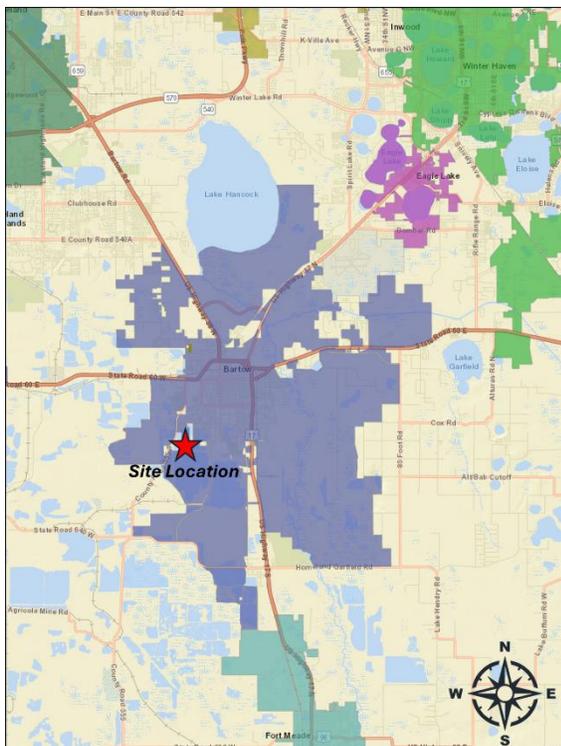


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	January 15, 2026
Planning Commission Date:	March 4, 2026
Applicant:	Joey Manning
Level of Review:	Level 3 Review, Access Via Easement
Case Number and Name:	LDWA-2025-49 Hatch Easement
Request:	The applicant is requesting approval to allow a newly split lot to have access via an easement exceeding 0.25 miles in length on ±1.47 acres within a Residential Low-1 (RL-1) future land use district.
Location:	The subject site is located off Gaskin Road South, north of Highway 640, south of Clower Street, east of Highway 555, west of Noralyn Mine Road, west of the City of Bartow in Section 13, Township 30, Range 24.
Property Owner:	James and Lisa Hatch
Parcel Numbers, Size:	±1.47 acres Parcel IDs (#243013293166000103)
Development Area/Overlays:	Urban Growth Area (UGA)
Future Land Use:	Residential Low-1 (RL-1)
Nearest Municipality	City of Bartow
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Approval
Case Planner:	Kyle Rogus, Planner II



Location



Context Aerial

Summary of Analysis:

The applicant is proposing one (1) additional lot to access off the existing easement exceeding the 0.25 mile maximum allowable by Land Development Code (LDC) standards. With the approval of LDWA-2025-49 three (3) lots will access the easement meeting the four (4) lot maximum allowed administratively.

To be eligible for administrative approval the easement must:

1. *Provide access to no more than four (4) lots;*
2. *Be at least 20 feet wide; and,*
3. ***Be no longer than a ¼ mile;***
4. *Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
5. *Be supported by the joinder and consent of all fee owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement. In lieu of joinders, an applicant may provide a legal opinion from a licensed Florida attorney stating a lot has legal access, along with supporting documentation.*

Typically, an administrative Level 1 Review is used to determine eligibility; however, in instances where the parent parcel accesses a public roadway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement **and the easement does not exceed 0.25 miles**. The existing easement exceeds the quarter mile maximum length therefore Planning Commission approval is required for any additional lot gaining access.

Through the Development Review Committee (DRC) process, Land Development staff recommends approval of this application with the conditions listed on Page 4 and 5 of this staff report. The maintenance of the easement is a private matter between the users. This review is to determine the extent to which an access easement can accommodate the usage proposed. There are many variables that separate one easement from another. These include, but are not limited to, the condition of the easement, how the surface is constructed, maintenance and sustainability, public input derived at a public hearing, and the amount of additional use proposed. It is these factors, as well as the waiver criteria in Section 932.A (1-5), that are to be considered. The Planning Commission will ultimately decide whether or not to approve the waiver request.

Furthermore, staff finds the request satisfies the LDC Waiver criteria found in Section 932. If this Waiver is approved, a Level 1 Review will be necessary when the applicant (s) applies for a building permit to ensure the easement meets the standards proposed and the approved conditions.

Findings of Fact

- *The applicant is requesting approval of a waiver to LDC Section 705.B to allow the issuance of a building permit for up to one (1) single-family home on Parcel ID No. 243013293166000103 to gain access solely via an easement that exceeds ¼ mile.*
- *The subject property is recorded as Parcel ID No. 243013293166000103. It is approximately 1.47 acres and vacant.*
- *The existing easement is 25 feet wide and serves two (2) existing homes. Access easements require a minimum 20-foot width and serve up to four (4) lots administratively.*
- *Per LDC Section 705.B.1, “an easement providing access to a residential lot from a paved road meeting County standard shall meet the following requirements; the easement shall:*
 - a. Have a minimum width of 20 feet;*
 - b. Not exceed 0.25 miles (1,320 feet) in length without a waiver approved by the Planning Commission pursuant to LDC Section 932;***
 - c. Provide for sufficient ingress and egress for fire trucks, ambulances, police cars and emergency vehicles; and*
 - d. Be supported by the joinder and consent of all fee owners under easements to the use of the easement by the subject parcel(s). If joinders are provided for the easement, it shall be accompanied by an ownership and encumbrance report based on the legal description of the easement. In lieu of joinders, an applicant may provide a legal opinion from a licensed Florida attorney stating a lot has legal access, along with supporting documentation; and,*
 - e. Be subject to a Level 1 Review and be provided written approval of same prior to obtaining a building permit.”*
- *Per LDC Section 705.B.2, “When subdividing a parcel that will utilize an easement for access, the following standards shall apply:*
 - a. No more than four lots. subject to density. minimum lot size requirements, and any other applicable requirements of this Code, shall be allowed to access solely via an easement. To exceed four lots on an easement, a waiver must be approved by the Planning Commission pursuant to LDC Section 932.*
 - b. When creating parcels that will be accessed solely via an easement as provided for herein, the parent tract (prior to subdividing) shall directly front on a public or private paved road meeting County standards. Waivers to the standards in this Subsection b. may be approved by the Planning Commission pursuant to LDC Section 932.*
 - i. If the parent parcel fronts an unpaved road that is maintained by the County and the road is less than 0.25 miles (1.320 feet) in length, this shall suffice as direct frontage.*

ii. In instances where the parent parcel accesses a County-maintained road or state highway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement and the easement does not exceed 0.25 miles.

- *The subject property is within a Residential Low-1 (RL-1) land use district in the Urban Growth Development Area (UGA). Minimum lot sizes are 0.92 acres (40,000 square feet).*
- *The subject property is zoned for Floral Avenue Elementary, Bartow Middle, and Bartow Senior High school.*
- *The subject property is served by the Polk County Sheriff's North Central District, located at 3635 Avenue G NW, Winter Haven, FL.*
- *Fire response is from Bartow Fire Station 2, located at 2475 E Clower St, Bartow, FL under an automatic aid interlocal agreement. Travel distance is 2.6 miles and optimal response times are expected to average nine (9) to eleven (11) minutes.*
- *EMS response is from Polk County Fire Rescue Station 9, located at 1450 Pinehurst St, Bartow, FL. Travel distance is 2.2 miles and optimal response times are expected to average eight (8) to ten (10) minutes.*
- *Subject site is associated with flood hazard areas and wetlands to the south of the site within man-made lakes from past Phosphate Mining.*
- *There are no known historical or archeological resources onsite, according to the Secretary of State's Department of Historical Resources Florida Master Site File.*
- *According to the Florida Natural Areas Inventory Biodiversity Matrix, the site is not located within a one-mile radius Conservation Lands.*
- *This application has been reviewed for consistency with LDC Sections 705, 906, 932, and Tables 2.1 and 2.2.*

Development Review Committee

The Development Review Committee, based on submitted information, the findings of fact and analysis conducted as part of this staff report, and a recent site visit, finds that the proposed request **IS COMPATIBLE** with the surrounding land uses and general character of the area; **IS CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan; and recommends **APPROVAL of LDWA-2025-49** with the following conditions:

CONDITIONS OF APPROVAL

1. Approval of this waiver shall allow for residential permits for up to one (1) single-family home and accessory structures to access public roadways through the easement.

2. To allow for the access of emergency vehicles, all easements shall have an unobstructed width of not less than 20 feet. No fencing, landscaping, vehicles, machinery, equipment, or other accessory structures or features which could interfere with the passage of emergency vehicles shall be placed or stored within this 20 feet.
3. Prior to occupying the proposed single-family residence, a Level 1 Review for Access via Easement is necessary to allow access over, on, upon, and across the subject property to the parent parcel to the west.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.

NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.

NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commission's jurisdiction. Upon completion of the Level 3 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DEMONSTRATIONS OF THE CRITERIA FOR GRANTING WAIVERS SUMMARIZED BELOW:

Note: Below are staff's responses and opinions to the applicant's request relative to demonstrating the criteria for granting a waiver. Since this particular request requires a Level 3 Review approval, by the Planning Commission on whether the waiver should be granted, and access should be allowed.

1. *Whether the application of the provisions of the Code would cause unnecessary and undue hardship on the use of the property;*

The subject site is ±1.47 acres located in the Residential Low-1 (RL-1) land use district. The site is allotted to one dwelling unit administratively while maintaining a minimum lot size of 40,000 square feet. According to Lake Krenson Estates recorded under Plat BK 95, PG 3, Lot 10 included Parcel ID No. 243013293166000102 and Parcel ID No. 243013293166000103. An easement and maintenance agreement was recorded on January 3rd, 2020, allowing access over, on, upon, and across Lot 10 to the parent parcel currently under Parcel ID No. 243013293166000102. Earlier this year the parent parcel was split, creating the subject site under Parcel ID No. 243013293166000103. Pursuant to Section 705.B.2, In instances where the parent parcel accesses a public road or state highway solely via an easement and lacks direct deeded, fee-simple frontage on a County-maintained road or state highway, a one-time lot split consistent with the lot size and density requirements of the Future Land Use map may be permitted through a Level 1 Review, provided no more than four lots access the easement and the easement does not exceed 0.25 miles. While the lot was lawfully split and meets the lot size and density requirements of the Residential Low-1 (RL-1)

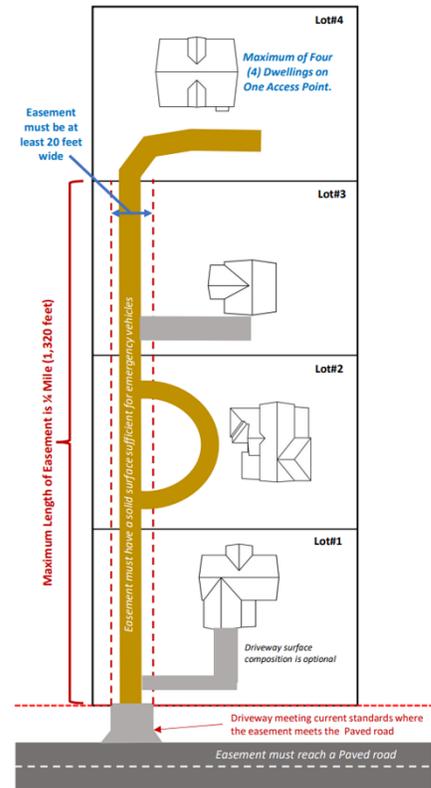
because the newly created lot is gaining access via easement that exceeds 0.25 miles, Planning Commission approval is required.

When the lot was created it landlocked Parcel ID No. 243013293166000102. As one of the conditions of approval, the applicant is required to apply for Access via Easement prior to occupying the proposed single-family residence to allow access over, on, upon, and across their property to the parcel to the west. Although both lots are under the same ownership, this condition places the burden on the current property owner, not future homeowners with the sale of any lots.

2. *Whether the waiver granted is the minimum adjustment that will make possible the reasonable and permitted use of the property;*

While the existing private access easement exceeds the maximum length of 0.25 miles, it does not serve more than four (4) lots and the easement exceeds the minimum width requirement by providing 25 feet, which enhances safety and accommodates emergency vehicle access in compliance with ingress and egress standards. The newly created lot will be the third to gain access via easement and is under the same ownership as the residentially developed parcel to the west. Without the requested waiver, reasonable access to the property would be constrained; therefore, the waiver is limited in scope and necessary to facilitate development consistent with the intent of the Land Development Code (LDC).

The City of Bartow provides utilities and services in this area, however running utilities to the existing and proposed lots on narrow strips of land surrounded by old phosphate mining pits is impractical. While the site is designated RL-1 and within the UGA on a map, on the ground the landscape tells a different story. This property is on a small tract of land that is surrounded by lakes once used as phosphate pits. The nearest public road is Gaskin Road approximately 0.50 miles northeast and the nearest fire hydrant is 0.60 miles to the northeast off Gaskin Road. The site is rural in nature and will utilize a private well and septic system.



3. *Whether the granting of the waiver will be in harmony with the general intent and purpose of this Code and that such waiver will not be injurious or detrimental to the public health, safety or welfare by, without limitation, creating unsafe traffic conditions or cause increased maintenance expenses in connection with the subdivision improvements;*

The easement was filed in January 2020, for the sole purpose of granting permanent non-exclusive access over, on, upon, and across the property designated as Parcel ID No. 243013293166000101 for future development to the south and to be privately maintained. The City of Bartow encapsulates the small remnants of unincorporated property in the area designated Residential Low-1 and Residential Low-4. The City of Bartow owns and maintains the immediate surrounding roadway network, including Gaskin Road, where the easement obtains access. The city provides the surrounding utilities in the area, however running utility lines to this area of the County is

impractical as it would not meet the return on investment for serving three (3) lots and the surrounding land limits construction. Staff has reached out to the City of Bartow Public Works division regarding the proposed request for one (1) additional single-family home and provided no comments.

As one of the conditions of approval, a Level 1 Review for Access via Easement is required prior to occupying the proposed single-family residence to allow access over, on, upon, and across the subject property to the parent parcel to the west. Although both lots are under the same ownership, this condition places the burden on the current property owner, not future homeowners with the sale of the lot.

4. *The granting of the waiver will not likely result in setting a precedent for a similar waiver request in the area; and*

While there is always a chance that somewhere in this County one might draw a parallel to this situation, the probability is low. The surrounding area to the east and south is City of Bartow. Directly to the north and west of the subject site are existing single-family developments. Further surrounding the site are man-made lakes, remnants of Phosphate Mining activities dating back between 1941 and 1963.

5. *Whether all other avenues of relief have been exhausted.*

The other avenue of relief would require a paved road built to County standards. The cost of constructing a road to reach all three (3) lots will likely not meet the return on investment. The City of Bartow owns and maintains the immediate surrounding road network and provides utilities for the area. Due to these factors and the rural nature of the site and size/density of the existing and proposed lots, maintaining access via easement is the best solution for accessing this site.

Surrounding Land Use Designations and Current Land Use Activity:

The properties surrounding the site are mostly single-family within the Residential Low-1 (RL-1) land use district and UGA development area. While the site is located within the UGA the nature of the site is rural.

Table 1

<p>Northwest: RL-1 Samuel and Danetta Hopewell Mobile Home Lakefront 11.80 Acres Uplands 32.36 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p>North: RL-1 Samuel and Danetta Hopewell Mobile Home Lakefront 11.80 Acres Uplands 32.36 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p>Northeast: Bartow Clear Springs DLC LLC Pasture w/ Undev. 280.84 Acres Total Access: Noralyn Mine Road</p>
<p>West: RL-1 James and Lisa Hatch Residential Lakefront 1.58 Acres Uplands 4.65 Acres Total Access: Easement Lots: 2 total lots Length: +/- 0.50 miles</p>	<p>Subject Property: RL-1 James and Lisa Hatch Residential 1.13 Acres Uplands 1.47 Acres Total Access: Easement Lots: 3rd proposed lot Length: +/- 0.50 miles</p>	<p>East: Bartow Clear Springs DLC LLC Pasture w/ Undev. 280.84 Acres Total Access: Noralyn Mine Road</p>
<p>Southwest: RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>	<p>South: RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>	<p>Southeast: RL-1 Neil Sue Residential Lakefront 9.57 Acres Uplands 26.86 Acres Total Access: CR 555</p>

Compatibility with the Surrounding Land Uses:

The proposed use is believed to be compatible with adjacent land uses. Single-family uses are to the north and west of the subject site. The lots are above the 40,000 square feet minimum lot size in the RL-1, not including the man-made waterbodies designated as “Lake (Phosphate Pit)” according to the Lake Krenson Estates Subdivision recorded in Plat BK 95, PG 3. The larger lot sizes result in a lower density than is allotted in the RL-1. Lot 10 of the Lake Krenson Estates Subdivision has been subdivided two (2) times since its recording in 1994, including the most recent lot split requiring Planning Commission approval for one (1) additional home. One (1) additional home will not create a reasonable burden on the adjacent uses. The abutting property to the west is under the same ownership.

Urban Services and Infrastructure Analysis

The surrounding area has public safety service facilities that are operating within their adopted Level-of-Service (LOS) standard with no deficiencies. Placement of one (1) additional home will not trigger school concurrency. Table 2, to follow, summarizes urban services and infrastructure for the surrounding area. Based upon the nature and size of the request, the proposed request is not anticipated to create any significant demand on these services.

According to Polk County’s Road Inventory, Gaskin Road (BT051816) and Clower Street (BT041301) are the City of Bartow roads. According to Polk County’s Road Inventory, the nearest County-maintained

roadway is Agricola Road (CR 555, Road No. 142601) to the west and Noralyn Mine Road (Road No. 043601) to the east. Agricola Road (CR 555, Road No. 142601) is a County-maintained Rural Major Collector (RMC) roadway and Noralyn Mine Road (Road No. 043601) is a County-maintained Rural Minor Collector (RNC) roadway.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Floral Avenue Elementary Bartow Middle School Bartow Senior High School
Parks	McLeod Memorial Park
Sheriff	Polk County Sheriff's North Central District, located at 3635 Avenue G NW, Winter Haven, FL. The response times for February 2026 were: Priority 1: 9:56 Priority 2: 26:35
Fire/EMS	Primary fire response to this address is from Bartow Fire Station 2, 2475 E Clower St, Bartow, FL under an automatic aid interlocal agreement. Bartow assumed operation of our fire station at this location last year and covers a portion of the unincorporated area surrounding Bartow as part of the agreement. The travel distance is 2.6 miles and optimal response times are expected to average 9-11 minutes but can vary significantly. Ambulance response is primarily from Polk County Fire Rescue Station Rescue 9, 1450 Pinehurst St, Bartow. The travel distance is 2.2 miles and optimal response times should average between 8-10 minutes but can vary significantly. Both stations are staffed 24/7 with career firefighters or EMS personnel and augmented by response from Bartow Fire Station 1 and from surrounding county fire and ambulance stations.
Water	Private Well
Sewer	Septic
Transportation	Gaskin Road (BT051816)

Table 3

Impact Analysis Summary			
Proposed Use			
(One Single-Family Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
540 GPD	270 GPD	61 AADT	1.00 PHT
<p><i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family home will consume 540 GPD and generate 270 GPD in wastewater. ITE 210-Single Family rate was used to determine similar AADT and PM Peak Hour rates for mobile homes. The AADT rate was 7.81 and the PM Peak Hour rates was 1.00 per unit.</i></p>			

Environmental Conditions Analysis

There are no known environmental conditions that should pose a threat to existing environmental resources based upon the proposed request (*See Table 4, below*). The site has flood zones and wetlands located on the

southern portion of the site from the man-made lakes created from Phosphate Mining between 1941 and 1964. The subject property is not located within any of the County’s identified wellhead protection areas; the subject site is not located within an identified protected species area. The soil on the property is not of such that would limit compliance with applicable Land Development Code regulations for the proposed use. In addition, the subject property is not located within a Historical Preservation area.

Table 4

Environmental Conditions Summary	
Surface Water	Man-made lakes from past Phosphate Mining activity located at the southern extent of the site.
Wetlands/Floodplains	Flood zones and wetlands indicated at the southern extent of the site.
Soils	Arents, 0 to 5 percent slopes and water.
Protected Species	The subject property is not located within a one-mile radius of conservation lands (Source: Florida Natural Areas Inventory Biodiversity Matrix).
Wellfield Protection	The site is not located within a wellfield protection area.
Historical Preservation	The subject property contains no historical resources as monitored by the State of Florida’s Division of Historical Resources.
Airports	The site is not within close proximity to any public airports.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 5 in accordance with Section 906.D.7 of the LDC.

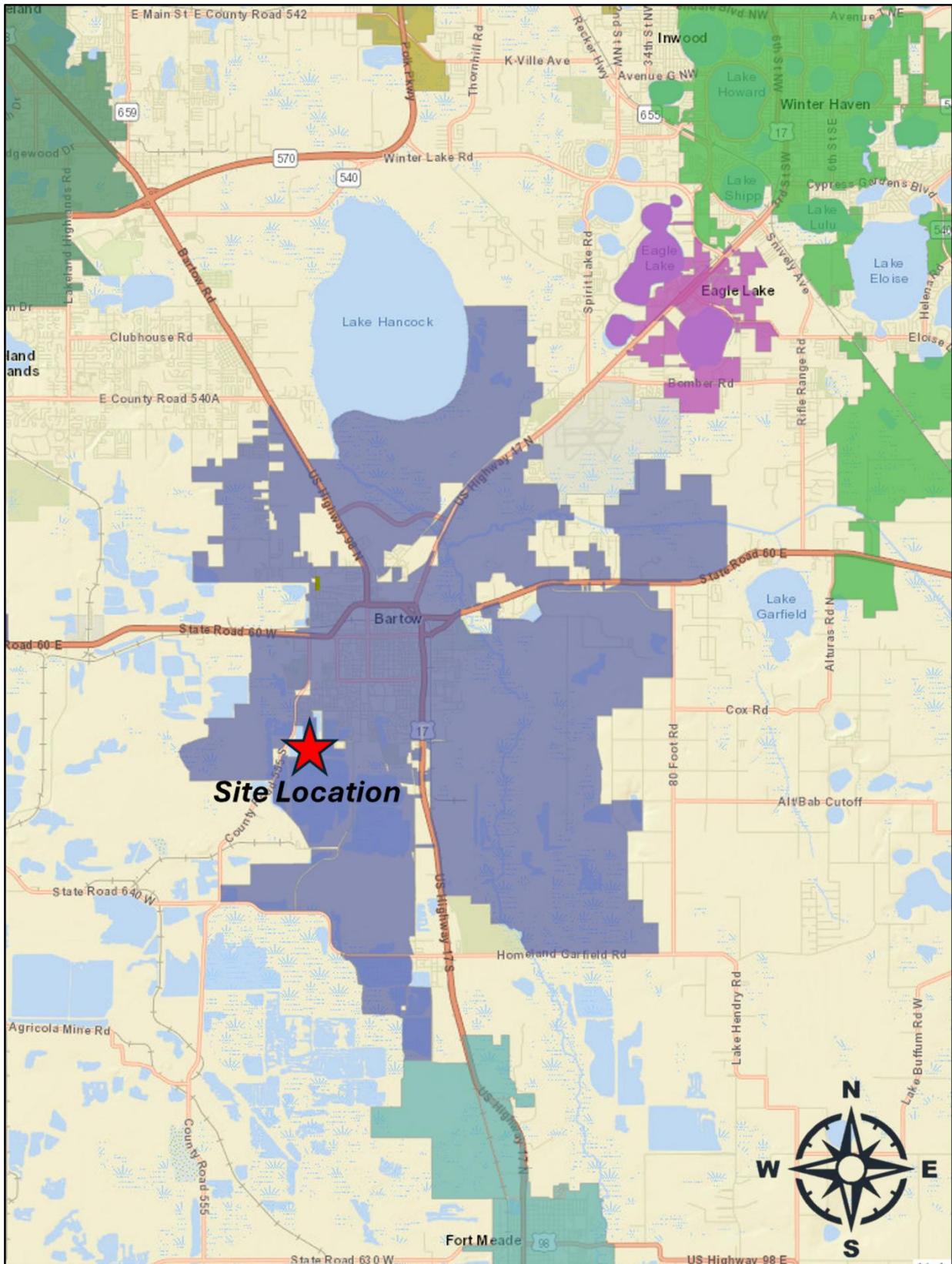
Table 5

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Sections 705.B, and 932 which permit this Waiver upon completion of a Level 3 Review. These can be found in the Findings of Fact on Pages 3-4 of the staff report.</i>
Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;	<i>Yes, this request is consistent with the Comprehensive Plan, as reviewed above.</i>
Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 7 & 8 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met if the development were built.	<i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 8 - 9 of the staff report.</i>

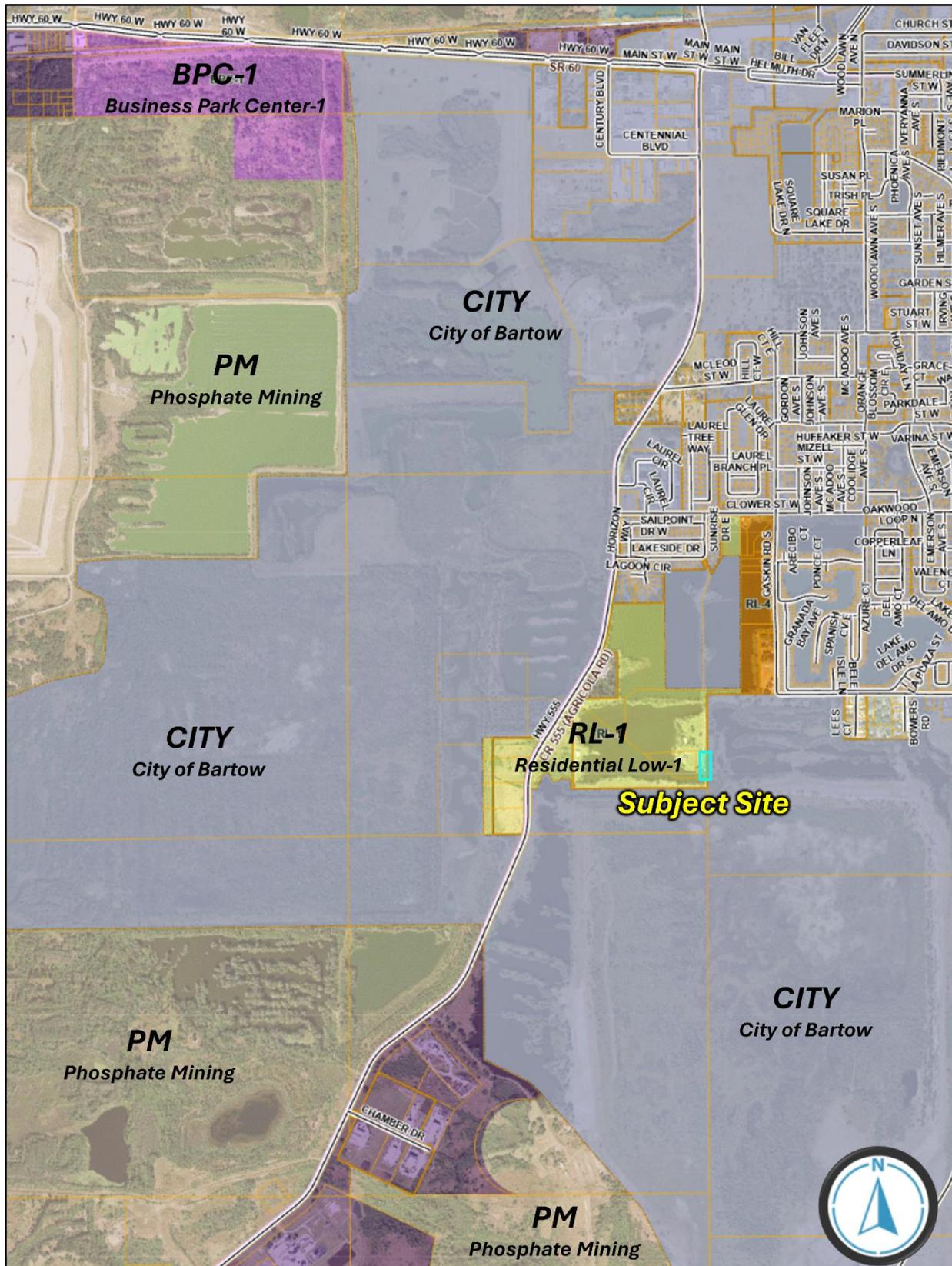
Comments from other Agencies: No Comments

Exhibits:

Exhibit 1	Location Map	Exhibit 3	Aerial Image (Context)
Exhibit 2	Future Land Use Map	Exhibit 4	Aerial Image (Close)
		Exhibit 5	Site Plan (Applicant)



Location Map



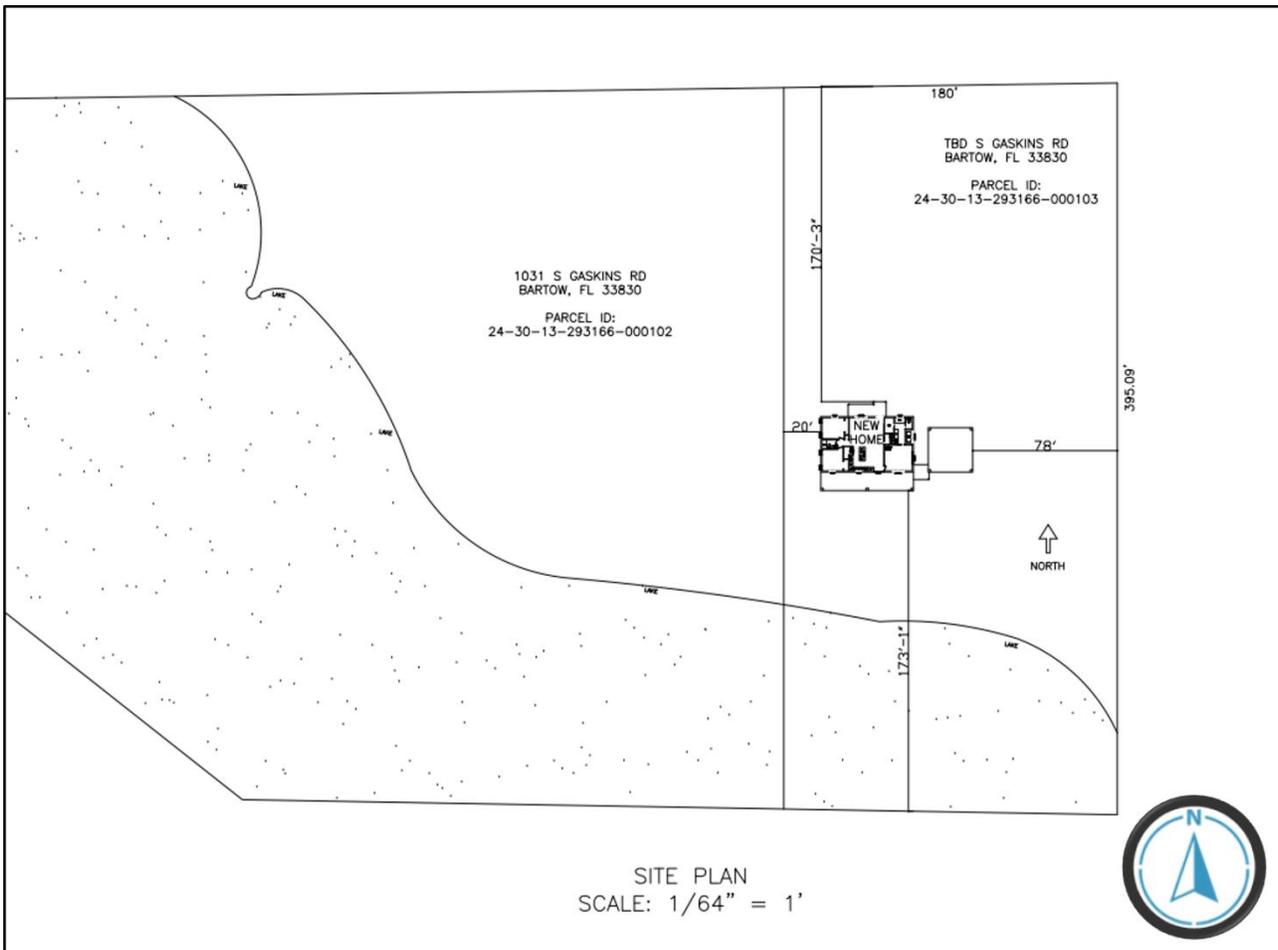
Future Land Use Map



Aerial Image – Context



Aerial Image – Close



Applicant Site Plan