



NOTICE OF PUBLIC HEARING

2007-FEB-01 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2007-FEB-01**, commencing at **1900 hours (7:00 pm)** in the **Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

1. BYLAW NO. 4000.406:

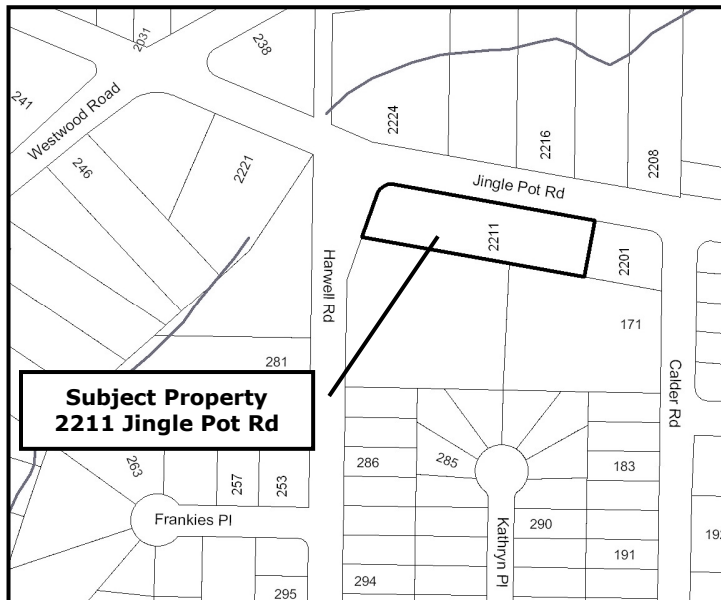
Purpose: To permit use of land for a Teletheatre Outlet.

Location(s): 2211 Jingle Pot Road

File No.: RA179

This bylaw, if adopted, will permit 'Teletheatre Outlet' as a site specific use on land located at 2211 Jingle Pot Road. The Teletheatre Outlet is proposed to have a licensed capacity of thirty seats and will be accommodated within an existing space in the pub.

The subject property is legally described as LOT A, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 45118, and is shown on Map 'A'.



Map A

PLEASE NOTE full details of the above-noted bylaws are available at the City of Nanaimo Development Services Department, located at 238 Franklyn Street.

The above bylaw, relevant staff reports, and other background information may be inspected from 2007-JAN-19 to 2007-FEB-01, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed bylaw shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaw No. 4000.406 at the Public Hearing.

Please note the following:

Written submissions may be sent to the City of Nanaimo, Development Services Department, 455 Wallace Street, Nanaimo, BC V9R 5J6.

Electronic submissions (email) should be sent to **public.hearing@nanaimo.ca**, or submitted online at **www.nanaimo.ca**. These submissions must be received no later than 4:00 pm, 2007-FEB-01, to ensure their availability to Council at the public hearing.

Following the close of a public hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair public hearing process and provide a reasonable opportunity for people to respond.

For more information, please contact the City of Nanaimo Development Services Department
Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website www.nanaimo.ca
238 Franklyn Street, Nanaimo, BC V9R 5J6

CITY OF NANAIMO

BYLAW NO. 4000.406

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903, and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.406".

2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:

(1) By adding the following to section 9.6.1 – PERMITTED USES:

"Teletheatre Outlet, on lands legally described as LOT A, SECTION 11, RANGE 7, MOUNTAIN DISTRICT, PLAN 45118 (2211 Jingle Pot Road)."

(2) By adding the following as Section 9.6.2 and renumbering all subsequent Sections accordingly:

"9.6.2 CONDITIONS OF USE

Teletheatre outlets shall be contained within a hotel pub or neighbourhood pub as licensed by the Province and shall only be accessible to the public from within the hotel or neighbourhood pub."

PASSED FIRST READING 2006-NOV-20.

PASSED SECOND READING 2006-NOV-20.

PUBLIC HEARING HELD 2006-DEC-07.

SECOND PUBLIC HEARING HELD _____.

PASSED THIRD READING _____.

APPROVED BY MINISTRY OF TRANSPORTATION _____.

ADOPTED _____.

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000179
Address: 2211 Jingle Pot Road
Applicant: Brian Phillips

STAFF REPORT

FILE COPY

2006-NOV-14

TO: A. TUCKER, ACTING DIRECTOR, PLANNING AND DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: RA179 – 2211 JINGLE POT ROAD

STAFF'S RECOMMENDATION:

That Council:

1. Consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2006 NO. 4000.406"; and
2. Direct Staff to secure the proposed community contribution as a condition of rezoning.

EXECUTIVE SUMMARY:

The City of Nanaimo has received a rezoning application from Brian Phillips, on behalf of the Jingle Pot Pub, for a site-specific amendment to the Tourist and Public House Commercial Zone (C-6) in order to permit the use of a Teletheatre Outlet (off-track betting facility). At its meeting 2006-NOV-02, the Rezoning Advisory Committee (RAC) recommended that the application be approved as presented. Staff concur with this recommendation and recommend that Council support the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is approximately 0.42 hectares (1.04 acre) in area and is the existing site of the Jingle Pot Pub and Liquor Store (Schedule 'A'). The property is bounded by large single-family residentially zoned properties to the north and west across Jingle Pot Road and Harwell Road, by a multi-family development complex to the south, and by a gas bar and convenience store to the east.

Official Community Plan (OCP)

The subject property is designated as 'Suburban Neighbourhood' and is located within the Jingle Pot Local Service Centre, according to Schedule 'A' of the Official Community Plan (OCP). Local Service Centres are intended to provide amenities that are compatible with and service the local neighbourhood, and includes such uses as retail stores, community halls, clubs or lodges, restaurants, and pubs.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicants are proposing to relocate the existing teletheatre outlet from its current operating location at the Commercial Hotel (121 Bastion Street) to the subject property. Teletheatre outlets are defined in the City's Zoning Bylaw as a "public entertainment and wagering facility authorized by the B.C. Racing Commission having such amenities as television monitors (displaying the system of odds, pools and payout prices) with areas for viewing, seating, wagering and food and beverage service".

The teletheatre outlet is proposed to be accommodated within an existing area of the pub previously occupied by the Jingle Pot Liquor Store and is proposed to have a licensed capacity of 30 seats. The hours of operation for the facility will be the same as for the existing pub, and therefore, the teletheatre will not operate without the pub being open.

The applicant has submitted an application for a permanent change to the liquor primary license for the Jingle Pot Pub, to increase the licensed capacity from 118 to 150 persons. The additional capacity is proposed to be utilized by the teletheatre outlet; this item appears as a separate report on this evening's agenda.

As the Teletheatre Outlet will be located within a separate area of the building and will only be accessible to the public from within the pub (a condition Council previously established in 1998), there will not be a significant increase in public exposure or access to gaming.

Provincial Approval

Pending Council's resolution of the associated amendment bylaw, formal approval for the proposed relocation will be required from the B.C. Gaming Policy and Enforcement Branch.

Community Contribution

As outlined in Section 6.2 of the Official Community Plan (OCP), in exchange for value conferred on land through rezoning, the applicant should provide a community contribution. In response to this policy the applicants are proposing a monetary contribution of \$5000 towards gambling abuse prevention programs in the community.

Staff support this community contribution proposal and recommend that this item be secured as a condition of rezoning.

Rezoning Advisory Committee (RAC)

The Rezoning Advisory Committee, at its meeting of 2006-NOV-02, recommended that the application be approved as presented.

Respectfully submitted,


D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT


A. Tucker
Acting Director, Planning & Development
DEVELOPMENT SERVICES DEPARTMENT

JC/pm
Council: 2006-NOV-20
Prospero Attachment: RA179


To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL


GENERAL MANAGER OF DEVELOPMENT SERVICES

SCHEDULE A



File : RA000179
Civic: 2211 Jingle Pot Road

 Subject
Property

SCHEDULE B

