

**Land Use Amendment in East Shepard Industrial (Ward 12) (LOC2017-0266)
Bylaw 157D2018**

EXECUTIVE SUMMARY

This application was submitted to the City of Calgary on 2017 September 8 by the City of Calgary – Real Estate & Development Services (RE&DS). The application proposes to change the designation of the property to a DC Direct Control District. The proposed DC is based on the Industrial – General (I-G) District and includes a range of light and medium industrial uses, with the additional use of Slaughter House. In addition to allowing for a Slaughter House and other industrial uses, the DC District has a number of key components:

- it allows for a maximum building height of 16 metres;
- it allows for a maximum floor area ratio of 1;
- sets limitations on the outdoor storage of goods, materials and supplies; and
- outlines numerous studies required at the development permit stage.

If this application is approved by City Council, the building design, size and site layout details will be determined later at the development permit review stage. Further, technical documents and reports that consider any possible external impacts of the use of Slaughter House will be reviewed upon submission of the development permit. No development permit application has been submitted at the time of Calgary Planning Commission.

ADMINISTRATION'S RECOMMENDATIONS:

That Calgary Planning Commission recommend that Council hold a Public Hearing; and

1. **ADOPT**, by bylaw, the proposed redesignation of 11.84 hectares ± (29.26 acres ±) located at 6202 106 Avenue SE (Plan 1710868; Block 5; Lot 4) from Industrial – General (I-G) District **to** DC Direct Control District to accommodate Slaughter House with guidelines (Attachment 3); and
2. Give three readings to the proposed bylaw.

Moved by: L. Juan

Carried: 7 – 0

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 157D2018; and

1. **ADOPT** the proposed redesignation of 11.84 hectares ± (29.26 acres ±) located at 6202 - 106 Avenue SE (Plan 1710868; Block 5; Lot 4) from Industrial – General (I-G) District **to** DC Direct Control District to accommodate Slaughter House, in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 157D2018.

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PREVIOUS COUNCIL DIRECTION / POLICY

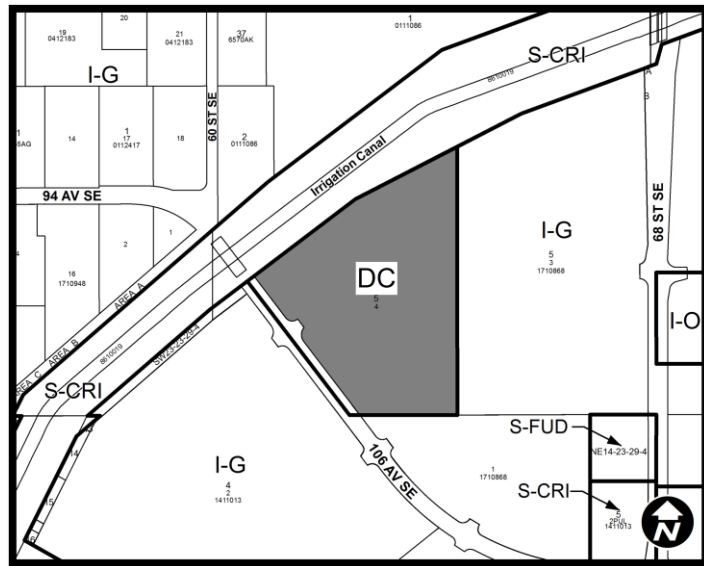
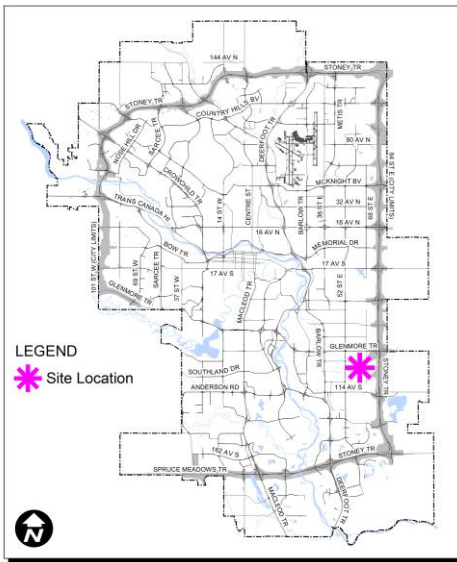
None.

BACKGROUND

Council approved to market and sell Phase 2 of the Dufferin North industrial park in 2016 November, under requisite to a fair open market sale. An agreement to purchase the parcel in Phase 2 by Sofina Foods Inc. was reached with The City of Calgary in 2017 June, which would enable Sofina to move out of their almost 60 year old facility to a new facility capable of addressing the negative external impacts experienced at the current facility. The Green Line LRT was a major catalyst in moving negotiations forward between The City and Sofina. The City has been working with the community of Ramsay since 2015 to envision the future of the Ramsay area, including the redevelopment of Sofina's existing facility as part of the new Green Line SE LRT line.

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Location Maps



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Site Context

The site is located in the Dufferin North Distribution and Intermodal Park, which forms part of the community of East Shepard Industrial. The parcel is situated on the corner of 106 Avenue SE and the western headworks irrigation canal, located approximately 1.3 kilometres west of Stoney Trail SE.

The vacant site is adjoined by vacant lands designated as Industrial – General (I-G) District to the east and south. Land directly west is also designated I-G, comprising the newly constructed Home Depot distribution centre.

On a wider context, the parcel is surrounded by the industrial lands of Section 23, South Foothills, Shepard Industrial and Residual Ward 12 – Sub Area 12A. Rocky View County limits are located approximately 2.7 kilometres northeast of the parcel and the Canadian Pacific Railway (CPR) tracks are located approximately 800 metres south of the site.

Surrounding industrial uses include those with low impact, and those that have the potential for impacting the environment and surrounding uses, such as recyclable construction material collection (Calgary Aggregate Recycling), gas compressor manufacturing (Bidel Equipment), auto recycling (Allen & Sons Auto Recyclers), auto wrecking (AAAfordable Auto Wrecking), rail yard (CPR) and industrial landfill (Shepard Waste Management Facility).

The nearest residential district is the community of Douglasdale/Glen, which is located approximately 3.5 kilometres southwest of the parcel. Other residential communities that are in a similar proximity to Douglasdale/Glen include:

Community	Distance to site
Ogden	3.7 kilometres
Riverbend	3.9 Kilometres
McKenzie Towne	3.9 kilometres
McKenzie Lake	4.4 kilometres
New Brighton	4 kilometres
Copperfield	4.6 kilometres

INVESTIGATION: ALTERNATIVES AND ANALYSIS

The use of Slaughter House was last before Calgary Planning Commission and Council in 2004, when the Rancher's Beef northeast application was heard by Commission and Council. Calgary's present experience with the use is limited to the existing chicken processing plant, formerly owned by Lilydale, in the community of Ramsay. The following section provides background information on the use. The use description is also included in Attachment 1, for reference.

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Land Use

Background History of the Existing Slaughter House

In 1954, former Pinecrest Poultry successfully consulted with nearby residents of Ramsay as to the proposed location of their chicken processing plant, or Slaughter House in accordance with today's Land Use Bylaw, in an existing industrial building on Hurst Road in Ramsay. In 1969, Lilydale took over the operation of the site. Between the years of 1969 and 2010, the facility expanded, arguably outgrowing the limited size of the site. At the same time, the community of Ramsay underwent substantial growth and redevelopment, as would be expected for an inner city community. The result of this mutual growth was a large residential community bordering one of Canada's most proficient chicken processing facilities.

Complaints from nearby residents about the incompatibility of the use were inevitable, and perhaps most common in the early 2000s. These complaints were largely related to safety, traffic, odour and general nuisance. Consequently, in 2005, Council elected to remove Slaughter House as discretionary use in the I-3 Heavy Industrial District of Land Use Bylaw 2P80, and required the location of all future Slaughter Houses to be approved through a DC District. This ensured that any new Slaughter House would require a land use amendment to first allow the use on the parcel, instead of only requiring a development permit. The intent of this change was not to disallow new Slaughter Houses, but to change the procedure by which it could be approved. As a result of this change, the existing Lilydale Slaughter House was rendered legal non-conforming, and was denied any further expansion.

In 2010, Lilydale was sold to Sofina Foods, who remains the present owner and end client of this application. It is Administration's understanding that since 2010, the impacts noted above have largely been addressed to the extent possible by the present owners of the facility, through open communication with the community, sound attenuation walls, site deodorizers and safety response plans.

Historical Offsite Impacts

Administration sought to better understand the impacts of a Slaughter House through a guided site visit of the existing facility on Hurst Road, where it was established that many, if not all of the impacts experienced by adjoining owners are due to site restrictions. With limited space, as well as the inability to gain approvals to develop the site further, some impactful operations of the plant continue to take place outdoors, including the temporary storage of live animals, which has the largest impact on adjoining parcels in terms of odour and general nuisance. Further, until recently, animal by-products were deposited outside of the building, in the open. Being unable to gain approval to enclose the by-product bin, the present owners identified a solution internal to the building in response to complaints. Notwithstanding, the solution is inefficient and not ideal for the business operations, however has been maintained for the benefit of the surrounding community.

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Proposal

The applicant is proposing a fully enclosed facility. Incoming trucks will drive into the facility to offload the poultry to be processed. No outside storage is proposed. While the proposed building will be indistinguishable from surrounding buildings, the applicant proposes to buffer adjoining uses from the site via a landscaped berm.

The facility will be regulated by the federal government through the Canadian Food Inspection Agency (CFIA), which is responsible for approval and operation of the food processing facility. Specific guidelines will be established for air quality and dust control through the CFIA Regulations.

Approval is also required from Alberta Environment and Parks, who will regulate the use through the *Environmental Protection and Enhancement Act*, which includes the regulation of substance release.

Further information on the proposal can be found in the applicant's submission in Attachment 2.

Use Requirements

Through conversations with Sofina Foods, it is understood that the use of Slaughter House is heavily reliant on servicing, specifically water, as well as access to a suitable transportation network. Presently, Sofina Foods on Hurst Road uses approximately 2.4 million litres of potable water per day, processes 9000 poultry per hour, and has an employee base of 500 staff. The applicant has identified that through a new facility with modern technology, Sofina Foods will be able to reduce its water consumption considerably, and will be able to increase production and maintain their employee base.

Given the use's heavy demand on water, serviced industrial roads with connections to skeletal roads for distribution of product, and proximity to labour force, the location of the use within a newly developed industrial park, located adjacent to the western headworks canal, within 1.2 kilometres of an existing transit stop and in close proximity to a future transit stop is ideal for the operations.

Land Use District

The proposed land use district is a DC Direct Control District based on the Industrial – General (I-G) District of Land Use Bylaw 1P2007, with the additional use of Slaughter House. Sections 21(3)(s) and 306(a)(vi) of the Land Use Bylaw indicate that the Slaughter House must only be a listed use on a parcel designated as a DC District.

Slaughter House is listed as a discretionary use within the proposed DC District, and includes additional rules specific to the use. In addition to the Southeast 68 Street Industrial Area Structure Plan's provisions to request impact studies, detailed and site specific requirements are included in the proposed DC Bylaw in order to mitigate adjoining land owner concerns, and provide a level of certainty on the review requirements at the development permit stage. These rules allow the development authority to request an operational management plan, completed

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by a qualified professional, at the time of development permit application. Although regulated through the Environmental Protection and Enhancement Act (EPEA), this operational plan will provide Administration with information on the discharge of airborne emissions including odour, as well as the management of waste, noise, dust, transportation and public communications, as identified in Attachment 3.

Through the review and circulation of the proposed land use amendment, questions were raised to Administration regarding the DC base district as I-G, given the nature of Slaughter House, and why the use would not be more suited to the Industrial – Heavy (I-H) District. Administration was also questioned as to the placement of a Slaughter House within City limits. It is understood that this questioning came about due to the legacy of the existing poultry Slaughter House in the community of Ramsay.

In accordance with the purpose statement of I-G, the district supports a variety of light and medium industrial uses, as is evident by the range of uses that surround the subject site, identified on page 3 of this report. The purpose statement for the I-H District is for industrial uses that are generally larger in scale, that have significant nuisance effects, and/or comprise outdoor activities that are difficult to screen. The purpose statements of the I-G and I-H Districts are provided in Attachment 4.

Based on the information provided to Administration and adjoining landowners, the proposed Slaughter House is in keeping with the purpose statement of the I-G District, specifically as the proposed development is expected to:

- be fully enclosed;
- have negligible impacts on adjoining owners regarding dust, odour, noise and traffic;
- provide screening and mitigation measures that will ensure the development has little to no relationship with adjacent parcels;
- have no outdoor activities;
- limit sales and office activities; and
- be maintained within I-G District bylaw requirements for height, setbacks, floor area ratio, and outdoor storage.

Administration further notes that the use of Slaughter House belongs to neither the I-G District nor the I-H District, both of which prohibit the involvement of live animals, as the use is limited to being within a DC District. By maintaining a base district to I-G, if the proposed development is not realized, all uses listed within the I-G District will continue to be available for future development of the site.

Based on the above, Administration has identified the I-G District as an appropriate base district for the proposed development.

Implementation

The operational plan and technical studies for the use of Slaughter House have not been reviewed with this land use amendment application. As such, Council's possible approval of this

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application does not guarantee that the intended development will commence. At the development permit stage, all technical studies deemed necessary for the review of proposal will be requested by the development authority, and the proposed development will be required to demonstrate that expected external impacts to surrounding parcels are negligible. Where there is potential for operations to impact adjoining parcels, methods of contacting the operator, as well as a monitoring program and mitigation plan will be required within a communications plan. Sofina Foods is also aware that Administration expects a good neighbour agreement to be completed at the development permit stage.

Infrastructure

Transportation Networks

A Transportation Impact Assessment (TIA) and Parking Study was not required for this land use amendment, however an operations protocol may be required as part of the development permit review. One hundred and six Avenue SE is classified as an Industrial Arterial road in the Calgary Transportation Plan, which is designed to accommodate industrial truck traffic.

The site will have access to 52 Street SE and 68 Street SE via 106 Avenue SE. The closest bus stop is on 52 Street SE and is approximately 1.2 km from the subject site. Calgary Transit has future plans to provide service along 106 Avenue SE. At the development permit stage, a bus pad and shelter will be required in close proximity to the site to support local transit users. A local pathway runs along the south side of 106 Avenue SE connecting to the regional pathway along 52 Street SE.

Utilities and Servicing

The subject site was recently serviced as part of the East Shepard Industrial Phase 2 subdivision. Water, sanitary, and storm sewer mains are available from 106 Avenue SE and have capacity to service all potential identified uses for the subject site in accordance with the original outline plan and subdivision development agreement.

For any commercial and industrial developments, the servicing requirements and details will be determined through the review of any forthcoming development permit application, once the exact uses and servicing needs are confirmed. All servicing will be provided in accordance with the applicable bylaws and specifications. If any further studies or servicing upgrades are needed to support a proposed development on the site, it will be at the expense of the developer.

Environmental Issues

The subject site was recently graded and serviced as part of the East Shepard Industrial Phase 2 subdivision. The previous Environmental Site Assessments did not identify any environmental concerns on the subject property. Any proposed development of the site will be subject to meeting the applicable environmental regulations at the time of review.

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There are no Historical Resource Values tied to these lands in the September 2017 Listing of Historic Resources. As such, Administration's cultural planner has advised that a Historical Resources Impact Assessment is not required as part of this application.

With regards to odour impacts, review of this application considered the operational characteristics of the proposed development, specifically that the proposed use will not involve rendering, feed lots, or outdoor storage, and that the use will be fully enclosed with advanced odour mitigation methods.

Stakeholder Engagement, Research and Communication

In keeping with Administration's standard practices, this application was circulated to relevant stakeholders and notice posted on-site for three weeks. Notification letters were sent to adjacent landowners. Further information about the land use amendment application was provided to the public on PD Map at www.calgary.ca/development.

Following Calgary Planning Commission (CPC), notifications for Public Hearing of Council will be posted on-site and mailed out to adjacent land owners. In addition, CPC's recommendation, the date of the Public Hearing and options for providing feedback will be available to the public.

Citizen and Community Association Comments

There is no community association for the community of East Shepard Industrial. Notwithstanding, the Riverbend Community Association, located approximately 4 kilometres from the subject site, advised Administration that at the time of Calgary Planning Commission consideration, they have no concerns. The association asked to be kept up to date with the application.

In response to the public notification, three letters of objection were received from neighbouring parcels. These included two letters of objection from an adjoining parcel, and one letter of objection from a nearby parcel, expressing the following concerns:

- I-G is not the correct base district, and the use should not be located near I-G;
- Slaughter House is an Industrial – Heavy (I-H) use and should be located in the I-H District;
- Concern regarding noise and odour based on existing Slaughter House in Ramsay
- The use is incompatible with all other uses listed in the Land Use Bylaw;
- The use is out of the character of the area;
- Slaughter House should be located rurally or on the edges of municipalities;
- Expectation that other uses in the area would be uses such as Child Care Service, Convenience Food Store, Kennel, Outdoor Café, Pet Care Clinic. Slaughter House will lessen the likelihood of these locating in the area;
- The Dufferin North Distribution and Intermodal Park is advertised as I-G;
- The use will devalue the neighbouring properties and make Dufferin park a much less attractive location for I-G uses;

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- The property is not necessarily ideal for the use, but has been selected in order to advance the Green Line, and for other reasons;
- Slaughter House is in contravention of the ASP, which refers to Industrial – Medium uses, which by definition cannot have live animals involved in the operation;
- It appears that the proposed redesignation may be more a matter of convenience or expediency as part of the City's purchase of the Ramsay lands for the Green Line;
- Negative environmental and health impacts, including odour, debris, noise, potential ammonia leaks, bio-effluent discharges into the western headworks irrigation canal;
- Slaughter House may affect the water flow rate to surrounding businesses;
- Potential for increased burdens on wastewater and solid waste disposal, and potential risk of contamination;
- Increased traffic; and
- Slaughter House will materially interfere with the enjoyment and value of adjoining parcels.

Relevant concerns were considered in the review of the application, with several being addressed within this report. However, the majority of the concerns will be addressed at development permit stage.

Engagement

Given the confidentiality of objections, Administration was unable to provide personal information of the objectors to the applicant. As such, Administration provided each objector with the contact details of the applicant, advising that if they make contact with the applicant that a meeting could be arranged to discuss and explore the objection and possible solutions.

Along with Administration and the end client Sofina Foods, the applicant met with each objector (one via phone meeting) to discuss the proposal and how objectors' concerns could be managed. While the conversations did ease some concern, one objector acknowledged that only a concurrent development permit with all associated studies could mitigate their concerns, and that regardless of the information provided, they would not support the proposal, but could potentially take a neutral position.

Strategic Alignment

The proposed land use amendment is subject to a number of policies, including site and use specific policies such as the Southeast 68 Street Industrial Area Structure Plan (ASP) and the Calgary Food System Assessment and Action Plan - Calgary Eats!

South Saskatchewan Regional Plan (Statutory, 2014)

The South Saskatchewan Regional Plan (SSRP) speaks to the economic benefits of food manufacturing in the South Saskatchewan region, specifically mentioning the significant processing and meat packing facilities that can be found throughout the region as being of great benefit to the agricultural industry. While emphasis is placed on said agricultural industry, the SSRP does mention supporting uses on smaller parcels, and municipalities' responsibility to

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support a range of land uses that can provide for a variety of economic development opportunities.

The SSRP also acknowledges the industry's heavy reliance on the supply of quality water and recognizes the need to be strategic with the allocation of water in the future.

Municipal Development Plan (Statutory, 2009)

Within the Municipal Development Plan (MDP), the parcel is located within the Standard Industrial Area as identified on Map 1: Urban Structure. Both city-wide policies and standard industrial policies apply, and in general, strongly encourage the continuation of industrial uses as main function of the area.

Standard Industrial Areas are recognized as providing for a broad variety of industrial uses and intensities that support business in Calgary.

Section 2.1.2 of the MDP relates to the creation of a city that is attractive to business, and contains the following relevant policies:

- a. *Attract and retain suitable business and industry in Calgary by fostering economic diversification and providing a climate that supports and enhances economic activity.*
- e. *Remain open to innovation and provide flexibility to accommodate the changing needs of business.*
- m. *Recognize the access needs of the logistics industry by locating warehouses and local distribution centres in areas that provide direct roadway connections to the goods movement corridors.*
- n. *Ensure the availability of competitively priced, easily serviceable and developable land for industrial purposes; including providing opportunities for brownfield redevelopment.*

Section 2.4 of the MDP is about ensuring sustainable municipal finances. Specifically stating the need to:

- a. *Optimize the use of existing infrastructure and services.*
- d. *Accommodate growth while avoiding premature investment in municipal infrastructure.*

The application is in keeping with the relevant MDP policies as the proposed land use redesignation will maintain the industrial function of the site, with the additional use of Slaughter House, which is industrial in nature.

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Southeast 68 Street Industrial Area Structure Plan (Statutory, 2010)

The parcel is located in the Industrial – Medium Area in accordance with the Land Use Concept Map of the Southeast 68 Street Area Structure Plan (ASP). The purpose of the Industrial – Medium Area is to provide opportunities for medium industrial uses within the context of a fully serviced industrial park. The policy states that the Industrial – Medium Area is suitable for general industrial and a limited range of medium industrial uses, defined as the General Industrial - Light and General Industrial - Medium uses in the Land Use Bylaw 2007. These use definitions are provided in Attachment 5 for information.

The ASP states that uses considered similar to General Industrial – Light and General Industrial – Medium may also be considered where determined to be compatible and appropriate by the development authority. Confirmation has been provided by the City’s Law Department that the proposed redesignation does not require an amendment to the ASP. Although the General Industrial – Medium use definition states that live animals cannot be involved in any aspect of the operation, the above clause provides the flexibility to consider uses other than General Industrial – Light and General Industrial – Medium without the requirement of an ASP amendment.

It is noted that Appendix D of the policy goes on to state that within the Industrial – Medium Use Area, most operational impacts should be contained within the parcel, where light industrial uses should contain most impacts within the building envelope.

The ASP advises that impacts and proposed mitigation measures of a proposed development should be comprehensively analysed at the outline plan/land use amendment or development permit stage, and may include studies on noise, odour, dust, traffic, interface, airborne emissions. Administration discussed the benefit and certainty that a concurrent development permit could provide with the applicant, however due to contractual obligations, timing constraints and the detail involved in preparing comprehensive development permit plans and studies for the proposed facility, Administration agreed to take the application to Calgary Planning Commission prior to submission of a development permit. As the approving authority, City Council will have the ability to request such details prior to first, second or third reading of the land use amendment.

Calgary Food System Assessment and Action Plan - Calgary Eats!

The Calgary Food System Assessment and Action Plan (The Plan) was completed in response to growing resident demand and community awareness of the value of a sustainable food system. In accordance with The Plan, the proposed use of Slaughter House is considered “Food Processing”, for which policy states that *“processing is an important element of Calgary’s food system. However, it is acknowledged less by the average citizen. Whereas recent trends demonstrate an interest by consumers in food producers, there is less interest and understanding in the food processor.”*

The policy speaks to the variety of challenges that food and beverage processing plants in Alberta have experienced since 2008. Specifically, Slaughter Houses have largely been centralized, and in many cases moved to smaller centres such as Brooks. This centralization can result in additional transportation requirements and associated fuel use, and can negatively

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impact the facility due to the available employee base and existing servicing in the area. Notwithstanding these challenges, food processing remains a significant part of the Calgary's economy, representing the largest of all the 21 manufacturing sub-sectors in Calgary, which in turn assist with maintaining a strong labour force within the city.

Section 5.2 - Food Processing in Alberta, states that Alberta's food and beverage processing industries generated \$11.5 billion in sales in 2010, and is dominated by meat processing, i.e. livestock and poultry slaughtering, processing and rendering. Alberta is second only to Ontario as Canada's largest producer of meat products in 2010. Further, the policy goes on to state that within Calgary, the food manufacturing sector is a strong contributor to the economy, and that:

"Processing is a critical part of the food system, being the point at which value is added to raw products and often a connection point between producer and distributor or consumer. The province has a strong food and beverage manufacturing and processing industry, particularly related to meat and grain, which is reflective of the strength of livestock and grain production within the province. However, whilst employment in Alberta food processing continues to grow and has been relatively resilient to the economic decline, employment in this sector has decreased within Calgary".

Social, Environmental, Economic (External)

The recommended land use and subsequent development permit would allow for the relocation of an existing employment intensive use within city limits, with transit connections for the 500 staff who work at the existing facility. Relocation of the existing facility to the site would also allow for new, modernized equipment that will reduce emissions and water consumption.

Financial Capacity

Current and Future Operating Budget:

There are no known impacts to the current and future operating budgets at this time.

Current and Future Capital Budget:

The proposed amendment does not trigger capital infrastructure investment, and therefore, there are no growth management concerns at this time.

Risk Assessment

The proposed land use amendment allows for the range of uses listed within the Industrial – General (I-G) District, with the additional use of Slaughter House. While there is a perceived risk of external impacts such as odour and ammonia, Council's potential approval of this application does not guarantee that the intended development will commence. At the development permit stage, all technical studies and reports deemed necessary for a thorough review of proposal will be requested by the development authority, and the proposed development will be required to demonstrate that expected external impacts to surrounding parcels are negligible. Administration has advised the applicant that the future development permit application will be brought to Calgary Planning Commission for decision.

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REASONS FOR RECOMMENDATION:

The proposed land use amendment responds to the South Saskatchewan Regional Plan, advances the goals of the Municipal Development Plan and the Calgary Food System Assessment & Action Plan, and is in keeping with the Southeast 68 Street Area Structure Plan (ASP).

ATTACHMENTS

1. Attachment 1 – Slaughter House Use Description
2. Attachment 2 – Applicant's Submission
3. Attachment 3 – Proposed Direct Control District
4. Attachment 4 – I-G District and I-H District Purpose Statements
5. Attachment 5 – General Industrial – Light and General Industrial – Medium Use Definitions
6. Attachment 6 – Letters Received by Calgary Planning Commission
7. Attachment 7 – Calgary Planning Commission Motions and Amendments
8. Attachment 8 – Calgary Planning Commission Member Comments
9. Attachment 9 – Proposed Bylaw 157D2018