



PC-2026-0004
Conditional District Rezoning

Planning Commission

Status: In Review
 Apply Date: 05/13/2026
 Planner: Tucker Cherry

Summary Report

Location Address

1415 42ND ST, WILMINGTON, NC 28403

Parcel Number

R06106-002-001-000

Contacts

Matthew L Hearn, Reggies llc

Applicant

505 Fayetteville Ave, Carolina Beach, NC 28428

(910) 262-1451

Charles Kruegar, Reggies LLC

Owner

(910) 297-2625

Description: Request to amend the existing Conditional District zoning for the portion of the property located at 1417 S. 42nd street, Wilmington, NC to allow small scale, low impact commercial uses within the existing tenant space, including restaurant, takeout food service, office, and similar neighborhood-compatible uses. No changes are proposed to the existing use at 1415 S. 42nd street.

Additional Information

Proposed Use(s) and Proposed Conditions for site: Request to amend the existing Conditional District zoning for the tenant space located at 1417 S. 42nd Street to allow small-scale commercial uses including restaurant, takeout food service, office, and similar neighborhood-compatible uses within the existing structure. No changes are proposed to the existing use at 1415 S. 42nd street. Proposed conditions include operation within the existing building footprint and compliance with all applicable City of Wilmington development standards.

Total Site area (Acres): 0.85

Pre-Application Meeting Date: Mar 19 2026 12:00AM

City Staff Representatives from meetings: Patrick O'Mahony, Haley Hopkins, Hillary Taylor, Tucker Cherry

Conditions that justify the amendment: The proposed amendment is intended to provide limited flexibility for low impact commercial uses within an existing tenant space on a commercially developed property. Since the property was last rezoned, the surrounding area has continued to evolve with a mix of neighborhood serving commercial uses and redevelopment activity along the corridor. The request does not increase the overall intensity of the site and does not propose expansion of the existing building footprint or changes to the existing use at 1415 S. 42nd street. The amendment would allow adaptive reuse of the existing tenant space while maintaining compatibility with surrounding properties.

Consistency with comp and special area plans: The proposed amendment is consistent with the goals of the Create Wilmington Comprehensive Plan by supporting adaptive reuse of existing commercial structures, encouraging neighborhood serving commercial activity, and promoting compatible infill development within an already developed corridor. The request utilizes existing infrastructure and maintains the scale and character of the surrounding area while allowing reasonable flexibility for low impact commercial uses.

Impact on the area if approved: The proposed amendment is expected to have minimal impact on surrounding properties and infrastructure. The request involves reuse of an existing tenant space within an already developed commercial property and does not include expansion of the building footprint or a significant increase in site intensity. Any future use would remain subject to applicable City standards related to parking, life safety, utilities, traffic, and permitting.

Other circumstances that justify the amendment: The proposed amendment supports continued investment in an existing commercial property while providing reasonable flexibility for future neighborhood compatible uses within an existing structure. The request promotes adaptive reuse, supports local economic activity, and allows the property to respond to changing market conditions without materially altering the character of the surrounding area.

Neighborhood Meeting Date: May 4 2026 12:00AM

Pre-TRC Case Number or N/A: N/A

Proposed Zoning(s): CB, Community business

Current Zoning: RB

APPLICATION FOR CONDITIONAL ZONING MAP AMENDMENT



City of Wilmington
Planning and Development

P. O. Box 1810, 929 N Front St,
Wilmington, NC 28402
Telephone: (910) 254-0900 FAX: (910) 341-3264

1415 & 1417 42nd st Wilmington N

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: Matthew Hearn

MAILING ADDRESS OF APPLICANT:

PHONE NUMBER AND EMAIL OF APPLICANT:

PROPERTY OWNER INFORMATION:

CD

Name(s)

Address:

.85

Zip

Telephone:

Fax:

Email address:

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request:

ADDRESS OF SUBJECT SITE:

3/23/26

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN):

Amended Conditional Zoning District CD or CB

CURRENT ZONING DISTRICT(S):

PROPOSED ZONING DISTRICT(S):

TOTAL SITE AREA:

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE:

PRE-APPLICATION MEETING:

(Date)

NEIGHBORHOOD MEETING:

(Date)

(report due prior to application submittal)

INTERNAL USE ONLY

DATE RECEIVED:

PLANNER:

CASE FILE #:

FEE PAID \$:

It is important that the applicant provide information to explain how the rezoning request satisfies the following questions. Please attach additional sheets if necessary.

1. **What changed or changing condition(s) justifies the passage of the amendment?** Discuss how circumstances have so changed since the property was last zoned.

see attached narrative

2. **Explain how the map amendment would be consistent with the *Create Wilmington Comprehensive Plan* and adopted special area plans (e.g., corridor plans, neighborhood plans, etc.).**

see attached narrative

3. **Briefly explain the expected impacts on the areas if the proposed zoning map amendment is approved.**

see attached narrative

4. **Describe any other circumstances that justify that the proposed amendment in the public interest.**

see attached narrative

Section B. *SUBMITTAL INFORMATION AND PROCEDURE*

- (1) Supplementary information is **REQUIRED** as part of the application. See Section C below for required information.
- (2) All applications require a pre-application meeting prior to submittal. Applications may be submitted after pre-application meetings and all applications **MUST** be reviewed by planning staff for completeness **PRIOR** to the acceptance. Please **do not** leave your application materials without speaking to a planner. Applications left this way will not be processed or scheduled for planning commission review.
- (3) A receipt for application fees must accompany the application.
- (4) Applications shall be submitted according to the adopted filing calendar and will be considered by the planning commission at the regular meeting noted on the official acceptance form.
- (5) The applicant or agent should appear at all hearings. Planning commission meetings are typically held at 6:00 P. M. in at City Hall, council chambers (second floor) 102 N. 3rd Street, Wilmington, North Carolina, usually on the first Wednesday of each month. Applicants will be informed of any change in date, time, or location of meetings.
- (6) A written summary of at least one neighborhood meeting (Section 18-567), for which notification was sent to property owners within 300 feet of the subject site, must be submitted to the city clerk before an application will be accepted. See Sec. 18-567. For complete information on neighborhood meetings.
- (7) Conceptual site plan review (pre-TRC consultation) by the technical review committee (TRC) is required for all conditional district map amendment applications. To avoid potential processing and scheduling delays, applicants are advised to have completed a conceptual review with the TRC prior to rezoning application submittal. If a conceptual review has not occurred at time of application, the proposed development will be scheduled for conceptual review at the next available TRC meeting.

Section C. REQUIRED SUPPLEMENTAL INFORMATION

PLEASE INCLUDE ALL OF THE FOLLOWING INFORMATION. Please check the list below carefully before you submit:

- ☐ Agent form if the applicant is not the property owner;
- ☐ Detailed project narrative describing the site, proposed rezoning, uses, and any applicable prescribed conditions;
- ☐ One digital copy (pdf) of the site plan, drawn to scale, that includes, at minimum, the site and proposed building information as indicated in Section D below;
- ☐ Legal description of property requested for rezoning, by metes and bounds;
- ☐ Receipt of application fee;
- ☐ Receipt of mailing fee;
 - An invoice will be emailed for the mailing fee at a cost of \$0.85 per notice. Note that this cost will include two mailings, one mailing notifying property owners for planning commission review and a second mailing notifying property owners of city council review. Payment must be made within 5 business days of the invoice.
- ☐ Current to-scale copy of the New Hanover County tax map delineating the subject property.

Section D. INFORMATION REQUIRED TO BE INCLUDED ON THE SITE PLAN

The following information is required to be shown on the site plan submitted with this application. If any of the required information is not included on the site plan, reasons for excluding that information must be given.

- ☐ **A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), the general location in relation to major streets, railroads, and waterways, the date and north arrow;**
- ☐ All existing easements, reservations, and rights-of-way, existing and proposed;
- ☐ Approximate location on the site of proposed buildings, structures, and other improvements;
- ☐ Approximate dimensions, including height, of proposed buildings and structures;
- ☐ Proposed use of land and buildings, including the number of residential units and the total square footage of any nonresidential development;
- ☐ All required and proposed yards, buffers, screening, and landscaping;
- ☐ All existing and proposed points of access to public streets;
- ☐ Delineation of areas within the regulatory floodplain as shown on official flood hazard boundary maps;
- ☐ Proposed phasing, if any;
- ☐ The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development;
- ☐ Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, and bicycle and pedestrian facilities;
- ☐ Generalized traffic, parking, and circulation plans;
- ☐ Tree survey; and
- ☐ Traffic impact analysis, if required.

In evaluating the proposal, staff, planning commission, and city council may request additional information from the applicant. Additional information may include the following:

- Proposed screening, buffers, and landscaping over and above that required by the land development code, as well as proposed treatment of any existing natural features;
- Scale of buildings relative to abutting property;
- Building elevations and exterior features of proposed development;
- Any other information needed to demonstrate compliance with the land development code; and
- Proposed number and locations of signs.

OWNER'S SIGNATURE*: *In filing this application for a zoning map amendment, I/we as the property owner(s), hereby certify that all information presented in this application is accurate to the best of my knowledge, information, and belief. I hereby designate _____ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to speak for me in any public meeting regarding this application.*

Signature/Date: Matthew Hearn, Reggies LLC, Manager 4/1/2026

Conditional District Amendment Narrative – 1417 Unit

1. What changed or changing condition(s) justifies the passage of the amendment?

The existing Conditional Zoning District limits the flexibility of the site to adapt to current neighborhood and market conditions. The surrounding area includes a mix of residential and commercial uses, and there is a need for low-impact, neighborhood-compatible uses that better serve the area. This amendment is limited to the 1417 unit (currently operating as a barber shop) and allows that space to function more effectively. No changes are proposed to the existing 42nd Street Tavern use at 1415.

2. Explain how the amendment is consistent with the Create Wilmington Comprehensive Plan.

The proposed amendment is consistent with the Create Wilmington Comprehensive Plan by supporting adaptive reuse of an existing structure, encouraging neighborhood-scale commercial activity, and promoting compatible infill development without increasing intensity. The amendment applies only to the 1417 unit and does not alter the existing use at 1415, which will remain unchanged.

3. Briefly explain the expected impacts on the area if the amendment is approved.

The proposed amendment is expected to have minimal impact on the surrounding area. No expansion of the existing building footprint or increase in site intensity is proposed. The amendment is limited to the 1417 unit, and the existing 42nd Street Tavern at 1415 will remain unchanged. The proposed uses are low impact and compatible with the surrounding neighborhood in terms of scale, traffic, and operations.

4. Describe any other circumstances that justify that the amendment is in the public interest.

The amendment serves the public interest by allowing flexible, low-impact uses within an existing structure, supporting local economic activity while maintaining compatibility with surrounding properties and preserving the character of the area. The request is limited to the 1417 unit and does not affect the existing use at 1415.

NEIGHBORHOOD MEETING FOR CONDITIONAL DISTRICT REZONING PROPOSAL

To: Penelope Spicer-Sidbury, City Clerk

Case No.: Pending

Location: 1415-1417 S. 42nd Street Wilmington, NC

Proposed zoning: Conditional District Rezoning Amendment

I hereby certify that written notice of a neighborhood meeting on the above conditional district map amendment application was mailed to property owners with 300 feet, as set forth on the attached list, by first class mail on (date) April 20, 2026. A copy of the written notice is also attached.

The meeting was held at the following date, time and location: May 4, 2026 at 5:30 PM at Reggies 42nd Street Tavern, 1415 S. 42nd st, Wilmington NC

The persons in attendance at the meeting were: Elaine Morrison, Drew Stevens, Denise Shakelford, Casandra Harris, Susan Auten, Uriah Espleshade, Shane Bates.

The following issues were discussed at the meeting: Attendees discussed neighborhood traffic concerns and general questions regarding the proposed amendment and potential future uses within the existing tenant space.

As a result of the meeting, the following changes were made to the rezoning application: No substantive changes were made as a result of the meeting.

Date: May 6, 2026
Applicant: Matthew Hearn
By: Matthew Hearn

Please submit this report to the Wilmington City Clerk's office located at 929 N Front Street or mail it to Penelope Spicer-Sidbury, City Clerk, PO Box 1810, Wilmington, NC 28402-1810.

Re: Conditional District Application Timeline

MH Matt Hearn <mattshike@gmail.com>
To Tucker Cherry

You replied to this message on 5/29/2026 9:38 AM.

reggies llc 1415 42nd st deed.pdf
239 KB

Hi Tucker,

Attached is the recorded deed for the property. The legal description is included in Exhibit A.

For the proposed Conditional District amendment, our current intent is to allow a small restaurant use within the existing commercial space. To keep it flexible for future low-impact reuse of the existing building, we would also like to include the following commercial use categories:

- Restaurant
- Food catering services
- Artisan food and beverage production
- General retail, small-scale
- General personal services
- Offices
- Studio, performing art, fine art, dance, martial arts
- Recreation facility, private

We want to allow compatible, low-impact commercial uses within the existing structure without significantly increasing the overall intensity of the site.

Please let me know if you want this list be narrowed or framed differently for the Conditional District amendment.

Thanks again,
Matt

On Thu, May 28, 2026 at 9:30 AM Tucker Cherry <Tucker.Cherry@wilmingtonnc.gov> wrote:

Attached is the Commercial Use Table which shows all allowable uses in the district (RB). You can use this to go through and pick the uses you'd like to include.

Summarize

☀️ 😊 ↩️ Reply ⏪ Reply All → Forward 👤 ⋮

Thu 5/28/2026 11:02 AM