

**CITY OF HIGHLAND HEIGHTS
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HELD: DECEMBER 5, 2007**

PRESENT: Commissioners Kerr, Mastrangelo, Pilla, Urban; Mayor Coleman; Chief Bencin; Chief Cook; Law Director Paluf; Building Commissioner Stouffer; Recording Clerk Olson; Professional Reporter Cynthia Sullivan

ABSENT: Commissioner Knezevic (Commissioner Knezevic recused himself from this matter because of his professional affiliation with Stonewater Golf Club.)

* Cynthia Sullivan, registered professional reporter, Gordon Reporting, Inc., 11221 Pearl Road, Suite 4, Cleveland, Ohio 44136, was retained by the applicant to record the proceedings of the Hearing.

**SUBJECT: STONEWATER GOLF CLUB, ONE CLUB DRIVE, ABERDEEN
SUBDIVISION
PZ07019 PROPOSED FENCING IN ABERDEEN AREAS “H”, “I” & “J”**

Anthony Coyne, Esq., MGGM, 55 Public Square, Suite 2150, Cleveland, Ohio 44113, land use counsel for Stonewater Golf Club, and John Clapacs, Stonewater Golf Club Membership Director, One Club Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain approval for the proposed installation of a 5-foot high chain link fence between the golf course and the residential community along holes 13 through 18 inclusive in areas “H”, “I”, and “J” of the Aberdeen subdivision. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo recommended that a meeting be held in January, 2008 among Miller Homes, CDT, DB Homes, Miner Properties, Stonewater Golf Club and the City to discuss usage of the 25-foot no-build strip separating the golf course from all residential development adjacent to it.

Chairman Mastrangelo stated that the proposed installation of the chain link fence will be handled by the City as an amendment to the Aberdeen Development Plan. Mr. Coyne replied that he disagrees with this interpretation and considers the matter to be a request for a fence permit.

MOTION: A motion was made by Mr. Urban to allow an amendment to the Aberdeen Development Plan to allow the construction of a five-foot (5’) high chain link fence set back one foot from the boundary between the golf course and the residential community along holes 13 through 18 inclusive; seconded by Mr. Pilla. Roll call on the motion. Nays Kerr, Mastrangelo, Pilla, Urban. Nays all; motion denied.

Chairman Mastrangelo requested that the clerk poll the Commissioners in the majority as to their reasoning for the manner in which they voted. The consensus of the Commission for denying the request for the installation of the proposed fence is as follows: 1) Highland Heights Codified Ordinances Section 1123.21(b)(2) which limits chain link fences to rear yards only; 2) The

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Declaration of Easements, Covenants and Restrictions, Article III, Section 7, which prohibits fences along the lot line of the golf course lots facing the golf course; 3) The Declaration of Easements, Covenants and Restrictions, Article IV, Section 1, which declares an easement on every golf course lot to permit golfers to retrieve errant golf balls; 4) The Aberdeen Tri-Party Agreement made between the City, Miner Properties and ALLC (golf course) that stipulates that the Development Plan for Aberdeen incorporated into the agreement cannot be modified without the agreement of the three parties; 5) Fire Department objection to the fence; 6) Police Department objection to the fence; and 7) Aberdeen residents' objections to the fence

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Urban. Said meeting adjourned at 9:00 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman