



SUBJECT: RECOMMENDATION REPORT
INTERIM CONTROL BY-LAW
Thornlea Industrial Area
Thornhill Community

FILE #: PR 12 108428

PREPARED BY: Geoff Day, Senior Planner - West Development District, Ext. 3071

REVIEWED BY: Biju Karumanchery, Senior Development Manager – Planning and Urban Design

RECOMMENDATION:

- 1) That the report entitled “Recommendation Report, Interim Control By-law Thornlea Industrial Area, Thornhill Community File # PR 12 108428” dated March 20, 2012, be received.
- 2) That pursuant to Section 38 of the Planning Act, Council enact an Interim Control By-law for the Thornlea Industrial Area, substantially in accordance with the proposed By-law attached as Appendix ‘A’;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide background and rationale for the immediate enactment of an interim control by-law to prohibit major redevelopment or changes in land use within the Thornlea Industrial Area while Planning Department studies are underway and, the Thornhill Area Revitalization Working Group is investigating possible options for the evolution and enhancement of the area as endorsed by Council on March 1, 2011.

BACKGROUND:

Subject area and area context

The area subject to this report and by-law is comprised of 47 land parcels bounded by two CN Rail lines to the west and south and the Aileen-Willowbrook residential neighbourhood to the north and east (Figures 1&2). The subject area contains a mix of land uses. The south end, between the east-west rail line and John Street, is characterized by a mix of service, retail and commercial uses, including a large self-storage establishment at the extreme south west corner of the area that was built approximately six years ago. The lands between John Street and Green Lane contains one large vacant employment site (the former Canac Kitchens) on the east portion as well as a mix of service commercial and institutional uses fronting on the south side of Green Lane and the

north side of John Street. Raywall Kitchens and a variety of automobile service and repair uses are located north of Green Lane along Guardsman Road. The majority of uses contained within the northern boundary of the area along Harlech Court are automobile service and repair uses.

Current Official Plan and Zoning

The majority of the Thornlea Industrial Area, except for the northernmost portion in the vicinity of Harlech Court, is designated Business Corridor Area – John Street / Green Lane by the Thornhill Secondary Plan (OPA 1). Section 7.3.4.1 of the Secondary Plan describes the area as containing a “...wide variety of uses, many of which are unattractive, inappropriate or disruptive for the area or for nearby residential neighbourhoods, and some of which are not sanctioned by established zoning”. The intent of this designation is to recognize the variety of employment and service uses within the employment area and to encourage the gradual evolution of the area by narrowing the range of permitted industrial uses and broadening the range of non-industrial uses to include certain institutional and commercial uses through the rezoning process.

The northern portion the industrial area, in the vicinity of Harlech Court, is designated General Industrial in the Thornhill Secondary Plan. The intent of this designation is similar to the Business Corridor Area – John Street / Green Lane designation except that it also seeks to retain industrial uses. An example of the evolution sought in this area is the recently endorsed 1,760 m² (18,945 ft²) 3 storey office building located at 16 Harlech Court. Site Plan Approval has not yet been issued.

The majority of the lands in the Thornlea Industrial Area are zoned Industrial (M) by By-law 77-73. This zoning by-law permits warehousing, assembly, manufacture or repair within enclosed buildings, commercial and technical schools, and private clubs. Residential uses are prohibited. However, the area contains a number of existing and potentially legal non-conforming uses that are not sanctioned by established zoning.

Redevelopment pressures

In the last 4 years several properties have been on the market, or have recently been sold in the area. Both buyers and potential buyers have inquired at the Town about redeveloping or redesignating the properties for uses, including residential and mixed uses that are not presently contemplated in the Town’s Official or Secondary Plans.

Recent Studies

The Thornlea Industrial Area is subject to a Town-wide and two area specific, on-going studies, as follows:

Town-wide:

Town of Markham Employment Land Strategy

Purpose:

- To offer guidance to Town decisions with respect to conforming to senior government policy;

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- To identify land requirements to achieve employment forecasts; and,
 - To update the Town's policy framework for the provision and use of employment lands in support of the Economic Development Strategy, Building Markham's Future Together and the Growth Management Strategy.

Status:

- Phase 1 complete; phase 2 recommendations, having regard for the Council endorsed Growth Alternative, to be incorporated into the upcoming new Town of Markham Official Plan.

Area Specific:

Thornhill Employment Area Land Use Study

- The Thornhill Employment Area Land Use Study, initiated by Council in 2008, was intended to examine options for updated Official Plan, Secondary Plan and Zoning By-law provisions to promote the transition of the existing employment area into a higher order business corridor, while addressing issues of compatibility with the surrounding residential areas. A Draft Policy Options Report was submitted to Staff by the consultant in September of 2009. However, further work on the study was halted and the findings of the study to date are being taken into consideration as part of phase 2 of the Employment Lands Strategy discussed above.

Thornhill Area Revitalization Working Group

On March 1, 2011, Terms of Reference were endorsed by Council to establish the Thornhill Area Revitalization Working Group. The Working Group is represented by both the local neighbourhood and the local employment community. Through scheduled meetings, the Working Group is to review the existing policy context and implications of policy changes, review options identified to date in the Thornhill Employment Area Study, and examine opportunities to enhance the interface between new/existing employment uses and adjacent residential uses, in order to reduce land use conflicts.

Purpose and role of the working group

The purpose and role of the Working Group is to provide detailed and focused input from local residents and the business community into the ongoing Thornhill Employment Area Land Use Study.

To date, four meetings and an on-site walking tour have been conducted. Three additional meetings have been tentatively scheduled over the upcoming months

OPTIONS/ DISCUSSION:

Stemming from the ongoing discussions with the Working Group, concerns have been expressed that any new major development proposals within the area prior to the Group having the opportunity to provide input and present recommendations to Council, may

jeopardize the intent of the research studies and public consultation that is presently underway.

Interim Control By-law proposed for the Study Area

Section 38 of the Planning Act authorizes Town Council to pass an Interim Control By-law in order to temporarily restrict land use while the Town studies and reviews the land use policies and zoning standards for the affected uses in the Study Area. The proposed Interim Control By-law (Appendix 'A') seeks to prohibit major redevelopment or changes in land use within the Thornlea Industrial Area while the Planning Department is finalizing employment area studies currently underway and while the Thornhill Area Revitalization Working Group is investigating possible options for the evolution and enhancement of the area. The Interim Control By-law would not prevent lawfully existing uses from continuing to operate and minor additions to existing buildings on existing lots of record, except as noted in the by-law.

Highlights of the proposed interim Control By-law are as follows:

- Prohibit the development of any new buildings or structures save and except for a 1,760 m² (18,945 ft²) 3 storey office building and associated parking area to be located at 16 Harlech Court;
- Allowance for the alteration and/or enlargement of an existing building or structure where a building permit is not required or where the proposed alteration and/or enlargement does not exceed 10% of the existing building or structure; and, no minor variances are required to permit the alteration and/or enlargement;
- Allowance for the repair or restoration of a building that has been damaged; and,
- Allowance for an accessory building or structure, provided all applicable regulations have been complied with;

The review processes underway are anticipated to be completed within the legislated time frame of one (1) year. All property owners within the Study Area will receive Notice of the passing of the Interim Control By-law.

CONCLUSION:

Any major redevelopment within this area may jeopardize the intent of the research studies and public consultation that is presently underway. It is recommended that the proposed Interim Control By-law (Appendix 'A') for all properties as shown on Schedule 'A' of the attached By-law be enacted immediately, for a one (1) year period. This will allow Staff to complete the ongoing studies affecting this area and provide policy options to the Development Services Committee for consideration prior to any major redevelopment occurring in this area. The Planning Act does provide Council the authority to extend the By-law for a further one year period, if necessary.

FINANCIAL CONSIDERATIONS:

None at this time.

HUMAN RESOURCES CONSIDERATIONS

None at this time.

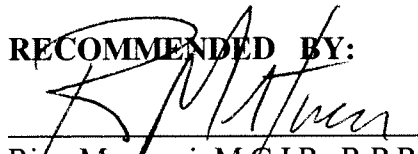
ALIGNMENT WITH STRATEGIC PRIORITIES:

The proposed Study will review land use policies and zoning standards to enable appropriate redevelopment and growth management within the Study Area.

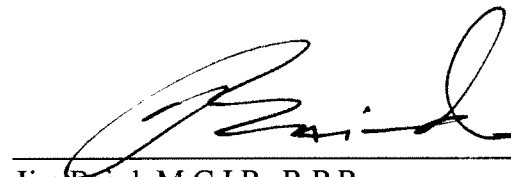
BUSINESS UNITS CONSULTED AND AFFECTED:

Staff have consulted with the Legal Services Department on the draft by-law attached and this report.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Subject Area
Figure 2: Aerial Photo
Appendix 'A': Interim Control By-law for the Thornlea Industrial Area

File path: Amanda\File 12 108428\Documents\Interim Control Report and By-law