

Blackham, Kathleen

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To: Blackham, Kathleen; Whitaker, Nancy G.
Cc: Patrick, Colin M.; Leach, Mark R.; Westrick Brown, Mindy
Subject: transcript & video for file/record for DC BLOX
Attachments: 6 11 26 - Public Hearing - 06-15-2026.pdf

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Kathleen & Nancy - Please add the attached transcript from the meeting with the Hearing Examiner as well as the video linked below to the file/record. 2026-CMP-815

https://indianapolis.granicus.com/player/clip/25995?view_id=3&redirect=true

Thanks,
Mindy

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Indianapolis Metropolitan Development Commission
Hearing Examiner
June 11, 2026

1 HEARING EXAMINER JUDY HALL: So, for
2 our last petition, I just want to say I
3 appreciate how quiet and respectful everyone has
4 been. I know this has been a really long
5 afternoon. I also know that one of our
6 councilors, Councilor Nielsen, has a meeting that
7 he needs to get to, so I'm going to let him
8 decide if he'll speak before the rest of the
9 remonstrators, but otherwise, I just appreciate
10 your consideration.

11 MINDY WESTRICK BROWN: Thank you,
12 Madame Hearing Examiner. Mindy Westrick Brown
13 with offices at 300 North Meridian, Suite 2500,
14 Indianapolis, Indiana 46204, for the record
15 today.

16 HEARING EXAMINER JUDY HALL: I'm just
17 going to ask the remonstrators all be seated,
18 please, until the remonstrators are speaking.
19 Thank you.

20 MINDY WESTRICK BROWN: Today we're
21 joined by Jeff Uphueus, CEO, and Senior Vice
22 President David Armistead from DC BLOX. Their
23 bios are in Tab One of the exhibit book, where
24 you can find more information about DC BLOX.
25 We'll briefly touch on the company DC BLOX. They

1 were founded in 2014 and have over ten locations
2 in the southeast. DC BLOX would like to bring an
3 edge node facility for a tenant to Indianapolis.
4 DC BLOX is a trusted community partner. In Tab
5 13 you'll find over seven letters of support from
6 current communities that know DC BLOX for keeping
7 their commitments and running safe operations
8 with countless examples of how DC BLOX has been
9 beneficial to other communities.

10 This site is 32 acres, with 22 acres
11 that can be developed on the northwest corner of
12 the Thunderbird Commerce Center in the old Ford
13 Visteon site on the east side. Kitley, which is
14 an industrial corridor, is to the west. Kitley
15 is also home to the Speedrome racetrack less than
16 a half a mile away from this site. English is to
17 the south, with a picture of Monarch in the
18 middle, with 37 truck bays on Fintail. The
19 Kroger bakery is at the bottom photo with the
20 truck trailers. And an over 220-foot AES
21 easement with a substation is to the north,
22 separating the Pennsy Trail from the site.

23 Shadeland is to the east with highway-
24 like interchanges at both English and Washington
25 Street, and then the Thunderbird separates

1 Shadeland with the ABF truck terminal, which has
2 96 truck terminals and 560 parking spots for vans
3 and trailers. As one might imagine as a former
4 automotive plant here, this is an industrial
5 site. It's been zoned I3 since 1956 with an
6 active railroad that we could hear on our site
7 visit just this week.

8 Our request before you today is a
9 variance of use because a data center, or more
10 specifically, an edge node facility, is an
11 undefined use. The variance for development
12 standards stems from our desire to reduce the
13 parking and environmental impact with less paving
14 than the ordinance requires. The replat allows
15 the parcels to correspond to their phases and
16 potential future. The site plan will show this
17 is a multi-phase project. Phase One and Building
18 One has plans to be operational within 24 months.
19 AES has the capability to serve Building One with
20 ten megawatts of tenant need with minor updates
21 to the existing substation. This site plan shows
22 there are significant industrial operations
23 surrounding the property.

24 DC BLOX has built Building One just
25 outside of Atlanta, and we've toured with

1 Councilor Hart, the Indianapolis Chamber, and the
2 building trades so we know this design of this
3 building operates as a quiet warehouse. Here you
4 can see a closeup of the site plan at full
5 buildout. Phase One is an edge node facility for
6 a tenant with critical infrastructure needs in
7 central Indiana. It's a 70,000-square-foot
8 single-story building with six generators located
9 in the interior of the site, with a berm to the
10 north, screening of the utility yard as well.
11 Phase Two is unknown at this time, but is mapped
12 out on the site plan with caps for building size,
13 power, and heights.

14 Ford ceased their operations first in
15 2007. DC BLOX has redeveloped a brownfield with
16 countless similarities with this site in
17 Birmingham. A neighbor recently testified in
18 Birmingham unbeknownst to DC BLOX and he said, "I
19 live near DC BLOX. It's walking distance from my
20 house. I'm happy to report there have been no
21 major concerns from them. They've been very
22 transparent. They've been very accountable, and
23 they let us know what's going on." Today we're
24 joined by Chris Bran with Plews, who is an
25 environmental lawyer in Indy and has a full

1 accounting of this brownfield. He's available to
2 answer any questions that you may have.

3 Months ago, we posted on our website
4 about a letter about the brownfield and we've
5 provided additional information just this morning
6 after additional meetings with the state about
7 the brownfield in response to some incorrect
8 information from some of the remonstrators. DC
9 BLOX would be the third entity to remediate the
10 specific site and I would note that Monarch is
11 currently operating on this Thunderbird
12 brownfield as our direct neighbor. Chris, Lauth,
13 and Faegre did a walking tour of the Thunderbird
14 with neighbors to answer questions just this
15 week.

16 The reality is that parks, housing, and
17 farms and not practical options for this specific
18 I3 parcel as a brownfield. DC BLOX has also
19 developed with schools sharing a specific fence
20 line. You can see the aerial here shows a
21 Huntsville school 234 feet from DC BLOX, whereas
22 the school in Indy would be more than 582 feet
23 away. That's more than double the distance. The
24 school neighbor in Huntsville has provided a
25 letter of support outlining that they have not

1 had any issues with DC BLOX as a neighbor to
2 their school. The letter is in Tab 13. In Tab
3 12 you'll see a NOAA wind rose that shows the
4 wind moving away from the school in this specific
5 area.

6 DC BLOX can provide a more positive
7 experience for the school as a neighbor than the
8 other potential I3 uses allowed by right. Some
9 of these benefits are highlighted in the trip
10 memo which is in Tab 7, which shows a 75 percent
11 reduction in traffic, which means less truck
12 diesel exhaust, less beeping, less manufacturing
13 waste and emissions. Here is a full buildout
14 rendering and here quickly we'll go over the I3
15 uses allowed by right today.

16 This slide shows a number of the
17 reasons why approval of this variance would be a
18 benefit for the community over the I3 uses
19 allowed by right in the last slide, including
20 that data center projects like this one have
21 little traffic but high wages and high assist
22 value. The current property pays only \$27,000
23 annually in taxes; DC BLOX would provide
24 significantly more tax revenue than the other I3
25 uses. DC BLOX is a low user of city services.

1 We've met with IFD, as noted in Tab 14. In
2 addition, a retired IFD firefighter did a visit
3 and a review of the DC BLOX operations in
4 Birmingham recently.

5 We are thrilled to have a letter of
6 support from the unions, which is in Tab 10.
7 John Hooker is available today for any questions
8 that you may have about long-term construction
9 jobs as proposed. Please incorporate our robust
10 findings of fact in Tab 5 and include in the
11 exhibit book its entirety for the record. We are
12 in full agreement with the staff report.
13 Kathleen will walk through a few updates that
14 need to be made, and we draw your attention to
15 the fact that this parcel is in an industrial
16 reserve overlay, which states it's prime for
17 industrial development. We agree with staff's
18 analysis, which demonstrate that all of the
19 findings have been met.

20 This is a unique slide. Here is a
21 picture of the fiber map, which allows an edge
22 node facility to be adequately located. The site
23 is located below a utility easement with an
24 existing AES substation. The data center use
25 generates fewer trips, less daily activity, and

1 less visual impact than the other I3 uses, as
2 demonstrated from the engineer's trip memo. We -
3 - oh, okay.

4 UNIDENTIFIED SPEAKER 1:
5 (indiscernible) say "next slide".

6 HEARING EXAMINER JUDY HALL: Again, no
7 talking while someone else is speaking. You will
8 be asked to leave if you continue to talk.

9 MINDY WESTRICK BROWN: Do you want to -
10 - we'll get caught up if you want to go through
11 the slides and then we'll get caught up, and then
12 I'll say "next slide" when you -- when it --
13 we're on this slide. This is the slide we're on.

14 UNIDENTIFIED SPEAKER 2:
15 (indiscernible).

16 UNIDENTIFIED SPEAKER 1: Because we're
17 trying to fix the technical -- we're having a
18 technical --

19 UNIDENTIFIED SPEAKER 2:
20 (indiscernible).

21 HEARING EXAMINER JUDY HALL: There are
22 technical difficulties right now, which we're
23 trying to address.

24 MINDY WESTRICK BROWN: I can just say
25 "next slide" for --

1 UNIDENTIFIED SPEAKER 1: Okay, I think
2 that will be fine. We'll try as much as we can.
3 I don't think (indiscernible).

4 MINDY WESTRICK BROWN: We have not one
5 but two property valuation reports done by
6 certified appraisers in Indiana. Both show that
7 the values of the surrounding property will not
8 be affected in a substantially adverse manner.
9 The full reports can be found in Tab 8 along with
10 a consistent George Mason University Study. Next
11 slide. Next slide.

12 The next slides address robust
13 commitments. DC BLOX has agreed to pay for the
14 infrastructure, generation, transmission, and
15 distribution so those costs are not passed on to
16 local customers. Bottom line is DC BLOX pays 100
17 percent for energy. DC BLOX is also committed to
18 using green power through an AES offset program,
19 which was important to Councilor Nielsen and his
20 constituents in the neighboring district. You
21 will see more information on energy in Tab 3,
22 which shows other Indiana utilities, including
23 AES, have had rate decreases and/or projected
24 savings due to data centers.

25 Unless the demand for this specific

1 edge node facility is eliminated, the impact to
2 the connected MISO grid is the same -- next slide
3 -- whether the edge node facility is inside it in
4 AES's service territory or another utility
5 because of the interconnected grid. If this
6 project fails, the impact to the grid is the
7 same; it just means AES customers would not get
8 the benefit of the commitment of DC BLOX to pay
9 100 percent of their utility costs, which has
10 some benefit to existing customers, and therefore
11 AES customers would then be on the hook for
12 upgrading old infrastructure and Indianapolis
13 residents wouldn't receive the benefit of the
14 taxes from a high-value project like this.

15 But the grid impact remains the same
16 whether this project is sited here or elsewhere,
17 because the demand for the Building One as an
18 edge node facility exists to serve central
19 Indiana. Next slide. The project will use both
20 waterless cooling and a closed loop water system.
21 The project at full buildout is proposed to use
22 the water equivalent of only eleven homes
23 annually, a huge community benefit as a low water
24 user. More information can be found in Tab 12.
25 Staff found our commitments are clear,

1 measurable, and enforceable, directly related to
2 mitigation. Next slide. Next slide. Next
3 slide.

4 Here is a view from the Pennsy Trail,
5 showing the berm and the landscaping. Next
6 slide. On top of the berm is a double-staggered
7 row of evergreen trees, which is consistent with
8 the proposed DMD data center guardrails. Next
9 slide. We've worked very closely with the
10 neighbors, district councilors, other councilors,
11 staff on additional commitment. We've inspected
12 the generators in Atlanta and even started a
13 generator. You can see more information Tab 4.
14 The generators will be housed with insulation and
15 only run during outages or testing. Testing will
16 not occur after 5:00 p.m. or before 7:00 a.m. or
17 on weekends or holidays. No annual tests during
18 school session, per neighbor requests.

19 DC BLOX has also committed to using
20 diesel particulate filters, which capture roughly
21 95 percent of the particulate emissions. Next
22 slide. Consistent with the proposed guardrails,
23 there is a commitment for a sound study. The
24 sound at the property line must not exceed 65
25 decibels. The utility yards are positioned at

1 the center of the parcel with screening. We've
2 updated the commitments and plan of operations to
3 cap the number of generators in the event less
4 generators conserve the facility. Next slide.

5 We've addressed lighting mitigation.

6 The closest residential home is over 646 feet
7 away. Next slide. This slide shows the

8 commitments are consistent with the proposed
9 guardrails, including an update to the

10 decommissioning plan per our conversation with

11 Councilor Nielsen and a neighbor just on Friday.

12 Next slide. We've worked with the Parks Alliance
13 to create some guardrails for the trail donations

14 for the Pennsy and we've worked with AES and DMD

15 on some cleanup and beautification of the

16 easement with native plants. Next slide.

17 Today, we're joined by supporters,

18 neighbors, the trades, experts, and members of

19 the project team, including Lauth, AES Indiana,

20 Indiana Chamber, the Technology and Innovation

21 Association, and Integra. We have petition

22 supporters and additional letters of support in -

23 - from the area in Tabs 11 and 13. DC BLOX hopes

24 to earn the trust of every neighbor and have

25 positive experiences with the Indianapolis

1 community, as they've shown elsewhere.

2 You can see our extensive work with the
3 community and elected officials outlined in Tab
4 2. This includes neighborhood meetings, forums
5 with multiple councilors, individual coffees,
6 meetings with interested groups, door-to-door to
7 over 600 residents, 7,200 mailers, a website
8 updated frequently, podcasts, and Zooms, et
9 cetera. We are pleased to have the support of
10 the Warren Township Development Association, who
11 has a very thoughtful letter on file. Next
12 slide.

13 To close, DC BLOX is committed to pay
14 for energy, use a closed-loop or waterless
15 system, provide a significant buffer with berm,
16 landscaping, and transitional yard. EPA and IDEM
17 will oversee the brownfield development. We've
18 addressed noise. The plan of operation clearly
19 shows the intensity of this project will not be
20 increased compared to the permitted uses. There
21 will not be a substantial deviation from the
22 neighborhood character beyond the current
23 permitted uses, reinforced by the report from the
24 appraisers. The property is uniquely suited for
25 a high-capacity electrical infrastructure due to

1 its proximity to the existing utility
2 infrastructures and the fiber network. Strict
3 application is in compliance with the comp plan.
4 Thank you.

5 HEARING EXAMINER JUDY HALL: Okay,
6 thank you. Remonstrators, you have fifteen
7 minutes, unless -- does the -- yes, sir?

8 UNIDENTIFIED SPEAKER 2: I'll wait
9 until (indiscernible).

10 HEARING EXAMINER JUDY HALL: Okay. All
11 right, thank you. Oh, thank you. And again,
12 just as a reminder, please state your name and
13 address when you start speaking.

14 SUE BEECHER: Thank you so much. My
15 name is Sue Beecher. I reside at 308 South
16 Audubon Road in Irvington, 1.7 miles from the
17 proposed data center. I've resided in Irvington
18 since 1999. I currently serve as the President
19 of the Historic Irvington Community Council for
20 the past four years. I've served as President of
21 the Friends of Irving Circle Park since 1996.
22 That consists of a group of volunteers who spend
23 hundreds of volunteer hours taking care of our
24 beloved pocket park. I also serve as Secretary
25 of the Irvington Historical Society and volunteer

1 with the Irvington Garden Club.

2 I as well as many other Irvingtonians
3 spend hundreds of hours annually working to
4 maintain a high quality of life for all who
5 reside in the Irvington neighborhood. I'm well
6 known in Irvington because I am accessible to
7 others and I possess a long history of volunteer
8 work and leadership within the community. I want
9 to thank the Indianapolis Metropolitan
10 Development Commission for this opportunity to
11 remonstrate against the requested use variance
12 for the proposed DC BLOX data center to be built
13 at the Thunderbird Commerce Center, located at
14 305 Fintail Drive, just off the Pennsy Trail
15 located near Kitley and Rawles Avenues.

16 I am appreciative of the time that DC
17 BLOX has spent participating in meetings with
18 community leaders and neighbors in both Irvington
19 and Warren Township. I want to especially thank
20 and acknowledge the amazing efforts of our
21 City/County councilor, Councilor Andy Nielsen,
22 for the considerable time spent conducting the
23 District 12 public forum and neighborhood survey.
24 I also want to thank all the Irvington and Warren
25 Township residents who showed out today; several

1 had to leave because of employment
2 responsibilities and that sort of thing.

3 During my meetings and interactions
4 with DC BLOX and their legal representative, all
5 have stressed they want to be transparent and
6 hope the Irvington community will trust them
7 based upon their actions. They've provided
8 PowerPoint presentations and answered questions
9 during public forums, reassuring the citizenry
10 that their data center operations would not
11 negatively impact either our health, the
12 environment, or the cost of our living. They
13 have exhorted the value of this proposed high-tax
14 revenue facility, touted their investments in
15 other communities, and dangled the promises of
16 potential investments in our community.

17 The presentations and actions have,
18 however, been performative only, in my opinion.
19 I have on multiple occasions requested DC BLOX
20 provide environmental studies on their website
21 page set up specifically to help educate
22 Irvington residents. I even told them they could
23 select the studies that they wanted to post on
24 that page. I've also requested they provide a
25 plan for decommissioning on several occasions and

1 asked them to post that on the website as well.
2 They failed to do so, leading me to believe and
3 conclude that they are at best disingenuous in
4 their desire to be transparent and truthful.

5 Further, DC BLOX has been insincere in
6 their statements regarding tax abatements.
7 During an April 7th meeting in Irvington, they
8 stated building of the data center would occur
9 without tax abatements. During the Warren
10 Township meeting on May 21st, company
11 representatives initially denied having made this
12 statement on 4/7, but then backtracked when
13 confronted with the meeting having been recorded
14 on tape. Company representatives then indicated
15 that they had made a mistake; a multi-billion-
16 dollar company made a mistake. I requested that
17 they post a statement on their DC BLOX
18 Indianapolis page to clarify the actual use of
19 tax abatements and was reassured that this would
20 be done.

21 None of the requested information has
22 been added as promised, which is puzzling since
23 DC BLOX has thousands of employees who could find
24 and post that information on their page within
25 hours of a request. These promises without

1 action show a lack of respect for the Irvington
2 community and complete inauthenticity in their
3 words and actions. DC BLOX stated to me on June
4 5th that no other community has pushed back on
5 their plans to build data centers. I'm aware
6 that Nashville, Tennessee now has a petition with
7 over 380,000 signatures remonstrating against
8 their plans to build a data center next to the
9 Nashville Zoo.

10 The reality is that data centers
11 utilize extraordinary amounts of water and
12 electricity. Our electrical bills will rise.
13 While initially jobs will increase during
14 construction of the site, those will go away upon
15 completion of the construction, with merely 35
16 employees being in the data center. The data
17 center will be less than a mile from an
18 elementary school, but DC BLOX has failed to
19 provide studies as requested to validate their
20 statement that the noise, pollution, and daily
21 operations will in no way impact our valued and
22 vulnerable children.

23 My research has shown that any tax
24 benefits from this project will not be
25 experienced or have impact on the Irvington

1 community for years into the future. Very little
2 tax revenue plays out on a local level where data
3 centers are built. In 2025, both the states of
4 Virginia and Georgia gave up \$1 billion apiece
5 worth of revenue because tax breaks were given to
6 data centers. \$1 billion in each state that
7 could be used for education, healthcare, housing,
8 and infrastructure. I've communicated with
9 literally hundreds of Irvington residents in the
10 past month. Not even one is in favor of the DC
11 BLOX data center. Councilor Nielsen has the
12 results of a neighborhood survey showing 83
13 percent of all respondents are against the
14 installation of a data center.

15 Irvington does not want or need either
16 a data center or DC BLOX in our neighborhood.
17 Indianapolis and Indiana need to use all of our
18 tax dollars now to improve life for Hoosiers.
19 Indiana currently ranks as the worst state for
20 air pollution, 19th in education, 20th in
21 infrastructure, 21st in crime and corrections,
22 32nd in poverty, 33rd in fiscal stability, 34th
23 in infant mortality, 35th in healthcare, 38th in
24 health overall, 40th in economy, and 44th in
25 environmental protections. Our tax dollars are

1 better spent. I strongly recommend denial of DC
2 BLOX's request for the variance to build a data
3 center. Thank you.

4 DAWN BRIGGS: Good afternoon, Madame
5 Hearing Examiner and staff. My name is Dawn
6 Briggs. I'm at 5926 Oak Avenue in historic
7 Irvington. I've been a proud Irvington resident
8 for 43 years, which is still kind of a newcomer
9 in Irvington time. Over the years, I have helped
10 to found the Irvington Garden Club, the Irvington
11 Farmer's Market, the Irvington Development
12 Organization. I've served on the Irvington
13 Community Council for six terms and I am
14 currently the Land Use Committee Chair.

15 I have participated in this Historic
16 Irvington Preservation signature drive and then
17 spent the next two years helping to write the
18 IHPC-approved guidelines for Irvington. I was
19 chosen by the Department of Metropolitan
20 Development and Ball State University as the
21 Community Builder for the Irvington Neighborhood
22 Plan and I currently represent Irvington on the
23 TIF.

24 I share this background for one reason
25 only. For decades, I have had the privilege of

1 listening to people who call Irvington home, and
2 as of late they've had a lot to say. Today, I am
3 here simply as a resident who lives less than a
4 mile away from this proposed facility. I am here
5 as a neighbor, a volunteer, a mother, and most
6 importantly, a grandmother, because I am opposed
7 to this variance.

8 You know who we Irvingtonians are.
9 We're homeowners, community members, people
10 who've invested our lives in our neighborhood.
11 We care deeply about our historic homes, about
12 Halloween, our environment, our safety, and the
13 quality of life that makes Irvington and our
14 neighboring sister communities special, and many
15 of us are afraid. We're very afraid, not because
16 we oppose technology and not because we oppose
17 progress. We're concerned because we do not yet
18 know the long-term impact this facility could
19 have on our neighborhoods, our infrastructure,
20 the environment, property values, and our quality
21 of life. Once decisions like this are made,
22 there's no turning back.

23 I understand that some residents and
24 organizations may see benefits in this project,
25 as they stand with their hands out, and I respect

1 that perspective. But regardless of where we
2 stand, there are still significant unanswered
3 questions that deserve careful review before a
4 variance should be granted. What makes our
5 request today especially reasonable is that city
6 leaders themselves have recognized there are
7 still unanswered questions. In May, the
8 City/County Council unanimously passed a
9 resolution urging a pause on new data center
10 approvals while Indianapolis developed stronger
11 standards and regulations. That action
12 acknowledged an important reality: our city is
13 still trying to understand the ramifications of
14 these facilities and how to best protect its
15 residents while accommodating growth.

16 DC BLOX may have submitted its
17 application before those discussions were
18 completed, but the concerns that led elected
19 officials to call for caution hasn't disappeared.
20 Those concerns are exactly why we are standing
21 here today. We've heard promises; we've heard
22 assurances that everything will be fine, but
23 promises are not the same as proven facts and
24 assurances are not the same as enforceable
25 commitments, so today, I am asking you for

1 something that is entirely within your power to
2 provide, and that's time. Time to gather
3 information, time to understand the impacts, time
4 to secure real, meaningful commitments, time to
5 ensure that the people who will be most affected
6 have confidence that their concerns have truly
7 been addressed.

8 Your decision that you make today will
9 affect our homes, our children, our investments,
10 our neighborhoods, and our environment for
11 decades to come. Please do not approve this
12 variance today. Give our historic community the
13 time that it deserves with the rest of this city
14 to gather the information and all be on the same
15 page together. Thank you for your time.

16 MEGAN LAPA: This is regarding 2026-
17 CVR-815 and 2026-CPL-815 at 305 Fintail. My name
18 is Megan Lapa. I live at 6155 Oak Avenue, one-
19 third of a mile away from Fintail Drive. The
20 petitioner targeted heavy industrial properties
21 with strong fiber and existing utilities, stating
22 that this property appealed to them because it
23 was adjacent to other heavy industrial uses, a
24 brownfield site, and required minimal utility
25 upgrades due to the existing substation. These

1 features were specifically sought out as a
2 business advantage. The same features considered
3 peculiar equally benefit the adjacent I3
4 facilities, with Monarch clearly demonstrating
5 they're irrelevant to the viability of I3 use.

6 Staff's hardship argument hinges on the
7 claim the proposed use is prohibited solely due
8 to the absence of a listed land use
9 classification. Taht's not hardship under
10 Indiana law. It's a known regulatory gap that
11 applies equally to any parcel in Marion County
12 right now. Indiana precedent requires the
13 property can't be reasonably put to any
14 conforming use. Loss of profit doesn't count.
15 Staff has completely failed to meet that
16 standard.

17 The hardship argument was additionally
18 undercut on the record and staff ignored it.
19 Vincent Ash confirmed the site allows for a lot
20 of different uses, and there's a lot of other
21 uses that can move forward. That's an informed
22 admission from a subject matter expert with
23 direct knowledge of this zoning and it cannot be
24 ignored for Findings Three and Four. DC BLOX
25 sought out land it knew was not zoned for their

1 purposes. The hardship that staff has relied on
2 is self-inflicted by the petitioner.

3 Staff peculiarity factors describe the
4 entire campus: size, depth, easements,
5 substation proximity characterized doing business
6 at Thunderbird, where successful conforming uses
7 have been developed under the same conditions.
8 Nothing staff cites is specific to Block A.
9 These are general attributes shared across an
10 industrial park that present no realized
11 limitation on an approved-by-right I3 use.

12 Staff conflated Ford's VRP closure with
13 current development obligations. It addresses
14 historical remediation, not the ongoing
15 obligations that run with the land under the
16 replacement ERC record on March 17th, 2025. Due
17 to current site conditions and development
18 practices, the covenant not to sue is itself at
19 risk pending an open item investigation. Staff
20 neglected to mention this in their
21 recommendation. We asked the petitioner for
22 direct commitments addressing the known risks of
23 this brownfield: no new wells, no dewatering
24 during construction, and restoration of
25 residential wells if compromised by their

1 activity. Those were rejected.

2 We requested an emergency plan as well
3 as training and equipment for IFD. We were given
4 a confirmation that a fire truck can make it down
5 the lane. We asked for Tier Four generators to
6 address our failing airshed; they fell short,
7 opting instead for diesel particulate filters,
8 offering no transparency on the specs or quality
9 of filtration. We asked them for independent
10 third-party sound studies, for written limits
11 around construction noise, and an agreed
12 definition of emergency to prevent the use of
13 generators as a primary power source, which has
14 been demonstrated by other data centers while
15 local utilities were ramped.

16 They verbally promised low-frequency
17 testing, but have refused to put it to paper. We
18 requested a website with testing results,
19 documented violations, complaint submissions, and
20 corrective action plans. What was committed
21 hardly resembles the request. The only useful
22 information that can be -- that can't be obtained
23 elsewhere is a phone number and an undefined
24 document repository with no strings attached.
25 Road damage from construction was raised as an

1 uncompensated cost that will fall directly on
2 adjacent property owners and the public.

3 Our community made these reasonable
4 requests in good faith. Every single one, the
5 petitioner has ignored, rejected, or denied. The
6 property value report from IRR doesn't satisfy
7 the evidentiary burden. It opens with the USPAP
8 disclaimer acknowledging the limited basis for
9 their own conclusions. Two of the five sites
10 studied weren't operational for the entirety of
11 the study, New Carlisle only partially
12 operational for the last three months of a sixty-
13 month study that looks backwards to see value.
14 Fort Wayne was only open for the last month.

15 HEARING EXAMINER JUDY HALL: So, it's
16 now time for the City/County Councilors to talk
17 in whatever order you decide.

18 COUNCILOR ANDY NIELSEN: Thank you,
19 Madame Hearing Examiner. Good afternoon. My
20 name is Andy Nielsen, address 200 East Washington
21 Street, Tower 441, 46204. I represent District
22 14 on the east side. I've also submitted a
23 letter outlining my position, but I come before
24 you today requesting that you recommend denial of
25 the petitions in question.

1 The proposed site sits directly on the
2 border of two City Council districts and Council
3 District 20 directionally south of District 14,
4 that I represent. With respect to district
5 lines, as I don't make it a priority to get
6 involved in other districts, my involvement in
7 engagement on this petition is unique given the
8 proximity to the proposed site and that 97
9 percent of the nearly 1,800 residents who live
10 within a half-mile radius of the proposed site
11 live in District 14. Many of those residents are
12 here today and have had to leave, and as we know,
13 political boundaries do not reflect neighborhood
14 boundaries.

15 In late 2026 -- in late April 2026,
16 excuse me -- I held a community forum for
17 neighbors to learn more from the petitioner.
18 Recently, I closed a monthlong survey to collect
19 input from residents. The results from the
20 survey reflect the trend I have heard via
21 hundreds of phone calls, text messages, emails,
22 social media messages and conversations with
23 neighbors directly on this proposed development.
24 As emphasized by President Beecher, 83 percent of
25 respondents opposed the proposed data center,

1 with nearly 70 percent selecting Strong Oppose.

2 The community's concerns were deep,
3 consistent, and clear. The four themes that
4 emerged most strongly, and to highlight and to
5 repeat, environmental concerns related to air
6 quality from diesel generators, energy grid
7 strain and the long-term environmental footprint
8 of a facility of this scale, and the lack of a
9 robust decommissioning plan in case the developer
10 walks away from the site; utility costs
11 (indiscernible) from pressure neighbors already
12 feel from existing rates, along with deep
13 skepticism about promises that a data center
14 won't drive rates higher.

15 Noise and light pollution generated by
16 operational noise from cooling systems and backup
17 generators, and when those generators will be
18 used and the proximity of the site to an
19 elementary school and the Pennsy Trail. Finally,
20 growing concerns that any potential community
21 benefits are contingent on neighbors and/or
22 elected officials' support of the project,
23 including tax incentives, and not an authentic
24 commitment to support the neighborhood as
25 specific details remain to be seen.

1 These concerns remain and the context
2 of the community's position is very important,
3 Madame Hearing Examiner, as it was not made with
4 haste. Instead, it is an example of how an
5 engaged community makes an informed decision
6 about what they want their neighborhood to look
7 like in the future, and it is not one steeped in
8 anti-development fervor. Of note, the petitioner
9 has been communicative on several issues. The
10 proposed development does sit on a brownfield
11 site, making future development challenging, and
12 the project may -- may -- be built with union
13 labor, and the project may generate significant
14 tax revenue.

15 I emphasize these points to my
16 neighbors and to the petitioner to provide an
17 honest overview of the proposed development. It
18 does have the potential to provide benefits to
19 the district and the people who I represent, but
20 again, these are potential benefits. And as I
21 stand before you today, these are unclear or
22 quite unknown, presenting a significant risk that
23 in fact a benefit may not exist to or for the
24 community. Importantly, the community is also
25 aware of these prospective benefits, which I

1 think you've heard, but feel strongly that the
2 potential costs are too high.

3 Long-term success of any project is
4 contingent on community trust and respect and
5 assurance their voices have been heard. My
6 district has performed a cost-benefit analysis
7 and has ultimately concluded that the development
8 costs more than the benefits it could generate.
9 Finally, I believe strongly that the staff report
10 emphasizes a powerful tool that is in your
11 possession and key to good government and good
12 public policy, and that's discretion.

13 Finding One of the staff report, under
14 Public Health, Safety, Morals and General
15 Welfare, staff states that "Public testimony and
16 correspondence have raised concerns related to
17 potential impacts of the proposed data center
18 use, including noise, operation of diesel
19 generators, and overall energy consumption.
20 Staff acknowledges these concerns as part of the
21 public record and took that into consideration
22 during the zoning analysis."

23 An acknowledgement and consideration of
24 the concerns in the staff's analysis is the very
25 basis by which you, Madame Hearing Examiner, may

1 recommend denial of this petition. This is a
2 clear recognition that this process has
3 discretion from staff's own analysis. Community
4 concern and voice has been weighed against
5 several of the commitments which remain
6 incomplete, thereby strengthening the community's
7 argument and concerns. Madame Hearing Examiner,
8 you have the discretion to provide a more
9 critical analysis that this finding has not been
10 satisfied. For these reasons, I request that you
11 recommend denial of the petition in the
12 Metropolitan Development Commission and properly
13 weigh community concerns. Thank you.

14 COUNCILOR JESSE BROWN: Good afternoon,
15 Madame Hearing Examiner. My name is Jesse Brown.
16 I live at 2022 North Riley Avenue; that's
17 Indianapolis, Indiana 46218. And as you're
18 aware, I'm the City/County Councilor for District
19 13. That is the near east side, but it does not
20 include the parcel in question today.

21 I first want to thank Councilor Nielsen
22 for his excellent comments. I want to cosign all
23 of them and thank him for his leadership
24 throughout this process. Despite my district not
25 including this parcel, I wanted to tell you that

1 dozens upon dozens of my constituents asked me to
2 come here today to remonstrate against this
3 variance request on their behalf. The people of
4 District 13 wanted me to detail all the many
5 reasons why they find data centers in general to
6 require additional oversight beyond mere variance
7 requests. Let's be honest here. We all know
8 this is not the appropriate format for handling a
9 data center conversation. When I say we all know
10 that, what I mean is that --

11 HEARING EXAMINER JUDY HALL: Okay, no
12 more noise, please. (indiscernible).

13 COUNCILOR JESSE BROWN: When I say we
14 all know that, what I mean is that the Department
15 of Metropolitan Development has said that
16 variances are inappropriate and instead they have
17 proposed Special Use District 47 for data centers
18 moving forwards. They're still working out the
19 details on that and have not presented it to the
20 Metropolitan Development Commission. But in the
21 meantime, the City/County Council has unanimously
22 asked the MDC for a data center moratorium. I'm
23 aware that that does not apply retroactively; I'm
24 aware that people have already entered the
25 pipeline. But as Councilor Nielsen indicated,

1 you do have discretion here and I find those
2 details relevant.

3 These facilities have substantial
4 impact on our electric grid, and again, we find
5 it inappropriate to approve variances at this
6 time, given that the City as an almost unanimous
7 whole has said that that's not going to be
8 appropriate very soon. I also, though, wanted to
9 speak about this project specifically. I've
10 personally been in contact with DC BLOX
11 representatives for I think a few months now, and
12 in that amount of time, their proposal has moved
13 from a maximum of 28 diesel backup generators to
14 a maximum of 56. We are deeply concerned by the
15 quickly-escalating request, especially in light
16 of the very poor air quality that remonstrators
17 mentioned Indianapolis already faces.

18 Data centers are able to use battery
19 backup rather than rely on diesel generators, or
20 they could use Tier Four generators. This
21 company has chosen not to do either as a way of
22 saving money and thereby passing negative
23 externalities onto my constituents as well as
24 these other councilors' constituents. I will
25 also add that this is personal to me, as I've

1 personally driven my nephew to the school
2 adjacent to this parcel. We should not require
3 children to breathe in diesel exhaust in order to
4 increase profits for an out-of-state company.

5 Finally, although I understand your
6 role as the Hearing Examiner is to apply the
7 rules as written, I still ask you to consider the
8 context of the scenario before you today. The
9 reason we have human beings serve in the role of
10 Hearing Examiner rather than simply automate it
11 or outsource it to Claude or ChatGPT is because
12 we rely on your extensive human experience and
13 empathy. How many times in the last year have
14 you seen this room absolutely overflowing with
15 regular taxpayers and voters all on the same side
16 of this issue? How many people have spent their
17 PTO or their days off in order to walk through a
18 metal detector and wait in silence for over 3.5
19 hours just to demonstrate their desires?

20 Look at how many people have sat
21 silently today, none of them getting paid a dime,
22 just to make it clear how opposed they are to
23 this project. Every single poll, every single
24 survey, every possible measurement of voter
25 sentiment suggests the people of Indianapolis are

1 demanding that the government they pay for and
2 consent to must stand against data center
3 developments in Marion County. Please use your
4 role to honor the requests of our bosses, the
5 public, and deny the request today. Thank you.

6 COUNCILOR MICHAEL PAUL HART: Thank
7 you, Madame Examiner. My name is Michael Paul
8 Hart, representing District 20, the district
9 that's housing the data center, and first, I just
10 want to thank you, because I know you've gone
11 through this a few times now. This is a very
12 difficult thing and, you know, it brings out a
13 lot in people in the communities. This is my
14 second time going through this process. I've
15 done it on the south side of Indianapolis in my
16 district as well; now we're here again.

17 I think what's important in these
18 situations is to understand the procedural
19 process behind this and what you're doing and
20 where we're at in all this. I think it's
21 important to note that this is a use case
22 variance, not a rezone, and so essentially, I
23 don't have the same authority that I did in
24 previous cases, and the things that you're
25 looking for are really the evaluation of the

1 zoning ordinance, the comp plan, land use, and
2 you're taking things into consideration and
3 that's what I'm trying to identify and articulate
4 and understand in this process and share my
5 experiences with you today of what I've seen so
6 far.

7 Where I've had a unique experience is
8 I'm the only councilor who's had multiple data
9 center hearings up to this point and I can
10 wholeheartedly tell you I know what bad looks
11 like at this point. The first time I went
12 through this process, I was stricken under an
13 NDA. I wasn't able to share details. I did sign
14 that to make sure I could be a part of that
15 conversation and represent the people that I
16 could represent. That hasn't happened in this
17 case. You know, I've -- in previous cases, you
18 know, I've seen different land use styles, where
19 I've seen, you know, this type of development
20 attempted in dwelling and agriculture and partial
21 of industrial.

22 I've been part of those conversations
23 where the financial contributions just do not add
24 up through financial analysis, and these are the
25 same rigorous investigations that I've been doing

1 on DC BLOX and there's four main buckets that I'm
2 always identifying what I'm working with either
3 one of these types of developments, and that's
4 financial -- you know, what's to be determined
5 for the city as a whole and the district. It is
6 the utility usage, because there's certainly a
7 lot of water and certainly a lot of electricity
8 being used in these, the environmental concerns,
9 as well as the quality of life for residents.
10 And you know, from what I have deducted from our
11 last case to this case, we have two completely
12 different types of developments and it is very
13 important to note that these are not all the same
14 by any means.

15 But I also want to be very clear that I
16 haven't received 100 percent of all the
17 information yet for this specific case, and what
18 I mean by that is it's not because of the
19 petitioner withholding anything; in fact, it's
20 because of the IEDI in this case. And so, when I
21 mention those four buckets -- utility,
22 environmental, quality of life, and financial --
23 we have projections on what some of the
24 financials could look like, but there's no actual
25 packet yet coming from the IED on what the full

1 incentive package could look like, and that to me
2 is very important because we have to -- I have to
3 analyze all these things before I'm going to make
4 a decision, whether I'm in favor or I'm opposed
5 to one of these things.

6 But I'll tell you this. The process so
7 far in terms of transparency, I can tell you, has
8 been vastly different from the first time. It
9 has actually been a positive experience, where
10 any time I've asked for information, the phone
11 call has been returned to me immediately, where
12 in past cases I'd wait days or even weeks to hear
13 back from somebody. I did take a trip down to
14 one of their sites with the intent of trying to
15 find information firsthand for me, right, because
16 I've received -- and the people I represent, and
17 I share that information on a regular basis.

18 I think you -- I've read some of the
19 documents you have, and you've seen my newsletter
20 time and again that I've shared all this
21 information with the I represent and the people
22 that read that letter, and there's about 5,500
23 people that get that newsletter every week. I
24 received an email, a lot from Irvington
25 residents, on forming topics: cancer-causing

1 groundwater contaminants, danger to
2 schoolchildren, resource drain, and little
3 community benefit. And so, these things all fall
4 into the buckets that I'm looking at, whether I'm
5 looking at environmental, utilities, quality of
6 life, what could be the school and the community
7 benefit.

8 So, where I've been -- and I've gone
9 down -- there on the subject of noise. You know,
10 albeit I had a very cheap what I'd call decibel
11 meter. I bought one on Amazon that I could --
12 you know, it was like, 30 bucks, but it was
13 consistent in noise readings I took across
14 various places. I went down to Atlanta and I
15 went to a facility that was the same exact
16 building that we're going to see today, or that
17 they're proposing today, and it was actually a
18 quite benign structure. I was underwhelmed by
19 what was actually there. It was very small.
20 Inside the unit itself I took decibel audible
21 readings and it was 60 decibels inside. We went
22 outside; we turned on the generator. We ran them
23 and I took incremental readings in front at 75
24 feet, 100 feet, and then about 475 feet.

25 Each of those -- you know, the closer

1 you are -- you know, I think it was no more than
2 75 when I was 75 feet away from it, and then it
3 would get a lot less the farther I'd get away.
4 To note, the petitioners did have a different
5 decibel meter there that did look a lot more
6 quality than mine was, and their readings were
7 showing lower, but what's important in my
8 analysis is I didn't stop there. I took my
9 readings consistently across an active
10 construction zone that this was -- that they were
11 also showing me of what a potential Building Two
12 and Three could look like.

13 In that district -- or in that area,
14 the decibel readings were getting into I believe
15 the 80s where -- I mean, it's an active
16 construction zone, so you can imagine it can be,
17 you know, kind of loud. I also took them at my
18 house at 9 o'clock on a Saturday night and I was
19 at like, 58 decibels in my backyard, and I live
20 in a pretty standard suburban setting where you
21 hear birds chirping and kids playing. I also
22 went to the existing site on a Saturday during
23 nonoperational time and took additional readings
24 and I was up into the 70s. I went to the school
25 and took additional readings and I was at 65.

1 So, noise is certainly an issue, and
2 it's an issue that I've heard many times from the
3 constituents, and I think it's something that
4 I've seen many times over in commitments that
5 this petition has to remain at 65 decibels at the
6 property line. Now, I personally think that's
7 going to be a challenge for them, not because of
8 their operation, but because of the operations
9 that exist within that area today. And one other
10 thing that I would point out is as you go north
11 of this District Two, you start to get -- you get
12 to Washington Street, and so as we look at things
13 like the school and impacts to the school, IndiGO
14 put out an environmental document when they were
15 going through the blueline planning, and I've
16 copied the source to that document in one of the
17 memos that I sent you.

18 And essentially, they state through
19 IndiGO that on the blueline the active decibel
20 readings would be anywhere between 60 and 70 on
21 Washington Street, which is just north of the
22 school as well. So, that seems to be -- that
23 noise range seems to be very consistent with
24 things that we're already seeing in the area.
25 Where I actually think it's going to be difficult

1 for the petitioner is how other noises don't
2 reflect on their activity, because again, it was
3 already louder than 65 at that site today.

4 The other things I want to really start
5 alluding to that I dove into deeply, which were
6 the concerns of the constituents, whether mine or
7 the other councilors here, are the cancer-causing
8 groundwater contaminants. So, what was really
9 interesting, when I started digging into this
10 information, and the memo that I sent over to
11 you, it addresses the existing land use
12 operations and I really just tried to understand,
13 you know, what is already there, right? And if
14 you look around this site -- and I don't think
15 what we have on the screen is zoomed out far
16 enough, and I'm not asking anybody to change
17 anything, but there is multiple scrapyards on
18 this -- in and around this area already. Trinity
19 Metals, Zore's Recycling, and then there was one
20 other.

21 What I found interesting about these is
22 that they actually have to get IDEM permits for
23 air pollution because of the type of metal
24 particulates that are released into the air based
25 on their scrapyard, you know, metal breaking down

1 process, so to speak, and so there are existing
2 known concerns that are floating around in the
3 air from existing businesses today. You had
4 other types of industry that I think the
5 petitioner was alluding to earlier; a lot of it
6 is through logistics, warehousing, right? So,
7 there are hundreds of dock bays on this road and
8 it's something that back in 2023 when -- even
9 before '23, but '23, when we set up the TIF
10 district over here in my first term, was one of
11 the major concerns I had about this site and made
12 sure that when this site was developed -- and I
13 remember talking to Lauth about this at the time
14 -- is that because of the amount of trucks that
15 already use it and that were going to use it,
16 they had to design this site in a way that kept
17 those trucks off English Avenue, and so far
18 they've done a really good job of that.

19 But the point to be made is those
20 things are there today. More of those things are
21 coming. And so, those are the diesel exhaust,
22 the diesel fuel and all of those things that the
23 concerns are being raised, but they're not new
24 concerns. The other piece I do want to be very
25 clear about and that I think that the

1 constituents have 100 percent right to be
2 concerned about are things like the power demand,
3 the backup generators, the testing, the fuel
4 storage, construction activity, sound, brownfield
5 management, and they all require enforceable
6 commitments, and that is something that has been
7 going on.

8 I can tell you that one of the
9 community members that I worked with on the first
10 petition that I ultimately called down has been
11 very involved in this petition and she's been
12 very active in getting commitments and going back
13 and forth, and there's been probably seven or
14 eight different iterations of that that I've seen
15 DC BLOX respond to and go back and forth. I
16 don't think they're done; I still think there's
17 work to be done on the commitments. Based on
18 timeline, I still think there's time to get that
19 done, but I do encourage the work on that.

20 One of the big things that concerns me
21 the most about this -- and it's really not
22 related to the data center; this is more of a
23 Lauth thing, but it is the construction dust
24 that's in that area. You know, IDEM eventually
25 came in and I think the EPA also came in and

1 identified that there are known contaminants in
2 that ground, in that dirt, but three-quarters of
3 this site is already developed. So, we've seen
4 some aerial photos where you only see Monarch,
5 but to the east there's other buildings that have
6 already been constructed. So, about three-
7 quarters of this land is already developed.

8 The DC BLOX petitioners haven't moved a
9 speck of dust. So, one thing that I do have
10 concerns about, and I know that they've -- the
11 Lauth organization has started to mitigate that,
12 but is keeping that dust down. But if any
13 construction proceeds pending this or this
14 petition itself moves forward, that is a number
15 one concern for me is making sure that there is
16 full mitigation of that construction dust and
17 that the communities around are protected from
18 that.

19 So, the other thing that I do want to
20 allude to that is in this email that again, I
21 received 50, 60 copies of, is danger to
22 schoolchildren. So, I took a little bit deeper
23 dive to try to understand, all right, how long
24 has that school been there, because I looked and
25 I've seen, well, when did the Ford factory come?

1 And I started looking at a chronological order of
2 development in that area, and again, the
3 petitioners alluded to this, but the Ford factory
4 was built in 1957 and the school actually moved
5 in -- the Irvington Community School, not the IPS
6 school that was there before it -- the Irvington
7 Community School moved in in 2002.

8 So, I think it's just very important
9 for context to know that there had already been
10 industrial-type activity happening in that area
11 before the school moved into that area. So,
12 essentially, the school moved in in 2002 and the
13 factory closed its last hydraulic steering
14 component in 2011. So, the school had operated
15 there while the Ford folks were for quite some
16 time.

17 The other piece I think is just
18 critical to me is when I look north of the school
19 is where, you know, it starts to get into the
20 more commercial district. It's Washington
21 Street, right? You've got some of the Irvington
22 Plaza and the things over there and a lot of
23 storage facilities just north of it; just like
24 your residential type of storage facilities. But
25 you also have a facility that really stands out

1 to me, and that is a nearby motel, and why that
2 stands out to me is it is the Skyline Motel, and
3 that Skyline Motel has been under a ton of
4 scrutiny for many years. There's actually been
5 an ordinance created because of the amount of
6 crime and negligence that has come out of that
7 hotel and other hotels like it.

8 The school is within the same proximity
9 of that motel as the proposed data center, and
10 what gives me a lot of resolve is that -- this is
11 not an attack on the motel or the people that use
12 it, but the existing use of it shows that there
13 are, to me, more concerns with the transient use
14 of that building than the benign structure that -
15 - the secured access of what a potential data
16 center could show. You know, and as I was
17 mentioning, the other thing that stood out is the
18 noise. I mentioned to you already that IndiGO
19 put out their decibel readings, so the noise
20 that's coming from north of that school is going
21 -- is equivalent to whatever would come from the
22 south of that school and what exists today.

23 So, I say all that, not that the
24 conditions aren't important; they are very
25 important, and I think a lot of conditions to be

1 met. But when we're looking at this particular
2 petition, what I have to ask myself, and when
3 looking at the facts of what I have in front of
4 me for my personal investigations is, is this
5 development more intensive or causing more harm
6 and burden than the existing examples that I've
7 already provided and that I've already researched
8 in the area? And that's what I'm having a hard
9 time saying yes to.

10 I think there's a lot of activity,
11 because it is an industrial area, that the school
12 moved in after that and that's just the reality
13 of what happened there, but I think that does not
14 omit the need for conditions and commitments in
15 this area for sound, for generation -- generator
16 testing, generator emissions, construction dust
17 on the brownfield work, traffic and side access,
18 as well as public transparency. All of those
19 commitments have to be solid as stone if this
20 petition is to move forward.

21 And the last piece, because it's the
22 last bucket that I operate in, and that's the
23 financial piece, and I think that's the piece
24 that's most -- well, it's the last piece. It's
25 very interesting to me, and why it's so

1 interesting to me is because when I took the
2 opportunity to run for council again in this
3 district, it was a new district, and I moved
4 farther to the east and I inherited this -- the
5 far east side, where I've got the Washington
6 Square Mall and the entire east side corridor,
7 and at the time, when I did my door-knocking,
8 when I did my polling, the biggest concern that I
9 had from people was economic development on East
10 Washington Street, and it is the Washington
11 Square Mall equally.

12 And just a few months back, the other
13 thing that became the second-most important thing
14 -- it actually happens to reside in District 14,
15 but in a very similar situation, it's right
16 across the street from District 20 -- it's the
17 YMCA. Those are the two biggest concerns that I
18 have in District 20. It's, how do you bring back
19 the YMCA and how do you make new the Washington
20 Square Mall? What's interesting about this
21 petition to me is even under the abated
22 projections I've seen is the amount of tax
23 revenue both to the existing TIF that's in the
24 area as well as the community impact, and I'll
25 start with the TIF.

1 The first projection I've seen on the
2 TIF is \$11 million in that TIF and what's
3 important is I helped create that TIF back in
4 2023 with current Councilor Fourteen's
5 predecessor, Councilor Larrison, and what we did
6 is we took any potential new property tax
7 revenues that come from the Thunderbird site and
8 we applied them to Irvington Plaza and we applied
9 them to Ellenberger Park and we applied them to
10 some other -- another place within the Irvington
11 district. That's \$11 million of property taxes
12 over a ten-year period that would stay in those
13 areas.

14 Now, one of the hard lines in the sand
15 for me if I'm ever going to be in support on this
16 is that I also need to see a commitment that
17 there will be a re-drawing of the allocation area
18 to include the Washington Square Mall, because I
19 too hosted a community public session and had 100
20 people there and they weren't satisfied with all
21 those TIF dollars going to just that part of the
22 district. They wanted to see it go farther east,
23 and that's Washington Square Mall.

24 The second piece of the financial
25 component that's very important to me is the

1 amount even under-abated that goes to the school
2 districts. So, right now we're all dealing with
3 Senate Bill SEA-1 where there's just a lot of
4 reductions in property taxes. That hit a lot of
5 our schools really hard. There's no other type
6 of development that I've ever seen that will
7 produce \$1 million of taxes a year for the Warren
8 Township School over the next ten years, and more
9 after an abatement is over. That is a massive
10 impact, because those are operating revenues that
11 they could use on teacher raises and things of
12 that nature.

13 The last piece, which is I think one of
14 the most important for the community that I've
15 heard, is what do you do with the community
16 impact payment, because essentially, when an
17 abatement goes in, a percentage of that abatement
18 has to be written in a check and it has to go to
19 the community impact. And the most relevant at-
20 hand opportunity today is to save the YMCA, and
21 we have been in conversations with Shepherd
22 Community Center, who is actively building a
23 group of partners and actively communicating with
24 the YMCA and we, through myself and through this
25 group, are trying to help support the creation of

1 that process to create another third space on the
2 east side, revitalize that building under the
3 Shepherd Community Center with other partners and
4 bring back that space that was just taken away
5 from the east side.

6 I mentioned there are two things that
7 are extremely important to the people I
8 represent. It is the Ransburg YMCA and it is the
9 Washington Square Mall, and financially, this
10 helps that and it supports the schools, and those
11 are things that I'm wrestling with that I'm
12 conflicted on. The answer that I don't have is,
13 in concrete, that those dollars and those figures
14 are accurate. I don't have what's accurate and
15 concrete is that an approved, agreed-upon plan
16 for the Y. We're still working through that.
17 We're still waiting on the IEDI to give us those
18 projections.

19 So, right now, I can't give you a
20 position one way or the other. I can tell you
21 every -- I just told you everything that I've
22 looked at, everything that I've heard, and all
23 the considerations that I'm taking, but I'm not
24 going to tell you I'm supportive or I'm not
25 supportive, because I still need to know what's

1 going to happen on the financial arm of this
2 project. If the financial arm can come through,
3 I think there's a real opportunity for the east
4 side, but until we know that, I can't give you an
5 affirmative one way or the other, and with that,
6 I rest my time.

7 HEARING EXAMINER JUDY HALL: Thank you
8 for your comments. No, we already have
9 remonstrators.

10 UNIDENTIFIED SPEAKER 3: What? I'm
11 sorry.

12 HEARING EXAMINER JUDY HALL: Are you a
13 councilor?

14 UNIDENTIFIED SPEAKER 3: I'm against
15 it. So, I --

16 HEARING EXAMINER JUDY HALL: Okay, so
17 we are -- the remonstrators' time is up.
18 Remonstrators had fifteen minutes. They already
19 gave their comments, and then the councilors were
20 allowed to speak, so now I'm going to ask the
21 staff for their report. Kathleen?

22 KATHLEEN BLACKHAM: Thank you, Judy.
23 As you'll note, this request involves two
24 requests, one for platting and one for variances.
25 I wanted to talk about the platting. Staff has

1 reviewed the replat of -- excuse me -- Block A,
2 and finds that it does meet the subdivision
3 regulations. I would note, though, that staff
4 made an error on the date of that plat. The plat
5 itself is correct that's in the staff report, but
6 the date for the plat is May 28th, 2026, not
7 March 23rd, and that's on Page 221 of the staff
8 report. So, if you find that you will approve
9 the plat, it should be subject to that filed
10 dated May 28th.

11 Moving onto the property itself, it is
12 -- the other error that staff made on overlays,
13 yes. It is in the industrial reserve overlay.
14 It lies within the transit-oriented overlay;
15 however, the ordinance excludes industrial uses
16 from that overlay. So, any comment or reference
17 to the overlay to transit-oriented development
18 related to this should not be considered, but
19 again, this is within the industrial reserve.

20 Moving on to the variance of use, they
21 are requesting a variance of use to permit a data
22 center campus. And as you know, and the staff
23 has been struggling with this, this is an
24 unlisted land use. This use would be, however,
25 within the I3 zoning district. There are three -

1 - excuse me, there are five criteria that is used
2 to evaluate a variance of use. The first one
3 relates to public health, safety, morals, and
4 general welfare. There's already been reference
5 to made to the public testimony and
6 correspondence that have raised concerns related
7 to potential impacts of the proposed data center
8 use that includes noise, generators, overall
9 energy consumption. Staff acknowledges this as
10 concerns and as part of the public record, but
11 took that into consideration during the zoning
12 analysis.

13 Indy Rezone anticipates industrial uses
14 with operational impacts and addresses such
15 impacts through applicable development standards,
16 performance regulations, and the ability to
17 enforce commitments. In this case, staff
18 believes the petitioner has proposed commitments
19 that directly regulate operational
20 characteristics of this data center campus, which
21 would place limitations on generator testing
22 hours, sound level monitoring, required
23 buffering, screening, and the use of the closed-
24 loop cooling system. Emergency generators would
25 also be enclosed in insulated structures and they

1 would be subject to IDEM air-permitting
2 requirements.

3 The petitioner has also committed to
4 funding necessary electrical infrastructure
5 improvements and any associated costs that are
6 not borne -- so to assure that any associated
7 costs are not borne by the local taxpayers, and
8 that may include an on-site substation. Staff
9 finds that the requested variance of use as
10 conditioned does not create an unregulated or
11 unchecked impact on public health, safety,
12 morals, or general welfare beyond what is
13 contemplated for the industrial development in
14 this I3 zoning district.

15 Adjacent -- another -- the second
16 criteria related to a variance of use relates to
17 adjacent property impacts. Staff believes that
18 because of the site size, configuration, and
19 separation from the nearby protected district,
20 which would include Pennsy Trail, that combined
21 with enhanced transitional yards, existing
22 easements and operational commitments reduce the
23 potential offsite impacts, and then with a strict
24 adherence to the commitments to install enhanced
25 screening to the neighboring properties. Staff

1 also believes that the vehicular circulation,
2 ingress/egress associated with this would not
3 introduce large deviations from the current
4 traffic impacts along English avenue.

5 (indiscernible) does not introduce adjacent
6 property impacts beyond those contemplated and
7 regulated under what is now an I3 zoning
8 district.

9 Uniqueness of the property is another
10 criteria that is reviewed. With the significant
11 depth, existing utility easements and proximity
12 to high-capacity electrical transmission
13 infrastructure, staff believes that those
14 features provide a considerable transitional yard
15 some buffering that would not be feasible on a
16 smaller industrial parcel, but it does provide
17 for that on this one. While the ordinance does
18 not expressly list data center as a permitted
19 use, the operational characteristics of a
20 proposed campus align closely with light
21 industrial development patterns. We find -- the
22 staff finds that the combination of the site
23 size, depth, infrastructure access, and prior
24 industrial entitlement constitutes the conditions
25 peculiar to the property that supports the

1 requested variance.

2 As you know, the strict application of
3 the ordinance would prohibit the proposed use
4 solely due to the absence of a listed land use.
5 Despite the staff's physical suit -- the site's
6 physical suitability and infrastructure capacity,
7 staff finds that this constitutes an unnecessary
8 hardship not created by the petitioner.

9 In terms of the comprehensive plan, the
10 current request for the variance of use seeks to
11 approve a data center campus, which is again an
12 unlisted use under Indy Rezone. They are not
13 expressly listed as a permitted use. The
14 proposed use is industrial in nature and aligns
15 with a general employment and industrial
16 character contemplated by the I3 Zoning District.
17 The variance of -- this variance would not
18 introduce a new land use category, nor does it
19 represent further departure from the
20 comprehensive plan.

21 Staff finds that the variance of use
22 does not materially conflict with the
23 comprehensive plan recommendation of heavy
24 industrial and the industrial reserve overlay
25 when considered in the context of the existing I3

1 zoning and that the proposal constitutes to
2 advance an industrial use consistent with the
3 established zoning framework for the site. There
4 have been commitments that have been cemented by
5 the petitioner and then staff is requesting
6 commitments that the staff believes that will tie
7 the use down and enforce some clear, measurable,
8 enforceable, and directly related mitigating
9 potential impacts associated with this proposed
10 data center.

11 The consolidated zoning subdivision
12 ordinance will address potential concerns related
13 to noise, visual screening, lighting, traffic,
14 operations, water uses, and utility
15 infrastructure, which will be applicable in this
16 case, and again, staff believes that the
17 commitments do not conflict with the intent of
18 Indy Rezone and operate to enhanced performance
19 standards tailored to this specific
20 characteristic.

21 The second variance relates to the
22 development standards, which is simply a parking
23 reduction. Based upon the size of what is
24 proposed, 420 off-street parking spaces would be
25 required; however, given the fact that the use

1 category is not included and data centers are not
2 an expressly permitted or defined use, the data
3 centers are typically limited to maintenance
4 security and technical staff, resulting in
5 parking demand substantially below parking ratios
6 used for commercial or industrial
7 classifications. And for that reason, staff is
8 recommending support and approval of that, no
9 less than 100 on-site off-street parking spaces,
10 which then reduces -- and the petitioner's
11 representative indicated the unused parking
12 areas, unnecessary impervious surface expansion
13 and minimizes runoff and preserves area available
14 for buffering.

15 And again, staff is recommending
16 approval of the plat, the variance of use, and
17 the variance of development standards. As you
18 might know, there has been -- from what you have
19 received, there have been a number of emails
20 received. As of approximately 9 o'clock this
21 morning, there were 132 emails that have been
22 received, seven of which of that is support.
23 Since that time, and that's until staff came here
24 to the meeting, there have been fourteen
25 additional emails that have been sent. So, what

1 this is saying is that there are -- emails are
2 continuing to come in on behalf of these
3 petitions, and with that, staff would be glad to
4 answer any questions that you might have.

5 UNIDENTIFIED SPEAKER 4: Fourteen?
6 That's a crock of shit.

7 HEARING EXAMINER JUDY HALL: Okay, you
8 can leave. I've made this very clear from the
9 beginning.

10 UNIDENTIFIED SPEAKER 4:
11 (indiscernible).

12 KATHLEEN BLACKHAM: Just to be clear,
13 the fourteen was from 9 o'clock until 1 o'clock.

14 HEARING EXAMINER JUDY HALL: Okay,
15 thank you.

16 KATHLEEN BLACKHAM: Okay?

17 HEARING EXAMINER JUDY HALL:
18 Petitioners, you have five minutes for rebuttal,
19 please.

20 MINDY WESTRICK BROWN: Thank you.
21 There's an old saying that the past predicts the
22 future, and I think that's applicable here. DC
23 BLOX has built these buildings. They've been
24 great partners to the community in places they
25 operate. They've been beyond generous and

1 charitable in those locations.

2 We don't have an entire list of all the
3 economic benefits to date for this project,
4 because we don't have all the applicable tax
5 information back from City partners at this time.
6 However, DC BLOX is committed to conversations
7 with the community and elected officials on what
8 will make a positive impact on the east side. We
9 know part of that will be done with inclusivity
10 payments under those tax discussions.

11 We consider the donations to the Parks
12 Alliance and the cleanup of the easement with
13 native plants and the zoning commitments as an
14 obligation to be a good neighbor and not counted
15 in future community benefits. I'd like to now
16 turn it over to the CEO, Jeff Uphues, to make an
17 additional commitment.

18 JEFF UPHUES: Thank you for allowing us
19 to present here today. My name is Jeff Uphues.
20 I'm at 1040 Crown Point Parkway in Atlanta,
21 Georgia. Today I can share a little bit about
22 what DC BLOX is planning to do above and beyond
23 and outside any of the tax discussions. DC BLOX
24 is working on a multi-million dollar community
25 benefit agreement, again, outside the

1 inclusivity, with the Shepherd Community Center,
2 that brings enormous value to the entire east
3 side, as indicated by Councilman Hart. We're all
4 -- we're hopeful to name the multi-million dollar
5 project details and partners in the near future
6 and have ongoing discussions in the community
7 today as well as in the future. Thank you.

8 MINDY WESTRICK BROWN: With our
9 remaining time, I'd like to address a few of the
10 comments that have been made. We do have
11 decommissioning as part of our zoning
12 commitments. I believe we've addressed
13 everything the remonstrators have asked for to
14 date. We're willing to do a commitment, Madame
15 Chairwoman, if you'd like and find appropriate.
16 Happy to add in the final commitments that we
17 will commit to mitigate construction dust.

18 Although we have vested rights in this
19 case, we have voluntarily agreed to review the
20 guardrails and incorporate -- I can't think of
21 anything we haven't incorporated from the
22 proposed guardrails, just as a good neighbor and
23 someone that's following the discussions in a
24 city. In Tab Twelve, we have environmental
25 reviews, including a letter from today that

1 addresses the air permits, and Chris Braun will
2 speak if we have any minutes here left. There
3 will be a sound study; I know that was mentioned
4 as well.

5 Also, on Page 6 of our commitment
6 document, there is a commitment for an ongoing
7 website, where we'll house those documents that
8 are part of this commitment process so that
9 they're there for the neighbors and the community
10 to see as this project is operational well into
11 the future. We also have -- again, I'll restate
12 we have two property valuation reports done by
13 two different certified appraisers that show that
14 there's no impact -- substantial adverse impact
15 on property owners. And so, now I'll let Chris
16 Braun talk more about the brownfield and
17 environmental concerns.

18 CHRIS BRAUN: Thank you, Madame Hearing
19 Examiner. Chris Braun from Plews Shadley Racher
20 & Braun, 1346 North Delaware Street here in
21 Indianapolis. DC BLOX took seriously a lot of
22 the concerns expressed about environmental issues
23 at the site, so this morning, we supplemented the
24 April 14th letter with another letter that
25 provided more in-depth analysis to allay some of

1 the concerns about the environmental. I'm going
2 to give you just briefly that when Ford Motor
3 Company decided to leave the site, they undertook
4 an environmental investigation and cleanup that
5 resulted in 2023 that they ultimately got a
6 certificate of completion and (indiscernible) the
7 State of Indiana where IDEM had concluded that
8 they had brought the site into regulatory
9 compliance and that the levels of contaminants
10 that were left on site were not actionable; they
11 were below trigger levels.

12 When they sold the property in 2022 to
13 DC -- to Lauth and Thunderbird, they went in and
14 did additional work on the site and so the
15 environmental restricted covenants that were
16 recorded when Ford did the work at the site were
17 superseded, and Lauth went in because of the
18 additional work they'd done at the site and put
19 in even more restrictive conditions in there.
20 Those are all set forth in there, and all this is
21 a matter of public record. All the reports
22 submitted, they're on the virtual filing cabinet
23 at IDEM. They're welcome to anybody that wants
24 to look at them, and DC BLOX has agreed and
25 committed to all of the eleven restrictions set

1 forth in the amended restricted -- environmental
2 restricted covenants. So, with that, happy to
3 answer any questions you may have on the
4 environmental. Thank you.

5 HEARING EXAMINER JUDY HALL: All right,
6 thank you. Remonstrators, you have five minutes
7 for rebuttal, please.

8 MEGAN LAPA: Megan Lapa. The
9 petitioner has offered significant time with our
10 community to present their case. What I want to
11 address in this rebuttal is not the merits of
12 that effort or of the commitments, but the
13 pattern of how this project has been presented to
14 the people most affected by it, which is one of
15 repeated mischaracterization, all while asking us
16 to trust them.

17 At the April 27th forum, the
18 petitioner's first introduction to our community,
19 their representatives, developer, their sales
20 leadership -- they all characterized the site
21 zoning as heavy industrial. Their dec presented
22 to the community and the public-facing assets on
23 their website stated the same, including the
24 press release about D14's forum, only made
25 available through D20 Councilor Hart's

1 newsletter. This site is medium industrial and
2 that distinction is not semantic; it's the entire
3 basis of this variance petition.

4 The most indicting participant in the
5 heavy industrial characterization of Block A was
6 the petitioner's representative from their local
7 developer, a former member of this very
8 Commission who would have evaluated variance
9 cases just like this one and who also served on
10 the plat committee. He knows the difference. At
11 the same forum, DC BLOX presented a letter from
12 the President of AES Indiana to dismiss resident
13 concerns about energy impact rates. That letter
14 is a PR statement, not a binding commitment
15 enforceable by any resident or public body.
16 Neither AES or DC BLOX control our energy rates
17 and they know this, and nothing in their
18 statement of commitments contains any binding
19 commitments regarding energy costs.

20 The misrepresentation was compounded
21 when DC BLOX representative David Armistead
22 acknowledged that energy costs may go up, then
23 immediately assured residents they have a lot of
24 protections in place with AES and their legal
25 commitments, ensuring data centers would not be

1 the cause. That statement is materially false
2 and it's inherently misleading to my community.
3 There are no protections in place from AES.
4 There's a PR letter referencing an IRP filing
5 that hadn't even been finalized when it was
6 published, and the one energy-related provision
7 in their statement of commitments requires the
8 developer to coordinate with AES on
9 infrastructure costs. It does not cap rate payer
10 exposure, prevent future rate increases, or
11 establish any causal fire wall between their
12 power demand and our higher utility bills.

13 The only body with authority to
14 determine how this project affects our rates is
15 the IURC, which has made no rulings regarding
16 this project and will not do so until after this
17 variance is or is not approved. And the local
18 energy provider is currently in the process of
19 acquisition by financial backer of this
20 petitioner. The most consequential
21 misrepresentation involves the generators, the
22 single greatest source of noise impact on our
23 community and a concern we've made repeatedly
24 clear. At the D14 meeting, the community was
25 shown eighteen generators for Building Three.

1 Their own plan of operations at the same time
2 stated 36, the highest count of any building on
3 campus, representing more than half of the site's
4 total.

5 D14 was presented figures reflecting 32
6 percent fewer generators, which means 32 percent
7 less noise, 32 percent less diesel emissions,
8 right next to a public greenway and our
9 elementary school, in a county with a failing
10 airshed. DC BLOX called this a filing
11 precaution. They said the numbers shown to our
12 community made it look like they didn't have
13 their numbers together. That's a remarkable
14 characterization for a discrepancy of eighteen
15 generators in a building they acknowledge has no
16 contracted customer.

17 They updated their materials without
18 acknowledgment, without outreach to the community
19 members who saw the original figures and without
20 any public correction whatsoever. When sked
21 directly at D14 meeting whether they would still
22 pursue this project without tax abatements, they
23 said yes. At the subsequent D20, that answer
24 changed with no public follow-up from the falsity
25 that was stated to the D14 in April. They

1 promised twice to place a public hearing sign
2 visible from the Pennsy Trail. As of yesterday,
3 that sign has yet to appear.

4 This Commission is being asked to grant
5 permanent vested rights to a petitioner who has
6 demonstrated repeatedly that what they tell our
7 community and what they file and follow through
8 on are not always the same thing, and this
9 community has every reason, well documented
10 across multiple forums and meetings to question
11 whether those commitments are meaningful at all.
12 you are asking our community to accept what has
13 been presented by this petitioner. We ask you
14 weigh not just what they've promised on paper but
15 what their conduct has already shown us.

16 Variances are meant to address use
17 within existing zoning, not to accommodate
18 unlisted uses or bypass the processes that
19 appropriately address what the petitioner is
20 seeking. And Ransburg Y is in my district, Andy
21 Nielsen's D14. It is shocking to hear Councilor
22 Hart's claim as if that were not true, choosing
23 now to announce that he wants to shift the
24 goalpost on our TIF district. So, add him to the
25 pile, because we are prepared to show up and

1 fight for that for D14, too. Our community
2 rejects the staff's conclusion and we maintain
3 our request that this petition be denied. Thank
4 you.

5 HEARING EXAMINER JUDY HALL: All right.
6 So, again, I appreciate everyone coming down this
7 afternoon. I know it's been a really long
8 afternoon. Just as a -- well, I guess to explain
9 what my role is as the Hearing Examiner, I will
10 hear almost all rezoning petitions in Marion
11 County, along with variance and plat petitions,
12 and I am appointed as a land use professional, so
13 it's not a political appointed, but it's not an
14 elected position. And so, what I am tasked with
15 doing is hearing all the information that is
16 presented to me from all sides and making what I
17 think is the best recommendation based on what
18 I've heard.

19 I will say that over the last year or
20 so, I think we've all learned a lot about data
21 centers. They're -- you know, they're
22 everywhere, literally, that you turn. You can
23 read or hear or see something about data centers,
24 and as with any I guess newer technology, newer
25 concept, whatever, there's always a learning

1 curve for everybody. One of the reasons that the
2 data centers come here to be heard is because
3 when Indy Rezone rewrote all of our ordinances
4 eight years ago or whatever it was, there was no
5 concept of a data center, and so it is not listed
6 as a permitted use in any of the districts. And
7 so, that's why when one is -- when there's a
8 request for one to be developed, it has to either
9 have a variance requested or a rezoning
10 requested. And so, it's -- it is a -- you know,
11 it's a new concept, and so that's why we have to
12 come to the public hearing to talk about this.

13 There has been a lot of really good
14 input from the remonstrators, the different
15 councilors that spoke, the staff, and I've said
16 this before -- you know, staff's role is to
17 provide professional land use advice without --
18 while being impartial. So, they are not -- they
19 also listen to what is being said by all sides,
20 but their main role is to provide an impartial
21 recommendation. On this particular petition,
22 this location is in what is considered a heavier
23 industrial zoning classification currently, and
24 there are certainly other heavier industrial uses
25 in the area.

1 As far as the plat is concerned for 26-
2 CPL-815, I am going to recommend approval of that
3 plat and find that the plat, file dated May 28th,
4 2026, complies with the standards of the
5 subdivision regulations subject to the eleven
6 conditions in the written staff report.

7 UNIDENTIFIED SPEAKER 5: Shame on you.
8 Shame on you. No, you don't get to police my
9 response. No data centers.

10 GROUP: No data centers. No data
11 centers.

12 HEARING EXAMINER JUDY HALL: Sir, you
13 need to leave. Leave. Leave.

14 UNIDENTIFIED SPEAKER 5: You don't get
15 to decide what civility is. Civility is not
16 polluting our neighborhoods.

17 HEARING EXAMINER JUDY HALL: Please
18 remove him.

19 UNIDENTIFIED SPEAKER 5: Civility is
20 listening to the public. No data centers.

21 GROUP: No data centers. No data
22 centers. No data centers. No data centers. No
23 data centers. No data centers. No data centers.

24 UNIDENTIFIED SPEAKER 5: Civility is
25 not being at the (indiscernible). No data

1 centers. No data centers.

2 HEARING EXAMINER JUDY HALL: Okay.

3 UNIDENTIFIED SPEAKER 5: Shame.

4 HEARING EXAMINER JUDY HALL: I need to
5 finish my recommendation. If you all don't want
6 to listen to it, please leave now, but I need to
7 finish my recommendation, okay? Thank you.

8 So, for the variances that were
9 requested, I think it is a -- well, okay. In my
10 opinion, I feel like the required five findings
11 of fact have all been met, and I think staff did
12 a great job of recounting all of those and why
13 they are being met. I think the commitments that
14 have been offered address many of the concerns
15 that have been -- that have been raised. I
16 understand they're not addressing all of your
17 issues, and I get that. But in my opinion, the
18 plans that have been presented, the commitments
19 that have been presented, the -- I'm losing my
20 words now. The desire to be a part of the
21 community, and to --

22 GROUP: (laughter)

23 HEARING EXAMINER JUDY HALL: I think
24 that the requested variance has met all the
25 findings, and I'm recommending approval of the

1 use variance.

2 UNIDENTIFIED SPEAKER 6: DC BLOX has
3 got to go. Hey, hey, ho, ho.

4 GROUP: DC BLOX has got to go. Hey,
5 hey, ho, ho. DC BLOX has got to go. Hey, hey,
6 ho, ho. DC BLOX has got to go. Hey, hey, ho,
7 ho. DC BLOX has got to go. Hey, hey, ho, ho.

8 HEARING EXAMINER JUDY HALL: Sir.
9 Remove him, please.

10 GROUP: Hey, hey, ho, ho. DC BLOX has
11 got to go.

12 UNIDENTIFIED SPEAKER 6: Judy Hall has
13 got to go. Hey, hey, ho, ho. Judy Hall has got
14 to go. Judy Hall has got to go.

15 UNIDENTIFIED SPEAKER 7: You got the
16 CEO, who doesn't live here.

17 HEARING EXAMINER JUDY HALL: Okay, you
18 need to leave.

19 UNIDENTIFIED SPEAKER 7: He doesn't
20 live here.

21 UNIDENTIFIED SPEAKER 6: Judy Hall has
22 got to go.

23 HEARING EXAMINER JUDY HALL: You need
24 to leave.

25 UNIDENTIFIED SPEAKER 7: He lives in

1 Atlanta.

2 HEARING EXAMINER JUDY HALL: You need
3 to leave.

4 UNIDENTIFIED SPEAKER 7: Or what?
5 What?

6 HEARING EXAMINER JUDY HALL: This
7 gentleman will help you leave.

8 UNIDENTIFIED SPEAKER 7: You got --
9 that CEO doesn't live here. He lives in Atlanta.
10 He doesn't live in the neighborhood.

11 HEARING EXAMINER JUDY HALL: Sir,
12 please remove him.

13 SECURITY: Come on, sir. Just back up.

14 UNIDENTIFIED SPEAKER 7: Shame on you.

15 SECURITY: Come on, let's go.

16 UNIDENTIFIED SPEAKER 7: Shame on you.
17 The day will come where you will rue the day.

18 SECURITY: Come on, sir.

19 UNIDENTIFIED SPEAKER 7: Trust and
20 believe. The day will come, Miss Ma'am. The day
21 will come.

22 SECURITY: Come on.

23 UNIDENTIFIED SPEAKER 7: You should be
24 ashamed of yourself. You're polluting the
25 environment. You're polluting our community.

1 HEARING EXAMINER JUDY HALL: I also
2 find the variance request to reduce the number of
3 parking spaces is supportable because the
4 required number of parking spaces is like, four
5 times what is really going to be needed for the
6 use. There's no reason to have more impervious
7 surface than is necessary, so subject to the
8 commitments and the site plan, I am going to
9 grant 2026-CVR-815 and adopt the findings of
10 fact. Thank you for coming down.

11 UNIDENTIFIED SPEAKER 8: You just
12 approved modern redlining. Disgusting.

13 HEARING EXAMINER JUDY HALL: Is there
14 any other business to come before us today?
15 Okay, we are adjourned.

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certify that the
foregoing transcript is a true and accurate
record of the proceedings.

Sonya M. Ledanski Hyde

Veritext Legal Solutions
330 Old Country Road
Suite 300
Mineola, NY 11501

Date: June 17, 2026

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