

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
May 4, 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.  
Mr. Dodd Galbreath  
Ms. Anna Maddox, P.E.  
Mr. Slade Sevier, P.E. – Vice Chairman  
Mr. Lance Wagner, P.E. – Chairman

**Committee Members Absent**

Ms. Debra Grimes

**I. CALL TO ORDER**

The meeting was called to order at 8:18 a.m.

**II. APPROVAL OF APRIL 6, 2017 MEETING MINUTES & DECISION LETTERS**

Mr. Slade Sevier made a motion to amend the April 6, 2017 meeting minutes and decision letters for Cases #201600036, #201600037, and 201600038 to change the phrase, “motion failed,” to “variance was not granted because the motion failed.” Ms. Anna Maddox seconded the motion. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the amendment. Mr. Sevier made a motion to approve the meeting minutes and decision letters with the amendment. Ms. Maddox seconded the motion. The motion was approved by the same. Ms. Ronette Adams-Taylor 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. 201700006**

**BLUE BEACON – STARPOINTE PUD**

13105 & 0 Old Hickory Blvd

APNs 18300000900 & 18300003600

Inspector: (Shawn Herman)

Council District: 33 (Sam Coleman)

**APPLICANT'S REQUEST:** The project was first granted Variance #2007-018 on February 15, 2007 for a proposed hotel/retail development which involved a request for disturbance and encroachment of the buffer with a retaining wall, removal of an access drive, vehicular/pedestrian crossings, and sidewalk construction. 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. Mitigation was included which also provided remediation for a previous Notice of Violation issued for buffer disturbance, and a portion of the mitigation plantings were installed. Both the grading permit and variance expired.

On June 4, 2015, Variance #201500008 was granted for completion of the project and approved a request for disturbance and encroachment of the buffer for construction of parking spaces and utilities, placement of Stormwater Best Management Practices (BMPs), continuous mowing and maintenance, and to allow existing buffer disturbances to remain and be approved. Grading Plans were not approved, no grading permit was issued, and the variance expired.

A new truck wash facility is now being proposed for this site. On January 5, 2017, the project received Preliminary Stormwater Management (SWM) Plan approval. The applicant is now requesting a variance (based on a final construction plan) to allow the following:

- 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 a new stream crossing, removal of one existing crossing, removal of retaining wall on the south side of the stream and along the north side of the stream west of the crossing being removed, construction of a portion of driveway in the buffer, pipe and storm structures with outlet protection (rip-rap), and construction of public sidewalk.
- 2) Multiple stream crossings <1,000' apart.
- 3) Placement of Stormwater BMP in the buffer (construction of stormwater pre-treatment BMP).
- 4) Allow existing buffer disturbances to remain and be approved (one existing crossing and portions of wall). Existing storage containers are to be removed.
- 5) Continuous mowing and maintenance of the buffer area.

**APPELLANT:** Rose Management, LLC

**REPRESENTATIVE:** Mr. Jim Lukens

**COMMENTS:**

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

1. The proposed mitigation plan addresses required mitigation that was to have been provided as remediation for the 2007 Notice of Violation (NOV).
2. The existing pedestrian and driveway crossings were to be removed in the preliminary SWM plan approved on January 5, 2017. In the current variance request, the pedestrian bridge is to be removed; however, the existing driveway crossing is to now remain.

Note: The aforementioned NOV-required remediation work has been scheduled to be completed via past/proposed Grading Permit projects over the last few years for this site. The parcel owner should be aware that the aforementioned remediation must be completed in a timely manner regardless of whether a development project proceeds on the site.

**CODES:** No comment provided.

**PLANNING:** Planning has received a revised site plan which is consistent with the PUD revision which is currently under review by Planning staff. Planning Staff will defer to Stormwater for review.

**GREENWAYS:** Greenways defers to Stormwater Staff comments.

Mr. Jim Lukens, Mr. Dana Morse, and Mr. Guy Williams were in attendance. Mr. Lukens gave an overview of the past history of the site, proposed project, and proposed and existing buffer disturbances. He stated that there is nothing proposed for the southwest corner of the property on the now approved preliminary PUD. He described the difference in the final variance plan versus the previously approved preliminary SWM plan – to keep the existing main bridge as an exit only, one-way bridge versus removing as was originally proposed. He explained the rationale/hardship for it to remain, and gave an overview of the additional mitigation proposed.

The Committee discussed the previous preliminary SWM plan approval (which included proposed removal of both existing bridges) and the final variance plan of record. Mr. Dodd Galbreath expressed concern that the mitigation proposal did not appear to provide a functional exchange of losses versus gains or properly balance the impact of leaving the second bridge in place.

After discussion during the Executive Session of the Committee on May 4, 2017 and review of the information presented, Mr. Galbreath made a motion to approve the proposal with the following Condition #1 and standard Conditions #2-3. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion. The motion carried.

1. The Appellant shall work with Stormwater Staff on review and approval of the proper amount of additional mitigation plantings onsite (and also proposed lighting) prior to approval of the grading plan.
2. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201700006), 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 May 4, 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

Note: The aforementioned NOV-required remediation work has been scheduled to be completed via past/proposed Grading Permit projects over the last few years for this site. The parcel owner should be aware that the aforementioned remediation must be completed in a timely manner regardless of whether a development project proceeds on the site.

2. **201700007**  
**910 CAHAL AVENUE**  
**(SINGLE FAMILY RESIDENTIAL)**  
APN 07209036900  
Inspector: (Kimberly Hayes)

Council District: 05 (Scott Davis)

**APPLICANT'S REQUEST:** Variance request 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 the Cumberland River for construction of a single family residence along with driveway, sidewalk, and porch/patio.
- 2) Waiver of buffer signage.
- 3) Continuous mowing and maintenance of the buffer.

**APPELLANT:** Mr. Cliff and Mrs. Jana Reigle

**REPRESENTATIVE:** Mr. Masoud Fathi

**COMMENTS:**

**SW STAFF:** No additional Staff comments.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater for review.

**GREENWAYS:** Greenways defers to Stormwater Staff comments.

Mr. Masoud Fathi gave an overview of the project and variance request. Mr. James Reigle was also in attendance.

After discussion during the Executive Session of the Committee on May 4, 2017, and review of the information presented, Ms. Anna Maddox made a motion to approve the plan with the following standard Conditions #1-2. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Dodd Galbreath, Ms. Maddox, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion. The motion carried.

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 #201700007), 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 May 4, 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

The reasons for approval were that: 1) they are moving the building further out of the buffer, and 2) the parking appears to be consistent with existing parking areas on that street.

**3. 201700008**

**ONE BELLEVUE PLACE**

7632 Highway 70 South

APN 12800019000

Inspector: (Leigh Nelson)

Council District: 22 (Sheri Weiner)

**APPLICANT'S REQUEST:** Variance request is to allow disturbance of the 50' stream buffer (30' Zone 1 & 20' Zone 2) of an unnamed tributary of the Harpeth River to remove 12 existing trees from the Zone 1 buffer. Trees are to be cleanly cut at ground level with no grading or other ground disturbance. It is important to note that the developer has planted over 180 more trees (than required by Metro Codes) in the internal development to create a more tree friendly shopping center.

**APPELLANT:** Barge Cauthen & Associates

**REPRESENTATIVE:** Mr. John Gore

**COMMENTS:**

**SW STAFF:** No additional Staff comments.

**CODES:** No comment provided.

**PLANNING:** Denied - Planning will not support the variance request. The proposed signage shown on the variance site plan will establish the visual connection to the public and private aspects of the One Bellevue Place Mixed Use Project as stated in the explanation submitted with the variance request.

**GREENWAYS:** Greenways defers to Stormwater Staff comments.

Council Lady Sheri Weiner submitted an email (5/3/17) stating that she fully supports the request for the variance.

Ms. Anna Maddox recused herself from the case.

Mr. John Gore gave an overview of the project and variance request. Mr. Mickey Dobson, Mr. Dana Young, and Mr. Micah Hargrove were also in attendance.

Mr. Roy Dale stated that the Bellevue Mall is very important to the people in Bellevue, there will be less impervious surface, and it will be a much better site with a lot of trees and green space. He also stated that they did a very selective study to determine exactly what needs to be done at a minimum, and it will probably be better than what is there today. Mr. Dodd Galbreath stated his concern about disturbance of existing trees and whether there will be a fair exchange of plant material for what is being removed, which was discussed further.

After discussion during the Executive Session of the Committee on May 4, 2017 and review of the information presented, Mr. Dale made a motion to approve as submitted with the following standard Conditions #1-2. Ms. Ronette Adams-Taylor seconded the motion. Ms. Adams-Taylor, Mr. Dale, Mr. Galbreath, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201700008), 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 May 4, 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

**4. 201700009**

**HILLSBORO HIGH SCHOOL – ADDITION & RENOVATION  
(Preliminary Stormwater Management (SWM) Plan)**

3812 Hillsboro Pike

APNs 11715003700

Inspector: (Michael Pate)

Council District: 25 (Russ Pulley)

**APPLICANT'S REQUEST:** Preliminary Stormwater Management (SWM) Plan approval is requested. The preliminary plan includes a variance request to allow the following:

- 1) Stream buffer disturbance and encroachment to re-route a stream and its 30' Zone 1 buffer.
- 2) Alteration to a community water.
- 3) Reduced buffer width as shown on the Plan of Record.
- 4) Modified buffer signage.
- 5) Continuous mowing and maintenance of the buffer.

**APPELLANT:** Mr. David Proffitt (Metro Nashville Public Schools)

**REPRESENTATIVE:** Mr. Stephen Brown

**COMMENTS:**

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

1. The Applicant has worked with Staff to develop an alternative location for the stream relocation.
2. If preliminary approval is granted, Staff requests that as a condition of returning to the Committee with a final variance request submittal, the Applicant provide a draft final educational buffer sign design for review and approval by the Committee.
3. If preliminary approval is granted, Staff requests that as a condition of returning to the Committee with a final variance request submittal, the Applicant coordinate with Stormwater – NPDES on a final landscape mitigation plan for review and approval by the Committee.

**CODES:** No comment provided.

**PLANNING:** Metro School Site, defer to Stormwater for review.

**GREENWAYS:** Greenways defers to Stormwater Staff comments.

A letter (dated 4/26/17) from Ms. Monette Rebecca, President and Executive Director of the Richland Creek Watershed Alliance (RCWA), was read into the record. RCWA stated that it appreciates: 1) the applicant retaining and including the aquatic habitat into the design, and 2) the alternative buffer signage, emphasizing freshwaters and aquatic habitat. RCWA sees this as the best outcome possible, with consideration of the school's need for renovation and expansion.

Mr. Stephen Brown, Mr. Derek Howard (MNPS), and Mr. David Proffitt (MNPS) were in attendance. Mr. Brown gave an overview of the site history, the proposed project, and the preliminary Stormwater Management (SWM) plan approval request.

Mr. Allen Ramsey (Ragan Smith Associates, 315 Woodland Street), was in attendance representing Brookside Properties which owns property at 2000 Richard Jones Road. He stated that they have had recent floodings and asked that as the Committee goes through the process, it considers looking at managing the stormwater as far as how it impacts this property.

There was further discussion regarding the subject stream and proposed relocation. Mr. Lance Wagner asked Mr. Brown will any of this, in his opinion, increase flooding downstream, to which Mr. Brown stated, that specifically what they are talking about today with this mitigation, he does not believe it is going to have any impact. He has had some discussion with Stormwater Staff about downstream drainage but is not familiar with specific flooding problems. He would be looking to get with Mr. Ramsey later on and get some more details about it. Mr. Wagner encouraged him to reach out to the neighbors, in general, and make sure that this comes through in the final paperwork for the project (actual variance request submittal). Mr. Wagner also stated his support and appreciation to MNPS for the educational component and promoting aquatic habitat.

After discussion during the Executive Session of the Committee on May 4, 2017, and review of the information presented, Ms. Anna Maddox made a motion to approve with the following Conditions #1-2. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion.

1. As a condition of returning to the Committee with a final variance request submittal, the Appellant shall provide a draft final educational buffer sign design for review and approval by the Committee.
2. As a condition of returning to the Committee with a final variance request submittal, the Appellant shall coordinate with Stormwater – NPDES on a final landscape mitigation plan for review and approval by the Committee.

Mr. Dale encouraged the Appellant to look at downstream flooding concerns. Mr. Wagner expressed interest in knowing the actual species that have been found and which species they are trying to promote.

**5. 201700010**

**ALOFT HOTEL**

608 & 610 McGavock Pike

APNs 09511019000 & 09511017900

Inspector: (Harold Bryant)

Council District: 15 (Jeff Syracuse)

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

- 1) Disturbance and encroachment to fill/eliminate 0.231 ac. of wetland and encapsulation of 198 linear ft. of stream for construction of a hotel and parking. Total amount of 25' wetland and 30' stream buffer to be eliminated = 0.606 ac. Disturbance also includes removal of an existing (unpermitted by Metro) 15" RCP pipe; however, pipe was permitted by TDEC permit No. NRS13.227 and NRS13.227A.
- 2) Disturbance and encroachment of 0.080 ac. of 50' stream buffer (30' Zone 1 & 25' Zone 2) of an unnamed tributary to Sims Branch for construction of parking.
- 3) Alteration to community waters.
- 4) Multiple stream crossings <1,000' apart.
- 5) Placement of Stormwater BMP in the buffer.
- 6) Waiver of buffer around newly constructed wetland to allow placement of parking.
- 7) Approval of past disturbances and encroachments: 60' wide crossing and 0.032 ac. wetland disturbance permitted by TDEC permit No. NRS13.227 and NRS13.227A.
- 8) Continuous mowing and maintenance of the buffer.

**APPELLANT:** 608 Hotels, LLC

**REPRESENTATIVE:** Mr. Tarun Surti

**COMMENTS:**

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

1. Site history:

- 08/06/02 – NOV for grading without a permit, stream, and stream buffer disturbance
- 08/21/02 – NOV for inadequate EPSC resulting in sediment discharge
- 08/23/02 – TDEC issues NOV for damming, grading and filling of this unnamed tributary to Sims Branch
- 11/20/03 – Variance request to relocate and culvert stream was denied. Applicant instructed to restore disturbed buffer.

- 09/2014 – MWS discovered a pipe installed without a grading permit and contacted TDEC. The work was approved under TDEC permit NRS13.227, but was not in compliance with the conditions. MWS opted for TDEC to pursue enforcement given their permit issuance for the activity.
2. The site plan of record involves significant stream buffer and aquatic resource disturbances that will have ongoing impacts to future stormwater and groundwater discharges from the site - with limited mitigation being proposed. As such, staff cannot support the plan as submitted.
  3. This site is within the Mill Creek watershed, habitat of the endangered Mill Creek Crayfish, and specifically involves Sims Branch – which is on the 2014 TDEC 303(d) List as being impacted by total phosphorus, low dissolved oxygen, habitat alteration, and E-coli.

**CODES:** No comment provided.

**PLANNING:** Conditional Approval with the following comments:

- Planning Staff recommends the applicant revise the proposed variance site plan to incorporate more remediation measures to achieve consistency with the conservation land use policy present on the site.
- A consideration should be made to reduce the access to a single entry and exit pending requirements of the Fire Marshall's office.
- Consider alternate designs to reduce the impact of the overall footprint of the proposed structure as shown on the site plan submitted with the variance request in order to reduce the impact to the sensitive environmental features on site such as the stream buffers, wetlands, and the stream itself.
- Planning Staff will recommend approval with conditions if the site plan is revised to incorporate remediation measures which receive a recommendation of approval from Metro Stormwater Staff.

**GREENWAYS:** Greenways defers to Stormwater Staff comments.

Mr. Larry Bielski (Horizon Hospitality) spoke regarding the project. Mr. Tarun Surti was also in attendance. Mr. Bielski had the following comments, as summarized below:

1. He stated that the site and all the conditions have been evaluated by the necessary governmental departments and environmental engineers for this project, and it has been determined that there are no significant features that exist on the site that warrants the classification of wetlands of moderate resource value. It is an insignificant wetlands.
2. He stated that they have gotten the necessary TDEC permits for which they had the necessary environmental report. The Corps of Engineers and Fish and Wildlife are reviewing the crayfish situation.
3. Regarding the limited mitigation proposed, he stated that Davidson County does not have a wetlands bank, and the site does not have the room for 100% mitigation. The site is just the right size for a 100-room hotel and the required parking. The owners have used all the programs and methods available to them and their engineers to effectively mitigate the wetlands. Offsite credits of over \$19,000 (0.46 acres) have been purchased in a wetlands bank in a neighboring county. Onsite mitigation proposed is 0.033 acres for a total of 0.493 acres, twice as much mitigation as required.
4. He further discussed the low-impact development (LID) design, using green infrastructure practices to mitigate the wetlands and manage the stormwater – bioretention areas, permeable pavers for detention along with some asphalt to provide sheet flow, additional reforestation of the TVA easement area in addition to required landscaping, and cleanup of the buffer zone.
5. He stated that they researched the 2014 TDEC 303d List, and the crayfish does not inhabit this Sims Branch tributary. He further stated report results regarding locations of actual crayfish habitat.
6. He stated that the Committee has proposed that they are willing to approve the plan conditionally, and one of the conditions is that they revise the proposed variance site plan. The site plan on record satisfies



the concerns that have been brought to their attention to-date. The variances requested are needed to make the project economically feasible. There is very little room to make a 100-room hotel and parking any smaller, and there is no room onsite for additional remediation.

7. He stated that the current land use is an undeveloped site that has a wetlands on it that does not classify as a significant wetlands and has no environmental significance. There are no laws in place that require them to save it – that is more of a Committee decision. The site that has the wetlands has been determined not to qualify as a wetland of moderate value. The property is zoned for commercial development, and they would like to take advantage of that zoning and create jobs, tax revenue, and return on the investment for developers. They do not see it as ever becoming a park or something of public use.

8. He stated that: a) they would like to do away with the second entrance, b) reducing the size of the hotel, with the cost of the land and the mitigation proposed, would cause the project to become economically not feasible, and 3) they are sensitive to and do recognize the importance of protecting the buffers, and the laws and ordinances in place to protect the buffers allow development in and around buffer zones. They are requesting to encroach upon that in order to make the project work for the parking areas, and encapsulate the stream and do away with the buffer and it becomes parking. The wetlands have been addressed with the environmental studies. The stream will be protected during construction.

Mr. Surti stated that he had spoken with Chanda Williams who is the Fire Marshall and discussed the two entrances. Metro has adopted a new law that whenever there is a building about three stories high, two entrances are required. He asked if there is another way to resolve this, and he had not received any comment back as of this date. He stated that most of the hotels in the airport area have a single entrance. He has two parcels on this property and can probably create two entrances and interconnect them. Verbally she told him that should be sufficient, so most likely they will be able to eliminate the second entrance and use it for more remediation.

Councilman Jeff Syracuse spoke in support of the variance request stating that he understands that there are challenges with the project but does not think they are insurmountable. It is ultimately a good development for the area, a good development for the land, and welcomed by the community.

Mr. Micah Hargrove, Director of the Mill Creek Watershed Association (MCWA), had the following comments, as summarized below:

1. MCWA is not opposed to development but wants to see it happen responsibly. It is very concerned about protecting headwater sources and wetlands within the watershed and seeks to preserve them at all costs.
2. On this site, there is a natural spring on the adjacent property which feeds into the wetland, and they want to protect this area from development. MCWA met with Mr. Surti and TDEC to work towards a viable solution and discussed alternatives such as staying out of the wetland at all costs, 100% onsite mitigation, and possibly changing the program of the site.
3. The site is zoned for commercial use. There is residential area to the north, and the MCWA would like the developer to consider something that would be more beneficial to the community immediately adjacent, possibly a mixed-use development.
4. In the Corps documents, a letter received from Mr. Bill Duffel (TDEC), dated 3/30/07, stated that he observed the presence of significant aquatic life and fish and requested further study to happen. MCWA would like to see more study happen.

5. Regarding the lack of an alternative plan, while the developer acknowledged that there are several constraints on the site (TVA easement, stream and wetland setbacks), this is just more evidence that the site needs to be rethought in terms of the program.

6. In conversations with Mr. Surti and TDEC, MCWA had asked for several green infrastructure elements to be added in the proposed plan. They are happy to see permeable pavement and bioretention added; however, they do want to see more rain gardens and connection of roof drains to the bioretention areas. (Mr. Hargrove did not see any evidence of connections of roof drains in the submitted documents).

Overall, the MCWA opposes the development and would like to see that all of the buffers are maintained and that the wetlands are preserved.

In response to Mr. Hargrove's comments, Mr. Bielski stated that they have taken the roof drains directly to the bioretention. The roof drains are 100% collected and disconnected from the pervious surfaces. Regarding the March 30th letter from Bill Duffel (TDEC), Mr. Bielski stated that they recognize there is wildlife in this tributary of Sims Branch, but he stated that the most recent 2016 report states there is no significant aquatic life or plant life from the creek all the way back to the spring.

Mr. Lance Wagner stated that he heard the Army Corps is weighing in on the project but has not made a full decision, and he asked about issuance of an ARAP for the site. Mr. Surti stated that an ARAP and SWPPP have been issued, U.S. Fish & Wildlife had already sent a letter of approval, and they are just waiting for the Corps of Engineers. He stated that the letter was received in September. The Secretary stated that the U.S. Fish & Wildlife letter was not in the application package, to which Mr. Surti stated that it was part of the package.

Mr. Roy Dale asked about ownership of the property (owned by Mr. Surti since 1994/95) and size of the hotel (five stories) and stated that there appeared to be another way to lay out the hotel. It is a very unusual site and maybe some other method, building, or footprint could be utilized that would not have this much impact. There is nothing definitive about the wildlife or existence of the crayfish. It looks like a major impact on this very sensitive piece of property. He stated that the CL zoning allows them to do a lot of different things, and there may be a better way to lay the project out using a building that is not typical, maybe structured parking, a higher number of buildings, or maybe go through a zone change.

Ms. Mekayle Houghton, Cumberland River Compact, stated that if this segment of Sims Branch has no crayfish as a result of the de-icing spill in the headwaters of Sims Branch prior to 2014, it may account for the difference between 2007 and 2014.

Mr. Dodd Galbreath stated that he shared Mr. Dale's concerns. It is really rare that the Committee sees this type of conversion of a stream. The question is do we want to keep these sites for future aquatic benefits or lose them. If it is developed, it will not be restored for decades. There are much more creative ways that the site could be approached, but there are other lots in the area, higher and drier sites, that could meet the benefits of tax revenue, jobs, economic development, diversity of development in the community, and providing new services, than this particular site. The State has granted an ARAP, but this is an opportunity for Davidson County to do better than what the State is relying on in this situation which is offsite mitigation primarily. There was brief discussion regarding airport de-icing operations and evaluation of the habitat along the area of proposed impact.

Mr. Slade Sevier made a motion to deny as submitted based on the fact that the hardships do not warrant the level of development on the property. Mr. Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion. The motion carried.

**IV. ITEMS OF BUSINESS**

At the beginning of the meeting, the Secretary stated that the business item, presentation on the Water City USA Adopt-a-Storm Drain Program, was moved to the June meeting.

Mr. Dodd Galbreath stated that his earlier yes vote on the Bellevue site was based upon the evidence that was presented today despite his feelings, and concerns, and curiosity. He did not like the way he voted but felt that he voted based on the evidence.

**V. ADJOURNMENT**

The meeting was adjourned at 10:40 a.m.

Metropolitan Stormwater Management Committee

Approved:

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

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