

STAFF REPORT REGULAR MEETING

AGENDA DATE: December 3, 2024

DEPARTMENT: City Attorney

TITLE:

Settlement Agreement In re Sunset Drive Holdings, LLC Claim Pursuant to Section 70.51, Florida Statutes

SUMMARY:

The City has been defending a claim for relief filed by Sunset Drive Holdings, LLC, pursuant to the Florida Land Use and Environmental Dispute Resolution Act since 2010. The Settlement Agreement proposes conditions under which the parties may settle the dispute, and the property located at 826 Sunset Drive may be developed.

BACKGROUND AND JUSTIFICATION:

Since the property located at 826 Sunset Drive (Property) was annexed into the City in 2005, there have been a series of lawsuits and other legal challenges regarding the development of the Property. In 2010, following a reversal by the City of prior land use and zoning approvals for the Property, the property owner, Sunset Drive Holdings, LLC, filed a request for relief against the City pursuant to the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) and pursuant to the Bert J. Harris, Jr. Private Property Rights Act. The claims were consolidated under the FLUEDRA case.

The Property has a future land use designation of Medium Density Residential (MDR) and no City adopted zoning designation. It is adjacent to the Murry Hills subdivision to the south, east and west, which is in the City and has a future land use designation of Medium Density Residential (MDR) and a City zoning designation of Medium-Density Multi-Family Residential (MF-30); and the Lake Osborne Heights subdivision to the north, which is in unincorporated Palm Beach County and has a future land use designation of Medium Density Residential (MR-5) and a County zoning designation of Single Family Residential (RS).

The Settlement Agreement proposes that the City will consider applications for development of the Property that are consistent with the City's adopted Land Development Regulations and Comprehensive Plan, that include a zoning map amendment to designate the Property in the Single Family and Two Family Residential (SF-TF 14) zoning district, a Major Site Plan for 42 duplex townhouse units, with associated Conditional Use for townhouses, and Plat.

The Settlement Agreement also provides for waiver of the application fee for the zoning map amendment, dismissal of the dispute, withdrawal of the Major Site Plan application if the zoning map amendment is not approved, and general releases.

MOTION:

Move to approve/disapprove the Settlement Agreement with Sunset Drive Holdings, LLC.

ATTACHMENT(S):

Settlement Agreement