

Staff Report for Decision

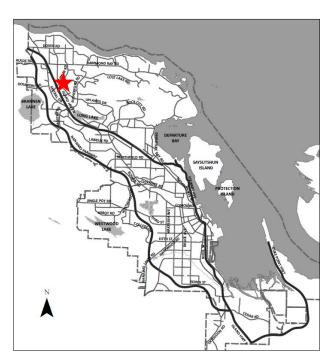
File Number: LA000154

DATE OF MEETING July 10, 2023

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA154 – UNIT 2, 5771

TURNER ROAD



Proposal:

Consideration of a new liquor licence application



Zoning:

CC3 - City Commercial Centre

City Plan Land Use Designation:

Mixed-Use Corridor

Lot Area:

0.9ha





OVERVIEW

Purpose of Report

To present for Council's consideration a new liquor primary licence application for an existing Nail Spa located at Unit 2, 5771 Turner Road.

Recommendation

That Council receive the report and recommend that the Liquor and Cannabis Regulation Branch (LCRB) approve the application for a liquor-primary licence at Unit 2, 5771 Turner Road (Posh Nails Spa).

BACKGROUND

A notice of application was received from Posh Nails Spa requesting a local government resolution in support of their application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit liquor to be served at an existing Nail Spa located at Unit 2, 5771 Turner Road. The primary focus of the business is beauty services.

On 2023-JUN-05, Council received an Information Report regarding this application. The application was subsequently considered during the 2023-JUN-15 Special Council Meeting. A municipal resolution is required before the Province will consider the application further.

Subject Property and Site Context:

The subject property is a unit within Longwood Station, a shopping centre that contains retail, restaurant, and other commercial uses. The property is bound by the Island Highway to the west, Turner Road to the north, and Uplands Drive to the east.

DISCUSSION

Proposed Development

The LCRB has requested new liquor licence applications be reviewed in terms of the following criteria, and requests the local government gather the views of nearby residents and business owners on:

- the location of the establishment;
- the person capacity and hours of liquor service of the establishment;
- the impact of noise in the immediate vicinity; and,
- the impact on the community if the application is approved.

Public Consultation

The following summarizes the opportunities for public consultation and information sharing:

 An information report was published on the Council agenda for the 2023-JUN-05 Regular Council meeting.



- A public notice and comment sheet was mailed and delivered to property owners and tenants within 100 meters of the subject property. The notice included details of the 2023-JUN-15 public meeting.
- Notice of the public meeting was published in the 2023-JUN-07 issue of the Nanaimo News Bulletin.
- A total of 35 completed comment sheets were received by the City, of which 26 are in support, one neutral, and eight are opposed, citing the potential for liquor service to be witnessed by minors, potential for noise, early hours, and the availability of other liquor establishments nearby as concerns. A copy of the public responses received is included as Attachment D.
- A Public Meeting was held 2023-JUN-15 to provide an opportunity for Council to hear the
 public speak regarding the proposed liquor licence application. No members of the public
 attended the meeting.
- The liquor licence amendment application was referred to the RCMP and City departments for review and comment. Responses are summarized in the sections below.

Location of the Establishment

The subject property is within the Longwood Station Shopping Centre, an established commercial centre in north Nanaimo, which provides adequate parking for the commercial uses onsite. City Plan designates the property as 'Mixed-Use Corridor, and the property is zoned City Commercial Centre (CC3) which permits a wide range of commercial and service oriented uses (e.g. Fast Food Restaurant, Micro-Brewery, Neighbourhood Pub, Restaurant, Retail, Shopping Centre). Other uses within the shopping centre currently include multiple restaurants, financial services, personal service uses, and retail.

The nearest residences are in a multi-family building, located approximately 160m (southeast) from the nail spa, separated from the nail spa by Uplands Drive and a number of commercial buildings.

Liquor service is an accessory function to the principle Personal Service use, the business is appropriately located, and is well-separated from surrounding residences by existing roads and buildings.

Person Capacity and Hours of Liquor Service

The proposed occupancy is 15 persons, and the proposed hours of liquor service are as follows:

	Sunday	Monday-Saturday
Liquor Service Hours	10:00 a.m. – 5:00 p.m.	9:00 a.m. – 6:00 p.m.

The proposed hours of liquor service complies with Council's Hours of Service Policy, the person capacity is appropriate, operating hours are consistent with surrounding businesses, and the proposed liquor service is anticipated to offer a unique amenity for patrons of the business.



Impact of Noise on the Community

Through the public consultation process, some residents expressed concerns about the precedent for serving alcohol in businesses; the early hours for liquor service; that liquor service would be visible to minors; and the concentration of liquor retail/service within Longwood Station and nearby (e.g. pubs and restaurants).

Given that the nature of the business as a nail spa, it is not expected that noise will be generated by the addition of liquor service. The business does not offer entertainment and patron services are entirely contained within the unit.

The liquor application was referred to the RCMP and City departments. The RCMP commented that there are no public safety concerns anticipated should the licence be granted. City departments have advised that they have no concerns in relation to the proposed liquor licence.

Liquor service will be offered to a limited number of patrons within a controlled environment, the nail spa is suitably located within a commercial centre, and is well-separated from residences. No negative impacts are anticipated if the application is approved.

SUMMARY POINTS

- The application, if approved, will allow liquor to be served within an existing nail salon.
- A public meeting was held on 2023-JUN-15 regarding the application.
- Given that liquor service will be offered to a limited number of patrons within a controlled environment that is well-separated from residences, no negative impacts are anticipated if the application is approved.

ATTACHMENTS

ATTACHMENT A: Subject Property Map ATTACHMENT B: Site Plan & Details

ATTACHMENT C: Floor Plan

ATTACHMENT D: Public Comment Sheets

Submitted by:

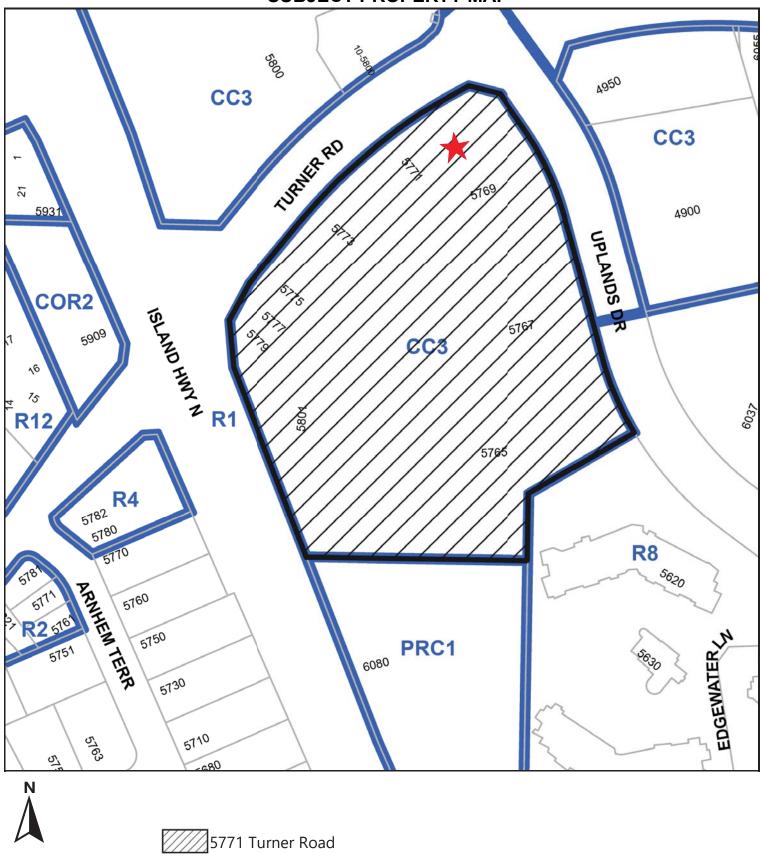
Lainya Rowett Manager, Current Planning

Concurrence by:

Jeremy Holm Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A SUBJECT PROPERTY MAP



UNIT #2 LONGWOOD STATION 5771 TURNER ROAD NANAIMO, B.C.

ATTACHMENT B SITE PLAN & DETAILS

CLIENT: GWL REALTY ADVISORS INC.

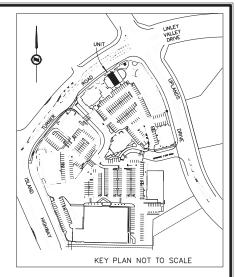
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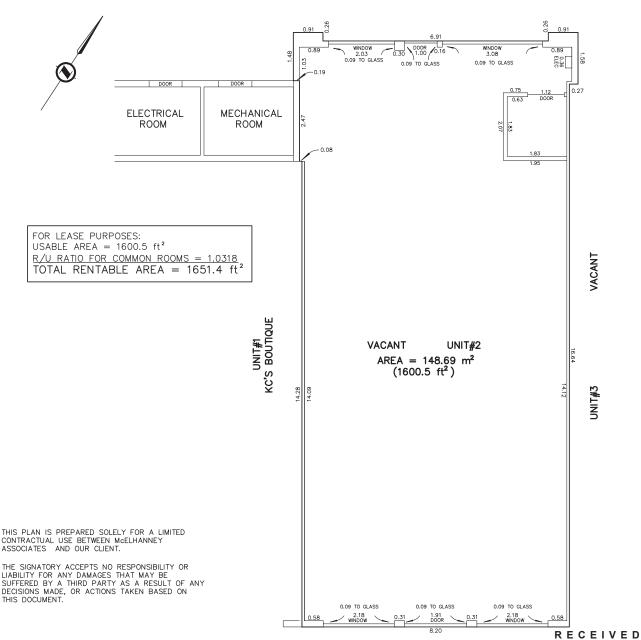
ALL DISTANCES ARE IN METRES UNLESS OTHERWISE NOTED

DATE OF FIELD SURVEY: AUGUST/5/2015
INTERIOR WALLS WITHIN UNIT 0.12 m WIDE

NOTE: MEASUREMENTS SHOWN ARE TO CENTRE LINE OF INTERIOR COMMON WALLS SEPARATING RENTABLE PREMISES FROM ADJOINING RENTABLE PREMISES; EXTERIOR FACE OF EXTERIOR WALLS, AND TO THE FINISHED SURFACE OF INTERIOR WALLS SEPARATING RENTABLE PREMISES FROM COMMON FACILITIES.

EXTERIOR MEASUREMENTS TO OUTSIDE CONCRETE FOUNDATION





M

McElhanney
McElhanney ASOCIATES
LAND SURVEYING LTD.
SUITE 1 - 1351 ESTEVAN ROAD
NANAIMO, BC V9S 3Y3
TEL: 250.716.3336

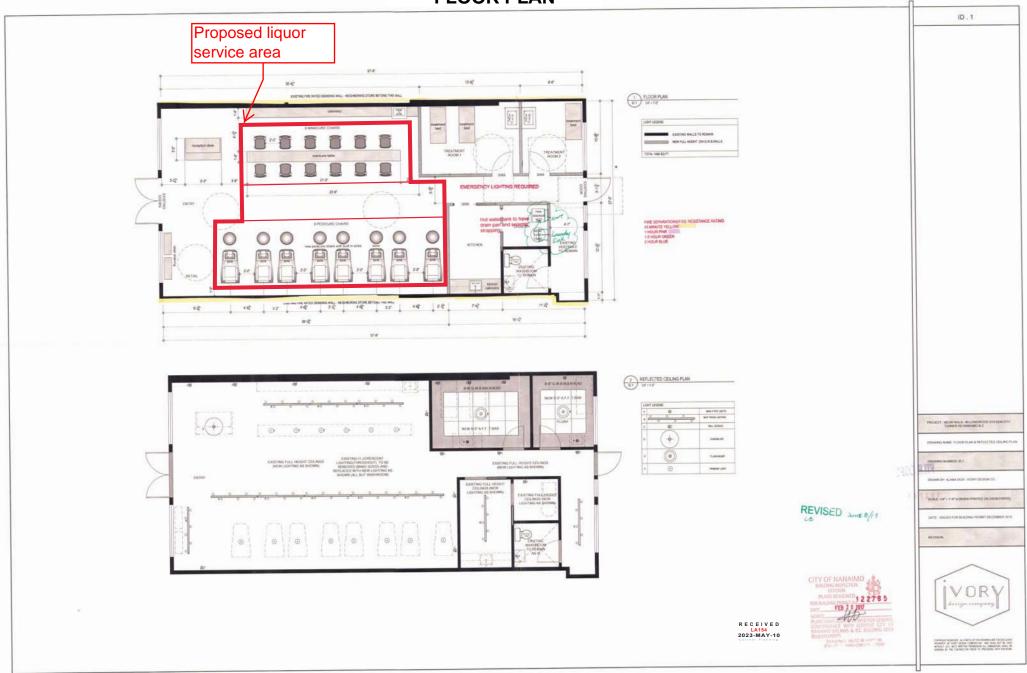
OUR FILE NO.: 2232-80302-2 DWG NO.: 80302-2 UNIT 2 5771.dwg © 2015 McELHANNEY ASSOCIATES LAND SURVEYING LTD.
ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE,
TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART
PART WITHOUT THE CONSTITUTE THE SIGNATORY.

LA154 2023-APR-25

CERTIFIED CORRECT THIS 7th DAY OF AUGUST, 2015

BRIAN D. WARDROP, BCLS

ATTACHMENT C FLOOR PLAN



ATTACHMENT D PUBLIC COMMENT SHEETS

Unit 2, 5771 Turner Road (Posh Nails Spa) APPLICATION FOR A LIQUOR PRIMARY LICENCE

PUBLIC NOTICE AND COMMENT SHEET

The City of Nanaimo has received notice of an application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a liquor primary licence to allow liquor to be served at an existing Nail Spa, located at Unit 2, 5771 Turner Road.

The primary focus of the business is beauty services. The business would have a maximum occupancy of 15 persons. The proposed hours of liquor service are 9:00 a.m. to 6:00 p.m. Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. If approved, the liquor primary licence would permit liquor to be served at Posh Nails Spa in conjunction with beauty services. As part of the review process, the City is responsible to gather the views of local residents and business operators and forward this information, along with recommendations, to the LCRB.

Using this comment sheet, please indicate your name, address, whether or not you support the application and any additional comments. When finished, please email, or drop off this comment sheet using the drop box, no later than 2:00 p.m. on Thursday, June 15, 2023 to:

Current Planning

Service and Resource Centre 411 Dunsmuir Street, Nanaimo BC V9R 0E4

Phone: 250-755-4429 Email: planning@nanaimo.ca

Comment sheets can also be mailed to 455 Wallace St, Nanaimo, BC V9R 5J6.

The application will proceed to Council at a public meeting for the purposes of seeking public input, to be held on Thursday, June 15, 2023 at 7:00 p.m. in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street. You are welcome to attend the Council meeting and speak to this application. A report including all comments received by the deadline is scheduled to return to Nanaimo City Council on Monday, July 24, 2023 for Council consideration. If you have any questions, please contact Current Planning as noted above.

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For Residents	For Busi	inesses ()
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Signature:	Signature	



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	I SUPPORT THE APPLICATION.
Comments: There are	1 DO NOT SUPPORT THE APPLICATION.
well helps to	So by allowing Posh to Servert as Keep them Competitive!
Name:	LA154 For Businesses2023-JUN-06
19	Business Name: VCS Costa Planning
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Signature:	
	Signature:



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		SUPPORT THE APPLICATION.
		DO NOT SUPPORT THE APPLICATION.
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	2023-JUN-06



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For Residents	For Businesses
Name: SANDLA SMITH	Business Name:
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NOTE: Public submissions, including information obtained through this comment sheet, email, and letter submissions, will become part of the public record. Freedom of Information and Protection of Privacy Act (FOIPPA) information collected on this form is done so under the general authority of the Community Charter and FOIPPA, and is protected in accordance with FOIPPA. Personal information (address, phone number, or email) will be redacted, and will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose.

		I SUPPORT THE APPLICATION.
Comments:_	What's the	I DO NOT SUPPORT THE APPLICATION. Worst that could happen?
	For Residents	↑ For Businesses / \ \
Name:		Business Name: duy Mar d Joures Heart
Address:	A40	Address:
Signature:		Signature:

2023-JUN-08



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	V	I SUPPORT THE APPLICATION.
		I DO NOT SUPPORT THE APPLICATION.
Comments:		
	For Residents	For Businesses
Name: Li5a	lablet	Business Name: Paumond James
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		I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICATION		5
Comments:				
	For Residents		For Businesses	R E C E I V E D LA154 2023-JUN-08
Name: Address:	in VEM.	Business Name:		Current Planning
Signature		·	LA000154 – UN	NIT 2, 5771 TURNER ROAD

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT SUPPORT THE APPLICATION

Marta O'Reilly		



From: Nancy Egely

Sent: Friday, June 9, 2023 8:33 AM

Subject: Application for a Liquor Licence-Unit 2, Turner Road (Posh Nails Spa)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Sir or Madam:

As a former client of numerous nail salons (spas), I would be opposed to such a Licence being issued. This is not meant to be mean-spirited. It is simply on the grounds that minor children attend these spas/salons, either alone or with adults, to obtain services for themselves. Either the business must eliminate access for minors, which will reduce their clientele, OR the minors will need to be sequestered in separate space, which I do not believe this business has.

Alcohol consumption on premises does not enhance appreciably the "spa" experience and places the spa in perilous liability, should an accident occur, post spa visit.

This licence is the "thin edge of the wedge" which could lead to a flood of applications from marginally related spas/parlours/salons and are very difficult to inspect/police. Within the confines of this spa's map, there are at least 3 alcohol vendors (2 restaurants and a liquor store). Why add another?

Again, I am opposed.

Nancy J. Egely

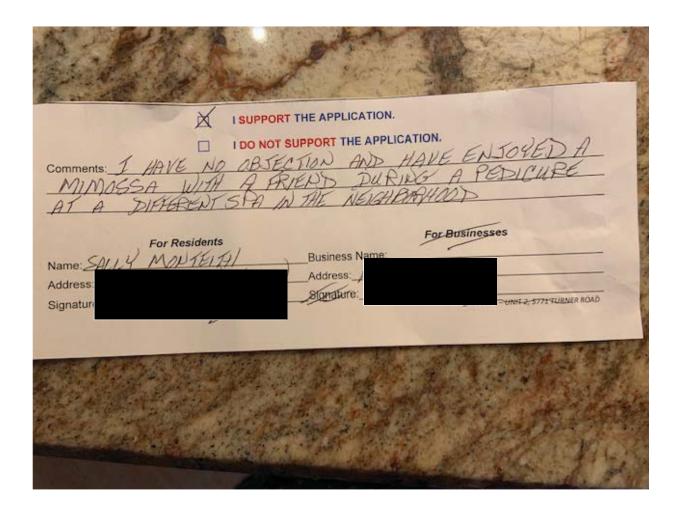
From: Sally Monteith

Sent: Friday, June 9, 2023 9:21 AM

To: Planning

Subject: Public notice re Posh Nails Spa - application for a liquor primary Licence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



Sent from my iPhone





PUBLIC NOTICE AND COMMENT SHEET

The City of Nanaimo has received notice of an application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a liquor primary licence to allow liquor to be served at an existing Nail Spa, located at Unit 2, 5771 Turner Road.

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Using this comment sheet, please indicate your name, address, whether or not you support the application and any additional comments. When finished, please email, or drop off this comment sheet using the drop box, no later than 2:00 p.m. on Thursday, June 15, 2023 to:

Current Planning

Service and Resource Centre 411 Dunsmuir Street, Nanaimo BC V9R 0E4

Phone: 250-755-4429 Email: planning@nanaimo.ca

Comment sheets can also be mailed to 455 Wallace St, Nanaimo, BC V9R 5J6.

The application will proceed to Council at a public meeting for the purposes of seeking public input, to be held on Thursday, June 15, 2023 at 7:00 p.m. in the Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street. You are welcome to attend the Council meeting and speak to this application. A report including all comments received by the deadline is scheduled to return to Nanaimo City Council on Monday, July 24, 2023 for Council consideration. If you have any questions, please contact Current Planning as noted above.

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	X	I SUPPORT THE APPLICATION.
		I DO NOT SUPPORT THE APPLICATION.
Comments:		
-	For Residents	For Businesses
Name:		Business Name: 1064012 BC CAD Flehelo Vert Hospital
Address:		Address:
Signature:		R E C E I

2023-JUN-02



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Comments:				
For	Residents			For Businesses
Name: VACQUELTA	Residents	RECEMBE	Business Name:	
Address:			Address:	RECEIVED LA154
Signature			Signature:	2023-JUN-09 Current Planning
/			The state of the s	14000154 1/1/07





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	₩ I SU	PPORT THE APPLICATION	
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Comments:			
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Fo	or Residents		LA154 For Businesses 2023-JUN-09
Name: <u>LINDA</u>	9 MADSC	DN Business Name:	Current Planning
Address		Address:	
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Unit 2, 5771 Turner Road (Posh Nails Spa)

APPLICATION FOR A LIQUOR PRIMARY LICENCE OMMUNIT

PUBLIC NOTICE AND COMMENT SHEET

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Comments: Great	Idea.	I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICATION.	RECEIVED LA154 2023-JUN-09 Current Planning
	Residents	For Busin	O 1
Name:		Business Name: ()	us Hopm tools
Address:		Address:	
Signature:		Signature	



Unit 2, 5771 Turner Road (Posh Nails Spa) APPLICATION FOR A LIQUOR PRIMARY LICENCE CITY OF NANAIMO COMMUNITY DE

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		I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICATION.	R E C E I V E D LA154 2023-JUN-09
Comments:			Current Planning
5	For Residents	For Busi	nesses
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Address:		Address:_	
Signature:		Signature	40



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COMMUNITY DEVEL

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	For Residents	For Busi	nesses
Name:		Business Name: Uplands	Dental Clinic
Address:		Address	
Signature:	2	Signatur	



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Comments:				
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	For Residents	For Busin	nesses	
Name:		Business Name: 3 Cedars 1	vellness	
Address:		Address:_		
Signature:		Signature		

From:
Sent: Sunday, June 11, 2023 12:39 PM

Subject: Re: Posh Nail Spa Application for a Primary Liquor Licence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On Sunday 11/06/2023 at 12:30 pm, whitcomb@island.net wrote:

> Hello
> Re:- Unit 2, 5771 Turner Road (Posh Nails Spa), application for a
> liquor primary licence.
> We support the application.
> Marilynn and Al Whitcomb
>



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Unit 2, 5771 Turner Road (Posh Nails Spa) APPLICATION FOR A LIQUOR PRIMARY LICENCE

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Name: PATRIC	A YE	DUNG	Business Name:		Current Planning
Address:			Address:		
Signature		_	Signature:		
or model t				LA000	154 – UNIT 2, 5771 TURNER ROAD

From: Susan Ethier

Sent: Monday, June 12, 2023 9:20 AM

To:

Subject: Unit 2-5771 Turner Road (Posh Nails Spa) liquor Primary Licence

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

We support the application for a Liquor Primary Licence.

Denis and Susan Ethier

Sent from my iPad



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	V	I SUPPORT THE APPLICATION.	RECEIVED LA154
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Address:

Signature:

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		I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICATION.	R E C E I V E D LA154 2023-JUN-13
Comments:			Current Planning
	For Residents	For Busin	esses
Name:		Business Name: Nov4hno	lar Dental

Address:

Signature



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Comments: We have		I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICATION. End of Termany dinking place.	RECEIVED LA154 2023-JUN-13 Current Planning
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For Re	sidents	For Busine	esses
Name: L. Pinter		Business Name:	
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		I SUPPORT THE APPLICATION. I DO NOT SUPPORT THE APPLICA	TION.	R E C E I V E D LA154 2023-JUN-13
Comments:				Current Planning
4	For Residents		For Busine	esses
Name: MARTA	D'REILLY	Business Name <u>:</u>		
Address:				
Signature				
, . \		f 160	LAUUU.	154 – UNII 2, 5//1 IUKNER ROAD



JUN 1 2 2023 W

Unit 2, 5771 Turner Road (Posh Nails Spa)

CITY OF NANAMO

APPLICATION FOR A LIQUOR PRIMARY LICENCE DEPARTMENT

PUBLIC NOTICE AND COMMENT SHEET

The City of Nanaimo has received notice of an application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a liquor primary licence to allow liquor to be served at an existing Nail Spa, located at Unit 2, 5771 Turner Road.

The primary focus of the business is beauty services. The business would have a maximum occupancy of 15 persons. The proposed hours of liquor service are 9:00 a.m. to 6:00 p.m. Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday. If approved, the liquor primary licence would permit liquor to be served at Posh Nails Spa in conjunction with beauty services. As part of the review process, the City is responsible to gather the views of local residents and business operators and forward this information, along with recommendations, to the LCRB.

Using this comment sheet, please indicate your name, address, whether or not you support the application and any additional comments. When finished, please email, or drop off this comment sheet using the drop box, no later than 2:00 p.m. on Thursday, June 15, 2023 to:

Current Planning

Service and Resource Centre 411 Dunsmuir Street, Nanaimo BC V9R 0E4

Phone: 250-755-4429

Email: planning@nanaimo.ca

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		I SUPPORT THE APPLICATION.		RECEIVED LA154
Comments:		I DO NOT SUPPORT THE APPLICAT		2023-JUN-13 Current Planning
	For Residents		For Busin	nesses
Name: Kings	north.	Business Name:		
Address		Address:		
Signatur		Signature:		13
	U .		LAOC	00154 - UNIT 2, 5771 TURNER ROAD



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□,	I SUPPORT THE APPLICATION.	
	I DO NOT SUPPORT THE APPLICATION	٧.
Comments: I do 404	suppost alcohal co	ousumption
af a Na	E Spa or any other	leve iness
	7 0	
		RECEIVED LA154
For Residents	Fo	r Businesses 2023-JUN-14
Name: <u>CLSE #OCCI</u>	Business Name:	Current Planning
Address:	_Address:	
Signature	_Signature:	
	162	LA000154 – UNIT 2, 5771 TURNER ROAD



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Comments:		T THE APPLICATION. SUPPORT THE APPLICATION	ATION.	RECEIVED LA154 2023-JUN-14 Current Planning
I'M OK	WITH	me.		
For Res	sidents		For Busi	inesses
Name: Shefry Wo	WIEN	Business Name:		
Address:		Address:		
Signature		Signature:	LAI	000154 – UNIT 2, 5771 TURNER ROAD



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Signature:

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Comments:			
	For Residents		sinesses
Name:		Business Name: Ovan se	Theory Fithes
Address:		Address:_	
		- 1 march 1 ma	



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, and the state of	was originally collected, or for a use consistent with that purpose.
□ I SUP	PORT THE APPLICATION.
□ I DO I	NOT SUPPORT THE APPLICATION.
comments: Why not? It would	be great to be served a glass of nine
while having a maniaure/	edicuse done.
For Residents	For Businesses 2023-JUN-14
ame: Natalia Boyd	Business Name:
ddress	Address:
ignatur	Signature:
	LA000154 - LINIT 2 5771 TURNED DO

From: Sonja Cole

Sent: Wednesday, June 14, 2023 1:17 PM

To:

Subject: Nail Spa Unit 2,5771 Turner Road application for Liquor Primary License

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please consider my comment as "I do not support application".

Thank you Sonja Cole



Sent from my iPad





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	æ	I SUPPORT THE APPLICATION.	RECEIVED LA154
		I DO NOT SUPPORT THE APPLICATION.	2023-JUN-15 Current Planning
Comments:			
s			
	¥		
	For Residents	For Busin	iesses
Name:		Business Name: Woodgrov	re Dental Clinic
Address:		Address:	

Signature



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	I SUPPORT THE APPLICATION.
×	I DO NOT SUPPORT THE APPLICATION.
comments:	respect the quietness of our
neighbourh	not want a presidence to Start Level,
1001-1	Lot Brances
For Resident	
SUZANNE GROL	GAU Business Name:
ame: South Care Care	Address:
ddress	Signature: LA000154 - UNIT 2, 5771 TURNER ROAD
gnaturi	RECEIVED
	LA154
	2023-JUN-15

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	X	I SUPPORT THE APPLICATION.
		I DO NOT SUPPORT THE APPLICATION.
Comments:		
BEU.W.F.TEF	r Residents	For Businesses
BEU.W.F.TEIFO Name: 13 Whi	Thead	Business Name:
Address:		Address:
Signature		Signature:

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2023-JUN-15
Current Planning