



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 23-204	Contact	Chris Lee, cleee@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 1220 N Arlington Ave		
Applicant	MasTec	Contact		
Agent		Contact		
Legal Description		N/A		
Site Visit Date		February 27, 2024	Sign Notice Date	February 27, 2024
Neighbor Letter Date		N/A	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	Low-density Neighborhood
North	R-1	Residential	Low-density Neighborhood
South	R-1	Residential	Low-density Neighborhood
East	R-1	Residential	Low-density Neighborhood
West	R-1	Residential	Low-density 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, -205, -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 wireless equipment will be placed at 35 to 37 feet, with a radio at 16 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: first they should be collocated on existing towers or other structures on city owned properties, 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 installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.
- 7) The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.
- 8) 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).
- 9) 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.



PL23-204
Small Cell CUP
1220 N Arlington Ave

Legend

Gas Main
Water Main
Hydrant
Sanitary Sewer Mains
CITY OF DULUTH
WLS&D; PRIVATE
Sanitary Sewer Forced Main
Storage Basin
PS Pump Station
Storm Sewer Mains
Storm Sewer Pipe
Storm Sewer Catch Basin
Zoning Boundaries
Trout Stream (GPS)
Other Stream (GPS)

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: MNP_MASTEC_CRAN
SITE NAME: CRAN_RUMW_ARWDL_007
USID: 300966
SKIP ID / NODE#: MNL07074F_R01
IWM JOB: WSUMW0024433
PACE NUMBER: MRUMW033111
PTN NUMBER: 3514AON4F6
FA NUMBER: 14925682
COORDINATES: 46.810120°, -92.132000°
SITE ADDRESS: 1220 NORTH ARLINGTON AVENUE
DULUTH, MN 55811

PROJECT INFORMATION

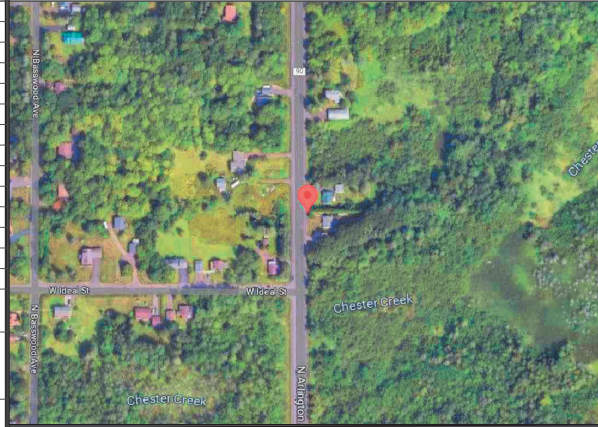
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LATITUDE:	46.810120°
LONGITUDE:	-92.132000°
SITE ADDRESS:	1220 NORTH ARLINGTON AVENUE
CITY, STATE ZIP:	DULUTH, MN 55811
COUNTY:	ST. LOUIS
JURISDICTION:	ST. LOUIS COUNTY
STRUCTURE TYPE:	WOOD POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #A0778549
GROUND ELEVATION:	1295'± 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) 710-5999
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 – (972) 581-9888

SCOPE OF WORK

1. REPLACE EXISTING 30'-0" A.G.L. WOOD POLE WITH NEW 32'-0" A.G.L. WOOD POLE PAINTED BROWN INCLUDING 2" OMNI ANTENNA ON TOP ON AN EXTENSION BRACKET. TOTAL HEIGHT OF 37'-4" A.G.L.
2. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (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.

AERIAL PHOTO



STRUCTURE PHOTO



SHEET INDEX

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C-2	ENLARGED SITE PLAN
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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



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: [Signature]
Date: 11/03/23 License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

SUBMITTALS

REV	DATE	DESCRIPTION	BY
A	08/02/23	CD FOR REVIEW	LM
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CHECKED BY: MH CHECKED DATE: 11/03/23

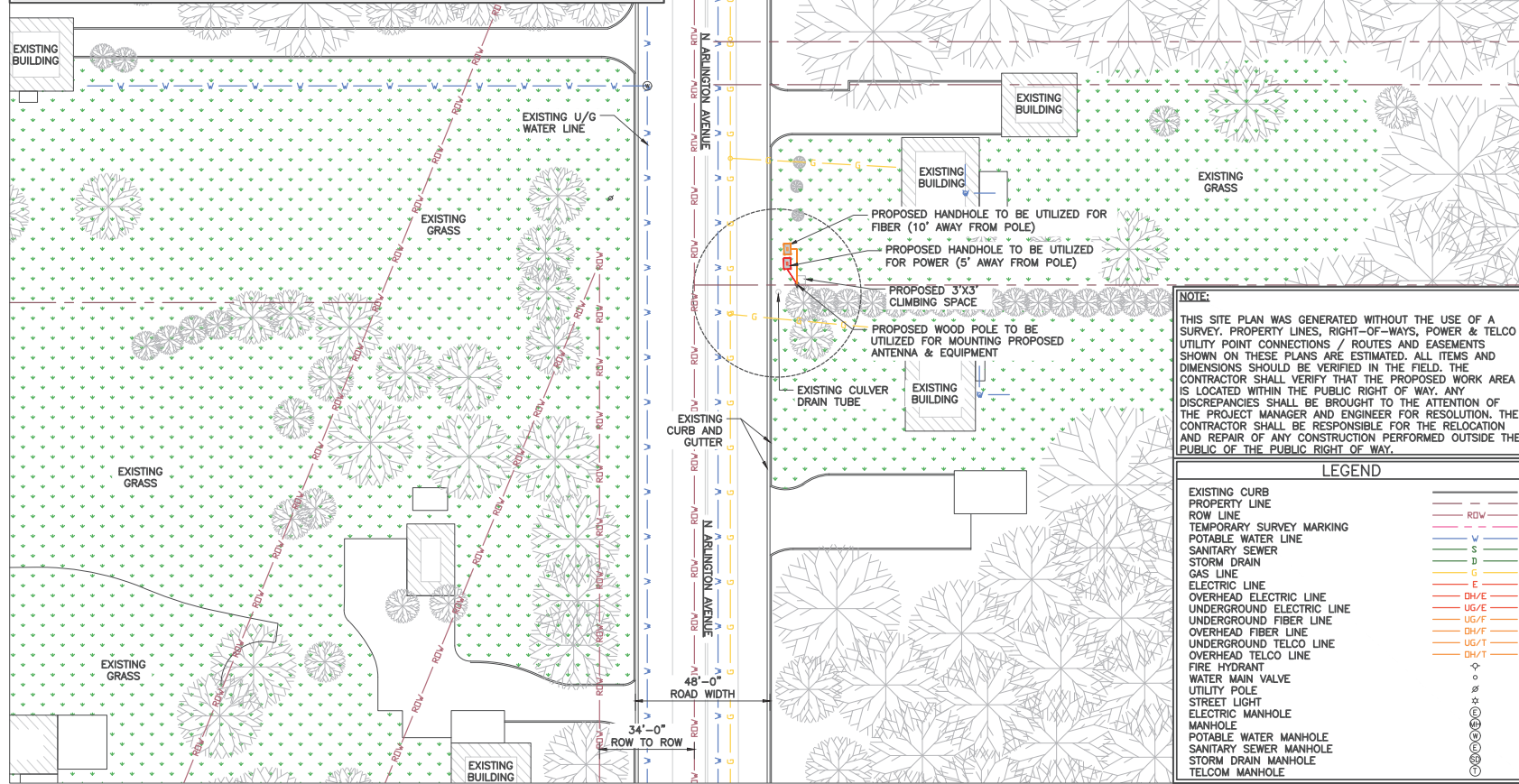
SITE INFORMATION
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PACE NUMBER: MRUMW033111
SITE ADDRESS: 1220 NORTH ARLINGTON AVENUE
DULUTH, MN 55811
SITE COORDINATES: 46.810120°, -92.132000°

SHEET TITLE: TITLE SHEET

SHEET NUMBER: T-1

NOTES:

1. POC TO BE DETERMINED BY LOCAL UTILITY COMPANY.
2. CONTRACTOR TO FIELD VERIFY ALL EXISTING UNDERGROUND UTILITIES WHERE WORK IS TO BE PERFORMED.
3. CONTRACTOR TO RESTORE EXISTING GRASS, SIDEWALK, CONCRETE AND ASPHALT AREA THAT HAS BEEN DISTURBED ONCE CONSTRUCTION IS COMPLETED.
4. CONTRACTOR SHALL COORDINATE WITH CITY OF DULUTH TRAFFIC (218-730-5200) FOR THE REMOVAL AND REINSTALLATION OF EXISTING SIGNS ON AFFECTED STREET LIGHT POLES.
5. CITY OF DULUTH RESPONSIBLE FOR TURNING OFF POWER TO THE EXISTING LIGHT POLE.
6. CONTRACTOR TO CONTACT CITY OF DULUTH STREET MAINTENANCE (730-5200) TO OBTAIN AN EXCAVATION PERMIT BEFORE STARTING ALL WORK.
7. THE EXISTING STREET LIGHT IS TO REMAIN IN PLACE UNTIL THE REPLACEMENT STREET LIGHT AND POLE ARE INSTALLED AND POWERED.
8. ANY TRAFFIC CONTROL MEASURES MUST COMPLY WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), AND THE CITY OF DULUTH MANUAL OF BARRICADING STANDARDS, SPECIFICATIONS, METHODS AND MATERIALS AND THE CITY OF DULUTH PUBLIC WORKS DEPARTMENT SIDEWALK CLOSURE POLICY.



NOTE:

THIS SITE PLAN WAS GENERATED WITHOUT THE USE OF A SURVEY. PROPERTY LINES, RIGHT-OF-WAYS, POWER & TELCO UTILITY POINT CONNECTIONS / ROUTES AND EASEMENTS SHOWN ON THESE PLANS ARE ESTIMATED. ALL ITEMS AND DIMENSIONS SHOULD BE VERIFIED IN THE FIELD. THE CONTRACTOR SHALL VERIFY THAT THE PROPOSED WORK AREA IS LOCATED WITHIN THE PUBLIC RIGHT OF WAY. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER AND ENGINEER FOR RESOLUTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RELOCATION AND REPAIR OF ANY CONSTRUCTION PERFORMED OUTSIDE THE PUBLIC OF THE PUBLIC RIGHT OF WAY.

LEGEND

EXISTING CURB	---
PROPERTY LINE	---
ROW LINE	---
TEMPORARY SURVEY MARKING	---
POTABLE WATER LINE	---
SANITARY SEWER	---
STORM DRAIN	---
GAS LINE	---
ELECTRIC LINE	---
OVERHEAD ELECTRIC LINE	---
UNDERGROUND ELECTRIC LINE	---
UNDERGROUND FIBER LINE	---
OVERHEAD FIBER LINE	---
UNDERGROUND TELCO LINE	---
OVERHEAD TELCO LINE	---
FIRE HYDRANT	---
WATER MAIN VALVE	---
UTILITY POLE	---
STREET LIGHT	---
ELECTRIC MANHOLE	---
POTABLE WATER MANHOLE	---
SANITARY SEWER MANHOLE	---
STORM DRAIN MANHOLE	---
TELCOM MANHOLE	---

1 SITE PLAN



11"x17" SCALE: 1" = 40'-0"
22"x34" SCALE: 1" = 20'-0"



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



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

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Date: _____ License # 44557

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PREPARED BY: MH DATE: 11/03/23

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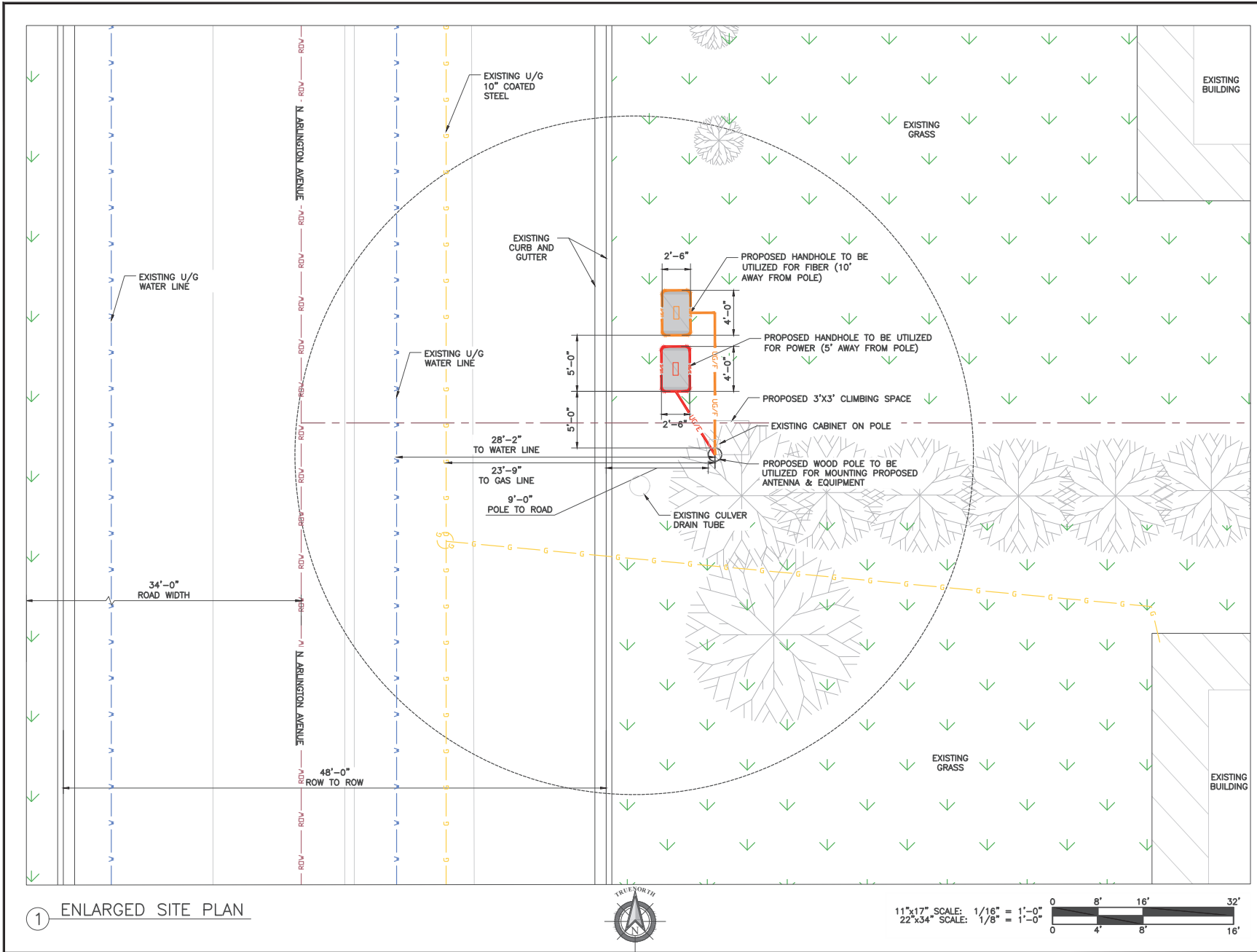
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SITE PLAN

C-1



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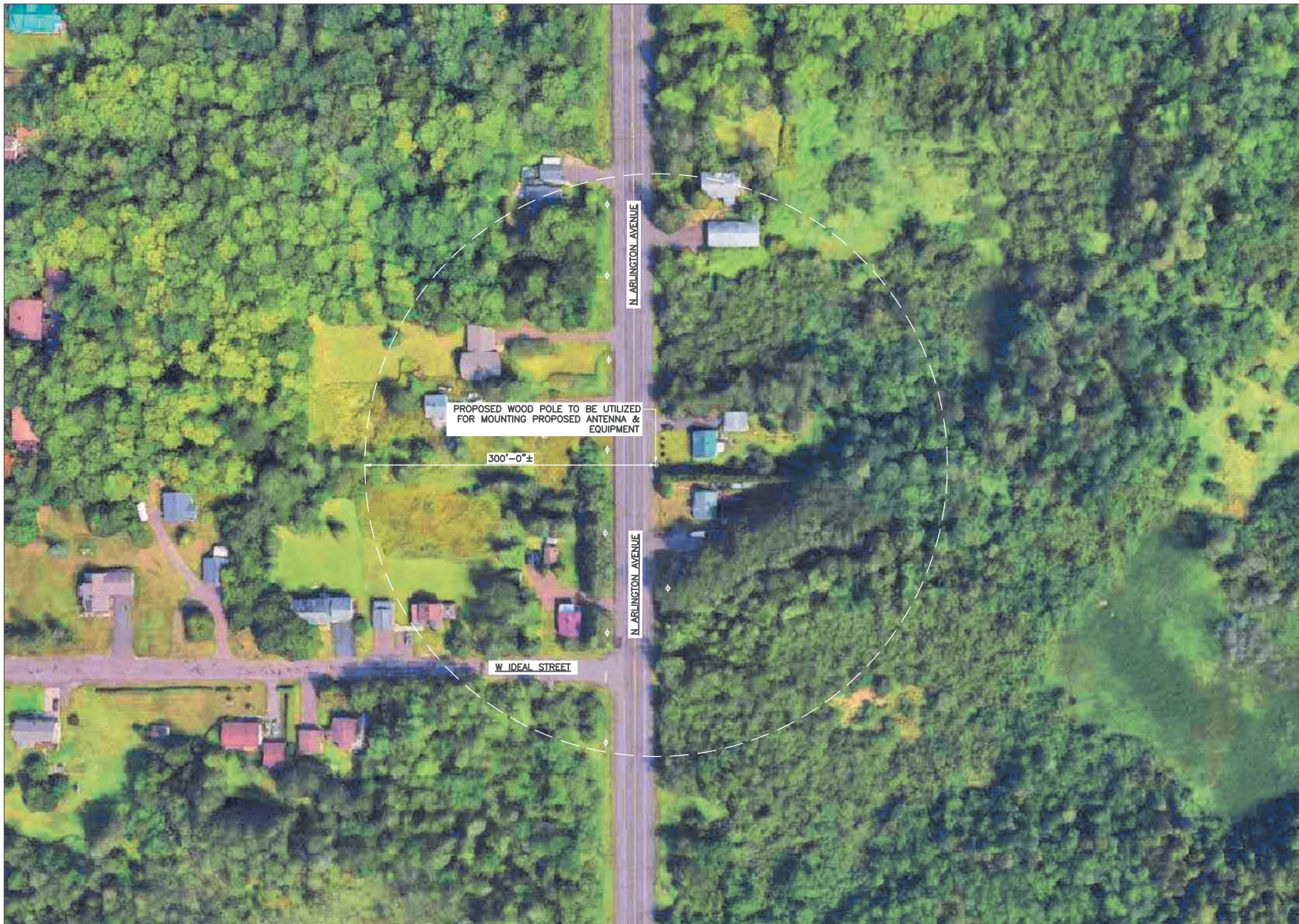
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ENLARGED SITE PLAN

C-2



① AERIAL PLAN



11"x17" SCALE: 1" = 100'-0"
22"x34" SCALE: 1" = 50'-0"



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DESIGNED BY:	CHKD BY DATE:
MH	11/03/23

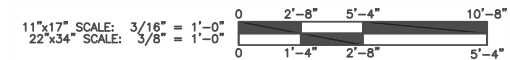
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SHEET TITLE:
AERIAL MAP

SHEET NUMBER:
C-3

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 DEEMED STRUCTURALLY ADEQUATE BY A LICENSED PROFESSIONAL ENGINEER TO SUPPORT THE PROPOSED EQUIPMENT AND/OR APPURTENANCES UNDER ALL EXPECTED 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 AND/OR MODIFICATION. 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.

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.



Print Name: RAPHAEL MOHAMED
Signature: _____
Date _____ License # 44557

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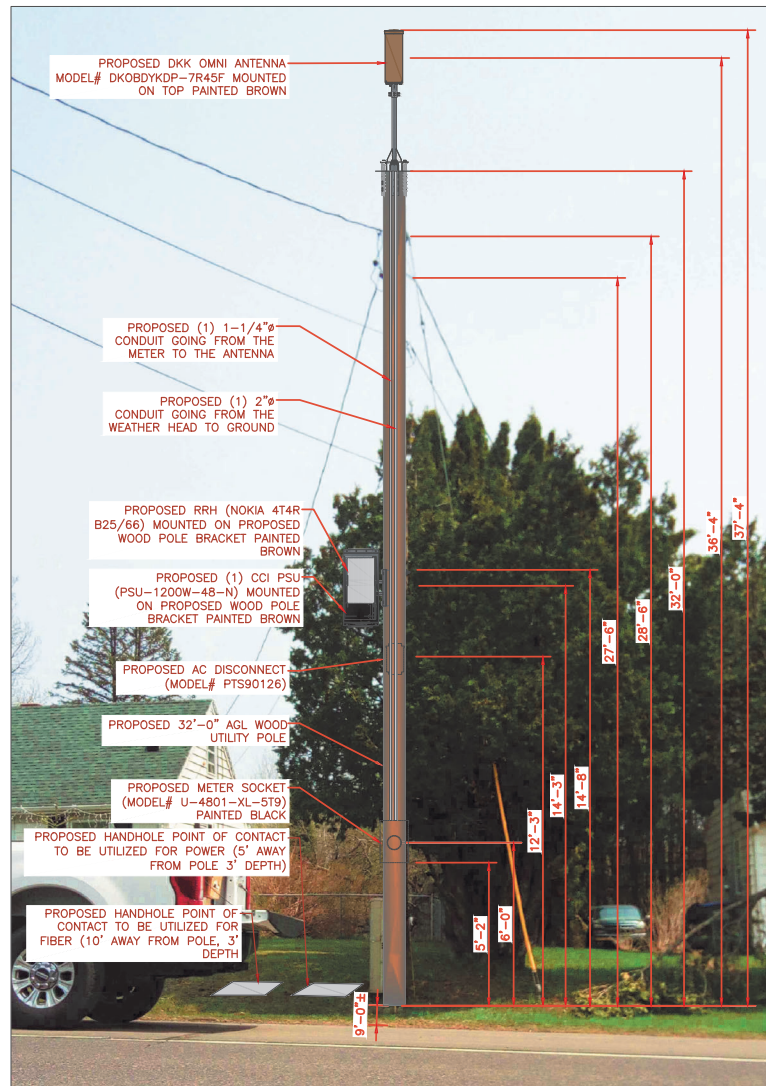
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ELEVATION

C-4



EXISTING WEST VIEW



PROPOSED WEST VIEW

① SITE LOCATION PHOTOS

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

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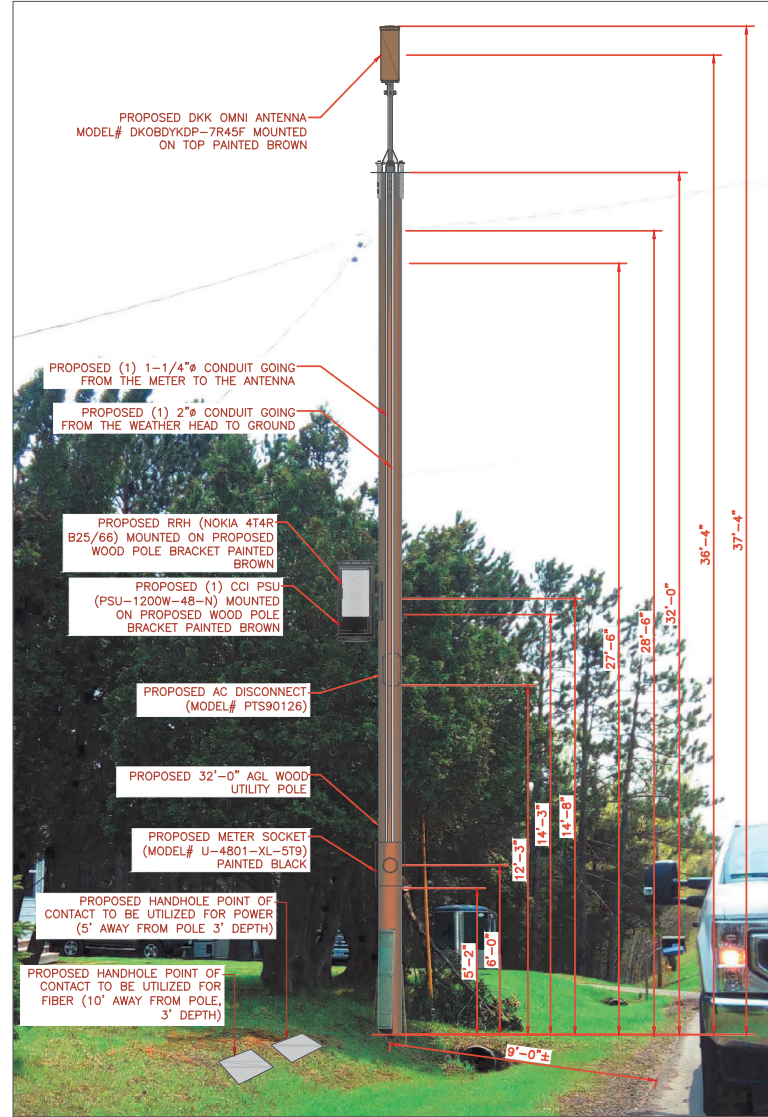
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PHOTO SIMULATION

SHEET NUMBER:
PS-1



EXISTING SOUTH VIEW



PROPOSED SOUTH VIEW

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

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PHOTO SIMULATION

PS-2

1 SITE LOCATION PHOTOS