

Town Manager Discusses Text Amendment Process for Gated Private Roads

As many may know now, the Town has received an application for a proposed text amendment from a group of builders and developers to allow gated private roads within the Town boundaries. That text amendment is following the process of review and consideration as all other text amendments. They are first considered by the Planning Board for a recommendation to Council whether to approve or deny the proposed text.

At our Planning Board meeting on March 29, 2016, the proposed text amendment was considered by the Planning Board. There was a large crowd gathered to offer public comment and hear discussion regarding the proposed change. There were about 225 people in the audience. This is the first time that there was standing room only in the Council Chambers in the new town hall. (To me, it was a welcomed sight to see the building being used as intended.) I had expected a crowd because of the number of emails (about 100) I had received and responded to over the past weekend that were for and against the proposed amendment.

During the public comment, I heard several things to which I would like to provide clarification. This clarification should not be construed as support for or opposition to the amendment. I am simply trying to clarify some things.

I heard several individuals talk about “walled” communities. The proposed text amendment has nothing to do with walled communities. Under the current ordinance, any development can have a wall, a fence, a berm, or any other barrier to separate one community from another, or one phase of development from another phase of development. There are many such features existing in many of the neighborhoods throughout the Town. The only thing that you cannot have right now is a gate across the street.

I heard some individuals say that we do not need gated communities in the town. Currently, there are several gated communities within the town, namely, Waterford, Waterberry Plantation, and Lake Forest Village. These developments have a total of over 1,100 lots behind gated areas. So whether we need or want gated areas within the town or not, we have approximately 3000 citizens or 17% of the town’s population living behind gates.

I heard comments about the “type of people” that will live in gated areas. I do not know the type of people that these approximately 3000 citizens within the town that live in gated areas are, but some of them are very involved in the town and some sit on different boards and committees for the Town. The homes behind the different gated neighborhoods vary from moderate to very nice housing, and is similar to homes in adjacent neighborhoods that are not gated. Prior to 2014, gated roads and communities were allowed throughout the town. So whether the gates cause divisiveness with a sense of the “haves” and the “have nots”, or a lack of community is for others to judge, but these existing gated areas and the people who live there will always be part of the town. I imagine that there are studies that favor each side of this argument.

I heard some mention that they did not want gated areas in their particular neighborhood development or on a particular tract of land, but that it would be okay in other areas of town or on the other side of their development away from their property. The town code and any amendment to the code applies universally throughout the entire town and not to the benefit or detriment of one neighborhood or property. Even if the proposed amendment fails, or if it passes, that does not mean that a particular piece of property or tract of land will or will not be developed. In most areas in town, every tract of high

ground will likely and eventually be developed regardless of how pristine or blighted it may appear right now.

I heard some say that gated communities provided a sense of security and others say that it was a false sense of security. I have reviewed the 2015 crime map for the town and at general observation, there does not appear to be a significant difference in calls for service in the gated residential areas of town and the similar non-gated residential areas. Again, I imagine that there are studies that favor each side of this argument.

I heard comments questioning the HOA's ability to maintain private gated streets and if that responsibility would be shifted to a Master Association. The proposed amendment would not address the details of which private entity would ultimately be responsible. It only addresses that a private entity like an HOA would be responsible and the town would not. In many ways this is a private matter and private contracts or agreements are not dictated by the town.

I heard some individuals state they were concerned about traffic and pedestrian access of a gated community. The proposed amendment addresses the major connectivity requirements outlined in the town's transportation plans. The amendment has provisions to require the major connection of arterial roads through a gated area, or stated another way, the gated area could not restrict the major connectivity plans of the town. This would allow side streets and larger tracts of land adjacent to main roads to have a gate. In regards to pedestrian access, the amendment does require open public access to pedestrian areas. Under the current ordinance, a development could be walled off and any pedestrian access other than those within the public right of way could be restricted and gated. The question was raised, that in the future, the ordinance could be changed again to restrict pedestrian access also. Fortunately, that is the greatness of our freedom and that a current Council (or past Council) cannot restrict the decisions of a future Council. So as we grow and change, new laws and amendments to the code can be adopted to adapt to those changes.

Now that the Planning Board has acted on the matter, the Town Council will consider the item during a public hearing at a regular public meeting. At that time, the public will be allowed to speak in support or in opposition of the text amendment as directed by the Mayor. We ask that everyone be respectful of each other and the Council. After the public comment has concluded, Council will consider the item for a decision. Council's decision will either enact the change or deny the request.

Prior to the public hearing, any written or email correspondence in support or in opposition to the text amendment should be directed to the Town Clerk so that it can be compiled and added to the public record at the time of the hearing.

I hope that I have provided some clarification to the process and the proposed text amendment. I am always available to answer questions and engage in a respectful dialogue of town issues. Your interest in, and respect for, the town and its processes is always appreciated.

David A. Hollis, PE

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