



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/120/M 11319 Derry Road

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 10% of the gross floor area for an industrial use, warehouse/distribution centre, and wholesale operation, whereas a minimum of 15% of the gross floor area or 929.03 square metres, whichever is greater, is required.

The subject property is known municipally as 11319 Derry Road and is legally described as Part of Block 6 on Registered Plan 20M-1259. The property is located on the north side of Derry Road east of James Snow Parkway, in an employment area known as Derry Green.

The Owner is in the process of constructing an industrial/business park consisting of 3 buildings. The subject variance has been requested for one of the buildings fronting onto Derry Road, with a gross floor area of 14,198 square metre (152,828 square feet). The subject building is under construction.

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 minimum office component to 10% from 15% for industrial, warehouse/distribution centre, and wholesale operation uses. This results in a total office area of 1,419.80 square metres (15,282.60 square feet) for the industrial building, whereas 2,129 square metres (22,923.90 square feet) is currently required.

A minimum required office space component of 10% of the gross floor area for industrial, warehouse/distribution centre, and wholesale operation uses is consistent with other developments in the Derry Green Secondary Plan area, with the same policy framework as the subject lands. Further reductions under the minimum required 10% of office component however, have not been supported by Planning staff. It is staff's opinion that a minimum of 10% of the building floor area for industrial, warehouse/distribution centre, and wholesale operation uses must be maintained to remain consistent with the Official Plan, which states that light industrial are only permitted provided that they have significant office component.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned Business Park with site specific provisions (M1*297). 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 13.1.1.297 C.1) i) and j) state that;

A minimum of fifteen percent (15%) or 929.03 square metres of gross floor area, which ever is greater, for an Industrial Use, Warehouse / Distribution Centre and a Wholesale Operation shall be dedicated to the office component for such use.

The applicant has requested a variance to reduce the minimum office component to 10% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation. (A reduction of 5% of the building floor area).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, January 10, 2024. As of the writing of this report on, January 17, 2024, 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 variance to reduce the minimum office component to 10% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation. The variance has been requested for one building, with a gross floor area of 14,198 square metre (152,828 square feet).

The proposed variance results in a total office area of 1,419.80 square metres (15,282.60 square feet) for the industrial building, whereas 2,129 square metres (22,923.90 square feet) is currently required.

The intent of the minimum office component requirement in the Zoning By-law is to implement the policies of the Official Plan, which require a “significant office component” for light industrial uses. Staff have determined through the review of multiple development applications within the Derry Green Secondary Plan area, that a minimum required office space component of 10% of the gross floor area for industrial, warehouse/distribution centre, and wholesale operation uses is appropriate and maintains the intent of the Official Plan. Further reductions under the minimum required 10% of office component however, have not been supported by Planning staff.

For these reasons, it is staff’s opinion that the proposed variance is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is desirable for the lands.

Recommendation:

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

Natalie Stopar

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January 17, 2024