

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> 09/02/2025	<b>Budgeted Amount:</b> NONE
<b>Department:</b> Planning and Zoning	<b>Prepared By:</b> Corinne Tilley

**Subject**

Consideration and possible action regarding a request for a special use permit for a restaurant with accessory drive-through service located at 22205 FM 1097 (legal description: WATERSTONE ON LAKE CONROE 01 LOT RES A-2).

**Discussion**

This tract of land is the location of a proposed new retail center. The tract of land is located in the B-Commercial Zoning District.

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

The proposed development consists of a retail center that will include a restaurant tenant offering drive-through service.

References:

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

2020 Comprehensive Plan

Section 98-88. Table of permitted uses. A restaurant is a listed permitted uses in the commercial zoning district. However, the ordinance (Section 98-1) doesn't define a restaurant or distinguish between different types of restaurants, such as fast food, sit-down, fine dining, to-go, or those with drive-through service. This lack of specific definitions creates ambiguity in the application of the ordinance. Therefore, without specific definitions, a determination has been made that if any use is not expressly permitted according to the use table or in the district use regulations, a special use permit is required. (Sections 98-88(b) and 98-27)

The drive-through service is accessory to the principal use of the restaurant. 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, this required Special Use Permit is consistent with the intent of the zoning ordinance.

Findings:

Effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood:

According to the 2020 Comprehensive Plan on transportation and traffic flow. The plan identifies traffic congestion and mobility as concerns. A drive-through lane for a restaurant may contribute to and exacerbate the concerns.

After reviewing the submitted site plan, it appears that the developer has proposed a traffic circulation plan that routes vehicles behind and around the building to access the drive-through lane. It's designed to minimize disruption to customer parking and pedestrian pathways within the retail center. Any vehicle

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

stacking associated with the drive-through lane will occur in a designated area that is well-separated from customer parking and general traffic flow within the lot.

The proposed drive-thru lane, part of a new restaurant within the planned retail center, is located adjacent to a vacant residentially zoned lot to the southeast and a vacant commercially zoned lot to the southwest. Although the residential lot is currently undeveloped, the plan will include the required 25-foot vegetative setback to help buffer future residential use. The drive-through is designed to minimize impact on nearby properties by keeping traffic flow and vehicle stacking away from pedestrian areas and customer parking. With the required 25-foot vegetative setback in place, the layout will help reduce potential effects on future residential development.

**Recommendation**

Based on the findings, staff supports that the Planning and Zoning Commission recommend approval to the City Council, the request for a Special Use Permit for a restaurant with accessory drive-through service, located at 22205 FM 1097 (legal description: WATERSTONE ON LAKE CONROE 01 LOT RES A-2).

**Approved By**

City Administrator	Brent Walker	Date: 08/26/2025
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