

MOBILE CITY PLANNING COMMISSION MINUTES
MEETING OF NOVEMBER 21, 2002 - 2:00 P.M.
AUDITORIUM, MOBILE GOVERNMENT PLAZA

Members Present

Robert Frost, Chairman
Wendell Quimby, Vice Chairman
Victor McSwain, Secretary
Councilman Stephen Nodine
Terry Plauche
Dr. Victoria Rivizzigno
John Vallas
Dr. James Laier (S)

Members Absent

Ann Deakle
Norman Hill (S)

Staff Present

Richard L. Olsen, Planner II
Margaret Pappas, Planner II
Angie Etheridge, Secretary III
Frank Palombo, Planner I

Others Present

Wanda Cochran, Asst. City Attorney
Jennifer White, Traffic Engineering
Beverly Terry, City Engineering
Pat Stewart, County Engineering

Mr. Frost stated the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

APPROVAL OF MINUTES:

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to approve the minutes of the August 22, 2002 meeting as submitted. The motion carried unanimously.

EXTENSION:

Case #SUB2001-00183 (Subdivision)
(File #S99-22)

Dawes Lake Estates Subdivision, Addition to

Adjacent to the North side of Dawes Lake Estates Subdivision, 2/10 mile± East of Dawes Road

57 Lots / 40± Acres

Request for a one-year extension of previous approval.

A motion was made by Mr. Frost and seconded by Dr. Rivizzigno to approve a one-year extension of previous approval for this subdivision.

The motion carried unanimously.

NEW GROUP APPLICATIONS:

Case #ZON2002-02294 (Rezoning)

Carpe Diem Coffee & Tea Company, Inc.

4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

A request for a change in zoning from B-2, Neighborhood Business to B-2, Neighborhood Business to amend the condition that the development be limited to the accompanying Planned Unit Development was considered.

AND

Case #ZON2002-02293 (Planned Unit Development)

Carpe Diem Coffee & Tea Company, Inc.

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4072 Old Shell Road (Northeast corner of Old Shell Road and Dilston Street).

A request for Planned Unit Development approval to amend a previous approval to allow use of upstairs room for reservations only was considered.

The plan illustrates the existing structure and parking.

Doug Anderson, 21 N. Beltline Highway, was present representing the applicant, Carpe Diem. Mr. Anderson stated they were requesting an amendment of the zoning approval received earlier this year in order to allow the use of the upstairs room.

Mr. Anderson reported his client would like to use the second floor room for a small meeting area from 6:00 a.m. to 10:00 a.m. and from 5:00 p.m. to 10:00 p.m. on weekdays and on Sundays. Mr. Anderson noted that his client had an agreement to use the parking lot of an adjoining property owner during the hours of the day the adjoining property owner's business was not open. In addition, Mr. Anderson reported negotiations were underway with Dr. Bodie's attorneys on an agreement to use the parking area at Dr. Bodie's office across the street. Mr. Anderson noted that the Bodie's were present at the meeting.

Mr. Frost asked the staff if Carpe Diem were to secure the parking agreement, would that change their recommendation to hold over this application.

Mr. Olsen stated that the staff had not been made aware of an agreement with Dr. Bodie and would suggest this application be held over to allow the staff time to review the agreement as well as any possible additional conditions that may be required.

Mr. Frost stated that in light of this he felt the application should be held over to allow the staff an opportunity to study the agreement.

Mr. Quimby noted that besides the parking issue, the previous time this application was brought before the Commission there was also opposition due to noise, trash and parties being held late at night.

Mr. Anderson said that the agreement with Dr. Bodie required that Carpe Diem maintain and police the parking lot, and repair any damages. He therefore felt some of the fears expressed in the last meetings would be satisfied.

Mr. Frost had heard from neighbors favoring and opposing the request and felt if the applicant had new information, perhaps it should be held over.

Dr. Rivizzigno iterated several conditions from the previous approval were not met and asked Mr. Anderson to address these issues.

Mr. Anderson stated that he had checked with his engineer before submitting this application and he said everything had been taken care of. Also, Mr. Anderson said he visited the staff and the computer inspection report indicated that everything was in order. He agreed to meet with the staff to determine which conditions had not been met.

Mr. Olsen addressed Mr. Anderson's concern about the plan review. He explained that the problem was that the items that were listed on the plan that related to land use and zoning were for review only and there was never a call for an inspection to make sure that the items complied with the plan actually submitted and approved by the staff.

Mr. Ernie Farnell, a resident of the immediate area of Carpe Diem Coffee and Tea Company for approximately 35 years, was present in strong opposition; and had also forwarded written notice to the staff voicing his opposition and concerns. Mr. Farnell reported he was in the process of building a new residence at 4249 Stein Street, just north of Carpe Diem. Mr. Farnell referenced an advertisement in the phone book for Carpe Diem and contended that Carpe Diem was actually operating as a wholesale coffee roasting and packaging operation as opposed to a neighborhood coffee shop. He reported to the Commission that coffee roasting did not smell like coffee brewing, that the smell permeated the neighborhood, and that roasting coffee beans was a chemical operation not

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permitted under B-2 zoning guidelines. Mr. Farnell also raised concerns with the traffic, parking and disruptive noise in the residential area. Mr. Farnell requested that the Commission deny this request. He pleaded with the Commission to discontinue easing restrictions on the operation, in essence, rewarding Carpe Diem for violating the conditions of the previous zoning approval granted by the Commission.

Mr. Nodine asked Mr. Farnell how long the home under construction at 4249 Stein Street had been under construction.

Mr. Farnell replied approximately 1-½ years.

Mr. Nodine noted that Carpe Diem had been at the subject location for 8 or 9 years prior to Mr. Farnell building his home on Stein Street. Mr. Nodine said he walked along Old Shell Road frequently, picked up trash on Sunday mornings, and he saw the traffic that sometimes overwhelmed the coffee establishment. However, Mr. Nodine noted he had never seen trash thrown around at Carpe Diem and the owners who had been active members of that community took great pride and care of their establishment and the neighborhood in general. Mr. Nodine further noted that a retail establishment had existed at this location for 20 ± years. Mr. Nodine was aware there was a parking problem and hoped an agreement could be established to make it more livable within the area. Mr. Nodine reported the condominiums to the north of Dr. Bodie's office also reported problems with the coffee shop and questioned if anything would resolve this situation short of putting Carpe Diem out of business, because being in the coffee business would require coffee roasting.

Mr. Olsen pointed out with reference to roasting coffee, that roasting was an accessory to the primary use of the coffee shop; not the roasting as the primary function of the business – roasting for wholesale referred to in the Chart of Permitted Uses. Therefore, the staff would consider roasting in this instance for on site use or sale to individuals.

Mr. Farnell stated he had no objections to a coffee shop; however he had a problem with the generation of activity late at night in a residential neighborhood, and he had a problem with the smell of burned coffee permeating the neighborhood. Mr. Farnell said he also wanted to point out that when the present owners bought the property and opened their coffee shop, it was an R-1 zone. The zoning was changed to accommodate Carpe Diem and he did not understand the justification for changing the zoning, as they could continue to operate the coffee shop under a variance, and he contended that the zoning was changed specifically to benefit Carpe Diem financially.

Mr. Frost asked Mr. Farnell if the advertised meetings now being held were somehow presenting a problem.

Mr. Farnell replied that the problem was that Carpe Diem was already violating the Zoning Ordinance, and there were parking violations.

Mr. Frost said that likely this application would be held over and the Commission would entertain more comments at that time.

Mr. Olsen suggested that the Commission holdover the application to the December 19th meeting due to the holiday season and due to the requirements of the City's new printing contract requiring off-site printing.

Mr. Frost concurred. He stated that the application would be held over to December 19.

Mr. Frost allowed one other speaker to address the Commission.

Mrs. Connie O'Bryan, 4307 Dilston Place, within 50 yards of Carpe Diem, reported she had a conversation with Dr. Bodie the afternoon prior to the meeting and Dr. Bodie indicated at that time that he did not support meetings in the upstairs room. She questioned whether Dr. Bodie had changed his position on that.

Mr. Frost stated that would be addressed at the next meeting.

Mrs. O'Brien objected that there is still loitering in the parking lot of Dr. Bodie's late in the evening. She said she recently counted 15 people standing outside in front of Dr. Bodie's dumpster, which was within a few feet of her residence. Mrs. O'Brien said this was affecting the quality of her life. Further, she noted that after the restriction was placed on Carpe Diem prohibiting club meetings upstairs, there was an advertisement in the National Awakening during the summer that there was some poetry (reading) in the attic.

Juanita Stowe, 4308 Dilston Place, stated that when she moved there 10 years ago there was no coffee shop on the corner. Someone circulated a petition asking if they could open a tea room on that corner, and people signed the petition because they thought it would be nice. She said it was nice at that time, but now they had to have "no parking" signs placed on the street because they could hardly get out of their driveways due to the cars parked on the street. She said customers of Carpe Diem abused their privileges at Dr. Bodie's, they gathered outside between the house and the little storage room and behind Dilston condos late at night. Mrs. Stowe also objected to the smell of roasting coffee. She asked that the neighbors be given a little bit more consideration.

Mr. Nodine commented that the police had issued a number of parking tickets in that vicinity to people who did not adhere to the "no parking" signs.

Harry Roe, 3614 The Cedars, commented on the statement made earlier by Doug Anderson that they were trying to make a bad situation better. He said this seemed to him an acknowledgement that there existed a bad situation, referring to the zoning change that was passed and what was there now. Mr. Roe reported the nearby residents had thought of themselves as a fine residential neighborhood, however, anything that attracted a heavy volume of traffic from 6 a.m. to 11 p.m. in the residential area was certainly detrimental to not only the people next door, but people for blocks away.

Mr. Frost thanked everyone for their comments and invited them to come back and speak more at the holdover meeting.

After discussion a motion was made by Mr. Frost and seconded by Mr. Plauche to holdover these applications until the meeting of December 19, 2002.

There was one vote in opposition. The motion carried.

NEW SUBDIVISION APPLICATIONS:

Case #SUB2002-00261

Heron Lakes Subdivision, Phase One, Resubdivision of Lots 36 and 37

North side of Grand Heron Court East, at its Eastern terminus, continuing through to the West side of Montlimar Creek.

2 Lots / 1.6+ Acres

Mr. Vallas recused himself from the discussion and vote pertaining to this application.

The applicant was present and indicated he was agreeable with the recommendations of the staff.

There were no questions or comments by the Commission members.

There was no one present in opposition.

A motion was made by Mr. Quimby and seconded by Dr. Rivizzigno to approve this subdivision.

Mr. Vallas recused; the motion carried.

Case #SUB2002-00260

Lexington Heights Subdivision, Resubdivision of Lots 12-15, Square 5

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West side of Lexington Avenue, 440'± North of Congress Street.
3 Lots / 0.5± Acre

The applicant was present and indicated he was agreeable with the recommendations of the staff.

There were no questions or comments by the Commission members.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Vallas to waive Sections V.D.2 and V.D.3 of the Subdivision Regulations and approve this subdivision.

The motion carried unanimously.

Case #SUB2002-00262

Medical Society of Mobile County Subdivision

South side of Airport Boulevard, 160'± West of South Florida Street.
1 Lot / 0.5± Acre

The applicant was present and indicated he was agreeable with the recommendations of the staff.

There were no questions or comments by the Commission members.

There was no one present in opposition.

A motion was made by Mr. Plauche and seconded by Mr. Vallas to approve this subdivision subject to the following conditions:

- 1) the placement of a note on the final plat stating that the development is limited to one curb cut to Airport Boulevard, with the size, location and design to be approved by Traffic Engineering;
- 2) the placement of a note on the final plat denying access to the unimproved, substandard right-of-way; and
- 3) placement of the required 25-foot minimum building setback line on the final plat.

The motion carried unanimously.

OTHER BUSINESS:

Call for Public Hearing: December 19, 2002

Consideration of a proposed amendment to the Sign Ordinance to allow Sandwich Board Signs in the Loop Area.

Margaret Pappas stated that the staff had been contacted by the Mobile City Council representative for the Loop area and asked to consider an amendment to the Sign Ordinance to allow sandwich board signs in the Loop area. She pointed out that part of the Loop area was under the purview of the Architectural Review Board in regard to signs, and the staff wanted to insure that authority remained in tact. In making sure that occurred, the staff noticed the sign regulations for historic districts adopted in 1999 repealed the previous ordinance to allow sandwich boards.

Mr. Frost therefore called for a public hearing to be held December 19, 2002, to consider a proposed amendment to the Sign Ordinance to allow sandwich board signs in the Loop area.

Public Hearing: L-B, Limited-Business District

A public hearing was held to consider a proposed amendment to the Zoning Ordinance, creating an L-B, Limited-Business District.

Richard Olsen stated that he wanted to clarify that the proposed L-B, Limited Business, District, was in no way related to, nor was it a modified version of, T-B (Transitional-Business), which was previously considered by the Commission and had been tabled by the City Council. He explained that T-B was designed as a mixed-use neighborhood district to allow both residential and small commercial uses in the same area. L-B was designed as a retail district to allow most uses permitted in B-2, excluding some uses frequently cited as offensive by citizens when applications for B-2 had been presented to the Commission. Mr. Olsen said the Commission and the City Council had both periodically expressed a desire for a district that was somewhere between B-1 and B-2 that would allow some retail type uses. He further clarified that no properties in the City would automatically be zoned L-B if this amendment was approved; this would simply create the classification. Anyone who desired for their property to be rezoned to L-B must go through the normal process of filing an application, appearing before the Planning Commission; and upon a recommendation of approval by the Planning Commission, a public hearing before the City Council. Mr. Olsen said the staff had heard of specific concerns that he would like to address. One was the sale of alcohol. He explained that the uses whereby the primary function was the sale of alcohol such as bars and liquor stores were not permitted in L-B. Uses such as a neighborhood grocer or a neighborhood restaurant where alcohol, beer, or wine may be an accessory use might be appropriate in certain areas that could be considered for L-B zoning. He noted that the approval of a liquor license was a function of the City Council, considered on a site-by-site basis and the staff felt it would be better left in the hands of the City Council, therefore there was not a prohibition of alcohol sales.

Mr. Olsen said another concern the staff had heard was about the locational standards of the district. There was concern that it could be located within a residential neighborhood. The general description of L-B is virtually identical to that of B-2 stating that it should be located on a major thoroughfare or near the intersection of two major thoroughfares. The Ordinance did indicate a location with L-B zoning should be within walking distance of a neighborhood, because the intent was that the establishment would serve that nearby neighborhood. However it was not intended that an L-B classification be located within a residential area or within a residential subdivision.

Mr. Olsen reported one other concern expressed to the staff was the maximum height limit of 45 feet, which was the same height limit allowed in B-2; and B-1 allowed a height of 40 feet; and the maximum height allowed in a residential district was 35 feet. Since this district was not intended to be actually within the residential neighborhood, that additional 10 feet did not seem to be out of character.

Concern had also been expressed that there was not a minimum building area. Mr. Olsen noted that no commercial districts had a minimum building area, but had a maximum site coverage. He said guidelines in the Ordinance recommended minimum sizes for the creation of a new district, but there was no absolute minimum size for property to be rezoned. However, the property obviously would have to be large enough to accommodate the proposed use and all the other requirements of the Zoning Ordinance such as required parking, landscaping, buffering, etc.

Parking ratio was also an area of concern. Mr. Olsen explained that parking ratios were not related to zoning districts, but were use specific and were specified under Section VI of the Zoning Ordinance. There numerous types of uses based on square footage.

With regard to setbacks, concern had been expressed that side and rear setbacks were allowed to be zero. Mr. Olsen noted that zero lot lines were only allowed when the L-B site would abut another commercial property; not when abutting residential. The site would be subject to building code requirements for buildings less than 5 feet from the property line. Mr. Olsen said the standard 10 feet setback or buffer would be required when abutting residential, and the Planning Commission had on occasion required an even greater buffer when a commercial district was approved adjacent to residential, so there would be that option.

Concern about the 10' buffer strip being used for parking was also noted. Mr. Olsen explained that the buffering was required under Section IV.D of the Ordinance, and would be the same for L-B as other commercial districts requiring a 10' buffer strip. The 10 feet may be used for parking if the required buffer protection requirement was met via a 6' wooden privacy fence. There would be the option of a 10' planting strip, which would then obviously preclude any parking in that area. This option currently that existed in the Ordinance for any commercial district.

Mr. Olsen pointed out that the Chart of Permitted Uses under "convenience store" referred to "B-2 Restricted." He said that was the original name that had been considered for the district and the staff failed to change that to the new name of "L-B". Also, a provision requiring offices of a specific profession to be located above the first or ground floor should not be in the Ordinance. For offices of contractors, relating to storage area, a portion of the condition was lost when it was copied over from the other Ordinance and it related to stored construction materials being limited to a 6' height restriction, and other aspects of storage in the storage yard behind the structure.

Mr. Olsen said the staff was aware that there were numerous uses that some had concerns with, so he did not go into the individual uses. Further, it had been brought to his attention that there would be concern expressed about L-B being applicable within historic districts. Mr. Olsen noted that none of the other zoning districts were excluded from historic districts, so it would not make sense to have L-B excluded, especially when B-2 and B-3 were allowed.

Councilman Nodine commended the staff on the draft of this proposed new district. He felt this was the happy medium the City Council had been looking for.

Mr. Quimby felt there should be fewer uses allowed. He said if this was to be neighborhood-friendly, there were a number of items he felt should be moved back to B-2.

Mr. Frost stated that the Commission would go ahead and hear comments by the public.

Bess Rich, a resident of 625 Cumberland Road East, applauded the efforts of the City in trying to come up with a neighborhood friendly land use, but she felt that the amendment needed some fine tuning. She felt the Ordinance should not be silent about alcoholic beverages. She said it should be made clear from the onset that there could be no alcoholic beverage sales, or limited to only a restaurant.

Mr. Frost stated that at first he tended to agree with that, but then thought about someone who wanted a small restaurant in the Oakleigh District, and felt that most people would like to have beer or wine with their dinner.

Mrs. Rich felt the Ordinance should be written very clear and precise to begin with to prevent discretion being appealed to the judge. She felt that if the L-B zoning classification would never fit on a residential street, the Ordinance should precisely state "must be" located on a thoroughfare. Mrs. Rich also felt the height of 45' was too tall. The parking ratio was also a concern. She suggested they might need to write a ratio different from B-1 and B-2. She felt a 6' fence buffer would not be adequate; that 8' should be the absolute minimum. Mrs. Rich felt the following would not be community friendly: dinner theaters, furniture stores, grocery stores, hardware stores, restaurants with drive-thru service, drug stores, and variety or convenience stores.

Mrs. Rich also expressed concerns that the City should have a comprehensive master plan. Mrs. Rich commented that although the new L-B classification appeared to be heavy in the B-2 class, she noted there were 130 uses that were basically B-2, and 19 that were formerly in B-1. But she said this would basically do away with the B-1 buffer 9-5 businesses with no nighttime hours more compatible to neighborhoods. Mrs. Rich felt that bringing businesses that were non-compatible to residential would have a detrimental effect on property values and the quality of life.

Doug Anderson, attorney with Pierce-Ledyard law firm, 41 N. Beltline Highway, stated that he was present as a former Planning Commission member, as well as an individual. He said he was very impressed with the proposed ordinance. He had also spoken with many commercial realtors and people in the real estate industry, and almost everyone he spoke with was in favor of the ordinance. He felt it would protect the neighborhoods from negative uses such as gas stations and liquor stores and would help development and the city overall. Mr. Anderson felt the L-B district would bring all the B-2 districts into a B-1 district, and B-1 districts would still be available. Mr. Anderson felt the staff had done a wonderful job with the proposed new district. He felt it would serve a great purpose to our city and he strongly recommended that it be approved.

Richard Weavil and Jeff Newman were present representing the Board of Realtors. Mr. Weavil said he agreed with Mr. Anderson's comments. He commended the staff and the Planning Commission for creating a business-friendly environment for people to come to this city to do business. He said opening an L-B district would remove the objectionable uses, such as gas stations and liquor stores, and would also follow the ideas discussed for Smart Growth. Mr. Weavil said he was on the Smart Growth Steering Committee, and the idea there was to create a community where residential and commercial live together harmoniously as was done in the inner city 50 years ago. It was to also create areas where one could walk or ride a bicycle and not have to get in a car. Mr. Weavil felt this would be an absolute asset to our inner city areas. He asked that the Commission approve this proposed new district.

Jeff Newman stated that the City Council and the Mayor were making very progressive and positive steps towards Smart Growth. As Mr. Olsen stated, the Board of Realtors felt the L-B classification blended in very well in that effort; very pro-business, pro-community and they felt very pro-neighborhood. He felt L-B offered protection to the neighborhoods that did not currently exist. Mr. Newman complimented the staff on being progressive and stepping forward with the Smart Growth plan. He said quite often realtors and developers come down and speak before the Commission with concerns, and they wanted to make an effort to come down and speak with a positive and supporting approach on this issue.

Lynne Weeks, 5 Benedict Place, stated that she worked for Roberts Brothers in the residential section, and was very familiar with pro-business. She expressed concern about property values, and concern that this new district would allow some wholesale uses that she felt would produce heavier truck traffic in the residential neighborhoods. She was also concerned about signage that goes along with commercial uses. The fence height also concerned her, particularly with the contractors storing heavy equipment. Mrs. Weeks said she was not opposing this in its present form, but did not feel it was fair to create this for a citizenry without more information. She recognized the value of growth but one of the things she had seen happen was that companies did not come here because the people would not move here, and that is partly because of what they see visually when they come. She said this conglomerate use was visually unattractive.

Devereaux Bemis, Director of the Mobile Historic Development Commission, stated that the MHDC was opposed to the Limited Business zone classification ordinance as written. Although they applauded the concept behind neighborhood business, they believed the proposed ordinance was flawed in several aspects. First, there was no maximum size of building site area. Mr. Bemis said they feared that someone could come in and accumulate multiple properties in a historic district in order to get this type of zoning. Since there is no maximum site size, there was no building size maximum, so something fairly large could come in on one of these properties. Also, Mr. Bemis said one of their biggest concerns was the primarily residential historic neighborhoods. There were no parking regulations associated with this proposal. One parking space for every 300 square foot of retail space could lead to some very large parking lots within the district. Without these and other safeguards, Mr. Bemis said our historic neighborhoods could be disastrously affected. Since the purpose of the proposed district was to satisfy the daily household needs of the surrounding residential neighborhood, the very idea that these must be located on thoroughfares or at the intersection of thoroughfares would encourage businesses that rely more on pass-through traffic than on the neighborhoods. With no limit on the size of the businesses and the requirements that they would be targeted to

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vehicular traffic, Mr. Bemis said the MHDC would ask that this proposed ordinance not be passed. Further, he said that if there were any areas of the City where the Planning Commission deemed it necessary for this to be effected, they would suggest a simple alternative, and that was that historic districts of Mobile be exempted from the Limited Business zoning classification. Mr. Bemis further commented that the MHDC did feel that Smart Growth was important, but they were not sure that this was the way to do it because it did not really take into account the affect it would have on the immediate residents. Mr. Bemis introduced three representatives of the various historic districts in attendance to support the defeat of this proposed new district.

Mr. Vallas stated that from a historic preservation standpoint, maximum building size had been addressed. He asked Mr. Bemis if he would rather see the building size have a maximum square footage or maybe limit the property itself; as opposed to a 10 or 20 acre site, maybe one that was 5 acres, and not necessarily limit the building size itself.

Mr. Bemis said that for historic districts he felt you would have to have both.

Mr. Erskine Ashbee, 4 Japonica Avenue in midtown, commented that the historic districts were one of the things that attracted people to Mobile, and not Crispy Chick or McDonalds. He said there was often a conflict of interest between a neighborhood and a developer, so care had to be taken when we loosen these laws. He asked the Commission members to consider whether they would want the types of businesses that were drawn in the proposed L-B district located next to them. He asked if they would want a 45' commercial building next to their 35' residence. Mr. Ashbee also felt the Commission should go more public with this, i.e., go into the neighborhoods and have meetings, show the maps, and show what the comprehensive plan looks like.

There being no further discussion, Mr. Frost closed the public hearing and said the Commission would take this up in executive session.

After further discussion it was decided that a sub-committee should be appointed to address the issues brought up in discussion. Appointed to the sub-committee were Mr. McSwain, Mr. Vallas and Mr. Quimby.

A motion was made by Dr. Rivizzigno and seconded by Dr. Laier to hold over this application indefinitely.

The motion carried unanimously.

There being no further business, the meeting was adjourned.

APPROVED: February 20, 2003

/s/ Victor McSwain, Secretary

/s/ Robert Frost, Chairman

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