

# REPORT TO THE SHELBY COUNTY PLANNING COMMISSION

## Department of Development Services

December 19, 2011

Case No. Z11-005

### Christian Enrichment Academy – Conditional Uses

This is the request of David and Joanne S. Engel for the approval of *Conditional Uses* to permit a home school ministry in an R-1 Zone District. The subject property is located at 5834 Cahaba Valley Road (SR 119) northeast of the Oak Mountain Presbyterian Church in an R-1, Single Family Zone District in the North Shelby – I65 Corridor Zoning Beat and situated in the SW ¼ of Section 13, Township 19 South, Range 2 West; Parcel Identification No. 58-10-6-13-0-001-015.000.

### DISCUSSION

#### Subject Property

The subject property, Lot 1, Christian Enrichment Academy Subdivision, MapBook 8, Page 162 (*S-07-84*) is a 4.67 acre tract of land located on the north side of Cahaba Valley Road (SR 119) between Cahaba Valley Trace (CR 14) and Surrey Road. An older building is located at the southwest corner of the property along the southern property line. A lighted soccer field is situated in the middle of the property, occupying nearly two acres. The property is situated southeast of the Cahaba Valley Creek and the northwest corner of the property, approximately one third of an acre lies within an *AE* flood hazard area.

#### Surrounding Land Uses

The property adjoins the Oak Mountain Presbyterian Church campus to the west and north. Further north is the Wagon Trace Subdivision with lot sizes in the 0.5 to one acre range. A single family residence on a seven (7) acre tract of land is located to the east of the subject property. The Double Tree subdivision with lots ranging from 0.5 acre to 1.5 acres is located to the east and across Cahaba Valley Road is. All of these properties are in the R-1, Single Family zone district. To the northeast of the subject property and on the eastern side of Cahaba Valley Road, properties are zoned A-1, Agricultural District.

Oak Mountain State Park is located southeast of the intersection of Cahaba Valley Road (SR 119) and Cahaba Valley Trace. An acreage tract, currently owned by Oak Mountain Presbyterian Church, is located southwest of the intersection of Cahaba Valley Road (SR 119) and Cahaba Valley Trace. This property was rezoned to O-I SD in 2007 to accommodate a proposed office and residential condominium development. Oak Mountain Presbyterian Church has proposed construction of a new school building on the property.

#### Background

Mr. and Mrs. Engel operated a one room Christian school ministry for children with special needs at this location from the late 1970s until 1990. Personal health issues made it difficult for Ms. Engel to continue the ministry on her own. In 1990 Mr. Engel moved his insurance office into this building where he continues to operate today.

Prior to relocating to the subject property, Mrs. Engel taught special needs children from their home on an as needed basis. The parents encouraged Mrs. Engel to teach the children on a full-time basis. In addition to the core curriculum, the school provided physical education and even started a soccer team. The soccer field began as a crude field and has evolved over time into an excellent soccer facility. These fields have been continually used by Briarwood Christian School, Briarwood Soccer Club, Oak Mountain Presbyterian Church and associated church ministries.

The property was originally zoned R-1, Single Family District, when zoning was initiated in 1982. As previously stated, the Christian Enrichment Academy Subdivision, divided the property into two lots. Lot 2 has been used as a Christian school for children with special needs.

### **Proposed Development**

Mr. Engel plans to re-establish the Christian home school ministry to provide educational classes to meet the needs of families primarily in the home school community. The ministry will function under the umbrella of a 501(c)(3) non-profit organization. The ministry plans include instruction in the core academics, bible, physical education, foreign language, drama and dance (ballet) for home school families. Classes are anticipated to begin at 10:00 a.m. and end at 1:00 p.m. two days per week with a maximum of eight to ten students per class.

Additionally, educational classrooms and a gymnasium will be provided in a proposed 60 foot by 100 foot building. Proposed plans for the new building include two educational classrooms with room dividers, restrooms, an office and a gymnasium. Access to the site is proposed to be via a cross-access and cross-parking agreement with Oak Mountain Presbyterian Church. A copy of the written agreement has not been approved by the Presbytery as of the writing of this report. It is, however, on the board agenda for the month of December. Proper approval documentation of this agreement will be required prior to full site plan review. Should the agreement be denied by the church, access to the site could be provided from Cahaba Valley Road (SR 119). In that instance, a portion of the existing building will have to be torn down to make room for a driveway and an access permit will be required from ALDOT. The existing building will be torn down at a much later date.

Mr. Engel has indicated that the ministry proposes to make the classrooms available for devotional outreach to the Latino community on Sundays prior to their regularly scheduled soccer games. Briarwood Soccer Club will continue to use the existing soccer field Monday through Friday.

### **Planning Analysis**

In the years since zoning authority has taken effect in the North Shelby area, the Planning Commission has been particularly vigilant in its efforts to ensure the Cahaba Valley Road corridor did not become cluttered with strip-type commercial and office development like its northern counterpart, Valleydale Road. While the Planning Commission has attempted to find incremental solutions to the traffic congestion and general aesthetic clutter along Valleydale Road, the Cahaba Valley Road corridor has been generally well-preserved. The commercial "node" surrounding the Caldwell Mill Road intersection has sprawled in both directions; however, the majority of the property remains in agricultural, residential, institutional or public hands.

A number of past applications have proposed the beginning of another commercial node, at the intersection of Cahaba Valley Road and Cahaba Valley Trace. It may be appropriate that this intersection eventually becomes a neighborhood commercial center for the local community. Numerous residential neighborhoods are located within a one-half mile radius of this intersection, and the intersection is signalized. The abutting Oak Mountain Presbyterian Church and classical school is nearby; and the area potentially has enough undeveloped property to accommodate a small-scale commercial center. There are, however, limitations to a coordinated development of this type. The location of the Oak Mountain Presbyterian Church campus places limitations to a development to the south and west along Cahaba Valley Trace. The Oak Mountain State Park property abuts Cahaba Valley Road to the south and would likely rebuff inquiries to allow the sale or development of that property, cutting off access to a tightly controlled "four corners" type intersection commercial development node.

It seems unlikely that a true commercial “node” could develop at or near this intersection without a number of substantial modifications to the current property ownership and present physical development layout. If commercial development were to take place, it would likely be of a “strip-type” nature, with individual parcels having access only to the single road which they abut, resulting in a poorly coordinated off-street vehicular movement and the lack of cohesive placement of structures. An institutional node, however, has developed quite naturally given the location of the Oak Mountain Presbyterian Church expanded campus property located southwest of the intersection, Oak Mountain State Park to the southeast and the soccer fields on the subject property. Land uses in the immediate vicinity are transitioning from agricultural and low density residential uses to office/institutional/residential because of the proximity to schools, the Oak Mountain Presbyterian Church, and higher density residential subdivisions.

The facility depicted in these plans is a small Christian school ministry that appears to fit well into the surrounding residential uses, and is in keeping with the guidelines of the *Zoning Regulations of Shelby County* and *General Development Plan*.

Article XXIV, Section 3 of the *Zoning Regulations* provides specific standards for approval of a conditional use and guidelines for conditions and restrictions on that approval. This Section provides that “a conditional use may be approved by the Planning Commission only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:

- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the Shelby County Comprehensive Plan, these regulations, or any other official plan, program, map or regulation of Shelby County;
- (2) The proposed use shall be consistent with the community welfare and not detract from the public's convenience at the specific location;
- (3) The proposed use shall not unduly decrease the value of neighboring property; and
- (4) The use shall be compatible with the surrounding area and not impose an excessive burden or have a substantial negative impact on surrounding or adjacent uses or on community facilities or services.”

Section XXIV further states that:

“In approving a conditional use, the Planning Commission may impose conditions and restrictions upon the property benefited by the conditional use as may be necessary to comply with the standards set out above, to reduce or minimize any potentially injurious effect of such conditional use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In approving any conditional use, the Planning Commission may specify the period of time for which such approval is valid for the commencement of the proposed conditional use. The Planning Commission may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing. Failure to comply with any such condition or restriction imposed by the Planning Commission shall constitute a violation of these regulations. Those conditional uses which the Planning Commission approves subject to conditions shall have been specified by the Planning Commission the time allotted to satisfy such conditions.”

A number of minor items, including buffer yard requirements, will need to be addressed during the site plan review process. However, given the size and character of the proposed use, staff supports the granting of conditional use approval for this request.

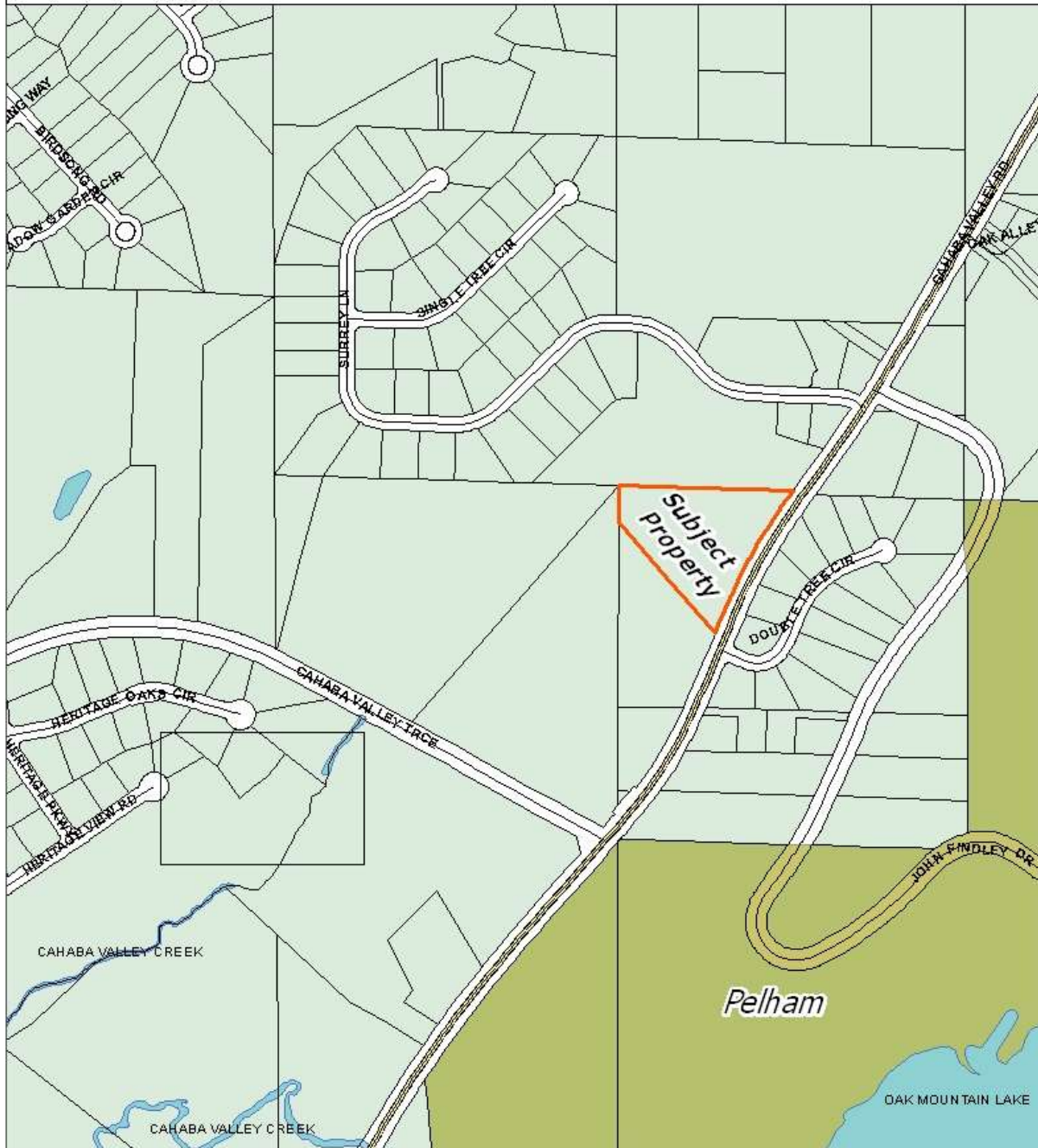
***RECOMMENDATION:***

It is, therefore, the recommendation of the staff that *Case No. Z11-005*, Christian Enrichment Academy request for a *conditional use* to permit a home school ministry in an R-1 Zone District be *Approved* subject to:

- Submission and approval of a site development plan;
- Filing of the necessary 501 (c) (3) documentation; and,
- Execution of an acceptable Parking Agreement with Oak Mountain Presbyterian Church.

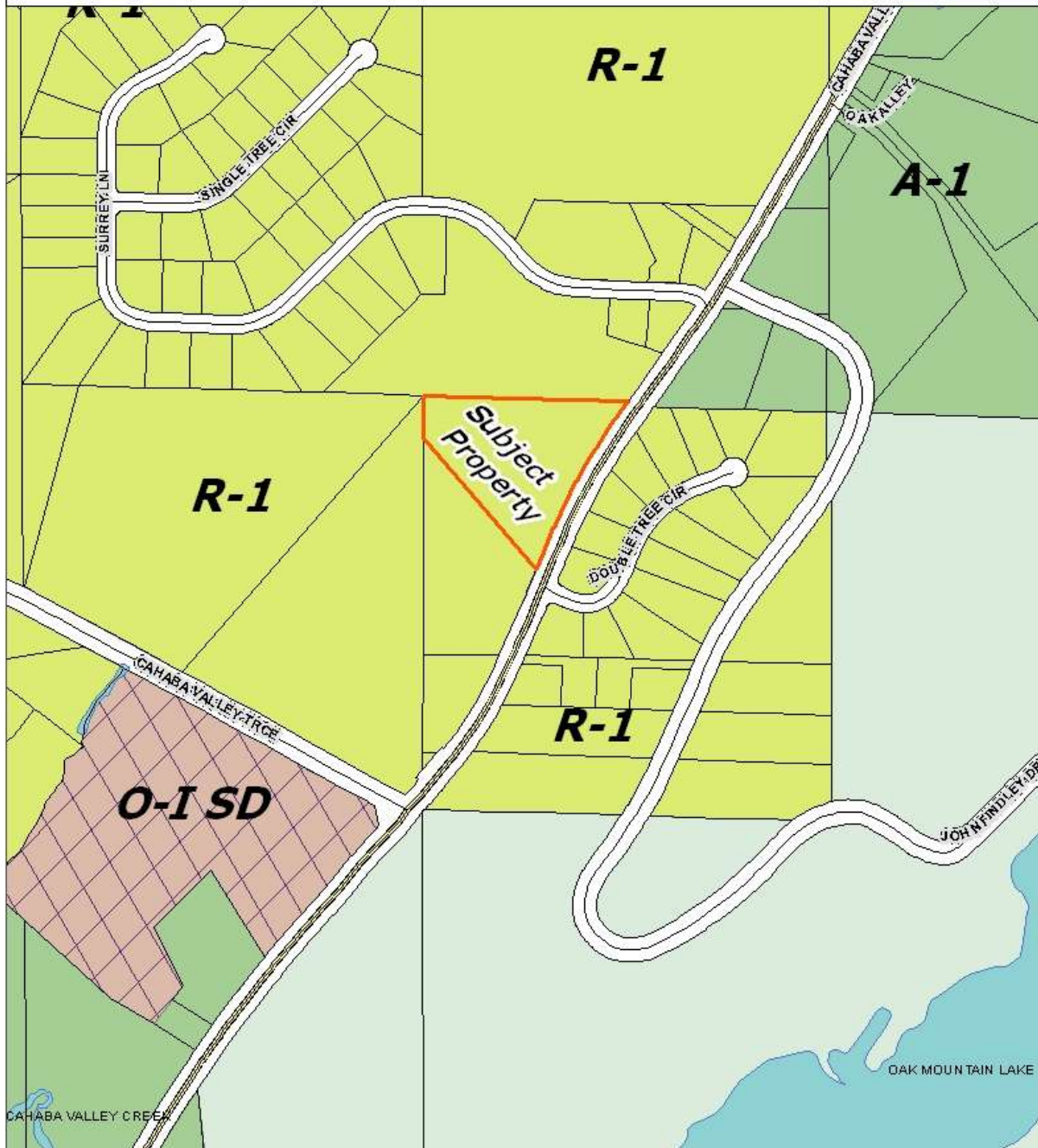
# Z11 - 005

## Christian Enrichment Academy



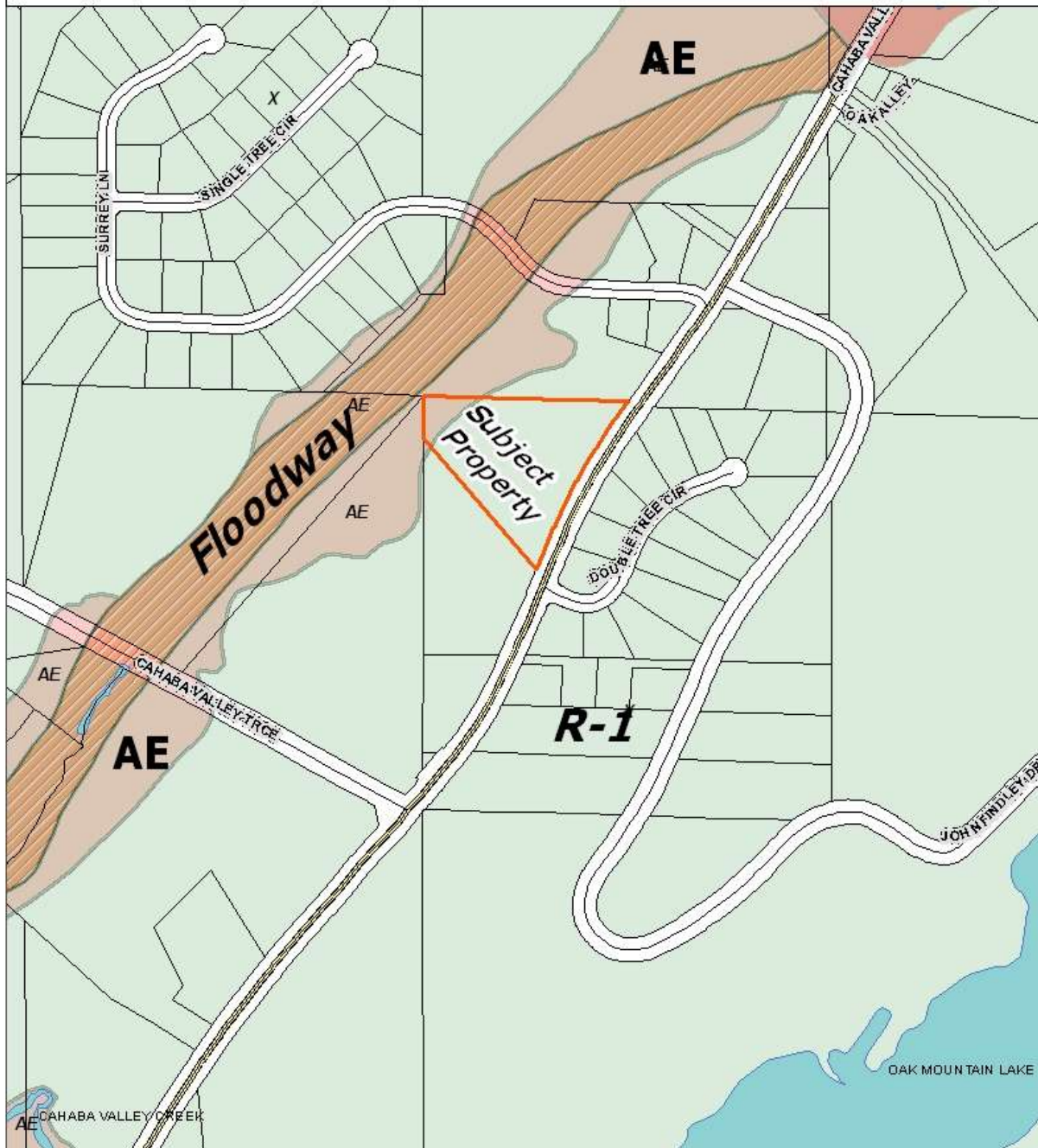
# Z11 - 005

## Christian Enrichment Academy



# Z11 - 005

## Christian Enrichment Academy



# Z11 - 005

## Christian Enrichment Academy



# Z11 - 005

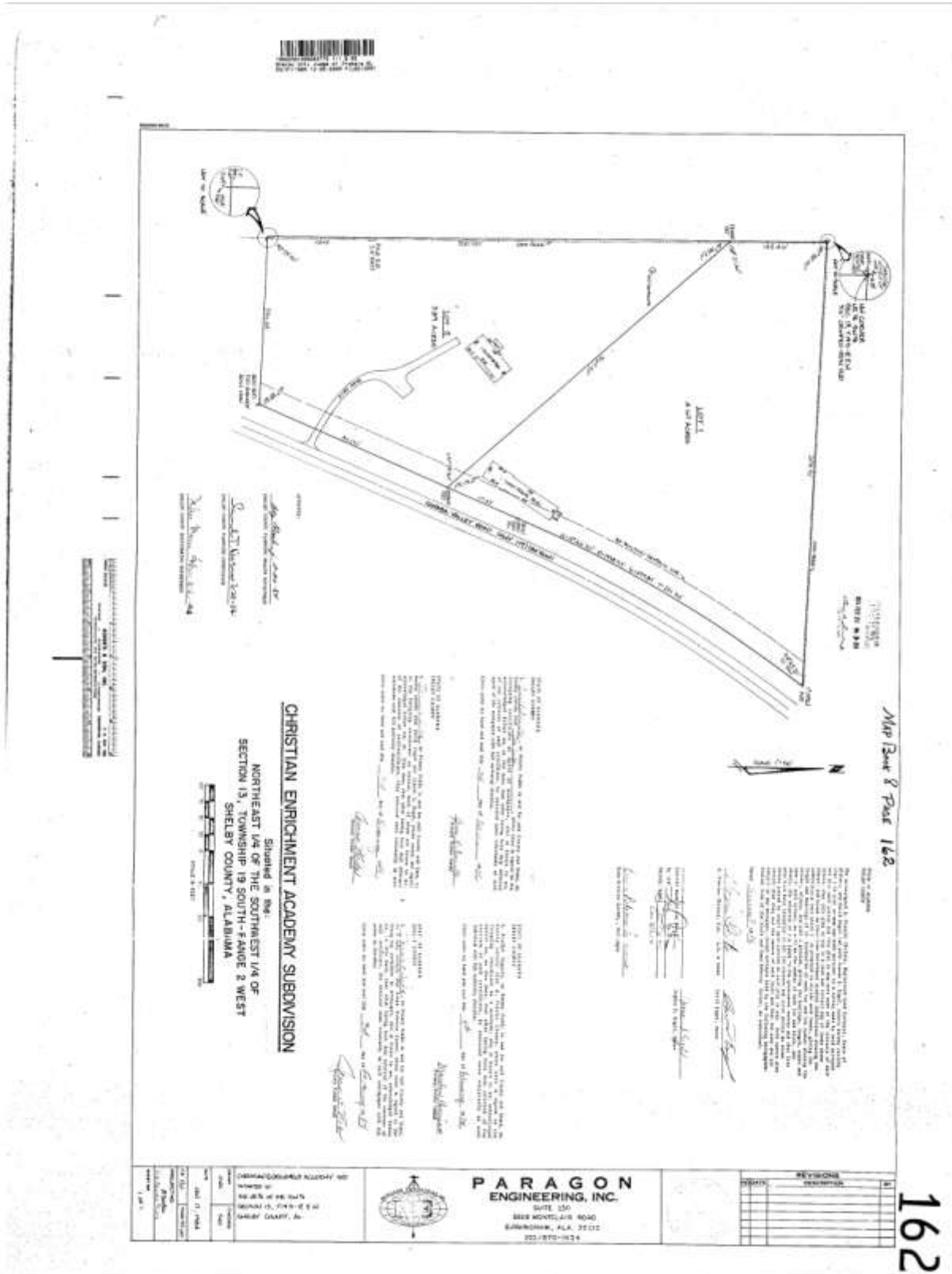
## Christian Enrichment Academy



# Z11 - 005

## Christian Enrichment Academy





Proposed Layout

