



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING & DEVELOPMENT SERVICES DEPARTMENT
555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Comprehensive Plan Conformance #25010

FINAL ACTION?
No

DEVELOPER/OWNER
Franklin Hargitt

PLANNING COMMISSION HEARING DATE
November 12, 2025

RELATED APPLICATIONS
Change of Zone #CZ08041G

PROPERTY ADDRESS/LOCATION
6511 Pine Lake Road

RECOMMENDATION: IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

BRIEF SUMMARY OF REQUEST

The purpose of this application is to find that the acquisition of a permanent conservation easement conforms with the 2050 Comprehensive Plan. The proposed conservation easement is to be located on property located at 6511 Pine Lake Road. The easement is associated with an amendment to the Pine Woods Planned Unit Development (PUD), Change of Zone #08041G, for the expansion of an existing contractor services use on the subject property.



JUSTIFICATION FOR RECOMMENDATION

This conservation easement is for the purpose of preserving land with the Pine Woods Planned Unit Development, Change of Zone #08041G. The proposed easements will protect the floodplain and existing 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.

APPLICATION CONTACT
Tim Gergen, Clark & Enersen

STAFF CONTACT
Jacob Schlange, (402) 441-6362 or
jschlange@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The conservation easement is in conformance with the Comprehensive Plan and supports several goals and policies of the Plan. The Comprehensive Plan encourages the continued effort to protect environmentally sensitive areas, including by employing conservation easements to protect floodplain functions.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Urban Residential, Green Space, and Environmental Resources on the 2050 Future Land Use Plan.

Goals Section

G7: Environmental Stewardship and Sustainability

PlanForward commits Lincoln and Lancaster County to a sustainable growth framework that will conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised.

G8: Community Resiliency

Lincoln and Lancaster County will be resilient to the climate hazards they will face.

Elements Section

E4: Environmental Resources

Maintaining a balance between the natural and human built environment is always delicate. The policies of PlanForward should strive to incorporate such uses in the full range of urban and rural landscapes. As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their ongoing protection and maintenance. Securing the long-term permanence of green space is a basic dilemma in natural resources planning. The use of “green space development incentives” (e.g., setting aside non-buildable areas, creating green space preserves, density bonuses) should be a primary consideration in implementing this plan.

Policies Section

P21: Floodplains and Riparian Areas - Protect and preserve floodplains and other riparian areas for flood storage, conveyance and other natural resource benefits.

Action Step 5e: Retain City or County property in the floodplain in public ownership whenever possible, including conservation easements to protect floodplain functions

P25: Open Space with Development

Action Step 4: Designate areas for future urban development outside of the floodplain and floodway in order to mitigate the impacts of flooding and preserve natural flood storage. Floodplain in public ownership should remain in public ownership. However, where it is determined that there is public benefit to releasing floodplain property to private ownership, flood storage capacity should be maintained through easements, deed restrictions, or other tools.

Action Step 6d: Provide appropriate incentives to encourage landowners to preserve saline and freshwater wetlands. Incentives to be used or considered further include conservation easements with tax incentives.

CLIMATE ACTION PLAN SPECIFICATIONS:

p. 19 Key Initiative - Improve Protections for and with Lincoln Residents

- Continue to encourage installation of green infrastructure strategies where appropriate, to include grants

and incentives. Examples of green infrastructure strategies include rain gardens, bioswales, and permeable pavement to reduce stormwater runoff.

p. 25 Key Initiative - Maximize Natural Climate Solutions

- Continue to support prairie restoration and protection of natural resources.

ANALYSIS

1. This request is for a conservation easement located within the Pine Woods Planned Unit Development (PUD), on property located at 6511 Pine Lake Road. This request, if approved, would find the potential conservation easement to be in conformance with the Comprehensive Plan
2. The proposed conservation easement is associated with Change of Zone #08041G, an application to amend the PUD to expand an existing contractor services use on the subject property, within the floodplain, by 5,760 square feet. The property within the proposed easement is zoned R-3 PUD and is within the floodway and floodplain. As part of the conditions of approval for the change of zone, this conservation easement is required over areas of compensatory storage and to preserve the flood way and portions of floodplain on this property. The conservation easement is located on one single parcel, located entirely within the City of Lincoln.
3. The Nebraska Conservation and Preservation Easement Act (Nebraska Revised Statute §§ 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 prior to the acquisition. The Planning Commission must provide comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. (NEB. REV. STAT. §76-2,112). This conservation easement agreement will be forwarded to the City Council for their review and action.
4. The proposed conservation easement will protect floodplain conveyance and storage, as well as other natural resources including existing tree masses. The proposed conservation easement is compatible with the 2050 Comprehensive Plan, as the Comprehensive Plan encourages the continued protection of environmentally sensitive areas, including floodplains and other riparian areas. The proposed conservation easement will protect floodplain conveyance and storage, as the area includes portions of the Beal Slough floodway and adjacent floodplain. The easement also aligns with the policy within the Plan that encourage the creation of open green space alongside development.
5. The City of Lincoln can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.
6. The Easement Agreement includes provisions prohibiting specific uses and practices. The exact terms and boundaries of the conservation easement have not been finalized.

EXISTING LAND USE & ZONING: Contractor Services / R-3 PUD

SURROUNDING LAND USE & ZONING

North: Single-family residential	AGR
South: Pasture/Grassland	AGR
East: Public (Fire & Police Station)	R-3 PUD
West: Club (Youth Organization)	R-3 PUD

APPLICATION HISTORY

- Jul. 2005 - CZ#08041 for the Pine Woods Planned Unit Development (PUD) approved up to 53,000 square feet of commercial floor area and up to 11 dwellings units at the intersection of S 70th & Pine Lake Road.
- Mar. 2009 - AN#08010 to annex approximately 443 acres, including the subject property, was denied by the City Council.

- Jan. 2017 - AN#16013 approves the annexation of approximately 39.5 acres, including the subject property.
- Oct. 2018 - CZ#08041A for the Pine Woods PUD approved the expansion of the PUD by 3 acres to allow an additional 5,500 square feet of commercial floor area.
- Jan. 2019 - CZ#08041B for the Pine Woods PUD approved the expansion of the PUD by 16.63 acres to include an additional dwelling, the LFR/LPD joint Fire/Police Station, and 12,500 square feet of commercial floor area.
- Jul. 2021 - CZ#08041C for the Pine Woods PUD was approved increasing the number of dwelling units to 19 and decreasing the commercial floor area by 21,335 square feet.
- Jun. 2023 - CZ#08041E for the Pine Woods PUD was approved amending the sign regulations for two commercial lots adjacent to the intersection of S 70th & Pine Lake Road
- Jul. 2023 - CZ#08041F for the Pine Woods PUD approved the expansion of the PUD by 9.78 acres and to change the zone from AGR to R-3 PUD for Lot 105 I.T., adding the Campus Life facility to the PUD. (Note: This application was initially submitted as CZ#08041D but was delayed. In the meantime, CZ#08041E was submitted. To keep the application numbering logical and sequential, CZ#08041D was voided and renumbered to CZ#08041D.)

APPROXIMATE LAND AREA: Exact area of easement is still being determined. The lot on which the easement will be located is approximately 4.89 acres.

LEGAL DESCRIPTION: Exact boundaries of easement are still being determined.

Prepared by Jacob Schlange, Planner
(402) 441-6362 or jschlange@lincoln.ne.gov

Date: October 30, 2025

Applicant/
Contact: Tim Gergen, Clark & Enersen

Owner: Franklin Hargitt

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/25000/CPC25010 Pine Woods Conservation Easement.jrs.docx>

Mark A. Hunzeker
Attorney
mhunzeker@remboltlawfirm.com

October 14, 2025

VIA EMAIL

David Cary, Director
Lincoln/Lancaster County Planning Department
555 S. 10th Street
Lincoln, NE 68508
dcary@lincoln.ne.gov

***RE: Pine Woods PUD Amendment
Proposed Conservation Easement***

Dear Mr. Cary:

We represent Franklin Drywall, Inc., which has made application to amend the Pine Woods PUD to provide for expansion of their existing building. A considerable portion of the lot owned by Franklin Drywall is within the floodplain or floodway. After preliminary review by Watershed Management, a request was made to include a conservation easement over the southernmost portion of the lot which is within the floodplain/floodway. Since the city owns abutting property, Franklin Drywall offered to dedicate that portion of the site to the city, but that offer was declined, but the request was made to dedicate the conservation easement.

This proposed conservation easement is clearly consistent with the Comprehensive Plan.

"The overriding policy for the floodplain is a 'No Adverse Impact' policy for the City and County, which means that the community has a goal of insuring that the action of one property owner does not adversely impact the flooding risk for other properties." (Planforward 2050, page 3.57). The 2050 Future Land Use Plan also appears to identify the area of the proposed easement as "Environmental Resources".

We think it's clear that the proposed conservation easement is in conformance with the Comprehensive Plan.

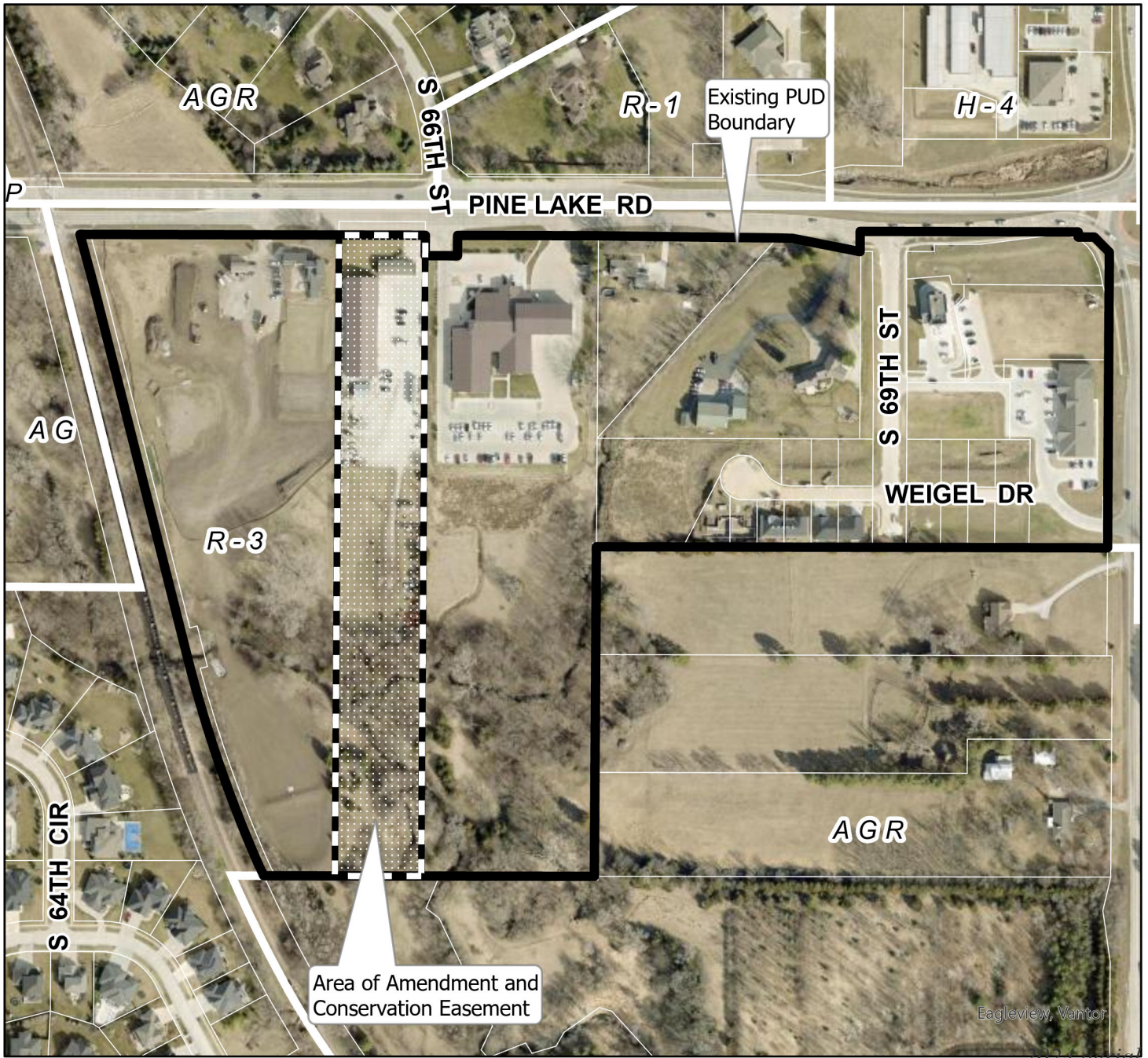
Sincerely,



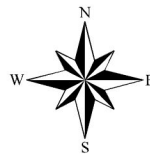
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**Change of Zone #: CZ08041G &
Comp Plan Conformance #: CPC25010
S 66th St & Pine Lake Rd**



Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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.21 T09N R07E**

