

CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: December, 2025

CONTACT INFORMATION

Applicant's Name	Hat Creek Burger Company	Property Owner	Drew Gressett
Company	Hat Creek Beverage Company LLC	Company	Hat Creek Burger San Marcos LLC
Applicant's Mailing Address	4407 Bee Cave Rd Ste 212 Austin, TX 78746	Owner's Mailing Address	4407 Bee Cave Rd Ste 212 Austin, TX 78746
Applicant's Phone #		Owner's Phone #	
Applicant's Email		Owner's Email	

PROPERTY INFORMATION

Subject Property Address: 4206 S Interstate 35, San Marcos, TX 78666
Zoning District: GC Tax ID #: R 3-21920-2716-1
Legal Description: Lot 1D + 1E Block Subdivision Lowman Ranch Subdivision
Number of Parking Spaces: 71
Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

DESCRIPTION OF REQUEST

Business Name: Hat Creek Burger Company CUP Permit Type: ☒ Eating Establishment ☐ Bar
NEW ☒ RENEWAL/AMENDMENT ☒ Mixed Beverage ☐ Beer & Wine ☐ Late Hours
Hours of Operation (ex. Mon 12pm-1am): Mon 11 to 9 Tue 11 to 9 Wed 11 to 9
Thurs 11 to 9 Fri 11 to 9:30 Sat 11 to 9:30 Sun 11 to 9
Indoor Seating Capacity: 39 Outdoor Seating Capacity: 97 Gross Floor Area: 4158

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

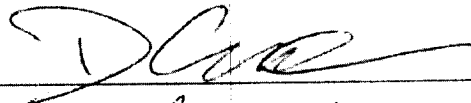
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PROPERTY OWNER AUTHORIZATION

I, Drew Gressett (owner name) on behalf of
Hat Creek Burger San Marcos LLC (company, if applicable) acknowledge that I/we
am/are the rightful owner of the property located at
4206 Interstate 35, San Marcos TX 78666 (address).

I hereby authorize Marcus Schwartz/Catherine Chamblee (agent name) on behalf of
BrackinSchwartz PLLC (agent company) to file this application for
CUP - Amendment to CBA Permit to Allow MB Sales (application type), and, if necessary, to work with
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:



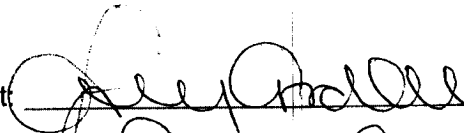
Date:

6/11/24

Printed Name, Title:

Drew Gressett, CEO

Signature of Agent:



Date:

6.11.24

Printed Name, Title:

Catherine Chamblee Attorney Representative for Applicant

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: _____

Print Name: _____

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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: 6/11/26

Print Name: Drew Gressett

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