

ARTICLE XXXII QUASI-JUDICIAL HEARING
IN THE CITY OF ORLANDO, FLORIDA

**JOHN G. NOONAN, AS BISHOP OF THE
DIOCESE OF ORLANDO,**
a Corporation Sole,

Petitioner,

vs.

Case No. QJ2018-006
Lower Case No. VAR2018-10035

CITY OF ORLANDO, FLORIDA,
a Florida municipal corporation,

Respondent.

On appeal from the Board of Zoning Adjustment of the City of Orlando, Florida

**NOTICE OF PROPOSED SETTLEMENT AND
JOINT MOTION TO STAY PROCEEDINGS**

Respondent, City of Orlando, Florida, and Petitioner, John G. Noonan, as Bishop of the Diocese of Orlando, through their undersigned counsel, file this Notice of Proposed Settlement and Joint Motion to Stay Proceedings, pursuant to Chapter 2, Article XXXII, Code of the City of Orlando, Florida, (Orlando City Code), and in support thereof shows that:

1. Since this action was commenced, and in an effort to accommodate the Petitioner's concerns and settle this matter amicably, Applicant Craft & Common and Petitioner have met and discussed the issues raised in Petitioner's Petition in Opposition.
2. Attached to this Notice of Proposed Settlement and Motion to Stay Proceedings as **Exhibit 1** is the Stipulation for Settlement entered into between Applicant and Petitioner.
3. The City and Petitioner intend to enter into a proposed Stipulated Land Development Order (the Order), to reflect the proposed development conditions agreed to by the Applicant and Petitioner in the Stipulation for Settlement.

4. The Order will be presented for approval at the next available meeting of the Orlando City Council. At this time, the parties anticipate that this will occur at the regular Orlando City Council meeting of Monday, December 10, 2018.
5. The parties to the Order agree that if the Order is approved by the Orlando City Council, Petitioner will file a notice of voluntary dismissal.
6. In light of the pending approval of the Order, City Respondent and Petitioner requests that the Hearing Officer stay all further proceedings in this matter.

WHEREFORE, Respondent, City of Orlando, Florida, and Petitioner, having stated the above, by and through their undersigned counsel, hereby notifies the Hearing Officer of the proposed settlement between City Respondent and Petitioner, and moves that the Hearing Officer grant this Motion to Stay Proceedings.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 1, 2018, the foregoing was filed with the City of Orlando's Quasi-Judicial Hearing Administrator for distribution to the parties.

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Counsel for Petitioner

IT IS SO ORDERED, this _____ day of _____, 2018, by the
Hearing Officer.

Hearing Officer

Exhibit 1

STIPULATION FOR SETTLEMENT

IT IS HEREBY stipulated and agreed by and between Craft & Common ("Applicant") and John G. Noonan, as Bishop of the Diocese of Orlando, a Corporation Sole ("Petitioner") as follows:

WHEREAS, Petitioner is the Bishop of the Roman Catholic Diocese of Orlando and has jurisdiction over the St. James Roman Catholic Cathedral, located at 215 North Orange Avenue, Orlando, Florida 32801 (the "Church").

WHEREAS, Applicant operates a coffee shop located at 47 E. Robinson Street, Suite 100, Orlando, Florida 32801 (the "Property"), which Property is located within one hundred and seventeen (117) feet of the Church.

WHEREAS, Section 58.705 of the City of Orlando Land Development Code does not permit the sale of alcoholic beverages for on-site consumption within two hundred (200) feet of a church.

WHEREAS, Applicant submitted an application seeking a variance to allow for on-site sale and consumption of alcohol at the Property.

WHEREAS, on September 25, 2018, the Board of Zoning Adjustment approved the application for variance at the Board of Zoning Adjustment ("BZA Hearing") meeting, subject to specific conditions as more specifically recorded in the minutes of the BZA Hearing, attached hereto as Exhibit "A" ("Variance Conditions").

WHEREAS, on October 22, 2018, Petitioner timely filed a valid Petition in Opposition to the Board of Zoning Adjustment Decision with the hearing administrator (the "Petition").

WHEREAS, Applicant and Petitioner have determined that it is in the parties' mutual interest to stipulate to certain additional conditions satisfactory to the parties, so as to mitigate the adverse impact of the variance upon the Church.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and undertakings contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto, intending to be legally bound hereby, agree to the following terms and conditions as full and complete settlement of action:

1. In addition to the Variance Conditions set forth by the City of Orlando at the BZA Hearing, in connection with the variance, Applicant agrees to the following additional conditions. Applicant agrees that it shall offer for sale no more than five types of craft beer, seven white and seven red wine varietals within the Property. As set forth in Applicants letter to the City, as part of its application, attached hereto as Exhibit "B", Applicant may seasonally change the selection of beer and/or wine, but in no event shall it offer more than five types of craft beer, seven types of red and seven types of white wine varietals at any time. Applicant also agrees that its total annual sales of alcoholic beverages will not surpass more than fifty percent (50%) of its overall total sales.

2. Petitioner agrees to settle and dismiss the Petition upon Applicant's agreement to this Stipulation for Settlement and inclusion of these additional conditions to the Variance Conditions by the City of Orlando.

3. Each party represents that each person executing this Stipulation for Settlement on its behalf has been authorized to sign on behalf of the respective party and to bind it to the terms of this Stipulation for Settlement.

4. The parties agree that this Stipulation for Settlement may be executed in counterparts, each of which shall be deemed an original but all of which taken together shall constitute but one and the same instrument.

5. The parties hereby represent and acknowledge that this Stipulation for Settlement is given and executed voluntarily, an

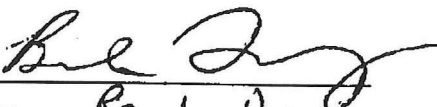
d is not based upon any representation by any of the parties to another party as to the merits, legal liability, or value of any claim of the parties or any matters related thereto.

6. It is the intent of the parties hereto that this Stipulation for Settlement be included in the public record for purposes of incorporating the referenced additional conditions agreed to herein to the Variance Conditions which shall govern Applicants operation on the Property.

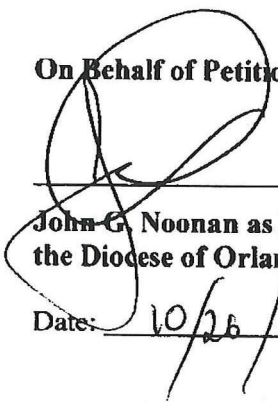
IN WITNESS WHEREOF, the parties have hereunto signed their names on the day and year written below.

On Behalf of Applicant:

Craft & Common

By: 
Print Name: Brandon Densing
Title: Owner
Date: 10-25-2018

On Behalf of Petitioner:


**John G. Noonan as Bishop of
the Diocese of Orlando, a Corporation Sole**

Date: 10/26/18