

MEMORANDUM

TO: MAYOR AND CITY COMMISSION

FROM: CITY ATTORNEY'S OFFICE

DATE: March 2, 2026

RE: **Schedule Public Hearing Date - CFTB Realty, LLC Appeal of Planning & Zoning Board's Denial of Small-Scale Land Use Amendment and Rezoning for New Talbot House Ministries Facility at 1005 E. Memorial Boulevard**

On December 16, 2025, the City of Lakeland Planning & Zoning Board denied CFTB Realty, LLC's application for a small-scale land use amendment and rezoning on property located at 1005 E. Memorial Boulevard to allow a new Talbot House Ministries facility at this location. Specifically, CFTB Realty applied for a small-scale land use amendment to change the future land use designation on the property from Community Activity Center (CAC) to Public Buildings/Ground/Institutional (PI) on approximately 2.63 acres; a change of zoning on approximately 2.63 acres from C-4 (Community Center Commercial) to PUD (Planned Unit Development); and a change of zoning on approximately 1.02 acres from O-2 (Limited Impact Office) to PUD (Planned Unit Development) to allow a transient lodging and social services facility, with a health clinic as an accessory use. The Planning & Zoning Board denied the request by a vote of 4 – 1.

On January 15, 2026, Tim Campbell, the applicant's attorney, filed an appeal of the Planning & Zoning Board's decision to the City Commission (see attached). Section 12.7.3 of the City's Land Development Code (see attached), which sets forth the criteria for an appeal of a Planning & Zoning Board decision to the City Commission, provides that a timely appeal specifically alleging one or more of the grounds for appeal contained therein shall be scheduled for a public hearing on a City Commission agenda occurring within sixty (60) calendar days of the applicant's written appeal, or may be scheduled for a date greater than sixty (60) days for good cause.

The applicant's appeal was filed in a timely manner and meets the minimum criteria to be eligible for a hearing before the City Commission. Due to a scheduling conflict, the applicant's attorney has requested that their appeal be scheduled for the City Commission's April 6, 2026 meeting, which is approximately three (3) weeks beyond the normal 60-day period. City staff does not object to the requested hearing date.

It is recommended that the City Commission schedule a public hearing for CFTB Realty, LLC's appeal of the Planning & Zoning Board's denial of the requested small-scale land use amendment and rezoning for a new Talbot House Ministries facility at 1005 E. Memorial Boulevard for **April 6, 2026**.

Attachments



**CLARK, CAMPBELL, LANCASTER,
WORKMAN & AIRTH, P.A.**
— ATTORNEYS AT LAW —

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Board Certified City, County & Local Government Attorney
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.....
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BOARD CERTIFICATIONS:
1. REAL ESTATE 2. TAX LAW
3. CITY, COUNTY & LOCAL GOVERNMENT
4. ELDER LAW

January 15, 2026

Brian Rewis, Director
Community and Economic Development Department
228 South Massachusetts Avenue
Lakeland, Florida 33801

Transmitted by Email Only
Brian.Rewis@lakelandgov.net

**Re: CFTB Realty LLC / Land Use Matter (City of Lakeland) - Planning & Zoning Hearing
(December 16, 2025) – Request for Appeal**

Dear Brian:

Our firm represents CFTB Realty LLC (the “**Appellant**”) with respect to LUS 25-006 and PUD 25-017 which were presented to the Planning & Zoning Board for final hearing on December 16, 2025. This correspondence shall serve as our official written request for an appeal of the decision of denial of the applications for LUS 25-006 and PUD 25-017 (the “**Applications**”) by the Planning and Zoning Board on December 16, 2025.

Section 12.7.3 of the Land Development Code requires that any aggrieved or adversely affected party may appeal a decision of the Planning and Zoning Board to the City Commission based upon one of the following grounds:

- a. The Planning and Zoning Board failed to properly follow adopted procedure or due process requirements;
- b. The Planning and Zoning Board failed to properly apply adopted standards or regulations;
- c. Administrative staff failed to follow professional practice in performing technical analysis;
- d. No competent, substantial evidence was presented to the Planning and Zoning Board to support its decision; or
- e. New evidence has been discovered that, through the exercise of proper diligence, could not have been discovered prior to the public hearing before the Planning and Zoning Board.

Name: Brian Rewis, Community and Economic Development Department
Subject: CFTB Realty LLC / Land Use Matter (City of Lakeland) - Planning & Zoning
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Additionally, pursuant to Section 166.033, Florida Statutes, “when a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.”

The denial letter the Appellant received on December 16, 2025 (enclosed with this correspondence), failed to meet the requirements of Section 166.033, as it does not include citations to applicable portions of any ordinance, rule, statute, or other legal authority that was the basis for the denial of the applications.

Additionally, the Planning & Zoning Board members’ votes and comments in support of their individual votes to deny the Applications were either invalid or illegal considerations, failed to consider, rely upon or comply with the City’s adopted standards and regulations, including, without limitation, the Comprehensive Plan and the Land Development Code, were discriminatory with respect to the proposed housing and delivery of services to a portion of the homeless population in the City of Lakeland and violated Title VIII of the Civil Rights Act (the Fair Housing Act), and were not supported by competent, substantial evidence. Instead, the Planning & Zoning Board members stated that their votes were based upon the introduction and service of homeless individuals on the subject property and the opposition of many property owners and residents in the vicinity of the subject property to the allowance of a social services facility that serves the homeless population at the subject property in the vicinity of their homes and businesses.

The basis for the appeal is that the Planning & Zoning Board failed to properly follow adopted procedure and due process requirements, including, without limitation, the requirements of Section 12.7.3 of the Land Development Code and Section 166.033, Florida Statutes, relied upon either invalid or illegal considerations, failed to consider, rely upon or comply with the City’s adopted standards and regulations, including, without limitation, the Comprehensive Plan and the Land Development Code, were discriminatory with respect to the proposed housing and delivery of services to a homeless population in violation of Title VIII of the Civil Rights Act (the Fair Housing Act), and did not base its decision upon competent, substantial evidence. Instead, the Planning & Zoning Board members stated that their votes were based upon the introduction and service of homeless individuals to the subject property and the objections and opposition of many property owners and residents in the vicinity of the subject property to the allowance of a social services facility that serves the homeless population at the subject property in the vicinity of their homes and businesses (with one Commissioner even asking how many people signed a petition in support of her rationale that neighbors opposed the Applications).

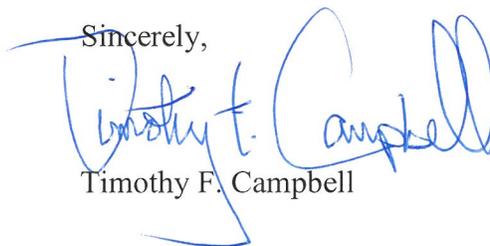
We will supplement our appeal with a memorandum in support of our request prior to the City Commission scheduled hearing date. We request that the appeal hearing be scheduled on or after March 16, 2026, to allow time to prepare the memorandum and for the development team to consult and coordinate with experts regarding this matter. We also respectfully request that the City coordinate with

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me regarding the hearing date so that we can coordinate and assure availability of the Appellant, me and our experts for the scheduled hearing date.

Thank you for your attention in this matter. Please call or email should you have any further questions or comments in this regard.

Sincerely,



Timothy F. Campbell

Enclosure

Copy: Client (transmitted via email)
Jon Kirk (transmitted by email)
Chuck Barmby (transmitted by email)
Audrey McGuire (transmitted by email)
Palmer Davis, City Attorney (transmitted by email)
Alex Landback, Assistant City Attorney (transmitted by email)

12.7.3 APPEAL TO THE CITY COMMISSION

Any aggrieved or adversely affected party, as defined in Section 163.3215, Florida Statutes, may appeal a decision of the Planning and Zoning Board to the City Commission based upon one or more of the following grounds:

- a. The Planning and Zoning Board failed to properly follow adopted procedure or due process requirements;
- b. The Planning and Zoning Board failed to properly apply adopted standards or regulations;
- c. Administrative staff failed to follow professional practice in performing technical analysis;
- d. No competent, substantial evidence was presented to the Planning and Zoning Board to support its decision; or
- e. New evidence has been discovered that, through the exercise of proper diligence, could not have been discovered prior to the public hearing before the Planning and Zoning Board.

The applicant shall file the appeal in writing with the City Attorney within thirty (30) calendar days of the Board's action, stating the specific reasons for the appeal. Failure to timely file an appeal meeting the criteria set forth herein shall constitute a waiver of the right to appeal. The City Attorney shall place an appeal meeting the criteria set forth herein on a City Commission agenda occurring within sixty (60) calendar days of receipt of the applicant's written appeal and shall cause public notice of the hearing on the appeal to be given in accordance with Sub-Section 12.6.1.1. An appeal may be scheduled beyond sixty (60) calendar days for good cause.

Upon consideration of the appeal, the City Commission shall first determine whether one or more of the above grounds for appeal exist. If the Commission does not find that at least one of the above grounds exists, the Commission shall deny the appeal and affirm the decision of the Planning and Zoning Board. If the Commission finds that one or more of the above grounds exist, the Commission shall then, at the same meeting, conduct a full public hearing on the merits of the case. The hearing may be continued by the Commission to a later date for good cause. At the hearing, the City Commission may consider both new testimony and evidence, as well as the record created before the Planning and Zoning Board. Following the hearing, the City Commission may:

- a. Affirm the decision of the Planning and Zoning Board;
- b. Remand the case to the Board for reconsideration; or
- c. Reverse, in whole or in part, or modify the decision of the Board and direct staff to prepare an ordinance or other appropriate instrument granting relief in accordance with the Commission's direction.

(Ord. No. 5462, 09-15-14)