



# Planning Board Regular Meeting Agenda

**Town of Swansboro**

Tuesday, December 05, 2023

## I. Call to Order

## II. Approval of Minutes

- [a.](#) July 11, 2023 Special Meeting Minutes
- [b.](#) August 1, 2023 Regular Meeting Minutes

## III. Business

- [a.](#) **Zoning Map Amendment to Rezone four parcels from R-10SF to RA**  
***Presenter: Andrea Correll, AICP- Planner***

Members of the Corbett family wish to down zone their property from R-10SF to RA (Agriculture) to continue the family farm (harvesting pecan trees) which has been the use since the 1930s.

*Recommended Action: Consider a motion to recommend or deny rezoning of the parcels listed above from R-10SF (Single Family Residential) to RA (Residential/Agricultural) to the Board of Commissioners.*

- [b.](#) **Historic District Color Palette Amendment to the UDO**  
***Presenter: Rebecca Brehmer, Projects/Planning Coordinator, CFM***

During the October 17, 2023, meeting, the Swansboro Historic Preservation Commission made a motion to recommend amendment to the historic district color palette along with amendment to Section 152.479 subsection 58.

*Recommended Action: Make a motion to recommend amendment to the color palette with edits discussed and amend Section 152.479 subsection 58 to the Board of Commissioners.*

## IV. Chairman/Board Thoughts/Staff Comments

## V. Public Comments

## VI. Adjournment

**Town of Swansboro  
Planning Board  
Special Meeting Minutes  
July 11, 2023**

Item II - a.

**Call to Order**

The meeting was called to order at 5:30 pm. Board members in attendance were, Scott Chadwick, Christina Ramsey, Edward Binanay, Ed McHale, and Joseph Brown. Absent Sherrie Hancock and Clara Abalos.

**Business**

*Text Amendment to 152.179 Table of Permitted/Special Uses*

Projects/Planning Coordinator Brehmer reviewed a request from Swansboro High School to allow the replacement of the existing band tower in the front yard of the High School.

In response to inquiries from the board Christine Thompson representing Swansboro High School

- The tower is currently 20 feet tall the new band tower will be 35 feet.
- Band tower Will be constructed in three levels.
- The contractor estimated that construction could take up to two weeks to complete.
- The materials that will be used will withstand storm/hurricane.
- Materials used will be wood and the stairs will be steel.

A motion by Mr. Chadwick, seconded by Mrs. Ramsey, the text amendments related to 152.179 Table of Permitted/Special Uses was unanimously recommended for approval to the board of commissioners.

*Amendment to the CAMA Land Use Plan*

Planner Correll reviewed land use amendment is to clarify the recommendations from Appendix A concerning environmentally sensitive areas. Change to the wording on page 29 to “Isolated Wetlands” (*As reference, Appendix A pages 29-30 attached hereto*)

In response to inquiries from the board the following clarifying points were made by Planner Corell:

- On page 30 of the Swansboro CAMA Land Use Plan, updated changes have been made in order to clarify environmentally sensitive areas.
- This is the policy we are developing to protect the Wetlands.
- After the amended Land Use Plan has been approved by the Board of Commissioners, the update will be forwarded to CAMA.
- The creation of a Wetland Review Board would be considered If necessary.

After acknowledgement of attendance Mayor Pro Tem Frank Tursi stated that the change of language from Isolated Wetlands to Environmentally Sensitive Areas is acceptable, as long as Environmentally Sensitive areas are clearly defined.

A motion by Mr. Chadwick, seconded by Mr. Binanay, the Amendment to the CAMA Land Use Plan was unanimously recommended for approval to the board of commissioners.

**Board Comments**

Mr. McHale wanted to state for the record that he was not coerced into making any decisions on the changes to the Table of Permitting by the Planning Board Chairman. A subcommittee was created and worked together on the recommendations.

Mr. Chadwick acknowledged the comments made by Mr. McHale and was uninformed of the comments created from the recommendations the subcommittee made.

**Adjournment**

On a motion by Mrs. Ramsey, seconded by Mr. Binanay, the meeting adjourned at 6:46 pm

**Town of Swansboro  
Planning Board  
Regular Meeting Minutes  
August 1, 2023**

**Call to Order**

The meeting was called to order at 5:30 pm. Board members in attendance were, Christina Ramsey, Scott Chadwick, Edward Binanay, and Ed McHale, Joseph Brown. Sherrie Hancock and Clara Abalos were absent.

**Business*****Text Amendment to 152.016 Definitions of Basic Terms***

Projects/Planning Coordinator Brehmer reviewed a text amendment to section 152.016 Definitions of Basic Terms. It has recently been brought to Staff's attention that the definition of marinas was left out during the 2018 update during which the definition of docks was added. The purpose of this amendment was to clearly differentiate the definition of commercial docks from marinas in the Town UDO.

On a motion by Mr. Chadwick and seconded by Mr. Brown, the text amendment with Comprehensive Plan Consistency Statement was unanimously recommended for approval to the Board of Commissioners.

***Business Cluster Update***

Planner Correll provided an update on the research she conducted on business cluster development. She shared that Wake County had an example where they increased densities for a special use permit or a rezoning. The law professors at the school of governments recommended that the Special use permits are supported because it gave use infinite authority under North Carolina Law. However, they did not feel we had a text amendment authority for staff approval.

In doing additional research Planner Correll reached out to the North Carolina Sea Grant and she had a meeting scheduled with them on August 3, 2023. They had a law professor who was interested in working with the town on the business text amendment and would enlist law students to assist in the writing of the code.

In response to inquiries from the board Planner Correll Clarified that there were no restrictions just incentives.

**Board Comments**

None

**Adjournment**

On a motion by Mrs. Ramsey, seconded by Mr. McHale, the meeting adjourned at 5:42 pm



# Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Zoning Map Amendment to Rezone four parcels from R-10SF to RA**

Board Meeting Date: **December 5, 2023**

Prepared By: **Andrea Correll, AICP- Planner**

**Overview:** Members of the Corbett family wish to down zone their property from R-10SF to RA (Agriculture) to continue the family farm (harvesting pecan trees) which has been the use since the 1930s.

PAR ID 004954 (158 Dr. Corbett Road) +/- 9.05  
PAR ID 048674 (218 Kathleen Place) +/- 1.04 acres  
PAR ID 048675 (218 Kathleen Place) +/- 1.29 acres  
PAR ID 014636 (137 Dr. Corbett Road) +/- 0.58 acres

The proposed downzoning would designate the +/- 11.96 acres of combined properties as Residential/Agriculture. This zoning classification is the same as properties to the west.

## **NC General Statute 160D-601(d). Procedure for adopting, amending, or repealing regulations**

*(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)*

## **Section 152.170 Establishment of Zoning Districts and the Purpose Thereof**

*(B) RA - Residential/Agricultural. The purpose of this district shall be to set aside and protect those lands which are primarily suited for agriculture, agricultural-related uses of woodlands.*

*(F) R10SF-Residential. The purpose of this district shall be that only single-family residential structures shall be permitted in the district.*

## **Background Attachment(s):**

1. Application
2. Location Map
3. Plat of the properties
4. Expanded Analysis
5. Consistency Statement
6. Draft Ordinance

**Recommended Action:** Consider a motion to recommend or deny rezoning of the parcels listed above from R-10SF (Single Family Residential) to RA (Residential/Agricultural) to the Board of Commissioners.

**Action:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Town of Swansboro

601 W. Corbett Avenue Swansboro, NC 28584

Phone (910) 326-4428 - Fax (910) 326-3101

**APPLICATION FOR ZONING & ORDINANCE AMENDMENTS****Check the Appropriate Blank**

- ☐ Add a Use to a Zoning District  
☐ Remove a Use from a Zoning District  
☐ Create a New Zoning District  
☐ Future Land Use Map Amendment

**Application No.**

- ☐ Amend Code of Ordinances  
☐ Amend Unified Development Ordinance  
☒ Zoning District Designation Change

**A complete application must be received with the fee by the third Friday prior to the month of review.**

Property Owner Name James P. + Frances D. Corbett Phone # 910-619-9123

Address of Zoning Request 158 Dr. Corbett Rd, Swansboro, NC 28584

Mailing Address PO Box 8, Swansboro, NC 28584

**Zoning Amendments**

Attach a copy of the legal description of the property (including address if assigned) that is requested for a zoning change (i.e. metes and bounds). The application will not be scheduled for review until these items are received.

Provide a list names and mailing address of adjacent property owner on the reverse side of this application. The application will not be scheduled for review until these items are received.

Present Zoning R10 SF Desired Zoning Agriculture

Probable Use of Property Growing pecan trees

Reason for Zoning Change Request being taxed as water front property but currently used as agriculture growing 9 pecan trees + 3 walnut trees.

**Ordinance Amendments**

Code Section to be amended 52849.09

Print clearly the code section wordage to be amended \_\_\_\_\_

Print clearly the code section wordage as suggested \_\_\_\_\_

Reason for requested amendment \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Future Land Use Map Amendment**

Present Future Land Use Category \_\_\_\_\_ Desired Future Land Use Category \_\_\_\_\_

Use of Property \_\_\_\_\_

Reason for Future Land Use Map Change Request \_\_\_\_\_

**Town Hall Use Only**

Fee Paid \$400 Date Received 10/20/23 Date scheduled for Planning & Zoning Board review 11/9/23

Recommendation from Planning & Zoning Board \_\_\_\_\_

Public Hearing Run Dates \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Effective Date of Change \_\_\_\_\_ Ordinance Number \_\_\_\_\_

1. Patsy Avery  
PO Box 931  
Swansboro, NC 28584
2. Mark A Massengill  
144 Doctor Corbett Rd  
Swansboro, NC 28584
3. Lloyd Ann Cofer  
1009 Harvey Circle  
Kinston, NC 28501-3642
4. James Edward Hurst + Cheryl Booth Hurst  
208 Cambridge Ct  
Jacksonville, NC 28540-6827
5. Susan Casper  
1132 Mt. Pleasant Rd. / PO Box 852  
Swansboro, NC 28584
- Nancy J. Bagley  
4401 Coral Point Dr.  
Morehead City, NC 28557

Doc ID: 002171000002 Type: CRP  
 Recorded: 11/27/2006 at 03:48:59 PM  
 Fee Amt: \$17.00 Page 1 of 2  
 Excise Tax: \$0.00  
 Onslow County, NC  
 Mildred H Thomas Register of Deeds  
 BK 2775 PG 454-455

This deed presented to  
 The Onslow Co Tax Office  
 Date 11/27/06 Clerk MA

### WARRANTY DEED

Prepared by: DOTSON & MILSTED  
 320 New Bridge Street  
 Jacksonville, NC 28540

Stamps: MA

Parcel No: \_\_\_\_\_

Mail to: James and Frances Corbett  
 P.O. Box 8  
 Swansboro, NC 28584

NORTH CAROLINA  
 ONSLOW COUNTY

THIS DEED, made this 27<sup>th</sup> day of November, 2006, by and between JAMES P. CORBETT, JR., and wife, FRANCES D. CORBETT, hereinafter referred to as Grantors, and JAMES P. CORBETT, JR., and wife, FRANCES D. CORBETT, hereinafter referred to as Grantees;

### WITNESSETH:

That the Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell, and convey unto the Grantees, their heirs and assigns, in fee simple, all that certain lot or parcel of land situated in Swansboro Township, Onslow County, North Carolina, and more particularly described as follows:

BEING all of the 8.53 acres or 371,581.40 square feet and the .87 acres or 38,032.64 square feet as shown upon plat entitled "Boundary Survey and Lot Recombination for: James P. Corbett, Jr., and Frances D. Corbett", prepared by Charles A. Rawls, PLS #L-2491, and recorded in Map Book 51, Page 160, Slide L-1495, in the office of the Register of Deeds of Onslow County, North Carolina, said recorded plat being incorporated herein by this reference for the purpose of providing a particular description.

It is the intent and purpose of this deed to combine Onslow County Tax Parcel ID #'s 1324 42 and 1324 42,1 into a single tax parcel.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantees, their heirs and assigns in fee simple.

And the Grantors do covenant that they are seized of the premises in fee simple, and have the right to convey the same, that the same is free and clear of all encumbrances, and that they will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, the day and year first above written.

James P. Corbett, Jr. (SEAL)  
JAMES P. CORBETT, JR.

Frances D. Corbett (SEAL)  
FRANCES D. CORBETT

NORTH CAROLINA  
ONslow COUNTY

I, Barbara J. Gray, a Notary Public in and for said County and State do hereby certify that James P. Corbett, Jr., and wife, Frances D. Corbett, Grantors, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 27<sup>th</sup> day of November, 2006.

Barbara J. Gray  
Notary Public

My commission expires:  
4-10-2011

BARBARA J. GRAY  
NOTARY PUBLIC  
ONslow COUNTY, N.C.

STATE OF NORTH CAROLINA, ONslow COUNTY

The foregoing certificate(s) of \_\_\_\_\_ is (are) certified to be correct. This instrument was presented for registration this \_\_\_\_\_ day of \_\_\_\_\_, 2006, at \_\_\_\_\_ A.M., P.M., and duly recorded in the office of the Register of Deeds of Onslow County, North Carolina, in Book \_\_\_\_\_, Page \_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

REGISTER OF DEEDS

ASSISTANT, DEPUTY  
REGISTER OF DEEDS



Town of Swansboro  
601 W. Corbett Avenue Swansboro, NC 28584  
Phone (910) 326-4428 - Fax (910) 326-3101

Tax Parcel ID:  
0486 Item III - a.  
048675 1.29 ac

### APPLICATION FOR ZONING & ORDINANCE AMENDMENTS

#### Check the Appropriate Blank

- ☐ Add a Use to a Zoning District  
☐ Remove a Use from a Zoning District  
☐ Create a New Zoning District  
☐ Future Land Use Map Amendment

#### Application No. 2232

- ☐ Amend Code of Ordinances  
☐ Amend Unified Development Ordinance  
☒ Zoning District Designation Change

**A complete application must be received with the fee by the third Friday prior to the month of review.**

Property Owner Name Patricia Corbett Avery Phone # 910-326-7080  
Address of Zoning Request 218 Kathleen Pl, Swansboro, NC 28584 + Dr. Corbett Rd.  
Mailing Address PO Box 931, Swansboro, NC 28584

#### Zoning Amendments

Attach a copy of the legal description of the property (including address if assigned) that is requested for a zoning change (i.e. metes and bounds). The application will not be scheduled for review until these items are received.

Provide a list names and mailing address of adjacent property owner on the reverse side of this application. The application will not be scheduled for review until these items are received.

Present Zoning R10SF Desired Zoning Agriculture

Probable Use of Property Grow Pecan + Nut trees

Reason for Zoning Change Request Being taxed as water-front property. No plans for subdividing for residential lots. Plans to keep as family land.

#### Ordinance Amendments

Code Section to be amended \_\_\_\_\_

Print clearly the code section wordage to be amended \_\_\_\_\_

Print clearly the code section wordage as suggested \_\_\_\_\_

Reason for requested amendment \_\_\_\_\_

Signature Patricia Corbett Avery Date 10-18-23

#### Future Land Use Map Amendment

Present Future Land Use Category \_\_\_\_\_ Desired Future Land Use Category \_\_\_\_\_

Use of Property \_\_\_\_\_

Reason for Future Land Use Map Change Request \_\_\_\_\_

#### Town Hall Use Only

Fee Paid — Date Received 10/20/23 Date scheduled for Planning & Zoning Board review 11/9/23

Recommendation from Planning & Zoning Board \_\_\_\_\_

Public Hearing Run Dates \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Effective Date of Change \_\_\_\_\_ Ordinance Number \_\_\_\_\_

1. James P. Corbett, Jr.

PO Box 8

Swansboro, NC 28584

2. Susan Casper

1132 Mt. Pleasant Rd. / PO Box 852

Swansboro, NC 28584

BOOK 910 PAGE 919

Prepared by: WARLICK, MILSTED, DOTSON AND CARTER

Mail to: Patricia Corbett Avery and husband, Frederick Austin Avery,  
500 Princeton Street, Raleigh, NC 276092-10 89  
Ch...  
89 FEB 10 PM 4 35

## WARRANTY DEED

NORTH CAROLINA:

ONslow COUNTY:

THIS DEED, made this 2<sup>ND</sup> day of February, 1989, by and between JAMES P. CORBETT, JR. and wife, FRANCES D. CORBETT and PATRICIA CORBETT AVERY, hereinafter referred to as Grantors, and PATRICIA CORBETT AVERY and husband, FREDERICK AUSTIN AVERY, hereinafter referred to as Grantees;

W I T N E S S E T H:

That the Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell, and convey unto the Grantees, their heirs and assigns, in fee simple, all that certain lot or parcel of land situated in Swansboro Township, Onslow County, North Carolina, and more particularly described as follows:

FIRST TRACT: Beginning at a set iron pipe located at or near the high water mark of New Hominy Creek which is located as follows: BEGINNING at the centerline intersection of Secondary Road #1447 and Secondary Road #1449; thence along the centerline of NCSR #1449 1316.90 feet to an existing nail; thence North 25 degrees 30 minutes East 135.91 feet to an existing nail; thence North 84 degrees 9 minutes 17 seconds East 55.35 feet to an existing iron rebar; thence North 11 degrees 1 minutes 6 seconds West 289.14 feet to an existing iron pipe; thence South 65 degrees 36 minutes 29 seconds East 11.01 feet and North 82 degrees 53 minutes 32 seconds East 25.44 feet to the beginning iron pipe; thence with the high water line of New Hominy Creek the following courses and distances: North 61 degrees 09 minutes 55 seconds East 9.55 feet, North 83 degrees 07 minutes 49 seconds East 6.40 feet, North 12 degrees 25 minutes 26 seconds East 14.63 feet, North 26 degrees 07 minutes 34 seconds East 21.43 feet, North 55 degrees 35 minutes 54 seconds East 35.55 feet, North 81 degrees 40 minutes 21 seconds East 14.62 feet, North 42 degrees 13 minutes 51 seconds East 16.07 feet, and North 22 degrees 05 minutes 22 seconds East 12.46 feet to a set iron pipe; thence South 25 degrees 25 minutes 01 second East 84.56 feet to a set iron pipe; thence South 70 degrees 14 minutes 30 seconds East 173.35 feet to a set iron pipe; thence South 24 degrees 2 minutes 11 seconds West 17.51 feet; thence South 15 degrees 1 seconds West 17.51 feet; thence South 29 degrees 18 minutes 57 seconds West 26.10 feet; thence South 38 degrees 49 minutes 51 seconds West 70.80 feet to a set iron pipe; thence North 55 degrees 55 minutes 14 seconds West 177.35 feet to a set iron pipe; thence North 23 degrees 19 minutes 28 seconds West 142 feet to the beginning and containing 1.04 acres according to survey of Charles A. Rawls, R.L.S. No. L-2491, dated November 9, 1988.

BOOK 910 PAGE 920

TRACT TWO: Beginning at a set iron pipe located at or near the high water mark of New Hominy Creek which is located as follows: BEGINNING at the centerline intersection of Secondary Road #1447 and Secondary Road #1449; thence along the centerline of NCSR #1449 1316.90 feet to an existing nail; thence North 25 degrees 30 minutes East 135.91 feet to an existing nail; thence North 84 degrees 9 minutes 17 seconds East 55.35 feet to an existing iron rebar; thence North 11 degrees 1 minutes 6 seconds West 289.14 feet to an existing iron pipe; thence South 59 degrees 0 minutes West 177.62 feet to the beginning set iron pipe; thence South 31 degrees 0 minutes East 120 feet to a set iron pipe; thence South 46 degrees 7 minutes 30 seconds West 359.03 feet to a set iron pipe; thence North 31 degrees West 200 feet to a set iron pipe in the Seth Jones line; thence with the Jones line North 59 degrees East 350 feet to the beginning and containing 1.29 acres according to survey of Charles A. Rawls, R.L.S. No. L-2491, dated November 9, 1988.

Grantors do further convey to Grantees, their heirs and assigns, a perpetual easement twenty (20) feet in width to each of the above described tracts for purposes of ingress, egress, construction and maintenance of a street or a road, and for the location of utilities, the location of said easement to be mutually agreed upon by Grantors and Grantees, their heirs and assigns.

Grantors reserve to James P. Corbett, Jr. and wife, Frances D. Corbett, their heirs and assigns, a perpetual easement twenty (20) feet in width in, over and upon the first tract above described for purposes of ingress, egress, construction and maintenance of a street or a road, and for the location of utilities, the location of said easement to be mutually agreed upon by Grantors and Grantees, their heirs and assigns.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantees, their heirs and assigns in fee simple.

And the Grantors do covenant that they are seized of the premises in fee simple, and have the right to convey the same, that the same is free and clear of all encumbrances, and that they will warrant and defend the title herein conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, this the day and year first above written.

James P. Corbett, Jr. (SEAL)  
James P. Corbett, Jr.

Frances D. Corbett (SEAL)  
Frances D. Corbett

Patriola Corbett Avery (SEAL)  
Patriola Corbett Avery

BOOK 910 PAGE 921

NORTH CAROLINA:  
ONslow COUNTY:

I, Duwood M. Shepard, a Notary Public in and for said County and State do hereby certify that JAMES P. CORBETT, JR. and wife, FRANCES D. CORBETT, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in writing for the purposes therein expressed.

Witness my hand and notarial seal, this the 3<sup>rd</sup> day of February, 1989.



Duwood M. Shepard  
Notary Public

My Commission expires: December 30, 1989

NORTH CAROLINA:  
WAKE COUNTY:

I, Leonard E. Sanders, a Notary Public in and for said County and State do hereby certify that PATRICIA CORBETT AVERY, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in writing for the purposes therein expressed.

Witness my hand and notarial seal, this the 6 day of February, 1989.

Leonard E. Sanders  
Notary Public

My Commission expires: 3/8/93

STATE OF NORTH CAROLINA, Onslow COUNTY

The foregoing certificate(s) of Leonard E. Sanders  
& Duwood M. Shepard is (are) certified to be correct. This instrument was presented for registration this 10th day of February, 1989, at 4:35 XXX, P.M., and duly recorded in the office of the Register of Deeds of Onslow County, North Carolina, in Book 910, Page 919.

This the 10th day of February, 1989.

Michael M. Thomas  
REGISTER OF DEEDS

BY: -----  
ASSISTANT, DEPUTY  
REGISTER OF DEEDS

**Town of Swansboro**  
**601 W. Corbett Avenue Swansboro, NC 28584**  
 Phone (910) 326-4428 - Fax (910) 326-3101

**APPLICATION FOR ZONING & ORDINANCE AMENDMENTS**

**Check the Appropriate Blank**

- ☐ Add a Use to a Zoning District  
☐ Remove a Use from a Zoning District  
☐ Create a New Zoning District  
☐ Future Land Use Map Amendment

**Application No. \_\_\_\_\_**

- ☐ Amend Code of Ordinances  
☐ Amend Unified Development Ordinance  
☒ Zoning District Designation Change

**A complete application must be received with the fee by the third Friday prior to the month of review.**

Property Owner Name John & Lloyd Ann Cofer Phone # 407-222-7861

Address of Zoning Request 137 Dr. Corbett Rd., Swansboro, N.C. 28584

Mailing Address 1009 Harvey Circle, Kinston, 28501

**Zoning Amendments**

NC

Attach a copy of the legal description of the property (including address if assigned) that is requested for a zoning change (i.e. metes and bounds). The application will not be scheduled for review until these items are received.

Provide a list names and mailing address of adjacent property owner on the reverse side of this application. The application will not be scheduled for review until these items are received.

Present Zoning R105F Desired Zoning Agriculture

Probable Use of Property Grow Pecan Trees

Reason for Zoning Change Request Current structure is gutted shell, storing lumber, not being used as residential, house to be torn down + not replaced.

**Ordinance Amendments**

Code Section to be amended \_\_\_\_\_

Print clearly the code section wordage to be amended \_\_\_\_\_

Print clearly the code section wordage as suggested \_\_\_\_\_

Reason for requested amendment \_\_\_\_\_

Signature [Signature] Date 10-18-2023

**Future Land Use Map Amendment**

Present Future Land Use Category \_\_\_\_\_ Desired Future Land Use Category \_\_\_\_\_

Use of Property \_\_\_\_\_

Reason for Future Land Use Map Change Request \_\_\_\_\_

**Town Hall Use Only**

Fee Paid - Date Received 10/20/23 Date scheduled for Planning & Zoning Board review 11/9/23

Recommendation from Planning & Zoning Board \_\_\_\_\_

Public Hearing Run Dates \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_

Effective Date of Change \_\_\_\_\_ Ordinance Number \_\_\_\_\_

1. James P. + Frances D Corbett  
PO Box 8  
Swansboro, NC  
28584

2. James Edward + Cheryl Booth Hurst  
208 Cambridge Ct.  
Jacksonville, NC  
28540-6827

BK 5063 PG 679 - 682

# DEED

Prepared by & Return to:  
Richardson & Richardson  
Ernest C. Richardson, III/sg  
PO Box 1594  
New Bern, NC 28563  
(252) 633-2470

Parcel ID: 014636  
Revenue Stamps: \$200.00

NORTH CAROLINA  
ONslow COUNTY

If checked , the property includes the primary residence of at least one of the Parties depicted as Grantor.

THIS DEED, made this the 22 day of November, 2019, by and between **Betty R. Kropinack, Widow**, whose address is 200 Nikida Court, Swansboro, NC 28584; (herein called the "Grantor") and **Lloyd Ann Cofer and husband, John W. Cofer**, whose address is 3234 Austin Avenue, New Bern, NC 28562; (herein called the "Grantee"). The designation Grantor and Grantee as used herein shall include the parties indicated, and their respective heirs, successors, legal representatives, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by the context.

## WITNESSETH:

That the Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land lying and being situate in Swansboro Township, Onslow County, North Carolina, and more particularly described as follows:

**BEGINNING** at a point in the center of State Road No. 1449, said point being opposite a concrete monument standing at the northwestern margin of said road, said concrete monument being located approximately half way between the intersection of State Road No. 1449 and State Road No. 1447 and the end of State Road No. 1449, said concrete monument being also located near the crest of the hill northeast of the creek or branch passing under said State Road No. 1449, and running thence with the center line of State Road No. 1449, North 46 degrees East 95 feet; thence continuing with said center line North 30 degrees East 114 feet; thence leaving the center line of said highway and with the Edward and Ethlyn Hurst line North 37 degrees West 146 feet to a concrete monument; thence South 51 degrees West 156 feet to a concrete monument; thence South 16 degrees East 30 feet to a concrete monument; thence South 29 degrees 45 minutes East 153 feet to the beginning (the last call line passing through the concrete monument standing opposite the beginning point), and being the identical property conveyed to party of the first part from S.P. Milsted and wife, Carrie K. Milsted, by deed dated the 8th day of December, 1967, and recorded in Book 367, Page 323, in the office of the Register of Deeds of Onslow County, North Carolina.

Being the same property as recorded in Deed Book 481, Page 861, Onslow County Registry.

TO HAVE AND TO HOLD, the aforesaid tract of land together with privileges and appurtenances thereunto to the Grantee in fee simple forever.

And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, except as described above, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Betty R. Kropinack (SEAL)  
 Betty R. Kropinack

STATE OF NORTH CAROLINA  
 COUNTY OF DANFORTH

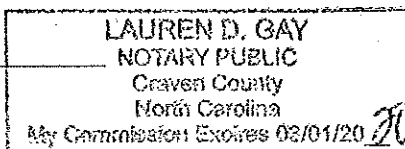
I, Lauren D. Gay, a Notary Public of the County of DANFORTH and State aforesaid, certify that **Betty R. Kropinack**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal, this 22 day of November, 2019.

Lauren D. Gay  
Lauren D. Gay Notary Public  
 Notary's Printed or Typed Name

My Commission Expires:

02/01/2020  
 (Affix Seal)



## DEPARTMENT OF TAX ADMINISTRATION



## Tax Certification Form

(Check One Box)

- ☒ This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number:

014636 AND GRANTEE: LLOYD ANN COFER AND JOHN W. COFER

This is not a certification that this Onslow County Parcel Identification Number matches the deed description.

- ☐ No certification required, as attorney statement that any delinquent taxes will be paid from closing proceeds is included on first page of deed.
- ☐ Balance due on account. It must be paid to Onslow County Tax Collector within 5 days of closing.

**Eileen Wagner**  
Digitally signed by Eileen Wagner  
 DN: cn=Eileen Wagner, o=Tax Collections, ou=Onslow  
 County, email=eileen\_wagner@onslowcountync.gov,  
 c=US  
 Date: 2019.11.25 16:26:08 -0500  
 Tax Collections Staff Signature

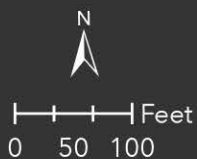
**11/25/2019**  
 Date

- ☐ This parcel may have deferred taxes which become due upon transfer of the property. Call the Tax Office, Land Records Division at 910-989-2204 for more information.

# Proposed Rezoning Map Amendment outlined in red



- Street
- Address
- ▭ Parcels
- ▭ Parcels



## Swansboro Parcels

Created by Onslow County  
10/30/2023

This map is intended for reference only.  
All dimensions are approximate.  
As per NCGS 132-10, this map is not to be  
resold or otherwise used for commercial  
purposes.

SECOND SURVEYORS CERTIFICATION

1. Charles A. Rawls, Professional Land Surveyor, No. 1-2401, certify to each or some of the following as indicated:
- ☐ A. That this map is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
  - ☐ B. That this map is of a survey that is located in such portion of a county or municipality that is designated as to an ordinance that regulates parcels of land;
  - ☐ C. That this map is of a survey of an existing parcel or parcels of land;
  - ☐ D. That this map is of a survey of another category, such as the recombination of existing parcels, a court ordered survey or other exception to the definition of subdivision;
  - ☐ E. That the information available to this survey is such that I am unable to make a determination as to the type of any potential ability as to provisions contained in (A) through (D) above.

*Charles A. Rawls*  
Charles A. Rawls, P.L.S. 1-2401

CERTIFICATE OF SURVEY AND ACCURACY

1. Charles A. Rawls, Professional Land Surveyor, hereby certify that this map was drawn under my supervision from an actual survey made under my supervision. That the ratio of precision as calculated by latitude and departure is 1/100,000". That the boundaries not surveyed are shown as broken lines joined at their ends in the center of the map. That this map was made from a true and correct copy of the original survey, and that I am unable to make a determination as to the type of any potential ability as to provisions contained in (A) through (D) above.

*Charles A. Rawls*  
Charles A. Rawls, P.L.S. 1-2401



CERTIFICATE OF EXCEPTION

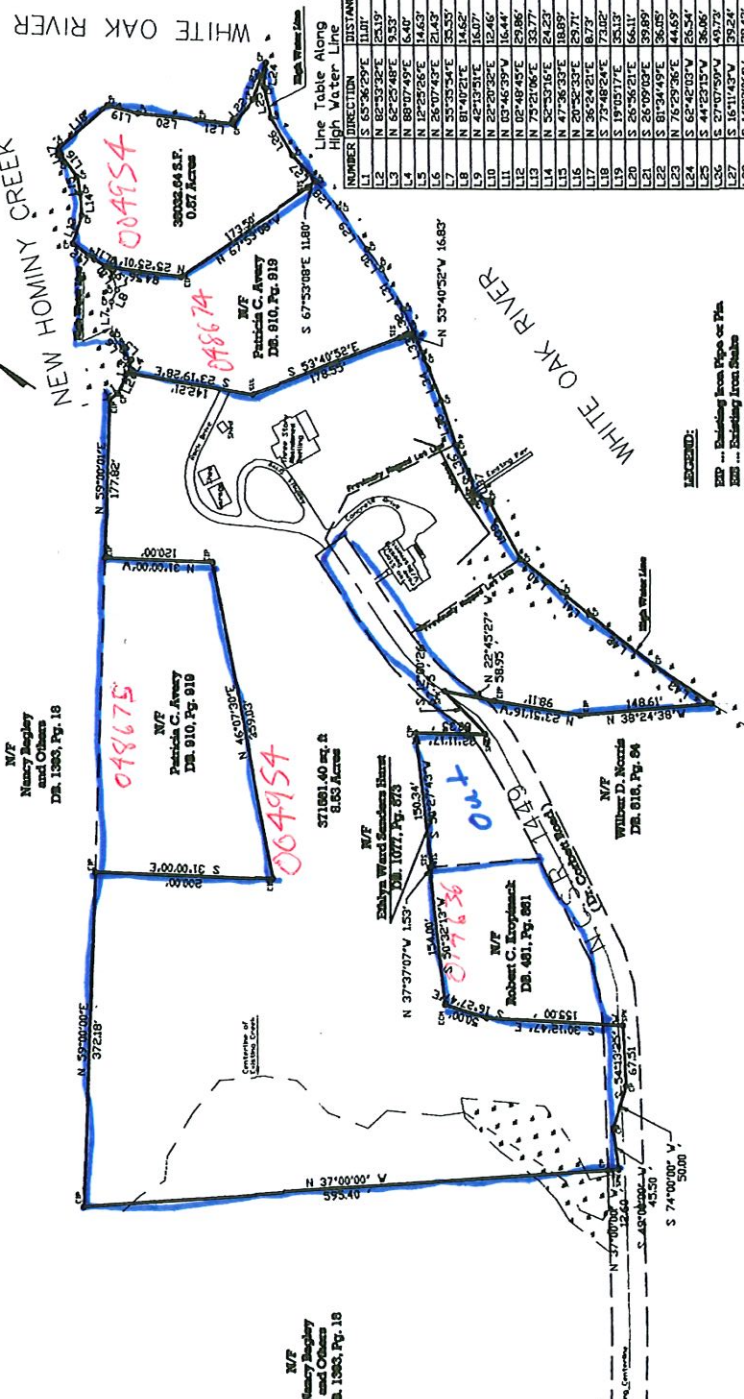
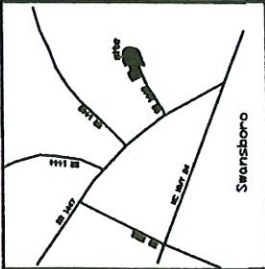
We hereby certify that we are the owners of the property shown and described herein, which was conveyed to us by deed recorded in Book 846, Page 181, and that said property qualifies as an exception to the provisions of the Subdivision Ordinance of the Town of Swansboro.

*James P. Corbett, Jr.*  
James P. Corbett, Jr.  
Date: 8/24/00

*Frances D. Corbett*  
Frances D. Corbett  
Date: 9-6-06

*Richard T. Bauling*  
Richard T. Bauling  
Date: 9-6-06

VICINITY MAP  
NOT TO SCALE



Due to: 00118400001, Type: CW  
Recorded: 08/24/00, Page 1 of 1  
Onslow County, NC  
Hundred and Sixty-Six (166)  
Hundred and Sixty-Six (166)  
Hundred and Sixty-Six (166)

FILED FOR REGISTRATION AT 11:15 A.M. OCTOBER 2, 2006  
ON THE 2 DAY OF OCTOBER, 2006  
RECORDED IN MAP BOOK 51, Page 147

State of North Carolina, County of Onslow  
1. Phyllis Holt  
County Clerk  
certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

*Phyllis Holt*  
Phyllis Holt  
Date: 9-2-06

State of North Carolina, County of Onslow  
1. Phyllis Holt  
County Clerk  
certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

*Phyllis Holt*  
Phyllis Holt  
Date: 9-2-06

Charles A. Rawls and Associates  
1117 Hammock Beach Road, P.O. Box 1126, Swansboro, N.C. 28584  
TELEPHONE: (910) 328-1408  
FAX: (910) 328-1400

James P. Corbett, Jr. and  
Frances D. Corbett  
Boundary Survey and Lot Accommodation for  
Swansboro Township  
100 Dr. Corbett Road  
Swansboro, North Carolina

CAR  
PLANNING  
MAPPING  
SURVEYING  
Item III - a.



### Expanded overview:

The property is located in Swansboro's ETJ and currently zoned R-10SF (Single Family) and requesting to down-zone to RA (Residential Agriculture). The Corbett farm has been at this location since the 1930s. The Town rezoned the area to R-10SF likely as part of efforts updating the zoning map after the 2000 Unified Development Ordinance was adopted.

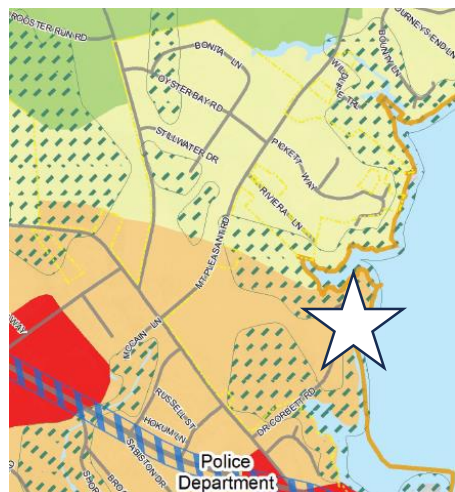
It is important to note the farmland uses and zoning classification that abuts the Corbett property to the west and runs all the way to Swansboro Loop Road.

### Zoning Map:



## Future Land Use Map

The CAMA Land Use Plan Update (2019) identifies the property as Coastal Traditional Neighborhood which the same classification as Edgewater Estates and Historic District. The Swansboro CAMA Land Use update states that The Future Land Use Map (FLUM) and associated land use (FLU) designations will be used to guide rezoning, investments, and land use decision in the Town. This requested rezoning map amendment is consistent with the current agricultural land use pattern abutting the Corbett property to the west. However, the Future Land designation for residential subdivision development will have to be revised after the rezoning is approved.



### COASTAL TRADITIONAL NEIGHBORHOOD (CTN)

This is a walkable, compact, residential district laid out based on traditional neighborhood development patterns. It generally surrounds the TTC and contains single and two-family residential with small-scale multi-family and neighborhood commercial.

## **TOWN OF SWANSBORO PLANNING AND ZONING BOARD STATEMENT OF CONSISTENCY**

On December 5, 2023, the Planning Board heard the requested map amendment and recommended unanimous approval of a map amendment to the Town of Swansboro official zoning map to down-zone parcels along Dr. Corbett Road and Kathleen Place from R-10SF to RA.

The Town's Planning Board finds that the proposed map amendment is consistent with the current CAMA Land Use Plan Update which states on page 48 *"respect for agricultural lands was determined to be an important character of the Swansboro. Rural views and working farms were once a major component of the landscape."* The down zoning of land zoned R-10SF to RA is consistent with farmland abutting the property to the west. The Doctor Corbett family land has functioned as a farm since the 1930s.

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Planning Board Chair

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Town Planner

## Draft Ordinance

WHEREAS North Carolina General Statute 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS NCGS 160D-604 also states that when adopting or rejecting any zoning amendment, the governing board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest; and

WHEREAS the Board of Commissioners finds that the proposed re-zoning of PARID Numbers: 004954, 048674, 048675 ,014636 from R-10SF (Single Family) to RA (Residential Agricultural) is consistent with the Comprehensive Plan, CAMA Land Use Plan Update which states on page 48 *“respect for agricultural lands was determined to be an important character of the Swansboro. Rural views and working farms were once a major component of the landscape.”* *The down zoning of land zoned R-10SF to RA is consistent with farmland abutting the property to the west. The Doctor Corbett family land has functioned as a farm since the 1930s.*

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Zoning Map be amended by converting PARID Numbers: 004954, 048674, 048675 ,014636 from R-10SF (Single Family) zoning designation to RA (Residential Agricultural) zoning designation.

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, (Month) (Day), 2024.

Attest:

\_\_\_\_\_  
Alissa Fender, Town Clerk

\_\_\_\_\_  
John Davis, Mayor



# Planning Board Meeting Agenda Item Submittal

Item To Be Considered: **Historic District Color Palette Amendment to the UDO**

Board Meeting Date: **December 5, 2023**

Prepared By: **Rebecca Brehmer, Projects/Planning Coordinator, CFM**

**Overview:** During the October 17, 2023, meeting, the Swansboro Historic Preservation Commission made a motion to recommend amendment to the historic district color palette along with amendment to Section 152.479 subsection 58.

During the September 19, 2023, meeting, the SHPC appointed a subcommittee with two board members, Kim Kingrey and Gregg Casper, to work with staff on amending the Historic District's color palette and the subcommittee met on Tuesday, October 3<sup>rd</sup>.

In summary, the subcommittee recommends eliminating a few bright and out of character colors from the palette, add a "Approved Primary Colors- Business" section, and to add a disclaimer to Section 152.479 subsection 58 stating staff have the right to refer to the board for input for any out of character color/color combination choices to the Historic District.

**Background Attachment(s):**

1. Amendments to Color Palette
2. Amendment to Section 152.479 subsection 58
3. Consistency Statement
4. Draft Ordinance

**Recommended Action:** Make a motion to recommend amendment to the color palette with edits discussed and amend Section 152.479 subsection 58 to the Board of Commissioners.

**Action:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

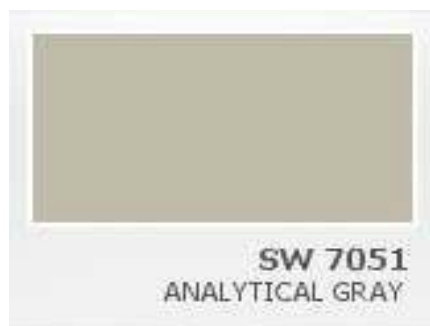
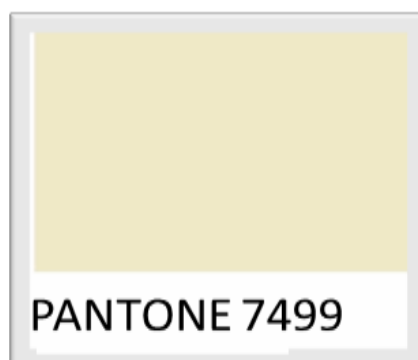
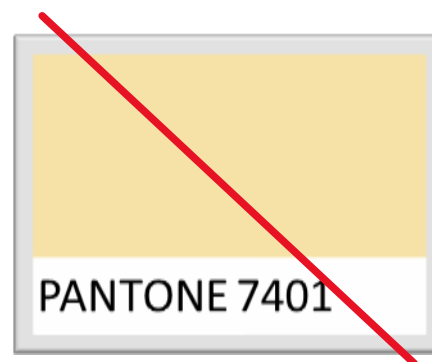
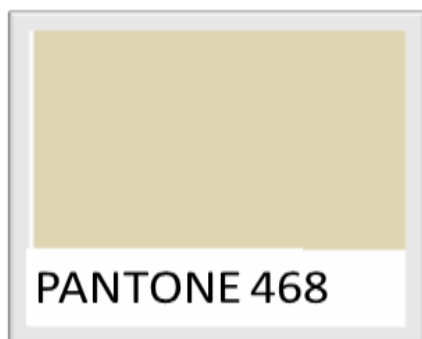
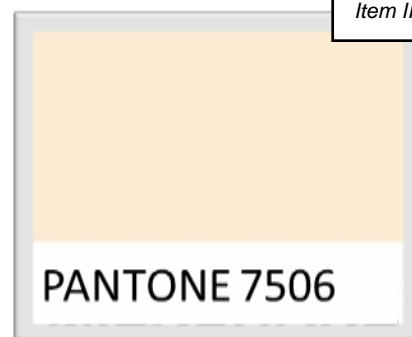
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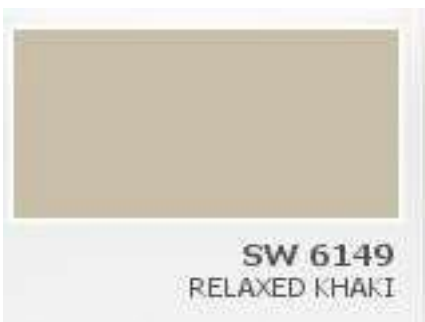
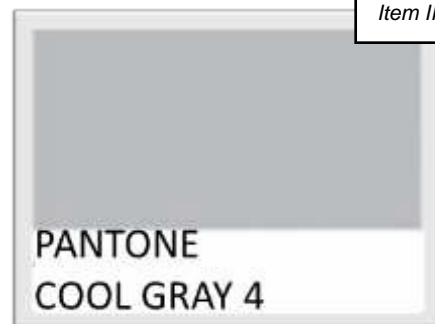
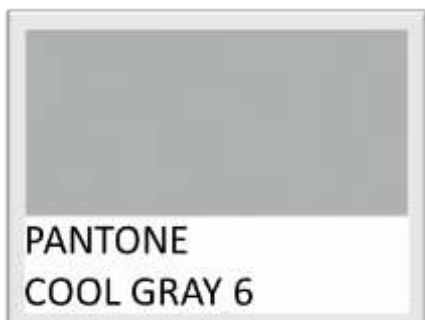
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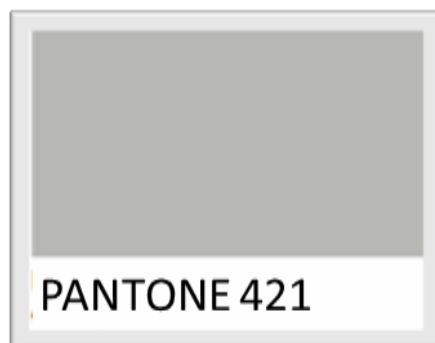
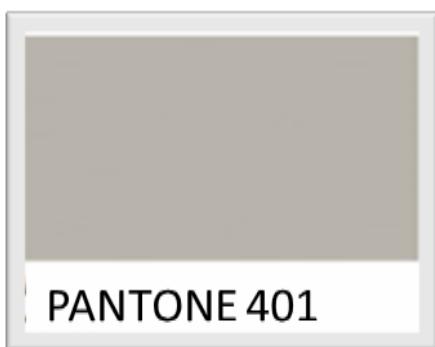
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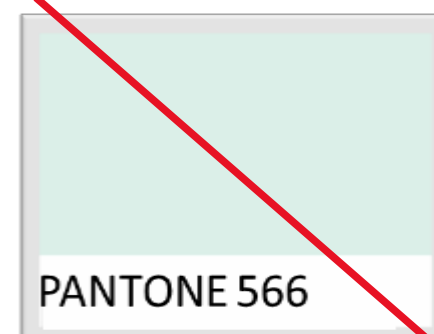
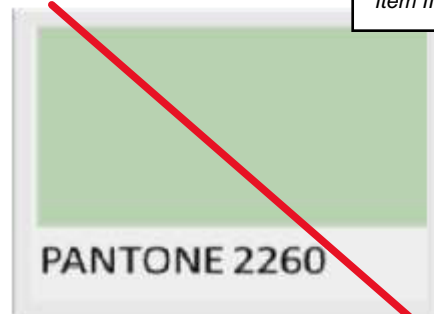






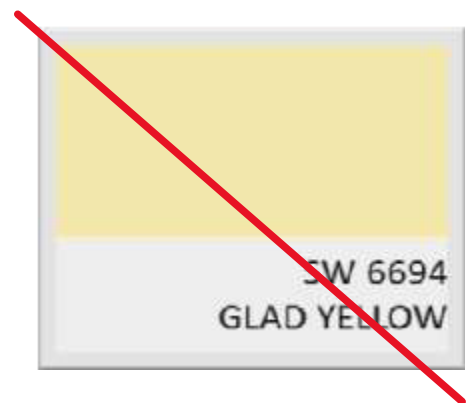
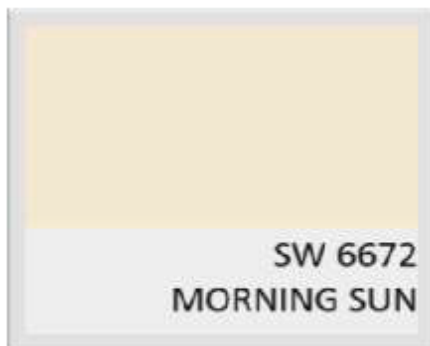
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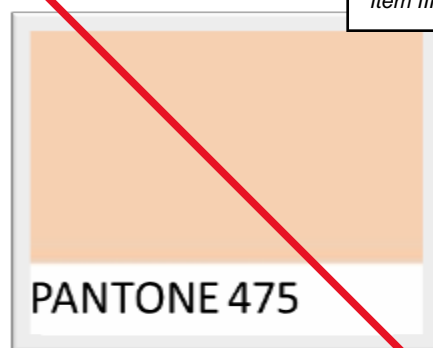


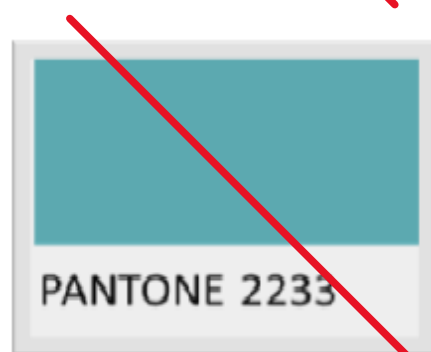
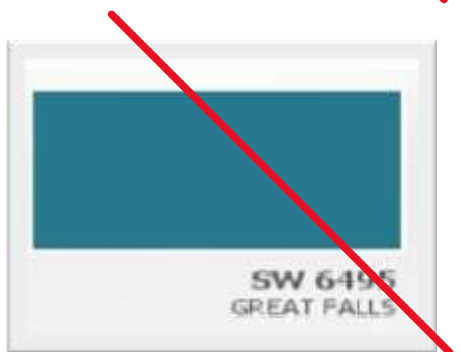
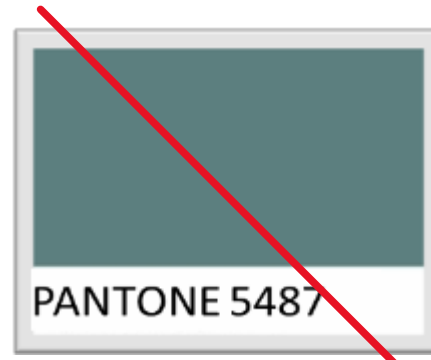
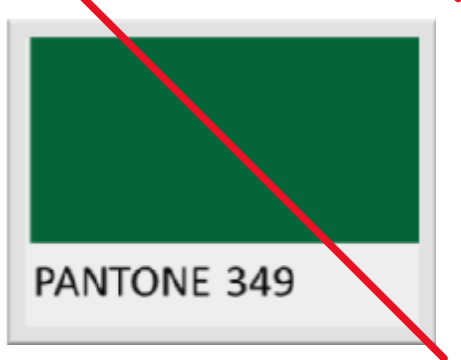
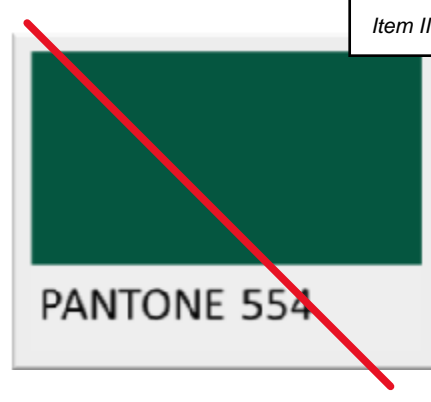


## APPROVED TRIM COLORS

(TRIM AND SHUTTER COLORS)



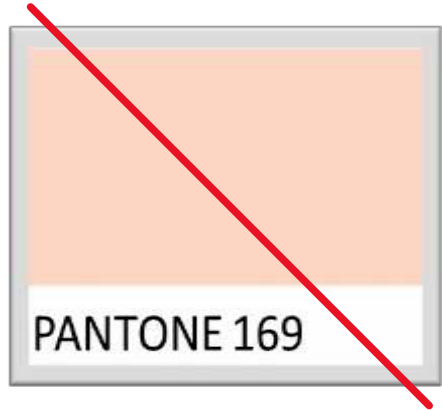
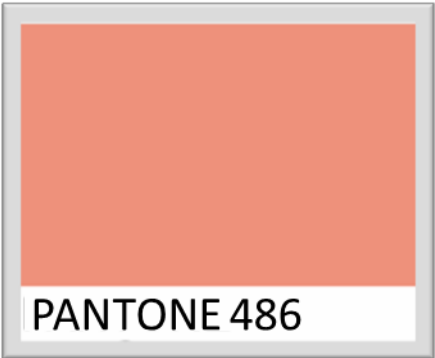
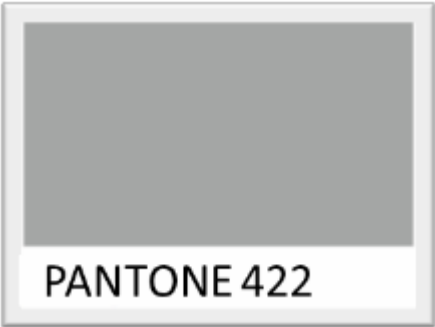


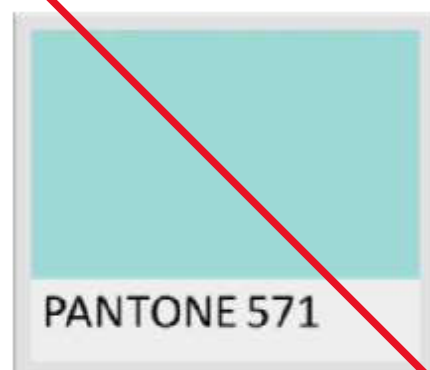
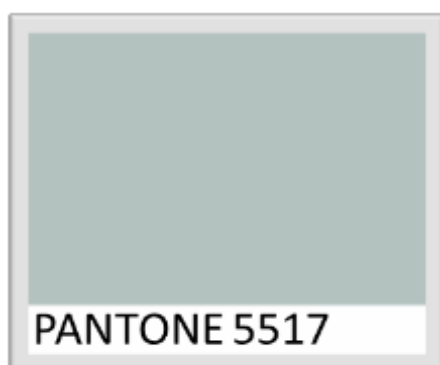
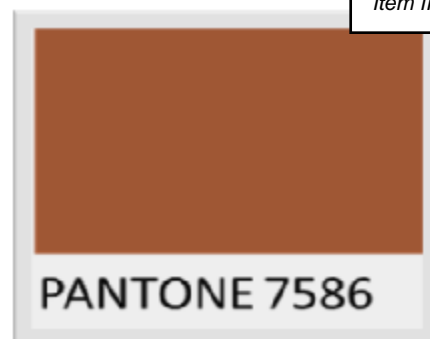
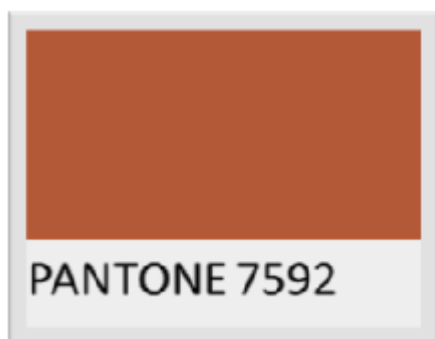


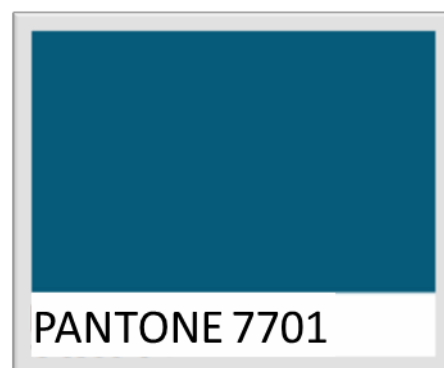
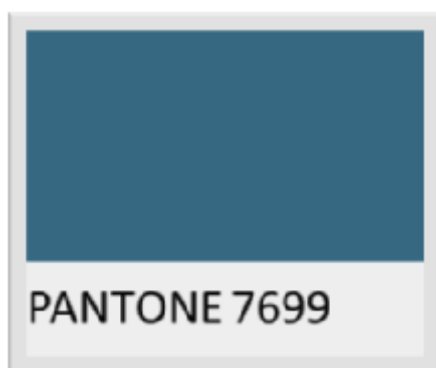


APPROVED DOOR COLORS

Item III - b.

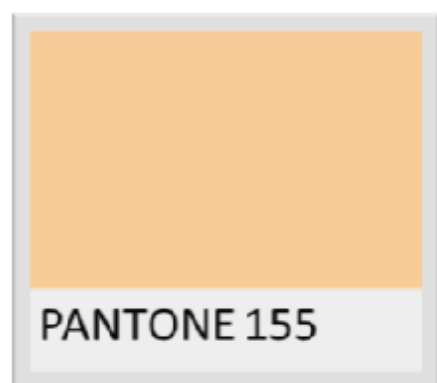
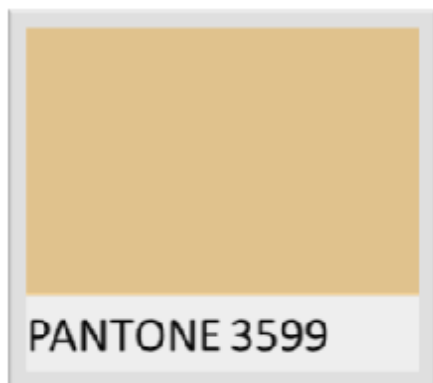
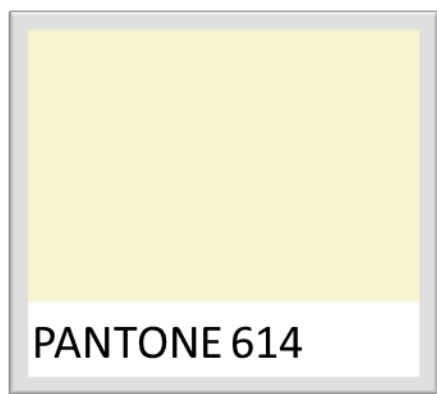
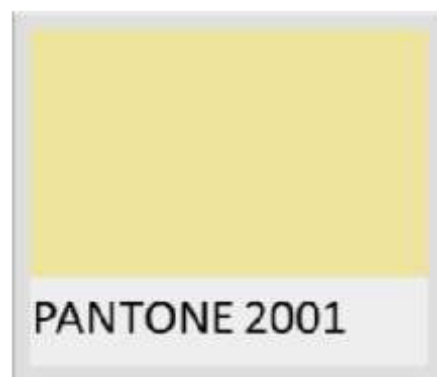


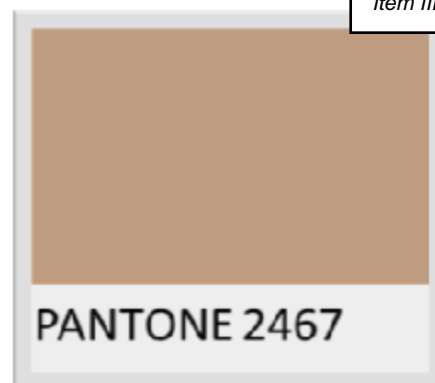
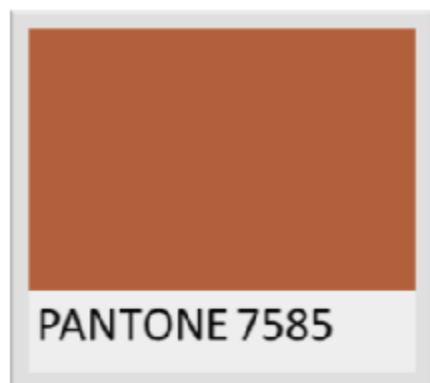


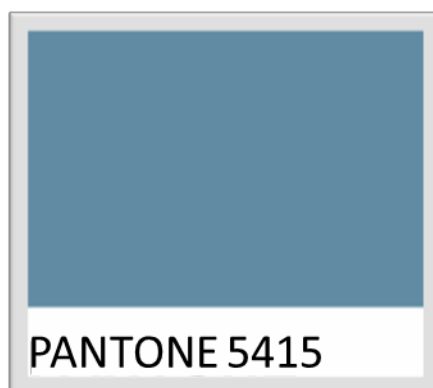
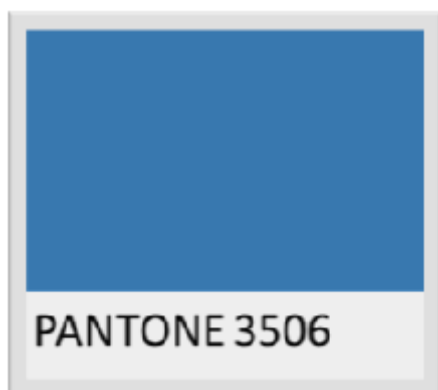
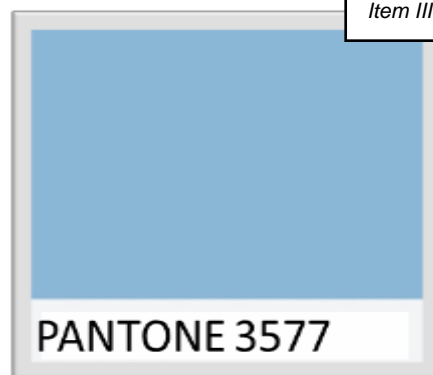


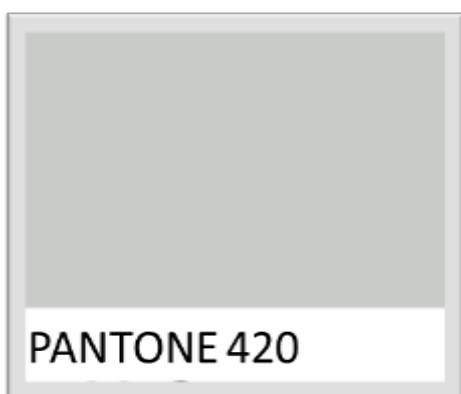
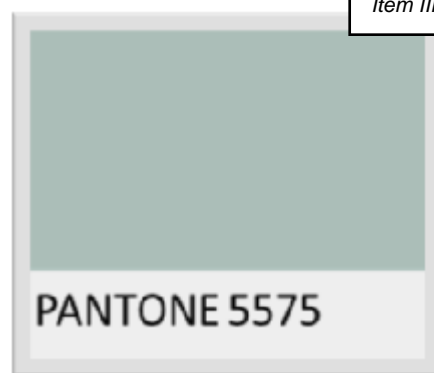
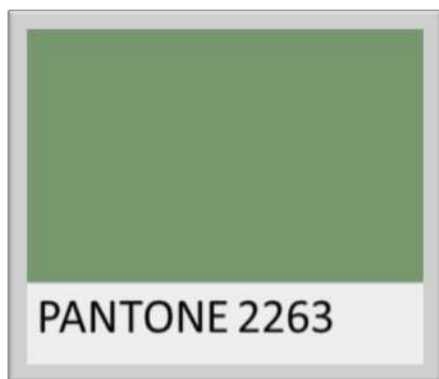
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(MAIN SIGN COLORS ONLY)



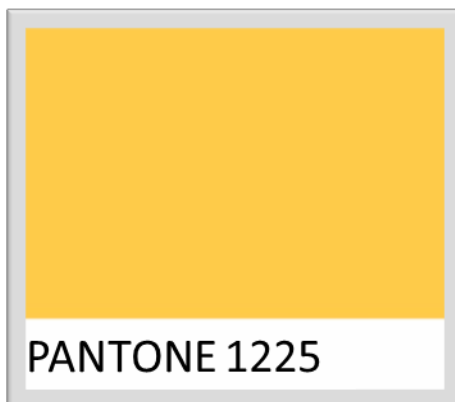
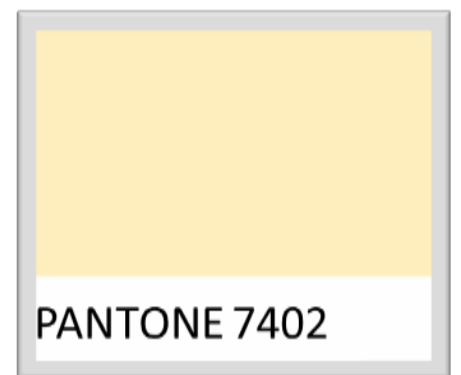
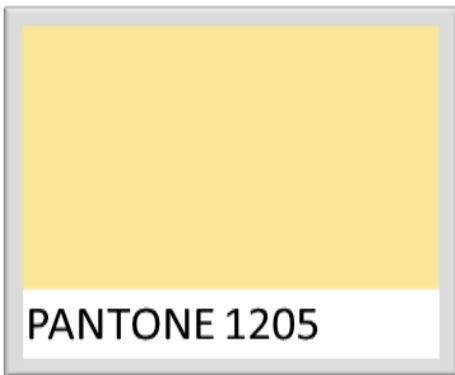
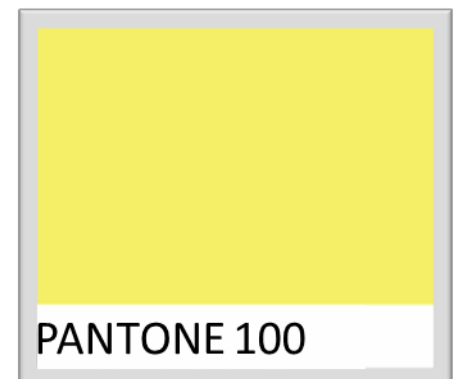


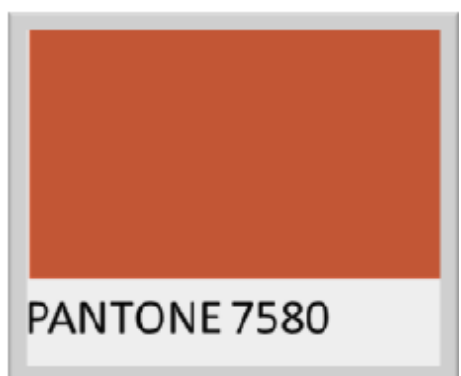
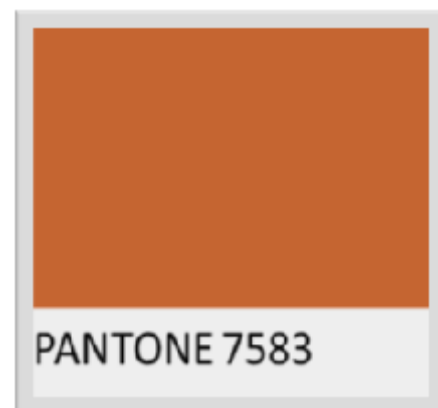
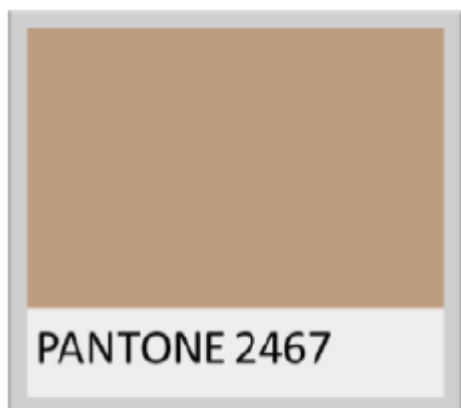
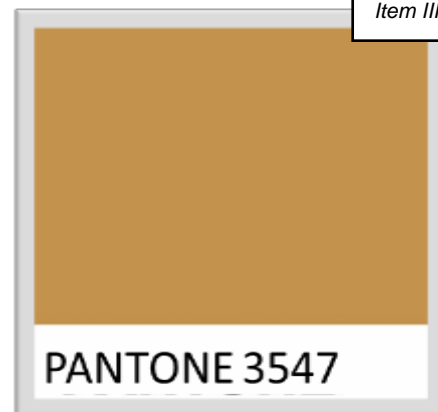


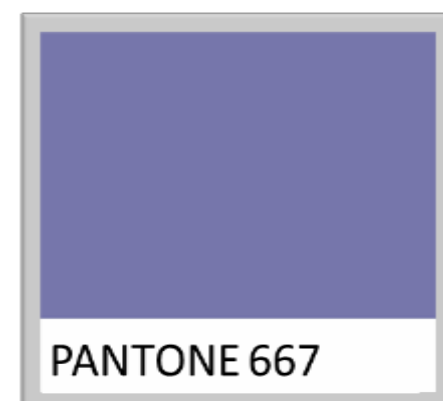
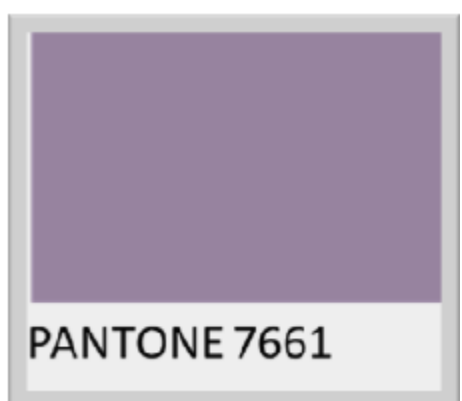
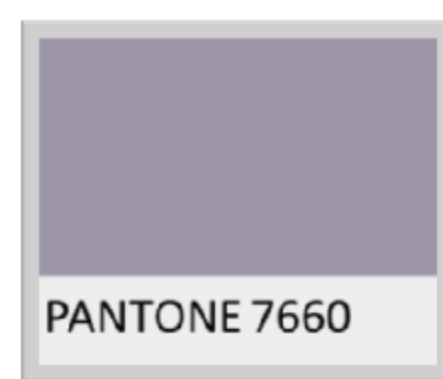
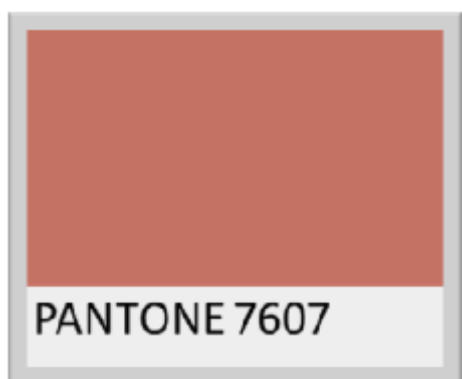
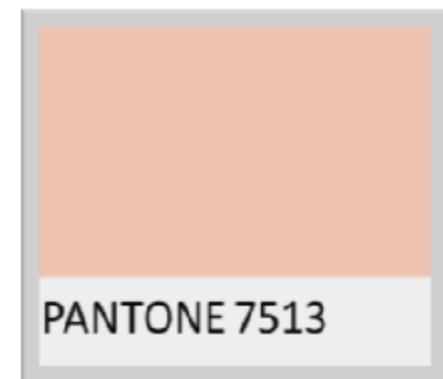
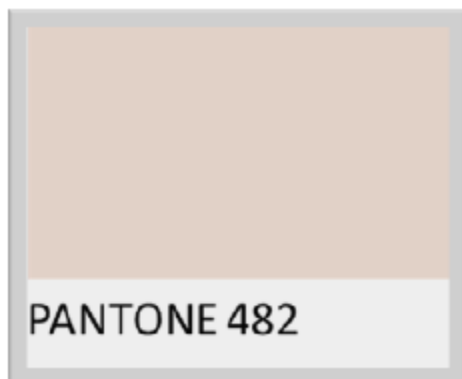
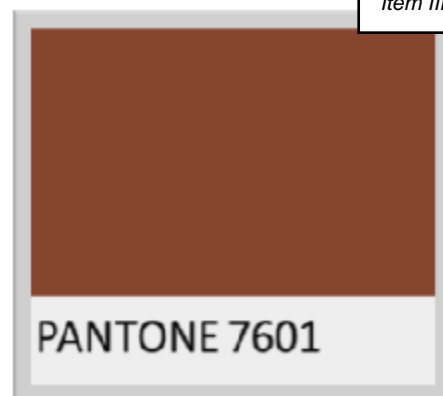


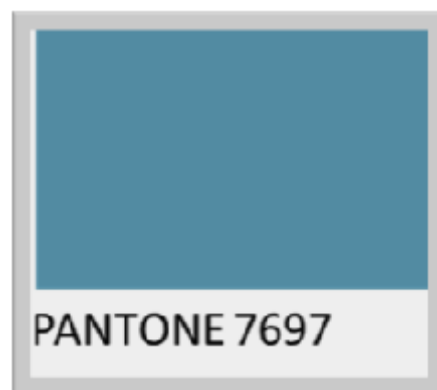
## APPROVED ACCENT COLORS

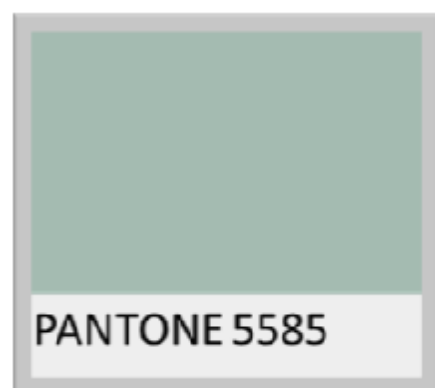
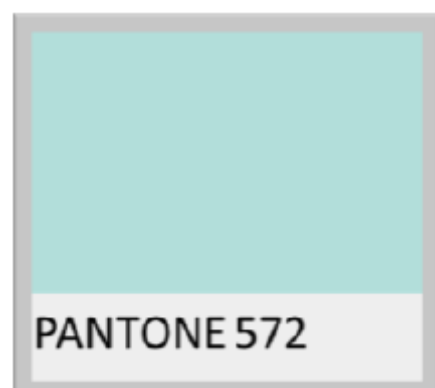
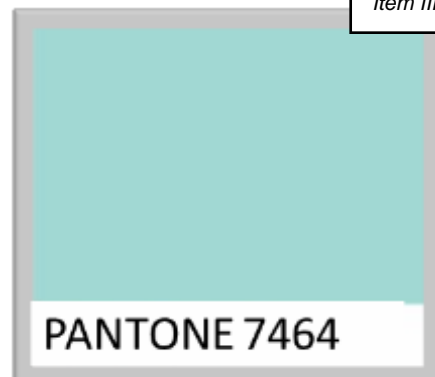
(FOR SMALL ACCENTS ON SIGNS ONLY)

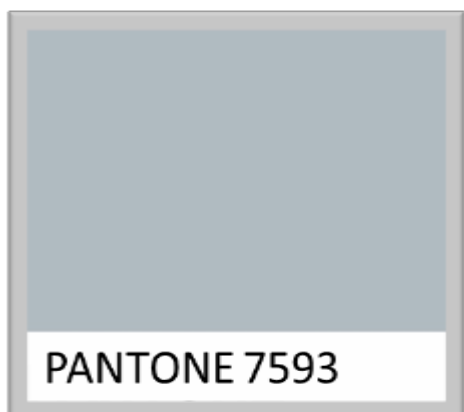
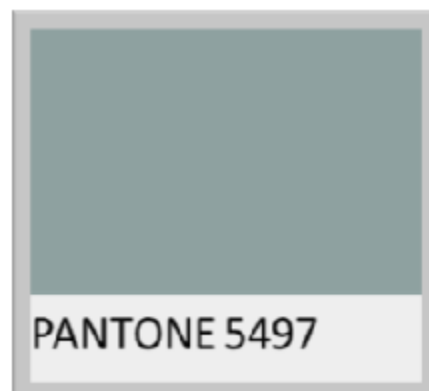
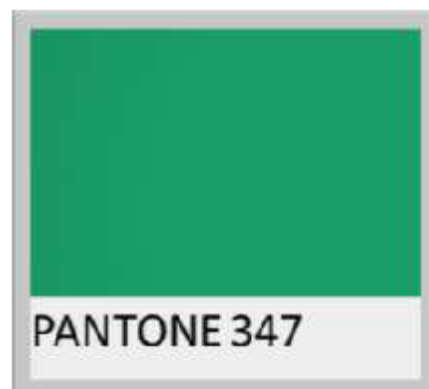
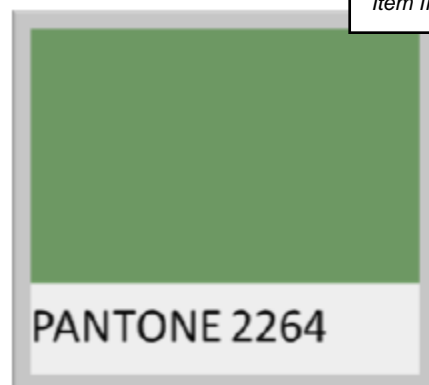










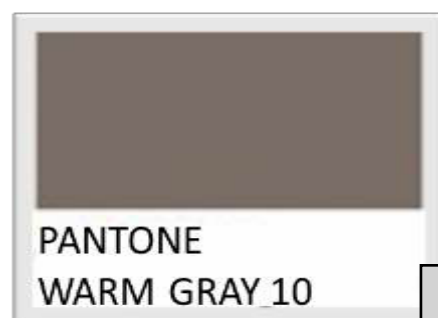
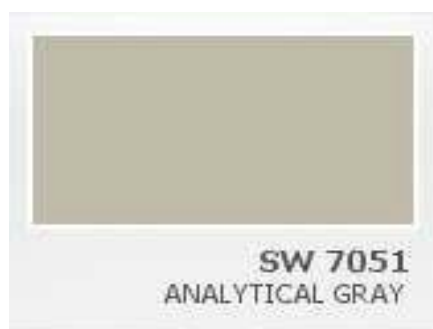
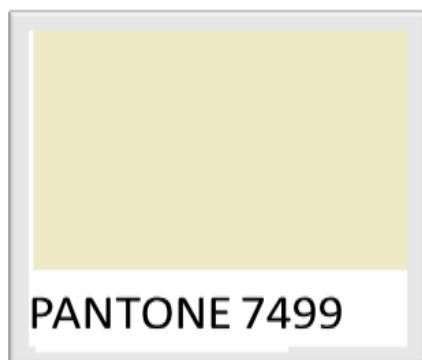
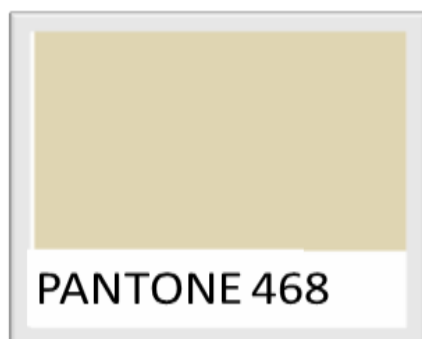
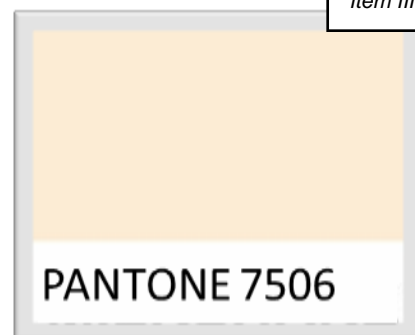




# APPROVED PRIMARY COLORS BUSINESS

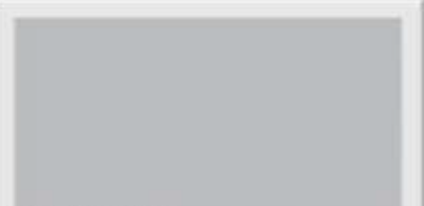
## (MAIN EXTERIOR COLORS)







PANTONE  
COOL GRAY 6



PANTONE  
COOL GRAY 4



SW 6149  
RELAXED KHAKE



PANTONE 401



PANTONE 5507



PANTONE 421



PANTONE 5565



PANTONE 622



PANTONE 2178



PANTONE 2157



PANTONE 2373



PANTONE 2373



PANTONE 2163



PANTONE 454

**§ 152.479 CERTIFICATE OF APPROPRIATENESS LIST.***Item III - b.*

Certificates of appropriateness shall be required for properties identified as contributing (C) and non-contributing (N) in the Historic District according to the chart which follows. In the chart, and "N" entry applies to those homes built after 1938, and a "C" entry applies to those homes built before 1938. An "X" entry applies to both Contributing and Non-contributing structures.

<i>Type of Work</i>		<i>Routine Maintenance</i>	<i>Minor Work (M.C.)</i>	<i>Major Work (SHP)</i>	<i>Staff Approval</i>
58	Painting when there is a change in color which conforms to the approved color palette. <b>Should staff find colors are out of character with the architecture or a strange combination of colors is proposed it will be forwarded to SHP.</b>				X

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2008-O33, passed 10-21-2008, Am. Ord. 2016-O10, passed 9-13-2016)

**TOWN OF SWANSBORO PLANNING AND ZONING BOARD  
STATEMENT OF CONSISTENCY**

On December 5, 2023, the Planning Board heard the requested text amendments and recommended unanimous approval of the text amendments to the Town Unified Development Ordinance as followed: § 152.479 subsection 58.

The Town's Planning Board finds that the proposed text amendments are consistent with the current Comprehensive Plan and other applicable plans and policies and considers the action taken to be reasonable and in the public interest because it provides the structure, for Town staff to proactively address issues related to impacts caused by development in order to protect the health, safety, and welfare of the Town's residents.

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Planning Board Chair

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Town Planner

## Draft Ordinance

WHEREAS North Carolina General Statute 160D-605 and 160D-701 requires that zoning regulations shall be made in accordance with a Comprehensive Plan; and

WHEREAS the Board of Commissioners finds that the proposed text amendment to the Unified Development Ordinance regarding the Color Palette in the Historic District to be consistent with the Town of Swansboro CAMA LAND USE Plan updated January 22, 2019.

NOW BE IT ORDAINED by the Town of Swansboro Board of Commissioners that the Town Unified Development Ordinance be amended by adding subsection 58 to Section 152.479.

## Appendix III

## HISTORIC DISTRICT DESIGN STANDARDS

**§ 152.479 CERTIFICATE OF APPROPRIATENESS LIST.**

Certificates of appropriateness shall be required for properties identified as contributing (C) and non-contributing (N) in the Historic District according to the chart which follows. In the chart, and “N” entry applies to those homes built after 1938, and a “C” entry applies to those homes built before 1938. An “X” entry applies to both Contributing and Non-contributing structures.

<i>Type of Work</i>		<i>Routine Maintenance</i>	<i>Minor Work (M.C.)</i>	<i>Major Work (SHP)</i>	<i>Staff Approval</i>
58	Painting when there is a change in color which conforms to the approved color palette. <b>Should staff find colors are out of character with the architecture or a strange combination of colors is proposed it will be forwarded to SHP.</b>				X

(Ord. 2005-O3, passed 3-15-2005) (Am. Ord. 2008-O33, passed 10-21-2008, Am. Ord. 2016-O10, passed 9-13-2016)

This Ordinance shall be effective upon adoption.

Adopted by the Board of Commissioners in regular session, (month) (date), 2023.

Attest:

\_\_\_\_\_  
Alissa Fender, Town Clerk

\_\_\_\_\_  
John Davis, Mayor