



Legislation Details (With Text)

File #:	21-4556	Name:	AN AMENDMENT TO THE RESTRICTIVE COVENANT BETWEEN W&W EQUESTRIAN CLUB, LLC AND WELLINGTON FOR WINDING TRAILS	
Type:	Development Order Amendments		In control:	Village Council
On agenda:	8/10/2021	Final action:		
Title:	AN AMENDMENT TO THE RESTRICTIVE COVENANT BETWEEN W&W EQUESTRIAN CLUB, LLC AND WELLINGTON FOR WINDING TRAILS			
Code sections:				
Attachments:	1. 1. Amended WTRC Revised 08062021, 2. 2. Restrictive Covenant ORB 29602-Pg 1050, 3. 3. Declaration of Covenants for Winding Trails ORB 29602 Pg 1057(2), 4. 4. R2016-47 Winding Trails Master Plan, 5. 5. Winding Trails Site Plans - Approved			
Date	Ver.	Action By	Action	Result

ITEM: AN AMENDMENT TO THE RESTRICTIVE COVENANT BETWEEN W&W EQUESTRIAN CLUB, LLC AND WELLINGTON FOR WINDING TRAILS

REQUEST: Approval of an Amendment to the Restrictive Covenant for Winding Trails, specifically Section 4, to allow adjacent lots 8 and 9 held under unity of title with common ownership to aggregate the sum of each lot's maximum horse stall and stall rental limitation.

EXPLANATION: In 2017, the Wellington Council approved a master plan amendment for Winding Trails to allow nine (9) dwelling units, nine (9) barns with grooms quarters, and a maximum of 90 stalls (Resolution No. R2016-17). One of the conditions of approval was the developer's agreement to record Restrictive Covenants with specific provisions, including the limitation of "no more than four horse stalls per acre and no more than ten horse stalls on any lot within the development" and the limitation of "no more than four horse stalls rented to non-occupant third parties on any lot".

The contracted purchaser of Lots 8 and 9 (S/F Farm, LLC) in Winding Trails has requested Wellington Council approval of an Amendment to the Restrictive Covenant between W&W Equestrian Club, LLC, and Wellington for the Winding Trails development. Pursuant to the Restrictive Covenant, any amendment related thereto must be approved by all properties subject thereto and requires the approval of a majority of the Wellington Council. The Restrictive Covenant controls over any conflicting provision of the Declaration of Covenants for Winding Trails. The amendment to the Restrictive Covenant is subject to the consent and joinder of the mortgagee on the property.

The Amendment is proposed to address the intended combination of adjacent lots 8 and 9 under unity of title with common ownership and the application of the maximum horse stall limitation. Given that unity of title under common ownership was not specifically addressed in the Declaration of Covenants nor the Restrictive Covenant, the request clarifies and provides for the clustered development of horse stalls on Lots 8 and 9 within the combined maximum number of horse stalls and rentals.

Lot 1 was sold in March 2021.

Lots 3, 4, 6, and 7 are still owned by developer (W&W Equestrian Club LLC).
Lot 2 is developed and owned by James Ward.
Lot 5 was sold in November 2020 and is being developed.

BUDGET AMENDMENT REQUIRED: N/A

PUBLIC HEARING: NO **QUASI-JUDICIAL:**

FIRST READING: **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: NO

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Approval of the amendment to the Restrictive Covenant for Winding Trails.