City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Regular Meeting Agenda

Planning and Zoning Commission

Tuesday, May 26, 2026 | **6:00 PM** | **City Council Chambers**

This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

II. Roll Call

III. Chairperson's Opening Remarks

IV. Citizen Comment Period

Persons wishing to participate/speak remotely (online) during the Citizen Comment Period must email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting. Written comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners. Written comments received after the deadline will be provided to the Commissioners at the meeting. Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name.

CONSENT AGENDA

THE FOLLOWING ITEMS NUMBERED 5 - 7 MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on May 12, 2026

PUBLIC HEARINGS

Interested persons may participate in the Public Hearings items #2-6:
1) To participate/speak remotely (online) during the Public Hearings, email planninginfo@sanmarcostx.gov no later than 12:00 p.m. on the day of the meeting, or
2) Email written comments. Comments received prior to 12:00 p.m. on the day of the meeting will be emailed to the Commissioners and comments received after the deadline will be provided to the Commissioners at the meeting, or
3) Those wishing to speak in person may sign up in advance or appear in the City Council chambers at the time the item is called. Comments shall have a time limit of three minutes each and speakers must state their name and address.

2. CUP-26-14 (Swing Station) Hold a public hearing and consider a request by Tyler

Gescheidle, on behalf of Swing Station, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1900 N IH 35, Ste 104. (K. Buck)

3. CUP-26-19 (Freddy C's Lounge) Hold a public hearing and consider a request by Sean Neal, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (C.Garrison)

4. CUP-26-20 (Beans and Buns) Hold a public hearing and consider a request by Victor Cruzalta, on behalf of Beans and Buns, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 420 University Dr. (K. Buck)

5. CUP-26-22 (Jack's Roadhouse) Hold a public hearing and consider a request by Hallucivision LLC, on behalf of Jack's Roadhouse, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1625 Hunter Road. (C. Garrison)

6. CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C.Garrison)

V. Question and Answer Session with Press and Public.

This is an opportunity for the Press and Public to ask questions related to items on this agenda. Comments shall have a time limit of three minutes each and speakers must state their name. The allotted time will commence at the beginning of the speakers remarks and will include time spent in discussion with Commissioners and staff. Any questions which are unable to be addressed in the allotted time frame, or for which answers are not immediately available can be addressed outside the meeting.

VI. Adjournment

Notice of Assistance at the Public Meetings

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the
_____ day of _____

_____ Title:
_____

Legislation Text

File #: ID#26-305, **Version:** 1

AGENDA CAPTION:
Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on May 12, 2026
Meeting date: May 26, 2026

Department: Planning and Development

Amount & Source of Funding
Funds Required: Click or tap here to enter text.
Account Number: Click or tap here to enter text.
Funds Available: Click or tap here to enter text.
Account Name: Click or tap here to enter text.

Fiscal Note:

Prior Council Action: Click or tap here to enter text.

City Council Strategic Initiative: [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Land Use - Choose an item.

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Click or tap here to enter text.

Council Committee, Board/Commission Action:

Click or tap here to enter text.

Alternatives:

Click or tap here to enter text.

Recommendation:

Click or tap here to enter text.

City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes - Final
Planning and Zoning Commission

Tuesday, May 12, 2026 | **6:00 PM** | **City Council Chambers**

This will be a hybrid (in-person/virtual meeting). To view the meeting please go to http://www.sanmarcostx.gov/541/PZ-Video-Archives or watch on Grande channel 16 or Spectrum channel 10.

I. Call To Order

With a quorum present the regular meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Case at 6:00 pm on Tuesday, May 12, 2026 via hybrid meeting.

II. Roll Call

Present 8 - Commissioner William Agnew, Commissioner Lupe Costilla, Commissioner David Case, Commissioner Rodney Van Oudekerke, Commissioner Lucy Johnson, Commissioner Randy Bryan, Commissioner Michele Burleson, and Commissioner Allison Hardy

Absent 1 - Commissioner Maraya Dunn

III. Chairperson's Opening Remarks

Chair Case welcomed the audience and gave opening remarks detailing the meeting rules and guidelines.

Chair Case recognized Assistant Director of Planning, Andrea Villalobos, for receiving the City of San Marcos, Employee of the Year, and thanked her for all her hard work.

IV. Citizen Comment Period

Chair Case opened the Citizen Comment Period.

There were no speakers.

Chair Case closed the Citizen Comment Period.

CONSENT AGENDA

1. Consider approval, by motion of the Regular Meeting Minutes for the Planning and Zoning Commission on April 28, 2026

A motion was made by Commissioner Burleson, seconded by Commissioner Johnson to approve the consent agenda.

The motion carried by the following vote.

For: 8 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

Absent: 1 - Commissioner Dunn

PUBLIC HEARINGS

2. CUP-26-21 (Archies) Hold a public hearing and consider a request by Ryan Bunger, on behalf of Archies, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 301 N LBJ Dr, Ste 119. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-21.

Commissioner Maraya Dunn arrived to the meeting at 6:06 p.m.

Staff recommended approval of the request with the following conditions;

1. The permit shall be valid for three (3) years, and shall expire on December 31, 2028, provided standards are met;
2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday – Thursday.
3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday.
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
5. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;

6. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
7. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
8. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
9. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Zach Perez, 301 N LBJ Drive, in favor
2) Daphne Bendel - 301 N LBJ Drive, in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Costilla, seconded by Commissioner Bryan to approve the request with staff conditions.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

3. CUP-26-24 (Southbound Social) Hold a public hearing and consider a request by Dylan Wild, on behalf of Southbound Social, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 119 E Hutchison St. (K. Buck)

Chair Case opened the Public Hearings.

Kaitlyn Buck, Planner, gave a presentation on request CUP-26-24.

Staff recommended approval of the request with the following conditions;

1. The permit shall be valid for one (1) year, and shall expire on May 12, 2027, provided standards are met;

2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10 pm Sunday – Thursday.3. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11 pm Friday – Saturday.
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
5. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;
6. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
7. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
8. The business shall not pursue or hold a TABC Late Hours permit;
9. The occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
10. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

1) Dylan Wild - 119 E. Hutchison St., in favor

Chair Case closed the Public Hearings.

A motion was made by Commissioner Agnew, seconded by Commissioner Van Oudekerke to approve the request with staff conditions.

After discussion, a motion was made by Commissioner Bryan, seconded by Commissioner Agnew to remove condition #8.

The motion to amend carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

4. CUP-25-71 (325 N. Comanche St. Student Housing) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of 202 Hutch, LLC, for a Conditional Use Permit to allow a purpose built student housing development, for the property located at 325 N. Comanche St. (L. Clanton)

Chair Case opened the Public Hearings.

Lauren Clanton, Chief Planner, gave a presentation on request CUP-25-71(b).

Staff provided a neutral recommendation but proposed the following conditions if the Commission chose to approve.

1. The development shall register with the City of San Marcos Long Term Rental Registration program per Chapter 34, Article 7, Division 3 of the City's Code.
2. The lease shall be made publicly available on the property's website.
3. The lease shall contain the following text:

In accordance with Development Code Section 5.1.4.9 Purpose-Built Student Housing, B Use Standards, 1 Student Leases, any residential dwelling lease that is executed and effective before the issuance of a certificate of occupancy by the City enabling the tenant to occupy the premises shall include a late delivery provision providing as follows:
"In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by the Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days"

This condition will no longer apply to any lease for a unit with a move in date that is on or after the date the City has issued a certificate of occupancy enabling the tenant to occupy the unit.

4. The development shall offer both individual leases and conventional leases where units may be rented in their entirety.
5. The development shall comply with a parking calculation of 0.60 spaces per bedroom.
6. The developer shall not sell the property to a non-taxpaying entity for 12 years from the effective date of the Conditional Use Permit. The condition prohibiting sale to a tax- exempt entity for 12 years from the date of this approval shall be memorialized in a restrictive covenant approved by the city attorney that is recorded in the Official Public Records of Hays County.
7. Right-of-way shall be dedicated to the extent that the standards of the San Marcos Design Manual Section B.4.1.4, Downtown Cross Sections, and the Development Code are met.
8. This CUP shall expire within 3 years unless an application for a permit is submitted to the City.
9. The development shall comply with all other development code regulations. Packet materials are provided for informational purposes only.
10. The number of bedrooms shall be limited to 5.

1) Kelly Quinn - 325 North Commanche, in favor
2) Patrick Quinn - 325 North Commanche, in favor
3) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor
4) Shannon Mattingly - 2705 Beecave Road, Austin, in favor
5) Audrey Rund - 325 North Commanche, in favor

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Johnson to approve the request with staff conditions.

A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to call the question.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 5 - Commissioner Costilla, Commissioner Case, Commissioner Johnson, Commissioner Bryan and Commissioner Hardy

Against: 4 - Commissioner Agnew, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Burleson

5. AC-25-09 (325 N. Comanche St. 7-Story Building Height) Hold a public hearing and consider a request by Shannon Mattingly, Drenner Group, on behalf of 202 Hutch, LLC, for an Alternative Compliance to the maximum building height requirements in Section 4.4.3.7 of the Land Development Code, increasing the permitted building height from five (5) to seven (7) stories, for the property located at 325 N. Comanche St. (L. Clanton)

Chair Case opened the Public Hearings.

Lauren Clanton, Chief Planner, gave a presentation on request AC-25-09(b).

Staff recommended denial of the request but proposed the following conditions should the Commission choose the approve.

1. The development shall comply with the activation and varied massing standards described in Chapter 4, Divisions 4 and 5 of the Land Development Code.
2. The development shall include an enhanced Pedestrian Gateway in the form of a publicly accessible plaza at the intersection of Pat Garrison St. and N. Comanche St. The plaza will incorporate amenities including: bike pump station, water bottle refill station, benches, lighting, and shade canopy.
3. The building façade facing N. Comanche St. shall incorporate horizontal and vertical expression elements within the first three floors, including cornices, material changes, horizontal bands, vertical wall offsets, and recessed entrances, that are visually similar to the Perspective Views attached as Exhibit B.
4. The height of the building shall not exceed 75 feet.
5. The development shall comply with all other Development Code regulations.
Packet materials are provided for informational purposes only.

1) Kelly Quinn - 325 N Commanche, in favor

2) Ed Theriot - 120 Lakeview Circle, Lockhart, in favor
3) Shannon Mattingly - 2705 Bee Cave Rd., Austin, in favor

Chair Case closed the Public Hearings.

A motion was made by Chair Case, seconded by Commissioner Costilla to approve the request with staff conditions.

A motion was made by Commissioner Johnson, seconded by Commissioner Van Oudekerke to amend condition #2 to add the following.

- **The publicly accessible plaza shall be equal to or greater than the plaza size as shown on the plat application currently in review.**

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The meeting entered into a Recess at 8:35 p.m.

The meeting reconvened at 8:42 p.m.

A motion was made by Commissioner Burleson, seconded by Commissioner Bryan to call the question.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The vote on the main motion carried by the following vote.

For: 5 - Commissioner Costilla, Commissioner Case, Commissioner Johnson, Commissioner Bryan and Commissioner Hardy

Against: 4 - Commissioner Agnew, Commissioner Dunn, Commissioner Van Oudekerke and Commissioner Burleson

V. Question and Answer Session with Press and Public.

Chair Case opened the Question and Answer Session.

There were no speakers.

Chair Case closed the Question and Answer Session.

VI. Adjournment

A motion was made by Commissioner Dunn, seconded by Commissioner Burleson to adjourn.

The motion carried by the following vote.

For: 9 - Commissioner Agnew, Commissioner Costilla, Commissioner Case, Commissioner Dunn, Commissioner Van Oudekerke, Commissioner Johnson, Commissioner Bryan, Commissioner Burleson and Commissioner Hardy

Against: 0

The meeting adjourned at 8:52 p.m.

Recording Secretary, Enrique Velasquez **Chair, David Case**

Legislation Text

File #: CUP-26-14, **Version:** 1

AGENDA CAPTION:

CUP-26-14 (Swing Station) Hold a public hearing and consider a request by Tyler Gescheidle, on behalf of Swing Station, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1900 N IH 35, Ste 104. (K. Buck)

Meeting date: May 26, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A
Account or Project Number (C = CIP funds): N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative:

N/A

N/A

N/A

Comprehensive Plan Element (s):

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan:

Choose an item.

Background Information:

Swing Station is an indoor entertainment venue centered around golf simulator experiences. The business proposes limited alcohol sales as an accessory use to the primary recreational activity, with service restricted to canned beer, wine, and hard seltzers stored in a locked refrigerator behind the reception desk. Alcohol consumption would be limited to the interior of Suite 104 and intended solely as a secondary amenity for patrons utilizing the golf simulators. The business currently operates two semi-private golf simulator bays and does not provide food service; however, outside snacks are permitted for guests using the simulator bays and for private events.

The business will allow minors when accompanied by a parent or legal guardian. Alcohol service will be monitored by staff during operating hours and alcoholic beverages will only be served to guests 21 years of age or older with valid government-issued identification. Additionally, alcohol will be distributed solely through the reception area and measures such as posted policies, staff oversight, and surveillance cameras will be utilized to prevent alcoholic beverages from leaving the suite.

Per Senate Bill 1008, City Staff may not enforce certain limits on amplified sound from the business, unless it's a restaurant. Since this does not meet the definition of a restaurant, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends approval of CUP-26-14 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;

3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	1900 N IH 35, Ste 104
CUP-26-14	Swing Station

Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Tyler Gescheidle 1900 N IH 35, Ste 103 San Marcos, TX, 78666	**Property Owner:**	Jacob Sutherland 1900 N IH 35, Ste 101 San Marcos, TX, 78666
CUP Expiration:	N/A	**Type of CUP:**	Beer & Wine
Interior Floor Area:	1,800 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	30 spaces	**Parking Provided:**	Yes
Days & Hours of Operation:	Monday-Thursday: 9am-7pm Friday-Sunday: 10am-8pm		

Notification

Posted:	May 8, 2026	**Personal:**	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 1 in the Rough Sawn Subdivision (2020)		
Location:	East side of IH 35 Frontage Road, approximately 500 feet South of Crepe Myrtle Dr		
Acreage:	0.888 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Community Commercial (CC)	**Proposed Zoning:**	Same
Existing Use:	Professional Office & Indoor Recreation	**Proposed Use:**	Same
Preferred Scenario:	Commercial/Employment Medium Place Type	**Proposed Designation:**	Same
CONA Neighborhood:	Fairlawn	**Sector:**	6
Utility Capacity:	Adequate	**Floodplain:**	Yes
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	No

Surrounding Area	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Community Commercial (CC)	Vacant	Commercial/Employment Medium Place Type
South of Property:	Community Commercial (CC)	Auto Repair	Commercial/Employment Medium Place Type
East of Property:	Community Commercial (CC)	Place of Worship	Neighborhood Medium Place Type
West of Property:	General Commercial (GC)	Gas Station	Commercial/Employment Medium Place Type

Conditional Use Permit	1900 N IH 35, Ste 104
CUP-26-14	Swing Station

Staff Recommendation

	Approval as Submitted	X	**Approval with Conditions**		Denial

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Kaitlyn Buck	**Title:** Planner	**Date:** May 20, 2026

History

This is a new request.

Additional Analysis

Swing Station is a new business that opened on November 7, 2025. Swing Station is an indoor entertainment venue centered around golf simulator experiences. The business proposes limited alcohol sales as an accessory use to the primary recreational activity, with service restricted to canned beer, wine, and hard seltzers stored in a locked refrigerator behind the reception desk. Alcohol consumption would be limited to the interior of Suite 104 and intended solely as a secondary amenity for patrons utilizing the golf simulators. The business currently operates two semi-private golf simulator bays and does not provide food service; however, outside snacks are permitted for guests using the simulator bays and for private events.

The business will allow minors when accompanied by a parent or legal guardian. Alcohol service will be monitored by staff during operating hours and alcoholic beverages will only be served to guests 21 years of age or older with valid government-issued identification. Additionally, alcohol will be distributed solely through the reception area and measures such as posted policies, staff oversight, and surveillance cameras will be utilized to prevent alcoholic beverages from leaving the suite.

Per Senate Bill 1008, City Staff may not enforce certain limits on amplified sound from the business, unless it's a restaurant. Since this does not meet the definition of a restaurant, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The subject property is not located within a neighborhood character study area.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		X	The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. ***The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.***
X			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		X	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. ***No improvements are being proposed as the subject structure is an existing development.***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
X			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital. ***The proposed use is located about 800 feet from the closest church (Calvary Baptist Church San Marcos), measuring from the front door of the business, along the property lines of street frontages, to the front door of the church.***
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.



Subject Property
Parcel

N

0 115 230 460 Feet

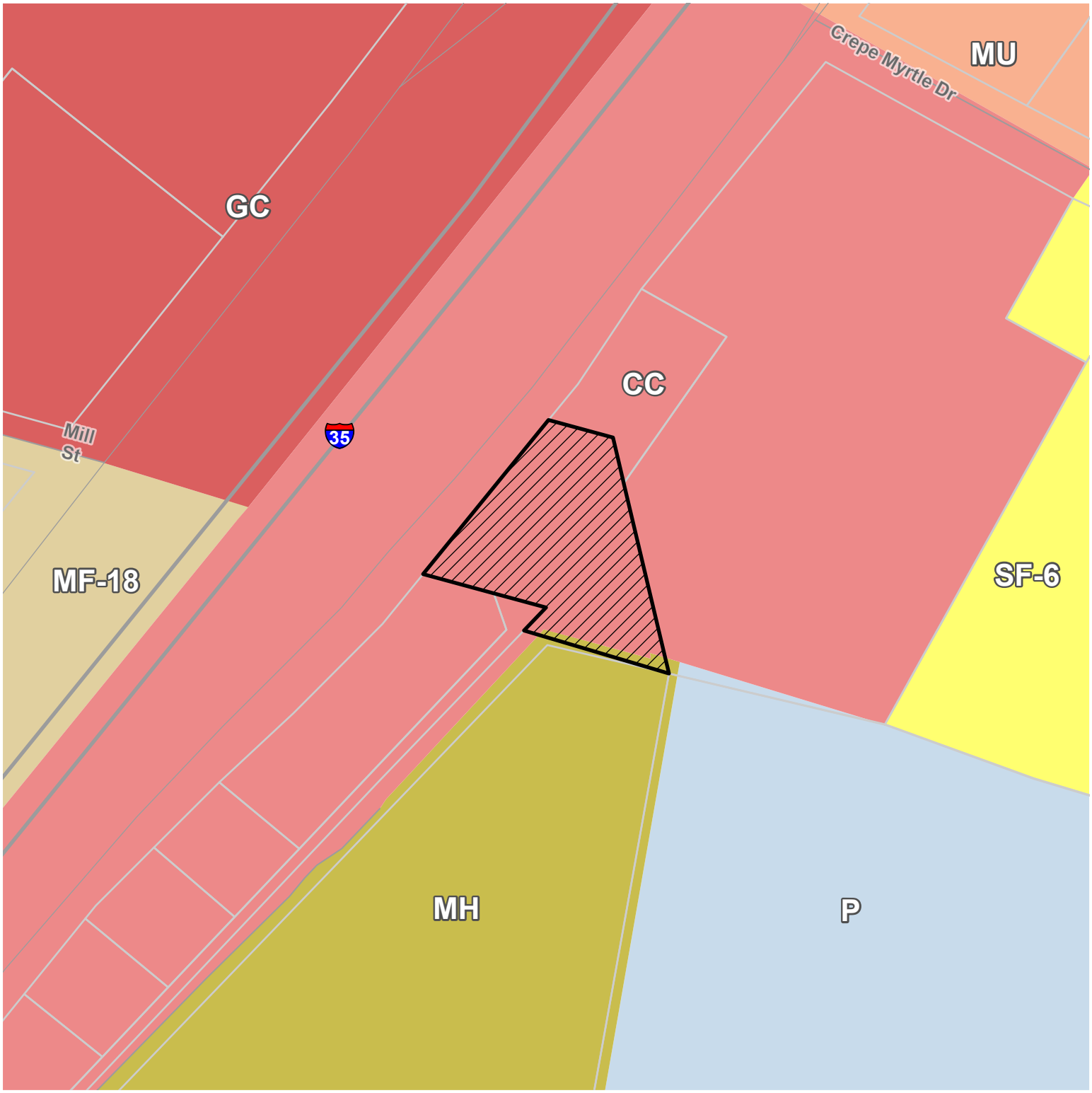
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 4/17/2026

SAN MARCOS Planning and Development Services

Site Location





Subject Property
CC
GC
MF-18
MH
MU
P
SF-6

N

0 80 160 320 Feet

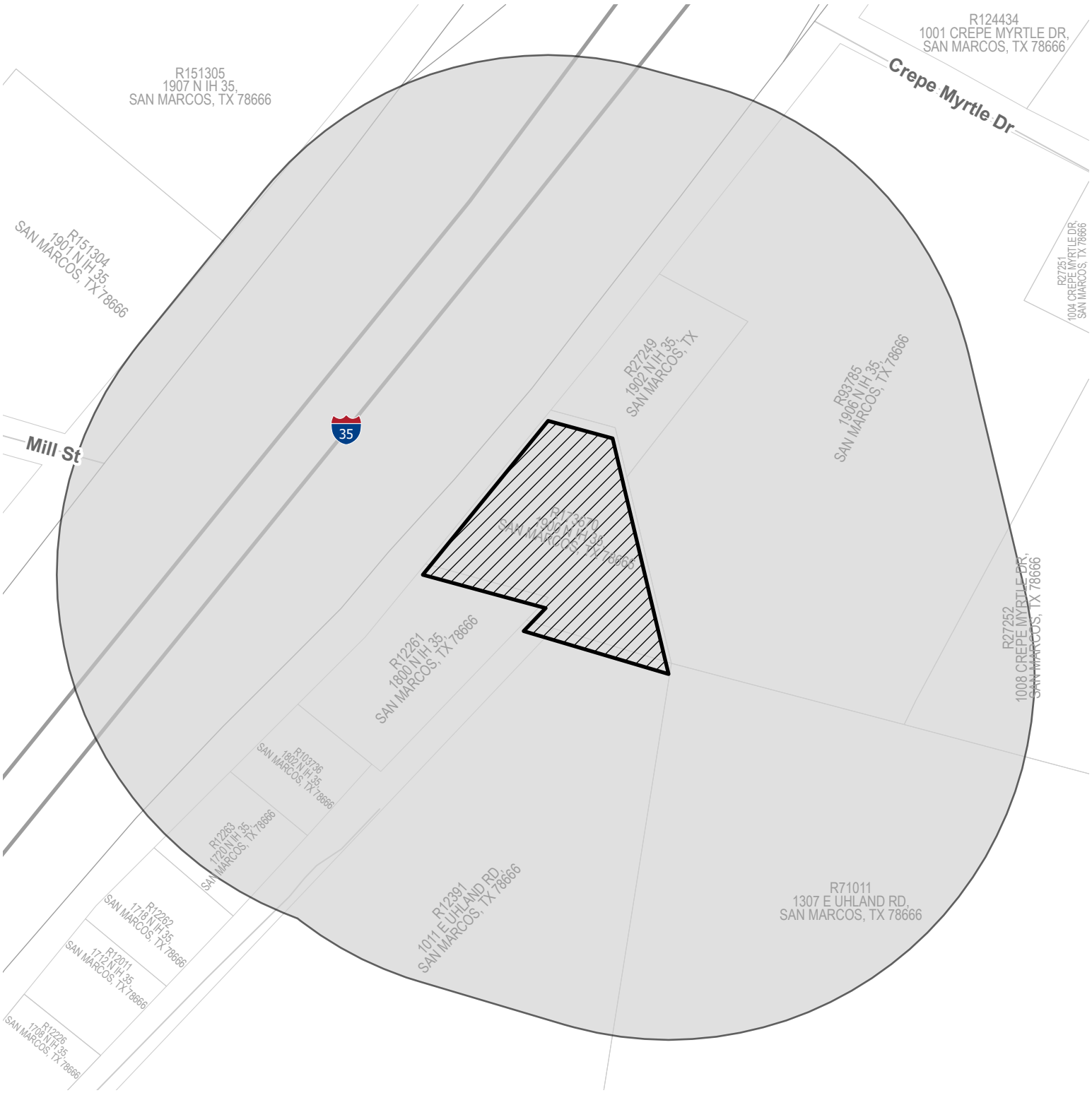
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Date: 4/17/2026

SAN MARCOS Planning and Development Services

Site Location





Subject Property
400ft Buffer
Parcel

N

0 80 160 320 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 4/17/2026

SAN MARCOS Planning and Development Services

Site Location



05/08/2026 **CUP-26-14**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Beer & Wine
1900 N IH 35, Ste 104

CUP-26-14 (Swing Station) Hold a public hearing and consider a request by Tyler Gescheidle, on behalf of Swing Station, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1900 N IH 35, Ste 104. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, May 26, 2026,** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, **Kaitlyn Buck,** at **512.393.8234 or kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-14.**

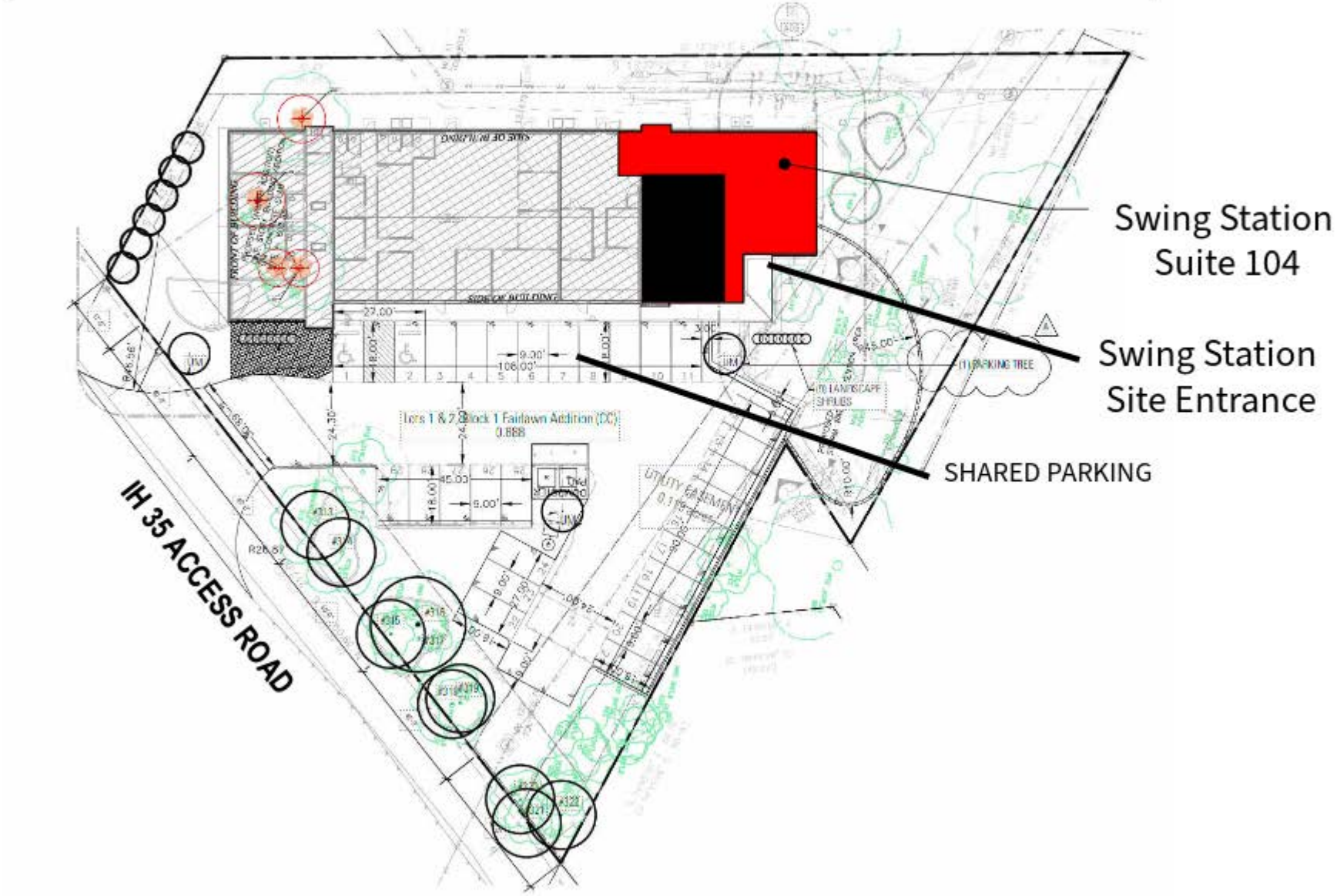
The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
151305	ATWATER SAVE IT ALL STORAGE SAN MARCOS TX LLC	162 W GRAND AVE, STE 300	CHICAGO, IL 60654-4475	1907 N IH 35, SAN MARCOS, TX 78666
12391	AX MHC PARADISE OAKS LP	PO BOX 140894	DALLAS, TX 75214	1011 E UHLAND RD, SAN MARCOS, TX 78666
27252	CALVARY BAPTIST CHURCH INC	1906 N INTERSTATE 35	SAN MARCOS, TX 78666-6718	1008 CREPE MYRTLE DR, SAN MARCOS, TX 78666
27249	GUNNARSON KIMBERLEY	P O BOX 746	SAN MARCOS, TX 78667-0746	1902 N IH 35, SAN MARCOS, TX
71011	HAYS COUNTY	712 S STAGECOACH TRL	SAN MARCOS, TX 78666-6073	1307 E UHLAND RD, SAN MARCOS, TX 78666
12263	JAPANESE AUTO REPAIR	1720 N INTERSTATE 35	SAN MARCOS, TX 78666-6714	1720 N IH 35, SAN MARCOS, TX 78666
151304	MDC COAST 10 LLC	3200 HACKBERRY RD	IRVING, TX 75063-0131	1901 N IH 35, SAN MARCOS, TX 78666
12261	ROUGH SAWN INVESTMENTS LLC	1900 N IH 35	SAN MARCOS, TX 78666	1800 N IH 35, SAN MARCOS, TX 78666
173670	ROUGH SAWN INVESTMENTS LLC	203 W MIMOSA CIR	SAN MARCOS, TX 78666-3711	1900 N IH 35, SAN MARCOS, TX 78666
103736	W, S LTD	100 N EDWARD GARY STE A	SAN MARCOS, TX 78666	1802 N IH 35, SAN MARCOS, TX 78666
	Neighborhood Rep Heidi Mckitrick	325 Durata	SAN MARCOS, TX 78666	
	Neighborhood Rep Michael Vernon	601 Barbara Drive	SAN MARCOS, TX 78666	
	Neighborhood Rep Ruah Gleason	909 Conway	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	

EXISTING SITE PLAN (SITE PLAN PROVIDED BY OWNER)









Suite 104
Swing Station
Floor Plan







Swing Station Beverage Menu

Beer

Bud Light	$4
Shiner Bock	$4
Michelob Ultra	$4
Blue Moon	$5
Voodoo Ranger IPA	$6

Hard Seltzers

High Noon	$5
White Claw	$5

Non-Alcoholic

Bottled Water	$2
Soft Drinks	$2
Energy Drinks	$3

Alcohol service limited to canned beer and hard seltzers stored in a locked refrigerator behind the reception desk. Consumption limited to the interior of Suite 104.

Document reference ID : 584703

Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Back** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

Application ID:	584703
Applicant Name:	Swing Station LLC
License Type applied for:	Wine and Malt Beverage Retailer's On-Premise Permit (BG)

Entity Information

Business Structure:	Limited liability company
FEIN/SSN Number:	[redacted]
Member Managed or Manager Managed:	Manager Managed
Historically Underutilized Business:	No
Veteran-owned business:	No
Fraternal Owned:	No
Secretary of State Filing Number:	806002315
Date Filed:	4/22/2025
Filing State:	TX

Initial Application Information

Authority Type:	I am a principal or authorized user with binding authority
Legal First Name:	Jonathan
Legal Middle Name:	Tyler

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Tyler Gescheidle	**Property Owner**	Jacob Sutherland
Company	Swing Station LLC	**Company**	Rough Sawn Investments LLC
Applicant's Mailing Address	1900 N I 35 Frontage Rd. Ste 104 San Marcos TX 78666	**Owner's Mailing Address**	1900 I 35 N Frontage RD San Marcos TX 78666
Applicant's Phone #	[redacted]	**Owner's Phone #**	[redacted]
Applicant's Email	[redacted]	**Owner's Email**	[redacted]

PROPERTY INFORMATION

Subject Property Address: 1900 I35 N Frontage Rd San Marcos, TX 78666 STE 104

Zoning District: unkown **Tax ID #: R** 39-2834620

Legal Description: **Lot** _____ **Block** _____ **Subdivision** _____

Number of Parking Spaces: 17

Is property more than 300' from church, school, hospital, or residential district? ☑ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: Swing Station **CUP Permit Type:** ☐ *Eating Establishment* ☐ *Bar*

☐ *NEW* ☐ *RENEWAL/AMENDMENT* ☐ *Mixed Beverage* ☑ *Beer & Wine* ☐ *Late Hours*

Hours of Operation (ex. Mon 12pm-1am): Mon 9AM-7PM **Tue** 9AM-7PM **Wed** 9AM-7PM

Thurs 9AM-7PM **Fri** 10AM-8PM **Sat** 10AM-8PM **Sun** 10AM-8PM

Indoor Seating Capacity: 17 **Outdoor Seating Capacity:** 0 **Gross Floor Area:** 1800SF

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050* **Technology Fee $15** ***TOTAL COST $1,065***

Renewal/Amendment Filing Fee $788* **Technology Fee $15** ***TOTAL COST $803***

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at MGOCONNECT.ORG

PROPERTY OWNER AUTHORIZATION

I, Jacob Sutherlun (owner name) on behalf of Rough Sawn Investments, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 1900 N IH 35 San Marcos, TX 78666 (address).

I hereby authorize Tyler Gescheidle (agent name) on behalf of Swing Station LLC (agent company) to file this application for Conditional Use Permit (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 2/23/26

Printed Name, Title: Jacob Sutherlun, Managing Member

Signature of Agent: _____ Date: 2/23/26

Printed Name, Title: TYLER GESCHEIDLE, Swing Station LLC OWNER - LEASER

Form Updated December, 2025

AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice**: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- **Personal Notice**: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $158 plus a $ 15 technology fee.***

I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.

Signature: _____ Date: 02/23/2026

Print Name: TYLER GESCHEIDLE

Form Updated December, 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 and any conditions of such permit.

Where an *"Eating Establishment"* includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.

Signature: _____ Date: 02/23/2026

Print Name: TYLER GIESCHEIDLE

Form Updated December, 2025

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: "A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food" (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: "A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption" (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence's structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

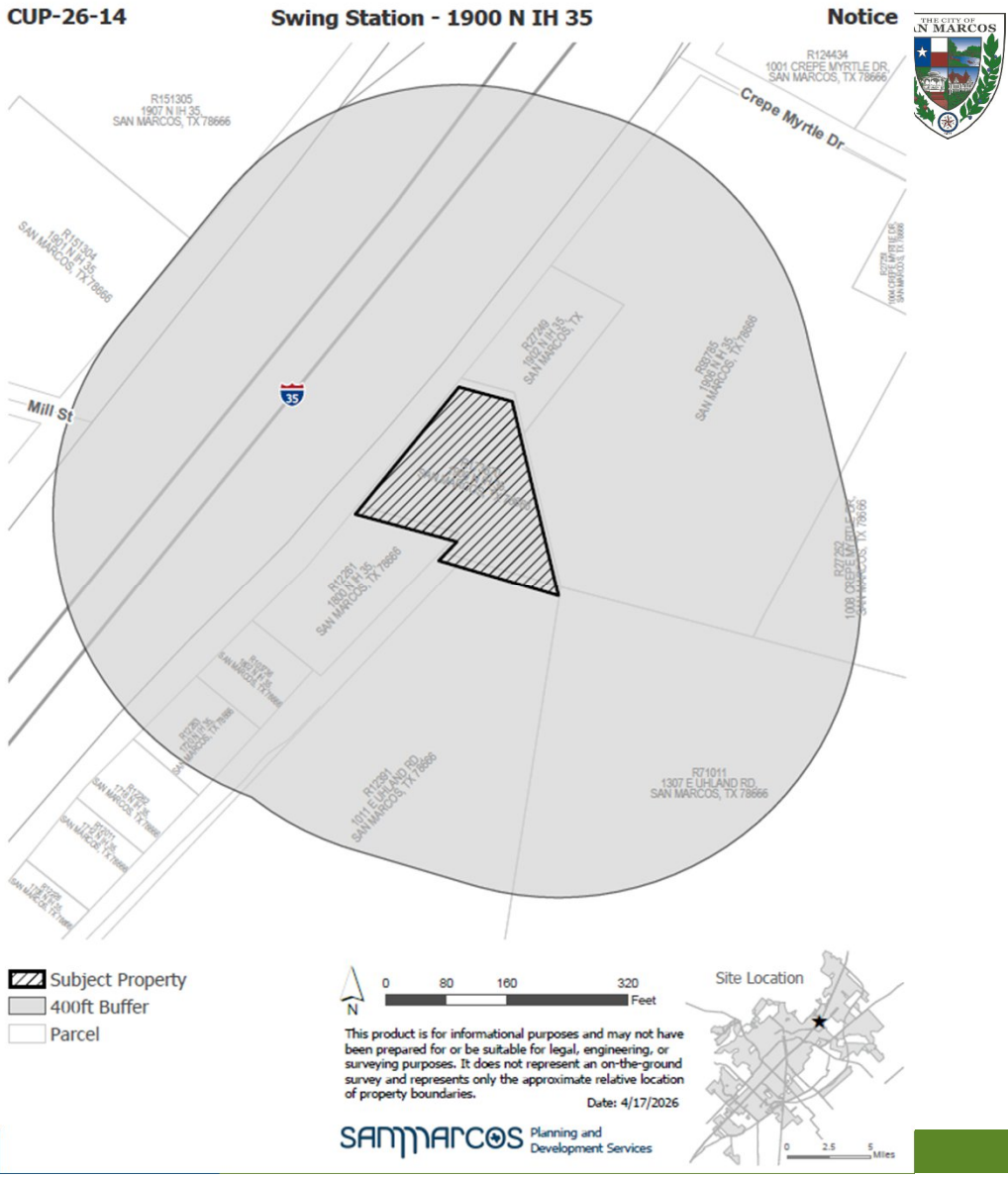
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-14
Swing Station

CUP-26-14 (Swing Station) Hold a public hearing and consider a request by Tyler Gescheidle, on behalf of Swing Station, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 1900 N IH 35, Ste 103. (K. Buck)

Property Information

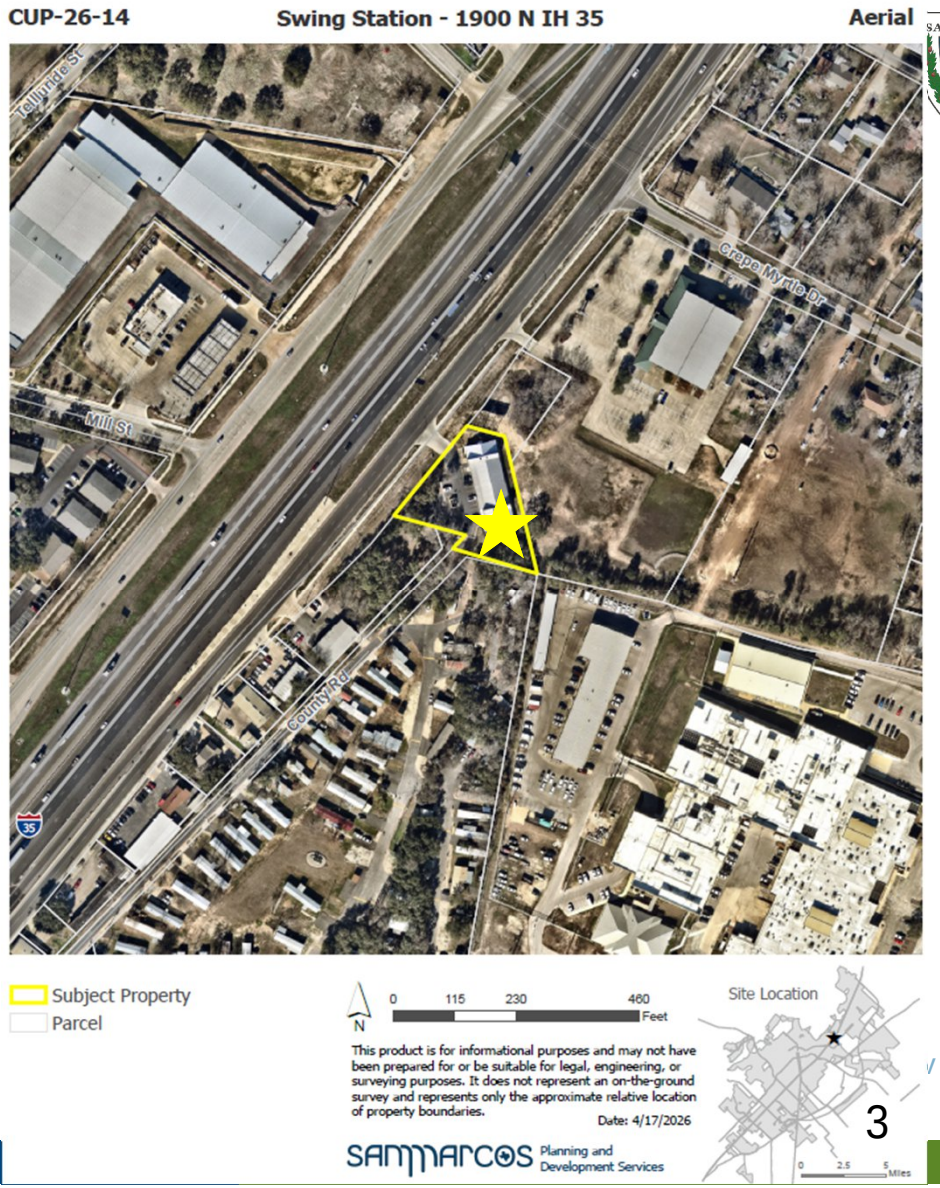
- Approximately 0.888 acres
- Location: East side of IH 35 frontage road, approximately 500 feet South of Crepe Myrtle Drive



Context & History

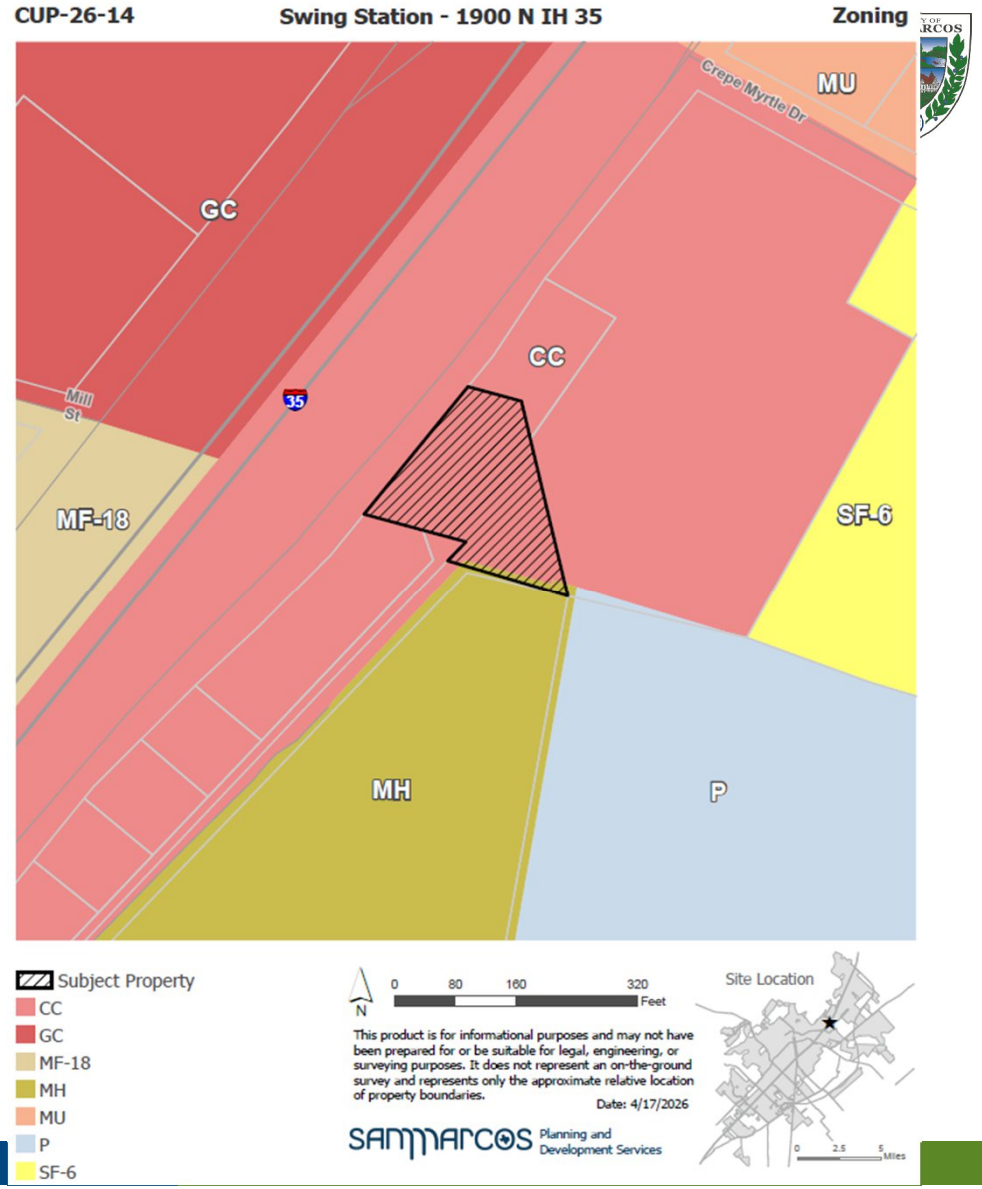
- Current Use: Indoor Recreation

- Surrounding Uses:
  - Office
  - Auto Repair
  - Place of Worship
  - Gas Station



Context & History

- **Existing Zoning:** Community Commercial (CC)
- **Proposed Use:** Indoor Recreation with On-Premise Consumption of Beer & Wine
- **Hours of Operation:**
  - Monday-Thursday: 9am-7pm
  - Friday-Sunday: 10am-8pm
- **CUP Expiration Date:** N/A this is a new request



Criteria for Approval

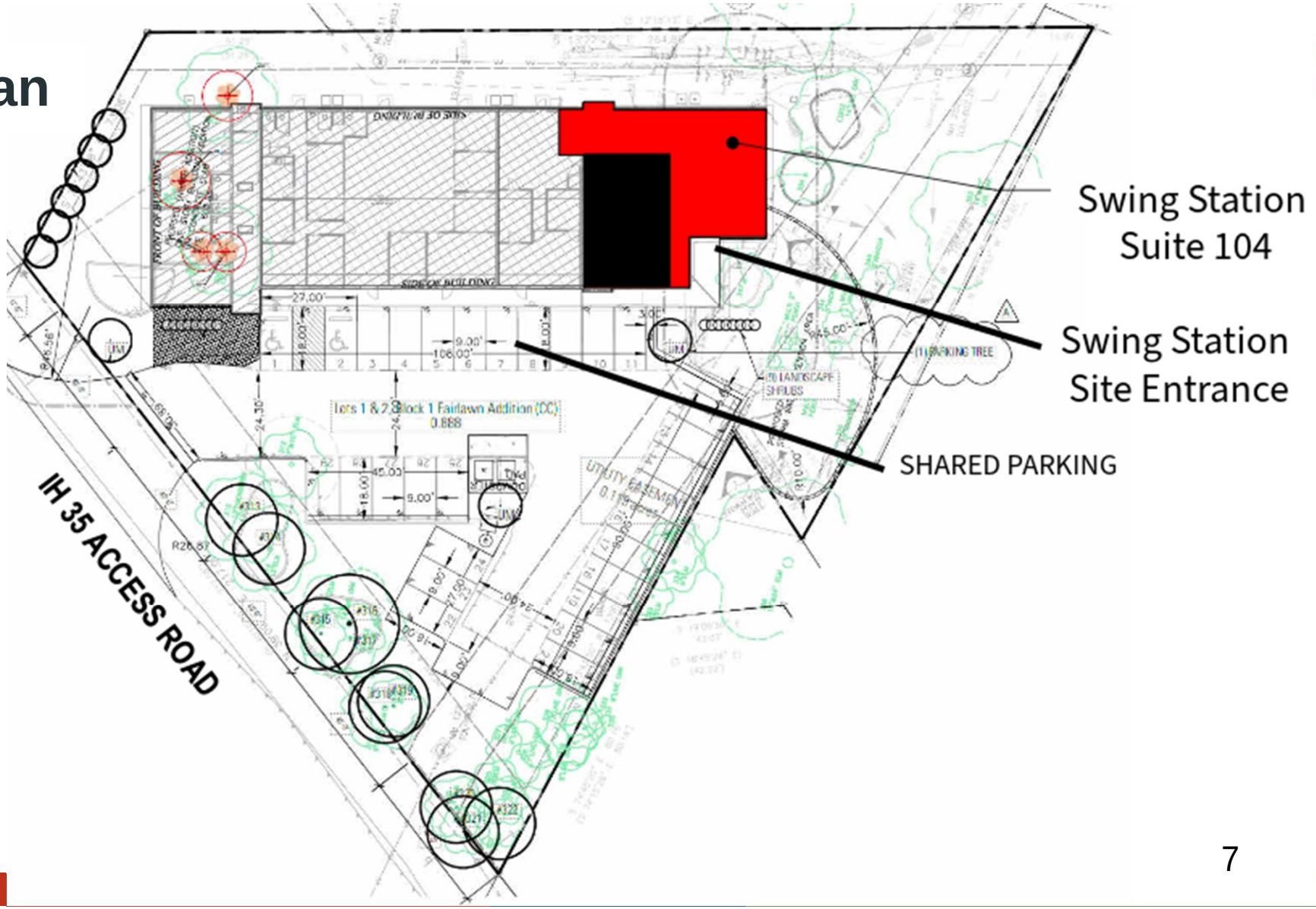
C	I	N	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
		X	Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
X			Does not create hazardous pedestrian or vehicle traffic conflicts?
		X	Includes roadway improvements or controls to reduce neighborhood traffic impacts?

Criteria for Approval

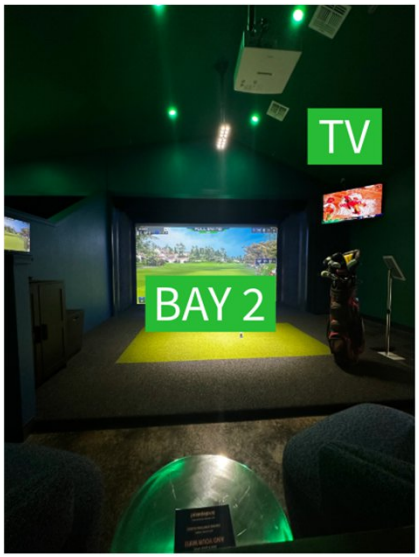
C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
X			Located at least 300 feet from detached single-family homes in single-family-only districts?
X			Located at least 300 feet from churches, schools, and public hospitals?
X			Located at least 1,000 feet from any public or private school?

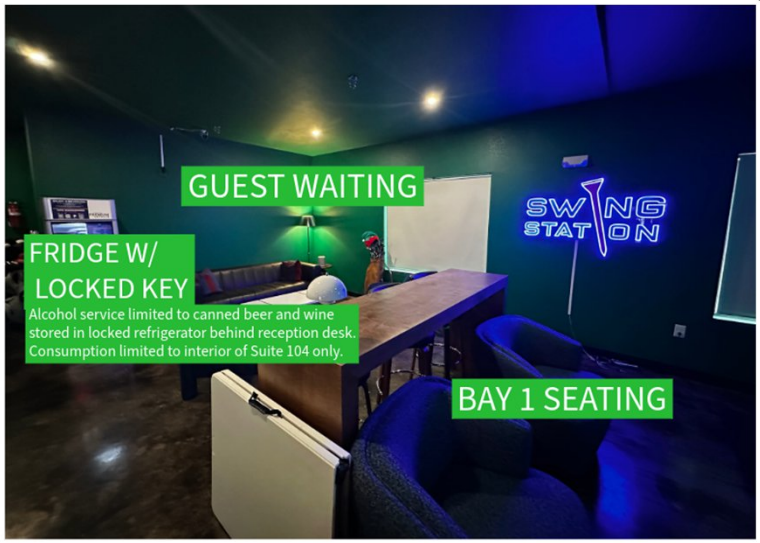
Site Plan


Swing Station
Suite 104
Swing Station
Site Entrance
SHARED PARKING
IH 35 ACCESS ROAD

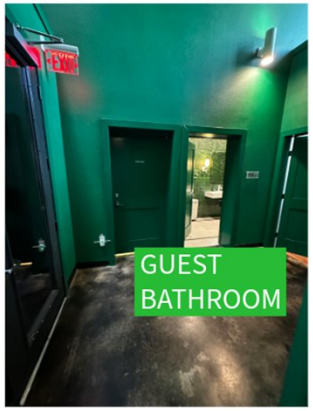
Entertainment Facility

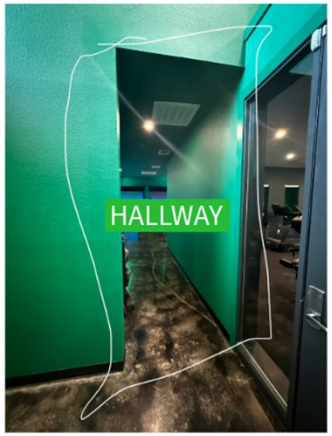






Suite 104
Swing Station
Floor Plan



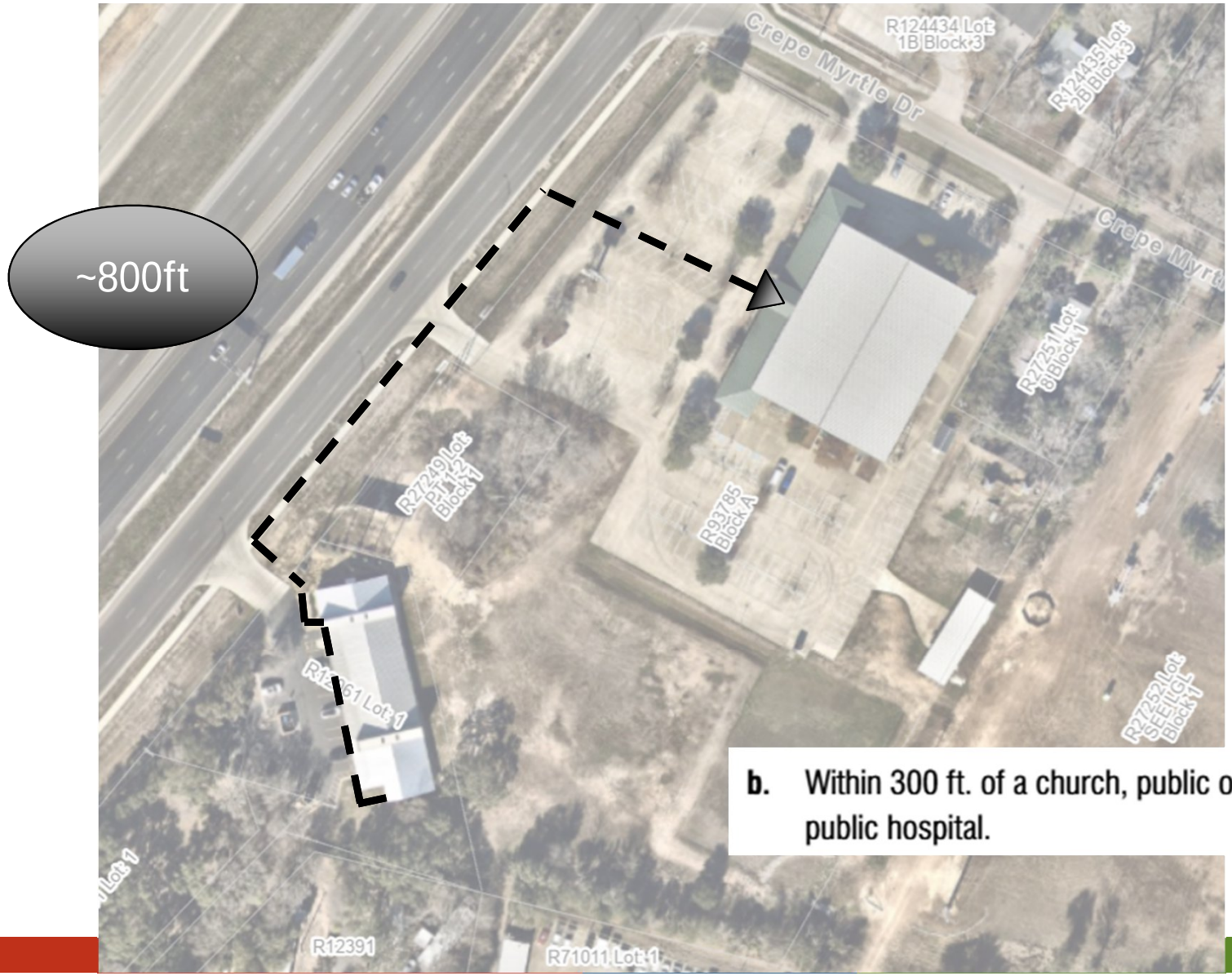




Recommendation

Staff recommends **approval** of CUP-26-14 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, and/or Acoustic Sound shall be permitted;
3. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
4. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
5. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



b. Within 300 ft. of a church, public or private school, or public hospital.

Legislation Text

File #: CUP-26-19, **Version:** 1

AGENDA CAPTION:

CUP-26-19 (Freddy C's Lounge) Hold a public hearing and consider a request by Sean Neal, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (C.Garrison)

Meeting date: May 26, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A
Account or Project Number (C = CIP funds): N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

N/A

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

The applicant is requesting to renew and amend the Conditional Use Permit for Freddy C's and its sister bar Wildfire due to a change in ownership. The footprint of the building and the entertainment space within these businesses are currently not proposed to change.

October 2018: The business submitted a Bar CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

March 2023: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for one year with conditions.

March 2024: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approva**l with the following conditions:

1. This permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met.
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday - Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday - Saturday;
4. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
6. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	141 E Hopkins Street
CUP-26-19	Freddy C's Lounge

Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Sean Neal 141 E Hopkins Street San Marcos, TX 78666	**Property Owner:**	Brian Scofield 127 E Hopkins Street San Marcos, TX 78666
CUP Expiration:	March 28, 2027	**Type of CUP:**	CBA Bar
Interior Floor Area:	2500 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	N/A	**Parking Provided:**	No
Days & Hours of Operation:	Monday - Thursday: 4pm – 2am and Friday – Saturday: 2pm -2am		

Notification

Posted:	May 8, 2026	**Personal:**	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 20, Lot E Part of 5		
Location:	Northwest corner of East Hopkins Street and N LBJ Drive		
Acreage:	0.198 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Bar	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown (CBA)	**Sector:**	8
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	Hays County Courthouse NRHP District, and Downtown Local Historic District	**My Historic SMTX Resources Survey:**	Yes and Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 Downtown (CD-5D)	Retail Sales/ Restaurants	Mixed Use Medium
South of Property:	Public and Institutional	Hays County Courthouse	Conservation/ Cluster
East of Property:	Character District 5 Downtown (CD-5D)	Bars/ Multifamily/ Retail Sales/ Restaurants	Mixed Use Medium
West of Property:	Character District 5 Downtown (CD-5D)	Bars/ Retail Sales/ Restaurants	Mixed Use Medium

Conditional Use Permit	141 E Hopkins Street
CUP-26-19	Freddy C's Lounge

Staff Recommendation

	Approval as Submitted	X	Approval with Conditions		Denial

1. This permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met.
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
6. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison	**Title:** Planner	**Date:** May 20, 2026

History

The applicant is currently requesting to renew and amend the Conditional Use Permit for Freddy C's its sister bar Wildfire due to a change in ownership, as is required San Marcos Development Code Section 2.8.3.5. The footprint of the building and the entertainment space within these businesses are currently not proposed to change.

October 2018: The business submitted a Bar CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

March 2023: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for one year with conditions.

March 2024: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

Additional Analysis

Per Senate Bill 1008 and since this a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.
Staff are recommending a one-year approval due to the number of police calls, and types of calls on the property. This will allow Freddy C's Lounge and Wildfire the opportunity to address the concerns.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
X			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
X			The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. ***The proposed request is consistent with the established use of a bar/entertainment business on the property***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
X			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-19

Freddy C's Lounge - 206 W San Antonio Street

Aerial Map



Subject Property

N

0 70 140 280 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/7/2026

SAN MARCOS Planning and Development Services

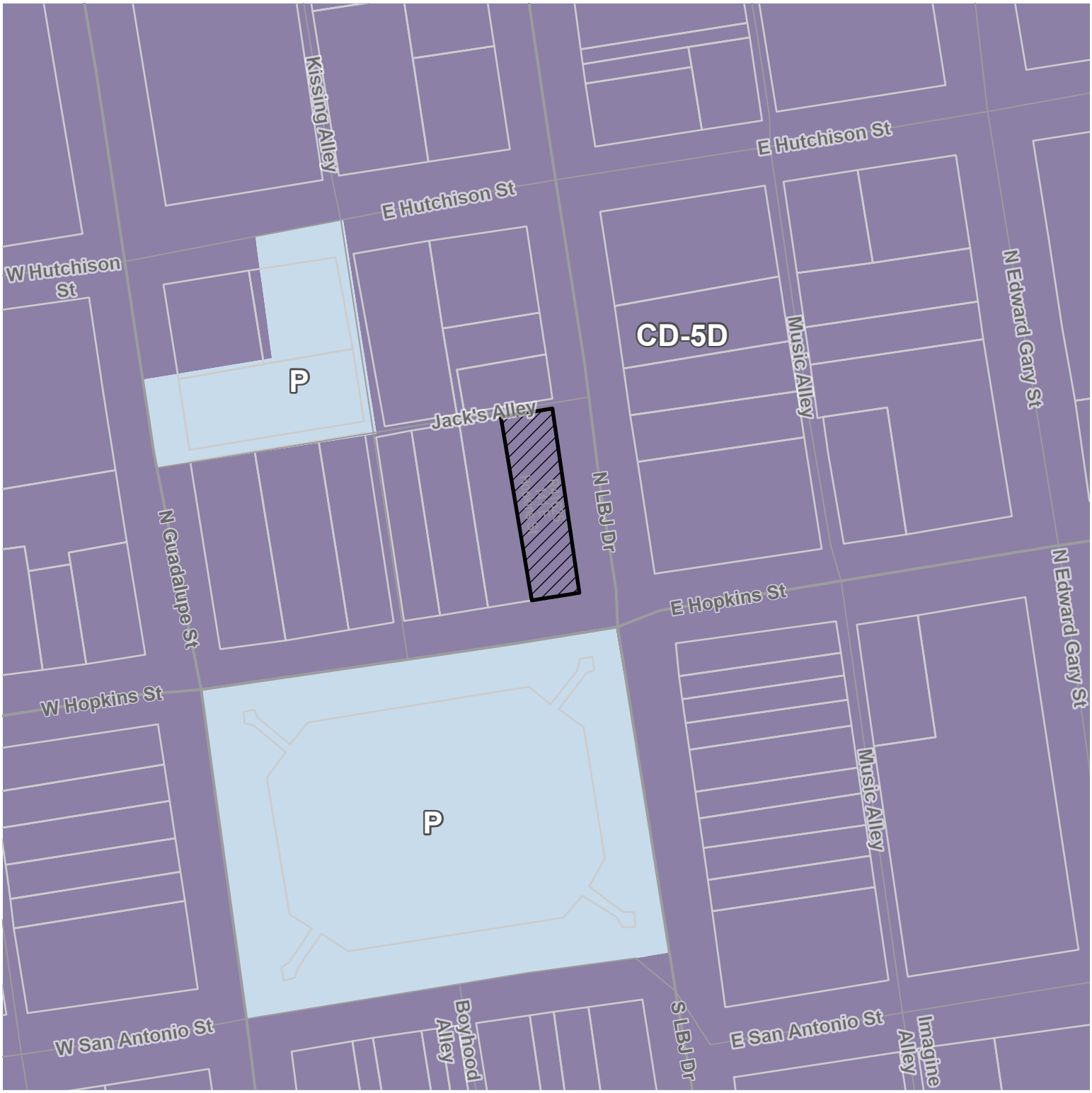
Site Location



CUP-26-19

Freddy C's Lounge - 206 W San Antonio Street

Zoning Map



Subject Property
CD-5D
P

N

0 70 140 280 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/7/2026

SAN MARCOS Planning and Development Services

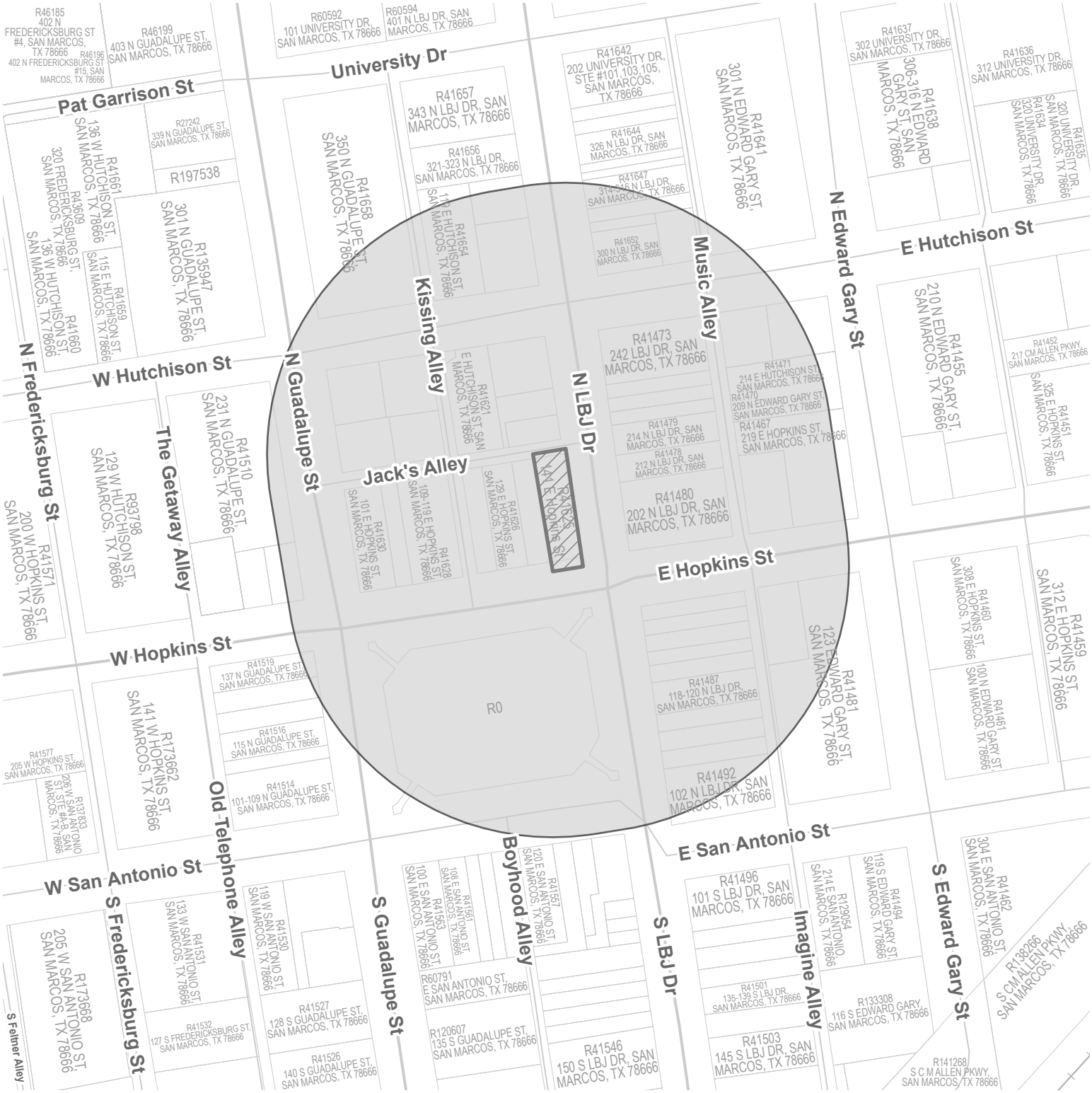
Site Location



CUP-26-19

Freddy C's Lounge - 206 W San Antonio Street

Notification Map



SubjectPropert_PairwiseBuffe3
Subject Property
Parcel

N

0 110 220 440 Feet

Site Location



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/7/2026

SAN MARCOS Planning and Development Services

5/7/2026 **CUP-26-19**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
141 E Hopkins Street

CUP-26-19 (Freddy C's Lounge) Hold a public hearing and consider a request by Sean Neal, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (C.GARRISON)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, May 26, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

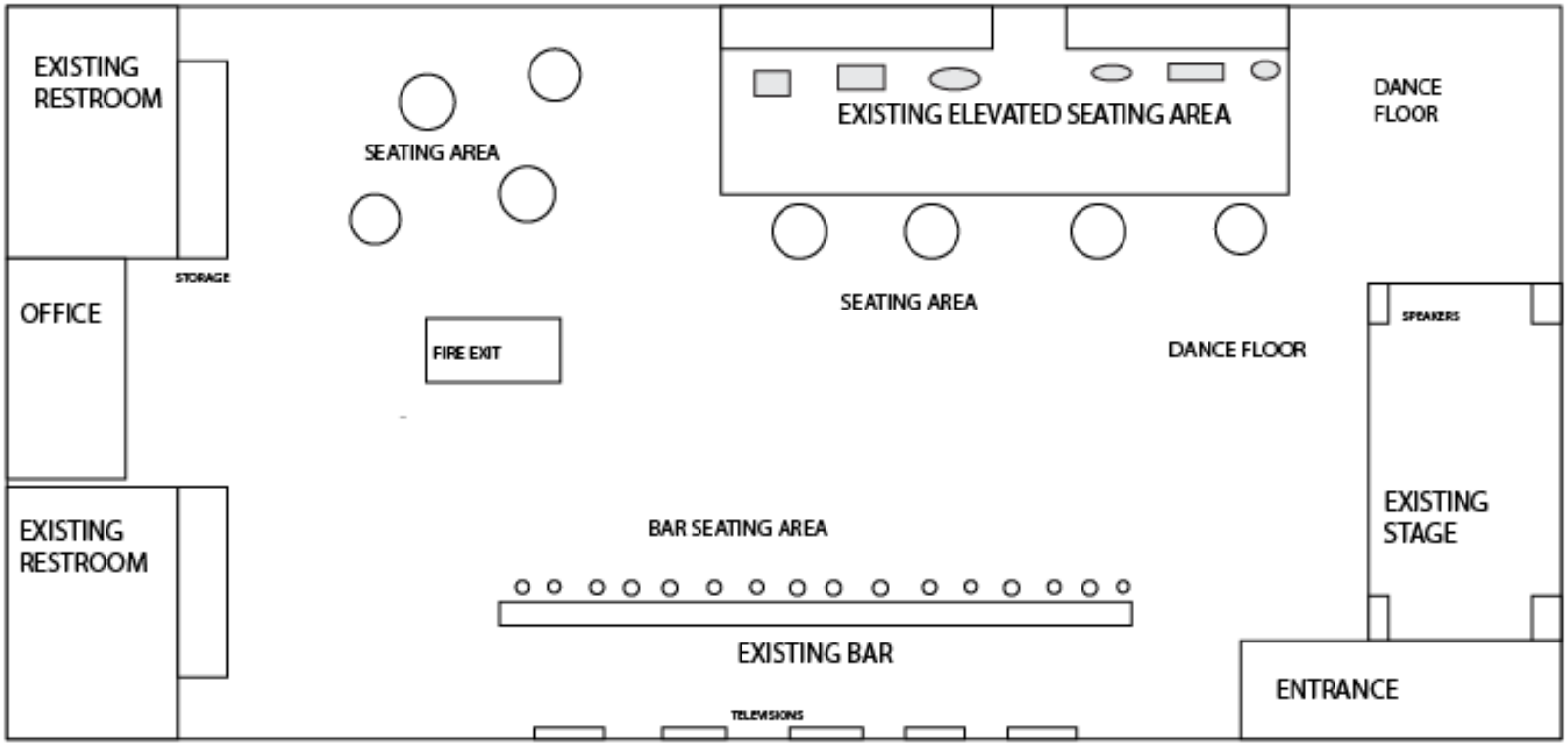
For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, **Craig Garrison,** at **512.805.2649 or cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-19.**

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

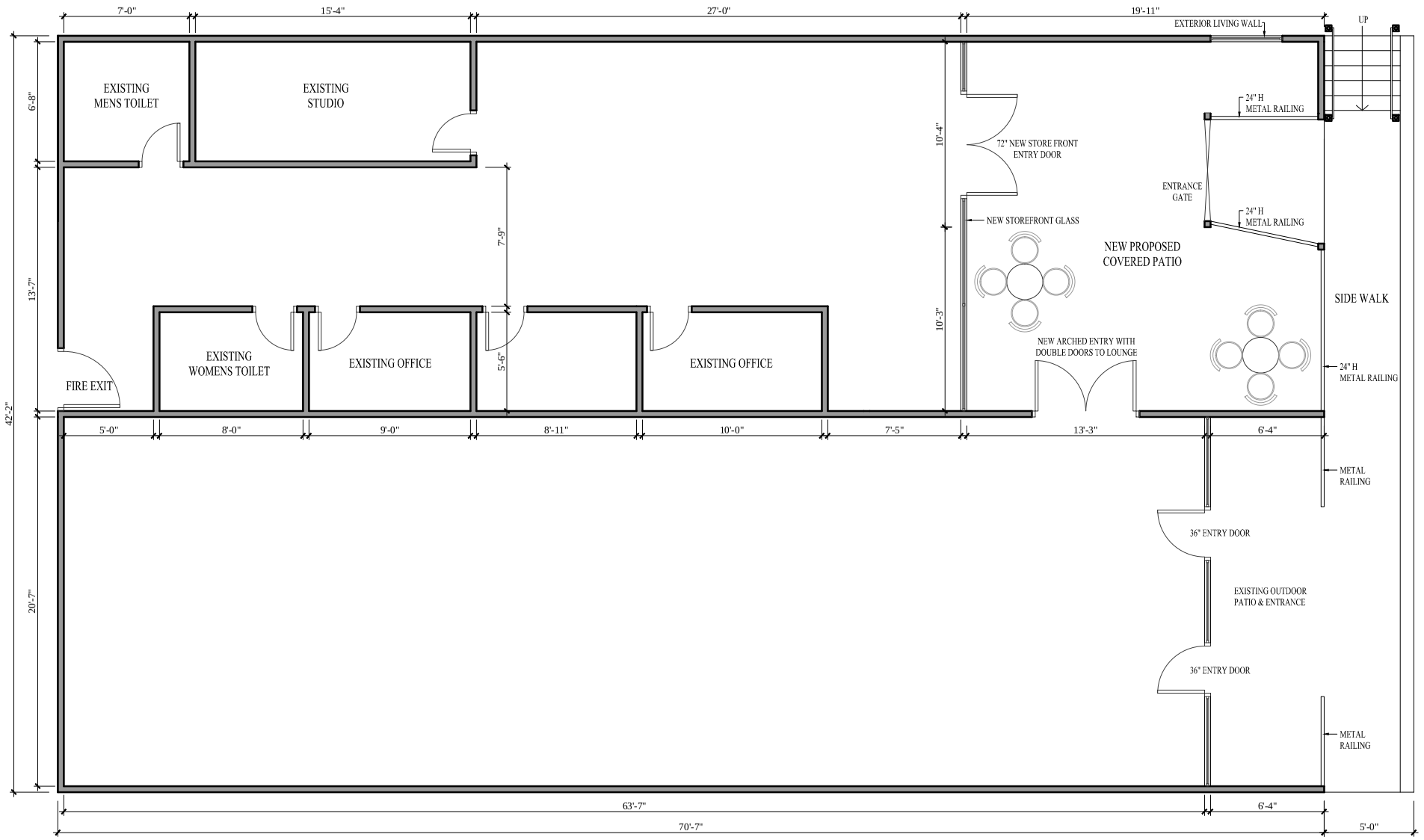
Property ID	Site Address	Owner	Owner Adress	Owner City/ State/ Zip
41487	118-120 N LBJ DR, SAN MARCOS, TX 78666	118-120 N LBJ LLC	118 N LBJ DR	SAN MARCOS, TX 78666-5620
41485	138 N LBJ DR, SAN MARCOS, TX 78666	126 & 138 N LBJ SERIES	901 E CESAR CHAVEZ ST	AUSTIN, TX 78702-4205
41480	202 N LBJ DR, SAN MARCOS, TX 78666	202 NORTH LBJ VENTURE GROUP LP	2606 RANCH ROAD 620 N	AUSTIN, TX 78734-2628
41469	214 E HUTCHISON ST, SAN MARCOS, TX 78666	214HUTCHISON LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41475	230 N LBJ DR, APT #201, SAN MARCOS, TX 78666	230 N LBJ LLC	912 NARANJO DR	GEORGETOWN, TX 78628
41630	101 E HOPKINS ST, SAN MARCOS, TX 78666	AIKEN, C H	242 WHITNEY RUN	BUDA, TX 78610-3008
41641	301 N EDWARD GARY ST, SAN MARCOS, TX 78666	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854
41625	145 E HOPKINS ST, SAN MARCOS, TX 78666	B L SCOFIELD INC	127 E Hopkins ST	San Marcos, TX 78666-5611
41517	125 N GUADALUPE ST, SAN MARCOS, TX 78666	CARBAJAL GUADALUPE R & DIANA L	125 N GUADALUPE	SAN MARCOS, TX 78666
41478	212 N LBJ DR, SAN MARCOS, TX 78666	CARSON FAMILY PROPERTIES	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41623	237-245 N LBJ DR, SAN MARCOS, TX 78666	CASEY MANAGEMENT TRUST	CASEY JAMES NEWMAN TRUSTEE	AUSTIN, TX 78731
41476	232 N LBJ DR, STE #101, SAN MARCOS, TX 78666	CHAD BACCUS REAL ESTATE II LLC	PO BOX 609	GEORGETOWN, TX 78627
41622	225 N LBJ DR, SAN MARCOS, TX 78666	CHRYSTAL JANAA & TOM	1447 FRIENDLY PATH	NEW BRAUNFELS, TX 78132-4608
41628	109-119 E HOPKINS ST, SAN MARCOS, TX 78666	EAST HOPKINS LLC	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733
41486	124 N LBJ DR, SAN MARCOS, TX 78666	EFW HOLDINGS INC	124 N LBJ DR	SAN MARCOS, TX 78666-5620
41651	308 N LBJ DR, SAN MARCOS, TX 78666	GOMEZ JESSE G & MARTINA	308 N LBJ DR	SAN MARCOS, TX 78666
41617	242 N GUADALUPE ST, SAN MARCOS, TX 78666	GREATER TEXAS FEDERAL CREDIT UNION	12544 RIATA VISTA CIR	AUSTIN, TX 78727-6431
41652	300 N LBJ DR, SAN MARCOS, TX 78666	HARTNETT ENTERPRISES SAN MARCOS LLC	2407 BALLANTRAE DR	COLLEYVILLE, TX 76034-5304
41518	131 N GUADALUPE ST, SAN MARCOS, TX 78666	HAYS COUNTY OF	HAYS COUNTY COURTHOUSE RM 103	SAN MARCOS, TX 78666
41467	219 E HOPKINS ST, SAN MARCOS, TX 78666	HAYSCO SM LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41508	100 W HOPKINS ST, SAN MARCOS, TX 78666	HOPKINS SQUARE LLC	PO BOX 160896	AUSTIN, TX 78716-0896
41620	235 N LBJ DR, SAN MARCOS, TX 78666	JG AND EM BURNSIDE LLC	2631 GALWAY CIR	IDAHO FALLS, ID 83404-7392
41650	211/215 E HUTCHISON ST, SAN MARCOS, TX 78666	KEYSTONE REAL ESTATE INVESTMENT TX LLC	18695 PONY EXPRESS DR	PARKER, CO 80134-1564
41649	312 N LBJ DR, SAN MARCOS, TX 78666	KND'S BOUTIQUE LLC	312 N LBJ DR	SAN MARCOS, TX 78666
41472	222 E HUTCHISON ST, SAN MARCOS, TX 78666	MATT PATTERSON INS AGENCY INC	222 E HUTCHISON ST	SAN MARCOS, TX 78666-5682
41519	137 N GUADALUPE ST, SAN MARCOS, TX 78666	MLKSM LLC	510 HEARN ST	AUSTIN, TX 78703-4516
41626	129 E HOPKINS ST, SAN MARCOS, TX 78666	ONIONS R US LLC	710 ARROW POINT DR	CEDAR PARK, TX 78613-6655
41658	350 N GUADALUPE ST, SAN MARCOS, TX 78666	OS BOBCAT LLC	2420 GARNETFIELD LN	FRIENDSWOOD, TX 77546-4668
41483	142 N LBJ DR, SAN MARCOS, TX 78666	OUSEY, MICHAEL	211 CLAREMONT DR	SAN MARCOS, TX 78666-7335
41466	217 E HOPKINS ST, SAN MARCOS, TX 78666	PIPER JAMES M & TAMARA P	186 PICO CT	SAN MARCOS, TX 78666-1847
41479	214 N LBJ DR, SAN MARCOS, TX 78666	SAN MARCOS COMMUNITY PARTNERS LLC	LATIPAC COMMERCIAL	AUSTIN, TX 78716-2304
41488	122 N LBJ DR, SAN MARCOS, TX 78666	SERUR JOHN & JUDITH L LIVING TRUST	SERUR JOHN & JUDITH L CO-TRUSTEES	AUSTIN, TX 78737-8856
41473	242 LBJ DR, SAN MARCOS, TX 78666	SHYPENN LTD	2686 BLACK BEAR DR	NEW BRAUNFELS, TX 78132-4179
41624	139 E HOPKINS ST, SAN MARCOS, TX 78666	SLOAN JAMES LLC	139 E HOPKINS ST	SAN MARCOS, TX 78666-5678
41477	218-220 N LBJ DR, SAN MARCOS, TX 78666	TARRANT, LINDA LEWIS	P O BOX 199	HUNT, TX 78024-0199
41482	216 E HOPKINS ST, SAN MARCOS, TX 78666	TEXAS P B REAL ESTATE LP	113 W PUBLIC SQUARE STE 200	GLASOW, KY 42141-2413
41621	E HUTCHISON ST, SAN MARCOS, TX 78666	TEXAS STATE UNIVERSITY-SAN MARCOS	Attn: VP FOR FINANCE AND SUPPORT SERVICES	SAN MARCOS, TX 78666-4684
41474	226 N LBJ DR, SAN MARCOS, TX 78666	TWMJ INTEREST LLC	Attn: MARY WILLIAMS	SAN MARCOS, TX 78666-3252
41481	123 EDWARD GARY ST, SAN MARCOS, TX 78666	VICTORIA BANK & TRUST	100 CONGRESS AVE STE 1900	AUSTIN, TX 78701-2750
41489	114-116 N LBJ DR, SAN MARCOS, TX 78666	WALDRIP, MARTHA JANE	PO BOX 805	SAN MARCOS, TX 78667-0805
		Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666



WILDFIRE SAN MARCOS

141 E HOPKINS ST FLOOR 2

6200 SQFT



1 NEW- FIRST FLOOR PLAN

SCALE : 1/8"= 1'-0"



2 FRONT ELEVATION

SCALE : 1/8"= 1'-0"

NORTH

aura DESIGN - BUILD

2407 S. Congress Ste E615 Austin, Texas 78704

[redacted]

145 E HOPKINS ST.
SAN MARCOS,
SAN MARCO,
TX, USA

OWNER

ENGINEER

CONTRACTOR

AURA DESIGN BUILD

DRAWN BY

KC

CHECKED BY

REVISIONS

NEW FLOOR PLAN

A1.2

08/23/18

License #:	MB1015974		
AIMS License Type:	MB		
AIMS License #:	105674819		
Trade Name:	FREDDY C'S LOUNGE / WILDFIRESMTX		
Owner:	JBCDFRAILICKS LLC		
Location Address:	141 E Hopkins St San Marcos , TX 78666 United States	**Mailing Address:**	141 E Hopkins St San Marcos , TX 78666 United States
County:	Hays	**Orig. Issue Date:**	5/21/2018
Status:	Active	**Exp. Date:**	5/20/2026
		Wine Percent:	
Location Phone No.:			
Subordinates:	LH		
Related To:		**Gun Sign:**	RED

bathrooms

Bar

Feedback

BAR

BAR

Gate

Gate

Mustache Bath Bar

Hopkins

LIST

bathrooms

= speakers

= TV's

bathrooms

W

M

Paddy's Bar

BAR

BAR

Mustache Pathe Bar

LOT

Google Maps



Imagery ©2026 Airbus, Map data ©2026 Google 20 ft

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

Incident #	Call Date/Time	Type	Location	Common Name	Dispositions	Description
2026-00020765	5/7/2026 2:42:57 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 3	Subj was released to a sober party
2026-00018952	4/26/2026 1:52:33 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 3	Parties seperated
2026-00018938	4/26/2026 12:56:42 AM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 2	caller states bouncer is takig ids and making people pay 40 dollars to get it back
2026-00018928	4/25/2026 11:41:11 PM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	caller advised they took his id as they believe it is fake-they want an officer out to authenticate it before they give it back-Valid return and DOB. Doorman insisted it was fake
2026-00017826	4/18/2026 2:44:18 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	UTL - 1	Officer spoke with bystander who stated a male was trying to start a fight, but no fight actually occurred. Searched the area for the suspect, but was UTL.
2026-00017570	4/16/2026 5:11:33 PM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	caller advised that Wildfire was running an "illegal" business, stating that they were having an illegal poker game on Tuesday nights. Officer informed caller that we would document his claim and get in contact with TABC regarding the issue.
2026-00012019	3/14/2026 2:17:57 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 3	Subject was following people and was requested to leave them alone. Subject pushed away and police arrived. No injures and Subject took an UBER to get home.

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

2026-00011835	3/13/2026 3:12:55 AM	Patrol / Premise Check	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	performed a bar check with TABC, nothing found.
2026-00010667	3/6/2026 1:36:24 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 3	female walked out of wild fire with high noon. Two door guys were on their phones informed them someone needs to be paying attention
2026-00010472	3/5/2026 12:15:18 AM	Investigation	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 3	bartender: They noticed the group by the pool table and they seemed okay. After a while the two males came out of the restroom with their shirts ripped. Staffed informed them they had to leave after that.- obvious sign of disturbance. both subjects advised it was horseplay. subjects released to a sober partys
2026-00008694	2/23/2026 1:15:52 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 5	Staff member stated he kicked out an hispanic male who had braces and white shoes for touching a girl's leg without her permission. Staff said he watched it happen and the girl complained which prompted him to escort him out of the bar. Staff said the male was yelling at him to let him stay but then finally left.
2026-00008243	2/20/2026 2:00:43 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1, Citation Issued - 1	No info
2026-00005080	2/1/2026 1:41:05 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 3, Citation Issued - 1	No info
2026-00005063	1/31/2026 11:59:01 PM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 2	subject had approximately two pickle shots at wildfire- Released to sober party

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

2026-00004714	1/30/2026 1:42:11 AM	Pedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1, Citation Issued - 1	No info
2026-00004702	1/30/2026 1:00:55 AM	Upedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 1	No info
2026-00002781	1/18/2026 2:27:25 AM	Code Compliance	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 1	No info
2026-00001555	1/11/2026 12:55:15 AM	Pedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 1	No info
2025-00055675	12/14/2025 12:56:46 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	Comp stated he was at Wildfire and saw his ex. Female in ex's group walked up and asked if she could pour a drink on comp, comp said no but female did it anyway. Comp approached ex and asked why that happened and other girl threw drink at comp. Comp then left.
2025-00053239	11/29/2025 12:52:58 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	Released to sober party
2025-00052263	11/21/2025 10:58:51 PM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	Released to sober party
2025-00050897	11/13/2025 11:40:59 PM	Pedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 2	No info
2025-00050892	11/13/2025 11:26:53 PM	Pedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 2	No info
2025-00045034	10/12/2025 12:15:57 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	Report Taken - 3, Canceled - 3, No Report - 2	at around 0015 hours, officers responded to the Wildfire Bar for a physical disturbance. It was discovered that bar staff was involved in a melee with three other bar patrons. No arrests were made at this time

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

2025-00042680	9/28/2025 2:02:58 PM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Report Taken - 1	incident time: 9/28/2025 0030 hours at Freddy C's just outside bathrooms. -S1 allegedly grabbed V1 by the right arm trying to get her attention and would not let go. -V1 pulled away several times, W1 had to assist V1 in getting her arm free of his grasp. -V1 and W1 then walked out of the bar and went home. -S1 did not follow -V1 has bruising on her arm where S1 grabbed her. -they are former husband and wife. no longer living together.
2025-00034260	8/10/2025 2:38:04 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	Male came up to officers in a consensual conversation in front of Fedd y C's. TH emale was clearly intoxicated and was stumbling while he walked and even while he was sitting on the railing. After we parted ways, the male said he was going to walk home. he walked to his car and got inside. Male was stopped and was asked to get out of the car, which he did. Male called for a ride and was released to a sober party.

Incident Search Result

Agency: SMPD

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2025-00028146	7/2/2025 2:37:46 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 2	Female was intoxicated and engaged in a verbal argument with Freddy C's staff after bar closing because she was looking for her lost phone. Female was with a sober party, Crystal, who she was released to.
2025-00019005	5/4/2025 12:25:25 AM	Suspicious Activity	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1, UTL - 1	compl wants to get his wallet from the bar but they won't let him in but they are letting minors in- utl, attempted calling numerous times, did not answer, was not at bar
2025-00018999	5/4/2025 12:22:20 AM	Weapons	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 3, UTL - 1, Report Taken - 1	a subject displayed a firearm during an argument inside of a bar and then left the scene.
2025-00018014	4/28/2025 2:21:51 AM	Trespass	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	CTW issued
2025-00017746	4/26/2025 1:28:04 AM	Pedestrian Stop	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 1	No info
2025-00012484	3/24/2025 1:37:16 AM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	UTL - 3, Report Taken - 1, No Report - 3	a group of subjects were involved in a disturbance with staff members.. One member of the group assaulted one of the staff members and then left the scene.

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

2025-00012190	3/22/2025 1:43:01 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	CALLER STATED HIS FRIENDS EX GF PUSHED HIM INSIDE OF WILDFIRE, HE THEN PUSHED HER IN RESPONSE SINCE SHE WAS PUSHING HIM INTO CORNER. BAR STAFF THEN FORCED HIM OUT OF BAR. STATED NO PAIN AND HAD NO INJURIES,
2025-00009442	3/5/2025 1:41:56 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 7, Report Taken - 1, Arrest - 1	staff members got into a fight with x2 subjs// they left but threw a bottle and shattered the bottle in the patio
2025-00004768	2/1/2025 1:51:59 AM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 2	GUY ASSAULTED BOUNCERS
2025-00004553	1/30/2025 11:56:23 PM	Code Compliance	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	Unfounded - 1	BOUNCER LETTING PPL IN THAT ARE MINORS-Officer called comp, she advised it was a mistake and would not provide any more information. I spoke to door guys and checked the area
2024-00051464	12/9/2024 1:13:40 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 5, Report Taken - 2, Canceled - 1	officers met with V1. V1 advised that he was in the restroom and observed two males consuming cocaine. V1 "joked" towards S1 and S2 about doing cocaine in the restroom, which ultimately led to either S1 or S2 punching him in the face multiple times, knocking his teeth out.
2024-00050011	11/30/2024 12:59:14 AM	Forgery / Fraud	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Report Taken - 1	report taken for suspect using fraudulent bill at Freddy C's bar.

Incident Search Result

Agency: SMPD

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2024-00048925	11/22/2024 10:50:04 PM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 1	male took her id and won't give it back-male said hed give it back for $50-caller stated male gave it back
2024-00047995	11/18/2024 1:13:06 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Arrest - 1, No Report - 1	male swinging at bouncers-Arrested TOW for public intoxication
2024-00047888	11/17/2024 1:39:39 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 10, Arrest - 2, Citation Issued - 1	arrest for PI and DOC fighting
2024-00047878	11/17/2024 12:02:35 AM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1, Canceled - 1	Compl friend got her ID taken by a Freddy C's bouncer
2024-00045577	11/3/2024 2:05:51 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Arrest - 1, No Report - 1	at approximately 0205 hrs officers observed a fight at 141 E Hopkins St (Freddy C's). Officers sepereted the involved parties. Subject was arrested for public intoxication
2024-00045252	11/1/2024 4:39:33 AM	Welfare Concern	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 2, Arrest - 1	at approximately 0430, officers were dispatched to a welfare concern at Freddy C's. Officers made contact with S1. S1 was placed under arrest for Public Intoxication
2024-00045195	10/31/2024 11:15:12 PM	Citizen Assist/Service Call	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	bar wont give ID back / thinks its fake

Incident Search Result

Agency: SMPD

Agency #: TX1050100 Print Date/Time: 5/11/2026 10:44

2024-00045186	10/31/2024 11:04:30 PM	Robbery	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	Arrest - 1, Report Taken - 5, No Report - 7	Officers met with V1 and observed them to have injuries and property stolen. While interviewing V1 and other witnesses, the suspects were observed walking nearby. Officers attempted to contact the suspects, but they proceeded to evade on foot. Ultimately, officers were able to detain all suspects. It was determined that all suspects would be placed under arrest and later transported to the jail.-Wildfire (scene of robbery)
2024-00033589	8/23/2024 12:37:08 AM	Investigation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	MALE INTOX, WAS ASKED TO LEAVE AND REFUSED...PUNCHED DOOR MAN AND THREW HIS DRINK AT HIM MALE ASSAULTED BY OTHER SUBJS, BUT REFUSED TO LEAVE THE AREA MGT REQ CTW BE ISSUED TO JACKSON
2024-00032111	8/14/2024 1:57:24 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Citation Issued - 3, No Report - 2	3 girls assaulted workers on scn-Citation issued x 2 Assault - C
2024-00029945	7/28/2024 11:47:57 PM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 2, Report Taken - 2	Call for physical disturbance-CTW issued

Incident Search Result

Agency: SMPD

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2024-00029714	7/27/2024 2:38:44 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	WILDFIRE BAR SM	No Report - 3	NO CONTACT MADE BEWEEN PARTIES, TWO MALES HELD FRIEND BACK WHILE HE WAS YELLING AND ATTEMPTING TO MOVE TOWARDS COUPLE WHILE YELLING. RESPONSIBLE PARTIES (FRIENDS) REMOVED MALE FROM SCENE
2024-00026850	7/5/2024 9:03:30 PM	Drug Offenses	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	UTL - 2	caller blvs male did drugs off of a trash can
2024-00026127	7/1/2024 1:42:40 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 6, Arrest - 1	Officers were dispatched . in response to a physical disturbance. Officers found Subject intoxicated near the location. Subject was arrested for Public Intoxication, Evading Arrest, and Failure to Identify.
2024-00021382	5/28/2024 12:27:36 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 4, Canceled - 1	Door man stated they told the 3 individuals they needed to leave, they did not want to, bar staff put hands on them, a fight happened and then the people left, bar staff did not want to press charges
2024-00019740	5/17/2024 1:51:50 AM	Alcohol Violation	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 2	Released to sober party
2024-00014681	4/12/2024 1:42:11 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	Warning Issued - 2, No Report - 1	No info
2024-00013953	4/7/2024 2:22:46 AM	Assault	141 E HOPKINS ST, SAN MARCOS, TX 78666	FREDDY C'S SM	No Report - 1	Parties seerated

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN DOWNTOWN CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	SEAN NEAL	Property Owner	BRIAN SCOFIELD
Company	JBCD FRAILICKS LLC	Company	BL SCOFIELD INC
Applicant's Mailing Address	141 E. Hopkins St SAN MARCUS, TX 78666	Owner's Mailing Address	127 E. Hopkins St SAN MARCUS, TX 78666
[redacted]			

PROPERTY INFORMATION

Subject Property Address: 141 E. Hopkins St

Zoning District: CBD Downtown District Tax ID #: R 41625

Legal Description: Lot E Block 20 Subdivision _____

Number of Parking Spaces: _____

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: Freddy's Lounge CUP Permit Type: ☐ *Eating Establishment* ☒ *Bar*

☐ *NEW* ☐ *RENEWAL/AMENDMENT* ☒ *Mixed Beverage* ☐ *Beer & Wine* ☐ *Late Hours*

Hours of Operation (Ex. Mon 12pm-1am): Mon 4-2A Tue 4-2A Wed 4-2A

Thurs 4-2A Fri 2-2A Sat 2-2A Sun 2-2A

Indoor Seating Capacity: 160 Outdoor Seating Capacity: _____ Gross Floor Area: 2500 Sq Ft

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050* Technology Fee $15 ***TOTAL COST $1,065***

Renewal/Amendment Filing Fee $788* Technology Fee $15 ***TOTAL COST $803***

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Brian Scofield (owner name) on behalf of BL Scofield Inc (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 141 E. Hopkins St (address).

I hereby authorize ~~Jamie Trafficking~~ Sean Neal (agent name) on behalf of JBC of Austin (agent company) to file this application for CUP Renewal (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 3-24-26

Printed Name, Title: Brian Scofield

Signature of Agent: _____ Date: 3/24/26

Printed Name, Title: Sean Neal

Form Updated December, 2025

AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL NOTICE REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Signs:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $158 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____ Date: 3/23/24

Print Name: SEAN NUNL

Form Updated December, 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE
DOWNTOWN CENTRAL BUSINESS AREA (CBA) REQUIREMENTS

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 of the Development Code and any conditions of such permit. Within the Downtown Central Business Area (CBA) the establishment can either request an *"Eating Establishment"* or a *"Bar"* Conditional Use Permit, subject to the maximum allowed permits, and in accordance with the Development Code.

Where an *"Eating Establishment"* includes the sale of alcohol for on premise consumption the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of eating establishments which include the sale and on-premise consumption of alcohol is limited to 25.
- The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **50** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of bars is limited to 14.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit may be revoked. Please notify staff of any changes to the business operation.

Signature: _____ Date: 3/23/26

Print Name: Sean Nash

Form Updated December, 2025

Freddy's Change is keeping same staff and running
Business the same as previously ~~kept~~ owner Jamie.
There will be no changes to layout of building,
and we keeping same concept / name / staff.
Please see previous documents

Scott Neal

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: "A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food" (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: "A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption" (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence's structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

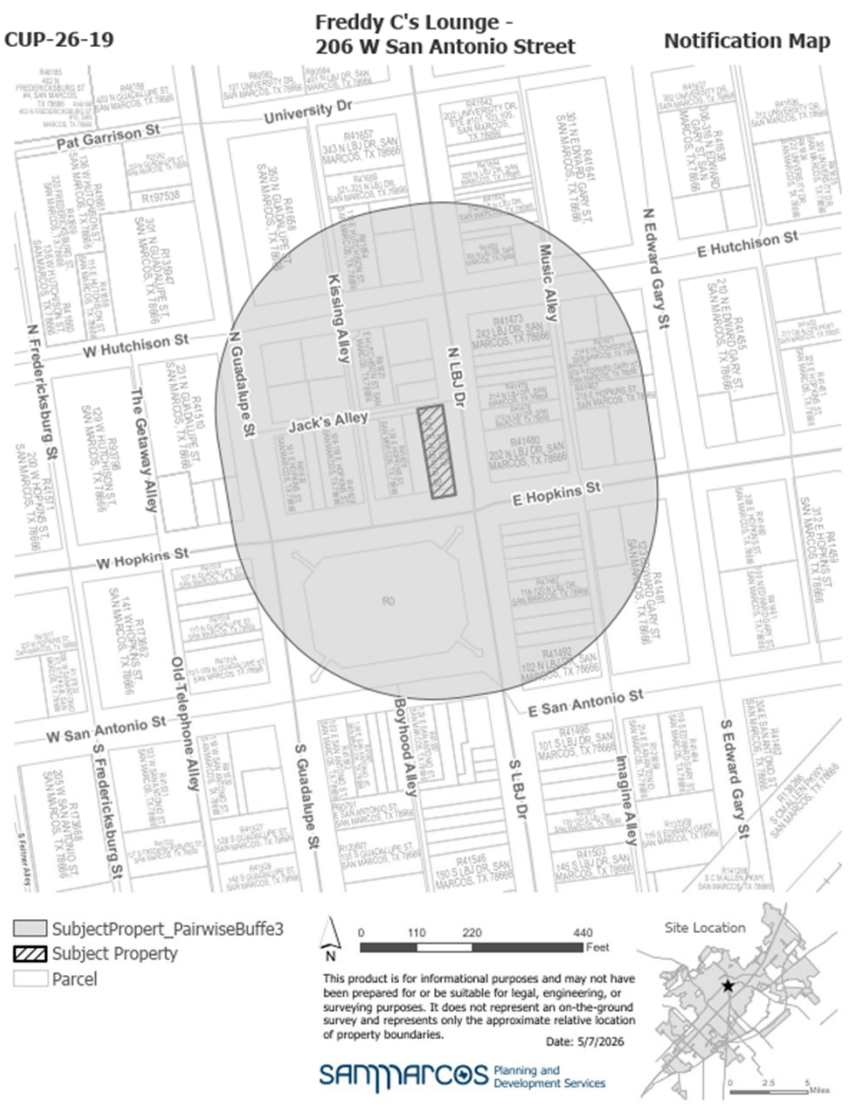
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-19
Freddy C's Lounge

CUP-26-19 (Freddy C's Lounge) Hold a public hearing and consider a request by Sean Neal, on behalf of Freddy C's Lounge, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 141 E Hopkins Street. (C.Garrison)

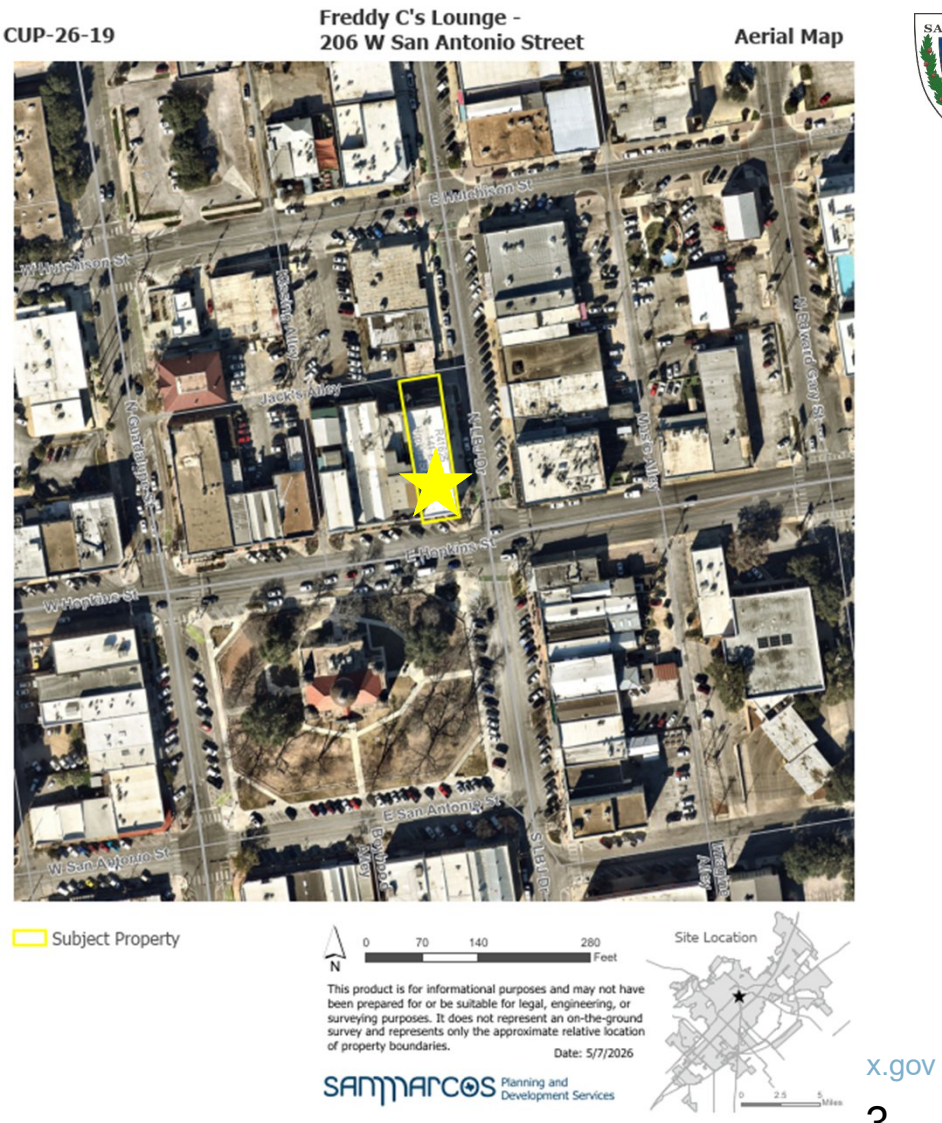
Property Information

- Approximately 0.198 acres
- Northwest corner of East Hopkins Street and N LBJ Drive



Context & History

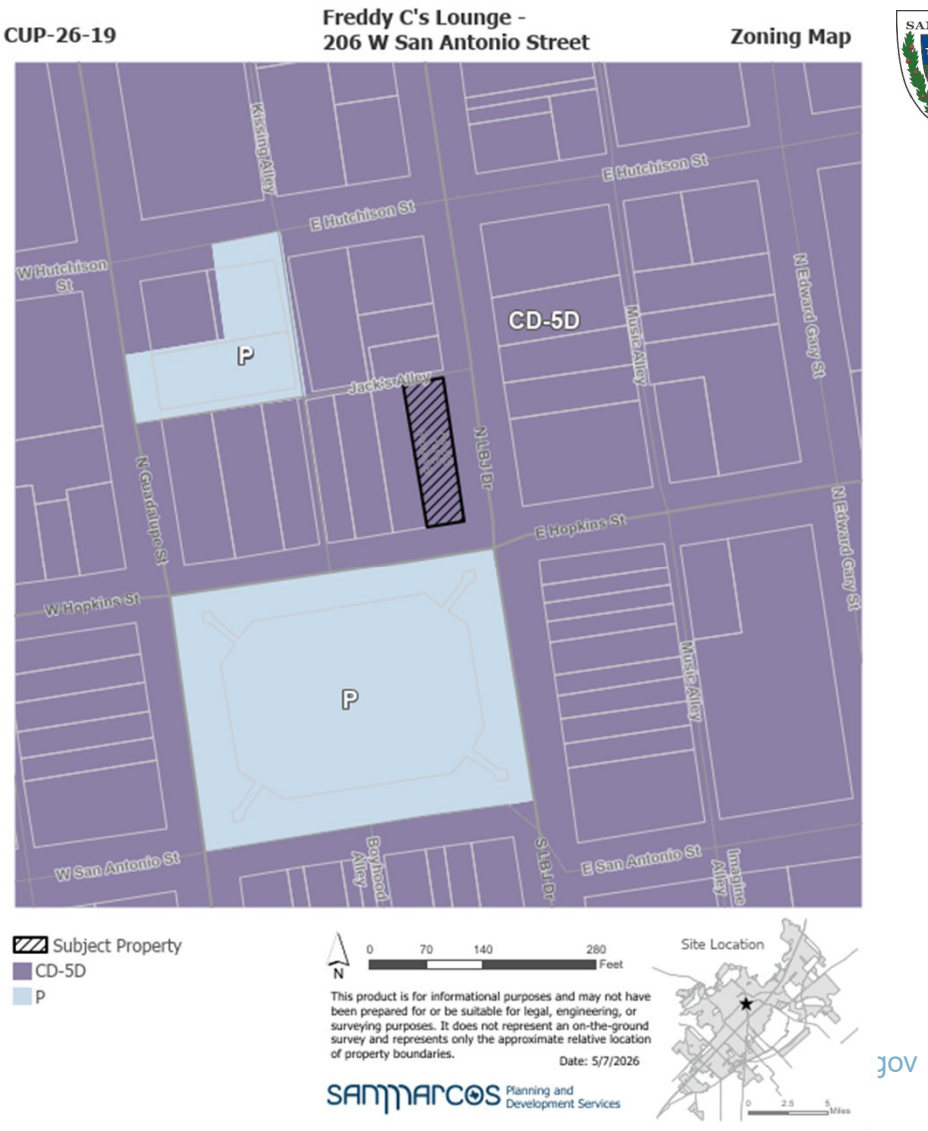
- Currently a Bar with on-premise consumption of alcohol.
- The business has held a CBA Bar CUP since 2018.
- Surrounding Uses include, Bars, Retail Sales, Restaurants, Multifamily, and Hays County Courthouse



x.gov

Context & History

- **Existing Zoning:** Character District-5D(CD-5D)
- **Proposed Use:** Bar
  - Monday - Thursday: 4pm – 2am
  - Friday – Saturday: 2pm -2am
- **CUP Expiration Date:** (March 28, 2027)
- **Police Calls:** 56 Calls



Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
X			Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
X			Does not create hazardous pedestrian or vehicle traffic conflicts?
X			Includes roadway improvements or controls to reduce neighborhood traffic impacts?

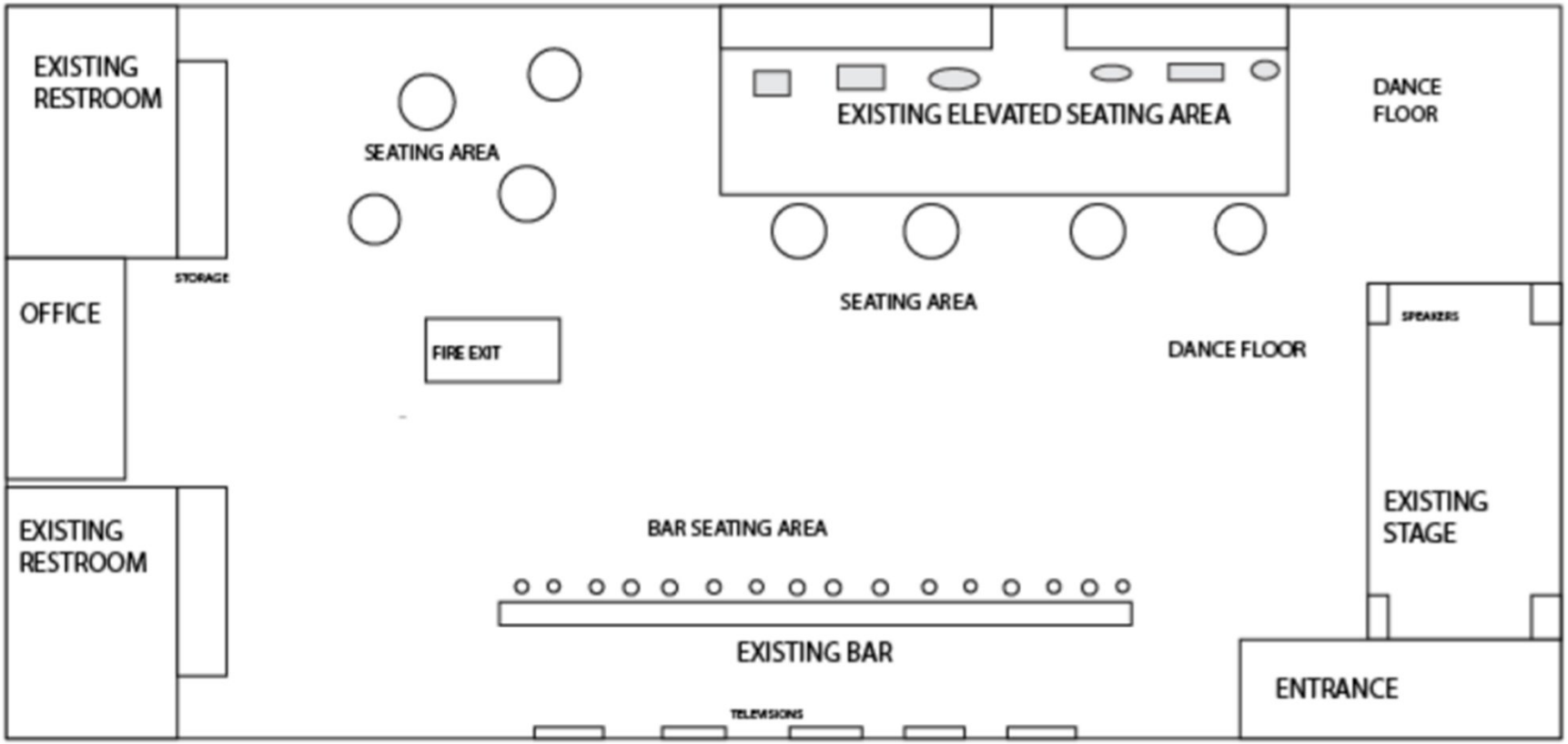
Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
X			Located at least 300 feet from detached single-family homes in single-family-only districts?
X			Located at least 300 feet from churches, schools, and public hospitals?
X			Located at least 1,000 feet from any public or private school?

Criteria for Eating Establishments within CBA

C	I	N	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
X			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
X			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
X			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
X			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

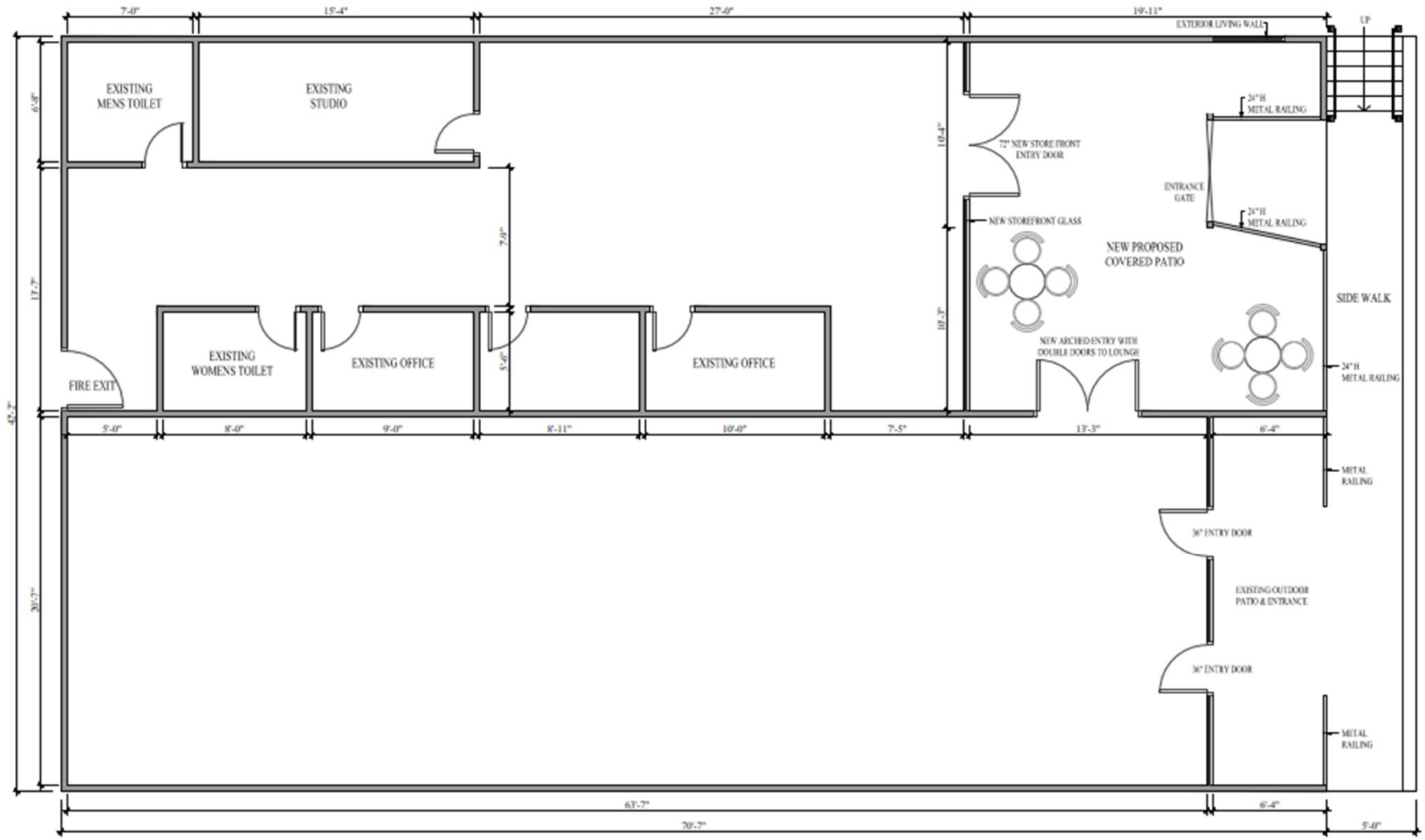


WILDFIRE SAN MARCOS

141 E HOPKINS ST FLOOR 2

6200 SQFT

.gov


7'-0"
15'-4"
27'-0"
19'-11"
EXTERIOR LIVING WALL
UP
EXISTING MENS TOILET
EXISTING STUDIO
6'-8"
13'-7"
7'-9"
18'-4"
72" NEW STORE FRONT ENTRY DOOR
34" H METAL RAILING
ENTRANCE GATE
NEW STOREFRONT GLASS
NEW PROPOSED COVERED PATIO
SIDE WALK
EXISTING WOMENS TOILET
EXISTING OFFICE
EXISTING OFFICE
FIRE EXIT
5'-6"
10'-3"
NEW ARCHED ENTRY WITH DOUBLE DOORS TO LOUNGE
42'-2"
5'-0"
8'-0"
9'-0"
8'-11"
10'-0"
7'-5"
13'-3"
6'-4"
METAL RAILING
36" ENTRY DOOR
EXISTING OUTDOOR PATIO & ENTRANCE
30'-7"
63'-7"
70'-7"
5'-0"

gov



2 FRONT ELEVATION

SCALE : 1/8"= 1'-0"

Recommendation

Staff recommends **approval** of CUP-26-19 with the following conditions:

1. This permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met.
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
6. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Legislation Text

File #: CUP-26-20, **Version:** 1

AGENDA CAPTION:

CUP-26-20 (Beans and Buns) Hold a public hearing and consider a request by Victor Cruzalta, on behalf of Beans and Buns, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 420 University Dr. (K. Buck)

Meeting date: May 26, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A
Account or Project Number (C = CIP funds): N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative:

N/A

N/A

N/A

Comprehensive Plan Element (s):

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan:

Choose an item.

Background Information:

This location has formerly been multiple businesses including The Eskimo Hut, Jalapenos Mexican Food, Urban Bricks Pizza, and Sea Barra, all of which have held a Restaurant CUP with the sale of beer and wine and/or mixed beverages. The most recent business at this location, Sea Barra received a Restaurant CUP for Mixed Beverages in 2024. The business permanently closed in Spring of 2026.

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** of CUP-26-20 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday - Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday - Saturday;
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	420 University Dr
CUP-26-20	Beans and Buns

Summary

Request:	New Conditional Use Permit (CUP)		
Applicant:	Victor Cruzalta 3621 Sweet Watermelon Lane Buda, TX 78610	**Property Owner:**	SM Block 21 LLC 3300 Bee Caves Rd, Ste 650 Austin, TX 78746
CUP Expiration:	N/A	**Type of CUP:**	Mixed Beverage
Interior Floor Area:	2,500 sq ft	**Outdoor Floor Area:**	700 sq ft
Parking Required:	11 spaces	**Parking Provided:**	Yes
Days & Hours of Operation:	Monday-Sunday: 7am-10pm		

Notification

Posted:	May 8, 2026	**Personal:**	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Lot 4 & Part of 3, Block 21, in the Original Town of San Marcos		
Location:	On the Southwest corner of University Drive and C M Allen Parkway		
Acreage:	0.277 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Restaurant	**Proposed Use:**	Restaurant
Preferred Scenario:	Mixed Use Medium - Regional Center	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown	**Sector:**	8
Utility Capacity:	Adequate	**Floodplain:**	Yes
Historic Designation:	N/A	**My Historic SMTX Resources Survey:**	Yes Low Preservation Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public and Institutional District (P)	Texas State University	Commercial/Employment Medium
South of Property:	Character District - 5 Downtown (CD-5D)	Office / Law Firm	Mixed Use Medium
East of Property:	Public and Institutional District (P)	City Parks & San Marcos River	Conservation/Cluster
West of Property:	Character District - 5 Downtown (CD-5D)	Restaurant	Mixed Use Medium

Conditional Use Permit	420 University Dr
CUP-26-20	Beans and Buns

Staff Recommendation

	Approval as Submitted	X	**Approval with Conditions**		Denial

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Kaitlyn Buck	**Title:** Planner	**Date:** May 20, 2026

History

This location has formerly been multiple businesses including The Eskimo Hut, Jalapenos Mexican Food, Urban Bricks Pizza, and Sea Barra, all of which have held a CUP with the sale of beer and wine and/or mixed beverages and have served food. The most recent business at this location, Sea Barra received a Restaurant CUP for Mixed Beverages in 2024. The business permanently closed in Spring of 2026.

Additional Analysis

Senate Bill 1008 provides provisions on the city's ability to prohibit amplified sound at a restaurant. Per this bill and staff's analysis, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		X	The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. ***The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.***
X			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		X	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. ***No improvements are being proposed as the subject structure is an existing development.***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
X			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.



Subject Property
Parcel

N

0 70 140 280 Feet

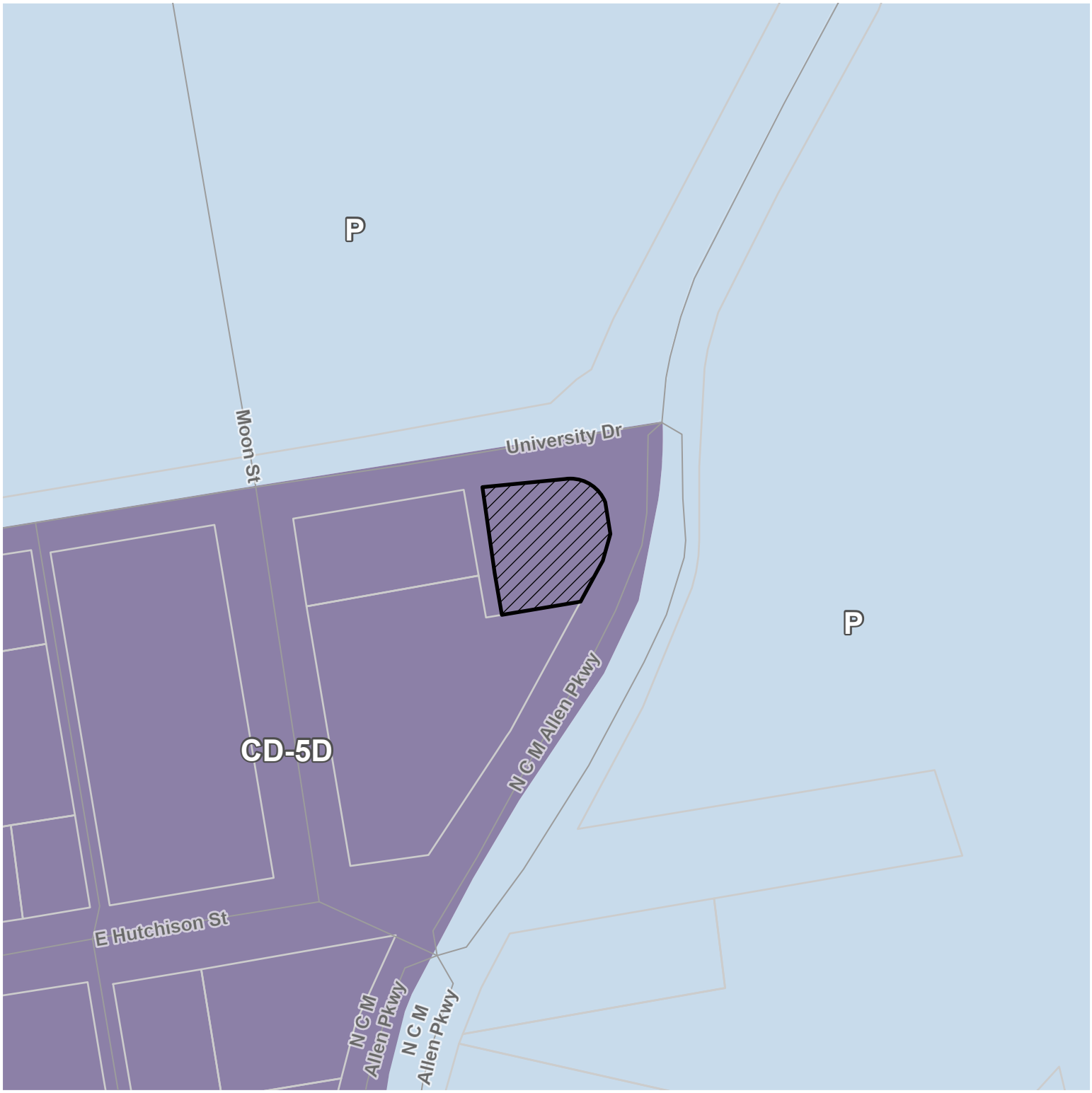
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 4/17/2026

SAN MARCOS Planning and Development Services

Site Location





Subject Property
CD-5D
P

N

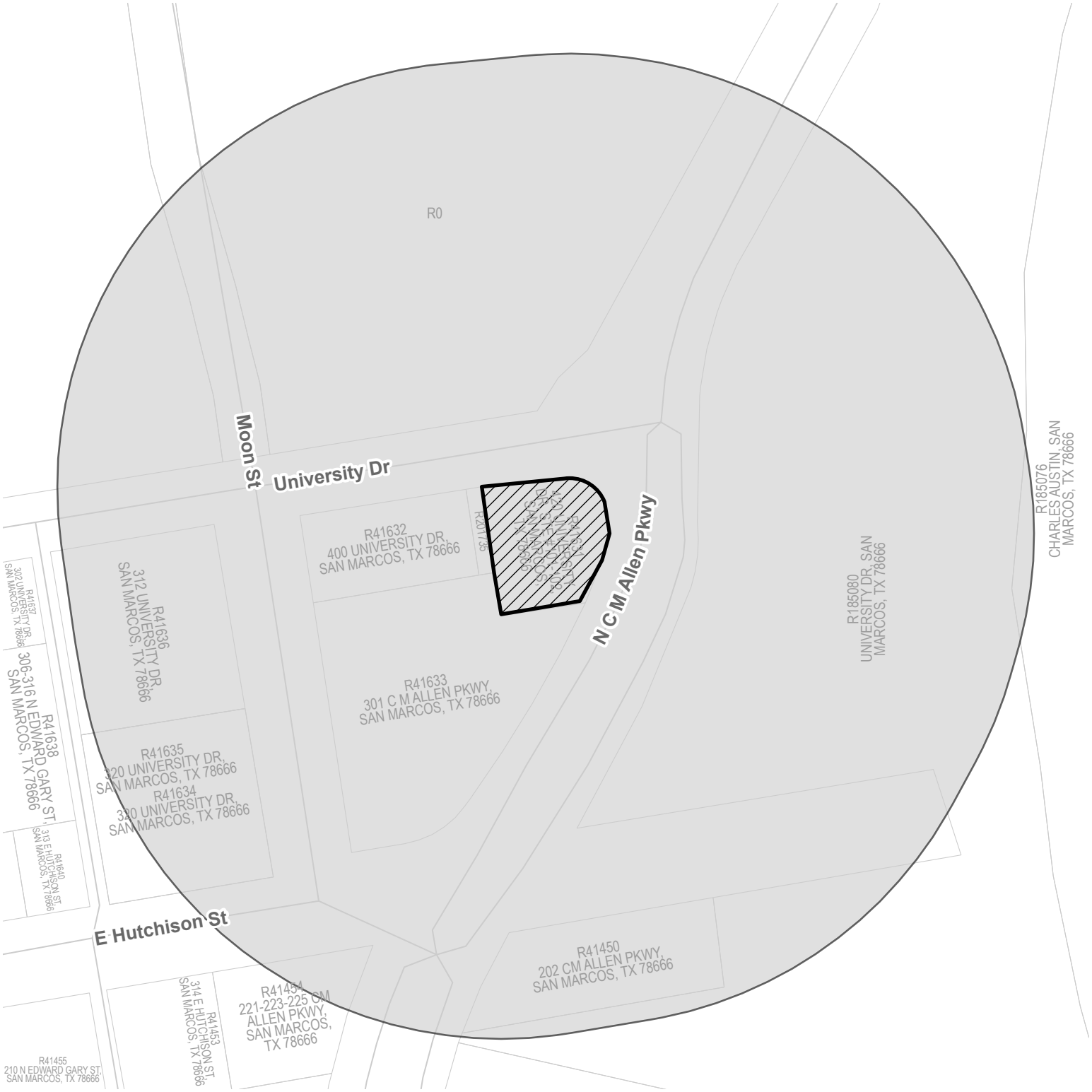
0 70 140 280 Feet

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Date: 4/17/2026

SAN MARCOS Planning and Development Services





Subject Property
400ft Buffer
Parcel

N

0 70 140 280
Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 4/17/2026

SAN MARCOS Planning and Development Services

Site Location



05/08/2026 **CUP-26-20**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
420 University Dr

CUP-26-20 (Beans and Buns) Hold a public hearing and consider a request by Victor Cruzalta, on behalf of Beans and Buns, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 420 University Dr. (K. Buck)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, May 26, 2026,** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

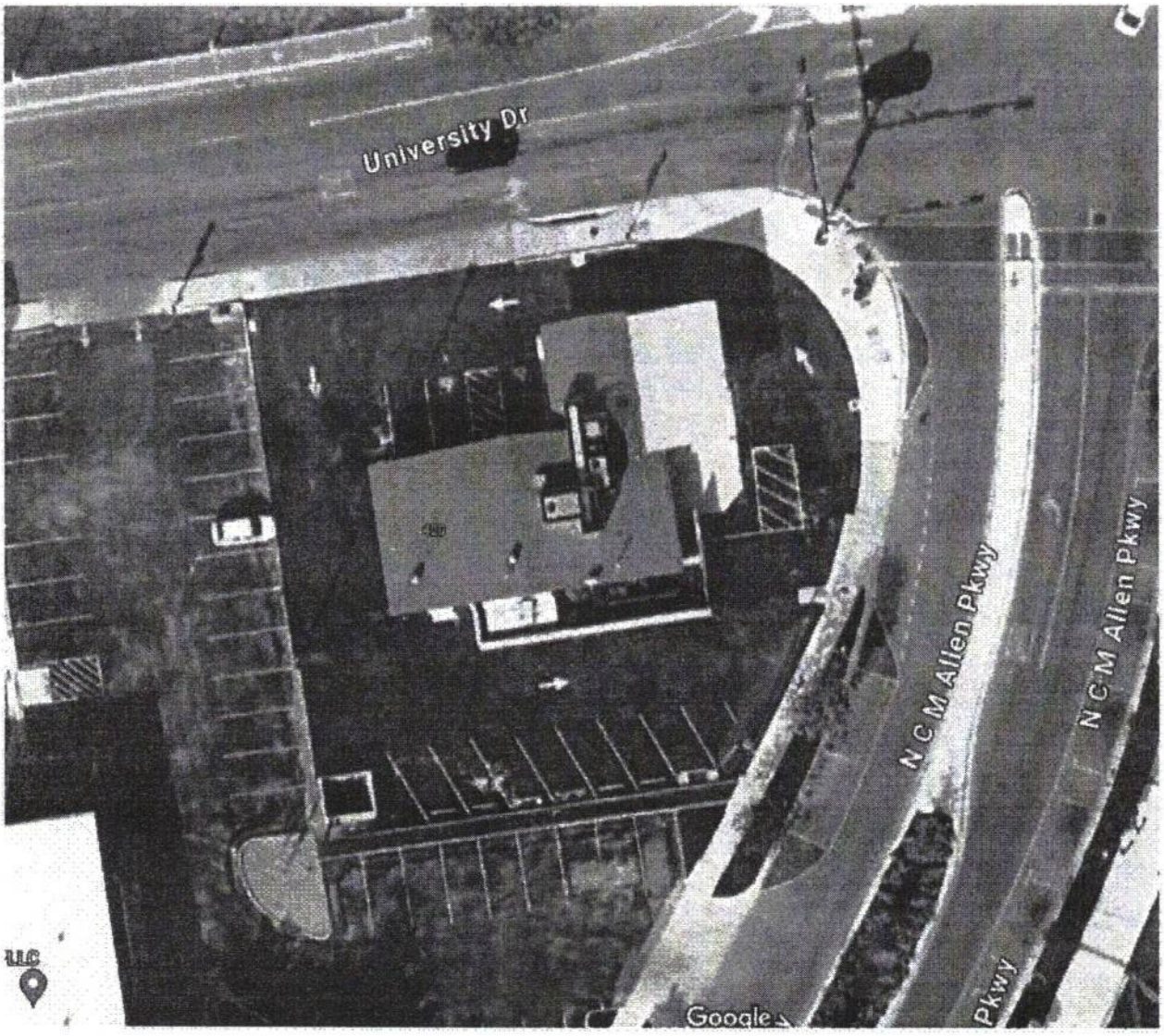
For more information regarding this request, contact the case manager, **Kaitlyn Buck,** at **512.393.8234 or kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-20.**

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

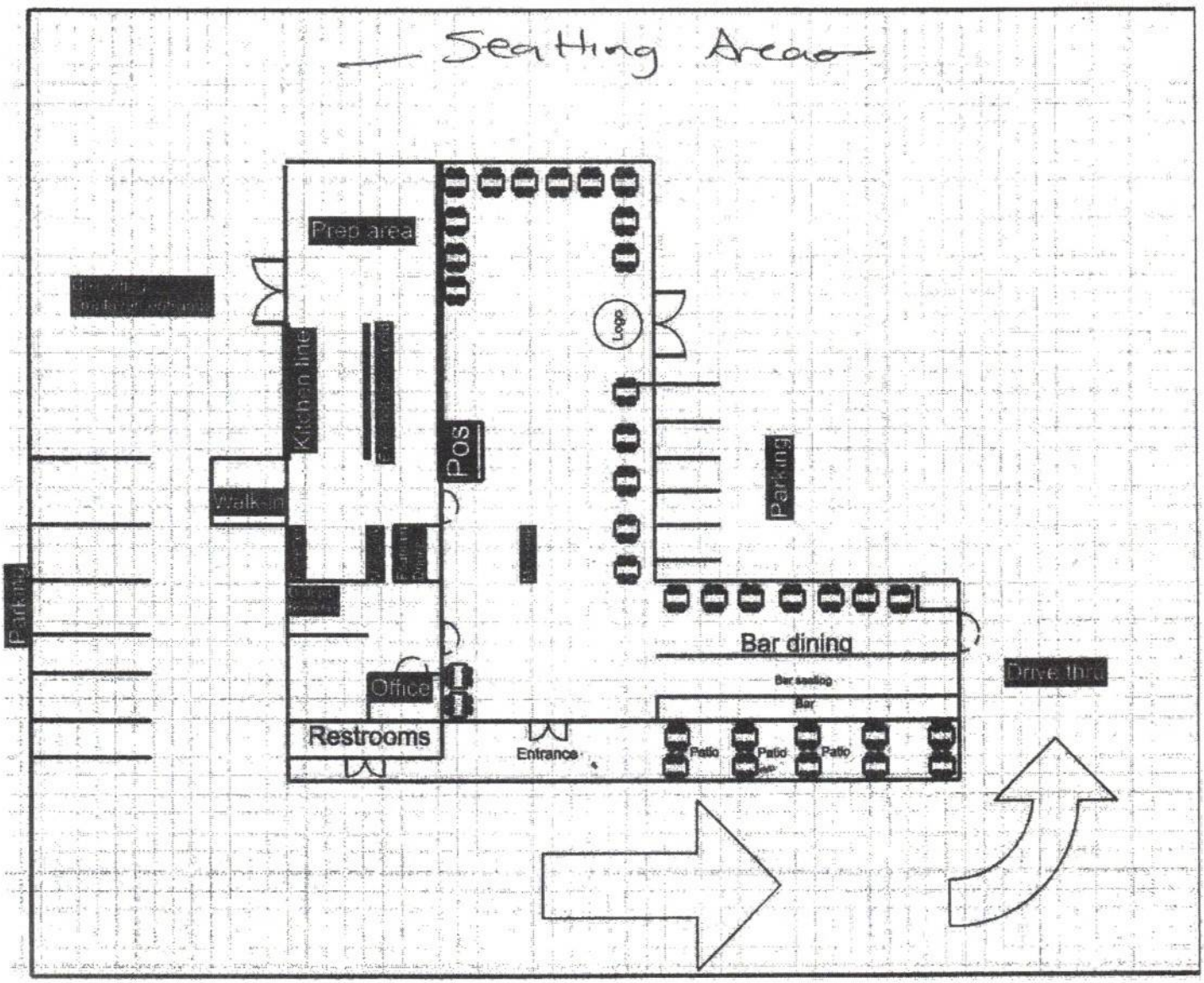
PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

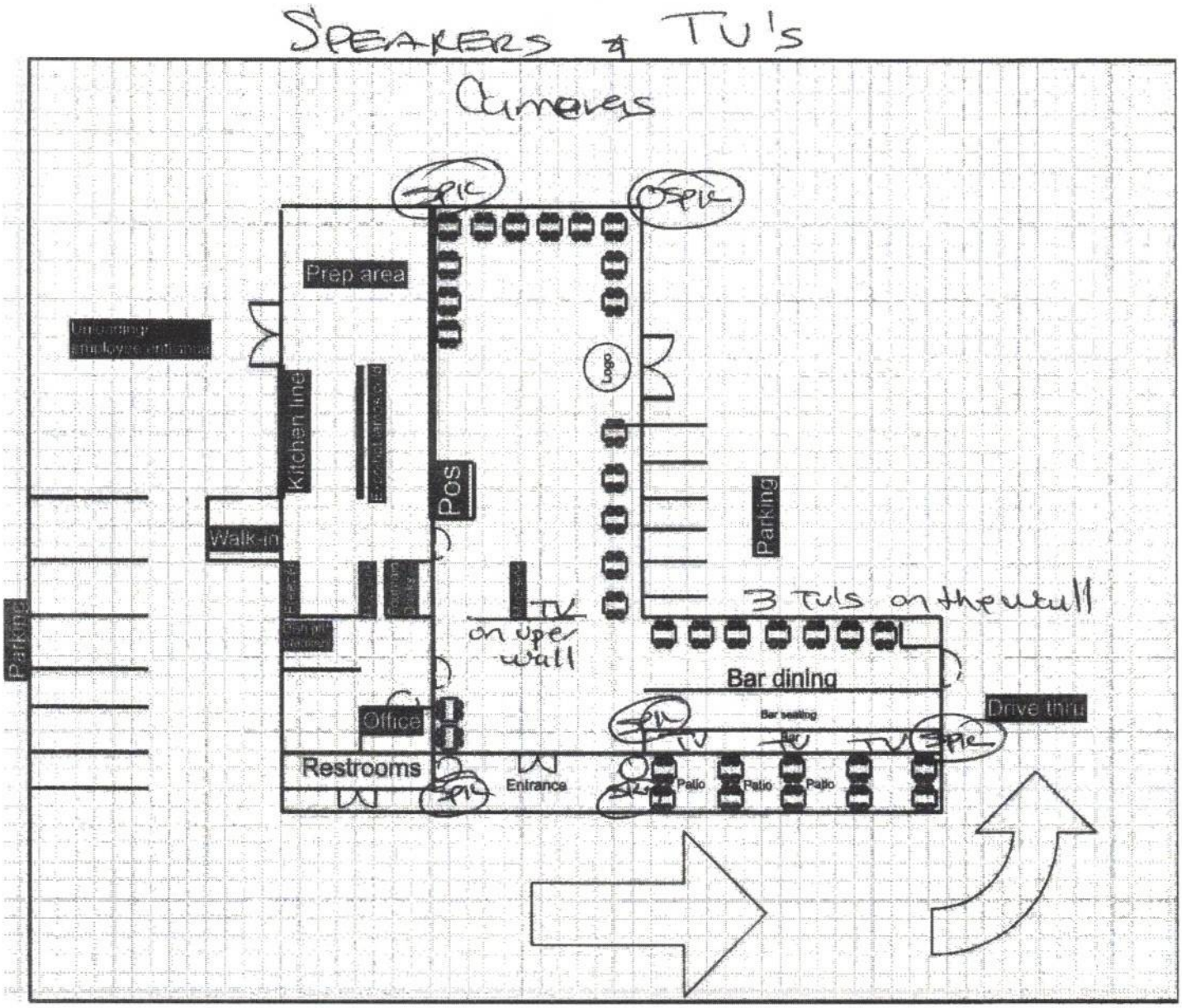
Notification List

Property ID	Name of Owner	Owner Mailing Address	Owner City/State/Zip	Site Address
41634	AM PETROLEUM INC	1900 E ANDERSON LN, STE 103	AUSTIN, TX 78752-1979	320 UNIVERSITY DR, SAN MARCOS, TX 78666
41450	CHAMBER OF COMMERCE	202 N C M ALLEN PKWY	SAN MARCOS, TX 78666-5732	202 CM ALLEN PKWY, SAN MARCOS, TX 78666
41454	ICON PROPERTIES LTD	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733	221-223-225 CM ALLEN PKWY, SAN MARCOS, TX 78666
201735	SM BLOCK 21 LLC	2100 SEVEN WINS DR	AUSTIN, TX 78733-5713	
	Neighborhood Commissioner Samantha Benavides	455 Lindsey St.	SAN MARCOS, TX 78666	
	Neighborhood President Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666	
	CONA President Amy Thomaides	1131 W. MLK St	SAN MARCOS, TX 78666	



4/23/2029
3/24/2026


Seating Area
Prep area
Kitchen line
Walk-in
POS
Parking
Parking
Bar dining
Bar seating
Bar
Drive thru
Office
Restrooms
Entrance
Patio
Patio
Patio



Total of 6 TVs

6 Speakers

DOWNTOWN BURGERS MENU

RANCH STARTERS

ALL COME WITH FRIES!



CHEESE CURDS
Wisconsin cheese curds and a side of ranch.



JALAPENO POPPERS
Breaded jalapenos with cream cheese inside and a side of ranch.



BUFFALO WINGS
Buffalo chicken wings with a side of ranch .



FRIED PICKLES
Breaded pickles slices with a side of ranch.



CHEESE STICKS
Mozzarella sticks with a side of marinera sauce.



CHKN TENDERS
Breaded chicken tenders with a side of ranch.

FRIES BASKET

O.R. BASKET

CAMPFIRE SWEETS



Churros
Two warm churros coated in cinnamon and sugar.
Add chocolate or caramel for $1 extra.

LONE STAR BURGERS

ALL COME WITH:
Ketchup, Mustard, Mayo, Lettuce, Tomato, Onions, Pickles and Jalapeño.



CLASSIC ATX
1/4 beef pattie and american yellow cheese.



MEXICANA
1/4 beef pattie, jack cheese, grilled chipotle onions and guac.



ONION RING
1/4 beef pattie jack cheese, onion rings and bbq sauce.

ALL COME WITH FRIES!
Sub your fries for ONION RINGS for $1 extra

ADD ONS
- Add BACON for $1 extra
- Make it DOUBLE for $5 extra
- Sub Gluten Free bun for $2 extra

THE OUTLAWS

ALL COME WITH:
Ketchup, Mustard, Mayo, Lettuce, Tomato, Onions, Pickles and Jalapeño.



BBQ FRIED CHKN SANDWICH
Fried chicken breast, jack cheese and bbq sauce .



VEGGIE BURGER
Garden burger pattie and jack cheese.

ALL COME WITH FRIES!
Sub your fries for ONION RINGS for $1 extra

WE CATER!
downtownburgersatx.com

ilovedowntownburgers

Tamiya's Tasty Treats

HAPPINESS ON WHEELS



SIGNATURE DRINKS
SMALL $6.00 MEDIUM $6.50 LARGE $7.00

CHOICE OF ICED OR HOT. WHOLE MILK IS STANDARD. ALTERNATIVE MILKS ARE AVAILABLE UPON REQUEST FOR AN ADDITIONAL ($1.00). EXTRA SHOTS AND ADDITIONAL FLAVORS ARE AN EXTRA ($1.00).

LUCK OF THE IRISH
IRISH CREAM | ESPRESSO

THE SWIRL
VANILLA BEAN | CHOCOLATE | ESPRESSO

RASPBERRY WHITE MOCHA
RASPBERRY | WHITE CHOCOLATE | ESPRESSO

CHURRO LOVER
CARAMEL | CINNAMON | ESPRESSO

ECLIPSE - ICED
HORCHATA | CINNAMON | ESPRESSO

DIRTY CHAI
LOCALLY SOURCED CHAI TEA | ESPRESSO

PEPPERMINT PATTY
PEPPERMINT | DARK CHOCOLATE | ESPRESSO

THE YUMMILY
TOASTED MARSHMELLOW | DARK CHOCOLATE
PEANUT BUTTER SAUCE | ESPRESSO

VANILLA BEAN MATCHA
VANILLA | HONEY | ORGANIC MATCHA



NITRO COLD BREWS
SMALL $6.25 MEDIUM $6.75 LARGE $7.25

THE MALONE
NITRO-COLD BREW

YIN & YANG
NITRO-COLD BREW | FRENCH VANILLA | SPLASH ALMOND MILK

SUPER SMOOTHIES
10G WHEY PROTEIN ONE SIZE $7.50

BERRY BLAST
RASPBERRY | BLACKBERRY | BLUEBERRY | BANANA

MANGO BLAST
MANGO | BANANA | PINEAPPLE



CLASSIC BREWS
FEATURING MALONE SPECIALTY COFFEE

FRESHLY ROASTED COFFEE
SMALL - $3.75 MEDIUM - $4.25 LARGE- $4.75

CAPPUCCINO
SMALL - $5.25 MEDIUM - $5.75 LARGE - $6.25

AMERICANO
SMALL - $4.75 MEDIUM - $5.25 LARGE - $6.00

LATTE
SMALL - $5.25 MEDIUM - $5.75 LARGE - $6.25

ESPRESSO
DOPPIO- $3.50 QUAD - $5.00

FLAT WHITE / CORTADO
SMALL - $5.00 MEDIUM - $5.50 LARGE - $6.00

BUTTER COFFEE
SMALL $5.00 MEDIUM $5.50 LARGE $6.00

GRASS FED UNSALTED BUTTER AND COLD PRESSED ORGANIC COCONUT OIL BLENDED WITH LOCALLY ROASTED MALONE SPECIALTY COFFEE.

ADD A FLAVOR SHOT OR DARK CHOCOLATE FOR A SWEETER OPTION. ($1.00)

LEMONADE - REFRESHERS
ONE SIZE $6.00

PASSION FRUIT LEMONADE

BLUEBERRY POMEGRANATE

MANGO LEMONADE

NON - COFFEE DRINKS

HOT TEA	$3.50
HOT CHOCOLATE	$4.25
MILK	$3.50
JUICE	$3.75
TOPO CHICO	$3.00
BOTTLE WATER	$2.00
SODA	$2.00

BREAKFAST SANDWICHES
AVAILABLE ON CROISSANT OR BAGEL

SPICY MEXICAN $8.50
PEPPER JACK CHEESE | EGG | TURKEY | JALAPENO CREAM CHEESE | TOMATO | GUACAMOLE | SAVORY JALAPENO CHEDDAR BAGEL

THE GRINGA $7.50
WHITE AMERICAN CHEESE | EGG | PLAIN CREAM CHEESE | PLAIN BAGEL
CHOICE OF 1 MEAT : HAM | TURKEY | BACON

REDHEADED STEPCHILD $9.00
MUNSTER CHEESE | EGG | HAM | TURKEY | BACON PESTO | TOMATO | GUACAMOLE | CHIVE & ONION CREAM CHEESE | EVERYTHING BAGEL

LOX BAGEL $12.00
EVERYTHING BAGEL | SMOKED ATLANTIC SALMON | ONION & CHIVE CREAM CHEESE | DILL BACON | CAPERS | ONION | CAYENNE PEPPER

LOCAL ROCKSTAR BAGELS
FLAVOR CREAM CHEESE AVAILABLE

EVERYTHING	$5.00
PLAIN	$5.00
FLAVOR OF THE MONTH	$5.00

EXTRA CREAM CHEESE - $1.00



MORNING FAVORITES

WARM MUFFINS	$4.00
HOMEMADE PASTRY	$6.50
BUTTER CROISSANT	$3.25
FRUIT PARFAIT	$5.75
FRUIT CUPS	$5.50
EGG BITES	$6.00

BACON | CHEESE | EGG | COTTAGE CHEESE

OATMEAL BOWL $4.75
PEANUT BUTTER | CHOCOLATE | SLICED ALMOND

LUNCH SANDWICHES
AVAILABLE ALL DAY

CAPRESE SANDWICH $8.00
PESTO | MOZZARELLA | TOMATO | BALSAMIC VINEGAR GLAZE | TOASTED CROISSANT

TURKEY LOVER $7.00
TURKEY | PESTO | MUNSTER CHEESE | TOMATO LETTUCE | WARM CROISSANT

GRILLED CHEESE $6.50
HONEY HAM | WHITE AMERICAN CHEESE
HONEY | MAYO | WARM CROISSANT



Texas Alcohol Consulting
aoliver@texasalcoholconsulting.com
512-653-3020
Andy Oliver

Application ID:	591015
Applicant Name:	C Z Hospitality, LLC
License Type applied for:	Mixed Beverage Permit (MB)

Entity Information

Business Structure:	Limited liability company
FEIN/SSN Number:	[redacted]
Member Managed or Manager Managed:	Member Managed
Historically Underutilized Business:	No
Veteran-owned business:	No
Fraternal Owned:	No
Secretary of State Filing Number:	804949782
Date Filed:	2/16/2023
Filing State:	TX

Primary Business Entity Contact Information

Legal First Name:	Victor
Legal Middle Name:	Cruzalta
Email Address:	[redacted]
Phone Number:	[redacted]

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Victor Cruzalta	Property Owner	SM Block 21 L.L.C.
Company	Beans & Buns	Company	C/o Carson Properties
Applicant's Mailing Address	3621 Sweet Watermelon Lane Buda TX. 78610	Owner's Mailing Address	3300 Bee Caves Rd Ste 650 #206 Austin TX 78746
Applicant's Phone #	[redacted]	Owner's Phone #	[redacted]
Applicant's Email	[redacted]	Owner's Email	[redacted]

PROPERTY INFORMATION

Subject Property Address: 420 University Dr. San Marcos TX. 78666

Zoning District: CD-5 Tax ID #: R 41631

Legal Description: Lot 4' 9" of 3 Block 21 Subdivision Original Town of San Marcos

Number of Parking Spaces: 12

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: Beans & Buns CUP Permit Type: ☑ *Eating Establishment* ☐ *Bar*

☑ *NEW* ☐ *RENEWAL/AMENDMENT* ☑ *Mixed Beverage* ☐ *Beer & Wine* ☐ *Late Hours*

Hours of Operation (ex. Mon 12pm-1am): Mon 7am-10pm Tue 7am-10pm Wed 7am-10pm

Thurs 7am-10pm Fri 7am-10pm Sat 7am-10pm Sun 7am-10pm

Indoor Seating Capacity: 70 Outdoor Seating Capacity: 15 Gross Floor Area: 2006 ft²

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050*	Technology Fee $15	*TOTAL COST $1,065*
Renewal/Amendment Filing Fee $788*	Technology Fee $15	*TOTAL COST $803*

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Milan Malkani (owner name) on behalf of SM Block 21, LLC (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 420 University Dr, San Marcos, TX 78666 (address).

I hereby authorize Dennis Andy Oliver (agent name) on behalf of CZ Hospitality, LLC & SM Block 21, LLC (agent company) to file this application for CUP - Alcohol Outside CBA (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 4/22/26

Printed Name, Title: Michael Nolen, Property Manager @ SMTX Prop. Mgmt.

Signature of Agent: _____ Date: 4/21/2026

Printed Name, Title: Dennis Andy Oliver

Form Updated December, 2025

AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice**: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- **Personal Notice**: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $158 plus a $ 15 technology fee.***

I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.

Signature: _____ Date: 4/22/26

Print Name: Michael Nolen

Form Updated December, 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 and any conditions of such permit.

Where an *"Eating Establishment"* includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.

Signature: D S Oliver Date: 4/22/2026

Print Name: Dennis Andy Oliver

Form Updated December, 2025

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: "A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food" (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: "A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption" (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence's structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

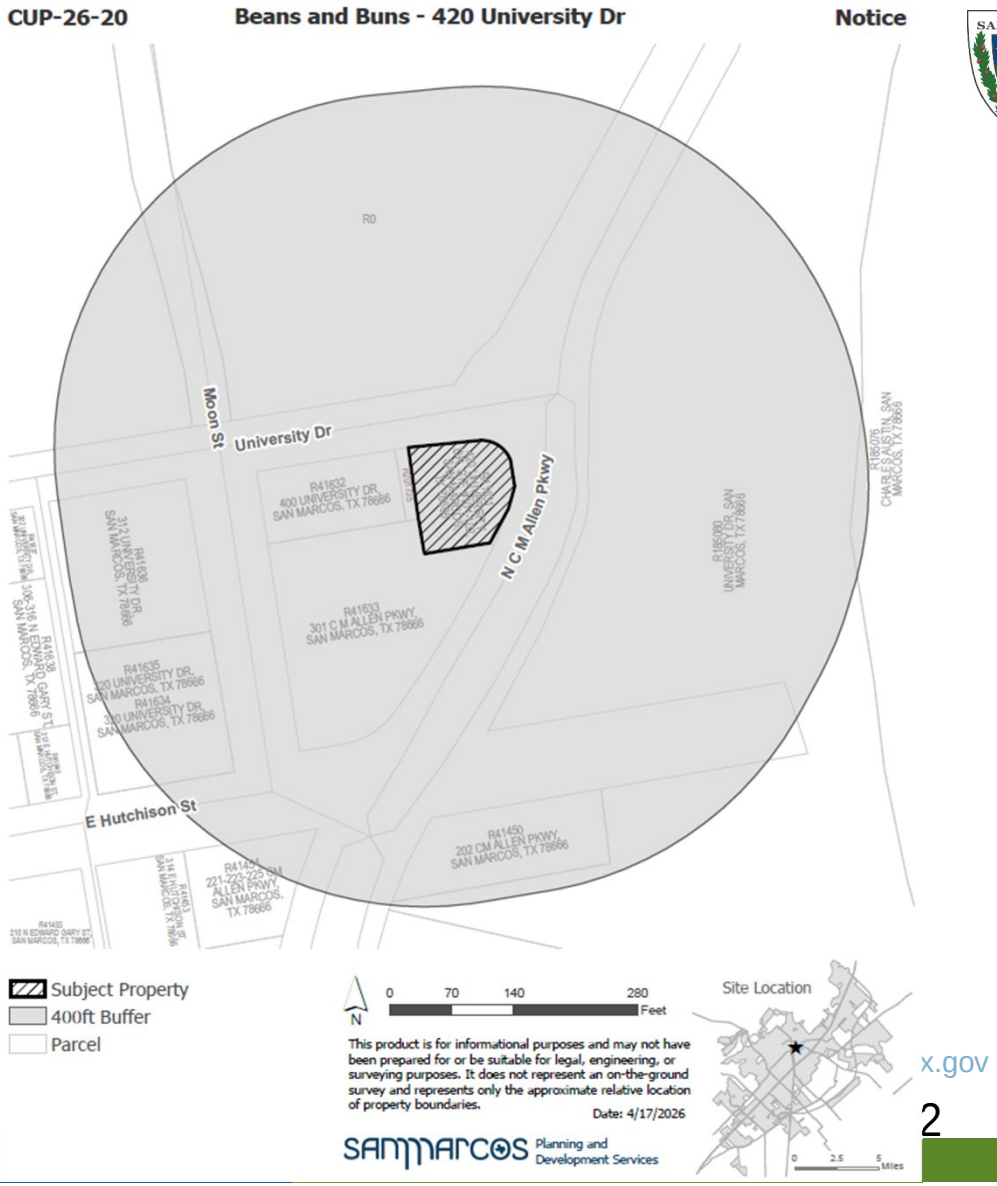
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-20
Beans and Buns

CUP-26-20 (Beans and Buns) Hold a public hearing and consider a request by Victor Cruzalta, on behalf of Beans and Buns, for a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 420 University Dr. (K. Buck)

Property Information

- Approximately 0.277 acres
- Location: Southwest corner of University Drive and CM Allen Parkway



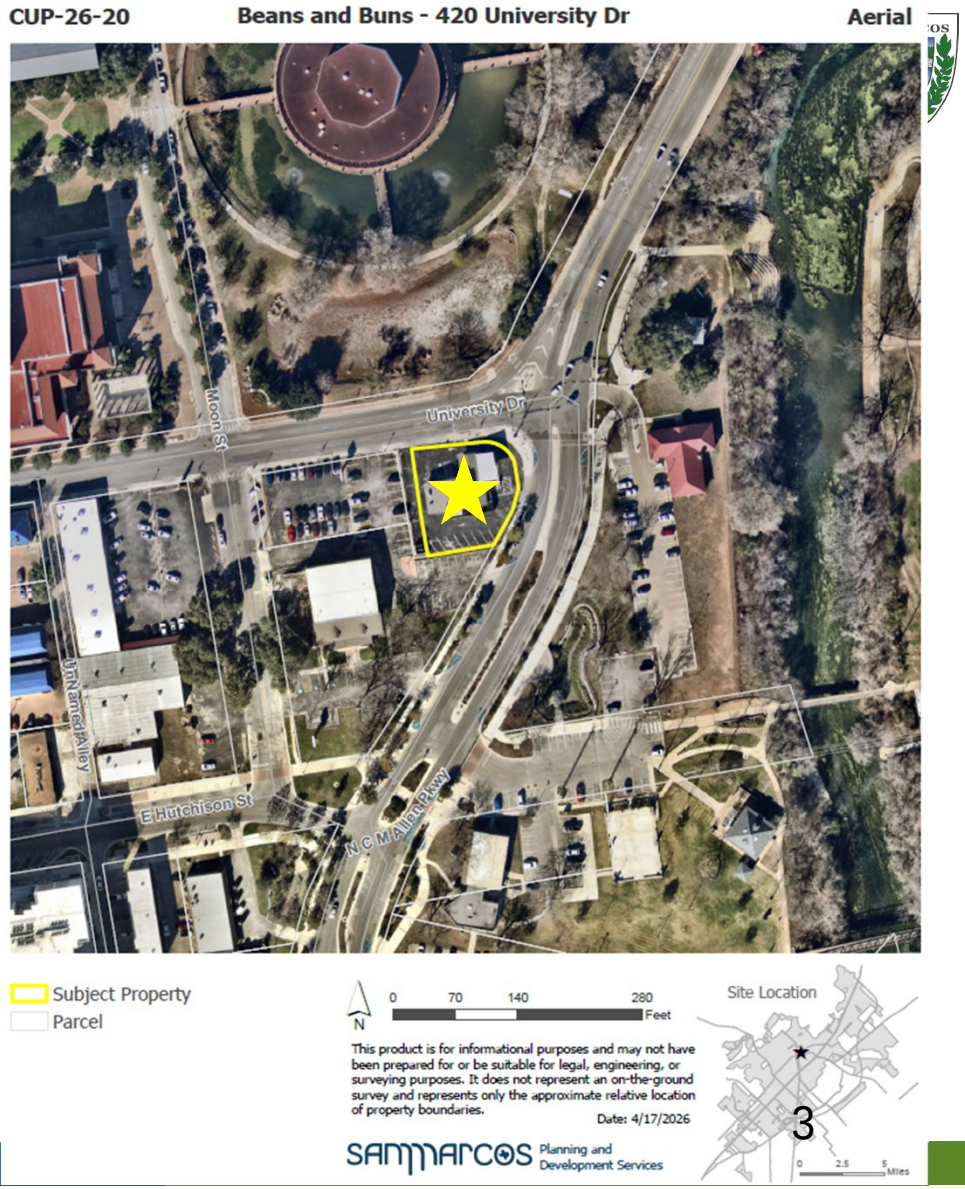
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Context & History

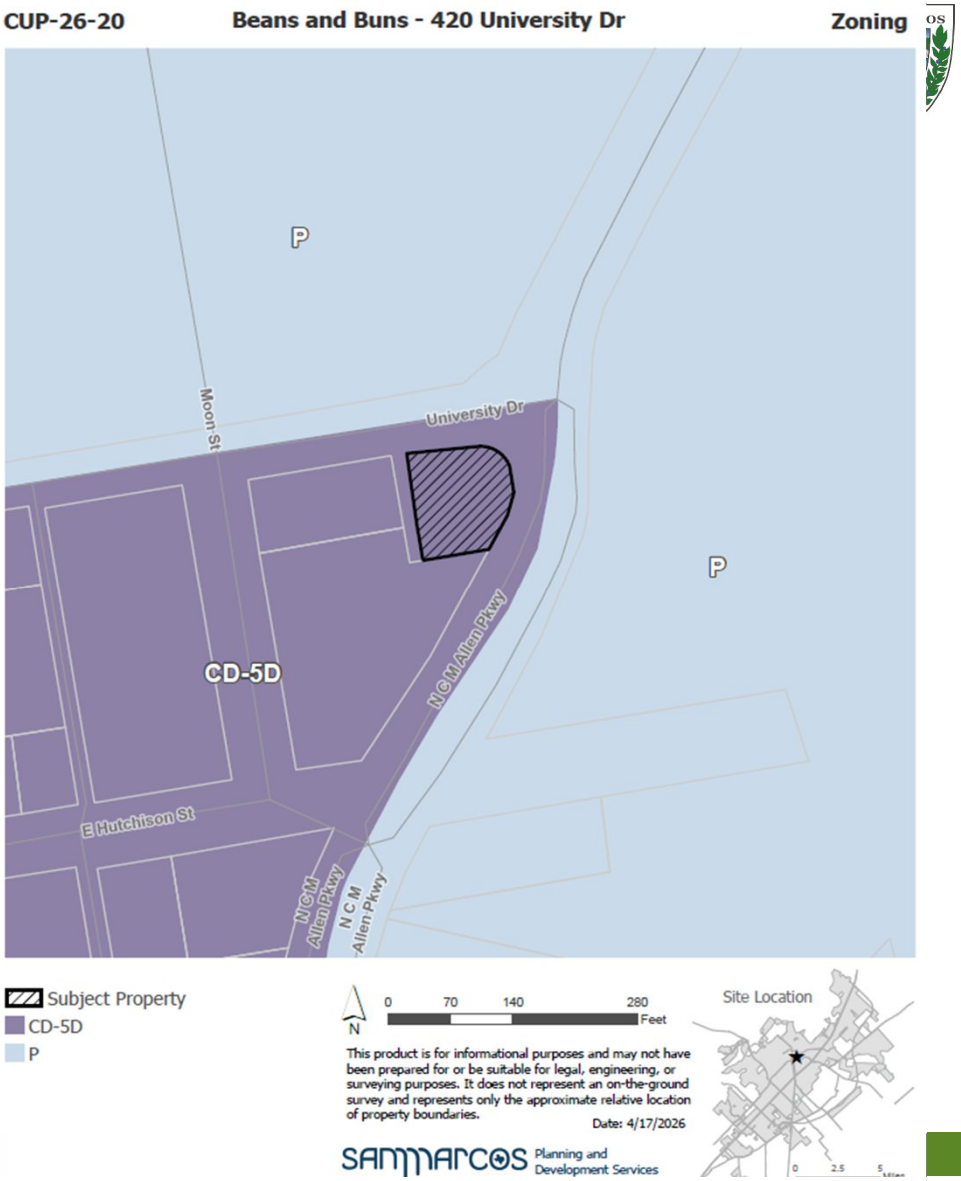
- Currently a Restaurant (Eating Establishment)

- Surrounding Uses:
  - Texas State University
  - Office/Law Firm
  - City Parks
  - Restaurants



Context & History

- **Existing Zoning:** Character District 5 Downtown (CD-5D)
- **Proposed Use:** Restaurant (Eating Establishment) with on premise consumption of Mixed Beverages
- **Proposed Hours of Operation:**
  - Monday-Sunday 7am-10pm
- **CUP Expiration Date:** N/A this is a new request



Criteria for Approval

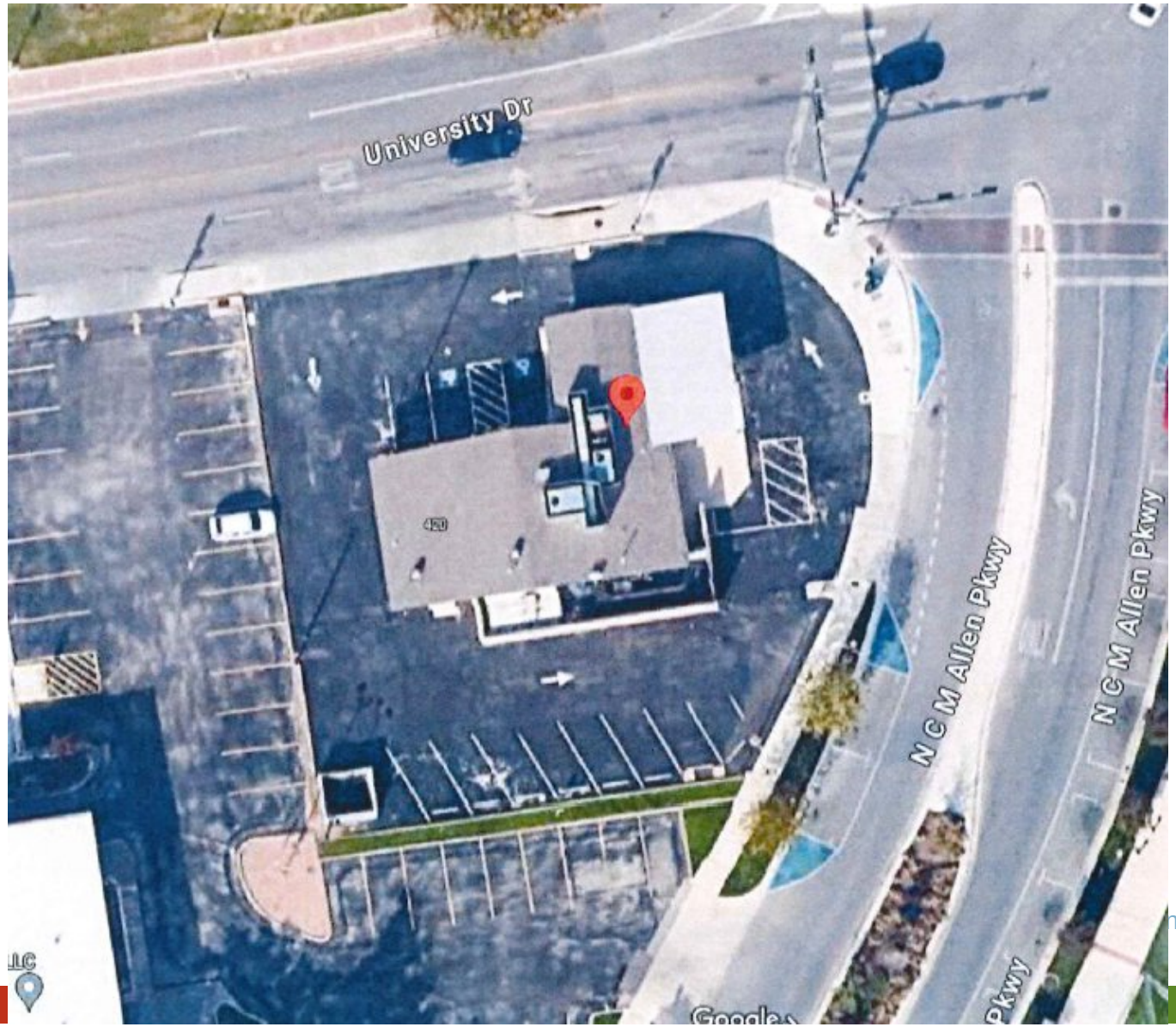
C	I	N	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
X			Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
		X	Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
X			Does not create hazardous pedestrian or vehicle traffic conflicts?
		X	Includes roadway improvements or controls to reduce neighborhood traffic impacts?

Criteria for Approval

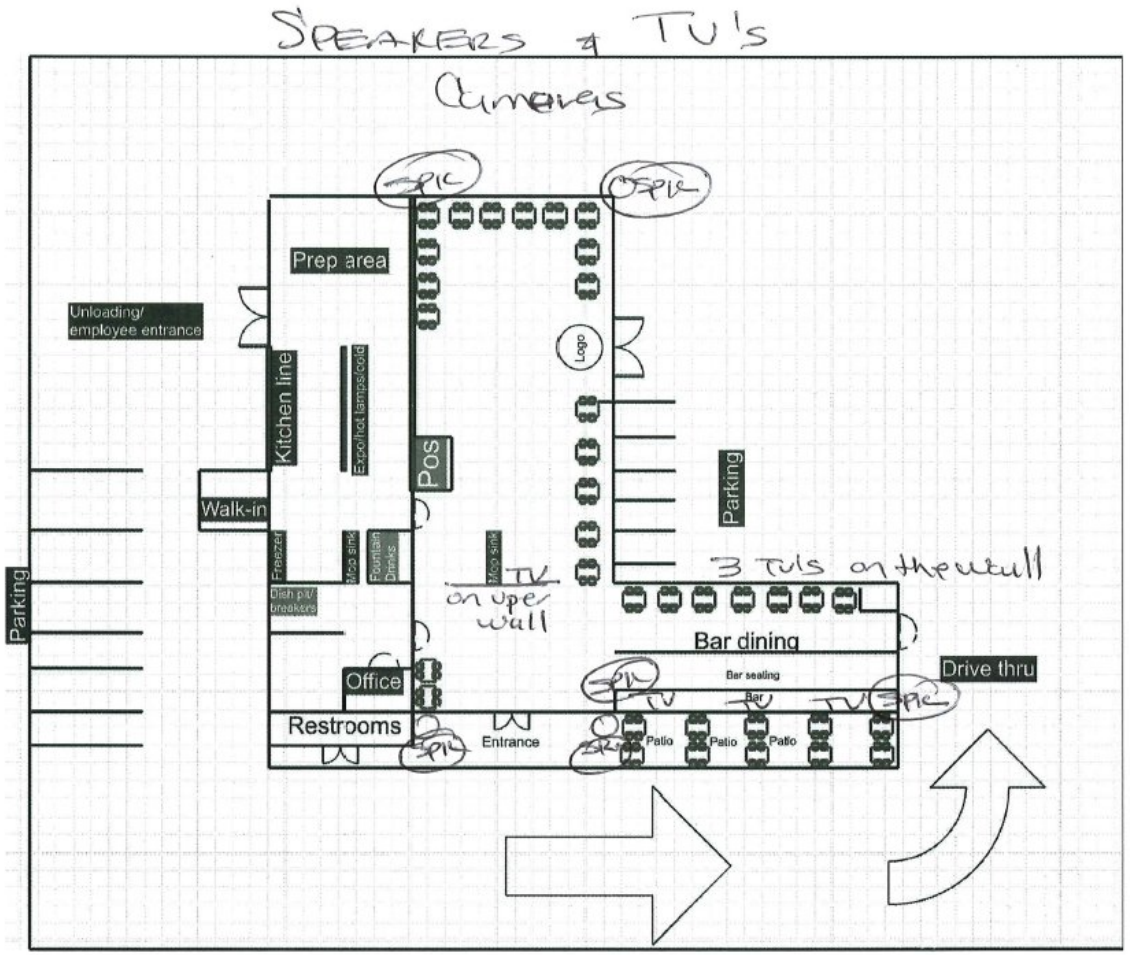
C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
X			Located at least 300 feet from detached single-family homes in single-family-only districts?
X			Located at least 300 feet from churches, schools, and public hospitals?
X			Located at least 1,000 feet from any public or private school?

Site Plan



Floor Plan



Total of 6 TVs
6 Speakers

Recommendation

Staff recommends **approval** of CUP-26-20 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire on May 26, 2027, provided standards are met;
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d);
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; and
6. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

Legislation Text

File #: CUP-26-22, **Version:** 1

AGENDA CAPTION:

CUP-26-22 (Jack's Roadhouse) Hold a public hearing and consider a request by Hallucivision LLC, on behalf of Jack's Roadhouse, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1625 Hunter Road. (C. Garrison)

Meeting date: May 26, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A
Account or Project Number (C = CIP funds): N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

N/A

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Jack's Roadhouse has been in operation for decades. The business first received a Specific Use Permit (SUP) in 1996 with no expiration date.

2018: The renewal and amendment of the Bar CUP was approved by the Planning and Zoning Commission for three years with conditions. The amendment was to switch from beer and wine to mixed beverages. It was necessary for Jack's Roadhouse to apply for an amendment and renewal after obtaining a lifetime CUP, to switch TABC holders' name, to switch from beer and wine to mixed beverages, and later add an outdoor porch to the property.

April 2024: The renewal and amendment of the Bar CUP was approved by the Planning and Zoning Commission for six months with conditions.

October 2024: The renewal and amendment of the Bar CUP was approved by the Planning and Zoning Commission, and valid until September 24, 2025.

2025: The renewal and amendment of the Bar CUP was approved by the Planning and Zoning Commission for six months. Commission concerns of public safety on the property resulted in a six month approval.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met;
2. The business is responsible for cleaning the area with 100 feet of exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
4. No outdoor background or amplified sound shall be permitted on the property; and
5. The permit shall be posted in the same area and manner as the certificate of occupancy.

Conditional Use Permit	141 E Hopkins Street
CUP-26-19	Freddy C's Lounge

Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	Sean Neal 141 E Hopkins Street San Marcos, TX 78666	**Property Owner:**	Brian Scofield 127 E Hopkins Street San Marcos, TX 78666
CUP Expiration:	March 28, 2027	**Type of CUP:**	CBA Bar
Interior Floor Area:	2500 sq ft	**Outdoor Floor Area:**	N/A
Parking Required:	N/A	**Parking Provided:**	No
Days & Hours of Operation:	Monday - Thursday: 4pm – 2am and Friday – Saturday: 2pm -2am		

Notification

Posted:	May 8, 2026	**Personal:**	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 20, Lot E Part of 5		
Location:	Northwest corner of East Hopkins Street and N LBJ Drive		
Acreage:	0.198 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Bar	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown (CBA)	**Sector:**	8
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	Hays County Courthouse NRHP District, and Downtown Local Historic District	**My Historic SMTX Resources Survey:**	Yes and Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 Downtown (CD-5D)	Retail Sales/ Restaurants	Mixed Use Medium
South of Property:	Public and Institutional	Hays County Courthouse	Conservation/ Cluster
East of Property:	Character District 5 Downtown (CD-5D)	Bars/ Multifamily/ Retail Sales/ Restaurants	Mixed Use Medium
West of Property:	Character District 5 Downtown (CD-5D)	Bars/ Retail Sales/ Restaurants	Mixed Use Medium

Conditional Use Permit	141 E Hopkins Street
CUP-26-19	Freddy C's Lounge

Staff Recommendation

	Approval as Submitted	X	Approval with Conditions		Denial

1. This permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met.
2. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 10pm Sunday – Thursday;
3. No outdoor Amplified, Background, or Acoustic Sound shall be permitted after the closing of the business but in no case later than 11pm Friday – Saturday;
4. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
5. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
6. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison	**Title:** Planner	**Date:** May 20, 2026

History

The applicant is currently requesting to renew and amend the Conditional Use Permit for Freddy C's its sister bar Wildfire due to a change in ownership, as is required San Marcos Development Code Section 2.8.3.5. The footprint of the building and the entertainment space within these businesses are currently not proposed to change.

October 2018: The business submitted a Bar CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

March 2023: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for one year with conditions.

March 2024: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for three years with conditions.

Additional Analysis

Per Senate Bill 1008 and since this a bar, the City can enforce the existing noise ordinance and the conditions related to noise added to this CUP.
Staff are recommending a one-year approval due to the number of police calls, and types of calls on the property. This will allow Freddy C's Lounge and Wildfire the opportunity to address the concerns.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Conditional Use Permit	141 E Hopkins Street
CUP-26-19	Freddy C's Lounge

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
X			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
X			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
X			The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. ***The proposed request is consistent with the established use of a bar/entertainment business on the property***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
X			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-22

Jack's Roadhouse - 1625 Hunter Road

Notification Map



400 ft. Buffer
Subject Property
Parcel

N

0 175 350 700 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/7/2026

SAN MARCOS Planning and Development Services

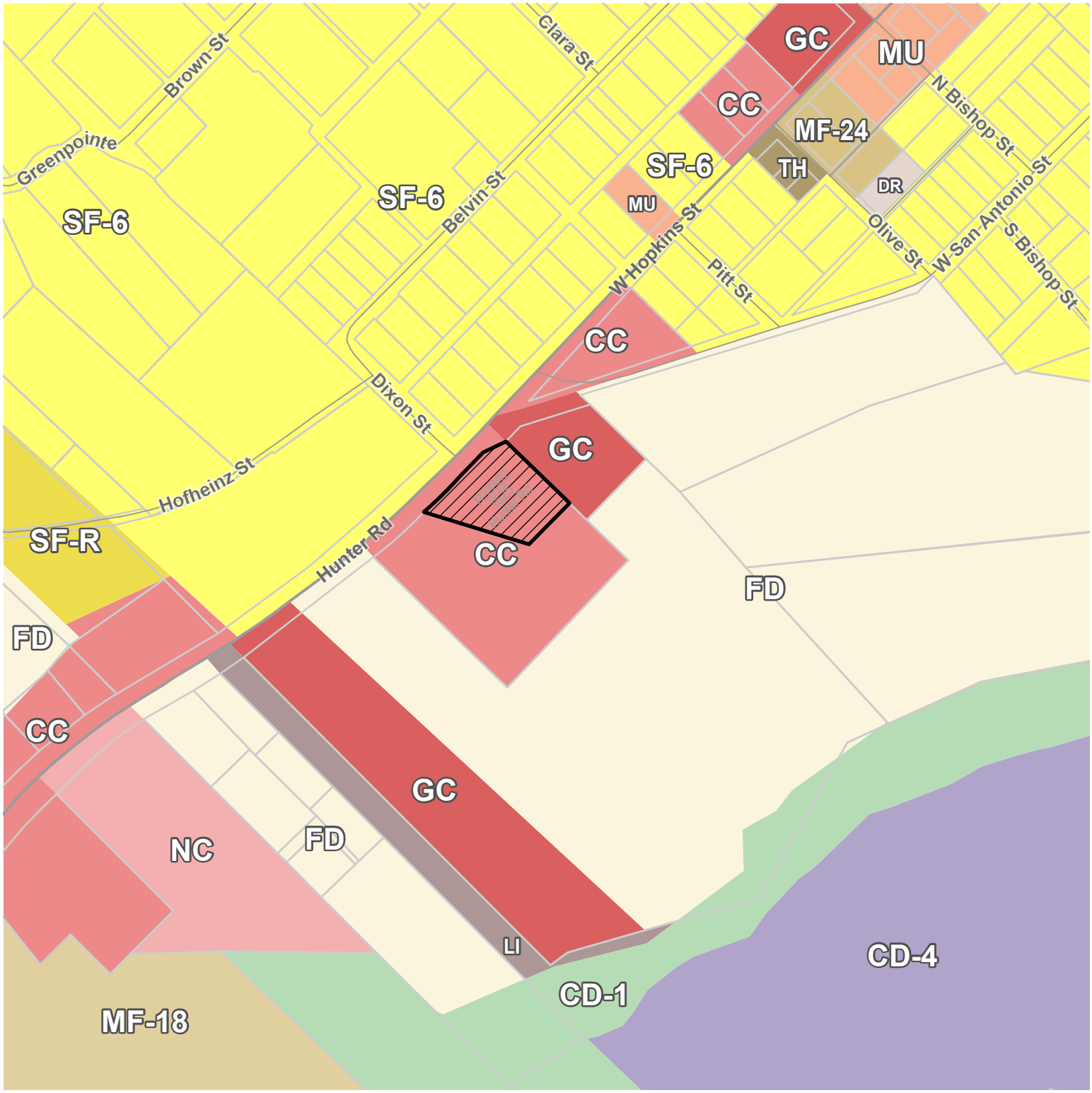
Site Location



CUP-26-22

Jack's Roadhouse - 1625 Hunter Road

Notification Map



- Subject Property
- CC
- CD-4
- DR
- FD
- GC
- LI
- MF-18
- MF-24
- MU
- NC
- SF-6
- SF-R
- TH
- CD-1

N

0 175 350 700 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/8/2026

SAN MARCOS Planning and Development Services

Site Location



CUP-26-22

Jack's Roadhouse - 1625 Hunter Road

Aerial Map



Subject Property

N

0 175 350 700 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/8/2026

SAN MARCOS Planning and Development Services

Site Location



5/7/2026 **CUP-26-22**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
1625 Hunter Road

CUP-26-22 (Jack's Roadhouse) Hold a public hearing and consider a request by Hallucivision LLC, on behalf of Jack's Roadhouse, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1625 Hunter Road. (C. Garrison)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, May 26, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

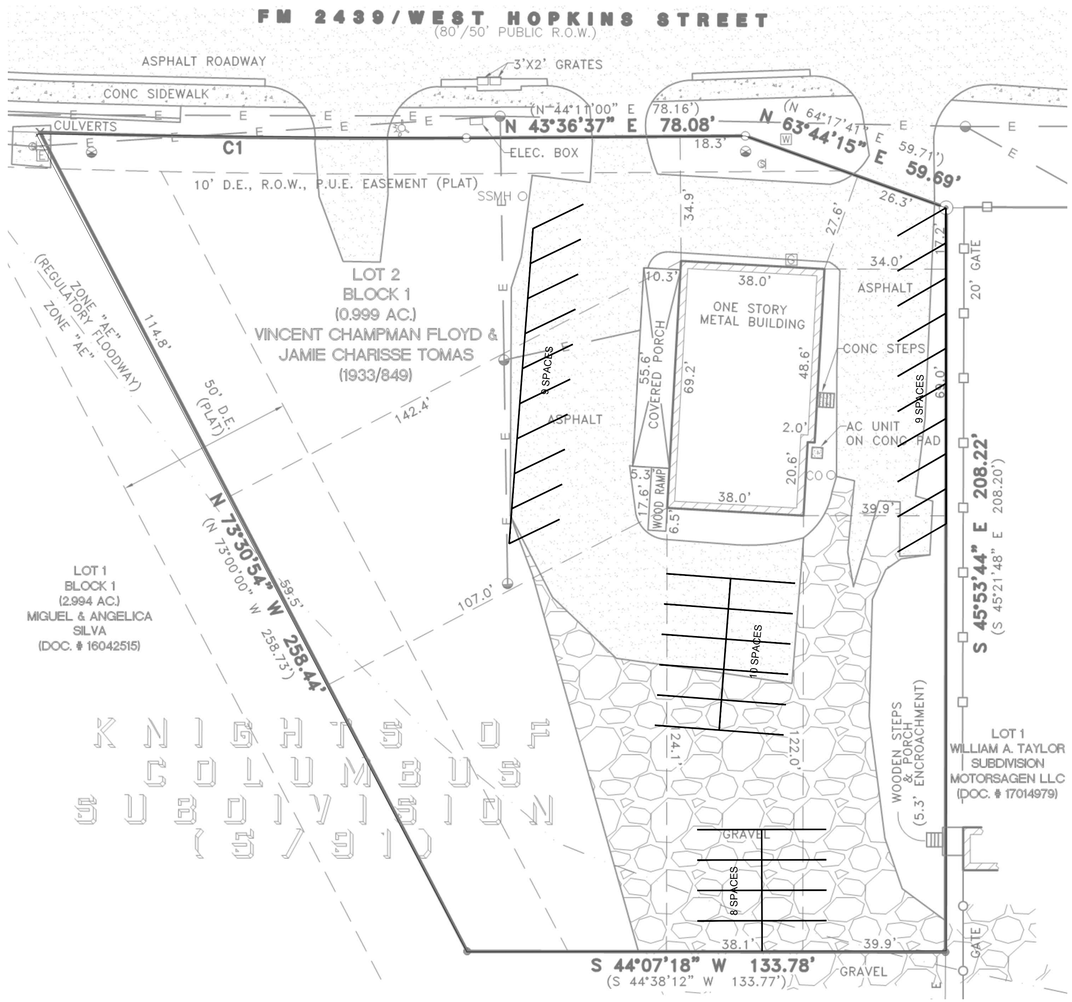
For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, **Craig Garrison,** at **512.805.2649 or cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-22.**

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Adress	Owner City/ State/ Zip
23151	1518 W HOPKINS ST, SAN MARCOS, TX 78666	ANGLIN, EDNA K	1518 W HOPKINS ST	SAN MARCOS, TX 78666
23163	1533 BELVIN ST, SAN MARCOS, TX 78666	CONTRERAS RAQUEL KATHERINE	9705 SWANSONS RANCH RD	AUSTIN, TX 78748-1423
23162	1531 BELVIN ST, SAN MARCOS, TX 78666	DIETZ MICHAEL P & LUCY E	1215 W SAN ANTONIO ST	SAN MARCOS, TX 78666-4136
33362	1625 W HOPKINS ST, SAN MARCOS, TX 78666	HALLUCIVISION LLC	111 NICHOLS DR	SAN MARCOS, TX 78666-3005
136050	W SAN ANTONIO ST, SAN MARCOS, TX 78666	HAYS COUNTY EMERGENCY SERVICES DISTRICT N	3528 HUNTER RD	SAN MARCOS, TX 78666-3776
24742	1521 W HOPKINS ST, SAN MARCOS, TX 78666	LARA NICK	1519 W HOPKINS ST	SAN MARCOS, TX 78666
45534	1621 W SAN ANTONIO ST, SAN MARCOS, TX 78666	MOTORSAGEN LLC	315 AYERS	KYLE, TX 78640-5607
23153	1530 HOPKINS ST, SAN MARCOS, TX 78666	PACHECO ELBIRA & PACHECO JOHN ESTATE	1530 W HOPKINS	SAN MARCOS, TX 78666
23152	1528 W HOPKINS ST, SAN MARCOS, TX 78666	PEREZ, LUCY	6383 FM 621	MARTINDALE, TX 78655
23156	1536 W HOPKINS ST, SAN MARCOS, TX 78666	SAUCEDO MARIO	1534 W HOPKINS ST	SAN MARCOS, TX 78666-4123
33361	1627 W HOPKINS ST, SAN MARCOS, TX 78666	SILVA MIGUEL & ANGELICA	1019 MONTELL RD	WIMBERLEY, TX 78676-9705
62165	1701 B HUNTER RD, SAN MARCOS, TX 78666	SINAI PENTECOSTAL CHURCH	TRUSTEE OF	SAN MARCOS, TX 78666
143013	HUNTER RD, SAN MARCOS, TX 78666	STATE OF TEXAS	125 E 11TH ST	AUSTIN, TX 78701
11933	1701 HUNTER RD, SAN MARCOS, TX 78666	V F W POST 3413	ATTN ARRON BROWN	SAN MARCOS, TX 78666-5202
23155	1534 W HOPKINS ST, SAN MARCOS, TX 78666	VILLARREAL MARIO SAUCEDO	1534 W HOPKINS ST	SAN MARCOS, TX 78666-4123
23160	BELVIN ST, SAN MARCOS, TX 78666	WRIGHT JOHN J & WRIGHT SHAWN E	1517 BELVIN ST	SAN MARCOS, TX 78666-4109
		Samantha Benavides	455 Lindsey St	SAN MARCOS, TX 78666
		Robert Eby	1007 Dale Dr	SAN MARCOS, TX 78666
		Michael Adams	106 Losoya Dr	SAN MARCOS, TX 78666
		Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666
		Jim Bagget	726 W Hopkins S	SAN MARCOS, TX 78666
		Jean Bagget	726 W Hopkins S	SAN MARCOS, TX 78666
		Betsy Robertson	1410 Progress St	SAN MARCOS, TX 78666



Site Plan

Austin Cad Services, Inc., and the drafters therein employed, are not responsible for the integrity of the design(s) contained within these sheets. As drafters, the sole purpose is to cad the information provided by the client. Any questions or concerns regarding the design(s) depicted here should be addressed to the Architect, Engineer, or Designer.

1625 W. Hopkins

San Marcos, Texas

DATE: Jul 24, 2018

SCALE: 1" = 20'

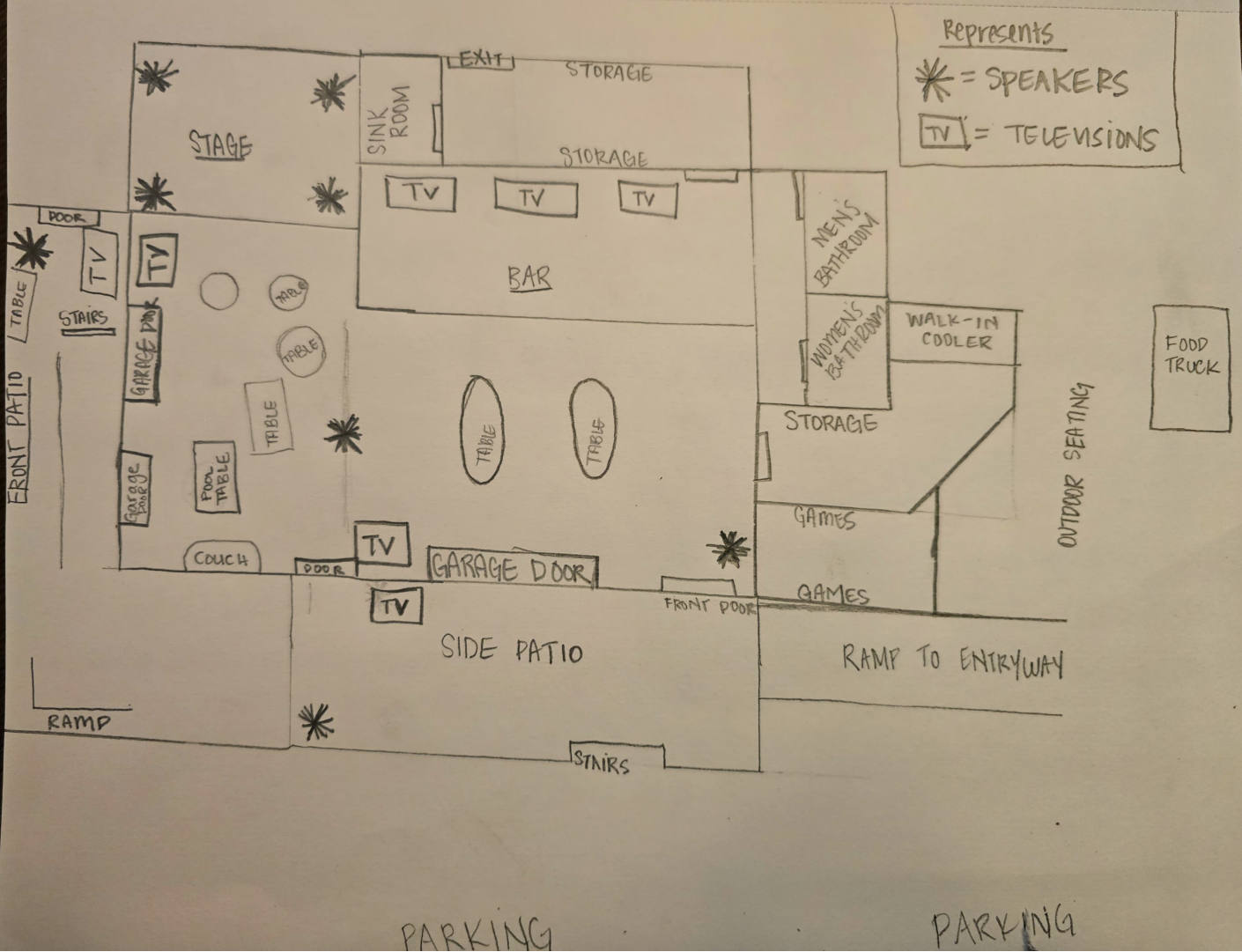
CONTACT:

Hallucivision
101 Riverpark Road
Martindale, Texas 78665

DRAFTER: [redacted]

FILE: 1625 W Hopkins.dwg

SHEET: A1


Represents
= SPEAKERS
TV = TELEVISIONS
STAGE
SINK ROOM
EXIT
STORAGE
STORAGE
TV
TV
TV
BAR
MEN'S BATHROOM
WOMENS BATHROOM
WALK-IN COOLER
FOOD TRUCK
STORAGE
OUTDOOR SEATING
DOOR
TV
TABLE
STAIRS
GARAGE DOOR
TABLE
TABLE
TABLE
TABLE
TABLE
FRONT PATIO
GARAGE DOOR
POOL TABLE
COUCH
DOOR
TV
GARAGE DOOR
TV
FRONT DOOR
GAMES
GAMES
SIDE PATIO
RAMP TO ENTRYWAY
RAMP
STAIRS
PARKING
PARKING

Jack’s Roadhouse CUP Renewal

Jack’s Roadhouse will comply with any and all applicable code standards.

All of Business details for Jack’s Roadhouse owned by Hallucivision LLC are remaining the same as previously recorded. There are no new partners. The best contact is still Philip Nadeau at [redacted]

Re-use current case file on record detailing entertainment facility.

Re-use current floor plans on case files detailing fire exits, doors, rooms, and indoor and outdoor seating.

Re-use case files on site plan illustrating square footage and structures, landscaping and fencing.

TEXAS ALCOHOLIC BEVERAGE COMMISSION

MB -105970271 **Expires:11/12/2026**

MIXED BEVERAGE PERMIT (MB)

LATE HOURS CERTIFICATE (LH)

JACK'S ROADHOUSE
1625 W HOPKINS ST
SAN MARCOS, TX, US, 78666

HALLUCIVISION LLC

EXECUTIVE DIRECTOR

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON HIM.

Incident Search Result

Results

Agency: SMPD

Print Date/Time: 5/11/2026 09:13

Agency #: TX1050100

Incident #	Call Date/Time	Type	Location	Common Name	Dispositions	Description
2026-00020189	5/4/2026 2:48:33 AM	Assault	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	Report Taken - 1, No Report - 2	Caller Statement: compl is reporting jacks is serving alcohol and that she was just assaulted-V1 was assaulted by O1. O1 was arrested and transported to Hays County Jail
2026-00012281	3/15/2026 3:52:44 PM	Alcohol Violation	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	No Report - 3	SUBJ INTOXICATED TRYING TO TAKE OFF IN A VEHICLE-SUBJ WAS LAST SEEN BEING BROUGHT BACK INSIDE THE RESTAURANT BY THE BAR MANAGER
2026-00009951	3/1/2026 11:36:11 PM	Assault	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	Arrest - 1, Canceled - 1, No Report - 2	bartender kicked female out for being unruly and she became verbal and was going to dui-female arrested for Public Intox
2026-00007268	2/14/2026 1:33:45 AM	Assault	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	No Report - 5	male is in pk lot punching cars / trying to fight people-released to sober party
2026-00003955	1/25/2026 4:35:56 PM	Citizen Assist/Service Call	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	No Report - 1	caller called to advise he and his wife have been to Jacks approximately 4 times, have seen kids he knows are only 18-19 in there drinking as those kids go to the college w/ his children and have been around their fsmily. Wanted to report this is an ongoing issue and is afraid someone will get hurt as a result of the negligence
2026-00001037	1/7/2026 7:47:09 PM	Accident	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	Crash Report - 1, No Report - 1, Report Taken - 1, Arrest - 1	Subj arrested for DUI after drinking at Jack's
2025-00052108	11/21/2025 1:57:05 AM	Noise Complaint	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	Unfounded - 1	Caller states she can hear music in her house-Officer Drove by and did not hear music from the roadway.
2025-00049229	11/3/2025 11:50:18 PM	Assault	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	No Report - 6	Call for "large fight"-Appeared to be DOC fighting from video. All parties were GOA. Advised managment they can call us for CTW if these males return any time

Incident Search Result

Results

Agency: SMPD

Print Date/Time: 5/11/2026 09:13

Agency #: TX1050100

2025-00042593	9/27/2025 11:47:30 PM	Assault	1625 HUNTER RD, SAN MARCOS, TX 78666	JACKS ROADHOUSE SM	Report Taken - 3, Canceled - 3, No Report - 3	caller advised that a physical disturbance occurred between two family members. Officers met with both parties and were unable to determine a primary aggressor. Both parties were separated and a report was taken.

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Jack's Roadhouse	**Property Owner**	Philip Nadeau
Company	Hallucivision LLC	**Company**	
Applicant's Mailing Address	1625 Hunter Road San Marcos, TX 78666	**Owner's Mailing Address**	2262 Normandy Grace New Braunfels, TX 78130

[redacted]

PROPERTY INFORMATION

Subject Property Address: 1625 Hunter Road

Zoning District: AE **Tax ID #: R** 33362

Legal Description: Lot 2 **Block** 1 **Subdivision** s4589 Knights of Columbus

Number of Parking Spaces: 40

Is property more than 300' from church, school, hospital, or residential district? ☑ **Y** ☐ **N**

DESCRIPTION OF REQUEST

Business Name: Jack's Roadhouse **CUP Permit Type:** ☐ ***Eating Establishment*** ☑ ***Bar***

☐ ***NEW*** ☑ ***RENEWAL/AMENDMENT*** [redacted] ***Mixed Beverage*** ☐ ***Beer & Wine*** ☐ ***Late Hours***

Hours of Operation (ex. Mon 12pm-1am): Mon 2 pm-2 am **Tue** 2 pm-2 am **Wed** 2 pm-2 am

Thurs 2 pm-2 am **Fri** 2 pm-2 am **Sat** 12 pm-2 am **Sun** 12 pm-2 am

Indoor Seating Capacity: 75 **Outdoor Seating Capacity:** 75 **Gross Floor Area:** 4000 sq ft

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050* **Technology Fee $15** ***TOTAL COST $1,065***

Renewal/Amendment Filing Fee $788* **Technology Fee $15** ***TOTAL COST $803***

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

PROPERTY OWNER AUTHORIZATION

I, Philip Nadeau (owner name) on behalf of

Jack's Roadhouse (company, if applicable) acknowledge that I/we

am/are the rightful owner of the property located at

1625 Hunter Road, San Marcos, TX 78666 (address).

I hereby authorize Kathryn Winski (agent name) on behalf of

Jack's Roadhouse (agent company) to file this application for

CUP renewal (application type), and, if necessary, to work with

the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 3/26/2026

Printed Name, Title: Philip Nadeau, Owner

Signature of Agent: Kathryn Winski Date: 3/26/26

Printed Name, Title: Kathryn Winski

Form Updated December. 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 and any conditions of such permit.

Where an *"Eating Establishment"* includes the sale of alcohol for on premise consumption the following standards shall apply:

- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 100 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit could be revoked. Please notify staff of any changes to the business operation.

Signature: Philip Nalca Date: 5/6/26

Print Name: Philip Nalca

Form Updated December, 2025

AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Notice**: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- **Personal Notice**: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $158 plus a $ 15 technology fee.***

I have read the above statements and agree to the required posted notice, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of Posted/ Personal Notices and public hearing and hereby submit the attached application for review by the City.

Signature: _____ Date: 5/6/26

Print Name: Philip Nadeau

Form Updated December, 2025

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: "A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food" (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: "A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption" (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence's structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

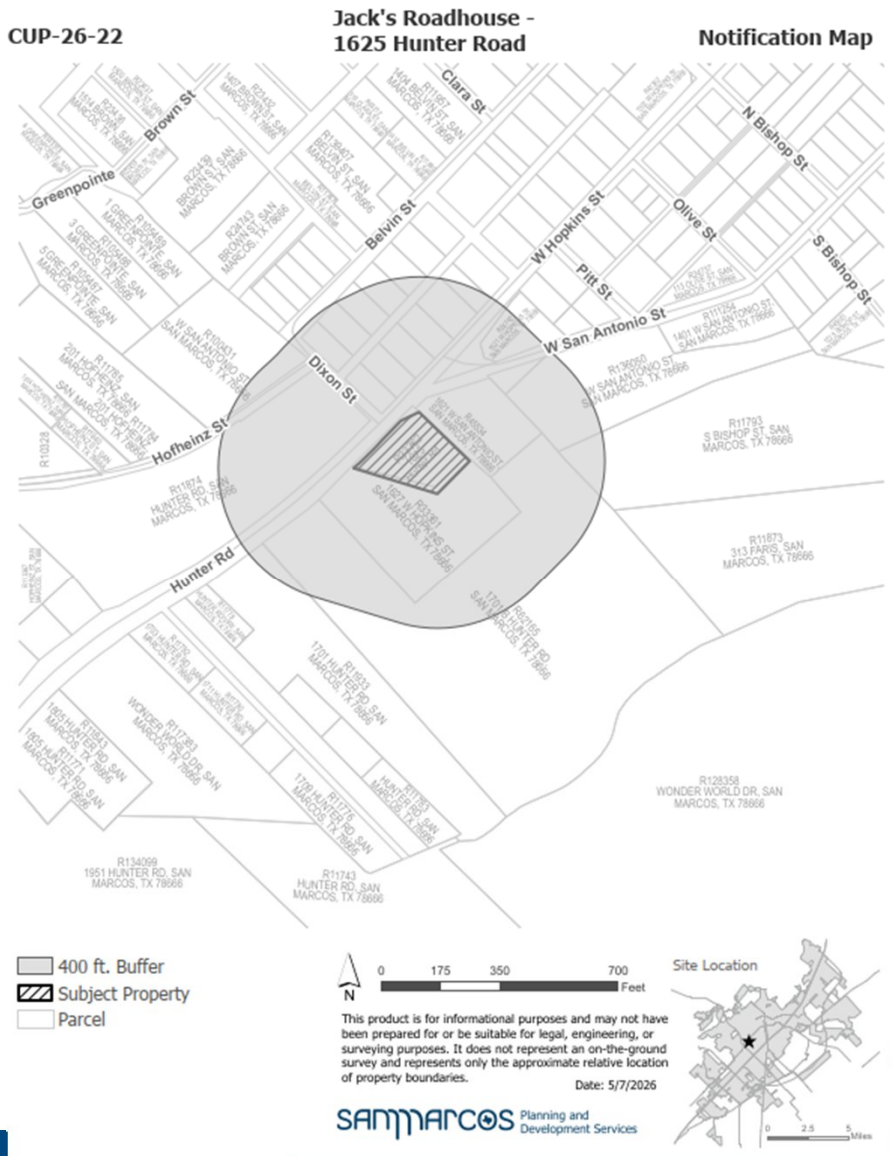
Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-22
Jack’s Road House

CUP-26-22 (Jack’s Roadhouse) Hold a public hearing and consider a request by Hallucivision LLC, on behalf of Jack’s Roadhouse, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages, located at 1625 Hunter Road. (C. Garrison)

Property Information

- Approximately 1 acre
- Located on Hunter Road, Southeast of Dixon Street



stx.gov

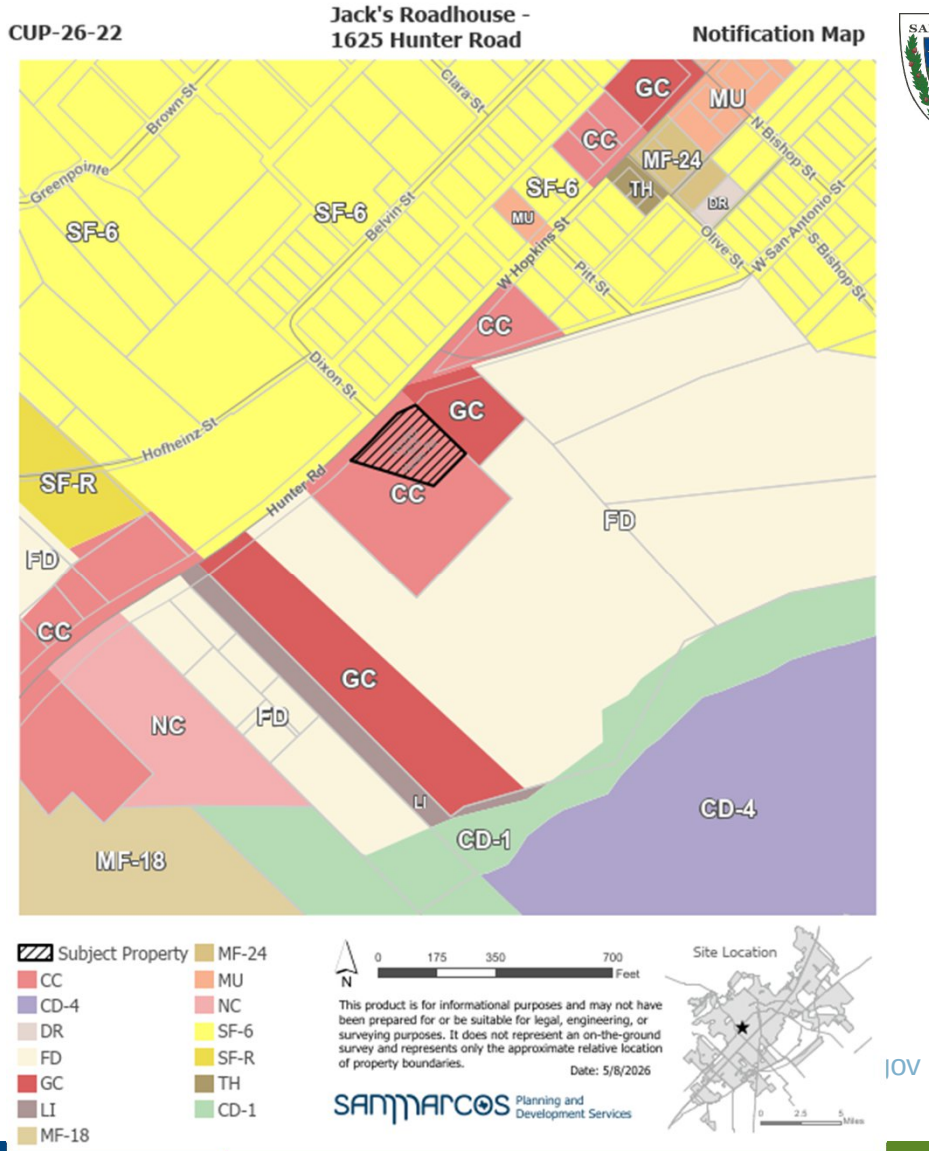
Context & History

- Currently a Bar use with on-premise consumption of alcohol.
- The business has held a SUP since 1996 and a CUP since 2018
- Surrounding Uses include Single-Family, Retail, Vacant Property



Context & History

- **Existing Zoning:** Community Commercial (CC)
- **Proposed Use:** Bar
  - Monday - Friday: 2pm-2am; Saturday - Sunday: 12pm-2am
- **CUP Expiration Date:** (March 6, 2026)
- **Police Calls:** 9 calls



Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
		X	Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
X			Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
X			Does not create hazardous pedestrian or vehicle traffic conflicts?
		X	Includes roadway improvements or controls to reduce neighborhood traffic impacts?

Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
X			Located at least 300 feet from detached single-family homes in single-family-only districts?
X			Located at least 300 feet from churches, schools, and public hospitals?
X			Located at least 1,000 feet from any public or private school?

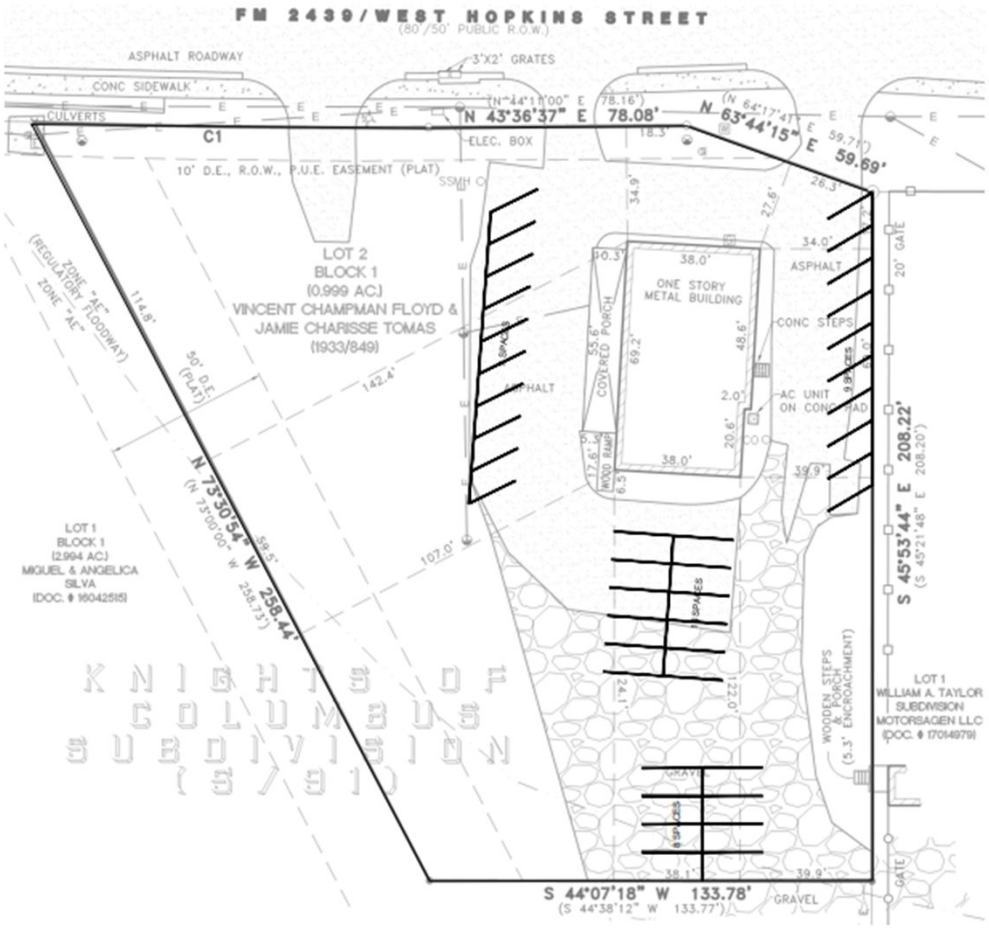
Criteria for Eating Establishments within CBA

C	I	N	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
X			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
X			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
X			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
X			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

Proximity Map

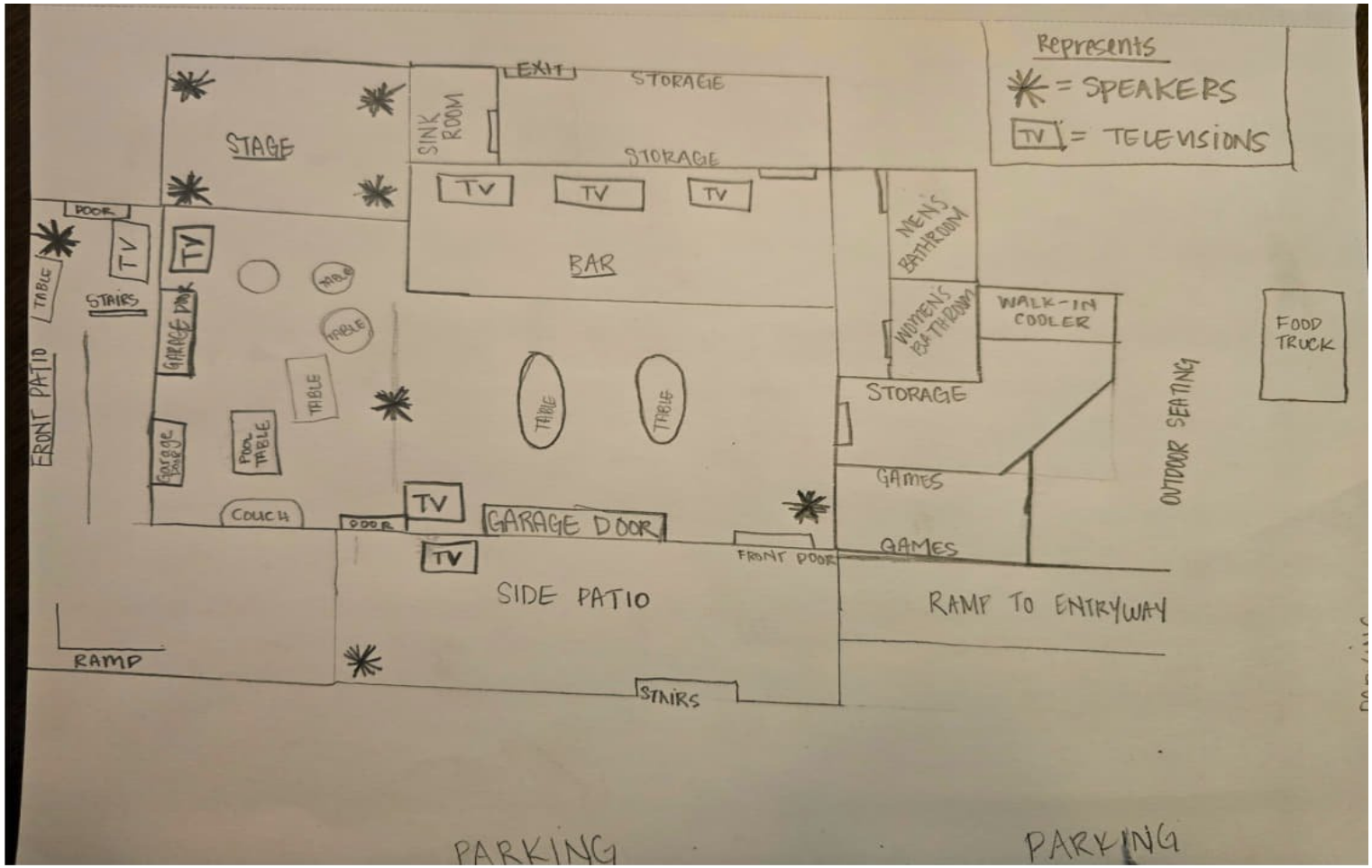


Site Plan


FM 2439/WEST HOPKINS STREET
(80'/50' PUBLIC R.O.W.)
ASPHALT ROADWAY
CONC SIDEWALK
CULVERTS
3'X2' GRATES
ELEC. BOX
C1
N 43°36'37" E 78.08'
N 63°44'15" E 59.69'
10' D.E., R.O.W., P.U.E. EASEMENT (PLAT)
LOT 2
BLOCK 1
(0.999 AC.)
VINCENT CHAMPMAN FLOYD &
JAMIE CHARISSE TOMAS
(1933/849)
ONE STORY
METAL BUILDING
CONC STEPS
ASPHALT
COVERED PORCH
WOOD RAMP
AC UNIT
ON CONC PAD
20' GATE
S 45°53'44" E 208.22'
ZONE "AE"
(REGULATORY FLOODWAY)
ZONE "AE"
50' D.E. (PLAT)
142.4'
N 73°30'54" W 258.44'
LOT 1
BLOCK 1
(2.994 AC.)
MIGUEL & ANGELICA
SILVA
(DOC. # 16042515)
KNIGHTS OF COLUMBUS SUBDIVISION (5/91)
LOT 1
WILLIAM A. TAYLOR
SUBDIVISION
MOTORSAGEN LLC
(DOC. # 17014979)
WOODEN STEPS
& PORCH
(5.3' ENCROACHMENT)
GRAVEL
S 44°07'18" W 133.78'
GATE

N

Floor Plan


Represents
= SPEAKERS
TV = TELEVISIONS
STAGE
SINK ROOM
EXIT
STORAGE
STORAGE
TV
TV
TV
BAR
MEN'S BATHROOM
WOMEN'S BATHROOM
WALK-IN COOLER
FOOD TRUCK
STORAGE
OUTDOOR SEATING
GAMES
GAMES
RAMP TO ENTRYWAY
FRONT PATIO
DOOR
TV
TV
STAIRS
GARAGE DOOR
TABLE
POOL TABLE
COUCH
DOOR
TV
TV
GARAGE DOOR
FRONT DOOR
SIDE PATIO
RAMP
STAIRS
PARKING
PARKING

Recommendation

Staff recommends **approval** of CUP-26-22 with the following conditions:

1. The permit shall be valid for one (1) year, and shall expire May 26, 2027, provided standards are met;
2. The business is responsible for cleaning the area with 100 feet of exit (LDC Section 5.1.5.5.E.2.D);
3. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
4. No outdoor background or amplified sound shall be permitted on the property; and
5. The permit shall be posted in the same area and manner as the certificate of occupancy.

Legislation Text

File #: CUP-26-23, **Version:** 1

AGENDA CAPTION:

CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C.Garrison)

Meeting date: May 26, 2026

Department: Planning and Development Services

Amount & Source of Funding

Funds Required: N/A
Account or Project Number (C = CIP funds): N/A
Funds Available: N/A
Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

N/A

N/A

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Arts and Culture - Choose an item.

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☐ Housing + Neighborhoods - Choose an item.

☐ Land Use + Community Design and Character - Choose an item.

☐ Parks & Public Spaces + Health, Safety & Wellness - Choose an item.

☐ Transportation - Choose an item.

☐ Core Services

☐ Not Applicable

Master Plan: *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

Background Information:

Axis has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since 2024. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for six months, with conditions. The business owner changed the name of the business to ‘Axis’ and opened in February of 2020. Staff issued a Certificate of Occupancy for Axis without communicating that a new Conditional Use Permit would be required. For this reason, the business owner was under the impression that the lifetime CUP issued to Kiva would continue through the name change. Staff recommended one-year due to extra time that Axis had gone without a CUP from 2020-2024.

2025: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for one year with conditions. Staff recommended one-year due to extra time that Axis had gone without a CUP from 2020-2024.

Senate Bill 1008 provides provisions on the city’s ability to prohibit amplified sound at a restaurant. Per this bill and staff’s analysis, the City can enforce the existing noise ordinance.

Council Committee, Board/Commission Action:

N/A

Alternatives:

N/A

Recommendation:

Staff recommends **approval** with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire May 26, 2029, provided standards are met.
2. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
3. The maximum people occupying the building is required to remain compliant with the fire code, to include

ensuring that occupant loads stay at or below posted levels;
4. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;
5. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
6. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
7. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Conditional Use Permit	202 N LBJ Drive Suite A
CUP-26-23	Axis Bar

Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Henry Hogensen 202 N LBJ Dr, Ste A San Marcos, TX 78666	**Applicant:**	Henry Hogensen 202 N LBJ Dr, Ste A San Marcos, TX 78666
CUP Expiration:	6/10/2025	**Type of CUP:**	CBA Restaurant Mixed Beverage
Interior Floor Area:	+/- 3,300 sq ft	**Outdoor Floor Area:**	600 sq ft
Parking Required:	N/A	**Parking Provided:**	N/A
Request:	Monday-Sunday: 6pm-2am		

Notification

Posted:	May 8, 2026	**Personal:**	May 8, 2026
Response:	None as of the date of this report		

Property Description

Legal Description:	Block 7 Lot 8 in the Original Town of San Marcos Subdivision		
Location:	Northeast corner of E Hopkins Street and N LBJ Drive		
Acreage:	0.303 acres	**PDD/DA/Other:**	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	**Proposed Zoning:**	Same
Existing Use:	Restaurant	**Proposed Use:**	Same
Preferred Scenario:	Mixed Use Medium	**Proposed Designation:**	Same
CONA Neighborhood:	Downtown (CBA)	**Sector:**	8
Utility Capacity:	Adequate	**Floodplain:**	No
Historic Designation:	Downtown Historic District	**My Historic SMTX Resources Survey:**	Yes and High Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 Downtown (CD-5D)	Restaurant/ Bar/ Retail Services	Mixed Use Medium
South of Property:	Character District 5 Downtown (CD-5D)	Restaurants/ Retail Services	Mixed Use Medium
East of Property:	Character District 5 Downtown (CD-5D)	Restaurant	Mixed Use Medium
West of Property:	Character District 5 Downtown (CD-5D)	Bars	Mixed Use Medium

Conditional Use Permit	202 N LBJ Drive Suite A
CUP-26-23	Axis Bar

Staff Recommendation

	Approval as Submitted		Approval with Conditions		Denial
		X			

1. This permit shall be valid for three (3) years, and shall expire May 26, 2029, provided standards are met.
2. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
3. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;
4. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
5. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
6. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
7. This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Staff: Craig Garrison	**Title:** Planner	**Date:** May 20, 2026

History

Axis has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since 2024. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

2024: The business submitted a Restaurant CUP which was approved by the Planning and Zoning Commission for six months, with conditions. The business owner changed the name of the business to ‘Axis’ and opened in February of 2020. Staff issued a Certificate of Occupancy for Axis without communicating that a new Conditional Use Permit would be required. For this reason, the business owner was under the impression that the lifetime CUP issued to Kiva would continue through the name change. Staff recommended one-year due to extra time that Axis had gone without a CUP from 2020-2024.

2025: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for one year with conditions. Staff recommended one-year due to extra time that Axis had gone without a CUP from 2020-2024.

Additional Analysis

Senate Bill 1008 provides provisions on the city’s ability to prohibit amplified sound at a restaurant. Per this bill and staff’s analysis, the City can enforce the existing noise ordinance.

Comments from Other Departments

Police	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
X			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		N/A	The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. ***The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.***
X			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
X			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
X			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
X			The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. ***The proposed request is consistent with the established use of a bar/entertainment business on the property***
		X	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. ***No visual impacts are expected to cause adverse effects on adjacent properties.***
X			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
X			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
X			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
X			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.

CUP-26-23

Axis- 202 N LBJ Dr

Aerial Map



Subject Property

Parcel

N

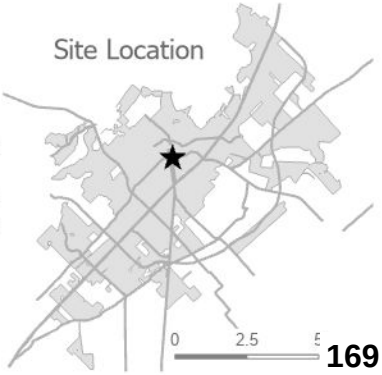
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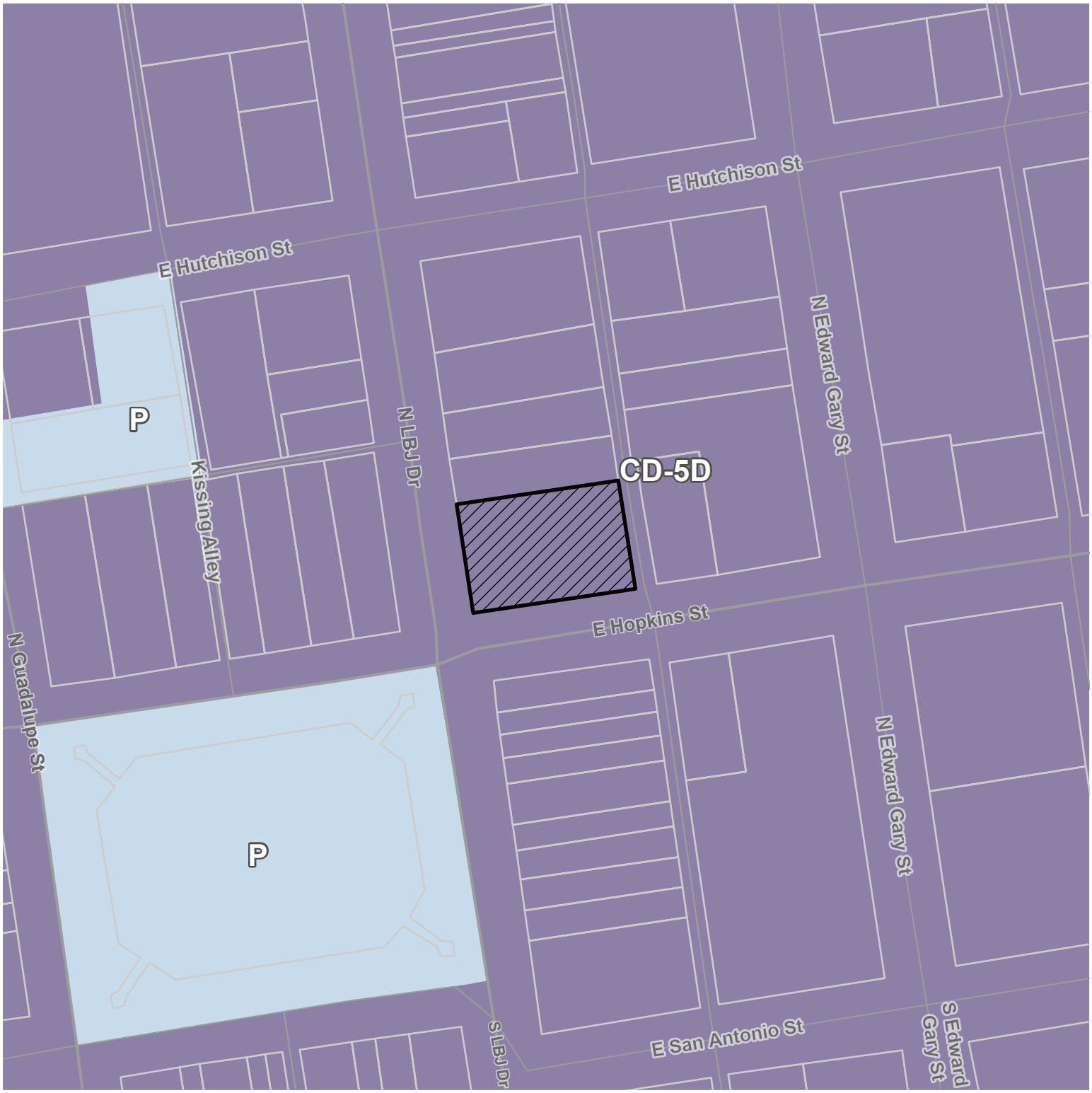
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/16/2025

SAMMARCOS Planning and Development Services

Site Location





Subject Property
CD-5D
P

N

0 75 150 300 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 11/15/2024

SAN MARCOS Planning and Development Services

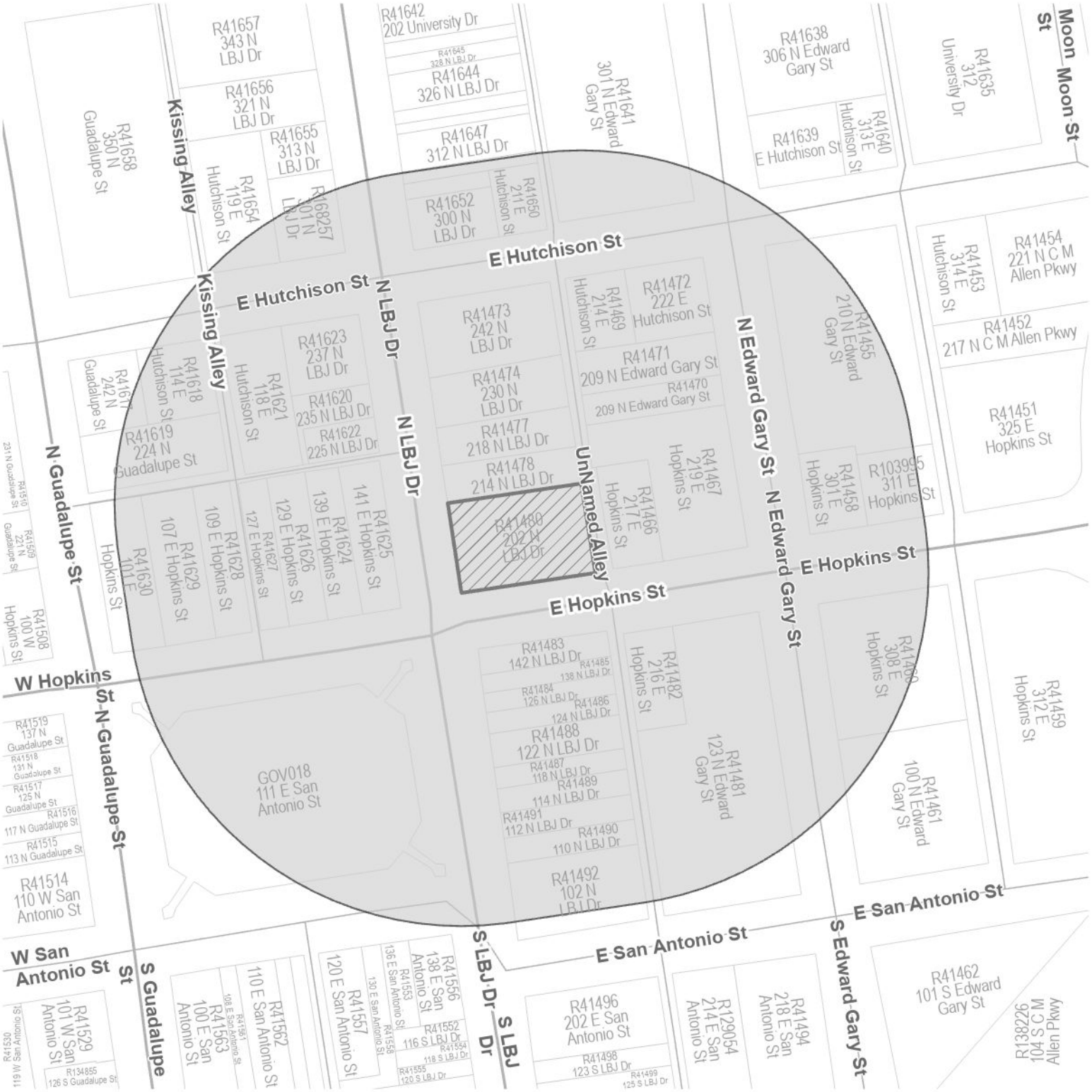
Site Location



CUP-26-23

Axis- 202 N LBJ Dr

Notification Map



400ft Buffer

Subject Property

N

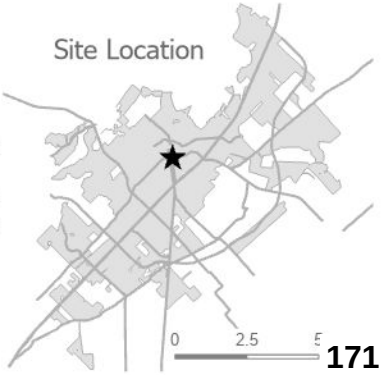
0 87.5 175 350 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/16/2025

SAN MARCOS Planning and Development Services

Site Location



5/7/2026 **CUP-26-23**

Notice of Public Hearing
Conditional Use Permit Request
Sale of Mixed Beverages
202 N LBJ Drive Suite A

CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C.GARRISON)

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, May 26, 2026** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16, Spectrum channel 10, or by using the following link: http://sanmarcostx.gov/541/PZ-Video-Archives. Or email planninginfo@sanmarcostx.gov or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. All written comments and requests to participate must be received before 12 PM on the day of the meeting.

For Planning & Zoning Commission
Planning and Development Services
630 East Hopkins
San Marcos, TX 78666
planninginfo@sanmarcostx.gov

For more information regarding this request, contact the case manager, **Craig Garrison,** at **512.805.2649 or cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-26-23.**

The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to ADArequest@sanmarcostx.gov

PLANNING AND DEVELOPMENT SERVICES
Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner Address	Owner City/ State/ Zip
41487	118-120 N LBJ DR, SAN MARCOS, TX 78666	118-120 N LBJ LLC	118-120 N LBJ DR	SAN MARCOS, TX 78666
41484	126 N LBJ DR, SAN MARCOS, TX 78666	126 & 138 N LBJ SERIES	901 E CESAR CHAVEZ ST	AUSTIN, TX 78702-4205
41458	301 E HOPKINS ST, SAN MARCOS, TX 78666	13651 RESEARCH LTD	ATTN: V & S ENTERPRISES	AUSTIN, TX 78746-6696
41480	202 N LBJ DR, SAN MARCOS, TX 78666	202 NORTH LBJ VENTURE GROUP LP	2606 RANCH ROAD 620 N	AUSTIN, TX 78734-2628
41470	209 N EDWARD GARY ST, SAN MARCOS, TX 78666	214HUTCHISON LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41475	230 N LBJ DR, APT #201, SAN MARCOS, TX 78666	230 N LBJ LLC	912 NARANJO DR	GEORGETOWN, TX 78628
103995	311 E HOPKINS ST, SAN MARCOS, TX 78666	311 EAST HOPKINS LLC	4330 GAINES RANCH LOOP	AUSTIN, TX 78735-6758
41630	101 E HOPKINS ST, SAN MARCOS, TX 78666	AIKEN, C H	242 WHITNEY RUN	BUDA, TX 78610-3008
41641	301 N EDWARD GARY ST, SAN MARCOS, TX 78666	AURELIUS LTD	216 SKIPPING CEDAR ST	SAN MARCOS, TX 78666-3854
41627	127 E HOPKINS ST, SAN MARCOS, TX 78666	B L SCOFIELD INC	127 E Hopkins ST	San Marcos, TX 78666-5611
41491	112 N LBJ DR, SAN MARCOS, TX 78666	CARSON DIVERSIFIED PROPERTIES 2, LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41478	212 N LBJ DR, SAN MARCOS, TX 78666	CARSON FAMILY PROPERTIES	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41623	237-245 N LBJ DR, SAN MARCOS, TX 78666	CASEY MANAGEMENT TRUST	CASEY JAMES NEWMAN TRUSTEE	AUSTIN, TX 78731
41622	225 N LBJ DR, SAN MARCOS, TX 78666	CHRYSTAL JANAA & TOM	1447 FRIENDLY PATH	NEW BRAUNFELS, TX 78132-4608
41474	226 N LBJ DR, SAN MARCOS, TX 78666	COLGIN THOMAS W ESTATE	COLGIN-WILLIAMS MARY & COLGIN WILLIAM MADISON III CO-IND EXEC	SAN MARCOS, TX 78666
41628	109-119 E HOPKINS ST, SAN MARCOS, TX 78666	EAST HOPKINS LLC	1801 CHALK ROCK CV	AUSTIN, TX 78735-1733
41486	124 N LBJ DR, SAN MARCOS, TX 78666	EFW HOLDINGS INC	124 NORTH LBJ DR	SAN MARCOS, TX 78666-5620
41651	308 N LBJ DR, SAN MARCOS, TX 78666	GOMEZ JESSE G & MARTINA	308 N LBJ DR	SAN MARCOS, TX 78666
41617	242 N GUADALUPE ST, SAN MARCOS, TX 78666	GREATER TEXAS FEDERAL CREDIT UNION	12544 RIATA VISTA CIR	AUSTIN, TX 78727-6431
41461	100 N EDWARD GARY ST, SAN MARCOS, TX 78666	HANSON-SKILES CONSTANCE MARIE FAMILY BYPASS TRUST	SKILES, RICHARD L TRUSTEE	SAN MARCOS, TX 78666-9542
41652	300 N LBJ DR, SAN MARCOS, TX 78666	HARTNETT ENTERPRISES SAN MARCOS LLC	2407 BALLANTRAE DR	COLLEYVILLE, TX 76034-5304
41467	219 E HOPKINS ST, SAN MARCOS, TX 78666	HAYSCO SM LLC	407 S STAGECOACH TRL	SAN MARCOS, TX 78666-5063
41620	235 N LBJ DR, SAN MARCOS, TX 78666	JG AND EM BURNSIDE LLC	2631 GALWAY CIR	IDAHO FALLS, ID 83404-7392
41650	211/215 E HUTCHISON ST, SAN MARCOS, TX 78666	KEYSTONE REAL ESTATE INVESTMENT LLC	PO BOX 5051	BELLEVUE, WA 98009
41649	312 N LBJ DR, SAN MARCOS, TX 78666	KND'S BOUTIQUE LLC	312 N LBJ DR	SAN MARCOS, TX 78666
41472	222 E HUTCHISON ST, SAN MARCOS, TX 78666	MATT PATTERSON INS AGENCY INC	222 E HUTCHISON ST	SAN MARCOS, TX 78666-5682
41490	110 N LBJ DR, SAN MARCOS, TX 78666	MLKSM LLC	510 HEARN ST	AUSTIN, TX 78703-4516
41460	308 E HOPKINS ST, SAN MARCOS, TX 78666	NCNB TEXAS NATIONS BANK	BANK OF AMERICA, CORPORATE REAL ESTATE ASSESSMENTS	CHARLOTTE, NC 28232-2547
41626	129 E HOPKINS ST, SAN MARCOS, TX 78666	ONIONS R US LLC	2533 DEER STAND LOOP	SAN MARCOS, TX 78666-5094
41483	142 N LBJ DR, SAN MARCOS, TX 78666	OUSEY, MICHAEL	211 CLAREMONT DR	SAN MARCOS, TX 78666-7335
41466	217 E HOPKINS ST, SAN MARCOS, TX 78666	PIPER JAMES M & TAMARA P	195 PICO CT	SAN MARCOS, TX 78666-1847
41479	214 N LBJ DR, SAN MARCOS, TX 78666	SAN MARCOS COMMUNITY PARTNERS LLC	% LATIPAC COMMERCIAL	AUSTIN, TX 78716-2304
41455	210 N EDWARD GARY ST, SAN MARCOS, TX 78666	SAN MARCOS TX STUDENT HOUSING LLC	999 SHADY GROVE RD S	MEMPHIS, TN 38120-4130
41488	122 N LBJ DR, SAN MARCOS, TX 78666	SERUR JOHN & JUDITH L LIVING TRUST	SERUR JOHN & JUDITH L CO-TRUSTEES	AUSTIN, TX 78737-8856
168257	301 N LBJ DR, STE #127, SAN MARCOS, TX 78666	SHYPENN LTD	2686 BLACK BEAR DR	NEW BRAUNFELS, TX 78132-4179
41476	232 N LBJ DR, STE #101, SAN MARCOS, TX 78666	SLACK JOHN MARK	112 DOLLY ST	SAN MARCOS, TX 78666
41624	139 E HOPKINS ST, SAN MARCOS, TX 78666	SLOAN JAMES LLC	139 E HOPKINS ST	SAN MARCOS, TX 78666-5678
41477	218-220 N LBJ DR, SAN MARCOS, TX 78666	TARRANT, LINDA LEWIS	P O BOX 199	HUNT, TX 78024-0199
41482	216 E HOPKINS ST, SAN MARCOS, TX 78666	TEXAS P B REAL ESTATE LP	113 W PUBLIC SQUARE STE 200	GLASOW, KY 42141-2413
41621	E HUTCHISON ST, SAN MARCOS, TX 78666	TEXAS STATE UNIVERSITY-SAN MARCOS	Attn: VP FOR FINANCE AND SUPPORT SERVICES	SAN MARCOS, TX 78666-4684
41481	123 EDWARD GARY ST, SAN MARCOS, TX 78666	VICTORIA BANK & TRUST	100 CONGRESS AVE STE 1900	AUSTIN, TX 78701-2750
41489	114-116 N LBJ DR, SAN MARCOS, TX 78666	WALDRIP CHARLES M JR & MARTHA JANE	P O BOX 805	SAN MARCOS, TX 78667-0805
		Neighborhood President Michael Adams	106 Losoya Dr	San Marcos TX 78666
		CONA President Amy Thomaides	1131 W. MLK St	San Marcos TX 78666



APPETIZERS

Chips & Queso	**$5**
Fries	**$5**
Queso Fries	**$6**
Loaded Fries *(cheese, bacon, sour cream, chives)*	**$7**

MAINS

Nachos *(cheese, chicken, bacon, sour cream)*	**$8**
Chicken Strips (4) *(Ranch, Buffalo, or BBQ dipping sauce)*	**$8**
Wings (6) *(Pickle, Garlic Parm, Buffalo, Lemon Pepper, BBQ, or Hot Garlic)*	**$8**
Quesadilla	**$6**
Chicken Quesadilla	**$7**
Chicken Bacon Ranch Quesadilla	**$8**

SWEET TREATS

Fried Uncrustables *(Nutella or Strawberry)*	**$4**

TEXAS ALCOHOLIC BEVERAGE COMMISSION

MB -100093636 Expires:10/25/2027

MIXED BEVERAGE PERMIT (MB)

LATE HOURS CERTIFICATE (LH)

AXIS

202 N LBJ DRIVE SUITE A

SAN MARCOS, HAYS, TX, US, 78666

R & B SOUTH SISTERS INC.

EXECUTIVE DIRECTOR

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN E
AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UP

Corrective Action Plan

Re: February Code Compliance Violations

Establishment: Axis

Address: 202 N LBJ, San Marcos, TX 78666

Date: March 9, 2026

To Whom It May Concern,

This letter serves as our Corrective Action Plan regarding the violations identified during the February inspection. All listed items have been addressed and corrected. We are submitting the following summary of the actions taken and the procedures now in place to maintain compliance going forward.

1. Violation: Not Operating as an Eating Establishment

Code Reference: San Marcos LDC 2.8.3.5(D)

Corrective Action Taken:

At the time of inspection, the establishment was not fully operating as an eating establishment. This issue has since been corrected. Axis is now fully operating as a food service establishment, including food preparation and service to the public, with appropriate staffing, available food inventory, and active kitchen use.

Ongoing Preventive Measures:

We now maintain adequate food inventory onsite, ensure kitchen staffing is scheduled during operating hours, and monitor daily operations to confirm the establishment is functioning in accordance with its approved use permit.

2. Violation: Accumulation of Rubbish/Garbage / Kitchen Preparation Area Uncleanliness

Code Reference: IPMC 308.1

Corrective Action Taken:

The kitchen preparation area was thoroughly cleaned and all rubbish, debris, and unnecessary materials were removed. Work surfaces, prep areas, floors, and surrounding storage areas were cleaned, sanitized, and organized.

Ongoing Preventive Measures:

COPY

A daily cleaning checklist has been implemented for all kitchen prep areas. Staff are responsible for cleaning throughout the day and at closing, and management performs routine inspections to ensure the area remains sanitary and free of rubbish and clutter.

3. Violation: Griddle Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The griddle was deep cleaned to remove grease buildup, food residue, and debris. The unit is now maintained in a clean and sanitary condition.

Ongoing Preventive Measures:

The griddle is now cleaned after each use and again during end-of-day closing procedures. Staff have been instructed on proper cleaning requirements, and management verifies completion as part of daily closing duties.

4. Violation: Deep Fryer Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The deep fryer was thoroughly cleaned and sanitized, including all removable parts and surrounding surfaces.

Ongoing Preventive Measures:

The deep fryer is now included in the daily equipment cleaning schedule. Staff are required to clean it after use and inspect it regularly to prevent grease and food buildup.

5. Violation: Microwave Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The microwave was cleaned and sanitized, including the interior, exterior, and all food splatter or residue.

Ongoing Preventive Measures:

COPY

The microwave is now cleaned daily and as needed during operating hours. Staff are instructed to wipe down the unit immediately after spills, and management checks cleanliness during routine inspections.

6. Violation: Failure to Provide Grease Interceptor Maintenance Records

Code Reference: IPMC 506.3 Grease Interceptors

Corrective Action Taken:

Maintenance records for the grease interceptor have been obtained, organized, and made available for review. We have confirmed that the interceptor is being maintained as required.

Ongoing Preventive Measures:

We will retain all grease interceptor service and maintenance records onsite and keep them readily available for inspection. Future service dates will be tracked to ensure timely maintenance and documentation.

Additional Compliance Measures Implemented

To prevent future violations, we have also implemented the following:

- A written cleaning schedule for kitchen areas and equipment
- Routine management inspections of food preparation and storage areas
- Staff training on sanitation and cleaning responsibilities
- Recordkeeping procedures for required maintenance documents
- Ongoing monitoring to ensure continuous compliance with health and code requirements

All violations identified in February have been corrected, and we are committed to maintaining the establishment in a clean, safe, and compliant condition.

Respectfully,

Henry Hogensen

Co Owner

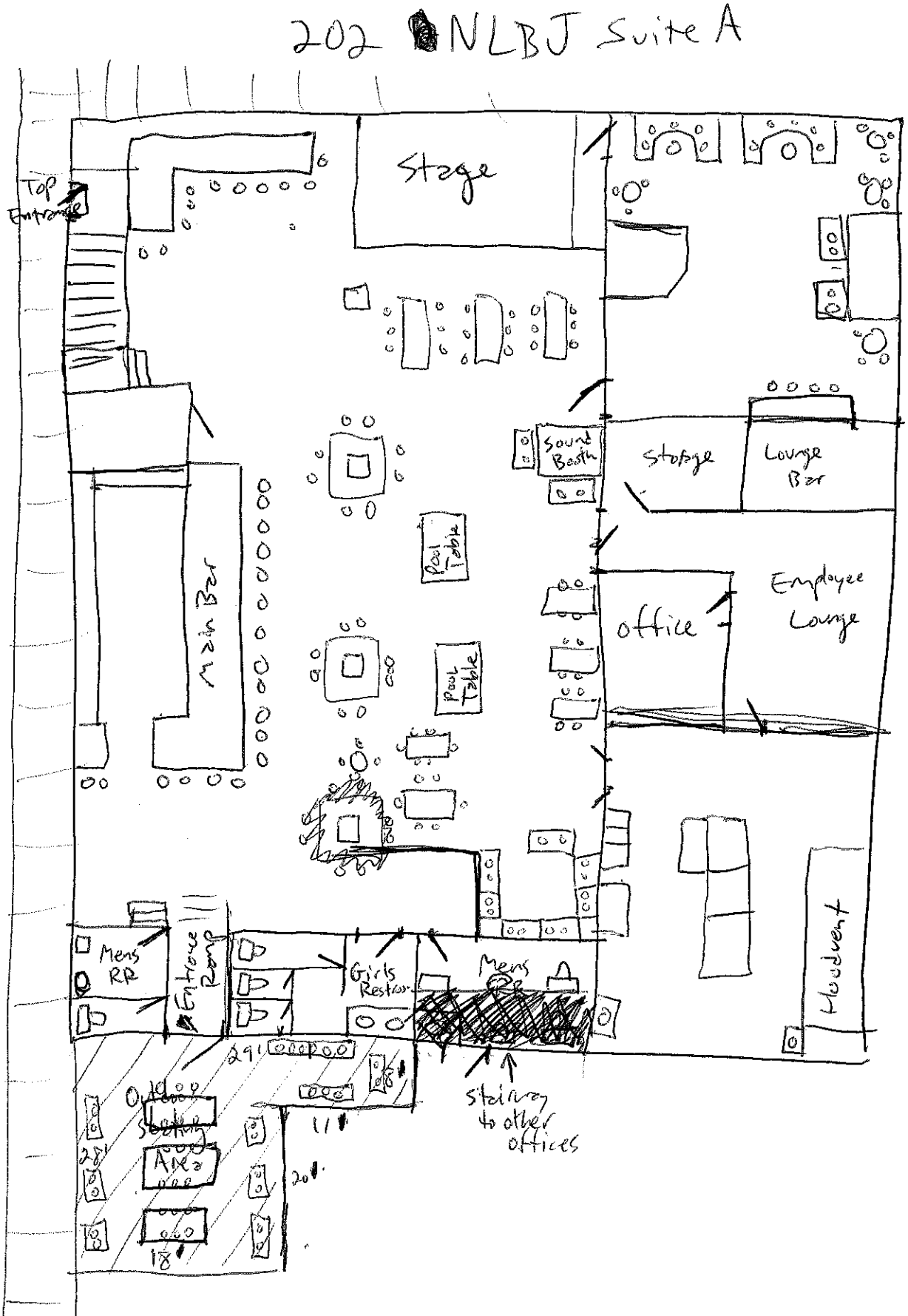
Axis

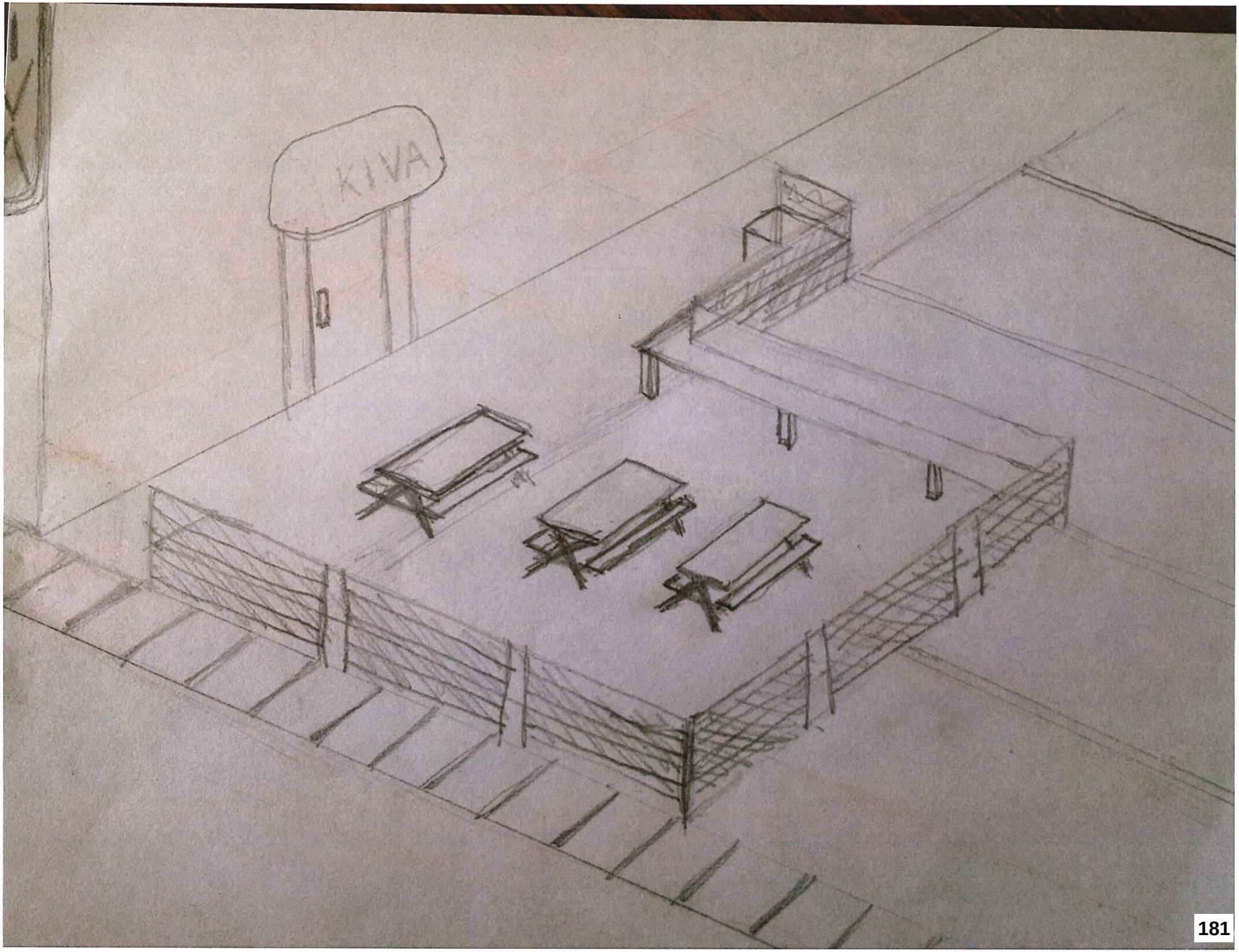
COPY

202 N LBJ, San Marcos, TX 78666

[redacted]

COPY


202 NLBJ Suite A
Stage
Top Entrance
Sound Booth
Storage
Lounge Bar
Pool Table
Main Bar
Pool Table
office
Employee Lounge
Mens RR
Entrance Ramp
Girls Restroom
Mens
Stairway to other offices
Seating Area
Alley way


KIVA

CITY OF SAN MARCOS
NEIGHBORHOOD ENHANCEMENT
Code Compliance & Environmental Health

MEMORANDUM

To: Planning and Development Services Department

REF: Eating Establishment Violations
Axis (202 N Lbj Dr. #A)

May 19, 2026

Good Afternoon Planning & Development Services Staff:

On May 15, 2026, a walkthrough of ***Axis-Eating Establishment*** was conducted due to an observation of a potential vendor outside of the premises. The purpose of the walkthrough was to verify the permit holder and staff followed safety protocols for the community, health and safety codes for an eating establishment, and the conditions listed on their *Conditional Use Permit-CBA (**CUP 25-26**)* due to their upcoming renewal. The establishment has been under close monitoring due to citations previously issued for uncleanliness and violations of their permit. Below is a list of the violation(s) observed, discussed with the staff, and documented during my walkthrough:

- Property is in violation of the following **International Property & Maintenance Code (IPMC 2021)** section(s):
  - **308.1 Accumulation of rubbish or garbage:** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of *rubbish* or *garbage.*
    - *a) Failure to maintain in a sanitary condition the kitchen and accumulation of food residue and waste on cooking appliances, refrigerator, and food preparation areas.*
    - b) **GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
  - **404.7 Food Preparation:** Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
    - *a) Cooking appliances and storage in unsanitary conditions*
      - *Commercial griddle*
      - *Fryers*
      - *Microwave*
      - *Refrigerators*
- Property is in violation of the following **COSM Ordinance** section(s):
  - **18.092 Permit Required**
    - *a)* A Person must hold a permit issued by the health authority to operate a food establishment.
    - *b)* A person must hold a food establishment permit issued by the health authority to operate a group residence, boarding home, or congregate living facility with occupancy for 16 or more residents when food is provided, stored, or prepared onsite, or prepared by a *third-party* operator or facilitator.
    - *c)* A vending machine that only dispenses non-time/temperature control for

safety food is not considered a food establishment and does not require a permit.

d) A person must comply with the requirements of this chapter to receive or retain a permit.

e) A permit issued under this chapter is not transferable.

f) The health authority may cite, suspend operations, or suspend utilities against the person or business that is operating a food establishment that does not have a current or valid food permit.

- *Pending*--Code Official observed *rodent feces* on the ground, including a rat trap. Pest control reports will be requested from the establishment.

The staff present at the time were a few employees, with their newly promoted Assistant General Manager, identified as *Christian*, unknown last name. Christian stated he was not aware and had no knowledge of the food operations of the establishment or the contract with the unpermitted vendor. The unpermitted vendor on site was identified as *Bobcat Crawfish, LLC,* and was very respectful and willing to become a registered vendor with COSM. The owner, *Riley Mella,* has scheduled a meeting with our Health Officials to verify they are in compliance with their permits, and health protocols when hosting events in collaboration with other downtown businesses.

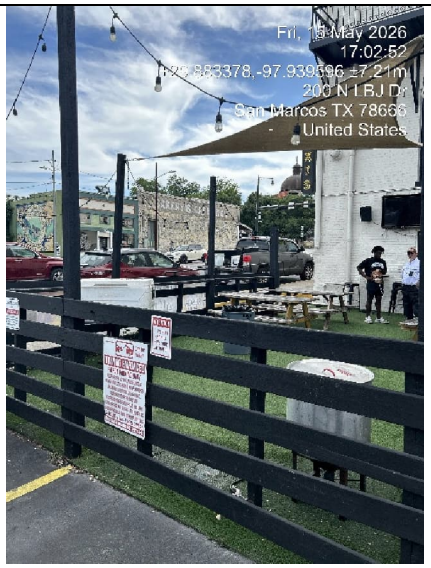
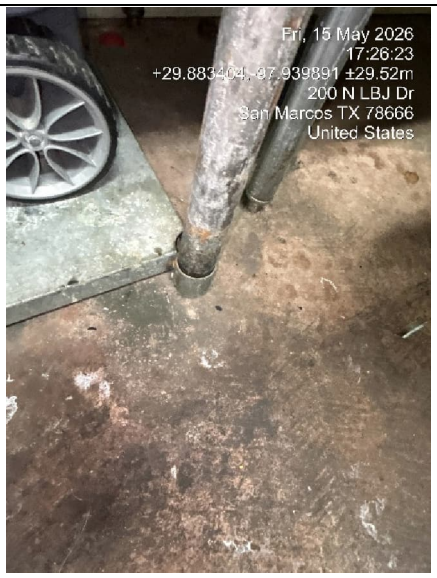
Christian summoned one of the owners to the establishment, identified as *Henry Hogensen (05/01/1983)*. Henry and I reviewed the Corrective Action Plan (CAP) he submitted during our court hearing back in March and May of this year. Henry took full responsibility of the failure to maintain the establishment clean. Most importantly, Henry was made aware he would be issued multiple citations for the repeated uncleanliness, including one for hosting an unpermitted vendor.

A few days prior, Miles (business owner), had reached out to me, inquiring about temporary vendors and additional options to increase their food sales. I sent Miles, Henry, and Jovan an email response from our Health Officials with the information requested, including the need for *Temporary Permits* and referred them to their Downtown Manager and Economic & Development Services Office for additional resources.

Henry was issued citations **#000386** and **#000387** for the following violations from the International Property Maintenance Code (2021) and COSM Ordinance(s):

- **IPMC 308.1 Accumulation of Rubbish/Garbage**
  - Kitchen/Refrigerator food storage/preparation area uncleanliness
- **IPMC 404.7 Food Preparation**
  - Griddle uncleanliness
- **IPMC 404.7 Food Preparation**
  - Fryer uncleanliness
- **IPMC 404.7 Food Preparation**
  - Microwave uncleanliness
- **COSM 18.092 Permit Required**
  - Unpermitted 3rd party vendor on-site

Below are some of the images of violations taken during the walkthrough.

*Axis		
IMAGES TAKEN ON SITE ON 05/15/2026		
 *Unpermitted Vendor*	 *Rodent feces*	 *Food residue in microwave*
 *Food residue all over refrigerator*	 *Food residue in fryer*	 *Residue in Griddle*
*Active Eating Establishment CUP Holder		

Below is a timeline of violations documented at the business during my walkthroughs:

Axis
Timeline

- **December 2024**
  - **APPROVAL** New CUP 24-69 for Axis
    - *Eating Establishment*
  - Previous CUP (16-05)
    - Formerly known as *Kiva*, permanently closed in 2019

- **March 2025**
  - Business Compliance Inspection
    - All permits posted and valid

- **April 2025**
  - *Courtesy Reminder*
    - Exterior property maintenance

- **June 2025**
  - **APPROVAL** CUP Renewal 25-26 for Axis
    - *Eating Establishment*

- **September 2025**
  - Menu changes to 3rd party vendor
    - *Bagel Bros*
    - **Applicant advised notifying of changes to verify they are in compliance

- **February 2026**
  - **OUT OF COMPLIANCE**--Business Compliance Inspection (02/05) revealed several violations in which citations were issued to business owner, including *failure* to operate as an *Eating Establishment*.
    - San Marcos LDC 2.8.3.5 (D)
      - Not operating as an Eating Establishment
    - IPMC 308.1 Accumulation of Rubbish/Garbage
      - Kitchen preparation area uncleanliness
    - IPMC 404.7 Food Preparation
      - Griddle uncleanliness
    - IPMC 404.7 Food Preparation
      - Fryer uncleanliness
    - IPMC 404.7 Food Preparation
      - Microwave uncleanliness

        - IPMC 506.3 Grease Interceptors
            - Failure to provide records of maintenance
    - **IN COMPLIANCE—**Compliance inspection and Health Authority Inspection 02/19

- **March 2026**
    - Municipal Court (03/10)
        - Citations will be kept on the dock to continue monitoring the establishment
        - Corrective Action Plan (CAP) submitted by business owners
            - *Jovan Marin*
            - *Miles Altgelt*
            - *Henry Hogensen*
    - **IN COMPLIANCE--**Compliance walkthrough (03/26)

- **May 2026**
    - Municipal Court (05/12)
        - Citations will be kept on the dock to continue monitoring the establishment
    - **VIOLATIONS—**Compliance walkthrough (05/15) revealed an unpermitted vendor and several violations in which citations were issued to business owner:
        - COSM Ordinance 18.092
            - No Temp Permit for 3rd party vendor
        - IPMC 308.1 Accumulation of Rubbish/Garbage
            - Kitchen preparation area refrigerator uncleanliness
        - IPMC 404.7 Food Preparation
            - Griddle uncleanliness
        - IPMC 404.7 Food Preparation
            - Fryer uncleanliness
        - IPMC 404.7 Food Preparation
            - Microwave uncleanliness

The business is currently under review for their CUP application. I am *In Support* of the proposed **APPROVAL** for ***CUP 26-23***, and I will leave the timeframe at staff's discretion. For the safety and welfare of the public, we will monitor this establishment closely to verify they are following local regulations. Thank you for reviewing my observations and documentation. Additional photos of the violations observed are available. Please contact me with any questions or concerns. Thank you for your attention to this matter.

Respectfully,

Claudia Cormier

Claudia Cormier
Code Compliance Officer
512-393-8437

CC:

- Shanna O'Brien, Director Neighborhood Enhancement
- Terry Floyd, Director of Planning & Development Services
- David Soto, Planning Manager
- Craig Garrison, Planner

Corrective Action Plan

Re: February Code Compliance Violations

Establishment: Axis

Address: 202 N LBJ, San Marcos, TX 78666

Date: March 9, 2026

To Whom It May Concern,

This letter serves as our Corrective Action Plan regarding the violations identified during the February inspection. All listed items have been addressed and corrected. We are submitting the following summary of the actions taken and the procedures now in place to maintain compliance going forward.

1. Violation: Not Operating as an Eating Establishment

Code Reference: San Marcos LDC 2.8.3.5(D)

Corrective Action Taken:

At the time of inspection, the establishment was not fully operating as an eating establishment. This issue has since been corrected. Axis is now fully operating as a food service establishment, including food preparation and service to the public, with appropriate staffing, available food inventory, and active kitchen use.

Ongoing Preventive Measures:

We now maintain adequate food inventory onsite, ensure kitchen staffing is scheduled during operating hours, and monitor daily operations to confirm the establishment is functioning in accordance with its approved use permit.

2. Violation: Accumulation of Rubbish/Garbage / Kitchen Preparation Area Uncleanliness

Code Reference: IPMC 308.1

Corrective Action Taken:

The kitchen preparation area was thoroughly cleaned and all rubbish, debris, and unnecessary materials were removed. Work surfaces, prep areas, floors, and surrounding storage areas were cleaned, sanitized, and organized.

Ongoing Preventive Measures:

COPY

A daily cleaning checklist has been implemented for all kitchen prep areas. Staff are responsible for cleaning throughout the day and at closing, and management performs routine inspections to ensure the area remains sanitary and free of rubbish and clutter.

3. Violation: Griddle Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The griddle was deep cleaned to remove grease buildup, food residue, and debris. The unit is now maintained in a clean and sanitary condition.

Ongoing Preventive Measures:

The griddle is now cleaned after each use and again during end-of-day closing procedures. Staff have been instructed on proper cleaning requirements, and management verifies completion as part of daily closing duties.

4. Violation: Deep Fryer Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The deep fryer was thoroughly cleaned and sanitized, including all removable parts and surrounding surfaces.

Ongoing Preventive Measures:

The deep fryer is now included in the daily equipment cleaning schedule. Staff are required to clean it after use and inspect it regularly to prevent grease and food buildup.

5. Violation: Microwave Uncleanliness

Code Reference: IPMC 404.7 Food Preparation

Corrective Action Taken:

The microwave was cleaned and sanitized, including the interior, exterior, and all food splatter or residue.

Ongoing Preventive Measures:

COPY

The microwave is now cleaned daily and as needed during operating hours. Staff are instructed to wipe down the unit immediately after spills, and management checks cleanliness during routine inspections.

6. Violation: Failure to Provide Grease Interceptor Maintenance Records

Code Reference: IPMC 506.3 Grease Interceptors

Corrective Action Taken:

Maintenance records for the grease interceptor have been obtained, organized, and made available for review. We have confirmed that the interceptor is being maintained as required.

Ongoing Preventive Measures:

We will retain all grease interceptor service and maintenance records onsite and keep them readily available for inspection. Future service dates will be tracked to ensure timely maintenance and documentation.

Additional Compliance Measures Implemented

To prevent future violations, we have also implemented the following:

- A written cleaning schedule for kitchen areas and equipment
- Routine management inspections of food preparation and storage areas
- Staff training on sanitation and cleaning responsibilities
- Recordkeeping procedures for required maintenance documents
- Ongoing monitoring to ensure continuous compliance with health and code requirements

All violations identified in February have been corrected, and we are committed to maintaining the establishment in a clean, safe, and compliant condition.

Respectfully,

Henry Hogensen

Co Owner

Axis

COPY

202 N LBJ, San Marcos, TX 78666

[redacted]

COPY

CITY OF SAN MARCOS
NEIGHBORHOOD ENHANCEMENT
Code Compliance & Environmental Health

MEMORANDUM

To: Planning and Development Services Department

REF: Eating Establishment Violations
Axis (202 N Lbj Dr. #A)

February 09, 2026

Good Afternoon Planning & Development Services:

On February 06, 2026, a walkthrough of the **Axis** (202 N. Lbj Dr.) Eating Establishment was conducted with the SMPD Downtown Corporal, *Ysidro Contreras.* The purpose of the walkthrough was to verify the permit holder and staff followed safety protocols for the community, health and safety codes for an eating establishment, and the conditions listed on their *Conditional Use Permit-CBA (**CUP 25-26**).* Below is a list of the violation(s) observed, discussed with the staff, and documented during my walkthrough:

- Property is in violation of the following **San Marcos Land & Development Code (2025)**:
  Section 2.8.3.5 Duration; Expiration; Suspension; Violation; Revocation:
  - **D. Violation.** It is unlawful for any person to violate or to cause or permit to be violated any terms or conditions of a conditional use permit or upon which a conditional use permit was issued or renewed. For purposes hereof, the term "person" shall include the permit holder, the owner or a manager of the permit holder, and any office of the permit holder.
    a) *Failure to operate as an Eating Establishment according to conditions established in 5.1.5.5 Restaurant/Bar [4.b.1-5].*
      - *No food in refrigerators*
      - *Items in freezer included "Smuckers Uncrustable Peanut Butter & Jelly sandwich," not in current food menu*
        - *Did not check other grocery bags for items*
      - *No cook or 3rd party providing food in the establishment*
      - *Did not observe plates or utensils for the public to use during consumption*
- Property is in violation of the following **International Property & Maintenance Code (IPMC 2021)** section(s):
  - **308.1 Accumulation of rubbish or garbage:** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of *rubbish* or *garbage.*
    a) *Failure to maintain in a sanitary condition the kitchen and accumulation of food residue and waste on cooking appliances and food preparation areas.*
    b) **GARBAGE:** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
  - **404.7 Food Preparation:** Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
    a) *Cooking appliances in unsanitary conditions*

        - *Commercial griddle*
        - *Air fryers*
        - *Microwave*
    - **506.3 Grease Interceptors:** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.
        a) *Failure to produce grease manifest or detailed record of maintenance for compliance inspection.*
        b) **CODE OFFICIAL:** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.
- Property is in violation of the following **Texas Food Establishment Rules (2021)** section(s):
    - **228.31 Certified Food Protection Manager and Food Handlers Requirements**
        a) The original food manager certificate shall be posted in the food establishment in a location that is conspicuous to consumers.
        b) Except as specified in subsection (c) of this section, a certified food protection manager *shall* be present at the food establishment during all hours of operation as required in Food Code 2-101.11 and 2-102.12.
            - *No staff members present, including owner, are Certified Food Protection Managers.*
- **San Marcos Police Department—Corporal Ysidro Contreras**
    - Following TABC protocols
        a) Verified open bottles were clean
            - Officers observed insects in 3 bottles that were discarded in their presence
        b) Verified bottles portrayed TABC labels
    - Safety measures and protocols
        a) Verified staff were implementing safety measures and protocols previously discussed
            - Handheld metal detector at entry

The staff present at the time were only 2 bar tenders, the most senior (4-year veteran) identified himself as *Nicholas Ryan (01/19/2002)*. Nicholas was not aware and had no knowledge of a Conditional Use Permit (CUP). Nicholas summoned one of the owners to the establishment, identified as *Miles Altgelt (11/27/1987)*. Nicholas and Miles are neither *Certified Food Managers.*

I proceeded to ask about the chef or cook for the establishment. Nicholas stated their designated cook was no longer employed at the establishment. When Miles arrived, he stated *Bagel Bros* was no longer their food supplier and had left their establishment approximately 6 weeks ago. Instead, they hired another vendor only identified by his first name as *Blake*, and his business as *Taco Doggie*. Miles mentioned they had multiple issues with *Blake* that led to his departure. Miles was referred to *Cpl. Y. Contreras* regarding multiple text messages between *Blake* and him in case of a potential criminal offense.

Based on the uncleanliness of the kitchen area, lack of food in the refrigerators, and cooking staff, I determined the establishment is **OUT OF COMPLIANCE** and **IS NOT** preparing and serving meals to the public due to the health and safety concerns, and violations observed.

Miles was issued citations **#000380** and **#000381** for the following violations from the San Marcos Land & Development Code (2025) and the International Property Maintenance Code (2021):

- **San Marcos LDC 2.8.3.5 (D) Violation**
    - Not operating as an Eating Establishment
- **IPMC 308.1 Accumulation of Rubbish/Garbage**
    - Kitchen preparation area uncleanliness

- **IPMC 404.7 Food Preparation**
  - Griddle uncleanliness
- **IPMC 404.7 Food Preparation**
  - Air Fryer uncleanliness
- **IPMC 404.7 Food Preparation**
  - Microwave uncleanliness
- **IPMC 506.3 Grease Interceptors**
  - Failure to provide records of maintenance

Therefore, a formal request to meet with the permit holder will be sent to discuss the violations and expectations to come into compliance with all departments. I explained to Miles the citations will remain on the dock to monitor their improvements. I am *not* a licensed **Sanitarian** and therefore *cannot* issue citations for any Food and Drug Administration or Texas Food Establishment Rules. Below are some of the more egregious images of violations taken during the walkthrough. A meeting with the permit holder and inspection date for the establishment will be scheduled in the future.

*Axis

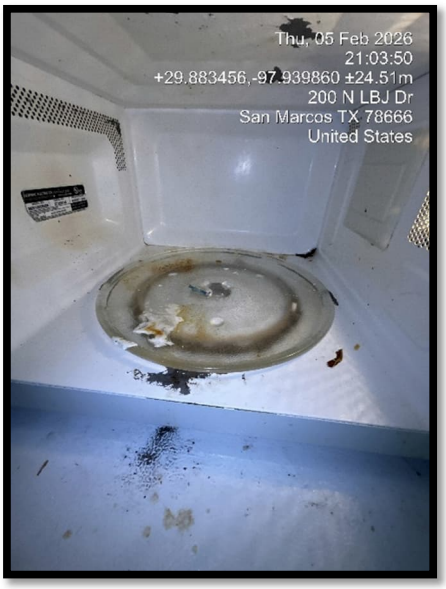
IMAGES TAKEN ON SITE ON 02/05/2026



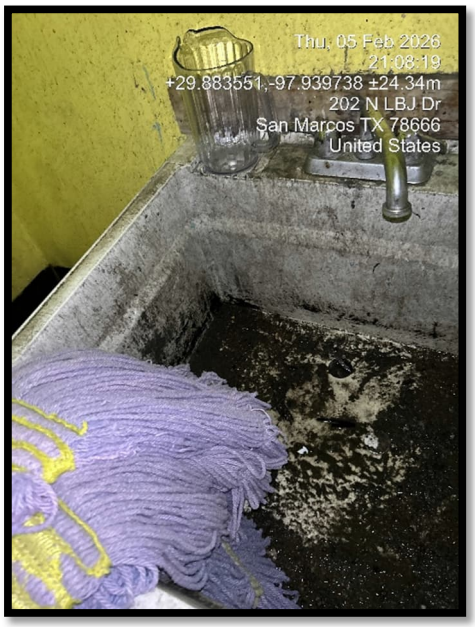
*Empty Refrigerator



*Stagnant oil



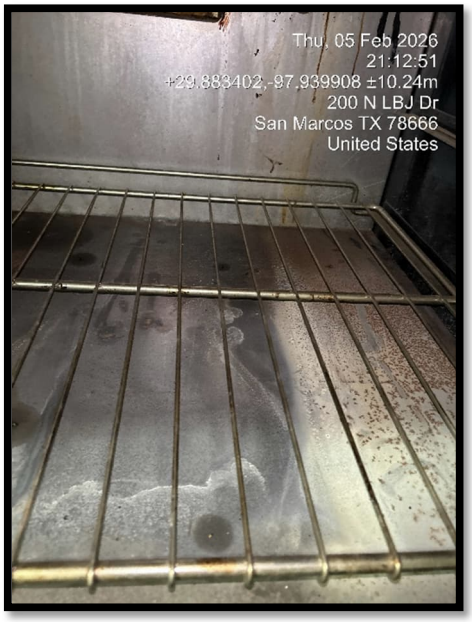
*Unsanitary microwave



*Mop sink



*Corroded air fryer



*Solidified grease in oven

***Active Eating Establishment CUP Holder**

Thank you for reviewing my observations and documentation. Additional photos of the violations observed are available. Please contact me with any questions or concerns.

Respectfully,

Claudia Cormier

Claudia Cormier
Code Compliance Officer
512-393-8437

CC:

- Shanna O'Brien, Environmental Health & Safety Manager
- Terry Floyd, Director of Planning & Development Services
- Josie Falleta, Downtown Manager
- Jonathan Henderson, Fire Marshal
- David Soto, Planning Manager
- Craig Garrison, Planner
- Ysidro Contreras, Downtown Corporal

Incident Search Result

Agency: SMPD

Results

Agency #: TX1050100

Print Date/Time:

Incident #	Call Date/Time	Type	Location	Common Name	Dispositions	Description
2026-00015574	4/5/2026 1:04:39 AM	Investigation	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	Report Taken - 2, Arrest - 1	Officers arrived on scene and found O1 who carried a firearm into the bar. O1 was arrested for unlawful carry weapon in prohibited place and unlawful carry of weapon.
2026-00009962	3/2/2026 2:28:57 AM	Weapons	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 9, Report Taken - 5, Arrest - 3	officers were dispatched to Axis Bar for a report of a weapons concern. Officers investigated the incident and had probable cause to arrest 3 suspects for terroristic treats.
2026-00009793	3/1/2026 1:03:48 AM	Citizen Assist/Service Call	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 1	em passed out onside walk infront of loc// is intox-relesed to sober party

Login Id:

Incident Search Result

Agency: SMPD

Agency #: TX1050100

Results

Print Date/Time:

2026-00008164	2/19/2026 3:08:08 PM	Patrol / Premise Check	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 1	meet with owners, discussed findings of the last inspection to include deep eddy's with tampered stamp (photographed but not disposed of) , TX bourgon had scotch tape holding on stamp, bitters had no stomp 40%, patron silver had bugs in it. the other bottles were disposed of on site. discussed checking ids and wanding patrons and inspections for a safer downtown experience.

Incident Search Result

Agency: SMPD

Agency #: TX1050100

Results

Print Date/Time:

2026-00005886	2/5/2026 8:50:05 PM	Patrol / Premise Check	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 2	accompanied Claudia as she did her inspection regarding CUP. Ofc Ochoa and I administered bar check. We located alcohol with out proper stamp, another with damaged stamp that was taped on the bottle and a bottle of liquor with flies in the bottle. No citation issued from law enforcement, we did pour out bottles and discarded on scene. Noticed door guy was not wanding patrons. Several fake ids on site. I confiscated them and encouraged staff to attend fake id training.
2026-00004520	1/29/2026 1:35:08 AM	Alcohol Violation	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	Warning Issued - 1	No info

Incident Search Result

Agency: SMPD

Agency #: TX1050100

Results

Print Date/Time:

2025-00056226	12/17/2025 11:54:36 PM	Threat	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	UTL - 2, No Report - 1	comp confiscaed the fake id. suspect was upset, left and returned 15 min later. suspect requested the fake id back and stated its not worth losing his life. left with two other asian males. unknown direction of travel
2025-00052446	11/23/2025 12:37:05 AM	Weapons	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 8	COMPL IS EMPLOYEE OF AXIS-COMPL STATED MALE HAD A GUN AT AXIS THEN LEFT TO ANOTHER BAR/ NEVER THREATEN ANYONE JUST STATED HE HAD A GUN
2025-00050908	11/14/2025 12:32:48 AM	Assault	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	Citation Issued - 1, No Report - 1	No info
2025-00047668	10/26/2025 2:34:47 AM	Assault	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 4, Citation Issued - 1	DOC FIGHT CIT
2025-00037935	8/31/2025 12:56:39 AM	Citizen Assist/Service Call	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 2	fem uncon not actively seizing-female was inside axis and ended up in the patio, was drinking-highly intox-transported to CSR

Login Id:

Incident Search Result

Agency: SMPD

Agency #: TX1050100

Results

Print Date/Time:

2025-00035274	8/15/2025 11:13:08 PM	Trespass	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	Report Taken - 3, Canceled - 3, No Report - 4, Arrest - 1	Officers responded to Axis for a criminal trespass and encountered the suspect to be highly intoxicated and agitated with bystanders. Subject pushed an officer with led to his arrest for various charges.
2025-00035102	8/15/2025 2:18:02 AM	Assault	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	Report Taken - 2, Arrest - 2, No Report - 6	officers were dispatched to the area behind Axis Bar for a report of a verbal disturbance. Officers arrested 2 subjects after they fled from officers.
2025-00026792	6/23/2025 1:56:11 AM	Assault	202 N LBJ DR A, SAN MARCOS, TX 78666	AXIS SM	No Report - 3, Warning Issued - 1	Fight at Axis- Parties seperated- CTW issued

Login Id:

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN DOWNTOWN CBA)

Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Axis	**Property Owner**	Walker Molinare
Company	R&B South Sisters INC.	**Company**	202 North LBJ Venture Group, LP
Applicant's Mailing Address	202 N.LBJ Dr. Ste A	**Owner's Mailing Address**	2606 RR 620 North, Austin, TX 78734

[redacted]

PROPERTY INFORMATION

Subject Property Address: 202 N.LBJ Dr. Ste A

Zoning District: CBA Downtown Square **Tax ID #: R**1-04-3786952-1

Legal Description: Lot _____ **Block** _____ **Subdivision** _____

Number of Parking Spaces: 0

Is property more than 300' from church, school, hospital, or residential district? ☑ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: Axis **CUP Permit Type:** ☑ *Eating Establishment* ☑ *Bar*

☐ *NEW* ☑ *RENEWAL/AMENDMENT* ☑ *Mixed Beverage* ☐ *Beer & Wine* ☑ *Late Hours*

Hours of Operation (Ex. Mon 12pm-1am): Mon 6PM-2AM **Tue** 6PM-2AM **Wed** 6PM-2AM

Thurs 6PM-2AM **Fri** 6PM-2AM **Sat** 6PM-2AM **Sun** 6PM-2AM

Indoor Seating Capacity: 200 **Outdoor Seating Capacity:** 30 **Gross Floor Area:** _____

AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,050* Technology Fee $15 *TOTAL COST $1,065*

Renewal/Amendment Filing Fee $788* Technology Fee $15 *TOTAL COST $803*

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

Apply Online at MGOCONNECT.ORG

PROPERTY OWNER AUTHORIZATION

I, Walker Molinare (owner name) on behalf of 202 North LBJ Venture Group, LP (company, if applicable) acknowledge that I/we am/are the rightful owner of the property located at 202 N LBJ, Ste. A, San Marcos, TX 78666 (address).

I hereby authorize Henry Hogensen (agent name) on behalf of R & B South Sisters INC. (DBA AXIS) (agent company) to file this application for CUP within CBA (application type), and, if necessary, to work with the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: _____ Date: 10/3/2024

Printed Name, Title: Walker Molinare, Managing Member

Signature of Agent: _____ Date: 10/3/24

Printed Name, Title: Henry Hogensen, President

AGREEMENT TO THE PLACEMENT OF POSTED NOTICE AND ACKNOWLEDGEMENT OF PERSONAL NOTICE REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of posted signs on the subject property, and personal notice presented to the Planning Commission and / or City Council.

- **Posted Signs:** if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***

- **Personal Notice:** if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be $158 plus a $15 technology fee.***

I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.

Signature: _____ Date: 3/30/2026

Print Name: Henry Hogensen

Form Updated December, 2025

AGREEMENT TO THE CITY OF SAN MARCOS LAND DEVELOPMENT CODE
DOWNTOWN CENTRAL BUSINESS AREA (CBA) REQUIREMENTS

The establishment must hold a valid Conditional Use Permit for the on-premise sale and consumption of alcohol issued and effective under Section 2.8.3.1, Section 5.1.5.5 of the Development Code and any conditions of such permit. Within the Downtown Central Business Area (CBA) the establishment can either request an *"Eating Establishment"* or a *"Bar"* Conditional Use Permit, subject to the maximum allowed permits, and in accordance with the Development Code.

Where an *"Eating Establishment"* includes the sale of alcohol for on premise consumption the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of eating establishments which include the sale and on-premise consumption of alcohol is limited to 25.
- The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.
- The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.
- The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **50** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Where a "Bar" that primarily sells alcohol beverages for on premise consumption and may include the sale of food, the following standards shall apply:

- In the Downtown Central Business Area (CBA) boundary, the total number of bars is limited to 14.
- The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within **100** feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.
- Noise - The activities of the establishment selling alcoholic beverages for on-premises consumption shall not produce noise levels in excess of those described in Section 7.4.2.1 so as to not interfere with the reasonable use and enjoyment of adjacent property or public areas.
- Additional conditions may be added following a review by the Planning Staff, Planning & Zoning Commission, and/or City Council.

Not all standards are listed, please review Land Development Code Section 5.1.5.5 Restaurant/Bar for more information.

I have read the above standards and agree to follow City of San Marcos Land Development Code. I understand that if I do not follow the requirements, my Conditional Use Permit may be revoked. Please notify staff of any changes to the business operation.

Signature: _____ Date: 3/30/2026

Print Name: Henry Hogensen

Form Updated December, 2025

Conditions Matrix

Conditional Use Permits for Sale of Alcohol for on-premise consumption

The guidance below was recommended by the Joint City Council / Planning and Zoning Commission Conditional Use Permit Committee in February 2026 and will be used by staff when considering conditions for Conditional Use Permits for On-Premise Consumption of Alcohol. Not all conditions may be applicable to each business in the noted location, and additional conditions may be deemed appropriate. The City of San Marcos Planning and Zoning Commission shall have discretion in determining which conditions are appropriate for each business.

	CBA BAR	**CBA RESTAURANT**	**300 FEET OF SF USE**	**ALL REQUESTS**
Term	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.	This permit shall be valid for number (#) years, and shall expire {DATE} provided standards are met.
Amplified Sound (Sunday – Thursday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.	No outdoor Amplified Sound shall be permitted Sunday – Thursday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Sunday – Thursday.
Amplified Sound (Friday – Saturday)	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.	No outdoor Amplified Sound shall be permitted after the closing of the business but in no case later than __ pm Friday – Saturday.

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Background Sound (Sunday – Thursday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Sunday – Thursday.
Background Sound (Friday – Saturday)	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line Friday – Saturday.	Outdoor Background Sound is permitted but should not be Plainly Audible at the property line after the closing of the business but in no case later than __ pm Friday – Saturday.
Cleanliness	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.B.7)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)	The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d)
Food	N/A	Staff will copy and paste all text under Section 5.1.5.5.B.4.b Eating Establishment within Downtown CBA Boundary as a condition.	N/A	N/A
Hours	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	The business shall not pursue or hold a TABC Late Hours permit. *(Note: For new CUP requests only)*	N/A

	CBA BAR	CBA RESTAURANT	300 FEET OF SF USE	ALL REQUESTS
Occupancy (Fire)	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels	The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels.
Posting	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.	This permit shall be posted in the same area and manner as the Certificate of Occupancy.

Definitions

The following definitions will be used when interpreting the above conditions:

CBA Bar: "A facility that primarily sells alcoholic beverages for on premise consumption and may include the sale for food" (LDC Section 5.1.5.5.C) and is located in the Downtown Central Business Area (CBA) boundary.

CBA Restaurant: "A facility that prepares and sells food and drink that may or may not include the sale of alcohol for on premise consumption" (LDC Section 5.1.5.5.B) and is located in the Downtown Central Business Area (CBA) boundary.

300 feet of SF Use: A property whether zoned or used as a single-family residence, whether for sale or for rent, which is located within 300 feet from the nearest entrance, including staff entrances, of the business measured in a straight line from the business entrance to the residence's structure. This measurement is provided as guidance only; staff may use discretion given circumstances such as:

- Businesses with entrances which may be permanently open during operating hours, such as open-air businesses with garage style doors.
- The types of buildings between the business and residence which may block sound.

Sound Amplifying Equipment: any electronically powered, operated, or assisted device used for the enhancement or amplification of the human voice, music, or any other sound including, but not limited to, amplifiers (amps), microphones, speakers, sound systems, or other similar devices.

Amplified Sound: instrumental, digital, or vocal sounds which are made louder using sound amplifying equipment, in accordance with Section 7.4.2.1 at the property line of the associated business.

Acoustic Sound: instrumental or vocal sounds which are not amplified using sound amplifying equipment.

Background Sound: amplified sound intended to enhance the ambiance of the business in which it is being played, and which should not be plainly audible at the property line of the associated business.

Plainly Audible: any amplified or acoustic sound which can be detected by the average person without the aid of hearing devices.

Outdoor: any unconditioned areas of the business such as a patio or rooftop.

Entrée: a meat serving, pasta dish, pizza, sandwich, or similar food that serves as the main course for a meal.

Public Hearing
CUP-26-23
Axis

CUP-26-23 (Axis) Hold a public hearing and consider a request by R&B South Sisters Inc., on behalf of Axis, for renewal of a Conditional Use Permit to allow on premise consumption of Mixed Beverages located at 202 N LBJ Drive Suite A. (C.Garrison)

Property Information

- Approximately 0.303 acres
- Located on the northeast corner of E Hopkins Street and N LBJ Drive



tx.gov

Context & History

- Currently a Restaurant use with on-premise consumption of alcohol.
- Located within the Central Business Area (CBA)
    - “Restaurant (Eating Establishment)” uses within the CBA are required to meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.
- The business has held a Restaurant CUP since 2024.
- Surrounding Uses include restaurants, retail services, bars, and apartments



Context & History

- **Existing Zoning:** Character District-5D (CD-5D)
- **Proposed Use:** Restaurant (CBA)
  - Monday-Sunday: 6pm-2am
- **CUP Expiration Date:** June, 10, 2026
- **Police Calls:** 15 calls
- **Code Compliance/Env Health:** Code/Health concerns attached.



.gov

Criteria for Approval

C	I	N	Criteria for Approval – Sec. 2.8.3.4
X			Aligns with the adopted comprehensive plan?
		N/A	Complies with any applicable small area plan or neighborhood studies?
X			Meets the purpose and intent of the current zoning district regulations?
X			Preserves surrounding character and mitigates impacts (traffic, noise, drainage, visual effects, etc)?
X			Does not create hazardous pedestrian or vehicle traffic conflicts?
X			Includes roadway improvements or controls to reduce neighborhood traffic impacts?

Criteria for Approval

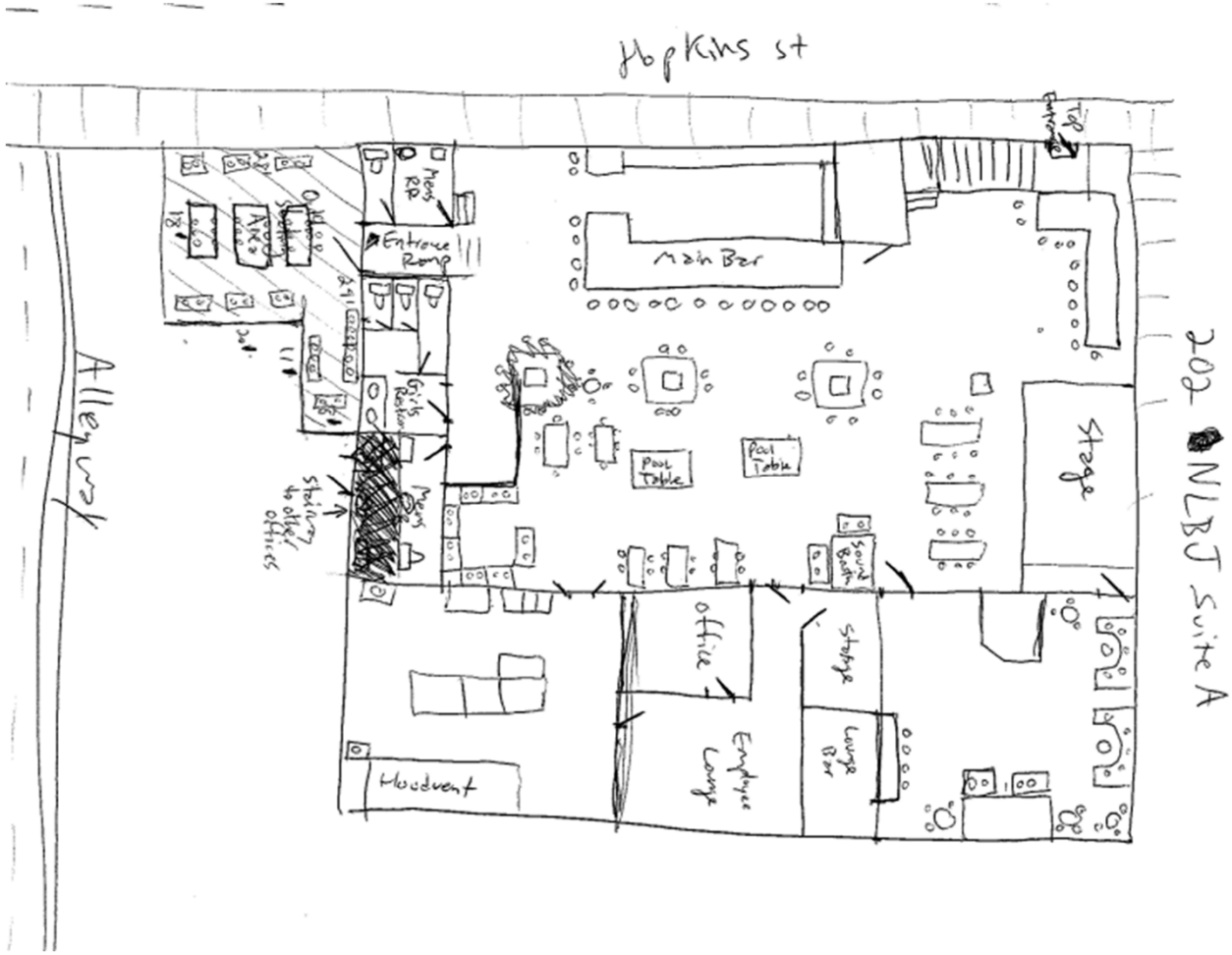
C	I	N	Criteria for Approval – Sec. 2.8.3.4 Continued
		X	Incorporates design features to reduce visual and other negative effects on adjacent properties?
X			Meets district standards, or any requested variations are necessary for neighborhood compatibility?

C	I	N	Criteria for Approval – Sec. 5.1.5.5
X			Located at least 300 feet from detached single-family homes in single-family-only districts?
X			Located at least 300 feet from churches, schools, and public hospitals?
X			Located at least 1,000 feet from any public or private school?

Criteria for Eating Establishments within CBA

C	I	N	CBA Boundary – Eating Establishment (Sec. 5.1.5.5.B.4.b)
X			Does the business include a properly equipped commercial kitchen with adequate food storage and heavy food preparation equipment?
X			Does the business serve meals during at least two four-hour meal periods each day it is open, with a minimum of three entrée options available during each period?
X			Is the business used, maintained, and advertised to the public as a restaurant where meals are prepared and served?
X			Is the business maintaining the sidewalk, gutters, parking areas, areas within 50 feet of exits, and the permitted property in a clean and sanitary condition at all times?

Site Plan/Floor Plan



N

Recommendation

Staff recommends **approval** of CUP-26-23 with the following conditions:

1. This permit shall be valid for three (3) years, and shall expire May 26, 2029, provided standards are met.
2. The business is responsible for cleaning the area within 100 feet of exit (LDC Section 5.1.5.5.E.2.d)
3. The maximum people occupying the building is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels;
4. The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment;

Recommendation cont.

5. The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours;
6. The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served;
7. This permit shall be posted in the same area and manner as the Certificate of Occupancy.