

**Rezoning
Staff Report**

Planning & Zoning Commission Public Hearing Date: June 8, 2026
City Council Public Hearing Date: June 15, 2026

Rezoning Case: CUP26-02

Property Owner(s): A K Texas Venture Capital, L.P.

Applicant(s): Mario Ipina

Legal Description: Request by A K Texas Venture Capital, L.P. to consider a Conditional Use Permit within the General Retail (GR) zoning district to allow for the land use of “Automotive Repair and Service, Major” on Lot 1 of Shops at Tomball Parkway, one lot containing approximately 1.96 acres of land

Location: North or the northeast intersection of Texas 249 Access Road and Medical Complex Drive (Exhibit “A”)

Area: 1.96 acres

Comp Plan Designation: Corridor Commercial (Exhibit “B”)

Present Zoning: General Retail (GR) District (Exhibit “C”)

Request: To consider a Conditional Use Permit within the General Retail (GR) zoning district to allow for the land use of “Automotive Repair and Service, Major”

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	General Retail (GR)	Holiday Inn Express & Suites
South	General Retail (GR)	Fuel Maxx
East	General Retail (GR)	Professional Office Complex
West	Commercial	Retail Center

BACKGROUND

The subject property has been within the City of Tomball’s SF-6 zoning district since the adoption of zoning in February 2008 and is currently undeveloped. The applicant desires to build and operate an A+ Transmission Shop. This application for a CUP is the product of the properties current zoning district (General Retail) which only allows the land use of “Automotive Repair and Service, Major” with the approval of a CUP by City Council.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as Corridor Commercial by the Comprehensive Plan’s Future Land Use Map. The Corridor Commercial designation is intended for nonresidential uses along high-traffic thoroughfares. Appropriate land uses include but are not limited to retail, hotels, restaurants, personal services, and offices. Development within the Corridor Commercial designation should have primary access to an arterial street and provide mobility enhancements for pedestrians.

Staff Review Comments: This CUP request is in conformance with the Future Land Use Plan and blends with the nearby land uses of professional offices, retail, hotels, and restaurants. The General Retail district was established to provide areas for local neighborhood shopping and service facilities. The subject development would meet all general and supplemental standards specifically applicable to the desired land use and property conditions. City Staff does not anticipate adverse impacts to the adjacent properties nor the surrounding area.

PUBLIC COMMENT

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on May 19, 2026. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

Note that the Planning & Zoning Commission may recommend, and the City Council may impose any additional conditions as are reasonably necessary.

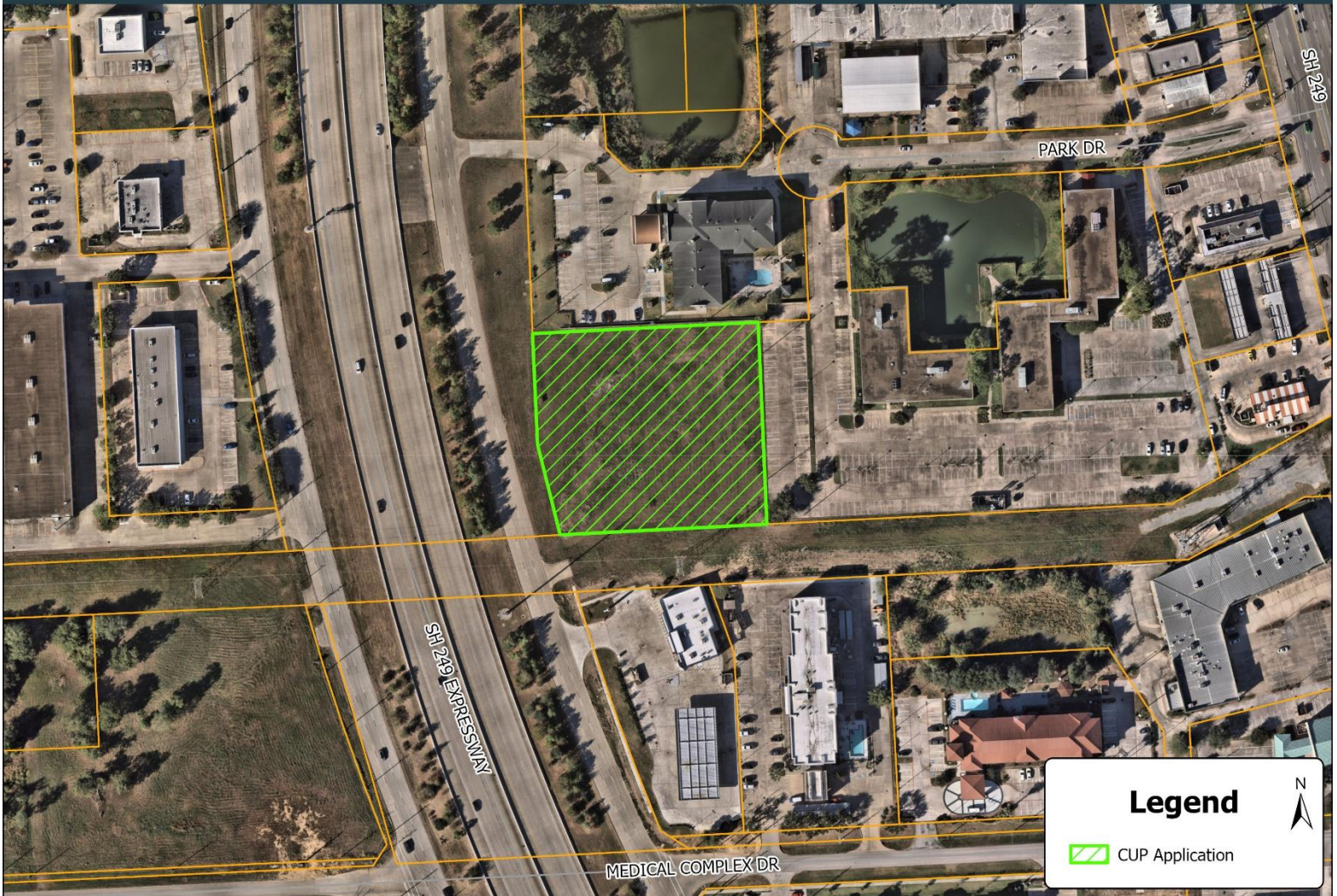
EXHIBITS

- A. Aerial Location Map
- B. Future Land Use Plan
- C. Zoning Map
- D. Site Photos
- E. Rezoning Application


Exhibit "A"
Aerial Location Map



Location



Legend

 CUP Application

N

Exhibit "B"
Future Land Use Plan



Future Land Use

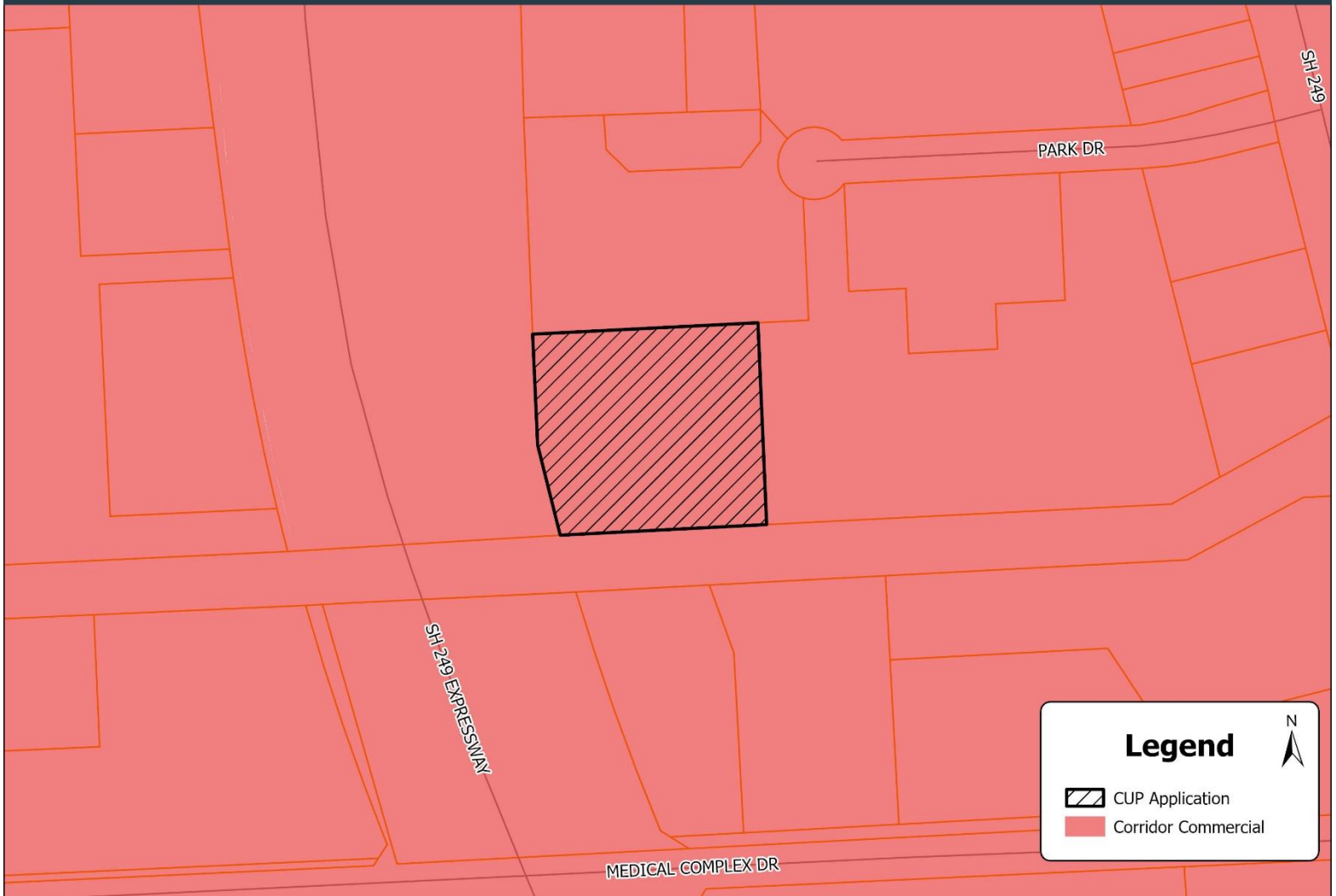


Exhibit "C"
Zoning Map



Zoning

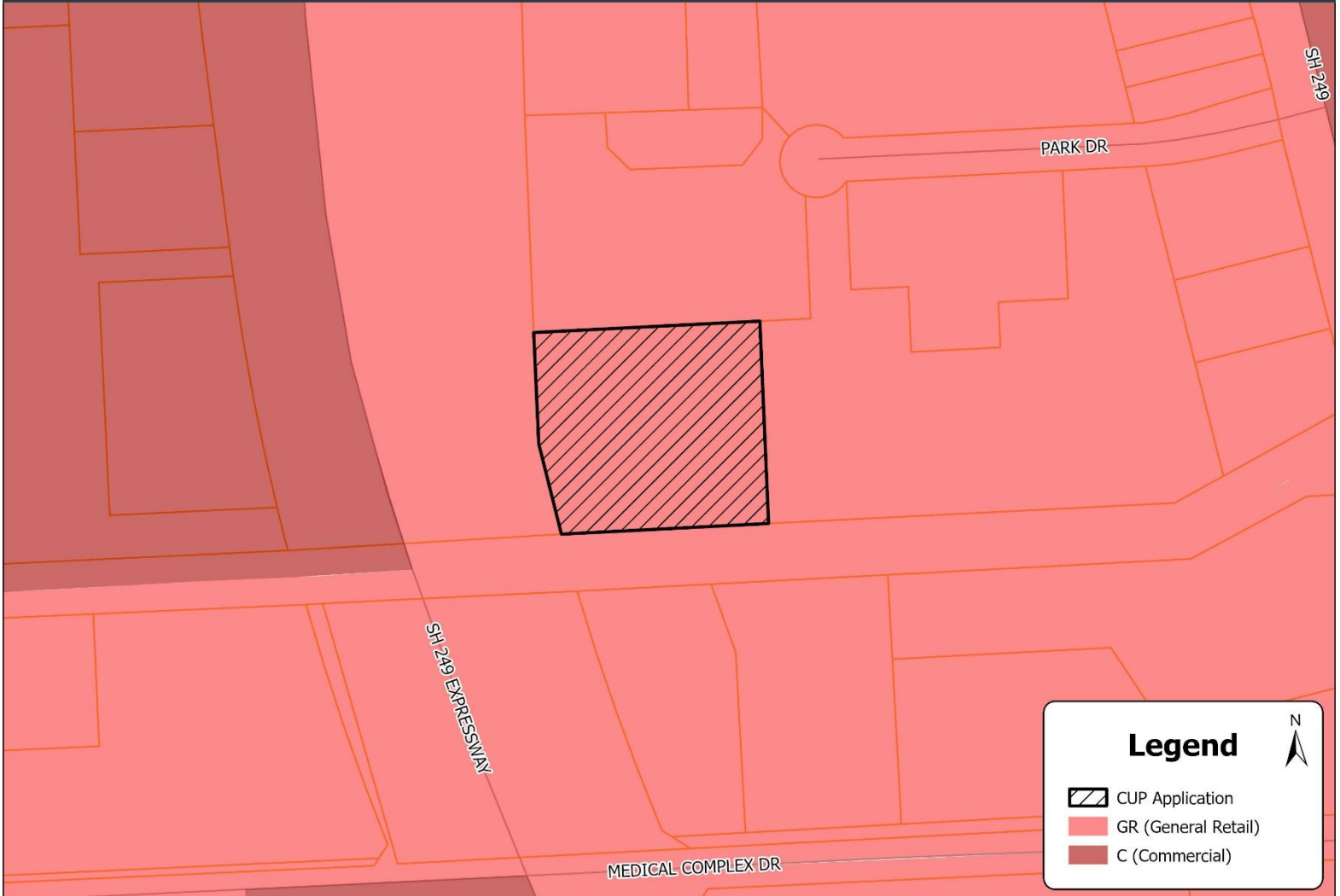


Exhibit "D"
Site Photos

Subject Site (East)



Neighbor (North)



Neighbor (South)



Neighbor (West)



**Exhibit “E”
Rezoning Application**



E N G I N E E R I N G A N D D E S I G N F I R M

Bovay Engineers, Inc.
5450 NW Central Drive,
Suite 302
Houston, Texas 77092
Phone: 713.777.8400
Email: permits@bovayengineers.com
Fax: 281.673.6696

Bovay Engineers
5450 NW Central Drive, Suite 302.
Houston, TX 77092
04/24/2026

Planning Division
501 James Street, Tomball, TX 77375

Subject: **Conditional Use Permit – 0 SH 249, Tomball, Tx., 77377 – HCAD # 1411880010001**

CPU – Planning Division,

We are applying for a Conditional Use Permit for the proposed specialized transmission repair shop - A Plus Transmission. Currently, the property where we are proposing the A+ Transmission shop is zoned as GR – General Retail, the proposed business would be considered zoning C – Commercial. We are requesting this conditional use permit to allow us to make this change.

Thank you.

Sincerely,

Mario Ipina, Jr., P.E.
Bovay Engineers, Inc.
Tel: 713.777.8400
permits@bovayengineers.com



Revised: 10/1/2022

APPLICATION FOR CONDITIONAL USE PERMIT Planning Division

A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit (CUP) applications.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

FEES: Must be paid at time of submission or application will not be processed.

- \$1,000.00 fee for Conditional Use Permit (CUP) request

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY WITHIN SMARTGOV

SMARTGOV WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Mario Ipina Title: President-CEO
Mailing Address: 5450 NW Central Drive, Suite 305 City: Houston State: Tx
Zip: 77092 Contact: Mario Ipina
Phone: (713) 777-8400 Email: permits@bovayengineers.com

Owner A-K Texas Venture Capital, L.P. Title: Manager
Mailing Address: 8827 W. Sam Houston Pkwy, N Ste. 200 City: Houston State: Tx
Zip: 77040 Contact: Michael Harney
Phone: 281 477-4300 Email: mharney@newquest.com

Engineer/Surveyor (if applicable)

Name: Mario Ipina Title: President-CEO
Mailing Address: 5450 NW Central Drive, Suite 305 City: Houston State: Tx
Zip: 77092 Contact: Mario Ipina
Phone: (713) 777-8400 Fax: () Email: permits@bovayengineers.com

Description of Proposed Project: Proposed specialized transmission repair shop

Physical Location of Property: 0 SH 249, Tomball, Tx., 77377
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LT 1 Tomball Parkway PAR R/P
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1411880010001 Acreage: 1.96

Current Use of Property: Vacant

Proposed Use of Property: Specialized transmission repair shop

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

Mario Spina 4/16/26
Signature of Applicant Date

A-K Texas Venture Capital, L.P., a Texas limited partnership
A-K Texas GP, L.C., a Texas limited liability company, its general partner

[Signature] 4/23/2024
Signature of Owner Date