

**Note: The following case(s) is/are included in this ad.
Click on the process number or applicant's name to go directly to the ad.**

Process No.	Applicant Name
<u>04-057</u>	<u>ROY R. LUSTIG, TRUSTEE</u>
<u>04-123</u>	<u>ERT 163RD STREET MALL L. L. C.</u>

APPLICANT: ROY R. LUSTIG, TRUSTEE

- (1) RU-1 to RU-5A
- (2) Applicant is requesting to permit an office building to setback 20' from the front (north) property line (25' required) and setback 20' from the rear (south) property line (25' required).
- (3) Applicant is requesting to waive the required trees and a 5' wide landscape strip between dissimilar land uses along the west and a portion of the south property lines.
- (4) Applicant is requesting to permit a dumpster enclosure to setback 66' (75' required) from the front (north) property line and to setback 0' (7½' required) from the interior side (west) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #4 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and requests #2 through #4 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Professional Building," as prepared by Steven B. Schwartz, Page A-1 dated 4/14/04 and the remaining 4 pages dated 3/1/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 1 & 2, less the north 30.09', Block 3, RIVERDALE, Plat book 44, Page 71.

LOCATION: The Southwest corner of N.E. 24 Avenue & N.E. 196 Street (Miami Gardens Drive), Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.385 Net Acre

RU-1 (Single Family Residential)
RU-5A (Semi-professional Offices)

HEARING NO. 04-9-CZ2-2 (04-123)

17-52-42
Council Area 2
Comm. Dist. 4

APPLICANT: ERT 163RD STREET MALL L. L. C.

MODIFICATION of plans approved pursuant to Resolution 4-ZAB-381-85, passed and adopted by the Zoning Appeals Board as last modified by Resolution CZAB2-4-03, passed and adopted by the Community Zoning Appeals Board, reading as follows:

FROM: "That in the approval of the plans, the same be substantially in accordance with those submitted for the hearing entitled 'Wal-Mart and 163rd Street Mall,' as prepared by Kimley-Horn and Associates, Inc., dated 6/5/03 and consisting of 7 pages and elevation sketches entitled 'Wal-Mart Super Center,' as prepared by Boice, Raidl and Rhea, revised as of June 5, 2003 and consisting of 2 pages, and a fixture plan entitled 'Wal-Mart Supercenter,' as prepared by Boice, Raidl & Rhea, revised as of June 5, 2003 and consisting of 1 page."

TO: "That in the approval of the plans, the same be substantially in accordance with those submitted for the hearing entitled 'Mall at 163rd Street,' as prepared by Design Tech International, Inc., consisting of 17 sheets dated 4/2/04 and 5 sheets dated 5/27/04 for a total of 22 sheets."

The purpose of the request is to allow the applicant to modify the site plan for expansion of commercial uses at the 163rd Street Mall.

Upon a demonstration that the applicable standards have been satisfied, approval of this request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: All that certain piece, parcel or tract of land situate, lying and being in Section 17, Township 52 South, Range 42 East, Tallahassee Base Meridian, and being a portion of Tract "A" REVISED 163RD STREET SHOPPING CENTER, Plat book 57, Page 25, the basis of bearing for this legal description is grid north, according to the Florida State Plane Coordinate System, Florida east zone. said lands being more particularly described as follows: Commencing for reference at the Northwest corner of the NE ¼ of said Section 17, Township 52 South, Range 42 East; thence, bearing S2°45'53"E, along the west line of said NE ¼ of Section 17, a distance of 35' to a point on the north line of Tract "A", said point also lying on the south right-of-way line of N.E. 167th Street; thence, bearing S86°57'21"W, along the north line of Tract "A" and the south right-of-way line of N.E. 167th Street, a distance of 380.91' to the point and place of beginning of the herein described parcel: thence, bearing S2°42'33"E, a distance of 667.85' to a point; thence, bearing N86°51'3"E, a distance of 33.22' to a point; thence bearing N74°51'3"E, a distance of 125.41' to a point; thence, bearing N86°51'17"E, a distance of 46.02' to a point; thence, bearing N3°8'57"W, a distance of 124.92' to a point; thence, bearing N86°50'45"E, a distance of 61.82' to a point; thence, bearing S3°8'57"E, a distance of 124.93' to a point; thence, bearing N86°51'3"E, a distance of 19.16' to a point; thence, bearing S3°8'57"E, a distance of 465.68' to a point; thence, bearing N82°14'42"E, a distance of 136.04' to a point; thence, bearing N69°53'6"E, a distance of 123.79' to a point; thence, bearing N83°31'58"E, a distance of 163.94' to a point; thence, bearing N59°1'34"E, a distance of 93.5' to a point; thence,

CONTINUED ON PAGE TWO

APPLICANT: ERT 163RD STREET MALL L. L. C.

PAGE TWO

bearing N87°01'58"E, a distance of 221.83' to a point on the east line of Tract "A", said point also lying on the west right-of-way line of N.E. 15th Avenue; thence, bearing S2°43'47"E, along the east line of Tract "A" and the west right-of-way line of N.E. 15th Avenue, a distance of 223.47' to a point; said point being the beginning of a curve concave NW/ly, having a radius of 25', a central angle of 89°35'2", a chord length of 35.23' bearing S42°3'44"W; thence, continuing along the east line of Tract "A" and the west right-of-way line of NE. 15th Avenue, SW/ly along the arc of said curve, a distance of 39.09' to a point on the south line of Tract "A", said point also lying on the north right-of-way line of N.E. 163rd Street (State Road 826); thence, bearing S86°51'15"W, along the south line of Tract "A" and the north right-of-way line of N.E. 163rd Street (State Road 826), a distance of 600.82' to a Point of intersection with the west line of the NE ¼ of said Section 17; thence, bearing S86°51'40"W, along the south line of Tract "A" and the north right-of-way line of N.E. 163rd Street (State Road 826), a distance of 1,261.09' to a point; said point being the beginning of a curve concave Northeast, having a radius of 25', a central angle of 90°20'43", a chord length of 35.46' bearing N47°57'58"W; thence, NW/ly along the arc of said curve, a distance of 39.42' to a point on the west line of Tract "A", and the east right-of-way line of N.E. 12th Avenue; thence, bearing N2°47'37"W, along the west line of Tract "A" and the east right-of-way line of N.E. 12th Avenue, a distance of 595.98' to a point; thence, leaving the east right-of-way line of N.E. 12th Avenue and continuing along the perimeter of Tract "A", bearing N86°53'16"E, a distance of 650.89' to a point; thence, continuing along the perimeter of Tract "A", bearing N2°46'48"W, a distance of 610.88' to a point; said point being the beginning of a curve concave SE/ly, having a radius of 25', a central angle of 89°44'10", a chord length of 35.27' bearing N42°5'17"E; thence NE/ly along the arc of said curve, a distance of 39.15' to a point on the north line of Tract "A", said point also lying on the south right-of-way line of N.E. 167 Street; thence, bearing N86°57'21"E, along the north line of Tract "A" and the south right-of-way line of N.E. 167th Street, a distance of 230.04' to the Point of beginning.

LOCATION: 1421 N.E. 163 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 24.15 Acres

PRESENT ZONING: BU-2 (Business – Special)