



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/112/M 905 & 955 James Snow Parkway

#### 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:

- A minimum office component of 5% of the gross floor area for an industrial use, warehouse/distribution centre, and wholesale operation where the total gross floor area of the building is greater than 6967 square metres, whereas a minimum of 10% of the gross floor area or 696 square metres, whichever is greater, is required.

The subject property is known municipally as 905 and 955 James Snow Parkway and is legally described as Block 5 on Registered Plan 20M-1260. The property is located on the east side of James Snow Parkway south of Derry Road, in an employment area known as Derry Green.

The Owner is in the process of constructing a business park consisting of 11 development blocks. The subject variance has been requested for Block 5 which consists of two buildings identified as buildings E1 and E2. Each building is 7,022.2 square metres in size with frontage on James Snow Parkway. The majority of the building construction and site works have been completed and the applicant is now in the process of finding tenants for each of the buildings.

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

The subject property is designated as Business Park Area lands on Schedule B of the Town of Milton Official Plan and Business Park Area with a Street Oriented Site overlay in the Derry Green Corporate Business Park Secondary Plan. The Secondary plan was designed to create a comprehensively planned, high quality, corporate business park with a significant component of office and other prestige uses. The Secondary Plan contemplated approximately 17,000 to 18,000 employees based on an assumption of approximately 45 employees per net hectare. The policies note that high quality and prestige uses are to be located fronting Highway 401, Derry Road and James Snow Parkway.

In the Street Oriented Site overlay area, the Secondary Plan specifies that the permitted uses are limited to the following:

- a) Offices;
- b) Light industrial uses which include a significant office component;
- c) Research and development uses excluding uses which produce biomedical waste;
- d) Restaurants and service commercial uses where such uses form part of a light
- e) industrial, or office or mixed use building, including an industrial mall;

- f) Commercial recreation uses and public indoor recreation facilities: and,
- g) Parks.

The applicant has proposed to reduce the office component to 5% of the gross floor area from 10% for both buildings. This results in a total office area of 702.22 square metres (7558 square feet) for both industrial buildings, whereas 1404.44 square metres (15,117 square feet) is currently required. Given that both buildings have a combined area of 14,044 square metres (151,168 square feet), staff are of the opinion that the proposed office area of 702.22 square metres (7558 square feet) does not represent a “significant office component” as required in the Official Plan policies.

It is Staff’s opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended. The proposed reduction to the office space component is not consistent with the Official Plan policies which only permit light industrial uses with a significant office component.

**Zoning:**

The subject lands are zoned Business Park with site specific provisions (M1\*294). This zone permits a variety of uses including but not limited to a Fitness Centre, Industrial Uses, Medical Clinic, Office Building, Office Use, Recreation and Athletic Facility, Research & Technology Uses, U-Brew Establishments, Warehouse/Distribution Centre, and a Wholesale Operation.

Sections 13.1.1.294 C.1) state that;

- d) For an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation, a minimum of fifteen percent (15%) or 929 square metres of Gross Floor Area, which ever is greater, shall be dedicated to the Office component for such use.
- e) Notwithstanding the forgoing, for an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation located in a building where the total building gross floor area is greater than 6,967 square metres, a minimum of ten percent (10%) of the gross floor area or 696 square metres, which ever is greater, shall be dedicated to the office component for such use.

The applicant has requested a variance from subsection e), to reduce the minimum office component to 5% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation where the total gross floor area of the building is greater than 6968sq.m. (A reduction of 5% of the building floor area).

**Consultation**

*Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, November 29, 2023. As of the writing of this report on, December 6, 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.

### **Development Review Comments:**

The applicant has requested a minor variance to reduce the minimum office component to 5% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation where the total gross floor area of the building is greater than 6968sq.m. The variance has been requested for two buildings, where each building is 7,022.2 square metres in size.

The Zoning By-law currently requires that a minimum of 10% of the total gross floor area be dedicated to an office component for an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation. This provision would require approximately 702.2 square metres (7,558.63 square feet) to be dedicated to office space within each building. The proposed reduction would result in a minimum of 351 square metres (3,779.31 square feet) of office space for each building. Staff are of the opinion that this amount of office space does not represent a “significant office component” are required in the Official Plan.

The intent of the minimum office component requirement in the Zoning By-law is it to implement the policies of the Official Plan. Through the previously approved Zoning By-law Amendment for the site, it was determined that a minimum of 10% office space would be required for these buildings to be consistent with the policies of the Official Plan.

The proposed variance results in a total reduction of the office space within both industrial buildings from 1,404.44 square metres (15,117.26 square feet) to 702.22 sq.m. (7,558.63 square feet). Staff are of the opinion that the proposed office area does not represent a “significant office component” as required in the Official Plan polices.

For these reasons, it is staff’s opinion that the proposed variance is not minor in nature, does not meet the intent of the Official Plan and Zoning By-law, and is not desirable for the lands.

### **Recommendation:**

**THAT** the application for minor variance **BE DENIED**.

**Natalie Stopar**

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December 6, 2023