



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 21-106		Contact	Steven Robertson, 218-730-5295	
Type	Concurrent Use Permit, Wireless Utility on Light Pole		Planning Commission Date	September 14, 2021	
Deadline for Action	Application Date	Aug 20, 2021 (Exhibit Revised)	60 Days		
	Date Extension Letter Mailed	Aug 20, 2021	120 Days		
Location of Subject	1 North 6 th Avenue West				
Applicant	SACW		Contact	Joe Goldshlack and Marissa Miller	
Agent	AT&T		Contact	Ron Mitchell Jr	
Legal Description	See Attached Map				
Site Visit Date	September 4, 2021		Sign Notice Date	August 31, 2021	
Neighbor Letter Date	N/A		Number of Letters Sent	N/A	

Proposal: The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and related equipment) in the public right of way.

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

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Utility Pole	Central Business Secondary
North	F-8/F-5	Institutional	Central Business Primary
South	F-8	Institutional/Commercial	Central Business Secondary
East	F-8/MU-C	Commercial	Central Business Primary
West	F-8/R-2	Institutional/Transportation	Central Business Secondary/Res-Urban

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.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use: Urban Residential. Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Existing small cell on utility poles in public right of way include the following sites: six around UMD, two near the Burning Tree Plaza, two near Canal Park, three near the 6000 block of East Superior Street, one near Spirit Mountain, one near Denfeld High School, one near East High School, one near the Radisson Hotel, one near the Miller Hill Mall, and one near Edgewater Park. There are three more on utility poles within the St. Scholastica Campus, on private property. Two more are under City Council consideration (PL 21-075, 1801 East Second Street, and PL 21-076, 651 East Fifth Street), which are from the same applicant as this application

This is a companion zoning application to PL 21-140, -141, and -142, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

Review and Discussion Items:

- 1) The applicant is seeking a concurrent use permit to allow a private obstruction (utility pole mounted antennas and equipment mount) in the public right of way. The small wireless facility will be installed on a replacement Minnesota Power wooden pole with a carbon steel pole. The street light will be attached to the pole at 30 feet, and the wireless equipment will be placed at 24 to 32 feet. There will be no ground mounted equipment.
- 2) Granting a concurrent use permit would give the applicant the ability to use dedicated public rights-of-way, with conditions, while preserving other existing public uses in the same right-of-way corridors. Concurrent use permits require a public hearing and recommendation by the Planning Commission, and is approved by the City Council via ordinance. Unlike street right-of-way 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) The existing pole will be replaced with a new pole. 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.
- 5) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way. Minnesota Power will own the poles and continue to use them for utility purposes (lighting).

6) The UDC generally requires that new wireless facilities follow a location standard: first 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 wireless 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.

7) 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).























8) At the time that this memo was written, no written comments from the public have been received.

Staff Recommendation:

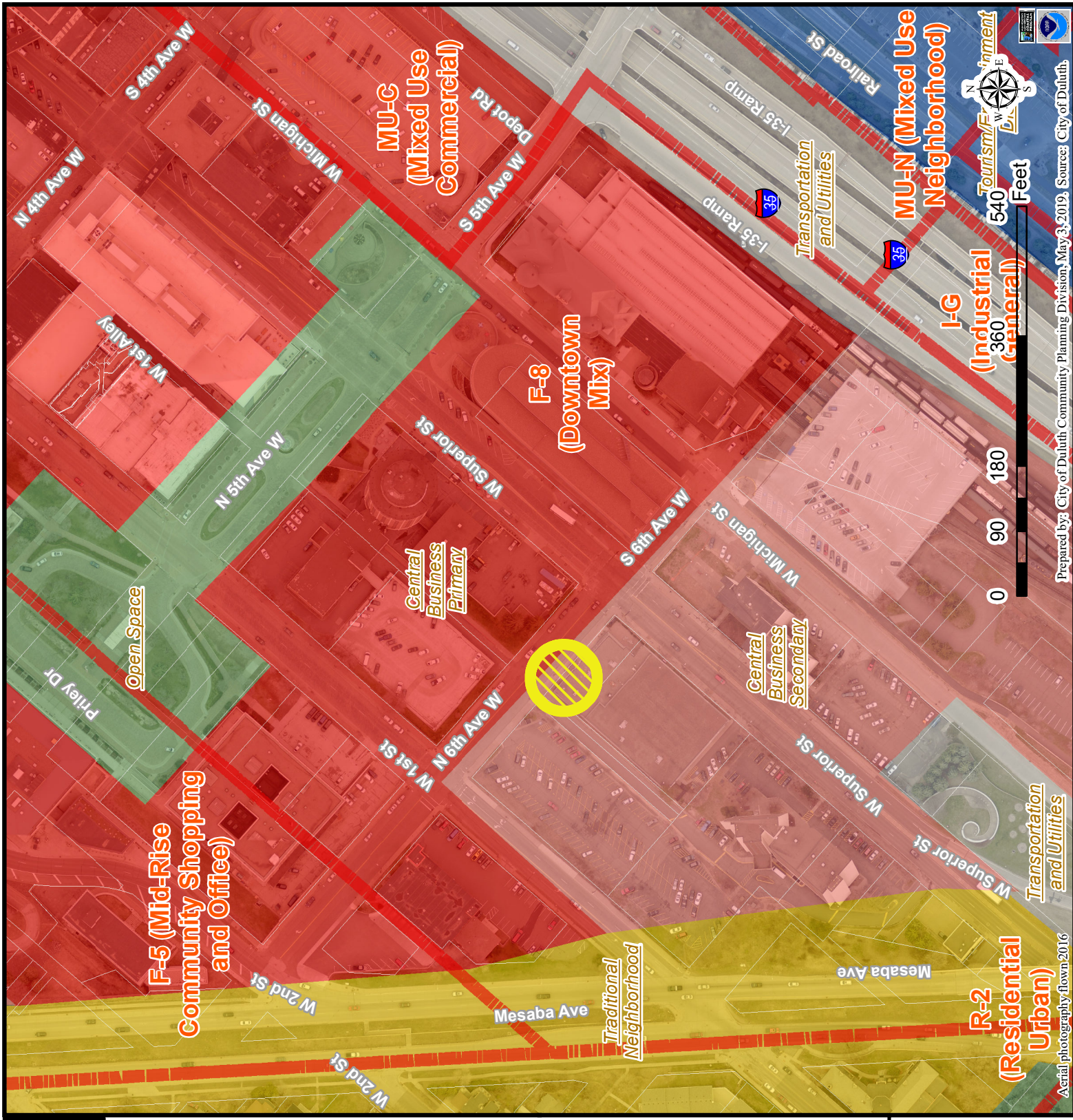
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the concurrent use permit subject to the following conditions:

- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report.
- 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).
- 3) 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.

Legend

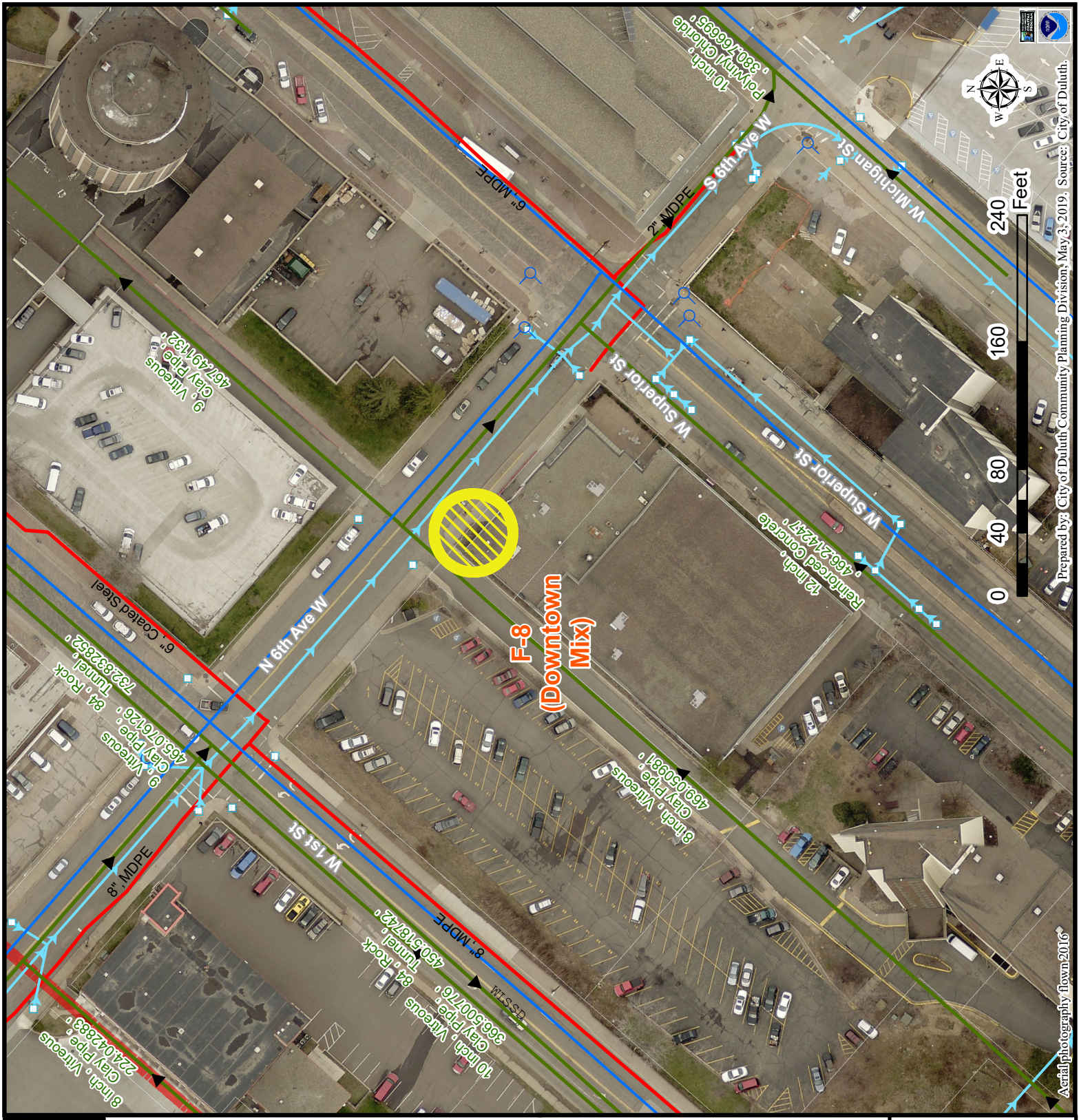
-  Zoning Boundaries
-  Open Space
-  Open Space/Outside Duluth
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Central Business Secondary
-  Central Business Primary
-  Large-scale commercial
-  Tourism/Entertainment District
-  Commercial Waterfront
-  General Mixed Use
-  Neighborhood Mixed Use
-  Light Industrial
-  General Industrial
-  Industrial Waterfront
-  Business Park
-  Transportation and Utilities
-  Medical District
-  Institutional

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.





PL 21-106
CUP Small Cell



Legend

- Gas Main
- Water Main
- ⊕ Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin

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Aerial photography flown 2016

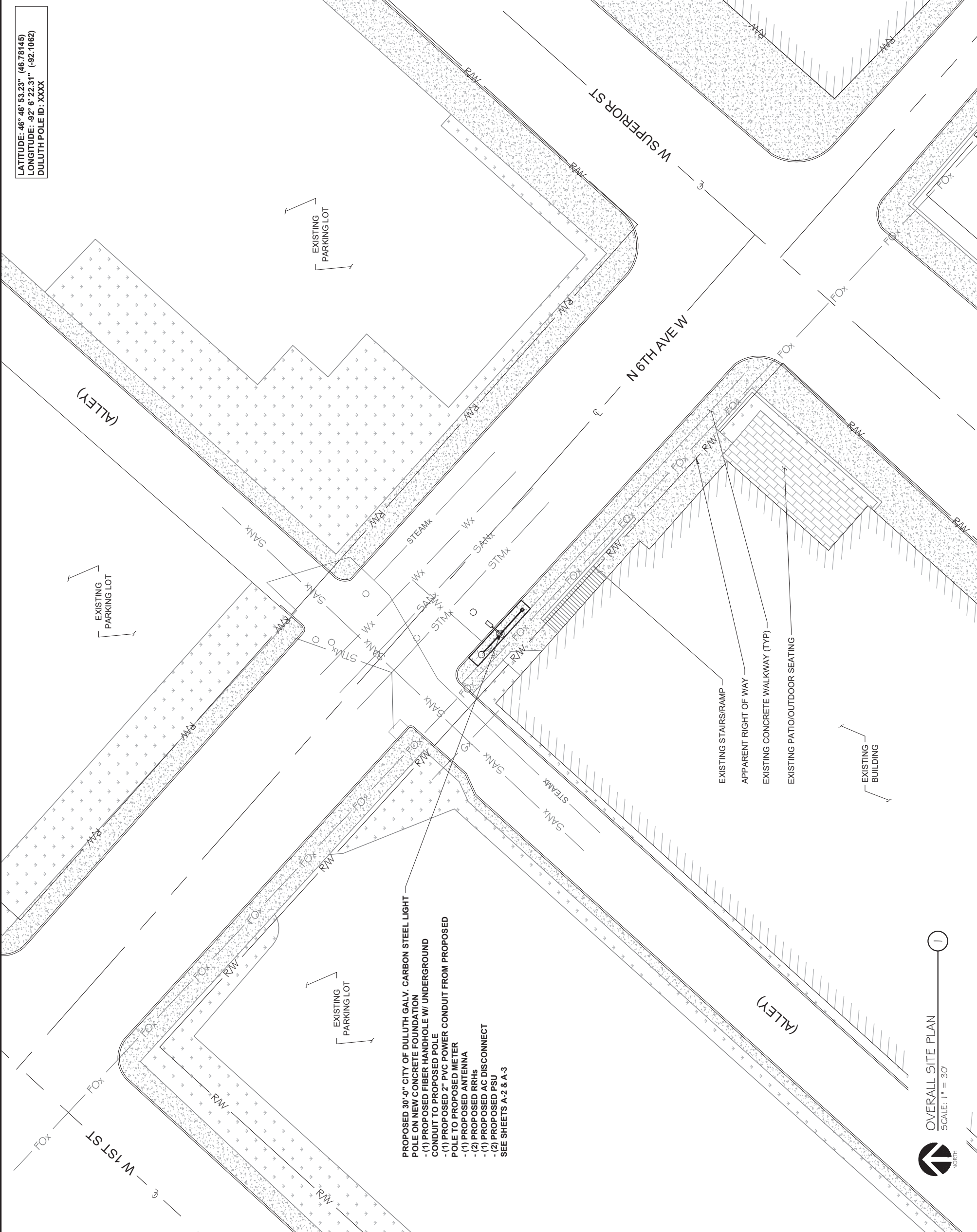
Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.

PL 21-106



© All Pictometry

05/05/2019



PROPOSED 30'-0" CITY OF DULUTH GALV. CARBON STEEL LIGHT
 POLE ON NEW CONCRETE FOUNDATION
 - (1) PROPOSED FIBER HANDHOLE W/ UNDERGROUND
 CONDUIT TO PROPOSED POLE
 - (1) PROPOSED 2" PVC POWER CONDUIT FROM PROPOSED
 POLE TO PROPOSED METER
 - (1) PROPOSED ANTENNA
 - (2) PROPOSED RRHS
 - (1) PROPOSED AC DISCONNECT
 - (2) PROPOSED PSU
 SEE SHEETS A-2 & A-3

EXISTING STAIRS/RAMP
 APPARENT RIGHT OF WAY
 EXISTING CONCRETE WALKWAY (TYP)
 EXISTING PATIO/OUTDOOR SEATING

OVERALL SITE PLAN
 SCALE: 1" = 30'

LATITUDE: 46° 46' 53.23" (46.78145)
 LONGITUDE: -92° 6' 22.31" (-92.1062)
 DULUTH POLE ID: XXXX



7900 XERXES AVENUE S., 3RD FLOOR
 BLOOMINGTON, MN 55431

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 540 W. MADISON ST.
 9TH FLOOR
 CHICAGO, IL 60661
 www.sacw.com

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Certification & Seal
 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.



Signature: *James R. Skowronski* 6/10/2021
 Date: 6/10/2021
 Registration Number: 42202
 License or Permit Number:

REV.	DATE	DESCRIPTION	INITIALS
0	06/10/21	FINAL CDS ISSUED	GM

PROJECT TITLE:
CRAN 1C/2C/3C
MRUMW022246
CRAN_RUMW_DLCNL_003
189874
CITY ASSET ID # TBD

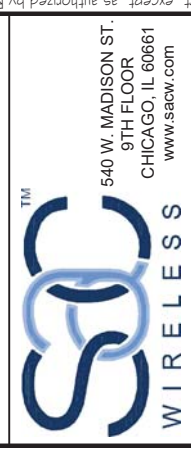
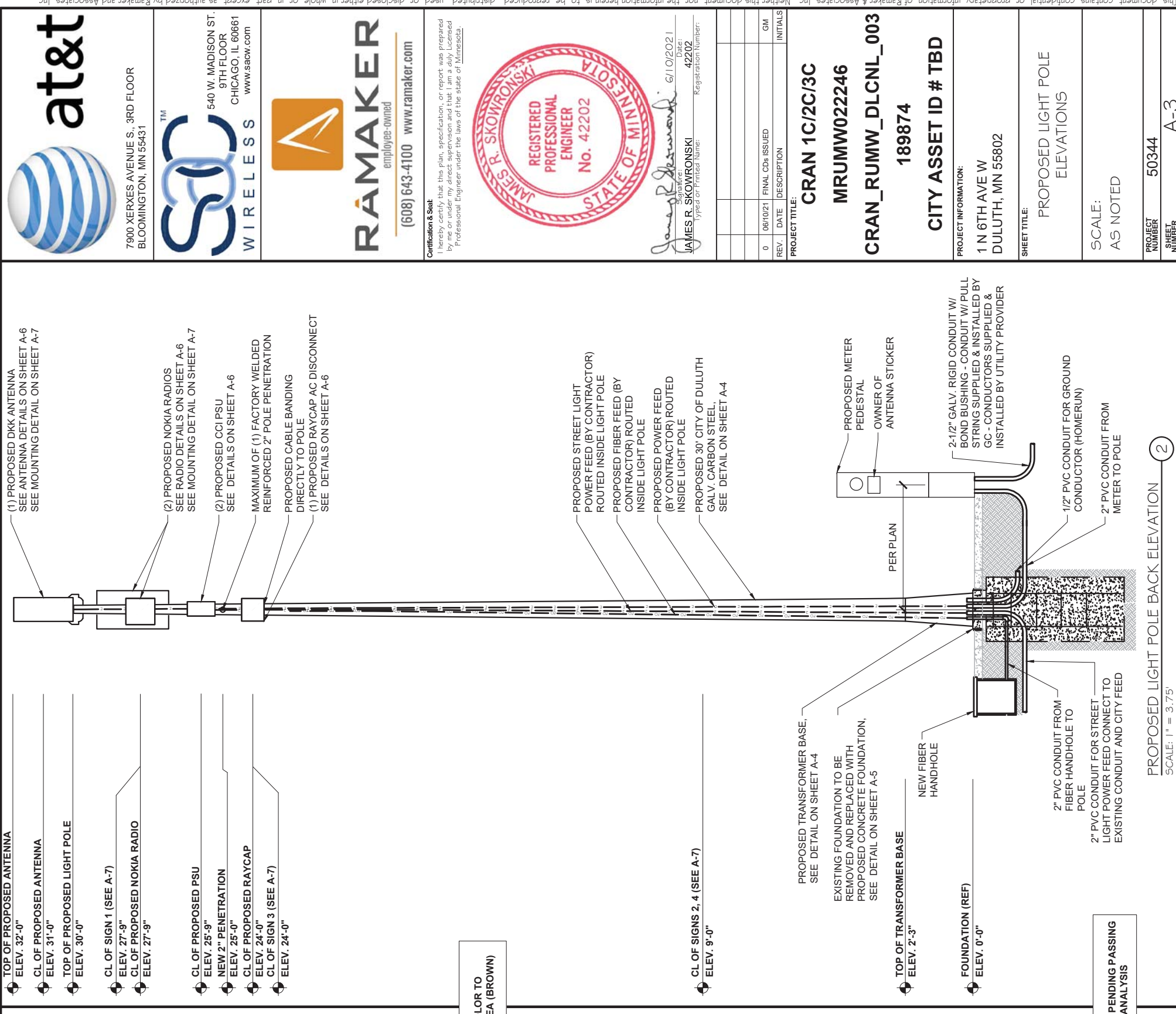
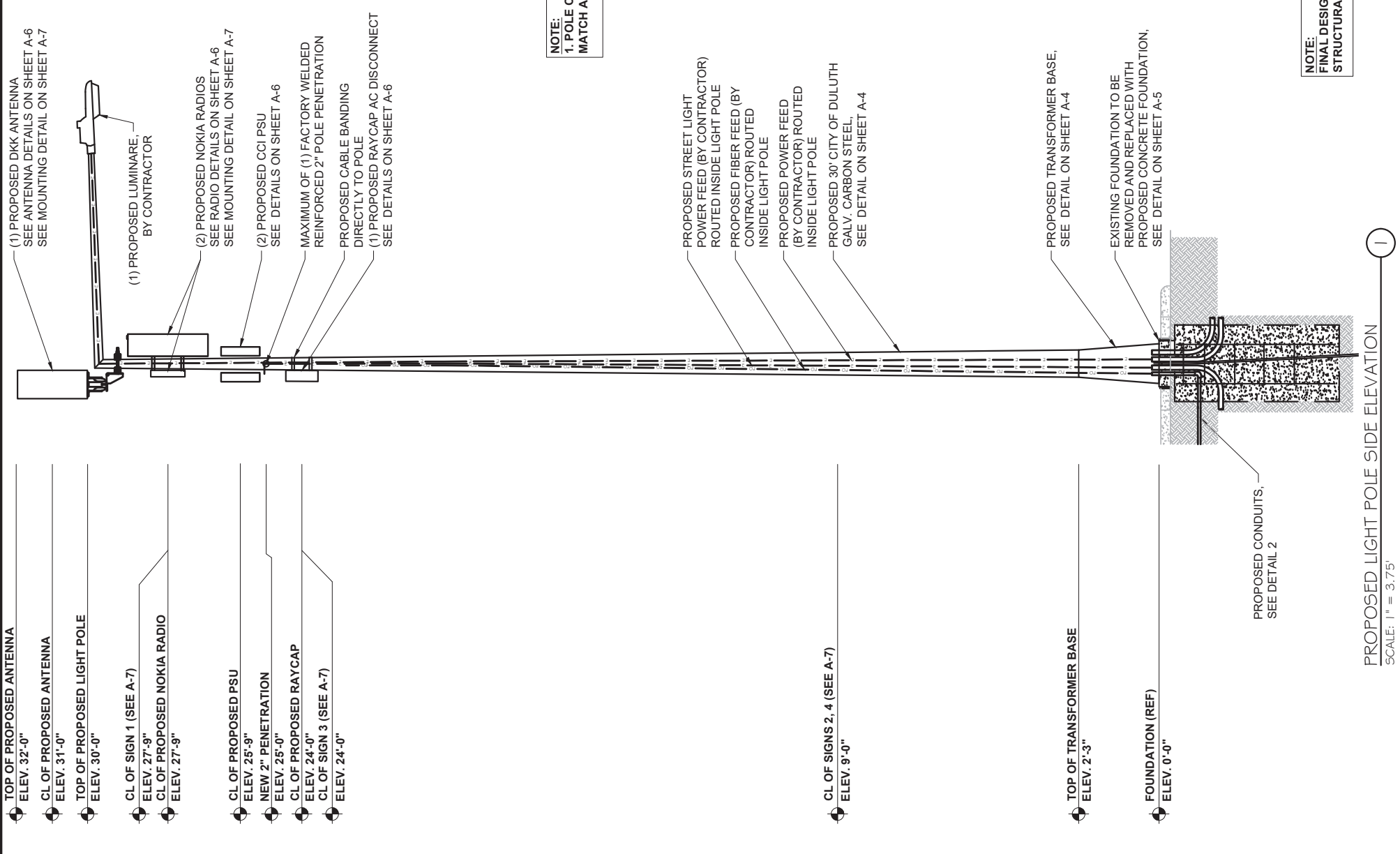
PROJECT INFORMATION:
 1 N 6TH AVE W
 DULUTH, MN 55802

SHEET TITLE:
 OVERALL SITE PLAN

0 15' 30' 60'

1" = 30'
 1" x 17" = 30'
 2 1/2" x 34" = 1" = 15'

PROJECT NUMBER: 50344
 SHEET NUMBER: A-1



Certification & Seal
 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.



Signature: *James R. Skowronski* Date: 6/10/2021
 JAMES R. SKOWRONSKI No. 42202
 License or Permit Number: Registration Number:

REV.	DATE	DESCRIPTION	INITIALS
0	06/10/21	FINAL CD# ISSUED	GM

PROJECT TITLE:
CRAN 1C/2C/3C
MRUMW022246
CRAN_RUMW_DLCNL_003
189874
CITY ASSET ID # TBD

PROJECT INFORMATION:
 1 N 6TH AVE W
 DULUTH, MN 55802

SHEET TITLE:
 PROPOSED LIGHT POLE ELEVATIONS

SCALE:
 AS NOTED

PROJECT NUMBER 50344
SHEET NUMBER A-3



SBI (BEAM ARM) CARBON STEEL

ANCHOR BOLTS

Anchor bolts conform to ASTM F1554 Grade-55 standards. Bolts have an "L" bend at one end and a minimum of 12" galvanized threads on the other end. Two galvanized flat washers per ASTM F436 and two galvanized hexagonal nuts per ASTM A563 Grade DH are provided with each bolt.

ANCHOR BASE

The base plate is fabricated from ASTM A36 carbon steel. The base is fabricated with slotted bolt holes to allow for a +/- 0.5" variance in listed nominal bolt circle size. The base plate telescopes the pole shaft and is circumferentially welded top and bottom.

HIGH BASE

Each pole assembly is fashioned with a Millerbernd Manufacturing Company High Base. The base is fabricated from the same material as the pole shaft and stands 27 inches tall. The pole shaft is slip fitted and welded to the base.

DIRECT-EMBEDDED BASE

Each pole assembly is fashioned with a direct embedded base. The base extends below the ground line and is fitted with a 1 inch coupling located 2" below the ground line for wire entrance. The direct embedded base is fashioned with an anti-rotation bearing strap on the bottom of the base.

SHAFT

The pole shaft conforms to ASTM A1011 Grade 50 carbon steel standards.

HANDHOLE

A reinforced handhole with cover, grounding lug, and hardware is provided with each pole assembly. Pole assemblies fabricated with a High-Base are provided with a flush mounted handhole with cover, grounding lug, and hardware.

ARMS

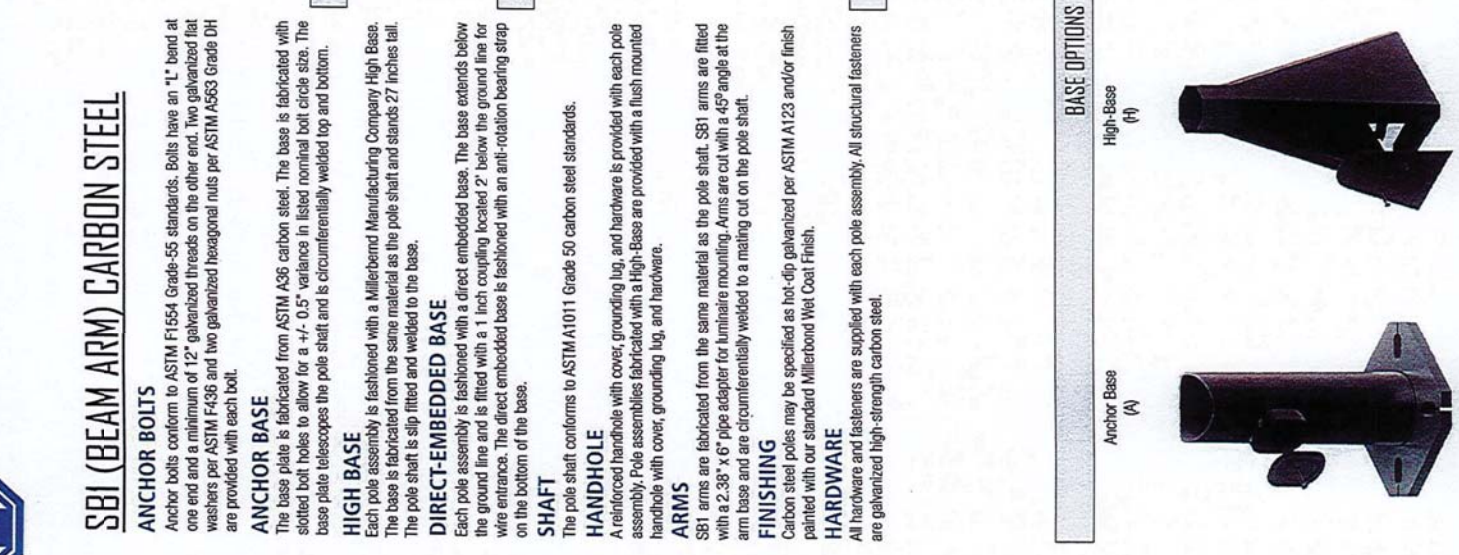
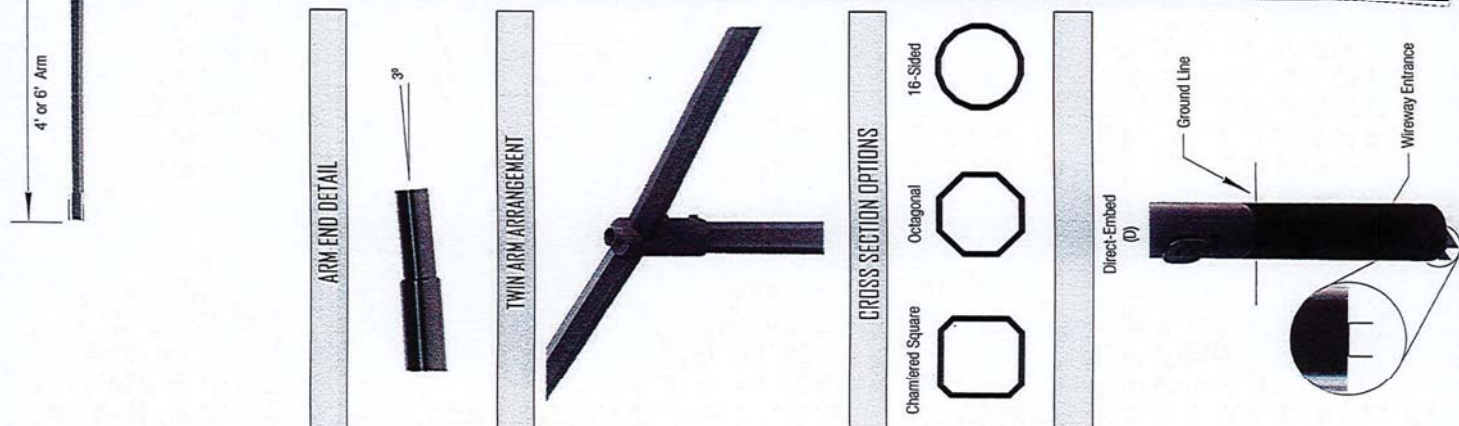
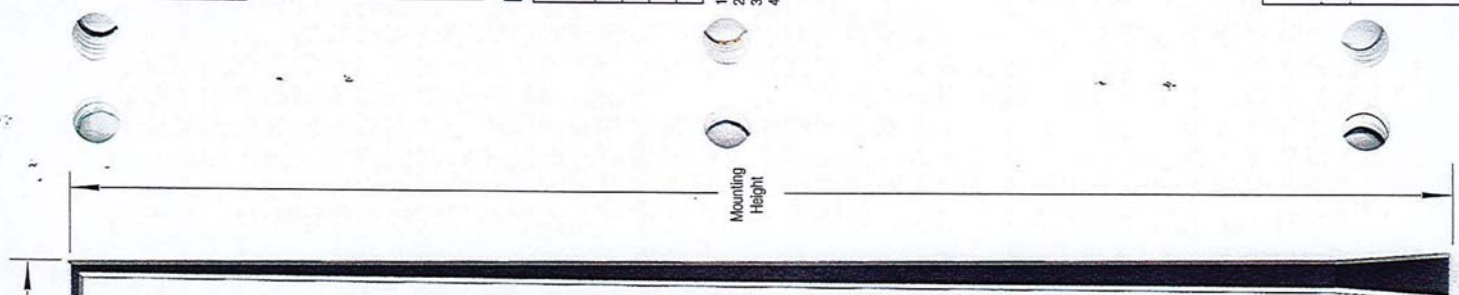
SBI arms are fabricated from the same material as the pole shaft. SBI arms are fitted with a 2.38" x 6" pipe adapter for luminaire mounting. Arms are cut with a 45° angle at the arm base and are circumferentially welded to a mating cut on the pole shaft.

FINISHING

Carbon steel poles may be specified as hot-dip galvanized per ASTM A123 and/or finish painted with our standard Millerbernd Wet Coat Finish.

HARDWARE

All hardware and fasteners are supplied with each pole assembly. All structural fasteners are galvanized high-strength carbon steel.



STREET & AREA LIGHTING

ANCHOR BASE

PART#	MOUNTING HEIGHT (FT)	MAX ARM LENGTH (FT)	WEIGHT (LBS)	BASE O.D. (IN)	TOP O.D. (IN)	BOOT CIRCLE +/- 0.5 (IN)	BASE SQUARE (IN)	MAX EPA 90 MPH	MAX EPA 100 MPH	MAX EPA 110 MPH	MAX EPA 120 MPH	MAX EPA 130 MPH	MAX EPA 140 MPH	MAX EPA 150 MPH
SBI-061-A-080-A-250	25	6	240	8	3.7	11	11	8.97	6.34	4.27	2.6	1.25		
SBI-061-A-080-A-300	30	6	275	8	3.7	11	11	5.25	2.95	1.14				
SBI-061-A-080-A-350	35	6	339	9	3.7	12	12	3.95	1.5					
SBI-061-A-100-A-400	40	6	409	10	3.7	13	13	2.49						

DIRECT-EMBEDDED BASE

PART#	MOUNTING HEIGHT (FT)	MAX ARM LENGTH (FT)	WEIGHT (LBS)	BASE O.D. (IN)	TOP O.D. (IN)	BURIAL DEPTH (FT)	MAX EPA 90 MPH	MAX EPA 100 MPH	MAX EPA 110 MPH	MAX EPA 120 MPH	MAX EPA 130 MPH	MAX EPA 140 MPH	MAX EPA 150 MPH
SBI-061-D-080-A-250	25	6	221	8	3.7	5	8.97	6.34	4.27	2.6	1.25		
SBI-061-D-080-A-300	30	6	257	8	3.7	6	5.25	2.95	1.14				
SBI-061-D-080-A-350	35	6	318	9	3.7	6	3.95	1.5					
SBI-061-D-100-A-400	40	6	388	10	3.7	7	2.49						

HIGH-BASE

PART#	MOUNTING HEIGHT (FT)	MAX ARM LENGTH (FT)	WEIGHT (LBS)	BASE O.D. (IN)	TOP O.D. (IN)	BOOT CIRCLE (IN)	BASE SQUARE (IN)	MAX EPA 90 MPH	MAX EPA 100 MPH	MAX EPA 110 MPH	MAX EPA 120 MPH	MAX EPA 130 MPH	MAX EPA 140 MPH	MAX EPA 150 MPH
SBI-061-H-081-A-250	25	6	238	8.1	3.7	11	12	10.62	7.88	5.72	3.98	2.57	1.4	
SBI-061-H-081-A-300	30	6	275	8.1	3.7	11	12	6.9	4.46	2.55	1.02			
SBI-061-H-089-A-350	35	6	356	8.9	3.7	12	14	5.17	2.67	0.72				
SBI-061-H-097-A-400	40	6	399	9.7	3.7	15	15	3.37	0.82					

1. Variations from above sizes are available. Consult factory for allowable weight and EPA ratings for custom sizes.
2. Charts are for single arm configurations only. Consult factory for allowable weight and EPA ratings on twin arm arrangements.
3. Charred weights include the base, pole shaft, and luminaire mounting arm.
4. The "Base O.D." measurement for direct-embedded structures is taken at the ground line.

Product Ordering Code: SBI-061-H-097-D-30-H-GP with 15" Bolt Circle with "MILLERBERND FINISH BROWN PAINT" over the galvanized pole

SBI - Design	061 - Arm Span	H - Base Style	9.7 - Base Diameter	D - Wall Thickness	30 - Mounting Height	H - Cross-Section	GP - Finish	15" BOLT CIRCLE - Options
061 = 4"	A = Anchor H = High D = Direct Embed	Base diameter is identified with one decimal place to identify diameter in inches. (e.g. 094 = 9.4")	A = 11 GA B = 7 GA C = 3/16" D = 1/4"	Mounting height is identified with one decimal place to identify height in feet. (e.g. 255 = 25.5)	C = Chamfered Square H = 8-Sided W = 16-Sided	GV = Hot Dip Galvanize FP = Finish Paint GP = Paint Over Galvanize	Insert Part Number for options, separated by -	



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Certification & Seal
 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.



Signature: *James R. Skowronski* 6/10/2021
 Date: 6/10/2021
 Registration Number: 42202

REV.	DATE	DESCRIPTION	INITIALS
0	06/10/21	FINAL CD# ISSUED	GM

PROJECT TITLE:
CRAN 1C/2C/3C
MRUMW022246
CRAN_RUMW_DLCNL_003
189874
CITY ASSET ID # TBD

PROJECT INFORMATION:
 1 N 6TH AVE W
 DULUTH, MN 55802

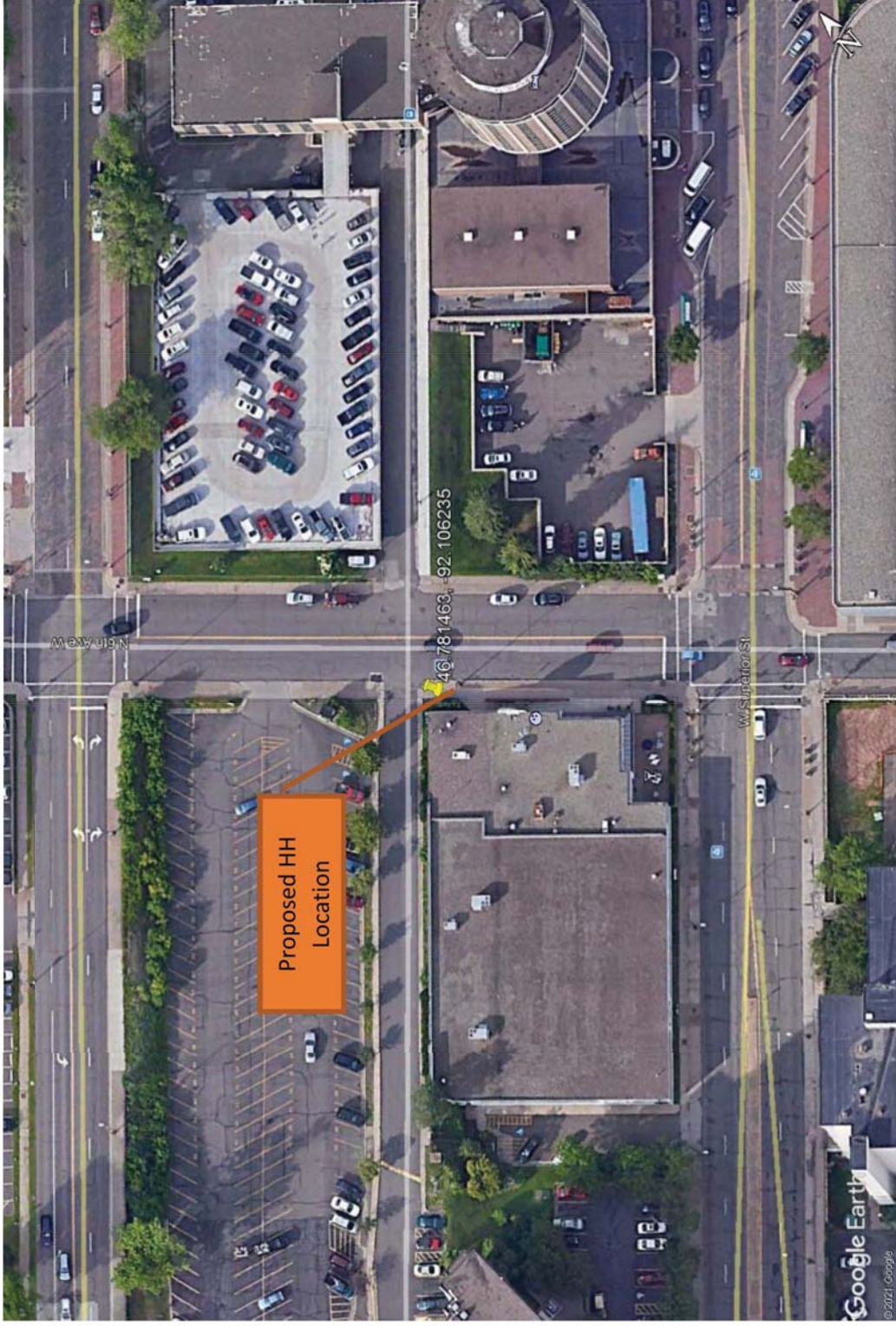
SHEET TITLE:
 PROPOSED LIGHT POLE DETAILS

SCALE:
 AS NOTED

PROJECT NUMBER: 50344
 SHEET NUMBER: A-4

SITE NAME: CRAN_RUMW_DLCNL_003
SITE ADDRESS: 1 N 6th AVE W DULUTH, MN
LAT/LONG: 46.781463, -92.106235
POLE TYPE: STEEL, LIGHT POLE

Proposed Route Design
ATT Minnesota
[Plan View](#)



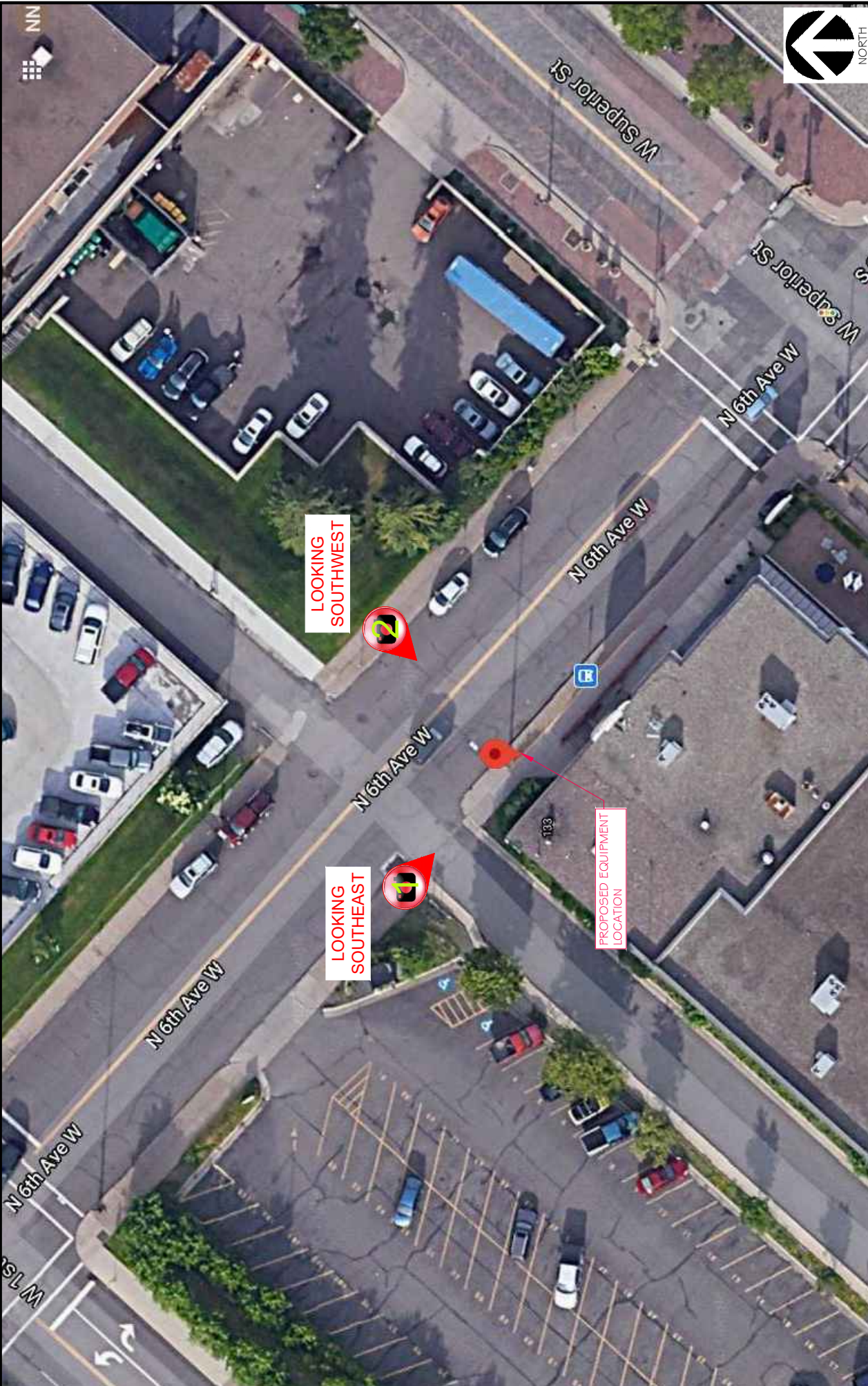
Nearest Intersection:
W Superior St & N 6th Ave W

Description:
CCI to install a new HH in the ROW near the light pole.

ATT is to leave stub 1.25" duct out from base of new light pole to the proposed HH location.

Approx. HH Location – Street View





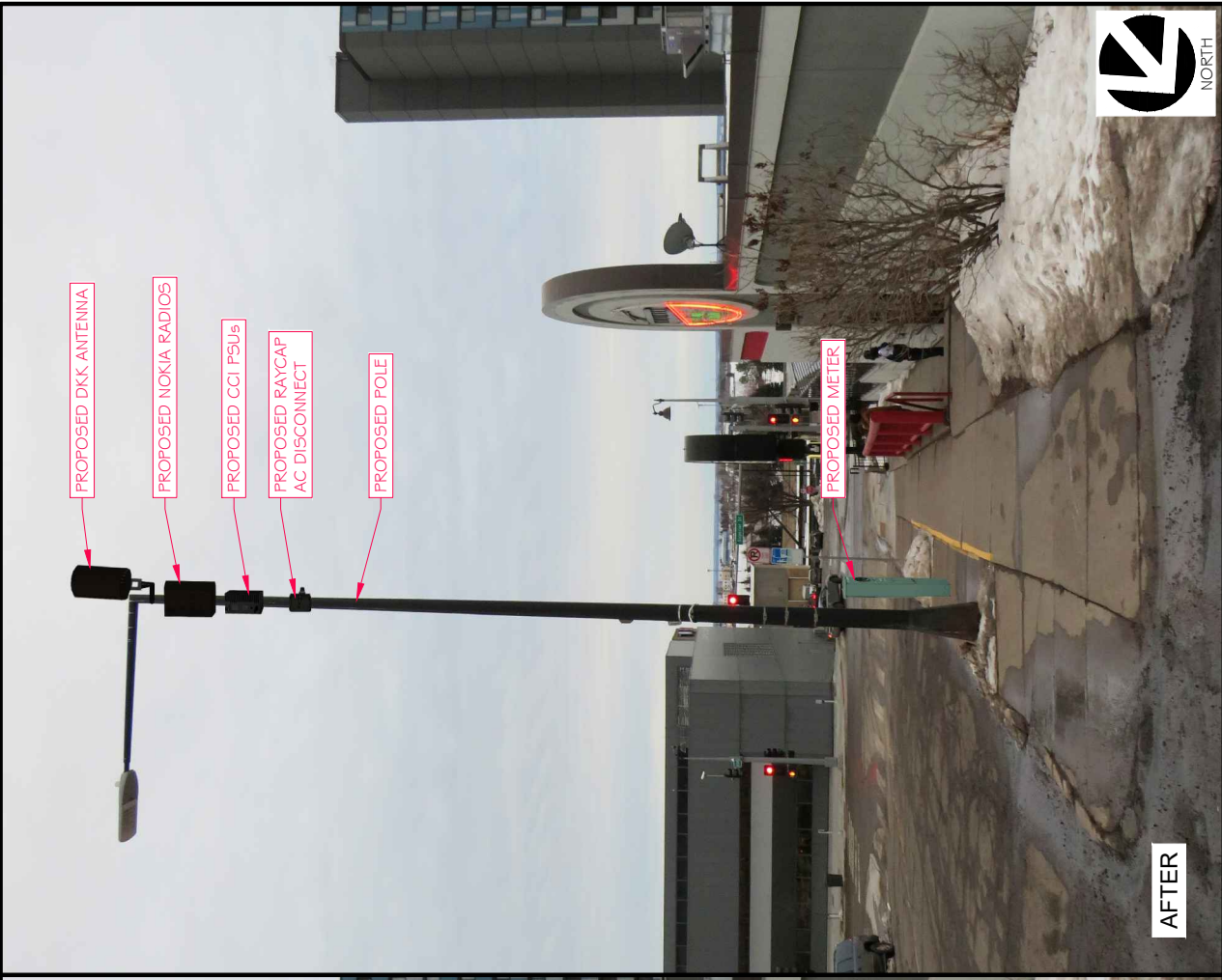
at&t
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 CHICAGO, IL 60661
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SHEET TITLE: PHOTO RENDERING/SIMULATION LOCATION MAP	
PROJECT TITLE: MRUMW022246 (148) 2220)	
PROJECT NUMBER: 50344	
PROJECT LOCATION: 1 N 6TH AVENUE W, DULUTH, MN 50344	

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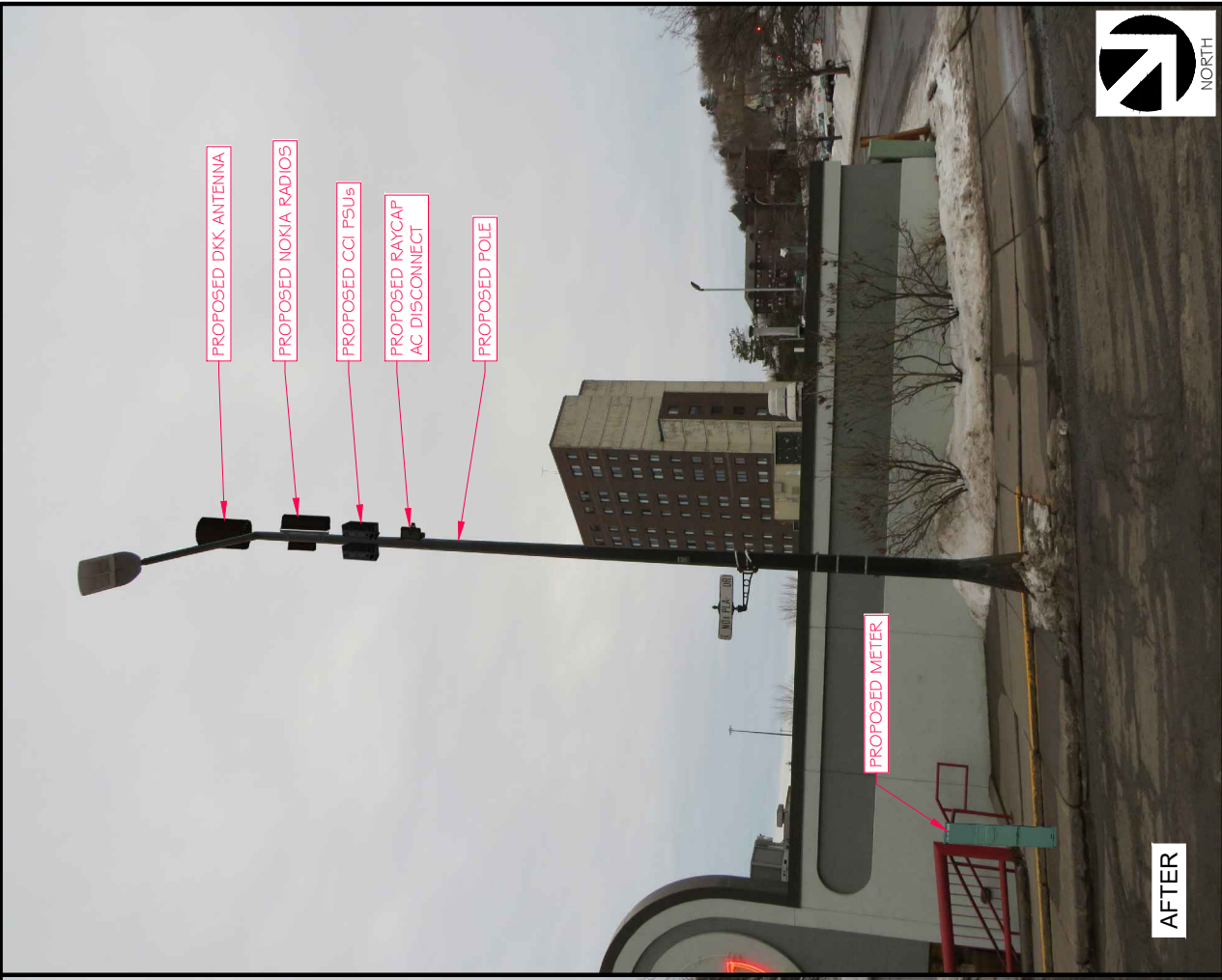


BEFORE

AFTER

 <p>7900 XEVES AVENUE S., 3RD FLOOR BLOOMINGTON, MN 55401</p>		 <p>540 W. MADISON ST. 8TH FLOOR CHICAGO, IL 60661 www.wireless.com</p>		 <p>RAMAKER employee-owned (608) 643-4100 www.ramaker.com</p>	
<p>PHOTO RENDERING/SIMULATION - LOOKING SOUTHEAST</p>		<p>PROJECT TITLE: MRUMW022246 (148) 2220)</p>			
<p>PROJECT LOCATION: I N 6TH AVENUE W, DULUTH, MN 50344</p>		<p>PROJECT NUMBER: 50344</p>		<p>PROJECT LOCATION: I N 6TH AVENUE W, DULUTH, MN 50344</p>	




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AFTER



BEFORE

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<p>PHOTO RENDERING/SIMULATION - LOOKING SOUTHWEST</p>		<p>PROJECT TITLE: MRUMW022246 (148) 2220)</p>		<p>PROJECT LOCATION: I N 6TH AVENUE W, DULUTH, MN 50344</p>	
<p>PROJECT NUMBER: 50344</p>		<p><small>This document contains confidential or proprietary information of Ramaker & Associates, Inc. Neither this document nor the information herein is to be reproduced, distributed, used or disclosed either in whole or in part except as authorized by Ramaker and Associates, Inc.</small></p>			





STATEMENT REGARDING AESTHETIC DESIGN CRITERIA

DLCNL_003 / 14812220 / MRUMW022246 / 1 N. 6th Avenue.

Pursuant to Ordinance 19-0027R, a SWF must adhere to the eight criteria listed below. Applicant's responses are stated below in red.

- (a) Except as established in Minnesota State Statute, the height of a new facility may not exceed the average height of existing utility poles or streetlights in the immediate area (150-foot radius of the proposed site) by more than five (5) feet, or forty (40) feet, whichever is greater; antennas mounted at the top of the pole shall not increase the height of the pole by more than five (5) feet; and

Applicant asserts that this proposed SWF will not exceed the average height of nearby light poles. The proposed top-mounted antenna will only extend two (2) feet above the top of the replaced pole. (See p. A3 of Construction Drawings).

- (b) New facilities shall be located as near as practicable to street intersections and shall be located to the extent practicable on existing poles or other structures currently in the right of way and shall be limited to the heights in section (a) above; and

Applicant has made every effort to utilize an existing light pole in the ROW. To ensure the facility's structural integrity, however, Applicant proposes removing and replacing the existing light pole with a nearly identical one that can withstand the additional weight.

- (c) Decorative lights, banner poles, clocks, flagpoles, and other public street furniture that was not designed to accommodate small cell facilities shall not be used if accommodating the small cell facilities interfere with the operation of the public street furniture; and

Applicant's proposed pole is not decorative.

- (d) Concealment elements shall be incorporated into new sites, including approved camouflage or shrouding techniques, to the greatest extent practicable; and

Applicant has made every practicable effort to camouflage and conceal its proposed equipment. Any additional concealment efforts would result in additional shrouds or screens that would cause the pole to look more crowded and abnormal than as proposed.

- (e) New electrical and other utility service lines must be undergrounded whenever possible to avoid additional overhead lines; for metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box; and

Electric and Fiber cabling will undergrounded by MN Power and Consolidated Fiber, respectively per the terms of their individual franchise agreements.

- (f) Unless otherwise required for compliance with FAA or FCC regulations, new wireless facilities shall not include any permanently installed lights; and



The Proposed SWF will not include any permanently installed lights besides a streetlight like the one currently mounted to the pole.

- (g) Any new facility and/or equipment and other improvements associated with a new facility must not obstruct any access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines; and

The proposed SWF will not obstruct access to fire hydrants or fire escapes, or aboveground or underground public infrastructure, such as underground public utility lines.

- (h) Unless indicated otherwise by the Land Use Supervisor or City Engineer, the color of the antennas and related accessory equipment shall be made to match the existing pole color; if no pole exists, color should match the poles in the immediate area.

Applicant intends to paint the proposed equipment to match the pole as close as possible.

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'Joe Goldshlack', written over a horizontal line.

Dated: June 16, 2021

Joe Goldshlack
SAC Wireless o.b.o. AT&T
540 W. Madison St., 9th Floor
Chicago, IL 60661
(517) 648-0023
joe.goldshlack@sacw.com