

SUBJECT: RECOMMENDATION REPORT
Revised Site Plan Approval application by Turris Sites Inc. (carrier Wind Mobile) to permit a 40 metre high shrouded monopole style telecommunications tower within a 100 m² fenced compound at 9400 Kennedy Road

FILE #: SC 12 126925 001

PREPARED BY: Geoff Day MCIP, RPP – Senior Planner – West Development District ext. 3071

REVIEWED BY: Ron Blake, MCIP, RPP – Manager – West Development District, ext. 2600

RECOMMENDATION:

- 1) That the report dated November 5, 2013, entitled “RECOMMENDATION REPORT, Revised Site Plan Approval application by Turris Sites Inc. (carrier Wind Mobile) to permit a 40 metre high shrouded monopole style telecommunications tower within a 100 m² fenced compound at 9400 Kennedy Road, File # SC 12 126925 001” be received;
- 2) That the presentation by David Hahn, Municipal Affairs Consultant, Turris Sites Inc., regarding the proposed telecommunications tower, be received;
- 3) That the application for site plan approval be endorsed, subject to conditions of Site Plan Approval as identified in Appendix “A” to this report;
- 4) That Industry Canada be advised in writing of this endorsement (concurrence), and that this endorsement is with respect to this location only; and,
- 5) That staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report presents an overview and evaluation of the site plan application submitted by Turris Sites Inc. (carrier Wind Mobile). The report recommends endorsement of the site plan application, subject to conditions. Industry Canada is the final approval authority for telecommunication tower proposals.

BACKGROUND:

Property and Area Context

The 1.6 hectare (4 acre) subject property is owned by the St. Phillip’s on the Hill Anglican Church and located at 9400 Kennedy Road. The “North Camp” of the Unionville Montessori School is also located on the property and operates out of the basement of the church. Surrounding uses include York Downs Golf and Country Club to the north and west, existing low density residential dwellings to the immediate north and south, a cemetery associated with

St. Phillips on the Hill Anglican Church to the immediate north, the Bethesda Lutheran Cemetery immediately to the east across Kennedy Road and the future Upper Unionville community also to the east across Kennedy Road (Figure 2). An existing 15m high Rogers telecommunications tower is located within the York Downs Golf and Country Club property, approximately +/- 340 metres (1115 feet) to the north of the proposed location of the new tower (also shown in yellow on Figure 2).

Proposal

The proposed 40 metre high tower is a shrouded monopole design that has the capability of co-location with up to 4 additional carriers (5 in total) (Figure 4). If the proposed tower is endorsed, Staff will require that prior to Site Plan Approval, the owner provide a written undertaking to accommodate additional third party carriers to co-locate on the subject tower.

The tower and accessory components are to be contained within a 100 m² fenced compound area. The proponent has advised Staff that a combination of enhanced landscaping and an upgraded design of the fenced area will be achieved through consultation/input from City Staff. The tower and its components are proposed to be sited approximately 340 metres (1115 feet) from an existing Rogers tower. Turris Sites and Wind Mobile have advised Staff that if endorsed, the 15m high Rogers tower will be decommissioned and co-location will occur between Wind Mobile and Rogers on the new tower. However prior to Site Plan Approval, Staff will require a copy of the signed lease document confirming Rogers commitment to co-locate on the new tower.

Official Plan and Zoning

The St. Philip's Anglican Church property which is to contain the proposed tower is designated Institutional in Markham's Official Plan, Revised 1987, and zoned Institutional by By-law 304-87, as amended.

DISCUSSION:**Jurisdiction**

The Federal Government has exclusive jurisdiction over telecommunication facilities. The *Radiocommunication Act* appoints Industry Canada as the approval authority for the location and operation of telecommunication facilities in Canada. Industry Canada does recognize the importance of municipal consultation as part of the approval process and as such, encourages proponents to consult with the local municipality to obtain their input and comments.

City's new Telecommunication Policy 2012

On January 24, 2012, Council adopted a new policy entitled "Policy for Establishing Telecommunication Towers 2012". As per this policy, schools are considered 'sensitive land uses' and therefore, Staff required that the Montessori school be notified of the proposal.

Staff have reviewed the proposal against the adopted policy and confirm that the process undertaken to establish the subject tower is consistent with this policy.

Pre-consultation, initial site plan submissions and public consultation

In September of 2011, the proponent submitted a pre-consultation request to the City for a 40 metre high telecommunications tower within a 100 m² fenced compound at the rear of the parking lot of St. Phillips on the Hill Anglican Church (9400 Kennedy Road) (shown on Figure 2 and Figure 3).

Prior to the application being formally submitted to the City, a community open house was held on January 19, 2012. This was done in order for the proponent to determine what the issues may be prior to submitting the formal application. On January 5, 2012 a notice informing area landowners of the January 19, 2012 meeting was mailed out to 8 landowners within a 120 metre radius of the initial tower location. This process is consistent with the notification protocol as per the "*Public Consultation*" section of the City's Telecommunication policy. Several area residents and the Ward Councillor were in attendance. In addition, the Unionville Montessori School was advised of the application and date of the community open house. No one from the Montessori School was present at the open house and no correspondence was received. Of those in attendance, there were no significant concerns raised other than the visually unappealing nature of the original tower design. On January 25, 2012 Turris Sites Inc. submitted a formal application for site plan approval.

Tower was relocated from its initially proposed and design revised

In February 2012, City Staff were contacted by a representative of York Downs Golf and Country Club on behalf of Angus Glen Development Ltd., with concerns over the proposed tower location. York Downs indicated that the pending sale of a portion of their property to Angus Glen Development Ltd., adjacent to the tower, would be in jeopardy if the proposed tower were erected in the proposed location. Private negotiations then proceeded between the proponent, York Downs and a representative of St. Philip's on the Hill Anglican Church.

In December of 2012, a revised application was submitted by the proponent with a proposal to locate the tower approximately 225 metres to the north to the site of the existing Roger Tower (shown on Figure 2), on lands to be leased from York Downs. A revised design to a shrouded monopole design was also submitted in support of the revised application.

On June 18, 2013, the application was endorsed by the Development Services Committee, subject to conditions of Site Plan Approval.

Tower relocated back to the church property.

In August of 2013, the proponent advised Staff that the proposed lease agreement with the York Downs Golf and Country Club has been revoked and therefore, a location at St. Philip's on the Hill Anglican Church was again being pursued (shown on Figure 2 and Figure 3). The new location is closer to Kennedy Road approximately 80 meters from the original location.

As the tower is back to the church property, Staff contacted Angus Glen Development Ltd., (the new owner of the lands immediately to the west and south of the church property) to advise them of the revision. Staff were advised by Angus Glen Developments that the location shown as "Initial location of Turris Tower" on figure 2 was problematic as it may negatively

impact the saleability of many of their future residential units as shown on the conceptual master plan (Figure 5).

On October 10, 2013, Staff received written confirmation from the Unionville Montessori School that there were no concerns with the current proposed location of the tower (Appendix 'B')

On October 15, 2013, Staff met with representatives from Turris Sites, St. Phillip's and Angus Glen Development Ltd. The meeting was held in order to determine whether there was a compromise available that would satisfy all parties. It was at this meeting that the "current location" as shown on figures 2 and 5 was discussed.

- In an email on October 15th, Angus Glen Development Ltd. indicated their support of the current proposed location.
- On October 28th City Staff received written confirmation from St. Phillip's Anglican Church to advise that their vestry has approved the current proposed location.

As the location of the tower is now proposed to be located closer to Kennedy Road (Figure 5), both TACC Developments (developer of the Upper Unionville community to the east) and the Trustee of the Bethesda Lutheran Cemetery (immediately across Kennedy Road to the east) were notified of both the location of the tower and the November 5, 2013 DSC meeting date. On October 25th, City Staff received a request from TACC Developments to have the tower re-located as far west on the church property as possible.

Co-location still proposed

Staff have been advised that Rogers have signed a lease amendment with St. Phillip's on the Hill Anglican Church. This amendment will result in Rogers co-location onto the Turris tower if Site Plan Approval is granted by the City, and once their existing lease with York Downs is concluded.

Additional Public Open House was not required

As the proponent's tower is back to the church property albeit an alternate location, Staff revisited the initial notification circulation list from the January 2012 Public Open House meeting. A 120 metre radius was drawn using the current proposed location. Staff confirmed through this mapping exercise that there were no additional properties affected by the current proposed location from the initial location. In addition, Staff have consulted directly with Angus Glen Development Ltd., TACC Developments and the Bethesda Lutheran Cemetery, Staff have determined that an additional public open house is not warranted and the comments received will be brought to the attention of the Development Services Committee in this report.

Municipal Concurrence

As per City policy, Turris Sites Inc. has made a request for Municipal Concurrence. The proponent is required to make a deputation to the Development Services Committee to seek approval of the site plan application. If the application is endorsed by the Development

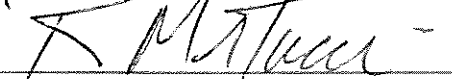
Services Committee, a copy of the resolution and the endorsed plan will then be forwarded to Industry Canada for their final approval.

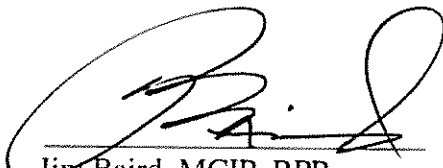
CONCLUSION:

Staff have reviewed the current proposal against the City's Telecommunications Policy and have considered input from all the neighboring landowners. It is the opinion of Staff that although siting the tower closer to Kennedy Road will bring the tower somewhat closer to future residential development in the Upper Unionville community than the initial location, the current proposed is a compromise solution having regard to all the input and comments received. The current proposed location is separated from the Upper Unionville community by a regional arterial road and landscaping in the area. Further, siting the tower to the furthest extent possible from the outdoor play area of the Unionville Montessori School is preferred by Staff and adheres to Council's endorsed Telecommunications Policy.

Staff recommend endorsement of the 40 metre high telecommunications tower contained within a 10 x 10 metre (33' x 33') fenced compound at 9400 Kennedy Road, subject to conditions attached in Appendix "A". Staff also recommend that Industry Canada be advised in writing of this endorsement (concurrence), and that this approval is with respect to this location only.

RECOMMENDED BY:


Rino Mostacci, MCIP, RPP
Director, Planning and Urban Design


Jim Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

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| Figure 1 | Location and Area Context |
| Figure 2 | Aerial Photo Map |
| Figure 3 | Initial and Current Proposals |
| Figure 4 | Elevation |
| Figure 5 | Conceptual Master Plan of surrounding area |
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| Appendix "A" | Conditions of Site Plan Approval |
| Appendix "B" | Letter from Unionville Montessori School |

Applicant Contact Information: David Hahn, P. Eng.
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