

**PROPOSED FINDINGS OF FACT**  
**FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN**  
**Walmart Supercenter – Newbridge Crossing Towne Center**  
**Case No. 14DEVPLAN1036**  
**December 11, 2014**

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PLANNING &  
DESIGN SERVICES

WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant’s proposed findings of fact, that the revised detailed district development plan to construct a new 157,162 square foot retail building on property bounded by W. Broadway on the north, Dr. J.W. Hodges Street (21st Street) on the west and Dixie Highway on the east. complies with the criteria for approval set forth in Section 11.4.7.E. of the Land Development Code because the subject property is not located within a floodplain, and there are no slopes, streams, unstable soils, karst features, or historical or cultural resources on the property; an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the Metropolitan Sewer District; the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development; the proposed development will include planting approximately 165 new trees; and the proposed development will result in a net reduction of approximately 71,514 square feet of impervious area;

WHEREAS, the Planning Commission further finds the development plan complies with all applicable Mobility requirements of the Land Development Code because the subject property is located at the intersection of two major arterial roadways, W. Broadway and Dr. W.J. Hodges Street, and a minor arterial, Dixie Highway and, therefore, the existing roadway infrastructure has adequate carrying capacity to handle traffic going to and from the development; the subject property is located on an existing major transit route; Walmart has coordinated with Metro Transportation Planning to provide safe and efficient pedestrian access from all of the adjacent roadways to the building entrances, including a 10-foot-wide uninterrupted walkway from W. Broadway to the front of the store; transit stops and amenities will be incorporated in coordination with TARC; and adequate parking spaces are provided on the subject property as required by the Land Development Code, including handicap accessible spaces as required by the ADA; accordingly, the proposal accommodates all modes of transportation, provides bicycle and pedestrian connections to surrounding properties, and is appropriately located for the proposed density and intensity;

WHEREAS, the Planning Commission further finds that although there is no open space requirement for developments in the Traditional Workplace Form District, a large area in excess of one acre will be preserved as green space along the western side of the site, and will serve as a stormwater detention basin;

WHEREAS, the Planning Commission further finds the proposed development is located on a site that will enable proper stormwater handling and release management that

will not adversely affect adjacent and downstream properties; a new water quality pond, a rain garden along Dixie Highway, and a bio-swale along the southern property line will help to manage and treat storm water runoff from the site; the first 0.6" of rainfall will be captured and treated on-site through the use of these Green Management Practices; MSD has given preliminary approval of the proposed drainage facilities for the development; the final stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and will comply with MS4 water quality regulations and MSD's "Green Infrastructure Design Manual"; an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development; therefore, the proposed development ensures the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

WHEREAS, the Planning Commission further finds the proposed development is compatible in terms of the overall site design with the development in the surrounding area; the building facades include a significant amount of red-blended Quik-Brik to complement buildings in the surrounding area, as well as additional variation in color and materials to create visual interest; the building design will include two main entrances along the Broadway façade that will be glazed; a brick wall and ornamental metal fence will surround the garden center area, and raised planter boxes will be incorporated into the Broadway facing façade; there will be extensive landscaping along the Broadway and Dixie Highway frontages in front and to the east of the building, providing additional visual interest to the site; a significant amount of trees and landscape plantings will be provided along the Broadway frontage, as well as a row of endcap landscape islands along the northern end of the parking area; the pharmacy drive-thru and loading dock are located along the Dixie Highway facing façade, and a screen wall adjacent to the loading dock and enhanced landscaping along Dixie Highway will further break up the façade and buffer the view from that roadway;

WHEREAS, the Planning Commission further finds the revised development plan, complies with the Cornerstone 2020 Comprehensive Plan because Traditional Workplaces allow a mixture of industrial, commercial and office uses; in order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District; the proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements and, therefore, the proposed development accommodates all modes of transportation; and the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and an Erosion

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Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

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**PROPOSED FINDINGS OF FACT FOR STREET AND ALLEY CLOSURES**

**Walmart Supercenter – Newbridge Crossing Towne Center**

**Case No. 14STREETS1004**

**December 11, 2014**

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WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant’s proposed findings of fact, that the request to close the southern terminus of S. 20<sup>th</sup> Street, Kendall Court, and an unnamed alley running south from Anderson Street between S. 20<sup>th</sup> Street and Kendall Court complies with the Cornerstone 2020 Comprehensive Plan because the subject property lies within the Traditional Workplace Form District, which allows a mixture of industrial, commercial and office uses; in order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District; the proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern;

WHEREAS, the Planning Commission further finds that all of the lots surrounding the rights-of-way to be closed are under common ownership and will be reconfigured as shown on the proposed development plan, therefore, the streets and alley proposed to be closed are no longer required for access; the owner of 100% of the property adjacent to the rights-of-way to be closed agrees to the proposed closure and has submitted a notarized consent; the property surrounding the rights-of-way to be closed will continue to have direct vehicular and pedestrian access to W. Broadway (via S. 20<sup>th</sup> Street), Anderson Street, Dr. J. W. Hodges Street, and Dixie Highway; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements; therefore, the proposed development will adequately accommodate all modes of transportation;

WHEREAS, the Planning Commission further finds the requested street and alley closures will not result in a demand on public facilities and services that exceeds the capacity of such facilities; the unimproved roadways are no longer needed for any public or private purpose, nor is a future need for these roads anticipated; therefore, the proposed closure of these roads will not interfere with or exceed the capacity of the existing roadway infrastructure;

WHEREAS, the Planning Commission further finds the properties surrounding the rights-of-way to be closed are under common ownership and will be consolidated and resubdivided as shown on the proposed development plan, therefore there is no need to reserve utility easements within the existing right-of-way areas to serve the existing lots; and to the extent determined necessary by affected utilities, easements will be reserved within the rights-of-way to be closed or will be provided in alternate locations on the site as needed to serve the proposed development;

**PROPOSED FINDINGS OF FACT FOR WAIVER OF LDC SECTION 5.5.1.A.1.b.**

**Walmart Supercenter – Newbridge Crossing Towne Center**

**Case No. 14DEVPLAN036**

**December 11, 2014**

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WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant’s proposed findings of fact, that the requested waiver of Section 5.5.1.A.1.b. to not provide a customer entrance facing Dixie Highway or a corner entrance will not adversely affect adjoining property owners because the subject property is located in a mixed commercial and industrial area along W. Broadway; the surrounding uses consist of a mixture of building types and sizes with varied setbacks and no consistent pattern of development; the building design will include two main entrances along the Broadway façade that will be glazed; a brick wall and ornamental metal fence will surround the garden center area, and raised planter boxes will also be incorporated into the front façade; the pharmacy drive-thru and loading dock are located along the Dixie Highway facing façade, therefore it is not feasible to incorporate an entrance along that façade; and the proposed entrances along the front of the building will provide for convenient access for customers and will have no negative impacts on surrounding properties;

WHEREAS, the Planning Commission further finds the requested waiver will not violate the Comprehensive Plan because Traditional Workplaces allow a mixture of industrial, commercial and office uses; in order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District; the proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements and, therefore, the proposed development accommodates all modes of transportation; and the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Planning Commission further finds the requested waiver is the minimum necessary to afford relief to the applicant because the proposed development will significantly improve the overall aesthetics of the site, as well as pedestrian and vehicular access; Walmart has coordinated with Metro Transportation Planning to provide safe and efficient pedestrian access from all of the adjacent roadways to the building entrances, and transit stops and amenities will be incorporated in coordination with TARC; the strict application of the current zoning regulations would deprive the applicant of the

reasonable use of the land and create an unnecessary hardship because providing an entrance along the Dixie Highway façade is not feasible due to the pharmacy drive-thru; and the proposed building entrances are located adjacent to the primary parking field to maximize customer safety, security, and accessibility;

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**PROPOSED FINDINGS OF FACT FOR WAIVER OF LDC SECTION 5.6.1.C.1.**

**Walmart Supercenter – Newbridge Crossing Towne Center**

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WHEREAS, the Louisville Metro Planning Commission (“Planning Commission”) finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant’s proposed findings of fact, that the requested waiver of Section 5.6.1.C.1. of the Land Development Code to not provide 50% windows and doors at street level along the W. Broadway and Dixie Highway facades will not adversely affect adjacent property owners because it will allow for the construction of a Walmart Supercenter to serve West Louisville with a high-quality building design that is compatible with buildings in the surrounding area; the building facades include a significant amount of red-blended Quik-Brik to complement buildings in the surrounding area, as well as additional variation in color and materials to create visual interest; the building design will include two main entrances along the Broadway façade that will be glazed; a brick wall and ornamental metal fence will surround the garden center area, and raised planter boxes will be incorporated into the Broadway facing façade; extensive landscaping will be provided along the Broadway and Dixie Highway frontages in front of and to the east of the building, providing additional visual interest to the site; a significant amount of trees and landscape plantings will be provided along the Broadway frontage, as well as a row of endcap landscape islands along the northern end of the parking area; the pharmacy drive-thru and loading dock are located along the Dixie Highway facing façade, and a screen wall adjacent to the loading dock and enhanced landscaping will be provided along Dixie Highway to further break up the façade and buffer the view from that roadway;

WHEREAS, the Planning Commission further finds the requested waiver will not violate the Comprehensive Plan because Traditional Workplaces allow a mixture of industrial, commercial and office uses; in order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District; the proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements, and therefore, the proposed development accommodates all modes of transportation; and the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Planning Commission further finds the requested waiver is the minimum necessary to afford relief to the applicant because compliance with this building design requirement is not possible due to ancillary tenants (*e.g.* food service) located inside the building along the front wall and internal merchandise layout; the exterior walls of the building are load bearing and cannot accommodate 50% windows and doors; the proposed building will contain two glass entry vestibule areas comprising approximately 10% of the front façade; and Walmart has designed the building to include glazing where appropriate and to include color variation to add visual interest to the façade; .

WHEREAS, the Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for noncompliance with the requirement to be waived (net beneficial effect) because the proposed site design, building design, and landscape buffering will be a significant improvement over the existing site conditions; the building facades include a significant amount of red-blended Quik-Brik to complement buildings in the surrounding area, as well as additional variation in color and materials to create visual interest; a screen wall has been added at the loading dock and Quik-Brik has been extended to the face of the dock wall; a brick wall and ornamental fence will be provided around the lawn and garden center which wraps the northwest corner of the building; currently there are no trees on the site and the proposed development will include planting approximately 165 new trees; the proposed development will result in a net reduction of approximately 71,514 square feet of impervious area; a new water quality pond, a rain garden along Dixie Highway, and a bio-swale along the southern property line will help to manage and treat storm water runoff from the site; and the front building façade will include raised planter boxes, and enhanced landscaping will be provided along both the Broadway and Dixie Highway frontages;

WHEREAS, the Planning Commission further finds the strict application of the requirement of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because it would prevent the applicant from using all of its interior space for merchandise, ancillary tenants, and other satellite functions (pharmacy, vision center, etc.), making the proposed building less efficient and raising the costs of the overall development;

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**PROPOSED FINDINGS OF FACT FOR WAIVER OF LDC SECTION 5.5.1.A.3**

**Walmart Supercenter - Newbridge Crossing Towne Center**

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WHEREAS, the Louisville Metro Planning Commission ("Planning Commission") finds, based on the staff report, evidence and testimony presented at the public hearing, and the applicant's proposed findings of fact, that the requested waiver of LDC Section 5.5.1.A.3. to allow the parking lot to be located in front of the proposed building on property bounded by W. Broadway on the north, Dr. J.W. Hodges Street (21<sup>st</sup> Street) on the west and Dixie Highway on the east will not adversely affect adjoining property owners because the subject property is zoned EZ-1 Enterprise Zone and is located in the Traditional Workplace Form District; the subject property is surrounded by various commercial and industrial zoned properties with varying setbacks and site designs; the former Philip Morris facility was designed with the building at the rear of the property and parking between the building and W. Broadway; the surrounding area consists of a variety of development patterns, including those with parking behind or beside buildings and those where parking is placed between the building and W. Broadway, with no predominant pattern; and the proposed redevelopment is consistent with the previous Philip Morris development pattern;

WHEREAS, the Planning Commission further finds the requested waiver will not violate the Comprehensive Plan because Traditional Workplaces allow a mixture of industrial, commercial and office uses; in order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area; the proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District; the proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements and, therefore, the proposed development accommodates all modes of transportation; and the stormwater detention design is required to receive approval from MSD prior to construction of the proposed development, and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because the site is designed such that approximately 40% of the parking spaces is located to the side (behind the front façade) of the proposed structure; the proposed development maximizes parking that can feasibly be placed behind the front façade of the building facing W. Broadway considering the shape of the subject property, the location of the roads that lead into it and

the shape and size of the proposed building; and the applicant has incorporated other design measures to compensate for noncompliance, including enhanced interior and perimeter landscaping, bioswales, and rain gardens throughout the development; and

WHEREAS, the Planning Commission further finds that the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship because if the requested waiver is not granted, the applicant would be unable to reasonably develop the property in a manner consistent with surrounding properties;

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