

On September 23, 2002 University Heights City Council approved the September 9, 2002 recommendation of the Planning Commission with respect to John Carroll University's construction of the Don Shula Stadium, with the following thirty-two (32) conditions, as amended:

- (1) Construction roads (main one off S. Belvoir Blvd. and secondary access road off Washington Blvd.) and all truck traffic and other traffic flow to meet the approval of the Chief of Police. All construction shall be staged, including materials and vehicles, on John Carroll University property.
- (2) Flag men are to be provided as needed as established by the Chief of Police.
- (3) Dust must be controlled at construction site and on construction roads, including keeping city streets clean and using washing stations for trucks and other equipment.
- (4) Truck traffic to the site off of S. Belvoir Blvd. to come in from main roads such as Fairmount Blvd. and Green Road.
- (5) Access for fire and rescue equipment is to be approved by Chief of Fire.
- (6) Permanent location of the generator will be on the west side of stadium between Hamlin Hall and the stadium.
- (7) Intramural sports and club sports practices with no competition against outside teams may be held in the evening from Monday - Thursday nights from September 1 thru November 15 and March 1 thru May 15. All intramural activities must be concluded with the light system turned off no later than 9:00 p.m.
- (8) The new Stadium shall be utilized by John Carroll University only, with the exception of high school practices during the daytime only.
- (9) There shall be no more than one night varsity football game a year with no more than two night varsity football games in a year when Mt. Union plays John Carroll University at John Carroll University, and no more than two night soccer varsity games a year each for women and men; lights and sound systems shall be turned off at 10:00 p.m. for all night games unless football goes into overtime. All night games will start no later than 7:00 p.m. so that they can end as early as possible, but no later than 10 p.m. with the exception of overtime for football and soccer. Without exception, John Carroll University shall not discharge a cannon or other similar devices during night varsity football games.
- (10) The speaker system and bands will not be used for intramural games. New sound system to be installed for football games will be designed so that the sound is concentrated solely on the seating areas and will not "wash" to the back and sides of the seating areas. The maximum sound level not to exceed 75db at the lot line as presented by Paladin Professional Sound. Sound level for soccer games to be no more than between 58 and 64db. The sound level to be pre-set, locked in at installation based on sound level meter reading at the property line. Sound system to be focused to address noise levels.

- (11) The sewer system is not to be adversely affected by additional toilet facilities required by State Code and must be approved by the City Engineer.
- (12) John Carroll University agrees not to submit an application for expansion of the use of the football stadium for at least 5 years from the date of Council approval of the preliminary plan for Don Shula Stadium.
- (13) The transformer replacement to remain in current location and enough power must be provided by The Illuminating Company so there are no brown outs or outages in surrounding neighborhoods.
- (14) The stadium shall not be used for concerts at any time and any other noise generating events at night not approved with this motion; also, the Police Department shall be kept informed of all scheduled events.
- (15) Shuttle bus service is to be provided for overflow crowds from University Square parking garage, terms to be arranged for between John Carroll University and University Square Developers, Starwood Wasserman. Plans for the parking to be made well in advance of events and the Police Department shall be notified of any changes to the above parking plan. John Carroll University shall submit to the City a varsity football parking plan by August 1st of each year to be approved by the Chief of Police.
- (16) Night lighting to be provided by 75 foot candles for varsity football games and 30 foot candles for intramurals; with the ability to switch between 75 foot candles and 30 foot candles.
- (17) A 40 ft. variance request shall be referred to the Board of Zoning Appeals for the height of the stadium lights if 100' high poles are used. (if lower poles are used the 40 ft. variance will still apply).
- (18) The stadium light poles shall not exceed a maximum height of 100 ft. and cannot be used for any purpose whatsoever other than lighting the stadium.
- (19) A 7 ft. variance shall be referred to Board of Zoning Appeals for the height of the stadium.
- (20) If future lights are to be considered for the baseball fields and tennis courts, then John Carroll University must come back to Planning Commission for approval prior to installation. John Carroll University agrees not to submit a plan for lighting of the baseball fields for at least five (5) years from Council approval of the preliminary plans for the Don Shula Stadium.
- (21) The lights for the football field must be designed by Musco Lighting with Level 8 Total Light Control System with glow control, light shields, a top visor, and inner visors to control light spills, all as per the demonstration film, the testimony heard, and the demonstration at Rowland Field in Lyndhurst.

- (22) A new gas line to be installed under So. Belvoir Blvd. must be bored under the roadway in lieu of excavating the street, subject to review and approval by the City Engineer.
- (23) Cleveland Water Department must approve water line connection in tree lawn of Washington Blvd.
- (24) Site Photometric Study must be reviewed and approved by the City Engineer.
- (25) The project must have a fire suppression plan approved by the Building Commissioner such as but not limited to, a wet system for lower level and a dry system fed by a fire main at a vault on Washington Blvd. for the upper levels.
- (26) Trash enclosure to be relocated behind Campion Hall.
- (27) The project shall meet the approval of each department of the City: Building, Engineering, Fire, Police, and Service.
- (28) A sound wall/fence plus mounding with additional landscaping shall be placed on east end of the John Carroll University property backing onto the Claver Road properties. The sound wall or fence shall be 8' high and must be approved by the Building Commissioner, City Engineer and Architectural Review Board prior to installation. Such approval must be predicated on sound reduction, aesthetic, and storm water run-off considerations. John Carroll University shall maintain whatever is constructed, wall/fence and mound. Variance request of 2 ft. for sound wall/fence shall be referred to the Board of Zoning Appeals. Further, John Carroll University agrees to monitor water spill off and/or drainage flowing towards the residential neighborhood from the stadium. Consultation with neighbors on type of fencing, subsequent construction of fencing, landscaping and landscape installation will occur before the facility will be put in use.
- (29) Additional trees or landscaping to be provided by John Carroll University on the Washington Blvd. side of fields and stadium to further reduce noise in that area.
- (30) No changes shall be made in the use of the stadium without prior approval of the City of University Heights.
- (31) A hotline shall be made available to residents by John Carroll University during business hours beginning with commencement of construction of Don Shula Stadium and subsequently staffed by John Carroll University during all lighted nighttime stadium activities.
- (32) A committee modeled after the Bushnell Advisory Committee shall be formed by the residents to meet with John Carroll University representatives during construction.