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Symposium on Urban Sprawl: Local and Comparative Perspectives on Managing Atlanta's Growth

FOREWORD: AN INTRODUCTION TO URBAN SPRAWL

Julian C. Juergensmeyer[†]

INTRODUCTION

The Georgia State University Law Review, the College of Law, and the Andrew Young School of Policy Studies have collaborated to present this Symposium. Our topic is urban sprawl. I just recently moved to Atlanta, and one thing that I find different about Atlanta from everywhere else I have ever lived is that there is a different default topic for conversation. In most places if you run out of things to talk about, you talk about the weather, but that is not at all true in Atlanta. Even if you still have other things to talk about, and certainly if you do not, you talk about sprawl. Why is this the case? Do we Atlantans exaggerate the importance of sprawl?

I recently heard a presentation at Georgia Tech by a nationally recognized planner and developer who maintains, although he admits it would be difficult to prove, that in the last

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ten years of the last century Atlanta was the fastest growing human habitation in the history of the world.¹ Note that he did not say Georgia, America, or North America, but the fastest growing human habitation in the *world*. Atlanta no longer has to worry about becoming like Los Angeles—it is Los Angeles. Atlanta is also serving as a model for other cities. In recent ballot proposals in Jacksonville, Florida, the voters, atypical of Florida voters, imposed a new tax on themselves to control growth. The slogan for those supporting the new proposal was “Don’t Let Jacksonville Become Another Atlanta.” So you see, Atlanta is indeed serving as a model for other cities.

As Atlanta is experiencing, the costs of sprawl are both personal and societal—economic and sociological. Personal costs include, for example, the expenses of commuting—stress, decreased family time, and alienation from the cultural activities available at the urban core. Societal costs include the financial burdens of providing more than one infrastructure system or expensive extensions of existing infrastructure, increased pollution, and destruction of recreational areas, greenspace, farmland, and environmental ecosystems.

If sprawl is so bad, why do we tolerate it? Are we that masochistic? Maybe sprawl is just a price we pay for other things that we want very badly. Maybe it is just the price we pay for a vibrant economy. Maybe it is the price we pay to continue the American dream of living in a large single family dwelling on a large lot with a five-car garage and those cars to take us anywhere we want to go anytime we want to go.

This Symposium is designed to explore the benefits of sprawl as well as the problems it creates. But before we delve into the articles, it would be appropriate to try to define sprawl. Maybe we just ought to just take the attitude the Supreme Court of the United States has taken in regard to pornography and say we know it when we see it or we know it when we experience it.

Permit me nonetheless to attempt to define “sprawl” even though my definition may not necessarily find agreement from all of the Symposium authors. At least it will give us a common ground for our discussions. The main definition that I would

1. Christopher B. Leinberger, Address at Georgia Institute of Technology (Jan. 2001).

like to offer for us to think about is a definition that the Rutgers Center for Urban Policy Research has formulated:

Sprawl refers to a particular type of suburban growth—it is development that expands in an *unlimited and noncontiguous (leapfrog) way outward* from the solidly built-up core of a metropolitan area. In terms of land-use type, sprawl can define both *residential and nonresidential development*. In sprawled areas, residential development comprises primarily single-family housing, including significant numbers of distant units scattered in outlying areas. Nonresidential development includes shopping centers, strip retail outlets along arterial roads, industrial and office parks, and freestanding industrial and office buildings, as well as schools and other public buildings.²

Another aspect of sprawl is that sprawl-type growth usually is characterized by infrastructure problems. Either the infrastructure is not available in the outlying areas where development is occurring, or it has to be duplicated, thereby providing two systems of infrastructure which are not economically justifiable in terms of the support that they can give and the ways in which they are funded.³ To summarize, sprawl is development that is noncontiguous or leapfrog in nature and that has inadequate or duplicative infrastructure problems associated with it.

Some people maintain that all development is really sprawl. After all, an urban center has only three ways to grow: upward, inward, or outward. A city like Atlanta simply does not have an adequate urban core for the inward and the upward development. “Outward” therefore has to be the pattern of development in Atlanta and in most of the sunbelt cities in our nation. In this regard, still another characteristic of sprawl should be noted. It typically includes a depressed or at least less rapidly developing urban core.⁴

At this point, I will attempt a summary of the Symposium articles and then attempt a synthesis of the ideas discussed.

2. Robert W. Burchell, *State of the Cities and Sprawl* 3 (Mar. 9, 2000) (unpublished manuscript presented at the Rocky Mountain Land Use Institute’s Ninth Annual Land Use Conference, “The Costs and Benefits of Sprawl”).

3. *See id.* at 4.

4. William W. Buzbee, *Sprawl’s Dynamics: A Comparative Institutional Analysis Critique*, 35 WAKE FOREST L. REV. 509, 510 (2000).

*A. The Costs and Consequences of Suburban Sprawl: The Case of Metro Atlanta*⁵

Race is an important issue that seems to coexist with the problems of urban sprawl. There are two types of racism associated with sprawl: institutional racism and environmental racism. Regarding institutional racism, in Atlanta sixty-eight percent (68%) of the office space is located outside of the city. Population outside of the urban core has increased forty-seven percent (47%) between 1990 and 1996, but it has only increased by two percent (2%) inside the core. Most of the growth is to the north in what are predominantly white areas. Studies have shown that housing discrimination is more than twice as likely to occur outside of the city. African-Americans are routinely charged forty to ninety percent (40%-90%) more than whites for comparable housing in those areas.

Evidence of environmental racism can be found in the air quality of the areas where most minorities live. Studies have shown that areas where minorities live have a higher toxic release and more pollution. Finally, walking zones in minority area are very dangerous. The mortality rate regarding walking zones in southeast Atlanta is four to six times higher for African-Americans and Latinos than for whites.

One reason for these disparities is what may be termed "transportation apartheid." Many suburban areas do not want MARTA train stations or bus stops, thus making it difficult and sometimes impossible for minorities to travel to certain areas. This poses a real problem when minorities cannot reach their jobs by transit. One suggestion is to have a regional transit plan to tackle these issues. The Metropolitan Atlanta Transportation Equity Coalition (MATEC) is one complainant group tackling this challenge. This group has asserted that the MARTA buses and stations are not equal because the less fortunate areas are plagued with dirty buses with diesel engines, while the suburban areas have newer, more environmentally friendly buses. MATEC's goal is to help encourage a regional transportation system that addresses and prevents these problems that seem to be associated with race.

5. Robert Bullard et al., *The Costs and Consequences of Suburban Sprawl: The Case of Metro Atlanta*, 17 GA. ST. U. L. REV. 935 (2001).

*B. Smart Growth Micro-Incentives and the Tree-Cut Tax Case*⁶

Combating urban sprawl often means considering creative solutions. What about a tree cut tax? One reason that sprawl seems to be so unruly is that the decisions tend to occur at the micro-level, which can be very difficult to regulate. There are two different types of urban growth: deforestation and urban infill. Trees are a major asset to urban areas for several reasons. Connected greenspace is a key to preserving biodiversity. Tree cover is one of the richest areas of biodiversity, and trees stabilize the land and reduce erosion while preserving river ecosystems. Finally, trees improve the air quality, reduce heating and cooling costs by providing insulation, and increase property values.

Despite the clear benefits trees provide to the urban areas, local governments are not cracking down on the destruction for several reasons. First, cutting the trees attracts economic development and reduces cost to developers. Also, trees do not benefit the local government economically. Those who are involved in local government are usually also connected with local businesses, making it unlikely that they will regulate or tax themselves.

A tree-cut tax might be a solution as a corrective tax, but the idea of taxes as an environmental solution is rare. However, the tax may push development to areas that are less sensitive. Also, it can be argued that a tree-cut tax is no different than the fees that one pays to have the garbage collected every week. Finally, the tax would probably survive the current framework regarding takings claims because substantial value would still be left if only some of the trees were cut and taxed. Although the idea of a tree-cut tax may never be embraced by local governments, it is just this type of creative thinking and ingenuity that leads to real solutions.

6. William W. Buzbee, *Smart Growth Micro-Incentives and the Tree-Cut Tax Case*, 17 GA. ST. U. L. REV. 999 (2001).

*C. Land Use Planning: Home Rule vs. Regional Impact*⁷

In considering long-term solutions to sprawl, land use issues must be taken into consideration. One of the major effects of urban sprawl is long commute times, and Atlanta has some of the longest commuting times in the nation and the world. Poor air quality is a manifestation of that. However, the commute only causes twenty percent (20%) of the problem. One of the major obstacles to smart growth in Atlanta is that there is no new place for road corridors in Georgia. Expanding the roads is no longer a viable solution, as the major highways have reached the point of diminishing returns. A grid pattern is a desirable solution to take the concentration off the major roads; however, this can be very difficult to accomplish, especially in older, more settled areas.

Georgia is a "home rule" state, and many people feel that if the impact of sprawl is local, then the local people should decide. However, if a decision is made to effect change near a county line, then somebody needs to be able to resolve the inconsistency. There are several criteria in calling on the local government. First, never tell people what to do. Instead, tell them how to do it, and they will surprise you with ingenuity. Second, impervious surfaces need to be policed. There is a twenty-five percent (25%) allowance, and there needs to be someone monitoring the creation of more surfaces. Finally, it needs to be determined what the "buildout" population is. The creation of the Georgia Regional Transportation Authority may help resolve some of the problems with home rule and may promote regional consistency.

*D. Smart Governance for Smart Growth: The Need for Regional Governments*⁸

There are three major issues associated with governance that must be addressed in considering problems with urban sprawl. First, there is a need for local governance. Second, consideration must be given on how to implement local governance. And

7. Joel H. Cowan, *Land Use Planning: Home Rule vs. Regional Impact*, 17 GA. ST. U. L. REV. 1013 (2001).

8. Janice C. Griffith, *Smart Governance for Smart Growth: The Need for Regional Governments*, 17 GA. ST. U. L. REV. 1019 (2001).

finally, it is important to look at what type of structures have evolved that are the beginning of desirable local governance.

There is a serious need for regional governance. First, a regional transit system is impossible without support through participation in the costs. Also, local boundaries are sometimes inconsistent with regional problems. There is also a need for cover from political pressure. All of this can be accomplished through a representative form of government that presents increased accountability. The governing body would implement planning and enforce zoning codes consistently throughout the region.

Despite the need for such an entity, history shows that local government has been the dominant form, and the culture here in Georgia will make it difficult to effect change. However, there are provisions in the state constitution that would allow this type of allocation of power. The creation of the Georgia Regional Transportation Authority (GRTA) is filling this void in some ways. It has jurisdiction over counties that do not meet the clear air requirements. Its purpose is to improve air quality by addressing transportation problems. GRTA has the power to coordinate planning and is authorized to accept and use federal funds. It can disapprove of developments with regional impact and can also deny road access, giving it considerable power to effect change.

The Georgia Greenspace Commission is also playing a major role in the state. It provides funding for greenspace preservation. In its first year, the Greenspace Commission distributed \$30 million throughout the state. The goal is to preserve twenty percent (20%) of the state as greenspace. The highest percentage is in Cobb County which is only seven percent. Atlanta is a discouraging three percent. However, through the efforts of GRTA, the Georgia Greenspace Commission, and the newly-formed Metropolitan North Georgia Water Planning District, progress will be made in improving regional governance and combating Atlanta's problems.

*E. Advocate for a Modern Devil: Can Sprawl Be Defended?*⁹

Much time and energy has been spent on recognizing the problems and finding solutions to urban sprawl, but sprawl may have positive effects on a community as well. One may consider it a "Faustian bargain." By accepting urban sprawl, Atlantans get the choice of having many living locations far from the core with the benefit of having much more space. Most people have cars and the luxury of traveling to many different places created by sprawl. Sprawl just may be a symptom rather than a cause; the real cause may lie in transportation policy.

But does controlling sprawl really address the problems many so often complain about? Controlling urban sprawl may not actually solve the problem of air pollution. Increasing the urban core may decrease the number of miles traveled, but it also may increase the amount of time that it takes to get from one place to another because of the added congestion. An alternative to focusing on sprawl as the cause is to make major changes in fuel and vehicles to improve air quality. Decreasing urban sprawl may not solve Atlanta's traffic problem. It is clear that congestion exists in dense areas as well as areas associated with sprawl. One solution to the congestion would be to charge for access to the streets and highways. However, this is not a politically acceptable solution.

Finally, there are some benefits to urban sprawl. Sprawl allows us to travel and provides us with greater access to other areas. Driving a private vehicle often saves time over travel by transit. It allows people to feel safe in their own vehicles, and it gives people who are not able to walk the ability to travel. It can also be argued that sprawl reduces the negative consequences of disagreements with neighbors and also allows greater privacy. People who are able to live outside of the city save money on housing costs, and public expenditures are generally lower in these areas. Other advantages to living in the suburbs include less crime, better quality schools, higher incomes, and higher homeownership rates. It is clear that urban sprawl is not without its advantages despite the many problems that are associated with it.

9. Amy Helling, *Advocate for a Modern Devil: Can Sprawl Be Defended?*, 17 GA. ST. U. L. REV. 1063 (2001).

*F. City of Warsaw and Its Surroundings: Management Problems and Political Quarrels*¹⁰

Another international example of urban sprawl can be found in Warsaw, Poland, which is also experiencing a boom similar to Atlanta. Warsaw has three types of governments: local governments, regional governments, and a central government. Local governments are responsible for providing public services and managing public assets in the rural communities and the counties. The regional authorities are new to the administration and are responsible for regional policies and economic development. Finally, the central government is responsible for the tasks connected with the general public interest. There are eleven local governments in Warsaw with one central government. The local governments all made the decision to take efforts to reduce the urban core, contributing to what is now considered one urban area.

*G. Exclusionary Practices and Urban Sprawl in Metropolitan Atlanta*¹¹

Exclusionary zoning practice is arguably the sole cause for the problems associated with urban sprawl. Exclusionary zoning is caused by overt and covert decisions by the local government to deprive people of the opportunity to live in the areas where they work. Overt actions are evident in areas that have minimum lot requirements. For example, the smallest home in some suburban areas is 1200 square feet. These questionable practices are also seen in infeasible apartment density requirements. Twelve to fifteen units per acre is the norm, but in some counties in the metro area there are only four units per acre. These extreme requirements drive the price of housing up, making it infeasible for many people to buy into the housing market.

Covert actions by the local government are apparent in high minimum housing standards, such as minimum lot requirements and onerous exterior and landscape requirements.

10. Michal Kulesza, *City of Warsaw and Its Surroundings: Management Problems and Political Quarrels*, 17 GA. ST. U. L. REV. 1077 (2001).

11. Arthur C. Nelson, *Exclusionary Practices and Urban Sprawl in Metropolitan Atlanta*, 17 GA. ST. U. L. REV. 1087 (2001).

Also, the judicial process itself can be considered a covert action on the part of the local government to increase sprawl. It is cumbersome and often unpredictable, making it difficult to effect change.

The effects of urban sprawl include poor air quality, expensive infrastructure, higher tax burdens, and the destruction of older neighborhoods, which often leads to the closing of elementary schools. One solution to these problems is developing a regional smart growth approach. This approach would require striking a balance between jobs and housing. There should be a focus on creating neighborhoods that will sustain a person throughout his lifetime. The idea is that a child will be able to grow up in a neighborhood and want to remain there throughout his life cycle. This will keep elementary schools open, increase housing, and decrease commuting.

*H. Georgia State's Role in Revitalizing Downtown Atlanta*¹²

Georgia State University has played a vital part in revitalizing downtown Atlanta. Historically, the university has tried to separate itself from the city, but today its philosophy has flipped, and it is making efforts to be a part of the city. Revitalizing the urban core and increasing density are two ways of combating sprawl, and Georgia State University has plans for the next ten years to achieve those objectives. Among its goals are transforming Decatur Street that runs through the campus, making architectural changes to the buildings that would allow integration of the university into the city, thus decreasing student commute times and increasing the density on campus. However, there are some problems with making such major changes. The campus is landlocked, making it much more difficult to expand and find space, not only for campus buildings but also for affordable housing.

In order to fight sprawl and promote revitalization, the university will make efforts to increase walking opportunities. This can be accomplished by increasing housing in the downtown area through converting old spaces and increasing large-scale developments. There is also a need for more mid-

12. Carl Patton, *Georgia State's Role in Revitalizing Downtown Atlanta*, 17 GA. ST. U. L. REV. 1103 (2001).

scale development, such as shops and restaurants. This would not only help keep people in the city but also reduce commute times and keep downtown a viable place to live and work. By making these changes over the next few years, Georgia State University will profoundly affect downtown Atlanta by doing its part to promote smart growth.

*I. Vancouver: Made in America, Eh?*¹³

Urban sprawl is not a problem unique to American cities like Atlanta. It is an international problem, and many cities are taking similar approaches to those taken here in the states. What has been termed the “quiet revolution” has greatly influenced international cities like Vancouver, for example. Vancouver has made tremendous efforts in the last thirty years to combat sprawl. Three early critical decisions helped create what is now a city that is envied by others all over the world as being ideal.

First, Vancouver decided around 1970 that no more freeways would be built. It froze all farmland in response to the idea that Vancouver would sell off most of the land, and it began to focus on urban revitalization and diverse forms of housing dispersed equally throughout the region. Vancouver developed a plan that focused on a strong regional government. There were four main themes in its plan. First, the city developed a transit system instead of freeways. Second, the city has focused on creating a compact region; there are four municipalities that are the urban concentration areas, and last year seventy percent (70%) of the growth in Vancouver occurred in these compact areas. Third, the city began developing “complete communities” to encourage working, shopping, and recreation all in one area. Finally, Vancouver has made major efforts to protect greenspace. All of these efforts have helped not only combat but also prevent urban sprawl in that area.

13. Raymond Young, *Vancouver: Made in America, Eh?*, 17 GA. ST. U. L. REV. 1109 (2001).

CONCLUSION

Sprawl is a complex and multifaceted problem in Atlanta. Fortunately, there are solutions to the problems associated with traffic, racial disparities, air quality, and local decision making inconsistencies. These problems can be solved not only by governmental bodies but also by smaller establishments, such as Georgia State University. The city can learn a great deal by looking at how the problem has been approached in other cities, and progress can be made by implementing smart growth tactics and keeping an open mind to creative solutions.