

BEECH GROVE BOARD OF ZONING APPEALS

**Beech Grove City Hall
800 Main Street
1:00 p.m.**

STAFF REPORTS FOR FEBRUARY 7, 2018

**These reports do not in any way commit the Board
to approve or disapprove any petition filed before it.**

DIVISION OF PLANNING

PETITION NO.	PETITION ADDRESS AND LOCATION	PAGE
CONTINUED PETITION:		
2017-DVB-004	5457 Elmwood Avenue Franklin Township, CD #18	2

STAFF REPORT

Department of Metropolitan Development Division of Planning Current Planning Section

Case Number: 2017-DVB-004
Address: 5457 Elmwood Avenue (Approximate Addresses), City of Beech Grove
Location: Franklin Township, Council District # 18
Zoning District: I-2
Petitioner: Dan VanTreese
Request: Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to convert an existing 14-foot by 48-foot advertising sign to a digital advertising sign (digital outdoor advertising signs are not permitted).

This petition was continued from September 6, 2017 to October 4, 2017, from October 4, 2017 to November 1, 2017, from November 1, 2017 to December 6, 2017, from December 6, 2017 to January 3, 2018 and from January 3, 2018 to February 7, 2018 at the request of the petitioner.

RECOMMENDATIONS

Staff **recommends denial** of this request.

SUMMARY OF ISSUES

The following issues were considered in formulating the recommendation:

LAND USE ISSUES

- ◇ This 3.85-acre site is an undeveloped industrial property with an existing outdoor advertising sign (billboard), permitted by variance 2015-DVB-005. Prior to 2015, another advertising sign existed at the same location since 1985 (85-BGV-8). The site abuts Interstate 465 to the south, heavy commercial uses to the east and west, and residential uses to the north.

DEVELOPMENT STANDARDS – SIGN REGULATIONS

- ◇ This proposal would provide for the conversion of an existing outdoor advertising sign digital outdoor advertising sign. The Sign regulations do not allow digital advertising signs in Marion County.
- ◇ The proposed digital outdoor advertising sign would be located adjacent to Interstate-465. In order to prevent unnecessary distractions and promote public safety, the Sign Regulations prohibit digital outdoor advertising signs. In Staff's opinion, the proposed digital advertising sign would unnecessarily distract motorists, traveling at a high rate of speed, from other traveling vehicles in traffic, thereby negatively affecting public safety. This is particularly important at the subject site because the sign is located at the beginning of an exit ramp, when maneuvering between lanes and ramps increases.

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STAFF REPORT 2017-DVB-004 (Continued)

- ◇ The interchange of I-465 and Emerson Avenue has a large amount of signage (both on premise and off-premise) directed at Interstate traffic. It is visually difficult to take in all of the signage at the interchange, while continuing to maneuver safely in the travel lanes. If a large digital sign is added, it would severely distract attention away from other legally installed signage making them less effective to those established businesses.

SIGN REGULATIONS PROPOSED AMENDMENTS

- ◇ There is currently an effort underway to amend the Sign Regulations in Marion County. This amendment involves a comprehensive study of all permitted signage types, including outdoor advertising signs. There are many stakeholders involved in this amendment process, including government officials, sign industry representatives and neighborhood groups. The end result of the comprehensive amendment may or may not include some provision for digital signage on outdoor advertising signs. Permitting a single sign to have digital display by variance, while this amendment process is ongoing, would be premature.

TYPE OF ADVERTISING SIGN

- ◇ The proposed sign would be a digital sign, a sign with a static electronic display. There is virtually no limit to the number and type of advertising that can be displayed on this digital video sign. Typically, the advertising clients who have contractual space on a digital outdoor advertising sign can monitor their digital display campaigns and schedule their own promotional spots, via the internet, directly to the digital billboard.

DIGITAL BILLBOARD STUDIES

- ◇ The Outdoor Advertising Association of American (OAAA) has indicated in a news release on its website, dated July 16, 2007, that two studies indicate that digital billboards with a six-eight second change interval are no more likely to cause traffic accidents than conventional billboards. The studies cited are: *A Study of the Relationship Between Digital Billboards and Traffic Safety in Cuyahoga County, Ohio*; Tantala Associates, Philadelphia, 2007 and *Driving Performance and Digital Billboards*, Virginia Tech Transportation Institute, 2007. The OAAA news release also indicates that the documents have not been peer-reviewed, meaning that any use of the studies for determining the appropriateness of citing digital signs is premature. These studies were commissioned by the Foundation of Outdoor Advertising Research and Education.
- ◇ A review of the two studies, titled "A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America," prepared by Jerry Wachtel, CPE, President, The Veridian Group Inc., and dated October 18, 2007 was prepared for the Maryland State Highway Administration. It criticizes some of the assumptions and decisions made regarding the conduct of the study, specifically related to the temporal and distance study range and the crash exclusion assumptions. Most recently, a short letter from Tantala Associates, addressed to the Texas Department of Transportation, briefly rebutted that critique.

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STAFF REPORT 2017-DVB-004 (Continued)

- ◇ Prior to any of these studies, a report by the Human Centered Systems Team of the Office and Safety Research and Development of the Federal Highway Administration (FHWA) prepared a report for the Office of Real Estate Services and the Safety Core Business Unit of the Federal Highway Administrations. This report, “Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction,” dated September 11, 2001, summarized billboard, history, regulation, safety issues and research needs.

- ◇ The research needs identified by the aforementioned FHWA report are the most significant part of that document. These research needs include evaluating the impact of challenging roadway characteristics (horizontal and vertical curves, interchanges and intersections, work zones and distance between digital signs), evaluating the impact of digital sign characteristics, (message content and comprehensibility, exposure times, motion and other image components and maintenance) evaluating the impact of legibility (letter size and proportion, spacing between letters and letter groups) evaluating the impact of driver characteristics (old drivers and young drivers) and discerning insights from other studies related to driver distraction (cell phones, etc.).

- ◇ A July 2012 article printed in the Journal of Traffic Injury Prevention, authored by the Swedish National & Transport Research Institute (SNTRI) included the following summary in its Abstract:
 - “Objective: There is an increase in electronic advertising billboards along major roads which may cause driver distraction due to the highly conspicuous design of the billboards. Yet, only limited research on the impact of billboards on driving performance and driver behaviour is available. The Swedish Transport Administration recently approved the installation of twelve electronic billboards for a trial period along a four-lane motorway with heavy traffic running through central Stockholm, Sweden. The aim of this study was to evaluate the effect of these electronic billboards on visual behaviour and on driving performance.”

 - “Method: A total of 41 drivers were recruited to drive an instrumented vehicle passing four of the electronic billboards during day and night conditions. A driver was considered visually distracted when looking at a billboard continuously for more than two seconds, or if the driver looked away from the road for a high percentage of time. Dependent variables were eye-tracking measures and driving performance measures.”

 - “Results: The visual behaviour data showed that drivers had a significantly longer dwell time, a greater number of fixations and longer maximum fixation duration when driving past an electronic billboard compared to other signs on the same road stretches. No differences were found for the factors day/night, and no effect was found for the driving behaviour data.”

 - “Conclusion: Billboards have an effect on gaze behaviour by attracting more and longer glances than regular traffic signs. Whether the billboards attract attention too much, that is, whether they are a traffic safety hazard, cannot be answered conclusively based on the present data.”

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STAFF REPORT 2017-DVB-004 (Continued)

- ◇ Important issues discovered regarding the signs, included the importance of cycle length (seven seconds was used as a compromise position between the billboard industry and the SNTRI), as the longer the cycle length, the more similar digital billboards are to traditional signs. The Sign Regulations, for example, require 15-second intervals for tri-vision signs. Conversely, the shorter the cycle length, the closer the digital billboards get to being full motion video. Also, it was determined that transition was important, as blank space between ads led drivers to wait for the next ad to appear, creating additional distractions.
- ◇ An April 2006 study, by the Virginia Tech Transportation Institute and sponsored by the National Highway Traffic Safety Administration (NHTSA), the Virginia Department of Transportation (VDOT), the Virginia Transportation Research Council (VTRC) and Virginia Tech (VT) included the following findings:

“Driver Inattention: Nearly 80 percent of all crashes and 65 percent of all near-crashes involved driver inattention (due to distraction, fatigue, or just looking away) just prior to (i.e., within 3 seconds) the onset of the conflict.”

“Rear-End-Striking Crashes: Visual inattention was a contributing factor for 93 percent of rear-end striking crashes. In 86 percent of rear-end-striking crashes, the headway at the onset of the event was greater than 2.0 s. Most near crashes involving conflict with a lead vehicle occurred while the lead vehicle was moving, while 100 percent of the crashes (14 total) occurred when the lead vehicle was stopped. This indicates that drivers are sufficiently aware and able to perform evasive maneuvers when closing rates are lower and/or expectancies about traffic are not violated.”

“Hand-Held Wireless Devices: Primarily cellular telephones, but included a small amount of PDA use. Associated with the highest frequency of distraction-related events for both incidents and near-crashes.”

“Driver Drowsiness: Contributing factor in 20 percent of all crashes and 16 percent of all near crashes, while most current database estimates place fatigue-related crashes at a much lower percent (i.e., under 10 percent) of total crashes.”

FEDERAL HIGHWAY ADMINISTRATION MEMO (September 25, 2007)

- ◇ This memo is a guidance memo that indicates that digital signs, if properly developed, would not violate rules related to “intermittent, flashing or moving lights, as those terms are used in the Federal/State Agreements (FSA) for each state. It also indicates that any policy related to digital billboards should consider issues such as duration of message, transition time, brightness, spacing, location and include evidence that reasonable and safe standards to protect the motoring public have been provided.

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STAFF REPORT 2017-DVB-004 (Continued)

INDIANA CODE (IC) AND INDIANA ADMINISTRATIVE CODE (IAC)

- ◇ Because this sign is located on an state highway it is subject to permit review by the Indiana Department of Transportation, as specified in the State of Indiana Outdoor Advertising Control Manual, IC-8-23-20, IC-8-23-1-14.3, and proposed rules 105 IAC 7-1-2, 105 IAC 7-3-1.5, 105 IAC 7-3-5, and 105 IAC 7-3-7.5.
- ◇ According to IC-8-23-1-14.3, a changeable message sign is defined as a sign, including electronic billboards and tri-movement signs, that satisfies all of the following:
 1. The message on the sign may be changed mechanically, electronically, or by remote control.
 2. The static display on the face of the sign does not display any copy or message that moves, appears to move, or flashes; and lasts at least eight (8) seconds.
 3. A message change takes no more than two (2) seconds.
- ◇ The changeable message sign definition was added to Indiana Code as part of P.L. 66-2007, which permitted the Indiana Department of Transportation (INDOT) to adopt rules for permit issuance for changeable message signs. 105 IAC 7-3-7.5 indicates that “before modifying a conforming sign, other than changing advertising copy, the permit holder shall submit a completed application” to the Department of Transportation, who then may issue an addendum to the permit.
- ◇ 105 IAC 7-3-1.5 indicates that a permit holder shall not convert a conforming sign without the approval of INDOT and that a nonconforming sign structure may not be modified for any reason. It prohibits stacked and side by side signs, but permits single-face sign structures, back to back sign structures and V-shaped sign structures. It requires that a contact person be available who has the ability and authority to make modifications to the display and lighting levels, as needed, and also permits INDOT to require the changeable message sign to be disabled in emergencies or when the contact has not responsive within a reasonable period of time. Furthermore, it permits INDOT to require corrective action within 12 hours after determining that the changeable message sign impairs the vision of a driver or otherwise interferes with the operation of a motor vehicle. If corrective action does not occur within 12 hours, INDOT may revoke the permit.
- ◇ This rule also mandates that a changeable message sign shall contain a default design that will freeze the sign in a dark or blank position.
- ◇ These amended rules to IAC were published on March 18, 2008, and became effective 30 days thereafter on April 17, 2008.

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STAFF REPORT 2017-DVB-004 (Continued)

GENERAL INFORMATION

EXISTING ZONING AND LAND USE I-2 Undeveloped

SURROUNDING ZONING AND LAND USE

North - D-3	Residential
South - C-S	Interstate 465
East - I-2-S	Self-Storage
West - I-2-S	Heavy Commercial

COMPREHENSIVE GENERAL LAND USE PLAN

Recommends light industrial use development for this site.

THOROUGHFARE PLAN

Interstate 465 is listed as a freeway with a 200-foot right-of-way existing and a 300-foot right-of-way proposed. Elmwood Avenue is a primary collector with a 60-foot right-of-way existing and an 80-foot right-of-way proposed.

ZONING HISTORY

2015-DVB-005; 5457 Elmwood Avenue (subject site), requests a variance of development standards of the Sign Regulations to provide for the replacement of an advertising sign, **granted**.

98-BGSV-5; 5341 Elmwood Avenue, requests a variance of development standards of the Sign Regulations to provide for an advertising sign, **granted**.

92-V1-21; 5430 Victory Drive, requests a variance of development standards of the Sign Regulations to permit the placement of an outdoor advertising sign within 1000 feet of another advertising sign and within 250 feet of a protected district, **granted**.

88-BGSV-2; 5901 Elmwood Ave, requests a variance of development standards of the Sign Regulations to increase the height of an outdoor advertising sign to 50 feet, **granted**.

88-BGSV-3; 5701 Elmwood Ave, requests a variance of development standards of the Sign Regulations to increase the height of an outdoor advertising sign to 50 feet, **granted**.

85-BGV-8; 5457 Elmwood Ave, requests a variance of development standards of the Sign Regulations to provide for an outdoor advertising sign, **granted**.

84-BGV-8; 5701 Elmwood Ave, requests a variance of development standards of the Sign Regulations to provide for an outdoor advertising sign, **granted**.

84-HOV-33; 5326 Victory Drive, requests a variance of development standards of the Sign Regulations to provide for an outdoor advertising sign within 1000 feet of an interstate entrance roadway, **granted**.

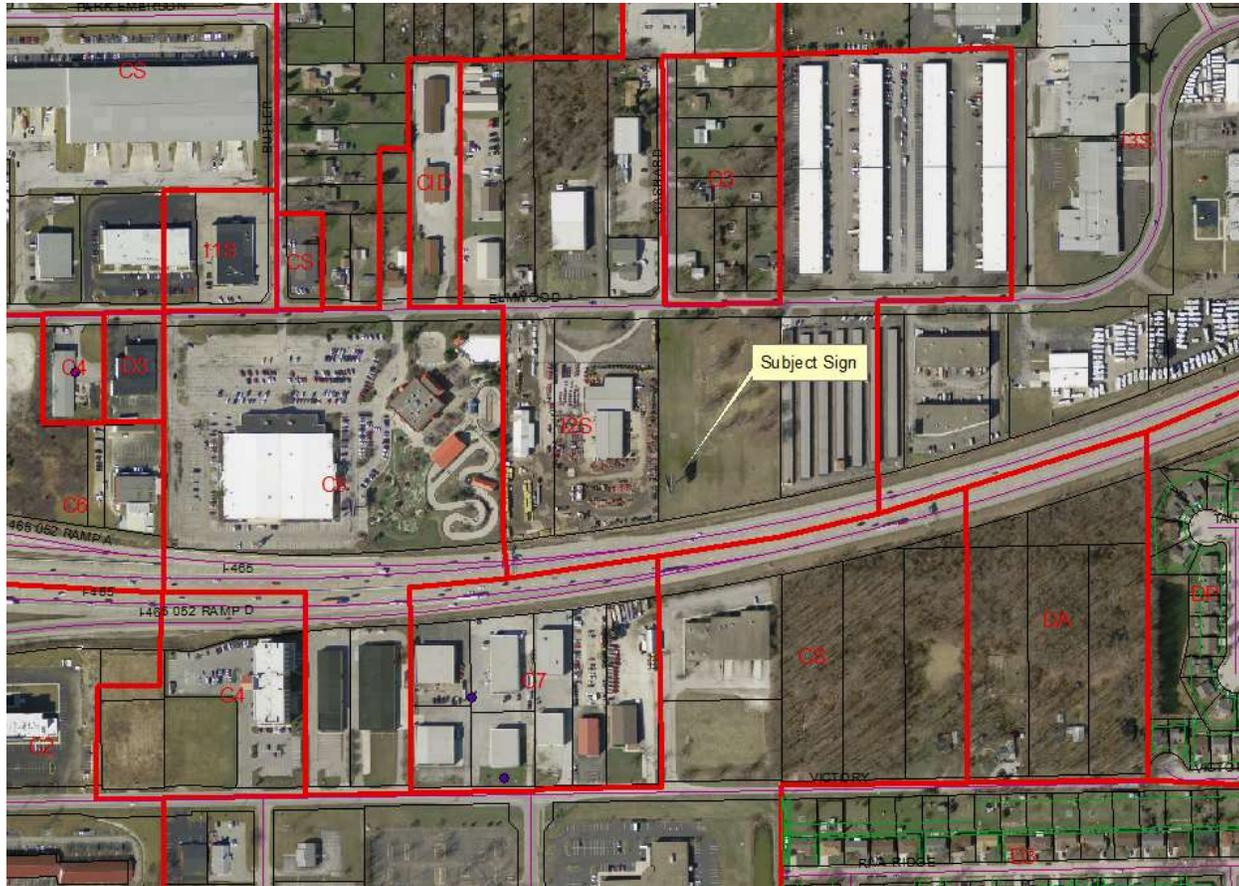
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STAFF REPORT 2017-DVB-004 (Continued)

83-UV1-18; 5440 Victory Drive, requests a variance of development standards of the Sign Regulations to provide for an outdoor advertising sign to be rebuilt on the premises, **granted**.

83-BGV-20; 5533 Elmwood Ave, requests a variance of development standards of the Sign Regulations to provide for a 50-foot tall outdoor advertising sign, **granted**.

LA



Elmwood Avenue

S88° 58' 18"W 326.83'

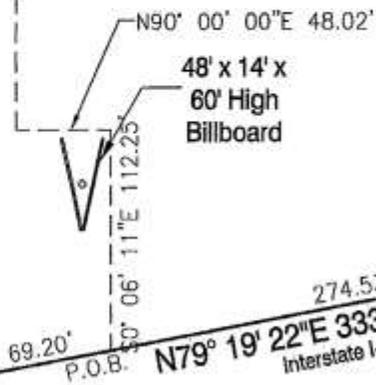
20.00'

S0° 06' 11"E 539.28'

S0° 06' 11"E 414.25'

N0° 14' 00"W 483.35'

Scale: 1"=80'



N0° 14' 00"W 836.65'

S.E. Cor., N.W. $\frac{1}{4}$,
Sec. 34-15-4 E

Billboard Site Plan
5457 Elmwood Avenue



Evergreen

Planners, L.L.C.

234 SOUTH FRANKLIN RD., INDIANAPOLIS, INDIANA 46219
317/353-6161

