

Planning & Development Division

Planning & Economic Development Department





File Number	PL 23-205		Contact Chris Lee, cle		Chris Lee,	ee@duluthmn.gov	
Туре	Concurrent Use Permit, Wireless Utility on Light Pole		Planning Commission Date		on Date	March 12, 2024	
Deadline	Application Date		January 18, 2	2024	60 Days	March 18, 2024	
for Action	Date Extension Letter Mailed		January 18, 2	2024	120 Days	May 17, 2024	
Location of Subject Near 5804 Tioga Street		Near 5804 Tioga Street					
Applicant	MasTec	asTec					
Agent			Contact				
Legal Description See Attached Map		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, -206, -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 30 feet and wireless equipment will be placed at 33 to 35 feet, with a radio at 15 feet. Wireless attachments will include 1 exterior mounted panel antenna and 1 radio unit. 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).
- 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.



PL23-205 Small Cell CUP 5804 Tioga 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_MASTEC_CRAN

CRAN RUMW LESTR 007 SITE NAME:

USID: 326868

SKIP ID / NODE#: MNL07063F_R01

PACE NUMBER: MRUMW031985 IWM JOB: WSUMW0024866

PTN NUMBER: 3514A0LM6X

14865316 FA NUMBER:

COORDINATES: 46.8384944°. -92.0124194°

SITE ADDRESS: 5804 TIOGA STREET DULUTH, MN 55804

AERIAI.

PHOTO		SHEET INDEX
	SHEET #	SHEET TITLE
	T-1	TITLE SHEET
THE RESERVE OF THE PARTY OF THE	C-1	SITE PLAN
15 E 20 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	C-2	ENLARGED SITE PLAN
The state of the state of	C-3	AERIAL MAP
Operates Operates Operated & 182	C-4	PROPOSED POLE ELEVATIONS
	PS-1	PHOTO SIMULATION
A CONTRACTOR OF THE PARTY OF TH	PS-2	PHOTO SIMULATION
veterinary	EQ-1	EQUIPMENT DETAILS
	EQ-2	EQUIPMENT DETAILS
Tangles // Shan	EQ-3	EQUIPMENT DETAILS
	EQ-4	EQUIPMENT DETAILS
Superior Carwagh	RF-1	PLUMBING DIAGRAM
	E-1	ELECTRICAL DETAILS
Super Operands	G-1	GROUNDING DETAILS
The state of the s	TC-1	TRAFFIC CONTROL PLAN
	GN-1	GENERAL NOTES
The state of the s		
the second		
RE PHOTO		

SCOPE OF WORK

HAZEL MAURO — SITE ACQUISITION PROJECT MANAGER HAZEL.MAURO@MASTEC.COM

1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888

REPLACE EXISTING 31'-0" A.G.L. WOOD LIGHT POLE WITH NEW 40'-0" CLASS 3 WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSIONBRACKET. TOTAL HEIGHT OF 35° -3" A.G.L.

PROJECT INFORMATION

MNP_MASTEC_CRAN

326868

MRUMW031985

-92.0124194°

5804 TIOGA STREET

DULUTH, MN 55804

CITY OF DULUTH

WOOD LIGHT POLE

MINNESOTA POWER

679'± A.M.S.L. AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431

(913) 710-3999

CLASS 3 #M5458162

46.8384944

ST. LOUIS

CRAN_RUMW_LESTR_007

PROJECT: SITE NAME:

PACE NUMBER:

SITE ADDRESS:

JURISDICTION

APPLICANT:

CITY, STATE ZIP:

STRUCTURE TYPE:

STRUCTURE OWNER:

GROUND ELEVATION:

SITE ACQUISITION:

ENGINEERING SERVICES:

POLE PART NUMBER:

USID:

LATITUDE:

COUNTY:

LONGITUDE:

- INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66
- INSTALL METER ON POLE PER MANUFACTURERS SPECIFICATIONS AND PER UTILITY AND

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.





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

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

Signature: Raphael Mohamad, PS, PCNG Signature to recent formats, Chinatine Signature: Rephael Mohamad, PS, PCNG Signature to recent formats, Chinatine Signature, Chinatine Sign Date 11/07/23 License # 44557

CONSTRUCTION

SUBMITTALS					
REV	DATE	DESCRIE	BY		
А	08/03/23	CD FOR	MN		
В	09/19/23	REVISED	MN		
0	09/25/23	FINAL C	MN		
1	11/07/23	PER LOCATES ADD		MN	
MH CHECKED DATE: 11/07/23			3		
SITE INFORMATION:					

CRAN_RUMW_LESTR_007

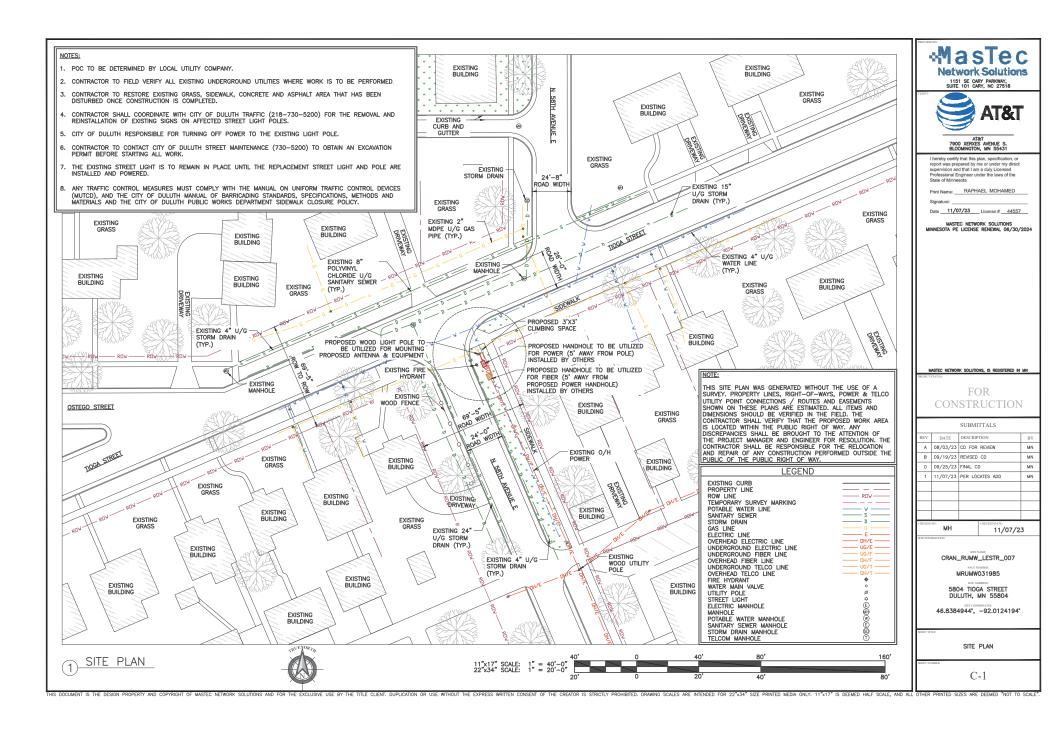
MRUMW031985

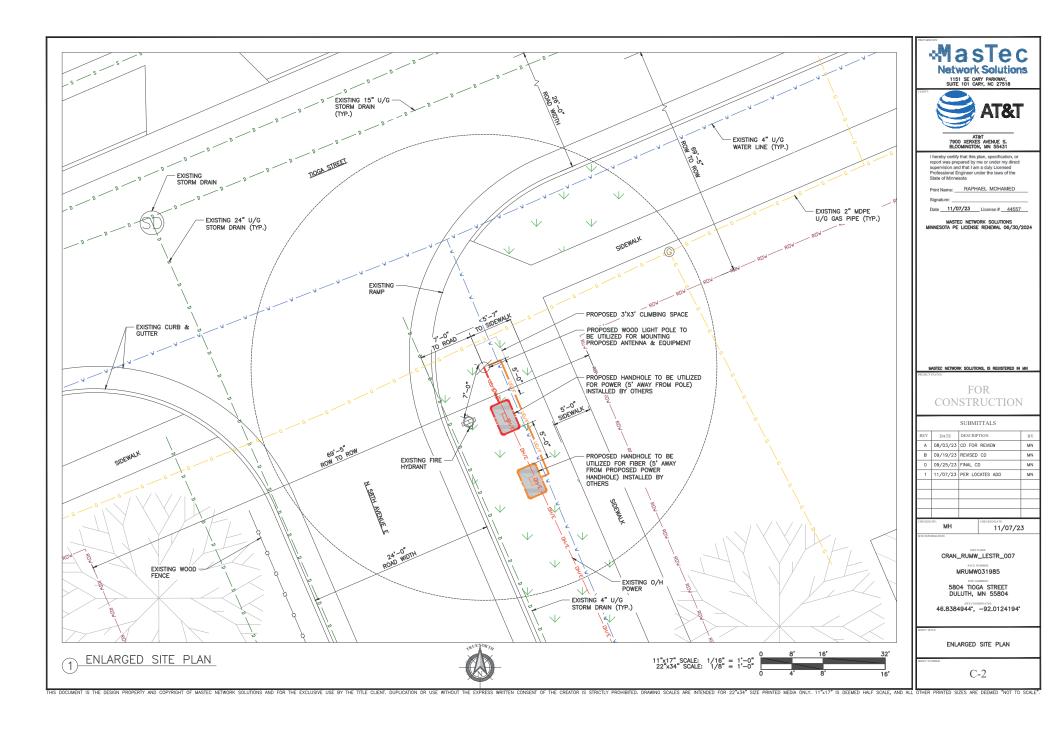
5804 TIOGA STREET DULUTH, MN 55804

46.8384944*. -92.0124194*

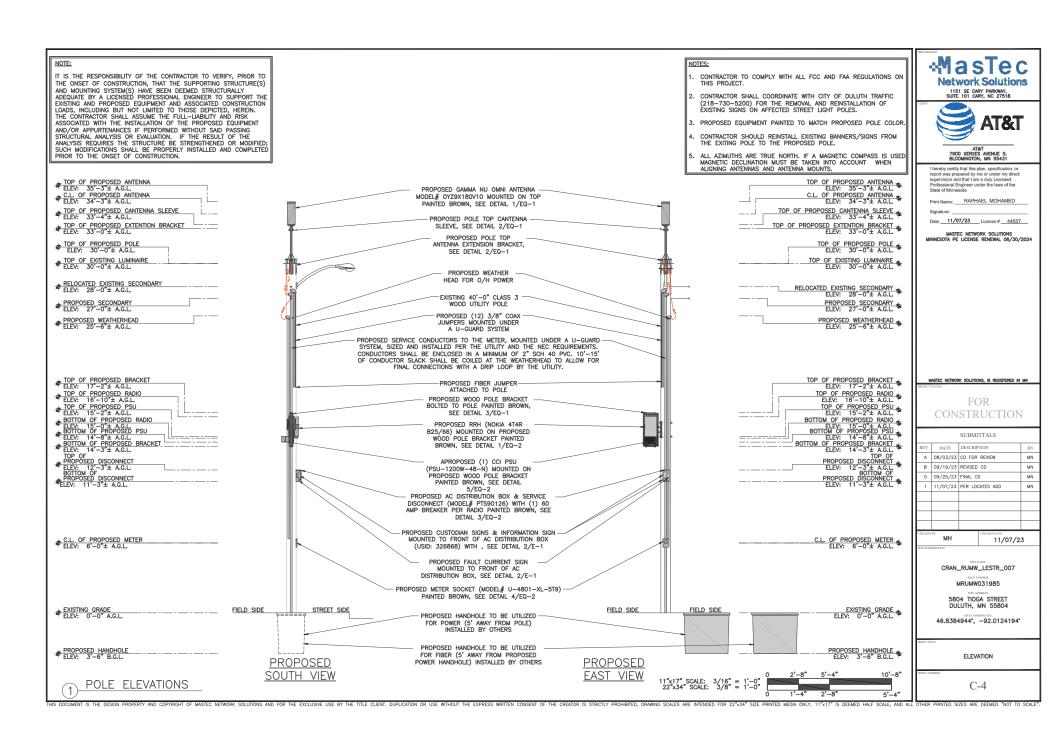
TITLE SHEET

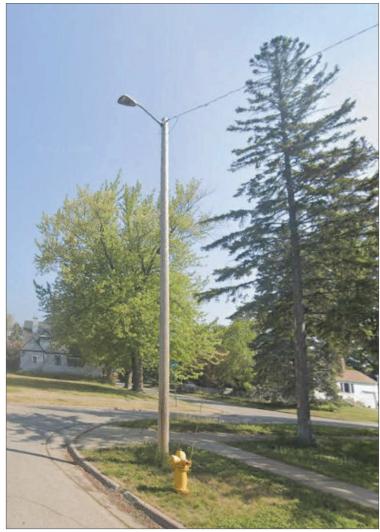
T-1

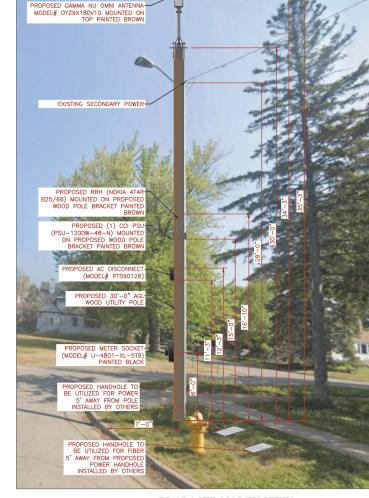












PROPOSED NORTH VIEW

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





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

Date 11/07/23 License # 44557

FOR CONSTRUCTION

SUBMITTALS					
REV	DATE	DESCRIPTION	BY		
Α	08/03/23	CD FOR REVIEW	MN		
В	09/19/23	REVISED CD	MN		
0	09/25/23	FINAL CD	MN		
1	11/07/23	PER LOCATES ADD	MN		

11/07/23

CRAN_RUMW_LESTR_007

MRUMW031985

5804 TIOGA STREET DULUTH, MN 55804

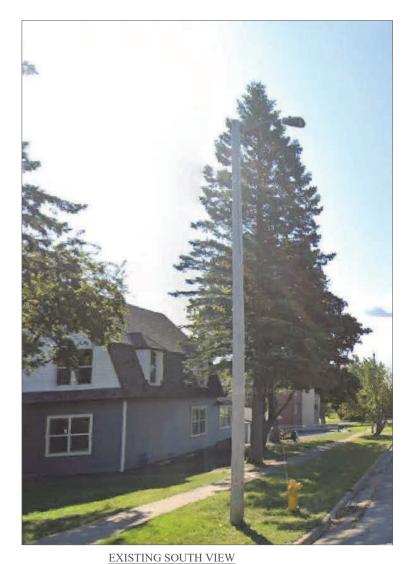
46.8384944°. -92.0124194°

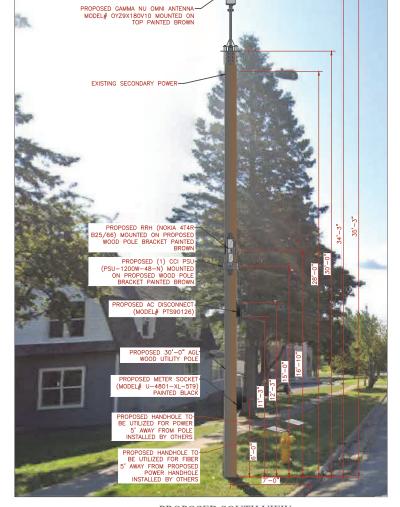
PHOTO SIMULATION

PS-1

EXISTING NORTH VIEW

SITE LOCATION PHOTOS





PROPOSED SOUTH VIEW

SITE LOCATION PHOTOS

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

*MasTec
Network Solutions
1151 SE CARP PARKWY,
SUITE 101 CARY, NO 27518



AT&T 7900 XERXES AVENUE

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 ___11/07/23 ___ License # __ 44557

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE BENEWAL OR/30/202

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MIN

FOR CONSTRUCTION

SUBMITTALS					
DATE	DESCRIPTION	BY			
08/03/23	CD FOR REVIEW	MN			
09/19/23	REVISED CD	MN			
09/25/23	FINAL CD	MN			
11/07/23	PER LOCATES ADD	MN			
	08/03/23 09/19/23 09/25/23	DATE DESCRIPTION 08/03/23 CD FOR REVIEW 09/19/23 REVISED CD 09/25/23 FINAL CD 11/07/23 PER LOCATES ADD			

MH 11/07/23

CRAN_RUMW_LESTR_007

MRUMW031985

5804 TIOGA STREET DULUTH, MN 55804

46.8384944°, -92.0124194°

PHOTO SIMULATION

PS-2

THIS 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 ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE