



REQUEST FOR BOARD ACTION

ITEM NO. 10.

DATE OF MEETING: October 21, 2013

REQUESTED BY: Dr. Mickey Duvall, County Manager

SHORT TITLE: Resolution Approving Amendment to Pender Commerce Park Restrictive Covenants

BACKGROUND: Restrictive covenants governing the development of Pender Commerce Park were recorded on June 12, 2009 and were subsequently amended on November 15, 2010 in order to address requirements set forth in the State of North Carolina Department of Environmental and Natural Resources granted State Stormwater Management Permit. The covenants set forth guidelines governing such issues as parking, landscaping, setbacks, grading, and lighting. Pender County has been actively working with a client for the Pender Commerce Park and certain restrictions based on landscaping have become impediments for the project moving forward. In particular, Exhibit C – Landscape Treatment, recorded in Deed Book 3639, Page 70. It is being proposed to be amended to allow flexibility to the individual site tenant in the application of the covenants.

SPECIFIC ACTION REQUESTED: To consider a resolution allowing for the Manager to amend the Pender Commerce Park restrictive covenants that will allow for reasonable variances to be considered by the Park Board to the prescribed landscaping standards found in Exhibit C – Landscape Treatment.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby authorizes the County Manager to amend the Pender Commerce Park Restrictive Covenants, specifically Exhibit C – Landscape Treatment recorded in Deed Book 3639, Page 70, as described herein.. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___ Williams ___

George R. Brown, Chairman 10/21/13
Date

ATTEST 10/21/13
Date