

**Minutes
of the
Stormwater Management Committee (SWMC)
December 4, 2014

8:00 AM
1600 Second Avenue North
Metro Water Services Administration Building, 2nd Floor Conference Room**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Ms. Elaine Bright – Vice Chairman
Mr. Roy Dale, P.E. – Chairman
Mr. Dodd Galbreath
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner

Committee Members Absent:

Mr. Lance Wagner, P.E.

I. CALL TO ORDER

The meeting was called to order at 8:13 a.m.

II. APPROVAL OF NOVEMBER 6, 2014 MEETING MINUTES & DECISION LETTERS

Mr. Monte Turner moved and Mr. Slade Sevier seconded the motion to approve the November 6, 2014 meeting minutes and decision letters. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Anna Maddox, Mr. Sevier, and Mr. Turner voted in favor of the motion. Ms. Elaine Bright abstained from the vote due to the fact that she did not attend the November 6, 2014 meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. 201400021 (Single Family Residential)
110 Pembroke Avenue
APN 13002006900
Inspector: Kimberly Hayes

CD-23 (Emily Evans)

APPLICANT'S REQUEST: Variance request is to allow the following:

1) Disturbance of the 30' stream buffer of an unnamed tributary of Richland Creek for construction and encroachment for:

- a) A portion of a residential addition, porch and stairway
 - b) Repair/replacement of existing columns and existing block wall, and repair existing floor.
 - c) Installation of erosion prevention and sediment control (EPSC) measures and low-impact development (LID) measures (rain barrels)
- 2) Continuous mowing and maintenance of the buffer
3) Waiver from the requirement to post signage marking the buffer

APPELLANT: Fulmer Engineering

REPRESENTATIVE: Mr. Jay Fulmer

COMMENTS:

SW Staff: If the variance is granted, Staff requests that a variance condition be included that the final location of the rain barrels (or alternative green infrastructure control practice) shall be reviewed and approved by Stormwater Staff.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff comments for this request.

Mr. Jay Fulmer gave an overview of the project and variance requests.

Mr. Michael Hunt stated that rain barrels need to be routinely drained before the next rain event.

After discussion and review of the information presented, Mr. Dodd Galbreath made a motion to approve the variance request with the following Condition #1 and standard Condition #2. Mr. Monte Turner seconded the motion. Ms. Elaine Bright, Mr. Roy Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Turner voted in favor of the motion.

1. The final location of the rain barrels (or alternative green infrastructure control practice) shall be reviewed and approved by Stormwater Staff.
2. This variance will expire on December 4, 2015. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

The reasons for approval were: 1) given the hardening or armoring of the drainageways, adding trees and additional shrubs as mitigation would not add a lot of water quality benefit, 2) the existing concrete pad will be used for the air-conditioned space, and 3) the area under the porch will remain open.

2. 201400022 (Single Family Residential)
7763 River Road Pike
APN: 07800008900
Inspector: Kimberly Hayes

CD-35 (Bo Mitchell)

APPLICANT'S REQUEST: Variance request is for the following:

- 1) Allow disturbance and encroachment of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of the Cumberland River for construction and encroachment of an upper-level residential addition to the existing house (with one bathroom in enclosed foundation area below), garage with elevated living space above, driveway, detached pool bath house, and installation of erosion prevention and sediment control (EPSC) measures.
- 2) Allow wet-floodproofing of the detached pool bath house.
- 3) Allow existing paver driveway to remain, which was permitted as gravel only (Variance #2004-145).
- 4) Allow continuous mowing and maintenance of areas in the Zone 1 water quality buffer.

APPELLANT: Littlejohn Engineering Associates

REPRESENTATIVE: Mr. Don Williams

COMMENTS:

SW Staff: Staff comments are as follows:

- 1) If the variance is granted, Staff requests the following:
 - a. The location of the proposed elevator, ground-level bathroom, and new entrance stairway be identified and labeled on the final Grading and Erosion Control Plan submitted for review and approval by Stormwater Staff.
 - b. The Proposed Building Addition and Proposed Garage be correctly labeled on the final Landscape Plan (Sheet L1.0) submitted for review and approval by Stormwater Staff.
 - c. A condition be included that the Property Owner shall provide a recorded non-conversion agreement for all buildings and structures on ground level.
- 2) As mitigation for Variance #2004-145 (granted September 2, 2004 for construction of the existing residence) the client was willing to grant a conservation easement to protect the remainder of the floodway and buffer, plus some additional amount of land beyond it, such as another 25-50 feet beyond the buffer, to mitigate the disturbance of the buffer to permit the cabin construction. This was satisfactory to Greenways Division.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff comments for this request.

A letter of support from Councilman Bo Mitchell (dated 12/02/14) was read into the record.

Mr. Tom White referenced three SWMC considerations that would not be an issue: 1) the danger that materials may be swept by floodwaters or streams onto other lands to the injury of others, 2) the danger to life and property due to flooding or erosion damage, and 3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. He gave a brief overview of the property history and described a forestry management plan done at the request of the current owner. There is approximately 1,500 feet of existing bank stabilization. He stated that the owner agrees to the non-conversion agreement requested by staff.

Mr. Don Williams gave an overview of the variance requests, and stated that planting mitigation will be provided for all proposed improvements. Mr. Terri Bates also gave an overview of the proposed project.

There was discussion regarding the areas of coverage, the amount of increased impervious area, the forestry management plan, the mitigation plantings, the ratio of proposed mitigation to increased impervious area, conditions of the previous variance #2004-145 and conservation easement, and maintaining recorded mitigation plantings in order to guarantee the functional benefit of the landscaped area will always be mitigated somewhere on the site if the landscaping is removed.

After discussion and review of the information presented, Mr. Slade Sevier made a motion to approve the variance request with the following Conditions #1-4 and standard Condition #5. Mr. Roy Dale seconded the motion. Mr. Dale, Mr. Dodd Galbreath, Ms. Anna Maddox, Mr. Sevier, and Mr. Monte Turner voted in favor of the motion. Ms. Elaine Bright voted against the motion.

1. The location of the proposed elevator, ground-level bathroom, and new entrance stairway shall be identified and labeled on the final Grading and Erosion Control Plan submitted for review and approval by Stormwater Staff.
2. The Proposed Building Addition and Proposed Garage shall be correctly labeled on the final Landscape Plan (Sheet L1.0) submitted for review and approval by Stormwater Staff.
3. The Property Owner shall provide a recorded non-conversion agreement for all buildings and structures on ground level.

4. As either part of the non-conversion agreement or a separate agreement that is recorded, the square footage of mitigation area that is shown on the Landscape Plan, Sheet L1.0 (stamped 11/5/14), shall be maintained on the site either in place as shown or elsewhere (in a separate location onsite), with Stormwater Staff to determine if the separate mitigation onsite is adequate. The homeowner shall have the right to appeal to the Stormwater Management Committee if Staff and the homeowner disagree.
5. This variance will expire on December 4, 2015. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

IV. ITEMS OF BUSINESS

The Committee expressed interest in having the topic of mitigation ratios added as a business item on a future agenda.

V. ADJOURNMENT

The meeting was adjourned at 10:09 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____