

**Minutes
of the
Stormwater Management Committee (SWMC)
March 17, 2017

8:15 AM
700 Second Avenue South
Howard Office Building, Sonny West Conference Center**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Ms. Ronette Adams-Taylor
Mr. Roy Dale, P.E.
Ms. Debra Grimes
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E. – Vice Chairman
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent

Mr. Dodd Galbreath

I. CALL TO ORDER

The meeting was called to order at 8:15 a.m.

II. APPROVAL OF MARCH 2, 2017 MEETING MINUTES & DECISION LETTERS

Mr. Slade Sevier moved and Ms. Ronette Adams-Taylor seconded the motion to approve the meeting minutes and decision letters for the March 2, 2017 meeting. Ms. Adams-Taylor, Mr. Roy Dale, Ms. Anna Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion. Ms. Debra Grimes abstained from the vote due to the fact that she did not attend the meeting.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 201600023

Mill Creek Soccer Complex (now also known as Orchard Bend Park)
5601, 5611, & 5605 Pettus Road
Map 173, Parcels 95 & 96 and Map 174, Parcel 7
Inspector: (Shawn Herman)

CD-31 (Fabien Bedne)

APPLICANT'S REQUEST: Variance #201600023 was previously granted on 9/1/16 to allow the following:

- 1) Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Mill Creek for construction of multiple athletic (soccer) fields with associated grading and installation of EPSC measures, as shown on the Plan of Record.
- 2) Excavation (Cut) volume of 11,361 cubic yards below the 2 year elevation (523.34') to be included in the compensating storage capacity calculations.
- 3) Placement of Stormwater BMPs in the buffer.
- 4) Placement of modified buffer signage.
- 5) Continuous mowing and maintenance of a significant portion of buffer.

The grading permit application (SWGR T2016039648) is currently under technical review. This Special Meeting is being held to address changes to the project's revised plan which impact the variance Plan of Record, and the Appellant is requesting approval of the following revised variance request:

- 1) Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Mill Creek for construction of multiple athletic (soccer) fields with associated grading and installation of EPSC measures, as shown on the revised Plan of Record.
- 2) Excavation (Cut) volume of 21,614 (+/- 2,200 or 10%) cubic yards below the 2 year elevation (523.34') to be included in the compensating storage capacity calculations.
- 3) Placement of Stormwater BMPs in the buffer, which includes additional BMPs not in the previously approved plan.
- 4) Placement of modified buffer signage. (Every 300' versus every 100' required.)
- 5) Continuous mowing and maintenance of a significant portion of buffer.

APPELLANT: Metro Parks and Recreation Department

REPRESENTATIVE: Mr. Michael Pavin

COMMENTS:

SW STAFF: Previous 9/1/16 Staff comments:

1. The applicant is aware of the requirement to have TDEC and CORPS jurisdictional determinations, along with state and/or federal mitigation requirements, etc., submitted in the variance application. Copies of state and federal permit applications were submitted. As of this date, the applicant has submitted an email from the Corps stating that they have "determined there are not wetlands on the site" and that a "no permit required letter" was to be drafted; however, Staff has not received a copy of a response from TDEC nor a final letter from the Corps.
2. Per the Overall Landscape Plan (Sheet L1.00), additional tree plantings have been proposed as mitigation. Staff requests further clarification of which areas will be mowed/maintained and which areas will remain undisturbed. For example, the two areas in the southwest and southeast corners of the property that are shown outside of the limits of disturbance – are they to be left undisturbed/no-mow?
3. Question: Are the swales proposed as mitigation?
4. At this time, the grading permit application (SWGR T2016039648) is under sufficiency review. Given the scope of the project, Staff anticipates a possibility that there may be minor plan changes that will be needed. Staff requests clarification from the Committee as to whether or not minor changes that do not materially impact the variance will be allowed (as determined by Staff) or will any change in the plan necessitate a return to the Committee?
5. Currently, the No-Rise Certification is under review.
6. The applicant has provided an Alternate Plan that does not require a variance.

Current Staff Comments are as follows:

1. In previous discussions with the Appellant's representatives, it was indicated that there was an additional request is to allow grading/land disturbance for construction of the soccer fields and sprigging to begin prior to issuance of a grading permit; however, it is not specified on the revised application. Is this a request for the revised application? Staff requests that clarification be provided on the project phasing and what variance, if any, is being requested.
2. There are 4 bioretention areas and 1 rain garden that are shown on the landscape plan (Sheet L1.00) but not called out on the Grading Plan (Sheet C2.00). Please clarify whether these are required or additional mitigation with the water quality swales and landscape mitigation plantings. If a revised variance is approved, Staff requests that a condition be added that all bioretention areas and rain gardens that are to be constructed for the purposes of either meeting water quality or mitigation shall be shown and labeled on the grading plan with details and shall be included in the Long Term Maintenance Plan.
3. The Appellant has provided a signage plan with proposed sign placement locations identified (Sheet C1.0) – shown as every 300 feet' versus every 100' as required. Standard Detail Sheet C5.40 shows the standard language "Stream Buffer, Do Not Disturb". Per discussion during the 9/1/16 meeting regarding signage and as Variance Condition #3, the Appellant is to coordinate with Staff on review and approval of the modified water quality buffer signage and placement. Ms. Dohn had previously spoken with Ms. Ratz and offered available artwork that could be used. If a revised variance is approved, Staff requests that this condition remain along with all other variance conditions.
4. Is there a clearly identified maintenance plan included in the revised plan submittal that addresses managing the fields, fertilizer, etc.? If so, please identify the location within the plans. If not, will the proposed soccer fields be maintained the same as existing Metro soccer fields under an overall existing Metro Parks maintenance plan?

CODES: No comment provided.

PLANNING: Defer to Stormwater for review, no comments.

GREENWAYS: Greenways supports this project as it provides recreation opportunities in an underserved area and supports the conservation efforts of the Greenways Division.

Ms. Rebecca Ratz stated that there is a brief window of time available for sprigging the soccer fields before summer. Mr. Michael Pavin and Mr. Stephen Karas were also in attendance.

Mr. Pavin gave a summary of the plan changes since the variance approval which includes additional cut volume below the 2-year elevation and placement of additional best management practices (BMPs) in the buffer related to proposed parking in the floodplain. Water quality and detention would be required for the site. Mr. Pavin discussed the range of solutions that were evaluated based on flooding and required maintenance, and also addressed Staff comments.

There was discussion regarding the requirement for detention for the site, the increased volume below the 2-year elevation (for the water quality and detention), and modified buffer signage and placement. Handouts were provided of sample language content and strategic placement locations. Additional information would also be incorporated into the greenway trailhead sign. Regarding scheduling, Mr. Pavin also clarified that they would like to get the variance amended (or a new variance issued) and then move forward with technical review and permit the whole project. Mr. Karas gave a brief overview of seven revised plan sheets submitted which reflect corrections and clarifications made after submittal for the rehearing to address Staff Comment #2. Ms. Ratz also gave an overview of the proposed maintenance of the soccer fields.

Mr. Roy Dale asked Mr. Pavin if starting early on sprigging was part of his request, to which Mr. Pavin stated that if they can move forward with the variance, along with coordination with Staff, he felt confident the rest of the technical review could be done in a way that they could still facilitate it.

Mr. Dale made a motion to approve the variance as requested with the following Conditions #1-7 and standard Conditions #8-9. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. The variance is approved with Staff comments. The Appellant shall work with Staff to make sure that Staff has all of the answers to their questions (in Staff comments).
2. The Appellant shall submit a plan of maintenance to Staff so that they understand exactly how this is going to be maintained.
3. Staff shall be given flexibility to work with the Appellant so that they will not have to return to the Committee to answer those questions or modifications.
4. During construction, if situations occur that require modifications to the plans, the Appellant shall be allowed by Staff to make those changes without having to return to the Committee. There are probably stormwater features that occur within the buffer that may be part of the request, and that is perfectly reasonable in this scenario.
5. Staff shall work with the Appellant on phasing the project, if needed.
6. The No-Rise Certification shall be reviewed and approved by Staff.
7. The Appellant shall coordinate with Staff on review and approval of the modified water quality buffer signage and placement. The Appellant shall work with Staff to make sure there is additional signage showing where not to mow.
8. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600023), 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.
9. This variance will expire on March 17, 2018. 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: 1) the property was used agriculturally for many years, and this is probably an improvement, 2) it is an area underserved by Parks, 3) it has a multi-cultural background so there is probably a very strong need for soccer fields in this area, and 4) the councilmember is very supportive of this.

Mr. Dale encouraged Staff to work with the Appellant to the greatest extent possible in order to expedite this and get this need addressed.

From Mr. Dale's perspective, he stated that if they ever did return to the Committee, they would consider possibly removing detention on the property for safety purposes (potential impounded water in an area where children would be playing).

IV. ITEMS OF BUSINESS

There were no items of business.

V. ADJOURNMENT

The meeting was adjourned at 9:13 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____