



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION**

123 West Indiana Avenue, DeLand, Florida 32720  
(386) 736-5959

**PUBLIC HEARING:** September 16, 2021 – Planning and Land Development Regulation Commission (PLDRC)

**CASE NUMBER:** V-21-133

**SUBJECT:** A variance to the maximum parking requirements for a proposed medical office on Planned Unit Development (PUD) zoned property.

**LOCATION:** 3775 Roscommon Drive, Ormond Beach

**APPLICANT(S):** Jordan Draper, P.E., Kimley-Horn and Associates

**OWNER(S):** WMG Acquisitions, LLC

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**I. SUMMARY OF REQUEST**

The applicant is seeking a variance for a proposed medical office. The requested variance is as follows:

Variance: A variance to increase the maximum allowable parking from 16 spaces to 39 spaces for a 4,200 square-foot medical office.

***Staff Recommendation:***

Approve variance, case number V-21-133, as the variance meets all of the five criteria for granting said variance.

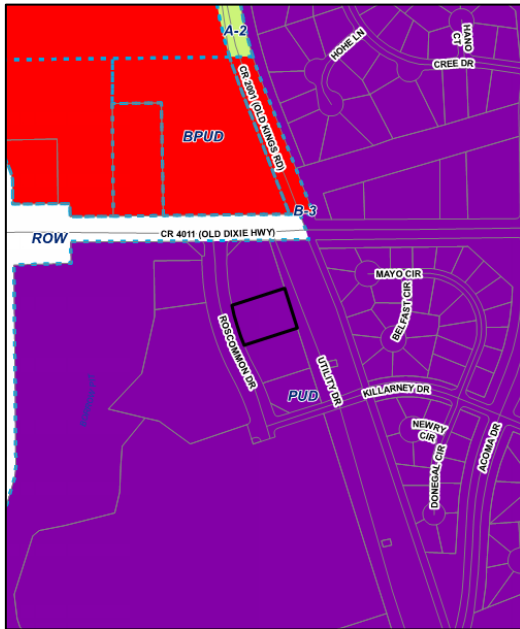
**II. SITE INFORMATION**

- 1. Location: East side of Roscommon Drive, approximately 375 feet south of its intersection with Old Dixie Highway, in the Ormond Beach area.
- 2. Parcel Number(s): 3137-15-00-0040
- 3. Property Size: +/- 1.55 acres
- 4. Council District: 4
- 5. Zoning: Planned Unit Development (PUD) - Halifax Plantation
- 6. Future Land Use: Urban Low Intensity (ULI)
- 7. Overlays: N/A
- 8. Local Plan Area: N/A
- 9. Adjacent Zoning and Land Use:

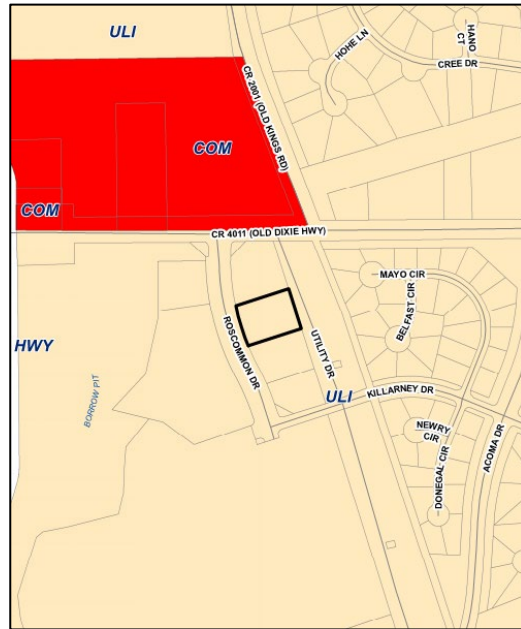
DIRECTION	ZONING	FUTURE LAND USE	EXISTING USE
North:	PUD	Urban Low Intensity	Convenience Store
East:	PUD	Urban Low Intensity	Vacant
South:	PUD	Urban Low Intensity	Vacant
West:	PUD	Urban Low Intensity	Shopping Plaza

10. Maps:

**ZONING MAP**



**FUTURE LAND USE MAP**



### III. BACKGROUND AND OVERVIEW

The subject property is located on the east side of Roscommon Drive, approximately 375 feet south of its intersection with Old Dixie Highway, in the Ormond Beach area. The parcel is currently vacant. The property is within the Halifax Planation PUD and is approximately 1.55 acres.



The applicant proposes to construct a 4,200 square-foot medical office on the property. The project is currently in the Final Site Plan stage of review. The site plan proposes 39 parking spaces on site. However, the Zoning Ordinance requires three parking spaces per 1,000 square feet for a medical office. This comes out to a minimum of 13 spaces required for this project. The code also has a maximum parking of 125 percent of the minimum. In this case, the maximum allowable parking is 16 spaces.

The applicant has explained that the office will employ 13 staff members, serve 12 patients at one time, and can accommodate 14 patients in the waiting room, for a total of up to 39 individuals in the building. The applicant explained that shared parking is unavailable for this project.

As additional justification, the applicant submitted a parking study. The study states that comparable dental offices developed by the client have had at least 38 vehicles parked on site. The study also provides estimates from the Institute of Transportation Engineers (ITE) Parking Generation Manual 5<sup>th</sup> Edition. Although the requested number of parking spaces is well above the typical parking demand, it does lie within the observed range. As such, in order to construct the medical office and run business operations as designed, the applicant requests a variance from the maximum of 16 parking spaces to 39 parking spaces. County Traffic Engineering has reviewed this variance and has no objection to the request.

#### IV. REVIEW CRITERIA AND ANALYSIS

Section 72-379(1)a.4 of the Zoning Ordinance contains five applicable criteria by which a variance application may be granted. The following staff evaluation is based on these criteria:

***i. Special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other lands, structures, signs, or buildings in the same zoning classification.***

The applicant has explained that this medical office is projected to accommodate up to 39 individuals at one time when accounting for staff and patients. This is supported by a parking study. The County's parking requirements do not consider this type of high volume medical office in the maximum allowable parking. Additionally, the applicant states that shared parking is not available for this property at this time.

Staff finds that this criterion is met.

***ii. The special conditions and circumstances do not result from the actions of the applicant.***

The applicant is not responsible for the creation of standards that do not reflect the applicant's business needs and is not responsible for the lack of possibility for shared parking.

Staff finds that this criterion is met.

***iii. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification, under the terms of the ordinance, and would work an unnecessary and undue hardship on the applicant.***

A literal interpretation of this ordinance would prevent the applicant from providing sufficient parking for the proposed facility. The maximum allowable 16 spaces provides only enough parking for staff and three patients. The applicant would not be able to run the business operations as designed without this variance.

Staff finds that this criterion is met.

***iv. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure, or sign.***

The applicant has explained that up to 39 individuals may use the facility at any one time. A parking study was provided that supports the request. The request for 39 parking spaces is likely the minimum necessary to accommodate 39 individuals as shared parking is unavailable.

Staff finds that this criterion is met.

***v. The grant of the variance will be in harmony with the general intent and purpose of this ordinance and the Volusia County Comprehensive Plan Ordinance No. 90-10, as amended, and that such variance will not be injurious to the area involved.***

The grant of the proposed variance would be in harmony with the intent and purpose of the Volusia County Comprehensive Plan and Zoning Ordinance. While the Zoning Ordinance intends to minimize parking as much as possible, large parking lots are most harmful to site design when they cause a building to be set back further from the road. The proposed site plan limits the parking lot to a single drive aisle wrapping the building, eliminating any single, large expanse of parking. The applicant has also explained that this variance is necessary to bring this new business to the County.

Staff finds that this criterion is met.

## **V. STAFF RECOMMENDATION**

Approve variance, case number V-21-133, as this variance meets all of the five criteria for granting said variance.

The PLDRC may take into account additional competent substantial evidence presented at the hearing, or may make an alternate finding to already presented evidence, that there is sufficient evidence such that the request meets all five criteria and should be granted. Should the PLDRC find that the applicant has provided competent substantial evidence to support approval of the variance, the following condition is provided for consideration:

1. The variance is limited to the general configuration of parking as shown on the variance site plan.

## **VI. ATTACHMENTS**

- Variance Site Plan
- Written Petition
- Parking Study
- Survey
- Environmental Comments
- Photographs
- Map Series

## VII. AUTHORITY AND PROCEDURE

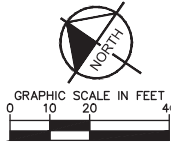
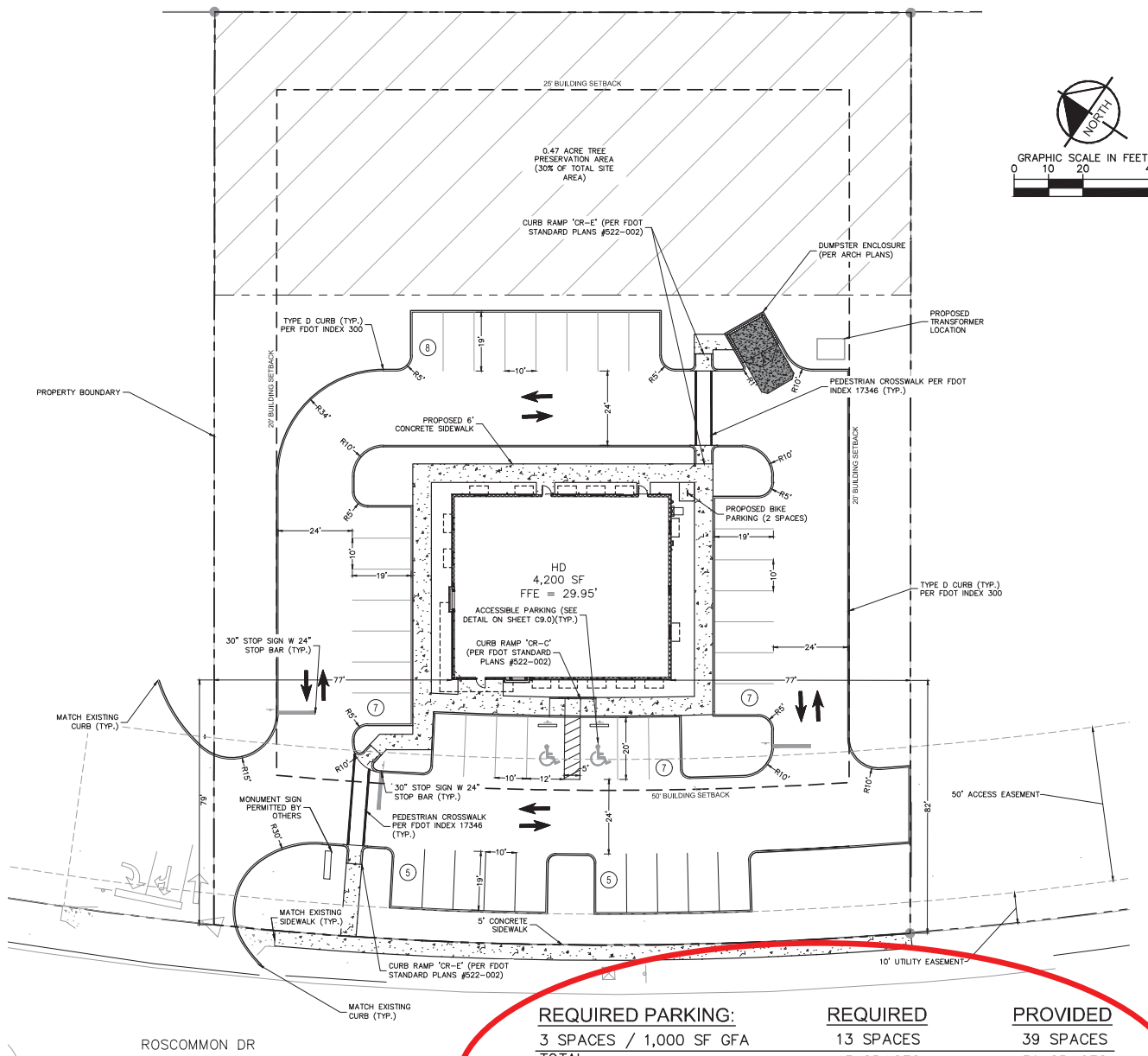
The commission may, except as otherwise provided in Section 72-379 of the Zoning Ordinance, authorize, after due public notice upon application on a form prescribed by the Zoning Enforcement Official, such variance or variances from the terms of this ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary and undue hardship. Said variance application shall be heard only if it is presented by the person owning 51 percent or more of the specific area of land involved or upon an administrative application by the County Council.

Pursuant to Section 72-412, no variance shall be granted, in whole or in part, unless four members concur. A tie vote shall be grounds for continuance to the next scheduled meeting.

Any new information to be presented at the Planning and Land Development Regulation Commission meeting for any application will be grounds to continue an application to the next Planning and Land Development Regulation Commission meeting. Applicants shall inform and provide staff with the new information prior to the Planning and Land Development Regulation Commission meeting.

# Variance Site Plan V-21-133

A variance to increase the maximum allowable parking from 16 spaces to 39 spaces for a 4,200 square-foot medical office.



Variance

REQUIRED PARKING:	REQUIRED	PROVIDED
3 SPACES / 1,000 SF GFA	13 SPACES	39 SPACES
TOTAL =	13 SPACES	39 SPACES

PROPOSED PARKING:	REQUIRED	PROVIDED
REGULAR SPACES: (10'x19'):		32 SPACES
(10'x20'):		5 SPACES
ADA SPACES (12'x20'):		2 SPACES
TOTAL =		39 SPACES

BICYCLE PARKING:	REQUIRED	PROVIDED
1-40 VEHICLE PARKING SPACES	2 SPACES	2 SPACES

Written Petition for Parking Variance

Halifax Plantation – Roscommon Office Building

2021-F-CPN-0359, RSN 1033944

July 29, 2021

- 1. What special conditions and circumstances exist which are peculiar to your land, structure, building or sign that are not applicable to other lands, structures, buildings or signs in the same zoning classification. Are these special conditions and circumstances the result of actions by you?**

**Response:** This 1.55ac site, zoned for C/LI: Commercial and Light Industrial, will be developed into a 4,200 square foot Medical Office building. Off-street parking for the site will need to accommodate both medical staff and visiting patients while meeting Volusia County standards. Volusia County standards (Sec. 72-286) sets the maximum parking allowance for this site at 16 spaces, while 39 spaces are desired to accommodate the required medical staff and anticipated number of patients. Additional access to shared parking is not available for this parcel, therefore the requested number of parking spaces will need to be constructed on the parcel.

- 2. How would literal interpretation of the zoning ordinance deprive you of rights commonly enjoyed by other properties in the same zoning classification? How would this interpretation be an unnecessary and undue hardship on you?**

**Response:** A literal interpretation of this zoning ordinance would prevent the development from providing an adequate amount of parking spaces to serve both the Medical Office staff as well as the visiting patients. This Medical Office will employ 13 staff members, service 12 active patients at a time, and have up to 14 patients waiting on site for their appointments. At peak times, this site will need at least 39 parking spaces to accommodate employees and patients. A maximum of 16 parking spaces will not allow for adequate parking on site. Self-parking a development is a right typically enjoyed by uses within this zoning classification. Without a variance from this parking code, the end user would be required to obtain additional off-site parking.

- 3. Explain how the variance you are requesting is the minimum variance that will make possible the reasonable use of your land, building, structure, or sign.**

**Response:** As described in part 2, based on the number of medical staff, active patients, and patients in waiting, the requested variance from Subsection 72-286 (6) is the minimum deviation from parking code to meet the demands of the proposed use.

- 4. How is your request consistent with the general intent and purpose of the Volusia County Zoning Ordinance and Comprehensive Plan, which are to promote public health, safety, morals, and the general welfare; and to preserve the character, appearance and aesthetic qualities of Volusia County?**

**Response:** The requested variance would result in a newly developed, functioning Medical Office with proper infrastructure to support both staff and patients, while maintaining a flow of traffic and overall quality aesthetics on site, consistent throughout Volusia County sites.

- 5. Explain how your request for a variance will not be injurious to the surrounding area.**

**Response:** The additional parking that would be constructed as a result of a variance would not have negative impacts on the surrounding area. With the current proposed parking count (39), SJRWMD max impervious coverage standards are still met (max impervious area = 80%, proposed impervious area = 47%). Without the proposed variance, additional parking spaces will be needed, requiring patients to find off-site parking and walk to the medical office, therefore increasing pedestrian crossings on Roscommon Drive.



## MEMORANDUM

From: James M. Taylor, P.E.  
Kimley-Horn and Associates, Inc.

Date: August 19, 2021

Subject: Parking Analysis  
Halifax Plantation – Volusia County, Florida

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### INTRODUCTION

Kimley-Horn and Associates, Inc. has been retained to analyze the anticipated parking needs for a proposed 4,200 square foot medical/dental office building located in Volusia County, Florida. The site is generally located on the north side of Roscommon Drive, east of Old Dixie Highway. This study provides the code-required parking for the site, the information provided by the Client, and leading industry data.

The Client is requesting to provide additional 23 parking spaces than the maximum required for Volusia County's code to serve the proposed medical office. A total of 39 parking spaces are being provided, as shown in the site plan provided in **Attachment A**.

### CODE PARKING REQUIREMENTS

Chapter 72, Article II, Section 72-286 of the Volusia County Code of Ordinances defines the parking requirements for a medical office building to provide three (3) spaces per 1,000 square feet. Based upon these requirements, the site parking shall provide 13 parking spaces (3 x 4.2 thousand sq. ft.).

Per County's code, the maximum number of parking spaces may not exceed 125 percent of the minimum spaces required. Based on the County's code, a maximum number of parking spaces shall be 16 parking spaces (13 spaces x 1.25) for a medical office building.



## ITE'S PARKING GENERATION MANUAL, 5<sup>TH</sup> EDITION EVALUATION

A calculation of the anticipated parking demand was undertaken using data published by the Institute of Transportation of Engineers (ITE) *Parking Generation Manual 5<sup>th</sup> Edition*. For each land use defined in this publication, empirical parking data that has been collected on sites throughout the country is compiled to develop rates and/or equations to estimate parking demand at similar sites.

ITE's Land Use Code (LUC) 720 Medical-Dental Office Building parking demand was used to determine the peak period parking demand for the proposed 4,200 dental building. ITE data is included in **Attachment B**. ITE LUC 720 provides an 85<sup>th</sup> percentile parking ratio of 4.59 parking spaces per 1,000 square feet and the highest observed parking ratio of 10.27 parking spaces per 1,000 square feet.

Comparable dental offices developed by the Client having 12 to 14 employees have shown to have up to a maximum of 38 vehicles parked on site. Therefore, using the upper threshold provided by ITE, to account for the anticipated number of patients and employees, the peak parking demand for the proposed dental office is calculated as follows:

- Peak parking demand = 10.27 spaces per 1,000 square feet x 4.200 thousand square feet = 43 parking spaces

As shown above, the peak parking demand provided by ITE is higher than the maximum parking spaces required by County's code. The proposed parking ratio of 9.28 parking spaces per 1,000 square feet falls within the 85th-percentile queue and the highest observe ratio provided by ITE.

## CONCLUSION

The documentation contained herein demonstrates that similar sites have experienced a higher number of vehicles parked on-site than the maximum number of spaces allowed by the County's code. Additionally, ITE provides higher parking ratios than the maximum spaces required by County's code. Based on the data provided by ITE and information provided by the Client, a parking ratio of 9.28 parking spaces per 1,000 square feet (39 parking spaces) is recommended to supply the anticipated parking demand of the proposed dental office building.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

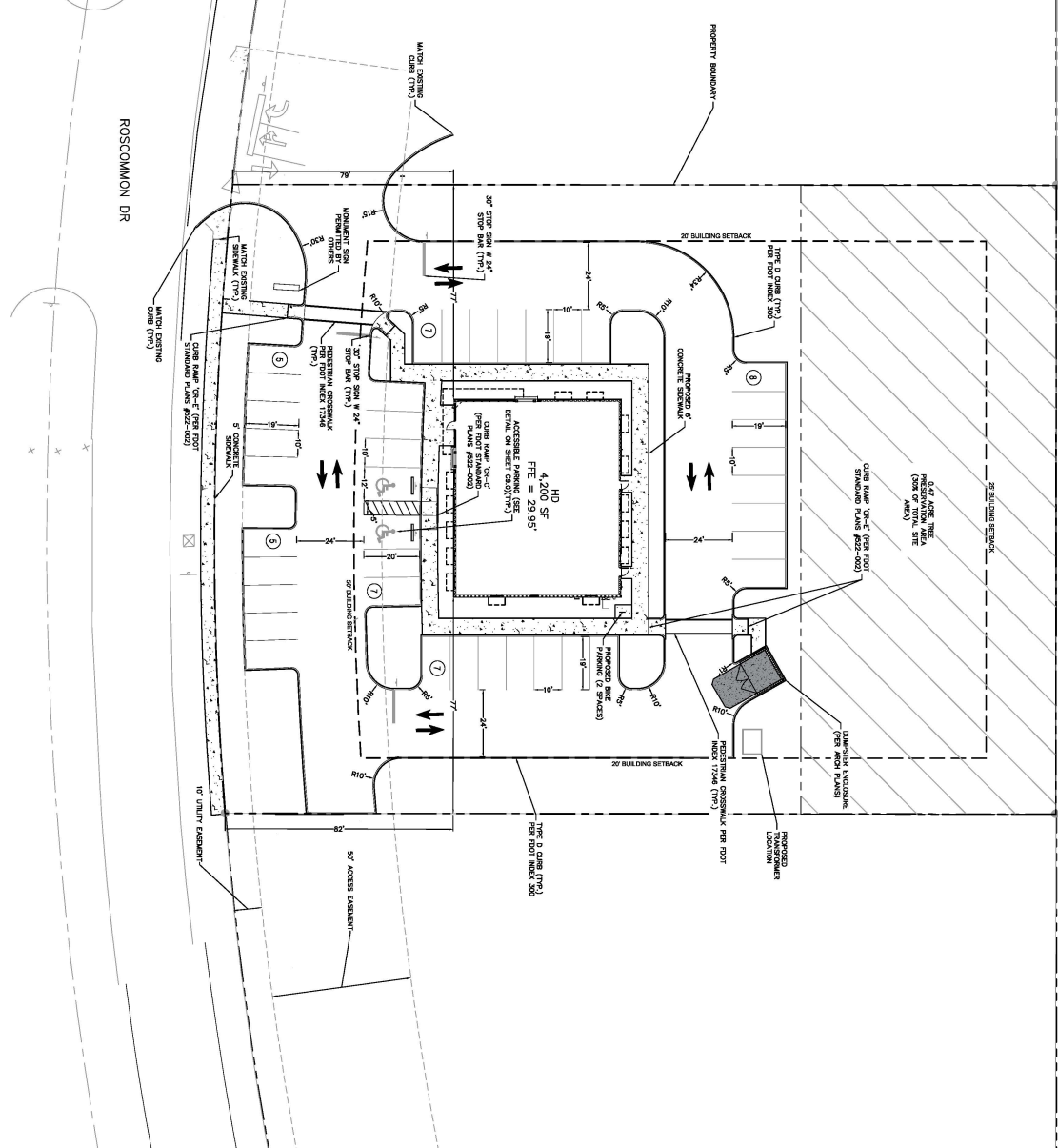
James M. Taylor, P.E.

**ATTACHMENT A**

Site Plan

Plotted By: nichole\_nate\_Sheet\_Site/Halifax\_Plantation\_C0\_Layout\_C4.0 - SITE PLAN August 16, 2021 11:53:44am K:\C001\_Civil\049335004-Halifax\_Plantation\_D0\CAD\0\CONSTR\CadSheets\C4.0 - SITE PLAN.dwg

This document, together with the concepts and designs presented herein, is an instrument of service, to be used only for the specific purpose and claim for which it was prepared. Review of and reliance on this document without written authorization and approval by Kimley-Horn and Associates, Inc. shall be withheld. Liability to Kimley-Horn and Associates, Inc.



**LEGEND**

- PROPERTY BOUNDARY
- BUILDING SETBACKS
- UTILITY/ACCESS EASEMENT
- PROPOSED CONCRETE SIDEWALK (SEE DETAIL C7.0)
- DESIGNATED TREE PRESERVATION AREA

**SITE SUMMARY**

TOTAL SITE AREA: 1.56 ACRES  
 FINISHED LAND USE: URBAN LOW DENSITY  
 MAXIMUM BUILDING HEIGHT: 4.0 FEET  
 FLOOR AREA: 4,200 SF

**BUILDING SETBACKS**

REQUIRED	PROVIDED
FRONT (MIN)	20 FT
REAR (MIN)	20 FT
RIGHT (MIN)	20 FT
LEFT (MIN)	20 FT
MINIMUM	20 FT

**PROPOSED PARKING**

REQUIRED	PROVIDED
3 SPACES / 1,000 SF FTA	13 SPACES
MINIMUM	13 SPACES
TOTAL	13 SPACES

**INTERIORS CALCULATIONS**

CHANGE = 1.49 AC (88%)  
 TOTAL PROPOSED INTERIORS AREA = 0.73 AC (47%)

**UTILITY SERVICE:**

UTILITIES SHALL BE PROVIDED FOR SITE POWER AND SEWER SERVICE.

- GENERAL NOTES:**
- THIS DEVELOPMENT WILL BE CONSTRUCTED IN ONE PHASE.
  - ALL LINES TO BE 3" UNLESS OTHERWISE NOTED.
  - DIMENSIONS SHOWN ARE TO FACE OF CURB.

<p><b>HALIFAX PLANTATION LOT 4</b></p>	<p><b>SITE PLAN</b></p>	<p>KHA PROJECT 049335004</p> <p>DATE 06/30/2021</p> <p>SCALE AS SHOWN</p> <p>DESIGNED BY NMI</p> <p>DRAWN BY NMI</p> <p>CHECKED BY LJD</p>	<p>LICENSSED PROFESSIONAL JORDAN DRAPER, P.E.</p> <p>FLORIDA LICENSE NUMBER 81928</p> <p>DATE: 06/30/2021</p>	<p><b>Kimley»Horn</b></p> <p>© 2021 KIMLEY-HORN AND ASSOCIATES, INC.          189 S. ORANGE AVENUE, SUITE 1000, ORLANDO, FL 32801          PHONE: 407-898-1511          WWW.KIMLEY-HORN.COM REGISTRY No. 696</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	REVISIONS	DATE	BY												
No.	REVISIONS	DATE	BY																		

SHEET NUMBER  
**C4.0**

VOLUSIA COUNTY FLORIDA

**ATTACHMENT B**

ITE Parking Generation Manual  
Land Use 720 – Medical-Dental Office Building

# Medical-Dental Office Building (720)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 9:00 a.m. - 4:00 p.m.

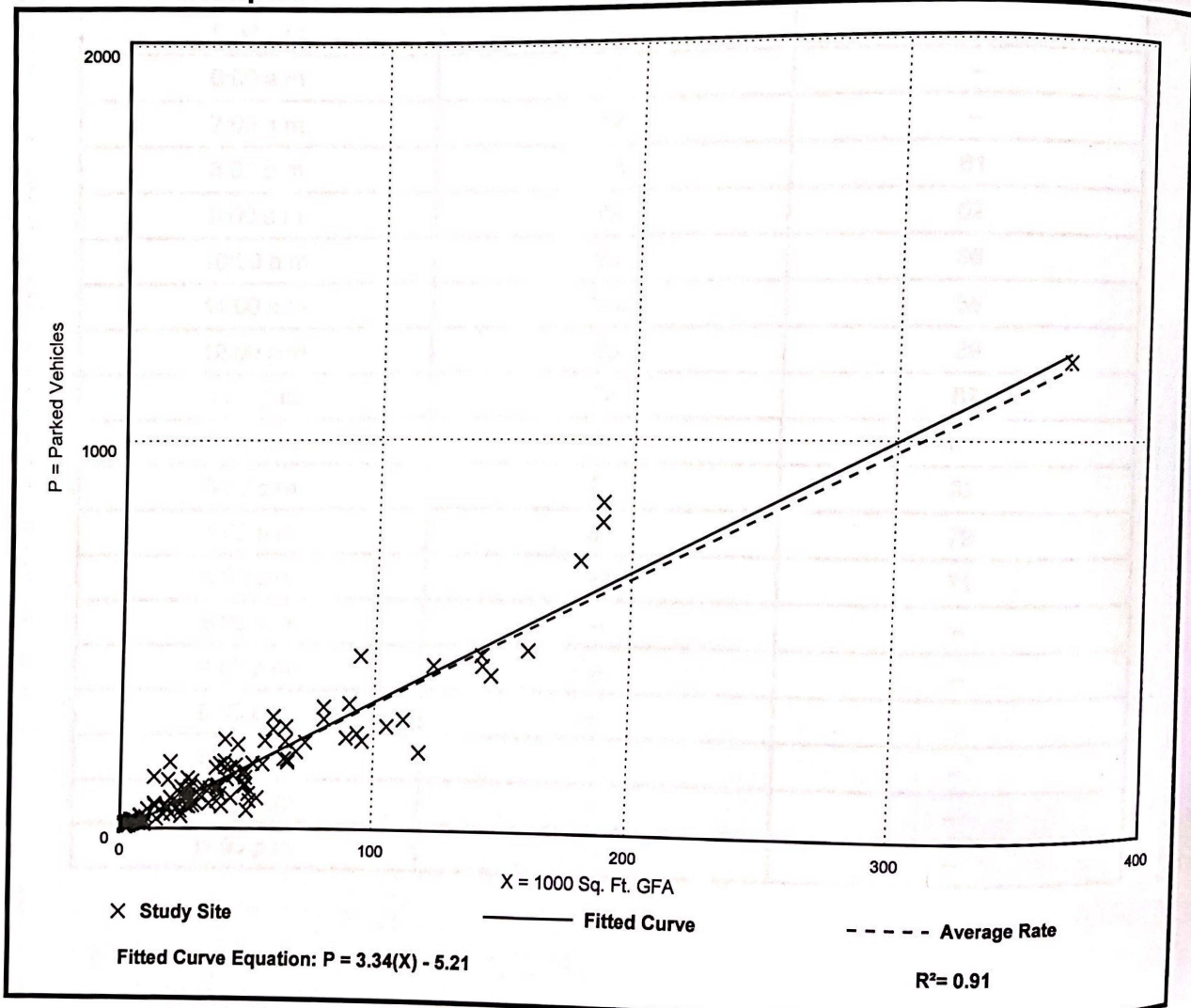
Number of Studies: 117

Avg. 1000 Sq. Ft. GFA: 46

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

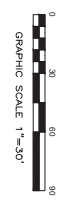
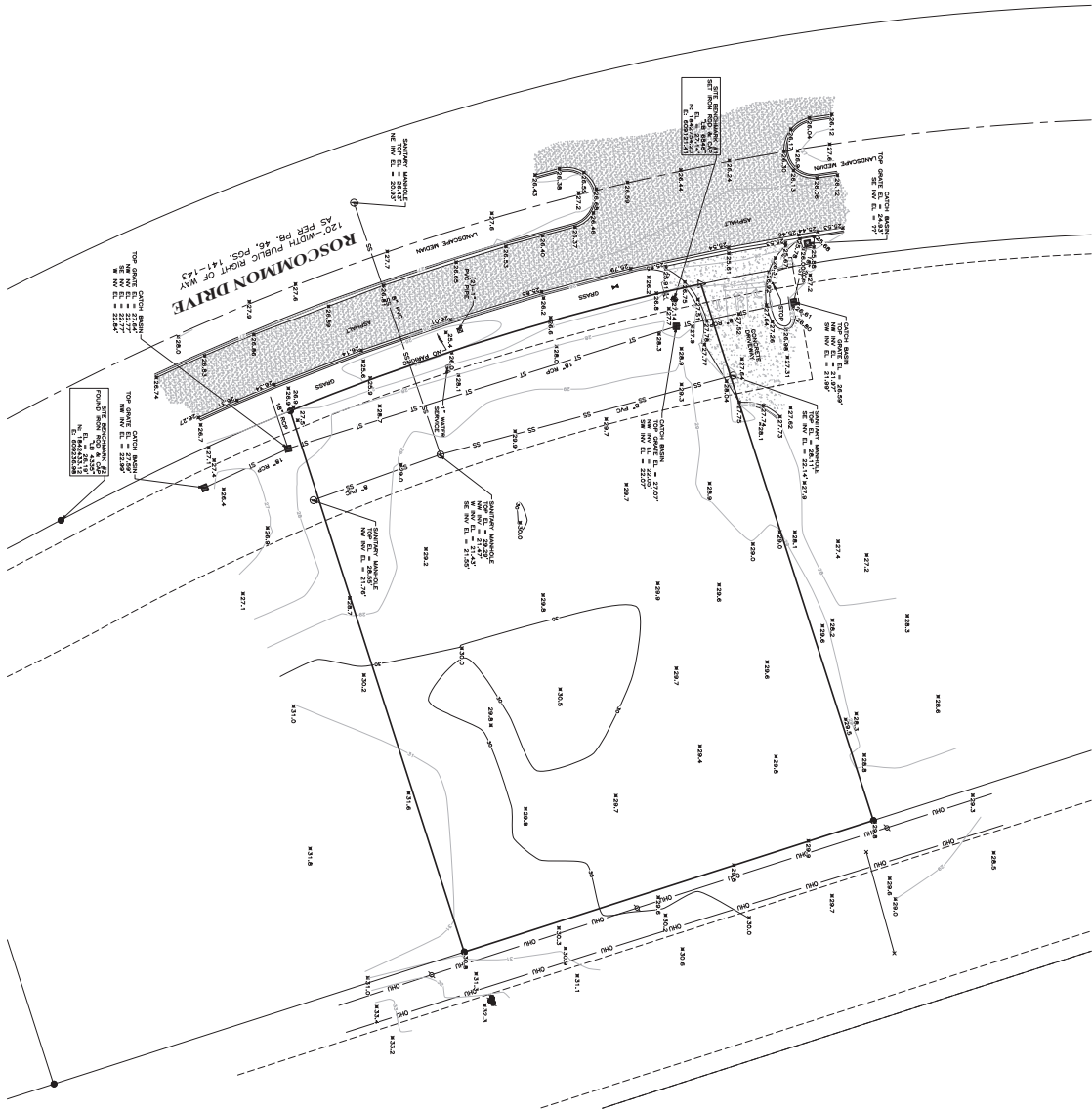
Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.23	0.96 - 10.27	2.73 / 4.59	3.04 - 3.42	1.05 ( 33% )

## Data Plot and Equation









NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 3)

**LEADING EDGE LAND SERVICES INCORPORATED**  
 8802 EXCHANGE DRIVE  
 ORLANDO, FLORIDA 32809  
 PHONE: (407) 351-8730  
 FAX: (407) 351-9891  
 WEB: www.leadingedges.com  
 FLORIDA LICENSED BUSINESS NUMBER LB 6846

**TOPOGRAPHIC SURVEY**  
 OF  
 LOT 4 OF HALIFAX PLANTATION VILLAGE  
 LOCATED IN SECTION 2, TOWNSHIP 13 SOUTH, RANGE 31 EAST  
 VOLUSIA COUNTY, FLORIDA  
 FOR  
**KIMLEY-HORN**

REVISIONS:	
ADDED NEW TITLE EXCEPTIONS: 10 MAR 2021	
DATE OF DRAWING: 10 MAR 2021	LAST FIELD WORK: 18 DEC 2020
MANAGER: JDM CADD: NAM	CREW CHIEF(S): GR
PROJECT NUMBER: 204-20087	COMPUTER FILE: 204087ALTA.DWG
FIELD BOOK NUMBER: LE 1463	SCALE: 1"=30' SHEET 3 OF 3

REVISIONS:	
ADDED NEW TITLE EXCEPTIONS: 10 MAR 2021	
DATE OF DRAWING: 10 MAR 2021	LAST FIELD WORK: 18 DEC 2020
MANAGER: JDM CADD: NAM	CREW CHIEF(S): GR
PROJECT NUMBER: 204-20087	COMPUTER FILE: 204087ALTA.DWG
FIELD BOOK NUMBER: LE 1463	SCALE: 1"=30' SHEET 3 OF 3

**Inter-Office  
Memorandum**



**TO:** Trevor Bedford, Planner II **DATE:** August 8, 2021  
**FROM:** Samantha J. West, Environmental Specialist III  
**SUBJECT:** Parcel #: 3137-15-00-0040  
Case #: V-21-133

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Environmental Permitting (EP) has reviewed the application for a variance to maximum parking on Planned Unit Development (PUD) zoned property. EP provides the following report for the requested variance:

**Overview**

The subject property is within the Halifax watershed.

*Protected Species*

The property has been identified as containing suitable habitat for the gopher tortoise, a threatened species. Any development of the site will require compliance with Division 17 *Gopher Tortoise Protection*, of the Land Development Code.

*Tree Preservation*

The property must comply with Division 10, *Tree Preservation*, of the Land Development Code.

**Recommendation**

EP does not object to the variance request. However, any future development must comply with the applicable requirements of the Land Development Code during the Final Site Plan process.

## Photographs

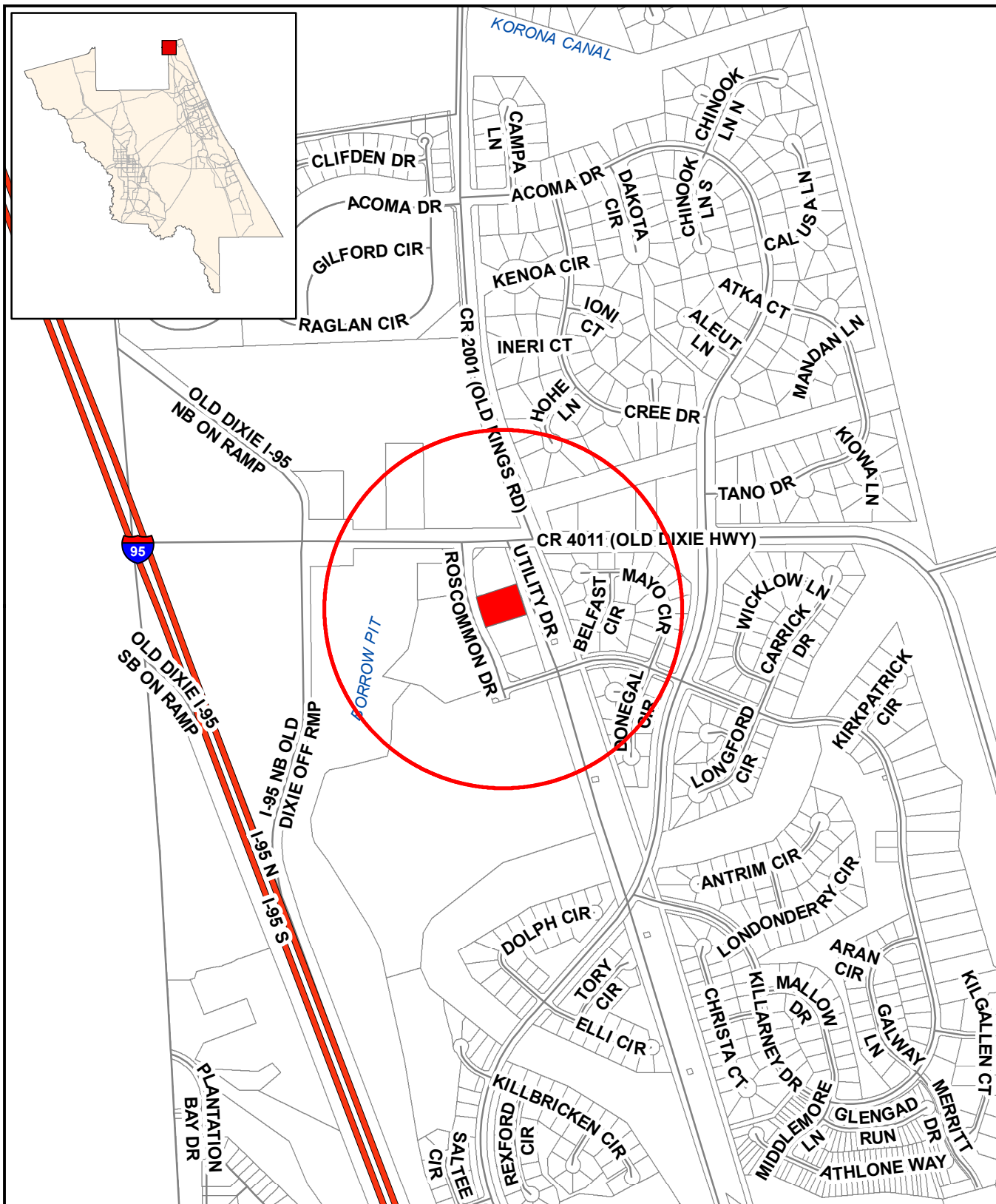
Aerial photograph of the area



Aerial photograph of the property



# PROPERTY LOCATION V-21-133

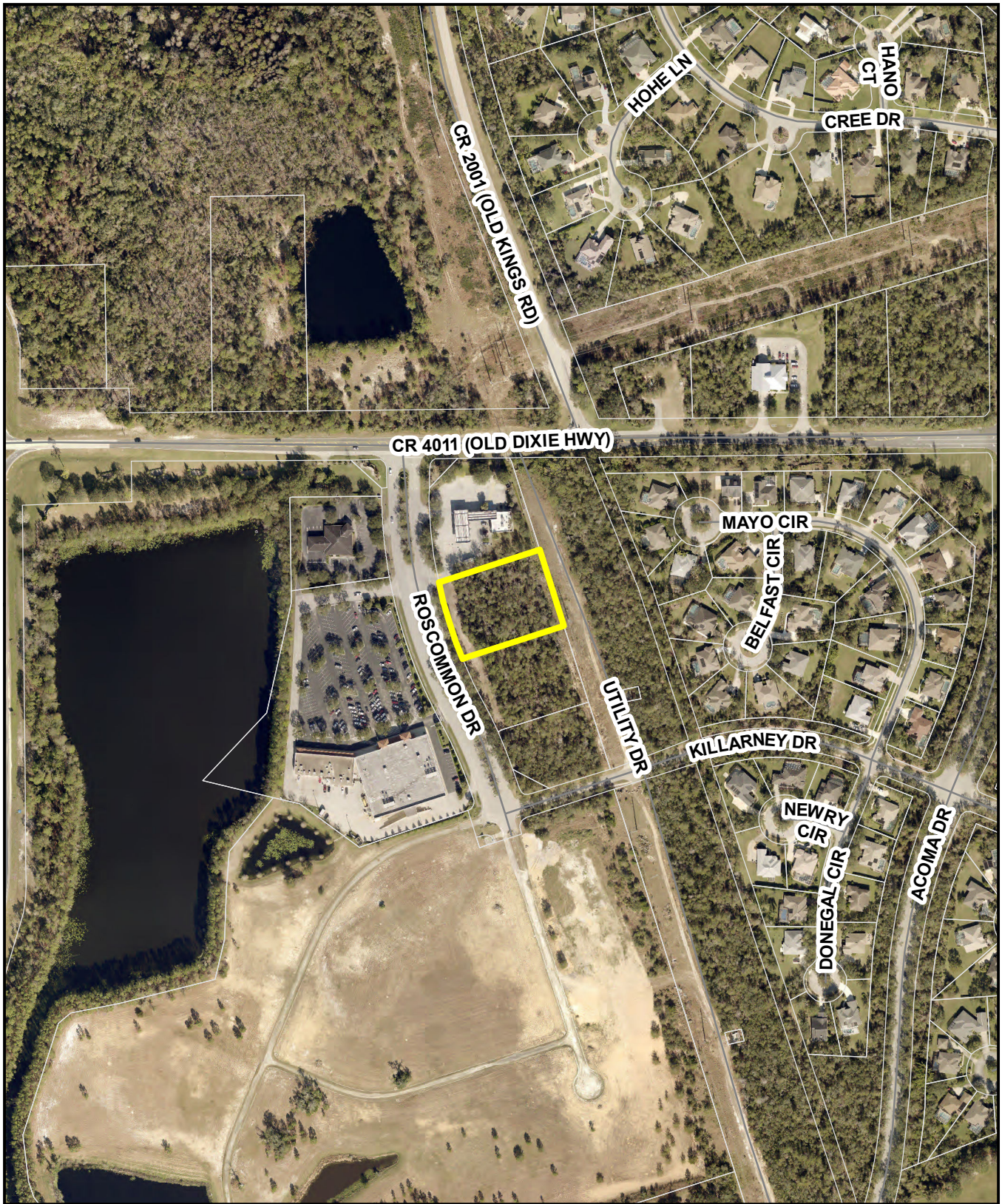


 SUBJECT PROPERTY



1" = 1,000'  
8/2/2021

# AERIAL V-21-133



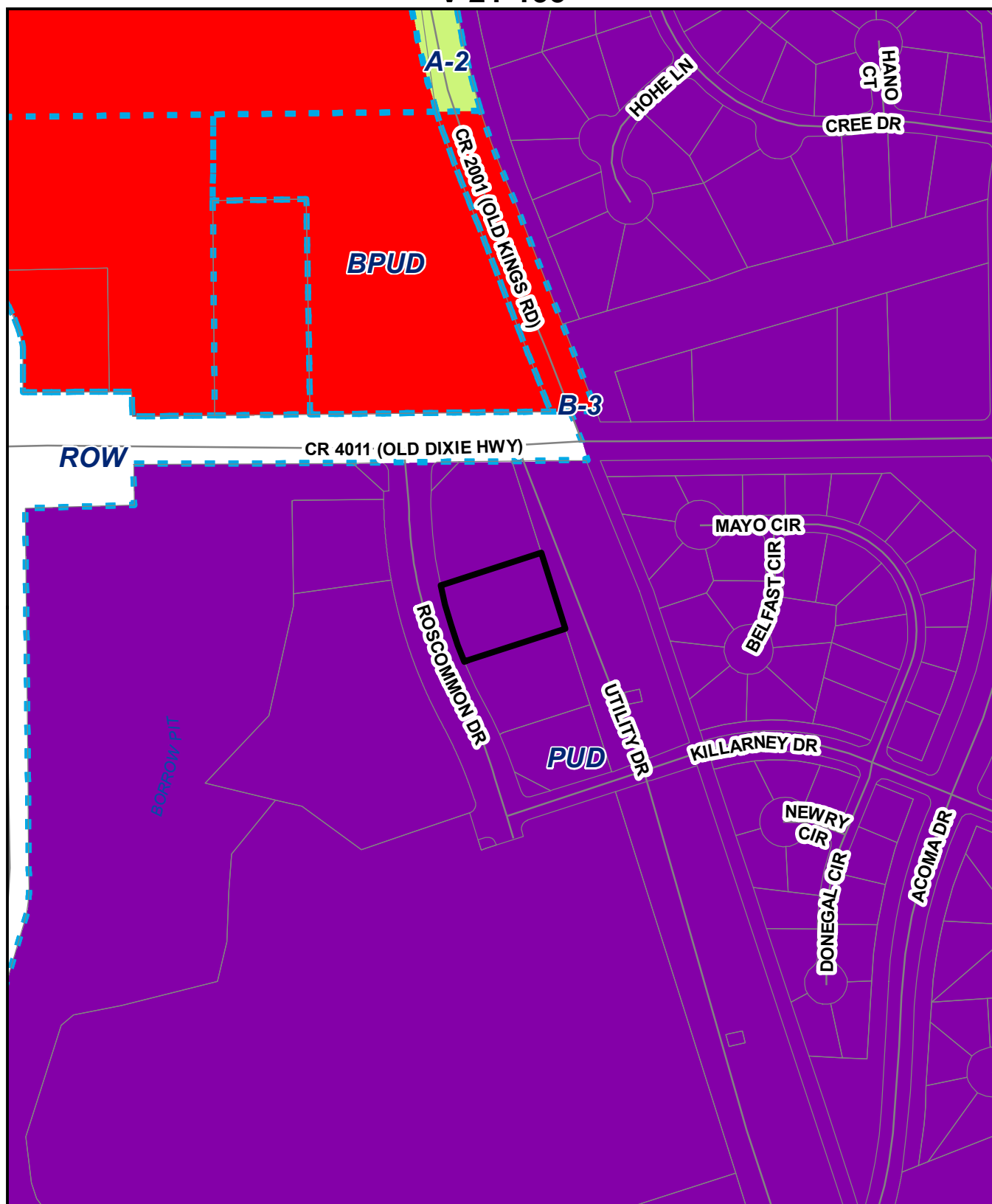
 SUBJECT PROPERTY






IMAGE DATE 2018



1" = 400'  
8/2/2021

# ZONING CLASSIFICATION V-21-133



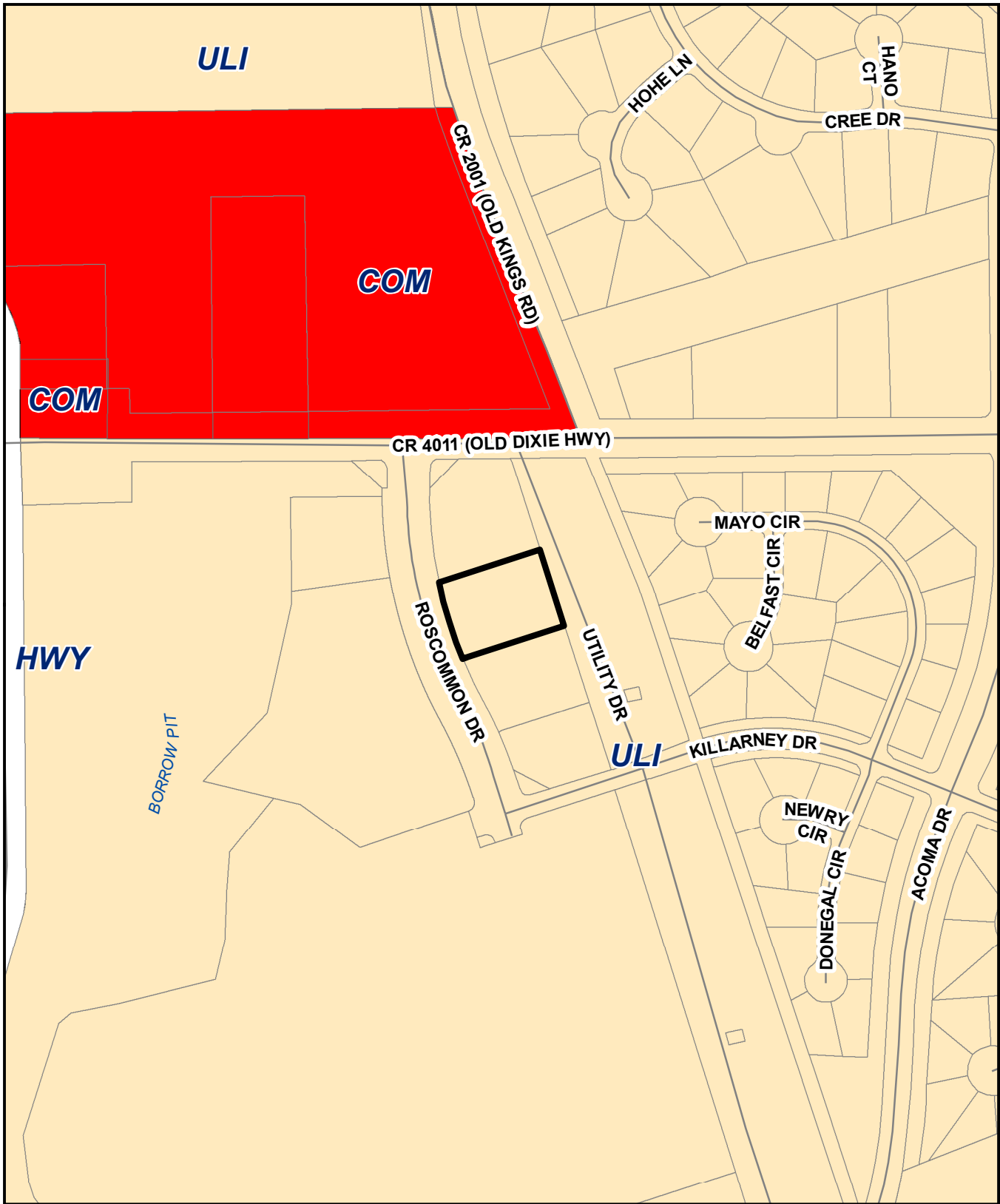
-  SUBJECT PROPERTY
-  ZONING BNDY
-  COMMERCIAL
-  AGRICULTURAL
-  PLANNED UNIT DEVELOPMENT







1" = 400'

8/2/2021

# FUTURE LAND USE V-21-133



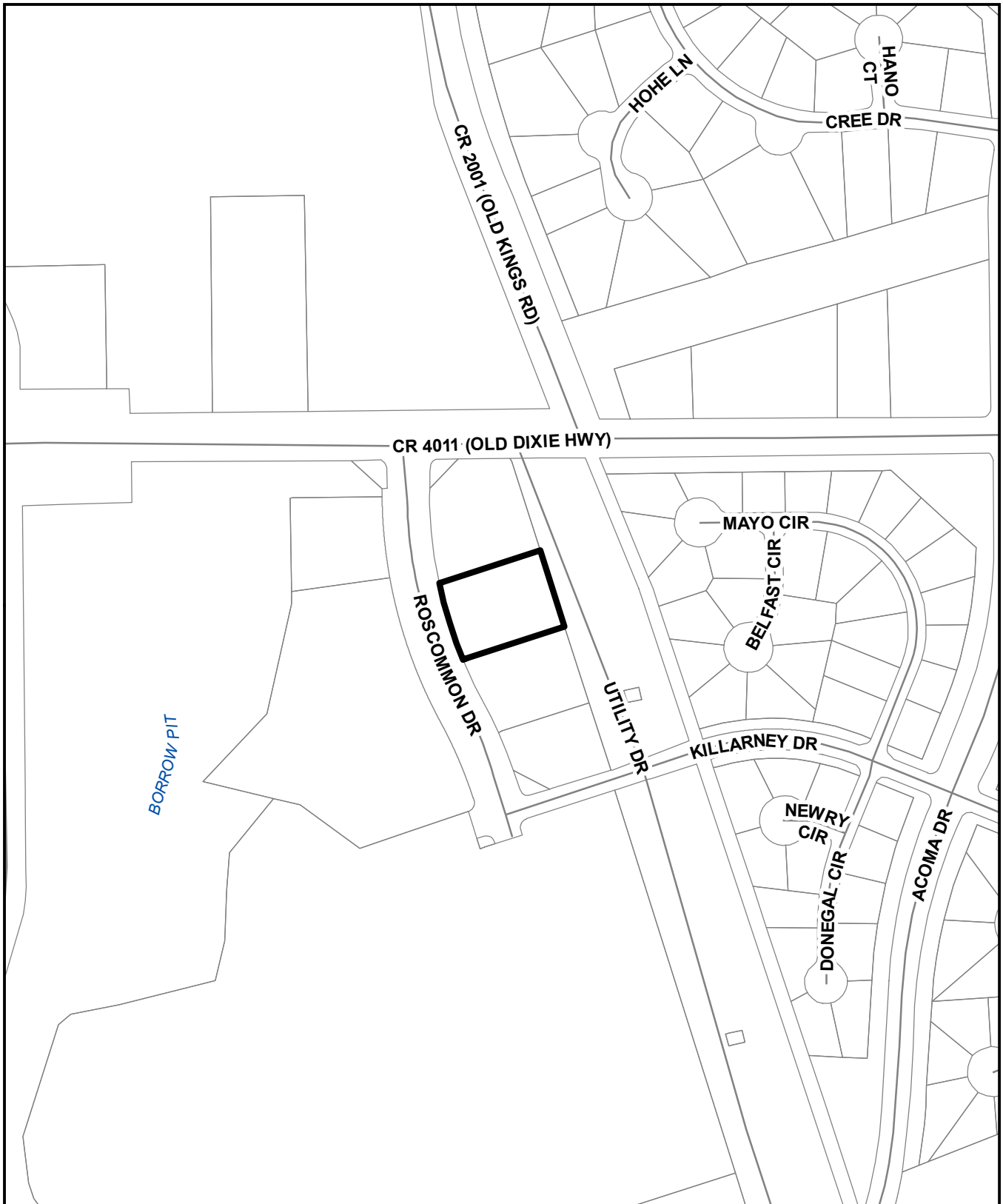
-  SUBJECT PROPERTY
-  COMMERCIAL
-  URBAN LOW INTENSITY
-  FEDERAL HIGHWAY






1" = 400'

8/2/2021

# ECO/NRMA OVERLAY V-21-133



-  SUBJECT PROPERTY
-  ECO
-  NRMA



1" = 400'

8/2/2021