



CHRISTINE A. COFONE, PP, AICP
Principal

COFONE CONSULTING GROUP, LLC

May 20, 2016

Lance B. Landgraf, Jr., P.P., AICP
Director of Planning
Casino Reinvestment Development Authority
15 South Pennsylvania Avenue
Atlantic City, NJ 08401

RE: **Trump Plaza Associates, LLC**
2201 Pacific Avenue
Block 162, Lot 3
Application #2016-05-1910

Dear Mr. Landgraf:

As per your direction, we have reviewed the above-referenced development application. In the subject application, the Applicant is seeking approval to install a wall sign for advertising events taking place at the Taj Mahal Casino Hotel. Specifically, the applicant proposes a 40' x 210' sign affixed on the wall of the former Trump Plaza Transportation Center (garage). The property is located in the RS-C "Resort Commercial Development" District. Zoning compliance is provided later in this review.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the City of Atlantic City Zoning Ordinance and Zoning Map; review of relevant case law related to the granting of variances; review of the filed application materials, including the CRDA application and an associated rider; review of a "Property Survey / Use Variance Application Plan" Block 162, Lot 3, City of Atlantic City, Atlantic County, New Jersey, prepared by Arthur W. Ponzio, Jr., PLS, PP, of Arthur W. Ponzio Co. & Associates Inc. and dated May 16, 2016; review of "Atlantic Avenue Garage Elevation with Proposed Banner" / "Use Variance Application Plan" Block 162, Lot 3, prepared by SOSH Architects and dated May 17, 2016.

We offer the following analysis and comments for your consideration.

Description of Site and Summary of Development Proposal

The property in question is occupied by an existing parking garage, the former Trump Plaza Transportation Center, on a property bordered by Mississippi Avenue, Pacific

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Avenue, Missouri Avenue, and Atlantic Avenue. The applicant proposes a 40' x 210' sign affixed on the structure's wall facing Atlantic Avenue.

Surrounding Land Uses

The subject property is located in an area generally characterized by resort development and associated uses.

Master Plan Review

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).

Zoning Compliance

The property is located in the RS-C District, which purpose is enunciated at Ordinance Section 163-58(A) as follows:

The RS-C Resort Commercial District is intended to apply to established resort areas in the city. Its purpose is to provide for the city's main industry, consisting predominately of transient and tourist-oriented uses, at such intensity as is justified by the city's limited land resources, high land values and infrastructure capacity. Residential development is also encouraged for the purpose of preserving and enhancing the family-resort character of the city and integrating the specialized activities of the Resort Commercial District with the rest of the community.

A d(1) variance is required from the Ordinance requirements at Ordinance Section 163-71 since The RS-C Zone does not permit advertising signs, nor is off-site advertising permitted. The applicant proposes to advertise events at the Taj Mahal.

The Ordinance regulates signs at Ordinance Section 163-71, titled "Signs," and as specific to the RS-C District, at Ordinance Section 163-71(J), titled "Sign regulation for Multifamily High-Rise Commercial, Resort Development and Resort Service Districts." The following table depicts the Ordinance's Sign Requirements as applied to the proposed signage,

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pursuant to Ordinance Section 163-71(J).

Ordinance Signage Requirements, Section 163-71(J)	Proposed Conditions	Compliance Status
163-71(J)(1) "Functional types permitted" – Bulletin board signs, Identification signs, Business signs, and Joint-identification signs	Advertising	DOES NOT COMPLY – VARIANCE REQUIRED
163-71(J)(2) "Structural types permitted" – All structural types specified in Subsection E of this section, except pole and roof signs	Wall mounted	COMPLIES
163-71(J)(3) "Number of signs permitted" – No limit	1	COMPLIES
163-71(J)(4) "Maximum gross surface areas of signs permitted" – 25% of the total wall surface per elevation	8,400 sf	COMPLIES
163-71(J)(5) "Maximum height of signs permitted" – No standard	Below roof line	N/A
163-71(J)(6) "Minimum setback required"	None	N/A
163-71(J)(7) "Type of illumination permitted" – Indirect and internal illumination with white light, neon and other gas-type illumination	Indirect and internal illumination with white light, neon and other gas-type illumination	COMPLIES

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There is one sign variance required in connection with this application. The purpose of the Ordinance's sign regulations is at Ordinance Section 163-71, titled "Signs," as follows:

The regulation of signs by this chapter is intended to promote and protect the public health, safety and welfare by reducing the depreciation of property values caused by signs which are incompatible with surrounding land uses; by creating a more attractive economic and business climate within the commercial, resort and industrial areas of the city; by enhancing and protecting the physical appearance of all areas of the city; and by reducing the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs.

An "advertising sign" is defined at Ordinance Section 163-71(E)(1)(a) as follows:

A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

The following variance is required:

- Ordinance Section 163-71(J)(1): The Applicant proposes an advertising sign, whereas an advertising sign is not permitted. *A Special Reasons "d(1)" use variance is required.*

Planning Analysis and Issues for Consideration by the Board

In regard to the "d(1)" variances, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70.d sets forth the standards for variances from the use regulations of a zoning ordinance. A "d(1)" variance is required when an applicant submits an application for a use that is not permitted in the list of permitted uses within a specific zoning district. As the proposed use is not an inherently beneficial use, the applicant must satisfy the *Medici* proofs:

- Is the site particularly suited for the proposed use?
- Does the proposed use advance special reasons and further the purposes of the Municipal Land Use Law (MLUL)?
- Does the proposal substantially impair the purpose and intent of the master plan, zone plan, and zoning ordinance? Does the proposal satisfy the enhanced quality of proof that the variance sought is not inconsistent with the intent of the master plan and zoning ordinance, proof which must reconcile the proposed use variance with

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- the zoning ordinance's omission of the use from those permitted in the district?
• Can a variance for this use be granted without substantial detriment to the public good?

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant proposes an “advertising” sign function type, violating Ordinance Section 163-71(J)(1). Thus a special reasons use variance is required.
- 2) The Applicant shall furnish testimony relative to the sign’s design, including material and illumination type.
- 3) The Applicant shall describe how often the sign will change, what types of advertising messages will appear, and how the sign will be fastened to the wall.
- 4) The Applicant shall discuss if there will be any additional improvements on the site.
- 5) The Applicant shall furnish testimony how the sign will advance the objectives of the Tourism District.

I would be happy to address any questions or comments on the above at the public hearing.

Respectfully submitted,

Christine A. Nazzaro-Cofone, AICP, PP
Principal

cc: John Donnelly, Esq., Applicant’s attorney