



# Pelham

A path apart.

Development Services  
& Public Works  
205.620.6411

March 28, 2022

Meeting called to order by Chairman Joe O'Brien at 7:44 A.M.

Members present were: Joe O'Brien, Mike Harris, Mike Kelley and Joe Schifano. Building Official Levis Peters, Fire Marshal Wes Greene and acting city engineer Andrew Golden was also present.

The following request was presented:

**Variance request: Request to exceed the 3:1 max slope with 2:1 slopes**

**Location: Amphitheater Rd, Legal Description Attached**

**Applicant: HCI Oak Mountain LLC, HCI Oak Mountain Cabin, LLC, Canopy Base Camp, LLC & Canopy Park Apartment & Shops LLC**

John Benner with GenRev Properties who represents the owner, presented the request stating this project has been a joint development with the City and there is some road widening to be done on Amphitheater Road and they have run into some limestone pinnacles that have been a problem. As the design has continued to evolve due to the field conditions they have ended up having to go steeper with our slopes. Most of them are in the back of the property and if you have been out there lately it is solid rock or pinnacle rock. We have had numerous companies involved in how to manage the conditions and make sure whatever we did is also to stabilize. Again, some of this is still evolving because we have not finished the project yet. We were able to get SpreadRite out to help us address some of the issues. We need the steeper slopes in order to do what's planned originally. Joe Schifano spoke that he had a couple questions. Mr. Schifano went on to say he read the letter from Hunter Bruce with SpreadRite and he pointed out a lot of things in the last paragraph that explains the difficulties of getting vegetation to grow on these slopes. He thinks those difficulties show themselves if you were to go around the corner and go onto Hwy 31 and look at some of the slopes where other businesses have cut in. They do not have anything growing on those slopes, I think they have had a lot of challenges with that. Has your landscape architect looked into this, Mr. Schifano asked. John Benner responded they have been involved in coordination. Hunter has made it clear that one application is not going to work. Over time you have to continue to maintain the slope as the development proceeds and especially to be able to retain during the rainy season. Our first shock was about 3-4 weeks ago and you know the amount of rain we have received is almost historical. We are going to maintain it and continue to shock it because you cannot do this in one shock. Hunter felt confident we can manage that slope. For the front slopes, Mr. Benner thinks it will just be continual maintenance of the slopes if those conditions arise. He believes you cannot put any landscape on those slopes due to them being too steep and way to rocky. Mr. Schifano expressed that he was actually familiar with the product they are recommending to use. Mr. Benner stated that Hunter said if we keep the applications coming while you are developing and it is getting established that it will do better than you think. The main problem with this is we just have to deal with it as the project goes, you can't carve plans for it. You do it, see issues and then go back. That's why it is costing so much. You are touching on my concern there, Mr. Schifano said there will be applications put down during the construction process and the staff at the city will make sure that

everything is stabilized and meets the requirements. It's what happens on that back slope that is really my question there because I know we have gone through that process on the other property and that stuff has died in the past and you go and look at the outlets along Bishop Creek that are coming from that side of Highway 31, they are muddy on every single rain event because all of that vegetation has died. The storm, Mr. Benner started, I'm hoping that the pond will alleviate some of that as it settles out as how all the storm water was treated. I believe in some places it is going to require some additional maintenance through the years. I have to believe if we keep doing it ultimately it will establish itself as timing is a lot of it. I have budgeted for 3-4 applications to try to get it established. We will be very thorough with that. Mr. Schifano ended with ultimately the question is are you guys foreseeing you will be working on this even after the construction is complete, I think you will give your explanation. Mr. Benner answered, I think you're telling me that. Mr. Schifano said you should be prepared for that at the least. Mr. Benner said yes, we are prepared and are hoping based on what we have seen so far even with this super heavy rain, we haven't seen any major water flow issues. It seems to disperse itself and that's before we have anything established. We drive by every rain event to see where the problem is. Mr. Benner's hope is that spending money on the front end will alleviate that. You are probably right, there may be some places we will have to come back and maintain. Mike Harris referred to drawing C5.0 asking if all of the shaded area going from back to 2:1, so we don't have just one small area, correct? Mr. Benner said no because we don't know as we have gone along. It is just not viable to lay all this rock back, you just can't do it, and it will kill the project. We highlighted it, but I believe we are pushing it with all of these highlights I don't think it's the condition of all of it but we decided let's just go ahead and blanket this to make sure if there does come a place and the rock is sticking out you have to go steeper. We are working with the city to create the new parking lot across the street that will be used for public parking. We are going to end up having to lower the site on this. I know this design will change for the better on this front side. We plan to plant 800 pines in the front near the retention pond to help stabilize and dress up the area. There's all kind of seed mixture that SpreadRite uses. That stuff actually penetrates dirt, Mr. Benner expressed. Mike Harris said that throws up another interesting point is that the maintenance afterwards. Mr. Benner added that ultimately we are hoping pine trees and everything reestablish itself on the mountain just like there are now, but that is just longer term and then again we may have to come back and spray. Mr. Benner stated he would love for it to be tall grass in the back if it would do it. Mr. Schifano went on to say if they were to lay those back 3:1 to meet the ordinance it wouldn't just come to here, pointing to the drawing, it would go beyond its property line in places and that's a very steep hill. I understand the need for the request, I am just concerned of what it looks like. Mr. Benner said we are too. Mr. Schifano said I really understand your need since you have already built it. Mr. Benner answered that he didn't want to talk about it. He believes because of the location and how pretty the stone is he does not think it will look bad. He agrees that they will have to continue to work on certain areas to get something established. That is the bottom line. It is going to be money, money, money and we are prepared for that. Joe O'Brien asked if there are any further questions.

Joe Schifano made the motion to approve the slope variance for The Canopy slopes as submitted on their drawing, C5.0. Joe O'Brien seconded the motion and all approved. Variance was granted.

With no other business to come before the board Joe O'Brien asked for a motion to adjourn. Mike Harris made the motion to adjourn. Mike Kelley seconded the motion.

The meeting was adjourned at 7:59 AM.

*Levis Peters*

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READ AND APPROVED / Levis Peters, Building Official

Respectfully submitted,  
Kelsey Cunningham  
Secretary