

**Preferred Scenario Map
Amendment Request
PSA-25-02**

**904 Francis Harris Lane
Conservation/Cluster to
Commercial/Employment Low**



Summary

Request:	Change from Conservation/Cluster to Commercial/Employment Low on the Preferred Scenario Map.		
Applicant:	Armbrust & Brown, PLLC, 100 Congress Ave, #1300 Austin, TX, 78701	Property Owner:	Highlander SM One, LLC P.O Box 470249, Fort Worth, TX 76147 Donald and Germaine Tuff C/O: Kristen Quinney Porter P.O Box 312643, New Braunfels, TX 78131

Notification

Application:	September 30, 2025	Neighborhood Meeting:	N/A
Published:	December 28, 2025	# of Participants	N/A
Posted:	December 23, 2025	Personal:	December 19, 2025
Response:	See attached comments		

Property Description

Legal Description:	Approximately 199.49 +/- acres of land, more or less, out of the A.M Esnaurizar Survey, Abstract No. 6		
Location:	Generally located on the western side of Francis Harris Lane, south of the intersection between Grant Harris Rd and Francis Harris Lane		
Acreage:	199.49 +/-	PDD/DA/Other:	N/A
Existing Zoning:	CD-2.5/ ETJ	Proposed Zoning:	Light Industrial
Existing Use:	Vacant/Residential	Proposed Use:	Data Center
Preferred Scenario:	Conservation/Cluster	Proposed Designation:	Commercial/Employment Low
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Available (no data available for water and electricity as these will not be provided by the City of San Marcos)	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No There is an existing cemetery within the boundary of the site, however the cemetery is not included within this request.

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<u>Surrounding Area</u>	<u>Zoning</u>	<u>Existing Land Use</u>	<u>Preferred Scenario</u>
North of Property:	None (ETJ)	Vacant/ Rural Residential	Conservation/Cluster
South of Property:	Heavy Industria/ ETJ	Power Plant/ Agricultural/ Rural Residential	Conservation/Cluster & Commercial/Employment Low
East of Property:	Heavy Industria/ Agricultural/ETJ	Power Plant/ Vacant	Conservation/Cluster & Commercial/Employment Low
West of Property:	None (ETJ)	Vacant	Conservation/Cluster

Staff Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	Alternate Approval	Denial
Please note that no action is required by Council for the meeting on February 3, 2026 – it is a public hearing only.		
Staff: Julia Cleary, AICP	Title: Senior Planner	Date: Jan 8, 2026

Commission Recommendation

<input checked="" type="checkbox"/> Approval as Submitted	Approval with Conditions / Alternate	Denial
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Speakers in favor or opposed

- John Maberry (in favor)
- Michael Whellan (in favor)
- David Swank (in favor)
- Jose Lozano (in favor)
- Jennifer Lindsey (opposed)
- Carys Blackstone (opposed)
- Mike Martin (opposed)
- Patrick Blackstone (opposed)
- Torrie Martin (opposed)
- Luke Kraft (opposed)
- Hayat Qurunful (opposed)
- Lidia Rodriguez (opposed)
- Charles Soechting (opposed)
- Jeremy Hendricks (in favor)
- Jimmy Naville (in favor)
- Cole Taylor (in favor)
- Randy Harris (in favor)
- Manuel Godoy (in favor)
- Michael Hernandez (opposed)

- Bobby Levinsky (opposed)
- Maxfield Baker (opposed)
- Saunders Drukker (opposed)
- Chad Bartling (opposed)
- Rocko Moses (opposed)
- Avedis Senerjibascian (opposed)
- Bret Harris (opposed)
- Aaron Brown (opposed)
- Gena Fleming (opposed)
- Abigail Lindsey (opposed)
- Carmen Runevalt (opposed)
- Mary Littlefield Devine (opposed)
- Cel Vasquez (opposed)
- Crispy Polanco (opposed)
- Barbara Hinkson (opposed)
- Peter Baen (general comments)
- Abby Wetzel (opposed)
- Mike Kamerlander (in favor)
- Elizabeth Riley (opposed)

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- Samantha Charbonneau (opposed)
- Adriana Montoya (opposed)
- Matthew Gonzales (in favor)
- Jasmine Castellanos (opposed)
- Randi (opposed)
- Ariel (opposed)
- Dr. Kristen Hook (opposed)
- Jacob Allen (opposed)
- Ember Crayvell (opposed)
- Sara Wingfield (opposed)
- Amy Oliveri (opposed)
- Ben Abayo (general comments)
- CJ Satina (opposed)
- Joshua Hill (opposed)
- Manual Granados (opposed)
- Marko Pena (opposed)
- Athena (opposed)
- Sam Benevides (opposed)
- Jordan Mozer (opposed)
- Haden Stoffer (general comments)
- Decklan Stevenson (opposed)
- Brooke Shumacher (opposed)
- Jonah Winter (general comments)
- Joseph Morris (general comments)
- Amanda (opposed)
- Amber Lunsford (opposed)
- Noah Brock (opposed)
- Annie Donovan (opposed)
- Riley Lecourt (opposed)
- Corine Lopersido (opposed)
- Annette Devers (opposed)
- Jerry (in favor)
- Ronan Conroy (in favor)
- Moira McCulloch (opposed)
- Blake Coe (general comments)
- James Bussey (in favor)
- Jennifer Corboy (in favor)
- Zoe Schwartz (opposed)
- Kira Utter (opposed)
- Brandon Blocker (general comments)
- Frank (in favor)
- Lazarus Vasquez (opposed)
- Jessica Moreno (opposed)
- Laura Daye (opposed)
- Brenda Hagner (opposed)
- Justin James Bridges (opposed)
- Georgia Parker (opposed)
- Albert Lanam (in favor)
- Jess Bowers (opposed)
- Hadie Nichols (opposed)
- Patricia Harrington (opposed)
- Daniel Bonestrum (opposed)
- Sy Friede (opposed)
- Don Ewalt (opposed)
- Matt Gonzales (opposed)
- Virginia Parker (opposed)
- Carl Betancourt (opposed)
- Zachary Tyndall (opposed)
- Lisa Prewitt (opposed)
- Kevin Ivy (opposed)

Recommendation from the Planning and Zoning Commission Meeting held January 13, 2026

A motion was made by Commissioner Case, second by Commissioner Burleson to recommend approval of the request.

The vote passed with a 6-2 vote.

For: 6 (Burleson, Case, Costilla, Dunn, Spell, Van Oedekerke)

Against: 2 (Agnew, Meeks)

Absent: 0

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P&Z Discussion Topics:

Timeline between applications and compliance with Chapter 2 of the Land Development Code

Commissioner Meeks stated that this application was not materially different from the previous one, and the 6-month waiting period as required in the Code had not been met. The City Attorney responded that the application could move forward as there was no formal denial of the previous application.

New Data Center Zoning Designation/ Updates to Code

Commissioner Meeks noted that Council had given staff the directive not to bring this application back until there was a new zoning category for data centers created, and that the application should not move forward with a resubmittal/ discussion before a new zoning district had been created. She said that the city was trying to push the data center use into "light industrial". She compared the number of public speakers/ objectors to the response that she had seen when the Woods apartments were approved, and that people's lives had been ruined. Commissioner Agnew stated that a new data center category would not necessarily make the public happier with the proposed request. Staff responded that when a property owner submits an application, staff must process the application in accordance with the Development Code. Staff also responded that the in-progress update to the Development Code includes zoning requirements for data centers. Commissioner Agnew noted that he did not necessarily have any issue with the requested Commercial-Employment Low place type but that a data center did not necessarily fit into the intent/ description of that place type (such as the 8 jobs per acre as called out in the Comprehensive Plan, with the number of permanent jobs created by the data center being much lower).

Tax Abatements – Commissioner Spell asked staff if the applicant had applied to the city for any Tax Abatements. Staff responded that they were not aware of any requests to the city, but that there may be tax relief programs at the state level which could apply specifically to a data center.

Restrictive Covenant Comments and Enforceability – There was general discussion regarding the enforceability of the draft restrictive covenants and injunctive relief.

Construction of Single-Family Development -Commissioner Agnew stated that he had been irritated by the comparison between the data center and the single-family subdivision as the two development options, as he had understood that single-family development was no longer feasible/abandoned. He asked the applicant if they would proceed with the single-family development if this data center did not go forward. The applicant responded that they would develop it as single family.

Change to the Comprehensive Plan following adoption – Chair Case stated that he felt the request met the criteria for an amendment which is why he was recommending approval. Commissioner Meeks said that the life of the plan was 20-30 years and it was problematic to make changes so soon after the adoption of the plan.

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History

This is a resubmittal of a previous Preferred Scenario Amendment (PSA-25-01) which was considered on first reading by Council on 8/19/2025. Although Council voted 5-2 to approve PSA-25-01, the motion failed because it did not receive the 6 necessary votes in order to overturn a recommendation of denial from the Planning and Zoning Commission.

This request for a Preferred Scenario Amendment from "Conservation/Cluster" to "Commercial/Employment Low" covers 199.49 acres of land on the western side of Francis Harris Lane and is accompanied by the following applications:

- ZC-25-13 - Zoning change from Character District 2.5 (CD 2.5) and Future Development (FD) to Light Industrial (LI) (Resubmittal of ZC-25-13).
- AN-25-02 - Annexation request for the southwestern part of the site located outside of the city limits (approx. 64 acres). This application was approved by Council on first reading on 8/19/2025 and was postponed by the applicant to align with the associated zoning change and Preferred Scenario Amendment.

The applicant is requesting the Preferred Scenario Amendment and associated zoning change in order to construct a data center. Data centers are considered a Light Industrial use and are permitted under either Light Industrial or Heavy Industrial zoning. No proposed site plans have been received at this time.

The northeastern 137-acre tract that is currently within the City limits was annexed and zoned to Character District 2.5 (CD-2.5) on August 2, 2022 (Ord. 2022-45). CD-2.5 zoning predominantly allows single family residential development. Due to concerns regarding the proposed residential use adjacent the Hays Energy Power Plant located on the other side of Francis Harris Lane, Council requested that a restrictive covenant (Hays County Clerk Inst. 22049761) be placed on the site which would require the developer to notify potential residents on the site of the adjacent power plant and potential noise/industrial lighting impacts, as well as additional construction requirements for all homes within 1,500 feet of the power plant.

Additional Analysis

Page 110 of the adopted Vision SMTX Comprehensive Plan states that the existing "Conservation/Cluster Place Type identifies areas where development would be discouraged over the life of the Comprehensive Plan" and that "Development that does occur within conservation and reserve areas should be low impact to the natural environment by using a variety of development techniques and strategies". Conversely, the requested Commercial/Employment Low would "facilitate lower density, auto-oriented retail, office and industrial type uses" (Vision SMTX Comprehensive Plan, p.102). Key extracts from the Comprehensive Plan regarding the two Place Types are included in the packet, along with a copy of the Comprehensive Plan / District Translation Table 4.1 which shows which zoning districts are allowed under each Place Type (see attachment "PSA-25-02 Place Types Comparison").

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Staff's recommendation for approval is based on the analysis that commercial/industrial uses are preferable to a new residential subdivision adjacent to the existing power plant, which is permitted by right under the current zoning for most of the site.

Comments from Other Departments

Police	No Comment
Fire	With respect to the associated annexation case (and in the event that the applicant seeks to de-annex if this zoning change is denied), Fire would still likely be required to assist County Emergency Service Districts (ESDs) if there were a fire on the proposed data center site due to existing cooperative agreements. Fire would prefer that this site remains within/ is annexed into the city limits.
Public Services	No Comment
Engineering	No Comment
Economic Development	The proposed use is a target industry under the Economic Development Policy identified as a desirable industry for the City of San Marcos. Target industry: Information Technology.

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Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
		X	Whether the proposed amendment is consistent with other policies of the Comprehensive Plan
		N/A	Whether the proposed amendment is consistent with any adopted small area plan or neighborhood character study for the area. <i>There is no neighborhood character study in effect for this area.</i>
X			Whether the proposed amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety, and general welfare of the City. <i>The request will allow commercial/ industrial uses next to the existing power plant</i>
		X	The proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact
X			Whether the proposed amendment constitutes a substantial benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time <i>The PSA would enable the associated zoning change from CD 2.5 (residential) to Light Industrial which will prevent a residential neighborhood from being constructed next to an existing heavy industrial use.</i>

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Evaluation			Criteria for Approval (Sec. 2.4.2.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed amendment will impact:</p> <ul style="list-style-type: none"> • Adjacent properties. • Existing or future land use patterns <i>There is an existing Power Plant across the street on Francis Harris Lane. Due to the presence of the power plant, commercial or industrial uses are preferable to residential uses within this site.</i> • Existing or planned public services and facilities <i>The site is located within the Pedernales service area for electricity and Crystal Clear CCN for water. There are existing wastewater lines along Francis Harris Lane.</i> • Existing or planned transportation networks or greenways <i>A proposed Transportation Master Plan (TMP) thoroughfare runs along the northern boundary of the site – this should be incorporated into the development during the platting process. Grant Harris Lane is not dedicated right-of-way and so currently the divided lots along the northern boundary of the site do not have direct street frontage. Constructing the required TMP road will provide direct street frontage to these lots. However, it should be noted that Preferred Scenario Amendments and Zoning Changes do not change the requirement to incorporate TMP improvements when platting.</i> • The natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <i>The site is not located within the floodplain, Edwards Aquifer Recharge Zone or San Marcos River Corridor.</i>