

# **JEAN CARLOS ULLOA**

## **#23-116**

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Planning and Zoning Board – November 20, 2023

Board of Commissioners – December 5, 2023



# SUMMARY OF REQUEST

- **#22-116 – Ordinance 2023-23 Rezoning**
  - Location: 1404 Meyer Lane, southeast of Keystone Road
  - Property Features
    - 0.20 acres (8,841 square feet); current vacant
  - Future Land Use: Residential Low (RL)
  - Zoning:
    - Current: R-100A Single Family Residential
    - Proposed: R-60 One and Two Family Residential
- **Applicant**: Oscar Zegarra
- **Owner**: Jean Carlos Ulloa

# LOCATION & CONTEXT



# LOCATION & CONTEXT



City sports complex

Keystone Road

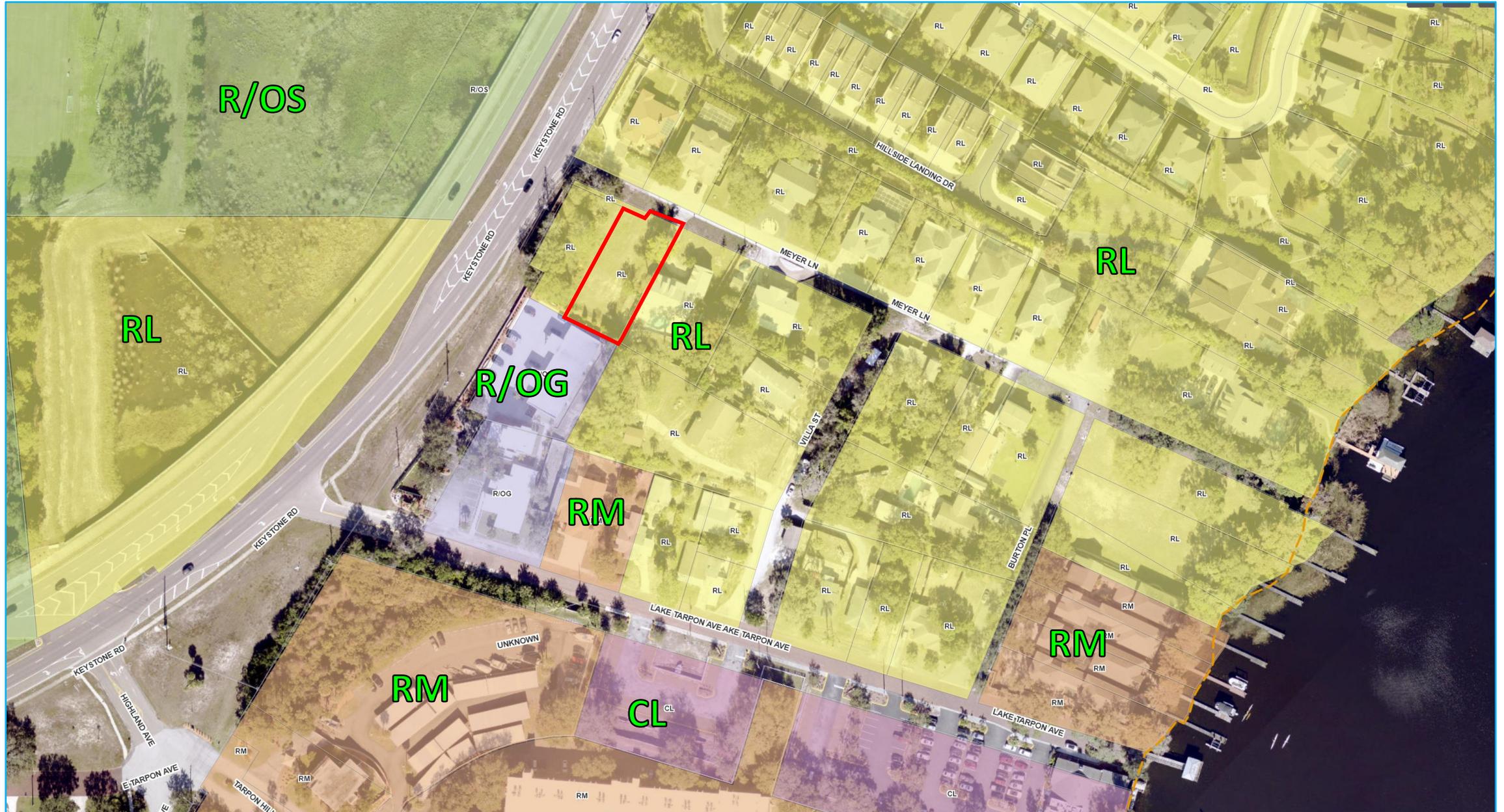
SITE

residential

# ZONING



# FUTURE LAND USE MAP



# REVIEW CRITERIA – REZONING

- 1. The amendment is consistent with the goals, objectives and policies of the Tarpon Springs Comprehensive Plan.**

The proposed R-60 zoning is consistent with the Residential Low (RL) Future Land Use Map category. The RL category assigned density would limit this lot to one dwelling unit. The lot is nonconforming and does not meet the criteria for a nonconforming lot of record variance.

- 2. The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.**

The available use for this property under the current zoning and under the proposed zoning is one single family detached dwelling unit.

- 3. The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.**

The amendment would allow for development of a single family dwelling on an infill lot in an established single family residential neighborhood.

- 4. The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, waste and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Compliance with the adopted Levels of Service standards can be demonstrated if necessary.**

City services are available to this property and currently serving the neighborhood. Capacity is available to accommodate a single family dwelling in compliance with Levels of Service.

# PRELIMINARY STAFF RECOMMENDATION

**#23-116 - *Approval* of the Ordinance 2023-23,**

Rezoning to R-60 One and Two Family Residential District

**Public Notice Provided – No responses were received.**

# PLANNING AND ZONING BOARD RECOMMENDATION

## #23-116 - Ordinance 2023-23

The Planning and Zoning Board heard this item at their regular meeting of November 20, 2023 with six members in attendance. The Board voted unanimously to recommend **approval** of the rezoning under **Ordinance 2023-23**.



**CITY OF TARPON SPRINGS**  
**PLANNING & ZONING BOARD / BOARD OF COMMISSIONERS**  
**NOVEMBER 20, 2023 / DECEMBER 5, 2023**

**STAFF REPORT, November 29, 2023**

**Application No. / Project Title:** 23-116 / Ulloa Rezoning

**Staff:** Patricia L. McNeese, AICP  
 Planning Supervisor

**Applicant / Owner:** Oscar Zegarra / Jean Carlos Ulloa

**Property Size:** 0.20 acres (8,841 square feet)

**Current Zoning:** R-100A (Single Family Residential)

**Proposed Zoning:** R-60 (One and Two Family Residential)

**Current Land Use:** Residential Low (RL)

**Location / Parcel ID:** 1400 Meyer Lane, southwest side of Meyer Lane approximately 100 feet southeast of Keystone Road / Parcel #08-27-16-48870-000-0172

**BACKGROUND SUMMARY:**

The subject property is located on the southwest side of Meyer Lane, about 100 feet southeast of Keystone Road. It is currently vacant. The applicant is requesting a change in zoning from R-100 (Residential Single Family) District to R-60 (One and Two Family Residential) District.

**PRELIMINARY STAFF RECOMMENDATION:**

Staff recommends **approval** of Ordinance 2023-23 for rezoning to R-60 One and Two Family Residential District.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board reviewed this item at their regular meeting of November 20, 2023 with six members in attendance. The Board voted unanimously to recommend **approval** of the rezoning under **Ordinance 2023-23**. There was no public comment.

**CURRENT PROPERTY INFORMATION:**

<b>Use of Property:</b>	Vacant
<b>Site Features:</b>	Mowed grass, few trees, previous improvements removed
<b>Vehicle Access:</b>	The property access is from Meyer Lane



**SURROUNDING ZONING & LAND USE:**

	<b>Zoning:</b>	<b>Land Use:</b>
<b>Northeast:</b>	R-100A Single Family Residential	Residential Low (RL)
<b>Northwest:</b>	R-100A Single Family Residential	Residential Low (RL)
<b>Southwest:</b>	RO (Residential Office)	Residential Office General (ROG)
<b>Southeast:</b>	R-100 Single Family Residential	Residential Low (RL)

**PLANNING CONSIDERATIONS:**

When considering this application, the following general site conditions, planning concepts, and other facts should be noted:

1. The property is located in a residential area. Meyer Lane is developed with single family residences, as is the immediate surrounding area. To the southwest (behind the subject property) are two office buildings gaining access from Lake Tarpon Avenue. The area across Keystone Road is in the R-100 zoning district and is developed with the City’s sports complex. Keystone Road is a Pinellas County Scenic Corridor.
2. As an informational item, a building permit (#13-336) was issued for this property and construction was initiated. However, discovery of a discrepancy in the property’s boundary survey led to abandonment of the project and removal of the partial improvements. The survey has since been corrected. The owner would like to build a home of a size comparable to those in the neighborhood. The reduced setbacks provided for in the R-60 zoning may allow that.
3. The “Lakeview Subdivision” in which this property is located was platted in 1922 and is somewhat unique in that it did not have a typical street grid system. It used a series of ten-foot alleys to access most of the lots. Over the years, portions of the alleys were vacated and lots were combined to create new parcels of various sizes. The subject property resulted from a 3-lot to 2-lot combination/split of the original plat. This property previously consisted of Lots 17, 18 and 19 of the Lakeview plat. Those three lots were combined and then split into two larger lots, the easternmost being the subject property. The property was also rezoned to R-100A based on the survey provided at that time (Ordinance 2003-34). The survey was later found to be in error.
4. The property does not comply with the minimum lot dimensions for the R-100A zoning district, and, it cannot obtain a variance for a nonconforming lot of record under Section 215.02.5 of the Land Development Code because it does not consist of “at least one entire a lot of record” and therefore would not meet the variance criteria.
5. The property is in the Residential Low (RL) Future Land Use Map (FLUM) category with a density allocation of 5 dwelling units/acre. The property is 0.20 acres in size and can only accommodate one residential unit under the RL FLUM category, regardless of zoning. A change from R-100A to R-60 would not allow construction of a duplex on this lot.



**ZONING DISTRICT SUMMARY (EXISTING / PROPOSED):**

	<b>CURRENT R-100A (Single Family Residential)</b>	<b>PROPOSED R-60 (One and Two Family Residential)</b>
<b>Residential Density (dwelling units/acre):</b>		
<b>Per RL (Residential Low) FLUM Category</b>	5 dwelling units/acre	5 dwelling units/acre
<b>Allowable Uses:</b>	<b>LDC Section 25.02</b>	<b>LDC Section 25.03</b>
<b>Permitted/Primary</b>	Community Assembly Community Gardens Emergency Service Facilities Family Care Homes Public Parks/Recreation Facilities Schools of General Education Single Family Dwellings Sewage Treatment Plants	Community Assembly Emergency Service Facilities Family Care Homes Public Parks/Recreation Facilities Schools of General Education Single Family Detached Dwellings Single Family Semi-Detached Two Family Dwellings
	<b>CURRENT R-100A (Single Family Residential)</b>	<b>PROPOSED R-60 (One and Two Family Residential)</b>
<b>Conditional/Secondary</b>	Agriculture Community Residential Home Congregate Care Facilities Day Care Centers & Homes Family Care Homes Government Offices Light Utility Service Nursing Homes Schools of Special Education	Community Residential Homes Congregate Care Facilities Day Care Centers & Homes Family Care Homes Light Utility Service Schools of Special Education Two Family Dwellings
<b>Dimensional Criteria:</b>	<b>LDC Section 25.02</b>	<b>LDC Section 25.03</b>
Lot Area	7,000 square feet	6,000 square feet
Min. Lot Width	60 feet	40 feet
Min. Lot Depth	100 feet	n/a
Front Yard Setback	25 feet	20 feet
Front Yard to Garage	n/a	25 feet
Side Yard Setback	10 feet	5 feet
Side Street Setback	10 feet	7.5 feet
Rear Yard Setback	25 feet	20 feet



**REVIEW STANDARDS / STAFF ANALYSIS - REZONING:**

Section 207.03(A) of the Tarpons Springs Comprehensive Zoning and Land Development Code provides standards for zoning map amendments. These standards, along with planning staff's analysis are provided below:

**1. The amendment is consistent with the goals, objectives and policies of the Tarpon Springs Comprehensive Plan.**

*Staff Analysis:* The property is located in the Residential Low (RL) Future Land Use Map category. Although this FLUM category is most often associated with the Single Family Residential zoning districts (R-100, R-100A and R-70A), the One and Two Family Residential districts (R-60 and R-70) are occasionally included, especially where an older plat is being memorialized. The original Lakeview plat's standard lot widths were on the order of 50 feet. Since the 1922 platting date, the lots have been significantly reconfigured and consolidated to create several larger lots, all of which have a minimum lot width of 75 feet, with the exception of the subject property and the properties fronting Lake Tarpon. The Lake Tarpon frontage has already been rezoned to R-60. The subject property's width is approximately 56 feet. The property can be characterized as a residential lot on an improved residential street (Meyer Lane) with available utilities in an established single family residential neighborhood. The Comprehensive Plan supports

development of this property as an infill residential lot in an existing improved single family residential neighborhood.

Since the non-conforming lot of record variance criteria cannot be met, and since the R-60 zoning category may be considered to be consistent with the RL FLUM category as described above for this specific circumstance, staff concludes that the rezoning is consistent with the Comprehensive Plan.

**2. The available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.**

*Staff Analysis:* The property is currently in the R-100A zoning district which would allow for construction of one single family detached dwelling, which it is the owner's intention to build. The RL FLUM category allows one dwelling unit on this 0.2-acre property, so under the R-60 zoning, the property would continue to allow for one single family detached dwelling. This is an appropriate use and constitutes an infill development in this existing established single family neighborhood.

**3. The amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.**

*Staff Analysis:* The amendment provides for efficient and orderly development by allowing utilization of an existing improved residential lot in an existing single family residential neighborhood.



- 4. The amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities, including transportation, waste and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Compliance with the adopted Levels of Service standards can be demonstrated if necessary.**

*Staff Analysis:* City facilities are already in place, serving the neighborhood, and available to this property including streets, potable water and sanitary sewer. Facilities capacity is available to accommodate the single family home proposed for the property in compliance with adopted Levels of Service.

**TECHNICAL REVIEW COMMITTEE:**

The Technical Review Committee (TRC) reviewed this project on October 5, 2023 for completeness and conformance to the Comprehensive Plan. The TRC determined that the application was complete and ready for processing. There were no further comments from the TRC.

**PUBLIC CORRESPONDENCE:**

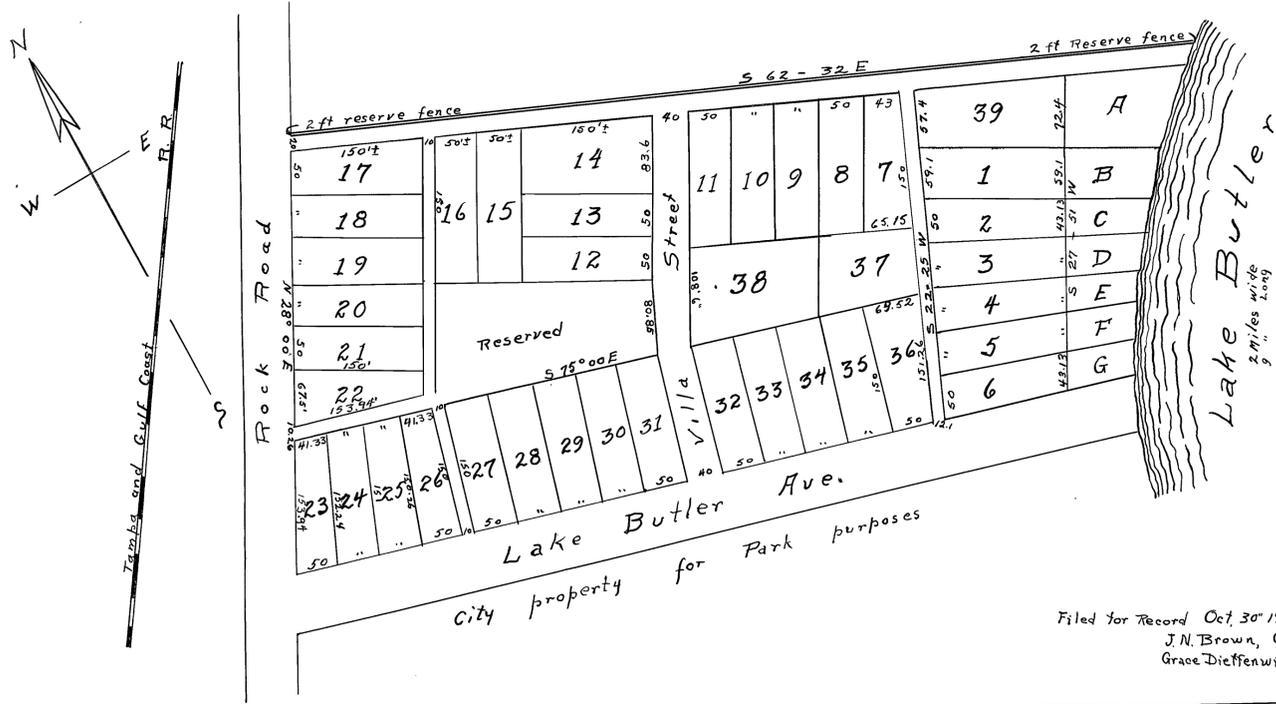
The property owners within 500 feet were sent written notification in accordance with Section 206.00(J)(4) of the City of Tarpon Springs Comprehensive Zoning and Land Development Code and Chapter 166.041, Florida Statutes. Notice was advertised in the *Tampa Bay Times* and notice was posted on the property. There were no responses to the notices.

**ATTACHMENTS:**

1. Slide show presentation
2. Survey
3. Lakeview Subdivision Plat
4. Ordinance 2023-23

# LAKE VIEW

Revised Map of W.J. Meyers Subdivision of Block 154  
 Lake Butler Villa Co's Subdivision of Sec 8, Twp 27 S, Range 16 East.  
 Map of Tarpon Springs, Fla.

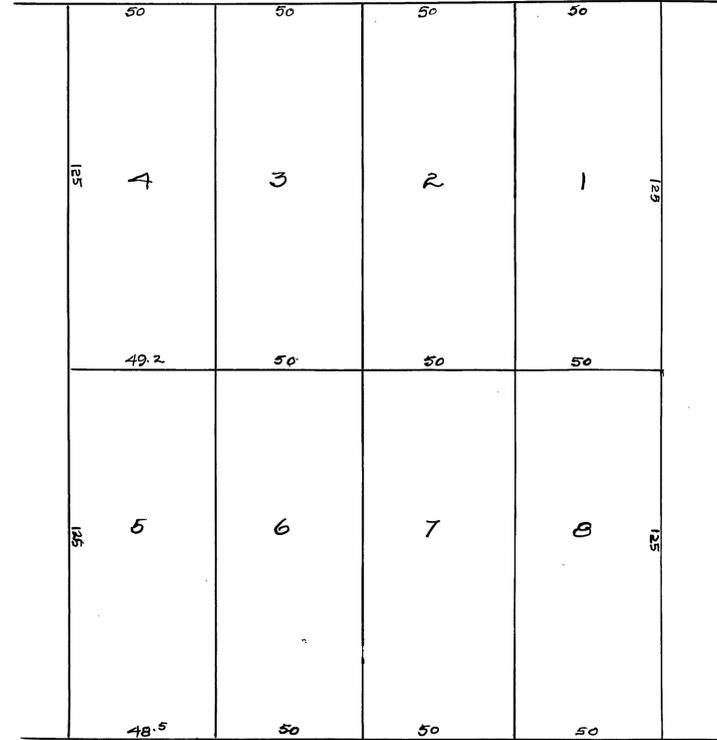


Filed for Record Oct 30<sup>th</sup> 1922 8:30 AM.  
 J.N. Brown, Clerk.  
 Grace Dieffenwierth D.C.

# CLEVELAND STREET ADDITION To Clearwater, Florida.

Being a Subdivision of lots 4, 5, 6 and 7, Block 3,  
 of Sarah McMullen Subdivision in N.W. 1/4 of N.W. 1/4  
 Sec. 15; T29 S; R 15 E. Scale: 1" = 30'.  
 Nov. 1922 W. O. Rousseau  
 Surveyor

## LAURA ST.



## CLEVELAND ST.

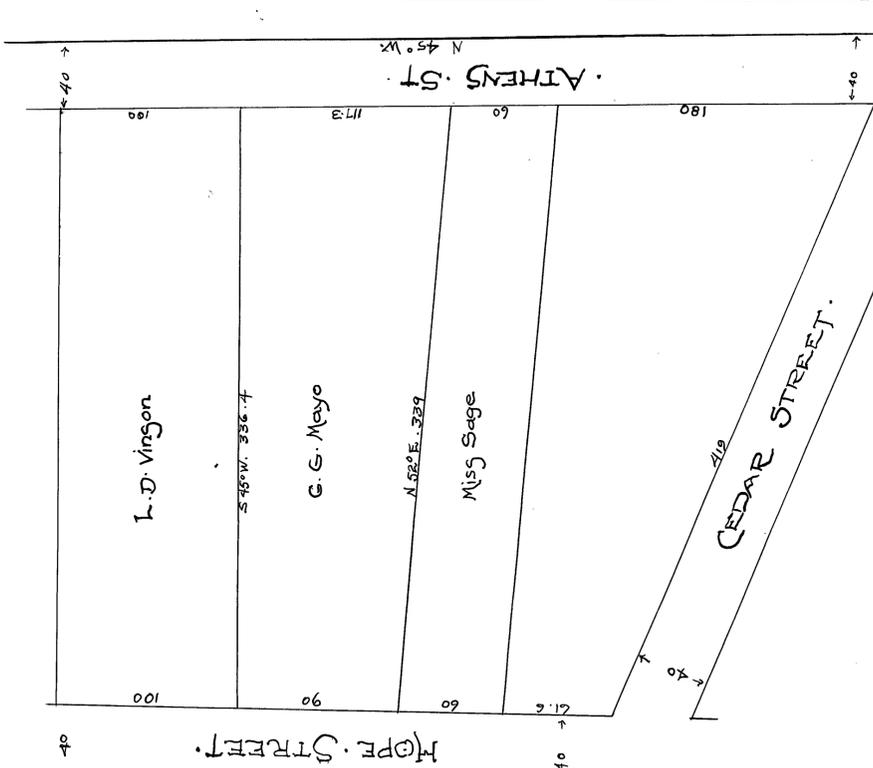
Filed for record Dec 4<sup>th</sup> 1922  
 8:45 AM  
 J.N. Brown, Clerk.  
 Grace Dieffenwierth D.C.

## DESCRIPTION OF G.C. MAYO'S LOT.

Begin at a point 240 ft. N. 75° W of the intersection of the West  
 line of Athens St. with the North line of Cedar St. and run N. 45° W. along W.  
 line of Athens St. 172 ft. thence S. 40° West 336.4 ft. to Hope St. thence  
 run southerly along E. line of Hope St. 90 ft. thence N. 52° E. 339 ft. to  
 Athens St. to point of beginning. Said lot being in Hope Subdiv.  
 sion of Blk. 54, town of Tarpon Springs, Florida.

Surveyed by  
 W. O. Rousseau  
 Jan. 1923.

Scale 50 ft. to 1 inch.



Filed for record,  
 Feb 5<sup>th</sup> 1923, 10:30 AM.  
 J.N. Brown, Clerk.  
 Grace Dieffenwierth D.C.



**ORDINANCE 2023-23**

**AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS FOR 0.20 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED AT 1404 MEYER LANE, ON THE SOUTHWEST SIDE OF MEYER LANE APPROXIMATELY 100 FEET SOUTHEAST OF KEYSTONE ROAD, FROM ZONING DISTRICT R-100A (SINGLE FAMILY RESIDENTIAL) TO ZONING DISTRICT R-60 (ONE AND TWO FAMILY RESIDENTIAL); PROVIDING FOR FINDINGS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the property owner of record of said parcel has requested to amend the zoning district designation of said parcel to R-60 One and Two Family Residential; and,

**WHEREAS**, the zoning district R-60 One and Two Family Residential is consistent with the existing Future Land Use Map category of RL (Residential Low); and,

**WHEREAS**, the available uses within the R-60 One and Two Family Residential District are compatible with surrounding and existing land uses; and,

**WHEREAS**, the Planning and Zoning Board conducted a public hearing on this rezoning Ordinance on November 20, 2023; and

**WHEREAS**, published legal notice of this Ordinance has been provided pursuant to the requirements of Chapter 166.041, F.S. and Section 206 of the Tarpon Springs Comprehensive Zoning and Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

**Section 1. FINDINGS**

1. That the Board of Commissioners finds that this Ordinance is consistent with the Tarpon Springs Comprehensive Plan.
2. That available uses to which the property may be put are appropriate to the property in question and are compatible with the existing and planned uses in the area.
3. That the amendment shall provide for efficient and orderly development considering the impact upon growth patterns and the cost to the City to provide public facilities.

4. That the amendment will not adversely impact nor exceed the capacity or the fiscal ability of the City to provide public facilities including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

**Section 2. ZONING ATLAS AMENDMENT**

That the Official Zoning Atlas of the City of Tarpon Springs is hereby amended for the property described in Exhibit A.

**Section 3. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of the Ordinance is determined for any reason to be illegal, invalid, or unconstitutional by a court or regulatory body of competent jurisdiction, then the offending provision shall be deemed severable, shall not affect the validity of the remaining portions hereof, and the remainder shall continue in full force and effect.

**Section 4. REPEAL**

All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective the date this ordinance becomes effective.

**Section 4. EFFECTIVE DATE**

This Ordinance shall be effective upon approval in the manner provided by law.

## Ordinance 2023-23 Exhibit A

### LEGAL DESCRIPTION

A PORTION OF LOTS 17, 18 & 19, LAKE VIEW, AS RECORDED IN PLAT BOOK 5, PAGE 76 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. LESS THAT PART TAKEN FOR ROAD RIGHT-OF-WAY FOR S.R. S-582, SECTION 15560-2601, AS RECORDED IN ROAD PLAT BOOK C, PAGES 129 THROUGH 138, INCLUSIVE, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; SAID RIGHT-OF-WAY BEING FURTHER DESCRIBED IN O.R. BOOK 1725, PAGES 256 AND 267, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. AND LESS THAT PART TAKEN FOR ROAD RIGHT-OF-WAY FOR MYER LANE, AS RECORDED IN O.R. BOOK 16787, PAGES 1120-1123, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF S.R. S-582, (KEYSTONE ROAD) AND THE SOUTHERLY RIGHT-OF-WAY OF MYER LANE, AS A POINT OF COMMENCEMENT; THENCE SOUTH 64°27'33" EAST ALONG SAID RIGHT-OF-WAY OF MYER LANE, A DISTANCE OF 95.74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE OF MYER LANE SOUTH 64°27'33" EAST, A DISTANCE OF 40.0 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF A 10 FOOT ALLEY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF A 10 FOOT ALLEY, SOUTH 30°10'35" WEST, A DISTANCE OF 162.48 FEET TO THE SOUTHERLY BOUNDARY LINE OF LOT 19; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE OF LOT 19, NORTH 59°41'15" WEST, A DISTANCE OF 67.40 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY LINE OF LOT 19, NORTH 30°05'08" EAST, A DISTANCE OF 150.20 FEET; THENCE SOUTH 63°45'40" EAST, A DISTANCE OF 28.34 FEET; THENCE NORTH 25°58'36" EAST, A DISTANCE OF 7.03 FEET TO THE POINT OF BEGINNING, BEING MORE FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF MEYER LANE, A 20 FOOT WIDE RIGHT-OF-WAY, LAKE VIEW SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 76 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND THE EASTERLY RIGHT-OF-WAY OF KEYSTONE ROAD (S.R. S-582, SECTION 15560, 2601, AS RECORDED IN ROAD PLAT BOOK C, PAGES 129 THROUGH 138, INCLUSIVE, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA), ALSO BEING THE NORTHWEST CORNER OF LOT 17; THENCE S64°30'42"E ALONG THE SOUTH RIGHT-OF-WAY OF SAID MEYER LANE, 127.42 FEET TO THE POINT OF BEGINNING; THENCE S64°25'11"E, 27.96 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY OF MEYER LANE AND THE CENTERLINE OF A 10 FOOT WIDE (VACATED) PLATTED ALLEY OF SAID LAKE VIEW SUBDIVISION; THENCE S29°50'51"W ALONG SAID CENTERLINE, 163.02 FEET TO A POINT ALONG THE EASTERLY EXTENSION OF THE SOUTH BOUNDARY OF SAID LOT 19; THENCE N59°41'23"W, ALONG SAID SOUTH BOUNDARY OF SAID LOT 19 AND ITS EASTERLY EXTENSION, 56.61 FEET; THENCE N30°07'30"E, 151.72 FEET TO A POINT ALONG THE SOUTH BOUNDARY OF THAT PARCEL OWNED BY PINELLAS COUNTY, FLORIDA DESCRIBED IN OFFICIAL RECORDS BOOK 16767, PAGE 1120 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE S63°40'14"E ALONG SAID SOUTH BOUNDARY DESCRIBED IN OFFICIAL RECORDS BOOK 16767, PAGE 1120, 28.52 FEET TO THE SOUTHEAST CORNER OF THAT PROPERTY DESCRIBED THEREIN; THENCE N26°00'58"E ALONG THE EAST BOUNDARY OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 16767, PAGE 1120, 7.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,841.27 SQUARE FEET OR 0.2030 ACRES, MORE OR LESS.