

From: Roland Bartl
Sent: Tuesday, May 12, 2009 8:05 PM
To: 'Arthur Kreiger'; Kristin Alexander
Subject: Childcare Facilities zoning article

Art & Kristin:

Attached is a draft article for what we discussed. The new table addresses each Residential District separately or in groups of two. A case could be made perhaps that the districts could be lumped into fewer groups. But, for now I left it like this.

Based on Kristin's tabular data, the maximum FARs in each district would represent approximately the median FAR for buildings in the district multiplied by a "reasonableness assurance factor" of 1.2, rounded up to the next decimal. For instance, in the R-2 district the median FAR is 0.801 or 0.085 depending on whether we assume 5% or 10% wetlands on each lot, times 1.2 and rounded up to comes to an FAR of 0.10. On the minimum size lot of 20,000 square feet (assuming no wetlands) the maximum size of a facility would be 2,000 square feet net floor area. This pretty much resembles the median size home in the R-2 district, which has a living area of 2,016 square feet.

For larger lots, the maximum net floor area would become limiting. The numbers chosen for each district capture the sizes of 90-95% of all buildings in the separate districts. The range (90-95) comes from the desire to have not more than two digits after the comma.

The only departure from the above is in the R-A and R-AA districts, where we have some large existing multi-family buildings. The FAR limit in R-A and R-AA follows the same pattern as in the other R-districts. But, the 5000 sq.ft. limit does not. Setting the maximum net floor area at 90-95% of the sizes of the multi-family building would allow huge facilities, in theory, because some multi-family building measure 50,000 square feet or larger in net floor area. Rather than to allow or to try to explain that, or to set any other figure based on numbers in the data tables, I decided somewhat arbitrarily, that R-A and R-AA are residential districts and that therefore non-residential uses should not be favored dramatically over the residential uses. The only reason for the bulk of the building is their multi-family nature. There is a need for multi-family housing and the availability of land for this use should not be significantly diminished. In addition, most (not all) R-A and R-AA district areas are adjacent or comingled with business/commercial or village/mixed use zoning districts where land adjacent land may be available for a child care facility without the residential zoning limitations.

Let me know what you think. I'll be here tomorrow to discuss. I will call you after staff meeting - say around 10:30 AM. I will leave Thursday for my son's graduation at UVA in Charlottesville. We should have at least a reasonable draft for public discussion purposes available on Thursday when the legal ad appears in the newspaper.

I have not filled in the summary. Can you provide me with a few sentences regarding the statute and the case law evolution that suggests an adjustment of zoning standards here? I can then add something that speaks to the numbers provided you think the general approach is reasonable.

Thank you -

Roland Bartl, AICP
Planning Director