

Meeting Minutes of
FRANKLIN STORMWATER APPEALS BOARD
Board Room
Franklin City Hall
Tuesday, October 15, 2012 – 5:30pm

Board Members Present

Roger Lindsey, Chair
Dorie Bolze, Vice Chair
Michael Skinner
Susan Besser

Board Members Absent

Tom Jones
Al Cox
Michael Haarbauer

Staff Present

David Parker
Kristen Corn
Crystal Bishop
Paul Holzen
Jeff Willoughby

Department

Administration
Law
Engineering
Engineering
Engineering

- 1. Call to order**
- 2. Approval of minutes from July 17, 2012-approved unanimously**
- 3. Consideration of variance request 2012-003 A Variance Request by Mr. Brent Campbell and Dr. David Kemp to eliminate the Streamside Buffer Zone 1 special condition for areas containing steep slopes from 80ft and 110ft to 60ft where the average slope is between 15% and 25%, and greater than 25% respectively, at the property located at 317 – 377 South Royal Oaks Blvd (Parcel ID 079PC00101, 079PC00103-112), also known as Rachel Springs Business Village.**

Crystal Piper presenting on behalf of City.

The appellant requests to eliminate the Streamside Buffer Zone 1 special condition for areas containing steep slopes from 80ft and 110ft to 60ft where the average slope is between 15% and 25%, and greater than 25% respectively, at the properties located at 317 – 377 South Royal Oaks Blvd (Parcel ID 079PC00101, 079PC00103-112), also known as Rachel Springs Business Village.

To summarize an excerpt from the Stormwater Management Ordinance, which is noted in an earlier section of this staff report, in order for the SAB to grant a variance, three standards must be established and include the following:

1. The problem is not self-created.
2. The situation of the landowner is due to the unique conditions of the property. A unique condition is a condition that is peculiar to the subject property that relates to a physical aspect of the subject property.

3. Compliance with the strict letter of the restrictions governing physical requirements such as lot area, setbacks, and lot coverage unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

4. In addition to the above standards the following applies for variances regarding Streamside buffers: the minimum buffer width may be reduced in conjunction with targeted restoration plans that make comparable improvements to water quality. Restoration plans may include stream bank restoration, revegetation, habitat improvements, or other bioengineering methods, as approved in a Buffer Management Plan by the City Engineer. Reduction of the minimum buffer width may apply to specific areas of an overall Development, and shall be approved on a case-by-case basis. In no case shall the minimum Streamside Buffer width be less than thirty (30) feet on both sides of the stream measured from Top of Bank in limited areas. In no case shall the average minimum Streamside Buffer width of Waters of the State serving more than one (1) square mile of tributary area be less than sixty (60) feet on both sides of the stream measured from Top of Bank in limited areas.

The sections below address each of the four standards in relation to this request.

In regard to the first and third standards, without the buffer variance lots 112, 1282, 1283, 1284, 1285, and 1286, and 1287 (the subdivision of which were approved and platted in 2005) would not be developable because there is not enough room between the stream buffer and the utility and access easements to accommodate buildings along the existing road frontage. The stream buffer almost entirely encompasses lots 1285 and 1286. As indicated in Exhibit 13, the property to the north of lots 112, 1282-1291 provides 13.4 acres of undisturbed property adjacent to Watson Branch. This area was designated on the 1989 Forrest Crossing Section 1 and Section 3 final plat as open area, the lot south of Watson Branch (later subdivided as Rachel Springs in 2005) was deemed to be developable area. Therefore, staff agrees that the problem is not self created and is unnecessarily burdensome.

In regard to the second standard, the lots are unique because grading took place in 2005-2007 to construct the frontage road and install utilities that serve each lot. Minor disturbances to these areas were approved on a previous site plan, which is now expired. The steep slopes and the area of the 60' proposed stream buffer were not disturbed during that time. Staff feels that the characteristics of this particular lot meet the second standard as set forth in the Stormwater Management Ordinance. Finally, the applicant has not provided any information regarding the stormwater management plan for this site. Staff feels there is great potential for the future development of this property to provide comparable improvements to water quality. The Multi-Family Concept Plan as shown in Exhibit 16 shows a lesser disturbance of the steep slopes than does the originally approved plan as shown in Exhibit 15.

In summary, three standards of the four standards necessary to receive a variance appear to be met with this request. In order to provide comparable improvements to water quality, staff recommends approval of this item with the following conditions:

1. The lot north of Watson Branch shall be platted as a Natural Conservation Area in order to better define the intent of the 1989 Forrest Crossing Section 1 and Section 3 Final Plat.

2. The applicant shall with Regulating Plan and Site Plan submittal, develop a stormwater management plan that makes comparable improvements to water quality by selecting Green Infrastructure Best Management Practices that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or reuse the runoff generated by the first inch of every rainfall event preceded by 72 hours of no measurable precipitation.
3. The applicant shall evaluate the portions Watson Branch which is located on the properties of the Rachel Springs Business Park to identify areas in need of stream bank stabilization. If there are areas in need of stabilization, the applicant shall perform the stabilization, and shall include the design of proposed stabilization activities in the site plan submittal.

Staff Recommended Motion for Variance Request

Move to approve the variance request, with staff's conditions, to eliminate the Streamside Buffer Zone 1 special condition for areas containing steep slopes from 80ft and 110ft to 60ft where the average slope is between 15% and 25%, and greater than 25% respectively : 1) the problem is not self-created, and 2) the parcel is unique because the access easement, roadway frontage and utility services have already been approved, provided and installed for the properties, 3) a practical difficulty to the property owner results because adhering to the Streamside Buffer would render 7 of the 12 properties as non-developable, and 4) Staff feels there is great potential for the future development of this property to provide comparable improvements to water quality which can be worked out through the Regulating Plan and Site Plan submittal based on staff conditions listed above.

Dorie Bolze ask if this is for site and regulating plan

C Piper: Variance Request is for regulating plan but would carry over to the site plan

Applicants agree with staff recommendation

Michael Skinner asks if site rezoned would building be in the buffer.

Applicant said not intended to but would resubmit if so

Susan Besser-staff ok with this?

Piper/Parker-yes

Dorie Bolze ask if detention pond already exist and if they can integrate into site

Piper-detention pond exists, but applicants will make improvements to it.

Roger Lindsey ask applicant to keep water from site going to discharge on steep slopes

Dorie Bolze agrees and ask staff to condition this into plan

Danny Womble-there is no set plan for SWMP but happy to not discharge on steep slope and try to infiltrate on site. Willing to work with staff but not accept a detail engineering design at this point

Michael Skinner moves to approve based on conditions set forth by staff and add the condition that only overland flow shall enter into the buffer.

Roger Lindsey moves to accept

All approve

No other business

Dorie Bolze moves to adjourn

Roger Lindsey accepts

All approve

4. Adjourn