

**Minutes
of the
Stormwater Management Committee (SWMC)
January 8, 2015

8:00 AM
800 Second Avenue South
Metro Office Building, 1st Floor – Development Services Conference Room**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Mr. Roy Dale, P.E. – Chairman
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner
Mr. Lance Wagner, P.E.

Committee Members Absent:

Ms. Elaine Bright – Vice Chairman
Mr. Dodd Galbreath

I. CALL TO ORDER

The meeting was called to order at 8:10 a.m.

II. APPROVAL OF DECEMBER 4, 2014 MEETING MINUTES & DECISION LETTERS

Mr. Monte Turner moved and Mr. Slade Sevier seconded the motion to approve the December 4, 2014 meeting minutes and decision letters. Mr. Roy Dale, Ms. Anna Maddox, Mr. Sevier, and Mr. Turner voted in favor of the motion. Mr. Lance Wagner abstained from the vote due to the fact that he did not attend the December 4, 2014 meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 201400024
Capitol View – Infrastructure Improvements
Nine Street Segments
SEG-000008532, 08798, 10350, 10428, 10444, 10778, 16731, 16819, & 16889
Inspector: Denice Johns
CD-19 (Erica Gilmore)

APPLICANT'S REQUEST: Request is to allow placement of approximately 6,729 cubic yards of uncompensated fill in the Cumberland River floodplain (BFE=416.0') to construct infrastructure (roadways and utilities) for a future residential/retail/office development. This request is for Phase 1A.

APPELLANT: Barge, Waggoner, Sumner & Cannon, Inc. (BWSC)

REPRESENTATIVE: Ms. Jennifer Speich

COMMENTS:

SW Staff: Staff comments are as follows:

1) Per the applicant's Statement of Mitigation, the development will provide an increase in greenspace and urban canopy. Staff requests that the applicant provide information on the amount of increased pervious area (existing vs. post-construction).

2) Per the applicant's Statement of Mitigation, there is intent to dedicate land to be a public park. Unless specifically stated as a condition of the variance, staff will not be able to verify a variance condition has been met.

If a variance is granted based on the dedication of a public park, Staff requests that a condition be added that the applicant work with Metro Parks to finalize and execute documents to dedicate land to be a public park and provide a copy of the recorded documentation to MWS Stormwater Staff for verification that the variance condition has been met.

3) As long as the computed rise is within the tolerance of the modeling, staff has no additional comments other than those stated.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Ms. Jennifer Speich gave an overview of the project and variance requests. Mr. Brad Slayden (Ragan Smith) and Mr. Carl Chambers (AECOM) were also in attendance. She presented the master plan for the development which encompasses a total of 32 acres, bisected by the railroad, with 12 acres on the northeast side and 20 acres on the southwest side). Ms. Speich stated that a flood study was conducted for filling everything in the floodplain for all 20 acres, and the study showed that there was no significant rise in hydraulic grade line within the modeling tolerances. The final will be done in three phases: 1A – Infrastructure Improvements, 1B – Block B (HCA site), and 1C – Block E (Future). Ms. Speich provided copies of two AECOM memorandums, regarding the hydraulic study, that show the hydraulic grade line was not impacted by the fill in the floodplain.

After discussion and review of the information presented, Mr. Slade Sevier made a motion to approve the variance request with the following standard condition. The Committee discussed keeping a running total of uncompensated fill with a breakdown of cubic yards proposed per variance request for the project. There was additional discussion about the modeling, and Mr. Roger Lindsey (Stormwater – Development Review) stated that this request was unique because of the backwater situation - it was not modeled in the reach of the river and does not consume storage. When the sewer overflows, it surcharges. Mr. Chambers stated that when the uncompensated fill was included in the model, the impact of the fill proposed within Area 1 was within the margin of error of the model. Mr. Roy Dale seconded the motion. Mr. Dale, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner voted in favor of the motion.

1. This variance will expire on January 8, 2016. 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 reason for approval is that it is consistent with the preliminary and the reasons granted.

Below is a summary of the approximate, proposed uncompensated fill volumes to-date (including the current variance):

#201400012	Capitol View – Preliminary SWM Plan Approval	+16,000 cubic yards
#201400024	Capitol View – Infrastructure Improvements	<u>- 6,729 cubic yards</u>
	Balance:	9,271 cubic yards

2. 201400025
Capitol View – Block B
0 Nelson Merry Street
APN: 09305020000
Inspector: Denice Johns

CD-19 (Erica Gilmore)

APPLICANT'S REQUEST: Request is to allow placement of approximately 1,020 cubic yards of uncompensated fill in the floodplain of the Cumberland River (BFE=416.0') to prepare a site for the future construction of a retail/office development.

APPELLANT: Ragan Smith & Associates, Inc.

REPRESENTATIVE: Mr. Brad Slayden

COMMENTS:

SW Staff: Staff comments are as follows:

1) Per the applicant's Statement of Mitigation, the development will provide an increase in greenspace and urban canopy. Staff requests that the applicant provide information on the amount of increased pervious area (existing vs. post-construction).

2) Per the applicant's Statement of Mitigation, there is intent to dedicate land to be a public park. Unless specifically stated as a condition of the variance, staff will not be able to verify a variance condition has been met.

If a variance is granted based on the dedication of a public park, Staff requests that a condition be added that the applicant work with Metro Parks to finalize and execute documents to dedicate land to be a public park and provide a copy of the recorded documentation to MWS Stormwater Staff for verification that the variance condition has been met.

3) As long as the computed rise is within the tolerance of the modeling, staff has no additional comments other than those stated.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Mr. Brad Slayden gave an overview of the variance request which involves the request for uncompensated fill in Block B to elevate the site to the new road elevations of Jo Johnson Ave. and 11th Ave. N. that will be implemented with the infrastructure improvements. Mr. Carl Chambers (AECOM) and Ms. Jennifer Speich (BWSC) were also in attendance.

The Committee questioned whether or not the site is in the backwater of the Cumberland River, to which Mr. Slayden stated that it is. There was discussion regarding the Kerrigan sewer system and the Cumberland River, the flood study conducted by AECOM, and locations of potential flooding. Mr. Chambers gave an overview of the memorandums submitted during prior case #201400024, summarizing the results of the hydraulic modeling. Mr. Chambers stated that impacts from the uncompensated fill would be negligible and within the tolerance of the model.

After discussion and review of the information presented, Mr. Roy Dale made a motion to approve the plan as submitted with the following standard condition. Mr. Dale stated that as future applications for the project are submitted, he would like the Appellant to continue to work with staff to look at any upstream detrimental effects. Mr. Lance Wagner seconded the motion. Mr. Dale, Ms. Anna Maddox, Mr. Slade Sevier, Mr. Monte Turner, and Mr. Wagner voted in favor of the motion.

1. This variance will expire on January 8, 2016. 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 reason for approval is that the fill helps to reduce the amount of overflow area from the combination sewer.

The Appellant is reminded that the amount of increased greenspace shall be provided to Stormwater Staff.

Below is a summary of the approximate, proposed uncompensated fill volumes to-date (including the current variance):

#201400012	Capitol View – Preliminary SWM Plan Approval	+16,000 cubic yards
#201400024	Capitol View – Infrastructure Improvements	– 6,729 cubic yards
#201400025	Capitol View – Block B	– <u>1,020 cubic yards</u>
	Balance:	8,251 cubic yards

3. 201400023
Bellevue Project – Hwy 70 South
(Preliminary Stormwater Management Plan)
7037 and 0 Highway 70 South
Map 142, Parcels 106, 369, & 370
Inspector: Phil Saad

CD-34 (Carter Todd)

APPLICANT'S REQUEST: Previously deferred by the applicant for the December 4, 2014 SWMC meeting. Preliminary Stormwater Management (SWM) Plan approval is requested. The preliminary plan includes a variance request to allow the following disturbance and encroachment of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Flat Creek:

- 1) Disturbance of the Zone 1 buffer (27,310 square feet) for buffer enhancement and mitigation.
- 2) Disturbance of the Zone 2 buffer (6,460 square feet) for a retaining wall, detention outlet, parking, drive, and installation of erosion prevention and sediment control (EPSC) measures.

APPELLANT: BSM Development, LLC

REPRESENTATIVES: Mr. Jared Gray and Mr. Tom Allen

COMMENTS:

SW Staff: Per the applicant's Conveyance Channel Note on the Photo Exhibit (Sheet C2.0), live staking areas will be further classified and shown on the site plan and final Stormwater variance plans. Staff requests that the minimum feet of stream that will be live staked and number of live stakings be shown on the Mitigation Plan submitted for the final variance. Staff also reminds the applicant that live staking is a sensitive process and should be done by best acceptable practice methods.

CODES: No comment provided.

PLANNING: Denied - The property is not zoned for commercial uses nor does the long range plan support commercial uses as the back of the site. The applicant needs to discuss plans with Planning.

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

Mr. Jared Gray gave an overview of the project. He stated that the Appellant agrees to the live staking for streambank stabilization of the channel. Mr. Tom Allen gave an overview of the floodplain and stated that the floodplain shown on the plan is based on the Flat Creek update as part of the 2013 Preliminary FIS update for Davidson County and in their opinion is the best available data.

Ms. Lisa Hicks Ferrelli (representative of her family as the property owners), 2766 Rock Wall Road, stated that her family has supported the orderly development of Bellevue and asked for the Committee's consideration.

Mr. John Knowles (President of the Board of Managers at Coronada Condominiums), 141 Holly Forest, stated that Coronada's concerns are how the project is sited and how vulnerable they are to what happens on the creek, especially since the 2010 flood. They are concerned that any disturbance of Flat Creek really be given careful consideration.

There was discussion regarding possibly compressing the development, the retaining wall and possibly removing it from the Zone 2 buffer, and the current parking and possible increase in the use of compact spaces to reduce parking in the Zone 2. Mr. Lance Wagner stated the buffer restoration will improve water quality.

After discussion and review of the information presented, Mr. Lance Wagner made a motion to approve the plan as a preliminary basis. He challenged the applicant to try to get as much of the walls out of the Zone 2 buffer as possible (compact spaces, thru the zoning process, etc.) and see less impact in Zone 2 on the final. Mr. Monte Turner seconded the motion. Mr. Roy Dale, Ms. Anna Maddox, Mr. Slade Sevier, Mr. Turner, and Mr. Wagner voted in favor of the motion.

4. 201400019
First Avenue Flats
700, 702, and 706 1st Avenue North
Map 82-14, Parcels 30, 29, & 27
Inspector: Denice Johns

CD-19 (Erica Gilmore)

APPLICANT'S REQUEST: Previously deferred on November 6, 2014. Request is to allow disturbance of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of the Cumberland River for the following:

- 1) Construction and encroachment of a multi-story apartment building.
- 2) Construction and encroachment of a boardwalk/overlook.
- 3) Placement of Stormwater Best Management Practices (BMPs) in the buffer.
- 4) Installation and encroachment of stormwater outlet structure.
- 5) Installation of erosion prevention and sediment control (EPSC) measures.
- 6) Continuous mowing and maintenance of the buffer area.

APPELLANT: Mr. Dennis Devine

REPRESENTATIVE: Mr. Jeff Conar

COMMENTS:

SW Staff:

- 1) There is a discrepancy between the Plan of Record which shows six levels and the geotechnical report which specifies an eight story condominium structure.
- 2) Will there be any issues with providing sunlight and watering for bioretention areas and if so, how will they be addressed?
- 3) How and where will water from the green roof and bioretention discharge?
- 4) The Plan of Record and geotechnical study specify fill replacement – how will it impact the streambank? How will it impact any proposed mowing and maintenance?
- 5) The extent of work near and along the streambank is unclear. Per the architectural sheet labeled “MOD, Site Section”, approximately 5-6’ of existing fill (cinders, brick organics) will be removed and replaced with shot rock fill and appears to extend beyond the rear of the building down along the slope. Verification is needed that there are no applicable permits (Corps and/or State) needed for this work.
- 6) The application states that per an agreement through MDHA, there is a pedestrian easement that will be granted along the northern side of the property to provide a boardwalk for the public to use as a river overlook. Unless specifically stated as a condition of the variance, staff will not be able to verify a variance condition has been met. If a variance is granted based on the dedication of an easement for a boardwalk, Staff requests that a condition be added that the applicant work with MDHA and/or Metro Parks to finalize and execute documents for the easement and provide a copy of the recorded documentation to MWS Stormwater Staff for verification that the variance condition has been met.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater staff.

Mr. George Dean (attorney representing the applicant) stated that the Committee deferred action at the previous meeting for the case with several things of particular interest to the Committee, including: 1) a more detailed survey showing topographic data to the toe of the slope, 2) an existing tree assessment on the property with the location of existing trees in excess of 8 inches in caliper, and 3) a report from a geotechnical engineer as to how the slopes along the river will be handled and stabilized and methods to ensure maintenance. Documentation was submitted addressing these items.

Mr. Jeff Conar gave an overview of the project and variance request. All of the rainwater from the green roof and bioretention (4th floor) will be treated and drain through an internal system, discharge to the north side of the building, and drain to the river. No detention will be required. He stated that they would not be pursuing LEED certification at this time. He also clarified that existing fill material will be removed primarily underneath the proposed building and replaced with shot rock fill.

Mr. Chris Beaver (geotechnical engineer) gave an overview of the geotechnical report and stated that the existing slope will not be altered. Mr. Phillip White (structural engineer) spoke regarding the proposed building foundation.

There was additional discussion regarding the proposed mitigation. Mr. Conar gave an overview of his responses to staff comments, submitted in a January 7, 2015 email to the Secretary: 1) the geotechnical report misstated the number of stories – the building will be six stories with a below grade garage, 2) there should be no issues with sunlight for the bioretention, 3) the green roof and bioretention will drain as described previously, 4) the fill replacement was clarified using the cross-sectional drawing presented, 5) the drawing also clarified the extent of work along the river bank and Corps and TDEC permits should not be required, and 6) the owner has agreed with MDHA to provide the easement.

Mr. Michael Hunt (Stormwater – NPDES) encouraged the applicant to look at the discharge of the water off the slope to make sure it does not do any cutting that might subsequently create issues.

After discussion and review of the information presented, Mr. Lance Wagner made a motion to approve the plan as shown with the following standard Conditions #1-2. Mr. Roy Dale seconded the motion. Mr. Dale, Ms. Anna Maddox, Mr. Slade Sevier, Mr. Monte Turner, and Mr. Wagner voted in favor of the motion.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201400019), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
2. This variance will expire on January 8, 2016. 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

The reasons for approval are: 1) they are protecting the slope and the existing vegetation down to the river, and 2) they will provide more water quality once developed versus the existing use as a parking lot.

IV. ITEMS OF BUSINESS

Mr. Michael Hunt (Stormwater – NPDES) stated that staff has been evaluating a Watershed Improvement Fund whereby funds could be dedicated for projects throughout the county. The source of the funding has been a lot of the preliminary discussion, including payment into a fund if certain criteria were met and logistically there was no ability to do water quality for the project. There may be some interim criteria or minimum level of treatment achieved so as not to lose all water quality. They are close to having a draft final and will also coordinate with TDEC.

V. ADJOURNMENT

The meeting was adjourned at 10:46 a.m.

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Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____