



CASE #Z25-37: “A” to “R-1”

PH-26-009

January 20, 2026

Case# Z25-37: “A” to “R-1”

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- Hold a public hearing and consider a request submitted by Republic Engineering & Development Services on behalf of 5011 Cunningham Rd Killeen, LLC (**Case# Z25-37**) to rezone approximately 15.3 acres out of the Robert Cunningham Survey, Abstract No. 199, being part of Lots 71 and 72 and all of Lots 73 and 74 out of the Llewelyn Estates #3 (unrecorded) subdivision from “A” (Agricultural District) to “R-1” (Single-Family Residential District). The subject property is generally located on the west side of Cunningham Road between Love Road and Brookside Drive, Killeen, Texas.

Case# Z25-37: "A" to "R-1"

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- The applicant's request is to rezone approximately 15.3 acres on the west side of Cunningham Road from "A" (Agricultural District) to "R-1" (Single-Family Residential District).
- If approved, the applicant intends to develop the subject property for residential use.

Case History

- **Case# Z25-04:** “A” (Agricultural District) and “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “SF-2” and “RT-1” uses:
 - Submitted on January 27, 2025
 - Proposed PUD contemplated eighty (80) dwelling units on a single lot with shared open space amenities
 - Recommended for disapproval by P&Z on February 24th
 - Denied by City Council on May 20th

Case History

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- **Case# Z25-20:** “A” (Agricultural District) to “R-1” (Single-Family Residential District):
 - Submitted on May 27, 2025
 - Recommended for disapproval by P&Z on June 23rd
 - Withdrawn by the applicant via email on June 25th

Case History

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- **Case# Z25-37:** “A” (Agricultural District) to “R-1” (Single-Family Residential District):
 - Submitted on October 27th

Limitation on Resubmission of Petition

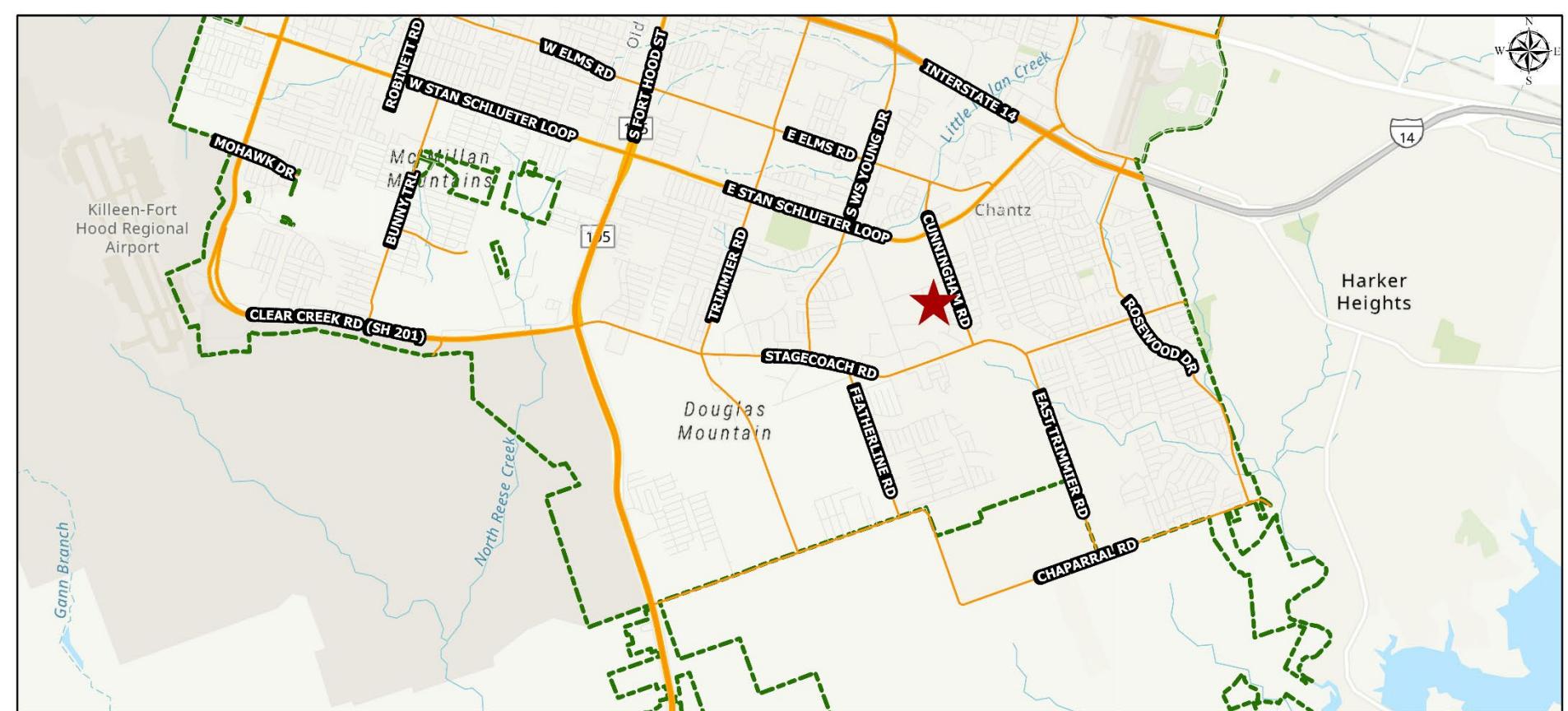
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- ❑ Killeen Code of Ordinances Sec. 31-39(h) states:
“When a zoning petition fails to be approved by City Council, the same petition shall not be resubmitted to either the City Council or the Planning and Zoning Commission for a period of twelve (12) months from the date of such failure, unless the petition is substantially changed from the original petition.

Limitation on Resubmission of Petition

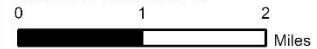
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- If a zoning request is withdrawn by the applicant prior to being acted on by City Council, this section does not apply – and the applicant may resubmit the same request within the one-year period.



LOCATION MAP

Council District: 3



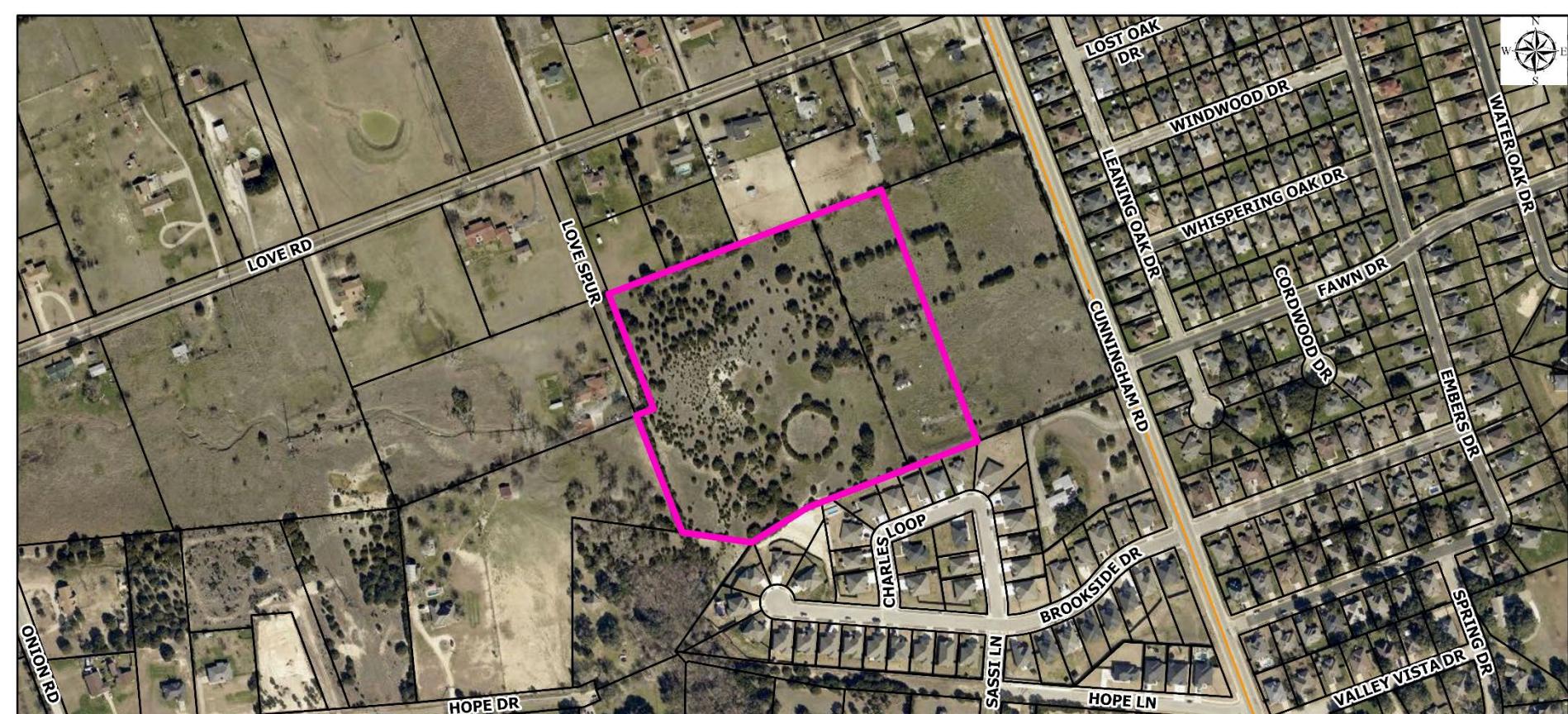
Zoning Case 2025-37

A TO R-1

Legend

- Major Roads
- City Limit
- Zoning Case Location

Subject Property Legal Description: Approximately 15.3 acres, out of the Robert Cunningham Survey, Abstract No. 199, and part of Lots 71 and 72 and all of Lots 73 and 74, out of the Llewelyn Estates 3. The subject properties are located along Love Spur, Killeen, Texas.



AERIAL MAP

Council District: 3

0 200 400

Feet

Subject Property Legal Description: Approximately 15.3 acres, out of the Robert Cunningham Survey, Abstract No. 199, and part of Lots 71 and 72 and all of Lots 73 and 74, out of the Llewelyn Estates 3. The subject properties are located along Love Spur, Killeen, Texas.

Zoning Case 2025-37 A TO R-1

Legend

Zoning Case

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View of the subject property from Cunningham Road facing west:



Case# Z25-37: “A” to “R-1”

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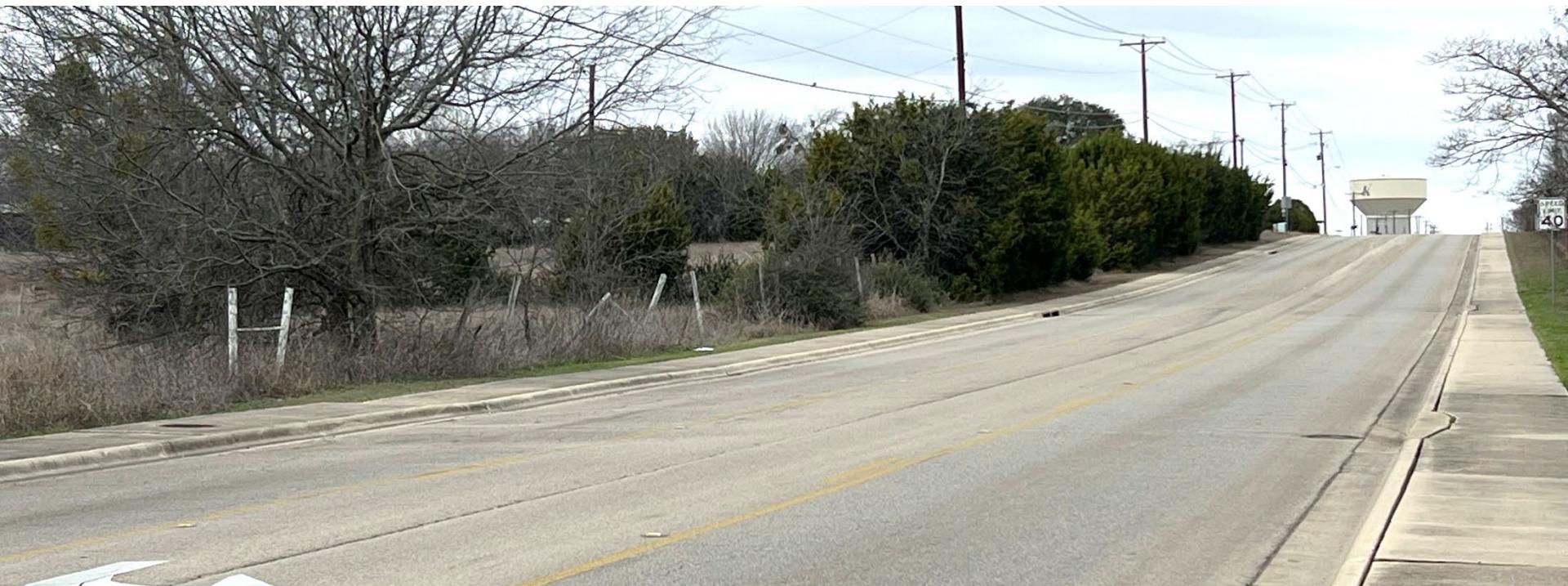
View from the subject property facing south on Cunningham Road:



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View of the subject property facing north on Cunningham Road:



Comprehensive Plan Analysis

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- This property is located within the ‘Controlled Growth’ area on the Growth Sector Map and is designated as ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM) of the City of Killeen Comprehensive Plan.

Public Notification

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- Staff notified owners of forty-nine (49) surrounding properties regarding this request.
- To date, staff has received three (3) written responses in opposition to this request, as well as a petition signed by the owners of twenty-five (25) surrounding properties.
- Six (6) people spoke in opposition to this request during the Public Hearing at the Planning & Zoning Commission meeting.



RESPONSE MAP

Council District: 3

0 200 400
Feet

Subject Property Legal Description: Approximately 15.3 acres, out of the Robert Cunningham Survey, Abstract No. 199, and part of Lots 71 and 72 and all of Lots 73 and 74, out of the Llewelyn Estates 3. The subject properties are located along Love Spur, Killeen, Texas.

Zoning Case 2025-37

A TO R-1

Legend

	A		CUP
	A-R1		R-1
	Zoning Case Opposed		

Protests

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- During their 89th Regular Session, the Texas Legislature adopted House Bill 24, which amended the protest requirements for a proposed zoning change. This change became effective on September 1, 2025.

Protests

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- Per Texas Local Government Code Sec. 211.0061(d)(2), if a zoning request has the effect of allowing more residential development than the existing zoning regulation or district boundary, a simple majority vote by the governing body is required for approval, regardless of the amount of opposition to the request.

Protests

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- Staff has determined that opposition to this request constitutes 58.028% of the 200-foot notification area.
- Per Sec. 31-39(f), a protest must be delivered by noon on the day of the Planning & Zoning Commission hearing.
- Therefore, approval of this request will require the affirmative vote of a simple majority of the City Council.

Density & Lot Yield

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- The applicant has indicated that development of the entire 22.505-acre property into typical 60-foot residential lots will yield approximately 80 single-family lots.

Density & Lot Yield

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- Based on this number, the parkland dedication requirements would be as follows:
 - Fees-In-Lieu of Parkland Dedication: \$ 60,000
 - Park Development Fees: \$ 36,000
 - Total Park Fees: \$96,000

Density & Lot Yield

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- Staff notes that, per Texas Local Government Code Chapter 211, Subchapter D, the City may not “adopt or enforce an ordinance” requiring a residential lot “that will be platted and located in an area zoned for single-family homes” to be larger than 3,000 sq. ft. or wider than 30 ft.

Density & Lot Yield

24

- Staff estimates that lots developed in accordance with the Small Lot provisions could yield as many as eight (8) to ten (10) units per acre.
- Therefore, the lot yield of the entire 22.505 acre property could be as high as 180-225 lots.

Density & Lot Yield

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- Actual lot count will be determined during the platting phase and will vary based on subdivision design, infrastructure requirements, drainage and detention capacity, open space allocation, and compliance with all applicable development standards.

Alternatives

- The City Council has three (3) alternatives:
 1. Disapprove of the applicant's request;
 2. Approve a more restrictive zoning district (i.e., "A-R1", "SR-2", or "SR-1"); or
 3. Approve of the applicant's request to rezone the subject property to "R-1" as presented;

More Restrictive Zoning Districts

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- A-R1” (Agricultural Single-Family Residential District):
Minimum lot size: (1) acre
Minimum lot width: 100 ft.
- “SR-2” (Suburban Residential Single-Family District):
Minimum lot size: 15,000 sq. ft.
Minimum lot width: 90 ft.
- “SR-1” (Suburban Residential Single-Family District):
Minimum lot size: 8,400 sq. ft.
Minimum lot width: 70 ft.

Staff Recommendation

- Staff finds that the applicant's request is consistent with the recommendations of the City of Killeen Comprehensive Plan designation of Residential Mix.
- Therefore, staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District) as presented.

Commission Recommendation

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- At their regular meeting on December 8, 2025, the Planning & Zoning Commission recommended approval of “SR-1” (Single-Family Residential District) by a vote of 4 to 0.
- “SR-1” has a minimum lot size of 8,400 sq. ft. and a minimum lot width of 70 ft.