



**Public Information Meeting
Case 24017**

The following does not represent a verbatim record of the proceedings of this meeting.

Thursday, September 15, 2022

6:00 p.m.

Sackville Heights Community Centre - Gym (45 Connolly Rd., Sackville NS)

STAFF IN

ATTENDANCE:

Meaghan Maund, Planner, Planner III, HRM Planning
Tara Couvrette, Processing Coordinator - Planning, HRM Planning
Cameron Robertson, HRM Principal Planner, Planning Information Services
Reyhan Akyol, Planning Information Analyst, Planning Information Services

ALSO IN

ATTENDANCE:

Chris Crawford – Applicant, Fathom Studios
Peter Smith – Construction Manager for the site
Roger N. Boychuk, P. Eng – Fathom Studios
Paul Russell - Councillor for Lower Sackville

PUBLIC IN

ATTENDANCE:

Approximately: 25

1. Call to order and Introductions – Meaghan Maund, Planner

Case 24017: Application by Fathom Studios requesting to enter into a development agreement to allow an 6-8 storey residential building at 323 Sackville Drive, Lower Sackville.

Ms. Maund introduced herself as the Planner and Facilitator guiding Fathom Studio's application through the planning process. They also introduced other staff members and the presenter for this application. The area Councillor for District 15, Paul Russell, was also in attendance.

2. Presentations

2a) Presentation by HRM Staff – Meaghan Maund

Ms. Maund's presentation included information on the following:

- (a) the purpose of the meeting including to share information and collect public feedback about the proposal - no decisions were made at this meeting;
- (b) the role of HRM staff through the planning process;
- (c) a brief description of the application including site context, explanation of what a development agreement is, proposed site plan and elevations, policy and By-law overview, policy considerations;
- (d) and status of the application.

2b) Presentation by Chris Crawford – Applicant

Mr. Crawford presented details about Fathom Studio's proposal including the project overview including study area, site options, site plan and landscape plan, perspectives, roof plan and building stats, and floor plans.

3. Questions and Comments

Ms. Maund welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal.

(i) Colin, Kaye St., Sackville:

Has concerns about the height of the building. Wanted to know if there were any other exceptions to the land use by-law being considered in the application.

Ms. Maund – stated there would be some setbacks on the side of the property being considered, may be other things as well. Also explained how the development agreement (DA) processes works.

Mr. Crawford – stated parking proposed is 1.15 spaces per unit whereas the land use by-law would require 1.5 spaces per unit.

(ii) Wayne, Skyridge Ave., Sackville:

Greatly affected by this development and would like to know why they are digging if this is not approved yet. Is it premature on their part? Lived through 6-8 weeks of pure dust all summer. Could not use their swimming pools, backyards, nothing – no consideration for the neighbours. Wanted to know what was going to happen on the Skyridge side of this project. Feels it is being built too close to their property. There will be no privacy at the proposed height. Would like something put along that side for privacy – fence, block wall, etc., and not at their cost. There are three schools within walking distance of the property and the traffic is terrible and needs to be slowed down. Need speed bumps on Kaye St. and sidewalks put in. Also need a four-way stop on Kaye St., Skyridge Ave, and Hillside Ave. This would be a good idea for kids' safety.

Ms. Maund – explained the developer owns both 321 and 323 Sackville Drive and there's an apartment building already under construction at 321 Sackville Drive. They applied and were issued a permit to alter the grade which included construction of stormwater management features at 323 Sackville Drive. HRM's Development Engineering is aware of the work happening and if it is outside of the scope of what the permit allows, the developer may need additional permits. They do not have a permit to construct anything at 323 Sackville Drive. In the DA there will be terms negotiated to do with buffering between the abutting residential properties. We can't ask for off site upgrades like that, but we can take note of them and your councillor is here and can hear those concerns.

Mr. Crawford – there is plans for opaque fencing and considerable planting along the property line.

(iii) Adam, Kaye St., Sackville:

What is the difference in grade between Sackville Dr. and where you want to start this development, as opposed to the development at 321 Sackville Drive? You want to start at 8 meters higher than Sackville Dr., why can't you start it lower? Can't you dig deeper? Are there plans for a retaining wall in the back? The backyards of Kaye St. drop off at 4-5 feet – is there any chance the retaining wall could be built higher and bring our backyards to grade if this were to happen?

Mr. Crawford – showed a slide from his presentation that shows a cross section from Sackville Drive to Kaye Street that showed the elevation changes. Height is based on where building is on the site due to the slope of the grade. Showed the site plan that shows where the retaining wall is proposed to go. The wall would go across the property line parallel with the Kaye St. properties on the development side of the property lines. There would be no setbacks for the retaining wall from the Kaye St. properties. Offered to pass the suggestion along about making the retaining wall higher and bringing their property to grade.

(iv) Public, Kaye St.:

When I come out on my deck all I see is the present apartment building and if you put this up it is going to be terrible. Privacy will be totally gone by you doing what you are doing. The noise from the parking and people coming and going right at the end of our property.

(v) Colin, Kaye St., Sackville:

This development is going to come up and impede peoples' site lines because it is higher than the top of our houses. If this was a 4-stoey building and they cut the trees out, we would still have a view of Sackville. We are just going to be looking at people and have people looking back at you. The trees that are at the tow of our slope you can't really tear those down because you are not supposed to rip trees if you are splitting lots.

(vi) Public:

Could there be mature trees all along that property boundary?

Ms. Maund – the type of buffering along the property line will be decided through the DA negotiation process.

(vii) Colin, Kaye St., Sackville:

Is there any chance to lower it by 3 meters? Just to start lower so the top does not interfere with everything we can see. You could raise the parking lot to gain the ground back.

Mr. Crawford – Explained why that was not something they were considering.

(viii) Angie, Kaye St.:

They were devastated the trees along the rear of their property were removed. They had asked prior if they could keep them. Concerned about ground washing out. The retaining wall doesn't go across their entire property, and they would like it to. They believe the retaining wall should go the entire length of Kaye St. to the corner of Skyridge Ave. Because there are so many mature trees they are taking out, the ones they will be planting will not come to maturity in their lifetime. They feel trees should be planted along the back of residents' properties to replace what is being taken away to block the views of the building. And not trees that are going to lose their leaves in the fall, trees that will have leaves all year round.

(ix) Colin, Skyridge Ave.:

How much higher will this building be from the existing building that is already constructed on Sackville Dr.? Is there an existing DA for the property that you are building on now? Earlier it was stated there was something in place that allowed some remediation of the site. Whose job is it to go look at the site and see if the work that has been done is within the limits of that permit? It appears they have already dug the hole and have already started the project and we are here being asked to look at something that has already been started. Is there any siltation prevention, straw on the slope, how is it being remediated? The plan when the property was purchased was to build something that was within the existing bylaws, is that fair?

Mr. Crawford – 5-storeys higher. No – the building at 321 Sackville Drive is permitted as-of-right. Can't speak to the owner's intention when the property was purchased.

Ms. Maund – to clarify – there was a permit issued to alter the grade and a permit to construct the building at 321 Sackville Drive. At the time the grade alteration permit was issued it was all one property (323 and 321). They needed some storm water management infrastructure that extended to what's now 323. They were allowed to do certain things in that area to change and alter the grade at what is now 323 Sackville Dr. HRM Development Engineering is who keeps track of it, and we have been in contact with them and they are aware of what is happening on the site.

Mr. Smith – spoke to what is happening on the site. Explained they've been remediating the site. They're excavating fill that was previously put on the site. No water is running off site.

(x) Colin, Kaye St., Sackville:

The elevations you just showed – is that the subgrade of the building or is that the bottom concrete or side of the building? What elevation is that?

Mr. Crawford – That one is 30 metres.

(xi) Angie, Kaye St.:

When the retaining wall is done, will you put up a fence or something for safety? There might be kids trying to jump down off it and it could be a safety concern. If this does not get accepted for 6-8 storeys, are you still going to do 4 like the other building? All the privacy will be gone because of the height of the building.

Mr. Smith – there will be a fence constructed along the retaining wall. Doesn't believe there will be privacy issues.

Mr. Crawford – if the proposal for 6-8 storeys is not approved, it would be up to the owners to decide if they want to proceed with a different proposal.

(xii) Colin, Skyridge Ave.:

The biggest concern here is the height of the building, the non-compliance with the existing by-laws. It's too high for our neighbourhood, it does not fit in even with the building that is already being built at 321 Sackville Drive. Proportionally it is wrong.

(xiii) Public:

A development agreement overrules all existing by-laws. So, there is zero required setbacks on the rear and 6 feet on the sides in the current by-law? The retaining wall will run along the property line. Light pollution from the parking lot – will there be shades on the lights to guide them away from the back lots? The access road being used right now onto Skyridge Ave., will that be closed, or will it become a pedestrian path, or a walkway for visitor parking all along Skyridge? Will this agreement set a precedent going forward for the case 23032?

Ms. Maund – yes, the development agreement supersedes the Land Use By-law. Does not think it is zero but doesn't have the number on hand. The setback is measured from the building itself not the retaining wall. Sounds like the community would like to have the retaining wall to run along the property line. Light will be addressed in the DA. The lot on Skyridge Ave is not within the scope of this application. Does not think this will necessarily set a precedent for anything going forward. All proposals are site by site and are evaluated against the same set of policies.

Mr. Crawford – spoke to why they decided to position the building where they did.

Mr. Smith – the parking lot lights will be 20 feet in height and will be directional lighting, all below grade. They're renting the property on Skyridge and it will not stay as an access road. There is a buffer that must be put back in place once they are done using it.

(xiv) Adam, Kaye St., Sackville:

Do you have a rough idea how high that retaining wall is going to be? You will have tiebacks on those, correct? If there are going to be tieback there is no way you are not getting into our property. So, you will move the wall forward to stay far enough away from our properties. Why is this building allowed to be built so much higher than the first building? Why does it get to start so much higher if it is following the same rules as the first one on Sackville Dr.?

Mr. Smith – right now two engineering firms are trying to determine how to design the retaining wall. The engineering firms are looking into tiebacks. We are not going into your properties. Yes, we may have to move the wall forward.

Ms. Maund – that is where the difference is, the building in front of this one is following the regulations already established in the land use by-law and this one does not meet those rules. Council must decide to approve or deny the request after evaluating it against policies.

(xv) Colin, Kaye St., Sackville:

This building will be just shy of double what is currently allowed on Sackville Dr. is that correct? It is 18 feet higher than the grade of Sackville Dr. plus 3 more storeys on top that, which is 48 feet above what is currently allowed in the by-law, right? Under the current by-laws what is the expected distance away and what is the clearance on the Skyridge side?

Mr. Crawford – would say it is 1 storey higher than what is allowed on Sackville Dr. because of the grade change. Explained the distances away from buildings.

Ms. Maund – spoke to height on Sackville Dr. and how it is measured. Height is measured from the grade of Sackville Drive. Does not have the exact number on hand to verify what the height

of the proposed building is in feet.

(xvi) Wayne, Skyridge Ave., Sackville:

What is the distance from the building to my property line?

Mr. Crawford – on the closest point about 6 and a bit metres.

(xvii) Cheryl, Kaye St., Sackville:

Why do you have to have the building so tall? Do not have the extra floors. I have trees in my backyard that I have saved for over 20 years and even with those trees I am still going to be looking at an ugly building. Most people here are concerned about the height of the building, and it blocks out everything. Where is the consideration for the surrounding neighbours?

Mr. Crawford – spoke to adding additional storeys, cost, etc., and the economics of the site itself. Adding density and units to the community.

(xviii) Margaret Campbell, Skyridge Ave., Sackville:

Does not understand how they have the right to infringe on a neighbourhood with a building of this height. This is a residential neighbourhood, and it does not belong or fit the picture of the Sackville community. It is not a corner lot and does not have high access area to the buildings. Does not agree that it belongs there.

(xix) Cheryl, Kaye St., Sackville:

How do we fight this, how do we say no we do not find 8 storeys acceptable in our area?

Ms. Maund – explained the process.

(xx) Jill, Kaye St., Sackville:

What are the criteria to enter into a development agreement? Can it be purely profit motivated or are there conditions that must be met to make it allowable? As far as the vegetation and greenery being discussed, what are the plans for that? Is the detailed version of that plan available for review so they can be coming with informed questions and opinions and suggestions? At the Public Hearing – is it to late to be making suggestions and revisions?

Ms. Maund – explained how a development agreement works. We do not directly look at motivations. As part of the development agreement, we will require a landscaping plan. We can require them to form part of the development agreement. If we do so in this case – which it sounds like it'll be beneficial to do so – it will be available in the staff report going to council for consideration. At the Public Hearing – yes and no. That is when council makes their decision, but they can ask for a supplementary report and request changes to the development agreement.

Mr. Smith – we have a plan under review but depending on this retaining wall and location, it may need to be adjusted.

Mr. Crawford – explained all the details will come to light once they get a recommendation from the city.

(xxi) Barry, Skyridge Ave., Sackville:

Concerns about encroachment of other development like this into residential areas.

Ms. Maund – explained the zoning on Sackville Dr. and around Sackville Dr.

(xxii) Paula, Kaye St., Sackville:

What is the plan for traffic turning in and out of this development? Are there plans to install traffic lights for this development?

Ms. Maund – There are no plans to put in traffic lights. As part of the application, they submitted a Traffic Impact Study (TIS) that was reviewed by HRM Development Engineering and Traffic Services and accepted.

Mr. Boychuk – spoke to TIS and guidelines.

(xxiii) Colin, Skyridge Ave., Sackville:

How long has it been since construction was started on the other project? This is twice as big of a building. Can we expect it is going to take two or three times as long? The longer a building takes to complete the more disruption there is to the neighbourhood. When we see a project that is struggling towards completion over a three-year period and now the same person wants to come into the neighbourhood and propose an even bigger development and you say it is going to take less time, I am not sure you're being honest.

Mr. Smith – it was behind schedule when I took it over. The new building is a totally different design and construction. Explained the situation when they took the project over and how they are going to make it better with this new development.

Mr. Crawford – explained the delays in materials was also a factor in how long it took and is taking for things to get done.

(xxiv) Barry, Skyridge Ave., Sackville:

Would like to know what they would be looking at from their property. How tall is the part of the building beside them?

Mr. Smith – because of the landscaping, you should be looking at trees.

Ms. Maund – stated the part of the building closest to them is proposed to be 3 storeys, then the building steps up.

(xxv) Adam, Kaye St., Sackville:

Why can't you put in more underground parking and dig it deeper. Move parking underground and move the structure down. Nobody wants to stare into two storeys of a building, and this would solve that issue. If you put in more underground parking, lower the whole thing down, put your above ground parking somewhere in that courtyard, yes – you are going to get a longer slope but that shrinks the area you need for a parking lot so what is the difference in making for underground parking stalls. We do not care about money – not our problem.

Mr. Smith – cost. Return on investment. Underground parking has no value to anybody except the people that live there.

(xxvi) Public:

Under the existing bylaws what would be the maximum height at that location?

Meaghan Maund – it's measured from Sackville Drive. It would be 50 feet above the grade of Sackville Dr.

(xxvii) Christina, Kaye St.:

Concerned this is starting to look like Larry Uteck which is where they did not want to live. When council is voting on this, is this the aim of what we see Sackville becoming?

C. Russell – explained there was a survey sent out in their newsletter asking residents what they would like to see as the maximum height along Sackville Dr.

(xxviii) Public:

Are you our advocate?

C. Russell – absolutely. I would love to hear from you individually or collectively.

(xxix) Public:

We didn't move into this area to have a big apartment in our backyards. We moved there because it was a family-oriented area. If you put houses back there great, but a 100-foot building – not so great.

It changes the suburban nature of the neighbourhood. Especially those properties that are right in proximity to the development.

Put up your building, but just be reasonable. We do not want to stall progress; people need a place to live. You just do not need to go money crazy.

I didn't move into my house to have an apartment in my backyard.

100% the height is the biggest concern.

Would like a rendering of what it will look like from their backyards. It would be nice to see what they are going to see. It is vertically encroaching on their lives.

The title of the application shows 6-8 storeys but all the information that was shown was for 8 storeys.

Ms. Maund – it is 6 from the back and 8 from the front.

4. Closing Comments

Ms. Maund thanked everyone for their participation in the meeting.

5. Adjournment

The meeting adjourned at approximately 7:45 p.m.