

TEEN CHALLENGE CANADA
Zoning By-law Amendment
Special Needs Facility

1823 Vermillion Lake Road

PLANNING JUSTIFICATION REPORT

PIN 73367-0543
CITY OF GREATER SUDBURY

Prepared By



FILE COPY

March 2019
TULLOCH #185336

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1. INTRODUCTION

1.1 Purpose

Tulloch Engineering (TULLOCH) has been retained by Teen Challenge Canada Inc. (the 'Proponent') to facilitate a complete zoning by-law amendment application to permit a Special Needs Facility on the subject property. This report provides a planning analysis and justification for the amendment needed to facilitate the development.

A preconsultation ("SPART") meeting was held with the City of Greater Sudbury on October 3, 2018. We note that the subsequent preconsultation checklist provided by the City (dated October 4, 2018) notes that the intended special needs facility use conforms with the Living Area 2 designation. This was determined through meetings between the author and City planning staff in August & Sept 2018, where the intent of and activities associated with the proposed development were discussed. This report is intended to outline reasons for such conformity with the City's Official Plan and the 2014 PPS and provide rationale for why the proposal represents good planning.

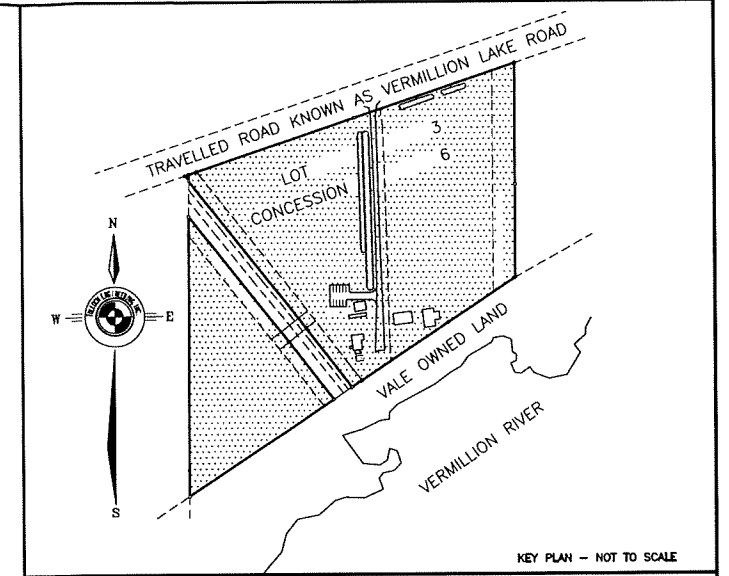
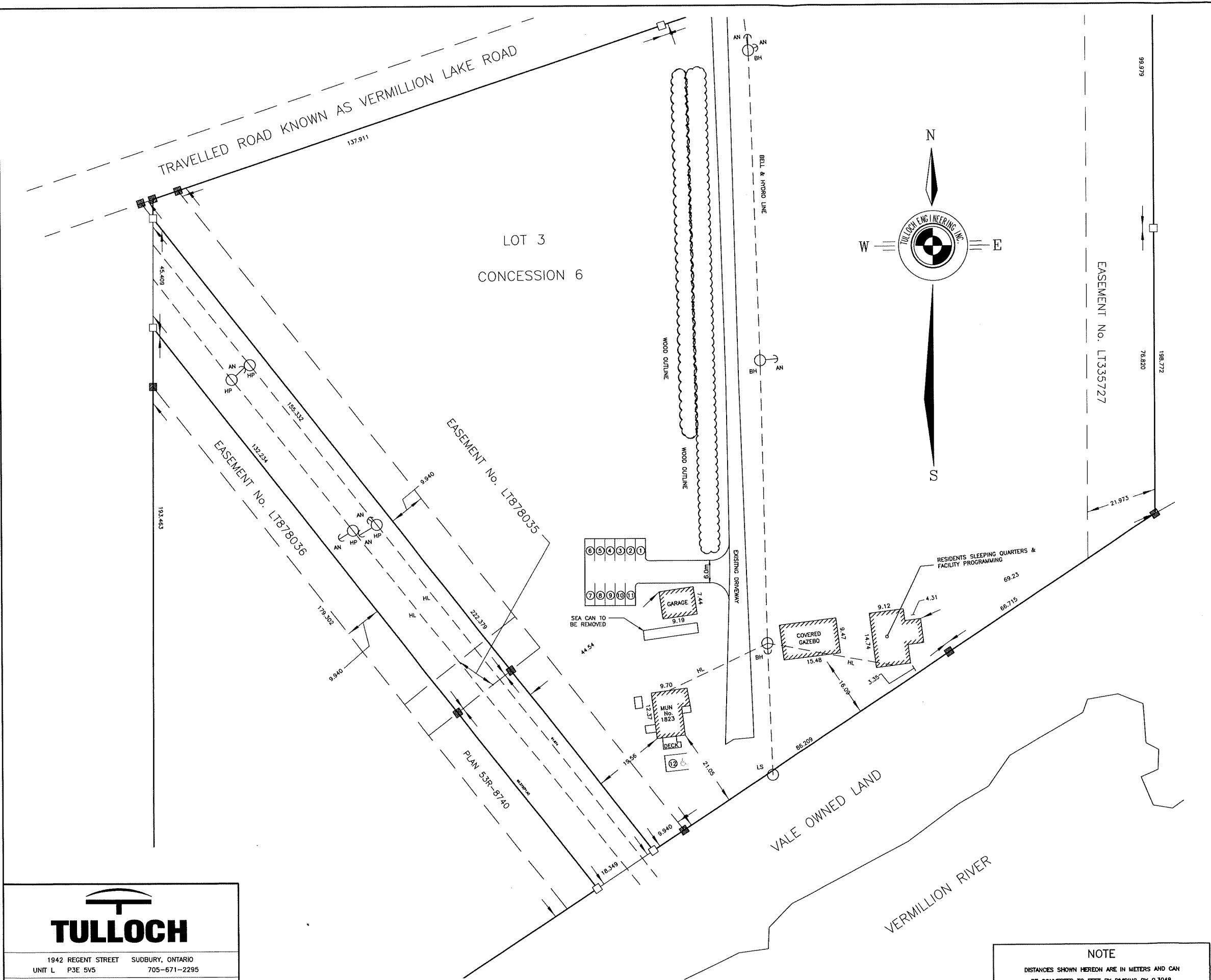
1.2 Proposed Development

We understand the Proponent intends to establish a new special needs facility on the property, with anticipated activities including treatment programming, educational/classroom programs, communal living (including sleeping quarters), occupational therapy, counselling and accessory office uses. Recreational activities, including outdoor activities and occasional off-site field trips will also occur. At this time, it is proposed to have the following intensity of residents and staff on-site at any given time:

- Maximum of 16 voluntary residents in treatment care;
- Six (6) staff persons during daytime hours;
- One (1) overnight staff-person

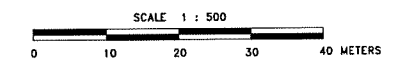
The Special Needs Facility is intended to treat adult individuals whom are unable to reach their full life potential due to a disability. On-site housing will be provided dormitory-style for each resident attending the one-year treatment program. Support services, including meal preparation and laundry services will be provided.

Figure 1 below provides a conceptual plan of the intended use of the property. The existing easterly 'residents sleeping quarters & facility programming' structure will house the dormitory-style sleeping quarters on the top floor, with the two stories' below providing programming, class and kitchen facilities. The covered gazebo and garage are to remain, while the existing single-detached dwelling will be used as office space for facility staff. The existing sea can will be removed. No new structures are proposed as part of this development.



*NOTE: ALL STRUCTURES CURRENTLY EXISTING.

REZONING CONCEPTUAL PLAN
PROPOSED SPECIAL NEEDS FACILITY
TEEN CHALLENGE CANADA INC.
1823 VERMILLION LAKE ROAD
CITY OF GREATER SUDBURY
PIN 73367-0543
TULLOCH ENGINEERING INC.
2019



LEGEND

■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
PIN	DENOTES	PROPERTY IDENTIFIER NUMBER
AN	DENOTES	ANCHOR
BH	DENOTES	BELL HYDRO POLE
HL	DENOTES	HYDRO LINE
HP	DENOTES	HYDRO POLE
LS	DENOTES	LIGHT STANDARD
□	DENOTES	KEY PLAN AREA OF INTEREST

CAUTION

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE.


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NOTE

DISTANCES SHOWN HEREON ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

COMPLIANCE WITH MUNICIPAL ZONING BY-LAWS

NOT CERTIFIED BY THIS REPORT.



1942 REGENT STREET SUDBURY, ONTARIO
UNIT L P3E 5V5 705-671-2295

FILE 18-5336 REZONING SKETCH PREPARED BY JMT

2. EXISTING LAND USE

2.1 Subject Site

The subject property is known municipally as 1823 Vermillion Lake Road, being PIN 73367-0543 (formerly Club Richelieu, a children’s camp). The site is designated Living Area 2 and is zoned C7 ‘Resort Commercial’, which permits the following uses:

- Assembly Halls;
- Camping Grounds;
- Commercial Tourist Facilities;
- Convenience Stores;
- Hotels;
- Marina’s;
- Private Clubs;
- Commercial Recreation Centres;
- Recreation Vehicle Sales and Service Establishments (accessory);
- Restaurants; and,
- Taverns (accessory).

The overall property is approximately 5.6 hectares with approximately 275m of frontage on Vermillion Lake Road. A hydro corridor bisects the property (being PIN 73367-0253), for which the subject property has an easement to cross (via instrument LT878035) in order to gain access to the westerly portion of the lands.

As discussed, there are currently four structures on the property. These include a single-detached dwelling, a ‘barn’ structure (used both previously and going forward as sleeping quarters and programming space), a covered gazebo and a garage for storage purposes. Images of each structure are provided below.

Existing Single-Detached Dwelling (Office Space)



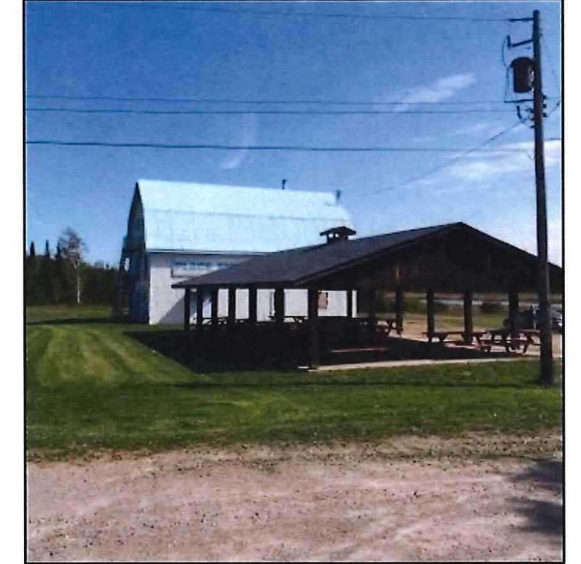
Residential Dorm & Programming ‘Barn’ Structure



Existing Garage (Background); Dorms/Programming 'Barn' (Foreground)



Existing Gazebo



In discussions with Conservation Sudbury, a floodplain with an elevation of 259.05masl has been identified on the property. A scoped topographic survey was completed at the perimeter of the floodplain and flood depths that are minor were identified surrounding the existing structure that will house the sleeping quarters and facility programming. Conservation Sudbury has conducted a review of such flood depths in relation to points of structural access/egress, and are satisfied they do not represent a risk to public health or safety. As such, the Authority provided a letter dated October 30 2018 stating they “can now support [the] rezoning application”.

2.2 Surrounding Context

The surrounding area is characterized by large rural residential properties, agricultural lands (cash crop), vacant land and natural features. The subject property is bounded by the following:

- North: Vacant land across from subject property frontage, rural residential and agricultural lands to north-east & west
- South: Vermillion Lake / River
- East & West: Rural residential and agricultural uses

Properties in the vicinity of the subject lands are generally between 0.8 and 3.6 hectares in size, being generally smaller than the subject property. We further note that a commercial campground (Vermillion Lake Park) is located approximately 600m to the west of the subject lands.

3. SUPPORTING TECHNICAL DOCUMENTS

Per the City of Sudbury pre-consultation checklist, verification of potable water and the amount of effluent to be generated by the proposed use is required as part of a complete application. As such, a report addressing water potability was undertaken by S.A. Kirchhefer Ltd, which included on-site pump tests and chemical testing of the water supply. Such report (dated February 22, 2019) has been included with the application package.

We note a traffic impact study was not required by the City's Roads and transportation department, given the intended activities are not anticipated to generate more traffic than the prior use of the lands.

Regarding confirmation of sewage effluent being generated, given the intensity of the use proposed (being 16 residents, 6 staffpersons and one overnight staffperson), we understand effluent flows will be under 4500 litres per day. The associated application covering letter provides a breakdown of this analysis. As such, a servicing options report and hydrogeological study are not required.

4. PLANNING ANALYSIS

4.1 Application

As discussed, the subject property is designated Living Area 2 and zoned C7. Given City staff and the Author agree that a special needs facility is a permitted use in the Living Area 2 designation (subject to rezoning), only an application for zoning by-law amendment is required to facilitate the development.

The proposed zoning is C7-Special, with site-specific permission for a Special Needs Facility. Such facilities are defined in the City's zoning by-law 2010-100Z as:

Special Needs Facility: Housing, including dedicated facilities, that are designed to accommodate individuals with specific needs and includes a crisis residence, long term care facilities and retirement homes, where varying degrees of support services are provided including meal preparation, laundry, housekeeping, respite care and attendant services.

Although such uses as hotels, private clubs and commercial recreation facilities are permitted in the C7 zone, given that the proposed use will serve individuals with specific needs and will include support services that are in-line with those described above, City planning & building staff have determined the proposed use is best defined as a Special Needs Facility.

4.2 Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) provides high-level provincial policy direction for planning approval authorities in preparing municipal planning documents, and in making decisions on *Planning Act* applications. Municipal official plans must be consistent with the 2014 PPS. Policies applicable to the proposed development are outlined and discussed below.

“4.6 *This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.*”

Addictions are considered *disabilities* under the Ontario Human Rights Code. Per section 2(1) of the *Code*, every person has a right to equal treatment with respect to the occupancy of accommodation.

As such, the condition (disability) for which treatment will be provided in the subject facility is not considered in the authors analysis of the proposal. The application is to be considered on its tangible land use merits, cognizant of direction found in the PPS and Official Plan.

- “1.1.1 *Healthy, liveable and safe communities are sustained by:*
- ...
- b. *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- ...
- f. *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*”

The establishment of an institutional use such as the proposed will promote the accommodation of individuals who need treatment care for a disability within their home community. As a treatment centre, the development explicitly promotes individual health and wellbeing while ensuring resident lives are ‘made livable’ through treatment care. The promotion of individual health through treatment will support and build a more healthy, safe and livable Greater Sudbury by supporting individuals to reach their full life-potential.

The existing C7 zone does not permit institutional uses. However, this zone does permit other uses where the same or similar activities as those that will occur in this facility take place. For example, the C7 zone permits hotels and commercial tourist facilities, which involve providing food and laundry services and recreational amenities. Programming in the form of sessional classes, conference/meeting rooms and other scheduled gatherings are routinely held at hotels or other tourist facilities. As the proposed development has been classified as a Special Needs Facility owing to the intended dissemination of pre-prescribed medications to residents, the addition of a Special Needs Facility as a site-specific use on this property would remove land use barriers for those with disabilities, while the activities of such individuals do not diverge from other uses that are already permitted on the property.

As such, the existing C7 zones' preclusion of institutional special needs facilities does not meet the intent of the above official plan policy to remove land use barriers for those with disabilities, while the existing as-of-right permission for such uses as hotels and tourist facilities demonstrates that the property is appropriately zoned for the majority of activities anticipated on-site. Permitting a special needs facility will bring the existing zoning of the property into greater conformity with the Plan as it will remove a land use barrier that impedes the use of the property for those with an identified disability.

"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

...

b. permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements;"*

Residents of the proposed facility will be housed, on a voluntary basis, for a period of one year while receiving treatment. Given the nature of resident stays, this temporary accommodation is a form of supportive housing that is currently underprovided in the community of Greater Sudbury. Given PPS direction to allow for a range and mix of housing types, and given the clear need for such treatment facilities per the ongoing public health crises, this development provides a form of housing choice that is unique for those individuals with an identified disability. While not a 'traditional' form of housing, the proposed facility meets the unique health and well-being requirements of an underserved group of residents.

Given that the existing zoning does not permit such special needs facilities, direction in the PPS to facilitate forms of housing that meet the needs of those with special needs, and given that the C7 zone permits temporary accommodation (housing) uses (i.e. hotels, commercial tourist establishments, etc), the existing zone's preclusion of the use sought through this application is contrary to PPS direction to facilitate forms of housing that meet the social, health and well-being requirements of those with special needs. While we recognize permission for such use must be cognizant of compatibility and servicing matters, these matters are addressed throughout this report.

4.3 Growth Plan for Northern Ontario (2011)

The Growth Plan for Northern Ontario (GPNO) is a 25-year plan that provides guidance in aligning provincial decisions and investment in Northern Ontario. There are no policies applicable to this proposal in the Growth Plan, and as such this proposal does not conflict with the GPNO.

4.4 City of Greater Sudbury Official Plan (2006)

The subject lands are designated Living Area 2 per schedule 1A of the Plan. Relevant policies applicable to this application are outlined and discussed below.

4.4.1 Location

"4.4(2) In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;*
- b. adequate traffic circulation will be provided;*
- c. adequate parking for the public is provided on-site;*
- d. public transit services can be provided economically for the site;*
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,*
- f. adequate buffering and landscaping is provided."*

Given the proposed use is considered institutional, the above tests must be met prior to Council approval of the application. These tests are considered below:

The site is or can be adequately served by both private sewer and water servicing. Per discussions with the Sudbury & District Health Unit, given that the existing on-site septic system served a children's camp that had more 'residents' (clients) and staff than is proposed through this application, we understand that in principle the Unit has no concerns with rezoning. At such time as a change in use permit application is made, the Health Unit will require information on the existing septic system and any required upgrades will be determined at that time.

A potable water test was also completed by S. A. Kirchhefer Ltd. The report is included in the application package. We understand that all potable water standards are met, with the exception of increased sodium levels in the existing well. With regard to this increased sodium level, the Health Unit has advised that notices may have to be placed notifying individuals on reduced-sodium diets of such increased levels.

With regard to traffic, the City has not required a traffic impact study as part of a complete application as anticipated traffic volumes from the development are lower than those generated by the previous use. This is due to the fact that residents of the facility will be housed on-site and will not generate daily traffic, while the number of staff access/egressing the site daily is minimal (six staff per day). Adequate parking can also be accommodated on-site, which is shown on the development concept plan provided as part of the application.

The test regarding integration and compatibility is discussed in greater detail later in this report. However, as discussed the number and intensity of users on-site is anticipated to be less than the former children's camp, while the activities taking place on-site that result in this use being deemed a special needs facility (i.e. dissemination of previously-prescribed non-opioid medications to residents) will not result in any adverse impacts to the surrounding community. Furthermore, there are no additional structures proposed for the property, which will mitigate any aesthetic/massing compatibility issues with the surrounding area.

4.4.2 Land Use and Compatibility

"3.2(6) *Elementary schools, libraries, places of worship, day nurseries, retirement homes and other neighbourhood-based institutions form an integral part of community life. Local institutional uses that are compatible with the residential function of neighbourhoods are allowed in all Living Area designations subject to rezoning.*"; and,

"4.4 *Institutional uses are permitted throughout the municipality in accordance with the needs of area residents and policies set forth below.*";

...

"Small scale institutions compatible with surrounding uses, such as elementary schools, libraries, day nurseries, retirement homes, places of worship and recreation centres, are generally not shown on Schedules 1a, 1b and 1c but are incorporated within and permitted by the Living Areas designation."; and,

"18.2.6 In order to address the City's supportive housing needs, it is policy of this Plan to:

- a. Facilitate the provision of a variety of appropriate housing types in various locations designated to meet supportive housing requirements for the elderly, students, people with children, persons with physical disabilities and others with special needs;*
- b. Integrate supportive housing within existing neighbourhoods and communities throughout the City on a scale compatible with neighbourhood design;"*

As discussed, the subject property is approximately 5.6 hectares in size and has over 250m of frontage. The surrounding context is predominated by large rural residential properties, agricultural operations and vacant land.

With regard to structural (i.e. aesthetic) and density compatibility, the proposed development will not change the existing nature of the property given no new structures are proposed to serve the new use. The existing single-detached dwelling and 'barn' structure (to be used for residential sleeping quarters and facility programming) fit well within the context of the rural landscape. Also, we understand activities associated with the prior children's camp use were not incompatible with the area, given the abundance of open recreational space provided on the property. Given it is proposed to cap the number of residents in this facility at 16 whereas the prior camp use had in excess of 25 camp users at any given time, the intensity of activities on-site are no less compatible than the prior use that was permitted.

Another method to determine compatibility is by comparing the proposed scale of use in relation to other uses that are permitted adjacent to the property. Given neighbouring residential properties are zoned R1-1 and are on private services, the minimum standards for a new single residential property in this area is 4000sq.m (0.4 hectares) with 45m frontage per section 6.3 of by-law 2010-100Z. Given the lot area and frontage of the subject property, it would be feasible to create 6 new residential lots from the subject parent parcel (with such number being constrained by lot frontage. If lot area was the determinant factor and variances was obtained with regard to frontage, 10-14 new lots could be created at 0.4Ha each). At an average rate of 2.4 persons per unit (per the 2005 City of Greater Sudbury Housing Background Study), these 6 new as-of-

right lots would reasonably house 14.4 residents. At standard trip-generation rates for a single-detached dwelling (identified as 10 trips per sfd per the Institute of Transportation Engineers trip generation manual), these 6 hypothetical residential properties could reasonably generate 60 vehicular trips a day on Vermillion Lake Road. As the proposed Special Needs Facility will only generate vehicular traffic associated with the 6 staffmembers (with infrequent delivery vehicles), it is reasonable to conclude the proposed development will generate only 12 regular trips per day on Vermillion Lake Road (plus intermittent travel associated with off-site field trips). This is significantly less than the traffic that could potentially be generated if the property was used only for single-detached residential uses.

As such, it is the authors opinion that the intended development is compatible with the surrounding community from a structural (scaling and massing) perspective, and from an activity-generation/use perspective vis-a-vis recreational activities and vehicular trip generation.

4.4.3 Housing / Social Services

"16.2.8 Social Supports

1. Recognize the need to work cooperatively with social agencies and organizations to identify social needs and develop planning policies that foster a healthy, caring community.

...

5. Encourage participation from volunteers and the non-profit sector in providing programming for older citizens, youth, families and special needs groups."

By its very nature, the proposed development seeks to foster healthy caring communities by providing treatment for those with an identified disability, again so that such individuals can reach their full life potential. Given that it has been shown this development is compatible with the surrounding neighbourhood and meets the tests for establishing small, neighbourhood-centric institutional uses, approval of such a use in this appropriate location would represent a cooperative step forward between the non-profit proponent and the City to change planning policy (i.e. zoning) to further foster a healthy, caring community by facilitating the provision of treatment/programming for those with special needs. As such, this application for rezoning meets the intent of the above official plan policy.

4.4.4 Transportation

“11.1 *It is the objective of the transportation network policies to:*

...

b. ensure that the transportation network provides safe, convenient and efficient movement for all people and goods in Greater Sudbury,”;
and,

"11.2.3 For proposed developments that may affect the function of any municipal road, the City may require that development applications be accompanied by a traffic study to assess such impacts and to propose mitigating measures."

Vermillion Lake Road is classified as a Collector Road per schedule 6 of the Official Plan. Collector Roads. As discussed, the City of Greater Sudbury has not required a traffic impact study as part of a complete application given qualitative analysis of the proposal indicates vehicle generation will not be greater than the prior use. As such, the subject application meets the intent of section 11.1 of the Plan.

"11.4(1) New developments generally must provide an adequate supply of parking to meet anticipated demands."

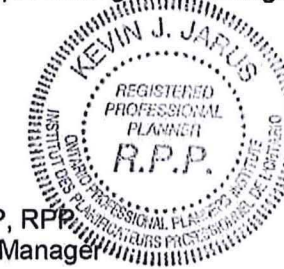
Per the conceptual plan provided as part of the application package, there is more than sufficient lands available to adequately provide sufficient parking for the proposed use. As such, this application meets the intent of section 11.4(1) of the Plan.

5. SUMMARY & CONCLUSION

This report has been prepared in support of the proposal to establish a Special Needs Facility on the subject lands, which was previously occupied by a children's camp. Given the analysis provided herein, it is the authors opinion that the proposal is consistent with 2014 PPS direction regarding support for the provision of a range and mix of housing types within the City of Greater Sudbury and promoting healthy, livable and safe communities for those with special needs. It is also the authors opinion that the proposed rezoning meets the tests of the official plan with regard to the appropriate provision of servicing, demonstration of land use compatibility, and ensuring the City's transportation network continues to provide safe and efficient movement of people and goods. As such, the proposed rezoning is an appropriate development which meets an identified social need in an appropriate location, thus promoting a healthier and more caring community.

it is the authors opinion that the subject application for rezoning is consistent with the 2014 PPS, does not conflict with the Growth Plan for Northern Ontario and meets the intent of the City of Sudbury's 2006 Official Plan, whereas the existing C7 zones preclusion of such a special needs facility use is not consistent with the 2014 PPS and does not meet the intent of the Official Plan. As such, this proposal represents good planning.

Respectfully submitted,



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