

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Tuesday, February 26, 2019 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Adriana Calvo-Matos	Public Representative
Richard Church	Public Representative
Amber Wanless	Public Representative (Vice Chairperson)
Chip Olver	Council Representative
Corrie DiManno	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Randall McKay	Director, Planning and Development
Darren Enns	Manager, Development Services
Dave Michaels	Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

Administration called the February 26, 2019 Municipal Planning Commission meeting to order at 9:00a.m.

1.1. Election of Vice Chairperson

MPC19-1 Moved by DiManno to elect Wanless as Vice Chairperson of the Municipal Planning Commission for the 2018/19 term.

CARRIED

2.0 APPROVAL OF AGENDA

MPC19-2 Moved by DiManno to approve the agenda of the February 26, 2019 meeting of the Municipal Planning Commission agenda as presented.

CARRIED

2.1 The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.
No conflict was declared.

Minutes approved by: _____

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

- MPC19-3 Moved by DiManno to approve the minutes of the November 14, 2018 meeting of the Municipal Planning Commission as presented.

CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

- 5.1 Proposed Duplex Housing at 3 Kootenay Ridge – 19DP05
- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
John Dowson, applicant, was present in the gallery to answer any questions.

- MPC19-4 Moved by Olver that Municipal Planning Commission approved development permit application 19DP05 to allow for the construction of Duplex Housing at 3 Kootenay Ridge, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' - Conditions of Approval – 19DP05

(1) Conditions to be met prior to the issuance of the Development Permit:

- (a) Pay to the Town of Banff off-site levies in the amount of \$10,465.⁹² as established by *Town of Banff Off-Site Levy Bylaw 305* (\$22.⁰⁸ /m² x 474 m² gross floor area);
- (b) Pay to the Town of Banff \$1,900.⁰⁰ in-lieu of on-site garbage facilities (\$950.⁰⁰/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
- (c) Provide to the satisfaction of the Development Officer that Parks Canada has rendered a written

Minutes approved by: _____

Determination of Impacts that the project is not likely to have significant adverse environmental effects, and any mitigations specified in the Determination must be a condition of the project approval;

- (d) Provide to the satisfaction of the Development Officer that Parks Canada has received confirmation whether the owner will undertake a subdivision of the property for the development of a duplex or have the future duplex ownership structured as each side having an undivided $\frac{1}{2}$ interest as 'tenants in common' under one lease. Depending on the outcome of the confirmation, further Lease implications and requirements may be issued by Parks Canada;
- (e) Submit three (3) copies of plans showing conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval by the Development Officer, including:
 - A revised Landscaping Plan in conformance with the *Recommended Planting Materials List* of the Banff Design Guidelines and incorporating Firesmart considerations as per the Land Use Bylaw;
 - An Exterior Lighting Plan showing numbers, types, and locations and technical specifications for individual light fixtures in conformance with Section 8.22.0;
 - A summary of technical specifications demonstrating how New Housing shall conform with the Environmental Design Standards of Section 8.3.3 – Energy Conservation Techniques, Energy Star-certified Window Glazing, Wall and Roof Insulation R-values, Water Efficient Plumbing Fixtures;
- (f) Submit a materials sample board and colour board indicating conformance with the *Banff Design Guidelines* for the final review and approval by the Development Officer;
- (g) Submit a detailed Stormwater Management Plan to the satisfaction of the Director of Engineering showing detailed specifications for the device(s) which demonstrate that the system can handle a 1:100 year storm event and can contain a 1:25 year storm event on-site, or comparable standard as approved by the Director of Engineering;
- (h) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction;
- (i) Submit a detailed cost estimate, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- (j) Submit a detailed cost estimate, as determined by the contractor, for all on-site hard-surfaced areas

(driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work; and,

- (k) Submit a completed *Subcontractor Information Sheet* to Town of Banff Business Licensing, Corporate Services Department providing a list of the sub-contractors to be employed in the construction of the development (see attached).

(2) General Conditions:

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's *BCS Environmental Screening Determination Using a Class Screening Report* and the guidelines identified in the *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations (see attached);
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the *Town of Banff How-to Guide to Construction Waste Management* (see attached);
- (d) Apply for a Street Use Permit from the Manager of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (e) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Manager of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (f) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.

- (g) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a *Restricted Activity Permit* in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (h) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (i) A water meter and remote reading device shall be installed at each dwelling prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;
- (j) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (k) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (l) All rooftop mechanical equipment must be screened from view to the satisfaction of the Development Officer;
- (m) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (n) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (o) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (p) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any waterbody;
- (q) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;

- (r) The applicant shall arrange to have the landscaping completed by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- (s) The applicant shall arrange to have all of the driveway and hard surfaced areas completed, including repairs to off-site areas (roadway), by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this work at the expense of the owner;
- (t) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (u) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion
- (v) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*;
- (w) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
 - (i) Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s)
 - (ii) Construction of new driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
 - (iii) Rehabilitation and closing of existing and redundant driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
 - (iv) Construction, repair and rehabilitation of street surfacing;

- 5.2 Briefing – Storefront Cannabis Retail
- i. Staff Presentation
Administration provided a presentation and overview on the background of storefront cannabis retail. Municipal Planning Commission received this report as information.
- 5.3 Proposed Change of Use – Storefront Cannabis Retail at 203 Bear Street – 18DP77
- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Jeff Hines, applicant, was present in the gallery to answer any questions.

MPC19-5 Moved by Olver that Municipal Planning Commission amended the conditions of approval for 18DP77, (1) (b) as follows:

Submit confirmation, to the satisfaction of the Development Officer that elevation changes have been completed resulting in no windows facing the street in accordance with both Land Use Bylaw requirements sections 12.3.7 and 10.6.0.

CARRIED

MPC19-6 Moved by Church that Municipal Planning Commission approved development permit application 18DP77 to allow for a proposed Change of Use to Storefront Cannabis Retail at 203 Bear Street, subject to the conditions of approval attached as Appendix ‘A’ as amended.

CARRIED

Appendix ‘A’ - Conditions of Approval – 18DP77

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650; and,
- (b) Submit confirmation, to the satisfaction of the Development Officer that elevation changes have been completed resulting in no windows facing the street in accordance with both Land Use Bylaw requirements sections 12.3.7 and 10.6.0.

Minutes approved by: _____

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved General Retail (216.80 m²) to Storefront Cannabis Retail (216.80 m²); and,
- (b) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;
- (d) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

MPC19-7 Moved by Church that Municipal Planning Commission request administration to return to MPC prior to issuance of the development permit for 18DP77 with a briefing on how condition of approval (1) (b) will be addressed.

CARRIED

- 5.4 Proposed Change of Use – Storefront Cannabis Retail at 229 Bear Street – 18DP78
- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Chad Howlett, applicant, was present in the gallery to answer any questions.

MPC19-8 Moved by DiManno that Municipal Planning Commission approved development permit application 18DP78 to allow for a proposed Change of Use to Storefront Cannabis Retail at 229 Bear Street, subject to the conditions of approval attached as Appendix ‘A’.

CARRIED

Appendix ‘A’ - Conditions of Approval – 18DP78

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved General Retail (77.5m²) to Storefront Cannabis Retail (77.5m²); and,
- (b) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

Minutes approved by: _____

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;
- (d) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

- 5.5 Proposed Change of Use – Storefront Cannabis Retail at 215 Banff Avenue – 18DP80
 - i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Sterling Wood, applicant, was in the gallery to answer any questions.

Minutes approved by: _____

MPC19-9 Moved by Wanless that Municipal Planning Commission approved development permit application 18DP80 to allow for a proposed Change of Use to Storefront Cannabis Retail at 215 Banff Avenue, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' - Conditions of Approval – 18DP80

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650; and,
- (b) Submit written confirmation, to the satisfaction of the Development Officer, that the Lessee has signed a Letter of Undertaking in order to amend the leases to include the standard modern eligible residency clauses within 30 days of the Letter of Undertaking being executed.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved General Retail (93.96 m²) and Amusement Establishment (99.20 m²) to Storefront Cannabis Retail (193.16 m²); and,
- (b) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;
- (d) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;

Minutes approved by: _____

- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.6 Proposed Change of Use – Storefront Cannabis Retail at 137 Banff Avenue – 18DP81

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
There was no public input.
- iii. Applicant input
There was no applicant input.

MPC19-10 Moved by Olver that the Municipal Planning Commission approved development permit application 18DP81 to allow for a proposed Change of Use to Storefront Cannabis Retail at 137 Banff Avenue, subject to the conditions of approval attached as Appendix 'A' and to include the following condition (1) (b) submit confirmation, to the satisfaction of the Development Officer that elevation changes have been completed resulting in no windows facing the street, in accordance with both Land Use Bylaw requirements sections 12.3.7 and 10.6.0.

CARRIED

Appendix 'A' - Conditions of Approval – 18DP81

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650;
- (b) Submit confirmation, to the satisfaction of the Development Officer that elevation changes have been completed resulting in no windows facing the street in accordance with both Land Use Bylaw requirements sections 12.3.7 and 10.6.0.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved Eating and Drinking Establishment (511.5 m²) to Storefront Cannabis Retail;
- (b) In accordance with Section 8.16 of the Land Use Bylaw, this change of use results in a net credit of 7.67 parking stalls that remain with the site and may be allocated against future developments at the site only;
- (c) In accordance with Section 8.19 of the Land Use Bylaw, this change of use results in a net credit of 20.46 Bedrooms that remain with the site and may be allocated against future developments at the site only; and,
- (d) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;

- (d) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.7 Proposed Change of Use – Storefront Cannabis Retail at 119 Banff Avenue – 18DP83

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
There was no public input.
- iii. Applicant input
Brad Garbert, applicant, spoke to his written submission included in this agenda package and answered any questions.

MPC19-11 Moved by Howie that the Municipal Planning Commission postpone making a decision on the approval of development permit 18DP83 in order to gather more information and comments from neighboring properties within 30 meters of 119 Banff Avenue in accordance with section 4.7.2 of the Land Use Bylaw and to include the Rundle United Church/School in this correspondence.

DEFEATED

In favor: Olver, Howie, Church

MPC19-12 Moved by Olver that Municipal Planning Commission add to the conditions of approval for development permit application 18DP83 the following condition:

(1)(d) Notification will be sent to nearby owners within the 30 meters separation zone.

CARRIED

Opposed: Howie

MPC19-13 Moved by Olver that Municipal Planning Commission approved development permit application 18DP83 to allow for a proposed Change of Use to Storefront Cannabis Retail at 119 Banff Avenue, with a variance to Section 8.21.4(a) of the Land Use Bylaw to allow the separation distance between the boundary line of a parcel containing a Day Care and the Storefront Cannabis Retail Premises to be less than 100 m, subject to the conditions of approval attached as Appendix 'A' as amended.

CARRIED

Opposed: Howie

Appendix 'A' - Conditions of Approval – 18DP83

(1) Conditions to be met prior to issuance of the Development Permit:

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650;
- (b) Pay the Town of Banff the outstanding Variance Fee in the amount of \$750; and,
- (c) Pay the Town of Banff the outstanding cash-in-lieu of required housing in the amount of \$3,937.20 (\$32,810 per bedroom) in accordance with the Land Use Bylaw and Housing Policy C012. The total required housing resulting from the change of use is 0.12 bedrooms;
- (d) Notification will be sent to nearby owners within the 30 meters separation zone.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved Personal Service Shop (47.9 m²) to Storefront Cannabis Retail; and,
- (b) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

Minutes approved by: _____

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff's *How-to guide to construction waste management*;
- (d) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (g) The applicant or future tenant shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (h) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

6.0 REPORTS

There were no reports.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

- 7.1 Bylaw 402: Committees Honorarium Bylaw
Administration provided a verbal update on Bylaw 402 (attached in the agenda package).

Minutes approved by: _____

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, March 13, 2019 at 9:00 a.m.

MPC19-14 Moved by Olver to adjourn the meeting at 11:30a.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____