



City of North Bay Report to Council

Report No: CSBU-2024-039

Date: August 1, 2024

Originator: Peter Carello, Senior Planner

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Road Closure Application – Robarts Avenue

Closed Session: yes no

Recommendation

1. That the application by Apex Custom Kitchen Cabinets to acquire an unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2024-039, be approved;
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to negotiate the sale of the subject road allowances at the appraised value and on such terms and conditions as are satisfactory to the Chief Administrative Officer and the City Solicitor.

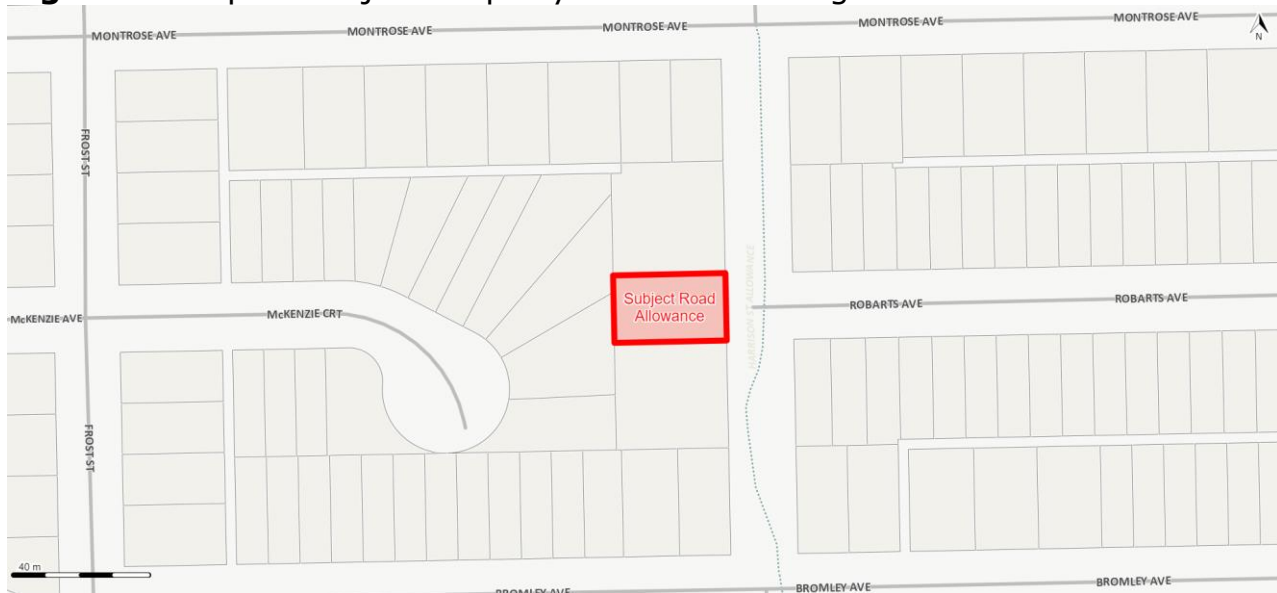
Background

Site Information

Site Description: The subject road allowance is at the end of Robarts Avenue. It is adjacent to two vacant, undeveloped, parcels addressed as 0 Harrison Street, each of which are owned by the applicant.

It is designated "Residential" by the Official Plan and is zoned "Residential Third Density (R3)" under the City's Zoning By-law No. 2015-30.

Figure 1: Map of Subject Property and Surrounding Area



Surrounding Land Uses: The subject property is located in a residential neighbourhood. The Harrison Street Road allowance (which runs north-south) is adjacent to the subject property.

Proposal

Shoaib Akram on behalf of the property owner has submitted a road closure application in order to acquire an unopened portion of the Robarts Avenue road allowance.

The purpose of the application is to allow the property owner to expand their land holdings and ultimately to develop the subject lands.

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".

One of the City's primary goals is to facilitate new residential development. The applicant has indicated that, should they acquire the subject road allowance from the City, both the northerly and southerly adjacent properties would be developed with four semi-detached dwelling units (for a total of eight new residences). These new units would be orientated in a north-south manner, gaining access to Robarts Avenue and the municipal road network via the subject road allowance. There are future Planning Act applications that are required in order for this to take place. But in principle, Planning Services are of the opinion that it would be desirable to see the presently vacant lands accommodate new housing.

In reviewing the application and the responses received from circulated agencies, there are no concerns and no municipal requirement for the road allowance. Therefore, Planning Services are generally supportive of the proposed road closure and the proposed new development.

Correspondence

A road closure application would typically be circulated to immediately abutting property owners that could acquire the road allowance. In this circumstance, the applicant is the only other property owner that can acquire this road allowance. As a result, there was not a circulation to the public.

The proposal was circulated to the municipal departments and external agencies that may have an interest in the application. In terms of correspondence received from these departments and agencies, the Planning Department received the following comments:

- Enbridge Gas Inc.: "Enbridge Gas Inc. has completed review of this proposal, and have no interest in the subject land."
- North Bay Hydro: "We have reviewed the proposed road closure and it appears that North Bay Hydro does have facilities within the boundaries of the subject property. There are down guys and anchors that will require easement protection. It is not currently clear if hydro pole #9315 lies within the boundaries of the subject property, if surveyors determine that the pole is within the property boundaries, then it too will require easement protection."
- North Bay Fire Department.: "I have no comments or objections"
- Ministry of Transportation: "The subject property is within the MTO permit control area, however, after assessing the size and location of the proposed road closure, the Ministry will not be exercising permit control jurisdiction on this proposal and has no further comments or concerns"
- Building Department: "No concerns from Building Services"
- Hydro One: "No Hydro One plant, no easement required."

The City's Engineering Department provided in depth comments. The Engineering Department's response pertained largely to the eventual development of the property. The Engineering Department's comments are as follows:

I have no concerns with the lane closure. We have been consulted regarding development in this area previously, I wanted to reiterate some of the comments that have been provided so the proponent is aware of our future

expectations. Our comments will need to be refined once we have a better understanding of the scope for the development. These are simply high level to give them an idea of the requirements:

1. We will require a stormwater management (SWM) report for the proposed development which meets our technical standards for quality and quantity control.
2. The following engineering civil plans/drawings are required for the site and roadway/service extensions within the City road allowance:
 - a. Site Servicing (if any new services are being proposed and/or existing services are being upgraded/retired);
 - b. Grading Plan;
 - c. Plan and profile drawings;
 - d. Pre and post development drainage plans;
 - e. Erosion and sediment control.
3. All the drawings and SWM reports must be designed and stamped by a Professional Engineer licensed to practice in the province of Ontario. Documents must be sealed prior to being submitted to the City for review.
4. For the watermain, we would not want to see the main extended and dead ended. We would require the watermain to be looped to the mainline on either Montrose or Bromley.
5. For the road extension of Robarts Ave. we would require a proper cul-de-sac/turnaround to be constructed as per our standards.
6. Should the size of the turnaround pose potential issues for the City's winter maintenance operations, the option of looping the roadway of Robarts to either Montrose or Bromley should be explored.
7. Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72.
8. It will be the proponent's responsibility to confirm servicing requirements and conduct necessary testing.
9. The developer must enter into a Service Contract with the Engineering Department for any services, restoration work or work in general on City property.
10. At a minimum we will require the following for the servicing and roadworks with the City road allowance:
 - a. A geotechnical report is to be provided for review. Geotechnical testing will be required during construction.
 - b. We will require a third party engineering consultant to provide full time inspection during the servicing and road construction.

- c. The new sewers are to be CCTV videoed, reviewed and accepted by the City prior to being put back online.
- d. Security will be required for 100% of the construction costs of installing the sewers, watermain and roadworks within the road allowance.
- e. As-builts drawings of the sewers, watermain and roadworks will need to be provided to the City.
- f. The City's municipal construction specifications are to be adhered to.

11. A security deposit of 10% of the value of all on-site works (excluding the building and sewers/watermain/roadworks within the City road allowance) will be required for the SPCA. An engineering estimate of the on-site works is to be provided in order to determine the security deposit value. A deposit of \$1,000 will be required as a minimum.

Engineering and Planning Staff jointly met with the applicant on July 10th to discuss these future expectations. The applicant has acknowledged the comments made by the Engineering Department and to comply with the requirements.

No other correspondence was received on this file.

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 would be 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 an unopened road allowance into private ownership.

Planning staff would recommend to the City Solicitor, that in addition to the terms and conditions that the City would include in the sale of property, that if the development does not proceed in a timeframe to be determined by the Chief Administrative Officer and the City Solicitor, the City shall have the option to reacquire the subject road allowance.

Corporate Strategic Plan

- Natural North and Near
- Affordable Balanced Growth
- Responsible and Responsive Government
- Economic Prosperity
- Spirited Safe Community

Specific Objectives

- Promote and support public and private sector investment

Options Analysis

Option 1:

To close the road allowance and sell the lands to the

1. That the application by Apex Custom Kitchen Cabinets to acquire an unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2024-039, be approved;
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to negotiate the sale of the subject road allowances at the appraised value and on such terms and conditions as are satisfactory to the Chief Administrative Officer and the City Solicitor.

This option is recommended for the reasons set out in report to Council 2024-039.

Option 2:

Do not close the road allowance. This option is not recommended, because there is no municipal requirement for the road allowance.

Recommended Option

Option 1 is the Recommended Option

1. That the application by Apex Custom Kitchen Cabinets to acquire an unopened municipal road allowance, as shown on Schedule "A" attached to Report to Council CSBU 2024-039, be approved;
2. That the sale of the unopened road allowance be subject to the granting of any required easements; and
3. That the Chief Administrative Officer be authorized by Council to negotiate the sale of the subject road allowances at the appraised value and on such terms and conditions as are satisfactory to the Chief Administrative Officer and the City Solicitor.

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 Services

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

Personnel designated for continuance:

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

W:\PLAN\Planning\Reports to Committees & Council (C11)\to Council\2024\CSBU 2024-039 – Road Closure File #2024-01 – Robarts Avenue

Schedule A

