

ORDINANCE NO. _____

A ZONING ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE PHILANTHROPIC CLUB ON PROPERTY ZONED SINGLE FAMILY-A DISTRICT, AS AUTHORIZED BY SECTION 3-87(22) OF THE ZONING CODE; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the property located at 934 Patterson Avenue, Alamo Heights, Texas, has been continuously operated as a private dining club, with overnight sleeping accommodations for its out-of-town members and guests since 1956 (“The Argyle”), and prior to 1956 served first as a private residence and later as a restaurant and overnight inn since 1859.

WHEREAS, the Property served as the venue for all meetings of the Alamo Heights City Council from 1922 to 1927;

WHEREAS, the Texas Biomedical Research Institute (previously named the Southwest Foundation for Research and Education) is a Texas non-profit corporation (“Texas Biomed”) conducting biomedical research since 1941;

WHEREAS, Texas Biomed acquired ownership of the Property in 1955 for the purpose of leasing it to a newly formed private club named “The Argyle,” a Texas non-profit corporation whose purpose is to provide financial support to Texas Biomed;

WHEREAS, The Argyle, in addition to providing financial support for Texas Biomed, also hosts numerous meetings and educational presentations of Texas BioMed, its scientists, and other research support organizations and other educational meetings and presentations approved in advance by the Argyle Board (“Educational Events”);

WHEREAS, The Argyle leased the Property in 1956, which it renovated and restored the historic mansion on the property (built in 1859) and opened to its members for fine dining and social events, continuing its prior use;

WHEREAS, Texas Biomed, as owner of the Property, was granted a variance and special exception in Case No. 134 from the Board of Adjustment of the City on July 6, 1955;

WHEREAS, The Argyle was designated a Recorded Texas Historical Landmark by the Texas Historical Commission in 1972;

WHEREAS, Texas Biomed and the Argyle has made various renovations to the Property over the years;

WHEREAS, the City has issued all requisite building permits, certificates of occupancy, and other necessary approvals for the prior renovations;

WHEREAS, Texas Biomed and The Argyle have been granted numerous special exceptions and variances from the City of Alamo Heights since the original 1955 variance and special exception which permit its use as a private club and place of entertainment and Educational Events consistent with its historic beginning and current operations, including, but not limited to (collectively being defined as the “Prior Entitlements”):

- 934 Patterson (being the property subject to Board of Adjustment Resolution No. 134 dated July 6, 1955);
- 815 Patterson (being the property subject to Ordinance 1756 dated February 25, 2008);
- 820 Patterson (being the property subject to Ordinance 1757 dated February 25, 2008);
- Deed to a 2417 square feet tract of land (being the property described in Ordinance 2095 dated December 11, 2017);
- 423 Argyle (being the property subject to Ordinance 2114 dated November 13, 2018);

WHEREAS, The Argyle submitted a Notice of Intent on November 17, 2021, for a proposed addition to the existing building at 934 Patterson (the “North Addition”);

WHEREAS, on October 12, 2021, The Argyle received the approval of the Texas Historical Commission for all prior renovations as well as the proposed North Addition;

WHEREAS, The Argyle submitted its Architectural Review Board Project Review Application on December 23, 2021, and _____, 2024;

WHEREAS, The Argyle submitted its Building Permit application for the North Addition on February 11, 2022, which was assigned Project Number 49213;

WHEREAS, The Argyle submitted a revised Building Permit Application for the North Addition on August 5, 2022, containing modifications to the scale of the North Addition, among other revisions, and submitted a revised permit application on August 1, 2023;

WHEREAS, Texas Biomed has requested the City to consolidate all prior Special Use Permits relating to The Argyle into an omnibus SUP in keeping with the historic and current operations of The Argyle;

WHEREAS, the Argyle, Texas Biomed and the City intend to address the effects and disturbance on the nearby residential districts by regulating the parking, noise, crowd management and outdoor activities inherent in the historic and current operations of the Argyle upon the completion of the North Addition;

WHEREAS, Texas Biomed submitted its application for an omnibus SUP on February 23, 2022, and submitted a revised application on August 1, 2023;

WHEREAS, the Planning and Zoning Commission, having considered this SUP application following due notice and a public hearing, and having considered all required factors and made all required findings set forth Texas Local Government Code and Code Ordinances, [approved/disapproved] by majority vote to recommend to City Council that the SUP be [approved/disapproved];

WHEREAS, the City Council, having considered this SUP application following due notice and a public hearing, and having considered all required factors and made all required findings set forth in Texas Local Government Code and Code Ordinances, has determined that this SUP should be approved subject to certain terms and conditions set forth herein;

WHEREAS, two public hearings were held to discuss the SUP application described herein; with the first public hearing being conducted by the Planning & Zoning Commission on _____ and the second public hearing being conducted by City Council on _____ PM CST; each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed SUP described herein;

WHEREAS, legal notice notifying the public of both public hearings on the requested SUP was posted on the City’s official website and published in the *Express News*, a newspaper of general circulation in the City of Alamo Heights, on _____; and

WHEREAS, Texas Biomed and The Argyle find these conditions and enforcement provisions to be reasonable;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

SECTION 1. SPECIFIC USE PERMIT APPROVED. The TEXAS BIOMEDICAL RESEARCH INSTITUTE is granted a Specific Use Permit, pursuant to Section 3-87 (22) of the Zoning Code, to operate, lease, or assign to a tenant, subject to the conditions herein stated, a private philanthropic dinner club and place of entertainment and Educational Events at a location on the following property (the “Property”) for as long a period of time as the Property is owned by TEXAS BIOMEDICAL RESEARCH INSTITUTE or any other philanthropic, charitable or non-profit entity whose primary purpose is to provide philanthropic support to Texas Biomed:

- 934 Patterson (being the property subject to Board of Adjustment Resolution No. 134 dated July 6, 1955);
- 815 Patterson (being the property subject to Ordinance 1756 dated February 25, 2008);
- 820 Patterson (being the property subject to Ordinance 1757 dated February 25, 2008);
- A 2417 square feet tract of land (being the property described in Ordinance 2095 dated December 11, 2017);

- 423 Argyle (being the property subject to Ordinance 2114 dated November 13, 2018);
- The northernmost one hundred fifty feet (150') of 401 Torcido (the "Tennis Court Property").

1) **DEFINITIONS.**

- Maximum Occupancy.** Maximum Occupancy for all permanent structures on the Property upon completion of the North Addition will be 1100 persons. If an event is partially hosted in an outdoor area, Maximum Occupancy will be no more than 1200 persons.
 - North Addition.** The North Addition is the improvements to the existing building at 934 Patterson built substantially in accordance with plans titled 'The Argyle Permit Set' dated February 09, 2023, for which a building permit application was submitted to the City of Alamo Heights on August 3, 2023, as Project No. 2023-887.
 - Outdoor.** Outside of a permanent structure on the Property.
 - Permitted Function.** A Permitted Function is an event held on the Property which is a Permitted Use.
 - Temporary Structure:** Any Outdoor structure not on a permanent foundation, including, but not limited to, event tents, food trucks, and sheds.
- 2) **PERMITTED USES.** Subject to the conditions herein, the Property may be used for a private philanthropic and non-profit club supporting Texas Biomed, which includes these limited activities:
- dining and bar services for members and guests;
 - catering and hosting of indoor and/or Outdoor Permitted Functions;
 - off-street parking of vehicles, administrative offices, meeting rooms, and food preparation supporting and associated with such use; and
 - five (5) guest units at 934 Patterson for temporary overnight lodging for members and their guests.
- 3) **OPERATIONAL REQUIREMENTS.** The following requirements shall apply to The Argyle, and its hosts, vendors, suppliers, subcontractors, licensees, and or invitees, and shall be included in all contracts executed by The Argyle after the issuance of a Certificate of Occupancy for the North Addition:

- a. **Valet.** The Argyle shall provide complimentary off-street valet parking during all hours it is open. Valet shall park vehicles off-street within areas designated on the Parking Plan attached as Exhibit “A.” Valet drop-off and pick-up must occur off-street but within the bounds of the Property in accordance with the following:
 - i) 1-100 Attendees: four (4) valet attendants.
 - ii) 100+ Attendees: one (1) valet attendant per fifty (50) attendees.
- b. **Rideshare.** Rideshare drop-off and pick-up must occur off-street and within areas designated on the Parking Plan attached as Exhibit “A.”
- c. **Buses.** Bus pickup and drop must occur only at the 934 Patterson curb or off-street within areas designated on the Parking Plan attached as Exhibit “A.” Buses are prohibited from on-street idling (excluding direct loading and unloading) for more than five (5) minutes except at Diocese, 281 Parking Area, or Nature Trails.
- d. **Security.** Security shall be provided by The Argyle:
 - i) Under 250 Attendees: one (1) security officer.
 - ii) 250-500 Attendees: two (2) security officers.
 - iii) 500+ Attendees: four (4) security officers + one (1) emergency medical technician.
- e. **Lights.** All lighting shall comply with Code of Ordinances.
- f. **Outdoor Activities.** No Outdoor activities such as food or bar service may occur after 4:00 pm Sundays, 10:00 pm Monday – Thursday, or 12:00 midnight Friday and Saturday nights.
- g. **Guests.** All guests (excluding overnight guests in a guest room) must depart before 11:00 pm Sunday – Thursday or 1:00 am Saturday or Sunday morning.
- h. **No Amplified Music.** Amplified music may not emanate from any Outside area of the Property. Percussion instruments, including without limitation drums, must not be played in any Outside area.
- i. **Temporary Structures.** Temporary Structures intended to be utilized by attendees (such as tents or canopies):
 - i) must be located within the property bounds of 934 Patterson, and limited to the North and East side of the main structure;

- ii) in excess of a dimension of 45' X 115', or a cumulative 5,200 SF are strictly prohibited;
- iii) are only allowed on Thursday, Friday, and Saturday, if they are less than a dimension of 45' X 115' (cumulative 5,200 SF); and,
- iv) are only allowed on Sunday through Wednesday, if they are less than 25' X 25' (cumulative 625 SF) unless rainy or windy conditions require larger tent coverage.

4) **PROHIBITED USES.** The Property may not be used for the following uses:

- a. as an event center or for trade shows, spectator sporting events, conventions or other functions open to the general public; provided, however community-wide and Educational Events open to the public are permitted;
- b. for on-premises retail sales other than The Argyle's dining and bar service.
- c. To raise funds for any non-member or entity other than Texas Biomed (excluding political events hosted by a member and approved by The Argyle Board) or commercially advertise goods or services of any non-member or entity other than Texas Biomed.
- d. Functions at the Property are limited to private matters by invitation only, approved by the governing body of The Argyle, not open to the general public, and must comply with all requirements of this ordinance.

5) **NORTH ADDITION.** The North Addition may be constructed in compliance with plans submitted to the City and incorporated by reference for all purposes herein and is further subject to all applicable building codes and the requirements of this omnibus SUP. A rear buffer space wherein no permanent or temporary structures, equipment or signs (save and except for otherwise allowable walls or fences) may be erected within ten feet (10') of the property line as established on the portion of the Property adjoining Olmos Dam Drive.

6) **PARKING.** As a condition precedent to the issuance of a final Certificate of Occupancy for the North Addition:

- a. Parking requirements shall comply with the approved on-street and off-street parking plan attached hereto as Exhibit "A" and incorporated by reference which shall identify total available off-street parking spots, including requirements for off-site employee and vendor parking, restrictions on the locations of valet-parked cars, rideshare and traffic flow patterns, bus pickup and drop off only at 934 Patterson curb, a prohibition against idling of busses except at Diocese, 281

Parking Area, or Nature Trails, and requirements for guests to valet or use designated lots;

- b. The Argyle shall construct or otherwise provide for off-street drop-off and pick-up pull-through lanes within the bounds of the Property for valet and rideshare services suitable for eight (8) queuing passenger vehicles which are clearly marked and striped and on an all-weather surface;
- c. The Argyle shall construct a parking lot on (a) the Tennis Court Property for off-street parking consisting of no less than 56 spaces and (b) on an area located to the West of the Argyle under the Highway 281 overpass on E. Olmos Drive consisting of no less than 108 spaces. The Tennis Court Property parking shall be in accordance with the Code of Ordinances as it applies to the Parking District, and shall be shielded visually from any property outside of the Property, by a ten foot (10') wide landscape buffer adjacent to public ROW, and fencing no less than six feet (6') tall to minimize sound and light impacts to any adjacent lots which have a residential use. The 281 Parking Area shall be constructed in accordance with the requirements of Texas Department of Transportation; and
- d. If any parking indicated on the Parking Plan attached as Exhibit "A" is no longer available to be used by The Argyle, there will be a reduction in Maximum Occupancy in a ratio of 2-to-1 for each space lost unless replacement off-street parking is procured via purchase, lease or written agreement, in locations acceptable to the City.

7) ENFORCEMENT AND PENALTIES.

- a. Any person, firm, or corporation who knowingly violates any provision of this ordinance is guilty of a misdemeanor and upon conviction is punishable by a fine not to exceed \$1,000.00 for each offense plus court costs.
- b. Identification of violator. The persons who may be cited for and are responsible for violations of the conditions of this SUP are The Argyle, its governance board, manager, or employee in charge. For violations of valet, bus, rideshare, and outdoor structure regulations, the operator and/or employees of the applicable valet service, bus, rideshare vehicle operator, or tent/outdoor structure rental company may be cited in addition to the individuals identified in the preceding sentence.
- c. In addition to proceeding under authority of subsections a) and b) of this section, the City is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this chapter.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the Specific Use Permit herein approved complies with all applicable rules and regulations set forth in the City’s Code of Ordinances and other law and is consistent with the City’s Comprehensive Master Plan.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith (including the Prior Entitlements) are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 6. REVOCATION OF SPECIFIC USE PERMIT. The Specific Use Permit may be suspended, revoked, or modified by the City Council, after public hearing, notice and report by Planning and Zoning Commission pursuant to Texas Local Government Code 211 to determine whether any condition, stipulation, or term of the approval of the Specific Use Permit has been knowingly violated. In addition and without any public hearing or action, this Specific Use Permit may be automatically revoked and terminated: (i) if the Property is no longer owned by Texas Biomedical Research Institute or any other philanthropic, charitable or non-profit entity supporting Texas Biomed; or (ii) the North Addition is not completed by twenty (20) months after building permit is issued.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately following approval by City Council

ORDERED this _____ day of December, 2024.

BOBBY ROSENTHAL, MAYOR

ATTEST:

ELSA T. ROBLES, CITY SECRETARY

EXHIBIT "A"

Argyle Club Parking Plan

The Argyle Club Parking Plan

Overview

The Argyle Club (The Argyle) hired Walker Consultants (Walker) to perform this parking needs analysis and provide a parking and transportation plan that enables The Argyle to meet the needs of its employees, guests, and neighbors under both existing and future conditions, assuming the completion of a north building addition. This report and plan demonstrate a sufficient parking supply and transportation program that provides adequate parking capacity and access under all conditions. The plan includes amendments to existing parking policies and practices, increased parking capacity, a reconfigured on-site curb to increase pick-up and drop-off capacity, and reductions and restrictions on the use of street parking. It also allows for a workable plan for all stakeholders, including neighbors and those who access The Argyle. This plan provides substantial upgrades and will improve the neighborhood.

Problems Solved by This Plan

Neighbors have expressed concerns about the proposed club expansion. These include concerns about inadequate parking capacity, parking spillover onto neighborhood streets, and noise. This plan satisfactorily addresses and provides a solution for each issue and reduces the impact of all events.

This parking and transportation plan was established with the following objectives in mind:

- Be respectful of the property rights of neighbors and co-exist in harmony;
- Minimize traffic impacts on city streets by increasing the curb space available in the on-site parking lot and requiring shuttle buses to access The Argyle Club from the north via E. Olmos Drive to Crescent Street, and then to Estes Avenue and Patterson Avenue, to avoid neighborhood streets as much as possible;
- Eliminate vehicle queuing on the streets;
- Provide for all Argyle Club parking demand in off-street parking facilities;
- Reduce and restrict the use of on-street parking spaces;
- Allow bus loading and unloading only on Patterson Avenue;
- Perform all taxi, Uber, Lyft, and private vehicle pick-ups and drop-offs within the 934 Patterson parking lot; and
- Move all vehicle- and bus-idling off of the site to locations that are not disturbing to neighbors.

Parking Needs Analysis

Available Parking Capacity

Assuming all attendees arrive by private vehicle, which we know is not the case, the existing capacity and proposed additions to The Argyle parking supply will provide 372 off-street parking spaces or 424 parking spaces using valet attendants, sufficient capacity to meet all parking needs.

Excluded from the parking needs analysis are all on-street parking spaces.

Two recent additions, which are still playing out and whose positive impacts have not yet been fully realized, expanded The Argyle's parking capacity by 82 percent while reducing the maximum event size held at The Argyle. Sixty parking spaces at the Episcopal Diocese-West Texas were added to The Argyle's control through a signed lease in January 2024. The Texas Department of Transportation and The Argyle are finalizing a lease agreement allowing The Argyle to construct a surface parking lot that will park up to 108 cars at 1454 E. Olmos Drive under a U.S. 281 Overpass Bridge. Therefore, the available parking supply is growing without increasing the parking demand design conditions. The available parking is shown in the following figure and table.

Figure 1: The Argyle Club's Parking Supply



Source: Google and Walker Consultants, 2024

Table 1: The Argyle Club Parking Supply

Facility Name	Address	Owner	Parking Capacity	Legal Status
The Argyle Club	934 Patterson, Alamo Heights	Texas Biomedical Research Institute	36 ¹	Own property
Argyle Club Parking Lot	815 Patterson, Alamo Heights	Texas Biomedical Research Institute	45	Own property
Tennis Court South	401 Torcido Dr., Alamo Heights	Timothy Dean Word Family Trust	56	Under lease
Judson Nature Trails Lot	246 Viesca St., Alamo Heights	City of Alamo Heights	67	Public property
Episcopal Diocese-W. TX	111 Torcido Dr., San Antonio	Episcopal Diocese of West Texas	60	Under lease
U.S. 281 Bridge	1454 E. Olmos Dr.	TXDOT	108	Under lease
TOTAL	All within two miles	Various	372	Own, lease, or public

Source: Walker Consultants and The Argyle Club

The 372² spaces shown in the previous table represent parking regularly available to or controlled by The Argyle. In addition to these spaces, for the events with the highest attendance levels, The Argyle or event sponsors will contract with a transportation company and a property owner outside the neighborhood to operate a park-and-ride program, if and as needed. This report identified more than 20 remote parking opportunities offering thousands of spaces within two miles that could augment the 372 Argyle-controlled spaces.

Parking Demand

The Argyle Club categorizes its attendees into two different groups. One group consists of members using the club on what the club calls an à la carte basis, meaning that the club member accesses and uses the club on a pay-as-you-go basis for small groups in a non-catered setting. The second category includes catered functions scheduled well in advance and consists of a group of event attendees.

Daily club member parking demand is estimated at up to 27 guest and 25 employee spaces.

Catered event parking demand is a function of the number of attendees, the average number of persons per car, the percentage of attendees who arrive by private vehicle and require a parking space, and employee headcount.

The plan is to reduce the maximum event size, decrease parking and traffic loads, and improve the catered event experience. In the future, the most highly attended event (such as Easter) will be limited to 1,200 people.

Events generating an estimated 50 cars or less represent 89 percent of the catered events in 2023. Thirty-nine events are estimated to create parking demand for 51 to 115 spaces, while 10 catered events produced an estimated 116 to 204 cars. Four events generated an estimated 205 to 264 vehicles, and only two were

¹ Current capacity is 58 spaces. However, with the proposed north building addition, 22 spaces would be lost.

² Can accommodate 424 cars off of the street, using valet attendants.

estimated to result in parking demand exceeding the 286 spaces that The Argyle Club had under its control before the newest parking lease with TXDOT.

With the addition of the 108 spaces at the U.S. 281 bridge, The Argyle Club's parking demand can be met with the parking spaces controlled by The Argyle Club. The Argyle's parking capacity can be further augmented with remote parking and shuttle buses for events generating the most attendance if necessary.

Parking and Transport Plan

The following is a summary of improvements that will be made to The Argyle Club's existing operation.

Parking-Supply Additions

- The Argyle will construct a more formal parking lot on (a) the Tennis Court South Lot for off-street parking consisting of no less than 56 spaces and (b) on an area located to the west of The Argyle under the U.S. Highway 281 overpass on E. Olmos Drive consisting of no less than 108 spaces. All parking to be constructed will comply with city and state ordinances. The Tennis Court South Lot will be shielded visually from neighboring properties by a ten-foot (10') wide landscape buffer adjacent to the public right-of-way and fencing no less than six feet (6') tall to minimize sound and light impacts to any adjacent lots which have a residential use.
- This plan excludes acquiring additional neighborhood properties or destroying existing homes.

Enhancements to Policies and Practices

- Effective immediately, The Argyle Club is implementing a Good Neighbor Parking Policy that applies to all club members, event attendees, employees, vendors, guests, and anyone visiting the club, regardless of their residence. This policy will reduce and restrict the club's use of on-street parking and outline the parking requirements for all individuals associated with the club and its activities.
- Employees and vendors will be required to park off the street. This requirement will be included in The Argyle Club's employee manual and communicated during new employee orientation. Reminders to avoid street parking will be sent with announcements about upcoming events. A street parking ban will be rigorously enforced. Employees who violate this policy will be disciplined and potentially terminated.
- Club members will be asked to park off the street.
- Restrictive on-street parking language will be included in any contract that brings people to the site, including catered event contracts. The contract language will stipulate that on-street parking is prohibited and that violators will be fined. Penalties will be up to \$1,000 for each offense, which is high enough to curb violations. Penalties will be enforced.
- Additionally, the parking lot located at 815 Patterson will be designated a self-parking lot for club members to use and signed as such, acknowledging that some club members prefer self-parking. This step will ensure ample self-parking spaces and prevent club members from parking on the street to avoid surrendering their vehicles to a valet attendant.

Access Plan

- Valet-parked cars will be limited to off-street parking facilities under the control of The Argyle.



- Bus pickup and drop-off will be limited to the 934 Patterson curb or off-street within parking facilities controlled by The Argyle. Bus idling will be prohibited for more than ten minutes except at the Diocese, 281 parking area, Nature Trails, or other remote parking areas outside the neighborhood.
- The Argyle shall construct or otherwise provide for off-street drop-off and pick-up pull-through lanes within the bounds of its property for valet and rideshare services suitable for a minimum of eight (8) queuing passenger vehicles. These lanes will be marked and striped on an all-weather surface.
- To mitigate queuing on the street, the vehicular drive within the bounds of the Argyle and accessed via Patterson will be redesigned and rebuilt to double the number of cars dwelling at the curb, from eight to sixteen.

Communications Improvements

- Club management will communicate regularly with club members to prohibit street parking and explain why it should be avoided. They will also get commitments and communicate through emails, newsletters, board of governors' meetings, and club presentations.
- The Argyle will add a parking page to its website and use this as a tool to communicate parking goals, policies, practices, rules, consequences, and options.
- Signage will be added to identify self-parking locations.
- Taxi, Uber, and Lyft will be notified that drop-offs and pick-ups will occur in the 934 Patterson Lot.
- The Argyle will not acquire additional properties in the neighborhood nor destroy existing homes.