



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/001 (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 5% of the GFA for Buildings 2, 3 and 4 (a reduction of 10%)

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.

#### 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. In order to facilitate the development, the applicant is seeking to reduce the minimum 15% GFA requirement to 5% GFA for Buildings 2, 3 and 4. Building 1, fronting on Derry Road, will maintain the minimum 15% GFA as required in the site specific zoning.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, January 13, 2023. As of the writing of this report on, January 18, 2023, staff have received one letter objecting to the reduction in minimum office space, citing concerns with an increase in warehousing space and increased traffic on Fifth Line as a result of the reduction in office space, and impact on the existing residential uses within the vicinity.

As it relates to the request to reduce the amount of office space associated with Industrial and/or Warehousing/Distribution Centre uses, staff are of the opinion that the requested variance is related to the significance of the office component in the Business Park area, and not the principle of land use and permitted uses on the subject lands. The size of the use of the lands for Industrial, Warehousing and/or Distribution Centre uses is regulated by the zone standards of the Business Park (M1) zone, including lot coverage and setbacks, all of which are complied with for the proposed development. These uses are only three of the many uses permitted in the M1 zone, and the minimum office space component only applies to these particular uses as they are the most land intensive uses permitted in this zone. Additionally, the number of parking spaces and loading spaces provided does not change, regardless of the amount of office space provided for on the site, therefore a significant increase in truck traffic is not anticipated solely as a result of the reduction in the office space component.

Fifth Line is a minor arterial road under the jurisdiction of the Town of Milton. Minor arterial roadways are generally characterized with traffic movement being the primary function, high traffic volumes and no restrictions for heavy trucks. Fifth Line is currently 2 lanes and is intended to be reconstructed to 4 lanes in the future, in anticipation of the growth of both the Town and the Business Park Secondary Plan Area, and the related truck traffic anticipated.

All development contemplated with the Derry Green area is considered within the existing, approved policy framework, and it is Staff's opinion that the proposed variance conforms to these approved policies.

The Residential Special Policy Area designation is an overlay designation on the lands across Fifth Line from this site, where existing single detached dwellings exist. It is the intent of this Special Policy Area to recognize the existing residential uses which are unlikely to be redeveloped in the short term. Acknowledging that the residential uses may continue in perpetuity, through the Site Plan Application currently under review, the Town is directed to consider the provision of landscaping and other types of buffering on the boundary with the residential use.

### *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, 3 and 4. 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.

Staff have reviewed the proposed 5% GFA to be dedicated as an office component for Buildings 2, 3 and 4, and based on the size of the buildings proposed, are in agreement that this constitutes as a significant office component. For Buildings 2, 3 and 4, the applicant proposes to construct a minimum of approximately 44,000 square feet of office space amongst the three buildings, in addition to the 15% GFA proposed to be maintained in Building 1, for a minimum of approximately 58,000 square feet of office space provided for throughout the development. This amount of GFA dedicated to office uses associated with the proposed Industrial and Warehouse/Distribution Centre uses meets the general intent of providing a significant office component throughout the Derry Green Corporate Business Park Secondary Plan Area.

The development of this property continues to be reviewed through Site Plan Application SP 37/21. Staff are of the opinion that the Site Plan Application is at an adequate point in the review that the proposal will not change and no additional relief is required.

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 Buildings 2, 3 and 4 shall be generally located and constructed in accordance with the site plan and building floorplans, prepared by Ware Malcomb, dated November 24, 2022.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. 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.

**M. Kuchma**

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January 26, 2023