

CITY OF SHELBYVILLE

Adam M. Rude
Director



Allan Henderson
Deputy Director

BOARD OF ZONING APPEALS

MEETING DATE: 11/9/2021

Case #:	BZA 2021-09 Culver's Pole Sign, Special Exception			
Petitioner's Name:	Springfield Signs			
Owner's Name:	S & L Properties, Shelbyville LLC			
Petitioner's Representative:	Lora Martinson			
Address of Property:	1930 North Morristown Road			
Subject Property Zoning Classification:	BG – Business General			
Comprehensive Future Land use:	Gateway Mixed Use			
	North	East	South	West
Surrounding Properties' Zoning Classifications:	RE – Residential Estate	BG - Business General	BH - Business Highway	BH - Business Highway
Surrounding Properties' Future Land Use	Gateway/ Mixed Use	Conservation	Gateway/ Mixed Use	Gateway/ Mixed Use
History:	The site is currently a farm field located just to the north of the existing Cracker Barrel along the Interstate 74 corridor.			
Vicinity Map				
Action Requested:	Approval of one special exception to allow for a pole sign within the Interstate Corridor pursuant to UDO 5.58 (Q)			

1. Culver's would like to construct a pole sign in the business general district. Pole signs are permitted within 1,00 feet of Interstate 74, but pole signs are only permitted by special exception by the Board of Zoning Appeals.
-

Special Exception Findings of Fact, pursuant to UDO 5.58 (Q), Pole and Pylon Signs

General Welfare: Explain why granting the request for a special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

Applicant provided the following response to Finding of Fact #1 "Granting of this request would not be detrimental to the public's health, safety, or general welfare. The granting of this request will provide visual knowledge to the public to provide them with proper way finding which will decrease potential traffic congestion and improve public safety."

The planning staff has determined that a special exception will not be harmful to the public health, safety and general welfare of the City of Shelbyville. The location and orientation of the sign do not pose any safety concern for the general public.

Finding #1 has been satisfied by the petitioner

Compatibility and Impact: Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

Applicant provided the following response to Finding of Fact #2 "Culver's request is in harmony with the current signage of the businesses in the area (see Exhibit 1) and therefore will not substantially have an adverse impact on the adjacent properties and property values. The granting of this request will provide visual knowledge to the public to provide them with proper way finding which will decrease potential traffic congestion, improve public safety, and improve the development around the interstate interchange."

The planning staff has determined the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values. The proposed location of the special use pole sign is in the Business General – BG district. The UDO allows for pole signs within 1,000 feet in either direction of Interstate 74. The proposed sign falls within the allowed area, adjacent to Interstate 74, along with several other pole signs that exist in the area.

Finding #2 has been satisfied by the petitioner if staff recommended conditions are met

Character: Explain why the special exception will not adversely alter the character of the zoning district.

Applicant provided the following response to Finding of Fact #3 "The special exception request for the High-Rise Sign will not adversely alter the character of the zoning district. Culver's overall concept is to have aesthetically pleasing signs with a warm appearance in order to meet the community's express desire for quality development within the zoning district."

The planning staff has determined that the requested special exception will not adversely alter the character of the zoning district. The site is immediately adjacent to Interstate 74 and the base zoning is Business General (BG). The Business General (BG) zoning allows pole signs by special exception. Several adjacent businesses along the Interstate-74 also have pole signs.

Finding #3 has been satisfied by the petitioner

Comprehensive Plan: Explain why the special exception is consistent with the intent of the zoning district and the goals of the comprehensive plan. Use statements and Future Land Use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

Applicant provided the following response to Finding of Fact #4 "The special exception request for the High-Rise Sign is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. The focus of the Comprehensive Plan is to increase development around the interstate interchanges. The allowance of the High-Rise Sign will provide the business highway the intended business services to travelers and requires immediate access to goods and services."

The planning staff has determined that the requested special exception use is consistent with the goals of the Comprehensive Plan and Article 2 of the Unified Development Ordinance. According to Article 2 in the Unified Development Ordinance, the Business General (BG) District is intended to provide areas for a variety of general commercial uses, including those that are not specifically associated with the central or neighborhood business, but do include highway-related business areas. Shelbyville should strive to use this district to provide a variety of goods and services that are accessible to the City's neighborhood and complimentary to other types of business districts.

Finding #4 has been satisfied by the petitioner

Finding of Fact #5 – Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Applicant provided the following response to Finding of Fact #5 "Any commercial improvement (such as our special exception request) for any business will increase property values and general commercial viability of not only the subject property but of surrounding properties by increasing traffic or patrons. Benefits will not only be for this restaurant but for complementary and impulse sales-oriented businesses in the nearby vicinity."

The planning staff has determined the use and property value of the area adjacent to the subject property will not be affected in a substantially adverse manner. The proposed location is surrounded by similar businesses that service travelers on Interstate 74 and have a similar lot size and architecture to the subject property.

Finding #5 has been satisfied by the petitioner

BZA 2020-13: Staff Recommendation: Approval

SPECIAL EXCEPTION USE: BZA 2021-09 Culver’s Pole Sign, Special Exception

FINDINGS OF FACT BY THE SHELBYVILLE BOARD OF ZONING APPEALS

Staff Prepared

Motion: (I) would like to make a motion to approve the requested special exception use to allow for a pole sign in a business highway district in accordance with the conditions suggested by the planning staff pursuant to the findings of fact presented in the planning staff’s report.

- 1. The proposed Special Exception Use **will not** be injurious to the public health, safety morals and general welfare of the community, pursuant to the planning staff’s report.
 The proposed Special Exception **will** be injurious to the public health, safety morals, and general welfare of the community, pursuant to the planning staff’s report.
- 2. The proposed Special Exception Use **is** in harmony with adjacent land use, pursuant to the planning staff’s report.
 The proposed Special Exception Use **is not** in harmony with adjacent land use, pursuant to the planning staff’s report.
- 3. The proposed Special Exception Use **will not** adversely alter the character of the zoning district, pursuant to the planning staff’s report.
 The proposed special Exception Use **will** adversely alter the character of the district, pursuant to the planning staff’s report.
- 4. The proposed special exception **is consistent** with the intent of the zoning district and goals objectives within the comprehensive plan, pursuant to the planning staff’s report.
 The special exception **is not consistent** with the intent of the zoning district and goals objectives within the comprehensive plan, pursuant to the planning staff’s report.
- 5. The use and property value of the area adjacent to the subject property seeking a special exception use **will not** be affected in a substantially adverse manner, pursuant to the planning staff’s report.
 The Use and property value of the area adjacent to the subject property seeking a special exception **will** be affected in a substantially adverse manner, pursuant to the planning staff’s report.

Additional conditions imposed by the Board of Zoning Appeals:

- 1.
- 2.
- 3.

Shelbyville Board of Zoning Appeals

By: _____

Chairperson / Presiding Officer

Attest: _____

Adam M. Rude, Secretary



SPECIAL EXCEPTION USE APPLICATION

Shelbyville Planning & Building Department
44 West Washington Street
Shelbyville, IN 46176
P: 317.392.5102

For Office Use Only:

Case #: BZA 2021 - 09

Hearing Date: 11/9/21

Fees Paid: \$ 325.00

Final Decision:

Approved _____ Denied _____

1.

Applicant

Name: Springfield Sign - Lora Martinson

Address: 4825 E Kearney St. Springfield, MO 65803

Phone Number: 417-862-2454

Fax Number: 417.862.1887

Email: loram@springfieldsign.com

Property Owners Information (if different than Applicant)

Name: S&L Properties Shelbyville, LLC

Address: 2651 Kirking Court Portage, WI 53901

Phone Number: 608-697-4218

Fax Number: _____

Email: jeff@bleedblue.net / chad@bleedblue.net

2.

Applicant's Attorney/Representative

Name: Springfield Sign - Trey Watts

Address: 4825 E Kearney St. Springfield, MO 65803

Phone Number: 417-862-2454

Fax Number: 417.862.1887

Email: treyw@springfieldsign.com

Project Engineer

Name: Jones Petrie Rafinski Corp

Address: Lafayette Blvd. South Bend, IN 46601

Phone Number: 574-232-4388

Fax Number: _____

Email: mcurrier@jpr1source.com

3. Project Information:

General Location of Property (and address is applicable): 1930 North Morristown Rd. Shelbyville IN 46176

CULVER'S - HIGH RISE

Current Zoning: BG-Business General

Existing Use of Property: Vacant

Proposed Zoning: _____

Proposed Use: Culver's Restaurant

4. Attachments

Affidavit and Consent of Property Owner (if applicable)

Vicinity Map

Proof of Ownership (copy of deed)

Application Fee

Letter of Intent

Findings of Fact

The undersigned states the above information is true and correct as s/he is informed and believes.

Applicant: Lora Martinson [Signature] Date: 10/25/21

State of Missouri
County of GreeneSS:

Subscribed and sworn to before me this 25 day of October, 2021.

C. Renee Bruffey / C. Renee Bruffey
Notary Public Printed

Residing in Dade County. My Commission Expires: 2/17/2024





SPECIAL EXCEPTION USE FINDINGS OF FACT

Petitioner's Name: Lora Martinson - Springfield Sign
Location: 1930 North Morristown Rd. Shelbyville IN 46176
Special Exception for: Culver's Restaurant

The Shelbyville Board of Zoning Appeals must determine that the following criteria have been met in order to approve an application for a Use Variance. Using the lines provided, please explain how your request meets each of these criteria.

1. **General Welfare:** Explain why granting the request for a use variance will not be harmful to the public health, safety and general welfare of the City of Shelbyville.

Please see attached

2. **Compatibility and Impact:** Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

Please see attached

3. **Character:** Explain why the special exception will not adversely alter the character of the zoning district.

Please see attached

4. **Comprehensive Plan:** Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

Please see attached

5. **Impact to Adjacent Area:** The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Please see attached

*HIGH RISE SIGN AREA IS GEOMETRICAL AREA OF OVAL SIGN + RECTANGULAR AREA OF ACTIVE AREA OF EMC -SEE ARTWORK

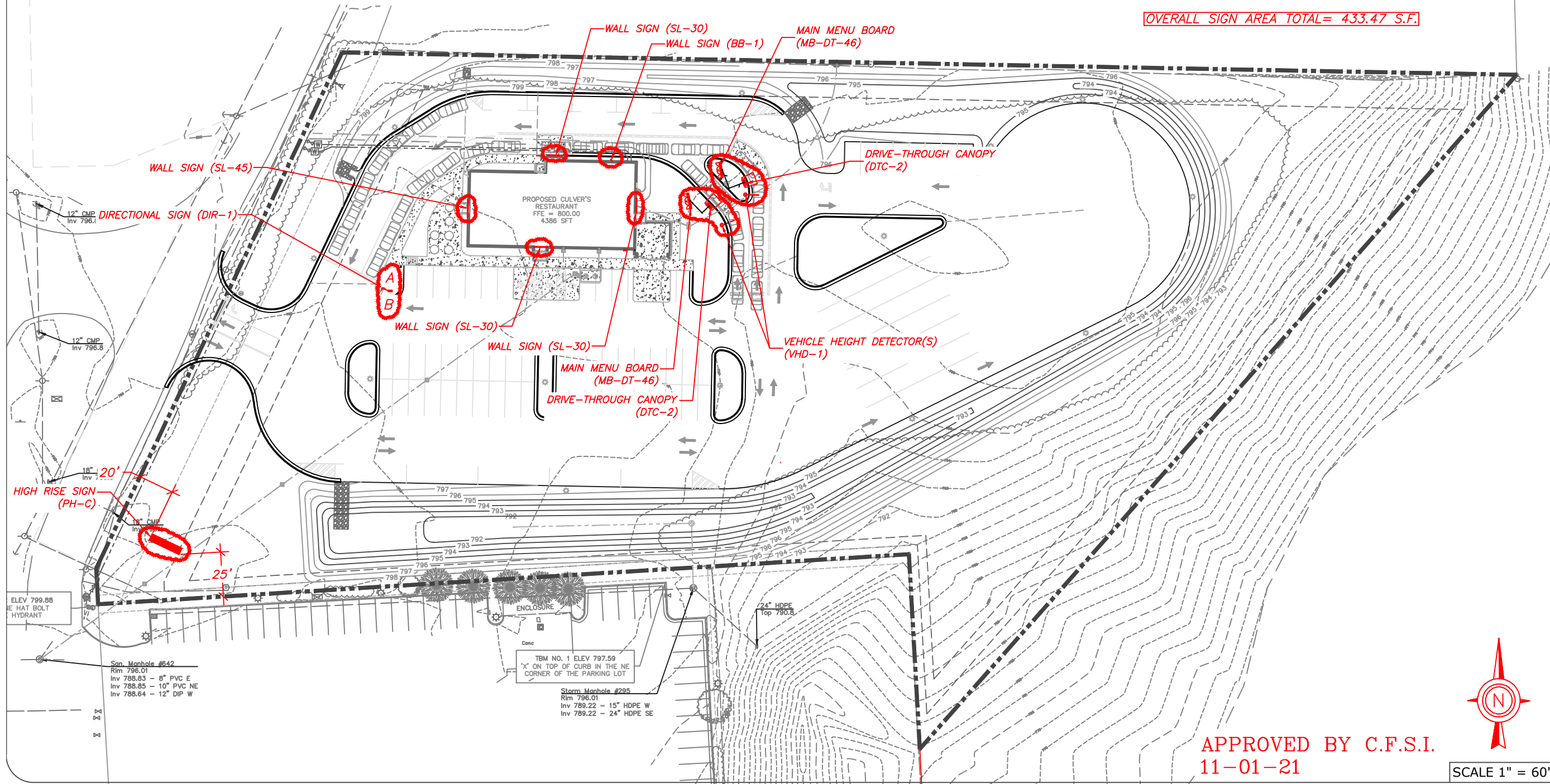
HIGH RISE SIGN AREA CALCULATIONS		
SIGN	SIZE (APPROX.)	*AREA
PH-C	(18'-6" (W) x 11'-1" (H)) + (8'-3" (W) x 3'-5" (H))	*200.00 S.F.
HIGH RISE SIGN TOTAL = *200.00 S.F.		

WALL SIGN AREA CALCULATIONS		
SIGN	SIZE (APPROX.)	AREA
SL-45	10'-0" (W) x 4'-8" (H)	46.67 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
SL-30	7'-10 1/2" (W) x 3'-8 3/8" (H)	29.12 S.F.
BB-1	17.665" (W) x 27.875" (H)	3.42 S.F.
WALL SIGN TOTAL = 137.45 S.F.		

MENU BOARD AREA CALCULATIONS		
SIGN	SIZE (APPROX.)	AREA
MB-DT-46	8'-10 1/4" (W) x 5'-2 3/4" (H)	46.30 S.F.
MB-DT-46	8'-10 1/4" (W) x 5'-2 3/4" (H)	46.30 S.F.
MENU BOARD TOTAL = 92.60 S.F.		

DIRECTIONAL SIGN AREA CALCULATIONS		
SIGN	SIZE (APPROX.)	AREA
DIR-1	2'-3 7/8" (W) x 1'-4 3/4" (H)	3.24 S.F.
DIRECTIONAL SIGN TOTAL = 3.24 S.F.		

OVERALL SIGN AREA TOTAL = 433.47 S.F.



LOCATION: SHELBYVILLE, IN

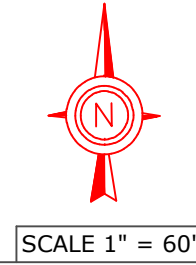
Client: SPRINGFIELD SIGN
4825 E. Kearney St.
Springfield, MO 65803
(417) 862-2454

Client: Culver Franchising System, Inc.
540 Water Street
Prairie du Sac, WI 53578
p. (608) 643-7980

CULVER FRANCHISING SYSTEM, INC.
NEW CULVER'S-SIGNAGE
MORRISTOWN ROAD
SHELBYVILLE, IN 46176
SIGN PLACEMENT PLAN

Project No.: 33687
Drawn By: DEN
Reviewed By: MW
Date: 11-01-21
Sheet Number: 1 OF 1

APPROVED BY C.F.S.I.
11-01-21



PH-C HIGH RISE PYLON

SHELBYVILLE, IN

PH-C

PH-C

For interstate & long distance viewing requirements

3M¹ Panaflex faces with 3M¹ HP vinyl decoration

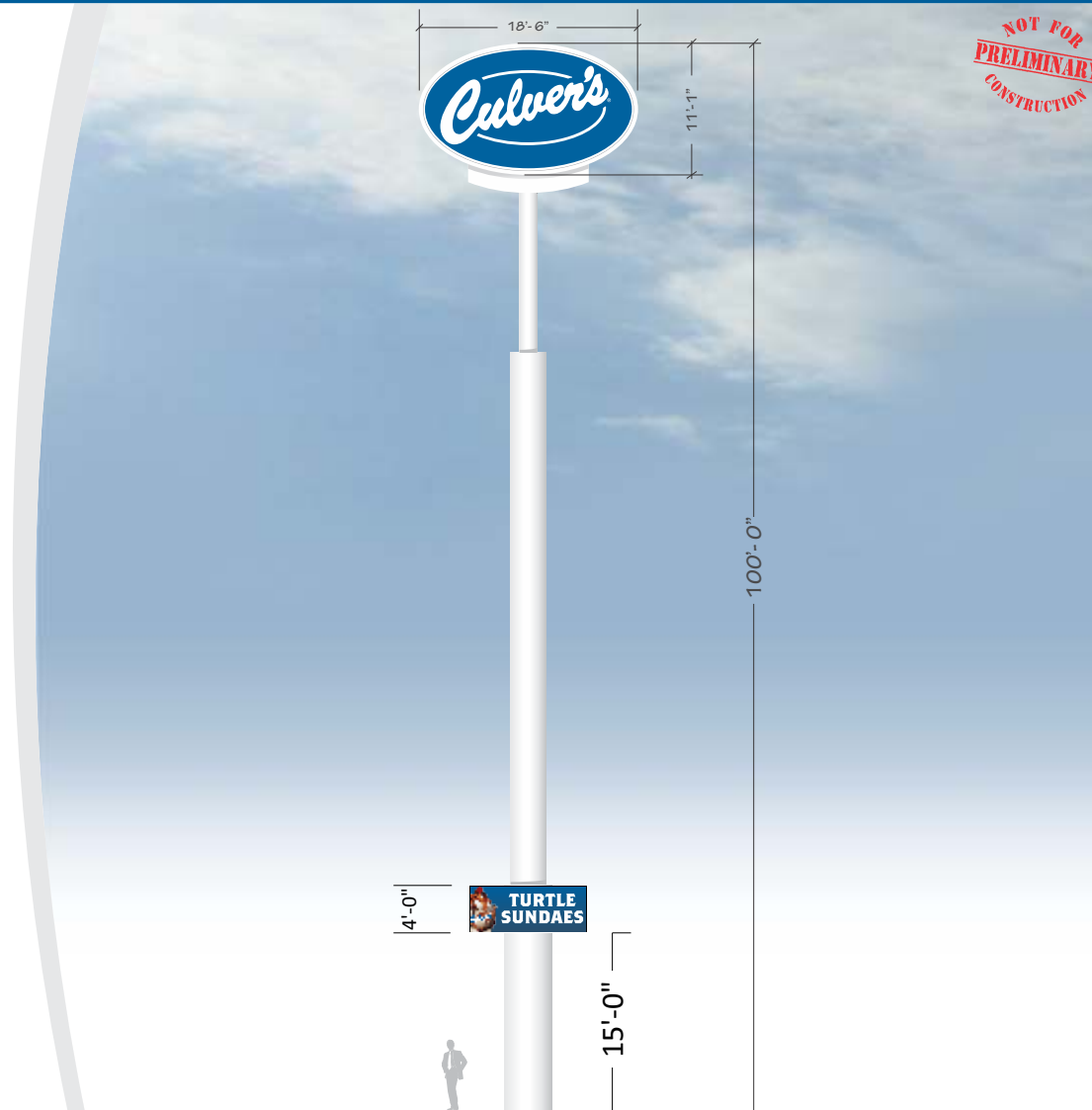
* HID or LED illumination

ButterBurger & Frozen Custard tag line is intentionally deleted

No pole skirt - finish pipe with satin white per specifications

4'0" x 10'0" full color EMC shown

1 - 3M is a registered trademark of Minnesota Mining & Manufacturing



SCALE: 1/16" = 1'

*SCALE AND COLORS NOT REPRESENTATIVE FROM EMAIL ATTACHMENTS
*ALL MEASUREMENTS ARE APPROXIMATE

EMC CHART - KNOWN RESTRICTIONS

COLOR: Y N STATIC: Y N VIDEO: Y N
ANIMATION: Y N MOVEMENT: Y N

HOLD TIME (IF STATIC): _____

TRANSITION TYPE: _____

DAYTIME BRIGHTNESS: _____

NIGHTTIME BRIGHTNESS: _____

ADDITIONAL RESTRICTIONS:

THIS SECTION N.A.
FOR USE WITH HIGH RISE PYLON
WITH EMC OPTION ADDITION
ONLY

SIGN CODES

100' MAX HI-RISE
200 SF MAX

NOTES

SQUARE FOOTAGE CALCULATIONS:
OVAL: 160 S/F (MATHEMATICAL)
EMC: 40 S/F

SALES PERSON: MARK WESSELL	DESIGNED BY: NICHOLAS K. TARR	AO: 33687
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DATE CREATED / REVISION HISTORY	
10/21/21 - NEW	

FILE PATH: T:\Cyrious\Doc\Order\33687

© 2019 Springfield Sign & Graphics Inc., Springfield Sign

This drawing is Copyrighted material, it remains the property of Springfield Sign unless otherwise agreed upon in writing. It is unlawful to use this drawing for bidding purposes, nor can it be reproduced, copied or used in the production of a sign without written permission from Springfield Sign & Graphics.

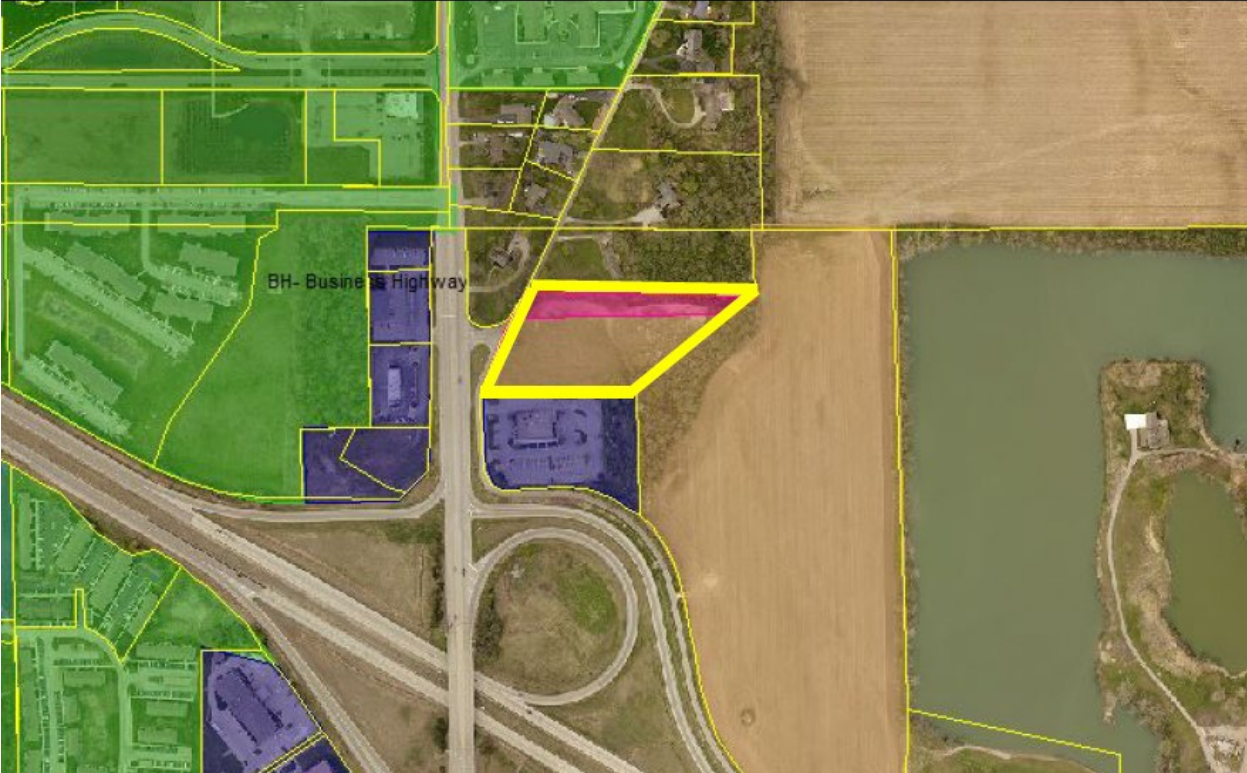
This is an artistic rendition and final colors / sizes may vary from that depicted herein.



Exhibit 1







ENTER FOR TAXATION

Sep 30, 2021


SHELBY COUNTY AUDITOR



TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, That MIMI M. PEARCE-CLARK AS TRUSTEE OF THE MARILYN SUE PEARCE IRREVOCABLE LIVING TRUST AND THIRD PARTY SPECIAL NEEDS TRUST DATED JUNE 17, 2013 BY VIRTUE OF DEED RECORDED AS DOCUMENT 2013004399 ("Trust" a/k/a "Grantor"), does hereby GRANT and CONVEY to S & L PROPERTIES SHELBYVILLE LLC (Grantee), a limited liability company organized and existing under the laws of the State of Wisconsin, for the sum of Ten and No/100---Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Shelby County, in the State of Indiana:

PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 7 EAST, IN SHELBY COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE NORTH 88 DEGREES 37 MINUTES 56 SECONDS WEST (ASSUMED BEARING) 437.21 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION; THENCE SOUTH 00 DEGREES 43 MINUTES 30 SECONDS EAST 206.35 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A CORNER FENCE POST AT THE SOUTHEAST CORNER OF A 3-ACRE TRACT; THENCE NORTH 88 DEGREES 01 MINUTES 51 SECONDS WEST 658.35 FEET ALONG THE SOUTH LINE OF SAID 3 ACRE TRACT TO A CORNER FENCE POST; THEN SOUTH 26 DEGREES 19 MINUTES 08 SECONDS WEST 318.96 FEET TO A RIGHT-OF-WAY MARKER; THENCE SOUTH 02 DEGREES 09 MINUTES 31 SECONDS EAST 273.00 FEET TO AN IRON PIN; THENCE SOUTH 55 DEGREES 23 MINUTES 07 SECONDS EAST 49.36 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 50 MINUTES 11 SECONDS EAST 125.00 FEET TO A RIGHT-OF-WAY MARKED; THENCE NORTH 87 DEGREES 21 MINUTES 33 SECONDS EAST 112.69 FEET TO A RIGHT-OF-WAY MARKER; THENCE NORTH 42 DEGREES 26 MINUTES 53 SECONDS EAST 756.97 FEET TO THE POINT OF BEGINNING.

EXCEPT THEREFROM: PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 13 NORTH, RANGE 7 EAST IN SHELBY COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM DISK AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER SECTION; THENCE NORTH 88 DEGREES 39 MINUTES 36 SECONDS WEST ALONG THE NORTH LINE THEREOF A DISTANCE OF 438.16 FEET

SALES DISCLOSURE
APPROVED
SHELBY CO. ASSESSOR

TO A NORTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN A DEED RECORDED IN BOOK 312, PAGE 391 IN THE OFFICE OF THE TRUSTEE'S DEED RECORDER OF SHELBY COUNTY, INDIANA (THE FLOWING FOUR COURSES ARE ALONG THE WEST, NORTH AND NORTHWESTERLY LINES OF SAID TRACT); (1) THENCE SOUTH 00 DEGREES 43 MINUTES 30 SECONDS EAST A DISTANCE OF 206.18 FEET TO A WOODEN CORNER FENCE POST; (2) THENCE NORTH 88 DEGREES 01 MINUTES 51 SECONDS WEST A DISTANCE OF 657.39 FEET TO A WOODEN CORNER FENCE POST; (3) THENCE SOUTH 26 DEGREES 19 MINUTES 08 SECONDS WEST A DISTANCE OF 321.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE FRONTAGE ROAD FOR I-74 PER I.S.H.C. PLANS FOR PROJECT 05-3(18) DATED 1958; (4) THENCE SOUTH 02 DEGREES 27 MINUTES 14 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 18.99 FEET TO A 5/8 INCH REBAR WITH PLASTIC CAP STAMPED. "SCHNEIDER ENG FIRM #0001" (HEREAFTER REFERRED TO AS "REBAR"), SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 21 MINUTES 33 SECONDS EAST A DISTANCE OF 454.88 FEET TO A "REBAR", THENCE SOUTH 02 DEGREES 09 MINUTES 31 SECONDS EAST A DISTANCE OF 402.79 FEET TO A "REBAR" ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FRONTAGE ROAD, SAID POINT BEING ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 410.93 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 45 DEGREES 22 MINUTES 36 SECONDS WEST (THE FOLLOWING FIVE COURSES ARE ALONG SAID RIGHT-OF-WAY); (1) THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 198.57 FEET TO A POINT WHICH BEARS NORTH 17 DEGREES 41 MINUTES 27 SECONDS EAST FROM SAID RADIUS POINT; (2) THENCE SOUTH 89 DEGREES 16 MINUTES 51 SECONDS WEST A DISTANCE OF 124.87 FEET; (3) THENCE NORTH 89 DEGREES 59 MINUTES 53 SECONDS WEST A DISTANCE OF 133.63 FEET; (4) THENCE NORTH 39 DEGREES 10 MINUTES 13 SECONDS WEST A DISTANCE OF 52.58 FEET; (5) THENCE NORTH 02 DEGREES 27 MINUTES 14 SECONDS WEST A DISTANCE OF 239.72 FEET TO THE POINT OF BEGINNING.

Subject to current real estate property taxes and assessments not delinquent and subject to real estate property taxes and assessments payable thereafter.

Taxing Unit and Code: 002 Shelbyville Addison Township.
Parcel No.: 041-90019-70.
State Parcel No.: 73-07-29-100-025.000-002 (4.05 Acres)

Subject to easements, restrictions, covenants, rights-of-way, and agreements of record.

The address of such herein-described real estate is commonly known as 1850 North Morrystown Road, Shelbyville, Indiana 46176.

Grantor herein warrants that the Trustee of said Trusts herein have full power and authority to sell, transfer and convey the above-described real estate without petition to or approval of any court; that said Trusts are in full force and effect as of the date of this Deed; that the above-described real estate has not been withdrawn from operation of the Trust Agreement of said Trusts; and that no party dealing with the Trustee of said Trusts shall have any duty to inquire about the authority of said Trustee of said Trusts or to see to the proper application by said Trustee of said Trusts of the proceeds of any such transaction.

IN WITNESS WHEREOF, **MIMI M. PEARCE-CLARK AS TRUSTEE OF THE MARILYN SUE PEARCE IRREVOCABLE LIVING TRUST AND THIRD PARTY SPECIAL NEEDS TRUST DATED JUNE 17, 2013 BY VIRTUE OF DEED RECORDED AS DOCUMENT 2013004399**, has executed this Trustee's Deed this this 20 day of September, 2021.

GRANTOR:

MIMI M. PEARCE-CLARK AS TRUSTEE OF THE MARILYN SUE PEARCE IRREVOCABLE LIVING TRUST AND THIRD PARTY SPECIAL NEEDS TRUST DATED JUNE 17, 2013 BY VIRTUE OF DEED RECORDED AS DOCUMENT 2013004399

By Mimi M. Pearce-Clark , Trustee
Signature Title

MIMI M. PEARCE-CLARK , Trustee
Printed Name Title

STATE OF INDIANA)
COUNTY OF Hamilton) SS:

Before me, a Notary Public in and for said County and State, personally appeared **MIMI M. PEARCE-CLARK AS TRUSTEE OF THE MARILYN SUE PEARCE IRREVOCABLE LIVING TRUST AND THIRD PARTY SPECIAL NEEDS TRUST DATED JUNE 17, 2013 BY VIRTUE OF DEED RECORDED AS DOCUMENT 2013004399**, who acknowledged the execution of the

foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 20 day of September, 2021.

My Commission Expires:

3-31-2028

Signature

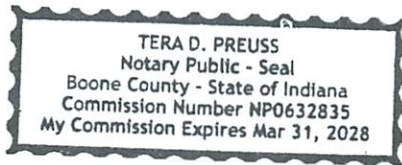
Tera D. Preuss

Printed

TERA D. PREUSS

Notary Public

Residing in Boone County, State of Indiana.



Grantee's Post Office mailing address as follows, to-wit: S & L Properties Shelbyville LLC, Attn: FSI, Inc., Manager, 2651 Kirking Court, Portage, Wisconsin 53901.

Send tax bills to Grantee as follows, to-wit: S & L Properties Shelbyville LLC, Attn: FSI, Inc., Manager, 2651 Kirking Court, Portage, Wisconsin 53901.

Prepared for the benefit of First American Title Insurance Company and from information provided in its File No.: NCS-1061782-MAD.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Name: Jeffrey R. Slaughter, Attorney at Law, Declarant.

This instrument was prepared by **JEFFREY R. SLAUGHTER**, Attorney at Law #362-49, 8310 Allison Pointe Boulevard, Suite 204, Indianapolis, Indiana 46250 / Telephone 317-579-0816.

My Commission Expires Mar 31, 2028
Commission Number NP062832
Boone County - State of Indiana
Notary Public - 2021
TERRA D. PREUSS



SPRINGFIELD SIGN

design | build | install | service

ADDRESS
4825 E Kearney St
Springfield, MO 65803

CONTACT US
800.845.9927
springfieldsign.com

Special Exception Use: Findings of Fact

Petitioner's Name: Lora Martinson with Springfield Sign
Location: 1930 N Morristown Rd. Shelbyville, IN 46176
Special Exception for: Culver's Restaurant

General Welfare: Explain why granting the request for a use variance will not be harmful to the public health, safety, and general welfare of the City of Shelbyville.

Granting of this request would not be detrimental to the public's health, safety, or general welfare. The granting of this request will provide visual knowledge to the public to provide them with proper way finding which will decrease potential traffic congestion and improve public safety.

Compatibility and Impact: Explain why the special exception will be in harmony with the adjacent uses and will not substantially have an adverse impact on the adjacent properties and property values.

Culver's request is in harmony with the current signage of the businesses in the area (see Exhibit 1) and therefore will not substantially have an adverse impact on the adjacent properties and property values. The granting of this request will provide visual knowledge to the public to provide them with proper way finding which will decrease potential traffic congestion, improve public safety, and improve the development around the interstate interchange.

Character: Explain why the special exception will not adversely alter the character of the zoning district.

The special exception request for the High-Rise Sign will not adversely alter the character of the zoning district. Culver's overall concept is to have aesthetically pleasing signs with a warm appearance in order to meet the community's express desire for quality development withing the zoning district.

Comprehensive Plan: Explain why the special exception is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. Use statements and future land use map from the Comprehensive Plan and Article 2 of the Unified Development Ordinance.

The special exception request for the High-Rise Sign is consistent with the intent of the zoning district and the goals of the Comprehensive Plan. The focus of the Comprehensive Plan is to increase development around the interstate interchanges. The allowance of the High-Rise Sign will provide the business highway the intended business services to travelers and requires immediate access to goods and services.



SPRINGFIELD **SIGN**

design | build | install | service

ADDRESS

4825 E Kearney St
Springfield, MO 65803

CONTACT US

800.845.9927
springfieldsign.com

Impact to Adjacent Area: The use and property value of the area adjacent to the subject property seeking a Special Exception will not be affected in a substantially adverse manner.

Any commercial <value> improvement (such as our special exception request) for any business will increase property values and general commercial viability of not only the subject property but of surrounding properties by increasing traffic or patrons. Benefits will not only be for this restaurant but for complementary and impulse sales-oriented businesses in the nearby vicinity.



SPRINGFIELD SIGN

design | build | install | service

ADDRESS

4825 E Kearney St
Springfield, MO 65803

CONTACT US

800.845.9927
springfieldsign.com

Letter of Intent:

Culver's is a nationally recognized restaurant, and with that comes Brand Standard consistencies. The Brand Standard format for Culver's is to be consistent with branding, public identity, public way finding, public safety, marketing and visual imaging throughout the entire chain. Inefficiencies of proper way finding will translate to significant reduction in business being directed to the restaurant when the property cannot be properly identified outside of the physical boundaries. A large percentage of business is impulse by motorist/customers. To be competitive with other restaurants in the same general geographical location the request for the High-Rise reduces this limitation. Culver's Restaurant would like to seek the following special exception request for their property located at 1930 N Morristown Rd.

Special exception request for High-Rise Sign:

Culver's Restaurant is seeking a special exception approval for a High-Rise sign with an overall height of 100'/195 sq. ft. The High-Rise sign will be outreaching traffic on Interstate 74 by providing visibility and proper way finding to is location.