



THE CITY OF MOBILE, ALABAMA  
MOBILE CITY PLANNING COMMISSION

LETTER OF DECISION

October 9, 2020

Ruach, LLC  
2450 A Old Shell Road  
Mobile, AL 36607

**Re: 1171 Elmira Street**  
(South side of Elmira Street, 170'± East of Rapier Avenue).  
Council District 2  
**SUB-001367-2020**  
**Ruach Subdivision**  
**Number of Lots / Acres:** 2 Lots / 0.3± Acres  
**Engineer / Surveyor:** Smith Clark and Associates

Dear Applicant(s)/ Property Owner(s):

At its meeting on October 1, 2020, the Planning Commission considered the above referenced subdivision.

After discussion, the Planning Commission waived Sections V.D.2., V.D.3., and V.D.9. of the Subdivision Regulations, and Tentatively Approved the request, subject to the following conditions:

- 1) Placement of a note on the Final Plat stating that all setbacks shall be determined by the Historic District Overlay requirements of the Zoning Ordinance;
- 2) Retention of the lot size labels in both square feet and acres on the Final Plat or the furnishing of a table on the Final Plat providing the same information;
- 3) Compliance with the Engineering comments: (*FINAL PLAT COMMENTS* (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide reference, on the map and the description, to a monumented corner. C. Add the Owner's printed name(s) to the Owner's Dedication. D. Provide the Surveyor's and Owner's (notarized) signatures. E. Revise NOTES #15 to read "As shown on the 1984 aerial photo (FLIGHT 29 - #77) LOTS 1 and 2 will receive historical credit of existing (1984) impervious area towards stormwater detention

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*requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control as follows: LOT 1 – NONE and LOT 2 –1,300 sf. E. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. F. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. G. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.).;*

- 4) Placement of a note on the Final Plat stating the Traffic Engineering comments: (Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);
- 5) Compliance with the Urban Forestry comments: (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit. The site is located within Oakleigh Garden Historic District. A different set of tree ordinances will apply to these properties. See below for City of Mobile tree code for Historic Districts. g. Historic areas. All other provisions of this subsection notwithstanding, no heritage tree can be removed, nor can land be cleared or grubbed, in any historic district, area, or property within the jurisdiction of the architectural review board and/or the Old Dauphin Way review board, except under a permit issued by the urban forester after application as provided above, which shall be granted only upon a showing that the said heritage tree is: 1) Diseased or injured, in danger of falling too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision clearance or conflicts with other federal, state or local laws and regulations; 2) Certified by the architectural review board or the Old Dauphin Way review board to be removed for the purpose of renovating an historic structure or enhancement of the aesthetic quality of the property; or 3) The owner of the property on which the heritage tree is located has demonstrated by clear and convincing evidence that the owner will suffer extreme and extraordinary hardship unless the permit is granted. In all cases where removal is permitted, the said tree shall be relocated if deemed feasible by the urban forester and the cost does not exceed five hundred dollars (\$500.00). Otherwise the said tree shall be replaced on a two (2) for one (1) basis, with replacement heritage trees in compliance with section IV E. For trees located in areas covered by this subsection the definition of a heritage tree shall be amended to reduce the size to eight (8) inches DBH.); and
- 6) Compliance with the Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).).

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After you have obtained all the necessary approval signatures and the plat has been recorded in the Mobile County Probate Office, seven copies of the recorded plat (including map book and page number) must be submitted to the Planning and Zoning Department office. This procedure must be completed within one (1) year, or the Tentative Approval will expire.

Please also submit a CAD compatible (DXF) digital copy of the final plat to the Planning and Zoning Department office once the plat has been submitted to Probate for recording. This may be submitted on disk, flash drive, memory stick, or via e-mail to [planning@cityofmobile.org](mailto:planning@cityofmobile.org).


If you have any questions regarding this action, please call this office at 251-208-5895.

Sincerely,

**MOBILE CITY PLANNING COMMISSION**

Ms. Jennifer Denson, Secretary

By:

  
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Margaret Pappas  
Deputy Director of Planning and Zoning

cc: Smith, Clark & Associates