

Conditional Use Permit	206 W San Antonio Street
CUP-26-13	Eden Bar



Summary

Request:	Renewal of a Conditional Use Permit (CUP)		
Applicant:	David Foglia Foglia Holdings, LLC 300 Quarry Springs Drive San Marcos, TX 78666	Property Owner:	David Foglia Foglia Holdings, LLC 300 Quarry Springs Drive San Marcos, TX 78666
CUP Expiration:	April 8, 2026	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:	14 spaces (1 shared space)
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:	April 10, 2026	Personal:	April 10, 2026
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:	Character District-5D (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:	North of Property:	Character District-5D (CD-5D)	Restaurant/ Bar/Coffeeshop/ Vacant
South of Property:	South of Property:	Character District-5D (CD-5D)	Multifamily
East of Property:	East of Property:	Character District-5D (CD-5D)	Multifamily
West of Property:	West of Property:	Character District-5D (CD-5D)	Retail/ Gym

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Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	Denial
<ol style="list-style-type: none"> The permit shall be valid for three (3) years, and shall expire on April 8, 2029, provided that standards are met; The Occupancy is required to remain compliant with the fire code, to include ensuring that occupant loads stay at or below posted levels; No outdoor amplified sound or background music shall be permitted after the closing of the business but in no case later than 10:30 p.m.; No outdoor amplified sound or background music shall be played before 2 p.m. Saturday and Sunday; The business is responsible for cleaning the area within 100 feet of any exit (LDC Section 5.1.5.5.E.2.d); and The permit shall be posted in the same area and manner as the Certificate of Occupancy 		
Staff: Craig Garrison	Title: Planner	Date: April 22, 2026

History

Eden is in downtown San Marcos but is outside of the Central Business Area (CBA).

October 8, 2024: The business submitted an Alcohol CUP which was approved by the Planning and Zoning Commission for one year, with conditions.

2025: The renewal of the Restaurant CUP was approved by the Planning and Zoning Commission for six months with conditions. Due to the frequency of police calls, and severity of subject matter of these calls, the Planning and Zoning Commissioners approved for the six months.

Since the last approval in November, staff has seen action taken by and a noticeable improvement in Eden's demeanor, leading to the recommendation of approval for three years.

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.

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 Downtown 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.</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. <i>Type the response in italics, if necessary</i>
		<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.