



Legislation Text

File #: Res 0369-2014, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 369

Resolution approving the decision of the City Planning Commission on Application No. M 770445 (D) ZMK, to further modify Restrictive Declaration D-47, for a commercial development on property located 11000 Flatlands Avenue (Block 8235/Lot 48) in an R5/C2-1 District and an R5/C2-2 District, Borough of Brooklyn (Preconsidered L.U. No. 108).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 27, 2014 its decision dated July 25, 2014 (the "Decision"), on the application submitted by Mike's IHOP Inc., for further modifications of Restrictive Declaration D-47, which was filed in connection with a zoning map amendment for the property located at 11000 Flatlands Avenue (Block 8235/Lot 48), in an R5/C2-1 District and an R5/C2-2 District, Community District 18, Borough of Brooklyn (ULURP No. M 770445 (D) ZMK) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the New York City Charter;

WHEREAS, Restrictive Declaration D-47 (the 1979 Declaration) was entered into in connection with the approval of an amendment to the Zoning Map (M 770445(A) ZMK), by Sheradel Realty Corporation so as to permit a commercial development on Block 8235, Lot 14, Brooklyn;

WHEREAS, Restrictive Declaration D-47 was modified to allow reciprocal parking (M 770445(B) ZMK) and to increase allowed size of satellite stores (M 770445(C) ZMK);

WHEREAS, the subject application herein would further modify Restrictive Declaration D-47 to permit an increase of 2,200 square feet in the allowed size of the satellite stores, from 16,400 to 18,600 square feet, allow for the enlargement of the existing restaurant, Mike's HOP Inc., from 3,814 square feet to 6,024 square feet, and the addition of 15 parking spaces for a total of 388 spaces on the zoning lot, and provide new landscaping/planters, a decorative concrete crosswalk, a bicycle parking rack and the widening of pedestrian walkways at the perimeter of the restaurant;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 21, 2014;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues including the City Planning Commission's determination that the proposed action is a Type II action requiring no further environmental

review.

RESOLVED:

The Council finds that the action described herein to be a Type II action and requires no further environmental review.

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, M 770445 (D) ZMK, and incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of this application (M 770445(D) ZMK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by NRD with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-0	Zoning and Building Code Analysis	February 28, 2014
Z-3	Proposed Site Plan	March 18, 2014

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this approval to the lessee, sub lessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the Restrictive Declaration attached as Exhibit A to the City Planning Commission report M 770445 (D) ZMK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Kings County. The Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the approvals granted herein, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said approval. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in n the development that is the subject of this

application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of any approvals hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this approval.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on July 24, 2014, on file in this office.

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City Clerk, Clerk of The Council