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)
July 6, 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. Debra Grimes
Mr. Slade Sevier, P.E. – Vice Chairman
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent
Ms. Anna Maddox, P.E.

I. CALL TO ORDER

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

II. APPROVAL OF JUNE 1, 2017 MEETING MINUTES & DECISION LETTERS

Mr. Roy Dale made a motion to approve the meeting minutes and decision letters from the June 1, 2017 and Ms. Debra Grimes seconded the motion which was approved by the same. Mr. Dale, Ms. Grimes, Mr. Dobb Galbreath, Mr. Slade Sevier, and Mr. Lance Wagner voted in favor of the motion. The motion carried. 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.

Mr. Roy Dale recused himself from the second case.

1. **201700015**
   Staybridge Hotel

(Preliminary Stormwater Management (SWM) Plan)
2540 Perimeter Place Drive
APN 09500010900
Inspector: (Harold Bryant) CD-15 (Jeff Syracuse)

APPLICANT'S REQUEST: Preliminary Stormwater Management (SWM) Plan approval is requested. The preliminary plan includes a variance request to allow the following:
1. Disturbance and encroachment of the 75' floodway buffer (50' Zone 1 and 25' Zone 2) of Sims Branch for construction of retaining walls, parking, sidewalks, storm outlet structures, pool, basketball court, fire pit area, and terrace. The 100-year base flood elevation (BFE) = 439.0'.
2. Placement of Stormwater BMPs in the buffer.
3. Continuous mowing and maintenance of the buffer.

APPELLANT: Civil Site Design Group
REPRESENTATIVE: Mr. Kevin Gangaware
COMMENTS:
SW STAFF: Staff comments are as following:
1. Staff does not support structures in the zone 1 buffer

CODES: No comment provided.
PLANNING: Defer-Site is zoned CS, defer to Stormwater for review.
GREENWAYS: Greenways defers to Stormwater staff comments.

Mr. Kevin Gangaware (Civil Site Design Group) gave an overview of the project and preliminary request. Mr. Gangaware stated the hardships in the project were the narrow lots and steep slopes. There was discussion on how close the project was running to the edge of the buffer area in the proposal.

Mr. Dodd Galbreath advised the Appellant he would be losing a lot of the spongy cover on the site. Mr. Galbreath also noted the large physical encroachment that would need to be softened and the fact that it would take away from the concept design. Both Mr. Galbreath and Mr. Slade Sevier had concerns regarding the density of the site.

Mr. Galbreath and Mr. Roy Dale both advised the Appellant in coming back he may hear a very large range of opinions. Mr. Galbreath noted to the Appellant he was not being given a strong preliminary direction from the entire board.

Mr. Lance Wagner noted the committee did not vote on preliminaries however, the committee was there to give input on the plans presented. The preliminary was accepted to move forward with the following conditions: 1) The Appellant lessens the encroachment into the Zone 1 buffer. 2) The Appellant develop strong mitigation plans.

2. **201700016**
Aloft Hotel
608 and 610 McGavock Pike
APNs 09511019000 & 09511017900
Inspector: (Harold Bryant) CD-15 (Jeff Syracuse)

APPLICANT'S REQUEST: Request is to allow the following:

1. Disturbance & encroachment to fill/eliminate 0.179 (0.209 ac. total - 0.032 ac. left on site) of wetland and encapsulation of 198 linear ft. of stream, permitted by TDEC permit No. NRS16.124 that allowed offsite mitigation credits of 0.49 ac. purchased from Swamp Road Mitigation Bank II at a 2.2:1 ratio (note: TDEC considers the total amount cumulative impact as de minimus). NPDES PERMIT No. TNR240679, & USACE Permit No._____ for driveway-crossing, permitted under Metro Section 6.9.5-Table 6-3, and construction of hotel (footprints occupy 11% of total land) & parking. The total associated 25' buffers for wetland & 30' buffers for stream to be eliminated = 0.226 ac. (note: 198 linear feet includes re-installation of existing 60' linear ft. 15' RCP pipe, unpermitted by Metro; however, was permitted by TDEC permit No. NRS13.227 and NRS13.227A).
2. Disturbance & encroachment of 0.033 ac. of 50' stream buffer (Zone 2) of an unnamed tributary to Sims Branch for construction of driveway crossing, permitted under Metro Section 6.9.5-Table 6-3, & parking.
3. Alteration to community waters.
4. Multiple crossings <1,000' apart.
5. Placement of Stormwater BMP in the buffer.
6. Waiver of buffer around newly constructed wetland, 0.03 acres to allow placement of parking.
7. Approval of past disturbance & encroachment: 60' wide crossing and 0.032 ac. (ac. included in ITEM 1) wetland disturbance permitted by TDEC permit No. NRS13.227 & 227A.
8. Allow proposed drive aisles to be counted as driveway crossings.
9. Continuous mowing & maintenance of the buffer.

APPELLANT: 608 Hotels, LLC & Surti Children 2016 Trust
REPRESENTATIVE: Mr. Tarun Surti
COMMENTS:
SW STAFF: Staff comments are stated as those from previous meeting on May 5, 2017:
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: Defer-Site is zoned CL, defer to Stormwater for review.
GREENWAYS: Greenways defers to Stormwater staff comments.

Mr. Tarun Surti and team gave an overview of the project and reason for their returned on the variance request.

Mr. Micah Hargrove, Mill Creek Watershed Association expressed concerns on protecting the waters and wetlands within the watershed boundaries. Mr. Hargrove stated that MCWA will accept and support a plan for the site that would avoid impacting wetlands and abide by state and local regulations which he felt the plans presented to the committee did not provide.

Ms. Lori Eldridge, 2501 Lakeland Drive expressed concerns on how the development will drain into her property. Ms. Eldridge states that she had reached out to Mr. Surti to address some of her concerns however, this never took place.

There was discussion regarding the plans and if there were changes in the plans from the previous variance meeting. The question presented was if the case was a rehearing or a new case. After further discussion Mr. Lance Wagner stated to address the case as a new case not focusing on what had changed previously but to view new plans having a new case number assigned.

Mr. Dobb Galbreath stated his concerns were still the same as those previously in the meeting held on May 4, 2017, Applicant is encapsulating a stream and removing a wetland. He stated that the focus of the committee was that of water quality and that nothing could be done to the site that would be a replicate of what is already being done on the site. Mr. Galbreath reminded Mr. Surti it was stated by the chairman, "Metro Government and the board have the prerogative to go beyond the decisions of the State and the Core." Mr. Galbreath felt nothing presented in the meeting changed his thoughts from his previous vote.

Mr. Lance Wagner stated that the plan of record showed major encroachment in the Zone 1 buffer which is a very big concern. Mr. Wagner advised the Appellant to work with staff in focusing on the high areas within his cite. Mr. Wagner stated he could not make an approval on what was before him on the day of the meeting.

Mr. Tarun Surti stated his concern with committee was in being treated fairly. Mr. Surti requested a deferment to work with staff, address the concerns of MCWA, and be allowed to present new plans before the committee during the August 3 meeting.

Mr. Slade Sevier stated he acknowledged the concerns of Mr. Surti and being treated fairly on projects of this nature such as those similar to his location. Mr. Sevier made a motion to defer Variance # 201700016 until August 3rd meeting. Ms. Ronette Adams-Taylor seconded the motion. Ms. Adams-Taylor, Ms. Debra Grimes, Mr. Sevier, and Mr. Lane Wagner voted in favor of the motion. Mr. Dodd Galbreath opposed of the motion.

The reasons for the deferment were: 1) to allow Appellant same fairness as those having similar cases, 2) to give Appellant chance to work with staff on requirements for this location.

3. **201700017**
   Fair Park – At The TN State Fairgrounds
   625 Smith Ave.
   APN 105110301000
   Inspector: (Kenneth Tranter) CD-17 (Colby Sledge)

APPLICANT'S REQUEST: Request is to allow the following:
1. Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 and 25' Zone 2) of Browns Creek for construction of sports fields, parking & gates, Greenway trails, trailhead, and pedestrian bridge, pavilion, rain gardens, reforestation and wet meadow areas, along with benches, picnic tables, bike racks, water fountains, lighting, and installation of fencing. The 100-year base flood elevation (BFE) ranges from approximately 444.9'- 463.0' across the site.
2. Excavation (cut) volume below the 2-year elevation to be included in the compensating storage capacity calculations.
3. Placement of Stormwater BMP in the buffer.
4. Continuous mowing and maintenance of the buffer.

APPELLANT: Fairgrounds Nashville
REPRESENTATIVE: Larry Atema
COMMENTS:
SW STAFF: Staff comments are as follows:

1. Staff and applicant met various times regarding proposed site improvements associated with this project. This proposed project represents a significant overall water quality improvement to the current site condition.
2. Staff requests the proposed project-area "on-grass" temporary parking locations and anticipated use frequencies are denoted in the site's Stormwater Management Plan.
3. Project areas being converted to grass from pavement or gravel should be monitored as part of the site's ongoing Stormwater Management Plan to insure all such grassed areas remain viable over time.

CODES: No comment provided.
PLANNING: Defer-
GREENWAYS: Greenways supports this project. It provides several elements supported in the 2017 Plan to Play Parks and Greenways Master Plan Update, including recreational opportunities, open space and trails.

Mr. Larry Atema and team gave an overview of the project and the variance request.

Mr. Larry Atema spoke on the task of rethinking the area of the Fair Ground which included about 47 acres in and around the Browns Creek making it a public park.

Councilman Colby Sledge, councilman of the 17th district stated his approval of the changes that will be made to the Fair Park area including removal of barbed wire fencing adding a greenway and dog park. He stated that he believed the changes would address several of the usages that the people have been asking for. Councilman Sledge also noted that his constituents were in favor of the changes.

History was given on the Fair Ground area and it was noted Browns Creek is a "no contact creek." Ms. Kim Hawkins discussed the committee was working with Metro Water and Stormwater and noted the departments had walked the site with members of the Fair Park team to give there insight.

Mr. Dodd Galbreath made a motion to approve as presented with the following standard Conditions #1-2 standard conditions and Conditions #3-4. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Debra Grimes, Mr. 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 #201700017), 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 July 6, 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.
3. The Appellant shall make sure the mowing/maintenance agree between the Parks Department and the Fair Board is maintained.
4. The Appellant shall insure signs are posted in the area to educate the public on Browns Creek being a "no connect" area.

4. 201700018
Pollo Campero
30 Harding Mall Dr.
APN 14703005700
Inspector: (Shawn Herman) CD-26 (Jeremy Elrod)

APPLICANT'S REQUEST: Request is to allow the following:

1. Disturbance of the floodway and 75' floodway buffer (50' Zone 1 & 25' Zone 2) of Sevenmile Creek with proposed ADA accessible ramp to existing patio, drive-thru window addition, required subgrade grease interceptor and rain garden island as part of proposed mitigation plan to offset pervious area disrupted by ADA ramp and provide additional green space. The 100-year base flood elevation (BFE) = 499.0'.
2. Ability to mow/maintain grass and landscaped areas within the buffer, exit island areas, behind curb at north and west parking stalls, and sloped grass area between stalls and patio.

APPELLANT: Stone & Howorth
REPRESENTATIVE: Mr. Tripp Smith
COMMENTS:
SW STAFF: Staff comments are as follows:
1. Staff supports the variance based on the site circumstance.

CODES: No comment provided.
PLANNING: Defer-Site is zoned SCR, defer to Stormwater for review.
GREENWAYS: Greenways defers to Stormwater staff comments.

Mr. Chip Howorth (Stone & Howorth) gave an overview of the project and the variance request.

There was discussion on the proposed ADA accessible ramp. Suggestions were made regarding a streamline method on simple projects being submitted to the committee without the Applicant going through so much detail.

After discussion during the Executive Session of the Committee on July 6, 2017 and review of the information presented, Mr. Dodd Galbreath made a motion to approve the proposal with the following standard Conditions #1-2. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Debra Grimes, Mr. 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 #201700018), 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 July 6, 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

1. Mr. Lance Wagner opened the floor for the nomination of new chair for the Stormwater Management Committee. Ms. Debra Grimes nominate Mr. Slade Sevier as chair and the nomination was second by Ms. Ronette Adams-Taylor. Ms. Adams-Taylor, Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, and Mr. Lance Wagner voted in favor of the nomination.

The floor was then opened for vice-chair of the Stormwater Management Committee. Ms. Ronette Adams-Taylor made the motion nominating Mr. Dodd Galbreath as vice-chair and the nomination was second by Mr. Roy Dale. Ms. Adams-Taylor, Mr. Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Mr. Slade Sevier, and Mr. Lance Wager voted in favor of the nomination.

2. Mr. Hal Balthrop, Assistant Director of MWS – Development Services, introduced Ms. Carrie Stokes P. E. PMP (Barge Waggoner Sumner & Cannon, Inc.) as the new Appointee of the Stormwater Management Committee.

V. ADJOURNMENT

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

Metropolitan Stormwater Management Committee
Approved:

By: _____
Secretary

Date: _____