

June 17 2024

ATTN: Mackenzie Ceci  
Acting Senior Manager of Current Planning,  
City of Niagara Falls

VIA EMAIL

Re: **Empire (Grand Niagara) Project GP Inc.**  
**8218, 8288, 8547 Grassy Brook Road**  
**Draft Plan of Subdivision 26T-11-2023-001**  
**PROPOSED SALES OFFICE AND COMMUNITY CENTRE**

---

Dear Ms. Cece,

## INTRODUCTION

Armstrong Planning and Project Management is the authorized representative of Empire (Grand Niagara) Project GP Inc. the registered owner of the properties located at 8218, 8288, 8547 Grassy Brook Road. The properties received Draft Plan Approval for a residential subdivision (City File 26T-11-2023-001) on June 27, 2023 (herein referred to as the "Approved Draft Plan"). An Implementing Zoning By-Law identified as By-Law No. 2023-080 was passed on August 15, 2023.

Empire (Grand Niagara) Project GP Inc. is requesting a Minor Zoning By-Law Amendment to permit the construction of a sales office featuring a community centre and associated model homes to support the development of the Approved Draft Plan.

## DESCRIPTION AND LOCATION OF PROPOSED WORKS

Empire (Grand Niagara) Project GP Inc. is seeking approval to construct a 465 sq. m (approx. 5,000.00 sq. ft) non-residential building to be used as a community centre and sales office along with six single detached homes to be used as model homes to support the sales program. The sales office/community complex with associated model homes is proposed to be located generally in the north east portion of the Approved Draft Plan, at the intersection of Grassy Brook Road and future street A (Compassion Drive), within Block 89 of the Approved Draft Plan.

The proposed single-storey non-residential building will include the required parking, loading and bicycle parking facilities and will feature a gateway parkette with enhanced landscaping and public amenities. The model homes are proposed to be in close proximity to the non-residential building and connected by pedestrian walkways. To the north of the building will be a larger parkette with amenities such as a skills court, play grounds and open play areas. The larger parkette and associated amenities are intended to support the overall sales program by creating an inviting and engaging experience for

prospective buyers while providing opportunities for play and recreation for future residents, as the community is built out. An internal road network will be constructed to facilitate access and movement within the Block 89.

Empire Grand Niagara intends to sell the model homes at which time they would then become part of the future community.

## **PLANNING FRAMEWORK**

### **Grand Niagara Secondary Plan**

The subject lands are governed by the Grand Niagara Secondary Plan (Official Plan Amendment No. 118) which was approved on June 19, 2018. Per the Grand Niagara Secondary Plan, the subject lands are designated *Community Area* within the urban structure hierarchy and designated as *Residential Low/Medium Density* per the land use schedule.

The *Residential Low/Medium Density* designation permits single detached homes and neighbourhood commercial uses (subject to the provisions of Implementing Zoning By-Law). In permitting neighbourhood commercial uses, it is evident that the Secondary Plan contemplates non-residential uses that are compatible with low/medium density residential. The proposed community centre and sales office are considered a compatible use and is consistent with the intent and policies of the Grand Niagara Secondary Plan.

### **Implementing Zoning - By-Law No. 2023-080**

By-Law 2023-080 zones the lands R5E (H)-1206. This zone category permits higher density residential development forms such as stacked townhouses, apartment buildings, on-street and back-to-back townhouses. Single detached residential uses are not permitted. Therefore, a zoning amendment is being requested to permit single detached dwellings. Uses permitted in the R5E Zone of By-Law 79-200 are permitted, which includes Neighbourhood Commercial (NC) uses. This is further discussed below.

### **Parent Zoning – By-Law No. 79-200**

Per By-Law 79-200, the R5E zone permits Neighbourhood Commercial (NC) uses. Within NC category, the list of permitted uses include a library and an office. These uses are functionally similar to the proposed sales office and community centre use. Therefore, the proposed uses maintain the intent of By-Law 79-200 and by extension By-Law 2023-080. However, for greater clarity, an amendment is requested to explicitly list Sales Office, Community Centre and Model Homes as a permitted use. Since this is a site-specific request, it is proposed that these uses and associated regulations be included as an amendment to the Implementing By-Law 2023-080.

**DRAFT PLAN APPROVAL 26T-11-2023-001**

Per the Approved Draft Plan, the proposed development is located in Block 89 which is identified as an Apartment Block with permitted heights ranging from 5 to 10 storeys. A minimum of 188 residential units and a maximum of 375 residential units are contemplated on this Block. The proposed sales office/community centre and models/future single detached homes will not prevent the development of 188 - 375 residential dwellings as are contemplated on the Approved Draft Plan. The concept plan for the proposed development illustrates the siting of future apartment buildings on this block. As shown, the future apartment buildings are adequate to meet the minimum residential unit requirement.

**ADDITIONAL CONSIDERATIONS**

In addition to the amendments requested to permit the proposed sales office/community centre complex with associated single detached/model homes, a minor zoning by-law amendment is also requested for the lands zoned R5D(H) 1203 on the Approved Draft Plan and shown on Schedule 1 of the draft amending by-law. The Implementing Zoning By-law No. 2023-080 permits back-to-back homes in this zone but neglected to specify an appropriate interior side yard setback. Failing this provision, the By-Law reverts to the R5D zone in By-Law 79-200 which is intended for higher density developments and stipulates a much more restrictive interior side yard setback of one half of the height of the proposed building.

It is requested that By-Law 2023-080 be amended to require a minimum side yard setback of 1.2 m which is an appropriate setback for back-to-back homes and consistent with other low-rise housing typologies approved through the Grand Niagara Implementing Zoning.

**SUMMARY OF AMENDMENTS REQUESTED**

The proposed development includes a 465 sq. m building to be used for non-residential purposes, specifically a sales office/community centre including six (6) single-detached dwellings to be used as model homes. The amendments requested to facilitate this construction are listed below:

1. Amend By-Law 2023-080 to permit single detached dwellings with special permission to include dwellings without an attached or detached garage in the R5H(E)-1206 zone as shown on Schedule 1 of the draft amending By-Law
2. Amend By-Law 2023-080 to permit model homes in the R5H(E)-1206 zone as shown on Schedule 1 of the draft amending By-Law
3. Amend By-Law 2023-080 to permit non-residential uses including a Community Centre and Sales Office in the R5H(E)-1206 zone as shown on Schedule 1 of the draft amending By-Law
4. Amend By-Law 2023-080 to provide regulations specific to non-residential uses in the R5H(E)-1206 zone as shown on Schedule 1 of the draft amending By-Law
5. Amend By-Law 2023-080 to provide a minimum interior side-yard setback of 1.2 m for the lands zoned R5D(H) 1203 as shown on Schedule 1 of the draft amending By-Law
6. Amend By-Law 79-200 to permit dwelling access from internal (private) roads

7. Amend By-Law 79-200 to clarify that lots backing onto an internal road are not to be considered through lots.

## CONCLUSION

Empire (Grand Niagara) Project GP Inc. is requesting a Minor Zoning By-Law Amendment to permit the construction of a 465 sq. m. sales office featuring a community centre and associated model homes to support the development of the Grand Niagara Draft Plan, approved on June 27, 2023. The requested amendments are consistent with the overall intent of the City's Official Plan, Parent Zoning By-Law 79-200 and the Implementing Zoning By-Law No. 2023-080 for the Grand Niagara Subdivision.

The requested amendments propose non-residential uses that are contemplated through both applicable By-Laws which indicate that neighbourhood commercial uses are appropriate and permitted in R5 zones. The proposed use of sales office/community centre is therefore considered as maintaining the intent of the applicable By-Laws.

It is important to note that in providing permission for a modest amount of single detached homes, the proposed amendment will not preclude Block 89 of the Approved Draft Plan from supporting the density of residential housing units that are contemplated to be provided (188 - 375 residential dwellings).

Lastly, a technical amendment is requested to provide a specific interior-side yard setback for back-to-back homes in the R5D(H)- 1203 zone as the setback stipulated in section 7.13.2(d) of By-Law 79-2003 is not appropriate.

In order to support this request for a Minor Zoning By-Law Amendment please find enclosed the following documents:

- Draft Zoning By-Law Amendment
- Proposed Site Concept

A cheque in the amount of \$8030.00 to cover the applicable fees will be mailed in the next two weeks.

I trust the above is satisfactory. However, if there are any outstanding questions or concerns, please do not hesitate to contact me directly at [alfiya@armstrongplan.ca](mailto:alfiya@armstrongplan.ca) or 416-444-3300 ext 3001

Regards



---

Alfiya Kakal, MPI RPP  
Senior Planner

Cc: Philip Desouza – Empire Developments