

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN CBA)

Updated: August, 2024



## CONTACT INFORMATION

Applicant's Name	Rooftop On The Square LLC.	Property Owner	San Marcos Assets
Company	Rooftop On The Square LLC.	Company	San Marcos Assets
Applicant's Mailing Address	126 S. Guadalupe St.	Owner's Mailing Address	126 S. Guadalupe St.

## PROPERTY INFORMATION

Subject Property Address: 126 S. Guadalupe St.  
Zoning District: CBA Tax ID #: R 134855  
Legal Description: Lot 4A Block 12 Subdivision Original Town of San Marcos  
Number of Parking Spaces: 0  
Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: Rooftop On The Square ☒ Restaurant ☐ Bar ☐ Other: \_\_\_\_\_  
☐ NEW ☒ RENEWAL/AMENDMENT ☒ Mixed Beverage ☐ Beer & Wine ☒ Late Hours  
Hours of Operation(ex. Mon 12pm-1am): Mon 12pm-2am Tue 12pm-2am Wed 12pm-2am  
Thurs 12pm-2am Fri 12pm-2am Sat 12pm-2am Sun 12pm-2am  
Indoor Seating Capacity: 80 Outdoor Seating Capacity: 20 Gross Floor Area: 5500

## 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 1,000\* Technology Fee \$15 **TOTAL COST \$1,015**

Renewal/Amendment Filing Fee \$750\* Technology Fee \$15 **TOTAL COST \$765**

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

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG](http://WWW.MYGOVERNMENTONLINE.ORG)**

## PROPERTY OWNER AUTHORIZATION

I, Brandon Cash (owner name) on behalf of  
San Marcos Assets (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
126 S. Guadalupe St, San Marcos, TX 78666 (address).

Rooftop On The Square  
I hereby authorize \_\_\_\_\_ (agent name) on behalf of  
Rooftop on The Square (agent company) to file this application for  
Conditional Use Permit (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 09/15/2025

Printed Name, Title: Brandon Cash

Signature of Agent:  Date: 09/15/2025

Printed Name, Title: Brandon Cash

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: 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.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- 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 \$150 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, 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 notification and public hearing and hereby submit the attached application for review by the City.*

Signature:  \_\_\_\_\_

Date: 09/15/2025

Print Name: Brandon Cash

Form Updated March, 2023

# APPEAL APPLICATION FORM

Updated: March, 2023

Associated Case # \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_



## CONTACT INFORMATION

Appellate Name		Appellate Mailing Address	
Company		Company	
Appellate Phone #			

## ORIGINAL APPLICATION INFORMATION

Subject Property Address: \_\_\_\_\_

Original Application Type: \_\_\_\_\_

## REASON FOR APPEAL

I am: ☐ The applicant ☐ Owner of Property within the Notification Area

Briefly describe the reason for appeal (attach additional pages if needed):

## AUTHORIZATION

*By submitting this digital application, 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.*

Appeal, if property is located within 400ft of the subject property:

Filing Fee \$150

Technology Fee \$15

TOTAL COST \$165

All other appeals:

Filing Fee \$750

Technology Fee \$15

TOTAL COST \$765

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

**Submit Appeal Application to: [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)**

- 3) No violation or challenge has been brought against permit holder from San Marcos Code Compliance since the previous extension of the CUP permit.
- 4) Denial was based on hearsay without due process to the permit holder. Treatment not consistent with similarly situated businesses holding CUPs in the area. Rooftop on The Square has been held to a different standard since the day of its opening.

**Other items of note:**

- All Rooftop On The Square staff are and have been TABC certified.
- Ownership also schedules additional supplemental (*not required*) TABC training annually.
- **Due to previous and increasing violence on The Square and in San Marcos. Rooftop On The Square takes safety very seriously and decided to institute pat downs, metal detection, and purse checks in May of 2025 for customers entering the premises.**
- Rooftop On The Square management voluntarily attended a city wide CUP meeting on August 27th at The Marc
- Rooftop On The Square management voluntarily attended a downtown safety and police chief meeting on November 13th at The Marc.

**Regarding the shooting suspect:**

- Officer Poorboy informally requested video footage from Robert Espinosa on November 13<sup>th</sup> after the safety meeting. This was the first and only attempt/request for any information/video.
- Espinosa agreed to look and see what footage was available from the November 1<sup>st</sup> shooting incident on the Square.
- Espinosa found that our CCTV overwrites footage every 7 days, due to storage size limitations, therefore no footage was available for November 1<sup>st</sup>.
- Espinosa did not think Officer Poorboy required a response if we didn't possess any CCTV footage from November 1<sup>st</sup>.

For the past 13 years, since first opening, Rooftop On The Square management and ownership has always cooperated and worked with SMPD to address any concerns with any incident or general operations.

Rooftop On The Square has never received any violations or complaints from SMPD (*that management or ownership is aware of*), previous to Officer Poorboy's claim that Rooftop, in his opinion, was not cooperating with his investigation.

\*\*\*If SMPD does, in fact, have concerns, Rooftop On The Square management is absolutely willing to work with them and/or attend any additional site-specific or global training they may recommend. Rooftop On The Square is also willing to staff off-duty police officers/constables onsite during appropriate hours to help supplement SMPD and alleviate their concerns.\*\*\*