



Staff Report

Meeting Date: December 11, 2017

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

APPLICATION SUMMARY:

Project Name: Park Improvements at Progress Park (Phase 1) – Use by Special Exception

Case Number: ENG17-0006

Application type: Use by Special Exception

Location: 5100 S. Hickory Street

Size of Property: 25.9 acres

Applicant: South Suburban Parks and Recreation District

Applicant's Representative: Steve White, Park Planner II

Owner: City of Littleton

Applicant Request: The applicant is requesting a Floodplain Use by Special Exception for park improvements (Phase 1) at Progress Park.

PROCESS:

➤ Floodplain Use by Special Exception
(decision by Planning Commission)

Sketch Plan
(administrative review)

Future applications may include:
Grading Permit
Building Permit

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 construction of new playground equipment, a shelter, and a restroom facility in the floodplain. All other site improvements will be reviewed and approved through the Sketch Plan process.

LOCATION:

The subject property is located at 5100 S. Hickory, with frontage on E. Bellevue Avenue. Big Dry Creek runs through the site.

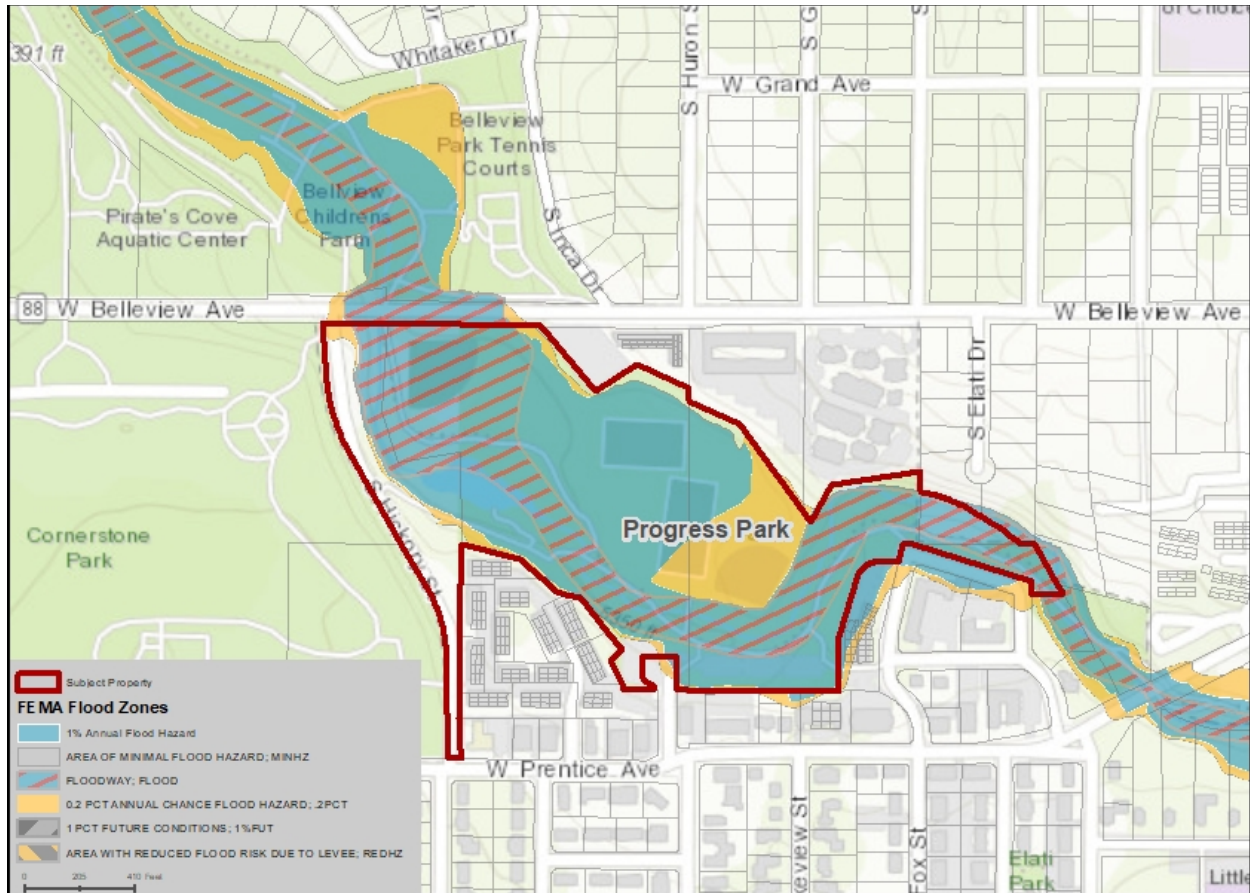


BACKGROUND:

Many park facilities are located adjacent to, and within floodplains, to provide open space buffers and maximize community assets such as recreational uses for paths, playing fields and playgrounds; while preserving natural areas such as creeks, rivers and waterways. Additionally, certain uses are permitted in floodways, acknowledging opportunities for these shared uses. Section 10-6-6:(B) identifies these allowable uses in the floodway:

Public and private recreational uses including, but not limited to, parks, play fields, golf courses, driving ranges, picnic grounds, fishing areas, and recreational trails. No use shall include the construction of any new structures or the alteration of any existing structures.

The image below shows the subject property overlaid with the existing mapped floodplain. As shown, the majority of the park area is encumbered with floodplain. The floodway is shown with hatch pattern.



PROPOSED PROJECT DETAILS:

The request is to construct “Phase 1” of improvements in the park, including replacement of playground equipment, a restroom building, and a shelter - within the floodplain of Big Dry Creek in Progress Park. All associated grading and work proposed is located outside of the Floodway. The existing restroom is being demolished, and a new building is being placed in a slightly different location. The restroom building will be elevated to 1’ above the 100-year water surface elevation of Big Dry Creek with minor fill by grading. Proposed site plan is presented below.

**CRITERIA & STAFF ANALYSIS:**

Following is staff analysis of the proposed project application for compliance with the floodplain regulations. 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; 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 in any of these categories. The existing playground, shelter, and restroom are located in the floodplain. The new restroom building will be elevated above the floodplain elevation.

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 Big Dry Creek. This is a Federal Emergency Management Agency (FEMA) floodplain, as delineated on the Arapahoe County Flood Insurance Rate Map (2010). This floodplain has a defined Floodway.

Section 10-6-4 describes the duties of the Floodplain Administrator in review of all floodplain development applications. For this application, the watercourse will not be altered, nor are there proposed impacts to wetlands. For this application, no other Federal State or local permits are required at this time.

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

Section 10-6-6 describes the requirements for projects located within Floodways. The proposed project is located outside of the Floodway limits.

Section 10-6-7 describes the allowable uses and restrictions for development within a floodplain. **Subsection (A)** references the specific development requirements in 10-6-8(B). None of the limiting uses listed in **subsection (B)** are proposed. No critical facilities (**Subsection C**) are proposed by the application.

Section 10-6-8 outlines the procedure and application contents for a Use by Special Exception. Since the eventual use of the subject property is for a restroom facility and shelter that will require a Building Permit, the development within 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 (not applicable because the channel is not being altered), and section view of the proposed floodplain. These elements, as they apply to this project, have been provided.

Subsection(A)(1)(e) requires review by affected agencies. The application has been sent to multiple jurisdictions (see attached Referral matrix). Only Xcel Energy had a comment about a potential conflict to be coordinated.

Section 10-6-8(B) outlines specific requirements for development within floodplains. The applicant has provided information about how the playground equipment will be anchored **subsection B(1)(a)(1)**. The restroom building will be elevated, so walls will not be subject to hydrodynamic or hydrostatic forces. The restroom foundation is placed on concrete footings. The shelter building will have a similar foundation. Materials and utility equipment capable of resisting flood damage, where located in the floodwaters, are to be utilized (**subsection B(1)(b) and (c)**). Lighting will be located above the floodplain elevation. All utilities will be adequately protected from flooding. Sewer service is to be connected to public underground sewer main and will be designed with sufficient depth to minimize chance of damage and contaminant release due to erosion. **Section B(2)(b)** is met because the proposed non-residential structure (restroom) will be elevated a minimum of 1.0' above the 100-year water surface elevation. Only the restroom facility qualifies as a "structure" in floodplain regulation definitions. The shelter is open, without walls so it does not qualify because it allows water to flow through. Subsection B(2)(d) also applies to this application, because fill material is being placed within the existing floodplain to elevate the adjacent ground at the restroom building. The fill placement does not adversely impact the conveyance since it is outside of the floodway **(1)**, and it is the minimum required to flood-proof future structure **(2)**, and no fill is being placed in the floodway **(3)**. The fill materials that are proposed will be adequately protected from erosion by grass cover **(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 describes procedure for non-conforming existing buildings. This does not apply because the existing restroom building is being removed and will be replaced to be in conformance.

Section 10-6-11 describes the Certificate of Compliance (CoC) to be obtained after construction, to verify that the grading and/or building has been constructed in compliance with the floodplain regulations. This application will require a CoC after final grading and restroom construction is complete. In addition, an Elevation Certificate for the restroom will be required.

PUBLIC NOTICE:

The applicant mailed public notice of the Use by Special Exception to all property owners within 700 feet of the site.

OUTSIDE REFERRAL AGENCIES:

Xcel Energy commented on a potential conflict to be coordinated. See attached outside referral agency matrix.

STAFF RECOMMENDATION:

Staff finds that, in compliance with Section 10-6 of the Littleton City Code, the proposed Floodplain Use by Special Exception for Phase 1 Park Improvements at Progress Park meets the criteria for approval, with conditions included in the proposed motion. Staff, therefore, recommends approval of PC Resolution 27-2017 with the stated conditions.

PROPOSED MOTION:

The planning commission may take the following actions on the application: approve; approve with conditions; continue to a date certain; or deny. A sample motion is provided for each option.

MOTION TO APPROVE

I move to approve PC Resolution 27-2017, concerning the Floodplain Use by Special Exception, for Phase 1 Park Improvements at Progress Park (Case Number ENG17-0006), with conditions:

The Planning Commission may add any conditions of approval:

1. Prior to construction of the improvements in the floodplain, final design and construction drawings shall be submitted, reviewed, and approved.
2. Prior to construction, the applicant shall obtain a grading permit and a building permit.
3. Following grading and construction, the applicant shall submit materials for a Certificate of Compliance, and shall obtain an Elevation Certificate for restroom.

MOTION TO CONTINUE TO A DATE CERTAIN

I move to continue the public hearing on PC Resolution 27-2017, concerning the Floodplain Use by Special Exception for Phase 1 Park Improvements at Progress Park, to _____ (insert date) in order to _____.

MOTION TO DENY

I move to deny PC Resolution 27-2017, concerning the Floodplain Use by Special Exception for Phase 1 Park Improvements at Progress Park. 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.