

**DEVELOPMENT APPEAL BOARD
MEETING AGENDA
Banff Town Hall – Council Chambers
Monday, September 27, 2010 at 9:00 a.m.**

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

3.1 May 19th, 2010 Meeting Minutes

4.0 REPORTS

4.1 Development Permit Appeal 02-10

Appeal on grounds that the applicant for Development Permit (10DP39) failed to comply with the notification signage requirements of the Land Use Bylaw (Schedule “E”), and that insufficient information has been provided with respect to meeting parking requirements.

4.2 Development Permit Appeal 03-10

Appeal on grounds that the interpretation of the land use bylaw with respect to size of building, site coverage, and grade and building height were incorrect; That information regarding stormwater management is inadequate; and, That the impact on adjacent properties during construction is unclear.

4.3 Development Permit Appeal 04-10

Appeal on grounds that the proposed tree retention strategy is inadequate and threatens to create negative precedent; The proposed development does not respect heritage aspect of site and surroundings; The proposed parking garage entrance should be relocated; The proposed unit types are not appropriate; The roof design should be reconsidered; The Design Guidelines are not honored through the current development proposal; and, That privacy is compromised through current design.

5.0 CORRESPONDENCE

6.0 NEW BUSINESS

7.0 INQUIRIES

8.0 DATE OF NEXT MEETING/ADJOURNMENT

cc: * Neil Tanner Public Representative
* Philip Carmody Public Representative
* Ossi Treutler, Jr. Public Representative
* Leslie Taylor Council Representative
* Chris MacDonald Council Representative
* Mike Murtha Parks Canada Representative
(*indicates voting member)

Robert Earl	Town Manager (Agenda only)
Cheryl Hyde	Municipal Clerk
Randall McKay	Manager of Planning
Darren Enns	Senior Planner
Keith Batstone	Planner
Claire Wilkinson	Planner
Bill Squarebriggs	Chair, Municipal Planning Commission
Banff Crag & Canyon	
Rocky Mountain Outlook	
Public Package	
File 10DP39; 02-10; 03-10; 04-10	

MINUTES OF THE DEVELOPMENT APPEAL BOARD
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, May 19, 2010 at 10:30 am

BOARD MEMBERS PRESENT

Philip Carmody	Public Representative
Ossi Treutler, Jr.	Public Representative
Mike Murtha	Parks Canada Representative
Leslie Taylor	Council Representative
Chris MacDonald	Council Representative

BOARD MEMBERS ABSENT

Neil Tanner	Public Representative
Ron Pickard	Parks Canada Representative

ADMINISTRATION PRESENT

McKay, Randall	Secretary to the Development Board
Darren Enns	Senior Planner/Development Officer
Claire Wilkinson	Planner
Dave Kalviainen	Engineering Coordinator
Shannon O'Donovan	Manager of Engineering
Cheryl Hyde	Municipal Clerk (Recording Secretary)

1.0 CALL TO ORDER

The Secretary to the Development Appeal Board called the May 19, 2010 regular meeting of the Development Appeal Board to order at 10:34 a.m.

2.0 ELECTION OF CHAIR AND VICE CHAIR

DAB10-1 Moved by Treutler to elect Philip Carmody as Chair of the Development Appeal Board

CARRIED

3.0 APPROVAL OF AGENDA

DAB10-2 Moved by Taylor to approve the agenda of the May 19, 2010 regular meeting of the Development Appeal Board as presented.

CARRIED

4.0 ADOPTION OF PREVIOUS COMMITTEE MINUTES

DAB10-3 Moved by Murtha to approve the minutes of the October 27, 2009 regular meeting of the Development Appeal Board as presented.

CARRIED

5.0 APPEALS

5.1. Appeal #01-10

Appeal by Byron Tarchuk of the decision of the Municipal Planning Commission to conditionally approve development permit 10DP10 for a change of use from “Recycling Depot” to “Rapid Drive-Through Vehicle Service” at 101 Eagle Crescent in the CS (Commercial Service) Land Use District.

The appeal is on the grounds that the conditions of approval for development permit 10DP10 for a two-bay car wash are not consistent with the conditions required for a one-bay car wash under development permit 09DP17.

Public Present Objecting to Any Board Member Hearing This Appeal

There were no objections from the public present to any board member hearing this appeal.

Declaration of Conflict of Interest by Board Members

There were no declarations of conflict of interest by board members.

Notification to Affected Neighbours and Media Announcement

Notice of the appeal hearing has been given to the appellants, the applicant, the Municipal Planning Commission and all affected parties in accordance with the Municipal Government Act and Banff Land Use Bylaw 31-3.

Development Officer’s Comments

Development Officer Darren Enns provided the following comments:

- Appeal 01-10 is not appealing:
 - The change of use
 - Any one particular condition

- At issue for the Development Appeal Board today:
 - Are the conditions for approval between the two development permits different? If so, are these differences justifiable?
 - Is a more relaxed standard being applied?
 - Is the Town of Banff using different criteria for different applications?

Mr. Enns the provided the board with a written comparison of the conditions to be met prior to the issue of the development permits between 09DP17 and 10DP10. This written comparison has been added to the agenda package for the meeting.

Appellant Presentations

Byron Tarchuk, speaking as the appellant on behalf of the applicants for 09DP17 (single seasonal outdoor wash bay and interior dog wash at 120 Eagle Crescent), made a verbal presentation which included the following:

Mr. Tarchuk does not dispute the the comparison of development permit conditions presented by the Development Officer. Mr. Tarchuk’s appeal is based on the conditions he was required to fulfill prior to his application for a development permit.

An indoor car washing facility with two stalls was constructed at 120 Eagle Crescent in 1980, with construction complying with the codes and standards of the day. Prior to submitting development permit 10DP17 for a seasonal outdoor wash bay and interior dog wash at the property, Mr. Tarchuk voluntarily upgraded the indoor sump pits to meet current standards.

At that time (still prior to submission of 10DP17) Town administration advised Mr. Tarchuk he would be required to have a sump pit for the exterior bay designed in a similar fashion as had been done for the indoor bays. Mr. Tarchuk perceived reluctance from the Town's engineering department to approve plans for an outdoor bay without confirmation that the Town's sewer infrastructure would not be taxed to capacity by high volume water usage from his car wash business.

Mr. Tarchuk supplied the Town with an engineered plan for the outdoor sump pit based on calculations supplied from the manufacturer and supplier of equipment being installed at the car wash. The plans were approved by the Town's engineering department. (Administration present at the hearing confirmed that Mr. Tarchuk has exceeded environmental requirements.)

Mr. Tarchuk is concerned that the sump pits at 101 Eagle Crescent are built to 1980's standards and do not meet current standards. He also feels the development authority failed to recognise a change of ownership of properties in the CS District which resulted in a greater number of motor coaches requiring washing facilities. Upgrading washing facilities for the increased number of buses could have a big impact on the sewer infrastructure the Town has already identified as nearing capacity.

Mr. Tarchuk has requested that the Town supply him with the flow calculations made for the property at 101 Eagle Crescent, however his request was refused. He therefore continues to believe that the capacity of the sewer system will be exceeded by the car wash facility. He fails to see why he had to meet stringent requirements when developing his property at 120 Eagle Crescent, and now the property at 101 Eagle Crescent is not being held to the same standard. He believes the Town has relaxed its standards with respect to replacement of sump pits.

Those in Favour of the Appeal

Randy Tarchuk, Banff resident, spoke in favour of the appeal. Mr. R. Tarchuk was involved in the construction of the car wash at 120 Eagle Crescent and was aware of the Town's engineering department requirements for changes to the sump pits to reduce the impact on the Town's sewer infrastructure. He was under the impression that the Town's system was at a capacity.

Those Opposed to the Appeal

Mike Smythe, the applicant for 10DP10, spoke in opposition of the appeal. Mr. Smythe reported that he was advised by the Town's planning and development department that another car wash had been recently approved and that his car wash would have to meet the same conditions. He agreed with this approach.

Development Officer's Response

The development officer made a verbal response which included the following:

Appeals are typically made on the conditions of a development permit. Appeals are not usually based on discussions that may have taken place outside the development permitting process. It's difficult for the Board to consider these types of claims. The Board is, however, able to examine and compare the conditions of the development permits issued for the two projects.

The appellant's claim that the Town's engineering department informed him the sewage system was at capacity are not supported by evidence.

The development permit applicant has one year to meet the conditions of his permit.

The Town's planning and development department does not typically provide engineering reports, such as the flow calculations requested by Mr. Tarchuk, to third parties. These reports are used by the Town's engineering department as part of their assessment of a project.

Appellant Rebuttal

Mr. Tarchuk reported that the Town's refusal to provide him with the flow reports for 101 Eagle Crescent is what caused him to go forward with this appeal. Given the direction he received from the Town to ensure his car wash operation operates in an environmentally friendly manner, he is concerned that the same environmental standard is not being applied to the new development.

Should this appeal be denied, Mr. Tarchuk requested that the Board rule that occupancy not be granted to the car wash at 101 Eagle Crescent until engineering standards are met. He further requested that the final engineering reports be made available to the public.

Board Discussion

Question: Are improvements to the sump pump/sump pits being required as a result of the report on flow capacity?

Development Officer: The flow calculation report was carried out when the Town's transit facility was approved. Standards for sewer service are found in the 2005 Waste Management Master Plan.

As a condition of the development at 101 Eagle Crescent the applicant must provide detailed drawings of the sump pit design within one year and prior to the issuance of a development permit. Preliminary drawings have been submitted and under review to determine compliance with current standards.

Question: What were conditions of second DP for the car wash at 120 Eagle Crescent (for the indoor bays)?

Appellant: There was no development permit required for interior bays as it was an existing car wash facility.

Administration: It's confirmed that the interior sumps were upgraded by applicant even though it was not required at the time.

Applicant: I was told by the Town that if the interior sumps were not upgraded, then the development permit for the outside bay would not be approved.

Question: How does the board determine if applicants are held to the same conditions?

Administration: Conditions vary with each permit application.

Question: Does administration agree that Mr. Tarchuk was advised that the sewer infrastructure at compound is at or nearing capacity?

Engineering Coordinator: Mr. Tarchuk was advised that the system was nearing capacity at the Pearl Laundry outflow site, where future upgrades are planned. The Eagle Crescent area has a fairly new line so capacity isn't currently an issue there.

Question: Is it possible to provide assurance in writing, signed by a Certified Engineer, that the appropriate reports have been reviewed and found satisfactory?

Manager of Engineering: Assurance can be provided in writing.

Question: How do the drawings of the sump pit design at 101 Eagle Crescent compare with current standards?

Engineering Coordinator: The drawings have not undergone a detailed review. They appear to be with current standards and comparable to the sumps at Mr. Tarchuk's car wash. The sump pit design would be reviewed by the Building inspector to ensure that it meets the current codes not by Town of Banff Engineering.

Question: Will the sump pits be required to meet the same standard that Mr. Tarchuk was required to meet?

Engineering: Yes, the new sumps need to be designed to the current standard and this will be reviewed by the building inspector.

Applicant: The new pumps will be modern and the flow for the four bays will be well within capacity of sump. The old pumps are gone and new pumps are going in.

Motion to Continue Discussion In-Camera

DAB10-4 Moved by Treutler to go in camera at 11:45 a.m.

CARRIED

Motion to Leave In-Camera Discussion

DAB10-5 Moved by Treutler to return to the public meeting at 12:15 p.m.

CARRIED

Verbal Decision Announced

The Chair read the following decision into the record:

It is ordered:

1. That Appeal 10-10 be denied and that the decision of the Municipal Planning Commission to approve development permit application 10DP10 for a change of use from “recycling depot” to “rapid drive through vehicle service” at 101 Eagle Crescent (Lot 1&2, Block 62, Plan 8939JK) be upheld.
2. That the development permit for the proposed change of use is approved subject to the conditions of approval attached as “Schedule A” to the original Notice of Decision dated April 21, 2010.

Reasons for decision are as follows:

From the evidence presented, the Development Appeal Board found that the conditions of approval for development permit application 10DP10 are different but comparable in nature to the conditions of approval for development permit application 09DP1 and, in the opinion of the Development Appeal Board, the differences are justified based on the site characteristics and scope and intent of each application.

The Development Appeal Board has asked and been assured that the applicant has been and will be held to the water usage and water disposal standards of today.

The Development Appeal Board is satisfied that the criterion of meeting the current engineering and technical standards of today is being applied to 10DP10 as was applied to 09DP1.

Therefore, the appeal was denied.

6.0 CORRESPONDENCE

No correspondence was received.

7.0 NEW BUSINESS

No new business was considered.

8.0 INQUIRIES

There were no inquiries.

9.0 ADJOURNMENT

DAB10-6 Moved by MacDonald to adjourn the meeting at 12:19 p.m.

CARRIED

Philip Carmody
Chair

Cheryl Hyde
Recording Secretary

Report to the Development Appeal Board

Appeal #: 02-10; 03-10; 04-10



Proposed Development: 8-Unit Apartment
Housing

Hearing Date: September
27, 2010

Presented to: Development Appeal Board

Agenda items #: 4.1; 4.2; 4.3

Municipal Address:	403 Wolf St. & 228 Beaver St.	Appeal #:	02-10; 03-10; 04-10
Legal Description:	Lots 14 & 15, Block 8, Plan 6719B	Permit File #:	10DP39
Property Owner:	John Tooby		
Applicant:	Kerco Limited		
Land Use District:	RCM (Central Muskrat)		

APPEAL BY: Appellant #1 – Michael Shragge (02-10)
Appellant #2 – Mike Sibbald (03-10)
Appellant #3 – Greg & Jeanne Ronaasen (04-10)

FROM A DECISION OF THE MUNICIPAL PLANNING COMMISSION:

Whereby a development permit application was conditionally approved on August 11, 2010 for an 8 unit apartment building at 403 Wolf Street and 228 Beaver Street in the RCM (Central Muskrat) Land Use District.

REASON FOR APPEAL:

Appellant #1 (Shragge): Appeal on grounds that the applicant for Development Permit (10DP39) failed to comply with the notification signage requirements of the Land Use Bylaw (Schedule “E”), and that insufficient information has been provided with respect to meeting parking requirements.

Appellant #2 (Sibbald): Appeal on grounds that the interpretation of the land use bylaw with respect to size of building, site coverage, and grade and building height were incorrect; That information regarding stormwater management is inadequate; and, That the impact on adjacent properties during construction is unclear.

Appellant #3 (Ronaasen): Appeal on grounds that the proposed tree retention strategy is inadequate and threatens to create negative precedent; The proposed development does not respect heritage aspect of site and surroundings; The proposed parking garage entrance should be relocated; The proposed unit types are not appropriate; The roof design should be reconsidered; The Design Guidelines are not honored through the current development proposal; and, That privacy is compromised through current design.

NOTICE GIVEN:

Notice of the appeal hearing has been given to the appellants, the applicant, the Municipal Planning Commission and all affected parties in accordance with the Municipal Government Act and Banff Land Use Bylaw 31-4.

ATTACHMENTS:

Appendix A	Notice of Appeal 02-10 by Appellant #1 (August 30, 2010)
Appendix B	Notice of Appeal 03-10 by Appellant #2 (August 31, 2010)
Appendix C	Notice of Appeal 04-10 by Appellant #3 (August 31, 2010)
Appendix D	Context Map
Appendix E	10DP39 - Application
Appendix F	10DP39 - MPC Report & Plans
Appendix G	MPC Meeting Minutes (August 11, 2010)
Appendix H	10DP39 Notice of Decision
Appendix I	Land Use Bylaw 31-4; Section 4.4.0 – Application Notification Sign
Appendix J	RCM (Central Muskrat) District Regulations
Appendix K	Land Use Bylaw 31-4; Schedule B – Banff Design Guidelines
Appendix L	Land Use Bylaw 31-4; Schedule C – Interpretive Diagrams
Appendix M	Land Use Bylaw 31-4; Schedule E – Sign Specifications for Posting Properties
Appendix N	Photographs of subject application Posting Sign

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AUG 30 2010



TOWN OF BANFF
PLANNING and DEVELOPMENT

TOWN OF
Banff

Notice of Appeal

Appeals of Orders, Decisions, and Development Permits

Attention: Secretary, Development Appeal Board
110 Bear Street, P.O. Box 1260, Banff, Alberta T1L 1A1
T 403. 762.1215 F 403.762.1101

www.banff.ca
enviroservices@banff.ca

Civic Address (subject of order, decision, or permit): 403 Wolf & 228 Beaver Unit No.: —

Legal Description: Lot(s)/Unit: _____ Block: _____ Plan(LTO): Lot 14 & 15 Block 8

Land Use District: _____ Plan 6719 B

Name(s) of Appellant(s): Mami Miyano

What decision, order, or Development Permit is being appealed? Proposed 8 Unit
"Apartment Housing" at 403 Wolf & 228 Beaver

What specific aspects of the decision, order, or Development Permit are being appealed? (attach additional information/pages if necessary) _____
see attached

Please state how you are affected by the decision, order, or Development Permit and the reasons for the appeal: (attach additional information/pages if required) _____
see attached

Name of Appellant(s): Mami Miyano
Mailing Address: Box 3588
City/Province: Banff AB Postal Code: T1L 1E2 Email: miyano@shaw.ca
Tel. No.: 762-3406 Cell No.: - Fax No.: -

Name of Agent for Appellant(s): Michael Shragge
Mailing Address: Box 3588
City/Province: Banff AB Postal Code: T1L 1E2 Email: miyano@shaw.ca
Tel. No.: 763-8338 Cell No.: - Fax No.: -

Authorization of Agent

I/We Mami Miyano authorize Michael Shragge
(name(s) of appellant(s)) (name of authorized agent)
to act as agent on my/our behalf with regard to the appeal concerning 403 wolf + 228 Beaver
(civic address of subject property)

Signature(s) of Appellant(s) Mami Miyano Date Aug 30 '2010

For Office Use Only	
File No.:	_____
Application Fee:	_____
Received by:	_____

Specific aspects of the decision, order, or Development Permit to be appealed

The developers failed to meet the terms of the by-law: schedule E by posting a single sign of less than .6m x .6m. The developer's sign measured .65m x .55m. As the development includes two lots there was an obligation to post signs on both lots. The developer has knowingly tried to minimize the required notification to the public, in violation of the by-law.

The Town must reject this application on the basis of failing to engage the neighbourhood on a good faith basis.

I would further suggest that Schedule E be revised to a standard similar to Nelson B.C. where a sign minimum is 4ft x 6 ft with a minimum size for lettering.

The number of parking spots to be provided by the development is unknown. The parking plan has been returned to the developer by the Town Planners. This is a critical factor in the impact that this development will have on our neighbourhood. With a proposed twenty bedrooms, there could be as many as twenty or more cars that will need to be parked in an already congested area. Allowing for a reduction of parking spots at a development of this size in exchange for two year bus passes will have no impact on the outcome. Eventual owners even if using the Public Transit Option will still require parking for their vehicles in this central location. As such, the exchange for fewer parking spots against two years of Roam Bus Passes will have no effect on outcome and should not be applied.

Affect of the Development Permit

The Improvements to Banff Avenue led to a net loss of parking spots in the central part of Banff. Visitors and Residents alike are obliged to seek parking further up Wolf and other streets. The rising congestion is obvious and not only is inconvenient to residents but impairs the quality of the Visitor Experience. Before the Town allows any further developments with provided parking spots at less than 1.35 spots per bedroom it must remedy the parking problem it faces in the Downtown area.

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Notice of Appeal

Appeals of Orders, Decisions, and Development Permits

Attention: Secretary, Development Appeal Board
110 Bear Street, P.O. Box 1260, Banff, Alberta T1L 1A1
T 403. 762.1215 F 403.762.1101

www.banff.ca
enviroservices@banff.ca

Civic Address (subject of order, decision, or permit): 403 Wolf St/228 Beaver St Unit No.: _____

Legal Description: Lot(s)/Unit: 14/15 Block: 8 Plan(LTO): 6719 B

Land Use District: _____

Name(s) of Appellant(s): PENELOPE R.L. SIBBALD

What decision, order, or Development Permit is being appealed? Proposed 8 unit apartment housing

What specific aspects of the decision, order, or Development Permit are being appealed? (attach additional information/pages if necessary) _____

- 1) Interpretation of zoning requirements in re.
 - a) size of building
 - b) site coverage
 - c) grade and height
- 2) Water drainage (my property is lower with subgrade entrances)
 - no specific plan is provided.
- 3) Development to the property line (garage, access) impacts on my property during and after development

Please state how you are affected by the decision, order, or Development Permit and the reasons for the appeal: (attach additional information/pages if required) My property will, in my view, be adversely affected in terms of value and liveability by the scale of this development.

(continued on next page)

Name of Appellant(s): PENELOPE R.L. SIBBALD

Mailing Address: 13 SUNRISE CRESCENT

City/Province: KIMBERLEY/BC Postal Code: VIA 3E8 Email: tpsibbald@cyberlink.bc.ca

Tel. No.: 250-427-2048 Cell No.: - Fax No.: -

Name of Agent for Appellant(s): MIKE SIBBALD

Mailing Address: Box 2274

City/Province: BANFF/AB Postal Code: T1L 1C1 Email: _____

Tel. No.: 403-762-2332 Cell No.: _____ Fax No.: _____

Authorization of Agent

I/We PENELOPE SIBBALD authorize MIKE SIBBALD
(name(s) of appellant(s)) (name of authorized agent)

to act as agent on my/our behalf with regard to the appeal concerning 403 WOLF ST / 228 BEAVER ST
(civic address of subject property)

Signature(s) of Appellant(s)
Penelope Sibbald

Date
30/08/2010

For Office Use Only	
File No.:	_____
Application Fee:	_____
Received by:	_____

STRIBALD
DAB
SUBMISSION

My Property at 226 Beaver Street is the rear half of a 2.5 storey duplex. Each half of the duplex comprises about 2400 square feet including the basement suite. According to Town guidelines, the floor area is 1600 square feet (the upper portion). The lot is 5248 sq. Ft. This results in a FAR of 0.60. These figures are provided for comparative purposes as the proposed development is immediately adjacent to my property.

In my notice of appeal, the following concerns were noted in respect to the proposed development:

1. Interpretation of zoning requirements re:
 - a. Site coverage
 - b. Grade and height
2. Water Drainage.
3. Development to the property line of the garage and ramp.

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PLANNING and DEVELOPMENT

1 (A) Size of building and site coverage

The building is large relative to the existing structures on the block (3 heritage structures).

The FAR (as calculated) is 42 sq. Ft above the maximum FAR of 1.30

The FAR calculation does not include the enclosed porches. One might assume that the FAR calculation was developed by the TOB to regulate the visual mass of buildings. The exemption for decks and patios would assume that these structures do not add significantly to the aforementioned mass. In this particular development, however, the "porches" are entirely enclosed within the building envelope and their existence adds significantly to the overall mass of the structure. Additionally, a cynic might well assume that these "porches" represent a part of the building that could be very easily converted from outdoor to indoor with the addition of 5 windows. Were the porches to be included, they would increase the square footage of the building to 14456, resulting in a FAR of 1.38.

1 (B) Grade and Height

The site grade quoted in the development plan is 83.90m. In fact, the only grade on the existing site that reaches this level is the top of a retaining wall and the fill behind it. The portion of the existing site that is occupied by the wall and fill is approximately 20-25% of one of the lots or 10-12% of the total site. The natural site grade is fairly regular and flat, similar to the rest of Beaver St. The measured grade on Beaver St is 83.17-83.3m. The measured grade with the lot line on my property is 83.3 (front) and 83.59 (rear).

Implications:

- i. The maximum height of the proposed development is 10.998m based on a site grade of 83.9m. Based on a realistic site grade of 83.5m, this is too tall under the existing TOB guidelines.

- ii. The garage and its roof (at 84.0m) are built to project 0.6m above natural grade at the lot line (83.3-83.34m). Surely, at some point, a structure that protrudes significantly out of the ground should be considered a part of the building for the purpose of calculating setbacks? In this event, any portion of the building that is under 2 storeys must comply with the minimum setback of 1.8m, rather than extending to the lot line.

2 Water Drainage and Management

As a result of the increased size of the building, a storm water management plan is required per TOB guidelines. This has so far not been provided by the developer. My purpose in raising this issue is to insist that a plan is provided and is adequate and maintained properly. Of particular concern is the above grade garage roof, which protrudes 0.6m above the natural grade, and extends to the property line. My property has below grade entrances to basement suites which could be directly threatened with flooding if proper stormwater drainage is not addressed.

3 Development to the property line

Development of the garage and ramp to within 4 inches of the property line will impact on my property. To date, I have received no explanation from the developer or the Town Planner as to how this can be done without encroachment on my property. My concerns are that:

- a) Infrastructure around my property is not damaged in the construction process.
- b) Foundations of my property not be disturbed by a 3m deep excavation to the property line.
- c) No walls or footings encroach my lot.
- d) A large existing deciduous tree at the lot line on the rear corner will require removal for the garage ramp to be installed. This should be replaced with suitable trees that mitigate the "fishbowl" effect of a 3 storey development immediately overlooking my now denuded backyard.

Conclusions

It is my view that the proposed development does not meet the intent of the new zoning and in part conflicts with the zoning regulations.

1. The size of the building does not respect the current development on Beaver Street, which currently includes smaller and heritage buildings, some on double lots.
2. The building maximizes (and in my view sometimes exceeds) the zoning guidelines in terms of height, floor area, and set backs. It has been designed to push the limits of the zoning regulations. It is conceivable that later (possibly preconceived) modifications including enclosure of the porches and subdivision of the upper floors, could be an end run around the regulations regarding FAR and parking.
3. The irony of the development is that, despite creating a massive structure that pushes the limits of the new guidelines, it does nothing to offer a "higher density of residential use"

than could be achieved by smaller structures (duplex, fourplex or row housing) which respect the existing surroundings.

Aug 30 2010

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**TOWN OF BANFF
PLANNING and DEVELOPMENT**

430 DE

Development Appeal Board
Town of Banff
Box 1260
Banff AB
T1L 1A1

To Whom it may Concern,

Having read about the unanimous approval of the proposed development 6719B, we remain unconvinced that the long term impact of the proposal in it's current form has been thoroughly considered, nor the basic reason for this size of building, to provide a higher population density.

While we agree that this block has been appropriately re-zoned, and that a higher density population is a good idea, we believe there are better ways to build without cutting down trees; and simultaneously provide and even higher density than proposed, while respecting this block as a heritage block.

Our concerns are as follows;

- 1 If a maximum of 60% of the lot(s) may be used there is no reason for any trees to be removed. If the precedent of tree removal is set, then all other trees on this block are living on borrowed time. We think that trying to save every tree possible should be a priority.
- 2 To respect the heritage of this site, and the existing structure's modern roofline to enhance the views, and a driveway with garage access from Wolf Street.
- 3 Traffic congestion at the North end of the alley, which is already very busy. Given the density of the adjacent block (Wolf&Muskrat), re-location of the parking ramp should be considered.
- 4 There should be more studio, one bedroom units.
- 5 Roofs that are non-functional should not block people's views.
- 6 We do not believe the design guidelines are being honored; the intent to celebrate a WHS, is lacking. This location is highly visible and should be exemplary of these design guidelines; visionary in it's execution. Not a box with facades.
- 7 A better design could also mitigate any privacy issues, while leaving the trees in place.

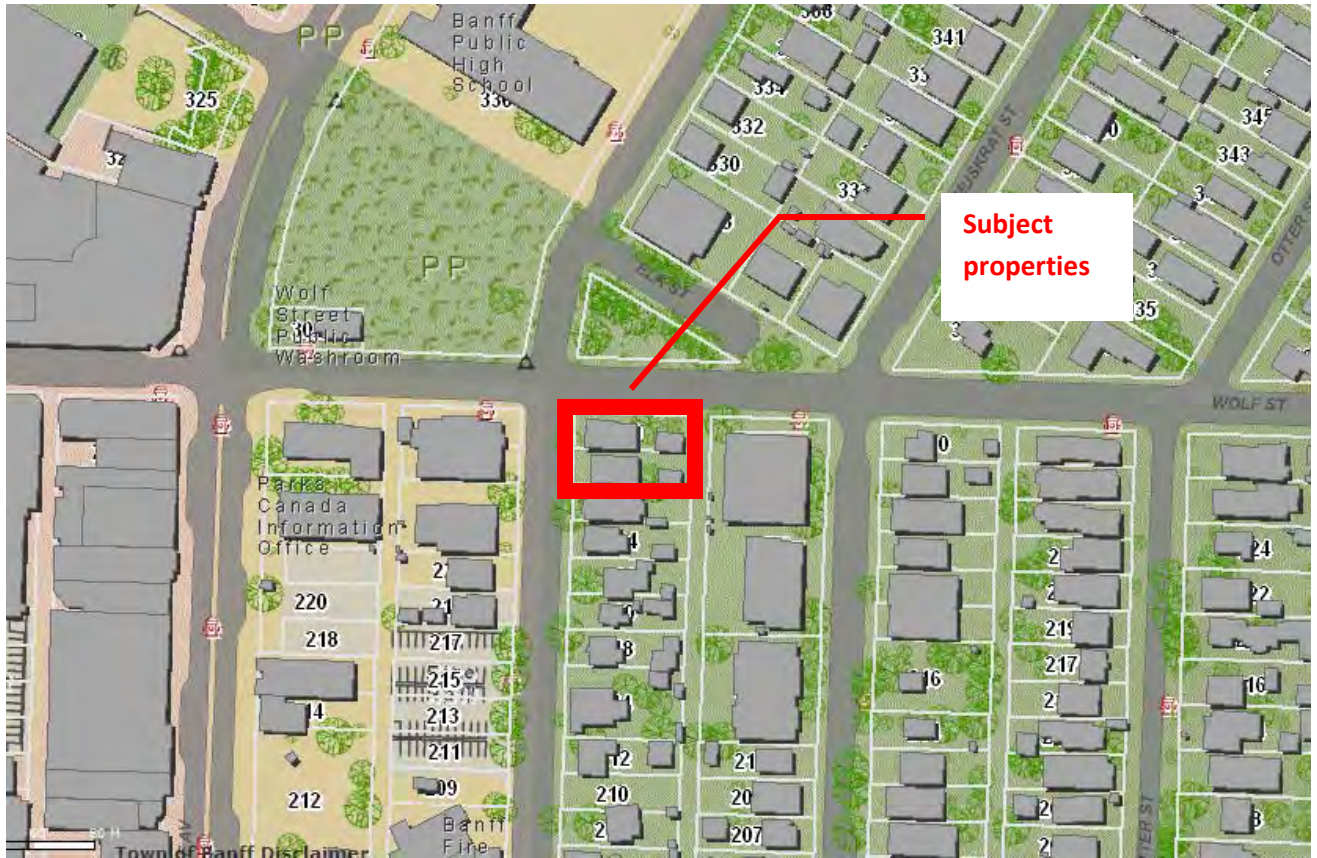
Thank you for your consideration,

Sincerely



Greg & Jeanne Ronaasen
Box 44, Banff, AB
T1L 1A2

Context Map



Overview Map

Development Permit Application



Single Detached, Duplex, and Multi-Family Residential

Planning and Development
110 Bear Street, P.O. Box 1260, Banff, Alberta T1L 1A1
T 403.762.1215 F 403.762.1101

www.banff.ca
enviroservices@banff.ca

Development Street Address: 403 WOLF ST 228 BEAVER ST
Legal Description: Lot(s)/Unit: 14/15 Block: 8 Plan (LTO): 16719 B
Land Use District: RCM. CENTRAL MURK RAT.
Name of Registered Owner*: 1310538 ALBERTA LTD.
Mailing Address: Box 4071
City/Province: BANFF AB Postal Code: T1L 1E5 Email: _____
Tel. No.: _____ Cell No.: _____ Fax No.: _____

*A copy of the Title is required to be submitted with the Development Permit application.

Name of Applicant/Agent: KERCO LIMITED
Mailing Address: Box 2250
City/Province: BANFF, AB Postal Code: T1L 1B9 Email: _____
Tel. No.: _____ Cell No.: 403.760.0128 Fax No.: _____

Present use of property: two (2) single family dwellings. (4 sites)

Description of proposed use/development: MULTI FAMILY (8) RESIDENCE.

Roll # 000161/000160 FOR OFFICE USE ONLY

Development Permit No.: 10DP39
Application Fee: \$1430.00 DP \$330.00 MPC
Received by: JWS

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TOWN OF BANFF
PLANNING and DEVELOPMENT

PROJECT DATA

PLEASE FILL IN ALL AREAS APPLICABLE TO YOUR PROPOSAL:

Site Data

Area of lot(s):	973	m ²	Footprint (area) of all buildings on site:	388.3	m ²
Lot frontage:	24.4	m	Lot depth:	39.14	m

Building Data

No. of existing buildings:	4		Date(s) of construction:		
No. of buildings to be demolished*:	4		No. of proposed buildings:	1	
No. of existing dwellings:	4?		No. of proposed dwellings:	8	
No. of existing bedrooms:	10		No. of proposed bedrooms:	20	
Existing residential gross floor area:	468	m ²	Proposed residential gross floor area:	1240	m ²
Existing F.A.R. (gross floor area/lot size):	.48		Proposed F.A.R. (gross floor area/lot size):	1.27	
Existing site coverage (area of buildings/lot size):	32%		Proposed site coverage (area of buildings/lot size):	49	%
Existing landscaped area:	661	m ²	Proposed landscaped area:	40	m ²
Existing amenity area (per dwelling):	200	m ²	Proposed amenity area (per dwelling):	5	m ²
Existing building height:	(23') 7	m	Proposed building height:	11	m
No. of storeys in existing building:	1.5		No. of storeys in proposed building:	3	

*A Town of Banff Pre-Demolition Building Information Recording Sheet must be completed for each building that will be demolished. Copies are available at Town Hall or may be downloaded from the Town of Banff website.

Setbacks

	Front Setback	Side Setback	Side Setback	Rear Setback
Existing:	4 m	1.8 m	1.8 m	4.5 m
Proposed:	5.5 m	2.8 m	3.6 m	4.5 m

Parking

No. of existing parking stalls:	4	No. of proposed parking stalls:	13
No. of existing surface parking stalls:	1	No. of proposed surface parking stalls:	
No. of existing enclosed parking stalls:	4	No. of proposed enclosed parking stalls:	13

Personal information is being collected under the authority of the *Municipal Government Act* for the purpose of processing this Development Permit application. This information is protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection of this information, contact the Manager of Planning and Development at (403) 762-1215, Town of Banff, P.O. Box 1260, Banff AB, T1L 1A1

JUL 05 2010

TOWN OF BANFF
PLANNING and DEVELOPMENT

AUTHORIZATIONS

Authorization of Agent

I/We JOHN TOOBY authorize DIAK KERR
(name of registered owner) (name of agent/person authorized to sign the application)

to act as agent and sign the application form to the Town of Banff on my/our behalf for the property known as 403 WOLF ST, 228 BEAVER ST, BANFF, ALBERTA.
(civic address of property)

Signature(s) of registered owner(s)
[Signature]

Date
28/6/10.

Signature of Signing Officer(s) of Corporation
[Signature]

Corporate Seal(s), if applicable

Property owner's agreement

As of the date of this application, I am the registered owner of the lands described in the application. I have examined the contents of the application, certify that the information submitted with it is correct insofar as I have knowledge of these facts, and concur with the submission of the application. I acknowledge that the lands described in the application may be subject to applicable laws, regulations, and guidelines including, but not limited to, the Town of Banff Land Use Bylaw, the Banff National Park Management Plan, and the Canadian Environmental Assessment Act. I agree to comply with all provisions of the Town of Banff Land Use Bylaw and any other applicable legislation, if this application is approved. I understand that approval does not constitute a building permit and that drawings submitted for a building permit must match the approved Development Permit drawings.

Signature of property owner
[Signature]

Date
28/6/10.

Payment of fee

Enclosed is the fee for this application. I agree to pay any further costs which may be determined as this application is reviewed.

Signature of applicant or agent
[Signature]

Date
28/6/10.

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TOWN OF BANFF
PLANNING and DEVELOPMENT

Declaration

I, JOHN DOUGLAS TOOBY. solemnly declare that the statements made by me upon this application are to the best of my belief and knowledge a true and complete representation of the purpose and intent of this application.

Signature of applicant or agent
[Signature]

Date
28/6/10.

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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0015 634 752 6719BC;8;14 071 210 901

LEGAL DESCRIPTION
PLAN 6719BC
BLOCK 8
LOT 14
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: LEASEHOLD , FOR A TERM OF 042 YEARS
COMMENCING ON THE 01 DAY OF APRIL , 1988
881143888

MUNICIPALITY: THE TOWN OF BANFF

REFERENCE NUMBER: 971 154 407

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
071 210 901	02/05/2007	TRANSFER OF LEASEHOLD TITLE	\$589,000	\$589,000

OWNERS

1310538 ALBERTA LTD..
OF PO BOX 4071
BANFF
ALBERTA T1L 1E5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
981 074 450	11/03/1998	UTILITY RIGHT OF WAY

SEE TITLE FOR ESTATE OF LARGER EXTENT,
IF ANY, FOR REGISTRATIONS PRIOR TO LEASE

(CONTINUED)

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PLANNING and DEVELOPMENT

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
071 210 901

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

GRANTEE - THE TOWN OF BANFF.

071 210 902 02/05/2007 MORTGAGE
MORTGAGEE - CIBC MORTGAGES INC..
5TH FLOOR, 400 BURRARD ST
VANCOUVER
BRITISH COLUMBIA V6C3A6
ORIGINAL PRINCIPAL AMOUNT: \$382,850

071 231 457 11/05/2007 CAVEAT
RE : ASSIGNMENT OF RENTS AND LEASES
CAVEATOR - CIBC MORTGAGES INC..
NOX 899,205 BEAR STREET
BANFF
ALBERTA T1L1A9
AGENT - JAMES A KARRAS.

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
REPRODUCTION OF THE CERTIFICATE OF TITLE REPRESENTED
HEREIN THIS 28 DAY OF JUNE, 2010 AT 03:44 P.M.

ORDER NUMBER:16868904

CUSTOMER FILE NUMBER: Dak personal



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED FOR THE
SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER, SUBJECT TO WHAT IS
SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION, APPRAISAL OR
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THE BENEFIT OF CLIENT(S).

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TOWN OF BANFF
PLANNING and DEVELOPMENT



LAND TITLE CERTIFICATE

S

LINC SHORT LEGAL
0018 804 286 6719BC;8;15

TITLE NUMBER
071 210 922

LEGAL DESCRIPTION

PLAN 6719BC
BLOCK 8
LOT 15
EXCEPTING THEREOUT ALL MINES AND MINERALS

ESTATE: LEASEHOLD , FOR A TERM OF 042 YEARS
COMMENCING ON THE 01 DAY OF SEPTEMBER, 1987
BY 941286184

ATS REFERENCE: 5;12;25;35;NE

MUNICIPALITY: THE TOWN OF BANFF

REFERENCE NUMBER: 041 318 208

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
071 210 922	02/05/2007	TRANSFER OF LEASEHOLD TITLE	\$539,000	\$539,000

OWNERS

1310538 ALBERTA LTD..
OF PO BOX 4071
BANFF
ALBERTA T1L 1E5

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
------------------------	--------------	-------------

SEE TITLE FOR ESTATE OF LARGER EXTENT,
IF ANY, FOR REGISTRATIONS PRIOR TO LEASE

(CONTINUED)

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TOWN OF BANFF
PLANNING and DEVELOPMENT

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
071 210 922

REGISTRATION NUMBER	DATE (D/M/Y)	PARTICULARS
931 293 236	23/11/1993	UTILITY RIGHT OF WAY GRANTEE - THE TOWN OF BANFF.
071 210 923	02/05/2007	MORTGAGE MORTGAGEE - CIBC MORTGAGES INC.. 5TH FLOOR, 400 BURRARD ST VANCOUVER BRITISH COLUMBIA V6C3A6 ORIGINAL PRINCIPAL AMOUNT: \$350,350
071 231 462	11/05/2007	CAVEAT RE : ASSIGNMENT OF RENTS AND LEASES CAVEATOR - CIBC MORTGAGES INC.. BOX 899 205 BEAR STREET BANFF ALBERTA T1L1A9 AGENT - JAMES A KARRAS.

TOTAL INSTRUMENTS: 003

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN ACCURATE
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HEREIN THIS 28 DAY OF JUNE, 2010 AT 03:44 P.M.

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THE BENEFIT OF CLIENT(S).

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TOWN OF BANFF
PLANNING and DEVELOPMENT

REQUEST FOR DECISION

**Subject: Development Permit Application 10DP39
Eight Unit Apartment Housing**

Presented to: Municipal Planning Commission

Date: August 11, 2010

Submitted by: Darren Enns, Senior Planner

Agenda #: 5.4



RECOMMENDATION

That Municipal Planning Commission approve Development Permit application 10DP39 for the construction of an Eight Unit Apartment Housing building at 403 Wolf Street and 228 Beaver Street subject to the conditions of approval attached as Appendix A.

BACKGROUND

Reason for Report

To present a development permit application to Municipal Planning Commission for a proposed eight unit apartment housing complex at 403 Wolf Street and 228 Beaver Street. Apartment housing is a permitted use in the RCM (Central Muskrat) Land Use District. Although apartment housing is a permitted use, Planning and Development is referring the application to the Municipal Planning Commission for decision in accordance with section 3.1.2(f) of the bylaw owing to the high profile nature of the proposal and recent amendments to the Land Use Bylaw.

The subject property consists of two 40' x 130' (12.2m x 39.8m) lots each of which has an existing single detached dwelling and detached garage located on site. All of the existing structures will be removed as part of the new development. The applicant is proposing to retain a number of mature trees located on Lot 15 (403 Wolf Street) as well as the existing stone retaining wall. The site is bound by Beaver Street to the west, Wolf Street to the north and a paved lane to the east. An existing two storey duplex is located directly adjacent to the south. There are a wide range of housing types and public service related uses located within the immediate vicinity of the site including Cascade House and the Telus building to the west, and Sunshine Manor across the rear lane. Some of the most recognized heritage structures in all of Banff are also located further south along the 200 Block of Beaver Street including Tanglewood, Eleanor Luxton Residence, Beaver Lodge and the James Thompson House and Cabins.

Response Options

The Municipal Planning Commission may choose to:

- Approve the development permit application with specified conditions;
- Refuse the development permit application if, in the opinion of the MPC, the proposal does not comply with the Banff Land Use Bylaw and/or Banff Design Guidelines; or
- Postpone a decision on the application if MPC determines that additional information is required.

Summary of Issue

The purpose of the RCM Land Use District is *“to provide higher density residential uses in a manner that is transitional with adjacent development”*. In this case, the proposed use is consistent with the Land Use Bylaw.

Development Regulations

Land Use Bylaw Regulations since Incorporation – Comparative Analysis: Given that this is the first major housing application received under Land Use Bylaw 31-4, planning and development have provided a summary (Table 1) of how regulations in the RCM land use district have changed over the years. The crux of the 2010 amendments involved increases to Floor Area Ratio and building height in order to increase buildable areas, with the goal of increasing the number of housing units constructed. Public consultation around Phase One of the Land Use Bylaw took place over an 8 month period in 2009 and included 13 community kiosk events, two open houses, a comprehensive web site including online survey instruments, over 40 articles in local and regional print media, and both english and french language radio articles.

Table 1. Subject Site: Land Use Bylaw regulations since Incorporation

	Bylaw 31 (1990)	Bylaw 31-3 (1998)	Bylaw 31-4 (2010)
Apartments: Permitted or Discretionary	Permitted	Permitted	Permitted
Floor Area Ratio	n/a*	1.1**	1.3**
Building Height	3 ½ storeys	2 ½ storeys	3 storeys†

* Floor Area Ratio was not used in Bylaw 31, which used dwellings / ha. The dwellings / ha was set at 125 for this site, which would have allowed for 12 units

** Proportional to the amount of parking provided below grade

† 3 storeys along Beaver Street; 2 ½ storeys elsewhere

Floor Area Ratio (FAR): The proposed floor area ratio is 1.30 and the total gross floor area for the building is 1,268m². The RCM District allows for a maximum of 1.30 FAR when all required parking is provided below grade, which translates to an allowable Gross Floor Area of 1,265m² for the subject site.

Floor Area Ratio means *the numerical value of the gross floor area on all levels of all buildings and structures on a site, divided by the area of the site except that all or part of a basement may be excluded by a Development Approving Authority where:*

- (a) *the basement is used for storage, service rooms, and other accessory uses and does not include any habitable rooms, commercial accommodation units, retail, or commercial space;*
- (b) *the basement does not have direct or independent access to the outside of the building; and*
- (c) *the number and size of windows in the basement is extremely limited.*

Gross Floor Area means *the total floor area of all storeys and basement levels of a building with a clear ceiling height of 1.8 m or more, contained within the outside of the exterior and basement walls or glazing line of windows, but excluding enclosed or unenclosed parking areas, garbage and loading rooms, and floor areas and vertical penetrations devoted exclusively to mechanical or electrical equipment servicing the development.*

Planning and development is recommending not including the parkade area and elevator shafts as part of the floor area calculations. This is consistent with past practice, as well as with the Land Use Bylaw definition for Gross Floor Area, which clearly exempts enclosed parking areas.

The FAR calculations provided by the applicant exempt other areas of the building associated with structural elements and mechanical shafts. At this preliminary stage, detailed engineering and code

review has not been completed for the building. Once conducted, the information from this review will likely alter the proposed floor plans in order to accommodate required HVAC systems and other utility requirements. Plan amendments such as these are not uncommon, and the applicant will remain bound by the allowable FAR (1.30) and resulting allowable Gross Floor Area (1,265m²).

Site Coverage: the maximum allowable site coverage in the RCM District is 40% proportional to the amount of parking below grade. The Land Use Bylaw allows for applicants to increase site coverage in the RCM district to a maximum of 60%, only when a total stormwater capture and treatment system is provided and all parking is provided below grade. The site coverage as proposed is 53%. The applicant has indicated that they are proposing to include a stormwater capture and treatment system to the satisfaction of the Planning and Engineering Departments, but have elected not to include plans in this submission package. Planning and development believes that should MPC conditionally approve this application, submittal and approval of a stormwater system should be included as a pre-condition for Development Permit issuance.

Landscaping: The RCM district regulations require that a minimum 40 % of the site be landscaped. The bylaw also states that landscaping *shall include the protection of the existing trees and planting of new trees* with an *emphasis* on planting coniferous trees in the front yard setback. Planning and Development is of the opinion that the site plan as provided is inadequate and that a detailed landscaping plan should be requested as a condition of development permit approval. The applicant is proposing to retain the existing coniferous trees on site however it is recommended that supplementary planting be provided in both street side setbacks in accordance with the requirements of the Land Use Bylaw. Additionally, Planning and Development believe that any landscape plan should also include steps to connect pedestrian access from the west facade's main floor patios with the Beaver Street sidewalk.

Height: The building is three storeys high in accordance with the maximum allowable height in the RCM District of 11.0m or 3 storeys for properties on Beaver Street and 2 ½ storeys elsewhere in the district. A combination 6/12 and 8/12 hipped style roof is being proposed in order to reduce the profile and massing of the roof in relation to adjacent properties.

Section 8.12.1 of the Land Use Bylaw also states that a *Development Approving Authority may exclude, at its discretion, the following features from the maximum permitted height: chimney stacks, steeples, belfries, elevator housings, roof stairway entrances, fire walls, parapet walls less than 0.6 m in height, flag poles, clearance markers or other architectural features which are considered to be similar by the development approving authority.* The proposed chimney height is below the 11.0 metre height maximum specified in the Land Use Bylaw, while the ridgeline vent feature exceeds the permitted height maximum.

Neighbouring buildings exhibit a range of roof styles, including hip roofs (226 Beaver Street – adjacent to south), gables (Cascade House), shed (Sunshine Manor), hipped gables (Bankhead Homes – 330 and 332 Beaver Street), and flat roofs (Telus Building – 223 Beaver Street). It is difficult to suggest there is a uniform roof style in the neighbourhood, although arguably the more historical pattern in the area is that of a gable style roof as seen further south on the 200 block of Beaver. Planning and Development are of the opinion that terminating the west (Beaver St.) and east (lane) faces in a gable would increase the perceived mass of the building and are supportive of the use of a hipped roof to reduce visual impact.

The proposal also integrates smaller hipped features on building corners, which has helped to pull down the massing of the roof system. These secondary roofs coordinate well with the remainder of the building, and create a columnar or 'tower' effect in conjunction with the recessed 2nd floor patios, and primary stone columns.

The tertiary gable roof over the Wolf Street entrance not only helps create an architectural element at a more human scale, it also serves as a snow management system to alleviate snow shedding from the main roof.

Setbacks: The proposed plan complies with the minimum setback requirements of the RCM District, including those specific to corner lots.

With respect to which lot line is considered as the “front” lot line, Planning and development believes the Land Use Bylaw is clear in defining the front lot line as that which is the "narrower of the two frontages" for a corner lot. The Land Use Bylaw does however grant the approving authority discretion in defining an additional front lot line.

- 8.5.2 In the case of a corner lot, the front yard shall be the narrower of the two frontages. In addition, a Development Approving Authority may require an additional front yard on a corner site other than that required, having regard to the orientation and access of any development and yards.
- 8.5.3 Lands abutting Banff Avenue and other collector roadways may, at the discretion of a Development Approving Authority, be deemed front yards for the purpose of establishing setbacks.

In this case, the narrower of the two lot lines is the Beaver Street frontage. While the primary pedestrian entrance is located along Wolf Street (with secondary (private) access points along Beaver Street for 2 of the ground floor units), it is not uncommon in Banff for a multi-family building on a corner lot to focus access points along the longer side yard, thereby breaking up a long, continuous facade. Examples include the northeast corner of Banff Avenue and Fox Street, the southwest corner of Otter Street and Wolf Street, and the southeast corner of Otter Street and Wolverine Street. Planning and Development are recommending that MPC employ their discretion to treat Beaver Street as the front yard and Wolf Street as the side yard, as we feel that this is consistent with both the Land Use Bylaw as well as past practice.

Proposed setbacks (to the primary building facade) are summarized below:

	Required	Proposed
Front (Beaver Street)	4.0m (under 6.0m in height)	5.9m (under 6.0m in height)
Rear (lane)	4.5m	6.0m
Side (Wolf Street frontage)	1.8m (under 2 storeys)	3.8m (under 2 storeys)
Side (226 Beaver Street)	1.8m (under 2 storeys)	4.0m (under 2 storeys)

Environmental Performance: Land Use Bylaw 31-4 introduced requirements for new residential development to go beyond basic building code requirements for new residential construction. The areas of focus were building energy efficiency and water efficiency. An excerpt from the Bylaw is included for reference.

- 8.3.3 For all new Housing and Accessory Dwellings the following standards shall apply:
- a. Glazing: Design and install Energy Star certified windows of a minimum of “Zone C” requirements (29 W/m² • k2) or of an equivalent Energy Rating (ER) level as determined by the CSA Standard A440.2.
 - b. Insulation: All exterior wall or roof insulation must exceed R values stipulated in the Alberta Building Code by a minimum of 20%. Alternative wall and insulation systems, such as structural insulated panels (SIPs) and insulated concrete forms (ICFs), must demonstrate a comparable R-value, but thermal mass or infiltration effects cannot be included in the R-value calculation.
 - c. Water efficiency: The following requirements for high efficiency plumbing fixtures must be met:
 - i. Average flow rate for all lavatory faucets must be 7.5 LPM (2.0 GPM)
 - ii. Average flow rate for all showerheads must be 7.5 LPM (2.0 GPM)
 - iii. Average flow rate for all toilets, including dual-flush toilets, must be 4.9 LPF (1.3 GPF) and meet the Uniform North American Requirements (UNAR) for toilet fixtures. That is, a toilet fixture should completely evacuate at least 350g of waste in a single flush action.
- 8.3.4 A Development Approving Authority may accept, at its discretion, alternative green building standards which meet or exceed the standards of Section 8.3.3.

The applicant has indicated that they are aware of these requirements, and will be submitting additional information on how the required energy efficiency standards will be met. Planning and Development are recommending including these requirements as part of a Development Agreement should the project be approved.

Building Design

All new development must be considered in the context of existing development, building forms and the relationship to the natural setting. The applicant has responded to concerns expressed by Planning and Development with changes to the design and use of materials in an effort to minimize visual impact and to demonstrate how the proposed building connects to the natural environment and local context. A summary of the proposal’s adherence to the *Banff Design Guidelines* has been included in this report.

Design Considerations

All new buildings in Banff are required to exhibit an architectural style which is rooted in the natural surroundings of the Rocky Mountains. The *Banff Design Guidelines* (Schedule B of Land Use Bylaw 31-4) are the primary design assessment tool which new proposals are measured against. Below is a summary from Planning and Development regarding how this proposal addresses the requirements of the Banff Design Guidelines.

Banff Design Guidelines, Section 3.1 (a) Sensitivity to Nature: *Buildings should have a direct connection to their natural environment, either through the shape and scale of the building, use of natural materials, siting, or landscaping.*

The proposal relies primarily on the use of natural materials to connect to the natural environment, with the most prominent example being the rundle stone cladding on the first storey, which is also continued on vertical elements along the Beaver Street and rear lane frontage. Other materials used have a long-standing history in Banff, including wood siding (hardi-board) on the second storey and rough stucco on the third storey. Exposed timber columns to support deck structures also assist in integrating the natural environment into building design.

It is unclear at this point how landscaping will contribute to “Sensitivity to Nature”, although the RCM land use district regulations speak to retaining existing trees where possible, and emphasizing coniferous trees within front yards for new planting.

Banff Design Guidelines, Section 3.1 (b) Rustic Approach: *...the proposed development gives the impression of being hand-built by local craftsmen using local natural materials.*

Arguably the “rustic approach” is difficult to achieve in a building of this mass and scale. The three primary elements which speak to a rustic approach are the integration of prominent functional chimneys, the use of exposed framing to support the Wolf Street entrance, and the rundle stone cladding used throughout.

Banff Design Guidelines, Section 3.1 (c) Scale: *The proposed development is well proportioned relative to humans, the site, neighbourhood, community, and the natural (mountain) setting.* And;

Banff Design Guidelines, Section 3.1 (d) Human Scale: *The proposed development incorporates elements at street level such as well-defined and sheltered entrances, canopies, porches, seating areas, arcades, and low scale decorative lighting.*

The challenges associated with “scale” in a 3 storey building have been addressed through a number of mechanisms. The design maximizes interior / exterior relationships through the use of numerous patios which have the potential to function as outdoor living areas, and help connect inhabitants with exterior activity. This is most notable on the 2nd and 3rd storey patio systems which frame up the building corners and create visual interest along the west and east facades.

The first storey incorporates several elements which help connect the building to the street, as well as create visual interest and relief at the pedestrian scale. Examples include the one-storey entrance gable along Wolf Street, recessed window sills with associated concrete sills, the use of concrete caps and reveals over columnar features, small shed roofs between the first and second storeys, and the use of main floor patios along the lane and Beaver Street.

Proportionality between adjacent buildings has clearly been addressed along the Wolf Street frontage, where all adjacent properties (Sunshine Manor, Cascade House, Wolf and Beaver Condos) are of a comparable scale. Along Beaver Street proportionality is more challenging, with the neighbouring 2 or 2 ½ storey duplex being one of the largest buildings on the block face. Arguably the existing vertical scale of Beaver Street in this area is quite modest, as typified in the heritage buildings at the opposite end of the block face.

Banff Design Guidelines, Section 3.1 (f) Strong Roof Forms and Deep Overhangs: *The proposed development incorporates strong roof forms and overhangs.*

The roof forms on the proposed development are muted, with the primary hipped roof designed using a lower, 6:12 design, while secondary roof elements incorporate an 8:12 design. While the use of lower profile roof forms could be perceived as contrary to the Design Guidelines requirements for strong roof elements, Planning and Development believes that this more modest approach may help reduce the perceived scale of the project.

Banff Design Guidelines, Section 3.1 (h) Attention to Detail: *The proposed development displays an obvious attention to detail by the designer and the builder: how the pieces of the building fit together, small decorative touches, coordination of finishes and colours, and using “the right materials in the right place”*

Many of the ‘human scale’ design initiatives have been mentioned under 3.1(d) and (e). To reiterate, the incorporation of smaller decorative features and elements that add to the public realm and give human scale include the one-storey entrance gable along Wolf Street, recessed window sills with associated concrete sills, the use of concrete caps over columnar features and between the first and second storeys, small shed roofs between the first and second storeys, and the use of main floor patios along the lane and Beaver Street.

The use of three primary finishing materials (rundle stone, siding, stucco) have been employed in concert with structural features (e.g. window bays, chimney columns) to help break up the bulk of the building. Orientation of the hardi-board siding is shown in a horizontal pattern, which assists in reinforcing a horizontal feel to the structure.

Banff Design Guidelines, Section 3.1 (i) Relief and Texture: *The proposal makes use of surface recesses and projections and strongly textured finishes...this creates strong shadow lines and gives building facades great depth. This characteristic is closely tied to the other design themes listed above.*

The proposal uses projections and recesses heavily on all building faces, most notably through stone columns on the east and west facades, prominent patio recesses on the 2nd floor, patio projections on the west facade, chimney projections at all four corners, and a primary entrance canopy along Wolf Street.

Planning and Development is of the opinion that the patio projections on the 3rd storey are not well coordinated, and could be improved through reducing the width of the upper patios to better coordinate with the 2nd storey patios and primary structural elements.

Circulation Comments

Various Town of Banff departments and external agencies were involved in the development permit application circulation process. A number of the concerns addressed through circulation are relatively minor and may be handled as conditions of the Development Permit.

The following is a summary of comments received:

Engineering Department

An official response from the Engineering Department is expected in late August. Initial feedback indicates that additional information will be required with respect to the design of the stormwater management system, as well as the parkade configuration. Planning and Development believe clarity is still required from the applicant on whether or not they will be pursuing parking relaxations under the newly introduced “alternative transportation” provisions of the Land Use Bylaw.

Operations Department

Operations has indicated that they will be involved in the review of the stormwater management plan should the project receive conditional approval. Resource recovery is of the opinion that a cash-in-lieu contribution is appropriate given the adjacency of a recycling pod to the site on the northwest corner of Wolf and Beaver.

Fire Department

Requires compliance with the Alberta Building Code fire requirements and with the Alberta Fire Code. The building is located within the fire department's 10 minute response, and will require a sprinkler and monitored alarm system in compliance with CAN / ULC S561 and all other applicable codes and requirements.

Building Inspector

The Town of Banff Building Inspector confirms that a building permit and demolition permit will be required.

Parks Canada Realty Services

Parks Canada Realty Services provided the following comments:

- 12.14.6 (a) Maximum Floor area ratio is 1.1 which can be increased to a maximum of 1.3 proportional to the amount of parking provided below grade. FAR of 1.28 as indicated in the proposal excludes lower parking, elevator and stair shafts. By definition, the FAR means the numerical value of the gross floor area on **all** levels, divided by the area of the site except that all or part of a basement **may** be excluded by a development approving authority (DAA) where (a) the basement is used for storage, service rooms etc, (b) does not have direct or independent access to the outside of the building . . . Parks Realty would like confirmation if the DAA has excluded the parking area from FAR calculation and under what premise.
- 12.14.6 (b)(c) FAR will require that the proponent install a total stormwater capture and treatment system in accordance with Town of Banff Municipal Engineering Standards;
- 12.14.6 (d)(e) – Contrary to the definition of **'Front Lot Line'** which is defined as the narrower of two frontages on a corner lot; **orientation** and **access** to the proposed structure has it fronting Wolf Street (section 8.5.0). In accordance with section 12.14.6(e) the **maximum** height allowed is 9.0 m or 2 1/2 stories. Please confirm the DAA position in relation to this.
- Further to previous statement regarding frontage- 12.4.6 (f) requires a **minimum** front yard setback of 4.0 m for any portion of a building under 6.0 m in height and 5.5 m for any portion of a building over this height;
- Parks program policies dictate that if one development straddles two or more lots held under separate leases, the leases must be fully surrendered in favour of one new lease which will be for all lands covered by the development. A full surrender such as this must receive approval from the Park Superintendent. The lessee will be required to execute a letter agreeing to surrender the current lease(s), and an undertaking to consolidate the leases(s).

Parks Canada Environmental Assessment Office

Parks Canada Environmental Assessment advises that all environmental screening requirements have been satisfied. An independent environmental monitoring professional will be monitoring on-site construction practices to ensure compliance with the mitigation measures identified in the Town of Banff model class screening report and Parks Canada Part 17 Directive.

Banff Heritage Corporation

The applicant has worked hard to make the project contextual in its Beaver Street / Wolf Street setting. The use of stone on the vertical elements and the wood / stucco finishes are reasonable choices.

Roofscape - Consider positioning “turrets” over the living room areas in some or all of the 4 units on level 3*. These might signal a little stronger emphasis on at least the 3 corners on the Wolf and Beaver Street elevations. These could be skylights...or simply add pyramidal volume to the living room space on level 3.

Streetscape – Consider installing an iron fence between stone pillars along Wolf and / or Beaver Streets to define the property lines and add another component to the streetscape. A fence need not circuit the whole property.

Entry – Celebrate the Wolf Street entrance by extending a highly visible entrance canopy at least to the steps or all the way to the sidewalk*.

* These comments were received when the initial plans proposed secondary roofs which were configured in a flat roof design, and the Wolf Street entry did not incorporate a canopy.

Fortis Alberta

No concerns. Fortis will be able to supply the electrical power requirements for this building.

IMPLICATIONS OF RECOMMENDATION

Financial

The Development Permit Application fee and MPC surcharge have been paid and off-site levies must be paid prior to construction at a rate of \$20.40 per square metre. Building permit fees will be determined based on the estimated value of construction.

Legislation/Policy

The proposed development is consistent with the purpose of the land use district and goals and objectives of the Banff Community Plan.

CONCLUSION

The amendments made in 2010 to the Land Use Bylaw resulted in opportunities for land owners to create additional housing units to help house eligible residents in Banff. On this site, the bylaw amendments have created an opportunity to double the amount of housing units, and create much needed capital reinvestment in the subject property.

The proposed development conforms to the primary regulatory requirements of the RCM (Central Muskrat) land use district, including Floor Area Ratio, building height, and setbacks. Items which remain outstanding (e.g. landscape plan, stormwater plan) should be required as a pre-condition for Development Permit issuance.

ATTACHMENTS

Appendix A- Recommended Conditions of Approval

Appendix B - Submitted Plans

Appendix C - Correspondence from Affected Parties

- Letter from R. Bulich
- Email from N. Ronaasen

- Letter from L. Oulette
- Letter from B. Davis

Appendix D – Immediate Area Photo Study

Submitted By:

Darren Enns, Senior Planner

Reviewed By:

Robert Earl, Town Manager

Schedule 'A'

Conditions of Approval

- (1) Conditions to be met prior to the issuance of the Development Permit:
- (a) Provide a Stormwater Management Plan which reflects the requirements of Land Use Bylaw section 12.14.6 (c), and is to the satisfaction of the Engineering Department and the Development Officer.
- (b) Provide a Landscape Plan to the satisfaction of the Development Officer, which should include but not be limited to:
- Trees to be retained on-site, including detail of hoarding plan which extends to tree drip-line;
 - New planting for remainder of site;
 - Fencing details; and,
 - Pedestrian path connections to Beaver Street from ground floor units.
- (c) Provide flow calculations for service connections (sanitary out and water in) prepared by a qualified professional Engineer, to the satisfaction of the Town of Banff Engineering Department.
- (d) Providing exterior lighting details including a cut sheet.
- (e) Provide a parking plan to the satisfaction of the Town of Banff Engineering Department that demonstrates conformance with Section 8.0 of the Land Use Bylaw, including (if applicable) alternative transportation initiatives being proposed.
- (f) Submit three (3) copies of detailed mechanical/servicing plans for any required on and off-site services including:
- Termination of existing water and sanitary sewer services at the main;
 - Details for all new services (including materials and sizes);
 - Location of water meters;
 - Location of gas service;
 - Hot tap water connection;
- (g) Submit a hoarding plan and installation / removal schedule illustrating a 2.0 metre height along the west and east of the site, 3.0 metres along the south of the site, and a 1.0 metre height around the remaining perimeter of the site, including colour, materials and location of access points and any encroachments for review and approval of the Development Officer;
- (h) Provide details on meeting required energy efficiency standards as set out by Section 8.3.3 to the approval of the Development Officer;
- (i) Pay to the Town of Banff \$5,600.00 in-lieu of on-site garbage facilities (\$700.00/dwelling unit rate) in accordance with the Town of Banff Waste Bylaw;
- (j) Pay to the Town of Banff off-site levies in the amount of \$25,887.60 as established by Town of Banff Off-site Levy Bylaw 289 (\$20.40/m² x 1,269.0m² gross floor area);
- (k) Enter into a Development Agreement with the Town of Banff;

- (l) Pay to the Town of Banff any costs associated with the registration of a Development Agreement;
- (m) Submit written confirmation from Parks Canada indicating that the required consolidation of the leases has been addressed to their satisfaction;
- (n) Submit written confirmation from Parks Canada indicating that all Canadian Environmental Assessment Act (CEAA) model class screening requirements have been met;
- (o) Submit to the Development Officer a plan prepared by a qualified professional showing how the site will be monitored to ensure compliance with the Model Class Screening. The report must include a reporting mechanism to the Development Officer;
- (p) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on and off-site soft landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of landscaping to secure completion of this work;
- (q) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on-site hard surfaced areas (driveway, parking area, walkways, patios) and repair of off-site hard surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
- (r) Submit a completed *Pre-demolition Building Information Recording Sheet* to the satisfaction of the Development Officer (see attached);
- (s) 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).
- (t) Work with representatives of the Banff Heritage Corporation and Town of Banff to ensure any materials of heritage value are removed from the building located at 403 Wolf Street prior to the issuances of the Development Permit.

(2) Specific Conditions:

- (a) Verify with Utilities Department that the existing water meter is adequate for the proposed development. An inspection with the Utilities Department (762-1243) should be arranged. The water meter may need to be upgraded at the applicant's cost.
- (b) Applicant to hire qualified contractor to verify an adequate backflow prevention device is installed immediately after the water meter. If not satisfactory (or not installed) then applicant must supply and install. The device must be tested by a certified tester after installation (or inspection if one is already in place), and annually thereafter with testing reports submitted to the Engineering Department.

(3) General Conditions:

- (a) Enter into an encroachment agreement for any landscaping/paving in the Town of Banff right of way. The developer is responsible for the costs associated with registering legal agreements;
- (b) Overhead utilities are required to be buried; provide a letter from the utility company confirming contract to bury lines;
- (c) 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;
- (d) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the environment screening report and the guidelines identified in the Parks Canada's *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction (see attached). 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;
- (e) 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 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* (see attached);
- (f) Enter into an encroachment agreement for any landscaping/paving or long-term storage in the Town of Banff right-of-way, if required. The agreement(s) shall be to the satisfaction of the Development Officer and the developer assumes the costs associated with registering legal agreements (\$250.00 per agreement);
- (g) 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;
- (h) Pay the cost of the following, as may be required, all to municipal standards:
 - Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s);
 - Rehabilitation of existing sidewalks including concrete sidewalk, handicapped access ramps, curb and gutter; and
 - Repair and rehabilitation of street surfacing as required;

- (i) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit for disposal of clean fill at the Cascade Pit. Permits and further direction may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (j) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (k) Existing water meter shall be removed from property prior to demolition. Please contact Town of Banff Utilities Department at 403.762.1263 to arrange for removal;
- (l) The abandonment of old water and sewer service connections and connection of new services shall be completed to the satisfaction of the Town of Banff. Please contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- (m) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- (n) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (o) 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;
- (p) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (q) All existing trees to be retained shall be protected by fencing permanently set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (r) 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;
- (s) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw*;
- (t) Provide dust suppression (spraying) of site during demolition and excavation activities. Two hydrants are located near the site along Wolf Street. A Street Use Permit will be required to use hydrants in this location. A hydrant meter can be obtained from the Town of Banff Operations Department by phone, 403.762.1263;
- (u) The applicant shall arrange to have the landscaping completed by no later than 18 months 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;

- (v) 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 18 months 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;
- (w) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw. Construction sites must undergo thorough clean-up, including removal of general litter at project completion;
- (x) Apply for a Town of Banff Building Permit, contact Town of Banff Planning and Development for more information at 403.762.1215;

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, August 11, 2010 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Bill Squarebriggs	Public Representative – Chair
Bob Haney	Public Representative – Vice Chair
David Bayne	Public Representative
Yannis Karlos	Public Representative
Brian Standish	Public Representative
John Gibson	Council Representative
Karen Sorensen	Council Representative

COMMISSION MEMBERS ABSENT

Dave Millard	Parks Canada Representative
Vacancy	Administration (non-voting)

ADMINISTRATION PRESENT

Randall McKay	Manager of Planning and Development
Darren Enns	Senior Planner
Claire Wilkinson	Planner
Keith Batstone	Planner/Development Officer
Cheryl Hyde	Municipal Clerk (Recorder)

1.0 CALL TO ORDER

The Chair called the regular meeting of the August 11, 2010 Municipal Planning Commission to order at 9:00 a.m.

2.0 APPROVAL OF AGENDA

MPC10-43 Moved by Bayne to approve the August 11, 2010 Municipal Planning Commission agenda with the following change and addition:

- The order of business will be as follows: 5.1, 5.2, 5.4 then 5.3.
- Under New Business add: 7.1 Banff Culture Walk Sidewalk Messaging

CARRIED

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1. July 14, 2010 Meeting Minutes

MPC10-44 Moved by Haney to approve the minutes of the July 14, 2010 meeting of the Municipal Planning Commission as presented.

CARRIED

4.0 UNFINISHED BUSINESS

No unfinished business was considered.

5.0 REPORTS

5.1. Development Permit Application 10DP45 - Proposed Change of Use for an Indoor Recreation Service (Dance Instruction Studio), 122 Eagle Crescent

Administration provided a verbal overview of their written report submitted in the agenda package for this meeting. Administration noted a correction to an item in the written report: 16 parking stalls are being proposed, not 17.

MPC10-45 Moved by Sorensen to postpone debate on item 5.1 until after hearing the administrative presentation for item 5.2.

CARRIED

5.2. Development Permit Application 10DP43 - Proposed Change of Use for an Eating and Drinking Establishment and Transportation Services (Fast Food Delivery), 122 Eagle Crescent

MPC10-46 Moved by Squarebriggs to go in camera at 9:34 a.m.

CARRIED

MPC10-47 Moved by Bayne to return to the public meeting at 10:17 a.m.

5.2.1.1.1. CARRIED

MPC10-48 Moved by Sorensen to postpone further debate on item 5.2 until a decision has been reached on 5.1.

CARRIED

5.1. (continued) Development Permit Application 10DP45 - Proposed Change of Use for an Indoor Recreation Service (Dance Instruction Studio), 122 Eagle Crescent

MPC10-49 Moved by Sorensen to approve development permit application 10DP45 for a Change of Use from 'Transportation Service' to 'Indoor Recreation Service' (Dance Instruction Studio) subject to the following conditions of approval:

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

- (a) Submit to the Town of Banff the outstanding Development Permit fee of \$550.00 in accordance with *Town of Banff Development Permit Fee Bylaw 293*;
- (b) Provide a revised parking plan showing the designation of the two (2) parking stalls located in the south-west corner of the parking lot with pavement markings and signage for the exclusive use of the conditionally-approved 'Indoor Recreation Service;'
- (c) Provide a lighting plan indicating the numbers, types, and locations of exterior lighting fixtures to be permanently incorporated at the property (front and side yards) in conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval of the Development Officer in order to ensure the safe circulation of pedestrian and vehicular traffic within the site;
- (d) Provide a revised site plan and construction details indicating the nature and location of permanent solid fencing along the 122 and 124 Eagle Crescent property line (west) in conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval of the Development Officer in order to ensure public safety in association with the conditionally-approved 'Indoor Recreation Service;'
- (e) Obtain confirmation from the Town of Banff Fire Chief that the proposal satisfies the fire safety

requirements related to Food Establishments adjacent to Public Assembly Uses of the Province of Alberta and all other relevant jurisdictions. Please contact Mr. Fraser Kirby, Fire Department Administration at 403.762.1256 or fraser.kirby@banff.ca to arrange for an inspection;

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

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of a portion (80.5m²) of existing 'Transportation Service' space to 'Indoor Recreation Service' (Dance Instruction Studio). Any future changes or intensification of the approved use(s) may require a Development Permit and shall be subject to the provisions of the Town of Banff Land Use Bylaw;
- (b) Issuance of this Development Permit results in a surplus of 1.349 parking stalls (actual) and 0.936 housing bedrooms for the entire development site. Any future changes or intensification of use(s) at the property (120 & 122 Eagle Crescent) may require a Development Permit and shall be subject to the provisions of the Town of Banff Land Use Bylaw;
- (c) Permanently demarcate the proposed 'Drop-Off Area' with signage and pavement markings to the satisfaction of the Development Officer.

(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) Final approval may be required from Alberta Health Services prior to operation of the approved use, contact Alberta Health Services (Banff Health Unit) at 403.762.2990 for more information. Please forward a copy of approval to Town of Banff Planning and Development;
- (c) Obtain any required Electrical and/or Plumbing Permits prior to commencement of any on site construction;
- (d) 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 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* (see attached);
- (e) 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;
- (f) Protect all existing services including landscaping on adjacent public roadways or properties and assume responsibility for all damages to any existing services during construction;
- (g) Confine "noise" activities to hours set out in the *Town of Banff Community Standards Bylaw 260*;

- (h) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw;
- (i) The applicant shall obtain a valid Business Licence from Town of Banff Corporate Services, which shall reflect the use approved by this Development Permit. Please contact the Town of Banff Business Licencing Clerk at 403.762.1215 for more information;
- (j) A Sign Permit is required for any new signs on the building. A Sign Permit is also required for decal or painted window signs that face a public roadway, with a combined area greater than 0.3 m² or 10% of the window in which they are located and for interior signs located closer than 0.9m from the inside face of a window.

CARRIED

5.2. (continued) Development Permit Application 10DP43 - Proposed Change of Use for an Eating and Drinking Establishment and Transportation Services (Fast Food Delivery), 122 Eagle Crescent

MPC10-50 Moved by Gibson to approve development permit application 10DP43 for a Change of Use from 'Transportation Service' to a combination 'Transportation Service' and 'Eating and Drinking Establishment' (Pizza Delivery) in subject to the following conditions of approval:

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

- (a) Provide a revised parking plan showing the designation of the three (3) parking stalls located in the north-east corner of the parking lot with pavement markings and signage for the exclusive use of the conditionally-approved pizza delivery service;
- (b) Provide a lighting plan indicating the numbers, types, and locations of exterior lighting fixtures to be permanently incorporated at the property (front and side yards) in conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval of the Development Officer in order to ensure the safe circulation of pedestrian and vehicular traffic within the site;
- (c) Provide a revised site plan and construction details indicating the nature and location of permanent solid fencing along the 122 and 124 Eagle Crescent property line (west) in conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval of the Development Officer in order to ensure public safety in association with the conditionally-approved 'Indoor Recreation Service;'
- (d) Provide evidence to Town of Banff Engineering that a grease trap will be installed at the establishment to prevent the entering of grease and other inappropriate materials into the Town of Banff waste water infrastructure and provide an inspection / maintenance schedule for the device. Please contact Mr. Adrian Field at 403.762.1111 or adrian.field@banff.ca for more information;
- (e) Provide detailed information to Town of Banff Engineering confirming that an approved water meter and a back-flow prevention device has been installed at the property. Please contact Mr. Adrian Field at 403.762.1111 or adrian.field@banff.ca for more information
- (f) Provide details about plans for waste diversion (cardboard, food stuffs, etc.) to the Town of Banff Operations Department. Please contact Mr. Ken Crerar, Resource Recovery and Recycling at 403.762.1244 or ken.crerar@banff.ca for more information;

- (g) Obtain confirmation from the Town of Banff Fire Chief that the proposal satisfies the fire safety requirements related to Food Establishments adjacent to Public Assembly Uses of the Province of Alberta and all other relevant jurisdictions. Please contact Mr. Fraser Kirby, Fire Department Administration at 403.762.1256 or fraser.kirby@banff.ca to arrange for an inspection;
 - (h) Submit a completed *Subcontractor Information Sheet* to Town of Banff Business Licencing, Corporate Services Department providing a list of the sub-contractors to be employed in the construction of the development (*see attached form*).
- (2) Specific Conditions:**
- (a) Issuance of this Development Permit allows for the conversion of an existing ‘Transportation Service’ (80.5m²) to ‘Transportation Service’ (52.9m²) and ‘Eating and Drinking Establishment’ (27.6m²) associated with a Pizza Delivery Service as shown on the approved plans. Any future changes or expansion to the approved use(s) may require a Development Permit and shall be subject to the provisions of the Town of Banff Land Use Bylaw;
 - (b) Issuance of this Development Permit only allows for the delivery or pick-up of food products associated with the approved uses in accordance with the approved plans. Any future changes to the establishment, including the addition of seating and table service to the establishment, will require that a valid Development Permit be obtained in accordance with the Town of Banff Land Use Bylaw.
 - (c) Prior to operation of the approved Eating and Drinking Establishment, arrange for an inspection and issuance of health approval by Alberta Health Services. Please contact Ms. Zara Zychowicz, Alberta Health Services (Banff Health Unit) at zara.zychowicz@albertahealthservices.ca or 403.762.2990 extension 231 for more information. Please forward a copy of approval to Town of Banff Planning and Development.
- (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) The applicant requires a valid Town of Banff Building Permit for the interior renovations and leasehold improvements, contact Town of Banff Planning and Development at (403) 762-1215;
 - (c) Obtain any required Electrical and/or Plumbing Permits prior to commencement of construction.
 - (d) The applicant shall obtain a valid Town of Banff Business Licence from Corporate Services, which shall reflect the use approved by this Development Permit. Please contact the Town of Banff Business Licencing Clerk at 403.762.1215 for more information.
 - (e) 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 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* (see attached)

- (f) 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.
- (g) Protect all existing services including landscaping on adjacent public roadways or properties and assume responsibility for all damages to any existing services during construction.
- (h) Confine “noise” activities to hours set out in the *Town of Banff Community Standards Bylaw 260*;
- (i) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw;
- (j) A Sign Permit is required for any new signs on the building. A Sign Permit is also required for decal or painted window signs that face a public roadway, with a combined area greater than 0.3 m² or 10% of the window in which they are located and for interior signs located closer than 0.9m from the inside face of a window.

CARRIED

5.4. Development Permit Application 10DP39 - Proposed 8 Unit Apartment Building (Wolf & Beaver St)

Administration provided a verbal overview of their written report submitted in the agenda package for this meeting. Representatives of the applicant and several affected neighbours were present to answer questions from the Commission.

MPC10-51 Moved by Sorensen to go in camera at 11:37 a.m.

CARRIED

MPC10-52 Moved by Sorensen to return to the public meeting at 12:04 p.m.

CARRIED

Before making the following motion, Councillor Gibson noted that the Commission is respectful of the comments received from affected neighbours and weighed their input heavily during consideration of this issue.

MPC10-53 Moved by Gibson to approve Development Permit application 10DP39 for the construction of an Eight Unit Apartment Housing building at 403 Wolf Street and 228 Beaver Street subject to the following conditions of approval:

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

- (a) Provide a Stormwater Management Plan which reflects the requirements of Land Use Bylaw section 12.14.6 (c), and is to the satisfaction of the Engineering Department and the Development Officer.

- (b) Provide a Landscape Plan to the satisfaction of the Development Officer, which should include but not be limited to:
- Trees to be retained on-site, including detail of hoarding plan which extends to tree drip-line;
 - New planting for remainder of site;
 - Fencing details; and,
 - Pedestrian path connections to Beaver Street from ground floor units.
- (c) Provide flow calculations for service connections (sanitary out and water in) prepared by a qualified professional Engineer, to the satisfaction of the Town of Banff Engineering Department.
- (d) Providing exterior lighting details including a cut sheet.
- (e) Provide a parking plan to the satisfaction of the Town of Banff Engineering Department that demonstrates conformance with Section 8.0 of the Land Use Bylaw, including (if applicable) alternative transportation initiatives being proposed.
- (f) Submit three (3) copies of detailed mechanical/servicing plans for any required on and off-site services including:
- Termination of existing water and sanitary sewer services at the main;
 - Details for all new services (including materials and sizes);
 - Location of water meters;
 - Location of gas service;
 - Hot tap water connection;
- (g) Submit a hoarding plan and installation / removal schedule illustrating a 2.0 metre height along the west and east of the site, 3.0 metres along the south of the site, and a 1.0 metre height around the remaining perimeter of the site, including colour, materials and location of access points and any encroachments for review and approval of the Development Officer;
- (h) Provide details on meeting required energy efficiency standards as set out by Section 8.3.3 to the approval of the Development Officer;
- (i) Pay to the Town of Banff \$5,600.00 in-lieu of on-site garbage facilities (\$700.00/dwelling unit rate) in accordance with the Town of Banff Waste Bylaw;
- (j) Pay to the Town of Banff off-site levies in the amount of \$25,887.60 as established by Town of Banff Off-site Levy Bylaw 289 ($\$20.40/m^2 \times 1,269.0m^2$ gross floor area);
- (k) Enter into a Development Agreement with the Town of Banff;
- (l) Pay to the Town of Banff any costs associated with the registration of a Development Agreement;

- (m) Submit written confirmation from Parks Canada indicating that the required consolidation of the leases has been addressed to their satisfaction;
 - (n) Submit written confirmation from Parks Canada indicating that all Canadian Environmental Assessment Act (CEAA) model class screening requirements have been met;
 - (o) Submit to the Development Officer a plan prepared by a qualified professional showing how the site will be monitored to ensure compliance with the Model Class Screening. The report must include a reporting mechanism to the Development Officer;
 - (p) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on and off-site soft landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of landscaping to secure completion of this work;
 - (q) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on-site hard surfaced areas (driveway, parking area, walkways, patios) and repair of off-site hard surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
 - (r) Submit a completed *Pre-demolition Building Information Recording Sheet* to the satisfaction of the Development Officer (see attached);
 - (s) 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).
 - (t) Work with representatives of the Banff Heritage Corporation and Town of Banff to ensure any materials of heritage value are removed from the building located at 403 Wolf Street prior to the issuances of the Development Permit.
 - (u) Submit revised Beaver Street elevation drawings to coordinate with the proposed rear elevation.
- (2) Specific Conditions:**
- (a) Verify with Utilities Department that the existing water meter is adequate for the proposed development. An inspection with the Utilities Department (762-1243) should be arranged. The water meter may need to be upgraded at the applicant's cost.
 - (b) Applicant to hire qualified contractor to verify an adequate backflow prevention device is installed immediately after the water meter. If not satisfactory (or not installed) then applicant must supply and install. The device must be tested by a certified tester after installation (or inspection if one is already in place), and annually thereafter with testing reports submitted to the Engineering Department.

(3) General Conditions:

- (a) Enter into an encroachment agreement for any landscaping/paving in the Town of Banff right of way. The developer is responsible for the costs associated with registering legal agreements;
- (b) Overhead utilities are required to be buried; provide a letter from the utility company confirming contract to bury lines;
- (c) 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;
- (d) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the environment screening report and the guidelines identified in the Parks Canada's *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction (see attached). 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;
- (e) 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 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* (see attached);
- (f) Enter into an encroachment agreement for any landscaping/paving or long-term storage in the Town of Banff right-of-way, if required. The agreement(s) shall be to the satisfaction of the Development Officer and the developer assumes the costs associated with registering legal agreements (\$250.00 per agreement);
- (g) 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;
- (h) Pay the cost of the following, as may be required, all to municipal standards:
 - Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s);
 - Rehabilitation of existing sidewalks including concrete sidewalk, handicapped access ramps, curb and gutter; and
 - Repair and rehabilitation of street surfacing as required;
- (i) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit for disposal of clean fill at the Cascade Pit. Permits and further direction may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (j) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;

- (k) Existing water meter shall be removed from property prior to demolition. Please contact Town of Banff Utilities Department at 403.762.1263 to arrange for removal;
- (l) The abandonment of old water and sewer service connections and connection of new services shall be completed to the satisfaction of the Town of Banff. Please contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- (m) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- (n) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (o) 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;
- (p) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (q) All existing trees to be retained shall be protected by fencing permanently set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (r) 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;
- (s) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw*;
- (t) Provide dust suppression (spraying) of site during demolition and excavation activities. Two hydrants are located near the site along Wolf Street. A Street Use Permit will be required to use hydrants in this location. A hydrant meter can be obtained from the Town of Banff Operations Department by phone, 403.762.1263;
- (u) The applicant shall arrange to have the landscaping completed by no later than 18 months 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. Any changes, alterations or loss of trees approved as part of the landscape plan are subject to a separate development permit.
- (v) 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 18 months 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;

- (w) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw. Construction sites must undergo thorough clean-up, including removal of general litter at project completion;
- (x) Apply for a Town of Banff Building Permit, contact Town of Banff Planning and Development for more information at 403.762.1215;

CARRIED

5.3. Development Permit Application 09DP21 – Modification to Approved Plans (Exterior Renovation to Sundance Mall)

Administration provided a verbal overview of their written report submitted in the agenda package for this meeting.

MPC10-54 Moved by Squarebriggs to go in camera at 12:27 p.m.

CARRIED

MPC10-55 Moved by Haney to return to the public meeting at 12:38 p.m.

CARRIED

MPC10-56 Moved by Standish:

- a) to endorse postponing issuance of Development Permit 09DP21 until further information is received and existing development plans are revised to meet the design and intent of the application approved on July 8, 2009.
- b) to endorse a revision to the existing conditions of approval to include the two variances that were approved by Municipal Planning Commission on July 8, 2009:

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

- a) Submit a comprehensive signage plan that includes both the Banff Avenue/east elevation and the laneway facade/ west elevation;
- b) Submit a detailed lighting plan for both the Banff Avenue/east elevation and the laneway facade/ west elevation. The lighting plan is to include all existing and proposed light fixtures and the specific product details for each;
- c) Submit drainage plans illustrating all locations where roof drainage flows to the ground. The plans must show how discharge will be directed off the property in accordance with Town of Banff stormwater standards, and indicate where drainage structures, such as eaves troughs, drainpipes and links with critical points will be located;
- d) Provide product detail and colour samples in accordance with *Banff Design Guidelines*; for any proposed paving or walking surface treatments;
- e) Submit a revised materials list and materials sample board that includes the materials proposed for the second storey balcony on the Banff Ave/ West elevation, a natural finish for wood fascia and further product and design detail for 'wood columns' and window treatments;

Minutes approved by: _____

- f) Submit further detail and information with respect to the proposed escalator to the second floor and proposed new entrance off Banff Avenue at the south end of the building;
- g) Enter into a development agreement to the satisfaction of the Town of Banff which shall include, among other things, the submission of updated plans that will confirm phase two of the renovation including both refinishing of the stucco laneway façade/west elevation and replacement of existing balcony railings.

(2) Specific Conditions

- a) *The Development Permit application was approved with a variance to the Commercial Downtown District Development Regulations of Land Use Bylaw 31-3 Section 12.3.6(c) to vary the maximum allowable height requirement from 9.0m or 2.5 storeys to 14.53m/ 3 storeys. The existing building is 13.44m in height.*
- b) *The Development Permit application was approved with a variance to the Commercial Downtown District Development Regulations of Land Use Bylaw 31-3 Section 12.3.6(a) to vary the allowable Floor Area Ratio requirement from 1.4 to 2.78. The existing floor area ratio is 2.75.*

(3) General Conditions

- a) Provide a list of the sub-contractors to be employed in the construction of the development to Business Licensing, Corporate Services Department.
- b) Any future changes to the exterior of the building shall conform to the requirements of Town of Banff Land Use Bylaw 31-3. In particular, existing non-conforming signage shall be removed and rooftop mechanical equipment shall be screened. A Sign Permit is required for any new signs or replacement of existing signs on the building;
- c) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- d) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the environment screening report and the guidelines identified in the Parks Canada's Environment 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;
- e) Town of Banff requires 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 Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material;
- f) 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;

- g) 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;
- h) Confine “noise” activities to hours set out in the Town of Banff Noise By-law;
- i) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw;
- j) The applicant shall obtain a Building Permit for any interior renovations and leasehold improvements, contact Town of Banff Planning and Development at (403) 762-1215.
- k) No satellite dishes, antennas, or other roof-top communication equipment will be allowed without written approval from the Development Officer;
- l) All signs require separate Development Permit approval;
- m) Any changes to the approved plans following issuance of the Development Permit shall be approved by the Development Officer prior to implementation on-site.

CARRIED

6.0 CORRESPONDENCE

No correspondence was received.

7.0 NEW BUSINESS

7.1. Banff Culture Walk Sidewalk Messaging
Postponed to the next meeting.

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETING/ADJOURNMENT

The next regular meeting of the Municipal Planning Commission is scheduled for Wednesday, September 8, 2010 at 9:00 a.m.

MPC10-57 Moved by Karlos to adjourn the meeting at 12:40 p.m.

CARRIED

Bill Squarebriggs
Chair

Cheryl Hyde
Recording Secretary

Minutes approved by: _____

Notice of Decision

August 13, 2010

File: 10DP39

Mr. Dak Kerr
Kerco Limited
PO Box 4071
Banff, Alberta T1L 1E5

Re: Proposed 8-Unit "Apartment Housing"
Lot: 14 & 15, Block 8, Plan 6719B
403 Wolf Street and 228 Beaver Street

Please be advised that the Town of Banff Municipal Planning Commission approved the above noted application for a Development Permit on August 11, 2010. The Development Permit application was approved subject to the conditions of approval attached as Schedule 'A' and to conformance with the plans dated July 5, and August 4, 2010.

You may appeal this decision or any of the conditions of approval within fourteen (14) days of the date of posting this decision by filing written notice stating the reason(s) for the appeal along with a \$50.00 processing fee to: **Secretary, Development Appeal Board, Town of Banff, Box 1260, Banff, Alberta, T1L 1A1.**

The Development Permit will not be issued until fourteen (14) days from the date of advertising this decision, and until all conditions of approval listed in Schedule 'A', except those of a continuing nature, have been fulfilled to the satisfaction of the Development Officer. The decision has been advertised in the *Banff Crag and Canyon* on Tuesday, August 17, 2010. Those conditions to be fulfilled prior to issuance of the Development Permit shall be met within one (1) year of the date of this Notice otherwise approval of the application shall cease to be valid.

Please also note that any other affected person can appeal the decision of the Development Officer. In the event of an appeal being filed with the Development Appeal Board, the Development Permit shall not be valid until the Board has issued a decision in writing approving the proposed development.

If you have any questions regarding this decision please contact Planning and Development at (403) 762-1215.

Darren Enns
Development Officer

DE/tw
Attachment

Schedule 'A'

Conditions of Approval

Application No10DP39

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

- a) Provide a Stormwater Management Plan which reflects the requirements of Land Use Bylaw section 12.14.6 (c), and is to the satisfaction of the Engineering Department and the Development Officer.
- b) Provide a Landscape Plan to the satisfaction of the Development Officer, which should include but not be limited to:
 - Trees to be retained on-site, including detail of hoarding plan which extends to tree drip-line;
 - New planting for remainder of site;
 - Fencing details; and,
 - Pedestrian path connections to Beaver Street from ground floor units.
- c) Provide flow calculations for service connections (sanitary out and water in) prepared by a qualified professional Engineer, to the satisfaction of the Town of Banff Engineering Department.
- d) Providing exterior lighting details including a cut sheet.
- e) Provide a parking plan to the satisfaction of the Town of Banff Engineering Department that demonstrates conformance with Section 8.0 of the Land Use Bylaw, including (if applicable) alternative transportation initiatives being proposed.
- f) Submit three (3) copies of detailed mechanical/servicing plans for any required on and off-site services including:
 - Termination of existing water and sanitary sewer services at the main;
 - Details for all new services (including materials and sizes);
 - Location of water meters;
 - Location of gas service;
 - Hot tap water connection;
- g) Submit a hoarding plan and installation / removal schedule illustrating a 2.0 metre height along the west and east of the site, 3.0 metres along the south of the site, and a 1.0 metre height around the remaining perimeter of the site, including colour, materials and location of access points and any encroachments for review and approval of the Development Officer;
- h) Provide details on meeting required energy efficiency standards as set out by Section 8.3.3 to the approval of the Development Officer;
- i) Pay to the Town of Banff \$5,600.00 in-lieu of on-site garbage facilities (\$700.00/dwelling unit rate) in accordance with the Town of Banff Waste Bylaw;
- j) Pay to the Town of Banff off-site levies in the amount of \$25,887.60 as established

Schedule 'A'

Conditions of Approval

Application No10DP39

by Town of Banff Off-site Levy Bylaw 289 (\$20.40/m² x 1,269.0m² gross floor area);

- k) Enter into a Development Agreement with the Town of Banff;
- l) Pay to the Town of Banff any costs associated with the registration of a Development Agreement;
- m) Submit written confirmation from Parks Canada indicating that the required consolidation of the leases has been addressed to their satisfaction;
- n) Submit written confirmation from Parks Canada indicating that all Canadian Environmental Assessment Act (CEAA) model class screening requirements have been met;
- o) Submit to the Development Officer a plan prepared by a qualified professional showing how the site will be monitored to ensure compliance with the Model Class Screening. The report must include a reporting mechanism to the Development Officer;
- p) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on and off-site soft landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of landscaping to secure completion of this work;
- q) Submit a detailed cost estimate (as determined by a Landscape Architect or Contractor) for all on-site hard surfaced areas (driveway, parking area, walkways, patios) and repair of off-site hard surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit or cash bond in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
- r) Submit a completed Pre-demolition Building Information Recording Sheet to the satisfaction of the Development Officer (see attached);
- s) 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).
- t) Work with representatives of the Banff Heritage Corporation and Town of Banff to ensure any materials of heritage value are removed from the building located at 403 Wolf Street prior to the issuances of the Development Permit.
- u) Submit revised Beaver Street elevation drawings to coordinate with the proposed rear elevation.

Schedule 'A'

Conditions of Approval

Application No10DP39

(2) Specific Conditions

- a) Verify with Utilities Department that the existing water meter is adequate for the proposed development. An inspection with the Utilities Department (762-1243) should be arranged. The water meter may need to be upgraded at the applicant's cost.
- b) Applicant to hire qualified contractor to verify an adequate backflow prevention device is installed immediately after the water meter. If not satisfactory (or not installed) then applicant must supply and install. The device must be tested by a certified tester after installation (or inspection if one is already in place), and annually thereafter with testing reports submitted to the Engineering Department.

(3) General Conditions

- a) Enter into an encroachment agreement for any landscaping/paving in the Town of Banff right of way. The developer is responsible for the costs associated with registering legal agreements;
- b) Overhead utilities are required to be buried; provide a letter from the utility company confirming contract to bury lines;
- c) 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;
- d) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the environment screening report and the guidelines identified in the Parks Canada's Environmental Guidelines for Development Projects in Banff National Park (Directive 17) are implemented during construction (see attached). 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;
- e) 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 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 (see attached);
- f) Enter into an encroachment agreement for any landscaping/paving or long-term storage in the Town of Banff right-of-way, if required. The agreement(s) shall be to the satisfaction of the Development Officer and the developer assumes the costs associated with registering legal agreements (\$250.00 per agreement);
- g) 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

Schedule 'A'

Conditions of Approval

Application No10DP39

Encroachment Agreement with the Town of Banff for the use of Municipal property during construction, if necessary;

- h) Pay the cost of the following, as may be required, all to municipal standards:
 - Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s);
 - Rehabilitation of existing sidewalks including concrete sidewalk, handicapped access ramps, curb and gutter; and
 - Repair and rehabilitation of street surfacing as required;
- i) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit for disposal of clean fill at the Cascade Pit. Permits and further direction may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- j) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- k) Existing water meter shall be removed from property prior to demolition. Please contact Town of Banff Utilities Department at 403.762.1263 to arrange for removal;
- l) The abandonment of old water and sewer service connections and connection of new services shall be completed to the satisfaction of the Town of Banff. Please contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- m) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1263 for an inspection;
- n) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- o) 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;
- p) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- q) All existing trees to be retained shall be protected by fencing permanently set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- r) 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;

Schedule ‘A’

Conditions of Approval

Application No10DP39

-
- s) Confine “noise” activities to hours set out in Town of Banff Community Standards Bylaw;
 - t) Provide dust suppression (spraying) of site during demolition and excavation activities. Two hydrants are located near the site along Wolf Street. A Street Use Permit will be required to use hydrants in this location. A hydrant meter can be obtained from the Town of Banff Operations Department by phone, 403.762.1263;
 - u) The applicant shall arrange to have the landscaping completed by no later than 18 months 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. Any changes, alterations or loss of trees approved as part of the landscape plan are subject to a separate development permit.
 - v) 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 18 months 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;
 - w) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw. Construction sites must undergo thorough clean-up, including removal of general litter at project completion;
 - x) Apply for a Town of Banff Building Permit, contact Town of Banff Planning and Development for more information at 403.762.1215;

4.4.0 Application Notification Sign

- 4.4.1 Within seven (7) days after submitting a development permit application, the applicant shall post the site that is the subject of the development permit application with a sign notifying the public that a development permit application has been submitted.
- 4.4.2 The sign shall be posted for a minimum of twenty-one (21) days.
- 4.4.3 The applicant shall notify the Development Officer when the sign has been posted.
- 4.4.4 The applicant is responsible for the preparation, posting, maintenance and removal of the sign.
- 4.4.5 Notification signs are not required for developments deemed to be minor in nature by a Development Officer, signs (unless a variance is requested), tree removal permits, or home occupations.
- 4.4.6 The notification sign shall be posted on the site in a conspicuous place easily visible from an adjacent public roadway to the satisfaction of the Development Officer.
- 4.4.7 The notification sign shall meet the specifications and contain the information set out in Schedule "E."

12.14.0 RCM: Central Muskrat District

12.14.1 Area:

This district includes the 100 and 200 blocks of Muskrat Street and the east side of Beaver Street, south of Wolf Street. This area is located immediately east of the downtown core and abuts lower density residential areas to the east, north, and south.



RCM: Central Muskrat District

12.14.2 Purpose:

The purpose of this district is to provide higher density residential uses in a manner that is transitional with adjacent development.

12.14.3 Permitted Uses:

- Apartment housing
- Fourplex housing
- Public parks
- Stacked row housing

12.14.4 Discretionary Uses:

- Bed and breakfast homes
- Bed and breakfast inns
- Duplex housing
- Triplex housing
- Group homes
- Home occupations type 1
- Home occupations type 2
- Row housing
- Single detached housing
- Senior citizen housing
- Accessory dwelling

12.14.5 Subdivision Regulations:

- a. The minimum lot width is 12.0 m.
- b. The minimum lot depth is 30.0 m.
- c. The minimum lot area is 465 m².

12.14.6 Development Regulations:

- Density:**
- a. The maximum floor area ratio is 1.1 for row, stacked row, and apartment housing except this may be increased to a maximum of 1.3 proportional to the amount of parking provided below grade. It is 0.60 for all other uses.
- Site Coverage:**
- b. The maximum site coverage is 35%, except this may be increased to a maximum of 40% proportional to the amount of parking provided below grade.

Schedule “B”

Town of Banff Land Use Bylaw

Banff Design Guidelines

[click here to connect to the Banff Design Guidelines](#)

These buildings will have to be subject to the approval of the government, to prevent any monstrosities being put there to destroy the general beauty of the park.

House of Commons Debate – May 3rd, 1887

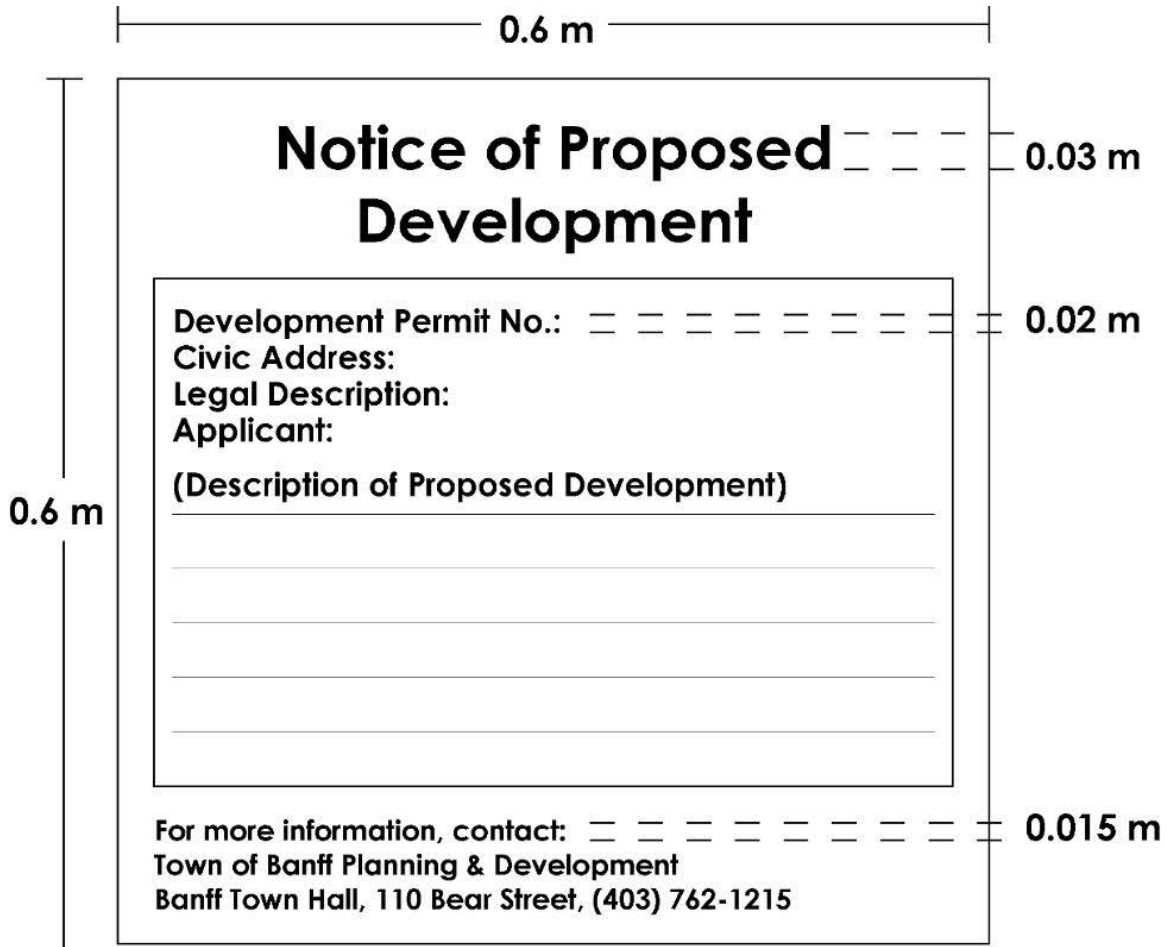
(establishing Banff National Park)

National Parks are maintained for all the people – for the ill that they may be restored; for the well that they may be fortified and inspired by the sunshine, the fresh air, the beauty, and all the other healing, ennobling agencies of Nature. They exist in order that every citizen of Canada may satisfy his craving for Nature and Nature’s Beauty; that he may absorb the poise and restfulness of the forests; that he may fill his soul with the brilliance of the wild flowers and the sublimity of the mountain peaks; that he may develop the buoyancy, the joy, and the activity that he sees in the wild animals; that he may stock his brain and mind with great thoughts, noble ideals; that he be made better, be healthier, and happier.

James Harkin, Commissioner of National Parks, 1911 – 1936

SCHEDULE "E" – BANFF LAND USE BYLAW

Sign Specifications for Posting Properties



Specifications:

Black lettering on a white background.

Sign material to be plywood or corrugated plastic.

Sign size may be reduced to 8.5 inches x 11.0 inches at the discretion of the Development Officer.

