

## Legislation Text

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**File #:** PC Reso 17-2019, **Version:** 1

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Agenda Date: 12/09/2019

**Subject:**

PC Resolution 17-2019: Approving a Floodplain use by Special Exception for building within the Slaughterhouse Gulch Floodplain at the Northwest corner of S. Elati Street and W. Powers Avenue

Presented By: Carolyn Roan, Water Resource Manager
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**PURPOSE:**

The applicant requests approval of a Floodplain Use by Special Exception to build within the Slaughterhouse Gulch floodplain located at the northwest corner of the intersection of S. Elati Street and W. Powers Avenue.

**PRESENTATIONS:**

**Staff Presenter(s):** Carolyn Roan, Water Resource Manager

**SUMMARY:**

The Slaughterhouse Gulch floodplain is a Federal Emergency Management Agency (FEMA) floodplain as depicted on the Flood Insurance Rate Map (FIRM) for Arapahoe County, Colorado. The 1% chance floodplain is located in the streets and on residential properties, without a defined channel. A 60-inch storm sewer pipe conveys a portion of the floodwaters. Homes are located in the floodplain. The proposed activity (requires prior approval of a Floodplain Use by Special Exception and a Site Development Plan) will eliminate the existing buildings on site and reconstruct buildings outside of the floodplain and create second story livable areas above the floodplain by way of supporting columns, with open parking areas below. All proposed work is located outside of the regulatory floodway, but within the floodplain. The National Flood Insurance Program (NFIP) allows for construction to occur in the floodplain outside of a floodway. The NFIP also does not require that such activity obtain a Conditional Letter of Map Revision (CLOMR) or Letter of Map Revision (LOMR) because the proposed elements of the project in the floodwaters are open parking only. Livable areas will be elevated above the floodplain elevation as required by the NFIP.

**PRIOR ACTIONS OR DISCUSSIONS:**

This project has not been discussed by the Planning Commission previously. The applicant is preparing a Site Development Plan.

**ANALYSIS:**

Staff Analysis

Staff finds that the application meets the requirements of Littleton Municipal Code, Title 10, Chapter 6 (floodplain regulations). While the NFIP will allow for construction in a floodplain outside of adjacent floodway limits, because of the proximity of other structures within the floodplain and possibility of impact to them, staff required that any fill or building inside the floodplain be hydraulically modeled and a CLOMR application be sent to FEMA. The applicant did not want to involve a FEMA process and therefore opted to

avoid the floodplain. The proposed construction will have building restrictions pursuant to 10-6. The project will not increase risk to public health, safety, and general welfare and will minimize public and private losses due to flooding.

Council Goal, Objective, and/or Guiding Principle

This action is regulatory as required by 10-6, and is not related to Council goals or objectives

Fiscal Impacts

None

Alternatives

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

**STAFF RECOMMENDATION:**

Based on staff's analysis, it appears the proposed Floodplain Use by Special Exception is in compliance with the approval criteria in Littleton City Code section(s) Title 10, Chapter 6, as detailed in the staff report. Therefore, staff recommends approval of PC Resolution 17-2019, with the stated conditions.

**PROPOSED MOTION:**

I move to approve the resolution approving the Floodplain Use by Special Exception for building within the Slaughterhouse Gulch floodplain at the northwest corner of S. Elati Street and W. Powers Avenue, with the following condition(s):

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

**REFERENCES:**

<http://www.sterlingcodifiers.com/Littleton,CO:10-6> Or links to comprehensive plan documents on the website here:

<https://www.littletongov.org/building-development/planning-and-zoning-services/comp-plan-and-design-requirements>