

August 1, 2023

Frank Garza
City Attorney
City of Alamo Heights
6116 Broadway
San Antonio, Texas 78209

VIA EMAIL

RE: Specific Use Permit Request for Properties Generally Located at 934 Patterson Ave., 423 Patterson Ave., and 815 Patterson Ave., in the City of Alamo Heights, Bexar County, Texas.

Dear Mr. Garza:

On behalf of The Argyle, applicant for specific use permit on properties generally located at 934 Patterson Avenue, 423 Patterson Avenue, and 815 Patterson Avenue, in the City of Alamo Heights, Bexar County, Texas (collectively, the "Property"), please find attached documents for the City of Alamo Heights to continue processing the Property's requested specific use permit, including:

- Letter of Authorization Executed by Texas Biomedical Research Institute Authorizing The Argyle to Serve as Applicant on the Property's Specific Use Permit Request;
- Notice of Intent for The Argyle to Serve as Applicant on the Property's Specific Use Permit Request; and
- Draft Specific Use Permit for the Property.

Please do not hesitate to contact our office should you have any questions or need any additional information in connection with this request.

Sincerely,

ORTIZ MCKNIGHT PLLC

By: _____


Daniel Ortiz

CC:

Buddy Kuhn
James Barrow
Frank Burney
Jamie Smith

Email: bkuhn@alamoheightstx.gov
Email: jbarrow@lawbarrow.com
Email: fburney@mdtlaw.com
Email: jsmith@dykema.com



July 28, 2023

Frank Garza
City Attorney
City of Alamo Heights
6116 Broadway
San Antonio, Texas 78209

RE: Letter of Authorization for Representation in Connection with the Proposed Specific Use Permit Request and Building Permit Application Process for Properties Generally Located at 934 Patterson Ave., 423 Patterson Ave., and 815 Patterson Ave. in the City of Alamo Heights, Bexar County, Texas.

Dear Mr. Garza:

Texas Biomedical Research Institute (“Texas Biomed”) is the owner of properties generally located at 934 Patterson Avenue, 423 Patterson Avenue, and 815 Patterson Avenue in the City of Alamo Heights, Bexar County, Texas (collectively, the “Property”). The Property is leased by Texas Biomed to The Argyle, which desires to apply for a specific use permit (SUP) and building permit to support its operation of a dining and social club on the premises. Texas Biomed is supportive of The Argyle’s proposal. As you probably know, The Argyle’s corporate purpose is to support Texas Biomed, and it provides philanthropic support as well as community engagement in furtherance of this purpose.

Texas Biomed hereby grants authority for Beth Smith (or her designee(s)), President of The Argyle, located at 934 Patterson Avenue in the City of Alamo Heights, to act for and on behalf of Texas Biomed in any and all application, permit and public hearing matters related to the proposed SUP and building permit processes associated with the Property. Such rezoning and building permit processes include, but are not limited to, application submittals and public hearings before the City of Alamo Heights Planning and Zoning Commission, Architectural Review Board, and City Council.

Texas Biomedical Research Institute

By: _____
Name: Bruce Edwards
Title: EVP for Finance & Admin, CFO
Date: July 28, 2023



City of Alamo Heights

Notice of Intent

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

6116 Broadway St, San Antonio, Texas 78209

V: (210) 826-0516

f: (210) 832-2299

This Notice must be submitted prior to the deadline for submission to any board or commission and must be presented before City Council prior to any hearing before a board or commission. Any project information provided herein is considered preliminary and subject to alteration/revision throughout the development review process.

PROJECT INFORMATION
Proposed project's current legal address: 934 Patterson Avenue, Alamo Heights, TX 78209
Current property use: Residential Multi-Family Commercial
Current Zoning District(s) of the proposed project site: MF-D O-1 B1 B2 B3
non-conforming
Proposed project property size: N/A (acres) N/A (square feet)
Proposed property use: Residential Multi-Family Commercial Mixed-Use: Describe
uses: The use of the addition will be unchanged from The Argyle's existing non-conforming rights. Construction of the addition will be in compliance with City Ordinances

Proposed building square footage: 6500 (square feet)
Proposed building height: 1 (stories) 30 (feet)
Does the conceptual project require/anticipate? Variances Re-Platting Re-Zoning
none required Specific Use Permit Conveyance of Public Property

APPLICANT/OWNER
Applicant's Name: The Argyle
Applicant's Organization: The Argyle
Applicant's Address: 934 Patterson Ave., Alamo Heights, TX 78209
Applicant's Phone Number 210-824-1496 Email: manager@theargyle.com

Property Owner(s) Name: Texas Biomedical Research Institute
Property Owner(s) Address: P.O. Box 760549, San Antonio, TX 78245
Property Owner(s) Phone Number: 210-258-9240 Email: bedwards@texasbiomed.org

The following items must be submitted along with this application in order to be placed on the next available City Council agenda:

- Letter of Authorization (if applicable)
- Letter introducing the property owner/developer, architect, and the general scope of the project.
- One (01) paper copy (max. 11"x17") conceptual plans as intended to present to the Architectural Review board for preliminary review and one (01) electronic file of the same documents on a USB.

Applicant/Owner understands the following:

1. This Notice of Intent is merely to provide notification to the City Council for pending large-scale projects as they begin the development review process.
2. The large-scale development review process may entail City Council requesting the applicant to conduct public meetings prior to commencing the formal boards and commissions submission and review process.

Applicant/Owner signature: Beth Smith
Beth Smith (Jul 31, 2023 12:04 CDT)


Date: Jul 31, 2023

City of Alamo Heights
Planning and Development Services Department
Letter of Authorization

*****PLEASE BE ADVISED THAT THIS NOTICE OF INTENT MUST BE SUBMITTED BY THE CURRENT PROPERTY OWNER OR THEIR AUTHORIZED DESIGNEE. IF THE OWNER WILL NOT BE PRESENT FOR THE PRESENTATION OF THIS NOTICE OF INTENT THE FOLLOWING SECTION MUST BE COMPLETED AND SIGNED IN ORDER TO BE SCHEDULED FOR CITY COUNCIL ANNOUNCEMENT*****

I hereby authorize Beth Smith of The Argyle
(company (if applicable))
at 934 Patterson Ave., Alamo Heights, TX 78209 to represent me in matter pertaining to this case.

Property owner's name (print): Texas Biomedical Research Institute Date: July 28, 2023

Property owner's signature: 


Notice of Intent Alamo Heights v.1.1 Bruce Edwards signed 07-28-2023


Final Audit Report

2023-07-31


| | |
|-----------------|---|
| Created: | 2023-07-31 |
| By: | Michael Shulman (mshulman@rockportequity.com) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA5zqShgupspk7xORR2csR6j8-cF08qZ8z |


"Notice of Intent Alamo Heights v.1.1 Bruce Edwards signed 07-28-2023" History


 Document created by Michael Shulman (mshulman@rockportequity.com)
2023-07-31 - 4:31:27 PM GMT

 Document emailed to beth.smith@thehotelemma.com for signature
2023-07-31 - 4:33:36 PM GMT

 Email viewed by beth.smith@thehotelemma.com
2023-07-31 - 5:03:43 PM GMT

 Signer beth.smith@thehotelemma.com entered name at signing as Beth Smith
2023-07-31 - 5:04:44 PM GMT

 Document e-signed by Beth Smith (beth.smith@thehotelemma.com)
Signature Date: 2023-07-31 - 5:04:46 PM GMT - Time Source: server

 Agreement completed.
2023-07-31 - 5:04:46 PM GMT

ORDINANCE NO. _____

A ZONING ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE PHILANTHROPIC OR NON-PROFIT CLUB ON PROPERTY ZONED SINGLE FAMILY-A DISTRICT, AS AUTHORIZED BY SECTION 3-87(22) OF THE ZONING CODE.

WHEREAS, the Argyle Club located at 934 Patterson Avenue, Alamo Heights, Texas, has continuously been operated as a meeting, private club, and guest living quarters (“Argyle Hotel”) since the mid-1850’s, prior to the time of any zoning regulations of the City of Alamo Heights;

WHEREAS, Southwest Foundation for Research and Education, predecessor to Texas Biomedical Research Institute (“Texas Biomed”) was granted a variance and special exception in Case No. 134 from the Board of Adjustment of the City on July 6, 1955, and

WHEREAS, Texas Biomed renovated the historic mansion built in 1854, that once served as the site for meetings of the City Council and has provided a distinguished venue as a private club for philanthropy and community engagement in Alamo Heights with a mission to provide generous financial backing of Texas Biomed’s world-renowned research; and

WHEREAS, Texas Biomed leases the Property (as defined below) to The Argyle, a non-profit corporation organized pursuant to the laws of the State of Texas; and

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

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

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

WHEREAS, Texas Biomed has 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 consistent with its historic beginning and current operations, including, but not limited to:

- 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) (the preceding collectively being defined as the “Prior Entitlements”);

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”); and

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; and

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

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

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

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 current operations of The Argyle; and

WHEREAS, Texas Biomed submitted its application for an omnibus SUP on February 23, 2022; and

WHEREAS, the omnibus SUP application was duly considered by the Planning and Zoning Commission at a public hearing on _____, 2023, and after consideration, the Planning and Zoning Commission recommended that the Specific Use Permit requested by Texas Biomed be approved; and

WHEREAS, the City Council considered the recommendation of the Planning and Zoning Commission at a public hearing on _____, 2023, and after consideration of the application for the omnibus SUP, and after hearing comments from the public concerning the application, finds that approval of the application is in the public interest and is of the opinion that a SUP should be issued to Texas Biomedical Research Institute.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that TEXAS BIOMEDICAL RESEARCH INSTITUTE is granted a Specific Use Permit, pursuant to Section 3-87(22) of the Zoning Code, to operate a private philanthropic dinner club and place of entertainment at a location on the following property (the “Property”):

- 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");
- 804 Patterson ("the "804 Patterson Property").

all subject to the following conditions:

(A) Permitted Uses. The Property may be used for the following Permitted Uses: as a private philanthropic or non-profit club and ancillary uses relating to a private philanthropic or non-profit club, including, but not limited to, (i) dining for members and guests; (ii) catering and hosting of indoor and/or outdoor private functions; (iii) off-street parking of vehicles associated with such use; and (iv) five (5) guest units at 934 Patterson and five (5) guest units at the 804 Patterson Property for temporary overnight lodging for members and their guests.

(B) Prohibited Uses. The Property may not be used for trade shows, conventions or other functions open to the general public (except for educational or historical presentations sponsored by Texas Biomed or The Argyle). 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.

(C) Size and Frequency of Permitted Functions. In each calendar year, The Argyle is limited to the following size and frequency of functions (each a “Permitted Function”):

Daytime Functions

| Attendance* | Permitted in each year |
|---------------|------------------------|
| Less than 300 | No limit |
| 301-600 | 12 |
| 601-750 | 5 |

Evening Functions

| Attendance* | Permitted in each year |
|---------------|------------------------|
| Less than 300 | No limit |
| 301-600 | 12 |
| 601-900 | 8 |
| 901-1400 | 4 |

*These limitations shall not include *a la carte* dining in The Argyle by members and guests.

- In addition to the above, The Argyle may host “holiday” functions on Easter Day, Mother’s Day, Thanksgiving Day, and Christmas Eve, which are exempt from and not included in these limitations.
- Maximum occupancy for any Evening Permitted Function shall be 1400 (including both indoor and outdoor), and Daytime Permitted Function shall be 750 persons.

(D) Operational Requirements. The following requirements shall apply to The Argyle, and its vendors, suppliers, subcontractors, licensees, and or invitees:

- Parking requirements shall be determined from time to time by the City which may include requirements for off-site employee parking and restrictions on the locations of valet-parked cars. The Argyle shall provide complimentary valet parking during all hours it is open for Permitted Functions.
- Security and traffic control shall be as determined by the City.
- All lighting shall be directional to minimize spillover to adjoining properties.
- Tents are permitted in the outside areas of The Argyle.
- No outside activities, music, food or bar service may occur after 12:00 midnight, and all guests must depart before 1:00 a.m. No amplified music is permitted outside; provided, however, a PA system is permitted for speaking.

(E) Future Expansion. Future expansion of the footprint of The Argyle is limited to the Tennis Court and 804 Patterson Properties. The Tennis Court Property may be used only for off-street parking. The 804 Patterson Property may be used for a Permitted Use including parking, meeting rooms, office, guest suites, storage, prep areas; provided no such use shall increase the maximum occupancy and frequency limits referenced above.

(F) North Addition. The North Addition may be constructed in substantial compliance with plans submitted to the City, and is further subject to all applicable building codes and the requirements of this omnibus SUP. A rear setback line of ten feet (10') is established on the portion of the Property adjoining Olmos Dam Drive.

(G) Prior Ordinances. This SUP supersedes and replaces the Prior Entitlements.

Be It Further Resolved: That the special uses and variances herein granted shall be valid for as long a period of time as the Property is owned by Texas Biomed, or some other philanthropic or non-profit organization, and is used as a private club substantially consistent with the special conditions herein.