

THE FAYETTE COUNTY PLANNING COMMISSION met on May 4, 2006 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Graw, Chairman
Douglas Powell, Vice-Chairman
Bill Beckwith
Al Gilbert
Tim Thoms

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Tom Williams, Assistant Director of Planning & Zoning
Phil Mallon, Director of Engineering
Delores Harrison, Zoning Technician
Bill McNally, County Attorney
Robyn S. Wilson, P.C. Secretary/Zoning Coordinator
Deputy Shawn Albea

Welcome and Call to Order:

Chairman Graw called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present. He welcomed the Fayette County High School students.

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1. Consideration of the Public Meeting Minutes of the meeting held on April 6, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Public Meeting Minutes as circulated? Al Gilbert made the motion to approve the Minutes. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Doug Powell abstaining from the vote due to being absent from the Public Meeting.

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2. Consideration of the Public Meeting/Workshop Minutes of the meeting held on April 6, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Tim Thoms made the motion to approve the Public Meeting/Workshop Minutes. Al Gilbert seconded the motion. The motion passed 4-0-1 with Doug Powell abstaining from the vote due to being absent from the Public Meeting/Workshop.

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3. Consideration of the Public Meeting Minutes of the meeting held on April 20, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Public Meeting Minutes as circulated? Doug Powell made the motion to approve the Public Meeting Minutes. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Tim Thoms abstaining from the vote due to being absent from the Public Meeting.

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4. Consideration of the Public Meeting/Workshop Minutes of the meeting held on April 20, 2006.

Chairman Graw asked the Board Members if they had any comments or changes to the Public Meeting/Workshop Minutes as circulated? Bill Beckwith made the motion to approve the Public Meeting/Workshop Minutes. Doug Powell seconded the motion. The motion passed 4-0-1 with Tim Thoms abstaining from the vote due to being absent from the Public Meeting/Workshop.

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Chairman Graw explained to the audience that a Preliminary Plat was the subdivision of property which was already zoned.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 4, 2006.

5. **Consideration of a Preliminary Plat, River Park, Pod A, John Wieland Homes & Neighborhoods, Owner, and Dan Fields, Agent. This property consists of 118.37 acres with 43 single-family dwelling lots. This property is located in Land Lots 193, 194, 223, and 224 of the 5th District, fronts on S.R. 92 North, and is zoned C-S.**

Bryan Lightweis, Engineer, requested approval of the preliminary plat stamped received 04/24/06. He stated that he had been working with the Engineering Department to ensure compliance with the Georgia Stormwater Regulations, as well as, Fayette County regulations.

Chairman Graw stated that he had never seen a preliminary plat with so many conditions which means that the developer has not done his homework.

Phil Mallon advised that the road profile does not meet the current regulations. He said that the developer is aware that approval of the preliminary plat does not approve the road configuration which can be addressed on the Construction Plans. He stated that the developer has been warned that the project must meet all stormwater regulations which can also be addressed on the Construction Plans. He remarked that minor reconfiguration of the road will be required due to the Tree Protection requirements and the road overlapping the impervious area setback which can be addressed on the Construction Plans.

Mr. Lightweis commented that the tree data was received late; however, there is a 1.8 acre tract located adjacent to the cluster of trees and the road can be shifted during the design phase to avoid the trees and buffer area.

Tim Thoms stated that approval of the preliminary plat was questionable due to the cluster of trees and reconfiguration of the road. He added that the Tree Protection Plan is a part of the preliminary plat approval.

Pete Frisina advised that Doug Powell had found a lot which was nonconforming; however, Mr. Lightweis has submitted a plat indicating the correction. He stated that if the preliminary plat is approved that a condition be added that the lot be corrected on the final plat.

Mr. Powell asked if trails and a picnic area will be provided in the conservation area.

Mr. Lightweis responded that there is a lot designated for recreational use.

Chairman Graw made the motion to deny the preliminary plat. Tim Thoms seconded the motion.

Al Gilbert asked what was the procedure to reapply.

Mr. Frisina replied that the preliminary plat would need to be resubmitted and approved by the appropriate County departments.

At this time, Chairman Graw called for the vote. The motion unanimously passed 5-0.

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Pete Frisina read the procedures that would be followed including the fifteen (15) minute time limitation for presentation and opposition for petitions.

THE FOLLOWING ITEMS WILL BE CONSIDERED BY THE PLANNING COMMISSION ON MAY 4, 2006 AND BY THE BOARD OF COMMISSIONERS ON MAY 25, 2006.

6. **Consideration of Petition No. 1170-06, Mary Ann Abna Estate, Owner, and Robert Mooney d/b/a Cobblestone South Development, Agent, request to rezone 40.48 acres from A-R to R-40 to develop a residential subdivision consisting of 27 single-family dwelling lots and one (1) community lot. This property is located in Land Lot 70 of the 7th District and fronts on S.R. 54 West.**

Robert Mooney presented an architectural rendering of the proposed houses for the subdivision. He advised that there would be two (2) recreational areas instead of one (1) as indicated on the Concept Plan. He pointed out that the subdivision would be developed with sidewalks, street lights, and paths to the recreational areas. He confirmed that he was requesting R-40 due to the setback requirements; however, the minimum house sizes will be approximately 2,400 square feet to 2,700 square feet.

Chairman Graw asked if there was anyone to speak in favor of the petition.

Bob Holbrook remarked that he would be the realtor for the development and the builders will be Daryl Graves Builders, Pebble Hill Homes, and Chadwick Homes. He stated that the subdivision would be a quality project and would be a benefit to the County and the community. He advised that O-I had been considered along S.R. 54 West but was not sought, after discussion with P&Z, even though the change to residential cost the developer money.

Chairman Graw asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Tim Thoms stated that he did not see the purpose in the R-40 zoning and pointed out that the setbacks from the lake would require the subdivision to be completely re-engineered. He asked if a PUDPRD had been discussed.

Mr. Mooney replied that a PUDPRD required a minimum of 100 acres. He confirmed that a Level III soil test had been performed and there are areas with definite problems with the soils, which will require alternative septic systems.

Phil Mallon explained that the Concept Plan does not indicate the buffer and setback requirements off of the creek north of the pond. He added that he was very concerned about three (3) or four (4) of the lots and questioned if they would be buildable once the 75 foot setback is indicated from each stream bank.

Mr. Mooney stated that the engineer has prepared a drawing indicating the stream and the 75 foot setback. He commented that the lot lines will probably be shifted and hopefully net the same number of lots or maybe lose one (1) lot.

Mr. Mallon advised that the Safe Dams Program looked at the lake and the dam in 2005 and it was listed as an exempt structure which means it is not a dam subject to their jurisdiction. He pointed out that the height requirement is within a foot of what would designate the dam as a Category II. He stressed that when improvements are done the dam may be designated as a Category II dam and the developer will be required to deal with the costs.

Doug Powell commented that should the dam fall under the Safe Dams Program then an adjacent landowner downstream could possibly build and then the dam would be increased to a Category I which could incur a lot of liability for the lot owners in the subdivision. He expressed concern about notifying the property owners about the possible liability and suggested this information be disclosed in their warranty deed. He said that the two (2) common areas will be deeded to the homeowners association which means a property owner could be on a lot on S.R. 54 West but be liable for the upgrade of the dam even if they do not live on the lake.

Mr. Mooney stated that the lake would be accessible to all of the homeowners instead of just the lake property owners. He said that additional dam studies would be performed once the rezoning is approved.

Mr. Powell said that there are communities in the County which have built downstream of a dam and now the community is required to bring their dam in compliance with the Georgia Safe Dams Act. He stated that they have been living on a lake for 25 years and now someone builds downstream which requires a Dam Breach Analysis and then the homeowners are now liable for either draining the lake or upgrading to the designated category standards.

Pete Frisina advised that the dam is part of the development and someone will own it. He added that he would rather have the costs spread across the entire homeowners association than the adjacent property owners be the owners of the dam.

Mr. Powell stressed that his main concern was making the property owner aware of the liability and costs which could be incurred.

Attorney Bill McNally stated that this is an area which is difficult to predict. He said that it could become a problem for those who inherit the dam. He remarked that the dam is close to being a Category II and if elevated to a Category I, loss of lives downstream is a part of the criteria. He commented that the P.C. may want to require the notification to the purchaser of the possible liability. He added that the County would require the Safe Dams to give their evaluation to the developer.

Mr. Powell asked what would be the best way to ensure that the potential buyers are informed about the possible liability.

Attorney McNally replied that the information could be indicated on the Preliminary Plat and Final Plat.

Chairman Graw remarked that the petition complies with the Comprehensive Plan.

Mr. Thoms asked if the roadway had to be located outside the 150 foot setback from the lake.

Mr. Mallon replied that property may be accessed through the setback if there are no other reasonable way to get to a portion of land. He added that the road has been moved as far north as possible.

Doug Powell made the motion to approve the petition subject to the following conditions:

1. That the dam be evaluated by the Georgia Safe Dam Program.
2. That the Preliminary Plat and Final Plat indicated that the dam is owned by the homeowners association and that it is the responsibility of the homeowners to maintain the dam in accordance with the Georgia Safe Dam Program.

Al Gilbert seconded the motion.

Mr. Thoms commented that he did not understand the reasoning for requesting R-40 zoning.

Chairman Graw remarked that he thinks the Preliminary Plat will contain fewer lots. He asked if there would be a path around the lake.

Mr. Mooney replied that he was uncertain at this time due to the associated costs and required easements from the property owners.

Mr. Powell asked what was the use of the existing block structure.

Mr. Mooney replied a recreation cabin.

The motion passed 4-1 with Tim Thoms voting in opposition.

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7. **Consideration of Petition No. 1171-06, Olivet Baptist Church of Christ, Owner, and Peggy Hall, Agent, request to rezone 9.01 acres from R-45 Conditional and A-R to R-45 to develop Church Facilities. This property is located in Land Lot 250 of the 5th District and fronts on Hwy. 314 North.**

Frank Oakley, Chairman of the Real Estate and Construction Committee requested to rezone the 9.01 acres under one (1) zoning classification. He explained that seven (7) acres are zoned A-R and two (2) acres are zoned R-45. He said he was requesting to rezone the entire tract to R-45 in order to utilize the church property.

Chairman Graw asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Doug Powell made the motion to approve the petition. Tim Thoms seconded the motion. The motion unanimously passed 5-0.

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8. **Consideration of Petition No. 1172-06, Paul E. And Valerie Reynolds, Owners, and Grant Shepherd & Associates, Agent, request to rezone 31.93 acres from A-R to R-78 to develop a residential subdivision consisting of 13 single-family dwelling lots. This property is located in Land Lots 8 and 16 of the 6th District and fronts on S.R. 85 South.**

Michael Buff representative for Grant Shepherd & Associates requested to rezone 31.93 acres from A-R to R-78 on S.R. 85 South. He said that the two (2) acre lot sizes are in compliance with the Comprehensive Plan. He advised that there would be 13 single-family dwelling lots and two (2) acres of common space. He pointed out that the density is 2.16 acres. He commented that the subdivision would be designed with upscale housing and the developer will be a resident of the subdivision. He added that the subdivision would be a benefit to the community. He remarked that natural conditions would be preserved. He stated that the development would be of minimal impact to the infrastructure. He reported that the developer would be Deana Kendricks and the builder would be Earl Thomas.

Chairman Graw asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal required, he closed the floor from public comments.

Chairman Graw pointed out that the roads were labeled incorrectly on the vicinity map. He added that the request was in compliance with the Comprehensive Plan.

Doug Powell made the motion to approve the petition. He requested that the subject site be indicated on the vicinity map on the preliminary and final plats. Bill Beckwith seconded the motion.

Tim Thoms stated that the layout for the subdivision was nice and that the net density is appropriate for the Comprehensive Plan when you consider some of the other subdivisions in the area; however, the area of S.R. 85 South will be much more dense than the Comprehensive Plan calls for. He pointed out that the subject property is surrounded by A-R zoning.

Chairman Graw stated that the property would not remain A-R and he would prefer to see it developed with two (2) acre minimum lots which could help to set a precedent for future rezonings in the area.

At this time, Chairman Graw called for the vote. The motion unanimously passed 5-0.

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9. Consideration of Petition No. 1173-06, Janice Ballard and Charles Ballard, Owners, and Greg Ivey, Agent request to rezone 83.75 acres from A-R to C-S to develop a residential subdivision consisting of 36 single-family dwelling lots. This property is located in Land Lots 216 and 217 of the 4th District and fronts on Antioch Road.

Greg Ivey stated that he was representing Janice Ballard, his grandmother and Charles Ballard, his uncle. He advised that the subject property was part of their family farm and has been in the family since 1876. He said he had given a lot of thought into the planning of the subdivision to maintain the greenspace and utilize the natural contours and topography of the property. He confirmed that the tract consists of 83.75 acres and the yield plan, based on a two (2) acre density, netted 36 lots. He reported that there are over 35 acres of greenspace which is heavily wooded. He pointed out that there would be a buffer between the subject property and Horsemen's Run Subdivision and Jackson Estates Subdivision. He stated that the subject property is now an open field with scattered trees. He said that the lots had been designed to stay 100 feet from the creek running through the property. He commented that there would be walking trails through the greenspace. He confirmed that the 1.8 acre roundabout would be the amenity area consisting of a clubhouse and swimming pool. He remarked that the proposed development would be a good fit for the area since the property abuts Horsemen's Run which is zoned PUDPRD and Jackson Estates which is zoned for two (2) acre minimum lot sizes.

Chairman Graw asked if there was anyone to speak in favor of the petition.

Cheryl Pressler of 105 Kayla Drive stated that she lived across the street from the proposed development. She said she had spoken to Mr. Ivey who has assured her that the homes will be equal to if not better than Horsemen's Run. She remarked that the property is beautiful and the development will continue to help her property values.

Doug Ivey stated he represented the Ballard family and the property has been owned and farmed over the years. He said that Mr. Ballard has passed away and Mrs. Ballard is getting up in age while the land is lying dormant. He commented that it is time to move on so the family decided to sale the property. He remarked that the family is pleased with the layout of the proposed subdivision. He stated that the subdivision would be developed in a way to reflect the memory of the Ballard estate.

Chairman Graw asked if there was anyone to speak in opposition of the petition.

Michele Ladewig of 678 Antioch Road stated she lived in Gantt Acres. She advised that she lives across from the subdivision entrance and she had concerns about the subdivision entrance and conservation subdivisions in general. The following is typed directly from a copy of the comments presented by Mrs. Ladewig:

And all other subdivision being petitioned and designated as Conservation Subdivision under current zoning commission regulation to impact A-R and A-R 5 acre areas of south Fayetteville from Fayetteville square south to Hwy 16 and Red Wine Road east to Hwy 92.

Conservationism is defined as the disposition to preserve what is established; the opposition to innovation or change. Conserving therefore is the act of preservation of the natural resources of this country without innovation.

The term "Conservation Subdivision: is then a conundrum used by developers and zoning board officials to denote a puzzlement of the land impact that truly occurs in C-S designated development, a candy coated high-density impact zone.

Clearly this land, left in its current state, denotes Conservationism!

The current zoning of A-R five acre plots of land for agricultural/residential development preserves and provides families as individual stewards of subdivisional lands. Wildlife and watersheds are less affected protecting 75% of nature land as oppose to 40%.

The trend in politics across this nation is implementing protection for the natural and historical farmlands of our American Agrarian Heritage. Legislation in support of farmers from this type of encroachment by the change in zoning ordinances is essential.

It is the responsibility of this petitioner attempting to change these ordinances to prove a human, 1-acre impact as valid and not the responsibility of existing residences to do so.

However, looking at only one petitioned development is not enough. The study by the zoning Board of "Ballard Terrace" leaves out essential elements of impact in its traffic study, lists some areas of A-R use (Gantt Acres Description particularly) as incorrect (5 acre and 5 acre+ parcels), and does not consider potential A-R encroachment north of Goza Road. This area was conveniently left out of the surrounding "zoning and uses" study because it is 400 acres of A-R designated farming land currently pristine and untouched by development. Ballard Terrace should be designated for A-R 5-acre development and only 16 parcels.

Additionally, the Environmental Health study, and limited Groundwater investigation did not provide a topical pollutants study, such as chlorine other chemical runoffs as creek impact to be conveyed to the drinking water reservoir south? Despite the best civil engineering all water seeks the lowest point and polluted runoff will enter the surface water and aquifer systems in this area eventually effecting Lake Horton and private well water. Why are public works and utilities changes not present in this study of impact to surrounding neighbors. The school impact study seems a bit low.

A conclusive study of commercial traffic, current residential traffic, and new CS development traffic, south, was not considered along with the trip generation study for Ballard Terrace. We oppose the location of the proposed Ballard Trace entrance as dangerous and unregulated, placement north and across from Kayla Drive, as in the yield plan, would allow a natural slow down (yield sign placement) in approaching Goza Road where many accidents have occurred. Speed studies would reveal traffic along this stretch moves at speeds in excess of 45 miles per hour always. There are other examples of existing intersections, subdivision across from subdivision, on Antioch Road north as successfully placed and functionally safe. How were regulations changed to accommodate these existing intersections?

Alternatives should be considered to preserve this beautiful Agrarian Area of south Fayetteville.

A closed cultural system of gated communities, swimming pools, tennis courts, parking lots, or condominiums serve only to increase light pollution, provide topical runoff to surface drainage. Contaminate ground water and aquifer, cause excessive unregulated traffic, increase high intensity power lines and promote a hyperspace bypass through and around Fayetteville.

Fayette officials should resist the development of popular trends in "Conservation Subdivision" to preserve the beauty of the south Fayette area. Conserve the only greenspace left near the city center and east of Peachtree City. It could be developed economically in other ways preserving a source of education, university study center, could be the site of an agrarian museum, a renewable resource study connected with area corporations, and could connect to existing historical sites like Starr's Mill (where Arts and Sciences could be taught). Trails and connected parcels of land could support the Georgian Horse Culture and the Kiwanis Center could be used for Equestrian revenue. Preserve Native American History and relic along Line Creek, Whitewater Creek and Flint River Estuaries.

Our elected commissioners need to seriously deliberate on these issues in a more holistic way. Our county development officials need their eye on the larger picture to control forced development by developers and to communicate changes in the county with one another. Don't be a "Catrina" governmental group.

Ballard Terrace is only one of many, yet undeveloped proposals, multiplied by how many, what would the statistics reveal?

Preserve the land for the future of our youth and our nation.

Place the lid back on the can of worms and develop A-R 5 acre zoning only in this area.

Mrs. Ladewig presented a copy of the Kettle Moraine State Forest South Unit Visitor publication to the P.C. which is available for review in the P&Z Department upon request.

John Salvadore of 155 Kayla Drive stated he lived in Gantt Acres. He objected the density and requested that the A-R zoning should remain. He stated that a larger buffer should be required and should remain natural. He said he owned six (6) acres and his groundwater was affected by Stubbs Plantation. He also expressed concern about an increase in septic systems.

In rebuttal, Mr. Ivey stated that the starting price of the homes would be \$450,000 to \$500,000. He pointed out that the request was in compliance with the Comprehensive Plan. He added that the proposed development would be an upscale development and would enhance the value of adjacent properties.

Hearing no further comments, Chairman Graw closed the floor from public comments. He said that the C-S zoning had been in existence for approximately four (4) or five (5) years. He stated that the Comprehensive Plan would allow two (2) acre minimum and the entire parcel could be developed with no buffers or greenspace. He explained that the C-S does not allow a developer to increase the density of what would be allowed if developed with two (2) acre minimum lot sizes.

Doug Powell read the two (2) recommended conditions.

Mr. Ivey stated that he accepted the two (2) conditions. He added that he has already submitted revised plans removing the conservation area access as requested.

Tim Thoms asked if the buffer was part of the conservation area.

Mr. Ivey replied that the buffer is a part of the conservation area; however, not the 1.8 acres for the amenity area in the middle of the roundabout.

Mr. Thoms stated that this is probably one of the best C-S plans he has seen submitted since he has been on the P.C. He expressed concern about the 2.09 density which is pushing the envelope on the Comprehensive Plan. He said that much of the area in the conservation area is unbuildable because of the setback limits. He commented that the Comprehensive Plan states that the individual character and identity of established communities, neighborhoods, and rural areas should be

maintained. He requested that should the petition be approved that the planting of silver maple trees be reconsidered because they will cause maintenance problems. He said that Lots 34, 35, and 36 should remain natural to maintain the rural character and atmosphere of the area instead of planting a row of trees.

Doug Powell stated that C-S is a proper fit but the increased density will increase traffic on Antioch Road.

Al Gilbert commented that roads are improved with development.

Mr. Ivey pointed out that Horsemen's Run consists of 109 lots and 69 lots are less than 1.5 acres and 40 lots are 1.5 acres to four (4) acres. He added that he could develop the subject property with 36 lots as indicated on the Yield Plan.

Mr. Thoms replied that while 36 lots could be developed, the area is getting very dense for what the Comprehensive Plan indicates and what the road infrastructure can support.

Chairman Graw stated that he would prefer to see this area developed with no less than two (2) acre minimum lots. He commented that the subject property could be rezoned and developed with two (2) acre minimum lots with no greenspace or buffers which is a requirement of the C-S zoning district. He pointed out that Horsemen's Run was developed prior to the adoption of the C-S zoning district.

Al Gilbert made the motion to approve the petition with two (2) recommended conditions. Bill Beckwith seconded the motion. The motion passed 4-1 with Tim Thoms voting in opposition.

Mr. Gilbert thanked Mr. Ivey for providing an amenity area which takes a burden off of the County in terms of providing recreation.

Mr. Ivey replied that it was a difficult decision since he was unsure if 36 lots would support an amenity area with an association fee; however, the club house will be approximately 1,200 square feet which should not be a burden on the homeowners association.

Mr. Powell added that he liked the subdivision name.

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10. Consideration of proposed amendments to the Fayette County Development Regulations regarding Section 8-62. Utility Locations, Section 8-63. Sidewalks, and Section 8-64. Reserved as presented by the Engineering Department.

Phil Mallon stated that the proposed amendments were discussed at a previous Public Meeting/Workshop. He said that he had since done research with the utility companies and would like to table the proposed amendments to be discussed further at a future Public Meeting/Workshop so that further options may be presented. He commented that the options would include the planting of trees, sidewalks, utility locations, and changes to the road configuration. He presented a letter from a developer to the P.C. for their review and consideration.

Bill Beckwith made the motion to table the proposed amendments to allow further discussion at the May 18, 2006 Public Meeting/Workshop. Al Gilbert seconded the motion. The motion unanimously passed 5-0.

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Chairman Graw asked if there was any further business.

Page 10
May 4, 2006

Pete Frisina reminded the P.C. of the Public Meeting/Workshop scheduled for Thursday, May 18, 2006 in the Board of Commissioners Conference Room, First Floor at 7:00 P.M. He added that P&Z would be presenting revisions to the S.R. 54 West/S.R. 74 South Overlay Corridor Zone.

A discussion was held regarding the rescheduling of the June Public Meeting/Workshop. Pete Frisina advised the P.C. to submit their schedules so an alternative date could be established.

There being no further business, Al Gilbert made the motion to adjourn the Public Meeting. Bill Beckwith seconded the motion. The motion for adjournment unanimously passed 5-0. The meeting adjourned at 8:41 P.M.

PLANNING COMMISSION
OF
FAYETTE COUNTY

ATTEST:

JIM GRAW
CHAIRMAN

ROBYN S. WILSON
SECRETARY