



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:

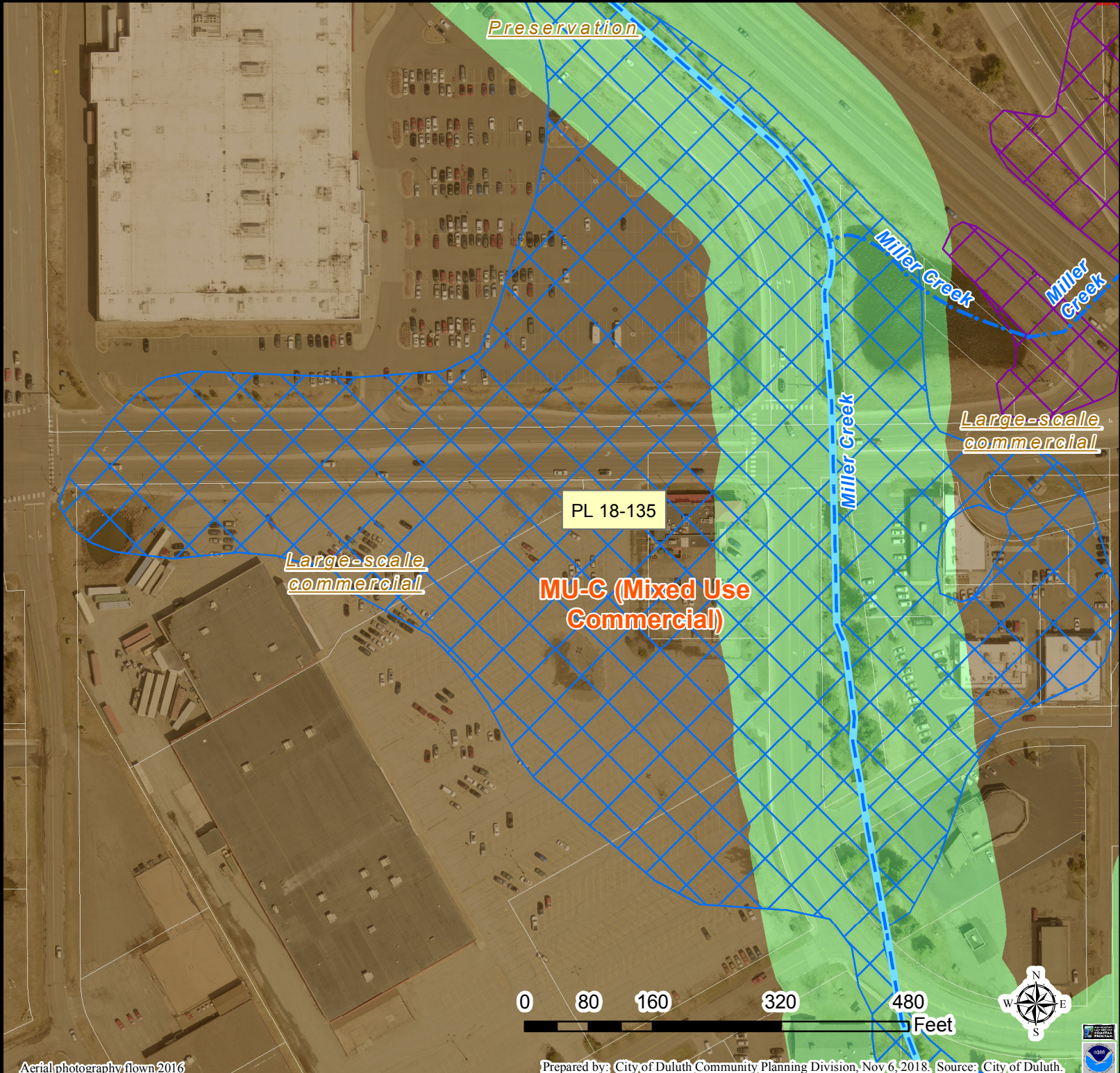
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report (signed 10/9/2018)
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed to do so by the City with appropriate 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.



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.





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

PS

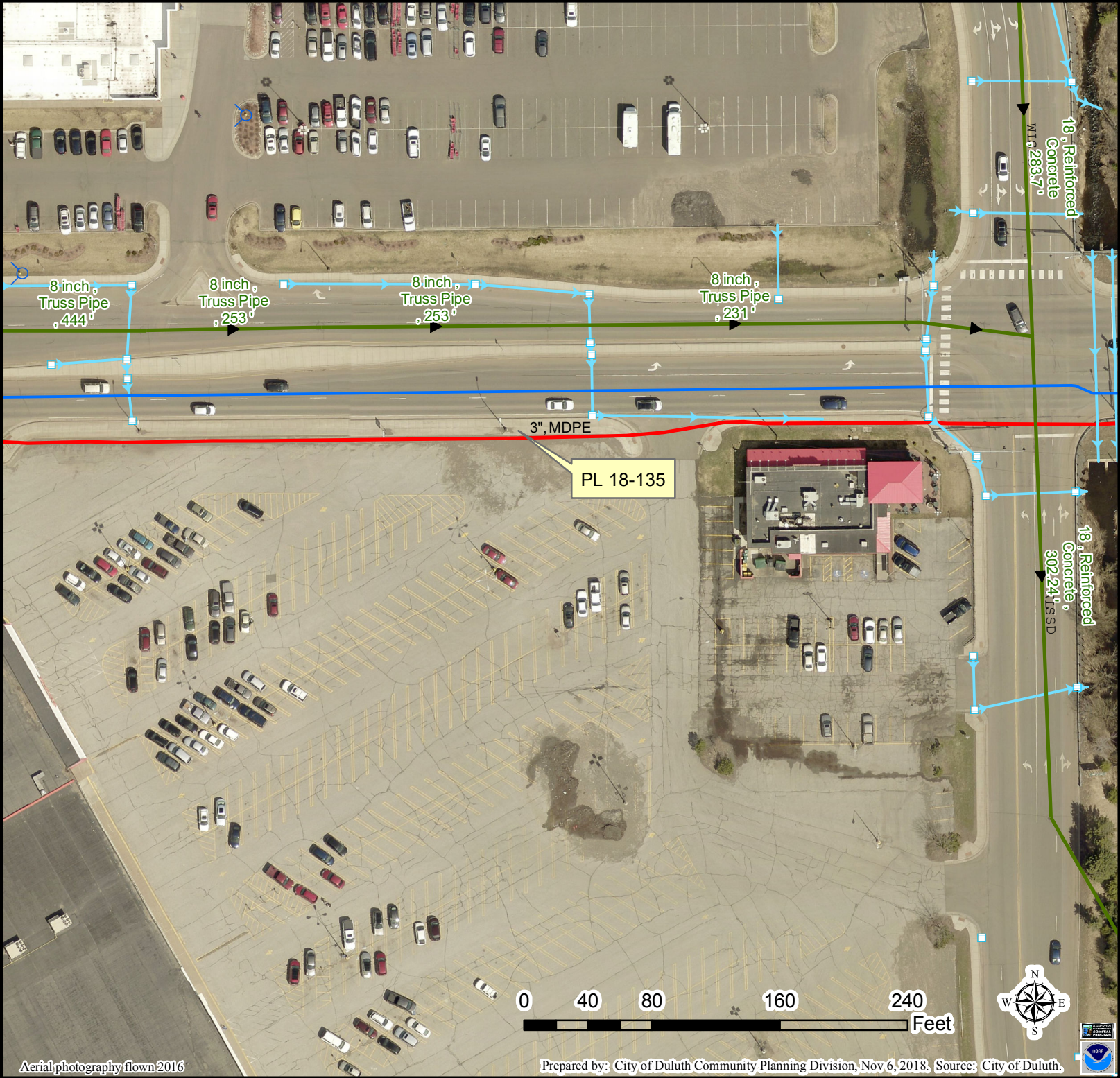
Pump Station

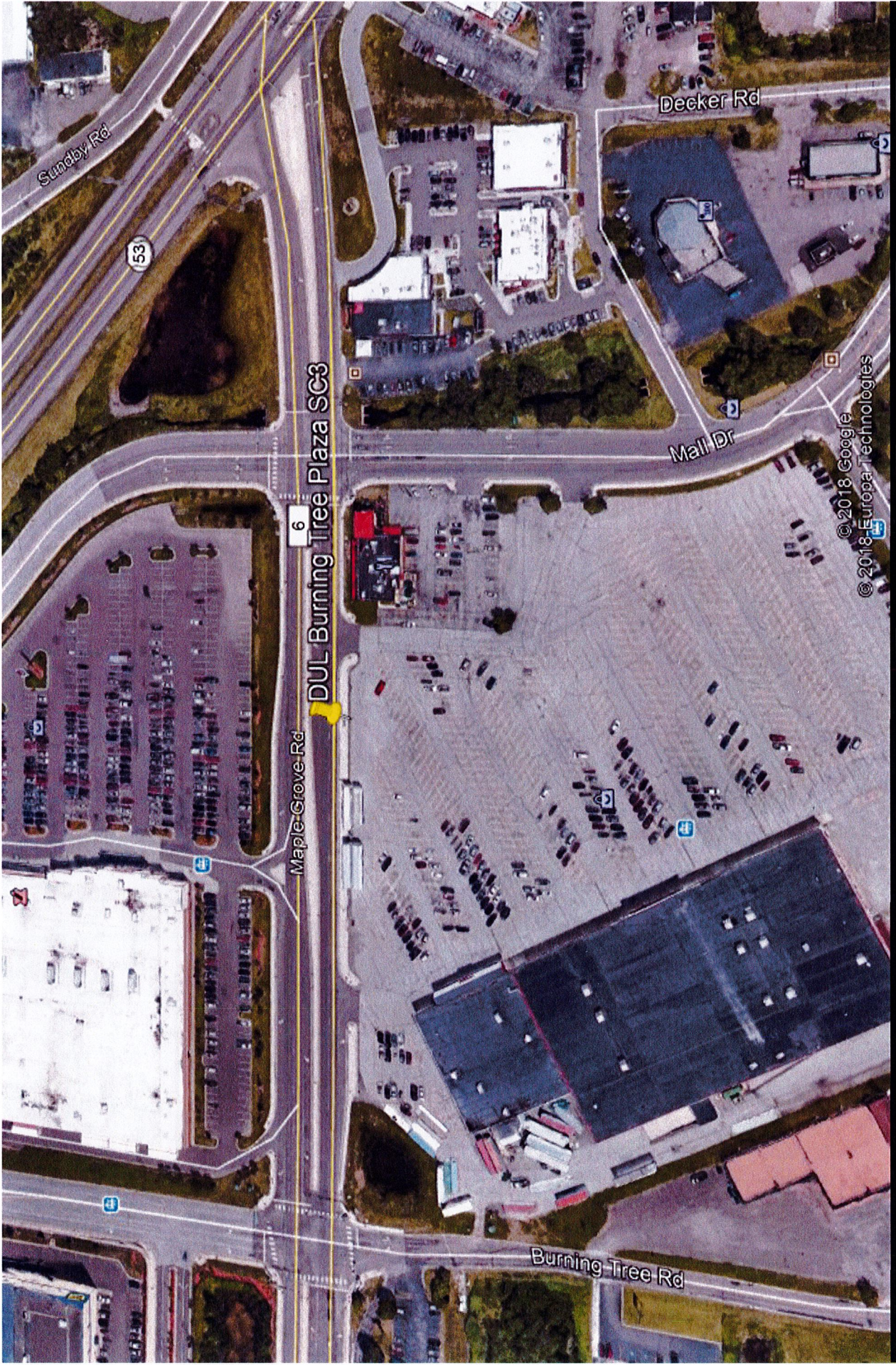
Storm Sewer Mains

Storm Sewer Pipe

Storm Sewer Catch Basin

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DUL Burning Tree Plaza SC3
Proposed Site Candidate Locations
Verizon Small Cell





A

AERIAL OVERVIEW

QUALIFICATION OF WORKERS NOTE:

ANY WORK ON EQUIPMENT WILL NEED TO BE DIRECTLY SUPERVISED OR PERFORMED BY A CONTRACTOR EMPLOYEE WHO IS MNDOT SIGNAL AND LIGHTING CERTIFIED.

MINNESOTA 2018 STANDARD SPECIFICATIONS 2545.1 DESCRIPTION

PARSONS ELECTRIC
CONTACT: TORY
PHONE: 218-591-1621
HUNT ELECTRIC
CONTACT: JEFF
PHONE: 218-628-3323

PERSUANT TO DIRECTION FROM DULUTH CITY ENGINEER, VERIZON ELECTRICAL SERVICE WILL BE ROUTED USING SEPARATE CONDUIT OUTSIDE OF CITY'S EXISTING CONDUIT. #10 AWG CONDUCTORS ARE NOT REQUIRED.

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.

NOTES:

CONTRACTOR TO COMPLETE A UTILITY LOCATE PRIOR TO COMMENCING ALL CONSTRUCTION ACTIVITIES.

CONTRACTOR TO RE-SEED ANY AND ALL DISTURBED GRASS AREAS. REFER TO THE LOCAL MUNICIPALITY FOR SEEDING SPECIFICATIONS.



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JACOBS

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

Edge

Consulting Engineers, Inc.

2101 Highway 13 W
Burnsville, MN 55337
608.644.1449 voice
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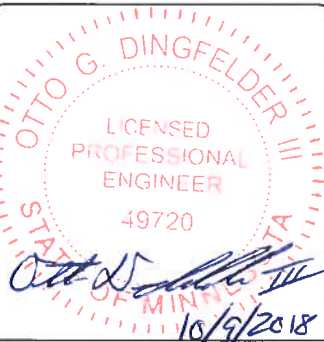
PROJECT NO: 20181847132

LOCATION CODE: 504066

EDGE PROJECT NO: 20096

CHECKED BY: OGD

REV	DATE	DESCRIPTION	INT.
A	08/29/2018	PRELIM SMALL CELL DWGS	JMK
0	09/10/2018	FINAL SMALL CELL DWGS	JMK
1	10/08/2018	FINAL SMALL CELL DWGS	JMK



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.

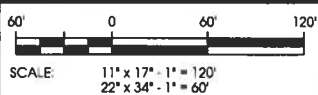
DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE

SITE PLAN

SHEET NUMBER

C-101





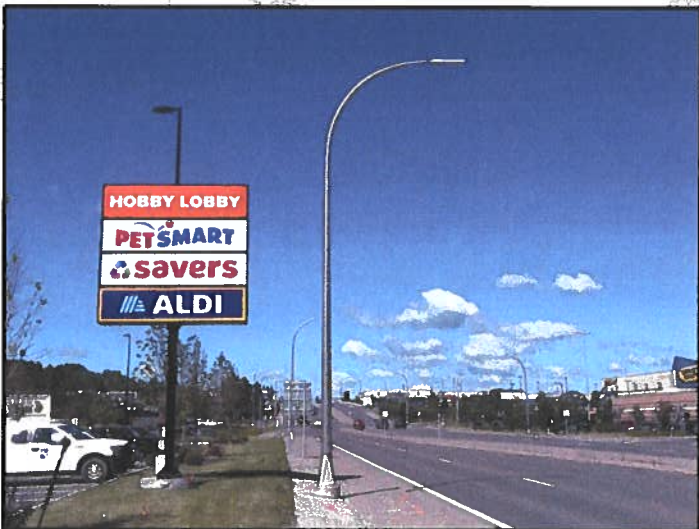
A

AERIAL OVERVIEW



B

SITE OVERVIEW
[LOOKING EAST]



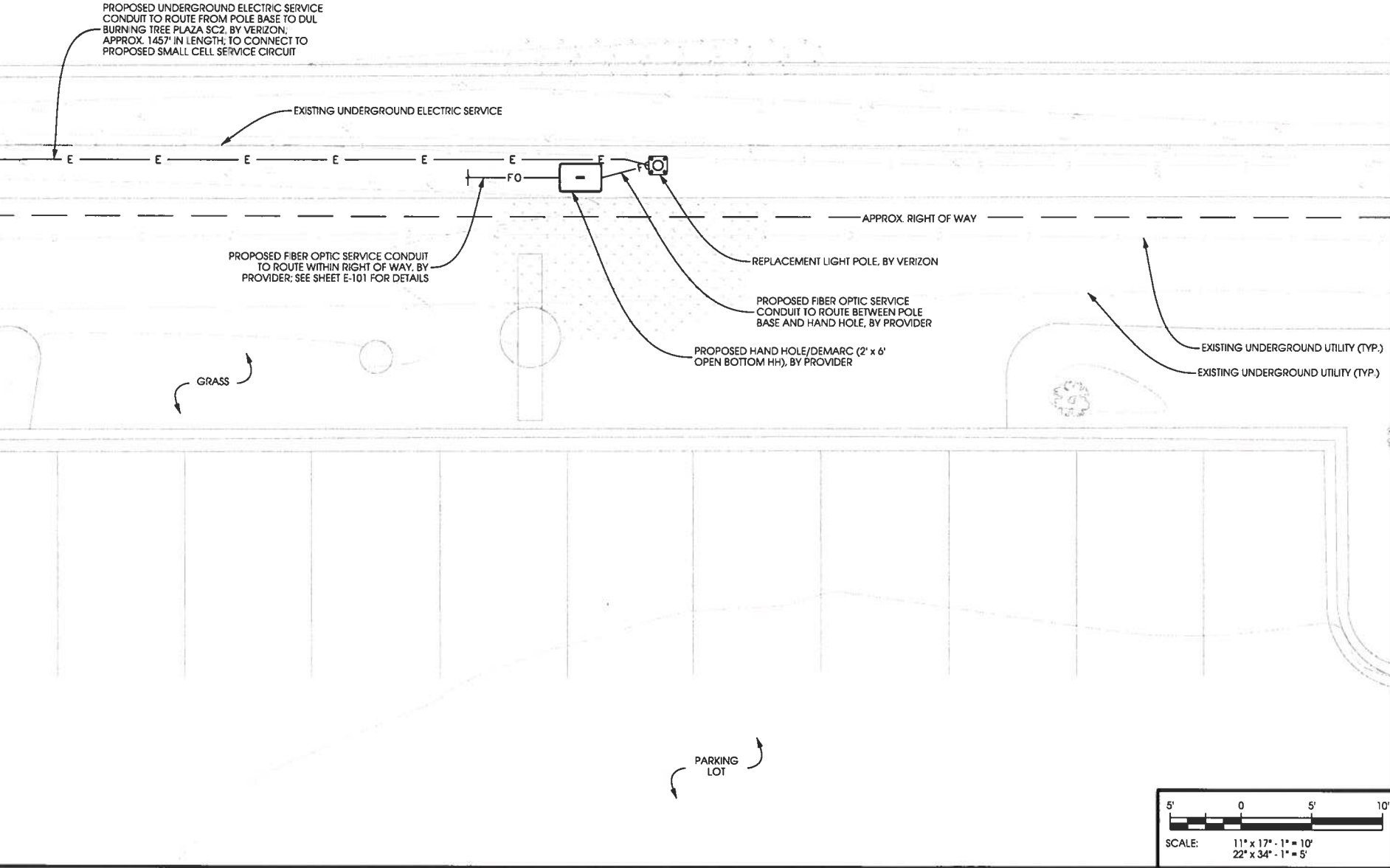
C

SITE OVERVIEW
[LOOKING WEST]

EXCAVATION NOTE:
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MAPLE GROVE RD



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www.jacobs.com

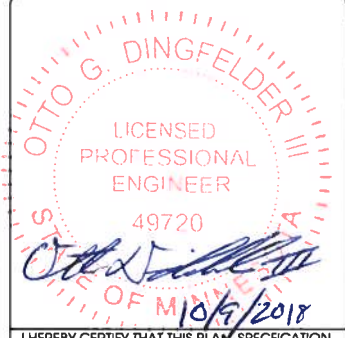
Edge

Consulting Engineers, Inc.

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

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

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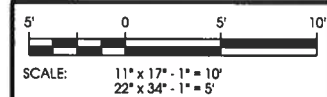


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DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE
ENLARGED SITE
PLAN

SHEET NUMBER
C-102



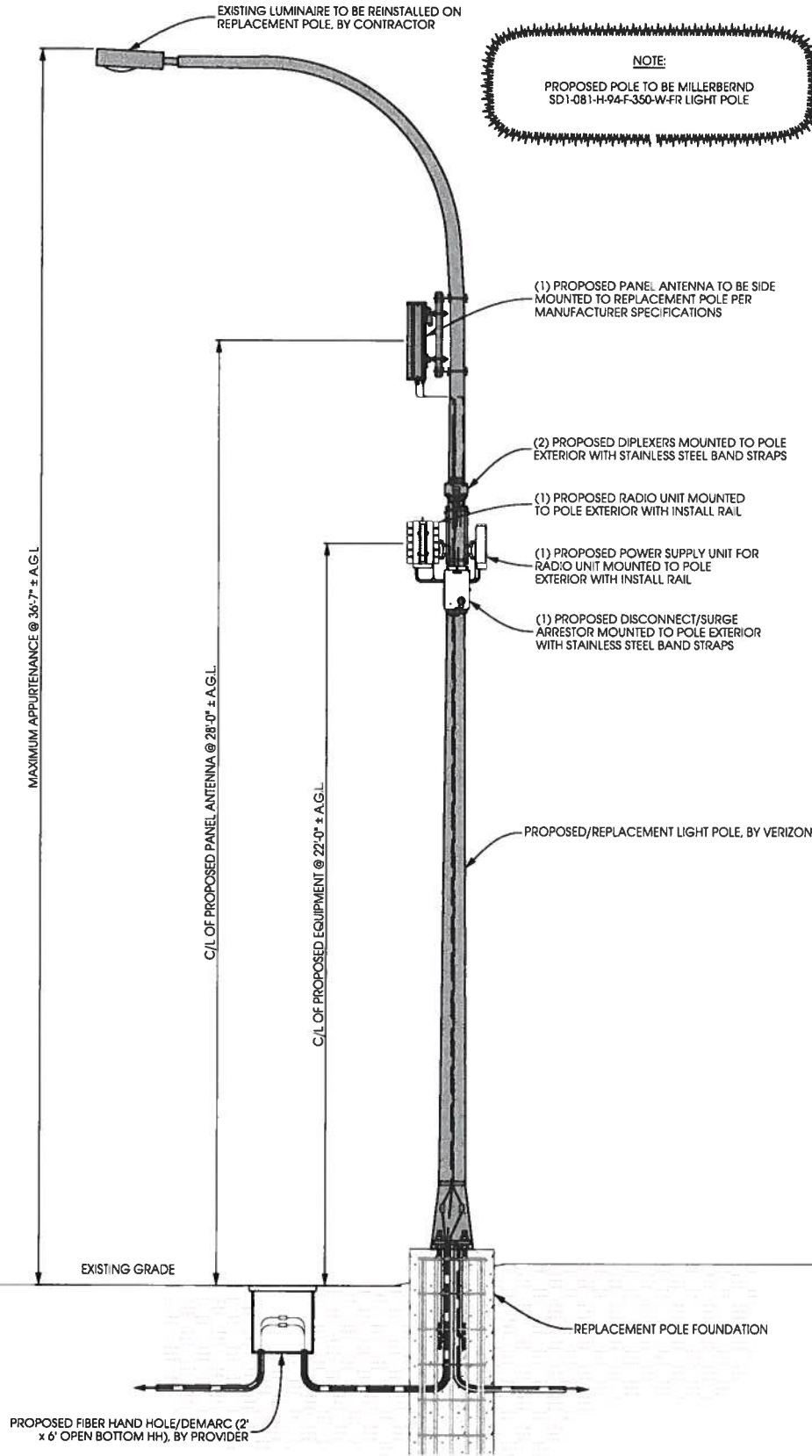
L:\20000\20096\CAD\Plot\PlotC-102.dgn

EXISTING POLE	
POLE HEIGHT:	34'-7" T.O.C.
MAXIMUM APPURTENANCE HEIGHT:	35'-1" A.G.L.

PROPOSED POLE	
POLE HEIGHT:	35'-0" T.O.C.
ANTENNA TIP HEIGHT:	29'-2" A.G.L.
MAXIMUM APPURTENANCE HEIGHT:	36'-7" A.G.L.

NOTES:
TYPICAL INSTALLATION SHOWN.
ALL ELEVATIONS ARE ASSUMED TO BE MEASURED FROM ABOVE GRADE LEVEL.
ALL PROPOSED POLE-MOUNTED EQUIPMENT TO BE PAINTED TO MATCH POLE.

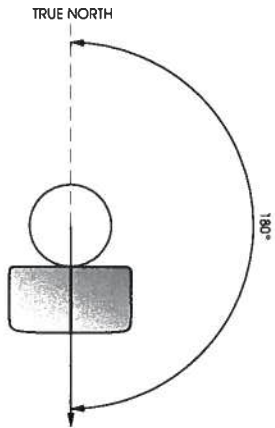
NOTE:
PROPOSED POLE TO BE MILLERBERND SD1-081-H-94-F-350-W-FR LIGHT POLE



A POLE ELEVATION
SCALE: 11" x 17" - 1" = 5'-0"
22" x 34" - 1" = 2'-6"



B SITE ELEVATION



C 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	RRUS8843
1	PSU	ERICSSON	PSU 6302
2	DIPLEXER	COMMSCOPE	CBC1923T-4310 E11F13PO6

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

D ANTENNA AND CABLING
SCALE: NTS



E RF WARNING SIGNS
SCALE: NTS

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OTTO G. DINGFELDER III
LICENSED PROFESSIONAL ENGINEER
40720
10/9/2018
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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

- NOTES:
- CONTRACTOR TO COMPLETE UTILITY LOCATE PRIOR TO COMPLETING ANY CONSTRUCTION ACTIVITIES.
 - CONTRACTOR TO MAINTAIN A MINIMUM 48" OF COVER BETWEEN DIRECTIONAL CORE AND ROADWAY PAVEMENT TO THE EXTENT PRACTICAL.
 - CONTRACTOR TO PROVIDE A MINIMUM OF 12" OF CLEARANCE BETWEEN PROPOSED CONDUIT AND EXISTING UTILITIES.
 - ALL CONCRETE DAMAGED AS PART OF THIS WORK TO BE REPAIRED/REPLACED TO ITS ORIGINAL CONDITION.
 - ALL ASPHALT REMOVED DURING CONSTRUCTION IS TO BE PATCHED AND REPAIRED TO ITS ORIGINAL CONDITION.
 - TEMPORARY HARD SURFACE TO BE PROVIDED IMMEDIATELY UPON BACK FILL UNTIL PERMANENT REPAIR IS MADE.
 - NOTIFY CITY OF DULUTH, 218.730.4130, 2 WORKING DAYS PRIOR TO EXCAVATION OR DIRECTIONAL DRILLING WITHIN 6FT OF NATURAL GAS MAINS.
 - OBTAIN PERMIT FROM ST. LOUIS COUNTY FOR ELECTRIC CONDUIT.



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OTTO G. DINGFELDER III
LICENSED PROFESSIONAL ENGINEER
49720
10/9/2018
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DUL BURNING TREE PLAZA SC3
DULUTH, MN
REPLACEMENT LIGHT POLE
SMALL CELL DRAWINGS

SHEET TITLE
UTILITY PLAN

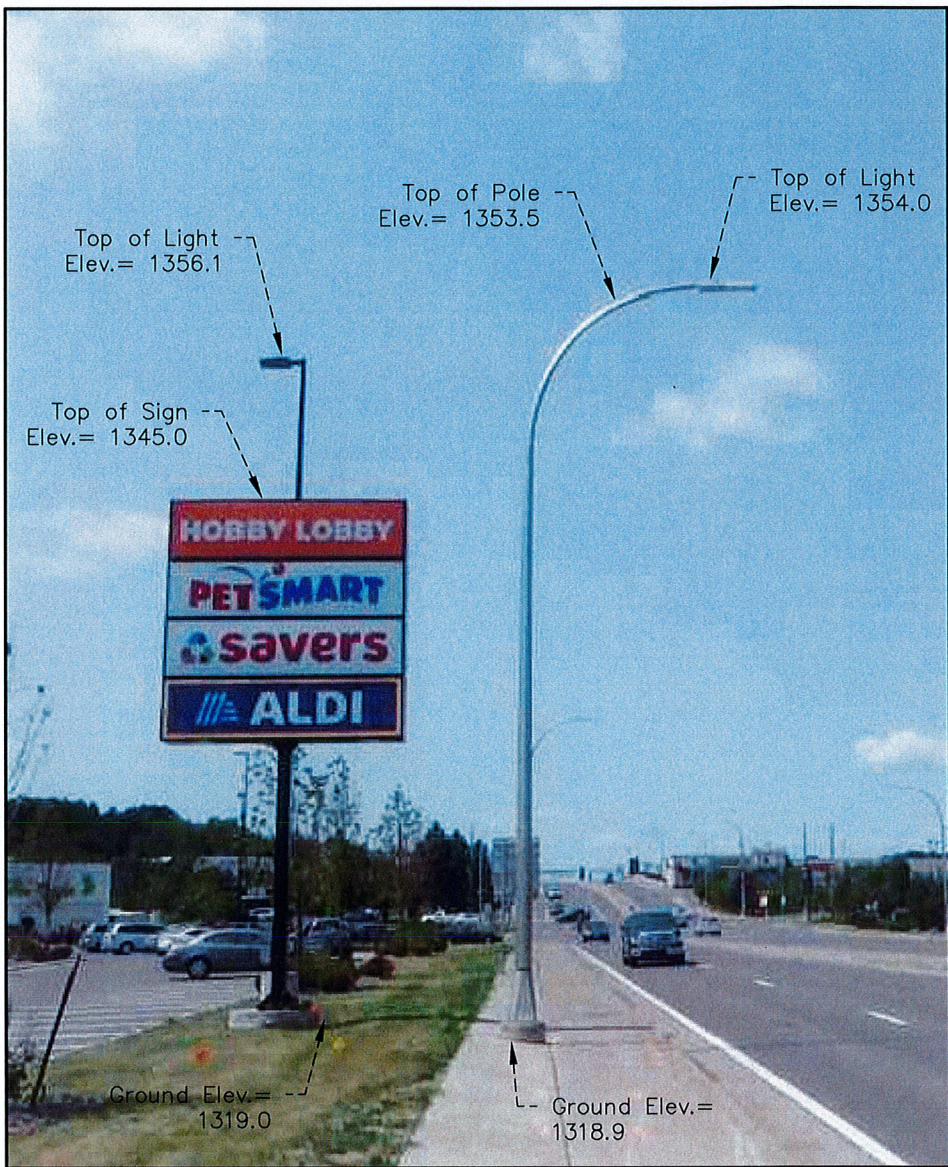
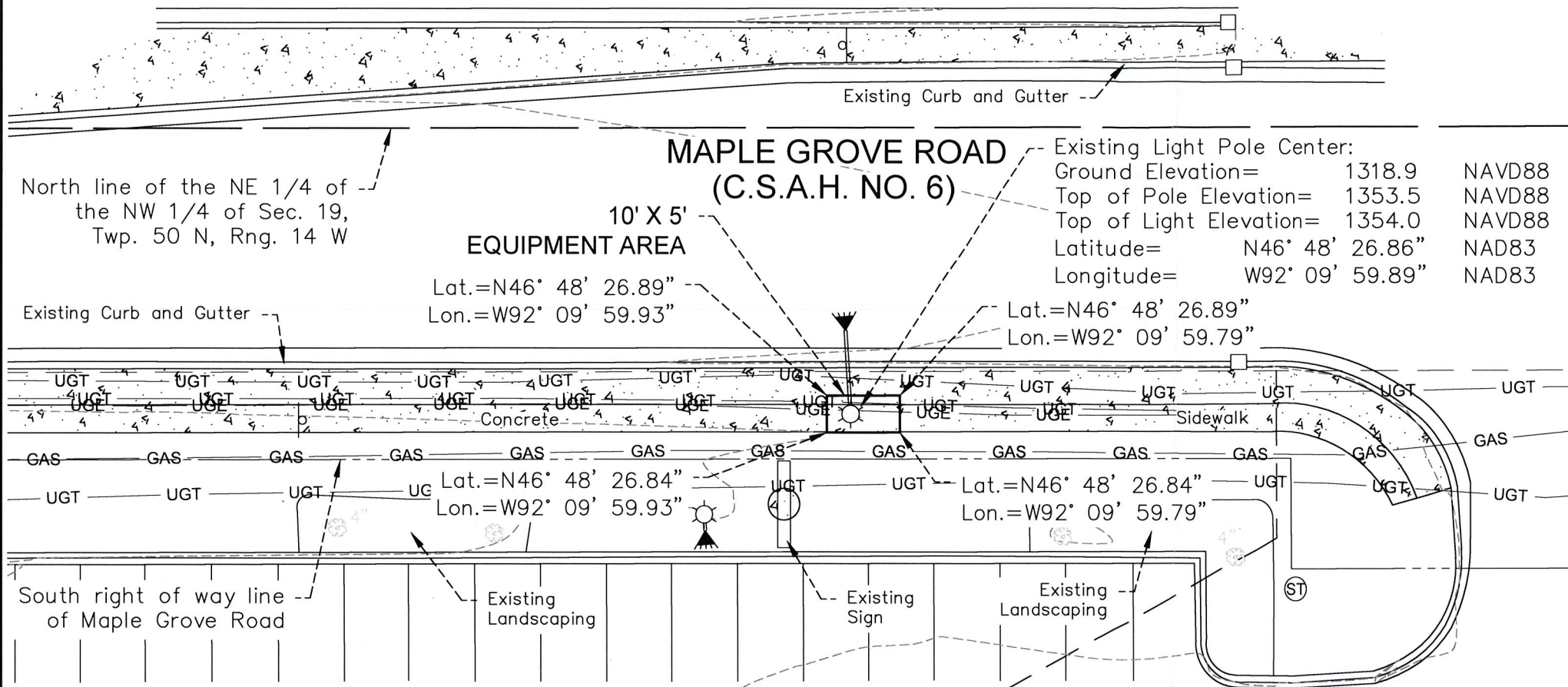
SHEET NUMBER
E-101

A UTILITY PLAN

60' 0 60' 120'
SCALE: 11" x 17" - 1" = 120'
22" x 34" - 1" = 60'

L:\20000\20090\CAD\Plan\Final\E-101.dgn

DUL BURNING TREE PLAZA SC3



VILLAGE

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

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

BLOCK 1

MALL



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.

LEGEND

	DECIDUOUS TREE		UNDERGROUND TELE
	SIGN		UNDERGROUND GAS
	LIGHT		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

Edge
Consulting Engineers, Inc.

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental