

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, June 13, 2018 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Richard Church	Public Representative
Amber Wanless	Public Representative
Brian Smythe	Public Representative (Chairperson)
Ken Riordon	Public Representative (Vice Chairperson)
Corrie DiManno	Council Representative
Chip Olver	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 (MPC Recorder)

1.0 CALL TO ORDER

The Chair to the Municipal Planning Commission called the June 13, 2018 meeting of MPC to order at 9:04a.m.

2.0 APPROVAL OF AGENDA

MPC18-78 Moved by Olver to approve the agenda of the June 13, 2018 meeting of the Municipal Planning Commission agenda as amended.

Add 7.3 – Development Appeal Board Updates

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.

Smythe declared a conflict of interest in hearing agenda item #5.2 as he owns a local liquor store and this could be perceived as an apprehension of bias.

Minutes approved by: _____

Church declared a conflict of interest in hearing agenda item #5.3 as he has a personal relationship with the applicant and this could be perceived as an apprehension of bias.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC18-79 Moved by DiManno to approve the minutes of the May 09, 2018 meeting of the Municipal Planning Commission as amended.

Add to agenda item 5.1 the first names of Gurney and Borstmayer.
Remove from agenda item 5.2 “Mr.” Bill Calvert (remove Mr.).

CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Proposed Home Occupation Type 2 – Day Home at 101-410 Buffalo Street – 18DP32

i. Staff Presentation

Administration provided a presentation and overview on the proposal as included in this agenda package. Administration distributed Parks Canada’s circulation response that was received after the MPC agenda package was prepared. Parks Canada’s written response has been added to these meeting minutes.

ii. Public input

There was no public input.

iii. Applicant input

There was no applicant input.

MPC18-80 Moved by DiManno that the Municipal Planning Commission add as a condition of approval for development permit application 18DP32 condition 1(c):

- 1(c) A current Title for Block 3, Lots 1-3, Condo Plan 7810622, Unit #1 be provided to Parks Canada Realty Services.

CARRIED

Minutes approved by: _____

MPC18-81 Moved by DiManno that the Municipal Planning Commission approve development permit application 18DP32 for a proposed Home Occupation Type 2 – Family Day Home subject to the conditions of approval attached as Appendix ‘A’ as amended.

CARRIED

Appendix ‘A’ - Conditions of Approval – 18DP32

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

- (a) Pay the Town of Banff an outstanding Development Permit Fee of \$150.00 as established by the Town of Banff Development Permit Fee Schedule Bylaw 308;
- (b) Pay the Town of Banff an outstanding Municipal Planning Commission Surcharge Fee of \$125.00 as established by the Town of Banff Development Permit Fee Schedule Bylaw 308;
- (c) A current Title for Block 3, Lots 1-3, Condo Plan 7810622, Unit #1 be provided to Parks Canada Realty Services.

(2) Specific Conditions:

- (a) This approval allows only for the activities associated with a family day home. Any future expansion of the business will require a new development permit in accordance with the requirements of the Land Use Bylaw.

(3) General Conditions:

- (a) No signs advertising home occupations are permitted.
- (b) No variation from the residential character and appearance of land or buildings shall be permitted;
- (b) No structural change to any building for the purpose of accommodating a Home Occupation shall be permitted;
- (c) No offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the Home Occupation;
- (d) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighbourhood;
- (e) Not more than 20% of the gross floor area of the principal building shall be used for a Home Occupation;
- (f) The Home Occupation shall not occupy a required parking space;

Minutes approved by: _____

- (g) The Home Occupation shall not generate more than two clients to the site from which the occupation is being operated at any given time;
- (h) The Home Occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighbourhood within which it is located;
- (i) No exterior storage or operation of the Home Occupation shall be permitted;
- (k) Only one other person other than residents of the principal residence shall be engaged in a Home Occupation Type 2;
- (l) Not more than one commercial vehicle with a gross vehicle weight rating of no more than 3500 kg used in conjunction with the Home Occupation shall be parked or maintained on the site of a Home Occupation Type 2;
- (m) A Home Occupation Type 2 shall not involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the Home Occupation;
- (o) The applicant shall obtain a valid Town of Banff Business Licence. Please contact the Business Licence Clerk at Town Hall or by telephone at 403.762.1215;
- (p) The Development Permit is valid for a period not to exceed the lesser of the term of the Business Licence or a period of one year from the date of issuance.

Smythe declared a conflict of interest in hearing agenda item #5.2 as he owns a local liquor store and this could be perceived as an apprehension of bias.

Smythe left the meeting at 9:17a.m.

- 5.2 Proposed Extension of Non-Conforming Use at 302 Squirrel Street (Petro Canada Service Station) – 18DP44
 - i. Staff Presentation
Administration provided a presentation and overview on the renewals included in this agenda package. Administration distributed Parks Canada’s circulation response that was received after the MPC agenda package was prepared. Parks Canada’s written response has been added to these meeting minutes.
 - ii. Public input
Judy and Heather Tennant, adjacent neighbors at 304 Squirrel Street, submitted a letter for MPC’s consideration. This letter has been attached in these meeting minutes.

Minutes approved by: _____

- iii. Applicant input
Miles Davies, representing the applicant, addressed the commission members on the proposed development.

MPC18-82 Moved by Olver that the MPC move in camera at 10:25a.m. to deliberate and reach its decision in accordance with section 197(2.1) of the Municipal Government Act and section 3.2.12 of the Town of Banff Land Use Bylaw.

The following other person attended the closed session:
Darren Enns, Manager of Development Services.

CARRIED
Riordan Opposed

MPC18-83 Moved by Church to return to the public meeting at 11:02a.m

CARRIED

MPC18-84 Moved by DiManno that Municipal Planning Commission amend the condition of approval to development permit 18DP44 to add the following to 1(a); including signage, snow storage and buffering to the adjacent properties.

CARRIED

MPC18-85 Moved by DiManno that Municipal Planning Commission amend the condition of approval to development permit 18DP44 to amend condition 1(d); in the amount of \$6,890.10.

CARRIED

MPC18-86 Moved by DiManno that Municipal Planning Commission add as a condition of approval to development permit 18DP44 condition 1(h) as follows:

1(h) Provide a maneuverability plan including parking to the satisfaction of the development officer.

CARRIED

MPC18-87 Moved by DiManno that Municipal Planning Commission add as a condition of approval to development permit 18DP44 condition 1(i) as follows:

1(i) Operating hours of the convenience retail use be closed by 10:00p.m nightly as per section 44 of the Community Standards Bylaw.

CARRIED

MPC18-88 Moved by Olver that Municipal Planning Commission add as a condition of approval to development permit 18DP44 condition 1(j) as follows:

1(j) Provide to the satisfaction of the development officer plans for an on-site waste enclosure.

CARRIED

MPC18-89 Moved by DiManno that the Municipal Planning Commission allow for the extension of a non-conforming use (*Convenience Retail*) within the building of development permit 18DP44 subject to the conditions of approval attached as Appendix 'A' as amended.

CARRIED

Appendix 'A' - Conditions of Approval – 18DP44

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

- (a) Provide a revised landscape plan to the satisfaction of the Development Officer indicating perimeter landscaping as described within this report including signage, snow storage and buffering to adjacent properties;
- (b) Provide a stormwater management plan illustrating compliance with the Banff Sewer System Bylaw s.10(e), which states:

Where appropriate and applicable in the opinion of the Director, grease, oil and sand interceptors shall be provided on commercial private property for all restaurants, hotels, motels, garages, gasoline service stations and vehicle and equipment washing establishments; interceptors will be required for other types of businesses where in the opinion of the Director they are necessary for the proper handling of liquid waste containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be so located on commercial private properties as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the occupant at his expense in continuously efficient operation at all times.

If the existing situation is non-compliant, provide mitigations to the satisfaction of the Development Officer.

Minutes approved by: _____

- (c) Submit the required Development Permit fee for an interior and/or exterior renovation involving no increase in gross floor area (\$3,500.00);
- (d) Submit cash-in-lieu for Required Housing as per s.8.19 of the Land Use Bylaw in the amount of \$6,890.10 (net increase of 0.21 bedrooms associated with Service Station to Retail);
- (e) Provide an updated endorsement on the Development Permit application form from the registered lessee;
- (f) 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; and,
- (g) Provide additional information to the satisfaction of the Development Officer regarding how the proposal complies with the Banff National Park Management Plan's policy objective of requiring all new development and redevelopment to incorporate high-quality environmental design;
- (h) Provide a maneuverability plan including parking to the satisfaction of the development officer;
- (i) Operating hours of the convenience retail use be closed by 10:00p.m nightly as per section 44 of the Community Standards Bylaw;
- (j) Provide to the satisfaction of the development officer site plans for an on-site waste enclosure.

(2) 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) The applicant or future tenant shall obtain a valid Town of Banff Business Licence, which shall reflect the use approved by this Development Permit;
- (c) 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;
- (d) 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;
- (e) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (f) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (g) 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;

Minutes approved by: _____

- (h) A Sign Permit is required for any new signs or replacement of existing signs on the building. A Sign Permit is required for decal or painted window signs with a combined area greater than 0.3m² or 10% of the window in which they are located and interior signs located closer than 0.9m to the inside face of a window;
- (i) 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*;

Smythe returned to the meeting at 11:21a.m.

Church declared a conflict of interest in hearing agenda item #5.3 as he has a personal relationship with the applicant and this could be perceived as an apprehension of bias.

Church left the meeting at 11:21a.m.

- 5.3 Proposed Additional Guestrooms within Existing Bed and Breakfast Home at 316 Lynx Street – 18DP07
 - i. Staff Presentation
Administration provided a presentation and overview on the renewals included in this agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Suzanne Jakubiz, applicant, addressed the commission on the proposed development.

MPC18-90 Moved by Olver that the MPC move in camera at 11:49a.m. to deliberate and reach its decision in accordance with section 197(2.1) of the Municipal Government Act and section 3.2.12 of the Town of Banff Land Use Bylaw.

The following other person attended the closed session:
Darren Enns, Manager of Development Services.

CARRIED
Riordan Opposed

Minutes approved by: _____

MPC18-91 Moved by Howie to return to the public meeting at 12:18p.m

CARRIED

MPC18-92 Moved by Olver that the Municipal Planning Commission postpone making a decision on the proposed Additional Guestrooms within Existing Bed and Breakfast Home at 316 Lynx Street – 18DP07 pending additional information from the applicant including the following:

- Provide a basement floor plan;
- Provide a landscaping plan;
- Provide a scaled site plan that demonstrates vehicle maneuverability and parking plan.

CARRIED

5.4 Proposed Reconfiguration of Existing Non-Accessory Parking 119-121 Beaver Street (Mount Royal Hotel) – 18DP36

Administration requested a postponement in presenting this proposal as additional new information has been received and has to be reviewed further.

MPC18-93 Moved by Riordon to postpone hearing the proposed development at 119-121 Beaver Street – 18DP36 until a date that satisfies the applicant as well as administration.

CARRIED

Church returned to the meeting at 12:22p.m.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

- 7.1 Mount Royal Hotel – Exterior Renovation and Restoration (attachments A and B)
Administration spoke to the written information included in this agenda package.
- 7.2 Update - Municipal Planning Commission Remuneration
Administration spoke to the written information included in this agenda package.

Minutes approved by: _____

- 7.3 Development Appeal Board (verbal update)
Administration provided an update on recent DAB decisions.

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

- MPC18-94 Moved by McElhone that the Municipal Planning Commission hold a special meeting of MPC before July 11, 2018 to hear a proposed bed and breakfast application.

DEFEATED
All MPC members opposed this motion.

The next scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, July 11, 2018 at 9:00 a.m.

- MPC18-95 Moved by Smythe to adjourn the meeting at 12:40 p.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

18DP32 – PCA Review, 2018-06-05

A. Parks Canada has reviewed the information provided in circular 18DP32 in the context of the following documents:

- *Canada National Parks Act*
- *Town of Banff Incorporation Agreement*
- *Banff National Park Management Plan*
- *National Parks of Canada Lease and Licence of Occupation Regulations*
- Lease for the property

B. Accordingly we note:

- There is a discrepancy between the Circulation Form and Development Application Permit/ Condominium Owners Conditions on the maximum number of children allowed in the day home. Further, it is unclear in the circulation package if/how the conditions outlined by the Condo Owners will be accounted for in the development permit, in particular the temporary nature of the permit, and the Government of Alberta regulations concerning the number of children permitted in the day home based on their age.
- It is assumed that the occupants are eligible residents as defined in the Lease and licence of Occupation regulations, and this use is ancillary to that reason. It is further assumed that this will continue throughout the duration of any Home Occupation Permit.
- There was no current Title for the property provided in the circulation package.
- The legal description on the circulation cover page is not correct, descriptions to use for this purpose are: Block 3 Lots 1-3 LTO#6719BC, Condo Plan 7810622, Unit #1.
- Upon initial review, Parks Canada has determined that the proposed project is unlikely to result in adverse effects that require mitigation. In accordance with applicable environmental legislation and related policy, no Environmental Impact Analysis is required.

C. Parks Canada Requirements

Prior to the issuance of any Development Permit, the following is required:

- A current Title for Block 3, Lots 1-3, Condo Plan 7810622, Unit #1 be provided to Parks Canada Realty Services.

Please Note: Should more details become available about the project, or should the details of the project change as it proceeds through the development process, the review results above may change.

Thank you.

Municipal Planning Commission

Concerns Regarding Petro. Cans. Expansion Plans

We have lived next to the service station since 1977 [304 Squirrel Street]

We have had a good relationship and communication with whoever was running the service station up until the past three or four years.

Most of the have kept the property neat and tidy.

Now we are seeing:

Garbage in both parking area's

Broken and warped fences

Weeds and unkept boulevards

Buses lined up, idling waiting to gas up. Summer and winter also circulating around the block until they get to the pumps.

Gas tankers refilling, some during the day, and some in the middle of the night

Plus a good whiff of gas

Cars idling because they are only going to be five min.

Delivery trucks,

Winter time snow brushed through our fence leaving snow, dirt and rocks on to our property

SOME KIND OF NOISE BARRIER WOULD BE NICE

We now have two liquor stores within one block of the service station

Do we really need another one?

If so, we need to consider some good upgrade and improvement's next door.

Plus what hours are they planning on being open??

Summer hours? Winter hours?

*Judy & Heather Tennant
304 SQUIRREL STREET*