

## Letters Received by Calgary Planning Commission

**From:** [Tony Napolitano](#)  
**To:** [CPC](#)  
**Cc:** [Tom Sullivan](#); [Steve Burnie](#); [James Mazak](#)  
**Subject:** [EXT] RE: GWL Realty Advisors Inc.'s Letter of Opposition regarding the Proposed Land Use Amendment to accommodate a Slaughter House  
**Date:** Wednesday, March 21, 2018 3:44:37 PM  
**Attachments:** [Letter Response to Land Use Change 6202 106 Ave SE.pdf](#)

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Good Day Mr. Cope,

**RE: GWL Realty Advisors Inc.'s Letter of Opposition regarding the Proposed Land Use Amendment to accommodate a Slaughter House  
Item # 5.09 Land Use Amendment in East Shepard Industrial (LOC2017-0266)  
Municipal Address: 6202 106 Ave SE  
Dufferin North Distribution and Intermodal Industrial Park ("Dufferin North")  
All within The City of Calgary**

For your review and consideration, please find attached GWL Realty Advisors Inc.'s Letter of Opposition with respect to Item # 5.09 proposed land use amendment application (LOC2017-0266) being made by The City of Calgary – Real Estate & Development Services to redesignate the subject property from Industrial-General (I-G) District to Direct Control/I-G (DC/I-G) District to accommodate a "Slaughter House" use on behalf of Sofina Foods Inc.

In reviewing the Planning & Development Report regarding the Item # 5.09 Land Use Amendment in East Shepard Industrial (LOC2017-0266), we noticed that GWL Realty Advisors Inc.'s Letter of Opposition was summarized to a few points, we believe it would be useful for you to review GWL Realty Advisors Inc.'s Letter of Opposition in its entirety and unfiltered, in order to facilitate your consideration of this Item.

Please be advised that GWL Realty Advisors Inc. and Synergy Planning Inc. will be in attendance during the Calgary Planning Commission Meeting, and should you have any questions or require clarification regarding our opposition to this item, please feel free to call upon us.

Thank you for your time and consideration regarding this matter.

Best regards,

**SYNERGY PLANNING INC.**

urban and rural planning - land reviews - project management

Tony U. Napolitano  
AT, BA (Hons), MEdes, RPP, MCIP  
Planner

  
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October 5, 2017

VIA E-MAIL and COURIER

File Manager IMC #8073  
City of Calgary  
800 Macleod Trail SE  
P.O. Box 2100, Postal Station 'M'  
Calgary, Alberta T2P 2M5

Attention: Stephanie Loria

**RE: Application for Land Use Amendment LOC2017-0266 located at 6202 106 Ave SE (the "Subject Property") located in Dufferin North Distribution and Intermodal Industrial Park ("Dufferin Park")**

Dear Stephanie:

We write to you in response to the notice (the "**Notice**") received from the City of Calgary (the "**City**") with respect to the above noted land use amendment application being made by the City of Calgary - Real Estate & Development Services to re-designate the Subject Property from Industrial-General ("**I-G**") to Direct-Control/I-G ("**DC/I-G**") to accommodate its use as a Slaughter House (the "**Proposed Redesignation**"). The Notice was sent to us in our capacity as the advisor and manager to the owners of a neighbouring property located at 6301 106 Ave SE (the "**GWL Lands**") and the landlord to Home Depot (Canada) Inc., a flagship tenant in Dufferin Park.

For the reasons set forth below, we vehemently oppose the Proposed Redesignation for the purpose of allowing the Subject Property to accommodate a Slaughter House and chicken processing plant (the "**Slaughterhouse**") as noted in the Notice.

According to the City's Land Use Bylaw 1P2007 (the "**Land Use Bylaw**"), an I-G District is intended to be characterized by uses and buildings that have little or no relationship to adjacent parcels. However, as has been clearly shown in the case of its current location in Ramsay, chicken slaughterhouses create significant external impacts that negatively affect neighbouring properties, including, but not limited to: smell, noise from mechanical fans, feathers and other debris drifting from the back of trucks, the potential for ammonia leaks from refrigeration equipment and additional and incompatible traffic patterns. Such negative externalities make the Slaughterhouse use totally inconsistent with the I-G land use designation of the adjacent properties located within Dufferin Park, including the GWL Lands.

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As noted in numerous media sources, the external impacts caused from the operations of the Slaughterhouse in Ramsay have resulted in numerous complaints from neighbouring residents and businesses, who have struggled with ongoing issues relating to noise and odour emanating from the Slaughterhouse. City Councillor for Ward 9 (where the Slaughterhouse is currently located), Gian-Carlo Carra ("**Carra**"), has recognized such nuisance and has indicated a strong desire to have the Slaughterhouse re-located outside of Ward 9. In an August 15, 2017 Calgary Herald article (the "**Article**"), Carra was quoted as stating that the Slaughterhouse "has been a thorn in the side of the community", as well as stating that the possible relocation of the Slaughterhouse is "very, very good news".

The Land Use Bylaw recognizes this issue in the fact that Slaughter House (as defined in the Land Use Bylaw) and other similar uses that create significant off-site externalities are specifically required to be sited in a Direct Control district, and by their omission from all other regular districts, are recognized to be generally incompatible with such other uses. In this instance, if the Subject Property is redesignated as DC/I-G to accommodate the Slaughterhouse, it would be to our knowledge, the only DC/I-G parcel in Dufferin Park or the adjacent Trotter Point subdivision, and out of keeping with the overall planning character of the area.

We note by way of example, that Alberta is currently home to 118 provincially licensed meat processing facilities, one of which is located in Edmonton, and one of which (the current Slaughterhouse) is located in Ramsay, Calgary. Such geographical locating of meat processing plants is evidence that generally, slaughterhouses and meat processing plants are best located in rural areas, or on the edges of municipalities so as to minimize the externalities to neighbouring landowners. While we take no opposition having the Slaughterhouse within City limits, this geographic disbursement does show that it is widely recognized that Slaughterhouse uses are largely incompatible with less intensive industrial uses.

The owners purchased the GWL Lands in anticipation of sharing the enjoyment of I-G zoning with other businesses whose operations are consistent with typical I-G uses, including, as listed in the Land Use Bylaw, those discretionary uses which may be expected to be located in Dufferin Park in the future: child care services, convenience food stores, kennels, outdoor cafés, pet care clinics and restaurants. These expected future uses are incompatible with sharing a business park with the Slaughterhouse due to the externalities caused by the nature of the operations of such a facility and would almost certainly be expected to lessen the likelihood of any such amenities locating in Dufferin Park, to the detriment of the GWL Lands and Dufferin Park generally.

In an expression of interest brochure published by the City in 2011, Dufferin Park was advertised as being zoned as I-G and the City's current online advertisements for Dufferin Park continue to market Dufferin Park as I-G, with its primary purpose as an intermodal transportation hub featuring leading retailers such as Home Depot Canada and Canadian Tire. These advertisements make no mention of Industrial-Heavy type uses (nor specifically DC/I-G for the Slaughterhouse) being contemplated within Dufferin Park, so this is not a case where the character of Dufferin Park has been changing over time towards Industrial-Heavy type uses more consistent with a Slaughterhouse and the Proposed Redesignation is a continuation of such process. Flagship tenants such as Home Depot Canada, on the one hand, are advertised on the City website as the leading developers and tenants in an effort to make Dufferin Park a more attractive investment for compatible uses consistent with the I-G zoning, yet, on the other hand, the result of the Proposed Redesignation is that they would be forced to deal with the noted externalities emanating from the Slaughterhouse use. We also believe prospective purchasers of the GWL Lands or other parcels within Dufferin Park would expect, as we did, that the Dufferin Park as a whole, including all neighbouring businesses, would be consistent with I-G use

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and thus the Proposed Redesignation has the serious potential for devaluing the value of the GWL Lands and making Dufferin Park a much less attractive location for siting compatible I-G uses.

It has widely been reported in the media and on the City website at (<http://newsroom.calgary.ca/lilydale-plant-to-find-a-new-home-in-southeast-calgary-industrial-area/>) that the City desires to purchase the Ramsay lands where the Slaughterhouse is currently located in order to facilitate the LRT Green Line expansion project. According to the City's website, "The Green Line LRT was a major catalyst in moving negotiations forward between the City and Sofina Foods, Inc. The new transit line will require the land at 2126 Hurst Road SE to accommodate the elevated guideway for the future LRT line". Similarly in the Article, Carra was quoted as saying "the only way that this plant [the Slaughterhouse in Ramsay] was going to move was if there was a bigger, more compelling vision that brought with it sufficient resources to actually make the move viable... And that big strategic vision, of course, was the Green Line, and the community worked diligently on envisioning a better future and a much changed future of the community".

Although the terms of the purchase and sale agreement for the Subject Property have not been publicly disclosed, these public statements by Carra and on the City website raise the very serious question of whether the Proposed Redesignation and relocation of the Slaughterhouse to the Subject Property is being proposed because it is truly a suitable location from a planning perspective, or whether the City as the owner of the Subject Property and the applicant for the Proposed Redesignation, is relocating the Slaughterhouse in order to advance the Green Line or for other reasons, without due regard to the very serious planning considerations that the Proposed Redesignation raises for the Subject Property and the impact on the GWL Lands and the existing and future land uses in Dufferin Park.

We also note the existence of, and the owners purchased the GWL Lands in reliance upon, the Southeast 68 Street Industrial Area Structure Plan (the "**ASP**") which specifies at Policy 7.2.1 of the ASP that both the Subject Property and the GWL Lands are located within the Industrial – Medium Area. That policy states that the "purpose of this area is to provide opportunities for medium industrial uses within the context of a fully serviced Industrial park". In providing definitions underlying this purpose, the ASP also makes reference to "Industrial Medium Use", which requires reference to s.203.3(a)(i)(A) of the Land Use Bylaw, which itself provides that the manufacturing, fabricating and processing of goods, food, beverages, products or equipment can only be undertaken in an Industrial – Medium Area, "**provided live animals are not involved in any aspect of the operation**" (emphasis added). This policy under the ASP is entirely at odds with the Proposed Redesignation of the Subject Property for use as a Slaughter House, which by definition under the Land Use Bylaw, means a use "where live animals are processed into food for human consumption". This results in a clear conflict with the ASP that would arise by allowing the Proposed Redesignation, and we therefore strongly object to the Proposed Redesignation and additionally note that it is potentially problematic at law, given that s.641(2) of the Municipal Government Act requires that in regulating and controlling the use or development of land or buildings in a direct control district, the council may only exercise such functions "subject to any applicable statutory plan".

While we take no position with precisely where the Slaughterhouse may be situated elsewhere in the city, it would be expected that given the significant externalities, that the Slaughterhouse would be most appropriately moved to land currently designated as, or consistent with, an Industrial-Heavy District as more compatible with the uses listed in the Industrial-Heavy section of the Land Use Bylaw. According to the Land Use Bylaw, "the Industrial Heavy District is intended to be characterized by: (a) industrial uses that typically



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have significant external nuisance effects that are likely to impact their land and neighbouring parcels....(c) buildings that are generally purpose-built that are not easily adaptable to other uses ...and (h) developments that require thorough scrutiny and wide discretion by the Development Authority".

The Slaughterhouse is consistent with criteria (a) set forth for Industrial-Heavy districts due to the externalities inherent with the nature of operations of a Slaughter House. It is also consistent with criteria (c) above as the Slaughterhouse will almost certainly be purpose-built for slaughtering and processing chickens; any other industrial business would not likely be able to take over use of the building without extensive renovations and clean-up. Finally, the Slaughterhouse is consistent with criteria (h) above as the Slaughterhouse would almost certainly attract additional scrutiny in its planning, due to the unique nature of the operations of such a facility. That additional planning scrutiny is required is even more borne out by the fact that the Land Use Bylaw itself recognizes that a Slaughter House use may only be situated in a Direct Control district, and cannot be the subject of a routine planning decision.

From a review of the City website, it appears that the City does not currently have available for sale any parcels zoned as Industrial – Heavy which might be made available to the proposed purchaser of the Subject Property and accordingly, it additionally calls into question whether 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, rather than the Proposed Redesignation being thoughtfully considered on its own merits. In this regard, we note that we have not been provided with copies of any studies or other materials typically submitted by applicants in support of land use redesignations showing the Subject Property to be appropriate for a Slaughterhouse use and request that we provided with any such studies and materials that have been made available by the applicant.

We are also concerned about the potential for negative environmental and health impacts of the Slaughterhouse on the persons regularly employed on and those visiting the GWL Lands and with potential impacts to the Western Headworks Canal ("**WHC**") which is located immediately northwest of Dufferin Park. With respect to the potential health impacts on persons on the GWL Lands, in addition to the odour, debris and potential for undue noise, we are very concerned about potential ammonia leaks that can lead to serious emergency consequences deleterious to human health. In that regard, we note that in its current location, the Slaughterhouse has reportedly experienced close to a dozen ammonia leaks and in 2009, Lilydale Inc. was fined \$180,000 in connection with one such leak. This is and should be of deep concern to all neighbours in Dufferin Park.

With respect to the WHC, which travels through Calgary, collecting storm water for the Western Irrigation District, and provides irrigation water to more than 96,000 acres of land and supplies municipal water to 12,000 people, the Proposed Redesignation also creates an increased risk of bio-effluent discharges that would potentially be extremely damaging to this important water resource.

Finally, while we have not seen detailed plans for the Slaughterhouse nor have we had the opportunity to review any impact assessments or studies that we expect would be prepared and submitted by the applicant to the City in connection with the Proposed Redesignation application, we are concerned about the potential negative impacts the Slaughterhouse may have on the GWL Lands and neighbouring lands in Dufferin Park with respect to infrastructure demands, including water service, wastewater and traffic. Specifically, we are concerned that the Proposed Redesignation and the potential water use required to properly maintain sanitary conditions, given the number of employees and nature of the anticipated activities of the Slaughterhouse may negatively affect the water

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flow rate to surrounding businesses, including the GWL Lands. Similarly, we are concerned about the potential for increased burdens on wastewater and solid waste disposal and whether the Slaughterhouse would require specialized drainage and sewage systems and the potential risk of contamination caused by such wastewater or overtaxing of existing wastewater and sewage systems. Finally, we are concerned of the possibility of increased traffic due to the amount of solid waste produced from discarded chicken carcasses, as well as increased volume of trucks bringing live chickens in, and processed meat out.

For the reasons noted, we vigorously oppose the re-designation of the Subject Property to DC/I-G as a wholly inappropriate location for the Slaughterhouse. The Slaughterhouse should on a reasoned basis, be re-located to an area consistent with Industrial-Heavy uses as the Slaughterhouse is far more compatible with such uses, and it should not be sited in Dufferin Park generally nor the Subject Property, specifically, as utterly inappropriate, given the specific planning considerations noted.

We intend to vigorously oppose the Proposed Redesignation of the Subject Property and any attempts to relocate the Slaughterhouse to Dufferin Park and we request that you provide any and all further information relating to the Proposed Redesignation as it becomes available.

Should you wish to discuss the foregoing, please contact Steve Burnie at 403 777 4292.

Sincerely,  
**GWL Realty Advisors INC.**



Tom Sullivan  
Senior Vice President, Western Canada

cc. Home Depot of Canada Inc.  
cc. Great-West Life Assurance Company and London Life Insurance Company  
cc. Shane Keating, Councillor Ward 12