

Conditional Use Permit	625 S LBJ Dr
CUP-25-23	Rogelio's



Summary

Request:	Renewal of a Conditional Use Permit		
Applicant:	Pablo Nieto 625 S LBJ Dr San Marcos, TX 78666	Property Owner:	Rogelio Nieto 625 S LBJ Dr San Marcos, TX 78666
CUP Expiration:	5/24/2025	Type of CUP:	Mixed Beverage
Interior Floor Area:	2,000 sq ft	Outdoor Floor Area:	N/A
Parking Required:	20 spaces	Parking Provided:	Yes
Days & Hours of Operation:	Monday-Saturday: 7am-9pm Sunday: Closed		

Notification

Posted:	5/9/2025	Personal:	5/9/2025
Response:	None as of the date of this report		

Property Description

Legal Description:	Block 2, Lot 8, Dan McKie II		
Location:	Northeast corner of Love Street and S LBJ Drive		
Acreage:	0.33 acres	PDD/DA/Other:	N/A
Existing Zoning:	Character District 5 Downtown (CD-5D)	Proposed Zoning:	Same
Existing Use:	Restaurant	Proposed Use:	Same
Preferred Scenario:	Neighborhood Transition	Proposed Designation:	Same
CONA Neighborhood:	East Guadalupe	Sector:	4
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey:	Yes – Low Priority

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	Character District 5 Downtown (CD-5D)	Single-Family Residential	Neighborhood Transition
South of Property:	Character District 5 Downtown (CD-5D)	Multi-Family Residential (Chapultepec Homes)	Neighborhood Transition
East of Property:	Single Family 6 (SF-6)	Single-Family Residential	Neighborhood Low
West of Property:	Character District 5 Downtown (CD-5D)	Single-Family Residential	Mixed Use Medium

Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> Approval with Conditions	<input type="checkbox"/> Denial
1. The permit shall be valid for three (3) years, provided standards are met; and 2. No outdoor live or amplified music shall be allowed; and 3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.		
Staff: Kaitlyn Buck	Title: Planner	Date: 5/21/2025

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History

Rogelio's Restaurant received an initial CUP in 2009 for beer and wine, valid for the life of a TABC license. In May of 2022, the Planning and Zoning Commission approved an amendment to the CUP to allow the sale and on-premise consumption of mixed beverages, valid for three years.

Additional Analysis

Although the restaurant has no outdoor seating, a restriction on outdoor music is recommended due to its close proximity to single-family homes.

Comments from Other Departments

Police	No Calls Reported
Fire	No Comment
Public Services	No Comment
Engineering	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>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <i>Studies were not complete at the time of the request.</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.
<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. <i>Staff is proposing a condition to restrict outdoor music due to the close proximity to single-family homes.</i>
<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. <i>The location meets the required distance, with 304 feet measured in a straight line along the property lines from the restaurant's front door to the nearest single-family home.</i>
<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 1.5.1.1.