



Board of Adjustments

Planning Department Staff Report

Planning and Zoning Commission Meeting:

March 4, 2025

Project No:

VAR2024-010

Project Planner:

Tory Carpenter, AICP, Planning Director

Item Details

Project Name:

HEB

Property Location:

598 E US 290, Dripping Springs, TX

Legal Description:

Dripping Springs Retail Center, Block B, Lot 1

Applicant:

Zachary D. Morgan, Quiddity

Property Owner:

H-E-B, LP

Request:

A variance to allow a building larger than 50,000 square feet in a Commercial Services Zoning District



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Overview

The applicant is requesting a variance to allow a structure up to 150,000 sqft which exceeds the allowable 50,000 sqft in the Commercial Services Zoning District. The request is associated with a planned new HEB grocery store. The subject property includes both the current HEB site and an 11.73-acre tract of land to the east, recently acquired by HEB.

The applicant has combined these properties into a single parcel and intends to construct a new HEB store on the eastern portion of the site. The existing store will be demolished and replaced by parking for the new facility.

The applicant provided the following statement for the justification of the request:

“The requested variance is in the public interest as it will provide a larger grocery store for residents of Dripping Springs and surrounding communities. Due to the increase in population in this area, a new larger store is necessary. A larger store will provide a less crowded experience for residents and will be able to offer a more compelling selection of products.

Enforcement of the Ordinance would require the proposed building to have a smaller footprint than the current building. The anticipated primary customer base would exceed what the proposed maximum building size would allow.

While the proposed store is larger than the existing store and the footprint allowed by Dripping Springs’ Zoning Ordinance, this store is on a large plot (35.68 acres) and leaves significant acreage without any structures. Because of this significant amount of acreage without buildings, the spirit of the ordinance is still being followed. All other requirements for the building will follow the CS zoning ordinances along with a proposed impervious cover that remains under the 60% maximum for the 11.83-acre tract”.

Code Requirement	Applicant Request	Difference
Maximum 50,000 sqft structure	Up to a 150,000 sqft structure	200% increase

If the requested zoning amendment and variance are approved, the applicant will be required to submit the following permits which are reviewed and approved administratively by staff:

1. Alternative Exterior Design

- Material Standards & Compatibility
- Architectural Variety & Quality
- Compliance with City Aesthetic Goals
- Mitigation & Public Benefit

2. Site Development Permit

- General Site Compliance
- Impervious Cover Limits
- Tree Preservation & Mitigation
- Erosion & Stormwater Control
- Traffic & Access Considerations
- Utility Adequacy
- Parking Compliance

3. Building Permit

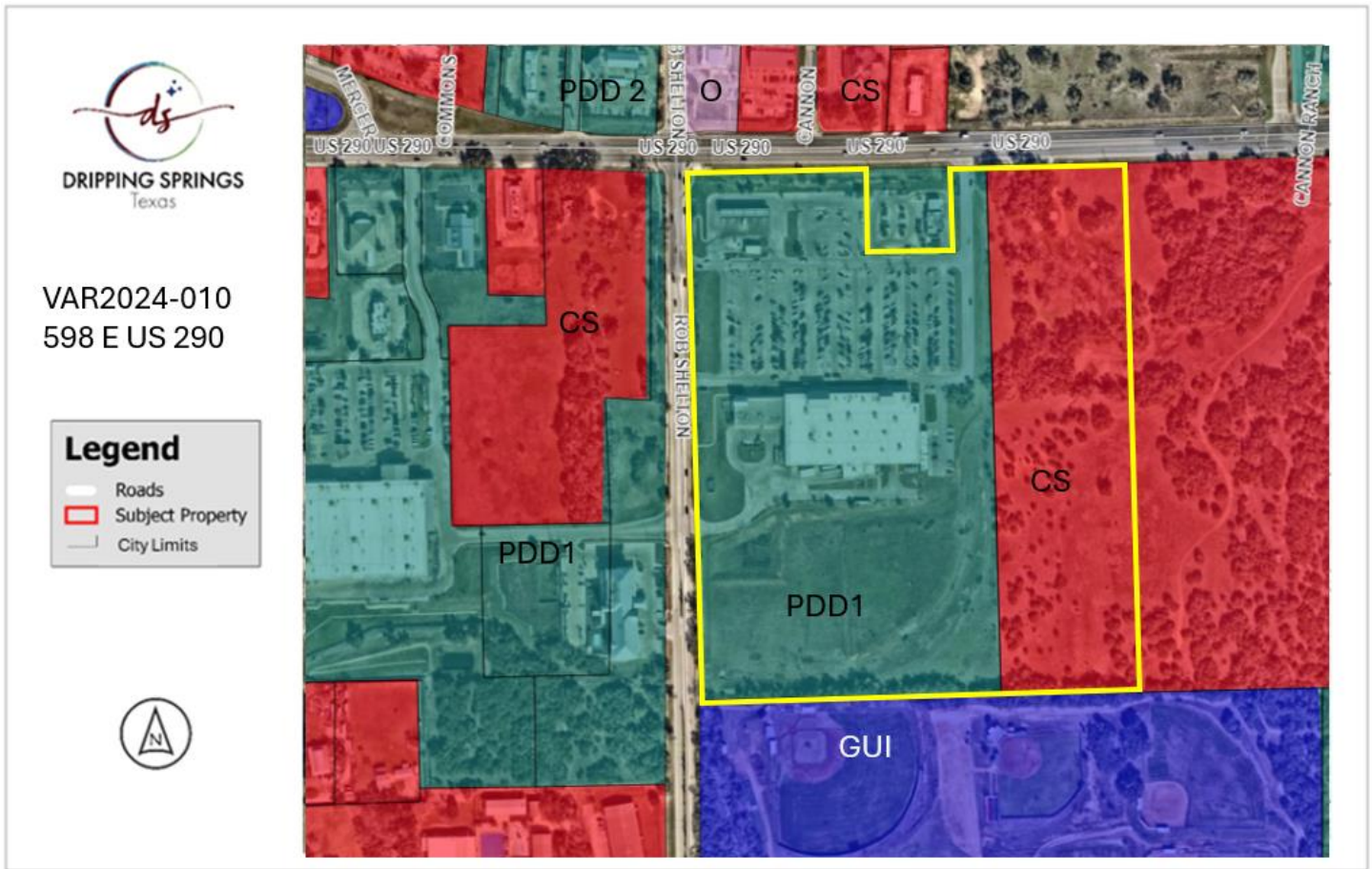
- Structural & Life Safety Compliance
- Fire & Emergency Access
- ADA & Accessibility Standards
- Energy Code Compliance

4. Sign Permits

- Size, Height, & Location Restrictions
- Illumination & Lighting Standards
- Material & Aesthetic Compatibility
- Structural & Safety Compliance
- Permitted vs. Prohibited Signs

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Surrounding Properties



Direction	Zoning District	Existing Use	Future Land Use
North	CS, O	Office / Retail	N/A
East	CS	Vacant	
South	GUI	Sports & Rec Park	
West	PDD 1	Hotel	

Approval Criteria for Variance (2.22.2-Zoning Ordinance)

Approval Criteria	Staff Comments
1. there are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this Chapter would deprive the applicant of the reasonable use of the land; and	The applicant has demonstrated that the growing population of Dripping Springs and surrounding communities necessitates a larger store to adequately serve the area. Literal enforcement of the size restriction would limit their ability to meet community needs.
2. the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and by preserving the natural features and topography of the land; and	Approval of the variance will allow the applicant to construct a larger store while maintaining significant portions of the property undeveloped, preserving natural features and open space.
3. the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	The variance will not negatively impact public health, safety, or welfare. The site's large size ensures that the proposed building can be appropriately integrated without adversely affecting surrounding properties.

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4. the granting of the variance constitutes a minimal departure from this Chapter; and	While the requested variance is substantial, the large acreage of the site mitigates the impact of the increased building size, making it a reasonable departure from the requirements.
5. the subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and	The hardship arises from the unique size of the customer base and the need for a larger building to accommodate increased demand. This condition does not generally affect other properties in the vicinity.
6. Granting the variance is in harmony with the spirit, general purpose, and intent of this Chapter so that: <ol style="list-style-type: none"> a. the public health, safety and welfare may be secured; and b. that substantial justice may be done. 	<p>The variance will allow for a more functional grocery store, improving the shopping experience for residents while not compromising public health, safety, or welfare.</p> <p>The approval ensures that the community's needs for a larger grocery store are met, providing a benefit to residents and maintaining the intent of the ordinance.</p>

Summary and Recommendation

At their meeting on January 27, 2025, the Planning & Zoning Commission voted to postpone the item to allow the applicant to provide additional information. After an additional staff presentation at their February 25, 2025 meeting, the Planning & Zoning Commission voted unanimously to recommend approval of this request.

Staff recommends approval of the variance request with the following condition:

1. The applicant shall submit an Alternative Exterior Design prior to submitting a site development application.

Public Notification

A legal notice advertising the public hearing was placed in the Dripping Springs Century-News, signs were posted on the-site, notice was placed on the City Website, and all property owners within a 300-foot radius of the site were notified of the Variance request.

Staff received one letter in opposition of the request.

Meetings Schedule

January 27, 2025 Planning & Zoning Commission Reconsideration

February 25, 2025 Planning & Zoning Commission Reconsideration

March 5, 2025 Board of Adjustments

Attachments

Attachment 1 – Variance Application

Attachment 2 – Application Materials

Attachment 3 – Public Comment

Recommended Action	Recommend approval with the condition referenced above.
Alternatives/Options	Recommend denial of the variance or approval with alternate conditions.
Budget/Financial impact	N/A
Public comments	None received at this time

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Enforcement Issues	N/A
Comprehensive Plan Element	N/A