MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, DECEMBER 3, 2025

PRESENT: Phillip A. Niedzielski-Eichner, Chairman, Commissioner At-Large
Evelyn S. Spain, Vice Chairman, Sully District
Jeremy Hancock, Secretary, Providence District
Candice Bennett, Parliamentarian, Commissioner At-Large
Alyssa Batchelor-Causey, Dranesville District
John A. Carter, Hunter Mill District
Walter C. Clarke, Mount Vernon District
Mary D. Cortina, Braddock District
Chris Landgraf, Franconia District
Timothy J. Sargeant, Commissioner At-Large
James Thomas, Springfield District
Alis Wang, Mason District

ABSENT: NONE

OTHERS: Karen Yee, Zoning Evaluation Division (ZED),
Department of Planning and Development (DPD)
Ciarra Downing, ZED, DPD
Carl Shumate, ZED, DPD
Tabatha Cole, ZED, DPD
Sunny Yang, ZED, DPD
William O'Donnell, Branch Chief, ZED, DPD
Nicole Blackwell, Clerk to the Planning Commission,
Department of Clerk Services (DCS)
Michelle Jordan, Deputy Clerk, DCS
Jordyn Crane, Administration, DCS

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The meeting was called to order at 7:30 p.m., by Chairman Phillip A. Niedzielski-Eichner, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Niedzielski-Eichner explained that the agenda for tonight's meeting included commission business consisting of one decision only and five public hearings.

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Commissioner Hancock announced that on December 3, 2025, Commissioners were emailed copies of the draft minutes for Planning Commission meetings held in September 2025.

Commissioner Hancock announced his intent to move for approval of the June meeting minutes during the Planning Commission meeting on December 10, 2025.

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Commissioner Bennett announced that the Land Use Process Review Committee would meet on Thursday, December 4, 2025, at 8:30 p.m. in Conference Room 11 of the Fairfax County Government Center to discuss an update from staff about accessory living units.

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Commissioner Wang announced that the Planning Commission's Parks Committee would meet on Thursday, December 4, 2025, at 7:30 p.m. in Conference Room 11 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035, to discuss the needs assessment.

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Prior to the motion, Commissioner Spain provided a brief overview of the application.

RZ/FDP 2024-SU-00003 AND PCA 78-S-063-15 – NRP PARK MEADOW ACQUISITION LLC AND NRP CORPORATE POINT ACQUISITION LLC (Decision Only) (The public hearing on this application was held on November 12, 2025.)

Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING ACTIONS:

- RZ-2024-SU-00003 AND ITS ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO EXECUTION OF THE PROFFERS THAT WERE UPDATED DECEMBER 1, 2025;

- PCA-78-S-063-15;

- WAIVER OF THE 200-SQUARE FOOT MINIMUM PRIVACY YARD REQUIREMENT FOR REAR LOADED SINGLE-FAMILY ATTACHED UNITS IN FAVOR OF THE PROVISION OF COMMUNITY OPEN SPACE;

- WAIVER OF THE 600-FOOT MAXIMUM PRIVATE STREET LENGTH REQUIREMENT; AND

- MODIFICATION OF SUBSECTION 5108.5 OF THE ZONING ORDINANCE REQUIRING TRANSITIONAL SCREENING AND BARRIERS ALONG THE EASTERN PROPERTY BOUNDARY IN FAVOR OF THE LANDSCAPING SHOWN ON THE CDP/FDP.

IN A RELATED ACTION, THE PLANNING COMMISSION VOTED 12-0 TO APPROVE FDP 2024-SU-00003 SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Commissioner Sargeant seconded the motion, which was carried by a vote of 12-0.

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ORDER OF THE AGENDA

Secretary Hancock established the following order of the agenda:

1. FDPA-2012-PR-002 (RZPA-2025-PR-00017) - EPIC PADEL INC.
2. FDPA-2006-PR-017 (RZPA-2024-PR-00033) - PETER K. SANDS AND MILTON J. SANDS
3. SE-2025-PR-00016 - MICROSTRATEGY INCORPORATED D/B/A STRATEGY
4. CDPA-2006-SU-025-04 AND PCA/FDPA-2006-SU-025-06 (RZPA-2025-SU-00024) - TIMBER RIDGE MANAGEMENT, LLC
5. RZ/FDP 2022-LE-00016 - STEVEN MICHAEL SUSHNER, TR. AND ADAM KIRSCHENBAUM TR.

This order was accepted without objection.

Chairman Niedzielski-Eichner recited the rules for public testimony.

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FDPA-2012-PR-002 (RZPA-2025-PR-00017) - EPIC PADEL INC.- Appl. to permit an interim outdoor commercial recreation use. Located in the N.W. of Greensboro Dr. opposite of its intersection with Pinnacle Dr., on approx. 2.47 ac. of land zoned PTC and SC. Tax Map 29-3 ((15)) 12A1.
PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Bernard S. Suchicital, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C. reaffirmed the affidavit dated November 10, 2025.

Karen Yee, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD), presented the staff report, a copy is in the electronic date file. She stated that staff recommended approval of FDPA-2012-PR-002.

Mr. Suchicital gave a brief presentation on the subject application.

There was a discussion between Ms. Yee; Mr. Suchicital; Amr Muhammad Hussein, Applicant; and multiple Commissioners regarding the following:

- Explanation that paddle ball was a hybrid of tennis and squash, played on smaller courts in pairs, and generally fast paced;
- Explanation that paddle ball blended squash, tennis, and pickleball, using temporary glass walls that allowed the ball to bounce and spectators to watch;
- Explanation that the ball used in paddle ball resembled a tennis ball and that the courts used turf with sand infill to absorb sound, resulting in virtually no noise;
- Clarification that after five years the applicant would need to return for another approval to extend the use;
- Explanation that the applicant would pursue an extension if feasible and would reassess their business plan at that time;
- Explanation that a five year term was the standard timeframe for interim uses in Tysons;
- Explanation that the five year limit helped ensure interim uses did not become permanent without meeting full standards, such as pedestrian improvements or roadway connections;
- Clarification that a condition required the applicant to coordinate with the adjacent property owner if the road were constructed, including relocating or removing parts of the interim facility;
- Clarification that even if the northern entrance closed, access from the south would remain and parking would still be sufficient since the site was over parked;
- Explanation that the applicant had already determined internally that they intended to construct the full canopy because the sport required a dry synthetic-turf surface; and
- Clarification that the applicant was locked into a five year term.

There being no listed speakers, no speakers from the audience, no further comments or questions from the Commission, no rebuttal from the applicant, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Hancock for actions on this proposed application.

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Prior to the motion, Commissioner Hancock requested that the applicant confirm for the record, their agreement to the proposed development conditions dated December 1, 2025.

Mr. Suchicital affirmed agreement to the development conditions dated December 1, 2025.

Commissioner Hancock MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-2012-PR-002, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 1, 2025.

Commissioners Bennett and Landgraf seconded the motion, which was carried by a vote of 12-0.

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FDPA-2006-PR017 (RZPA-2024- PR-00033) - PETER K. SANDS AND MILTON J. SANDS– Appl. to amend the final development plans for RZ-2006-PR-017 to permit an addition 10.5 ft. from a side lot line and an accessory structure (detached garage) 18.4 ft. from a front lot line and associated changes to the site and development conditions. Located at 2831 Cambridge Park Pl., on approx. 17,931 sq. ft. of land zoned PDH-2. Tax Map 48-2 ((17)) (2) 4. PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Peter K. Sands, Applicant, reaffirmed the affidavit dated April 21, 2025.

Carl Shumate, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy is in the electronic date file. He stated that the staff recommended approval of FDPA-2006-PR017.

Mr. Sands opted out from presenting on the subject application.

There was a discussion between Mr. Sands, and multiple Commissioners regarding the following:

- Description of the historic farmhouse, its condition, and the work already completed, as well as the feedback received from the Architectural Review Board (ARB);
- Explanation that the farmhouse interior had been gutted when purchased, with no appliances and only a former wood stove hookup. They completed cosmetic work such as painting and interior updates;
- Clarification that the necessity for additional space due to growing children, which prompted plans for a garage and two additional bedrooms triggering the necessity for rezoning because of prior subdivision history;
- Explanation of the key ARB feedback and the specific changes made in response:
    - Lowered the garage roof from 22 feet to 17.5 feet so the historic farmhouse remains the dominant structure;
    - Relocated the rear addition fully behind the original farmhouse so it was not visible from the street;
    - Attempted to lower the rear addition roof but could not due to very low ceiling heights in the existing structure;
    - Changed double dormers to single dormers per ARB preference;
    - Removed older plastic shutters and omitted shutters from the new addition; and
    - Revised access to the upper level of the garage by removing a drop-down stair and adding a spiral staircase at the rear, as the garage footprint was too small for an interior stair.

- Concerns over past construction activity, including work vehicles and workers entering neighbor's property;
- Explanation that the applicant planned to speak directly with the neighbors regarding their concerns; and
- The applicant assured commissioners that he intended to prevent any repeat of those problems and emphasized that no construction activity should end up on the neighbor's property.

Chairman Niedzielski-Eichner called the first listed speaker.

Chairman Niedzielski-Eichner called for additional speakers from the audience, but there were none. There being no more speakers, no further comments or questions from the Commission, no rebuttal from the applicant, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Hancock for actions on this proposed application.

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Prior to the motion, Commissioner Hancock requested that the applicant confirm for the record their agreement to the proposed development conditions dated November 20, 2025.

Mr. Sands affirmed agreement to the development conditions dated November 20, 2025.

Commissioner Hancock MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-2006-PR-017 SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 20, 2025.

Commissioner Bennett seconded the motion which was carried by a vote of 12-0.

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SE-2025-PR-00016 - MICROSTRATEGY INCORPORATED D/B/A STRATEGY. – Appl. to permit modifications of sign regulations for building mounted signs. Located on approx. 27,878 sq. ft. of land zoned PDC, HC and SC. Tax Map 39-2 ((29)) 1G (pt.). PROVIDENCE DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Bernard S. Suchicital, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, P.C. reaffirmed the affidavit dated November 13, 2025.

Sunny Yang, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy is in the electronic date file. She stated that the staff recommended approval of SE-2025-PR-00016.

Mr. Suchicital gave a brief presentation on the subject application.

There was a discussion between Ms. Yang, Mr. Suchicital, and multiple Commissioners regarding the following:

- Concerns about the broader implications of increasingly large signs in Tysons;
- Explanation the sign size fell in the middle, noting Capital One's sign exceeded 1,000 sq. ft., while many others ranged between 400–500 sq. ft;
- Explanation that staff had compared this request to other recent sign approvals;
- Explanation that the building was farther from the Beltway and taller than most nearby buildings except Capital One, making the proposed sign generally compatible with other approvals in Tysons;
- Concern about a trend toward sign wars in Tysons, where applicants justified larger signs by pointing to existing larger signs;
- Explanation that the proposed sign would replace the existing sign; and
- Clarification that the illumination would remain generally the same, be internally lit, and comply with County Zoning Ordinance standards for sign illumination.

There being no listed speakers, no speakers from the audience, no further comments or questions from the Commission, no rebuttal from the applicant, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Hancock for actions on this proposed application.

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Prior to the motion, Commissioner Hancock requested that the applicant affirm, for the record, their agreement to the proposed development conditions consistent with those dated November 19, 2025.

Mr. Suchicital affirmed agreement to the proposed development conditions dated November 19, 2025.

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Commissioner Hancock MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-2025-PR-00016, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED NOVEMBER 19, 2025.

Chairman Niedzielski-Eichner and Commissioners Bennett and Sargeant seconded the motion which was carried by a vote of 12-0.

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CDPA-2006-SU-025-04 AND PCA/FDPA-2006- SU-025-06 (RZPA-2025-SU-00024) - TIMBER RIDGE MANAGEMENT, LLC - Appl(s). to amend the proffers, conceptual development plan, and final development plan for RZ-2006-SU-025, previously approved for mixed use, to permit single family attached dwellings and a community arts center and associated modifications to proffers and site design at a 0.37 floor area ratio (FAR). Located in the N.W. quadrant of the intersection of Westfields Blvd. and Newbrook Rd., on approx. 6.84 ac. of land zoned PDC, AN and WS. Comp. Plan Rec: Mixed Use. Tax Map 44-1 ((1)) 6H4. SULLY DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Robert Brant, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh P.C., reaffirmed the affidavit dated November 5, 2025.

Ciarra Downing, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy is in the electronic date file. She stated that the staff recommended approval of CDPA-2006-SU-025-04 AND PCA/FDPA-2006- SU-025-06.

Mr. Brant gave a presentation on the subject applications.

Commissioner Spain deferred making preliminary comments on these applications.

There was a discussion between Mr. Brant; Ms. Downing; William O'Donnell, Branch Chief, ZED, DPD; Gregory J. Ellwood, Civil Engineer, Bohler Engineering VA, LLC; and multiple Commissioners regarding the following:

- Explanation that standard county noise proffers were included, including advanced noise studies at site plan, interior noise mitigation to 45 dBA, and other customary requirements;
- Clarification that site design incorporated setbacks from Westfields Boulevard and Newbrook Drive which would reduce noise exposure;
- Clarification that nearby existing homes function well despite similar conditions and that the area remained desirable, with residents actively using outdoor and rooftop amenities;
- Clarification that unit placement, architecture, and construction incorporated sound-attenuating measures and that all required interior noise mitigation would be implemented;
- Explanation that the proposed access connection to the adjacent land bay was well underway, with ongoing communication with the neighboring community;

- Final agreements would be formalized later in the site plan process because the connection involved private property;
- Concerns about the underground stormwater facilities being listed as potential, particularly the facility located beneath the front green space with filtration components;
- Concern about long term maintenance and access for filters within the landscaped open space;
- Explanation that long term maintenance and access had been incorporated into the site design;
- Explanation that the design allowed access to stormwater facilities both within the common green space and in rear areas of the site;
- Clarification that the layout and programming of the open spaces accounted for operational and maintenance needs and deferred to the project's civil engineer for any additional technical detail;
- Explanation that the underground stormwater systems were designed to remain fully functional while maintaining usable open space above them;
- Explanation that access points and maintenance needs had been accommodated, with landscaping such as shrubs used to screen infrastructure while preserving usability;
- Clarification that a small, grassed area near the retaining wall sheet flowed stormwater;
- Explanation that this runoff had been fully accounted for in the site's stormwater calculations;
- Explanation that the majority of runoff was captured by inlets and directed to underground stormwater facilities;
- Clarification that the design met all stormwater quality and quantity requirements and had been coordinated with county staff;
- Concern that the proposed retaining wall appeared substantial, potentially up to eight feet high, and noted the absence of visual renderings;
- Explanation that an eight foot drop would require a safety railing to prevent falls along the backside of the wall;
- Explanation that an existing retaining wall already existed behind the adjacent Commonwealth Place development and that the proposed wall would connect to it;
- Clarification that the proposed wall would be similar in height, design, and materials to the existing wall;
- Explanation that the wall backed up to the Flatlick Branch stream valley, with limited visibility due to distance and topography;
- Explanation that the wall would not be visible from Westfields Boulevard or most areas of the site;
- Explanation that the retaining wall was necessary infrastructure, compatible with surrounding conditions, and would have minimal visual impact;
- Explanation that the mound, informally referred to as Mount Newbrook, consisted of fill accumulated from prior redevelopment activity would be reused on site to rebalance and level the topography, particularly to address steep drop offs toward the rear of the site;
- Explanation that preliminary testing of the soil had been completed and indicated it was suitable for reuse, with continued testing planned during grading;

- Explanation that erosion and sediment control measures would be implemented to protect environmentally sensitive areas, including the Resource Protection Area (RPA) and stream valley;
- Clarification that the stream valley was now owned by the Fairfax County Park Authority (FCPA) following prior approvals and dedications;
- Clarification that extensive coordination with FCPA had already occurred and would continue through site plan and construction phases, as reflected in the proffers;
- Explanation that the concurrent site plan processing had been authorized by the Board of Supervisors and that the first site plan submission was currently under review;
- Concerns about noise impacts on rooftop amenities, noting that the Comprehensive Plan calls for mitigation of outdoor areas without distinguishing between ground level and rooftop spaces;
- Explanation that rooftop amenities were optional and required purchaser opt in;
- Explanation that nothing in the plans, proffers, or commitments would prevent purchasers from adding rooftop shade or screening features, either prior to purchase or afterward, subject to agreement with the builder or developer;
- Clarification that such options could be addressed contractually at the time of purchase;
- Clarification that purchasers would be notified of airport proximity and aircraft noise prior to purchase;
- Explanation that noise contour maps would be shared with buyers and recorded in Homeowners Association (HOA) documents so that both initial and future purchasers would be fully informed;
- Clarification that nothing in the design or construction of the units would preclude future rooftop additions;
- Explanation from staff that they were not aware of any complaints or issues related to rooftop amenities;
- Clarification from staff that rooftop spaces should not be enclosed with permanent walls, as that would raise floor area and zoning compliance issues;
- Explanation that the retaining wall would be owned by the property owners association established for the community;
- Commissioner Bennett requested that the geotechnical information be provided to the future owner so the retaining wall's long term structural condition could be monitored;
- Explanation that the community arts building was planned to include both performing and visual arts uses;
- Clarification that the county would be responsible for the final design, programming, and day to day operations;
- Explanation the facility was expected to include a small performance space with seating, artist studios, and gallery space;
- Explanation that parking for the arts center would be separate and dedicated to that building;
- Explanation that Newbrook Drive was privately owned and not a dedicated public right of way, meaning any changes to the turn lane would require approval from the private owner;

- Explanation that the Conceptual Development Plan and associated documents showed a potential striping option that could reduce or remove the turn lane and add parking without changing roadway infrastructure;
- Clarification that this option was illustrative only and could not be guaranteed due to the private ownership of the road;
- Explanation that the turning lane was viewed as a safety benefit due to existing traffic volumes, particularly vehicles entering and exiting the nearby shopping center and restaurant uses;
- Clarification that this issue had been discussed with the Land Use Committee, which generally agreed that the turning lane provided traffic safety benefits;
- Clarification that the arts facility would be operated by the County, likely through the Neighborhood and Community Services Board;
- Explanation that ArtsFairfax would be involved in the design process;
- Explanation that exterior arts related spaces connected to nearby parks were anticipated and could be part of the overall concept;
- Concerns about parking conflicts, referencing past experiences in townhouse communities where parking became an issue during events and holidays;
- Explanation that the arts facility parking was clearly separated from the residential parking and located in its own designated area;
- Explanation stated that the residential community included 48 surface parking spaces along private streets, distributed throughout the site;
- Clarification that parking adequacy for both residents and the arts facility had been carefully considered in the site design;
- Clarification that future coordination between the homeowners association and the County would likely include parking and shared facility agreements;
- Explanation that additional details would be addressed during the site plan and construction phases to ensure both uses could coexist without parking conflicts;
- Concerns about the pedestrian experience between this development and the neighboring Commonwealth development to the west;
- Explanation that coordination was anticipated and already underway on street design, lighting, and pedestrian elements;
- Explanation that unit orientation had been designed to mirror existing townhomes to the north, with front doors facing each other to reinforce connectivity;
- Clarification that pedestrian facilities would link between the two developments to create a continuous experience;
- Explanation that the design cues had been intentionally drawn from the neighboring Commonwealth development;
- Clarification that ongoing coordination with the adjacent developer was occurring to ensure a seamless transition between neighborhoods;
- Explanation that the overall goal was integration so the new development felt like part of a cohesive, connected community rather than a standalone project;
- Explanation that the prior approval included a 100,000 square foot movie theater and retail pad sites, but the site had remained vacant for many years despite earlier approvals;
- Clarification that the existing Wegmans and surrounding pad sites were already serving as retail anchors for the area;

- Explanation that the current proposal represented a logical extension of the adjacent townhome development and complemented existing retail rather than competing with it;
- Explanation that the addition of a community arts facility would function as a new anchor and fill a missing component in what was evolving into the Westfields Town Center;
- Explanation that the larger Commonwealth area still had significant unused density and that additional retail or mixed use development could occur through a future zoning application;
- Explanation that the variable sidewalk widths were driven by physical site constraints rather than policy preferences;
- Explanation that the sidewalk along Westfields Boulevard was designed to range roughly from 8 to 10 feet in width;
- Explanation that existing mature trees along Westfields Boulevard were intentionally preserved, requiring the sidewalk to taper in certain areas to avoid tree removal;
- Explanation that on the rear side near the Park Authority owned stream valley, steep topography, floodplain conditions, and RPA constraints limited the ability to maintain a uniform sidewalk width;
- Explanation that significant effort was made to maximize sidewalk width wherever feasible, resulting in a substantial improvement over existing informal pedestrian paths;
- Explanation that some peripheral areas were subject to landscape easements that prohibited development;
- Explanation that an additional open space was preserved to protect mature trees, maintain buffering, and support a residential neighborhood character;
- Explanation that residential use was considered a secondary use in the planned development commercial district and that recent Zoning Ordinance changes allowed secondary uses to comprise up to 75 percent of total gross floor area; and
- Explanation that the subject property exceeded that threshold, necessitating a modification, and stated they were comfortable that the modification was appropriate.

There being no listed speakers, no speakers from the audience, no further comments or questions from the Commission, no rebuttal from the applicant, and staff had no closing remarks; therefore, Chairman Niedzielski-Eichner closed the public hearing and recognized Commissioner Spain for actions on these proposed applications.

Commissioner Spain requested that the applicant explain their additional contribution towards the schools. The applicant explained that the project would include the standard $14,956 per-student contribution to the school system. In addition, the applicant noted that the Comprehensive Plan for the Westfields / Land Unit J area required an extra $2,500 contribution per residential unit. The applicant confirmed that both the standard per student contribution and the additional per unit contribution would be provided as part of the application.

Prior to the motion, Commissioner Spain provided an overview of the application.

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Commissioner Spain MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING ACTIONS:

- PCA-2006-SU-025-06 AND CDPA-2006-SU-025-04 SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 2, 2025;

- MODIFICATION OF SUBSECTION 2105.4.C(L) TO PERMIT THE GROSS FLOOR AREA OF THE PROPOSED DWELLINGS TO EXCEED 75% OF THE GROSS FLOOR AREA OF THE PRINCIPAL USE;

- MODIFICATION OF ZONING ORDINANCE SUBSECTION 2105.2(B)(2) TO WAIVE THE REQUIREMENT FOR A 200 SQUARE FOOT MINIMUM PRIVACY YARD FOR THE PROPOSED SINGLE-FAMILY ATTACHED DWELLINGS;

- MODIFICATION OF SUBSECTION 5100.2.C(5) TO ALLOW FOR A PARAPET WALL, CORNICE PROJECTION, OR SIMILAR PROJECTION TO EXCEED THE HEIGHT LIMIT ESTABLISHED BY MORE THAN THREE FEET IN ORDER TO SCREEN MECHANICAL EQUIPMENT WITHOUT COUNTING TOWARDS BUILDING HEIGHT; AND

- WAIVER OF ZONING ORDINANCE SUBSECTION 5107.1, A (3) TO ALLOW A PRIVATE STREET GREATER THAN 600 FEET IN LENGTH.

IN A RELATED ACTION, THE PLANNING COMMISSION VOTED 12-0 TO APPROVE FDPA-2006-SU-025-6 SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF THE CONCURRENT REZONING APPLICATION.

Chairman Niedzielski-Eichner and Commissioners Bennett and Sargeant seconded the motion which was carried by a vote of 12-0.

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RZ/FDP 2022-LE-00016 - STEVEN MICHAEL SUSHNER, TR. AND ADAM KIRSCHENBAUM TR.- Appls. to rezone from R-1 to PDH-2 to permit residential development with a total density of 1.5 dwelling units per acre (du/ac) and approval of the conceptual and final development plan. Located on the W. side of Beulah St., S. of Miller Dr. and N. of Crestleigh Way on approx. 5.45 ac. of land. Comp. Plan Rec: Residential 1-2 du/ac. Tax Map 90-4 ((1)) 20, 91-3 ((1)) 24 and 25. FRANCONIA DISTRICT. PUBLIC HEARING.

There were no disclosures by Commission members.

Timothy Dugan, Applicant Agent, Bean, Kinney & Korman P.C., reaffirmed the affidavit dated November 20, 2025.

Tabatha Cole, Zoning Evaluation Division (ZED), Department of Planning and Development (DPD) presented the staff report, a copy is in the electronic date file. She stated that the staff recommended approval of RZ/FDP 2022-LE-00016.

Mr. Dugan gave a brief presentation on the subject application.

Commissioner Landgraf deferred making preliminary comments on the application.

There was a discussion between Mr. Brant; Ms. Downing; William O'Donnell, Branch Chief, ZED, DPD; Gregory J. Ellwood, Civil Engineer, Bohler Engineering VA, LLC; and multiple commissioners regarding the following:

- Clarification that clear communication to future owners about property boundaries would be addressed through proffers and HOA documents, not necessarily signage;
- Explanation of the National Electrical Safety Code;
- Explanation that the code establishes standards and procedures to ensure construction did not interfere with overhead power or utility lines, particularly for the home proposed on Lot 8;
- Clarification that the proffers required compliance with these standards and documentation showing Dominion's review and sign off on construction practices;
- Concerns raised during environmental review;
- Explanation that the proffer was intended to address those concerns by ensuring construction avoided unstable slopes and complied with applicable geotechnical standards;
- Explanation that multiple geotechnical analyses had been conducted and reviewed with the county, and that coordination with geotechnical experts would continue during home siting and foundation design;
- Clarification that while certain soil types existed in the area, homes were not proposed in those locations, and buildable areas had been clearly identified;
- Explanation that Land Development Services reviewed the geotechnical report and recommended inclusion of the proffer as part of the development plan; and
- A concern was raised about the limit of disturbance within tree preservation areas.

Chairman Niedzielski-Eichner called the first listed speaker.

Robert Livingstone, 6501 Miller Drive, Alexandria, representing Beulah Cardoa Citizens Civic Association, opposed the proposed application. A copy of Mr. Livingstone's statement is in the date file.

There was a discussion between Mr. Livingston; Ms. Cole; and Chairman Niedzielski-Eichner regarding the following:

- Explanation that much of the immediate area, including homes along Beulah Road to Cressley Way, was zoned R-1;
- Explanation that the request involved rezoning approximately 3.5 acres currently zoned R-1 to allow TH-2 townhouses within an established R-1 neighborhood;
- Opposition to placing TH-2 zoning in the middle of surrounding R-1 neighborhoods, including areas along Casperson Road, Crestleigh Way, Miller Drive, Alton Road, and Outlook Road;
- Clarification that zoning west of the property was R-5, with planned development housing (PDH)-4 beyond the open space near Crestleigh Way;
- Explanation that areas directly across were R-1, with R-2 zoning further south; and
- Explanation that the rezoning request was for PDH-2.

Reggie Seifn supported the amendment and he stated the following:

- Explanation that many surrounding developments were built with limited infrastructure, such as a lack of streetlights, curbs, and gutters;
- Explanation that the proposed project included higher planning and infrastructure standards, including added parking, curbs and gutters, street lighting, tree preservation, bioretention, and permeable pavers; and
- Explanation that the project would create a safer and more organized environment compared to existing conditions.

David King opposed the amendment and he stated the following:

- Explanation the Fairfax County Comprehensive Plan, emphasizing policies related to infill development and the protection of stable residential neighborhoods;
- They argued that while residential infill could be appropriate, the proposed PDH-2 zoning was inconsistent with the surrounding R-1 density and intensity;
- Concern that the project did not adequately maintain neighborhood stability, as required by the Comprehensive Plan's written objectives;
- Explanation of the proposed wall and density change as a physical and symbolic intrusion into a long established residential community; and
- Stated support for infill development in general but stressed that it must balance growth with protecting existing neighborhoods.

Commissioner Wang responded that the surrounding zoning already included higher densities, noting R-5 zoning to the west and R-8 zoning to the north, and questioned why single family homes would be considered incompatible in that context. Mr. King stated that higher density development was anticipated to the west and north but emphasized that this site represented one of the last remaining large green spaces along the Beulah corridor. He further stated that community opposition had been significant, citing that approximately 65 percent of homeowners' associations expressed opposition to the rezoning at a recent land use meeting.

There was a discussion between Mr. Dugan, Ms. Cole, and Commissioner Cortina regarding the following:

- Explanation that the Comprehensive Plan designation for assembled properties was one to two dwelling units per acre;
- Clarification that the area was not being replanned;
- Clarification that no comprehensive plan amendment was proposed;
- Explanation that the proposed density of approximately 1.47 dwelling units per acre was within the planned range;
- Explanation that the comprehensive plan established land use in ranges, noting that one to two dwelling units per acre represented a low density designation within the countywide framework;
- Explanation that rezonings could be requested within the planned range as long as the proposal met comprehensive plan standards;
- Explanation that the application was filed in 2022 and involved extensive site visits and meetings with neighbors;
- Further explanation that during site walks in mid-2023, it was observed that some residents along Miller Drive were using the property to access Beulah Street through backyards;
- Explanation that the fence was proposed to address concerns related to access, movement through private yards, and neighborhood impacts;
- Clarification that there were no driveways, stating the area consisted only of grass and trees in its existing condition;
- Explanation that, in the developed condition, the site would include curb and gutter roads built to Virginia Department of Transportation (VDOT) standards;
- Concerns about people driving over curbs or traversing through backyards once the area was developed;
- Concerns had been raised about new residents potentially crossing into backyards along Miller Drive and about existing residents using the site as a shortcut to Beulah Street;
- Explanation that these concerns, along with compatibility considerations, led to the proposal of a physical separation between neighborhoods;
- Explanation that a six foot decorative fence was proposed to address those concerns, with materials and columns designed to match the architectural character of the new homes and included as part of the proffers;
- Clarification that the fence would direct access between neighborhoods to public streets rather than backyards; and
- Explanation that the fence also served a screening purpose by blocking views of the new homes and providing greenery, making it a dual purpose solution.

Chairman Niedzielski-Eichner called for additional speakers from the audience, but there were none. There being no more speakers, Chairman Niedzielski-Eichner called on Commissioner Landgraf for a motion.

Prior to the motion, Commissioner Landgraf provided comments on the application.

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Commissioner Landgraf MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR RZ/FDP 2022-LE-00016 TO A DATE CERTAIN OF JANUARY 7, 2026, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Cortina seconded the motion which was carried by a vote of 12-0.
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The meeting was adjourned at 10:11 p.m.
Phillip A. Niedzielski-Eichner, Chairman
Jeremy Hancock, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 552, Fairfax, Virginia 22035.

Minutes by: Michelle Jordan
Approved on: March 4, 2026

Nicole Blackwell, Clerk to the
Fairfax County Planning Commission

County of Fairfax
Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 9 day of March 2026, by

Notary Seal
Signature of Notary

Notary registration number: 7114113

Commission expiration: January 31, 2028