

ZONING CHANGE REVIEW SHEET

CASE: C14H-2007-0244 – Keller Zoning
and McKinney's Mill Historic Site

Z.A.P. DATE: February 19, 2008
June 3, 2008
June 17, 2008
July 1, 2008

H.L.C. DATE: May 19, 2008

ADDRESS: 2935 East SH 71 Westbound; 2901, 2903 and 2905 Ellon Road; and 2936 Terry Lane

OWNER: Keller Family Investments, Ltd. &
Paul Keller Investments, Ltd.
(Kerry A. Keller)

AGENT: Carlson, Brigrance & Doering,
Inc. (Doug Rummel)

ZONING FROM: I-RR; I-SF-2

TO: CS

AREA: 17.248 acres

AMENDED AREA: 23.440 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning for Tracts 1 and 2, with the Conditional Overlay prohibiting vehicle storage use, limiting the number of daily trips to 2,999 and prohibiting motor vehicle access to Ellon Road. The Staff recommendation is to grant general commercial services-historic landmark (CS-H) combining district zoning for Tract 3.

If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the existing centerline of State Highway 71 in accordance with the Transportation Plan.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

February 19, 2008: *THE COMMISSION AND THE APPLICANT JOINTLY AGREED TO AN INDEFINITE POSTPONEMENT.*

[C. HAMMOND; J. SHIEH] (5-0) K. JACKSON – ARRIVED LATE; J. MARTINEZ, T. RABAGO – ABSENT

June 3, 2008: *MEETING CANCELLED DUE TO AGENDA POSTING ERROR*

June 17, 2008: *ITEM PULLED FROM THE AGENDA DUE TO NOTIFICATION ERROR*

July 1, 2008: *APPROVED CS-CO DISTRICT ZONING FOR TRACTS 1 AND 2 AND CS-H DISTRICT ZONING FOR TRACT 3, WITH CONDITIONS AS STAFF RECOMMENDED.*

[B. BAKER, T. RABAGO – 2ND](6-0) J. MARTINEZ, K. JACKSON – ABSENT

ISSUES:

The Applicants are in agreement with the recommendations of the Staff and the Historic Landmark Commission.

On May 19, 2008, the Historic Landmark Commission voted to recommend CS-H combining district zoning for Tract 3. Please refer to the related case report prepared for the Historic Landmark Commission.

On Tuesday, April 8, 2008, the Applicants, the Agents, the Chair of the Zoning and Platting Commission, the Zoning case manager and the City's Historic Preservation Officer visited the property, in particular the ruins of Thomas F. McKinney's first mill site in Travis County, a dam, and a sluice channel. Following discussions with the Chair and City Staff, the Applicants agreed to amend their request to include additional property area which consists of one undeveloped lot at the corner of Terry Lane and East SH 71, three undeveloped lots on Ellon Road and an unplatted tract. The mill site, dam and sluice channel are contained within the boundaries of Tract 3 (2.24 acres in size) and include a 50-foot buffer area around these areas. According to City information, nearly all of Tract 3 is within the 100-year floodplain. Given the sensitivity of the historic area, Staff is recommending that motor vehicle access from Ellon Road be prohibited.

As of May 2008, there is an active red tag on the property for exceeding the defined limits of the site plan exemption. Although Watershed Protection and Development Review Staff state that they do not object to processing of the zoning application for this property, the red tag and the fiscal posting will remain in place until the native vegetation required on the restoration plan has full coverage per the standards in the Environmental Criteria Manual. Although winter rye has been planted, it is a temporary measure to serve as erosion control until the native seeds germinate to provide permanent vegetative coverage. A final inspection for compliance will be required prior to release of the red tag and fiscal. In addition, no site plan approval for any other development will be issued until the red tag is released.

On February 28, 2008, City Council approved an ordinance that adjusts the Colorado River buffers. The goals of the Code Amendment are to protect the physical and ecological integrity of the River, and preserve its recreational and economic value. The regulatory improvements would establish the Critical Water Quality Zone (CWQZ) starting point of buffer at the river's ordinary high water mark, rather than the stream centerline. The width of the CWQZ would be between 200 and 400 feet on land, depending on the 100-year flood plain. The buffers will be applied at the time of site plan.

DEPARTMENT COMMENTS:

The subject property contains a vacant concrete batch plant, undeveloped land and the ruins of the Thomas F. McKinney's first mill in Travis County, a dam, and a sluice channel. Interim— rural residence (I-RR) and interim – single family residence – standard lot districts were applied to the property upon its annexation into the City limits in September 2001. The

property is located at the corner of State Highway 71 East and Terry Lane, extends to the banks of the Colorado River and east to Ellon Road. There are apartments, single family residence and an auto repair use on Terry Lane to the east (I-SF-2), and the U.S. Post Office, a manufactured home park (I-SF-2) and a convenience storage facility (CS-CO) on the west. The property also lies within Airport Overlay Zone – 3 (also known as the ½ mile buffer zone) which does not allow for new residential development to occur outside of recorded final plats, municipal utility district boundaries or neighborhood plan combining district boundaries. Commercial and industrial uses are permitted in the AO-3 Zone. Please refer to Exhibits A and A-1.

The Applicant has requested general commercial services (CS) district zoning in order to redevelop the property with unspecified commercial uses. Staff recommends CS-CO zoning for Tracts 1 and 2 given that the property has access to a major arterial roadway with the Conditional Overlay prohibiting vehicle storage in the context of its location across from the Airport which is considered a gateway to the City; 2) is consistent with the surrounding commercial properties, general land use character and uses permitted within Airport Overlay Zone – 3; and 3) a maximum of 2,999 daily vehicle trips will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections, and prohibiting access from Tract 2 to Ellon Road. The Staff is also recommending that the Applicant reserve additional right-of-way along SH 71 East, consistent with TXDOT's identified long term needs, to be accomplished by way of Restrictive Covenant.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR; I-SF-2	Vacant concrete batch plant; Undeveloped; Historic dam, remains of mill house and sluice channel, known as McKinney's Mill
<i>North</i>	N/A	Colorado River
<i>South</i>	AV	Austin-Bergstrom International Airport
<i>East</i>	SF-2; CS-CO	Apartments; Single family residences; Three undeveloped lots; Auto repair business; Construction sales and services
<i>West</i>	I-RR; CS-CO	Del Valle Post Office; Roofing company; Convenience storage; Auto repair business; Manufactured home park

AREA STUDY: N/A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: Yes, SH 71

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

750 – Del Valle Association

774 – Del Valle Independent School District

786 – Home Builders Association of Greater Austin

1005 – Elroy Preservation Association

1037 – Homeless Neighborhood Organization

SCHOOLS:

This property is located in the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-2008-0039 – Airport Self Storage	I-RR to CS	To Grant CS-CO	Approved CS-CO with the CO for a max. of 300 trips (5-8-08).
C14-05-0017 – Highway 71	I-SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (4-7-05).
C14-04-0011 – Frenchville	I-SF-2 to CS	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (3-11-04).
C14-01-0186 – State Highway 71 East 3039	I-SF-2; RR to LI	To Grant CS-CO	Approved CS-CO with CO for a list of prohibited uses (5-16-02).
C14-00-2060 – Stamey Zoning	RR to GR	To Grant GR-CO	Approved GR-CO with CO for trips (6-1-00).

RELATED CASES:

A previous zoning application for the CS district was filed in 2006, but expired (C14-06-0125 – Paul Keller Investments, Ltd.). Tract 1 includes Lot 23 of Glenbrook Addition Section One recorded in May 1948 (C8-1948-1877), and Tract 2 is platted as Lots 17, 18 and 19 of Glenbrook Addition, Section Two, recorded in March 1949 (C8I-1949-05.066). Please refer to Exhibit B.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Bicycle Plan	Sidewalks	Capital Metro
Highway 71/Bastrop Highway	275 feet	120 feet	Major Arterial Divided -4 lanes	No	No	Yes

COUNCIL DATE: June 18, 2008

ACTION: Item pulled from the agenda due to notification error.

July 24, 2008

ORDINANCE READINGS: 1st

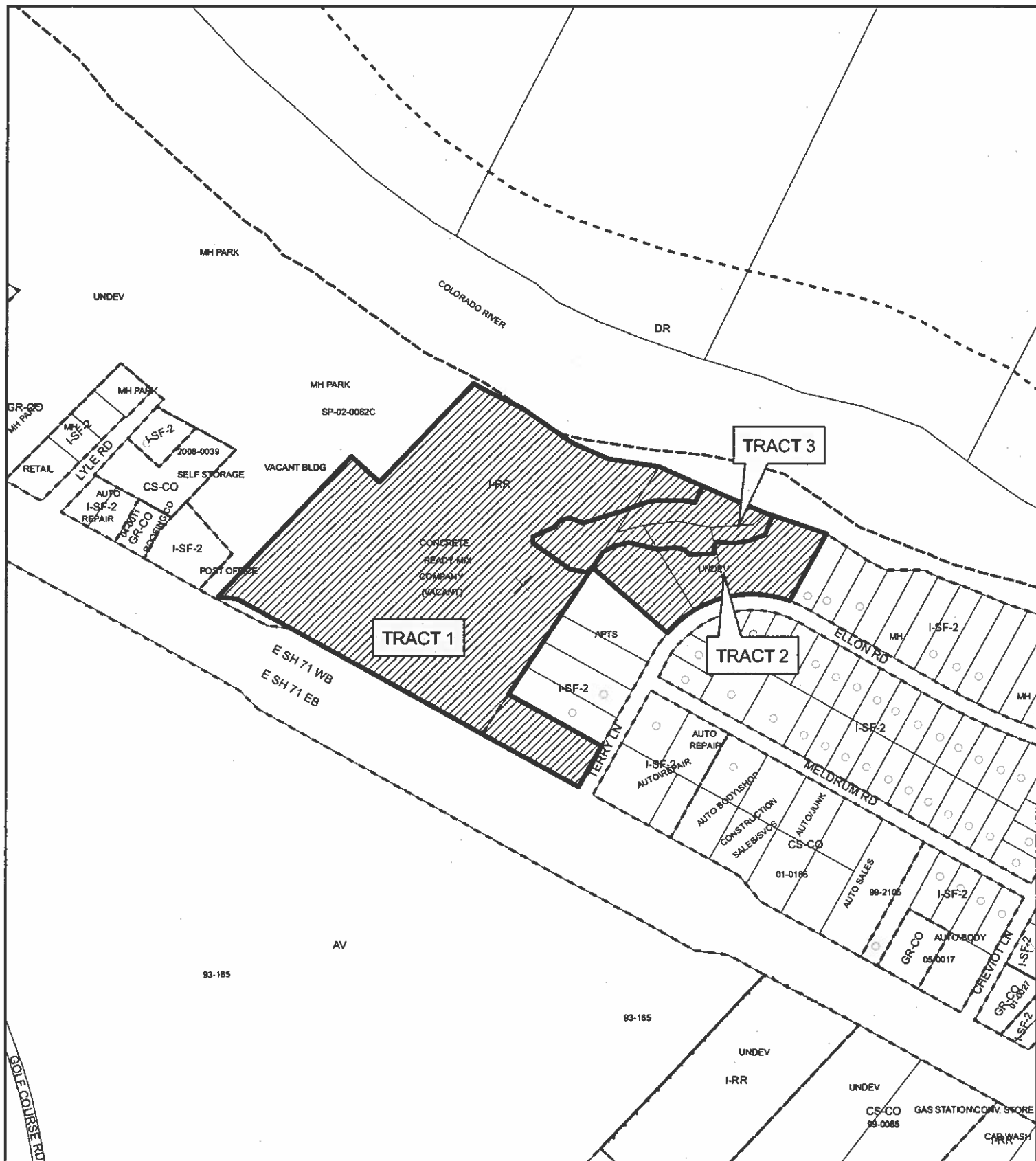
2nd

3rd




ORDINANCE NUMBER:

CASE MANAGER: Wendy Rhoades
e-mail: wendy.rhoades@ci.austin.tx.us

PHONE: 974-7719



1" = 400'

-  SUBJECT TRACT
-  ZONING BOUNDARY
-  PENDING CASE

OPERATOR: S. MEEKS

ZONING

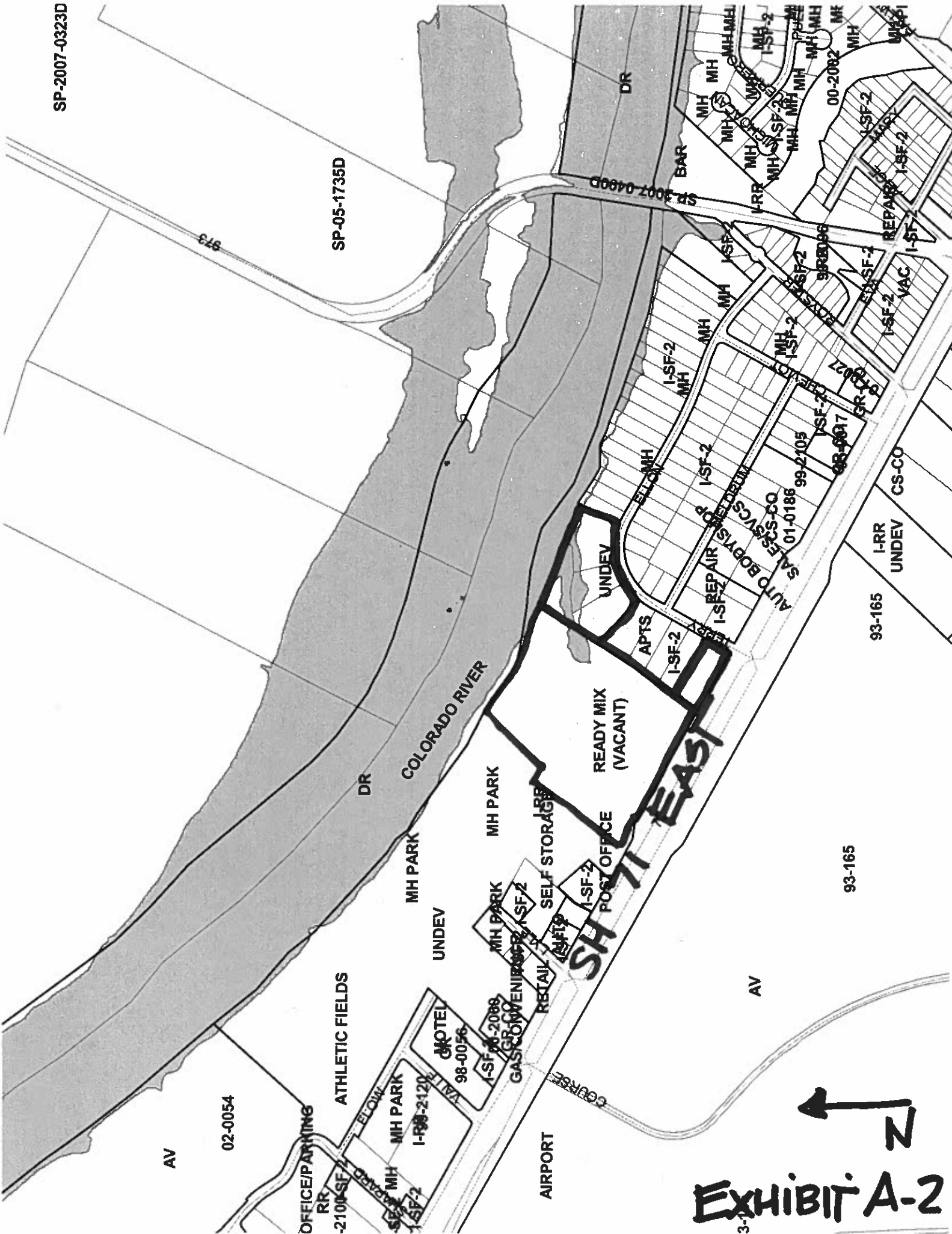
ZONING CASE#: C14-2007-0244
 ADDRESS: 2935 E SH 71 WB; 2901, 2903 & 2905 ELLON RD; 2936 TERRY LANE
 SUBJECT AREA: 23.440 ACRES
 GRID: N17 & P17
 MANAGER: W. RHOADES

EXHIBIT A

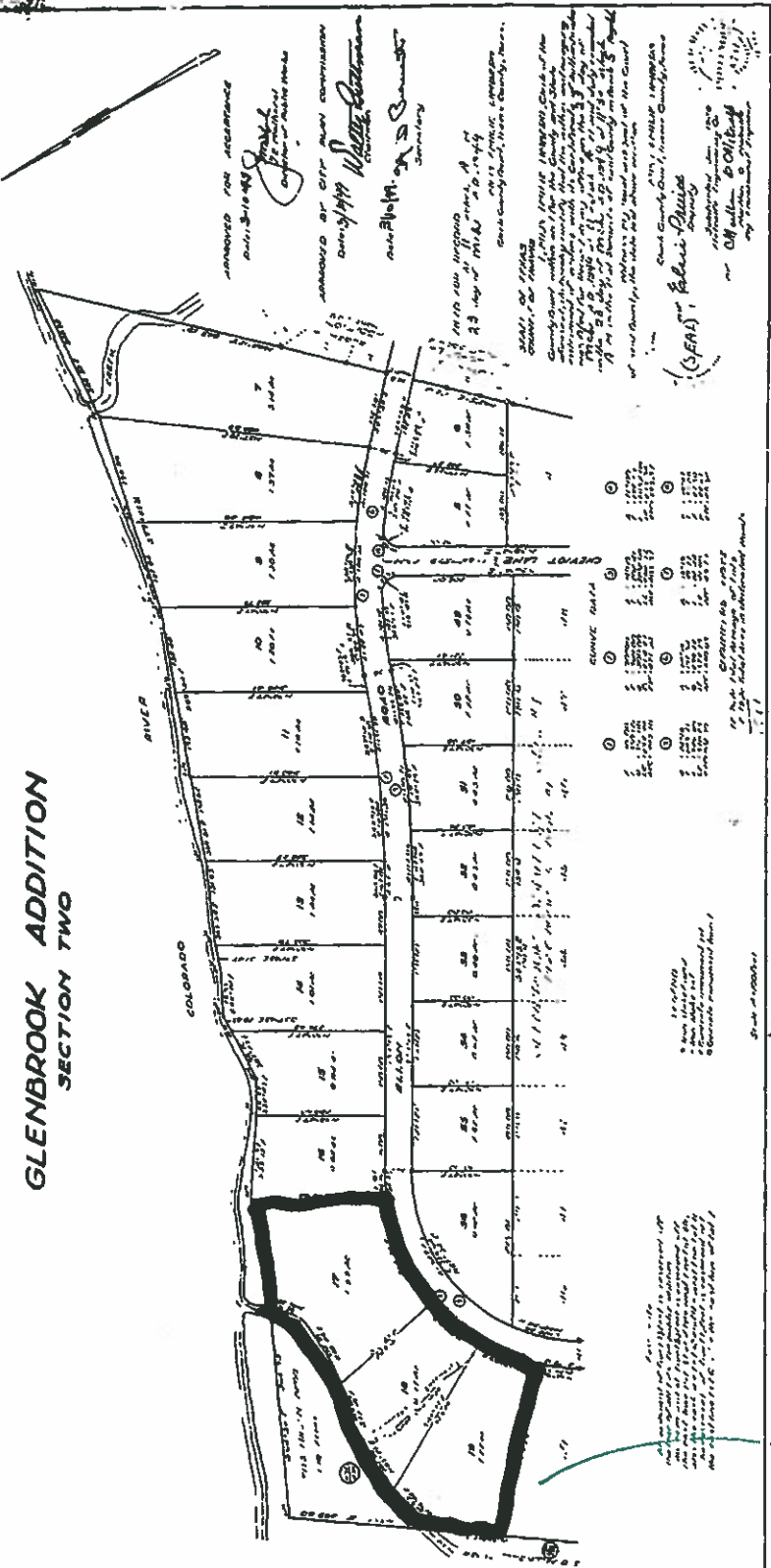


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 No warranty is made by the City of Austin regarding specific accuracy or completeness.





GLENBROOK ADDITION
SECTION TWO



STATE OF TEXAS
COUNTY OF HARRIS
I, the undersigned, being a duly qualified surveyor in and for the County of Harris, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records, and that the same has been compared with the original survey and found to be correct.

Witness my hand and seal of office this 1st day of March, 1904.

John G. Hubert
Surveyor

APPROVED FOR RECORDANCE
APPROVED BY CITY PLANNING COMMISSION
APPROVED BY CITY PLANNING COMMISSION
APPROVED BY CITY PLANNING COMMISSION

PLAN 6564

For instructions see Vol. 1221 pp. 143, 144 West Records.
Embley, Fleming Co. La.

ZONING
AREA

EXHIBIT B
RECORDED
PLAT

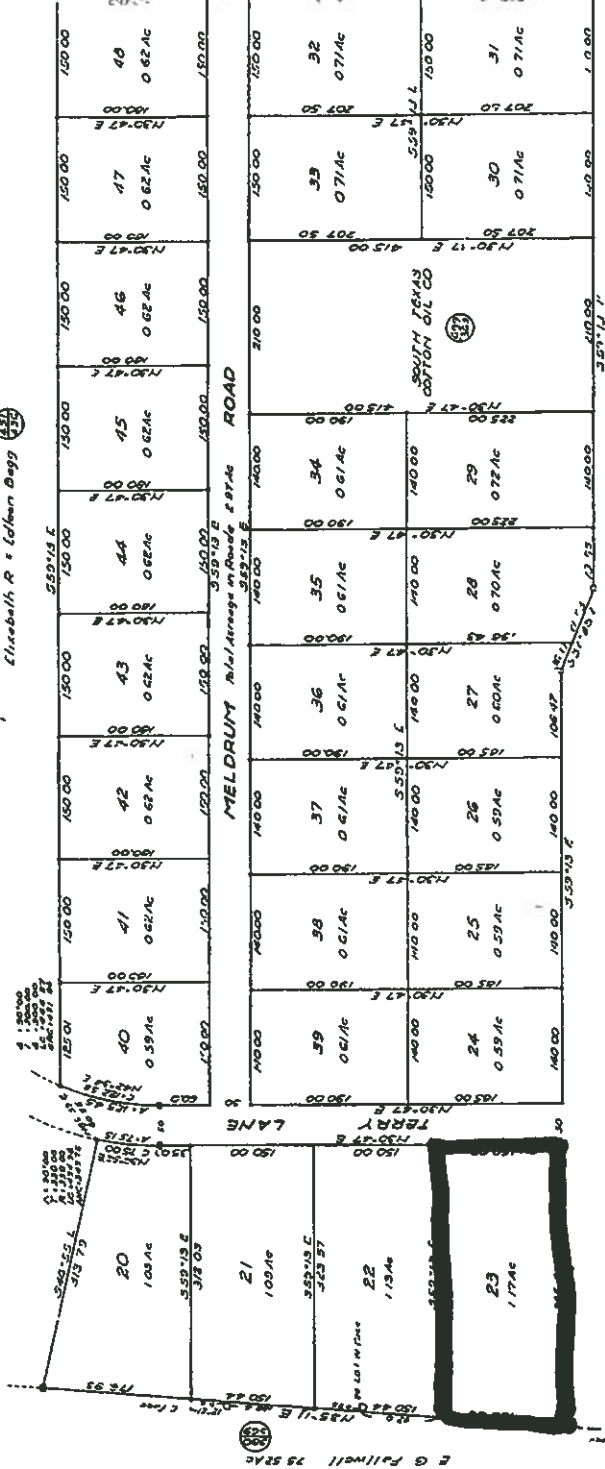
For Instructions in Vol 1572, Page 338, GLENBROOK ADDITION SECTION ONE

THE STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS That Mr. Elizabeth P. Begg and Edman Begg, joint owners of that certain tract of land of 32 24 acres out of the 5 1/4 acre De Valle Grant, in Travis County, Texas, do hereby certify that the following is a true and correct copy of the plat of the subdivision of said tract into 29 lots, numbered 1 to 29 and 30 to 48 inclusive, and we have delivered and do hereby deliver to the public the same as shown on said map or plat, subject to the easements shown thereon.

And we do hereby designate such subdivision as GLENBROOK ADDITION, Section One.

Witness our hands this 11th day of May A.D. 1948 Elizabeth P. Begg Edman Begg

EXHIBIT B
RECORDED
PLAT



U.S. HIGHWAY 290

Austin

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares delineated in this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, and in connection therewith, shall be the responsibility of the owner of the land shown on this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas, and the same shall be the responsibility of the owner of the land shown on this plat, in accordance with plans and specifications shown on this plat, or of constructing any bridges or culverts in connection therewith.

MISS EMILIE LUMBERG, County Clerk of Travis County, Texas, do hereby certify that on the 11th day of May A.D. 1948 the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 2, Page 451.

WITNESSES MY HAND AND SEAL OF OFFICE THIS 11th day of May A.D. 1948.

FILED FOR RECORD AT 10 o'clock A.M. 19 day of May A.D. 1948

MISS EMILIE LUMBERG, Clerk County Court, Travis County, Texas

STATE OF TEXAS COUNTY OF TRAVIS MISS EMILIE LUMBERG, Clerk of the County Court, William and for the County and State at record, do hereby certify that the within and foregoing instrument of writing in the office of the County Clerk of Travis County, Texas, on the 11th day of May A.D. 1948 at 10 o'clock A.M. and duly recorded on the 11th day of May A.D. 1948 at 10 o'clock A.M. in the Plat Records of said County in Book 2, Page 30.

Witness My Hand and Seal of the Court of said County, the date last above written

ENGINEERS NOTE Total acreage of lots 20-48 1.77 AC Total area in designated Roads 2.97 AC

1948 May 11 1948 May 11 1948 May 11 1948

MISS EMILIE LUMBERG, County Clerk of Travis County, Texas, do hereby certify that on the 11th day of May A.D. 1948 the Commissioners Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order has been duly entered in the minutes of said Court in Book 2, Page 451.

WITNESSES MY HAND AND SEAL OF OFFICE THIS 11th day of May A.D. 1948.

APPROVED FOR ACCEPTANCE

Date 5/12/48

Approved J.E. Malheur, Supervisor of Public Works

APPROVED BY CITY PLANNING COMMISSION

Date 5-13-48

Walter G. Gorman, Chairman

Date 5-13-48

H.D. Gorman, Secretary

Note. In Abrogation Restrictions via Vol 12, 2 Page 302, said Records should be under scrutiny to the

LEGEND
• Iron stake found
• Concrete monument set
• Concrete monument found
Scale 1" = 100 Feet

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning for Tracts 1 and 2, with the Conditional Overlay prohibiting vehicle storage use, limiting the number of daily trips to 2,999 and prohibiting motor vehicle access to Ellon Road. The Staff recommendation is to grant general commercial services-historic landmark (CS-H) combining district zoning for Tract 3.

If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the existing centerline of State Highway 71 in accordance with the Transportation Plan.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

The property has frontage on the westbound lanes of East State Highway 71, a major arterial.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends CS-CO zoning, given: 1) the property is located on a major arterial roadway; 2) it is consistent with the surrounding commercial properties, general land use character and uses permitted within Airport Overlay Zone – 3; 3) it incorporates a 200-foot wide buffer from the ordinary high water mark of the Colorado River, consistent with a proposed Code Amendment; and 4) a 2,000 daily vehicle trip limitation will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections. The Staff is also recommending that the Applicant reserve additional right-of-way along SH 71 East, consistent with TXDoT's identified long term needs, to be accomplished by way of Restrictive Covenant.

EXISTING CONDITIONS**Site Characteristics**

The subject property contains a vacant concrete batch company, historic dam and mill house, known as McKinney Mill. The site is relatively flat and slopes to the north, towards the Colorado River.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 80%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Colorado River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is a floodplain within the project boundary. Offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for HWY 71. Existing ROW is approximately 275'. If the requested zoning is granted, then 200 feet of right-of-way should be reserved from the existing centerline of HWY 71 in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

The Texas Department of Transportation has identified a long-term need for 400 feet of right-of-way along E SH 71. The applicant is encouraged to reserve 200 feet of right-of-way from the centerline of E SH 71. LDC, 25-6-54.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to no more than 2,999 vehicle trips per day for the entire 23.440 acres of land. If the cumulative total exceeds 2,999 trips per day, a TIA will be required during the site plan application process in order to analyze site traffic impact on the surrounding roadway system.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at his own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocation, and abandonment. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Compatibility and Building Standards

The site is subject to compatibility standards. Along the east property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations (including compliance with Commercial Design Standards) will be enforced at the time a site plan is submitted.

This site is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures. For more information, contact Joe Medici, Airport Planner, 530-6563.

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2007-0244

HLC DATE:

May 19, 2008

ZAP DATE:

July 1, 2008

APPLICANT: City of Austin

HISTORIC NAME: McKinney's Mill

WATERSHED: Colorado River

ADDRESS OF PROPOSED ZONING CHANGE: Terry Lane (Tract 3 of the zoning case).

ZONING FROM: I-RR; I-SF-2 to CS-H

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from Interim – Rural Residential (I-RR) and Interim – Single Family Residence Standard Lot to General Commercial Services – Historic Landmark (CS-H) combining district zoning for Tract 3.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from Interim Rural Residential (I-RR) to Commercial Services – Historic Landmark (CS-H) combining district zoning for Tract 3. Vote: 5-0 (Rosato, Arend and Arriaga absent).

ZONING AND PLATTING COMMISSION ACTION:

July 1, 2008: *APPROVED CS-CO DISTRICT ZONING FOR TRACTS 1 AND 2 AND CS-H DISTRICT ZONING FOR TRACT 3, WITH CONDITIONS AS STAFF RECOMMENDED.*

[B. BAKER, T. RABAGO – 2ND]/(6-0) J. MARTINEZ, K. JACKSON – ABSENT

DEPARTMENT COMMENTS: The site consists of the ruins of Thomas F. McKinney's first mill in Travis County, a dam, and a sluice channel.

CITY COUNCIL DATE: July 24, 2008

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: None

BASIS FOR RECOMMENDATION:

The site proposed for designation as a historic landmark includes the ruins of Thomas F. McKinney's 1849 stone mill on an un-named creek near the Colorado River in Del Valle, the dam on the creek, and a sluice channel, all constructed of stone. Thomas F. McKinney was a pioneer settler in Travis County, eventually building his homestead and grist mill at McKinney Falls on Onion Creek (now

McKinney Falls State Park). These ruins, with an inscription in an intact stone reading "T.F.McKinney – 1849" are the earliest constructions associated with McKinney in Travis County.

Architecture:

The site consists of the ruins of a stone mill on the east bank of an un-named creek leading into the Colorado River, a stone dam on the creek and a stone-lined channel above the dam. The site lies between Texas 71 and the Colorado River near the intersection of Terry Lane and Ellon Road in Del Valle in southeast Travis County.

Historical Associations:

Thomas F. McKinney (1801-1873), born in Kentucky, began his business career engaging in the trade from Santa Fe to Missouri in the 1820s. He came to Texas in the early 1830s as one of Stephen F. Austin's Old 300 Colonists, finally settling in Galveston by the early 1830s. His long cotton and shipping business relationship with Samuel May Williams in Galveston resulted in fortunes for both. The firm's ships constituted the Texas Navy in the Revolution, and McKinney served as the senator from Galveston in the first Republic of Texas legislature. McKinney moved to Travis County in 1849, having purchased over 39,000 acres of land out of the Santiago Del Valle grant southeast of Austin on Onion Creek and the Colorado River in 1839. An inscribed stone at the site indicates that he built this mill on an un-named creek near the Colorado River in 1849. We do not know why this mill failed, whether from lack of sufficient water power or if it was destroyed in a flood, but McKinney built the grist mill which is now in McKinney Falls State Park in 1852. He built his two-story stone house near the new grist mill in 1853, and raised thoroughbreds on Onion Creek, where he also built a racetrack. The Civil War and its aftermath proved disastrous for McKinney; he died impoverished in 1873.

PARCEL NO.: A portion of 03153103010000

LEGAL DESCRIPTION: A portion of Abstract 24, Del Valle Survey – field notes will be necessary for the delineation of Tract 3.

ANNUAL TAX ABATEMENT: Undetermined; land is undeveloped and in a critical water quality zone.

APPRAISED VALUE: Undetermined

PRESENT USE: Undeveloped

CONDITION: Not applicable

PRESENT OWNER:

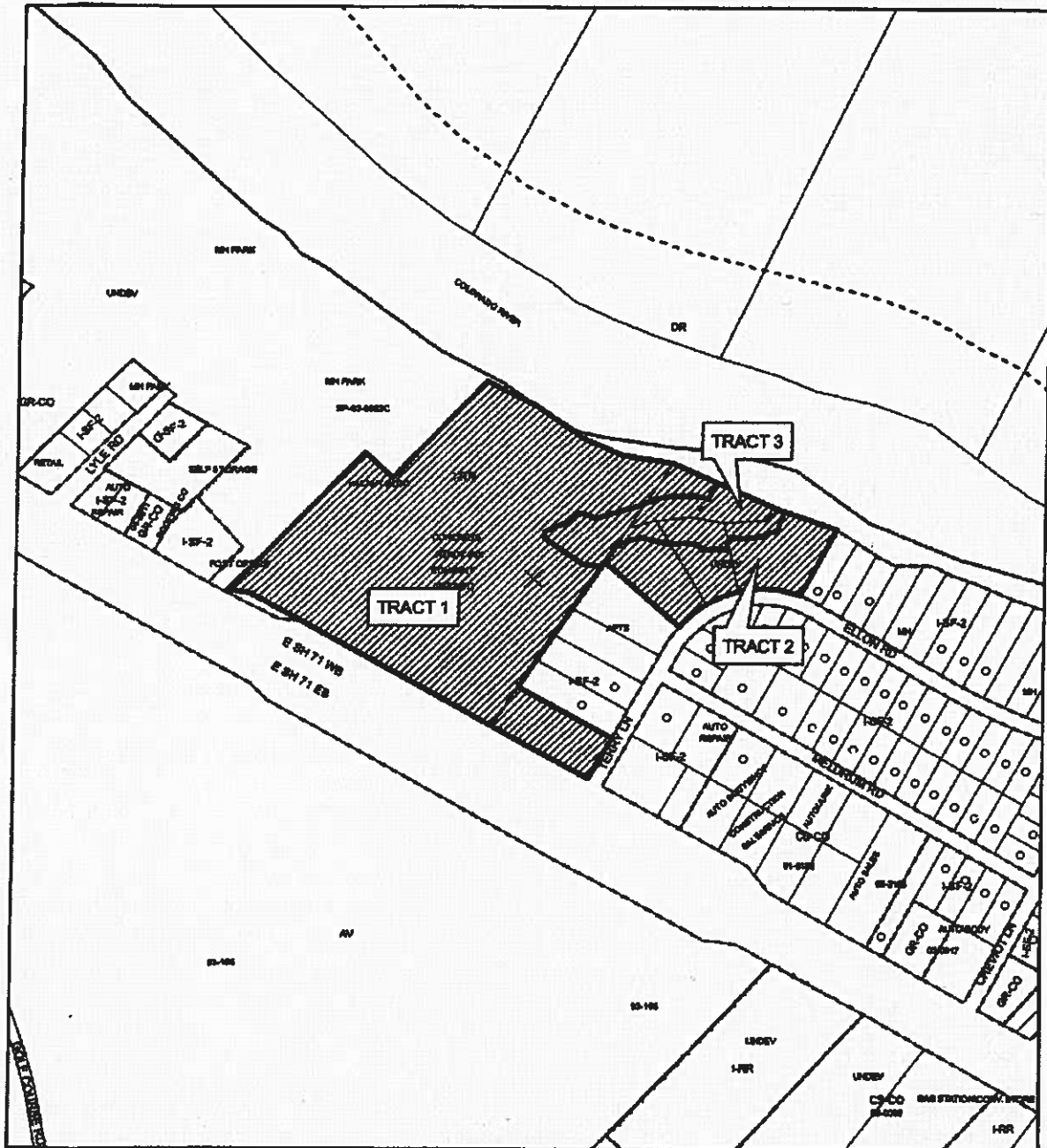
Keller Family Investments
P.O. Box 342349
Austin, Texas 78734

DATE BUILT: ca. 1849

ALTERATIONS/ADDITIONS: The mill walls have collapsed, although the wall facing the creek bed remains largely intact. The dam and sluice are intact.

ORIGINAL OWNER(S): Thomas F. McKinney (1839)

OTHER HISTORICAL DESIGNATIONS: None.



1" = 400'

- SUBJECT TRACT
- ZONING BOUNDARY
- PENDING CASE

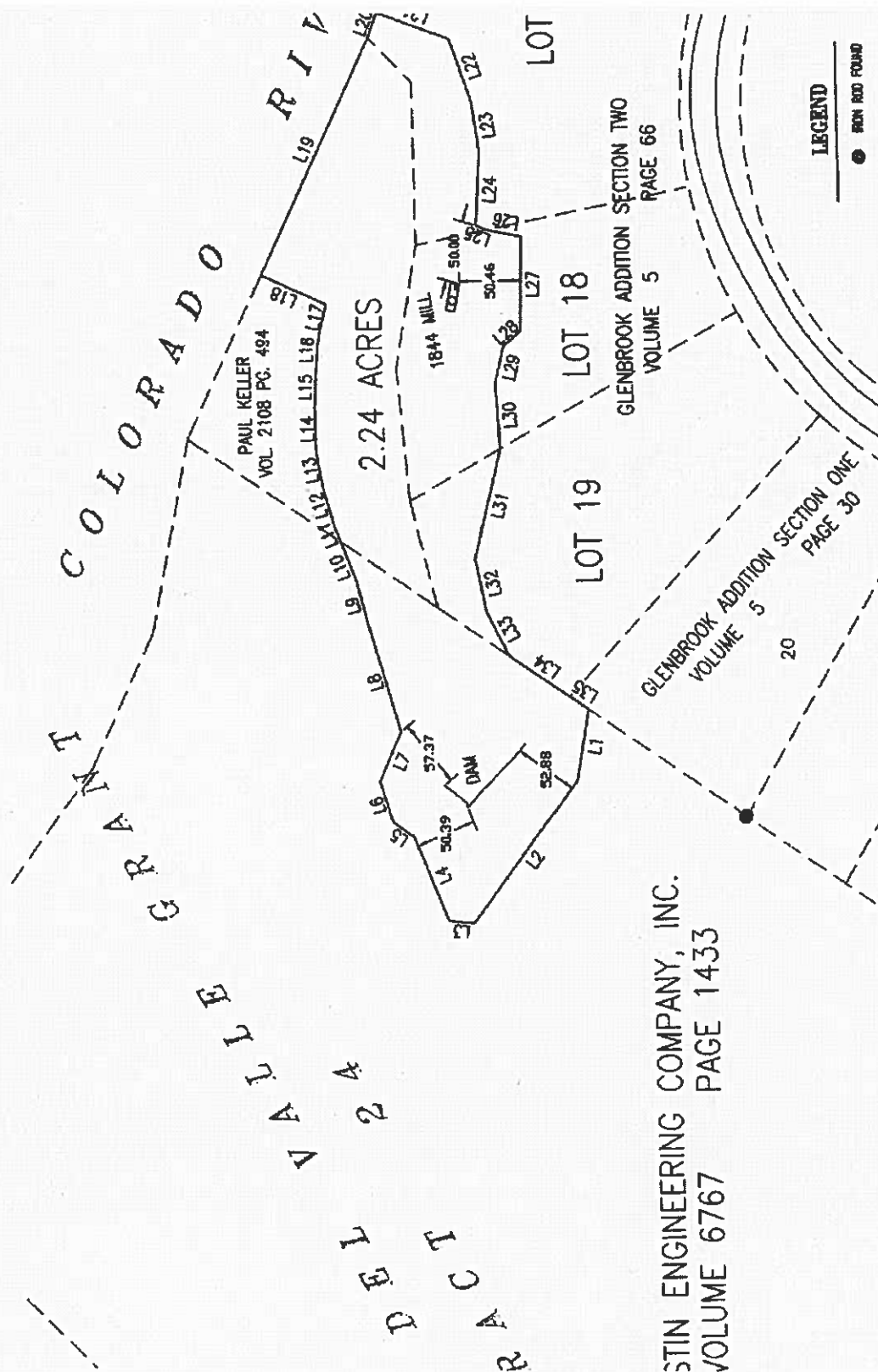
OPERATOR: S. MEEKS

HISTORIC ZONING

ZONING CASE#: C14H-2007-0244
 ADDRESS: 2935 E SH 71 WB; 2901, 2903 &
 2905 ELLON RD; 2936 TERRY LANE
 SUBJECT AREA: 23.440 ACRES
 GRID: N17 & P17
 MANAGER: W. RHOADES

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 No warranty is made by the City of Austin regarding specific accuracy or completeness.







View of the mill ruins from close to the road



Stone inscribed with "T.F. McKinney – 1849" at mill



Ruins of the creek-side mill wall



Mill ruins



Creek pool above the stone dam

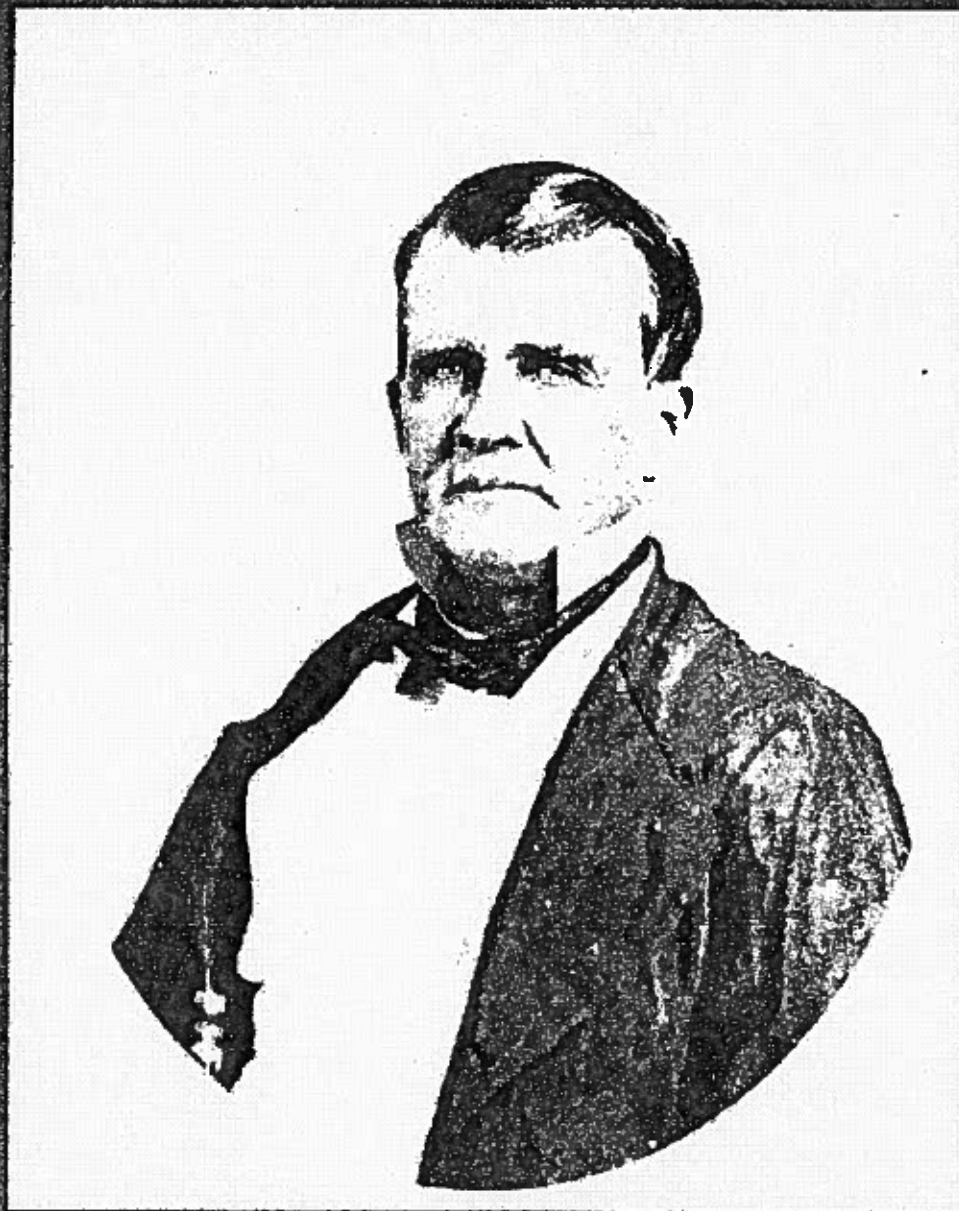


Creek pool and sluice channel at the dam



Sluice channel and dam

Thomas R. McKinney
Businessman and Early Patriot



Austin History Center

by Barry Hutcheson, Parks Division

Death came to Thomas Freeman McKinney during the night of October 2, 1873, at his home on Onion Creek near Austin. He had lost a long battle with kidney disease. Colonel McKinney's funeral was one usually accorded a fallen patriot. The entourage was met after crossing the Colorado River and escorted to the Capitol. Businesses and state offices closed in observation of the event, and prominent men spoke at his graveside in Oakwood Cemetery.

Who was Thomas McKinney that he should have been so honored? He is noted only briefly in Texas history books, being overshadowed by the more prominent Stephen F. Austin, Sam Houston, James W. Fannin and Albert Sidney Johnston, some of whom were his friends. Yet, McKinney's role in early Texas history deserves recognition.

Born in Kentucky in 1801, Thomas McKinney had moved to Missouri by 1821. He entered the early overland trade with Santa Fe and Chihuahua and developed a trading interest in Mexican Texas. McKinney received a one-league grant as one of Stephen F. Austin's first 300 colonists, but settled for a time in the Nacogdoches area. In the early 1830s he had business dealings with Michel Menard and the sons of Jared Droce, a wealthy planter on the Brazos. In 1834, McKinney entered into partnership with Austin's colonial secretary, Samuel May Williams, which had far-reaching significance.

The firm of McKinney & Williams, operating from their new warehouse and wharf in Quintana at the mouth of the Brazos, developed a highly successful mercantile operation. They led the way in establishing maritime commerce in Texas with teamboats linking the Brazos plantations and New Orleans. And their business contacts and good credit in the United States enabled them to become the major financial backers of the Texas revolt against Mexico. The firm invested more than

\$150,000 and the partners spent much personal time and effort to insure the success of the newborn Republic of Texas. They were never fully reimbursed for their monetary involvement.

In 1836 McKinney joined with Menard and others in the Galveston City Company and laid out the island city. The McKinney & Williams offices moved there two years later, adding a warehouse and wharf, land, city lots and the Tremont Hotel to their other business holdings. McKinney also supported the expansion of railroad lines into Texas and was involved in a short-lived company which was granted the first railway charter in Texas.

McKinney was elected to represent Galveston as a senator in the first Texas Legislature in 1846. By

forcefulness, he was unable as a senator, or later as a representative in the third legislature, to win support for canceling the state's debt to the firm of McKinney & Williams. However, his legislative service in Austin enabled him to finalize plans for moving his home to Travis County.

McKinney's land in Travis County was part of a 10-league grant made to Santiago del Valle in 1825 by the government of Mexico, the arrangements for which were handled by Samuel Williams. The grant was located in the southern corner of the present county on the Colorado River and Onion Creek. McKinney had bought nine of the leagues, including the junction of Williamson and Onion Creeks, in 1839 just before Austin was named as the permanent capital of the Republic. He sold much of the property but maintained control of some 2,000 acres around the falls of Onion Creek. It was here that he made his permanent home after 1850.

Apparently McKinney planned to retire to his Travis County property and "enjoy something of this world's goods." With a work force of 14 slaves he built a two-story stone house, a gristmill and stock facilities for his purebred sheep, his cattle and especially for his thoroughbred race horses. The McKinney homestead soon became the center of a small community of family and friends. McKinney and his wife Anna had no children, but they shared their home with McKinney's mother and his aunt. Nearby lived two brothers, a sister, in-laws, out-laws and friends. The falls on Onion Creek nearest the house came to be called McKinney Falls, and the crossing there frequently was used by those visiting the McKinney home for business and pleasure.

The 1860s were troubled times for McKinney. In the unrest which eventually led to civil war, he opposed the secession of Texas from



this time his reputation was well established. A solidly-built man standing 5'10" with piercing gray eyes, McKinney was known to be quick to anger and slow to forgive. Friends were friends and foes were foes; there was almost no middle ground. But despite his personal

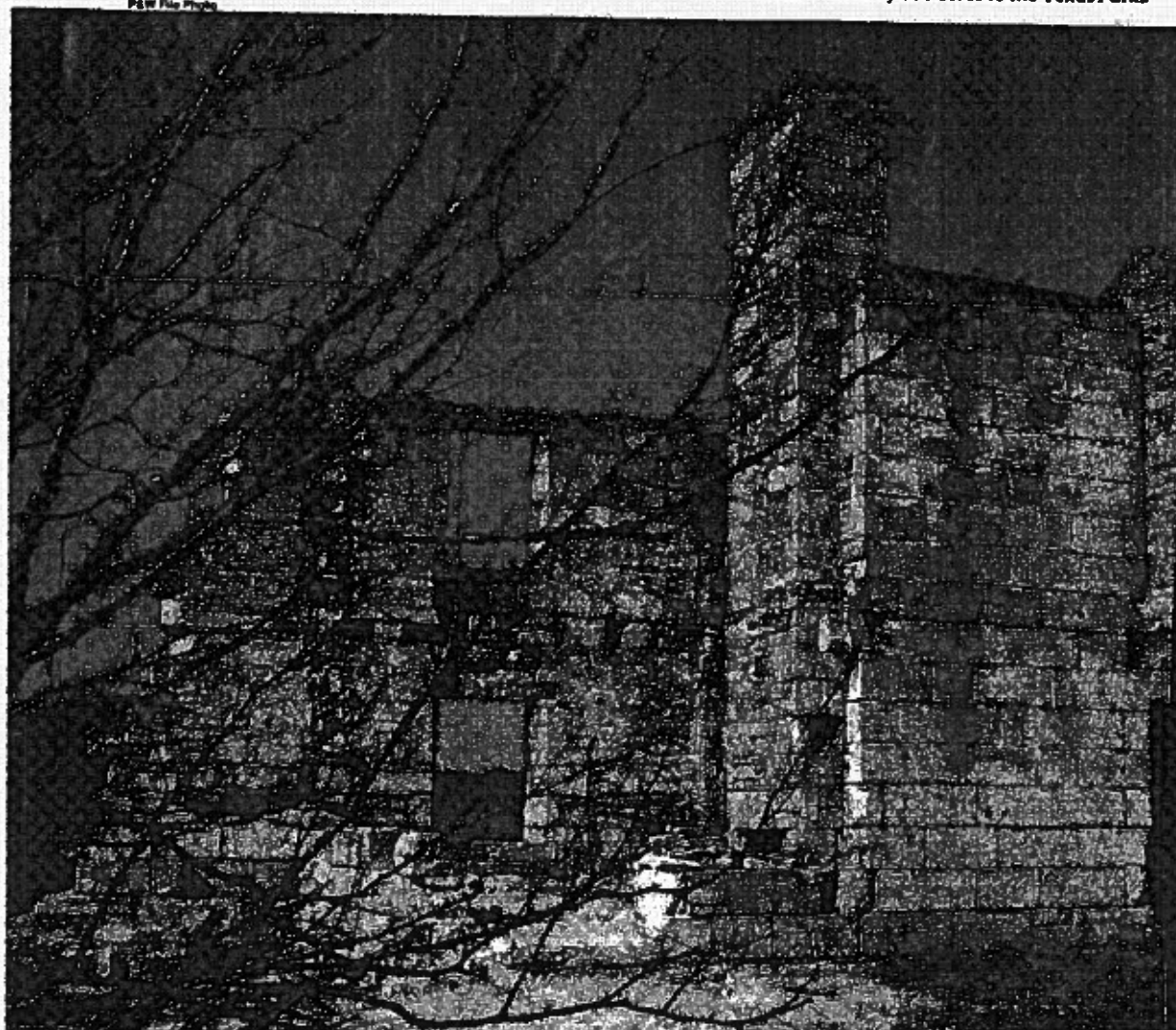
the Union probably because of his business ties. However, once the break was made, he supported the Confederacy and served as a purchasing agent for the government. His speculation in cotton during this period ultimately was disastrous. At the end of the war, McKinney was left without his slaves, but apparently continued his stock-raising activities. In 1869 a massive flood on

Onion Creek wiped out his gristmill. By the end of the decade he was failing in health.

McKinney died in the upstairs bedroom of his Onion Creek home in 1873. He left an estate of \$5,000, a small fraction of his previous worth. His ranchland, used to back his cotton investments, began to be sold off in 1878, and in 1885 Anna McKinney sold the homestead itself. She

died in 1896 and was buried beside Thomas in Oakwood.

The McKinney homestead and some of the nearby acreage was purchased by James Woods Smith and combined as his ranch. The property, worked primarily by tenants, remained in the Smith family for the next two generations. In 1970, grandson J.E. Smith donated approximately 630 acres to the Texas Parks



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and Wildlife Department for use as a state park.

The donation was fortuitous both for park visitors and for the memory of Thomas McKinney. When preliminary research revealed the significance of the site, a new dimension was added to the park's development. Interpretive efforts at the park in exhibits and educational programs include information on

McKinney and his Onion Creek ranch. Since it opened in 1976, McKinney Falls State Park has offered visitors not only outdoor recreation, but also an opportunity to see the stabilized remnants of the house, gristmill, stone fences and horse trainer's cabin from the McKinney ranch and to walk the cypress-lined banks of Onion Creek which once were so familiar to McKinney, his family and his friends.

The search for more information on Thomas McKinney goes on. A comprehensive study is being conducted by Dr. Margaret Henson, whose book on Samuel May Wil-

The McKinney homestead on Onion Creek was the center of a small community of family and friends. This 1866 photo shows Thomas and Anna McKinney and Miss Ada Bradley with some of the thoroughbred horses McKinney kept on his property. Today, visitors to McKinney Falls State Park can see the stabilized remnants of McKinney's two-story home.

liams was published in 1976. The careful collection of long-scattered documents will shed new light on an individual who until recently has been relegated to a back shelf in Texas history—Thomas Freeman McKinney. * *

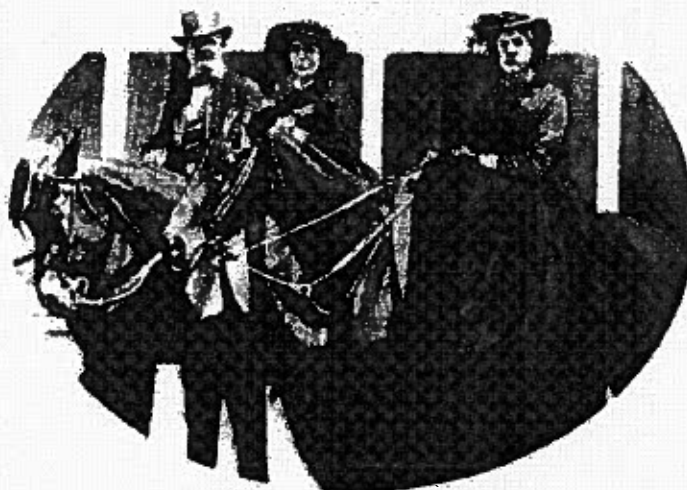


Photo courtesy Barker Texas History Center

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THOMAS FREEMAN MCKINNEY

Thomas Freeman McKinney was born in Lincoln County, Kentucky, on November 1, 1801, the son of Abraham and Eleanor Prather McKinney. He "received a fair common English education for the times, writing and spelling with grammatical correctness." The family moved to Illinois in 1818 and to Missouri in 1821.

As a young man, McKinney engaged in overland trading from Santa Fe to Chihuahua to Natchitoches on the Red River. Using pack mules or horses, he traded cotton and calico to Mexico and brought back mules, horses, broodmares, and some specie. The complete trip required twelve months over wild country with frequent encounters with Comanches, Kiowas, Apaches, and Mexican brigands.

In 1824 McKinney enrolled as one of Stephen F. Austin's "old three hundred" colonists and received title to one league of land in present Brazos County, Texas.

By 1830 McKinney had abandoned overland trade and turned to trading between New Orleans and the Neches River by keel boats. In 1831 he resided in Nacogdoches and was married to Nancy Watts.

McKinney & Williams

In 1833 McKinney and M.B. Monard were partners in the milling and lumber business in Liberty County. In the period 1833-34, Thomas McKinney and Samuel May Williams entered into a partnership and founded the mercantile house of McKinney & Williams, temporarily located at Brazoria. The partners, who bought and sold goods for commission, intended to move their operation to the west bank of the Brazos River to land that had been donated by Stephen Austin. On this narrow spit where the Brazos empties into the Gulf of Mexico, they built a warehouse, wharf, and residences - the nucleus of the new town of Quintana. McKinney bought and transported commodities for the new firm while Williams handled the financial affairs. In June 1834, McKinney moved to Velasco, across the river from Quintana, to supervise construction of the Quintana buildings. Williams went to New Orleans to purchase a shallow-draft steamboat to use for commercial shipping on the Brazos. Meanwhile, McKinney bought a schooner, which foundered on a sandbar at the mouth of the Brazos and was lost.

The firm of McKinney & Williams can be said to be the founder of maritime commerce in Texas for it established the first line of small steam vessels which ran up the Brazos, often as far as Washington-on-the-Brazos, carrying merchandise and supplies to the colonists and bringing down produce for shipment to New Orleans. The firm handled a general line of goods including grocery staples, printing presses, cotton gins, and lumber. As they prospered, they launched into other enterprises, some of which were controversial.

In 1833, McKinney's friend, Michel B. Menard, conceived a plan to acquire the eastern end of Galveston Island. He arranged for Juan N. Seguin to petition the State for the site as his reward for service against the Indians. Then Menard, as "agent" for Seguin, ordered a survey of the 4,605 acres. McKinney obtained a one-half interest in the project for his firm by paying Menard \$400. In 1836, Menard and McKinney organized the Galveston City Company. With other investors, they petitioned the Texas Congress to recognize Menard's claim so they could begin development. The public labelled this proposed transaction a "land steal." In that same year, McKinney was one of nine men who signed a petition to the Congress of the Texas Republic for the "first charter granted for a railroad not only in Texas, but west of the Mississippi." The line, named "The Texas Railroad, Navigation, and Banking Company", had a short and tempestuous life. In the worldwide banking panic of 1837, it and many other railroad projects were wiped out. McKinney continued to advocate the construction of railroad lines to radiate in all directions from Galveston.

McKinney & Williams transferred its central operation from Quintana to Galveston in 1838. In addition to the three-story warehouse and long wharf, they owned large tracts of land, city lots, sawmills, steamboats, and the Tremont Hotel in Galveston. McKinney and Williams, aided by Williams' brother H.H. Williams, built up one of the most successful commission-merchant firms of the Republic. The firm broadened its base and began to export products also. "In thus laying the foundations of a maritime commerce international in scope, McKinney & Williams was a decisive factor in the economic development of Galveston and Texas."

Samuel Williams, his brother Mat, McKinney, and his brother James composed McKinney & Williams after 1840. Williams petitioned the Texas Congress for permission to issue small denomination paper notes through McKinney & Williams to ease the lack of circulating money. In 1841 the firm was authorized to issue \$30,000 in notes to circulate as money. The notes were secured by \$60,000 in real property consisting of slaves and land belonging to the four men.

Henry Howell Williams (Samuel's brother) had been involved in many of the business dealings of McKinney & Williams, including the Galveston City Company, and had invested heavily in Texas real estate. He bought the commission business from McKinney and Williams in 1842 and made it a branch of H.H. Williams & Company of Baltimore.

In December 1847 the Commercial and Agricultural Bank opened with Samuel Williams as president. Branches were founded in Brownsville, New Orleans, and New York City. An anti-bank faction in Texas, distrustful of banks and paper money, bitterly opposed the bank and litigation was begun against the bank's charter. The bank survived a decade of legal attacks before finally being outlawed by the Texas Supreme Court in 1859, shortly after Williams' death.

The Texas Revolution

Thomas McKinney and Samuel Williams played a vital part in the Texas Revolution, a part so important as to lead many to say, "without the efforts of McKinney and Williams, Sam Houston might not have won his decisive victory at San Jacinto (i.e.,

without their aid the Texas army would have lacked arms, provisions, and clothes."

McKinney was a supporter of the General Consultation which convened at San Felipe de Austin, October 16, 1835, to consider the position Texas should take toward Santa Anna's dictatorship. The General Consultation decided to remain within the Mexican nation and to establish a provisional government empowered to take up arms against Santa Anna and restore the Mexican Constitution of 1824. This provisional government lacked revenue and had to rely on generous and patriotic citizens for funds. In 1835 McKinney and Williams rated higher than their government in financial standing and organizational ability.

The General Consultation granted McKinney and Williams "Letters of Marque". With McKinney acting as fiscal agent and Williams in the East to secure support and supplies, they threw themselves into the breach. Their ships, the San Felipe and the Laura helped protect the Texas coast until an act was passed establishing a navy. McKinney attempted to negotiate a loan with the City of New Orleans to aid the provisional government in its struggle against Santa Anna. When this failed, he became responsible in the name of McKinney & Williams for purchases of army supplies. Financing was done largely on credit; and as a result, McKinney & Williams and other business houses were in financial straits.

When the fighting was over, the new Republic of Texas found itself approximately \$150,000 in arrears to the two men. In a letter to the Texas Legislature dated October 4, 1871, McKinney stated, "These advances were made by using our credit, for we were only rich in credit and necessarily left us ruinously involved...which required about 12 years of service and personal exertions. These advances...were made when we were young...and we did not regard them as hardships while Texas was young, poor, and feeble and was greatly benefitted in her time of need...(The records show that not one cent was ever charged for his personal services). But now that Texas is vigorous and strong and your petitioner with less vigor and worldly goods...deems it not improper to ask that you appoint a committee to investigate from the records of the government what is due us in good conscience...if any pay be upon my half the interest during my lifetime and that of my wife Anna, and at the death of the survivor consider the debt cancelled." The only money McKinney ever secured from the State was \$40,729 in 1856. However, he and Williams realized only \$8,000 each because McKinney had made loans contingent upon successful collection of the sum, and the remainder was allocated to cover an earlier indebtedness. McKinney continued to press the Legislature for the rest of the money, and in 1871 and 1873, the State did recognize a scaled indebtedness of \$16,942 but was unable to pay the sum.

Travis County Ranch

In 1839, Menard had sold nine leagues of the Santiago del Valle land grant along the Colorado River to McKinney. The raw village of Austin (then known as Waterloo) lay along the Colorado River a short distance from the land belonging to McKinney and Williams. Prior to the relocation of the seat of government to Austin, McKinney had been selling portions for less than one cent an acre. He confidently expected the value would rise with the establishment of Austin as the capital.

Samuel Williams was elected to the first Texas congress (Fourth Congress) that met in Austin in November 1839. One special interest bill supported by Williams was a petition for freedom for McKinney's slave Cary. Cary presented a letter to the legislature certifying that Cary had been McKinney's slave for ten years and had served him and Texas faithfully during that time. Cary had been an express rider during the Revolution and had accumulated sufficient funds to buy himself and his family. Only Cary and one other slave were emancipated because of their service to the Republic, and Cary had to post a \$1,000 bond to insure that he would not become a public charge.

McKinney began liquidating his interests in Galveston with the intent of moving to his ranch in Travis County. About 1849 McKinney moved to his homestead on Onion Creek and lived in a double log house. McKinney pursued his agricultural interests and engaged in stock raising. According to one source: "Texas thoroughbreds had for their godfather or pioneer the late Colonel Thomas F. McKinney, who did more than any man in the State to introduce and develop pure-blooded horses and cattle." McKinney bred, trained, and raced thoroughbred race horses on his Onion Creek ranch. He constructed a race track - "the native stones of the soil made fit the feet of some of the first Texas blooded race horses." He employed a horse trainer, John Van Hagan, who lived in a small rock cabin, the remains of which stand in McKinney Falls State Park today. In the 1850's McKinney experimented with improving the quality of wool by introducing sheep from other countries.

In 1852 McKinney completed a grist mill below his house on Onion Creek. The Texas State Gazette of July 10, 1852, states. "We are pleased to hear that the Honorable Thomas F. McKinney has erected an elegant flouring mill on Onion Creek, about four miles from the city, and is prepared to manufacture flour of a superior quality... Up to the present time, all the flour used in Western Texas has been imported... We hope now to see this drawback arrested, in giving ample encouragement to the public-spirited efforts of Mr. McKinney to supply among us an all important improvement." Upstream from the mill and just above the upper edge of McKinney Falls, a dam was constructed to divert water to the mill. Some reports state that the mill also powered stone and lumber saws.

The construction of the home for McKinney and his second wife, Anna Gibbs (they were married in 1842 in Galveston), was begun about 1853. It is reported that McKinney had a slave named Sterling who was a skilled stonemason. The limestone for the house came from Onion Creek... The lime content of the mortar, obtained from limestone, was burned about one-half mile south of the site. Oak, elm, sycamore, and cottonwood were used in construction. All the framing timbers, sheathing, flooring, and shingles were cut and sized at McKinney's woodlot in Bastrop County.

The 1850 Travis County Census lists McKinney as a stockraiser with 14 slaves and \$10,000 worth of real estate in Travis County. In the 1860 Census six free inhabitants - Thomas, Anna, Thomas' mother and Aunt, Minerva Fannin, and the horse trainer John Van Hagan - and 21 slaves are entered as residents of the homestead. McKinney's personal wealth is quoted at \$40,900 and his real estate value at \$48,000.

McKinney continued to take an active role in politics. He served in the First, Third, and Seventh Legislatures, and was a Travis County Commissioner for several years.

As it became more and more evident that civil war could not be avoided, McKinney wrote a friend, "...that he hoped to live out his life in quietude rather than in Revolution." McKinney opposed secession, but was not as stubborn an opponent as many Travis County Unionists. He was defeated in his bid for the Ninth Legislature possibly because of this Unionist leaning. This anti-secessionist attitude stemmed more from his business interests than from humanitarian reasons. Simeon Hart, assigned by the Confederate Treasury Department to buy cotton in Texas, named McKinney an agent to buy cotton and hire wagon transport. The cotton trade was chaotic and competitive, and purchasing agents and jurisdictions overlapped. McKinney was involved in personal and political entanglements stemming from this confused cotton situation. McKinney, who was a tough, candid "horsetrader", was outraged by the rampant corruption in the cotton trade.

The McKinney homestead had always been a bustling site, with weekend horse races and neighbors bringing their grains to the grist mill for grinding. In 1864 meetings to resolve conflicting State and Confederate interests in cotton and conscription took place in the house. The Governor of Texas and representatives of the other Confederate States were present at these sessions.

Final Days

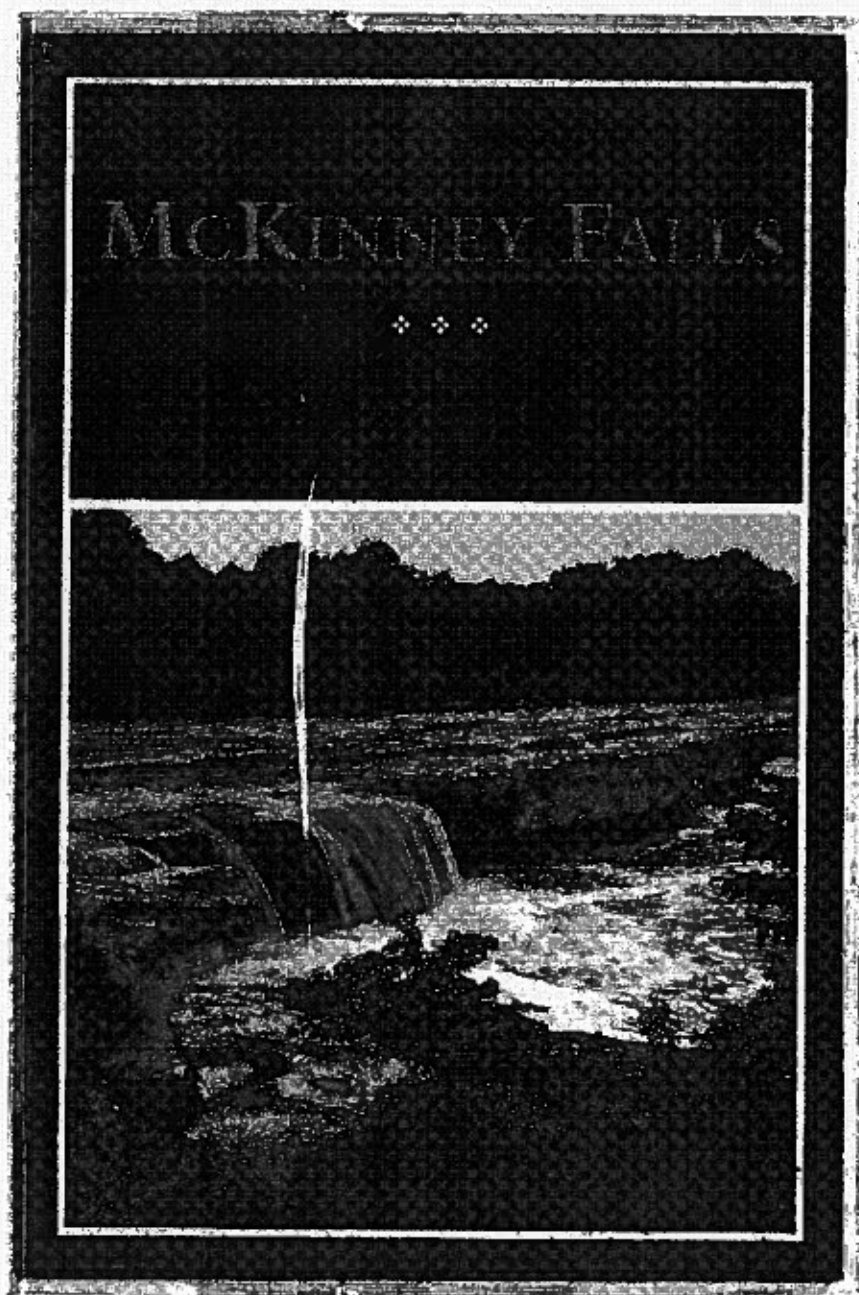
Little is known of McKinney's final years, except that he died a poor man. He had invested heavily in the cotton market, and this speculation ruined him. To add to his problems, the grist mill was destroyed by flood in 1869. Until his final days, he attempted to receive at least the interest on the monies owed him by the State. One account states, "Time and rheumatism slowed his energies and ability to make money." Thomas Freeman McKinney died on October 2, 1873. On that day a meeting was held in the Mayor's Office in Austin to make arrangements for the reception of the remains of McKinney and the funeral. A committee was appointed to handle the arrangements, and they offered the following resolution: "That during the funeral of Col. Thomas F. McKinney, on the signal of the tolling of the city bell, the different departments of the State government, and the business houses be requested to close and the citizens to meet the remains of Col. McKinney." "The following is the program of the committee or arrangements: "The committee of arrangements, with military, will meet the remains at Cunningham & Thompson's ferry, at 1 o'clock p.m. and proceed to the Capitol. Judge B.C. Franklin then pronounced a most touching eulogy ...He had known him long and well, and away back in trying days when the deceased had liberally given of his fortune and services to the needy and struggling Republic." McKinney was buried in what is now Oakwood Cemetery in Austin. His wife, Anna, was in 1896 and is buried next to her husband.

Carolyn Scheffer
1978



Map of Travis County showing the Santiago del Valle grant along Onion Creek to the Colorado River

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MCKINNEY FALLS

*The Ranch Home of Thomas F. McKinney,
Pioneer Texas Entrepreneur*

By MARGARET SWETT HENSON

TEXAS STATE
HISTORICAL ASSOCIATION

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MCKINNEY FALLS

Texas after the Battle of San Jacinto and in August 1836 was named general of the Texas army. In 1836 Johnston served in the cabinet of President Mirabeau B. Lamar and invested in a Brazos River plantation. During Johnston's absence from Texas in the 1840s, Mac served as one of his agents. In May 1846, Johnston became Colonel of the First Texas Rifle Volunteers, and Eliza Johnston and the wives of other officers remained in Galveston with friends. Mac and Anna invited a lively group to visit their home close to the beach. The young women rode the McKinney horses on the beach by moonlight, spent the night, and enjoyed playing the piano with Puncturey Fannin, who lived with the McKinneys as did her sister Minerva. Another delight was "sea bathing" to cool off during the hot summer. Major Phillip N. Barbour, also a West Pointer from Kentucky like the Johnstons, forbade his pretty young wife to go into the water, but Eliza Johnston coaxed her and soon the group, dressed in shortened skirts, held hands and waded knee-deep into the waves. When Martha Barbour became confident enough to let the waves splash over her, she went to town and bought a rubberized bathing cap like the others wore. Martha Hopkins Barbour was the granddaughter of Samuel Hopkins, aide to George Washington; she stayed with her uncle, District Court Judge James Love, in Galveston.⁵

Thus, four years after their marriage, Galveston society was comfortable with Mac and Anna and the scandal receded. Soon, however, the McKinneys abandoned the easy pleasant lifestyle of Galveston Island for Onion Creek in Travis County. Instead of wading in the gulf, venturesome Anna could enjoy the rushing water of the creek and the upper and lower waterfalls and hunt coyotes while riding around the hills. Gregarious people, the McKinneys always welcomed a steady stream of visitors to their hill country ranch just as they had in Galveston.

3. MCKINNEY FALLS RANCH, 1847-1859: A GROWING FAMILY COMPOUND

THE RANCH BEGAN IN 1847 when Mac's brother, James Prather McKinney, moved his family from Galveston to Onion Creek. James was eighteen years younger than Mac, the next to youngest of the nine living children of Abraham and Nelly. In 1837 at age eighteen, James had joined McKinney and Williams at Quintana as a junior clerk and the following year married his cousin Elvira, the daughter of Stephen Prather. Elvira was the same age as James and the young couple remained in Quintana to close the business through mid-1839, when their first child was born. They then moved to Galveston, where James continued to work for firm until it was sold to Henry Williams. Between 1842 and 1847, James helped tend to his brother's scattered property, collecting rents, payments, and running off squatters or timber thieves. The couple had three children when they settled in their home along Williamson Creek, a lesser stream that emptied into Onion Creek near the upper falls.¹

Mac transferred \$9,000 in slaves and livestock to James as payment for his past services with McKinney and Williams. Five adult blacks and four children accompanied the caravan to Travis County and helped the herders drive the three stallions, seven mares, three hundred head of cattle, and seven hundred sheep and goats that Mac had kept pastured in Fort Bend and other mainland counties along the way. Mac had begun breeding

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McKINNEY FALLS

Imported sheep in Fort Bend County in 1840—Bakerwells from England, Merinos from Vermont, and a cross of Merinos and Southdowns from Ohio. He crossed them with Mexican stock, but they did not thrive in the humid weather. He correctly surmised that the sheep would do better on the Onion Creek property. By 1850, James had 60 acres under cultivation and owned 1,400 hundred more acres in the tract where he kept 40 horses, 15 mules, 14 oxen, and grazed 80 cattle and 125 sheep.¹

Mac had problems with creditors, and in 1848 he placed the remaining 3,800 acres in his Del Valle tract in Anne's name to protect it. Texas community property laws, adapted from Mexican law, not only gave wives one-half of the property acquired during marriage, but also allowed married women to hold property in their own names, a privilege not available in most states at that time. In 1848, the Travis County tax assessor valued absentee-owner Anne's Onion Creek acreage at \$8,220, including three slaves, four horses, 170 head of cattle, and one wagon. James managed the entire property. James's property that year was assessed at \$8,603 for 2,158 acres, slaves, and livestock.²

Galvestonians again sent McKinney to the Second and Third Legislatures (1847-1850) but as a member of the House of Representatives, where he served on the finance committee, an assignment he no doubt solicited. Texas had retained its public lands and its public debt when it was annexed in 1845, but the new state lacked the means to pay debts stemming from the Republic, including the large sum owed the firm of McKinney and Williams. After a public referendum in November 1850, the state agreed to accept \$10 million from the United States in exchange for a somewhat nebulous claim to New Mexico's territory east of the Rio Grande. This surrender created the modern boundary of Texas and also provided funds to pay off many of Texas's creditors stemming from the Revolution. McKinney, of course, hoped that he could at long last recover the \$99,000 owed to McKinney and Williams for expenditures made during the struggle against Santa Anna. Six years later, in 1856, the legislature appropriated a scaled-back amount of \$40,729 for the firm, but as McKinney explained to his former partner, they each received only \$8,000—

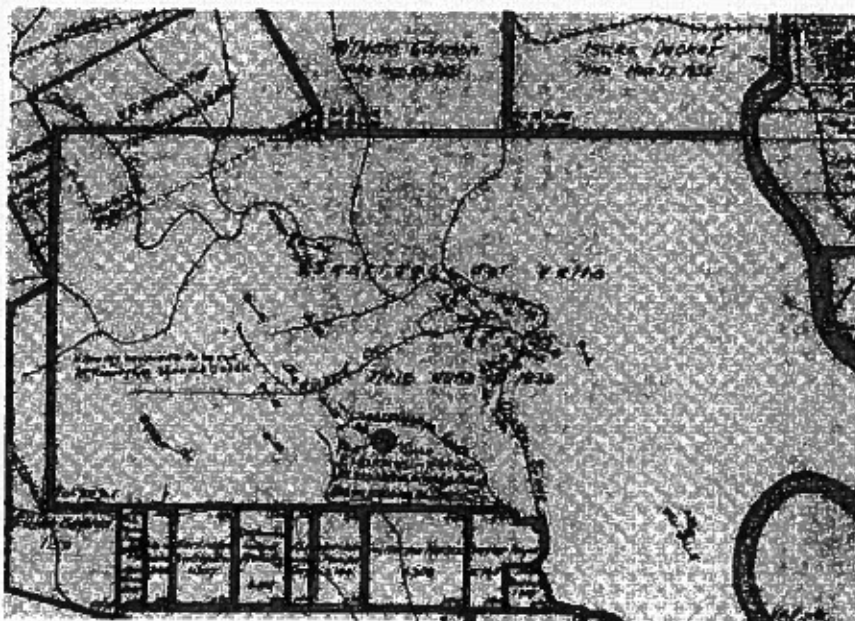
McKINNEY FALLS

the rest was for "loans" to those who helped pass the measure.³

During these years Mac remained a resident of Galveston and was involved in a number of business activities when not attending the legislature. He made several trips to New Orleans according to the passenger lists published in the Galveston *Weekly News* and scattered references in the correspondence of his former partner. He acquired Menard's interest in their sawmill on the Trinity River and shipped lumber to a Houston merchant. McKinney, Williams, and Menard were members of a Galveston committee in December 1848 that planned the Galveston-Brazos Canal, a private venture that was under way in 1850, but numerous bank cave-ins hampered its success. Both Brazos River planters and Galveston merchants hoped a canal parallel to the Gulf from the river through the marshes and Galveston's West Bay would provide safer passage for cotton shipments; the treacherous sandbars at the mouth of the Brazos caused many vessels to go aground and wreck, which resulted in high insurance rates. McKinney had also contracted with Galveston County's commissioners court in 1846 to build a private wagon bridge from Techman's Point on the island to Virginia Point on the mainland (the present causeway); financial difficulties prevented construction but he retained the privilege through 1866. By that time, however, a railroad bridge had been completed at that site in 1859, which lessened the need for a wagon bridge.⁴

Between 1850 and 1852, McKinney built his stone house and a gristmill on Onion Creek just below the homestead. Ox teams hauled heavy cypress and cedar timbers from a stand of trees on Sam Williams's land in Bastrop County. The mill, intended to produce income, was a priority. Mac created a dam for a millpond and a diversionary canal through the steep-down limestone ledge and the outflow lava rock from the ancient eruption from the Pilot Knob. This unusual deposit lined the stream bed near the lower falls. Inside the wheelhouse, the water turned a four-foot in diameter metal-and-wood horizontal turbine that provided the power to turn the griststones; the water returned to the creek by a tailrace beneath the mill. The *Austin Texas State Gazette* noted on July 10, 1852, that "the Honorable Thomas F. McKinney has erected an

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Descriptions of the numbered areas on the map are based on handwritten notes by Reynolds K. Lowry, c. 1960. The area shown is a detail from a larger map.

1. Thomas P. and Anna C. McKinney home at McKinney Falls on Onion Creek, eight miles south of Austin.
2. McKinney Falls at McKinneys' home about 300 feet south of the house and about 250 feet below where Williamson Creek flows into Onion Creek.
3. Remains of the old mill on the north bank of Onion and not more than 250 feet from the falls. The mill was destroyed by a flood in 1869.
4. House occupied by R. W. Lowry when he first came to the McKinney home from Virginia in 1872. This building was not more than 350 feet from the horse trainer's cabin.
5. Slave graveyard on the east bank of Williamson Creek near the mouth of Williamson Creek where it empties into Onion Creek.
6. A large tenant house where the McKinney slaves lived.
7. Horse trainer's home—a large two-room stone dwelling with a six-foot fireplace in the south room.
8. Upper falls on Onion Creek.
9. "Bob Field," a tract farmed by a black man named Bob Holman.
10. The Jenny pasture lay west and south of Bob Field.
11. Site of Montopolis Bridge.
12. Winter ground of McKinney thoroughbreds (not

shown on this detail).

13. Site of Colorado River bridge.
14. Area (see x's on map) where Thomas and Anna McKinney rode for pleasure and hunted wolves and coyotes.
15. Rimard Creek is a tributary of Onion Creek entirely situated within the Santiago del Valle grant. The McKinneys referred to it as Marble Creek.
16. The McKinneys' private racetrack on the bank of Onion Creek half a mile from horse trainer John Van Hagen's cabin.
17. Home (two log cabins) of McKinney servant Lazaro Garza.
18. Temporary home of Dr. Josephus Steiner before he married and moved to the west bank of Onion Creek.
19. Carl, Texas, a small settlement.
20. Bluff Springs on the east bank of Onion Creek.
21. The site of the red circular lime kiln on the west bank of Onion Creek below McKinney Falls.
22. Buzzard Roost. No connection to the McKinneys.
23. Pilot Knob, the remains of an extinct volcano.
24. The large two-story horse barn for the thoroughbreds about 250 feet west of the big house and near where Williamson Creek flows into Onion.
25. Not included in Reynolds Lowry notes.
26. Del Valle, Texas, established mid-1870s.

Map and notes courtesy the Texas State Library and Archives Commission.

MCKINNEY FALLS

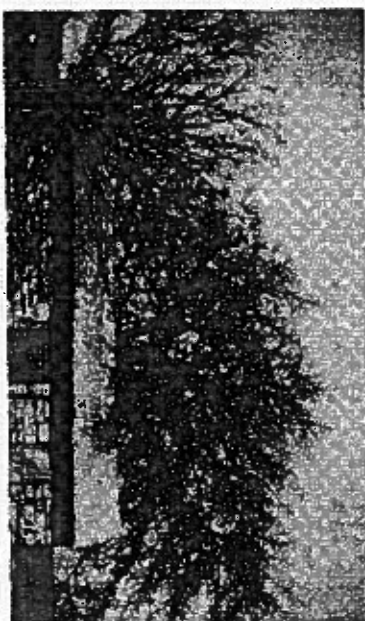
elegant flouring mill on Onion Creek four miles from the city and is prepared to manufacture flour of superior quality." Local farmers were experimenting with various strains of wheat in hopes of avoiding high-priced imported flour. The mill, which could grind all sorts of grain, operated until a flood in 1869 destroyed the machinery.¹ The flood waters along the creek did not reach the McKinney residence or the large barn for the thoroughbreds on the hill.

Details about the building of Mac's house are lacking and information relies on archaeological investigations conducted in 1974. The house was built with soft native limestone quarried downstream along Onion Creek; the blocks were cut with a circular saw and then shaped to size with chisel and ax. The floor joists, beams, rafters, and flooring were cypresses or cedar, as were the door and window frames and the shakes for the roof. Six square pillars extended from the ground to support the second-story porch roof. The interior walls and ceilings were plastered and the fireplaces were of uncut limestone.

The house was a one-room-deep rectangle (approximately forty by twenty feet) with three rooms on each floor accessed from a ten-foot-wide covered porch both upstairs and down. The galleries also served as outdoor living space in pleasant weather. A wide stairway parallel with and attached to the south exterior wall began just east of the center door on the first floor. Each room had a door to the porch and the center room also had a window on the gallery. Windows on the north and east provided cross ventilation, but the west wall appears to have had no openings. The west rooms were about seventeen feet square, the center rooms about twelve by seventeen, and the east rooms about nine by seventeen. A double fireplace formed a portion of the stone wall dividing the center and east rooms and the two had a connecting inside door perpendicular to the north wall. The fireplaces and the door were repeated on the second floor.²

The McKinneys had lived comfortably in Galveston and doubtless brought their wood cooking stove and Anna's piano to their new home. The oil painting of Sir Ardy, the Virginia thoroughbred, hung on the wall and when there was company Anna used

MCKINNEY FALLS



The cabin of Jean Van Hagen, Thomas McKinney's house mother, 1943. Photograph by Reynolds K. Lowry, courtesy Texas State Library and Archives Commission.

china and silver she had inherited from her family. Wardrobes, bureaus, and trunks held the best clothing, including a yellow silk ball gown Mac brought Anna from New Orleans. According to family lore, she wore the gown to Gov. B. M. Pease's inaugural ball and danced with Sam Houston.³

The five slave houses that the 1860 census enumerator listed were probably on the north side of the house. An annotated 1940s map by Mac's great-grandnephew, Reynolds Lowry, who was born in the house in 1876, shows an oblong perpendicular to the residence in the forty-acre field labeled "commodious tenant house for negroes." A two-story horse barn for the thoroughbreds lay along the ridge overlooking the mouth of Williamson Creek about 250 feet west of the McKinney residence. On the south side of the house toward the creek were two sixteen-foot-deep stone cisterns lined with mortar; the remains of metal pipes indicate that rainwater from the roof was funneled into the cisterns.⁴ No evidence of a well or pump suggests that bathing and clothes washing, especially during dry spells, probably took place in the creek.

While the pampered thoroughbreds had their barn and special pastures, the ordinary breeding stock was confined within stacked stone fences, one as high as five feet, on the south side of Onion

Austin History Center

McKinney Falls

Creek. A portion of a corral, about eighty by two hundred and sixty feet, remains near the south boundary of the park. The small stone house where horse trainer John Van Hagen lived was in that area too. Van Hagen worked McKinney's horses from about 1852 until the early 1870s. His snug house, about twenty-nine by seven feet of mortared stone blocks, had a cedar-shingled roof and a stone fireplace. It might have been used by the McKinnys or Broch Martin, a longtime friend and stockhand, as a temporary residence in the early days.

Across Onion Creek in a flat area between it and Williamson Creek was the McKinney training track, where some races took place as late as the Civil War. Nearby was a fenced pasture for the McKinney mules while the rich grassland near the mouth of Onion Creek served as a winter pasture for the thoroughbreds. Mac also provided land for the Travis County Racing Association's track near the Colorado River southeast of the Montopolis bridge. Mac was president of the racing organization in the 1850s. The land west and south of the stone corrals and around the Pilot Knob was open range where the McKinnys and their friends rode horseback while hunting coyotes along Cottonmouth and Rhinard (later Marble) creeks.¹⁰

In 1852 the McKinnys resumed caring for Minerva Fennin when those who were keeping her could no longer cope with the strong sixteen-year-old impaired young woman. Finkney Fennin, her beautiful and well-educated sister, had died in Galveston in 1847. One of the McKinney slaves was assigned to watch Minerva until she was accepted at the new Austin Lameatic Asylum in 1861, where she remained until her death in either 1893 or 1897.¹¹

McKinney served as one of the four Travis County commissioners from 1852 to 1856 and James followed him from 1857 to 1860 to represent Precinct Four. One of the main tasks was surveying and improving local roads. Property owners had to furnish labor for the improvements. Travis County Democrats elected McKinney to the Seventh Legislature, which opened in November 1857. The session was lively and unsettling with talk of secession. United States Senator Sam Houston had alienated many Texas Democrats in 1854 when he voted against the Kansas-Nebraska Act, which



Eleanor Prether McKinney, mother of Thomas F. McKinney, c. 1864. Photograph courtesy Margaret Smith Hanson.

Austin History Center

MCKINNEY FALLS

permitted slavery to expand north and west of Missouri contrary to the 1820 Missouri Compromise. As a lame duck senator, Houston ran for Texas governor in 1857 and was defeated. Mac, an ardent Democrat, still supported his old friend, who won the governor's race in 1859.²⁴

The increasing tension in Missouri and Kansas over the slavery issue caused McKinney to urge his mother and siblings to leave Missouri and move to Onion Creek. His sister Euphemia, her husband James Walker Austin, and their seven children arrived by wagon train in October 1857. Austin built his home on 250 acres in the Del Valle tract just east of present State Highway 281 and south of the Bergstrom Air Force Base, which in the late 1990s became Austin's new airport. The following spring, Mac went to Missouri and brought his mother and the family of his brother Charles to Texas. Seventy-seven-year-old Eleanor Prather McKinney not only survived the jolting two-month journey by wagon, but lived seven more years until her death in 1865. In 1859 Eleanor McKinney's seventy-five-year-old sister, Elizabeth Prather Given, joined the families on Onion Creek. Her son, Capt. Newton Cud Given, a graduate of West Point and a veteran of the Mexican War, was ill with tuberculosis in San Antonio, where he died in March 1859. Given's childless widow soon married M. T. Johnson and moved to Fort Worth. The McKinney ranch family compound increased again when the widow of Mac's cousin Thomas Prather, son of Stephen, arrived from San Augustine with her children. Except for the two elderly women, each family acquired a small tract and had its own home.²⁵

Although content with his family nearby, the increasing talk about secession disturbed McKinney. Like his friend Sam Houston, McKinney was a unionist in sentiment, but state loyalty and economic survival forced him to make difficult decisions after Abraham Lincoln was elected president in 1860.

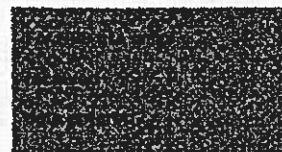
4. THE MCKINNEYS: WARTIME AND THE AFTERMATH, 1860-1896

THE 1860 CENSUS reveals how much the McKinney brothers had improved their property on Onion Creek during the preceding decade. Mac had 1,500 improved acres with fences and structures valued at \$48,000 and estimated his farm machinery, including the mill, to be worth an additional \$10,500. He owned about 100 horses, 120 mules, 70 milch cows, 20 oxen, 250 range cattle, 15 hogs, and 900 sheep, for a total value of \$36,000. During the past year Mac had harvested about 500 bushels of corn and 180 bushels of oats while the sheared sheep furnished 3,100 pounds of wool. From the cows' milk, he processed an estimated 500 pounds of butter. By these figures, the McKinney ranch was worth \$95,000.

Mac did not raise cotton but James McKinney ginned eleven bales from a portion of his cultivated 120 acres. He also grew corn, Irish and sweet potatoes, and other vegetables in his "market garden." James had fewer animals with only fourteen horses, three mules, and fifty milk cows, but about the same number of oxen, range cattle, and hogs as his brother. James's property was a self-supporting farm rather than a breeding ranch like Mac's. The younger brother valued his land at \$11,000, farm tools at \$1,000, and his livestock at \$4,500. Neither man owned many slaves: Mac had twenty-one including one couple both age seventy and a number of children housed in five dwellings while James had fifteen

United States Department of the Interior
National Park Service

**National Register of Historic Places
Inventory—Nomination Form**



Continuation sheet

Item number 8

Page 2

McKINNEY HOMESTEAD DISTRICT, TRAVIS COUNTY, TEXAS
ADDITION OF ARCHEOLOGY AS AN AREA OF SIGNIFICANCE

The original nomination provided a biographical sketch of the life of Thomas F. McKinney, a prominent figure in Texas' revolt against Mexico and in the settlement of Travis County. Subsequent informant and documentary research by the Texas Parks and Wildlife Department (McEachern and Ralph 1980: 7-20) resulted in a more complete chronology of the occupation of the McKinney Homestead:

Chronology of Events on the McKinney Property (from McEachern and Ralph 1980: 19)

Date	Event
1832	Land on which McKinney house stands was first recorded in a 10 league grant patented by Santiago del Valle.
1835	Samuel M. Wilkins, acting for del Valle, sold nine leagues of the land to Michael B. Menard.
1839	Menard sold nine leagues of the land to Thomas F. McKinney.
1849	McKinney moved to Travis County.
1851	Horse trainer's house was built.
1852	McKinney's mill was opened.
1853-61	House was built during this period, but construction was stopped by the Civil War.
1864	Important political meetings to resolve conflicting state and Confederate interests in cotton and conscription took place in the house. Dignitaries at the meetings included Guy M. Bryan, representing General E. Kirby Smith who commanded the Confederate Trans-Mississippi Department; Texas Governor Pendleton Murrah; General E.B. Nichols, chief of the Texas Loan Agency (working under Murrah and in conflict with the Confederacy); Judge Thomas Devine of the Confederate District Court of Western Texas; and McKinney (Bowen, 1974).
1869	Mill was destroyed by a flood.
1872	John Van Hagen left McKinney Falls for Long Island.
1873	McKinney died.
1873-81	Lower story was occupied by R.W. Lowry and Margaret Ann Taylor Lowry (greatniece of McKinney).
1874	Anna McKinney Lowry was born.
1876	Reynolds K. Lowry was born.
1878	Mary Nelson Lowry was born.
1881	Lowry family and Anna Gibbs McKinney moved to a new home.
1885	Homestead was sold by Anna Gibbs McKinney to James Woods Smith.
1885-86	Charlie Johns was born and lived in the McKinney house.
1915	Charlie moved to the upper falls area while his mother stayed at the house.
1915	Charlie's daughter, Charlie Mae Johns (Gentry) was born in the old Smith place.
1920's	Mrs. Johns moved out of the house.
1926	Albert Meeks moved into the house.
1936	Charles Darby was born in the "old rock house."
1942	Property was inherited by J.E. and Annie M. Smith; land was in their hands at this time.
1940's	House was abandoned and later burned.
1970	J.E. Smith and his sister Annie donated the land to the people of Texas for use as a park.

SUBMITTED TO D.C. 10/23/85 MH
ACCEPTED 12/15/85 MH

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY	
APPLICATION DATE: _____	FILE NUMBER(S): <u>C14H-2007-0244</u>
TENTATIVE HLC DATE: _____	
TENTATIVE PC or ZAP DATE: _____	
TENTATIVE CC DATE: _____	CITY INITIATED: YES / NO
CASE MANAGER: _____	ROLLBACK: YES/NO
APPLICATION ACCEPTED BY: _____	

BASIC PROJECT DATA:

City initiated case.

1. OWNER'S NAME: <u>Keller Family Investments, Ltd. Kerry Keller</u>	
2. PROJECT NAME: <u>M. Kinney's Mill</u>	
3. PROJECT STREET ADDRESS (or Range): <u>Terry Lane</u>	
ZIP: _____	COUNTY: <u>Travis</u>
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____	FRONTAGE FEET ALONG THE <u>N. S. E. W.</u> (CIRCLE ONE) SIDE OF
APPROXIMATELY _____	(ROAD NAME PROPERTY FRONTS ONTO), WHICH IS
INTERSECTION WITH _____	DISTANCE FROM ITS CROSS STREET.

AREA TO BE REZONED:

4. ACRES _____	(OR)	SQ. FT. _____
5. ZONING AND LAND USE INFORMATION:		
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)
<u>Urban I-RR</u>	<u>None</u>	<u>3</u>
_____	_____	_____
_____	_____	_____
ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>2.24 acres</u>	<u>None</u>	<u>CS-H</u>
_____	_____	_____
_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? <u>(YES/NO)</u>	FILE NUMBER: <u>C14H-2007-0244</u>
7. RESTRICTIVE COVENANT? <u>(YES/NO)</u>	FILE NUMBER: _____
8. SUBDIVISION? <u>(YES/NO)</u>	FILE NUMBER: _____
9. SITE PLAN? <u>(YES/NO)</u>	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: _____		
Block(s) _____	Lot(s) _____	Outlot(s) _____
Plat Book: _____		Page _____
Number: _____		
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)		

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: _____	PAGE: _____	TAX PARCEL I.D. NO. _____
--------------------------	--------------------	----------------------------------

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES <input checked="" type="radio"/> NO
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) _____
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES <input checked="" type="radio"/> NO
14. IS A TIA REQUIRED? YES <input checked="" type="radio"/> (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: <u>2999 per Transportation Division</u>
TRAFFIC SERIAL ZONE(S): _____

OWNERSHIP TYPE:

15. _____ SOLE _____ COMMUNITY PROPERTY _____ PARTNERSHIP _____ CORPORATION _____ TRUST
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION: City-initiated historic zoning case

16. OWNER CONTACT INFORMATION	
SIGNATURE: _____	NAME: _____
FIRM NAME: _____	TELEPHONE NUMBER: _____
STREET ADDRESS: _____	
CITY: _____	STATE: _____ ZIP CODE: _____
EMAIL ADDRESS: _____	

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION	
SIGNATURE: <u>Steve Sadowsky</u>	NAME: <u>STEVE SADOWSKY</u>
FIRM NAME: <u>CITY OF AUSTIN HISTORIC PRES. OFFICE</u>	TELEPHONE NUMBER: <u>974-6454</u>
STREET ADDRESS: <u>505 BARTON SPRINGS RD</u>	
CITY: <u>AUSTIN</u>	STATE: <u>TX</u> ZIP CODE: <u>78704</u>
CONTACT PERSON: _____	TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____	

DEPARTMENTAL USE ONLY: _____

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

City - initiated case
Signature _____ Date _____

Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

City - initiated case
Signature _____ Date _____

Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

**concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays**

1. Steve Sedowsky have checked for subdivision plat notes, deed restrictions,
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

Steve Sadousky
(Applicant's signature)

5-2-08
(Date)