

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

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## Shaw Highway – NC 53 Gas Station Conditional Rezoning

**Case Number:** REZONE 2024-70

**Application Type:** Conditional Rezoning

**Applicant:** Hardison Building, Inc.

**Owners:** Hardison Building, Inc.

**Location:** 8929 NC Highway 53; at the southeast corner of Shaw Highway and NC Highway 53

**Property ID #(s):** 3351-98-7498-0000, 3351-98-6391-0000, 3361-09-0499-0000

**Description:** Hardison Building, Inc., applicant and owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone three tracts of land totaling approximately 5.46 acres from the Residential Performance (RP) and Rural Agricultural (RA) zoning district to a conditional General Business (GB) district. The requested use is a gas station with a convenience store.

**Current Zoning:** Residential Performance (RP) & Rural Agricultural (RA)

**Board of County Commissioners/Planning Board Meeting/Technical Review Committee**

TRC: 7/11/2024, PB: 8/6/2024, BOCC: 9/16/2024

**Included:** Application Materials, Application Package

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## Conditional Zoning Map Amendment Submission (Conditional Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. \_\_\_\_\_ **Pre-submittal Meeting**  
Date of Meeting \_\_\_\_\_
2. ✓ \_\_\_\_\_ **Signed Application**
3. ✓ \_\_\_\_\_ **Payment** 5.46 acres --> \$510  
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. ✓ \_\_\_\_\_ **Generalized Site Development Plan**  
All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application.
5. ✓ \_\_\_\_\_ **Narrative**  
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
6. \_\_\_\_\_ **Public Input Meeting Report**  
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.
7. ✓ \_\_\_\_\_ **Digital Submission**  
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.
8. ✓ \_\_\_\_\_ **Adjacent Property List**  
A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the perimeter of the project bounds.
9. ✓ \_\_\_\_\_ **Adjacent Property Envelopes**  
The applicant shall provide three sets of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage. No return address shall be placed on the envelopes at the time of submission.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant

Handwritten signature of Dean Hardison in black ink.

Date

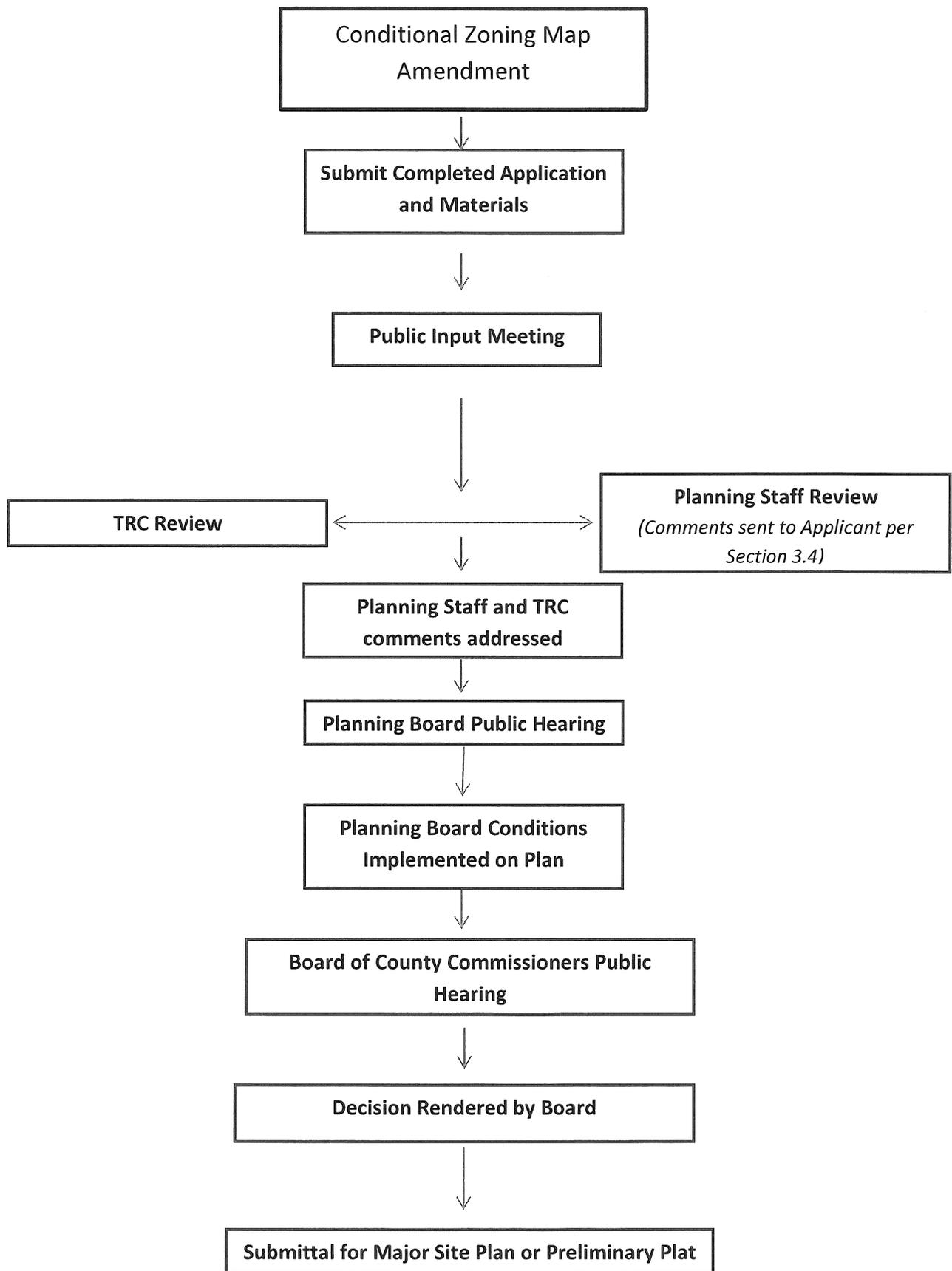
5/23/2024

Printed Name

Dean Hardison, President,  
Hardison Building, Inc.

Staff Initials: \_\_\_\_\_

Date: \_\_\_\_\_



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## **CONDITIONAL REZONING**

### **Intent**

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

### **Application**

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

### **Public Input Meeting**

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
- 4. The applicant's report of the meeting shall include:
  - a. A copy of the letter announcing the meeting.
  - b. A list of adjoining property owners contacted.
  - c. An attendance roster.
  - d. A summary of the issues discussed.
  - e. The results of the meeting including changes to the project's proposal, if any.

### **Review**

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

- 1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
- 2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
- 3. The report of results from the public input meeting.

## APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
<b>Application No.</b>	ZMA-CD	<b>Date</b>	
<b>Application Fee</b>	\$	<b>Invoice Number:</b>	
<b>Pre-Application Conference</b>		<b>Hearing Date</b>	
<b>SECTION 1: APPLICANT INFORMATION</b>			
<b>Applicant's Name:</b>	Hardison Building, Inc. Dean Hardison, President	<b>Owner's Name:</b>	<div style="border: 1px solid black; border-radius: 50%; padding: 10px; width: fit-content; margin: auto;">                     THE APPLICANT IS THE PROPERTY OWNER                 </div>
<b>Applicant's Address:</b>	PO Box 809	<b>Owner's Address:</b>	
<b>City, State, &amp; Zip</b>	Wrightsville Beach, NC 28480	<b>City, State, &amp; Zip</b>	
<b>Phone Number:</b>	910-794-1501	<b>Phone Number:</b>	
<b>Email Address:</b>	dean@hardisonbuilding.com	<b>Email Address:</b>	
<b>Legal relationship of applicant to landowner:</b>		THE APPLICANT IS THE PROPERTY OWNER	
<b>SECTION 2: PROJECT INFORMATION</b>			
<b>Property Identification Number (PIN) and Current Zoning District:</b>	3351-98-7498-0000 (RP) 3351-98-6391-0000 (RP) 3361-09-0499-0000 (RA)	<b>Total property acreage:</b>	5.46 ac
		<b>Proposed Zoning District:</b>	General Business (GB)
<b>Project Address or Location:</b>			
<b>Proposed Uses to be Considered (Include NAICS Code):</b>			
Gas Station with Convenience Store (45711)			
<b>Proposed Uses to be Eliminated from Consideration (Include NAICS Code):</b>			
<b>SECTION 3: SIGNATURES</b>			
<b>Applicant's Signature</b>		<b>Date:</b>	5/23/2024
<b>Applicant's Name Printed</b>	Dean Hardison, President, Hardison Building, Inc.		
<b>Owner's Signature</b>	<div style="border: 1px solid black; border-radius: 50%; padding: 10px; width: fit-content; margin: auto;">                     THE APPLICANT IS THE PROPERTY OWNER                 </div>		
<b>Owner's Name Printed</b>			
<b><u>NOTICE TO APPLICANT</u></b>			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

# Conditional (Zoning Map) Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form						
<input checked="" type="checkbox"/>	Application fee						
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.						
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with <b>first class</b> postage for each of the adjacent and abutting property owners on the above list. <span style="float: right;">3</span>						
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.						
<input checked="" type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board						
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners						
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials						
<input type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)						
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.						
<input checked="" type="checkbox"/>	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application						
<input checked="" type="checkbox"/>	<p>A generalized site development plan shall include the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways &amp; public facilities.</li> <li><input checked="" type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed.</li> <li><input checked="" type="checkbox"/> All existing easements, reservations and rights of way.</li> <li><input checked="" type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands.</li> <li><input checked="" type="checkbox"/> For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures.</li> <li><input checked="" type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections.</li> <li><input checked="" type="checkbox"/> All proposed setbacks, buffers, screening and landscaping.</li> <li><input checked="" type="checkbox"/> Phasing.</li> <li><input checked="" type="checkbox"/> Signage.</li> <li><input checked="" type="checkbox"/> Outdoor lighting.</li> <li><input checked="" type="checkbox"/> Current zoning district designation and current land use status.</li> <li><input checked="" type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.</li> </ul>						
<b>Office Use Only</b>							
<b>ZMA-CD Fees:</b> ( <i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i> )					<b>Total Fee Calculation:</b> \$		
<b>Attachments Included with Application: (Please include # of copies)</b>							
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N	
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____			<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input type="checkbox"/> Check # _____	
<b>Application received by:</b>					<b>Date:</b>		
<b>Application completeness approved by:</b>					<b>Date:</b>		
Dates scheduled for public hearing:			<input type="checkbox"/> <b>Planning Board:</b>		<input type="checkbox"/> <b>Board of Commissioners:</b>		

## Conditional Rezoning Standards Checklist

When submitting a conditional rezoning application, the site plan and supporting materials must provide proposed standards for a variety of standards which are guided by the zoning district. This may be by requesting custom standards or by requesting the existing standards of an existing general use zoning district. Please provide proposed standards for:

<input type="checkbox"/>	Maximum density
<input type="checkbox"/>	Setbacks (Front, side, rear, corner)
<input type="checkbox"/>	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
<input type="checkbox"/>	Structure separation
<input type="checkbox"/>	Minimum lot size
<input type="checkbox"/>	Maximum building height
<input type="checkbox"/>	Permitted uses (Including NAICS code)
<input type="checkbox"/>	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
<input type="checkbox"/>	Sign standards to the extent that the UDO's requirements are zoning district-specific

Where desired, the applicant must explicitly request varying standards for different uses within the conditional zoning district.

**Conditional rezoning applications may not be used to vary from the general standards of the ordinance, including but not limited to:**

- Traffic Impact Analysis thresholds
- Stormwater regulations
- Open space/recreational unit requirements
- Street design standards
- Off-street parking standards
- HOA requirements
- Water and wastewater requirements

The Pender County Planning Board and Board of County Commissioners may approve or deny the request entirely, or approve with modifications. Additionally, In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition.

Project: PW-1730  
Engineer: DLM  
Date: 5/23/2024

**3351-98-7498-0000, 3351-98-6391-0000, & 3361-09-0499-0000**  
**Conditional Zoning Project Narrative**

The 5.46 acre site is located at the southeast corner of the intersection of NC Highway 53 East and Shaw Highway (SR 1523) in an unincorporated portion of Pender County, NC. The site consists of 3 parcels which are presently zoned RP and RA. Adjoining properties are zoned RP and RA with a mix of vacant land and single family residences. A conditional rezoning to General Business (GB) is proposed to enable a convenience store with fuel pumps. This use is intended to serve the surrounding community as well as the travelling public on NC 53 and Shaw Highway.

The improvements illustrated on the conditional zoning sketch plan are consistent with the GB zone and depict a 5,000 sf gas station/convenience store with 5 fuel islands. The exact size, quantity, and alignment of these improvements may be altered as the site design process moves forward however the buffers, setbacks, and general scope of improvements shall be retained.

The site is presently vacant and wooded with a stand of mostly small pines and hardwoods. Aerial photography indicates the majority of the property to have been logged in 2008 or 2009. A home and associated improvements were located on 3361-09-0499-0000 as recently as 2012. Evidence of this residence, including a pair of driveway connections, remain.

The site is generally flat, with drainage primarily overland to the roadside ditches to the north and west. The area at large drains to the south towards Shelter Creek.

Full movement driveways are depicted on both the Shaw Highway and NC 53 frontages. The exact number, location, and allowable turning movements at the driveway(s) shall be determined by turn lane warrant and/or traffic impact analyses and through consultation with NCDOT.

Water service will be supplied by Pender County Utilities by way of a tap on an existing main in NC 53. The site will be sewer served by way of a proposed onsite septic system.

Stormwater runoff will be collected by inlets and conveyed to an NCDEQ wet pond designed to treat and release the 1.5" storm in 2–5 days. Additional detention shall be provided as required to meet Pender County requirements.

Erosion control shall be accomplished through the temporary use of gravel construction entrances, silt fence, and hardware cloth and gravel inlet protection. The stormwater pond will be used as a skimmer basin during site construction and will be converted to a stormwater basin once the site is stabilized. Riprap aprons will be installed and left in place at all pipe outlets.

**NOTES:**

- CORNERS ARE MARKED AS NOTED ON MAP.
- ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
- AREA COMPUTED BY THE COORDINATE METHOD.
- THIS PROPERTY IS ZONED RA.
- A PORTION OF THIS PROPERTY DOES LIE WITHIN A FLOOD HAZARDOUS AREA. PER F.I.R.M. #3720336000J DATED 2/16/07 FLOOD ZONE AE ELEVATION = 16.6'.
- NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
- BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (FRONT 30' // SIDE 15' // REAR 30')
- THESE PARCELS CANNOT BE USED FOR BUILDING DEVELOPMENT, UNLESS AN APPROVED WASTE WATER DISPOSAL METHOD HAS BEEN APPROVED AND PERMITTED BY THE PENDER COUNTY ENVIRONMENTAL HEALTH DEPARTMENT OR APPROPRIATE STATE AGENCY OR UNLESS A NEW PLAT IS APPROVED AND RECORDED AS REQUIRED UNDER THIS ORDINANCE. TRACT 6 HAS A EXISTING SEPTIC SYSTEM.**

No complete title search was performed for this survey.

This map is subject to any easements, agreements or rights of way prior to the date of this map that were not visible at my time of inspection.

NC GRID MON.  
"GARAGE"  
NAD 83 (2001)  
NORTHING 319,192.28'  
EASTING 2,361,647.88'  
ELEV. 19.44' (NAVD 88)

**LEGEND:**

- ⊠ ECM (EXISTING CONCRETE MONUMENT)
- EIP (EXISTING IRON PIPE)
- OR EIS (EXISTING IRON STAKE)
- △ EN&C (EXISTING NAIL & CAP)
- ⊠ N. C. GRID MONUMENT
- + Pt. (POINT)
- POWER/UTILITY POLE
- PROPERTY LINE
- - - NON-SURVEYED LINE
- - - EASEMENT LINE
- - - DITCH LINE
- ⊕ ( CENTER LINE)
- R/W (RIGHT OF WAY)

**TRACT 6 AREA:**  
3.39 AC± GROSS  
0.36 AC± R/W  
0.36 AC± R/W  
2.03 AC± NET

**TRACT 5 AREA:**  
39.44 AC±

STATE OF NORTH CAROLINA PENDER COUNTY

I, \_\_\_\_\_ REVIEW OFFICER OF PENDER COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

**CERTIFICATION OF REGISTRATION BY REGISTER OF DEEDS**

PENDER COUNTY NORTH CAROLINA

REGISTER OF DEEDS

MAP OF RECOMBINATION FOR DAVID GREER

HOLLY TOWNSHIP - PENDER COUNTY - NORTH CAROLINA  
SCALE: 1" = 200' OCTOBER 28, 2022



**⊕ COURSE & DISTANCE ORCHARD ROAD ("A" TO "B") NEW 30' WIDE ACCESS EASEMENT**

Course	Bearing	Distance
L1	S 67°56'43" E	50.10'
L2	S 39°58'45" E	185.41'
L3	S 43°45'47" E	108.52'
L4	S 46°19'47" E	115.08'
L5	S 41°05'36" E	112.47'
L6	S 32°02'08" E	106.99'
L7	S 06°41'49" E	57.08'
L8	S 05°42'24" E	75.54'
L9	S 01°24'48" E	92.28'
L10	S 15°33'43" E	35.04'
L11	S 37°17'40" E	25.18'
L12	S 70°20'14" E	33.30'
L13	S 79°30'09" E	70.45'
L14	S 74°49'38" E	81.16'
L15	S 65°51'49" E	47.15'
L16	S 46°10'02" E	37.96'
L17	S 30°34'17" E	115.68'
L18	S 09°49'24" E	60.90'
L19	S 00°21'18" E	118.96'
L20	S 03°47'35" W	92.96'
L21	S 10°04'09" E	82.72'
L22	S 35°24'48" E	45.15'
L23	S 47°55'26" E	38.79'
L24	S 35°34'10" E	37.45'
L25	S 17°35'29" E	43.24'
L26	S 11°41'40" E	78.61'
L27	S 23°46'36" E	32.02'
L28	S 35°54'20" E	58.31'
L29	S 60°00'05" E	323.94'
L30	S 34°35'24" W	58.11'

**Surveyor Certificate III**

This plat is a survey of another category, such as the recombination of existing parcels, a court-ordered survey or other exception to the definition of subdivision and is therefore not subject to regulation by a Subdivision Ordinance.

**Surveyor Certificate I  
CERTIFICATION OF SURVEY AND ACCURACY**

I, Frederick W. Jones, PLS, certify that this plat was drawn by me from an actual field survey made by me from information as noted hereon; that the boundaries not surveyed are clearly indicated as dashed lines; that this map was prepared in accordance with G.S. 47-30 as amended; that the ratio of precision as calculated is 1:10000+ and is correct to the best of my knowledge and belief. Witness my original Signature, License Number and Seal

this \_\_\_\_\_ day of \_\_\_\_\_ AD, 2022.

Frederick W. Jones, PLS  
NC License No. L-4503



I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of recombination with my free consent. I certify that the land as shown hereon is located within the subdivision jurisdiction of Pender County.

Owner \_\_\_\_\_

Date \_\_\_\_\_

**Owner**  
DAVID GREER CONSTRUCTION INC  
P.O. BOX 15064  
WILMINGTON NC 28408

Parcel Identifiers will be issued for all parcels shown on this plat after recordation.  
TAX PIN #3361-08-1600-0000  
TAX PIN #3361-07-4121-0000

Tax Office \_\_\_\_\_ Date \_\_\_\_\_

PARCEL ID # \_\_\_\_\_

PARCEL ID # \_\_\_\_\_

**SURVEY REFERENCE:**  
TRACT B  
MAP BOOK 50 AT PAGE 116  
DEED BOOK 4439 AT PAGE 280  
DEED BOOK 4472 AT PAGE 11  
PENDER COUNTY REGISTRY

**F.W. JONES  
Surveying Company**  
N.C. LICENSE No. F-1036  
P.O. Box 1471  
111 East Fremont Street  
Burgaw, NC 28425  
Ph: (910) 259-2954  
Fx: (910) 259-9040  
Em: jonesurveying@bellsouth.net  
File: PF 15 GREER DAVID SHAW  
NC 53 SACTRACT

ADIRONDACK TIMBER COMPANY, INC. I  
C/O FOREST INVESTMENT ASSOCIATES L.P.  
15 PIEDMONT CENTER, SUITE 1250  
ATLANTA, GA 30305

BLAKE CHRISTOPHER THOMAS  
8848 NC HIGHWAY 53 EAST  
BURGAW, NC 28425

CHERYL MCNEILL WOODDELL  
PO BOX 939  
BURGAW, NC 28425

HARDISON BUILDING, INC.  
PO BOX 809  
WRIGHTSVILLE BEACH, NC 28480

RANDALL W. HENDERSON  
12625 SHAW HIGHWAY  
BURGAW, NC 28425

NAOMI B. MORTON LIFE ESTATE  
12665 SHAW HIGHWAY  
BURGAW, NC 28425

CHARLES W. PLOURDE, JR.  
208 BUFF CIRCLE  
WILMINGTON, NC 28411

GERALD D. MORTON  
12665 SHAW HIGHWAY  
BURGAW, NC 28425

W.L. BURCH HEIRS  
C/O SYLVIA B. LUCK  
1340 WEST LITTLE NECK ROAD  
VIRGINIA BEACH, VA 23451