

CITY OF EDEN PRAIRIE

TELECOMMUNICATIONS APPLICATION

TYPE (check one or all that apply)	NEW TOWER SITE REVIEW _____ CO-LOCATION REVIEW _____ SITE PLAN REVIEW _____ LOCATION ON CITY PROPERTY _____
SITE SPECIFICATIONS	TELECOMMUNICATIONS SITE ADDRESS _____ _____ (Circle One) TEMPORARY OR PERMANENT ZONING DISTRICT _____ HEIGHT _____ SETBACKS _____ GROUND ELEVATION _____
APPLICANT INFORMATION	APPLICANT _____ PHONE _____ ADDRESS _____ CITY _____ STATE _____ ZIPCODE _____ EMAIL ADDRESS _____
FEES	<ul style="list-style-type: none"> \$255.00 – Administrative Review if meets City Code \$550.00 – Variance Fee (For any tower over 80') if requested and Site Plan Review Fees (see Fees listed in Development Review Process Handbook) \$2,000.00 – Non-refundable fee for review on public (city owned) land \$1,000.00 – Deposit for Attorney/Consultant costs to City for review (this deposit is always required)
SUBMISSION REQUIREMENTS	<ul style="list-style-type: none"> Review Chapter 11 Section 11.06 entitled "Towers and Antennas Variance Application if applicable. Site Plan Review Application if applicable Required information listed on page 2
Required	Letter of Intent must be completed to begin investigation and negotiations of City Lease Agreement.
	CITY CONTACT – STEVE DURHAM, 952-949-8491
SIGNATURES REQUIRED	APPLICANT _____ DATE _____ LANDOWNER _____ DATE _____

RECEIVED BY	
RECEIPT NUMBER	
STAFF SIGNATURE	
DATE	

SUBMISSION REQUIREMENTS

1. Name, address, telephone and fax numbers of applicant.
2. Location of proposed tower, including the legal description.
3. The locations of all existing towers within one mile of the location of the proposed tower, together with the distances between the existing towers and the proposed tower.
4. A certificate of survey showing the location of the tower and tower setbacks from property lines. Location of any ground mounted equipment and/or, accessory structures with setbacks to property lines. **NOTE: (A site plan for co-location sites not required unless otherwise directed by City Staff.)**
5. Description of the tower, including its height, size of base, configuration, design, number of antennas to be attached to the tower, potential for additional antennas, color and camouflage treatment and lighting, if any, and materials out of which the tower will be constructed.
6. Description of any ground mounted equipment and or accessory structures including size, dimensions, and materials the equipment and/or accessory structures will be constructed.
7. A certificate by a qualified registered professional engineer in such form as approved by the City Manager or his designee that the applicant's commercial wireless telecommunications services equipment cannot be accommodated on an existing tower in accordance with City Code, Chapter 11, Section 11.06 Subd. of the City Code and a certificate by a qualified registered professional engineer selected or approved by the City Manager or his designee that the commercial wireless telecommunications services to be accommodated on the proposed tower or increase in size or capacity of an existing tower will not interfere with public safety wireless telecommunications. Propagation maps required.
8. The application shall be accompanied by payment of such fees as provided by City Council resolution. Fees shall include reimbursement to City of its costs, including those incurred for consulting and technical advice relating to the proposed tower.
9. Include all frequency information with the application for review of Fire Department for Interference with Public Safety Telecommunications.
10. Color propagation maps showing area of coverage, that is, current coverage and proposed coverage.
11. Submit 10 copies of application and all supporting information. **All building and site plans must be to scale and not reduced.**
12. Submit "Letter of Intent Communication Facility" if antenna or tower located on City owned property.

ADMINISTRATIVE REVIEW PROCESS

1. Once an application for Telecommunications is reviewed it will be reviewed for completeness. This review will take place once reviewed at the Development Review Committee.
2. The application will be scheduled for review at the next available **Development Review Committee (DRC)**. The DRC meets every Thursday. The committee is made up of various City Departments including Building Inspections, Community Development, Engineering, Fire, Parks & Recreation, Planning and Public Works.
3. Within 10 business days, after the DRC the meeting, a letter will be sent to the applicant indicating the application is complete or incomplete. If incomplete the letter will identify items that will be need to be submitted for a complete application.
4. The review period starts when an application is determined to be complete. The City may take up to 90 days for co-location applications and up to 150 days for new site tower locations. The anticipated review time is 2 to 4 weeks depending on complexity of the application, need for outside agency reviews, and what legal documents need execution.
 - Any towers located in or near wetlands, floodplains, conservation areas, shoreland areas, county roads, state highways, city property, and Flying Cloud Airport may involve additional review by other City, County, State, Federal agencies.
 - The applications will be sent to the Fire Department for review of compatibility with Public Safety wireless telecommunications.
5. After the review is completed an administrative permit will be issued by the Planning Division.

BUILDING PERMIT REQUIRED

- After the administrative permit is issued, a building permit is required.

The Planning Department representative may request you to contact other City, County, State, Federal agencies if those governing bodies that have specific questions or technical issues

DEFINITIONS – Related to Cell Towers

"Accessory Structure" - A detached structure, building or facility, which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building. Such accessory structures shall include but not be limited to pools, tennis courts, water oriented accessory structures, etc.

"Accessory Use" - A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or lot.

"Antenna" - Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

"Building" - Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind, and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

"Commercial Wireless Telecommunication Services" - Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

"Public Utility Structure" - A structure or pole supporting wires for communication or transmission of data or electricity.

"Public Facilities and Services" - Those facilities owned by any governmental unit and those services related to electric, gas, telephone and cablevision utilities.

"Structure" - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

"Tower" - Any (a) ground or roof mounted pole, spire, structure, or combination thereof, taller than fifteen (15) feet, including supporting lines, cables, wires, braces and masts, on which is mounted an antenna, meteorological device, or similar apparatus above grade, or (b) ground or roof mounted antennas taller than fifteen (15) feet.

LETTER OF INTENT FOR COMMUNICATION FACILITY

City of Eden Prairie
ATTN: Steve Durham
Planner II
8080 Mitchell Road
Eden Prairie, Minnesota. 55344

Dear Mr. Durham:

1. The undersigned (Licensee) desires to investigate and negotiate the Feasibility of entering into a License Agreement with the City of Eden Prairie ("City") for the installation of a communication facility ("Facility") on City Property described in Exhibit A attached hereto.
2. Licensee recognizes that in order for City to grant a license to Licensee, City Staff will expend time and effort in reviewing plans and drawings for the facility and to discuss, negotiate and finalize a License Agreement.
3. In order to compensate City for the expenditure of City Staff time, in connection with the investigation of the feasibility of the granting of a License by City, Licensee contemporaneously with the delivery of this letter to City has paid over to City a non-refundable amount of \$2,000.00. Neither such amount nor any part thereof will be refunded to Licensee even though a License is not granted to Licensee.
4. Licensee also recognizes that in connection with City's review of Licensee's request for, and granting of a License Agreement it will incur attorney's fees and costs, and may incur costs associated with City's employment of outside consultants.
5. Licensee agrees that it will reimburse City for all costs incurred by it for attorneys' fees and costs as well as other outside consultants in connection with the review and granting of a license by City to Licensee. Licensee shall reimburse City for such costs irrespective of whether or not a License is ultimately granted to Licensee. Contemporaneously with the delivery of this Letter to City, Licensee has deposited with City the sum of \$1,000.00 as security for paymentk of attorneys' and consultants' fees, recognizing that Licensee obligation to reimburse City for such costs and expenses is not limited to the amount on deposit.
6. Licensee authorizes City to draw against the deposit not more frequently than at intervals of at least thirty (30) days upon written notice to Licensee that City will draw on or after ___ days from the date of notice against an amount stated in the notice. The notice shall specify the amounts drawn for attorneys' fees and costs and the amount for outside consultants' fees and costs if any.
7. Within ___ days after the granting of a License by City to Licensee or notice by Licensee that it no longer wishes to pursue with City the granting by City of a License, City will refund any balance remaining in the deposit less amounts

accrued for attorneys' fees and costs. Licensee will promptly upon receipt of an invoice reflecting such deficiency pay to City such amount.

8. Licensee understands that nothing contained herein or the undertaking by City of the review and investigation of Licensee's request for a License, constitutes the approval by City of a License to Licensee.
9. Licensee further understands that in the event that a License is granted the license agreement will be substantially in form of Exhibit B attached hereto and the amount of the annual fee for the License will be determined.

Sincerely,

By _____

the _____

of _____

Dated this ___ day of _____, 2010

For property at _____