

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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## for August 20, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Comprehensive Plan Conformance No. 03007  
Country Plaza conservation easement

**PROPOSAL:** Request by multiple property owners, to find that the acquisition of a permanent conservation easement over approximately 7.82 acres of delineated wetlands, drainageway, floodplain, and tree mass, on property generally located west of South 56<sup>th</sup> Street at Waltz Road, conforms with the 2025 Comprehensive Plan.

**LOCATION:** 56<sup>th</sup> and Waltz Road

**LAND AREA:** 7.82 acres, more or less.

**CONCLUSION:** This conservation easement is a requirement of Special Permit #1855, Use Permit #138, and Special Permit 2021. The proposed easement will protect the delineated wetlands, drainageway, floodplain, and tree mass and is not an obstacle to any planned action. Acquisition of the conservation easement by the City of Lincoln is in conformance with the Comprehensive Plan and supports several goals of the Plan.

<b>RECOMMENDATION:</b>	<b>In conformance with the Comprehensive Plan.</b>
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### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

Lots 1-3, Outlots A, B, and C, Country Plaza 1st Addition; Lots 2-4, Country Plaza 2nd Addition; Lot 1, Outlot A, Country Plaza 3rd Addition; all located in the NE 1/4 of Section 17-9-7, Lancaster County, Nebraska.

**EXISTING ZONING:** R-T Residential Transition and H-4 General Commercial

**EXISTING LAND USE:** Commercial

#### **SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped and recreational uses	R-1 Residential
South:	Single-Family dwellings	R-2 Residential
East:	Commercial	H-4 General Commercial
West:	Single-Family dwellings	R-2 Residential

**HISTORY:**

- Jul 2003 Administrative Final Plat #03058 Country Plaza 3<sup>rd</sup> Addition, with 1 lot and 1 outlot, approved by the Planning Director.
- Jul 2003 Special Permit #2021 approved an early childhood care facility for 100 children and 15 employees.
- Oct 2002 Administrative Amendment #02079 to Special Permit #1855 approved the addition of 14 parking spaces, shifting building envelopes to the north, revised shape of constructed wetland, and relocation of a sign envelope.
- Aug 2002 Administrative Final Plat #02042 Country Plaza 2<sup>nd</sup> Addition, with 4 lots and 1 outlot, approved by the Planning Director.
- Apr 2002 Administrative Amendment #02005 to Special Permit #1855 approved the addition of a pass-through lane to the bank, and adjusted the boundary of Outlot A.
- Apr 2002 Administrative Amendment #02004 to Use Permit #138 approved moving building envelope locations, relocating the boundary for Outlot A, and adjusting parking lot locations.
- Apr 2002 Administrative Final Plat #01029 Country Plaza 1<sup>st</sup> Addition, with 5 lots and 4 outlot, approved by the Planning Director.
- May 2001 Change of Zone #3306 approved changing some of the area from R-1 Residential and R-2 Residential to R-T Residential Transition.
- May 2001 Use Permit #138 approved the construction of 6 5,000 sq. ft. office/medical buildings and associated parking, and required a permanent conservation easement for the protection of drainageway, wetlands, floodplain, and tree mass. Use Permit #138 superceded and replaced Use Permit #131.
- Apr 2001 Administrative Final Plat #01005 Country Plaza Addition, with 3 lots and 2 outlot, approved by the Planning Director.
- Nov 2000 Change of Zone #3269 re considered at the request of the Mayor, and approved the changes except for the R-T area, and placed Use Permit #131 on pending.
- Oct 2000 Change of Zone #3269, Use Permit #131, and Special Permit #1855 all approved, changing the zoning from R-1 Residential and R-2 Residential to H-4 General Commercial and R-T Residential Transition, approved 44,000 square

feet of Planned Service Commercial on the east side of Beal Slough and 35,000 square feet of medical/office buildings on the west side of Beal Slough. Special Permit #1855 required a permanent conservation easement for the protection of drainageway, wetlands, floodplain, and tree mass. The Change of Zone and Use Permit were re-considered at the request of the Mayor.

May 1979 This property was changed from A-1 Single-Family Dwelling and A-2 Single-Family Dwelling to R-1 residential and R-2 Residential.

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Future Land Use Plan shows this area as Urban Residential. A trail is identified along Beal Slough, and is identified as Green Space. (F 25) This area is located within the Top Priority Area. (F 27)

**Green Space:** Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

Two **Emerging Regional Planning Issue** identified:

Conservation and protection of environmental and natural systems. (F 4)

Cooperative planning of water resource management. (F 4)

**Guiding Principles for the Urban Environment** include:

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (F18)

**Environmental Resource Features** represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (F 52)

**Floodplains:** This feature refers to land that is susceptible to flooding or that has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments. (F 53)

**Urban Forest:** This feature refers to the trees and other woody plants that have been planted or grow naturally within the limits of the communities in Lancaster County. Though many may not consider the urban forest to be part of the "natural environment," it represents a significant community investment - exemplified in Lincoln being a "Tree City" - with its elimination or neglect having substantially detrimental consequences. (F 54)

Three **Core Resource Imperatives** were selected from the Environmental Resource Features as those that should receive the greatest consideration in the long range planning process. (F 54)

**Riparian, Floodplains, and Stream Corridors:** Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F 55)

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features. (F 55)

The **Greenprint Challenge: Implementation Strategies** include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

This easement is in furtherance of the objectives of the **Beal Slough Stormwater Master Plan**, prepared in May, 2000, and part of the 2025 Comprehensive Plan.. (F 156)

### **ANALYSIS:**

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a recommendation to the City Council "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112). The City Council will either accept or deny the easement.
2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2025 Comprehensive Plan.
3. The wetlands, drainageway, and urban forest on this site occupy an area located in the floodplain of and along Beal Slough. The intent of the conservation easement is to preserve these features in their present state, and reduce the impact of future development.
4. The Conservation Easement Agreement will include provisions prohibiting specific uses and practices. However, there will be a specific exception to allow for the existing approved parking areas and private drives, a future bike path, and water quality measures, grading, and removal of trees as approved by the City as such may be associated with streambank stability projects and due to planned improvements to the Beal Slough channel, as shown on the approved plans for Use Permit 138, Special Permit 1855, and Special Permit 2021, within the area of the conservation easement.
5. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

6. Comments are attached from the Public Works & Utilities Department.

Prepared by:

Greg Czaplewski  
Planner

**Date:** August 7, 2003

**Applicants:** Country Plaza South, Inc.  
2610 Park Blvd.  
Lincoln, NE 68502  
435.3550

United Development, Inc.  
5300 Old Cheney Rd.  
Lincoln, NE 68516  
423.2511

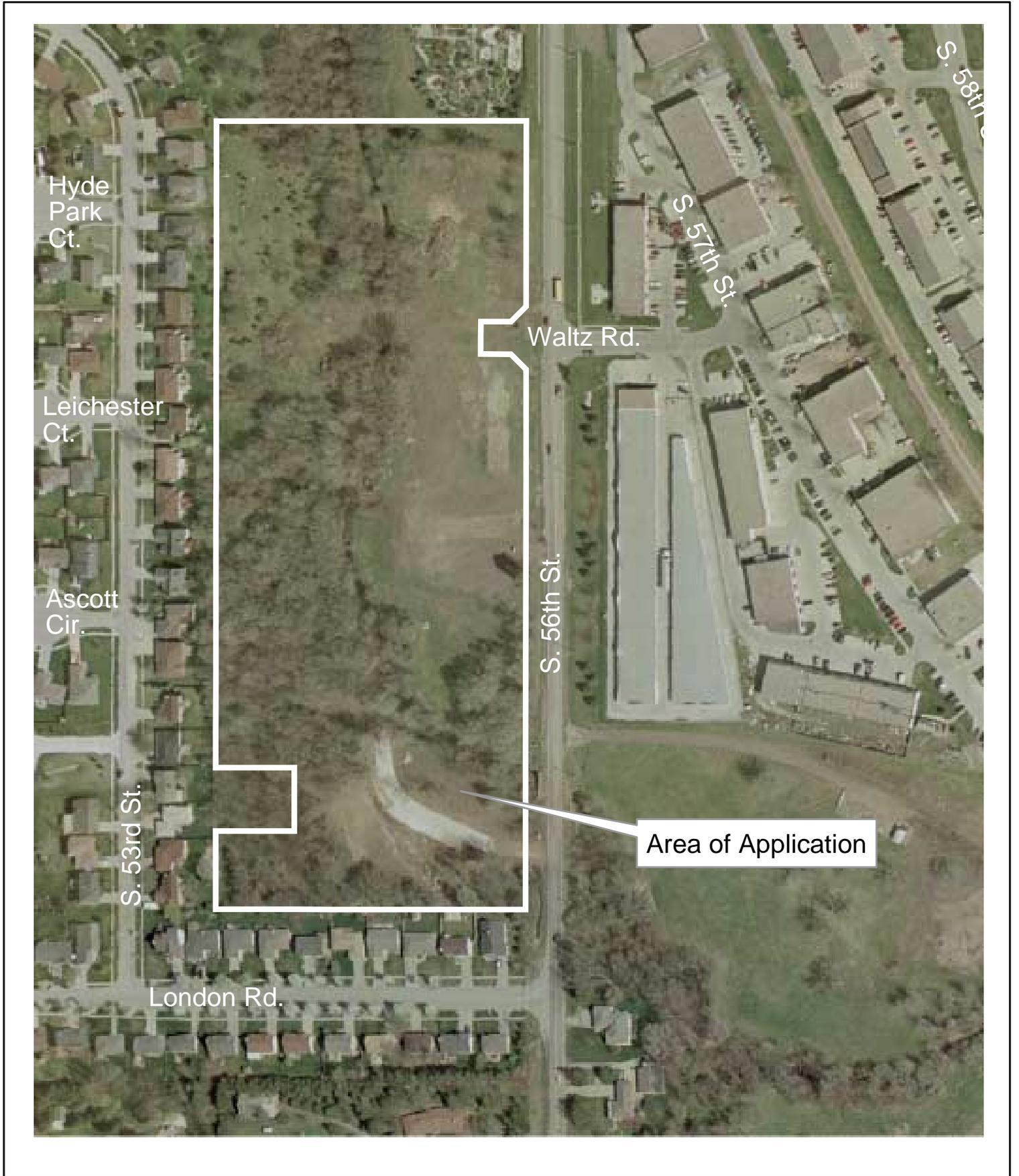
Burlington Credit Union  
504 N. 46<sup>th</sup> Street  
Lincoln, NE 68503  
464.8347

Truax Homes, Inc.  
4750 Normal Blvd.  
Lincoln, NE 68506  
323.8208

Country Plaza, L.L.C.  
601 Old Cheney Rd, Suite A  
Lincoln, NE 68512  
421.2500

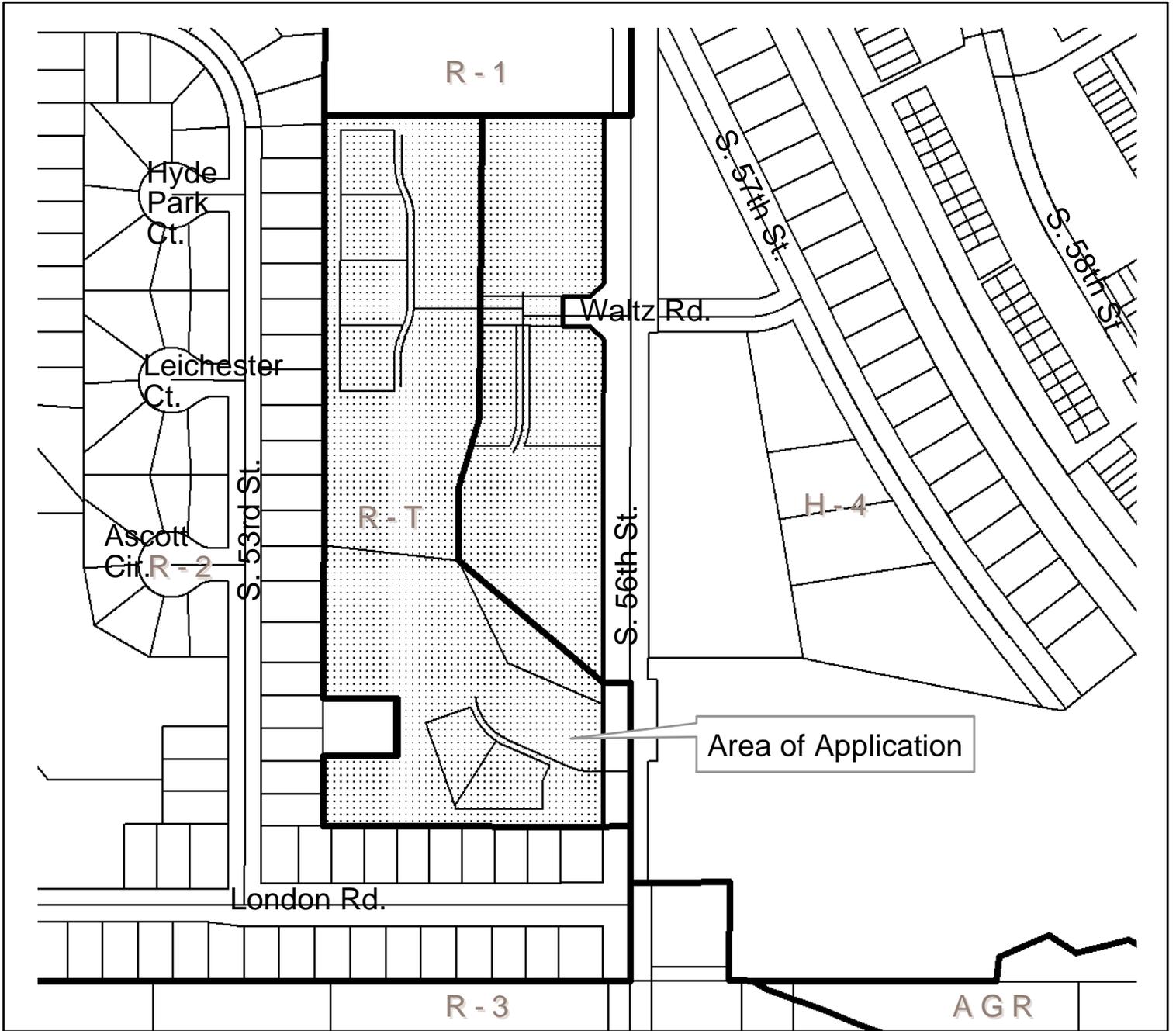
**Contacts:** Same as Applicants.

**Owners:** Same as Applicants



**Comprehensive Plan Conformance #03007**  
**S. 56th & London Rd.**  
**Conservation Easement**





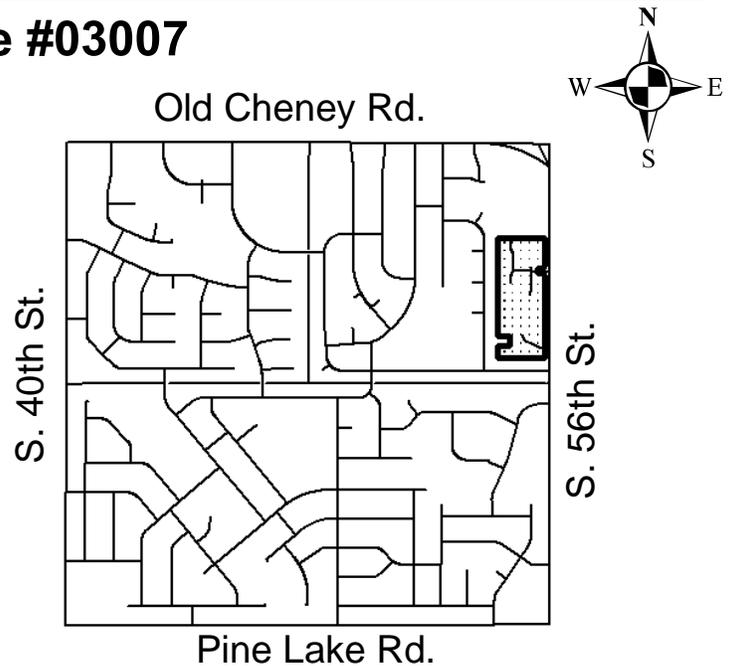
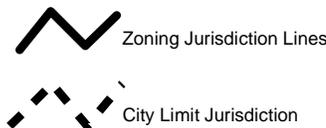
# Comprehensive Plan Conformance #03007

## S. 56th & London Rd. Conservation Easement

### Zoning:

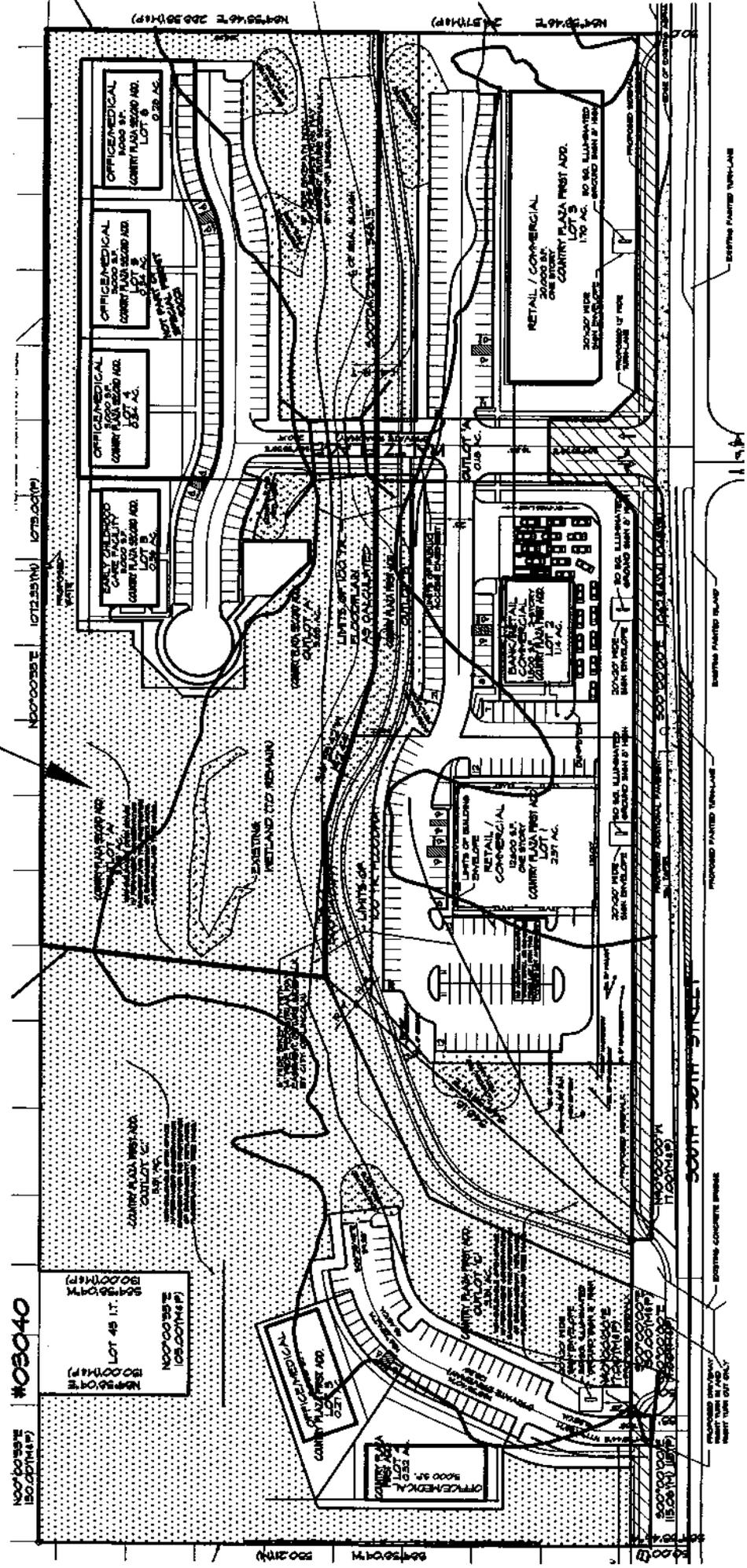
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 17 T9N R7E



**RECEIVED**  
 AUG 6 2003  
 TOWN CITY/LANDS/PLANNING DEPARTMENT

LOCATION OF WOODLANDS,  
 WETLANDS, TREE MASSES,  
 DRAINAGEWAY AND FLOODPLAIN  
 WITHIN THE EASEMENT AREA



#03040

LOT 48 1/2  
 18,000 SQ FT  
 18,000 SQ FT  
 18,000 SQ FT

SOUTH 36TH STREET

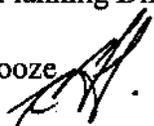
SOUTH 37TH STREET



**MEMORANDUM**

**Date:** July 24, 2003

**To:** Marvin Krout, Planning Director

**From:** Nicole Fleck-Tooze 

**Subject:** *Country Plaza Conservation Easement  
Comprehensive Plan Conformity Application*

**cc:** Brian Carstens - Carstens and Associates

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On behalf of multiple property owners, attached please find information submitted by Brian Carstens for an application requesting Conformity with the Comprehensive Plan for a 7.29-acre conservation easement within the Country Plaza development, which is being forwarded by the Public Works & Utilities Dept. As required by UP 138A, SP 1855, and SP 2021, the easement is for the conservation of permanent open space for the protection of the drainageway, wetlands, floodplain and tree masses contained within 13 lots in Country Plaza First and Second Addition, as described on the attached pages. Parking, private drives and roadways, a future bike path, streambank stability projects, and associated grading will all be permitted, as shown on the approved plans for UP 138A, SP 1855, and SP 2021, within the area of the conservation easement.

It is our intent that the CPC item have public hearing and final action before the Planning Commission on August 20th, with the conservation easement subsequently being forwarded to the City Council for separate action. I am also forwarding information to Rick Peo to begin drafting an easement agreement and resolution for Council action.