

**Minutes
of the
Stormwater Management Committee (SWMC)
June 4, 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:

Ms. Ronette Adams-Taylor
Mr. Roy Dale, P.E. – Chairman
Mr. Dodd Galbreath
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner
Mr. Lance Wagner, P.E.

Committee Members Absent:

None

I. CALL TO ORDER

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

II. APPROVAL OF APRIL 2, 2015 MEETING MINUTES & DECISION LETTERS

Mr. Lance Wagner moved and Mr. Slade Sevier seconded the motion to approve the April 2, 2015 meeting minutes and decision letters. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Wagner voted in favor of the motion. Ms. Ronette Adams-Taylor abstained from the vote due to the fact that she did not attend the April 2, 2015 meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 201500005
Micro Retail and Hotel Development
901 Gallatin Pike and 114 Emmitt Avenue
Map 51-4, Parcels 142 and 143
Inspector: Katherine O'Hara

CD-07 (Anthony Davis)

APPLICANT'S REQUEST: The case was deferred on March 12, 2015. Request is to allow the following:

- 1) Disturbance and encroachment of the floodway and 75' (50' Zone 1 & 25' Zone 2) floodway buffer of Gibson Creek for:
 - a. Construction of portions of two new buildings (Micro Retail 6 and Micro Hotel) in the Zone 1 and Zone 2 buffers.
 - b. Construction of a retaining wall in the Zone 1 buffer.
 - c. Removal of existing pavement and plant with grass in the floodway.
- 2) Placement of Stormwater BMP with associated grading within the Zone 1 buffer.
- 3) Placement of 616 cubic yards of uncompensated fill in the 100-year floodplain (BFE = 445.2').
- 4) 50% Total Suspended Solids (TSS) removal as water quality treatment rather than the required 80%.
- 5) Continuous mowing and maintenance of the floodway and buffer.

APPELLANT: Mr. Salah Girgis

REPRESENTATIVE: Mr. Chet Rhodes

COMMENTS:

SW STAFF:

- 1) At the meeting, staff shall provide an update on the status of plan review (sufficiency and technical).
- 2) At the meeting, the applicant shall provide an update on the status of issues to be addressed as stated per the decision letter for the March 12, 2015 meeting in which the case was deferred.

PREVIOUS SW STAFF COMMENTS (March 12, 2015): Stormwater Staff comments were as follows:

- 1) The topographic survey and the 100-year base flood elevation delineated on the Plan of Record appear to be incorrect.
- 2) Placement of 616 cubic yards of uncompensated fill in the floodway and floodplain of Gibson Creek will require a flood study to be conducted. The flood study should be done to verify no-rise in flood elevations/no adverse impact prior to approval of any variance. Severe flooding occurred along Gibson Creek on August 8, 2013 and impacted multiple homes and businesses in this area. Staff recommends that any fill be compensated along Gibson Creek.
- 3) If the variance is denied, the applicant will be required to remove the existing, unpermitted fill and stabilize all disturbed areas.
- 4) The Plan of Record states that there is no point discharge; however, a point discharge is still shown.
- 5) The proposed 50% water quality unit (to be oversized) cannot count as mitigation. The applicant's request is to provide treatment below the requirement and count additional treatment as mitigation. There does not appear to be a justifiable hardship for not meeting 80% full treatment. If the variance is granted, Staff requests that mitigation be provided above and beyond the required minimum and be reviewed and approved by Stormwater staff.
- 6) On the Mitigation Plan, no species can be more than 20% of the buffer composition. The plan shows 10 cypress trees proposed.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

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

Mr. J.D. Jackson (developer) stated that adjustments to the original plan were made based on comments from the last meeting (deferral). Mr. Salah Girgis (property owner) was also in attendance. Mr. Chet Rhodes gave an overview of the revised plan and addressed comments stated in the previous decision letter.

- 1) The grading permit application was submitted and is under sufficiency review.
- 2) 1' contour intervals are now shown on the revised grading plan.
- 3) 800 cubic yards of cut is proposed to mitigate the 616 cubic yards of uncompensated fill.
- 4) The uncompensated fill will be addressed by removal of the whole volume.
- 5) EPSC measures were installed.
- 6) Riprap will be installed at the end of the discharge pipe to mitigate the point discharge.
- 7) The water quality device was changed to a Contech Stormfilter to achieve 80% treatment.
- 8) The plant species was varied on the revised mitigation plan.
- 9) PDFs were sent to the councilman, seeking his support. A response has not been received yet.

The revised grading plan was discussed, along with the revised mitigation plan. Corrections needed for the mitigation plan were to reflect one building instead of two and change the species "Magnolia" to "Magnolia Virginiana". Mr. Lance Wagner stated that he would like to see additional plant material below the retaining wall and point discharge, to dissipate the water. He asked to see cross-sections; however, Mr. Rhodes responded that they were provided to staff along with cut and fill calculations. Mr. Dodd Galbreath asked the height of the retaining wall, to which Mr. Rhodes replied that it ranges from 10-12'. Mr. Galbreath asked if there were locations onsite evaluated for the use of pervious pavement, to which Mr. Rhodes stated that it had not been specified to be used, but they are open to using it. Mr. Wagner also stated that he would like to see the outfall reoriented for a longer flow path, if possible.

After discussion and review of the information presented, Mr. Wagner made a motion to approve the plans as submitted, with the following Conditions #1-2 and Standard Conditions #3-4. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Slade Sevier, Mr. Monte Turner, and Mr. Wagner voted in favor of the motion.

1. The Appellant shall revise the Mitigation Plan presented at the meeting (dated 3/12/15) to provide the following, to be reviewed and approved by NPDES staff:
 - a. Change the plan to reflect the single building.
 - b. Address additional landscaping below the retaining wall. Additional landscaping does not have to be trees, but can be other vegetation (bushes, shrubs, etc.).
 - c. Change the species "Magnolia" to "Magnolia Virginiana" (native).
 2. The Appellant shall evaluate reorienting the outfall for a longer flow path, if possible.
 3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201500005), 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.
 4. This variance will expire on June 4, 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.
2. 201500008
Starpointe – Phases 1-4
13105 and 0 Old Hickory Boulevard
Map 183, Parcels 9 and 36
Inspector: Shawn Herman
- CD-33 (Robert Duvall)

APPLICANT'S REQUEST: The project was granted Variance #2007-018 on February 15, 2007 for a proposed hotel and retail development. Under the previous ownership, only portions of the project were completed under Grading Permit SWGR #200700628, including a driveway with culvert, pedestrian bridge, retaining walls, building pads, and rough grading (w/shot rock) for the parking facilities. This request is to allow the following for completion of the project:

- 1) Disturbance of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to West Branch Hurricane Creek for construction of parking spaces and utilities within an approved Planned Unit Development (PUD).
- 2) Placement of Stormwater Best Management Practices (BMPs) in the buffer.
- 3) Continuous mowing and maintenance of the buffer area.
- 4) All existing buffer disturbances to remain and be approved.

APPELLANT: Lukens Engineering Consultants

REPRESENTATIVE: Mr. Jim Lukens

COMMENTS:

SW STAFF: Stormwater staff comments are as follows:

- 1) The applicant will meet today's Stormwater requirements for detention and water quality.
- 2) Regarding mitigation: Trees along the eastern portion of the stream were planted per the 2007 Stream Remediation Plan for the previously granted variance (#2007-018). Trees along the western section of the channel have not been planted per the original mitigation plan. Per the landscape architect, this western section is densely vegetated and installation of new trees and plants would require removal of existing vegetation. The current mitigation plan shows proposed tree plantings along a section of the channel with no trees and additional trees above the wall south of the channel within the new, expanded buffer limits.
- 3) Regarding Area 2 on the current mitigation plan (northwest of the existing unpaved entrance driveway and culvert), Staff requests that the applicant be able to certify that – given what's come up naturally and the plantings they plan to add – the number of trees in that area will equal or exceed what was in the original planting plan for that specific area.
- 4) In addition to vegetative plantings, the applicant has modified the plan to include some areas of pervious pavement in the design, above and beyond stormwater requirements.

CODES: No comment provided.

PLANNING: Approved. The final site plan was approved by the MPC on 12/10/09.

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

Mr. Jim Lukens gave an overview of the previous project, variance granted, and mitigation provided in 2007, and the current proposed project, variance request, and proposed mitigation.

There was discussion regarding the previous and current buffers and associated disturbances, along with the previously approved and current grading plans for the development. The use and location of pervious pavers was also discussed, along with the proposal that the porous paving all along the bottom of the buffer be moved to up around the buildings as a swap. Mr. Dodd Galbreath stated that mitigation might be more effective higher up the slope outside of the buffer and provide a net gain over the buffer loss.

The phasing of the project was discussed, and Staff comments were read regarding the main issue with construction, if done in phases. The main part built must have functional water quality, i.e. if only one building is completed in the first phase, the water quality treatment must be constructed and fully functional even if the other two buildings will be built in the future. There was also discussion regarding the existing vegetation and proposed mitigation plantings. The proposed TDU should be at least equal to the previous TDU plus the new plantings.

After discussion and review of the information presented, Mr. Dodd Galbreath made a motion to approve the plans as presented with the following Conditions #1-2 and Standard Conditions #3-4. Mr. Lance Wagner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Monte Turner, and Mr. Wagner voted in favor of the motion. Mr. Slade Sevier voted against the motion.

1. The buffer encroachment shall be mitigated by pervious pavers in parking areas along the buffer as presented in the proposed plan.
2. The Appellant shall certify that existing conditions plus the new plantings equal the previous TDU, and invasive exotics do not count.
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201500008), 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.
4. This variance will expire on June 4, 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.

IV. ITEMS OF BUSINESS

Mr. Logan Bowman was introduced as a new member of the Stormwater staff.

Nominations and elections were held for the offices of chairman and vice-chairman. Mr. Roy Dale nominated Mr. Lance Wagner as chairman, and Mr. Dodd Galbreath nominated Mr. Slade Sevier. Ms. Ronette Adams-Taylor, Mr. Dale, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Wagner voted for Mr. Wagner; Mr. Galbreath voted for Mr. Sevier. Mr. Wagner was elected as chairman. Mr. Turner nominated Mr. Sevier as vice-chairman, and Mr. Wagner nominated Ms. Maddox. Ms. Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Maddox, Mr. Sevier, and Mr. Turner voted for Mr. Sevier. Mr. Wagner voted for Ms. Maddox. Mr. Sevier was elected as vice-chairman. Mr. Wagner assumed his position as chairman.

There was discussion regarding the length of term for the two offices, with the consensus that two years is appropriate. Mr. Dale moved that each position of chairman and vice-chairman last for a term of two years. Mr. Turner seconded the motion. The motion was approved unanimously.

Ms. Rebecca Dohn (Stormwater- NPDES) stated that they have started their revision to the stormwater regulations, with the biggest change being the implementation of the requirement to capture the first one inch of rainfall. The regulations will hopefully be released in November 1, 2015 and go into effect January 1, 2016 to meet Metro's permit requirement. She stated that the proposed changes will be brought to the SWMC for review.

There was additional discussion regarding karst features/development, infiltration, and the benefits of vegetation to keep it all in balance. An update was given on the proposed Metro Downtown Flood Protection System (balanced cut/fill will be achieved without the need for a variance for uncompensated fill in the floodplain).

V. ADJOURNMENT

The meeting was adjourned at 9:51 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____