



**Principals**  
Richard Rehmann, GISP  
Richard Heggan, PLS, PP  
Jeffery MacPhee, PLS

February 27, 2023

Lance B. Landgraf, Jr., P.P., AICP  
Casino Reinvestment Development Authority  
Division of Land Use and Regulatory Enforcement  
15 S Pennsylvania Avenue  
Atlantic City, NJ 08401

Re: Land Use Application  
Cannabiz City, LLC  
1410 Atlantic Avenue  
Block 146, Lot 8  
Atlantic City, NJ 08401  
ARH File: 24-10072

Dear Mr. Landgraf:

**ARH ASSOCIATES** has received the above captioned Application for review. The Applicant seeks Minor Site Plan Approval.

Block 146, Lot 8 is located in Atlantic City's Central Business (CBD) Zoning District. It has frontage on both Atlantic Avenue and Central Avenue, and is situated between New York Avenue and Tennessee Avenue. It is proposed that the existing building will be used for adult use retail sale and medicinal cannabis with interior modifications to the first floor. The existing building essentially encompasses the entirety of Lot 8, and the second and third floors are to remain as is.

This report consists of a review of the Subject Application for conformance with Casino Reinvestment Development Authority checklists as well as N.J.A.C.19:66, the CRDA Tourism District Land Development Rules. Comments are limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing on this matter.

## **I. OWNER & APPLICANT INFORMATION**

### **OWNER**

Three Stars II, LLC  
1404 Oaktree Road, Iselin, NJ 08830

### **APPLICANT**

Cannabiz City, LLC  
[KingsCannabiz@gmail.com](mailto:KingsCannabiz@gmail.com)  
1410 ATLANTIC AVENUE, ATLANTIC CITY, NJ 08401  
720-218-8335

### **ARH Associates**

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909  
Bloomfield Office – 2 Broad Street – Suite 602 – Bloomfield, NJ 07003 – 973.337.8562 – fax 973.337.8876  
Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909  
[www.arh-us.com](http://www.arh-us.com)

**II. SUBMITTALS**

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
Cover Letter from Applicant's Attorney	Scarinci Hollenbeck Attorneys at Law	01/31/2023	
CRDA Land Use Application	Owner / Applicant	Not Dated	
Escrow Setup Information			
Map of Survey	Colliers Engineering and Design	07/15/2022	
Architecture Plan	Craig F. Dothe Architect, LLC	07/25/2023	
Minor Site Plan Checklist (Form #5)	Donald M. Pepe, Esq.	01/26/2023	
"C" Variance Checklist (Form #12)			
200' Property Owners List	City of Atlantic City	06/17/2022	
Certification of Payment of Taxes		06/21/2022	
Resolution of the City of Atlantic City		12/20/2022	

**III. CHECKLISTS**

The following addresses conformance with the CRDA's list of Required Application items for Minor Site Plan, and "C" Variance Checklists (forms #5 & #12) and does not reflect adequacy of submissions for review purposes. The correct number of copies are assumed to have been submitted. Column entries reflect **ARH's** review of Applicant's submissions. **It shall be noted that the checklists submitted with the application were blank and no information has been provided on the required submission materials.**

Minor Site Plan Checklist (Form #5)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-3.4)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Project narrative describing existing conditions, surrounding uses and the proposed development including list of variance and design waiver relief sought, if any.	X	X		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
7	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
8	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
9	Consent of property owner to applicant to development project.	X	X		
10	FOR ADMINISTRATIVE REVIEW AND APPROVAL: Certification from Applicant's licensed professional that the development proposed meets all requirements and no variance or design waivers are requested. (19:66-4.6)	X	N/A		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height, and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X			TBP
14	North arrow, scale, and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	N/A		

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, , fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.	X	X		
21	Stormwater management plans and drainage calculations. (19:66-7.5).	X			X
22	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, lighting / fixtures, lighting intensity, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
23	Grading Plan depicting direction of flow of surface run-off, spot elevations, contours within 1-foot intervals, stormwater management structures.	X			X
24	Landscaping Plan, details, and plant schedule (19:66-7.6)	X			X
25	Lighting Plan and details (19:66-7.10)	X			X
26	Soil Erosion and Sediment Control Plan. (Required for soil disturbance of 5,000 sq. ft. or greater)	X			X

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver Recommended by Reviewer
27	Plans of proposed utility layouts including sanitary sewer, water, gas, telephone, cable, and electricity and showing proposed connections to existing or any proposed utility systems.	X			X
28	Road and paving cross-sections and profiles.	X			X
29	Solid and liquid waste management plan.	X			X
30	Vehicular and pedestrian circulation patterns, Traffic control signs, directional signs and Sight triangles	X			X
31	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
32	Estimate of costs of on-site improvements [19:66-3.4 (b)]	X			X
33	Electronic copy of the full application including application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		
34	Performance guarantee [19:66-3.4 (b)]	X			X
35	Maintenance guarantee (19:66-16.3)	X			X
36	Inspection Fees (19:66-16.1)	X			X

"C" Variance Checklist (Form #12)

ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
1	Completed Land Use Application Form	X	X		
2	Payment of Required Application and Escrow Fees (19:66-4.3)	X	X		
3	Name and address, email address of property owner and applicant.	X	X		
4	Proof of real estate taxes and other assessments paid.	X	X		
5	Name, signature, license number, seal and address of each professional consultant, as applicable, involved in preparation of required documents.	X	X		
6	Color Photographs of site from four (4) different viewpoints.	X	X		
7	Project narrative describing existing conditions, surrounding uses and the proposed development	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	including list of "c" variance(s) and design waiver relief sought, if applicable.				
8	Title block denoting type of application, tax map sheet, project address, block and lot, and street location.	X	X		
9	Proof of ownership of property. (Report of title, copy of deed AS FILED with the Atlantic County Clerk's Office, affidavit or other documentation evidencing ownership.)	X	X		
10	Consent of property owner to applicant to development project.	X	X		
11	Zoning Schedule listing: Use, lot area, lot width, lot depth, yard setbacks, floor area ratio, density, building coverage, building height and parking requirements, including existing and proposed with conformity status of each.	X	X		
12	Certified List of Property Owners within 200' Radius of the subject property by City of Atlantic City Tax assessor's Office.	X	X		
13	Public Notice in compliance with NJSA 40:55D-12.	X			TBP
14	North arrow, scale and graphic scale	X	X		
15	Signature blocks for Hearing Officer, Land Use Regulation Enforcement Officer, Engineer and Planner.	X	X		
16	Key map(s) at a legible scale showing location of property with existing structures, uses, streets, public right of ways, municipal boundaries, public parks, beaches, environmental sensitive areas, zoning district boundaries within 200 feet of the subject property. Property tax lots within 200 feet of the subject property taken from the most recent municipal tax map records.	X	X		
17	List of any existing or proposed deed restrictions, easements, covenants, Homeowners Association Agreements, etc. as recorded or in recordable form if proposed.	X	N/A		
18	List of development stages or phases, if any.	X	N/A		
19	List of approvals or permits required by other regulatory authorities having jurisdiction and the status of same.	X	N/A		
20	Land Title Survey and topographic survey depicting existing conditions prepared by New Jersey licensed professional land surveyor. All elevations shall be	X	X		

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ITEM	TITLE / DESCRIPTION (Subdivision Application)	Required	Submitted	Waiver Requested by Applicant	Waiver recommended by Reviewer
	based on NAVD 1988. The horizontal datum shall on the NJ State Plane Coordinate System (NAD 1983) Survey shall include all existing conditions, including buildings, structures, parking areas with parking space striping, driveways, walkways, fences, stoops, stairs, porches, easements, walls, patios, curbs, roof overhangs, overhead wires, bay windows, building setbacks of building on-site and adjoining the site, landscape areas, trees, utility poles, flag poles, directional and identification signs, spot elevations, contours in one foot intervals, FEMA Flood Zone, State Claim areas, utility poles, utilities such as water, sanitary sewer, storm sewer, electric, gas, cable, telephone, etc. Improvements in adjoining right-of-ways / roadways / streets including painted traffic markings.				
21	Site Plan depicting proposed buildings, structures, existing and proposed building setbacks, landscape areas, location of identification signage and directional signs, trash enclosure, building setback lines (dashed) and their dimensions from the property lines, parking area plan showing spaces, size and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions.	X	X		
22	Preliminary architectural plan and elevations, and areas and type of each proposed use.	X	X		
23	Electronic copy of the full application including: application, photos, maps, reports, plans and other exhibits in pdf format. Maximum size of file(s) 4 MB.	X	X		

**IV. BULK REQUIREMENTS, CENTRAL BUSINESS DISTRICT (CBD)**

Standard	Required	Existing	Proposed	Complies?
Maximum Height (measured from BFE), Principal Structure (FT)	65	35	NC	C
Maximum Height (measured from BFE), Accessory Structure (FT)	35	N/A	NC	N/A
Minimum Lot Area (SF)	5,000	3,750	NC	ENC
Minimum Lot Depth (FT)	100	150	NC	C
Minimum Lot Width (FT)	50	25	NC	ENC
Minimum Lot Frontage (FT)	50	25	NC	ENC

Standard	Required	Existing	Proposed	Complies?
Maximum Building Coverage (%)	30	100	NC	ENC
Maximum Impervious Coverage (%)	80	100	NC	ENC
Minimum Front Yard (FT) – Atlantic Ave	5	0	NC	ENC
Minimum Front Yard (FT) – Central Ave	5	0	NC	ENC
Minimum Rear Yard (FT)	20	N/A	NC	N/A
Minimum Side Yard (FT)	0	0	NC	C
Floor Area Ratio	N/A	N/A	N/A	N/A
Open Space	N/A	N/A	N/A	N/A
Density (DUA)	25	N/A	N/A	N/A
Parking	19	0	NC	V

**C = COMPLIES**

**ENC = EXISTING NON-CONFORMING CONDITION**

**V = VARIANCE REQUIRED**

**N/A = NOT APPLICABLE**

**NC = NO CHANGE FROM EXISTING**

**VG = VARIANCE GRANTED**

**V. REVIEW OF PLANS**

a. Checklists/Application Forms

1. The applicant has submitted both the Minor Site Plan and “C” Variance Checklists blank. Applicant shall confirm the completion status of these two checklists.
2. The application form indicates that the applicant is submitting for Major Preliminary Site Plan Approval, Major Final Site Plan Approval, Variance Relief (hardship), Variance Relief (substantial benefit) and Conditional Use Approval, which all appear incorrect, with the exception of the hardship Variance for the parking. Applicant to confirm.

b. Signage – per NJAC 19:66-5.7(j), two wall signs are permitted, with a total maximum gross surface area up to 25% of the total wall surface per elevation. Proposed is one (1) wall sign with a total area of 48.44 SF, or approximately 5% of the total wall area of 959 SF. The maximum height of the wall sign is no higher than the roofline of the wall supporting the sign, the sign will be backlit and there is no minimum setback for a wall sign. Signage is compliant.

c. Parking – the change in intended use to the property has raised the parking requirements from 16 parking spaces to 19 spaces. There are zero (0) spaces existing and zero (0) are proposed, therefore the deficiency has been increased by three (3) spaces. **The applicant has requested a variance from NJAC 19:66-5.8(b)1.**, where 1 space is required for every 300 SF of retail use for the first floor of the building:  $3,281.27 \text{ SF} / 300 \text{ SF} = 11$  spaces required. The second and third floors are storage and utility space, where per NJAC 19:66-5.8(b)9, 1 space is required for every 500 SF:  $3,353.72 \text{ SF} + 640.28 \text{ SF} = 8$  spaces required. Therefore, a total



of 19 parking spaces are required and 0 spaces are proposed. Testimony shall be provided regarding the off-street parking available and the proximity to the retail use.

- d. Existing Nonconforming Conditions:
  - 1. Per NJAC 19:66-5.12(a)iv(2), where the minimum lot area required is 5,000 SF and 3,750 SF is existing and to remain.
  - 2. Per NJAC 19:66-5.12(a)1.iv(4), where a minimum lot width of 50 FT is required and 25 FT is existing and to remain.
  - 3. Per NJAC 19:66-5.12(a)1.iv(5), where a minimum lot frontage of 50 FT is required and 25 FT is existing and to remain.
  - 4. Per NJAC 19:66-5.12(a)1.iv(6), where a maximum building coverage of 30% is permitted and 100% is existing and to remain.
  - 5. Per NJAC 19:66-5.12(a)1.iv(7), where a maximum impervious coverage of 80% is permitted and 100% is existing and to remain.
  - 6. Per NJAC 19:66-5.12(a)1.iv(8), where a minimum front yard setback of 5 FT is required and 0 FT is existing and to remain.
- e. Loading Area – per NJAC 19:66-7.3, a loading area shall be shown on the site plan. As the building encompasses the entire lot, our office has no objection to granting a waiver of the loading area requirement, however we ask that the applicant provide testimony on deliveries to the site.
- f. Drainage Design – per NJAC 19:66-7.5, stormwater management plans and drainage calculations shall be provided. As there are no site improvements requiring stormwater management, our office has no objection to granting a waiver of this requirement.
- g. Landscaping and Buffer Design – per NJAC 19:66-7.6, a landscaping plan is required. As the building encompasses the entire lot, our office has no objection to granting a waiver of the requirement for a landscaping plan.
- h. Lighting – per NJAC 19:66-7.10, a lighting plan is required to be provided. As the building encompasses the entire lot, our office has no objection to granting a waiver of the requirement for a lighting plan, however we ask that the applicant provide testimony on any building mounted lights or doorway lighting that is existing or proposed to ensure safety of the patrons to the building.
- i. Per NJAC 19:66-7.12(b), blank walls shall be avoided at the ground floor level. The applicant shall provide renderings and/or details on how the building façade will be treated.
- j. The applicant shall provide testimony regarding any changes to the existing utilities to the building.
- k. The applicant shall provide testimony regarding trash collection.

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- I. The applicant shall provide testimony regarding the hours of operation, number of employees, and a general business statement of operations.

## **PLANNING REVIEW**

### **Zoning Compliance**

The property is located within the Green Zone Redevelopment Area under the jurisdiction of the CRDA. The proposed use is a principal permitted use in the Green Zone Redevelopment Area.

The intent of the Green Zone Redevelopment Area is for diversifying the local economy, increasing opportunities for private investment, increasing pedestrian traffic, with collateral reduction in crime, and reducing the existing commercial vacancy rate and abandoned commercial space along Atlantic Avenue and Pacific Avenue and in the Orange Loop.

### **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).

### **Planning Analysis and Issues for Consideration by the Board**

In regard to the “c” variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

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

- 1) The Applicant’s professional planner shall provide the required statutory proofs for the proposed variances. There are numerous pre-existing, non-conformities on the site that will not change in connection with this application.
- 2) The Applicant shall provide detailed testimony on the operation of the business, with a specific

focus on product storage, patron access, on-site product consumption, security, etc.

- 3) The Applicant's architect shall provide detailed testimony, including compliance with design guidelines per N.J.A.C. 19:66-7.1, the 2012 CRDA Tourism District Master Plan, Section 4.8, and the Green Zone Redevelopment Area storefront & façade design standards. The Redevelopment Area storefront and façade design standards include a focus on color, lighting, windows, doors, awnings, cornices, signage, and security.
- 4) As noted in this review letter, a parking variance is required. The Applicant shall provide testimony on how parking is to be accommodated and the availability of parking and ride-sharing in the area.
- 5) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan, the Green Zone Redevelopment, and the Tourism District.
- 6) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 7) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

## **POST APPROVAL CONSIDERATIONS**

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

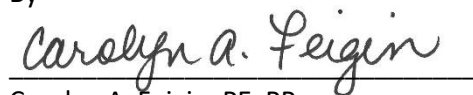
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

**ARH ASSOCIATES**

By



Carolyn A. Feigin, PE, PP  
CRDA Consulting Engineer

**COFONE CONSULTING GROUP**

By



Christine A. Nazzaro-Cofone, AICP, PP  
CRDA Consulting Planner