

Conditional Use Permit	206 W San Antonio St
CUP-25-60	Eden



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	David Foglia Foglia Holdings, LLC 300 Quarry Springs Dr, San Marcos, TX 78666	Property Owner:	David Foglia Foglia Holdings, LLC 300 Quarry Springs Dr, San Marcos, TX 78666
CUP Expiration:	October 8, 2025	Type of CUP:	Mixed Beverage
Interior Floor Area:	2,800 sq ft	Outdoor Floor Area:	2,200 sq ft
Parking Required:	15 spaces	Parking Provided:	15 spaces
Days & Hours of Operation:	Monday: Closed Tuesday: Closed Wednesday: 4pm-2am Thursday: 4pm-2am Friday: 12pm-2am Saturday: 12pm-2am Sunday: 12pm-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 15, Lot 1A		
Location:	West San Antonio Street at the corner of Fredericksburg Street		
Acreage:	0.25 acres	PDD/DA/Other:	N/A
Existing Zoning:	CD-5D	Proposed Zoning:	Same
Existing Use:	Vacant	Proposed Use:	Bar
Preferred Scenario:	Mixed Use Medium	Proposed Designation:	Same
CONA Neighborhood:	Downtown (Not in CBA)	Sector:	Sector 8
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes, Medium.

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	CD-5D	Restaurant/ Bar/Coffeeshop/ Vacant	Mixed Use Medium
South of Property:	CD-5D	Multifamily	Mixed Use Medium
East of Property:	CD-5D	Multifamily	Mixed Use Medium
West of Property:	CD-5D	Retail/ Gym	Mixed Use Medium

Staff Recommendation

Approval as Submitted	☒ Approval with Conditions / Alternate	☐ Denial
1. The permit shall be valid for one (1) year, commencing on October 8, 2025, provided standards are met; 2. Outdoor amplified music shall be limited to the hours between 10 a.m. and 10:30 p.m. on Saturday and Sunday, and 2 p.m. and 10:30 p.m. on weekdays; 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy;		
Staff: Craig Garrison	Title: Planner	Date: November 5, 2025

Conditional Use Permit	206 W San Antonio St
CUP-25-60	Eden



History

Eden's Initial Condition Use Permit (CUP) approval was on May 14, 2024, with the CUP becoming active on October 8, 2024 with the approval of the Certificate of Occupancy.

Additional Analysis

An interior stage and interior speakers are shown on the floor plan. The applicant has stated they are not proposing to install outdoor speakers or televisions. Eden is located in downtown San Marcos, but is outside of the Central Business Area (CBA).

Due to the frequency of police calls, and severity of subject matter of these calls, staff is recommending a one-year approval of the CUP. The Police Report is included in the packet.

Per Senate Bill 1008, City Staff may not enforce certain limits on amplified sound from a business, unless it's a restaurant. Since this business 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	See Attached Police Report
Fire	No Comment
Public Services	No Comment
Engineering	No Comment
Health/Code Compliance	No Comment

Conditional Use Permit	206 W San Antonio St
CUP-25-60	Eden



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.
<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.
<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.