



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: September 21, 2009

SUBJECT: Report PLPD09-054
Rezoning Application
1002 Chemong Road (Wal Mart Property)

PURPOSE

A report to evaluate the planning merits of a Zoning By-Law Amendment to permit a 5,230m² (56,000 sq. ft.) expansion of the Wal Mart department store at 1002 Chemong Road.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD09-054 dated September 21, 2009, of the Director of Planning and Development Services, as follows:

- a) That the zoning of the property known as 1002 Chemong Road, be amended from the SP.318 – Commercial District to the SP.318 ‘H3’ – Commercial District to increase the maximum floor area for a department store use from 12,425 square metres to 17,641 square metres; and to permit a parking ratio of 1 parking space per 20 square metres of floor area, in accordance with the draft amendment attached as Exhibit ‘C’ to Report PLPD09-054;
- b) That the ‘H3’ Holding Symbol be removed once all outstanding deficiencies are corrected related to the completion of the infrastructure in the Milroy Drive road allowance, and once Site Plan Approval is granted for the expansion and related works on the subject property.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Commercial' on Schedule 'A' – Land Use of the City of Peterborough Official Plan, and 'Major Shopping Centre' on Schedule 'I' – Commercial Area. The proposed addition to the department store on the subject lands implements the Major Shopping Centre designation of the lands and is supported by the City's 2009 Retail Market Analysis update.

The proposed variance to the parking ratio is supported, in part, to permit a ratio of 1 space per 20m², consistent with the ratio applied to recently approved shopping centre zoning in the City.

The introduction of a further 'H' – Holding Symbol, will ensure that all outstanding issues and necessary corrective action related to the first phase of development, including the infrastructure in the Milroy Drive road allowance, be addressed to the satisfaction of the City and prior to issuance of building permit for the proposed expansion.

Urban Metrics consultants, retained by the City to update the comprehensive Retail Market Analysis related to the City's current commercial policies, has provided comments that confirm market capacity for the expanded department store space, identified as being primarily food store space, to the subject lands.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of these recommendations.

BACKGROUND

An application for the subject property was originally received on March 4, 2009. The application was revised on July 8, 2009 and August 17, 2009 to request permission to increase the total size of the department store to 17,651 sq. m. (190,000 sq. ft.) and to seek a minimum parking ratio of 1 space per 21 square metres of floor area.

The application was circulated to agencies and departments on June 5, 2009. The City consulted with Urban Metrics regarding the conclusions of the updated Retail Market Analysis prepared for the City in March, 2009 and further requested a peer review of the impact of additional food space in the north end.

The Portage Node:

The property was designated 'Major Shopping Centre' in the Official Plan and zoned SP.318-H, H1 and H2 – Special District Commercial by way of amendments approved in 2004. The amendments had the effect of enlarging the Portage Shopping Node, depicted on Figure 1 of the City's Official Plan and amending the related policies as follows:

"The Portage Node is the planned location for two department stores, one of which is to be located within the Portage Place shopping centre. An alternative utilization of the department store potential in Portage Place for other forms of retail development to enhance the comprehensiveness and suitability of the retail mix under the Major Shopping Centre designation is also recognized."

The applicant (Wal Mart Canada Corporation), is party to an Ontario Municipal Board Hearing related to the rezoning request of Loblaw Properties Limited for the property at 300 Milroy Drive (North East corner of Milroy Drive and Chemong Road). A Prehearing Conference was held in June, 2009 related to the appeal of Loblaw Properties Limited to Council's refusal or neglect to enact a proposed amendment to the Official Plan and/or Zoning By-Law to permit a food store use at 300 Milroy Drive. A partial settlement was reached with the City of Peterborough, whereby Wal Mart and Mason Homes were granted party status to the Hearing. Both Wal Mart and Mason Homes expressed their desire to introduce new food store space within the north end along Chemong Road, in addition to the proposed food store at 300 Milroy Drive. As of September 3, 2009, Mason Homes has submitted a complete application to pursue additional food store space at its property known as the Mason Development Lands on the east side of Chemong Road, north of Milroy Drive.

The parties to the Hearing agreed to the City processing both the Wal Mart and Loblaw applications, to be considered by Planning Committee at its meetings of September 21, 2009 and October 13, 2009 respectively. In addition, the City agreed to process the Chemong Secondary Plan by the end of 2009 and to process the Mason commercial application upon receipt of a complete application.

The 2009 Retail Market Analysis:

The 2009 Retail Market Analysis concludes that a limited amount of food store space is warranted to 2026 within the City of Peterborough. It has further identified an imbalance of food store space between the north and west areas of the City, based on population. The introduction of additional space in the north, therefore, is projected to address the imbalance, to be further supported by additional projected growth in this area.

The subject application proposes to expand the existing Wal Mart store by approximately 5,230m² (56,297 sq. ft.) resulting in a total floor area of 17,651 m² (190,000 sq. ft.). The bulk of the proposed expansion is intended to be to the north with a small expansion to the south to include an additional loading area with two loading bays and garden centre use and to the front entrance to the building.

Existing Site Issues:

Since construction of the existing store, Planning Staff have been working with the applicant to address issues related to the development and management of the property. Some conditions of Site Plan Approval require attention. These issues include

- a) position of the retaining wall adjacent to Milroy Drive and the grading behind the wall within the road allowance for Milroy Drive; and
- b) effective management of the loading area to address concerns related to the generation of noise and lighting.

Wal Mart has agreed to resolve the above issues and is working with staff to provide a solution.

ANALYSIS

a) Official Plan

Schedule 'I' – Commercial Land Use of the Official Plan, designates the subject properties as 'Major Shopping Centre'. The lands are also included in the Portage Node, identified on Figure 1 of the Official Plan – Peterborough's Commercial Structure. The policies related to the Portage Node, recognize the existing department store as part of the planned function for the Portage Node. The purpose of the Major Shopping Centre designation is *"to provide for major retail developments in an enclosed or unenclosed shopping centre form. The general range and mix of uses is intended to provide a variety of regular and specialty goods and services in both large and small premises."*

The Major Shopping Centre designation anticipates primarily retail uses, less diverse than the Central Area, including department store and supermarket uses. Coordination of vehicular access, site circulation and parking is required, in addition to pedestrian sidewalks or walkways linking major retail components of the development and to pedestrian movements to transit and public sidewalks. Existing surrounding residential areas are to be separated by setbacks, screening, landscaping or other buffering measures. Applications for redevelopment of lands within this designation are to be evaluated based on these principles.

The proposed introduction of additional retail space has been reviewed by Urban Metrics on behalf of the City of Peterborough. In the 2009 Retail Market Analysis Update, Urban Metrics concludes that the City can support the introduction of new food store space, albeit a limited amount. Report PLPD09-007 reported on the findings of the Urban Metrics Report as it relates to food store and recommends the distribution of new space as follows:

"Simply looking at the spatial distribution of retail growth is only part of the story. Comparing spatial distribution to population distribution and growth also explains

why the distribution may be justifiable and be better positioned to serve a growing City.

Population and Retail Floor Space Distribution, 2007					
District	Population	Food	Non Food	Service	Overall
Centre	23.0%	19.3%	30.0%	54.7%	37.3%
North	22.5%	20.0%	17.9%	12.2%	16.2%
East	13.9%	10.2%	3.6%	4.0%	4.4%
West	40.6%	50.6%	48.4%	29.1%	42.1%
Total	100.0%	100.0%	100.0%	100.0%	100.0%

*The **West District** share of City population is in balance with its overall share of retail floor space. The **Centre District** is over-represented but understandably so given its historic role and its ongoing role as a major employment area. The **North and East Districts**, relative to the population, are somewhat under-served. Food Store space is a key indicator of the availability of convenience-oriented retail. The percentage of food store retail floor space closely mirrors the population distribution in each District.”*

Planning Staff requested further information from Urban Metrics related to food store applications, particularly the Loblaw application for 300 Milroy Drive. Urban Metrics concludes that the introduction of the proposed Wal Mart supermarket space, together with one additional supermarket within the north end, “*will create moderate sales impacts that are not expected to adversely affect the economic viability of any supermarkets or grocery stores in the City of Peterborough.*”

The additional market work (peer review) prepared by Urban Metrics to assess the impact of additional food store space in the north end was requested by Staff in order to understand the implications of the additional space within the current market. Council can require that the cost of the review be shared by Wal Mart as provided for in the Official Plan.

Based on the information provided by Urban Metrics, it is clear that the market will justify a limited amount of additional food store space in the north end. Based on the information provided in the peer review, it would appear that a maximum of two additional entries are warranted in the market in the north district. The Wal Mart application is considered by staff to warrant the first assignment of food store permission, given that it is already designated for food space under the ‘Major Shopping Centre’ designation, unlike the Loblaw and Mason applications.

The expansion is subject to Site Plan Approval. The outstanding issues related to the existing loading areas and the work within the Milroy Drive road allowance, are to be addressed prior to removal of the ‘H1’ Holding Symbol.

b) Zoning By-Law

The property is currently zoned SP.318 – Special Purpose Commercial District. The SP. 318 District currently permits a 'department store' with a maximum floor area of 12,425 square metres. Holding provisions affect the portion of the property, proposed to be used for parking to support the proposed addition.

The application proposes to amend the zoning of the site to:

1. permit a department store with a maximum floor area of 17,641 square metres;
2. permit parking to be provided with a minimum ratio of 1 parking space per 21 square metres of floor area.

The existing parking area currently supports 725 spaces. The application proposes to expand the parking area to the west between the existing southerly access driveway to Chemong Road, resulting in a total of approximately 773 spaces. The applicant proposes a ratio of 1 parking space per 21m² of floor area to support the proposed expansion versus the current requirement of 1 parking space per 18m² of floor area.

The proposed parking ratio represents a departure from the minimum ratio approved for other shopping centres within the city. Although the site supports a single department store, the total size is significant, and similar to other commercial shopping areas where a multitude of smaller retail components are subject to the alternative parking regulation of 1 space per 20m² of floor area. Planning Staff recommend that the amendment reflect the minimum of 1 space per 20m² of floor area.

Site plan approval will be required to formalize the development and maintenance of the site.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on June 5, 2009.

Peterborough Utilities note that in addition to applicable development charges and servicing arrangements, the proponent should be advised that a load analysis should be completed to determine if upgrades to the electrical service/transformers will be necessary to meet the anticipated demand.

The Site Plan Review Committee of the Council for Persons with Disabilities has made some recommendations to be considered at the site plan approval stage for the

development related to parking and .safe and barrier free path of travel from the parking lot to the main entrance.

The City's Utility Services Department has provided comments to the applicant related to the completion of the Milroy Drive road allowance. Further discussions are required to ensure a solution acceptable to the City.

Otonabee Region Conservation Authority has requested additional information related to stormwater management. ORCA has advised that the preliminary information is satisfactory, and has no objection to the application.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application was issued on June 5, 2009 by direct mail and on June 12, 2009 by newspaper advertisement (Peterborough Examiner). Notice of Public Meeting was issued on August 21, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner). The notices comply with the requirements of the Planning Act.

A summary of the comments received from the Public Notice is included as follows:

The following comments detail the concerns of the neighbouring landowners:

Donald and Patricia Wright of 281 Sunset Blvd. object to the application until sufficient flood prevention has been provided to protect their home and the homes of their neighbours. Mr. And Mrs. Wright disagree with promoting additional growth along Chemong Road prior to addressing flood protection issues.

John and Rachel Hunter of 956 Chemong Road express concern with the proposed expansion of the parking area to the main entrance. The Hunters would like to see a different type of retaining wall installed that is similar to the interlocking block wall used at the new Shoppers Drug Mart across the road. The letter refers to the proposed elevation of the additional parking and the lack of privacy for adjacent landowners at 962 and 956 Chemong Road. It is noted that the existing fence is in disrepair due to its poor construction and request that, as a minimum, the entire fence be double sided with boards, ensuring more substantial construction with galvanized fasteners. Mr. And Mrs. Hunter further note that the landscaping work from the first phase remains incomplete regarding the Milroy Drive boulevard, and grading and drainage for the retention pond to the east. The Hunters request that Council ensure these issues are addressed prior to approvals.

Mr. Bob Pakenham submitted a letter on behalf of William and Roger White of 982 Chemong Road, objecting to the application. The objection is related to the proposed

reduction in parking spaces and the inadequacy of the five metre landscaped buffer adjacent to their property.

As of September 8, 2009 no further public written responses were received as a result of the circulation.

Submitted by,

Malcolm Hunt
Director of Planning and Development Services

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Ken Hetherington,
Manager of Planning

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Attachments:

EXHIBIT A Land Use Map
EXHIBIT B Concept Site Plan
EXHIBIT C Draft Zoning By-law

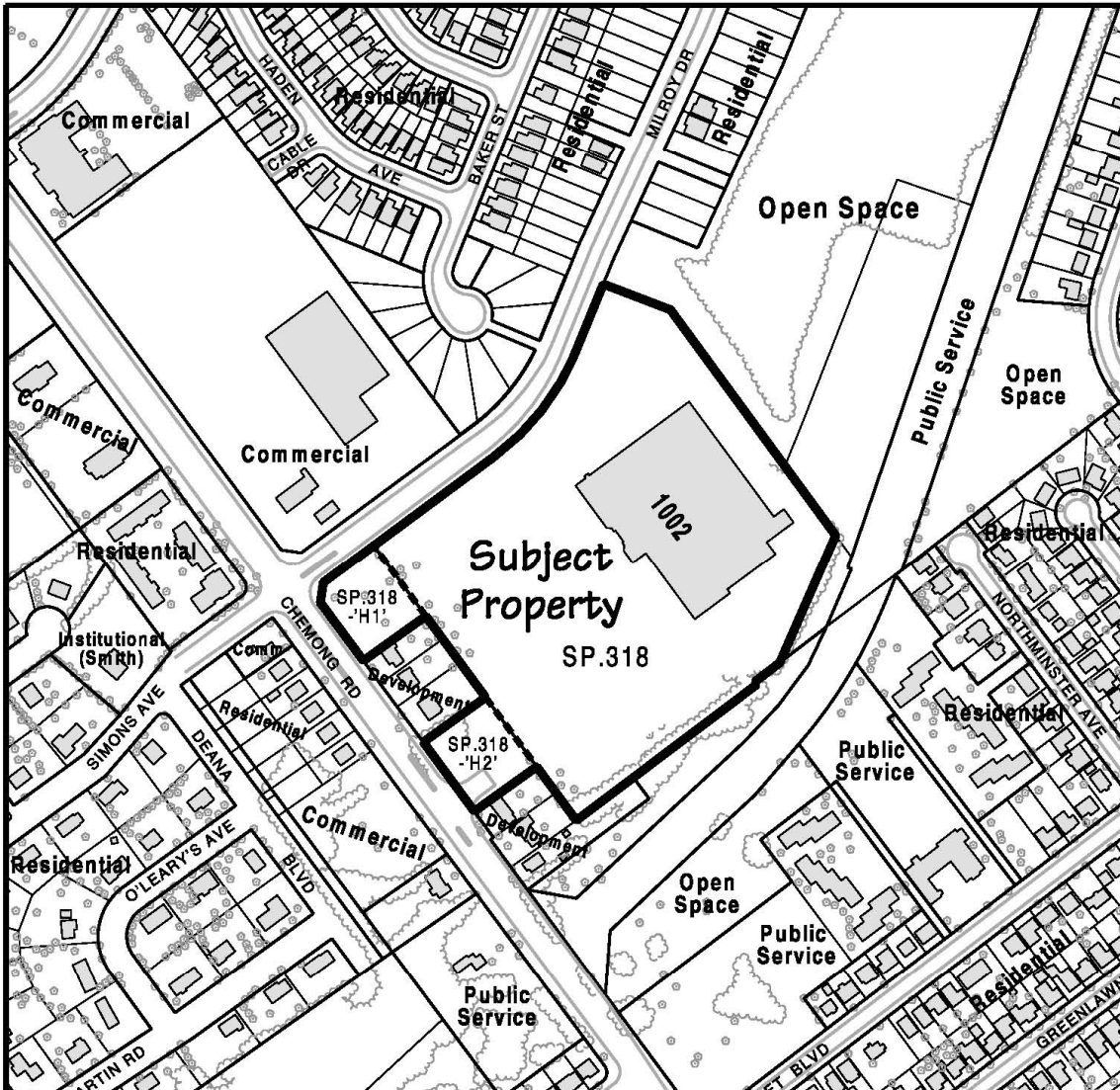
Land Use Map



Exhibit A
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File # Z0908

Property Location: 1002 Chemong Rd

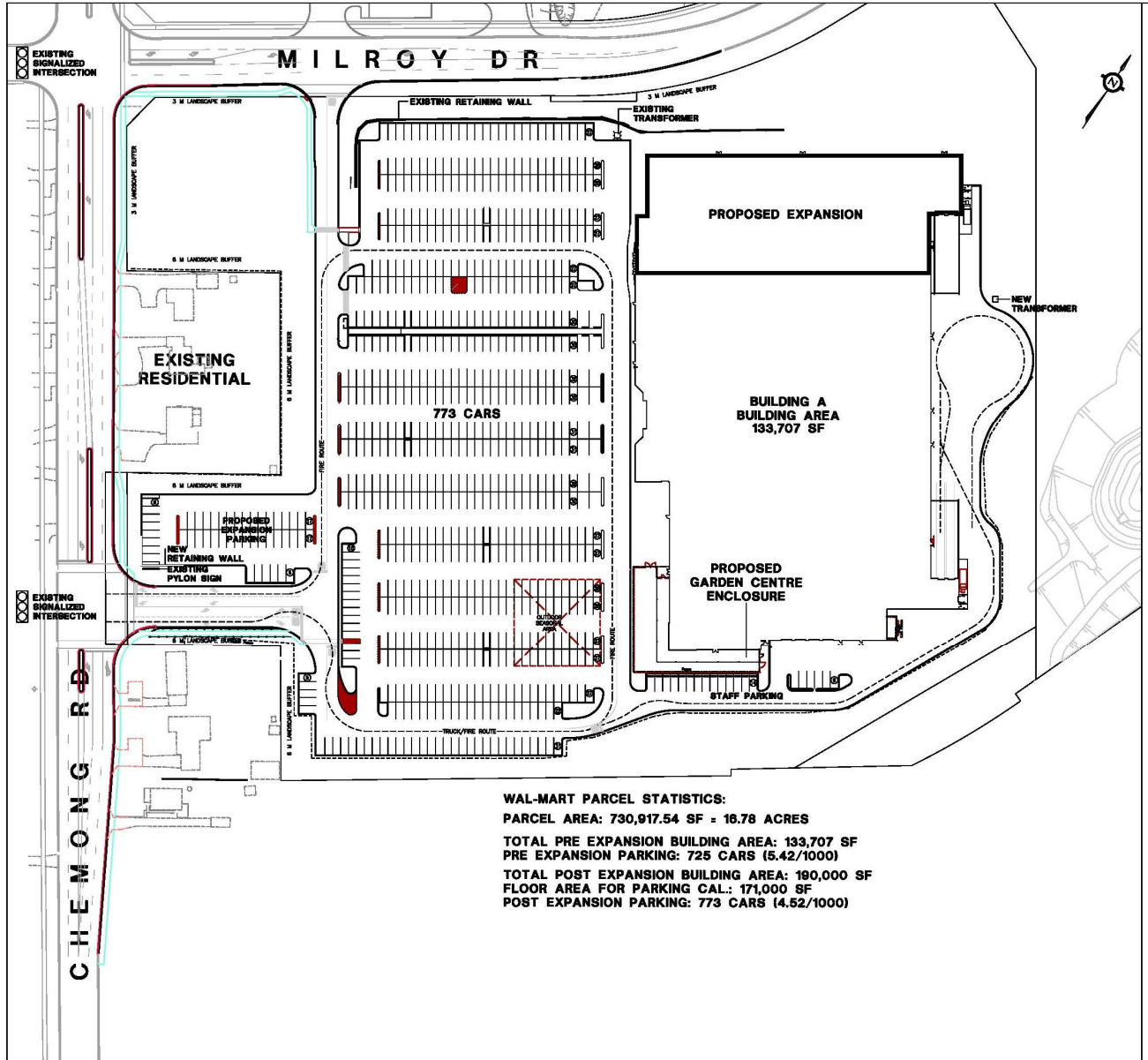


The City of Peterborough Planning Division

Date - June 3, 2009
Dwg. by - K Muma
Scale - 1:4000

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CONCEPT SITE PLAN



**EXHIBIT C
PAGE 1 OF 2**

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-_____

**BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR
1002 CHEMONG ROAD**

**THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF
HEREBY ENACTS AS FOLLOWS:**

3. Section 348 Special District 318 of By-law 97-123 is hereby amended by replacing 348.3 b) with the following:

“b) maximum floor area for a department store 17,651m²”

2. Section 348 Special District 318 of By-law 97-123 is hereby further amended by adding the following:

“ g) notwithstanding the parking requirements of Section 4.2, the minimum number of parking spaces required for a department store shall be 1 space per 20m² of floor area.”

3. **Map 3** forming part of Schedule ‘A’ to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ **from SP.318 to SP.318 – H3.**

4. The ‘H3’ Holding Symbol shall be removed once all outstanding deficiencies are corrected related to the completion of the infrastructure in the Milroy Drive road allowance, to the City’s satisfaction, and once Site Plan Approval is granted for the expansion and related works on the subject property.

By-law read a first, second and third time, this day of 2009.

D. Paul Ayotte, Mayor

(SEAL)

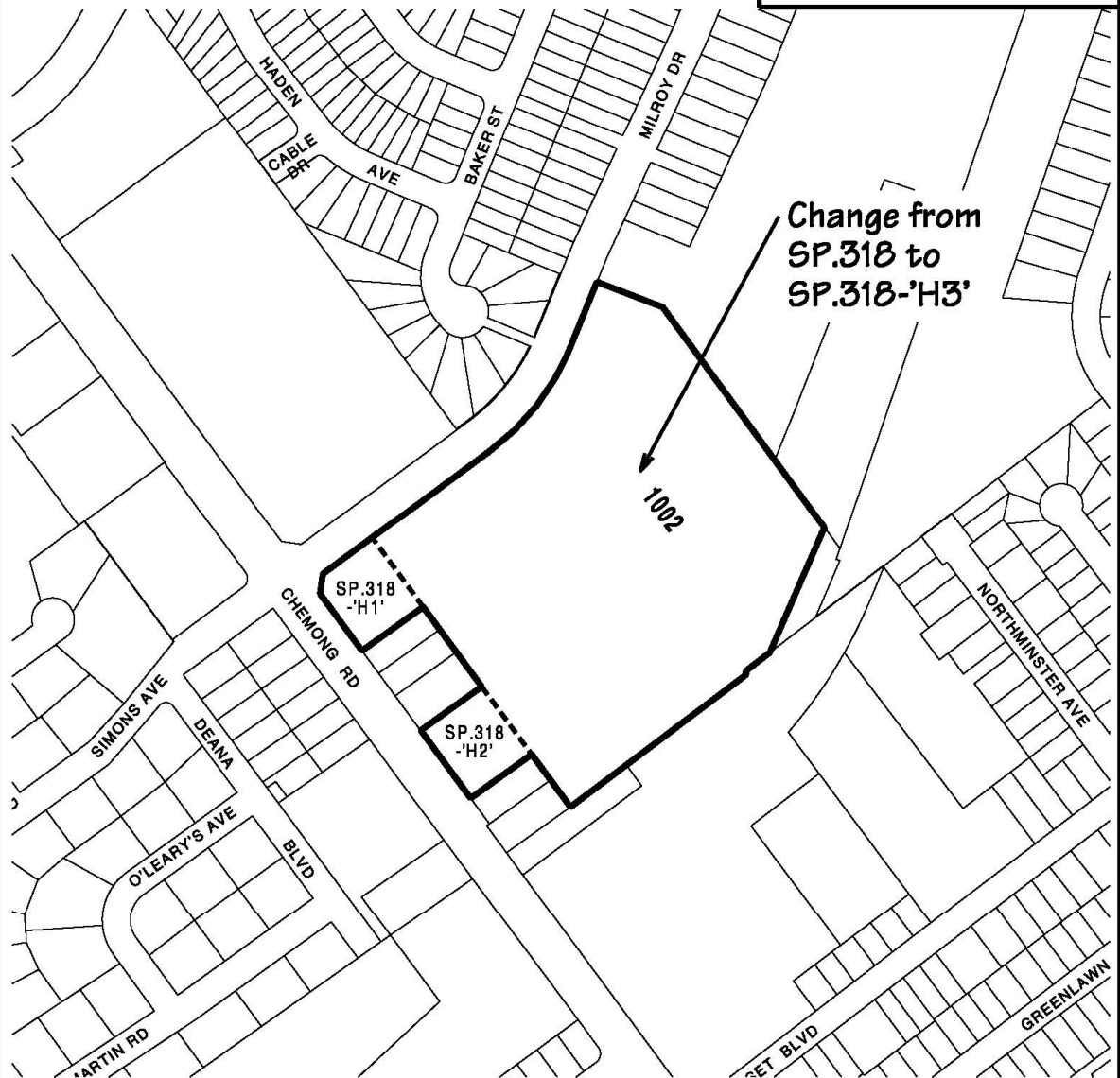
Nancy Wright-Laking, City Clerk

EXHIBIT C
PAGE 2 OF 2

Dimensions are in metric



SCHED _____
BYLAW _____
PASSED THE _____ DAY
OF _____ 2009
MAYOR _____
CLERK _____



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