



# County of Fairfax, Virginia

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**2013 Planning  
Commission**

December 12, 2013

**Peter F. Murphy, Jr.**  
Chairman  
*Springfield District*

Steven F. Teets  
7200 Wisconsin Avenue, Suite 400  
Bethesda, MD 20814

**Frank de la Fe**  
Vice Chairman  
*Hunter Mill District*

**RE: CSPA 2005-PR-041-02 – Eskridge (E&A) LLC  
Providence District**

**Janet R. Hall**  
Secretary  
*Mason District*

Dear Mr. Teets:

**James R. Hart**  
Parliamentarian  
*At-Large*

This will serve as your record of the Planning Commission's action on CSPA 2005-PR-041-02, an application by Eskridge (E&A) LLC, in the Providence District.

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**Jay Donahue**  
*Dranesville District*

On Thursday, October 24, 2013, the Planning Commission voted unanimously (Commissioners Lawrence, Litzenberger, and Murphy absent from the meeting) to approve CSPA 2005-PR-041-02, subject to the revised development conditions now dated October 24, 2013, as attached.

**Earl L. Flanagan**  
*Mount Vernon District*

**Janyce N. Hedetniemi**  
*At-Large*

Also attached for your information is a copy of the verbatim excerpt from the Planning Commission's action on this application. Should you have any questions or require any additional information, please do not hesitate to contact me.

**Ellen "Nell" Hurley**  
*Braddock District*

**John L. Litzenberger**  
*Sully District*

Sincerely,

**Kenneth A. Lawrence**  
*Providence District*

**James T. Migliaccio**  
*Lee District*

Jill G. Cooper, AICP  
Executive Director

**Timothy J. Sargeant**  
*At-Large*

Attachments (a/s)

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**Jill G. Cooper**  
*Executive Director*

cc: Linda Q. Smyth, Supervisor, Providence District  
Ken Lawrence, Commissioner, Providence District  
Michael Lynskey, Staff Coordinator, ZED, DPZ  
October 24, 2013 Date File

**Kim A. Bassarab**  
*Assistant Director*

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## APPROVED DEVELOPMENT CONDITIONS

CSPA 2005-PR-041

October 24, 2013

If it is the intent of the Planning Commission to approve CSPA 2005-PR-041-02, located at Tax Map 49-3((37)) D, E, F, G, H, K, L, P, Q, N, 49-3((37))(1)-A, 49-3((37))(2)-B, 49-3((37))(2)-1-6, 49-3((38))(1) 1-11, 49-3((38))(2) 1-4, 49-3((38))(3)-1-7, 49-3((38))(4)-1-6, 49-3((38)) 1-4, and a portion of Eskridge Road from Merrifield Town Center to Merrifield Cinema Drive, to allow a Comprehensive Sign Plan Amendment (CSPA) pursuant to Section 12-210 of the Fairfax County Zoning Ordinance, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. The approval of this CSPA supersedes all conditions of all previously approved sign plans.

*(\* denotes previous conditions from previous approvals that would be carried forward)*

1. This Comprehensive Signage Plan Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. Minor deviations in sign location, design and area may be permitted when the Zoning Administrator determines that such deviations are minor and are in substantial conformance with the Comprehensive Signage Plan. \*
2. This "Mosaic Comprehensive Sign Plan Amendment, CSPA 2005-PR-041-02 prepared by Edens & Avant, Inc., dated September 23, 2013, is approved only for those signs shown on the Comprehensive Signage Plan. In addition, signs allowed by Section 12-103 in the Zoning Ordinance may be permitted, only as qualified by these development conditions. \*
3. A matrix shall be provided to the Zoning Administrator, prior to the issuance of the first sign permit and all subsequent sign permits, which includes the tenant name, address, sign type, sign height, sign area, and Non-Residential Use Permit number (if the Non-RUP has been issued) and/or any other pertinent information deemed necessary by the Zoning Administrator in order to allow efficient tracking of all signage to be provided on site. Each sign permit, or package of sign permits, shall be accompanied by a letter from the property owner, manager and/or agent of the property stating that the requested sign has been reviewed for compliance with this approval. \*
4. The programming of the outdoor video screen shall be in accordance with that outlined in the CSPA. All outdoor speakers or sound amplification devices used in conjunction with the programming of the Video screen shall be in accordance with Article 14-700 of the Fairfax County Zoning Ordinance and Section 108-4 of the Fairfax County Code. Hours of operation of the video screen shall be between the hours of 6:30 a.m. through 12:00 a.m., Sunday through Thursday and 6:30 a.m. through 1:00 a.m. Friday through Saturday. Sound shall be only permitted when showing movies and with other projected images (such as major sporting events, concerts, and special events of a national and/or community interest and or art displays), and only after 7:00 a.m., provided that noise standards are met. \*
5. Traffic regulatory signage shall meet the Manual on Uniform Traffic Control Devices (MUTCD) and Virginia Department of Transportation (VDOT) standards. \*

6. All freestanding permanent signs and all sandwich boards (Sign Type T03) shall maintain a minimum three-foot setback from any curb line, or vehicular travelway and shall not restrict functional sight distance (as defined by the VDOT Roadway Design Manual – but not limited to VDOT-owned roadways) for drivers or pedestrians entering or exiting travel intersections, aisles or driveways. All freestanding signs shall also not encroach on Sect. 2-505 Corner Lot Restriction areas unless/until Board approval of an action that would waive or modify Sect. 2-505 requirements to authorize placement in those areas. All freestanding permanent signs shall be located so as to not block any pedestrian walkway or travelway. \*
7. Where there is a conflict between the number of freestanding signs shown on the site plan and the number referenced in the matrix, the matrix shall govern the number of allowed signs, however no sign shall be permitted which is not shown on the CSPA, unless specifically allowed by these conditions \*
8. ST122A (pedestrian ad cabinets) shall maintain an eight foot clear zone between any adjacent building and the sign, except along Glass Alley and Strawberry Lane west of District Avenue, which shall maintain a six-foot clear zone..\*
9. ST122A (pedestrian ad cabinets) shall permit only advertisements for events and businesses, and brands within and relating to the town center; specific product advertisement is prohibited. \*
10. ST122A signs located adjacent to Buildings A1 and A4 shall have one side for wayfinding purposes, only showing site maps of the Merrifield Town Center. \*
11. Project identification signage shall be coordinated throughout the Merrifield Town Center; however, a small unique development logo may be included on the sign. Banners should be identical throughout the Merrifield Town Center, except for a small unique development logo. \*
12. All signs shall be consistent with the color palette, typography and the use of logos indicated in the Comprehensive Signage Plan Amendment. \*
13. Illumination of signs shall be in conformance with the performance standards for glare as set forth in Article 14 of the Zoning Ordinance. \*
14. Any signs shown in the VDOT right of way are subject to all required reviews and approvals from the Virginia Department of Transportation. \*
15. Notwithstanding what is shown in the sign matrix and site plan, at no time shall building mounted façade signage exceed 20% of the façade area of any individual façade with the exception of Building D2, which may incorporate signage consisting of up to 24% of each façade. For the purposes of calculating sign area, a sign shall only be counted on one façade, even if visible through another façade. \*

16. Specific images related to the name of the establishment, its trademark, products or services offered (for example use of a dog for a pet store), are subject to the restrictions of this CSPA. Images which do not meet these criteria may be considered art and therefore exempt from the sign restrictions. \*
17. Display windows and building-mounted ad cabinets (ST122B) may include seasonal decoration, information about events, branding, fashion displays and advertising. These may be used for any tenants, but only within the Merrifield Town Center. \*
18. The use of temporary signage for programmed events within the Town Center to provide directional, way-finding and other event details will be permitted, with a 72-hour limit on each use. \*
19. Proposed monument signs shall substantially conform to the design and dimensions shown on the plans, regardless of any comprehensive sign plan language otherwise.

20. Multiple Sign Locations for Proposed Monument Signs –

Multiple options for the placement of signs ST102 and ST102b are shown, which shall be conditioned as follows:

- a. The primary locations shown for monument signs ST102 and ST102b (located within Sect. 2-505 lot restriction areas) shall not be allowed unless/until approval of a future Board action that would permit the proposed sign locations within the restricted areas. Otherwise, secondary locations shown (outside of Sect. 2-505 lot restriction areas) may be utilized, either as interim locations or as permanent sign locations. Only one location option may be utilized at any one time for each sign.
- b. The temporary sign type shown on page 33 of the CSPA shall *not* be approved as an interim sign type in any of the locations. As an alternative to the temporary sign type proposed, a “modified” version of the ST102b sign type shall be allowed as an option within the Sect. 2-505 restricted areas for signs ST102 and ST102b, as well as existing sign ST101 (which is currently subject to a notice of violation for placement within the CLR area), with the following restrictions: the signs shall meet the dimensional restrictions of Sect. 2-505, which require a maximum height of 3.5-feet (as calculated from the average street grade); the sign shall utilize the same material and color palette as the permanent sign types, and shall conform to any content restrictions that would apply to the primary sign type being approved for that particular location (ST101, ST102 or ST102b), as described on the CSPA and as further conditioned. This sign option shall be allowed as an interim option, or may remain in place as a permanent option, as long as only one sign type option is utilized at each location at any one time.
- c. Monument sign type ST102b, at the intersection of Merrifield Town Center and Eskridge Road, shall not be allowed until such time as the curb line of Merrifield Town Center is reconstructed to include sufficient area between the sidewalk and curb, as proposed under the separate rezoning application RZ/FDP 2013-PR-007, and reflected on Page 11 of the CSPA.

21. All monument signs located in residential areas shall be uplit, as opposed to internally illuminated, to avoid adverse impact on the neighboring residential properties.
22. Type ST123 (Metro Shuttle Identification) signs shall be allowed the flexibility to relocate, from the locations shown on the plan, based on any future adjustment of shuttle stop locations.
23. Sign Type UP5 (Retail Blade Signs) shall be subject to a minimum height of 7'0" above the walkway, as shown on the CSPA.
24. The proposed monument sign ST102b, at the intersection of Merrifield Town Center and Eskridge Road, shall feature directional arrows in addition to the tenant names, in order to aid in directional wayfinding.

The above-proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by that Commission.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Sign permits must be obtained from Fairfax County for each and every sign erected pursuant to this Comprehensive Sign Plan. The applicant shall be himself responsible for obtaining the required Sign Permits through established procedures.

Planning Commission Meeting  
October 24, 2013  
Verbatim Excerpt

CSPA 2005-PR-041-02 – ESKRIDGE (E&A) LLC

After Close of the Public Hearing

Vice Chairman de la Fe: The public hearing is closed; Commissioner Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I'm going to channel Ken Lawrence here and speak to the motion to approve. I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2005-PR-041-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 9, 2013.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: Seconded by Commissioner Flanagan. Is there any discussion? Hearing and seeing –

Commissioner Hart: Mr. Chairman?

Vice Chairman de la Fe: Yes, Mr. Hart.

Commissioner Hart: I hope this is a friendly amendment.

Commissioner Hedetniemi: There's more.

Vice Chairman de la Fe: Noted.

Michael Lynskey, Zoning Evaluation Division, Department of Planning and Zoning: Excuse me, one second –

Vice Chairman de la Fe: This is a the recent – on the development conditions.

Mr. Lynskey: One second –

Commissioner Hedetniemi: I've never done this before, so – but there is more to my motion.

Mr. Lynskey: Do you guys have October – I think Bill here has – somehow he has a different date on his staff report. I think it should be October 9. Is that what's in everyone's staff report?

Commissioner Hedetniemi: That's what you have. That's what it says.

Mr. Lynskey: Okay. Okay, I believe that's correct.

Vice Chairman de la Fe: Okay. Mr. Hart – because you have two other motions, but not – you know, related to the development conditions. Mr. Hart, you have a –

Commissioner Hart: You know, maybe I've jumped in at the wrong moment, but what I wanted to suggest as a friendly amendment, if it's appropriate, is that we add something to the last sentence about – of Development Condition 21 about that up-lighting is not going to shine up into the townhouses. And I thought everyone – Mr. Teets was on board with that, staff said that's the intent, and Mr. Migliaccio had suggested that they not be above the tops of the signs – you know, some wording that captures that sense.

Vice Chairman de la Fe: Okay, I – if I – if I can – when I read the last sentence there where it says, "These signs shall also be up-lit, as opposed to internally illuminated, to avoid adverse impact on the neighboring residential properties.- I thought that that sort of took care of the issue of, you know, lighting into it, but –

Commissioner Hart: I think what that's doing is saying the signs are going to be lit from below instead of the light going out from the sign. I don't think it says that – I don't think that sentence puts any restriction on the direction of the light or in and out of somebody's window.

Commissioner Migliaccio: Mr. Chairman?

Vice Chairman de la Fe: We are on, but go ahead, Mr. Migliaccio.

Commissioner Migliaccio: I was just going to agree with your portion of the adverse impacts portion of that sentence. I agree with that and if we want to leave it alone, I understand that the – all lighting will also be reviewed and approved by the Mosaic Architectural Review Board, per this sign plan. I believe the applicant will do the right thing on this one with these development conditions.

Vice Chairman de la Fe: Okay.

Commissioner Hart: If staff's comfortable with that.

Vice Chairman de la Fe: This – the applicant and staff understand that we firmly believe in dark skies. In other parts of the County, we have requirements for dark sky. I don't know whether we do here or not. Even with Reston Town Center, the area around Reston is considered one of the darkest and most observatory friendly parts of the County. So maybe we can achieve the same thing here.

Mr. Lynskey: Commissioner Hedetniemi, may I speak?

Commissioner Hedetniemi: Yes.

Mr. Lynskey: I just want to make clear if you – if you did intend to modify the conditions at all to – about the tenant signage to address that?

Commissioner Hedetniemi: I haven't had – I haven't had a time to complete reading this piece of paper.

Mr. Lynskey: Okay, I'm sorry.

Commissioner Flanagan: Mr. Chairman?

Vice Chairman de la Fe: Mr. Flanagan, we are on verbatim, but go ahead.

Commissioner Flanagan: Oh.

Vice Chairman de la Fe: No, no, no go ahead.

Commissioner Flanagan: I just wanted to ask the applicant, how will the homeowners association be involved in approving which way the lighting occurs up – you know, up onto their buildings or not. Will they have some veto authority to prevent that?

Steven Teets, Senior Project Manager, Edens Limited Partnership: Certainly, we will represent the way the up-lighting is shown and show that it won't go above the existing sign, as I've said. If – I don't know that if they still just veto they don't run lights along it. I – I, you know, the representation that I – at least let me light the sign, but then we'll show them – we will get a – we'll get a – I guess a – what do you call it – a photometric – a photometric plan that will actually show how it works and the angle of it and how it won't spill above that; same as, you know, with what you get above those property lines, you know, when you have shades on that. So we will – again, we're there. We're there for the long haul. We will make sure that we make that presentation to them, now that they're that they're a part of that.

Commissioner Flanagan: Thank you.

Mr. Teets: Their homeowners association actually, I think, de facto, actually becomes part of our – our master organization, so they actually are still a member of us as well.

Vice Chairman de la Fe: Okay, thank you very much. We have a motion and – pardon me?

Commissioner Hart: Mr. Chairman, can I ask one more questions?

Vice Chairman de la Fe: Yes, we're in discussion of the motion.

Commissioner Hart: Yes, for Commissioner Hedetniemi.

Commissioner Hedetniemi: Yes sir?

Commissioner Hart: Are you going to change the wording of any of the other conditions on anything?

Commissioner Hedetniemi: Possibly.

Commissioner Hart: Because now is the time to do it before we vote on it. That's –

Commissioner Hall: Yes.

Commissioner Hart: Otherwise, we're adopting what's in the staff report verbatim.

Commissioner Hedetniemi: Yes, and I have – and I have conditions to read.

Commissioner Hart: But you've already made the motion to approve with these conditions. We haven't –

Commissioner Hedetniemi: The following modifications.

Commissioner Hart: Oh, see? That's important. Let's hear them.

Commissioner Hedetniemi: Comma after October 9, 2013.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: All right? I MOVE THAT THE PLANNING COMMISSION APPROVE CSPA 2005-PR-041-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED OCTOBER 9, 2013, WITH THE FOLLOWING MODIFICATIONS:

- CONDITION NUMBER 20 SHALL BE MODIFIED AS FOLLOWS: THE LAST SENTENCE OF SUB-HEADING B SHALL BE REVISED TO REMOVE THE PHRASE, "WHILE PURSUING APPROVAL OF A PCA APPLICATION TO ALLOW THE PRIMARY SIGN TYPE IN THOSE LOCATIONS";
- A SUB-HEADING C SHALL BE ADDED THAT READS, "MONUMENT SIGN TYPE ST102B AT THE INTERSECTION OF MERRIFIELD TOWN CENTER AND ESKRIDGE ROAD SHALL NOT BE ALLOWED UNTIL SUCH TIME AS THE CURB LINE OF MERRIFIELD TOWN CENTER IS RECONSTRUCTED TO INCLUDE SUFFICIENT AREA BETWEEN THE SIDEWALK AND CURB, AS PROPOSED UNDER THE SEPARATE REZONING APPLICATION RZ/FDP 2013-PR-007, AND REFLECTED ON PAGE 11 OF THE CSPA.";
- CONDITION 21 SHALL BE REMOVED, EXCEPT FOR THE FINAL SENTENCE, WHICH SHOULD BE REVISED TO READ, "ALL MONUMENT SIGNS LOCATED

IN RESIDENTIAL AREAS SHALL BE UPLIT, AS OPPOSED TO INTERNALLY ILLUMINATED TO ALLOW ADVERSE IMPACTS ON THE NEIGHBORING RESIDENTIAL PROPERTIES”;

- A CONDITION NUMBER 24 SHALL BE ADDED THAT READS: “THE PROPOSED MONUMENT SIGN ST102B AT THE INTERSECTION OF MERRIFIELD TOWN CENTER AND ESKRIDGE ROAD SHALL FEATURE DIRECTIONAL ARROWS IN ADDITION TO THE TENANT NAMES IN ORDER TO AID DIRECTIONAL WAYFINDING.”

Commissioners Donahue and Flanagan: Second.

Vice Chairman de la Fe: Okay, it has been moved and seconded –

Commissioner Donahue: Mr. Chairman?

Vice Chairman de la Fe: – both by Mr. Flanagan and Mr. Donahue.

Commissioner Hedetniemi: I’m not done.

Commissioner Donahue: Oh.

Vice Chairman de la Fe: You’re not done?

Commissioner Hedetniemi: I’m not done.

Commissioner Donahue: Will you remove my second? I apologize.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: Staff recommends that the Planning Commission approve a modification to Section 12-104 – I’m sorry?

Vice Chairman de la Fe: Okay, let’s deal with the development conditions and then move to the other motions.

Commissioner Hedetniemi: Okay.

Commissioner Donahue: Thank you, Mr. Chairman.

Vice Chairman de la Fe: So we – the motion to approve, subject to the development conditions as contained in the staff report and amended tonight by Commissioner Hedetniemi, has been moved and seconded by Commissioners Flanagan and Donahue. And Mr. Donahue, you wanted to say something?

Commissioner Donahue: Thank you, Mr. Chairman. It is my understanding – was this brought up this evening from staff? This amendment? Is that correct?

Mr. Lynskey: Yes.

Commissioner Donahue: All right. And I wonder if maybe staff should explain how they feel the modification impacts the motion in the application. I would at least like to hear it.

Vice Chairman de la Fe: You mean the – the changes to the development conditions?

Commissioner Donahue: This is a change, I understand, that has been put in by staff, not by the Commissioner. It has been suggested by staff.

Mr. Lynskey: Well, there are several changes to the conditions. The first two were actually just – were – let's see. The first two were actually staff additions – sort of last minute staff additions. One just removed a phrase about approval of a PCA application, which was not really an important phrase there. We just kind of cleaned that one up. And the second condition was regarding the curb line at that – that monument sign, 102b, that's actually proposed to be in an area between the curb and the sidewalk that doesn't exist right now. It's actually part of a separate application that's coming before you all in a couple of weeks. So we just wanted to clarify that that was – that the location of that sign is contingent on that actually happening. So those are staff additions. And the other two are related to the tenant advertising on the signs and – those were per conversations with Janyce and Ken Lawrence and the applicant. And so they worked out some agreement there, I believe.

Commissioner Hedetniemi: Is the language in –

Vice Chairman de la Fe: Commissioner Hedetniemi.

Commissioner Hedetniemi: Thank you. Does the language in – regarding Condition 24 make moot the issue of the tiers that were in the original language as to what was allowable?

Mr. Lynskey: Just eliminating Condition Number 21 as it read eliminates that restriction. That was the condition that restricted the tenant advertising. So we removed – we removed all of that except for the part about the – the up-lit illumination. So it's just the removal of the majority of Condition 21 would remove that restriction.

Commissioner Hedetniemi: Thank you. I have one more thing to say.

Vice Chairman de la Fe: Okay.

Commissioner Hedetniemi: I apologize to everyone for any confusion because I have never done this before and I only knew that I was going to be doing it this morning.

Vice Chairman de la Fe: You've done well. Is there any further discussion? Hearing and seeing none, all those in favor of the motion, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. I believe you have some additional things?

Commissioner Hedetniemi: Yes. Staff recommends THAT THE PLANNING COMMISSION APPROVE A MODIFICATION TO SECTION 12-104, PARAGRAPH 13, OF THE ZONING ORDINANCE TO ALLOW A 7-FOOT MINIMUM HEIGHT ABOVE WALKWAYS IN PLACE OF THE 10-FOOT MINIMUM REQUIREMENT.

Vice Chairman de la Fe: You move that?

Mr. Lynskey: That should be a motion, not a staff recommendation.

Vice Chairman de la Fe: Yes, you move that.

Commissioner Hedetniemi: I MOVE THAT. Thank you. And that was referenced in Mr. Lynskey's report.

Commissioner Flanagan: Second.

Vice Chairman de la Fe: It has been moved and seconded by Mr. Flanagan. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? Motion carries.

Commissioner Hedetniemi: Further, I MOVE THAT THE PLANNING COMMISSION APPROVE A MODIFICATION TO SECTION 12-203, PARAGRAPH 5, OF THE ZONING ORDINANCE TO ALLOW A 3-FOOT MINIMUM DISTANCE TO CURB LINES FOR FREESTANDING SIGNS AS CONDITIONED IN PLACE OF THE 5-FOOT MINIMUM DISTANCE REQUIREMENT.

Commissioners Donahue and Flanagan: Second.

Vice Chairman de la Fe: It has been moved and seconded by Mr. Flanagan and Mr. Donahue. Any discussion? All those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Is that it?

Commissioner Hedetniemi: That's it.

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(The motion carried by a vote of 9-0. Commissioners Lawrence, Litzenberger, and Murphy were absent from the meeting.)

JLC