MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 24, 2013

PRESENT: Jay P. Donahue, Dranesville District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
Janyce Hedetniemi, At-Large
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Frank A. de la Fe, Hunter Mill District
James T. Migliaccio, Lee District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Sargeant MOVED TO ACCEPT THE FOLLOWING SLATE OF PLANNING COMMISSION OFFICERS FOR 2013:

Chairman	Peter F. Murphy, Springfield District
Vice Chairman	Frank A. de la Fe, Hunter Mill District
Secretary	Janet R. Hall, Mason District
Parliamentarian	James R. Hart, At-Large

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

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Chairman Murphy requested that Commissioners submit their 2013 Preference Form for Planning Commission Committees to Barbara Lippa, Executive Director, no later than Wednesday, January 30, 2013. He noted that the Planning Commission's Tysons Corner Committee would remain established to meet on an as-needed basis, adding that only one seat was available.

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Commissioner Sargeant noted that the Commission's Schools Committee had met earlier this evening with the Fairfax County Public Schools' (FCPS) Facilities Planning Advisory Council to receive an overview of the development of FCPS' Strategic Facilities Plan and its relationship to the County's Comprehensive Plan. He added that the Committee would meet again in the Board Conference Room of the Fairfax County Government Center on the following dates:

- Thursday, March 14, 2013, at 7:00 p.m.
- Thursday, April 18, 2013, at 7:00 p.m.

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Commissioner Hall announced that she would move the approval of the minutes for the September 2012 Planning Commission meetings on Thursday, February 7, 2013. In addition, she requested that the Commissioners review the minutes for October 2012, since she would move their approval on Thursday, February 21, 2013.

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Commissioner Lawrence indicated that Georgelas Group LLC had submitted a revised affidavit for RZ 2010-PR-014-D, scheduled for public hearing on Wednesday, January 30, 2013. He noted that there were no new names on the affidavit and the revision would have no adverse effect on the application, adding that he would move to waive the formal waiting period at the beginning of the public hearing.

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Commissioner Hart referenced an article in *Virginia Business* magazine, dated January 23, 2013, entitled "Virginia ranked as top state for green buildings in 2012," and commended the County staff, pointing out that this had been accomplished in part because of their implementation of the Board of Supervisors' policies on green buildings.

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION DEFER INDEFINITELY THE PUBLIC HEARING FOR SE 2012-MV-013, SUNOCO, INC. (R&M).

Commissioner Litzenberger seconded the motion which carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

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456A-D95-19-2 – T-MOBILE NORTHEAST, LLC, 9916 Georgetown Pike
FS-B12-22 – VERIZON WIRELESS, 8996 Burke Lake Road
FSA-48-1-2 – SPRINT, 7171 Wimsatt Road (Braddock District)

Chairman Murphy MOVED APPROVAL OF THE CONSENT AGENDA ITEMS.

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Without objection, the motion carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. RZ/FDP 2012-BR-003 – TARIQ H. KHAN
2. SE 2012-SU-002 – NADEEM P. MALIK
3. APR 09-IV-2MV AND APR 09-IV-27MV – HUNTINGTON CLUB AREA PLANS REVIEW ITEMS (NEAR HUNTINGTON METRO STATION)

This order was accepted without objection.

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RZ 2012-BR-003 AND FDP 2012-BR-003 – TARIQ H. KHAN – Appls. to rezone from R-1 and WS to PDH-2 and WS to permit residential development with a density of 1.58 du/ac, a waiver of minimum district size, and approval of the conceptual and final development plans. Located on the E. side of Shirley Gate Rd. approx.. 500 ft. N. of its intersection with Park Dr. on approx. 1.9 ac. of land. Comp. Plan Rec: 1-2 du/ac. Tax Map 56-4 ((6)) 1. (*Continued from December 5, 2012*.) BRADDOCK DISTRICT. JOINT PUBLIC HEARING.

Commissioner Hurley announced her intent to defer the decision only on this application to Thursday, February 7, 2013.

Brent Krasner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, noting that the applicant had submitted a revised proposal, a copy of which is in the date file. He noted that staff recommended approval of the application.

Keith Martin, Esquire, Tramonte, Yeonas, Roberts & Martin, PLLC, explained that the applicant had revised the proposed plan from three houses to two. He stated that after speaking with the adjacent neighbor, the applicant had agreed to eliminate the optional rooms above the garages and reduce the size of the buildings by ten feet, thereby moving it away from the property line and providing more space between properties. He added that the changes would be provided to the Commission prior to the decision date.

During a brief discussion between Commissioner Hart and Mr. Martin, it was revealed that a shared easement might be required on the property line on the access road up to the intersection of the two lots.

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Chairman Murphy called the one listed speaker and recited the rules for public testimony.

Shirley Thompson, 4339 Shirley Gate Road, Fairfax, commended Mr. Martin for meeting with her and thanked him for the changes. She added that while the size of the houses had been significantly reduced, they were still 1.6 times larger than her own home. She pointed out that the revised plan had erroneously omitted an existing stone wall that currently existed on the property. In addition, Ms. Thompson noted that the proposed signage seemed large for the development. She also requested that the applicant consider moving the deck on the house on Lot 2 so that the new occupants would not be facing the neighbors.

Gregory Altieri, 4401 Shirley Gate Road, Fairfax, spoke in opposition to the development because the proposed houses would be too large and inconsistent with the neighboring homes. He commended the applicant for the revisions that had been made, but said that the proposed size of the homes needed to be reduced significantly in order to be compatible with the surrounding area.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Martin, who stated that he would accommodate Ms. Thompson's request to modify the home on Lot 2.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hurley for action on these items. (A verbatim excerpt is in the date file.)

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Commissioner Hurley MOVED THAT THE PLANNING COMMISSION DEFER THE DECISIONS ONLY FOR RZ/FDP 2012-BR-003 TO A DATE CERTAIN OF THURSDAY, FEBRUARY 7, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Hall seconded the motion which carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

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> SE 2012-SU-002 – NADEEM P. MALIK – Appl. under Sect. 9-610 of the Zoning Ordinance for a waiver of minimum lot width to permit the subdivision of one lot into two lots. Located at 3027 Ashburton Ave., Herndon, 20171, on approx. 2.3 ac. of land zoned R-1. Tax Map 35-2 ((1)) 4. SULLY DISTRICT. PUBLIC HEARING.

Keith Martin, Esquire, Tramonte, Yeonas, Roberts & Martin, PLLC, reaffirmed the affidavit dated August 23, 2012. Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one case within the previous two years wherein the applicant had been the adverse party to a

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client of his firm; he therefore stated that he would recuse himself and not participate in this public hearing.

Rebecca Horner, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

In response to a question from Commissioner Litzenberger, Ms. Horner stated that stormwater management would be contained entirely on the application site.

Mr. Martin explained that the application would improve existing environmental conditions by providing minimal new impervious surface. He noted that the applicant would also maximize tree preservation as a result of the vacation of the current access easement. He stated that the residents of Ashburton Manor supported the application; however, they denied the annexation of the two new residences into the homeowners association. Therefore, the owners of the new homes would be solely responsible for the maintenance of the stormwater management system. Mr. Martin added that the Sully District Council had voiced no objection to the application and asked for the Planning Commission's support.

In response to questions from Commissioner Litzenberger, Mr. Martin said that he had met with members of the Ashburton Homeowners Association three times. He added that he had also met with the Sully District Council three times, adding that many citizens had also attended to voice any concerns. He also stated that he had agreed to add four evergreen trees to buffer the site, as requested by a neighbor located across from the proposed site. In addition, Mr. Martin noted that, after speaking with an adjacent homeowner, he had agreed this evening to modify the language in Development Condition Number 26, regarding fencing, to clarify that the applicant would "…provide a four-foot high decorative black fence around the proposed BMPs." (A copy of the modified Development Condition, with a modified copy Sheet 5 of 8, is in the date file.)

Chairman Murphy called the one listed speaker.

David Lotocki, 12810 Saffron Drive, Herndon, expressed concern about the impacts of building two homes on a lot intended for one, including potential loss of trees and deterioration of soil during construction. He added that the construction of two homes would alter the appearance of the neighborhood and have a negative impact on the rest of the neighborhood.

William Orem, 12807 Saffron Drive, Herndon, spoke in opposition to the application, noting that his property was located north of the proposed development. He pointed out that his property was located across an existing stormwater treatment system, which was strained during heavy rain storms and would be even more so with the new development. He also expressed concern about the trail adjacent to the stormwater drainage area being flooded as a result of this development. In addition, Mr. Orem noted his concern that this proposal might adversely impact Horsepen Creek in terms of increased sediments/nutrients to the creek, thereby harming aquatic fauna.

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In response to a question from Commissioner Litzenberger, Mr. Orem said that he had not attended any of the meetings on this application because he had been out of the country.

Jodi Prosser, 2030 Ashburton Manor Drive, Herndon, explained that her home was located across from the site, adding that her backyard would face Lot 2. She noted that while she had requested the additional evergreen trees, she wanted the buffer to extend along the entire eastern border at the back of the property. She pointed out that the size of the new homes would be considerably larger and higher than the existing houses and the buffer would help to mitigate the visual impact on the surrounding neighbors. She also noted that notifications for this application were not uniformly distributed throughout the neighborhood, after which a brief discussion with Chairman Murphy ensued regarding the regulations on the County notification process.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Martin, who stated that he had worked directly with the Ashburton Manor Board of Directors, who supported the application. He added that the application would improve the site's environmental footprint and that County staff had worked with the applicant to ensure that the proper systems would be in place. In addition, Mr. Martin noted that the applicant had agreed to landscaped buffering, but would also plant additional trees as requested.

During a discussion with Commissioner Lawrence, Mr. Martin agreed to provide the additional tree buffering along the eastern border of the property; however, he noted that a more specific number of trees might be appropriate. As discussion continued, Ms. Horner explained to Commissioner Lawrence that the development conditions addressed the protection of the trees on-site and added that staff from the County's Urban Forest Management Division would be involved in the site plan review process.

Answering questions from Commissioner Litzenberger, Mr. Martin said that while the proposed lots would be smaller than neighboring properties, the application was consistent with the neighborhood because the zoning would remain unchanged.

In reply to questions from Commissioner Litzenberger, Ms. Horner stated that staff from the Stormwater Management Division had extensively reviewed and supported the proposal. She added that concerns about the sediment would be addressed on-site and no additional sedimentation would result from this development.

Commissioner Litzenberger agreed with Commissioner Lawrence that buffering should be provided along the border of the property to screen the adjacent properties. Noting that he would defer the decision only for a week, he requested that the applicant take the time to review the site plan to determine an appropriate number of trees to screen the site.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Litzenberger MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2012-SU-002 TO A DATE CERTAIN OF WEDNESDAY, JANUARY 30, 2013, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Hart having recused himself; Commissioners de la Fe and Migliaccio absent from the meeting.

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> APR ITEMS 09-IV-2MV AND 09-IV-27MV – SOUTH COUNTY AREA PLANS REVIEW – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. South County Area Plans Review (APR) nominations 09-IV-2MV and 09-IV-27MV concern approx. 19.5 ac, generally located south of Huntington Avenue, east of North Kings Highway, west of the Huntington Metrorail Station. APR 09-IV-2MV concerns Tax Map 83-1((1)) 32, no assigned address. APR 09-IV-27MV concerns Tax Maps 83-1((23))1 through 364, located at 2601 through 2638 Fort Farnsworth Road, 2509 through 2535 and 2601 through 2621 Huntington Avenue, 2600 through 2613 Indian Drive, 5701 through 5727 Indian Court, 5709, 5711, 5713, 5715, 5717, 5719, 5721, 5723, 5725, 5727, 5729, 5731, 5733, 5735, 5737, 5739, 5741, 5743 North Kings Highway, 2601 through 2655 Redcoat Drive, 2601 through 2636 Wagon Drive, Alexandria, VA. The area is planned for residential use at 16-20 du/ac. The Amendments will consider adding options for mixed-use development to include residential, office, retail, and possibly hotel uses up to 3.0 FAR. Recommendations relating to the transportation network may also be modified. MOUNT VERNON DISTRICT. JOINT PUBLIC HEARING.

Kimberly Rybold, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the proposed nominations.

Responding to questions from Commissioner Flanagan, Thomas Burke, Fairfax County Department of Transportation (FCDOT) stated that no funding source had yet been determined for a Virginia Department of Transportation (VDOT) 527 Transportation Impact Study. When asked if a developer could fund such a study, Mr. Burke said yes, but said that it would be preferable to have the study completed prior to acceptance of applications. He added that while Fairfax County might fund the study, contributions in proffer commitments from other developments might also provide possibilities. Commissioner Flanagan noted that the Mount Vernon Council's Land Use Committee had adopted a resolution to support the application; however, he added that its members were concerned about the traffic impacts caused by this

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development. Mr. Burke noted that a traffic study would enable developers to know how high-quality transit would connect to Huntington Avenue to mitigate volume on Route 1 and Telegraph Road.

In reply to additional questions from Commissioner Flanagan, Ms. Rybold explained that although the staff report did not specifically require a traffic impact analysis, it did discuss the current adopted guidelines for transit-oriented development (TOD) and their interpretation upon redevelopment of this site. Marianne Gardner, PD, DPZ, added that a study had not been recommended for this Amendment because the scope of the study would include the entire Huntington Transit Station Area, thus being beyond this proposal to fund the entire study, particularly in light of the benefits such a study would provide to outlying areas.

Answering questions from Commissioner Sargeant, Ms. Rybold said that the recommended square footage for retail would be sufficient for the proposed amount of development. She confirmed that the total development on this site would span 20 years and include approximately 1,800 residential units, with an additional 3,000 in the surrounding Transit Development Area (TDA).

In response to additional questions from Commissioner Sargeant, Mr. Burke explained that the VDOT 527 study was general in scope and would not include a detailed parking analysis; however, parking would be reviewed closely during the rezoning stage. He also noted that the proposed 45 percent TDM goal would help to limit the number of parking spaces. Mr. Burke also pointed out that reductions in the parking requirements would motivate citizens to utilize local transit, adding that the proposed small area study would help to identify the transit options most appropriate to accommodate the residents not only during the work week but also on weekends.

Commissioner Sargeant stated that the additional number of vehicles from this development must be accounted for, noting that the small area study would be an important factor in determining its overall traffic impacts throughout the surrounding area.

During a discussion with Commissioner Lawrence, Mr. Burke described the area comprising the small area study and said that in addition to the area described in the staff report, staff's review was more expansive. He noted that although a number of 527 studies central to this area had previously been conducted, it was difficult to obtain a comprehensive analysis because numerous other ongoing projects were being developed as separate entities exclusive of each other. He said that this application would provide a comprehensive study that would include the traffic impacts from all of the land use proposals in the area. Mr. Burke added that this large study would ideally lessen the adverse impacts on the level of service on the area roads and intersections.

In response to questions from Commissioner Hart, Ms. Gardner explained that the traffic impact analysis might not be a precondition to approval of the Amendments; however, staff recognized how important a comprehensive traffic study would be prior to development. Commissioner Hart acknowledged the importance of the study, but countered that it would in fact be easier to have it done by an applicant with a proposal to pay for it. Ms. Gardner agreed, but emphasized that the study would be needed, regardless of when it was done. When Commissioner Hart noted

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that the staff report was silent about a traffic study, Ms. Gardner stated that a follow-on motion could be drafted and added to the current motion.

Commissioner Sargeant suggested calling the comprehensive analysis an “Affected Area Study,” with which Mr. Burke concurred, adding that it would be included in the results of a Countywide transit network study. When Commissioner Sargeant asked if the motion for the study would need to be a separate motion, Ms. Gardner confirmed that it would, and said that the new language for the follow-on motion would be as follows: “The Planning Commission recommends to the Board of Supervisors that a Huntington Affected Area Study be undertaken as outlined in the staff report for this Plan Amendment.” Commissioner Flanagan concurred with the language.

Chairman Murphy called the one listed speaker.

Rossman Irwin, Nominator and President, Huntington Club, A Condominium Unit Owners' Association, Inc., 2601 Indian Drive, Alexandria, explained that the nomination would create a vibrant mixed-use community adjacent to the Huntington Metro Station, support the County’s TOD policy by concentrating development within a quarter mile of the station to allow residents/workers to use mass transit to connect and provide a center of gravity for two small isolated areas of new development at the north and south ends of the station. In addition, he pointed out that nearby conservation areas would not be adversely affected by this development. He stated that the proposed site would be easily accessible to both Metro entrances and support new community serving retail, which would benefit this area. He further pointed out that the proposal would enhance internal trip capture that was much needed and desired by the surrounding communities. He reiterated earlier comments regarding the amount of retail square footage, pointing out that Huntington Club residents could easily access the site. He expressed his gratitude to Huntington Club Unit owners, neighboring associations, and the Fairfax County planning staff for supporting the nominations. In addition, he noted that the proposal had also received unanimous support from the Mount Vernon Council and its Transportation and Planning and Zoning committees, as well as the Huntington Community and Jefferson Manor Citizen Associations. In addition, Mr. Irwin stated that he had received letters of support from surrounding condominium associations and pointed out that the Southeast Fairfax Development Corporation has also voted to support the nominations. He noted that this support has been a result of a petition showing 84 percent, or 307 of 364 Huntington Club Unit Owners, who had supported this development. After briefly reiterating staff’s recommendation, he explained that Huntington Club residents and nearby organizations would remain engaged in the small area study, adding that the DC Metropolitan Area was projected to grow significantly over the next decade and transit-oriented redevelopment would be the most appropriate way to accommodate that growth. Mr. Irwin pointed out that the entrance to the development would likely need to be reconfigured, and would be detailed in the subsequent rezoning. He said that solutions to transportation should focus on transit and intersections, adding that the 527 traffic impact study in the staff report detailed only the individual turning movements. He did note, however, that it would provide useful focus for future study going forward. Noting that the community wanted to create a thriving neighborhood, he said that the proposal would provide smart growth and economic and environmental benefits.

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In response to questions from Commissioner Flanagan, Mr. Irwin confirmed that this nomination had begun approximately four years ago, but noted that the 527 Traffic Impact Analysis had been required prior to the nomination. He stated that additional details had been prepared regarding the effect of the Huntington Club redevelopment relative to other projects planned or proposed in the area. He added that further study was done to look at issues related to the hotel use regarding the amount of retail on-site and its effect on trip generation. He stated that VDOT found the initial study acceptable, adding that FCDOT had requested the additional information. When Commissioner Flanagan asked about a Conceptual Development Plan presented by Mr. Irwin at a land use committee meeting, Mr. Irwin explained that the illustration was simply a concept and likely outdated at this point, particularly given the changes since that meeting.

Answering questions from Commissioner Hart, Mr. Irwin explained that the Virginia Condominium Act and the condominium association bylaws contained language describing how a condominium might bring itself to an end, noting that a condominium termination agreement required approval by 80 percent, or fractional interest of, the association under both the Act and bylaws. He added that his condominium association showed in its petition of support in excess of the 75 percent that was required for a neighborhood consolidation.

Chairman Murphy commended Mr. Irwin for his work with developers and the community on the nominations.

There was a brief discussion among the Commissioners and staff regarding the language for the add-on motion.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this item. (A verbatim excerpt is in the date file.)

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Commissioner Flanagan MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE NOMINATIONS BE ADOPTED AS AMENDED, AND SHOWN ON PAGES 16 THROUGH 26, OF THE STAFF REPORT DATED OCTOBER 26, 2012.

Commissioner Sargeant seconded the motion which carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

Commissioner Flanagan also MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT AN AFFECTED AREA TRANSPORTATION STUDY BE AUTHORIZED TO MORE COMPREHENSIVELY ASSESS TRANSPORTATION NEEDS, EVALUATE FEASIBILITY OF POTENTIAL CHANGES TO TRAFFIC PATTERNS, AND DETERMINE POTENTIAL SMALL- AND LARGE-SCALE MULTIMODAL SOLUTIONS TO ADDRESS TRANSPORTATION ISSUES IN THE HUNTINGTON TRANSIT STATION AREA.

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Commissioner Sargeant seconded the motion which carried unanimously with Commissioners de la Fe and Migliaccio absent from the meeting.

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The meeting was adjourned at 10:17 p.m.
Peter F. Murphy, Jr., Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: _____

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Jeanette Nord, Acting Clerk to the
Fairfax County Planning Commission

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