



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-046 - 6670, 6710, 6750 & 6790 Fifth Line

#### 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 permit:

- The required office component for an Industrial and/or Warehouse/Distribution Centre use to be 0% of the GFA for Buildings 2 and 3 (a reduction of 5% based on previously approved variance application A23-001M)

The subject property is known municipally as 6670, 6710, 6750 & 6790 Fifth Line and is legally described as Part of Lot 10, Concession 5, Trafalgar. The property is currently under development and in the process of constructing four Industrial buildings.

The lands were previously subject to application A23-001/M which facilitated a reduction of the required office component for Buildings 2, 3 and 4 to 5%, rather than 15%. Given market conditions, the applicant is seeking a further reduction to 0% for Buildings 2 and 3.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Business Park Area and Natural Heritage Area in the Town's Official Plan. The area of the property subject to this Minor Variance application is Business Park Area. The main permitted uses within the Business Park Area designation are light industrial and office uses.

The subject lands are located within the Derry Green Corporate Business Park Secondary Plan. On Schedule C-9-B Land Use Plan, the lands subject to this Minor Variance application are designated Business Park Area with the Street Oriented Site overlay and Natural Heritage Oriented Area overlay.

Both the Street Oriented Site overlay and Natural Heritage Oriented Area overlay permit industrial uses with a significant office component, as to differentiate industrial uses from those lands designated Industrial Area to those designated Business Park Area. Additionally, the significant office component encourages additional office uses. There is no number associated with what constitutes a significant office component. Generally throughout the Derry Green Secondary Plan Area, staff have been applying a minimum 15% GFA be dedicated as office space through site-specific implementing Zoning By-law Amendments; however, have been amenable to reviewing this amount as 'significant' can vary greatly among different sized buildings.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended and the Derry Green Corporate Business Park Secondary Plan.

## **Zoning:**

The subject lands are zoned as site specific Business Park (M1\*306) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, Industrial, Warehousing and Distribution uses are permitted.

Section 13.1.1.306 requires a minimum 15% Gross Floor Area be required to be dedicated as an office component for Industrial and/or Warehouse/Distribution Centre uses.

As a result of a past Minor Variance approval, the applicant currently has permissions requiring a minimum 5% GFA office component for Buildings 2, 3 and 4. To facilitate the development and adapt to market conditions, the applicant is seeking to further reduce the minimum GFA office component to 0% for Buildings 2 and 3.

Building 1, fronting on Derry Road, will maintain the minimum 15% GFA as required in the site specific zoning and Building 4 will maintain 5% GFA as set-out in the previous variance approval.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 2023, 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.

## **Planning and Development Department Comments:**

The applicant has requested a minor variance to reduce the minimum amount of office space required for Buildings 2 and 3.

Throughout the Derry Green Corporate Business Park Secondary Plan Area, staff have generally been applying a minimum 15% GFA office component to Industrial, Warehouse/Distribution Centre Uses, which differentiates these uses from those that are located within the Industrial Area, which does not require a significant office component. This direction comes from Section C.9.5.1.2 (b) of the secondary plan which speaks to provisions associated with the Street Oriented Site overlay, specifically envisioning: "Light industrial uses which include a significant office component."

The lands are identified on Schedule C-9-B as Business Park Area with a partial Street Oriented Site overlay. After reviewing the schedule, Planning Staff recognize that the footprints of the subject buildings are located outside of the applicable overlay, which sets out the requirement for 'significant office component'.

Staff have reviewed the requested variance and offer no objection to its approval, as the proposal makes efficient use of the land, will continue to meet the intent of the Derry Green Business Park and Zoning By-law. The variance requested is considered to be minor in

nature and will not be of a detrimental impact to the subject lands, the street or the surrounding area.

**Recommendation:**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

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