

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

February 26, 2026

**Case Number:** 2025-CAP-856 / 2025-CVR-856 (Amended)

**Property Address:** 6400, 6449, 6455, 6500, 6559, 6565, 6600, and 6833 Kentucky Avenue, and 6700, 7924, 7944, 8002, 8032, and 8210 Camby Road (approximate addresses)

**Location:** Decatur Township, Council District #21

**Petitioner:** Sabey Data Center Properties, LLC, by Mindy Westrick Brown I

**Current Zoning:** I-2

Modification of Commitments, related to 2020-CZN-834, to add and modify commitments associated with a proposed data center use, including details of a closed-loop air cooled system, commitment to pay all related costs associated with a proposed substation and energy infrastructure for said data center, develop the site in accordance with the site plan and building elevations, file dated December 29, 2025, to provide for building heights of 30 feet for East Building A and 50 feet for West Building B, to provide for sidewalks, outdoor amenities, loading docks, short-term truck parking, landscaping, connection to sewers for various addresses on Camby Road, and dedication of public streets.

**Request:**

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a data center technology park (not permitted) and to provide for 200 parking spaces (minimum 708 parking spaces, or one parking space for each 1,500 square feet of floor area required).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit structure height in excess of 50 feet but no more than 75 feet within the Airspace Secondary Overlay, due to parapets and roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the structure (maximum of 50 feet structures permitted).

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to permit utility yards and outdoor operational areas exceeding 25 percent of the gross floor area of the principal buildings for Building A (maximum of 120 percent) and Building B (maximum of 160 percent), due to the operational and infrastructure requirements associated with the proposed data center use (25 percent of gross floor area permitted)..

**Current Land Use:** Undeveloped agricultural land.

**Staff Recommendations:** Approval with Commitments.

**Staff Reviewer:** Bryce Patz, Manager – Current Planning

## PETITION HISTORY

An automatic continuance was filed timely from the December 18, 2025 hearing to the January 29, 2026 hearing.

A for cause continuance has been requested by the petitioner from the January 29, 2026 hearing, to the February 26, 2026 hearing. New notice will be required to include an additional variance.

## STAFF RECOMMENDATION

Staff recommends that the Hearing Examiner approves requests with the following commitments:

- All mechanical equipment, including but not limited to generators, HVAC, and cooling/chilling systems shall be screened from public right-of-way and adjoining properties, consistent with Sec. 744-500.
- Provide staff with the measurement method by a qualified acoustical engineer on how property owner shall determine decibel levels at property line for monitoring and compliance shall be submitted prior to ILP issuance.
- The petitioner shall submit to the Administrator documentation of the Federal Aviation Administration's (FAA) final determination(s) issued pursuant to FAA Form 7460-1. No ILP shall be issued until the Administrator has confirmed receipt of the FAA determination(s) demonstrating compliance with applicable federal airspace requirements.
- A minimum 200-foot transitional yard along the south and east property boundaries of the subject site.
- There shall be no generator testing between 5:00 p.m. and 7:00 a.m.
- All outdoor lighting for the proposed use of a data center technology park shall comply with the full Development Standards and remain directed away from all adjacent parcels (744-604).

In addition to Staff's commitments, the petitioner has agreed to additional commitments, if Variance of Use for a data center technology park is approved:

- A minimum 200-foot transitional yard along the south and east property boundaries.
- Berms ranging from six (6) to eight (8) feet in height, topped with solid fencing and double staggered evergreen plantings, achieving combined screening heights of up to fourteen (14) feet.
- Developer-funded substation construction and associated electrical infrastructure in coordination with AES Indiana.
- Development shall be in substantial conformance with the Data Center Site Plan filed in the companion variance matter, and the maximum roofline height of East Building A shall be thirty (30) feet and West Building B shall be fifty (50) feet, with a maximum roof structure or equipment height of fifty (50) feet for East Building A.
- All water utilized by the data center shall be provided by a municipal provider, and the developer shall not utilize natural aquifers to supply the facility. For rare emergency or unforeseen mechanical issue, water shall be disposed of in accordance with IDEM regulations and shall not be discharged into the public wastewater system.

- Prohibition of long-term truck parking, truck storage, and commercial truck maintenance on-site, with limited allowances for short-term loading and specialized equipment deliveries.
- Tree preservation standards within the powerline corridor and northern portions of the site.
- Internal sidewalk connectivity and pedestrian infrastructure throughout the campus.
- Construction hour limitations consistent with the Consolidated City-County noise ordinance
- Prohibition of cryptocurrency mining and nuclear energy facilities, including nuclear power plants, small modular reactors, micro-reactors, and nuclear fuel storage facilities, shall be prohibited on the Property.
- Spill prevention, control, and countermeasure (SPCC) planning in compliance with IDEM prior to permit issuance.
- Generator operations shall comply with IDEM air permit limits.
- Exterior lighting shall comply with zoning ordinance requirements, and required exterior parking lot lighting fixtures shall be solar powered, with motion sensor controls utilized for pedestrian areas and entrances where feasible.
- Construction and repair activities shall not occur between 6:00 p.m. and 7:00 a.m., except in cases of urgent necessity in the interest of public health and safety.
- Mechanical yards, electrical yards, transformer arrays, and generator areas shall be enclosed by a screen wall approximately ten (10) feet in height.

## PETITION OVERVIEW

The petitioner proposes to develop the property as a phased data center campus consisting of two primary buildings (Building A and Building B), associated mechanical and generator yards, on-site stormwater detention facilities, internal access drives, and a reserved area for a future electrical substation intended to serve the campus.

The subject property was rezoned in 2020 under docket 2020-CZN-834 to the I-2 (Industrial) district with recorded commitments establishing a large technology park development framework. The 2020 approval included site plan alternatives and buffering commitments designed to mitigate impacts to adjacent residential areas.

The petitioner seeks two primary requests:

1. Modification of the existing recorded commitments associated with the 2020 rezoning (CAP request); and
2. A Variance of Use to permit development of a data center campus; and
  - a. Associated Variances of Development Standards triggered by the proposed site plan for the use of a data center technology park.

Both the Variance of Use and Variance of Development Standards requests are filed together, as the proposed development standards deviations are tied directly to the proposed data center use. If the Variance of Use is not granted, the associated development standard variances would not be applicable.

## Unlisted Land Use Interpretation

Data centers are not expressly identified as a permitted, conditional, or accessory use within any zoning district under the Indy Rezone Use Table. Pursuant to Section 743-210, the Administrator is authorized to issue an interpretation for unlisted land uses and determine whether such uses are included within, or sufficiently similar to, a listed use category. Where a proposed use is determined not to be included or similar, the ordinance explicitly provides that relief may only occur through either a variance of use pursuant to IC 36-7-4-918.4 or a rezoning.

On October 31, 2025 the Administrator issued an unlisted land use interpretation determining that a data center is not a permitted use within the I-2 zoning district and that authorization of the use would require approval of a variance of use or rezone to C-S district. **See Exhibit A.**

The Current Planning Administrator issued a written determination confirming that:

- A data center is not included in, nor consistent with, any listed land use in the Indy Rezone ordinance
- The use therefore falls outside the parameters of the Use Table.
- The applicant may only proceed through one of the two available remedies:
  - Variance of Use before the Board of Zoning Appeals, per IC-36-7-4-918.4 or
  - Rezoning to C-S (Special Commercial) with an adopted Statement of Intent and Commitments.

Since the proposed development exhibits operational characteristics most similar to light industrial or technology park activity, including large-scale buildings, substantial mechanical infrastructure, utility yards, and controlled access campus operations, staff has evaluated the petition using the base development standards of the I-2 district as the closest functional district, as the parcels are currently zoned I-2. This approach provides an administratively consistent framework for evaluating building height, parking, yard requirements, outdoor operational areas, and buffering.

The Variance of Use request (2025-CVR-856) is therefore required solely because the use is not contemplated within the ordinance. The development standards variances requested in this case are contingent upon approval of the Variance of Use.

## Airspace Secondary District

The Airspace secondary district is designed to provide for the safety of people by regulating building heights and public assembly locations in areas adjacent to airport runways.

## FAA Review and Airspace Coordination

On January 9, the Indianapolis Airport Authority (IAA) General Counsel confirmed that the Federal Aviation Administration (FAA) has authority to evaluate proposed structures for compliance with federal airspace and navigable airspace safety requirements and that pending FAA approval, IAA supports the

height of the proposed buildings at this site. As part of this process, the petitioner has submitted an FAA Notice of Proposed Construction (Form 7460-1) for the proposed development. **See Exhibit B.**

Documentation provided by the petitioner demonstrates that the FAA filing has been accepted for review and that the proposed structure elevations have been submitted for evaluation relative to applicable FAA thresholds. This submittal satisfies the requirement that projects seeking relief from the Airspace Secondary Overlay height limitation demonstrate coordination with the FAA prior to consideration of a Variance of Development Standards, subject to FAA final findings. **See Exhibit C.**

### **Modification of Commitments (2025-CAP-856)**

The petitioner is requesting a modification of commitments associated with 2020-CZN-834. The proposed modification replaces the previously recorded commitment framework with an updated set of commitments attached as MDC Exhibit C.

The modification eliminates the prior alternative site plan structure and establishes a single governing site plan as the controlling development document. Under the revised commitment, development must be in substantial conformance with that site plan, subject to Administrator approval of minor or non-substantial deviations. The maximum building sizes, locations, and heights are specified in the commitment, including a maximum height of forty-four (44) feet for Buildings 1, 3, and 4 and forty-two (42) feet for Buildings 2, 5, and 6. The southwest corner of the property, currently shown as open space, may be developed in the future consistent with I-2 uses and development standards.

The modification includes the following principal changes:

- Removal of Alternative Site Plan Structure
  - Eliminates the previously approved fallback site plan triggered by phasing timelines.
  - Establishes a single updated site plan for development.
- Removal of Retail / Office-Flex Development Provisions
  - Eliminates the “Retail/Village” component.
  - Removes CEDS marketing focus language.
  - Removes façade design requirements specific to office-flex buildings.
  - Removes limitations tied to third-party freight forwarding and similar uses.
- Removal of Loading Dock and Truck Parking Ratio Caps
  - Eliminates square-footage-based loading dock limitations.
  - Eliminates square-footage-based truck parking caps.
- Southwest Corner Development
  - Allows future development consistent with I-2 uses and standards, rather than limiting the area to retail/village activity.

- Landscape Buffer Adjustment Along Camby Road
  - Adjusts plantings to preserve existing mature trees.
  - Maintains required berming and screening performance.
  - Final landscape plan subject to Administrator approval and issuance of Improvement Location Permits (ILP).
  
- Retention of Transitional Yard Commitments
  - 100-foot transitional yard along Camby Road.
  - 75-foot transitional yard along the property abutting 7740 Camby Road.
  - Required berm heights.
  - Double staggered evergreen plantings.
  - Fence screening and maintenance obligations.
  
- Retention of Infrastructure Commitments
  - Sidewalk installation along Camby Road.
  - Future right-of-way dedication for Camby Road and Trotter Road.
  - Continued collaboration regarding potential sewer extension.

Staff finds that the proposed modification simplifies the commitment structure, removes use-specific office-flex restrictions, and aligns the commitments with the underlying I-2 zoning classification while retaining the substantial transitional yard, berming, screening, and infrastructure protections previously established to mitigate impacts to adjacent residential properties.

### **Variance of Use (2025-CVR-856)**

The petitioner is requesting a Variance of Use to permit a data center technology park, an unlisted land use, within the I-2 zoning district. The Variance of Use is required as a direct result of the Administrator's unlisted land use interpretation issued pursuant to Section 743-210.

### Variance of Use Criteria Analysis

The petitioner seeks a Variance of Use to allow a data center technology park on property zoned I-2 with additional commitments specific to this use that are to be added to existing commitments. Using the unlisted interpretation provided, the petitioner must demonstrate compliance with the variance criteria under Indiana Code 36-7-4-918.4, including but not limited to:

- That the approval will not be injurious to public health, safety, morals, or general welfare;
- That the use and value of adjacent property will not be substantially adversely affected;
- That the need for the variance arises from conditions unique to the property;
- That the strict application of the ordinance results in unnecessary hardship;
- That the variance does not interfere substantially with the comprehensive plan.



### Public Health, Safety, Morals, and General Welfare

Public testimony and correspondence have raised concerns related to potential impacts of the proposed data center use, including noise, operation of diesel-fueled generators, and overall energy consumption. Staff acknowledges these concerns as part of the public record and took into consideration during the zoning analysis.

The review of a Variance of Use is limited to whether the proposed use, as conditioned and regulated, is incompatible with public health, safety, morals, or general welfare under the standards of the Consolidated Zoning and Subdivision Ordinance and State Code. Indy Rezone anticipates industrial uses with operational impacts and addresses such impacts through applicable development standards, performance regulations, and the ability to impose enforceable commitments.

In this case, the petitioner has proposed commitments that directly regulate operational characteristics of the data center technology park, including limitations on generator testing hours, sound level monitoring at the property line, required buffering and screening, and use of a closed-loop cooling system. Additionally, aspects related to building height and airspace are subject to review by the Federal Aviation Administration, and environmental permitting and emissions standards fall under the jurisdiction of applicable state and federal agencies. Emergency generators will be enclosed in insulated structures and subject to IDEM air permitting requirements. Per the Plan of Operations submitted on February 12, 2026, spill prevention, control, and countermeasure (SPCC) plan will be implemented in compliance with IDEM regulations.

The petitioner has also committed to funding necessary electrical infrastructure improvements, including a future on-site substation, to ensure that associated costs are not borne by local ratepayers, per the Findings of Fact for the Variance of Use.

In addition, a Trip Generation Comparison memorandum indicates that the proposed use will generate materially fewer daily vehicle trips than the previously approved technology park development authorized under the 2020 rezoning. **See Exhibit I.**

Based on the proposed commitments and applicable regulatory oversight, staff finds that the requested Variance of Use, as conditioned, does not create an unregulated or unchecked impact on public health, safety, morals, or general welfare beyond what is contemplated for industrial development within the I-2 zoning district.

### Adjacent Property Impacts

The subject site's size, configuration, and separation from nearby residential development, combined with enhanced transitional yards and operational commitments, materially reduce potential off-site impacts with strict adherence to the commitments to install enhanced screening to neighboring properties.



Staff notes that an existing commitment prohibiting vehicular access to Camby Road remains in effect and is not proposed to be modified as part of this request. As such, vehicular circulation, and egress associated with the proposed data center use will be limited to previously approved access points and will not introduce large deviation of current traffic impacts along Camby Road, post construction and operation of the data center technology park.

This commitment continues to function as a binding mitigation measure that limits traffic-related impacts to adjacent properties, particularly residential areas located along Camby Road. When evaluated in conjunction with the proposed site layout and operational commitments, staff finds that the requested Variance of Use does not introduce adjacent property impacts beyond those contemplated and regulated under the existing I-2 zoning and existing, unamended commitments.

### Uniqueness of the Property

The subject property is a large, contiguous industrial tract with significant depth, existing utility easements, and proximity to high-capacity electrical transmission infrastructure. Its size and configuration allow for considerable transitional yards and buffering that would not be feasible on smaller industrial parcels.

The site was previously rezoned to I-2 for development of a large-scale, office/retail technology park. While the ordinance does not expressly list “data center” as a permitted use, the operational characteristics of the proposed campus align closely with light industrial and technology park development patterns.

Additionally, the property’s proximity to existing substations and available transmission capacity makes it uniquely suited for high-capacity electrical infrastructure necessary to support a data center campus. Staff finds that the combination of site size, depth, infrastructure access, and prior industrial entitlement constitutes conditions peculiar to the property that support the requested variance.

### Unnecessary Hardship

Strict application of the ordinance would prohibit the proposed use solely due to the absence of a listed land use classification, despite the site’s physical suitability and infrastructure capacity. Staff finds that this constitutes an unnecessary hardship not created by the petitioner.

### Comprehensive Plan

The subject property was rezoned to the I-2 (Industrial) district in 2020 following review and approval by the Metropolitan Development Commission and certified by the City-County Council. At that time, the rezoning included adopted commitments and reflected a determination that industrial development on the site was supportable, notwithstanding any deviation from the adopted Comprehensive Plan land use designation.

The current request for a Variance of Use seeks approval of a data center technology park, an unlisted use under Indy Rezone. While data centers are not expressly listed as a permitted use, the proposed use is industrial in nature and aligns with the general employment and industrial character contemplated by the I-2 zoning district. The variance does not introduce a new land use category, nor does it represent a further departure from the Comprehensive Plan beyond what was previously evaluated and approved through the 2020 rezoning petition.

Accordingly, staff finds that the requested Variance of Use does not materially conflict with the Comprehensive Plan when considered in the context of the existing I-2 zoning and previously adopted commitments, and that the proposal continues to advance an industrial use consistent with the established zoning framework for the site.

#### Commitments Associated with the Variance of Use

The petitioner has proposed a comprehensive set of commitments directly tied to approval of the variance of use. These commitments function as enforceable, site-specific development and operational standards that apply only if the Property is developed as a data center technology park. These commitments include, but are not limited to:

- 200-foot transitional yards along the south and east property boundaries;
- Eight-foot berms with evergreen landscaping and perpetual maintenance requirements;
- Noise monitoring and compliance with a 65-decibel limit at the property line;
- Prohibition of generator testing between 5:00 p.m. and 7:00 a.m.;
- Prohibition of cryptocurrency mining and nuclear energy facilities;
- Screening walls of ten (10) feet around the utility yards and operational areas
- Closed-loop air cooling systems;
- Developer-funded utility infrastructure improvements; and
- Site-wide pedestrian and sidewalk connectivity
- Tree preservation standards within the powerline corridor and northern portions of the site
- Spill prevention, control and countermeasure (SPCC) planning in compliance with IDEM prior to permit issuance
- Prohibition of long-term truck parking, truck storage, and commercial truck maintenance on-site, with limited allowances for short-term loading and specialized equipment deliveries

Staff finds that these commitments are clear, measurable, and enforceable, and are directly related to mitigating potential impacts associated with the proposed data center use. The commitments materially exceed the minimum buffering and screening requirements of the Consolidated Zoning and Subdivision Ordinance and address potential concerns related to noise, visual screening, lighting, traffic operations, water usage, and utility infrastructure.

Staff further finds that the commitments do not conflict with the intent of Indy Rezone and instead operate as enhanced performance standards tailored to the specific characteristics of the proposed use.



## Variance of Development Standards

### Parking Reduction

The petitioner requests a Variance of Development Standards to provide 200 on-site, off-street parking spaces, whereas 708 off-street parking spaces are required per the Consolidated Zoning and Subdivision Ordinance. The required minimum number of parking spaces for the proposed data center use cannot be calculated using a listed land use category because data centers are not an expressly permitted or defined use within Indy Rezone. In such cases, the Administrator may assign a parking requirement based on the most similar land use pursuant to 744-105.

The petitioner has provided documentation that the nature of the proposed use generates low on-site parking demand, particularly once operational. Data center employment levels are typically limited to maintenance, security, and technical staff, resulting in parking demand substantially below parking ratios used for other commercial or industrial classifications. Reducing unused parking areas avoids unnecessary impervious surface expansion, minimizes runoff impacts, and preserves areas available for additional buffering or landscape improvements, consistent with the purpose and intent of Indy Rezone.

### Building Height – Airspace Overlay

The primary rooflines of the proposed buildings remain within the base height limit; the requested variance applies to rooftop mechanical screening and equipment. The Indianapolis Airport Authority has indicated that final height approval is subject to FAA review. The petitioner has committed to compliance with FAA determinations prior to issuance of ILPs.

Indy Rezone permits certain rooftop mechanical equipment to exceed maximum building height, the Airspace Secondary Overlay imposes independent height limitations. The petitioner is requesting a variance of development standards solely to address the overlay-specific height restriction associated with rooftop-mounted equipment.

### Utility Yards/Outdoor Operations Area

The petitioner requests a Variance of Development Standards from Table 743-306-2 to permit outdoor operations associated with a data center use to exceed twenty-five percent (25%) of the total gross floor area of enclosed buildings within the I-2 district.

Staff finds that the proposed utility yards constitute as Outdoor Operations as defined by the Consolidated Zoning and Subdivision Ordinance, as they are accessory to and necessary for the operation of the primary use of a data center technology park. Staff further finds that strict application of the development standard consistent with I-2 zoning results in a practical difficulty due to the operational requirements of data center facilities, which require on-site emergency power infrastructure that cannot reasonably be accommodated within enclosed areas of the proposed buildings themselves. The impacts of the increased outdoor operations are mitigated through proposed screening, setbacks, noise limitations, and operational restrictions set forth in the Plan of Operations.



The proposed yards are enclosed by screen walls, in compliance with I-2 Development Standards, and are further separated from residential properties by considerable transitional yards, berms, fencing, and dense evergreen plantings. Staff finds that the requested deviation reflects the functional requirements of the use and is adequately mitigated through screening and buffering.

#### Outdoor Operational Areas within 200 Feet of a Protected District

The proposed outdoor operational areas consist primarily of generator arrays, dry coolers, water tanks, and related mechanical infrastructure required for the continuous and redundant operation of a data center technology park. Unlike traditional industrial outdoor storage, these areas are integral components of the use of a data center and are necessary to ensure operational reliability, redundancy, and emergency power compliance.

Outdoor Operational Areas are internal to the campus and are enclosed by 10-foot screen walls, in compliance with I-2 Development Standards. In addition, the proposed technology park design incorporates transitional yard setbacks along residentially adjacent property lines, including 200-foot transitional yards along Camby Road abutting a protected district and along the east side of the property, 75-foot minimum side transitional yards on the west, earthen berms, wood fencing, and double staggered evergreen plantings.

The configuration of the outdoor operational areas is materially constrained by the physical characteristics and infrastructure encumbrances of the property. As shown on the filed site plan, the campus is bounded by substantial transmission line and power corridor easements, required stormwater detention facilities, and a reserved 10-acre substation site necessary to supply electrical service to the data center technology park. In addition, the petitioner is maintaining 200-foot transitional yards along the southern and eastern property boundaries, together with berming, fencing, and evergreen screening, further restricting development areas within the site.

These constraints limit the available buildable envelope for placement of mechanical and generator infrastructure, which must be co-located with each principal building for redundancy, safety compliance, and operational reliability. Strict application of the 500-foot separation requirement would require either elimination of the substation site, reduction of the transitional yard commitments, or reconfiguration of essential infrastructure in a manner inconsistent with the operational requirements of a data center facility.

Given the triangular configuration of the site, existing utility easements, reserved substation location, and retained enhanced transitional yards, staff finds that the requested deviation arises from practical site constraints rather than from discretionary building size or layout preferences.

Staff recommends approval of the modification of commitments, variance of use, and associated variances of development standards, subject to the proposed commitments, submitted site plans, and Plan of Operation, filed on February 12, 2026.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	I-2 (AS))	
<b>Existing Land Use</b>	Undeveloped	
<b>Comprehensive Plan</b>	Village Mixed-Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	C-3 and C-5)	Single-family, Commercial
South:	D-A and D-3	Single-family dwelling,
East:	D-A, D-6II, C-1, and C-3	Single-family dwellings, Undeveloped land
West:	C-5, C-S, I-2, and SU7	Undeveloped land, Industrial, Utility, and Group Living
<b>Thoroughfare Plan</b>		
Kentucky Avenue	Primary arterial	Existing 4-lane roadway with a 175-foot existing right-of-way.
<b>Context Area</b>	Metro	
<b>Floodway / Floodway Fringe</b>	N/A	
<b>Overlay</b>	Airspace Secondary District	
<b>Wellfield Protection Area</b>	N/A	
<b>Site Plan</b>	November 13, 2025	
<b>Site Plan (Amended)</b>	December 29, 2025	
<b>Elevations</b>	N/A	
<b>Elevations (Amended)</b>	December 29, 2025	
<b>Landscape Plan</b>	N/A	
<b>Findings of Fact</b>	November 13, 2025	
<b>Findings of Fact (Amended)</b>	N/A	
<b>C-S/D-P Statement</b>	N/A	

**COMPREHENSIVE PLAN ANALYSIS**

**Comprehensive Plan**

The Comprehensive Plan recommends Village Mixed-Use. “The Village Mixed-Use typology creates neighborhood gathering places with a wide range of small businesses, housing types, and public facilities. This typology is intended to strengthen existing, historically small-town centers as well as to promote new neighborhood centers. Businesses found in this typology serve adjacent neighborhoods, rather than the wider community. This typology is compact and walkable, with parking at the rear of buildings. Buildings are one to four stories in height and have entrances and large windows facing the street. Pedestrian-scale amenities such as lighting, landscaping, and sidewalk furniture also contributes to a walkable environment in this typology. Uses may be mixed vertically in the same building or



horizontally along a corridor. Public spaces in this typology are small and intimate, such as pocket parks and sidewalk cafes. This typology has a residential density of 6 to 25 dwelling units per acre.”

### Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

#### *Conditions for All Land Use Types – Village Mixed-Use Typology*

- All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
- All development should include sidewalks along the street frontage.
- In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- Where possible, contributing historic buildings should be preserved or incorporated into new development.

### Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to this Site.

### Neighborhood / Area Specific Plan

Not Applicable to the Site.

### Infill Housing Guidelines

Not Applicable to the Site.

### **Indy Moves**

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.

## ZONING HISTORY

**6400, 6449, 6455, 6500, 6559, 6565, 6600 and 6833 Kentucky Avenue; 6700, 7924, 7944, 8002, 8032 and 8210 Camby Road**, requested rezoning of 131.87 acres from the D-A, C-1, C-3 and C-5 districts to the I-2 district and Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for C-3 uses; vocational, technical or industrial school or training facility; hotel, motel or hostel; and heavy general retail, **approved**.

**2019-ZON-122 / 2020-VAR-001; 6400, 6449, 6455, 6500, 6559, 6565, 6600 and 6833 Kentucky Avenue; 6700, 7700, 7924, 7944, 8002, 8032 and 8210 Camby Road**, requested rezoning of 172.94 acres from the D-A, D-3, D-6II, C-1, C-3 and C-5 districts to the I-2 classification and a variance of use to provide for C-3 uses: vocation, technical or industrial school or training facility; hotel, motel or hostel; and heavy general retail, **withdrawn**.

**2015-ZON-035; 6400, 6449, 6455, 6500, 6545 and 6565 Kentucky Avenue, 6700, 7700, 7924 and 8032 Camby Road and 6503 Mendenhall Road**, requested rezoning of 155.03 acres from the D-A, D-3, D-5, D-6II, C-1, C-3 and C-5 districts to the I-2-S classification, **denied**.

**2005-ZON-186; 6600 and 6833 Kentucky Avenue and 8032 and 8210 Camby Road**, requested rezoning of 43.5 acres from the D-A district to the C-5 classification, **approved**.

**2004-ZON-170; 8222 Camby Road**, requested rezoning of two acres from the D-A district to the C-1 classification, **approved**.

**98-V2-101; 6545 and 6559 Kentucky Ave**, requested a variance of development standards of the Sign Regulations to allow a business identification sign in a dwelling district; **approved**.

**97-UV2-57; 6545 Kentucky Ave**, requested a variance of use of the Dwelling Districts Zoning Ordinance to provide for office use, **approved**.

EXHIBITS

Exhibit A



October 31, 2025

Mark Leach  
Faegre Drinker Biddle & Reath LLP  
600 East 96<sup>th</sup> Street, Suite 600  
Indianapolis, IN 46240  
Mark.Leach@FaegreDrinker.com

**Re: Unlisted Land Use Interpretation, Section 743-209: Data Centers**

Dear Mr. Leach:

In response to your invocation of the Unlisted Uses provision of Indy Rezone (copy attached), regarding a proposed data center at various addresses located near the northeast intersection of Kentucky Avenue and Camby Road, I can confirm that the use of a data center is not expressly listed and regulated within the Use Table of the Zoning Ordinance.

It is my determination that this land use is not consistent with any current land use outlined within the Use Table of the City of Indianapolis' Consolidated Zoning/Subdivision Ordinance (the "Zoning Ordinance") for the City of Indianapolis (the "City"), in regard to size, scale, operating characteristics and external impacts, and therefore falls out outside of the parameters of the Use Table altogether.

The two remedies available to proceed with the development of a data center include the following:

1. The proper filing and approval of a variance of use of by the Marion County Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4; or
2. The proper filing and approval of a rezoning petition to the C-S (Special Commercial) as described in Chapter 742, Article I, Section 4.G of the Zoning Ordinance.

If you have any questions regarding the above, please contact me at [Eddie.Honea@indy.gov](mailto:Eddie.Honea@indy.gov) or (317) 327-5901.

Sincerely,



Edward D. Honea Jr.  
Current Planning Administrator

Exhibit B

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**From:** Jonathan Weinzapfel <[jweinzapfel@ind.com](mailto:jweinzapfel@ind.com)>  
**Sent:** Friday, January 9, 2026 11:30 AM  
**To:** Westrick Brown, Mindy <[mindy.westrick@faegredrinker.com](mailto:mindy.westrick@faegredrinker.com)>  
**Subject:** RE: building height transmittal with FAA contact

**This Message originated outside your organization.**

---

Mindy,

As Eric Anderson has conveyed already, only the Federal Aviation Administration has the authority to approve whether this project meets its elevation requirements. As long as this project complies with the FAA height guidelines, and state and local law, the Indianapolis Airport Authority has no objection to this project.

Jonathan Weinzapfle



**A DECADE+ OF  
EXCELLENCE**  
INDIANAPOLIS INTL. AIRPORT

**Jonathan Weinzapfel**

General Counsel

**T:** [317.487.5490](tel:317.487.5490) | **M:** [317.437.9467](tel:317.437.9467)

[jweinzapfel@ind.com](mailto:jweinzapfel@ind.com)

7800 Col. H. Weir Cook Memorial Drive  
Indianapolis, IN 46241

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[IND.com](http://IND.com) |     

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Try our free frequent parker program at <https://parkindplus.ind.com/fpp/signin.aspx> and earn complimentary garage parking!

**EXHIBIT C – FAA Transmittal**

Status: Reviewing

<p><b>1. Sponsor</b></p> <p>Name: Decatur Technology Holdings, LLC          Attn of: John Cumming          Address: 280 96th St          City: Indianapolis State: IN Zip: 46240          Country: US          Phone: tel:+1-1-317-694-8584 Fax:</p>	<p>9. Latitude: See Collected Point(s)          10. Longitude: See Collected Point(s)          11. Datum: See Collected Point(s)          12. Nearest: City: Indianapolis State: Indiana          13. Nearest <i>Public-use</i> or Military Airport or Heliport: INDIANAPOLIS INTL(IND)          14. Distance from #13. to Structure: 16754 ft.          15. Direction from #13. to Structure: 183 deg          16. Site Elevation (SE): See Collected Point(s)          17. Structure Height (AGL): See Collected Point(s)          18. Overall Height (#16 + #17) (AMSL): See Collected Point(s)          Current Overall Height (#16 + #17) (AMSL): See Collected Point(s)          19. Previous FAA Aeronautical Study Number (if applicable):</p>																																														
<p><b>2. Sponsor's Representative</b></p> <p>Name: SABEY CORP          Attn of: DALE SPENCER          Address: 12201 Tukwila Int'l Blvd          4th floor          City: Seattle State: WA Zip: 98168          Country: US          Phone: tel:+1-1-206-255-3051 Fax:</p>	<p>20. Description of Location:</p> <p>The subject property is an irregular, generally triangular parcel in Indianapolis, Marion County, Indiana. The northern boundary abuts Kentucky Avenue (SR-67), and the southern boundary abuts Camby Road. The site is located approximately 2 miles south of the western end of Indianapolis International Airport (IND).</p>  <p>Processed 7460-2 Forms :  <a href="#">Supplemental Form 7460-2</a> <a href="#">Add 7460-2</a></p>																																														
<p>3. Notice of: Construction          4. Duration: Temporary (Months:18 Days:0)          5. Work Schedule: 09-16-2026 - 03-15-2028          6a. Type: Commercial Use 6b. Name: SDC Indianapolis Building          7. Preferred Marking/Lighting: Not Marked/No Lighting          Current Marking/Lighting:          8. FCC Antenna Registration Number (if applicable):</p>	<p><b>21. Description of Proposal:</b></p> <p>Notice is provided for a proposed future development on the subject parcel that may include structures exceeding FAA notification thresholds, requiring review for potential impacts to navigable airspace.</p>																																														
<p><b>24. Description of Collected Point(s):</b></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th>Label</th> <th>Latitude</th> <th>Longitude</th> <th>Datum</th> <th>AGL</th> <th>SE</th> <th>SE Validation</th> <th>SE Comments</th> </tr> </thead> <tbody> <tr> <td>pt-1 Northernmost ...</td> <td>39 40 17.00N</td> <td>86 17 53.00W</td> <td>WGS 84</td> <td>75 ft</td> <td>774 ft</td> <td>PASSED</td> <td></td> </tr> <tr> <td>pt-2 Southeastern P...</td> <td>39 39 43.00N</td> <td>86 17 53.00W</td> <td>WGS 84</td> <td>75 ft</td> <td>766 ft</td> <td>PASSED</td> <td></td> </tr> <tr> <td>pt-3 Southwestern ...</td> <td>39 39 42.00N</td> <td>86 18 26.00W</td> <td>WGS 84</td> <td>75 ft</td> <td>776 ft</td> <td>PASSED</td> <td></td> </tr> <tr> <td>pt-4 Northwestern ...</td> <td>39 39 51.00N</td> <td>86 18 26.00W</td> <td>WGS 84</td> <td>75 ft</td> <td>774 ft</td> <td>PASSED</td> <td></td> </tr> </tbody> </table>	Label	Latitude	Longitude	Datum	AGL	SE	SE Validation	SE Comments	pt-1 Northernmost ...	39 40 17.00N	86 17 53.00W	WGS 84	75 ft	774 ft	PASSED		pt-2 Southeastern P...	39 39 43.00N	86 17 53.00W	WGS 84	75 ft	766 ft	PASSED		pt-3 Southwestern ...	39 39 42.00N	86 18 26.00W	WGS 84	75 ft	776 ft	PASSED		pt-4 Northwestern ...	39 39 51.00N	86 18 26.00W	WGS 84	75 ft	774 ft	PASSED		<p>Frequencies:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td>LOW ↓</td> <td>HIGH ↓</td> <td>ERP</td> </tr> </table> <p>Specific Frequencies:</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td>LOW ↓</td> <td>HIGH ↓</td> <td>ERP</td> </tr> </table>	LOW ↓	HIGH ↓	ERP	LOW ↓	HIGH ↓	ERP
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<p>Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of \$1,000 per day until the notice is received, pursuant to 49 U.S.C., Section 46301(a)</p> <p>I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking &amp; lighting standards as necessary.</p> <p>This FAA Form 7460-1 was submitted electronically on 01/06/2026 at 18:43 PM EST.</p>																																															
<p style="text-align: center;"><input type="button" value="Add Document"/></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Title</th> <th style="width: 30%;">Type</th> <th style="width: 40%;">File</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Title	Type	File																																											
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**Exhibit D – Previously Approved Site Plans A and B**



**Previously Approved Site Plan A (2020-CZN-834)**



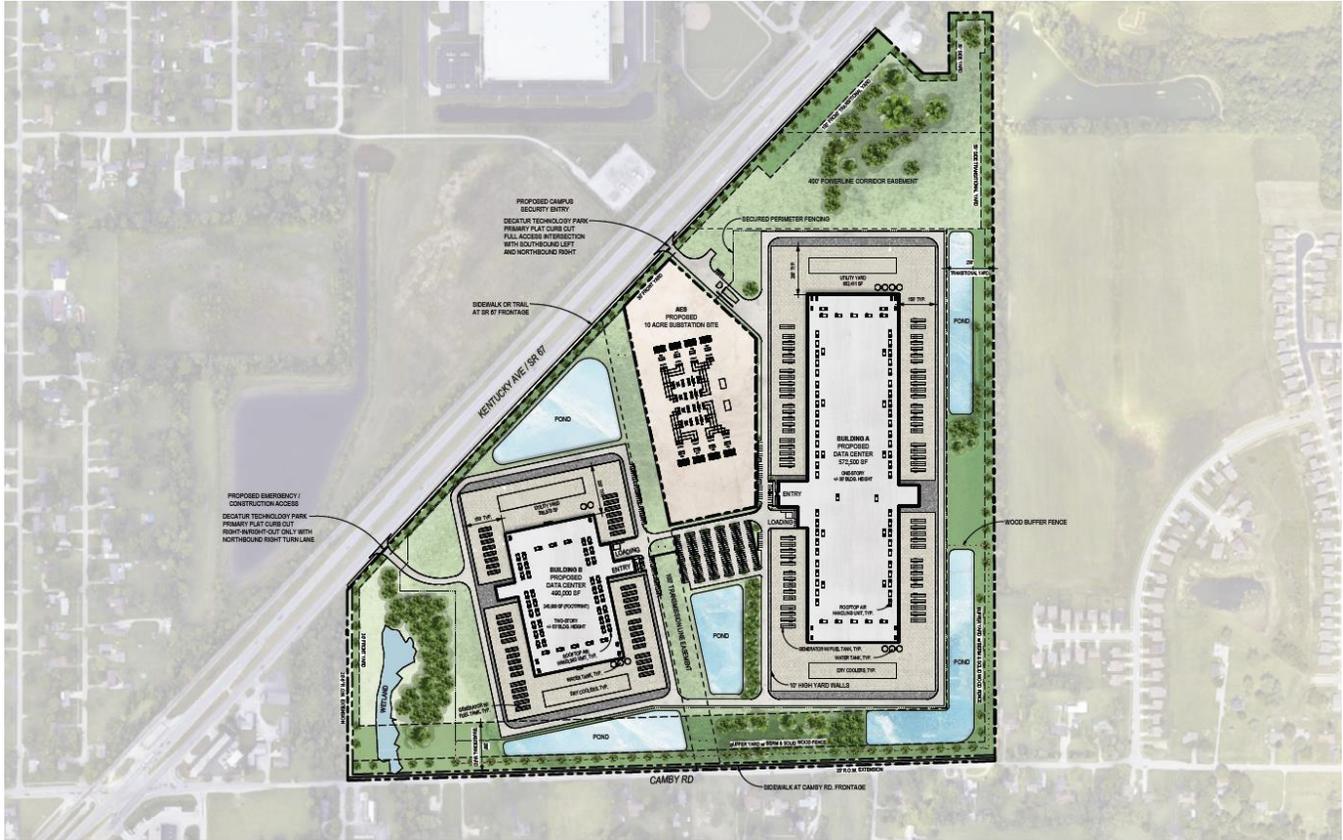
Previously Approved Site Plan B (2020-CZN-834)

**Exhibit E**



**Proposed 11.24.25 Site Plan which Reflects Modification of Existing Commitments**

Exhibit F



Proposed 12.29.25 Site Plan with Use of a Data Center

Exhibit G



Heritage Tree Exhibit

## Exhibit H – Trip Generation Comparison



9025 RIVER ROAD, SUITE 200  
INDIANAPOLIS, INDIANA 46240  
TEL 317.547.5580  
FAX 317.543.0270

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### M E M O R A N D U M

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**DATE:** November 6, 2025  
**TO:** Kara Anderson, Sabey Data Centers  
**FROM:** Shashad Gujuran, P.E., PTOE, RSP<sub>1</sub>, American Structurepoint Inc.  
Srihitha Puritipati, American Structurepoint Inc.  
**RE:** Decatur Technology Park Data Center - Trip Generation Comparison  
**CC:** Ross Nixon, P.E., American Structurepoint Inc.

---

#### ***Introduction***

A traffic impact study (TIS) was prepared by American Structurepoint, Inc. in January 2020 for the proposed industrial development along SR 67 in Indianapolis, Indiana. The TIS was prepared in accordance with the site plan dated November 19, 2019, that indicated approximately 1.61 million square feet of general industrial, high-cube warehouse and short-term storage type developments spread across seven (7) buildings. Subsequently, an updated site plan dated November 24, 2020, was approved which included six (6) buildings of general industrial, high-cube and short-term warehouse type developments, and a retail/village type development. More recently, the site plan dated November 4, 2025, was updated again and the proposed developments in these parcels are now anticipated to include 2 data centers along with an electrical substation. This memorandum documents a comparison between the base trips generated for the approved site plan dated November 24, 2020, and the base trips generated for the current site plan, dated November 4, 2025. The purpose of this memo is to confirm that the previous recommendations identified in the previously completed Traffic Impact Study remain appropriate and valid for the current site plan.

#### ***Trip Generation Comparison***

The Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 12<sup>th</sup> Edition was used to estimate the peak hour trips for the previously approved and the current site plan. The developer also provided an estimated number of employees that will be employed at the data centers along with an estimated number of daily vendor deliveries, and daily customer trips. The previously approved site plan along with the trip generation estimates are included in **Attachment A**. The new site plan is included in **Attachment B**.



9025 RIVER ROAD, SUITE 200  
INDIANAPOLIS, INDIANA 46240  
TEL 317.547.5580  
FAX 317.543.0270

Trip generation calculations for the new site plan were done using both the 12<sup>th</sup> Edition of the ITE Trip Generation Manual and the data provided by the data center operator. The higher trip generation estimate was compared to the previously approved site plan's trip generation estimate to determine if the improvements identified in the TIS would still work for the current site plan. The trip generation estimates derived based on inputs provided by the data center operator were found to be higher than the 12<sup>th</sup> Edition of *ITE Trip Generation Manual* estimates hence they were used for comparison against the previously approved site plan's trip generation estimate. The trip generation calculations are included in **Attachment C**.

Summary of the trip generation comparison for the AM and PM peak hour is provided in **Table 1**.

**Table 1: Trip Generation Comparison**

Description	AM Peak			PM Peak		
	Enter	Exit	Total	Enter	Exit	Total
Total Trips per Old Approved Site Plan (dated November 24, 2020) - OLD	433	125	558	165	389	554
Total Trips per Current Site Plan (dated November 4, 2025) - NEW	80	31	111	20	86	106
<b>Change in Number of Trips (NEW - OLD)</b>	<b>-353</b>	<b>-94</b>	<b>-447</b>	<b>-145</b>	<b>-303</b>	<b>-448</b>
<b>Percent Change in Number of Trips</b>	<b>-82%</b>	<b>-75%</b>	<b>-80%</b>	<b>-88%</b>	<b>-78%</b>	<b>-81%</b>

Based on the trip generation comparison above, the revised development program is anticipated to generate approximately 447 fewer trips during the AM peak hour and 448 fewer trips during the PM peak hour compared to the old, approved site plan.

### **Summary of Findings**

As noted in Table 1 above, the new site plan is expected to generate far fewer trips than estimated for the previously approved site plan dated November 24, 2020. The recommendations identified in the 2020 traffic impact study were sized under higher trip generation numbers while the current development is expected to have far fewer trips. The current site plan comprises land uses that have much lower trip generation potential and hence the improvements identified as part of the 2020 TIS study should still be considered acceptable.

**Trip Gen -Old Site Plan**

Trip Generation based on ITE Trip Generation Manual (12th Edition)

Building #	ITE Land Use Code	Land Use Description	Size	Independent Variable	Base Vehicle Trips					
					AM Peak			PM Peak		
					Enter	Exit	Total	Enter	Exit	Total
1	110	General Light Industrial	229	KSF	123	20	143	35	111	146
2	110	General Light Industrial	157	KSF	65	11	76	18	58	76
3	154	High-Cube Transload and Short-Term Storage Warehouse	244	KSF	15	4	19	7	18	25
4	154	High-Cube Transload and Short-Term Storage Warehouse	282	KSF	17	5	22	8	20	28
5	110	General Light Industrial	190	KSF	79	13	92	22	71	93
6A	110	General Light Industrial	70	KSF	29	5	34	8	26	34
6B	110	General Light Industrial	70	KSF	29	5	34	8	26	34
	822	Strip Retail Plaza (<40k)	40	KSF	76	62	138	90	90	180
		<i>Pass-by Trip Reduction</i>			0	0	0	-31	-31	-62
<b>Total</b>					433	125	558	165	389	554

**Trip Generation Calculations per previously approved site plan**

**Trip Gen - New Site Plan**

Trip Generation based on ITE Trip Generation Manual (12th Edition)

ITE Land Use Code	Land Use Description	Size	Independent Variable	Base Vehicle Trips					
				AM Peak			PM Peak		
				Enter	Exit	Total	Enter	Exit	Total
160	Data Center	572.5	KSF	27	11	38	5	24	29
160	Data Center	490	KSF	24	10	34	5	20	25
<b>Total</b>				51	21	72	10	44	54

**Trip Generation Calculations for Proposed Data Center Technology Park**

**Exhibit I**



**Rendering of Camby, looking east from Kentucky Avenue**

**Exhibit J – Proposed Modification of Existing Commitments**

**STATEMENT OF MODIFICATION OR TERMINATION  
OF COVENANTS OR COMMITMENTS**

**COVENANTS OR COMMITMENTS MODIFYING OR TERMINATING EXISTING COVENANTS OR  
COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN  
CONNECTION WITH AN APPROVAL PETITION, REZONING OF PROPERTY, A VARIANCE PETITION  
OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following modification(s) or termination(s) of covenants or commitments concerning the use and development of that parcel of real estate:

**Legal Description:**

*See Attachment "B"*

**Statement of MODIFICATION OR TERMINATION of Covenants or Commitments:**

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Site Plan Generally. Subject to the language in Paragraph 3 below, development of the Property shall be in substantial conformance with the site plan filed in this modification of commitments matter on January 2, 2026, and attached hereto as Attachment "C" ("Site Plan"). The maximum buildings sizes and general locations of Buildings 1, 2, 3, 4, 5, and 6 described in the Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, Owner shall have the unilateral right to reduce the size of any building or increase the size of Building 2 set forth on the Site Plan. Additionally, the maximum height of the buildings set forth on the Site Plan, including rooftop equipment and parapets, shall be as follows:
  - (a) Buildings 1, 3 and 4: Forty-four feet (44'); and
  - (b) Buildings 2, 5, and 6: Forty-two feet (42').Notwithstanding the foregoing Site Plan requirements, the southwest corner of the site currently

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shown as open space on the Site Plan may be developed in the future consistent with the I2 uses and development standards as outlined in the Consolidated Zoning/Subdivision Ordinance.

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3. Additional Site Plan and Development Requirements.

(a) Sidewalks. In addition to the sidewalks required by ordinance, development of the Property shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks should be a minimum of 5' in width.

(b) Outdoor Amenities. Commensurate with the occupancy of each building constructed on the Property, outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the Property shall be constructed.

(c) Loading Docks. There shall be a maximum aggregate number of loading docks at the Property equal to the ratio of 1 per 5000 square feet of the total main floor area of all buildings then constructed plus those for which structural or improvement location permits have been requested for development of the Property. The distribution or location of the docks between and among the various buildings at the Property is at the sole discretion of the Owner. Additionally, all loading docks shall be situated on only one side of any building, and shall face toward the interior of the Property as shown on Site Plan.

(d) Truck Parking. There shall be a maximum aggregate number of truck parking spaces at the Property equal to the ratio of 1 per 7000 square feet of the total main floor area of all buildings then constructed plus those for which structural or improvement location permits have been requested for development of the Property. These parking spaces shall be for the combined use of semis, delivery trucks and delivery vans. The distribution or location of the truck parking spaces at the Property is at the sole discretion of the Owner.

(e) Elevations. The office-flex buildings constructed on the Property shall be in general conformance with the front façade design elements depicted in the illustrative building elevation filed in the rezoning matter on December 14, 2020. Notwithstanding the foregoing, the long side of the office-flex buildings opposite the dock side shall have a visual break not more than every 150'. The color scheme may be modified from said illustrative building elevation, but shall be uniform throughout the office-flex portion development of the Property. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

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4. Landscaping.

(a) Administrator Approval. All landscaping and buffering proposed for the Property shall be materially consistent with the Site Plan and otherwise comply with the Landscaping and Screening

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requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Prior to filing for an improvement location permit related to the development of the Property, a final landscape plan shall be submitted for Administrator approval. Simultaneous to said submission to the Administrator, a courtesy copy of said final plan shall be provided to the Decatur Township Civic Council Land Use Committee Chairperson for review.

- (b) Mounding. The final landscape plan shall include:
- (i) a mound of at least thirteen (13') at its apex, along Camby Road. Among other potential plantings, double staggered rows of evergreen trees shall be planted along the top of said mound so that at maturity, they form a healthy, visual screen.
  - (ii) a mound of at least five feet (5') at its apex, east of the existing transmission line easement and south of the retention pond identified on the Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least thirteen feet (13'). Additionally, as soon as is practical, a single row of plant materials will be installed between this mound and the Camby Road right of way in an effort to increase the visual screening created by the aforementioned mound and fence, and
  - (iii) a mound of at least eight feet (8') at its apex within the transitional yard abutting the property having a common address of 7740 Camby Road.
- (c) Transitional Yards. There shall be a minimum of a one hundred foot (100') transitional yard along Camby Road, and a seventy-five foot (75') transitional yard on the area of the Property that abuts the property having a common address of 7740 Camby Road as depicted on the Site Plan.
- (d) Maintenance and Replacement. Owner shall maintain and replace as needed landscaping at the Property. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Owner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter. Owner shall maintain in good repair all fences. Fences that are damaged, broken, or contain failing paint shall be repaired, replaced or refinished as needed.
- 

5. Additional Infrastructure Requirements: Right of Way Dedication.

- (a) Camby Road. There will be no direct vehicular access to the Property from Camby Road.
- (b) Camby Road Sidewalks. Owner shall install sidewalks on the north side of Camby Road abutting the Property. The sidewalks shall be installed no later than the earliest date when the site work related to development of the first of Building 2, Building 5, or Building 6 described in the Site Plan.
- (c) Future Sewer Connection. Prior to the grant of an improvement location permit or structural permit for Building 5, the Owner shall engage and collaborate with the residential neighbors on the
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south side of Camby Road opposite the Property to ascertain interest in extending a sanitary sewer line to the south side of Camby Road and to identify potential means of accomplishing said extension that would be available to the residential homeowners for connection at their own costs. Notwithstanding the foregoing, nothing in this commitment requires the Owner to extend a sewer line outside of the Property but rather a commitment to identify possible ways in which the extension of a sanitary sewer line to homeowners south of Camby Road can be accomplished.

(d) Future Dedication for Camby Road and Trotter Road. Owner agrees, at the request of the City of Indianapolis, to dedicate at no cost:

(i) a maximum of 20'6" of the Property adjacent to the Trotter Road right of way for the sole purposes of future extension of Trotter Road north of Camby Road, and

(ii) a maximum of 25' of the Property adjacent to the Camby Road right of way for the sole purposes of future widening of Camby Road.

(e) Continued Collaboration. Owner agrees to continue to discuss and collaborate with the district City-County Councilor, Decatur Township Trustee, and Decatur Township Civic Council possible incentive opportunities that could potentially benefit the community and the Owner and the office-flex project outlined above.

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6. Office Flex Development. The office flex portion of the development proposed for the Property will align with the Indy region's core, clustered economic activities generally identified in the 2015 Central Indiana region's Comprehensive Economic Development Strategy (CEDS), with particular marketing focus on life sciences, light manufacturing, research and development, biotech, and food and beverage businesses. These uses may include light distribution related to these business sectors but not include transshipping or third-party freight forwarding business operations. The CEDS effort was led by the Indy Chamber and included robust participation from the public, private and education sectors throughout the region.
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These COVENANTS or COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COVENANTS or COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COVENANTS or COMMITMENTS contained in this instrument shall be effective upon the adoption of modification or termination approved by the Metropolitan Development Commission in petition 2025-CAP-856.



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. \_\_\_\_\_
4. \_\_\_\_\_

These COVENANTS may be enforced by the Metropolitan Development Commission.

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Covenant or Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of modification and/or termination of Covenant(s) or Commitment(s) of petition # 2025-CAP-856 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_  
 Printed: Richard W. Horn  
 Title / Authorized Representative /  
 Organization Decatur Technology Holdings  
 Name: LLC, % Strategic Capital  
Partners, LLC

Signature: \_\_\_\_\_  
 Printed: \_\_\_\_\_  
 Title / \_\_\_\_\_  
 Organization \_\_\_\_\_  
 Name: \_\_\_\_\_

STATE OF INDIANA        )  
   ) SS:  
 COUNTY OF MARION        )



Department of Metropolitan Development  
Division of Planning  
Current Planning

*Before me, a Notary Public in and for said County and State, personally appeared Richard W. Horn, Authorized Representative / Decatur Technology Holdings LLC, % Strategic Capital Partners, LLC owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

*Witness my hand and Notarial Seal this*  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name of Notary Public*

*My Commission expires:* \_\_\_\_\_

*My County of residence:* \_\_\_\_\_

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. – Mark R. Leach, Senior Land Use Planner, Faegre Drinker Biddle and Reath LLP

*This instrument was prepared by J. Murray Clark, Mindy Westrick Brown, and Mark R. Leach, Faegre Drinker Biddle and Reath LLP.*

This modification and/or Termination Agreement was approved by the Metropolitan Development Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Secretary, Metropolitan Development Commission

## ATTACHMENT "A"

### *OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT*

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
  - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
  - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.

*(b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.*

### *EXEMPT PERSONS AND EXEMPT ACTIVITIES*

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
  - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
  - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
  - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;

provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;



Department of Metropolitan Development  
Division of Planning  
Current Planning

2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

## ATTACHMENT "B"

### Legal Description

THE PARCELS 1 - 17 AS DESCRIBED IN THE TITLE COMMITMENT ARE CONTIGUOUS. THE PERIMETER BOUNDARY OF SAID PARCELS BEING DESCRIBED AS FOLLOWS:

A part of West Half of Section 10, Township 14 North, Range 2 East, Second Principal Meridian, Marion County, Indiana, described as follows:

Beginning at the southeast corner of the Southwest Quarter of said Section 10; thence South 88 degrees 16 minutes 33 seconds West 2,689.75 feet along the south line of said quarter section to a point 25.00 feet from the west line said quarter section; thence North 0 degrees 9 minutes 26 seconds West 789.62 feet along a line parallel to and 25.00 feet east (by perpendicular measurement) of the west line said quarter section, to the southeasterly right-of-way of Kentucky Avenue/S.R. 67; thence along said right-of-way the following three (3) courses: 1) North 42 degrees 32 minutes 8 seconds East 190.11 feet; 2) Northeasterly 1,012.50 feet along an arc to the right having a radius of 49,009.64 feet and subtended by a long chord having a bearing of North 43 degrees 7 minutes 39 seconds East and a length of 1,012.48 feet; 3) North 43 degrees 43 minutes 9 seconds East 2,002.32 feet to the northern corner of "Parcel III" described in the Quitclaim Deed recorded as Instrument Number 1995-0009036; thence South 46 degrees 16 minutes 51 seconds East 261.10 feet along the northeasterly line of said "Parcel III" to a northern line of "Parcel II" described in said Quitclaim Deed; thence along the boundary of said "Parcel II" the following three (3) courses: 1) North 89 degrees 5 minutes 46 seconds East 107.14 feet; 2) North 0 degrees 14 minutes 14 seconds West 250.20 feet; 3) North 89 degrees 5 minutes 46 seconds East 179.75 feet to the east line of the Northwest Quarter of said Section 10; thence South 0 degrees 14 minutes 14 seconds East 500.00 feet along the east line of said Northwest Quarter to the southeast corner thereof; thence South 0 degrees 12 minutes 36 seconds East 2,609.16 feet along the east line of the Southwest Quarter of said Section 10 to the point of beginning and containing 130.557 acres, more or less.

Note: The above description was previously prepared by the Surveyor in March of 2022 and included on the survey recorded as Instrument No. A2023-11683.

ATTACHMENT "C"

Site Plan





**Exhibit K – Proposed Commitments with Variance of Use for Data Center Technology Park**

**STATEMENT OF COMMITMENTS**

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION**

In accordance with I.C. 36-7-4-918.8 and I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

**Legal Description:**

*See Attachment "A"*

**Statement of COMMITMENTS:**

1. Applicability of Commitments.

The commitments set forth below (commitments 2-6) and itemized hereafter shall be effective and control only in the event the Property is developed in the future as a data center technology park. So long as and in the event the Property is not developed as a data center technology park, the prior commitments in rezoning case 2020-CZN-834 shall control and prevail.

2. Local Community Protections.

The following community protections are given and shall be required in the event the Property is developed as a data center technology park:

- a. The data center shall be cooled by a closed-loop air cooled system.
  - (i) Closed-loop, air-cooled systems only shall be used as a primary means of heat rejection for the proposed data center facilities (no evaporative or open-loop as primary means).
  - (ii) All water utilized by any data center shall be provided by a municipal provider. The developer shall not utilize natural aquifers to supply data centers. In the case of rare emergency or unforeseen mechanical issue, water will be disposed of per IDEM regulations and not discharged into the public wastewater system.
- b. Through collaboration with AES Indiana, the data center developer will pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution infrastructure needed to service the data center.

3. Site Plan Generally: Maximum Building Heights.  
Development of the Property shall be in substantial conformance with the technology park site plan filed in this companion variance matter on December 30, 2025, and attached hereto as Attachment "B" (the "Data Center Site Plan"). The maximum buildings sizes and general locations of the buildings described in the Data Center Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, the Owner shall have the unilateral right to reduce the size of any building set forth on the Data Center Site Plan.
- a. The maximum roof line height of the buildings set forth on the Data Center Site Plan, shall be as follows:
    - (i) East Building A: Thirty feet (30'); and
    - (ii) West Building B: Fifty feet (50').
  - b. The maximum roof structure or equipment height of East Building A shall be fifty feet (50').
4. Additional Site Plan and Development Requirements.
- a. Sidewalks. In addition to the sidewalks required by ordinance, development of the Property shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks should be a minimum of 5' in width.
  - b. Outdoor Amenities. Commensurate with the occupancy of each building constructed on the Property, outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the Property shall be constructed.
  - c. Loading Docks. The loading docks at the Property shall be situated generally consistent with the Data Center Site Plan on only one side of any building and shall face toward the interior of the Property.
  - d. Truck Parking. Only short-term commercial truck parking shall be allowed while actively loading or unloading at the loading docks, as generally depicted on the Data Center Site Plan. There shall be no long-term commercial truck parking or truck storage on the Property, including semi tractor-trailers and delivery trucks, except only when loading or unloading large equipment for data halls, which involves specialized logistics and equipment to ensure the safe and timely delivery and installation of heavy and sensitive IT infrastructure. In such instances, parking shall be limited to a maximum of 48 hours. This restriction shall not include construction trailers being used while the technology park data center buildings are being constructed. Additionally, commercial truck maintenance shall also be prohibited on the Property.
  - e. Elevations. The technology park data center buildings constructed on the Property shall be in general conformance with the front façade design elements depicted in the illustrative building

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elevations filed in this companion variance matter on November 6, 2025, and attached hereto as Attachment "C" (the "Data Center Illustrative Building Elevations"). The color scheme may be modified from said Data Center Illustrative Building Elevations but shall be uniform throughout the technology park development of the Property. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

f. Mechanical Yard Screening. Mechanical yards, electrical yards, transformer arrays, and generator areas shall be enclosed by a screen wall approximately ten feet in height.

g. SPCC Plan. Before building permits are released, there will a spill prevention, control and countermeasure ("SPCC") plan in effect which will be in compliance with IDEM. Oil and water drain separators will also be present in the mechanical yards.

h. Noise Standards and Generator Operations.

(i) A sound study shall be prepared by a qualified acoustical engineer demonstrating that noise levels at the property line will not exceed 65 decibels, measured L<sub>max</sub>, during regular and emergency operation.

(ii) The method of measurements shall be submitted to the Administrator prior to the building permit being issued.

(iii) Annual sound testing shall be conducted at least once per year to ensure noise levels at the property line do not exceed 65 decibels, measured L<sub>max</sub>, during operation. The results of the sound testing shall be submitted to the Administrator and to the district Councilor.

(iv) The generators shall be located in insulated enclosures.

(v) The generators shall only run during testing and power outages.

(vi) There shall be no generator testing between 5:00 p.m. and 7:00 a.m.

(vii) Weekends and the following holidays shall be avoided for generator testing to the extent possible: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Nothing in this specific commitment shall be construed to restrict the testing schedule necessary for compliance with applicable air permits.

(viii) The generators shall operate strictly within the limits of the Indiana Department of Environmental Management ("IDEM") air permit. (This is anticipated to be no more than a 30-minute monthly test and one fully loaded test of up to four hours annually.)

i. Lighting. All exterior lighting shall meet the zoning ordinance requirements in Sec. 744-600. Additionally, all required exterior parking lot lighting fixtures shall be solar powered, and motion sensor controls shall be utilized for required lighting in pedestrian areas, entrances, and walkways where feasible.

j. Cryptocurrency Mining Prohibition. The data center facilities shall not be used to mine cryptocurrency.

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k. FAA Statement. Following no concerns from the Indianapolis Airport Authority, Federal Aviation Administration (“FAA”) review and approval of structure height shall be submitted to the Administrator prior to the building permit being issued.

l. Nuclear Prohibition. Nuclear energy facilities, including but not limited to nuclear power plants, small modular reactors (SMRs), micro-reactors, and nuclear fuel storage facilities, shall be explicitly prohibited on the Property.

m. Construction or Repairing of Buildings. Construction and repair work, as referenced in the Noise Section (Sec. 391-300) of the Revised Code of the Consolidated City and County, generally shall not occur between 6:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public health and safety.

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5. Landscaping.

a. Administrator Approval. Generally, subject to site engineering, pond size and location, use of utility easements, tree inventory survey results, etc., landscaping proposed for the Property shall be consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Buffering specifically proposed for the Property shall be materially consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Prior to filing for an improvement location permit related to the development of the Property, a final landscape plan shall be submitted for Administrator approval. Simultaneous to said submission to the Administrator, a courtesy copy of said final plan shall be provided to the Decatur Township Civic Council Land Use Committee for review.

b. Mounding. The final landscape plan shall include:

(i) a mound of at least eight feet (8’) at its apex, along Camby Road, south of the retention pond and where generally indicated by the fenceline, as identified on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14’) at its apex. Additionally, as soon as is practical, a staggered double row of evergreen plant materials, planted 15’ on center, will be installed on top of this mound between the fence and the Camby Road right of way in an effort to increase the visual screening created by the aforementioned mound and fence; and

(ii) a mound of at least six feet (6’) at its apex within the transitional yard abutting the east perimeter of the property as shown on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14’) at its apex. Additionally, as soon as is practical, a staggered double

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row of evergreen plant materials, planted 15' on center, will be installed on top of this mound between the fence and the east property line in an effort to increase the visual screening created by the aforementioned mound and fence.

c. Transitional Yards. There shall be a minimum of a two hundred foot (200') continuous transitional yard on the south perimeter along Camby Road, and a two hundred foot (200') continuous transitional yard on the east perimeter of the Property as depicted on the Data Center Site Plan. Partial driveways, interior access drives, and gravel areas may be located within the transitional yard, as generally depicted on the Data Center Site Plan.

d. Maintenance and Replacement. Owner shall maintain and replace as needed landscaping at the Property. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Owner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter. Owner shall maintain in good repair all fences. Fences that are damaged, broken, or contain failing paint or stain shall be repaired, replaced or refinished as needed.

e. Tree Removal. Trees to be removed will be dropped between October 1 and April 1, unless otherwise approved by the Administrator.

f. Tree Preservation. Trees shall be preserved to the greatest extent possible within the powerline corridor easement, as depicted on the Data Center Site Plan, and within the remaining Property to the north of the easement. Within these areas, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, classified as an invasive plant species, is required to be removed in order to comply with safety requirements of any governmental agency, or is required to be removed to accommodate drainage, utilities, or other infrastructure (including, but not limited to, fencing). If a Protected Tree is damaged or otherwise removed by the owner of the Property, except as permitted to be removed as listed above, then the owner of the Property shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth.

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6. Additional Infrastructure Requirements: Right of Way Dedication.

a. Camby Road. There will be no direct vehicular access to the Property from Camby Road.

b. Camby Road Sidewalks. Owner shall install sidewalks on the north side of Camby Road abutting the Property. The sidewalks shall be installed no later than the earliest date when the site work related to development of the first building described in the Data Center Site Plan occurs. Sidewalk installation along Camby Road shall be consistent with the Thoroughfare Plan and Indy Rezone pedestrian standards.

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- c. Pedestrian Connectivity. Sidewalk connectivity shall be installed within the campus, linking building entrances, parking areas, and access points.
- d. Future Sewer Connection. Prior to the grant of an improvement location permit or structural permit for the first building, the Owner shall use reasonable efforts to engage and collaborate with the residential neighbors on the south side of Camby Road opposite the Property (7801, 7817, 7845, 7917, 7931, 7947, 7957, 8015, 8031, 8135, 8235, and 8245 Camby Road.) to ascertain interest in extending a sanitary sewer line to the south side of Camby Road and to identify potential means of accomplishing said extension that would be available to the residential homeowners for connection at their own costs. Notwithstanding the foregoing, nothing in this commitment requires the Owner to extend a sewer line outside of the Property but rather a commitment to identify possible ways in which the extension of a sanitary sewer line to homeowners south of Camby Road can be accomplished.
- e. Future Dedication for Camby Road and Trotter Road. Owner agrees, at the request of the City of Indianapolis, to dedicate at no cost:
- (i) a maximum of 20'6" of the Property adjacent to the Trotter Road right of way for the sole purposes of future extension of Trotter Road north of Camby Road; and
  - (ii) a maximum of 25' of the Property adjacent to the Camby Road right of way for the sole purposes of future widening of Camby Road.
- f. Continued Collaboration. Owner agrees to continue to discuss and collaborate with the district City-County Councilor, Decatur Township Trustee, and Decatur Township Civic Council on possible incentive opportunities that could potentially benefit the community and the Owner, and the technology park data center project outlined above.
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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the grant of variance or special exception petition 2025-CVR-856 by the Metropolitan Development Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of



Department of Metropolitan Development  
Division of Planning  
Current Planning

real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);

- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of variance petition # 2025-CVR-856 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner(s) has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_  
Printed: Richard W. Horn  
Title / Authorized Representative /  
Organization Decatur Technology Holdings  
Name: LLC, % Strategic Capital  
Partners, LLC

Signature: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title / \_\_\_\_\_  
Organization \_\_\_\_\_  
Name: \_\_\_\_\_

STATE OF INDIANA        )  
                                      ) SS:  
COUNTY OF MARION    )

*Before me, a Notary Public in and for said County and State, personally appeared Richard W. Horn, Authorized Representative / Decatur Technology Holdings LLC, % Strategic Capital Partners, LLC owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.*

*Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_*  
*MDC's Exhibit D - - page 7 of 11*



Department of Metropolitan Development  
Division of Planning  
Current Planning

\_\_\_\_\_  
*Notary Public*

\_\_\_\_\_  
*Printed Name of Notary Public*

*My Commission expires:* \_\_\_\_\_

*My County of residence:* \_\_\_\_\_

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. – Mark R. Leach, Senior Land Use Planner, Faegre Drinker Biddle and Reath LLP

*This instrument was prepared by J. Murray Clark, Mindy Westrick Brown, and Mark R. Leach, Faegre Drinker Biddle and Reath LLP.*

## ATTACHMENT "A"

### Legal Description

THE PARCELS 1 - 17 AS DESCRIBED IN THE TITLE COMMITMENT ARE CONTIGUOUS. THE PERIMETER BOUNDARY OF SAID PARCELS BEING DESCRIBED AS FOLLOWS:

A part of West Half of Section 10, Township 14 North, Range 2 East, Second Principal Meridian, Marion County, Indiana, described as follows:

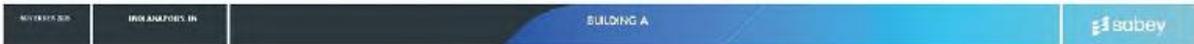
Beginning at the southeast corner of the Southwest Quarter of said Section 10; thence South 88 degrees 16 minutes 33 seconds West 2,689.75 feet along the south line of said quarter section to a point 25.00 feet from the west line said quarter section; thence North 0 degrees 9 minutes 26 seconds West 789.62 feet along a line parallel to and 25.00 feet east (by perpendicular measurement) of the west line said quarter section, to the southeasterly right-of-way of Kentucky Avenue/S.R. 67; thence along said right-of-way the following three (3) courses: 1) North 42 degrees 32 minutes 8 seconds East 190.11 feet; 2) Northeasterly 1,012.50 feet along an arc to the right having a radius of 49,009.64 feet and subtended by a long chord having a bearing of North 43 degrees 7 minutes 39 seconds East and a length of 1,012.48 feet; 3) North 43 degrees 43 minutes 9 seconds East 2,002.32 feet to the northern corner of "Parcel III" described in the Quitclaim Deed recorded as Instrument Number 1995-0009036; thence South 46 degrees 16 minutes 51 seconds East 261.10 feet along the northeasterly line of said "Parcel III" to a northern line of "Parcel II" described in said Quitclaim Deed; thence along the boundary of said "Parcel II" the following three (3) courses: 1) North 89 degrees 5 minutes 46 seconds East 107.14 feet; 2) North 0 degrees 14 minutes 14 seconds West 250.20 feet; 3) North 89 degrees 5 minutes 46 seconds East 179.75 feet to the east line of the Northwest Quarter of said Section 10; thence South 0 degrees 14 minutes 14 seconds East 500.00 feet along the east line of said Northwest Quarter to the southeast corner thereof; thence South 0 degrees 12 minutes 36 seconds East 2,609.16 feet along the east line of the Southwest Quarter of said Section 10 to the point of beginning and containing 130.557 acres, more or less.

Note: The above description was previously prepared by the Surveyor in March of 2022 and included on the survey recorded as Instrument No. A2023-11683.



ATTACHMENT "C"

Data Center Illustrative Building Elevations



**Exhibit L – Finds of Facts for Variance of Use**

2025-CVR-856 (Amended)

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

The variance grant to allow the Decatur Technology Park property to be developed as a data center technology park, per the filed Data Center Plan of Operation, Data Center Site Plan, and Commitments will not be injurious but will be a benefit to the community by allowing for a data center campus designed in accordance with contemporary industry standards and subject to applicable regulatory oversight at this location which was previously rezoned for a large technology park. The uncontroverted Trip Generation Comparison memorandum demonstrates that the proposed use will generate materially fewer daily vehicle trips than the previously approved large technology park zoning. Per the Commitments filed and associated with the petition, the data center shall be cooled by a closed-loop air cooled system and the data center developer will collaborate with AES Indiana to pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution infrastructure needed to service the data center so as to ensure such costs are not passed on to local ratepayers. The case record includes evidence that all infrastructure costs necessary to serve the proposed use will be borne by the developer. Per the filed Will Serve Letter from AES Indiana, it is committed to providing the necessary electrical service to support the development and operation of the data center and have the ability to develop the generation, transmission, and distribution infrastructure to meet the data center needs without creating power disadvantages to the community.

Additionally, all applicable health and safety standards of the zoning ordinance, revised code of the consolidated city and county, state statute, and federal laws shall be complied with for this project. All necessary approvals from relevant agencies, including the Department of Business and Neighborhood Services, the Indiana Department of Environmental Management, and the Federal Aviation Administration shall be obtained. The submitted Analysis of Residential Property Value Impact report from Integra Realty Resources demonstrated expert testimony supporting no harm to the community, as the report conclusion states that the values of the residential properties surrounding the proposed data center will not be affected in a substantially adverse manner. Adherence to the Data Center Plan of Operation and Commitments will ensure that there will be no increase in detrimental conditions such as noise or traffic beyond what would be experienced or expected with the large technology park authorized by the current zoning.

2025-CVR-856 (Amended)

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The variance grant to allow the Decatur Technology Park property to be developed as a data center technology park, per the filed Data Center Plan of Operation, Data Center Site Plan, and Commitments will not adversely affect adjacent properties. The record demonstrates enhanced transitional yard setbacks, earthen berms, fencing, and utility yard screening exceeding minimum ordinance requirements, designed specifically to mitigate visual, noise, and operational impacts to adjacent residential properties. Per the Commitments filed and associated with the petition, the maximum roof line heights of the buildings are in compliance with the district's required maximum building height standard.

Evidence in the record from the Report titled Analysis of Residential Property Value Impact from Integra Realty Resources demonstrates that the proposed facility will not substantially adversely affect the use or value of surrounding residential properties, as similarly situated neighborhoods near comparable Indiana data centers experienced appreciation rates consistent with their broader markets and no meaningful deterioration in sales performance metrics.

Additionally, the proposed use is consistent with the existing industrial development pattern and density across Kentucky Avenue within the Ameriplex industrial business park. Residentially zoned properties adjacent to this Ameriplex industrial business park have existed adjacent to long-term similar industrial uses without adverse effects. The proposed use encourages compatible development because of its proposed large transitional yards with tall mounds and fencing adjacent to residential neighbors. Similarly, the proposed large transitional yards with tall mounds and fencing, and the proposed ten-foot-tall utility yard walls, help to create a sense of isolation from sensitive uses. Per the Trip Generation Comparison memo filed and associated with the petition, there will be no increase in traffic, but instead will generate far fewer trips than estimated for the previously approved rezoning of the property for a technology park. The Plan of Operation clearly shows that the intensity of the proposed use will not be increased compared to the previous permitted uses. There will not be substantial deviation from neighborhood character beyond the previous permitted uses.

2025-CVR-856 (Amended)

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The variance is needed for the property, which is uniquely suited for high-capacity electrical infrastructure due to proximity to existing substations and available acreage for additional facilities, due to the condition that a data center use is not explicitly identified or defined as a permitted use anywhere in the zoning ordinance. By the zoning ordinance not expressly defining or listing data centers as a permitted use in any district, it creates regulatory ambiguity for a use that shares operational characteristics with permitted light industrial and technology park uses. As AES Indiana's power supply limits where data center uses can be located, this property is peculiarly situated in an ideal location with available transmission. This technology park property has great connection to the existing electrical grid, as it is located close to an existing substation, and also has surplus acreage available for a new substation to serve the data center technology park energy consumption needs. It is an existing light industrial-zoned property and ideally zoned for a non-intense warehouse of data equipment, and it has enough acreage size for appropriate buffers for the data center buildings. Additionally, the close proximity to a major state road and interstate highways also help to make this an ideal location for the project.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

An unusual and unnecessary hardship results from strict application of the zoning ordinance because a data center use is not explicitly identified or defined as a permitted use anywhere in the zoning ordinance. Therefore, the hardship was not self-created, and the data center technology park project cannot be developed as proposed even though (a) the property is zoned light industrial, (b) the proposed data center technology park is consistent with technology park light industrial uses approved with the prior zoning, and (c) the filed Data Center Plan of Operation, Data Center Site Plan, and Commitments would provide significant assurances, safeguards, and protections to nearby properties and the general community at large. The property owners have experienced the inability to sell or develop the property for permitted uses for a technology park project that has not come to fruition in the past five years. The hardship arises from the absence of a defined data center use classification within the ordinance, not from any action taken by the current owner.

2025-CVR-856 (Amended)

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE  
COMPREHENSIVE PLAN BECAUSE

The comprehensive plan is not materially different. The comprehensive plan was enacted prior to the current light industrial zoning being approved by the City of Indianapolis for the property in January of 2021. Therefore, the existing light industrial zoning ensures that this proposed use would not undermine planned development patterns for the area. The area is already trending toward similar uses as can be seen in the surrounding development to the northwest, which are industrial properties located across Kentucky Avenue in the Ameriplex industrial business park. Additionally, there are proposed to be adequate buffers and transitional yards between the proposed industrial use and adjacent residential uses.

## Exhibit M – Findings of Fact for Variance of Development Standards

2025-CVR-856 (Amended)

### 1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

Generally, the variance grants will not be injurious to the community because they would allow for the development of this property in a way compatible with the density of the surrounding development to the northwest, which are industrial properties located across Kentucky Avenue in the Ameriplex industrial business park.

The variance grants would allow for the development of this property in a highly secure and well-maintained manner which would improve safety over the property's currently vacant state. The on-site security of the facility would also benefit the neighbors.

The variance grants would remedy existing drainage issues currently experienced by neighboring properties by properly handling rainwater runoff on-site in detention/retention ponds.

The variance grants would not increase traffic in the community over and above the existing technology park plans. In fact, per the professionally performed and filed Trip Generation Comparison memo, the traffic generated with the proposed data center development would be much less than what be experienced or expected with the large technology park authorized by the current zoning.

The variance grant to allow Minimum Off-Street Vehicle Parking Spaces Required at 200 spaces if developed as a data center technology park will not be injurious but will be a benefit to the community by reducing the paved surface required at the technology park. Additional parking over and above 200 spaces is not needed for this type of use and would necessitate an increase in the amount of impervious surface by paving additional ground, thus reducing the amount of green space, for no added benefit.

Additionally, the variance grant to permit structure height in excess of 50 feet within the Airspace Secondary Overlay will not be injurious because the Federal Aviation Administration will need to issue an approval prior to any building permit being issued, per the commitments filed and associated with the petition. Without the FAA approval, the variance request will be irrelevant. The Indianapolis Airport Authority has provided correspondence indicating no concerns with this variance. This variance grant is not needed for Building A as, per the commitments, the roof line height of Building A shall be capped at 30 feet with the maximum roof structure or equipment height capped at 50 feet. The roof line height of Building B itself will be capped at 50 feet, and only parapets and roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the

2025-CVR-856 (Amended)

structure would be higher. Existing energy infrastructure in the area currently exceeds the requested 75 feet for the rooftop equipment.

Finally, the variance grant for the utility yards/outdoor operational areas square footage and location will not be injurious because, per the commitments filed and associated with the petition, these yards/areas will be located behind 10-foot screen walls in the middle of the property per the site plan and separated by neighboring properties with a 200 foot transitional yard in addition to tall mounds with privacy fences, a total of 14 feet in height, and with staggered double rows of evergreen plant materials, planted 15' on center, installed on top of the mounds. The properties to the south of the property are also separated by the Camby Road public right of way. In addition, the commitments include a noise commitment establishing that noise related to this project shall be less than the noise an automobile produces, even while the backup generators associated with the project are running. Per the commitments, these generators may only operate during a brief test or emergency situation. Additional commitments establish that the generators will operate in strict compliance with any applicable air permits which is similar to other neighborhood businesses in Decatur Township.

2025-CVR-856 (Amended)

2. THE USE OR VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

Generally, the variance grants will not affect the use or value of adjacent properties in a substantially adverse manner.

Evidence in the record from the Report titled Analysis of Residential Property Value Impact from Integra Realty Resources demonstrates that the proposed facility will not substantially adversely affect the use or value of surrounding residential properties, as similarly situated neighborhoods near comparable Indiana data centers experienced appreciation rates consistent with their broader markets and no meaningful deterioration in sales performance metrics.

The variance grants would allow for the development of this property in a manner that fits aesthetically with the area, per the commitments to develop the property in substantial conformance with the filed Data Center Site Plan and filed Illustrative Building Elevations, and including restriction on direct vehicular access to the property from Camby Road, installation of an internal sidewalk network, outdoor amenities, loading docks facing toward the interior of the property, restrictions on commercial truck parking, mechanical yard screening, proper exterior lighting, and oversized transitional yards with tall mounds, privacy fences, and with staggered double rows of evergreen plant materials, planted 15' on center, installed on top of the mounds with maintenance and replacement provisions. With all of the anticipated improvements the value of this existing property is anticipated to increase, therefore and thereby benefiting neighboring properties in the community.

Additionally, the required commitments for a spill prevention, control and countermeasure plan, noise standards and testing, limitations on generator testing operations, proper wastewater disposal, cryptocurrency mining prohibition, Indianapolis Airport Authority and Federal Aviation Administration review and approval, nuclear energy facilities prohibition, limitations on construction and repair work hours, limitations on tree removal, and tree preservation provisions help to provide assurance that the variance grants will not negatively affect adjacent properties.

The required commitment for a closed-loop air cooled system and the required commitment that the developer will pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution

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infrastructure needed to service the data center would help provide protections for the adjacent properties.

Further, the required commitments for additional infrastructure requirements, such as the installation of Camby Road sidewalks, future sanitary sewer connection collaboration, the additional right of way dedication for Camby Road and Trotter Road, and the continued collaboration on possible incentive opportunities that could potentially benefit the community would be a benefit for the adjacent properties.

The variance grants would allow for the adequate amount of additional parking needed for the proposed use. The variance grant to allow Minimum Off-Street Vehicle Parking Spaces Required at 200 spaces if developed as a data center technology park will not adversely affect adjacent properties but will be a benefit to them by reducing the paved surface required at the technology park. The currently proposed parking is all interior to the site, between the proposed data center buildings, buffered with mounding and fencing, and will not be visible to adjacent property neighbors.

Additionally, the variance grant to permit structure height in excess of 50 feet within the Airspace Secondary Overlay will not affect the use or value of adjacent properties in a substantially adverse manner because the roof line height of Building B itself will be capped at 50 feet, per the required commitments, and only parapets and roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the structure would be higher. This is consistent with the current allowances under the building height zoning ordinance.

Finally, the variance grant for the utility yards/outdoor operational areas square footage and location will not affect the use or value of adjacent properties in a substantially adverse manner because, per the commitments filed and associated with the petitions, these yards/areas will be located behind 10-foot screen walls and tall mounds with privacy fences, a total of 14 feet in height, and with staggered double rows of evergreen plant materials, planted 15' on center, installed on top of the mounds after a 200 foot transitional yard.

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3. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE  
WILL RESULT IN PRACTICAL DIFFICULTIES IN THE USE OF THE  
PROPERTY BECAUSE

Generally, strictly applying the zoning ordinance causes significant economic injury because it would not allow for the proposed development of this property due to the operational and infrastructure requirements associated with the proposed light industrial data center use in the technology park. The hardship and significant economic injury are not self-created, but are created by the property's size, shape, and location and by the location and width of existing utility easements on the property. There are no feasible alternatives that exist to achieve the same goal of this type of data center development.

The strict application will result in additional paving for parking spaces that will never be used. The data center technology park will be fenced for security and only those individuals permitted to access the site at specific times will need parking. Therefore, the amount of parking will be highly regulated and utilized in the most efficient manner, and there will never be a need for more than the provided 200 parking spaces. Practical difficulties will ensue if additional parking spaces are mandated as additional spaces would not be able to be located interior to the site, between the proposed data center buildings.

The strict application will result in a shorter building and structure height for Building B, which would make the proposed development unfeasible, thus resulting in a practical difficulty in the use of the property.

The strict application will result in smaller total gross floor area of enclosed buildings and or smaller total square footage of utility yards and outdoor operational areas, which in turn would make the proposed development unfeasible, thus resulting in a practical difficulty in the use of the property.



**Camby Rd looking East**



**View of Residential Property along Camby, south side of Camby Rd**



**Property View looking North from Kentucky Ave**



**Property View looking South from Kentucky Ave**



**View of Kentucky Ave looking West from subject property**