

BEFORE BEXLEY CITY COUNCIL

IN RE: APPEAL OF OCTOBER 27, 2014 DECISION OF BEXLEY PLANNING COMMISSION ON APPLICATION NO. 13-0004 FOR CAMPUS PLANNING DISTRICT PLANS REVIEW

FINDINGS, CONCLUSIONS AND DECISION OF BEXLEY CITY COUNCIL ON APPEAL

This matter comes before Bexley City Council upon the timely filing of a notice of appeal by Larry Matteson and/or the South Bexley Neighborhood Association to City Council of the October 27, 2014 decision of the Bexley Planning Commission approving Application No. 13-004 with conditions. The application was filed by Capital University for site development plan approval to permit modifications to Bernlohr Stadium located at 645-650 Pleasant Ridge Avenue (the "Property") that would allow stadium lighting and a new sound system.

Procedural Background

On March 27, 2013, Appellee, Capital University filed Application No. 2013-004 with the Bexley Planning Commission, pursuant to BCC Chapter 1224 for the review and approval of plans and specifications to add lighting and a new sound system at its outdoor football field at 645-650 Pleasant Ridge Avenue known as Bernlohr Stadium. The Planning Commission held hearings on the application on April 22, 2013 and June 3, 2013. Capital University revised its application on October 7, 2013 and on October 28, 2013 requested that Planning Commission table the application to give Capital University the opportunity for additional dialogue to take place between Capital University and Bexley residents on the proposed stadium lights and sound system.

Public forums and community meetings were held on the proposed stadium improvements from January 2012 through 2014 outside of the city's application and review process. After the application was tabled, a study group of south Bexley residents, Capital University and city staff was formed and met approximately a dozen times over the next year in an effort to reach an agreement that would address the interests and concerns of Capital University and the neighboring properties.

On October 27, 2014, almost a year after the revised application was tabled, the matter came before Planning Commission for public hearing and determination. Witnesses appeared and testified for and against the application, including the parties to this appeal. All witnesses were sworn and their testimony subject to cross-examination. The city's Planning Consultant, Jason Sudy, provided a report and recommended to Planning Commission that if it approved the application, any approval include substantial conditions proposed by city staff which were contained in the Game Day & Stadium Management for Day and Night Games and Athletic Events Planning Approval Conditions Version 6.1. The eight pages of proposed conditions took into consideration lighting, sound, zoning, design guidelines, traffic, parking and safety.

Following the hearing, Planning Commission approved the proposed site development plan and usage of stadium lighting and a new sound system at Bernlohr Stadium subject to "Conditions

of Approval – Capital Stadium v7.0 14 1028 and the issuance of a special permit for usage of the stadium lights and sounds and that final lighting and sound system specifications be provided to the satisfaction of staff or their consultants. This appeal followed.

Appeal to City Council of an Administrative Determination of Planning Commission in the Main Street and Campus Planning District

On January 13, 2015, Appellee, Capital University (“Capital”) filed a Motion to Dismiss the Appeal of Appellant Larry Matteson/South Bexley Neighborhood Association (collectively, “SBNA”) on the grounds that city ordinances do not permit an appeal to City Council of an administrative decision of the City Planning Commission in the Main Street or Campus Planning Districts.

Ord. No. 41-08 was adopted following amendments to Article XIII of the Bexley City Charter that allowed City Council, by ordinance, to create and establish the powers and duties of various boards and commission of the city to perform the powers and duties of a city planning commission and administer the zoning code of the city. (Bexley City Charter, Art. XIII, Sec. 56 and 57). By Ord. No. 41-08, City Council created a new City Planning Commission that assumed all the duties specified in the city’s Codified Ordinances of the former planning commission and the Main Street Redevelopment Commission. Ord. No. 41-08 provides, in part:

Section 4. That the City Planning Commission shall be substituted for the Main Street Redevelopment Commission in Chapter 1224 of the Codified Ordinances, which establishes the Main Street and Campus Planning Districts.

Section 5. That appeals from any decision made by this newly created City Planning Commission may be made directly to the Bexley City Council.

At the commencement of the hearing, Council heard arguments of legal counsel on the motion. Appellee argued that Ord. 41-08 did not create any substantive right to appeal a decision of the new Bexley Planning Commission. Appellee asserted Ord. 41-08 was merely a procedural section that describes the path of an administrative appeal if a right to such appeal already exists city’s codified ordinances in the Bexley City Code (“BCC”).

Appellant, SBNA argued that Ord. 41-08 provides a substantive right of appeal directly to Bexley City Council of any decision made by City Planning Commission, not just a decision adverse to the applicant. Appellant also asserted that the city has permitted appeals of Planning Commission decisions by made under BCC Chapter 1224 in other cases.

Upon due consideration of the motion and arguments of the parties, City Council unanimously denied Appellee’s Motion to Dismiss. The right of appeal of any administrative decision of the new City Planning Commission is provided in Ord. 41-08 and this case is properly before City Council for determination.

Ord. No. 41-08 created a new City Planning Commission, substituted the Planning Commission for the Main Street Redevelopment Commission, and provided “that appeals from any decision made by this newly created City Planning Commission may be made directly to Bexley City Council” without limitation. Bexley has consistently permitted appeals of any administrative determinations of Planning Commission by any person to City Council pursuant to Ord. No. 41-08, section 5. This includes decisions made by the Planning Commission in its

'substituted' capacity as the Main Street Redevelopment Commission pursuant to BCC Chapter 1224.

Appellee's interpretation of Ord. No. 41-08 does not give the language in Section 5 any effect. Before the adoption of Ord. No. 41-08, only certain administrative decisions of the Planning Commission were subject to appeal. Each permitted appeal was expressly provided in the codified ordinances and appeals were typically limited to being made by the applicant only. No appeal was provided for any decision of the Main Street Redevelopment Commission and every administrative appeal permitted by the Bexley City Code was already being made directly to Bexley City Council. Ord. No. 41-08, Section 5 expressly permits appeals from *any decision* made by the newly formed Planning Commission, including decisions it made on applications for administrative determinations the Main Street District, that had formerly been made by the Main Street Redevelopment Commission, as City Council intended.

Proceedings before City Council

This matter came before Bexley City Council for hearing on January 20 and 21, 2015. Five members of City Council heard the appeal; Council President Richard Sharp and Councilman Steve Keyes recused themselves. All parties were timely notified of the hearing, were present at the hearing and represented by legal counsel. Council had before it the record of the Planning Commission proceedings and decision on Application No. 13-004 and all additional filings by legal counsel in the appeal. All witnesses who appeared were sworn and subject to cross-examination. City Council also received in advance of the hearing, but did not consider letters and communications from the various persons in support of or opposed to the application, site plan, lights and new speakers for Bernlohr Stadium, but such are part of the public record.

City Council heard the appeal based on the record and decision of the Planning Commission and additional evidence introduced at the hearing on the appeal, which it considered *de novo*. Much of the evidence presented at the hearing before Council had also been presented to and was before Planning Commission for its decision, though some new evidence was offered. Appellants had the burden to prove by a preponderance of the evidence that the decision of the Planning Commission was not supported by a preponderance of all of the evidence before Council and was in error. Following the hearing and upon a 3-2 vote of Council to deliberate in private, Council unanimously denied the appeal, to be followed with findings of fact, conclusions of law and a written decision by Council.

Upon due consideration of the Planning Commission record and decision, and testimony, evidence and arguments presented at the hearing, City Council makes the following findings, conclusions and decision.

Background

Capital University is a historic university located in south Bexley. It has an attendance of approximately 2,100 to 2,200 students. Bernlohr Stadium is situated at the eastern edge of campus and has been at its current location for decades. The stadium is used for intercollegiate football, soccer and lacrosse for men's and women's sports. The average attendance for football games is 1,155; lacrosse games is 103-104 and soccer is 165 for men and 182 for women. The highest recorded attendance for any sporting event was 3,000. Bernlohr Stadium has never had permanent lights. It is the only stadium within the Ohio Athletic Conference (OAC) that does not have a

lighted field. It has an existing sound system with outdoor speakers. At the time the application was filed, there were no restrictions upon the hours or intensity of use of the stadium or its sound system.

Bernlohr Stadium is adjacent to and surrounded by campus, public, quasi-public and residential uses. The stadium is bounded on the west by Capital Center, a university recreational facility that includes the Capital's intercollegiate basketball court; on the north by a synagogue and public library that front Main Street; on the east by a 16± foot alley separating the rear of eleven single-family residential lots (fronting Euclaire Avenue) from the stadium; and on the south by Mound Street, separating 7 single-family residential lots and a parking lot (fronting and along Mound Street) from the stadium. Capital owns seven of the lots east on Euclaire Avenue and the parking lot and most of the lots south along Mound Street.

In 2000-2001, the 3,000-seat stadium was rebuilt with the city's approval. Capital planned three phases of additional improvements. In 2010, Capital replaced the turf and track. In 2012, Capital replaced the scoreboard and entrance gates. The proposed stadium lights are Capital's final phase of proposed stadium improvements. Replacement of the stadium's existing sound system initially was not part of Capital's planned improvements. Capital added new speakers to its proposed stadium lights project and agreed to restrict their use to diminish the sound from the current system and mitigate the overall site impacts from its proposed final phase of improvements. It is undisputed that the new sound system will reduce the current speaker noise and improve an existing condition.

Bexley Ordinances

Bernlohr Stadium is located in Zone 1 of the Campus Planning District ("CP"). The CP District regulations are provided in BCC 1252.03(p). "Campus uses" are permitted in the district. BCC 1252.03(p). Bexley City Code 1268.07 defines campus uses as:

1268.07 CAMPUS USE.

"Campus use" means classrooms, laboratories, and research facilities, libraries, administrative and faculty offices, performance and meeting facilities, worship facilities, athletic and recreation facilities, student housing and dormitories, student services and activity facilities, and supporting services and facilities of an institution of higher learning offering one or more curricula leading to a degree, certificate or diploma recognized or accepted by the State of Ohio or by a nationally recognized accrediting organization.

The Campus Planning District is within or part of the Main Street District and the proposed alterations at the stadium are subject to 'plan review' by the Bexley Planning Commission. BCC 1224.03. The Planning Commission must "examine the site plan, architectural style and building composition (including design elements such as entrances, storefronts, upper stories and mechanical screening), the exterior building materials and color, the location of uses within and the arrangement and massing of the buildings and structures on the premises, building height, lighting, signage, parking, the landscape plan and materials, and the impact of the site and design elements of the project upon the appearance and environment of * * * the Campus Planning District and neighboring properties." BCC 1224.03(b). In deciding whether to approve a site plan application in the CP District, BCC 1224.03(b) provides that the Planning Commission:

shall determine that the site and design plans for such buildings, structures and spaces as proposed by the applicant are in keeping * * * with the purpose and intent of the Campus Planning District, the applicable zone and the campus plans contemplated by subsection (d) hereof, and that such plans would not have a substantial detrimental impact on neighboring properties.

The purpose and intent of the CP District is "to encourage the orderly, planned growth of the Capital University and Trinity Lutheran Seminary campuses pursuant to long range planning strategies developed by the institutions in cooperation with each other and the City and to encourage mixed use redevelopment of East Main Street." BCC 1244.17. The CP District provides the following principles to be followed by the City, Capital University and Trinity Lutheran Seminary when considering campus expansion and development in the CP District (BCC 1244.17(a)-(f)):

- (a) An existing structure may not be demolished until and unless a replacement use or structure has been approved by the Main Street Redevelopment Commission as set forth in Chapter 1480 in accordance with a campus plan which has also been approved by the Main Street Redevelopment Commission as set forth in Part Twelve - Planning and Zoning Code.
- (b) New development that requires additional public services must not adversely affect public services to other property owners in the area.
- (c) At the edges of the campus, the massing, scale and height of new buildings should be appropriate to the location in terms of distance to, scale and height of surrounding structures.
- (d) New development, infilling and redevelopment should be designed to a high standard, appropriate to the setting of the university, seminary and community. Priority consideration should be given to the following:
 - (1) Buffers provided between the institution and adjacent residential areas.
 - (2) Adequate parking provided off the street, including, when appropriate, the use of parking structures, to maximize green space.
 - (3) Nuisances screened from public and neighborhood view.
 - (4) Accesses oriented to major streets.
 - (5) Open and/or public spaces.
- (e) Homes, such as those adjacent to the university along Astor Avenue, College Avenue, Euclair Avenue, Francis Avenue, Mound Street and Sheridan Avenue, require special consideration when any new development, infilling and redevelopment is considered close to the boundary.
- (f) Mixed use development, rather than solely academic uses, should be considered for properties on East Main Street.

City Council has adopted and approved a Southwest Bexley Master Plan to guide development in southwest Bexley including Capital University and its surrounds. BCC 1244.17. Capital University and Trinity Lutheran Seminary have not developed or submitted plans for the entire campus to guide their development to the city for approval contemplated by BCC 1224.03(d). There is no express limitation on the installation of lights at Bernlohr Stadium in the city zoning code, the Southwest Bexley Master Plan, or the conditions on the approvals of the reconstruction of Bernlohr Stadium, turf and entry site plans and improvements.

Appeal of Decision of Planning Commission

At the hearing before this Council, Appellants challenged the decision of the Planning Commission in its entirety. Appellants did not dispute any of the specific conditions imposed by the Planning Commission other than the authority of the Planning Commission to provide for monitoring of the conditions by the city. Appellants requested that City Council reverse the decision of the Planning Commission in its entirety and deny Application No. 13-004, prohibiting any lighting at Bernlohr Stadium. While Appellants conceded that the proposed sound system would be an improvement over the current system, the sound system was integral to the entire application and Capital did not agree to make sound improvements that were not part of its proposed stadium lighting project.

Appellants argued that the Planning Commission erred because it did not expressly find that it considered the factors required by ordinance and ignored the provisions of the city code. Appellants claim the conditions imposed by the Planning Commission had no buffers, no adequate parking, no screening of the neighbor's view of the stadium, did not comply with the Southwest Bexley Master Plan and provided no special consideration of the impact on neighboring properties as required by BCC 1244.17 and 1224.03(b). Appellants also claimed the lights would have a substantial detrimental impact on neighboring properties, which Council will address separately below.

Appellants have not shown that Planning Commission failed to properly apply the Bexley city code and ordinances. Planning Commission expressly found that the proposed site development plan meets intent of the CP District. BCC 1224.03(b), 1244.17. It is apparent from the eight (8) pages of extensive conditions imposed by the Planning Commission upon the use and management of the stadium that it considered the impact of the proposed lighting and sound systems and increased use of the stadium on neighboring properties, giving special consideration to the homes adjacent to Francis Avenue and Mound Street. BCC 1224.03(b), 1244.17. The purpose of the conditions is to mitigate the impact of Capital's use of its stadium on game days and at other times on the neighbors and surrounding area. BCC 1224.03(b), 1244.17(c), (d) and (e). They included conditions upon the overall management of stadium lights, sound and safety and game day traffic and parking. The conditions took into account the purpose and intent of the CP District, the impact on neighboring properties, the principles to be followed for development and expansion within the CP District and the Southwest Bexley Master Plan. City Council finds and determines that Planning Commission properly applied the appropriate Bexley city ordinances and standards when considering and determining Application No. 13-004.

Appellants further assert that the Applicant-Appellee did not prove that the proposed stadium lights would not have a "substantial detrimental impact on neighboring properties" at the Planning Commission and the evidence before Council on appeal does not support that conclusion. BCC 1224.03(b). Appellants claimed that the installation of lights would adversely affect traffic, parking, noise, health and safety of neighboring properties. The majority of the testimony and evidence presented to Council was focused upon Capital's desire and perceived need to have stadium lighting and the impact of the proposed lighting and sound system on the general stadium area and particularly upon adjacent properties.

Various witnesses for Appellants testified that the intensity and use of the stadium would be increased to their detriment: light would spill into their properties at night, there would be health risks from the lighting, more or exacerbated traffic conditions and parking on residential streets, more noise during increased hours, the safety of the neighborhood would be jeopardized with increased vandalism

and theft, children would be at risk, and there would be a significant disruption in Appellants' peaceful enjoyment of their property and the property of other owners (other than Capital) neighboring the stadium. Some of the witnesses lived adjacent to or in close proximity to the stadium, others did not. Several property owners testified that if lights are added at the stadium, they believed their property values would decline, though none who testified was an appraiser or had conducted any studies to determine the impact of stadium lights on property values.

Appellee also presented 7 exhibits that included unsworn statements, summaries and information in opposition to the application including: a summary of comparison of the existing intensity of use of stadium lights in the city of Bexley at St. Charles Preparatory School, Bexley High School and the proposed intensity of use of stadium lights Capital University; select history of Capital University and Bernlohr Stadium and university and city plans for the area; a review of anticipated parking problems and a parking study conducted by a resident comparing game day and non-game day parking in the area; a summary of facts about Capital related sports events; and the claimed health effects of lights at night and environmental noise. Some witnesses testified about the select exhibits. Appellants provided no testimony from experts on the proposed light and sound improvements at the stadium and no other expert testimony whatsoever pertaining to the application at the hearing.

Appellee presented the testimony of Capital University's Director of Facilities Management to review the project along with the testimony of two lighting experts and a sound expert on the systems proposed to be installed at Bernlohr Stadium. The companies of each expert would install the stadium improvements if approved by the City. The proposed project would include the installation of four light poles with directional LED lights that would limit spill conditions. Lights would be directed to the stadium and required to meet criteria of a maximum of 5 footcandles of light spillage on the east side of the alley east of the stadium, at the rear of the residential properties on Euclaire Avenue and front of the residential properties south of the stadium on Mound Street. By way of comparison, the 1 footcandle is the light of a bright full moon and a lighted room is approximately 80 footcandles. The computer modeling projects light spill of 2 footcandles at the project boundary and 1 footcandle 15 feet beyond the stadium, but modeling may have up to a 20% variance from actual field measurements. There will be some light spill modeled at less than 1 footcandle in the rear yards of properties adjacent to the alley east of the stadium. Appellee's light expert testified there is no buffering or other mitigation that can prevent the emission of light from the stadium lights from being seen or having limited spill other than totally enclosing the stadium within a dome. The expert testified the streetlight on the east side of the alley adjacent to the stadium emits more footcandles of light on adjacent properties than will the stadium lights.

Appellee's sound expert testified that the current sound system is speakers mounted on the stadium building with a general outward direction that anyone can turn up or down. The new system would be computerized, limitations of volume can be programmed so that it cannot be altered without a password, and the new speakers will be oriented with a down direction to limit the noise heard at adjacent properties. The conditions of approval require the stadium speaker system to limit the sound levels emitted from the speakers at the eastern residential property line to 10 decibels above the Community Noise Equivalent Level (CNEL), with password protection to prohibit their alteration. The conditions also permit speakers to be used only during games played on the stadium field, and not during practices or intramurals. The expert was not aware of any practical buffering at the stadium that would reduce the noise from the speakers, other than having more people in the stadium for events.

Appellee also presented testimony of the University's Athletic Director upon the need for lighting, current use of the stadium and the increase in the intensity of use of Bernlohr Stadium if lights are installed, and the limitations of those uses through various "licenses" imposed by the conditions of approval, and the management plan for the traffic and parking in the area and the use of the stadium. Appellee introduced 41 exhibits on the existing conditions, proposed stadium plans, the conditions of approval and their practical effects, and various public records and provisions of the Bexley City Code, providing testimony on most of the exhibits.

Finally, Appellee presented testimony of various Bexley residents who live near other lighted stadiums in the city, in southwest Bexley and a university student with a petition in support of the stadium lights. One of the residents was a realtor and certified appraiser who testified that in his opinion, property values would not decline because of stadium lights.

Council then opened the hearing for testimony by the public on the proposed stadium lighting and sound system. All testifying members of the public were sworn, subject to cross-examination, and their testimony was given the appropriate weight by Council, understanding this is a quasi-judicial proceeding on an appeal of an administrative determination, not a legislative proceeding.

Upon due consideration of the record, decision and conditions imposed by Planning Commission, and the evidence and testimony presented before Council, City Council finds that the Planning Commission did not err and the preponderance of the evidence does not support a finding that the stadium lights and sound system will have sufficient detrimental impact on neighboring properties to deny the application. This is not a case that involves the acquisition of property or the development of a new stadium in Bexley. Bernlohr Stadium has long existed at its present location. The addition of lights will permit an increase in the time or intensity by which the stadium can be used and may have an impact on neighboring properties. However, the Planning Commission imposed significant conditions upon Capital University's use of Bernlohr Stadium to permit Capital to use its property for a permitted campus use and to mitigate possible detrimental impacts upon neighbors, lessen the effects of the increase in the intensity of use of the stadium particularly at the eastern edge of campus, and take into special consideration the impact of the stadium lights and speakers on homes adjacent to the university along Euclaire Avenue and Mound Street as the city code directs. Planning Commission imposed requirements for game day traffic management, game day parking management, stadium lights management, sound management, safety management, monitoring and auditing to assure the restrictions are followed. City staff, Capital University, and to some extent, area residents were actively involved in formulating comprehensive restrictions to address the issues associated with the proposed stadium lighting and sound system. Planning Commission clearly considered the substantial detrimental impact the stadium lights and sound system would have on neighboring properties and its decision with conditions and Application No. 13-004 is supported by the ordinances of the City of Bexley and a preponderance of the evidence in the case. The Planning Commission also requires that the final lighting and sound system specifications be provided to the satisfaction of staff or their consultants.

Appellants also claim that Planning Commission had no power to approve any site plan in the CP District because Capital had never developed and submitted to the Planning Commission for its review and approval campus plans to guide development as required by BCC 1224.03(d). Appellants claimed Capital was prohibited from applying for piecemeal development until its campus plan was adopted by the city. BCC 1224.04(d) does not require Capital University and

Trinity Lutheran Seminary to jointly develop and submit a campus plan before any site plan can be approved in the Campus Planning District. BCC 1224.03(b) requires the Planning Commission to consider the CP zone (BCC 1244.17; 1252.03(p)) "and the campus plans *contemplated* by subsection (d) hereof [BCC 1224.04(d)]." If Capital has not submitted a campus plan for approval pursuant to BCC 1224.04(d), Planning Commission is not required to consider any such plan. The city has adopted the Southwest Bexley Master plan and express principles to be followed by the city when considering campus expansion and development. BCC 1244.17. Since Capital has not submitted a campus plan to the city to guide its development of campus, Planning Commission and the city will follow the standards provided in BCC 1224.04(b), 1252.03(p) and 1244.17 as the Planning Commission properly did in this case.

Appellants make the legal argument that since stadium lights add to and expand an athletic facility use at an unexpandable location, rezoning is required. Appellants did not state what zoning classification would be more appropriate than the Campus Planning District or assert how adding lights and improving the sound system of an existing stadium changes the use or requires rezoning. Campus uses are permitted in the CP District. BCC 1252.03(p). "Campus use[s]" include "athletic and recreation facilities * * * of an institution of higher learning offering one or more curricula leading to a degree, certificate or diploma recognized or accepted by the State of Ohio or by a nationally recognized accrediting organization." BCC 1268.07. There is no restriction on the use of lights at the stadium under the Bexley City Code or any previous approvals or of the conditions of approval for Bernlohr Stadium. Rezoning is not required for the approval of lights or a new sound system at Bernlohr Stadium.

Finally, Appellants claim Planning Commission had no authority to impose conditions requiring or allowing the city to provide extensive and expensive monitoring and enforcement of the conditions on the use of the lights and sound at the stadium. This argument contradicts the Appellants stated desire to protect their properties and the impact of the lights and affiliated use of the stadium on their properties. Furthermore, Appellants presented no evidence on the expense of monitoring the stadium use. When the Chair of Planning Commission inquired about the city's response to the proposed conditions and monitoring of use, the Planning Consultant, Jason Sudy, and Bexley Mayor Kessler testified the city is comfortable with the mechanisms and provisions detailed in the Staff Report and Capital's Conditions of Approval if the stadium lights were approved by the Planning Commission. Council finds that Planning Commission had authority to impose conditions on the proposed site plan to address criteria and principles for development in the Campus Planning District that are provided for in the Bexley City Code. This is particularly true when those conditions are agreed to by the Applicant and city staff.

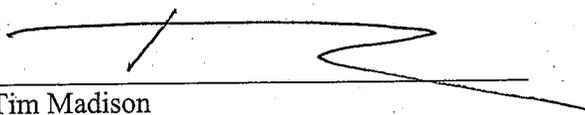
Council finds and determines that the Appellants have failed to prove that the Planning Commission erred. The Planning Commission properly considered and applied the ordinances and code of City of Bexley and acted within its authority. Appellants have failed to prove that the use of stadium lights and speakers is not permitted by BCC 1252.03(p) (Campus Planning District development standards) and BCC 1268.07 (Campus uses) or that the requirements of BCC 1224.03 (Main Street District) and BCC 1244.17 (Campus Planning zoning district) were not met. Council further finds and determines that Appellants have also failed to prove by a preponderance of the evidence in the record and newly introduced before this Council that the decision of the Planning Commission with its extensive conditions and Application No. 13-004 are not supported by a preponderance of substantial, reliable or probative evidence. The Decision and Record of Action

- October 27, 2014 of the Planning Commission, including the Conditions of Approval rev. 7.0 10/28/2014 are affirmed in their entirety.

At the conclusion of the hearing and deliberations of Council on January 21, 2015, upon motion Council unanimously affirmed the decision of Planning Commission by a vote of 5-0. Council finds and determines that the findings, conclusions and decision herein are consistent with and memorialize that motion and its intent and to the extent that there is any inconsistency therewith, this Decision controls.

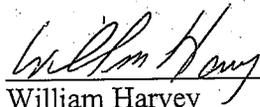
The Findings, Conclusions and Decision of Bexley City Council on Appeal provided herein are hereby unanimously adopted as the decision of Council in this appeal.

Adopted 2/17, 2015



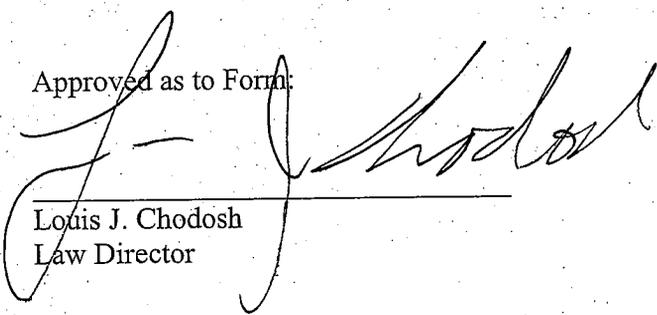
Tim Madison
Chair of Finance and Judiciary Committee

Attest: FEB 17, 2015



William Harvey
Clerk of Council

Approved as to Form:



Louis J. Chodosh
Law Director