



March 26, 2015

Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South, P.O. Box 196300
Nashville, TN 37219-6300

Re: Metro Planning Commission Public Hearing, 2013SP-018-001

Dear Commissioners;

We request a deferral of 2013SP-018-001, and for the planning process to not move forward until an area-wide community meeting is properly announced and held for this SP rezone. We have some important questions and concerns, not yet addressed, and need greater certainty of what exactly is going to be built here. **We believe the floodway buffer should be upheld in this case** (added by hand on copies submitted).

The intent of the Specific Plan rezone process is to provide the applicant with greater flexibility, while providing the community with a greater sense of certainty of what will be built. Particular specifics required for Specific Plan rezoning are incomplete for this SP (2013SP-018-001), see bullet list below.

This is a large redevelopment area that was inundated with dangerous floodwaters in May 2010. The community has the right to understand the particulars of this Plan so they may make an informed review. Discussion meetings have been held with specific community group leaders, such as the Richland Creek Watershed Alliance, but there has not been an area-wide meeting announced or held with the entire community. The only community-wide meeting we are aware of was held December 2013, when the Plan was only a vision, with no specifics provided. Many questions we had St. Thomas was unable to answer.

We appreciate and respect the property rights of owners, and actually support redevelopment of this property. Many parts of the SP are beneficial and need to be implemented. Our only intent is to bring relevant information to the table, so the redevelopment can move forward, without further harm to Richland Creek, or increase in flood risk. The points we are presenting are important issues to the Nashville community, and if not addressed, could negatively impact not only this watershed, but others too.

RCWA has underlying concerns about this rezone (Specific Plan):

- Adverse impact to the health of the Creek and its ecosystem
- Increase in flood risk
- Rezone filed with MPC with no area-wide community meeting announced or held
- The plan and policy conflicts, with some standards exempted or waived, needs public review
- RCWA received numerous questions from the community about this SP rezone, we cannot answer

Collectively and cumulatively developmental decisions have degraded Richland Creek habitats, and if allowed to continue, this resource will be lost to urbanization. Richland Creek is federally listed as impaired, not fully supporting its primary purpose for fish and aquatic life. We

need to be contemplative about redevelopment next to the Creek, and act responsibly to protect Waters of the State, if we intend to save Richland Creek. Redevelopment can occur, while still saving this historic resource for future generations to enjoy, if we are thoughtful and attentive.

We invest in Greenways around our living resources. A healthy freshwater resource flows with aquatic life. Richland Creek will become a smelly ditch without real protection and restoration. Green-spaces are great, but if they are next to an unhealthy, dying Creek, there is no benefit to anyone.

Property in this watershed will be more valuable, if Richland Creek is restored and preserved. Our focus is to protect the functionality of the Richland Creek watershed and its ecosystem, so it remains a community asset, not a mere storm water conveyance, or worse, just a flood hazard. How we develop properties impacts surrounding property value, and investments made by other stakeholders.

Flood zone disturbance is very concerning because it functions as a riparian and water filtration zone. Riparian zones are imperative to freshwater resources, and the single most important component for sustainable aquatic habitat. Fortuitously, establishing and maintaining these zones also serves as an economically beneficial flood defense. The U.S. Environmental Protection Agency says:

“Streams, rivers, and wetlands benefit the environment by reducing flood risks, filtering pollutants, recharging groundwater and drinking water supplies, and providing food and habitat for aquatic species.” (EPA, Weekly Digest Bulletin, Dec 28, 2014)

Expecting to protect a freshwater resource, while mitigating flood issues with engineering and excavating techniques in the floodplain, is unrealistic. Floodplain excavation removes the subterranean ecology that lives here and feeds aquatic life.

Preservation and restoration of the flood zone (FPO waived), is supportive of federal requirements and guidelines. This area is the final choke point in a series of fill and encroachment of the Richland Creek floodplain. The property is located in the most constricted area for main stem (Richland Creek), with systemic flooding issues present. Overbuilding, and combining the high-density footprint of both parcels (A&B) onto one parcel, increases flood risk. We believe the Plan can be reasonably amended so as not increase flood risk, but more specifics need to be provided to discern.

At our last discussion, March 18th with St. Thomas, we brought up the point that the parcel considered for conservation is covered with impervious surfaces. We were glad to see it included in the Staff report but the remediation is only recommended, and needs to be mandatory for any assurance to the community that the property is able to better assimilate stormwater.

The Conservation Policy was waived, without public review. As we develop, grow the city we need to put Richland Creek on a path of recovery and conservation, if we really expect to save this historic resource. A lot of policies and plans are involved with this development, and if approved, would trigger more intense development along the Richland Creek corridor. We cannot intentionally degrade a freshwater resource, and at the same time claim to be the *greenest city in the southeast*. It is noted that this SP has conflict with current plans and policies, while following other policies/plans that have not yet been approved. Public review for this SP rezone is warranted.

The placement of building C is most concerning in this rezone Plan, and appears to sit in the floodway buffer. This particular building needs public vetting. Without certain details provided in the site map, it is too difficult to discern where this building sits in its flood zone designations. Also, this building (C) could be in the floodway, if we were to consider the new revised FEMA maps (2012). We need to review size of building C before the Plan moves forward, but need specifics to do so.

Since there is consideration for policies not yet official, why are we not including review of the new revised FEMA maps (2012)? There was significant flooding on this property in 2010, including two fatalities immediately upstream from this property. The revised flood

maps indicate there will be an increase in the floodway and floodplain on this property. Ignoring these revisions does not change this fact, or what will happen on the ground in the next flood. We believe more properties will be at risk from flooding, than flooded before, if this Plan is approved as presented. This area is the choke point in a series of floodplain fill and encroachments, and is located in the most constricted area for main stem (Richland Creek), with systematic flooding issues. Waters rose so quickly in 2010 (May) people could not escape their vehicle fast enough, and responders had to be rescued due to the velocity and depth of floodwaters, just upstream from here. Further fill at this downstream area, would significantly increase life and safety risks associated with flooding.

Because the community has many concerns, and the Specific Plan is missing some specifics, a greater sense of certainty to the community is not apparent. An area-wide community meeting is warranted, before the preliminary Plan (rezone) moves forward, with specifics provided and questions answered.

Details of what needs clarity and questions:

- The preliminary Specific Plan is very difficult to read. The AE and A zones are not legible, nor are the parking and other items included on both parcels (A & B), such as stream buffers, building footprints and remediation areas need to be on map.
- A thorough assessment of Building C, and/or proposed garage is not possible because the map provided does not have legible delineations of Zones A and AE, with prescribed buffers that current ordinances require.
- Some more specifics missing but required for Specific Plans include: height and size of buildings, setbacks, stream buffers, signage, building materials and egress and ingress placement.
- How can building C be approved as presented? **It is a new structure/footprint** that does not appear to conform to current stream and floodway buffers. The map is illegible and incomplete to discern.
- **More justification for exempting the floodway buffer requirement (75 feet) is needed.** The Imperial House actually conforms to a floodway buffer, so how would that exempt new construction under the post 2010 ordinances? Old, abandoned and deteriorated surface parking is not development, and it appears that parcel B is not completely disturbed.
- Will the parking be underneath, and a second story be the first floor occupied, or will fill be added to make the first story one-foot above the 100-year elevation for Building A, B, and C? Is there any plan for uncompensated fill on site, or off site?

RCWA appreciates your consideration, as part of the decision-making process and request you consider these concerns, questions and points, delaying approval of 2013SP-018-001, until an area-wide community meeting is announced and held, so these issues may be resolved.

Respectively,



Monette Rebecca
Executive Director/President

Cc: Councilman Jason Holleman