

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, July 10, 2019, 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)
Richard Church	Public Representative
Corrie DiManno	Council Representative
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

Adriana Calvo-Matos	Public Representative
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ADMINISTRATION PRESENT

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

1.0 CALL TO ORDER

The Chair called the July 10, 2019 Municipal Planning Commission meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC19-62 Moved by Olver to approve the agenda of the July 10, 2019 meeting of the Municipal Planning Commission agenda as presented.

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.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC19-63 Moved by Wanless to approve the minutes of the June 12, 2019 meeting of the Municipal Planning Commission as presented.

CARRIED

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4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Proposed Change of Use to Storefront Cannabis Retail at 229 Bear Street - 19DP43

- 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
There was no applicant input.

MPC19-64 Moved by Olver that the Municipal Planning Commission approve development permit application 19DP43 for a proposed Change of Use to Storefront Cannabis Retail at 229 Bear Street, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' - Conditions of Approval – 19DP43

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

- (a) Pay the Town of Banff the outstanding Municipal Planning Commission Surcharge in the amount of \$650.
- (b) Submit current copies of the Land Title Certificates for Block 5, Lots 14 & 15, LTO Plan 6719BC.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of previously-approved Private Education Service (66.6m²) to Storefront Cannabis Retail (66.6m²);
- (b) In accordance with Section 8.16.0 of the Land Use Bylaw, this Change of Use results in an Off- Street Parking requirement of 0.17 stalls. An existing credit of 0.17 stalls resulting from Development Permit 14DP50 exists at the property and is credited against this Development Permit;
- (c) In accordance with Section 8.19.0 of the Land Use Bylaw, this Change of Use results in a Housing requirement of 0.17 bedrooms. An existing credit of 0.17 bedrooms resulting from Development Permit 14DP50 exists at the property and is credited against this Development Permit; and,

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- (d) This Development Permit shall expire ninety (90) days after cancellation or expiry of a Cannabis Store Licence issued by AGLC unless a new Cannabis Store Licence is issued by AGLC for the same premises, on essentially the same terms and conditions. On expiration of this Development Permit then the approved use for the premises shall convert to General Retail and a new development permit application is required to change the use back to Storefront Cannabis Retail.

(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) 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 tenant 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*.

- 5.2 Determination of Use – Bed and Breakfast Inn Redevelopment at 218/220 Beaver Street 18DP74
- 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
Alisdair Russell, Russell and Russell Design for the applicant, was in attendance to answer questions from the commission.

JP Middleton, applicant, answered questions from the commission.

MPC19-65 Moved by Howie that MPC move in camera at 9:50a.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.

MPC requested that Enns and McKay attend the in camera deliberation.

CARRIED

MPC19-66 Moved by Olver that MPC return to the public meeting at 11:30a.m.

CARRIED

MPC19-67 Moved by Smythe that the MPC supports the development program in principal, however the intent of a Determination of Use is to provide guidance and direction, and should not be interpreted as a Development Permit approval, refusal, or support for any variances to a future Development Permit. MPC's intention is to bring clarity surrounding the following four principles:

1. Does retention of the Elk and Fox Cabins meet the spirit and intent of the Land Use Bylaw which requires the Bed and Breakfast Inn to be "Existing"?

These two cabins represent a portion of the existing floor area. They are the two oldest buildings on the site, with the most historic value, and have the ability to be renovated and preserved. The proposed location at the front of the site reinforces the existing heritage streetscape. MPC strongly recommends the applicant explore a municipal heritage designation for the Fox and Elk Cabins.

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2. The second aspect of this proposal is the issue of the “most restrictive land use district” as referenced in Section 10.4.1(a) of the Land Use Bylaw which states:
 - a. the most restrictive regulations of any district within this Bylaw shall apply to the development of a bed and breakfast inn in that district;

With respect to s.10.4.1 of the Land Use Bylaw, MPC reiterates our previous position that the most restrictive of any residential district regulations should be applied to the Bed and Breakfast Inn redevelopment.

A narrow interpretation of 10.4.1(a) is that the RRF (Residential River Front) district applies to that portion of the site which hosts the Bed and Breakfast Inn (e.g. 218 Beaver Street). The remainder of the site would revert to the underlying land use of RCM (Residential Central Muskrat).

A broad interpretation of 10.4.1(a) is that the “most restrictive land use district” applies to the entirety of a site which hosts the Bed and Breakfast Inn (e.g. 218 and 220 Beaver Street).

MPC is of the opinion that it is important to remember that the base, underlying land use district is the RCM, and in the absence of a B+B Inn this district would apply to any redevelopment scenario on these sites. With a B+B Inn, the development potential of the B+B Inn lot would fall under the RRF land use district.

3. The amount of Commercial Floor Area allowed on the site is the third principle. MPC is of the opinion that any redeveloped commercial floor area may not exceed the existing commercial floor area on the site. MPC understands this to be the intent of the Banff National Park of Canada Management Plan and the Land Use Bylaw.
4. The fourth and final issue is that the current development spans two separate leases. The site is already being treated as one site, particularly with regards to the utilization of commercial floor area. In order to utilize the existing commercial floor area in the manner proposed, lease consolidation will be a requirement.

CARRIED

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 scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, August 14, 2019 at 9:00 a.m.

MPC19-68 Moved by to Howie adjourn the meeting at 11:35a.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____