



A LINE IN THE SAND

Conflict over plans for the largest remaining tract on **Galveston's** West End raises an issue: Do we assume an implicit social contract when we buy a home?



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rior to the mid 1970s, Galvestonians thought of the western two-thirds of their 27-mile-long island as “the country.” If you had a little extra money and you liked to hunt or fish, you bought a lot on the bay side and built a camp—a simple frame structure on stilts, with one main room and a couple of little bedrooms, plus a dock and maybe a duck blind. If you preferred splashing in the surf, you purchased a plot in one of the modest subdivisions on the beach and erected something similar, minus the dock or blind and plus a porch and deck.

Galveston native Jack Torregrossa’s grandfather bought his family’s camp on Sportsman Road in 1925. Until a few years ago, it was the focus of family life on weekends. “For years, it was obligatory that you were down there on Sundays,” Torregrossa said. “It didn’t matter what else you had to do.”

Then, starting in the 1980s, the strip of land, 50 yards wide at most, between West Galveston Bay and a marsh where shy clapper rails hid in the sawgrass,

began to attract full-time residents. The local lawyers and business owners who buy camps now knock them down and erect 4,000-square-foot houses.

“I wish I could bring my grandfather back and show him what’s happened,” Torregrossa mused. “He wouldn’t have believed it even in his wildest dreams. But he always said, ‘You can’t stop change.’”

Over on the beach side and along the bay farther

west, the change started in the 1970s, when independent oilman George Mitchell, one of the island’s richest native sons, began Galveston’s first master-planned community, Pirates’ Beach & Cove. From the beginning, it was to Houston what the Hamptons were to New York City: a weekend retreat a little over an hour from the upscale precincts of River Oaks and Tanglewood. Legendary plaintiff’s lawyer Joe Jamail built a house there. Late Enron chief Ken Lay built two. By the 2000 census, the West End’s 77554 zip code contained 7,374 households but only 8,056 permanent residents. Except for Spring Break and the three peak summer vacation months, most of the houses stood empty during the week.

During the past two decades, cow pastures have given way increasingly to pricey vacation homes, all the way to the island’s western extreme, San Luis Pass. Despite the threat of storm surges and beach erosion, the houses have gotten bigger and more expensive. The Houston Association of Realtors website currently lists 25 houses in 77554 priced above \$1 million, several larger than 5,000 square feet. As the early homebuyers have eased into retirement and the University of Texas Medical Branch, anchored on the island’s East End, has recruited faculty from cities where a 25-minute commute seems short, many more people are making these resort communities their permanent addresses.

“How do you not live by the water if you can?” asked UTMB rheumatologist Terry McNearney, who bought her home in Pirates’ Beach in 1996 and serves on the board of the property owners’ association. “I looked near the university; I looked at some of the subdivisions closer in; but I realized that here I could walk on the beach. I could see the stars.” In addition to the written contract of sale, people tend to assume unconsciously that there’s a social contract in force when they buy a house: For instance, the now-safe neighborhood will remain safe. If there’s more development, it will look and feel like what’s here now.

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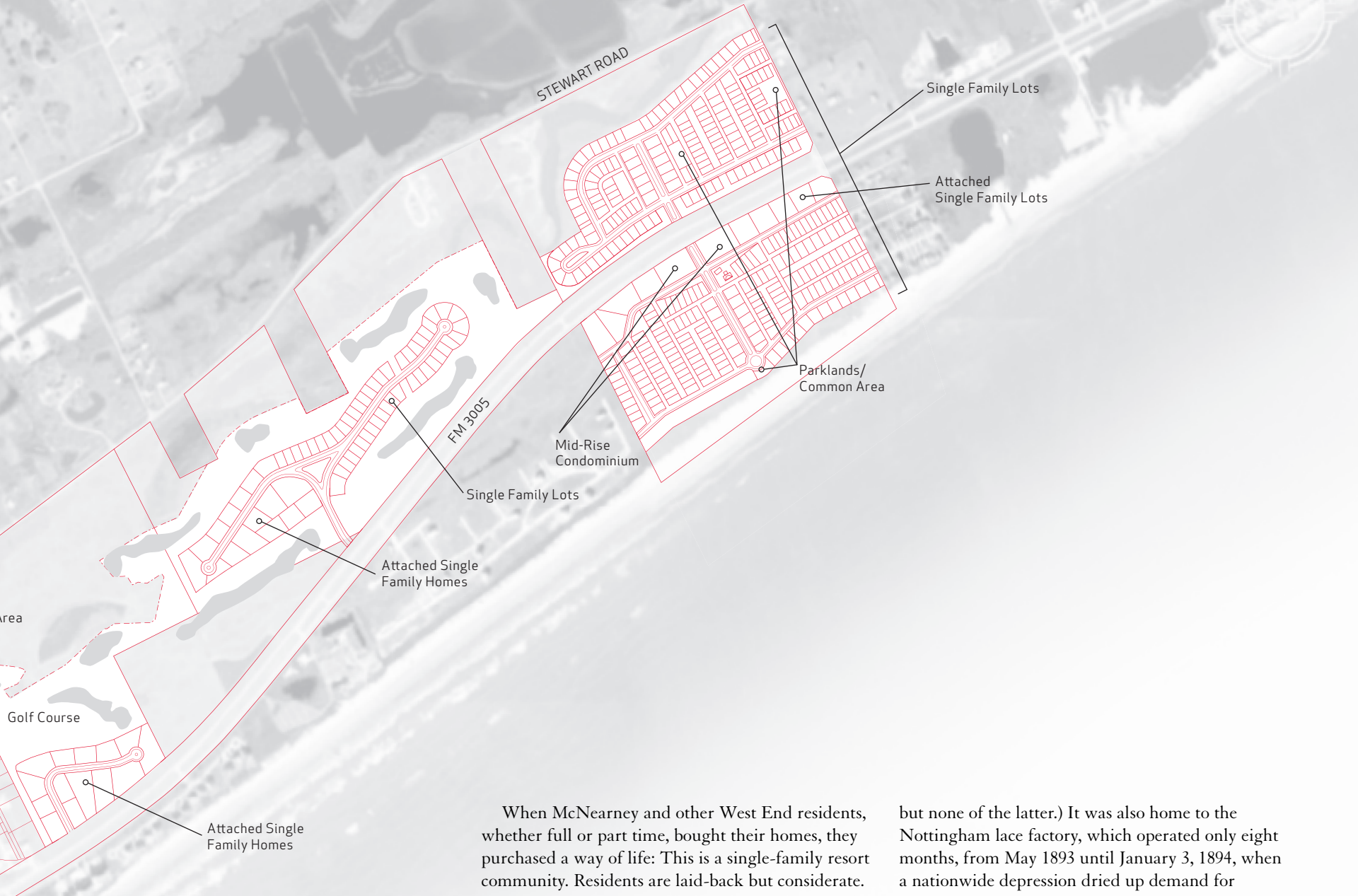


Single Family Lots	1,064
Attached Single Family Units	1,104
Tall Building / Mid-Rise Condo Units	1,329

Common Area / Parklands	58.01 Acres
Preserve Area	360.79 Acres
Golf Course / Fairway	203.95 Acres
Commercial Property	6.08 Acres

Total Residential Units	3,497
Total Site Area	1,058.26 Acres
Gross Site Density	3.3 D.U./Acres
Total Open Space	418.80 Acres - 39.57%

**MARQUETTE LAND
INVESTORS' PROPOSAL
FOR THE PRESERVE AT
WEST BEACH, MAY 2007**



When McNearney and other West End residents, whether full or part time, bought their homes, they purchased a way of life: This is a single-family resort community. Residents are laid-back but considerate. There's an annual Easter egg hunt and a Fourth of July parade. Neighbors get together for Six-ish, a Friday tradition (timed to accommodate weekend residents) of gathering at someone's house for BYOB drinks, appetizers, and conversation.

Lately, that conversation has often turned to a controversial topic. As the real estate boom crested in 2006, Chicago-based Marquette Land Investors, utilizing a combination of private syndication and debt, paid the Chapoton family \$33 million for their ranch. The 25-year-old company hitherto had focused on moderate-scale commercial, mixed-use, and residential projects in the Midwest, venturing no farther from home than Dearborn, Michigan. But Marquette was stepping out into new territory, planning to transform 1,053 acres of the former Chapoton Ranch, extending in a dogleg from 8 Mile Road to 11 Mile Road and from the beaches of the Gulf of Mexico to the marshy islands of Galveston Bay, into a resort development featuring 4,000 single-family homes and condos, a marina, an 18-hole designer golf course and a 15-story hotel.

In addition to its diverse blend of wetlands, upland, and pasture environments, the Chapoton tract is rich in history and lore. The site of at least one Karankawa village, it includes the grove of oaks where pirate Jean Lafitte is rumored to have buried a third of his treasure. (Archeologists and treasure hunters have found ample evidence of the former,

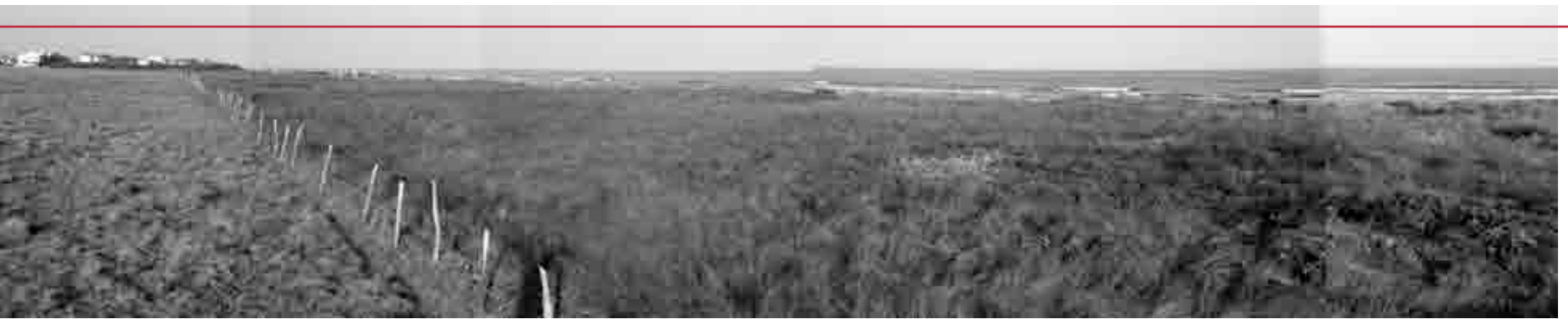
but none of the latter.) It was also home to the Nottingham lace factory, which operated only eight months, from May 1893 until January 3, 1894, when a nationwide depression dried up demand for luxury goods.

Considering that Marquette Land Investments has a total 8,000 acres under its control and gross annual revenues of \$85 million, the Preserve at West Beach, as it has called the Galveston project, represents a hefty portion of its portfolio. The company uses the Preserve as the only example posted on its website under a tab flagged "Opportunistic Land."

"From time to time the acquisitions team comes across land opportunities in remarkable locations where the company is willing to take additional risk because there exists an opportunity for greater returns," the Web site states boldly. "Recently the MLI team completed the rezoning and entitlements for a 1,000-acre tract on Galveston Island in the State of Texas. The MLI team worked with many of the regulatory agencies (i.e. U.S. Fish & Wildlife), environmental groups, and several municipal representatives to address environmental concerns as well as taking into account concerns from neighbors and the City in the creation of the special ocean front development. The result is the Preserve at West Beach, where over half the property was set aside as open space resulting in a 4,000-unit approval including Hotel/Resort, high-rise condominium, mid-rise condominium, golf course, [and] ocean front lots as well as some small boutique style retail."

"Rezoning" is the most significant word in the above paragraph. As the name Marquette Land

TO SOME GALVESTONIANS,



Investors implies, the company is acting as a packager of the property. It won't be building the houses, condos, and hotel itself. Instead, it is seeking developers to take on each of nine parcels. To attract them, MLI wanted to offer the enticement of the least restrictive category of zoning: "recreational use," rather than the prior "single family." The company won that concession officially at a meeting of the Galveston City Council last November 29. Billed as an opportunity for Marquette and its supporters to present their case to the council and for opponents to present theirs, the meeting officially started at 3 p.m. and didn't end until almost 12 hours later. It packed the council chambers and two overflow rooms.

Bill Broussard, a Galveston attorney and member of the Beach to Bay Preserve, an association of West End homeowners opposed to the project, told the council: "When we bought our property, when we engaged with you, we formed a social bond of trust with City Hall that said, 'We have what we paid for.'"

Bob Moore, a 75-year-old environmental attorney, urged the council in the strongest terms not to sign the zoning-change agreement. Later, he explained that the Chapoton Ranch had enormous archeological, historical, and spiritual significance. Cutting across it, and standing in the path of Marquette's proposed marina, is a 15-foot-high ridge, the highest natural point on the island. This, Moore said, was the site of the seasonal village where indigenous Karankawas brought shipwrecked Spanish conquistador Alvar Núñez Cabeza de Vaca in 1528 and nursed him back to health, demonstrating compassion and altruism. Native American skeletons had been discovered here, along with flutes made from

whooping crane femurs and carved with symbols suggesting belief in an afterlife.

"This place is absolutely sacred," Moore said. "It's a spiritual context. The grass and birds and water all help us experience the wonder of it."

Beach to Bay Preserve had collected 1,329 signatures for the November 29 meeting, but it was clear that the City Council was there to approve, rather than to gather input. Marquette partner Darren Sloniger presented a PowerPoint presentation featuring brown pelicans and views across marshes at sunset. Limited to statements of five minutes apiece, members of Beach to Bay compared the Chapoton tract to the Mona Lisa; described the destructive impact of more boats, more cars, and more people on the wetlands essential to both wildlife and the shrimp industry; and argued that dense development would destroy the West End's appeal as an ecotourism destination. But as members of the city council, including West End representative Dianna Puccetti, read prepared statements, it was clear they had made up their minds well in advance of the meeting. Feeling discounted and numb with fatigue, members of the Beach to Bay contingent vowed to replace the mayor and council members in the coming election. (However, Mayor Lyda Ann Thomas is running unopposed.)

In an editorial the following Sunday, Heber Taylor, editor of the *Galveston County Daily News*, called the council's decision to grant the rezoning "courageous and decisive."

To some Galvestonians, the Marquette project represents the best development bargain the island was likely to cut. More than 650 acres would be green space. Granted, much of that was wetlands and thus off limits for development anyhow, but no

one thought the cattle pastures would stay that way. Besides, the City of Galveston was desperate to expand its tax base, which had eroded as middle-income residents had deserted the island for new subdivisions on the mainland offering more square footage for the dollar and schools they perceived as superior.

Martin Baker, senior resident director for Merrill Lynch of Galveston County, is among the West Enders who favor the Marquette project. He even considers the company's lack of experience with anything of its scale a plus. "This is their first land development of any size, so they've had to bring in some pretty good experts," he said.

For the past three decades, Baker and his wife have lived at Pirates'. The three verandahs on his handsome house in a subdivision called Lafitte's Cove face Eckert's Bayou; the side of the house fronts on a nature preserve. President of the Pirates' Property Owners Association, Baker is also a member of the Lafitte's Cove Nature Society. In 2001, he helped draft a comprehensive plan for the West End. At the time, there were still several large parcels of land in agricultural use. The priority was to see that when they were developed, it would be in a way that would preserve rapidly vanishing green space. "We came to a balance of protecting the environment and guiding responsible development," he explained.

Marquette's project fit the comprehensive plan, Baker asserted. Even its most controversial features—the 15-story hotel and the mid-rise condominiums—complied. "They needed high-rise density in order to make the economics work on the beach side," Baker said.

Indeed, high-rise development has venerable

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green credentials. Paolo Soleri, the visionary Arizona architect who coined the term “arcology” for the intersection of architecture and ecology, argued that the most eco-friendly way to house people was in dense high-rises surrounded by untouched natural landscape. As Arcosanti, his prototype community between Phoenix and Sedona, Arizona, demonstrates, residents wouldn’t need cars, they’d have easy access to green space and they would leave a minimal footprint on the earth.

But a barrier island, with limited land even for expanding roads and other infrastructure, is different from Arizona’s expansive high desert. For many of the people who invested so heavily, emotionally as well as financially, in the chance to live the beach community lifestyle, in harmony with nature and with their neighbors, the idea of adding 4,000 residential units is a direct threat to their quality of life.

“I don’t expect that it will stay cow pasture, but what Marquette is doing is over the top,” Terry McNearney declared. “I feel like we have a contract with the city that our lives shouldn’t get a whole lot worse because some developer wants to come in and make a billion dollars that they’re going to cart off the island.”

Four-lane FM 3005, the single road running the length of Galveston Island, is already jammed on summer and holiday weekends and beginning to slow with commuters during weekdays. The plan for the Preserve features dense development on both sides of the road at the eastern end of the project, forming an inevitable bottleneck.

Opponents point out that the demand on city services—everything from police protection to water pressure to fight fires—could be overwhelming. The traffic and the noise resulting from another

4,000 households and hundreds of hotel guests could transform the West End from a barefoot beach haven into a bustling suburb. And those high-rises and mid-rises will forever transform the view.

“When I drive home from work and get to the end of 8 Mile Road and see those open fields, it’s so peaceful,” said Alice Anne O’Donell, a UTMB family practice doctor who bought 10 acres on Eckert’s Bayou and transformed it into a small farm with citrus trees, live oaks, and native plants that attract the birds she loves to watch. So far, she’s counted 201 species of birds on her land. Although it’s only a year old, her 1,500-square-foot house designed by Galveston architect Bob Randall looks like it’s been there 50 years. Working with Randall, Chula Ross Sanchez chose the exterior colors by cutting and stripping a branch of the salt cedar that lines the bayou shore.

“I expected the development around me to be what was over there,” O’Donell explained, pointing across to the Bakers’ house and its neighbors. “And behind me, I expected there to be some houses. But when the Marquette development goes in, I’ll look across the foot of the bayou and see that high-rise hotel and solid houses all the way to the beach. All of us who live here will see it all the time. And it won’t be so much what we will see as what we won’t. We won’t see the cows and the mottled ducks and the sandhill cranes.”

O’Donell’s view of the bay, however, is protected. Bob Moore owns the property to the north, and beyond that is the 31-acre island that Pirates’ Beach & Cove’s current developer Jeff Blackard donated as the Robert M. “Bob” Moore Wildlife Sanctuary to the Galveston Bay Foundation and the Cabeza de Vaca Center. Established by Moore as a nonprofit in 1996,

the center promotes ecumenical understanding, as well as an appreciation of the wetlands as “the cradle of life.”

After almost two decades as a production manager for Broadway road shows, Bryan French retired in 2004, married a Galveston marine artist, moved to Pirates’ Beach and opened a landscape business. He and his wife, Jane, serve on the Galveston Nature Tourism Council.

“As a habitat for migrating birds, we’re sitting on a treasure here,” he declared. Ecotourism could bring substantial wealth to the island, but because there are no big players in the field, even when they combine forces, nature tourism entrepreneurs don’t have the clout of a Marquette.

“We live in a capitalistic world,” French said. “And by and large, it serves society well. But when the rules aren’t enforced equally, then society suffers.”

If the Army Corps of Engineers would consider the impact on the island as a whole when it granted approvals to developments, French explained, the resultant rulings would protect much of the land. Instead, the Corps considered each development piecemeal, rather than looking at the potential overall impact. How will hundreds more outboards effect the water quality? How will the exhaust of 2,000 more cars and the smoke from 2,000 more barbecue grills impact the air?

With Marquette’s opponents preparing to continue the fight by suing the Army Corps of Engineers to block the development based on environmental and archeological concerns, the issues of what constitutes sacred ground, and of the interlocking responsibilities of the public and private sectors, promise to play out for months to come. ❧