

CASE SUMMARY • CONDITIONAL DISTRICT REZONING

City Council Legislative Hearing • August 4, 2026

Project Planner | Tucker Cherry

1. Case Overview and Status

Application to conditionally rezone ± 0.45 acres located at **1415 & 1417 42nd Street** to modify an existing RB (CD), Regional Business Conditional District to allow for additional uses. (Matthew Hearn, Reggie's LLC, Applicant and Owner, 910-262-1451).

Staff Recommendation

- Conditional Approval

Planning Commission

- 7/8/2026, Conditional Approval, 6-0.

City Council

- Legislative Hearing scheduled for 8/4/2026



Report Organization

1. Case Overview & Status
2. Executive Summary & Recommendation
3. Analysis
4. Attachments

CD-PC-2026-0004

Attachment 2
Aerial Imagery
1415 & 1417 42nd St

- Site
- Parcels



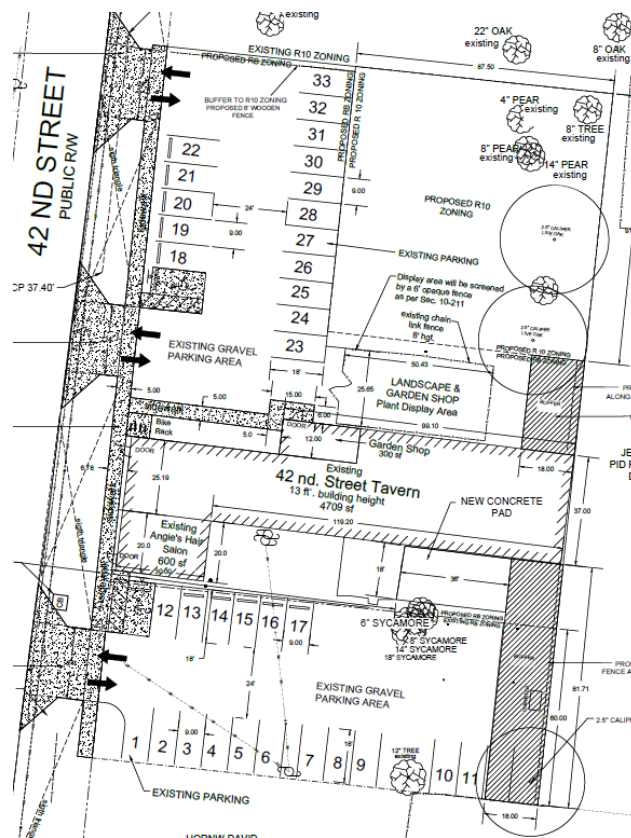
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2. Executive Summary & Recommendation

2.1 Proposal

- The applicant proposes modifying an existing RB (CD), Regional Business Conditional District to allow additional permitted uses.
- The previous approval included a nightclub, personal services, and a retail plant shop as permitted uses. As a condition of approval, an 8-foot-tall opaque wooden fence was required along the northern and eastern property lines adjacent to the R-10, Residential zoning district.
- The applicant proposes to modify the current conditional district to allow additional commercial uses, including restaurants, food catering services, artisan food and beverage production, small-scale general retail, general personal services, offices, studios, performing arts, fine arts, dance, martial arts, & recreation facility (private) (Attachment #5).
- According to the application (Attachment #2), the initial focus of the application is to provide flexibility to the existing commercial unit located at 1417 42nd Street, which is approximately 600 square feet in size and currently contains a general personal service use (42nd Street Barber Shop). However, the additional uses would also be applicable to the existing tavern and retail plant shop as well, provided all other applicable Land Development Code requirements are met.
- No site plan changes are proposed as part of this request.

Figure 2.1-A: Previously Approved Site Plan



2.2 Community Outreach

2.2.1 Community Meetings

A community meeting was held on May 4, 2026, at Reggie's 42nd Street Tavern, 1415 S. 42nd Street. Seven people attended, and no changes were made to the plans as a result of the meeting. Attendees discussed neighborhood traffic concerns and general questions regarding the proposed amendment and potential future uses within the existing tenant space. A copy of the community meeting report is attached (Attachment #4).

2.2.2 Public Hearing Notices

	Planning Commission Public Hearing 7/8/26	City Council Public Hearing 8/4/26
<i>Signs Posted By</i>	6/23/2026	7/21/2026
<i>Letters mailed to property owners within 300 feet by</i>	6/23/2026	7/21/2026
<i>Advertisement Date(s)</i>	6/29/2026	7/24/26 & 7/31/26

2.2.3 Other

No other communication has been received as of the date of this report.

2.3 Staff Recommendation: **CONDITIONAL APPROVAL**

2.3.1 Criteria for Review and Recommendation

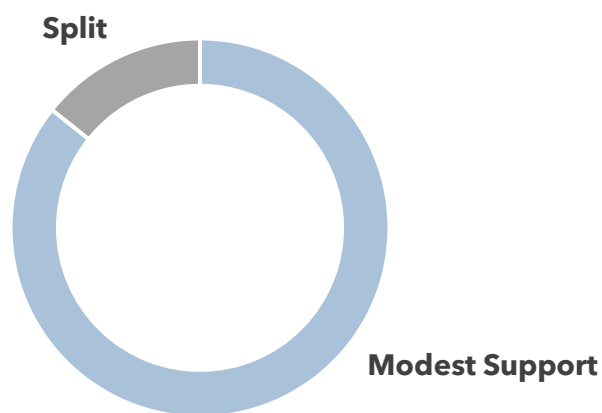
Section 18-586(C)(1) of the Land Development Code (LDC) states: Conditional map amendment decisions shall be made in consideration of identified relevant adopted land use plans for the area, including comprehensive, strategic, district, area, neighborhood, corridor, and other policy documents.

2.3.2 Basis for Staff Recommendation

In reviewing the application, staff notes:

- The Comprehensive Plan promotes quality design and site planning so that new development, infill, and redevelopment are implemented with minimal adverse impacts on the desired character of the existing built environment.
- The proposed modified conditional district is consistent with the existing development pattern found along this section of 42nd Street.
- The proposal includes permitting additional uses including 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).
- The proposal would not result in an expansion of the existing building footprint.
- The proposed rezoning is consistent with the *Create Wilmington Comprehensive Plan*. Staff has evaluated the proposal for consistency with several policies, the policies identified below support the proposed rezoning:

- **1.2.1.** Development should create places, streets, and spaces that are visually attractive, safe, accessible, functional, inclusive, have their own distinct identities, and maintain or improve desired character.
- **1.6.6.** Commercial infill and redevelopment should be bicycle- and pedestrian-friendly.
- **1.7.3.** The need to increase housing supply, neighborhood commerce, and to mature as a city should be balanced with the need to protect desired neighborhood character, preserve historic resources, and protect the natural environment.
- **1.11.3.** Areas well-suited for infill and redevelopment should be redeveloped in a way that maintains or enhances the desired character of the surrounding area, improves access to goods, services, and amenities, increases housing options, and improves the overall quality of life in the vicinity.



2.4 Planning Commission Recommendation: **CONDITIONAL APPROVAL**

The Planning Commission held a legislative hearing on July 8, 2026. No one spoke in support of or in opposition to the request, and no written communications were received. Following discussion, the Planning Commission voted to recommend approval 6-0.

2.5 Recommended Conditions

Staff recommends conditional approval subject to the previously approved conditions as modified below based on the finding that the request is consistent with adopted plans, reasonable, and in the public interest:

(Condition 5 has been modified as part of this request.)

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the City of Wilmington Technical Standards and Specifications Manual and any other applicable federal, state, and local law, ordinance, or regulation, as well as the conditions stated below.

In the event of a conflict, the more stringent requirement or higher standard shall apply.

2. Approval of this conditional district rezoning does not constitute technical approval of the site plan. Final approval by the technical review committee and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
4. The use and development of the subject property shall be in accordance with the site plan as submitted and accepted by City Council on August 2, 2022.
5. ~~The proposed uses~~ Permitted Uses shall be limited to ~~the existing nightclub, and personal service use, along with the proposed retail garden shop~~ restaurant, food catering services, artisan food and beverage production, small-scale general retail, general personal services, offices, studios, performing arts, fine arts, dance, martial arts, and private recreation facility.
6. An 8-foot-tall opaque wooden fence shall be required along the northern and eastern property lines adjacent to the R-10, Residential zoning district.

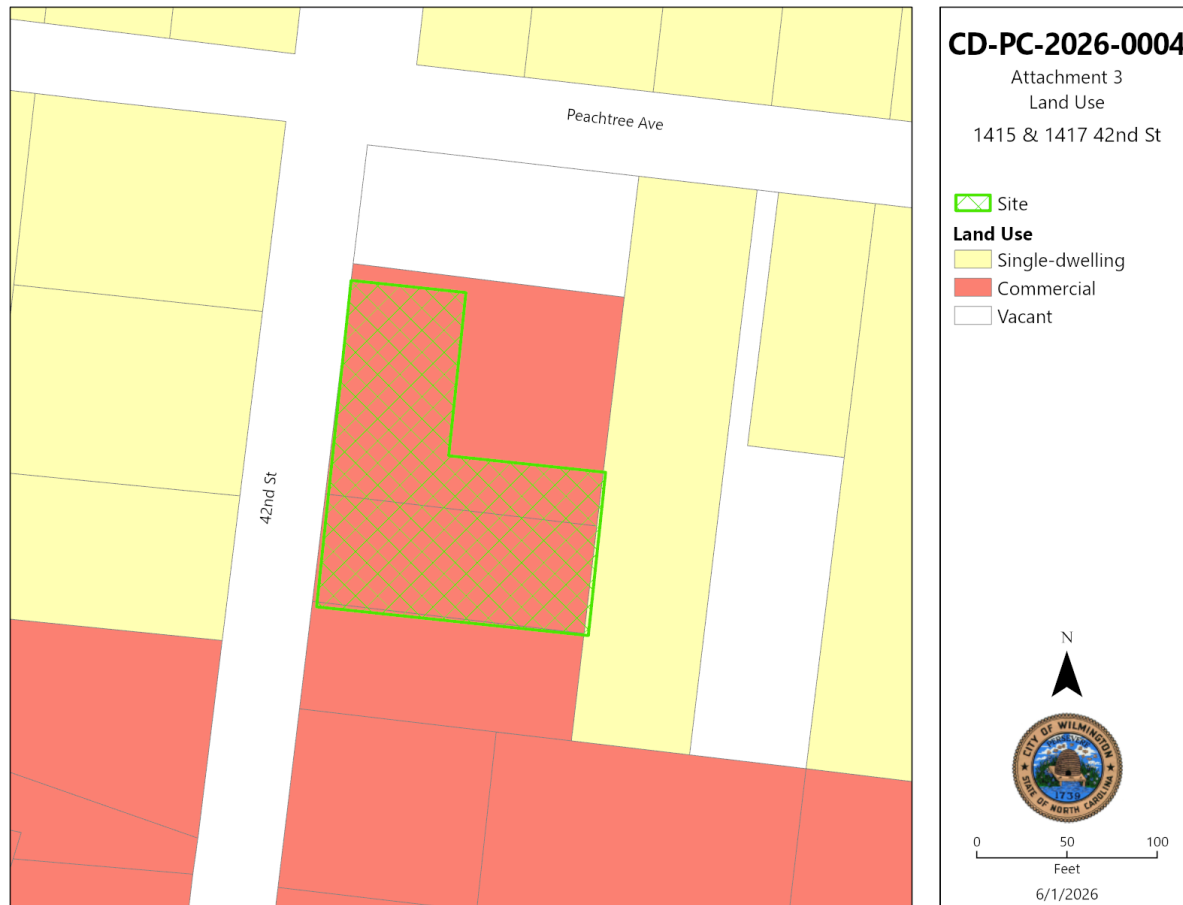
3. Analysis

3.1 Site History

- The site includes one parcel that contains a commercial structure with three units fronting 42nd Street and associated parking. Existing uses on this site include a nightclub, retail garden shop, and barber shop.
- On June 21, 2022, City Council approved a rezoning from R-10, Residential to RB (CD), Regional Business (Conditional District), to allow an existing nightclub and beauty salon to continue and add a retail plant shop as a permitted use (CD-22-422).

3.2 Area Context and Existing Conditions

Map 3.1-A: Land Use and Zoning



	Current Zoning	Existing Land Use(s)
Subject Property	RB (CD)	Nightclub, Personal Service, Retail
North	R-10	Single-dwelling residential
South	RB	Commercial
East	R-10, RB	Single-dwelling residential, Commercial
West	R-10, RB, CB	Single-dwelling residential, Commercial

3.3 Consistency of Proposed Development with Land Development Code (LDC) Requirements

The following information represents a preliminary analysis of the proposed development's compliance with applicable LDC requirements per section 18-157(B). Key components are identified and summarized below.

3.3.1 Zoning District Purpose Statements

- RB (CD), Regional Business (Conditional District) (existing):** This district is intended to accommodate the range of retail and service uses serving the broad needs of the community and surrounding region. Larger-scaled retailers, auto-related businesses, and

similar uses, not generally appropriate for or out of character with the CB district, are permitted. While the RB district should be located primarily along arterial roadways, care should be taken to ensure compatibility with adjacent uses, allow for pedestrian movement, and minimize conflicts with traffic along abutting streets. Generally, these areas are already developed and are likely to undergo change only through business turnover, infill, or redevelopment.

3.3.2 Parking

- No changes to the previously approved conditional district site plan are proposed with the modification to the rezoning boundaries.

3.3.3 Buffers, Landscaping, and Trees

- No changes to the previously approved conditional district site plan are proposed with the modification to the rezoning boundaries.

3.3.4 Environment

- The site is not located within a Special Flood Hazard Area.

3.3.5 Stormwater

- No changes are proposed to the site layout or impervious area.

3.4 Consistency with *Create Wilmington Comprehensive Plan*

The Comprehensive Plan identifies three questions to be considered when determining the consistency of a proposed use or zoning district with the Comprehensive Plan:

- Is the proposal consistent with the themes and policies contained in the Comprehensive Plan?
- Is the form and function of the proposed development appropriate for the category designated on the Growth Strategy Maps?
- Will community facilities, parks, and other infrastructure be available at the appropriate levels to serve the development as proposed?

Analysis of policies that apply to the proposed amendment is organized according to these three considerations. Only policies directly related to the location and design of development and associated infrastructure have been included in this analysis. (Policies that recommend regulation changes and policies that recommend action by the City or other organizations were deemed not applicable to this proposal.)

Not all policies carry equal weight; applicability and priority of policies may depend on the specifics of the proposal.

The policy analysis uses the following symbology:

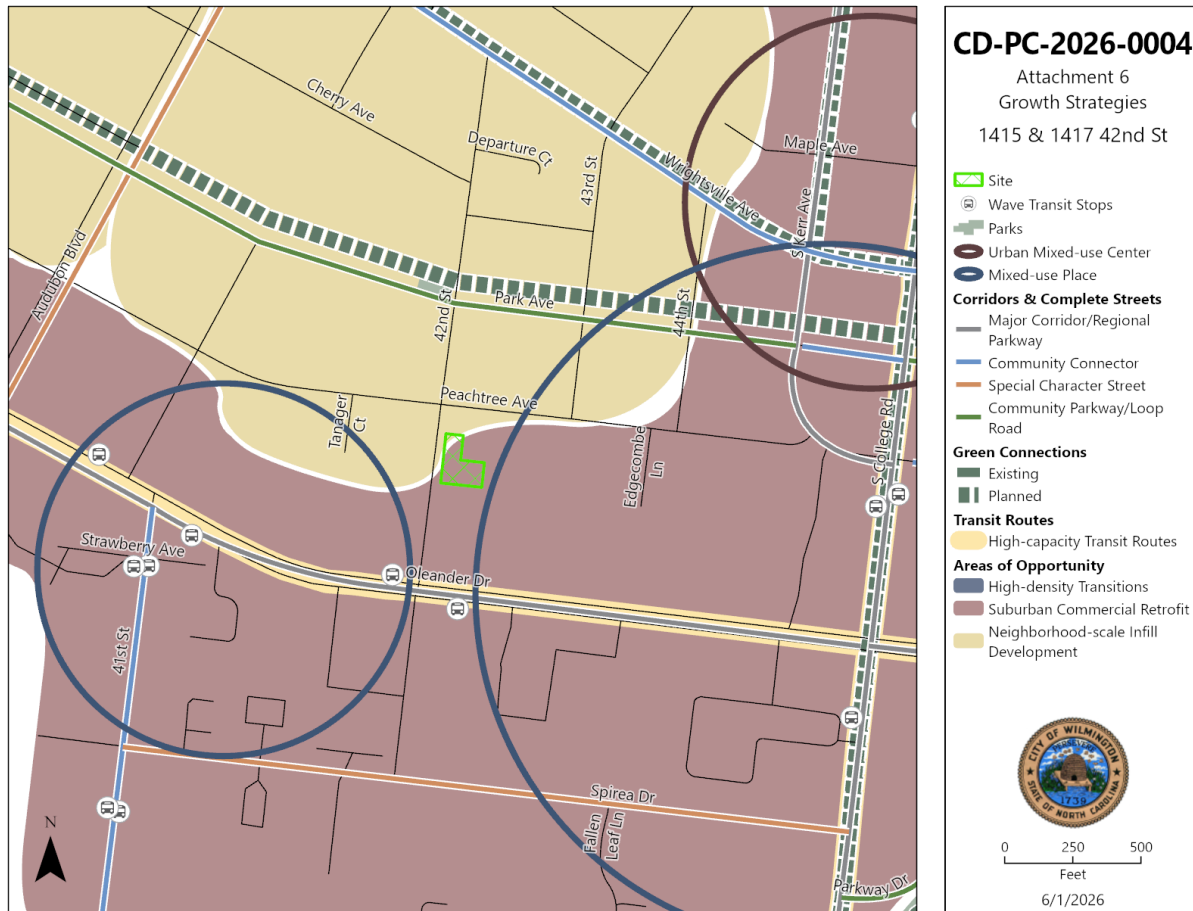
Strong Support	Modest Support	Split (Modest Support & Modest Non-Support)	Modest Non-Support	Strong Non-Support
				

3.4.1 Is the Proposal consistent with the policies contained in the Comprehensive Plan?

1 Development and City Building	
Citywide Growth	
1.2.1	Development should create places, streets, and spaces that are visually attractive, safe, accessible, functional, inclusive, have their own distinct identities, and maintain or improve desired character. 
1.2.2	Development should occur in a compact pattern that reinforces the efficient provision of public services and utilities, improves the performance of the transportation network, preserves open space, and reduces negative impacts of low-intensity and noncontiguous development patterns. 
Commercial Districts, Corridors, and Nodes	
1.6.5	The location of high-impact commercial uses that generate excessive late-night activity and noise should not negatively impact the quality of life in nearby residential areas. 
1.6.6	Infill sites within existing neighborhoods should be developed consistently with the design elements of nearby structures and in a manner that enhances or improves the character of the area. 
Neighborhood Conservation and Revitalization	
1.7.3	The need to increase housing supply, neighborhood commerce, and to mature as a city should be balanced with the need to protect desired neighborhood character, preserve historic resources, and protect the natural environment. 
Infill and Redevelopment	
1.11.3	Areas well-suited for infill and redevelopment, should be redeveloped in a way that maintains or enhances the desired character of the surrounding area, improves access to goods, services, and amenities, increases housing options, and improves the overall quality of life in the vicinity. 
2 Bicycle and Pedestrian Circulation	
2.6.10	Where appropriate, primary building entrances should front onto publicly accessible, easily discernible, and Americans with Disabilities Act-compliant sidewalks that lead directly from the street to the building entrance. 

3.4.2 Is the form and function of the proposed development appropriate for the category designated on the Growth Strategies Maps?

Map 3.5.2-A: Growth Strategies Map



Areas of Opportunity

The site is located within a Suburban Commercial Retrofit and Neighborhood-Scale Infill Development Areas of Opportunity, and between two Mixed-Use Place Mixed-Use Centers, as identified on the comprehensive plan's growth strategies map. These designations promote commercial development where appropriate, placing an emphasis on surrounding neighborhood character and compatibility. Within commercial districts, development should be designed at a height, mass, scale, and form that is appropriate and provides a suitable transition to the surrounding areas. The plan also supports additional services and uses near existing neighborhoods in an effort to reduce the length and number of vehicle trips. Providing the proposed additional retail services near an existing neighborhood is generally consistent with the plan.

There are several types of Areas of Opportunity, and they vary in terms of land use hierarchy, intensity of development, and anticipated change. Each area has an overarching

growth strategy. Development within an Area of Opportunity should reflect the underlying community development patterns.

3.5 Consistency with Adopted Plans

3.5.1 Walk Wilmington Plan

Map 3.5-1-A: Walk Wilmington Map

- The sidewalks have been provided as part of the previous approval and are consistent with the Walk Wilmington recommendation.

3.6 Level of Service Impacts

3.6.1 Will community facilities, parks, and other infrastructure be available at appropriate levels to serve the development as proposed?

Vehicular Traffic

- Driveways off 42nd Street provide access to the lot.
- Table 3.5.3-A below indicates that the surrounding street network is currently operating within its designed capacity at a level of service (LOS) of E and A. Table 3.5.3-B suggests that there would be a minimal increase in the estimated vehicle trips associated with the proposal when compared to the maximum intensity allowed under the current zoning.

Table 3.5.3-A. Current Volumes, Capacities, and Levels of Service

Road	Location	ADT(WMPO)	Planning Capacity	V/C	LOS
42nd Street	Between Peachtree Avenue & Oleander Drive	3,111	10,978.25	0.28	A

Table 3.5.3-B. Estimated Trip Generation

Zoning	Land Use	Intensity	AM Peak Hour Trips	PM Peak Hour Trips	Average Weekday 2-way Volume Trips (ADT)
RB (CD) (existing)*	Barber Shop - Hair Salon	600 sf	1	1	N/A
		TOTAL:	1	1	N/A
RB (CD) (proposed)	Restaurant- High Turnover (Sit Down) Restaurant	600 sf	6	5	64
		TOTAL:	6	5	64
		NET DIFFERENCE	+5	+4	+64

Source: Institute of Transportation Engineers Trip Generation, 11th Edition, 2021.

Bicycle, Pedestrian, and Transit Facilities

- There are existing sidewalks along 42nd Street and a pedestrian connection from the building to the public sidewalk is provided.

Public Utilities

- The site has access to water and sewer mains along 42nd Street.

Table 3.5.3-C. Cape Fear Public Utilities (CFPUA)

Utility Type	Ownership	Size	Location
Water Main (Existing)	CFPUA	8"	42 nd Street
Sewer Main (Existing)	CFPUA	8"	42 nd Street

4. Attachments

3. Conditional District Rezoning Application (dated 05/13/2026)
4. Community Meeting Report (dated 05/13/2026)
5. Current Conditional District Site Plan (dated 07/29/2022)
6. Current Conditional District Ordinance (6/21/2022)
7. Aerial Map (06/15/2026)
8. Land Use Map (06/15/2026)
9. Zoning Map (06/15/2026)
10. Growth Strategies Map (06/15/2026)
11. Walk Wilmington Map (06/15/2026)
12. Planning Commission Consistency Statement (dated 7/8/26)
13. Draft Planning Commission Minutes (dated 7/8/26)