



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-12-2026

Meeting Date: April 13, 2026

1. Title

Proposed Official Plan and Zoning By-Law Amendments
Recommendation Report for 19 Derby Road

2. Recommendations

That: Council approves the proposed amendment to the Town's Official Plan as detailed in Report [PBBS-06-2026](#) for land known as 19 Derby Road and

That: Council approves the proposed amendment to the Town's Zoning By-law 129-90 as detailed in Report [PBBS-06-2026](#) for land known as 19 Derby Road, and further

That: Council directs staff to submit the necessary by-laws.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth; Comprehensive housing options

4. List of Stakeholders

Steve Bremner – Owner

Typical external agencies (e.g. Niagara Region, Niagara Peninsula Conservation Authority, Public Utilities, etc.)

Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide Council with a recommendation regarding a proposed combined Official Plan and Zoning By-law Amendment application for 19 Derby Road to permit the development of a three-storey, 30-unit rental apartment building. The application was submitted by Steve Bremner, the Owner of the subject lands. A location map showing the subject lands is attached as **Appendix 1**.

The subject lands are designated Site-Specific Medium Density Residential in the Crystal Beach Secondary Plan and are zoned Residential Multiple 1 (RM1-692) in accordance with the Town's Comprehensive Zoning By-law 129-90, as amended.

The purpose and effect of the proposed Official Plan Amendment is to permit a three-storey apartment building on the subject lands within the existing Site-Specific Medium Density Residential designation. Under Section 4.22.9.8 of the Crystal Beach Secondary Plan, apartment buildings are not a permitted built form on the subject lands. As a result, the applicant is seeking an Official Plan Amendment to permit an apartment building on the subject lands.

The purpose and effect of the proposed Zoning By-law Amendment is to rezone the subject lands from a site-specific Residential Multiple 1 (RM1-692) Zone to a site-specific Residential Multiple 2 (RM2) Zone to permit the development of a three-storey apartment building. The proposed site-specific provisions pertain to a reduction in the minimum lot area, width of the landscape strip and the number of parking spaces, and an increase in the maximum lot coverage.

The Owner has concurrently submitted an application for Site Plan Approval. If the proposed Official Plan and Zoning By-law Amendments are approved, staff will enter into a Site Plan Agreement with the Owner.

A Site Plan for the subject lands is attached as **Appendix 2**, Floor Plans are attached as **Appendix 3**, and Elevations are attached as **Appendix 4**.

The applicant has also expressed an intention to include affordable housing units in the proposed apartment, as indicated in an email to staff attached as **Appendix 5**.

6. Analysis

6.1 Site Context

The subject lands are located within the urban boundary in the Crystal Beach neighbourhood, situated at the northwestern corner of the Derby Road and Michener Road intersection. The subject lands have an area of 3004.16 square meters, with 33.5 meters of frontage on Derby Road and approximately 88 meters of flankage along Michener Road. The subject lands are fully serviced with municipal water, sanitary and storm connections and currently contain two multi-unit buildings. The surrounding neighbourhood is primarily residential, characterized primarily by single detached dwellings.

The surrounding land uses are as follows:

- North: Residential (single detached dwellings)
- East: Derby Road and the Ridgeway Memorial Cemetery
- South: Michener Road and Residential (single detached dwellings)
- West: Residential (single detached dwellings)

The subject lands are approximately 900 metres west of Crystal Ridge Park, a Community Park. The subject lands are also approximately one kilometer south from commercial uses along Gorham Road and one kilometre north of the Derby Road and Erie Road commercial area.

6.2 Planning Policy Framework

6.2.1 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development and encouraging coordination among various interests.

The *Planning Act* identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, including, but not limited to, the efficient use of sewage and water services, orderly development of safe and healthy communities, adequate provision of a full range of housing, including affordable housing, the appropriate location of growth and development, and the promotion of built form that is well-designed and provides public spaces that are high quality, safe, attractive and vibrant.

Decisions of Council must also be consistent with provincial policy statements and conform with provincial plans and municipal official plans that are in effect.

It is Staff's opinion that the application has appropriate regard for the matter of provincial interest outlined in the *Planning Act* and is consistent with the Provincial Planning Statement (2024) and conforms with provincial plans and municipal official plans, subject to the following analysis.

6.2.2 Provincial Planning Statement, 2024

Land use planning decisions are required to be consistent with the Provincial Planning Statement, 2024 (PPS). The subject lands are located within a Settlement Area under the PPS. The PPS directs growth to settlement areas to provide an appropriate range and mix of housing options and densities, encourages building complete communities, promotes intensification within built up areas, and supports efficient use of resources and infrastructure.

Planning Staff are of the opinion that the application complies with the PPS. The proposed three-storey rental apartment supports the integration of a range and mix of housing options and densities in a settlement area, as the neighbourhood is primarily characterized by single detached dwellings. The proposal also demonstrates intensification through the redevelopment and expansion of the existing multi-unit buildings on the lot. Furthermore, the subject lands are fully serviced with municipal water, storm and sewer connections, which contributes to the efficient use of existing municipal infrastructure.

6.2.3 Niagara Official Plan, 2022

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Delineated Built-Up Area. Section 2.2.1.1 of the NOP outlines the policies for development in Built-Up Areas. The NOP supports opportunities for compact built form (2.2.1.1 (b)), a diverse range and mix of housing types, unit sizes, and densities (2.2.1.1 (c)), built forms and land use patterns that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure 2.2.1.1 (e)), opportunities for intensification 2.2.1.1 (g)) and the integration of a mix and range of housing options that consider the character of established residential neighbourhoods (2.2.1.1(h)).

Further, the NOP states that forecasted population growth in urban areas will be accommodated primarily through intensification in Built-up Areas (2.2.2.1). Section 2.2.2.6 of the NOP also establishes a minimum density target in Fort Erie that requires 50% of all new residential units to be constructed within Built-up Areas annually.

Planning Staff are of the opinion that this proposal conforms to the policies of the Niagara Official Plan. The surrounding neighbourhood is currently characterized by single detached dwellings with some variation in lot size, and the subject lands currently contain two (2) multi-unit buildings. The proposed three-storey rental apartment with 30 units is a less common built form in this area that would contribute to establishing a range and mix of housing options, unit sizes densities, and tenure type by providing additional residential units on underutilized land and increasing the supply of rental housing. The subject lands also benefit from municipal water sanitary and storm connections, which reduces servicing costs and optimizes investments in infrastructure.

Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems

Schedule C1 of the NOP does not identify any natural heritage features or systems on the subject lands.

Schedule K – Areas of Archaeological Potential

The subject lands are in an area of archaeological potential as shown on Schedule K of the NOP.

A Stage 1–2 Archaeological Assessment completed by Seguin Archaeological Services, dated May 9, 2024, was completed on the subject lands. The Stage 2 Archaeological Assessment concluded that no further archaeological assessment is recommended. Acknowledgement from the Ministry of Citizenship and Multiculturalism (MCM) confirming that the report has been entered into the Ontario Public Register of Archaeological Reports is still outstanding. In accordance with the *Planning Act* and PPS policies, no demolition, grading, or other soil disturbance should occur on the property until the MCM issues an acknowledgement confirming that all archaeological resource requirements have been addressed. If approved, the MCM Acknowledgement Letter will be required prior to the execution of the Site Plan Agreement.

6.2.4 Official Plan, Town of Fort Erie, 2021 Consolidation

Crystal Beach Secondary Plan

The subject lands are designated as Medium Density Residential in the Crystal Beach Secondary Plan and are subject to sites-specific policies provided in Section 4.22.9.8 of the Secondary Plan which apply to the subject lands as well as adjacent lands. This section reserves the area for semi-detached dwellings and street, block and stacked townhouses, and establishes a target density of 50 to 100 units per hectare. The subject lands are also within a residential intensification area, as shown on Schedule CB-1 in the Crystal Beach Secondary Plan.

Given that apartment buildings are not a permitted built form, the applicant is proposing an Official Plan Amendment to permit apartment buildings on the subject lands. This proposal provides a density of 99.86 units per hectare. No amendments to the permitted density range are proposed.

Section 4.22.4 establishes the main objectives of the Crystal Beach Secondary Plan. Relevant objectives include:

- a) *Provide a variety of housing choice that supports housing opportunities for all ages, that spans the full lifecycle and economic status;*
- b) *Encourage development forms which are more compact, affordable and utilize urban land and services more efficiently;*
- c) *Identify locations within the Plan Area which best support intensifying residential form and reinforce support for these locations through zoning implementation;*
- d) *Increase population in a moderate manner through intensification efforts in key locations. An increased population will better support existing community facilities and offer increased viability to commercial enterprise year-round;*

This proposal aligns with these objectives. The proposed apartment building would provide a built-form and tenure type that is less common in the area, which is currently characterized by single detached dwellings. The applicant has also expressed an intention to include affordable housing units in the proposed apartment. Additionally, the development of a three-storey, 30-unit apartment building provides a notably more compact built form than the prevailing built form in the neighbourhood and represents a more compact built form than the current state of the lot. The subject lands are also fully serviced with municipal storm, water and sewer connections.

The location also supports intensifying residential form, as the subject lands are designated as medium density residential, with an established density target of 50 to 100 units per hectare. The Medium Density Residential designation supports apartment buildings in certain locations within the Crystal Beach Secondary Plan area. Although apartments are not permitted under policy 4.22.9.8, similar built forms such as Block and stacked townhouses are currently permitted on the subject lands.

Section 4.22.6 of the Crystal Beach Secondary Plan states that when considering medium density uses and/or residential intensification by the redevelopment of an existing building, regard shall be given to lot size, the height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area, landscaping and buffering that maximizes privacy, parking, convenient access to an arterial road, and distance to traditional neighbourhood design elements and the central focus of the neighbourhood.

The proposed development provides interior side yard, exterior side yard and rear yard setback distances that meet the requirements of the current RM1-692 Zone and the proposed RM2 Zone. A three (3) meter landscape strip is required along the northerly lot line and rear yard lot line. A Tree Protection Plan and Landscape Plan have also been submitted by the applicant and reviewed by Town Staff. The Landscape Plan also features fencing along the northerly lot line. The proposed development is also compliant with the building height regulations of the Official Plan and Zoning By-law. These considerations provide screening and buffering to the neighbouring lots, which minimizes potential privacy impacts and supports compatible integration with the surrounding area. Additionally, the majority of the proposed parking (26 out of 42 spaces) would be located underground, further mitigating potential disturbances or visual impacts.

The subject lands also have frontage along Derby Road, which is designated as an Arterial Road in accordance with the Town's current Official Plan. Amenities are also located nearby,

including Crystal Ridge Park (0.6 kilometers from subject lands), St. George Catholic Elementary School (0.5 kilometers from subject lands) and several commercial uses along Ridgeway Road (0.7 kilometers from subject lands).

Section 4.22.9.8 of the Crystal Beach Secondary Plan notes that Lands bound by Farr Avenue, Derby Road and Michener Road, represent a unique opportunity to provide additional multi-unit residential that can take advantage of being centrally located to public amenities on Farr and Gorham Road. This section also states that these lands are reserved for semi detached, street, stacked or block townhouses and their accessory uses with a medium density range of 50 to 100 units per hectare to assist in efficient use of existing and proposed infrastructure and diversify housing stock and form. A maximum building height of 3 storeys is provided (4.22.9.8c).

This proposal would yield a density of 99.86 units per hectare, which falls within the established density range. The building is proposed to be 3 storeys, which also aligns with Official Plan policy.

Amendments to the Land Use Plan (Schedule A)

Section 13.7 (III) of the Official Plan requires Council to have regard to the following criteria when considering amendments to the Land Use Plan (Schedule A) of Town's Official Plan and Zoning By-law:

a) The need for the proposed use;

The development will provide diversity in housing options in an area primarily characterized by single-detached dwellings. The applicant has also expressed that affordable units are intended to be included among the proposed units, which would provide housing opportunities for a broader range of residents.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The Crystal Beach secondary Plan notes that the Medium Density Residential designation is reserved for multiple unit structures including townhouses and low-rise apartment buildings generally up to 3 storeys. Apartments and other medium density built-forms are permitted as-of-right on various sites in the surrounding area. 150 Derby Road and 3899 Rebstock Road, are both designated as Medium Density residential in the Crystal Beach Secondary Plan, and both feature 3 storey apartment buildings located within 0.5 kilometers of the subject lands.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;

The subject lands are suitable for the proposed use with available municipal services. The subject lands are also regularly shaped and generally flat with minimal changes in grade, and there are no natural heritage features on or abutting the subject lands.

d) The location of the area under consideration with respect to:

- i. The adequacy of the existing and proposed highway system in relation to the development of such proposed areas,*

The proposed development would have frontage along Derby Road, and accessed from Michener Road. Derby Road is designated as an Arterial Road in accordance with the Town's current Official Plan, whereas Michener Road is classified as a local road. Arterial Roads are designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic as well as traffic en route to or from the Provincial highway system. Local roads are designed to carry relatively low volumes of traffic travelling at low speeds from abutting properties to Arterial Roads. The anticipated use of these roads following the proposed development, aligns with the intent of the existing road designations. An entrance permit will be required at the building permit stage. Road widening along Derby Road and a daylighting triangle at the intersection of Derby Road and Michener Road will be required as conditions of the site plan agreement.

- ii. The convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and*

The proposed development would be accessed through Michener Road, a local road. Local roads are designed to carry traffic travelling at low speeds from abutting properties. A sidewalk connection from the existing sidewalk on Wellington Court to Derby Road has also been requested by Development Engineering Staff.

- iii. The adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;*

Municipal services (water and sanitary) are available to the subject land with sufficient capacity.

- e) The compatibility of the proposed use with uses in adjoining areas;*

The proposed three-storey apartment is a residential use compatible with surrounding residential uses. Townhouses and stacked townhouses are currently permitted on the subject lands up to three-storeys in the Official Plan and Zoning By-law.

- f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;*

The proposed development is not anticipated to have depreciating or deteriorating effects on adjoining properties.

- g) The potential effect of the proposed use on the financial position of the Municipality;*

The proposed use is not anticipated to negatively impact the financial position of the Town. The Town would collect securities and cash-in-lieu of parkland dedication as part of the site plan process. Development Charges would be collected as part of the building permit process.

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

The subject lands do not contain any Natural Heritage features, as confirmed by the Niagara Peninsula Conservation Authority (NPCA) and Environmental Planning Staff. The applicant has also submitted a Tree Protection Plan, ensuring that trees will be retained on the subject lands. The applicant has also submitted a Landscape Plan and planting detail.

Schedule C – Natural Heritage Features and Schedule C1 – Natural Hazards and Fish Habitat

There are no natural heritage features on the subject lands as identified on Schedule C. Schedule C1 similarly does not identify any natural hazard areas or fish habitat on the subject lands.

Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Town's Official Plan identifies the subject lands as being within an area of archaeological potential. As noted in Section 6.2.3 of this report, a Stage 1–2 Archaeological Assessment was completed and determined that no further archaeological assessment is required, however confirmation from the MCM that the report has been entered into the Ontario Public Register of Archaeological Reports is required prior to any development or soil disturbance.

6.2.5 Official Plan, Town of Fort Erie, 2025 (adopted by Council)

Town of Fort Erie Council adopted a new Official Plan on August 25, 2025, through the passage of [By-law 78-2025](#). The 2025 Official Plan will not be in force and effect until it receives approval from the Ministry of Municipal Affairs and Housing, but it currently represents Council intent.

Schedule D.1 of the 2025 Official Plan identifies the subject land as being within the Delineated Built-Up Area. Schedule E of the 2025 Official Plan designates the subject lands as Community Area.

Section C.4.2.1 of the 2025 Official Plan states that the Delineated Built-Up Areas are intended to accommodate a significant portion of the Town's future growth through intensification. This section also identifies policies for Delineated Built-Up areas that encourage compact, mixed-use development, efficient use of land and resources, development that meets evolving housing needs, and optimum use of existing and planned infrastructure, among other things. This section also notes that a minimum of 60-percent of all residential units developed annually will be within the built-up area.

Section D.2.2 of the 2025 Official Plan envisions Community Areas as complete communities that provide a range of housing options and essential everyday amenities to meet the diverse needs of the Town's residents and provide residents of all ages and abilities with access to housing, everyday amenities, and recreation.

Table C-3, under Section C.5 of the 2025 Official Plan, establishes the permitted built forms along different road classifications. Derby Road and Michener Road are identified as local roads on Schedule L of the Official Plan. Table C-3 establishes low-rise built forms, including

apartment buildings, with a maximum height of 3-storeys as a permitted built form along local roads.

The proposed apartment promotes compact built form and efficient use of land and introduces additional housing options to the surrounding area with access to amenities and services.

The subject lands are also located in the Crystal Beach Secondary Plan Area, as shown on Schedule P of the 2025 Official Plan. The Crystal Beach Secondary Plan policies in the 2025 Official Plan are the same as those discussed in section 6.2.4 of this report.

6.2.6 Site Design

The proposal features a three-storey apartment building with 30 residential rental units. The unit mix includes 1 one-bedroom unit, 24 two-bedroom units, and 5 three-bedroom units, each with a 5 square meter private balcony.

The building also proposes 42 parking spaces, with 16 uncovered located at the rear of the building along Michener Road, and 26 underground parking spaces. Underground parking will be accessed through a parking ramp located at the rear (westerly side) of the building.

A landscape strip is also proposed along the northerly and westerly lot lines, in addition to fencing with a proposed height of 1.8 – 2.3 meters and in accordance with the Fence By-law. Molok waste containers are also proposed in the northeasterly corner of the site.

A 3.5 m road widening and 7 m x 7 m daylighting triangle are also proposed at the southeastern corner of the lot near the intersection of Derby Road and Michener Road which would be conveyed to the Town as a condition in the Site Plan Agreement. A sidewalk connection from the existing sidewalk on Wellington Court to Derby Road has been requested by Development Engineering Staff at the Site Plan stage.

6.2.7 Comprehensive Zoning By-law No. 129-1990, as amended

The subject lands are currently zoned RM1-692 in the Town’s Comprehensive Zoning By-law, as amended.

The Zoning By-law Amendment proposes to rezone the subject lands to a site-specific RM2 Zone. The proposed site-specific provisions pertain to reduced Minimum Lot Area, increased Maximum Lot Coverage, reduced Minimum Number of Parking Spaces and reduced Landscape Strip Width.

Table 1 below compares the provisions of the existing RM1-692 Zone, the RM2 Zone and the proposed site-specific RM2 Zone.

Table 1 – RM1-692 Zone Requirements Compared to the RM2 Zone Requirements and the Proposed Site-specific RM2 Zone				
Regulation	RM1-692 Zone Requirements	RM2 Zone Requirements	Proposed	Comments
Permitted Use	Semi detached dwellings	Apartment	Apartment	Complies.

	Street, block and stacked townhouses			
Minimum Lot Frontage	7.5 m; 9.5 m (corner lot) – Street townhouses 7.5 m (unit width) – Block and stacked townhouses	30 m	33.5 m	Complies.
Minimum Lot Area	210 sq m – Street townhouses 300.00 sq m per dwelling unit – Block and stacked townhouses	115 sq m per unit	100.139 square meters per unit.	Staff are of the opinion that this deficiency is supportable. The proposal maintains sufficient space to accommodate the proposed development, including the building footprint, landscaping, parking, and appropriate access.
Maximum Lot Coverage	50% – Street townhouses 40% – Block and stacked townhouses	40%	40.5%	Staff are of the opinion that this deficiency is supportable. The proposed lot coverage represents a modest departure from the By-law and is not anticipated to cause any negative impacts related to access or drainage and meets the rear and side yard setback requirements.
Minimum Front Yard Setback	4.5 m and 6 m to garage – Street townhouses	7.5 m	7.59 m	Complies.

	6 m to private road or parking area – Block and stacked townhouses			
Minimum Interior Side Yard Setback	1.5 m – Street, block and stacked townhouses 3 m side yard separation between buildings – Block and stacked townhouses	One-half of the building height (5 m) or 4 m, whichever is greater.	5.0 m	Complies.
Minimum Exterior Side Yard Setback	3 m – Street townhouses 6 m – Block and stacked townhouses	One-half of the building height (5 m) or 6 m, whichever is greater.	6.0 m	Complies.
Minimum Rear Yard Setback	6 m – Street townhouses 6 m to property line, 12 m back-to-back, or 7.5 m to sidewall – Block and stacked townhouses	One-half of the building height (5 m) or 7.5 m, whichever is the greater	22.82 m	Complies.
Minimum Floor Area Per Dwelling Unit	Not Applicable	Bachelor Unit: 40 sq m One-Bedroom Unit: 50 sq m Two-Bedroom Unit: 60 sq m Three or more bedrooms: 79 sq m plus 7 sq m for each bedroom in excess of three	One-Bedroom Unit: 62 sq m Two bedroom Units: 87 sq m Three bedroom Units: 132 sq m	Complies.
Maximum Building Height	3 storeys or 12 m – Street, block and stacked	9 Storeys, 26 m	3 Storeys, 10 m	Complies.

	townhouses			
Minimum Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots	25%	38.8%	Complies.
Maximum Density	100 units per ha – Street, block and stacked townhouses	Not applicable	99.86 units per ha	Complies.
Minimum Driveway Width/Depth (Section 6.20)	6.0 m 50% of unit width – Street townhouses	6.0 m	6.0 m	Complies.
Aisle Width (Section 6.20)	6.0 m	6.0 m	6.0 m	Complies.
Minimum Number of Parking Spaces (Section 6.20)	1 space per dwelling unit (Street Townhouse) and 1.5 spaces per dwelling for (Block or Stacked Townhouse)	1.5 spaces per unit (30 x 1.5 = 45 spaces)	42 parking spaces	Staff are of the opinion that this deficiency is supportable. The proposed parking spaces represent a modest departure from the by-law requirement. The 42 parking spaces proposed represents 1.4 spaces per unit.
Parking Area Location (Section 6.20)	3.0 m to any street line and any lot line.	3.0 m to any street line and any lot line.	3.0 m	Complies.
Landscape Strip (Section 6.21.b)	3.0 m to any interior and rear lot line abutting a residential zone.	3.0 m to any interior and rear lot line abutting a residential zone.	0.9 m behind the proposed garbage molok.	Staff are of the opinion that this deficiency is supportable. This deficiency is in a limited area behind the proposed moloks, which spans 6 meters in length. The remainder of the 88 meter landscape strip is compliant.

Accessible Parking Space Requirement (Section 6.20 (g))	1 Type A Parking Space and 1 Type B Parking Space	1 Type A Parking Space and 1 Type B Parking Space	1 Type A Parking Space and 1 Type B Parking Space	Complies.
--	---	---	---	-----------

6.3 Studies

The following studies were submitted as part of the Application and are discussed throughout the report:

- [Environmental Site Assessment](#)
Prepared by Hallex Environmental LTD. And dated January 23, 2023
- [Stormwater Management Plan](#)
Prepared by JAM Engineering and Construction and dated June 26, 2023
- [Drainage Area Plan](#)
Prepared by JAM Engineering and Construction and dated June 26, 2023
- [Landscape Plan](#)
Prepared by Donald Martin Landscape Architects and dated August 22, 2023
- [Tree Protection Plan](#)
Prepared by Terrastory and dated September 9, 2023
- Archaeological Assessment
Prepared by Seguin Archaeological Services and Dated May 9, 2024
- [Photometrics](#)
Prepared by SGI Electrical Engineering and dated May, 2024
- [Functional Servicing Report](#)
Prepared by JAM Engineering and Construction and dated April 14, 2025
- [Planning Justification Report](#)
Prepared by PLW Planning and Environmental Consulting and dated September, 2025
- [Phase Two Environmental Site Assessment](#)
Prepared by EON Environmental Consulting LTD and dated February 2, 2026
- [Geotechnical and Hydrogeological Assessment](#)
Prepared by EON Environmental Consulting LTD and dated February 4, 2026

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the subject lands is the responsibility of the Owner.

There are existing municipal services (water and sanitary) available to the subject lands within the road allowances of Derby Road and Michener Road. Municipal storm sewers are also available along Michener Road. There will not be an additional cost to the Town to service the site. Any costs related to service connections or restoration of Town infrastructure are the responsibility of the developer.

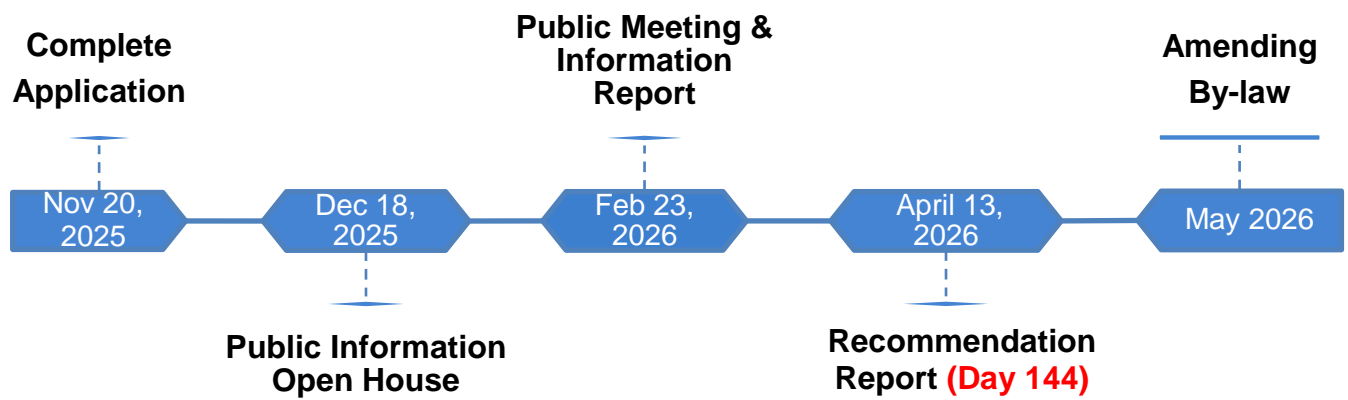
Development charges will be collected through the building permit application process. Cash-in-lieu of parkland dedication will be required as a condition of Site Plan approval.

No staffing implications are expected. No impediments to the AODA legislation are expected to be developed through the amendment proposed.

8. Policies Affecting Proposal

The Application was submitted on October 21, 2025 and formally deemed complete on November 20, 2025.

In accordance with the *Planning Act*, the proposed application for an Official Plan Amendment and Zoning By-law Amendment is subject to a 120-day processing and review timeline. A Council decision is therefore required by March 20, 2026. The application is currently on day 144, as illustrated below.



9. Comments from Departments, Community and Corporate Partners

A request for comments was circulated to Town Departments and agency stakeholders. Previous comments for this application are compiled in the Information Report [PBBS-06-2026](#). No further comments from External Agencies or Town Staff have been received to date.

9.1 Council and Public Comments

The Public Meeting for this application was held on February 23, 2026. At the Public Meeting, Council Members and members of the public provided several additional comments on the proposal. Additional written comments from the public in opposition of the proposal, were also received following the Public Meeting. Comments made by Council and the public at or following the Public Meeting are summarized below with responses from staff. The public comments are attached for review as **Appendix 6**.

- The proposed apartment building doesn't match the character of the surrounding neighbourhood.

Development Planning Response: Medium Density Residential designations in the Crystal Beach Secondary Plan area permit developments of up to three (3) storeys. Similar built forms to an apartment, including block and stacked townhouses are also permitted on the subject lands and two other 3 storey apartment buildings are located within 0.5 kilometers of this property.

The Landscape Plan submitted by the applicant features fencing along the northerly and westerly lot lines and identifies trees that will be planted on the property. A 3 meter landscape strip is also proposed that would surround the apartment.

The majority of the proposed parking is also located underground (26 of the 42 proposed parking spaces), further mitigating any visual impacts.

- The units that are currently on the property are one bedroom, the development of predominantly two and three bedroom units will negatively impact affordability, leading to displacement of residents.

Staff Response: The proposed 30-unit rental apartment building would provide more housing supply and rental options for residents. Two- and three-bedroom rental apartment units generally provide cheaper options for families compared to single detached dwellings. The applicant has also noted an intent to include affordable units in the proposed apartment.

- Are there any affordable units proposed?

*Staff Response: The applicant has expressed the intent to include affordable units in the proposed apartment. Correspondence from the applicant regarding this consideration can be found in **Appendix 5**.*

- What is the height of the fencing?

Staff Response: The applicant has indicated that the proposed fencing will be 1.8 - 2.3 meters in height in compliance with [Fence By-law 70-2013](#).

- The additional vehicular traffic will cause disruptions to the neighbourhood due to speeding and overflow parking. The proposed development features 30 units, which may have more than one vehicle.

Staff Response: The anticipated use of Derby and Michener Road, following the proposed development, aligns with the intent of the existing road designations. A road widening along Derby Road is also required as a condition of approval, which may assist in accommodating future road improvements, if needed.

By-law Staff note that on-street parking is not prohibited in the immediate area, but on-street parking is prohibited from 2:00 am-7:00 am, from November 1 to March 31, within 10 metres (10m) of an intersection, and boulevard parking restrictions also apply. The Zoning By-law requires 45 parking spaces whereas 42 are proposed, and new residents would be made aware of parking availability and arrangements.

- Will the underground parking cause damage to neighbouring properties?

Staff Response: The current structures on the property already contain basements. A Geotechnical and Hydrogeological study has also been submitted by the applicant. The Geotechnical Study supports the feasibility of the proposed development, indicating that the site would require engineered groundwater and drainage controls with design and construction practices to mitigate potential impacts to adjacent properties. These considerations would be implemented a necessary at the site plan application stage.

- There will be disturbances from construction.

Staff Response: A Site Plan Agreement would be required before construction can begin if this proposal is approved. The Site Plan Agreement would include clauses with respect to dust and cleanliness of the site. Securities will be held accordingly.

- The proposed apartment will cause overlook issues and lighting disruption on neighbouring properties.

Staff Response: The proposed development maintains existing building height, side yard setback and the rear yard setback requirements. Fencing, additional trees/hedges and a landscape strip are also proposed to reduce overlook impacts. A photometrics study has also been submitted by the applicant which will need to be reviewed and accepted before entering into the site plan agreement.

- There are drainage issues in the area, how will drainage impacts be addressed?

Staff Response: Building and Development Engineering Staff note that grading and servicing plans will be required during the Site Plan Application stage to accommodate drainage and stormwater.

- The site plan does not provide any amenity space for residents, and how will massing impacts be mitigated?

Staff Response: Each of the proposed units features 5 square meter balconies. Crystal Ridge Park is also publicly accessible and located approximately 900 metres from the subject lands. The proximity of the development to this park provides access to additional open space for residents. The subject lands also located near several commercial amenities and community services along Ridgeway Road, at the intersection of Gorham and Farr Avenue, and along Gorham Road, within half a kilometer to 1 kilometer of the property.

- Would trees that grow tall enough to provide screening be proposed?

*Staff Response: The landscape plan includes large trees in the northwestern corner of the lot and along the southern lot line. The landscape plan and tree protection plan indicate that the existing trees along the northern lot line would remain. Smaller trees are also proposed along the rear yard lot line, and the applicant has stated an intent to include hedges along the fencing of the side yard lot line. Correspondence from the applicant regarding this consideration can be found in **Appendix 5**.*

- Will there be any accessibility considerations?

Staff Response: One type A and type B parking space is proposed and the proposed apartment features elevators that would provide access to all floors. The building permit would require the building to meet AODA requirements for approval.

- Are there any aesthetic changes that could be made to improve alignment with neighbourhood character?

Staff Response: The applicant has indicated that they would be willing to change the building/construction materials to align the proposed development with neighbourhood

character. Details regarding specific materials would be confirmed at the Site Plan Application stage.

9 Alternatives

Council may decide to deny to the proposed Official Plan and Zoning By-law Amendment application. Planning staff do not recommend this alternative as the proposal is consistent with Provincial, Regional and Town planning policies. If denied, the lands may be developed in accordance with the existing RM1-692 Zone which permits block, street and stacked townhouses up to three-storeys.

10 Communicating Results

If this recommendation report is approved, amending by-laws will be prepared and submitted to Council for approval during the next available Regular Council meeting. Following passage of the by-laws, notice of Council's decision will be circulated as required by the *Planning Act*. The applications are subject to a 20-day appeal period. If no appeals are received during the appeal period, Council's decision is final.

11 Conclusion

Planning Staff support the proposal as it represents good land-use planning and meets the requirements of the *Planning Act*, is consistent with the PPS, and conforms to the NOP and the Town's Official Plan. The proposed development supports the provision of variety in housing choice, density and unit sizes. It also supports the growing and diverse needs of the community. Furthermore, the proposal represents a compact and efficient urban form that makes efficient use of land and existing infrastructure within the urban boundary.

12 Report Approval

Prepared by:
Myles Banfield, MPLAN
Junior Development Planner

Reviewed by:
Mark Iamarino, MCIP, RPP
Manager, Development Approvals

Submitted by:
Anamika Dilwaria, M.A., M.PL., MCIP, RPP, Dipl.M.M
Director, Planning and Development Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

13 Attachments

Appendix 1 – Location Map
Appendix 2 – Site Plan

Appendix 3 – Floor Plans

Appendix 4 – Elevations

Appendix 5 – Applicant Email Correspondence

Appendix 6 – Public Comments