

Statement of COMMITMENTS:

1. Applicability of Commitments.

The commitments set forth below (commitments 2-5) and itemized hereafter shall be effective and control only in the event the Property is developed in the future as a data center campus.

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 campus:

- a. The data center shall be cooled by a closed-loop system.
  - (i) Closed-loop 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 the local electric provider, the data center developer will pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution infrastructure needed to service the data center.

3. Site Plan Generally: Maximum Building Heights.

Development of the Property shall be in substantial conformance with the data center campus site plan filed in this companion variance matter on April 27, 2026, and attached hereto as Attachment "B" (the "Data Center Site Plan"). The maximum buildings sizes and general locations of the buildings described in the Data Center Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, the Owner shall have the unilateral right to reduce the size of any building set forth on the Data Center Site Plan.

- a. The maximum roof line height of the buildings set forth on the Data Center Site Plan, shall be as follows:
  - (i) Building 1, 2, and 3: Sixty feet (60')

4. Additional Site Plan and Development Requirements.

- a. **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.
- b. **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 data center campus buildings are being constructed. Additionally, commercial truck maintenance shall also be prohibited on the Property.
- c. Screening of Facilities and Equipment. Mechanical equipment, including but not limited to generators, HVAC, and cooling/chilling systems shall be screened consistent with Sec. 744-508. Additionally, a fence or wall that is a minimum of 10 feet in height and 100% opacity shall be provided on the north and south sides of the utility yard located directly west of Building 1 to screen the equipment from abutting properties, and the same shall be provided on the west sides of the utility yards located between Building 2 and Building 3.
  - d. 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.
  - e. Noise Standards and Generator Operations.
    - (i) A sound study shall be prepared by a qualified acoustical engineer demonstrating that noise levels at the Property line will not exceed 65 decibels, measured Lmax, during regular and emergency operation.
    - (ii) The measurement method of how the Property owner shall determine decibel levels at the Property line for monitoring and compliance, as prepared by a qualified acoustical engineer, shall be submitted to the Administrator prior to ILP issuance.
    - (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.
    - (i) The generators shall be located in insulated enclosures.
    - (ii) The generators shall only run during testing and power outages.
    - (iii) There shall be no generator testing between 5:00 p.m. and 7:00 a.m.
    - (iv) 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.
    - (v) The generators shall operate strictly within the limits of the Indiana Department of Environmental Management (“IDEM”) air permit.
  - f. Lighting. All outdoor lighting for the proposed use of a data center shall comply with the full Development Standards and remain directed away from all adjacent parcels (744-600). 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 where feasible, and motion sensor controls shall be utilized for required lighting in pedestrian areas, entrances, and walkways where feasible.
  - g. Cryptocurrency Mining Prohibition. The data center facilities shall not be used to mine cryptocurrency.
  - h. 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.

- i. Buried Utilities. All on-site utility lines shall be placed underground, as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment including, without limitation, any poles with new easements and right-of-way.
  - j. All e-waste materials shall be properly disposed of following all applicable local, state, and federal regulations.
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 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.
  - b. Mounding. An undulating earthen berm shall be constructed to provide a continuous buffer strip along a lot line that is adjacent to a Protected District, as identified on the Data Center Site Plan. An earthen berm shall be built to a minimum height of eight (8) feet above the natural surface of the ground. In no instance shall the peak height of an earthen berm be less than three (3) feet measured from the established street grade.
  - c. A vegetated buffer strip shall be planted and maintained consisting of two (2) staggered rows of evergreen trees, each row planted fifteen (15) feet on center, with a height of five (5) feet at time of planting in all yards that are adjacent to a Protected District.
  - d. Transitional Yards. The existing utility easement on the northern Property line shall serve as a transitional yard, as depicted on the Data Center Site Plan.
  - e. 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.
  - f. The Property owner shall coordinate with The Parks Alliance of Indianapolis (also known as the Indianapolis Parks Foundation, Inc.), for no less than five (5) years, to contribute an annual gift for trail stewardship, benefiting the Penny Trail.
  - g. Through coordination with the local electric provider, the data center developer shall be responsible for the planting of native seed mix (native wildflower seed mix and native grasses seed mix) within the existing transmission line easement at the north end of the Property.

Attachment "A"  
Legal Description

The Land is described as follows:

Block A, in the "Replat of Lot 2, Block A, and Block B", Replat of Thunderbird Commerce Center, recorded June 18, 2025, as Instrument Number A202500050908, in the Office of the Recorder of Marion County, Indiana.

Property Address: 305 Fintail Drive, Indianapolis, IN 46219  
THUNDERBIRD COMMERCE CENTER  
Local Parcel #: 7047778  
State Parcel #: 49-10-11-115-003.002-770

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# Attachment "B" Data Center Site Plan

