



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 23-203	Contact	Chris Lee, clee@duluthmn.gov	
Type	Concurrent Use Permit, Wireless Utility on Light Pole	Planning Commission Date		March 12, 2024
Deadline for Action	Application Date	January 18, 2024	60 Days	March 18, 2024
	Date Extension Letter Mailed	January 18, 2024	120 Days	May 17, 2024
Location of Subject		Near 5302 Oneida St		
Applicant	MasTec	Contact		
Agent		Contact		
Legal Description		N/A		
Site Visit Date		Sign Notice Date	February 27, 2024	
Neighbor Letter Date		Number of Letters 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	Institutional/School	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):

Governing 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 23-204, -205, -206, -207, -208, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing or new utility poles. The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Discussion

Staff finds that:

- 1) The small cell wireless facility will be installed on a replacement Minnesota Power wooden pole. The street light will be re-attached to the pole at 29 feet, and the wireless equipment will be placed at 35 to 37 feet, with a radio at 16 feet. 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 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 cell 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.

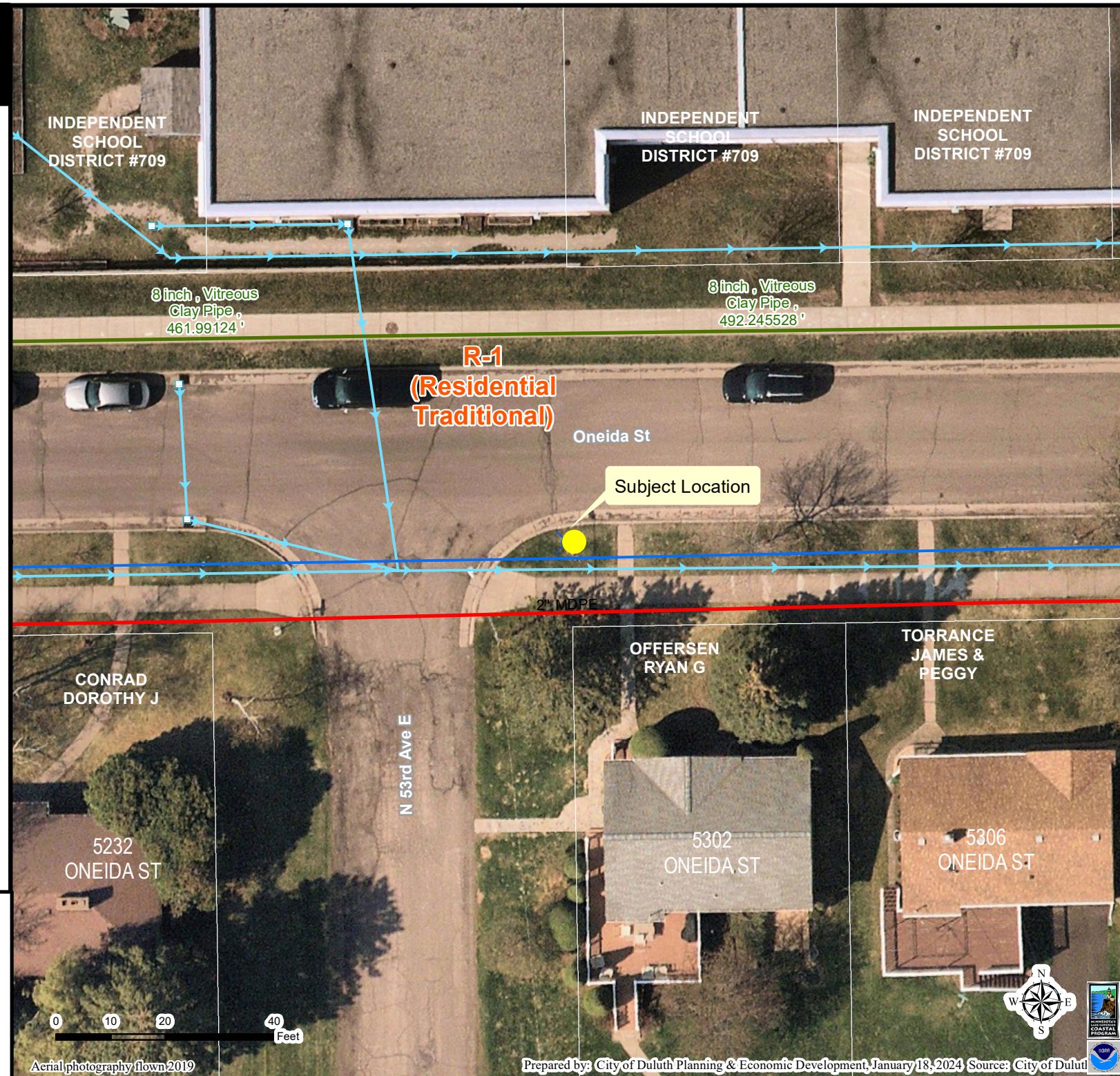
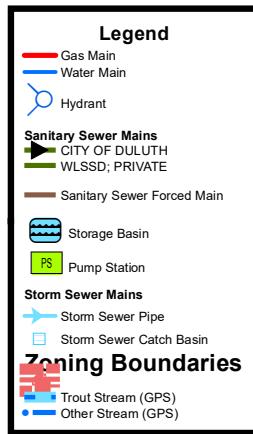
Staff Recommendation:

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).
- 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.



PL23-203
Small Cell CUP
5302 Oneida 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.



AT&T

PROJECT:

SITE NAME: MNP_MASTEC_CRAN
 USID: CRAN_RUMW_LESTR_006
 SKIP ID / NODE#: 326866
 PACE NUMBER: MNL07062F_R03
 PTN NUMBER: MRUMW032157
 FA NUMBER: 3514A0LLZ0
 IWM JOB: 14865315
 COORDINATES: 46.839294°, -92.018040°
 SITE ADDRESS: 5300 OIEDA STREET DULUTH, MN 55804

PROJECT INFORMATION

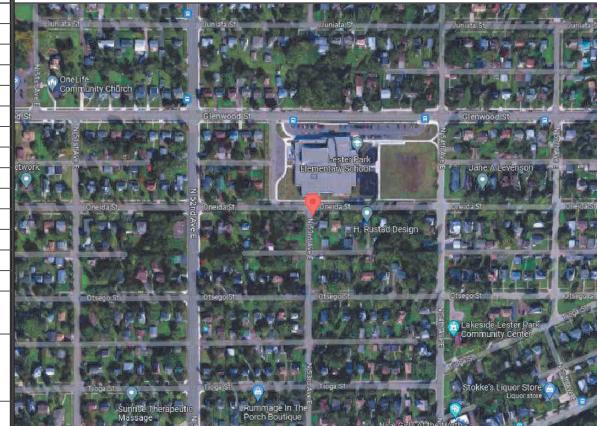
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SITE NAME:	CRAN_RUMW_LESTR_006
USID:	326866
PACE NUMBER:	MRUMW032157
LATITUDE:	46.839294°
LONGITUDE:	-92.018040°
SITE ADDRESS:	5300 OIEDA STREET
CITY, STATE ZIP:	DULUTH, MN 55804
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #M5413280
GROUND ELEVATION:	724 ± A.M.S.L.
APPLICANT:	AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431
SITE ACQUISITION:	HAZEL MAURO – SITE ACQUISITION PROJECT MANAGER HAZEL.MAURO@MASTEC.COM (913) 710-3899
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 – (972) 581-9888

SCOPE OF WORK

- REPLACE EXISTING 24'-0" A.G.L. WOOD POLE WITH NEW 40'-0" CLASS 3 WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 37'-3" A.G.L.
- INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS.
- 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.

AERIAL PHOTO



STRUCTURE PHOTO



PROJECT:

MNP_MASTEC_CRAN

CRAN_RUMW_LESTR_006

326866

MNL07062F_R03

MRUMW032157

3514A0LLZ0

14865315

WSUMW0024722

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DULUTH, MN 55804

SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
C-4	PROPOSED POLE ELEVATIONS
PS-1	PHOTO SIMULATION
PS-2	PHOTO SIMULATION
EQ-1	EQUIPMENT DETAILS
EQ-2	EQUIPMENT DETAILS
EQ-3	EQUIPMENT DETAILS
EQ-4	EQUIPMENT DETAILS
RF-1	PLUMBING DIAGRAM
E-1	ELECTRICAL DETAILS
G-1	GROUNDING DETAILS
TC-1	TRAFFIC CONTROL PLAN
GN-1	GENERAL NOTES

CODE COMPLIANCE

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

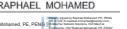
www.gopherstateonecall.org

MINNESOTA STATUTE REQUIRES
MIN OF 48 HOURS NOTICE
BEFORE YOU EXCAVATE

PREPARED BY
MaSTec
Network Solutions
1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518

CLIENT
AT&T
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: 
Date: 11/03/23 License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN
PROJECT STATUS: FOR CONSTRUCTION

SUBMITTALS		
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A	08/01/23	CD FOR REVIEW
B	08/16/23	CD FOR REVIEW
C	09/20/23	REVISED CD
0	09/25/23	FINAL CD
1	11/03/23	PER LOCATES ADD

CHECKED BY: MH CHECKED DATE: 11/03/23

SITE INFORMATION:

SITE NAME: CRAN_RUMW_LESTR_006
SITE NUMBER: MRUMW032157

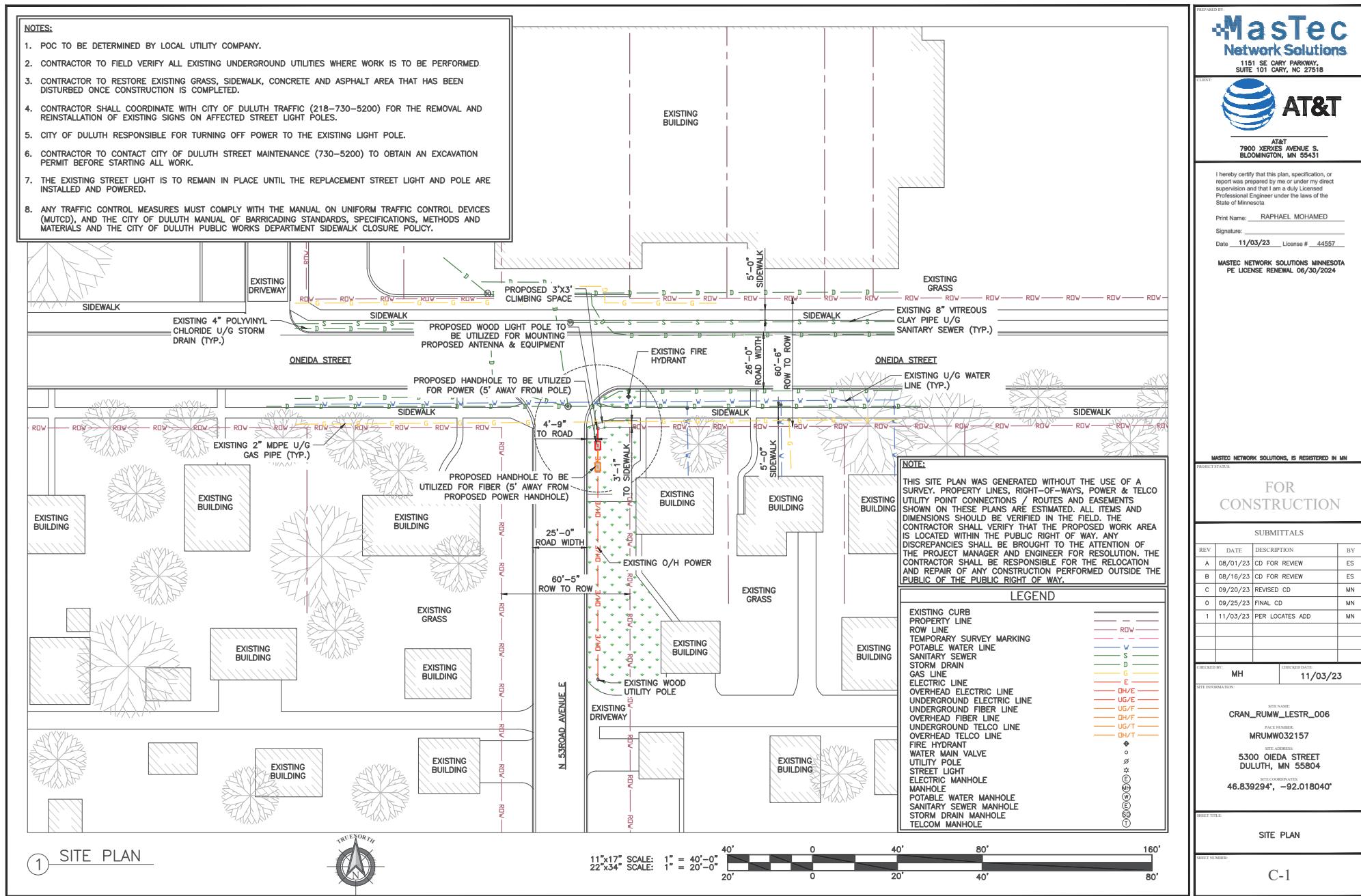
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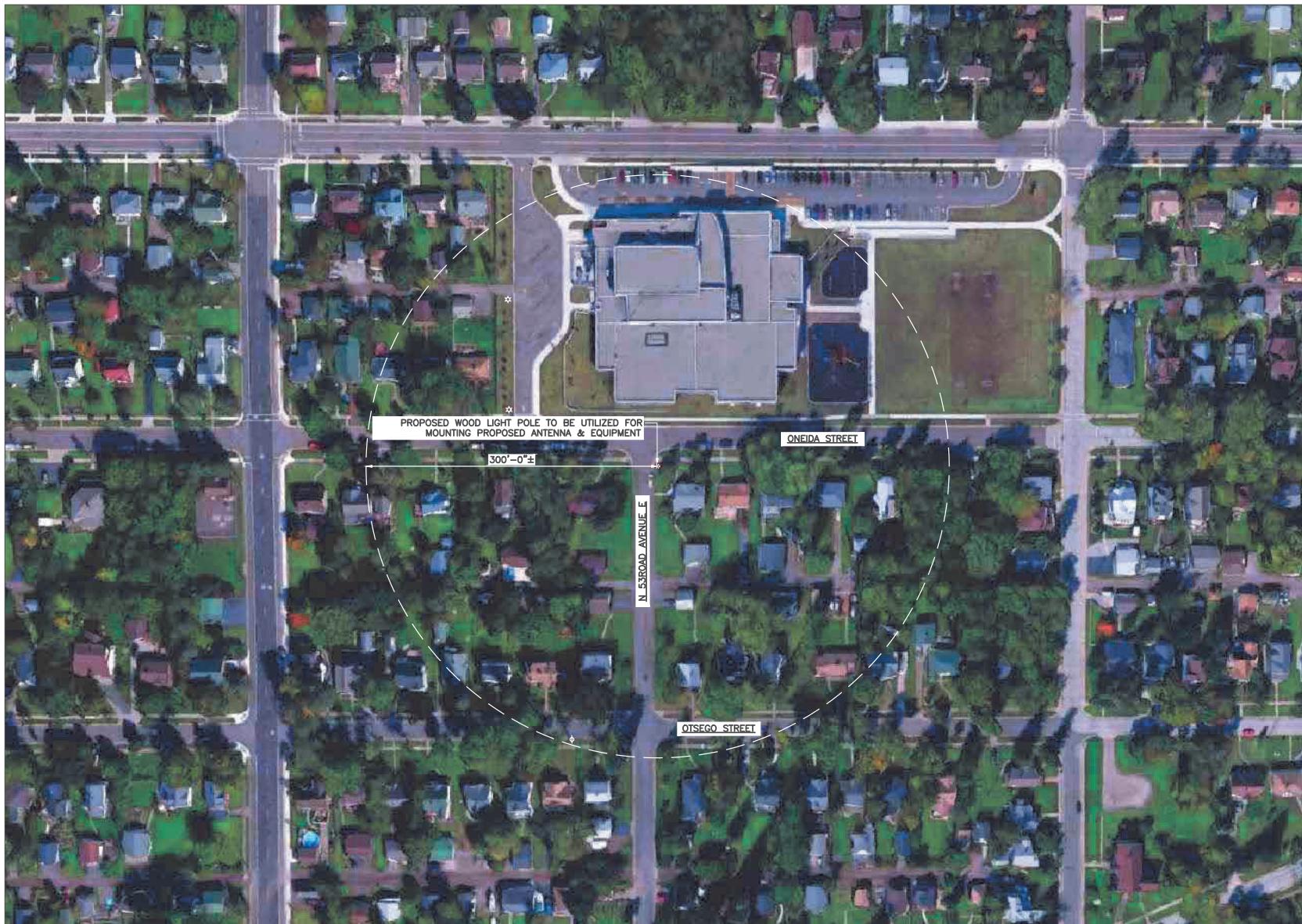
SITE COORDINATES: 46.839294°, -92.018040°

TITLE SHEET

SHEET NUMBER:

T-1





① AERIAL PLAN



11" x 17" SCALE: 1" = 100'-0" 100' 0' 100' 200' 400'
 22" x 34" SCALE: 1" = 50'-0" 50' 0' 50' 100' 200'

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PREPARED BY
Mastec
 Network Solutions
 1151 SE CARY PARKWAY,
 SUITE 101 CARY, NC 27518



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SITE INFORMATION:

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SITE ADDRESS: 5300 ONEIDA STREET

DULUTH, MN 55804

SITE COORDINATES: 46.839294°, -92.018040°

MAP TITLE: AERIAL MAP

MAP NUMBER: C-3

NOTE:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY, PRIOR TO THE ONSET OF CONSTRUCTION, THAT THE SUPPORTING STRUCTURE(S) AND MOUNTING SYSTEM(S) HAVE BEEN DETERMINED STRUCTURALLY ADEQUATE BY A LICENSED PROFESSIONAL ENGINEER TO SUPPORT THE EXISTING AND PROPOSED EQUIPMENT AND ASSOCIATED CONSTRUCTION LOADS, INCLUDING BUT NOT LIMITED TO THOSE DEPICTED, HEREIN. THE CONTRACTOR SHALL ASSUME THE FULL-LIABILITY AND RISK ASSOCIATED WITH THE INSTALLATION OF THE PROPOSED EQUIPMENT AND/OR APPURTENANCES IF PERFORMED WITHOUT SAID PASSING STRUCTURAL ANALYSIS OR EVALUATION. IF THE RESULT OF THE ANALYSIS REQUIRES THE STRUCTURE BE STRENGTHENED OR MODIFIED; SUCH MODIFICATIONS SHALL BE PROPERLY INSTALLED AND COMPLETED PRIOR TO THE ONSET OF CONSTRUCTION.

* TOP OF PROPOSED ANTENNA
ELEV: 37'-3" ± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 36'-3" ± A.G.L.

* TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 35'-4" ± A.G.L.
TOP OF PROPOSED EXTENTION BRACKET
ELEV: 35'-0" ± A.G.L.

* TOP OF PROPOSED POLE
ELEV: 32'-0" ± A.G.L.

* TOP OF EXISTING LUMINAIRE
ELEV: 29'-4" ± A.G.L.

* TOP OF EXISTING STREET LIGHT BRACKET
ELEV: 23'-3" ± A.G.L.

* EXISTING SECONDARY
ELEV: 22'-0" ± A.G.L.

* PROPOSED WEATHERHEAD
ELEV: 21'-0" ± A.G.L.

* PROPOSED FIBER
ELEV: 19'-0" ± A.G.L.

* PROPOSED FIBER DEMARC
ELEV: 18'-0" ± A.G.L.

* TOP OF PROPOSED BRACKET
ELEV: 17'-2" ± A.G.L.

* TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.

* TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.

* BOTTOM OF PROPOSED RADIO
ELEV: 14'-8" ± A.G.L.

* BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.

* BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.

* C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.

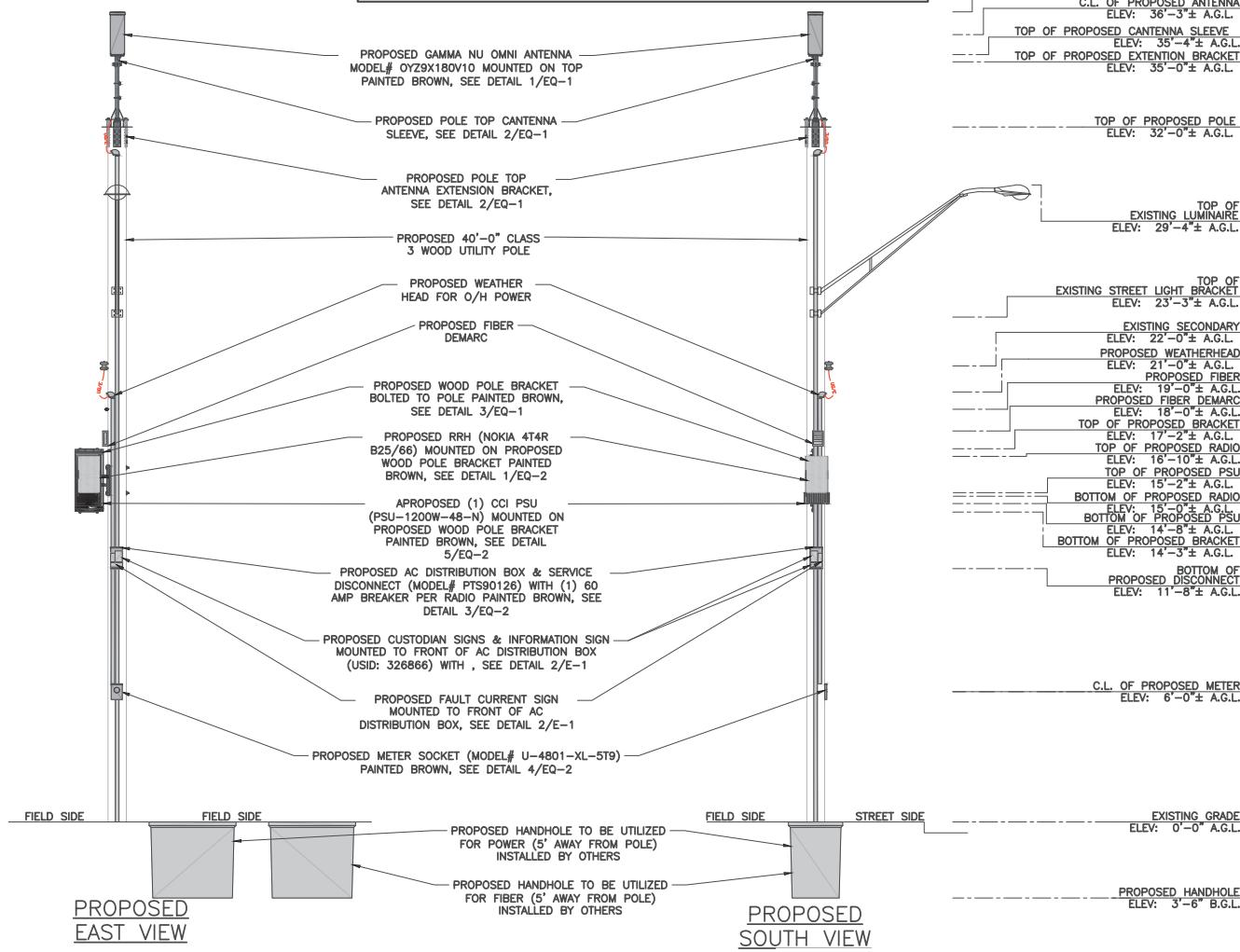
* EXISTING GRADE
ELEV: 0'-0" A.G.L.

* PROPOSED HANDHOLE
ELEV: 3'-6" B.G.L.

① POLE ELEVATIONS

NOTES:

1. CONTRACTOR TO COMPLY WITH ALL FCC AND FAA REGULATIONS ON THIS PROJECT.
2. CONTRACTOR SHALL COORDINATE WITH CITY OF DULUTH TRAFFIC (218-730-5200) FOR THE REMOVAL AND REINSTALLATION OF EXISTING SIGNS ON AFFECTED STREET LIGHT POLES.
3. PROPOSED EQUIPMENT PAINTED TO MATCH PROPOSED POLE COLOR.
4. CONTRACTOR SHOULD REINSTALL EXISTING BANNERS/SIGNS FROM THE EXISTING POLE TO THE PROPOSED POLE.
5. ALL AZIMUTHS ARE TRUE NORTH. IF A MAGNETIC COMPASS IS USED MAGNETIC DECLINATION MUST BE TAKEN INTO ACCOUNT WHEN ALIGNING ANTENNAS AND ANTENNA MOUNTS.



11" x 17" SCALE: 3/16" = 1'-0" 0 2'-8" 5'-4" 10'-8"
22" x 34" SCALE: 3/8" = 1'-0" 0 1'-4" 2'-8" 5'-4"

PREPARED BY
MaSTec
Network Solutions
1115 SE CARY PARKWAY,
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CLIENT

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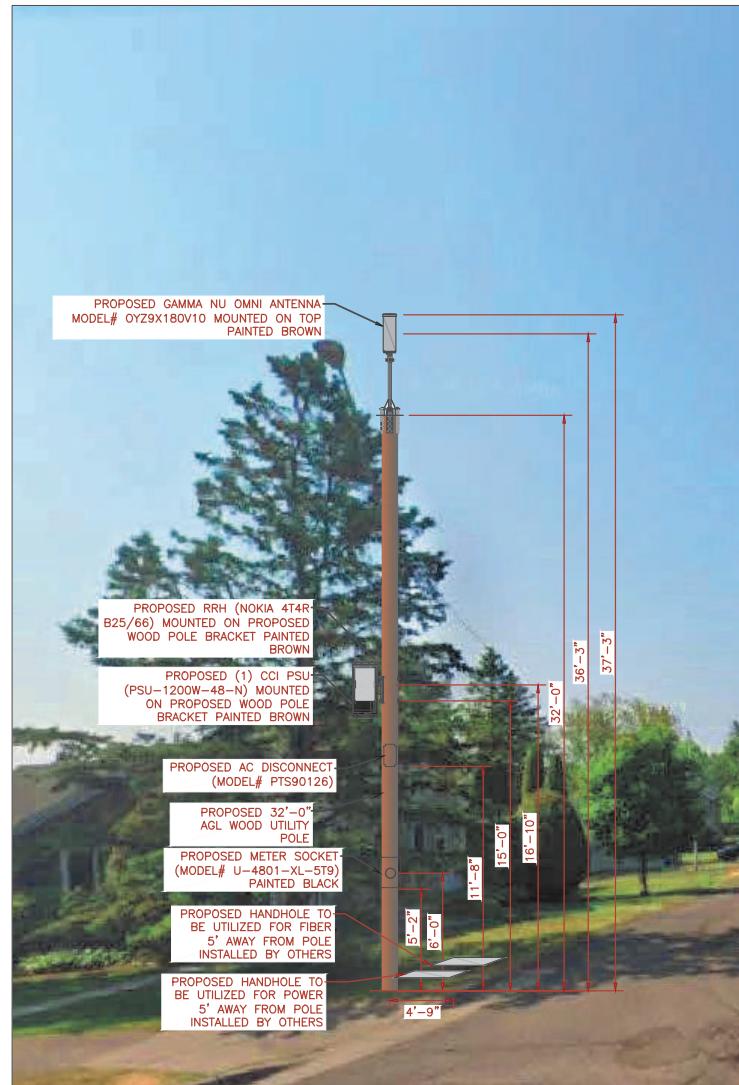
MASTEC NETWORK SOLUTIONS MINNESOTA
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PAGE NUMBER: MRUMW032157
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SITE COORDINATES: 46.839294, -92.018040
GEOGRAPHIC TITLE: ELEVATION
SHEET NUMBER: C-4



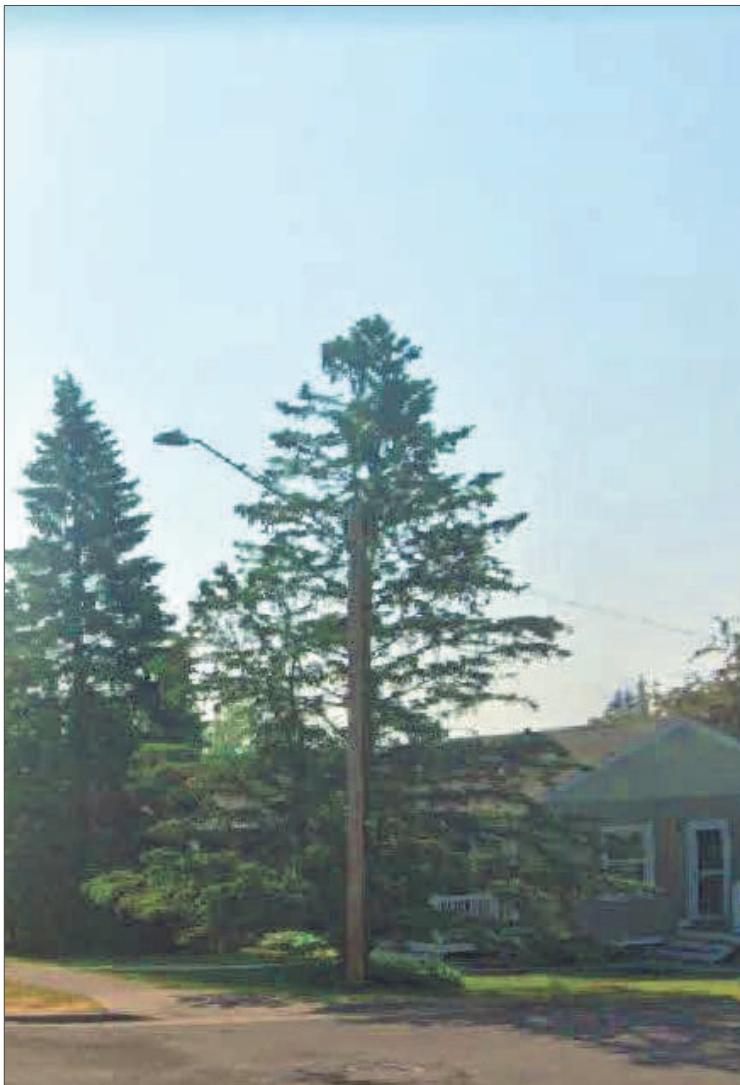
EXISTING SOUTH VIEW



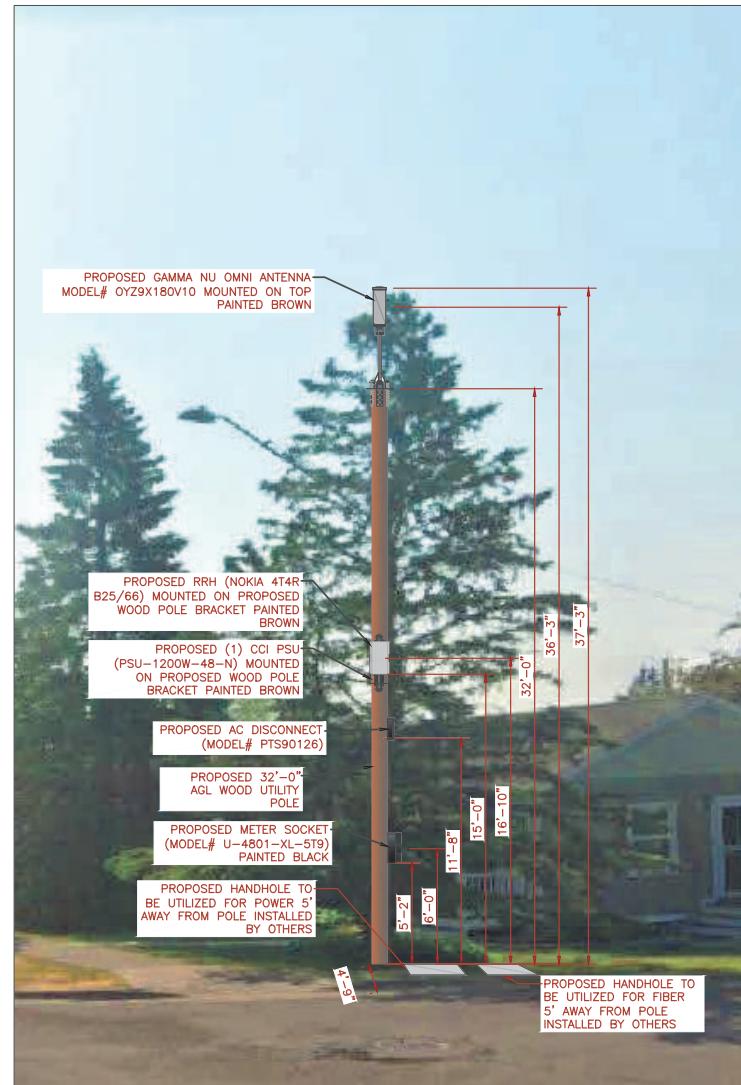
PROPOSED SOUTH VIEW

PREPARED BY		MaStec Network Solutions 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518																								
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1 SITE LOCATION PHOTOS



EXISTING WEST VIEW



PROPOSED WEST VIEW

1 SITE LOCATION PHOTOS

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SHEET TITLE: PHOTO SIMULATION

SHEET NUMBER: PS-2