



NOTICE OF DECISION

THIS IS NOT A DEVELOPMENT PERMIT

DEVELOPMENT PERMIT No.: PL20220305

APPLICANT NAME: MTA Urban Design and Architecture

MUNICIPAL ADDRESS: 1736 Bow Valley Trail

LEGAL ADDRESS: Block 1 Plan 941 0149

LAND USE DISTRICT: Bow Valley Trail – General Commercial District

APPROVED USE(S): Visitor Accommodation

DATE OF DECISION: March 1, 2023

APPROVED BY: Canmore Planning Commission

DATE ISSUED: March 2, 2023

It has been decided that the application be **APPROVED** subject to the conditions noted in the attached **Schedule A – Conditions Of Approval**.

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Signature

3/2/2023 | 4:19 PM MST

Date

Chair, Canmore Planning Commission

A decision of the Development Authority on a development permit application may be appealed by serving a written Notice of Appeal to the Secretary of the Subdivision and Development Appeal Board within twenty-one (21) days of the date that the applicant is notified of the decision in writing.

Should you have any questions or require information regarding any of the above please contact the Development Officer as noted in this document.

SCHEDULE A

CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT No.: PL20220305

LAND USE DISTRICT: BVT-G DISTRICT

APPROVED USE(S): VISITOR ACCOMMODATION

APPROVED VARIANCE(S):

1. MAXIMUM BUILDING HEIGHT
2. MAXIMUM EAVELINE HEIGHT
3. FRONT YARD SETBACK

LEGAL ADDRESS: BLOCK 1; PLAN 941 0149

APPROVED VARIANCES TO LAND USE BYLAW 2018-22

1. Section 4.6.3.11 - Maximum Building Height: Increase maximum building height from 16.0 m to 16.85 m.
2. Section 4.6.3.12 - Maximum Eaveline Height: Increase maximum eaveline height from 7.0 m to 8.8 m.
3. Section 4.6.3.6 – Front Yard Setback no more than 2.0 m. Increase front yard setback to 2.13 to 4.33 m.

STANDARD CONDITIONS:

1. Prior to the release of the Development Permit, the applicant shall enter into a Development Agreement with the Town of Canmore to do the following:
 - a. construct or pay for the construction of the municipal improvements, infrastructure and services required by the development, which may include but shall not be limited to:
 - Transportation;
 - Water;
 - Sanitary;
 - Storm; and
 - Fire
 - b. pay the off-site levies imposed by the Off-Site Levy Bylaw; and
 - c. provide security in accordance with the Engineering Design and Construction Guidelines (EDCG) to ensure the terms of the Development Agreement are carried out.
2. All construction associated with the approval of this Development Permit shall comply with the regulations of the Land Use Bylaw (LUB) 2018-22, unless otherwise stated under the approved variances section of this document.
3. All construction associated with the approval of this Development Permit shall comply with the Town of Canmore Engineering requirements as outlined in the Engineering Design and Construction Guidelines (EDCG).
4. All construction associated with the approval of this Development Permit shall comply with the Tree Protection Bylaw and ensure all tree protection measure are appropriately put in place prior to the development of the site, where determined necessary by the Town of Canmore Parks Department.
5. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
6. Any trees, shrubs or other plant material installed as part of the landscaping plan which may die or are blown over, shall be replaced on an ongoing basis, prior to receipt by the developer

of a Development Completion Certificate.

7. Any roof top mechanical apparatus, including chimneys and vents, shall be screened to the satisfaction of the Development Officer.
8. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.
9. All signs shall require a separate development permit.
10. **No occupancy** shall be permitted until an Occupancy Certificate has been issued by the Town of Canmore.

SPECIFIC CONDITIONS:

1. The applicant shall provide security to the Town of Canmore to ensure the completion of the project, in the form of cash or an irrevocable Letter of Credit. The amount should be equal to or no less than 1.25 (125%) of the estimated project costs for the project for landscaping and all hard surfacing, paving; and, site servicing; both to the satisfaction of the Town. The Letter of Credit shall be supplied at the time of the signing of the Development Agreement, and shall be in a format acceptable to the Town of Canmore.
2. The Developer shall pay off site levies according to the approved bylaw adopted by Council at the time of the signing of the Development Agreement. The Development Agreement shall specify the manner of the payment of these monies and all other relevant fees and contributions as determined by approved Town of Canmore policy(ies).
3. The Developer shall submit and follow their approved Construction Management Plan. The construction management plan submitted shall be followed through all stages of construction. If any problems arise where the Town Bylaws are being violated, a Stop Work Order will be delivered without warning and all construction shall cease until all problems have been rectified to the satisfaction of the Town of Canmore.
4. The Developer is required to provide **98** vehicle parking stalls, **36** long term bicycle stalls and **24** short term bicycle stalls as shown more or less in the approved plans to the satisfaction of the Development Officer. All on-site parking stalls shall be graded and paved to dispose of drainage to the satisfaction of the Development Officer.
5. The Developer shall provide landscaping generally in accordance with the approved landscaping plan.
6. The Developer agrees to comply with the requirements for enhanced green construction, and that the development will be a minimum 10% better than the current NECB in place at the time of development as outlined in Section 11 Green Building Regulations of the Land Use Bylaw.
7. Commitments expressed in the Developer's Sustainability Screening Report become conditions of approval upon the signing of this Schedule A and will be included in the development agreement.
8. No plant material is permitted between 0.0m and 1.5m from the building.
9. The development is approved for Visitor Accommodation use, which is defined in the Town of Canmore Land Use Bylaw 2018-22 as "a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain a variety of services and amenities for the benefit of guest". A visitor accommodation development shall:
 - a. Provide a central management and reservation service;
 - b. Have a single address for mail (not for individual units);
 - c. Not serve as a residential address for utility billing or electoral enumeration purposes; and
 - d. Provide signage designating the development as a "hotel" or similar visitor use.

- 10. Unless permission is granted by the Town of Canmore, snow clearing shall be handled on-site. No snow shall be pushed onto publicland.
- 11. The Developer shall screen any mechanical equipment or vents to the satisfaction of the Development Officer.

Prior to the Release of the Development Permit Conditions

- 12. **Prior to the release of the Development Permit**, the Developer shall pay the following variance fees:
 - Three (3) approved variances:
 - Discretion limited in Land Use Bylaw 1@ \$370.00 = \$370.00
 - Discretion not limited in Land Use Bylaw 2@ \$200.00 = \$400.00 TOTAL FEES PAYABLE: \$770.00

Prior to the Release of the Building Permit and Commencement of Construction Conditions

- 13. **Prior to the release of the Building Permit**, the Developer shall submit revised drawings showing the removal or relocation of the proposed pedestal lighting and exterior receptacle posts and the relocation of trees currently proposed within the 9.0m Waterline Right-of-Way at the east property boundary. The revised drawings shall be to the satisfaction of the Development Officer.
- 14. **Prior to the release of the Building Permit**, the Developer shall submit and have approved a maintenance agreement satisfactory to the Town regarding the proposed pathway, landscaping and other structures located within the 9.0m Waterline Right-of-Way at the east property boundary. This agreement shall include construction/installation, maintenance, replacement, and any other matters the Town deems necessary.
- 15. **Prior to the release of the Building Permit**, the Developer shall provide a pre-construction energy report estimating that the building will achieve a minimum of 10% better than the current NECB in place at the time of development, to the satisfaction of the Development Officer.
- 16. **Prior to Commencement of Construction**, the Developer shall protect all natural vegetation in the road right of way with fencing unless such vegetation has been approved for removal as indicated on approved plans, including any approved Tree Protection Plan. Any unnecessary vegetation removal may result in a Stop Order, fines, and compensation.
- 17. **Prior to the release of the Building Permit**, the Developer shall submit addressing in accordance with the Town’s Civic Addressing Protocol.

Prior to Occupancy and Operation Conditions

- 18. **Prior to occupancy of the building**, the Developer shall provide evidence of compliance with the Town’s Enhanced Green Construction requirements.
- 19. **Prior to occupancy of the building**, the Developer shall apply for, receive approval for, and install signage for the development that designates the development as a hotel or similar visitor accommodation use, to the satisfaction Development Officer.
- 20. **Prior to occupancy of the building**, the Developer shall submit and have approved a maintenance agreement satisfactory to the Town regarding the proposed lighting fixtures located within the municipal Road Right-of-Way. This agreement shall include construction/installation, maintenance, replacement, and any other matters the Town deems necessary.

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 Signature
 CHAIR, CANMORE PLANNING COMMISSION

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 Date

IS A NOTICE POSTING REQUIRED: YES