

JOHN COOPER  
MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
October 3, 2019**

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

**STORMWATER MANAGEMENT COMMITTEE  
(Quorum Required: Four Members)**

**Committee Members Present:**

Mr. Slade Sevier, P.E. – Chairman  
Mr. Dodd Galbreath – Vice Chairman  
Ms. Anna Maddox, P.E.  
Ms. Debra Grimes  
Ms. Carrie Stokes, P. E.  
Mr. Roy Dale, P. E.

**Committee Members Absent:**  
Ms. Ronette Adams-Taylor

**I. CALL TO ORDER**

Mr. Slade Sevier, (chair) called meeting to order at 8:35 a.m.

**II. APPROVAL OF SEPTEMBER 5, 2019 MEETING MINUTES & DECISION LETTERS**

A motion was made by Mr. Slade Sevier and seconded by Mr. Dodd Galbreath for approval of the September 5, 2019 minutes and decision letters with correction to decision letter on case # 201900013 Giddings Metrocenter that should include; **“NOW THEREFORE**, it is the decision of the Committee that the request of Variance Request No. 201900013 as set out above and further described in the case record, be and is hereby **GRANTED.**” Mr. Sevier, Mr. Galbreath, Ms. Anna Maddox, and Mr. Roy Dale voted in favor of the motion. The motion carried.

Ms. Carrie Stokes abstained from voting on the minutes and decision letter.



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

A moment of reflection was held in remembrance of Mr. Tom Allen who had service as a member of the Stormwater Management Committee for many years. Several Committee Members spoke on the difference Mr. Allen had made in his time that he served on the committee as well as a member of the engineering community.

Mr. Allen will be missed by all -

### **III. STORMWATER MANAGEMENT COMMITTEE AGENDA**

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

**1. 201900014**

**RaceTrac Petroleum**

930 Rivergate Pkwy

Inspector: (Boots O'Hara)

APN 03402010900

CD-10 (Zach Young)

**APPLICANT'S REQUEST:** Is to allow the following:

1. Buffer disturbance for sidewalk and parking lot.
2. Storm structures in the buffer.
3. Uncompensated fill in the flood plain.

**APPELLANT:** RaceTrac Petroleum, Inc.

**REPRESENTATIVE:** Levi Sciara (Gresham Smith & Partners)

**COMMENTS:**

**SW STAFF:** Metro Water Services recommends that the site be designed to have a no-rise. A rise was observed within the submitted materials.

**CODES:** No comment provided.

**PLANNING:** Site is zoned CS, defer to Stormwater for review.

**GREENWAYS:** Greenways defers to the decision of Storm Water Management Committee.

Mr. Levi Sciara and Mr. Matt McLaren (Gresham Smith & Partners) and Allen Bell (RaceTrac Petroleum) spoke on behalf of the request at the location of 930 Rivergate Pkwy. Mr. Sciara stated that RaceTrac Petroleum purchased a 2.27 acre parcel of land at the north east corner of the intersection of Rivergate Parkway and Gallatin Pike in December 2018. Prior to the purchase of land, a study was performed in which the most recent publicly available flood data was obtained from FEMA.

The site currently has a Checkers fast food restaurant and the parking lot for a previous Toys R Us. The proposed development will keep the Checkers as-is and place a new fuel station including a 5,400 sf building to the north of the Checkers within the parking lot of the Toys R Us. No changes to the existing stream, roadway, or Checkers were proposed.

It was brought to the attention of Gresham Smith and RaceTrac during a preapplication meeting with Metro Water Services in February 2019, in-which the US Army Corp of Engineers in conjunction with Metro Water Services performed a local flood study of the area that was not yet adopted by FEMA. The reference “Local Flood Study” depicted a large portion of the RaceTrac property within the 100-year floodplain. At the request of Roger Lindsey (Metro Water Services), the flood study would serve as the basis of design for the parcel.

It was furthered discussed that the request for uncompensated fill in the floodplain was due to a hardship in grading to the minimum finish floor elevation that was required by the Local Flood Study and still meeting accessibility and site design criteria for RaceTrac. Metropolitan and Davidson County Public Works Department had requested a 10 foot sidewalk with a 4 foot planting strip along both Rivergate Parkway and Gallatin Pike. To comply with this request, disturbance within the Zone 1 – 50 feet buffer and Zone 2 – 25 feet buffer would be necessary.

Ms. Theresa Costonis with Metro Legal Department read for the Committee Members from the Stormwater Management Manual 15.64.120 on construction that may increase a degree of flooding being prohibited which states;

“All construction, whether by private or public action, shall be performed in such a manner as to:

- A. have no material increase in the degree of flooding in its vicinity or in other areas whether by flow restrictions, increased runoff or by diminishing retention capacity;
- B. have no adverse impact for site design including, but not limited to, no rise in the 100-year base flood elevations on any project or development located in a documented floodplain as a result of development;
- C. meet such other requirements as may be determined by the department of water and sewerage services.

The department of water and sewerage services shall promulgate regulations consistent with this section. (Subst. Ord. BL2010-794 § 1, 2010; Prior code § 40-1-230(a))”

The Committee Members advised the Applicant that they would not be able to approve a case that will cause a rise in the development.

A request was made by the Appellant for a deferral of case # 201900014. After discussion during the Executive Session of the Committee on October 3, 2019 and review of the information presented, Mr. Slade Sevier made a motion to defer and Mr. Roy Dale seconded the motion. Mr. Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

**NOW THEREFORE**, it is the decision of the Committee that the request in Variance Request No. 201900014 as set out above and further described in the case record, be and is hereby **DEFFERED.**”

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

## **V. PUBLIC HEARING**

A public hearing was held to discuss the revised language to the Stormwater User Fee Credit Manual. A brief discussion on the Stormwater User Fee Credit Manual and its purpose was given stating that the stormwater user fee provides a stable and adequate source of revenue for the stormwater management program that allocates the costs of stormwater services across every stormwater "user" in the MWS stormwater service area through a stormwater user fee (or service charge). Developed land is charged a fee based on the amount of impervious surface area on the property. The stormwater user fee that a property owner pays is directly proportional to the impervious area found on the property. A credit is an ongoing downward adjustment in the service charge. The rate ordinance provides for adjustments to the stormwater user fee for properties that reduce demand on the Public System.

The purpose of the credit policy is to provide properties with credit for mitigating stormwater runoff impacts through education, or source controls for water quantity or quality. The available credits are:

- Detention Credit up to 20%
- Quality Credit up to 20%
- Education Credit up to 20%

The following web-site was submitted for public hearing to allow for viewing of the revised language to the Stormwater User Fee Credit Manual.

<https://www.nashville.gov/document/ID/7b00e22a-4940-4e75-a3e4-24984018962d/October-3-2019-Stormwater-Management-Committee-Meeting-Stormwater-User-Fee-Credit-Manual-Revisions-for-Public-Comment>

After discussion during the Executive Session of the Committee on October 3, 2019 and review of the information presented, Ms. Debra Grimes made a motion to approve the changes made to the Stormwater User Fee Credit Manual and Mr. Dobb Galbreath seconded the motion. Mr. Roy Dale, Mr. Galbreath, Ms. Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

## **VI. ADJOURNMENT**

The meeting was adjourned at 9:35 a.m.

Metropolitan Stormwater Management Committee  
Approved:

By:   
Secretary

Date: 11/7/2019