



Town of Newmarket
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Proposed Telecommunications Tower – 800 Mulock Drive (Magna Centre) Staff Report to Council

Report Number: 2024-54

Department(s): Planning and Building Services

Author(s): Kaitlin McKay, Senior Planner - Development

Meeting Date: September 9, 2024

Recommendations

1. That the report entitled Proposed Telecommunications Tower – 800 Mulock Drive (Magna Centre) dated September 9, 2024 be received; and,
2. That Staff be directed to proceed with processing the application of Rogers Communications Inc. (“Rogers”) and the remaining steps outlined in the Town’s Policy for Establishing Telecommunications Towers/Antenna Facilities; and,
3. That Council authorize the removal of one (1) tree; and,
3. That Staff be directed to negotiate and enter into a lease agreement with Rogers, on terms satisfactory to the Chief Administrative Officer; and,
4. 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 advise Council of a request received by Scott Telecom, on behalf of Rogers, to construct a 25-metre telecommunications tower on the Town owned property located at 800 Mulock Drive (Magna Centre).

Background

The property located at 800 Mulock Drive is a Town owned property that is currently occupied by the Magna Centre recreation complex and skate park.

Rogers is requesting that the Town enter into a lease agreement to permit the construction of a 25-metre telecommunications tower on the south-west side of the building (refer to Attachment 1). The tower would be located within a 7 metre by 10 metre compound (refer to Attachment 2).

Discussion

Rogers is proposing a 25-metre telecommunications tower with 7 metre by 10 metre compound. The compound would include fencing around the base of the tower and associated equipment. The purpose of the tower is to improve cellular telecommunications signals in the surrounding area.

The Government of Canada regulates telecommunications towers, including the location and siting. Telecommunications providers are required to seek concurrence from the municipality on a proposed tower's location and conduct public consultation.

The local Official Plan and Zoning By-law do not have the authority to regulate telecommunications towers; however, Planning staff have examined both for general conformity.

Official Plan

800 Mulock Drive is within the area designated as Major Institutional by the Town's Official Plan. The objective of Major Institutional areas is to provide land for institutional, educational, social, cultural and administrative uses to meet the needs of both Town residents and residents of neighbouring communities. The Official Plan encourages hydro, telephone, and other communication services to be in the road right-of-way. Where facilities cannot be located in the right-of-way, the provision of easements shall be permitted, provided that their location does not detract from the function, amenity or safety of adjacent land uses.

The proposed location is within an area that currently accommodates hydro transformers and is planned to accommodate other infrastructure. The proposed location of the tower would not impact the usable amenity space on the property. The tower is set back from adjacent residential uses to reduce the visual impact of the structure (refer to Attachment 3).

It is Staff's opinion that due to the siting of the proposed tower, it would not detract from the function, amenity, or safety of adjacent land uses.

Zoning By-law

The subject land is zoned Major Institutional Zone (I-A) by Zoning By-law 2010-40. Permitted uses include a variety of institutional, educational, and administrative uses, including a community centre.

The Town's Zoning By-law does not regulate the installation, location, and use of services and utilities. Telecommunications towers are permitted within any zone.

Town of Newmarket Policy for Establishing Telecommunications Tower/Antenna Facilities

The Town's Policy for Establishing Telecommunications Tower/Antenna Facilities outlines a general process to be followed by the Town for reviewing and processing telecommunications facility proposals. Proponents of new tower installations are encouraged to minimize the total number of tower sites as much as possible and to use existing structures (co-location) where possible. In selecting a site for a new tower, the following are to be considered:

- Proposed towers/antennae shall be encouraged to locate in hydro corridors, industrial areas, and building roof-tops within commercial areas, and maximize their distance from residential areas;
- Sight lines to the Holland River and downtown Newmarket should be protected from the development and/or redevelopment of towers;
- Avoiding areas of topographical prominence, where possible to minimize long/short range viewscales;
- Avoidance of natural features, vegetation, hazard lands (floodplains, Oak Ridges Moraine, steep slopes);
- Distance from public and institutional facilities such as schools, hospitals, community centres, day care facilities, and senior's residences;
- Compatibility with adjacent uses; and,
- Access.

Rogers has advised that the proposed tower is required in this location to improve cellular service for the surrounding area. Attachment 4 has been provided by Rogers and shows the existing coverage and coverage after the proposed tower installation. The areas shown in blue are the levels of cellular service Rogers optimally strives for.

Rogers has indicated that there are no towers in the immediate vicinity to co-locate with, and due to restrictions regulating how high antennas can be mounted on rooftops, a rooftop antenna in this location would not provide the height that is required to improve service in the area. Although the tower would be located next to a community centre, it would be located behind the building and away from main entrances. The proposed location contains existing infrastructure and the tower would not impact the usable programmable outdoor space for the facility. The applicant has submitted renderings that demonstrate that the visual impact of the tower from adjacent residential areas to the south would be minimal.

It is staff's opinion that the above matters have been appropriately considered and the proposed location is acceptable.

Tree Removal

Rogers has identified one tree that will require removal to permit the proposed tower. Should Council approve the request, relocation of the tree, compensation for the removal, or replacement plantings would be required. Tree preservation fencing would be required for the retained trees in the area during the period of construction in accordance with the Town's Public Tree Protection By-law (2017-59).

Lease Agreement

Should Council approve the request, the Town would enter into a Lease Agreement with Rogers. A standard Rogers lease agreement has been provided for review by the Town's Legal Services Department.

Next Steps

Should Council approve the recommendations contained in this report, the applicant would conduct a community information session and residents within 120 metres of the proposed tower would receive notice of the meeting. A future site plan application would review specific site details including fencing and landscape plantings around the compound.

Conclusion

From a land use planning perspective, Planning Staff have no objections to a telecommunications tower in this location. Should Council choose to support the request, staff would continue with the remaining steps as outlined in the Town's Policy for Establishing Telecommunications Towers/Antenna Facilities.

Business Plan and Strategic Plan Linkages

- Community and economic vibrancy

Consultation

Public consultation - The Town's Telecommunications Tower Policy requires public consultation for any towers over 16.6 metres. As a result, public consultation will be required for the proposed tower. Should Council adopt the recommendations of this report, the applicant would be required to hold a community information session for residents within 120 metres of the tower.

Internal consultation – Staff from Legal Services, Parks and Facility Services, and Engineering Services were consulted in the writing of this report.

Human Resource Considerations

None.

Proposed Telecommunications Tower – 800 Mulock Drive (Magna Centre)

Budget Impact

The appropriate planning application fees would be required for the application.
The Town of Newmarket would receive an annual lease payment for the tower.

Attachments

Attachment 1 – Location Map

Attachment 2 – Proposed Site Plan

Attachment 3 – Renderings of Proposed Tower

Attachment 4 – Coverage Map

Submitted by

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Approved for Submission

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