

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
April 5, 2012  
\*\*\*\*\*  
8:00 AM  
1600 Second Avenue North  
Metro Water Services Administration Building, 2<sup>nd</sup> Floor Conference Room**

**STORMWATER MANAGEMENT COMMITTEE**

**Committee Members Present:**

Mr. Roy Dale, P.E. – Chairman  
Mr. Dodd Galbreath – Alternate  
Mr. Kevin Gangaware, P.E.  
Mr. Slade Sevier, P.E.  
Mr. Monte Turner  
Mr. Lance Wagner, P.E. – Alternate

**Committee Members Absent:**

Ms. Elaine Bright – Vice Chairman

**I. CALL TO ORDER**

The meeting was called to order at 8:13 a.m.

**II. STORMWATER MANAGEMENT COMMITTEE AGENDA**

**Opening Statement to All Applicants:** “If you are not satisfied with a decision made by the Stormwater Management Committee, you may appeal the decision by filing for a writ of certiorari with the Davidson County Chancery or Circuit Court. Your appeal must be filed within sixty (60) days of the date of the Committee’s decision. You are advised to seek the independent advice of legal counsel to ensure that your appeal is filed in a timely manner and that all procedural requirements have been satisfied.”

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

**1. 201200007**

Bellevue Senior Living  
6961 Highway 70 South  
Map/Parcel No. 14200018100

CD-34 (Carter Todd)

**APPLICANT REQUEST** – Variance requests are: 1) to allow the use of buffer definition #2 of Section 6.9.2 of the Stormwater Management Manual (SWMM) based on the drainage area being less than a square mile (523 acres) and all of the buffer disturbances/encroachments proposed based on the 50' buffer width (Zone 1 = 30' and Zone 2 = 20') of Flat Creek, 2) to redevelop a portion of the parking and driving aisle, along with grading, within the Zone 1 and Zone 2 buffers, 3) to allow placement of stormwater BMPs and associated grading in the Zone 1 and Zone 2 buffers, and 4) to allow continual mowing and maintenance within buffers.

**GRADING PERMIT:** SWGR T201200042

**APPELLANT:** Mr. Gary Keckley

**REPRESENTATIVE:** Mr. Josh Lyon

**COMMENTS**

**NPDES:** No specific comment other than if approved, we would request that any variance survivability condition(s) be included on grading permit plan landscape notes.

**SW SUFFICIENCY REVIEW COMMENTS:** Provide cut and fill cross-sections and volume calculations for the floodplain. Show a balanced site or obtain a variance, and 2) Provide copy of the decision letter from the SWMC for the requested buffer disturbances and uncompensated fill in the floodplain, if applicable.

**CODES:** Defer to Stormwater Staff.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** Greenways will defer to Stormwater staff.

Mr. Josh Lyon gave an overview of the variance request.

There was discussion regarding the collection and treatment of the roof runoff, proposed bioretention areas, location and types of additional plantings, and maintaining visibility of the site from the roadway.

In response to sufficiency review comments by Stormwater staff, the applicant needed to provide cut and fill cross-section and volume calculations for the floodplain showing a balanced site or obtain a variance from the SWMC. Within the bounds of the FEMA floodplain, Mr. Lyon confirmed that he could show that the cut and fill balances.

After discussion during the Executive Session and review of the information presented, Mr. Kevin Gangaware made a motion to approve the variance request based upon the Plan of Record as submitted, with the following Conditions #1-3, along with standard Conditions #4-6, to allow buffer Definition #2 (Section 6.9.2) and to allow disturbance of the buffer Zones 1 and 2 as shown. The motion was seconded by Mr. Slade Sevier. The motion was approved by Mr. Roy Dale, Mr. Gangaware, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner. Mr. Dodd Galbreath abstained from the vote.

1. The Appellant shall eliminate Bioretention Area "B" and replace with a 10' from top of bank no-mow/no-disturbance area.
2. The Appellant shall plant a minimum of three native canopy trees and a minimum of six understory trees as determined by the Appellant to maintain visibility.
3. The Appellant shall include the two-year survivability note in the grading permit plan landscape notes.
4. The Appellant shall have the landscaper who does the plantings certify to MWS – NPDES office, in writing (referencing Variance #201200007), once landscaping is installed per approved variance plans, and again once plantings have been found to meet the two-year survivability requirement.
5. This variance will expire on April 5, 2013. 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.
6. The Appellant is reminded that no construction or disturbance should commence prior to obtaining any applicable Grading Permit or Stormwater Single Family Permit from Metro Water Services and any or all applicable Building Permits from Metro Codes.

Reasons for approval were: 1) the variance is supported by the more empirical information of buffers instead of the floodway buffers that are established in the manual (Stormwater Management Manual, SWMM), 2) Definition 2 is a more practical definition of buffers, and 3) there is a limited amount of Zone 1 and Zone 2 buffer disturbance.

**III. APPROVAL OF MARCH 1, 2012 MEETING MINUTES**

Mr. Kevin Gangaware moved, and Mr. Slade Sevier seconded the motion to approve the March 1, 2012 meeting minutes. The motion was approved by Mr. Roy Dale, Mr. Gangaware, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner. Mr. Dodd Galbreath abstained from the vote.

**IV. APPROVAL OF MARCH 1, 2012 DECISION LETTERS**

Mr. Dodd Galbreath moved, and Mr. Lance Wagner seconded the motion to approve the March 1, 2012 decision letters. The motion was approved by Mr. Galbreath, Mr. Kevin Gangaware, and Mr. Wagner. Mr. Slade Sevier abstained from the vote because he was not present at the meeting. Mr. Roy Dale and Mr. Monte Turner abstained from the vote because they had recused themselves from one of the cases at the meeting.

**V. ITEM OF BUSINESS**

1. On the next meeting agenda, the Committee formally asked for a Stormwater staff update on the process of approval of proprietary water quality treatment devices.

**VI. ADJOURNMENT**

Mr. Lance Wagner moved and Mr. Monte Turner seconded the motion to adjourn the meeting. The motion was approved unanimously, and the meeting was adjourned.

Metropolitan Stormwater Management Committee

Approved:

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

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