Agenda - Council - May 27, 2009

Report - Standing Policy Committee on Property and Development - May 5, 2009

Item No. 5 Osborne Village Neighbourhood Plan
(Fort Rouge-East Fort Garry Ward)
File SPA 2/2008

STANDING COMMITTEE RECOMMENDATION:

On May 20, 2009, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That By-law No. 220/2006 be amended, by adding an exception to Section 4.1.2.A, to permit the conversion of single room occupancies to multiple-family dwellings as a Conditional Use and that the by-law text be amended as follows (proposed changes in italics):

    4.1.2 Village Low Density Residential Policies

        4.1.2. A Development in this category will be limited to single- and two-family, with the following exception:

            i) When existing legal non-conforming single room occupancy is converted into a multiple-family dwelling, a density equal to or less than the number of existing living units may be accommodated through a discretionary review process.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - May 5, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2009, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 5, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2009, the City Centre Community Committee concurred in the Recommendation 1. of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

COMMUNITY COMMITTEE DECISION:

On April 7, 2009, the City Centre Community Committee concurred in Recommendation 2. of the Winnipeg Public Service, and approved a Conditional Use on “the land” to permit the establishment of a multiple family dwelling (3 dwelling units) use, subject to the following condition:

1. That the Order shall come into force and effect subject to approval of SPA 2/2008 and upon the coming into force and effect of By-law No. 5/2009.

RE: **Osborne Village Neighbourhood Plan - 525 Gertrude Avenue**
Files SPA 2/2008 [c/r DCU 154590/2008D]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **April 9, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2009, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That By-law No. 220/2006 be amended, by adding an exception to Section 4.1.2.A, to permit the conversion of single room occupancies to multiple-family dwellings as a Conditional Use and that the by-law text be amended as follows (proposed changes in italics):

   4.1.2 Village Low Density Residential Policies

   4.1.2. A Development in this category will be limited to single- and two-family, with the following exception:

   i) When existing legal non-conforming single room occupancy is converted into a multiple-family dwelling, a density equal to or less than the number of existing living units may be accommodated through a discretionary review process.

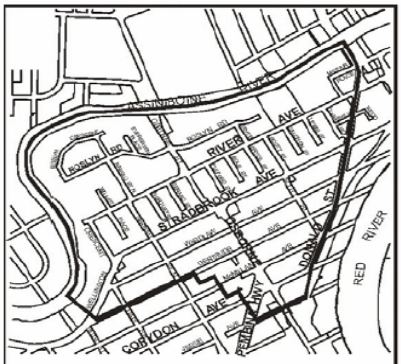
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal fits with the spirit of the Osborne Village Plan, provides more stable housing and is an improvement to the neighbourhood.

PUBLIC HEARING SUMMARY

File:	SPA 2/2008 [c/r DCU 154590/2008D]
Before:	City Centre Community Committee Councillor Orlikow, Acting Chairperson Councillor Gerbasi
Public Hearing:	April 7, 2009 North Committee Room Council Building, 510 Main Street
Applicant:	Director of Planning, Property and Development
Subject:	An amendment to the Osborne Village Neighbourhood Plan (By-law No. 220/2006) to permit the conversion of single room occupancies to multiple-family dwellings as a conditional use.



CITY CENTRE COMMUNITY

APPLICANT : CITY OF WINNIPEG
FILE : SPA2/2008
PROPOSAL : Council gave first reading to By-Law No. 5/2009, which proposes to amend the Osborne Village Neighbourhood Plan, By-Law No. 220/2006 (shown outlined above) by amending the Plan as follows:
(a) In section 1, by adding "Plan" after "Neighbourhood" and
(b) In the Village Low Density Residential Area (Schedule 1, clause 4.1.2.A), by providing for the possible conversion of an existing legal non-conforming single room occupancy to a multiple-family dwelling, as a conditional use, if the proposed density is equal to or less than the number of existing living units. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Exhibits Filed:

1. Council Decision of January 28, 2009; contains report from the Director of Planning, Property and Development dated December 10, 2008
2. First Reading of By-law No. 5/2009 by Council on January 28, 2009
3. Notification of Public Hearing dated February 18, 2009
4. Report from the Planning and Land Use Division dated March 10, 2009
5. Inspection Report
6. Audio Recording of representations

REPRESENTATIONS:

In Support:

Alan Neufeld
David Marsh, Planner, Planning, Property and Development Deapartment
Michael Robinson, Senior Planner, Planning, Property and Development Department
Douglas J. and Leona Woodmass

In Opposition

Nil

For Information:

T. Miller

For the City:

Nil

ADMINISTRATIVE REPORT

RE: **Osborne Village Neighbourhood Plan Amendment– File No. SPA 2/08**

Conditional Use – 525 Gertrude Avenue
File No. DCU 08-154590/D

REPORT DATE: **March 10, 2009**

AUTHORIZATION

Author	Department Head	CAO
Michael Robinson, AICP	Deepak Joshi	Glen Laubenstein

RECOMMENDATION

1. That By-law **No. 220/2006** be amended, by adding an exception to Section 4.1.2.A, to permit the conversion of single room occupancies to multiple-family dwellings as a conditional use and that the By-law text be amended as follows (proposed changes in italics):

4.1.2 Village Low Density Residential Policies

4.1.2. A Development in this category will be limited to single- and two-family, with the following exception:

i) When existing legal non-conforming single room occupancy is converted into a multiple-family dwelling, a density equal to or less than the number of existing living units may be accommodated through a discretionary review process.

2. That the conditional use filed under DCU 08-154590/D shall be approved and the order shall come into force and effect subject to the approval of SPA 2/2008 and upon the coming into force and effect of By-law 5/2009.

REASON FOR THE REPORT

On January 28, 2009, City Council gave First Reading to SPA 2/2008, which is an amendment to the Osborne Village Neighbourhood Plan (By-law No. 220/2006). In accordance with the Development Procedures By-Law (5893/92) and Section 234(3) of the City of Winnipeg Charter, Council has authorized a public hearing for this matter at the City Center Community Committee.

Additionally, Alan Neufeld seeks a conditional use approval to convert a four unit rooming house into a three unit multiple-family dwelling. Since this matter is related to the Secondary Plan amendment, the Development Procedures By-Law (5893/92) specifies that the required public hearings shall be combined.

KEY ISSUES

A. SECONDARY PLAN AMENDMENT

APPLICANT: City of Winnipeg Planning, Property, and Development Department
LOCATION: Village Low Density Residential (V-LDR) Area within the Osborne Village Neighbourhood Plan (See Attachment 1 – Plan Area Map)
DESCRIPTION: An amendment to the Osborne Village Neighbourhood Plan (By-law 220/2006) to permit the conversion of single room occupancies to multiple-family dwellings as a conditional use

1. BACKGROUND:

The Osborne Village Secondary Plan was adopted as By-law by City Council on January 24, 2007. Within the designated Village Low Density Residential Area (V-LDR) of the Plan, the following policy is present:

4.1.2 Village Low Density Residential (V-LDR) Policies:

4.1.2. A Development in this category will be limited to single- and two family

2. DISCUSSION:

Recently, a property owner approached the City about converting their four-unit single room occupancy (rooming house) at 525 Gertrude into a three unit, multiple-family dwelling. However, in light of current Plan policy, this conversion is not possible, as only single and two family dwellings are permitted in this area.

While the Department does not support permitting multiple-family dwellings in the area, as a conditional use, in all circumstances, the Department believes that an exception should be provided for when an existing legal non-conforming single room occupancy is being converted to a multiple-family dwelling. This would facilitate the removal of the few remaining single room occupancies in this area, over time.

Therefore, to address this issue, the Public Service is recommending a minor amendment to the Osborne Village Plan which would allow single room occupancies to be converted into multiple

family dwellings, provided that the number of units does not increase. This amendment would ease the removal of the remaining existing legal non-conforming single room occupancies, while still upholding the overall intent of the V-LDR area.

i. Existing Single Room Occupancies

There are currently five existing legal non-conforming single room occupancies in the V-LDR area. They are the following:

589 Gertrude	4 units
503 Wardlaw	4 units
525 Gertrude	4 units
511 Gertrude	3 units
497 Gertrude	3 units

ii. Proposed Amendment

The proposed amendment to the Plan is as follows (proposed change in italics):

4.1.2 Village Low Density Residential Policies

4.1.2. A Development in this category will be limited to single- and two-family, with the following exception:

ii) When existing legal non-conforming single room occupancy is converted into a multiple-family dwelling, a density equal to or less than the number of existing living units may be accommodated through a discretionary review process.

B. CONDITIONAL USE

APPLICANT: Alan Neufeld
OWNER: Multiple Owners
LOCATION: 525 Gertrude Avenue
PLAN WINNIPEG: Neighbourhood Policy Area
SECONDARY PLAN: Osborne Village Neighbourhood Plan
ZONING: "R2" Two-Family Residential

SITE DESCRIPTION AND SURROUNDING LAND USES
The subject property is located on Gertrude Avenue, between Nassau and Osborne Streets, in the Osborne Village neighbourhood of the Fort Rouge-East Fort Garry ward.

North: Residences zoned "R2" Two-Family Residential
South: School zoned "R2" Two-Family Residential
East: Residences zoned "R2" Two-Family Residential
West: Residences zoned "R2" Two-Family Residnential

DESCRIPTION OF PROPOSED DEVELOPMENT
The applicant seeks approval to establish a three unit multiple-family dwelling at the subject location.

1. DISCUSSION

i. Secondary Plan
The Osborne Village Neighbourhood Plan currently permits only single and two family dwellings in the Village Low Density Residential (V-LDR) area.

The associated plan amendment (SPA 2/2008) recommends that the Plan be amended to permit multiple-family dwellings as a conditional use, when an existing, legal, non-conforming rooming house is being converted into a multiple-family dwelling; provided that the number of living units is not increasing.

This conditional use fits with the Secondary Plan amendment, as it is one of the existing non-conforming single-room occupancies in the Plan area.

ii. Compatibility with Existing Neighbourhood and Surrounding Uses
The proposed development will reduce the intensity of the existing use, by lowering the number of suites and by converting the building into self-contained dwelling units. Furthermore, there is evidence that through this proposal, the subject property will be brought up to a much higher standard of design and development and will contribute the quality of the neighbourhood.

Finally, it should be noted that it is likely that that without approval of this conditional use, this property would revert back to a legal non-conforming rooming house.

For these reasons, it is recommended that this application be approved.

2. RECOMMENDATION
In the context of Section 247(3), the Planning and Land Use Division recommends **approval** for the following reasons:
(a) is consistent with Plan Winnipeg and any applicable secondary plan;
(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway; and
(d) is compatible with the area in which the property to be affected is situated.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy	**X**		**By-law 220/2006 would be amended to allow the conversion of single room occupancies to multiple-family dwellings as a conditional use**
Regulatory (Plan Amendment)	**X**		**A non-permitted use would become conditional**
Regulatory (Conditional Use)	**X**		**Will allow the establishment of a three unit multiple-family dwelling**
Environmental		**X**	
Human Resources		**X**	
Financial		**X**	
Legal (Contracts)		**X**	
Communications		**X**	
Council Priorities Direction		**X**	
Other, e.g. Organizational, community, etc. (Specify)		**X**	

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 10, 2009

Project Name:

Osborne Village Neighbourhood Plan Amendment– File No. SPA 2/08

COMMENTS:

The recommendations contained in this report are that By-law No. 220/2006 be amended and that the conditional use filed under DCU 08-154590/D be approved and the order come into force and effect subject to the approval of SPA 2/2008 and upon the coming into force and effect of By-law 5/2009.

There are no financial implications associated with these recommendations.

"Original Signed By"
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

DEPARTMENT	Planning, Property, and Development
DIVISION	Planning and Land Use
PREPARED BY	Michael Robinson, AICP
FILE NO.	SPA 2/2008

Appendix:

1. Schedule “A” –By-law 5/2009
2. Attachment “1” – Map of Osborne Village Neighborhood Plan Area
3. Attachment “2” - Aerial Photograph of 525 Gertrude and Surrounding Area (Flown in 2005)

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Schedule “A” - By-law 5/2009

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Osborne Village Neighbourhood By-law No. 220/2006.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *By-law No. 220/2006 is amended as follows:*

(a) In section 1, by adding “Plan” *after* “Neighbourhood”; and

(b) In Schedule 1, clause 4.1.2.A, by striking out the semicolon after “family” *and substituting the following:*

, with the following exception:

i) Conversion of an existing legal non-conforming single room occupancy to a multiple-family dwelling may be permitted as a conditional use if the proposed density is equal to or less than the number of existing living units.

RECEIVED FIRST READING on this day of , 2009.

RECEIVED SECOND READING on this day of , 2009.

RECEIVED THIRD READING on this day of , 2009.

DONE AND PASSED this day of , 2009.

Mayor

City Clerk

Approved as to planning details:

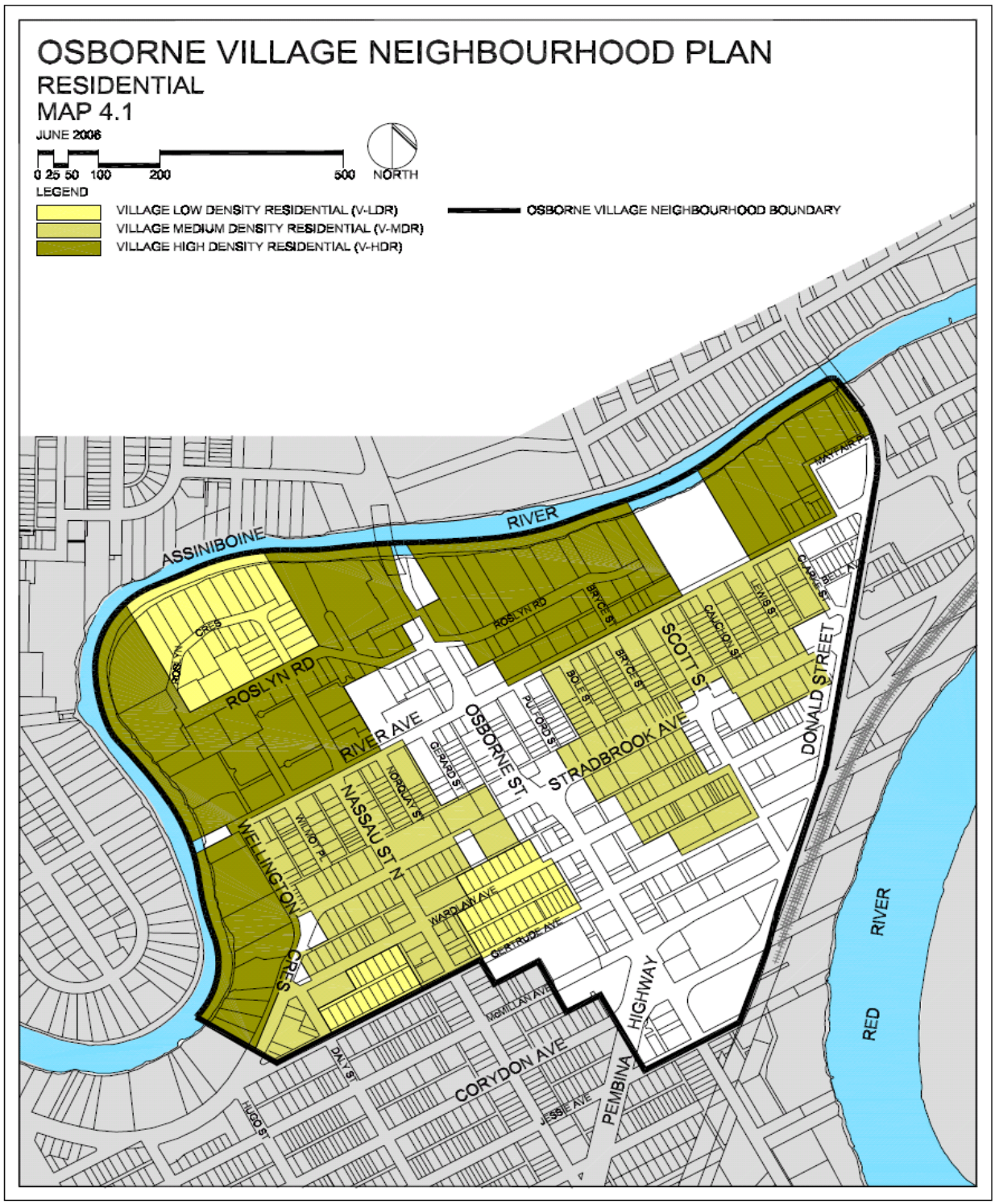
for Director of Planning, Property & Development

Approved as to form:

for Acting City Solicitor/Manager of Legal Services

4070

2. Attachment “1” - Map of Osborne Village Neighbourhood Plan Area



3. Attachment “2” - Aerial Photograph of 525 Gertrude and Surrounding Area (Flown in 2005)

