



**BOARD OF ADJUSTMENT MEETING**  
**August 25th, 2025 – 4:30 p.m.**  
**City Council Chambers**  
**Fremont Municipal Building**  
**400 East Military Ave.**  
**Fremont, Nebraska**

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1. Meeting called to order.
2. Roll call.
3. Overview of role and duties of Board of Adjustment.
4. Election of Chair and Vice Chair.
5. Request by Aaron Wolfe on behalf of Casey's Retail Company for a variance of 11-815.02.02 of the Fremont Municipal Code to increase the height of a sign from 60 feet to 80 feet and to increase the size from 450 square feet to 720 square feet.
6. Adjourn Meeting.

**THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT [WWW.FREMONTNE.GOV](http://WWW.FREMONTNE.GOV) IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPAL OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.**

## Staff Report

**TO:** Board of Adjustment

**FROM:** Jeffrey B Ray, Director of Planning

**DATE:** September 5, 2025

**SUBJECT:** Request for variance of Section 11-820 to permit greater sign area and height than allowed in the UDC

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### **Request:**

Casey's respectfully requests a variance to allow a freestanding sign with a maximum height of 80 feet (in lieu of 60 feet) and an area of 720 square feet (in lieu of 450 square feet) as a 450 square foot sign will not accommodate letters of sufficient height to be seen at a distance that would allow safe exit from HWY 275 by motorists traveling 70 MPH

### **Proposed Development:**

Casey's Retail Company proposes a 4,569-square-foot convenience store and gas station on the north side of Morningside Drive, east East 1st Street. The development will include five petroleum pumps (ten fueling stations) and two commercial diesel fueling lanes. The subject property is 3.08 acres in size, zoned GC (General Commercial District), and the proposed use is permitted within this zoning classification.

As part of the development, Casey's intends to install a hi-rise sign to advertise their presence to traffic on HWY 275 which exceeds the allowable area and height.

### **Background:**

The subject site is currently undeveloped and zoned GC, General Commercial. The adjacent land uses are vacant to the north, Highway 275 to the east, commercial to the south across Morningside Dr and vacant and multi-family to the west. The site takes access from Bud Boulevard to the west.

Adjacent to the site are the following land uses: north – vacant/agriculture; East Highway 275, south – commercial and industrial warehouse and west multi-family.

The speed limit on Highway 275 at the Morningside interchange is 75 mph and 45 mph on Morningside Dr.

When approaching the site from the north on southbound Highway 275, the freeway is elevated and creates unobstructed view of the proposed site.



The UDC lists the following “*Criteria for Issuance*. The board may grant a variance from the strict application of this UDC if the variance is not prohibited by Subsection C., above, and the board makes findings based upon the evidence presented to it in each specific case that all of the following are demonstrated:”

1. Strict application of the zoning regulations will produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and within the same vicinity;
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
4. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;
5. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to the zoning regulations; and

6. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of this UDC or other ordinances/resolutions.

Staff Findings:

1. The proposed signage would be 60% larger than the allowable square footage and 33% taller than the allowable pole sign height.
2. No other commercial facilities in the GC Zoning Districts have signage of the proposed area or height.
3. In the original application submitted by Casey's square footage was under the maximum allowable sf of 450 sf, the applicant stated the following:

The Federal Highway Administration (FHWA) provides general guideline for design of highway signs as published in the Manual on Uniform Traffic Control Devices (MUTCD). Said MUTCD stipulates an accepted "rule of thumb" to insure legibility of Non-Interstate signs is to have 1" of letter height for every 40' of desired legibility. The sign industry generally uses a standard of 1" of letter height per 10' feet of viewing distance. Applying the lesser standard (1" per 40') results in recommended letter heights of 41 inches for southbound traffic and 56" for northbound traffic, or 49" letters when the two are averaged...

In the revised application received Aug 19, 2025, that applicant is requesting 56" lettering for a total of 720sf per sign face.

4. Every commercial property at 275 interchanges shares the same visibility and exiting distance. Thus, the applicant's subject site is not unique.
5. The NDOT has a program for service signage notifications that are commonly installed along freeways to direct motorists to gas, restaurants, lodging...which the applicant can participate in.
6. The intent of the maximum allowable signage and height is to reduce visual clutter and maintain aesthetics along the commercial corridors of the city.



July 17, 2025

**TO: City of Fremont Board of Adjustment**

**FROM: Aaron Wolfe, Senior Site Development Manager Casey's Retail Company**

**RE: Request for Variance**

Casey's Retail Company proposes to construct a 4,569-square-foot convenience store and gas station on the north side of Morningside Drive, east East 1<sup>st</sup> Street. The development will include five petroleum pumps (ten fueling stations) and two commercial diesel fueling lanes. The subject property is 3.08 acres in size, zoned GC (General Commercial District), and the proposed use is permitted within this zoning classification. A copy of our proposed site plan is attached.

As part of the development, Casey's intends to install a hi-rise sign to advertise our presence to traffic on HWY 275.

#### **Applicable Code and Variance Request**

Article 8, Section 11-820 of the Fremont Municipal Code governs signage within city limits. The table found at Section 11-825.02.02 provides graduated height and area allowances for signage based on adjacent roadway speed limits (25–35 mph, 40–50 mph, and 55+ mph) in the GC, General Commercial District. This graduated scale acknowledges a direct relationship between traffic speed and sign size, with higher-speed traffic warranting larger signage that can be seen at a greater distance to allow greater time for the motoring public to read and safely react to signage. The subject property is adjacent to HWY 275 and is signed for a maximum speed of 70 MPH; therefore, the ordinance allows a maximum sign height of 60 feet and a maximum area of 450 square feet.

Casey's respectfully requests a variance to allow a freestanding sign with a maximum height of 80 feet (in lieu of 60 feet) and an area of 710 square feet (in lieu of 450 square feet) as a 450 square foot sign will not accommodate letters of sufficient height to be seen at a distance that would allow safe exit from HWY 275 by motorists traveling 70 MPH

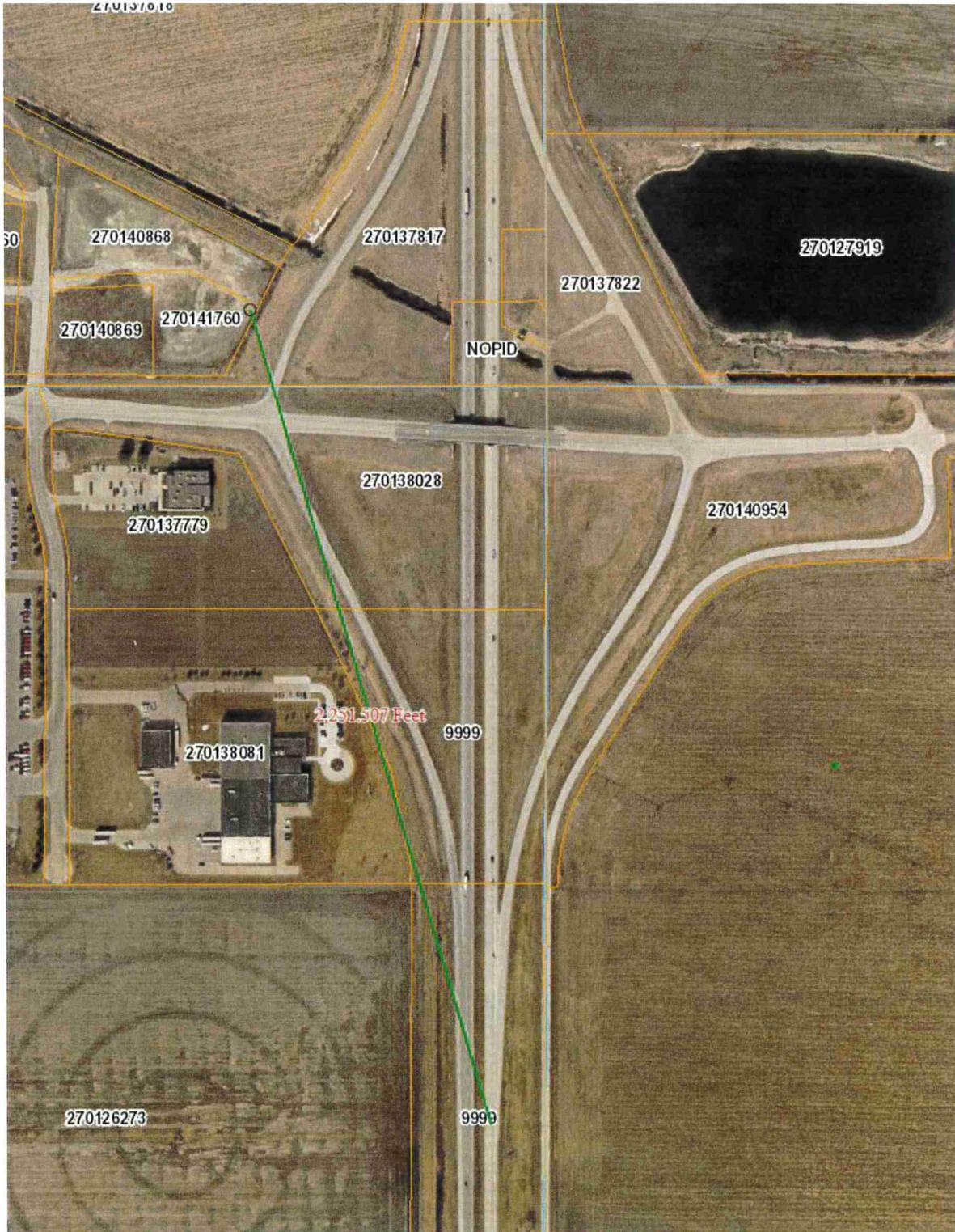
#### **Justification for Variance**

The city's ordinance recognizes traffic speed as a factor contributing to size and legibility. However, the ordinance does not account for a distance variable. HWY 275 is 70+ MPH roadway with infrequent raised-grade exit opportunities. A driver traveling southbound on HWY 275 must be able to read and comprehend signage on the subject property from a

distance of at least 1,630 feet to exit at the highway off ramp (perhaps more under poor weather conditions). The exhibit below illustrates the distance from which southbound traffic must be able to read and comprehend signage on the subject property in order to safely utilize the Morningside Road exit:

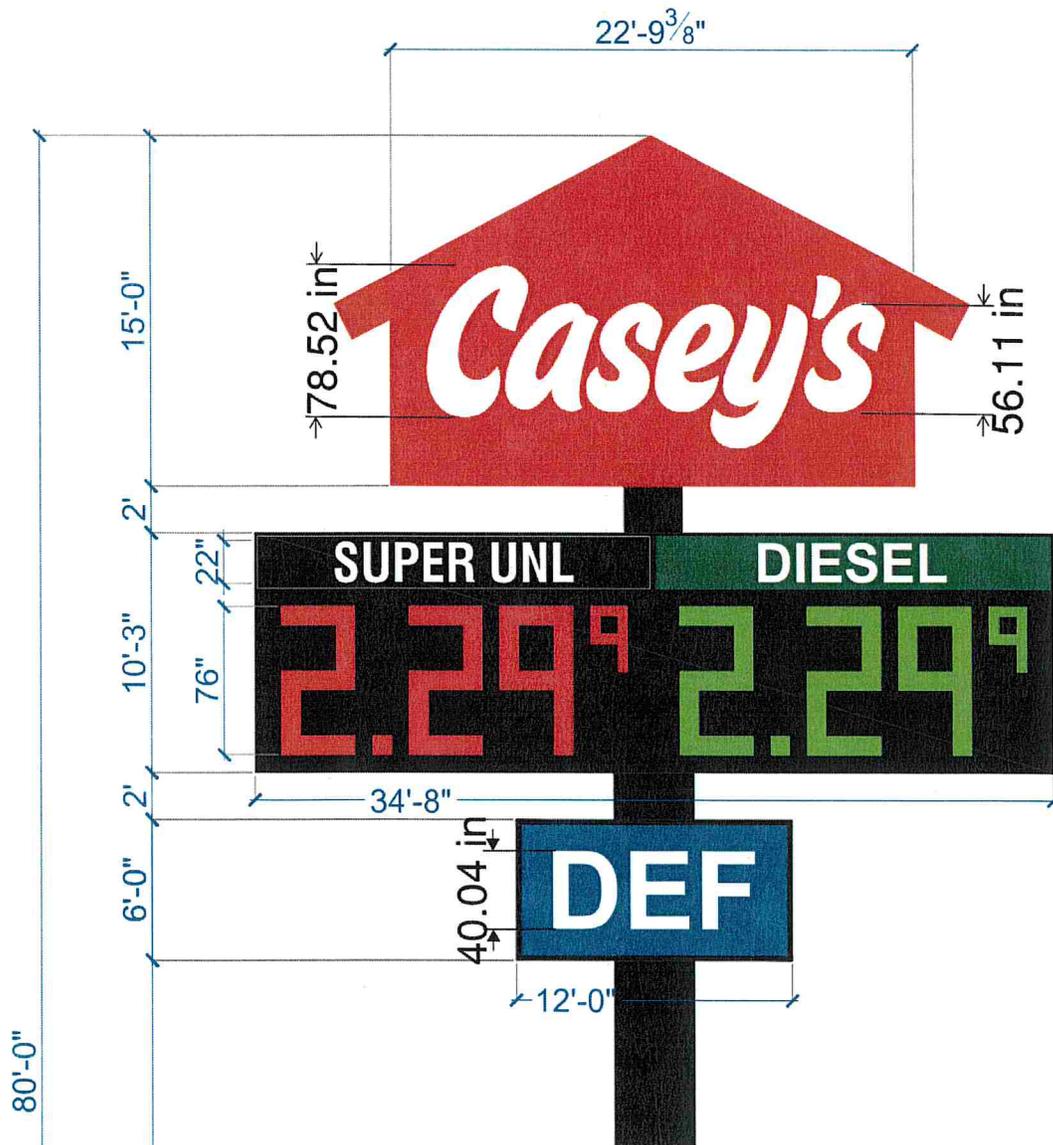


A driver traveling northbound on HWY 275 must be able to read and comprehend signage on the subject property from a distance of at least 2,250 feet in order to safely exit at the highway off ramp. The exhibit below illustrates this distance:



The Federal Highway Administration (FHWA) provides general guideline for design of highway signs as published in the Manual on Uniform Traffic Control Devices (MUTCD). Said MUTCD stipulates an accepted “rule of thumb” to insure legibility of Non-Interstate signs is to have 1” of letter height for every 40’ of desired legibility. The sign industry generally uses a standard of 1” of letter height per 10’ feet of viewing distance.

Both sign faces must be symmetrical. When you take the greater distance (Northbound traffic at 2,250 feet) and apply the lesser standard (MUTCD at 1” per 40’), The result is recommended letter heights of 56” for northbound traffic. Only one letter on our proposed hi-rise sign exceeds this height (the “C” is a capital letter at 78.5” in height). The remaining letters of our logo fall within the guideline at 56”. Letter height dictates overall square footage of the sign and is designed for legibility of drivers at the distances stipulated above.



**The increased square footage is requested to accommodate letter height of sufficient size to be legible at the associated traffic speeds and exit ramp distances associated with Highway 275. The increased height is warranted to insure the sign is visible above the treeline and adjacent structures.**

**Compliance with Variance Criteria (Section 11-317.02.F)**

1. **Undue Hardship:** While the city ordinance regulating max area for signage in the GC district accounts for traffic speed, there is no consideration given for distance. The code does not take into account the extended viewing distances required to read and comprehend advertising signage at distances necessary to make safe traffic maneuvers to exit via lengthy highway exit ramps. A strict application of the code presents a very real safety issue to the motoring public. The current sign allowances do not permit sufficient legibility for safe highway exits.
2. **Uniqueness of Hardship:** This hardship is not generally shared by other GC-zoned properties. Only three properties in the city appear to be affected by the same factors affecting the subject property: 1) being zoned GC; 2) being adjacent to a roadway with allowed speeds of 55+ mph; and, 3) having to be legible at extended distances due to length of HWY exit ramp configurations. Most properties zoned GC within the city are located along business loop HWY 30. Traffic along business 30 moves at a slower speed, there are frequent at grade intersection controls (stop lights) which require traffic to slow down and/or stop which lengthens reaction time, and there are frequent opportunities to exit the roadway onto a side street or frontage road to “double back” to a missed business should a sign not be easily comprehensible. Aside from Business HWY 30, several other GC properties are found in city limits adjacent to local and or minor collector streets with lower speeds and frequent opportunities to exit the roadway or circle around the block. All properties zoned GC are shaded orange on the attached city zoning map. Those properties zoned GC that share similar factors to the subject property are circled in fuchsia (adjacent to 55+ MPH roadways with lengthy raised grade exit ramps). The conditions mandating a variance may impact three properties illustrating the hardship is NOT a general condition of the district.
3. **No Detriment to Adjacent Property or District Character:** The proposed sign will be located at the northeast corner of the subject property between the convenience store and HWY 275. The sign is setback a significant distance from Morningside Drive and will not add visual clutter to the roadway. The GC district is characterized by auto-oriented commercial uses, and the variance will not alter this character.

4. **Exceptional Hardship:** The hardship is a demonstrable safety issue posed by traffic speed and exit ramp distances and not simply convenience or profit. The justification is supported by FHWA guidance and sign industry standards.
5. **Non-Recurring Condition:** The conditions affecting this property are not common among GC-zoned parcels city-wide. A general amendment to the zoning regulations would not be appropriate, as most GC properties are found adjacent to business loop Highway 30, an at-grade roadway with a lower posted traffic speed, that is also interrupted at regular intervals by intersecting streets and business access locations with frequent opportunities to exit the roadway and circle back via local street network and/or frontage road. Drivers are less inclined to make a risky movement along the at-grade road network as opposed to raised grade HWY 275 where a driver is more readily enticed to make a risky exit maneuver to utilize limited exit opportunities.
6. **No Harm to Public Good or Ordinance Intent:** Granting the variance aligns with the intent of the ordinance, which already recognizes the need for larger signage along high-speed roadways. This request simply extends that logic to account for additional site-specific constraints, in this instance, allowing traffic to read and comprehend signage with sufficient time to safely exit the highway via lengthy exit ramp.

Thank you for your consideration.

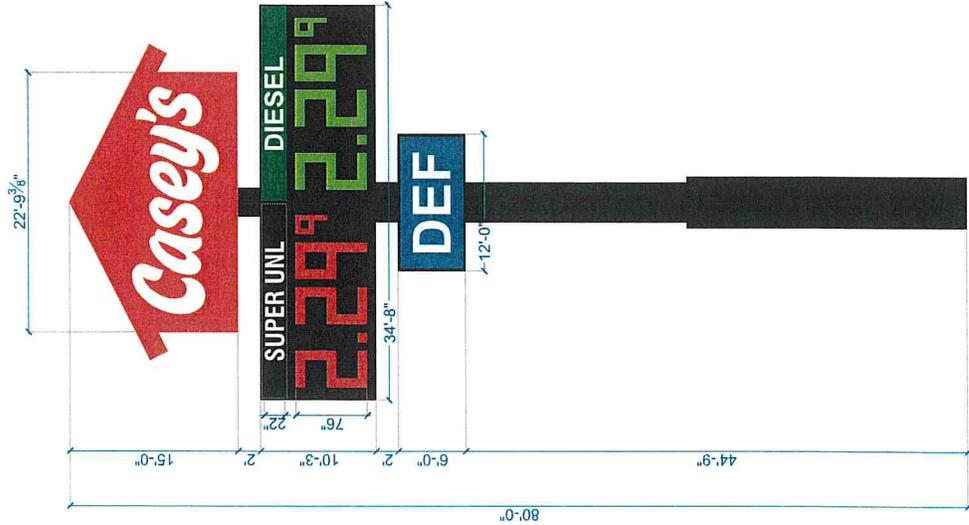


Aaron Wolfe  
Senior Site Development Manager

# SIGN 7

## Hi-Rise 80' OAH (2 Product)

Sign #	Sign	Type	Location	Illumination	Dimensions			Area Ft <sup>2</sup>
					Height	Width	Top	
7	House Logo	Freestanding	Street	Internal	15' 0"	22' 9-3/8"	80' 0"	282
	Price Sign	Freestanding	Street	Internal	10' 3"	34' 8"	63' 0"	356
	DEF	Freestanding	Street	Internal	6' 0"	12' 0"	50' 9"	72
<b>Total</b>							<b>Total</b>	<b>710</b>



**PERSONA TRIANGLE**  
 FACILITY SERVICES | LIGHTING | SIGNAGE  
 700 21st St SW  
 Watervliet, SD 57201  
 Tel: 602.843.9888  
 www.personatriangle.com

Customer: **CASEY'S**  
 Location: **FREMONT, NE**  
 File Name: **504548 - R5 - SITE 4670 - FREMONT, NE**

Project No.: **504548**  
 Request No.: **79637**  
 Prepared By: **VCI/AHD**  
 Date: **08/19/25**  
 Revision: **5**

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

This is an original document created by Persona Signs, LLC provided specifically to the client for their personal use. This document shall not be shared, copied, or otherwise used without written permission from Persona Signs, LLC.

Customer Approval (Please Initial):  
 Approval Date:

- LEGEND**
- AG AGRICULTURAL/URBAN RESERVE DISTRICT
  - RR RURAL RESERVE DISTRICT
  - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT
  - R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT
  - R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT
  - R-4 HIGH-DENSITY RESIDENTIAL DISTRICT
  - R-5 HIGH-DENSITY RESIDENTIAL DISTRICT
  - UC MIXED-USE URBAN CORRIDOR DISTRICT
  - LC LIMITED COMMERCIAL/OFFICE DISTRICT
  - CC COMMERCIAL CORRIDOR DISTRICT
  - GC GENERAL COMMERCIAL DISTRICT
  - GI GENERAL INDUSTRIAL DISTRICT
  - LI LIMITED INDUSTRIAL DISTRICT
  - PD PLANNED DEVELOPMENT DISTRICT
  - NC NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT
  - TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT



THIS IS TO CERTIFY THAT THIS OFFICIAL ZONING MAP REFERRED TO IN ARTICLE 16 OF ORDINANCE NUMBER 7025, ENACTED ON OCTOBER 14, 2024 AND AMENDED BY ORDINANCE NUMBER 7026, ENACTED ON FEBRUARY 16, 2025, IS THE OFFICIAL ZONING MAP OF THE CITY OF FREMONT, NEBRASKA. ENACTED ON JANUARY 6, 2025.

STREET CITY CENTER

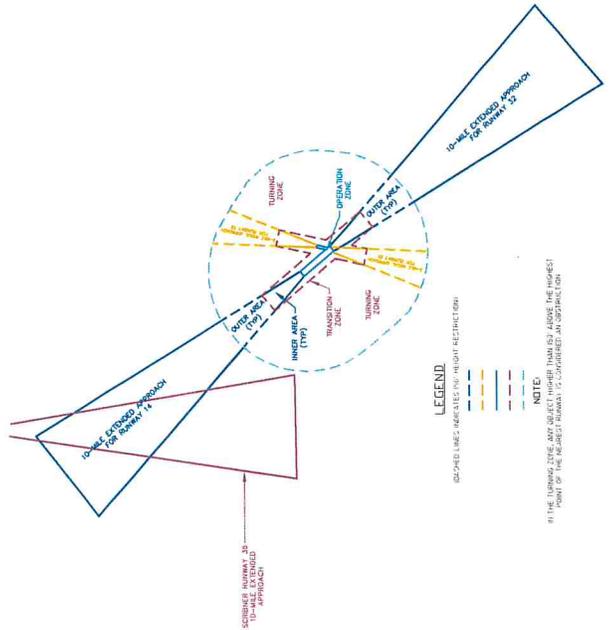
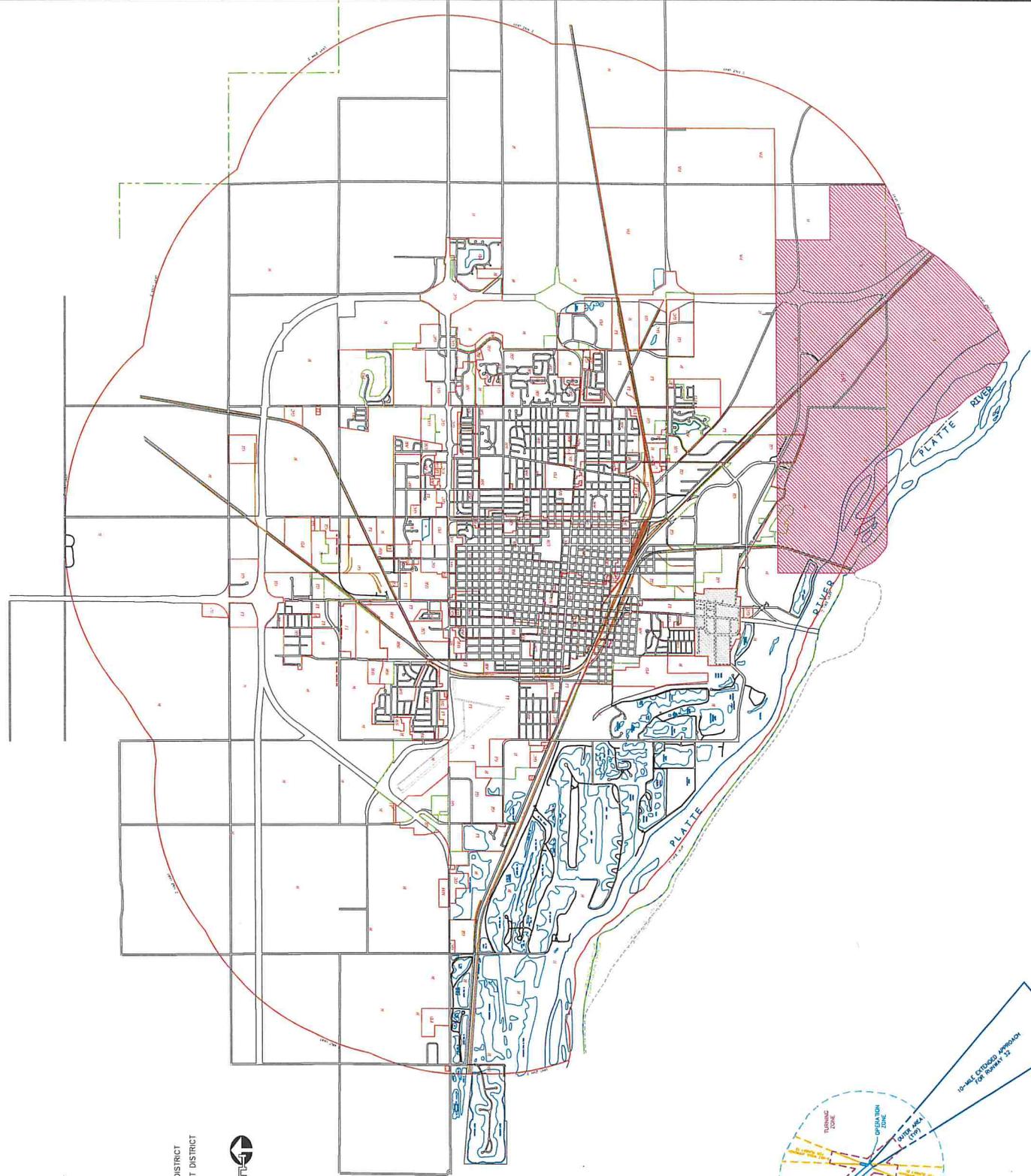
PRINTED 7/2025

**CITY OF FREMONT**  
NEBRASKA  
ENGINEERING DEPARTMENT

UPDATED TO ORDINANCE NO. 5712  
ORDINANCE DATE: 05-13-2025

THE CITY OF FREMONT DISCLAIMS ANY RESPONSIBILITY OR LIABILITY RELATING TO THE REPRODUCTION OR USE OF THIS ZONING MAP. THE CITY OF FREMONT MAKES NO WARRANTY, EITHER EXPRESS OR IMPLIED, THAT THE DOCUMENTS ARE ACCURATE, COMPLETE, OR SATISFACTORY FOR ANY PARTICULAR PURPOSE.

# AIRPORT ZONING

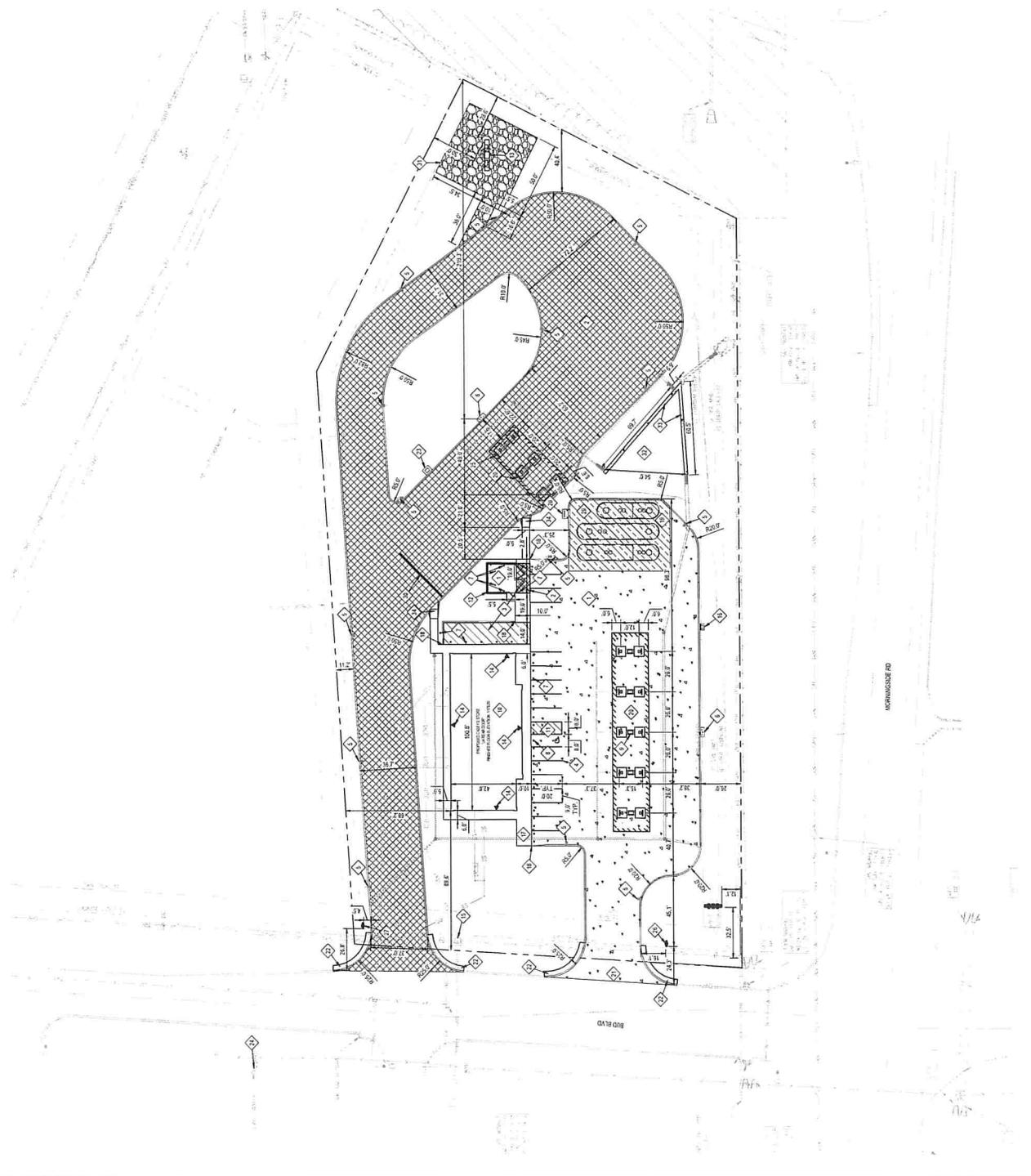


- LEGEND**
- SLOPED LINES INDICATE HEIGHT RESTRICTIONS
  - TURNING ZONE
  - OPERATIONAL ZONE
  - TRANSITION ZONE
  - 10-MILE AIRPORT APPROACH
- NOTE:**  
#11 IS THE TURNING ZONE. THE TURNING ZONE IS A BUFFER FOR THE CENTER POINT OF THE AIRPORT THROUGH TO BE DETERMINED BY AN APPROVED ENGINEER.



LEGEND	
	EXTERIOR DOOR LOCATION
	PROPERTY LINE
	EASEMENT LINE
	P.C.C. PAVEMENT
	HEAVY DUTY P.C.C. PAVEMENT
	REINFORCED P.C.C. PAVEMENT
	P.C.C. SIDEWALK
	GRAVEL PAD

REF. NOTES	
1	CONSTRUCT P.C.C. PAVEMENT. SEE AC-91.
2	CONSTRUCT HEAVY DUTY P.C.C. PAVEMENT. SEE AC-91.
3	PAINT NO. PARKING AREAS WITH ANGLD STRIPING AT A 45° ANGLE @ 4" P.C.C.
4	PAINT CURB PAVEMENT STRIPING. TYPICAL. SEE AC-92.
5	SITE LIGHTING. SEE AC-93 AND ELECTRICAL PLANS FOR DETAILS.
6	CONSTRUCT EMERGENCY SHUT-OFF SWITCH WITH A 1/4" FOOT RADIUS OF ALL FUEL DISPENSERS.
7	CONSTRUCT BOLLARD. TYP. SEE AC-94 AND ARCHITECTURAL PLANS FOR SPACING AND DETAILS.
8	INSTALL VAN ACCESSIBLE ADA PARKING SIGN AND BOLLARD. SEE AC-91.
9	CONSTRUCT FUEL ISLANDS. TYP. SEE AC-92.
10	SEE ARCHITECTURAL PLANS FOR PROPOSED BUILDING DIMENSIONS.
11	PAINT ADA PARKING SPACES. SEE AC-91.
12	CONSTRUCT TROUBLE INCLUDING. SEE ARCHITECTURAL PLANS.
13	CONSTRUCT CONCRETE TROUBLE INCLUDING. SEE ARCHITECTURAL PLANS.
14	SEE ELECTRICAL AND ARCHITECTURAL PLANS FOR STOP locations AND DETAILS.
15	CONSTRUCT AIR COMPRESSOR. SEE AC-91.
16	CONSTRUCT P.C.C. SIDEWALK. SEE AC-91.
17	TAPER CURB FROM 4" TO 1/4" S.L.F.
18	UNDERGROUND FUELING TANK LOCATION.
19	CONSTRUCT CHAMP. SEE CHAMP PLAN.
20	CONSTRUCT AIR COMPRESSOR. SEE AC-91.
21	CONSTRUCT AIR COMPRESSOR. SEE AC-91.
22	CONSTRUCT AIR COMPRESSOR. SEE AC-91.
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33	CONSTRUCT AIR COMPRESSOR. SEE AC-91.
34	CONSTRUCT AIR COMPRESSOR. SEE AC-91.



**SCHEMMER**  
 1044 NORTH 115TH STREET SUITE 300, OMAHA, NE 68154  
 CON NUMBER: C-101

**Casey's**  
 CASEY'S CONSTRUCTION DIVISION  
 ONE CONSTRUCTION BLVD., ANIMY, IA, 50217-1100-0100  
 PROJECT NUMBER: 04/28/25

CASEY'S GENERAL STORE #4670  
 730 S 840 BLVD  
 PAVING PLAN  
 1/4" = 16'-0" SCALE

DATE: 04/28/25  
 DRAWN BY: JPP  
 CHECKED BY: JPP

**C-101**

