



Report to: Development Services Committee

Report Date: June 18, 2013

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**SUBJECT:** RECOMMENDATION REPORT  
Revised Site Plan Approval application by Turris Sites Inc. to permit a 40 metre high shrouded monopole style telecommunications tower within a 100 m<sup>2</sup> fenced compound at 4134 16<sup>th</sup> Avenue

FILE #: SC 12 126925

**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

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**RECOMMENDATION:**

1. That the report dated June 18, 2013, entitled "RECOMMENDATION REPORT, Revised Site Plan Approval application by Turris Sites Inc. to permit a 40 metre high shrouded monopole style telecommunications tower within a 100 m<sup>2</sup> fenced compound at 4134 16<sup>th</sup> Avenue", 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 approval 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. The report recommends endorsement of the site plan application, subject to conditions.

**BACKGROUND:**

**Property and Area Context**

The subject property owned by the York Downs Golf and Country Club is located at 4134 16<sup>th</sup> Avenue. The property is approximately 172 hectares (425 acres) in area with significant frontage onto both Kennedy Road and 16<sup>th</sup> Avenue (Figure 1). Surrounding uses include the York Downs Golf and Country Club (the subject property), existing low density residential dwellings and St. Phillips on the Hill Anglican Church to the south, and the future Upper Unionville community to the east across Kennedy Road (Figure 2). A 15m high Rogers telecommunications tower is located

approximately +/- 20 metres (65 feet) from the proposed location of the new tower (also see 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 4b). 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 contained within a 100m<sup>2</sup> 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 20 metres (65 feet) from an existing Rogers tower. Both the proponent and York Downs have confirmed that if approved, the 15m high Rogers tower will be decommissioned and co-location will occur between the proponent 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 proposed tower is located within the Open Space designation as defined in Markham's Official Plan, Revised 1987, and zoned Commercial Recreation (CR) 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 entitled "Policy for Establishing Telecommunication Towers 2012". Staff have reviewed the policy against the proposal and confirm that the subject tower conforms to this policy.

**Pre-consultation, initial site plan submission 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 m<sup>2</sup> fenced compound at the rear of the parking lot of St. Phillips on the Hill Anglican Church (9400 Kennedy Road) (Figure 3a).

On January 25, 2012 Turris Sites Inc. submitted a formal application for site plan approval. However, 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. Several residents and the Ward Councillor

were in attendance. There were no significant concerns raised other than the visually unappealing nature of the original tower design (Figure 3b).

**Tower was relocated from its initially proposed location and design revised**

In February 2012, City Staff was contacted by a representative of York Downs Golf and Country Club with concerns over the proposed tower location. York Downs indicated that the pending sale of a portion of their property adjacent to the proposed tower would be in jeopardy if the proposed tower were erected in its present location. Private negotiations then proceeded between the proponent, York Downs and a representative of St. Phillips 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 of the initial location to its present location (Figure's 2 & 4a). A revised design was also presented in support of the revised application (Figure 4b).

**Additional Public Open House not required**

Due to the proposed relocation of the proponent's tower adjacent to the existing Rogers tower and co-location of both the new and existing transmitters on the new tower, Staff compared what would be a potential new public notice circulation area with the original circulation area from January of 2012. Staff determined that no additional properties were shown to be affected by the new proposed location. In consultation with the Ward Councillor and adjacent Ward Councillor, it was determined that an additional public open house would not be required.

**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.

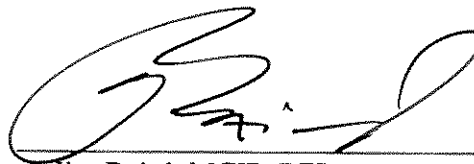
**CONCLUSION:**

Staff are satisfied with the proponent's opportunity to provide enhanced coverage of their network, while avoiding the location of an additional tower within close proximity of an existing tower.

Staff recommend endorsement of the 40 metre high telecommunications tower contained within a 10 x 10 metre (33'x 33') fenced compound at 4134 16<sup>th</sup> Avenue, 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

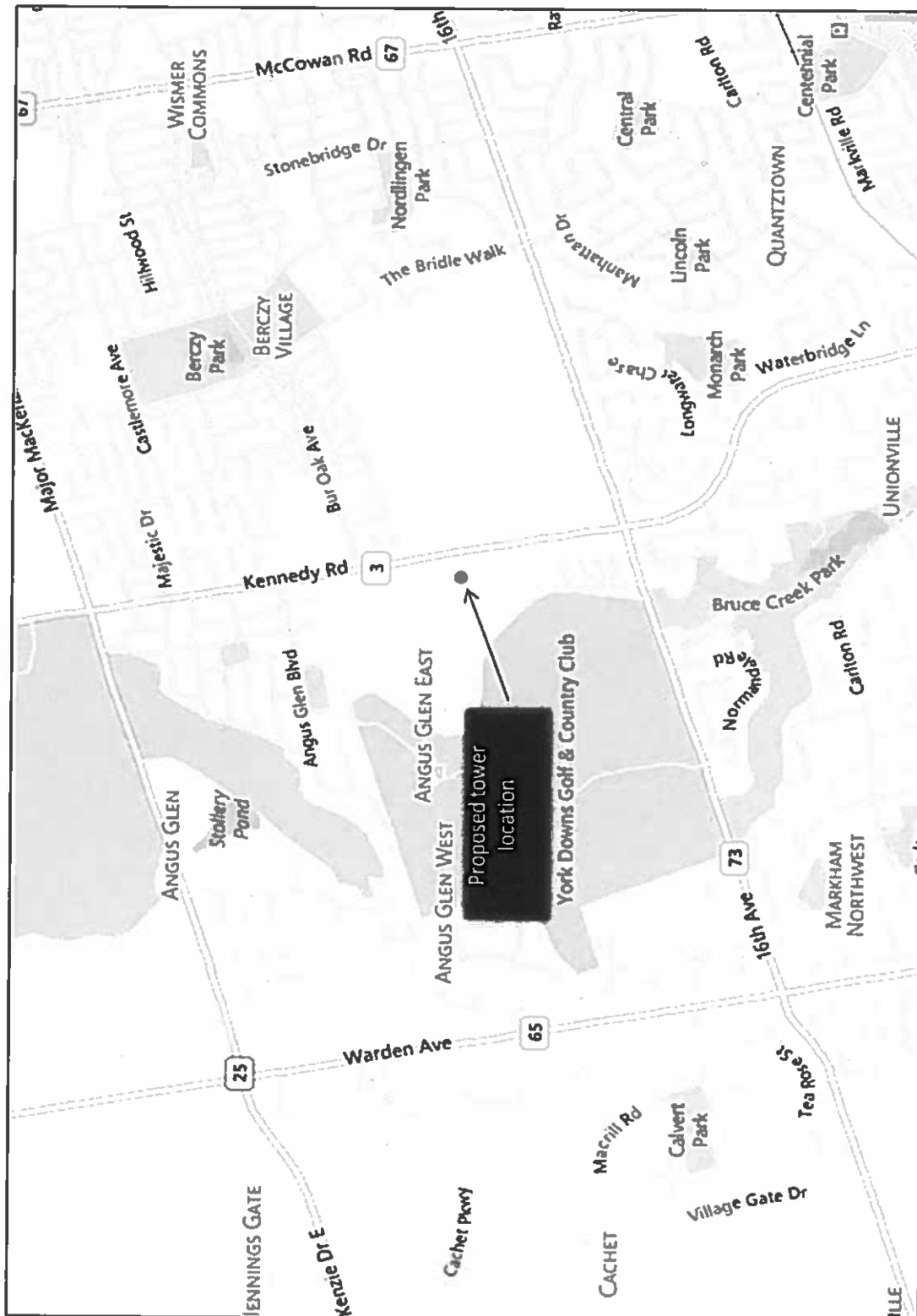


Jim Baird, MCIP, RPP  
Commissioner, Development Services

**ATTACHMENTS:**

Figure 1	Location Map
Figure 2	Aerial Photograph
Figures 3a & 3b	Initial Proposal
Figures 4a & 4b	Revised Proposal
Appendix 'A'	Conditions of Site Plan Approval
Applicant Contact Information:	David Hahn, P. Eng. <i>Municipal Affairs Consultant</i> Turris Sites Inc. Direct: 416-937-3500

Figure 1 Location Map



**Figure 2      Aerial Photograph**





Figure 3a Initial Proposal

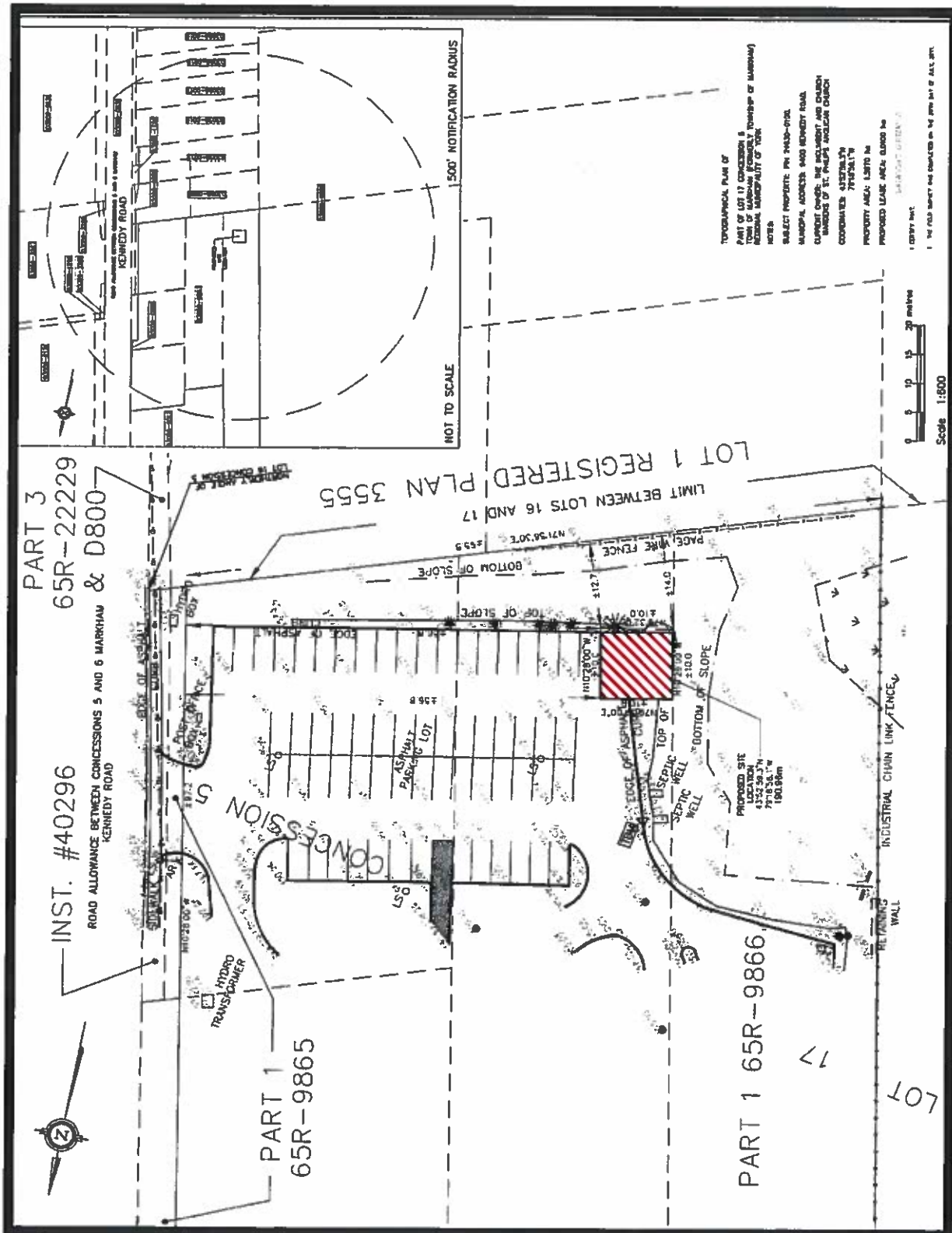


Figure 3b Initial Proposal cont'd

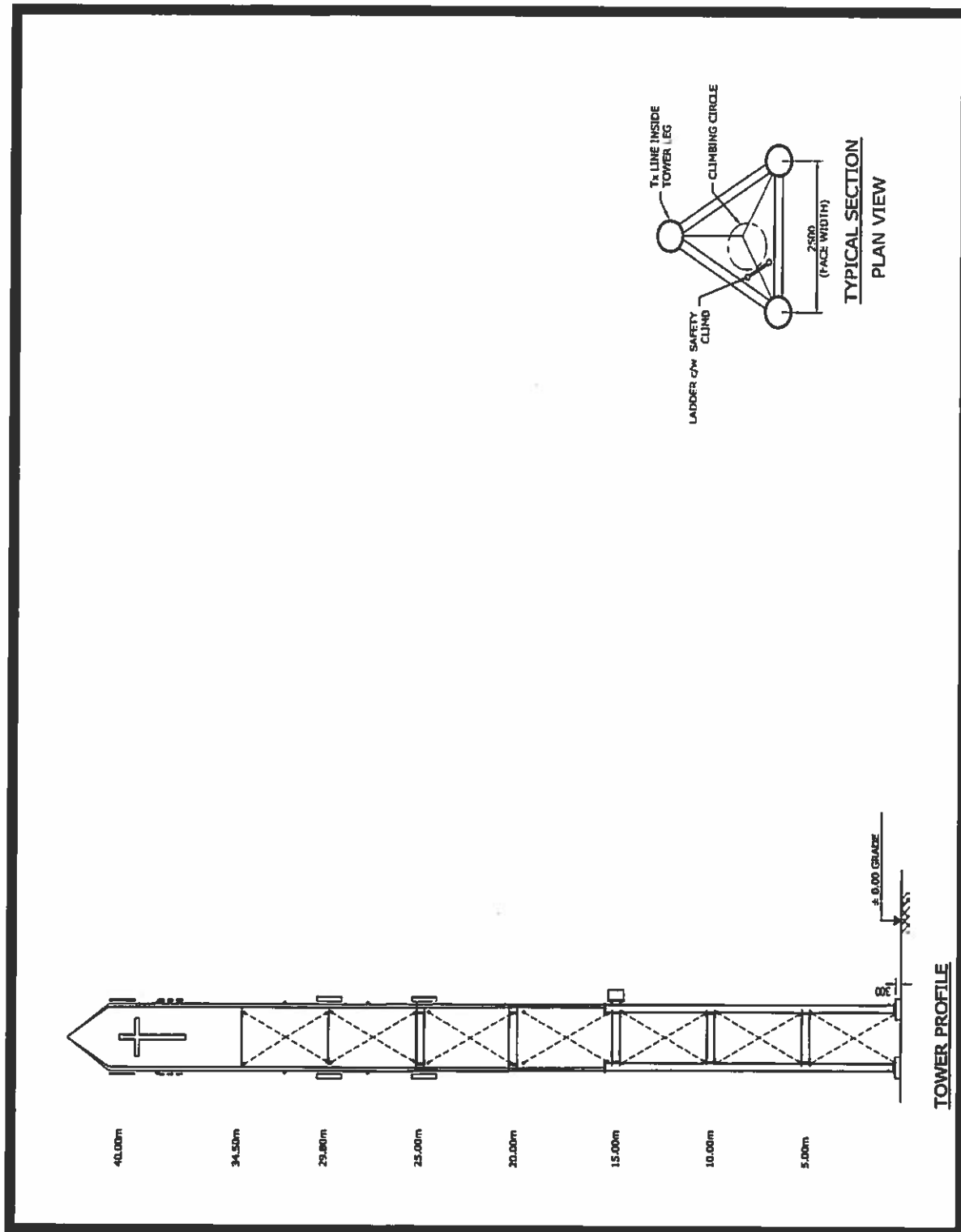




Figure 4a Revised Proposal

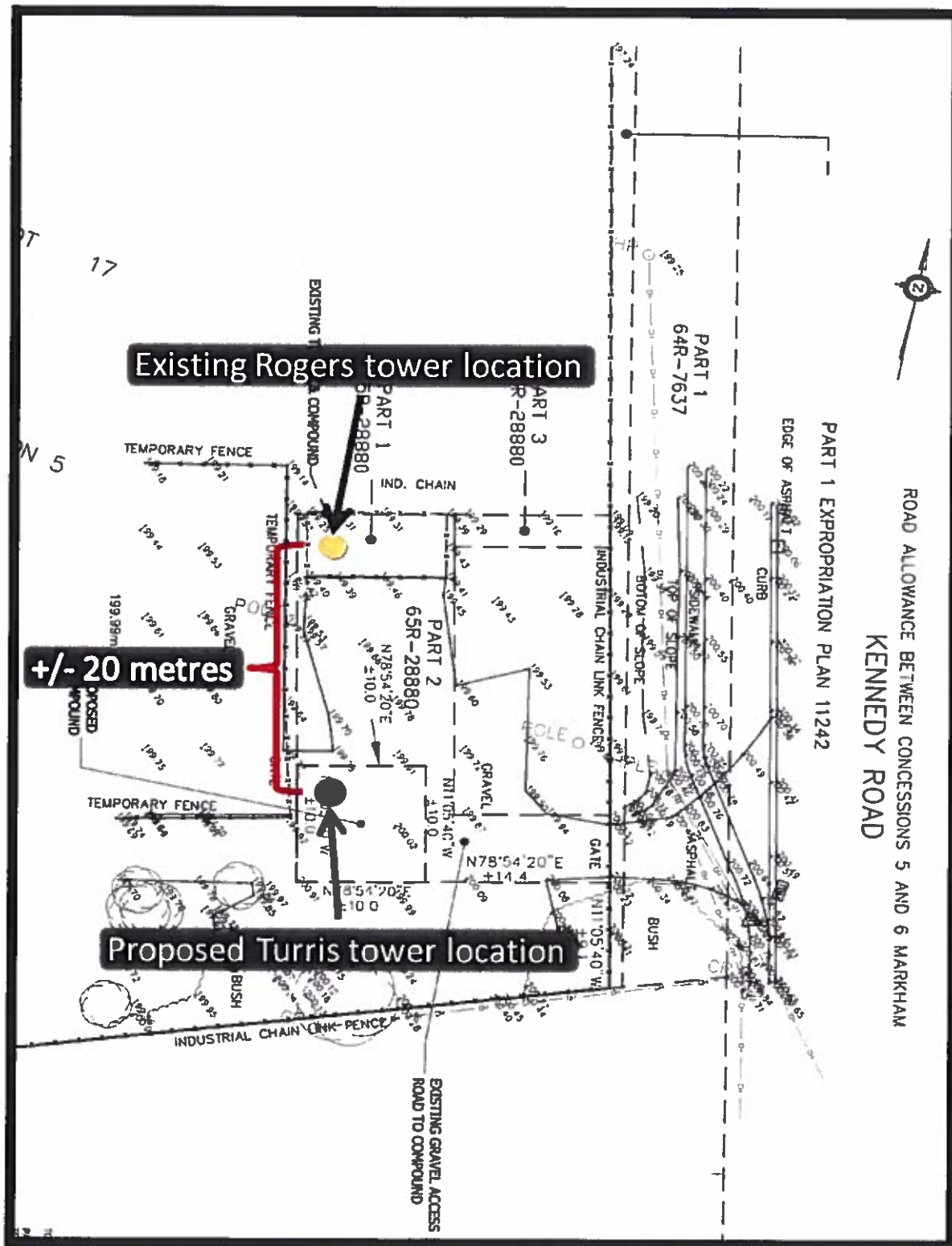
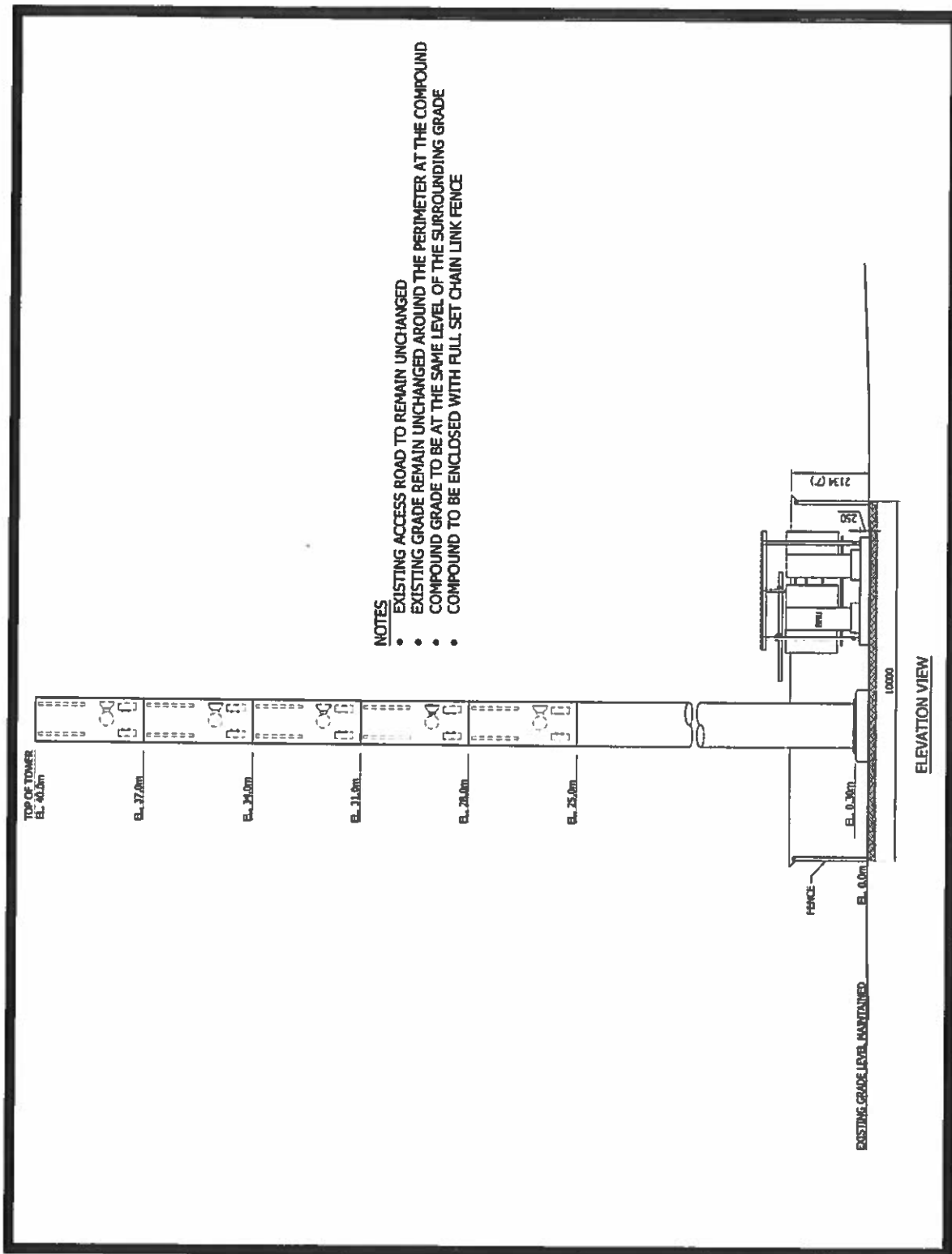


Figure 4b Revised Proposal cont'd



Appendix 'A'

1. THAT the owner enter into a site plan agreement with the City;

***NOTE: Site Plan Approval is issued only when the Director of Planning & Urban Design or designate has signed the plans "approved" following the execution of a site plan agreement;***

2. THAT prior to execution of the site plan agreement, the owner submit final drawings, and comply with all requirements of the City and authorized public agencies, to the satisfaction of the Commissioner of Development Services;
3. THAT prior to Site Plan Approval, the owner submit copies of the signed lease document confirming Rogers' commitment to co-locate on the subject tower;
4. 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;
5. THAT the owner confirm responsibility for all matters relating to grading, utility location, external approvals, engineering, structural design, etc.; and,
6. THAT site plan endorsement shall lapse after a period of three years commencing June 18, 2013, should the development not proceed in a timely manner.