

## Staff Report

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**Report To:** City Council  
**Report From:** Pamela Coulter, Director of Community Services  
**Meeting Date:** July 7, 2025  
**Report Code:** CS-25-067  
**Subject:** Stop Up and Close and Declare Surplus – Part of 21st Street East Road Allowance

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### Recommendations:

THAT in consideration of Staff Report CS-25-067 respecting a request by Barry's Construction & Insulation to purchase a portion of the 21st Street East Unopen Road Allowance, West of 9th Avenue East, City Council directs staff to bring forward a by-law to:

1. Stop up and close the southerly 2/3 of a portion of 21<sup>st</sup> Street East, west of 9<sup>th</sup> Avenue; and
2. Declare surplus the southerly 2/3 of a portion of 21<sup>st</sup> Street East, west of 9<sup>th</sup> Avenue.

### Highlights:

- Barry's Construction & Insulation is proposing to construct a 4-storey, 35-unit residential apartment building on lands in addition to an existing 3-storey, 23-unit building.
- The developer has requested that the City sell a portion of the unopened 21<sup>st</sup> Street East road allowance to facilitate additional parking and access/fire routes.
- The unopened 21<sup>st</sup> Street right-of-way contains a 1.5m pedestrian path, storm, and sanitary sewers. Only the sanitary sewer lies within the area considered for sale.

- The land proposed for development is designated Residential, in the Official Plan which permits various forms of residential dwellings and zoned for medium to high-density residential uses (R5).
- Notice of Intention to Stop up and Close and Declare surplus was provided on June 10, 2025 and this report provides the feedback received.

## **Strategic Plan Alignment:**

[Strategic Plan](#) Priority: A City that Grows.

## **Climate and Environmental Implications:**

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by strengthening the resiliency of City infrastructure or services.

## **Previous Report/Authority:**

[By-law No. 2012-195 - Disposition of Land By-law](#)

Closed Staff Report CS-25-035 Request by Barry's Construction to Purchase Lands – 21<sup>st</sup> Street East (west of 9th Avenue East)

[Staff Report CS-25-046](#) - Request by Barry's Construction to Purchase a Portion of the 21<sup>st</sup> Street East Unopen Road Allowance

R-250512-004

**"THAT in consideration of the items listed on the May 12, 2025 Consent Agenda, City Council:**

- 1. Receives Items 11.a to 11.h; and**
- 2. Approves the recommendations contained in Items 11.a to 11.d."**

[Public Notice of Intention to Stop Up and Close, Declare Surplus, and Dispose of Municipal Property](#)

## Background:

At its meeting on May 12, 2025, Council considered a request from Barry's Construction & Insulation to purchase a portion of the unopen 21<sup>st</sup> Street road allowance to support a residential infilling project on the adjacent property. Council directed staff to issue a Notice of Intention to Stop Up and Close a portion of the 21<sup>st</sup> Street, west of 9<sup>th</sup> Avenue East unopened road allowance and a Notice of Intention to Declare the Lands Surplus, noting the method of sale was to be direct negotiation. Direction was also provided to undertake the next steps outlined in that report (see Attachment 1).

In accordance with the Land Sale By-law, notice was provided on the City website and in the Owen Sound Sun Times newspaper on June 10, 2025.

The purpose of this report is to provide feedback received through the public notice.

## Analysis:

As of the time of writing this report, five letters had been received from property owners within the adjacent neighbourhood (See attachment 2). The comments that were received are from owners of properties within a one block radius of 21<sup>st</sup> Street East.

In order to understand the comments, the proposed grading plan is Attachment . Attachment 4 includes photos of the lands proposed for the construction of the apartment building, the unopen 21<sup>st</sup> Street right of way including the concrete walking and adjacent land uses.

The following table summarizes the inputs and provides a response to the various matters.

<b>Public Comments</b>	<b>Staff comment</b>
1. D. Toms	
Request a fence along property line with homes that front on 8 <sup>th</sup> Ave East	This can be accomplished through site plan approval which will be required as part of the development of the lands
2. J. Beagan	

<b>Public Comments</b>	<b>Staff comment</b>
<p>4 storey building will infringe on privacy of abutting uses</p>	<p>The maximum permitted height in the zoning bylaw for the R5 zone is 12 m (39.3').</p> <p>The proposed height is 14 m (45.9').</p> <p>The process provided through the Planning Act would require this change in the maximum height to be addressed through a minor variance. This will require a public notice.</p> <p>Recent amendments to the Planning Act, that provide certain as of right variances to Zoning requirements may exempt the owner from requiring this variance.</p> <p>The City would normally require a shadow study to support this application. Recent amendments to the Planning Act, which are awaiting Regulations, may restrict the City's ability to request this type of information.</p> <p>As well, should the lands be sold and this development proceed, a buffer including a fence and landscaping would be provided for the abutting lands to the west.</p>
<p>Development will reduce property values</p>	<p>The R5 zone permits an apartment building.</p> <p>The current building owned by the developer located east of the proposed building is well maintained.</p>

<b>Public Comments</b>	<b>Staff comment</b>
<p>Drainage issues that were caused by development on 8<sup>th</sup> Ave (Consent and infill house) were addressed by ditch on the adjacent property</p>	<p>There is an existing north-south drainage swale that extends the length of the property proposed for residential development.</p> <p>If the lands are sold and the development moves forward, as part of the site plan approval process, an engineered grading, drainage and storm water management plan will be required.</p>
<p>Removal of trees on lands</p>	<p>There are existing cedar trees on the lands currently owned by the developer that run north south and provide a landscape buffer to the homes to the west that front on 8<sup>th</sup> Avenue East.</p> <p>The cedar hedge row will need to be removed.</p> <p>There is a large mature maple located in the rear yard of 2065 that abuts the lands proposed for sale that would need to be protected during any construction.</p> <p>There are several trees on the north side of the walkway that would not be affected by the sale and future development.</p> <p>The unopen road allowance proposed for sale does not include existing trees that would need to be removed (see site photos).</p>
<p>Walkway used by children and people walking dogs</p>	<p>Based on the site photos, the area of the unopened road allowance,</p>

<b>Public Comments</b>	<b>Staff comment</b>
	<p>north and south of the walkway is used as an extension of the open space including the rear yard of the townhouse located to the north on property at 2150 9<sup>th</sup> Ave (Bayfield Landing).</p> <p>Only a portion of the unopen road allowance (12 m) is proposed for sale and a width of 8 m which includes the path will remain.</p> <p>Although on a separate parcel, this 8 m of open space will continue to provide amenity space for the most southerly building in the development located immediately north (2150).</p>
3. Murdoch	
Property value	See above
Increased traffic and risk to children walking to school	<p>Through a pre-consultation for the development, a traffic study was not required. The number of units proposed does not meet the number of units that trigger a traffic study.</p> <p>Based on the conceptual plan, all traffic will enter and exit the site from 9<sup>th</sup> Ave and not 8<sup>th</sup> Ave E. 9<sup>th</sup> Avenue is a future arterial road designed to carry larger volumes of traffic.</p>
Will city consider a reduction in speed or a 4 way stop at 8 <sup>th</sup> Ave E and 21 <sup>st</sup> Street E?	This can be referred to Operations staff for consideration outside any land sale process.

<b>Public Comments</b>	<b>Staff comment</b>
Existing walkway is well used and is used by children as a play area near a school bus stop	<p>Noted.</p> <p>The pathway will continue to be available. This area is outside of the limit proposed to be stopped up and closed and sold.</p>
Will local residents be sent notices on this issue?	<p>No further notice to residents would be required in terms of the land sale process. Notice has been given in accordance with the Land Sale Bylaw.</p> <p>If any minor variances are required, a public process is prescribed through the Planning Act that would include public notice.</p>
4. Eltom	
Concerned with density of proposed development	<p>Lands designated Residential in the Official Plan permit a range of residential uses including singles, semi, duplex, townhouses, apartments and various forms of multiple dwellings.</p> <p>Low, medium and high density residential development is permitted.</p> <p>The proposed development would have an overall density of 120 units per hectare (58 units are proposed in total on 0.48ha) which is considered high density.</p> <p>The surrounding lands uses in this area include singles as well as townhouses and apartment uses at various densities.</p>

<b>Public Comments</b>	<b>Staff comment</b>
	The Official Plan has criteria that are to be considered in locating high density residential development that will be evaluated as part of the planning process relating to any future development of the lands.
Loss of greenspace	The unopen road allowance is used currently as an extension of the greenspace for abutting properties.  12 m of the 20 m width is proposed for sale. The pedestrian path and green space abutting the development to the north will be maintained and will continue to be available for public use.
Loss of trees	See above
Loss of shade for walkway	The trees on the north side of the walkway will be retained.
Additional units will increase number of dogs in area – already dog litter issues	This matter could be reviewed further to determine if there is merit for a waste receptacle in this area.
Shadow issues relating to the proposed height (4 storey building)	The maximum height permitted is 12 m. The proposed height is 14 m.  If development proceeds according to the conceptual plans, a minor variance would be required to address height.  This process would include a notice to the surrounding properties.  It merits note that one of the key areas of focus for the update to the



<b>Public Comments</b>	<b>Staff comment</b>
	<p>City's Zoning regulations is an overall increase in maximum height.</p> <p>As noted above, the need for this variance may not be required when the Regulations come into effect for certain recent changes to the Planning Act.</p>
Concerns on snow storage	<p>Snow storage is considered as part of the site plan review process relating to development.</p> <p>The site will have a grading, drainage and storm water plan that addresses melt from snow as well as storm events.</p> <p>A standard condition of site plan agreements does not allow snow to be stored in a required parking space. When snowfall is significant, this may mean the owner has to remove snow from the site.</p>
5. Owen Sound Municipal Non-Profit Housing	
Clarification of Process	Clarification was provided to the executive director respecting the process. A decision on the sale has not been made prior to the Notice being circulated.
Acknowledgement of the Positive impact on supply of housing provided by this developer	
Impact on safety at pedestrian path	<p>Public and resident safety is an important consideration.</p> <p>Staff have reached out to the Executive Director to discuss fencing</p>

<b>Public Comments</b>	<b>Staff comment</b>
	<p>and buffering to balance the objectives of a buffer as well as safety.</p> <p>The buffering of parking from adjoining lands uses is addressed as a matter of zoning conformity through site plan approval.</p>
Buffer of parking (headlights)	<p>See above.</p> <p>A buffer of the parking area will be required.</p>
Interest in other city lands abutting lands owned by OSMNPH	<p>Staff would be pleased to arrange a meeting with OSMNPH to review other lands that may be considered surplus and available for development.</p>

### **Financial Implications:**

The costs of the survey, appraisal, and the City’s legal costs will be covered by the applicant in addition to the value of the lands agreed to in an Agreement of Purchase and Sale.

The City will receive revenue from the sale of the land and the tax revenue generated from the infill residential development.

### **Communication Strategy:**

There are several points of communication noted in the next steps chart including public notice of intent to sell as well as stop up and close.

The City provided Notice of Intent to Declare Surplus and Notice of Intent to Stop up and Close. The comments received were generated through this process.

## **Consultation:**

Several City Divisions were consulted including Clerks, Building, Planning & Heritage, Public Works and Engineering.

## **Attachments:**

1. Next Steps Identified in Report CS-25-046
2. Correspondence Received
3. Proposed Grading and Drainage Plan
4. Photos of Unopen Road Allowance and Adjacent Lands

## **Recommended by:**

Pamela Coulter, Director of Community Services

## **Submission approved by:**

Tim Simmonds, City Manager

For more information on this report, please contact Pam Coulter, Director of Community Services, at [pcoulter@owensound.ca](mailto:pcoulter@owensound.ca) or 519-376-4440 ext. 1252.