

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> 06/03/2025	<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, City Council Meeting 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. 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.

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.

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Staff report and findings for the Planning and Zoning Commission:

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

According to the 2020 Comprehensive Plan, Chapter 3 Land Use Planning, Development Recommendations indicates promoting infill. Infill development encourages a more efficient investment in infrastructure because it encourages growth where there is existing infrastructure. This finding is met.

According to the 2020 Comprehensive Plan, Chapter 3 Land Use Planning, the Downtown Site Plan design based on community input to promote connectivity, safety, and increasing available parking in the historic downtown. The site plan was to stimulate commercial and residential growth by creating an inviting, walkable experience that allows residents and visitors to shop, relax, work, and play in a central area. Focusing on pedestrian accessibility, mixed land use, and enhancing physical appearance are crucial elements that will support this goal. With proper site design layout, this finding can be met.

According to the 2020 Comprehensive Plan, Chapter 5 Transportation, the Future Thoroughfare Plan mentioned creating standards for sidewalk and bulb-outs. This specifically mentioned Liberty Street (FM 149) and Eva Street (SH105) as the ideal spot to introduce bulb-outs that would produce benefits for pedestrian safety, reducing turn speeds, additional space for landscaping, etc.

This finding is subject to a partnership with TXDOT.

In summary, although supporting documents such as the site's traffic impact analysis, TXDOT comments, and potential easement agreements have not yet been submitted for review, the proposed fast-food restaurant with drive-through service aligns with several key elements of the 2020 Comprehensive Plan; Infill Development, Downtown Site Plan, and the Future Thoroughfare Plan. The proposed use is consistent with the comprehensive plan's goals and can positively contribute to the character and development of the neighborhood, provided that the necessary design and partnership considerations are addressed.

**Recommendation**

Based on the findings, staff recommends that the Planning and Zoning Commission support the approval of a special use permit for a fast-food restaurant with drive-through service by the City Council, subject to the following conditions::

1. All development requirements of the City Ordinance must be strictly adhered to.
2. The development must comply with the recommendations and requirements outlined in the feasibility study.
3. The approval is contingent upon the results of the traffic impact analysis, ensuring that any necessary modifications or improvements are implemented to address pedestrian and traffic safety and circulation concerns.

By meeting these conditions, the proposed development will align with the comprehensive plan and contribute positively to the character and development of the neighborhood.

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Approved By		
City Secretary & Director of Administrative Services	Ruby Beaven	Date: 05/28/2025
Interim City Administrator & Police Chief	Anthony Solomon	Date: 05/28/2025