



Department of Metropolitan Development
Division of Planning
Current Planning

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

June 12, 2025

Case Number: 2025-CZN-814 / 2025-CVR-814

Property Address: 3043, 3451, 3511, and 3801 South Post Road, 9405, 9609, 9611, and 9931 East Troy Avenue, 3430, 3440, and 3610 Davis Road, and 9500 Vandergriff Road (Approximate Addresses)

Location: Franklin Township, Council District #20

Petitioner: Deep Meadow Ventures, LLC, by Joseph D. Calderon

Current Zoning: D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW)

Request: Rezoning of 467.66 acres from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a building height of 75 feet (maximum 38-foot building height permitted) and no maximum front yard setback (maximum front yard setback of 85 feet permitted).

Current Land Use: Residential / Agricultural / Undeveloped

Staff Recommendations: Approval with commitments and conditions.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was automatically continued from the April 10, 2025 hearing to the May 15, 2025 hearing at the request of a Registered Neighborhood Organization.

The petition was continued for cause from the May 15, 2025 hearing to the June 12, 2025 hearing at the request of staff to allow additional time for the petitioner to submit additional information for review.

Staff was informed that the petitioner may intend to request a two-week **continuance for cause from the June 12, 2025 hearing to the June 26, 2025 hearing**, which staff would support. It is staff's understanding that the registered neighborhood organization who filed the automatic continuance is also in agreement with a continuance. Staff is in agreement with a two-week continuance, but would prefer a continuance to the July 10, 2025 hearing.

STAFF RECOMMENDATION

Staff **recommends approval** of the rezoning subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three (3) days prior to the MDC hearing:

1. A 40-foot half right-of-way shall be dedicated along the frontages of Troy Avenue, Davis Road, and Vandergriff Road as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A 59.5-foot half right-of-way shall be dedicated along the frontage of Post Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

Staff **recommends approval** of the rezoning and variances subject to the following conditions:

1. Documentation from AES and Citizens Energy Group shall be provided confirming that the plans and proposed development has been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.
2. The Traffic Impact Study shall be submitted for review and comment by the Department of Public Works.
3. The petitioner shall work with the division of Trails and Greenways and Department of Public Works to outline perimeter connectivity for a trail system.
4. A final C-S Statement shall be submitted to staff prior to the hearing that addresses the changes to the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

PETITION OVERVIEW

LAND USE

The 467.66-acre subject site is comprised of 13 parcels. The majority of the parcels are undeveloped agricultural land, but five (5) parcels are developed with a mix of single-family dwellings, accessory structures, cattle farm, and agricultural accessory buildings.

REZONING

The request would rezone the property from the D-A (FF) (FW), C-4 (FF) (FW), and SU-43 (FF) (FW) districts to the C-S (FF) (FW) district for a data center campus development, and uses including light manufacturing, all research and development, utilities, agricultural uses, buildings and structures, as permitted in I-1 and office uses, as permitted in C-1. Permitted accessory uses would include utility

structures, such as power substations, water towers, and overhead and underground powerlines and wastewater treatment facilities, outdoor storage, renewable energy facility, satellite dish antenna, signs, and temporary construction yard, office, or equipment storage.

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low-density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

The SU-43 district only permits the use of power transmission lines.

The Special Commercial district (C-S) is established for the following purposes:

1. To encourage:
 - i. A more creative approach in land planning.
 - ii. Superior site and structural design and development.
 - iii. An efficient and desirable use of open space.
2. To provide for a use of land with high functional value.
3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.
4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural, or social significance, unusual topography, landscape amenities, and other special land characteristics.
5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design, or function, and can be intermixed, grouped, or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage, and wildlife.

VARIANCE OF DEVELOPMENT STANDARDS

The grant of the request would allow for a building height of 75 feet and no maximum front yard setback.

Per Table 744-201-3, the C-S district in the Metro Context area has a maximum building height of 35 feet along transitional yards. Buildings and structures height along a transitional yard may increase one foot per one foot of additional side setback up to 45 feet.

Fronts along primary thoroughfares have a maximum of 85 feet from the proposed right-of-way or existing right-of-way, whichever is greater. Fronts along freeways do not have a maximum setback.

FLOODWAY / FLOODWAY FRINGE

This site has a secondary zoning classification of a Floodway (FW) and Floodway Fringe (FF). The Floodway (FW) is the channel of a river or stream, and those portions of the floodplains adjoin the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the base flood of any river or stream. The Floodway Fringe (FF) is the portion of the regulatory floodplain that is not required to convey the 100-year frequency flood peak discharge and lies outside of the floodway.

The purpose of the floodway district is to guide development in areas identified as a floodway. The Indiana Department of Natural Resources (IDNR) exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1.

The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. Unless otherwise prohibited, all uses proposed in the C-S are permitted, subject to certain development standards of the Flood Control Secondary Zoning Districts Ordinance.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 40-foot half right-of-way along Troy Avenue, Davis Road, and Vandergriff Road and 59.5-foot half right-of-way along Post Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

A traffic impact study was requested by the Department of Public Works. To staff's knowledge, this study has yet to be submitted. If it was submitted to DPW, then staff is unaware of any findings proposed within the study at this time.

Therefore, staff requests that traffic impact study be submitted for review and comment by the Department of Public Works.

STAFF ANALYSIS

The site falls within multiple land use typologies of the Comprehensive Plan with the majority being non-residential recommendations that include light industrial, office/industrial mixed-use, and regional commercial that make up more than half of the site on the western end. The eastern portion of the site notes rural or estate neighborhood typology. There are other typologies that make up a small fraction of the site which are floodway and linear park recommendation.

With regards to the Comprehensive Plan recommendations, as a whole staff determined that the proposed uses would be compatible with the uses recommended in the light industrial, office/industrial mixed-use, and regional commercial recommendations. Because a data center in particular is not called out in the Comprehensive Plan, staff has the flexibility to make the interpretation where the use would be appropriate based on size of the property, proposed layout of the development, and the context of the surrounding area.

Due to the site's proximity to I-74 and the entrance and exit ramps, it would be a prime location for access to the facility. As proposed, the entrance to the site would be off Post Road which already has truck traffic for the adjacent industrial and commercial uses located along this primary arterial street.

C-S STATEMENT

The C-S Statement proposes a variety of uses to be permitted within this C-S district. Little is mentioned regarding landscaping, but the landscape plan would be subject to Administrative Approval due to the C-S zoning district and the review would reflect the landscape details included in this report.

Permitted sign types are mentioned and would ultimately need to meet the Sign Regulations of the Ordinance when submitted for Administrative Approval. The site plan provided is a Concept Plan and the final site and development plan will be submitted for Administrative Approval.

Staff requests that a final C-S Statement be submitted prior to the hearing to note the changes in the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

NOISE

Staff was informed that an initial noise study was completed for the project and resulted in a 63dBA level at the property line under peak operation conditions which would be the hottest day of the year with all servers being utilized. A copy of this study was not submitted to the case file.

The petitioner proposed a commitment that the maximum noise level at the property line once fully operational shall not exceed 65 decibels, except for emergency use of generators or periods of testing emergency generators.



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WATER

Staff was informed that the site would be planned to utilize two to three million gallons of water. According to the petitioner's representative, Citizens Energy Group has indicated the required volume of water is available to the project on a max day (hottest day of the year and all computing equipment being utilized).

A letter or memorandum from Citizens Energy Group has not been provided to staff confirming this information. Therefore, staff would request that documentation from Citizens Energy Group be provided confirming that the plans and proposed development have been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.

ELECTRICITY

AES is the power company that will provide electricity to the project site. Staff was informed that AES has helped identify and evaluate the site for feasibility. They are working to determine how much electrical power is needed and working to ensure the site can be supplied.

A letter or memorandum from AES has not been provided to staff confirming whether the project is feasible. Therefore, staff would request that documentation from AES be provided confirming that the plans and proposed development have been reviewed to determine that they are able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity.

LINEAR PARK

There is a linear park recommendation of the Comprehensive Plan that should be considered and incorporated into the site design layout. The Southeast Trail is proposed through the Indy Greenways Full Circle Master Plan, Part One (2014).

The client has committed to keeping the land between Ficher Ditch and Troy Avenue as open space and working with the City of Indianapolis DPW Trails and Greenways to accommodate a portion of the Southeast Trail through the portion of the site between Ficher Ditch and Troy Avenue.

However, Staff would request further discussions occur between both parties to outline perimeter connectivity for a trail system since only proposing a section along Troy Avenue would ultimately hinder possible connections to this section of the trail preventing the planned trail from coming to fruition.

STREAM PROTECTION CORRIDOR

The site has two (2) Stream Protection Corridors that run along Ficher Ditch on the north section of the site and Miller Ditch on the south section the site. Both named ditches require 50-foot-wide corridors in the Metro Context area measured parallel to the top of bank on both sides.

The following activities are permitted within the Stream Protection Corridor:

- a. Flood control structures.

- b. Residential support facilities and recreational facilities, such as trail or hiking paths, docks, picnic shelter, scenic overlook, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- c. Minor residential features, decks associated with an individual dwelling unit, mini- barns or sheds that are 200 square feet or less and are not on a permanent foundation, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.
- d. Passive uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and public and private parkland.
- e. Crossings, subject to the following, and as approved by the Administrator:
 - 1. Road or railroad crossings, with the right-of-way the minimum width needed to allow for maintenance access and installation and with the angle of the crossing to be perpendicular to the stream. In the case of proposed development or modification to existing development, there shall be one stream crossing per development project, to be no closer than 1000 feet to any other crossing.
 - 2. Intrusions necessary to provide access to a property provided that the angle of crossing is perpendicular to the stream in order to require less buffer clearing.
 - 3. Public sewer or utility easement crossings, including such land disturbance and impervious cover as is necessary for operation and maintenance, including, but not limited to, manholes, vents, and valve structures.
 - 4. Livestock crossings.

Disturbances in the Stream Protection Corridor. Any tree or vegetation removal must be replaced with native species of shade trees and shrubs at the rate of one shade tree and 4 large shrubs per 1,000 square feet of disturbed area.

The site plan notes the only disruptions to these corridors would be the road crossings proposed.

BUILDING HEIGHT

A Rezoning Height Exhibit was submitted to indicate the area on site that would allow for the 75-foot maximum building height and an area that indicates 50-foot maximum building heights with 65-foot maximum equipment height for water tanks and cooling equipment.

Actual renderings of the anticipated buildings have not been provided, but an example rendering was submitted and included in this report.

Because the plan calls for a 150-foot landscape buffer zone, with an additional 50-foot building setback for a total minimum setback of 200 feet in addition to the proposed 10- to 15-foot-tall mounds with deciduous trees and six-foot tall evergreen trees to be installed within the first phase of development, the height variance request is supportable.

ADDITIONAL ITEMS

Staff requested that the existing above ground utilities be buried with the development of the site, to which the petitioner's representative confirmed they would work with the owners of the existing utilities to facilitate burial of existing overhead utility lines where feasible.

The amended site plan notes the location of a cattle fence, an ornamental security fence and another area for a security fence. Based on information relayed to staff, there will be a four-foot cattle fence along the perimeter of the site, an eight-foot-tall decorative security fence at the main entrance, an eight-foot-tall anti-climb security fence, an eight-foot-tall black coated chain link fence around the storm water management basins, and an eight-foot tall, barbed wire fence around the electrical substations. The petitioner should be aware that the maximum fence height for the C-S district is 3.5 feet in the front yard and six (6) feet in the side and rear yards. Additionally, barbed wire is prohibited. Variances would need to be sought to exceed the height limitations and for the inclusion of barbed wire. Staff would not support the barbed wire proposal.

CONCLUSION

Staff is recommending approval of the rezoning and variance request subject to two (2) right-of-way dedication commitments and four (4) conditions as indicated previously regarding documentation from AES and Citizens Energy Group to be provided to staff confirming that they will be able to provide the necessary services or that the petitioner will assist to provide improvements to meet the capacity, the traffic impact study shall be submitted for review and comment by the Department of Public Works, the petitioner to work with Trails and Greenways and DPW to outline perimeter connectivity for a trail system, and for the submittal of a final C-S Statement prior to the hearing that addresses the changes to the proposed height limitation areas, 200-foot building setbacks, and 150-foot setbacks for all other structures.

GENERAL INFORMATION

Existing Zoning	Enter Zoning and Secondary Districts	
Existing Land Use	Residential / Agricultural / Undeveloped	
Comprehensive Plan	Light Industrial, Office/Industrial Mixed-Use, Regional Commercial, Rural or Estate Neighborhood, Floodway, and Linear Park.	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North: D-A	Residential / Agricultural
	South: D-A / C-5	Residential / Commercial
	East: D-A / D-2 / D-P / SU-43	Residential / Transmission Easement
	West: SU-1 / C-S / C-4 /	Church / Industrial / Commercial
Thoroughfare Plan		
Post Road	Primary Arterial Street	119-foot proposed right-of-way and 50-foot existing right-of-way.
Troy Avenue	Primary Collector Street	80-foot proposed right-of-way and 40-foot existing right-of-way.

Davis Road	Primary Collector Street	80-foot proposed right-of-way and 45-foot existing right-of-way.
Vandergriff Road	Primary Collector Street	80-foot proposed right-of-way and 30-foot existing right-of-way.
I-74	Freeway	205-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 5, 2025	
Site Plan (Amended)	May 29, 2025	
Elevations	May 29, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	February 26, 2025	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	February 26, 2025	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Greenways Full Circle Master Plan, Part One (2014).
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial, office/industrial mixed-use, regional commercial, rural or estate neighborhood, floodway, and linear park typologies.
- The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts,

laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.

- **Light Industrial Uses**
 - 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.
- The Office/Industrial Mixed-Use (Business Park) typology is intended to provide for light industrial, distribution, and office uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. The typology is characterized by groups of buildings within office/warehouse parks. Examples of typical uses include warehousing, wholesaling, research and development facilities, testing and evaluation facilities, offices, education resource centers, assembly of high technology products, and conference centers. Industrial or truck traffic should be separated from local/ residential traffic in this typology.
- **Conditions for All Land Use Types**
 - Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Light Industrial Uses**
 - 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.
- **Research and Production of High-Technology or Biotechnology Related Goods**
 - Recommended without additional conditions.
- **Offices**
 - Recommended without additional conditions.
- The Regional Commercial typology provides for general commercial, and office uses that serve a significant portion of the county rather than just the surrounding neighborhoods. Uses are usually in large freestanding buildings or integrated centers. Typical examples include shopping malls, strip shopping centers, department stores, and home improvement centers.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- **Large-Scale Offices**
 - Pedestrian connections between buildings should be provided.
 - Street connections to perimeter roads should be provided.
- The Rural or Estate Neighborhood typology applies to both rural or agricultural areas and historic, urban areas with estate-style homes on large lots. In both forms, this typology prioritizes the exceptional natural features – such as rolling hills, high quality woodlands, and wetlands – that make these areas unique. Development in this typology should work with the existing topography as much as possible. Typically, this typology has a residential density of less than one dwelling unit per acre unless housing is clustered to preserve open space.

- The Floodway category delineates areas that exhibit a great potential for property loss and damage from severe flooding, or for water quality degradation. No development should occur within the floodway. Nonconforming uses currently within a floodway should not be expanded or altered.
- The Environmentally Sensitive Areas (ES) Overlay is intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected. The purpose of this overlay is to prevent or mitigate potential damage to these resources caused by development. This overlay is also appropriate for areas that present an opportunity to create a new environmental asset. This overlay is not intended for the preservation of open space.
- When located in environmentally sensitive areas the following uses are removed from the recommendations: light industrial uses and research and production of high-technology or biotechnology related goods.

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 site falls within the Indy Greenways Full Circle Master Plan, Part One (2014) and Indy Moves Transportation Integration Plan (2018).
- A multi-use path is proposed along Post Road from Hanna Avenue to the Pennsy Trail.
- A greenway, specifically the Southeast Trail is proposed through the subject site. At this point, the route shares the overhead utility easement with the Southeast Trail for 0.8 miles, extending northeast to the intersection of Edgewood and Shelbyville Road.



SOUTHEAST TRAIL PROPOSAL

ZONING HISTORY

Zoning History – Site

2015-ZON-078; 3511 South Post Road (subject site), Rezoning of 38 acres from the C-4 district to the I-2-S classification to provide for a distribution facility, **withdrawn**.

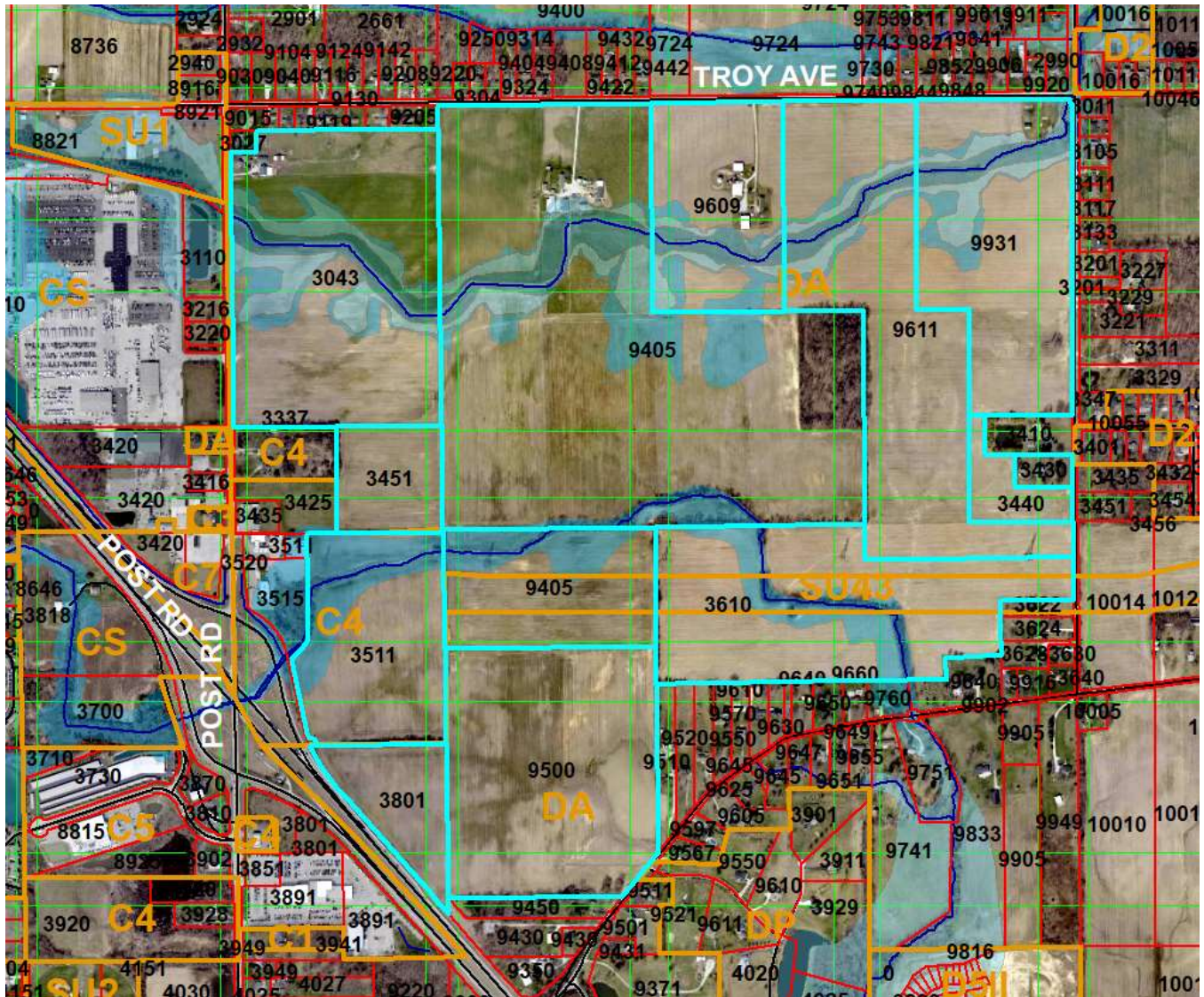
2005-ZON-181; 3801 South Post Road (subject site,) Rezoning of 11.13 acres, being in the D-A District, to the C-4 classification to provide for community-regional commercial uses, **withdrawn**.

2000-ZON-009; 3513 South Post Road, (subject site) Rezoning of 37.982 acres from C-4 and D-A to C-S, to provide for C-4 and C-6 uses and light and medium industrial uses, **withdrawn**.

90-Z-13; (south of site), Rezoning of 40.59 acres from D-A to C-4, **approved**.

61-Z-101; (subject site), Rezoning from the A-2, R-3, and B-4 to classification special use (43) – Electric power transmission tower lines of a strip of land one hundred and fifty feet in width for an electric transmission tower line extending from a Station Site of Indianapolis Power & Light Company, located adjacent to Hanna Avenue and the New York Central Railroad in Section 26, in generally Easterly direction through Franklin Township, consisting of three long East-West tangents connected by two short diagonals in Section 26, 25, 30, 29, 28, and 27, to the Hancock County line about 1 ½ miles south of the County Home, **approved**.

EXHIBITS

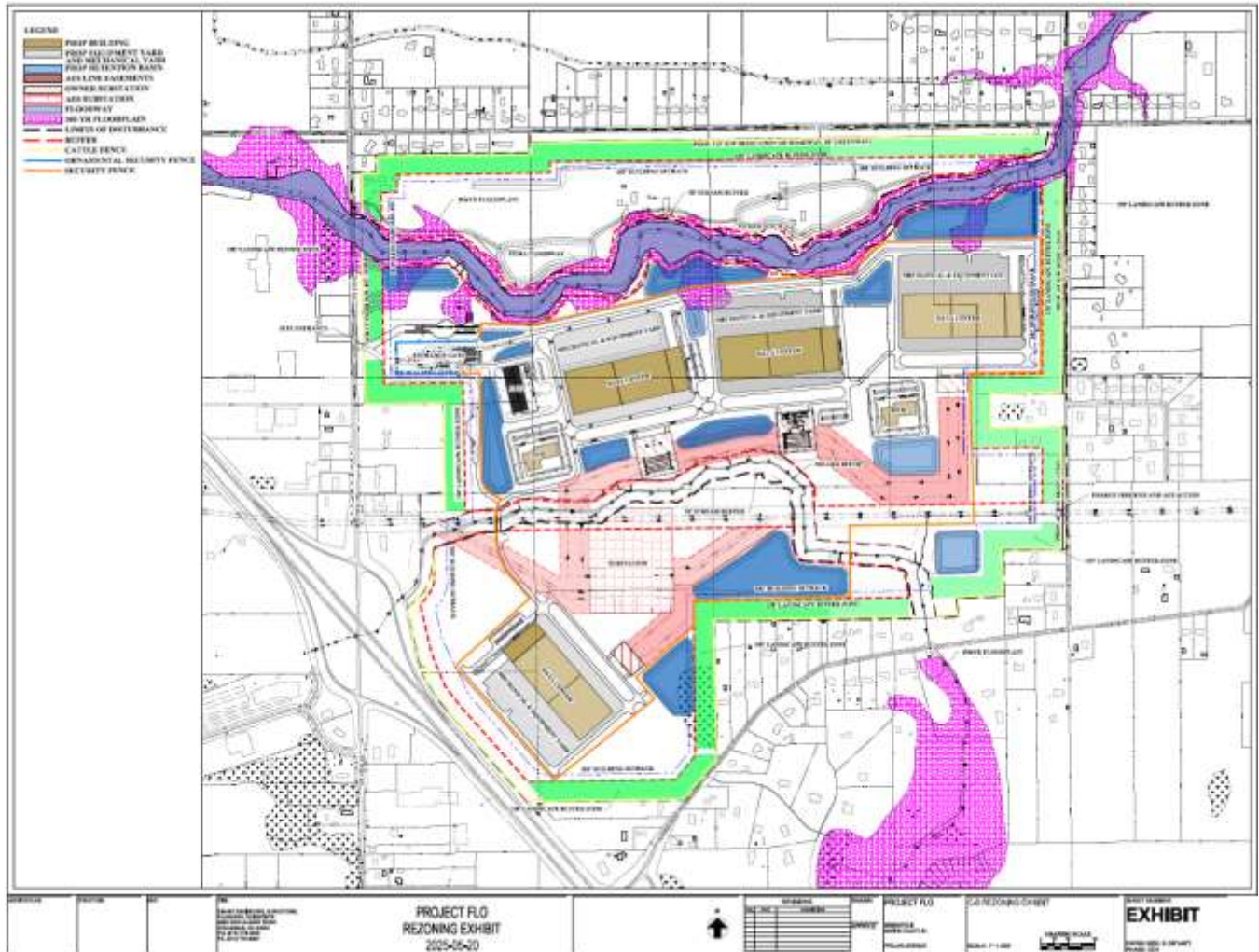


AERIAL WITH FLOOD PLAINS

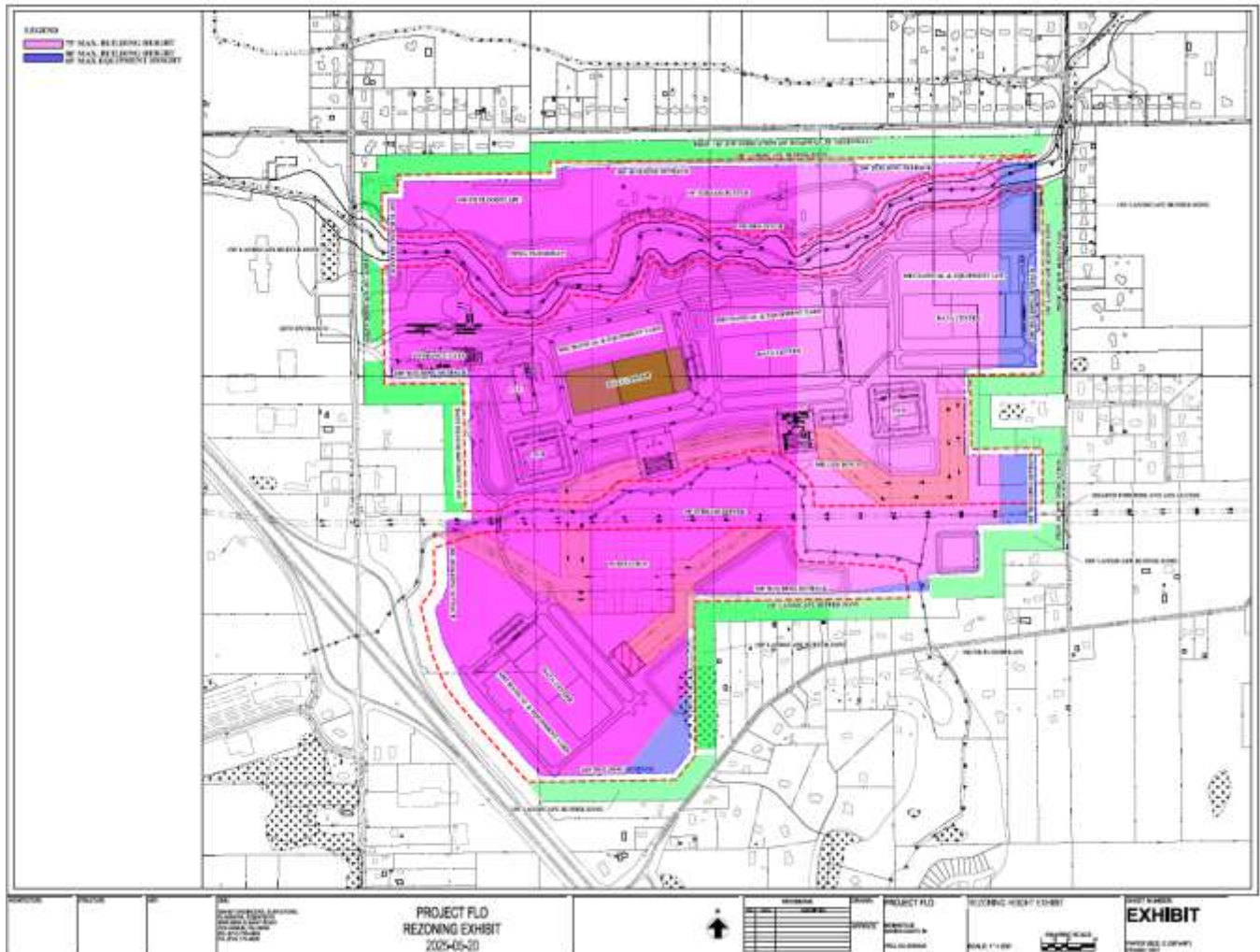


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AMENDED SITE PLAN



REZONING HEIGHT EXHIBIT



Troy Road Greenway Commitment



April 14, 2025
EMHIT

Future Condition - Trail Option
Troy Ave - Looking SW



Department of Metropolitan Development
Division of Planning
Current Planning

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:

the proposed project is to be developed as an integrated campus and due to the large amount of acreage involved and the presence of certain ditches/streams, enhanced setbacks are required. Additionally, there are technological requirements that may require certain buildings / structures to exceed the forty-five (45) foot height limitation.

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:

there will be adequate setbacks and landscaped berms which will mitigate the setback and height variances requested.

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

the C-S zoning designation is ideally suited for projects such as the data center campus proposed, but the forty-five (45) foot maximum height limited is inappropriate for industrial / utility type uses, and the maximum setback is inappropriate for a large, multi-building facility located on significant acreage.

DECISION

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

Adopted this _____ day of _____, 20 ____

C-S Development Statement

Introduction: Petitioner, Deep Meadow Ventures LLC, seeks to rezone approximately 465.9 acres of property commonly known as 3043 South Post Road, 9405, 9611 and 9931 East Troy Avenue, 3430 Davis Road, and 9440 and 9500 Vandergriff Road (the “Subject Property”) as shown on the conceptual site development plan attached hereto as Exhibit “A” (“Concept Plan”), in order to facilitate initial development of the Subject Property for a data center campus.

Zoning: The Subject Property is currently zoned D-A, SU-43, and C-4 as more particularly set forth in the City of Indianapolis Consolidated Zoning and Subdivision Ordinance last updated May 8, 2023 (“Zoning Ordinance”). Because Petitioner’s proposed use of the Subject Property is not adequately defined in the Zoning Ordinance, it is proposing a C-S zoning.

Proposed Permitted Primary Uses of the Subject Property as described and defined in the Zoning Ordinance shall be as follows:

- 1) “Data Center”, which shall mean “A centralized location for storing and managing large volumes of digital data, which includes, but is not limited to, a physical facility that houses critical computing and networking equipment, including servers, storage systems, and network infrastructure, and ancillary uses such as, but not limited to, office spaces, warehousing for data center accessory equipment and materials and storage in bulk for data center accessory equipment and materials.”
- 2) “Light Manufacturing”, all “Research and Development”, “Utilities”, “Agricultural Uses, “Buildings and Structures”, as permitted in the I-1 zoning district.
- 3) “Office” uses, as permitted in the C-1 zoning district.

Permitted Accessory Uses of the Subject Property shall include the following:

- 1) Utility structures, including, but not limited to, power substations, water towers, and overhead and underground powerlines, and wastewater treatment facilities.
- 2) Outdoor Storage (limited to construction of permitted buildings and structures, and outside of construction, limited to areas shown on the Concept Plan).
- 3) Renewable Energy Facility, Solar or Geothermal.
- 4) Satellite Dish Antenna.
- 5) Sign(s).
- 6) Temporary Construction Yard, Office, or Equipment Storage.

Development Standards:

Petitioner hereby incorporates the Lot and Building Dimensions for properties in the C-S zoning district set forth in Chapter 744; Art. II, Section 01.C, Table 744-201-3 of the Zoning Ordinance, except that (i) the maximum building height shall be seventy five feet (75’); and (ii) there shall be

no maximum setback from proposed right of way required, subject to approval of variances for said standards.

Landscaping plans are not yet fully developed as the site has not been fully engineered or site planned; however, the landscaping plans for each building or project phase shall be consistent with the Concept Plan and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Signs:

The following sign types shall be permitted on the Subject Property:

- 1) Pylon or Monument Sign (not to exceed ten (10) feet in height and no more than two (2) total).
- 2) Wall Signs, Awning, Canopy and Window Signs.
- 3) Incidental, Temporary, and Other Signs as would otherwise be permitted in a commercial zoning district.

A sign program shall be developed and tendered for Administrative Approval prior to obtaining an Improvement Location Permit.

Phasing of Development:

The project may be developed as generally shown on the Concept Plan; provided, however, prior to applying for an Improvement Location Permit, a final site and development plan shall be tendered for Administrators Approval. Nothing contained in this C-S Statement or shown on the Concept Plan shall preclude or restrict the number or configuration of buildings and structures which may be located on the Subject Property, so long as the standards contained in this C-S Statement are met.

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

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

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. After an improvement location permit is issued for the first building in the proposed data center project (the "Project"), but before the first building within the Project opens for business, Petitioner shall install a mounded buffer area with a minimum width of 150 feet (the "Buffer Area"), in those areas shown on the Conceptual Site Plan attached hereto as Exhibit "B" (the "Site Plan"). The mounding in the Buffer Area shall be a minimum of 10 feet in height measured from grade, and shall feature landscaping along and on the top of the mounding with a minimum of three (3) deciduous trees and six (6) evergreen trees for every 100 lineal feet. All trees shall meet the species and minimum planting requirements of the City of Indianapolis Consolidated Zoning / Subdivision Ordinance (the "Zoning Ordinance"). Petitioner shall, at all times, maintain the mounded buffer area.
3. No permanent buildings or structures shall be built on the portion of the Subject Property north of the Ficher ditch. (the "North No-Build Area"). However, this commitment shall not preclude construction staging, construction trailers and construction offices, as well as the outside storage of materials and equipment in the North No Build Area during periods of construction on the Subject Property.

4. A complete set of drainage plans for the project on the Subject Property shall be submitted to the Franklin Township Civic League for review and comment at least ten (10) days prior to submitting same to the City of Indianapolis, Department of Business and Neighborhood Services, for a drainage permit.
5. Petitioner has started and shall diligently complete a traffic impact study ("TIS"), for the proposed data center project on the Subject Property per the scope required by the City of Indianapolis, Department of Public Works ("DPW") and the Indiana Department of Transportation ("INDOT"). Once completed and accepted by DPW and INDOT, Petitioner shall, in conjunction with the initial development of the Project, complete or contribute its proportionate share such infrastructure projects, including but not limited to, dedication of right-of-way, acceleration / deceleration lanes, lane dedications / extensions, and passing blisters, based on the recommendations of the TIS in order to provide an acceptable level of service at the intersections studied as part of the TIS. This commitment shall not be construed to be a prerequisite to the issuance of any improvement location permit required for the first building in the Project.
6. There shall only be one main and one construction entrance to the project on the Subject Property, via Post Road, generally in the location shown on the Site Plan, but subject to DPW or INDOT approval. If required by DPW, an emergency ingress / egress drive to and from the Subject Property shall be permitted along Vandergriff Road, in a location approved by DPW and applicable public safety agencies..
7. All freestanding lighting fixtures shall feature full cut off shields, and light omissions shall not exceed the maximum level of footcandles at the property line, as set forth in the Zoning Ordinance.
8. Petitioner shall install a ten foot (10") wide asphalt multi-use path along the Subject Property's frontage on Troy Avenue, within the right of way to be granted.
9. Except for emergency use of generators or periods of testing emergency generators, the maximum noise level at the property line once fully operational shall not exceed 65 decibels.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2025-CZN-814 by the City-County Council changing the zoning classification of the real estate from a C4, DA, SU43 zoning classification to a C-S zoning classification; or
- (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-S zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:



Photo of the subject site at 9500 Vandergriff Road looking west from Vandergriff Road.



Photo of the subject site at 9500 Vandergriff Road looking northwest from Vandergriff Road.



Photo of single-family dwellings southeast of Vandergriff Road.



Single-family dwelling south of 9500 Vandergriff Road.



Single-family dwellings south of the site north of Vandergriff Road.



A single-family dwelling south of 3610 Davis Road within the transmission line zoning district of SU-43.



Photo of the subject site looking north towards 3440 Davis Road.

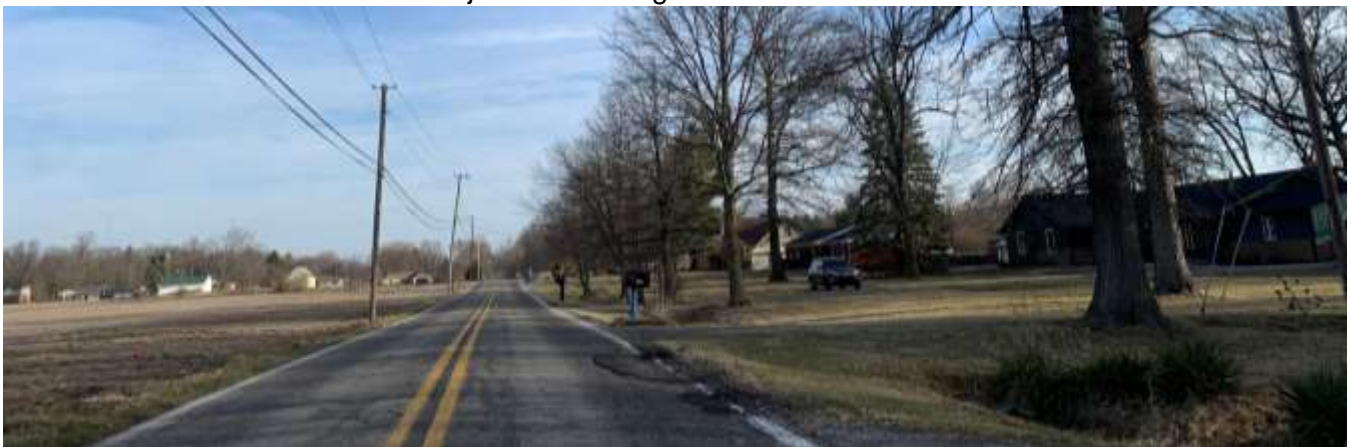


Photo of single-family dwellings east of the subject site across Davis Road.



Photo of the transmission line easement that cuts through the subject site looking west.



Photo of the property at 3430 Davis Road included in the subject site.



Photo of the property at 3410 Davis Road that is not included in the subject site.



Photo of the subject site at 9931 East Troy Avenue looking southwest.



Photo of the subject site at 9931 East Troy Avenue looking northwest.



Photo of the property at 9931 East Troy Avenue looking southwest.



Photo of the property at 9611 East Troy Avenue looking southwest along Troy Avenue.



Photo of single-family dwellings north of Troy Avenue.



Photo of the property at 9609 Troy Avenue looking south.



Photo of the property at 9406 Troy Avenue looking southwest.



Photo of single-family dwellings north of Troy Avenue.



Photo of single-family dwellings north of the site looking west along Troy Avenue.



Photo of single-family dwelling north of the site looking south along Post Road.



Photo of the subject site at 3043 South Post Road.



Photo of the subject site looking southeast from Post Road.



Photo of the religious use west of the site.



Photo of an auto auction west of the subject site.



Photo of the commercial properties west of the subject site.



Photo of the gas station west of the site.



Photo of the subject site at 3511 South Post Road looking east towards the transmission easement.

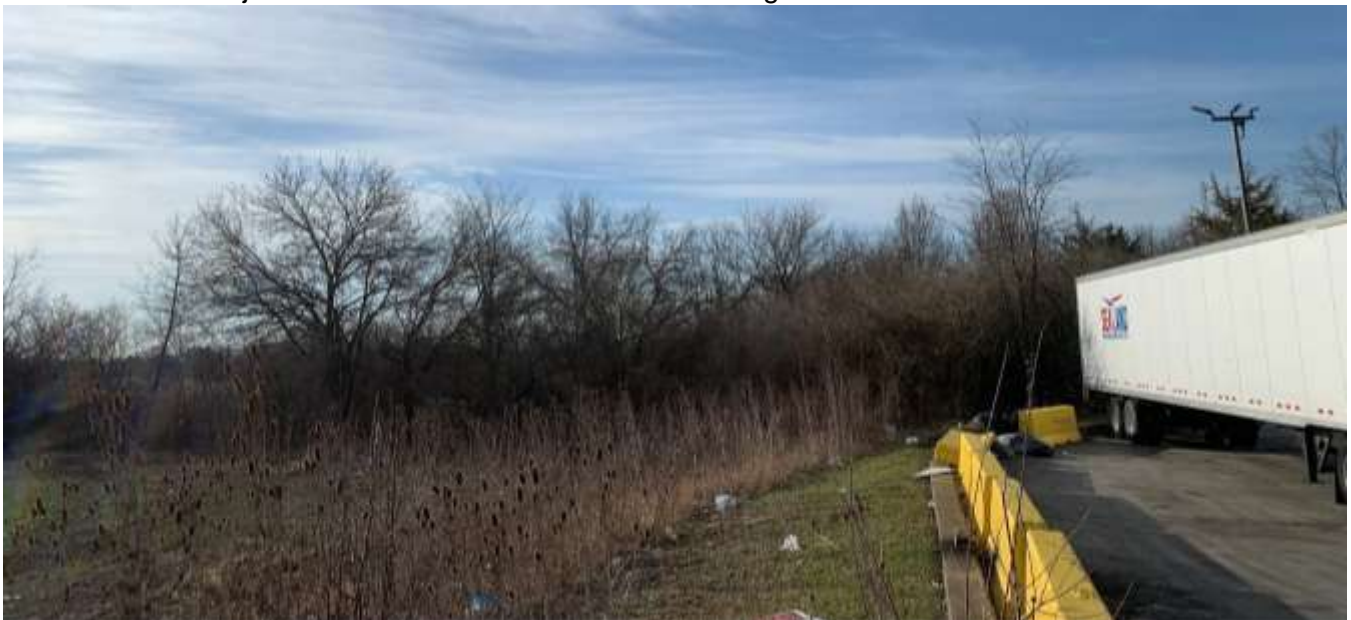


Photo of the subject site looking southeast towards the southern ditch that runs east to west.



Photo of the subject site looking southwest from Post Road.