Rezoning Staff Report

Planning & Zoning Commission Public Hearing Date: July 14, 2025
City Council Public Hearing Date: July 21, 2025

Rezoning Case:	Z25-07
Property Owner(s):	Paul and Brenda Mladenka
Applicant(s):	Paul and Brenda Mladenka
Legal Description:	Approximately 9.565 acres of land legally described as Lots 378 and 381 of Tomball Outlots
Location:	1811 South Persimmon Street (Exhibit "A")
Area:	9.565 acres
Comp Plan Designation:	Business Park and Industrial (Exhibit "B")
Present Zoning:	Single-Family – 20 Estate Residential (SF-20-E) District (Exhibit "C")
Request:	Rezone from the Single-Family – 20 Estate Residential (SF-20-E) to the Light Industrial (LI) District

Adjacent Zoning & Land Uses:

	Zoning	Land Use
North	Single-Family – 20 Estate Residential (SF-20-E)	A single-family residence
South	Light Industrial (LI)	Undeveloped land
East	Light Industrial (LI)	A single-family residence
West	Single-Family – 20 Estate Residential (SF-20-E) and Light Industrial (LI)	Undeveloped land

BACKGROUND

The subject property has been within the City of Tomball's SF-20-E zoning district since the adoption of zoning in February 2008. The property is currently undeveloped except for one agricultural building. A recent rezoning in the area includes the property directly to the east that was successfully rezoned into the Light Industrial District in October 2024.

ANALYSIS

Comprehensive Plan Analysis: The property is designated as "Business Park and Industrial" by the Comprehensive Plan's Future Land Use Map. The Business Park and Industrial designation is intended to be located near adequate thoroughfares which provide convenient access for vehicular traffic including freight.

According to the Comprehensive Plan, land uses should consist of administrative services, wholesaling, manufacturing (with no outdoor activity if located adjacent to residential uses), indoor warehouse, industrial business park, retail, office, manufacturing (with indoor or outdoor activity if located adjacent to higher-intensity commercial uses or where appropriate), and warehouse/ storage.

The Comprehensive Plan identifies the following zoning districts as compatible with the Business Park and Industrial designation: Light Industrial (LI), Commercial (C), and Office (O). The Comprehensive Plan also identifies the need to carefully design sites that are adjacent to residential zoning districts to include landscape buffering as well as the screening of outdoor storage and equipment from public rights-of-way.

Staff Review Comments: The request to rezone the subject property to Light Industrial (LI) is in conformance with the Future Land Use Plan. Furthermore, the subject property has frontage on South Persimmon Street which is designated as a Minor Arterial on Tomball's Major Thoroughfare Plan. Roadways such as this are designed to accommodate the volume and character of traffic that can be expected within the Light Industrial district. The approval of the requested zoning will promote a new development that is consistent with the type of development patterns and character endorsed by the Future Land Use Plan for this 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 June 30, 2025. Any public comment forms will be provided in the Planning & Zoning Commission and City Council packets or during the public hearing.

EXHIBITS

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

Exhibit "A"
Aerial Location Map

Exhibit "B"
Future Land Use Plan

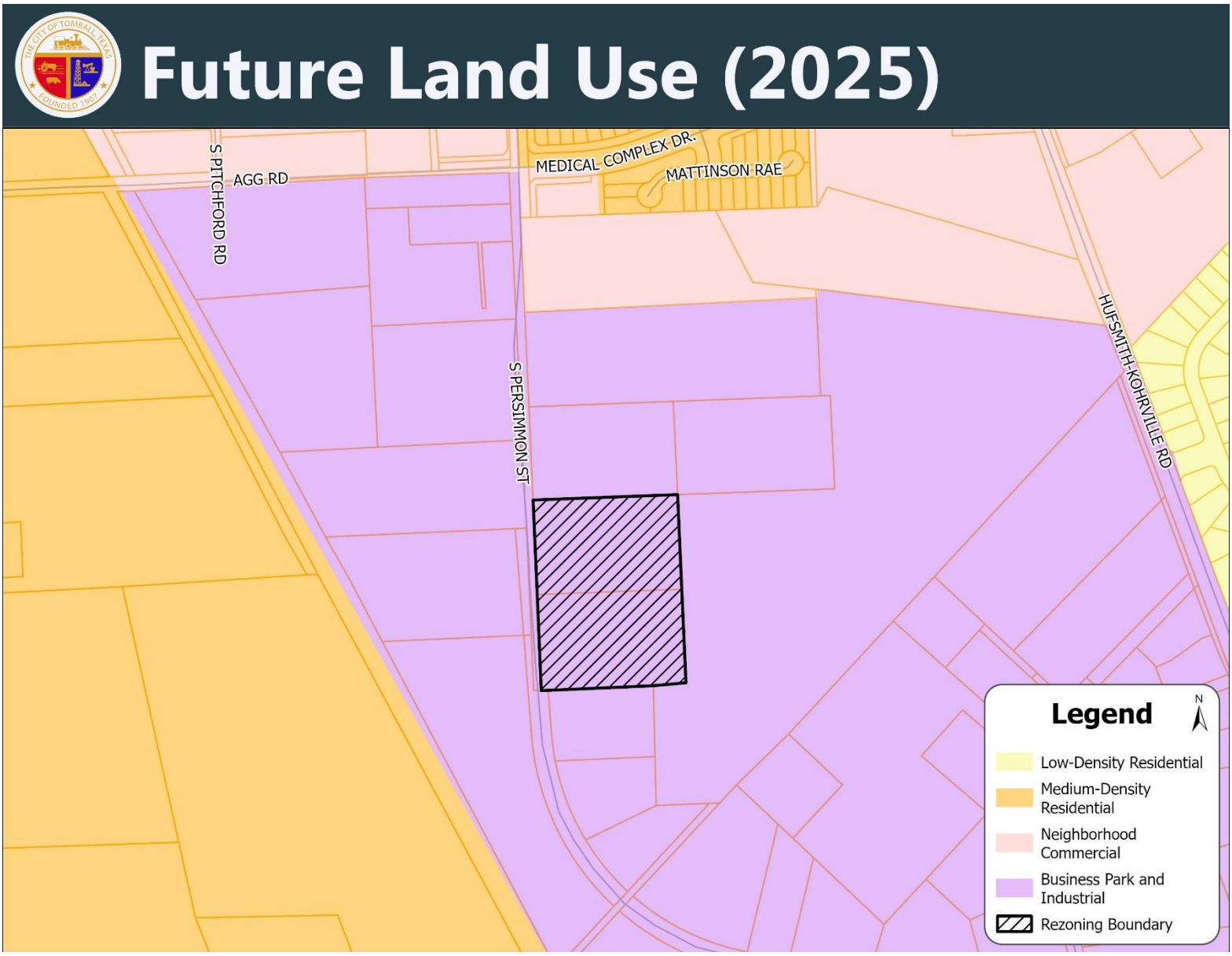


Exhibit "C"
Zoning Map

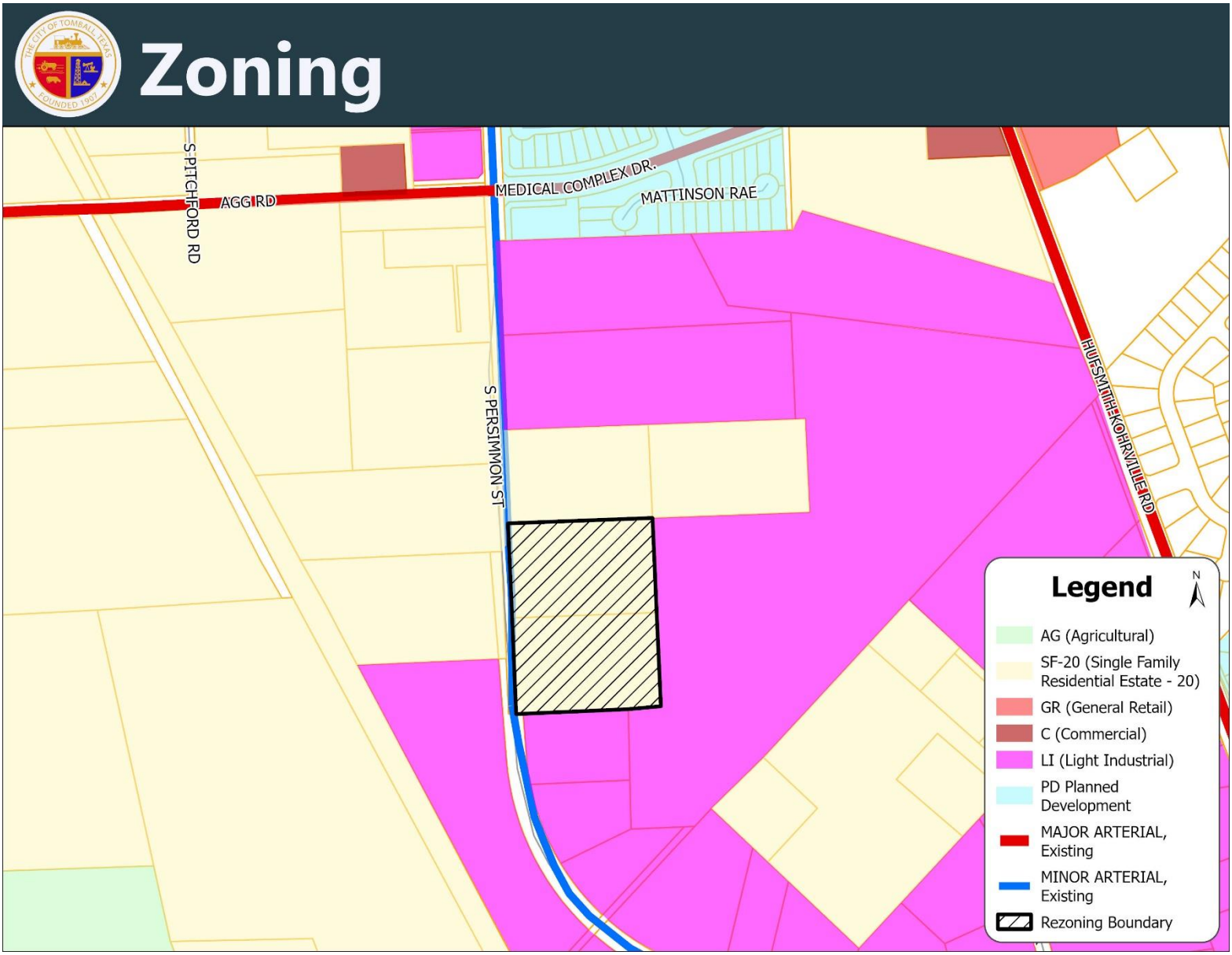


Exhibit "D"
Site Photo(s)

Subject Site

Neighbor (North)

Neighbor (South)

Neighbor (East)

Neighbor (West)

Exhibit "E"
Rezoning Application

Revised: 10/1/2022

APPLICATION FOR RE-ZONING

Community Development Department
Planning Division

APPLICATION REQUIREMENTS: 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.

There is a $1,000.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:
PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballcdd
PASSWORD: Tomball1

Applicant BRENDA
Name: PAUL MLADENKA Title:
Mailing Address: 1631 S. PERSIMMON City: TOMBALL State: TX
Zip: 77375 Contact:
Phone: (713) 444 3030 Email: MLADENKA2002@OUTLOOK.COM

Owner
Name: SAME AS APPLICANT Title:
Mailing Address: City: State:
Zip: Contact:
Phone: (___) ___ Email:

Engineer/Surveyor (if applicable)
Name: SEAN CONLEY Title:
Mailing Address: City: State:
Zip: Contact:
Phone: (___) ___ Fax: (___) ___ Email:

Description of Proposed Project: LIGHT INDUSTRIAL

Physical Location of Property: 1811 S. Persimmon St. Tomball TX
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: TR 381 and all of Lot 378 of Tomball Outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

Current Zoning District: SF-20

Revised: 10/1/2022

Current Use of Property: AG USE

Proposed Zoning District: LIGHT INDUSTRIAL

Proposed Use of Property: LIGHT INDUSTRY

HCAD Identification Number: 0352920000542 ; 33 Acreage: ≈ 9.565 (see survey)

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.

X _____ 9/23/24
Signature of Applicant **Date**

X Brenda Maderka 9/23/24
Signature of Owner **Date**

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

Applications must be received by the City of Tomball at least 40 calendar days prior to the City Planning and Zoning Commission hearing date.

- **Application Fee: $1,000.00 (standard zoning) or $1,500.00 (PD zoning)**
- **Completed application form**
- ***Copy of Recorded/Final Plat**
- **Letter stating reason for request and issues relating to request**
- **Conceptual Site Plan (if applicable)**
- **Metes & Bounds of property**
- **Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:**

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc.. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

***Legal Lot Information:** If property is not platted, a plat will be required to be filed with the Community Development Department unless evidence of a legal lot is provided. To be an un-platted legal lot, the applicant is required to demonstrate that the tract existed in the same shape and form (same metes and bounds description) as it currently is described prior to August 15, 1983, the date the City adopted a subdivision ordinance.

Docusign Envelope ID: 6BA72082-147E-45B6-9FA7-05086C234B1C

Revised: 08/25/2023

Application Process

1. The official filing date is the date the application and fee are received by the City.

2. The City will review the application for completeness and will notify the applicant in writing within 10 days if the application is deemed incomplete.

3. Property owners within two-hundred (300) feet of the project site will be notified by letter within 10 calendar days prior to the public hearing date and legal notice will appear in the official newspaper of the City before the eighth calendar day prior to the date of the hearing.

4. A public hearing will be held by the Planning and Zoning Commission at 6:00 p.m. in the City Council chambers, unless otherwise noted. The Planning and Zoning Commission meetings are scheduled on the second Monday of the month. The staff will review the request with the Commission and after staff presentations the chair will open the public hearing. The applicant will have ten (10) minutes to present the request. The chair will then allow those present in favor of the request and those in opposition to the request to speak. The Commission may then ask staff or anyone present additional questions, after which the Commission may close or table the public hearing. The Commission may then vote to recommend approval or denial to the City Council. The Commission may also table the request to a future date before a recommendation is sent to the City Council.

5. A second public hearing will be scheduled before the City Council after fifteen (15) days of legal notice. The Council meetings are held on the first (1st) and third (3rd) Mondays of the month at 6:00 p.m. in the City Council chambers (401 Market Street, Tomball, Texas, 77375).

6. The City Council will conduct a public hearing on the request in the same manner as the Planning and Zoning Commission. In the event that there has been a petition filed with the City Secretary with twenty percent (20%) of the adjoining property owners in opposition to the subject zoning request, it will require a three fourths (3/4) vote of the full Council to approve the request. Upon approval of the request by the City Council, an amended ordinance shall be prepared and adopted. The ordinance shall have two separate readings and will be effective at such time that it is adopted by City Council and signed by the Mayor and attested by the City Secretary.

FAILURE TO APPEAR: It is the applicant/property owner's responsibility to attend all Planning and Zoning Commission and City Council meetings regarding their case. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing without approved delay by the City Manager, or his/her designee, may constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City Manager or his/her designee is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing. If the agenda item is tabled the Planning and Zoning Commission shall specify a specific date at which it will be reconsidered.

April 21, 2025

Date: ~~Sept 26, 2024~~

To: Tomball City Council

From: Paul & Brenda Mladenka

1631 S. Persimmon St.

Subj: Application to Re-zone

Please let this letter serve to inform the city of Tomball of our intent to re-zone approximately ~~8.4~~ 9.565 acres of our land to "light industrial." The current designation is SF-20. Our intention is to sell the property to an "end-user" for the purpose of building three office/warehouse type structures, similar to those constructed in the business park just to the south of us.

Your consideration and prompt attention to this matter is appreciated.

Sincerely,

Paul & Brenda Mladenka

(713) 444 3030

DESCRIPTION OF A 4.924 ACRE TRACT OF LAND
SITUATED IN THE
JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Being a 4.924 (214,479 square foot) tract of land situated in the Jesse Pruett Survey, Abstract 629, City of Tomball, Harris County, Texas, and being a portion of a called 5.00 acre tract of land conveyed in an instrument to Paul Mladenka and Brenda Mladenka recorded under Harris County Clerk's File Number (H.C.C.F. No.) Y200969, and being a portion of Lot 378 of CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 4.924 acre tract of land being more fully described by metes and bounds as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 1/2-inch iron rod found for the common corner of Lots 378, 379, 381 and 382 of said TOMBALL OUTLOTS, same being the northeast corner of a called 4.8373 acre tract described in an instrument to Paul Mladenka and Brenda Mladenka recorded under H.C.C.F. No. 20080184176, same being the southeast corner of the herein described tract of land;

THENCE, S 87°35'32" W, a distance of 561.10 feet with the north line of said 4.8373 acre tract to a 5/8-inch iron rod with cap stamped "CONLEY RPLS 6739" set for the southwest corner of the herein described tract of land, lying on the east right-of-way line of South Persimmon Street (80 feet wide) as shown per plat recorded under Volume 4, Page 75 of the H.C.M.R. and described per instrument recorded under H.C.C.F. No. RP-2020-127861;

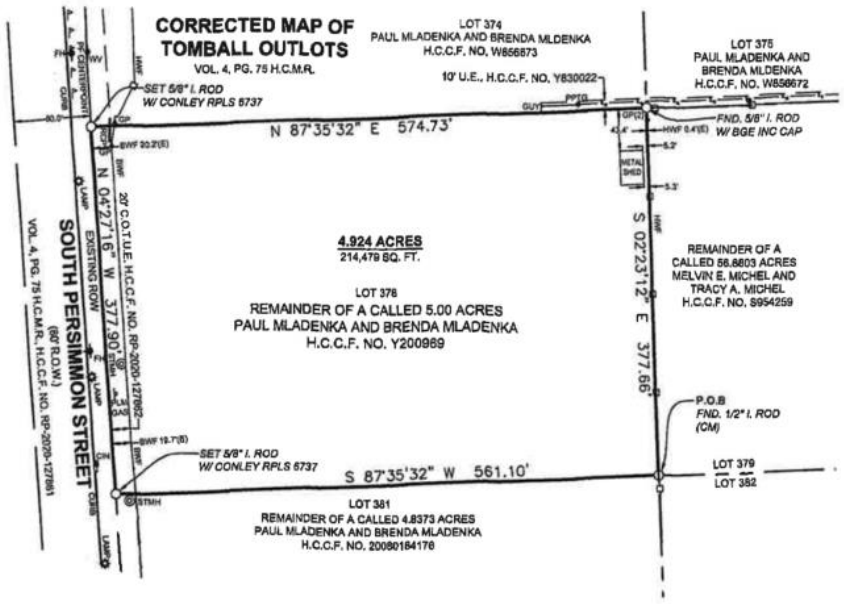
THENCE, N 04°27'16" W, a distance of 377.90 feet with said east right-of-way line to a 5/8-inch iron rod with cap stamped "CONLEY RPLS 6739" set for the northwest corner of the herein described tract of land, lying on the common line of Lots 374 and Lot 378 of said TOMBALL OUTLOTS;

THENCE, N 87°35'32" E, a distance of 574.73 feet with said common line to a 5/8-inch iron rod with cap stamped "BGE INC" found for the common corner of Lots 374, 375, 378 and 379 of said TOMBALL OUTLOTS, same being the northeast corner of the herein described tract of land;

THENCE, S 02°23'12" E, a distance of 377.66 feet with the common line of Lots 378 and 379 to the **POINT OF BEGINNING** and containing 4.924 acres or 214,479 square feet of land.

A survey plat of even date was prepared by the undersigned in conjunction with this metes and bounds description, dated March 08, 2024.

Sean Conley, RPLS 6739
Conley Land Services, LLC
(832)729-4997
Conleyland.com
TBPELS Firm No. 10194732



LEGEND

BWF	BARB WIRE FENCE
CIN	TYPE C INLET
C.O.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
CM	CONTROLLING MONUMENT
FH	FIRE HYDRANT
GP	GATE POST
H.C.C.F.	HARRIS COUNTY CLERK FILE
H.C.M.R.	HARRIS COUNTY MAP RECORDS
HWF	HOG WIRE FENCE
I.	IRON
PF	PIN FLAG
PFF	PIPE FRAME FENCE
PLM	PIPE LINE MARKER
P.O.B.	POINT OF BEGINNING
PPTG	POWER POLE WITH TRANSFORMER AND GUY WIRE
R.O.W.	RIGHT OF WAY
RCP	REINFORCED CONCRETE PIPE
WV	WATER VALVE

I, SEAN CONLEY, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION II SURVEY. FIELDWORK WAS COMPLETED ON MARCH 4, 2024.

DATE OF SURVEY: MARCH 8, 2024.

SEAN CONLEY RPLS NO. 6739
SEAN@CONLEYLAND.COM

NOTES

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
2. THE SQUARE FOOTAGE VALUES SHOWN HEREON IS A MATHEMATICAL VALUE CALCULATED FROM THE BOUNDARY DATA SHOWN HEREON AND DOES NOT REPRESENT THE PRECISION OF CLOSURE OF THIS SURVEY OR THE ACCURACY OF CORNER MONUMENTS FOUND OR PLACED.
3. SURVEYED PROPERTY LIES IN UNSHADED ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP OF CITY OF TOMBALL, MAP NUMBER 48201C0230L, DATED EFFECTIVE 08/18/2007.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITTLE REPORT OR TITLE COMMITMENT. SURVEYOR DID NOT ABSTRACT THE PROPERTY AND THERE MAY BE EASEMENTS THAT AFFECT THE PROPERTY THAT ARE NOT SHOW HEREON.
5. VISIBLE IMPROVEMENTS AND UTILITIES WERE LOCATED AT TIME OF SURVEY AND SHOWN HEREON. SUBSURFACE PROBING, EXCAVATION OR EXPLORATION IS BEYOND THE SCOPE OF THIS SURVEY AND WAS NOT CONDUCTED BY SURVEYOR.
6. FENCE LINE DIMENSIONS AS SHOWN HEREON ARE LOCATED AT PHYSICALLY MEASURED LOCATIONS AND MAY MEANDER BETWEEN SAID LOCATIONS.
7. METES AND BOUNDS DESCRIPTION OF SURVEYED PROPERTY AS SHOWN HEREON IS BEING ISSUED UNDER SEPARATE INSTRUMENT OF EVEN DATE.

1811 S. PERSIMMON RD.
TOMBALL, TX, 77375

STANDARD LAND SURVEY OF
4.924 ACRES OF LAND
SITUATED IN THE
JESSE PRUETT SURVEY, ABSTRACT 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

CONLEY LAND SERVICES, LLC
11903 BUTTONWOOD CREEK TRAIL
TOMBALL, TX 77375
TEL. (832) 728-6907
CONLEYLAND.COM
TBPELS FIRM NO. 10194732

SCALE: 1"=100'	JOB NO. 23.0112	DATE: 3/8/2024

DESCRIPTION OF A 4.641 ACRE TRACT OF LAND
SITUATED IN THE
JESSE PRUETT SURVEY, ABSTRACT NO. 629
CITY OF TOMBALL
HARRIS COUNTY, TEXAS

Being a 4.641 (202,156 square foot) tract of land situated in the Jesse Pruett Survey, Abstract 629, City of Tomball, Harris County, Texas, and being a portion of a called 4.8373 acre tract of land described in an instrument to Paul Mladenka and Brenda Mladenka recorded under Harris County Clerk's File Number (H.C.C.F. No.) 20080184176, and being a portion of Lot 381 of CORRECTED MAP OF TOMBALL OUTLOTS, a subdivision per plat recorded under Volume 4, Page 75 of the Harris County Map Records (H.C.M.R.), said 4.641 acre tract of land being more fully described by metes and bounds as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 1/2-inch iron rod found for the common corner of Lots 378, 379, 381 and 382 of said TOMBALL OUTLOTS, same being the northeast corner of said 4.8373 acre tract and the herein described tract of land;

THENCE, S 02°23'12" E, a distance of 352.87 feet with the east line of said 4.8373 acre tract to a 1/2-inch iron rod with cap stamped "WESTAR" found for the southeast corner of said 4.8373 acre tract and the herein described tract of land;

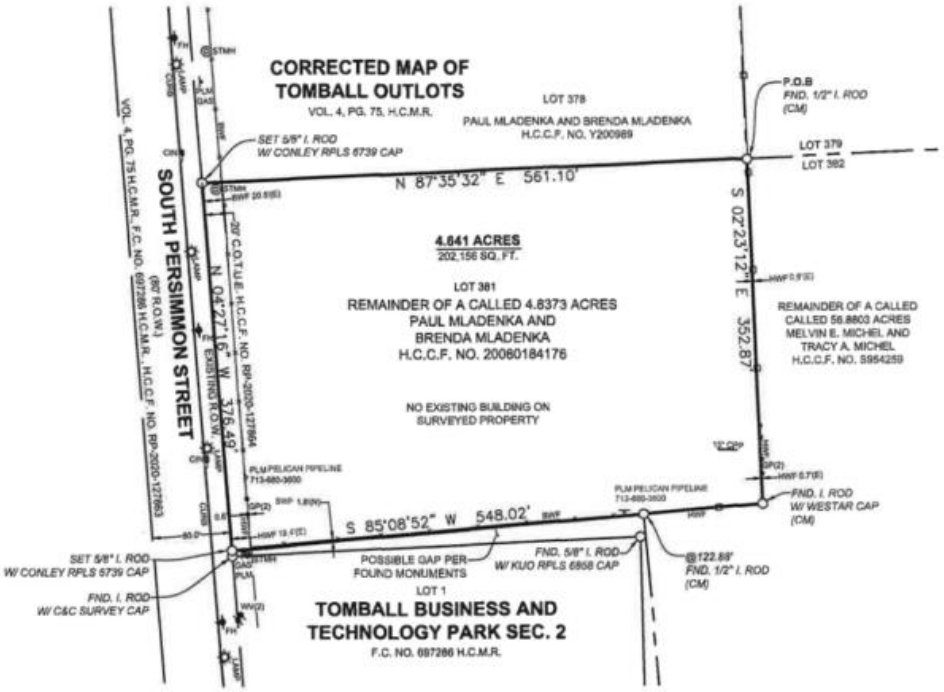
THENCE, S 85°08'52" W, with the south line of said 4.8373 acre tract, at a distance of 122.88 feet passing a 1/2-inch iron rod found for corner of a called 56.8803 acre tract of land described in an instrument recorded under H.C.C.F. No. S954259, continuing for a total distance of 548.02 feet to a 5/8-inch iron rod with cap stamped "CONLEY RPLS 6739" set for the southwest corner of the herein described tract of land, lying on the east right-of-way line of South Persimmon Street (80 feet wide) as shown per plats recorded under Volume 4, Page 75 and Film Code Number 697286, both of the H.C.M.R. and as described in H.C.C.F. No. RP-2020-127863;

THENCE, N 04°27'16" W, a distance of 376.49 feet with the east right-of-way line of said South Persimmon Street to a 5/8-inch iron rod with cap stamped "CONLEY RPLS 6739" set, lying on the north line of said 4.8373 acre tract for the northwest corner of the herein described tract of land;

THENCE, N 87°35'32" E, a distance of 561.10 feet with the north line of said 4.8373 acre tract to the **POINT OF BEGINNING** and containing 4.641 acres or 202,156 square feet of land.

A survey plat of even date was prepared by the undersigned in conjunction with this metes and bounds description, dated March 08, 2024.

Sean Conley, RPLS 6739
Conley Land Services, LLC
(832)729-4997
Conleyland.com
TBPELS Firm No. 10194732



LEGEND

BWF	BARB WIRE FENCE
CIN	TYPE C INLET
CM	CONTROLLING MONUMENT
C.O.T.U.E.	CITY OF TOMBALL UTILITY EASEMENT
F.C. NO.	FILM CODE NUMBER
FH	FIRE HYDRANT
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H.C.M.R.	HARRIS COUNTY MAP RECORDS
HWF	HOG WIRE FENCE
I.	IRON
PLM	PIPE LINE MARKER
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT OF WAY
STMH	STORM MANHOLE
WV	WATER VALVE

I, SEAN CONLEY, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION II SURVEY. FIELDWORK WAS COMPLETED ON MARCH 4, 2024.

DATE OF SURVEY: MARCH 8, 2024.

STATE OF TEXAS
REGISTERED
SEAN CONLEY
6739
PROFESSIONAL
LAND SURVEYOR

SEAN CONLEY RPLS NO. 6739
SEAN@CONLEYLAND.COM

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3. SURVEYED PROPERTY LIES IN UNSHADED ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP OF CITY OF TOMBALL, MAP NUMBER 48201C0230L, DATED EFFECTIVE 06/18/2007.
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NO ADDRESS AVAILABLE
HCAD PARCEL 0352920000542

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SCALE: 1"=100'	JOB NO. 23.0112	DATE: 03/08/2024