,000.00	\$190,000.00
13 . STREET LIGHT RELOCATIONS	2	EA	\$1,000.00	\$2,000.00
14 . COX RELOCATIONS	1	LS	\$31,161.07	\$31,161.07
ROW ACQUISITION COST (NONE REQUIRED PER AGREEMENT WITH ADJACENT PROPERTY OWNER)	1	LS	\$0.00	\$0.00

<b>Estimated Construction Costs:</b>	\$385,936.07
<b>Engineering Costs:</b>	\$33,000.00
<b>Total Costs:</b>	\$418,936.07
<b>Contingency (10%):</b>	\$41,893.61
<b>Total Performance Guarantee Amount:</b>	\$460,829.68

Estimate created by Lamp Rynearson (PM: Joe Flaxbeard) for QuikTrip Store 577 Public Improvements.

## **AGENDA ITEM B3 & B4**

**Right-of-Way Dedication Documents**

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY**

GORDO-79 LLC, a Nebraska corporation ("Grantor"), sole owner in fee simple of the irregular parcel of real estate described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"), in consideration of ten dollars (\$10.00) and other good and valuable consideration, hereby dedicates, transfers and conveys said Property in fee simple to the CITY OF LA VISTA, a Nebraska municipal corporation ("Grantee"), for public right-of-way and all attendant uses and purposes, including without limitation, public street and sidewalk paving, curbing, storm and sanitary sewers, sanitary sewer collection lines, trees, landscaping, lighting and all other infrastructure improvements constructed or installed thereon or therein from time to time, and all operation, maintenance, replacements and repairs thereof. This dedication and deed is provided subject to the reservation of a right of ingress and egress of Lot 3, Brook Valley II Business Park to and from the public street to be constructed on the Property (including appropriate curb cuts) as depicted on attached Exhibit "A".

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

GORDO-79 LLC

BY: \_\_\_\_\_

Return to:

Thomas G. McKeon  
200 Regency One  
10050 Regency Parkway  
Omaha, NE 68114

## ACCEPTANCE

By signing below, I, on behalf of the City of La Vista, Nebraska, hereby accept the Dedication and Deed above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF LA VISTA, NEBRASKA

BY: \_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, City Clerk

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2018, before me, a Notary, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to this DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY and \_\_\_\_\_ of GORDO-79 LLC, and acknowledged to me that he/she as his/her voluntary act and deed executed the same in his/her authorized capacity on behalf of GORDO-79 LLC, a Nebraska corporation.

WITNESS my hand and official seal.

---

Notary Public

STATE OF NEBRASKA )  
                    ) ss.  
COUNTY OF SARPY )

On \_\_\_\_\_, 2018, before me, a Notary, personally appeared Douglas Kindig, Mayor of the City of La Vista, and Pamela A. Buethe, City Clerk of the City of La Vista, personally known to me to be the persons whose names are subscribed to this DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY and holding the specified offices of the City of La Vista, Nebraska, and each acknowledged to me that he or she as his or her voluntary act and deed executed the same in his or her authorized capacity on behalf of the City of La Vista, a municipal corporation of the State of Nebraska.

WITNESS my hand and official seal.

---

Notary Public

# RIGHT OF WAY DEDICATION EXHIBIT

## LEGAL DESCRIPTION

THAT PART OF LOT 3, BROOK VALLEY II BUSINESS PARK, A SUBDIVISION AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3;

THENCE NORTH 81°15'43" EAST (BEARINGS REFERENCED TO THE SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 6.82 FEET ALONG THE NORTH LINE OF SAID LOT 3;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 293.55 FEET AND A LONG CHORD BEARING SOUTH 01°57'47" EAST FOR 20.30 FEET) FOR AN ARC LENGTH OF 20.30 FEET;

THENCE SOUTH 00°01'05" WEST FOR 183.30 FEET;

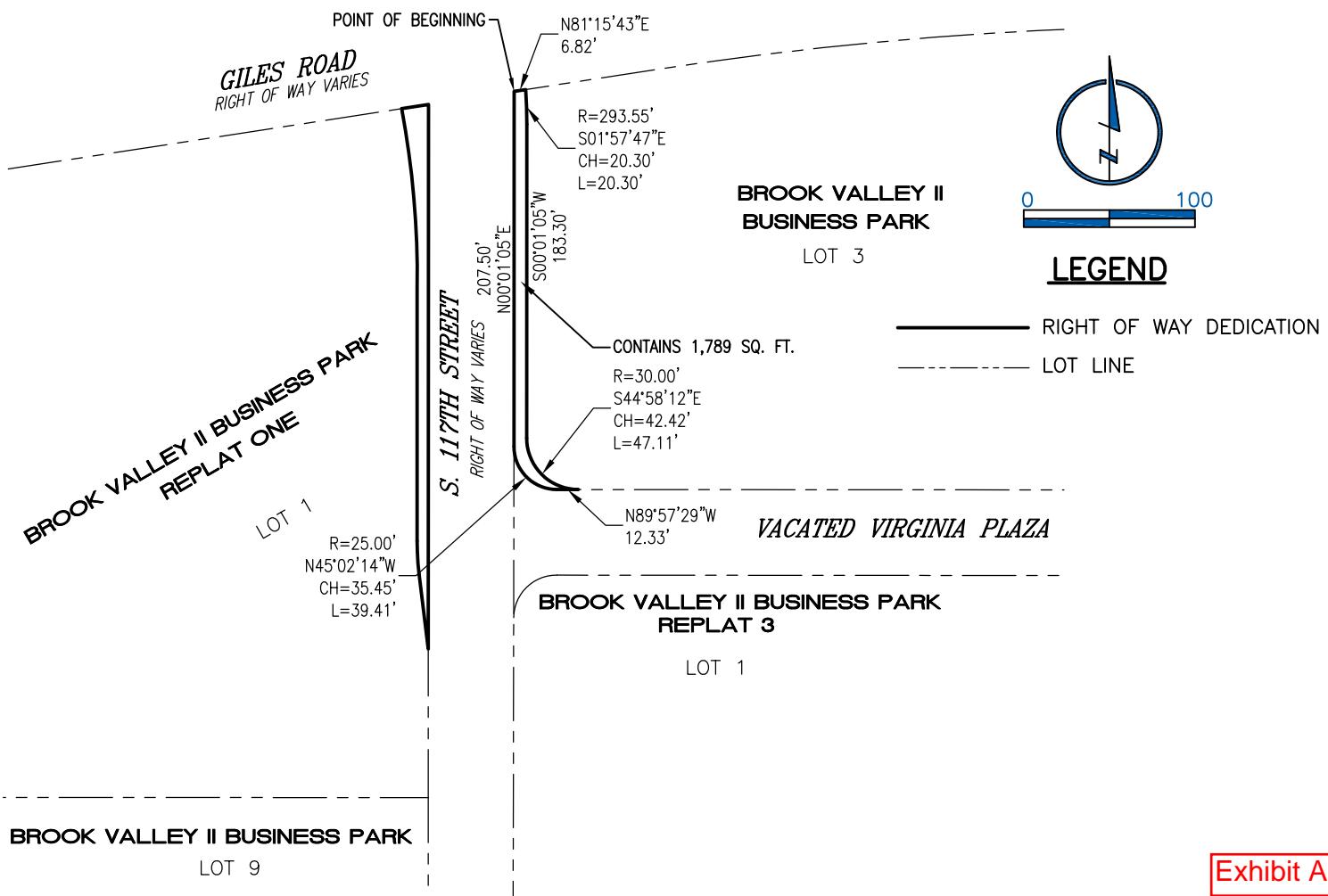
THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 30.00 FEET AND A LONG CHORD BEARING SOUTH 44°58'12" EAST FOR 42.42 FEET) FOR AN ARC LENGTH OF 47.11 FEET TO THE SOUTH LINE OF SAID LOT 3;

THENCE NORTH 89°57'29" WEST FOR 12.33 FEET;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 25.00 FEET AND A LONG CHORD BEARING NORTH 45°02'14" WEST FOR 35.45 FEET) FOR AN ARC LENGTH OF 39.41 FEET TO THE WEST LINE OF SAID LOT 3;

THENCE NORTH 00°01'05" EAST FOR 207.50 FEET TO THE POINT OF BEGINNING.

CONTAINS 1,789 SQUARE FEET.



LAMP RYNEARSON  
& ASSOCIATES

DRAWN BY  
EAM

DESIGNED BY

REVIEWED BY

PROJECT - TASK NUMBER

0117053.01-415

DATE

1-25-18

BOOK AND PAGE

REVISIONS

14710 West Dodge Road, Suite 100 402.496.2498 | P  
Omaha, Nebraska 68154-2027 402.496.2730 | F  
[www.LRA-Inc.com](http://www.LRA-Inc.com)

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY**

PUEBLO CREEK LLC, a Nebraska corporation ("Grantor"), sole owner in fee simple of the irregular parcel of real estate described on Exhibit "A" attached hereto and incorporated herein by this reference ("Property"), in consideration of ten dollars (\$10.00) and other good and valuable consideration, hereby dedicates, transfers and conveys said Property in fee simple to the CITY OF LA VISTA, a Nebraska municipal corporation ("Grantee"), for public right-of-way and all attendant uses and purposes, including without limitation, public street and sidewalk paving, curbing, storm and sanitary sewers, sanitary sewer collection lines, trees, landscaping, lighting and all other infrastructure improvements constructed or installed thereon or therein from time to time, and all operation, maintenance, replacements and repairs thereof. This dedication and deed is provided subject to the reservation of a right of ingress and egress of Lot 1, Brook Valley II Business Park Replat One to and from the public street to be constructed on the Property (including appropriate curb cuts) as depicted on attached Exhibit "A".

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

PUEBLO CREEK LLC

BY: \_\_\_\_\_

Return to:

Thomas G. McKeon  
200 Regency One  
10050 Regency Parkway  
Omaha, NE 68114

## ACCEPTANCE

By signing below, I, on behalf of the City of La Vista, Nebraska, hereby accept the Dedication and Deed above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF LA VISTA, NEBRASKA

BY: \_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, City Clerk

STATE OF \_\_\_\_\_ )  
                    ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2018, before me, a Notary, personally appeared \_\_\_\_\_, personally known to me to be the person whose name is subscribed to this DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY and \_\_\_\_\_ of PUEBLO CREEK LLC, and acknowledged to me that he/she as his/her voluntary act and deed executed the same in his/her authorized capacity on behalf of PUEBLO CREEK LLC, a Nebraska corporation.

WITNESS my hand and official seal.

---

Notary Public

STATE OF NEBRASKA     )  
                    ) ss.  
COUNTY OF SARPY     )

On \_\_\_\_\_, 2018, before me, a Notary, personally appeared Douglas Kindig, Mayor of the City of La Vista, and Pamela A. Buethe, City Clerk of the City of La Vista, personally known to me to be the persons whose names are subscribed to this DEDICATION AND DEED FOR PUBLIC STREET RIGHT-OF-WAY and holding the specified offices of the City of La Vista, Nebraska, and each acknowledged to me that he or she as his or her voluntary act and deed executed the same in his or her authorized capacity on behalf of the City of La Vista, a municipal corporation of the State of Nebraska.

WITNESS my hand and official seal.

---

Notary Public

# RIGHT OF WAY DEDICATION EXHIBIT

## LEGAL DESCRIPTION

THAT PART OF LOT 1, BROOK VALLEY II BUSINESS PARK REPLAT ONE, A SUBDIVISION AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1

THENCE SOUTH 00°01'05" WEST (BEARINGS REFERENCED TO THE SARPY COUNTY LOW DISTORTION COORDINATE SYSTEM) FOR 318.01 FEET ALONG THE EAST LINE OF SAID LOT 1;

THENCE NORTH 06°59'11" WEST FOR 43.96 FEET;

THENCE ALONG A CURVE TO THE RIGHT (HAVING A RADIUS OF 160.00 FEET AND A LONG CHORD BEARING NORTH 03°29'13" WEST FOR 19.53 FEET) FOR AN ARC LENGTH OF 19.54 FEET;

THENCE NORTH 00°00'45" EAST 147.73 FEET;

THENCE ALONG A CURVE TO THE LEFT (HAVING A RADIUS OF 527.70 FEET AND A LONG CHORD BEARING NORTH 04°56'40" WEST FOR 105.13 FEET) FOR AN ARC LENGTH OF 105.31 FEET TO THE NORTH LINE OF SAID LOT 1;

THENCE NORTH 81°16'34" EAST FOR 15.85 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,205 SQUARE FEET.

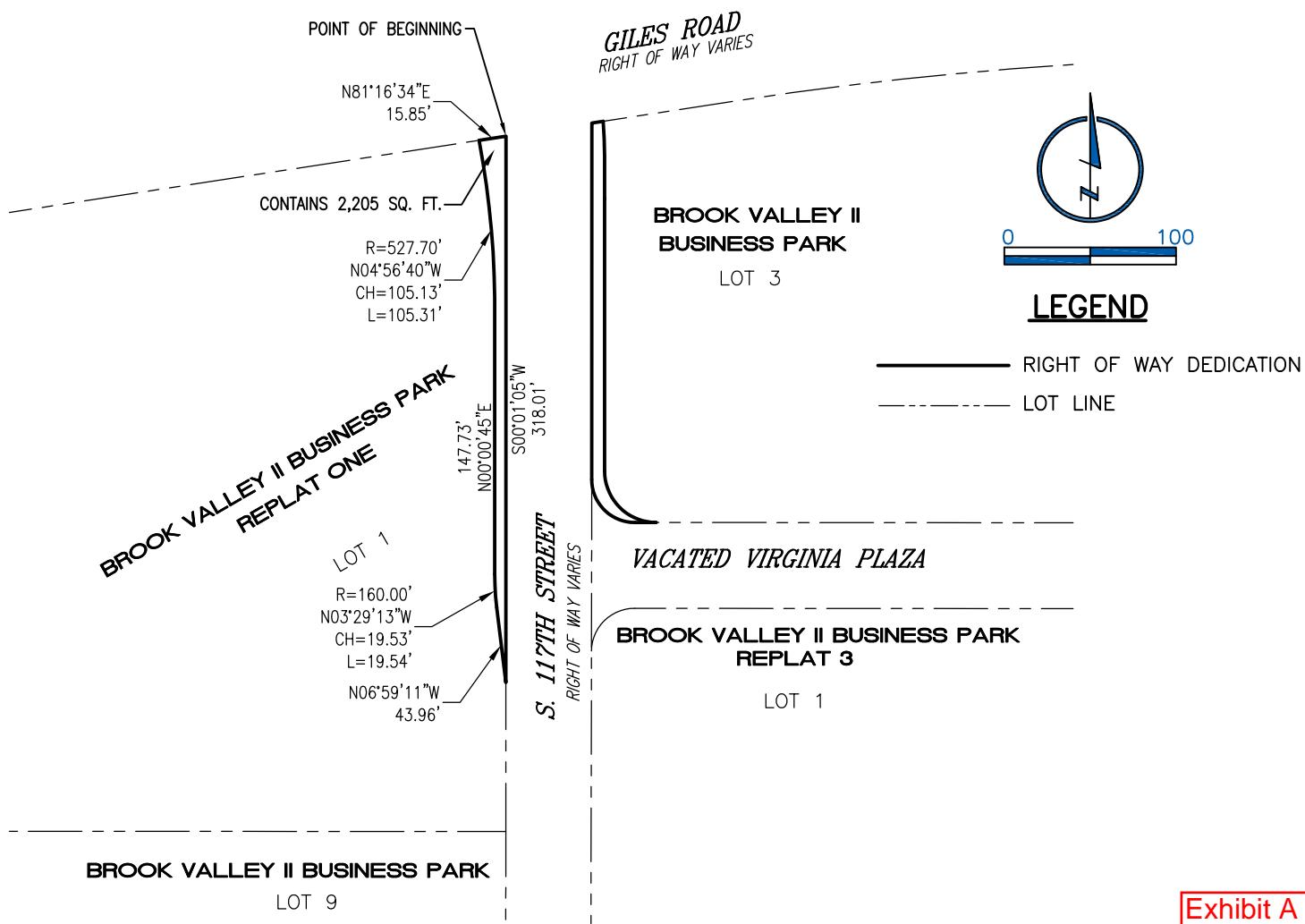


Exhibit A



**LAMP RYNEARSON  
& ASSOCIATES**

DRAWN BY  
EAM

DESIGNED BY

REVIEWED BY

PROJECT - TASK NUMBER

0117053.01-415

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