

MINUTES CITY PLANNING COMMISSION

Minutes of the City Planning Commission meeting held May 12, 2022, in the City Council Auditorium, City Hall, 212 SW 9th Street, Lawton, Oklahoma.

The agenda for the meeting was posted on the bulletin board in City Hall in compliance with the Oklahoma Open Meeting Act.

The meeting was called to order at 1:31 p.m. by Chairman David Denham.

MEMBERS PRESENT: David Denham
 John Jones
 Ron Jarvis
 Deborah Jones
 Darren Medders
 Michael Logan
 Neil Springborn

MEMBERS ABSENT: Shelli Fox
 David Davison

ALSO PRESENT: Michael Cleghorn, City Manager
 Richard Rogalski, Deputy City Manager
 Janet Smith, Director Planning and Community Services
 Kameron Good, Planner
 Paul Martin, Planning Administrator
 Cindy Augustine, Legal
 Greg Gibson, Assistant City Attorney
 Denise Ezell, Recording Secretary

2. Verify posting of meeting.

Recommended Action: Verification of posting time and date

May 10, 2022 at 9:15 a.m. by Tammy Anderson.

3. Establish Quorum.

Recommended Action: Establish that a quorum is present

Seven (7) of the nine (9) members present.

4. Approval of Minutes.

Recommended Action: Motion to approve minutes from the April 14, 2022 and April 28, 2022, meeting.

Motion by Medders, Second by Logan, to approve the minutes of April 14, 2022 and April 28, 2022 as written. **Aye:** Denham, Jones John, Jarvis, Jones Deborah, Medders, Logan, Springborn. **Nay:** None. **Motion Passed.**

New Business

4. Hold a public hearing to consider a change of zoning from A-1 General Agricultural District to C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 713 NE Flower Mound Road, Lawton, Oklahoma 73507.

Recommended Action: Recommend approval to City Council with the condition of adding the required tree buffer for a change of zoning from A-1 General Agricultural District to C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 713 NE Flower Mound Road, Lawton, Oklahoma 73507.

Good stated good afternoon. I'm Kameron Good with the Planning Department. This rezoning request is off NE Flower Mound Road. Here is the location map. This is north of Gore and south of Cache Road. Current zoning is A-1 and proposed zoning is C-1. The current land use is Residential Low-Density and the proposed is Commercial. This was published in the Lawton Constitution on April 26 and mailed to twelve (12) property owners within three hundred (300) feet on April 20th. This is a proposed Dollar General store. It will go to the Board of Adjustment tomorrow for a parking variance to lower the parking from forty-two (42) spaces to thirty-seven (37). They will be required to have an opaque fencing and tree buffer on the south side of the property due to the residential zoning and use. The fence is shown on the site plan and the tree buffer is not. It may be shown on the landscaping plan. As a condition of approval, I would recommend approval with a tree buffer.

Jones D asked why are we going to the BOA before the rezoning with a binding site plan is being considered?

Good stated I'm sorry I don't understand your question.

Jones D stated why would you go to the BOA to reduce the parking requirement before the Planning Commission and Council make a recommendation. It has a binding site plan requirement.

Good stated it will be a binding site plan for the rezoning and it has to have Council's approval. The Board of Adjustment tomorrow is to lower the parking.

Jones D asked what if the Planning Commission likes the parking at forty-two (42) spaces.

Good stated that could be a condition of your recommendation.

Jones D asked what is the hardship for reducing the parking.

Good stated they have attached a letter stating they have opened thousands of stores across the nation with plenty of studies to know exactly how many people they need to provide for.

Smith stated we have a representative from Dollar General here.

Brown stated we have done this on other stores.

Jones D asked where it went to the BOA first.

Brown stated no, I don't believe that it went to the BOA first. I think it went to CPC first.
(Can't hear)

Smith stated or not getting the Council's (can't understand-several talking at once)....

Jones D stated that is right because they are the final approval. It seems like we have the cart before the horse. In the past we have come to blows over parking spaces. Unless there is a bonified hardship I'm not sure the applicant can determine the parking spaces. I think the city determines the parking spaces.

Smith stated we have already determined the number of parking spaces. We have a forum for a developer to go through, which is the BOA, to ask for a reduction in parking. That is what they chose to do.

Jones D asked then why are we holding a public hearing on this site plan. If the requirement is forty-two (42), this site plan I assume is based on thirty-seven (37).

Good stated correct.

Jones D so, you are asking this forum to set the site plan at thirty-seven (37) and then you are asking the BOA to reduce the parking.

Denham stated I think they want to go from forty-two (42) to thirty-seven (37).

Jones D stated I know that. I'm asking what is on this site plan.

Good stated they show the requested thirty-seven (37) spaces.

Medders asked does the BOA meet once a month.

Denham stated yes.

Medders stated I would say they want to get it on this month so they can get it in front of Council.

Jones D stated Council is not the final authority of the BOA. The appellant for BOA is District Court.

Smith stated apparently it is in code as a special exception rather than a variance.

Good stated parking is a variance.

Brown stated we have a special exception that permits a reduction in the total number of off street parking spaces required for any proposed use with any new development when it can be shown in a study performed by a qualified professional based on actual parking counts taken during periods of peak parking demand at existing facilities of the same type and size that the required number of parking spaces is in excess of that needed for the proposed development and that said reduction will not clear the parking liability on nearby properties or public street.

Jones D asked do you have a study.

Smith stated Dollar General is proposing the thousands of sites they have put elsewhere.

Brown stated typically they will bring in a letter from a traffic engineer who has done the study.

Jones D stated okay, what is the hardship.

Brown stated a special exception doesn't require a hardship. A hardship is only a requirement of a variance.

Jones D stated okay.

Denham asked are there any other questions.

Jones J asked are we being asked to approve a site plan that doesn't meet standards. What are we voting on?

Good stated the rezoning. You could include a condition that the site plan be approved by the BOA.

Jones D asked is the appellant for the BOA the District Court.

Gibson stated yes.

Jones D stated I believe we are getting into some murky water. The appellant for BOA is District Court not Council or CPC.

Denham asked so would you recommend that they go to the Board of Adjustment first or after Council.

Jones D stated I believe it should be processed as code requires it and if Council approves it then you go to BOA for a reduction.

Denham stated and our binding site plan has thirty-seven (37) spaces and not the forty-two (42).

Jones D stated it needs to be a condition that it have forty-two (42).

Denham stated another condition is the tree buffer to the binding site plan.

Good stated it is not shown on this current plan. They will have to submit a landscaping plan and it may be on that plan.

Denham asked are there any other questions before I open the public hearing. Seeing none I declare the public hearing open. Anyone wishing to speak for or against this item please come to the podium and state your name and address.

PUBLIC HEARING OPENED

George stated I'm Elizabeth George and I'm representing Yvonne and Jim Landmark who could not be here today. I'm their counsel on this matter. Ms. Landmark has written a letter and I'm going to read it on her behalf. I will make one correction. She noted she believed this area was agricultural and it my understanding from reviewing the presentation it is zoned residential. I will make that one (1) change and I'll give you each a copy of her letter.

Denham stated I believe it is zoned agricultural. The land use is residential.

George stated understood. Thank you for that correction. Good afternoon, with regard to the above referenced rezoning, we respectfully ask this request for change be denied. Our home at 606 NE Flower Mound Road sits directly across from this acreage (now zoned agriculture), along with 2 other homes. Additionally, there is a mobile home park as well as six (6) residential subdivisions within a 5-block radius. The sidewalk in front of this area is used widely for walkers, joggers and even McArthur High School Tract teams. The area has no other commercial properties. It also might be of interest to know that there is already a Family Dollar Store located at 3706 E Gore Blvd., which is **1 mile** from the proposed rezoning site. Also, in the City of Lawton, we presently have 3 Family Dollar Stores, 10 Dollar General Stores and 6 Dollar Tree Stores. It would be a shame to turn an obviously residential/agricultural area into yet another one of these, as it seems we have more than enough. I know you will also be hearing from Lon Parks, who lives at 604 NE Flower Mound and has much more experience and expertise in this area than do I. But in closing, I would like to remind you of the beauty of unspoiled areas of this city and the enjoyment we as citizens receive in being able to enjoy free outdoor activities such as walking, jogging, etc. Thank you in advance for your time and consideration. Respectfully submitted, Yvonne Landmark on behalf of James and Yvonne Landmark. I will provide each of you with a copy of this letter along with my card if you have any questions.

Denham asked are there any questions. Thank you. Is there anyone else that would like to speak? Please come to the podium sir.

Parks stated I'm Lon Parks and I live at 608 NE Flower Mound just across the street from this proposed rezoning. I'm not here to talk about my house. I'm here to talk about sidewalks. For years I have advocated for bike trails and sidewalks in Lawton. I believe there will be a bottleneck at this location. We were pleasantly surprised after the sidewalk was put in people were using them. The sidewalks are busy all day long. There is no way this will help the situation. I would ask that you reject their request.

Denham stated thank you sir. Please sign in.

Saddler stated my name is Jeff Saddler and I live at 3524 Arlington. I'm a member of the First Baptist Church and I'm on the budget finance committee. The church acquired this property years ago and has been looking for the right time to do something with it. We feel this is a good use. Driveways cross sidewalks all over town. Of all the arguments you could make against this I don't understand that at all. New sidewalks are going in on Sheridan and all over town. There are sidewalks up and down east 45th. I can't think of anywhere there isn't sidewalks, traffic and driveways that cross sidewalks. I don't see having a dollar store here as an issue. We were just told the number of dollar stores in town so obviously they are successful. The mobile home park and other neighbors will utilize this store. There are others not far away, but I don't see that this is an issue. The community can use this store. The dollar store checks all the roof tops and demographics to find good places to put their stores. I don't believe this is a problem. I trust their judgment to place them where they are needed. First Baptist church would appreciate your support. We can't sell the property without the rezoning.

Denham stated thank you Jeff. Again, this item is strictly about the change of zoning. We are not talking about sidewalks or parking spaces. We just want to hear who is for and against the change in zoning.

Silver stated my name is John Silver and I'm the project manager for DJD Development. We are proposing to build this store. I'll answer any questions you may have. We are in the permit process. We submitted an application several weeks ago and we will comply with all the restrictions. I have built one (1) other store in Lawton so I'm not familiar with Lawton, but we will comply with all the requirements and codes. I have built Dollar General stores for the last twelve (12) years. This store makes number 24,358 in the United States. On the parking issue they have done their homework. I know parking is not the issue we are here to discuss but we want to provide adequate off-street parking and delivery. The store is designed specifically for truck access and off-street parking. The hardship Ms. Jones is speaking of is too much concrete, heat, and water runoff that is unnecessary to the operation of the store.

Denham asked are there any questions of Mr. Silver.

Jones D asked you are aware that we have a detention requirement.

Silver stated yes ma'am. I have submitted a full set of plans for the Plans Review Committee, we will comply with whatever their comments are. I have not received those at this time.

Denham asked is it just the one (1) access point.

Silver stated yes sir.

Denham asked for both customers and the trucks.

Silver stated yes sir. This is designed specifically for Dollar General trucks. The truck pulls in from Flower Mound and turn north into the parking lot, they back around the corner all the way to the east where they unload and then pull straight out. There is no on-street parking or delivery. In regards to the sidewalk, there is a very nice existing sidewalk, and we will comply with sidewalk regulations with the appropriate handicap ramps onto our driveway.

Denham stated are there any questions. Thank you, Mr. Silver. Anybody else like to come speak for or against this item.

Springborn stated I have visited many states in the past playing gold. When you see a Dollar General you know civilization is nearby.

Jones D stated some communities have a good transit system and it penetrates close to shopping or schools. We have a barebones transit system. It doesn't service everyone. It services about eighty (80) percent of low and moderate income. That is pretty good however we are in a affluent area here. There are two (2) arterials and I suspect there will be more commercial rezoning. This area will cater to the automobile and not transit. You will have more traffic demands on this Dollar General than the one on west Lee. We need to take that into consideration. Thank you.

Keahbone stated my name is Mike Keahbone and I'm the pastor of First Baptist Church here in Lawton. I'm here to support this rezoning. I grew up in Elgin, Oklahoma. Recently the Lord called me home to Lawton. One of the things that was important to me as pastor is to make sure that whatever we do as a church we invest into the community. When I left Lawton was called the Shady 589. I want to be a part of making Lawton the Great 580. I feel like as a church we are very careful. There isn't a lot of opportunity with this land. We want to invest in our city by investing in something that will be good for our city. Looking at Dollar General's track record and how they impact communities we feel this is a strong opportunity to invest in Lawton. We have been holding on to this property for a long time. It is not like we are looking for a moment. We have been praying and looking for the right moment and we feel like this is it. We hope you vote in favor of the rezoning. Thank you.

Denham stated thank you sir. Kameron, you mentioned the property owners. Did we receive anything from the mailings?

Good stated no. We did not receive any phone calls or mailings for or against.

Denham stated okay, I just wanted to clarify that. Is there anyone else. Seeing none approach I'll close the public hearing.

PUBLIC HEARING CLOSED

Denham stated members of the committee what is your pleasure.

Motion by Medders,

Jones J stated I would like to make a comment before the motion. They have developed this area into one of the nicest areas in Lawton and you have one of the nicest residential streets as far as residential is concerned. We don't know how a track will develop but it looks to me to attract a business right in the middle of this small section, which consumes the image of the whole area, to me is not designed as a commercial street. We have some streets that are developed for commercial business. In my opinion this street has no business with a Dollar General. Nothing against Dollar General, they do a great job. My concern is the location on Flower Mound. I think it could change the image to the residential area to the north if you locate a business across the street from these nice homes. You have the mobile home which is very well maintained and fenced off. The Planning Commission should consider what the move is out there. I would hate to break the trend. That is my concern.

Denham stated John, this is a five (5) lane street. I mean that is not your typical residential avenue.

Jones J stated but you are not allowing business in the street David.

Denham stated no, it is Lee and Flower Mound, and we are going to be expanding it....

Jones J stated I'm talking about north of Gore.

Jones D stated (can't hear).

Denham stated you said on the street and Flower Mound is a street. I'm just saying it is a five-lane street. I agree it is a very well developed neighborhood. You can't say it is not a street set up for business.

Jones J stated the trend for that area is residential. I think this could change the direction. Thank you.

Denham stated thank you John. Is there any other discussion?

Motion by Medders, to approve a change of zoning from A-1 General Agricultural District to C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 713 NE Flower Mound Road, Lawton, Oklahoma 73507, with the conditions of the tree buffer on the far east property line.

Medders stated I recently moved from the eastside. I moved because we didn't have the things on the eastside that I could get on the westside, and I work on the westside. If some of those things had been on the eastside I might have stayed. We need to develop that more for the residents.

Denham stated we have a motion to approve is there a second.

Second by Springborn. Is there any further discussion? Denise call the roll.

Aye: Denham, Medders, Springborn. **Nay:** Jones, J., Jarvis, Jones, D., Logan. **Motion Failed.**

Denham stated the motion fails four (4) to three (3). The next step is Council with the recommendation of denial on behalf of the Planning Commission.

Smith stated that is correct. The BOA will meet tomorrow, and we will make them aware of the recommendation from CPC. They will still have the opportunity to vote on the parking issues and we will report both to Council.

Gibson stated we might want to talk about that. I agree with Debra. CPC has done what they needed to do but the Board of Adjustment would be voting on something that doesn't exist in my opinion. It hasn't been rezoned yet. Debra also makes a good point that the appeal process for the Board of Adjustment is District Court. This feels like we are way out of order.

Smith stated the CPC is a recommending body.

Gibson stated correct.

Smith stated so their recommendation would be taken to Council. The Board of Adjustment has a hearing tomorrow to look at the parking. Unless Charlotte is going to tell me otherwise, I don't see why they can't decide.

Jones D stated I feel like we are superseding the Council and the zoning process. I don't understand why you can't have the Board of Adjustment after Council. The site plan is part of this rezoning and if code calls for forty-two (42) places then the site plan should have that or have a study and let Council make the decision on the final number of spaces. Council may say thirty-nine or forty spaces. I don't know. I don't like intervening with the process of the BOA which stand independent before Council has made a final decision. The appellant is District Court and can be very expensive.

Brown stated the way I have always understood it was the Board of Adjustment can either approve or deny the special exception. If Council denies the rezoning, then they will have wasted their money going to Board of Adjustment. It will be a mute-point at that point.

Jones D asked what if they wanted to appeal it.

Smith stated I don't believe they can appeal if Council decides not to approve.

Jones D stated I don't know whether they can or not. That is a legal matter for the occupant and our attorneys. I'm saying you are getting into muddy water here. If you continue the hearing

at the BOA tomorrow until after Council meets you don't have to serve notice or publish again. This gives you the time to sort this out and get back to normal procedure.

Brown stated that is something that we can look at.

Smith stated the Board of Adjustments can make that decision tomorrow.

Brown stated correct.

Denham stated I don't think they are going to be putting parking spots into agricultural land if this zoning gets denied.

5. Hold a public hearing to consider a change of zoning from the R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 9 NW 14th Street, Lawton, Oklahoma 73507.

Recommended Action: Recommend approval to consider a change of zoning from the R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 9 NW 14th Street, Lawton, Oklahoma 73507.

Good stated this is located off 14th Street south of Arlington and north of Gore. Lots fifteen (15) and sixteen (16) are split into two (2) separate parcels, a north and south half. This is for the south half of Lots Fifteen (15) and Sixteen (16), Block Fifteen (15). The current zoning is R-4 and proposed is C-1. Current land use is Residential Low-Density and proposed is Commercial. Proposed use is an accessory structure for storage for Hearts That Care, which is located just south across the alleyway. This is in a flood fringe and the floodway does come onto the property. Mike Hawkins is here to answer any questions about the floodway or fringe. I also spoke with Chris Boyd from CDBL who represents Hearts that Care.

Denham asked are there any questions of Kameron before opening the public hearing. Seeing none we will open the public hearing. Anyone wishing to speak for or against this item please come to the podium and stated your name.

PUBLIC HEARING OPEN

Anderson stated good afternoon. My name is Scott Anderson and I'm on the Board of Directors for Hearts that Care. We are a volunteer medical clinic and have been serving the community for the past four (4) or five (5) years. We are located at 1313 W Gore and have put close to a million dollars in the building. We have expanded from medical to dental and now to vision. Unfortunately, we didn't plan for a tremendous amount of storage. We didn't realize we would grow so quickly. We have been using our optometry rooms for storage and now we need those rooms. We purchased the property behind our building across the alleyway. There use to be a house there, but it was condemned and torn down. There is nothing on the property. We are looking to put a storage building there so we can move forward expanding health care to the

members of our community who can't afford it. I'm here to represent the board and if anyone has any questions, I'm here to answer them.

Denham asked which lot was the dilapidated house on fifteen (15), sixteen (16) or both.

Anderson stated it was on both.

Denham asked has it already been torn down.

Anderson stated yes sir. It is an empty lot. The storage building will have electricity, lighting, and a privacy fence. That is all part of the site plan.

Jones D asked will you put the flood way map back up. I don't think you can build on that property. The floodway touches the lot.

Jones J stated (can't hear)

Jones D stated no, you see the lines on either side of 14th Street.

Denham stated the red lines.

Jones D stated yes, there is a floodway line, and the flood fringe is all the way to the east. If the floodway line touches the lot, it is impacted by certain restrictions.

Jones J stated (can't hear)

Jones D stated no, the lot. Not the building. The lot is impacted.

Denham stated so, lot sixteen (16) is in the floodway.

Jones J stated parts of it.

Jones D stated yes.

Denham stated and if anything is in the floodway you can't build on that lot.

Good stated no.

Jones D stated I thought it was stated the house had been removed from the northern portion of the lots.

Anderson stated about where the orange building is.

Jones D stated okay.

Jones J stated (can't hear)

Anderson stated it was closer to the driveway where the building was torn down.

Denham stated that is the south half.

Anderson stated yes sir.

Hawkins stated my name is Mike Hawkins and I issue all the flood hazard permits. They can build the building where they show it. It is not in the floodway. The insurance company will look at it as being in the floodway.

Jones D asked do you have to elevate the building.

Hawkins stated no, it is not a habitable structure.

Jones D asked they don't have to elevate it to two (2) feet above the base flood.

Hawkins stated no, but I would recommend it.

Jones D stated I would also.

Hawkins stated if it is not habitable it is not required.

Jones J stated (can't hear).

Hawkins stated yes, what they are showing is in the flood fringe.

Jones J stated (can't hear)

Hawkins stated it is the property. Those two (2) lots are part of the whole property.

Jones J stated (can't hear)

Hawkins stated yes.

Jones J stated (can't hear)

Hawkins stated well the floodway is still part of that one piece of property.

Jones J stated (can't hear)

Hawkins stated right.

Denham stated it is the fact it is an uninhabitable structure. If it were a house, they couldn't do it.

Hawkins stated yes, they could build a house if they raised it two (2) feet above base flood elevation. I check the base flood elevation is a foot higher than the property.

Jones D asked has that changed recently. I thought it was a foot for residential and non-residential was two (2) feet.

Hawkins stated no, it has been that way since I have been doing it.

Jones D stated to my knowledge Harmon Park, Arlington Avenue, and 14th Street floods at Gore Boulevard. It floods so bad they close the intersection. It spills out over the floodway into the flood creek.

Hawkins stated yes. The base foot elevation is 1123 and that property is at 1122. If you get the 100-year flood that property will be one (1) foot under water.

Jones D stated not even a 100-year flood. If there is a manmade blockage it will flood the area.

Hawkins stated yes.

Jones D stated my concern is losing an investment of the applicant.

Hawkins stated when we issue the permit, we inform them of the flood zone. I recommend it be elevated and, in this case, it would have to be elevated a foot to be above the flood zone.

Jones D asked what will this be made of.

Hawkins stated I haven't seen anything.

Jones D stated okay.

Smith stated we do have someone here that represents CDBL.

Boyd stated I'm Chris Boyd with CDBL. We worked with Hearts that Care to remodel their existing building and are working with them now. We don't have plans yet. We knew it had to be rezoned so we were waiting on this process. Previously they discussed a metal building, and we know the requirements for the exterior finish of a metal building. Mr. Jones talked about moving the building over to completely be on the east lot, but I have to be ten (10) feet away from the property line and we are tucked up ten (10) foot off the north and east. It functions them better if they run the building east and west as opposed to running it north and south. That is why we have the layout we have. We have not drawn the plans yet just because we need to rezone first.

Denham stated thank you Chris. Are there any questions of Mr. Boyd?

Jones J asked would there be any consideration raising the lot a foot.

Boyd stated I think we would recommend that because they are storing materials, but Scott would have to answer that. We don't want the materials to ruin, and we all know it floods there. That would be something the owners would have to decide.

Anderson stated we considered that, and it is something that we are looking at.

Jones D asked can we make it a part of the binding site plan.

Jones J to me this is a no brainer. If it is raised then you solve the problem.

Boyd stated correct.

Jones J stated I'm sure there is an individual that might donate dirt.

Jones D asked if we add elevation to a pad do they have to have a hydraulic study.

Hawkins stated no, not in a flood fringe. If it was a floodway they would have to.

Denham asked are there any additional questions. Is there anyone else that would like to speak for or against the item. Seeing none I'll close the public hearing.

PUBLIC HEARING CLOSED

Denham stated members of the commission, what is your pleasure.

Motion by Medders, Second by Logan, to approve a change of zoning from the R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 9 NW 14th Street, Lawton, Oklahoma 73507.

Amended Motion by Jones D, to approve a change of zoning from the R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 9 NW 14th Street, Lawton, Oklahoma 73507, subject to the site plan being elevated one (1) foot above the base flood elevation.

Medders stated I have an issue with us dictating to them. I think that is their call for expense. It is hard for me to get on board with something that dictates them spending more money especially since it is a non-profit.

Jones D stated I understand. My concern is the floodway is the bathtub. It is filled to the brim or over filled. When I get in and sit down it floods the flood fringe, which is the bathroom. Anything you put in this floodplain can cause indentation to somebody upstream. I don't think it is fair for us to do that. I don't believe the city should approve things that raises the flood elevation.

Medders stated if it were in the floodway, I would say yes but being in the flood fringe I don't agree.

Jones D stated it is along the base flood elevation. If it were up, it wouldn't be an issue.

Jones J stated I believe we need to consider the area. We know Harmon Park and Lawton Community Theatre floods. There is a ditch on this particular property and any blockage of the culvert you are going to raise a foot. Based on the location and what has happened historically in the area I think we need to make it workable. I have seen that under water before.

Denham stated we have a substitute motion do we have a second.

Second by Jarvis, to approve a change of zoning from the R-4 High-Density Apartment District to the C-1 Local Commercial District zoning classification and a change to the 2030 Land Use Plan from Residential/Low Density to Commercial located at 9 NW 14th Street, Lawton, Oklahoma 73507, subject to the site plan being elevated one (1) foot above the base flood elevation. **Aye:** Denham, Jones J, Jarvis, Jones D, Logan, Springborn. **Nay:** Medders. **Motion Passed.**

Denham stated the amended motion passes six (6) to one (1) and the original motion dies.

6. Commissioner's Reports or Comments.

None

7. Secretary's Report.

None

8. Comments from the Public.

None

9. Adjournment.

There being no further business the meeting adjourned at 2:20 p.m.

Motion by Medders, Second by Logan, to adjourn. **Aye:** Denham, Jones J, Jarvis, Jones D, Medders, Logan, Springborn. **Nay:** None. **Motion Passes.**