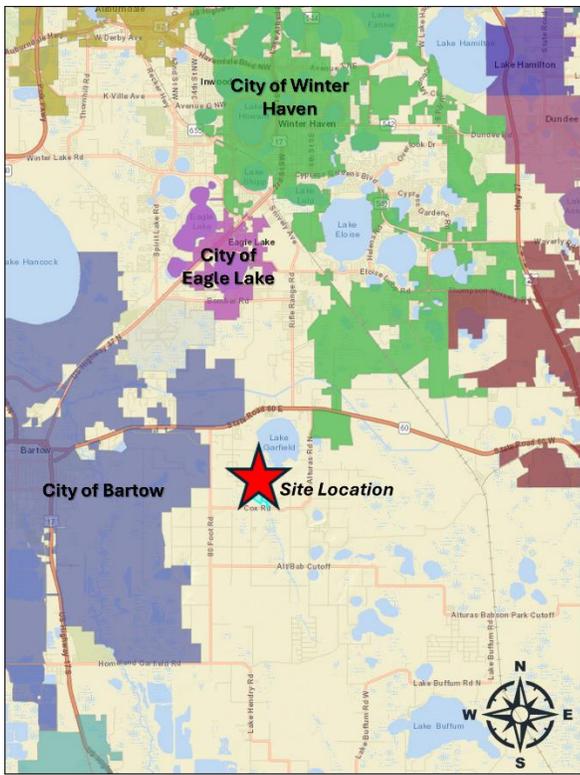


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	July 31, 2025
Planning Commission Date:	October 1, 2025
Applicant:	Charles Brooker
Level of Review:	Level 3 Review, Access Via Easement
Case Number and Name:	LDWA-2025-29 McStucker's Ranch Easement
Request:	The applicant is requesting approval for up to 10 single family lots to have access via an existing shared access easement on ±157.84 acres within an Agriculture/Residential Rural (A/RR) future land use district.
Location:	The subject site is located at 6472 Cox Road, north of Alturas Babson Park Cutoff, south of State Road 60, east of US Highway 17, west of US Highway 27 in Section 08, Township 30, Range 26.
Property Owner:	McStucker's Ranch LLC
Parcel Numbers, Size:	±157.84 acres Parcel IDs (#263008-692971-000050)
Development Area/Overlays:	Rural Development Area (RDA)
Future Land Use:	Agricultural/Residential Rural-X (A/RRX)
Nearest Municipality	Bartow
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Public Hearing
Case Planner:	Kyle Rogus, Planner I



Location



Context Aerial

Summary of Analysis:

The applicant is proposing the future subdivision of 6 additional lots, creating a total of 10 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. The existing four (4) lots were approved administratively. Lots 1, 2, 4, and 5 have shared access via easement, while lot 3 has its own access directly to Cox Road. Pursuant to Land Development Code 705.B that exceeds the four (4) lot maximum and ¼ mile length.

To be eligible for admin. 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 this instance, the easement may provide access to more than four (4) lots and exceed ¼ 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.

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.

Through the Development Review Committee (DRC) process, Land Development staff recommends approval of this application with the conditions listed on Page 4 of this staff report. The existing easement is approximately 1,320 linear feet, or 0.25 miles, with a 50-foot-wide unpaved drive access off Cox Road. The McStucker's Ranch Plat has already been assigned 5 total lots, all meeting the minimum residential lot area of 5 acres in the Agriculture/Residential Rural (A/RRX) land use district. Lot 5 in question is approximately 157.84 acres. If subdivided in accordance with the requirements of the Land Development Code (LDC), the parcel can create 31 new residential lots. None of the existing lots prevent its use by emergency services or create an incompatible situation with neighbors. The maintenance of the easement is a private matter between the users. 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 ten single-family homes on properties that gain access solely via an easement that exceeds ¼ mile.*
- *The subject property is recorded as Parcel ID #263008692971000050. It is approximately 157.84 acres and vacant.*
- *The existing easement has 50 feet of frontage along Cox 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-X (A/RRX) land use district in the Rural Development Area (RDA). Minimum lot sizes are five (5) acres.*
- *The subject property is zoned for Alturas Elementary, Bartow Middle, and Bartow 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 portions of flood hazard areas and wetlands.*
- *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 of a recent endangered animal species documented sighting.*
- *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-2025-29** with the following conditions:

CONDITIONS OF APPROVAL

1. Approval of this waiver shall allow for residential permits for up to 10 single-family homes and accessory structures to access public roadways through the existing 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 standards for A/RRX are met.
4. The owner shall dedicate space within the easement for garbage receptacles and mailboxes for mail and delivery services such that no traffic will back up on Cox Road.

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;*

McStuckers Ranch LLC bought the subject property along with lots 1, 2, 3, and 4 on October 15, 2021, to combine for the McStuckers Ranch Subdivision, plated in early February of 2023. Since the plat of the subdivision, the owner sold off lots 1, 2, 3, and 4, leaving the remaining ±157.84 acres as lot 5. As high-density growth in the County continues, large acres of rural land are becoming harder to find, driving the demand for subdivisions such as McStuckers Ranch. As the lots were subdivided, there was a quick turnover rate in new ownership. For instance, McStuckers Ranch LLC bought the land currently deemed Lot 4 of the McStuckers Ranch Subdivision on October 15, 2021. When Lot 4 was approved on February 7, 2023, the lot was sold to William and Tori Jordan on February 15, 2023. The owner is looking to subdivide the remaining ±157.84 acres into six (6) additional lots, creating a total of 10 residential lots to access the existing easement for future development.

Lot 5 of the McStucker's Ranch Subdivision is ±157.84 acres. This lot is eligible for 31 lots of 5 acres administratively. With only 50 feet of public road frontage, only one driveway can be constructed on a Rural Minor Collector roadway under Section 705.H.

The 10 total properties, as proposed, will meet the minimum lot size for the A/RR district of five (5) acres. With ±157.84 acres subdivided into 6 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 only 10 residential lots, given their size of over 5 acres. 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 10 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;*

If an internal roadway constructed to County standards were in place, the applicant's total property can support 31 homes at the allotted base density of one dwelling unit per 5 acres. The granting of the waiver is to allow up to six additional homes, 10 total, on this easement without further hearings. Any additional home on the easement will require another Waiver Application.

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;*

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 11 total lots with a lower density than the base density allotted for the ±157.84 acres. Either publicly or privately owned, there are both fixed and variable costs that are a substantial expense to defray over only six (6) additional lots given their size of five acres or more.

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. 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. 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 north of Cox Road is mostly developed. Directly to the east of the subject site is the Lake Enderly Estates Subdivision, which has been developed for 31 single-family lots ranging in size from 1.6 acres to 10 acres. Directly to the west of the subject site is more single-family developments. Due to this, 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 10 proposed lots that will not have direct access off Cox Road will likely not meet the return on investment. Reducing the subdivision to only four lots grossly diminishes the potential value of the property.

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 10 single family lots over 200 acres. Additionally, Lots 1, 2, 3, 4, & 5 of the existing McStucker’s Ranch Plat are fully built out with existing homes. Changing how access is provided now would be a hardship for these owners.

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 south, with the Lake Enderly Estates Subdivision, platted on January 2, 2002, to the east.

Table 1

Northwest: A/RRX Citrus 80.46 acres	North: A/RRX Citrus 80.46 acres	Northeast: A/RRX Lake Garfield
West: A/RRX Single-family/ Agriculture	Subject Property: A/RRX McStuckers Ranch Vacant/Pasture 157.84 acres	East: A/RRX Lake Enderly Estates Single-Family 1.6 to 10 acre lots
Southwest: A/RRX Single-family/ Agriculture	South: A/RRX Vacant/ Unplatted	Southeast: A/RRX Vacant/ Unplatted

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 and near the proposed easement, but otherwise the property is surrounded by vacant agricultural land. The existing easement is currently developed with a 50-foot wide unpaved private drive, which extends 0.25 miles and currently provides access for 4 platted lots. Lots 1, 2, 4, and 5 have shared access via easement, while lot 3 has its own access directly to Cox Road. The Lake Enderly Estates Subdivision to the east is comprised of 31 lots that range in size from 1.6 acres to 10 acres. 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. 6 additional homes will not create a reasonable burden on the adjacent uses.

For a comparison, this site is approximately ±157.84 acres and is in the A/RR land use district which supports one dwelling unit per five acres. If a road built to County standards was provided through the property, it is possible there could be up to 31 homes. If centralized potable water was extended to the site,

it could be possible to attain one unit per acre through a Rural Residential Development (RRD), pursuant to LDC Section 303 and Planning Commission approval.

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 additional home will not trigger school concurrency or a traffic study. Table 2, below, 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.

Table 2

Urban Services and Infrastructure Summary	
Schools (Zoned)	Alturas Elementary Bartow Middle School Bartow Senior High
Parks	Nye Jordan Park
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	Cox Road (CR 655A) Available Capacity

Table 3

Impact Analysis Summary			
Proposed Use			
(SIX Single-Family Home)			
Potable Water Impact	Wastewater Impact	*AADT Impact	*PHT Impact
2,160 GPD	1,620 GPD	48 AADT	6.00 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 a flood zone located at the northern edge of the site. 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 Garfield located at the northern extent of the site
Wetlands/Floodplains	Flood zones and wetlands indicated at the center and northern extent of the site
Soils	Tavares, Chobee, and Immokalee Fine Sands
Protected Species	The subject property is not located within a one-mile radius of an endangered plant or animal species sighting (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.

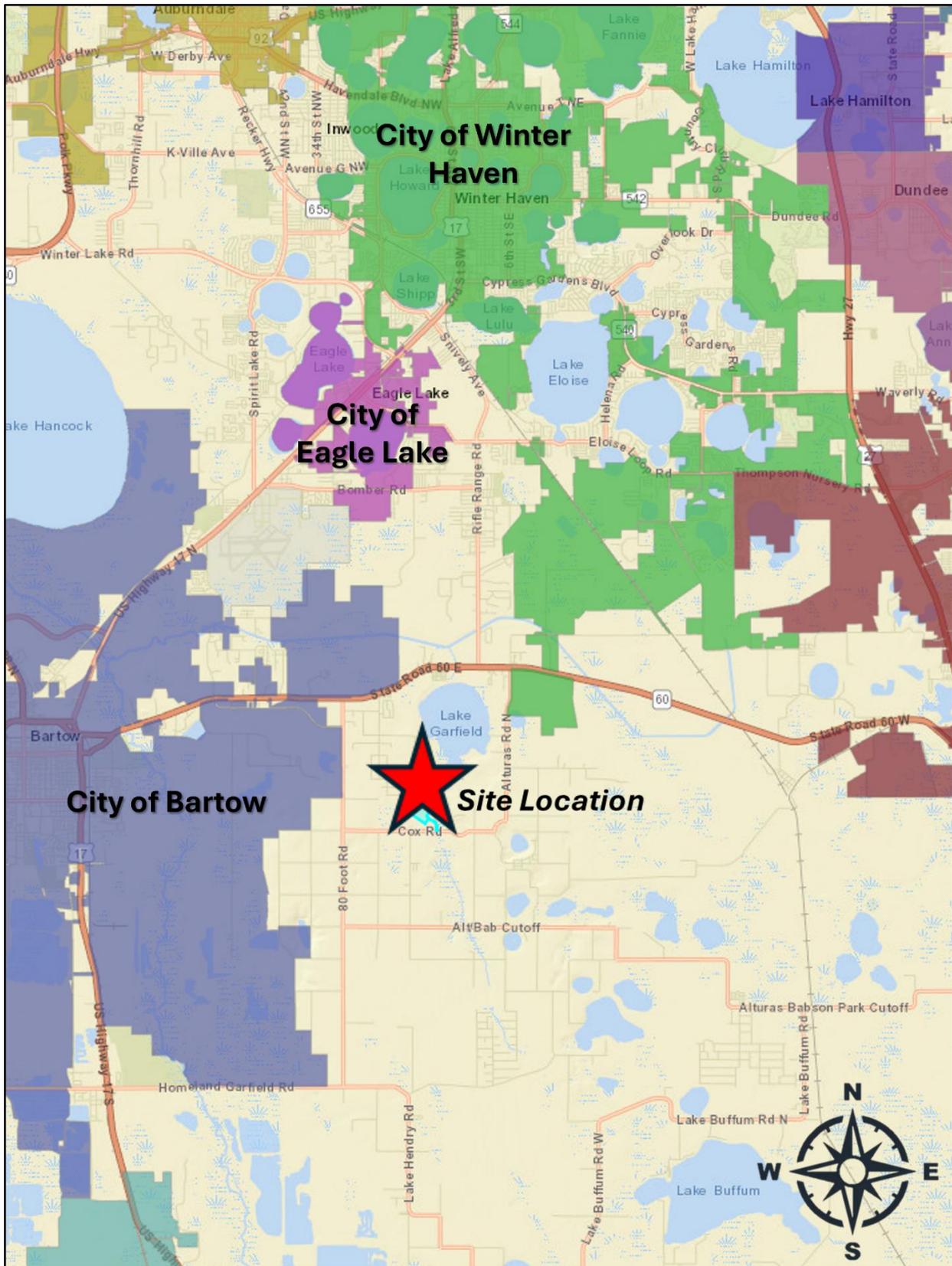
Table 5

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 Page 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>

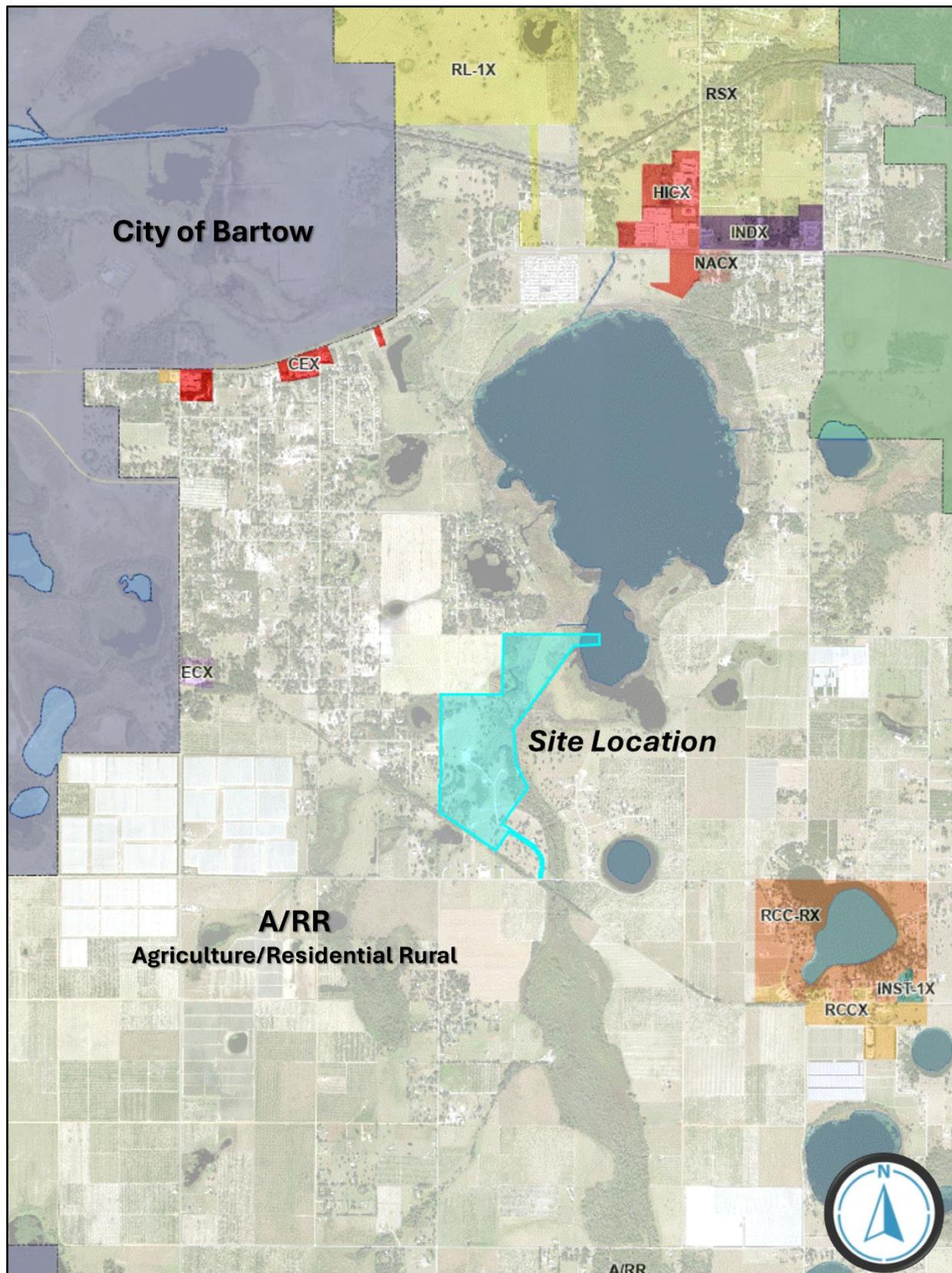
Comments from other Agencies: No Comments

Exhibits:

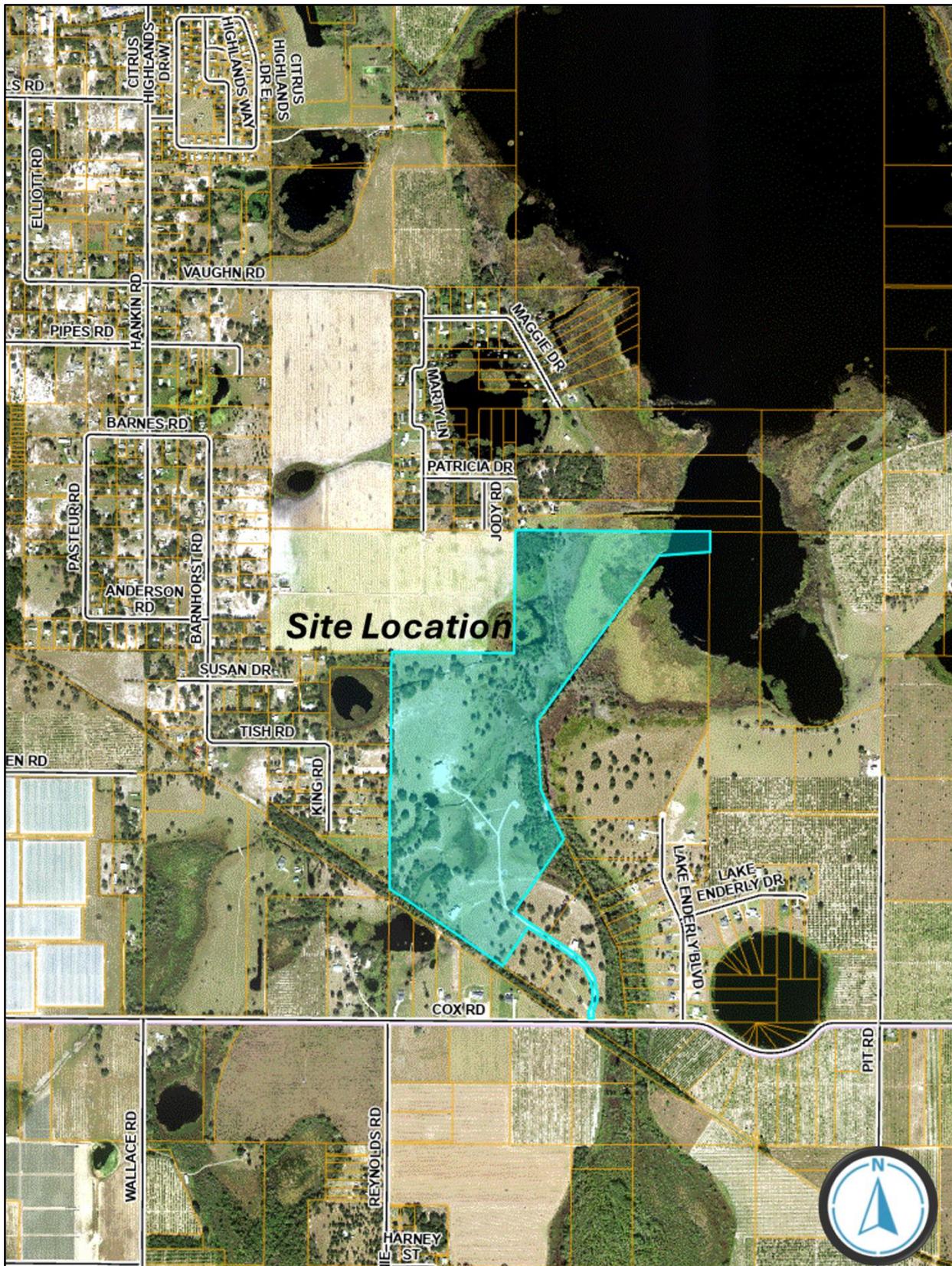
- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 Aerial Image (Context)
- Exhibit 4 Aerial Image (Close)
- Exhibit 5 Site Plan (Applicant)



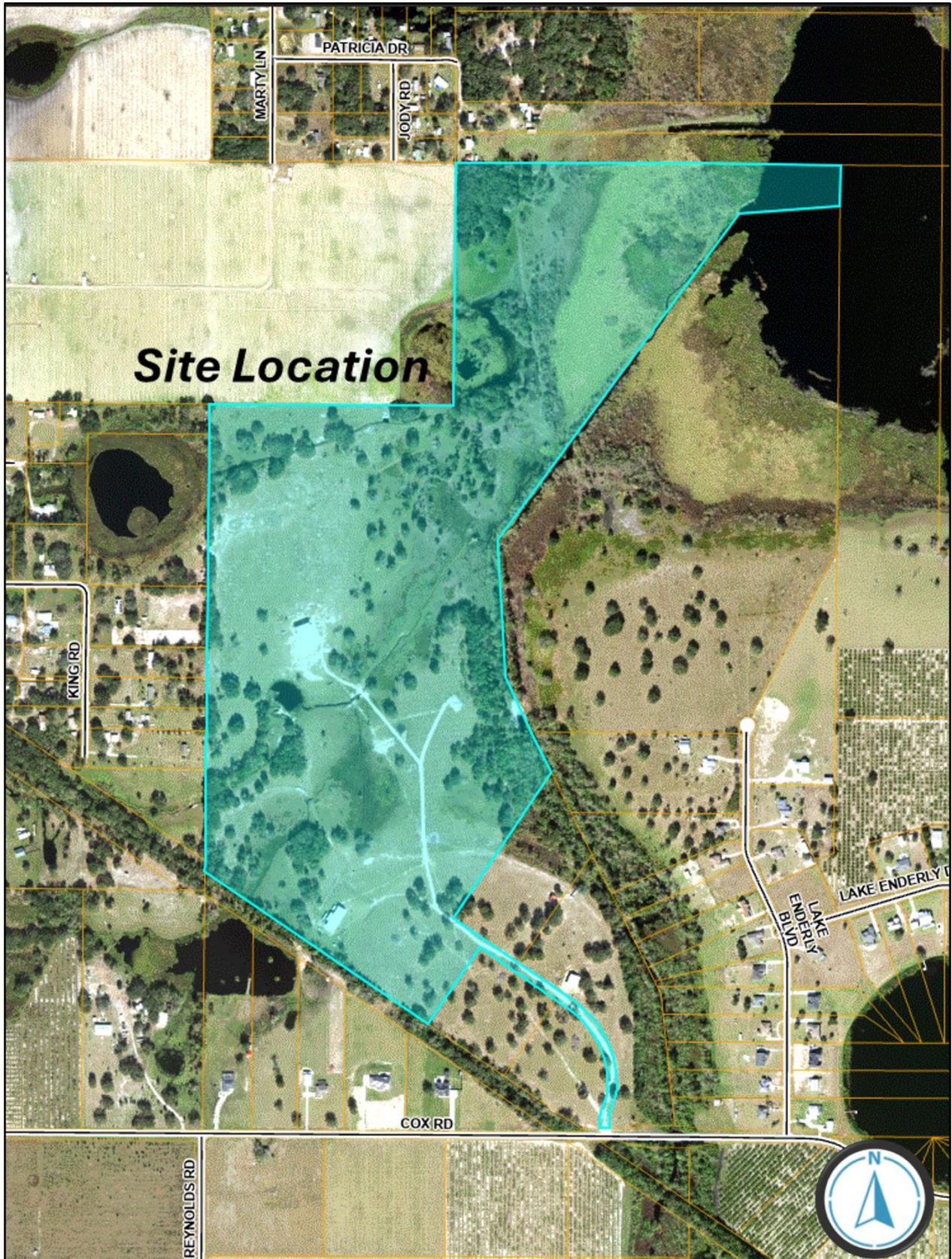
Location Map



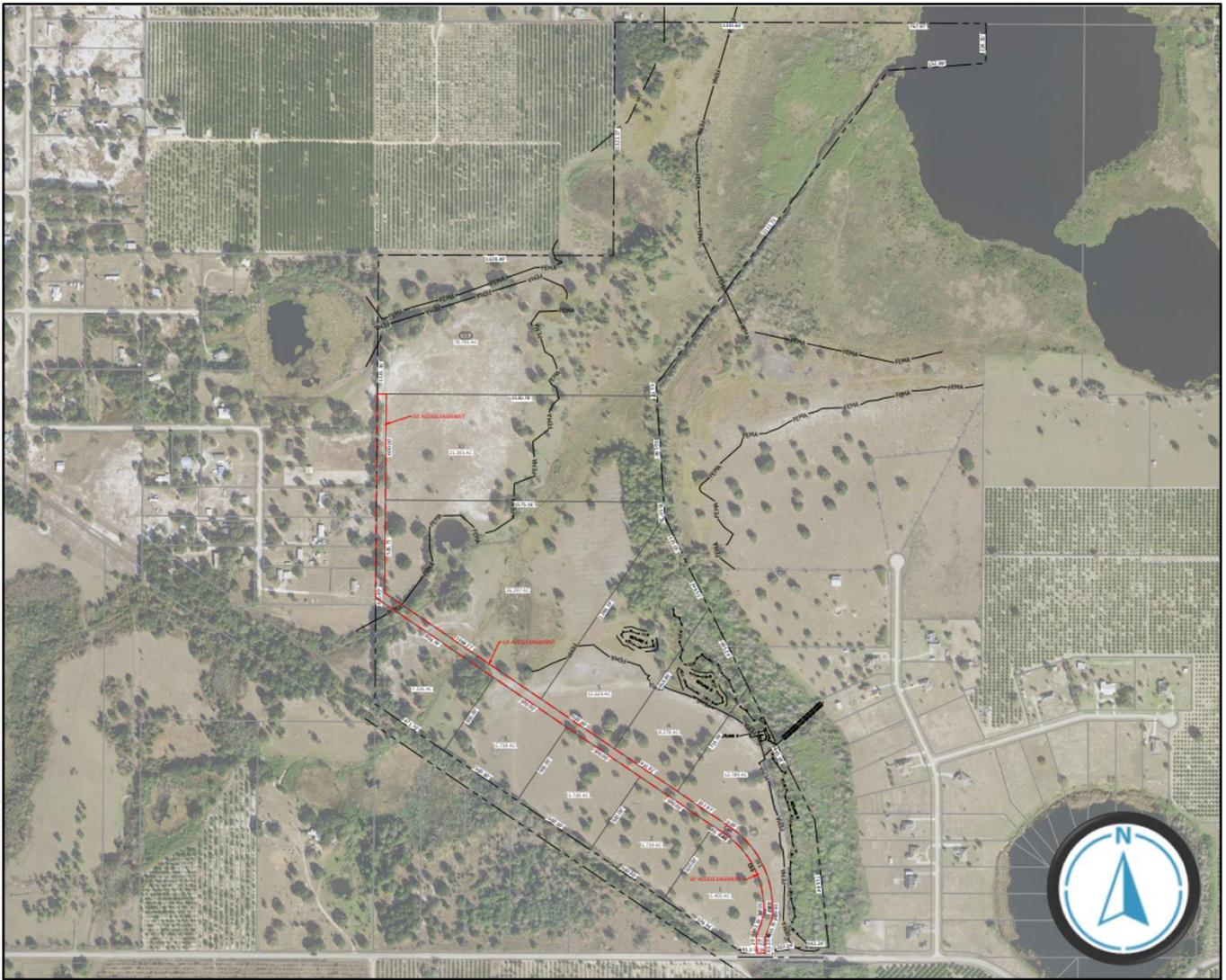
Future Land Use Map



Aerial Image – Context



Aerial Image – Close



Applicant Site Plan