



**Planning & Development Division**  
Planning & Economic Development Department

Room 160  
411 West First Street  
Duluth, Minnesota 55802

 218-730-5580  
 planning@duluthmn.gov

<b>File Number</b>	PL 23-210	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Concurrent Use Permit, Wireless Utility on Light Pole	<b>Planning Commission Date</b>		March 12, 2024
<b>Deadline for Action</b>	<b>Application Date</b>	January 18, 2024	<b>60 Days</b>	March 18, 2024
	<b>Date Extension Letter Mailed</b>	January 18, 2024	<b>120 Days</b>	May 17, 2024
<b>Location of Subject</b>		Corner of E 2 <sup>nd</sup> St and N 10 <sup>th</sup> Ave W, Near 010-3830-07840		
<b>Applicant</b>	MasTec	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>		N/A		
<b>Site Visit Date</b>		<b>Sign Notice Date</b>	February 27, 2024	
<b>Neighbor Letter Date</b>		<b>Number of Letters Sent</b>	N/A	

**Proposal:** The applicant is seeking a concurrent use permit to allow an antenna and equipment on an existing traffic signal, 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.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-I	Right of Way	Institutional
<b>North</b>	MU-I	Parking Lot	Institutional
<b>South</b>	MU-I	Hospital	Institutional
<b>East</b>	MU-I	Hospital	Institutional
<b>West</b>	MU-I	Mixed-Use	Institutional

**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: Institutional: Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

This is a companion zoning application to PL 23-203, -204, -205, -206, -207, -208, -210, -211, -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 top of an existing traffic control sign. The existing traffic signal will remain in place and wireless equipment will be placed at 31 to 33 feet, with a radio at 12 feet utilizing an extension to the traffic signal. Wireless attachments will include 1 exterior mounted panel antenna and 1 radio unit. There will be no ground mounted equipment. 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.

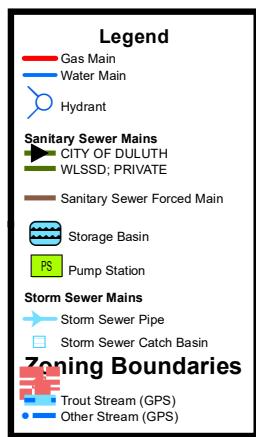
**Staff Recommendation:**

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

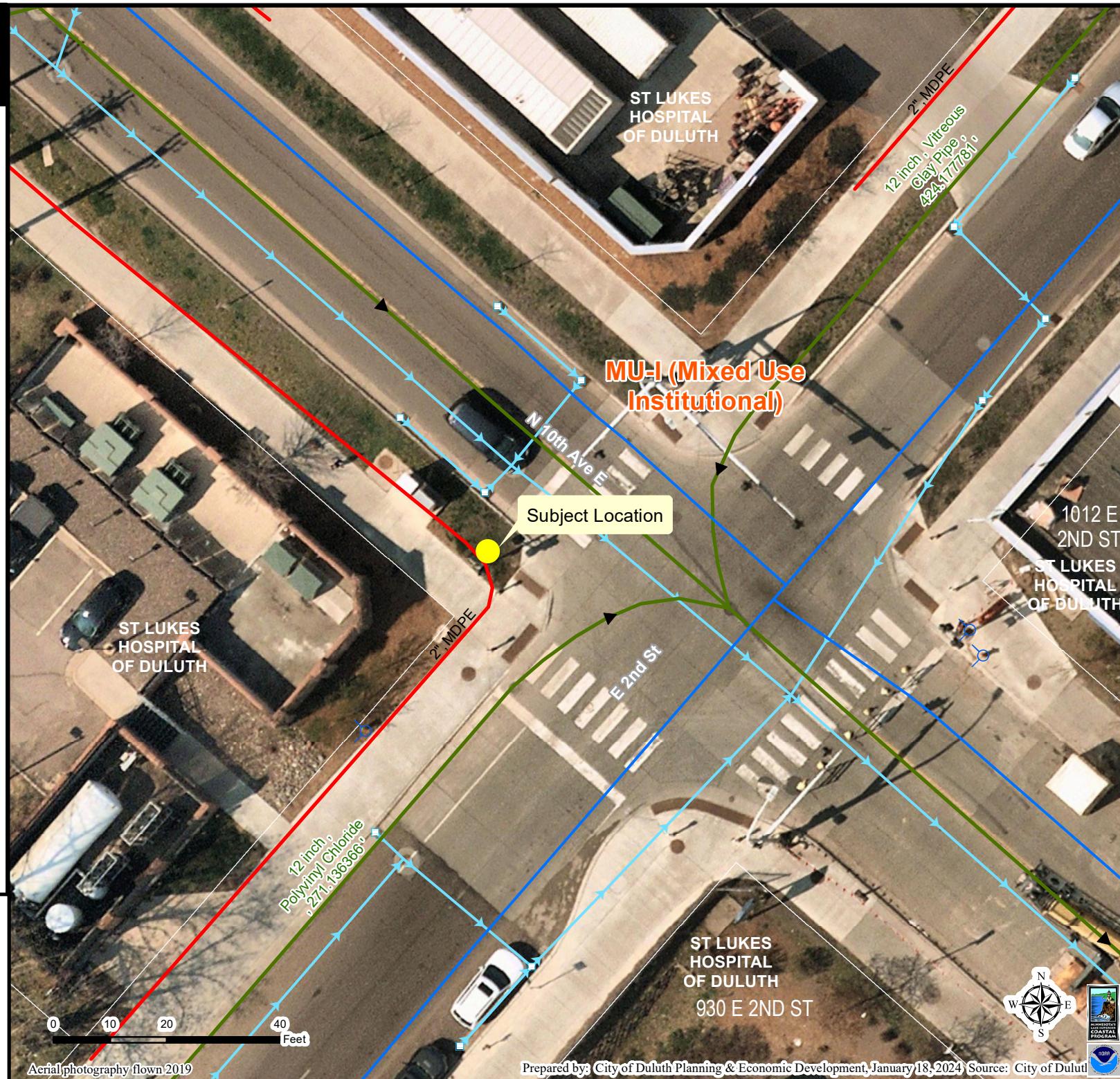
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed 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.



PL23-210  
Small Cell CUP  
010-3830-07840



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\_DuluthMTSO\_DLLND 1

SKIP ID / NODE#:

192435

PACE NUMBER:

MNL07005F\_R01

IWM NUMBER:

MRUMW022381

PTN NUMBER:

WSOAR0008190

FA NUMBER:

3514A0DQS8

COORDINATES:

14811096

SITE ADDRESS:

46.797834°, -92.088137°

NORTHWEST CORNER OF N 10TH AVENUE E AND  
E. 3RD STREET DULUTH, MN 55805**PROJECT INFORMATION**

PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_DuluthMTSO_DLLND 1
USID:	192435
PACE NUMBER:	MRUMW022381
LATITUDE:	46.797834°
LONGITUDE:	-92.088137°
SITE ADDRESS:	NORTHWEST CORNER OF N 10TH AVENUE E AND
CITY, STATE ZIP:	DULUTH, MN 55805
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	TRAFFIC AND PEDESTRIAN LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	VALMONT DS210
GROUND ELEVATION:	683'± 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) 710-3999
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 – (972) 581-9888

**SCOPE OF WORK**

1. REPLACE EXISTING 13'-0" A.G.L. TRAFFIC AND PEDESTRIAN LIGHT POLE WITH NEW 35'-0" A.G.L. TRAFFIC AND PEDESTRIAN LIGHT POLE PAINTED GREY INCLUDING 2' SIDE MOUNTED OMNI ANTENNA
2. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (1) AZRA B46 RADIO WITH (2) PSU PER MANUFACTURER'S SPECIFICATIONS.
3. INSTALL METER ON POLE PER MANUFACTURERS SPECIFICATIONS AND PER UTILITY AND NEC REQUIREMENTS.

ANY DEVIAION 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****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
EQ-5	EQUIPMENT DETAILS
EQ-6	EQUIPMENT DETAILS
RF-1	PLUMBING DIAGRAM
E-1	ELECTRICAL DETAILS
G-1	GROUNDING DETAILS
TC-1	TRAFFIC CONTROL PLAN
CN-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](http://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



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: Raphael Mohamed, PE, PLS  
Date: 11/07/23 License #: 44557

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

PROJECT STATUS: FOR CONSTRUCTION

**SUBMITTALS**

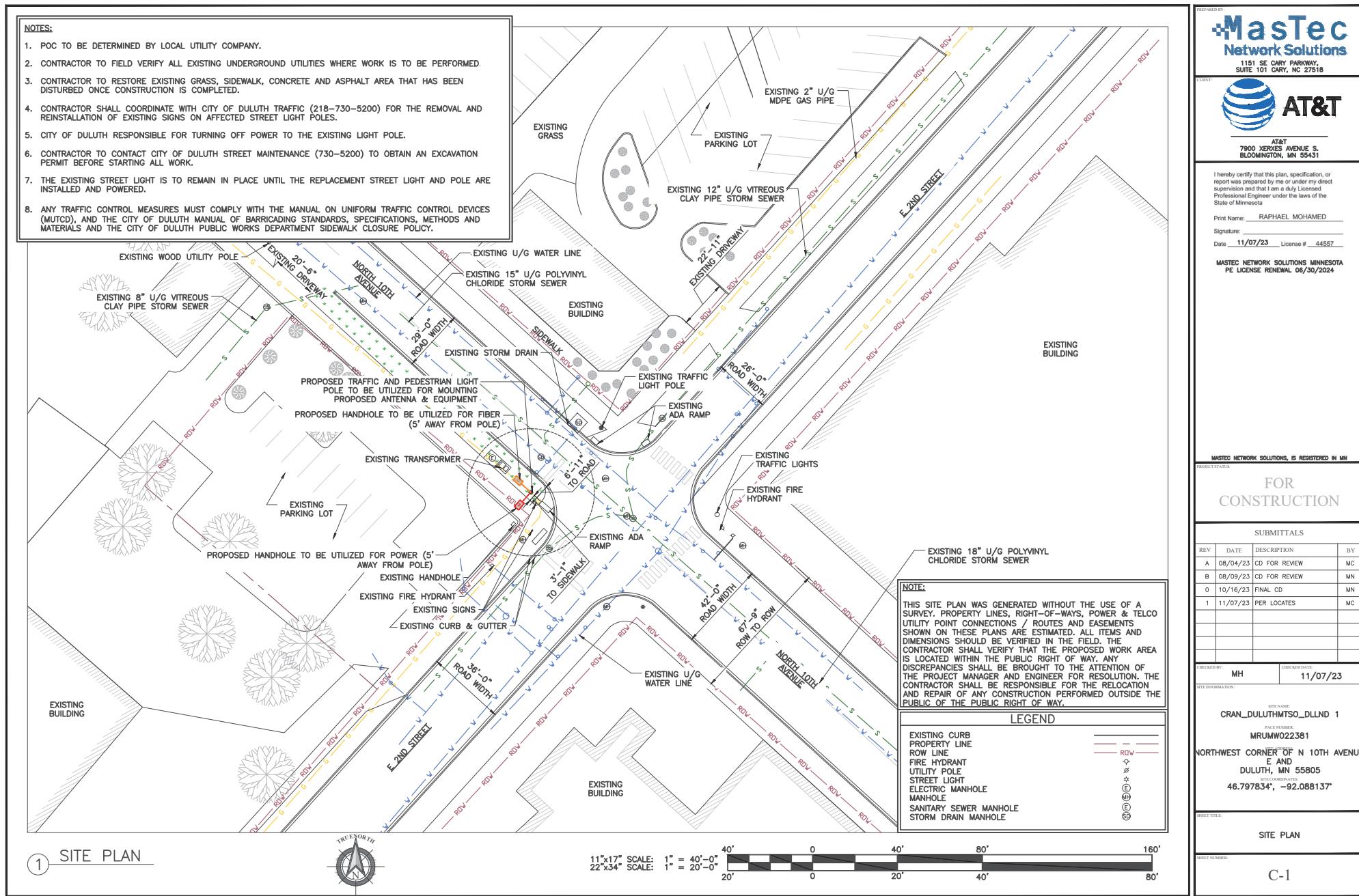
REV	DATE	DESCRIPTION	BY
A	08/04/23	CD FOR REVIEW	MC
B	08/09/23	CD FOR REVIEW	MN
0	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC

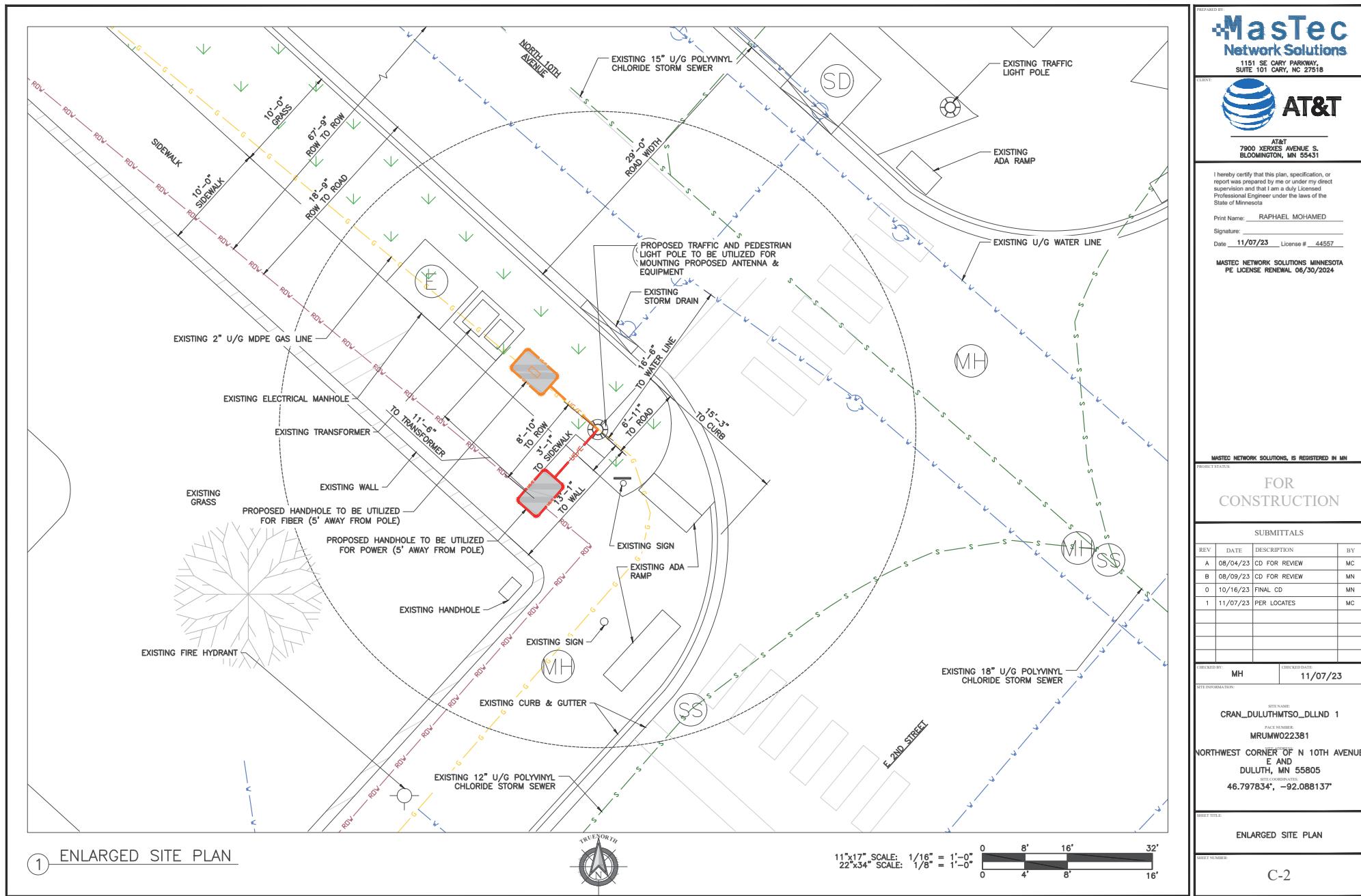
CHECKED BY: MH CHECKED DATE: 11/07/23

SITE INFORMATION:  
SITE NAME: CRAN\_DuluthMTSO\_DLLND 1  
SITE NUMBER: MRUMW022381  
NORTHWEST CORNER OF N 10TH AVENUE E AND DULUTH, MN 55805  
SITE COORDINATES: 46.797834°, -92.088137°

**TITLE SHEET**

SHEET NUMBER:	T-1
---------------	-----





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".



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'

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" x 34" SIZE PRINTED MEDIA ONLY. 11" x 17" IS DEEMED HALF SCALE, AND ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE".

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: 11/07/23 License #: 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

PROJECT STATUS  
 FOR CONSTRUCTION

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
A	08/04/23	CD FOR REVIEW	MC
B	08/09/23	CD FOR REVIEW	MN
O	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC

CHECKED BY MH CHECKED DATE 11/07/23

SITE INFORMATION:

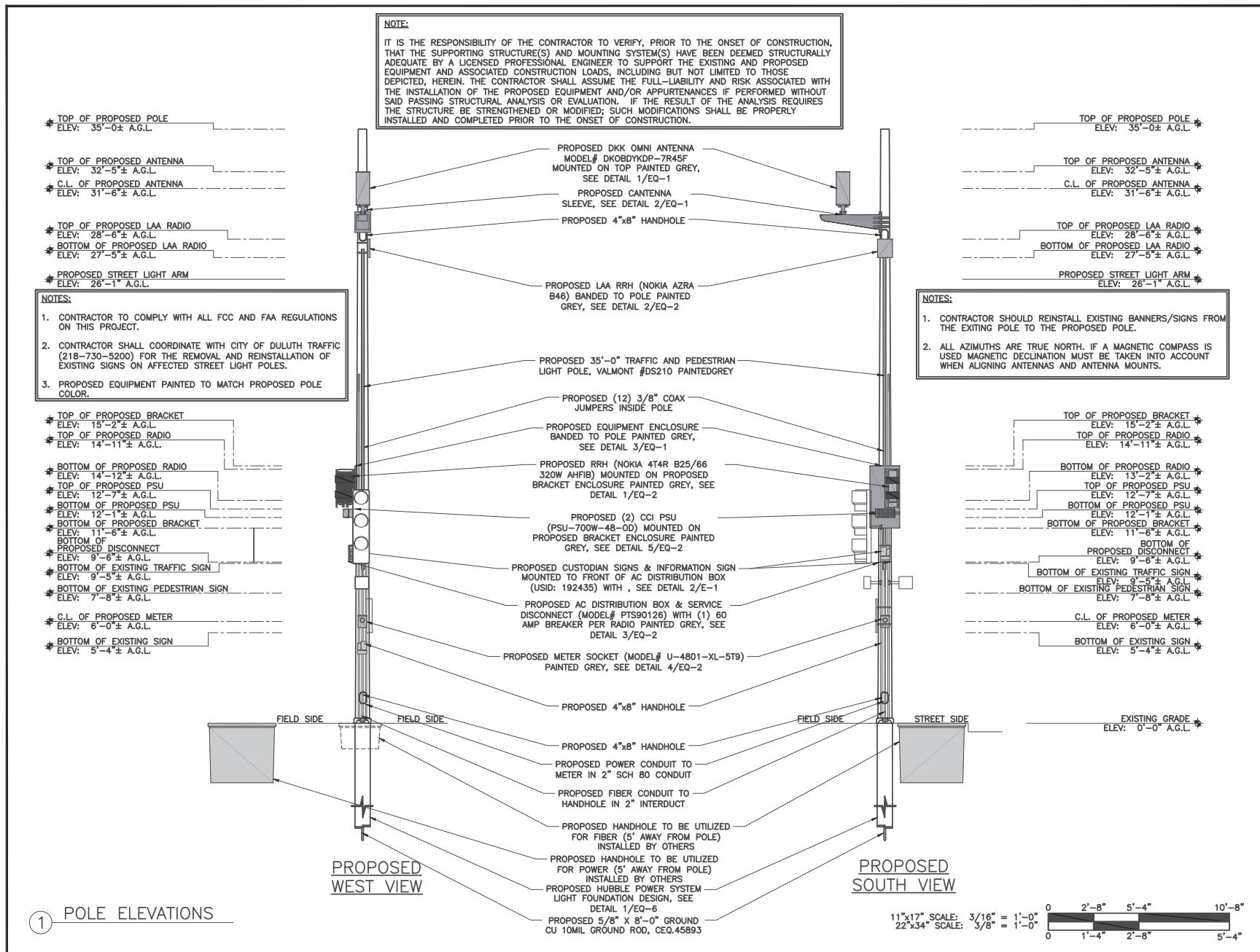
SITE NAME: CRAN\_DULUTHMTSO\_DLNDL 1

PAGE NUMBER: MRUMW022381

NORTHWEST CORNER OF N 10TH AVENUE  
 E AND  
 DULUTH, MN 55805  
 46.797783°, -92.088137°

DRAWING TITLE: AERIAL MAP

SHEET NUMBER: C-3



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: **11/07/23** License #: **44557**

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

PROJECT STATUS  
**FOR CONSTRUCTION**

SUBMITTALS

REV	DATE	DESCRIPTION	BY
A	08/04/23	CD FOR REVIEW	MC
B	08/09/23	CD FOR REVIEW	MN
0	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC

CHECKED BY **MH** CHECKED DATE **11/07/23**

SITE INFORMATION

SITE NAME: **CRAN\_DULUTHMTSO\_DLNN1**  
PAGE NUMBER: **MRUMW022381**

NORTHWEST CORNER OF N 10TH AVENUE E AND DULUTH, MN 55805  
UTM COORDINATES: **46.7977834, -92.088137**

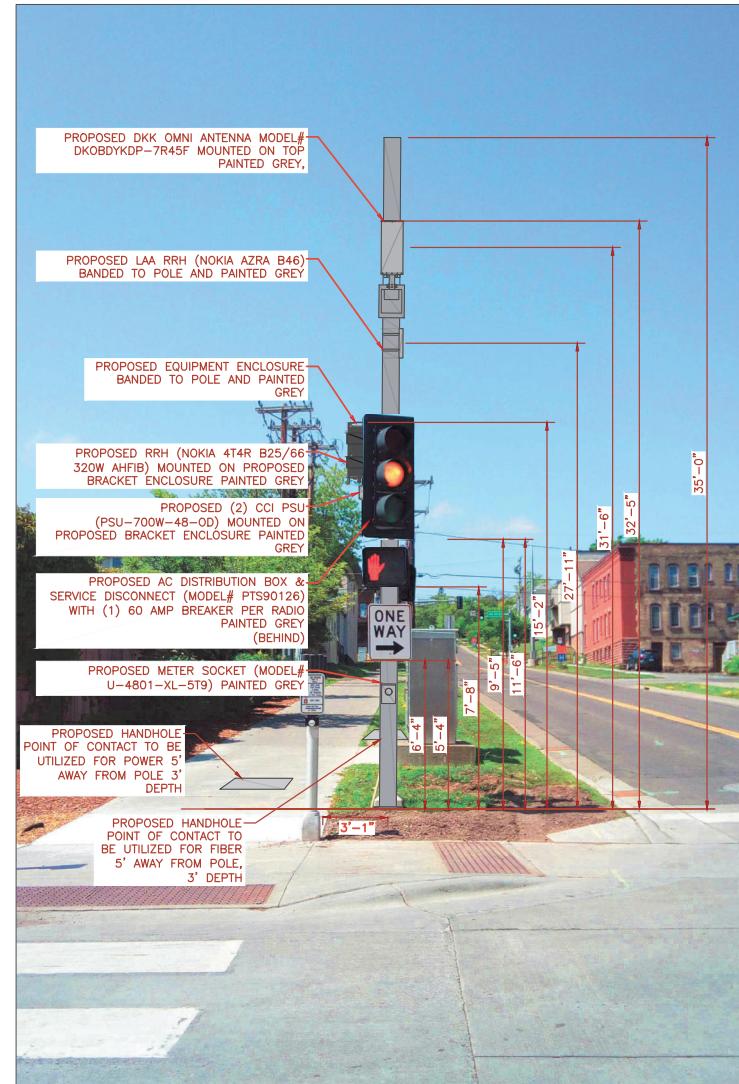
DRAWING TITLE **ELEVATION**

DRAWING NUMBER **C-4**



EXISTING NORTH VIEW

1 SITE LOCATION PHOTOS



PROPOSED NORTH VIEW

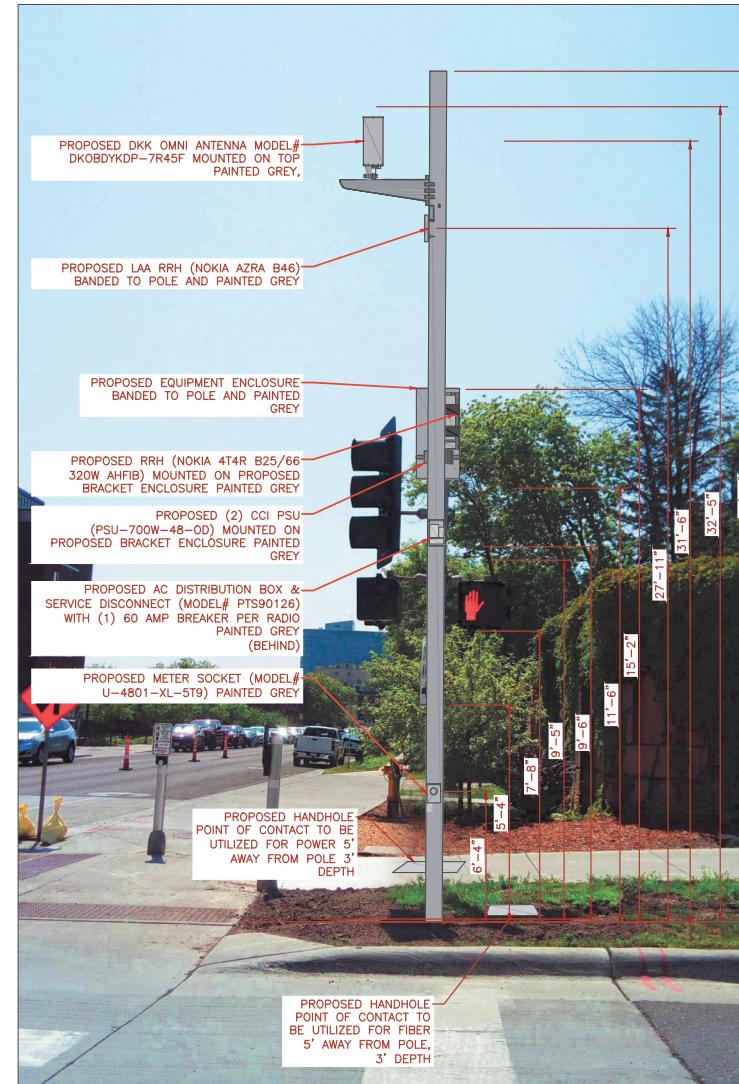
ALL EQUIPMENT, POLE AND ANTENNA WILL BE PAINTED GREY.

 <p>1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518</p>			
 <p>AT&amp;T 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431</p>			
<p>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</p> <p>Print Name: <u>RAPHAEL MOHAMED</u> Signature: _____ Date <u>11/07/23</u> License # <u>44557</u></p>			
<p>MASTEC NETWORK SOLUTIONS MINNESOTA PE LICENSE RENEWAL 06/30/2024</p>			
<p>MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN</p>			
<p>PROJECT STATUS</p>			
<p>FOR CONSTRUCTION</p>			
<p>SUBMITTALS</p>			
REV	DATE	DESCRIPTION	BY
A	08/04/23	CD FOR REVIEW	MC
B	08/09/23	CD FOR REVIEW	MN
O	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC
CHECKED BY		CHECKED DATE	
MH		11/07/23	
SITE INFORMATION			
<p>SITE NAME: CRAN_DULUTHMTSO_DLNN 1 PAGE NUMBER: MRUMW022381 NORTHWEST CORNER OF N 10TH AVENUE E AND DULUTH, MN 55805 UTM COORDINATES: 46.797834, -92.088137*</p>			
DRAWING TITLE			
PHOTO SIMULATION			
SHEET NUMBER			
PS-1			



EXISTING SOUTH VIEW

1 SITE LOCATION PHOTOS



PROPOSED SOUTH VIEW

ALL EQUIPMENT, POLE AND ANTENNA WILL BE PAINTED GREY.

PREPARED BY		<b>MaStec</b> Network Solutions 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518																																
CLIENT		<b>AT&amp;T</b> 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431																																
<p>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</p> <p>Print Name: <u>RAPHAEL MOHAMED</u></p> <p>Signature: _____</p> <p>Date <u>11/07/23</u> License # <u>44557</u></p> <p>MASTEC NETWORK SOLUTIONS MINNESOTA PE LICENSE RENEWAL 06/30/2024</p>																																		
<p>MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN</p> <p>PROJECT STATUS</p> <p>FOR CONSTRUCTION</p> <p>SUBMITTALS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>08/04/23</td> <td>CD FOR REVIEW</td> <td>MC</td> </tr> <tr> <td>B</td> <td>08/09/23</td> <td>CD FOR REVIEW</td> <td>MN</td> </tr> <tr> <td>0</td> <td>10/16/23</td> <td>FINAL CD</td> <td>MN</td> </tr> <tr> <td>1</td> <td>11/07/23</td> <td>PER LOCATES</td> <td>MC</td> </tr> <tr> <td colspan="4"> </td> </tr> <tr> <td colspan="2">CHECKED BY</td> <td colspan="2">CHECKED DATE</td> </tr> <tr> <td colspan="2">MH</td> <td colspan="2">11/07/23</td> </tr> </tbody> </table> <p>SITE INFORMATION</p> <p>SITE NAME: CRAN_DULUTHMTSO_DLNN 1 PAGE NUMBER: MRUMW022381 NORTHWEST CORNER OF N 10TH AVENUE E AND DULUTH, MN 55805 LAT/LONG: 46.797834, -92.088137</p> <p>DRAWING TITLE</p> <p>PHOTO SIMULATION</p> <p>SHEET NUMBER</p> <p><b>PS-2</b></p>			REV	DATE	DESCRIPTION	BY	A	08/04/23	CD FOR REVIEW	MC	B	08/09/23	CD FOR REVIEW	MN	0	10/16/23	FINAL CD	MN	1	11/07/23	PER LOCATES	MC					CHECKED BY		CHECKED DATE		MH		11/07/23	
REV	DATE	DESCRIPTION	BY																															
A	08/04/23	CD FOR REVIEW	MC																															
B	08/09/23	CD FOR REVIEW	MN																															
0	10/16/23	FINAL CD	MN																															
1	11/07/23	PER LOCATES	MC																															
CHECKED BY		CHECKED DATE																																
MH		11/07/23																																