

## Casino Reinvestment Development Authority

### Summary of Application

Magicae Wellness LLC

1322-24 Pacific Avenue

Block 54, Lot 64

Magicae Wellness LLC (the “Applicant”) is the contract purchaser of property located at 1322-24 Pacific Avenue and designated as block 54, lot 64 on the municipal tax map of the City of Atlantic City. The property has a lot area of 2,232 sf and is currently improved with a vacant, 2-story commercial building. The property is located in the RC- Resort Commercial zone and the Green Zone Redevelopment Area. The Applicant proposes to convert the existing building into a licensed, Class 5 cannabis retailer, which is a permitted use in the Green Zone Redevelopment Area. On August 23, 2023, the Applicant received a resolution of local support from the City of Atlantic City for the proposed use.

The Applicant seeks minor site plan approval from the CRDA for its proposed development. The Applicant also seeks the following variances:

1. Section 19:66-5.10(a)(1)(iv)(2) – minimum lot area: 7,500 sf required; 2,232 sf existing and proposed (existing nonconforming condition);
2. Section 19:66-5.10(a)(1)(iv)(3) – minimum lot depth: 100 ft required; 99’ 11-5/8” existing and proposed (existing nonconforming condition);
3. Section 19:66-5.10(a)(1)(iv)(4) – minimum lot width: 50 ft required; 24’ 4” existing and proposed (existing nonconforming condition);
4. Section 19:66-5.10(a)(1)(iv)(5) – minimum lot frontage: 50 ft required; 24’ 4” existing and proposed (existing nonconforming condition);
5. Section 19:66-5.10(a)(1)(iv)(6) – maximum building coverage: 70% permitted; 85.2% existing and proposed (existing nonconforming condition);
6. Section 19:66-5.10(a)(1)(iv)(7) – maximum impervious coverage: 80% permitted; 100% existing and proposed (existing nonconforming condition); and
7. Section 19:66-5.10(a)(1)(iv)(10) – minimum rear yard: 20 ft required; 4’ 2-3/8” existing and proposed (existing nonconforming condition).

The Applicant also requests any additional variances, submission waivers, exceptions, design waivers, de minimis exceptions, modifications of conditions of prior approvals, continuation of any preexisting non-conforming conditions and other approvals reflected on the plans (as same may be further amended or revised from time to time without further notice) as may be determined to be necessary during the review and processing of the application by the CRDA and its professional staff.

The variances can be granted under both N.J.S.A. 40:55D-70(c)(1) (hardship) and (c)(2) (where a deviation from the zoning ordinance advances a purpose of zoning and the benefits of the deviation substantially outweigh the detriments). The property is small, narrow and is part of the fully developed area along Pacific Avenue. Strict application of the bulk requirements would result in an undue hardship upon the Applicant because all of the bulk variance relief results from existing conditions on the property, and there is no space to increase the lot area, width, depth or frontage in this fully developed area.

Further, the proposed redevelopment of this property will serve numerous purposes of zoning, including purposes “a”, “g”, and “i”. The stated purpose of the Green Zone Redevelopment Plan is to create additional incentives for private investment and tourism in Atlantic City with the introduction of retail cannabis to support the revitalization, economic diversification, and investment of private capital in the City’s main tourism and commercial areas. Purpose “a” is to promote the public health, safety, and general welfare. This application promotes those goals by proposing a use specifically permitted in the Green Zone Redevelopment Area, consistent with the stated goals of revitalization, economic diversification, and investment in the area.

The application will also promote purposes “g”, to provide a variety of uses in appropriate locations, and purpose “i”, to promote a desire visual environment through creative development techniques and good civic design and arrangement. The surrounding neighborhood contains a variety of retail uses. This application will add variety to the retail uses in the area, in a manner consistent with the goals of the Green Zone Redevelopment Plan. Further, the Applicant will make significant improvements to the existing building. At present, the building is outdated and in need of aesthetic improvements. The Applicant proposes to make significant signage and façade improvements, consistent with the requirements of the Green Zone Redevelopment Plan.

Granting the variance relief will not change the nature and character of this neighborhood in any negative way, will not result in any material adverse impact on any neighbors, and will not substantially impair the intent and the purpose of the zone plan or zoning ordinance. To the contrary, the variance relief relates to existing conditions, all of which already exist on the property today. Therefore, there is no negative impact resulting from the grant of these variances, and even if any such impacts exist, they are substantially outweighed by the benefits of the proposed development.