

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

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**for APRIL 11, 2007 PLANNING COMMISSION MEETING**

**P.A.S.:** Comprehensive Plan Conformance No. 07002

**PROPOSAL:**

To find that the acquisition of a permanent conservation easement conforms with the 2030 Comprehensive Plan.

**LOCATION:** Generally located southwest of N. 56<sup>th</sup> Street and Alvo Road

**LAND AREA:** 15.27 acres, more or less

**CONCLUSION:**

This conservation easement is for the purpose of preserving flood storage capacity. The proposed easements will protect the floodplain, and in some cases, delineated wetlands, drainageway, and tree masses and is not an obstacle to any planned action. Acquisition of the conservation easement by the City 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:** See attached exhibits.

**EXISTING ZONING:** AG Agriculture, R-3 Residential, and H-4 General Commercial

**EXISTING LAND USE:** Agricultural and Salt Creek

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agriculture	Agricultural/undeveloped
	R-3 Residential	Agricultural/undeveloped
	H-4 General Commercial	Agricultural/undeveloped
South:	AG Agriculture	Agricultural/undeveloped
	P Public	Landfill
	H-4 General Commercial	Agricultural/undeveloped
East:	AG Agriculture	Agricultural/undeveloped
	P Public	Landfill
	H-4 General Commercial	Agricultural/undeveloped
West:	AG Agriculture	Agricultural/undeveloped
	R-3 Residential	Agricultural/undeveloped

**ASSOCIATED APPLICATIONS:** Northbank Junction Change of Zone #3398  
Northbank Junction Special Permit #2004  
Northbank Junction Preliminary Plat #03004  
Northbank Junction 1<sup>st</sup> Addition Final Plat #07007

**HISTORY:**

September 25, 2006	Special Permit #2004 for Planned Service Commercial was approved by City Council.
September 25, 2006	Change of Zone #3398 from AG to R-3 and H-4 was approved by City Council.
April 14, 2004	Preliminary Plat #03004 for Northbank Junction was approved by the Planning Commission.
April 10, 1963	Special Permit #254 for a race track was approved by the Planning Commission.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2030 Lincoln Area Future Land Use Plan shows this area as Environmental Resources, Commercial, and Urban Residential (p. 19) all within the Future Service Limit, Tier I, Priority A (p. 21).

**Environmental Resources:** Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned (p. 16).

Two **Emerging Regional Planning Issues** identified:

- Conservation and protection of environmental and natural systems. (p. 4)
- Cooperative planning of water resource management. (p. 4)

**Overall Guiding Principles for Business & Commerce** include:

Commercial and industrial districts in Lancaster County shall be located: outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning) (p. 35).

**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. (p. 9-10)

**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. (p. 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. (p. 52)

**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. (p. 53)

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. (p. 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. (p. 54)

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. (p. 55)

The **Greenprint Challenge: Program Implementation and Funding** include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.), incentives (e.g., density bonuses, conservation overlay zones, buffer/transition zones), purchases (e.g., development rights, land acquisition), and impact fees to manage land with environmental resource interest. (p. 63)

## **ANALYSIS:**

1. A total of 15.27 acres are within this request. All 15.27 acres are in the City of Lincoln’s jurisdiction.
2. 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.
3. The purpose of this Comprehensive Plan Conformity report is to determine whether these permanent conservation easements are in conformance with the 2030 Comprehensive Plan.
4. The proposed conservation easements will protect floodplain conveyance and storage, and in some cases protect other natural features such as wetlands, drainageways and woodlands.
5. The Conservation Easement Agreement will include provisions prohibiting specific uses and practices.
6. The City of Lincoln can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

Brandon M. Garrett, AICP

**DATE:** March 29, 2007

**APPLICANT:** Roger Schwisow  
1354 Pelican Bay Place  
Lincoln, NE 68528

**CONTACT:** Marcia Kinning  
ESP  
601 Old Cheney Rd, Ste. A  
Lincoln, NE 68512

**OWNERS:** Roger H. Schwisow, Trustee  
1354 Pelican Bay Place  
Lincoln, NE 68528

Detweiler Properties LLC  
6210 N. 56<sup>th</sup> Street  
Lincoln, NE 68504

**CONSERVATION**

**EASEMENT HOLDER:** City of Lincoln



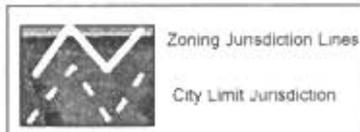
2005 aerial

**Comp Plan Conformance #07002**  
**N 56th St & Alvo Rd**

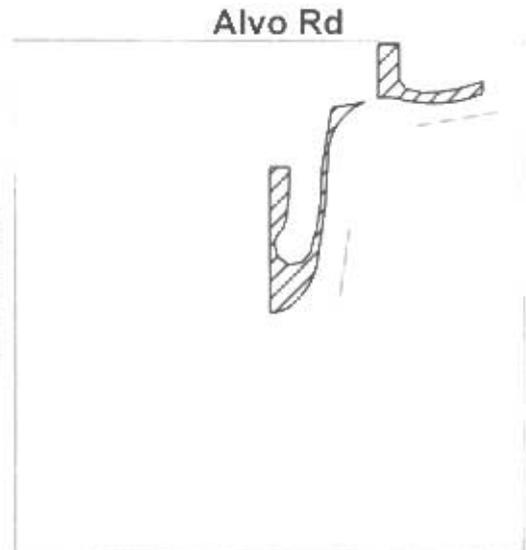
**Zoning:**

- 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. 32 T11N R07E



N 40th St



N 56th St

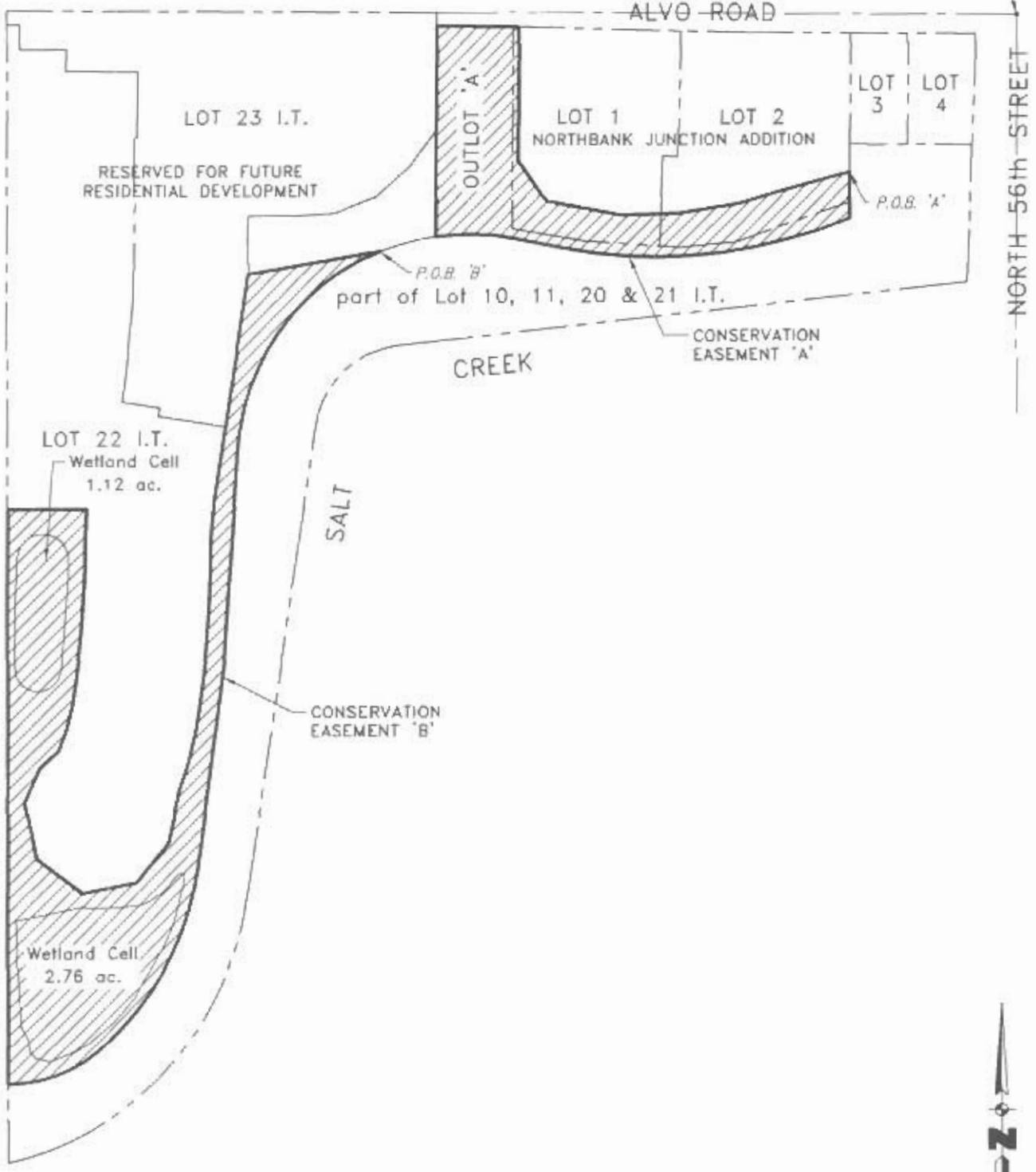
Fletcher Ave

CONSERVATION EASEMENT

601 OLD CHENEY RD., SUITE 'A'  
LINCOLN, NEBRASKA 68512  
421-2500 OR 421-7096 FAX

E.S.P., INC.  
CONSULTING ENGINEERS

Northeast Corner  
Sec. 32, T 11 N, R 7 E





**Benjamin J Higgins/Notes**

03/26/2007 10:45 AM

To **Brandon M Garrett/Notes@Notes**

cc

bcc

Subject **Northbank Junction Conservation Easement, CPC # 07002**

Brandon

Attached is a draft conservation easement that was sent to ESP (applicant's consultant) and to the City Attorney's office for review. I'm OK with this conservation easement and with the applicants material for this conservation easement re comp plan conformity 07002. Thanks



070323\_cons\_ease.doc

Ben Higgins  
Watershed Management  
Public Works and Utilities  
City of Lincoln, NE  
(402) 441-7589

# Memorandum

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**To:** Brandon Garrett, Planning Department  
**From:** Dennis Bartels, Engineering Services  
**Subject:** CPC #07002, Northbank Junction Conservation Easement  
**Date:** March 21, 2007  
**cc:** Ben Higgins  
Randy Hoskins

Engineering Services recommends that the subject conservation easement can be found in conformance with the comprehensive plan.