



CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 18-135, CUP	Contact	Steven Robertson, 218-730-5295	
Type	Concurrent Use Permit to Place Private Obstructions in Public Right of Way/Public Facilities (Utility/Light Pole)	Planning Commission Date		November 13, 2018
Deadline for Action	Application Date	October 9, 2018		
	Date Extension Letter Mailed	N/A	90 Days* (237.163)	January 7, 2019
Location of Subject	2247 Maple Grove Road			
Applicant	Verizon Wireless	Contact		
Agent	Amy Dresch, Jacobs Telecom	Contact		
Legal Description				
Site Visit Date	November 6, 2018	Sign Notice Date	October 30, 2018	
Neighbor Letter Date	N/A for Concurrent Use	Number of Letters Sent	N/A for Concurrent Use	

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	MU-C	Public Right of Way	Large-Scale Commercial
North	MU-C	Commercial	Large-Scale Commercial
South	MU-C	Commercial	Large-Scale Commercial
East	MU-C	Commercial	Preservation/Large Scale Commercial
West	MU-C	Commercial	Large-Scale Commercial

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:

- 1) The proposed concurrent use will not harm or inconvenience the health, safety and general welfare of the city;
- 2) 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: Large Scale Commercial Mall, shopping center and big box retail development, with associated surrounding retail and service uses, but only ancillary office uses and no residential uses. Oriented primarily to the motorist, with planned internal circulation patterns while still accommodating pedestrian movement. Requires access to regional transportation routes. May include regional green infrastructure for watershed protection.

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. Maple Grove Road is a county maintained public right of way.

According to the application submitted, the “small wireless facility (will be installed) on a replacement City of Duluth metal light pole, which will remain the same height as the existing light pole (35 feet above ground level). The new equipment will be installed at least 27 feet above ground level and the new ancillary equipment will be installed at least 21 feet above ground level, with no associated ground equipment”. The wireless facilities will not be stealthed or camouflaged; the equipment will be visibly attached to the exterior of the pole. The attachments will include 1 exterior mounted panel antenna and 2 radio units.

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 poles will remain with the City of Duluth, with the poles in dedicated public rights-of-way. 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 city utility pole will be replaced with a new pole, as specified and approved by the City engineer. The new poles will have a structural analysis by the manufacturer to ensure that they can support the weight of the private small cell facilities and required public infrastructure.

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. The city 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 was received. However, for a previous application in Maple Grove Road, Vic Lund, Traffic Engineering for St. Louis County, wrote that “Installation of facilities within the county road right-of-way must be approved by St. Louis County Public Works Department by way of the St. Louis County Right-of-Way (Utility) Permit”.

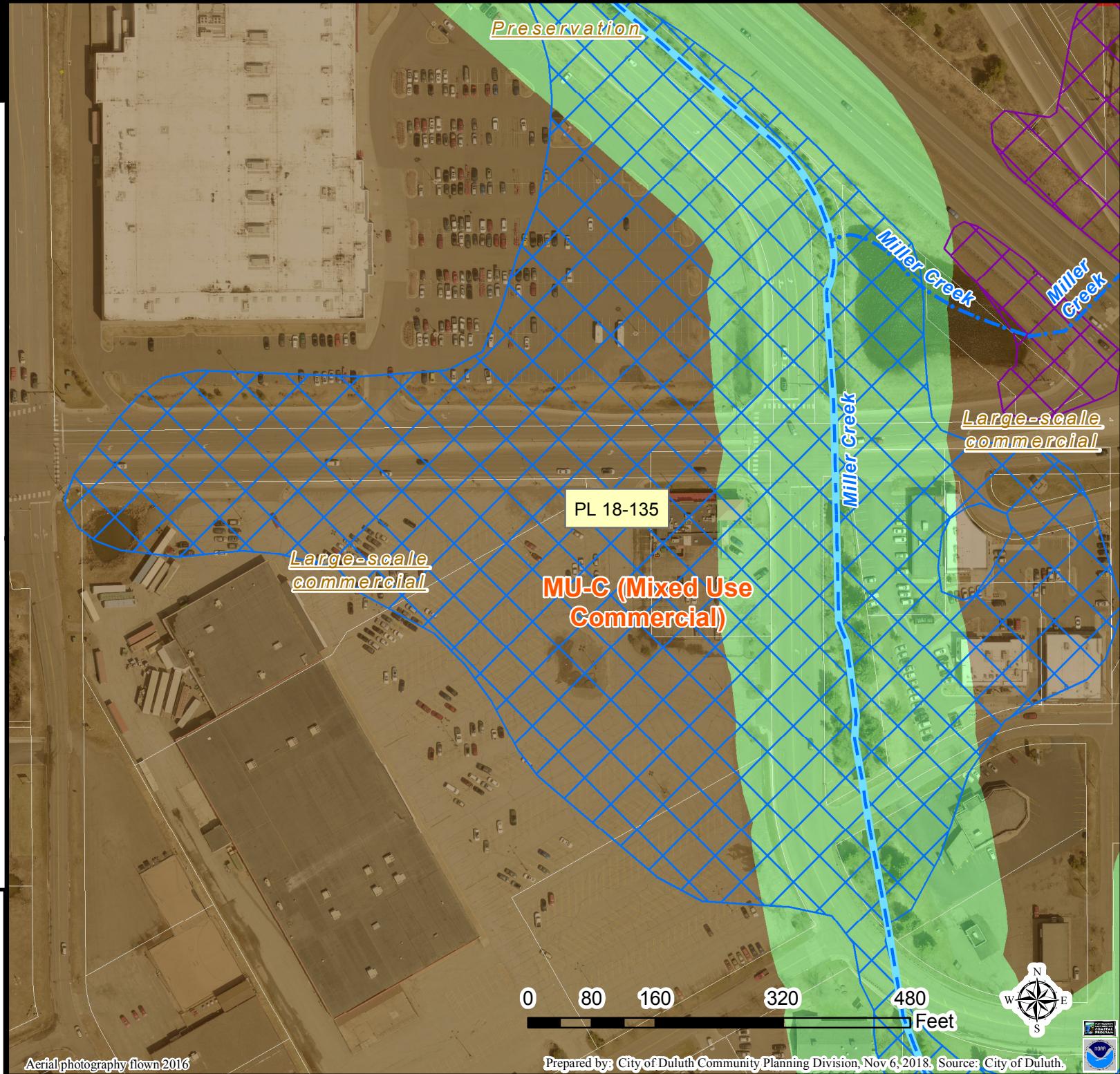
Staff Recommendation:

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the two concurrent use permits 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 (signed 10/9/2018)
- 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.



PL 18-135
CUP Small Cell Wireless Facility





PL 18-135
CUP Small Cell Wireless Facility

Legend

Gas Main
Water Main

Hydrant

Sanitary Sewer Mains

CITY OF DULUTH
WLSSD; PRIVATE

Sanitary Sewer Forced Main

Storage Basin

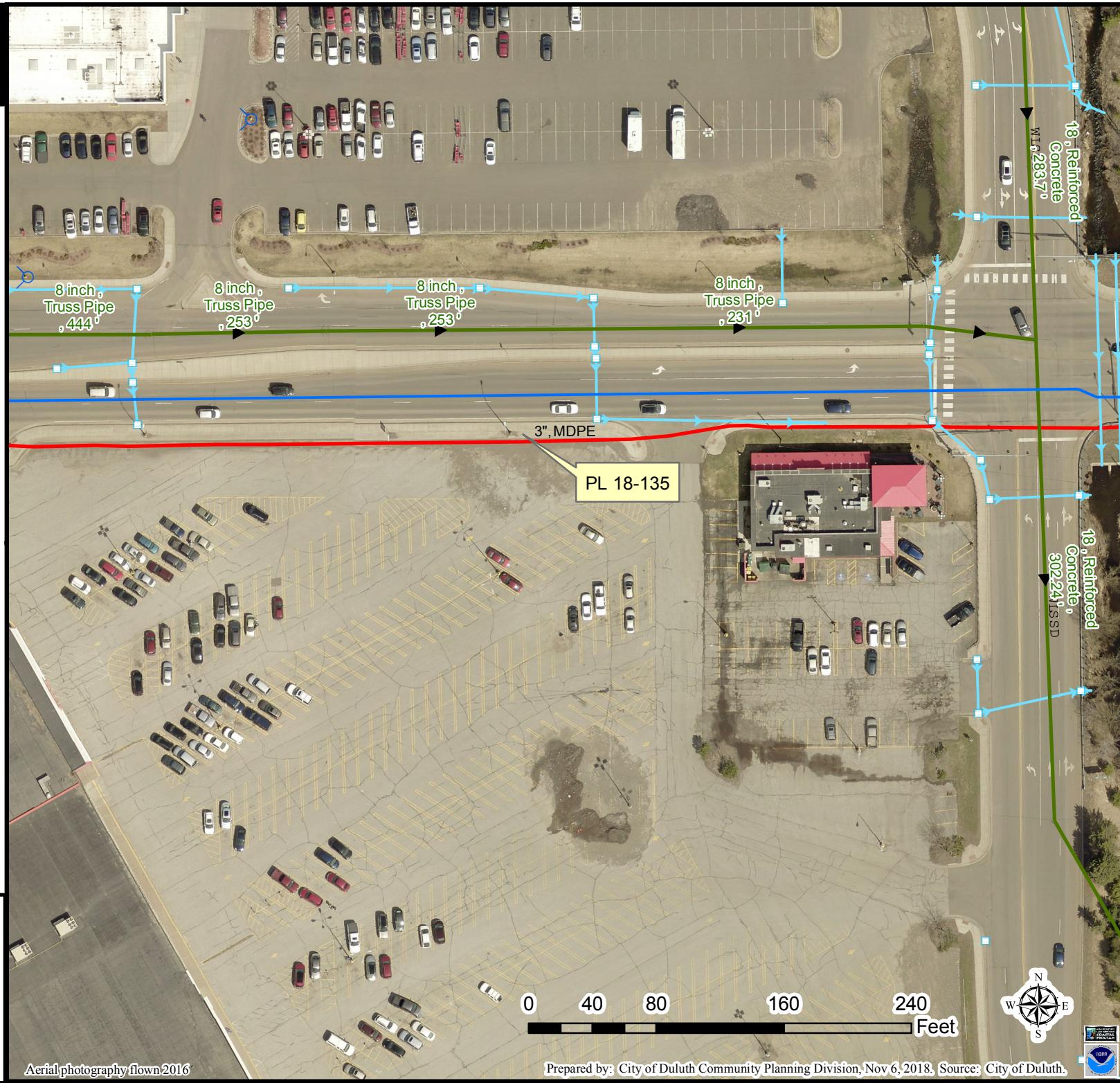
Pump Station

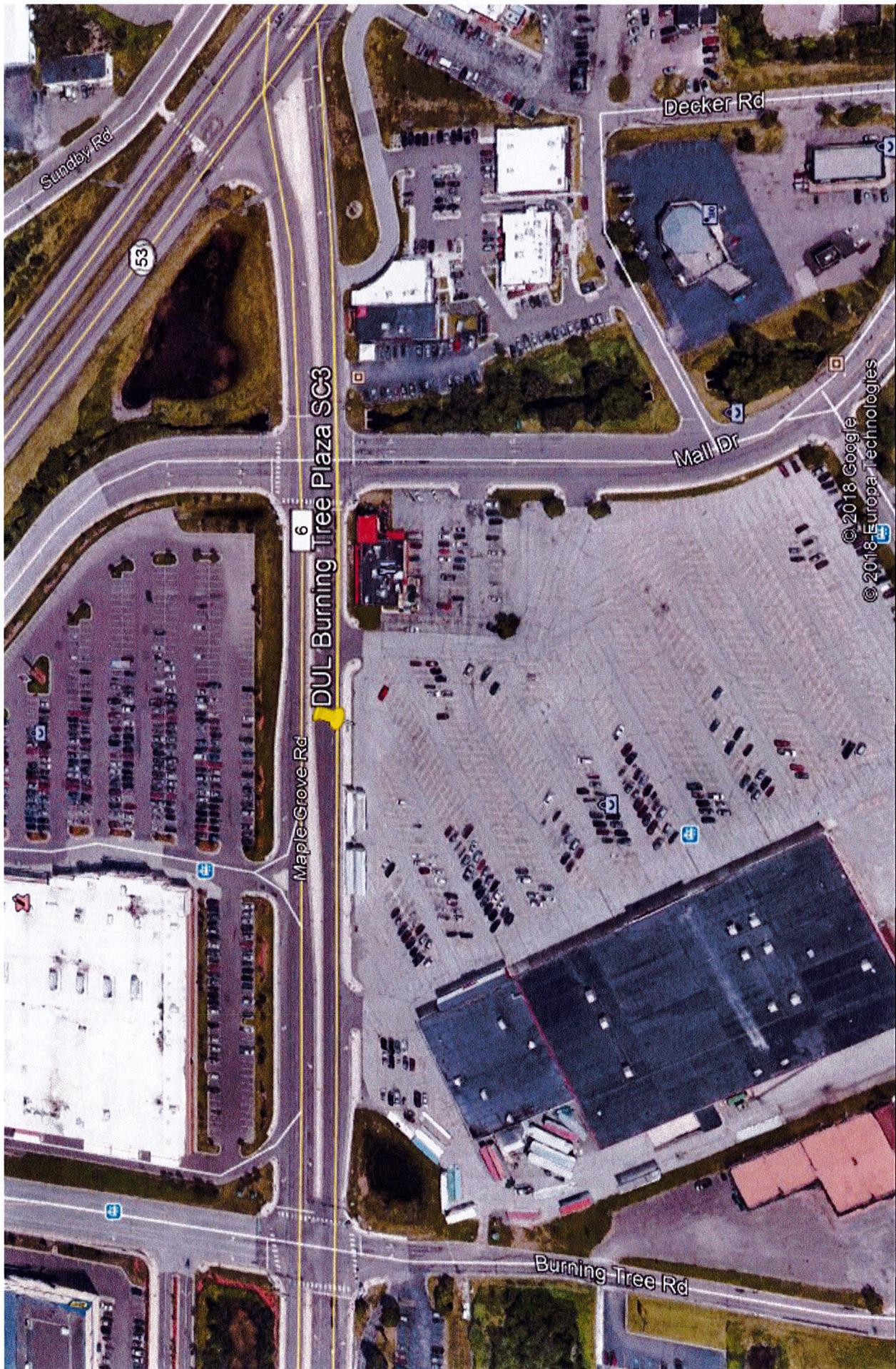
Storm Sewer Mains

Storm Sewer Pipe

Storm Sewer Catch Basin

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.





verizon✓

Proposed Site Candidate Locations
Verizon Small Cell

JACOBS

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Jacobs Engineering Group, Inc.
2727 Patton Road
Roseville, Minnesota 55113
www.jacobs.com



Consulting Engineers, Inc.
2101 Highway 13 W
Burnsville, MN 55337
608.644.1449 voice
608.644.1549 fax
www.edgeman.com

PROJECT NO: 20181847132

LOCATION CODE: 504066

EDGE PROJECT NO: 20096

CHECKED BY: OGD

A circular red ink stamp. The outer ring contains the text "O. D. DINGFELDER III" in a stylized, blocky font, with a sunburst pattern of short lines radiating from the center. The inner circle contains the text "LICENSED PROFESSIONAL ENGINEER" in a serif font, with "LICENSED" on the top line, "PROFESSIONAL" on the middle line, and "ENGINEER" on the bottom line. At the bottom of the inner circle, the number "49720" is printed. The entire stamp is rendered in a bright red color.

11/09/2018
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.

DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE

**TITLE SHEET &
PROJECT DATA**

SHEET NUMBER
G-001

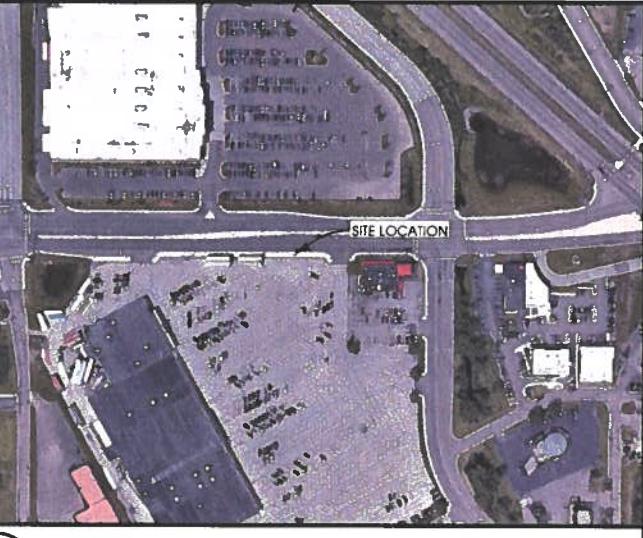
verizon 

SITE NAME: DUL BURNING TREE PLAZA SC3
SITE NUMBER: 20181847132
LOCATION CODE: 504066
SITE TYPE: SMALL CELL

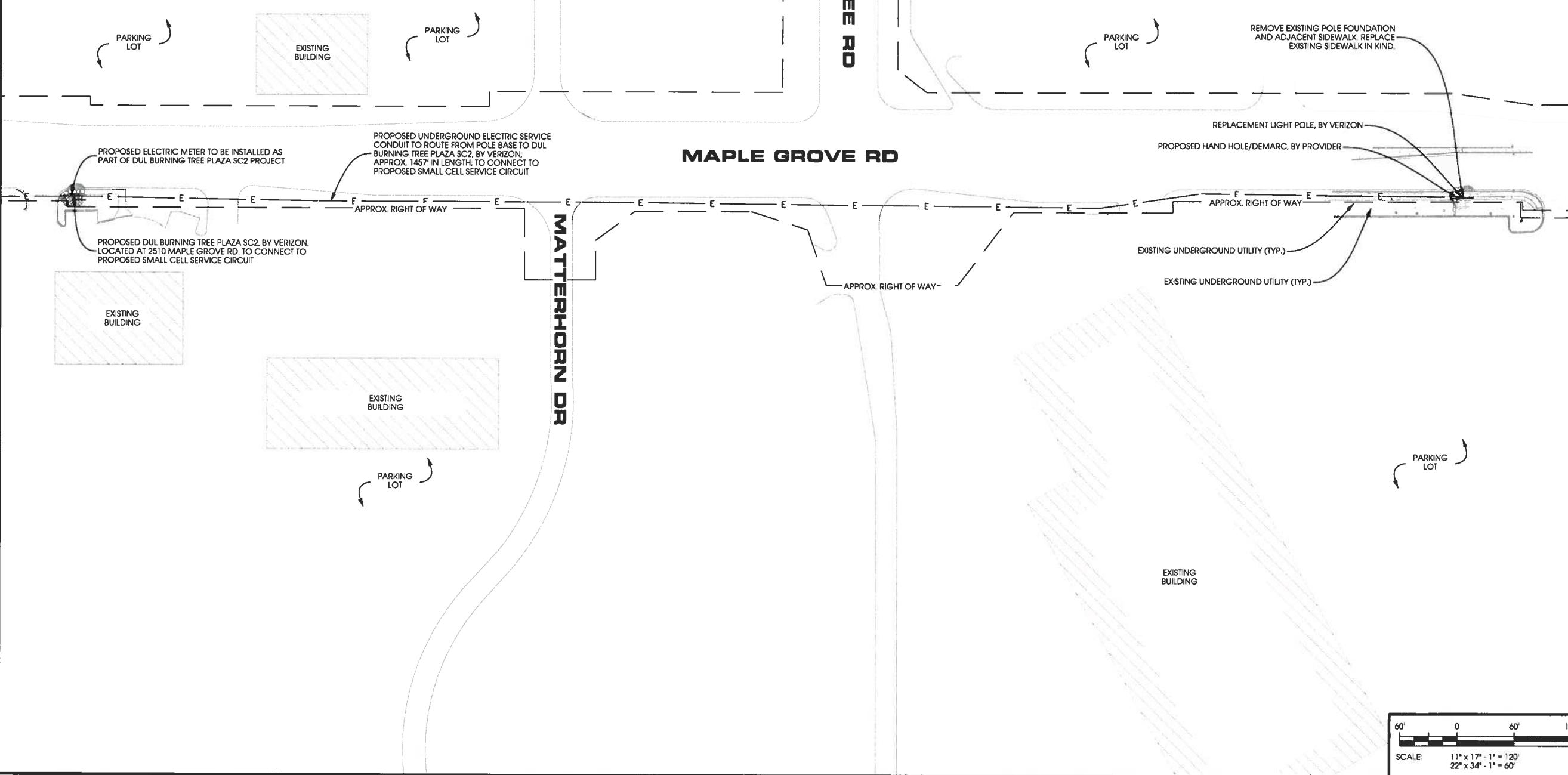
INSTALLATION TYPE: REPLACEMENT LIGHT POLE

Site Information		Replacement Pole	Project Description/SOW		Sheet Index	
Approximate Address: 2247 MAPLE GROVE RD. DULUTH, MN 55806 ST. LOUIS COUNTY	SITE COORDINATES: LAT: 46° 48' 26.86"N LONG: 92° 09' 59.89"W GROUND ELEVATION: 1318.9' AMSL (PER 1A CERTIFICATE)		Work Product	Installed By	No:	Sheet Title
		REPLACEMENT STEEL LIGHT POLE	VERIZON	G-001	Title Sheet & Project Data	
		CONCRETE POLE FOUNDATION	VERIZON	G-002	General Specifications	
		GROUND RING AROUND POLE FOUNDATION	VERIZON	G-003	General Specifications	
		ELECTRICAL CONDUIT, BETWEEN POLE BASE AND POWER SOURCE, TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE	VERIZON	N/A	Survey	
		FIBER CONDUIT, BETWEEN HAND HOLE AND POLE BASE, TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE	FIBER PROVIDER	C-101	Site Plan	
		FIBER CONDUIT, WITHIN RIGHT OF WAY, TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE	FIBER PROVIDER	C-102	Enlarged Site Plan	
		FIBER HAND HOLE AT POLE BASE	FIBER PROVIDER	C-501	Traffic Control Plans	
		DIPLEXERS	VERIZON	T-201	Site Elevation	
		LOAD CENTER	VERIZON	T-501	Antenna Details	
		ELECTRICAL METER	VERIZON	T-502	Equipment Details	
		ERICSSON RRUS AND POWER CONVERTERS	VERIZON	S-001	Structural Notes **	
		PANEL ANTENNA	VERIZON	S-501	Structural Details **	
Applicable Codes		Location Map		Project Directory		
All work shall comply with the following applicable codes: - 2012 International Building Code - 2014 National Electric Code - TIA/EIA-222-G or latest edition				LESSEE: VERIZON WIRELESS 10801 BUSH LAKE RD BLOOMINGTON, MN 55438 CONTACT: AMANDA TURNER PHONE: 612.720.1657	LESSOR: CITY OF DULUTH 411 W 1ST ST DULUTH, MN 55802 PHONE: 218.730.5000	11" x 17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED
In the event of conflict, the most restrictive code shall prevail				Engineering Company: EDGE CONSULTING ENGINEERS, INC. 2101 HIGHWAY 13 W BURNSVILLE, MN 55337 CONTACT: OTTO DINGFELDER III PHONE: 952.683.1032	RF Engineer: VERIZON WIRELESS 10801 BUSH LAKE RD BLOOMINGTON, MN 55438 CONTACT: MICHAEL KOCH	Contractor shall verify all plans and existing dimensions/conditions on site. Immediately notify engineer of any discrepancies prior to performing any work or be responsible for the same.
Location Scan				Site Acquisition: JACOBS ENGINEERING GROUP, INC. 2727 PATTON ROAD ROSEVILLE, MN 55113 CONTACT: AMY DRESCH PHONE: 952.831.1043	Structural Review: STRUCTURAL ANALYSIS COMPLETED BY: EDGE CONSULTING ENGINEERS, INC. PROJECT #: 20096 DATE: 08/21/2018	Contractor to review structural report in its entirety. Any discrepancies or disagreements between the report and these plans should be resolved prior to construction.
						





ANALYSIS



verizon



Jacobs Engineering Group, Inc
2727 Patton Road
Roseville, Minnesota 55113
www.jacobs.com



nsulting Engineers, Inc.
2101 Highway 13 W
Burnsville, MN 55337
608.644.1449 voice
608.644.1549 fax
www.edageconsult.com

PROJECT NO:	20181847132
LOCATION CODE:	504066
EDGE PROJECT NO:	20096
CHECKED BY:	OGD

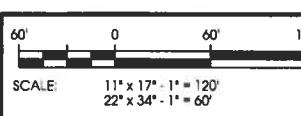
DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE

SITE PLAN

SHEET NUMBER

C-101

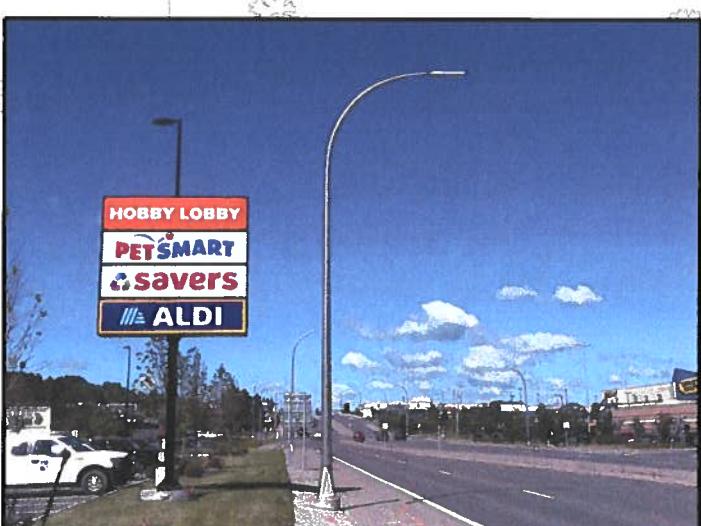




AERIAL OVERVIEW



SITE OVERVIEW [LOOKING EAST]



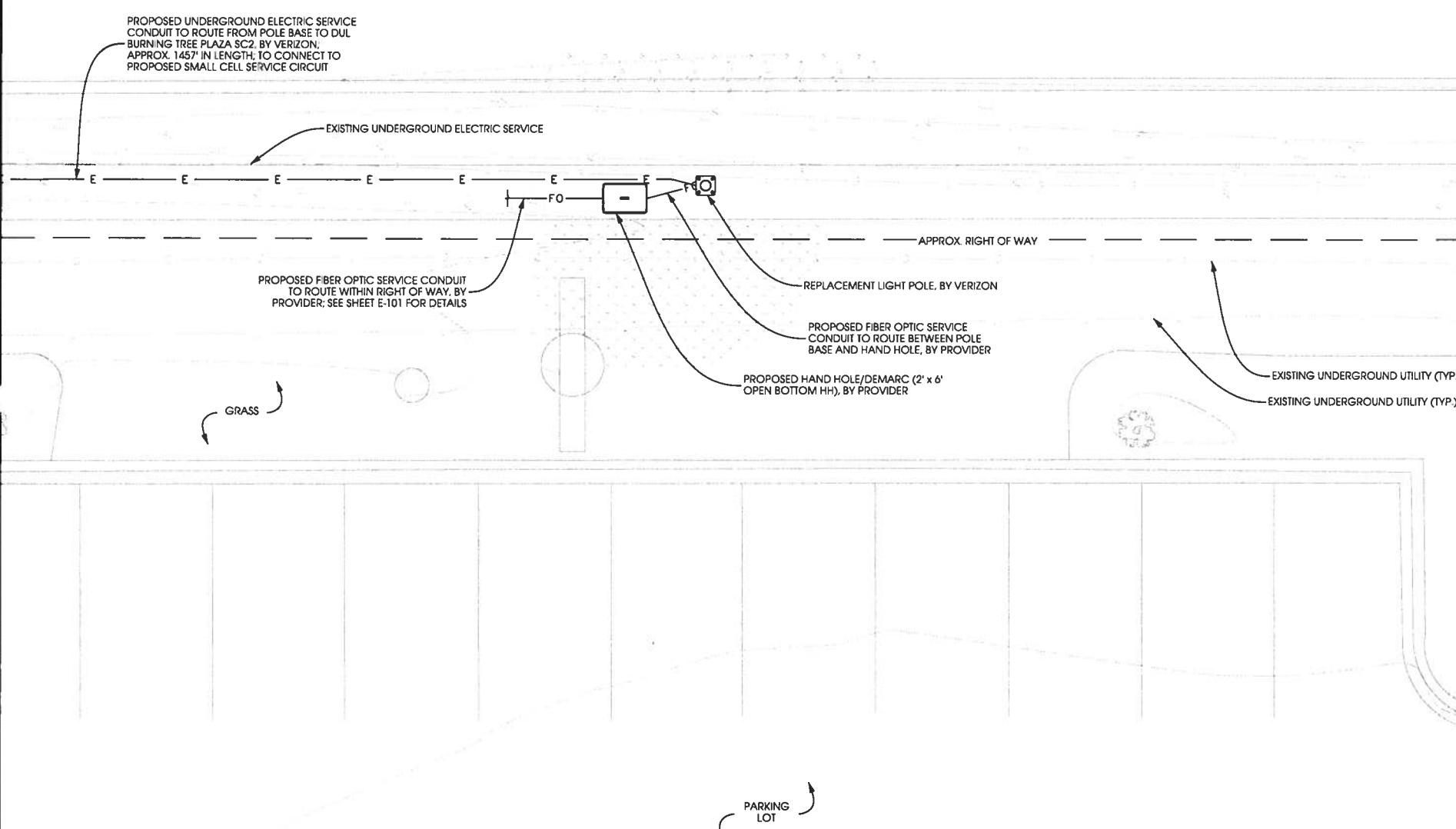
SITE OVERVIEW [LOOKING WEST]

EXCAVATION NOTE:

THE CITY OF DULUTH GAS UTILITY MUST BE NOTIFIED 2 WORKING DAYS PRIOR TO ANY EXCAVATION OR DIRECTIONAL DRILLING WITHIN 6 FEET OF A 6 INCH OR LARGER NATURAL GAS MAIN. DEPARTMENT PERSONNEL WILL BE ON SITE TO MONITOR EXCAVATION AND INSPECT ANY EXPOSED STEEL MAIN 6 INCHES OR LARGER. NOTIFY THE ENGINEERING DIVISION AT 730-5200 TO COORDINATE THIS INSPECTION.

THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY ANY TIME A STEEL NATURAL GAS MAIN SMALLER THAN 6 INCHES IS EXPOSED WITHIN AN EXCAVATION. CONTACT THE ENGINEERING DIVISION AT 730-5200 TO COORDINATE AN INSPECTION OF THE EXPOSED MAIN.

MAPLE GROVE RD



5' 0 5'

 SCALE: $11'' \times 17'' - 1'' = 10'$
 $28'' \times 34'' - 15'' = 5'$



verizon



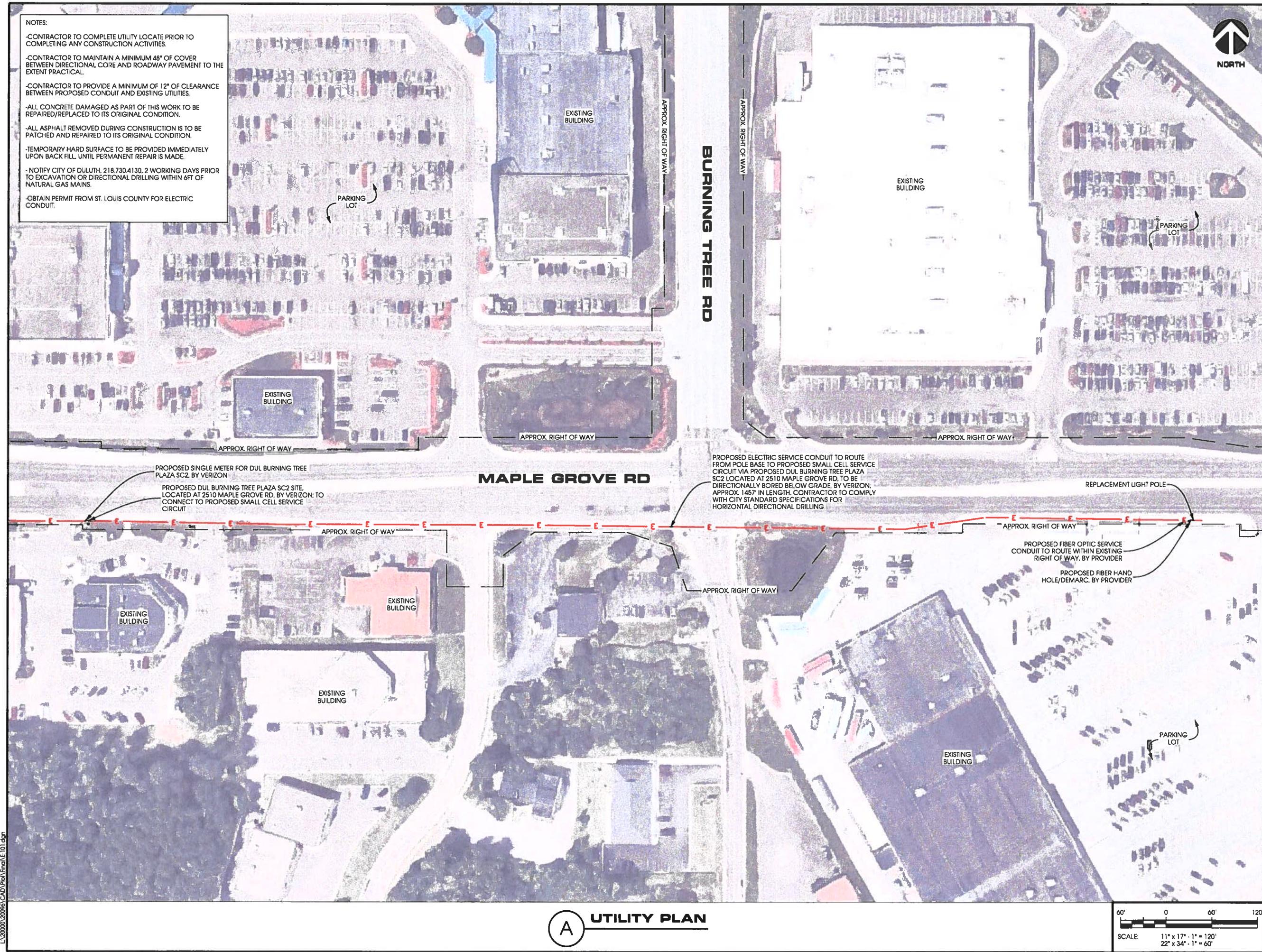
PROJECT NO:	20181847132
LOCATION CODE:	504066
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CHECKED BY:	OGD

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION,
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DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE
**ENLARGED SITE
PLAN**

SHEET NUMBER
C-102



DUL BURNING TREE PLAZA SC3

V | | | | A G E

PID=010-4427-00010
NLD DULUTH SC, LLC

PID=010-4427-00011
NLD DULUTH SC, LLC

ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE ST. LOUIS COUNTY SOUTH
ZONE COORDINATE SYSTEM NAD83 (2011)

SURVEYOR NOTES:

1.) Utilities are per observed evidence and markings from GOPHER STATE ONE CALL Locate Request Ticket No. 181981445 dated July 17, 2018

1
BLOCK 1

M A L L

Parking

GRID NORTH

GEODETIC NORTH

0'12'26"

Lot

Existing Curb and Gutter

4"

4"

1

1

0

ST

□

DATE: 8/2/18
SCALE: AS SHOWN
DRAWN BY: JMB
CHECKED BY: SMK

Top of Light --
Elev. = 1356.1

Top of Pole --
Elev. = 1353.5

Top of Light --
Elev. = 1354.0

Top of Sign --
Elev. = 1345.0

Ground Elev. = 1319.0

Ground Elev. = 1318.9

LEGEND

	DECIDUOUS TREE	UGT	UNDERGROUND TELE
	SIGN	GAS	UNDERGROUND GAS
	LIGHT	UGE	UNDERGROUND ELEC
	LIGHT POLE		SECTION LINE
	STORM MANHOLE		RIGHT OF WAY LINE
	CATCH BASIN		LOT LINE
	CONCRETE SURFACE		PARCEL LINE
			LEASE AREA

DATE:	8/2/18
SCALE:	AS SHOWN
DRAWN BY:	JMB
CHECKED BY:	SMK
FILE NUMBER:	494A1818 003

The logo for Edge Consulting Engineers, Inc. It features a stylized 'E' icon on the left, composed of a large triangle pointing down and a smaller triangle pointing up to its right. To the right of the icon, the word 'Edge' is written in a large, bold, sans-serif font. Below 'Edge', the words 'Consulting Engineers, Inc.' are written in a smaller, bold, sans-serif font.

A blue icon depicting a stylized city skyline with a prominent tower and several buildings, set against a background of palm trees and a road.

WIDSETH SMITH NOLTING

Engineering | Architecture | Surveying | Environmental