

Zoning Request	900BLK Francis Harris Ln Francis Harris Ln Maberry Data Center
ZC-25-13	



Summary

Request:	Zoning change from Future Development (FD) and Character District 2.5 (CD-2.5) to Light Industrial (LI).		
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	None
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 (FD upon annexation)	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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ZC-25-13	



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

Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Alternate Approval	Denial
<ul style="list-style-type: none"> Staff recommends partial approval of ZC-25-13 for all of the requested tract with the exception of a 50 ft buffer along the northwestern property line of the Highlander, SM One, LLC Tract adjacent the private driveway (Grant Harris Rd). This 50 ft buffer is recommended for the less intense zoning district of Character District-1 (with the consent of the owner). This recommendation for approval is <u>subject to the approval of the associated Preferred Scenario Amendment PSA-25-02.</u> 		
Staff: Julia Cleary, AICP	Title : Senior Planner	Date: January 7, 2026

Commission Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions / Alternate	Denial

Speakers in favor or opposed

- | | |
|--|---|
| <ul style="list-style-type: none"> • 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) | <ul style="list-style-type: none"> • Randy Harris (in favor) • Manuel Godoy (in favor) • Michael Hernandez (opposed) • Bobby Levinsky (opposed) • Maxfield Baker (opposed) • Saunders Drukker (general comments) • 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) |
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ZC-25-13		



- Barbara Hinkson (opposed)
- Peter Baen (general comments)
- Abby Wetzel (opposed)
- Mike Kamerlander (in favor)
- Elizabeth Riley (opposed)
- 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 (general comments)
- 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)
- Sam Benavides (opposed)
- Patricia Harrington (opposed)
- Daniel Bonestrum (opposed)
- Sy Friede (opposed)
- Don Ewalt (opposed)
- Elizabeth Emberson (opposed)
- Mary Littlefield Devine (opposed)
- Torrie Martin (opposed)
- Manuel Gadoy (in favor)
- Virginia Parker (opposed)
- Carl Betancourt (opposed)
- Zachary Tyndall (opposed)
- Saunders Drukker (opposed)
- Danielle Kemp (opposed)

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

A motion was made by Commissioner Spell, second by Commissioner Burlison to **partial approval** of ZC-25-13 for all of the requested tract with the exception of a 50 ft buffer along the northwestern property line of the Highlander, SM One, LLC Tract adjacent the private driveway (Grant Harris Rd). This 50 ft buffer is recommended for the less intense zoning district of Character District-1 (with the consent of the owner).

The vote passed 6-2

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

Against: 2 (Agnew, Meeks)

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ZC-25-13**

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Absent: 0

Discussion Topics:

Restrictive Covenants

Commissioner Agnew acknowledged that the restrictive covenants were not the purview of P&Z, he would recommend the following be considered: (a) Removal of the 20 year term limit and the phrase "if a data center is constructed"; (b) Distinction between water usage and water allocation (c) Obligating the site to continue to use PEC for power unless a change is specifically approved by the City (d) Clarifying the distinction between "applying" for LEED certification and being actually approved; (e) Allowing noise in Section 1.G to be measured from "both" the property line of the complainant or the ROW, as opposed to "either"; (f) Consider requirements for the monitoring of animal and human health, and (g) Whether the referenced March 18th date in Section 10 (Condition Precedent) should be further out to account for potential delays. He noted that one of the reasons he was voting to deny was because he was unsatisfied with what he had seen in the draft restrictive covenants.

Regulations of Data Centers Inside vs Outside City Limits

Commissioner Spell noted that the city had a strong development code which was considered a gold standard in the area, and could regulate development far better than the County, particularly with respect to environmental/ watershed protections. He said he did not believe it would increase the overall number of data centers permitted in this area, as ERCOT would have a limit on how many data centers can tie into the grid. Commissioner Meeks expressed disappointment that although the documents may be considered a gold standard, the city was not abiding by those documents (such as the disregard of the 6-month waiting period for application resubmittals.) Commissioner Burleson said the meeting had reminded her of the SMART Terminal zoning change request, which now has no regulations.

Health Concerns regarding Data Centers

Commissioner Meeks stated that one of the reasons she was not voting to approve the data center was due to unknown health concerns and noted that there was a large amount of information online pertaining to the negative health impacts of data center.

Spot Zoning

Commissioner Meeks expressed concerns that the proposal may amount to spot zoning, which occurs when a jurisdiction disregards its comprehensive zoning ordinance. She stated that the request would go against documents which citizen comments have helped staff create.

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ZC-25-13	



History

This is a resubmittal of a previous zoning change request (ZC-25-02) which was recommended 6-1 for denial by the Planning and Zoning Commission at their March 25, 2025, meeting. It was then withdrawn by the applicant after the associated Preferred Scenario Amendment (PSA-25-01) failed to receive the necessary votes for approval by Council at their August 19, 2025, meeting.

This zoning change covers 199.49 acres of land on the western side of Francis Harris Lane and is accompanied by the following applications:

- PSA-25-02 – Preferred Scenario Amendment from Conservation/ Cluster to Commercial/Employment – Low. (resubmittal of PSA-25-01)
- AN-25-02 - Annexation request for the southwestern part of the site located outside of the city limits (approx. 64 acres).

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

Additional Analysis

Per Table 4.1 of the Land Development Code, Light Industrial zoning is not permitted within Conservation/Cluster Place Types. Approval of the associated Preferred Scenario Amendment to Commercial/Employment – Low (PSA-25-02) is required before this zoning change can be approved.

Grant Harris Rd, a private driveway/ access easement with several residential structures, runs along the northwestern boundary of the property. These properties do not currently have any direct roadway frontage – the City of San Marcos Thoroughfare Plan would require the developer to dedicate Right of Way at the time of platting which would provide direct road frontage to these properties.

Staff is proposing to designate a 50' Character District-1 (CD-1) buffer along the northwestern boundary of the property adjacent Grant Harris Rd. The applicant agrees with this modification of the request.

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), the Fire Department 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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ZC-25-13

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
	<u>X*</u>		Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>There is a pending Preferred Scenario Amendment (PSA-25-02) from Conservation/Cluster to Commercial/Employment Low. The zoning change cannot be approved without the approval of the associated Preferred Scenario Amendment. If the PSA is approved, the evaluation would change from "Inconsistent" to "Consistent".</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at the time of the request.</i>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <i>There are no applicable plans or studies related to this site.</i>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <i>There is no development agreement in effect for this site.</i>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <i>The proposed LI zoning allows manufacturing & light industrial uses like industrial office, warehouse, & distribution.</i>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <i>The surrounding area is a combination of Heavy Industrial across Francis Harris Ln to the southeast, with agricultural/ rural agricultural on all other sides.</i>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <i>The site is relatively flat with limited tree cover and is located next to an existing heavy industrial use. The site encloses an approx. 1-acre cemetery site (not part of this request). Access to the cemetery must be maintained per Section 711.041 of the Texas Health and Safety Code.</i>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <i>Most of the site is entitled to develop as single family residential (CD 2.5 zoning) however there are potential quality of life concerns for future residents due to the proximity of the neighboring power plant. For the southwestern portion of the tract, "FD" zoning is considered to be a temporary zoning upon annexation until the landowner proposes a specific use.</i>

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ZC-25-13

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether there is a need for the proposed use at the proposed location <i>The city does not have any specific studies identifying the need for data centers or proposed locations.</i>
		<u>X</u>	Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <i>Staff do not have data regarding the proposed energy or water use of the development at this time as these utilities will not be provided by the city.</i>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>There are several residential structures along the northwestern boundary on Grant Harris Rd. As the homes are not located within the city limits there is no Transitional Protective Yard requirement per Section 7.2.2.2 of the Code. Staff is proposing a 50' buffer alongside these properties on Grant Harris Rd which would trigger the Transitional Protective Yard requirement unless the land was dedicated as Right of Way per the City's Thoroughfare's Plan.</i>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <i>This is not a request for a Neighborhood Density District.</i>
<u>X</u>			The impact the proposed amendment has with regard to 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>
<u>X</u>			Any other factors which shall substantially affect public health, safety, morals, or general welfare