



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: November 30, 2009

SUBJECT: Report PLPD09-054A
Rezoning Application
1002 Chemong Road (Walmart Property)

PURPOSE

A report to provide additional information regarding the Neighbourhood Meeting held on November 5, 2009 addressing concerns related to the rezoning request to permit an expansion of the Walmart department store at 1002 Chemong Road. This report also brings forward recommendations of Report PLPD09-054, which was adopted by resolution at the meeting of Planning Committee on September 21, 2009.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD09-054A dated November 30, 2009, of the Director of Planning and Development Services, as follows:

- a) That Report PLPD09-054A be received for information.
- b) That Council re-confirm the recommendations of the Planning Committee of September 21, 2009 related to the subject application as outlined below:
 - i) 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;

- ii) 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.

BUDGET AND FINANCIAL IMPLICATIONS

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

BACKGROUND

At the meeting of September 21, 2009, Planning Committee considered the planning merits of amending the Zoning By-Law for the property at 1002 Chemong Road, 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.

Planning Committee recommended approval of the application to Council. City Council considered the recommendation of Planning Committee at its meeting on October 5, 2009 and the following resolution was adopted:

“That item 4 of Planning Report No. 13, Report PLPD09-054 be referred to the November 30, 2009 Planning Committee meeting.”

The discussion of the application at the Council meeting of October 5, 2009 demonstrated Council's concerns with the performance of the existing development in addressing both the City's requirements and the concerns of the area residents. The applicants (Walmart) committed to arranging an Open House on November 5, 2009 to meet with the area residents to address the concerns raised both during and prior to the rezoning application process.

A Neighbourhood Meeting was held on Thursday, November 5, 2009 at Northminster United Church.

ANALYSIS

Walmart has provided the community with an action plan to resolve the issues related to the operation of the existing store and the site plan issues related to the existing development. The Neighbourhood Open House provided area residents an opportunity to review the action plan as well as express concern regarding any outstanding issues

related to the existing development, as well as any future concerns with the proposed expansion.

Based on the sign in sheets provided at the meeting, a total of 37 people attended the meeting, including 4 City Councillors and 3 City Staff. The response from those who attended was generally positive. The following actions have been identified by Walmart to resolve the issues brought to their attention.

a) Idling Trucks and Delivery Noise:

Walmart Canada has restricted hours of delivery to the store. Deliveries are not to be made between 10pm and 7am. In addition, delivery drivers have been instructed to turn off trucks while unloading to avoid unnecessary noise and pollution. Walmart has installed 'Do Not Enter Between 10pm and 7am' signage at the loading entrance lane along the southerly portion of the property. In addition, a proposed screening wall around the garbage compactor and loading appendage is proposed for the loading area at the southeast corner of the building.

b) Recycled Material Removal:

Walmart has a recycling program which involves compacting paper and plastic. The noise associated with this recycling program has disturbed residents. As a result, recycling material will not be removed from the store between 10pm and 7am.

c) Night Lighting:

In early 2009, Walmart's store management turned off lighting around the store that was not required for basic safety. In addition, light shields were installed to mitigate the impact of the remaining lighting.

d) Improper Snow Removal:

Walmart Canada investigated the concern regarding snow being pushed over the slope, and found that it was a one-time incident which was not sanctioned by Walmart. Immediate action was taken by Walmart to ensure that contractors hired to remove snow from the property understand the snow must not be pushed over the slope.

e) Garbage Along the Southern Edge of the Property:

Walmart has a contract with Absolute Multi Services, Inc., to remove garbage that collects along the southern edge of the property three times a year. In addition, the store manager has put in place a plan to ensure that garbage gets cleaned up quickly and efficiently. The parking lot is cleared daily.

f) Amendments to the Existing Site Plan:

Walmart has further identified several amendments to the existing Site Plan, as follows:

1. Signage to prohibit overnight parking has been installed at both entrance driveways and along the southerly and northerly boundaries of the parking area.
2. Design solution to repair boulevard and grading issues related to the construction of the retaining wall adjacent to the Milroy Drive road allowance, to the satisfaction of the City of Peterborough.
3. Upgrade the southerly chain link fence to a wood board fence with additional planting. A new proposed planting plan to provide additional planting along the southerly and easterly property lines is also proposed, to be incorporated into the landscape plan for the property.
4. Repair damages from the original development and upgrade fencing along the westerly boundary, abutting residential properties along Chemong Road, which has been completed.
5. Install additional light shields, as required.
6. Install screening wall around the garbage compactor and loading appendage along the east wall of the building.

The above changes to the Site Plan are to be addressed immediately. Walmart is working with Planning Staff to implement all necessary changes to the existing Site Plan.

g) Resolution of Milroy Drive:

City Engineering staff have reviewed the grading situation along Milroy Drive, and have concluded that Walmart is responsible for raising the grades along the property line, so that an acceptable grade on the boulevard can be achieved. This will likely result in the construction of an additional retaining wall, between the existing wall and the property line along Milroy Drive. The site plan approval associated with the proposed building addition will include the raising of grades along the Milroy Drive property line at Walmart's full expense.

The use of the 'H3' Holding Symbol will ensure that all outstanding deficiencies are resolved prior to issuance of a building permit for the expansion.

Submitted by,

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Concurred with,

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Attachments:

EXHIBIT "A" – Report PLPD09-054