

**Minutes
of the
Stormwater Management Committee (SWMC)
June 2, 2016

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.
Mr. Dodd Galbreath
Ms. Debra Grimes
Mr. Slade Sevier, P.E. – Vice Chairman
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent:

Ms. Anna Maddox, P.E.

I. CALL TO ORDER

The meeting was called to order at 8:09 a.m.

II. APPROVAL OF MAY 5, 2016 MEETING MINUTES & DECISION LETTERS

Ms. Debra Grimes moved and Mr. Lance Wagner seconded the motion to approve the meeting minutes and decision letters for the May 5, 2016 meeting. Ms. Ronette Adams-Taylor, Mr. Dodd Galbreath, Ms. Grimes, Mr. Slade Sevier, and Mr. Wagner voted in favor of the motion.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 201600011

Capitol View – Block E
Nelson Merry Street
(Bounded by Nelson Merry Street, 11th Avenue North, Jo Johnston Avenue, and Railroad)
APNs 09301009700 and 09305020100
Inspector: (Denice Johns) CD-19 (Freddie O’Connell)

APPLICANT'S REQUEST: Request is to allow placement of approximately 11,404 cubic yards of uncompensated fill in the Cumberland River floodplain (BFE = 416.0') to construct a residential/retail/office development.

APPELLANT: Barge, Waggoner, Sumner and Cannon, Inc.

REPRESENTATIVE: Mr. Adrian Ward

COMMENTS:

SW STAFF: Stormwater Staff comments are as follows:

1) Is it the intent of the applicant to include the planters with permanent plantings as additional mitigation? If so, please note the following:

a. The submitted hardscape plan does not show any plantings (only an illustrative drawing in the details), does not include a planting detail/plant schedule for the plantings in the planters, and is not stamped by a registered landscape architect. If the variance is approved, Staff requests that a detailed landscape plan for the planters be prepared/stamped by a registered landscape architect and submitted to Stormwater Staff for review and approval.

b. If the variance is approved, Staff requests the maintenance of any planters proposed as mitigation be incorporated into the recorded Stormwater Maintenance Agreement.

2) Staff Question: Are there opportunities for the applicant to provide additional mitigation measures (such as a portion of green roof, for example)?

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Mr. Adrian Ward submitted a Technical Memorandum (TM) dated May 17, 2016 regarding updated hydraulic modeling for the project based on updated survey information/topography versus Metro GIS contours. He gave an overview of the project and variance request. Mr. Carl Chambers (AECOM) was also in attendance. Mr. Ward addressed Staff comments by stating that planters will be incorporated into the Long Term Maintenance Plan similar to what was done for Block D and there are no plans to do a green roof. They are doing the terrace (landscape plan) and the pocket park. Initially the pocket park was to be pervious pavers (Plan of Record), but will now be green (grass).

Mr. Ward gave a summary of the modeling results, the Preliminary Stormwater Management Plan Approval for 16,000 cubic yards of uncompensated fill, previous variances granted for projects in Area 1, and the final increased amount of uncompensated fill requested to fill Block E. There was discussion regarding the modeling results, proposed parking, topography used in the modeling, the tabulated results, flooding impacts (based on different flood stages of the Cumberland River), and surcharge of sewage into the public park area during a flood event. Mr. Lance Wagner expressed concern with a statement in the first paragraph of the TM which stated that "During large, high intensity rainfall events, water levels in the Kerrigan trunk sewer surcharge and may reach the ground surface in the area of the proposed development." Mr. Ward stated that it was referring to an existing condition. Mr. Michael Hunt (Stormwater – NPDES) stated that the existing flooding potential of the park should be taken into consideration with its design. He also suggested that they consider flash flooding warning signage. Mr. Adam Ballash (Boyle Investment Co.) stated that they can look at posting signage.

There was further discussion regarding uncompensated fill amounts granted in previous variances for Area 1 and revised, computed amounts based on surveyed topography, the final volume requested, the modeling results, and impacts upstream. Mr. Chambers addressed questions related to the modeling. Mr. Dodd Galbreath stated that his concerns continue to be the capacity of the system to handle the external

unstored volume of water and that the cost of taking on the extra water is being shifted to the taxpayer and other property owners and it is not being compensated for/mitigated onsite.

Mr. Slade Sevier asked about potentially compensating in the proposed park area, to which Mr. Ward stated that it would not be desirable because it would create an open area that would flood more frequently with backup from sewage. Mr. Galbreath also referenced the statement from the TM regarding high intensity rainfall events and potential surcharge onto the ground surface in the area of proposed development. He is concerned with uncompensated displacement of flood storage that the system cannot handle, and maybe there is a proposal they can return to the Committee with compensation, mitigation, or both. In response, Mr. Chambers clarified that the statement in the TM was in reference to Area 1 in an undeveloped condition. There was further discussion regarding the variance request, additional mitigation, and impacts to flooding based on the model.

Mr. Galbreath moved for a referral for 30 days, and asked Staff to try to work out a solution with the applicant. Ms. Ronette Adams-Taylor seconded the motion. Mr. Wagner asked Staff if there is some way for this to be mitigated. Mr. Tom Palko (Assistant Director – Stormwater Division) stated that right now there is a potential to surcharge onto the surface. Mitigation would require providing surcharge somewhere else. One example mentioned was an underground tank (not connected to the surface) which would collect the surcharge and then allow it to go back into the system. He mentioned that the Jefferson Street corridor project will utilize an underground tank to collect stormwater from the streets, but it is a totally different situation because it is a piped system with known capacities.

Mr. Hunt asked if the model takes in-line storage into account, to which Mr. Chambers responded yes; however, some of the additional structures being added were not taken into account. Ms. Adams-Taylor, Mr. Galbreath, and Ms. Debra Grimes voted in favor of the motion. Mr. Sevier and Mr. Wagner voted against the motion. Mr. Hunt asked for clarification – is this for the amount over the 16,000? Mr. Galbreath stated that since that is the record of decision, he thinks that is what the Appellant can assume. He would have to seek a motion and get support from his peers to go back and address the original 16,000, and since he did not vote on the prevailing side, he could not even ask for a motion to reconsider, so the Appellant can assume it is only the difference between the 16,000 and the almost 5,000.

IV. ITEMS OF BUSINESS

There were no items of business.

V. ADJOURNMENT

The meeting was adjourned at 9:45 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____