

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: December, 2025

## CONTACT INFORMATION

Applicant's Name	David Foglia	Property Owner	David Foglia
Company	Foglia Holdings, LLC	Company	Foglia Holdings, LLC
Applicant's Mailing Address	300 Quarry Springs Drive, San Marcos, TX 78666	Owner's Mailing Address	300 Quarry Springs Drive, San Marcos, TX 78666

## PROPERTY INFORMATION

Subject Property Address: 206 W San Antonio Drive, San Marcos, TX 78666  
Zoning District: \_\_\_\_\_ Tax ID #: R 137833  
Legal Description: Lot 1A Block 15 Subdivision 57500 - Original Town of San Marcos  
Number of Parking Spaces: 15  
Is property more than 300' from church, school, hospital, or residential district?  Y  N

## DESCRIPTION OF REQUEST

Business Name: EDEN CUP Permit Type:  Eating Establishment  Bar  
 NEW  RENEWAL/AMENDMENT  Mixed Beverage  Beer & Wine  Late Hours  
Hours of Operation (ex. Mon 12pm-1am): Mon Closed Tue 5pm - 2am Wed 5pm - 2am  
Thurs 5pm - 2am Fri 5pm - 2am Sat 5pm - 2am Sun 5pm - 2am  
Indoor Seating Capacity: 100 Outdoor Seating Capacity: 100 Gross Floor Area: 2800 sqft

## 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	<b><u>TOTAL COST \$1,065</u></b>
Renewal/Amendment Filing Fee \$788*	Technology Fee \$15	<b><u>TOTAL COST \$803</u></b>

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

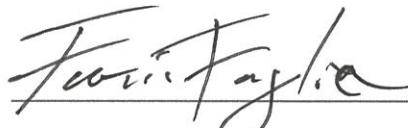
Apply Online at [MGOCONNECT.ORG](https://mgoconnect.org)

**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: 2/17/26

Print Name: Francis Foglia

## 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: 2/16/26

Print Name: Francis Foglia

Form Updated December, 2025

Apply Online at [MGOCONNECT.ORG](https://MGOCONNECT.ORG)

Planning & Development Services • 630 East Hopkins • San Marcos, Texas 78666 • 512-393-8230

PROPERTY OWNER AUTHORIZATION

I, David Foglia (owner name) on behalf of  
Foglia Holdings, LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
206 W San Antonio Street, San Marcos, 78666 (address).

I hereby authorize Angus John Dietz (agent name) on behalf of  
N/A (agent company) to file this application for  
Conditional Use Permit (Alcohol Outside CBA) (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: *David Foglia* Date: 2/17/26  
Printed Name, Title: David Foglia - Owner

Signature of Agent: *AJ Dietz* Date: 2/17/26  
Printed Name, Title: Angus John Dietz - Agent