



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, October 11, 2023, at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Stavros Karlos	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson) via zoom
Tamra Malczyk	Public Representative
Dana Humbert	Public Representative
Bryan Howie	Parks Canada Representative
Hugh Pettigrew	Council Representative

COMMISSION MEMBERS ABSENT

Barbara Pelham	Council Representative
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ADMINISTRATION PRESENT

Dave Michaels	Manager, Planning and Development
Kathleen Gallagher	Development Planner, Planning and Development
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

The Chair called the October 11, 2023, Municipal Planning Commission meeting to order at 9:00a.m.

The Regular Meeting of the Municipal Planning Commission will be conducted both in-person in the Council Chamber located at Banff Town Hall and virtually using Zoom. The meeting 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.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for October 11, 2023

MPC23-50 **Moved by** Commissioner Howie

That the agenda for the October 11, 2023, meeting of the Municipal Planning Commission be approved.

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 conflict was declared.

Minutes approved by: _____



3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the August 09, 2023, meeting of the Municipal Planning Commission

MPC23-51 **Moved by** Commissioner Humbert

That the minutes of the August 09, 2023, meeting of the Municipal Planning Commission be adopted as amended.

Amended MPC23-48 to read: *That the Municipal Planning Commission move the following recommendations and comments with regard to application 23RZ02 to council:*

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Proposed Bed and Breakfast Inn Redevelopment at 218-220 Beaver Street (23DP53)

- i. Staff Presentation
Administration provided a presentation and overview as included in the agenda package.
- ii. Public input
Harvey Locke for the Eleanor Luxton Historical Foundation provided correspondence on the proposed development (included in the amended agenda package).
- iii. Applicant input
Hayden Pattullo and Damon Hayes Couture of Studio North, representing the applicants, were present to answer questions from the commission. (Studio North's presentation has been added to these meeting minutes).

J.P. Middleton, applicant, was present to answer questions from the commission.

MPC23-52 **Moved by** Councillor Pettigrew that pursuant to Sections 24 (advice from officials) of the Freedom of Information and Protection of Privacy Act and Section 3.2.12 of the Land Use Bylaw, MPC move into a closed meeting at 10:16a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.1 Proposed Bed and Breakfast Inn Redevelopment (23DP53).

MOTION CARRIED

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Administration in attendance during the closed meeting discussions with respect to Item 5.1.

Advice: D. Michaels and K. Gallagher

Commissioner Taylor left the meeting at 11:37a.m.

MPC reconvened in public meeting at 12:20p.m. with Commissioner Karlos in the chair.

MPC23-53 **Moved by** Commissioner Humbert that Commission rise and report.

MOTION CARRIED

MPC23-54 **Moved by** Commissioner Karlos

That the Municipal Planning Commission approve Development Permit application 23DP53 for the redevelopment of the Bed and Breakfast Inn at 218-220 Beaver Street, subject to the conditions of approval attached as Appendix 'A', with variances to the following sections of the Town of Banff Land Use Bylaw:

- Section 12.27.6.e to allow for a front yard setback of 2.03 m;
- Section 12.27.6.a to allow for a Floor Area Ratio of 0.37 for the Bed and Breakfast Inn portion; and
- Section 12.27.6.b to allow for Site Coverage of 39%.

Additional we would add the following condition:

2(d) Any changes to the approved plans, as they relate to the property listed on the heritage inventory known as the Thompson Cabin 2, shall be submitted for review and final approval of the Municipal Planning Commission prior to implementation on-site.

MOTION CARRIED

Appendix 'A' – conditions of approval

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

- (a) Pay to the Town of Banff the fees as established in Schedule G of the Land Use Bylaw:
 - i. Bed and Breakfast Application Fee of \$1,500.00 + \$100.00/guest room (\$2,500.00 total);
 - ii. Municipal Planning Commission Surcharge Fee of \$125.00; and
 - iii. Variance fee of \$300.00/variance (\$900 total)
- (b) Submit a revised Landscape Plan to meet the satisfaction of the Development Officer, including the following:
 - i. Percentage of hardscaped area as not more than 20% of the landscaped area;

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- ii. Landscaping features at the intersection of the lane and the wheelchair aisles, to ensure that this area is not used for parking;
 - iii. Planting species consistent with the Banff Design Guidelines and listed using botanical names; and
 - iv. Ratio of coniferous trees to deciduous trees consistent with the requirements of the Land Use Bylaw.
- (c) Submit an Off-site Improvement Plan for review and approval by the Director of Engineering, that includes the remediation of any infrastructure impacted by the development, including de-installation of the existing heritage plaque, re-installation of a new Town of Banff heritage plaque (pending endorsement from the Banff Heritage Corporation), and replacement of hardscaping in the boulevard with soft landscaping;
- (d) Provide updated plans, for review and approval of the Development Officer, that demonstrate compliance with the Banff Design Guidelines, including:
 - i. revised elevations to meet the satisfaction of the Development Officer, with sufficient use of natural materials.
- (e) Provide a materials sample board, for review and approval of the Development Officer for proposed exterior finishes;
- (f) Submit a summary of technical specifications demonstrating how new Housing shall conform with the Environmental Design Standards of s.8.3.3 of the Land Use Bylaw – Energy Conservation Techniques, Energy Star-certified Window Glazing, Wall and Roof Insulation R-values and Water Efficient Plumbing Fixtures;
- (g) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan, designed and stamped by a qualified engineer, to Town of Banff Standards, showing:
 - i. connection to existing water service and sanitary sewer;
 - ii. details of pipe material(s) and size(s);
 - iii. locations of water meter(s) and backflow prevention device(s); and,
 - iv. locations of existing services to be removed;
- (h) Submit, for review and approval by the Director of Engineering, a detailed Shallow Utilities Servicing Plan to Town of Banff Standard showing:
 - i. Location(s) of proposed underground lines for gas, power and communications; and
 - ii. Location(s) of existing services to be removed;
- (i) Submit a drawing and provide a description of soil and erosion control mitigations that will be used during construction for review and approval by the Development Officer;
- (j) Submit a stormwater management plan for the review and approval of the Director of Engineering;
- (k) Submit a Geo-technical report for the review and approval of the Director of Engineering;
- (l) Submit a Site De-Watering Plan for review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office;



- (m) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the NonResidential/Residential Waste Bylaw, to the satisfaction of the Development Officer. Be advised that all projects that require a building permit in Banff must adhere to strict zero waste requirements, following deconstruction or green demolition principles. Complete the Zero Construction, Renovation, and Demolition Waste Plan form here: <https://banff.ca/FormCenter/Operations-7/Zero-CRD-Waste-Plan-155>;
 - (n) 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;
 - (o) Submit a completed *Subcontractor Information Sheet* to Town of Banff Business Licensing providing a list of the sub-contractors to be employed in the construction of the development;
 - (p) Submit a proposed Truck Route and Traffic Plan for construction vehicles. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
 - (q) Submit confirmation to the satisfaction of the Development Officer that the requirements of Parks Canada have been met; and
 - (r) Submit a detailed cost estimate, as determined by the Landscape Architect, for all on and off-site landscaping and hardscaping specifying all surface finishes, 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.
- 2) Specific Conditions:
- (a) This approval allows the redevelopment of a Bed and Breakfast Inn containing ten (10) commercial accommodation units;
 - (b) Prior to occupancy, submit confirmation to the satisfaction of the Development Officer that the requirements of Alberta Health Services have been met; and
 - (c) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Inn' permit.
 - (d) Any changes to the approved plans, as they relate to the property listed on the heritage inventory known as the Thompson Cabin 2, shall be submitted for review and final approval of the Municipal Planning Commission prior to implementation on-site;

3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer

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- prior to implementation on-site;
- (b) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Inn. The number of commercial accommodation units shall be restricted to ten (10);
 - (c) 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;
 - (d) It is the responsibility of the project proponent to ensure that any and all mitigation measures, and any additional instructions, identified in any Determination of Environmental Impacts, issued by Parks Canada Environmental Assessment Office are adhered to;
 - (e) The project proponent shall ensure that any hazardous materials discovered during any excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
 - (f) Management of all uncontaminated (clean) soil excavated from the site shall be confirmed with Parks Canada;
 - (g) 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. For further information and a copy of the application form see <https://www.banff.ca/782/Street-Use-Permit>;
 - (h) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
 - (i) Provide dust suppression (spraying) of site during demolition activities. A hydrant meter can be obtained from the Town of Banff Operations Department by telephone at 403.762.1240;
 - (j) The Town of Banff requires contractors to collect and separate all on-site waste into appropriate categories and store appropriately. Trade waste may be disposed at the Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste Transfer Station at 160 Hawk Avenue. For further information please see <http://bvwaste.ca/landfill/> and the Town of Banff How-to Guide to Construction Waste Management at <https://banff.ca/DocumentCenter/View/769>;
 - (k) 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;
 - (l) 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;
 - (m) The backflow prevention device shall be inspected annually and the device and inspection recorded with the Town of Banff Utilities Department. Please call 403.762.1240 to record the device and inspection;
 - (n) Hot tap of any new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240

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to arrange for an inspection;

- (o) All rooftop mechanical equipment must be screened from view or integrated into the profile of the building, to the satisfaction of the Development Officer. This includes any exposed flues, HVAC or other rooftop mechanical equipment. Exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour(s);
- (p) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (q) 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;
- (r) 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;
- (s) 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;
- (t) 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;
- (u) 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;
- (v) 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); and,
 - (ii) Construction, repair and rehabilitation of street surfacing.
- (w) All landscaping is required to be completed in accordance with the approved plans within one year of the date of the issuance of the development permit;
- (x) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (y) The owner shall be responsible for complying with the Alberta Fire Code;

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- (z) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments*, to arrange an inspection of the property prior to operation and to obtain a food establishment permit prior to operation if required.

6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Verbal Updates on Development Permits

Administration noted that there were no new development permit updates at this time.

7.2 Verbal Update on Governance and Finance Parking and Housing Report

Administration provided a brief update on the Governance and Finance Parking and Housing Report from September 25, 2023.

Agenda: <https://banff.ca/AgendaCenter/ViewFile/Agenda/09252023-1264>

Minutes: <https://banff.ca/AgendaCenter/ViewFile/Minutes/09252023-1264>

8.0 INQUIRIES

There were no inquiries for this meeting.

9.0 DATE OF NEXT MEETING

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, November 8, 2023, at 9:00 a.m.**

10.0 ADJOURNMENT

MPC23-55 **Moved by** Commissioner Malczyk

That this Municipal Planning Commission adjourn at 12:31p.m.

MOTION CARRIED

Stavros Karlos
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____