

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 C	Commission Date	November 13, 2018	
Deadline	Application Date		October 9, 2018		
for Action	Date Extension Letter Mailed		N/A	90 Days* (237.10	January 7, 2019
Location of Subject 2247 Maple Grove Road					
Applicant	Verizon \	Vireless	Contact		
Agent	Amy Dre	sch, Jacobs Telecom	Contact		
Legal Descri	Legal Description				
Site Visit Date No		November 6, 2018	Sign Notice Date		October 30, 2018
Neighbor Letter Date		N/A for Concurrent Use	Number of Letters Sent N/A 1		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.



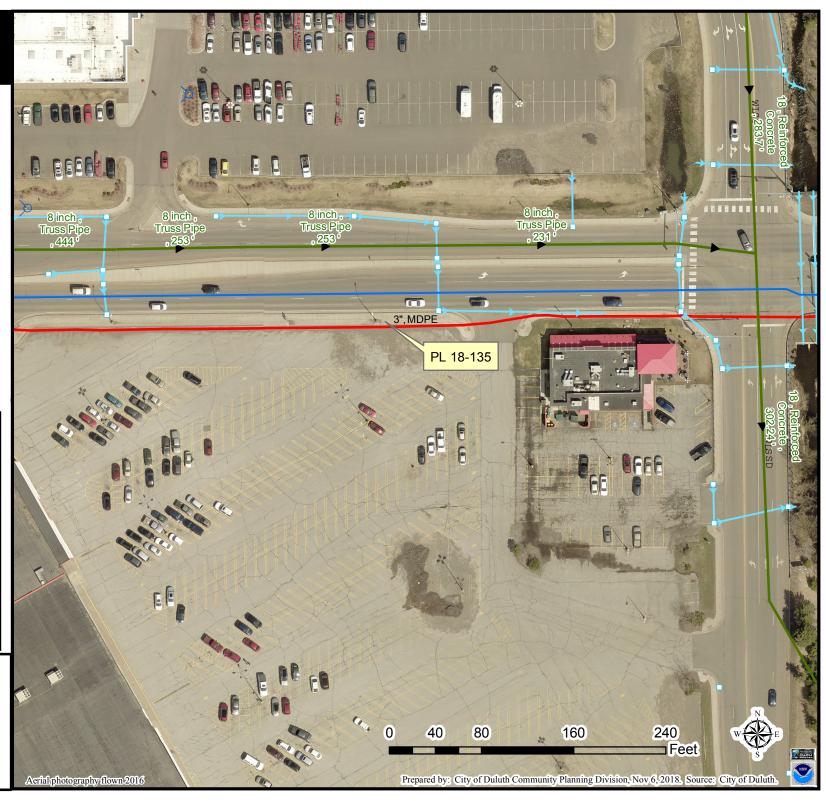
Legend
Zoning Boundaries
Floodplain (UDC)
General Flood Plain
Flood Way
Flood Fringe

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.

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

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Decker Rd

Mallior

Burning Tree Rd

53

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DUL Burning Tree Plaza SC3

Maple-Grove-Rd

DUL Burning Tree Plaza SC3 Proposed Site Candidate Locations

Verizon Small Cell

verizon



SITE NAME:

DUL BURNING TREE PLAZA SC3

SITE NUMBER:

20181847132

LOCATION CODE:

504066

SITE TYPE:

SMALL CELL

INSTALLED BY

VERIZON

VEDIZON

FIBER PROVIDER

FIBER PROVIDER

VERIZON

VERIZON

VERIZON

VERIZON

VERIZON

NO:

G-001

G-002

G-003

N/A

C-101

C-102

C-501

T-201

T-501

T-502

S-001

S-501

E-101

E-102

E-103

F-501

E-502

INSTALLATION TYPE: REPLACEMENT LIGHT POLE

PROJECT DESCRIPTION/SOW

WORK PRODUCT

ELECTRICAL CONDUIT. BETWEEN POLE BASE AND POWER SOURCE TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE

FIBER CONDUIT, BETWEEN HAND HOLE AND POLE BASE, TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE

FIBER CONDUIT, WITHIN RIGHT OF WAY, TO BE TRENCHED/DIRECTIONALLY BORED BELOW GRADE

ERICSSON RRUS AND POWER CONVERTERS

REPLACEMENT STEEL LIGHT POLE

CONCRETE POLE FOUNDATION

FIBER HAND HOLE AT POLE BASE

DIPLEXERS

LOAD CENTER

ELECTRICAL METER

GROUND RING AROUND POLE FOUNDATION

SITE INFORMATION

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)

BOBSTO DESMA OSAVE MALL

REPLACEMENT POLE

LOCATION MAP

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

- 2012 INTERNATIONAL BUILDING CODE
 2014 NATIONAL ELECTRIC CODE
 TIA/EIA-222-G OR LATEST EDITION
- IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

APPLICABLE CODES

LOCATION SCAN



NORTH CONTROL OF THE POLICY O

PROJECT DIRECTORY

LESSEE:

VERIZON WIRELESS 10801 BUSH LAKE RD BLOOMINGTON, MN 55438 CONTACT: AMANDA TURNER PHONE: 612.720.1657

ENGINEERING COMPANY: EDGE CONSULTING ENGINEERS, INC. 2101 HIGHWAY 13 W

BURNSVILLE, MN 55337
CONTACT: OTTO DINGFELDER III
PHONE: 952.683.1032

SITE ACQUISITION:

JACOBS ENGINEERING GROUP, INC. 2727 PATTON ROAD ROSEVILLE, MN 55113 CONTACT: AMY DRESCH PHONE: 952.831.1043

LESSOR:
CITY OF DULUTH
411 W 1ST ST
DULUTH, MN 55802
PHONE: 218.730.5000

RE ENGINEER: VERIZON WIRELESS

10801 BUSH LAKE RD BLOOMINGTON, MN 55438 CONTACT: MICHAEL KOCH

11"x17" PLOT WILL BE HALF SCALE UNLESS OTHERWISE NOTED CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING

** REVIEWED AND APPROVED BY STRUCTURAL ENGINEER

SHEET INDEX

SHEET TITLE

TITLE SHEET & PROJECT DATA

GENERAL SPECIFICATIONS

GENERAL SPECIFICATIONS

ENLARGED SITE PLAN

SITE ELEVATION

UTILITY PLAN

UTILITY PLAN

COMPLETED BY OTHERS

ANTENNA DETAILS

EQUIPMENT DETAILS

STRUCTURAL NOTES *

GROUNDING PLAN

GROUNDING DETAILS

UTILITY DETAILS

STRUCTURAL DETAILS **

TRAFFIC CONTROL PLANS

SUDVEY

SITE PLAN

DIMENSIONS/CONDITIONS ON SITE. IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE FOR THE SAME.

ENGINEER OF RECORD

EDGE CONSULTING ENGINEERS, INC. CONTACT: OTTO DINGFELDER III (PE # 49720 (MN)) PHONE: 608.644.1449

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

verizon^v





2101 Highway 13 W Burnsville, MN 55337 608.644.1449 voice 608.644.1549 fax

PROJECT NO:	20181847132
LOCATION CODE:	504066
EDGE PROJECT NO:	20096

OGD

CHECKED BY:

REV.	DATE	DESCRIPTION	INT.
Α	08/29/2018	PRELIM SMALL CELL DWGS	JMK
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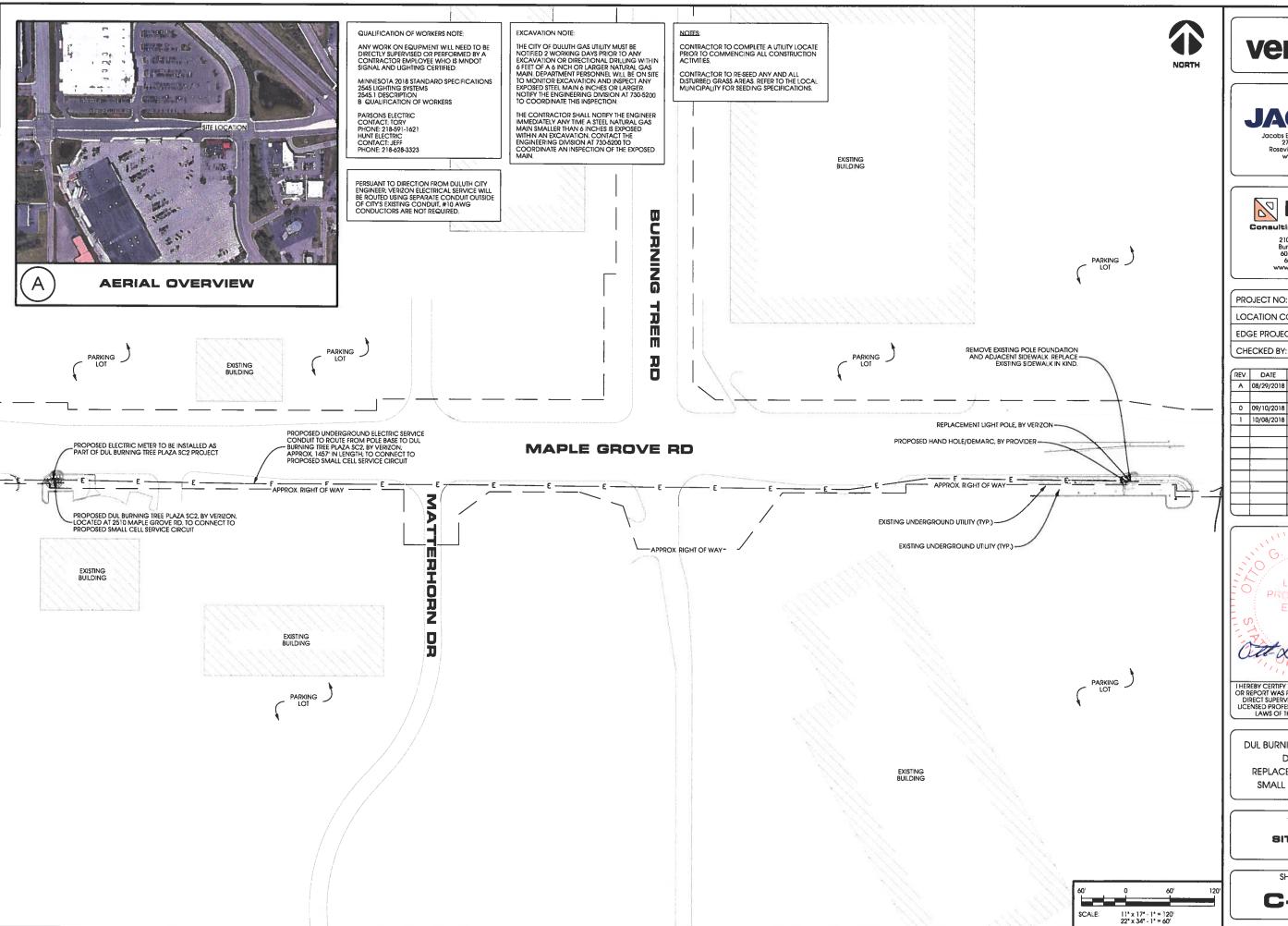
DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE

TITLE SHEET & PROJECT DATA

SHEET NUMBER

G-001





JACOBS

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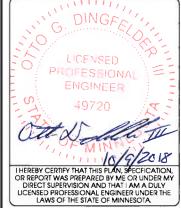


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2101 Highway 13 W Burnsville, MN 55337 608.644.1449 voice 608.644.1549 fax www.edgeconsult.com

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DUL BURNING TREE PLAZA SC3 DULUTH, MN

REPLACEMENT LIGHT POLE SMALL CELL DRAWINGS

SHEET TITLE

SITE PLAN

SHEET NUMBER

C-101



EXCAVATION NOTE:

THE CITY OF DULUTH GAS UTILITY MUST BE NOTIFIED 2 WORKING DAYS PRIOR TO ANY DESCRIPTION OF THE NOTIFIED OF EACH OF THE NOTIFIED OF THE NOTIFIE

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.

PROPOSED UNDERGROUND ELECTRIC SERVICE CONDUIT TO ROUTE FROM POLE BASE TO DUL BURNING TREE PLAZA SCZ. BY VERIZON; APPROX. 1857' IN LENGTH; TO CONNECT TO PROPOSED SMALL CELL SERVICE CIRCUIT

verizon/

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

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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

MAPLE GROVE RD

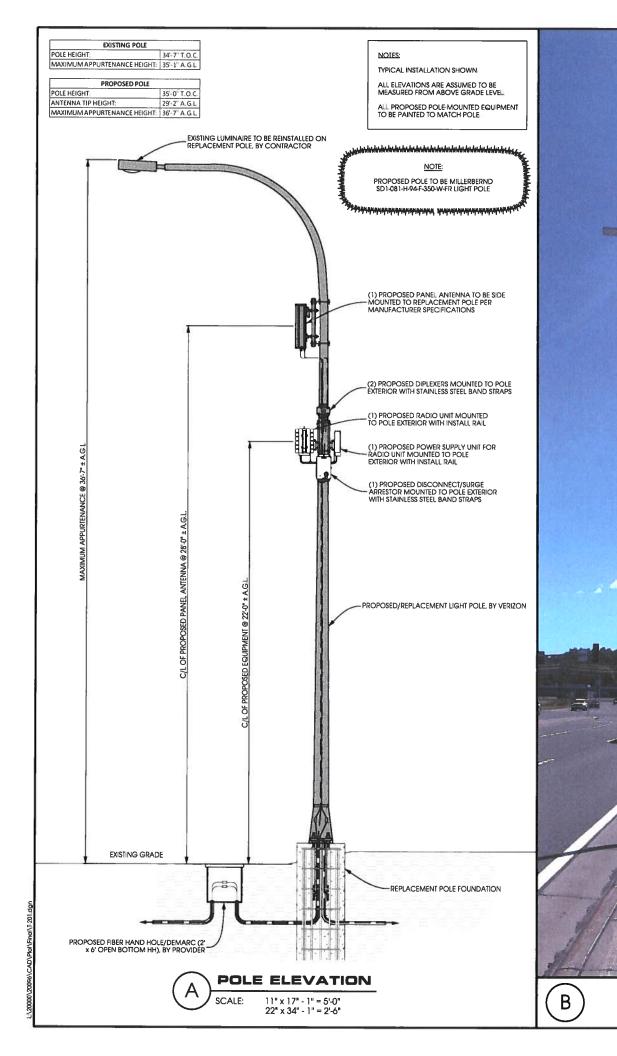




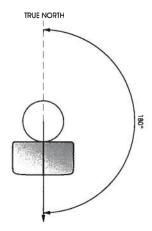
SITE OVERVIEW [LOOKING WEST]

- EXISTING UNDERGROUND ELECTRIC SERVICE PROPOSED FIBER OPTIC SERVICE CONDUIT TO ROUTE WITHIN RIGHT OF WAY, BY — PROVIDER; SEE SHEET E-101 FOR DETAILS REPLACEMENT LIGHT POLE, BY VERIZON PROPOSED FIBER OPTIC SERVICE

— CONDUIT TO ROUTE BETWEEN POLE
BASE AND HAND HOLE, BY PROVIDER EXISTING UNDERGROUND UTILITY (TYP.) PROPOSED HAND HOLE/DEMARC (2' x 6' OPEN BOTTOM HH), BY PROVIDER -EXISTING UNDERGROUND UTILITY (TYP.) - GRASS -







ANTENNA ORIENTATION
SCALE: NTS

ANTENNAS					
QUANTITY	MAKE	MODEL	CENTERLINE	TIP HEIGHT	AZIMUTH
1	ANDREW	HBXX-6513DS-A2M	28'-0"' AGL	29'-2" AGL	180°

EQUIPMENT				
QUANTITY	TYPE	MAKE	MODEL	
1	RRU	ERICSSON	RRU\$8843	
1	PSU	ERICSSON	PSU 6302	
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6	

CABLING						
QUANTITY TYPE MAKE MODEL						
12	COAX	COMMSCOPE	F4-HMDM-1M-D			

ANTENNA AND CABLING
SCALE: NTS





SITE ELEVATION

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E RF WARNING SIGNS
SCALE: NTS



JACOBS

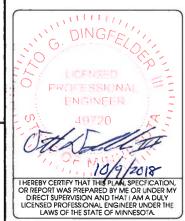
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2101 Highway 13 W Burnsville, MN 55337 608.644.1449 voice 608.644.1549 fax www.edgeconsult.com

PROJECT NO:	20181847132
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CHECKED BY:	OGD

REV.	DATE	DESCRIPTION	INT,
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DUL BURNING TREE PLAZA SC3

DULUTH, MN

REPLACEMENT LIGHT POLE

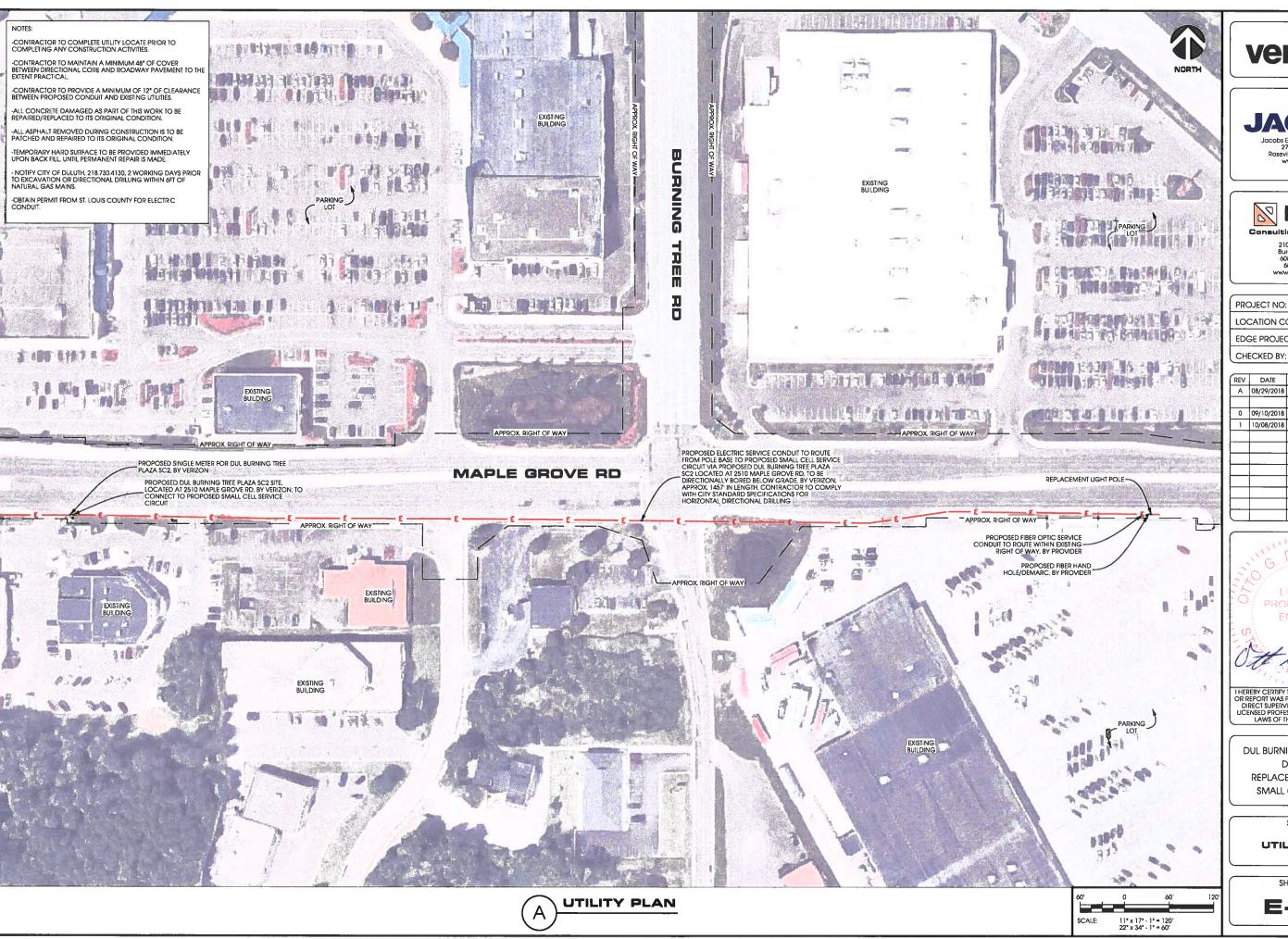
SMALL CELL DRAWINGS

SHEET TITLE

SITE ELEVATION

SHEET NUMBER

T-201





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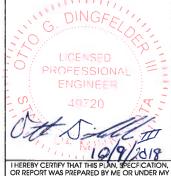
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OGD



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

SHEET TITLE

UTILITY PLAN

SHEET NUMBER

E-101

