

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, January 17, 2018 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Ken Riordon	Public Representative (Vice Chairperson)
Richard Church	Public Representative
Amber Wanless	Public Representative
Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Bryan Howie	Parks Canada Representative
Chip Olver	Council Representative
Corrie DiManno	Council Representative (left meeting at 10:55a.m)

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Randall McKay	Director, Planning and Development
Darren Enns	Manager, Development Services
David Michaels	Development Planner
Jennifer Laforest	Development Planner
Kerry MacInnis	Planning (MPC Recorder)

1.0 CALL TO ORDER

The Chair to the Municipal Planning Commission called the January 17, 2018 meeting of MPC to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC18-1 Moved by DiMannno to approve the agenda of the January 17, 2018 meeting of the Municipal Planning Commission agenda as amended.

Agenda item #4.1 to be heard after agenda item 5.1.

CARRIED

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

No conflict was declared.

Minutes approved by: _____

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC18-2 Moved by Church to approve the minutes of the December 14, 2017 meeting of the Municipal Planning Commission as presented.

CARRIED

5.0 REPORTS

5.1 17DP02 and 17CDA02 Proposed Commercial Development (Eating and Drinking Establishment) at 205 Bear Street including Commercial Development Allotment Transfer

i. Staff Presentation

Administration provided a presentation and overview on this proposal.

Olver spoke to the written submission that was received at 8:40a.m this morning from Peter Poole. This written submission has been added to these meeting minutes.

ii. Public input

Dave Garrow, owner/operator of an adjacent business, spoke to his written submission regarding the proposed development. This letter has been attached with this meeting agenda.

iii. Applicant input

Stavros Karlos, Banff Hospitality Collective (applicant) and Kelly Morrison, Frank Architecture, spoke to the proposed development.

BHC agrees to a condition of development being added to this project, stating that they do not apply for the “ability to work on Sundays”.

MPC18-3 Moved by Church that the MPC move in camera at 10:20a.m. to discuss a matter where public disclosure could be harmful to third party personal privacy as per Section 17 of the *Freedom of Information and Protection of Privacy Act*.

CARRIED

MPC18-4 Moved by Olver to return to the public meeting at 10:45a.m.

CARRIED

MPC18-5 Moved by Smythe that the Municipal Planning Commission approve Commercial Use Development Allotment Transfer application 17CDA02 to transfer 229.9m² of Commercial Use Development Allotment

Minutes approved by: _____

from 203 Bear Street (Lot 2; Block 5; Plan 6719BC) to 205 Bear Street (Lot 3; Block 5; Plan 8210955) subject to the conditions of approval attached as Appendix 'A'; and,

CARRIED

Appendix 'A' – 17CDA02
Conditions of Approval – Commercial Development Allotment Transfer

1. Conditions to be met prior to the issuance of the Development Permit:
 - (a) Pay to the Town of Banff the outstanding Commercial Development Allotment Transfer fee in the amount of \$1,400 as established in the Land Use Bylaw; and
 - (b) Submit a copy of the current Land Titles for both 203 Bear Street (Lot 2; Block 5; Plan 6719BC) and 205 Bear Street (Lot 3; Block 5; Plan 8210955).
2. Specific Conditions
 - (a) Subject to approval of Development Permit Application 17DP02, this approval permits the transfer of 229.9m² of Commercial Development Allotment from 203 Bear Street (Lot 2; Block 5; Plan 6719BC) to 205 Bear Street (Lot 3; Block 5; Plan 8210955) that was awarded through Commercial Development Allotment 13CDA03 only;
 - (b) The remaining 80m² of Commercial Development Allotment (13CDA03) remains allocated to future development at 203 Bear Street (Lot 2; Block 5; Plan 6719BC) only; and,
 - (c) This approval does not alter the expiry date of the original Commercial Use Development Allotment 13CDA02.

MPC18-6 Moved by DiManno that the Municipal Planning Commission add as a condition of approval for development permit 17DP02 to the following 3(r) “the applicant is not permitted to request special permission to operate construction on Sundays”.

CARRIED

MPC18-7 Moved by Olver that the Municipal Planning Commission add a restriction to the proposed development 17DP02 that no construction occur between the hours of 5:00p.m. to 9:00p.m. Monday through Friday as per Section 52 of the Community Standards Bylaw.

DEFEATED

In Favor: Olver, Smythe

Opposed: DiManno, Wanless, Riordon, McElhone, Church, Howie

MPC18-8 Moved by Smythe that the Municipal Planning Commission approve Development Permit application 17DP02 as amended to construct an Eating and Drinking Establishment at 205 Bear Street if, in their opinion, the following variance meets the requirements of Section 4.7.0 of the Land Use Bylaw:

Section 8.6.1(a) to allow the eaves and cantilevered balconies to project more than 0.6m into the Front Yard;

Subject to the conditions of approval attached as Appendix 'C'.

CARRIED

Appendix 'C' – Conditions of Approval – Development Permit – 205 Bear Street

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

- (a) Pay to the Town of Banff the outstanding portion of the Development Permit Application fee in the amount of \$702.89 as established in the Land Use Bylaw;
- (b) Pay to the Town of Banff the Variance fee in the amount of \$750 as established in the Land Use Bylaw;
- (c) Submit a revised Landscape Plan for review and approval by the Development Officer, that indicates proposed planting in accordance with the Banff Design Guidelines;
- (d) Submit an Exterior Lighting Plan showing numbers, types, locations and technical specifications for individual light fixtures in conformance with s.8.22.0 of *Town of Banff Land Use Bylaw 31-4* for review and approval by the Development Officer;
- (e) Submit a revised Roof Plan for review and approval by the Development Officer, showing proposed roof top mechanical screening;
- (f) Submit a revised detailed Deep Utilities Servicing Plan, for review and approval by the Director of Engineering, showing:
 - i. connection to existing water service and sanitary sewer;
 - ii. details of pipe material(s) and size(s);
 - iii. location and type of required grease trap;
 - iv. location of water meter(s) and remote reading device(s); and,
 - v. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;
- (g) Submit a revised detailed Shallow Utilities Servicing Plan, for review and approval by the Director of Engineering, showing:
 - i. location(s) of existing services to be removed; and,
 - ii. location of proposed gas, power and communications lines;

Minutes approved by: _____

- (h) Submit a Storm Water Plan, for review and approval by the Director of Engineering, showing how site storm water will be managed;
- (i) Submit a materials sample board and colour board indicating conformance with the Banff Design Guidelines for the final review and approval by the Development Officer;
- (j) Submit a detailed cost estimate, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- (k) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
- (l) Submit a Construction Site Plan indicating locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- (m) Submit a Site De-Watering Plan for the review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office including a description of soil and erosion control mitigations that will be used during construction;
- (n) Submit a Construction Hoarding Plan for the perimeter of the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding for review and approval by the Development Officer. Specify solid wood boarding (min. 1.8m height), or satisfactory equivalent, for safety and screening along the Bear Street frontage. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- (o) Submit a proposed Truck Route and Traffic Plan for construction vehicles entering and exiting the site;
- (p) Provide information regarding how the project incorporates high-quality environmental design (which may include building standards that exceed the minimum construction requirements otherwise applicable) and are complementary to the town's unique location and surrounding context in accordance with section 8.3.0 of the Land Use Bylaw, to the satisfaction of the Development Officer;
- (q) Submit written confirmation from the Parks Canada Realty Office, to the satisfaction of the Development Officer, that the new lease for Block 5 Lot 3 commencing January 1, 2018 has been executed. The Banff National Park Realty Services can be contacted directly on 403.762.1500 or banff.realty-immobilier@pc.gc.ca;
- (r) Submit written confirmation from the Parks Canada Environmental Assessment Office, to the satisfaction of the Development Officer, that a Determination of Environmental Impacts indicating the project is not likely to have significant adverse environmental effects, has been issued. The Banff National Park Environmental Assessment Office can be contacted directly on 403.431.0155 or jessica.rempel@pc.gc.ca; and,

- (s) Submit a completed *Subcontractor Information Sheet* to the Town of Banff Business License Clerk, providing a list of the sub-contractors to be employed in the construction of the development.

2. **Specific Conditions**

- (a) This approval permits the interior and exterior renovation of an Eating and Drinking Establishment (548.12m²) and Kitchen (159.1m²) subject to the approval of a Commercial Development Allotment of 229.9m² under application 17CDA02 and issuance of Development Permit 16DP74;
- (b) The total required parking resulting from this development is 10.3 parking stalls. In accordance with s 8.16.13, cash-in-lieu of the required parking in the amount of \$216,300 (\$21,000.00 per stall) shall be paid as per Schedule 'B' of this Notice of Decision;
- (c) The total required housing resulting from this development is 5 bedrooms. A remaining credit of 10 bedrooms is associated with this property as per Development Permit Application 16DP74. The remaining 5 bedrooms may be credited against future development permits applied for prior to August 29, 2019, after which date these credits shall become null and void;
- (d) Upon completion of the development, a Real Property Report certified by a Canada Lands Surveyor for Lot 3; Block 5; Plan 8210955 shall be submitted and the property owner shall enter in to an Encroachment Agreement with the Town of Banff, to be registered to the Certificate of Title, to capture any encroachments into the public right-of-way. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. The applicant shall pay the Town of Banff the Legal Agreement Surcharge of \$450.00 as established by Schedule 'G' of the Land Use Bylaw;
- (e) A separate Comprehensive Sign Plan Development Permit is required prior to the installation of any Signs; and
- (f) The applicant is responsible for complying with any/all applicable provincial and federal regulations.

3. **General Conditions**

- (a) Any supplementary changes to the approved plans or building design shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) A valid Town of Banff Building Permit shall be required prior to commencement of construction;
- (c) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's BCS Environmental Screening Determination Using a Class Screening Report and the guidelines identified in the Environmental Guidelines for Development Projects in Banff National Park (Directive 17) are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- (d) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed at the Bow Valley Waste Management Commission Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste Transfer Station at 160 Hawk Avenue.

Please see the Town of Banff How-to Guide to Construction Waste Management for further information;

- (e) Apply for a Street Use Permit from the Director 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) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- (g) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- (h) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit in order to dispose of clean fill at the Cascade Pit. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (i) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted without prior approval;
- (j) A water meter and remote reading device shall be installed at the building prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department. Please call 403.762.1240 to arrange for an inspection;
- (k) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
- (l) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (m) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (n) All rooftop mechanical equipment must be screened from view to the satisfaction of the Development Officer. This includes any exposed flues, HVAC or other rooftop mechanical equipment;
- (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) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;

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- (q) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (r) Confine “noise” activities to hours set out in Town of Banff Community Standards Bylaw 260; and the applicant is not permitted to request special permission to operate construction on Sundays.
- (s) Provide dust suppression (spraying) of site during demolition/excavation activities;
- (t) 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 water body;
- (u) The applicant shall arrange to have the landscaping completed by no later than two years 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 one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this work at the expense of the owner;
- (w) Minimize the idling of construction vehicle engines at all times in accordance with Town of Banff Traffic Bylaw 16-7; and
- (x) 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*;

DiManno left the meeting at 10:55a.m.

Minutes approved by: _____

4.0 UNFINISHED BUSINESS

4.1 Proposed Duplex Housing with Accessory Dwellings at 508 Deer Street – 17DP63. Updated site plan/landscape plan for Deer Street driveway.

i. Staff Presentation

Administration spoke to the proposed development 17DP63 and the report included in this meeting agenda.

Olver spoke to the written submission by Peter Poole which has been included in these meeting minutes. Olver asked if this new driveway plan/approach satisfies the other commission members concerns that were brought up at the previous MPC meeting. Commission agreed that it did address many of their previous concerns.

ii. Public input

Hugh Pettigrew, concerned citizen and acting as an agent for Guenther Boehnish (resident of 509/511 Deer Street), expressed concerns over the proposed driveway. Boehnish's written correspondence has been attached with these meeting minutes.

iii. Applicant input

Shawn Jensen, Century Design, represented the applicant, Dale Niskar, who was unable to attend the meeting. Mr. Jensen spoke to the design and landscaping of the proposed driveway.

MPC18-9 Moved by Olver that Municipal Planning Commission (MPC) consider a variance to s.8.16.27(a) of the Land Use Bylaw for a driveway width to exceed 3.6m for the first 2.0m inside a property line and that administration work with the applicant to minimize the driveway width. That MPC approve Development Permit application 17DP63 to allow for the construction of Duplex Housing with Accessory Dwellings at 508 Deer Street, subject to the conditions of approval attached as Appendix 'A'.

(appendix A - attached to these meeting minutes)

CARRIED

Minutes approved by: _____

- 5.2 17DP93 Proposed Bed and Breakfast Home at 609 Caribou Street (1 Guest Room)
- i. Staff Presentation
Administration provided a presentation and overview on this proposal.
 - ii. Public input
There was no public input.
 - iii. Applicant input
Cheryl Cunningham, applicant, was in the gallery to answer any questions from the commission.

MPC18-10 Moved by Howie that Municipal Planning Commission amended the conditions of approval for 17DP93 to restrict the number of commercial accommodation units to one (1).

CARRIED

MPC18-11 Moved by McElhone that Municipal Planning Commission approve Development Permit application 17DP93 as amended for a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit, located at 609 Caribou Street, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' – Conditions of Approval

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

- (a) Submit confirmation, to the satisfaction of the Development Officer, that the property complies with the Alberta Building Code 2014 including bedroom egress, smoke alarms and placement of fire extinguishers;
- (b) Submit a revised Landscape Plan, for review and approval by the Development Officer, that includes additional soft landscaping in the yard in order to screen the parking stalls, indicates proposed hard landscaping materials and is in conformance with the Banff Design Guidelines. Planting with a low or very low flammability rating is encouraged and mature conifers within 5m of any structure shall be limbed to 3m and all standing dead shall be removed; and,
- (c) Submit evidence to the satisfaction of the Development Officer for the removal of the kitchen in accordance with section 10.3.2 (d) of the Land Use Bylaw.

(2) 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) The Development Permit is valid for a period not to exceed the term of the Business Licence or one (1) year

Minutes approved by: _____

from the date of issuance, whichever first occurs;

- (c) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (d) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (e) 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;
- (f) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (g) 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.;
- (h) 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;
- (i) The owner shall be responsible for complying with the Alberta Fire Code;
- (j) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (l) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (m) 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*.

- 5.3 17DP96 Proposed Bed and Breakfast Home at 118 Beaver Street (2 Guest Rooms)
- i. Staff Presentation
Administration provided a presentation and overview on this proposal.
 - ii. Public input
There was no public input.
 - iii. Applicant input
There was no applicant input.

MPC18-12 Moved by Riordon that Municipal Planning Commission approve Development Permit application 17DP96 for a new Bed and Breakfast Home containing two (2) Commercial Accommodation Units, located at 118 Beaver Street, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' – Conditions of Approval

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

- (a) Submit confirmation, to the satisfaction of the Development Officer, that the property complies with the Alberta Building Code 2014 including bedroom egress, smoke alarms and placement of fire extinguishers;
- (b) Submit a revised Landscape Plan, for review and approval by the Development Officer, that includes additional soft landscaping in the rear yard, indicates proposed hard landscaping materials, includes the removal of the non-conforming accessory structure (storage shed) and is in conformance with the Banff Design Guidelines. Planting with a low or very low flammability rating is encouraged and mature conifers within 5m of any structure shall be limbed to 3m and all standing dead shall be removed; and,
- (c) Submit a Fence Plan, for review and approval by the Development Officer that shows replacement of the existing chain-link fence with a fence that is constructed from natural materials and is coordinated with the design of the main building as per section 3.7(d) of the Banff Design Guidelines.

(2) 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 two (2);
- (b) The Development Permit is valid for a period not to exceed the term of the Business Licence or one (1) year from the date of issuance, whichever first occurs;
- (c) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;

Minutes approved by: _____

- (d) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (e) 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;
- (f) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (g) 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.;
- (h) 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;
- (i) The owner shall be responsible for complying with the Alberta Fire Code;
- (j) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (l) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (m) 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.

7.0 NEW BUSINESS

There was no new business.

8.0 INQUIRIES

There were no inquiries.

Minutes approved by: _____

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

The next regularly scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, February 14, 2018 at 9:00 a.m.

MPC18-13 Moved by Riordon to adjourn the meeting at 11:45 a.m.

CARRIED

Brian Smythe
Chair

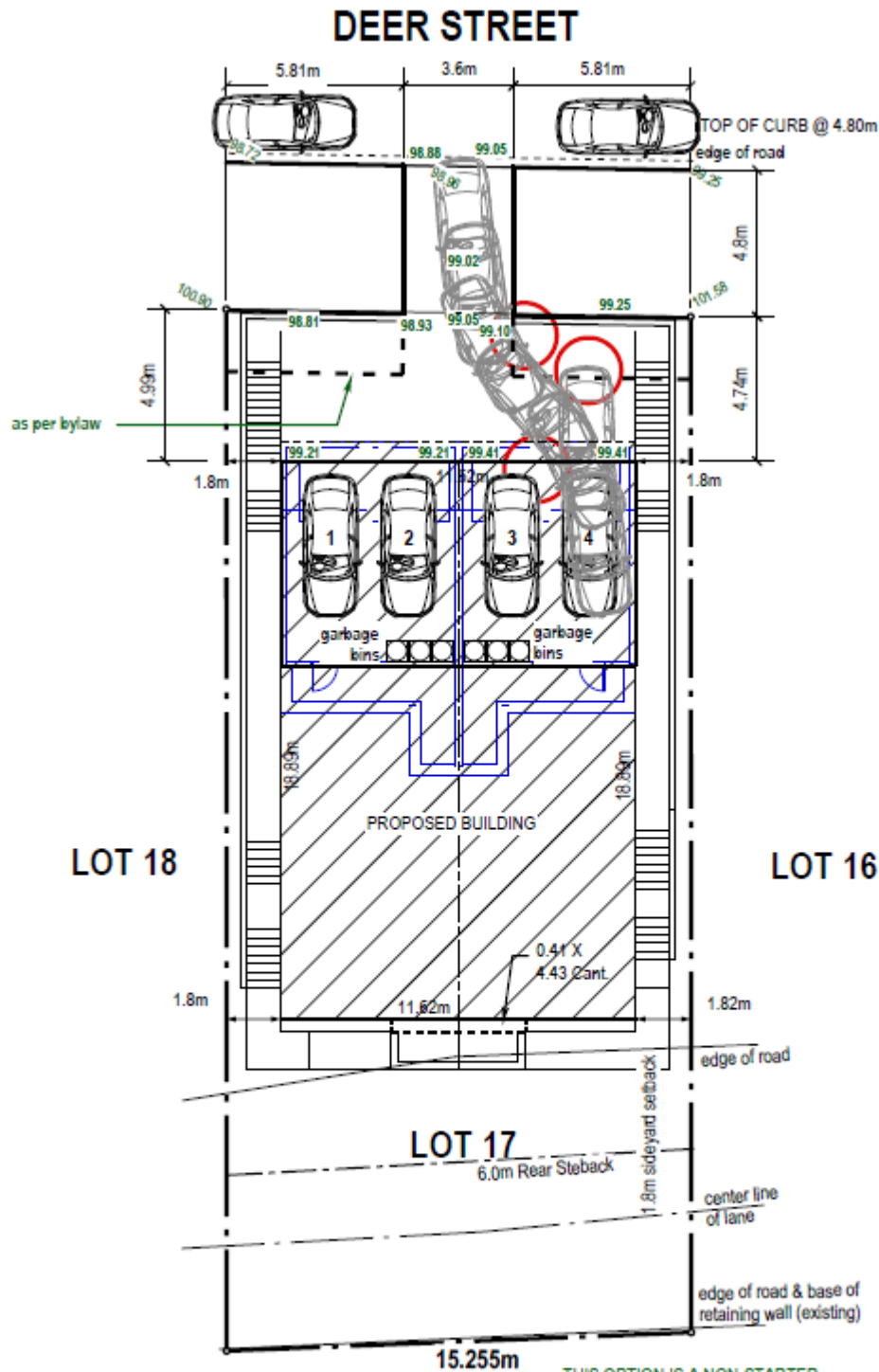
Kerry MacInnis
Planning and Development

Minutes approved by: _____

Appendix 'A'

Proposed Plans

Application No. 17DP63



THIS OPTION IS A NON-STARTER.
IT IS SHOWN TO ILLUSTRATE THE REQUIREMENT
AS OUTLINED IN THE BYLAW REQUIREMENTS.
IT IS UNFUNCTIONAL.

PARKING - DRIVEWAY ACCESS
SINGLE THROAT (OPTION B) AS PER BYLAW

Appendix 'A'

Proposed Plans

Application No. 17DP63



Appendix 'A'

Proposed Plans

Application No. 17DP63

Darren,

I just wanted to provide some clarification on our submission. You provided some comments that we did review and did consider.

The throat width we decided to leave at 6.0m.

- The narrower the throat the sharper the turn to get into or out of the outer garage stalls. This maneuver is only going to create mishaps with the retaining rock on backing out or the garage door side wall on pulling into the garage.
- The throat at 6.0m is similar and in some cases less than several of the driveways on Deer street already.
- It still allows the parking of two vehicles on the street to either side. Another 20" won't change that at all.
- Transportation had already given their blessing for the double throat which would have had a combined 7.2m of opening. Although
- the design was the favoured arrangement for Dale and myself, due to the street slope, it meant a requirement to drop the right garage
- 8" in order to maintain the max allowable driveway slope within the boulevard of 2%. This drop was a big enough concern to Dale that he has relented to the backing out option created by the single throat and smaller area of the proposed driveway.
- Given these reasons we strongly hope this 6.0m throat can remain as designed.

The Driveway material is border concrete.

- Although I had originally labelled this as walkway, it is not really a walkway and is flush with the rest of the driveway. It is intended to be driven on and was included as much for its decorative aspect as for some practical reasons:
 - It will be a material that is easier to shovel than the Permeable pavers.
 - It will provide access to the street for residents and guests who may be parked on the street.
 - It creates a sturdy border to frame the pavers and ensure they stay intact.

Your other suggestions regarding the retaining and the landscaping have been implemented and as you can see in the 3D images will be extremely attractive. The landscape materials including the low creeping juniper on the ground and the relatively low growing Trembling Aspen Trees will together provide contrast and 4 season greenery but more importantly, the zone from the juniper to the underside of the Aspen foliage will be open. This will mean better visibility of the street and oncoming vehicles as owners back out of the property. Large shrubs and spruce or other evergreens would completely block this view as is the case toward the other end of Deer Street. The Aspen will also cap out at a height that will not be a problem for the overhead power lines.

If you have any questions or need more clarity on the drawings please let me know.

Regards,

Thank-you,
Shawn Jensen A.T. - Principal
c 403-969-3729
o 403-244-9744
<http://www.newcenturydesign.ca>

Peter J. Poole
Arctos & Bird Management Ltd.
The Bison Courtyard
211 Bear Street
Banff

Wednesday Jan. 17, 2018

Chair & Members
Municipal Planning Commission
Banff

Dear Members of the MPC:

Please find brief comments on two of the items before you today.

A: Concerning your agenda item 4.0 (17DP63), 508 Deer Street:
Please ensure that the archaeologist for Parks Canada is aware of this project. As you may know, one of the kiguli pithouse dwelling sites around Banff had been on Deer Street. The one that was on Deer Street are associated with Canada's first-declared archaeological site, the complex of these pithouses protected in 1913 by Canada's first Dominion archaeologist Harlan Smith. These pithouse dwelling sites represent thousands of years of use by interior Salishan speaking peoples. They typically were used year-after-year, in the winter, as dwellings. Hence, I wonder if there may be valuable archaeological materials at the Deer Street site. (See p. 63 in Langemann & Greaves, 2015, attached. This refers to one site along Deer Street. Whether nearby sites have similar materials remains to be known.)

B: 205 Bear Street (17DP02) Proposed eating & drinking establishment

1. As an adjacent neighbouring leaseholder, I welcome this concept in general. As evidence of my support of the Banff Hospitality Collective, I have suggested that the building could be functionally better by accessing a basement through our parkade at the Bison Courtyard. At the parkade level, during our design & development process in discussion with the Planning Department & MPC, we installed pop-out panels in the foundation walls so that a future excavation at 205 Bear Street could have access through our parkade.

I discussed this with the owners last Friday and they had not known of this possibility from the Town's Planners. Accordingly, there may need to be additional design work on this proposed development.

2. The balcony detail, which is subject to a variance, may need a review so the boundary condition on the south end of the bldg by 203 Bear is correctly resolved. I am quite concerned that we do not end up with an uncomfortable design where two buildings do not properly connect. On the drawings we reviewed last Friday, I did not see a drawing showing how this boundary condition would be resolved.

3. The population increase required would appear to depart from the BNP Management Plan (2010). We may have reached the point where development of one desirable project comes at the expense of an existing development. The Town has new municipal census data (presented this January to Town Council) which helps calculate the rate of growth of the permanent population from the last municipal census to this one. If that growth rate were applied to the Federal Census population count for the permanent residents of Banff, then the Town would exceed the cap. That growth rate is 1.8% (when calculating the growth in the permanent resident population under the municipal census), or 1.0% (when calculating the growth in the total population). Using either number, and applying this to the Federal Census number of the permanent population, we would have over 8,000 permanent residents. We are obliged to "proactively" made decisions in keeping with that population limit.

Thank you for your consideration of these points.

Sincerely,

Peter J. Poole
(sent by email while away on business to Edmonton).

Respectively submitted with reference to:

Darren Enns: Town of Banff
Planning and Development Department.

Your File: 17DP63
Proposed: Duplex Housing and Accessory Dwellings at
508 Deer Street
Block 32 Lot 17 Plan 638 HD

I am the Lessee of two (2) leasehold properties directly across the street from this proposed development:

- 1: 509 Deer Street
Block 29 Lot 17 Plan 6719 B.C.
Lessee: Guenther Boehnisch and Lieselotte Boehnisch as Joint Tenants,
My primary residence, and
- 2: 511 Deer Street
Block 29 Lot 18 Plan 6719 B.C.
Lessee: Guenther's Landscaping Service Ltd.
Rental property.

I respectfully appeal the garage and driveway portions of this proposed development based on the lack of adherence to the set back by-laws pertaining to the garage and driveway for this development. I feel these two factors do not meet the Town of Banff Land Use By Laws.

As a professional landscaper I also have issue with the lack of landscaping proposed for this proposed development.

Sincerely yours:


Guenther Boehnisch

Dated:14 Dec. 2017