

THE SOCIAL IMPLICATIONS OF GATED COMMUNITIES AND THE PLANNING  
PROCESS: A SUBURBAN CASE STUDY

by

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## **Abstract**

Gated communities are a growing residential phenomenon in the United States with almost ten percent of households living in gated communities in 2005 (Knox, 2008; Census, 2005). In this study “gated communities” are defined, according to Low (2003), as a residential neighborhood with walls and gates surrounding the development, which excludes non-residents access to all interior amenities including residences, open space, and activities. People are seeking life behind a gate for many reasons, but include the search for security, safety, privacy, prestige, exclusivity, control, and community (Blakely & Snyder, 1999). As this style of development is expanding and as all socio-economic groups want to live in gated communities, cities are beginning to realize gated communities affect all members of the community, not just the ones secluded behind the gate (El Nasser, 2002).

After reviewing literature, the author found, the generally accepted social implications and consequences resulting from gated communities were identified as social segregation, loss of community, and division; although, there were also positive results for some people living within gated communities. This report, through a case study format, investigated if the social implications of gated communities are considered during the development review process. Rockwood Falls Estates and Meadows is a suburban gated community and the surrounding local governments, Johnson County and Overland Park, were the object of the case study.

The author concluded that gated communities have benefits and concerns. Further, the author found that gated communities can be effectively controlled if the local governments have adopted specific policies dealing with gated communities and implement this policy through specific design review procedures.

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## **Chapter 1 - Introduction**

In 2005, there were approximately 109 million households living in the United States, while “almost seven million households lived in communities surrounded by walls or fences and more than four million lived in communities where access was controlled by some means” (Knox, 2008, p. 99; Census, 2005). As these numbers approach ten percent of the total households in the United States, gated communities are becoming an important issue for local governments. Some United States cities “...have been asked to pass ordinances prohibiting or limiting gated communities or gated access points to city streets” to address the perceived negative attributes of gated communities (Blakely & Snyder, 1999, p. viii).

In the view of this author, gated communities divide and separate people whether by race, income, or socio-economic status, and do not foster an engaging community and are poor public policy. This division and physical separation of people, in the view of this author, also leads to issues dealing with the provision of public infrastructure and critical services (fire, police, emergency) to the people secured behind the gate. This report will investigate the perceived negative effect of gated communities, as identified by Blakely and Snyder (1999, pp. 145-154), including social division and fragmentation, segregation, and barriers to casual interactions. Low (2003) expands on these ideas adding the dimensions of “limited access,” “social segregation,” “loss of community,” “urban deterioration,” “loss of a livable urban center,” “faking security,” and “exclusion” (pp. 226-228).

A case study of a local gated community and the surrounding county government will investigate whether the social implications resulting from gated communities were taken into account when the gated project proceeded through the development process. As a result of this study, the author will draw conclusions on the costs, benefits, concerns and/or advisability of

gated communities for local governments and how the social concerns related to gated communities can be incorporated into regulations and the review process.

“Gated communities” are defined as a residential neighborhood with walls and gates surrounding the development, which excludes non-residents access to all interior amenities including residences, open space, and activities (Low, 2003). Historically, gated communities were reserved for only the extremely wealthy, but new evidence suggests all socio-economic groups in the United States want to live in them (El Nasser, 2002; Vesselinov, 2008; Sanchez, Lang, & Dhavale, 2005). Gated communities are attractive to consumers for a variety of reasons. The overwhelming driving factors behind gating, according to Low (2003), are reconstructing an idealized past, fear of crime and others, property values, and nice environments. Additionally, private governmental authority and taxes are factors. Moreover, the gated community allows what M.P. Baumgartner calls “moral minimalism,” meaning community conflict is avoided through the built environment (as cited in Low, 2003, p. 182). Finally, racism and whiteness are attractive for residents. Whiteness, according to Low (2003) “is not only about race, but is a class position and [a] normative concept. Whiteness is defined by a person’s ‘cultural capital’...Thus middle-class whiteness is defined as much by mainstream acceptance of norms, values, and life expectations as by race or ethnicity” (p. 18). Blakely and Snyder (1999) contributed additional factors, including the search for security, safety, privacy, prestige, exclusivity, control, and community, as motivating factors to gated community developments.

## **Background**

The first recorded walled city dates back to 2900 B.C., where walls were used for defensive purposes, examples include Jericho, Uruk, and Babylon (Low, 2003; *Ancient History*

*Encyclopedia*, 2010). The protection purposes of the original walled settlements also had the practical function of keeping “communicable disease” out of the city and enforcing “spatial segregation” of the elite from common people (Low, 2003, p. 14). English gated communities began with Roman rule of England. After completing their military contract, Roman soldiers were given land in England. These soldiers then protected their property by building walls to keep distraught English residents from getting inside of their property if it were attacked (Alton, 2010). After the Romans departed from England, the practice of walling communities for protection continued, especially due to the lack of professional police in England (Blakely & Snyder, 1999).

Forts were an early version of a gated community in the United States; however, instead of a large area encompassed by a wall, these were military installations built to protect a specific location. Ultimately, defensive walls, or fortifications, became less necessary as a stable government was established and native populations in the United States were overtaken by the new Americans (Low, 2003).

Early residential gated communities in the United States were built during the late 1800s for the purpose of offering extra security and to buffer the mega-wealthy from the turmoil of the industrializing cities (Blakely & Snyder, 1999; Low, 2003). Later in American history, the first gated communities for the middle class were gated retirement communities built during the 1960s and 1970s. These retirement communities offered amenities in the form of social clubs, golf, and leisure activities. “They are the residential equivalent of a cruise vacation: a standardized product, offering an all-inclusive package with no surprises” (Blakely & Snyder, 1999, p. 50).

Application of gated communities continued to expand during the last twenty years of the twentieth century with the advent of the walled, golf course community (Low, 2003). These communities were designed around private golf courses and were gated, excluding others and adding distinctiveness to the enclosed environment. Currently many gated communities are formed around environmental amenities, for instance lakes, golf courses, magnificent vistas, and water fronts.

Blakely and Snyder's (1999) seminal work *Fortress America: Gated Communities In The United States* identifies three styles of gated communities: lifestyle, prestige, and the security zone. These authors also distinguish subsets of each type of community. Lifestyle gated communities may be classified as of retirement, golf/leisure, and suburban new towns. Prestige communities include two sub-categories, the "top-fifth" and "executive style" communities. The "top-fifth" refers to the type of people for whom the development is designed, "senior executives, managers, and other successful professionals." "Executive communities" are sold as prestigious developments by developers; however, they are simply "middle-class subdivisions...with no amenities beyond a gated entry, perimeter fence, and perhaps a pool or tennis court" (p. 91). The final category, the security zone, includes the "city perch," "suburban perch," and the "barricade perch." Blakely and Snyder classify these as perches because the residents, rather than developers, are the instigators of neighborhood fortification to protect themselves from outside "evils" (Blakely & Snyder, 1999, pp. 39-43). These categories all share many of the same driving forces for developing a restricted development—to exclude others or to provide perceived protection for residents. But are these gated communities good social policy?

This report investigated the planning process and social implications of gated communities; researching if the review process specifically in Johnson County, Kansas, incorporates and encourages discussion of the social implications of gated communities. This was addressed through several sub-research questions.

- 1) Are gated communities advisable and are they beneficial to local governments?
- 2) Do gated communities trigger additional requirements during the review process?
- 3) Would different types of development, rather than a gated community, foster a stronger social policy?

## **Chapter 2 - Literature Review**

As gated communities increase in popularity, the resulting social implications and consequences from such developments are being addressed through the texts of a variety of professional fields: planning, sociology, urban studies, and land development literature, among others. The available literature advocates gated developments, as well as investigates the social costs of gated communities.

### **Social Implications and Consequences**

The social implications and consequences resulting from gated communities can be divided into two broad categories. Many researchers of gated communities address the ultimate social implications and consequences of a gated way of life, stating the results equate to negative consequences. Other researchers and residents of gated communities state the positive results of gated communities.

#### ***The Negative Consequences***

Blakely and Snyder (1999) identified three consequences of gated communities: “division and fragmentation,” “segregation,” and barriers from casual interactions (pp. 145-153). Low (2003) elaborated on Blakely and Snyder’s conclusions, adding the dimensions of “limited access,” “social segregation,” “loss of community,” “urban deterioration,” “loss of a livable urban center,” “faking security,” and “exclusion” (pp. 226-228).

In his article “Exclusionary Amenities in Residential Communities,” Strahilevitz (2006) addresses how restrictive features are incorporated into subdivisions. These exclusionary amenities, according to Strahilevitz, are utilized to “circumvent fair housing laws by embedding costly, demographically polarizing amenities within a new development and recording covenants

mandating that all homeowners pay for those amenities” (2006, p. 437). These amenity-rich residential communities possess high numbers of leisure activities funded by the people who use them, often termed “exclusionary club goods” (p. 454). For example, golf is an exclusionary club good because “golf was historically associated with racial exclusion and played at country clubs that had discriminatory membership policies” (Sinnette as cited in Strahilevitz, 2006, p. 467).

Gated communities have a long history of existence, and as Atkinson (2008) argues, the history of gated communities does not automatically justify their existence. Current-day gated communities are a new type of enclavism; qualitatively different from previous forms of communities, separating “have lots” and “have nots” by spaces “...both physically and by their lack of resources to access security” (Atkinson, 2008, pp. 3, 7). Furthermore, Atkinson (2008, p. 6) suggests that principles of “...free movement, social diversity, and inclusivity...” should be incorporated into gated community policy decisions.

Gated communities, it should be noted, are typically created with an accompanying homeowner’s association that acts as a form of government, providing services to residents which local governments are unable or unwilling to offer. According to Stark (1998, p. 64), the line between public and private services is not as strict as it once was—“the private realm is not so much pushing back the public as overlaying it.” Services that are performed by the public realm are not easily converted to the private sector; for example, a municipality typically coordinates snowplowing. A coordinated snowplowing effort would be hard to accomplish unless organized through a citywide effort; however, homeowner’s associations command a larger area and would have a more effective mechanism for doing this rather than individual residents. As homeowner’s associations begin to offer these types of services, residents who pay

dues to the association are seeking tax deductions from their state and federal returns because they claim they are receiving the same type of benefits typically offered by the government, paying twice, and not receiving the public benefit because they receive services from homeowner's association (Stark, 1998). If these tax deductions were granted, gated communities would become divided "islands" within a larger municipality, which would hinder local government action, connectivity, and the local inclusive community.

Wilson-Doenges (2000) utilized a case study format for a comparative study of four communities in California: two gated and two nongated, in which mail surveys were distributed to public housing and high-income suburban residents. Wilson-Doenges delineates between community and the sense of community in her study, stating "when the term *community* is used alone, it refers to the geographic unit and when *community* is used within the context of *sense of community* it refers to the social networks" (2000, p. 598). This distinction is important because although the terminology of community and sense of community are often used interchangeably, they do not have the same meaning. Wilson-Doenges' work investigated whether the developer's claim of gated communities having a higher sense of community and safety compared to the nongated counterparts is a valid assertion. As a result of her stratified random sample research, Wilson-Doenges (2000) concluded generally "sense of community" does not increase within a gated community; in fact, she suggests that the sense of community possibly decreases. Additionally, Wilson-Doenges indicates that gated communities may provide an artificial sense of security or in some cases no sense of security, which is counter to developer's claims. Wilson-Doenges (2000) pointed out:

The high-income gated community residents reported a significantly lower sense of community, significantly higher perceived personal safety and comparative community safety, and no significant difference in actual crime rate as compared to their nongated



counterparts. In the low-income communities, there were not significant differences between the gated and nongated communities on any of the measures. (p. 597)

In concluding her study, she stated only the high-income residents feel safer because of gated communities, while the gate makes no difference for public housing projects. This is contrary to the promise made by promotional material created by developers supporting gated communities.

In a 2001 study Low completed two contrasting ethnographic case studies (San Antonio and Queens, New York City). In this study, Low chose San Antonio and Queens, New York City, "...because of differences between them in (1) population size and density, (2) history of gated community development, (3) scale and design of the gated community, (4) legal and governmental structure, (5) crime rates for the region, and (6) cultural context and norms of behavior" (Low, 2001, p. 48). Low (2001, pp. 50-52) utilized three-person teams to conduct "open-ended interviews with residents, participant-observation within and around the communities, interviews with key informants such as the developers and real estate agents, and the collection of marketing, sales, and advertising documents." Low's study revealed, in general, that people moved into their respective gated communities due to a perceived increase in crime and loss of local amenities in their urban neighborhoods. In addition, those studied did not like how the socioeconomic and racial compositions were changing in their respective urban settings, thus they retreated to a gated community. In the sample cities, residents were attracted to their gated communities because of a sense of security and safety, an agreeable social composition, investment value, space, privacy, and status implications.

Low (2001) recognized there are many feelings or reasons for living in a gated community that the residents themselves cannot openly state because it is socially and psychologically unacceptable to blame class and race. To explain this, she states:

Residents are using the walls, entry gates, and guards in an effort to keep the perceived dangers outside of their homes, neighborhoods, and social world. The physical distance between them and the ‘others’ is so close that contact incites fear and concern, and in response they are constructing exclusive, private, residential developments where they can keep other people out with guards and gates. The walls are making visible the systems of exclusion that are already there, now constructed in concrete. (p. 55)

Low concluded her study suggesting more research is needed regarding why developers are building gated communities and the resulting implications of children who are raised behind the gates.

Not only are there consequences—social segregation, loss of community, and division—for gated communities and people, but also for the cities that allow gated communities. Stark (1998) addressed the increasing trend of gating public streets, as well as private streets, in his article “America, The Gated?” Stark states, private streets reject outsiders, perpetuating “inequality and exclusivity”; however, barriers on public streets either differentiate between residents and nonresidents or completely exclude “outsiders” (Stark, 1998, p. 70). A model of a gated public street includes “a gate or guardhouse [that] allows local residents to pass through unimpeded while requiring nonresidents to explain themselves to a guard, or else be photographed by a camera mounted on the gate. There is unequal treatment but no exclusivity” (Stark, 1998, p. 70). In addition, gated communities with private streets, with their limited access, pose problems for police and fire protection (Petrillo, 2006). The controlled access may detain emergency personnel from immediate response time, which may be severely detrimental to the citizens. Thus, cities need to formulate an appropriate action plan for protecting all residents in a community, including those who are behind walls.

### *The Positive Results of Gated Communities*

Although there are many social implications—social segregation, loss of community, and division—resulting from gated communities, residents are still attracted to them. The author of this report was able to gather two positive outcomes from life behind the gate: addressing fears and increased property values.

Quintal and Thompson (2007) state “gated communities can address the fears and anxieties of individuals by enhancing personal safety, the security of material goods, as well as protecting the home from unwanted intrusions” (p. 1034). This sense of security is especially evident in various urban gated communities. In some locations, neighborhood crime may cause the need for a security gate. The gate reassures residents that only the people who belong in the neighborhood are granted access.

Low (2003) identified the desire for increased property values as a proponent of gated communities for residents. Bible and Hsieh (2001) utilized “hedonic pricing models” to evaluate four gated communities and two non-gated communities with similar amenities in “medium-size metropolitan area[s]” (pp. 140, 142). Through their study Bible and Hsieh concluded homes within gated communities are approximately worth 6% more than homes not located in a secured subdivision. Pompe (2008) evaluated four gated and three non-gated communities in South Carolina utilizing the same hedonic pricing model as Bible and Hsieh. Interestingly, the lot sizes within Pompe’s study were 0.6 acres, which are small lot sizes for typical gated community development. In concluding his study, Pompe stated “...after controlling for other factors, the value of a GC [gated community] house is 18.6% higher than a similar house in a NGC [non-gated community]” (p. 432).

## American Housing Survey

The 2001 American Housing Survey (AHS) was evaluated using descriptive, quantitative statistical analysis by Sanchez, Lang, and Dhavale (2005) and Vesselinov (2008). The AHS provided nationwide data regarding household type and residential location among many other residential characteristics. Two questions within the 2001 AHS specifically queried gated community status: “1) Is your community surrounded by walls or fences preventing access by persons other than residents? 2) Does access to your community require a special entry system such as entry codes, key cards, or security guard approval?” (Sanchez et al., 2005, p. 284).

Sanchez et al. (2005, pp. 284, 288) used statistics to determine household types by “tenure status, race, ethnicity, socioeconomic status, and household composition” living within an access controlled or gated community. Through descriptive statistics and discriminate analysis, the authors revealed that a portion of gated community residents are surprisingly “...low-income, racial minority renters...” not the stereotypical gated community resident. Sanchez et al. “...suspect that a major factor may be that gated rental developments signify ‘middle-class’ respectability that distinguishes these places from typical suburban garden apartments [or because rental gated communities]...are acceptable to middle-income homeowners. Gated rental communities blend seamlessly into places dominated by master-planned community development” (2005, p. 290). Their research suggests all socio-economic groups want to live in gated communities. In concluding their research, Sanchez et al. (2005) suggested further ethnographic investigation to be conducted into suburban gated communities with rental properties.

Quantitative methods were used by Vesselinov (2008) who performed statistical analysis to determine if segregation factors also influence racial composition of gated communities.

Through the use of the 2001 AHS, she found if a community has a higher percentage of blacks, then the level of black-white segregation will be higher; however, she states this distinct black-white segregation does not apply in the case of gated communities. However, Vesselinov indicates, the higher percentages of recent migrants correlate to a higher level of black-white segregation in both residences and gated communities and in Hispanic-white segregation, in which a higher percentage of Hispanics correlates to a higher level of Hispanic-white segregation. In addition, the geographical location within the United States contributes to the level of residential segregation. According to Vesselinov (2008),

Residential segregation levels are significantly lower in the South and West regions in the country compared to the Midwest for black-white segregation and significantly higher in the Northeast for Hispanic-white segregation; in contrast, the levels of gating are significantly higher in the South and the West compared to the Midwest. (p. 549)

Vesselinov's (2008) study is relevant to this research effort because it illustrates factual data regarding the presumption that gated communities segregate people; in fact gated communities are more prevalent in geographical areas where there is less perceived segregation. Vesselinov (2008) suggests that people are retreating behind gates as a "new mechanism" for segregation (p. 553).

The research reviewed in the literature above suggests the motivation for gating and the social implications of gated communities (positive and negative), focusing specifically on the gated community itself. Furthermore, the literature suggests current gated communities are a new type of enclavism that people are utilizing to retreat from others who are different from them. This "forting up" is causing people to not have free movement through a city and is isolating residents. Moreover, while people are moving behind a wall to isolate themselves from

“others,” these “other” people are also moving behind walls, as all socio-economic groups are attracted to this type of development (El Nasser, 2002; Vesselinov, 2008; Sanchez, et al., 2005).

## **Planning and Gated Communities**

As gated communities are becoming a more prevalent residential type for citizens, professional city planners and academia are beginning to address this type of development and its consequences. According to Grant, Greene, and Maxwell (2004),

Clearly, we cannot deny that gated communities meet certain of the principles we advocate as planners. Gated developments can facilitate higher densities by making compact urban form more palatable to consumers. They have strong amenity standards, design qualities, and green spaces. They often employ reduced lot setbacks and road dimensions. They facilitate traffic calming. They may generate a sense of place, character, and community. Other principles that planners promote today, however, are not supported by gated enclaves. Gated developments limit street connectivity and rarely further transit goals. They seldom include a mix of uses or affordable housing. They enhance land use, class, and age segregation. They fly in the face of aims of social integration and cohesion at the larger urban scale. (p. 83)

In concluding their work Grant et al. (2004, p. 84) stated the public and planners ought to debate the response government should have regarding the implications of gated communities. Planners will be able to “...establish appropriate policies and practices for future planning” only after this public input is gathered.

Quintal and Thompson (2007) suggests that governments need to create policy regarding gated communities. However, gated communities can be considered “cash cows” for local governments because developers typically provide infrastructure that may reduce the financial burden of local government, had it provided the infrastructure, while the local governments gather increased property taxes from the new development (Grant, 2005, p. 283 as cited in Quintal & Thompson, 2007). This economic benefit may cause local governments to have issues

denying the development of a gated community. These fiscal benefits may cause developments to be approved even when they do not meet all standards for approval.

The reviewed literature established a firm historical foundation for research on gated communities; however, it does not address the development review process of gated communities. The important inclusion of local government, the development review process, and gated communities in this report, makes this study unique and an important contribution to the planning field.

### **Research Purpose**

This report will investigate Rockwood Falls Estates and Meadows, through a case study approach to see if the social implications of gated communities are taken into account during the planning process. The findings will inform local governments facing requests for gated communities and help those government units to understand the social implications of such developments on society. As a result of this study, the author will draw conclusions on the costs, benefits, concerns and/or advisability of gated communities as public policy. In addition, the author will formulate an idea of how social concerns should be incorporated into regulations and the design review process.

This report focuses on the public planning process implemented during the design review and approval process. The design review process contains many phases, which may take many months to complete. Typically, when a developer begins a development project, he/she will discuss the various regulations imposed by the local government's planning department in a pre-application meeting. The planners relay to the developer the required zoning and subdivision regulations, as well as the applicable portions of the comprehensive plan. Furthermore, the planning department communicates the goals the administration and governing body would like

to accomplish through its land use regulations and plans. The developer takes this information and creates a design. Next, the two parties meet to discuss the proposed application. At this point, planners and other officials make suggestions regarding the development. Subsequently, a development plan is submitted for review with all relevant departments reviewing the proposal. The acting planning commission then reviews the project and either approves, denies, or tables the proposal while making suggestions. Eventually, the governing body receives the proposal and either approves, denies, or tables the project. Throughout this process the public has the opportunity to make comments regarding the proposal at public hearings held at the planning commission and the governing body meetings. At some point during the design review process, the aspect of the gated development that would most likely be addressed is the concern of emergency access.

The case study methodology employed in this report is based on Michael Patton's (1990) method described in his book *Qualitative Evaluation and Research Methods*. This methodology will allow the author to review relevant literature related to gated communities in light of social policy implications and supplement the literature with a case study.

This report utilized Patton's case study methodology and studied Rockwood Falls Estates and Meadows, a gated community initially located in the unincorporated area of Johnson County, Kansas, subsequently annexed into Overland Park, Kansas. Rockwood Falls was chosen from a list of gated developments provided by Paul Greeley, Johnson County, Kansas, Deputy Director of Planning, as suitable examples for a case study and was selected due to availability of information and relative proximity to the author's location. From this analysis, the author drew conclusions on the perceived detriments, benefits, concerns, and advisability of gated communities as public policy. These findings may be useful when applied to other local



government settings that contemplate development of gated communities. Possible courses of actions for local governments facing requests for gated communities include banning gated communities, not allowing the gates to be locked, or allowing subdivisions to be separated behind walls and locked gates.

## Chapter 3 - Methodology

A case study approach was utilized in this research. Case studies investigate a specific instance in depth, paying special attention to the "...social, historical, and/or economic setting for the case," while gathering information from "...observations, interviews, audio-visual material, and documents and reports" (Creswell, 1998, p. 61). Case studies, as a research method, are valuable because they enable greater understanding of the complexity and importance of a single case while describing the issue "...in context, holistically," and with detailed exactness (Patton, 1990, p. 54). Patton's (1990) case study methodology allows the researcher to review relevant literature and supplement the literature with a case study.

Recognizing the value of these sources, the author applied a case study approach to Rockwood Falls Estates and Meadows and Johnson County, in which the subdivision is located, to reveal a complete picture of the development review process. Three types of research methods, as discussed below, accomplished this case study: a literature review, interviews, and site visits.

Creswell (2009) emphasizes the value of literature review to this research project: a qualitative literature review helps solidify the research question from the participant's point of view. It additionally provides background, while informing the reader of current knowledge of the research subject. Literature reviews "provide a framework for establishing the importance of the study as well as a benchmark for comparing the results with other findings" (Creswell, 2009, p. 25). This method of literature review was utilized in this report.

A qualitative interviewing technique was employed in this report combining the methods suggested by Brubaker and Thomas (2008) and Patton (1990). Brubaker and Thomas (2008, pp. 172-173) provide a response-guided strategy, which consists of an "interviewer beginning with a

prepared question, then spontaneously creating follow-up queries relating to the interviewee's answer to the opening question." This allows for a greater level of detail providing an "in-depth understanding of a respondent's motives, pattern of reasoning, and emotional reactions" (Brubaker & Thomas, 2008, p. 174).

Patton (1990) suggests a general interview guide strategy. He suggests before an interview, the interviewer creates an outline with basic questions serving as a checklist to ensure all pertinent topics are discussed. This allows the interviewer to ask a prepared question, but also allows the interviewee and interviewer to expand on a given response. This style of interviewing will accommodate needed information, but also sanctions unexpected integral information to be gathered.

Interviews were conducted with the Johnson County planner, Paul Greeley, and the developer of Rockwood Falls Estates and Meadows, Trent Percival, to understand the development process of Rockwood Falls Estates and Meadows. The results of these interviews were helpful in understanding the social implications of gated communities and the development review process.

Finally, site visits are an important component to this research. As Patton (1990) suggests, site visits allow researchers to understand the context of an issue and discover more than would be possible with no filter between the information and the researcher. The author gained insight about Rockwood Falls Estates and Meadows by visiting the site. Although access to the site was limited, due to the nature of the gated development—the gated entrance—photographs were acquired of the gate and the entrance to the site. Rockwood Falls Estates and Meadows has three entrances; which the author was able to gain access to one. Qualitative observations were made as the author familiarized herself with the development.

## **Research Design**

Rockwood Falls Estates and Meadows, a gated community in Overland Park, Kansas, was chosen for this case study for several reasons. First, it was easily accessible to the author; second, it was provided as a good example of a gated development; and third, because it was developed under County jurisdiction, but was subsequently annexed by the City of Overland Park, Kansas (P. Greeley, personal communication, September 22, 2010).

Johnson County Deputy Director of Planning Paul Greeley and the developer of Rockwood Falls Estates and Meadows (Trent Percival from Dennis J. Eskie & Associates LLC) were interviewed to gather a greater understanding of the development of Rockwood Falls Estates and Meadows. Information collected from the planner pertained to how local-government utilities are provided for gated communities including, sewer, water, roads, and life safety services (police, fire, emergency vehicles) and Johnson County's policies regarding gated communities. Conversations with the developer provided background for the Rockwood Falls Estates and Meadows development and illuminated his view on the working relationship with the County government. The results of these interviews were helpful in analyzing the social implications of gated communities and the development process in this case study, as well as the sub-research questions.

The case study, of a gated subdivision, provided a model of the interaction between a local government and a developer of a gated community within the context of Kansas. This material, as well as the literature reviewed, allowed the researcher to draw conclusions about the social implications and the development review process of gated communities, that might be useful to local governments.

## **Chapter 4 - Site and Development Process—Players and Roadblocks: Rockwood Falls Estates and Meadows**

Gated communities can stereotypically be defined as residential neighborhoods with walls and gates surrounding the development, excluding non-resident access (Low, 2003). Gated communities, like any other type of development, are formed through the development process of local government review and negotiation. This chapter will discuss the development site of Rockwood Falls Estates and Meadows, the role of Johnson County in the development of Rockwood Falls Estates and Meadows, and the annexation of the land containing Rockwood Falls Estates and Meadows by Overland Park, Kansas and illustrate how the gated development conforms to the “lifestyle” gated community as assessed by Blakely and Snyder.

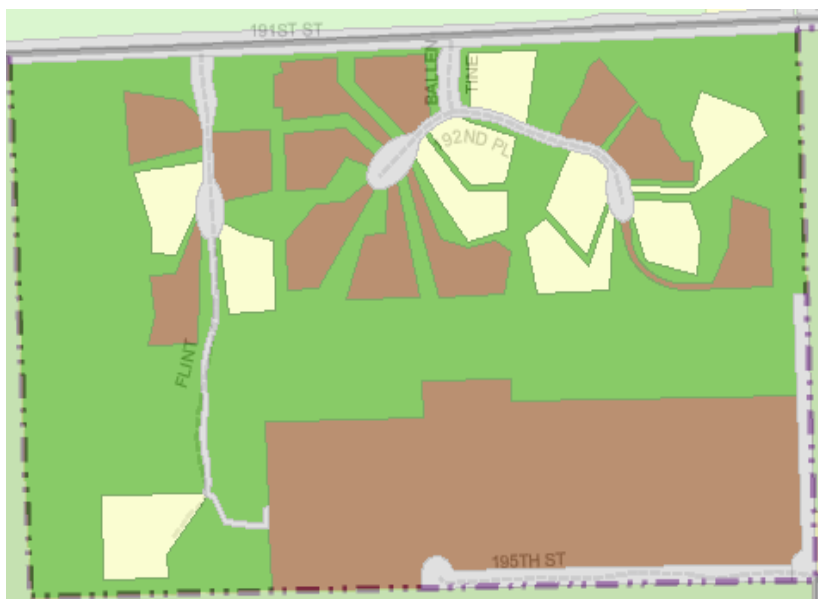
### **The Development Site**

Rockwood Falls Estates and Meadows is a 240-acre site, with leisure amenities including fishing, boating, and a 4.4 mile paved nature trail used for horseback riding, exercising or enjoying nature. Rockwood Falls Estates was the first of two separately platted subdivisions begun in 1999 (see Figure 4-7). Subsequently the Meadows at Rockwood Falls Estates was platted along the southern boundary of the Rockwood Falls Estates in 2004 (see Figure 4-11). The development, a gated community, was awarded the 2009 Johnson County Urban Conservation Award endorsed by the Sierra Club because the development has 140-acres of open space and natural habitat, which are protected by a tree and wildlife preservation easement. According to developer Dennis J. Eskie & Associates LLC representative Trent Percival, the large tracts of open space on the interior of the development were dedicated to the Kansas Department of Wildlife and Parks. This park space is connected to the 640-acre Overland Park

Arboretum/Kemper Farm through the Wolf Creek Streamway, providing a continuous greenway in the area.

The development's twenty-seven lots range from 2 acres to 14.53 acres costing from \$450,000 to \$800,000 to purchase, while the homes are priced from near \$1 million to over \$3 million and home sizes vary from 3,455 square feet to 8,821 square feet (Johnson County Land Records, 2011). Rockwood Falls Estates and Meadows is a unique subdivision for several reasons, the first being its unconventional lot design. The lots are arranged in a flag lot configuration, which minimizes lot frontage and creates extremely odd shaped lots. Typically parcels are arranged in a grid fashion, which is not the case of the Rockwood Falls Estates portion of the development. Figure 4-1 illustrates the unusual lot configuration as well as the existing land uses. The parcels shown in brown are not occupied, while those shown in tan have a home built on the parcel and the green designates common open space. Secondly, the large

**Figure 4-1** Rockwood Falls Estates and Meadows



Source: Overland Park GIS, 2011.

amount of open space (140-acres) is a distinctive feature of the development evolving out of the unique flag lot arrangement. The development has three entrances—Ballentine Street, Flint

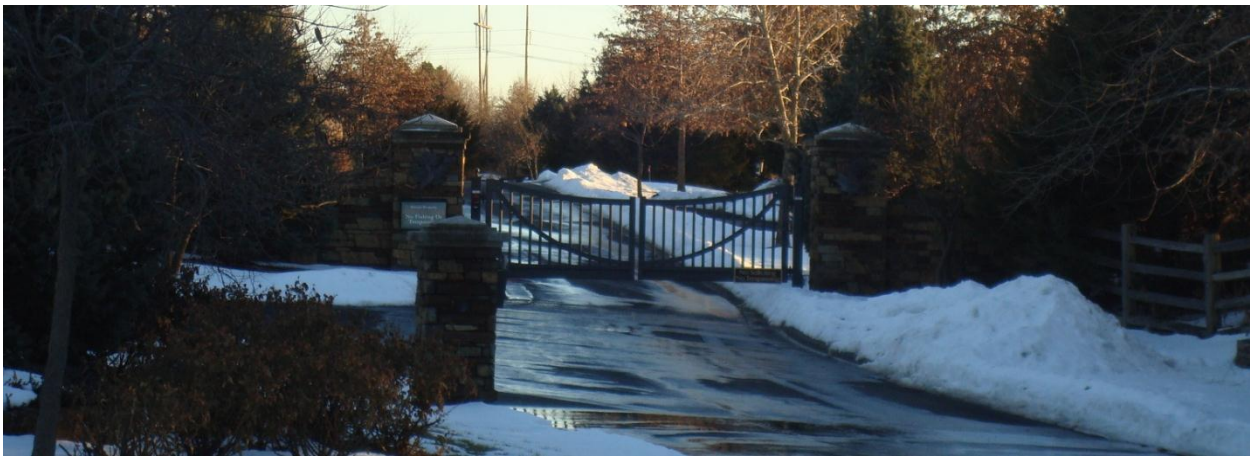
Street, and 195th Street—each with a gate. Figures 4-2, 4-3, and 4-4 display each of the gated entrances.

**Figure 4-2** Ballentine Street Entrance to Rockwood Falls Estates



Source: Myers, 2011.

**Figure 4-3** Flint Street Entrance to Rockwood Falls Estates



Source: Myers, 2011.

**Figure 4-4** 195<sup>th</sup> Street Entrance to Meadows at Rockwood Falls Estates



Source: Myers, 2011.

A homeowner's association that was required as a part of the subdivision review/approval process privately maintains the interior streets of the site. Figure 4-5 calls attention to the posted sign giving the public notice of the private streets within the subdivision. The development is located in Johnson County, Kansas, thus the County was a principal player in the final design and approval of the project. However, the development was included in an 8.35 square mile tract of land annexed by City of Overland Park. This annexation caused the City of Overland Park and the Johnson County Board of County Commissioners to evaluate the land to be annexed, which included Rockwood Falls Estates and Meadows.

The primary participants in the development of Rockwood Falls Estates and Meadows included the site developer, Dennis J. Eski & Associates LLC, the Johnson County Planning Department, and the Aubry Township Zoning Board. This collaboration in design and review accommodated the safe and efficient access for fire, police, and emergency services, as well as procuring the necessary infrastructure.



**Figure 4-5** Example of Sign Informing of the Internal Private Streets

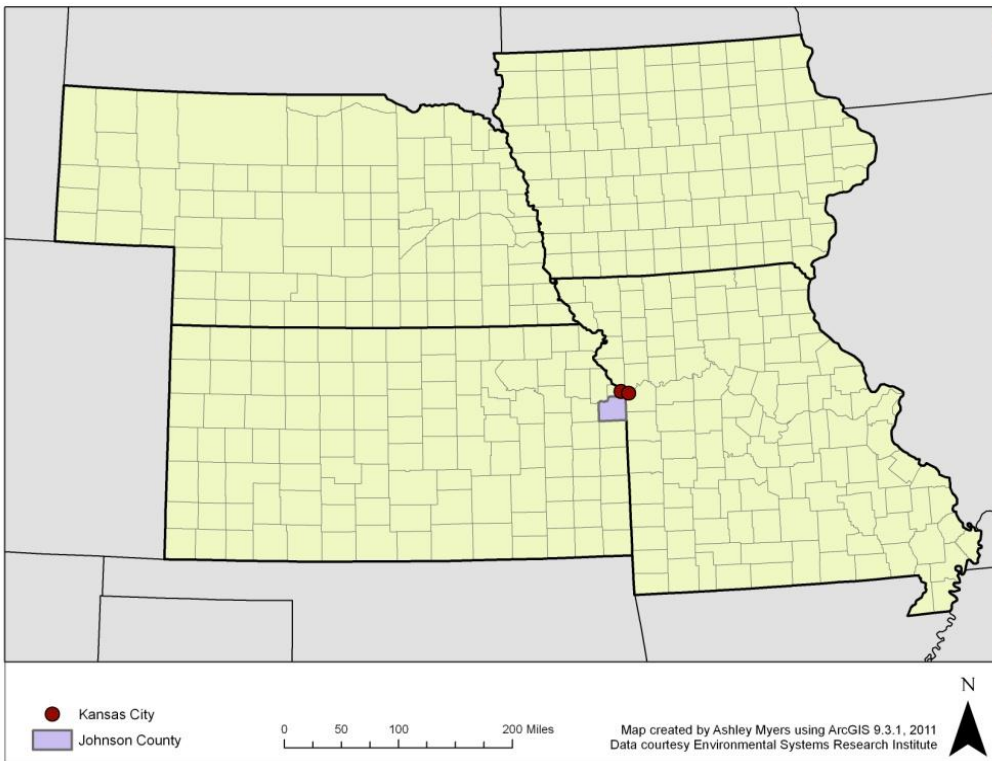


Source: Myers, 2011.

### **The Role of Johnson County in Rockwood Falls Estates and Meadows**

Johnson County, Kansas, is located in the northeast portion of Kansas (Figure 4-6) immediately south of Wyandotte County. Metropolitan Kansas City, Kansas is located in Wyandotte County. Johnson County, however, is the home of many residents who work in Kansas City. Johnson County, according to the 2000 U.S. Census, is the wealthiest county in Kansas and is experiencing economic growth within the metropolitan region.

**Figure 4-6** Johnson County Location Map in the Four State Area



Source: Compiled by Myers Utilizing KSU ArcGIS 9.3.1, 2011.

This growth is due to a large number of people who choose to live in the eleven county metro area and commute to Kansas City to work. In addition, Johnson County “accounts for more than half of new businesses in the Kansas City Metropolitan Area (MSA)” (Johnson County Community College, 2010). The Mid-America Regional Council states, “By 2030, Johnson County is projected to add 183,961 residents, 84,104 households, and 155,485 jobs! 57,652 of these new residents are projected to live in the unincorporated areas of the County” (as cited in Johnson County Citizens Visioning Committee, 2011). This expected economic and population expansion is leading to exponential growth in Johnson County. However, according to Paul Greeley, Johnson County Deputy Director of Planning, the residential space for the projected growth that will be met by the gated community concept will be very little. Rockwood

Falls Estates and Meadows was the solitary gated community in unincorporated Johnson County, in 1999.

### **The Development of Rockwood Falls Estates and Meadows**

Rockwood Falls Estates and Meadows is a gated community located in rural Johnson County, Kansas. While the site is located in Johnson County, it is also under the jurisdiction of the Aubry Township. The U.S. Census Bureau considers a township a Minor Civil Division (MCDs). MCDs are a political entity which have certain functions; they can organize roads, cemeteries, fire districts, and perform planning and zoning. Townships can be considered similar to an overlay district with regulatory powers which layers on top of a city's or county's power. (J. Keller, personal communication, February 16, 2011; Bureau of the Census, 1994). Thus the Aubry Township Zoning Board has planning, zoning, and design review authority over the land that encompasses the site of Rockwood Falls Estates and Meadows. After the Aubry Township Zoning Board (acting as the planning commission) approves development and zoning applications they move to the Johnson County Board of County Commissioners for final development approval.

In the late 1990s, Dennis J. Eskie & Associates LLC began to develop the site for Rockwood Falls Estates and Meadows in two phases. The first phase, Rockwood Falls Estates, was developed in 1999; the Meadows at Rockwood Falls Estates was completed in 2004. The two phases of development, while technically belonging to the same development site, have extremely different development patterns, which will be further described.

### ***Rockwood Falls Estates***

In 1999, after an eighteen-month period of negotiation between the Johnson County Planning Department and Eskie & Associates, Rockwood Falls Estates (Figure 4-7) was proposed to the Aubry Township Zoning Board. The 160-acre site initially planned to have 22 residential lots of approximately 2- to 3-acres each and would preserve approximately 110 acres of open space a tree and wildlife conservation easement.

The Johnson County Planners acted as County Staff for the Aubry Township Zoning Board because the Board does not employ its own planning staff. Thus, the first people to evaluate the proposed Rockwood Falls Estates project were Johnson County Planners, Roger Kroh and Paul Greeley. Kroh and Greeley evaluated the project with two purposes in mind: 1) rezoning and 2) subdivision design. The developer of the original Rockwood Falls Estates area requested the site be rezoned because the planned lot sizes (2-acre lots) were not permitted in the existing zoning district (RUR, Rural District, 10-acre lots). Additionally, the site design of the preliminary plat was evaluated for compliance with the County Zoning and Subdivision Regulations.

In the opinions of Kroh and Greeley, the proposed rezoning from RUR, Rural District (10-acre lots) to PRN-2, Planned Residential Neighborhood Two District (2-acre lots) was not consistent with the Rural Comprehensive Plan because the character of the surrounding area was one of large lot developments and agricultural land, not 2-acre lots.



In addition, the Rural Comprehensive Plan identified the area as Rural Policy Area with no smaller than 10-acre tracts of land, which the proposed development of 2- to 3-acre tracts did not conform (Kroh & Greeley, 1999a). Furthermore, the density of Rockwood Falls Estates with “twenty-two lots on 160 acres with a gross density of 7.27 acres/dwelling unit” did not meet the minimum density requirements for the PRN-2 District of between 2 and 3 acres/dwelling unit (1999b, p. 2). However, the large amount of open space protected through proposed tree and wildlife preservation easements, in Kroh and Greeley’s opinions, benefited the neighborhood as a whole and was consistent with the rural character and density of the surrounding area. Kroh and Greeley found the growth was premature and inconsistent with County policies requiring adequate infrastructure (paved roads and water supply) (1999a).

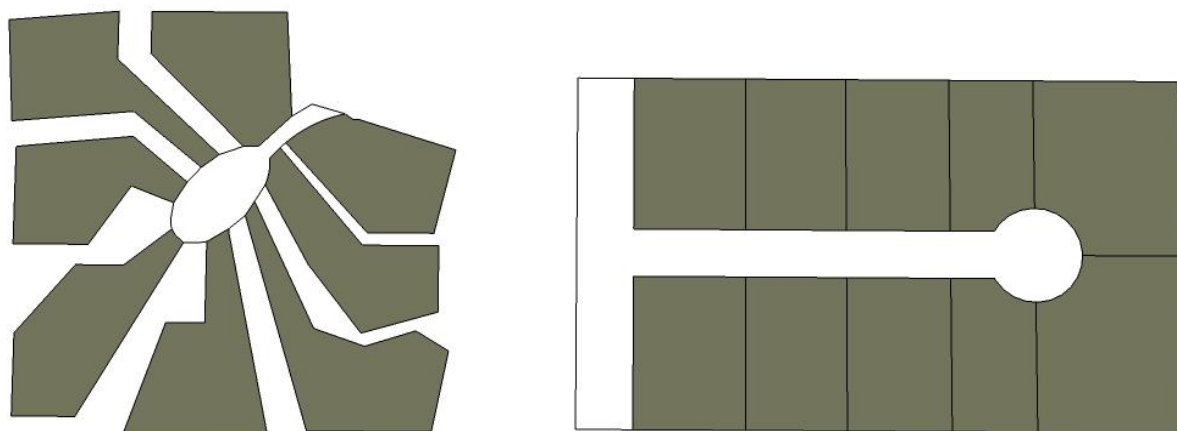
Kroh and Greeley (1999b), in their Staff Report presented at the time the preliminary plat was considered, thought the site design had inefficient circulation, thus they requested a looping internal street, which would eliminate the need for long cul-de-sac streets. A looping internal street would provide more efficient emergency vehicle access and accommodate a looped water line, which was desired by Water District Number 1.

Moreover, Greeley was concerned with the extremely long driveways within the development. The long driveways, greater than 300 feet (for example see Figure 4-7, lot 1), pushed the burden of access to the homeowners, in the opinion of Greeley. The street design, as proposed by the developer, required fewer feet of roadway, thereby reducing its upfront installation costs, but forcing this driveway cost onto the individual homeowner.

The proposed subdivision design utilized flag lots (Figure 4-8), which are unconventional, and Kroh and Greeley did not approve of them, saying there was no need for the irregular lot designs. “Flag lots, by definition, are only allowed in locations where it is necessary

to avoid or control access to an arterial street” (Kroh & Greeley, 1999b, p. 3). This was not the case at Rockwood Falls Estate. Trent Percival, developer with Eskie & Associates, alluded to the flag lots being designed to allow excess open space throughout the development. After Rockwood Falls Estates and Meadows was annexed by Overland Park in 2008 it became the only property in the City of Overland Park to have flag lots.

**Figure 4-8** Flag Lots v. Conventional Lots Configuration



Source: Rockwood Falls Estates Final Site Plan recreated by Myers, 2011.

Originally, many portions of the proposed infrastructure did not meet Johnson County requirements, including a lack of a consistently paved road to an arterial or highway and insufficient water supply available for fire protection (Kroh & Greeley, 1999a, 1999b). However, after negotiation, Eskie & Associates agreed to fulfill the required minimum infrastructure; paving 191<sup>st</sup> Street to Antioch Road and adding the required number of fire hydrants within the subdivision (each residence will be no less than 300 feet from a hydrant).

Interestingly, the Aubry Township Zoning Board approved of the rezoning and final development plan, although the Johnson County Planning Staff recommended denial of the PRN-2 District Zoning. Furthermore, the Aubry Township Zoning Board approved the flag lot layout of the subdivision, even though the County Planners disapproved of the design. The Board, based on five criteria, approved the flag lot concept: “One, the design was unique was to

the property; two, would not adversely affect adjacent property rights; three, strict application of the Subdivision Regulations would be a unnecessary hardship; four, the design would not adversely affect the public health, safety, and general welfare; and five, the design would not dampen the intent and general spirit of the Subdivision Regulations” (Kroh & Greeley, 1999c, p. 4). Additionally, the proposed cul-de-sac lengths were greater than the maximum standard length of 700 feet, thus the Board issued an exception for the cul-de-sac length.

The Aubry Township Zoning Board recommended approval because the density of the development was very low (although it did not meet the minimum ten-acre lot size) and was consistent with rural character. The protected land in a tree and wildlife preservation easement would be preserved as open space and would add to the rural character of the property, thus pleasing the Aubry Township Zoning Board. Finally, the Zoning Board found the low density of twenty-two homes on 160 acres similar to the pattern of development in the surrounding area (Johnson County Planning Department, 1999).

In summary, the Aubry Township Zoning Board approved the rezoning and subdivision design of Rockwood Falls Estates. Johnson County Planners, Kroh and Greeley, recommended denial of the rezoning and the subdivision design. Following the recommendation by the Aubry Township Zoning Board, the Johnson County Board of County Commissioners then passed a resolution granting approval of the rezoning and development plan for Rockwood Falls Estates and again, the Johnson County Planners recommended denial of the rezoning and the development plan due to the subdivision design.

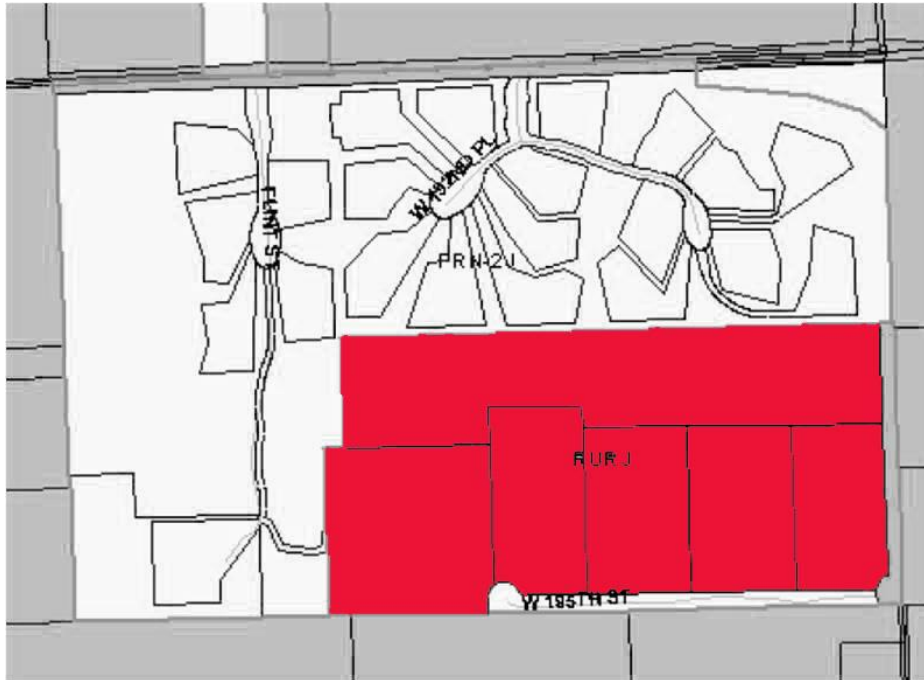
### ***Meadows at Rockwood Falls Estates***

The Meadows portion of Rockwood Falls was developed in 2004 with a more traditional large-lot design; five, 10-acre, lots were developed. These lots have a traditional street frontage



and were not part of the unique flag lot concept. The shaded area in Figure 4-9 illustrates the location of the 80-acre Meadows portion of the development. Several steps were completed to accomplish the Meadows at Rockwood Falls Estates development.

**Figure 4-9** The Meadows Location at Rockwood Falls Estates and Meadows

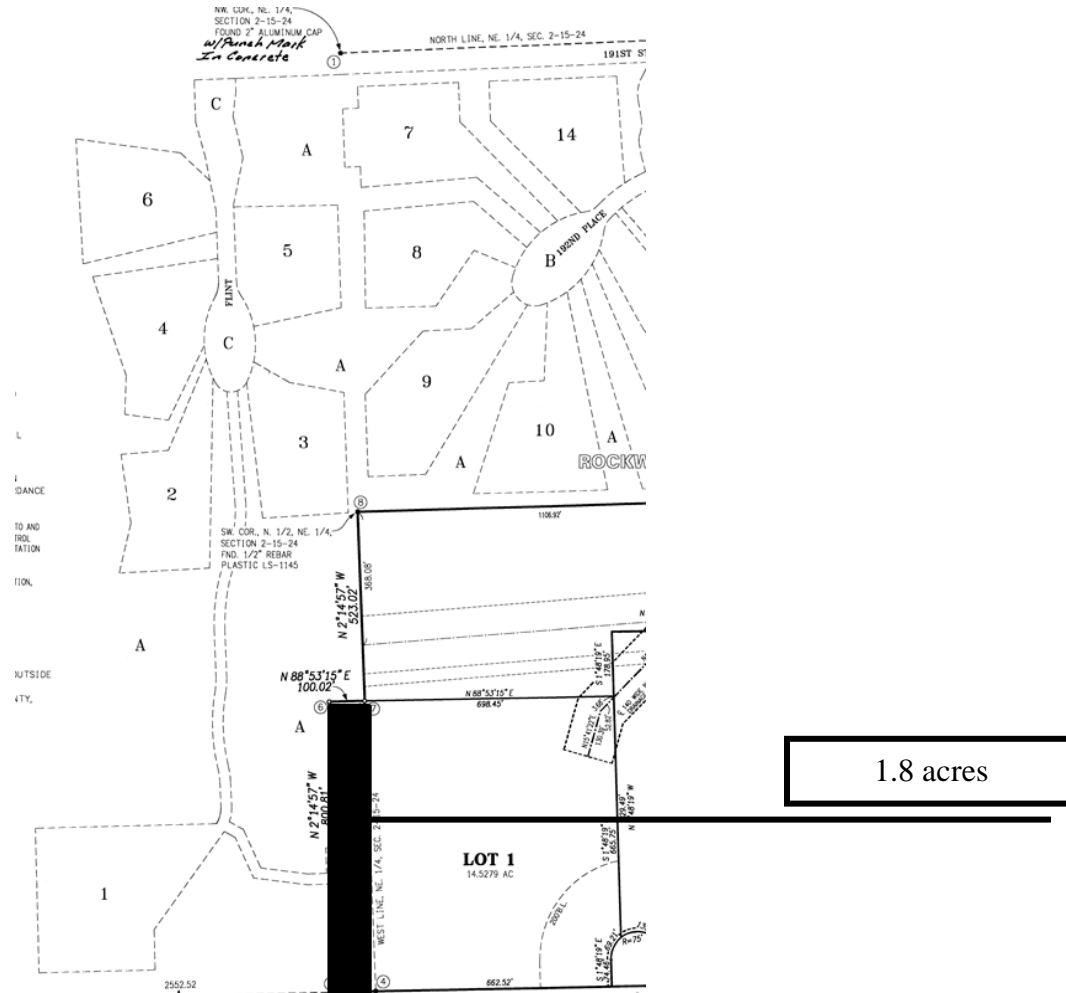


Source: Johnson County Automated Information Mapping System, 2010.  
Note: Meadows area is shaded.

In the first step, Eskie & Associates, requested to rezone 1.8 acres of land (shaded in Figure 4-10) which was a part of the original Rockwood Falls Estates development from PRN2, Planned Residential Neighborhood District, to RUR, Rural District. This 1.8 acres of land was to be merged with an existing 80-acre tract of land forming an 81.8-acre “Meadows” tract. The minimum lot size for RUR is ten acres, to which the proposed preliminary and final plat conformed. Moreover, the Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County identified this area as Rural Policy Area with minimum lot sizes of ten acres to which the proposal conformed. Thus, Johnson County Planner, Diane Wicklund, did not contest

this rezoning because it was to be merged with an existing 80-acre tract of RUR, Rural District, land and the design followed the Rural Comprehensive Plan and Zoning Regulations.

**Figure 4-10** Location of 1.8 Acre Rezoning



Source: Johnson County Automated Information Mapping System, 2010.  
 Note: Area rezoned shown in black.

Now that Eskie & Associates had the land assembled for the Meadows at Rockwood Falls Estates, it pursued the preliminary and final plats of the site creating five 10-acre lots. The design required four special Rule Exceptions of the Aubry Township Zoning Board to be filed with the plat. First, Eskie & Associates requested 195<sup>th</sup> Street (the entrance street to the Meadows, along the southern boundary of the property) to remain a 22 feet wide asphalt road (rather than expand it to 24 feet wide). Second, it sought to allow the proposed 195<sup>th</sup> Street cul-

de-sac to be 24 feet wide instead of the required 28 feet (Wicklund, 2004a). Third, the developer requested to reduce minimum setback for Lot 2 from 200 feet to 150 feet, and concurrently asked for a fourth exception, requesting reduced lot width for Lot 1 from 300 feet to 200 feet (Wicklund, 2004b).

The Johnson County Zoning and Subdivision Regulations, Article 30, Minimum Subdivision Standards, allows developers to request Rule Exceptions to be processed during the design review process. Once these Rule Exceptions are approved they are filed with the plat and are implemented. Wicklund (2004b, pp. 7-9) reviewed the four Rule Exceptions according to the standards for a Rule Exception. She found they did not arise out of a unique situation, would adversely affect the adjacent property owners, would not comprise an unnecessary hardship, would “adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare” and would be against the “general spirit and intent of the subdivision regulations.” Thus, she recommended approval of the rezoning, but denial of the preliminary and final plat because the four Rule Exceptions did not meet the regulations regarding passage of a Rule Exception request as contained in the Subdivision Regulations.

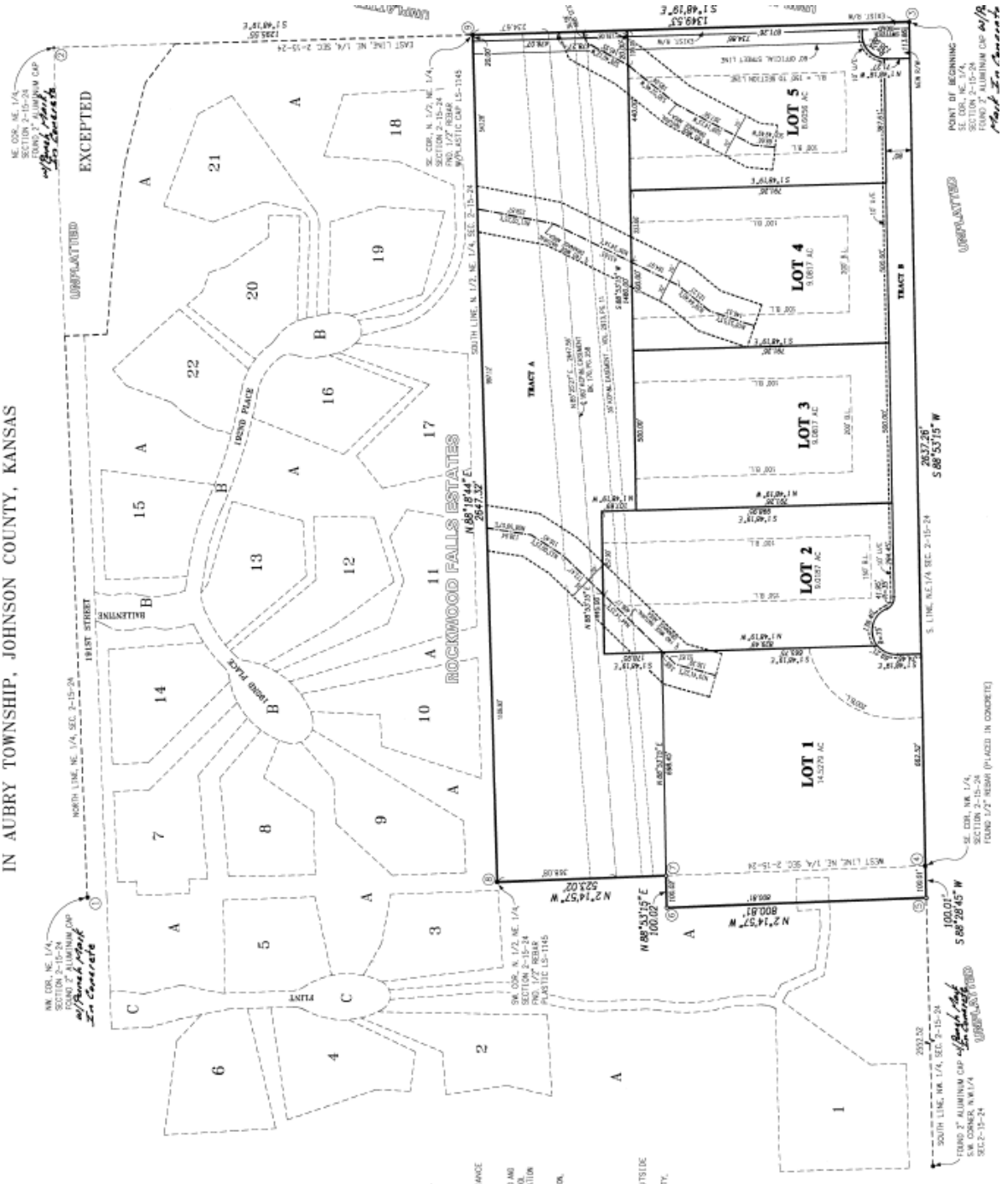
After the public hearing at the Aubry Township Zoning Board, during which concerns were addressed, the Zoning Board approved the rezoning and preliminary and final plat. Subsequently the Johnson County Board of Commissioners also approved the zoning and plats. Figure 4-11 shows the final plat for the Meadows at Rockwood Falls Estates.

Figure 4-11 Final Rockwood Falls Estates and Meadows Plat

# MEADOWS AT ROCKWOOD FALLS ESTATES

PLAT OF

A REPLAT OF PART OF LOT 1 AND TRACT A, "ROCKWOOD FALLS ESTATES"  
 AND PART OF THE NORTH ONE-HALF OF SECTION 2, TOWNSHIP 15, RANGE 24  
 IN AUBRY TOWNSHIP, JOHNSON COUNTY, KANSAS



Source: Johnson County Automated Information Mapping System, 2010.

***The Johnson County Board of County Commissioners and Overland Park: A Symbiotic Relationship***

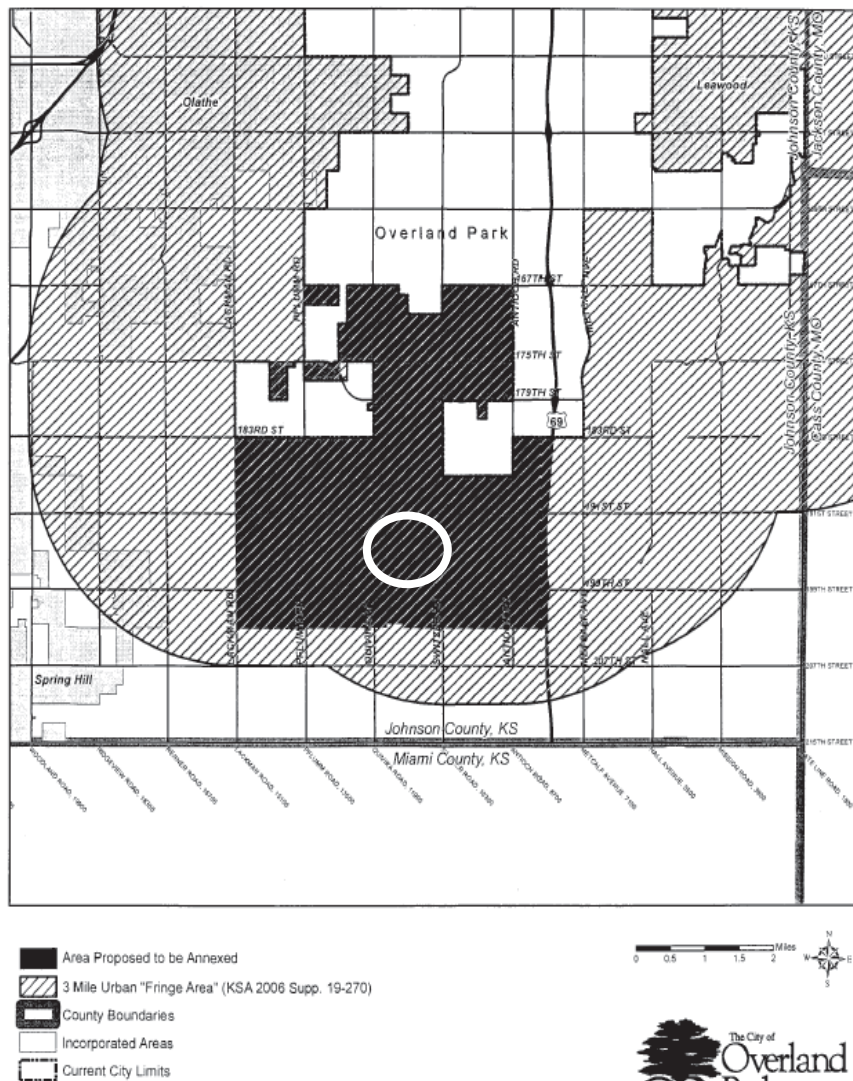
The City of Overland Park, Kansas was experiencing growth in 2008 and planning for future growth. It identified a 15 square mile tract of land located proximal to its southern boundary that served as a natural extension of the City, which it planned to annex. This land included the site of Rockwood Falls Estates and Meadows. Because the land was located in Johnson County, the County had to approve of the annexation of land by Overland Park. Thus, Overland Park prepared a lengthy document compiling information about the proposed annexation area and subsequently presented it to the presiding governing body of Johnson County, The Board of County Commissioners. The annexation document stated:

A reason for annexation is based in large measure upon the needs of the County, as well as the entire metropolitan area. As the population projections discussed above [elsewhere in the document] indicate, people will continue to move to newly-developing areas of Johnson County regardless of what Overland Park does. The Kansas side of the metropolitan area continues to be active in the creation of jobs and many people desire to live in Johnson County regardless of the side of the State line on which they work. The cities in Johnson County that have the capacity to expand their populations will share in the responsibility to absorb the increase in population that the County will experience over the next twenty to thirty years. (Board of County Commissioners Annexation Packet, 2007, p. 10)

In organizing its report and request to the Board of County Commissioners, the City of Overland Park divided the proposed annexed land into five areas. Rockwood Falls Estates and Meadows was a part of Area Two. The Board of County Commissioners agreed with the interpretation presented by Overland Park regarding Area Two. The Board found Area Two to be urbanizing in nature with a school site in close proximity and with Overland Park police protection immediately adjacent to the area. Furthermore, Area Two was within an existing

sewer district and would be receiving sewer lines within the next three to seven years. Thus the Board gave permission for annexation of Area Two, stating it was “prudent and advisable” to annex the land (Board of County Commissioners Annexation Packet, 2007, p. 37). The Board came to differing conclusions regarding the other four land areas and eventually only allowed Overland Park to annex 8.35 square miles of the originally requested 15 square mile area. Figure 4-12 illustrates the original 15 square mile area considered for annexation by Overland Park, with the Rockwood Falls Estates and Meadows site circled.

**Figure 4-12** Proposed Annexation Map



Source: Board of County Commissioners Annexation Packet, August 21, 2007, p. 95.

As a condition of approval of annexation, the City of Overland Park was required to create a service plan for the newly annexed land.

### ***A Service Plan: West Aubry Study Area Task Force***

The City of Overland Park created the West Aubry Study Area Task Force, a citizen advisory group, to create a service plan for the newly annexed 8.35 square miles of land to present to the Board of County Commissioners. This Task Force was also charged with creating a future land use plan and goals.

The Task Force created six land use goals to provide guidelines for the development of the area. These goals specifically focused on the type and intensity of development. Both the environment and further transportation requirements were key players in the process. Additionally, efficient public facilities and services were recognized as necessary. Finally, the plan called for an expansion of parks and open space in the area.

As a part of the Task Force planning process, citizens of the newly annexed land could voice their opinions about the future land use inside the study area. Residents within the Rockwood Falls development asked that Switzer Road between 179<sup>th</sup> Street and 195<sup>th</sup> Street (see Figure 4-13) not be connected. The Rockwood Falls Estates and Meadows residents did not explicitly state their reasons for the desired land use change. However, Switzer Road is the eastern boundary of the gated development and is the sole point of access for the Meadows at Rockwood Falls Estates, where 195<sup>th</sup> Street connects with Switzer Road, illustrated by the dot in Figure 4-13. The author surmises, the Rockwood Falls Estates and Meadows residents wanted to maintain their exclusivity and solitary use of Switzer Road. Also, the lack of street connectivity in the area makes the development hard to locate and adds a layer of exclusivity. In fact, when

the author completed a site visit at Rockwood Falls Estates and Meadows, she became extremely lost due to the lack of street connectivity.

**Figure 4-13** Proposed Switzer Road between 179th Street and 195th Street



Source: Overland Park, Kansas Online GIS, 2011, manipulated by Myers, 2011.

The Task Force Planning Staff recommended future connection of Switzer Road between 179<sup>th</sup> Street and 195<sup>th</sup> Street because it would be vital to the road network as the area grows and would be important to the provision of emergency services. However, the West Aubry Study Area Task Force could not come to a consensus regarding the proposed connection of Switzer Road between 179<sup>th</sup> Street and 195<sup>th</sup> Street. The decision moved to the next level of review. The Comprehensive Plan Committee, followed by the Planning Commission, and then the Overland



Park City Council approved the future connection of Switzer Road between 179<sup>th</sup> Street and 195<sup>th</sup> Street (West Aubry Study Area Task Force, 2009).

In summary, Rockwood Falls Estates and Meadows was evaluated and approved by Johnson County, annexed by Overland Park, and evaluated for future land uses. Rockwood Falls Estates and Meadows throughout the development process had sought various exceptions—flag lots, cul-de-sac lengths, street width, cul-de-sac width, reduced setback and lot width—and as a result had been extensively reviewed. In the next chapter, the gated Rockwood Falls Estates and Meadows will be evaluated in terms of the social implications and the planning process.

## Chapter 5 - Case Study

When subdivisions are proposed, a specific process is undertaken to assure the new development meets regulations to guarantee the public's health, safety, and general welfare is protected. Gated developments have an additional set of issues to be considered, for instance, social division, interruption of the public street network, and hindrance of emergency services. Access issues are not only concerns for planners, but for other components of local governments as well.

Paul Greeley, Johnson County Deputy Director of Planning, said when regarding new subdivisions, "...density is density, whether it is in a subdivision or gated community." However, he noted, the development pattern in Johnson County is auto dependent, "with more highway miles per person in the Kansas City Metro area than elsewhere in the Country." This makes it easy to travel by car, but low-density development hinders other forms of transit. This sprawling cul-de-sac type development separates people and does not easily allow for alternative forms of transportation. Moreover, while gated communities are a small percentage of total residential forms in Johnson County, existing sprawling residential development have the resulting consequences—lack of connectivity and spatial segregation—and are evident throughout the County. In Johnson County, the only significant factor regarding gated communities is the gate. The gate impedes access, thus requiring special review or special consideration from the various emergency service providers, which accommodate the gated community.

The main concern of Johnson County officials and a gated community is one of access rather than social consequences of the gate. In the case of Rockwood Falls Estates and Meadows, emergency services have four access options, 1) Knox Box key, 2) manual device on

gate, 3) siren activated “YELP” system, or 4) an access code. Figure 5-1 illustrates gate access devices used at Rockwood Falls Estates and Meadows. When emergency services are called to a gated community, whether it is fire, police, or medical services, the Johnson County Emergency Communications system utilizes a Computer-Aided Dispatch system which provides all needed information (including access codes) to the responding unit (M. Sweany, personal communication, January 25, 2011 and E. Wernicke, personal communication, January 20, 2011).

**Figure 5-1** Knox Box, Fire Department Lock, Key Pad with YELP Sign



Source: Myers, 2011.

Greeley did not offer solutions to the social issues relevant to gated communities, perhaps because the current development review process does not encourage officials to consider them. However, he did offer an alternative to improve the current social issues plaguing Johnson County. He suggested allowing mixed uses in all districts without a special review process. This would allow mixed uses in all neighborhoods, rather than in only Planned Unit Developments (PUDs), meaning special permits would not be required to open a shop in a residential neighborhood. He suggested that County zoning regulations should be amended to allow shops that fulfill daily needs, for example a coffee shop, to be accommodated. This would integrate people into their neighborhoods and reduce the need for auto trips.

### **Analysis**

Throughout the discussion of emergency services with county officials, review of the Johnson County Zoning Regulations, and through personal interviews, the author found although Rockwood Falls Estates and Meadows is a gated development, the gate never appeared to be a problem in the review process. Additionally, the social implications of the gated Rockwood Falls Estates and Meadows were never broached throughout the development review process. The two development phases Rockwood Falls Estates and the Meadows at Rockwood Falls Estates were examined using three tools. First, the Johnson County Zoning and Subdivision Regulations were used. Second, the “Golden Criteria” analysis, in accordance with Kansas case law and Johnson County policy, was used for evaluation. The “Golden Criteria” were established by the Kansas Supreme Court as a way to evaluate land use decisions after the 1978 case *Golden v. City of Overland Park* (Kroh & Greeley, 1999a). Third, the Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County was used as an assessment tool for the projects. Although, the development completed the review process, it

was not in conformance with certain aspects of County regulations, nor the Comprehensive Plan. Rockwood Falls Estates and Meadows did not meet several of the criteria established in County regulations—lot size, density, and site design. This begs the question, why was the development approved? It is the author’s opinion that both Johnson County and the Aubry Township Zoning Board were persuaded by the possible increase in property taxes. They granted exceptions to physical standards and did not wish to review the design in the context of the social implications of the gate.

However, it is noteworthy that Johnson County did benefit fiscally. Because the development consisted of high valued properties, the County gained significant property tax revenue without outlaying the necessary capital to pay for infrastructure. Thus, Johnson County is receiving fiscal benefits for approving the private development. However, the approval process, as reviewed by the author, does not indicate the County considered the potentially negative outcomes of a gated community.

At this time the Johnson County review process does not include a discussion of social outcomes that might result from a gated community. Rather the status quo is acceptable. To accommodate the social concerns of any development, gated or not, specific social concerns need to be incorporated into the regulations and comprehensive plan, so they will be considered.

Furthermore, the expensive housing in the development certainly did not provide housing opportunities for less affluent residents. Since Johnson County does not require affordable housing as a condition of the development approval, it was not included. County policy likewise does not preclude a gated community. It is the author’s opinion, that affordable housing is not a high priority for Johnson County because it is such an affluent county, thus the Zoning Board and the County Commissioners did not feel the need to address housing affordability.

In addition, while Johnson County has policies regarding growth management, it does not appear that it followed these policies. Rockwood Falls Estates and Meadows was approved even though it did not conform to the Comprehensive Plan and was, admittedly, a premature development according to Johnson County Deputy Director of Planning, Paul Greeley. The current review process appears to mandate procedural or subdivision standards, but does not encourage the consideration of social concerns that may arise from a gated environment. In order to address these broader issues, local government might establish policy relating to gated communities and a review process to implement the policy. In summary, the current development review process does not encourage, nor facilitate discussion of the social concerns regarding gated communities. However, what regulations are in place, did not seem to be followed in the case of Rockwood Falls Estates and Meadows.

In the case of Rockwood Falls Estates and Meadows, why were the social concerns—social segregation, loss of community, and division—not addressed during the development review process? It is the author's view that the development review process is partly to blame. The currently accepted process does not encourage the consideration of social concerns—that might be harmful or good—to be addressed. Moreover, when a project is being reviewed, the procedure that holds the most weight, in the view of the courts, is conformance to Zoning, Subdivision Regulations, and the Comprehensive Plan.

This case study investigated a suburban gated community. Different issues may be considered by local government when confronted by a request for an urban gated community. There is a large difference between suburban and urban gated communities. Evidence suggests urban gated communities provide a function of safety for residents applicable in urban environments. In some cases, the gate may be instituted to keep violent crime out of the

neighborhood where people are living. An example of an urban gated community is Mandalay Apartment Homes located in North Dallas. This apartment complex offers a wide variety of unit types and price ranges. A gate, as illustrated in Figure 5-2 secures access to the residential units. The gated community offers amenities including recreation areas, two pools, a health fitness facility, and a clubhouse making this a “lifestyle community” as identified by Blakely and Snyder (Westwood Company, n.d.).

**Figure 5-2** Mandalay Apartment Homes in Dallas, Texas



Source: Westwood Company, n.d..

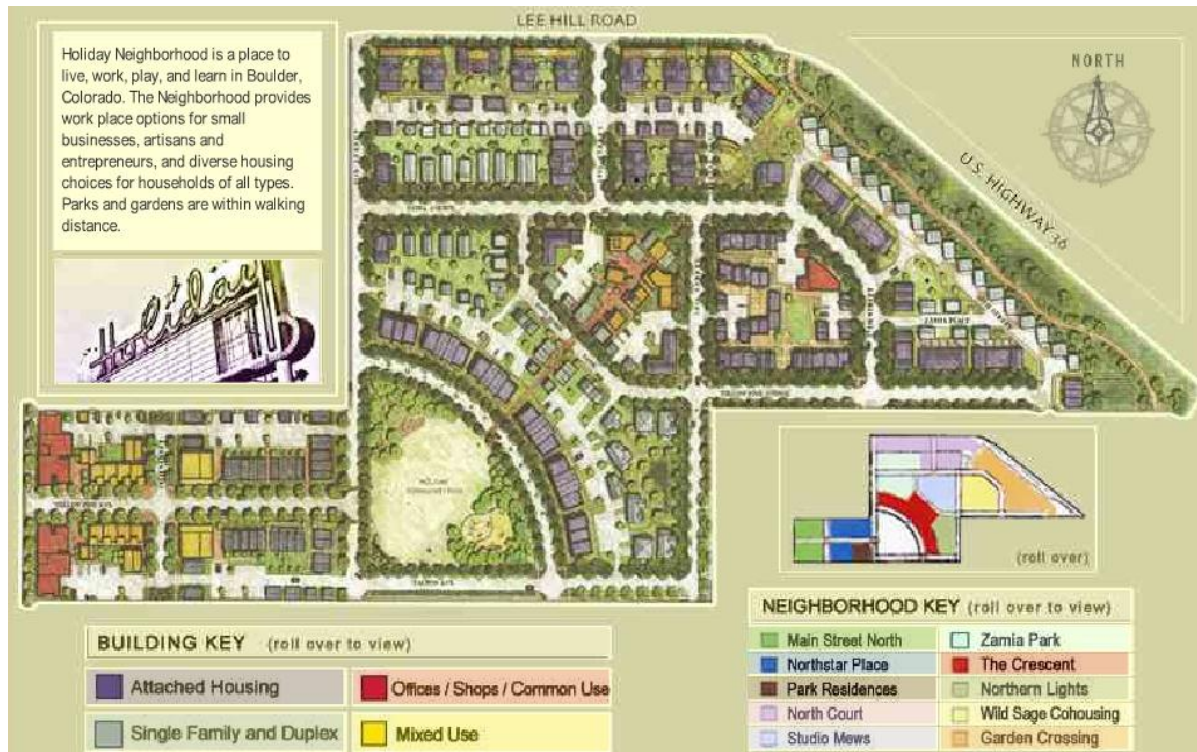
### ***Alternative Inclusive Housing***

The critique offered by the author dwells on the negative outcomes possible when gated communities are permitted. However, there are alternative ways to develop inclusive housing. Inclusive housing appears to offer options for social inclusion and a diversity of housing, in the form of a mixed-use or a New Urbanist style of development. According to a U.S. Department of Housing and Urban Development publication titled *Evidence Matters* (2011), “...mixed-

income, economically integrated neighborhoods improve the lives of residents and aid the surrounding community” (Poethig, p. 3). Boulder, Colorado provides an outstanding example of this theory. Boulder is home to a new mixed-use, mixed-income development, the Holiday Neighborhood, which rather than segregating people by income and reinforcing this separation through a gate, has created opportunities for engagement and interaction by creating a vibrant, inclusive, and affordable neighborhood. The context in which the development was created is crucial. Since 1976, Boulder, Colorado has restricted its development, by restricting growth within the City through its purchase of a “...publically owned greenbelt that almost completely surrounded the city by 1992” (Boulder Open Space, Parks and Trails Map as cited in Kelly, 2004, p. 53). However, this action reduced the supply of developable land, resulted in a more compact city form, increased the price of housing, and reduced land available for future development. The Holiday Neighborhood arose from the need for a diversity of housing and an affordable option for local residents. Figure 5-3 displays a marketing site plan of the development.



**Figure 5-3** Holiday Neighborhood Site Plan



Source: Boulder Housing Partners, 2006.

The Holiday Neighborhood was created after the site was vacated in 1989 when the Holiday Twin Screen Drive-In Theater closed. A plan was proposed for a big-box store for the site, but the "...community planning process determined that this was not what Boulder wanted on one of its last undeveloped parcels" (Gause, 2007, p. 185). The Boulder Housing Partners, a city non-profit organization, acquired the site. Then public involvement, essential to the process of planning the site, was instituted to guarantee the development met the housing needs of the community. This public input established the desire for an affordable mixed-use, pedestrian orientated development (Gause, 2007; Wann, n.d).

Today, the Holiday Neighborhood has 333 residential units, as well as 5,000 square feet of retail space on 27-acres, and includes detached and attached single-family homes, duplexes, triplexes, condominiums, and cohousing options (Gause, 2007). Of the homes, 42% of the 333

residential units are “permanently affordable” with seventy-one units affordable to residents earning 60% of the Area Median Income (AMI). Rental units are available for people earning 20-50% of AMI. Additionally, housing is available for people with mental illnesses and people who are transitioning from homelessness. The Holiday Neighborhood includes large green space for community activities, as well as open space scattered throughout the site facilitating interaction with the environment. The neighborhood has easy access to transit stops, is walkable, and is bikeable. This connection links the neighborhood to the greater Boulder community. Furthermore, a pedestrian mall connects the large Holiday Community Park to a community garden. “Mixed use and commercial spaces fringe the edge of the community as well as along the central axis. Individual yards are minimized in favor of shared green spaces and plazas that encourage interaction” (Boulder Housing Partners, n.d.). A diversity of housing styles are affordable to different income residents. The design encourages physical interaction, and creates an inclusive, affordable neighborhood.

The contrast between the Rockwood Falls Estates and Meadows and the Holiday Neighborhood is striking. Gated communities divide, segregate, and exclude people within society and often make it difficult to provide a connected street network, provide transit alternatives, or emergency services. These concerns can be mitigated by alternative forms of development, as exemplified by the Holiday Neighborhood. Gated communities restrict movement and people, while inclusive developments promote social engagement beneficial to the community. This contrast in neighborhood form, provided by these two examples, suggests that the social consequences of development should be considered when communities are faced with the choice of “gating” or “not to gate.”

## **Chapter 6 - Conclusions**

The literature suggests that Americans in all socio-economic groups now desire to live within a gated community (El Nasser, 2002). As the number of households living within a secured community approaches ten percent, local governments are beginning to address gated communities through public policy. Gated communities are residential neighborhoods with secured access. The desire to live behind the gate stems from a variety of reasons, including fear of crime and the aspiration for high property values. However, in this author's opinion, the end result from gated communities involve social segregation, loss of community, and division (Knox, 2008; Low, 2003).

Gated communities are not a new type of development; they originated as walled cities or fortresses in Europe. These cities were walled for defensive purposes and to keep disease from affecting the population. This defensive purpose was transplanted to the United States in the form of forts; however, forts were ultimately not necessary as the native populations of the United States were overtaken by the new Americans. Gated communities were created during the late 1800s to offer sanctuary to the mega-wealthy living in industrializing cities. Eventually, retirement gated communities were developed during the 1960s and 1970s, offering structured activities to the residents. During the last twenty years of the twentieth century, the prevalent types of gated development included the lifestyle, prestige, and security zone communities (Blakely & Snyder, 1999; Low, 2003).

This report included a case study of Rockwood Falls Estates and Meadows, a suburban gated community, located in Johnson County, Kansas. Rockwood Falls Estates and Meadows was established in two development phases. Rockwood Falls Estates was created in 1999 as a twenty-two flag lot development; whereas, the Meadows at Rockwood Falls Estates was

developed in 2004 with five large lots. The development contains a 4.4 mile paved nature trail, an 18-acre lake and six other ponds. Blakely and Snyder would classify this gated subdivision a “lifestyle” gated community because of the amenities and design.

Grant (2005, p. 283 as cited in Quintal & Thompson, 2007) suggests that local governments may consider gated communities, as exemplified by Rockwood Falls Estates and Meadows as a “cash cow.” In this case, the private developer paid for necessary infrastructure including water lines and roads. The asphalt roads are private and are maintained through funds administered by the homeowner’s association, reducing Johnson County’s financial burden. The County is not obligated to maintain the site, while reaping the rewards of increased property taxes causing them to be the clear fiscal winner.

The site was developed under the jurisdiction of the Aubry Township Zoning Board and the Johnson County Board of County Commissioners. Eventually, the site was included in an 8.35 square mile tract of land annexed by the City of Overland Park in 2008. To facilitate the development of the annexed land, the City of Overland Park created the West Aubry Study Area Task Force to develop a service plan for the land, create future land use goals, and a plan. The Rockwood Falls Estates and Meadows development endured the challenges of the planning process, as well as the Task Force, remaining, principally, as it was originally designed. However, the Johnson County Board of County Commissioners and Aubry Township Zoning Board seemed to ignore the social concerns dealing with the development.

This case study specifically investigated a suburban gated community, Rockwood Falls Estates and Meadows. The location of Rockwood Falls Estates and Meadows, in peripheral Overland Park, characterizes the type of gated community as suburban. However, there is a large difference between suburban and urban gated communities. Evidence by Quintal and

Thompson (2007) suggests that gated communities offer protection of homes and residents inside of the gate. Furthermore, Bible and Hsieh (2001) and Pompe (2008) investigated the claim of enhanced property values of homes inside gated neighborhoods, and revealed in their study areas, that property values inside gated enclaves were higher than properties not located in gated areas.

This report, through interviews, research, and literature review, has endeavored to investigate if the social implications of gated communities were considered in the planning process as it related to Rockwood Falls Estates and Meadows. Several sub-research questions were utilized to facilitate the research regarding the social implications of a gated community and the review process.

Sub-Research Question Number 1: Are gated communities advisable and beneficial to local governments? Literature suggests gated communities are seldom beneficial; rather the gate divides, segregates, and limits the right to travel. Additionally, literature suggests gated communities are not always a desirable development type. The gate symbolizes the desire to “keep the perceived dangers outside of their homes, neighborhoods, and social world” (Low, 2001, p. 55). This desire to be separate does not promote an inclusive community. The governing bodies involved with the development of Rockwood Falls Estates and Meadows did not broach this topic. The distinctive lack of concern for gated communities and the social consequences, leads the author to conclude the development review process lacked consideration of the social implications of gated communities. However, the author does conclude that Johnson County benefited financially from the development through increased property taxes.

Sub-Research Question Number 2: Do gated communities trigger additional requirements during the review process? In the case of Rockwood Falls Estates and Meadows

the author found that the gate did not induce extensive review regarding the social implications of the gate. However, it was determined only emergency services were accommodated and specific codes regarding access to the community were enforced. In the author's opinion, additional requirements were triggered, but with regard to emergency concerns, not social concerns.

Sub-Research Question Number 3: Would different types of development, rather than a gated community, foster a stronger social policy? Alternative forms of development, which do not partition people, appear to cultivate a more inclusive community. However, inclusionary zoning techniques, which provide a diversity of housing for a variety of income levels, can be difficult to articulate, given the local political climate. Kleven (n.d.) points out that inclusionary ordinances may push development to surrounding communities as "...developers may be inclined to build in other localities without inclusionary programs because of the costs which the developer may incur in complying with such programs" (as cited in Morgan, 1995). Nevertheless, alternative housing developments have been created and are successful at integrating residents of all socio-economic backgrounds. For example, the Holiday Neighborhood in Boulder is a mixed-use, mixed-income development, which includes detached and attached single-family homes, duplexes, triplexes, condominiums, cohousing, and permanently affordable housing options (Gause, 2007). The Holiday Neighborhood, in the opinion of the author, is extremely successful and a tremendously different type of residential community than the gated Rockwood Falls Estates and Meadows development.

As evidenced by the case study of Rockwood Falls Estates and Meadows, the author concludes that the social concerns of gated communities were not considered during the development review process. As researchers, planners and sociologists suggest, spatial

segregation of people is leading to a further divided society. Governing bodies are often only concerned with the fiscal responsibilities of the local government and may not process the social consequences of gated developments. Emergency service access, fiscal concerns, and services appear to take precedence over the social costs. This detached process has led to development design that does not consider the importance of social issues as part of the design review process. These gated developments created without regard to the social implications of the gate are creating exclusionary amenities, and lead to a society of enclaves (Atkinson, 2008; Strahilevitz, 2006). In the author's opinion, the negative social implications of gated communities will become more evident as people further hide behind gates, unless action is taken to prevent it.

Although in general local governments are reluctant to get involved with social policy, Grant (2003) offers solutions to this dilemma. Grant suggests that local governments need to articulate policy regarding gated communities. Then, through a development permit process, governmental bodies may choose to deny projects not consistent with established gated community policies. Grant suggests planning agencies might also pursue negotiated development that are inclusive. Nine Canadian local government tools are displayed in Table 6-1. These tools involve a development permit process, which allows the governmental body a mechanism to deny projects. Grant reveals that Canadian local governments, which respond to gated communities, are concerned with emergency access, transportation, and pedestrian connection as well as policy regarding gated communities, and are linking policy to action to address the concerns through policies and reviews.

**Table 6-1** Municipal Tools For Controlling Gated Communities

<b>1. Plan policies and land use/zoning bylaws</b>
Adopt plan policies to limit or discourage gating
Restrict use of “reverse frontage” lots, or require front-loaded lots on all road types
Limit fence heights
Employ design guidelines (character, heritage, integration of housing)
Require or encourage transportation network integration and permeability (may specify grid streets)
Require public access
Set landscaping or setback regulations
<b>2. Engineering and emergency access policies</b>
Restrict closing of roads, temporary moratorium on private roads
Require emergency access
<b>3. Development agreements and negotiated permitting process adjustments</b>
Use development permit process to refuse requests
Use urban design and landscape guidelines to limit undesirable features
Impose deed restrictions or covenants on bare land strata condominiums
Exact public use easements over private roads or trails
<b>4. Council by-laws and resolutions</b>
Prohibit fortification of buildings and land
Prohibit locking of gates across roads
<b>5. Staff persuasion</b>
Persuade developers to consider other options
Tell developers gates are not permitted
Tell developers staff does not support gating

Source: Grant, 2003 recreated by Myers, 2011.

In summary, this author believes, gated communities are a poor community development type; they hinder inclusive residential environments and impede movement of local residents and emergency services. Communities need to consider polices that limit or discourage gated communities. Once polices are in place, local governments can review the proposed development to guarantee that the social implications of gated communities are taken into account to further social goals of inclusive, socially diverse, affordable neighborhoods.



## **Further Research Questions**

Further research into the review process and the social implications of gated communities may be accomplished. Performing a survey of local governments in the United States to understand how they are reacting to gated communities would be helpful for further research. Additionally, investigating successful inclusive developments would offer alternatives to gated communities. Moreover, research regarding urban gated communities and the difference between urban and suburban gated communities would be an appropriate study as well.

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## Appendix A - Rockwood Falls Estates and Meadows

Information sources regarding the parcel sizes of Rockwood Falls Estates and Meadows contradict; thus, Table A-1 displays information the author collected and calculated from the Johnson County Land Records online.

**Table A-1**

<b>Rockwood Falls Estates</b>	
Number of Lots	22
Residential	53.02 acres
Tree/Wildlife Preservation Easement	110.00 acres
Total	163.02 acres

<b>The Meadows at Rockwood Falls Estates</b>	
Number of Lots	5
Residential	50.32 acres
Tree/Wildlife Preservation Easement	26.66 acres
Total	76.98 acres

<b>Rockwood Falls Estates and Meadows</b>	
Number of Lots	27
Residential	103.34 acres
Tree/Wildlife Preservation Easement	136.66 acres
Total	240.00 acres

Source: Johnson County Land Records, 2011 created by Myers, 2011.