

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> 06/24/2025	<b>Budgeted Amount:</b> NONE
<b>Department:</b> Administration	<b>Prepared By:</b> Corinne Tilley

**Subject**

Consideration and possible action regarding a request for a special use permit for a fast-food restaurant with drive-through service at 21049 Eva Street.

**Discussion**

The proposed use in the development of the property is a fast-food restaurant with drive-through service.

21049 Eva Street 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).

Section 98-88. Table of permitted uses. A restaurant is permitted 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. (Section 98-27)

Furthermore, 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. A notice of the hearing must be published, with the hearing scheduled no earlier than 15 days from the date of publication.

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

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.

On April 1, 2025, the Planning and Zoning Commission (P&Z) tabled their decision to make a recommendation to the City Council 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.

On April 22, 2025, the City Council approved the second call for a public hearing schedule for June 24, 2025, at 6:00 p.m. in the City Council Chambers of the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, TX 77316.

Montgomery City Council  
**AGENDA REPORT**

Due to a lack of quorum, the June 3<sup>rd</sup> Planning and Zoning Commission meeting was cancelled and subsequently rescheduled to June 11, 2025.

Attached is the Planning and Zoning Commission recommendation memo for your reference.

Reference:

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.

Approved By		
City Secretary & Director of Administrative Services	Ruby Beaven	Date: 06/17/2025
City Administrator	Brent Walker	Date: 06/17/2025