

Planning & Development Division

Planning & Economic Development Department



Room 160 411 West First Street Duluth, Minnesota 55802

File Number	PL 23-206		Contact		Chris Lee, clee@duluthmn.gov		
Туре	Concurrent Use Permit, Wireless Utility on Light Pole		Planning Commission Date		on Date	March 12, 2024	
Deadline for Action	Application Date		January 18, 2024 60 Days		60 Days	March 18, 2024	
	Date Extension Letter Mailed		January 18, 2	2024	120 Days	May 17, 2024	
Location of Subject Near 3140 Restormel Street							
Applicant	MasTec		Contact				
Agent			Contact				
Legal Description	Legal Description See Attached Map						
Site Visit Date		February 27, 2024	Sign Notice Date			February 27, 2024	
Neighbor Letter Date		N/A	Number of Letters Sent		Sent	N/A	

Proposal: The applicant is seeking a concurrent use permit to allow an antenna and equipment on an existing pole, as well as a handhole for power and a handhole for fiber placed in the ground, within the public right of way.

Recommended Action: Recommend to the city council to approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Right of Way	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements

UDC Section 50-37.7.C. The planning commission shall review the application, and council shall approve the application or approve it with modifications, if it determines that the proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city, and no portion of a public easement proposed of use is being physically occupied by the public.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Principle #4 - Support emerging economic growth sectors. Emerging economic sectors add economic, cultural and social diversity. These include higher education, medical, value-added manufacturing, commercial outdoor recreation, historic resources interpretation, arts and music, information technology and visitor services.

Future Land Use: Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This is a companion zoning application to PL 23-203, -204, -205, -207, -208, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing utility poles.

Discussion

Staff finds that:

- 1) The small cell facility will be installed on a replacement Minnesota Power wooden pole. The existing light will be installed at 23 feet and wireless equipment will be placed at 39 to 41 feet, with a radio at 15 and 37 feet. Wireless attachments will include 1 exterior mounted panel antenna and 2 radio units. There will be no ground mounted equipment. The new pole will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities.
- 2) Granting a concurrent use permit would give the applicant the ability to use a portion of the right of way, with conditions, while preserving other existing public uses. Unlike street vacations, concurrent use permits are not recorded at the County as they are voidable permits issued by the City to applicants who are private users of public rights of way.
- 3) Ownership of the pole will remain with Minnesota Power. Liability, maintenance, and operation of the small wireless facilities will remain the responsibility of the applicant. In the event of an accident, such as a vehicle hitting the utility pole, the city is not responsible for restoring or replacing any of the applicant's equipment.
- 4) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. It will not cause any additional obstructions within the right of way, and the applicant will be required to maintain liability insurance over their facilities, with the City of Duluth named an additional insured on the policy.
- 5) The UDC generally requires that new wireless facilities follow a location standard: they should be collocated on existing towers or other structures on city owned properties first, and then existing towers or other structures on other (private) property, and so forth down the location standard list. As these small cell facilities would be located on existing infrastructure in public right of way, and as per the recent change in state statute, the city is processing these applications as concurrent use permits and not special use permits, and the UDC's use-specific standards do not apply in this specific situation.
- 6) The city has the ability to regulate land use; however, the Federal Communications Commission preempts local review on the potential environmental effects of radio frequency (RF) emissions, with the presumption that the applicant and service provider is in compliance with the Commission's RF rules. The applicant included an FCC checklist used to determine exemption from RF regulations (unlikely to cause exposure in excess of the FCC's guidelines). The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.
- 7) The ordinance will require that the project proposer will locate any underground items in accordance with Gopher State One Call rules, and that the city will bear no responsibility for locating any facility related to the concurrent use permit except as it is legally responsible under the Gopher State One Call rules.
- 8) No public, agency, or Citizen comments have been received.

Staff Recommendation:

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the concurrent use permit subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate notice, and shall adhere to other standards and obligations established in the approving document (ordinance).
- Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, all other changes must be approved by amending the City Council's approved ordinance.



PL23-206 Small Cell CUP 3140 Restormel St





The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



PROJECT: MNP_NEXIUS_CRAN

SITE NAME: CRAN_RUMW_GECHL_005

USID: 227117

SKIP ID / NODE#: MNL07041F_R02

IWM JOB: WSUMW0023629 PACE NUMBER: MRUMW031040

PTN NUMBER: 3514A0KT5C

FA NUMBER: 14828506

COORDINATES: 46.760160°, -92.143900°

SITE ADDRESS: 3140 RESTORMEL STREET

DULUTH, MN 55806

T-1

C-1

C-2

C-3

C-4

PS-1

EQ-1

EQ-2

EQ-3

EQ-4

E-1

G-1

TC-1

TITLE SHEET

SITE PLAN ENLARGED SITE PLAN

AERIAL MAP

PHOTO SIMULATION

PHOTO SIMULATION

EQUIPMENT DETAILS

EQUIPMENT DETAILS

EQUIPMENT DETAILS

EQUIPMENT DETAILS
PLUMBING DIAGRAM

ELECTRICAL DETAILS

GROUNDING DETAILS

TRAFFIC CONTROL PLAN
GENERAL NOTES

PROPOSED POLE ELEVATIONS

PROJE	CT INFORMATION
PROJECT:	MNP_NEXIUS_CRAN
SITE NAME:	CRAN_RUMW_GECHL_005
USID:	227117
PACE NUMBER:	MRUMW031040
LATITUDE:	46.760160°
LONGITUDE:	-92.143900°
SITE ADDRESS:	3140 RESTORMEL STREET
CITY, STATE ZIP:	DULUTH, MN 55806
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #M5482599
GROUND ELEVATION:	665'± A.M.S.L.
APPLICANT:	AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431
SITE ACQUISITION:	HAZEL MAURO SITE ACQUISTION PROJECT MANAGER hozel.mauro@mastec.com (913) 710-3999
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888

 REPLACE EXISTING 23"-6" A.G.L. WOOD POLE WITH NEW 36"-6" A.G.L. WOOD LIGHT POLE PANTED BROWN INCLUDING 2" OMINI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 41"-10" A.G.L.

SCOPE OF WORK

- INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (1) AZRA B46 RADIO WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS.
- 3. INSTALL METER ON POLE PER MANUFACTURERS SPECIFICATIONS AND PER UTILITY AND NEC REQUIREMENTS.

ANY DEVIATION THAT DIFFERS SUBSTANTIALLY FROM WHAT IS SHOWN ON THE CONSTRUCTION DRAWINGS MUST BE APPROVED BY THE ENGINEER OF RECORD. NO CHANGES THAT ALTER THE CHARACTER OF THE WORK CAN BE MADE DURING CONSTRUCTION WITHOUT ISSUING A CHANGE ORDER.



STRUCTURE PHOTO



CODE COMPLIANCE

SHEET INDEX

SHEET TITLE

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH CURRENT EDITIONS OF THE FOLLOWING APPLICABLE CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.

- 2018 INTERNATIONAL BUILDING CODE
- 2020 NATIONAL ELECTRIC CODE

THESE DRAWINGS ARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION.

ONE CALL



Know what's below.

Call before you dig.

TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MINNESOTA, CALL GOPHER STATE ONE CALL TOLL FREE: 1-800-252-1166 OR FAX A LOCATE: 1-800-236-4967

www.gopherstateonecall.org
MINNESOTA STATUTE REQUIRES
MIN OF 48 HOURS NOTICE
BEFORE YOU EXCAVATE



AT&T
7900 XERXES AVENUE S.
BLOOMINGTON, MN 55431

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minapostia.

Print Name: RAPHAEL MOHAMED

Signature: Raphad Michaned, PK, PDIN Raphad Michaned Rep. PDIN Raphad Michaned Rep. PDIN Raphad Rap

MASTEC NETWORK SOLUTIONS

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MI

		SUBMI	TTALS	
REV	DATE	DESCRIF	BY	
Α	08/01/23	CD FOR	MC	
В	08/03/23	CD FOR	RF	
С	08/28/23	CD FOR	MN	
0	08/30/23	FINAL C	СН	
1	11/06/23	PER LO	мс	
CHECKIE	MH		11/06/23	
CITE INTO	SITE INFORMATION:			

.

CRAN_RUMW_GECHL_005

MRUMW031040

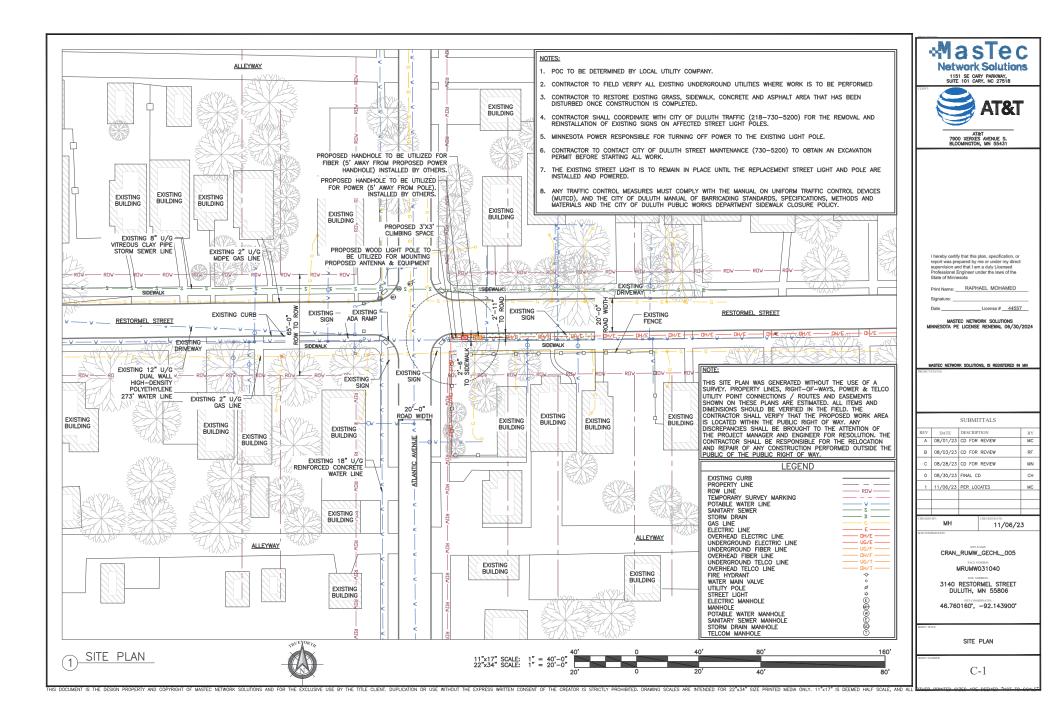
3140 RESTORMEL STREET DULUTH, MN 55806

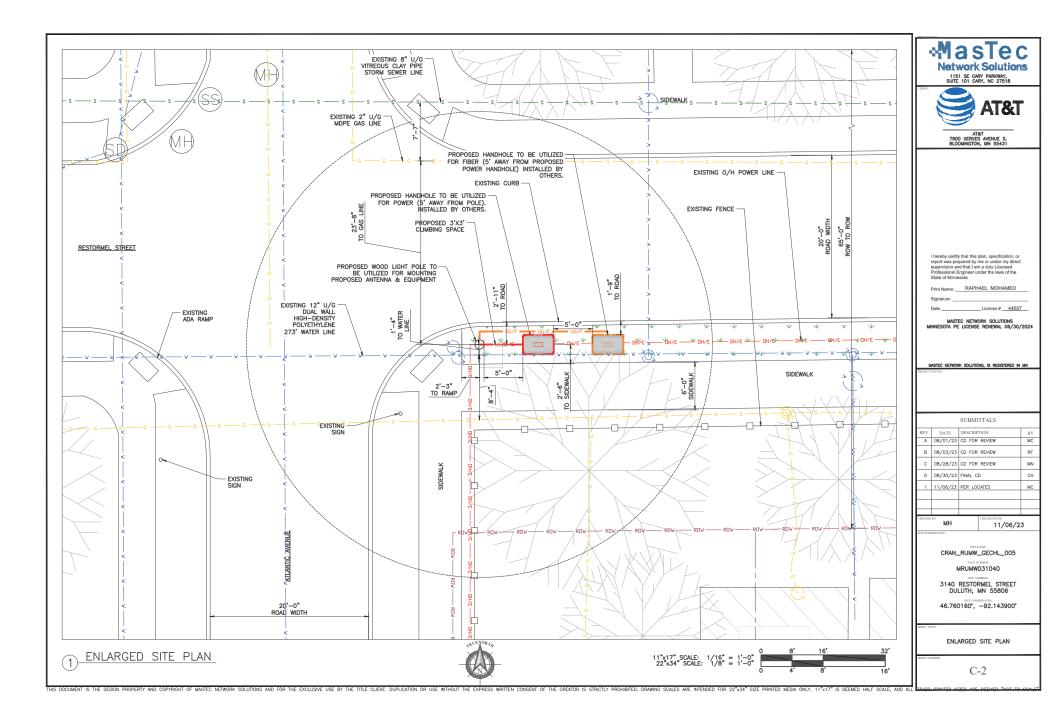
46.760160°, -92.143900°

TITLE SHEET

T-1

DOCUMENT IS THE DESIGN PROPERTY AND COPYRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. DUPLICATION OR USE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED. DRAWING SCALES ARE INTENDED FOR 22"x34" SIZE PRINTED MEDIA ONLY. 11"x17" IS DEEMED HALF SCALE, AND AL







MasTec Network Solutions

1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518



AT&T
7900 XERXES AVENUE S.
BLOOMINGTON, MN 55431

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: RAPHAEL MOHAMED

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 06/30/2024

SUBMITTALS REV DATE DESCRIPTION

A 08/01/23 CD FOR REVIEW B 08/03/23 CD FOR REVIEW 08/28/23 CD FOR REVIEW 0 08/30/23 FINAL CD 1 11/06/23 PER LOCATES

11/06/23

CRAN_RUMW_GECHL_005

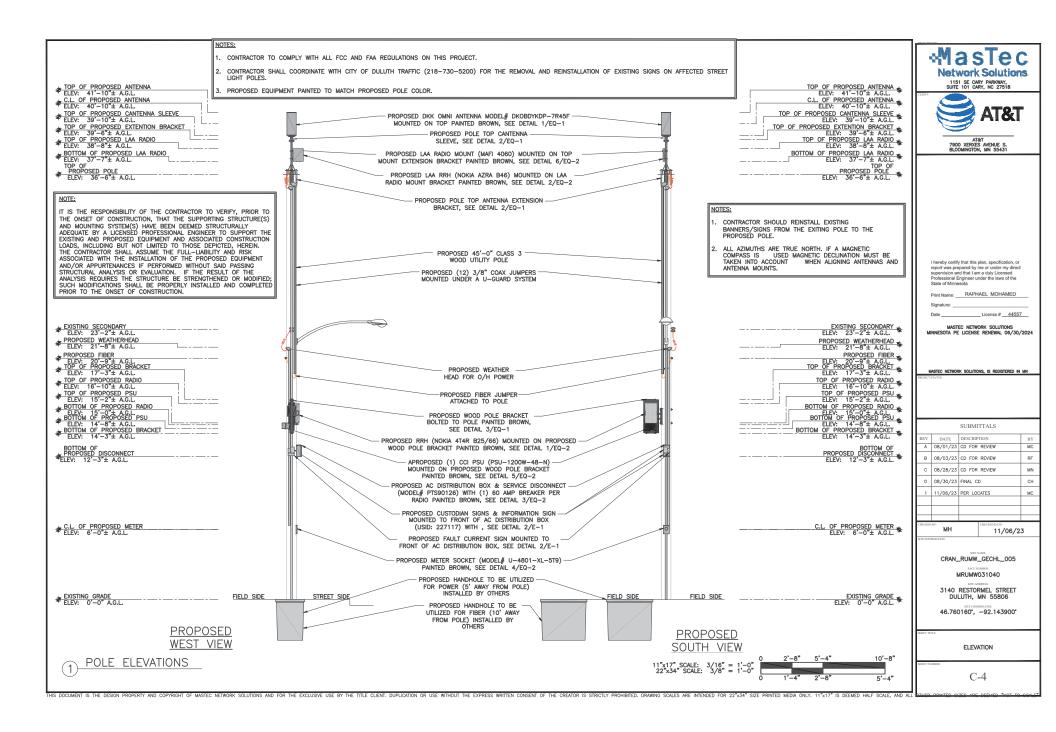
MRUMW031040

3140 RESTORMEL STREET DULUTH, MN 55806

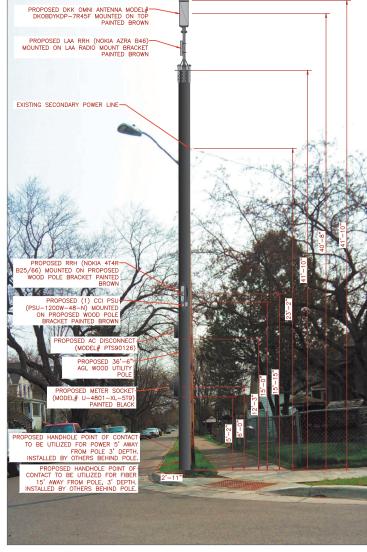
46.760160°, -92.143900°

AERIAL MAP

C-3







PROPOSED EAST VIEW

ALL EQUIPMENT AND ANTENNA WILL BE PAINTED TO MATCH PROPOSED POLE COLOR.

SITE LOCATION PHOTOS

*MasTec
Network Solutions
1151 SE CARY PARKWY,
SUITE 101 CARY, NC 27518



AT&T
7900 XERXES AVENUE S.
BLOOMINGTON, MN 55431

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: RAPHAEL MOHAMED

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 06/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MIN

SUBMITTALS				
REV	DATE	DESCRIPTION	BY	
A	08/01/23	CD FOR REVIEW	MC	
В	08/03/23	CD FOR REVIEW	RF	
С	08/28/23	CD FOR REVIEW	MN	
0	08/30/23	FINAL CD	СН	
1	11/06/23	PER LOCATES	MC	

MH 11/06/23

CRAN_RUMW_GECHL_005

MRUMW031040

3140 RESTORMEL STREET DULUTH, MN 55806

46.760160°, -92.143900°

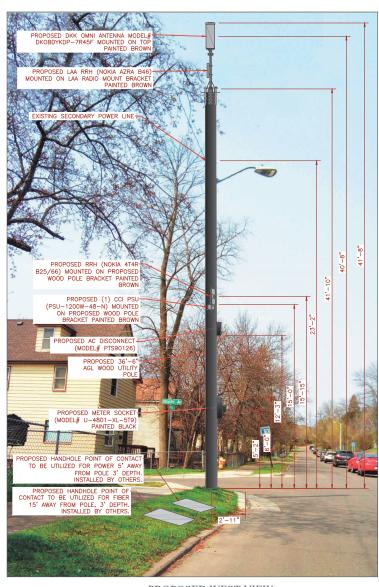
PHOTO SIMULATION

PS-1

E DOCUMENT IS THE PERFON BRODGERY MID PORTUGENT OF MISTER METTER METTER







PROPOSED WEST VIEW

ALL EQUIPMENT AND ANTENNA WILL BE PAINTED TO MATCH PROPOSED POLE COLOR.

→MasTec
Network Solutions

1151 SE CARY PARKWAY,
SUITE 101 CARY, NO 27518



AT&T
7900 XERXES AVENUE S.
BLOOMINGTON, MN 55431

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: RAPHAEL MOHAMED
Signature:

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 06/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MIN

SUBMITTALS				
REV	DATE	DESCRIPTION	BY	
Α	08/01/23	CD FOR REVIEW	MC	
В	08/03/23	CD FOR REVIEW	RF	
С	08/28/23	CD FOR REVIEW	MN	
0	08/30/23	FINAL CD	СН	
- 1	11/06/23	PER LOCATES	MC	

MH 11/06/23

CRAN_RUMW_GECHL_005

MRUMW031040

3140 RESTORMEL STREET DULUTH, MN 55806

46.760160°, -92.143900°

PHOTO SIMULATION

PS-2