

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 #25011	FINAL ACTION? No	DEVELOPER/OWNER The People's City Mission Home
PLANNING COMMISSION HEARING DATE November 12, 2025	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 110 Q Street

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 to the 2050 Comprehensive Plan. The conservation easement is approximately 2.53 acres, located at 110 Q Street. The easement is associated with the People's City Mission Home and related to the recently approved an amended Special Permit #1123D for the expansion of facility south of Q Street.



JUSTIFICATION FOR RECOMMENDATION

This conservation easement is for the purpose of preserving land within Special Permit #1123D for flood storage. The proposed easements will protect the floodplain 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

Clark & Enersen, Tim Gergen

STAFF CONTACT

Ben Callahan, (402) 441-6360 or
bcallahan@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.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Industrial 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.

E5: Parks, Recreation, and Open Space

Salt Valley Greenway

The Salt Valley Greenway wraps around the City of Lincoln and is fed by tributaries that radiate out into the surrounding rolling hills. The effect is that of a large loop, primarily made of Salt Creek and Stevens Creek, with connecting green corridors linking urban and rural areas. Corridors which generally follow Salt Creek and its tributaries provide multiple benefits; creating connections between urban and rural areas, providing connections to the County’s Salt Valley Lakes, creating green partitions which help to prevent a “wall-to-wall” urban feel, connecting habitat for the movement of wildlife, protecting floodplain, and many others. Implementation of the Salt Valley Greenway and connecting corridor concept will provide an environmental framework upon which a thriving economy can be built.

Figure E5.f: Salt Valley Greenway - This is shown as part of the Salt Valley Greenway.

Policies Section

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

P23: Salt Valley Greenway and Connecting Green Corridors Concept Implementation - Use the Salt Valley Greenway and Connecting Corridors concept to embody the PlanForward Vision and environmental resource principles.

Action Step 4: Continue to use conservation easements to protect greenway areas where it may be desirable to allow compatible land uses such as row crop farming or pasturing.

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.

CLIMATE ACTION PLAN SPECIFICATIONS:

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

- Maintain the Community Rating System (CRS) rating that allows for a 25% reduction in flood insurance premiums for property owners in floodplains.
- 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.
- Continue to use a Rain-to-Recreation model to utilize floodplain for appropriate recreational activities.

ANALYSIS

1. This request is for a conservation easement covering approximately 2.53 acres of land located within Special Permit #1123D for the People's City Mission located at 110 Q Street. This request if approved would find the potential conservation easement to be in Conformance with the Comprehensive Plan.
2. The proposed conservation easement is located within Special Permit #1123D which was amended and approved in June 2025. The property within the proposed easement is zoned I-1 Industrial and within the floodplain. This conservation easement is related to the recently amended special permit allowing a future expansion for a 69,000 square foot Women and Children's homeless facility south of Q Street. As part of the approval of conditions for the special permit, this conservation easement is required to preserve the necessary portions of Lots 1-3 to allow the needed fill within the area of development on the south side of Q Street due to the existing floodplain. All of the proposed easement is located 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 is in compliance with the 2050 Comprehensive Plan, specifically by providing designated and protect floodplain conveyance and storage, and in some cases protect other natural features such as wetlands. The Comprehensive Plan encourages the continued protection and environmentally sensitive areas. The easement also aligns with elements within the Plan to create and designate unbuildable green space with developing areas.
5. The proposed conservation easement will protect floodplain conveyance and storage as the area is within the floodplain and located along Salt Creek.
6. The City of Lincoln can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.
7. The Easement Agreement includes provisions prohibiting specific uses and practices which included activities such as but not limited to; construction of buildings or structures, filling, excavating, mining, dumping of trash, or any or residential development.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: People's City Mission I-1, Industrial

SURROUNDING LAND USE & ZONING

North:	People's City Mission Existing Conservation Easement	I-1 Industrial
South:	People's City Mission	I-1 Industrial
East:	Industrial warehousing & vacant land	I-1 Industrial & P Public
West:	American Metal Recycling	I-1 Industrial

APPLICATION HISTORY

1979	Area was zoned L, Heavy Industrial until it was updated to I-1, Industrial during the 1979 zoning update.
Mar 1983	Ordinance #13562 vacating "S" Street from the east line of North 1 st Street to the west line of North 2 nd Street was approved by the City Council.
Jan 1985	Special Permit #1123 was approved by the Planning Commission to construct a temporary shelter and provide food and counseling for the homeless on propter located at the northeast corner of N. 1 st Street and Q Street.
Jan 2000	City Council approved Special Permit #1123A to expand the People's City Mission and reduce the front yard setback from 15' to 6 feet.
Jan 2002	City Council approved Street and Alley Vacation #01021 for the east-west alley from North 1 st to North 2 nd Street.
June 2002	The Planning Commission approved Wavier #02005 to waive street paving, sidewalks, street trees and storm sewer.
Sep 2003	City Council approved Special Permit #1123B for the expansion of the existing special permit and to reduce the front yards setback from 15 feet to 4 feet along R Street.
Aug 2005	Administrative Amendment #05118 was approved showing revisions of the grading plan associated with a building addition and off-street parking lot.
Feb 2007	Administrative Amendment #060105 was approved to expand the People's City Mission facility building was approved.
April 2008	Administrative Amendment #08023 was approved to show parking on the vacated S 1 st Street and to show a medical clinic within the site.
June 2025	Special Permit #1123D was approved for a 2.16-acre expansion to the existing special permit to allow for a 69,000 square foot Women's and Children Temporary Housing facility.

APPROXIMATE LAND AREA: 2.53 acres, more or less

LEGAL DESCRIPTION: See Attached

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov

Date: October 30, 2025

Applicant/

Contact: Clark & Enersen,
Tim Gergen

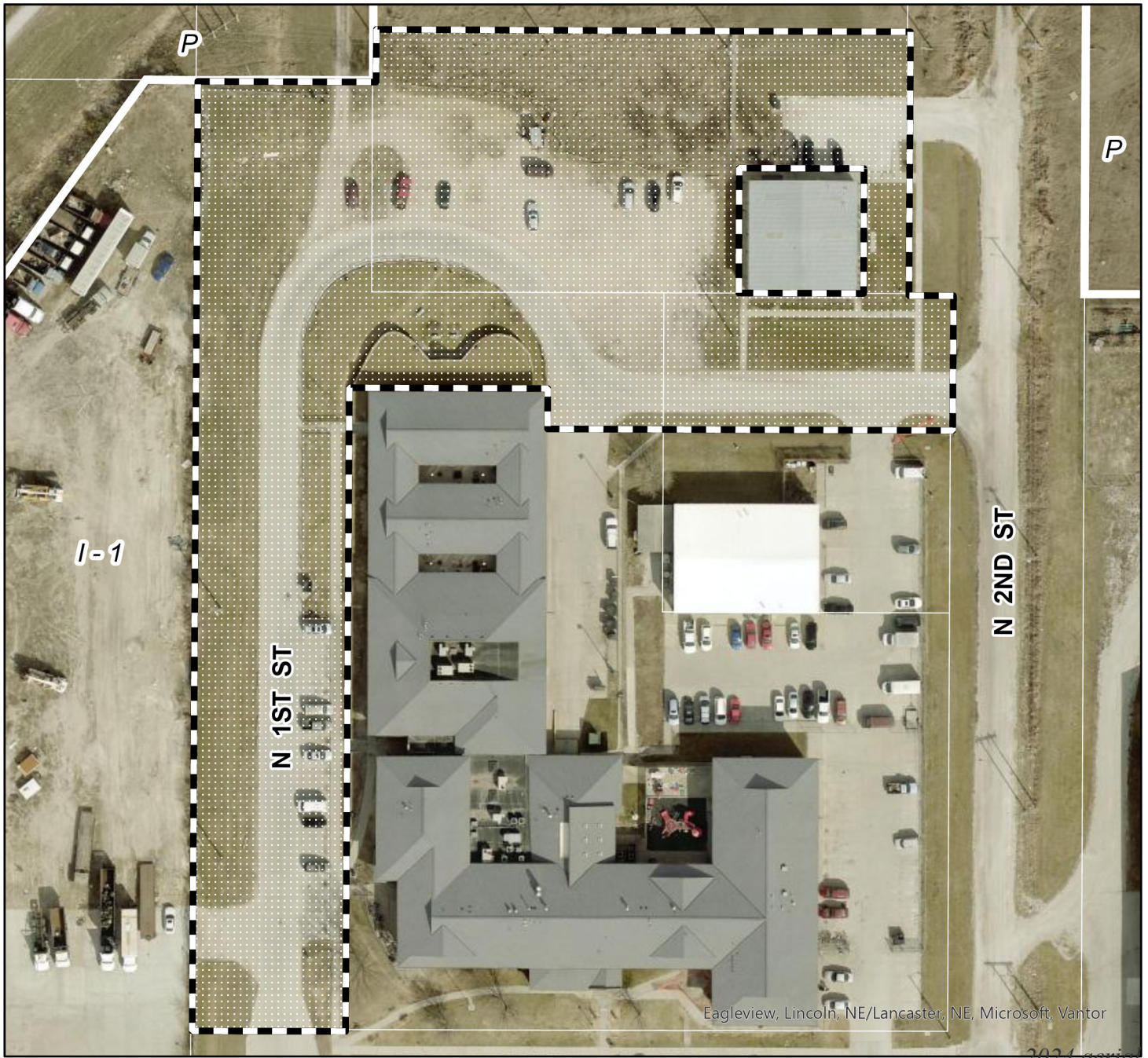
Owner: The People's City Mission Home

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPC/25000/CPC25011 Peoples City Mission Conservation Easement.bmc.docx>

CONDITIONS OF APPROVAL – Comprehensive Plan Conformance #25011

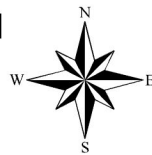
BEFORE THE REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 Before this item can be scheduled for City Council, return two copies of the Conservation Easement with required ownership signatures to the Office of the City Attorney and provide Planning & Development Services – Planning Division with associated Register of Deeds filing fee.



2024 aerial

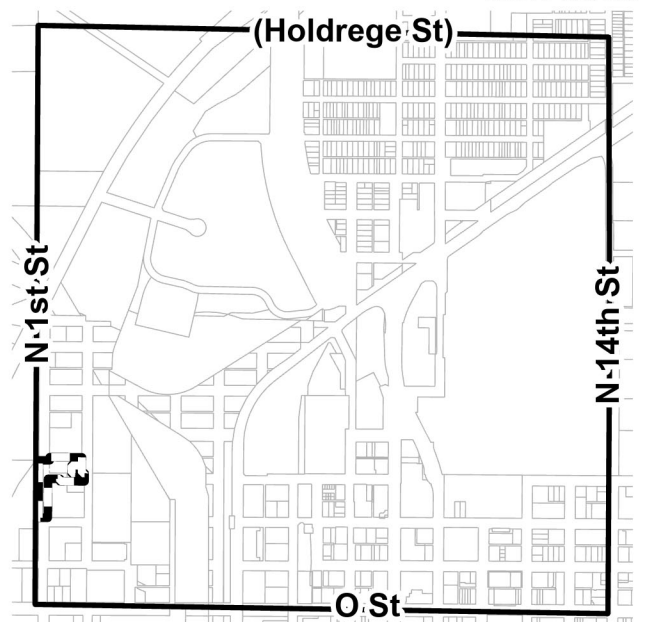
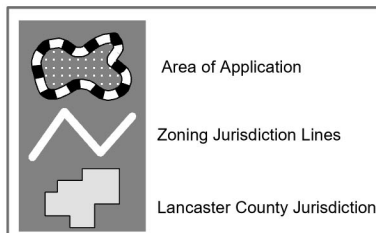
Comp Plan Conformance #: CPC25011 N 1st St & Q St



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.23 T10N R06E



CONSERVATION EASEMENT AGREEMENT

[Preservation of Flood Storage Capacity]

THIS CONSERVATION EASEMENT AGREEMENT is entered into this _____ day of _____, 2025, by and between People's City Mission Home, a Nebraska nonprofit corporation, ("Grantor") and the City of Lincoln, Nebraska ("City" and "Grantee").

RECITALS

I.

Grantor is the owner in fee simple of Vacated North 1st Street and that part of Lots 1, 2, and 3 of People's City Mission Addition, all located in the Southwest Quarter of Section 23, Township 10 North, Range 6 East of the 6th P.M. Lincoln, Lancaster County, Nebraska ("Property") legally described and depicted on the attached and incorporated into Exhibit 'A'.

II.

In order to develop the property a permanent Conservation Easement to preserve the flood storage capacity within the Easement Area is necessary. Grantor is willing to convey, and City is willing to accept a Conservation Easement.

NOW, THEREFORE, in consideration of approval of the Amended People's City Mission Special Permit #1123B to allow a new Women and Children Shelter on Lots 1-12, Block 252, Lincoln Original Addition, Lincoln, Lancaster County, Nebraska including vacated east/west alley and vacated north 14' of adjacent P Street, Grantor hereby grants and conveys to City for its benefit and the benefit of the public, a conservation easement over the Easement Area described and shown on Exhibit A to restrict the use of the Easement Area to open space and to protect and preserve the floodplain area, the flood storage capacity of the Easement Area, and to protect other water resources and biologic resources of the floodplain area, and to allow the GrantorGrantee to maintain and manage the Easement Area.

The terms, conditions, and covenants of the conservation easement hereby created are as follows:

1. Use of Easement Area

- a. Compatible Uses. The Easement Area shall be used only for purposes compatible with open space, urban garden, and vehicular parking purposes. Notwithstanding subsection B, "Non-Compatible Uses" below, the following uses are compatible with the purposes of the Easement Area:
 - i. Roadway or utility crossings necessary for the functional use of adjacent lands constructed in accordance with the flood regulations.

- ii. Public sanitary sewer lines necessary for the functional use of adjacent lands, as approved in advance by the Director of Lincoln Transportation & Utilities
 - iii. Storm drain and outlet improvements confirming to the City's design standards necessary for the functional drainage of adjacent lands.
 - iv. Introduction of native and non-native plants, flowers, grasses and other plant materials and permanent landscape.
 - v. Protection, maintenance, and enhancement of the Easement Area.
- b. **Non-Compatible Uses.** The following uses and practices, although not an exhaustive recital of the inconsistent uses and practices, are inconsistent with the purposes of this Conservation Easement and shall be prohibited within the Easement Area:
 - i. Construction or placement of fill material, buildings, or mobile homes or other structures.
 - ii. Filling, excavating, dredging, mining and drilling, removal of top soil, sand, gravel, rock, minerals, or other materials.
 - iii. Dumping of ashes, trash, garbage, or other unsightly or offensive material.
 - iv. Changing the topography of the land by placing of soil or other substances or materials such as landfill or dredging spoils.
 - v. Residential development of any nature.
 - vi. .
 - vii. Any other use or practice that would adversely impact or interfere with the flood storage capacity of the Easement Area.
- 2. **Term.** The term of this Conservation Easement will be in perpetuity unless earlier terminated by the City through the approval of the City Council. The parties agree that termination of this Agreement may be total and affect the entire Easement Area, or may be partial and result in the termination of the easement over only a portion of the Easement Area.
- 3. **Condition of the Easement Area at Time of Grant.** The condition of the Easement Area without limiting the generality of the terms is defined to mean the open space, flood storage capacity of the Easement Area, and the functional integrity of other water resources and biologic resources of the floodplain area, as evidenced by reports, photographs and scientific documentation on file with the City's Planning Department.
- 4. **Protection and Maintenance of the Easement Area.**
 - a. Grantor agrees to pay any real estate taxes, estate taxes, or assessments levied by competent authorities on the Easement Area, including but not limited to any tax or assessment affecting the easement granted herein. Grantor retains the right to challenge the assess value of the property and to challenge the validity of any such tax or assessment.

- b. Grantor shall cooperate with and assist the City at the City's cost in applying for, obtaining, protecting, maintaining and enhancing any and all surface water and ground water rights and privileges related to the Easement Area by signing applications which the City deems necessary or desirable for the management, maintenance or development of the Easement Area for the purposes provided for herein.
 - c. The Grantor shall, at Grantor's sole cost and expense, maintain the Easement Area. Maintenance shall consist of routine mowing, weed and brush control, routine removal of trash and debris. If Grantor fails to maintain the Easement Area the City may carry out such maintenance and bill the cost thereof to Grantor. Grantor shall pay said cost within thirty days from receipt of said billing.
- 5. **Inspections and Access by City.** The City shall have the right of reasonable ingress and egress to and from the Easement Area from public roads and streets and from adjacent properties for its employees, contractors, vehicles and equipment for the purpose of re-vegetating and for inspecting, maintaining, protecting or enhancing the floodplain/floodprone area within the Easement Area, including but, as the City may deem necessary or desirable.
- 6. **Enforcement.** Grantor agrees that the City may enforce the provisions of this Conservation Easement by any proceeding at law or in equity. Grantor further agrees that should Grantor undertake any activity requiring the approval of the City without or in advance of securing such approval, or undertake any activity in violation of the terms of this Conservation Easement that City shall have the right to enforce the restoration of that portion of the Easement Area affected by such activity as agreed to herein. In such case, the cost of such restoration and the City's cost of suit, including reasonable attorney fees, shall be paid by Grantor to the extent allowed by law.
- 7. **Title to Easement Area.** Grantor covenants that Grantor is the Grantor of marketable title to all of the Easement Area, has legal right, title and capacity to grant the Conservation Easement granted herein subject to easements and restrictions of record.
- 8. **Transfer of Interest.**
 - a. **Grantors Title to Easement Area.** If the land subject to this Conservation Easement Agreement or any interest therein is subsequently transferred by Grantor to a third party, Grantor shall use its best efforts to notify the City in writing prior to the transfer of the land and the document transferring the interest shall be made subject to this Conservation Easement Agreement.
 - b. **City's Conservation Easement.** The City shall have the right to transfer this Conservation Easement to any public agency, charitable organization or trust that, at the time of transfer, is an organization qualified to assume the responsibility imposed on the City by this Conservation Easement Agreement.
- 9. **Binding Affect.** The Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Conservation

Easement and the application of such provisions to persons or circumstances other than those to which it is found to be invalid shall not be affected thereby.

10. **Approvals.** Any approval required under this Agreement shall not be unreasonably withheld.
11. **Recordation.** The parties agree that this Agreement shall be duly filed by the Grantor the Lancaster County Register of Deeds upon execution and acceptance by the City.
12. **Severability.** If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Conservation Easement and the application of such provisions to persons or circumstances other than those to which it is found to be invalid shall not be affected thereby.

“Grantor”

People's City Mission Home, a Nebraska non-profit corporation

By: _____

Tom Barber, Chief Executive Officer

“City”

CITY OF LINCOLN, NEBRASKA, a municipal corporation

By: _____

Leirion Gaylor Baird, Mayor

ATTEST:

By: _____

City Clerk

GRANTOR

STATE OF NEBRASKA)

) SS

COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2025 by Tom Barber, Chief Executive Officer of People’s City Mission Home, a Nebraska non-profit corporation, on behalf of the corporation.

Notary Public

CITY OF LINCOLN

STATE OF NEBRASKA)

) SS

COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025 by Leirion Gaylor Baird, of the City of Lincoln, Nebraska, a municipal corporation, on behalf of the city.

Notary Public

EXHIBIT 'A'

LEGAL DESCRIPTION OF EASEMENT AREA

THAT PART OF VACATED NORTH 1st STREET VACATED BY ORDINANCE 19051 AND THAT PART OF LOTS 1, 2, AND 3, PEOPLES CITY MISSION ADDITION, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

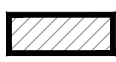
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, PEOPLES CITY MISSION ADDITION; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT EXTENDED WESTERLY, ON AN ASSIGNED BEARING OF N 89°48'36"W A DISTANCE OF 86.00', TO THE WEST LINE OF VACATED NORTH 1st STREET; THENCE NORTHERLY ON SAID WEST LINE, N 0°20'28"E 532.74'; THENCE EASTERLY, S 89°47'59"E 100.00', TO A POINT ON THE WEST LINE OF SAID LOT 3, PEOPLES CITY MISSION ADDITION; THENCE NORTHERLY ON SAID WEST LINE OF LOT 3, N 0°20'28"E 29.47'; THENCE EASTERLY, S 89°44'36"E 299.62', TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE SOUTHERLY ON SAID EAST LINE, S 0°20'43"W 147.84', TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 2, PEOPLES CITY MISSION ADDITION, S 89°48'23"E 25.00', TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTHERLY ON THE EAST LINE OF SAID LOT 2, S 0°20'43"W 75.55'; THENCE WESTERLY, N 89°46'15"W 227.26'; THENCE NORTHERLY, N 0°13'45"E 22.65'; THENCE WESTERLY, N 89°46'44"W 111.30', TO A POINT ON THE WEST LINE OF SAID LOT 1, PEOPLES CITY MISSION ADDITION; THENCE SOUTHERLY ON SAID EAST LINE, S 0°20'28"W 361.31', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 114,846.3 SQUARE FEET OR 2.64 ACRES, MORE OR LESS,

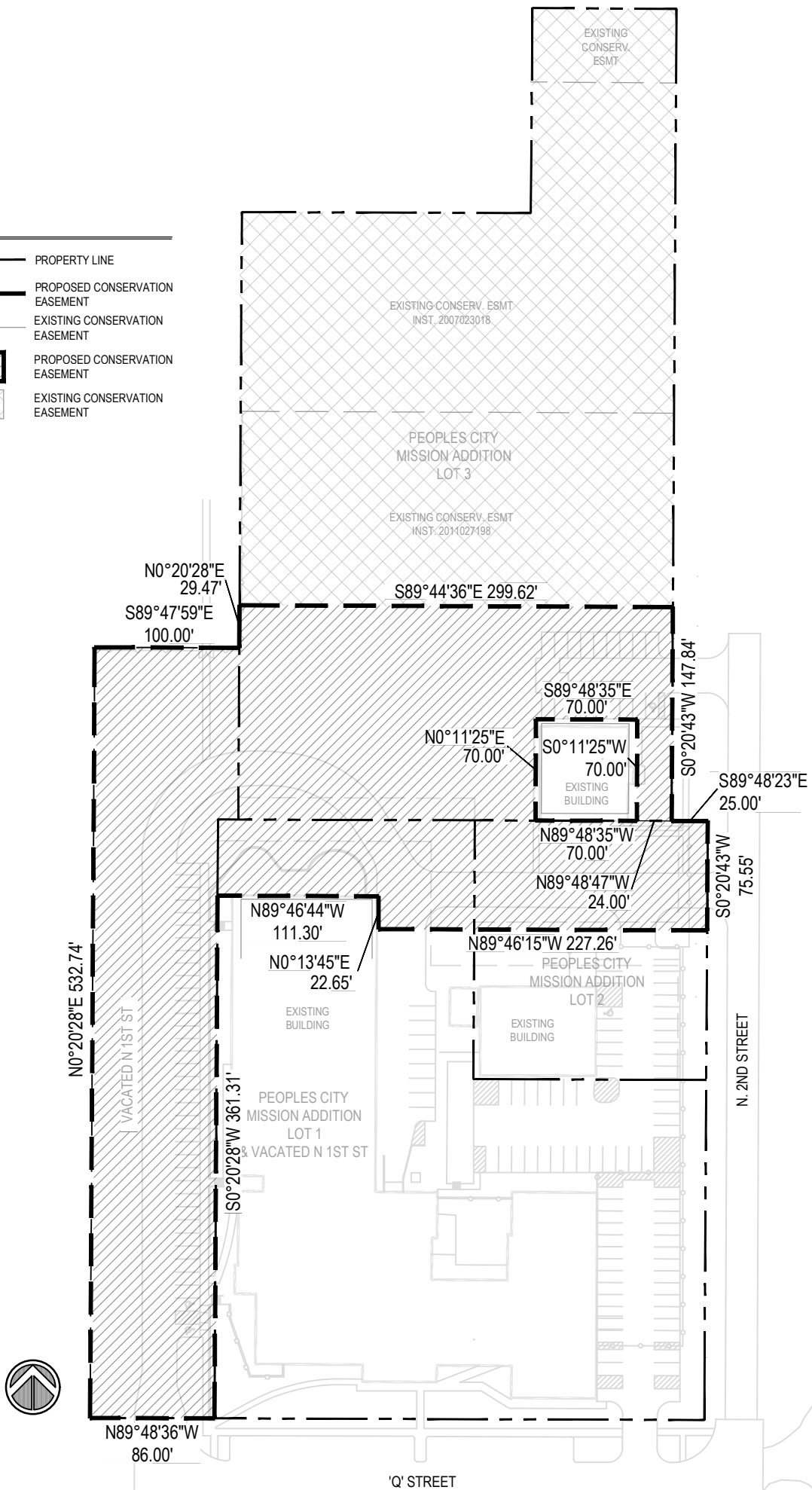
AND EXCEPT THE FOLLOWING DESCRIBED TRACT

THAT PART OF LOT 3, PEOPLES CITY MISSION ADDITION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3, PEOPLES CITY MISSION ADDITION; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 3, ON AN ASSIGNED BEARING OF N 89°48'35"W A DISTANCE OF 24.00', TO THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ON SAID SOUTH LINE, N 89°48'35"W 70.00'; THENCE NORTHERLY, N 0°11'25"E 70.00'; THENCE EASTERLY, S 89°48'35"E 70.00'; THENCE SOUTHERLY, S 0°11'25"W 70.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 4,900.0 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.

LEGEND

-  PROPERTY LINE
-  PROPOSED CONSERVATION EASEMENT
-  EXISTING CONSERVATION EASEMENT
-  PROPOSED CONSERVATION EASEMENT
-  EXISTING CONSERVATION EASEMENT



October 14th, 2025

Mr. David Cary
City of Lincoln, Planning Department
Department Director
555 S. 10th Street, Ste. 213
Lincoln, NE 68508

RE: People's City Mission
Proposed Conservation Easement

Dear Mr. Cary

On behalf of the Owner, People's City Mission, we are requesting a Comprehensive Plan Conformance for a proposed conservation easement on portion of Lots 1-3, Peoples City Mission Addition and a portion of the abutting vacated North 1st Street. The conservation easement is in accordance with the recently approved Special Permit expansion to allow a future building for the temporary housing for women and children. The easement agreement and legal description have been drafted and meet the approval of the City of Lincoln Law Dept, Watershed Dept and the Peoples City Mission.

The proposed conservation easement is located in an existing floodplain that is not ideally developable for the Peoples City Mission. The conservation easement will ensure that the future development of Peoples City Mission will not adversely impact the floodplain and surrounding property owners.

The proposed conservation easement is consistent with the Comprehensive Plan.

Sincerely,



Tim Gergen