



# Zoning Staff Report

Date: March 10, 2026

Case Number: ZC-26-007

Council District: 8

## Zoning Map Amendment

**Case Manager:** Enrique Alvarez  
**Owner:** Vaquero Binkley Partners LP  
**Applicant:** Patrick Noonan  
**Site Location:** 2928 Burton Ave.  
**Acreage:** 0.16 Acres

### Request

**Proposed Use:** Rezone to allow for the development of a one-family dwelling

**Request:** From: “PD1342” Planned Development for all uses in “E” Neighborhood Commercial, excluding the following uses: liquor or packaging store and gasoline sales, site plan waived

To: “A-5” One-Family Residential

### Recommendation

**Land Use Compatibility:** Requested change **is compatible.**

**Comprehensive Plan Map Consistency:** Requested change **is not consistent. A minor boundary adjustment is recommended**

**Comprehensive Plan Policy Consistency:** Requested change **is consistent.**

**Staff Recommendation:** **Approval**

**Zoning Commission Recommendation:** **Approval by a vote of 10-0**

## Project Description and Background

The applicant is requesting a zone change on the subject property from a “PD,” Planned Development, to “A-5” One-Family dwelling district, which requires a minimum lot size of 5,000 square feet. The current Planned Development zoning on the site extends to several adjacent lots originally intended for commercial development. The proposal would only rezone the subject property, which would allow the owner to construct a single-family residence. Future development on the site would have to comply with “A-5” development standards if approved. The subject property consists of a single platted lot approximately 7,274 square feet in size and is currently vacant and contains no structures or improvements.

City Council approved the current Planned Development on the site, “PD 1342,” in 2022. The rezoning request initially came in as a zoning change request from “A-5” residential to “E” Neighborhood Commercial. However, the approval of the item at City Council amended the request from “E” to “PD” and waived the site plan requirement, which accompanies a typical Planned Development submittal. Additionally, no proposed business or end use had been selected for the site in 2022. The approval of the “PD” district on the site contained a base “E” Neighborhood Commercial designation, which is a lower intensity commercial district, and includes uses such as retail sales, restaurants, and offices. The amendment did exclude liquor and gasoline sales from any future land uses. The zone change request affected several lots, including four residentially zoned properties along Burton Avenue and one vacant lot fronting Berry Street.

According to the applicant’s project description, the lots, along with adjacent properties, were acquired in 2020 to develop the current drive-thru restaurant at the corner of Berry Street and Binkley Street. At the time, the property owner would not sell one lot without the others. Development on the entire “PD” site was later proposed for a car wash according to the applicant’s narrative. However, this initial project never evolved, and a drive-thru restaurant has since been constructed on the lot fronting Berry Street. The remaining four lots along Burton Ave remain as residential lots, with three out of the four actually containing a one-family residence. The subject property is the only lot within the original “PD” that remains vacant and undeveloped. Single-family dwellings are not permitted by right in the “PD 1342” due to its base “E” Neighborhood Commercial zoning.



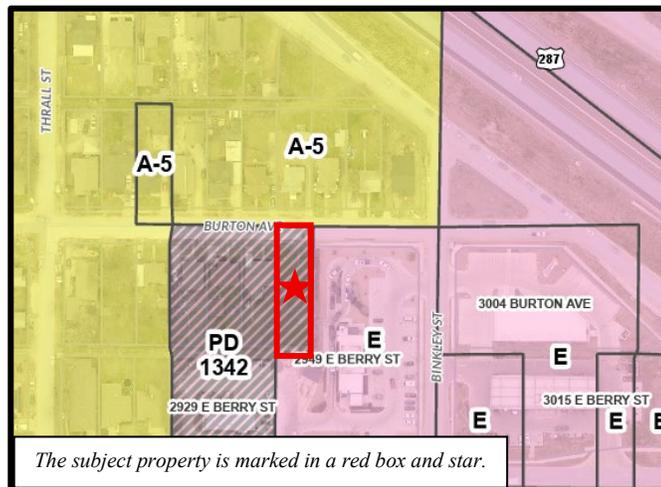
- *Subject property is in the red box with star. Properties within PD 1342 are in a yellow box. Adjacent three lots to the west are existing residential homes.*

4.803 Uses		4.803 Nonresidential District Use Table													In Res. Table	Supplemental Standards			
Nonresidential Uses		Commercial					Industrial			Special Districts									
		ER	E	FR	F	G	H	I	J	K	AG	Cf	O-1	O-2			PD/CUP		
Household Living	One-family detached dwelling																	<<	4,200 (AG) lots not > 10,000 sq. ft.
	One-family attached (townhouse, rowhouse)						P											<<	
	Multifamily dwelling apartment						P											<<	
	One dwelling unit when part of a business (also considered residence for security purposes)			P	P	P	P	P	P	P									

- *Non-Residential Use Table – “One-family detached dwelling” is not permitted by right in commercial zoning districts.*

### Surrounding Zoning and Land Uses

	North	South	East	West
<b>Zoning of Adjacent Property</b>	“A-5” One-Family Detached	“E” Neighborhood Commercial / “PD1342” Planned Development – <i>Neighborhood Commercial</i>	“E” Neighborhood Commercial	“PD1342” Planned Development – <i>Neighborhood Commercial</i>
<b>Land Use</b>	One-Family Residential Home	Drive-Thru Restaurants	Drive-Thru Restaurant	One-Family Residential Home



### Recent Zoning History

<u>Zoning Case</u>	<u>Brief History / Narrative</u>
ZC-11-074	“B” to “A-5” Council Initial Rezoning intended to align the affected areas with future land uses and zoning. <b>Approved on 12-6-2011</b>
ZC-22-134	“A-5” One-Family Residential to “E” Neighborhood Commercial – Item amended at City Council to a Planned Development, “PD” zoning, with a base Neighborhood Commercial designation with excluded uses. <b>Approved on 10-11-2022</b>

## Development Impact Analysis

### Land Use Compatibility

The area surrounding the subject property contains a mix of commercial and residential uses. While the property remains vacant, the adjacent properties to the west and north of the site are one-family residentially zoned and occupied. These residential properties were developed around the 1940's. Directly adjacent to the subject property to the south and east are two dine-in restaurants with drive-thru service. These two sites were developed in the early 2020's. While the current "PD 1342" zoning on the property allows for uses in Neighborhood Commercial, the site is the only undeveloped property. Size constraints, including a narrow lot width, potentially affect any commercial development on the subject property. The lot size is comparable to the adjacent residential lots to the west and north on the same block.

The proposed change to "A-5" residential could result in a vacant lot having a greater chance to develop and match the character of the surrounding built neighborhood. The proposed use is **compatible** with the surrounding land uses.

### Comprehensive Plan Consistency – Southeast Planning Sector

The adopted Comprehensive Plan/Future Land Use Map identifies the subject property as being located within the **Neighborhood Commercial** future land use category. Characteristics of this area include retail, services, offices, and mixed uses serving daily needs for a local market area.

FUTURE LAND USE	DESCRIPTION	IMPLEMENTING ZONING
<b>SPECIAL</b>		
Vacant, Undeveloped, Agricultural	Vacant, undeveloped, or agriculture lands; vacant land located in the 100-year floodplain	AG
Infrastructure	Railroads, airports, utilities	ALL
Parks, Recreation, Open Space	Public or private recreation, or passive land	ALL
Institutional	Schools, churches, government, human services, utilities, community centers	Schools and Churches: ALL Others: CF
<b>RESIDENTIAL</b>		
Rural Residential	1+ acre single-family	A-2.5, A-43
Suburban Residential	1/2+ acre single-family	A-21
Single-Family Residential	3,500+ sq. ft. lot single-family	A-10, A-7.5, A-5, AR
Manufactured Housing	Manufactured home parks and subdivisions	MH
Low Density Residential	2,500+ sq. ft. lot single-family, two-family, patio homes, townhouses, cluster housing	B, R1, R2
Medium Density Residential	Up to 36 units/acre multifamily	CR, C, D
Urban Residential	Medium to high density, residential only, pedestrian-oriented development for use between higher and lower intensity uses	UR
High Density Residential	>36 units/acre multifamily, mixed-use multifamily and pedestrian-oriented development in growth centers	UR, MU-1, MU-2, Form-Based Codes
<b>COMMERCIAL</b>		
Neighborhood Commercial	Retail, services, offices and mixed uses serving daily needs for a local market area	ER, E, MU-1, Applicable Form-Based Codes
General Commercial	Retail, services, offices and mixed uses serving occasional needs for a larger market area	All Commercial, MO-1, MO-2, Applicable Form-Based Codes

The proposed use of the site for a residential one-family property **does not align** with the Comprehensive Plan, which prefers uses within a Neighborhood Commercial future land use category. To remain consistent with the surrounding built neighborhood, a **minor boundary adjustment** may be the best option to keep a lot consistent with comparably sized residential lots in the same block, as well as to the north of the site, with future development as a residential property.

The Comprehensive Plan provides policies that help guide development based on characteristics unique to a specific neighborhood. Additionally, best practices are presented that can be applied uniformly across the city as

well. **While the proposed zoning change may not align with the Future Land Use Map, several policies are presented that support this proposed change in this neighborhood.** Key policies are provided below.

- *Promote a balance of residential, commercial, and industrial uses in the Southeast Sector.*
- *Encourage quality infill houses, particularly in the Polytechnic and Stop Six neighborhoods.*
- *Promote appropriate infill development of vacant lots, old commercial centers (greyfields), and contaminated sites (brownfields) within developed areas, particularly in the central city.*
- *Promote appropriate infill development of vacant lots within developed areas, which will efficiently utilize existing infrastructure, particularly in the central city.*
- *Encourage infill development of compatible, single-family homes in existing neighborhoods to preserve and protect residential neighborhoods.*

Based on conformance with the policies stated above, the proposed zoning is **inconsistent** with the Future Land Use Map **but consistent** with the Comprehensive Plan Policies. Staff is recommending a minor boundary adjustment.

## Public Notification

### Written Notice

Written notice of the Zoning Commission public hearing was mailed to the owners of real property within 300 feet on **January 30, 2026.**

### Posted Notice

A sign was erected on the property on **January 22, 2026.**

### Published Notice

A notice of the public hearing before the City Council will be published in the Fort Worth Star-Telegram at least 15 days before the hearing.

### Courtesy Notice

The following organizations were emailed on **January 30, 2026:**

Organizations Notified	
United Communities Association of South Fort Worth	Eastland Neighborhood Association
Polytechnic Heights South Neighborhood Association	The New Mitchell Boulevard Neighborhood Association
East Fort Worth Inc.	Streams and Valleys Inc.
Trinity Habitat for Humanity	Southeast Fort Worth Inc.
Fort Worth ISD	



*Front view of the subject property facing south with posted legal notice.*

## Applicant's Narrative of Proposed Use

This lot was purchased by Vaquero Ventures back in 2020 in order to develop the Raising Canes that is currently located at 2949 E Berry St. The previous owner of this lot also owned the adjacent lot which was needed for the Raising Canes development, and they would not sell one lot without the other.

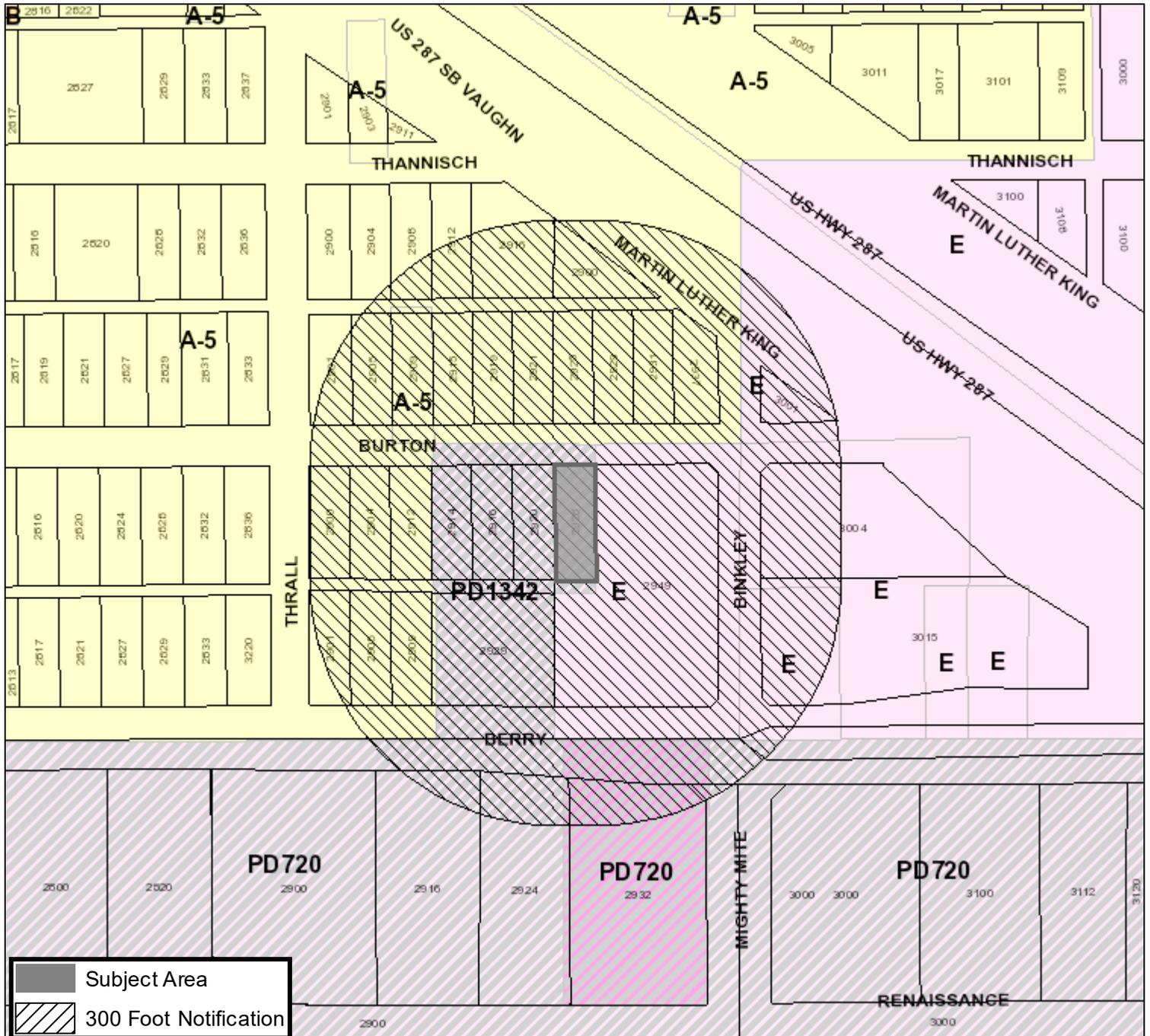
The subject lot for this rezone request was then rezoned by Vaquero Ventures in 2022 from Single Family A-5 to PD/E Neighborhood Commercial (PD-1342) in order to facilitate a Car Wash development with surrounding lots. This development, though, never came to fruition and has sat vacant ever since.

The only viable development option for this lot is a Single Family residence.

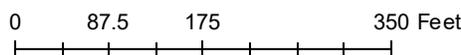
- *Applicants included narrative of proposed use with application documents.*

## Area Zoning Map

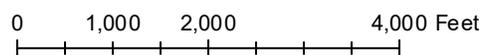
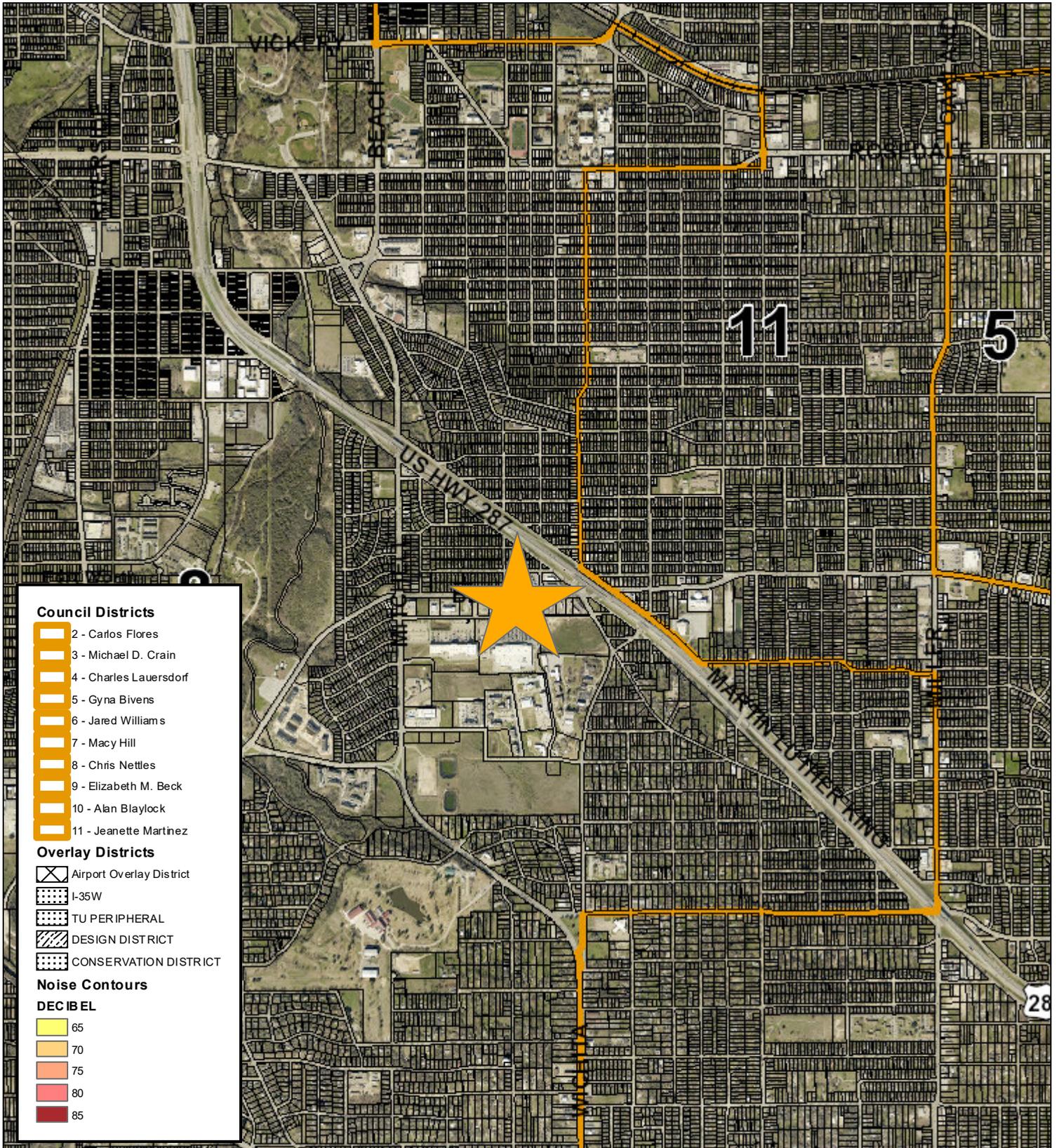
Applicant: Vaquero Binkley Partners, LP  
 Address: 2928 Burton Avenue  
 Zoning From: PD 1342 for certain E uses  
 Zoning To: A-5  
 Acres: 0.16  
 Mapsco: Text  
 Sector/District: Southwest  
 Commission Date: 2/11/2026  
 Contact: 817-392-2779



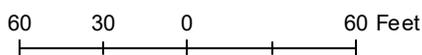
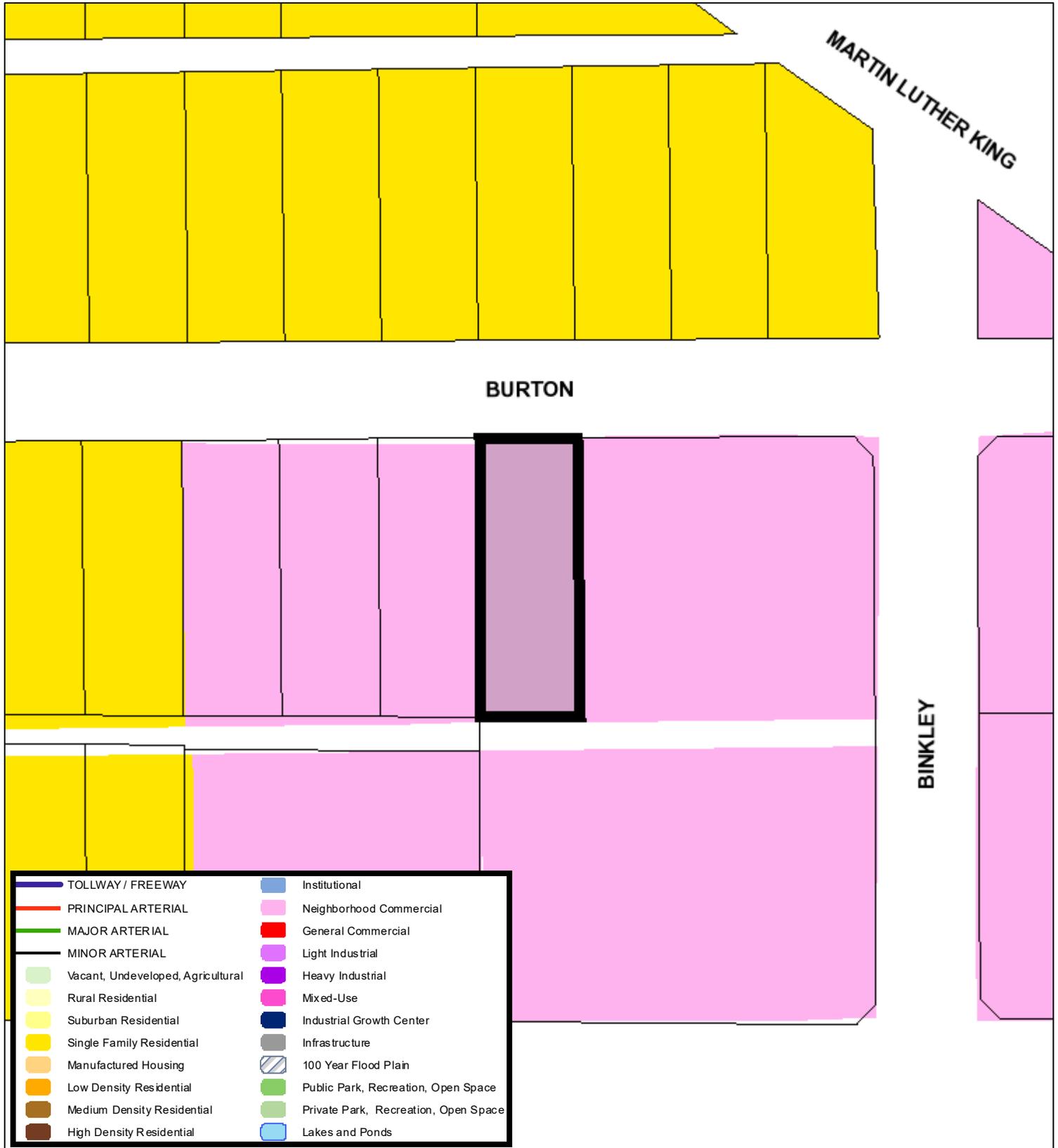
	Subject Area
	300 Foot Notification



### Area Map



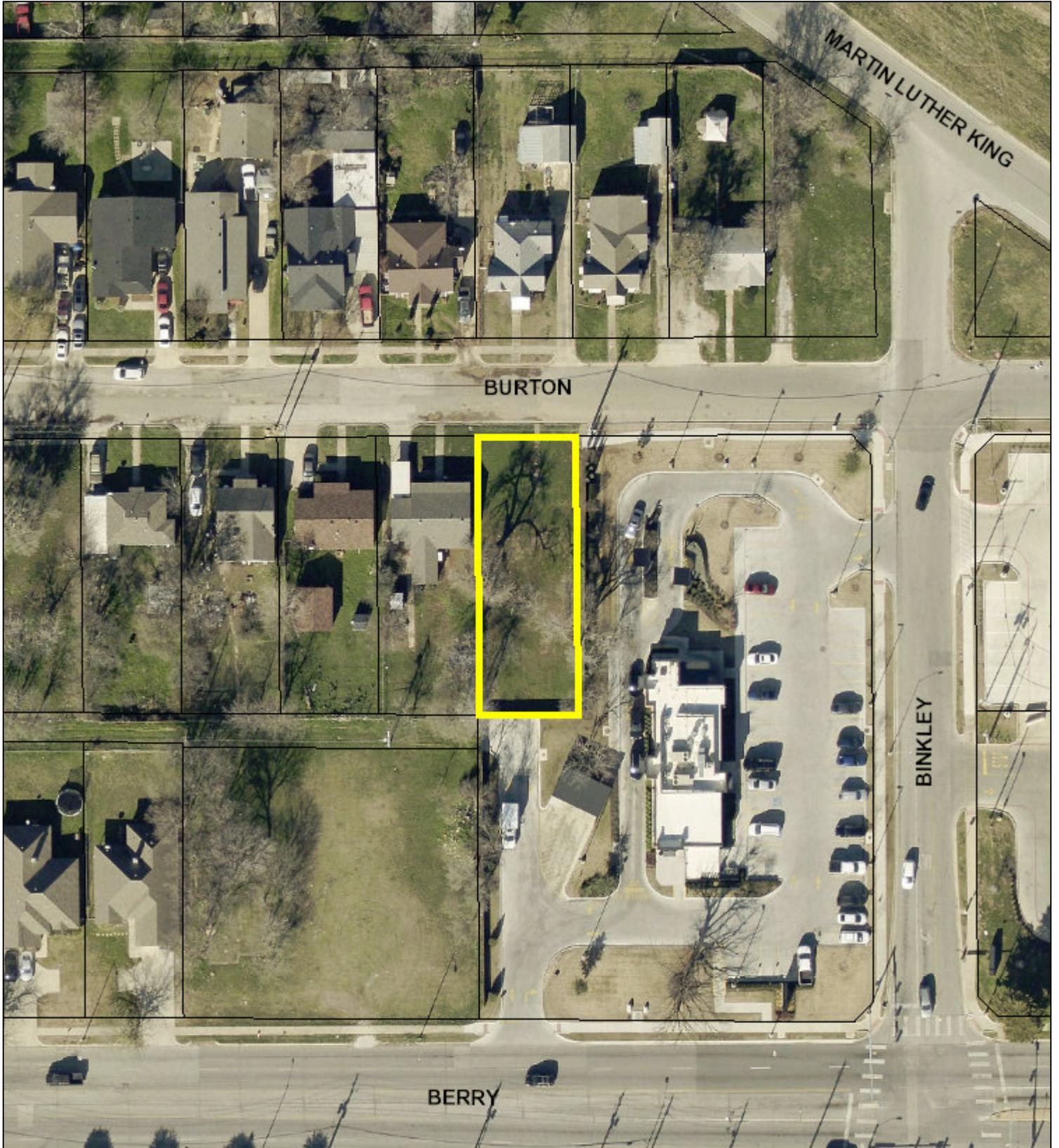
### Future Land Use



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. (Texas Local Government Code, Section 213.005.) Land use designations were approved by City Council on March 6, 2018.



**Aerial Photo Map**



0 40 80 160 Feet

