

**Minutes
of the
Stormwater Management Committee (SWMC)
November 3, 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 8:10 a.m.

II. APPROVAL OF OCTOBER 6, 2016 MEETING MINUTES & DECISION LETTERS

Mr. Dodd Galbreath moved and Ms. Ronette Adams Taylor seconded the motion to approve the meeting minutes and decision letters for the October 6, 2016 meeting. Ms. Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, and Ms. Debra Grimes voted in favor of the motion. Mr. Lance Wagner and Mr. Slade Sevier abstained from the vote.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 201600031

505 Crieve Road (Single Family Residential)

APN 14612013300

Inspector: (Kimberly Hayes)

CD-26 (Jeremy Elrod)

APPLICANT'S REQUEST: Request is to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of Briarwood Branch, tributary to Sevenmile Creek, for construction of an addition to a single family residence, including 2 awnings, walkways, steps, and removal of a portion of existing driveway, walkway, and patio.
- 2) Continuous mowing and maintenance of the buffer.
- 3) Use of modified buffer signage and placement locations.

APPELLANT: Leigh Ann and Tracy Roberts

REPRESENTATIVE: Mr. Joey Wilson

COMMENTS:

SW STAFF: Staff comments are as follows:

- 1) If the variance is approved, Staff requests that a 10' no-mow strip (from both sides of top of bank) be provided and that a condition be added that the Appellant revise the grading and mitigation plans to delineate and label the strip, with limited maintenance noted (weeding, trimming, replacement of materials in kind, etc.).
- 2) If the variance is approved, Staff requests that a condition be added that the Appellant coordinate with Staff on review and approval of the required water quality buffer signage and location(s).

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Stormwater comments.

Mr. Joey Wilson gave an overview of the project, variance request, and proposed mitigation. He also submitted additional photos of the site.

There was discussion regarding the mitigation plan and the applicant's proposed additional two-foot no-mow buffer strip in front of the existing hedge row near the stream. The total width of the no-mow area will be approximately four feet from top of bank. Mr. Dodd Galbreath stated concern with the use of Little Blue Stem as an adequate plant proposal for true buffer mitigation. He stated that it is a great idea to put a native warm season grass in that location because it puts deep roots down to hold the banks and keep the banks from eroding. Ms. Rebecca Dohn (Stormwater – NPDES) stated that she had a list of grasses for water's edge for Middle TN for full shade. Buffer signage content and placement was also discussed.

After discussion and review of the information presented, Mr. Roy Dale moved for approval as submitted (with the two-foot no-mow buffer strip in front of the existing hedge row, as shown on the Plan of Record) excluding the water quality buffer sign, and with the following Conditions #1-2 and standard Conditions #3-4. Mr. Lance Wagner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Mr. Slade Sevier, and Mr. Wagner voted in favor of the motion.

1. The water quality buffer signage requirement is waived.
2. The Appellant shall coordinate with Staff on review and approval of a revised mitigation plan.
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600031), 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 November 3, 2017. 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 of the variance was that the addition of the building has severely encumbered the property by the additions of all of the buffers, yet they have actually removed an amount of impervious surface within the buffer yard so there is no net increase in impervious surface.

2. 201600032

Micro Retail and Hotel Development
901 Gallatin Pike and 114 Emmitt Avenue
APNs 05104014200 and 05104014300
Grading Permit: SWGR T201500085

Inspector: (Katherine O'Hara)

CD-07 (Anthony Davis)

APPLICANT'S REQUEST: Previously granted Variance #201500005 on June 4, 2015 which has expired. A new variance is being requested with the same previous requests 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 a new building (2-story multi-use, Retail/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) Continuous mowing and maintenance of the floodway and buffer.

APPELLANT: Mr. Salah Girgis

REPRESENTATIVE: Mr. Chet Rhodes

COMMENTS:

SW STAFF: Grading permit plans (SWGR T201500085) were reviewed and approved and a pre-construction meeting was held; however, the grading permit has not been issued that allows the variance to run concurrently. The new variance being requested is for re-approval of the same previous requests. Stormwater Staff has no issues with this request as presented.

CODES: No comment provided.

PLANNING: The proposed site plan appears to not meet several Zoning requirements. Two that it does not meet is parking and landscaping. If the applicant has not met with Codes, then they should as this plan may not be realistic.

GREENWAYS: Greenways defers to Metro Stormwater comments.

Mr. Roy Dale recused himself from the case and left the meeting.

Mr. Chet Rhodes gave an overview of the project and variance request.

After discussion and review of the information presented, Mr. Lance Wagner made a motion to approve as is, with the following Standard Conditions #1-2. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dodd Galbreath, Mr. Sevier, and Mr. Wagner voted in favor of the motion. Ms. Debra Grimes abstained from the vote since she was not at the first hearing.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600032), 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 November 3, 2017. 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 that they presented the same plans, it has been through Stormwater, and from a Stormwater perspective, nothing has changed.

3. 201600033

Lot 8 – Colonial Cottages (Warfield Dr.) (Single Family Residential)
1916, 1918, & 1918B Warfield Drive
Map 131-022M, Parcels 00100CO, 00200CO, and 90000CO
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Variance #201600015 was previously granted on July 7, 2016. The applicant is now requesting a completely new variance to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Sugartree Creek for construction of first level concrete patios and second level decks off the rear of two single family residential structures, and grading within the last 20' of the Zone 1 buffer as shown on the Plan of Record.
- 2) Waive the water quality requirement for the site.
- 3) Disturbance of the Zone 1 buffer for installation of a wooden privacy fence.
- 4) Installation of mitigation plantings at the rear of the existing lawn.
- 5) Installation of modified buffer signage.
- 6) Maintenance of the exterior 20' of the 30' Zone 1 buffer. The applicant is proposing to leave the first 10' (from top of bank) completely undisturbed. The next 10' will contain the mitigation area, and the applicant requests the ability to keep it maintained and weeded as needed. The final 10' is proposed to be lawn and maintained in keeping with a typical lawn area.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: Staff comments are as follows:

- 1) If the applicant requests to not be required to install rain gardens and the Committee grants the request, Staff requests that the Committee specifically state that water quality is waived for the site and state why water quality is being waived.
- 2) If the variance is approved, Staff requests that a condition be added that the Appellant coordinate with Staff on review and approval of the required water quality buffer signage and location(s).
- 3) On the grading plan, the 18" RCP is shown as tying into the catch basin; however, it should tie into the proposed junction box. If the variance is approved, Staff requests that a condition be added that the Appellant revise the grading plan to tie the 18" RCP into the proposed junction box.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Stormwater comments.

Mr. Roy Dale returned to the meeting.

Mr. Charley Dean gave an overview of the project and variance request.

After discussion and review of the information presented, Mr. Slade Sevier moved for approval with the following Conditions #1-2 and standard Conditions #3-4, based on the many discussions that the Committee had on all of the properties along the strip (six lots of Colonial Cottages). Ms. Debra Grimes seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Ms. Grimes, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion. Mr. Galbreath voted against the motion.

1. Water quality is waived for the site.
2. The Appellant shall coordinate with Staff on review and approval of the required water quality buffer signage and location(s).
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600033), 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 November 3, 2017. 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 of the variance was the hardships of the property. Water quality was waived consistent with the last variance approval, and the reasons for the variance on waiver of water quality were based on hardships of the lot and natural water quality being provided by the design (sheet flow across the rear of the property).

4. 201600034

Millwood Commons – Phase II
0 Bell Road, 0 Bell Road, and 0 Blue Hole Road
Map 162, Parcels 118-120
Inspector: (Shawn Herman) CD-31 (Fabien Bedne)

APPLICANT'S REQUEST: Request is to allow disturbance and encroachment of an unnamed tributary to Mill Creek and its 50' stream buffer (30' Zone 1 & 20' Zone 2) and the 75' floodway buffer of Mill Creek (50' Zone 1 & 25' Zone 2) for grading, culvert extension, impervious sidewalk extension and outlet structures.

APPELLANT: Middleburg Real Estate Partners

REPRESENTATIVE: Mr. Mark Spalding

COMMENTS:

SW STAFF: The applicant has provided a sufficient Alternative Plan and narrative that shows and states no impact to the stream buffers, which meets the criteria per the Variance Checklist. Staff strongly supports the Alternative Plan for the project. The narrative states:

“The alternative plan proposed shows no impact to the stream buffers. Currently there is a six foot concrete sidewalk in good condition located immediately behind the curb along all of Bell Road. The alternative plan would be to leave the existing sidewalks in place along the buffer areas and only provide

the grass in areas outside the buffer. This provides a pedestrian path along Bell Road without impacting the buffers. The proposed alternative along Blue Hole Road would be to remove existing asphalt and replace with curb and gutter and sidewalk without a grass strip. Public Works has requested the southbound two lane portion of Blue Hole Road be restriped to show only one lane. The excess pavement can be removed to accommodate the sidewalks. Although this would not comply with the Major and Collector Street Plan, this would comply with the intent and provide a safe pedestrian travel path along Bell Road and Blue Hole Road.

Blue Hole Road is located within the floodway and floodway buffers. The Major and Collector Street Plan required curb and gutter to be installed along Blue Hole Road. With the curb and gutter, will also include storm sewer installation to control the runoff from the roadway. The Nashville Fire Department egress drive requires imperious area and grading within the floodway buffers. Any work done to Blue Hole Road will require the approval of a stormwater variance for work within the floodway buffers. There are no development alternatives to these impacts that would comply with the other Metro departments. However, the design is such that impacts are minimized as much as possible.”

CODES: No comment provided.

PLANNING: Planning Dept. memo submitted with recommendation provided to the SWMC. (Read into the meeting record).

GREENWAYS: Greenways defers to Metro Stormwater comments.

Ms. Paula Kee (Secretary) read into the record a memo from Metro Planning Department regarding its recommendation for the variance to the Major and Collector Street Plan (MCSP). Planning Department’s analysis stated that while the alternative plan does not meet the MCSP, it does maintain some pedestrian connectivity while protecting sensitive environmental features on site. Planning’s recommendation was to approve the alternate plan.

Mr. Matt Evans (Middleburg Real Estate Partners) introduced himself, and Mr. Mark Spalding gave a brief overview of the original plan, and the alternative plan.

After discussion and review of the information presented, Mr. Dodd Galbreath moved to deny the requests for the original plan and approve the Alternate Plan. Mr. Roy Dale seconded the motion. The motion was approved by Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Debra Grimes, Mr. Slade Sevier, and Mr. Lance Wagner.

5. 201600029

1901 Kimbark Drive (Single Family Residential)

APN: 13103003100

Inspector: (Kimberly Hayes)

CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Previously deferred on October 6, 2016. The revised variance request, based on a revised Plan of Record is to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary to Sugartree Creek to allow the construction of a single family home, driveway, sidewalk, deck, and installation of privacy fence.
- 2) Continuous mowing and maintenance of all but 10' of stream buffer measured from the top of bank.

APPELLANT: Energy Land & Infrastructure and Cadence Construction

REPRESENTATIVE: Mr. Clay Wallace

COMMENTS:

SW STAFF: Staff comments are as follows:

1) If the variance is approved, Staff requests that a condition be added that the Appellant revise the grading and mitigation plans to delineate and label the 10' No-Mow/No-Disturb area and that standard buffer signage be placed at the edge of the 10' strip.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Stormwater comments.

Mr. Clay Wallace gave an overview of the project and revised variance request.

After discussion and review of the information presented, Mr. Dodd Galbreath moved for approval with the following Condition #1 and standard Conditions #2-3. Ms. Debra Grimes seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Grimes, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. The Appellant shall revise the grading and mitigation plans to delineate and label the 10' No-Mow/No-Disturb area and standard buffer signage shall be placed at the edge of the 10' strip.
2. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201600029), 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.
3. This variance will expire on November 3, 2017. 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 applicant did a good job of getting as far over and as narrow as possible, out of the Zone 1 buffer.

6. 201500017 (SHOW CAUSE HEARING)

1502A, 1502B, and 1502C Kirkwood Ave. (formerly 1502 Kirkwood Ave., M118-1, P89)

(Single Family Residential)

Map 117040Z, Parcels 00200CO, 00100CO, and 90000CO

Inspector: (Kimberly Hayes)

CD-18 (Burkley Allen)

APPELLANT: Mr. David Tudor

APPLICANT'S REQUEST: Show Cause Hearing previously held on October 6, 2016, and the case was deferred to November 3, 2016. Previously granted Variance #201500017 on November 5, 2015 to allow the following:

- 1) Disturbance and encroachment of the 50' stream buffer of an unnamed tributary to West Fork Browns Creek for construction of a duplex and installation of mitigation plantings.
- 2) Placement of Stormwater BMP in the buffer.
- 3) Continuous mowing and maintenance of the south side of the buffer
- 4) Use of modified buffer signage.

Staff conducted a final inspection and plan review and determined that construction had not been completed per the approved Building Permit Plan and Variance Plan of Record under which the

variance was granted. The Show Cause Hearing was to allow the Property Owner the opportunity to discuss and answer questions concerning the construction activity resulting in the non-compliance issues and provide an explanation as to why more severe enforcement action should not be pursued or why the variance should not be revoked.

Items of non-compliance at that time are summarized below:

- 1) The site is not fully stabilized with vegetation
- 2) Rain barrels were not installed on the rear roof drains
- 3) The front downspouts were to be piped to the rain garden; the roof drains for each unit were noted as connected/tied in by corrugated pipe, but above grade (not subsurface)
- 4) Stream buffer signs were not provided at the top of bank
- 5) There is increased impervious area in the rear:
 - * the landing and steps are wider, larger than the approved plan
 - * the HVAC area is greater than what was approved on the plan
- 6) The driveway and front porch area were not constructed per plan, and there is an additional increase in impervious area over what was proposed and approved.

Upon returning to the Committee, the Appellant was to have addressed a way to either remove the existing imperviousness to meet the original variance requirements #5 and #6 (stated above) or find an equal mitigation proposal that would achieve the same result as the original variance criteria that have not yet been addressed. The Appellant has submitted revised grading and mitigation plans.

COMMENTS:

SW STAFF: Staff has no additional comments.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways defers to Metro Stormwater comments.

Mr. David Tudor gave an overview of the revised grading and mitigation plans. The cover letter from the engineer (Mr. Gerald Bucy), regarding the revised submittal, was read into the record.

There was discussion regarding the increased impervious area, the rain garden, and the additional mitigation. Mr. Dodd Galbreath asked Ms. Kimberly Hayes (MWS –Development Services) if in her opinion the mitigation was sufficient. In response she stated that the engineer's justification that the increased size of the rain garden is sufficient to account for the increase in impervious area due to the driveway not being per the plan that was approved and in the rear for the HVAC units, and including the large tree, was sufficient.

After discussion and review of the information presented, Mr. Dodd Galbreath moved for approval of the revised plans with the following standard Condition #1. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Debra Grimes, and Mr. Lance Wagner voted in favor of the motion. Mr. Slade Sevier voted against the motion.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Development Services, in writing (referencing Variance #201500017), 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.

The reason for approval was Staff's concurrence.

IV. ITEMS OF BUSINESS

1. Ms. Paula Kee (Secretary) asked the Committee if there were any changes needed to the proposed 2017 meeting schedule in consideration of the week of the July 4th holiday, to which there were none.

2. The Committee discussed a revision to the current Wetland Policy to further clarify specific wetlands (as determined by TDEC) which will have no buffer or SWMC variance required, with Stormwater Staff review and approval of specific criteria as being met. After discussion and review of the information presented Ms. Debra Grimes made a motion that the previously- approved policy (May 5, 2016) be revised with the change from “low resource value” to “low or moderate resource value”. The motion was seconded by Mr. Dodd Galbreath. The motion was approved by Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Grimes, Mr. Slade Sevier, and Mr. Lance Wagner. The revised policy is as follows:

Wetland Policy:

1. Wetlands of low or moderate resource value (as determined by TDEC) < 0.10 acres – No buffer required and no SWMC variance required (w/Stormwater Staff review and approval of the following requirements being met)
2. Wetlands of low or moderate resource value (as determined by TDEC) = or > 0.10 acres – Buffer required and SWMC variance required for wetland and/or wetland buffer disturbance
3. Stormwater Staff shall provide an annual update to the Committee, if needed, of how TDEC is doing in these determinations, and if they start becoming less protective than the Committee wants to be, then it can be revisited.

Criteria for Stormwater Staff approval for removal of wetland and wetland buffer (Wetlands of low or moderate resource value < 0.10 acres):

- a. All areas shown as wetlands on the National Wetlands Inventory GIS layer will need to be assessed. This assessment will need to be approved by TDEC. The applicant is responsible for obtaining any necessary Corps approvals.
- b. For each identified wetland and buffer to be considered for removal, the applicant will need to provide all state and federal permits, including the TDEC Notice of Coverage (NOC) for the General Aquatic Resource Alteration Permit (ARAP) for Minor Alteration to Wetlands.
- c. No state or federal mitigation must be required for wetland removal.
- d. Stormwater Staff review and approval must be obtained prior to issuance of any applicable grading permit or single family residential permit, any Stormwater building permit signoff, or any land disturbance if no Metro permit is required.

3. There was brief discussion regarding an initial draft of a potential variance for Public Works construction and/or maintenance projects. The subject discussion was proposed to be continued at the next meeting.

V. ADJOURNMENT

The meeting was adjourned at 10:16 a.m.

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Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____