



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, March 09, 2022 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Brian Smythe	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson)
Scott McElhone	Public Representative
Dana Humbert	Public Representative
Stavros Karlos	Public Representative
Bryan Howie	Parks Canada Representative
Hugh Pettigrew	Council Representative

COMMISSION MEMBERS ABSENT

Barbara Pelham	Council Representative
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ADMINISTRATION PRESENT

Darren Enns	Director, Planning and Development
Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner
Kathleen Gallagher	Development 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 Chair to the Municipal Planning Commission called the March 09, 2022 MPC meeting to order at 9:00a.m.

The March 09, 2022, Regular Meeting of the Municipal Planning Commission will be conducted virtually using Zoom and will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

Minutes approved by: _____



2.0 APPROVAL OF AGENDA

2.1 Approval of the Municipal Planning Commission agenda for March 09, 2022

MPC22-8 **Moved by** Commissioner Karlos

That the agenda for the March 09, 2022, meeting of the Municipal Planning Commission be approved as presented.

For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED

2.2 Declaration of Conflicts

There was no conflict declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the February 16, 2022, meeting of the Municipal Planning Commission

MPC22-9 **Moved by** Commissioner Taylor

That the minutes of the February 16, 2022, meeting of the Municipal Planning Commission be adopted as amended.

- Add the word “meeting” in agenda item 1.0 call to order.
- MPC Motion 22-4 remove the word “verbal” from the motion.

Minutes approved by: _____



For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 22DP09

Proposed recreation grounds pavilion

- 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
Mr. Harris and Mr. Gagnon; applicant and project manager for this project were present to address the commission and answer questions.

MPC22-10 Moved by Councillor Taylor

That Municipal Planning Commission approve Development Permit 22DP09 to construct a Multi-use Pavilion at 101 Birch Drive in accordance with the Land Use Bylaw, subject to the conditions of approval attached as Appendix 'A', with amended condition 1(a)(v) to read:

Minutes approved by: _____



(v) Off-site levies in the amount of \$5,291.96 established by Town of Banff Off-Site Levy Bylaw (\$23.19/m² x 228.2 m² gross floor area).

The total required housing resulting from this development is 0.49 bedrooms. In accordance with s.8.19.0 of the Town of Banff Land Use Bylaw and Council Policy C012, operation of this development (e.g. public opening) shall not occur until either:

- i. Cash-in-lieu of required housing in the amount of \$22,157.80 has been paid, or a Development Agreement has been entered into that includes a schedule of payments for cash-in-lieu of required housing within three (3) years of the date of issuance of the Development Permit; or,
- ii. An Occupancy Permit has been issued for a residential development within the Town of Banff that has dedicated 1 bedroom to this development.

For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED

Appendix 'A' Conditions of Approval

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

- (a) Provide confirmation, to the satisfaction of the Development Officer, that the following fee requirements have been addressed:
 - (i) Institutional - New Construction fee of \$1,973.84 (\$1,700 + (228.2m² x \$1.20/m²));
 - (ii) MPC surcharge fee in the amount of \$375 as established in the Land Use Bylaw;
 - (iii) Address Assignment fee in the amount of \$125 as established in the Land Use Bylaw;
 - (iv) Notification fee in the amount of \$110 as established in the Land Use Bylaw; and,

Minutes approved by: _____



- (v) Off-site levies in the amount of \$5,291.96 established by Town of Banff Off-Site Levy Bylaw (\$23.19/m² x 228.2 m² gross floor area).

The total required housing resulting from this development is 0.49 bedrooms. In accordance with s.8.19.0 of the Town of Banff Land Use Bylaw and Council Policy C012, operation of this development (e.g. public opening) shall not occur until either:

- i. Cash-in-lieu of required housing in the amount of \$22,157.80 has been paid, or a Development Agreement has been entered into that includes a schedule of payments for cash-in-lieu of required housing within three (3) years of the date of issuance of the Development Permit; or,
 - ii. An Occupancy Permit has been issued for a residential development within the Town of Banff that has dedicated 1 bedroom to this development.
- (b) Confirm 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* for review and approval by the Development Officer;
 - (c) 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;
 - (d) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the *Residential Waste Bylaw*, to the satisfaction of the Development Officer;
 - (e) Submit a Construction Hoarding Plan in accordance with *Policy C3000 Construction Site Hoarding* 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. 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;
 - (f) Submit a proposed Truck Route and Traffic Plan for construction vehicles entering and exiting the site. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction.



2. Specific Conditions

- (a) This approval permits the construction of a Community Recreation Services facility; and,
- (b) The total required housing resulting from this development is 0.49 bedrooms.

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) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's Banff Environmental Assessment Office Environmental Screening Determination BNP-1467 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;
- (c) 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;
- (d) 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;
- (e) Disturbance of public roadways and installation of utility trenches may require inspection. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection;
- (f) Installation of new services and the termination of redundant services may require inspection. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
- (g) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada.
- (h) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (i) 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;
- (j) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
 - (k) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
 - (l) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
 - (m) 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;
 - (n) 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;
 - (o) 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;
 - (p) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
 - (q) Confine “noise” activities to hours set out in Town of Banff Community Standards Bylaw 260;
 - (r) Provide dust suppression (spraying) of site during demolition/excavation activities;
 - (s) 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;
 - (t) The applicant shall arrange to have the landscaping completed by no later than two years from the date of issuance of the Development Permit.
 - (u) The applicant shall arrange to have all 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.

- (v) Minimize the idling of construction vehicle engines at all times in accordance with Town of Banff Traffic Bylaw 16-7; and,
- (w) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues 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 22DP06
Proposed change of use at 100 Jay 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
Jason Funnell, applicant, was present to address the commission and answer questions.

MPC22-11 **Moved by** Councillor Pettigrew

That the Municipal Planning Commission approve Development Permit application 22DP06 for a proposed change of use to Equipment Rentals at Unit #4 (main level), 100 Jay Street subject to the conditions of approval attached as Appendix 'A'.

For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED

Minutes approved by: _____



Appendix 'A' conditions of approval

(1) Specific Conditions

- a) Issuance of this Development Permit allows for the conversion of the main level (79 square metres) of Unit #4, 100 Jay Street, from Commercial Services to Equipment Rentals;
- b) Any retail sale operations shall be permitted as an accessory use only. Retail sales operations shall not exceed 10% of the total gross floor area (s.12.5.8.c); and
- c) In accordance with section 8.16.7 and 8.19.4 of the *Town of Banff Land Use Bylaw*, there are no off-street parking or housing requirements.

(2) General Conditions:

- a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- c) 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*;
- d) Confine "noise" activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- e) 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*;
- f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- g) 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,



- h) 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 Bylaw 450 – Land Use Bylaw Amending Bylaw

A Bylaw to Introduce Sports Equipment Rental as a New Use Within the CA, CB, CD, CS and CT Land Use Districts

i. Staff Presentation

Administration provided a presentation and overview on the proposal as included in the agenda package.

MPC22-12 **Moved by** Commissioner Karlos

That the Municipal Planning Commission supports the proposed Bylaw 450, Land Use Bylaw Amending Bylaw - A Bylaw to Introduce Sports Equipment Rental as a New Use Within the CA, CB, CD, CS and CT Land Use Districts.

For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED



6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Verbal Updates on Development Permits

Administration provided a verbal update on the demolition permit applications for 328 Muskrat Street and 216 Muskrat Street, as well as the Cascade Shops redevelopment.

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, April 13, 2022 at 9:00 a.m.**

MPC22-13 **Moved by** Commissioner Smythe that the Municipal Planning Commission adjourn at 11:00a.m.

For: (7): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos and Councillor Pettigrew

MOTION CARRIED

Brian Smythe
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____