

Conditional Use Permit	130 E San Antonio St, Unit C
CUP-25-55	Bayle's



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Andrew Ray 213 Palio Pl Georgetown, TX, 78628	Property Owner:	Rother Investments, LLC P.O. Box 911 San Marcos, TX, 78666
CUP Expiration:	December 9, 2025	Type of CUP:	CBA Restaurant Mixed Beverage
Interior Floor Area:	Approximately 1,650 sq ft	Outdoor Floor Area:	N/A
Parking Required:	N/A	Parking Provided:	On Street
Days & Hours of Operation:	Tuesday-Saturday: 6pm-2am		

Notification

Posted:	October 24, 2025	Personal:	October 24, 2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Original Town of San Marcos, Block 13, Lot PT of 5, Acres 0.102		
Location:	South of E San Antonio Street, approximately 85 feet west of S LBJ Dr		
Acreage:	0.102 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	High Intensity Zone	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, Medium Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Public and Institutional District (P)	Court House	High Intensity Zone
South of Property:	CD-5D	Office, Shoe Repair Service, Gym	High Intensity Zone
East of Property:	CD-5D	Mixed Use: Office & Apartments	High Intensity Zone
West of Property:	CD-5D	Venue/Bar (The Marc), Office	High Intensity Zone

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Staff Recommendation

Approval as Submitted	☒ Approval with Conditions	Denial
1. The permit shall be valid for three (3) years, commencing on December 9, 2025, provided standards are met; and 2. No speakers or live amplified music shall be permitted in the outdoor areas; and 3. Indoor amplified music shall not be permitted before 5pm; and 4. Hours of operation shall be no later than 2 am; and 5. The business shall be responsible for maintaining all areas within 50 feet of an exit, and all areas within the permitted property in a clean and sanitary condition, free from litter and refuse at all times; and 6. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments - Downtown CBA Boundary; and 7. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: November 5, 2025

History

In July of 2024, Planning and Zoning Commission approved the initial Conditional Use Permit for Bayle's, subject to one (1) year commencing upon the issuance of the Certificate of Occupancy.

Additional Analysis

Staff has determined the proposed restaurant meets all requirements under [Section 5.1.5.5.4.B](#). The applicant is providing meals for customers during two (four hour-long) meal periods each day the business is open.

In addition to the Mixed Beverage TABC application, the applicant is requesting late hours.

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

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
<u>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <i>The proposed business meets goals, such as fostering small businesses, written in the Downton Area Plan.</i>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
		<u>X</u>	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. <i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i>
<u>X</u>			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.
		<u>X</u>	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. <i>No improvements are being proposed as the subject structure is an existing development.</i>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <i>No visual impacts are expected to cause adverse effects on adjacent properties.</i>
<u>X</u>			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.
<u>X</u>			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.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.