

# Summary of Written and Oral Submissions: Error! Reference source not found. Zoning By-law Amendment – 5331 Fernbank Road

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 5331 Fernbank Road (ACS2019-PIE-PS-0025), prior to City Council's consideration of the matter on April 10, 2019.

The final Summary will be presented to Council for approval at its meeting of April 24, 2019, in the report titled 'SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY COUNCIL MEETING OF April 10, 2019'. Please refer to the 'Bulk Consent' section of the Council Agenda of April 24, 2019 to access this item.

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

## Number of delegations/submissions

Number of delegations at Planning Committee: 1

Number of written submissions received by Planning Committee and Council between March 18 and April 10, 2019 : 2

**Primary concerns, by individual Seyed Asoudeh Khalajani** (oral submission, correlates to written submission by Seyedeh Nesa Asoudeh )

- raised concerns about the impacts related to the proposed gas station and car wash, which would be located in close proximity to his rear yard, noting he was not aware of this potential development when his daughter bought the house adjacent the development site two years ago

**Seyedeh Nesa Asoudeh** (written submission)

- building a gas bar so close to residential properties is life threatening; Benzene is known cancer causing chemical according to the National Institute of Health (NIH); worried about the health risks to herself and her mother, who is living with her and just finished cancer treatment
- the present zoning is reasonable and allows for development and respects the rights of residents; the By-law states, "this zone prohibits uses which are likely to produce obnoxious or hazardous impacts (i.e. noise, fumes, odours, etc.), and provides development standards to ensure compatibility between

uses and minimize the negative impact of the uses on adjacent nonindustrial areas”

- a gas bar abutting residential properties does not have a “minor” impact on residents; safety and health are of great concern for the residents in regards to fumes, land contamination should a leak occur or any other chemical or vapour risk that a gas bar can entail, especially in a residential neighbourhood and homes so close to the site
- residents will experience increased noise from traffic, customers, staff, suppliers and snow removal
- the reduction of the side yard from 7.5m to 6m is too close to the residents’ properties
- neighbouring property values and saleability could be negatively impacted and affect homeowners’ financial plans
- there are many other vacant land locations in the same area that are not adjacent to residential properties (i.e. Fernbank and Eagleson, Cope and Eagleson, Cope and Terry Fox on the Northwest side, Terry Fox and Eagleson Southwest side) that can accommodate a gas bar and car wash, restaurants, and retail and still provide a service in the area and more importantly, not impact the daily lives of adjacent residents

**Richard and Marie-Josée Saxton** (written submission)

- the impact on neighbouring residents will not be minor for the following reasons:
  - present zoning, “... prohibits uses which are likely to produce obnoxious or hazardous impacts (i.e. noise, fumes, odours, etc.), and provides development standards to ensure compatibility between uses and minimize the negative impact of the uses on adjacent non-industrial areas”.
  - a gas bar abutting residential properties does not have a “minor” impact on residents; safety and health are of great concern for the residents in regards to fumes, land contamination should a leak occur or any other chemical or vapour risk that a gas bar can entail, especially in a residential neighbourhood and homes so close to the site
  - it is explicitly written in the residents’ property sales contract that swimming pools and hot tubs are strictly prohibited due to soil conditions (sensitive marine clay soil), yet, only a few meters from

- these residential properties, gas tanks with tremendous amounts of hazardous fuel would be permitted
- a leak from these tanks could potentially require local residents to vacate their homes due to contaminated soil and possible toxic fumes while cleanup efforts are under way
  - it is unclear who would assume liability should a leak and contamination occur or whether the developer or the City would guarantee this liability insurance for the residents prior and subsequent to any construction and ongoing after that
  - referred to a case from 2002 (Tridan Developments Ltd. v. Shell Canada Products Ltd., 2002 CanLII 20789 (ON CA)), and questioned if there have been similar cases with the same circumstances, and why the City would take this type of risk, knowing the land is already unstable
  - questioned whether, if Council approves the application, neighbouring properties be rezoned to allow for swimming pools and/or hot tubs
- noise impact on the abutting residents would be major
    - a car wash and exterior auto vacuums will cause noise for abutting residents while in use, with cars idling when waiting for their turn
    - all of the abutting residents' master bedrooms are located in the rear of the homes, as are their living rooms, thus noise pollution will definitely be a factor
    - the car wash entry and exit points run east to west, and when entering the car wash, under car blasters are activated and beeping alerts are sounded when cars have entered; the wind patterns are from west to east therefore the noise will be further enhanced towards the residents, as well as chemical residues from the car wash;
    - only one other car wash in the area is directly behind residential properties (Ultramar on Hazeldean Road in Stittsville) and this car wash is abutting Hazeldean Road and runs opposite residential properties, so entry and exit points are not towards residents

- landscaping efforts would still not prevent the noise associated with the present location of a car wash;
  - placing a car wash abutting Terry-Fox Drive and running from north to south would make more sense should this be approved
- this amendment proposal from Business Park Industrial, Exception IP[2411] to GM is causing distress and anxiety to the residents, who have all invested in their properties to make them the homes they are, in a safe, appealing and enjoyable neighbourhood, in which they hope to continue to reside in for a very long time

## Primary arguments in support, by individual

None provided

**Effect of Submissions on Planning Committee Decision:** Debate: The Committee spent 9 minutes on this item

Vote: The Committee CARRIED the item as presented without making any changes to the report recommendations.

## Effect of Submissions on Council Decision:

Council considered all written and oral submissions in making its decision and CARRIED this item as presented, without change to the report recommendations.