

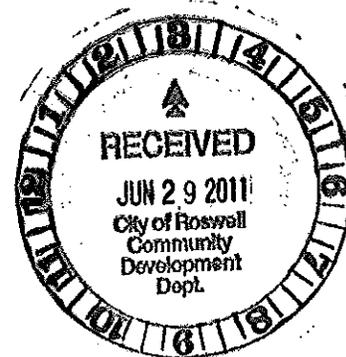
ROLADER & ROLADER
ATTORNEYS AND COUNSELORS AT LAW
P.O. BOX 1357
ROSWELL, GEORGIA 30077-1357
Telephone (770) 442-0330
FAX (770) 442-0641

DONALD A. ROLADER
Don@RoladerandRolader.com

OF COUNSEL
D.W. "Pete" ROLADER

June 29, 2011

Mayor and City Council
City of Roswell, Georgia
38 Hill Street
Roswell, Georgia 30075



RE: Conditional Use Petition No. CU11-02
Fellowship Christian School
10965 Woodstock Road, City of Roswell, Georgia Proposed Change of Conditions

Dear Mayor and Councilpersons:

Fellowship Christian School, the Applicant and Property Owner, is seeking approval of this Application for Conditional Use Permit has filed an Application with the City. This letter shall be construed as the Amended Letter of Intent for this Application.

Together with this Amended Letter of Intent the Applicant is filing a revised landscape plans, trails and paths plan, site plan and related documentation. The Applicant is requesting approval to construct a 1,500 seat stadium on the existing football field, lighting and public address systems for the athletic fields, including the stadium. Applicant seeks approval to have marching bands perform at varsity football games at the school., and that outdoor concerts be permitted. The stadium seating will be on the Woodstock Road side of the football field. The Applicant is requesting removal of certain Conditions imposed under CU05-03 which was approved in June, 2007.

The Applicant is requesting that Conditions 1, 2, 3 (deleted in June, 2007), 15, 16, 26, 29 and 30 be revised. The Site Plan referred to in Condition 1 shall be the Site Plan shall be the Site Plan by Paulson Mitchell Incorporated for Fellowship Christian School dated June 29, 2011, and As-Built Survey for Fellowship Christian School by Bates-Long & Associates dated October 18, 2007, last revised May 25, 2011. Condition 2 shall refer to this Amended Letter of Intent and the support materials referenced herein which have been filed with the application. Condition 3 shall be deleted. Conditions 15 and 16 shall be deleted. Conditions 26, 29 and 30 shall be deleted. Condition 5 has been amended to reserve a decision on the deceleration lane along the private church drive on Woodstock Road until the impact of the Jones Road entrance can be determined. The deceleration lane referred to in condition 6 has been installed. Upon installation of the traffic signal arms due in mid July, the Jones Road entrance will be opened. It is otherwise complete. Condition 8 regarding a deceleration lane on Crossville Road was waived (hardship, state right of way, property not belonging to Fellowship Christian School and not subject to this application).



Applicant has filed an as built survey by Bates-Long and Associates, last revised May 25, 2011 indicating all pathways and trails located on the property and the materials of which they are or will be constructed; a Landscape Audit Plan and Tree Planting Plan by Paulson Mitchell Incorporated dated June 28, 2011 showing all trees and vegetation planted or to be planted to put the project in full compliance with City requirements (including a bond calculation for trees to be planted); a traffic circulation plan and a rendering of stadium seating similar to that to be installed on the site.

Fellowship Christian School is an accredited private school operating on Christian principles. It operates a high school with a full curriculum including varsity and junior varsity athletics. It competes in the Class A division in sports competition. Just North of Fellowship Christian School on Woodstock Road is Blessed Trinity High School, a Catholic high school with a full athletic program, a lighted stadium with loudspeakers, and a marching band. There are no zoning restrictions on the athletic events at Blessed Trinity. It abuts residential subdivisions. Further North on King Road is Roswell High School, a Fulton County public high school. It has a full athletic program, a large stadium, lights, public address system and marching bands at athletic events. There are no zoning restrictions on athletic events at Roswell High School. It abuts residential subdivisions. Just South of Fellowship Christian School is the Roswell Area Park on Woodstock Road. There are multiple athletic fields, lighting and public address systems. There are no zoning restrictions on lighting, seating or public address systems at this City park. It abuts residential subdivisions. Applicant is not aware of zoning restrictions on any other public or private high school in the City of Roswell which deny stadium seating, lighting, public address systems or marching bands.

The actions of the City of Roswell in singling out and discriminating against this one high school are unreasonable and discriminatory. Fellowship Christian School is being denied the opportunity to provide a complete high school experience to its students, and such denial constitutes a denial of both due process and equal protection of the law. No other public or private high schools in the City have any restrictions on lighting, public address systems, stadium seating or marching bands. There are no special circumstances at this location which would require it to adhere to a separate set of standards regarding athletic events. There are no standards set forth in the City zoning ordinance from which restrictions could be imposed.

The granting of this Zoning Application will have no negative impact on adjoining or nearby properties. Proximity to a quality high school enhances residential values and shortens the time between listing and sale. Houses near good schools are in demand. This development will not unduly tax any City of Roswell services, including, but not limited to, fire and police protection, water service and garbage collection. The City Recreation Department presently uses the athletic facilities for City programs. To deny this Application will be of no benefit to the citizens of Roswell, Georgia while causing a severe financial burden upon the property owner and Applicant. Students at the school will be denied the opportunity to an educational experience equal to that of other high schools in the City. This site is appropriate for the use requested. The request is similar to numerous other school uses that have been granted or exist in the City of Roswell, presently, all of which adjoin residential at some location on their

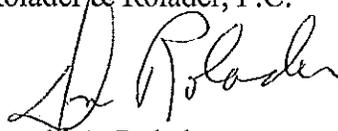
property line. In fact, schools should be a part of the community. The project proposed herein is consistent with development in the surrounding area.

It is the position of the Applicant that the Roswell Zoning Ordinance in zoning the property E-2 with the Conditions imposed under CU05-03 approved February 13, 2006 is unconstitutional in that it destroys the marketability of the property and renders the property less valuable, and such zoning therefore constitutes a taking of the property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983). To zone this property to any intervening category which is less than requested is unconstitutional, renders the property unusable and constitutes the taking of Applicant's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. Additionally, the existing conditions impose a discriminatory and unreasonable burden upon applicant, which conditions are not imposed on any other high school in the City of Roswell. The same effect would be true by imposing additional onerous, burdensome or unnecessary conditions on the property, including conditions that violate the provisions of the Georgia Impact Fee Law regarding extractions for system improvements. Further, denial of this Application will deny Applicant and Owner equal protection of the law.

The Applicant further states that denial of this Conditional Use Permit that would allow for the use as requested is a violation of The Religious Land Use and Institutionalized Persons Act since denial of this Application does not further a compelling governmental interest and denial will unreasonably limit the religious assembly of the Applicant.

The Applicant respectfully requests that the Roswell City Council grant this Conditional Use.

Very truly yours,
Rolader & Rolader, P.C.



Donald A. Rolader
For the Firm

