26-ZONE-0028

Planning Commission
Staff Report
July 16, 2026

WSA Realty Properties LLC Old Henry Road Rezoning

Location:	13112, 13118, 13200 R, & 13206 Old Henry Road
Applicant:	WSA Realty Properties LLC
Representative:	Bricker Graydon Wyatt LLP
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jude Mattingly, *Planner II*

REQUESTS & RECOMMENDED ACTIONS

1. Change in Zoning from R-4 Residential to PEC Planned Employment Center
   - Staff finds the request is in keeping with Plan 2040 and recommends the Planning Commission **RECOMMEND** that the Louisville Metro Council **APPROVE** the requested change in zoning

2. **26-WAIVER-0079:** Wavier of Land Development Code Section 10.2.10 to omit the required 15-foot vehicular use area landscape buffer area along a private access easement.
   - Staff finds the justification for the request is adequate and **RECOMMENDS** the Planning Commission **APPROVE** the Waiver

3. **26-WAIVER-0080:** Waiver of Land Development Code Section 10.2.4.B.8 to omit the required 15-foot property perimeter landscape buffer area along an adjacent M-2 industrial property line.
   - Staff finds the justification for the request is adequate and **RECOMMENDS** the Planning Commission **APPROVE** the Waiver

4. Revised Detailed District Development Plan with Amendments to Binding Elements
   - Staff finds the justification for the request is adequate and **RECOMMENDS** the Planning Commission **APPROVE** the Revised Detailed District Development Plan with Binding Elements

CASE SUMMARY

The subject properties are accessed from Old Henry Road, a minor arterial roadway, and are roughly 0.35 miles southwest of a southbound exit on to Interstate-264. 13200 R, 13206, 0.39 acres of 13112, & 13118 Old Henry Road are presently zoned R-4 residential and are located within a Suburban Workplace form district. The proposal includes a change in zoning on 6.85 acres from the current R-4 residential to PEC Planned Employment Center, a Revised Detailed District Development Plan with proposed Binding Elements for the entirety of the 16.75 acre development site, and a pair of Waiver requests concerning

buffering. The proposal does not include construction of any new structures or installation of parking spaces but would result in 477,589 square feet of outdoor storage area and 40,885 square feet of vehicular use area.

If this proposal were to be approved as presented, the immediate area would be predominantly zoned PEC, M-3, M-2, and M-1 industrial. 9.87 acres of 13112 Old Henry Road were previously rezoned from R-4 and M-2 to PEC under planning case (22-ZONE-0141). The proposal includes amendments to the previously approved binding elements. The remainder of the subject properties are not Plan Certain.

TECHNICAL REVIEW

- Comprehensive Plan 2040
- Old Henry Rd Subarea Plan (2000)
  No specific recommendations about these properties but states that the area surrounding Old Henry Rd and Interstate-264 should be planned as a "gateway"
- Land Development Code (Louisville Metro 2025)
- MSD has provided preliminary approval.
- Transportation Planning has provided preliminary approval.

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING / FORM DISTRICT

The following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Suburban Workplace Form District

> A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban Workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace serving uses are encouraged for workplace employees. Development within Suburban Workplace Form Districts may need significant buffering from abutting uses.

STAFF FINDING: The proposal does not represent an expansion of non-residential uses into residential areas but would rather eliminate some of the last remaining residential areas within the Suburban Workplace form in this area. The subject site is surrounded by PEC and industrial zoning districts. The proposal is in an established industrial activity area adjacent to a variety of office and industrial uses readily served by infrastructure and transportation facilities. All required buffers are being provided to the remaining residential site adjacent to the development area.

The proposed zoning would not permit residential development and the proposal calls to demolish the existing residential structures on the subject properties. A majority of the site is presently vacant. Historic preservation staff have reviewed the proposal and did not indicate any concerns related to the demolition of any remaining structures on site.

The proposed change in zoning is adequately justified for approval in the context of the Suburban Workplace form district. PEC zoning and land uses are more consistent with the immediate area than the existing R-4 zoning. The proposal clusters a similar use to what exists in the area to provide a more compatible development pattern.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-WAIVER-0079

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The requested waiver will not adversely affect adjacent property owners as the private access easement serves the neighboring M-2 zoned property the 15-foot VUA LBA is implemented against.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal is of similar intensity to the adjacent sites.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the private access easement where the 15-foot VUA LBA is implemented against has been relocated to avoid a detention basin.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land and would create unnecessary hardship. The 15-foot property perimeter LBA is still provided around the adjacent M-2 property line except for where the private access easement is located.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 26-WAIVER-0080

(a) The waiver will not adversely affect adjacent property owners; and

STAFF FINDING: The requested waiver will not adversely affect adjacent property owners as the private access easement serves the neighboring M-2 zoned property the 15 feet property perimeter LBA is implemented against.

(b) The waiver will not violate specific guidelines of Plan 2040;

STAFF FINDING: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal is of similar intensity to the adjacent site.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF FINDING: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the private access easement where the 15-foot property perimeter LBA is implemented against has been relocated to avoid a detention basin.

(d) Either: (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF FINDING: The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land and would create unnecessary hardship. The 15-foot property perimeter LBA is still provided around the adjacent M-2 property line except for where the private access easement is located.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND AMENDMENT TO BINDING ELEMENTS

a. *The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;*

STAFF FINDING: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

b. *The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;*

STAFF FINDING: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, and the Department of Transportation and the Kentucky Transportation Cabinet have approved the preliminary development plan.

c. *The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;*

STAFF FINDING: There are no open space requirements associated with this proposal.

d. *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;*

STAFF FINDING: The Metropolitan Sewer District has provided preliminary approval for the plan and will ensure 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.

e. *The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;*

STAFF FINDING: The overall site design and land uses are compatible with the existing and future development of the area. An appropriate Parkway Buffer will be implemented and all screening / landscaping requirements must be implemented prior to receiving a certificate of occupancy.

f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF FINDING: The development plan conforms to all applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, except for the requested waivers which are adequately justified for approval.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change in Zoning** from R-4 Residential to PEC Planned Employment Center
- **APPROVE** or **DENY 26-WAIVER-0079** of Land Development Code Section 10.2.10 to omit the required 15-foot vehicular use area landscape buffer area along a private access easement.
- **APPROVE** or **DENY 26-WAIVER-0080** of Land Development Code Section 10.2.4.B.8 to omit the required 15-foot property perimeter landscape buffer area along an adjacent M-2 Industrial property line
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** subject to proposed binding elements

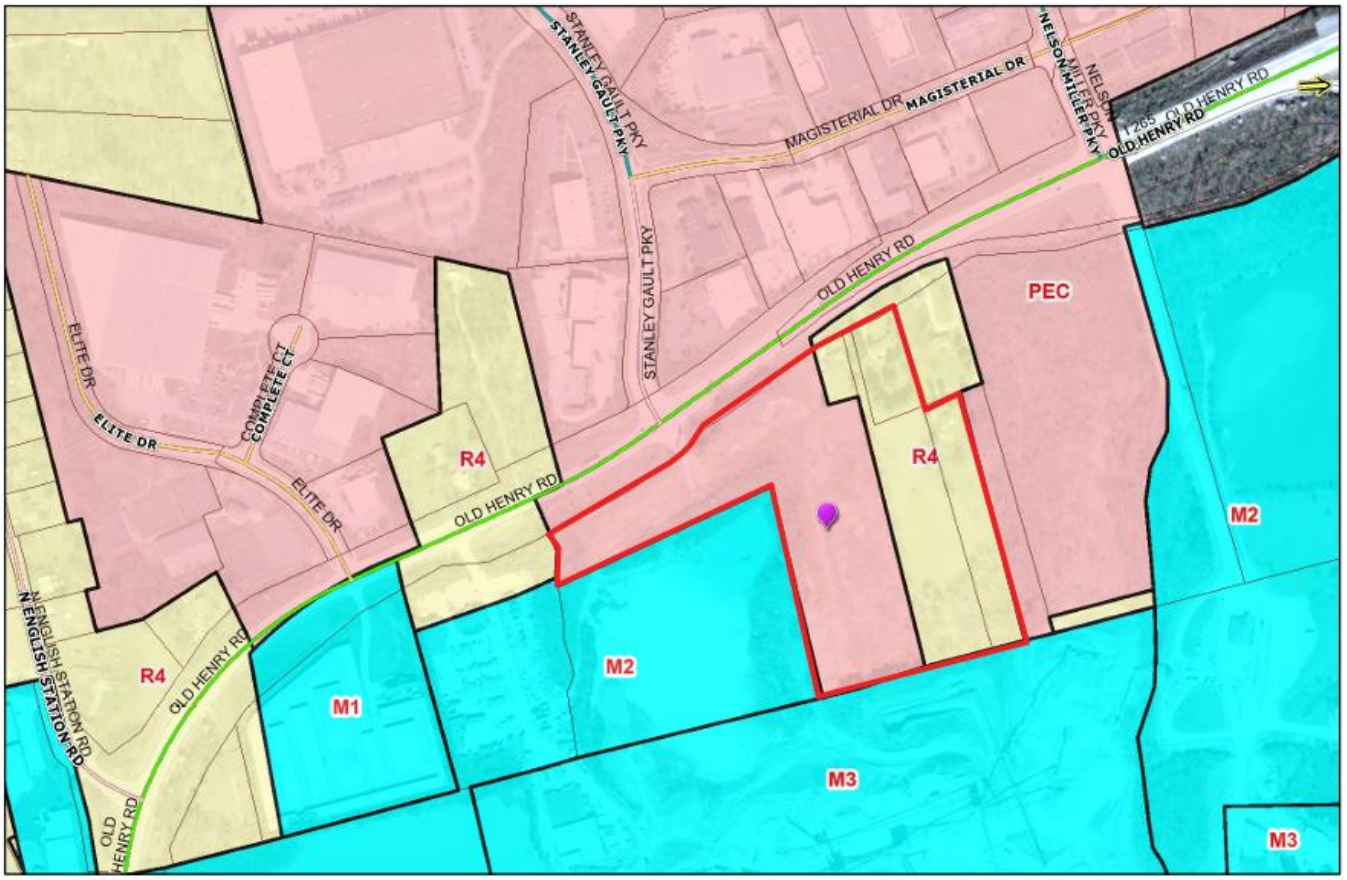
NOTIFICATION

DATE	PURPOSE OF NOTICE	RECIPIENTS
6/29/2026 7/1/2026	Planning Commission Public Hearing	1st and 2nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 17
6/30/2026	Planning Commission Public Hearing	Sign Posting on Property
6/30/2026	Planning Commission Public Hearing	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Existing Binding Elements
5. Proposed Binding Elements

1. ZONING MAP



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Monday, July 6, 2026 | 12:42 PM

LOJIC

LOJIC © 2026

This map is not a legal document and should only be used for general reference and identification.

2. AERIAL PHOTOGRAPH

3. PLAN 2040 CHECKLIST

+	Exceeds Guideline
✓	Meets Guideline
-	Does Not Meet Guideline
+/-	More Information Needed
NA	Not Applicable

Suburban Workplace: Non-Residential

	Plan 2040 Plan Elements/Staff Analysis
1	***Community Form: Goal 1, Policy 6.*** *Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.*
✓	**Staff Analysis:** The proposal does not represent an expansion of non-residential uses into a residential area. There is a significant area of PEC zoning across Old Henry Road and M-3, M-2, and M-1 Industrial in the immediate area.
2	***Community Form: Goal 1, Policy 7.*** *Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.*
✓	**Staff Analysis:** Old Henry Road is classified as a minor arterial roadway and the subject properties are within 0.50 miles of Interstate-264. Most of the immediate area is zoned PEC or industrial and the proposed change in zoning / land use is consistent with the adjacent uses**.**
3	***Community Form: Goal 1, Policy 8.*** *Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.*
✓	**Staff Analysis:** The subject properties are located within a Suburban Workplace form district and most of the immediate area is zoned PEC or industrial. There is adequate infrastructure to accommodate the proposal.
4	***Community Form: Goal 1, Policy 15.*** *When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionally impacted* .
✓	**Staff Analysis:** The proposal concentrates similar uses and zoning classifications. Land Development Code regulations regarding buffering are being met against the remaining R-4 zoned property and a 30-foot Parkway Buffer is proposed off the Old Henry Road frontage.
5	***Community Form: Goal 1, Policy 16.*** *Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionally affected.*

Plan 2040 Plan Elements/Staff Analysis	
✓	**Staff Analysis:** The subject properties are located in an area that is mostly zoned PEC or industrial. Buffering is being met against the remaining R-4 zoned property. Landscaping will be required that should further mitigate any potential adverse effect on nearby properties.
6	***Community Form: Goal 1, Policy 17.*** *Mitigate adverse impacts of traffic from proposed development on nearby existing communities.*
✓	**Staff Analysis:** The subject properties are located on a minor arterial roadway and are in close proximity to Interstate-264. Additionally, the Department of Transportation and the Kentucky Transportation Cabinet have reviewed and any concerns have been addressed prior to the public hearing.
7	***Community Form: Goal 1, Policy 18.*** *Mitigate adverse impacts of noise from proposed development on existing communities.*
✓	**Staff Analysis:** The proposed zoning of PEC could allow uses that generate noise impacts, however, there are not a significant number of residential uses in the nearby area and buffering as required by the Land Development Code is being met in full against the remaining R-4 zoned property. As an additional layer of protection, a Binding Element forbidding the idling of trucks within 200 feet of any residence has been proposed.
8	***Community Form: Goal 1, Policy 21.*** *Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.*
✓	**Staff Analysis:** PEC zoning would not permit land uses such as a junkyard or landfill. The subject properties are not in an area characterized as residential, however, there is an existing binding element that states that no trucks or trailers that are required by the US Department of Transportation regulations to display hazardous materials placards shall be stored on site.
9	***Community Form: Goal 2, Policy 1.*** *Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.*
✓	**Staff Analysis:** The proposed PEC zoning would be located adjacent to identical or similar zoning intensities and land uses and as a result is compatible with the design and density within the Suburban Workplace form district.
10	***Community Form: Goal 2, Policy 5.*** *Locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it.*
NA	**Staff Analysis:** The proposal does not include retail commercial development; however, PEC can allow for C-1 uses excluding dwellings. The site would be subject to Planning Commission / Metro Council review if redeveloped in the future for retail commercial use.
11	***Community Form: Goal 2, Policy 6.*** *Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.*

Plan 2040 Plan Elements/Staff Analysis	
✓	**Staff Analysis:** The proposal is consistent with zoning and land uses in the immediate area and as a result the change in zoning to PEC would constitute an efficient land use and cost-effective infrastructure investment.
12	***Community Form: Goal 2, Policy 7.*** *Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.*
✓	**Staff Analysis:** The proposal is consistent with zoning and land uses in the immediate area. The Department of Transportation have reviewed and provided preliminary approval for the proposal.
13	***Community Form: Goal 2, Policy 8.*** *Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multi-story retail buildings.*
NA	**Staff Analysis:** PEC zoning would not permit residential land uses.
14	***Community Form: Goal 2, Policy 9.*** *Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.*
NA	**Staff Analysis:** The proposal does not include the construction of any new structures.
15	***Community Form: Goal 2, Policy 10.*** *Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above.*
NA	**Staff Analysis:** The proposal is not part of a larger commercial center and is not an outlot.
16	***Community Form: Goal 3, Policy 9.*** *Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems.*
✓	**Staff Analysis:** The proposal does not include substantial changes to topography nor have any potential steep or unstable slopes, hydric soils, or intense karst features been observed. 30.4% of a required 30% tree canopy area is indicated on the plan to be provided.
17	***Community Form: Goal 3, Policy 10.*** *Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.*
✓	**Staff Analysis:** The proposal does not include substantial changes to topography nor have any potential steep or unstable slopes, hydric soils, or intense karst features been observed.
18	***Community Form: Goal 3, Policy 11.*** *Encourage land uses within the Ohio River Corridor that are appropriate for and related to river corridor activities and that are consistent with the goals and objectives of the Ohio River Corridor Master*

Plan 2040 Plan Elements/Staff Analysis	
	Plan. Reserve appropriate riverfront sites such as the Upper River Road industrial area for river-related development. Allow development of commercial leisure businesses related to the river, such as boating services and restaurants in appropriate locations. Encourage new development in the Ohio River corridor and along key greenway and street connections to provide for public access in new riverfront development and to maintain views of the river from public rights-of-way.
NA	**Staff Analysis:** The subject properties are not located near the Ohio River.
19	***Community Form: Goal 3, Policy 12.*** *When reviewing proposed developments consider changes to flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides. Ensure appropriate measures to protect health, safety and welfare of future users of the development.*
✓	**Staff Analysis:** The subject properties are not located within the regulatory floodplain. MSD have reviewed and provided preliminary approval of the development plan.
20	***Community Form: Goal 4, Policy 1.*** *Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.*
✓	**Staff Analysis:** Historic Preservation have reviewed and no historic or cultural value has been observed.
21	***Community Form: Goal 4, Policy 2.*** *Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.*
✓	**Staff Analysis:** Historic Preservation have reviewed and no historic or cultural value has been observed.
22	***Mobility: Goal 1, Policy 4.*** *Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.*
✓	**Staff Analysis:** The subject properties are located within a Suburban Workplace form district, and the proposed PEC zoning is consistent with the zoning and land uses found within the immediate area.
23	***Mobility: Goal 3, Policy 2.*** *To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.*
✓	**Staff Analysis:** PEC zoning would not permit residential development. The subject properties are accessed from Old Henry Road which is classified as a minor arterial roadway.
24	***Mobility: Goal 3, Policy 3.*** *Evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices.*

	Plan 2040 Plan Elements/Staff Analysis
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan.
25	***Mobility: Goal 3, Policy 4.*** *Encourage development of walkable centers to connect different modes of travel. Siting of these multi-modal centers shall consider the effects of the following:* ***4.1.*** *nodal connections identified by Move Louisville;* ***4.2.*** *impact on freight routes;* ***4.3.*** *time of operation of facilities;* ***4.4.*** *safety;* ***4.5.*** *appropriate linkages between neighborhoods and employment; and* ***4.6.*** *the potential for reducing travel times and vehicle miles traveled.*
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan.
26	***Mobility: Goal 3, Policy 5.*** *Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.*
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan. A proposed amendment to a previously approved Binding Element will require the property owner to install sidewalks off-site in an area that would better benefit from them.
27	***Mobility: Goal 3, Policy 6.*** *Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.*
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan. A proposed amendment to a previously approved Binding Element will require the property owner to install sidewalks off site in an area that would better benefit from them.
28	***Mobility: Goal 3, Policy 9.*** *When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.*
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan. A proposed amendment to a previously approved Binding Element will require the property owner to install sidewalks off-site in an area that would better benefit from them.
29	***Mobility: Goal 3, Policy 10.*** *Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.*
✓	**Staff Analysis:** The Department of Transportation have reviewed and provided preliminary approval for the development plan. A proposed amendment to a previously approved Binding Element will require the property owner to install sidewalks off-site in an area that would better benefit from them.
30	***Community Facilities: Goal 2, Policy 1.*** *Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.*

Plan 2040 Plan Elements/Staff Analysis	
✓	**Staff Analysis:** No issues with the subject property's ability to be served by utilities have been observed or are anticipated.
31	***Community Facilities: Goal 2, Policy 2.*** *Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.*
✓	**Staff Analysis:** Anchorage Middletown Fire & EMS have reviewed and provided preliminary approval for the development plan.
32	***Community Facilities: Goal 2, Policy 3.*** *Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).*
✓	**Staff Analysis:** MSD have reviewed and provided preliminary approval for the development plan.
33	***Economic Development: Goal 1, Policy 1.*** *Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.*
✓	**Staff Analysis:** The subject properties are located within a Suburban Workplace form district, and the proposed PEC zoning is consistent with zoning and land uses in the immediate area.
34	***Economic Development: Goal 1, Policy 2.*** *Encourage industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs.*
✓	**Staff Analysis:** The subject properties are located within a Suburban Workplace form district, and the proposed PEC zoning is consistent with zoning and land uses in the immediate area.
35	***Economic Development: Goal 1, Policy 3.*** *Locate commercial uses generating high volumes of traffic on a major arterial street, at the intersection of two minor arterials, or at a location with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas.*
✓	**Staff Analysis:** PEC zoning can allow for C-1 land uses; however, these commercial uses are not typically high generators of traffic. The subject properties are accessed from Old Henry Road which is classified as a minor arterial roadway and are less than 0.50 miles away from southbound and northbound exits onto Interstate-264.
36	***Economic Development: Goal 1, Policy 4.*** *Utilize industrial sites near the airport and the Ohio River to support the growth and development of uses whose infrastructure and production needs require such a location or for land uses that support airport-oriented or river-oriented industrial uses.*
NA	**Staff Analysis:** The subject properties are not located near the Ohio River or an airport.

Plan 2040 Plan Elements/Staff Analysis	
37	***Economic Development: Goal 1, Policy 5.*** *Require industrial developments to locate with the appropriate transportation connectivity, near an arterial street or within existing industrial subdivisions.*
✓	**Staff Analysis:** The subject properties are located within a Suburban Workplace form district, and the proposed PEC zoning is consistent with zoning and land uses in the immediate area. The Department of Transportation have reviewed and provided preliminary approval for the development plan.
38	***Livability: Goal 1, Policy 17.*** *Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.*
✓	**Staff Analysis:** MSD have reviewed and provided preliminary approval for the development plan.
39	***Livability: Goal 1, Policy 21.*** *Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.*
✓	**Staff Analysis:** MSD have reviewed and provided preliminary approval for the development plan.
40	***Livability: Goal 1, Policy 24.*** *Ensure, to the extent feasible, that critical facilities and those that store or use hazardous wastes are located outside the regulatory floodplain. Where essential community facilities must be located within a floodplain (e.g., pumping stations), ensure that these facilities are designed, located and operated in a manner that minimizes loss of services during flood events as well as limits, to the extent possible, floodplain disturbance.*
✓	**Staff Analysis:** MSD have reviewed and provided preliminary approval for the development plan.
41	***Housing: Goal 1, Policy 2.*** *Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.*
NA	**Staff Analysis:** PEC zoning would not permit residential development.
42	***Housing: Goal 2, Policy 1.*** *Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.*
NA	**Staff Analysis:** PEC zoning would not permit residential development.
43	***Housing: Goal 2, Policy 2.*** *Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.*

Plan 2040 Plan Elements/Staff Analysis	
NA	**Staff Analysis:** PEC zoning would not permit residential development.
44	***Housing: Goal 3, Policy 2.*** *As neighborhoods evolve, discourage displacement of existing residents from their community.*
✓	**Staff Analysis:** No residents are known to be displaced by this proposal.
45	***Housing: Goal 3, Policy 3.*** *Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.*
NA	**Staff Analysis:** PEC zoning would not permit residential development.

4. EXISTING BINDING ELEMENTS

1. ~~The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.~~

2. ~~Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.~~

3. ~~Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:~~

    a. ~~The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.~~

    b. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~

    c. ~~A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~

4. ~~A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.~~

5. ~~The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.~~

6. ~~No idling of trucks shall take place within 200 feet any residence. No overnight idling of trucks shall be permitted on-site~~.

7. ~~Prior to requesting a certificate of occupancy for the site, the developer/property owner/applicant shall construct sidewalks along the frontages of 12905 Old Henry Rd and 13103 Old Henry Rd as shown on the sidewalk submitted 5-18-23 on file with Planning and Design Services.~~

8. ~~No trucks or trailers that are required by US Department of Transportation regulations to display hazardous materials placards shall be parked on the site.~~

9. ~~Products used for dust control shall be installed and maintained as recommended by the manufacturer's recommendations~~

10. ~~The applicant shall comply with Public Works requirements for location of the entrance gate. Final location shall be reviewed prior to construction plan approval~~.

5. PROPOSED BINDING ELEMENTS

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is issued:

a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the LDC prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Office of Planning; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

6. No idling of trucks shall take place within 200 feet any residence. No overnight idling of trucks shall be permitted on-site.

7. Prior to requesting a certificate of occupancy for the site, the developer/property owner applicant shall extend the existing sidewalk within the public right-of-way along Old Henry Road beginning from the eastern property line of 13100 Magisterial Drive and moving eastward across the Old Henry Road frontage of the property addressed at 13130 Magisterial Drive and ending at the eastern property line of 13130 Magisterial Drive, as depicted on the sidewalk exhibit presented to the Louisville Metro Planning Commission on July 16, 2026.

8. No trucks or trailers that are required by US Department of Transportation regulations to display hazardous materials placards shall be parked on the site.

9. Products used for dust control shall be installed and maintained as recommended by the manufacturer's recommendations.

10. The applicant shall comply with Public Works requirements for location of the entrance gate. Final location shall be reviewed prior to construction plan approval.