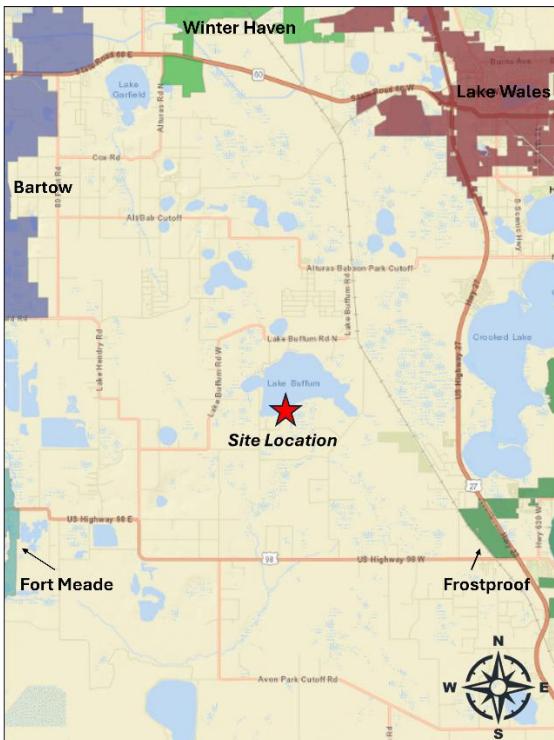
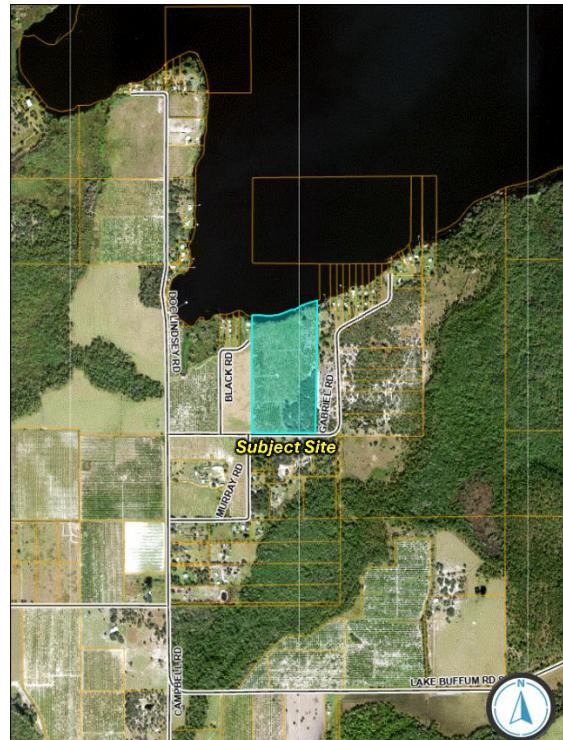


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	November 1, 2025
Planning Commission Date:	February 4, 2026
Applicant:	Tom Wodrich
Level of Review:	Level 3 Review, Access Via Easement
Case Number and Name:	LDWA-2025-51 Gabriel Road Easement
Request:	The applicant is requesting approval for up to 8 single family lots to have access via an easement exceeding 0.25 miles in length on ±43.46 acres within an Agriculture/Residential Rural (A/RR) future land use district.
Location:	The subject site is located south of Lake Buffum off Gabriel Road, north of Lake Buffum Road S, south of Lake Buffum Road North, east of Doc Lindsey Road, west of Lake Buffum Road East, east of the City of Fort Meade in Section 13, Township 31, Range 26.
Property Owner:	734 LMC Groves LLC
Parcel Numbers, Size:	±43.46 acres Parcel IDs (#263113-000000-032020)
Development Area/Overlays:	Rural Development Area (RDA)
Future Land Use:	Agricultural/Residential Rural (A/RR)
Nearest Municipality	N/A
DRC Recommendation:	Conditional Approval
Planning Commission Vote:	Pending Public Hearing
Case Planner:	Kyle Rogus, Planner II



Location



Context Arial

Summary of Analysis:

The applicant is proposing eight (8) lots to access off the existing easement, exceeding a maximum four (4) lots and the 0.25 mile maximum allowable by Land Development Code (LDC) standards. Pursuant to Land Development Code 705.B that exceeds the four (4) lot maximum and $\frac{1}{4}$ mile length.

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 $\frac{1}{4}$ 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 this instance, the easement may provide access to more than four (4) lots and exceed $\frac{1}{4}$ of a mile. According to LDC Section 705.B.1.b, the Planning Commission may grant a waiver through the Level 3 Review process to overcome the number of lots and road length maximum. The request is for an private access easement to extend over approximately 0.42 acres while serving eight (8) residential lots.

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 site plan utilizes a Cluster design outlined under Section 753 of the LDC to attain lot sizes (one acre) smaller than what is the norm in the A/RR of five (5) acres. The subject site totals approximately 43.46 acres allowing up to eight (8) dwelling units, maintaining the A/RR residential gross density. Minimum lot sizes may be reduced but shall not be smaller than one (1) acre (43,560 square feet) in the A/RR. This is preferable to multiple driveways off Gabriel Road in exchange for open space.

The maintenance of the easement is a private matter between the users, however as one of the conditions of approval, a residential driveway will be required prior to the Level 5 platting process. This places the burden on the property owner, not the first homeowner and ensures the inspection of the driveway and Gabriel Road as building permits come in. 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. To provide frontage for each new property and meet LDC requirements would create an encumbrance on the remainder of the parcel. 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 necessary to allow the issuance of a building permit for up to eight (8) single-family homes on properties that gain access solely via an easement that exceeds ¼ mile.*
- *The subject property is recorded as Parcel ID #263113000000032020. It is approximately 43.46 acres and vacant.*
- *The proposed easement will be 60 feet wide and has over 60 feet of frontage along Garfield Road. Access easements require a minimum 20-foot width.*
- *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 an Agricultural/Residential Rural (A/RR) land use district in the Rural Development Area (RDA). Minimum lot sizes are five (5) acres.*
- *The subject property is zoned for Lewis Anna Woodbury Elementary, Fort Meade Middle, and Fort Meade Senior High schools.*
- *The subject property is served by the Polk County Sheriff's Southeast District, located at 4011 Sgt Mary Campbell Way, Lake Wales, FL.*
- *Fire/EMS responses are from Polk County Fire Rescue Station 19, located at 5361 Rifle Range Rd, Bartow, FL.*
- *Subject site is associated with flood hazard areas and wetlands to the north of the site within Lake Buffum.*
- *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 located within a one-mile radius of the Lake Buffum Wildlife Refuge Conservation Lands..*
- *This application has been reviewed for consistency with LDC Sections 705, 753, 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-2025-51** with the following conditions:

CONDITIONS OF APPROVAL

1. Approval of this waiver shall allow for residential permits for up to eight (8) single-family homes 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. The lot dimensions shown on the site plan may change so long as the minimum lot size of 43,560 square feet, one (1) acre, set forth in Section 753, Table 7.15 is met.
4. The owner shall dedicate space within the easement for garbage receptacles and mailboxes for mail and delivery services such that a safe flow of travel is maintained on Gabriel Road.
5. Through the Level 5 plat, the owner shall dedicate 30.25 acres, identified as “Tract A”, as an Agriculture/Conservation Easement not subject for future development.
6. Access approval for a residential driveway shall be required prior to final approval of the plat.

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;*

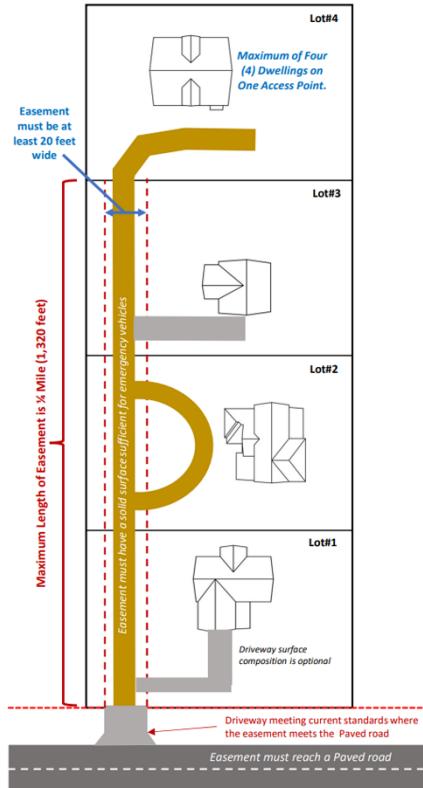
The subject site is ± 43.46 acres. This lot is eligible for eight (8) lots of 5 acres administratively. The request does not exceed the density allotted in the Agriculture/Residential Rural (A/RR) land use district. The density will remain consistent with the district; however the individual lot sizes will be below the minimum lot size for the district. The eight (8) total properties, as proposed, will meet the minimum lot size for the A/RR district of one (1) acre utilizing the cluster design criteria laid out in Section 753. With ± 43.46 acres subdivided into eight (8) newly proposed lots, there is a significant amount of each property that is uplands and buildable without significant environmental limitations. Construction of a road to County standards, either publicly or privately owned, has both fixed and variable costs that are a substantial expense to defray over eight (8) residential lots. If constructed, the applicant would have the ability to turn this road over to the County for perpetual maintenance. This would likely become a burden to the tax payers because a road in this rural location presents a

higher cost of maintenance that is not offset by the tax revenue from eight (8) total lots, especially for the duration that they may remain vacant.

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

While the private access easement exceeds the maximum length of 0.25 miles and serves more than four (4) lots, the proposal exceeds the minimum width requirement by providing a 60-foot easement, which enhances safety and accommodates emergency vehicle access in compliance with ingress and egress standards. The easement also utilizes a cul-de-sac for enhanced traffic circulation for fire trucks and Emergency Medical Services (EMS). Additionally, the development maintains compliance with the County's density requirement of one (1) dwelling unit five (5) acres allotted in the A/RR future land use district. 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).

If an internal roadway constructed to County standards were in place, the applicant's total property can support eight (8) homes at the allotted base density of one dwelling unit per 5 acres. The granting of the waiver is to allow eight (8) homes on this easement. They only wish to place the proposed homes allowed by the base A/RR density of this land on the lakefront and preserve the frontage in agricultural conservation use.



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 request utilizes a cluster design. A cluster design may reduce some or all the lots below the minimum lot size for the district provided that the approved density is maintained. The minimum lot size in the Agriculture/Residential Rural (A/RR) land use district is 5 acres. The subject site totals approximately 43.46 acres allowing up to eight (8) dwelling units while maintaining the A/RR residential gross density. Minimum lot sizes may be reduced but shall not be smaller than one (1) acre (43,560 square feet) in the A/RR.

The easement will be privately maintained. Given the rural nature of the area, as it is deemed Agriculture/Residential Rural (A/RR), County utilities will not be extended, therefore the takeover and maintenance of an internal roadway is unlikely. If an internal road was constructed, the applicant would have the ability to turn the road over to the County for perpetual maintenance. This would likely cause increased maintenance expenses in connection with the subdivision improvements because a street in this rural location presents a higher cost of maintenance that is not offset by the tax revenue from eight (8) total lots.

The owner shall dedicate a singular location for garbage receptacles and mailboxes for mail and delivery services. Trash pick-up and mailing services are easier consolidated to one location versus multiple along a roadway. As one of the conditions of approval, a residential driveway is required prior to Level 5 plat approval. This condition places the burden on the property owner, not the first homeowner. It also allows for the driveway to be inspected for each lot as building permits come in ensuring the safety and condition of Gabriel Road. Given these factors, an internal roadway built to County standards will not be built, offering access via easement as the best alternative.

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 north is Lake Buffum. Directly to the east of the subject site is existing single-family developments. Further east is Lake Buffum Wildlife Refuge Conservation Lands. Directly to the west of the subject site is more single-family developments. The developments to the west utilize an easement to gain access off Gabriel Road for four (4) lots. Due to the rural location of this property and the extent of rural residential development immediately adjacent to the east and west, it is unlikely there are other sites in the area that could have a similar waiver request. As such, no precedent will be set for other surrounding properties.

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 eight (8) proposed lots that will not have direct access off Gabriel Road will likely not meet the return on investment. Reducing the subdivision to only four lots grossly diminishes the potential value of the property.

To the west of the subject site is a similar scenario, where an existing easement that provides access to four (4) total lots that exceeds a quarter mile length. These lots vary in size, from approximately 1.20 acres to 17.16 acres.

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. The full buildout would allow access for up to eight (8) single family lots over 43.46 acres. Additionally, the site utilizes a Cluster Design to create a more efficient design of land. Lots 1 through 8 will meet the 43,560 square feet, one (1) acre, minimum lot size in the A/RR set forth in Section 753, Table 7.15.

Surrounding Land Use Designations and Current Land Use Activity:

The properties surrounding the site are mostly single-family within the A/RR land use district and RDA development area. Unplatted lots within A/RR are located to the southwest. Directly to the west is an approximate 17.16-acre lot providing access to three (3) additional lots via an existing easement.

Table 1

Northwest: LAKES Lake Buffum	North: LAKES Lake Buffum	Northeast: LAKES Lake Buffum
West: A/RR Black Properties LLLP Citrus w/ Residential 17.16 acres Access: Easement Lots: 4 total lots Length: +/- 0.34 acres	Subject Property: A/RR 734 LMC Groves LLC Citrus w/undeveloped land 43.46 acres Access: Easement Lots: 8 total lots Length: +/- 0.42 miles	East: A/RR 2499 Gabriel Road Single-Family Residence (MH) 16.27 acres Access: Gabriel Road
Southwest: A/RR 0 Murray Road Vacant 3.93 acres Access: None	South: A/RR 2485 Gabriel Road Single-Family Residence (MH) 5.40 acres Access: Gabriel Road	Southeast: A/RR 2489 Gabriel Road Single-Family Residence (MH) 4.76 acres Access: Gabriel Road

Compatibility with the Surrounding Land Uses:

The proposed use is believed to be compatible with adjacent land uses. Single-family uses are to the east and west of the subject site. The majority of the lots are below the 5-acre minimum lot size in the A/RR resulting in a higher density than is proposed with this waiver request. Eight (8) additional homes will not create a reasonable burden on the adjacent uses. This is not

For a comparison, to the west of the subject site is an existing easement exceeding a quarter mile which supports four (4) dwelling units. These residences are situated on the lakefront with undeveloped land along the frontage of Gabriel Road similar to the applicants request.

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 eight (8) additional homes will not trigger school concurrency however a minor traffic study will be required. 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, Gabriel Road (Road No. 161302) is a County-maintained Rural Minor Collector Road with a paved surface width of 20'. Gabriel Road functions more as a local roadway than its classification as a Rural Minor Collector Road. The TPO 2025 Roadway Network Database, does not list Gabriel Road as a measured road segment as it does not experience enough vehicular traffic to warrant measuring, further supporting the argument that the proposed request is not anticipated to create any significant demand on these services.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Lewis Anna Woodbury Elementary Fort Meade Middle School Fort Meade Senior High
Parks	Lake Buffum Boat Ramp
Sheriff	Polk County Sheriff's Southeast District, located at 4011 Sgt Mary Campbell Way, Lake Wales, FL. The response times for February 2025 were: Priority 1: 8:55 Priority 2: 23:43
Fire/EMS	Polk County Fire Rescue Station 19, located at 5361 Rifle Range Rd, Bartow, FL. (4.2 miles)
Water	Private Well
Sewer	Septic
Transportation	Gabriel Road (Road No. 161302) Available Capacity

Table 3

Impact Analysis Summary Proposed Use (EIGHT Single-Family Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
2,880 GPD	2,160 GPD	63 AADT	8.00 PHT
<i>Source: Polk County Concurrency Manual. The proposed development assumes that the potable water rate for a single-family home will consume 360 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>			

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 wetlands located on the northern portion of the site within Lake Buffum. 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	Lake Buffum located at the northern extent of the site
Wetlands/Floodplains	Flood zones and wetlands indicated at the northern extent of the site.
Soils	Sparr Sand, Duette Fine Sand, and Smyrna and Myakka Fine Sands.
Protected Species	The subject property is located within a one-mile radius of Lake Buffum Wildlife Refuge 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

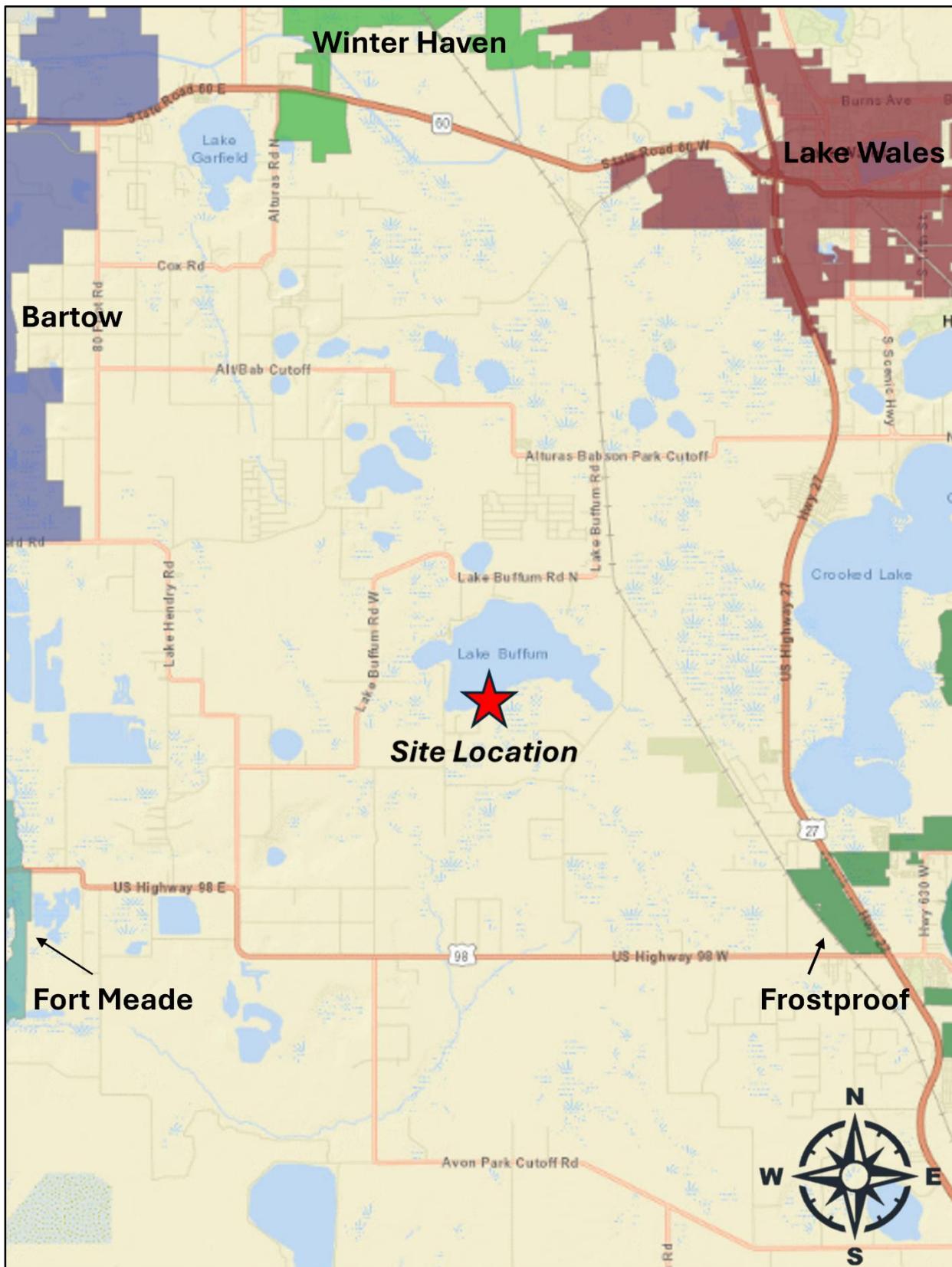
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	<i>Yes, this request is consistent with the LDC, specifically Sections 705.B, 753, 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 Page 7 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

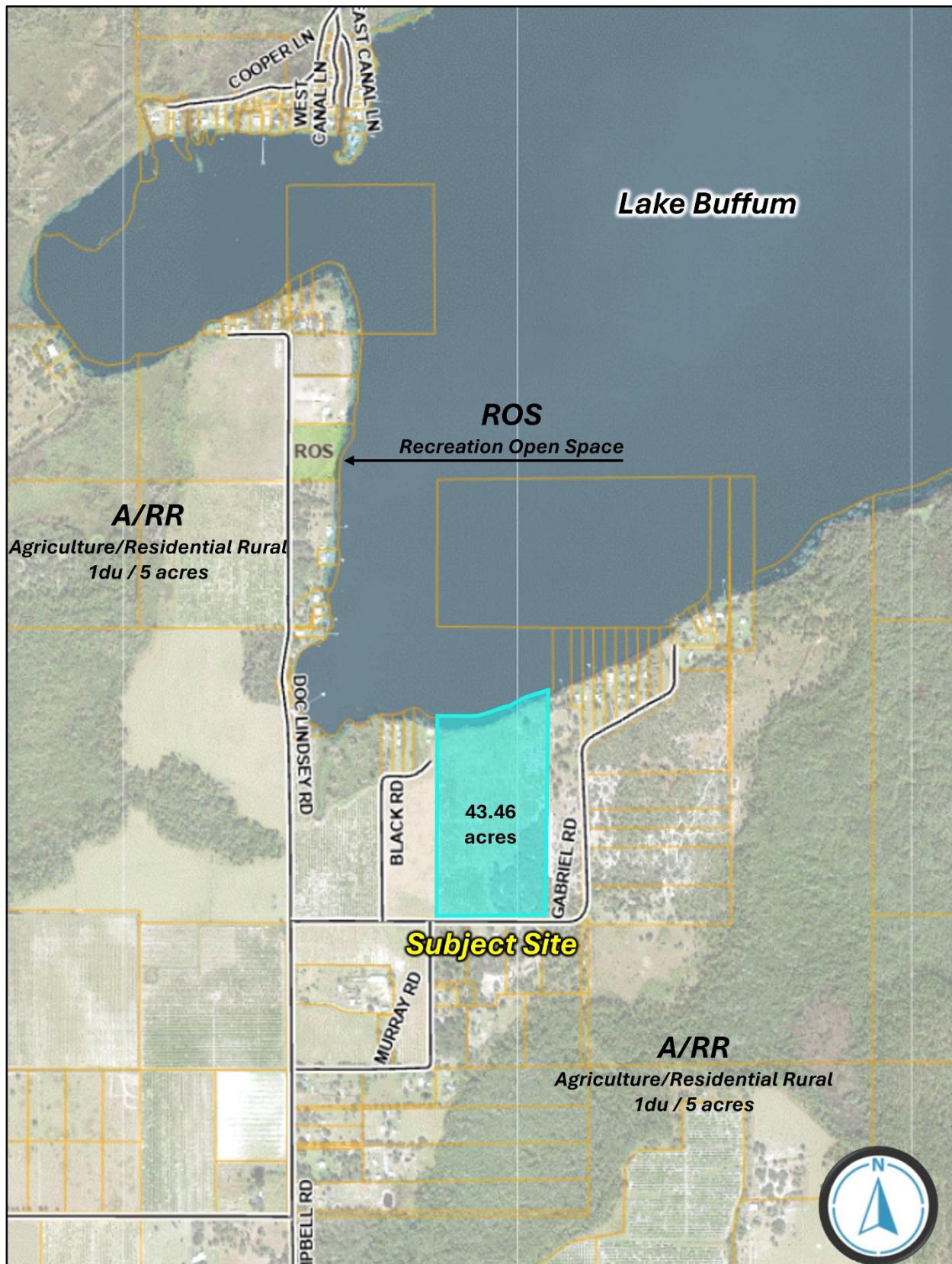
Exhibits:

Exhibit 1 Location Map
 Exhibit 2 Future Land Use Map

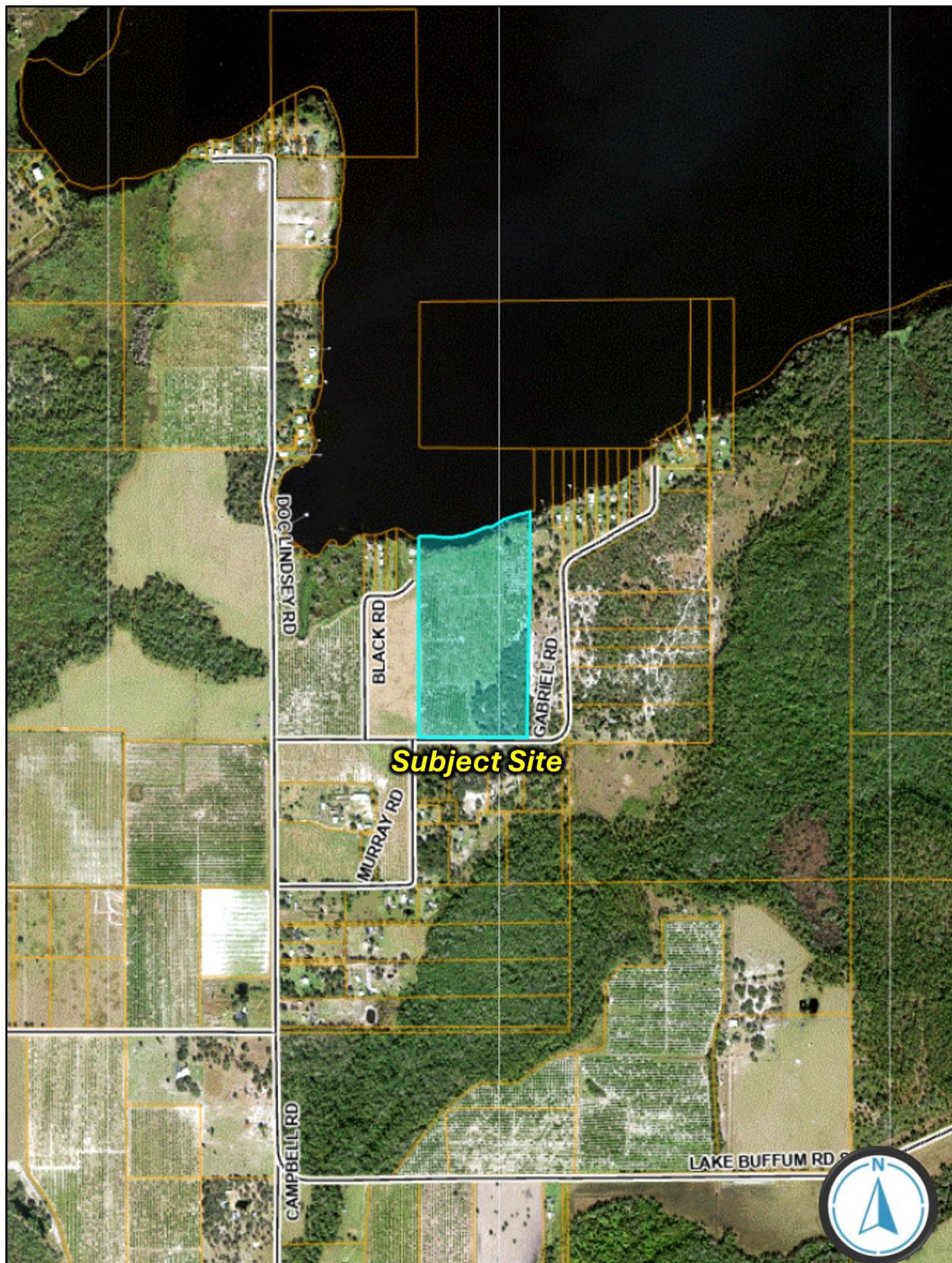
Exhibit 3 Aerial Image (Context)
 Exhibit 4 Aerial Image (Close)
 Exhibit 5 Site Plan (Applicant)



Location Map



Future Land Use Map



Aerial Image – Context



Aerial Image – Close

Exhibit 5



Applicant Site Plan