MEGAN BARRY
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)
August 3, 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:
Mr. Roy Dale, P.E.
Mr. Dodd Galbreath – Vice Chairman
Ms. Debra Grimes
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E. –Chairman
Ms. Carrie Stokes, P.E.

Committee Members Absent
Ms. Ronette Adams-Taylor

I. CALL TO ORDER

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

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

Mr. Dodd Galbreath (Vice-Chairman) requested that Pg. 4 of the August 3rd meeting minutes be amended as follows:

1. Correction on spelling of his first name.
2. In paragraph four the statement should read, "Metro Government and the board have the prerogative to go beyond the decisions of the State and the Corp."

Mr. Roy Dale made a motion to approve the meeting minutes and decision letters from the July 6, 2017 and Ms. Debra Grimes seconded the motion which was approved by the same. Mr. Dale, Ms. Grimes, Mr. Dodd Galbreath, and Ms. Anna Maddox voted in favor of the motion. The motion carried. Ms. Carrie Stokes abstained from the vote due to the fact that she did not attend the meeting.

It was brought to the attention of the committee by Ms. Theresa Costonis (legal department) that a vote was not taken on case 201700015 Staybridge Hotel which was brought before the committee for preliminary approval during July 6, 2017 meeting. This was an omission in the voting.

After discussion by the committee, Mr. Roy Dale made a motion to remove the vote on the decision letter that was in question and vote on the remaining items. It was seconded by Ms. Debra Grimes. Mr. Dale, Ms. Grimes, Mr. Dodd Galbreath, and Ms. Anna Maddox voted in favor of the motion. The motion carried. Ms. Carrie Stokes abstained from vote.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. **201700011**
   2319 Pennington Bend Road

   2319 Pennington Bend Road (Single Family Residential)
   APN 06209005300
   Inspector: (Kimberly Hayes) CD-15 (Jeff Syracuse)

APPLICANT'S REQUEST: Case was previously withdrawn from the July 6, 2017 meeting at the request of the applicant. Case Description: Request is to allow the following:
1. Disturbance and encroachment of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of the Cumberland River for construction of a single family residence (on piers with concrete carport and entry stairs underneath), driveway, rooftop AC unit, installation of erosion prevention and sediment control (EPSC) measures, and removal of an existing shed within the floodway. The 100 year base flood elevation (BFE) = 420.2'.
2. Continuous mowing and maintenance of the buffer.
APPELLANT: Kenneth & Sinoch Kisinger
REPRESENTATIVE: Mr. Jason Yost
COMMENTS:
SW STAFF: Staff comments are as following:
1. The property was purchased October 24, 2014, and signifies that property was acquired after no-disturb stream buffer provisions went into effect.
2. Stormwater staff does not support the placing of structures fully in the Zone 1 buffer.
CODES: No comment provided.
PLANNING: Site is zoned R15, Defer to Stormwater for review.
GREENWAYS: Requests the applicant provide a Greenways Conservation Easement paralleling the Cumberland River.

Mr. Jason Yost (Ingram Civil Engineering Group, LLC) gave an overview of the project and the variance request.

Ms. Kimberly Hayes (Inspector) gave note of several emails sent from neighbors in the area stating their opposition against the variance request. Ms. Hayes also noted these persons were present to speak on their behalf.

The floor was opened for guest to speak for or against the variance request.

The first guests were for the variance. Ms. Mary O'Neal feels that many are just afraid of the changes that were coming to the neighborhood. However, Ms. O'Neal believes the growth will help in increasing the value of the neighborhood. Mr. Adam Epstein discussed some of the previous cases that had been approved in the area requesting the same type of variances. Mr. Epstein stated that he felt if one was approved, why not the next requesting an approval. Ms. Pam Adams agreed that people were afraid of changed. Ms. Adams stated that the new homes were being built according to plans adding flood vents and building to required heights.

The second group of guests spoke on their oppositions of the variance request. Ms. Travis Loller spoke on email she had submitted with her concerns. Ms. Loller advised the committee to look at the number of lots in the area that would be coming before the committee in request for a variance. Ms. Loller believes developers have begun seeking numerous variances in order to build the largest homes possible on the lots to maximize their profits.

Ms. Victoria May who had also sent in an email on her concerns spoke more on her reasons against the variance. Ms. May has concerns on the neighbors storing items underneath the open areas of their homes and how these items will be swapped away when the next flood occurs.

Councilman Jeff Syracuse spoke of his opposition and asked the committee not to support the variance. Councilman Syracuse feels there has to be a solution.

Mr. Dodd Galbreath asked metro staff if there were documents for the committee to review on the number to cases that had been approved and denied in the area. At the time of the meeting, documentation could not be given. Mr. Galbreath felt the committee should step back to examine more on the variance request for this area.

Mr. Roy Dale feels each case should be looked at individual and that the homeowners have a right to request a variance.

After further discussion and review of the information presented, Mr. Dodd Galbreath made a motion to defer case # 201700011. Ms. Debra Grimes seconded the motion. Mr. Galbreath, Ms. Grimes, Mr. Roy Dale, Ms. Carrie Stokes and Ms. Anna Maddox voted in favor of the motion. Mr. Slade Sevier voted against the motion. The motion carried.

The reasons for deferral are as follows: 1) the committee needed more information on the number of cases being granted and denied in the area of the Cumberland River, 2) the request for Stormwater staff to educate committee on previous cases with reasons for the decisions and, 3) more information on FEMA implications.

2. 201700019
3846 Cross Creek Road
3846 Cross Creek Road (Single Family Residential)
APN 11714001000
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Request is to allow the following:
1. Disturbance of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of the Sugartree Creek for removal of existing driveway from Zone 1, removal of existing residence, driveway and related items from Zone 2, and construction/encroachment of new residence and driveway in Zone 2.
2. Waiver of buffer signage requirement. Signs on the no-mow line.
3. Continuous mowing and maintenance of the buffer area.

APPELLANT: Rochford Construction Company, Inc.
REPRESENTATIVE: Mr. Walter Davidson
COMMENTS:
SW STAFF: Staff comments are as follows:
1. The property was purchased on May 11, 2015, and signifies that property was acquired after no-disturb stream buffer provisions went into effect.
2. Previous stormwater variance (201500016) expired November 5, 2016; condition #6 of the variance was not met – a building permit was not issued for the variance to run concurrent with the permit expiration date.
3. Changes have been made to the elevation of the proposed structure to achieve balance cut and fill.
4. Over 2100 sf of impervious area (from previous driveway) has been removed from the Zone 1 buffer.
5. A 25 ft. No Mow buffer from the floodway is proposed.
6. If approved, it is suggested that the limits of disturbance do not encroach into the floodway and the silt fence be installed along the requested 25 ft. No Mow buffer boundary.

CODES: No comment provided.
PLANNING: Site is zoned R20, defer to Stormwater for review.
GREENWAYS: Defer to Stormwater Staff.

Mr. Walter Davidson gave an overview of the project and the variance request. Mr. Bill Morton was in attendance. It was stated by Mr. Davidson that at the time of the previous request in 2016, a building permit was needed. They were in the process of going before the Board of Zoning Appeals and did not have all the approvals which caused the variance to expire. At this time, all approvals are met.

Mr. Dodd Galbreath asked if any records from previous variance meeting on this case were present for review. Secretary did not have records for review. It was requested that when cases were being reviewed from a previous time all records are present for review.

After discussion during the Executive Session of the Committee on July 6, 2017 and review of the information presented, Mr. Slade Sevier made a motion to approve as submitted with the following standard Conditions #1-2. Mr. Roy Dale seconded the motion. Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Ms. Carrie Stokes voted in favor of the motion. Mr. Dodd Galbreath voted against 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 – Stormwater Development Review Section, in writing (referencing Variance #201700019), 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 August 3, 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.

IV. ITEMS OF BUSINESS

V. ADJOURNMENT

The meeting was adjourned at 11:30 a.m.

Metropolitan Stormwater Management Committee
Approved:

By: _____
Secretary

Date: 9-7-2017