

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 08/05/2025	Budgeted Amount: NONE
Department: Planning and Zoning	Prepared By: Corinne Tilley

Subject

Consideration and possible action regarding a request for a special use permit for a restaurant with drive-through service (legal description: 31.97 Acre Tract of Land Situated in the J. Corner Survey, Abstract No. 8 of Montgomery County, Texas)

Discussion

This tract of land is the location of the proposed new HEB Grocery Store site. 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).

The proposed use in the development of the property is a drive-through for the restaurant that will be part of the HEB Grocery development.

References:

Zoning Code Sections 98-1, 98-27, 98-88
2020 Comprehensive Plan

Section 98-88. Table of permitted uses. A grocery store and a restaurant are 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 restaurant may contribute to and exacerbate the concerns.

After reviewing the submitted site plan, it appears that the developer has addressed this concern by providing adequate vehicle stacking spaces and locating the drive-through in a location that

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minimizes disruption to the main roadways (FM 2854 and Eva St/SH 105). This design helps reduce traffic issues and keeps cars from backing up onto nearby roads.

This finding is met.

Although the neighboring residential subdivision is located outside of the City's jurisdiction, its proximity makes it important to consider. The proposed drive-through appears to be designed to reduce any negative impact on nearby homes.

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 the proposed new HEB Grocery Store (legal description: 31.97 Acre Tract of Land Situated in the J. Corner Survey, Abstract No. 8 of Montgomery County, Texas).

Approved By

City Administrator	Brent Walker	Date: 07/24/2025
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