



# Staff Report

**Meeting Date:** February 26, 2018

**Presented by:** Carolyn Roan, Water Resource Manager  
Anastasia Urban, Development Services Manager

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## APPLICATION SUMMARY:

**Project Name:** Watson Lane – Use by Special Exception

**Case Number:** ENG17-0007

**Application type:** Use by Special Exception

**Location:** 3200, 3410 W Bowles and 5901 S Watson Lane  
(Southwest Corner of Bowles and Watson Lane)

**Size of Property:** 4.08 acres

**Applicant:** Frank Trainer, FHT Ventures, LLC

**Applicant's Representative:** Lonny Phelps, Phelps Engineering Services

**Owner:** Frank Trainer

**Applicant Request:** The applicant is requesting a Floodplain Use by Special Exception for modification of the Drainageway D floodplain.

## PROCESS:

➤ [Floodplain Use by Special Exception](#)  
(decision by Planning Commission)

- Minor Plat of Subdivision  
(to be processed in accordance with Title 11 of the Littleton Municipal Code)
- Grading Permit Application  
(staff review)

*Future Applications anticipated:*

- Building Permit Application  
(staff review)

A Use by Special Exception calls for a Regulatory decision. Regulatory decisions require that the planning commission must base its decision on its compliance with the Use by Special Exception regulations, specified in Littleton Municipal Code Section 10-6 for development in a floodplain.

Approval of the Use by Special Exception will allow for modification of the floodplain. It does not grant zoning approval for construction of any specific development. The subject property is zoned R-E (Residential-Estates District). The subject property was originally developed in the 1960's as a farm and three single family residences. Currently, there is a Minor Plat of Subdivision being processed to create 6 single-family lots. In accordance with Title 11 of the Littleton Municipal Code, the Preliminary Plat will be reviewed by the Community Development and Public Works departments. The Final Plat of Subdivision is subject to review by the City Council.

**LOCATION:**

The site is located at 3200 and 3410 W. Bowles Avenue and 5901 S. Watson Lane, which is generally located at the southwest corner of Bowles and Watson Lane, and is depicted below.



**BACKGROUND:**

The subject property has historically been used as residential / agricultural type uses. The previous residential buildings have been demolished. Drainageway D drains from the west through Columbine Valley in a channel and enters the site at the southern boundary. Due to the existing flat topography of the site the existing floodplain is spread out across a portion of the property into the City of Littleton, as can be seen in the image below. The south portion of the channel within Columbine Valley is already built. The channel flows east along the south boundary to a culvert underneath Watson Lane towards the golf course. Drainageway D is a Federal Emergency

Management Agency (FEMA) Zone A floodplain. There is no defined Floodway, or published floodplain water surface elevations. A Conditional Letter of Map Revision (CLOMR) was obtained on October 29, 2008 for this work; however it was not constructed. The project design has undergone only minor changes since the original CLOMR was issued. The design changes do not trigger the need to obtain a new CLOMR because the increase in water surface over existing conditions is less than 0.5 foot.



Existing Drainageway D channel looking upstream from Watson Lane. South part of channel (to left) is completed, north part (to right) is to be completed with this project.

Through detailed engineering analysis and design, it is possible to modify the floodplain to be mainly contained in a defined channel; which will increase the predictability of the floodplain during rain events and allow for development of the site, with decreased risk of building flooding. The existing culvert under Watson Lane does not have capacity for the 100-year flow and overtopping will still occur at this location.

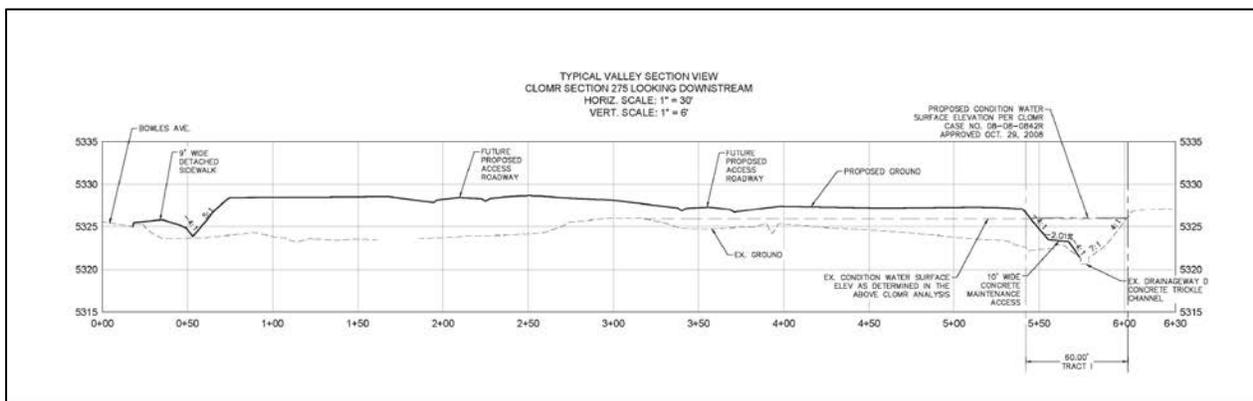
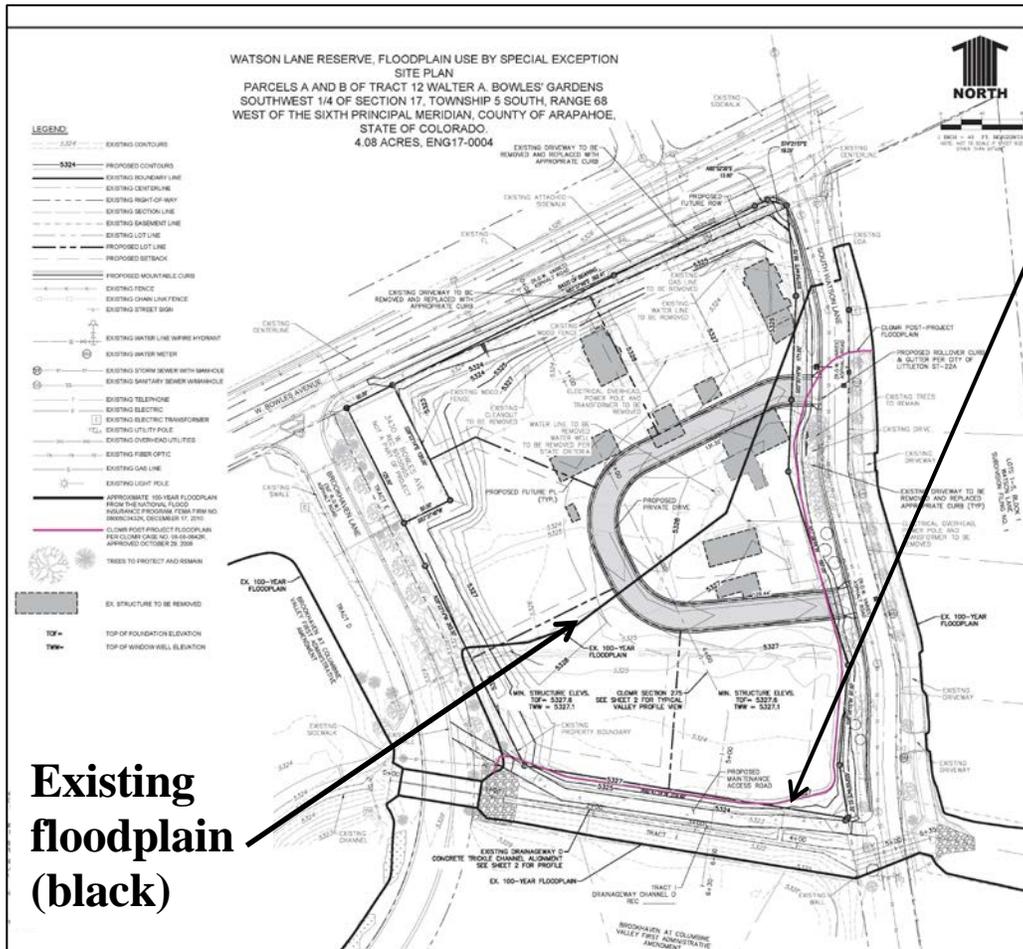


**PROPOSED PROJECT DETAILS:**

The request is to modify the site by placing fill material and finishing construction of the channel for Drainageway D. The channel is to be sized to accommodate the 100-year discharge of 288 CFS (cubic feet per second). The 100-year hydrology was determined in previous Letter of Map Revisions along Drainageway D, as developed occurred in this area. This same flow value was used in the 2008 CLOMR application for this project. The flow will only overtop the channel when it reaches the Watson Lane culvert and spreads out in the process of overtopping. The fill to be placed on the site is to elevate the ground for future buildings. A Letter of Map Revision will follow the placement of the fill to officially remove it from the FEMA regulatory floodplain. However, because the area is removed by fill, the engineer has produced a document certifying that it will be “reasonably safe from flooding”, as required by FEMA in such circumstances.

The proposed site plan is shown below. The Floodplain Use by Special Exception requires detailed hydraulic analysis to determine the feasibility of modifying the existing floodplain. If approved, the

applicant will continue with a Grading Permit application prior to any construction commencing within the existing floodplain limits. Urban Drainage and Flood Control District (UDFCD) has already accepted the design for Maintenance Eligibility. The channel is located in an easement dedicated for maintenance.



**Floodplain Cross Section, looking downstream (east)**

**CRITERIA & STAFF ANALYSIS:**

Following is a staff analysis of the proposed application. Criteria for a Floodplain Use by Special Exception is contained within Municipal Code Title 10, Chapter 6. Section 10-6-1 (A) describes the need for floodplain regulations. Section 10-6-1 (B) states the purpose; being to promote public health, safety and general welfare and minimize public and private losses due to flooding. The application as presented has no increase to risk and the engineer has certified that the property once filled, is “reasonably safe from flooding.”

Section 10-6-2 contains pertinent definitions of terms.

Section 10-6-3(A-F) describes applicability and basis. The proposal is located within the 100-year floodplain of Drainageway D. This is a FEMA-regulated floodplain as shown on the Flood Insurance Rate Map for Arapahoe County, Colorado Panel 432, dated December 17, 2010.

Section 10-6-4 describes the duties of the Floodplain Administrator in review of all floodplain development applications. With this application, the watercourse is to be altered. For this application, no Federal, State or local permits are required at this time. The bottom of the channel is already constructed, so is not being disturbed. As part of the Grading Permit application process, the applicant will be required to demonstrate whether permits are required from the Army Corps of Engineers. The applicant already has a State of Colorado construction stormwater permit to place fill material.

Section 10-6-5 describes the process for appeals to decisions by the floodplain administrator.

Since Drainageway D does not have a delineated Floodway (it is not uncommon to have a floodplain but not a studied and delineated Floodway), only subsection (D)(4) of Section 10-6-6 applies. This provision limits the encroachment that can occur in the floodplain, similar to that with a designated Floodway. The maximum increase in 100-year water surface elevation is restricted to +0.5'. This application has changes in water surface elevation ranging from -0.01' to +0.46'.

Section 10-6-7 describes the development allowable uses and restrictions within a floodplain. Subsection (A) references to the detailed development requirements of 10-6-8(B). Limiting uses within the floodplain are listed in Subsection (B), which do not apply to this application. Subsection C describes requirements for critical facilities. However, no critical facilities are proposed by this application.

Section 10-6-8 outlines the procedure and application contents for a Use by Special Exception. Since the project involves fill in a floodplain in order to elevate for future buildings, the fill in the floodplain must be approved by the Planning Commission. The site plan requirements outlined in Subsection (A), generally consist of a plan view drawing, profile of the proposed channel, and section view of the proposed channel. The application has included these elements. The site plan is required to have notes that buildings will have a lowest floor elevated 1' above the floodplain

elevation. The site plan for this application includes notes about window well elevations, because it is the applicant's intent to build homes with basements. While FEMA discourages the placement of basements in areas removed from the floodplain by placement of fill, Technical Bulletin 10-01 outlines construction requirements for this situation. The intention of these requirements is that the property and building(s) will be "reasonably safe from flooding". Details of the increased flood risk for such properties is outlined in detail in FEMA Technical Bulletin 10-01. The City's requirement for lowest floor to be 1' above the floodplain elevation is based on upon structures located within the floodplain delineation. While it is the City's practice to encourage application of this criteria to structures adjacent to the floodplain also, this is not specified as such in the municipal code. Once the LOMR is approved on this project, the sites are largely removed from the floodplain, and the floodplain regulations no longer apply.

Subsection(A)(1) (e) requires review by affected agencies. The application has been sent to multiple jurisdictions (see attached Referral matrix), but only Urban Drainage and Flood Control District (UDFCD) initially had concerns warranting additional information. These concerns have been since addressed, with the most recent disposition of comments below:

- Urban Drainage and Flood Control District reviews the project in context of eligibility for their future maintenance, which is strongly encouraged by the City. UDFCD is satisfied with the design as presented.

Section 10-6-8(B) outlines specific requirements for development within floodplains. No buildings are proposed with the current application, but the applicant has committed to compliance with stated regulations at a future time with subsequent building permit applications and Letter of Map Revision. The area of future development will be removed from the floodplain by LOMR and the development standards will no longer apply. However, the proposed grading plan does demonstrate good faith in reducing flood risk by indicating proposed window well elevations 1.0' above the proposed adjacent 100-year water surface elevations within the channel, consistent with subsection (B)(2)(a) intent. Elevations will be verified with future updates to design and analysis. Subsection B(2)(d) also applies to this application, because fill material is being placed within the existing floodplain to both create the proposed channel and elevate the adjacent ground. The fill placement does not adversely affect efficiency of the watercourse (1), and the placement is the minimum required to flood-proof future structures adjacent to the channel (2), and because there is no floodway, item (3) does not apply. The fill materials that are located within the banks of the future channel will be adequately protected from erosion by grass cover or riprap, or an equivalent as determined by engineering analysis in final design (4), and the Use by Special Exception will not result in increased flood heights or threats to public safety, public expense, create nuisances, nor conflict with other law or ordinance (5).

Section 10-6-9 describes the procedures for variances from the floodplain regulations. No variances are proposed.

Section 10-6-10 addresses non-conforming existing buildings. This is not applicable to this project because the existing buildings are located outside of the floodplain.

Section 10-6-11 describes requirement for the Certificate of Compliance (CoC) to be obtained after

construction, to verify that the grading has been constructed in compliance with the floodplain regulations. This application will require a CoC after final grading and channel construction is complete.

**PUBLIC NOTICE:**

The applicant mailed public notice of the Use by Special Exception to all property owners within 700 feet of the site and signs were also posted on the site.

**OUTSIDE REFERRAL AGENCIES:**

Comments were received from various agencies as described previously. All comments have been adequately addressed with the application. See attached outside referral agency matrix.

**STAFF RECOMMENDATION:**

Staff finds that in compliance with Section 10-6 of the City Code, the proposed Floodplain Use by Special Exception for Modification of the Drainageway D Floodplain at Watson Lane meets the criteria for approval, with the stated conditions.

***MOTION TO APPROVE***

I move to approve PC Resolution 02-2018, concerning the Floodplain Use by Special Exception for Modification of the Drainageway D Floodplain at Watson Lane (Case Number ENG17-0004) with the following conditions:

*The Planning Commission may add any conditions of approval:*

1. Prior to construction of the floodplain improvements, the applicant shall obtain a grading permit which includes a final grading plan and erosion and sediment control plan.
2. The Final Plat of Subdivision shall include the following notes: 1) The proposed floodplain as shown is subject to approval by City of Littleton Floodplain Use by Special Exception, and by Federal Emergency Management Agency (FEMA) via a Letter of Map Revision (LOMR). 2) Site grading and construction of any buildings with basements on parcels removed from the floodplain by LOMR, are subject to the conditions of the City's Floodplain Use by Special Exception. Such properties shall be certified by a professional engineer as "reasonably safe from flooding" pursuant to requirements of FEMA Technical Bulletin 10-01. 3) Parcels requiring that the LOMR be effective prior to issuing building permits are indicated by an asterisk (\*).
3. Prior to the issuance of the first building permit, the applicant shall prepare and record the final plat, with demonstrates compliance with the approved Use by Special Exception and the floodplain contained in a tract.
4. Prior to application of the first building permit, the applicant shall complete as-built survey of the grading, and a report with a Certificate of Compliance. Should the applicant opt to construct buildings with basements on land removed from the floodplain by LOMR, the Certificate of Compliance will include a Professional Engineer certification that the fill material has been placed pursuant to requirements of FEMA Technical Bulletin 10-01.

5. Applicant shall submit a Letter of Map Revision application to FEMA and obtain approval. This LOMR must be effective prior to issuance of building permits for structures on any lot encumbered by existing floodplain.
6. Any buildings with basements on such parcels will also be subject to construction requirements of FEMA Technical Bulletin 10-01, as part of Building Permit(s) requirements. As-built drawings with Professional Engineer certification that such buildings are “reasonably safe from flooding pursuant to FEMA Technical Bulletin 10-01” shall be required prior to Certificate of Occupancy.
- 7.

***MOTION TO CONTINUE TO A DATE CERTAIN***

I move to continue the public hearing on PC Resolution 02-2018, concerning the Floodplain Use by Special Exception for Modifications of the Drainageway D Floodplain at Watson Lane to - \_\_\_\_\_ (*insert date*) in order to \_\_\_\_\_.

***MOTION TO DENY***

I move to deny PC Resolution 02-2018, concerning the concerning the Floodplain Use by Special Exception for Modification of the Drainageway D Floodplain at Watson Lane. The foregoing denial is based on the findings that the proposed work:

*Note: Identify criterion or criteria not met and adjust motion accordingly:*

- 1.
- 2.