

**POLK COUNTY PLANNING COMMISSION  
FINAL ORDER**

**Case Number:** LDPD-2026-4 (Berkley Crossings PD)

**Applicant:** Logan Opsahl, Lowndes Law

**Property Owner:** Horold R. & Catherine R. Botts, Perrin Clifton & Wayne S. Herder

**Hearing Date:** July 8, 2026

**I. Request:**

The applicant is requesting a Planned Development approval for a combined 170 single-family and multi-family units. The purpose of this request is to allow 30-foot-wide single-family detached lots, up to six (6) attached dwelling units, and reduced setbacks.

**II. Findings:**

The Planning Commission hereby adopts and incorporates herein the DRC staff report and makes the following findings based upon the staff report and other record evidence presented during the hearing:

1. Pursuant to section 906D.7 of the LDC, the Planning Commission shall, in the review of a Level 3 application, consider the following factors:
  - a. Whether the proposed development is consistent with all relevant requirements of this Code;
  - b. Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;
  - c. 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
  - d. How the concurrency requirements will be met if the development was built.
2. The Application is consistent with all relevant requirements of the LDC, including without limitation, Sections 303 and 906.
3. The Application is consistent with all applicable policies of the Comprehensive Plan.
4. The Application is compatible with surrounding uses and the general character of the area.
5. Concurrency requirements can be met if the development is built.

**III. Incorporation of the Record**

The record is hereby incorporated by reference into this order and is on file with the Land Development Division. The record consists of the following: the Application, Impact Assessment Statement, the DRC staff report, staff's PowerPoint presentation, and all testimony and evidence presented at the hearing.

**IV. Planning Commission's Decision:**

Based upon the record and the foregoing findings, the Application is APPROVED, subject to the conditions, if any, set forth in the Staff Report attached hereto and incorporated herein as Exhibit "A", and those conditions, if any, agreed upon by the Applicant and approved by the Planning Commission during the public hearing. Any such additional conditions approved during the public hearing, as applicable, are set forth on the attached Addendum 1 to Final Order and fully incorporated herein. This order becomes final on the date rendered to the Clerk.

**V. Effective Date, Appeals:**

This order shall be rendered to the Clerk and becomes effective on the date rendered. The Planning Commission's decision may be appealed to the Board of County Commissioners by filing an application for de novo review with the Land Development Division within 7 calendar days after the Planning Commission hearing. If a de novo application is timely filed, this order shall not be final and effective until final action of the Board of County Commissioners.

DONE AND ORDERED in Bartow, Polk County, Florida, in regular session this 8th day of July 2026, by the Polk County Planning Commission.

**Polk County Planning Commission**

**ATTEST:**

By: \_\_\_\_\_  
Merle Bishop, Chair

By: \_\_\_\_\_  
Lisa Irizarry, Recording Secretary

Date rendered to the Clerk: \_\_\_\_\_

**Exhibits to Planning Commission's Order**

Exhibit A-Staff Report and Exhibits

cc: Land Development Division Official File  
Erin Valle, Clerk of Court (under separate cover)

## **ADDENDUM 1 to FINAL ORDER**

The following conditions of approval were agreed upon by the Applicant and approved by the Planning Commission during the public hearing held on July 8, 2026, and are fully incorporated into the Final Order. In the event any conflict or inconsistency arises between the conditions listed in the Staff Report and those listed in this Addendum 1, the conditions listed in this Addendum 1 shall control.

*Additional Conditions of Approval:*