

## **CITY COUNCIL AGENDA**

### **Regular Meeting: April 22, 2025**

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#### **AGENDA ITEM:**

Deliberate and take appropriate action on a Resolution calling for a Public Hearing to grant a Special Use Permit for 0.7059 acres of land situated in the John Corner Survey, Abstract No. 8 [A.K.A. 21049 Eva Street, City of Montgomery, Montgomery County, State of Texas] for a fast food restaurant with common drive thru lane for June 24, 2025 at 6:00 p.m. to be held at the City of Montgomery, City Hall, 101 Old Plantersville Road, Montgomery, TX 77316.

**SUBMITTED BY:** Corinne Tilley, Code Enforcement Officer, Planning/Zoning Administrator

**APPROVED FOR AGENDA:** Anthony Solomon, Interim City Administrator and Police Chief

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#### **BACKGROUND:**

The first call for a public hearing was tabled by the City Council at the March 25, 2025, City Council Meeting pending additional information and to be revisited on April 22, 2025.

On April 1, 2025, the Planning and Zoning Commission (P&Z) tabled their decision to make a recommendation to the City Council. The decision will be revisited at the P&Z meeting scheduled for June 3, 2025, pending receipt of additional information, including the site's traffic impact analysis, TXDOT comments, and potential easement agreements for P&Z review

In accordance with Section 98-27 of the City of Montgomery Code of Ordinances, the application request for special use permit must go through a public hearing conducted by the City Council prior to its adoption. This ensures community involvement and transparency in decision-making. Additionally, a notice of the hearing must be published, with the hearing scheduled no earlier than 15 days from the date of publication.

#### **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. Before authorization of any of such special uses, the request therefore 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. A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

(b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

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**FISCAL ANALYSIS:**

N/A

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**RECOMMENDATION:**

Based on the requirements outlined in Section 98-27 of the City of Montgomery Code of Ordinances and the background provided, staff finds no objection to calling a public hearing for June 24, 2025.

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