

# DECISION/DIRECTION NOTE

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**Title:** Notices Published - 330 Lemarchant Road – DEV2400140

**Date Prepared:** January 8, 2025

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley, Development

**Ward:** Ward 2

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**Decision/Direction Required:**

A Discretionary Use application has been submitted by Urban Market 1919 Inc. at 330 Lemarchant Road.

**Discussion – Background and Current Status:**

The proposed application is for a Drive Through for a pickup window. Hours of operations will be seven (7) days per week, between the hours 7 a.m. to 10 p.m. On-site parking is provided. The proposed application site is zoned Industrial Commercial (IC) and Commercial Neighbourhood (CN). A Drive Through is a Discretionary Use when located within 150 metres of certain uses, which in this case include both the Residential Zone and a Child Care Centre.

Where a Drive Through will abut a Residential Zone, a noise attenuation barrier/acoustic barrier/noise wall shall be installed. Notwithstanding this requirement, where a noise study shows noise levels will not increase beyond existing levels, a noise attenuation barrier may not be required at Council’s discretion. In this particular case a noise study was not requested as no external speaker/intercom system is proposed as cars will drive up to the building and order at a window and there is limited stacking space based on the projected use; therefore it is recommended that an noise attenuation barrier not be required.

35 submissions were received; 34 submissions were in favour, while one submission noted concerns about the drive through discouraging walking and cycling, creation of traffic congestion and that parking lots and drive-throughs use space that would be better suited to other land uses.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable
2. Partners or Other Stakeholders: Property owner and neighbouring property owners.



3. Is this a New Plan or Strategy: No

4. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

Choose an item.

5. Alignment with Adopted Plans: **St. John's Envision Municipal Plan and Development Regulations.**

6. Accessibility and Inclusion: Not applicable.

7. Legal or Policy Implications: **St. John's Development Regulations Section 6.15 "Drive Through," Section 10.5 "Discretionary Uses," Section 10 "Industrial Commercial (IC) Zone" and Section 10 "Commercial Neighbourhood (CN) Zone".**

8. Privacy Implications: Not applicable.

9. Engagement and Communications Considerations: Public advertisement in accordance with **Section 4.8 Public Consultation of the St. John's Envision Development Regulations.** The City has sent written notices to property owners within a minimum 150-metre radius of the application site. The application has been advertised in The Telegram newspaper at least twice and is posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.

10. Human Resource Implications: Not applicable.

11. Procurement Implications: Not applicable.

12. Information Technology Implications: Not applicable.

13. Other Implications: Not applicable.

**Recommendation:**

That Council approve the Discretionary Use for a drive through at 330 Lemarchant Road and not require the applicant to provide a noise attenuation barrier as no outdoor speaker(s) are proposed.

**Prepared by:**

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Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P. Eng., MBA Deputy City Manager  
Planning, Engineering and Regulatory Services

**Report Approval Details**

Document Title:	Notices Published - 330 LeMarchant Road.docx
Attachments:	- 330 LEMARCHANT ROAD.pdf
Final Approval Date:	Jan 8, 2025

This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Jan 8, 2025 - 9:57 AM**

**Jason Sinyard - Jan 8, 2025 - 10:55 AM**