



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

2/5/2026

Subject:

Laughing Clown LLC requests a Small-Scale Comprehensive Plan Amendment (25S.15), to change the Future Land Use designation from RES-2 to CC. (25SS00009) (Tax Account 2806925) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing to consider a Small-Scale Comprehensive Plan Amendment (25S.15), to change the Future Land Use Designation from RES-2 (Residential 2) to CC (Community Commercial).

Summary Explanation and Background:

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 2 (RES 2) to Community Commercial (CC) on the 0.63-acre subject property to allow an existing professional doctor's office building to be converted into a general retail commercial use permitted within the BU-1-A zoning classification. The applicant has a companion rezoning application, 25Z00028, requesting a change from RP (Residential Professional) to BU-1-A (Restricted Neighborhood Retail Commercial).

Abutting the subject property to the north of the subject property is a 0.81-acre lot developed with a single-family home with an RP zoning designation and a RES 2 FLU designation. Abutting the property to the south is a 0.62-acre parcel developed with a single-family home and located within jurisdiction of the City of West Melbourne. The subject property is bordered to the east by the right-of-way for Minton Road, a county-maintained arterial roadway. A multi-family apartment complex is located on the 32.18-acre parcel located directly across from the subject property on the east side of Minton Road. There are two (2) properties abutting the subject property to the west. The first property is a 0.42-acre lot improved with a single-family residence. The second parcel is a 1.19-acre lot developed with a single-family residence. Both lots are zoned RU-1-13 with a RES 2 FLU designation.

The Board may consider if the request is consistent with the Comprehensive Plan and compatible with the surrounding area.

On January 12, 2026, the Local Planning Agency considered the request and unanimously recommended approval.

Clerk to the Board Instructions:

Please return a copy of the filed Ordinance to Planning and Development.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 9, 2026

Rachel Sadoff
County Clerk
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Dear Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 26-01, which was filed in this office on February 6, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

February 6, 2026

MEMORANDUM

TO: Billy Prasad, Planning and Development Director Attn: Trina Gilliam


RE: Item H.2., Ordinance for Small Scale Comprehensive Plan Amendment (25S.15),
Changing the Future Land Use Designation from RES-2 to CC

The Board of County Commissioners, in regular session on February 5, 2026, adopted Ordinance No. 26-01, setting forth the fifteenth Small Scale Comprehensive Plan Amendment of 2025 (25S.15) to change the Future Land Use designation from RES-2 to CC (25SS00009). Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

Encl. (1)

cc: County Attorney

ORDINANCE 26-01

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 62, OF THE CODE OF ORDINANCES OF BREVARD COUNTY, ENTITLED "THE 1988 COMPREHENSIVE PLAN", SETTING FORTH THE FIFTEENTH SMALL SCALE PLAN AMENDMENT OF 2025, 25S.15 TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; AMENDING SECTION 62-501 ENTITLED CONTENTS OF THE PLAN; SPECIFICALLY AMENDING SECTION 62-501, PART XVI(E), THE FUTURE LAND USE APPENDIX; AND PROVISIONS WHICH REQUIRE AMENDMENT TO MAINTAIN INTERNAL CONSISTENCY WITH THESE AMENDMENTS; PROVIDING LEGAL STATUS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et. seq., Florida Statutes (1987) established the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Section 163.3167, Florida Statutes, requires each County in the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Department of Economic Opportunity; and

WHEREAS, on September 8, 1988, the Board of County Commissioners of Brevard County, Florida, approved Ordinance No. 88-27, adopting the 1988 Brevard County Comprehensive Plan, hereafter referred to as the 1988 Plan; and

WHEREAS, Sections 163.34 and 163.3187, and 163.3189, Florida Statutes, established the process for the amendment of comprehensive plans pursuant to which Brevard County has established procedures for amending the 1988 Plan; and

WHEREAS, Brevard County initiated amendments and accepted application for small scale amendments to the Comprehensive Plan for adoption in calendar year 2025 as Small Scale Plan Amendment 25S.15; and

WHEREAS, Brevard County established Technical Advisory Groups consisting of County technical employees grouped according to their operational relationship to the subject of a plan element or sub-element being prepared or amended, and these

Officially filed with the Secretary of State on February 6, 2026

Technical Advisory Groups have provided technical expertise for the Amendment 25S.15; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have provided for the broad dissemination of proposals and alternatives, opportunity for written comments, public hearings after due public notice, provisions for open discussion, communication programs and consideration of and response to public comments concerning the provisions contained in the 1988 Plan and amendments thereto; and

WHEREAS, Section 62-181, Brevard County Code designated the Brevard County Planning and Zoning Board as the Local Planning Agency for the unincorporated areas of Brevard County, Florida, and set forth the duties and responsibilities of said local planning agency; and

WHEREAS, on January 12, 2026, the Brevard County Local Planning Agency held a duly noticed public hearing on Plan Amendment 25S.15, and considered the findings and advice of the Technical Advisory Groups, and all interested parties submitting comments; and

WHEREAS, on February 5, 2025, the Brevard County Board of County Commissioners held a duly noticed public hearing and considered the findings and recommendations of the Technical Advisory Group, and all interested parties submitting written or oral comments, and the recommendations of the Local Planning Agency, and upon thorough and complete consideration and deliberation, approved for adoption Plan Amendment 25S.15; and

WHEREAS, Small Scale Plan Amendment 25S.15 adopted by this Ordinance comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act; and

WHEREAS, Plan Amendment 25S.15 adopted by this Ordinance is based upon findings of fact as included in data and analysis.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Authority. This ordinance is adopted in compliance with, and pursuant to the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3184 and 163.3187, Florida Statutes.

Section 2. Purpose and Intent. It is hereby declared to be the purpose and intent of this Ordinance to clarify, expand, correct, update, modify and otherwise further the provisions of the 1988 Brevard County Comprehensive Plan.

Section 3. Adoption of Comprehensive Plan Amendments. Pursuant to Plan Amendment 25S.15 to the 1988 Comprehensive Plan, Article III, Chapter 62-504, Brevard County Code, the 1988 Brevard County Comprehensive Plan is hereby amended based on documentation shown in Exhibit A and as specifically shown in Exhibit B. Exhibits A and B are hereby incorporated into and made part of this Ordinance.

Section 4. Legal Status of the Plan Amendments. After and from the effective date of this Ordinance, the plan amendment, Plan Amendment 25S.15, shall amend the 1988 Comprehensive Plan and become part of that plan and the plan amendment shall retain the legal status of the 1988 Brevard County Comprehensive Plan established in Chapter 62-504 of the Code of Laws and Ordinances of Brevard County, Florida, as amended.

Section 5. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 6. Effective Date. The effective date of this small scale plan amendment shall be 31 days after adoption, unless the amendment is challenged

pursuant to Section 163.3187(3), Florida Statutes. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ADOPTED in regular session, this 5 day of February, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel M. Sadoff, Clerk

By: 
Thad Altman, Chair

As approved by the Board on February 5, 2026.

**EXHIBIT A
25S.15 SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT**

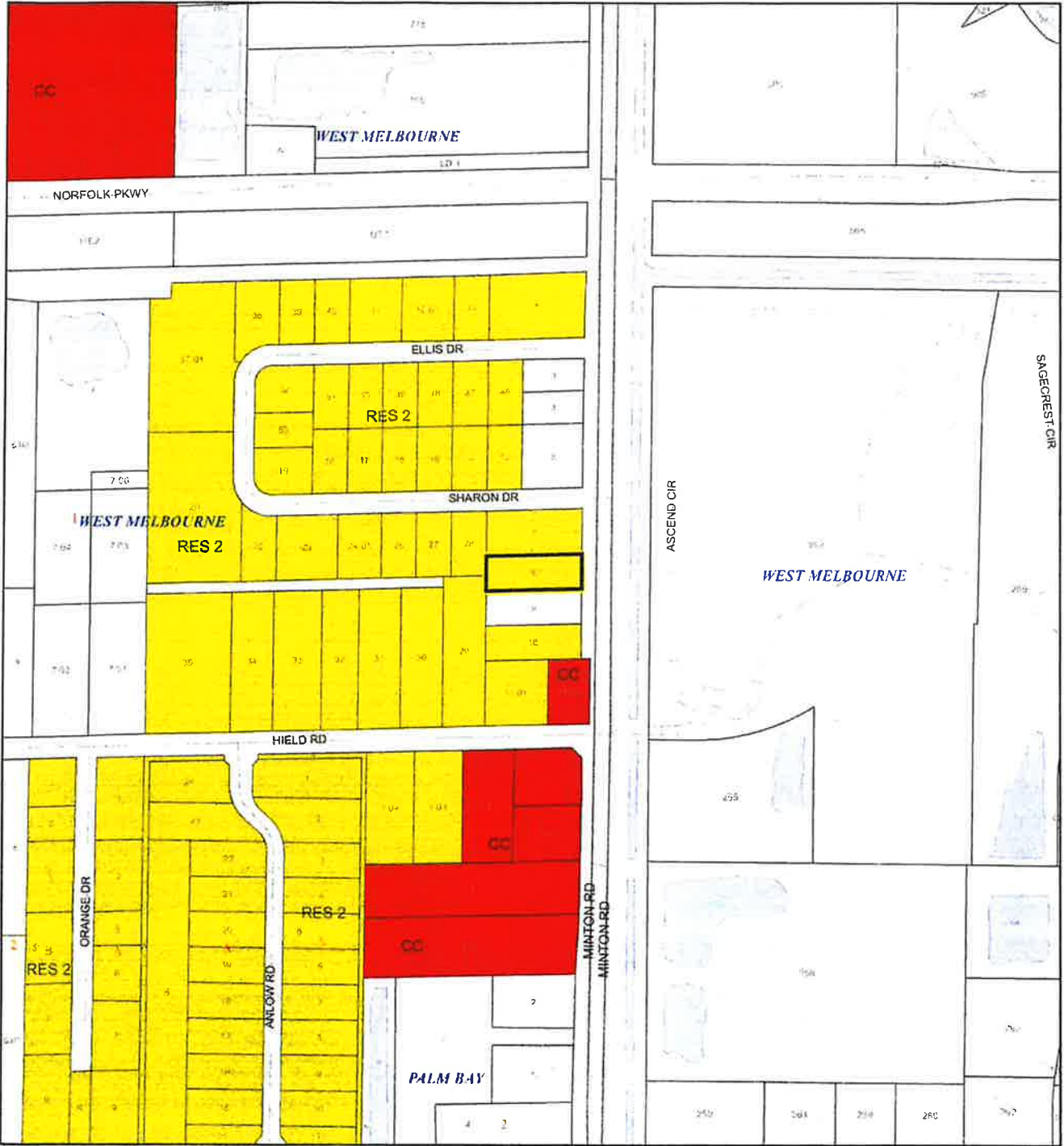
Contents

1. Proposed Future Land Use Map


FUTURE LAND USE MAP

LAUGHING CLOWN LLC

25Z00028



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 10/15/2025

EXHIBIT B

Contents

1. Legal Description

Lot 8, Lund Gardens, according to the plat thereof as recorded in Plat Book 16, Page 3, of the Public Records of Brevard County, Florida. Less and except the following:

A portion of Lot 8, Lund Gardens, as recorded in Plat Book 16, Page 3, of the Public Records of Brevard County, Florida, being more particularly described as follows:

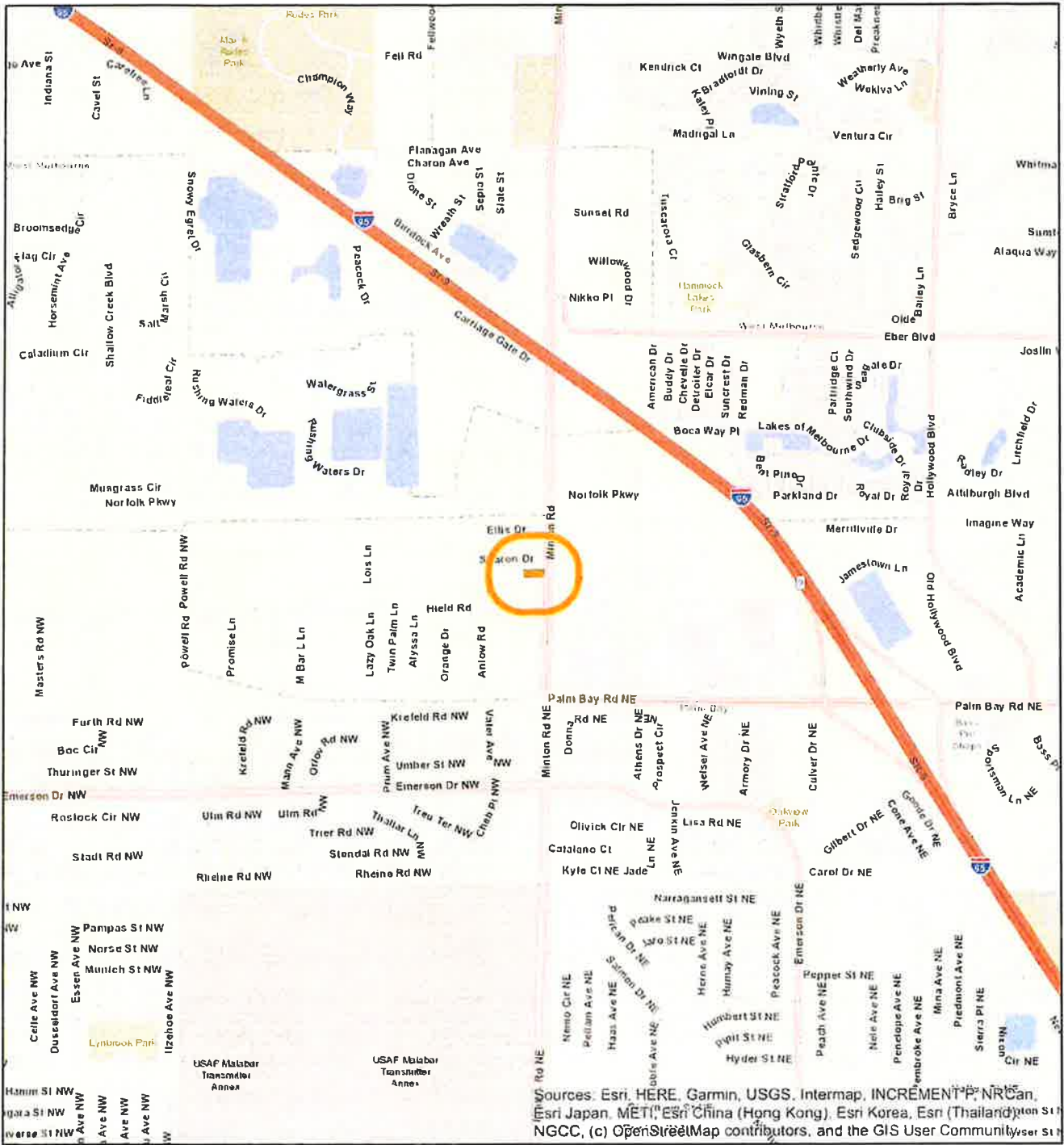
Begin at the Southeast corner of said Lot 8, Lund Gardens, thence run South 88°34'45" West along the South line of said Lot 8, Lund Gardens, a distance of 26.51 feet; thence departing the South line of said Lot 8, Lund Gardens; run North 00°28'46" East 99.96 feet to the North line of said Lot 8, Lund Gardens, thence run North 88°34'45" East along the North line of said Lot 8, Lund Gardens, a distance of 26.49 feet to the Northeast corner thereof said point lying on the Westerly right of way line of Minton Road (as now established); thence run South 00°28'04" West along the East line of said Lot 8, Lund Gardens, and the Westerly right of way line of said Minton Road a distance of 99.96 feet to the Point of Beginning.

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

LOCATION MAP

LAUGHING CLOWN LLC

25Z00028



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), Swisstopo, GEBCO, NGCC, (c) OpenStreetMap contributors, and the GIS User Community




1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 500 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions herein.

Produced by BoCC - GIS Date: 10/15/2025

Buffer
 **Subject Property**

ZONING MAP

LAUGHING CLOWN LLC



25Z00028



1:4,800 or 1 inch = 400 feet

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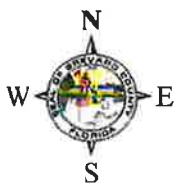
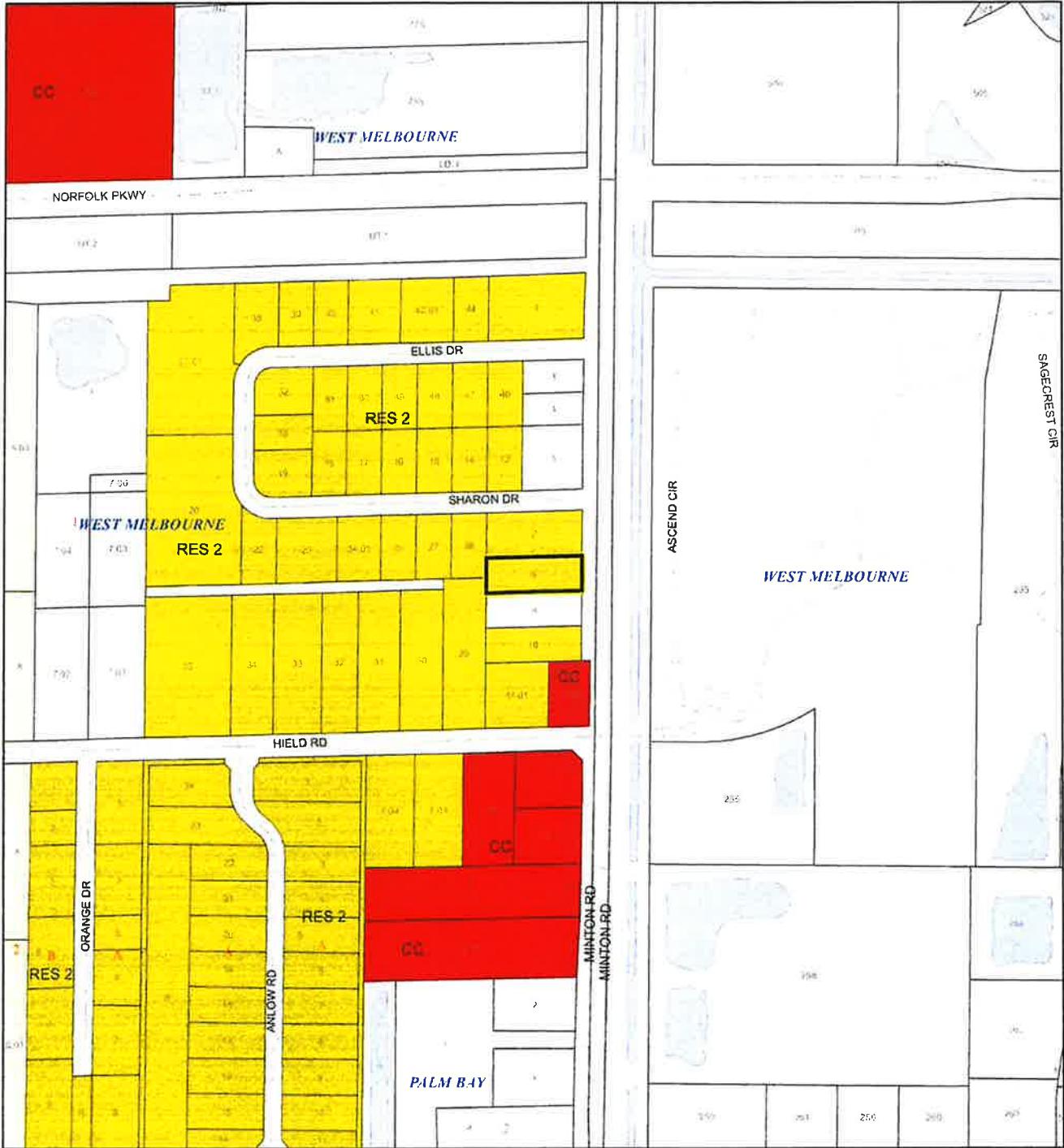
Produced by BoCC - GIS Date: 10/15/2025

-  Subject Property
-  Parcels
-  Zoning



FUTURE LAND USE MAP

LAUGHING CLOWN LLC

25Z00028



1:4,800 or 1 inch = 400 feet

 Subject Property
 Parcels

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Produced by BoCC - GIS Date: 10/15/2025

AERIAL MAP
LAUGHING CLOWN LLC
25Z00028





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2025

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

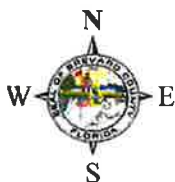
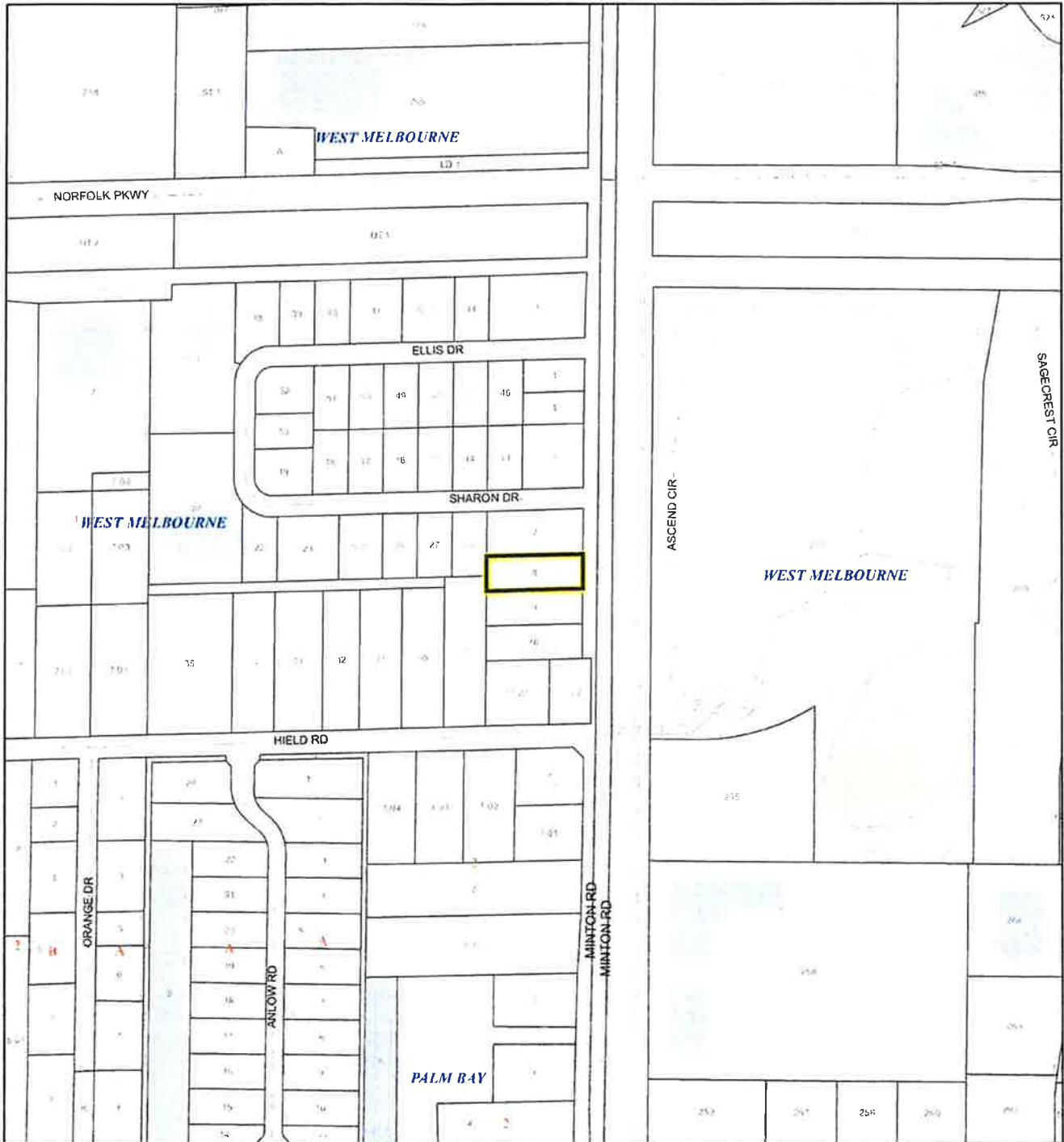
Produced by BoCC - GIS Date: 10/15/2025

-  Subject Property
-  Parcels

NWI WETLANDS MAP

LAUGHING CLOWN LLC

25Z00028



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 10/15/2025

National Wetlands Inventory (NWI)

Estuarine and Marine Deepwater	Freshwater Pond
Estuarine and Marine Wetland	Lake
Freshwater Emergent Wetland	Other
Freshwater Forested/Shrub Wetland	Riverine
	Subject Property
	Parcels

ADMINISTRATIVE POLICIES OF THE FUTURE LAND USE ELEMENT

Administrative Policies in the Future Land Use Element establish the expertise of staff with regard to zoning land use issues and set forth criteria when considering a rezoning action or request for Conditional Use Permit, as follows:

Administrative Policy 1

The Brevard County zoning official, planners and the Director of the Planning and Development, however designated, are recognized as expert witnesses for the purposes of Comprehensive Plan amendments as well as zoning, conditional use, special exception, and variance applications.

Administrative Policy 2

Upon Board request, members of the Brevard County planning and zoning staff shall be required to present written analysis and a recommendation, which shall constitute an expert opinion, on all applications for zoning, conditional uses, comprehensive plan amendments, vested rights, or other applications for development approval that come before the Board of County Commissioners for quasi-judicial review and action. The Board may table an item if additional time is required to obtain the analysis requested or to hire an expert witness if the Board deems such action appropriate. Staff input may include the following:

Criteria:

- A. Staff shall analyze an application for consistency or compliance with comprehensive plan policies, zoning approval criteria and other applicable written standards.
- B. Staff shall conduct site visits of property which are the subject of analysis and recommendation. As part of the site visit, the staff shall take a videotape or photographs where helpful to the analysis and conduct an inventory of surrounding existing uses. Aerial photographs shall also be used where they would aid in an understanding of the issues of the case.
- C. In cases where staff analysis is required, both the applicant and the staff shall present proposed findings of fact for consideration by the Board.
- D. For development applications where a specific use has not been proposed, the worst case adverse impacts of potential uses available under the applicable land use classification shall be evaluated by the staff.

Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be affected by the proposed use.

- B. Whether the proposed use(s) would cause a material reduction (five percent or more) in the value of existing abutting lands or approved development.
- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through analysis of:
 - 1. historical land use patterns;
 - 2. actual development over the immediately preceding three years; and
 - 3. development approved within the past three years but not yet constructed.
- D. Whether the proposed use(s) would result in a material violation of relevant policies in any elements of the Comprehensive Plan.

Administrative Policy 4

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types of intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, et cetera), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.
- B. In determining whether an established residential neighborhood exists, the following factors must be present:
 - 1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.
 - 2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.
 - 3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial or other non-residential uses have been applied for and approved during the previous five (5) years.

Administrative Policy 5

In addition to the factors specified in Administrative Policies 2, 3, and 4, in reviewing a rezoning, conditional use permit or other application for development approval, the impact of the proposed use or uses on transportation facilities either serving the site or impacted by the

use(s) shall be considered. In evaluating whether substantial and adverse transportation impacts are likely to result if an application is approved, the staff shall consider the following:

Criteria:

- A. Whether adopted levels of services will be compromised;
- B. Whether the physical quality of the existing road system that will serve the proposed use(s) is sufficient to support the use(s) without significant deterioration;
- C. Whether the surrounding existing road system is of sufficient width and construction quality to serve the proposed use(s) without the need for substantial public improvements;
- D. Whether the surrounding existing road system is of such width and construction quality that the proposed use(s) would realistically pose a potential for material danger to public safety in the surrounding area;
- E. Whether the proposed use(s) would be likely to result in such a material and adverse change in traffic capacity of a road or roads in the surrounding area such that either design capacities would be significantly exceeded or a de facto change in functional classification would result;
- F. Whether the proposed use(s) would cause such material and adverse changes in the types of traffic that would be generated on the surrounding road system, that physical deterioration of the surrounding road system would be likely;
- G. Whether projected traffic impacts of the proposed use(s) would materially and adversely impact the safety or welfare of residents in existing residential neighborhoods.

Administrative Policy 6

The use(s) proposed under the rezoning, conditional use or other application for development approval must be consistent with, (a), all written land development policies set forth in these administrative policies; and (b), the future land use element, coastal management element, conservation element, potable water element, sanitary sewer element, solid waste management element, capital improvements element, recreation and open space element, surface water element, and transportation elements of the comprehensive plan.

Administrative Policy 7

Proposed use(s) shall not cause or substantially aggravate any, (a), substantial drainage problem on surrounding properties; or (b), significant, adverse and unmitigatable impact on significant natural wetlands, water bodies or habitat for listed species.

Administrative Policy 8

These policies, the staff analysis based upon these policies, and the applicant's written analysis, if any, shall be incorporated into the record of every quasi-judicial review application for development approval presented to the Board including rezoning, conditional use permits, and vested rights determinations.

Section 62-1151(c) of the Code of Ordinances of Brevard County directs, "The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the planning and zoning board shall specify the reasons for the recommendation of approval or denial of each application."

CONDITIONAL USE PERMITS (CUPs)

In addition to the specific requirements for each Conditional Use Permit (CUP), Section 62-1901 provides that the following approval procedure and general standards of review are to be applied to all CUP requests, as applicable.

- (b) Approval procedure. An application for a specific conditional use within the applicable zoning classification shall be submitted and considered in the same manner and according to the same procedure as an amendment to the official zoning map as specified in Section 62-1151. The approval of a conditional use shall authorize an additional use for the affected parcel of real property in addition to those permitted in the applicable zoning classification. The initial burden is on the applicant to demonstrate that all applicable standards and criteria are met. Applications which do not satisfy this burden cannot be approved. If the applicant meets its initial burden, then the Board has the burden to show, by substantial and competent evidence, that the applicant has failed to meet such standards and the request is adverse to the public interest. As part of the approval of the conditional use permit, the Board may prescribe appropriate and reasonable conditions and safeguards to reduce the impact of the proposed use on adjacent and nearby properties or the neighborhood. A nearby property, for the purpose of this section, is defined as any property which, because of the character of the proposed use, lies within the area which may be substantially and adversely impacted by such use. In stating grounds in

support of an application for a conditional use permit, it is necessary to show how the request fulfills both the general and specific standards for review. The applicant must show the effect the granting of the conditional use permit will have on adjacent and nearby properties, including, but not limited to traffic and pedestrian flow and safety, curb-cuts, off-street loading and parking, off-street pickup of passengers, odors, glare and noise, particulates, smoke, fumes, and other emissions, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open space and economic impact on nearby properties. The applicant, at his discretion, may choose to present expert testimony where necessary to show the effect of granting the conditional use permit.

(c) General Standards of Review.

- (1) The planning and zoning board and the board of county commissioners shall base the denial or approval of each application for a conditional use based upon a consideration of the factors specified in Section 62-1151(c) plus a determination whether an application meets the intent of this section.
 - a. The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1), the number of persons anticipated to be using, residing or working under the conditional use; (2), noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3), the increase of traffic within the vicinity caused by the proposed conditional use.
 - b. The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.
 - c. The proposed use will not cause a substantial diminution in value of abutting residential property. A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred. The Board of County Commissioners carries the burden to show, as evidenced by either testimony from or an appraisal conducted by an M A I certified appraiser, that a substantial diminution in value would occur. The applicant may rebut the findings with his own expert witnesses.
- (2) The following specific standards shall be considered, when applicable, in making a determination that the general standards specified in subsection (1) of this section are satisfied:

- a. Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire and catastrophe, shall be: (1), adequate to serve the proposed use without burdening adjacent and nearby uses, and (2), built to applicable county standards, if any. Burdening adjacent and nearby uses means increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways, as determined by applicable Brevard County standards, to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.
- b. The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.
- c. Noise levels for a conditional use are governed by Section 62-2271.
- d. The proposed conditional use shall not cause the adopted level of service for solid waste disposal applicable to the property or area covered by such level of service, to be exceeded.
- e. The proposed conditional use shall not cause the adopted level of service for potable water or wastewater applicable to the property or the area covered by such level of service, to be exceeded by the proposed use.
- f. The proposed conditional use must have existing or proposed screening or buffering, with reference to type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.
- g. Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.
- h. Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.
- i. The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than 35 feet higher than the highest residence within 1,000 feet of the property line.

- j. Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties. For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

FACTORS TO CONSIDER FOR A REZONING REQUEST

Section 62-1151(c) sets forth factors to consider in connection with a rezoning request, as follows:

“The planning and zoning board shall recommend to the board of county commissioners the denial or approval of each application for amendment to the official zoning maps based upon a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or conditional use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.”

These staff comments contain references to zoning classifications found in the Brevard County Zoning Regulations, Chapter 62, Article VI, Code of Ordinances of Brevard County. These references include brief summaries of some of the characteristics of that zoning classification. Reference to each zoning classification shall be deemed to incorporate the full text of the section or sections defining and regulating that classification into the Zoning file and Public Record for that item.

These staff comments contain references to sections of the Code of Ordinances of Brevard County. Reference to each code section shall be deemed to incorporate this section into the Zoning file and Public Record for that item.

These staff comments contain references to Policies of the Brevard County Comprehensive Plan. Reference to each Policy shall be deemed to incorporate the entire Policy into the Zoning file and Public Record for that item.

These staff comments refer to previous zoning actions which are part of the Public Records of Brevard County, Florida. These records will be referred to by reference to the file number. Reference to zoning files are intended to make the entire contents of the cited file a part of the Zoning file and Public Record for that item.

DEFINITIONS OF CONCURRENCY TERMS

Maximum Acceptable Volume (MAV): Maximum acceptable daily volume that a roadway can carry at the adopted Level of Service (LOS).

Current Volume: Building permit related trips added to the latest TPO (Transportation Planning Organization) traffic counts.

Volume with Development (VOL W/DEV): Equals Current Volume plus trip generation projected for the proposed development.

Volume/Maximum Acceptable Volume (VOL/MAV): Equals the ratio of current traffic volume to the maximum acceptable roadway volume.

Volume/Maximum Acceptable Volume with Development (VOL/MAV W/DEV): Ratio of volume with development to the Maximum Acceptable Volume.

Acceptable Level of Service (CURRENT LOS): The Level of Service at which a roadway is currently operating.

Level of Service with Development (LOS W/DEV): The Level of Service that a proposed development may generate on a roadway.

**FUTURE LAND USE MAP SERIES
PLAN AMENDMENT**

STAFF COMMENTS

Small Scale Plan Amendment 25S.15 (25SS00009)
Township 28, Range 36, Section 24

Property Information

Owner / Applicant: **Laughing Clown LLC**

Adopted Future Land Use Map Designation: Residential 2 (Res 2)

Requested Future Land Use Map Designation: Community Commercial (CC)

Acreage: 0.63 acres

Tax Account # 2806925

Site Location: 4030 Minton Rd., Melbourne, FL 32904

Commission District: 5

Current Zoning: RP (Residential Professional)

Requested Zoning: BU-1-A (25Z00028)

Background & Purpose

The applicant requests a Small-Scale Comprehensive Plan Amendment (SSCPA) to change the Future Land Use Map (FLUM) from Residential 2 (RES 2) to Community Commercial (CC) on the 0.63-acre subject property to allow an existing professional doctor's office building to be converted into a general retail commercial use permitted within the BU-1-A zoning classification. The applicant has a companion rezoning application, **25Z00026**, requesting a change from RP (Residential Professional) to BU-1-A (Restricted Neighborhood Retail Commercial).

The subject property is located within the Lund Gardens Subdivision and records indicate that on December 14, 1998, the property was put into its current configuration as recorded in **ORB 3938, Pages 1758-1759**, of the Public Records of Brevard County, Florida.

The subject property retains its original Future Land Use (FLU) designations established in 1988 by the Brevard County Comprehensive Plan: RES 2. The RES 2 land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within the Future Land Use Element of the Brevard County Comprehensive Plan.

The proposed CC FLU designation, is established in the area surrounding the subject property and is primarily located along the Minton Road corridor. Community Commercial (CC) development activities are intended to serve several neighborhoods, sub-regional and regional areas and provide an array of retail, personal and professional uses.

The subject is located adjacent to Minton Road, a county-maintained roadway. City of Melbourne public water and sewer may currently service the surrounding area.

There are currently no active code enforcement complaints on the property.

Surrounding Land Use Analysis

	Existing Land Use	Zoning	Future Land Use
North	Single-family residence	RP	RES 2
South	Single-family residence	C-1A West Melbourne	COM West Melbourne
East	Roadway, Multi-family residential	R-2 West Melbourne	MD RES West Melbourne
West	Single-family residential	RU-1-13	RES 2

Abutting the subject property to the north of the subject property is a 0.81-acre lot developed with a single-family home with an RP zoning designation and a RES 2 FLU designation.

Abutting the property to the south is a 0.62-acre parcel developed with a single-family home and located within jurisdiction of the City of West Melbourne.

The subject property is bordered to the east by the right-of-way for Minton Road, a county-maintained arterial roadway. A multi-family apartment complex is located on the 32.18-acre on the east side of Minton Road.

There are two (2) properties abutting the subject property to the west. The first property is a 0.42-acre lot improved with a single-family residence. The second parcel is a 1.19-acre lot developed with a single-family residence. Both lots are zoned RU-1-13 with a RES 2 FLU designation.

The Residential 2 (RES 2) land use designation permits lower density residential development with a maximum density of up to two (2) units per acre, except as otherwise may be provided for within this element.

Future Land Use

The subject property's RP zoning classification is not considered consistent with the RES 2 Future Land Use designation provided on the FLUM series contained within Chapter XI – Future Land Use Element of Brevard County's Comprehensive Plan. The proposed BU-1-A zoning classification is not consistent with the RES 2 FLUM designation. A companion application to amend the FLUM designation from RES 2 to CC is pending approval.

Comprehensive Plan Policies/Comprehensive Plan Analysis

Comprehensive Plan Policies are shown in plain text; Staff Findings of Fact are shown in **bold**.

Notice: The Comprehensive Plan establishes the broadest framework for reviewing development applications and provides the initial level of review in a three-layer screening process. The second level of review entails assessment of the development application's consistency with Brevard County's zoning regulations. The third layer of review assesses whether the development application conforms to site planning/land development standards of the Brevard County Land Development Code. While each of these layers individually affords its own evaluative value, all three layers must be cumulatively considered when assessing the appropriateness of a specific development proposal.

Role of the Comprehensive Plan in the Designation of Commercial Lands FLUE Policy 2.1

The Comprehensive Plan takes into consideration broad criteria for evaluating requests for commercial land use designations within Brevard County. At a minimum, these criteria address the following:

Criteria:

- A. Overall accessibility to the site;

The subject parcel has direct access to Minton Road, a county-maintained roadway.

- B. Compatibility and inter-connectivity with adjacent adopted Future Land Use designations and land uses;

The adjacent area is characterized by single-family residential, as well as mixed-use commercial development south of the subject property. The subject property abuts single-family residential properties to the north, south, and west. There is no interconnectivity as this is a separate development with direct access to Minton Rd.

- C. Existing commercial development trend in the area;

Additional commercial uses are located to the south of the subject property along Minton Road, including a trailer service and supply store, and a bridal shop. Commercial activities of increasing intensity can be found further south of the subject property.

- D. Fundamental changes in the character of an area prompted by infrastructure improvements undertaken by the County;

No fundamental changes in the character of the area prompted by infrastructure improvements undertaken by the County have been identified.

- E. Availability of required infrastructure at/above adopted levels of service;

The preliminary concurrency analysis indicates that the proposed development would not cause a deficiency in the transportation adopted level of service.

The subject property is located within the service area of centralized potable water and sanitary sewer service provided by the City of Melbourne. Concurrency will be reviewed during the site plan process.

- F. Spacing from other commercial activities:

Community Commercial activities are located along Minton Road approximately 200' south of the subject parcel. The commercial development on the east side of Minton Road approximately 1,500' south of the subject property and within the jurisdiction of West Melbourne continuing east along Palm Bay Road is over 40 acres in size. The commercial property at the northwest corner of of Minton and Palm Bay Roads is approximately 8 acres in size.

- G. Size of proposed commercial designation compared with current need for commercial lands;

A market study was not provided nor required.

- H. Adherence to the objectives/policies of the Conservation Element and minimization of impacts upon natural resources and systems:

The entire subject parcel contains mapped hydric soils, an indicator that wetlands may be present on the property. Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR in this location. If wetlands are found, the applicant shall

complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Protected and Specimen Trees may exist on the parcel.

- I. Integration of open space; and

The provisions of this Criterion will be addressed at the site plan review stage, if required.

- J. Impacts upon strip commercial development.

FLUE Policy 2.12 discourages strip commercial development. This request is not an extension of strip commercial development.

Locational and Development Criteria for Community Commercial Uses FLUE Policy 2.8

Locational and development criteria for community commercial land uses are as follows:

Criteria:

- A. Community Commercial clusters of up to ten (10) acres in size should be located at arterial/arterial intersections. Collector/arterial intersections are acceptable for clusters of up to ten (10) acres in size, however, the collector roadways must serve multiple residential areas. Intrusion of these land uses into the surrounding residential areas shall be limited. For Community Commercial clusters greater than ten (10) acres in size, they must be located at principal arterial/principal arterial intersections.

The proposed CC encompasses approximately 0.63 acres. The subject property abuts Minton Road which is classified as an arterial roadway.

Approximately 400' to the south of the subject property at the southwest corner of Hield and Minton Roads, 24SS00001 was approved to amend four properties with a combined total area of 4.58 acres from NC and RES 2 to CC FLU. Additional nearby southern parcels totaling 2.62 acres have an established commercial use with a CC FLU.

Approximately 1,500' to the south, a retail shopping center with additional independent commercial uses including banks and fast food service restaurants is located on a 13.06-acre parcel at the northeast intersection of Minton and Palm Bay Roads within the jurisdiction of the City of West Melbourne.

A 6.6-acre retail shopping center with independent retail and restaurant uses is located on Minton Road at the northwest corner of Palm Bay Road NE, within the jurisdiction of the City of Palm Bay, approximately 1,200 feet south of the subject property.

- B. Community commercial complexes should not exceed 40 acres at an intersection.

The subject site is not located at an intersection and will not exceed 40 acres.

- C. Community commercial clusters up to 10 acres in size should be spaced at least 2 miles apart and community commercial clusters up to 40 acres in size should be spaced at least five (5) miles apart.

This is a renovation of existing office uses, and not considered a commercial cluster.

- D. The gross floor area of community commercial complexes should not exceed 150,000 square feet for commercial clusters up to 10 acres in size and shall not exceed 400,000 square feet for commercial clusters greater than 10 acres but less than 40 acres in size unless within a Planned Unit Development (PUD) zoning classification. The square footage may be increased if it is located within a PUD zoning classification.

The area of the subject property is less than 10 acres.

- E. Floor Area Ratio (FAR) of up to 1.00 will be permitted for Community Commercial sites unless accompanied with a PUD zoning classification wherein the FAR may be increased up to 1.75.

This application does not accompany a PUD zoning request, therefore the FAR will be limited to 1.00. Existing structures currently located on the subject property have less than a 1.00 FAR.

- F. Recreational vehicle parks shall be located in areas which serve the needs of tourists and seasonal visitors to Brevard County. The location of recreational vehicle parks shall have access to interstate interchanges via arterial and principal collector transportation corridors or the property shall be located on a major multi-county transportation corridor.

The applicant has not proposed a recreational vehicle park on the subject property.

FLUE Administrative Policy 3

Compatibility with existing or proposed land uses shall be a factor in determining where a rezoning or any application involving a specific proposed use is being considered. Compatibility shall be evaluated by considering the following factors, at a minimum:

Criteria:

- A. Whether the proposed use(s) would have hours of operation, lighting, odor, noise levels, traffic, or site activity that would significantly diminish the enjoyment of, safety or quality of life in existing neighborhoods within the area which could foreseeably be

affected by the proposed use;

The rezoning would permit an existing professional office building to be converted into a general retail commercial use permitted within the BU-1-A zoning classification. Current and future development is subject to compliance with Brevard County's Performance Standards defined within Sections 62-2251 through 62-2272 of the Brevard County Land Development Code regarding hours of operations, lighting, odor, noise levels, traffic, or site activity.

- B. Whether the proposed use(s) would cause a material reduction (five per cent or more) in the value of existing abutting lands or approved development;

Only a certified MAI appraisal can determine if material reduction has or will occur due to the proposed use.

- C. Whether the proposed use(s) is/are consistent with an emerging or existing pattern of surrounding development as determined through an analysis of:

1. historical land use patterns;

There are four (4) different FLUM designations within a half-mile radius of the subject property. They include Residential 1:2.5 (RES 1:2.5), Residential 2 (RES 2), Community Commercial (CC), and Neighborhood Commercial (NC). The subject property is surrounded by RES 2 FLU to the north and west. CC FLU development occurs on the property located 200' to the south, and on the existing commercial uses further south along Minton Road.

Within the past three years, there has been one (1) FLUM change within a half-mile radius. 24SS00001 was approved to change the property's FLU from Res 2 on 3.58 acres and NC on 1 acre to all CC.

Please note that this analysis only includes unincorporated areas of Brevard County.

2. actual development over the immediately preceding three years; and

Within a half-mile radius, there has been no development within County jurisdiction. Staff analysis indicates recent multi-family and residential neighborhood development within the jurisdiction of the City of West Melbourne.

3. development approved within the past three years but not yet constructed.

Within the preceding three years, there have been two (2) approved rezonings within 0.50 mile of the subject property, but not yet constructed.

24Z00004 changed a 4.58-acre site from RP and AU to all BU-2 with a binding development plan limiting the rezoned property to mini-warehouse storage and other BU-1 allowable uses and was approved in August 2024. 22Z00006 rezoned a 17.5-acre parcel from GU to BU-2 with a binding development plan limiting the property's use to boat and RV storage, and was approved in May 2022.

- D. Whether the proposed use(s) would result in a material violation of relevant policies, in any elements of the Comprehensive Plan.

No material violation of relevant policies has been identified.

Analysis of Administrative Policy 4 - Character of a neighborhood or area.

Character of a neighborhood or area shall be a factor for consideration whenever a rezoning or any application involving a specific proposed use is reviewed. The character of the area must not be materially or adversely affected by the proposed rezoning or land use application. In evaluating the character of an area, the following factors shall be considered:

Criteria:

- A. The proposed use must not materially and adversely impact an established residential neighborhood by introducing types or intensity of traffic (including but not limited to volume, time of day of traffic activity, type of vehicles, etc.), parking, trip generation, commercial activity or industrial activity that is not already present within the identified boundaries of the neighborhood.

The request is not located within an established residential neighborhood. Minton Road is classified as an arterial roadway. The proposed request will introduce commercial activity not already present within the immediate area. However, a preliminary concurrency evaluation indicated that the proposal does not have the potential to cause a deficiency in the transportation adopted level of service. At the time of submittal, the applicant had not provided a concept plan for the conversion of the property for general retails sales use.

- B. In determining whether an established residential neighborhood exists, the following factors must be present:
1. The area must have clearly established boundaries, such as roads, open spaces, rivers, lakes, lagoons, or similar features.

The area is not considered an established residential neighborhood.

2. Sporadic or occasional neighborhood commercial uses shall not preclude the existence of an existing residential neighborhood, particularly if the commercial use is non-conforming or pre-dates the surrounding residential use.

The subject property has historically been used as a doctor's office located within an existing single-family residential area.

3. An area shall be presumed not to be primarily residential but shall be deemed transitional where multiple commercial, industrial, or other non-residential uses have been applied for and approved during the previous five (5) years.

Within the previous five years, two rezonings were approved within one-half mile of the subject property. 24Z00004 changed a 4.58-acre site to BU-2 with a binding development plan limiting the rezoned property to mini-warehouse storage and other BU-1 allowable uses. 22Z00006 rezoned a 17.5-acre parcel to BU-2 with a binding development plan limiting the use of the property to boat and RV storage.

Both zoning actions were accompanied with a small-scale comprehensive plan amendment that were approved to allow for an FLU change to Community Commercial.

Preliminary Concurrency

The closest concurrency management segment to the subject property is Minton Rd from Palm Bay Rd. to Hield Rd., which has a Maximum Acceptable Volume (MAV) of 36,600 trips per day, a Level of Service (LOS) of E, and currently operates at 61.20% of capacity daily. The maximum development potential from the proposed rezoning increases the percentage of MAV utilization by 0.39%. The corridor is anticipated to operate at 61.59% of capacity daily. The proposal is not anticipated to create a deficiency in LOS.

No school concurrency information has been provided as the development proposal is for commercial and not residential use.

Environmental Constraints

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees

Please refer to the complete report provided by the Natural Resource Management Department on the following page.

For Board Consideration

The Board should consider if the request is consistent and compatible with the surrounding area.

NATURAL RESOURCES MANAGEMENT DEPARTMENT
Land Use Review & Summary
Item No. 25SS00009

Applicant: Clayton Bennett (Owner: Laughing Clown LLC)

Land Use Request: RES 2 to CC

Note: to allow for the permitted use for the subject business

LPA Hearing: 01/12/2026; **BCC Hearing:** 02/05/2026

Tax ID No.: 2806925

- This is a preliminary review based on best available data maps reviewed by the Natural Resources Management Department (NRM) and does not include a site inspection to verify the accuracy of the mapped information.
- In that the rezoning process is not the appropriate venue for site plan review, specific site designs submitted with the rezoning request will be deemed conceptual. Board comments relative to specific site design do not provide vested rights or waivers from Federal, State or County regulations.
- **This review does not guarantee whether or not the proposed use, specific site design, or development of the property can be permitted under current Federal, State, or County Regulations.**

Summary of Mapped Resources and Noteworthy Land Use Issues:

- Hydric Soils
- Land Clearing and Landscape Requirements
- Protected and Specimen Trees

Land Use Comments:

Hydric Soils

The entire subject parcel contains mapped hydric soils (Malabar sand, high; Eau Gallie sand); an indicator that wetlands may be present on the property. **A wetland delineation may be required prior to any land clearing activities, site plan design, or building permit submittal.**

Section 62-3694(c)(3)(b) has allowances for wetland impacts for commercial uses along "Mitigation Qualified Roadways" (MQRs). Minton Road is an MQR in this location. If wetlands are found, the applicant shall complete High Function and Landscape Level wetlands assessments prior to the allowance of any impacts. Board approval may be required for impacts. Any permitted wetland impacts must meet the requirements of Section 62-3694(e), including avoidance of impacts, and will require no net loss mitigation in Brevard County in accordance with Section 62-3696.

Protected and Specimen Trees

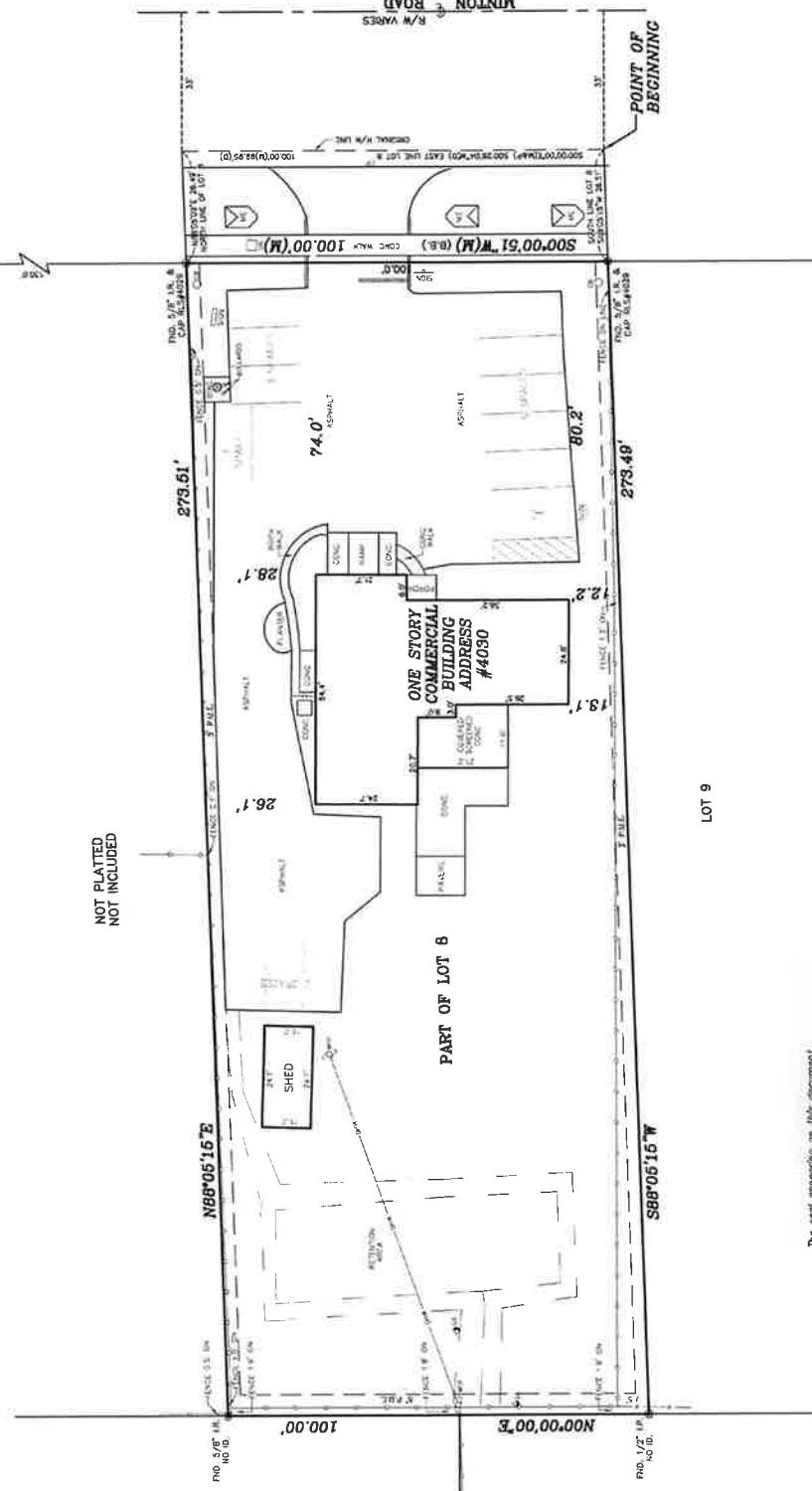
Protected and Specimen Trees may exist on the parcel. Brevard County Landscaping, Land Clearing and Tree Protection ordinance, Section 62-4331(3), encourages the

protection of Specimen Trees. The applicant is advised to refer to Article XIII, Division 2, entitled Land Clearing, Landscaping, and Tree Protection, for specific requirements for preservation and canopy coverage requirements. **Applicant should contact NRM at 321-633-2016 prior to performing any land clearing activities.**



SHARON DRIVE

MINTON ROAD



NOT PLATTED
NOT INCLUDED

LOT 9

LOT 28

LOT 29

The seal appearing on this document is not a true and correct copy of the seal of the State of Florida. This item has been electronically signed and sealed by Andrew W. Poremba, PLS No.5393 using a digital signature on 3-12-2022.

Printed copies of this document are not considered signed and sealed and shall not be verified on any electronic copies.

SURVEY PREPARED FOR:
LAUNCHING CLOWN LLC

DESCRIPTION: LOT 8, LUNDI GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 13, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING:
A PORTION OF LOT 8, LUNDI GARDENS, AS RECORDED IN PLAT BOOK 16, PAGE 13, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 8, LUNDI GARDENS; THENCE BEING THE SOUTH LINE OF SAID LOT 8, LUNDI GARDENS, RUN N. 89°28'46\"/>

AAL LAND SURVEYING SERVICES, INC.

GENERAL NOTES:
1. THIS SURVEY AND DRAWINGS HAVE BEEN PREPARED TO COMPLY WITH APPLICABLE STANDARDS OF PRACTICE AND THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING BOARD OF THE STATE OF FLORIDA.
2. THIS SURVEY AND DRAWINGS ARE FOR THE USE AND ENJOYMENT OF THE PROJECTING ENGINEER AND FOR THE PROJECTING ENGINEER'S CLIENT ONLY. NO OTHER USE OR REPRODUCTION OF THESE DRAWINGS IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL STANDARDS OF PRACTICE AND THE PROFESSIONAL STANDARDS OF THE SURVEYING AND MAPPING BOARD OF THE STATE OF FLORIDA.
4. NO WARRANTY OF TITLE OR INSURANCE IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. REVISIONS ARE TO BE INDICATED BY CIRCLES AND THE DATE WHEN MADE.
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10. REVISIONS ARE TO BE INDICATED BY CIRCLES AND THE DATE WHEN MADE.

DATE: 03/12/22
SCALE: 1" = 20'

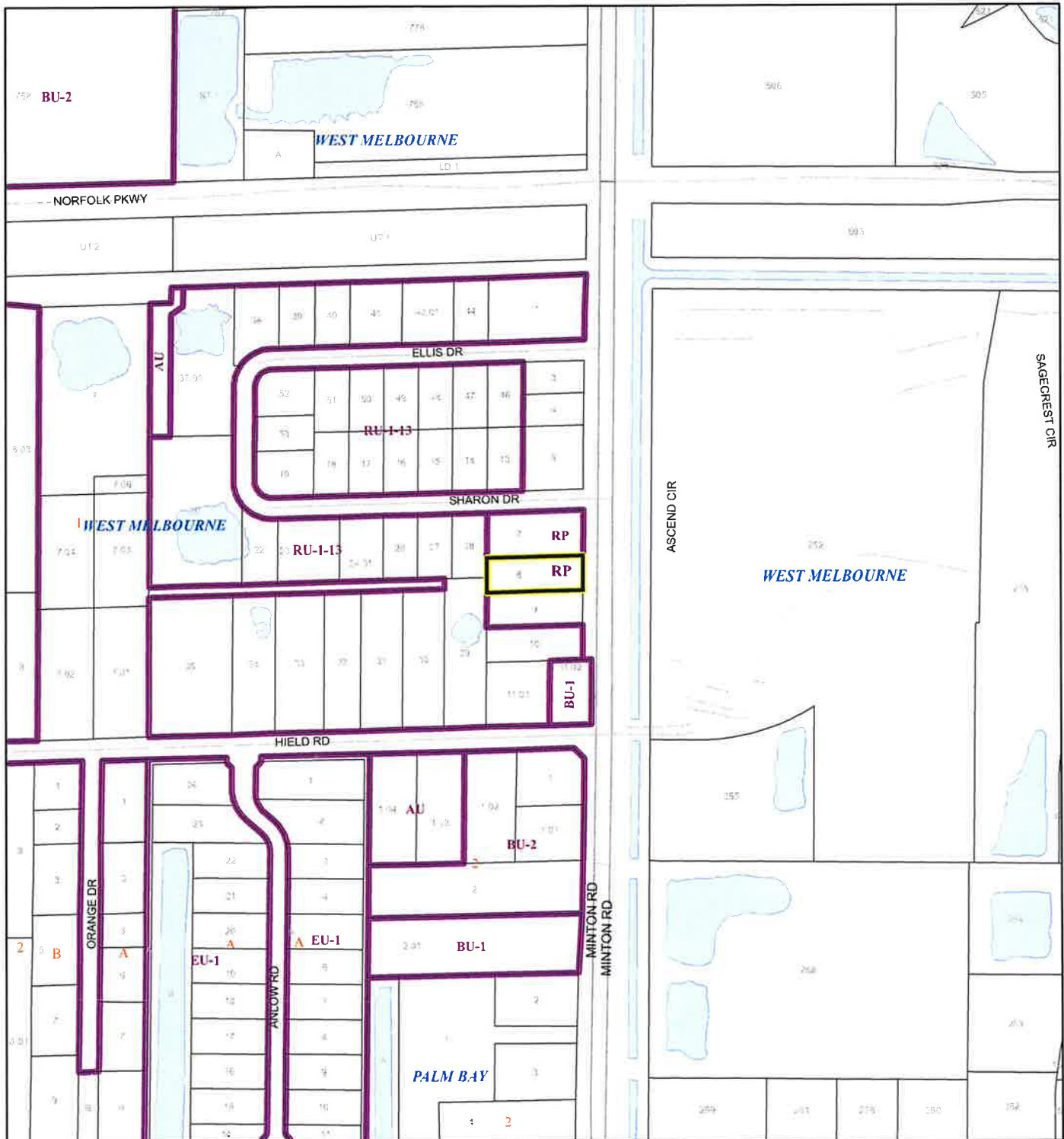
PROJECT: #81221

FIELD DATE: 03/22/2022
SCALE: 1" = 20'



ZONING MAP

LAUGHING CLOWN LLC
25SS00009



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

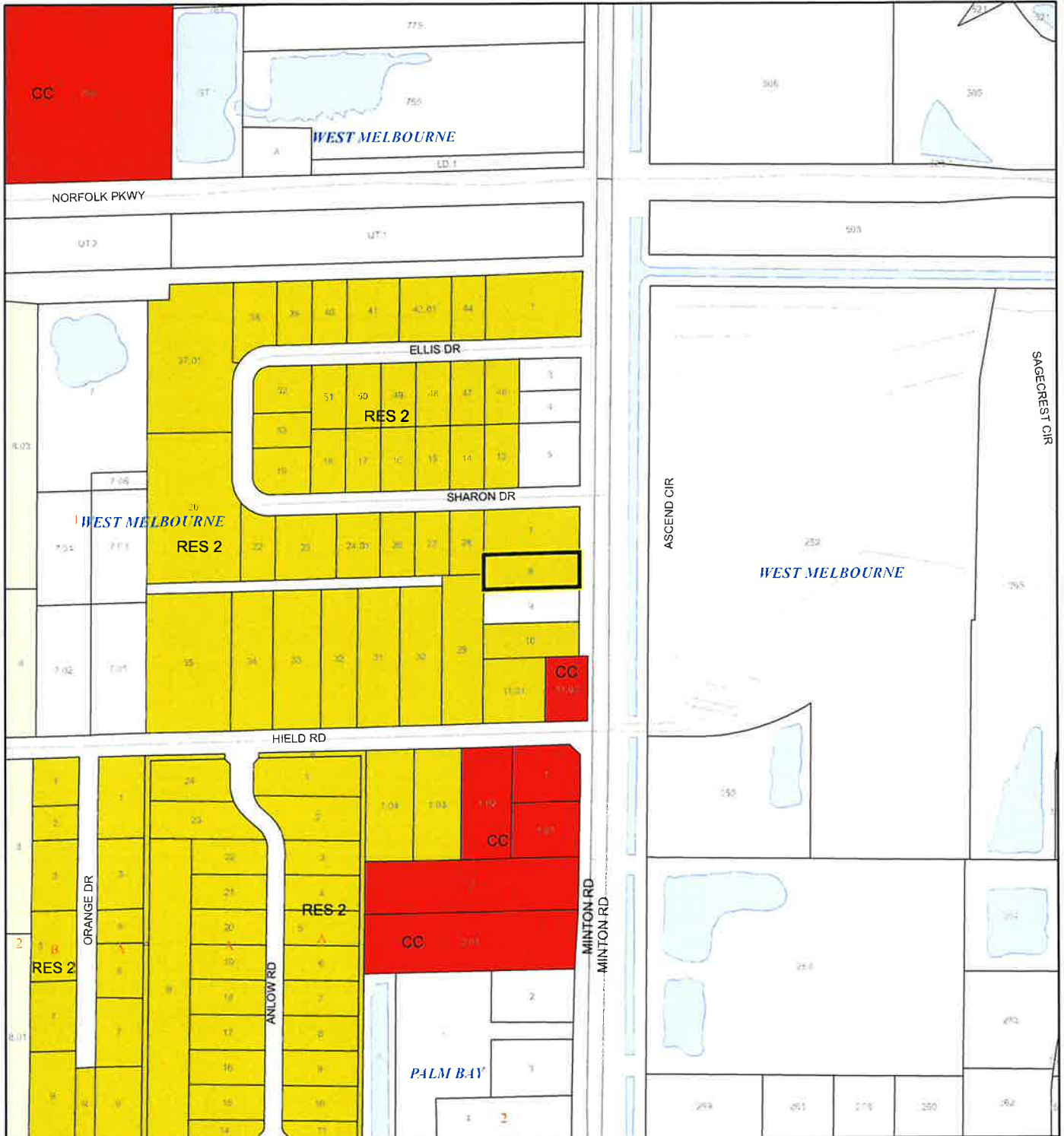
Produced by BoCC - GIS Date: 10/15/2025

-  Subject Property
-  Parcels
-  Zoning

FUTURE LAND USE MAP

LAUGHING CLOWN LLC

25SS00009



1:4,800 or 1 inch = 400 feet

— Subject Property
 — Parcels

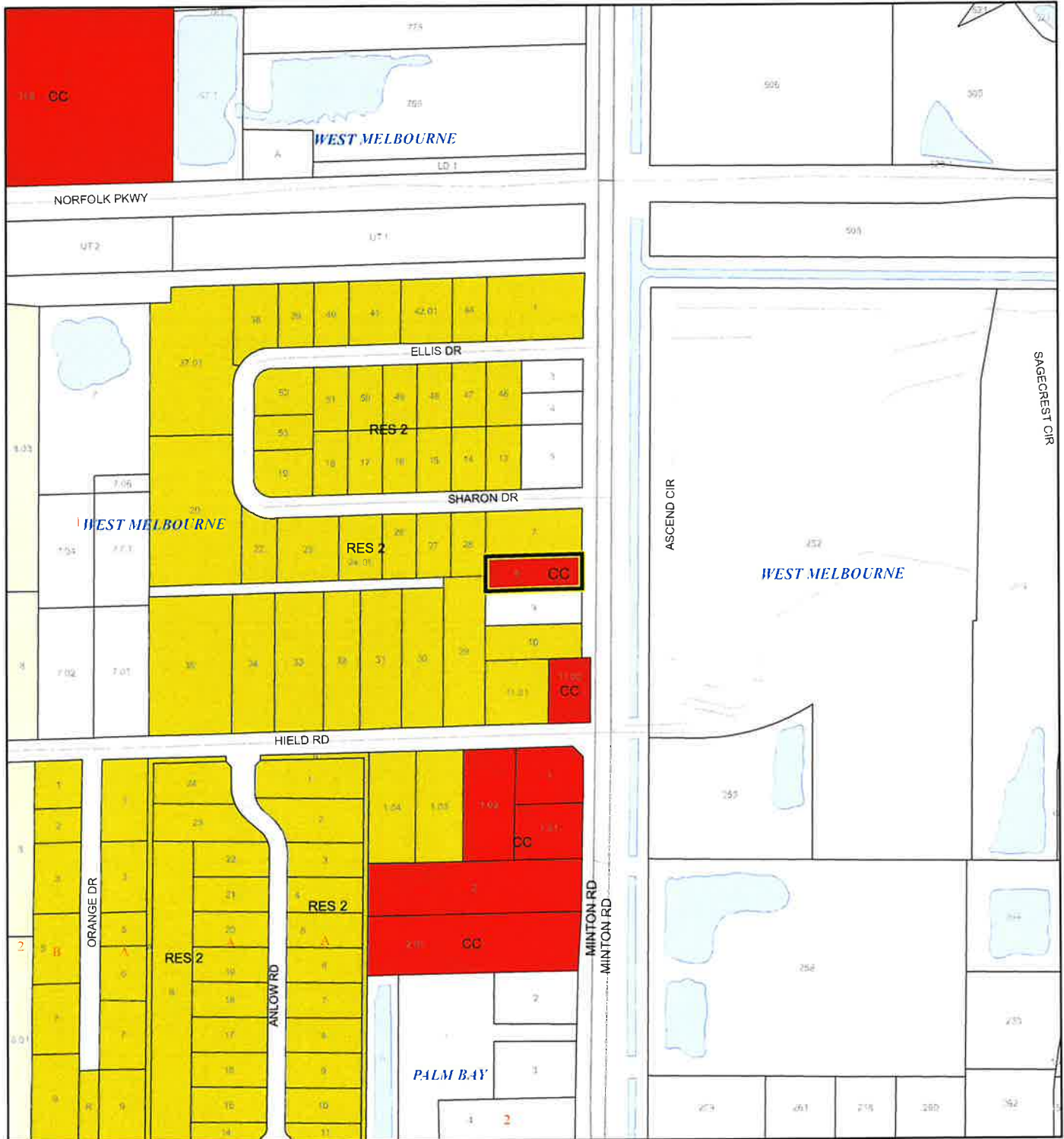
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PROPOSED FUTURE LAND USE MAP

LAUGHING CLOWN LLC

25SS00009



1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels

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AERIAL MAP
LAUGHING CLOWN LLC
25SS00009



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2025

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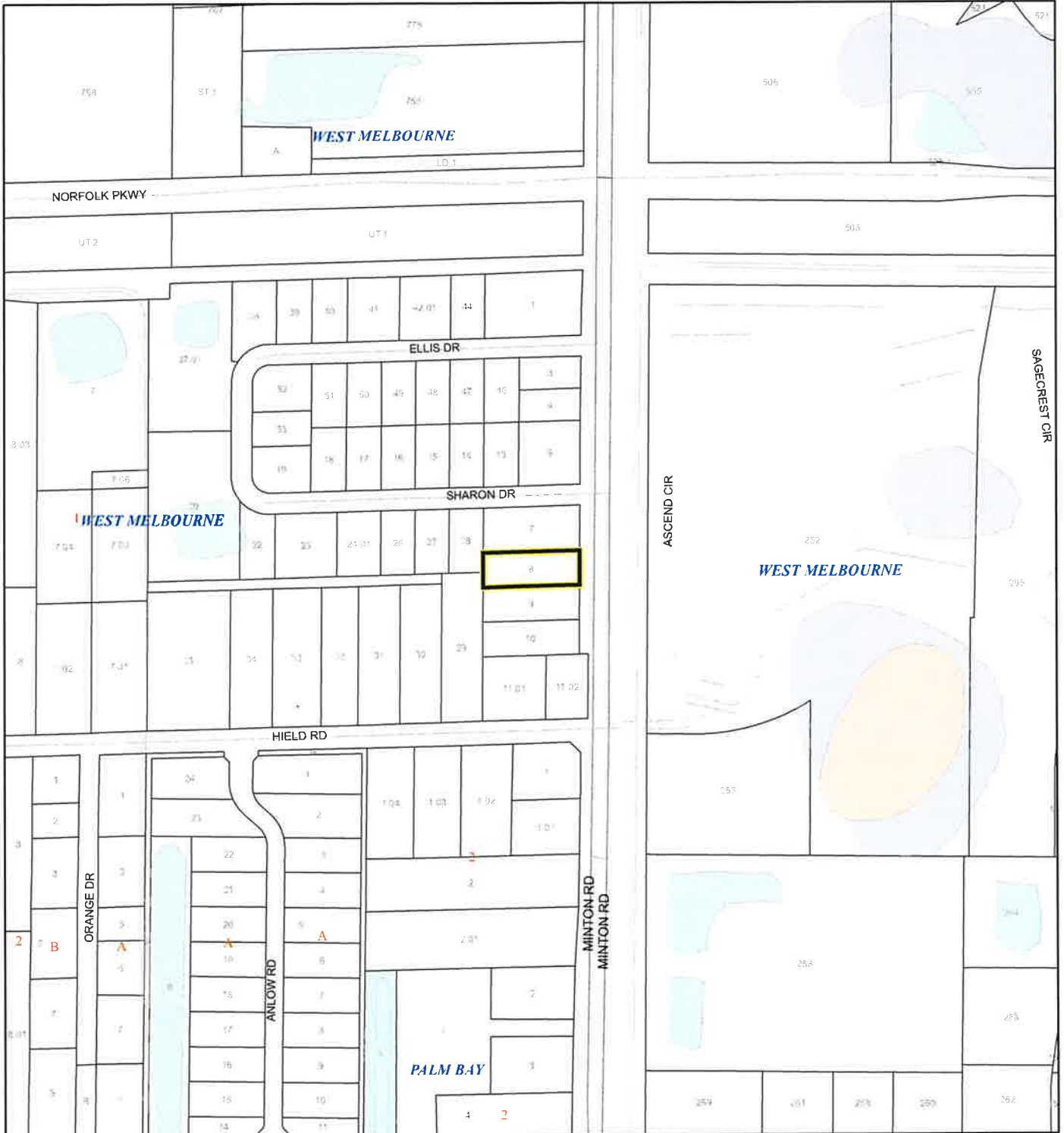
 Subject Property

 Parcels

NWI WETLANDS MAP

LAUGHING CLOWN LLC

25SS00009



1:4,800 or 1 inch = 400 feet

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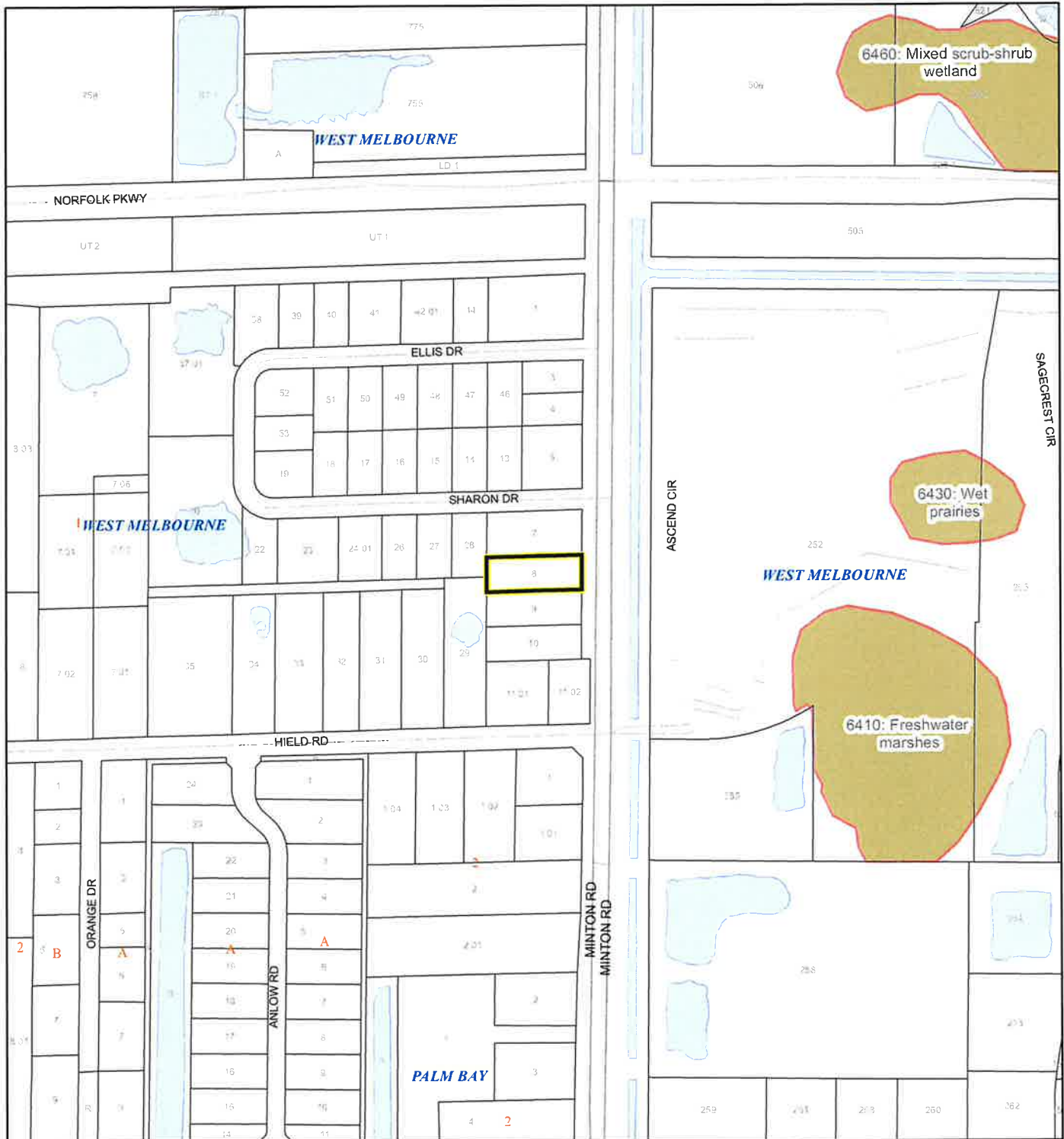
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National Wetlands Inventory (NWI)

- | | |
|-----------------------------------|------------------|
| Estuarine and Marine Deepwater | Freshwater Pond |
| Estuarine and Marine Wetland | Lake |
| Freshwater Emergent Wetland | Other |
| Freshwater Forested/Shrub Wetland | Riverine |
| | Subject Property |
| | Parcels |

SJRWMD FLUCCS WETLANDS - 6000 Series MAP

LAUGHING CLOWN LLC
25SS00009



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- SJRWMD FLUCCS WETLANDS**
- Wetland Hardwood Forests - Series 6100
 - Wetland Coniferous Forest - Series 6200
 - Wetland Forested Mixed - Series 6300
 - Vegetated Non-Forested Wetlands - Series 6400
 - Non-Vegetated Wetland - Series 6500

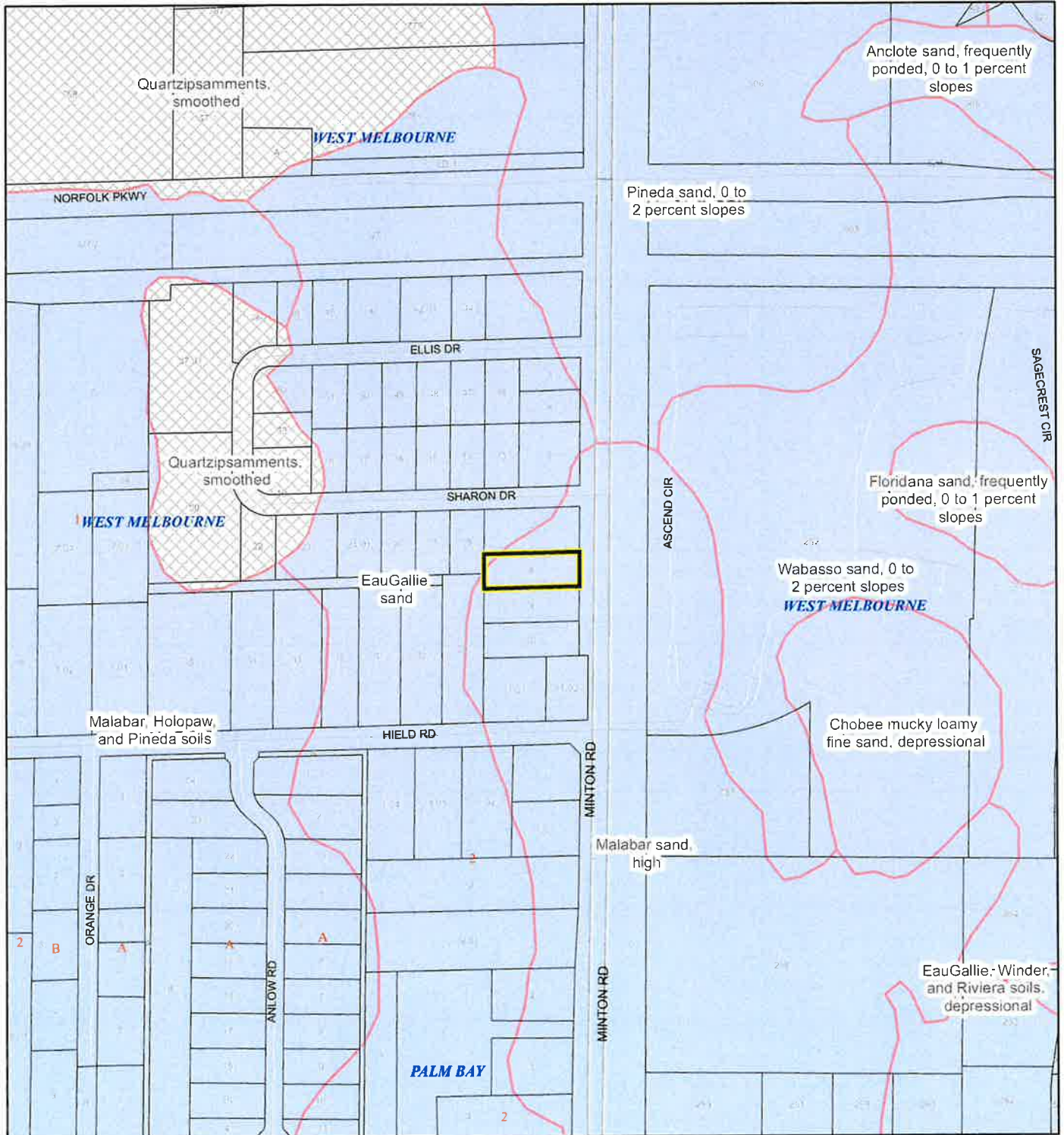
Subject Property

Parcels

USDA SCSSS SOILS MAP

LAUGHING CLOWN LLC

25SS00009



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USDA SCSSS Soils

- Aquifer and Hydric
- Aquifer
- Hydric
- None
- Subject Property
- Parcels

FEMA FLOOD ZONES MAP

LAUGHING CLOWN LLC









25SS00009



1:4,800 or 1 inch = 400 feet

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FEMA Flood Zones		
	A	
	AE	
	AH	
	AO	X
	Open Water	
	VE	
	Subject Property	
	Parcels	

COASTAL HIGH HAZARD AREA MAP

LAUGHING CLOWN LLC


25SS00009



1:4,800 or 1 inch = 400 feet


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 Subject Property

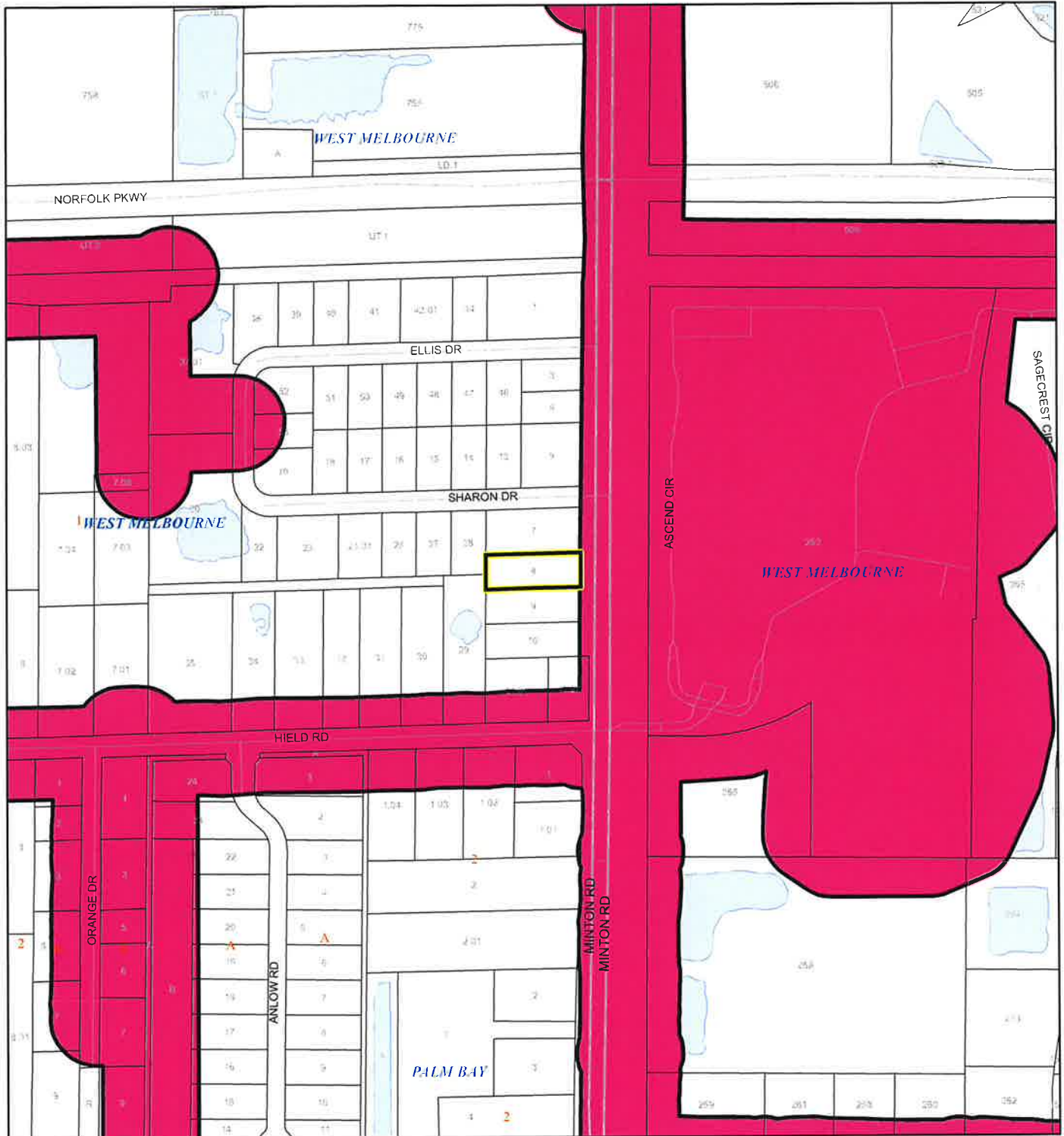
 Parcels

Coastal High Hazard Area

 SurgeZoneCat1

INDIAN RIVER LAGOON SEPTIC OVERLAY MAP

LAUGHING CLOWN LLC
25SS00009



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 Subject Property

 Parcels

Septic Overlay

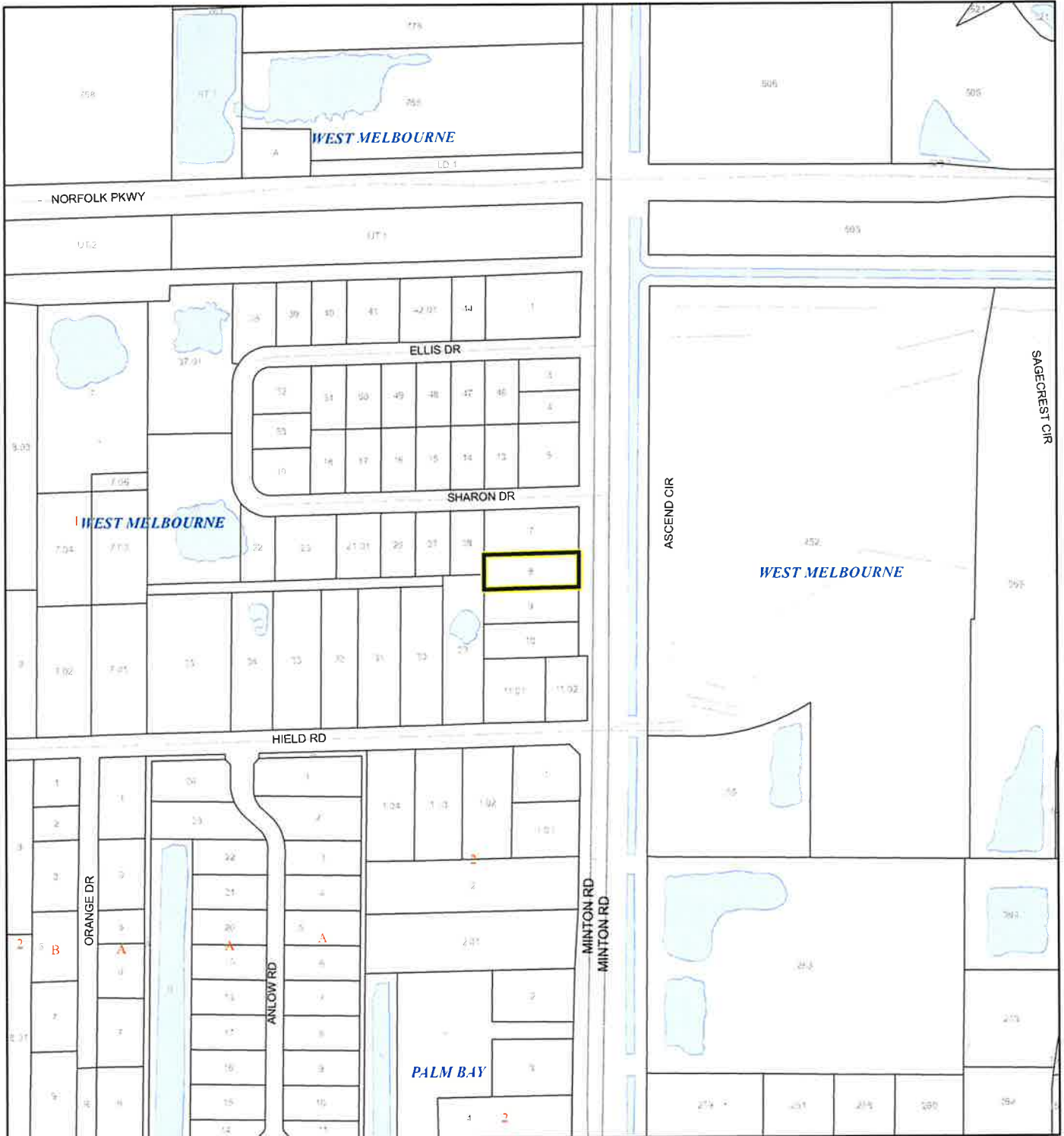
 40 Meters

 60 Meters

 All Distances

EAGLE NESTS MAP

LAUGHING CLOWN LLC
25SS00009



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 Subject Property

 Parcels

 Eagle Nests
FWS

SCRUB JAY OCCUPANCY MAP

LAUGHING CLOWN LLC




25SS00009



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-  Subject Property
-  Parcels
-  Scrub Jay Occupancy

SJRWMD FLUCCS UPLAND FORESTS - 4000 Series MAP

LAUGHING CLOWN LLC
25SS00009



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SJRWMD FLUCCS Upland Forests

- Upland Coniferous Forest - 4100 Series
- Upland Hardwood Forest - 4200 Series
- Upland Mixed Forest - 4300 Series
- Tree Plantations - 4400 Series

Subject Property

Parcels

From: [Juleia Cox](#)
To: [AdministrativeServices](#)
Subject: ID#25SS00009 & 25Z00028
Date: Saturday, December 27, 2025 6:53:45 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello my name is Juleia Cox and I live at 3085 Sharon Drive within the 500ft of the property that is requesting zoning changes. I won't be able to attend the meeting but I would like to voice my concerns and hope that helps to make a difference, I do not wish for the property to be changed to community commercial. Our neighborhood doesn't have any thru traffic and my 3 children play out front and we take walks and ride on toys and we feel safe not having to constantly get out of the way and stop for cars. I feel that if it does get changed it would bring a lot more traffic and attention to our neighborhood. Causing us to lose the quiet enjoyment of our home. It would most likely bring parking overflow onto our streets. Reducing our privacy and security. Not to mention the extra noise and lights. It would change the whole character shift for this quiet neighborhood and that's a big reason why we love living here so much.

Thank you for your time and consideration I hope that Judge Fran Jamieson Way will rule towards No in the change.

Have a lovely day.
-Juleia Cox

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, January 12, 2026**, at **3:00 p.m.**, in the Florida Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were Mark Wadsworth, Chair (D4); Henry Minneboo, Vice-Chair (D1); Jerrad Atkins (D1); John Hopengarten (D1); Ruth Amato (D1); Ron Bartcher (D2); Robert Wise (D2); Erika Orriss (D3); Eric Michajlowicz (D3); Debbie Thomas (D4); Neal Johnson (D4); Robert Brothers (D5); Ana Saunders (D5); and Melissa Jackson (D5).

Staff members present were Trina Gilliam, Planning and Zoning Manager; Paul Body, Planner; George Ritchie, Planner; Derrick Hughey, Planner; Alex Esseesse, Deputy County Attorney; and Alice Randall, Operations Support Specialist.

EXCERPT OF COMPLETE MINUTES

H.1. Laughing Clown LLC requests a Small-Scale Comprehensive Plan Amendment (25S.15), to change the Future Land Use designation from RES-2 to CC. (25SS00009) (Tax Account 2806925) (District 5)

H.2. Laughing Clown LLC requests a zoning classification change from RP to BU-1-A. (25Z00028) (Tax Account 2806925) (District 5)

Trina Gilliam read both item H.1. and H.2. into the record as they are companion applications but will need separate recommendations.

Clayton Bennett spoke to the application. We're here with two applications. One is for the comprehensive plan to change the comp plan as well as a rezoning. This is a developed piece of property that has previously been used for a dentist office. It's professional office and the applicant would like to use it for general retail. This is on Minten Road, which is an arterial roadway. Access is currently off Minten Road into the parking lot, so there would be no traffic pushed into the community and to the west. There was a letter that we received of objection, and I think part of that was on the traffic. Again, this is accessed off Minten Road so there would be no additional trips towards the west into the community. It's an existing development and they intend to comply with the county noise ordinance and lighting ordinance. We're not asking for any deviations from the county ordinances. If there are any specific questions I'd be glad to answer them.

NO PUBLIC COMMENT

Motion to recommend approval of Item H.1. by Jerrad Atkins, seconded by Erika Orriss. Motion passed unanimously.

Motion to recommend approval of Item H.2. by Jerrad Atkins, seconded by Neal Johnson. Motion passed unanimously.

Meeting adjourned at 6:28 p.m.