



City of
Peterborough

To: Members of the General Committee

From: Blair Nelson, Commissioner, Infrastructure, Planning and Growth Management

Meeting Date: August 6, 2024

Report: Official Plan Amendment for 1180 Armour Road, Report IPGPL24-020

Subject

A report to evaluate the planning merits of a site-specific municipally-initiated amendment to the Official Plan for 1180 Armour Road to permit the construction of the apartment building with parking oriented toward the street.

Recommendations

That Council approve the recommendations outlined in Report IPGPL24-020, dated August 6, 2024, of the Commissioner of Infrastructure, Planning and Growth Management as follows:

- a) That a new Section 10.0, Site and Area Specific Policies, be added to the Official Plan in accordance with the draft Official Plan Amendment No. 3 attached as Appendix D to Report IPGPL24-020; and
- b) That Section 10.0 a) describing site-specific policies for the lands situated at the northeast corner of the intersection of Armour Road and Cunningham Boulevard, known municipally as 1180 Armour Road, be added to the Official Plan in accordance with the draft Official Plan Amendment No. 3 attached as Appendix D to Report IPGPL24-20.

Executive Summary

- The proposed development was the subject of Official Plan and Zoning By-law Amendment applications that were deemed complete on June 21, 2019. City File Numbers were O1902 and Z1909, respectively.
- A public meeting under the Planning Act was held by General Committee on July 6, 2020. Staff Report IPSPL20-005 recommended approval of the proposed Official Plan and Zoning By-law Amendment applications. At the Council meeting on July 27, 2020, Council deferred making a decision until such time that an independent traffic study was completed.
- The applicant appealed the lack of decision to the Ontario Land Tribunal (Case No. OLT-21-00913) and the Tribunal issued their decision to approve the amendments on April 20, 2022, prior to the Ministry approval of the City's new Official Plan.
- The City's new Official Plan was approved by the Ministry of Municipal Affairs and Housing on April 11, 2023. Under the new Official Plan, the subject property is designated Minor Mixed-Use Corridor. The Minor Mixed-Use Corridor designation includes urban design policy that does not support the current concept, however this policy was not in effect during the review of the OPA and ZBA applications, nor during the Tribunal process.
- On June 10, 2024, Council adopted a resolution directing staff to process a site-specific Official Plan Amendment to remedy any conflict between the policies of the new Official Plan and the concept plan that was considered by the Ontario Land Tribunal in 2022.
- The Official Plan Amendment is consistent with the policy direction of the Provincial Policy Statement and conforms with the Growth Plan.
- The development will be subject to Site Plan Control prior to construction.

Background

The subject property is located at the northeast corner of the intersection of Armour Road and Cunningham Boulevard. The property is split zoned R.5-330 – Residential District and OS.1 – Open Space District and is currently vacant. The zoning in effect on the subject property was approved by order of the Ontario Land Tribunal (OLT) on April 20, 2022. The concept plan considered by the OLT is attached to this report as Appendix B. The OS.1 zoning district applies to the portion of the property associated with the meander belt and erosion hazard of Thompson Creek, preventing development from occurring in natural heritage and hazard lands. The R.5-330 zoning district would facilitate the development of the seven-storey, 76-unit apartment building as considered by the OLT.

The proposed development was subject to Official Plan and Zoning By-law Amendment applications received by the City and deemed complete on June 21, 2019. After agency and department review of technical reports prepared in support of the applications and some revisions to the concept plan to address comments from city staff and the public, Report IPSPL20-005 was prepared by Planning staff recommending approval of the Official Plan and Zoning By-law Amendment applications. The public meeting under the Planning Act was held at General Committee on July 6, 2020. At the subsequent Council meeting on July 27, 2020, Council deferred making a decision until such time as an independent traffic study was completed. The applicant appealed to the OLT as a decision was not made within the prescribed timeframe in the Planning Act.

On April 20, 2022, the OLT issued their decision to approve the Official Plan and Zoning By-law Amendments, permitting the proposed seven-storey, 76-unit apartment building to be constructed on the property.

On April 11, 2023, the Ministry of Municipal Affairs and Housing approved the City's new Official Plan, which replaced the former Official Plan and any amendments thereto. Under the policy regime of the new Official Plan, the subject property is in the Minor Mixed-Use Corridor designation. The Minor Mixed-Use Corridor designation, as a component of the City's Strategic Growth Areas, includes an urban design policy program that did not exist in the former Official Plan. As a result, the development concept plan that was presented at the Hearing as the basis of Files O1902 and Z1909 conflicts with the development policy in the Minor Mixed-Use Corridor designation related to the location of parking facilities on sites for mid-rise residential development.

On June 10, 2024, Council adopted a resolution directing staff to process a site-specific Official Plan Amendment. The purpose of the site-specific municipally initiated Official Plan Amendment is to remedy any conflict between the policies of the new Official Plan and the concept plan that was considered before the Ontario Land Tribunal. The policy exception is provided for this site only.

Analysis

City of Peterborough Housing Pledge

On November 27, 2023, Council pledged to support the construction of 4,700 new dwelling units by 2031 as requested by the Minister of Municipal Affairs and Housing on June 16, 2023. Provincially, municipal housing pledges are a key tool for ensuring the construction of 1.5 million new dwelling units by 2031 to address the ongoing housing supply and affordability crisis. This development, with a proposed 76 dwelling units, is an example of the type of development the City will need to meet its housing target.

Provincial Policy Statement, 2020 (PPS)

Any decision on the proposed Zoning By-law Amendment must be consistent with the PPS, which came into effect on May 1, 2020. The PPS provides general direction to municipalities with respect to addressing matters of provincial interest in land use planning.

Section 1.1.1 of the PPS states that healthy, livable and safe communities are sustained by, among other things:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of unit types, employment, institutional, recreation, parks and open space, and other uses to meet long term needs; and,
- e) and promoting the integration of land use planning, growth management, transit-supportive development, intensification.

Section 1.1.3 states that “settlement areas shall be the focus of growth and development” and Section 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion;
- e) support active transportation; and,
- f) are transit-supportive, where transit is planned, exists or may be developed.

Section 1.4.3 of the PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3.

The subject property is located within the City’s settlement area boundary and is serviced with full municipal services and represents an efficient use of existing building stock without the need for expansion or extension of infrastructure consistent with the directives of the PPS. The developable area of the subject property is located outside of areas of flooding and natural hazards.

It is the opinion of staff that the proposed Official Plan Amendment is consistent with the policy direction of the PPS.

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

Any decision on the proposed Official Plan Amendment must conform with the policies of the Growth Plan. The Growth Plan builds upon the policy foundation of the PPS by providing land use planning policies to address specific issues in the Greater Golden Horseshoe. The subject property is split between the Delineated Built-Up Area and Designated Greenfield Area as defined in the Growth Plan.

The Growth Plan requires that municipalities focus growth within Delineated Built-Up Areas and support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities (Section 2.2.1.3.4(a)). Furthermore, Section 2.2.5.3 seeks to promote economic development and competitiveness by directing retail and office uses to locations that support active transportation and have existing or planned transit.

Lands within the Delineated Built-Up Area are expected to accommodate a minimum of 50% of all residential development in the City on an annual basis. To achieve the minimum intensification target, the City is required to:

- a) Identify strategic growth areas to support the achievement of the intensification target and recognize them as a key focus for development;
- c) Encourage intensification generally throughout the delineated built-up area; and,
- d) Ensure lands are zoned and designed in a manner that supports the achievement of complete communities.

In addition, new development planned in designated greenfield areas is required to be planned, designated, zoned and designed to support the achievement of complete communities and active transportation as well as encourage the integration and sustained viability of transit services. The Growth Plan sets a minimum density target of 50 residents and jobs per hectare for the designated greenfield area for the City of Peterborough. The proposal contemplates a 76-unit apartment building on a 0.85-hectare parcel of land. The latest Development Charges Background Study estimates that the average occupancy of an apartment dwelling unit is 1.67 persons per unit. The planned development would result in a density of approximately 150 residents and jobs per hectare.

This proposal will increase the number of dwelling units within a strategic growth area in the City. The subject property is on three Peterborough Transit routes, with bus stops on both sides of Armour Road abutting the property. It is also located in close proximity to parks, trails, secondary and post-secondary schools. It is staff's opinion that the proposed Zoning By-law Amendment conforms with the policy direction of the Growth Plan.

Official Plan

The subject property is designated Strategic Growth Area, Neighbourhoods and Natural Areas on Schedule 'A' – Urban Structure and Minor Mixed-Use Corridor, Residential and Natural Areas on Schedule 'B' – Land Use in the City's Official Plan. Armour Road is identified as a Medium Capacity Arterial and Cunningham Boulevard is identified as a Medium Capacity Collector on Schedule 'D' – Road Network Plan. The property is being reviewed under the Minor Mixed-Use Corridor policies.

Minor Mixed-Use Corridors are expected to accommodate limited intensified development, while maintaining a mix of compatible land uses that support transit and the achievement of complete communities. Section 4.4.3(h) of the Official Plan states that "front yard parking will not be permitted for ... mid-rise residential uses and parking and servicing areas shall be located at the rear or side of the building and not visible from the street." The concept plan considered through the earlier approvals proposes the building at the rear of the property with the parking area abutting Armour Road.

In accordance with Section 7.3.5.a of the Official Plan, the City will consider applications for site-specific amendments to the Plan within the context of the policies and criteria set out throughout the Plan.

The concept plan is prepared in a way that achieves other policy goals and objectives of the Official Plan. The Thompson Creek Master Drainage Study prepared in 1992 speaks to prohibiting stormwater from outletting into Thompson Creek and minimizing urban runoff into the creek. As part of the previous applications, the property owner completed a Stormwater Management Report, Environmental Impact Study, and a Meander Belt width and Fluvial Geomorphological Assessment to evaluate the impacts of the proposed development on the Thompson Creek and the associated natural heritage features. These reports were reviewed by City staff and staff at the Otonabee Region Conservation Authority, and it was accepted that the proposed site layout would adequately protect the adjacent natural heritage features. Detailed stormwater management design will occur through the Site Plan Approval process.

It is the opinion of staff that the Official Plan Amendment is consistent with the policies of the Provincial Policy Statement, conforms with the Growth Plan, and achieves the overall policy objectives of the Official Plan.

Site Plan Approval

As the proposed development contains greater than 10 dwelling units, this project will be subject to Site Plan Control prior to the issuance of a building permit. Site Plan Control will address site details related to the location of parking, driveways, lighting, landscape treatment and buffering, as well as the urban design and compatibility with adjacent properties. The site plan approval process is also when the detailed design of required infrastructure (i.e. stormwater controls and low impact development features) occurs and the recommendations of any technical studies will be implemented.

Strategic Plan

Strategic Pillar: Growth & Economic Development

Strategic Priority: Plan for mid-density and high-density mixed-use neighbourhoods to make the most efficient use of land and municipal services and provide affordable options for residents.

The proposed development provides for a higher-density residential neighbourhood to make the most efficient use of land and municipal services.

Engagement and Consultation

Agency circulation was issued on July 5, 2024, and the Notice of Public Meeting was issued by mail to property owners within 120 metres of the subject property and published in the Peterborough Examiner on July 8, 2024.

No written comments have been received from agencies or the public as of the writing of this report.

In accordance with Council's resolution dated June 10, 2024, the proposed Official Plan Amendment is exempt from the review of the City's Planning Advisory Committee.

Budget and Financial Implications

There are no direct budget or financial implications arising from the approval of this application.

Using the current rate for development charges, the proposed development would generate \$1,968,780 in City Development Charge revenue and \$118,560 in Education Development Charge revenue. In accordance with Section 26.2(1) of the **Development Charges Act**, the amount of the development charge will be determined by the day an application for site plan approval is submitted.

If the proposed development is rental, discounts will apply to each unit in accordance with Section 26.2(1.1) of the Act. Since development charge discounts on rental housing are required by legislation, the City is not required to top up the development charge reserves to compensate for any reduction.

The construction of an intensified residential development will also increase the assessed value of the property and in turn also increase the City's tax revenue. This supports the City's financial sustainability and makes more efficient use of the existing services. The value of increase in tax revenue is ultimately determined by the assessed value of the property which will be calculated by the Municipal Property Assessment Corporation (MPAC) once a building permit has been issued.

Conclusion

The proposed Official Plan Amendment would remedy a policy conflict between the new Official Plan and a development concept plan that formed the basis of prior applications to amend the Official Plan and Zoning By-law. City Staff are prepared to advance the site plan application based on the proposed site layout, however the site-specific amendment to the Official Plan is necessary as the proposed development does not conform to the Official Plan.

The subject OPA would facilitate the potential for parking to be constructed between the street and the building. The concept plan contemplates the construction of a seven-storey, 76-unit apartment building on the subject property. The proposal is consistent with the Provincial Policy Statement, conforms with the Growth Plan, and aligns with the Strategic Plan. The proposal will assist the City in achieving its housing pledge to support the construction of at least 4,700 dwelling units by 2031.

Attachments

- Appendix A: Land Use Map
- Appendix B: Concept Site Plan
- Appendix C: Building Elevations
- Appendix D: Draft Official Plan Amendment No. 3

Submitted by,

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Commissioner, Infrastructure, Planning and Growth Management

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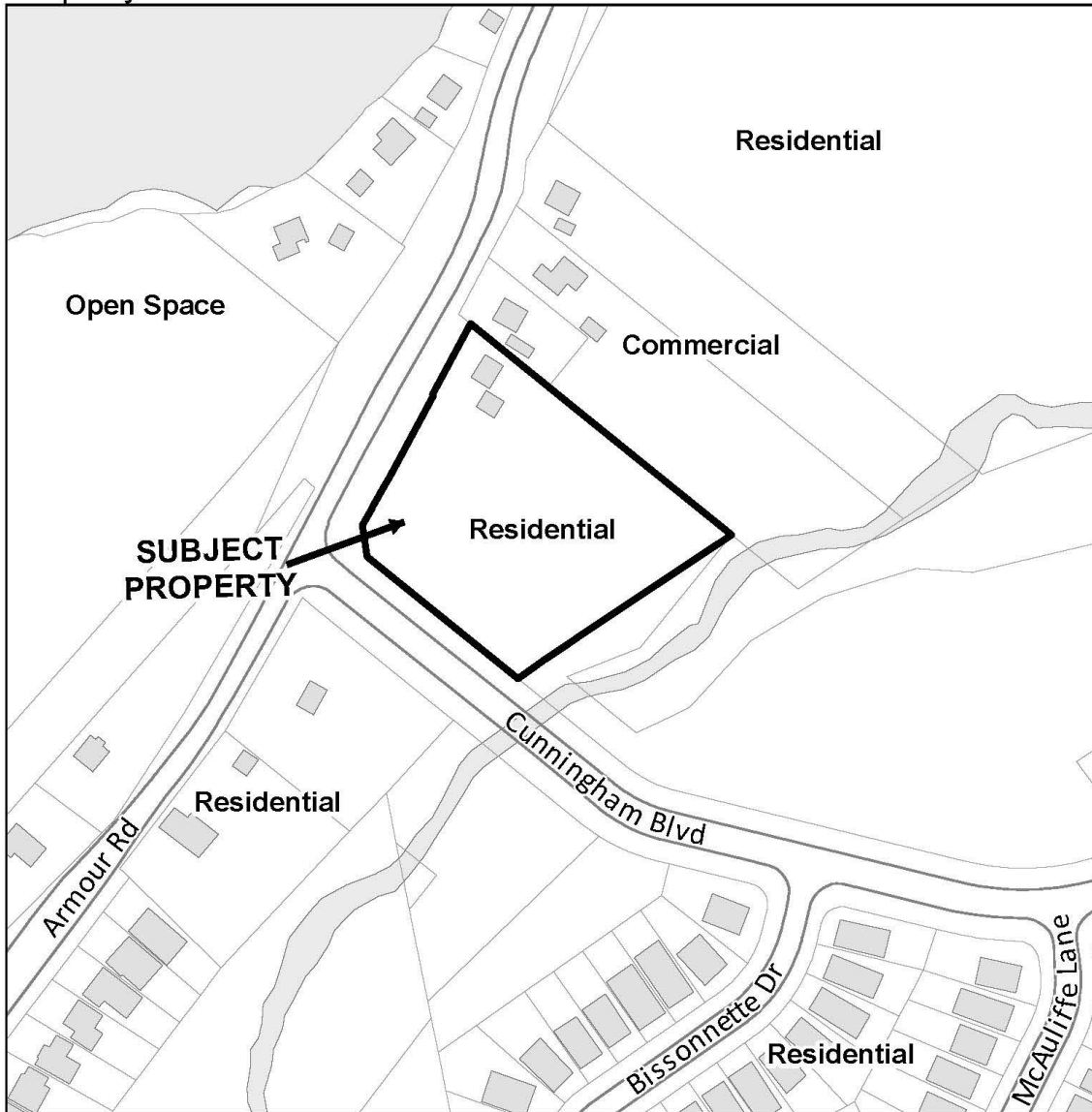
Appendix A – Land Use Map

Land Use Map

File: O2402

Property Location: 1180 Armour Road

EXHIBIT	
SHEET	OF



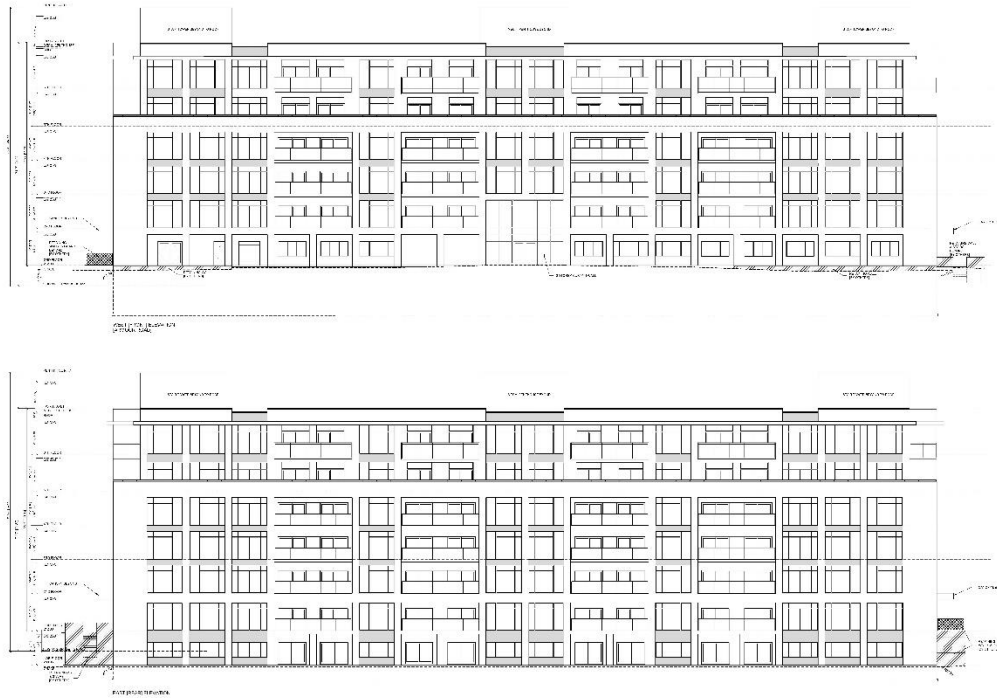
The City of Peterborough Planning Division

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Date: June 17, 2024
Map by: ANichols
0 5 10 20 30 40 50 Metres

Appendix C – Building Elevations



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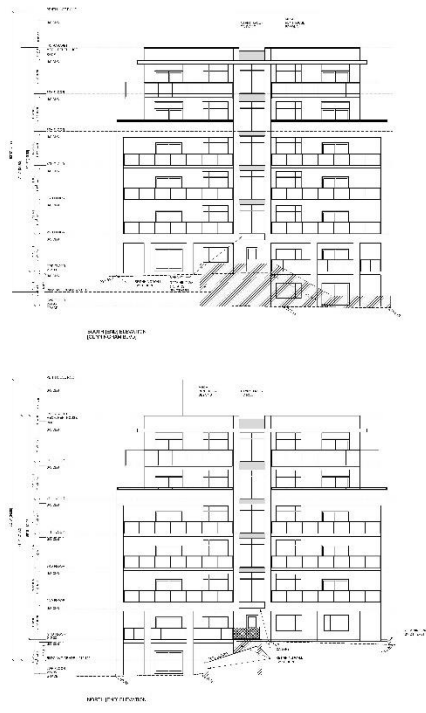
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SCALE 1/8" = 1'-0"

NORTH & SOUTH
BUILDING ELEVATIONS

a 2.2

Appendix D – Draft Official Plan Amendment



The Corporation of the City of Peterborough

By-Law Number 24-[Clerk's Office will assign the number]

Being a By-law to adopt Amendment Number 3 to the Official Plan for the lands known as 1180 Armour Road

The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. That a new Section 10.0 – Site and Area Specific Policies, be added to the Official Plan and include the following:

“Section 10.0 – Site and Area Specific Policies

- a) Notwithstanding policies of this Plan to the contrary, the lands at the northeast corner of Armour Road and Cunningham Boulevard, currently known municipally as 1180 Armour Road, may be developed with surface parking in front of the building abutting the street, generally in accordance with the concept plan that was the subject of Ontario Land Tribunal Case No. OLT-21-001913.

Jeff Leal, Mayor

John Kennedy, City Clerk