

Monday, July 23, 2001 - Continued

Coming on for a hearing is Zoning Application CZ-284/PUD-653 – 141<sup>st</sup> and Sheridan, L.L.C., Owner; Joe E. Donelson & Charles E. Norman, Applicants. Tract located NW/C of East 141<sup>st</sup> St. South & S. Sheridan Road. Chairman stated publication fee has been paid and hearing would proceed. Chairman asked if anyone was present other than the applicants and wished to speak. Richard Gable, 1100 Oneok Plaza, 100 W. 5<sup>th</sup> St., Tulsa, OK, representing Kimberly-Clark, objected to the application, stating Kimberly-Clark's business includes a fairly significant trucking operation to support a rather large warehouse facility and tissue mill. The trucking operation is to be expanded adjacent to the public road that separates the 2 properties with trucks coming & going 24 hrs/day. Kimberly-Clark is concerned the prospective homebuyers in this proposed area will not be informed of all the traffic involved. They had asked the applicants to put up a barrier along the road, but the applicants refused.

City Planner for Jenks, Robert Bell, 200 N. Elm, Jenks, OK expressed concerns for Kimberly-Clark Corp., stating they are situated on their property with an approved exclusive use permit. Their recommendation was to put in a covenant or restriction within the plat recognizing the future use planned. The property is outside Jenks property lines.

Charles E. Norman, 2900 Mid-Continent Tower; Tulsa, OK, representing Applicant, showed layout to the Commission with an aerial photograph of the area & a copy of the FEMA floodplain map. He stated there is a creek between the properties that is part of the 100-year floodplain which provides a natural barrier between the properties. He explained this is 82 acres with 62 dwelling units proposed & would be the highest quality zoning provided under the County zoning code & that Kimberly-Clark's property is very visible from this property. With only 3 lots backing up to the property, he does not believe there would be any complaints about the Kimberly-Clark property from the homebuyers because of the proposed layout of roads, etc.

Gable added Kimberly-Clark purchased the property several years ago & all property surrounding it was zoned AG. He stated their concern was that Kimberly-Clark invested \$500 million in it, has a special use permit from the City of Jenks to fully utilize the property including the planned expansion of its trucking operation and don't want to be restricted or deprived of that which was purchased some time ago. He believes the proposed developer should inform the buyers of the trucking facility's use on Kimberly-Clark property because he believes there might be potential problems with the homeowners at a later date due of the activity at the expansion of the trucking facility.

Selph questioned Norman about the recommendation made by Bell; Norman stated it was presumptuous to say Jenks Planning Commission would not have approved the project, because the industrial company should be obligated to restrict the use so as not to become a nuisance to other property owners. Norman does not know of a way to put possible property owners on notice that zoning classifications might be changed or be unfavorable at some future time. There is no way to put notice on a plat about some present or future use of property.

Collins asked about the location of the power plant in relation to the property & Norman showed a plat map indicating its location.