

HERNANDO COUNTY ZONING AMENDMENT PETITION



Application to Change a Zoning Classification

Application request (check one):

Rezoning Standard PDP
Master Plan New Revised
PSFOD Communication Tower Other

PRINT OR TYPE ALL INFORMATION

Date: June 18, 2025

File No. _____ Official Date Stamp:

APPLICANT NAME: APC Towers, LLC c/o Mattaniah S. Jahn, P.A.

Address: 935 Main Street, Suite C4, Safety Harbor, FL 34695

City: Safety Harbor

State: FL

Zip: 34695

Phone: 727-773-2221

Email: mjahn@thelawmpowered.com; vclark@thelawmpowered.com

Property owner's name: (if not the applicant) Grace Brethren Church of Brooksville, Florida, Inc.

REPRESENTATIVE/CONTACT NAME: Mattaniah S. Jahn

Company Name: Mattaniah S. Jahn, P.A.

Address: 935 Main Street, Suite C4, Safety Harbor, FL 34695

City: Safety Harbor

State: FL

Zip: 34695

Phone: 727-773-2221

Email: mjahn@thelawmpowered.com; vclark@thelawmpowered.com

HOME OWNERS ASSOCIATION: Yes No (if applicable provide name) _____

Contact Name: _____

Address: _____ City: _____ State: _____ Zip: _____

PROPERTY INFORMATION:

1. PARCEL(S) **KEY NUMBER(S):** 00656953
2. SECTION 03, TOWNSHIP 23J, RANGE 20E
3. Current zoning classification: AG
4. Desired zoning classification: AG - PSFOD
5. Size of area covered by application: 2500 sq ft
6. Highway and street boundaries: Cortez and Faber Road
7. Has a public hearing been held on this property within the past twelve months? Yes No
8. Will expert witness(es) be utilized during the public hearings? Yes No (If yes, identify on an attached list.)
9. Will additional time be required during the public hearing(s) and how much? Yes No (Time needed: 20 Minutes)

PROPERTY OWNER AFFIDAVIT

I, Mattaniah Jahn, have thoroughly examined the instructions for filing this application and state and affirm that all information submitted within this petition are true and correct to the best of my knowledge and belief and are a matter of public record, and that (check one):

I am the owner of the property and am making this application **OR**
 I am the owner of the property and am authorizing (applicant): APC Towers, LLC
and (representative, if applicable): Mattaniah S. Jahn, P.A.
to submit an application for the described property.

Signature of Property Owner

STATE OF FLORIDA
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 18th day of June, 2025, by Mattaniah S. Jahn who is personally known to me or produced _____ as identification.

Signature of Notary Public

Effective Date: 05/15/20 Last Revision: 05/15/20



Notary Seal/Stamp

**SENT VIA OVERNIGHT DELIVERY**

June 23, 2025

Robin Reinhart
Commercial Planner I
Hernando County Planning and Zoning Division
1653 Blaise Dr.
Brooksville, FL 34601

**RE: APC Towers, LLC – FL-1885 SR-50
6259 Faber Dr, Brooksville, FL; Parcel Key #00656953
PSFOD Request for 199' AGL Monopole Communication Tower**

Dear Ms. Reinhart:

On behalf of my client, APC Towers IV, LLC (APC), please find the included PSFOD application to allow a 199' AGL monopole style communication tower and support facility at 6259 Faber Dr, Brooksville, FL; Parcel Key #00656953; Parcel # R03 423 20 0000 0010 0910, along with supporting documentation:

1. Cover Letter/Narrative (This Letter)
2. Rezoning/PSFOD Application
3. Prop Card
4. Prop Card Aerial
5. Agent of Record Affidavits
 - o Grace Brethren Church of Brooksville to Mattaniah S. Jahn, Esq. (MSJPA Form)
 - o APC Towers to Mattaniah S. Jahn, Esq. (MSJPA Form)
6. Deed
7. Memorandum of Lease
8. Title Commitment and Supporting Documents
9. FAA Determination of No Hazard
10. T-Mobile RF Package:
 - o LOI and Non-Interference Letter
 - o Propagation Maps
 - o Search Ring
 - o Certificate of AM Regulatory Compliance
11. Fall Zone Letter

- Copy of Signed and Sealed Letter
- 1 Signed and Sealed on Jump Drive

12. Photo-Simulations

13. Colocation Affidavit

14. Legal Descriptions – 1 set in Word format

15. Boundary and Topographic Survey (Bound into Site Plan Set)

- 1 Set Signed and Sealed at 11 x 17
- 1 Set Signed and Sealed at 8.5 x 11
- 1 Digitally Signed and Sealed Set on Jump Drive

16. ZDs - Site Plan Set

- 1 Set Signed and Sealed at 11 x 17
- 1 Set Signed and Sealed at 8.5 x 11
- 1 Digitally Signed and Sealed Set on Jump Drive

17. Orange County 911 Call Statistics

18. Mailing List for Notices

Summary of Request

APC respectfully requests a Conditional Use approval at 6259 Faber Dr, Brooksville, FL; Parcel Key #00656953, to allow the construction of a 199' AGL monopole style communication tower (“Monopole”) and related support facility. The Monopole will support the antennas for T-Mobile and will be able to collocate three additional sets of antennas for a total of four collocations. The approximately 3.73 Acre parent parcel, is currently developed as a church. APC’s leased area consists of 5,500 square feet and will contain a 50’ x 50’ fenced equipment compound. The parent parcel carries a Private Institutional future land use designation and is zoned AG, it is located at the intersection of Cortez Blvd. and Faber Dr.

The Monopole will be set back from the property lines as follows: North: 64', South: 280', East 418', and West: 86'. APC respectfully requests the following deviations:

- Monopole North Setback: 64' in lieu of 125' (61' relief)
- Compound North Setback: 52' in lieu of 125' (73' relief)
- Compound West Setback: 13' in lieu of 35' (22' relief)

The Monopole and its compound will meet all other requirements of the Hernando County LDC.

[Continued on Next Page]

Applicable Land Development Code (LDC) Sections

Section 11. PSF Public Service Facility Overlay District.

A. Permitted Uses:

- (1) Any use permitted in the underlying zoning district.
- (2) Governmental uses and structures consistent with the PSF approval.
- (3) Public service uses and structures consistent with the PSF approval.

APC respectfully requests a PSFOD approval to allow a Monopole on the parent parcel so that T-Mobile may solve a significant gap in their service to the public. Please see the enclosed RF Package.

- (4) Lime Stabilization and Residual Management Treatment Facilities in the C-4 Heavy Highway Commercial District, the I-1 Light Industrial District and the I-2 Heavy Industrial District only.

B. Special regulations:

- (1) No building, structure or use within a public service facility overlay district shall be located closer than fifty (50) feet to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel.

The nearest residentially developed parcels are located 280' to the South and 418' to the East. Therefore, the Monopole exceeds the required 50' setback from residential properties.

- (2) No odor- or dust-producing substance or use, except in connection with the cultivation of permitted uses, shall be permitted within one hundred (100) feet of a property line if the adjoining property is being used for residential purposes.

N/A – The Monopole will support antennas, radios, and computers to run them. As such, it will not create odor or dust. Please see Sheet C-3, as well as the enclosed RF Package.

- (3) ...

- (6) The following criteria must be met prior to the approval of a Public Service Facility Overlay District (PSFOD) for a communication tower site:

(a) The minimum setbacks provided for in this ordinance must be met, and the PSF Overlay shall apply to a defined compound area for that tower and associated facilities only.

APC respectfully proposes to construct the Monopole within a 50' x 50' fenced equipment compound on the parent parcel. The Monopole and its compound will be set back as follows:

Monopole:

	Required:	Provided:	Relief Required:
North:	125'	64'	61'
South:	245'	280'	N/A
East:	245'	418'	N/A
West:	35'	35'	N/A

Compound:

	Required:	Provided:	Relief Required:
North:	125'	52'	73'
South:	50'	248'	N/A
East:	50'	408'	N/A
West:	35'	13'	22'

APC respectfully requests the following deviations:

- **Monopole North Setback:** 64' in lieu of 125' (61' relief)
- **Compound North Setback:** 52' in lieu of 125' (73' relief)
- **Compound West Setback:** 13' in lieu of 35' (22' relief)

The Monopole and its compound will meet all other requirements of the Hernando County LDC. Please see Sheet C-2.

(b) As part of the procedure when applying for a PSF, an applicant shall provide proof that a provider is connected with the application if the provider is not the applicant by the provision of a lease agreement or other documentation that commits a provider to locate on the proposed tower and submit to the County for inclusion in the record of any subsequent public hearing on the application the following materials:

T-Mobile will be the anchor tenant on the Monopole and will be collocated at the top. Please see Sheets C-3 and C-4 as well as the enclosed RF Package.

(1) A map showing the search ring utilized by the applicant in determining the appropriate location; and, in the case of a PSF in a residential area, a depiction of how the proposed location permits provision of service that cannot reasonably be provided from outside the residential area;

Please see the enclosed RF Package.

- (2) An inventory and a map showing all existing structures and towers within the search ring that are available for collocation;

There are no existing towers or tall structures of sufficient height to support T-Mobile's antennas within the search ring. Please see the enclosed RF Package.

- (3) A map showing all existing Public Service Facility Overlay Districts (PSFOD) and towers or existing structures of an appropriate height, within the search ring. The map shall also indicate all PSFODs which have been approved for the placement of communication towers.

Please see the enclosed County GIS Map, showing three PSFOD's within T-Mobile's Search Ring, as well T-Mobile's Search Ring, contained in the RF Package. Two PSFOD's are for religious institutions, one is for a congregate care facility. Only one of the PSFOD's appear large enough to provide residential separations similar to the parent parcel. There are no existing towers or tall structures of sufficient height to support T-Mobile's antennas within the search ring.

- (4) An analysis by an engineer licensed by the State of Florida, demonstrating how the tower location enhances the provision of service to areas not served or underserved by existing facilities and attesting that he/she has reviewed the propagation maps and radio frequency data, and that the submitted search ring is an accurate representation of the location and height requirements for the antenna array. The applicant shall also attest that coverage can not be provided from an existing structure or tower site.

Please see the enclosed RF Package.

- (5) Provide evidence that the applicant has pursued collocation, use of approved sites, and use of existing structures of an appropriate height. Evidence shall consist of copies of all correspondence between the petitioner and the owner, operator, or manager of other structures, towers or land which can be utilized for collocation or the construction of a communication tower. Evidence shall also be provided as to the following matters, to the extent applicable to the application:
 - i. No existing towers or structures are located within the geographic area required to meet the provider's engineering requirements;
 - ii. Existing towers and structures are not of a sufficient height to meet the provider's engineering requirements;
 - iii. Existing towers or structures do not have sufficient structural strength to support the provider's proposed antenna requirements;
 - iv. Existing towers or structures would cause electromagnetic interference;
 - v. The costs to add to an existing tower or structure exceed the development costs for a new tower; and/or

- vi. The applicant demonstrates other limiting factors that render existing towers or structures unsuitable.

There are no towers or existing structures of sufficient height to support T-Mobile's antennas. Please see the enclosed RF Package.

- (6) A visual line of sight analysis, including photo-simulated post construction renderings, to enable the County to assess the visual impact upon surrounding properties. Photo simulations shall depict the tower and antenna arrays for all potential collocated users.

Please see the enclosed Photo Simulations.

- (7) A description of viable alternatives for utilizing camouflage techniques.

While monopine style camouflaging would provide adequate space and ventilation for T-Mobile's antennas, APC respectfully submits that a 199' tall tree in an open field would lack the context necessary for the camouflaging to be successful in this instance. Shrouding could also be implemented on the Monopole and, while it would create clean lines to the appearance of the structure, it would also add bulk to the Monopole. As such, APC respectfully submits that a monopole style communication tower, with its single gray pole, antennas mounted on external headframes at the top, and all cabling routed within the Monopole itself, will provide the most contextually logical design for a parcel located adjacent to a 4-lane divided highway. Please see Sheet C-1 as well as the enclosed Photo Simulations.

- (8) Proper access and parking for service vehicles must be demonstrated.

The Monopole will be accessed via a driveway connection to Faber Drive. A parking space for the technicians will be provided in the driveway. Please see Sheets C-1 and C-3.

- (c) For residential areas or districts the applicant must demonstrate to the satisfaction of the County that service cannot be provided from outside the residential area and that no alternative locations are available.

N/A – APC proposes to construct the Monopole upon land zoned AR. Further, T-Mobile's signal propagation is local in nature, therefore, T-Mobile would be unable to solve the gap in service with a tower located outside of the general area. Please see Sheet C-2 as well as the enclosed RF Package.

- (d) Be compatible with the surrounding land uses:
 - (1) Shall not have a negative material impact on surrounding land uses;

The contrary is true. The Monopole will have the positive impact of providing reliable wireless service to the surrounding land uses. Nowhere is this more evident than when looking at 911 call statistics. For context, in 2021, over 89% of all 911 calls received in Orange County came from wireless numbers. This shows that reliable wireless service is no longer a luxury, it is a necessity. Please see the enclosed RF Package and the Orange County 911 call statistics.

- (2) Shall not have a negative material impact on infrastructure; or

The Monopole will require only power and telco connections. Further, it will typically generate no more than one trip per carrier per month, typically in a pickup truck sized vehicle. Therefore, APC respectfully submits the Monopole will have no material impact to the County's infrastructure. Please see Sheets C-2 and C-3.

- (3) Shall not have negative material environmental impacts as allowed to be reviewed by applicable laws.

N/A – the Monopole is proposed on a parent parcel that is cleared and developed as a church. Please see Sheet C-1.

- (4) Shall have minimal visual and functional conflict between the proposed use and nearby neighborhood uses.

The Monopole will be located as far North and West as possible on the parent parcel, maximizing separation from the residential uses to the South and East. Further, the Monopole's location, next to a 4-lane divided highway, is where an infrastructure oriented use like the Monopole would be logically expected to be placed. The Monopole will be the minimum height necessary to solve T-Mobile's gap in service to the public in the area, minimizing its visual presence. Further, the Monopole's design, with its slim gray pole, externally mounted antennas, and all cabling routed within the Monopole itself, will minimize the structure's physical bulk and as much as possible while providing adequate airflow for T-Mobile's antennas and radios to function. Finally, the Monopole will be completely dark at night. Please see Sheets C-1 and C-4, as well as the enclosed Photo Simulations and FAA Determination of No Hazard to air navigation.

- (e) Submit a balloon test, which will allow the Board of County Commissioners to evaluate the impact of the communication tower on the surrounding land uses and the compatibility of the communication tower. This test shall consist of:
 - (1) A balloon colored red, orange, or yellow and be no less than four feet in diameter;
 - (2) The balloon is to be flown at the height of the proposed tower or a maximum of 199 feet if the tower is greater than 199 feet;

- (3) The balloon is to be flown for three consecutive days; except in the event of inclement weather, with the petitioner notifying the County of the delay. Nothing in this requirement should be construed as not having to fly the balloon for three days.
- (4) The balloon is to be flown for a period of at least three hours per day between the hours of 7:00 am and 10:00 am;
- (5) The balloon test can not commence until after the posting and mailing of notice to the public;
- (6) The applicant shall provide the Planning Department with 24-hour notice prior to the commencement of the balloon test; and,
- (7) The applicant shall provide the Planning Department a signed affidavit, prior to the Planning and Zoning Commission meeting, attesting to the applicant having conducted the balloon test.

The Balloon Test will be conducted after staff accepts the application packet and completes its initial review.

- (f) All other requirements of this ordinance.

Noted.

C. All activities shall be in conformance with standards established by the county, state and/or federal government.

APC will comply.

D. All development must meet, at a minimum, the dimension and area regulations of the underlying zoning district and the standards and criteria in this section. The board of county commissioners may increase the minimum dimension and area regulations for the proposed use if it is deemed necessary to protect the health, safety and welfare of the citizens of Hernando County. Any reduction of the minimum dimension and area regulations or other development standards and criteria contained in this section must be specifically enumerated in the application and would require the approval of a deviation by the board of county commissioners.

APC respectfully requests the following deviations:

- **Monopole North Setback: 64' in lieu of 125' (61' relief)**
- **Compound North Setback: 52' in lieu of 125' (73' relief)**
- **Compound West Setback: 13' in lieu of 35' (22' relief)**

The requested deviations will maximize separation between the Monopole and residential uses to the South and East. The Monopole and its compound will meet all other requirements of the Hernando County LDC.

E. An impact statement describing the current condition of adjacent natural resources and land uses to the proposed subject site, the projected impacts on these areas and mitigation plans if appropriate shall be submitted for review as part of the public facility overlay district application.

APC respectfully proposes to construct the Monopole on a parent parcel that is cleared and developed as a church. Further, the parent parcel is adjacent to a 4- lane divided highway. It is neighbored to the East and South by residentially developed properties and to the West by a commercially developed parcel. As such, APC respectfully submits the Monopole will not create impacts on natural resources. Please see Sheet C-1.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,



Mattaniah S. Jahn, Esq.

MSJ/vlc
Enclosures