



**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 23-212	Contact	Chris Lee, clee@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 Point of Rocks, 010-1913-00090		
Applicant	MasTec	Contact		
Agent		Contact		
Legal Description		N/A		
Site Visit Date		February 1, 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 (Ordinance).

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Right of Way	Open Space
<b>North</b>	R-2	Vacant	Open Space
<b>South</b>	R-2	Interstate	Open Space
<b>East</b>	R-2	Vacant	Open Space
<b>West</b>	R-2	Vacant	Open Space

**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.

The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Future Land Use: Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

This is a companion zoning application to PL 23-203, -204, -205, -206, -207, -208, -210, -213, also concurrent use permits for wireless equipment on existing utility poles.

The concurrent use permit application also included a structural analysis, radio frequency interference analysis report, and RF emissions analysis.

**Discussion**

Staff finds that:

- 1) The small cell facility will be installed on a replacement street light pole. The new light will be installed at 26 feet and wireless equipment will be placed at 27 to 31 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 the City of Duluth. 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.



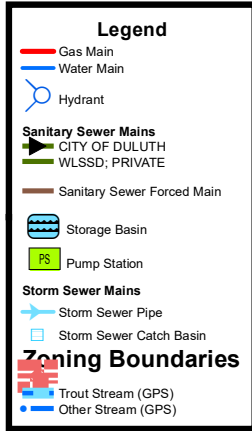


PL23-212  
Small Cell CUP  
010-1913-00090

1020 GLEN PL

PLB GLEN  
PLACE LLC

CITY OF  
DULUTH



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.

Aerial photography flown 2019

Subject Location

R-2  
(Residential  
Urban)

W Michigan St

STATE OF  
MINNESOTA



Prepared by: City of Duluth Planning & Economic Development, January 18, 2024 Source: City of Duluth





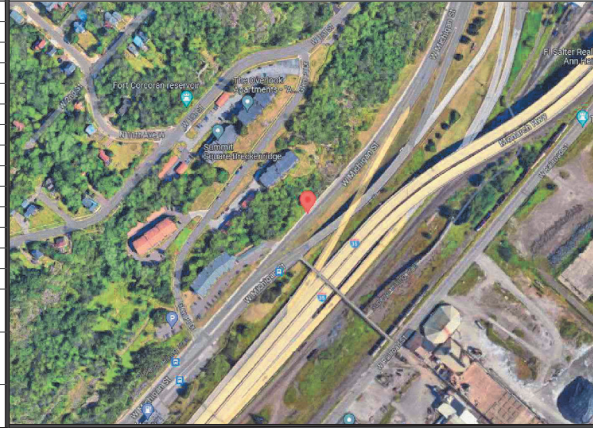
# AT&T

PROJECT: MNP\_MASTEC\_CRAN  
SITE NAME: CRAN\_DuluthMTSO\_DLCNL 5  
USID: 189876  
SKIP ID / NODE#: MNL07001F\_R02  
PACE NUMBER: MRUMW022247  
IWM NUMBER: WSUMW0023429  
PTN NUMBER: 3514AODKP3  
FA NUMBER: 14812221  
COORDINATES: 46.776402°, -92.110950°  
SITE ADDRESS: 1219 W MICHIGAN ST  
DULUTH, MN 55806

## PROJECT INFORMATION

PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_DuluthMTSO_DLCNL 5
USID:	189876
PACE NUMBER:	MRUMW022247
LATITUDE:	46.776402°
LONGITUDE:	-92.110950°
SITE ADDRESS:	1219 W MICHIGAN ST
CITY, STATE ZIP:	DULUTH, MN 55806
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	ALUMINUM LIGHT POLE
STRUCTURE OWNER:	CITY OF DULUTH
POLE PART NUMBER:	VALMONT DS30
GROUND ELEVATION:	2147'± 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

## AERIAL PHOTO



## SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
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C-2	ENLARGED SITE PLAN
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C-4	PROPOSED POLE ELEVATIONS
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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
EQ-7	5G EQUIPMENT DETAILS
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E-1	ELECTRICAL DETAILS
G-1	GROUNDING DETAILS
TC-1	TRAFFIC CONTROL PLAN
GN-1	GENERAL NOTES

## SCOPE OF WORK

1. REPLACE EXISTING 28'-6" A.G.L. ALUMINUM LIGHT POLE WITH NEW 31'-0" A.G.L. ALUMINUM LIGHT POLE PAINTED GREY INCLUDING 2' OMNI ANTENNA ON SIDE MOUNT BRACKET
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 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

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

Print Name: RAPHAEL MOHAMED

Signature: Raphael Mohamed, PE, No. 44557

Date: License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

PROJECT STATUS:

## SUBMITTALS

REV	DATE	DESCRIPTION	BY
A	08/02/23	CD FOR REVIEW	ES
B	08/07/23	CD FOR REVIEW	ES
C	08/17/23	REVISED CD	LM
D	09/14/23	FINAL CD	LM
1	11/07/23	PER LOCATES	MC

CHECKED BY: MH

CHECKED DATE: 11/07/23

SITE INFORMATION:

SITE NAME: CRAN\_DULUTHMTSO\_DLCNL 5

PACE NUMBER: MRUMW022247

SITE ADDRESS: 1219 W MICHIGAN ST

DULUTH, MN 55806

SITE COORDINATES: 46.776402°, -92.110950°

SHEET TITLE:

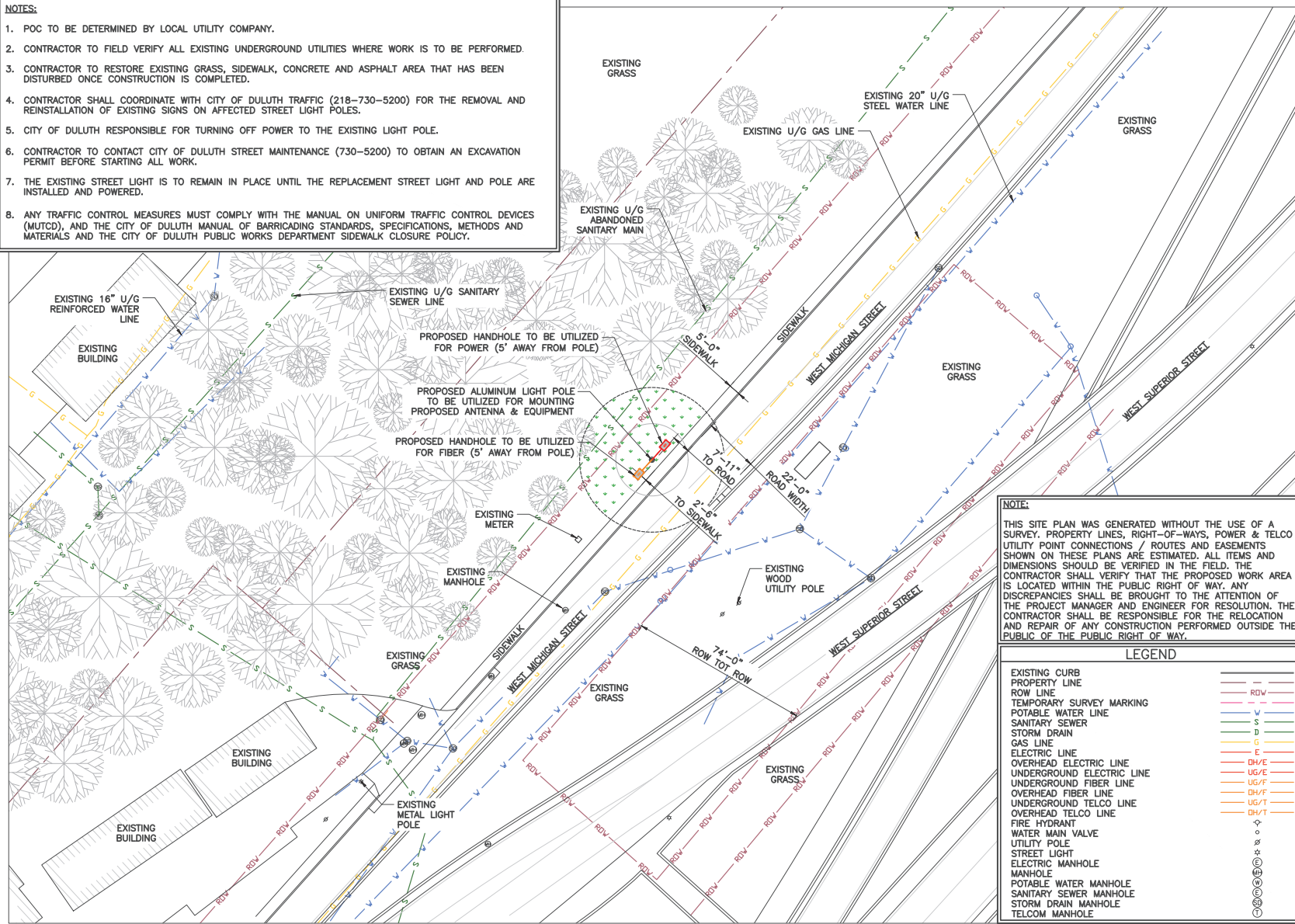
TITLE SHEET

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	—
TELCO MANHOLE	—

## 1 SITE PLAN



**Mastec**  
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1151 SE CARY PARKWAY,  
SUITE 101 CARY, NC 27518



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

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Print Name: RAPHAEL MOHAMED

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ License # 44557

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

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DESIGNED BY:	DATE REVISION:
MH	11/07/23

SITE INFORMATION:

SITE NAME:  
CRAN\_DULUTHMISO\_DLCLN 5  
FILE NUMBER:  
MRUMW022247  
SITE ADDRESS:  
1219 W MICHIGAN ST  
DULUTH, MN 55806  
SITE COORDINATES:  
46.776402°, -92.110950°

SITE PLAN

C-1







# 1 AERIAL PLAN



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



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PROJECT TITLE:  
AERIAL MAP

SHEET NUMBER:  
C-3



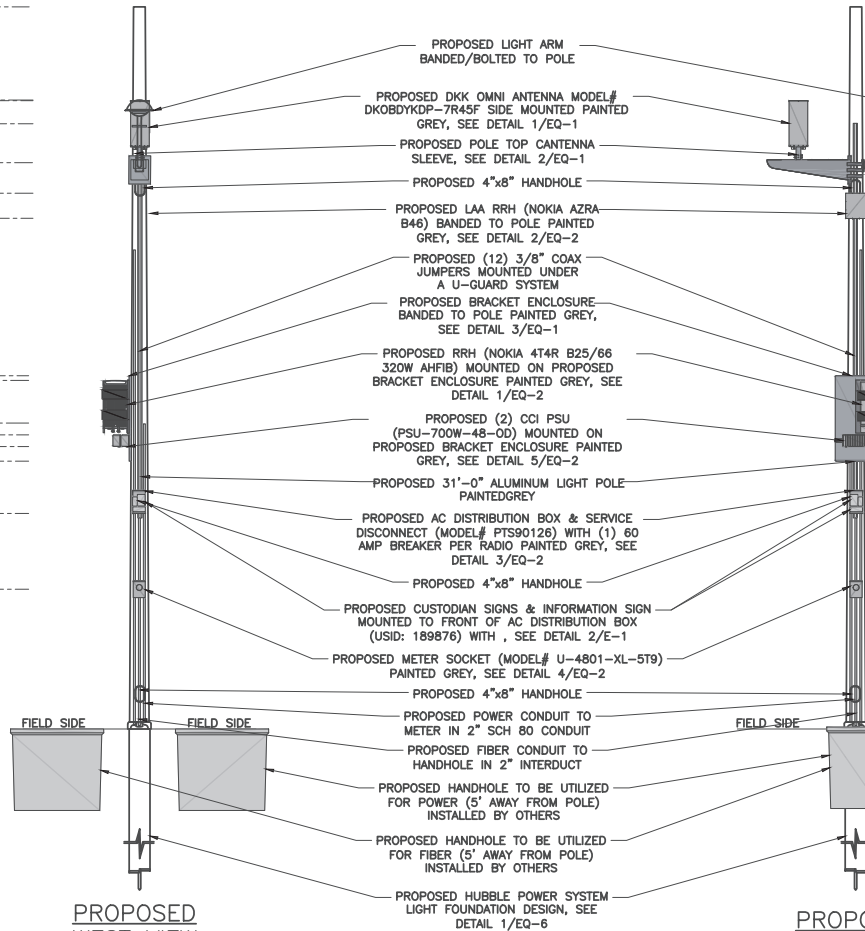
**NOTE:**

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 EXISTING AND PROPOSED EQUIPMENT AND ASSOCIATED CONSTRUCTION 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 OR EVALUATION. IF 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.

**NOTES:**

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.

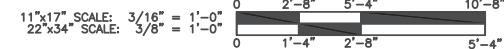
- TOP OF PROPOSED POLE  
ELEV: 31'-0"± A.G.L.
- TOP OF PROPOSED STREET LIGHT  
ELEV: 27'-0" A.G.L.
- TOP OF PROPOSED ANTENNA  
ELEV: 27'-0"± A.G.L.
- C.L. OF PROPOSED ANTENNA  
ELEV: 26'-0"± A.G.L.
- PROPOSED STREET LIGHT ARM  
ELEV: 24'-4" A.G.L.
- TOP OF PROPOSED LAA RADIO  
ELEV: 23'-0"± A.G.L.
- BOTTOM OF PROPOSED LAA RADIO  
ELEV: 22'-0"± A.G.L.
- TOP OF PROPOSED BRACKET  
ELEV: 15'-2"± A.G.L.
- TOP OF PROPOSED RADIO  
ELEV: 14'-11"± A.G.L.
- BOTTOM OF PROPOSED RADIO  
ELEV: 13'-1"± A.G.L.
- TOP OF PROPOSED PSU  
ELEV: 12'-7"± A.G.L.
- BOTTOM OF PROPOSED PSU  
ELEV: 12'-1"± A.G.L.
- BOTTOM OF PROPOSED BRACKET  
ELEV: 11'-6"± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT  
ELEV: 9'-3"± A.G.L.
- C.L. OF PROPOSED METER  
ELEV: 6'-0"± A.G.L.
- EXISTING GRADE  
ELEV: 0'-0" A.G.L.
- PROPOSED HANDHOLE  
ELEV: 3'-6" B.G.L.



PROPOSED  
WEST VIEW

PROPOSED  
NORTH VIEW

① POLE ELEVATIONS



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SUITE 101 CARY, NC 27518



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BLOOMINGTON, MN 55431

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Print Name: RAPHAEL MOHAMED

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

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PREPARED BY: MH  
DATE: 11/07/23

DATE SUBMITTED: \_\_\_\_\_

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CRAN\_DULUTHMISO\_DLCNL 5

PROJECT NUMBER:  
MRUM022247

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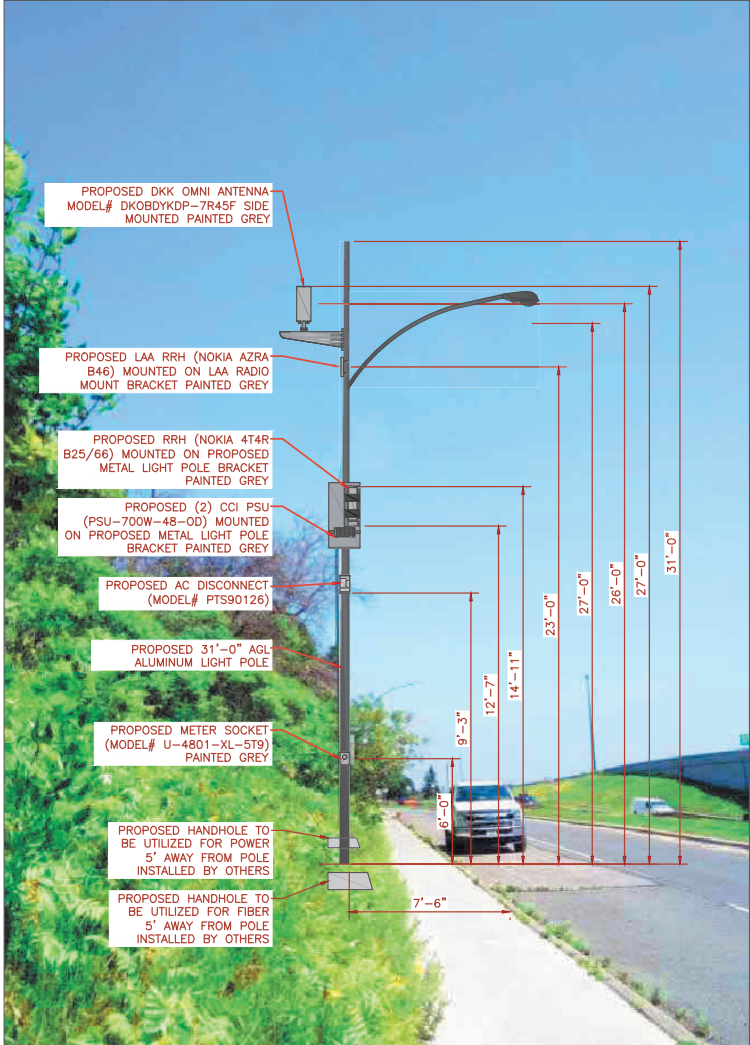
PROJECT TITLE:

ELEVATION

PROJECT NUMBER:  
C-4



EXISTING NORTH VIEW



PROPOSED NORTH VIEW

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

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PHOTO SIMULATION

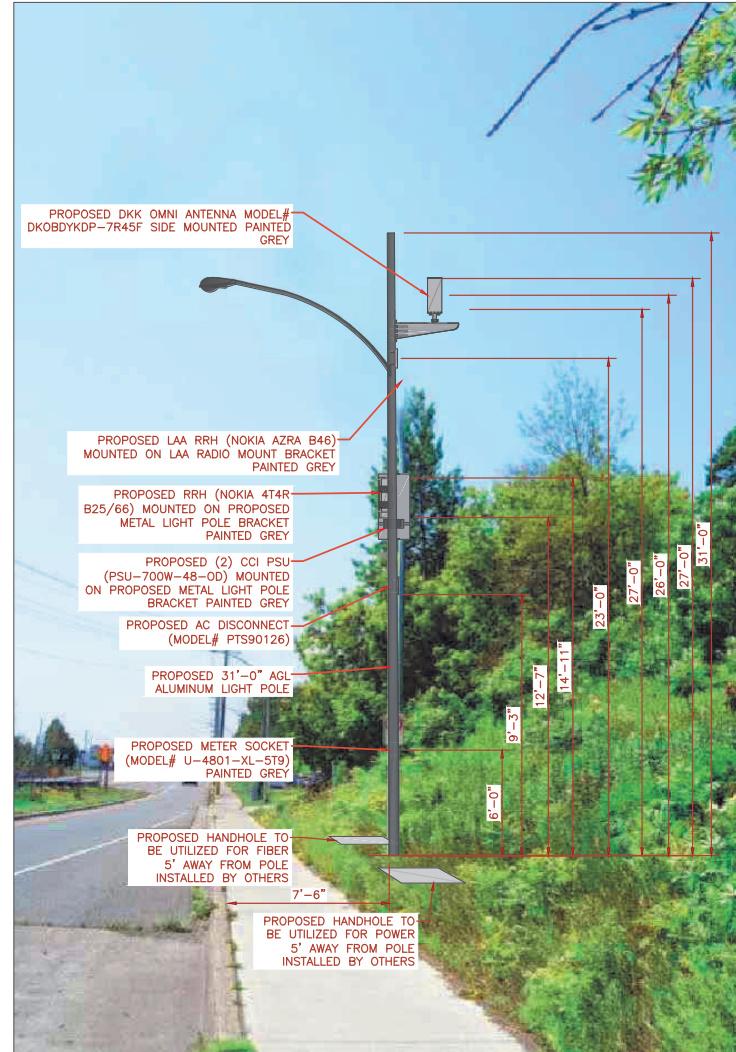
SHEET NUMBER:  
PS-1

1 SITE LOCATION PHOTOS





EXISTING SOUTH VIEW



PROPOSED SOUTH VIEW

1 SITE LOCATION PHOTOS

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

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SITE COORDINATES:  
46.776402, -92.110950

PHOTO SIMULATION

SHEET NUMBER:  
PS-2