

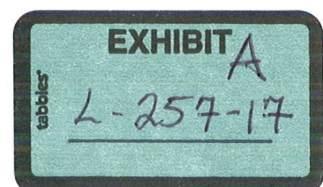
IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

6040 BROADVIEW LLC,)	CASE NO. CV-90-186687
)	
Plaintiff,)	JUDGE MAUREEN CLANCY
)	
v.)	<u>SIXTH AMENDED JUDGMENT</u>
)	<u>ENTRY</u>
CITY OF PARMA, et al.,)	
)	
Defendants.)	
)	

The Court has been advised that the parties have reached a settlement in this action, and pursuant thereto, the parties consent and stipulate to judgment as hereinafter set forth;

IT IS HEREBY ORDERED:

1. That the zoning classification "Single Family A-1" as applied to Plaintiff's real estate here in issue has, because of fundamental changes in the character of this surrounding neighborhood, become unrelated to the health, safety and welfare of the City of Parma and thus unenforceable by officials of Defendant, City of Parma.
2. That the following shall be permitted uses for Plaintiff, its privies, successors and assigns to construct on the subject premises:
 - A. Office Building classifications under Chapter 1165 of the Parma Codified Ordinances, as amended by Chapter 1170, is the main use district.
 - B. Only the following uses under Retail Business classification in Chapter 1163 of the Parma Codified Ordinances:
 1. Floral shop;
 2. Intentionally left blank;



3. Vision/Optometry store;
4. Beauty/barber shop/hair salon;
5. Jewelry store;
6. Gift/card shop;
7. A drugstore shall be utilizing approximately 11,340 square feet;
8. Photography studio;
9. Restaurant with meeting room and waiting lounge, not to exceed 9,000 square feet;
10. Pizza restaurant;
11. Butcher shop/delicatessen;
12. Submarine sandwich shop;
13. Childcare; and
14. A retail wine store, operating under the same terms and conditions as the existing retail wine store and as set forth in Parma Occupancy Permit No. ZC 2016-029ke.
15. Any other similar use of the nature of those listed in items 1-13 shall require the consent of the City of Parma and be filed with the Court by Judgment Entry. The consent of the City shall not be unreasonably withheld.

3. That other than the restaurant listed in paragraph 2(B)(9) and the retail wine store listed in paragraph 2(B)(14), no liquor establishments or after hours liquor sales shall be permitted.

4. That Plaintiff shall construct an aesthetically attractive six-foot brick and stucco wall on the residential property line with landscaping only on Plaintiff's side.
5. The Plaintiff/Owner shall keep the property well maintained at all times. Plaintiff/Owner further agree to promptly remove signage related to vacated and/or former tenants and shall or shall cause to have installed permanent signage identifying tenants within the first year of the commencement of any tenant's first term.
6. That Plaintiff shall pay for pedestrian activated cross walk and traffic control device on Broadview Road at the intersection of Keystone Road and Parkleigh Drive in accordance with the Ohio Revised Traffic Codes.
7. That evergreen-type shrubs sufficient to block headlights shall be placed as a buffer along Broadview Road and Keystone Road between the parking lot and sidewalk.
8. That the restaurant's waiting and lounge area shall not exceed twelve percent of the total available restaurant space.
9. The Plaintiff shall use reasonable efforts to fill the remaining available square footage with office building uses. Those remaining spaces, which cannot reasonably be filled with office building uses, shall be limited to the retail uses listed under paragraph 2(B).
10. Six-inch curbs shall be required along all parking areas.
11. A ten-foot landscaped buffer shall be required along all rear and side yard residential boundaries.
12. Parking spaces shall be nine feet wide.
13. A minimum of seventy-five feet from the intersection of Keystone Road and Broadview Road shall be required on the Broadview Road drive.
14. All ingress and egress will be onto Broadview Road.

15. All sewers shall be tied into the Broadview Road system, if approved by the City Engineer.
16. The trash disposal area shall be enclosed by three walls at least four feet high and shall be placed as close to building as practical.
17. That Plaintiff shall accept the reasonable recommendations of the Planning Commission regarding buffering ingress/egress, lighting, curbing, trash disposal, sewers and other relevant subjects, which are not expressly addressed hereunder.
18. That upon presentation of architectural drawings and plans which in all respects comply with the ordinances of the City of Parma and reasonable recommendations of the Planning Commission, and upon proper application, the City of Parma shall issue a permit to Plaintiff for the purpose of constructing a building for the uses set forth in paragraph 2(A) and 2(B) upon the real property described in the Amended Complaint.
19. That, subsequent to the granting of such permit, any and all changes or additions to the architectural plans and drawings shall in all respects comply with the ordinances of the City of Parma.
20. That this judgment having been entered as a result of the consent of all parties concerned, it is further recognized and agreed that while this judgment shall be binding between the parties, their privies, successors and assigns, it shall be of no legal effect and have no precedential authority whatsoever in future litigation.
21. Plaintiff shall pay the costs of this action.

Date: _____, 2017

JUDGE MAUREEN CLANCY

Approved by:

William D. Mason
Attorney for Plaintiff

Timothy G. Dobeck
Law Director, City of Parma