

REDEVELOPMENT PLAN FOR THE ATLANTIC AVENUE CORRIDOR REDEVELOPMENT AREA

CITY OF ATLANTIC CITY, NEW JERSEY

Prepared for:
The Atlantic City Planning Board

Prepared by:
The Atlantic City Division of Planning

Dated: December 14, 2011

TABLE OF CONTENTS

INTRODUCTION	1
AUTHORIZATION	1.1
PURPOSE	1.2
DEFINITIONS	2
City	2.1
Land Use Ordinance	2.2
Local Redevelopment and Housing Law	2.3
Lot Coverage	2.4
Redeveloper	2.5
Redevelopment Entity	2.6
Redevelopment Area	2.7
Redevelopment Plan	2.8
Redevelopment Project.....	2.9
State	2.10
Temporary Use	2.11
REDEVELOPMENT AREA	3
SITE CONTEXT	3.1
BOUNDARIES	3.2
STATEMENT OF PURPOSE AND INTENT	4
GENERAL STATEMENT	4.1
REDEVELOPMENT PLAN OBJECTIVES	4.2
DESIGNATION OF REDEVELOPER	4.3
REDEVELOPMENT PLAN	5
LAND USE PLAN	5.2
General	5.2.1
Land Use Provisions	5.2.2
Permitted Uses	A
Temporary Uses	B
Construction Staging	C
Land Use Approvals	D
Building Controls.....	5.2.3
Redevelopment Area	A
Lot Requirements	1
Minimum Lot Size	1a
Lot Coverage	1b
Building Setbacks	2
Building Height and Tower Separation	3
Floor Area Ratio	4

Sun Control Angle.....	5
Signage	6
Parking and Loading	7
Performance Standards	8
Urban Design Standards	9
Utility Controls	5.2.4
Standards and Controls of General Applicability	5.2.5
Jurisdiction	A
Applicability of Other Standards	B
EQUAL OPPORTUNITY	6
PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS	7
Proposed Land Uses and Building Requirements	7.2
Provisions for Temporary and Permanent Relocation	7.3
Property to be Acquired.....	7.4
Significant Relationships of the Redevelopment Plan to Other Plans	7.5
AUTHORITY AND PLAN INTERPRETATION.....	8
GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS	9
DURATION OF PROVISIONS AND EFFECTIVE DATE	10
PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN.....	11
CONSISTENCY WITH MASTER PLAN	12
LIST OF EXHIBITS.....	12
RDP MAP EXHIBIT A:	

1. INTRODUCTION

1.1 AUTHORIZATION

On December 7, 2011, the City Council of the City of Atlantic City ("Governing Body"), pursuant to Resolution No. 919 of 2011 directed the Atlantic City Planning Board ("Planning Board") to prepare a Redevelopment Plan for the area bounded by Block 128, Lots 1 through 9 as shown on the official tax map of the City. The Governing Body had previously determined by Resolution 364 of 1994 that the entire City was an "Area in Need of Rehabilitation" pursuant to N.J.S.A.40A:12A-1 et. seq. This document was prepared in response and is entitled the *Redevelopment Plan for the Atlantic Avenue Corridor Redevelopment Area* ("Redevelopment Area").

1.2 PURPOSE

1.2.1 Having undertaken the prescribed process to determine that the Redevelopment Area contains conditions which meet the statutory criteria for an "Area in Need of Rehabilitation", and acknowledging that such conditions are amenable to correction and amelioration by the concerted effort of responsible public bodies and are not likely to be corrected or ameliorated solely by private effort, the purpose of the directive in Resolution No. 919 was to provide a mechanism for the orderly planning and redevelopment of the Redevelopment Area consistent with certain municipal goals and objectives as stated herein.

1.2.2 Upon adoption by the Governing Body, the Redevelopment Plan shall satisfy all statutory requirements and constitute the legal prerequisite for the Redevelopment actions outlined herein.

2. DEFINITIONS

For the purposes of this Redevelopment Plan, the terms:

- 2.1 "City" shall mean the City of Atlantic City, a body corporate and politic, and unless otherwise indicated includes its Governing Body, elected officials, officers and staff.
- 2.2 "Land Use Ordinance" shall mean Chapter 163 (Land Use Development) of the Atlantic City Code, as may be amended from time to time.
- 2.3 "Local Redevelopment and Housing Law" shall mean N.J.S.A. 40A:12A-1 et. seq.
- 2.4 "Lot Coverage" shall mean the percentage of lot area occupied by the principal and accessory buildings on such lot at grade level or above, excluding roof overhangs, architectural features, balconies, signage and similar building projections.
- 2.5 "Redeveloper" shall mean the corporation, partnership or other entity designated by the Redevelopment Entity as Redeveloper pursuant to N.J.S.A. 40A:12A-1 et. seq. for the purpose of advancing this Redevelopment Plan.
- 2.6 "Redevelopment Entity" shall mean the City Council, acting as the implementing agent for this Redevelopment Plan in accordance with and under the provisions of N.J.S.A. 40A:12A-1 et. seq.

- 2.7 “Redevelopment Area” shall mean the area within the City of Atlantic City identified as Block 128, Lots 1 through 9 on the official Tax Map of the City of Atlantic City.
- 2.8 “Redevelopment Plan” shall mean this instant document entitled Redevelopment Plan for the Atlantic Avenue Corridor Redevelopment Area.
- 2.9 “Redevelopment Project” shall mean a project approved pursuant to this Plan.
- 2.10 “State” shall mean the State of New Jersey and shall include all applicable agencies and instrumentalities thereof.
- 2.11 “Temporary Use” shall mean those uses, either directly or indirectly related to a permanent Redevelopment Project, and not intended to be permanent uses.

3. REDEVELOPMENT AREA

3.1 SITE CONTEXT

- 3.1.1 The Redevelopment Area is located in the South Inlet section of the City (see RDP Map EXHIBIT A).
- 3.1.2 The Redevelopment Area is located in the NC-1 and RM-3 Zone, which permit commercial and residential development.
- 3.1.3 The Redevelopment Area consists of (approximately) 36,000 square feet of land in the form of individual tax parcels . The tax parcels included in the Redevelopment Project are identified on the Atlantic City Tax Map as Block 128, Lots 1 through 6 and Lots 8 and 9.
- 3.1.4 The major defining characteristic of the Redevelopment Area is that it is comprised of entirely publicly owned vacant land that has not been productive for many years.

3.2 BOUNDARIES

The Project Boundary Map (RDP Map Exhibit A) delineates the boundaries of the Redevelopment Area. The area governed by this Plan includes Block 128, Lots 1 through 6 and Lots 8 and 9.

4. STATEMENT OF PURPOSE AND INTENT

4.1 GENERAL STATEMENT

This document constitutes a Redevelopment Plan under the provisions of the Local Redevelopment and Housing Law for the purpose of facilitating the development of commercial/retail development. Redevelopment Plan objectives are more particularly described as follows:

To provide a mechanism for a public/private partnership leading to the development of commercial development on Atlantic Avenue on property that was formerly a school and other uses but has been vacant and unproductive for many years. The property within the Redevelopment Area is publicly owned and as such is readily available for development. Through this Redevelopment Plan, the Redevelopment Entity can make the

Redevelopment Area available for private investment. Such private investment will create jobs and return and spur further investment.

4.2 REDEVELOPMENT PLAN OBJECTIVES

- 4.2.1 To stimulate private development by allowing maximum flexibility in land use, project design and building regulations.
- 4.2.2 To provide land and incentives as permitted by N.J.S.A. 40A-12A-1 et seq. to promote growth of new private sector development in the form of commercial/retail development which will strengthen and diversify the City's economic base.
- 4.2.3 To maximize tax revenue and generate new tax ratables by constructing on and thus increasing the assessed value of lands currently undeveloped.
- 4.2.4 To return to productive use currently unimproved vacant land which, as a whole, has remained unproductive or under productive and which is not likely to be developed or redeveloped without the active participation of public bodies.
- 4.2.5 To prevent the spread of blight by the application of comprehensive Redevelopment Plan controls.

4.3 DESIGNATION OF REDEVELOPER

- 4.3.1 After adoption of this Redevelopment Plan, the City may shall select and designate a Redeveloper for the Redevelopment Area. Said Redeveloper will be an entity which, in the opinion of the City, is qualified to successfully develop the Redevelopment Area consistent with the Public Policy Goals and Redevelopment Plan Objectives outlined herein. Selection guidelines for designation of the Redeveloper are as follows:
 - A. Financial capability and ability to obtain the financing required to develop the type of commercial development envisioned by this Redevelopment Plan.
 - B. Organizational strength, business reputation and professional capability to operate the type of commercial development envisioned by this Redevelopment Plan.
 - C. Ability to comply with the Public Policy Goals and Objectives of this Redevelopment Plan.
 - D. Demonstrated interest in a redevelopment project in the Redevelopment Area.

5. REDEVELOPMENT PLAN

- 5.1 Upon designation of the Redeveloper, it is the intent of this Redevelopment Plan that: (i) the Redeveloper proceed to develop the Redevelopment Area in accordance with the Redevelopment Plan:
 - A. The development concept(s) and description of project elements for the undertakings proposed.

- B. The Redeveloper's plan for compliance with the Public Policy Goals and Objectives of this Redevelopment Plan.
- C. Such provisions as may be required by law

5.2 LAND USE PLAN

The Land Use Plan is comprised of the Land Use Provisions, Building Limit Controls, Utility Controls, and Additional Controls.

5.2.1 General

A. The controls and regulations governing land use and structural form specified herein are designed to promote the redevelopment of the Redevelopment Area in accordance with the Statement of Purpose and Intent of this Redevelopment Plan and are intended to provide a setting within which the Redeveloper and its architects are encouraged to generate plans in order to produce a Redevelopment Project of outstanding design and superior quality.

B. The development concepts and description of project elements proposed for the Redevelopment Area will be reviewed and approved by the Redevelopment Entity.

C. The Government Agency with jurisdiction. The Casino Reinvestment Development Authority ("CRDA") shall review and approve the development plans of the Redeveloper in accordance with the requirements for review and approval of subdivisions and site plans as set forth by ordinance adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) or prevailing zoning document.

5.2.2 Land Use Provisions

The Redevelopment Area shall be governed by the Land Use Provisions contained herein, except that the Private Out Parcels shall continue to be subject to the land use standards of the RSC district; or the prevailing zoning document provided, however, that upon acquisition of any of the Private Out Parcels by the Redeveloper, this Redevelopment Plan shall be applicable to any such Private Out Parcel within Block 128. These Provisions are intended to provide for and foster the development of commercial/retail development.

A. Permitted Uses

Permitted uses within the Redevelopment Area may include all the uses permitted and conditionally permitted in the NC-1 District in the Land Use Ordinance and all conditional uses shall be deemed permitted uses under the Redevelopment Plan.

B. Temporary Uses

In addition to Permitted Uses, this Redevelopment Plan permits the Redeveloper to utilize the land within the Redevelopment Area for such Temporary Uses as are permitted under the Land Use Ordinance or the prevailing zoning document.

C. Construction Staging

Staging for construction conducted in the Redevelopment Area, including parking and all other activities normally attendant thereto, shall be permitted.

5.2.3 Building Controls

The following regulations, controls and restrictions provide standards for the physical development of the Redevelopment Area. The Redeveloper and its designers are encouraged to exercise maximum ingenuity, creativity and freedom of design consistent with the Statement of Purpose and Intent of this Redevelopment Plan.

A. Redevelopment Area

1. Lot Requirements

- a. Minimum Lot Size: 30,000 square feet.
- b. Lot Coverage: Maximum building coverage shall be ninety percent (90%).

2. Building Setbacks

Setbacks shall be a clear space measured at a right angle between a lot line and a building limit line or parking limit line as applicable. Setbacks shall be unoccupied and unobstructed from grade to sky, except for the following Permitted Encroachments: awnings, canopies, flag poles, ornamental architectural features, street furniture, fences, pedestrian bridges, signage, landscaping, lighting, benches, trash receptacles, walkways, access drives and the like. Permitted Encroachments shall also be permitted over the public right-of-way, subject to customary license agreements by the City. The following setbacks shall apply to the Redevelopment Area: Front Yard = 0 feet up to 60 feet in building height; Metropolitan Avenue = 10 feet; and Wistor Place = 10 feet and such setbacks shall be treated as an open landscaped area.

3. Building Height and Tower Separation

Maximum building height including mechanical rooms/equipment, architectural features, shall be 60 feet above grade.

4. Floor Area Ratio

A Floor Area Ratio of 1.0 is permitted.

5. Signage

Signage shall be subject to the standards of the Land Use Ordinance of the RSC-NC1 or prevailing zoning document.

6. Parking and Loading

Parking shall be subject to the standards of the Land Use Ordinance of the NC-1 District or any other prevailing zoning document.

7. Performance Standards

The project shall be subject to Section 163-73 of the Land Use Ordinance or prevailing zoning document.

8. Urban Design Standards

The project shall be subject to the following standards rather than the Urban Design Standards of Section 163-74 of the Land Use Ordinance:

- a. All mechanical equipment, storage and loading areas shall not be visible from streets.
- b. All horizontal flat roof surfaces shall be developed in such a manner as to be aesthetically acceptable in order to secure agreeable visual conditions in the roofscaping of the City, provided however, that this standard shall not apply above a height of 385 feet above grade.
- c. Vertical surfaces may be treated with reflective surfaces provided that they do not have an adverse impact on the surrounding uses causing visual discomfort or any other adverse impacts. Reflective surfaces shall not exceed 50% of total wall area.
- d. Rooftop: Flat roofs below 385 feet shall have all mechanical equipment screened and shall provide a decorative roof pattern.
- e. All four facade walls shall be finished in a similar manner. The installation of widows, canopies and structural embellishments are encouraged.
- f. Landscape improvements at Massachusetts Avenue and Atlantic Avenue shall be incorporated into the site plan. Street trees shall be planted on Atlantic Avenue of sufficient size and quantity to provide a desirable visual environment.

5.2.4 Utility Controls

- A. The Redevelopment Area is serviced by access to all required utilities, including electric, gas, sewer, water, communications (telephone) and cable television systems.
- B. Distribution lines for all utility systems within the Redevelopment Area shall be placed underground. All easements shall comply with City requirements. Exact locations for utility lines and easements shall be established at time of Planning Board site plan review and approval. Existing above ground utilities shall be incorporated into the underground systems at the boundaries of the Redevelopment Area as improvements are undertaken.

5.2.5 Standards and Controls of General Applicability

A. Jurisdiction

The provisions of this Redevelopment Plan are those of the City and do not substitute for any law, code, rule or regulation established by any State or Federal agency.

B. Applicability of Other Standards

1. In addition to the standards set forth in this Redevelopment Plan, all development within the Redevelopment Area shall comply with the applicable laws, codes, rules and regulations established by any State or Federal agency.
2. The provisions of the Land Use Ordinance or the prevailing zoning document, except as specifically provided for in this Redevelopment Plan, shall not be applicable within the Redevelopment Area.

6. EQUAL OPPORTUNITY

No covenant, agreement, lease, conveyance or other instrument shall be effected or executed by the Redevelopment Entity or by the Redeveloper (or any successors in interest) whereby the land or improvements in the Redevelopment Area is restricted, either by the Redevelopment Entity or the Redeveloper (or any successors in interest) in violation of any State or Federal anti-discrimination law. The foregoing restrictions, as well as the provisions of N.J.S.A. 40A:12A-9 shall be implemented by appropriate covenants or other provisions in the Redeveloper's Agreement and/or disposition instruments as covenants running with the land.

7. PROVISIONS NECESSARY TO MEET STATUTORY REQUIREMENTS

The Redevelopment Plan satisfies the statutory requirements under the Local Redevelopment and Housing Law as follows:

- 7.1 The Redevelopment Plan is an outline for the planning, development, and redevelopment of the Redevelopment Area sufficient to indicate:

A. Appropriate Land Uses

The Redevelopment Plan provides for land uses consistent with the NC-1 district.

B. Density of Population

The Redevelopment Plan permits commercial uses. Commercial uses are consistent with the redevelopment of the City.

C. Traffic and Public Transportation

Significant public infrastructure is in place for public transportation, including the Atlantic City International Airport, New Jersey Transit rail service and public and private bus service along with highway access via the Atlantic City Expressway, U.S. 322/40 (Black Horse Pike) and U.S. 30 (White Horse Pike).

D. Public Utilities

The Redevelopment Area is served by public utilities which are adequate for the proposed uses set forth in the Redevelopment Plan.

E. Recreational and Community Facilities and Other Public Improvements

The Redevelopment Plan does not specifically provide for recreational and community facilities or other public improvements. Rather, the Redevelopment Plan provides for a host of commercial uses which will foster the redevelopment of Atlantic City.

7.2 Proposed Land Uses and Building Requirements

The proposed land uses are consistent with the NC-1 district and will help foster the redevelopment of Atlantic City.

7.3 Provisions for Temporary and Permanent Relocation

The Plan does not anticipate relocation of residents located within the Redevelopment Area and thus there is no need to provide for relocation of residents.

7.4 Property to be Acquired

No governmental action, other than the use of public land, is required in order to develop a project within the Redevelopment Area.

7.5 Significant Relationships of the Redevelopment Plan to Other Plans

The Redevelopment Plan is consistent with New Jersey State public policy in that the Redevelopment Plan seeks to foster redevelopment of the City consistent with the express goals of the State Constitutional amendment authorizing casino gaming in Atlantic City.

7.6 The Redevelopment Plan expressly supersedes the applicable provisions of the Land Use Ordinance except as expressly set forth in the Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area.

8. AUTHORITY AND PLAN INTERPRETATION

8.1 Pursuant to N.J.S.A. 40A:12A-13, the CRDA shall have the sole authority to determine conformance of a Redeveloper's concept and design with this Redevelopment Plan. The Redevelopment Plan further amends the zoning district map with respect to the Redevelopment Area.

8.2 Subject to the provisions of this Redevelopment Plan herein, the CRDA shall have sole authority for the interpretation or clarification of any provision of this Redevelopment Plan.

9. GENERAL CONSTRUCTION AND APPLICATION OF PLAN PROVISIONS

All provisions of this Redevelopment Plan, including all building controls, regulations and/or restrictions imposed, shall be applicable to all real property and improvements within the Redevelopment Area. The Redeveloper will be deemed in compliance with the Redevelopment Plan so long as an approved Redevelopment Project is constructed in the Redevelopment Area.

10. DURATION OF PROVISIONS AND EFFECTIVE DATE

- 10.1 This Redevelopment Plan, as it may be amended from time to time, shall be in effect until the goals of the Redevelopment Plan are satisfied and the Redevelopment Area is fully redeveloped to the maximum extent permitted under the Redevelopment Plan.
- 10.2 Upon completion of construction and the issuance by the City of all permanent Certificate(s) of Occupancy for the Redevelopment Project, and at the request of the Redeveloper, the City shall issue the Redeveloper a 'Certificate of Completion and Compliance' for the entire Redevelopment Project or such portions thereof as the Redeveloper shall have completed, certifying that the Redevelopment Project or the specific portions thereof were completed in accordance with this Redevelopment Plan and further certifying that the applicable provisions of the Redevelopment Agreement, if applicable, indicating provisions related to N.J.S.A. 40A:12A-9a, have been satisfied.

11. PROCEDURES FOR AMENDING THE APPROVED REDEVELOPMENT PLAN

- 11.1 This Redevelopment Plan may be amended from time to time upon compliance with all applicable laws and statutes and upon approval of the Governing Body and the CRDA.
- 11.2 The Building Limit Controls of this Redevelopment Plan may be modified or changed at any time by the CRDA. However, any modification or change of more than twenty percent (20%) of the applicable building control shall necessitate a formal amendment to this Redevelopment Plan in accordance with law.
- 11.3 Modifications or changes in the Land Use Provisions or Building Controls, which are inconsistent with the intent of this Redevelopment Plan, shall not be approved in the absence of a formal amendment to this Redevelopment Plan.

12. CONSISTENCY WITH THE MASTER PLAN

In accordance with N.J.S.A. 40A:12A-7d, the Planning Board must examine the Redevelopment Plan for any inconsistencies with the goals and objectives of the Master Plan adopted by Ordinance 66 of 2008. To that end, the plan complies with the following core objectives of the Master Plan.

Maintain a compact urban form and growth pattern which provides adequate space to meet housing, employment, business and public service needs.

Strengthen and improve City-wide and neighborhood commercial districts as centers of employment, shopping, services, entertainment and education.

13. LIST OF EXHIBITS

RDP MAP EXHIBIT A: