

RESPONSE TO PROPOSAL TO PROHIBIT PUBLIC ACCESS
TO THE WINNWOOD/BELLBROOK/CELESTIAL
NEIGHBORHOOD

The staff has been asked to evaluate a request from the Bellbrook/ Winnwood/Celestial residents to restrict access by the public to their neighborhood. The proposal would involve putting gates at Winnwood Road/Belt Line Road, and at Montfort Drive/ Celestial Road. These gates would prohibit vehicular access to the general public. The residents have not indicated what type of gating system would be used, but the staff understands that the proposal is for a mechanical device that provides access only to authorized vehicles, not for a "manned" gate.

STREETS

The staff first consulted with the city's attorneys to find out if the streets could be gated and still remain public streets. The attorneys' opinion (memo attached) is that:

1. Access to public parks cannot be denied;
2. Access to churches cannot be denied; and
3. Public streets cannot be gated.

Therefore, in order to prevent the general public from being able to drive on the streets in this neighborhood, the residents would have to purchase, or otherwise obtain, the streets and parks in this neighborhood from the city.

The attorneys advise that the streets could be "privatized" under the following conditions:

1. All of the landowners abutting the streets should petition the city for the streets to be closed.
2. Upon the consent of 100% of the abutting landowners, the City and the landowners should enter into a contract in which the City would agree, for some amount to be determined, (typically it is fair market value) to convey to the landowners its interest in the streets, including the installed infrastructure. The staff does not have an accurate estimate for the fair market value of the streets.

3. The City should require that the abutting landowners create a property owners association to maintain the streets and other public infrastructure according to City standards. Standards for the association should be adopted by the City, including the requirement that the association establish a reserve fund to maintain the streets and that the property owners and the association agree to indemnify the City.

PARKS

The attorneys' opinion did not address the parks, but the staff believes that if public access to the parks is denied, they also must be purchased. State law and city charter provide that public park land cannot be sold without approval of the city's voters through an election. In addition, the Winnwood Park was purchased with Texas Land and Water Conservation funds. The staff believes that this land cannot be removed from the public domain because it was bought with state funds. However, if the Winnwood Park could be sold, and if the voters approved the sale of the parks, they could then be purchased by the neighborhood. The Parks Department has furnished an estimate of the value of the Parks (memo attached). The city has spent approximately \$1,457,086 for improvements to the parks in the Winnwood/Bellbrook/Celestial neighborhood. The Parks Department has estimated a fair market value of \$5.00 per square foot for the park land, which would mean that it would cost \$2,831,400 to acquire the park land. Therefore, the cost to purchase the parks (land + improvements) would be approximately \$4,288,486.

In addition, the city spends \$98,000. per year to maintain the parks which are contained in the neighborhood. The residents might not maintain the parks to the same standard as the city, but a property owners' association which would be established to maintain the streets should also be prepared to maintain the parks.

ACCESS TO WHITE ROCK CREEK CHURCH

The attorneys expressed the opinion that access to a church cannot be restricted. The church would have to be willing to move to another location, and a private owner would have to buy the church property.

LOCATION OF GATES

The Public Works Department has evaluated the site design challenges that would have to be accommodated in order to gate the neighborhood (memo attached). The Director notes:

1. The gates should be located a sufficient distance from Belt Line and Montfort to avoid any stacking into the major streets. Staff recommends a minimum distance of 100 feet to the access box.
2. Sufficient room should be provided to turn around the largest vehicle expected on the street. This could be a circular or hammerhead-styled turn-around.

Staff believes that there is not room in the public rights-of-way to accommodate the gate locations and required turn-around space. Therefore, a private property owner would have to give up some of his property to make room for the gate installation.

The staff has researched the best way to provide emergency vehicle access into gated communities, and believes it has found a satisfactory system. The city would require the neighborhood to purchase and install the AMTECH "toll tag" system on all entry gates (specifications attached).

However, there still needs to be a system to provide non-emergency access to other neighborhood vendors such as Cable TV, TU Electric, Lone Star Gas, Dallas Utilities, Southwestern Bell, yard services, cleaning services, pool services, UPS, FED-EX, and other deliveries such as furniture, appliances, etc.

There also needs to be a satisfactory system to allow entrance for visitors and guests of the residents. Staff has seen installations where a guest dialed a resident's phone number and appeared on a TV screen in the resident's home. This type of system works for small, densely-developed properties, but the staff believes it would be fairly expensive to install in a large-lot neighborhood such as this one.

FIRE DEPARTMENT CONCERNS

The Fire Department will have access to the neighborhood through the "toll-tag" system. However, the Department has expressed a concern that any gate or access-restricting device will hamper its ability to respond to an emergency situation.

POLICE DEPARTMENT CONCERNS

The Police Department has also expressed a concern about the slowing of response times (memo attached). However, it has an additional concern. The Police patrolmen will continue to regularly patrol the neighborhood as they do now, but they will not have the ability to enforce traffic violations in a private street neighborhood. Parking, stopping, speeding, and other city ordinance traffic violations can only be enforced on public streets.

ALTERNATE PROPOSAL FOR GATES

Staff understands that there is also a proposal to gate only Winnwood Lane at the north and south ends and Bellbrook Drive to the north of Celestial Park. This gating scheme would reduce the cost for acquiring parks and streets because Celestial Road and Celestial Park would still be accessible to the public. There would still be the cost for acquiring Winnwood Road, all the streets in Bellbrook Estates, and Winnwood Park. In addition, the yearly maintenance costs, though lower, would still have to be paid through an association. The staff also believes that the city should get the consent of all the residents on Celestial Road before taking away their ability to access Belt Line via Winnwood Road.

SUMMARY

The staff believes that if the Council consented to sell the Parks and Streets in this area back to the residents, they would be able to privatize these elements and gate their neighborhood. and prohibit vehicular access by the public. Staff does not have very accurate estimates for the costs associated with "privatizing" the area. It believes that there would be a huge "per household" cost to purchase the streets and parks and install the gates. There would then be a substantial yearly cost to provide for maintenance of the streets, parks, and gating system. If the residents would like to pursue gating the neighborhood, the staff can further research the costs for acquiring and maintaining the streets, and find examples of homeowners' association documents that outline the terms for the maintenance and indemnification of the city.

M E M O R A N D U M

To: Carmen Moran
From: Ken Dippel and John Hill
Date: August 4, 1995
Re: Gated Communities

You have asked us to address the issue of gating the Bellbrook community. The legal impediments to gating that community are as follows:

1. Access to public parks cannot be denied;
2. Access to churches cannot be denied; and
3. Public streets cannot be gated.

If the gates can be placed in such a position as to permit the public parks and the churches to have free access, then other streets within the Bellbrook community can be gated in accordance with the following:

1. All of the landowners abutting the street should petition the City for the streets to be closed.
2. Upon the consent of 100% of the abutting landowners, the City and the landowners should enter into a contract in which the City would agree, for some amount to be determined (Plano requires the fair market value), to convey to the landowners its interest in the streets, including the installed infrastructure (streets, water and sewer pipes, easements, etc.).
3. The City should require that the abutting landowners create a property owners association (subject to approval by the City Attorney) to maintain the streets and other public infrastructure according to City standards. Standards for the association similar to what the City of Plano requires should be adopted by the City, including the requirement that the association establish a reserve fund to maintain the streets and that the property owners and the association agree to indemnify the City.

Should you have any questions or desire any additional information, please let us know.

**Celestial Park/Creek System
Cost Summary**

Celestial Park	4.29 acres	\$780,000
Winnwood Park	5.11 acres	\$543,873
Creek Trail	6.6 acres	\$133,213
Town Hall/Finance Improvements	.5 acres	\$409,209
Total Project Cost		\$1,866,295

**Estimated Cost to Purchase Land
\$5 Per Foot**

Celestial Park	\$934,362
Winnwood Park (includes Yarborough tract)	\$1,112,958
Creek (includes 3-acre wooded park)	<u>\$784,080</u>
Total Land Purchase Cost	\$2,831,400

Maintenance Cost

Celestial Park, Winnwood, Bellbrook Median, Creek	16 acres	\$98,000*
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*This includes salaries, benefits, supplies, contractual services (mowing, seasonal color, etc.), and utilities.

*This was estimated using this year's budget.



PUBLIC WORKS DEPARTMENT

Post Office Box 144 Addison, Texas 75001

(214) 450-2871

16801 Westgrove

MEMORANDUM

August 10, 1995

To: Carmen Moran
Director of Developmental Services

From: John R. Baumgartner, R.E. *JRB*
Director of Public Works

Re: Bellbrook, Celestial, and Winnwood - Gated Communities

The Public Works Department has looked at the proposal to provide gates to the referenced neighborhood, and has the following comments:

1. The gates should be located a sufficient distance from Belt Line and Montfort to avoid any stacking into the major streets. Recommend 100 feet as a minimum to the access box.
2. Sufficient room should be provided to turn around the largest vehicle expected on the street. This could be a circular or hammerhead styled turn around.
3. In the event of a power failure the gates should "fail open" to provide access to repair/cleanup crews, emergency vehicles, residents, guests, etc..
4. Toll tag type access is required for utility, street, and refuse workers.
5. What system is proposed to provide access to other neighborhood vendors? Cable TV, TU Electric, Lone Star Gas, Dallas Utilities, Southwestern Bell, etc..

Please call me if you have any questions or need additional information.

**TOWN OF ADDISON
SPECIFICATIONS FOR EMERGENCY ACCESS
TO LIMITED-ACCESS COMMUNITIES**

The Town of Addison seeks to provide the best possible emergency services to all residents. We want to insure that residents in limited-access communities receive the same speed of emergency response as all other residents. Toward that goal, the Town has chosen an emergency access system that must be installed in all limited-access communities.

The specifications for the system required by the city are as follows:

An AMTECH A1601 SmartPass Reader/Controller, with stand alone software, shall be installed at each entry driveway. The reader shall be located so that it can read the signal emitted by an AMTECH AT5103 Battery powered vehicle tag (which has been installed on city emergency vehicles) as soon as the vehicle enters the driveway. The city will furnish the developer with a list of city-authorized tag numbers which shall be loaded into the reader/controller. The reader/controller must be maintained by the property owner or manager.

Each pair of electrically-operated drive gates shall have a KNOX BOX installed no further than five feet from the gate, at a height of approximately five feet above the ground. This panel or box shall be painted bright red and labeled "FIRE DEPT." Each of these panels or boxes shall be locked with a KNOX pad lock operated by a KNOX PL-1 SUB KEY. There shall be a 2-position toggle switch inside each panel or box, that when moved to the "open" position, will cause the drive gate to open and lock open. The gate system shall be designed so that the drive gate will not close until the switch is manually returned to the "normal" position.

Each pair of electrically-operated drive gates shall be engineered so as to be "fail safe." The gates must automatically open in the event of a power failure.

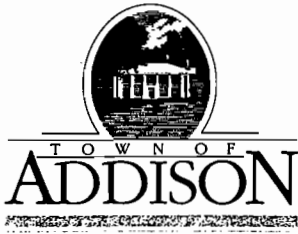
The AMTECH reader/controller can be purchased from the following dealers:

Associated Time
1545 Prudential Drive
Dallas, TX 75235
(214) 637-2763

Regency Security Systems
1300 E. Arapaho
Richardson, TX 75081
(214) 248-1957

Gyco Security Sales
2816 White Oak Drive
Plano, TX 75074
(214) 423-8145
gatespec

Security Assurance Systems
570 Edmund #204
Lewisville, TX 75067
(214) 420-6574




POLICE DEPARTMENT

Post Office Box 144 Addison, Texas 75001

(214) 450-7100

MEMORANDUM

To: Carmen Moran
City Secretary

From: James McLaughlin, Jr. 
Chief of Police

Subject: Gated Communities

Date: August 23, 1995

In response to your questions regarding the Police Department's concerns about gated communities, the following observations are made.

- Gated communities, as we understand them, will be private property with the residents or some other entity(s) owning and maintaining the streets.

As the streets would be private, the Department would be unable to enforce most traffic laws and ordinances such as speeding, parking issues, etc. We would patrol the gated communities provided we had reasonable access to the area. Our enforcement would be limited to criminal matters.

- If gating an area is for security reasons, then to be effective the gates must be operational 24 hours a day. Also, pedestrian traffic would need to be controlled.
- If parks are included in the gated community and become private property, city ordinances for the most part would not apply from the Police Department's standpoint. We would work with the owners/agent of the park on trespass issues to reduce problems with uninvited visitors to the private parks.

In conclusion, gated communities, if we have quick and easy entry, will not necessarily pose problems for the Department other than the areas noted above. If you have any questions please give me a call.

JM/af

JM9611

GATED COMMUNITY SURVEY

Arlington: Some gated residential/apartment areas. They are considered private streets and are not maintained by the city. Police access these areas by key pad. If no key pad, they use a pass card or a call box, but in these cases there must be an alternate way to open the gates.

The fire department also uses a key pad. In some cases, the fire department uses a Knox box.

No ordinance concerning the gated communities. They are addressed in the Uniform Fire Code (attached).

Carrollton: Some gated residential/apartment areas. Police access the gates with magnetic key cards.

The fire department is always accompanied by the police so they access the gates in the same way.

Coppell: No gated residential/apartment areas. They do have one house that is gated.

One area is being completed with a guard shack and possible gate.

Dallas: North Central Substation - has gated residential/apartment areas. Dispatch has a record at the station of the codes for each gate. The pad number is sent to the officer when there is a call at a gated area. Some of the beat officers keep the numbers in their note pads. Other complexes use an overriding pad number which corresponds to the street address of the police substation.

They have budgeted next year for "Opticom" for patrol cars.

Northeast Central Substation - has gated apartment complexes. Each squad car had an "Opticom" device which opens the gates.

The fire department accesses the areas in the same manner as the police department.

Duncanville: Has an ordinance against gated communities.

Farmers

Branch: Two apartment complexes are gated. One of the complexes leaves the gates open all the time. The other complex is sporadic, the gate is

sometimes open and sometimes closed. The police department accesses the gates through key pads. They have an understanding with the apartments that if they cannot, for any reason, get the gate open or closed, the apartments are liable.

The fire department accesses the areas by using a Knox box.

They have no ordinance concerning gated communities.

Richardson: A few apartment complexes are gated. No residential areas are gated. Officers access the apartment complexes with a key pad.

The fire department also accesses these areas with a key pad.

They have no ordinance concerning gated communities.

**Toll Tag
System:**

Amtek - At least three developments use the toll tag system at this time; The Enclave in Plano, The Cliffs-Glen Eagles, and Rancho Mirado in Dallas.

Cost for the system is:

\$ 3,000 - reader
500+ - controller
30/ea - tag/cards

Vendors for the system are:

Associated Time
Regency Security
Access Control Technology
Dallas Security Systems

The toll tag system can be set up to allow city personnel access. It can also record the time and date of entry. There needs to be a backup system like a Knox box available in the event of toll tag failure.

Opticom: Fire Department will furnish information.

saving or firefighting purposes, the chief is authorized to require a key box to be installed in an accessible location. The key box shall be a type approved by the chief and shall contain keys to gain necessary access as required by the chief.

Shaftway Marking

Sec. 10.303. Exterior windows in buildings used for manufacturing or for storage purposes which open directly on shaftways or other vertical means of communication between two or more floors shall be plainly marked with the word SHAFTWAY in red letters at least 6 inches high on a white background. Warning signs shall be easily discernible from the outside of the building. Door and window openings on such shaftways from the interior of the building shall be similarly marked with the word SHAFTWAY in a manner which is easily visible to anyone approaching the shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance.

Exterior Doors

Sec. 10.304. (a) Obstruction and Elimination. Exterior doors or their function shall not be eliminated without prior approval by the chief. Exterior doors which have been rendered nonfunctional and which retain a functional door exterior appearance shall have a sign affixed to the exterior side of such door stating THIS DOOR BLOCKED. The sign shall consist of letters having principal stroke of not less than 3/4 inch wide and at least 6 inches high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. See Article 12 for exit doors.

(b) Access Doors and Openings. For firefighting purposes, access doors, openings and exit doors shall be provided and readily accessible in occupancies as required by the Building Code.

For access doors for high-piled combustible storage, see Section 81.109 (b).

Floor Openings

Sec. 10.305. Floor openings shall be surrounded by guardrails as set forth in the Building Code or shall have covers which are automatic closing or maintained in a closed position at all times.

Division IV

WATER SUPPLIES FOR FIRE PROTECTION

General

Sec. 10.401. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings or portions of buildings are located, constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

(b) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

(c) Turning Radius. The turning radius of a fire apparatus access road shall be as approved by the chief.

(d) Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

(e) Bridges. When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and shall use designed live loading sufficient to carry the imposed loads of fire apparatus.

(f) Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.

Obstruction

Sec. 10.205. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

Marking

Sec. 10.206. When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.

Division III

FIRE DEPARTMENT ACCESS TO BUILDINGS

Premises Identification

Sec. 10.301. (a) General. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

(b) Street or Road Signs. When required by the chief, streets and roads shall be identified with approved signs.

Key Boxes

Sec. 10.302. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life-

- (i) Grade. The gradient for a fire lane serving a building not protected throughout by a complete automatic sprinkler system shall not exceed eight percent (8%).
- (j) Bridges. When a bridge is required to be used as access under this Section, it shall be constructed and maintained in accordance with the applicable standards with a design sufficient to carry the imposed load of a 60,000 pound fire apparatus.
- (k) Obstruction. The required fire lane width shall not be obstructed by the parking of vehicles or in any other manner. Speedbumps or other similar obstacles which have the effect of slowing or impeding the response of fire apparatus shall be approved by the Fire Department prior to installation.
- (l) Signs. If the Chief or his authorized representative determines that other means of notice are ineffective to designate a fire lane, signs may be required by written notice to the property owner. These signs shall be in accordance with the requirements of the Texas Manual of Uniform Traffic Control Devices (1980). When required, these signs shall be erected and maintained bearing a red legend stating "No Parking in Fire Lane" with letters of at least two inches (2") in height on a white reflectorized background at least eighteen inches (18") wide by twenty-four inches (24") tall. When signs are required under this Subsection, they shall be erected and maintained at all entrances to the fire lane where the fire lane intersects with a public street, in such a manner that the signs are clearly visible and legible to traffic entering the property from the street. Additional signs at various intervals, or in lieu of striping, along fire lanes may also be required by written notice from the Chief or his authorized representative.
 - 1. Additionally, the owner or person in control of any building for which fire lanes have been designated shall mark and maintain said

- (o) Enforcement. The Fire Chief or Police Chief, or their authorized representatives, are hereby authorized to monitor fire lanes to detect obstructions and may issue citations, remove and impound any vehicle obstructing said fire lane, or both. Additionally, any duly authorized City inspector whose duty it is to enforce the provisions of the Code of the City of Arlington may issue citations for such violations.

- 17. The amendment of Section 10.301(a), entitled "General," to read as follows:

Premises Identification

Section 10.301(a) - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address numbers may be posted upon yard or monument signs. Said numbers shall contrast with their background. However, numbers for multi-family dwelling complexes shall comply with Article XVI of the "Uniform Housing" Chapter.

- 18. The addition of Section 10.302(a), to be entitled "Keys and Signs Required," to read as follows:

Keys and Signs Required

Section 10.302(a) - Keys, labels and signage necessary for the operation and use of required fire protection and emergency equipment shall be provided when a request is made by the Chief or his authorized representative.

- 19. The amendment of Section 10.401, entitled "General," to read as follows:

Section 10.401 Water Supply. An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. Fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Chief or his authorized representative.