Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — July 1, 2026

Case Number:	2026-CVR-815 / 2026-CPL-815
Property Address:	305 Fintail Drive
Location:	Warren Township, Council District #20
Petitioner:	DCB Indianapolis, LLC, by Mindy Westrick Brown
Current Zoning:	I-3
Request:	Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for construction of a data center (not permitted), consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required). Approval of a Subdivision Plat to be known as Replat of Block A of Thunderbird Commerce Center, subdividing 32.406 acres into two lots.
Current Land Use:	Vacant.
Staff Recommendations:	Approval of the variance and plat requests.
Staff Reviewer:	Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the automatic continuance that continued these petitions from the May 14, 2026 hearing, to the June 11, 2026 hearing.

July 1, 2026

These petitions were heard by the Hearing Examiner on June 11, 2026. After a full hearing, the Hearing Examiner recommended approval the variances and the plat. Subsequently, the remonstrators filed an appeal of the Hearing Examiner's decision. A memorandum of her recommendation is attached.

Updated documents have been submitted to the file that includes the Plan of Operation, Findings of Fact and proposed Commitments.

The Plan of Operation, file-dated June 17, 2026, provides additional details related to full cut-off light fixture shields, solar powered / motion sensor control light fixtures, construction hour limitations, decommissioning plan; renewable power, availability of drainage plans to the public and Pennsy Trail improvements.

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Findings of Fact for both the Use and Development Standards, filed dated June 18, 2026, have been amended to include information received following the hearing on June 11, 2026.

Commitments, file-dated June 17, 2026, include:

- Development in substantial conformance with site plan dated April 27, 2026.
- Community protection related to water and electricity.
- Maximum roof line height of 60 feet.
- No loading docks near protected districts.
- No long-term truck parking.
- Mechanical equipment shall be screened, along with a 10-foot-tall fence around utility yards.
- Spill prevention, control, and countermeasure (SPCC) planning in compliance with IDEM prior to permit issuance.
- A sound study shall be prepared by a qualified acoustic engineer to assure compliance with all noise standards, including testing frequency.
- Lighting directed away from adjacent parcels and in compliance with the 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.
- All on-site utility lines shall be buried.
- Preparation of a Decommissioning Plan in accordance with the Plan of Operation.
- A public facing website available for contacting the operator, viewing house documents related to the public hearing process, including drainage plans.
- No temporary construction driveway or permanent driveway allowed north of the property.
- Limitation of construction hours.
- Dust suppression control measures utilized during site development and construction activities.
- Landscaping and buffering in accordance with the Ordinance, with Administrator Approval of final landscaping plan.
- Berms ranging from three (3) to eight (8) feet in height, with a vegetated buffer strip consisting of two staggered rows of evergreen trees along the property line abutting the protected district.
- Transitional yards in accordance with the Data Center Site Plan.
- Landscaping shall be maintained and replaced, as needed.
- Coordinate with the Parks Alliance of Indianapolis (aka Indianapolis Park Foundation, Inc.) for a period of no less than five years to contribute an annual gift of trail stewardship benefiting the Pennsy Trail.
- Coordinate with the local electric provider for planting of native seed mix within the existing transmission line easement along the northern property boundary.

Corrections – Staff Report June 11, 2026

Plat – *file-dated May 28, 2026*
Plat - *Block A, Lot 1 acreage is 6.598; Block A, Lot 2 acreage is 25.707*
Plan of Operation – *file-dated May 21, 2026*
Transit-Oriented Development Overlay – *removed because industrial districts are exempt from the overlay.*
Environmental Summary - *Prior to the sale of the land to the developer, the developer coordinated with the Indiana Brownfield Program and conducted additional remediation operations that resulted in an updated ERC on March 21, 2025.*

STAFF RECOMMENDATION

Staff recommends approval of the rezoning, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" form at least three days prior to the MDC hearing:

- 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 the property owner shall determine decibel levels at property line for monitoring and compliance shall be submitted prior to ILP issuance.
- The existing utility easement shall provide the transitional yard along the northern property boundary 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 campus is approved:

- A minimum 200-foot transitional yard along the northern property boundary.
- Berms ranging from three (3) to eight (8) feet in height, with a vegetated buffer strip consisting of two staggered rows of evergreen trees along the property line abutting the protected district.
- Developer-funded substation construction and associated electrical infrastructure in coordination with local electric utility.
- Development shall be in substantial conformance with the Data Center Site Plan filed in the companion variance matter, and the maximum roofline height of all three proposed buildings shall be sixty (60) feet.
- 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.
- 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.
- An annual gift for no less than five years for trail stewardship for the Pennsy Trail to The Parks Alliance of Indianapolis (aka The Indianapolis Parks Foundation, Inc.).
- Coordinate with the local electric provider for planting of native seed mix within the existing transmission line easement along the northern property boundary.
- 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.

Staff recommends that the **Metropolitan Development Commission approve and find that the plat, file dated March 28, 2026, complies with the standards of the Subdivision regulations, subject to the following conditions:**

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat

11. That the plat shall be recorded within two (2) years after the date of conditional approval by the Hearing Examiner

PETITION OVERVIEW

This 32.406-acre site, zoned I-3, is vacant and surrounded by the Pennsy Trail and utility substation to the north, zoned I-3, D-5, C-S and C-4; industrial uses to the east and south, and undeveloped land to the west, all zoned I-3.

This site was included in petition 56-Z-4 that rezoned 272.23 acres to the I-3 district.

Overlays

This site is also located within an Industrial Reserve. "Overlays are used in places where the land uses that are allowed in a typology need to be adjusted. They may be needed because an area is environmentally sensitive, near an airport, or because a certain type of development should be promoted. Overlays can add uses, remove uses, or modify the conditions that are applied to uses in a typology."

The Industrial Reserve (IR) overlay is intended for areas that are prime for industrial development due to factors such as large parcel size, proximity to compatible uses, and/or interstate access.

PLAT

Site Plan

This site is located within the Thunderbird Business Park. **See Exhibit A.**

This request would divide 32.406 acres (Block A) into two lots for data center development. Block A, Lot 1 would be 6.698 acres and Block A, Lot 2 would be 25.707 acres.

Block A, Lot 1 would be developed with Building 1 at 69,128 square feet and a height of 22 feet. Block A, Lot 2 would be developed with Building 2 at 142,152 square feet and a height of 56 feet and Building 3 at 194,708 square feet and a height of 56 feet.

Equipment yards would be internal to the site and behind the proposed buildings.

Access to this site would be along Fintail Drive, which is a private street that intersects with English Avenue and serves as access to sites within this business park.

Streets and Traffic

No new streets are proposed as part of this petition.

Waivers

Because this site is served by a private street, sidewalks would not be required.

VARIANCE OF USE

The petitioner is requesting a Variance of Use to permit a data center campus, an unlisted land use, within the I-3 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 campus on property zoned I-3, with additional commitments specific to this use. 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 that 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 campus, 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. Emergency generators would be enclosed in insulated structures and subject to IDEM air permitting requirements. Per the Plan of Operations submitted on May 21, 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 states that "comparing the information for the total daily trips anticipated by DC Blox to those of the ITE manual, DC Blox proposes a 65% reduction in total daily trips compared to the average data center campus of comparable size." **See Exhibit B**.

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-3 zoning district.

Because of the historical use of the property, the petitioner conducted research related to possible environmental contamination of the property. The previous owner enrolled the entire property in IDEM's Voluntary Remediation Program (VRP) in January 2015, that resulted in an Environmental Restrictive Covenant (ERC) on July 21, 2022. Following remediation operations, IDEM issued a Certificate of Completion in February 2023, and the State of Indiana issued a Covenant Not to Sue Ford.

Prior to the sale of the land to the developer, the developer coordinated with the Indiana Brownfield Program and conducted additional remediation operations that resulted in an updated ERC on March 21, 2025. **See Exhibit C**.

Adjacent Property Impacts

The subject site's size, configuration, and separation from the nearby protected district (Pennsy Trail), combined with enhanced transitional yards, existing easements and operational commitments, materially reduce potential off-site impacts with strict adherence to the commitments to install enhanced screening to neighboring properties.

Vehicular circulation, and egress associated with the proposed data center campus would be limited to existing access points along Fintail Drive and would not introduce large deviations of current traffic impacts along English Avenue, 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. 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-3 zoning.

Uniqueness of the Property

The subject property is a portion of an industrial area 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-3 for development of large-scale (over 272 acres) industrial uses. One of the uses occupied approximately 152 acres that provided for operation of a vehicle manufacturing facility between 1957 and 2012. 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 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 current request for a Variance of Use seeks approval of a data center campus, 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-3 zoning district. The variance does not introduce a new land use category, nor does it represent a further departure from the Comprehensive Plan.

Accordingly, staff finds that the requested Variance of Use does not materially conflict with the Comprehensive Plan recommendation of heavy industrial and Industrial Reserve overlay when considered in the context of the existing I-3 zoning, 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 campus. These commitments include, but are not limited to:

- A minimum 200-foot transitional yard along the northern property boundary;
- 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
- Annual gift for no less than five years for trail stewardship (Pennsy Trail) to The Parks Alliance of Indianapolis (aka The Indianapolis Parks Foundation, Inc.).
- Coordinate with the local electric provider to provide planting of native seed mix within the existing transmission line easement along the northern property boundary.
- 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 campus 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 no less than 100 on-site, off-street parking spaces, whereas 420 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 campus 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.

GENERAL INFORMATION

Existing Zoning	I-3
Existing Land Use	Vacant
Comprehensive Plan	Heavy Industrial (Industrial Reserve Overlay)

Surrounding Context	Zoning	Land Use
North:	D-5/ C-S / C-4	Pennsy Trail
South:	I-3	Industrial uses
East:	I-3	Industrial uses
West:	I-3	Undeveloped land
Thoroughfare Plan		
Fintail Drive	Private Street	N/A
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes - Industrial Reserve	
Wellfield Protection Area	No	
Site Plan	March 23, 2026	
Site Plan (Amended)	April 27, 2026	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	March 23, 2026	
Findings of Fact (Amended)	May 28, 2026 / June 18, 2026	
C-S/D-P Statement	Plan of Operation May 21, 2026 / June 17, 2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Heavy Industrial typology. "The Heavy Industrial typology provides for industrial, production, distribution, and repair uses that are intense and may create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Outdoor operations and storage are common. Typical uses include food processing, milling, storage of petroleum products, recycling, welding, and concrete mixing. Industrial or truck traffic should be separated from local/residential traffic."

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:

Heavy Industrial Uses

- The primary entrance should be served by an arterial street.
- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the 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

56-Z-4; between South Kitley Avenue and State Road 100; requested rezoning of 272.23 acres from the A-2 district to the I-3 classification to provide for the development of various manufacturing industrial uses, **approved.**

VICINITY

2013-CZN-822 / 2013 CVR-822; 6915 East Washington Street (northeast of site), requested rezoning of 12.44 acres from the D-2, C-2 and C-6 districts to the D-8 classification to provide for single-family, two-family and multi-family residential development and a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for single-family, two-family and multi-family residential development with private streets, **withdrawn**.

2008-ZON-855 / 2008-VAR-855; 6701 English Avenue (south of site), requested rezoning of 14.85 acres, from the I-3-S District, to the I-4 U classification to provide for heavy urban industrial uses and a Special Exception of the Industrial Zoning Ordinance to provide for a non-ferrous scrap metal recycling operation, **approved and granted.**

2004-ZON-023; 6617 and 6691 East Washington Street (north of site), requested rezoning of 3.94 acres from the D-5 district to the SU-2 classification to provide for education uses, **approved.**

2002-ZON-098; 100 South Edmondson Avenue (north of site), requested rezoning of 3.05 acres from theD-5 district to the C-S classification to provide for a general contractor, **approved**.

95-Z-106; 6715 East Washington Street (north of site), requested rezoning of 3.995 acres from the D-5 district to the C-S district to provide for mini-warehouses, **approved.**

93-Z-169; 6691 East Washington Street (north of site), requested rezoning of four acres from the C-5 district to the C-4 classification to provide for a grocery store, approved.

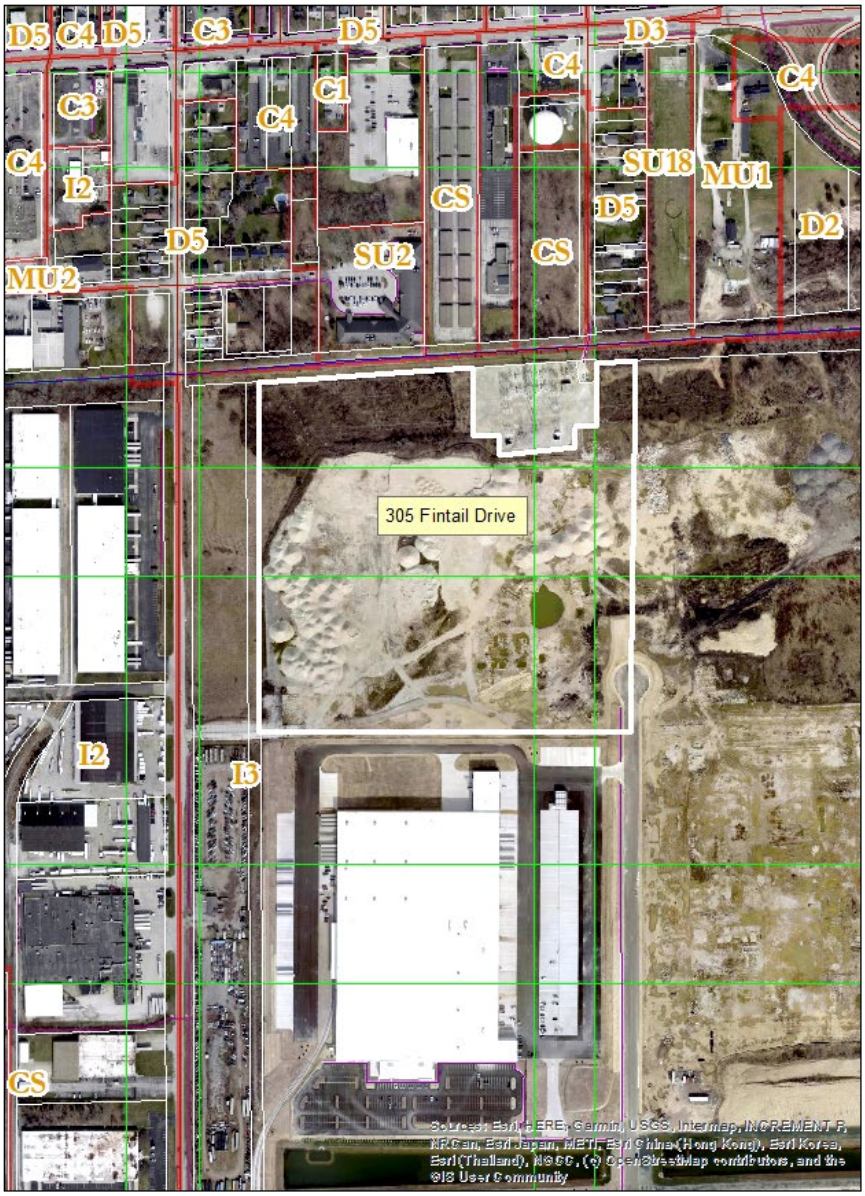
90-Z-1778; 6643 East Washington Street (north of site) requested rezoning of 0.6 acre, being I the C-5 district, to the C-1 classification to provide for a dentist office**, approved.**

88-Z-77 / 88-CV-9; 6703 East Washington Street (north of site), requested rezoning for our acres, being in the D-5 district, top the C-S classification to provide for a self-storage / mini-warehouse facility with a combined office and residence or a manager with a variance of development standards for reduced setbacks, **denied.**

84-Z-144; 6601 East Washington Street, (north of site), requested rezoning of 0.49 acre, being in the C-3 district, to the C-4 classification to provide for an automobile service station, **approved**.

83-Z-197; 6601 East Washington Street (north of site), requested rezoning of 5.5 aces, being in the D-5 district, to the C-3 classification to provide for office / retail showroom for vacuum cleaners, **approved**.

EXHIBITS



305 Fintail Drive

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0 0.025 0.05 0.1 0.15 0.2 Miles

MEMORANDUM OF EXAMINER'S DECISION

2026-CVR/CPL-815 **305 Fintail Drive**

The petitions request a variance of use and development standards to provide for the construction of a data center consisting of up to three buildings, up to a total of 420,000 square feet, with no less than 100 parking spaces (minimum 420 parking spaces required), and approval of a plat subdividing 32.406 acres into two lots.

Your Hearing Examiner visited the undeveloped site prior to the hearing and noted that it is an area predominantly developed with medium and heavy industrial uses. The Pennsy Rail Trail is north of the site.

The petitioner's representative described the previous use of the site as a vehicle manufacturing facility for over 50 years. That ceased operating about 15 years ago, and the site has been remediated several times since. The representative explained the proposed phased redevelopment as a data center, and outlined numerous commitments, including a 200 foot transitional yard with berms and landscaping along the north property line, utility commitments, prohibition of long term truck parking and storage, an annual gift of at least five years for Pennsy Trail stewardship, generator operation and testing restrictions, lighting limitations, and screening of mechanical yards. The petitioner also plans to invest in a project to benefit the community. Several letters of support were presented, including a letter from the Warren Township Development Association. The City-County Councilor for the district discussed the positive aspects and impacts of the proposed development, but did not state a position on the petitions.

A number of remonstrators attended the hearing, and two representatives of the Irvington Community Council spoke. They characterized the petitioner as being disingenuous and dishonest, and did not provide tax abatement details, as requested. Concerns included use of water and electricity, proximity to a

school, better use of tax dollars, long term impact, need for an independent sound study, and lack of a hardship.

The City-County Councilor for an adjacent district reported that 83% of respondents to his survey opposed the petitions. He stated the need for a decommissioning plan and generator details.

Another City-County Councilor reported that dozens of his constituents opposed the petitions, and stated concern with impact on the electric grid and using generators instead of battery back up.

The staff stated that the proposed plat complies with the standards of the subdivision regulations. Staff also opined that the grant of the variances would not be injurious to public health, safety, morals, and general welfare of the community because of the proposed commitments, use and value of adjacent property would not be adversely affected due to enhanced transitional yards and low traffic generation, the need for the variances arises because the depth and size of the site and access to infrastructure, there is an unnecessary hardship because the ordinance does not currently allow a data center as a permitted use, and the grant does not interfere with the Comp Plan recommendation of heavy industrial development.

In your Hearing Examiner's opinion, with the extensive proposed commitments, the data center is compatible with uses in the area. Because the proposed use needs many fewer parking spaces than required by the ordinance, the parking variance is warranted. The petitioner did meet all of the required findings for the use variance and the variance of development standards, and the plat complies with the standards of the subdivision regulations. The variance was granted and the plat was approved.

For Metropolitan Development Commission Hearing on July 1, 2026

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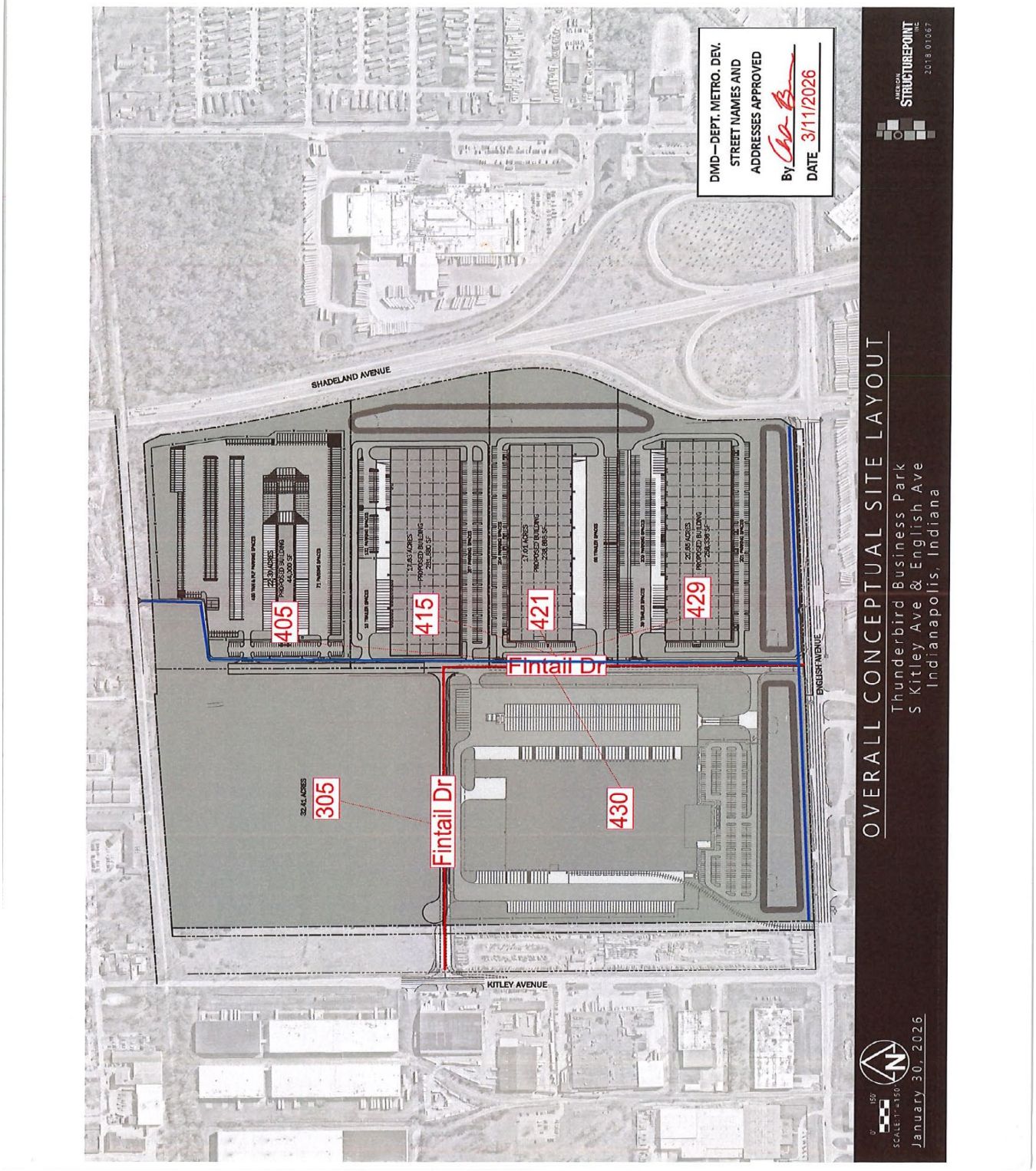
THUNDERBIRD CONCEPTUAL SITE LAYOUT – EXHIBIT A



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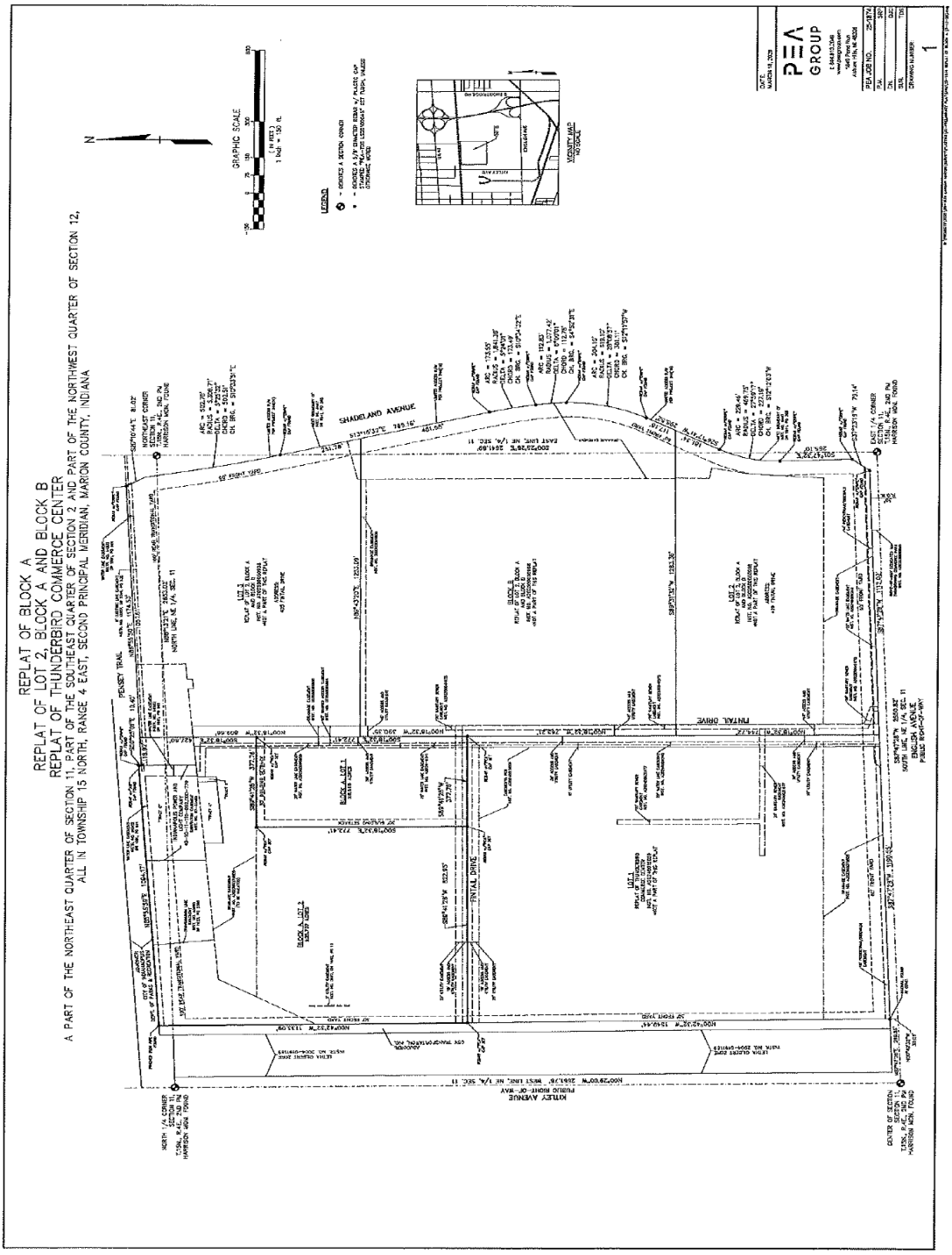
PROPOSED PLAT – May 28, 2026



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Site Plan – April 27, 2026


DC BLOX

Plan of Operation – June 17, 2026

PLAN OF OPERATION v.6.17.2026

DC BLOX Data Centers / Thunderbird Commerce Center

305 Fintail Drive, Indianapolis, IN 46219

DCB Indianapolis, LLC by Faegre Drinker Biddle & Reath LLP

June 17, 2026

Project Overview and Phasing

As shown on the attached site plan, the project will include:

- **Building 1** (one-story) +/- 80K SF
- **Building 2** (two-story) +/- 140K SF
- **Building 3** (two-story) +/- 190K SF
- **Existing Substation** +/- 2.4 acres - for reliable power delivery

The project will be constructed over two phases with the first phase of construction to begin immediately upon variance and replat approval. The first phase will be the one-story 80K SF building; and is expected to be completed within 24 months. The second phase of construction will be comprised of the two larger buildings and will likely begin construction in two years and be completed in four years. At full buildout, the campus will employ approximately 35 full-time, high-wage operations staff.

Capital Investment and Tax Benefits

The project represents a total investment in the range of $2 - $2.2 billion, split approximately:

- **DC BLOX Investment** – $700-800 million in land, site development, and building construction.
- **Tenant Investment** – $1.3-1.4 billion in servers, networking equipment, and high-performance AI hardware.

This dual stream of capital ensures not only property-tax generation but also ongoing reinvestment in cutting-edge computing infrastructure.

With billions invested, this campus will be among the largest property-tax contributors in Warren Township/Marion County, strengthening Indianapolis as a national technology hub.

PLAN OF OPERATION v.6.17.2026

Construction and Job Impacts

- **Estimated Direct Construction Jobs**: +/- 600 workers on-site during the multi-year build.
- **Estimated Indirect/Induced Jobs**: Each direct job is estimated to support additional jobs in the broader economy, including supply chain, logistics, manufacturing, and services. CBRE 2024 report states that there are 7.4 indirect jobs for every direct data center job.

Long-Term Operations:

- **Direct Employment**: +/- 35 permanent, high-wage employees.
- **Estimated Indirect/Induced Employment**: Using a 2.0x multiplier, another 60-70 jobs supported in the community through security, contractors, IT services, and local vendors.

Transportation and Deliveries at Full Buildout

The project is a low-impact industrial use compared to manufacturing or logistics. At full buildout:

- **Vendor Deliveries**: +/- 35 per week.
- **Customer Visits**: +/- 45-50 per week.
- **Employee Traffic**: +/- 35 daily commuters.

Water Usage

DC BLOX water use is based on a closed loop cooling system that requires a one-time water load. After the initial system load the projected annual water usage is similar to an office building (Office Restrooms, Breakroom/Kitchen Use, Showers, Generic Janitorial Use, Landscaping Irrigation, and Humidity Control). 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.

Outdoor Operations

The project will include utility yards/outdoor operations, due to operational and infrastructure requirements associated with these data centers, including generators for emergency power of each building. Building 1 is expected to have approximately 6 generators. Building 2 is expected to have approximately 14 generators. Building 3 is expected to have approximately 36 generators. A spill prevention, control and countermeasure ("SPCC") plan will be in effect which will be in compliance with all applicable regulations including IDEM and the US EPA. All exterior lighting will meet the zoning ordinance requirements, including use of full cut-off light fixture shields on all pole and building mounted lighting.

PLAN OF OPERATION v.6.17.2026

All generators will be located in insulated enclosures and will have fuel storage tanks that support up to a 48-hour runtime at 100% load. The generators will only run during testing and power outages, and testing will not occur between 5:00 p.m. and 7:00 a.m, and not generally on weekends nor holidays. The generators will operate strictly within the limits of the IDEM air permit. A sound study will be prepared by a qualified acoustical engineer demonstrating that noise levels at the Property line will not exceed 65 decibels, measured Lmax, during regular and emergency operation. The method of measurement will be submitted to the Administrator, and annual sound testing will be conducted at least once per year to ensure noise levels do not exceed the maximum level. Additionally, all required exterior parking lot lighting fixtures will be solar powered where feasible, and motion sensor controls will be utilized for required lighting in pedestrian areas, entrances, and walkways where feasible.

The generator system will be designed with multiple layers of containment, monitoring, regulation, and inspection under federal, state, and fire code standards. The generators will be individual generators, each with its own separate belly tank for fuel storage. The generators' belly tanks will be located above ground and will be double-lined tanks with alarm sensors. For air quality, DPFs (Diesel Particulate Filters), acting as exhaust after treatment devices, will be included on the generators. The following protocols will be performed for the data center development:

Code of Governance	Requirement	Frequency
EPA – SPCC (40 CFR 112)	Visual inspection of Belly tanks for leaks, corrosion, structural damage	Monthly
	Inspection of secondary containment for cracks, fluid accumulation, drainage control	Monthly
	Formal tank integrity testing (per recognized standard such as STI SP001)	5 Years
NFPA 110	Inspection of generator fuel system as part of EPSS system inspection	Annually
NFPA 30	Inspection of tank shell, supports, vents, piping, and overfill protection	Annually
International Fire Code (IFC)	AST compliance inspection by Authority Having Jurisdiction (AHJ)	Annually
STI SP001 (Industry Standard)	External inspection of shop-fabricated aboveground tank	Annually
	Formal integrity evaluation of shop-fabricated aboveground tank	3–5 years
Practice Added above Code	Visual leak check of tank seams, fittings, and connections	Weekly
	Check for water accumulation in fuel and drain if necessary	Monthly
	Fuel quality testing (diesel degradation, microbial growth)	Annually
	Inspect vent caps, flame arrestors, and emergency vents for obstruction	Monthly
	Verify overfill alarm functionality	Semi-Annual
	Review and update SPCC Plan	5 Years
	Corrosion protection review (coating condition, underside inspection)	Annually

Construction hour limitations will be consistent with the Consolidated City-County noise ordinance (Sec. 391-300), and construction and repair work generally shall not occur between 6:00 p.m. and 7:00 a.m., except when urgently necessary in the interest of public health and safety. Additionally, effective site dust suppression control measures will be used to mitigate adverse dust concerns during site development and construction activities.

PLAN OF OPERATION v.6.17.2026

Decommissioning Plan

If the Property is no longer used for a data center campus, then all data center related diesel fuel, closed-loop water mixture, electronic batteries, and e-waste materials shall be removed from the Property by the Property owner and shall be properly disposed of following all applicable local, state, and federal regulations. The decommissioning process will be a partial decommission, as the building structure itself will remain. The timeline for the decommissioning process shall follow all applicable local, state, and federal regulations. All decommissioning will be in compliance with local, state, and federal building code and environmental regulations. An Inventory Removal Plan shall be developed at the time of decommissioning, including asset disposition, e-waste tracking reports, hazardous materials handling, and identification of required documentation for the destruction of inventory. A Facility Restoration Plan shall be developed at the time of decommissioning, including the removal of all equipment and restoration of the building ensuring that it is a building code compliant structure.

DC BLOX Proven Track Record

DC BLOX has established a proven track record of successfully developing and operating digital infrastructure, with a consistent focus on execution, reliability, and long-term performance. The company has delivered multiple data centers, fiber networks, and cable landing stations, demonstrating the ability to plan, construct, and operate complex, mission-critical facilities. Its projects are characterized by on-time delivery, coordinated utility integration, and scalable design to support enterprise, hyperscale, and network customers.

As a vertically integrated digital infrastructure provider, DC BLOX owns and operates edge-market data centers, boasts a regional network spanning the Southeast, and manages the critical cable landing stations in Myrtle Beach, SC and Palm Coast, FL. Our commitment extends further as we acquire land, secure power commitments, and collaborate with top-tier partners to meet the escalating demand for customized hyperscale-ready data center solutions with integrated dark fiber connectivity.

DC BLOX is known for its disciplined, relationship-driven approach, working closely with utilities, economic development organizations, and local governments to align projects with infrastructure availability and community objectives. Operationally, the company maintains high standards for security, resiliency, and uptime, supporting critical digital workloads with reliable, always-on operations. In addition, DC BLOX has a strong record of delivering projects that contribute to local economic development and enhanced connectivity, reinforcing its role as a trusted infrastructure partner. DC BLOX has edge node data centers and data center campuses across the US; with facilities completed or currently under construction in Nashville, Birmingham, Montgomery, Chattanooga, Huntsville, Atlanta, and Richmond.

PLAN OF OPERATION v.6.17.2026

Community Impact and Engagement

DC BLOX is committed to being a responsible, long-term community partner, with a focus on economic contribution, transparency, and proactive engagement. The proposed data centers will generate significant local tax revenue, while placing minimal demand on municipal resources due to low traffic, limited staffing, and no public access. Additionally, through careful planning and collaboration with the local electric provider, the data center will be enrolled in a renewable power program offered by the provider.

DC BLOX engages early and consistently with local stakeholders, including government officials, utilities, and community groups, to ensure open communication and address questions related to development and operations. The company also supports the communities it serves through local investment, charitable contributions, and employee volunteerism, reinforcing its role as an active community participant. Additionally, DC BLOX's infrastructure investments contribute to enhanced regional connectivity and economic development, helping attract businesses and support long-term growth. Overall, DC BLOX's approach emphasizes responsible development, community alignment, and ongoing transparency throughout the lifecycle of its projects.

DC BLOX will provide a public-facing website as a means to contact the operator and house documents that have been committed to through the public hearing process. Further, a complete set of drainage plans will be posted on the public-facing website prior to, or concurrently with, submitting for a drainage permit.

DC BLOX will coordinate with The Parks Alliance of Indianapolis, for no less than five years, to contribute an annual gift for trail stewardship, benefiting the Pennsy Trail in Warren Township. Additionally, DC BLOX, in coordination with the local electric provider, will plant native wildflower seed mix and native grasses seed mix within the existing transmission line easement at the north end of the site near the Pennsy Trail. This will consist of a three-year establishment and maintenance period, including the initial invasive control and clearing, herbicide applications, native seed installation, and three (3) years of maintenance for the existing approximately 4.5 +/- acre easement area.

Plan of Operation – May 21, 2026

PLAN OF OPERATION

DC BLOX Data Centers / Thunderbird Commerce Center

305 Fintail Drive, Indianapolis, IN 46219

DCB Indianapolis, LLC by Faegre Drinker Biddle & Reath LLP

April 27, 2026

Project Overview and Phasing

As shown on the attached site plan, the project will include:

- **Building 1** (one-story) +/- 80K SF
- **Building 2** (two-story) +/- 140K SF
- **Building 3** (two-story) +/- 190K SF
- **Existing Substation** +/- 2.4 acres - for reliable power delivery

The project will be constructed over two phases with the first phase of construction to begin immediately upon variance and replat approval. The first phase will be the one-story 80K SF building; and is expected to be completed within 24 months. The second phase of construction will be comprised of the two larger buildings and will likely begin construction in two years and be completed in four years. At full buildout, the campus will employ approximately 35 full-time, high-wage operations staff.

Capital Investment and Tax Benefits

The project represents a total investment in the range of $2 - $2.2 billion, split approximately:

- **DC BLOX Investment** – $700-800 million in land, site development, and building construction.
- **Tenant Investment** – $1.3-1.4 billion in servers, networking equipment, and high-performance AI hardware.

This dual stream of capital ensures not only property-tax generation but also ongoing reinvestment in cutting-edge computing infrastructure.

With billions invested, this campus will be among the largest property-tax contributors in Warren Township/Marion County, strengthening Indianapolis as a national technology hub.

PLAN OF OPERATION

Construction and Job Impacts

- **Estimated Direct Construction Jobs**: +/- 600 workers on-site during the multi-year build.
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PLAN OF OPERATION

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PLAN OF OPERATION

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DC BLOX will coordinate with The Parks Alliance of Indianapolis, for no less than five years, to contribute an annual gift for trail stewardship, benefiting the Pennsy Trail. Additionally, DC BLOX, in coordination with the local electric provider, will plant native wildflower seed mix and native grasses seed mix within the existing transmission line easement at the north end of the site near the Pennsy Trail.

EXHIBIT B – Trip Generation Memorandum – June 3, 2026

LANGAN

Technical Excellence
Practical Experience
Client Responsiveness

June 3, 2026

DC Blox

Subject: 305 Fintail Drive Data Center Campus; Indianapolis, Indiana
Trip Generation Memo

To Whom It May Concern:

This letter presents the trip generation for three (3) proposed data centers on the proposed data center campus located at 305 Fintail Drive, in the Thunderbird Commerce Center in Indianapolis, Indiana and compare it to the previously proposed warehouse/distribution center on the property.

The first phase of the project proposes building an approximately 70,000 SF data center. The subsequent phases propose building approximately 142,000 SF and 195,000 SF data centers respectively, totaling approximately 407,000 SF of data center. Prior to DC Blox involvement with the property, a 280,000 SF warehouse/distribution center was proposed.

Site access will be provided from a new driveway provided along Fintail Drive (private roadway). Fintail Drive connects to English Avenue where an existing traffic control light is located. The improvements for the DC Blox campus do not propose modifications to the existing traffic control light on English Avenue.

Trip generation estimates were prepared using the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 12th Edition. Table 1 summarizes the peak hour and daily trip generation for the proposed 407,000 SF data center using the average rates for Land Use Code 160 and comparing this to a 280,000 SF building using the average rates for Land Use Code 150 – Warehousing, Land Use Code 140 – Manufacturing, and Land Use Code 110 - Light Industrial (all approved uses for the property zoning, I-3).

Table 1: Trip Generation Comparison

ITE Code	Land Use	Size (SF)	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Proposed Use									
160	Data Center	407,000	28	9	37	12	21	33	298
150	Warehouse	280,000	30	12	42	16	32	48	387
140	Manufacturing	280,000	164	44	208	71	148	219	1196
110	Light Industrial	280,000	156	52	208	81	121	202	1008

Data Center – ITE LUC 160		
AM Peak Hour	T = 0.09 x (1,000 SF)	75% entering, 25% exiting
PM Peak Hour	T = 0.08 x (1,000 SF)	35% entering, 65% exiting
Daily	T = 0.73 x (1,000 SF)	50% entering, 50% exiting
Warehouse – ITE LUC 150		
AM Peak Hour	T = 0.15 x (1,000 SF)	70% entering, 30% exiting
PM Peak Hour	T = 0.17 x (1,000 SF)	34% entering, 66% exiting
Daily	T = 1.38 x (1,000 SF)	50% entering, 50% exiting
Manufacturing – ITE LUC 140		
AM Peak Hour	T = 0.74 x (1,000 SF)	79% entering, 21% exiting
PM Peak Hour	T = 0.78 x (1,000 SF)	29% entering, 71% exiting
Daily	T = 4.27 x (1,000 SF)	50% entering, 50% exiting
General Light Industrial (General Urban/Suburban) – ITE LUC 110		
AM Peak Hour	T = 0.74 x (1,000 SF)	75% entering, 25% exiting
PM Peak Hour	T = 0.72 x (1,000 SF)	40% entering, 60% exiting
Daily	T = 3.60 x (1,000 SF)	50% entering, 50% exiting

Per the ITE trip generations, the proposed 407,000 SF data center campus will have 23% reduction in daily trips compared to a typical 280,000 SF warehouse, 75% reduction compared to a typical manufacturing build, and a 70% reduction compared to a typical light industrial build.

DC Blox has estimated 35 weekly vendor deliveries, 45-50 weekly customer visits and 35 daily employees in the final condition; this is equivalent to 52 daily individuals visiting the campus or approximately 104 total daily trips. Using the AM and PM peak hour metrics relative to the total daily trips estimates from the client, this equates to approximately 13 peak AM trips (10 entering and 3 exiting) and 12 peak PM trips (4 entering and 8 exiting) in the final condition.

Comparing the information for the total daily trips anticipated by DC Blox to those of the ITE manual, DC Blox proposes a 65% reduction in total daily trips compared to the average data center campus of comparable size.

This trip generation memo is limited to the trips generated by the proposed development and does not analyze the capacity of the existing roadway network nor does it take into account existing traffic counts on the existing road network. This letter is not intended to be used as a traffic impact analysis.

Sincerely,

Spencer Humphrey
Associate Principal

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT C – Environmental Summary

14 April 2026

Connor Henderson
Director of Land Acquisition
DC BLOX Parent, LLC
1040 Crowne Point Parkway
Atlanta, Georgia 30338

Re: Environmental Summary
Project Thunderhead
305 Fintail Drive
Indianapolis, Indiana
Langan Project No.: 792018001

Dear Mr. Henderson,

The DC Blox Indianapolis, LLC ("DCB") property consists of approximately 32.5 acres of a 152+-acre former industrial manufacturing facility. The property was previously owned by Ford Motor Company and operated as a vehicle manufacturing facility between 1957 and 2012. Ford's operations included coal storage, hazardous waste storage, wastewater treatment, and sludge solidification/burn pit. Ford's historical operations resulted in environmental impacts including light nonaqueous phase liquids (LNAPL), volatile organic compounds (VOCs), semi volatile organic compounds (SVOCs), and polychlorinated biphenyls (PCBs) impacts at concentrations exceeding Indiana Department of Environmental Management ("IDEM") and U.S. Environmental Protection Agency standards. An LNAPL plume was identified in groundwater beneath an outdoor waste storage area.

In January 2015, Ford enrolled the entire Ford property in IDEM's Voluntary Remediation Program ("VRP") and began active remediation activities in 2017. Impacted soil was either removed from the site or heat-treated via electrical resistance heating on-site by Ford. In 2018, areas identified as sources of dense nonaqueous phase liquids (DNAPL) or chlorinated VOCs were dewatered. On July 21, 2022, an Environmental Restrictive Covenant ("ERC") was recorded by Ford pursuant to IDEM's VRP. In February 2023, Ford successfully completed its remediation efforts. IDEM issued a Certificate of Completion, and the State of Indiana issued a Covenant Not to Sue Ford. Thus, Ford had successfully completed the environmental investigation and remediation required by IDEM; however, certain environmental contaminants remained on the property.

On August 17, 2022, Thunderbird CC Land Partners, LLC ("Thunderbird") purchased 109+ acres from Ford. Thunderbird undertook a considerable amount of redevelopment work at this brownfield site. As a result, Thunderbird requested and received approval from the Indiana Brownfield Program to terminate the original ERC and replace it with a new ERC with use and development restrictions that were tailored to the updated condition of the property, including the property that is being sold to DCB.

On March 21, 2025, the updated ERC was recorded by Thunderbird. The updated ERC included the Comfort Letter that was issued on June 20, 2024 by the Indiana Brownfields Program to Thunderbird. The Comfort Letter provides a detailed description of Ford's operational history of the property and the environmental investigation and remedial efforts undertaken by Ford and Thunderbird, which resulted in them being issued the Covenant Not To Sue and Comfort Letter, respectively. The ERC also included the Reasonable Steps Update Letter issued on January 29, 2025 by the Indiana Brownfields Program to Thunderbird.

The updated ERC includes restrictions on the drilling or excavation of soil and the requirement that any such work complies with an IDEM-approved Soil Management Plan. The updated ERC also prohibits the use of groundwater from the subject property. The updated ERC requires vapor evaluation and potential vapor mitigation for new buildings, along with additional construction and operational restrictions that run with the land and bind subsequent owners and operators to protect workers and the community from potential exposure to residual impacts.

DCB has entered into a Real Estate Purchase Agreement with Thunderbird to purchase approximately 32.5 acres of the larger Ford property. DCB's proposed repurposing and redevelopment of this former industrial facility and brownfield site as a data center is fully consistent with the uses allowed by IDEM and the Indiana Brownfields Program. DCB is fully aware of and will abide by the updated ERC, which imposes certain construction and operational restrictions that run with the land to protect workers and the community from the residual impacts on the property. Before any commercial/industrial building is constructed by DCB, a vapor intrusion evaluation will be completed to determine whether a vapor barrier and/or other vapor mitigation steps would be required for the buildings to protect future indoor workers from potential vapor migration from the subsurface into the buildings.

DCB will also fulfill the requirement in the updated ERC that a minimum 2-foot clean soil and vegetative barrier be installed in areas not covered by buildings, parking lots or sidewalks. In the event that DCB is interested in using any of the stockpiled soil and debris that is currently located on the property, DCB will comply with the IDEM-approved Soil Management Plan and the related sampling requirements.

Sincerely,

Langan Engineering and Environmental Services, LLC

Joseph Good, PE, LEED AP
200 West Madison Street, Suite 2900
Chicago, Illinois 60606

Plews Shadley Racher & Braun LLP

Christopher J. Braun, Esq.
1346 North Delaware Street
Indianapolis, Indiana 46202-2415

DMD INDY
DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Variance of Use – Findings of Fact – June 18, 2026

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

_____ _____

_____ _____

_____

\fof-use.frm 2/23/10

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

The variance grant will allow the former Ford manufacturing plant to be developed as a data center campus. This variance grant 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 is already zoned I-3 for Medium Industrial Uses. As demonstrated through evidence in the record from the filed Trip Generation Memo from Langan Engineering, the proposed data center campus would generate fewer daily trips than either warehouse use or light industrial use of the property. Since data centers typically generate less traffic than many I-3 uses, the proposed use will generate materially fewer daily vehicle trips than what is already permitted in the I-3 zoning, such as distribution centers and manufacturing facilities. This reduction would significantly lower diesel commercial truck traffic demand. Additionally, the data center will be cooled using a closed-loop system, will potentially utilize the already-existing substation, and the petitioner will directly cover all incremental interconnection costs for any additional power. This ensures that the infrastructure costs necessary to serve the proposed use will be borne by the developer, and will not be passed on to the local ratepayers. This way, the proposed use will have adequate power by utilizing the existing substation 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. It is important to note that the proposed use will create less emissions than the permitted uses under the current I-3 zoning. Moreover, the proposed use will be safer for the public than many permitted uses under the current I-3 zoning because the data center will not create manufacturing waste.

All necessary approvals from relevant agencies, including the Department of Business and Neighborhood Services, and the Indiana Department of Environmental Management, shall be obtained. Further, the proposed use 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 current I-3 zoning.

Evidence in the record from the Report titled Summary of Air Emissions for the Proposed DC Blox Facility from Terracon provides a concise summary of the

expected air emissions from the proposed data center and demonstrates how the facility's operations will remain protective of public health and safety. Based on the facility's limited operating hours, DPS controls, and low actual emissions: the facility's contribution to local air pollution is expected to be minimal; emissions of particulate matter and hazardous air pollutants, the pollutants most associated with health impacts, are extremely low; and the facility's expected actual emissions are consistent with or lower than the permitted emissions from existing facilities in the surrounding industrial corridor. The petitioner has proactively committed to strict operating limits and advanced emissions-control technology to ensure that its facility remains a low-emitting, health-protective operation within the community. The data presented demonstrates that the facility's emissions are low and consistent with existing industrial activity in the area.

Evidence in the record from the Report titled Acoustic Letter of Opinion from Epsilon Associates, Inc. provides opinion on potential sound levels from the proposed data center project. The adjusted screening-level sound level calculations indicate that the Project has clear potential to meet its requirement of 65 dBA at the property line. As required, the petitioner will commission a detailed acoustic study to confirm this under both normal and emergency operations. The study will use industry-standard modeling to accurately predict potential sound levels and definitively assess Project compliance with the petitioner's sound level requirement. This three-dimensional model of the site will account for natural shielding effects from the onsite buildings, walls, and berms and other factors that influence how sound travels (e.g., ground absorption, etc.). It will also allow for mapping sound levels across the entire Project boundary, i.e., with sound level isolines. To help reduce sound at the property boundary, ground-mounted sound walls at the ends of the utility yards where generators are directly visible to the property boundary will be installed. Rooftop acoustic-screening walls for the cooling equipment will be considered if the future sound study shows the need to further mitigate sound from the Project.

Per the City's staff report, 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 Statute. 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 campus, including limitations on generator testing hours, sound level monitoring at theproperty line, required buffering and screening, use of a closed-loop cooling system, and potentially utilizing an existing electrical substation. Additionally, 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. A spill prevention, control, and countermeasure (SPCC) plan will be implemented in compliance with IDEM regulations. The petitioner has also committed 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. In addition, the Trip Generation Memo indicates the proposed use will generate materially fewer daily vehicle trips than the already existing I-3 zoning. Based on the proposed plans and applicable regulatory oversight, the requested Variance of Use does not create an unregulated or unchecked impact on public health, safety, morals, or general welfare beyond what is contemplated for industrial development within an I-3 zoning district. Because of the historical use of the property, the petitioner conducted research related to possible environmental contamination of the property. The previous owner enrolled the entire property in IDEM's Voluntary Remediation Program (VRP) in January 2015, that resulted in an Environmental Restrictive Covenant (ERC) on July 21, 2022. Following remediation operations, IDEM issued a Certificate of Completion in February 2023, and the State of Indiana issued a Covenant Not to Sue Ford. The current property owner developer coordinated with the Indiana Brownfield Program and conducted additional remediation operations that resulted in an updated ERC on March 21, 2025.

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 site to be developed as a data center campus per the site plan will not adversely affect adjacent properties. The site plan demonstrates transitional yard setbacks and mounding to assist in mitigating visual, noise, and operational impacts to adjacent properties.

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.

Evidence in the record from the Report titled Real Estate Market Impact Study from Terzo & Bologna, Inc. demonstrates that the proposed data center is both appropriate for this location and is not likely to impact the use and value of the surrounding real estate. It is to be located within a historically established industrial zoning district and will be buffered from residential areas by other industrial uses, will include strategic landscaping and other natural boundaries. The data center will be of less intensive industrial use than the former Ford Visteon manufacturing plant and will be surrounded by other industrial developments with similar or more intensive uses. Overall, it aligns with local land use patterns. Based on their research and analysis it is their opinion that the proposed data center development is not expected to create adverse impacts on surrounding real estate values.
Additionally, the proposed use is consistent with the existing industrial development pattern and density across the nearby area. Residentially zoned properties near this area have existed adjacent to similar and more industrially intensive uses without adverse effects. The proposed use encourages compatible development because of its industrial character, which is a less intensive use than what is currently permitted under the I-3 medium industrial zoning. Further, the proposed use will include significant setbacks, mounding, and landscaping, adding a potentially more aesthetically pleasing view than a manufacturing facility or distribution center permitted under the current zoning would. Per the Trip Generation Memo filed and associated with the petition, there is anticipated to be no increase in traffic from other permitted industrial uses, but instead the proposed data center campus will generate far fewer trips than estimated for other permitted industrial uses of the property which is located within an industrial commerce center business park. The proposed use will not increase the intensity beyond what is already contemplated under the current zoning, and will not be a substantial deviation from neighborhood character beyond the current permitted uses.

Per the City's staff report, the subject site's size, configuration, and separation from the nearby protected district (Pennsy Trail), combined with enhanced transitional yards, existing easements and operational commitments, materially reduce potential off-site impacts with strict adherence to the commitments to install enhanced

screening to neighboring properties. Vehicular circulation, and egress associated with the proposed data center campus would be limited to existing access points along Fintail Drive and would not introduce large deviations of current traffic impacts along English Avenue, 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. 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-3 zoning.

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 an existing substation already located on the parcel, 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 local electric utility's power supply limits where data center uses can be located, this property is peculiarly situated in an ideal location with available transmission. This property has great connections to the existing electrical grid, as a substation already exists on the property, and also has surplus acreage available for a new substation to serve the data center campus energy consumption needs. Access to high-capacity electrical infrastructure makes the property uniquely suited for data center development compared to typical industrial parcels. It is an existing medium 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 major interstate highways also help to make this an ideal location for the project. These infrastructure characteristics are not commonly available across typical industrial parcels within the district and therefore distinguish the subject property from other properties within the same zoning classification.

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

smaller industrial parcels. The site is currently zoned as I-3 medium industrial, which permits manufacturing and distribution centers. While the ordinance doesn't expressly provide "data center" as a permitted use, the operational characteristics of the proposed campus align closely with the I-3 medium industrial zoning district. 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. The combination of site size, depth, infrastructure access, and prior industrial use constitutes conditions peculiar to the property that support the requested variance.

Per the City's staff report, the subject property is a portion of an industrial area 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-3 for development of large-scale (over 272 acres) industrial uses. One of the uses occupied approximately 152 acres that provided for operation of a vehicle manufacturing facility between 1957 and 2012. 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 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.

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 necessary 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 campus project cannot be developed as proposed even though (a) the property is zoned medium industrial, (b) the proposed data center campus is consistent with medium industrial uses approved within the current zoning, and (c) the filed site plan and commitments would provide significant assurances, safeguards, and protections to nearby properties and the general

community at large. Currently, the property remains undeveloped and vacant. Thus, the unnecessary hardship arises from the absence of a defined data center use classification within the ordinance, not from any action taken by the current owner.

Per the City's staff report, 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.

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

The comprehensive plan is not materially different from the project use. The comprehensive plan indicates that the area is intended for heavy industrial uses. Since the project already aligns with the nature of the current industrial designation in the comprehensive plan, the proposed use does not interfere with the comprehensive plan whatsoever, and certainly not substantially. This area is already an established industrial area, with surrounding properties that include a distribution center, a recycling center, a towing service, and several other warehouses. The addition of the proposed data center use fits seamlessly within the comprehensive plan and the surrounding areas and fully aligns within the nature of the area. Further, the proposed use would be a significantly less intensive use than what uses are already permitted. Data centers do not generate the same level of emissions as other industrial uses do. And, data centers don't create manufacturing waste, unlike many other uses which would be permitted in the comprehensive plan.

This project would not substantially interfere with the comprehensive plan, if at all. According to Merriam-Webster, "substantial" means "considerable in quantity: significantly great." *Substantial,* MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/substantial#dictionary-entry-1 (last visited Mar. 17, 2026). Accordingly, "[i]t is not every interference with the Comprehensive Plan which will preclude the granting of a zoning variance. The only burden upon a petitioner for a variance in this respect is that he show that it does not 'substantially interfere.'" *Suess v. Vogelgesang*, 281 N.E.2d 536, 539 (1972). Requests which interfere with the comprehensive plan to a greater degree than the current project have been found not to "substantially interfere" with the property. For example, operation of a convenience store in a residentially zoned parcel was held not to substantially interfere with the comprehensive plan. *Jansen*, 302 N.E.2d at 543-44. Similarly, the operation of a physician's office in a residential house did not substantially interfere

with the comprehensive plan. *Vogelgesang*, 281 N.E.2d at 539. While these cases involve the operation of a business within a residential area, this project contemplates operation of an industrial use within an industrial zoning, which already conforms to the comprehensive plan. By comparison, the present project does not appear to interfere with the comprehensive plan at all.

Per the City's staff report, the current request for a Variance of Use seeks approval of a data center campus, 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-3 zoning district. The variance does not introduce a new land use category, nor does it represent a further departure from the Comprehensive Plan. Accordingly, staff finds that the requested Variance of Use does not materially conflict with the Comprehensive Plan recommendation of heavy industrial and Industrial Reserve overlay when considered in the context of the existing I-3 zoning, and that the proposal continues to advance an industrial use consistent with the established zoning framework for the site.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Variance of Use – Findings of Fact – May 28, 2026

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

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

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
Please see attached.

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

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
Please see attached.

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

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____ , 20 ____

_____ _____

_____ _____

_____

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

The variance grant will allow the former Ford manufacturing plant to be developed as a data center campus. This variance grant 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 is already zoned I-3 for Medium Industrial Uses. As demonstrated through evidence in the record from the filed Trip Generation Memo from Langan Engineering, the proposed data center campus would generate fewer daily trips than either warehouse use or light industrial use of the property. Since data centers typically generate less traffic than many I-3 uses, the proposed use will generate materially fewer daily vehicle trips than what is already permitted in the I-3 zoning, such as distribution centers and manufacturing facilities. This reduction would significantly lower diesel commercial truck traffic demand. Additionally, the data center will be cooled using a closed-loop system, will potentially utilize the already-existing substation, and the petitioner will directly cover all incremental interconnection costs for any additional power. This ensures that the infrastructure costs necessary to serve the proposed use will be borne by the developer, and will not be passed on to the local ratepayers. This way, the proposed use will have adequate power by utilizing the existing substation 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. It is important to note that the proposed use will create less emissions than the permitted uses under the current I-3 zoning. Moreover, the proposed use will be safer for the public than many permitted uses under the current I-3 zoning because the data center will not create manufacturing waste.

All necessary approvals from relevant agencies, including the Department of Business and Neighborhood Services, and the Indiana Department of Environmental Management, shall be obtained. Further, the proposed use 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 current I-3 zoning.

Concerns related to potential impacts of the proposed data center use, including noise, operation of diesel-fueled generators, and overall energy consumption have

been addressed. 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 Statute. 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 suggested action that directly regulates operational characteristics of the data center campus, including use of a closed-loop cooling system and potentially utilizing an existing electrical substation. Additionally, 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. A spill prevention, control, and countermeasure (SPCC) plan will be implemented in compliance with IDEM regulations. The petitioner has also committed 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. In addition, the Trip Generation Memo indicates the proposed use will generate materially fewer daily vehicle trips than the already existing I-3 zoning. Based on the proposed plans and applicable regulatory oversight, the requested Variance of Use does not create an unregulated or unchecked impact on public health, safety, morals, or general welfare beyond what is contemplated for industrial development within an I-3 zoning district.

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 site to be developed as a data center campus per the site plan will not adversely affect adjacent properties. The site plan demonstrates transitional yard setbacks and mounding to assist in mitigating visual, noise, and operational impacts to adjacent properties.

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 the nearby area. Residentially zoned properties near this area have existed adjacent to similar and more industrially intensive uses without adverse effects. The proposed use encourages compatible development because of its industrial character, which is a less intensive use than what is currently permitted under the I-3 medium industrial zoning. Further, the proposed use will include significant setbacks, mounding, and landscaping, adding a potentially more aesthetically pleasing view than a manufacturing facility or distribution center permitted under the current zoning would. Per the Trip Generation Memo filed and associated with the petition, there is anticipated to be no increase in traffic from other permitted industrial uses, but instead the proposed data center campus will generate far fewer trips than estimated for other permitted industrial uses of the property which is located within an industrial commerce center business park. The proposed use will not increase the intensity beyond what is already contemplated under the current zoning, and will not be a substantial deviation from neighborhood character beyond the current permitted uses.

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 an existing substation already located on the parcel, 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 local electric utility's power supply limits where data center uses can be located, this property is peculiarly situated in an ideal location with available transmission. This property has great connections to the existing electrical grid, as a substation already exists on the property, and also has surplus acreage available for a new substation to serve the data center campus energy consumption needs. Access to high-capacity electrical infrastructure makes the property uniquely suited for data center development compared to typical industrial parcels. It is an existing medium 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 major interstate highways also help to make this an ideal location for the project. These infrastructure characteristics are not commonly available across typical industrial parcels within the district and

therefore distinguish the subject property from other properties within the same zoning classification.

The subject property is a large, contiguous industrial tract with significant depth, existing utility easements, and proximity to high-capacity electrical transmission infrastructure, including an already existing substation. Its size and configuration allow for considerable transitional yards and buffering that would not be feasible on smaller industrial parcels. The site is currently zoned as I-3 medium industrial, which permits manufacturing and distribution centers. While the ordinance doesn't expressly provide "data center" as a permitted use, the operational characteristics of the proposed campus align closely with the I-3 medium industrial zoning district. 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. The combination of site size, depth, infrastructure access, and prior industrial use constitutes conditions peculiar to the property that support the requested variance.

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 necessary 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 campus project cannot be developed as proposed even though (a) the property is zoned medium industrial, (b) the proposed data center campus is consistent with medium industrial uses approved within the current zoning, and (c) the filed site plan and commitments would provide significant assurances, safeguards, and protections to nearby properties and the general community at large. Currently, the property remains undeveloped and vacant. Thus, the unnecessary hardship arises from the absence of a defined data center use classification within the ordinance, not from any action taken by the current owner.

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

The comprehensive plan is not materially different from the project use. The comprehensive plan indicates that the area is intended for heavy industrial uses.

Since the project already aligns with the nature of the current industrial designation in the comprehensive plan, the proposed use does not interfere with the comprehensive plan whatsoever, and certainly not substantially. This area is already an established industrial area, with surrounding properties that include a distribution center, a recycling center, a towing service, and several other warehouses. The addition of the proposed data center use fits seamlessly within the comprehensive plan and the surrounding areas and fully aligns within the nature of the area. Further, the proposed use would be a significantly less intensive use than what uses are already permitted. Data centers do not generate the same level of emissions as other industrial uses do. And, data centers don't create manufacturing waste, unlike many other uses which would be permitted in the comprehensive plan.

This project would not substantially interfere with the comprehensive plan, if at all. According to Merriam-Webster, "substantial" means "considerable in quantity: significantly great." *Substantial,* MERRIAM-WEBSTER, https://www.merriam-webster.com/dictionary/substantial#dictionary-entry-1 (last visited Mar. 17, 2026). Accordingly, "[i]t is not every interference with the Comprehensive Plan which will preclude the granting of a zoning variance. The only burden upon a petitioner for a variance in this respect is that he show that it does not 'substantially interfere.'" *Suess v. Vogelgesang*, 281 N.E.2d 536, 539 (1972). Requests which interfere with the comprehensive plan to a greater degree than the current project have been found not to "substantially interfere" with the property. For example, operation of a convenience store in a residentially zoned parcel was held not to substantially interfere with the comprehensive plan. *Jansen*, 302 N.E.2d at 543-44. Similarly, the operation of a physician's office in a residential house did not substantially interfere with the comprehensive plan. *Vogelgesang*, 281 N.E.2d at 539. While these cases involve the operation of a business within a residential area, this project contemplates operation of an industrial use within an industrial zoning, which already conforms to the comprehensive plan. By comparison, the present project does not appear to interfere with the comprehensive plan at all.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Variance of Development Standards – Findings of Fact – June 18, 2026

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

Please see attached.

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:

Please see attached.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Please see attached.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____ , 20 ____

_____ _____

_____ _____

_____

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

Generally, the variance grant will not be injurious to the community because it would allow for the development of this property in a way compatible with the surrounding development, which are almost all industrial properties located across Kitley Avenue and English Avenue. The variance grant would allow for the development of the vacant, unused property in a highly secure and well-maintained manner which would improve safety over the property's currently vacant and unused state. The on-site security of the facility would also benefit the neighbors.

The variance grant would not increase traffic in this community over and above other potential I-3 uses. Generally, traffic generated by proposed data center development would be significantly less than the former use of a manufacturing facility and other similar uses. This reduction in traffic would include substantially less demand for on-site parking.

The variance grant to allow Minimum Off-Street Vehicle Parking Spaces required at 250 spaces if developed as a data center campus will not be injurious but will be a benefit of the community by reducing the paved surface required at the campus. Additional parking over and above 250 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.

Per the City's staff report, 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 Sec. 744-105. The petitioner has provided documentation that the nature of the proposed data center 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.

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 grant will not affect the use or value of adjacent properties in a substantially adverse manner. The variance grant 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 Data Center Site Plan. The surrounding area is largely industrial with a few residential properties. With the anticipated improvements, the value of this property is anticipated to increase, therefore and thereby benefiting neighboring properties in the community.

The variance grant would allow for the adequate amount of on-site parking needed for the proposed use. The variance grant to allow Minimum Off-Street Vehicle Parking Spaces Required at 250 spaces if developed as a data center campus will not adversely affect adjacent properties but will be a benefit to them by reducing the paved surface required at the technology park.

The variance grant would not increase traffic in the adjacent areas over and above other potential I-3 uses. Generally, traffic generated by data center uses would be much less than what would be experienced or expected with surrounding uses such as distribution facilities and manufacturing plants authorized under the current zoning. This reduction in traffic would include substantially less demand for on-site parking.

Per the City's staff report, 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 Sec. 744-105. The petitioner has provided documentation that the nature of the proposed data center 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.

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 data center use. The hardship and significant economic injury are not self-created, but are created by the property's size, shape, and location and width of existing utility easements on the property.

The strict application will result in additional paving for parking spaces that will never be used. The data center campus 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 250 parking spaces provided. Practical difficulties will ensue is additional parking spaces are mandated as additional spaces would be costly and would not be able to be located in the most efficient locations nearest the proposed data center buildings.

Per the City's staff report, 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 Sec. 744-105. The petitioner has provided documentation that the nature of the proposed data center 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. 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.

DEPARTMENT OF METROPOLITAN DEVELOPMENT
DIVISION OF PLANNING | CURRENT PLANNING

Department of Metropolitan Development
Division of Planning
Current Planning

Variance of Development Standards – Findings of Fact - May 28, 2026

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

Please see attached.

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:

Please see attached.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Please see attached.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

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

Generally, the variance grant will not be injurious to the community because it would allow for the development of this property in a way compatible with the surrounding development, which are almost all industrial properties located across Kitley Avenue and English Avenue. The variance grant would allow for the development of the vacant, unused property in a highly secure and well-maintained manner which would improve safety over the property's currently vacant and unused state. The on-site security of the facility would also benefit the neighbors.

The variance grant would not increase traffic in this community over and above other potential I-3 uses. Generally, traffic generated by proposed data center development would be significantly less than the former use of a manufacturing facility and other similar uses. This reduction in traffic would include substantially less demand for on-site parking.

The variance grant to allow Minimum Off-Street Vehicle Parking Spaces required at 250 spaces if developed as a data center campus will not be injurious but will be a benefit of the community by reducing the paved surface required at the campus. Additional parking over and above 250 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.

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 Sec. 744-105. The proposed data center 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.

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 grant will not affect the use or value of adjacent properties in a substantially adverse manner. The variance grant 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 Data Center Site Plan. The surrounding area is largely industrial with a few residential properties. With the anticipated improvements, the value of this property is anticipated to increase, therefore and thereby benefiting neighboring properties in the community.

The variance grant would allow for the adequate amount of on-site parking needed for the proposed use. The variance grant to allow Minimum Off-Street Vehicle Parking Spaces Required at 250 spaces if developed as a data center campus will not adversely affect adjacent properties but will be a benefit to them by reducing the paved surface required at the technology park.

The variance grant would not increase traffic in the adjacent areas over and above other potential I-3 uses. Generally, traffic generated by data center uses would be much less than what would be experienced or expected with surrounding uses such as distribution facilities and manufacturing plants authorized under the current zoning. This reduction in traffic would include substantially less demand for on-site parking.

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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 data center use. The hardship and significant economic injury are not self-created, but are created by the property's size, shape, and location and width of existing utility easements on the property.

The strict application will result in additional paving for parking spaces that will never be used. The data center campus 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 250 parking spaces provided. Practical difficulties will ensue is additional parking spaces are mandated as additional spaces would be costly and would not be able to be located in the most efficient locations nearest the proposed data center buildings.

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View looking north along Fintail Drive

View of site looking west across Fintail Drive

View of site looking west across Fintail Drive

View of site looking west across Fintail Drive

View of site looking west across Fintail Drive

View of site looking northwest across Fintail Drive

View of site looking northwest across Fintail Drive

View looking north from Fintail Drive towards the Pennsy Trail

View looking northeast across Fintail Drive at adjacent land under development

View looking east across Fintail Drive at adjacent land under development

View looking east across Fintail Drive at adjacent land under development

View looking east across Fintail Drive at adjacent land under development

View looking east across Fintail Drive at adjacent land under development