

MEGAN BARRY  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF WATER AND SEWERAGE SERVICES  
Stormwater Division – Development Review  
800 Second Avenue South  
P.O. Box 196300  
Nashville, Tennessee 37219-6300

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
October 1, 2015  
\*\*\*\*\*  
8:00 AM  
800 Second Avenue South  
Metro Office Building, 1<sup>st</sup> Floor – Development Services Conference Room**

**STORMWATER MANAGEMENT COMMITTEE**

**(Quorum Required: Four Members)**

**Committee Members Present:**

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

**Committee Members Absent:**

- Mr. Roy Dale, P.E.

**I. CALL TO ORDER**

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

**II. APPROVAL OF SEPTEMBER 3, 2015 MEETING MINUTES & DECISION LETTER**

Mr. Slade Sevier moved and Ms. Anna Maddox seconded the motion to approve the meeting minutes and decision letter for the September 3, 2015 meeting. Mr. Dodd Galbreath, Ms. Maddox, Mr. Sevier, and Mr. Lance 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 September 3, 2015 meeting.

*Mr. Monte Turner arrived at the meeting.*

**III. STORMWATER MANAGEMENT COMMITTEE AGENDA**

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

1. 201500013  
Nashville Zoo – Spider Monkey Exhibit  
3777 Nolensville Pike  
APN 13300000400  
Inspector: (Shawn Herman)

CD-26 (Jeremy Elrod)



If you need assistance or an accommodation, please contact Metro Water Services, at 615-862-4862, 1600 Second Avenue North, Nashville, Tennessee 37208.

**APPLICANT'S REQUEST:** Variance request is to allow disturbance and encroachment of the 50' stream buffer of Cathy Jo Creek (30' Zone 1 & 20' Zone 2) for construction of a portion of a mesh enclosure, a pedestrian crossing, and a suspension bridge, and also installation of erosion prevention and sediment control (EPSC) measures. Request is to also allow the spacing of multiple stream crossings to be <1,000' apart.

**APPELLANT:** Nashville Zoo (Mr. Rick Schwarz)

**REPRESENTATIVE:** Mr. Kevin Gangaware

**COMMENTS:**

**SW STAFF:** Staff comments are as follows:

1. For previous Variance #201400005 (Nashville Zoo - Visitor Entrance), the Applicant provided a summary of various projects that were requested to be considered as mitigation measures. Staff requests that the applicant provide an update on the status of the following projects:

- a) Watershed Management Plan Ph. 1 – Wet Weather Conveyance Repair (invasive plant removal, native grass and rock check dam installation, removal of holding area for African animals, etc.)
- b) Population monitoring program for the Nashville Crayfish
- c) SW Share Consequences/Shared Responsibilities (4-component project to improve stormwater runoff entering Cathy Jo Branch from Grassmere through the Zoo)
- d) Surveys, Disease Testing, & Gene Banking of Hellbenders

2. Staff is aware that the applicant is involved with various watershed improvement projects on their site and that the Zoo also holds an Individual NPDES Permit (similar to a Concentrated Animal Feeding Operation, CAFO) which requires monitoring, sampling, annual reports and stormwater runoff requirements. Staff reminds the Applicant that the stormwater management plan will need to be revised to reflect any changes to site operations that will result from the proposed project.

**CODES:** No comment.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS (Mark Bradfield):** Cathy Jo Creek is not identified on either the Community Plans layer or the Greenways Masterplan layer. Beyond the adherence to responsible development practices we have no comments on your proposed improvements. I will add that we are always looking to advance Greenway development in the South East quadrant of Davidson Co. We currently have several segments along Mill and Seven Mile Creeks. I hope the Zoo will keep this in mind as future developments are considered with the eventuality of a Greenway connection to the Zoo property.

Mr. Kevin Gangaware gave an overview of the variance requests. Mr. Rick Schwartz gave an update on the current status of the zoo and an overview of the proposed project. He also gave a visual presentation on the multiple large-scale projects used as mitigation for past variances and the current variance request. In addition, he submitted a letter from the Cumberland River Compact (CRC) regarding small dam removal on zoo property and a plan for a long-term monitoring program for the Nashville Crayfish.

After discussion during the Executive Session of the Committee on October 1, 2015 and review of the information presented, Mr. Dodd Galbreath made a motion to approve with the following standard Condition #1. Mr. Monte Turner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Galbreath, Ms. Anna Maddox, Mr. Slade Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

1. This variance will expire on October 1, 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. 201500014

Tennessee Distribution Center  
3366 Briley Park Boulevard South  
APN 05000002100  
Inspector: (Katherine O'Hara)

CD-03 (Brenda Haywood)

**APPLICANT'S REQUEST:** Variance requests is to allow the following:

- 1) Placement of 37,915 cubic yards of uncompensated fill in the 100-year floodplain of North Fork Ewing Creek (BFE=490.3') for construction of an office/warehouse facility.
- 2) Disturbance of the 50' Zone 1 floodway buffer of North Fork Ewing Creek for buffer enhancement for mitigation of uncompensated fill.

**APPELLANT:** Mr. Steve Lainhart

**REPRESENTATIVE:** Mr. Tom Allen

**COMMENTS:**

**SW STAFF:** Staff has spoken with the Applicant's engineer representative regarding the no-rise and cut & fill analyses submitted with the variance application. Results for the no-rise analysis were based on the 2013 FEMA Preliminary flood study (updated modeling) and cut & fill calculations based on the current 2001 FEMA study (more restrictive base flood elevation). For comparison, Staff has requested that the Applicant provide results for no-rise analysis for each flood study (2013 and 2001) and provide cut & fill calculations for the same.

**CODES:** No comment.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** This section of Ewing Creek was identified by the Community Plans process. It is unlikely that a trail would ever be viable to the south but there is a potential for it to follow the creek upstream to more densely populated areas. As it relates to your site, we just need to ensure that your proposed activity doesn't preclude our ability to build a trail along the creek, if the need should ever arise.

Mr. Tom Allen gave an overview of the variance request and a summary of results from the no-rise flood study and cut and fill analysis. Mr. Caleb Thorne gave an overview of the proposed project and grading plan. Mr. Terry Noonan and Mr. Charles Marshall were also in attendance.

Mr. Lance Wagner asked Mr. Allen if they had explored offsite compensation to which Mr. Allen stated yes; however, the other property was encumbered with floodplain as well. The previously approved plan (SWGR 200800022) was also discussed. Mr. Thorne stated that parking was set to the minimum, the building footprint was reduced, and the building was located as far to the northeast as possible to reduce the amount of uncompensated fill.

Mr. Dodd Galbreath stated that before the May 2010 flood the site was approved for a use that minimized obstructions in the particular location, and post-flood, he could not support the variance. Mr. Galbreath made a motion to deny the request. Mr. Lance Wagner stated that it is a lot of uncompensated fill and was uncomfortable with the amount. The no-rise report seems to show that the uncompensated fill does not matter, but he tried to understand what is occurring hydraulically that it would not matter that much.

Mr. Allen described the modeling procedure. There was brief discussion regarding the cross-sections used in the model and for cut and fill calculations. Mr. Sevier stated that he could not support the request because the building size is not what the property allows, and he wanted to review the cross-sections. Mr. Sevier seconded the motion to deny. Mr. Galbreath and Mr. Sevier voted in favor of the motion. Ms. Ronette Adams-Taylor, Ms. Anna Maddox, Mr. Monte Turner, and Mr. Wagner voted against the motion. The motion failed. Mr. Wagner asked further questions regarding obstructions within the area.

Ms. Maddox then made a motion to approve based on the fact that they were showing a no-rise and staff will be reviewing the cross-sections. Mr. Wagner seconded the motion. Mr. Galbreath stated that no-rise is not the only consideration. He stated there is no way the site will behave in a mitigated manner with the measures proposed. Impacts will dwarf any of the mitigation proposals. It is a significant alteration to the way the site is going to behave during a flood and during water-quality mitigating events (big roof and lots of impervious surface). It would be better if roof impacts were compensated 1:1. Looking at the square footage of roof and square footage of bioretention areas, they are not proportional. There was further discussion regarding flooding during the May 2010 and August 2013 floods. Mr. Wagner expressed concern regarding the overtopping of Briley Parkway. Mr. Monte Turner asked if the client could consider smaller footprint, to which Mr. Caleb Thorne stated that the current footprint is smaller than what his client would typically build to handle shipping and receiving. He stated that it has been designed to meet the minimum demand. There was further discussion regarding the no-rise modeling. The Committee voted unanimously against the motion. The motion failed.

Mr. Galbreath then made a motion to deny the request. Mr. Sevier seconded the motion. The Committee voted unanimously in favor of the motion. The reasons for denial were:

- 1) It is already overtopping Briley Parkway under existing conditions.
- 2) It is a lot of uncompensated fill that has the potential to increase the safety risk. It would be better if it were compensated in some way or compensated in that area.
- 3) There are other related uncompensated public interests that were not addressed that the Committee has a responsibility to review and mitigate properly. This includes the amount of runoff from impervious surfaces and the lack of mitigation for that increased amount of runoff and the impacts on water quality. There are lots of ways to effectively mitigate 1:1, and the Committee did not see enough.
- 4) The hardships of the site do not justify the footprint.

#### **IV. ITEMS OF BUSINESS**

There were no items of business.

#### **V. ADJOURNMENT**

The meeting was adjourned at 9:30 a.m.

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Metropolitan Stormwater Management Committee

Approved:

By: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_