

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

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

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

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3. Site Plan Generally: Maximum Building Heights. Development of the Property shall be in substantial conformance with the technology park site plan filed in this companion variance matter on December 30, 2025, and attached hereto as Exhibit "B" (the "Data Center Site Plan"). The maximum buildings sizes and general locations of the buildings described in the Data Center Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, the Owner shall have the unilateral right to reduce the size of any building set forth on the Data Center Site Plan.

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  - a. The maximum roof line height of the buildings set forth on the Data Center Site Plan, shall be as follows:
    - (i) East Building A: Thirty feet (30'); and
    - (ii) West Building B: Fifty feet (50').
  - b. The maximum roof structure or equipment height of East Building A shall be fifty feet (50').

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4. Additional Site Plan and Development Requirements.

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- a. Sidewalks. In addition to the sidewalks required by ordinance, development of the Property shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks should be a minimum of 5' in width.
  - b. Outdoor Amenities. Commensurate with the occupancy of each building constructed on the Property, outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the Property shall be constructed.
  - c. Loading Docks. The loading docks at the Property shall be situated generally consistent with the Data Center Site Plan on only one side of any building and shall face toward the interior of the Property.
  - d. Truck Parking. Only short-term commercial truck parking shall be allowed while actively loading or unloading at the loading docks, as generally depicted on the Data Center Site Plan. There shall be no long-term commercial truck parking or truck storage on the Property, including semi tractor-trailers and delivery trucks, except only when loading or unloading large equipment for data halls, which involves specialized logistics and equipment to ensure the safe and timely delivery and installation of heavy and sensitive IT infrastructure. In such instances, parking shall be limited to a maximum of 48 hours. This restriction shall not include construction trailers being used while the technology park data center buildings are being constructed. Additionally, commercial truck maintenance shall also be prohibited on the Property.
  - e. Elevations. The technology park data center buildings constructed on the Property shall be in general conformance with the front façade design elements depicted in the illustrative building elevations filed in this companion variance matter on November 6, 2025, and attached hereto as Exhibit "C" (the "Data Center Illustrative Building Elevations"). The color scheme may be modified from said Data Center Illustrative Building Elevations but shall be uniform throughout the technology park development of the Property. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.
  - f. Mechanical Yard Screening. Mechanical yards, electrical yards, transformer arrays, and generator areas shall be enclosed by a screen wall approximately ten feet in height.
  - g. SPCC Plan. Before building permits are released, there will a spill prevention, control and countermeasure ("SPCC") plan in effect which will be in compliance with IDEM. Oil and water drain separators will also be present in the mechanical yards.
  - h. Noise Standards and Generator Operations.
    - (i) A sound study shall be prepared by a qualified acoustical engineer demonstrating that
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- noise levels at the property line will not exceed 65 decibels, measured Lmax, during regular and emergency operation.
- (ii) The method of measurements shall be submitted to the Administrator prior to the building permit being issued.
  - (iii) Annual sound testing shall be conducted at least once per year to ensure noise levels at the property line do not exceed 65 decibels, measured Lmax, during operation. The results of the sound testing shall be submitted to the Administrator and to the district Councilor.
  - (iv) The generators shall be located in insulated enclosures.
  - (v) The generators shall only run during testing and power outages.
  - (vi) There shall be no generator testing between 5:00 p.m. and 7:00 a.m.
  - (vii) Weekends and the following holidays shall be avoided for generator testing to the extent possible: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Nothing in this specific commitment shall be construed to restrict the testing schedule necessary for compliance with applicable air permits.
  - (viii) The generators shall operate strictly within the limits of the Indiana Department of Environmental Management ("IDEM") air permit. (This is anticipated to be no more than a 30-minute monthly test and one fully loaded test of up to four hours annually.)
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- i. Lighting. All exterior lighting shall meet the zoning ordinance requirements in Sec. 744-600. Additionally, all required exterior parking lot lighting fixtures shall be solar powered, and motion sensor controls shall be utilized for required lighting in pedestrian areas, entrances, and walkways where feasible.
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- j. Cryptocurrency Mining Prohibition. The data center facilities shall not be used to mine cryptocurrency.
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- k. FAA Statement. Following no concerns from the Indianapolis Airport Authority, Federal Aviation Administration ("FAA") review and approval of structure height shall be submitted to the Administrator prior to the building permit being issued.
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- l. Nuclear Prohibition. Nuclear energy facilities, including but not limited to nuclear power plants, small modular reactors (SMRs), micro-reactors, and nuclear fuel storage facilities, shall be explicitly prohibited on the Property.
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- m. Construction or Repairing of Buildings. Construction and repair work, as referenced in the Noise Section (Sec. 391-300) of the Revised Code of the Consolidated City and County, generally shall not occur between 6:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public health and safety.
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5. Landscaping.

- a. Administrator Approval. Generally, subject to site engineering, pond size and location, use of utility easements, tree inventory survey results, etc., landscaping proposed for the Property shall be consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Buffering specifically proposed for the Property shall be materially consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Prior to filing for an improvement location permit related to the development of the Property, a final landscape plan shall be submitted for Administrator approval. Simultaneous to said submission to the Administrator, a courtesy copy of said final plan shall be provided to the Decatur Township Civic Council Land Use Committee for review.
  - b. Mounding. The final landscape plan shall include:
    - (i) a mound of at least eight feet (8') at its apex, along Camby Road, south of the retention pond and where generally indicated by the fenceline, as identified on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14') at its apex. Additionally, as soon as is practical, a staggered double row of evergreen plant materials, planted 15' on center, will be installed on top of this mound between the fence and the Camby Road right of way in an effort to increase the visual screening created by the aforementioned mound and fence; and
    - (ii) a mound of at least six feet (6') at its apex within the transitional yard abutting the east perimeter of the property as shown on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14') at its apex. Additionally, as soon as is practical, a staggered double row of evergreen plant materials, planted 15' on center, will be installed on top of this mound between the fence and the east property line in an effort to increase the visual screening created by the aforementioned mound and fence.
  - c. Transitional Yards. There shall be a minimum of a two hundred foot (200') continuous transitional yard on the south perimeter along Camby Road, and a two hundred foot (200') continuous transitional yard on the east perimeter of the Property as depicted on the Data Center Site Plan. Partial driveways, interior access drives, and gravel areas may be located within the transitional yard, as generally depicted on the Data Center Site Plan.
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- d. Maintenance and Replacement. Owner shall maintain and replace as needed landscaping at the Property. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Owner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter. Owner shall maintain in good repair all fences. Fences that are damaged, broken, or contain failing paint or stain shall be repaired, replaced or refinished as needed.
- e. Tree Removal. Trees to be removed will be dropped between October 1 and April 1, unless otherwise approved by the Administrator.
- f. Tree Preservation. Trees shall be preserved to the greatest extent possible within the powerline corridor easement, as depicted on the Data Center Site Plan, and within the remaining Property to the north of the easement. Within these areas, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, classified as an invasive plant species, is required to be removed in order to comply with safety requirements of any governmental agency, or is required to be removed to accommodate drainage, utilities, or other infrastructure (including, but not limited to, fencing). If a Protected Tree is damaged or otherwise removed by the owner of the Property, except as permitted to be removed as listed above, then the owner of the Property shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth.

6. Additional Infrastructure Requirements; Right of Way Dedication.

- a. Camby Road. There will be no direct vehicular access to the Property from Camby Road.
- b. Camby Road Sidewalks. Owner shall install sidewalks on the north side of Camby Road abutting the Property. The sidewalks shall be installed no later than the earliest date when the site work related to development of the first building described in the Data Center Site Plan occurs. Sidewalk installation along Camby Road shall be consistent with the Thoroughfare Plan and Indy Rezone pedestrian standards.
- c. Pedestrian Connectivity. Sidewalk connectivity shall be installed within the campus, linking building entrances, parking areas, and access points.
- d. Future Sewer Connection. Prior to the grant of an improvement location permit or structural permit for the first building, the Owner shall use reasonable efforts to engage and collaborate with the residential neighbors on the south side of Camby Road opposite the Property (7801,

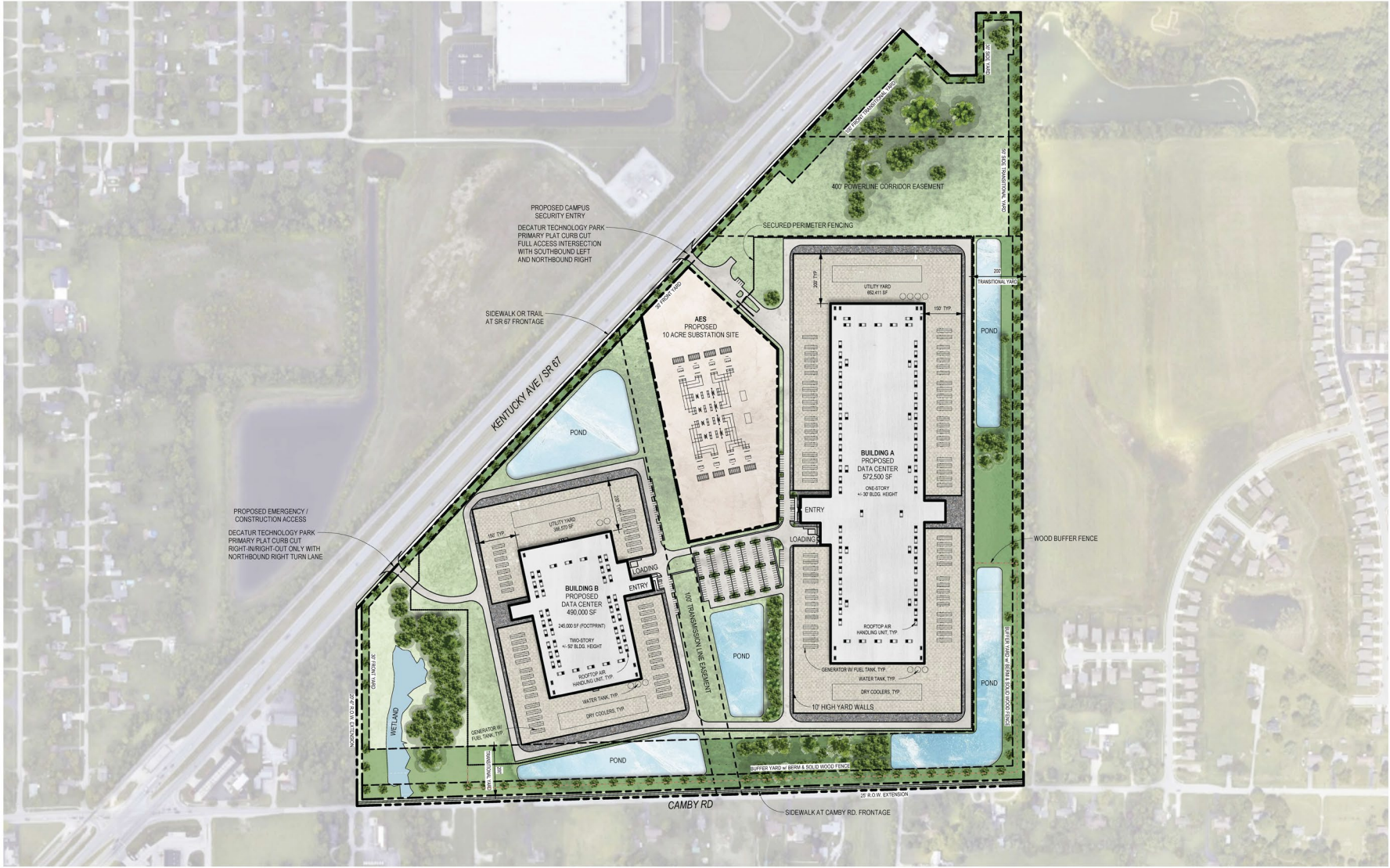
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7817, 7845, 7917, 7931, 7947, 7957, 8015, 8031, 8135, 8235, and 8245 Camby Road,) to ascertain interest in extending a sanitary sewer line to the south side of Camby Road and to identify potential means of accomplishing said extension that would be available to the residential homeowners for connection at their own costs. Notwithstanding the foregoing, nothing in this commitment requires the Owner to extend a sewer line outside of the Property but rather a commitment to identify possible ways in which the extension of a sanitary sewer line to homeowners south of Camby Road can be accomplished.

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- e. Future Dedication for Camby Road and Trotter Road. Owner agrees, at the request of the City of Indianapolis, to dedicate at no cost:
    - (i) a maximum of 20'6" of the Property adjacent to the Trotter Road right of way for the sole purposes of future extension of Trotter Road north of Camby Road; and
    - (ii) a maximum of 25' of the Property adjacent to the Camby Road right of way for the sole purposes of future widening of Camby Road.
  - f. Continued Collaboration. Owner agrees to continue to discuss and collaborate with the district City-County Councilor, Decatur Township Trustee, and Decatur Township Civic Council on possible incentive opportunities that could potentially benefit the community and the Owner, and the technology park data center project outlined above.
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## Data Center Site Plan Exhibit “B”





## Data Center Illustrative Building Elevations Exhibit “C”

