

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, December 7, 2010 at 2:00 p.m.

COMMISSION MEMBERS PRESENT

Bill Squarebriggs	Public Representative – Chair
David Bayne	Public Representative – Vice Chair
Ted Christensen	Public Representative
Jay Harris	Public Representative
Yannis Karlos	Public Representative
Ann-Marie Puccini	Minister of the Environment Representative
Brian Standish	Council Representative
Grant Canning	Council Representative

COMMISSION MEMBERS ABSENT

Vacancy	Administration (non-voting)
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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 Manager of Planning & Development called the December 7, 2010 regular meeting of the Municipal Planning Commission to order at 2:00 p.m.

1.1. Election of Chair and Vice Chair

MPC10-73 Moved by Bayne to elect Bill Squarebriggs as Chair of the Municipal Planning Commission for the 2010-2011 term.

CARRIED

MPC10-74 Moved by Squarebriggs to elect David Bayne as Vice-Chair of the Municipal Planning Commission for the 2010-2011 term.

CARRIED

2.0 APPROVAL OF AGENDA

MPC10-75 Moved by Bayne to approve the December 7, 2010 Municipal Planning Commission agenda with the following addition:

- Under Reports add 5.8 Update on Tim Horton's Project

CARRIED

3.0 ADOPTON OF PREVIOUS COMMISSION MINUTES

3.1. October 13, 2010 Meeting Minutes

MPC10-76 Moved by to approve the minutes of the October 13, 2010 meeting of the Municipal Planning Commission with the following amendment:

Minutes approved by: _____

- Under item 5.2: “Standish declared a conflict of interest in this matter as he owns a residence on ~~Spray Avenue~~ Mountain Lane.”

CARRIED

4.0 UNFINISHED BUSINESS

No unfinished business was considered.

5.0 REPORTS

5.1. Proposed Home Occupation Type 2 General Contractor, Management Service Unit 12, 223 Muskrat Street

Mr. Christensen declared a conflict of interest in this matter as he is a general contractor. He also declared a conflict of interest in item 5.2 because the applicant is his neighbour. Mr. Christensen left the meeting at 2:09 p.m.

Administration spoke to a written report distributed in the agenda package for this meeting.

MPC10-77 Moved by Standish to approve development permit application 10DP55 for a proposed Home Occupation Type 2 (General Contractor Management Service) subject to the following conditions of approval :

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

(a) Submit to the Town of Banff, the Municipal Planning Commission surcharge fee of \$110.00 in accordance with *Town of Banff Development Permit Fee Bylaw 293*.

(2) Specific Conditions:

(a) This approval allows only for the administrative activities associated with a General Contractor Management Service. Any future expansion of the business, which may include on-site activities associated with construction or the hiring of employees, would require a new development permit in accordance with the Land Use Bylaw.

(2) General Conditions:

- (a) No variation from the residential character and appearance of land or buildings shall be permitted;
- (b) No structural change to any building for the purpose of accommodating a Home Occupation shall be permitted;
- (c) No offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the Home Occupation;
- (d) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighbourhood;
- (e) Not more than 10% of the gross floor area of the principal building shall be used for a Home Occupation;
- (f) The Home Occupation shall not occupy a required parking space;
- (g) The Home Occupation shall not generate more than two clients to the site from which the occupation is being operated at any given time;
- (h) The Home Occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighbourhood within which it is located;
- (i) No exterior storage or operation of the Home Occupation shall be permitted;
- (j) No signs advertising Home Occupations are permitted;

Minutes approved by: _____

- (k) Only one other person other than residents of the principal residence shall be engaged in a Home Occupation Type 2;
- (l) Not more than one commercial vehicle with a gross vehicle weight rating of no more than 3500 kg used in conjunction with the Home Occupation, shall be parked or maintained on the site of a Home Occupation Type 2;
- (m) A Home Occupation Type 2 shall not involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the Home Occupation;
- (n) A Home Occupation shall not be permitted, if in the opinion of the Municipal Planning Commission, it would be more appropriately located in a commercial district;
- (o) The applicant shall obtain a valid Town of Banff Business Licence. Please contact the Business Licence Clerk at Town Hall or by telephone at 403.762.1215;
- (p) The Development Permit is valid for a period not to exceed the lesser of the term of the Business Licence or a period of one year from the date of issuance.

CARRIED

MPC10-78 Moved by Standish to recommend that Council direct administration to include a holistic review of home occupations as part of the Land Use Bylaw review.

CARRIED

5.2. Proposed Home Occupation Type 1, Real Estate Sales 94 Fox Street

Administration spoke to a written report distributed in the agenda package for this meeting. The applicant was present in the gallery to answer questions from the Commission.

MPC10-79 Moved by Bayne to go in camera at 2:38 p.m.

CARRIED

MPC10-80 Moved by Bayne to return to the public meeting at 2:53 p.m.

CARRIED

MPC10-81 Moved by Bayne to refuse development permit application 10DP52 for a proposed Home Occupation Type 1 (Real Estate Sales Service) given that the nature of the proposed services would be more appropriately located in a commercial district (Section 10.1.5 of Land Use Bylaw 31-4).

CARRIED

Mr. Christensen returned to the meeting at 3:10 p.m.

5.3. Proposed Renovation to allow for 'Triplex Housing' and one 'Accessory Dwelling' – 337 Otter Street

Administration spoke to a written report distributed in the agenda package for this meeting. The applicant was present in the gallery to answer questions from the Commission.

MPC10-82 Moved by Standish to go in camera at 3:17 p.m.

CARRIED

MPC10-83 Moved by Harris to return to the public meeting at 3:31 p.m.

CARRIED

MPC10-84 Moved by to Harris approve Development Permit application 10DP58 for the proposed renovation of the existing residence at 337 Otter Street with a variance to s.8.10.5 and s.12.25.7(f) of Land Use Bylaw 31-4 to allow for an 'accessory dwelling' where the principal use of the site is 'triplex housing' and the lot does not feature frontage on two or more public roadways, subject to the following conditions of approval:

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

- (a) Submit to the Town of Banff the outstanding Variance Development Permit fee of \$550.00 (\$275.00/variance) as established in *Town of Banff Development Fee Bylaw 293*;

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the renovation of the existing buildings with variances to s.8.10.5 and s.12.25.7(f) of the Land Use Bylaw to allow for an 'accessory dwelling' where the principle use of the site is 'triplex housing' and where the lot does not have frontage on two or more public roadways. The Development Permit restricts the total number of dwellings to four (4) at the subject property, in accordance with the intent of the 'RNC' District. Any future changes to the property shall conform to the provisions of the Land Use Bylaw, and may require that the number of bedrooms and dwellings be limited, due to the unique character of the property;
- (b) Remove all unapproved building materials (eg. shake siding and trim on the buildings) and install the previously-approved building materials to the satisfaction of the Development Officer as outlined in Development Permit 08DP06;

(3) General Conditions:

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) 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);
- (c) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (d) Protect all existing services including landscaping on adjacent roadways or properties and assume responsibility for all damages to any existing services during construction;
- (e) Confine "noise" activities to hours set out in the *Town of Banff Community Standards Bylaw 260*;
- (f) The 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)*
- (g) Ensure that all garbage and food waste is stored in bear-proof bins as per Banff Waste Bylaw;
- (h) Construction sites must undergo thorough clean-up, including removal of general litter at project completion;
- (i) Obtain any required Electrical or Plumbing Permits prior to commencement of any on site construction.

CARRIED
Puccini opposed

MPC10-85 Moved by Harris to direct administration to address notification procedures as part of the Land Use Bylaw review process.

CARRIED

5.4. Preliminary Determination of Use – Proposed Stacked Row House, Single Detached Dwelling and one Accessory Dwelling 129 Cave Avenue (10DP59)

Administration spoke to a written report distributed in the agenda package for this meeting. The applicant, project architect and project developer were present in the gallery to answer questions from the Commission.

MPC10-86 Moved by Squarebriggs to go in camera at 3:51 p.m.

CARRIED

MPC10-87 Moved by Standish to return to the public meeting at 4:02 p.m.

CARRIED

MPC10-88 Moved by Karlos to approve preliminary determination of use for the proposed demolition of an existing duplex dwelling and the construction of a five unit stacked row house, one single detached dwelling and one accessory dwelling at 129 Cave Avenue with a minor variance to the maximum allowable gross floor area for the single detached dwelling from 325m² to 473m².

CARRIED

MPC10-89 Moved by Puccini to amend motion MPC10-88 by adding the following, at the request of Parks Canada: "... and on a condition the condition that clarification be provided regarding compliance with the Land Use Bylaw, specifically with respect to side yard setbacks."

CARRIED

The vote followed on motion MPC10-88 as amended: to approve preliminary determination of use for the proposed demolition of an existing duplex dwelling and the construction of a five unit stacked row house, one single detached dwelling and one accessory dwelling at 129 Cave Avenue with a minor variance to the maximum allowable gross floor area for the single detached dwelling from 325m² to 473m², and on the condition that clarification be provided regarding compliance with the Land Use Bylaw, specifically with respect to side yard setbacks.

CARRIED

5.5. Proposed Change of Use "Transportation Service" to "Commercial Service" Mobile Food Catering) 141 Eagle Crescent (10DP51)

Councillor Canning declared a conflict of interest as he operates a business similar to the one being considered. He left the meeting at 4:12 p.m.

Administration spoke to a written report distributed in the agenda package for this meeting.

MPC10-90 Moved by Standish to approve Development Permit application 10DP51 for a proposed Change of Use of an existing commercial business unit from "Transportation Service" to "Commercial Service" (Mobile Food Catering) at 141 Eagle Crescent subject to the following conditions of approval:

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

- (a) Pay to the Town of Banff the remaining \$110.00 portion of the Change of Use Development Permit fee for discretionary uses in accordance with *Town of Banff Development Fee Bylaw 293*;

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of office space associated with the existing 'Transportation Service' (25.6m²) to 'Commercial Service' (Mobile Food Catering). Any future changes of use of the subject commercial floor area may require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (b) The proposed change of use results in a surplus of total required housing of 0.32 bedrooms. The total required housing for the property is in surplus. Any future intensification of use at the subject property may require that housing bedrooms be supplied or cash-in-lieu of housing stall be provided in accordance with the *Town of Banff Land Use Bylaw*. It is the responsibility of the property owner to maintain suitable records indicating the current balance of provision of housing;
- (c) Receive final approval from Alberta Health Services prior to operation of the mobile food catering service. Please contact the Banff Health Unit at 403.762.2990 for more information and to arrange for an inspection. Provide a copy of final approval to Town of Banff Planning and Development, attention: Mr. Keith Batstone;

(3) General Conditions:

- (a) Submit details of any change to the approved plans for review and approval by the Development Officer prior to implementation on-site;
- (b) The applicant shall obtain a Business Licence from the Town, which shall reflect the use approved by this Development Permit;
- (c) A Sign Permit is required for any new signs or replacement of existing signs on the building. A Sign Permit is also required for decal or painted window signs 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.
- (d) The applicant may require a valid Town of Banff Building Permit for any interior renovations and leasehold improvements. Please contact Town of Banff Planning and Development at 403.762.1215 for more information.

CARRIED

Councillor Canning returned to the meeting at 4:27 p.m.

5.8 Update – Tim Horton's Project

This item was moved forward on the agenda by unanimous consent of the Commission.

Two representatives of Tim Horton's were present in the gallery to answer questions from Council. The Fire Chief was also present.

Administration reported that a legally binding stop order work order was served on Tom Horton's by the Town because of fire code deficiencies, failure to obtain an occupancy permit and failure to obtain a business license. The business is currently closed to the public, and will re-open when the deficiencies have been addressed to the satisfaction of the Fire Chief and the Development Officer.

5.6. Development Permit Renewals for Home Occupations (Type 1 and Type 2) 2011
 Administration spoke to a written report distributed in the agenda package for this meeting.

MPC10-91 Moved by Bayne to renew all Development Permits for Home Occupations (Type I and II) listed below for a one-year term, subject to the original conditions of approval:

Permit No.	Civic Address	Type Of Business	Occupation Type
90DP75	120 Grizzly Street	Management Consultant	1
91DP107	201 Jasper Way	Contract Writing Service	1
93DP01	156 Marmot Crescent	Desktop Publishing Service	1
94DP15	131A Park Avenue	Music Entertainment Service	1
94DP98	119 Otter Street	Wholesale Jewellery Sales	1
95DP55	128 Grizzly Street	Vacuum Sales Representative	1
97DP83	201 Porcupine Place	Psychological Counselling Service	1
98DP73	202 Glen Crescent	Bookkeeping & Accounting Services	1
98DP95	110 Muskrat Street	Ski Area Consultant	1
99DP51	106 Nahanni Drive	Travel Consultancy	1
00DP17	27 Fairholme Place	Interior Design Consultant	1
00DP58	5 Cascade Court	Interior Design Consultant	1
01DP02	117 Glacier Drive	Leadership Consulting	1
01DP08	126 Park Avenue	Wholesale Sales and Distribution Service	1
03DP36	94 Fox Street	Consultant	1
03DP39	345 Muskrat Street	Appraisal Service	1
04DP02	129 B Cave Avenue	Management Consultant	1
04DP19	223 Kluane Drive	Environmental Surveillance Consultant	1
04DP26	92 Fox Street	Internet Consulting	1
04DP39	113 A Otter Street	Fly-fishing Guide	1
04DP49	513 A Deer Street	Photography Service	1
04DP68	201 Springs Crescent	Leadership Development Consultant	2
05DP06	348 Squirrel Street	Computer Network Consultant	1
05DP50	207 Jasper Way	Bookkeeping Business	1
05DP58	536 Deer Street	Publishing Company	1
06DP02	529 Deer Street	Bookkeeping and Accounting Business	1
06DP05	327 Marten Street	Golf Reservations Service	1
06DP10	127 A Muskrat Street	Photographic Business	1
06DP37	267 Jasper Way	Television & Film Production	1
06DP53	217 Springs Cres	Graphic Design Business	1
06DP54	3F Otter Lane	Marketing & Sales Consultant	1
06DP62	118 Spray Avenue	Mountain Guiding Service	1
07DP02	12 Fairholme Place	Project Management Service	1
07DP04	216 St Julien Road	Photography Mentoring Service	1
07DP23	24 Sulphur Court	Bookkeeping Service	1
07DP37	137 Park Avenue	Photography Business	1
07DP50	#203-404 Wolf Street	Nordic Ski School Instruction	1
07DP53	329 Middle Springs Dr	Interpretive Guiding/Hiking Service	1
08DP13	201 - 136 Beaver St	Spa-Wellness Treatment Consultant	1
08DP37	#9 - 504 Banff Avenue	Bookkeeping Service	1

Minutes approved by: _____

Permit No.	Civic Address	Type Of Business	Occupation Type
08DP38	102 - 347 Marten Street	Graphic Design Service	1
08DP40	437A Muskrat Street	Safety Training Service	1
09DP05	133 Muskrat Street	Yoga Instruction and Guide Service	1
09DP16	110 Beaver Street	Outdoor Equipment Sewing Service	2
10DP07	414B Otter Street	Freelance Journalist	1
10DP23	223 Muskrat Street	General Contractor Consultant	2
10DP29	331 Marten Street	Graphic Design Service	1

CARRIED

5.7. Development Permit Renewals for Bed and Breakfast Homes & Inns 2011/2012

Mr. Karlos declared a conflict of interest as he owns a bed and breakfast home. He left the meeting at 4:35 p.m.

Administration spoke to a written report distributed in the agenda package for this meeting.

MPC10-92 Moved by Puccini to grant Development Permit renewal for all of the Bed and Breakfast Homes and Bed and Breakfast Inns listed below for a two-year term, subject to the original conditions of approval:

Development Permit No.	Civic Address	# of Rooms	# of Pillows	Conditions
90DP108	2 Cascade Court	2	4	No Change
91DP87	117 Spray Avenue	2	4	No Change
93DP06	132 Otter Street	1	2	No Change
93DP25	412 Marten Street	3	9	No Change
93DP26	328 Elk Street	2	6	No Change
93DP34	124 Spray Avenue	8	17	No Change
95DP08	209 Otter Street	1	4	No Change
95DP22	452 Muskrat Street	2	4	No Change
95DP27	510 Buffalo Street	2	4	No Change
96DP30	427 Marten Street	2	4	No Change
96DP73	336 Beaver Street	2	4	No Change
96DP100	133 Kootenay Avenue	2	4	No Change
96DP115	202 Grizzly Street	1	2	No Change
98DP10	419 Beaver Street	1	4	No Change
98DP17	104 Mountain Lane	1	4	No Change
98DP19	329 Big Horn Street	2	6	No Change
98DP41	608 Wolf Street	2	4	No Change
98DP42	530 Caribou Street	1	4	No Change
99DP88	311 Marten Street	7	17	No Change
00DP12	332 Squirrel Street	2	4	No Change
00DP21	220 Bow Avenue	2	4	No Change
00DP74	213 Glen Crescent	1	2	No Change
02DP31	117 Grizzly Street	3	6	No Change
03DP16	138 Otter Street	2	4	No Change

Minutes approved by: _____

Development Permit No.	Civic Address	# of Rooms	# of Pillows	Conditions
03DP22	347 Grizzly Street	2	4	No Change
03DP72	417 Marten Street	4	8	No Change
04DP59	316 Lynx Street	2	4	No Change
05DP29	437 Marten Street	3	8	No Change
06DP15	121 Cave Avenue	10	24	No Change
06DP40	415 Cougar Place	2	4	No Change
06DP57	137 Muskrat Street	10	22	No Change
07DP07	220 Beaver Street	5	16	No Change
08DP15	333 Muskrat Street	1	2	No Change
09DP33	119 Mountain Avenue	2	4	No Change

CARRIED

6.0 CORRESPONDENCE

6.1. 2011 MPC Meeting Schedule
Accepted as information.

7.0 NEW BUSINESS

No new business was considered.

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, January 12, 2011 at 9:00 a.m.

MPC10-93 Moved by Standish to adjourn the meeting at 4:45 p.m.

CARRIED

Bill Squarebriggs
Chair

Cheryl Hyde
Recording Secretary

Minutes approved by: _____