



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-16-2026

Meeting Date: April 13, 2026

1. Title

Proposed Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Plan of Common Element Condominium Applications
Information Report for 145 Derby Road and 3990 Rebstock Road, Crystal Beach, Fort Erie

2. Recommendations

That: Council receives for information purposes, Report PBBS-16-2026 regarding proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Common Elements Condominium Applications for the lands located at 145 Derby Road and 3990 Rebstock Road, Crystal Beach, Fort Erie.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

G&G Developments Inc. (Guy Pellegrino) – Owner
Peter J. Lesdow Architect (Peter Lesdow) – Agent
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 information regarding applications for combined Official Plan Amendment and Zoning By-law Amendments, Draft Plan of Subdivision and Draft Plan of Common Elements Condominium for lands located at 145 Derby Road and 3990 Rebstock Road in the Crystal Beach neighbourhood of the Town of Fort Erie. The application was submitted by the Agent, Peter J. Lesdow Architect (c/o Peter Lesdow), on behalf of the Owner, G&G Developments Inc. (c/o Guy Pellegrino). A location map showing the area subject to the application is attached as **Appendix 1**.

The proposed combined Official Plan Amendment and Zoning By-law Amendments intend to permit an apartment dwelling with 24 dwelling units and 9 blocks of townhouses with a total of 36 dwelling units.

The Official Plan Amendment proposes to amend existing site-specific policies for the subject lands in the Crystal Beach Secondary Plan to permit a minimum density of 38 units per hectare and set the minimum required number of apartment units to 24. Currently, the Secondary Plan policies for the site requires a minimum density of 50 units per hectare and a minimum requirement of 32 apartment units on the subject lands.

The Zoning By-law Amendment proposes to rezone the subject lands from Residential Multiple 1 (RM1-680) Zone and Residential Multiple 1 (RM1-681) Zone to a site-specific Residential Multiple 1 (RM1) Zone with regulations that permit the following:

- Add block townhouses as a permitted use;
- reduced rear yard setback;
- reduced planting strip width;
- reduced setback of a parking area to a lot line;
- reduced the minimum number of apartment units to 24 units;
- reduced minimum landscaped area;
- reduced exterior side yard setback for an apartment;
- reduced minimum density to 38 units per hectare.

It is noted that the current RM1-680 Zone on 145 Derby Road only permits semi-detached dwellings, street townhouses, stacked townhouses and apartment buildings. Further, the existing zoning requires a minimum density of 50 units per hectare and a minimum of 32 apartment dwelling units on the subject lands. The RM1-681 Zone on 3990 Rebstock Road permits development to be subject to the RM1-680 Zone regulations if 3990 Rebstock Road is consolidated with 145 Derby Road to form one parcel. This has occurred and so the entirety of the subject lands can be developed in accordance with the RM1-680 Zone requirements.

A Draft Plan of Subdivision and Draft Plan of Common Elements Condominium are proposed as part of this development. Below is a description of each block in the Plan of Subdivision.

Blocks 1 through 9 - These blocks are intended for the proposed block townhouses. There are four (4) block townhouses per block for a total of thirty-six (36) block townhouse dwelling units.

Block 10 - This block will contain the majority of the common elements of the development including internal roadways, landscaped areas and visitor parking. The Plan of Common Elements Condominium will be registered to this block.

Block 11 - This block will contain the proposed 4 storey apartment building with twenty-four (24) dwelling units, along with parking for the apartment building.

Block 12 - This block is land that will be conveyed to the Town for the purposes of road widenings along Derby Road and Rebstock Road and a 7.00 m x 7.00 m daylighting triangle at the intersection.

Conditions of approval for the Plan of Subdivision and Plan of Common Elements Condominium will be included in a future recommendation report to Council. Following registration of both the Plan of Subdivision and the Plan of Common Elements Condominium, the individual block townhouse parcels will be created through a future application to remove Part Lot Control.

A conceptual site plan is attached as **Appendix 2**. The proposed Draft Plan of Subdivision is attached as **Appendix 3**. The proposed Draft Plan of Common Elements Condominium is attached as **Appendix 4**.

6. Analysis

6.1 Site Context

The subject lands are located within the Urban Boundary in the Crystal Beach Secondary Plan Area in the Town of Fort Erie. The subject lands are a corner lot that is irregular in shape and is located on the north side of Rebstock Road and the west side of Derby Road. The subject lands are comprised of 3990 Rebstock Road and 145 Derby Road, which are both under common ownership and have been consolidated into one PIN. The subject lands are approximately 1.58 hectares in area and have 114.53 metres of lot frontage along Derby Road.

The subject lands are largely vacant. 145 Derby Road was formerly the site of Crystal Beach Public School, however the school was demolished in 2018 and the land was sold by the District School Board of Niagara shortly after. There is a small set of playground equipment still on the subject lands. There is an existing single detached dwelling on 3990 Rebstock Road that is proposed to be demolished.

The surrounding neighbourhood consists of a mix of single detached dwellings, townhouses and apartment buildings.

The subject lands are surrounded by the following uses:

- North: A block townhouse development and single detached dwellings.
- East: Derby Road, single detached dwellings, and two three-storey apartment buildings.
- South: Single detached dwellings and a street townhouse development that is currently before the Ontario Land Tribunal (OLT).
- West: Single detached dwellings and a non-conforming industrial property that is not longer in operation (former planing mill).

The subject lands are situated along a designated Bike Route and intersect with the Niagara Region Cycling Network at Erie Road. They are located approximately 840 metres north of commercial areas on Erie Road. The subject lands are located approximately 510 metres west of Crystal Ridge Park, a community park, and approximately 270 metres east of Elizabeth Street Park, a future park that will be developed on the south side of Rebstock Road.

6.2 Site Design

The proposed development is for a Draft Plan of Subdivision and a Draft Plan of Common Elements Condominium on the subject lands. The proposed density of the development is 38 units per hectare. There are a total of 60 dwelling units proposed as part of this development (36 block townhouses and 24 dwelling units in an apartment building).

The townhouse units consist of 9 blocks of 2-storey block townhouses. The townhouses are arranged in block of 4 units per block. Each townhouse dwelling unit has an attached garage as well as space for one parking space in a driveway in front of the dwelling. Each townhouse dwelling has a privacy area of 4.50 m or greater at the rear of each dwelling. The townhouse

dwelling units also have a covered patio located along the rear face of each unit that provides additional amenity area.

The apartment building is 4 storeys and 16.10 m in height. The apartment is located along the southern property line adjacent to Rebstock Road and contains 24 dwelling units.

There are 6 different unit types proposed in the apartment building. Unit Types A, B, C, E and F are 2-bedroom units with floor area ranging from 76.6 sq m to 104.5 sq m in floor area. Unit Type D is a 3-bedroom unit with a floor area of 82.1 sq m. Each dwelling unit will include private balconies/patios that are attached to each dwelling unit. The private balconies/patios are generally 5.48 sq m to 6.32 sq m in area, depending on the unit. There is one of each unit type per floor, so a total of 20 2-bedroom units and 4 3-bedroom units.

The development contains private internal roadways intended for two-way traffic that are generally 6.20 m in width. A total of 90 parking spaces are proposed for the 60 dwelling units. This meets the Zoning By-law requirement of 1.5 parking spaces per unit for block townhouses and apartment buildings. The development also includes the required number of accessible parking spaces (2 Type As and 2 Type Bs).

The Applicant has also provided a conceptual Landscape Plan. Currently, the Landscape Plan is proposing 43 new tree plantings and 69 shrub plantings as part of the development.

6.3 Planning Policy Framework

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

The Planning Act identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities. These matters include, but are not limited to the conservation of features of significant architectural, cultural, historical, and archaeological interest, the adequate provision and efficient use of sewage and water services, the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing, the appropriate location of growth and development and the promotion of development that is designed to support public transit and to be oriented to pedestrians.

Decisions of Council must also be consistent with provincial policy statements that are in effect on the date of the decision and shall conform with provincial plans that are in effect on that date or shall not conflict with them.

Section 51(24) of the Planning Act includes several criteria for Council to consider for Draft Plan of Subdivision applications. These include whether the subdivision is premature or in the public interest, whether the plan conforms to the Official Plan, the suitability of the land which is to be subdivided, provision of affordable housing units, adequacy of highways near the development, the dimensions and shapes of the proposed lots, adequacy of utilities and municipal services, adequacy of school sites, and are of land, if any, that is to be dedicated for public use.

Planning staff will provide analysis with respect to Section 51(24) in the future Recommendation Report to Council.

6.3.2 Provincial Planning Statement, 2024

The subject lands are located within a Settlement Area under the PPS 2024. The PPS 2024 directs growth to settlement areas that promote intensification of underutilized lands and efficient use of existing municipal infrastructure. Furthermore, the PPS 2024 encourages providing an appropriate range and mix of housing options and densities, including affordable housing, and by supporting active transportation.

6.3.3 Niagara Official Plan

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Delineated Built-Up Area. The NOP states that within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas. The NOP directs development in urban areas to promote the efficient use of infrastructure, compact built form, opportunities for intensification including infill development, and development of a mix of residential built forms in appropriate locations to ensure compatibility with established residential neighbourhoods. Furthermore, the NOP establishes that 50% of new development in Fort Erie shall occur in built-up areas annually.

The subject lands are not impacted by features that are part of the Natural Environment System as identified by Schedule C1 or C2 of the NOP.

The subject lands are partially within an area with archaeological potential as identified in Schedule K of the NOP. The Applicant has completed a Stage 1 and a Stage 2 Archaeological Assessment. One significant site was located on the subject lands and Stage 3 Archaeological Assessment will be required. Community Planning staff recommend that a Holding (H) Zone Provision be included as part of the Zoning By-law Amendment if these applications are approved to ensure that the Stage 3 Archaeological Assessment is completed.

6.3.4 Town of Fort Erie Official Plan, 2021 Consolidation, as amended

Crystal Beach Secondary Plan

The subject lands are within the Crystal Beach Secondary Plan Area in the Town's Official Plan and are designated Medium Density Residential. The subject lands are also subject to site specific policies under Sections 4.22.9.3 and 4.22.9.4 of the Secondary Plan.

Section 4.22.9.3 of the Secondary Plan contains the following policies:

- a) *The site shall be reserved for, semi-detached dwellings, multiple-unit structures (townhouses and apartment dwellings), their accessory uses and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section.*
- b) *A Medium Density range for the entire site of 50 to 75 units per hectare will assist in making efficient use of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.*
- c) *An apartment shall be required on the site with a minimum of 32 residential units, as per the intent of Council when these lands were first re-designated through OPA 39. The building*

façade should be directed to the intersection of Derby Road and Rebstock Road.

- d) *Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies demonstrating compatibility.*
- e) *Permit institutional uses subject to the policies contained in 4.12.1.*

The Official Plan Amendment proposed for the subject lands seeks to modify subsection b of these policies to permit a density of 38 units per hectare for the subject lands. Further, the minimum required number of apartment dwelling units under subsection c is proposed to be lowered to 24.

Section 4.22.9.4 states that if 3990 Rebstock Road is consolidated with 145 Derby Road, the entirety of the land is subject to Section 4.22.9.3. Planning staff note that 145 Derby Road and 3990 Rebstock Road are both under common ownership and have been consolidated into one PIN. However, since the subject lands were part of a previous plan of subdivision, Plan 544 from 1921, Town staff recommend that the subject lands be deemed, by by-law, to no longer be part of Plan 544 under Section 50(4) of the *Planning Act*.

Section 13.5 – Subdivision Control

Policy 13.5.II. contains the following criteria for Council to consider for Plan of Subdivision applications:

- a. *The Plan of Subdivision conforms with the policies of this Plan;*
- b. *Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;*
- c. *The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and*
- d. *The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.*

Planning staff will provide analysis with respect to these criteria in the future Recommendation Report to Council.

Section 13.7 – Amendments to the Land Use Plan, Schedule A

Policy 13.7(III) provides criteria for Council to consider when a land use designation is proposed as part of an Official Plan Amendment and/or a Zoning By-law Amendment is proposed to change the zoning of a particular area, as follows:

- a. *The need for the proposed use;*

- b. *The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;*
- 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;*
- 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,*
 - ii. *the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and*
 - 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 Public Health Department and any other appropriate authority deemed advisable.*
- e. *The compatibility of the proposed use with uses in adjoining areas;*
- f. *The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;*
- g. *The potential effect of the proposed use on the financial position of the municipality; and*
- h. *The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.*

Planning staff will provide analysis with respect to these criteria in the future Recommendation Report to Council.

Schedule B – Mineral Aggregate & Petroleum Resources

The subject lands are not within a petroleum resource area. Planning staff have reviewed Provincial mapping of known petroleum wells and there are none within 75 metres of the subject lands.

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

No natural heritage features, natural hazards or fish habitat are identified on the subject lands. The NPCA has confirmed that the subject lands are not within their regulated area.

Schedule D - Cultural Heritage Archaeological Zones of Potential

The subject lands are not within an area of archaeological potential as identified on Schedule D of the Town's Official Plan. However, the Applicant has completed a Stage 1 and a Stage 2 Archaeological Assessment in accordance with NOP mapping and policies. One significant site

was located on the subject lands and a Stage 3 Archaeological Assessment will be required.

6.3.5 Official Plan, Town of Fort Erie, 2025

The Town's new Official Plan, 2025, has been adopted by Council. The 2025 Official Plan is currently under review by the Province of Ontario and is not yet in force and effect but represents Council's intent. However, Planning staff offer the following analysis with respect to the 2025 Official Plan.

The subject lands are located within a Settlement Area but are not within a Strategic Growth Area (SGA). The land use designation of the subject lands in the 2025 Official Plan is Community Area. The Community Area designation provides a range of housing options and essential everyday amenities to meet the diverse needs of the Town's residents. Residential, public service facilities and neighbourhood-scale commercial uses are intended uses in areas that are designated Community Area.

The subject lands front onto two municipal roads, one of which is identified as a collector road in the 2025 Official Plan (Rebstock Road). Under the regulations of the 2025 Official Plan, the permitted built form on the subject lands is mid-rise with an intended building height that is generally greater than 3 storeys with a maximum of 6 storeys. The 2025 Official Plan notes that mid-rise residential uses include built forms such as townhouse dwellings, apartment buildings or other cluster or multi-unit dwellings, as may be defined by the implementing Zoning By-law.

Due to the relatively recent approval of the Crystal Beach Secondary Plan by Town Council, some of the policies in the Crystal Beach Secondary Plan are being carried forward as part of the 2025 Official Plan. Section C5(7) of the 2025 Official Plan states that if there is a conflict between the permitted built forms under the 2025 Official Plan and a Secondary Plan adopted on or after November 2021, the Secondary Plan policies prevail. The Crystal Beach Secondary Plan was approved after that date and so the site-specific policies of 4.22.9.3 are applicable. Namely, that the intended built form for the subject lands is semi-detached dwellings, townhouse dwellings and apartment buildings, with apartment buildings subject to a maximum building height of 4 storeys.

6.3.6 Comprehensive Zoning By-law 129-90, as amended

The subject lands are zoned Residential Multiple 1 (RM1-680) Zone, in part, and Residential Multiple 1 (RM1-681) Zone, in part, in accordance with the Town's Zoning By-law. The zoning provisions for the RM1-680 Zone (145 Derby Road) are applicable to the whole of the subject lands as the RM1-681 Zone (3990 Rebstock Road) permits the RM1-680 Zone regulations to be applicable if that parcel is consolidated with 145 Derby Road.

The Zoning By-law Amendment proposed by the Applicant includes site-specific regulations to permit block townhouses, a minimum of 24 apartment dwellings units on the subject lands a minimum density of 38 units per hectare, a reduced landscape area and a reduced rear yard setback.

Planning staff have identified additional zoning departures that can either be addressed through revisions to the site layout or be included as part of the Zoning By-law Amendment. Namely a reduced setback of a parking area to a property line, a reduced planting strip width, and a reduced exterior side yard setback of an apartment building.

The following Tables compare the proposed development to the various regulations of the Zoning By-law that are applicable to the subject lands. Zoning deficiencies are highlighted in a darker grey colour.

Table 1: Comparison of Provisions for the Site-Specific RM1 Zone to Section 14 Residential Multiple 1 (RM1) Zone (Regulations for Block Townhouses)			
Zoning Provision	Requirement	Proposed	Complies
14.3 Minimum Lot Frontage	50.00 m	114.53 m	Yes
14.3 Minimum Lot Area	300 sq m per dwelling unit (block townhouses)	Approx 438 sq m per dwelling unit (block townhouses)	Yes
14.3 Minimum Front Yard	6.00 m to garage 4.00 m to other parts of dwelling	N/A to garage (block townhouses) 5.40 m to other parts of dwelling	Yes
14.3 Minimum Interior Side Yard	1.5 m	2.60 m or greater	Yes
14.3 Minimum Exterior Side Yard	3.00 m	5.31 m or greater	Yes
14.3 Minimum Rear Yard	6.00 m	6.00 m	Yes
14.3 Maximum Building Height	3 storeys 12.00 m	2 storeys 9.41 m	Yes
14.3 Minimum Landscaped Area	50% including privacy areas	32%	No
14.3 Maximum Number of Units in a Row	8	4	Yes
14.3 Minimum Distance Between Buildings on the Same Lot	3.00 m between two end walls 9.00 m between an end wall and a rear wall 6.00 m between two front walls	3.10 m or greater between two end walls 16.05 between an end wall and a rear wall 18.20 m between two front walls	Yes
14.3 Maximum Lot Coverage	40%	38.5%	Yes
14.3 Privacy Area	A privacy area with a minimum depth of 4.5 m adjacent to each unit	5.40 m or greater	Yes
14.3 Distance from	Front or rear face of a	Front or rear face of a	Yes

Building to Internal Driveways, and Parking Areas	townhouse – 3.00 m	townhouse - 5.40 m or greater	
	Side of townhouse – 1.50 m	Side of townhouse – 3.04 m or greater	

Table 2: Comparison of Provisions for the Site-specific RM1 Zone to Section 15 Residential Multiple 2 (RM2) Zone (Regulations for Apartment Buildings)

Zoning Provision	Requirement	Proposed	Complies
15.3 Minimum Lot Frontage	30.00 m	114.53 m	Yes
15.3 Maximum Lot Coverage	40%	36%	Yes
15.3 Minimum Front Yard	7.50 m	Greater than 7.50 m	Yes
15.3 Minimum Interior Side Yard	One-half of the building height or 4.00 m, whichever is greater (minimum 8.05 m due to height of 16.10 m)	Greater than 8.05 m provided	Yes
15.3 Minimum Rear Yard	One-half of the building height or 6.00 m, whichever is greater (minimum 8.05 m due to height of 16.10 m)	Greater than 8.05 m provided	Yes
15.3 Minimum Exterior Side Yard	One-half of the building height or 7.50 m, whichever is greater (minimum 8.05 m due to height of 16.10 m)	5.48 m	No
15.3 Minimum Floor Area Per Dwelling Unit	Two bedroom – 60.00 sq m Three bedroom – 79.00 sq m	Two bedroom – 76.60 sq m or greater Three bedroom – 82.10 sq m	Yes
15.3 Landscaped Area	25%	36%	Yes

Table 3: Comparison of Provisions for the Site-specific RM1 Zone to the Existing Site-specific Residential Multiple 1 (RM1-680) Zone

Zoning Provision	Requirement	Proposed	Complies
RM1-680 a) Permitted Uses	Semi-detached dwellings, street and stacked townhouse dwellings and	Add block townhouses	No

	apartments		
RM1-680 b) i. Maximum Height of an Apartment Building	4 storeys 26.00 m	4 storeys 16.10 m	Yes
RM1-680 b) ii. Minimum Number of Required Apartment Units	32	24	No
RM1-680 b) iii. Minimum Lot Area Per Dwelling Unit for Apartment Building	Not applicable	Approximately 657.00 sq m per dwelling unit	Yes
RM1-680 c) Minimum Site Density for All Combined Unit Types	Minimum 50 units per hectare	38 units per hectare	No

Table 4: Comparison of Provisions for the Site-Specific RM1 Zone to Section 6 General Provisions and Section 42 Geometric Design Standards for Parking			
Zoning Provision	Requirement	Proposed	Complies
6.20(A)(i) – Minimum Parking Requirement (Apartments and Block Townhouses)	1.5 parking spaces per dwelling unit (apartments and block townhouses) (24 apartment dwellings + 36 block townhouse dwellings) x 1.5 = 90 parking spaces required	1.5 parking spaces per dwelling unit 90 parking spaces provided	Yes
6.20(D) Ingress and Egress Driveways	A minimum driveway width of 7.50 m and a maximum width of 9.00 m for two-way traffic in Residential Zones.	Less than 9.00 m for two-way traffic	Yes
6.20(I) Parking Area Location on Lot	3.00 m setback required for all parking areas from a property line or a Residential Zone	2.50 m in one location along the northern property line	No
6.20(M) Accessible Parking Spaces	4% of the total number of parking spaces. Accessible	4 accessible parking spaces provided (2 Type As and 2 Types	Yes

	parking to be divided equally between Type As and Type Bs. (90 parking spaces x 0.04) = 4 accessible parking spaces required (2 Type As and 2 Type Bs)	Bs)	
6.21(a) and (b) Planting Strip Widths	3.00 m planting strip width required along all Residential Zones	2.50 m in one location along the northern property line	No
42 Schedule D - Parking Space Dimensions	Generally 2.70 m x 6.00 m	Generally 2.70 m x 6.00 m	Yes
42 Schedule D - Parking Aisle Dimensions	6.00 m width minimum	6.20 m	Yes

Planning staff will provide analysis and staff recommendations on the proposed zoning as part of a future recommendation report to Council.

As mentioned earlier in this report, a Holding (H) Zone Provision may be required as part of the Zoning By-law Amendment to address the requirement for a Stage 3 Archaeological Assessment.

6.3.7 Studies

The following items were submitted in support of the Application:

- [Apartment Plans and Elevations](#)
Prepared by Peter J. Lesdow Architect and dated December 2024.
- [Arborist Report](#)
Prepared by Arborwood Tree Service Inc. and dated October 2024.
- [Functional Servicing Design Brief](#)
Prepared by Hallex Engineering Ltd. and dated November 2024.
- [Landscape Plan](#)
Prepared by Arcadis and dated November 2024.
- [Perspective Renderings](#)
Prepared by Peter J. Lesdow Architect and dated December 2024.
- [Planning Justification Report](#)
Prepared by Urban & Environmental Management Inc. and dated February 2025.
- [Stormwater Management Design Brief](#)
Prepared by Hallex Engineering Ltd. and dated November 2024.
- [Streetscapes](#)

Prepared by Peter J. Lesdow Architect and dated December 2024.

- [Stage 1 Archaeological Assessment](#)
Prepared by AS&G Archaeological Consulting and dated November 2024.
- [Stage 2 Archaeological Assessment](#)
Prepared by AS&G Archaeological Consulting and dated December 2024.
- [Townhouse Plans and Elevations](#)
Prepared by Peter J. Lesdow Architect and dated September 2024.
- [Tree Inventory and Preservation Plan Report](#)
Prepared by Jackson Arboriculture Inc. and dated July 7, 2025.
- [Traffic Impact Study](#)
Prepared by TraffMobility Engineering Inc. and dated December 2024.
- [Urban and Architectural Design Brief](#)
Prepared by Peter J. Lesdow Architect and dated December 2024.

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with development of the subject lands will be borne by the Owner.

Development charges shall be paid in full on the earlier of, the day a permit is issued under the Building Code Act, 1992 authorizing occupation of the building or the day the building is first occupied.

A payment in lieu of parkland dedication is required in accordance with the Town's Parkland Dedication By-law [69-2008](#). This will be required as a condition of approval of the Draft Plan of Subdivision/Draft Plan of Common Elements Condominium.

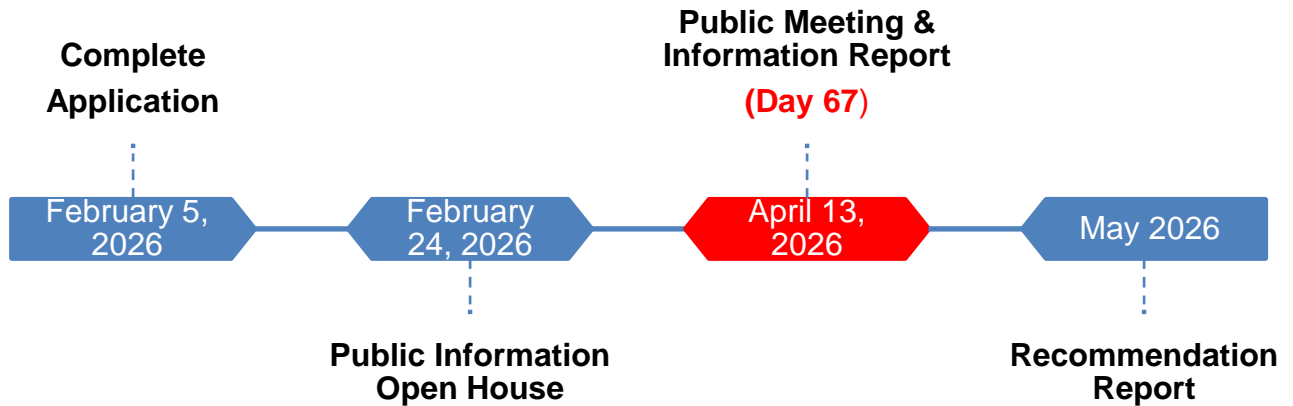
The proposed development will be required to adhere to the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*.

8. Policies Affecting Proposal

The applications were submitted on December 18, 2024, and deemed complete on February 5, 2026.

In accordance with the *Planning Act*, the proposed Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Plan of Common Elements Condominium applications are subject to a 120-day processing and review timeline. A Council decision is therefore required by June 5, 2026. The Owner may appeal the application to the Ontario Land Tribunal for non-decision if this timeline is exceeded.

The applications are currently on day 67, as illustrated below.



Statutory requirements of the *Planning Act* were satisfied by circulating a Notice of Public Meeting by regular mail on March 24, 2026, to all landowners within 120 metres of the subject lands, by updating the sign placed on the subject lands and by circulating internal and external review partners and agencies electronically.

9. Comments from Departments, Community and Corporate Partners

Town Departments were circulated on June 19, 2025, for comment and review on the submitted application. Town comments are summarised below and are attached in full as **Appendix 5**.

9.1 Town Comments

Community Planning

Conformity with the Crystal Beach Secondary Plan

The proposed development does not meet the minimum density and apartment unit requirements outlined in Sections 4.22.9.3 of the Crystal Beach Secondary Plan.

It is recommended that the Applicant reduce the number of block townhouse units and increase the number and size of apartment units to better align with the Secondary Plan's minimum density target of 50 units per hectare and 32 apartment units.

The Secondary Plan also envisions higher-density built form at prominent intersections to support walkability and community design objectives.

Community Planning notes that the proposed apartment building shall be relocated to the intersection of Derby Road and Rebstock Road to comply with the Secondary Plan's urban design direction.

Archaeological Assessment

The submission includes Stage 1 and 2 Archaeological Assessments; however it is noted that a Stage 3 Assessment is required.

It is recommended that a Holding (H) Zone Provision should be applied through the Zoning By-

law Amendment to ensure that the Stage 3 Archaeological Assessment is completed and cleared prior to development proceeding.

Parkland Dedication

As per the Town's parkland dedication policies, this development will be subject to parkland requirements. Payment in lieu of parkland dedication will be required as a condition of approval of the Draft Plan of Subdivision.

Development Engineering

Roads

Derby Road is designated as an arterial road in the Town's Official Plan. The designated road width is 23.00 m. The current road width is 12.19 m. The Owner will be required to transfer and dedicate a widening of approximately 5.40 m measured from the centreline of the original road allowance as a condition of approval of this development application.

Rebstock Road is also designated an arterial road in the Town's Official Plan. The designated road width is 23.00 m. The current road width is deficient and ranges from 11.40 m to 13.40 m. The Owner will be required to transfer and dedicate a widening of half of the desired road width established in the Official Plan and measured from the centreline of the original road allowance as a condition of approval of this development application. Due to the irregular shape of the subject lands, the required road widening ranges from a width of 4.80 m at the southeast corner of the site to 5.80 m at the northwest edge of the site.

Derby Road and Rebstock Road are not constructed to the Town's urban standard road cross-section. These sections of both roads have not been identified in any previous Development Charge Background Study, therefore the Owner will be required to upgrade Derby Road and Rebstock Road to an urban cross-section standard along both frontages of the subject lands, including new curb and gutter, as a condition of approval. The cost of the upgrades will be the responsibility of the Owner. Only the side of the road along the frontage of the subject lands (west side of Derby Road and north side of Restock Road) will be required to be upgraded.

The Town's Official Plan requires a 7.00 m x 7.00 m daylighting triangle at the intersections of arterial roads, after considerations of any required road widenings. Therefore, a 7.00 m x 7.00 m daylighting triangle will be required to be conveyed to the Town as a condition of approval.

Transportation Impact Study

It is noted that a Transportation Impact Study (TIS) was submitted as part of this application.

The TIS analysis concludes that all traffic movements at the studied intersections are expected to operate with acceptable level of service and residual capacity during the weekday AM and the weekday PM peak hours under future total conditions for opening year (2027) and 2032 horizons. Traffic queues can be accommodated within the available storage. The eastbound queues on Rebstock Road at the intersection of Derby Road and Rebstock Road are not expected to extend back to the site access at Castle Lane and therefore, the spacing between Castle Lane site access and Derby Road is considered adequate.

Garbage truck and fire trucks can be accommodated at the site access and internally through the site. The swept path analysis also shows that a passenger car can be accommodated at the designated parking spaces. It is noted that the number of parking spaces meets the Zoning By-law requirement. No sightline issues were observed on the site plan. Dedicated left turn lanes are not warranted at the site accesses at Rebstock Road.

The TIS was reviewed by Infrastructure Services staff and they had no concerns or comments with respect to the study.

Sidewalks

It is noted that sidewalks are typically required along one side of all future public roads. As sidewalks already exist on the opposite side of both Derby Road and Rebstock Road, Development Engineering is not requiring additional sidewalk construction along the frontage of the subject lands.

Servicing

Watermains – There is a 150 mm diameter Town watermain along south side of Rebstock Road and a 200 mm diameter Town watermain along the east side of Derby Road.

Sanitary Sewer – There is a 200 mm diameter Town sanitary sewer located along the north side of Rebstock Road and a 315 mm diameter Town sanitary sewer located along the west side of Derby Road.

Storm Sewer - There is a 200 mm diameter Town storm sewer located along the north side of Rebstock Road and a 315 mm diameter Town storm sewer located along the west side of Derby Road.

A Peer Review of the Applicant's Functional Servicing Design Brief occurred in September 2025 by the Town's engineering consultant GEI Consultants Canada Ltd. The Peer Review concluded that there is sufficient capacity in the sanitary sewer system to accommodate the proposed development. There is one section of downstream sanitary sewer from Queen's Circle to the intersection of Erie Road and Ryan Avenue that will have surcharging when the proposed development and all known other development applications are factored in, however this portion will not surcharge above the 1.80 m basement flooding protection under the 5-year design storm. The other sections of sanitary sewer from Derby Road to Queen's Circle and from Erie Road and Ryan Avenue intersection to the Crystal Beach Wastewater Treatment Plant will not surcharge at all, even with the proposed development and all other known developments factored in.

Other

Development Engineering staff have requested a number of technical conditions of approval that will be applicable to the Plan of Subdivision/Plan of Common Elements Condominium. These include conditions for watermains, sanitary sewers, storm sewers, street lighting, pre-construction condition surveys, fees and securities, PSAB records and asset management and engineering construction and geotechnical compaction.

Environmental Planning

It is noted that the proposed development will be subject to the Town's [Tree By-law 33-2024](#), as amended.

In total 23 trees are proposed to be removed from the subject lands. Only one of these trees is dead, so 22 of the trees will require compensation under the Tree By-law. There are 9 boundary trees that are proposed to be removed. These trees will require permission from adjacent landowners to be removed. There are 3 Town trees that are proposed to be removed. Removal of these trees will require permission from the Town.

Environmental Planning has no objections. Based on the quantity of trees proposed to be planted (43) and the minimum caliper size of 60 mm, the Town's compensation requirements have been fulfilled.

Several technical clauses were provided to be added to the Tree Protection Plan.

Fire Department

No objections. A fire hydrant will be required to be installed to provide water supply for firefighting. Several technical requirements with respect to road widths and turning radii were provided at the pre-consultation stage and remain applicable. It is noted that the proposed 4 storey apartment building is required to have a fire access route.

Landscape Architect

No objections. Several technical comments were provided with respect to plantings and landscaping for the development.

9.2 External Agency Comments

Cogeco, District School Board of Niagara (DSBN), Enbridge, Hydro One

No comments.

Mississauga's of the Credit First Nation (MCFN)

MCFN Department of Consultation and Accommodation (DOCA) wishes to remind The Applicant that the Stage 3 Archaeological Assessment remains outstanding and requires MCFN involvement. The Applicant is required to contact the MCFN DOCA Archaeological Unit to coordinate next steps.

MCFN DOCA has no comments or concerns regarding natural heritage features for this site.

Niagara Peninsula Conservation Authority (NPCA)

No objections. The subject lands are outside of any NPCA regulated features.

Niagara Region

No objections. The Region confirmed in an email that there are no known capacity issues at the Region-operated Crystal Beach Wastewater Treatment Plant. The Applicant has provided an Engineering Review Fee to Niagara Region and they will be providing additional comments regarding waste collection.

Development Planning Response

Any Regional conditions will be included as part of a future Recommendation Report to Council.

9.3 Public Comments

A Public Information Open House Meeting was held in the Atrium of Town Hall on February 24, 2026, at 5:00 PM. All property owners within 120 metres of the subject land were notified of the Open House via notice by regular mail sent on February 10, 2026. Town Planning Staff, the Owner, and the Agent and three members of the public were in attendance.

Generally, the comments from the public were positive. Comments made by the public at the Information Open House Meeting are summarized below. At the time of writing of this report no written comments from members of the public have been received.

Sidewalk along Derby Road

Questions arose about the proposal to install a sidewalk along Derby Road. In their opinion of one resident, a sidewalk along the west side of Derby Road is unnecessary and will not pose much benefit as the proposed development is self-contained.

Development Planning Response:

There are existing sidewalks on the east side of Derby Road and the south side of Rebstock Road. It was noted during the Information Open House Meeting that the decision to require a sidewalk along the frontages of this development will be made by Town Development Engineering Staff.

Comments from Development Engineering indicate that sidewalks will not be required along the frontages of the subject lands as sidewalks already exist on the east side of Derby Road and the south side of Rebstock Road.

Affordable Housing and/or Social Housing

One resident asked if any of the dwelling units in the proposed development are intended to be affordable units or social housing units.

Development Planning Response:

At the current time, none of the proposed dwelling units are intended to be affordable units or social housing units. Dwelling units in the apartment building will be rental units.

Height of the Proposed Development

There was question as to the height of buildings in the proposed development.

Development Planning Response:

The proposed block townhouse dwellings are two storeys and 9.41 m in height. The proposed apartment building is 4 storeys and 16.10 m in height.

10. Alternatives

Not applicable. The *Planning Act* requires Council to host a Public Meeting.

11. Communicating Results

There are no communication requirements at this time.

12. Conclusion

This report is submitted to Council for information purposes. A Recommendation Report will be presented to Council in the future.

13. Report Approval

Prepared by:
Daryl Vander Veen
Intermediate 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

14. Attachments

Appendix 1 – Location Map
Appendix 2 – Site Plan
Appendix 3 – Draft Plan of Subdivision
Appendix 4 – Draft Plan of Common Elements Condominium
Appendix 5 – Internal Comments
Appendix 6 – External Comments