



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Rachel Suffern, MPA, M.Sc. (PI), MCIP, RPP

Date: February 27, 2025

File No: A24-003/M

Subject: 11801 Derry Road

Recommendation: That the application for minor variance be approved.

General Description of Application

Under Section 45(1) of the Planning Act, the following minor variance to Zoning By-law 016-2014, as amended, has been requested to:

- Allow a cumulative total of 922 square metres of gross floor area associated with a 'Restaurant' and 'Restaurant, Take-Out' uses on the subject property containing buildings municipally known as 11771 Derry Road and 11801 Derry Road.

The subject property is known municipally as 11801 Derry Road and legally described as Part of Lot 11 on Concession 6 (formerly Trafalgar Township). The property is located at the north-west corner of Derry Road and Sixth Line.

The lands were subject to an approved Local Official Plan Amendment (LOPA-02/24) and Zoning By-law Amendment (Z-03/24) to facilitate the development of two light industrial multi-unit buildings fronting on Derry Road and two general industrial multi-unit buildings behind. The applicant has submitted a Site Plan Application (SP-17/24) and is currently under review.

A Site Plan has been attached as Figure 1 to this report.

As the date of writing this report, municipal addressing has since been applied to each building proposed: 11771 Derry Road (Building B), 11781 Derry Road (Building D), 11891 Derry Road (Building C) and 11801 Derry Road (Building A).

The site-specific zoning assigned to 11801 Derry Road (M1*347-H82) and 11771 Derry Road (M1*348-H82) permit a cumulative total gross floor area of 485 square metres for 'Restaurant' and 'Restaurant, Take-Out' uses. To accommodate market demand and accommodate flexibility for end-users, the applicant is seeking to increase the permitted gross floor area for these uses to 922 square metres.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is partially designated as Industrial Area (11781 Derry Road and 11891 Derry Road) and Business Park Area (11771 Derry Road and 11801 Derry Road) on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The lands are further designated as



Official Plan Designation (including any applicable Secondary Plan designations)

Industrial Area (11781 Derry Road and 11891 Derry Road) and Business Park Area (11771 Derry Road and 11801 Derry Road) on Schedule C-9-B - Derry Green Land Use Plan within the Derry Green Corporate Business Park Land Use Plan. Through the Secondary Plan, 11801 Derry Road is subject to a Gateway Overlay and 11771 Derry Road a Street-Oriented Overlay, both of which permit additional uses and require a higher-order of urban design. A Special Policy Area (SPA 50) has also been applied to the site to ensure appropriate development fronting on Derry Road, along with the addition of permitted uses.

Planning Staff is satisfied that the proposal is in conformity with both the Town of Milton Official Plan and Derry Green Corporate Business Park Secondary Plan. The uses permitted conform to the policy direction and through the review of the Site Plan Application, the required urban design principles have been incorporated into the proposal.

Zoning

Through Zoning By-law 016-2014, as amended, the subject lands have four site-specific zones applied to ensure conformity with the direction of the Official Plan and Secondary Plan. The zone boundaries align with the anticipated building siting:

- 11801 Derry Road - Site Specific Business Park (M1*347-H82) Zone
- 11771 Derry Road - Site Specific Business Park (M1*348-H82) Zone
- 11891 Derry Road - Site Specific General Industrial (M2*349-H82) Zone
- 11781 Derry Road - Site Specific General Industrial (M2*350-H82) Zone

Schedule A from the approved amending by-law has been attached as Appendix 1 to this report for information.

The relief being requested through this application only affects zones M1*347-H82 and M1*348-H82 as 'Restaurant' and 'Restaurant, Take-Out' uses are not permitted in the M2*349-H82 and M2*350-H82 zones.

Through Sections 13.1.1.347 and 13.1.1.348, a maximum gross floor area for 'Restaurant' and 'Restaurant, Take-Out' uses was established and applied to the entirety of the site:

“That a maximum Gross Floor Area, including patio, associated with Restaurant and Restaurant, Take-out uses shall not exceed cumulative total of 485 square metres on the lot.”

For the purposes of administering the by-law, 'lot' is defined as the entirety of the subject lands (regardless of the zone boundaries) so the cumulative gross floor area permission cannot be applied separately to each zone (i.e. 485 square metres for each building).

Based on the above noted sections, the applicant is seeking to increase the permitted gross floor area for specified uses



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Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on February 06, 2025. As of the writing of this report on February 19, 2025, staff have not received any comments from members of the public.

Agency Consultation

No objections were filed with respect to the variance application from Town staff or external agencies.

Town Transportation Planning Staff reviewed the proposal and supporting Shared Parking Analysis and offer no objection as the additional gross floor area attributed to the prescribed uses is not anticipated to negatively impact the parking supply on site. Further commentary is provided within the Development Services Comments.

Development Services Comments

To accommodate anticipated end-users and market demand, the applicant is seeking to increase the permitted gross floor area associated with 'Restaurant' and 'Restaurant, Take-Out' uses within buildings now municipally known as 11801 Derry Road (Building 'A') and 11771 Derry Road (Building 'B').

Through the initial planning applications and technical studies, an appropriate flat rate (number of parking spaces per square metre of gross floor area) was established for parking across the subject property. The intent of this approach was to provide flexibility for the developer as far as future end-users and the various uses that each unit could accommodate while also ensuring the site had adequate parking to function independently (i.e. not result in overflow parking).

The standard parking requirements in Zoning By-law 016-2014, as amended, sets out a lower ratio of parking spaces to gross floor area for uses that generate higher traffic - this includes 'Restaurant' and 'Restaurant, Take-Out' uses. As such, to facilitate the flat parking rate approach through the re-zoning and ensure higher intensity uses will not over consume the site's parking supply, the applicant provided a Transportation Impact Study that presented a shared parking analysis and justification as to what was a reasonable gross floor area for higher intensity parking uses (such as restaurants and convention centre). This data informed the existing provision that permits a maximum gross floor area of 485 square metres for 'Restaurant' and 'Restaurant, Take-Out' uses on the site.

Ultimately, the intent of the maximum gross floor area provision associated with the specified uses in the M1*347-H82 and M1*348-H82 is to ensure that there will be an adequate parking supply provided on site to accommodate all four multi-unit buildings and the range of uses permitted through the site-specific zoning. Limiting the gross floor area associated with higher intensity uses

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ensures that the parking supply is adequate and can equitably accommodate the needs of all units (and uses) on site, rather than being consumed by selected higher intensity uses.

Since the initial planning approvals, the developer has released the units to market. Consumer demand has indicated a greater need for 'Restaurant' and 'Restaurant, Take-Out' uses than what is currently permitted on site. As a result, the applicant has retained a Professional Engineer specializing in transportation planning to re-analyze the shared parking supply on site to provide greater flexibility for future end-users.

The Shared Parking Analysis, prepared by TYLin, submitted in support of this application considered the number and size of units proposed, along with the range of uses permitted on the site with specific consideration to higher intensity uses such as 'Restaurant', 'Restaurant, Take-Out', and 'Convention Centre'. It was determined that at peak daytime business hours (9:00 am to 5:00 pm), if restaurants were operating at full capacity concurrent to all other business/employment uses, a deficiency of three parking spaces would result. However, the Urban Land Institute of Shared Parking 3rd Edition states that during weekdays, restaurant uses generally reach peak demand between 7:00 pm and 9:00 pm, which is outside of peak daytime business/employment hours. As such, the Shared Parking Analysis also provides a scenario from 7:00 pm to 9:00 pm to demonstrate that at peak demand for restaurant uses (at a total of 922 square metres of gross floor area) operating at full capacity, a surplus of 224 parking spaces will be provided on site given that the daytime business/employment parking demand will not be present and/or operating at full capacity. Pragmatically, daytime business/employment uses will not be operating at peak demand at the same time as restaurants are.

The Town's Transportation Planning Technician has reviewed the Shared Parking Analysis and is satisfied that at peak hours for 922 square metres of gross floor area of 'Restaurant' and 'Restaurant, Take-Out' uses, a surplus of parking spaces will be provided. While there is a deficiency of three spaces during peak daytime hours, it is highly unlikely that the restaurants will be operating at full capacity concurrently with business/employment uses. The technical justification provided demonstrates that 922 square metres of 'Restaurant' and 'Restaurant, Take-Out' gross floor area is appropriate for the site and will not result in an inadequate parking supply on-site nor impact the function and parking demand of any other units and uses that may occupy the various buildings.

The applicant is advised that any future relief required for parking will require an update to the Shared Parking Analysis to demonstrate that it will not negatively impact the overall parking supply and function of the site. Further, the allocation of the gross floor area for 'Restaurant' and 'Restaurant, Take-Out' uses cannot be confirmed by Zoning Staff until end-users apply for Certificates of Occupancy when the breakdown of each units' uses and functions are reviewed - it is recommended that any purchaser of units within 11801 Derry Road and 11771 Derry Road be



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advised of this and consult with the Town to confirm how their operation is defined through the Zoning By-law.

Based on the aforementioned, Planning Staff offer no objection to the requested minor variance given the applicant has demonstrated that the relief will not negatively impact or hinder the function of the site and various units. The relief being requested is minor in nature, is desirable for the development of the subject lands, maintains the intent of the Zoning By-law, and conforms to the Official Plan.

Respectfully submitted,

Rachel Suffern, MPA, M.Sc., MCIP, RPP
Planner, Development Review

For questions, please contact: Rachel.Suffern@Milton.ca Phone: Ext. 2263

Attachments

Figure 1 - Site Plan (11801 Derry Road)
Appendix 1 - Schedule A of By-law 041-2024