

Planning & Development Division

Planning & Economic Development Department





File Number	PL 23-209		Contact		Chris Lee, clee@duluthmn.gov		
Туре	Concurrent Use Permit, Wireless Utility on Light Pole		Planning Commission Date		March 12, 2024		
Deadline for Action	Application Date		January 18, 2	2024	60 Days	March 18, 2024	
	Date Extension Letter Mailed		January 18, 2	2024	120 Days	May 17, 2024	
Location of Subject		Near 2860 Piedmont Ave					
Applicant	MasTec		Contact				
Agent			Contact				
Legal Description N/A		N/A					
Site Visit Date		February 27, 2024	Sign Notice Date			ebruary 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 Office Neighborhood Commercial		Neighborhood Commercial	
South	uth R-1 Residential		Traditional Neighborhood	
East	R-1 Mixed Use Neighborhood Commercial		Neighborhood Commercial	
West R-1 Residential Traditional		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: Low-density Neighborhood: Single -family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes. Non residential uses are mainly uses such as schools and churches. Parks and open space are located within or adjacent.

This is a companion zoning application to PL 23-203, -204, -205, -206, -207, -208, -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 24 feet and wireless equipment will be placed at 39 to 41 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.



PL23-209 Small Cell CUP 2860 Piedmont Ave



JEANETTA DIANA Clay Pipe . 330,415076° **Ensign St** 2820 PIEDMON SILVER EAGLE PROPERTIES LLC **PIEDMON R**-1 (Residential Traditional) INDEPENDENT SCHOOL DISTRICT #709 SILVER EAGLE PROPERTIES I MU-N (Mixed Use **Subject Location** Neighborhood) INON PULKRABE STEPHEN BRANDT KAY & MOLLY 2839 PIEDMON AVE VILEY GLE Prepared by: City of Duluth Planning & Economic Development, January 18, 2024 Source: City of Dulut Aerial photography flown 2019

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

SITE NAME: CRAN_RUMW_GECHL_007

USID: 227122

SKIP ID / NODE#: MNL07042F_R01
PACE NUMBER: MRUMW025573

IWM JOB: WSUMW0015992

PTN NUMBER: 3514A0H0M5
FA NUMBER: 14833940

COORDINATES: 46.783380°, -92.161600°

SITE ADDRESS: 2841 PIEDMONT AVENUE

DULUTH, MN 55811

T-1

C-1

C-2

C-3

C-4

PS-1

EQ-1

EQ-2

EQ-3

EQ-4

TITLE SHEET

SITE PLAN ENLARGED SITE PLAN

AFRIAL MAP

PHOTO SIMULATION

PHOTO SIMULATION

EQUIPMENT DETAILS

EQUIPMENT DETAILS

EQUIPMENT DETAILS

EQUIPMENT DETAILS

PLUMBING DIAGRAM

ELECTRICAL DETAILS

GROUNDING DETAILS

GENERAL NOTES

TRAFFIC CONTROL PLAN

PROPOSED POLE ELEVATIONS

PROJECT INFORMATION MNP_MASTEC_CRAN PROJECT: CRAN_RUMW_GECHL_007 SITE NAME: USID: 227122 PACE NUMBER: MRUMW025573 LATITUDE: 46.783380° LONGITUDE: -92.161600° SITE ADDRESS: 2841 PIEDMONT AVENUE CITY, STATE ZIP: DULUTH, MN 55811 COUNTY: ST. LOUIS JURISDICTION ST.LOUIS COUNTY STRUCTURE TYPE: WOOD LIGHT POLE STRUCTURE OWNER: MINNESOTA POWER POLE PART NUMBER: CLASS 3 #M5504463 GROUND ELEVATIONS 1346'± A.M.S.L. AT&T WIRELESS APPLICANT: 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 HAZEL MAURO - SITE ACQUISITION PROJECT MANAGER 1351 IRVING PARK RD. SITE ACQUISITION: ITASCA, IL 60143 hazel.mauro@mastec.com (913) 710-3999 MASTEC NETWORK SOLUTIONS FNGINFFRING SERVICES: 1151 SF CARY PARKWAY. SUITE 101 CARY, NC 27518 - (972) 581-9888

SCOPE OF WORK

- REPLACE EXISTING 24'-0" A.G.L. WOOD LIGHT POLE WITH NEW 36'-6" A.G.L. WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 41'-10" A.G.L.
- INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (1) AZRA B46 RADIO WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS.
- 3. 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.



STRUCTURE PHOTO





CODE COMPLIANCE

SHEET INDEX

SHEET TITLE

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



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 direc 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, PS, PEN TO STATE AND THE PRINT OF THE P

Date 11/03/23 License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MIN

FOR CONSTRUCTION

CUDMITTALC

CHECKED BY: MH SITE INFORMATION:			11/03/23			
	11/00/20	TER EDUNIES PED				
1	11/03/23		MN			
0	08/31/23	FINAL C	FINAL CD			
С	08/16/23	FOR RE	мс			
В	08/07/23	CD FOR	MC			
Α	07/31/23	CD FOR	MN			
REV	DATE	DESCRIE	BY			

CRAN_RUMW_GECHL_007

MRUMW025573

2841 PIEDMONT AVENUE DULUTH, MN 55811

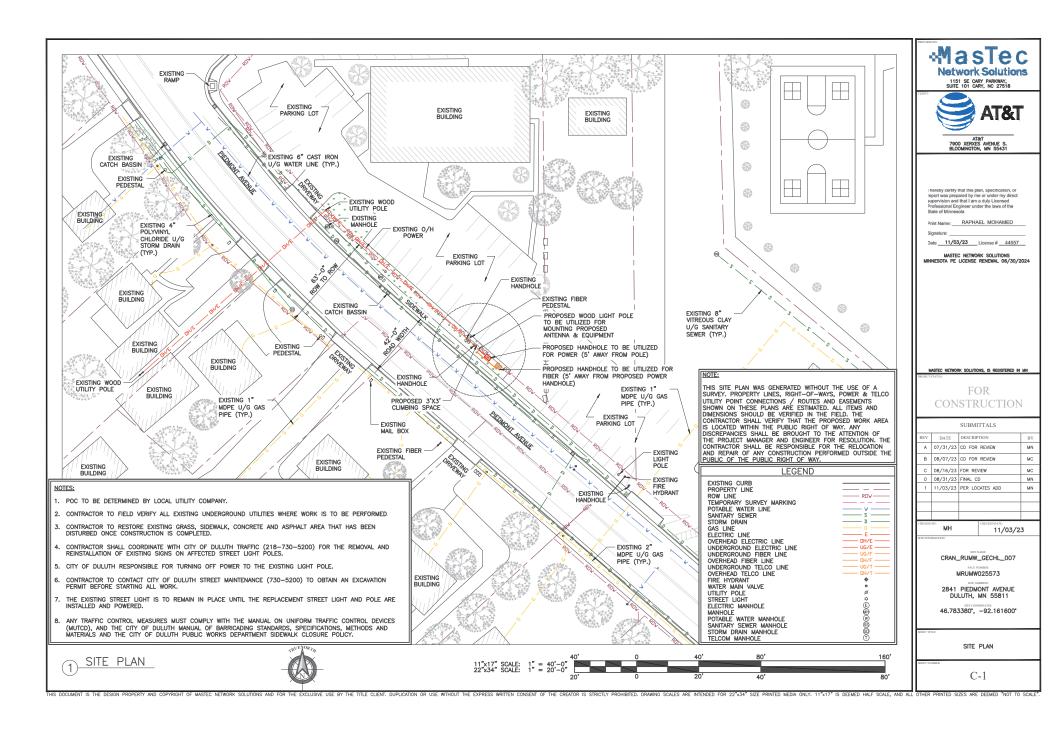
DULUTH, MN 55811 46.783380°. -92.161600°

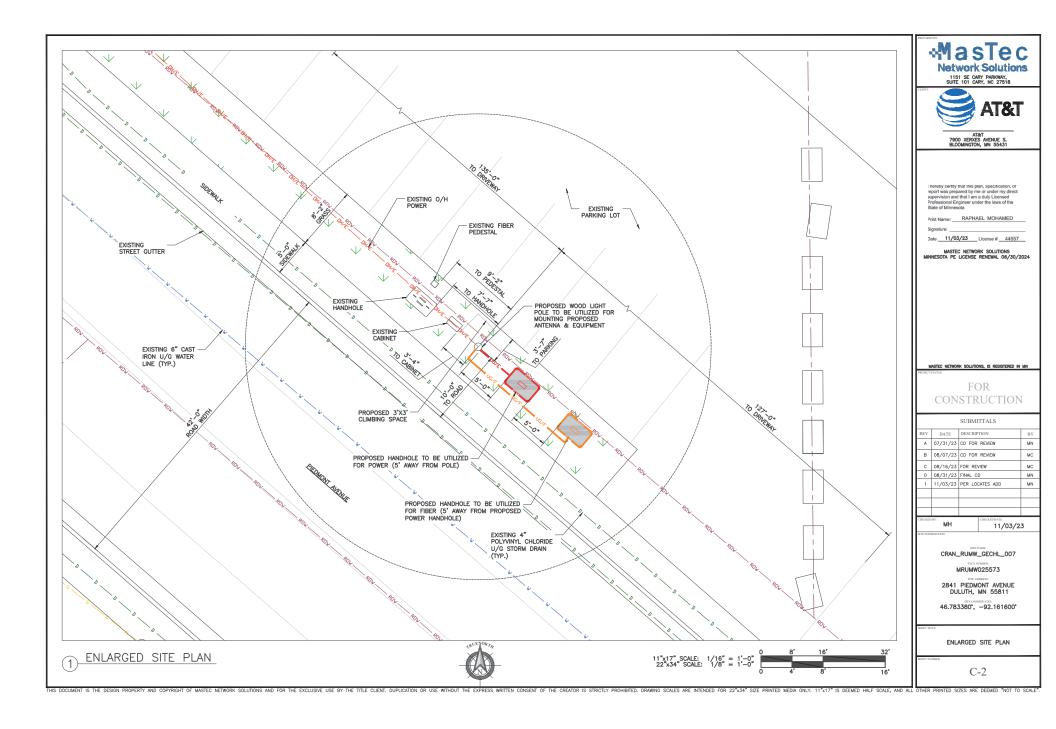
46.783380°, -92.161600°

TITLE SHEET

T-1

IS DOTHER THE DESIGN BODGERY AND ORDERED AND ORDER AND ALL OTHER DESIGN BODGERY AND ORDER OF THE PRESENT BODGER







*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, o report was prepared by me or under my dires supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota

Print Name: RAPHAEL MOHAMED

Date ___11/03/23 __ License # __ 44557

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

FOR CONSTRUCTION

SUBMITTALS						
REV	DATE	DESCRIP	BY			
Α	07/31/23	CD FOR	MN			
В	08/07/23	CD FOR	CD FOR REVIEW			
С	08/16/23	FOR RE	MC			
0	08/31/23	FINAL C	MN			
1	11/03/23	PER LO	CATES ADD	MN		
Н				_		
CHECKER	MH		11/03/	′23		

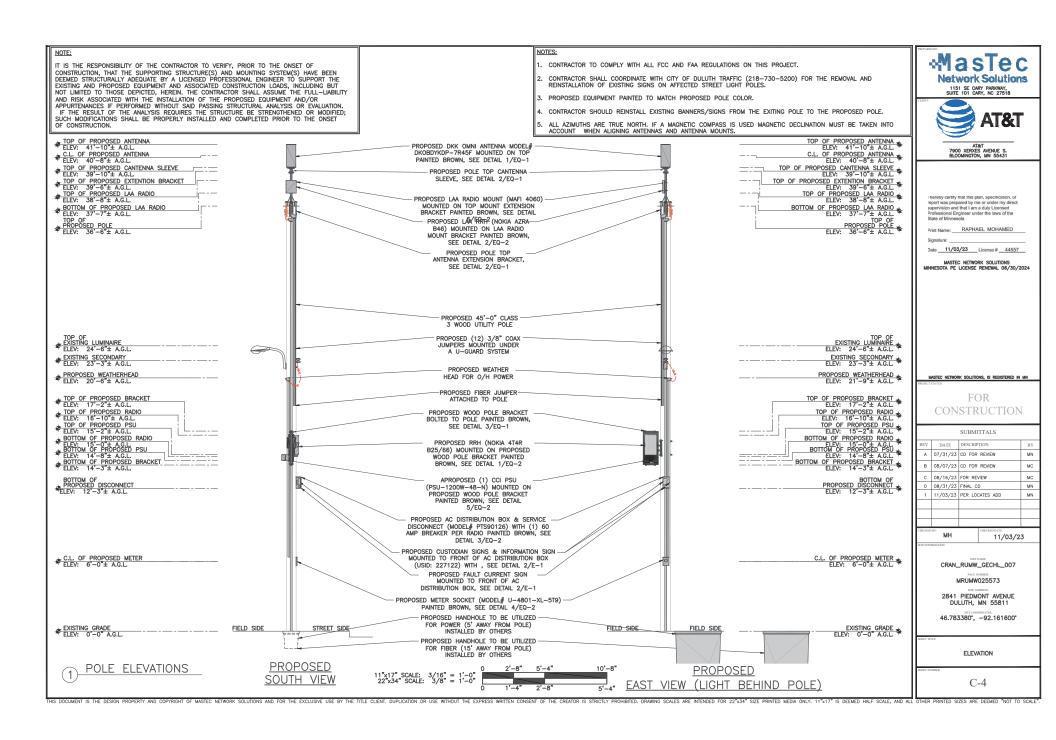
CRAN_RUMW_GECHL_007 MRUMW025573

2841 PIEDMONT AVENUE DULUTH, MN 55811

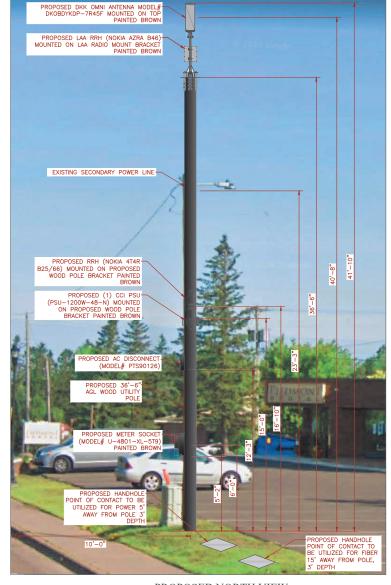
46.783380°, -92.161600°

AERIAL MAP

C-3







PROPOSED NORTH VIEW

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

**MasTec Network Solutions 1161 SE CARY PARKWY, NO 27916



AT&T 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431

I nereby 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 M

FOR CONSTRUCTION

	SUBMITTALS					
REV	DATE	DESCRIPTION	BY			
Α	07/31/23	CD FOR REVIEW	MN			
В	08/07/23	CD FOR REVIEW	MC			
С	08/16/23	FOR REVIEW	MC			
0	08/31/23	FINAL CD	MN			
- 1	11/03/23	PER LOCATES ADD	MN			
CHECKED	CHECKED IN: CHECKED DATE:					

MH 11/03/23

CRAN_RUMW_GECHL_007

MRUMW025573

2841 PIEDMONT AVENUE DULUTH, MN 55811

46.783380°. -92.161600°

PHOTO SIMULATION

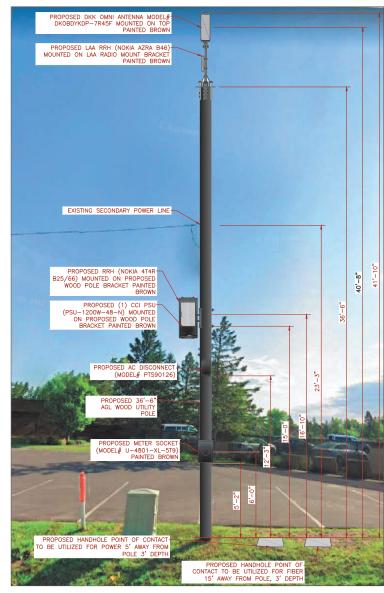
PS-1

1) SITE LOCATION PHOTOS

DOTAIN IN THE PENNIN BRODERTY AND CONDESTOR AND CONDESTOR







PROPOSED EAST VIEW

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

**MasTec Network Solutions 1161 SE CARY PARKWY, NO 27916



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 MI

FOR CONSTRUCTION

	SUBMITTALS					
REV	DATE	DESCRIE	DESCRIPTION			
Α	07/31/23	CD FOR	REVIEW		MN	
В	08/07/23	CD FOR	REVIEW		MC	
С	08/16/23	FOR RE	FOR REVIEW			
0	08/31/23	FINAL C	D		MN	
1	11/03/23	PER LO	CATES ADD		MN	
CHECKED BY: CHECKED DATE:						

MH 11/03/23

CRAN_RUMW_GECHL_007

MRUMW025573

2841 PIEDMONT AVENUE DULUTH, MN 55811

46.783380°. -92.161600°

PHOTO SIMULATION

PS-2

IS DOMINIST THE DECIN BODGEDY AND ORDER THE SERVICE DESIGNATIVE THE DECIN BODGEDY AND ORDER THE SERVICE DESIGNATIVE COLUMN OF THE SERVICE DESI