



Report to: Development Services Committee

Report Date: November 7, 2016

SUBJECT: RECOMMENDATION REPORT
Application for Site Plan Approval by Fontur International Inc. for a Bell Mobility Monopole Telecommunication Tower and associated equipment compound at 80 Langstaff Road East
File No. SC 15 153044

PREPARED BY: Rick Cefaratti, MCIP, RPP, ext. 3675
Planner II, West District

REVIEWED BY: Dave Miller, MCIP, RPP, ext. 4960
Manager – West District

RECOMMENDATION:

- 1) That the report dated November 7, 2016, entitled “Application for Site Plan Approval by Fontur International Inc. for a Bell Mobility Monopole Telecommunication Tower and associated equipment compound at 80 Langstaff Road East, File SC 15 153044”, be received;
- 2) That the presentation by Fontur International Inc., on behalf of Bell Mobility, regarding the proposed telecommunications tower, be received;
- 3) That the Site Plan application be endorsed, subject to the conditions of Site Plan Approval as identified in Appendix ‘A’ to this report;
- 4) That Industry Canada be advised in writing of this conditional endorsement (concurrence) following the City of Markham’s acceptance of a signed Letter of Undertaking on behalf of Bell Mobility and CN Rail to ensure that the proposed tower is removed in the event the City of Markham determines that its location is in conflict with future development within the Langstaff Gateway Area, and that this conditional endorsement is with respect to this location only;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report provides an overview and evaluation of the proposed site plan application submitted by Fontur International Inc. on behalf of Bell Mobility for a telecommunications tower on property owned by the Canadian National Rail Company. The report recommends endorsement of the Site Plan application.

BACKGROUND:

The subject lands, owned by CN Rail, are located on the north side of Langstaff Road East, within the rail corridor right of way (Figure Nos. 1 and 2). To the north and west of the site is the 407 ETR. The CN Rail corridor and various temporary outdoor storage

yards are located to the south, across Langstaff Road East. To the east of the site are the Langstaff Go Station and its associated parking lot (Figure No. 4).

DISCUSSION:

Description of Proposed Telecommunication Tower

On June 3, 2015, Fontur International Inc. submitted an application for Site Plan Approval on behalf of Bell Canada to permit a 45.0 m (147.6 ft.) high monopole telecommunications tower on the subject property to replace the existing 45.0 m (147.6 ft.) high monopole telecommunications tower located at 5 Cedar Avenue (see Figure 1). The proposed tower and associated equipment will be located on a 44.0 m² (144.3 ft²) concrete slab base adjacent to Langstaff Road East and west of the CN Rail train tracks (Figure Nos. 3, 5 and 6).

Jurisdiction

Telecommunication facilities are regulated by the Federal Government. Industry Canada is the Federal Agency with the approval authority for the location and operation of telecommunication facilities in Canada. Industry Canada acknowledges the importance of municipal consultation as part of the approval process. Proponents are encouraged to consult with the local municipality to obtain their input and comments.

Public Consultation

The proposed telecommunication tower did not qualify for an exemption from public consultation. The applicant provided notification of the proposal in accordance with Industry Canada's Client Procedures Circular (CPC) regarding Radiocommunication and Broadcasting Antenna Systems, and the City's current Telecommunication Policy. Property owners within a 135.0 m (442.9 ft.) radius (a radius of three times the tower height) received a notification package regarding the proposed Telecommunication Tower in September of 2015. None of the adjacent properties within the described notification radius contain any existing sensitive land uses such as residential, schools or daycares. However, the subject lands are located within the Secondary Plan Area for the Langstaff Gateway Planning District (OPA 183). Figure No. 7 – Schedule 'AA' – Land Use Plan for OPA 183 illustrates distances of approximately 107 m (351 ft.) between the tower and lands designated for future Residential development, and 63 m (207 ft.) between the tower and lands designated for future Residential – Mixed Use development. There were no written submissions received during the required commenting period which commenced on September 22, 2015 and concluded on October 23, 2015. However, comments were received from an adjacent property owner in objection to the proposal following the commenting period. The objection related to the proposed tower location as it relates to future land use in the Langstaff Gateway Planning Area (see Attachment 1).

CN Rail Grade Separation Crossing

Planning Staff are concerned that the tower's location may impact future development within the Langstaff Gateway Area. For example, the tower appears to be located very close to the future grade separated crossing over the CN Rail tracks. Completion of the re-alignment of Langstaff Road East will occur in Phase 1 of development, and adjacent Residential-Mixed Use development will occur during Phase 3 of development within the

Langstaff Gateway Area. Figure No. 7 illustrates the proposed tower location in relation to the future re-alignment of Langstaff Road East, at the intersection of Langstaff Road East and the CN Rail line. Staff recommends that Bell Canada and CN Rail provide a jointly signed letter of undertaking to ensure that the proposed tower is removed in the event the City of Markham determines that its location is in conflict with future development within the Langstaff Gateway Area, to the satisfaction of the Director of Planning and Urban Design, and the City Solicitor. The applicant has been made aware of the potential future conflict between the proposed tower and the future CNR Grade Separated Crossing and development of the Langstaff Gateway lands, and is agreeable to providing the letter of undertaking described above.

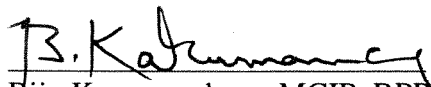
Municipal Concurrence

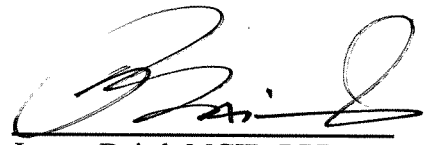
In accordance with City policy, the applicant has made a request for Municipal Concurrence, and is required to make a deputation to the Development Services Committee to seek endorsement of the Site Plan application. In the event that the application is endorsed by Development Services Committee, a copy of the resolution and the endorsed plan will then be forwarded to Industry Canada for their final approval. The endorsed plan will be accompanied by a letter of concurrence from the Director of Planning & Urban Design. The letter of concurrence will include a copy of the executed undertaking.

CONCLUSION:

Staff is of the opinion that the proposed 45.0 m (147.6 ft.) high monopole tower is appropriate in size and shape for the chosen location and considers its design and height to be compatible with its surroundings, subject to the conditions attached.

RECOMMENDED BY:


Biju Karumanchery, MCIP, RPP
Director, Planning & Urban Design


James Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

Appendix 'A' – Conditions of Site Plan Approval

Figure 1: Location Map

Figure 2: Area Context

Figure 3: Site Location Plan

Figure 4: Air Photo

Figure 5: Compound Layout Plan

Figure 6: Elevation

Figure 7: Schedule 'AA' – Land Use Plan, OPA 183

Attachment 1 – Written comments from Condor Properties

Owner and Applicant Contact Information:

Owner

Canadian National Rail Company
C/O Raymond Beshro
C.N. Railway Business Development and Real Estate
1 Administration Road Building 1
Concord, Ontario, L4K 1B9
Tel: (905) 760-5007
Fax: (905) 760-5010
Email: Raymond.Beshro@cn.ca

Applicant

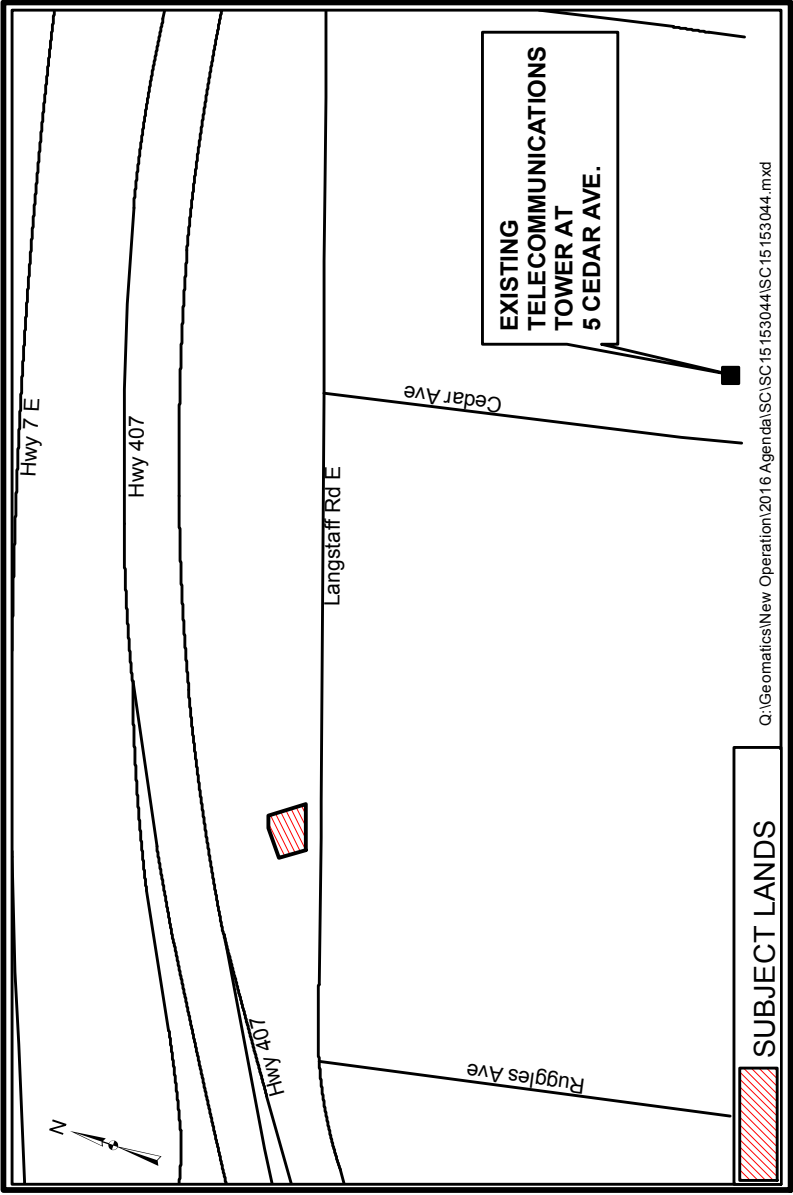
Fontur International Inc.
C/O Shehryar Khan
30 East Beaver Creek Unit 104
Richmond Hill, Ontario, L4B1J2
Canada
Tel: (647) 701-4576
Email: shehryar.khan@fonturinternational.com

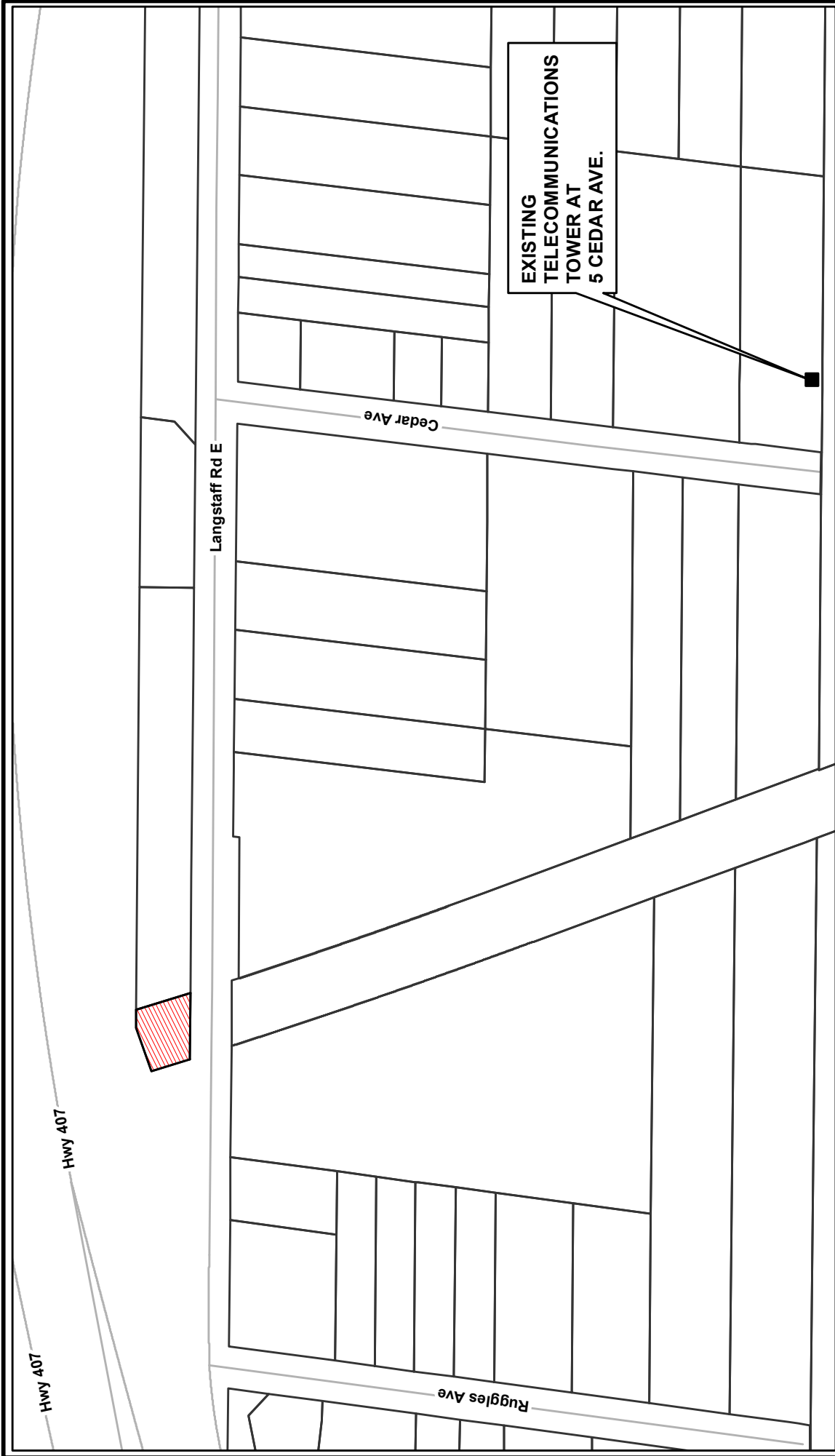
Appendix 'A'

Staff Recommended Conditions of Site Plan Approval

- 1) The owner shall submit final drawings with all requirements of the City and authorized public agencies, to the satisfaction of the Director of Planning and Urban Design;
- 2) That a building permit be obtained from the City;
- 3) That Site Plan endorsement and municipal concurrence shall lapse after a period of three years commencing November 7, 2016, should the development not proceed;
- 4) That Bell Canada and CN Rail provide a Letter of Undertaking that they will remove the proposed telecommunications tower in the event that the City of Markham advises that its location conflicts with future development within the Langstaff Gateway Area, to the satisfaction of the Director of Planning and Urban Design and the City Solicitor.

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AREA CONTEXT

APPLICANT: FONTUR INTERNATIONAL INC.
80 LANGSTAFF ROAD EAST

FILE No. SC.15153044 (RC)

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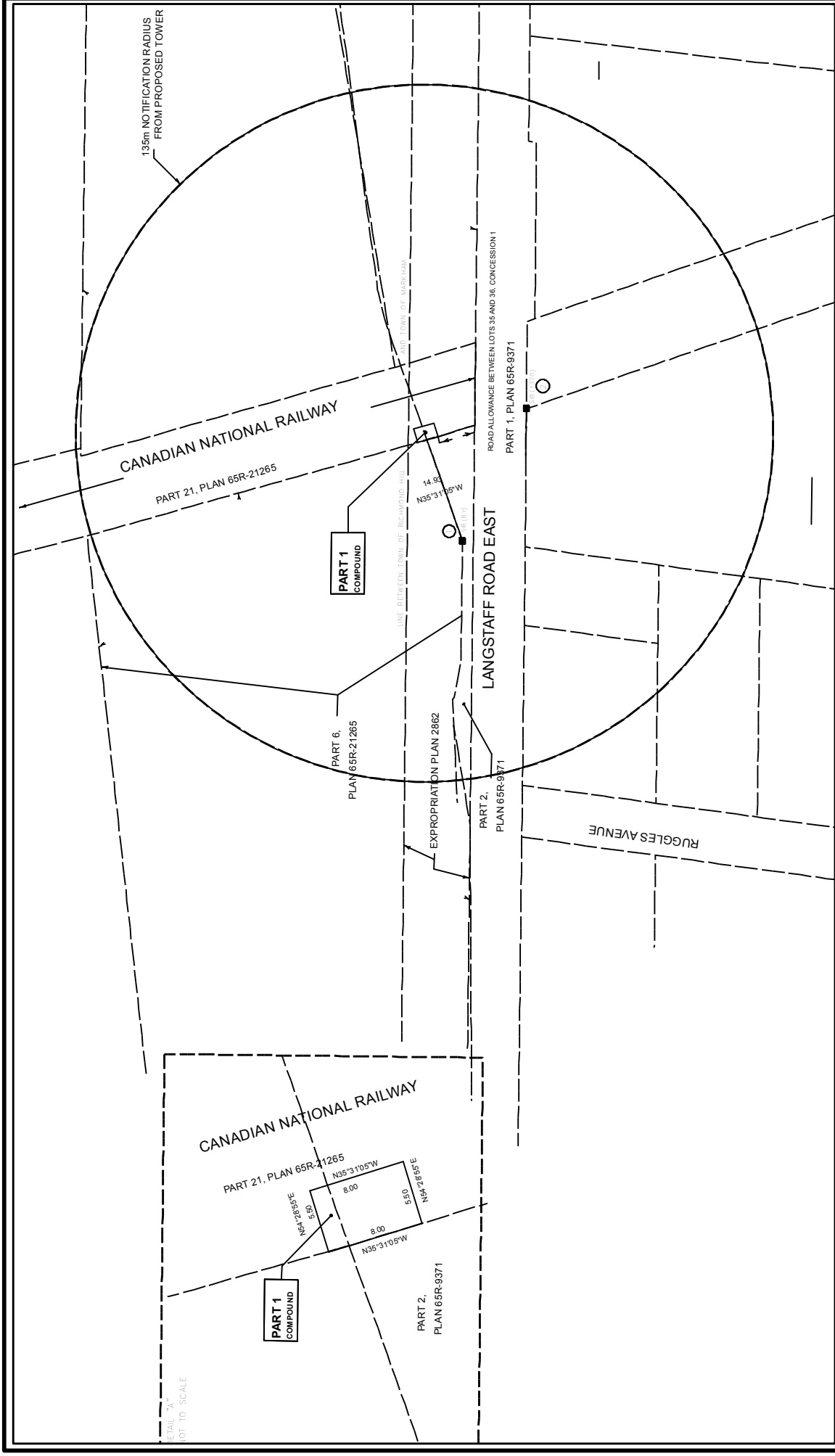
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DATE: 16/09/2016

FIGURE No.2

 SUBJECT LANDS





SITE LOCATION

APPLICANT: FONTUR INTERNATIONAL INC.
80 LANGSTAFF ROAD EAST

FILE No. SC.15153044 (RC)

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FIGURE No.3



AERIAL PHOTO

APPLICANT: FONTUR INTERNATIONAL INC.
80 LANGSTAFF ROAD EAST

FILE No. SC.15153044 (RC)

 SUBJECT LANDS

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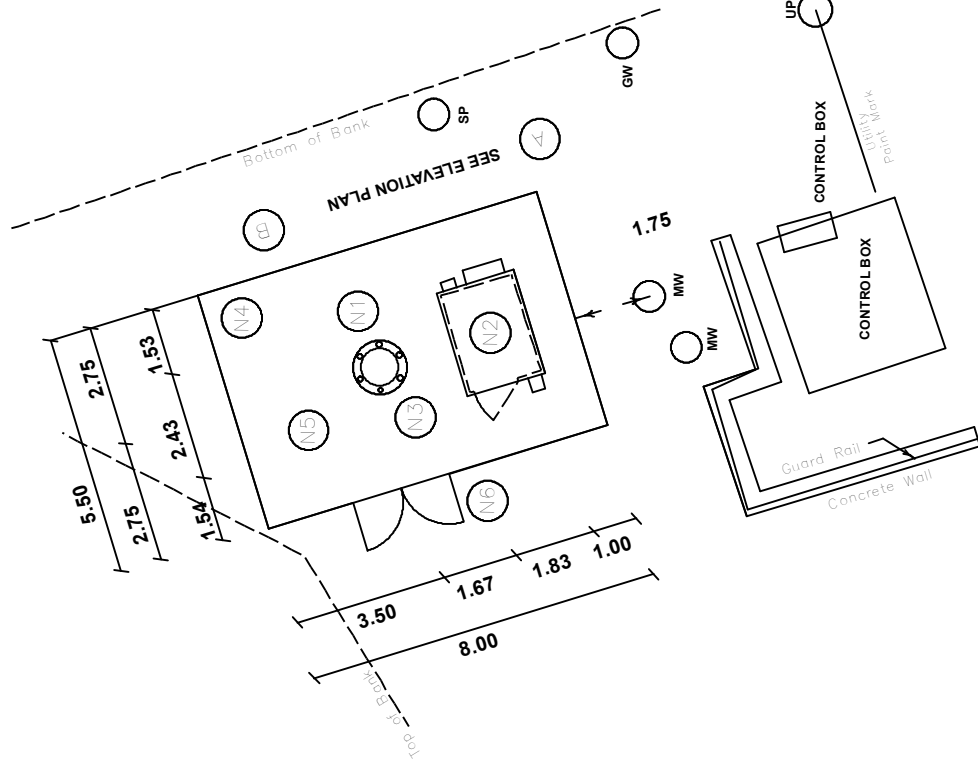
 MARKHAM DEVELOPMENT SERVICES COMMISSION

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Checked By: RC

DATE: 16/09/2016

FIGURE No.4



NOTES

- N1 PROPOSED PINWHEEL TELECOMMUNICATION TOWER.
PAINT COLOUR SUBJECT TO NAV CANADA REQUIREMENTS.
ANTENNA NUMBER AND LOCATIONS TO BE DETERMINED.
FOUNDATION DESIGN PENDING SOIL REPORT.
- N2 PROPOSED RADIO EQUIPMENT SHELTER ON
REINFORCED CONCRETE SLAB.
- N3 HYDRO CONNECTION AND ROUTING TO BE DETERMINED BY
QUALIFIED PERSONNEL IN CONSULTATION WITH LOCAL AUTHORITY.
- N4 PROPOSED 2.4 m HIGH CHAIN LINK SECURITY FENCE
TOPPED WITH BARBED WIRE SURROUNDING THE COMPOUND.
- N5 REMOVE EXISTING TOPSOIL PROOF ROLL SUBGRADE, ADD
300 mm GRANULAR A CROSS CABINET AREA. FINISHED GRAVEL
SURFACE TO BE MINIMUM 150 mm ABOVE EXISTING GRADE AND
SLOPED AWAY FROM PROPOSED STRUCTURE AT
MIN. 1% IN ALL SIDES TO PROVIDE ADEQUATE DRAINAGE.
- N6 PROPOSED CHAIN LINK GATE.

PROPOSED COMPOUND LAYOUT PLAN

APPLICANT: FONTUR INTERNATIONAL INC.
80 LANGSTAFF ROAD EAST

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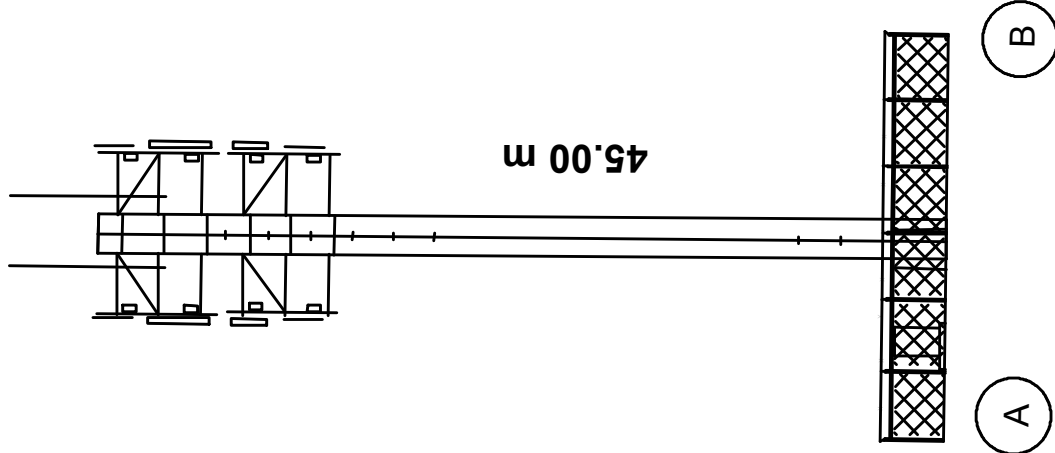
MARKHAM DEVELOPMENT SERVICES COMMISSION

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DATE: 16/09/2016

FIGURE No.5



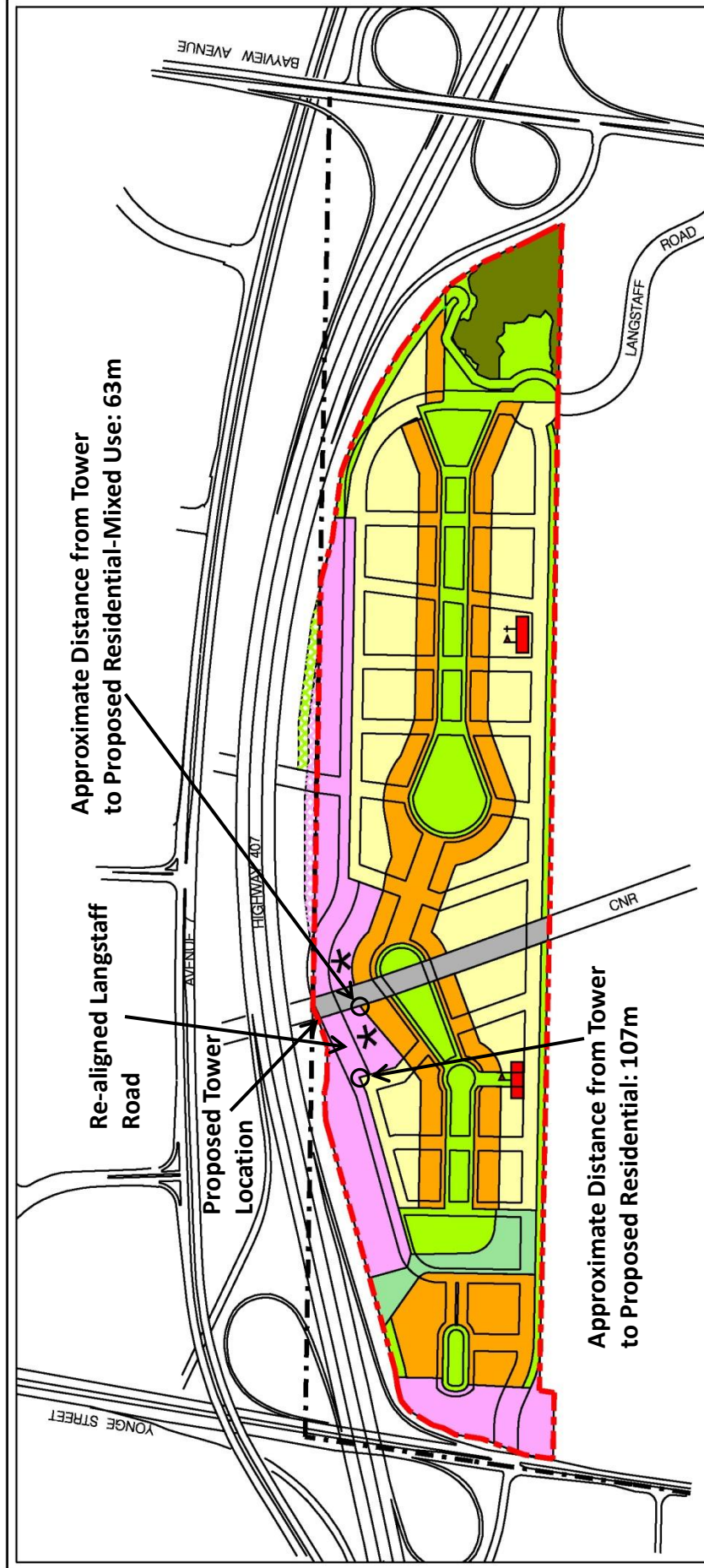
ELEVATION

APPLICANT: FONTUR INTERNATIONAL INC.
80 LANGSTAFF ROAD EAST

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SCHEDULE 'AA' – DETAILED LAND USE PLAN SECONDARY PLAN FOR THE LANGSTAFF GATEWAY PLANNING DISTRICT (P.D. 44-1)

LANGSTAFF GATEWAY REGIONAL CENTRE

- RESIDENTIAL
- RESIDENTIAL – MIXED USE
- OFFICE
- OFFICE OUTSIDE AREA COVERED BY THIS PLAN
- PARKS & OPEN SPACE

- BOUNDARY OF AREA COVERED BY THIS AMENDMENT
- TOWN BOUNDARY

- ENVIRONMENTAL PROTECTION AREA – WOODLOT (See Section 6.7.1b)
- ENVIRONMENTAL PROTECTION AREA – VALLEYLANDS (See Section 6.7.2b)
- TRANSPORTATION & UTILITIES

- (SEE SECTION 6.4 e)
- ELEMENTARY SCHOOLS (PUBLIC)
- ELEMENTARY SCHOOLS (PUBLIC & CATHOLIC)

Attachment 1

From: Davide Pellegrini [<mailto:DPellegrini@CondorProperties.ca>]
Sent: October-26-15 9:59 AM
To: rcefaratti@markham.ca; W5259
Subject: FW: Tower Issue - Markham CN Rail

Hello Shehryar,

This email returned to us due to the file size being too large. We can make arrangements to provide a copy of the community masterplan to you directly.

Respecting the NEW REPLACEMENT TOWER proposal, we have concern on the effect of the Langstaff Markham Gateway Secondary Plan implementation. We would be happy to meet with your team to discuss the matter and how it may now NOT meet your objectives. We appreciate your time. thank you

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Manager, Planning & Development

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