

CASE SUMMARY • GENERAL DISTRICT REZONING

Planning Commission Legislative Hearing • August 7, 2024

Project Planner | Miranda Frantz | 910.772.4133 | Miranda.Frantz@WilmingtonNC.gov

1. Case Overview and Status

Application to rezone ±2.37 acres located at **1107 & 1109 S. Front Street; 1106 & 1112 S. 2nd Street; 101, 104, 108, 112, 114, 115, & 116 Marsteller Street** from LI, Light Industrial and R-3, Medium-High-Density Mixed Residential District to UMX, Urban Mixed Use District. (Patrick M. Carroll & Carol J. Carroll, Skyline Realty Inc., Applicant & Owner, patrickmcmahoncarroll@aol.com, 603.986.6081).

Staff Recommendation

- Denial

Planning Commission

- Legislative Hearing scheduled for 8/7/2024

City Council

- Public Hearing tentatively scheduled for 9/3/2024 (pending outcome of Planning Commission)



Z-3-824

Attachment 2
Aerial Imagery

1107 & 1109 S Front St;
1106 & 1112 S 2nd St;
101, 104, 108, 112, 114,
115, & 116 Marsteller St

- Site
- Parcels



7/19/2024

Report Organization

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

2. Executive Summary & Recommendation

2.1 Proposal

- The applicant proposes to rezone the site from LI, Light Industrial and R-3, Medium-High-Density Mixed Residential District to UMX, Urban Mixed-Use District.
- The subject site includes a total of 11 parcels which currently contain one large bricked historic warehouse, vacant land, a detached single-dwelling unit, and two additional commercial buildings.
- The property is located within the Wilmington Expansion National Register Historic District.
- According to the Wilmington Historic District Boundary Expansion and Additional Documentation, 2003, the brick warehouse, known as the Bear-Sol Winery was built in 1913 and is a contributing structure.
- The nomination further states, the structure appears to have little alteration from its original appearance, though facade breaks indicate a possible early addition or infill at the southwest corner.
- According to the 1915 Sanborn Fire Insurance Maps, the subject properties contained one- and two-story residential dwellings as well as the Bear & Co. Wine Manufacturing brick structure at the corner of South Front and Marstellar Streets.
- On September 1, 2020, City Council reviewed a rezoning of the properties located at 1121 South Front Street, 1112 South 2nd Street, 101, 104, 108, 112, 114, 115 & 116 Marstellar Street from LI, Light Industrial District & R-3, Central City Residential District to UMX, Urban Mixed-use District. The item was continued out of concern for preserving the existing historic warehouse (Z-2-1119).
- On September 15, 2020, at the applicant's request, City Council voted to remand the item back to the Planning Commission to consider a conceptual site plan and rezoning the subject properties to UMX(CD), Urban Mixed-use District (Conditional District).
- On September 15, 2020, the applicant submitted an application (CD-2-1020) for a conditional district rezoning for properties located at 1121 South Front Street, 1112 South 2nd Street, 101, 104, 108, 112, 114, 115 & 116 Marstellar Street from LI and R-3 to UMX(CD) for all permitted uses within UMX with a condition that the main building located at 101 Marstellar Street shall not be demolished.
- On October 12, 2021, prior to the October 19, 2021 City Council Meeting, the applicant requested withdrawal of the conditional district rezoning application.

2.2 Community Outreach

2.2.1 Public Hearing Notices

	Planning Commission Public Hearing	City Council 9/3/2024 Public Hearing (tentative)
<i>Signs Posted</i>	7/25/2024	8/22/2024

<i>Letters mailed to property owners within 300 feet</i>	7/25/2024	8/22/2024
<i>Advertisement Date(s)</i>	8/2/2024	8/23/2024 & 8/30/2024

2.2.2 Other

Staff have received no communication regarding the proposal at the time of this writing.

2.3 Staff Recommendation: DENIAL

2.3.1 Criteria for Review and Recommendation

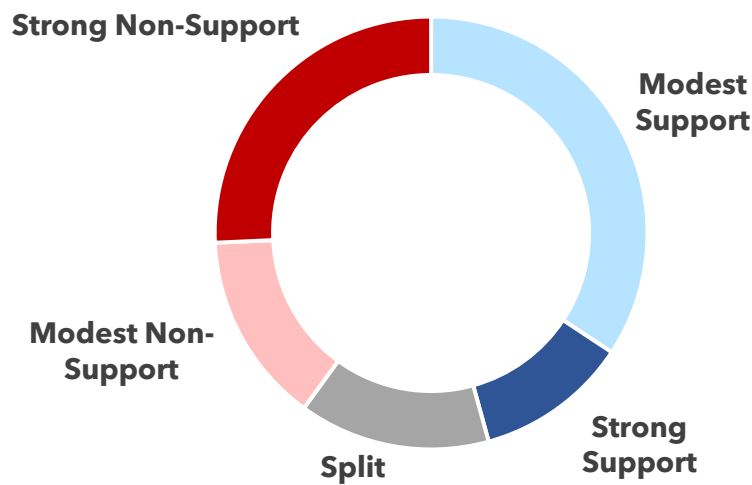
General rezoning decisions are made in consideration of identified relevant adopted land use plans for the area, including comprehensive, district, area, neighborhood, corridor, and other policy documents.

2.3.2 Basis for Staff Recommendation

In reviewing the application, staff notes:

- The site is within a Post Industrial & Inner-City Area of Opportunity and along a Community Connector on the Comprehensive Plans Growth Strategies Map.
- The plan recognizes that historic preservation helps capitalize upon and nurture the built environment and the distinct places and neighborhoods that make Wilmington unique. Historic resources, including buildings, landmarks, landscapes, natural areas, public viewsheds, cemeteries, brick streets, and archaeological resources should be identified, preserved, and protected.
- Adaptive reuse of historic buildings and sites should be encouraged to support the goals of housing diversity and affordability, economic development, environmental sustainability, parks and recreation, and urban design, particularly in areas with a strong historic context.
- The Plan encourages development to create places, streets, and spaces that are visually attractive, safe, accessible, functional, inclusive, have their own distinct identities, and maintain or improve desired character.
- The Plan also defines historic preservation as the essence of Wilmington as a Southern port city and preservation critical in shaping Wilmington’s future urban form. Historic preservation helps capitalize upon and nurture the built environment and the distinct places and neighborhoods that make Wilmington unique. The proposed UMX district has the potential to meet many of these design priorities.
- The Southside Small Area Plan supports UMX rezoning on the northern side of Marstellar Street and maintaining the existing residential lot development on the south side of Marstellar Street. A goal of the SSAP is to provide a balanced mix of land uses that offer options for residents while ensuring new development is compatible with and enhances the neighborhood. The SSAP encourages preservation of buildings located within the National Register of Historic Places and to pursue landmark designation for significant historic structures. The existing Bear-Sol Winery building is a significant historic structure.

- Based on previous City Council history and direction, staff recommends denial of the proposed general rezoning as there is no mechanism through a general rezoning to ensure of preservation of the existing historic structure on the site.
- The proposed general rezoning is not consistent with the recommendations of the Create Wilmington Comprehensive Plan. While staff has evaluated the proposal for consistency with several policies, the policies listed below are not supportive of the proposed rezoning:
 - **1.7.5** Historic and unique neighborhoods with an abundance of desired character should be protected and conserved through the use of zoning, reinvestment, and other tools.
 - **11.1.1** Historic resources, including buildings, landmarks, landscapes, natural areas, public viewsheds, cemeteries, brick streets, and archaeological resources should be identified, preserved, and protected.
 - **11.1.2** The city’s historic resources and heritage should be recognized and promoted as an economic asset. As the city grows and redevelops, stewardship of neighborhoods, places, landmarks, historic districts, and landscapes should be fostered.



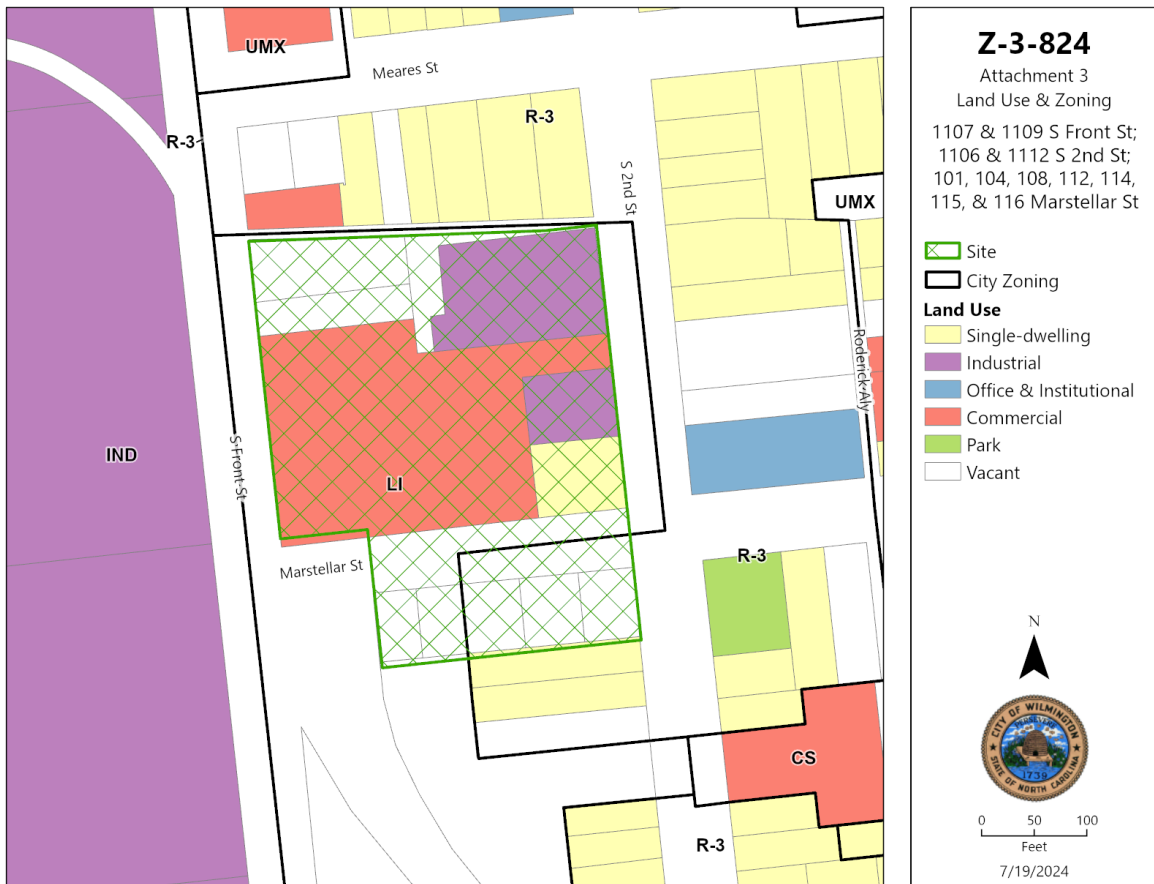
2.4 Planning Commission Recommendation: PENDING

Pending outcome of the August 7, 2024, legislative hearing.

3. Analysis

3.1 Area Context and Existing Conditions

Map 3.1-A: Land Use and Zoning



	Current Zoning	Existing Land Use(s)
Subject Property	LI & R-3	Vacant, Residential, Industrial, Commercial
North	R-3	Residential, Commercial, Vacant
South	LI & R-3	Residential, Vacant
East	R-3	Residential, Vacant, Office & Institutional, right-of-way
West	IND	Industrial, right-of-way

3.2 Site History

- On January 9, 2007, City Council approved a general rezoning request for property located at 114 Marstellar Street from LI, Light Industrial to R-3, Residential District (Z-13-1206).
- On September 1, 2020, City Council reviewed a rezoning of the properties located at 1121 South Front Street, 1112 South 2nd Street, 101, 104, 108, 112, 114, 115 & 116 Marstellar Street from LI, Light Industrial District & R-3, Central City Residential District to UMX, Urban Mixed-use District. The item was continued out of concern for preserving the existing historic warehouse (Z-2-1119).

- On September 15, 2020, at the applicant’s request, City Council voted to remand the item back to the Planning Commission to consider a conceptual site plan and rezoning the subject properties to UMX(CD), Urban Mixed-use District (Conditional District).
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- On October 12, 2021, prior to the October 19, 2021 City Council Meeting, the applicant requested withdrawal of the conditional district rezoning application.

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

3.3.1 Existing & Proposed Zoning District Purpose Statements

- **LI, Light Industrial (existing):** This district is intended to accommodate light manufacturing, distribution, research, and appropriate support service. These types of light industrial operations range in size and intensity, with lower intensity operations compatible with other nonresidential uses.
- **R-3, Medium-high-density Mixed Residential District (existing):** The R-3 district is intended to accommodate small-lot single dwelling residential uses in or adjoining a mix of residential types, mixed-use, and commercial developments in which compact walkable patterns are desired. This district supports the continued viability of neighborhoods within the 1945 Corporate Limits, where there exists a historic development pattern of small lots with limited setbacks, limited off-street parking, and a vibrant architectural character. This district is created to support reinvestment in mature parts of the city by allowing a variety of compatible housing forms in a dense development pattern consistent with the established character.
- **UMX, Urban Mixed Use (proposed):** The urban mixed-use district is intended to assure an appropriate development pattern is maintained within the 1945 Corporate Limits through 5 main objectives:
 1. Enhance and preserve existing urban development patterns by encouraging compatible infill and redevelopment;
 2. Effect quality design and a variety of built forms of lasting value that result in a pedestrian scale;
 3. Provide a mix of housing options;
 4. Promote and enhance transit options, particularly those that are pedestrian-oriented, while reducing demand for automobile trips; and
 5. Encourage a mix of uses to foster a sense of community.

District regulations include design elements intended to enhance the urban form, increase neighborhood safety, add flexibility for small, urban lots, and complement the historic built environment. The historic urban development pattern frequently includes a fine-grain mix of uses on multiple lots within close proximity to one another. The mix of uses is achieved through many smaller, independent lots working together in a greater

context. The UMX district is also intended to help implement goals of placemaking, bicycle, and pedestrian connectivity, and a strong urban form. This district is not intended to be applied to separate use historic districts. UMX is not intended to be applied outside of the 1945 Corporate limits.

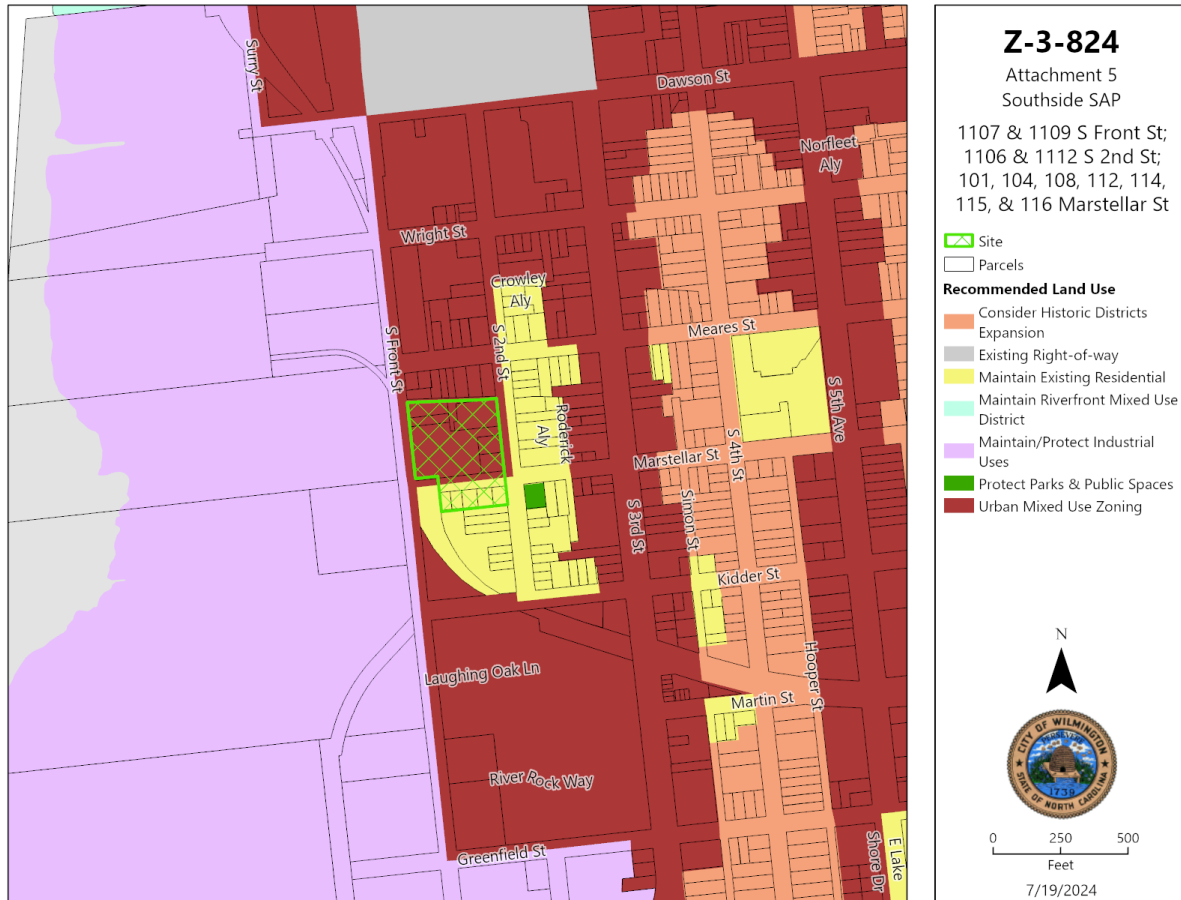
3.4 Consistency with Adopted Plans

3.4.1 CAMA Plan

The property is designated as Urban in the 2006 CAMA plan.

3.4.2 SouthSide Small Area Plan (2009)

- The site is located within the plan boundary of the Southside Small Area Plan (SSAP). The Plan supports UMX rezoning on the northern side of Marstellar Street but maintaining the existing residential lot development on the south side of Marstellar Street.



Map		SouthSide Small Area Plan
Objective 6 - Rezoning, Development, and Redevelopment		
6.2	Support development/redevelopment that promotes the vitality and stability of the neighborhood, including introducing an appropriate mix of uses and placement of commercial services within range of residential areas.	↕
6.4	Restore and rehabilitate existing structures that can be saved/preserved rather than clearing them out to replace them with new structures.	↓
Objective 11 - Availability of Goods and Services		
11.4	Encourage the conversion of vacant or under-used buildings to more appropriate uses. Develop an urban mixed-use zoning district that is appropriate for urbanized areas such as the SouthSide. This district should encourage more suitable development patterns than existing zoning districts.	↕
Objective 17 - Compatibility		
17.1	Support the creation of an urban mixed-use district to apply to areas identified on the Recommended Land Use Map as appropriate for mixed-use development.	↑
17.3	Protect established residential areas, as identified on the Recommended Land Use Map.	↓
Objective 19 - Industrial Base		
19.2	Encourage the reuse of vacant industrial buildings for mixed-use.	↑
Objective 21 - Historic Resources		
21.2	Recognize historically significant buildings and sites through local exhibits and/or signage programs such as Historic Wilmington Foundation's plaque program.	↓
21.3	Pursue landmark designation for historically significant buildings, structures, sites, objects, and areas.	↓
21.6	Preserve buildings located within the National Register of Historic Places, including contributing buildings located in areas identified on the Redevelopment Opportunities Map and properties identified as suitable for urban mixed-use zoning on the Recommended Land Use Map.	↓

3.4.3 Walk Wilmington Plan

The Walk Wilmington Plan does not provide any recommended pedestrian facilities in the immediate vicinity.

3.5 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 are applicable to the proposed amendment are organized pursuant to these three considerations. Only policies that directly relate to the location and design of development and associated infrastructure have been included in this analysis. (Policies that









recommend changes to regulation as well as 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:



3.5.1 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. 
Land Use and Transportation	
1.3.4	Mixed-use development that provides a range of services within walking distance of integrated residential development should be promoted as a way to help reduce motor vehicle trips. Developments that reduce reliance on single-occupancy motor vehicles should be supported. 
1.3.6	Transit-oriented and transit-ready development should be promoted around existing and planned transit stations and stops. 
Mixed-use Development	
1.5.2	Integration and mix of uses should be provided within all “Areas of Opportunity” and “Mixed-use Centers” identified in the Growth Strategies Maps. These developments may vary in scale and intensity, but should all contribute to the city’s livability, manage future growth, and provide bike, pedestrian, and transit accessible destinations. 
1.5.3	The development of mixed-use activity centers with multimodal transportation connections should be promoted. Convenient and accessible residential and employment should be a part of mixed-use centers. 
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. 
1.7.4	Unique character areas that have become marked by vacant or abandoned buildings, underutilized older buildings, and low occupancy rates should be priority areas for rehabilitation and adaptive reuse. 

1.7.5	Historic and unique neighborhoods with an abundance of desired character should be protected and conserved through the use of zoning, reinvestment, and other tools.	↓
1.7.9	Infill development should enhance or improve the existing physical development pattern of the area. The development of lots that have been historically difficult to infill or redevelop should be facilitated.	↕
Industrial Development		
1.10.2	The rezoning and redevelopment of industrial land for non-industrial uses should be supported when the location can no longer viably support industrial activities or is located such that industrial use is not consistent with the Growth Strategies Maps. The reuse and redevelopment of non-viable, outdated industrial buildings for new uses should be supported.	↕
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.	↑
5 Economic Development		
Neighborhood Reinvestment		
5.2.4	In neighborhoods with little private investment and low social and economic indicators, additional development and density that enhances the area should be supported. Efforts to create a larger market base to support more and better goods and services for new and existing residents should be fostered.	↑
Economic Development and Land Use		
5.5.5	Land use patterns and zoning regulations should support retail, office, and mixed-use infill and should not push retail to edge locations or promote the abandonment of existing retail centers. Emerging and re-emerging retail districts should be identified and encouraged to capitalize on those specific characteristics and niches that make them distinctive and desirable to patronize.	↑
6 Environment and Natural Resources		
Low-Impact Development Practices		
6.6.4	Historic preservation, adaptive reuse, and rehabilitation of buildings should be encouraged to maximize location efficiency and embodied energy.	↓
9 Urban Design and Placemaking		
Unique Wilmington		
9.1.8	New development should reflect the context within which it is constructed, both in terms of architectural style and urban form. The adaptive reuse of unique buildings and landscape elements should be encouraged.	↓
10 Downtown Wilmington		
10.1.3	Development of a scale and intensity necessary to strengthen downtown's capacity to support a vibrant retail and office environment and increasing residential population should be encouraged and should be compatible with historic and residential areas.	↕
11 Historic Preservation		
Wilmington's Historic Identity		
11.1.1	Historic resources, including buildings, landmarks, landscapes, natural areas, public viewsheds, cemeteries, brick streets, and archaeological resources should be identified, preserved, and protected.	↓

11.1.2 The city’s historic resources and heritage should be recognized and promoted as an economic asset. As the city grows and redevelops, stewardship of neighborhoods, places, landmarks, historic districts, and landscapes should be fostered.



Housing, Adaptive Reuse, and Rehabilitation

11.3.1 Adaptive reuse of historic buildings and sites should be encouraged to support the goals of housing diversity and affordability, economic development, environmental sustainability, parks and recreation, and urban design, particularly in areas with a strong historic context

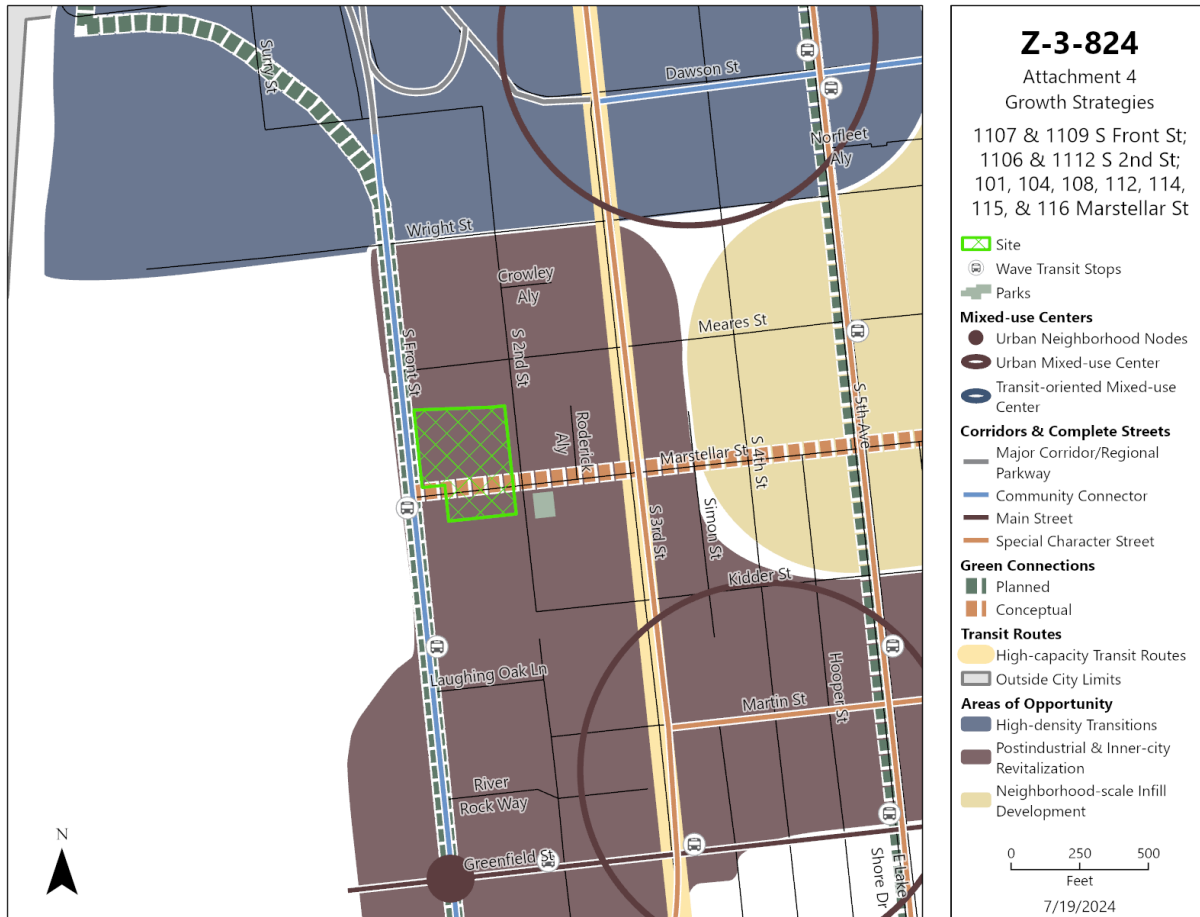


11.3.3 Existing historic context should be used to guide redevelopment and new development within the vicinity of a project.



3.5.2 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 subject property is designated as Post-Industrial and Inner-City Revitalization Area of Opportunity on the Growth Strategies Map. Areas of Opportunity represent the parts of the city that have the greatest potential to accommodate future growth, infill, and new development. Efforts should be made to ensure a cohesive development pattern in these areas.

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 be reflective of the underlying community development patterns.

The following policies are identified for Post-Industrial and Inner-City Revitalization Principles areas and are applicable to the proposal:

Map	Areas of Opportunity
	Post-Industrial and Inner-City Revitalization Principles
	Increase densities with full-block, yet pedestrian scale, mixed-use development.



Encourage adaptive reuse of buildings.	↑
Foster the identity of small urban neighborhoods and sub-districts.	↑

Corridors & Complete Streets

A robust hierarchy of streets and paths is needed to achieve our desired growth patterns. This map identifies which roadways should be prioritized for automobiles and freight travel and where the needs of all modes of travel need to be balanced and prioritized. The types of corridors and complete streets vary based on preferred building conditions, street design, pedestrian priority, overall character, regional significance, and other factors.

The following policies are identified for Community Connector Principles and are applicable to the proposal:

Map	Corridors & Complete Streets
Community Connectors Principles	
Line these corridors with a mix of building and site types at varying densities and setbacks.	↑
Use these transitional corridors to protect existing residential character.	↑

Open Space and Green Connections

The subject property is located along a Greenway. No policies were identified for or applicable to the proposal.

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

Vehicular Traffic

- 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 **A & F**. Table 3.5.3-B indicates that there would be an increase in the estimated vehicle trips associated with the proposal when compared to the maximum intensity allowed under the current zoning.
- The NCDOT widening project for South Front Street has been specifically designed to preserve the existing historic warehouse structure. Construction is expected to begin in June of 2027 (U-5734).

Table 3.5.3-1. Current Volumes, Capacities and Levels of Service

Road	Location	Volume	Planning Capacity	V/C	LOS
S. Front Street	Between Meares & Kidder Streets	27,534	16,804	1.64	F
Marstellar Street	Between S. Front Street & S. 3 rd Street	320	4,000	0.08	A
S. 2 nd Street	Between Meares & Kidder Streets	130	4,000	0.03	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)
UMX (proposed)	Attached Multiple-Dwelling	60 units	41	46	460
TOTAL:			41	46	460
LI (existing)	Warehouse*	60,500 sq. ft.	10	11	134
R-3 (existing)	Detached Single-Family	3 units	2	3	28
R-3(existing)	Accessory Dwelling Unit	3 units	1	2	20
TOTAL:			13	16	182
NET DIFFERENCE			+28	+30	+278

*Assumes potential development of 60% of building lot coverage under current L&I zoning. Source: Institute of Transportation Engineers Trip Generation, 11th Edition, 2021.

Bicycle, Pedestrian and Transit Facilities

- Sidewalks will be required along all road frontages with any future development. There are existing sidewalks located along Marsteller Street, S. 2nd Street, and a portion of S. Front Street.
- The nearest WAVE Transit stop is located along S. Front Street near its intersection with Marsteller Street, approximately 0.02 miles from the site.

Public Utilities

- The site has access to water and sewer mains along S. Front Street, S. 2nd Street, and Marsteller Street.

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

Utility Type	Ownership	Size	Location
Water Main (Existing)	CFPUA	12"	S. Front Street
Sewer Main (Existing)	CFPUA	8"	S. Front Street
Water Main (Existing)	CFPUA	8"	S. 2 nd Street
Sewer Main (Existing)	CFPUA	8"	S. 2 nd Street
Water Main (Existing)	CFPUA	6"	Marsteller Street
Sewer Main (Existing)	CFPUA	8"	Marsteller Street

4. Attachments

1. General Rezoning Application (dated 6/24/2024)