

AGENDA ITEM 4A

**Conditional Use Permit for a Cabinetry Millwork
Operation – 7769 S. 133rd Street – PGN Holdings,
LLC d.b.a. Unlimited Innovations**



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP23-0008;

FOR HEARING ON: SEPTEMBER 7, 2023
REPORT PREPARED ON: AUGUST 23, 2023

I. GENERAL INFORMATION

A. APPLICANT(S):

PGN Holdings, LLC dba Unlimited Innovations
Attn: Pete Knipp
3234 N 161st Street
Omaha, NE 68116

B. PROPERTY OWNERS:

Walnut Acres, LLC
Attn: Kyle Pelster
9808 S 148th Street
Omaha, NE 68138

C. LOCATION: 7769 S. 133rd Street, La Vista, NE 68138, generally located east of S. 133rd Street midblock between Centech Road and Chandler Road.

D. LEGAL DESCRIPTION: Lot 1 Centech Business Park Replat 7.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to operate a cabinetry millwork operation.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial Zoning District and Gateway Corridor District (Overlay District).

G. PURPOSE OF REQUEST: Applicant is seeking to move their custom cabinetry business from Plattsmouth, Nebraska to a bay in an industrial building currently under construction in Centech Business Park owned by Walnut Acres, LLC.

H. SIZE OF SITE: The size of the total site is approximately 2.68 acres, however, the bay that this tenant will occupy will be 14,400 square feet (half of the building).

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Industrial	I-1 Light Industrial	Millard Sprinkler
East	Industrial	I-1 Light Industrial	Vacant Property/Cell Tower
South	Industrial	I-1 Light Industrial	Dr. Pepper Snapple Group
West	Industrial	I-1 Light Industrial	Vacant Property

B. RELEVANT CASE HISTORY:

1. On March 3, 2023 the City Council approved a replat to combine Lot 25 Centech Business Park and Lot 1 Centech Business Park Replat 3, replatted as Lot 1 Centech Business Park Replat 7 to allow for the construction of a 28,800 square foot speculative, multi-tenant industrial building.
2. On May 3, 2023, building permits were issued for the building and construction activity began. Building construction began before any future tenants were identified.

C. APPLICABLE REGULATIONS:

1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
2. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
3. Section 7.16 of the City of La Vista Zoning Ordinance – Performance Standards for Industrial Uses

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for industrial development and use. This application corresponds with the intended use of the property.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The existing property has two access driveways on S. 133rd Street.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirement for flex space for industrial uses is one space per 3,000 square feet of gross floor area, Per Section 7.06 of the La Vista Zoning Ordinance. For the 29,000 square foot building, this requirement equates to 10 parking stalls. The current site has 32 parking stalls, well above the required amount.

IV. REVIEW COMMENTS:

1. An outdoor dumpster enclosure constructed of materials that match the building shall be required to be constructed in order to contain the proposed dumpster in the rear of the building. Such enclosure shall be constructed prior to issuance of a certificate of occupancy.
2. The proposed operation must comply with Section 7.16 of the La Vista Zoning Ordinance pertaining to performance standards for industrial uses, which includes standards for air contaminants and noise.
3. Dust collection systems will be required to be maintained in proper working order as to not allow the dust to be a nuisance to surrounding properties.
4. A draft conditional use permit for the proposed use is attached to this report.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT

AMENDMENT:

Staff recommends approval of the Conditional Use Permit for PGN Holdings, LLC dba Unlimited Innovations for a cabinetry millwork operation, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Initial Review Letter
- C. Draft Conditional Use Permit with Site Plan, Operating Statement, and Internal Floor Plan

VII. COPIES OF REPORT SENT TO:

- A. Pete Knipp, PGN Holdings, LLC
- B. Kyle Pelster, Walnut Acres, LLC
- C. Public Upon Request



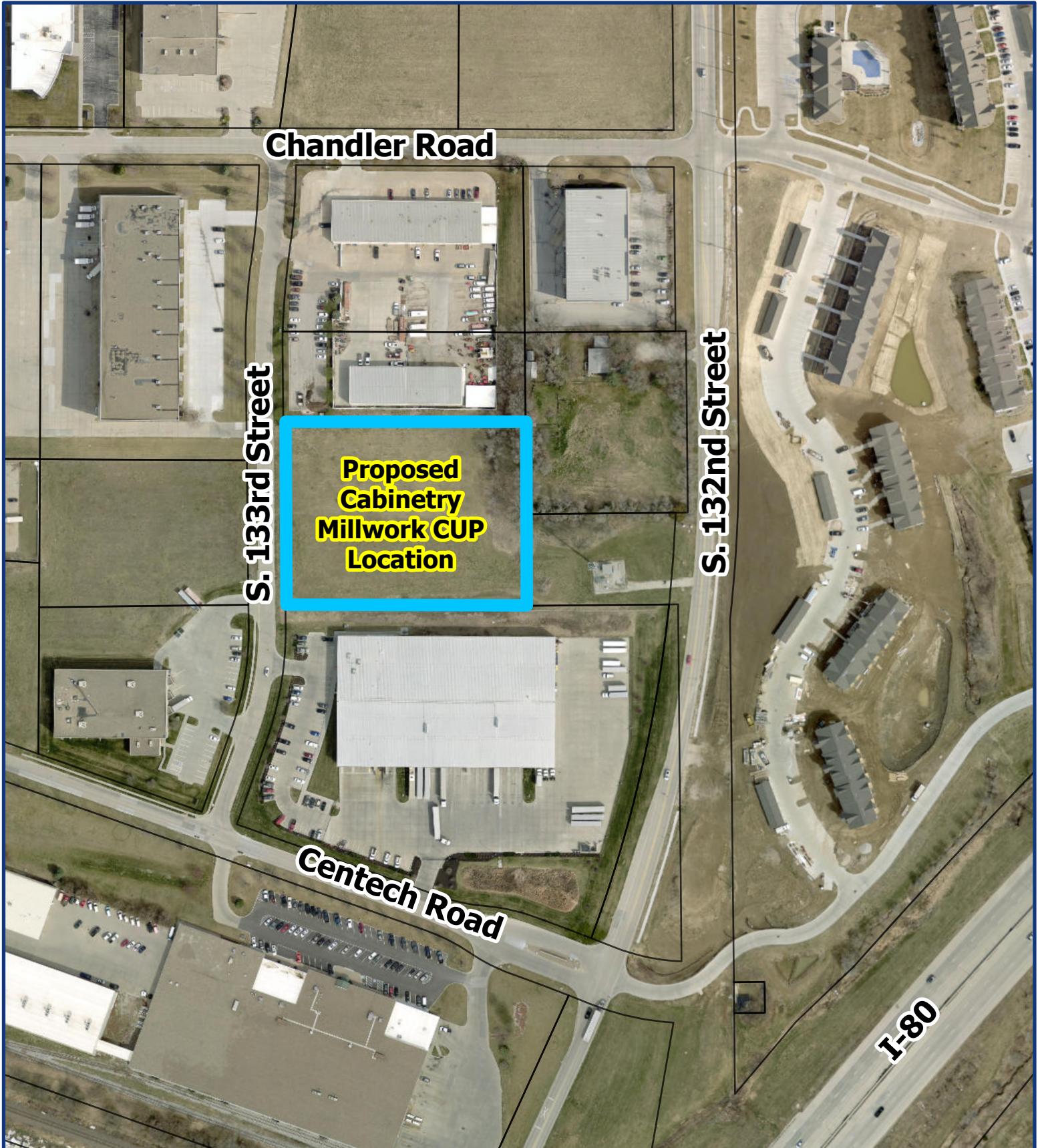
Prepared by: Associate City Planner



8/25/2023

Deputy Community Development Director

Date



Vicinity Map - Unlimited Innovations Custom Cabinetry CUP



Legend

- Property Lines
- CUP Boundary



August 24, 2023

Walnut Acres, LLC
Attn: Vic Pelster
9808 S 148th Street
Omaha, NE 68138

RE: Conditional Use Permit for Cabinetry Millwork at 7769 S 133rd Street, La Vista

Mr. Pelster,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. Per Section 7.17.04, the proposed exterior dust collector and dumpster must be screened with a dumpster enclosure constructed out of materials complementary with the building (i.e. the masonry/block used for the building). Please submit plans for the enclosure for review. The design and materials selection will need to be approved prior to construction of the enclosure. The enclosure will need to be completed prior to issuance of a certificate of occupancy, and a condition for such will be included in the conditional use permit.
2. Please include in the operating statement the maximum number of employees that are anticipated to be working on-site at any given time.
3. Regarding Section 6.05.07, appropriate dust collection systems must be maintained in working order to ensure that dust is not a nuisance to surrounding properties.
4. Regarding Section 6.05.08, all fumes and/or vapors from chemicals used during the manufacturing process must be appropriately contained within the facility.
5. The property must abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – Performance Standards for Industrial Uses.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

Please submit a response acknowledging each of the items above, in addition to a revised operating statement. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink that reads "Cale Brodersen".

Cale Brodersen, AICP
Associate City Planner
cbrodersen@cityoflavista.org
(402) 593-6400

CC:

Pete Knipp, PGN Holdings, LLC dba Unlimited Innovations
Kyle Pelster, Walnut Acres, LLC
Bruce Fountain, Community Development Director – City of La Vista
Chris Solberg, Deputy Community Development Director – City of La Vista
Pat Dowse, City Engineer – City of La Vista

From: [Kyle Pelster](#)
To: [Cale Brodersen](#); [Vic Pelster](#); pnipp@uicc.com
Cc: [Christopher Solberg](#); [Bruce Fountain](#); [Pat Dowse](#)
Subject: RE: [EXT]Lot 1 Centech Conditional Use App
Date: Thursday, August 24, 2023 4:20:28 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[UI Operating Statement 082423 7of7.pdf](#)

Cale,

We acknowledge receipt of this review letter and the conditions stated. I have attached a revised operating statement for UICC. Additionally, I have attached a photo of the proposed exterior dust collector system and can provide specs for the paint booth system if needed.

Kyle Pelster
Senior Vice President
Kyle.Pelster@npdodge.com

NAI NP Dodge
Direct +1 [402.255.6084](tel:402.255.6084)
Mobile +1 [402.657.0006](tel:402.657.0006)
Main +1 402.255.6060

From: Cale Brodersen <cbrodersen@cityoflavista.org>
Sent: Thursday, August 24, 2023 10:15 AM
To: Kyle Pelster <Kyle.Pelster@npdodge.com>; Vic Pelster <Victor.Pelster@npdodge.com>; pnipp@uicc.com
Cc: Christopher Solberg <csolberg@cityoflavista.org>; Bruce Fountain <bfountain@cityoflavista.org>; Pat Dowse <pdowse@cityoflavista.org>
Subject: RE: [EXT]Lot 1 Centech Conditional Use App

Hello,

We have reviewed your application for a conditional use permit for the Unlimited Innovations cabinetry millwork operation. Please find attached an initial review letter. Please submit a response acknowledging each of the comments, in addition to a revised operating statement with the additional requested detail.

If you are able to resubmit by the end of this week, we can place your agenda item for review on the September 7th Planning Commission meeting, which would mean review by the City Council on October 3rd. Let me know if you have any questions. Thanks,

Cale Brodersen, AICP
City of La Vista | Associate City Planner
402.593.6400 (Office)
402.593.6405 (Direct)
8116 Park View Blvd. | La Vista, NE 68128

CityofLaVista.org

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From: Kyle Pelster <Kyle.Pelster@npdodge.com>

Sent: Friday, August 4, 2023 10:15 AM

To: Cale Brodersen <cbrodersen@cityoflavista.org>

Subject: [EXT]Lot 1 Centech Conditional Use App

Cale,

Here are the digital files of the app I just dropped off. Let me know if you need any additional information. The Tenants floor plan I submitted is preliminary, we are working on a permit set.

Kyle Pelster

Senior Vice President

Kyle.Pelster@npdodge.com

We've Moved! Check out our new address:

NAI NP Dodge

13321 California St, Suite 105

Omaha, NE 68154

nainpdodge.com

Direct +1 [402.255.6084](tel:402.255.6084)

Mobile +1 [402.657.0006](tel:402.657.0006)

Main +1 402.255.6060

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NAI NP Dodge



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City of La Vista Conditional Use Permit

Conditional Use Permit for Cabinetry Millwork

This Conditional Use Permit issued this _____ day of _____, 2023, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, PGN Holdings, LLC dba Unlimited Innovations ("Owner" or "owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner submitted an application for a conditional use permit for the purpose of operating a custom cabinetry and millwork operation at 7769 S. 133rd Street on the following property owned by Walnut Acres, LLC within the City of La Vista's zoning jurisdiction in Sarpy County, Nebraska:

Lot 1 Centech Business Park Replat 7; and

WHEREAS, the property owner, Walnut Acres, LLC, has consented to the issuance of a conditional use permit for such purposes; and

WHEREAS, the Mayor and City Council of the City of La Vista by this instrument are agreeable to issuing the conditional use permit to the 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 premises and areas designated on Exhibit "A" hereto for a cabinetry millwork operation, said use 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. Any deviation from or breach of any terms hereof shall automatically cause permit to expire and terminate without any further action required of the City.
2. In respect to the proposed Use:
 - a. A site layout plan showing the boundaries of the premise, proposed structure and orientation, parking, access points, and drives is approved by the City and attached to the permit as "Exhibit A".
 - b. Operations on the Property will be limited to and be carried out in accordance with the Operational Statement attached as Exhibit "B" and the internal floor plan attached as Exhibit "C" incorporated into this permit by reference. Any modifications must be submitted to the Community Development Director for such approvals as the Director determines necessary or appropriate.
 - c. Any exterior dumpsters must be screened with a dumpster enclosure that is constructed of materials that match the building. The design shall be approved prior to construction, and the enclosure must be constructed prior to issuance of a certificate of occupancy.
 - d. Dust collection systems will be required to be maintained in proper working order as to not allow the dust to be a nuisance to surrounding properties.
 - e. There shall not be any outside storage of materials.
 - f. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.
 - g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to,

building, fire, and ADA.

- h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, or any agents, employees, assigns, suppliers or invitees of the owner, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
- j. Recitals on the first page above and exhibits referenced in this Agreement are incorporated herein by this reference.

3. 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, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. 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 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.

5. 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 any permitted materials 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.

6. 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.
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: PGN Holdings, LLC dba Unlimited Innovations
Attn: Pete Knipp
E-mail: pgnipp@uicc.com
3234 N 161st Street
Omaha, NE 68116

DRAFT

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)

) ss.

)

COUNTY OF _____

On this _____ day of _____, 2023, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

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

COUNTY OF _____

On this _____ day of _____, 2023, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Don Partridge personally known by me to be an agent of the ownership, DOO, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

Exhibit A



20
0
20
1 inch = 20 ft.

LEGEND	
9' PCC With Integral Curb and Gutter	
5' PCC With Integral Curb and Gutter	
7' PCC With Integral Curb and Gutter	
4' PCC Sidewalk	
Sawcut Full Depth and Remove Existing Pavement	
PCMP Basin Limits (If Applicable)	
Proposed Retaining Wall	

CENTECH FLEX BUILDING II
LOT 1, REPLAT 7
7769 S 133RD STREET
LA VISTA, NEBRASKA 68138

CONSULTING ENGINEER

**ROBERT W. ENGEL AND
ASSOCIATES, ARCHITECTS**

2443 South 48th Circle
Omaha, NE 68130-2512
(402) 338-2287 / fax (402) 338-8331
email: RWEArchitects@RWEArchitects.com

Issue Date:	February 04, 2013	
Revisions to the drawing set:		
File:	Date:	Description:
	03/03/13	Revised Transformer Location and Wall
	03/04/13	Revised Curb Radii

Project Number: 2022.321.201
Drawn by: JW
Checked by: DRH
Sheet Name: PAVING PLAN



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www.EAConsulting.com
State of NE Certified Office of Administration #030038

C1.1

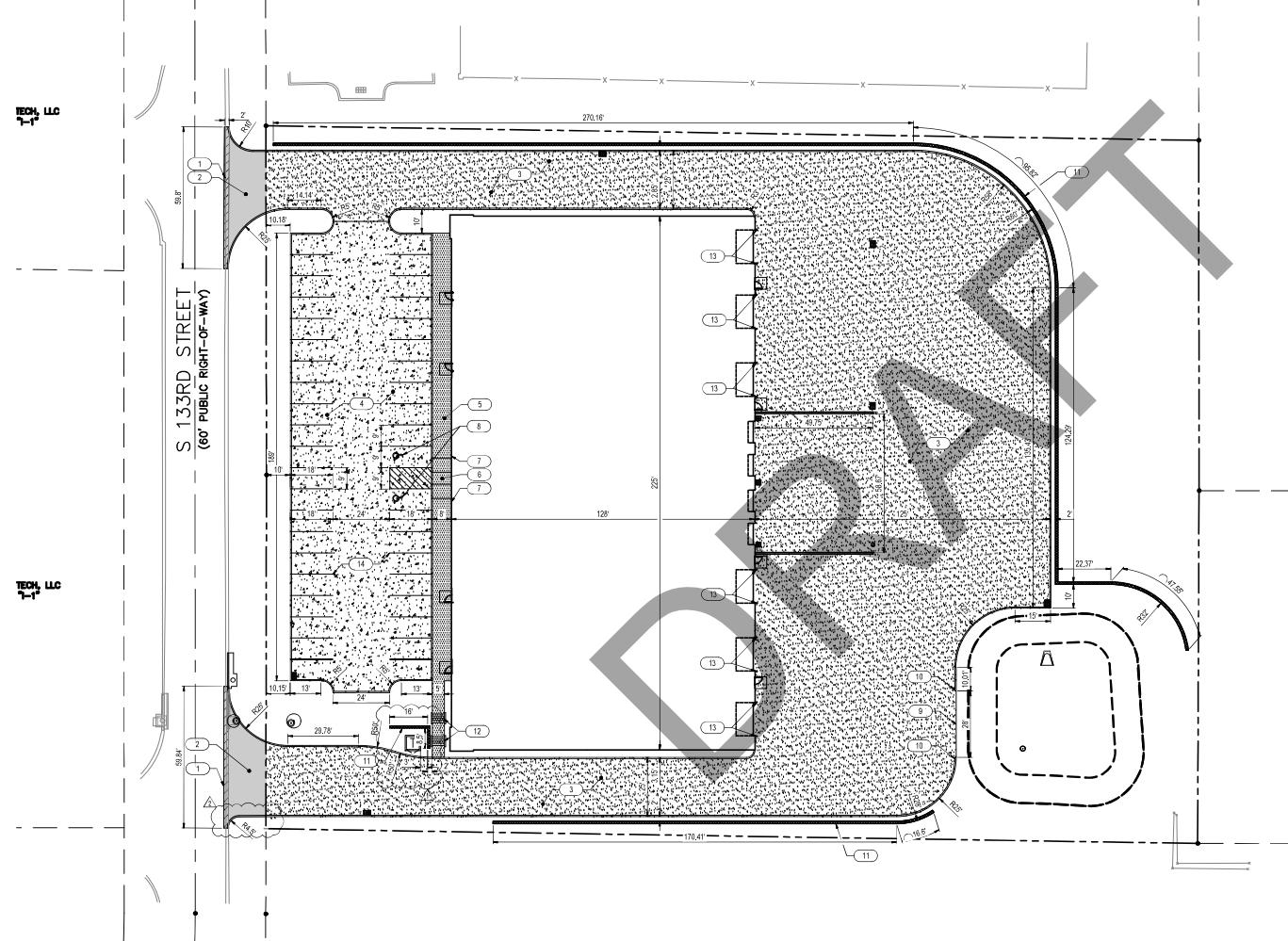


Exhibit B



Unlimited Innovations Custom Cabinetry (UICC) is a small business located in Plattsmouth NE for the past 14 years. UICC designs, builds, finishes and installs custom cabinetry, furniture and store displays. UICC is seeking to relocate to the address indicated to be closer to current customers and a larger talent pool of employees. The building will house company offices, a showroom, and the manufacturing facility. A sawdust collector will be at the back of the building, along with a dumpster for wood scraps and sawdust from the sawdust collector. The majority of products are finished (painted and/or stained) at this facility, utilizing a state-of-the-art paint booth system.

We currently have 9 employees, and as we expand over the years, I see the possibility of 10 – 20 employees.

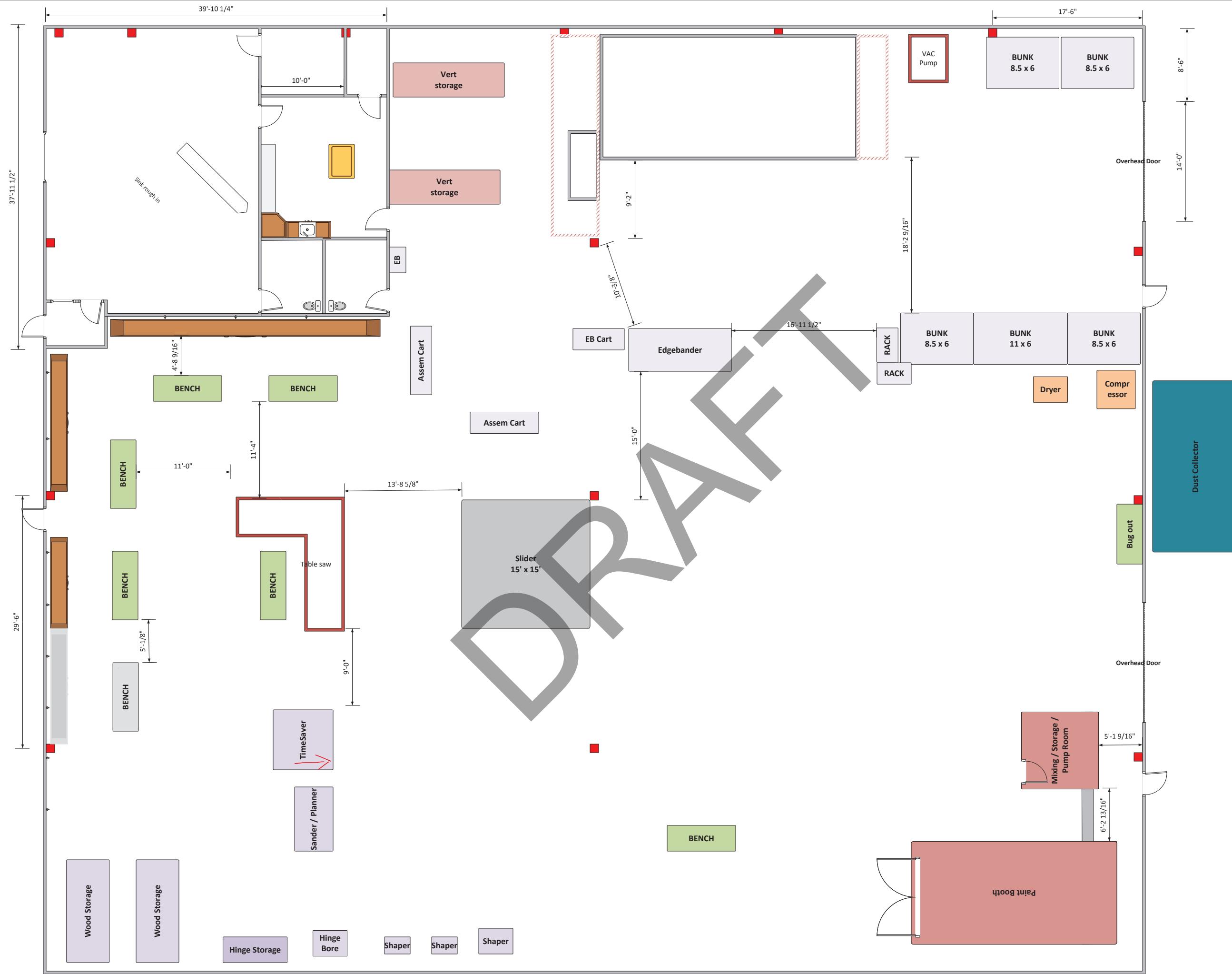
Current Hours of Operation:

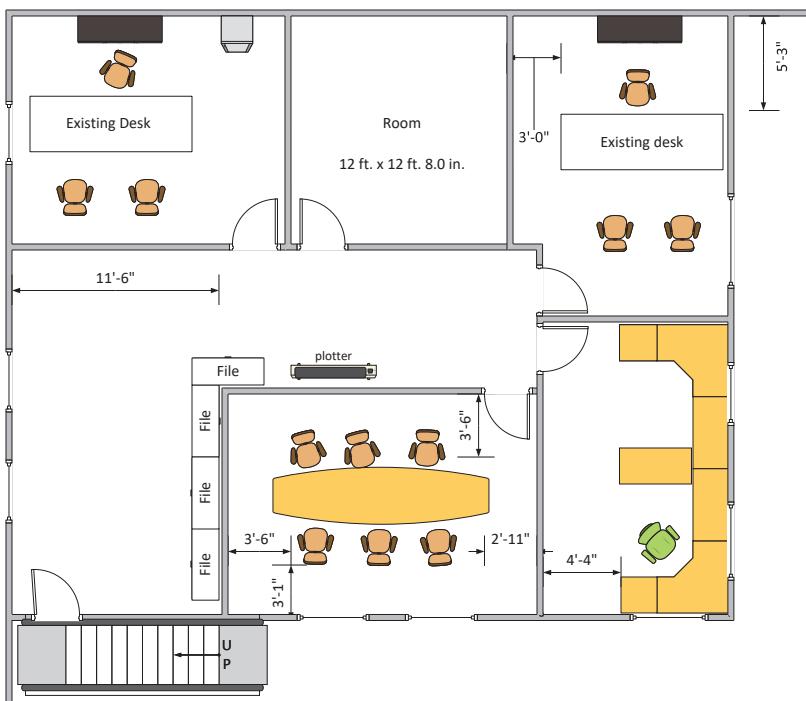
M-F 7:00 a.m. to 5:00 p.m.

Weekends only as needed

DRAFT

Exhibit C





DRAFT

Unlimited Innovations
3/16" = 1'