



Littleton Colorado Staff Report

Meeting Date: December 9, 2019

Presented by: Carolyn Roan, Water Resource Manager

APPLICATION SUMMARY:

Project Name: Floodplain Use by Special Exception for Building in the Slaughterhouse Gulch floodplain at the northwest corner of S. Elati Street and W. Powers Avenue

Case Number: ENG19-0001

Floodplain Permit Number: FP19-0005

Application type: Floodplain Use by Special Exception

Location: 5599 S. Elati Street
(northwest corner of S. Elati St. and W. Powers Avenue)

Size of Property: 1.2 acres

Applicant: Ware Malcomb (engineer for owner)

**Applicant's
Representative:** Ted Swan

Owner: South Metro Housing Options

Applicant Request: The applicant is requesting a Floodplain Use by Special Exception to build within the Slaughterhouse Gulch Floodplain

PROCESS:

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

Future applications anticipated:

Site Development Plan
Building Permit Application

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 building in the floodplain. It does not grant zoning approval for construction of any specific development. All other site improvements will be reviewed and approved through the Site Development Plan process.

LOCATION:

The site is located at the northwest corner of S. Elati St and W. Powers Avenue (5599 S. Elati Street), which is depicted below.



Figure 1 – site location

BACKGROUND:

The subject property contains multi-family residential and is immediately adjacent to residential development on all sides except the west, which is Powers Park. Slaughterhouse Gulch drains from the east through a 60-inch diameter storm sewer and on the surface within the streets and properties. This drainageway has a floodplain regulated by the Federal Emergency Management Agency (FEMA) and a regulatory floodway in the project area. The gulch ultimately drains to the South

Platte River. The surface flow is wide and without a defined drainage channel in the subject area. The existing surface floodplain (blue) and floodway (dashed area) is shown below.

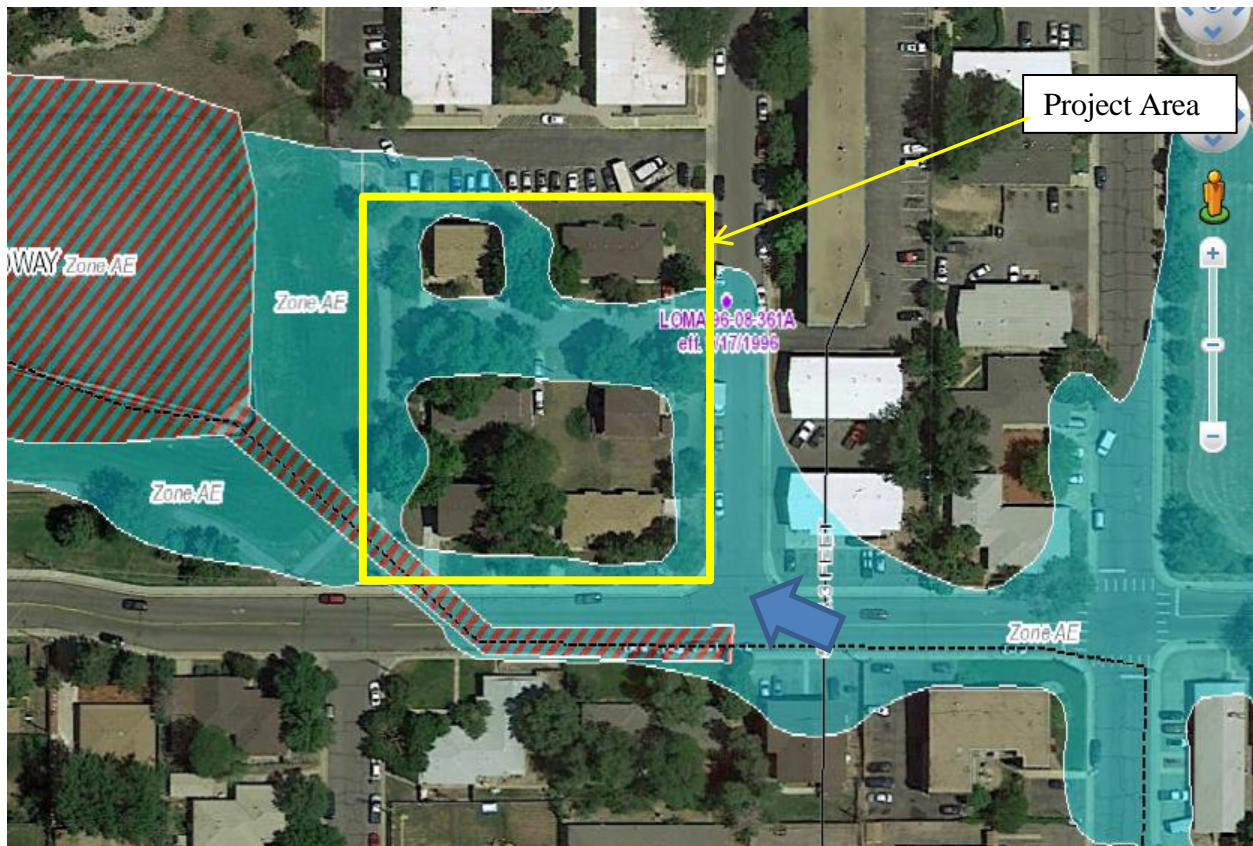


Figure 2 Floodplain Map

PROPOSED PROJECT DETAILS:

The request is to remove and reconstruct the multi-family residential buildings. First level housing will be outside of the floodplain and some second story will be elevated above floodwaters with open parking area below. The floor elevations of all first floor buildings will be 1' above the adjacent floodplain elevation and second story will be much higher. Figure 3 shows the site plan. The site development plan is currently in review by staff. Assuming the site development plan is approved, the applicant will continue with final civil engineering construction drawings to be reviewed by staff before a Building Permit is issued. Additional details and analysis of these conditions are addressed further below.

The map below depicts the area of the first story building (out of floodplain) and second story building (in floodplain, but elevated above):

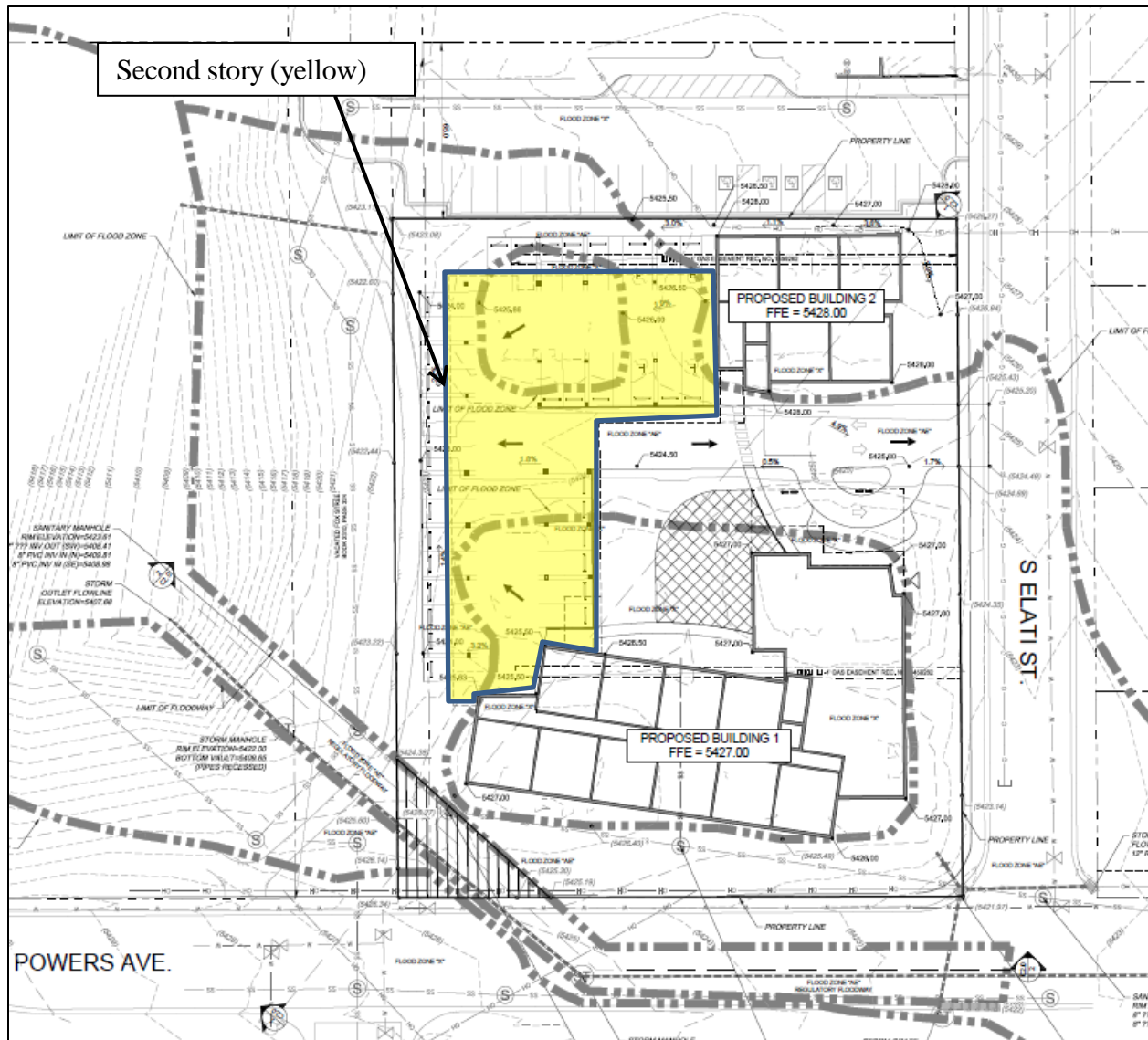
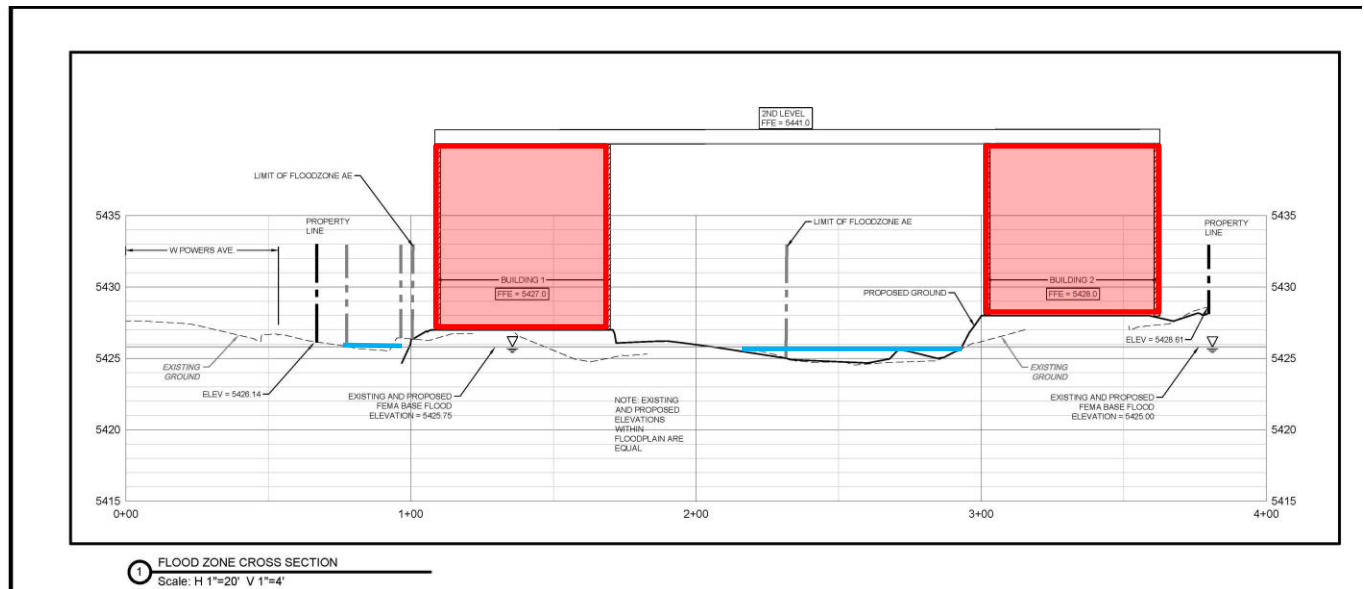


Figure 3 - Site plan

This is the cross section view of the proposed work:



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 in any of these categories.

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 1% chance floodplain of Slaughterhouse Gulch. This is a FEMA floodplain, as delineated on the Flood Insurance Rate Map for Arapahoe County, Colorado, Panel 451.

Section 10-6-4 describes the duties of the Floodplain Administrator in review of all floodplain development applications. With this application, the watercourse is not being altered. For this particular application, no Federal or State or local permits are required at this time.

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

Slaughterhouse Gulch does have a delineated Floodway within the subject property. The project elements are outside of the Floodway. The floodway area is proposed to be within an easement. As a result, only subsection (D)(4) of Section 10-6-6 does not apply because this area does have a floodway but all proposed work is outside of the floodway. There is no proposed change in floodplain elevation or delineation with this project.

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 eventual use of the subject property is for development requiring building permits, 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 fill, and section view of the proposed fill (there is no proposed channel with this application). The application has included these elements.

Subsection(A)(1) (e) requires review by affected agencies. The application has been sent to Mile High Flood District, as that agency has a role in regulating floodplains in the metro area. However, they did not have comment. This was the only agency deemed to have interest in the floodplain. The Site Development Plan will be sent to all applicable agencies in a separate referral process.

Section 10-6-8(B) outlines specific requirements for development within floodplains. The applicant has committed to the appropriate building restrictions. The proposed grading plan demonstrates compliance with subsection (B)(2)(a) by indicating proposed floor elevations of buildings above the proposed adjacent 100-year water surface elevations. Specific building layout is not yet known, but future applications will verify the elevations of the lowest floors of those buildings relative to the elevations of the adjacent floodplain. Subsection B(2)(d) does not apply to this application, because no fill material is proposed within the existing floodplain.

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 existing buildings are to be removed and they are conforming. There are adjacent buildings but they are not subject to the project.

Section 10-6-11 describes requirement for the Certificate of Compliance (CoC) to be obtained after construction, to verify that the buildings have been constructed in compliance with the floodplain regulations. This application will require a CoC after final construction is complete.

PUBLIC NOTICE:

Public notice of the Use by Special Exception has been mailed to all property owners within 700 feet of the site and signs were also posted on the site.

STAFF RECOMMENDATION:

Staff finds that in compliance with Section 10-6 of the City Code, the proposed Floodplain Use by Special Exception for building in the Slaughterhouse Gulch Floodplain at the northwest corner of S. Elati Street and W. Powers Avenue meets the criteria for approval, with the stated conditions.

(The Planning Commission may add any additional conditions of approval.)

1. The Site Development Plan shall comply with building restrictions identified in this Floodplain Use by Special Exception;
2. Should the Site Development Plan be approved, and prior to construction, the applicant shall obtain a building permit that also is in compliance with all building restrictions of this Floodplain Use by Special Exception;
3. The applicant shall conduct an as-built survey and a Certificate of Compliance will be completed following construction of the buildings.