



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: June 21, 2010

SUBJECT: Report PLPD10-040
Application for Site Plan Approval
1002 Chemong Road
4,096 Square Metre Building Addition to Walmart

PURPOSE

A report to recommend the approval of a Site Plan Application for the property at 1002 Chemong Road, to permit the construction of a 4,096 square metre (44,090 square foot) building addition, and to recommend the removal of the "H3" Holding Symbol from the zoning of the property.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD10-040 dated June 21, 2010, of the Manager, Planning Division, as follows:

- a) That the Site Plan Application submitted by Smart Centres, for the construction of a building addition with a floor area of 4,096 square metres (44,090 square feet) be approved, subject to the following conditions:
 - i) The approval of all the technical information requested by the Utility Services Department.
 - ii) The construction of a sidewalk and boulevard across the entire Milroy Drive frontage of the property, to the satisfaction of the Director of Utility Services, at the full expense of the owner.

- b) That the property be re-zoned from SP.318 - “H3” – Commercial District to SP.318 – Commercial District.

BUDGET AND FINANCIAL IMPLICATIONS

Development charges will apply to the proposed building addition. At the current rate, a development charge in the amount of \$178,462.72 will be due before the issuance of a building permit. A parks levy was previously assessed and has been deposited for the development of the entire property.

BACKGROUND

The construction of the 12,421 square metre (133,707 square foot) store was completed in 2006 with the site work concluding in 2007. Subsequent to its development the store was instantly popular with shoppers. However, there were many complaints received with respect to the store’s operation such as the noise generated by loading activities at night, truck noise, site lighting, garbage, and the neighbour’s privacy.

Staff are of the opinion that the unusual high frequency of concerns expressed with the development of the store relate to the significant difference in elevation between the subject property and neighbouring properties. The site was developed on a property with a drop in elevation of approximately 30 meters (100 feet) from Milroy Drive down to The Parkway road allowance.

In 2009, Walmart submitted an application for a Zoning By-law amendment to permit the proposed 4,096 square metre building expansion, and it was through this process that the store’s operational issues and site plan issues were publicly expressed. Council expected these issues to be addressed prior to the approval of the zoning.

At its meeting on November 30, 2009, an action plan was presented to the Planning Committee explaining how Walmart was proposing to solve issues related to the operation of the existing store and address some site plan issues related to the existing development. Previous to the Planning Committee meeting, a Neighbourhood Open House was conducted to provide an opportunity for area residents to review the plan, as well as express concerns regarding any outstanding issues related to the existing development and/or the proposed expansion.

The following actions were 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 wall to screen the garbage compactor and loading appendage was proposed for the loading area at the southeast corner of the building.

b) Recycled Material Removal:

Walmart advised that the store 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.

d) Landscape modifications

Soon after complaints were received concerning the neighbour's privacy, vinyl strips in the chain-link fence were installed to improve privacy

Additionally, Walmart cooperated with staff by submitting an acoustical study after the site was developed. The acoustical study concluded that noise generated from the store's activities did not exceed Ministry of the Environment guidelines.

Late in 2009, the Zoning By-law Amended application submitted to permit the proposed expansion of the department store was approved. The maximum size of the store was increased to permit a floor area of 17,651 square metres, and the minimum required number of parking spaces was amended to a rate of one space per 20 square metres of floor area.

The amendment also imposed an "H3" – Holding Symbol on the zoning of the property, which may only be removed when all the outstanding deficiencies are corrected related to the completion of the infrastructure in the Milroy Drive road allowance, Site Plan Approval is granted for the expansion and related works on the subject property, and payment is received in the amount of \$8,433.00 representing the owner's share of the cost for the preparation of the related retail market analysis.

FEATURES OF THE PLAN

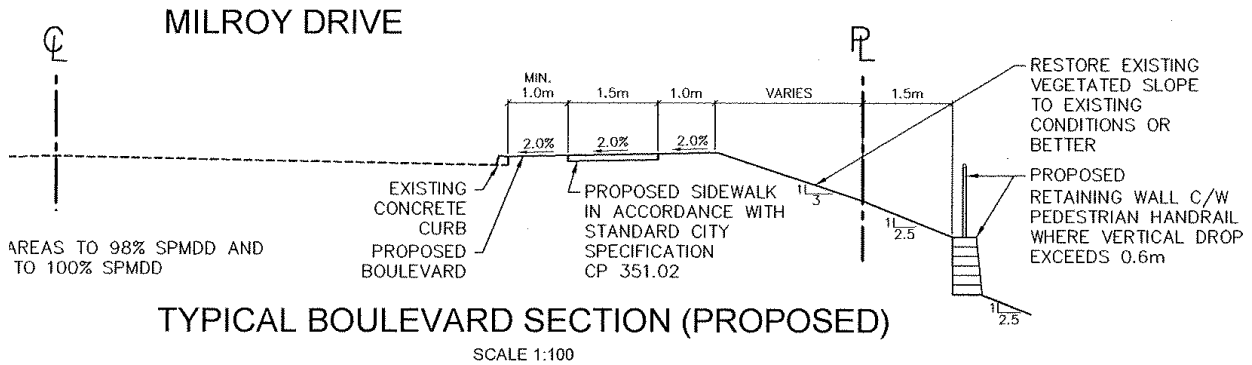
Overview

The site plan shows a 4,096 square metre building addition on the north side of the existing store. Three tractor-trailer loading spaces and a trash compactor are proposed on its east side, facing the City's "Towerhill" storm water detention pond. A driveway aisle is to be constructed across the front of the addition matched to the existing grades of the parking lot. The application includes an expansion to the parking lot in the presently grassed area along the north side of the Chemong Road driveway.

a) The Milroy Drive Solution

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 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 includes the raising of grades in the Milroy Drive boulevard all at Walmart's full expense.

The proposed solution to the grading of the Milroy Drive boulevard is illustrated below:



A new retaining wall is proposed above the existing wall. At its highest point the retaining wall will be approximately 1.5 metres (5 feet) high. In accordance with the property standards By-law, a black vinyl chain-link fence is to be constructed across the top of the wall for protection. Behind the wall, the grade will slope up, then slope gently back down to the road. A new sidewalk will be constructed at the developer’s expense across the entire frontage of the subject property on Milroy Drive. The standard sidewalk is proposed to be set back 1.0 metres from the curb, and 1.0 metres from the point on the boulevard where the grade slopes down toward the new retaining wall. The proposed solution has been reviewed and is recommended for approval by the Director of the Utility Services Department.

b) Parking

In conjunction with the construction of the current store, the site was developed well in excess of the required number of parking spaces with 715. With the additional floor area, the Zoning By-law requires the provision of 751 parking spaces. The 36 additional spaces required pursuant to the Zoning By-law are shown along the north side of the Chemong Road driveway entrance. Although this area is zoned identical to the balance of the Walmart site, it has an “H2” – Holding Symbol on it. The Holding Symbol limits the use of this area of land to “vehicle access and parking purposes”. As a result, the expansion of the parking lot into this area is in compliance with the Zoning By-law.

c) Storm Water Management

The storm water management plan has been reviewed by the Utility Services Department and will be finalized with the submission and approval of detailed calculations. The applicant was requested to confirm in writing that all storm water management controls are in place for the previous development phase before approval of the site plan application for the building addition will be recommended.

d) Landscape Development

The applicant was instructed to fortify certain areas of the site with additional trees and shrubs. These areas include:

- the south boundary, along the top of and below the retaining wall,
- the site's east boundary, above the storm water detention pond,
- on both sides of the parking lot expansion,
- new trees down both sides of the Milroy Drive driveway entrance, and
- new trees across the entire Milroy Drive frontage of the property.

The slope along Milroy Drive is proposed to be hydro-seeded with a wildflower mixture.

e) Additional Site Improvements

The subject Site Plan Application includes many other proposed improvements:

1. Signage to prohibit overnight parking at both entrance driveways and along the southerly and northerly boundaries of the parking area (has been installed).
2. Upgrade the southerly chain link fence to a wood board fence with additional planting. An additional solid board fence has also been added to the plan, along the south side of the expanded parking lot, across the top of the slope adjacent to the Chemong Road driveway entrance.
3. Repair damages from the original development and upgrade fencing along the westerly boundary, abutting residential properties along Chemong Road (has been completed).
4. Install additional light shields as required. The Site Plan was revised to reduce the number of parking lot lighting fixtures adjacent to the Chemong Road driveway entrance.
5. The recommended Site Plan now shows a screen wall around the existing and proposed loading areas and trash compactors.
6. Protection across the top of some sections of existing retaining walls.

f) The Building Addition

The proposed building addition, as well as the exterior treatment of the wing walls, is to match the exterior of the existing building. The proposed building addition includes the introduction of another entrance facing the parking lot.

ZONING AND OFFICIAL PLAN

It is recommended to remove the “H3” Holding Symbol from the zoning of the property as the following conditions have been satisfied:

- all outstanding deficiencies have been corrected relating to the completion of the infrastructure in the Milroy Drive road allowance,
- site plan approval for the proposed building addition is recommended,
- \$8,433.00, representing a portion of the cost associated with the related market analysis prepared for the City by Urban Metrics, has been deposited.

With the removal of the “H3” Holding Symbol from the zoning of the property, the site plan application is deemed to comply with the Official Plan and all applicable Zoning By-law regulations.

PERTINENT DATA

Site Area	67,9024 sq.m. (16.78 Acres)
Building Floor Area (Existing)	12,421 sq. m. (133,707 sq. ft.)
Parking Required	751 Spaces
Parking Provided	751 Spaces
Total Gross Building Area	16,784 sq. m. (180,662 sq. ft.)
Total Maximum Floor Area for a Department Store	17,651 sq. m. (190,000 sq. ft.)

NOTICE

Notice of the application was circulated to all abutting property owners as well as all concerned utilities and agencies. With respect to comments received from area residents, the proposed site plan recommended for approval adequately addresses their concerns. The two main issues related to the preservation of privacy, and the control of site lighting.

SUMMARY

The applicant has been fully cooperative and submitted revised plans that can be recommended for approval. The City continues to hold \$200,000.00 as performance security to ensure the completion of all the site work in accordance with the approved plans.

As well, all the conditions related to the removal of the “H3” – Holding Symbol have been satisfied implementing the zoning of the property and enabling the issuance of a permit for the construction of the proposed 4,096 square metre (44,090 square foot) building addition.

Submitted by,

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Attachments:

- Exhibit A - Site Location Map
- Exhibit B - Site Plan and Site Details
- Exhibit C - Site Grading Plan
- Exhibit D - Site Servicing Plan
- Exhibit E - Landscape Plan and Details
- Exhibit F - Draft By-law for Removal of Holding Symbol