

<b>Conditional Use Permit CUP-25-65</b>	<b>116 S Edward Gary St Boxcar Social</b>
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### Summary

<b>Request:</b>	Renewal of a Conditional Use Permit		
<b>Applicant:</b>	Arash Saberi 14106 N. IH 35 Suite A. Austin, TX 78728	<b>Property Owner:</b>	Robert Hageman Radiant Solutions Inc. PO Box 91383 Austin, TX 78709
<b>CUP Expiration:</b>	January 12, 2026	<b>Type of CUP:</b>	Mixed Beverage
<b>Interior Floor Area:</b>	3,718 sq ft	<b>Outdoor Floor Area:</b>	6,400 sq ft
<b>Parking Required:</b>	30 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Monday: Closed Tuesday-Friday: 4pm-12am Saturday & Sunday: 11am-2am		

### Notification

<b>Posted:</b>	November 21, 2025	<b>Personal:</b>	November 21, 2025
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Lot 2A, Block 9 in the Original Town of San Marcos		
<b>Location:</b>	Along S Edward Gary St, approximately 170 feet South of E San Antonio St		
<b>Acreage:</b>	0.5 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Character District-5 Downtown (CD-5D)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Bar	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Character District-5 Downtown (CD-5D)	Multifamily Residential	Mixed Use Medium
<b>South of Property:</b>	Character District-5 Downtown (CD-5D)	Office/Retail	Mixed Use Medium
<b>East of Property:</b>	Character District-5 Downtown (CD-5D)	Vacant	Mixed Use Medium
<b>West of Property:</b>	Character District-5 Downtown (CD-5D)	Retail/Restaurant/Bar	Mixed Use Medium

### Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
1. The permit shall be valid for three (3) years, commencing January 12, 2026, provided standards are met; and 2. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> December 3, 2025

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<b>CUP-25-65</b>	<b>Boxcar Social</b>



### History

- Railyard Bar & Grill received their initial CUP in 2011, valid for one (1) year.
- Renewal in 2012, valid for one (1) year
- Renewal in 2013, valid for one (1) year
- Renewal in 2014, valid for three (3) years
- Renewal in 2019, valid for one (1) year
- Renewal in 2024, valid for six (6) months
- Renewal in 2024, expiration date of January 12, 2026
- In September 2025, the business was renamed Boxcar Social and continues to be owned and operated by the same owner as Railyard Bar & Grill.

### Additional Analysis

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.

See additional analysis below.

### Comments from Other Departments

<b>Police</b>	See Attached Police Report
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code Compliance</b>	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. <b><i>The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.</i></b>
<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. <b><i>The proposed use is compatible with and preserves the character and integrity of adjacent developments; no improvements are necessary at this time.</i></b>
<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. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
<u>X</u>			The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>
<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.