



Legislation Details (With Text)

File #: Ord. 2019-04 **Version:** 1 **Name:**
Type: Action Item **Status:** Individual Consideration
File created: 11/28/2018 **In control:** City Council
On agenda: 1/29/2019 **Final action:**
Title: Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-04, amending section 4.5.2.1(b)(2) of the City's Development Code to establish the Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a Local Historic Landmark; and including procedural provisions; and consider approval of Ordinance 2019-04, on the first of two readings.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. ZC-18-20 Council Cover Memo, 3. ZC-18-20 Notification Map, 4. ZC-18-20 Property Owner List, 5. ZC-18-20 Aerial Map, 6. ZC-18-20 Staff Report, 7. ZC-18-20 Zoning Map, 8. ZC-18-20 National Register of Historic Places Nomination Form - 1985, 9. ZC-18-20 Approved Minutes from 10.4.18 HPC Meeting, 10. ZC-18-20 Staff Visit Photos, 11. ZC-18-20 Letter Received in Opposition, 12. ZC-18-20 Letters Received in Favor, 13. ZC-18-20 Presentation

Date	Ver.	Action By	Action	Result
1/29/2019	1	City Council	approved	
1/29/2019	1	City Council	postponed	Pass

AGENDA CAPTION:

Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-04, amending section 4.5.2.1(b)(2) of the City's Development Code to establish the Thompson/Cape Dam and Ditch Engineering Structure near the intersection of Cape Road and the San Marcos River as a Local Historic Landmark; and including procedural provisions; and consider approval of Ordinance 2019-04, on the first of two readings.

Meeting date: January 29, 2019

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative:

N/A

Comprehensive Plan Element (s):

- ☐ Economic Development
- ☐ Environment & Resource Protection
- ☐ Land Use
- ☐ Neighborhoods & Housing
- ☐ Parks, Public Spaces & Facilities
- ☐ Transportation
- ☒ Not Applicable

Master Plan:

N/A

Background Information:

In 1985, the property determined eligible for listing on the National Register of Historic Places (NRHP) under Criterion A for its significance to commerce and Criterion C for its engineering and design. The nomination form states that the Thompson/Cape Dam and Ditch Engineering Structure was constructed in 1867 to divert water from the San Marcos River to a manmade ditch in order to utilize water power from the river. According to the form the site consists of three components: the dam, the ditch, and the wheel pit and machinery platform. According to the nomination form, water power channeled by the dam and ditch was utilized between 1850 and 1942 to turn a waterwheel, later a turbine, to run a grist mill, a sawmill, a shingle machine and a cotton gin.

William Alexander Thompson was a planter in Mississippi and Louisiana before settling in Texas in 1850. He decided to build a mill along the San Marcos River and struck an agreement with John Francis McGehee to construct the dam at this location. He became the landowner in 1867 and reconstructed the original dam at this time. The dam, mill, and surrounding property remained in the Thompson family until 1909 when John Matthew Cape purchased it. With Cape's ownership, the entire machinery plat was rebuilt with extensive improvements to the ditch. The water wheel was removed and a new wheel pit was constructed to house two turbines. This new complex was known as the Cape Gin Company with the ditch known as the Cape Gin Company Canal. Cape's Gin was converted to electrical power in 1942 which is when the dam, ditch and turbines fell into disuse. Many structures and machines once associated with the waterwheel or turbine are no longer present. The nomination form states that the dam, ditch, and wheel pit/machinery platform are the only structures over 50 years old that remain from the Thompson and Cape eras.

The property does have a Texas trinomial number associated with it, 41HY164. A trinomial means that an archeological site has been previously identified and there may have been a recommendation of eligibility, either as a State Antiquities Landmark (SAL) or National Register of Historic Place (NRHP), made by whoever inventoried the site. Staff reached out to Elizabeth Porterfield, Senior Architectural Historian with Hicks &

Company, the consultants conducting My Historic SMTX. Their Senior Archeologist was able to confirm using the trinomial that the site is NRHP-listed as a district (as an archeological site). Because it's an archeological site, its address is restricted in the Texas Historical Commission (THC) Atlas (only archeologists can access this portion of the Atlas). Due to this listing, if a project were to be undertaken that would impact or involve property within the district boundary, it would require coordination with the THC and likely the US Army Corps of Engineers.

Council Committee, Board/Commission Action:

The Historic Preservation Commission recommended **approval** of the request to designate the property as a local historic landmark with a vote 4-2 at the October 4th Regular Meeting. Commissioners Holder and Arlinghaus dissented.

The Planning and Zoning Commission recommended **denial** of the request to designate the property as a local historic landmark with a vote 5-4 at the November 27th Regular Meeting. Commissioners Garber, Gleason, Dillon and McCarty dissented.

Because the Planning and Zoning Commission recommended denial of the request, the affirmative vote of six councilmembers will be required to approve the request.

Alternatives:

Recommendation:

Staff recommends **approval** of the request as it meets the criteria of Section 2.5.4.5.