

Montgomery City Council
AGENDA REPORT

Meeting Date: 07/22/2025	Budgeted Amount: NONE
Department: Planning and Zoning	Prepared By: Corinne Tilley

Subject

Consideration and possible action regarding a request by Texas First Bank for a special use permit for a financial institution with two drive thru lanes and a dedicated lane for a drive up ATM machine located at 19940 Eva Street.

Recommendation

Based on the findings, staff recommends approving the request for a Special Use Permit for a financial institution with two drive thru lanes and a dedicated lane for a drive up ATM machine located at 19940 Eva Street.

Discussion

The proposed use in the development of the property at 19940 Eva Street is a financial institution with two drive thru lanes and a dedicated lane for a drive up ATM machine.

19940 Eva Street is located in the B-Commercial Zoning District.

The B-Commercial zoning district is designated for a wide range of business uses supplying everyday services within enclosed areas as well as the other uses provided for in the zoning code (Sec. 98-178 and 98-179).

Section 98-88(a), which outlines the table of permitted and special uses, does not specifically list a financial institution with drive-through or drive-up services as a permitted use.

Section 98-88(b): *Any use not specifically permitted in this table or in the use regulations of each district set out below shall require a Special Use Permit (see Section 98-27, Special Use Permits)."*

While it's not specifically listed, there are two permitted uses in the table that may be considered most similar in nature to a financial institution: "**Offices (professional)**" and "**Loan office.**" However, because a financial institution with drive-through or drive-up services is not specifically identified, it would, require a Special Use Permit in accordance with Section 98-88(b).

Please note that the drive-through and drive-up services are **accessory** to the principal use of the financial institution. According to the definition of "Accessory Use" in **Section 98-1**, these services are subordinate to or customarily incidental to and located on the same lot occupied by the principal use. Therefore, including these services within the scope of this Special Use Permit is consistent with the intent of the zoning ordinance.

In addition, in accordance with Section 98-27 of the City of Montgomery Code of Ordinances, the application request for special use permit ... the request shall be referred to the planning and zoning commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.

The Planning and Zoning Commission recommendation memo is attached for your reference.

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Sec. 98-27. – Special use permits.

- (a) The **city council, by an affirmative four-fifths vote**, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the table of permitted uses in [section 98-88](#), or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted.

References:

Zoning Code Sections 98-1, 98-27, 98-88, 98-178, 98-179

Approved By		
City Secretary & Director of Administrative Services	Ruby Beaven	Date: 07/11/2025
City Administrator	Brent Walker	Date: 07/11/2025