



City of North Bay Report to Council

Report No: CSBU-2023-012

Date: January 13, 2023

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Road Closure Application - Flannery Street

Closed Session: yes ☐ no ☒

Recommendation

1. That the application by Renaissance Development Corporation to close two portions of unopened municipal road allowances, as shown on Schedule "A" attached to Report to Council CSBU 2023-012, be approved; and
2. That the closure of the unopened road allowances be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowances.

Background

Site Information

Legal Description: See Appendix A

Site Description: The subject property are two portions of unopened road allowances, as shown below and on attached Schedule A. They are landlocked parcels, located in the block north of Main Street West and east of Gormanville Road.

These parcels are adjacent to vacant parcels that are owned by the applicant.

The subject lands at one time formed part of the CN Rail line network. This rail line has since been removed and the lands have been transferred to other landowners.

The road allowances are designated both "General Industry" and "Residential" by the Official Plan and are zoned "Railway (MR)" under the City's Zoning By-law No. 2015-30.

Figure 1: Map of Subject Property and Surrounding Area



Proposal

An adjacent property owner has submitted an application to close the two road allowances that abut their property. The applicants' intention for the road closure, as stated within the application, is to consolidate their land holdings in this area.

Summary

Section 34(1) of the Municipal Act 2001 (S.O. 2001, c.25) permits municipalities to pass By-laws for "stopping up any highway or part of a highway".

The road allowances are unopened, landlocked parcels. Adjacent lands that would have formed part of the road allowance at one time have been closed and transferred into private ownership. There is no option to use these road allowances for their initial purpose.

The applicant has not identified what their development plans for the property are at this time. The property's zoning of "Railway (MR)" indicates that a rezoning will be required in the future. This means that there will be a Zoning By-law amendment application in the future to identify appropriate land uses in order for the property to be developed.

Should City Council approve this road closure, the lands would be sold at their appraised value.

Correspondence

This proposal was circulated to abutting property owners, as well as all the municipal departments and agencies that would have an interest in land use matters. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- **Ministry of Transportation:** "The Ministry of Transportation (MTO) has reviewed the File No. 2022-04 application to close an unopened, landlocked road allowance, and has determined that the subject lands are not within MTO's permit control area, therefore, the MTO does not have any comments to provide."
- **Hydro One:** "Hydro One has no plant on the subject property, hence we have no objection to the proposed actions."
- **North Bay Mattawa Conservation Authority:** "No concerns."
- **Enbridge Gas Inc.:** "Enbridge Gas Inc. has completed review and have no interests in the subject lands."
- **Building Department:** "I can confirm that there are no concerns from the Building Services Department on closing these road allowances."
- **Engineering Department:** "No objections from Engineering."

Financial/Legal Implications

Should the subject application be approved, the financial implications to the City of North Bay would be revenue generated from the sale of the road allowance at their appraised value. The applicant is responsible for all costs associated with the closure including the appraisal, survey and legal costs. The legal implications to the City would be the transfer of two parcels of unopened road allowances into private ownership.

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Promote and support public and private sector investment

Options Analysis

Option 1

1. That the application by Renaissance Development Corporation to close two portions of unopened municipal road allowances, as shown on Schedule "A" attached to Report to Council CSBU 2023-012, be approved; and
2. That the closure of the unopened road allowances be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowances.

This option is recommended for the reasons set out in Report to Council 2023-12.

Option 2

Do not close the road allowances. This option is not recommended because there is no municipal requirement for the road allowances and no ability to extend the road network over the subject lands.

Recommended Option

Option 1 is the recommended option.

1. That the application by Renaissance Development Corporation to close two portions of unopened municipal road allowances, as shown on Schedule "A" attached to Report to Council CSBU 2023-012, be approved; and
2. That the closure of the unopened road allowances be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to initiate normal closure procedures for the subject road allowances.

Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP
Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP
Title: Director, Community Development and Growth

Name John Severino, P.Eng., MBA
Title: Interim Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP
Title: Senior Planner, Current Operations

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Schedule A

