



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, April 14, 2021 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Barbara Pelham	Public Representative (Vice Chairperson)
Scott McElhone	Public Representative
Dana Humbert	Public Representative
Jean Macpherson	Public Representative
Corrie DiManno	Council Representative
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

Brian Smythe	Public Representative (Chairperson)
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ADMINISTRATION PRESENT

Dave Michaels	Manager, Planning and Development
Eric Bjorge	Development & Heritage Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

PLEASE NOTE: Due to the extraordinary circumstances and measures being taken to slow the spread of COVID-19, this meeting will be held **electronically** and will be **live streamed** on www.banff.ca/live
All Members of MPC will be participating remotely.

1.0 CALL TO ORDER

The Vice Chair called the April 14, 2021 Municipal Planning Commission meeting to order at 9:01 a.m.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for April 14, 2021

MPC21-26 **Moved by** Councillor Olver

That the agenda for the April 14, 2021 meeting of the Municipal Planning Commission be approved as amended.

Minutes approved by: _____



Add 7.1 Verbal Update on Development Projects

For: (7): Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver and Councillor DiManno

MOTION CARRIED

2.2. Declaration of Conflicts

The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.

No conflicts were declared.

3.0 **ADOPTION OF PREVIOUS COMMISSION MINUTES**

3.1 Minutes of the March 24, 2021 meeting of the Municipal Planning Commission

MPC21-27 **Moved by** Commissioner Macpherson

That the minutes of the March 24, 2021 meeting of the Municipal Planning Commission be adopted.

For: (7): Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver and Councillor DiManno

MOTION CARRIED

4.0 **UNFINISHED BUSINESS**

There was no unfinished business.



5.0 REPORTS

5.1 21DP19

Proposed change of use to commercial services
122E Eagle Crescent

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public Input
There was no public input.
- iii. Applicant Input
Charlynn Odegard, applicant, addressed the commission and answered questions.

MPC21-28 **Moved by** Councillor Olver

That Municipal Planning Commission approved Development Permit application 21DP19 for a proposed change of use to Commercial Services at 122E Eagle Crescent subject to the conditions of approval attached as Appendix 'A' as amended 1(b).

APPROVED

Appendix 'A' Amended Conditions of Approval - Application No. 21DP19

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

- (a) Pay to the Town of Banff the following fees as established in the Land Use Bylaw:
 - i. \$1500 commercial discretionary use fee;
 - ii. \$400 Municipal Planning Commission surcharge;
 - iii. \$110 notification fee; and,
- (b) Provide a current title for lot 12, block 58 and plan 3939JK to the satisfaction of the development officer;

(2) Specific Conditions

Minutes approved by: _____



- a) Issuance of this Development Permit allows for the conversion of a portion (39m²) of the second floor of 122E Eagle Crescent from Business Support Services to Commercial Services (Commercial Kitchen);
- b) The change of use results no net increase or decrease in required housing or parking; and
- c) A Sign Permit is required for any new signs or replacement of existing signs on the building.

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



5.2 21DP09

Proposed Bed and Breakfast Home – One Commercial Accommodation Unit
125 Wolverine Street

- i. Staff Presentation
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input
There was no public input.
- iii. Applicant input
Les Creery and Caylan Houghton, applicants, addressed the commission.

MPC21-29 **Moved by** Councillor DiManno

That Municipal Planning Commission approved Development Permit application 21DP09 for a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit, located at 125 Wolverine Street subject to the conditions of approval attached as Appendix 'A'.

APPROVED

Appendix 'A' Amended Conditions of Approval - Application No. 21DP09

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

- (a) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 125 Wolverine Street as their primary residence;
 - ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
 - iii. The Live-in Owner will not operate the Commercial Accommodation Unit while not in residence at the property;
 - iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit. and,
 - v. The live-in owner shall notify the Town of Banff of any changes to the title or ownership of 125 Wolverine Street and are aware that changes may affect the validity of the bed and breakfast development permit.
- (b) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than one (1) Commercial Accommodation

Minutes approved by: _____



Unit and prohibiting the use of any Commercial Accommodation Unit while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600 as established by Town of Banff Development Fee Schedule 'G';

- (c) Submit a detailed Landscaping Cost Estimate, as determined by the contractor or Landscape Architect, for all proposed landscape work, specifying labour, species, and quantities;
- (d) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for landscaping to secure completion of work;
- (e) Submit confirmation from the Fire Safety Codes Officer that the property complies with the Alberta Fire Code, including bedroom egress, smoke alarms and placement of fire extinguishers.

(2) Specific Conditions:

- (a) This approval permits one (1) Commercial Accommodation Unit in association with a Bed & Breakfast Home in accordance with the approved plans which is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance of this permit or until transfer/change in ownership of the subject property, after which time a new Development Permit is required to continue the operation of the Bed and Breakfast Home;
- (b) On-site parking shall conform to the approved site plan. Landscaping work shall be completed within 1 year of the date of issuance of this Development Permit. No parking of guest vehicles is permitted on adjacent public roadways; and,
- (c) If the property ceases to operate or loses permission to operate as a Bed and Breakfast Home, a Development and/or Building Permit is required to re-integrate or approve a new use for the Commercial Accommodation Unit.

(3) General Conditions:

- (a) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to one (1);
- (b) A copy of the Development Permit shall be posted in a prominent and visible place in the home and in each approved guest bedroom at all times;
- (c) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;



- (d) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (e) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of that which is characteristic of the neighbourhood in which it is located;
- (f) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (g) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (h) The owner shall be responsible for complying with the Alberta Fire Code;
- (i) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;
- (j) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and,
- (k) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

- 7.1 Development Updates – administration provided a verbal update on the following developments: Banff Avenue Pedestrian Zone, 425 Muskrat Street (permitted use: two fourplexes), 50% increase with development permit applications compared to this time last year and Banff Avenue Housing project “The Aster”. Bed and Breakfast regulations will be brought forth to Council as soon as possible in 2021.



8.0 INQUIRIES

There were no inquiries for this meeting.

9.0 DATE OF NEXT MEETING and ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, May 21, 2021 at 9:00 a.m.**

MPC21-30 **Moved by** Commissioner Olver that this Municipal Planning Commission adjourn at 9:45a.m.

For: (7): Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver and Councillor DiManno

MOTION CARRIED

Brian Smythe
Chairperson

Kerry MacInnis
Planning and Development