

**Zoning Request  
ZC-25-13**

**900BLK Francis Harris Ln  
Francis Harris Ln Maberry  
Data Center**



**Summary**

<b>Request:</b>	Zoning change from Future Development (FD) and Character District 2.5 (CD-2.5) to Light Industrial (LI).		
<b>Applicant:</b>	Armbrust & Brown, PLLC, 100 Congress Ave, #1300 Austin, TX, 78701	<b>Property Owner:</b>	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**

<b>Application:</b>	September 30, 2025	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	December 28, 2025	<b># of Participants</b>	None
<b>Posted:</b>	December 23, 2025	<b>Personal:</b>	December 19, 2025
<b>Response:</b>	See attached comments.		

**Property Description**

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

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

### Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> Denial
<ul style="list-style-type: none"> <li>Staff recommends <b><u>partial approval</u></b> 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).</li> <li>This recommendation for approval is <b><u>subject to the approval of the associated Preferred Scenario Amendment PSA-25-02.</u></b></li> </ul>		
<b>Staff:</b> Julia Cleary, AICP	<b>Title :</b> Senior Planner	<b>Date:</b> January 7, 2026

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### 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

<b>Police</b>	No Comment
<b>Fire</b>	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.
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Economic Development</b>	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.2.5.1.4)
Consistent	Inconsistent	Neutral	
	<u>X*</u>		Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><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></b>
		<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 <b><i>Studies were not complete at the time of the request.</i></b>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council <b><i>There are no applicable plans or studies related to this site.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this site.</i></b>
<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 <b><i>The proposed LI zoning allows manufacturing &amp; light industrial uses like industrial office, warehouse, &amp; distribution.</i></b>
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><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></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>The site is relatively flat with limited tree cover and is located next to an existing heavy industrial use.</i></b> <b><i>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></b>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><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></b>

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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 <b><i>The city does not have any specific studies identifying the need for data centers or proposed locations.</i></b>
		<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 <b><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></b>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><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></b>
		<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 <b><i>This is not a request for a Neighborhood Density District.</i></b>
<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 <b><i>The site is not located within the floodplain, Edwards Aquifer Recharge Zone, or San Marcos River Corridor.</i></b>
<u>X</u>			Any other factors which shall substantially affect public health, safety, morals, or general welfare