

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION**  
**of the Town of Banff in the Province of Alberta**  
**Town Hall Council Chamber**  
**Wednesday, May 15, 2019, 2019 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Amber Wanless	Public Representative (Vice Chairperson)
Adriana Calvo-Matos	Public Representative
Richard Church	Public Representative
Chip Olver	Council Representative
Corrie DiManno	Council Representative
Bryan Howie	Parks Canada Representative

**COMMISSION MEMBERS ABSENT**

**ADMINISTRATION PRESENT**

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

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**1.0 CALL TO ORDER**

The Chair called the May 15, 2019 Municipal Planning Commission meeting to order at 9:00a.m.

**2.0 APPROVAL OF AGENDA**

MPC19-42 Moved by Wanless to approve the agenda of the April 10, 2019 meeting of the Municipal Planning Commission agenda as amended.

Add 7.5 – Planning and Development (verbal update) on recent projects approved by MPC.

**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. Church stated that he had done work at Melissa's Restaurant for the previous owners and has been in contact with the new owners for potential future work but has had no further contact. MPC and the Homestead/Melissa's Redevelopment applicant did not object. No conflict was declared.

Minutes approved by: \_\_\_\_\_

### 3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC19-43 Moved by DiManno to approve the minutes of the April 10, 2019 meeting of the Municipal Planning Commission as amended.

- Change 'NEW' to 'new' on MPC19-35

**CARRIED**

### 4.0 UNFINISHED BUSINESS

There was no unfinished business.

### 5.0 REPORTS

- 5.1 Proposed Single Detached Home with Accessory Dwelling at 134 Kootenay Avenue – 19DP28
- Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.
  - Public input  
Gina Carver and Joan McConkey's written correspondence included with these meeting minutes.
  - Applicant input  
Stormy and Phil Monod addressed the commission about the proposed development.

MPC19-44 Moved by DiManno that the Municipal Planning Commission approve Development Permit application 19DP28 for the construction of a single detached housing and accessory dwelling at 134 Kootenay Avenue subject to the conditions of approval attached in Schedule A.

#### Appendix 'A' - Conditions of Approval – 19DP28

- (1) Conditions to be met prior to the issuance of the Development Permit:
  - (a) Pay to the Town of Banff Off-Site Levies in the amount of \$8,302.<sup>08</sup> as established by *Town of Banff Off-Site Levy Bylaw 305* (\$22.<sup>08</sup>/m<sup>2</sup> x 376m<sup>2</sup> gross floor area);
  - (b) Pay to the Town of Banff \$950.<sup>00</sup> in-lieu of On-Site Garbage Facilities (\$950/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
  - (c) The following is required:
    - i. A complete, Current Title for Block 2, Lot 18, LTO#1890HH be provided to Parks Canada Realty Services.
    - ii. Parks Canada must also receive a detailed Project Description to determine if an Environmental Impact Analysis (EIA) for the 19DP28 development proposal is required. The EIA determination

Minutes approved by: \_\_\_\_\_

of impacts must be made prior to the issuance of the development permit, and mitigations prescribed. From an initial review, key information and impacts to address are:

- Reports from any geotechnical investigations conducted on the site;
- Pre-demolition hazardous materials assessment and disposal plan;
- Disposal of demolition and construction waste;
- Soil management plan;
- Ground and storm water management, both during construction and for the long term operation of the building, including management of any potential contamination. Note that permanent dewatering is not permitted in the town of Banff; and
- Landscape plan and plant species.

- iii. The proponent is responsible for drafting the project description and providing any other required information to Parks Canada. A guidance document for what to include in the Project Description is attached. For further information on environmental issues or submittals, the proponent can contact the Banff Environmental Assessment Office at [Anna.Brown@canada.ca](mailto:Anna.Brown@canada.ca) or 403.762.1416.
- (d) Submit a Construction and Site De-Watering Plan for the review and approval of the Director of Engineering and Parks Canada Environmental Assessment;
- (e) Submit three (3) copies of plans showing conformance with the provisions of the Town of Banff Land Use Bylaw for the review and approval by the Development Officer, including:
- i. An Exterior Lighting Plan showing numbers, types, and locations and technical specifications for individual light fixtures in conformance with Section 8.22.0;
  - ii. A summary of technical specifications demonstrating how New Housing shall conform with the Environmental Design Standards of Section 8.3.3 – Energy Conservation Techniques, Energy Star-certified Window Glazing, Wall and Roof Insulation R-values, Water Efficient Plumbing Fixtures;
- (f) 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;
- (g) Submit a detailed Deep Utilities Servicing Plan to the satisfaction of 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 of new water meter(s) and remote reading device(s)
  - iv. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;
- (h) Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;

- (i) Submit a Construction Site Plan for site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding. 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. Construction fence shall be installed in accordance with the requirements of the *Town of Banff Construction Site Hoarding Policy C3000*;
  - (j) Submit a detailed Stormwater Management Plan to the satisfaction of the Director of Engineering showing detailed specifications for the device(s) which demonstrate that the system can handle a 1:100 year storm event and can contain a 1:25 year storm event on-site, or comparable standard as approved by the Director of Engineering;
  - (k) Submit a detailed Landscaping 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;
  - (l) Submit a detailed Hardsurfacing Cost Estimate, as determined by the contractor, 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; and,
  - (m) Submit a completed Subcontractor Information Sheet to Town of Banff Business Licensing Clerk with the Planning and Development Department providing a list of the sub-contractors to be employed in the construction of the development.
- (2) General Conditions:
- (a) This notice provides the decision of the Municipal Planning Commission regarding the application for a single detached home and accessory dwelling at 134 Kootenay Avenue. The development permit will not be released until the conditions 1(a)-(m) have been met to the satisfaction of the Development Officer;
  - (b) The applicant is encouraged to obtain an encroachment agreement for the retaining wall in the rear yard partially located inside Lot 19-B;
  - (c) Tree removal as specified in the landscaping plan shall be limited to trees on site. Tree removal and/or pruning on adjacent leasehold properties shall be addressed as part of a separate tree cutting application;
  - (d) A residential fence located within the front yard is limited to maximum height of 1.0m;
  - (e) 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;
  - (f) 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 (see attached);

- (g) 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 Cooke) 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 How-to Guide to Construction Waste Management;
- (h) 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;
- (i) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Manager 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.
- (j) 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.
- (k) 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. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (l) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (m) A water meter and remote reading device shall be installed at each dwelling 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;
- (n) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (o) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;

- (p) 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;
- (q) 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;
- (r) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (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 waterbody;
- (t) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (u) The applicant shall arrange to have the landscaping completed 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 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*;
- (x) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion
- (y) 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*; and,
- (z) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
  - i. Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s)
  - ii. Construction of new driveway crossing, concrete sidewalk, curb and gutter, including

- iii. repair/replacement of all adjacent surfaces;  
Rehabilitation and closing of existing and redundant driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
- iv. Construction, repair and rehabilitation of street surfacing.

- 5.2 Proposed Amendments to Conditions of Approval – 16DP55 and 16DP81 – Homestead Inn and Melissa’s Redevelopment
  - i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.

Olver declared a conflict of interest in hearing this proposed amendment as her family has a wedding contract with the Banff Park Lodge. Olver left the meeting at 9:52a.m.

- ii. Public input  
There was no public input.
- iii. Applicant input  
Bonnie Anderson, Bennett Jones, representing the applicant, spoke to the proposed amendments for 16DP55 and 16DP81.

MPC19-45 Moved by Howie that the MPC move in camera at 10:05a.m. to deliberate and reach its decision in accordance with section 197(2.1) of the Municipal Government Act and section 3.2.12 of the Town of Banff Land Use Bylaw.

McKay and Enns were asked to attend the closed session.

**CARRIED**

MPC19-46 Moved by Howie to return to the public meeting at 10:20a.m.

**CARRIED**

MPC19-47 Moved by DiManno that the Municipal Planning Commission approve a change to condition 1(f) of 16DP55 and 1(d) of 16DP81 to allow for construction of the Homestead Inn above the parkade level prior to completion of the Melissa’s restaurant redevelopment.

**CARRIED**

Appendix ‘A’ - Applicant Request and Proposed Construction Schedule (*as attached in these meeting minutes*).

Olver returned to the meeting at 10:25a.m.

Minutes approved by: \_\_\_\_\_

## 6.0 CORRESPONDENCE

There was no correspondence.

## 7.0 NEW BUSINESS

Administration provided the MPC with a verbal update on each of the following;

- 7.1 Appeal #01-19 – Proposed Change of Use to Storefront Cannabis Retail at 119 Banff Avenue (18DP83). Development Appeal Board hearing – Thursday, April 11, 2019.
- 7.2 Appeal #02-19 – Proposed Change of Use to Storefront Cannabis Retail at 203 Bear Street (18DP77). Development Appeal Board hearing – Thursday, April 18, 2019.
- 7.3 Appeal #03-19 – Proposed Change of Use to Apartment Housing at 149 Eagle Crescent (19DP09). Development Appeal Board hearing – Thursday, May 2, 2019.
- 7.4 Appeal #04-19 – Extension to Development Permit 17DP94 at 510 Deer Street. Development Appeal Board hearing – Thursday, May 16, 2019.
- 7.5 Update on recent projects and developments within the town.

## 8 INQUIRIES

There were no inquiries.

## 9 DATE OF NEXT MEETINGS/ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, June 12, 2019 at 9:00 a.m.

MPC19-48 Moved by Wanless to adjourn the meeting at 11:00a.m.

**CARRIED**

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Brian Smythe  
Chair

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Kerry MacInnis  
Planning and Development

Minutes approved by: \_\_\_\_\_



May 10, 2019  
Gina Carver and Joan McConkey  
132b Kootenay Ave, Banff

Dear Municipal Planning Commission:

We apologize for not being at the meeting in person as we are out of the country and we were not able to change our plans. To give some background, our family has owned the property on Kootenay Avenue since 1961 and we have been students, business owners, employees, volunteers and strong community minded generational residents since my Grandparents moved to Banff in 1937. In anticipation of the commission meeting I spoke with both Phil Monod our future neighbour and with Jennifer Laforest with the Town of Banff Planning department. I initiated the call to Phil Monod to discuss the plans as we have recently entered into an encroachment agreement with them at their request.

We negotiated the encroachment agreement in good faith and relaxed a few of our requests as we had been encouraged by the new owners, the Monods, that they wanted to be “good neighbours and not to worry as they were planning to build a modest bungalow on the site”. As we have recently viewed the plans, I do not think anyone would think that a 5,600 square foot house is modest. While we understand that they do not have to discuss their plans with us, nor receive any input, however, if the current roles were reversed we can assure you we would go to our future neighbours and discuss our plans and also inform them of the timing of this hearing.

It appears that they were hoping to push it through without any comments or concerns. As Phil told me yesterday, “the ranking of people on the design started with them, then the town and then the neighbours.” We completely understand the initiative to build their dream home with incredible sight lines, but not at the expense of their neighbours. This home was designed without any regard to us as and frankly is obtrusive. We built our home 25 years ago, designed to take advantage of the light and the views of the mountains, specifically Rundle, the Banff Springs, and the Fairholme range. What is proposed blocks 100 % of our views of the above mentioned. I understand that there are not any view-scape policies or bylaws within the residential areas of the town, but there should be some good neighbour policies for the betterment of the community and perhaps implemented going forward. In addition to the sights previously mentioned, the views of the Sulphur Mountain range will be completely blocked by the secondary

suite. The design the new owners have created is exactly what you want in a picturesque environment such as Banff, but sadly they have no regard for their generational neighbours. The current design of the house will negatively affect our quality of life in Banff by reducing the light either direct or indirect that we have cherished for over 60 years.

We also have significant concerns with the proximity of the new build next to our home that apparently allows a bedroom and bathroom to look directly into our kitchen/dining room. We also take issue with a workshop on the lower level of their design. The workshop will be nestled against the side of our home where we have bedrooms and bathrooms. I understand that the residential bylaw states that there is to be NO venting on an outside window. I would like the commission to confirm this for us please as I have significant concerns about a workshop venting toxic and nauseous fumes towards our home.

In addition, the current plan has sloping roofs towards our property which is something we have had issues with previously with this site. I also question the addition of a discretionary secondary suite that may impact the already significant parking issues along Kootenay Avenue. I was told by Phil that the town had asked for the secondary suite when in fact in talking with the town, the Monods plans were initially submitted with the suite in place.

We are confident that a reduced foot print in height and size or a slightly resituated house could still be achieved while maintaining the incredible views that the Monods desire.

We appreciate the time of the committee and welcome all feedback to assist in the process of continued positive community relations.

Sincerely,

Gina Carver & Joan McConkey

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# *Fuji Starlight Express Co., Ltd.*

O/A Banff Park Lodge, Bow View Lodge, Homestead Inn  
P.O. Box 2200, 222 Lynx Street  
Banff, Alberta, Canada T1L 1K5  
(403) 762-4433 Tel. (403) 762-4740 Fax.  
E-Mail: mhoriguchi@banffparklodge.com

April 17, 2019

## **HAND DELIVERED**

Town of Banff  
Planning & Development  
110 Bear Street  
Banff, AB T1L 1B6

**Attention: Municipal Planning Commission**

Dear Sirs/Mesdames

**Re: Application to Amend Conditions of Approval for Construction Schedule Changes  
DP Approval 16DP81 Condition 1(d): Melissa's Missteak  
DP Approval 16D55 Condition 1(f): Homestead Inn  
Property: Plan 6719BC; Block 5; Lots 20-24  
Landowner: Fuji Starlight Express Co., Ltd.**

The above-noted development permit applications were approved by MPC in December 2016, and upheld on appeal the following year. At the time, a reciprocal condition was included in both approvals requiring the work on Melissa's to be substantially completed before work on the Homestead Inn could commence above grade. The goal at the time was to ensure that Melissa's would be completed in a timely fashion.

Since that time, work has commenced on both projects. However, a detailed assessment of the Melissa's building has revealed there is more work to be completed in order to ensure the upgraded building continues to stand the test of time. The goal and end product for the Town of Banff for these projects remains the same. The additional work on Melissa's means the reciprocal condition regarding the sequence of construction needs to be amended.

The attached chart shows the construction schedule of both projects. It is anticipated that the Homestead Inn will be ready to accommodate its first paid public guests in June 2020, and Melissa's would be substantially completed within a few months of that date.

We hereby request that the reciprocal condition be amended in both approvals to allow for Melissa's work to be substantially completed to the satisfaction of the development authority within 90 days after the new Homestead Inn accommodates its first paid public guests.

Yours truly,

A handwritten signature in black ink, appearing to read 'Masataka Horiguchi', with a long horizontal flourish extending to the right.

Masataka Horiguchi

FUJI STARLIGHT EXPRESS CO., LTD.



# MELISSA'S MISSTEAK AND HOMESTEAD INN ANTICIPATED CONSTRUCTION SCHEDULE

PROJECT #: 660413.100  
ISSUED: Wed April 17, 2019

