



City of Duluth

Council Chambers, City
Hall

Meeting Agenda Planning Commission.

Council Chambers

Tuesday, March 12, 2024

5:00 PM

Council Chambers

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

[PL 24-0213](#) Planning Commission Minutes 2/13/24

Attachments: [2-13-2024 PC Minutes \(not approved yet\)](#)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

[PL 23-203](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5300 Oneida Street by MasTec Network Solutions

Attachments: [PL23-203 staff report and attachments](#)

[PL 23-204](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1220 N Arlington Avenue by MasTec Network Solutions

Attachments: [PL23-204 Staff Report and Attachments](#)

[PL 23-205](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5804 Tioga Street by MasTec Network Solutions

Attachments: [PL23-205 Staff Report and Attachments](#)

[PL 23-206](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 3140 Restormel Street by MasTec Network Solutions

Attachments: [PL23-206 Staff Report and Attachments](#)

- [PL 23-207](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5004 Glendale Street by MasTec Network Solutions
- Attachments:** [PL23-207 Staff report and Attachments](#)
- [PL 23-208](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2904 Parkwood Lane by MasTec Network Solutions
- Attachments:** [PL23-208 Staff report and attachments](#)
- [PL 23-209](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2841 Piedmont Avenue by MasTec Network Solutions
- Attachments:** [PL23-209 staff report and attachments](#)
- [PL 23-210](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at Northwest Corner of N 10th Avenue E and E 3rd Street by MasTec Network Solutions
- Attachments:** [PL23-210 Staff Report and Attachements](#)
- [PL 23-212](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1219 W Michigan Street by MasTec Network Solutions
- Attachments:** [PL23-212 staff report and attachments](#)
- [PL 23-213](#) Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 212 N 40th Avenue W by MasTec Network Solutions
- Attachments:** [PL23-213 Staff report and attachments](#)
- [PL 24-012](#) Concurrent Use Permit to Replace Concrete Stoop at 1301 London Road by Armory Arts and Music Center
- Attachments:** [PL 24-012 Staff Report with attachments](#)
- [PL 23-219](#) Interim Use Permit for a Renewal Vacation Dwelling Unit at 1108 W 8th Street by Hooshang Mehralian
- Attachments:** [PL 23-219 Staff Report with Attachments](#)
- [PL 24-015](#) Interim Use Permit for Renewal Vacation Dwelling Unit at 119 St Paul Avenue by Beth Gauper
- Attachments:** [PL 24-015 Staff Report with Attachments](#)

[PL 24-018](#) Variance to Reduce Shoreland Setback from 150' to 75' at 7210 Fremont Street by Lake Superior Zoo

Attachments: [PL24-018 Staff Report and Attachments](#)

PUBLIC HEARINGS

[PL 24-014](#) Planning Review in the MU-C District for Credit Union at 3 W Central Entrance by Superior Choice Credit Union

Attachments: [PL 24-014 Staff report and attachments](#)

[PL 23-127](#) Draft AUAR (Alternative Urban Areawide Review) for the Central High School Redevelopment Project (hearing only, no decision to be made)

Attachments: [PL 23-127 Staff Memo - Draft AUAR public hearing](#)

OTHER BUSINESS

[PL 24-025](#) Conformance to Comprehensive Plan for TIF District for Welsh Place, North of Wadena Street Between 52nd and 53rd Avenues W, by Duluth Economic Development Authority

Attachments: [PL24-025 Conformance to Comp Plan Memo \(PC\) \(with attachments\)](#)

[PL 24-011](#) UDC Map Amendment from R-1 to R-P for Residential Uses North of Bald Eagle Circle by Newhaven LLC

Attachments: [PL 24-011 Staff report and attachments](#)

COMMUNICATIONS

Land Use Supervisor Report

Historic Preservation Commission Report

Joint Airport Zoning Board Report

Duluth Midway Joint Powers Zoning Board Report

City of Duluth Planning Commission

February 13, 2024 – City Hall Council Chambers
Meeting Minutes

Call to Order

Vice-President Jason Hollinday called to order the meeting of the city of Duluth planning commission at 5:02 p.m. on Tuesday, February 13, 2024 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Jason Crawford, Gary Eckenberg, Brian Hammond, Jason Hollinday, Danielle Rhodes, Michael Schraepfer, and Andrea Wedul
Member Absent: Margie Nelson

Staff Present: Adam Fulton, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Jason Mozol, and Hannah Figgins

PL 23-127 Central High School Redevelopment Project - Draft Alternative Urban Areawide Review (AUAR) document review for distribution

MOTION/Second: Rhodes/Wedul approved adding this item to the agenda

VOTE: (7-0)

Approval of Planning Commission Minutes

Planning Commission Meeting – January 9, 2024 – Changes were previously requested by Danielle Rhodes and were shared with the commission by Deputy Director Adam Fulton. Danielle Rhodes emailed Deputy Director Adam Fulton two changes regarding item PL 23-181. Fulton confirmed the changes are received.

Gary Eckenberg requested confirmation the minutes correctly reflect the motion to ask staff to bring a report to the following Planning Commission meeting regarding viewsheds. Fulton confirmed the minutes are correct.

MOTION/Second: Rhodes/Hammond approved

VOTE: (7-0)

Public Comment on Items Not on Agenda

No Comments.

(Items PL 23-203, PL 23-204, PL 23-205, PL 23-206, PL 23-207, PL 23-208, PL 23-209, PL 23-210, PL 23-212, and PL 23-213 were removed from the consent agenda to allow adequate time for public notice.)

Consent Agenda

PL 23-214 Interim Use Permit for New Vacation Dwelling Unit at 1325 Missouri Avenue by Peter and Kelly Mattson

~~PL 23-203 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5300 Oneida Street by MasTec Network Solutions~~

~~PL 23-204 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1220 N Arlington Avenue by MasTec Network Solutions~~

~~PL 23-205 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5804 Tioga Street by MasTec Network Solutions~~

~~PL 23-206 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 3140 Restormel Street by MasTec Network Solutions~~

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~~PL 23-210 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at Northwest Corner of N 10th Avenue E and E 3rd Street by MasTec Network Solutions~~

~~PL 23-212 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1219 W Michigan Street by MasTec Network Solutions~~

~~PL 23-213 Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 212 N 40th Avenue W by MasTec Network Solutions~~

PL 23-222 Interim Use Permit for New Vacation Dwelling Unit at 4609 Cambridge Street by Christensen Investment L.T.D.

PL 24-001 Variance from Shoreland Setbacks at 9502 Congdon Boulevard by Matt and Peggy Van Hoomissen

PL 24-002 Variance from Front Yard Setback at 9502 Congdon Boulevard by Matt and Peggy Van Hoomissen

Commissioners: PL-23-222 – Gary Eckenberg asked for clarification of the available off-street parking.

Staff: John Kelley responded that the requirement for the unit is three spaces, one per bedroom. The applicant is exceeding the requirement, claiming there are six off-street spaces.

Applicant: Nick Christenson responded to the question saying there is a two-car parking garage, and two parking spots directly in front of the garage. The driveway is also

Public: PL 23-214 – David Joyce - 1330 Missouri Ave. – also speaking on behalf of neighbor Dan and Karen Morgan at 1332 Missouri Ave. – expressed concern for allowing a VDU because the avenue is a dead end and only 11 ft wide. Adding a rental property here would increase difficulty getting by if there are cars parked on the road. Snow plows don't regularly plow their road, so the residents have had to snow-blow the street for years. He said he wishes to keep the neighborhood a neighborhood, which is threatened by the introduction of this vacation rental.

Commissioners: Danielle Rhodes mentioned the platform for submitting road concerns on the city's webpage, to access the correct department to address the issue.

MOTION/Second: Wedul/Rhodes approved the consent agenda items as per staff recommendation with the removal of the consent agenda items as struck-through.

VOTE: (7-0)

Public Hearings

PL 24-006 MU-I Planning Review for New Helipad on Building A at 1012 E 2nd Street by St. Luke's Hospital

Staff: Jenn Moses introduced the proposal for Building A on the St. Luke's campus to relocate the helipad to the top of the floors that are currently being added. The aerial photo provided shows the current helipad located on top of the parking garage, and the new proposed location. They will be leaving the roof of the parking ramp empty, and the new helipad location will be higher up and further away from the residential area of the neighborhood. The overall roof will not increase in height, but the helipad will be six feet in height. The only exterior lighting required will be those required by FAA Regulations. Staff recommends approval with the added conditions that the applicant follows the design and building heights submitted in the plan, and any minor modifications can be approved by the Land Use Supervisor.

Applicant: Mike Boeselager, St. Luke's Vice President –He addressed the commissioners and agreed the summary of the plan was accurate. He added that St. Luke's has been sending a quarterly newsletter to the nearby neighbors, and recently a letter describing the relocation of the helipad with an invitation for comment. The only comment received so far was from a resident at 12th Ave E and 2nd St expressing their support for the project. The new location raises the helipad by four stories and moves it 60 ft. to the south. He welcomed any questions.

Public: No speakers.

Commissioners: No questions. Andrea Wedul mentioned her appreciation for engaging the neighborhood.

Applicant:

MOTION/Second: Crawford/Wedul recommended approval as per staff recommendation

VOTE: (7-0)

PL 24-005 UDC Text Amendment Related to Vacation Dwelling Units in the RR-1 and RR-2 Districts by City of Duluth

Staff: Jason Mozol introduced the continued conversation regarding a cap on VDUs. Last summer and fall, Planning Commission reviewed a study conducted by staff that explored a number of VDU exemption options. Planning Commission recommended no changes to the UDC to City Council at that time. City Council was in favor of further exploration of an exemption for units in zone districts RR-1 and RR-2 that are within 300 ft of MUC district, citing the few units that would be affected. The proposed amendments in Article 3 of the UDC adds a line to include that exemption. Planning Commission may recommend approval of the amendments to Article 3 or denial of changes to City Council.

Commissioners: Gary Eckenberg asked what the expectation of the commission is tonight. Staff member Jason Mozol responded that commissioners are being asked to make a recommendation to City Council to either approve or deny the proposed amendments to the UDC. Gary Eckenberg asked why the original staff report that recommended no change to the UDC was omitted from the report. Deputy Director Adam Fulton responded saying the report before the commissioners tonight is in response to the request by City Council to further study the amendments to the UDC. Fulton reiterated that the original report did recommend no change to the UDC. Fulton explained that the City Council subsequently approved a resolution requesting the Planning Commission to hold a public hearing on specific code language and transmit a recommendation to the Council on that specific code language. City code requires that amendments to the UDC proceed through Planning Commission, which is then required to hold a public hearing. The proposed code change was published in the newspaper for general

community consideration, and a few speakers signed up to speak tonight. In accordance with City Code, staff is requesting a Planning Commission action on this, which will be transmitted to City Council.

Gary Eckenberg asked for confirmation that the specific code language that is in question is as follows: "Permits for Accessory Vacation Dwelling Units in RR-1 and RR-2 districts within 300 feet of an MUC district are exempt from the maximum number of permits that may be issued." Staff member Jason Mozol confirmed this is correct.

Danielle Rhodes asked whether the changes to VDU regulations will make it easier to obtain a VDU permit throughout the city in general. Deputy Fulton responded that planning staff extensively researched VDU ordinances with Planning Commission and City Council in 2021, leading to a number of modifications to the ordinance. The City continues to evaluate ways to regulate what remains a relatively new land-use. The bulk of this ordinance was adopted in 2013 and 2016, and Planning Staff continue to receive proposed modifications to this language, and staff continue to consider how the use is regulated, and balance the multi-faceted pressures that come with it.

Public: Troy Fralich: 1745 W Page St. - corner of W Page St. and Sundby Rd. – addressed the commission. He moved to the neighborhood when there were only three occupied units in the tract. If he had known there would be commercial development across the street, he would not have chosen to move there, and believes the development will detract from his property value. He feels the proposed UDC amendment will help the nearby landowners maintain some property value, because the continued development of this area is ruining the neighborhood. There are four homeowners that would be affected by the amendment on Osage Ave, one of whom had been there for 32 years, but can't make it to these meetings. He expressed feeling as though the Commission does not listen to the public.

Ben Fye: 1504 Osage Avenue – addressed the commission. I'm here because City Council voted 8-1 to send this issue back to Planning Commission with support for the four of us on Osage Avenue. Planning Commission previously supported residents on Osage Ave, and requested city Staff to allow an exemption from VDU cap for the four residents on Osage Ave. He believes the proposed amendment would only impact seven households in the city, four of which are on Osage Ave. He bought a Rural Residential (RR-1) parcel, and said it's the city's job to ensure zoning is correct, and they failed, because of the Mixed-use Commercial (MUC) zone across the street from RR-1. He feels there has been a power struggle between City Council and Planning Commission and it's unfair for these four residents to be caught in the middle. He asked for the Planning Commission's support.

Jill Crawford Nichols: 1505 W Morgan St – This decision doesn't support the future of Duluth. This resolution is in response to the past, when the wrong decision was made in 2009 to re-zone Sundby Rd. If you're a real estate investor, and an entire street just received VDU permits, you would reach out to those homeowners to purchase all of them, and split them in to smaller lots with smaller houses to increase the number of VDUs. Duluth has a heavy bias toward development, so it's not hard to believe that the city would allow this. This proposed amendment doesn't include sufficient research, data, or case studies. The city has not done their job maintaining the zones as they should be maintained, nor documenting the process that brought this decision, and the input they received conversations if they occurred. She urges commissioners not to approve the amendment.

Joyce Alworth: A neighbor of the Osage residents – addressed the commissioners. She feels sad and powerless in trying to help her neighbors who have had to watch a hotel built in front of their homes. There was no meaningful neighborhood involvement. There has been a division created in the neighborhood, and the neighborhood has been changing. Everyone loves living there, and now these four houses in particular are going to lose value, while the rest of the homes a street away are opposed to any continued commercialization of the neighborhood. She expressed her heartbreak, and wished City Council cared about their neighborhood and had included them in the conversation in the first place. She urged the commissioners to find another solution to the issue besides allowing more rental homes.

Staff: Deputy Director Adam Fulton then read in the record an email from City Councilor Arik Forsman:

Dear Honorable members of the Planning Commission: I typically try to keep an arm's length from the Commission in order to let you do your job, but today I think it's important I provide my perspective. Over the past 1+ years, as the Sundby Rd hotel proposal made its way through Planning Commission and Council we've had multiple groups of neighbors weigh in on how to move forward. One group of neighbors has been consistent with their ask in allowing an exemption to the cap for VDUs in recognition of their unique challenges of a rural residential neighborhood zoned directly next to a commercial district. In December, City Council voted 8-1 to continue considering this option, and ask Planning Commission to hold a public hearing on the topic due to the limited number of properties in Duluth that would be affected. It is my belief that this proposal is consistent with the comprehensive land use plan, is reasonably related to the needs of the community, can be considered good zoning practice given the history of this neighborhood, and will not create a material adverse impact on nearby properties. I hope Planning commission will consider this change in light of a large slate of VDU changes that City Staff have said will likely be considered later this year. I appreciate your service and welcome any questions.

Adam Fulton noted that the reference to upcoming proposed VDU changes will be coming at the next Planning Commission meeting, and it would be appropriate if the Commission wished to table this item in order to consider this action in tandem with other possible changes to the Ordinance.

Commissioners:

Brian Hammond asked staff to clarify that it's the Commission's job to hold a public hearing and make a recommendation, which then goes to Council for final vote, correct?

Fulton: Correct

Brian Hammond and Gary Eckenberg asked staff if the additional changes referenced in Councilor Forsman's email are direct changes to the VDU ordinance.

Deputy Director Fulton responded that the items for the next Commission meeting are related to the VDU ordinance but also other short term lodging. The broad swath of what staff will be bringing to the Commission is in relation to the definition of "hotel"; there has been confusion in the past about difference between VDUs and hotels. Some proposals have begun to blur the lines between what it means to be a VDU versus a hotel. The intent is to potentially consider a new category of land use called "boutique hotels" or "boutique lodging" with specific regulations. The hotel industry is changing, and it is adopting more characteristics of VDUs, such as contactless check-in and entry. There is a need to establish the difference, and staff is currently working on this definition. You can expect to hear more at the March meeting.

Eckenberg: It doesn't appear that any changes to the VDU ordinance that were referenced in the Councilor's email would have much influence on this decision then.

Fulton: The regulation of VDUs is still an emerging topic and area of regulation. This proposal is for an exemption of that cap for a specific zoning district in a specific circumstance related to adjacency of commercial activity.

Eckenberg: In previous months meetings, we were given a map of the properties in the City that would be affected by this change to the VDU cap. We were told eight addresses could be affected, so why have we only focused on four addresses?

Fulton: That study and report was transmitted to the City Council, and staff did not conduct further scrutiny in advance of tonight's meeting of the maps that might relate to this specific proposal. Staff could look in to that and report specific numbers. This proposed resolution applies to any property zoned RR-1 or RR-2 within 300 ft of an MU-C district.

Eckenberg: According to this map the impact is on more than four houses. If any of the other property owners want to know about their opportunity for a VDU, they should know.

Hammond: What year was Sundby Rd rezoned?

Fulton: It is my recollection that the parcel was rezoned in 2009, following the Planning Commission processes, and City Council voted to approve that rezoning.

Wedul: What happens if there is a proposal for rezoning? Do they automatically forfeit a VDU permit upon rezoning?

Fulton: The process for obtaining a VDU necessitates the issuance of an interim use permit which proceeds through the Planning Commission. This proposed exemption would allow only specific properties to apply, but does not mean there is a guarantee the VDU would be approved. An approved interim use permit does not constitute a rezoning of the property. It would remain zoned RR.

Wedul: The character of the neighborhood probably won't change if it is still zoned RR-1 or RR-2, and is required to maintain the same zone character. To clarify, this proposal would not change the characteristics of an RR zone district.

Fulton: What would change is there would be an opportunity to apply for a VDU permit, but I can't say how that might affect the character of the neighborhood. That's why it is an interim use permit, and undergoes scrutiny by the Planning Commission and a public hearing.

Eckenberg: This would benefit only 7 homes and 1 business. This resolution has returned to Planning Commission with the same staff recommendation that there should be no change in the VDU permit cap. The Planning Commission is appointed by the City Council based on whether they have anything of value to add. The Planning Commission doesn't have any power to struggle for with the City Council, as suggested by Mr. Fye. City Council will vote for something, even if Planning Commission doesn't recommend it. I stand by staff recommendation and therefore can't support this resolution.

Schraepfer: I notice there is no official staff recommendation provided tonight, so are we instead voting for or against the memorandum?

Fulton: Correct, we are not providing a specific staff recommendation tonight, although the memo does reference the staff report. This memorandum is based on a request from City Council, and the Commission would typically vote on the proposed language if it is not tabled.

Schraepfer: My thoughts mirror Eckenberg's in that the City Council appoints the Commissioners and the Council calls the shots. It seems this issue began in 2009 and no one on the commission was here then. If you look on a map and see a property is next to a commercial district, and you purchase the home, there is responsibility on the homebuyer. It is unfortunate the zoning occurred this way, but it is not unfortunate that the city is growing. It does feel like

an error that RR is next to MU-C. Across our city we typically have buffer zones, or Form districts, that allow VDUs in between residential and commercial districts. The neighborhood in question is not a Form district and doesn't meet the definition of one at all. Councilor Forsman mentioned the idea of keeping to this idea of allowing buffer zones, and the Council has found that this is an amicable way to amend the error in zoning made a long time ago.

Wedul: We understand you feel there's been an injustice, which is why I will support this. We believe this will give the neighbors options, which is the best we can do at this time. The Commission will continue to listen.

MOTION/Second: Wedul/Crawford motion to approve the memorandum. Motion fails.

VOTE: (3-4) Eckenberg, Hammond, Hollinday, and Rhodes deny

Coleman: There was a motion on the table, the motion failed, so the item is still open as an item.

MOTION/Second: Eckenberg/Hammond motion to deny the memorandum.

VOTE: (4-3) Crawford, Schraepfer, and Wedul deny

Other Business

PL 23-224 Historic Resource Designation at 2401 W 6th Street by Belanger 1916 LLC

Staff: Deputy Director Adam Fulton said he made an error in reading the ordinance, originally relaying that this item was to be a public hearing at the most recent Historic Preservation Commission meeting. The item was not to be a public hearing but was to be acknowledged by the HPC as being received. John Kelley, staff member on this item, also noted the mailing sent to some surrounding neighbors was sent in error. The Planning Commission is to acknowledge the receipt of the application for the historic designation and comments are to be recorded and taken to the HPC meeting in March where a public hearing will occur, and the HPC will bring their vote to the City Council. Fulton added that staff are looking for comments on the application which can be given during the meeting tonight or can be sent via email before it goes to the HPC. It's a neat building at 2401 W 6th St, and the historic designation will allow for a reuse of the building which has been vacant for a number of years.

Commissioners: Danielle Rhodes asked staff what the benefit to the owner is. Staff member John Kelley responded that the historic designation would allow for different uses than what is allowed in the residential district, specifically a historic commercial use. The applicant has no intent to demolish and rebuild or add significantly to it. Brian Hammond asked what uses are available with the designation that aren't available now. Kelley responded there is an opportunity for an adaptive reuse, and Adam Fulton added that the district is R-1 and current allowed uses are restrictive to single family purposes; adaptive reuse of historic structures allows for their preservation and the ability to use the building in a more consistent way with the historical use. Andrea Wedul asked whether this would be considered spot-zoning. Fulton responded that it would be consistent with the historic preservation adaptive reuse ordinance. Danielle Rhodes asked staff to clarify whether the owner of the property would still have to go through the same process as any other business and obtain a special use permit. Deputy Director Adam Fulton explained that the historic preservation plan has to include the proposed use of the structure which undergoes additional public scrutiny. St. Peter's Church is a recent example. An adaptive reuse permit allowed the structure to be preserved and converted to an art school. Gary Eckenberg mentioned that the structure was built in 1916 and housed an operating grocery store from maybe 1924 to 1944, with three apartments above it. After the owner of the store passed, another family purchased the building and continued to run the

store until about 15 plus years ago. Since then the building has been vacant. The gap in usage how now meant the building can't be used as a grocery store due to the zone district. The historic designation would allow for a different use in the current zone. I've lived half a block away since 1977, and this building has been blighted for at least 15 years, and people from my neighborhood will be asking for this building to be torn down. I think there's a better way. Danielle Rhodes continued that if the building is given the adaptive reuse then it would be allowed to do anything allowed in an MU-N zone, including arts, child care, retail, bed and breakfast, etc. Almost anything other than health care or agricultural use. Fulton addressed the commission saying that is partially correct – the owner would need an approved preservation plan, and apply for an interim use permit which requires a hearing with the HPC and a community hearing in advance to solicit comments from the public. Brian Hammond added his concern is historic designations can prevent a blighted structure from being torn down to allow new development. Fulton responded that the historic designation would require a demolition permit through the Planning Commission. Hollinday asked if a historic designation opens up funding opportunities. John Kelley replied that he is unfamiliar with funding opportunities but the applicant is aware of funding that could be available with the historic designation. Fulton clarified that staff recommend receiving this report. Danielle Rhodes requested a presentation from the applicant at a future meeting.

PL 23-181 Interim Use Permit for a Vacation Dwelling Unit at 608 ½ W 4th Street Unit 1 by Justin and Alyssa Voegelé

Staff: Deputy Director Adam Fulton reviewed staff findings that the records do not clearly indicate the presence of permitted front-yard parking. Staff maintain the initial recommendation not to approve the interim use permit for a VDU.

Commissioners: Danielle Rhodes asked staff if any new evidence was uncovered. Fulton responded that no new evidence has been identified by staff research or the applicant. We don't know what the departmental processes were in 1977, which were different than they are today. The applicant is present and interested in addressing the commission. Staff recommends an action by the Commission this evening to conform to the requirements of Minnesota Statute 15.99.

Applicant: Justin Voegelé addressed the commission as the owner of 608 W 4th St. He reiterated that staff has recommended denial of the interim use permit due to the use of front-yard parking. He maintains that there are permits from 1977 for the parking structure, and additional units. He is under the impression that variances were much easier to obtain then than they are today. He has not been able to find proof of whether this type of parking was allowed in 1977, but he operates under the assumption that the City did their jobs correctly in 1977, and therefore the only rational conclusion is that the use for parking was permitted. He urged the Commission to approve the permit because he believes this to be a unique case, that would not apply to many other properties in the City. Danielle Rhodes asked the applicant whether any new evidence has been identified. Voegelé responded that Adam Fulton sent him applicable zoning code, but no other evidence was found.

Danielle Rhodes asked staff if there is a potential upcoming ordinance change to front yard parking, and if that happens, will the applicant be able to re-apply for the interim use permit. Fulton responded that the waiting list for applying for a VDU is very long, and the UDC does not allow applicants to apply for the same permit twice in one year. These two issues would have to be taken up with the City Attorney's office. There has been dialogue about front yard parking in the community, but there are not any conclusive updates on potential changes. Front yard parking has been prohibited by the code for a significant period of time, yet has happened

periodically. In this case, front-yard parking would be inconsistent with the neighborhood. The incline railway that was located on 7th Ave W is in an area that looks significantly different today than it did 100 years ago. The street is steep and parking is constructed where feasible, but the zoning code adopted in 1976 prohibited front-yard parking, and the permit in question is from 1977, when front-yard parking was prohibited.

Rhodes asked whether it is possible to deny an application with the exception that they can reapply if the front-yard parking rules were to change. Attorney Jean Coleman responded that the Commission cannot pass an action that is effectively an amendment to the zoning code without following the proper procedures. Attaching language to an application to apply under special conditions would not be following the processes for amending the zoning code. Wedul asked staff if there is an opportunity to retroactively apply for a variance for the existing structure. There is no way to access rear-yard parking without driving down the hill, so she would consider that to be practical difficulty. Adam Fulton responded that before the Commission today is the application for the interim use permit.

Hammond noted that his opinion is that the parking was allowed at the time the structure was built. Crawford added that he notices cars parked in front yards and grassy side yards all along Arrowhead Rd, and he is inclined to approve this permit because the front yard is already paved. Rhodes added that the application from 1977 did include approval stamps next to the parking structure.

Wedul asked for clarification that the parking was included in the original permit. Hammond replied that the permit did include the word "parking" on the permit. Wedul iterated that the action allowing the variance for the front-yard parking is missing from the records. Eckenberg summarized that before them is an application for an interim use permit for a VDU, that staff recommends denying because the property does not meet the off-street parking requirements. Planning Commission can't change city code to allow front-yard parking in relation to this interim use permit. All front yard parking in the city should be fined. The code clearly says we cannot permit front yard parking, and doing so would be a violation of the code. Hammond agrees that permitting front-yard parking would defy the code, however based on the facts presented, he believes the parking was permitted in 1977 and therefore does meet code requirements. Rhodes added that it seems the original applicant of the parking structure was not at fault, rather the city at the time did not follow the proper procedures. Eckenberg responded that the use that was approved at that time was for a different use than what is being applied for today. Schraepfer noted that the structure appears to be parking that was approved 50 years ago. Rhodes added that the lot is difficult, it doesn't seem feasible for other parking to be constructed. Hammond added that the absence of evidence of the variance for the parking does not mean the variance was not issued. This could have been by the books, because we have no evidence one way or the other. Eckenberg reiterated that whether or not the variance was approved doesn't matter because the use being applied for now is not the use that was applied for in 1977. Rhodes asked if a person in a residential building had a variance for front-yard parking and applied for an interim-use permit, would the variance for parking still be in effect. Schraepfer noted the waste of paved space if parking is not to be allowed there. That makes the structure not good for any use.

Applicant: Voegelé said it is an accessory structure, meaning non-conforming use.

MOTION/Second: Hammond/Rhodes motion to approve the interim use permit due to the presented facts indicating the applicant has met the requirements and has provided required parking.

VOTE: (5-2) Eckenberg and Wedul opposed

PL 23-127 Central High School Redevelopment Project - Draft Alternative Urban Areawide Review (AUAR) document review for distribution

Staff: Kyle Deming addressed the Commission with the next step in the Central High School redevelopment project. The Commission was provided the draft AUAR for their review and approval for distribution to the EQB monitoring page and EQB distribution list and via news release and legal notice. The draft AUAR would then be brought to public hearing at the next Planning Commission meeting. Staff would then bring responses to those comments and questions at the April PC meeting. Tonight we ask the Commission to approve this document for public distribution.

Commissioners: Andrea Wedul asked staff whether there is any scenario where an EAW would have to follow an AUAR? Staff member Deming replied that the AUAR takes the place of the EAW. Wedul also asked if there is legal means to hold the developers accountable to the plan, specifically the claims that water infiltration will be feasible on the site with green infrastructure. Deming responded that this document is a draft, and whether a site will be capable of water infiltration will be dealt with at the permitting stage. Wedul asked whether the build out of the school district bus parking area should be included in the full plan. Deming said the bus area is outside the boundary of the AUAR, but you can go outside the boundary of the AUAR study in considering potential impacts to the site, and there are lots of opportunities for agencies and general public to comment on the study.

MOTION/Second: Rhodes/Wedul approved a motion to approve the draft AUAR for distribution for public comment.

VOTE: (7-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Adam Fulton provided the Commissioners with a map of the gravel pit along Becks Rd in Midway Township. The site is currently being reviewed by staff in regards to the comments they have received in relation to the gravel pit, and will discuss with the Midway Township Board at their meeting on February 29th at 6pm. He and Director Chad Ronchetti will both be present to discuss this with the public. Staff are working to validate the operation of the mine is in accordance with the initial approval in 1978. This will likely come before the Planning Commission for dialogue, with representatives of the ownership of the site in attendance.

Andrea Wedul asked staff whether the site was initially a part of Midway Township. Fulton responded that it was initially, but was annexed in to the City of Duluth in 2013.

Fulton also updated the Commissioners that the Annual Meeting is scheduled for the 27th of March in addition to the monthly Commission meeting. This meeting will be open to the public and held at Hartley.

Eckenberg mentioned that there was discussion at the recent HPC meeting about having another joint meeting with Planning Commission this year as was done last year.

Fulton said to anticipate other code amendments in March, possible issues related to VDUs, setbacks, and building height.

Kyle Deming is working on West Duluth Core Investment Areas, beginning to host community meetings in West Duluth. It is really exciting to have these plans under way, although there is not a timeframe for the start of plan implementation. If Commissioners have an interest in these meetings, they are welcome and should ask Kyle or Adam for more details.

Viewsheds have been discussed amongst staff; given staff capacity, they request this is discussed at the annual meeting for purposes of building this topic and working this in to future workplans.

Zenith Awards – Please bring your nominations to Staff, projects that qualify are anything that began in the last year.

Eckenberg asked how the Planning Commission can pass a motion to request Staff create a report about the viewshed issue and report at the following meeting. Why didn't the item make it on to the agenda for this meeting. Fulton responded that the Agenda is set by the Secretary of the Commission and confirmed by the President. As we look to build things in, we consult with other members in the department. This issue requires Staff capacity that is not currently available. Eckenberg added that the President of the Commission is not the ultimate decision maker and should communicate more with the other Commissioners. The other Commissioners would have liked to be informed on this issue. Rhodes suggested the public comments received should be in the public record.

Historic Preservation Commission Report – Commissioner Eckenberg informed the Commission of the discussion with MnDOT of the London Rd and 26th Ave E roundabout, and the proposed roundabout on 60th Ave E has been tabled for now.

Joint Airport Zoning Board – Commissioner Eckenberg reported the organization has not met

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton reported no updates

Adjournment

Meeting adjourned at 7:08 p.m.

Respectfully,

Adam Fulton – Deputy Director
Planning & Economic Development



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 23-203	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 5302 Oneida St		
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	Traditional Neighborhood
North	R-1	Institutional/School	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	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):

Governing 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: Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This is a companion zoning application to PL 23-204, -205, -206, -207, -208, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing or new utility poles. The installation falls with the provisions of Minnesota Statute 237.162 and 247.1643, as amended in 2017.

Discussion

Staff finds that:

- 1) The small cell wireless facility will be installed on a replacement Minnesota Power wooden pole. The street light will be re-attached to the pole at 29 feet, and the wireless equipment will be placed at 35 to 37 feet, with a radio at 16 feet. 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 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 pole will remain with Minnesota Power. Liability, maintenance, and operation of the small cell 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:

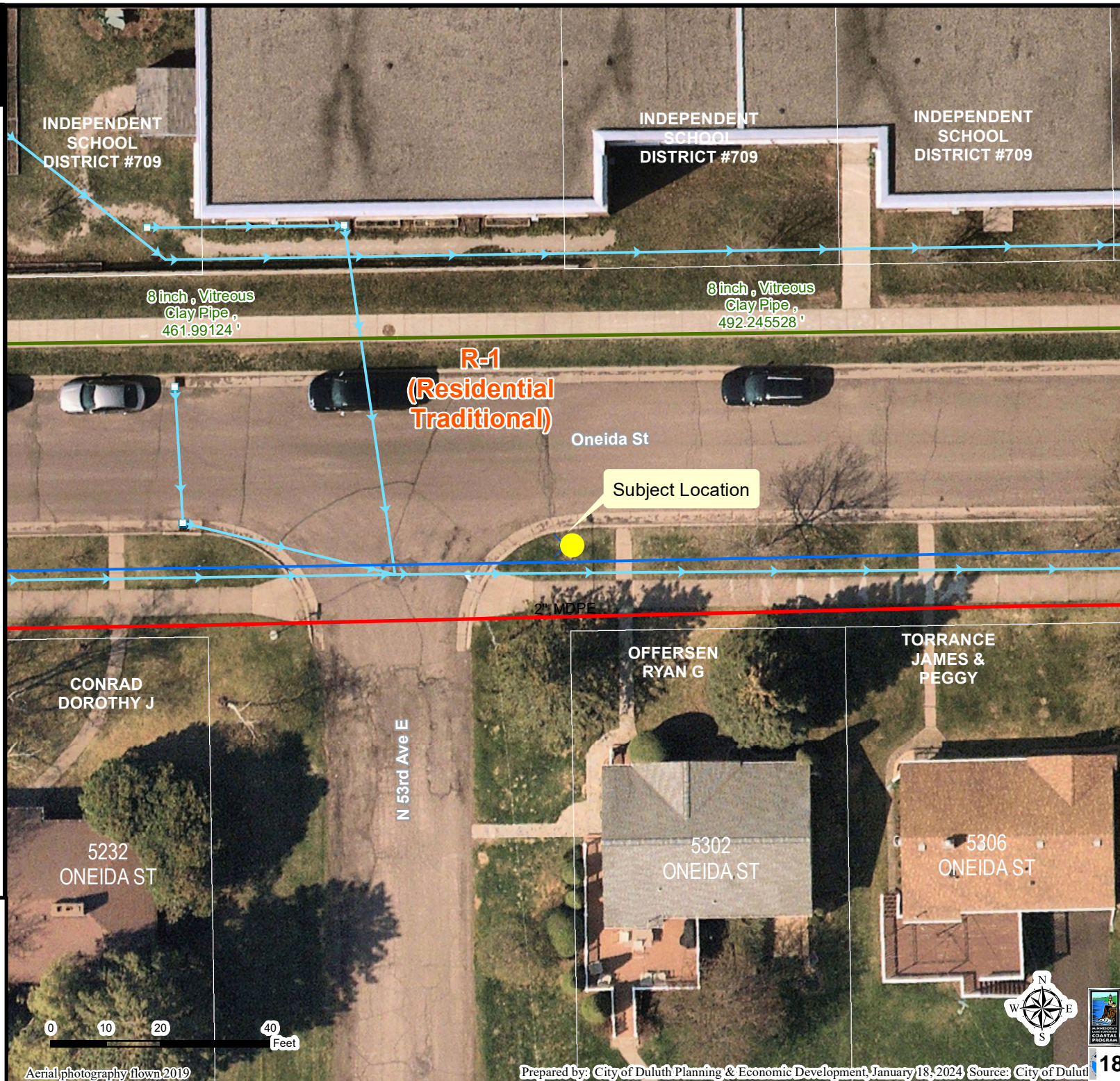
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed 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.



PL23-203
Small Cell CUP
5302 Oneida St

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
- Zoning Boundaries**
 - Trout Stream (GPS)
 - Other Stream (GPS)



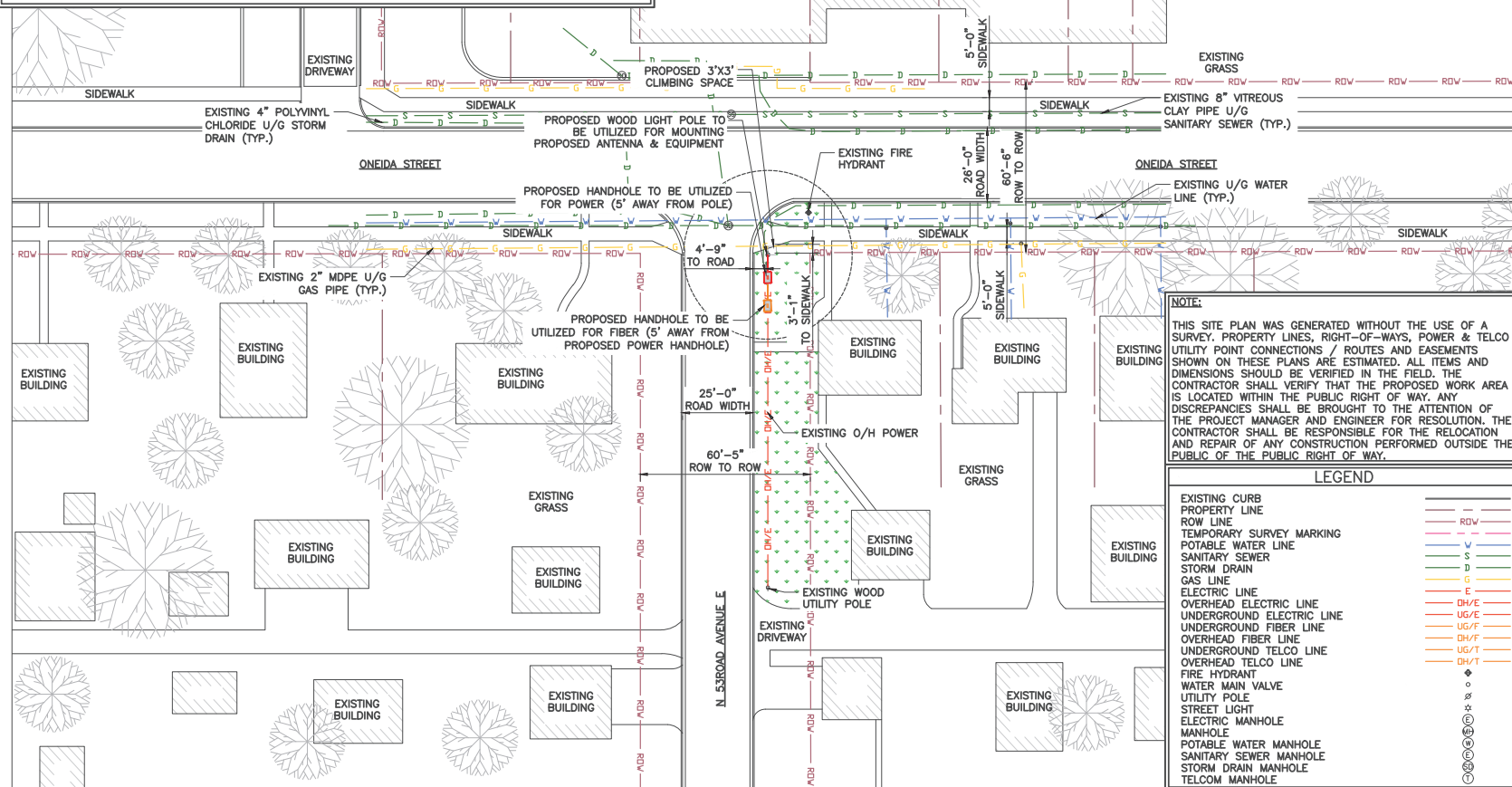
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

Aerial photography flown 2019

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

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



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



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1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518



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7900 XERES 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 MN

PROJECT STATUS:

FOR
CONSTRUCTION

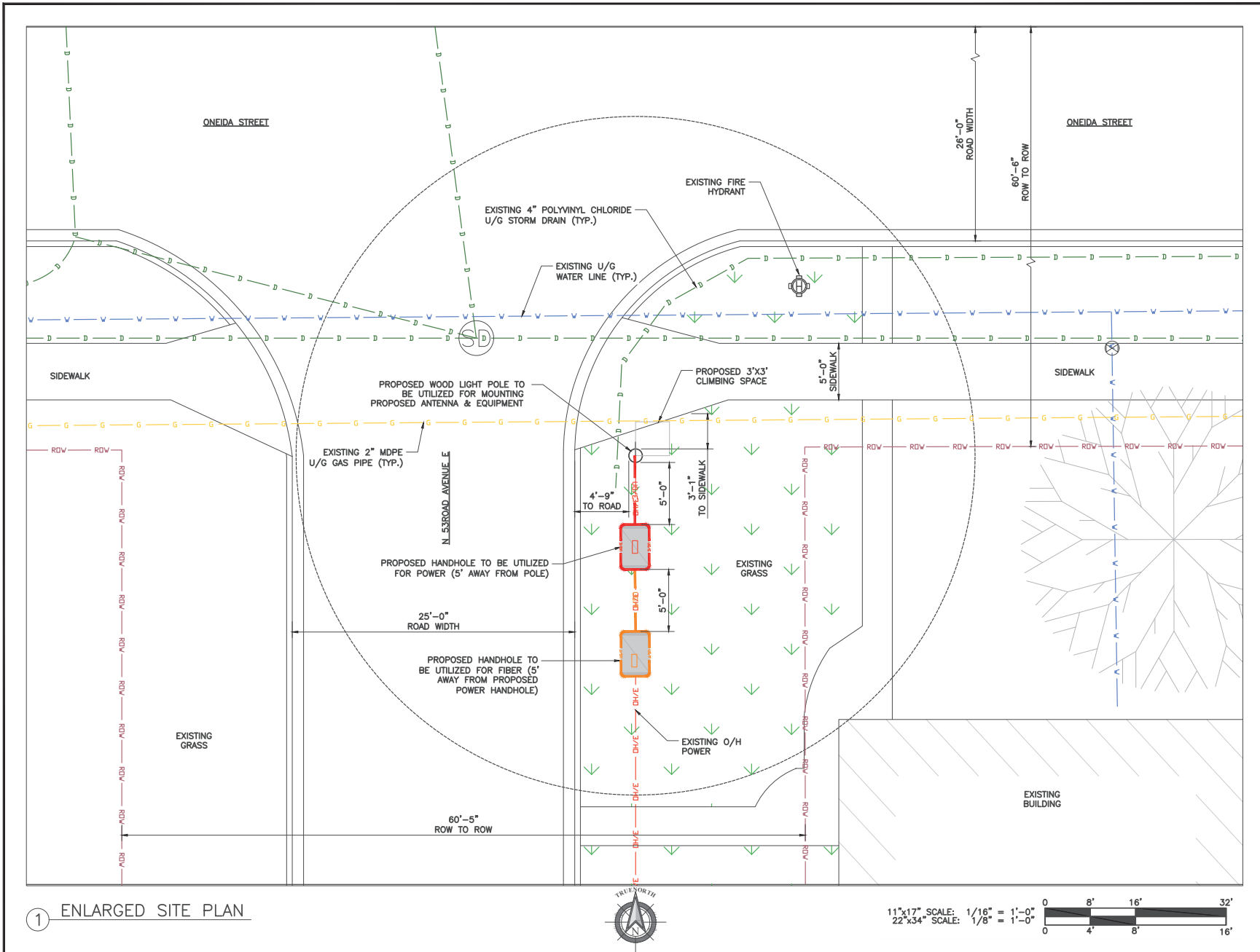
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B	08/16/23	CD FOR REVIEW	ES
C	09/20/23	REVISED CD	MN
D	09/25/23	FINAL CD	MN
1	11/03/23	PER LOCATES ADD	MN

PREPARED BY:	MH	DATE: 11/03/23
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SITE INFORMATION:	SITE NAME: CRAN_RUMW_LESTR_006
	FILE NUMBER: MRUMW032157
	OFF ADDRESS: 5300 ONEIDA STREET DULUTH, MN 55804
	UTM COORDINATES: 46.839294', -92.018040'

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C-1



1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518

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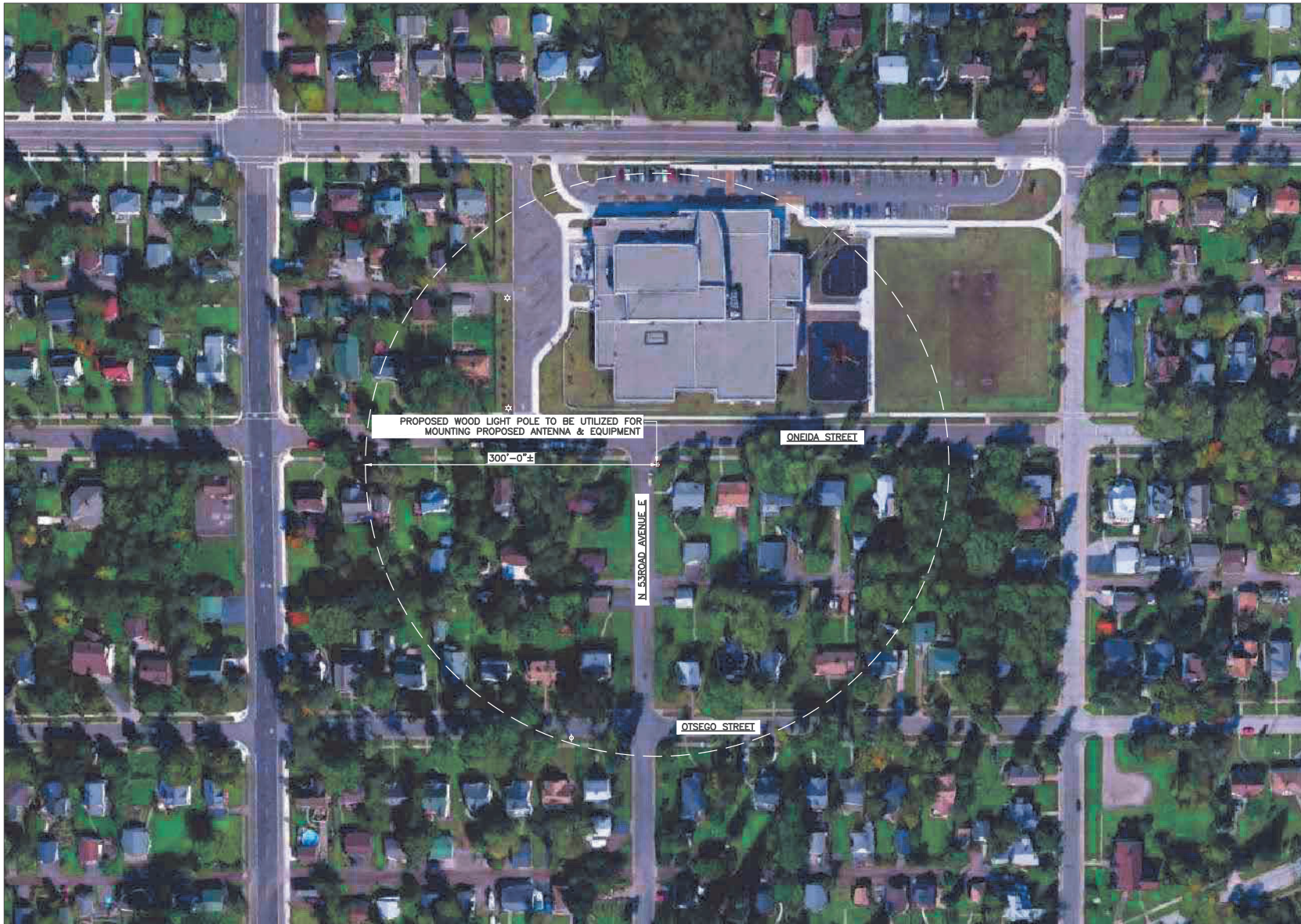
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PROJECT NO: MH DATE: 11/03/23

SHEET TITLE: ENLARGED SITE PLAN

SHEET NUMBER: C-2

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1 AERIAL PLAN



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



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SUBMITTALS

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C	09/20/23	REVISED CD	MN
D	09/25/23	FINAL CD	MN
1	11/03/23	PER LOCATES ADD	MN

DESIGNED BY: MH DATE: 11/03/23

PROJECT NAME:
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PAGE NUMBER:
MRUMW032157
SITE ADDRESS:
5300 ONEIDA STREET
DULUTH, MN 55804
SITE COORDINATES:
46.839294°, -92.018040°

PROJECT TITLE:
AERIAL MAP

SHEET NUMBER:
C-3

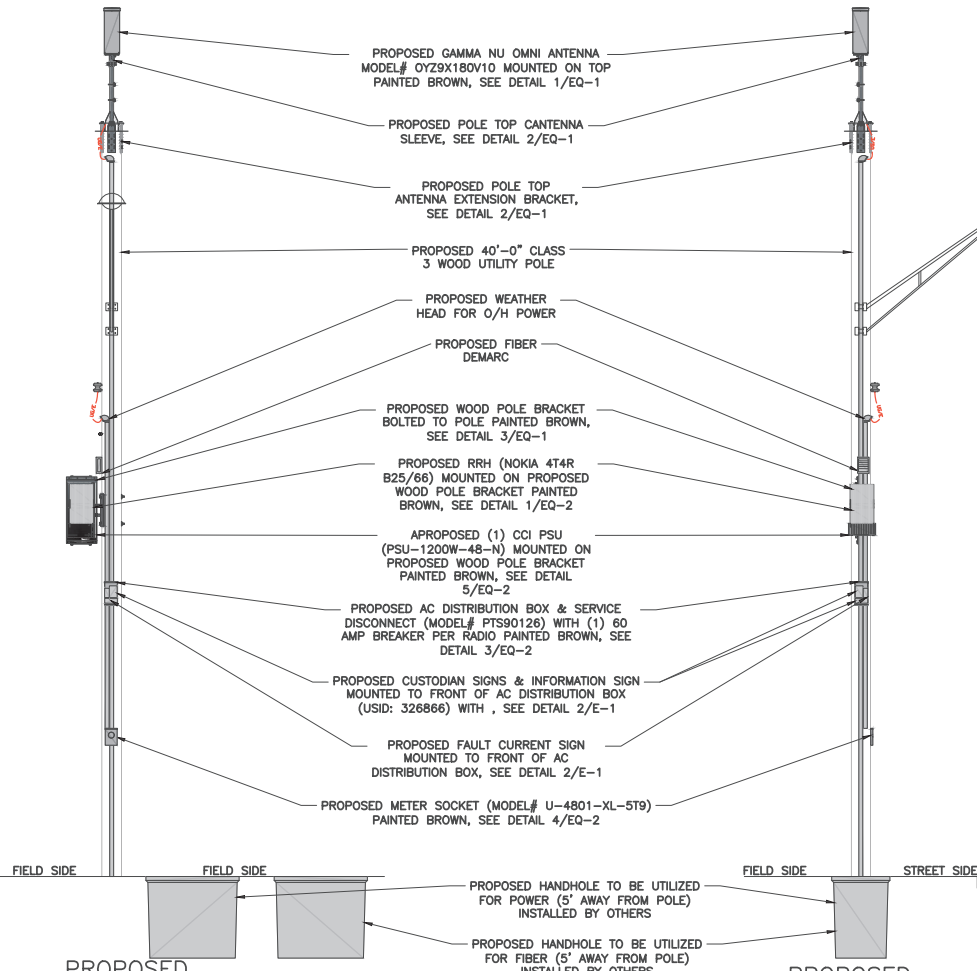
NOTE:

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.

- * TOP OF PROPOSED ANTENNA
ELEV: 37'-3" ± A.G.L.
- * C.L. OF PROPOSED ANTENNA
ELEV: 36'-3" ± A.G.L.
- * TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 35'-4" ± A.G.L.
- * TOP OF PROPOSED EXTENSION BRACKET
ELEV: 35'-0" ± A.G.L.
- * TOP OF PROPOSED POLE
ELEV: 32'-0" ± A.G.L.
- * TOP OF EXISTING LUMINAIRE
ELEV: 29'-4" ± A.G.L.
- * TOP OF EXISTING STREET LIGHT BRACKET
ELEV: 23'-3" ± A.G.L.
- * EXISTING SECONDARY
ELEV: 22'-0" ± A.G.L.
- * PROPOSED WEATHERHEAD
ELEV: 21'-0" ± A.G.L.
- * PROPOSED FIBER
ELEV: 19'-0" ± A.G.L.
- * PROPOSED FIBER DEMARC
ELEV: 18'-0" ± A.G.L.
- * TOP OF PROPOSED BRACKET
ELEV: 17'-2" ± A.G.L.
- * TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.
- * TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.
- * BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.
- * BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.
- * BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.
- * BOTTOM OF PROPOSED DISCONNECT
ELEV: 11'-8" ± 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.

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.



**PROPOSED
EAST VIEW**

**PROPOSED
SOUTH VIEW**

① POLE ELEVATIONS

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"

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Signature: _____

Date: 11/03/23 License # 44557

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CONSTRUCTION**

SUBMITTALS			
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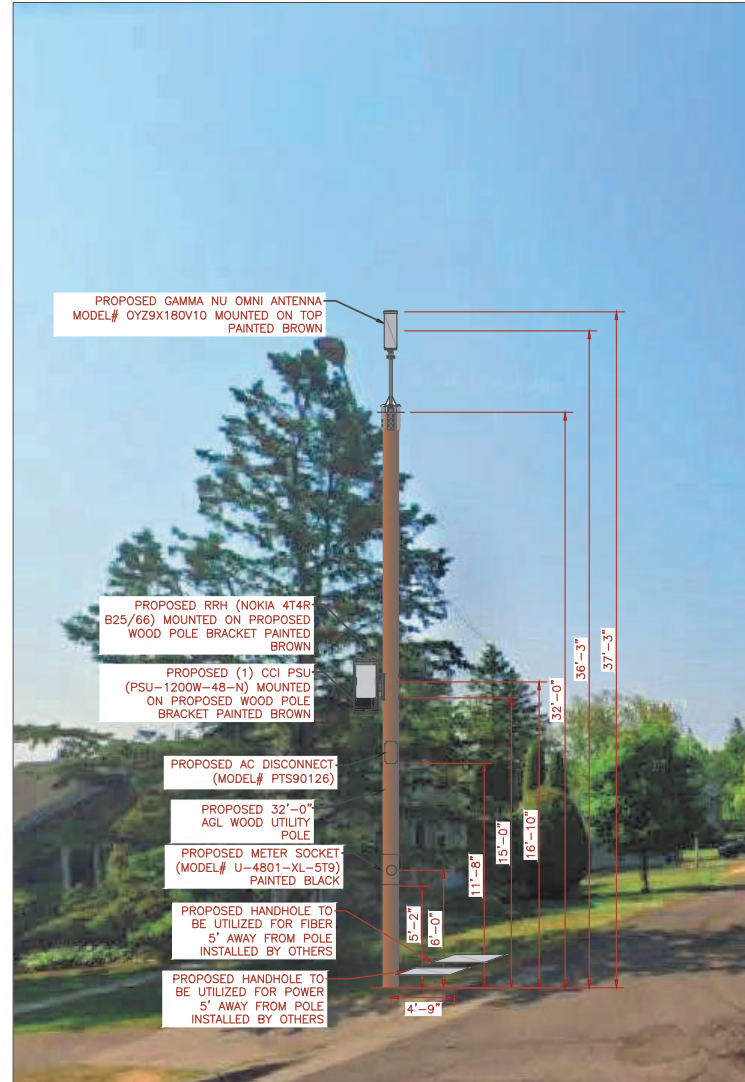
PROJECT NAME:
CRAN_RUMW_LESTR_006
PAGE NUMBER:
MRUMW032157
SITE ADDRESS:
5300 QIEDA STREET
DULUTH, MN 55804
SITE COORDINATES:
46.839294°, -92.018040°

ELEVATION

C-4



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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SUITE 101 CARY, NC 27518



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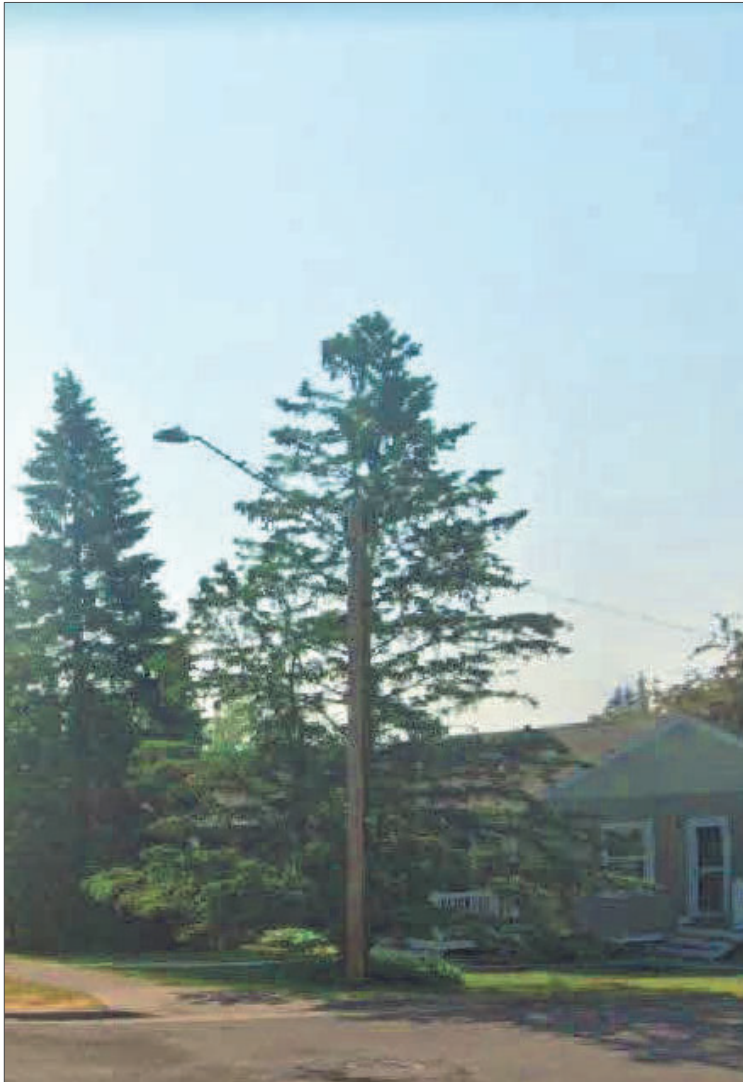
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PREPARED BY: MH DATE: 11/03/23

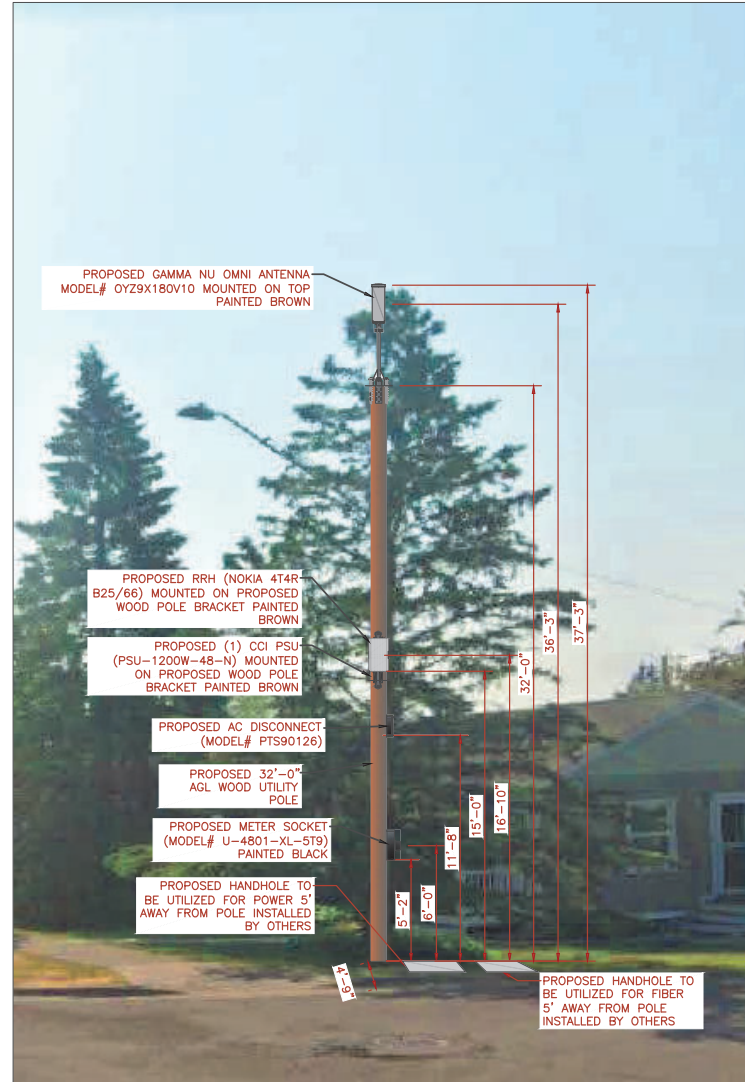
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PAGE NUMBER: MRUMW032157
SITE ADDRESS: 5300 OJEDA STREET
DULUTH, MN 55804
SITE COORDINATES: 46.839294, -92.018040

PHOTO SIMULATION

SHEET NUMBER: PS-1



EXISTING WEST VIEW



PROPOSED WEST VIEW

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

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SUITE 101 CARY, NC 27518



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DESIGNED BY:	MH	DATE REVISION:	11/03/23
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SITE ADDRESS:	5300 OJEDA STREET DULUTH, MN 55804
UTM COORDINATES:	46.839294°, -92.018040°

PHOTO TITLE:	PHOTO SIMULATION
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SHEET NUMBER:	PS-2
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1 SITE LOCATION PHOTOS



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.

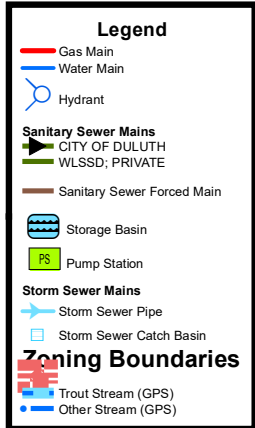
Staff Recommendation:

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



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

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





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

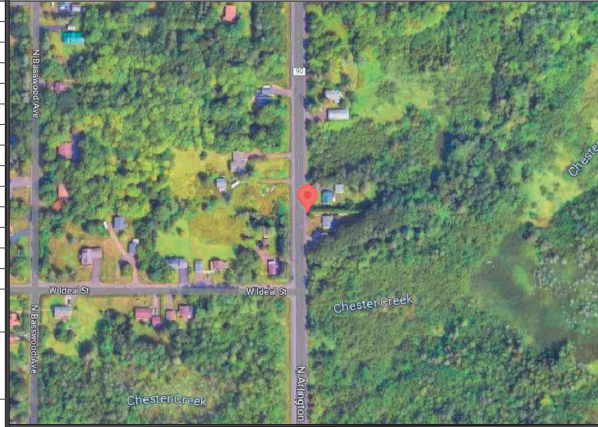
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USID:	300966
PACE NUMBER:	MRUMW033111
LATITUDE:	46.810120°
LONGITUDE:	-92.132000°
SITE ADDRESS:	1220 NORTH ARLINGTON AVENUE
CITY, STATE ZIP:	DULUTH, MN 55811
COUNTY:	ST. LOUIS
JURISDICTION:	ST. LOUIS COUNTY
STRUCTURE TYPE:	WOOD POLE
STRUCTURE OWNER:	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

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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: _____
Date: _____ License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

SUBMITTALS			
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B	08/07/23	REVISED CD	LM
C	09/19/23	REVISED CD	MH
D	09/22/23	FINAL CD	MH
1	11/03/23	PER LOCATES	MC

CHECKED BY: MH
CHECKED DATE: 11/03/23

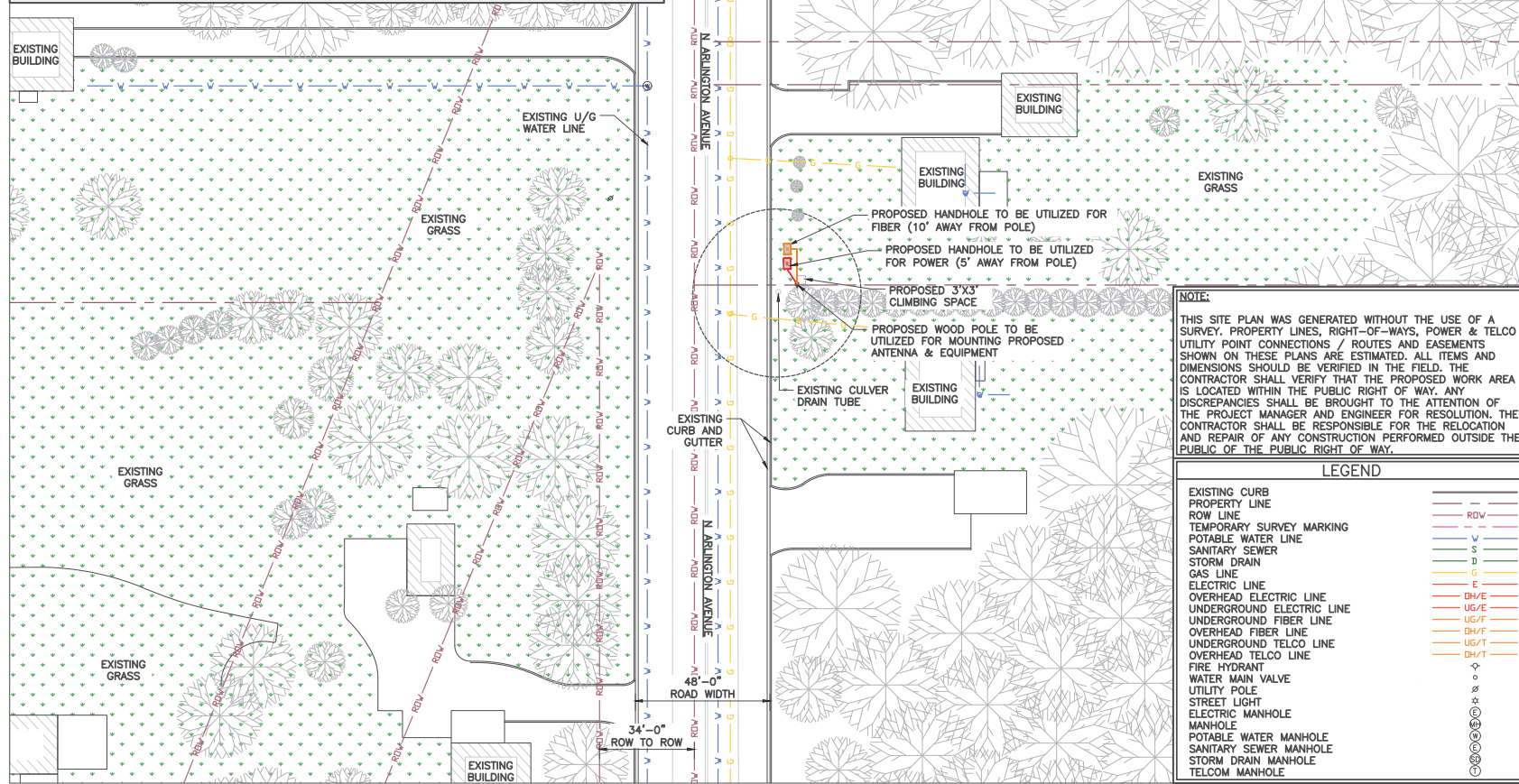
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DULUTH, MN 55811
SITE COORDINATES: 46.810120°, -92.132000°

TITLE SHEET

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



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

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

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Date: _____ License # 44557

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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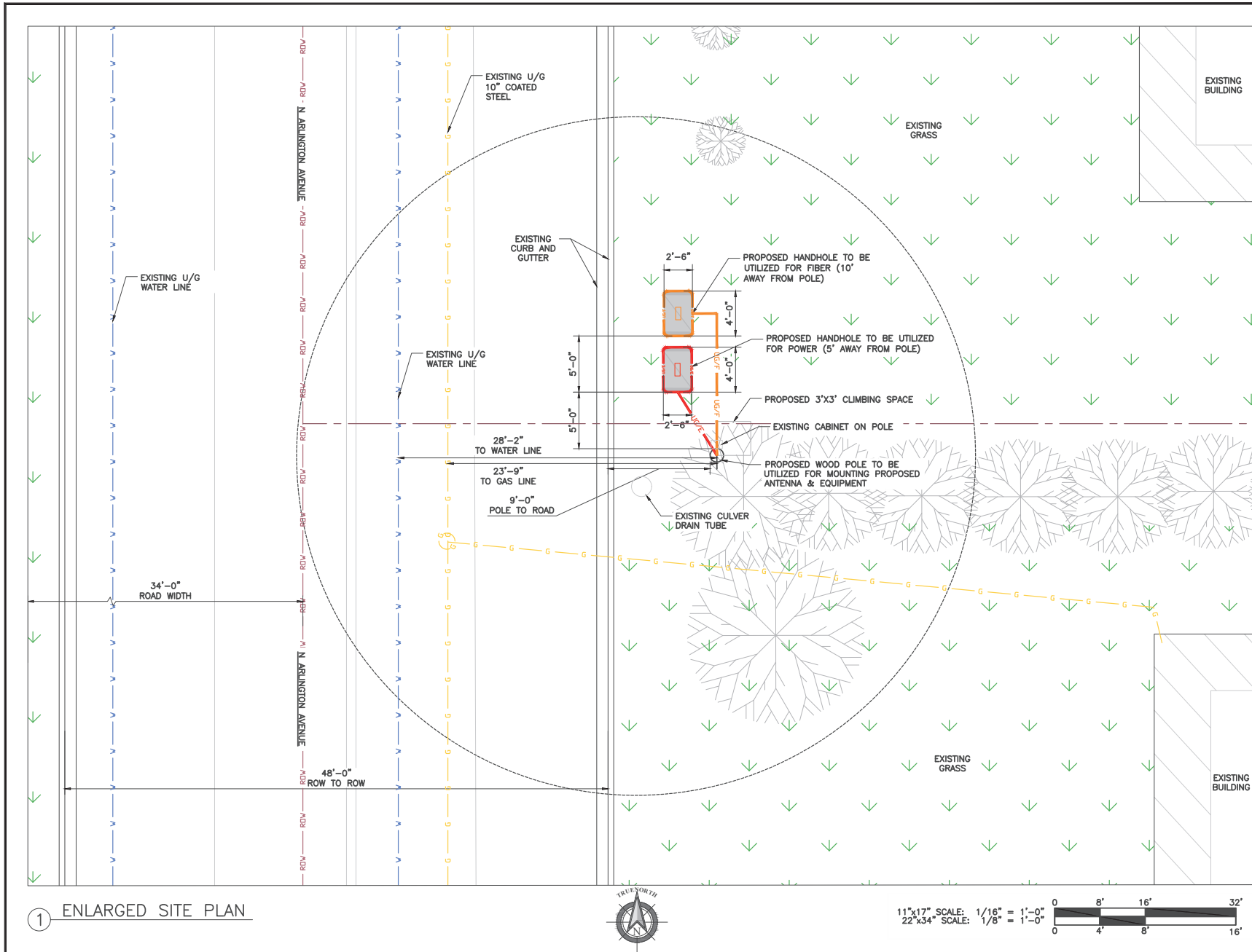
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PREPARED BY:	MH	DATE REVISION:	11/03/23
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DULUTH, MN 55811
UTM COORDINATES:
46.810120', -92.132000'

SITE PLAN

C-1



1 ENLARGED SITE PLAN

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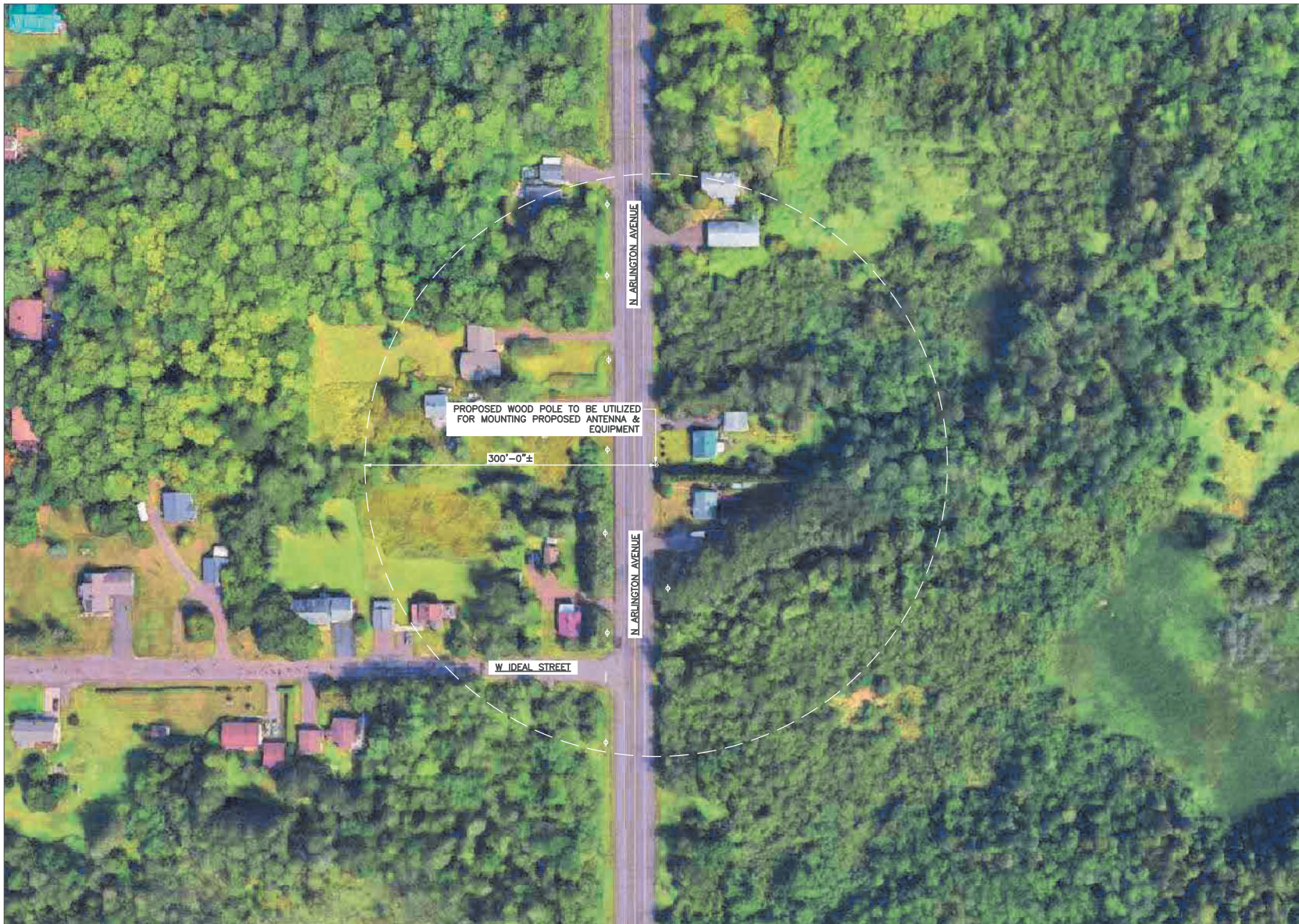
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DULUTH, MN 55811
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ENLARGED SITE PLAN

C-2



① AERIAL PLAN



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



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

SITE NAME:
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MRUMW033111

1220 NORTH ARLINGTON AVENUE
DULUTH, MN 55811

46.810120°, -92.132000°

AERIAL MAP

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 ANTENNA
ELEV: 37'-4" ± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 36'-4" ± A.G.L.
TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 35'-4" ± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 35'-0" ± A.G.L.

TOP OF PROPOSED POLE
ELEV: 32'-0" ± A.G.L.

RELOCATED SECONDARY
ELEV: 28'-6" ± A.G.L.
RELOCATED GUY WIRE
ELEV: 27'-6" ± A.G.L.

EXISTING ATTACHMENT
ELEV: 26'-0" ± A.G.L.

PROPOSED SECONDARY
ELEV: 24'-7" ± A.G.L.

PROPOSED WEATHERHEAD
ELEV: 23'-9" ± A.G.L.

EXISTING FIBER
ELEV: 20'-9" ± A.G.L.

TOP OF PROPOSED BRACKET
ELEV: 17'-2" ± A.G.L.

TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.

TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.

BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.

BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.

BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.

BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3" ± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.

T.O. EXISTING CABINET
ELEV: 4'-3" ± A.G.L.

EXISTING GRADE
ELEV: 0'-0" A.G.L.

FIELD SIDE

FIELD SIDE

FIELD SIDE

STREET SIDE

EXISTING GRADE
ELEV: 0'-0" A.G.L.

**PROPOSED
WEST VIEW**

**PROPOSED
SOUTH VIEW**

① POLE ELEVATIONS

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"

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Signature: _____

Date: _____ License # 44557

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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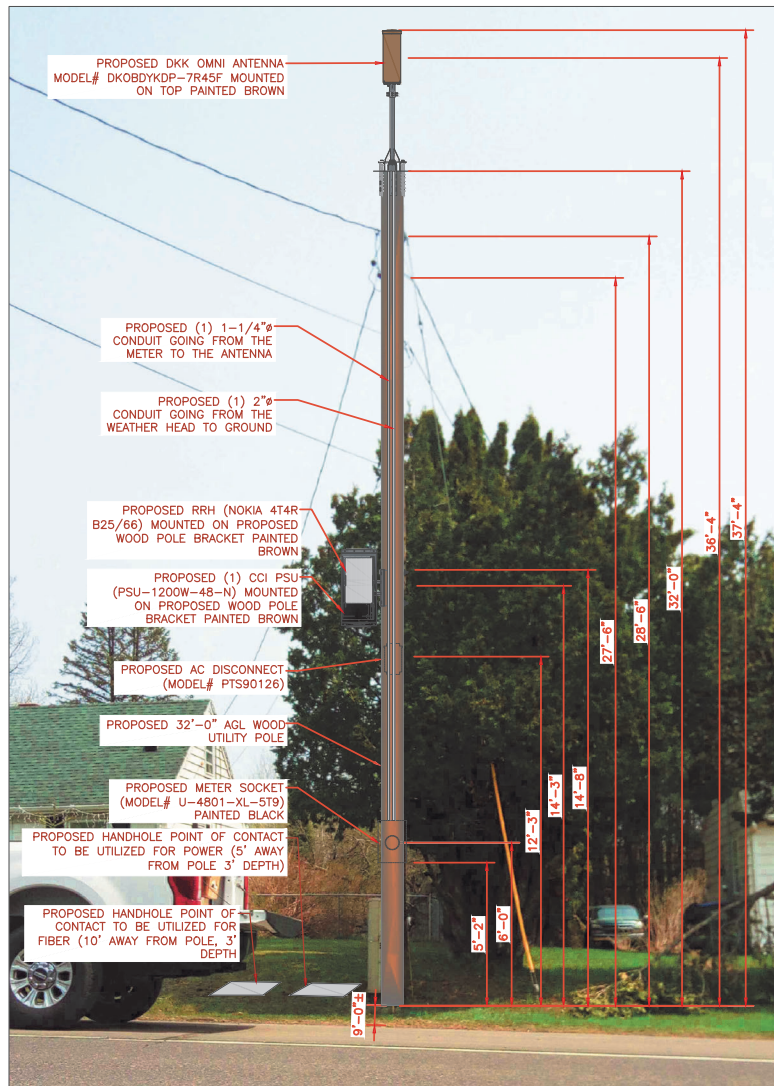
46.810120°, -92.132000°

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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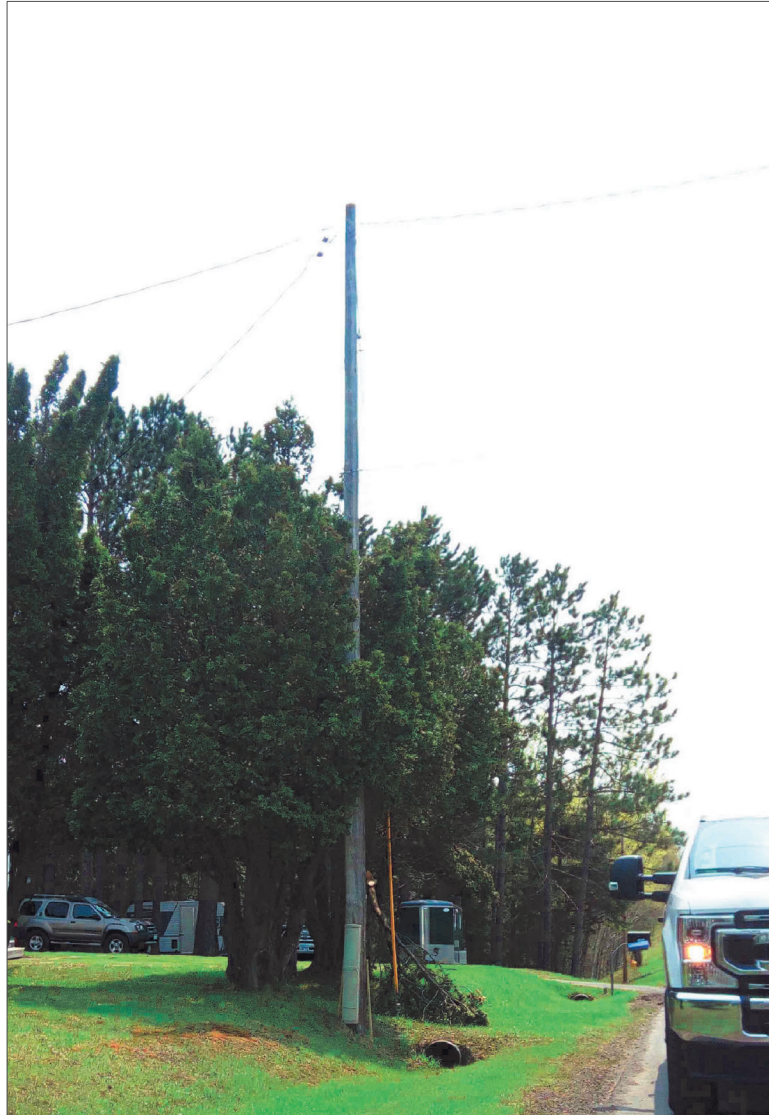
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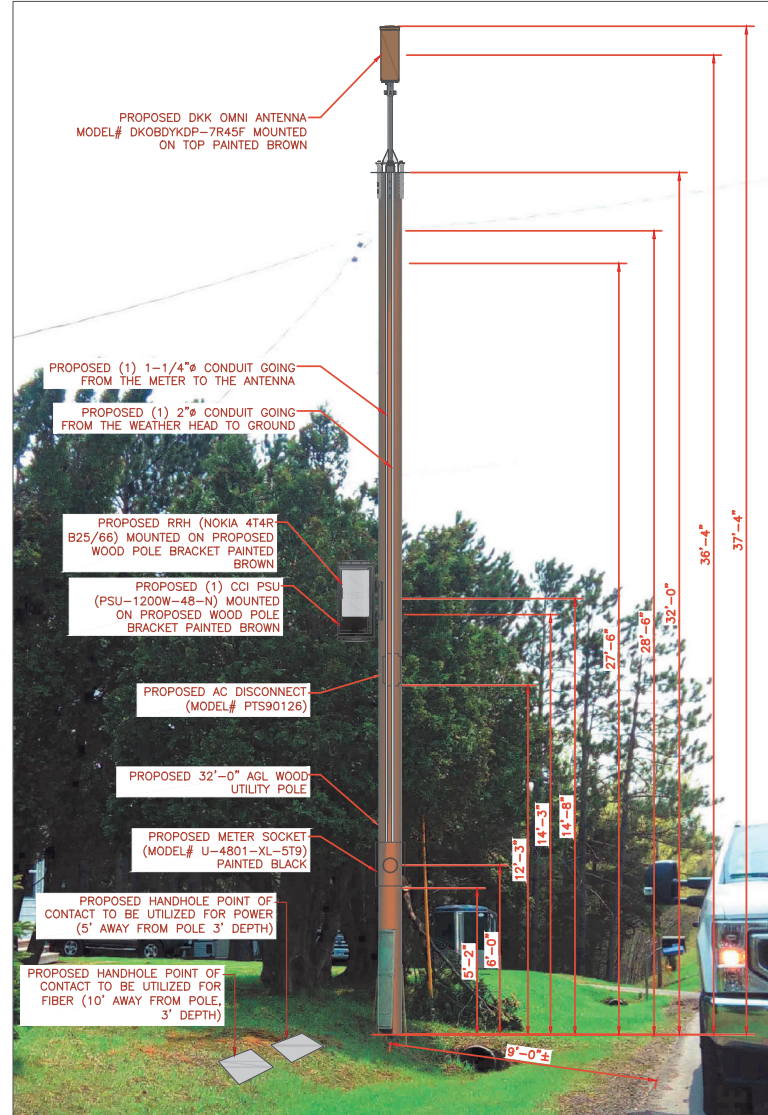
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PHOTO SIMULATION

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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PREPARED BY:	MH	DATE REVISION:	11/03/23
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SITE INFORMATION:
SITE NAME:
CRAN_RUMW_ARWDL_007
PAGE NUMBER:
MRUMW033111
SITE ADDRESS:
**1220 NORTH ARLINGTON AVENUE
DULUTH, MN 55811**
SITE COORDINATES:
46.810120°, -92.132000°

SHEET TITLE:
PHOTO SIMULATION

SHEET NUMBER:
PS-2

① SITE LOCATION PHOTOS



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 23-205	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 5804 Tioga Street		
Applicant	MasTec	Contact		
Agent		Contact		
Legal Description		See Attached Map		
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	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	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: Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This is a companion zoning application to PL 23-203, -204, -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 existing light will be installed at 30 feet and wireless equipment will be placed at 33 to 35 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.



PL23-205
Small Cell CUP
5804 Tioga St

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
- 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.

Aerial photography flown 2019

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



AT&T

PROJECT: MNP_MASTEC_CRAN
SITE NAME: CRAN_RUMW_LESTR_007
USID: 326868
SKIP ID / NODE#: MNL07063F_R01
PACE NUMBER: MRUMW031985
IWM JOB: WSUMW0024866
PTN NUMBER: 3514AOLM6X
FA NUMBER: 14865316
COORDINATES: 46.8384944°, -92.0124194°
SITE ADDRESS: 5804 TIOGA STREET
DULUTH, MN 55804



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.

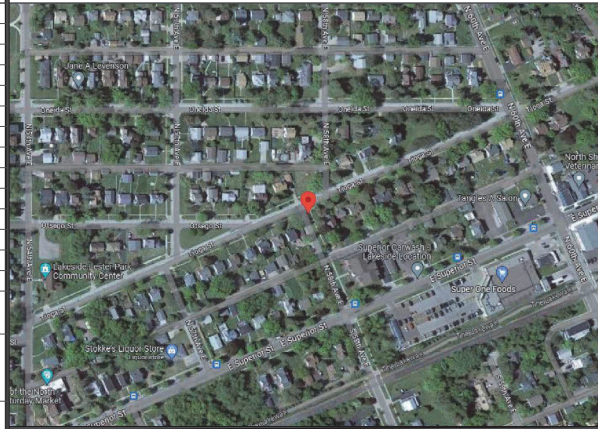
Print Name: RAPHAEL MOHAMED
Signature: Raphael Mohamed, P.E., No. 1100000000
Date: 11/07/23 License # 44557

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

PROJECT INFORMATION

PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_RUMW_LESTR_007
USID:	326868
PACE NUMBER:	MRUMW031985
LATITUDE:	46.8384944°
LONGITUDE:	-92.0124194°
SITE ADDRESS:	5804 TIOGA STREET
CITY, STATE ZIP:	DULUTH, MN 55804
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #M5458162
GROUND ELEVATION:	679'± 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
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

SCOPE OF WORK

1. REPLACE EXISTING 31'-0" A.G.L. WOOD LIGHT POLE WITH NEW 40'-0" CLASS 3 WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 35'-3" A.G.L.
2. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS.
3. INSTALL METER ON POLE PER MANUFACTURER'S 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

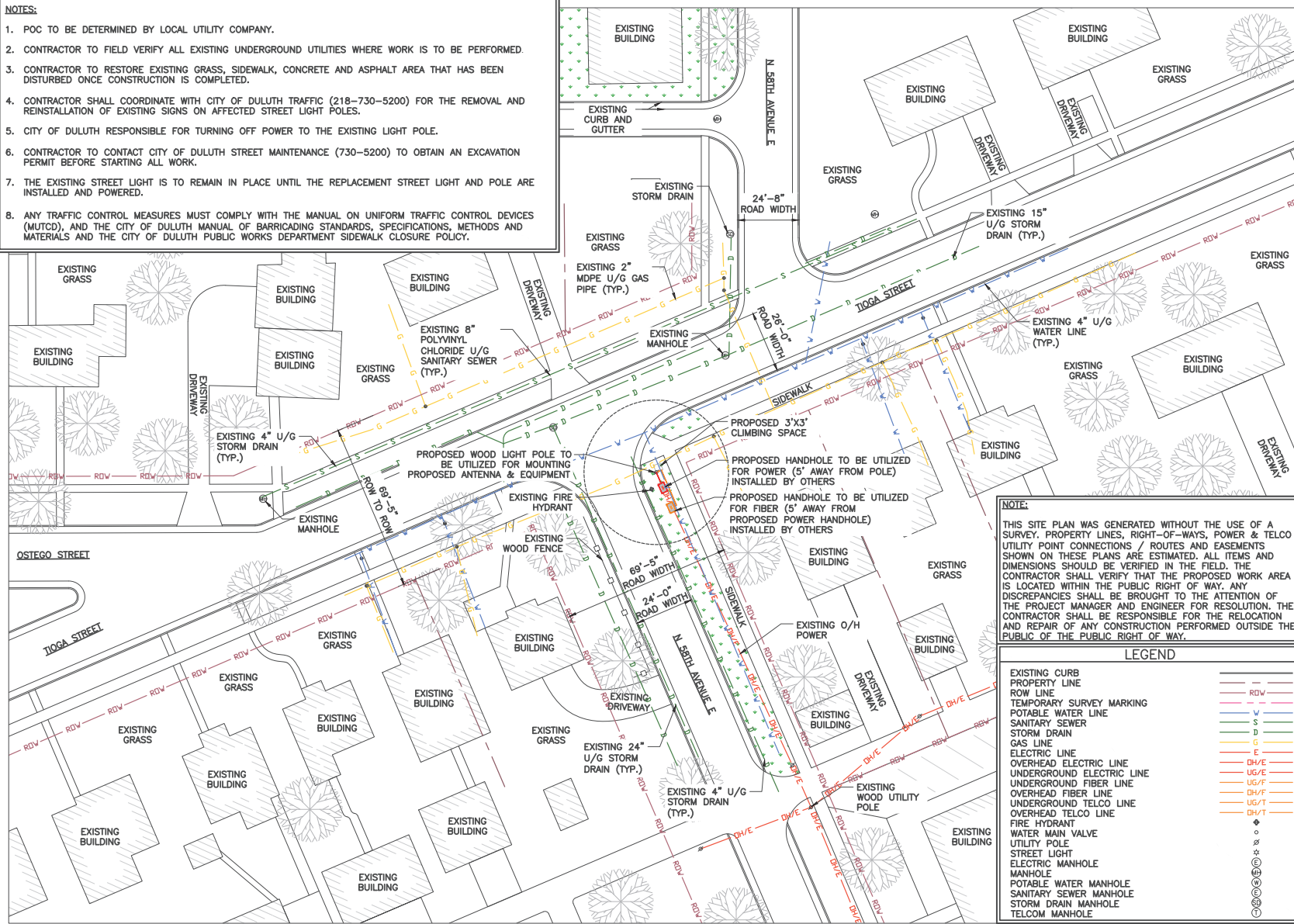
MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN
FOR
CONSTRUCTION

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
A	08/03/23	CD FOR REVIEW	MN
B	09/19/23	REVISED CD	MN
O	09/25/23	FINAL CD	MN
1	11/07/23	PER LOCATES ADD	MN

CHECKED BY: MH	CHECKED DATE: 11/07/23
SITE DESCRIPTION:	
SITE NAME: CRAN_RUMW_LESTR_007	
PACE NUMBER: MRUMW031985	
SITE ADDRESS: 5804 TIOGA STREET DULUTH, MN 55804	
SITE COORDINATES: 46.8384944°, -92.0124194°	
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



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

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: 11/07/23 License #: 44557

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 08/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

PROJECT STATUS:

FOR CONSTRUCTION

SUBMITTALS

REV	DATE	DESCRIPTION	BY
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1	11/07/23	PER LOCATES ADD	MN

PROJECT NO: MH 11/07/23

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FILE NUMBER: MRUMW031985

SITE ADDRESS: 5804 TIOGA STREET

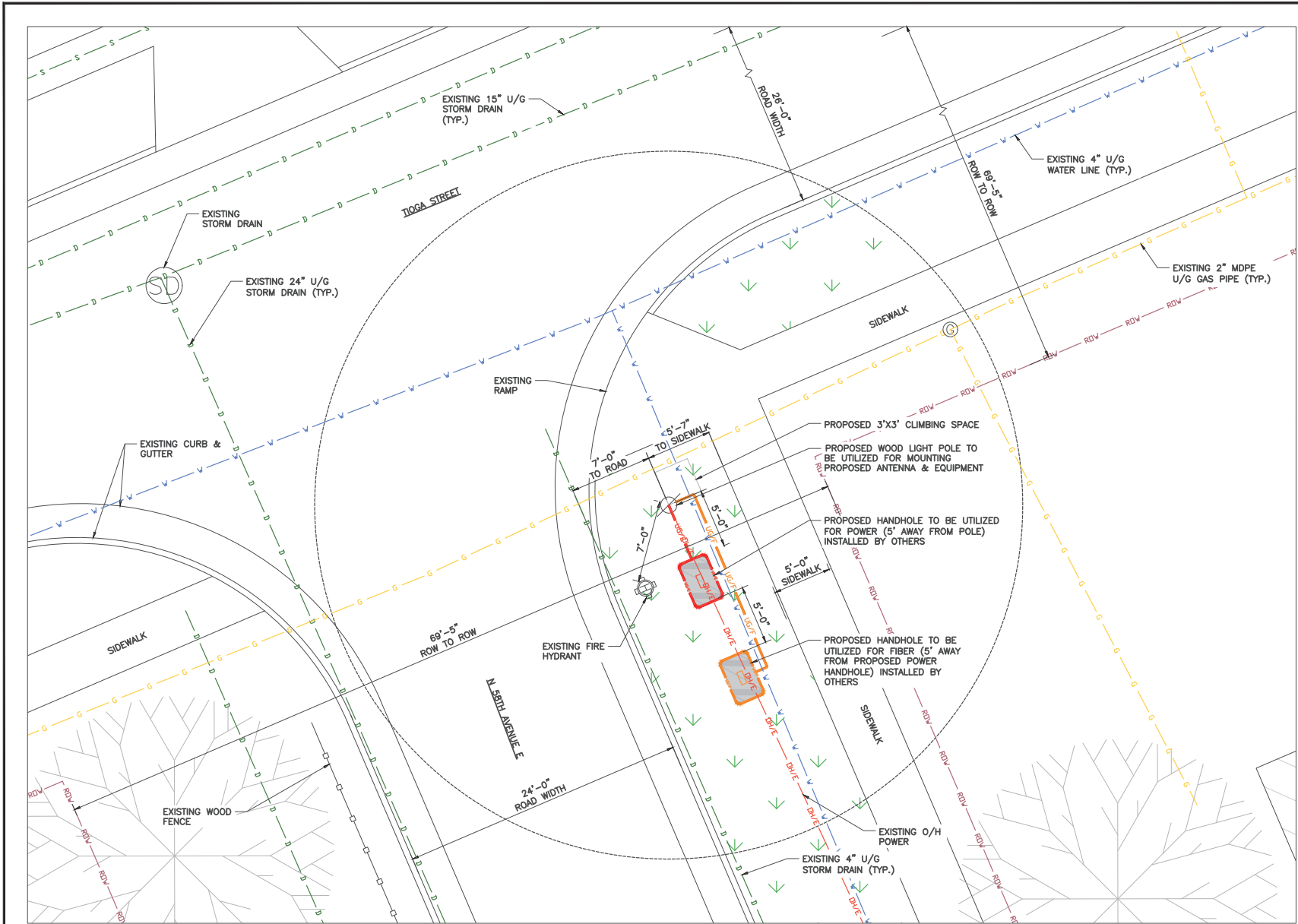
DULUTH, MN 55804

UTM COORDINATES: 46.8384944, -92.0124194

PROJECT TITLE:

SITE PLAN

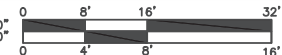
SHEET NUMBER: C-1



1 ENLARGED SITE PLAN



11"x17" SCALE: 1/16" = 1'-0"
 22"x34" SCALE: 1/8" = 1'-0"



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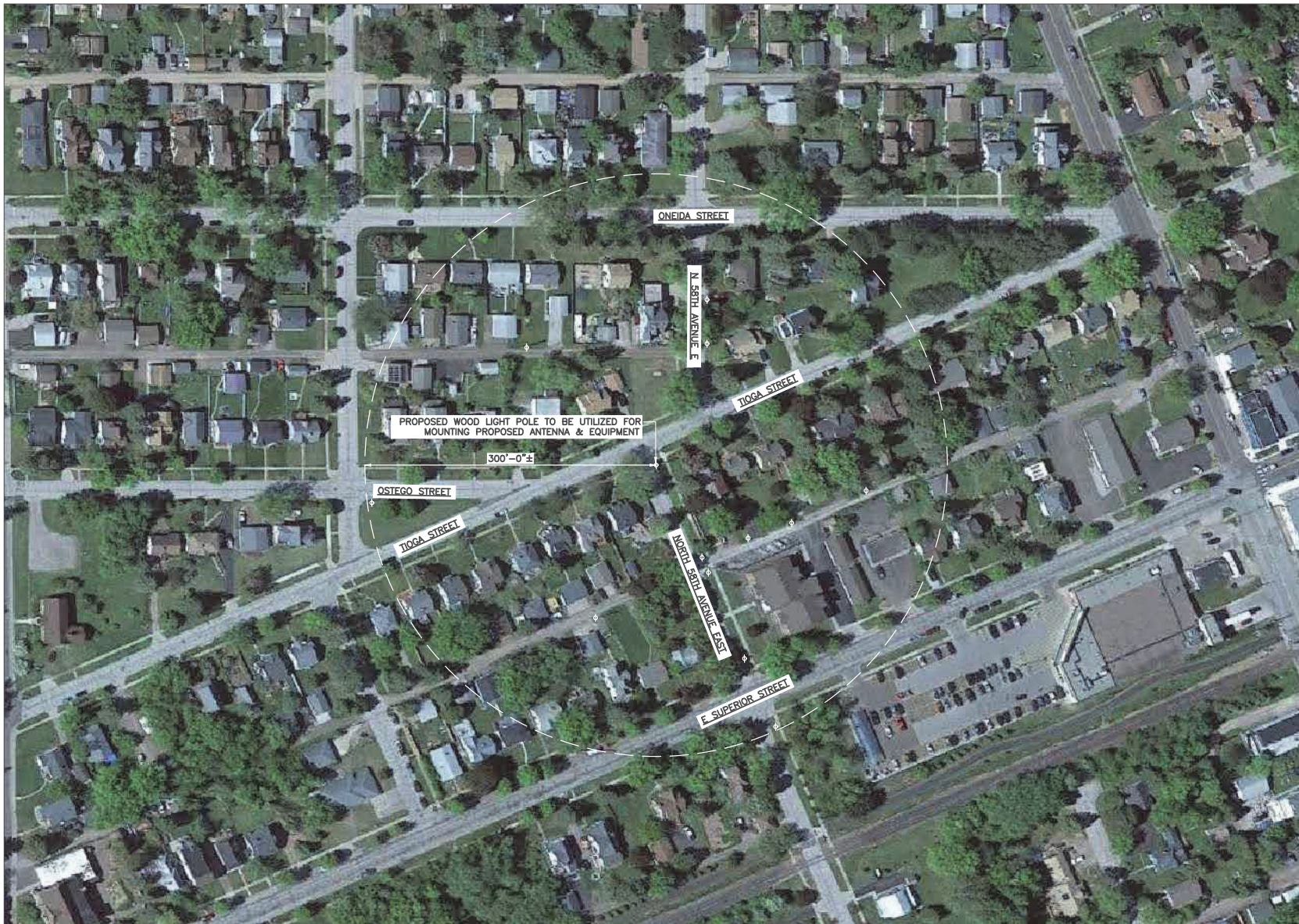
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PREPARED BY: MH DATE: 11/07/23

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 PAGE NUMBER: MRUMW031985
 SITE ADDRESS: 5804 TIOGA STREET
DULUTH, MN 55804
 SITE COORDINATES: 46.8384944, -92.0124194

ENLARGED SITE PLAN

C-2



1 AERIAL PLAN



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



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O	09/25/23	FINAL CD	MN
1	11/07/23	PER LOCATES ADD	MN

DESIGNED BY: MH DATE: 11/07/23

SITE OVERLAYS:

SITE NAME:
CRAN_RUMW_LESTR_007

PAGE NUMBER:
MRUMW031985

SITE ADDRESS:
5804 TIoga STREET
DULUTH, MN 55804

SITE COORDINATES:
46.8384944°, -92.0124194°

SHEET TITLE:

AERIAL MAP

SHEET NUMBER:

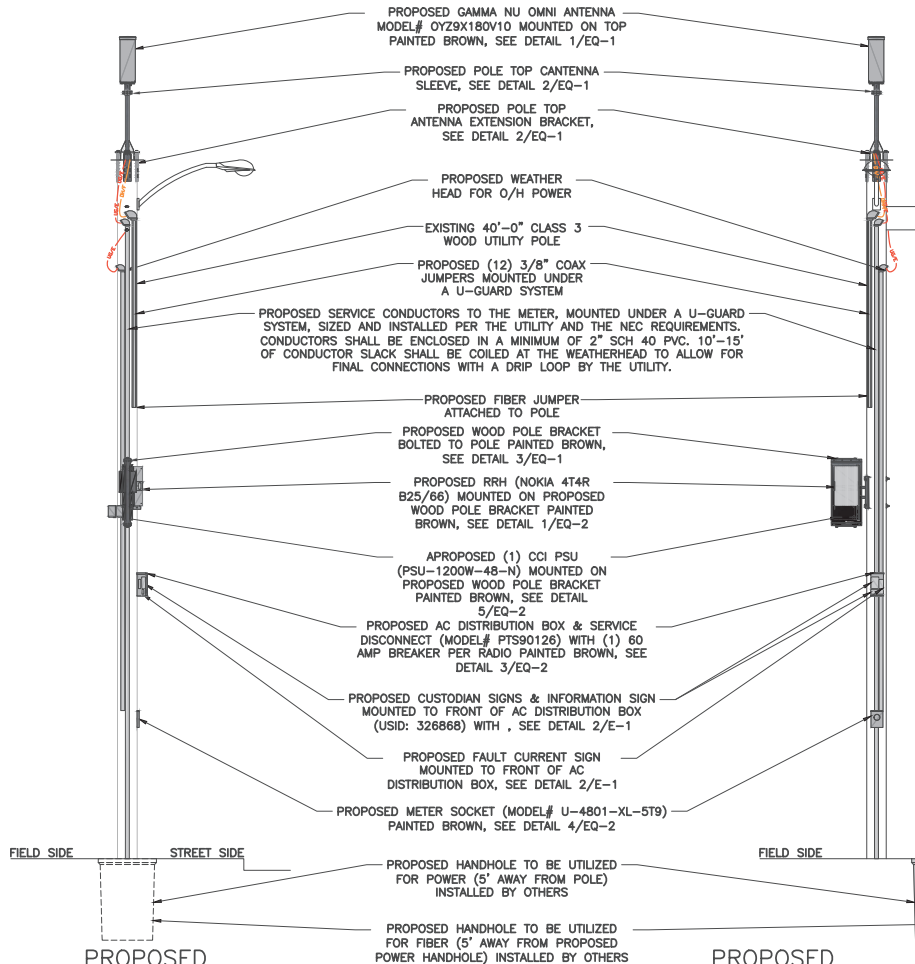
C-3

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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.

- * TOP OF PROPOSED ANTENNA
ELEV: 35'-3"± A.G.L.
- * C.L. OF PROPOSED ANTENNA
ELEV: 34'-3"± A.G.L.
- * TOP OF PROPOSED ANTENNA SLEEVE
ELEV: 33'-4"± A.G.L.
- * TOP OF PROPOSED EXTENSION BRACKET
ELEV: 33'-0"± A.G.L.
- * TOP OF PROPOSED POLE
ELEV: 30'-0"± A.G.L.
- * TOP OF EXISTING LUMINAIRE
ELEV: 30'-0"± A.G.L.
- * RELOCATED EXISTING SECONDARY
ELEV: 28'-0"± A.G.L.
- * PROPOSED SECONDARY
ELEV: 27'-0"± A.G.L.
- * PROPOSED WEATHERHEAD
ELEV: 25'-6"± A.G.L.
- * TOP OF PROPOSED BRACKET
ELEV: 17'-2"± A.G.L.
- * TOP OF PROPOSED RADIO
ELEV: 16'-10"± A.G.L.
- * TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
- * BOTTOM OF PROPOSED RADIO
ELEV: 15'-0"± A.G.L.
- * BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
- * BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.
- * TOP OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.
- * BOTTOM OF PROPOSED DISCONNECT
ELEV: 11'-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
SOUTH VIEW**

**PROPOSED
EAST VIEW**

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 ANTENNA
ELEV: 35'-3"± A.G.L.
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CRAN_RUNW_LESTR_007

PAGE NUMBER:
MRUMW031985

SITE ADDRESS:
5804 TIOGA STREET
DULUTH, MN 55804

SITE COORDINATES:
46.8384944, -92.0124194

SHEET TITLE:

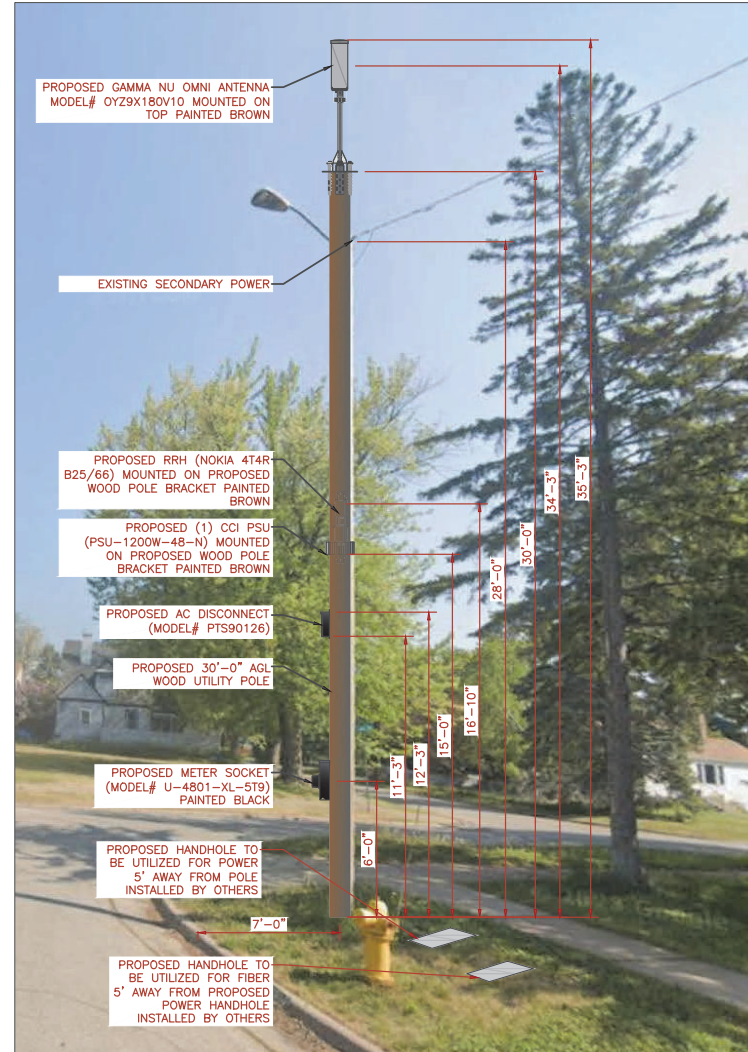
ELEVATION

SHEET NUMBER:

C-4



EXISTING NORTH VIEW



PROPOSED NORTH VIEW

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

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



AT&T
7900 XERVES 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: 11/07/23 License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

FOR
CONSTRUCTION

SUBMITTALS			
REV	DATE	DESCRIPTION	BY
A	06/03/23	CD FOR REVIEW	MN
B	09/19/23	REVISED CD	MN
O	09/25/23	FINAL CD	MN
1	11/07/23	PER LOCATES ADD	MN

PREPARED BY: MH DATE: 11/07/23

PROJECT NAME:
CRAN_RUMW_LESTR_007
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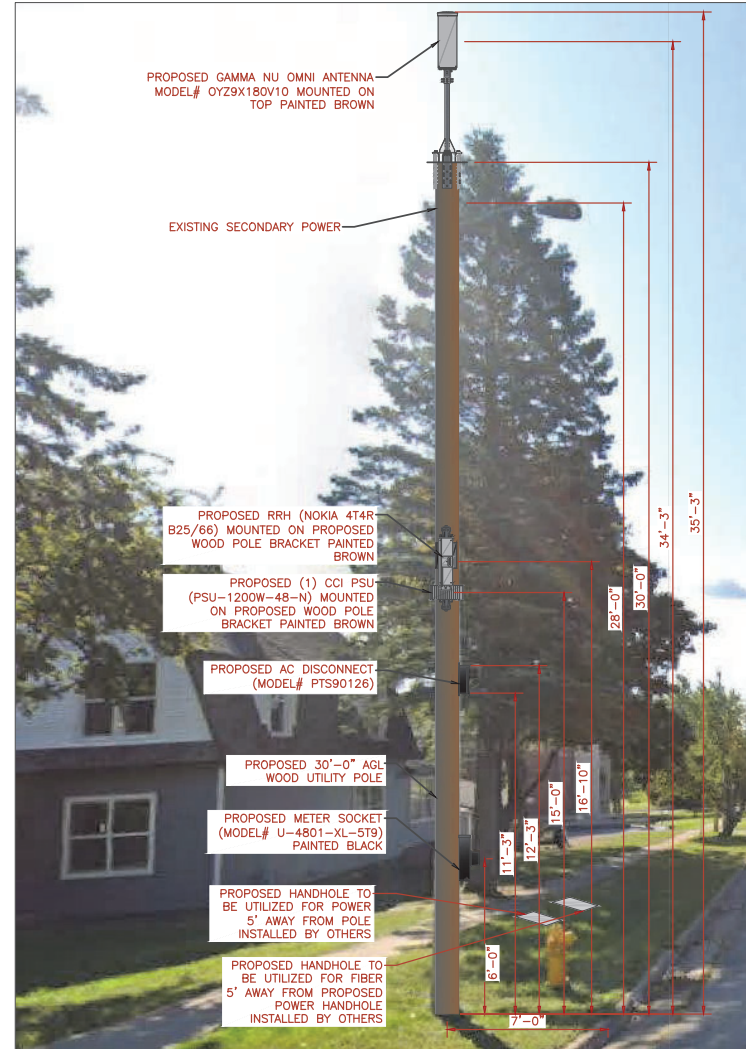
PHOTO SIMULATION

PS-1

① SITE LOCATION PHOTOS



EXISTING SOUTH VIEW



PROPOSED SOUTH VIEW

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

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DULUTH, MN 55804
SITE COORDINATES: 46.8384944, -92.0124194

PHOTO SIMULATION

PS-2

1 SITE LOCATION PHOTOS

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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 23-206	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 3140 Restormel Street		
Applicant	MasTec	Contact		
Agent		Contact		
Legal Description		See Attached Map		
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	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	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: Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This is a companion zoning application to PL 23-203, -204, -205, -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 existing light will be installed at 23 feet and wireless equipment will be placed at 39 to 41 feet, with a radio at 15 and 37 feet. Wireless attachments will include 1 exterior mounted panel antenna and 2 radio units. 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.



PL23-206
Small Cell CUP
3140 Restormel St

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
- 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_NEXIUS_CRAN
SITE NAME: CRAN_RUMW_GECHL_005
USID: 227117
SKIP ID / NODE#: MNL07041F_R02
IWM JOB: WSUMW0023629
PACE NUMBER: MRUMW031040
PTN NUMBER: 3514AOKT5C
FA NUMBER: 14828506
COORDINATES: 46.760160°, -92.143900°
SITE ADDRESS: 3140 RESTORMEL STREET
DULUTH, MN 55806

PROJECT INFORMATION

PROJECT:	MNP_NEXIUS_CRAN
SITE NAME:	CRAN_RUMW_GECHL_005
USID:	227117
PACE NUMBER:	MRUMW031040
LATITUDE:	46.760160°
LONGITUDE:	-92.143900°
SITE ADDRESS:	3140 RESTORMEL STREET
CITY, STATE ZIP:	DULUTH, MN 55806
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #M5482599
GROUND ELEVATION:	665' ± 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

SCOPE OF WORK

1. REPLACE EXISTING 23'-6" A.G.L. WOOD 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.
2. 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.

AERIAL PHOTO



STRUCTURE PHOTO



SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

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Network Solutions

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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: **11/06/23** 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	08/01/23	CD FOR REVIEW	MC
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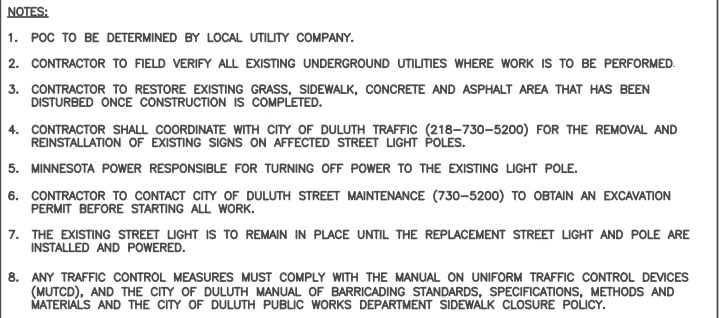
CHECKED BY: **MH** CHECKED DATE: **11/06/23**

SITE INFORMATION:
SITE NAME: **CRAN_RUMW_GECHL_005**
PACE NUMBER: **MRUMW031040**
SITE ADDRESS: **3140 RESTORMEL STREET
DULUTH, MN 55806**
SITE COORDINATES: **46.760160°, -92.143900°**

SHEET TITLE: **TITLE SHEET**

SHEET NUMBER: **T-1**

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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. CONSTRUCTION OF THE 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 LOCATION 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	
MANHOLE	
POTABLE WATER MANHOLE	
SANITARY SEWER MANHOLE	
STORM DRAIN MANHOLE	
TELCO MANHOLE	



1 SITE PLAN

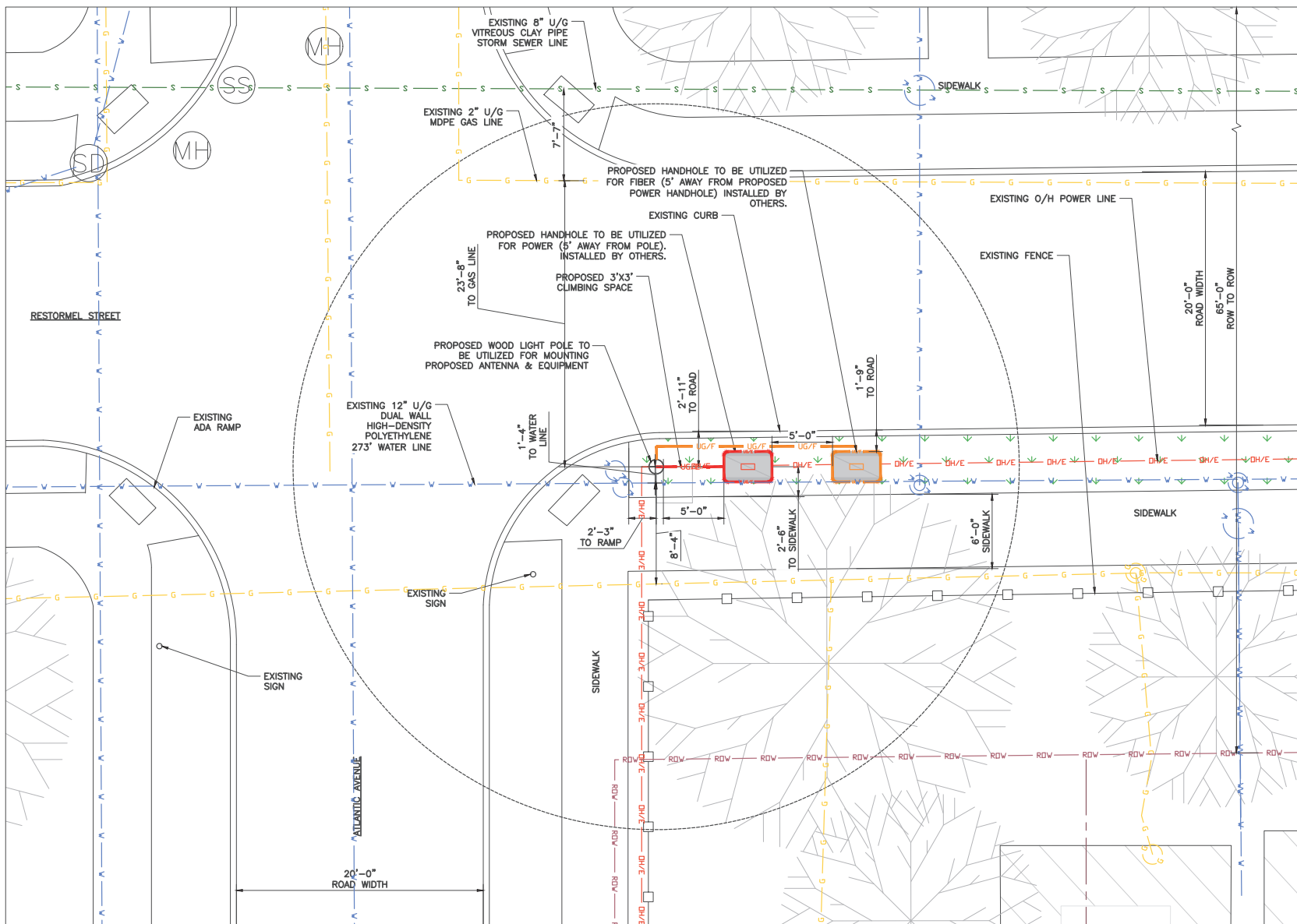


11"x17" SCALE: 1" = 40'-0"
22"x34" SCALE: 1" = 20'-0"



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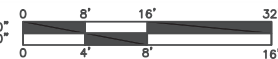
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		AT&T 7800 XEROXES AVENUE S. BLOOMINGTON, MN 55431	
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CHECKED BY		CHECKED DATE	
MH		11/06/23	
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SHEET TITLE			
SITE PLAN			
SHEET NUMBER			
C-1			



① ENLARGED SITE PLAN



11"x17" SCALE: 1/16" = 1'-0"
 22"x34" SCALE: 1/8" = 1'-0"



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PREPARED BY: MH DATE REVISION: 11/06/23

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PLAT NUMBER:
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 DULUTH, MN 55806

SITE COORDINATES:
46.760160°, -92.143900°

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

C-2



1 AERIAL PLAN



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



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Network Solutions

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DULUTH, MN 55806**

UTM COORDINATES:
46.760160°, -92.143900°

SHEET TITLE:

AERIAL MAP

SHEET NUMBER:

C-3

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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.

- TOP OF PROPOSED ANTENNA
ELEV: 41'-10" ± A.G.L.
- C.L. OF PROPOSED ANTENNA
ELEV: 40'-10" ± A.G.L.
- TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 39'-10" ± A.G.L.
- TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-8" ± A.G.L.
- TOP OF PROPOSED LAA RADIO
ELEV: 38'-8" ± A.G.L.
- BOTTOM OF PROPOSED LAA RADIO
ELEV: 37'-7" ± A.G.L.
- TOP OF PROPOSED POLE
ELEV: 36'-6" ± A.G.L.

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.

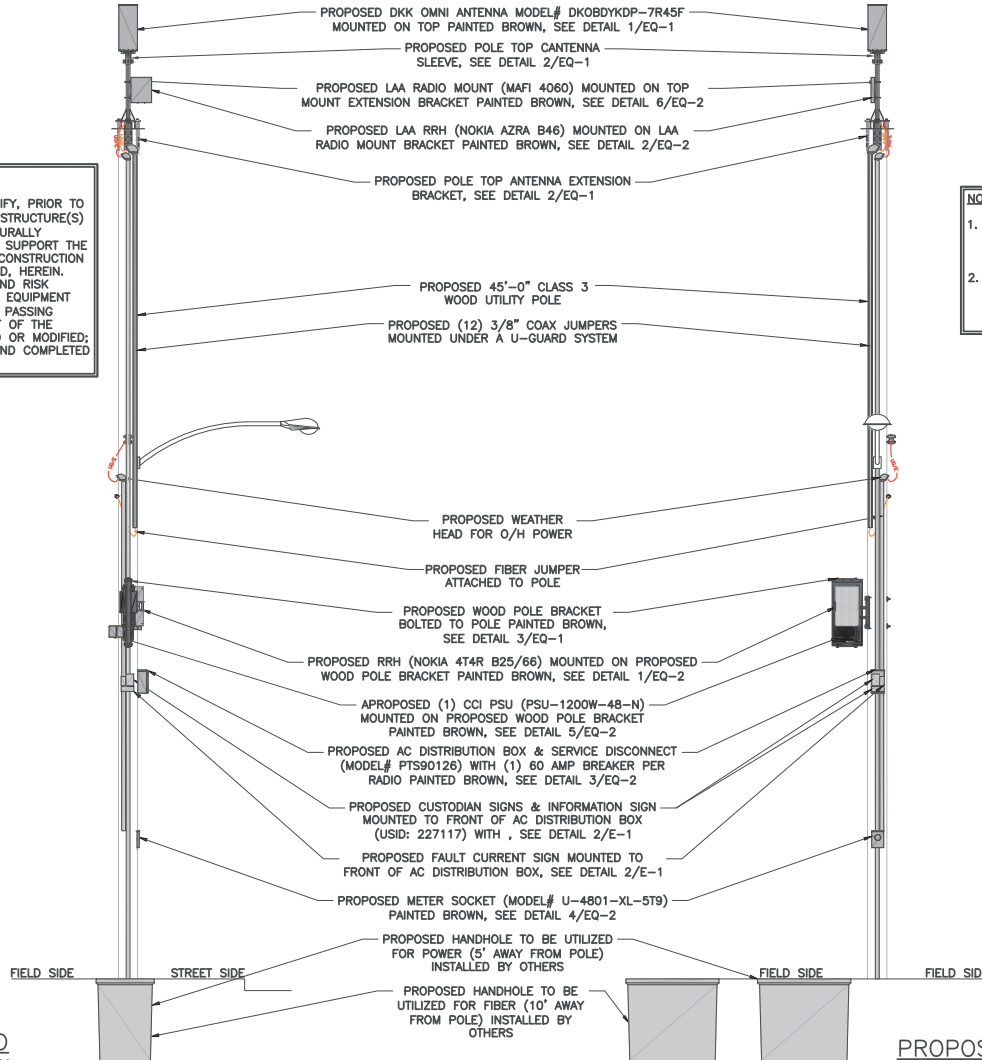
- EXISTING SECONDARY
ELEV: 23'-2" ± A.G.L.
- PROPOSED WEATHERHEAD
ELEV: 21'-8" ± A.G.L.
- PROPOSED FIBER
ELEV: 20'-9" ± A.G.L.
- TOP OF PROPOSED BRACKET
ELEV: 17'-3" ± A.G.L.
- TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.
- TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.
- BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.
- BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.
- BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3" ± A.G.L.

- C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.

- EXISTING GRADE
ELEV: 0'-0" A.G.L.

PROPOSED
WEST VIEW

① POLE ELEVATIONS



NOTES:

1. CONTRACTOR SHOULD REINSTALL EXISTING BANNERS/SIGNS FROM THE EXISTING POLE TO THE PROPOSED POLE.
2. 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 ANTENNA
ELEV: 41'-10" ± A.G.L.
- C.L. OF PROPOSED ANTENNA
ELEV: 40'-10" ± A.G.L.
- TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 39'-10" ± A.G.L.
- TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-8" ± A.G.L.
- TOP OF PROPOSED LAA RADIO
ELEV: 38'-8" ± A.G.L.
- BOTTOM OF PROPOSED LAA RADIO
ELEV: 37'-7" ± A.G.L.
- TOP OF PROPOSED POLE
ELEV: 36'-6" ± A.G.L.

- EXISTING SECONDARY
ELEV: 23'-2" ± A.G.L.
- PROPOSED WEATHERHEAD
ELEV: 21'-8" ± A.G.L.
- PROPOSED FIBER
ELEV: 20'-9" ± A.G.L.
- TOP OF PROPOSED BRACKET
ELEV: 17'-3" ± A.G.L.
- TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.
- TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.
- BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.
- BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.
- BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3" ± A.G.L.

- C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.

- EXISTING GRADE
ELEV: 0'-0" A.G.L.

PROPOSED
SOUTH VIEW

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"

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: _____
Date: _____ 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	08/01/23	CD FOR REVIEW	MC
B	08/03/23	CD FOR REVIEW	RF
C	08/28/23	CD FOR REVIEW	MN
O	08/30/23	FINAL CD	CH
1	11/06/23	PER LOCATES	MC

PREPARED BY: MH
DATE: 11/06/23

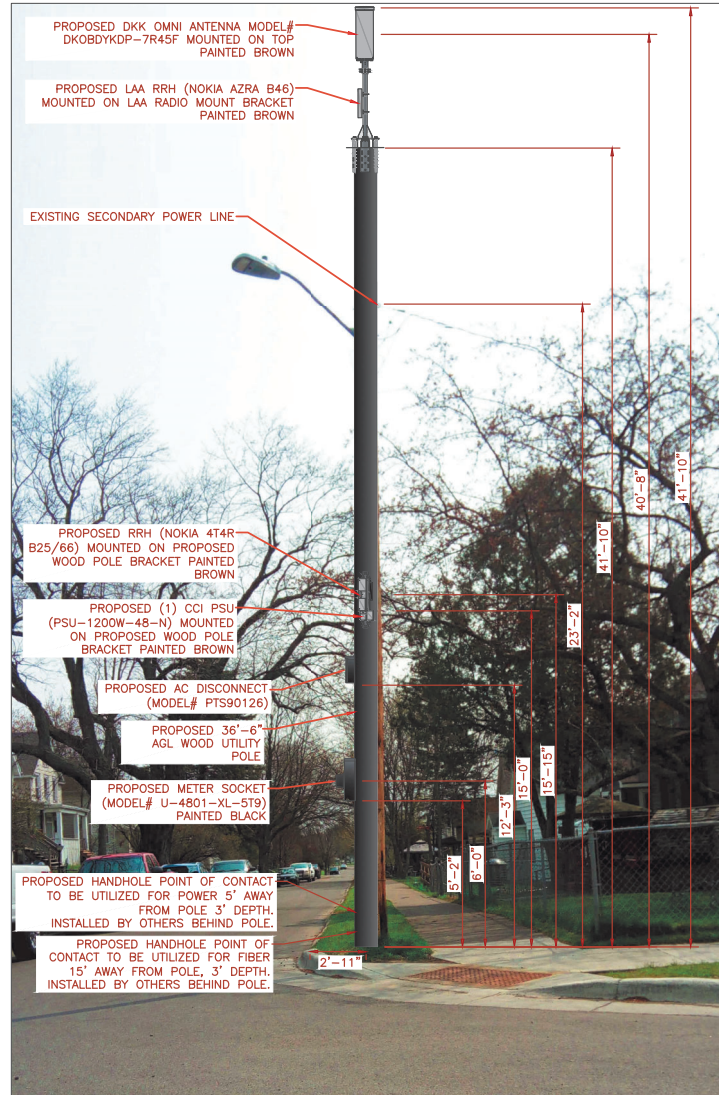
PROJECT NAME:
CRAN_RUMW_GECHL_005
PAGE NUMBER:
MRUMW031040
SITE ADDRESS:
3140 RESTORNEL STREET
DULUTH, MN 55806
SITE COORDINATES:
46.760160°, -92.143900°

SHEET TITLE:
ELEVATION

SHEET NUMBER:
C-4



EXISTING EAST VIEW



PROPOSED EAST VIEW

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

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1	11/06/23	PER LOCATES	MC

PREPARED BY:	MH	DATE REVISION:	11/06/23
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SITE INFORMATION:	<p>SITE NAME: CRAN-RUMW_GECHL_005</p> <p>PLAN NUMBER: MRUMW031040</p> <p>SITE ADDRESS: 3140 RESTORNEL STREET DULUTH, MN 55806</p> <p>SITE COORDINATES: 46.760160°, -92.143900°</p>
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PHOTO SIMULATION

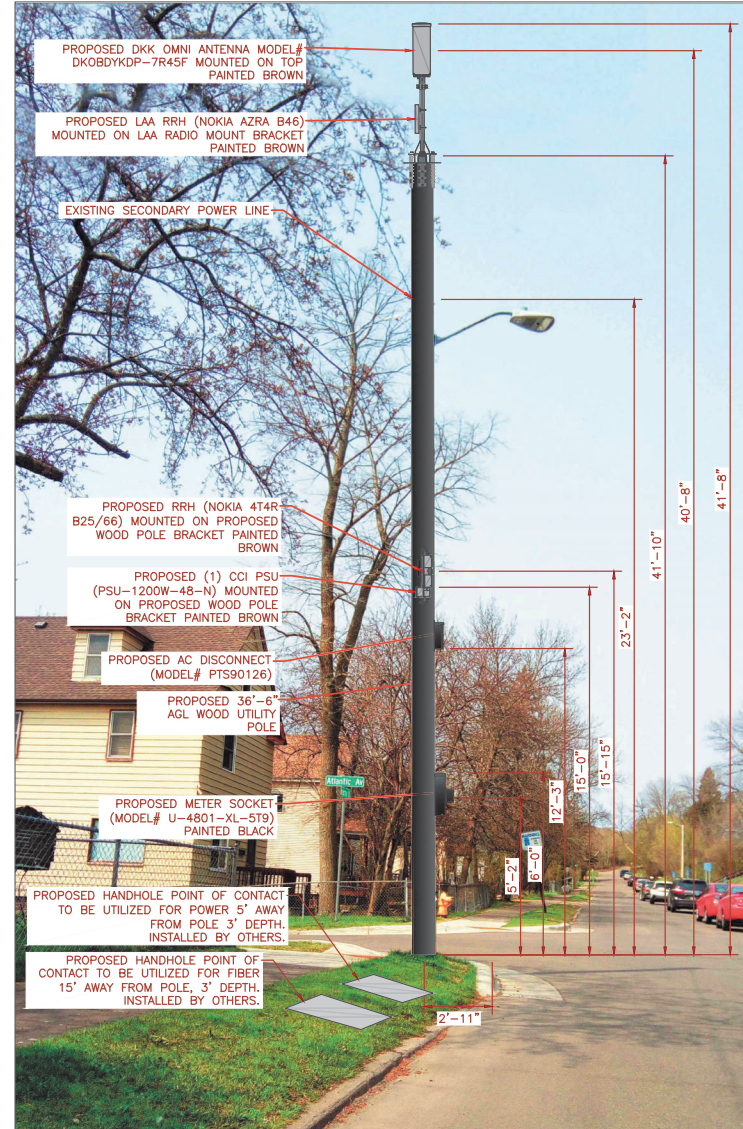
PS-1

1 SITE LOCATION PHOTOS

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EXISTING WEST VIEW



PROPOSED WEST VIEW

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PAGE NUMBER:
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3140 RESTORIEL STREET
DULUTH, MN 55806
SITE COORDINATES:
46.760160°, -92.143900°

PHOTO SIMULATION

SHEET NUMBER:
PS-2

1 SITE LOCATION PHOTOS

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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 23-207	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 5004 Glendale St		
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 a new 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	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	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: Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This is a companion zoning application to PL 23-203, -204, -205, -206, -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 existing light will be installed at 23 feet and wireless equipment will be placed at 33 to 45 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:

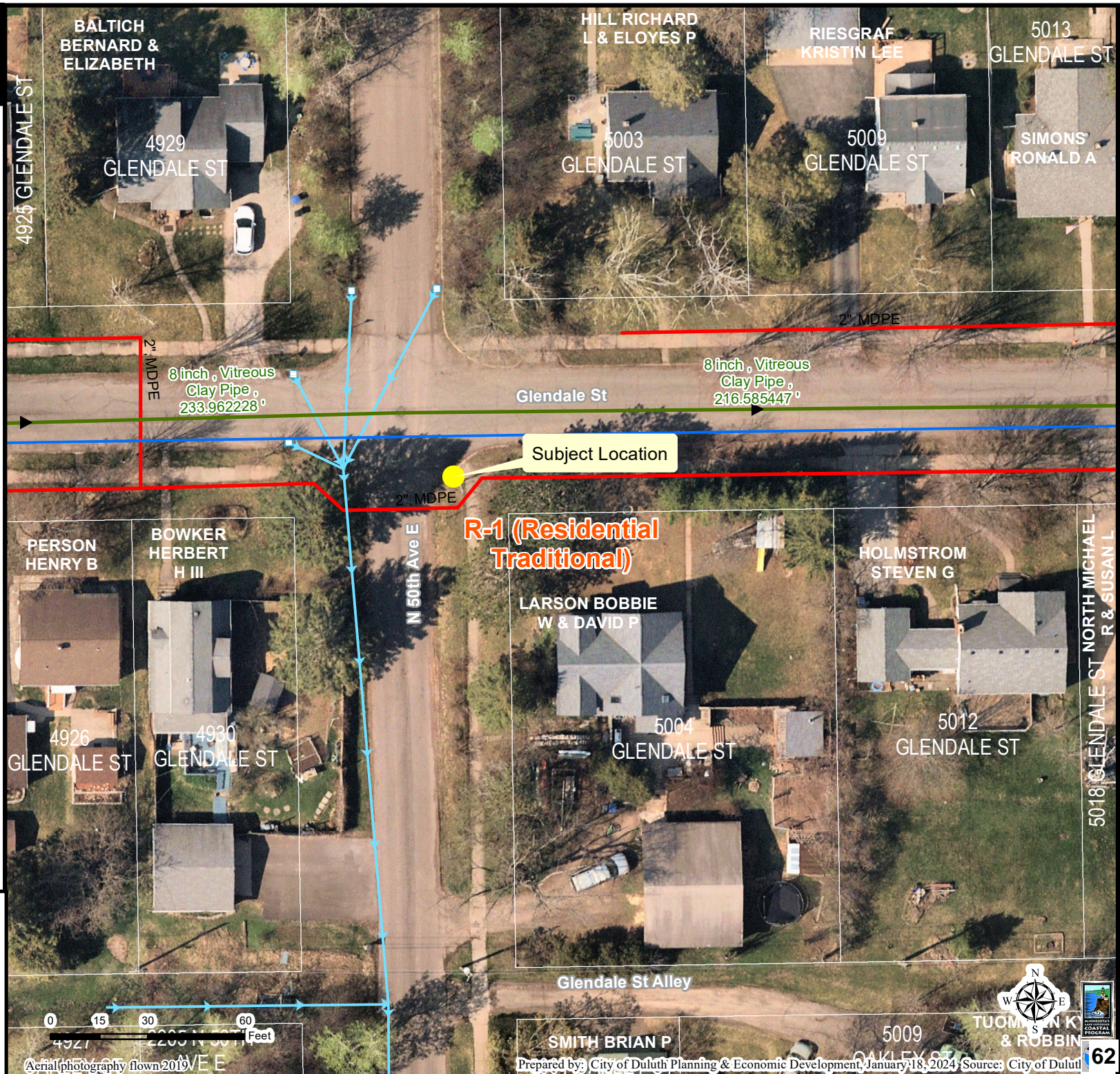
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed 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.



PL23-207
Small Cell CUP
5004 Glendale St

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
- 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_LESTR_001
USID: 326865
SKIP ID / NODE#: MNL07061F_R01
PACE NUMBER: MRUMW030468
IWM JOB: WSUMW0024863
PTN NUMBER: 3514AOK5D2
FA NUMBER: 14885585
COORDINATES: 46.8452667°, -92.0236444°
SITE ADDRESS: 5004 GLENDALE STREET
DULUTH, MN 55804

PROJECT INFORMATION

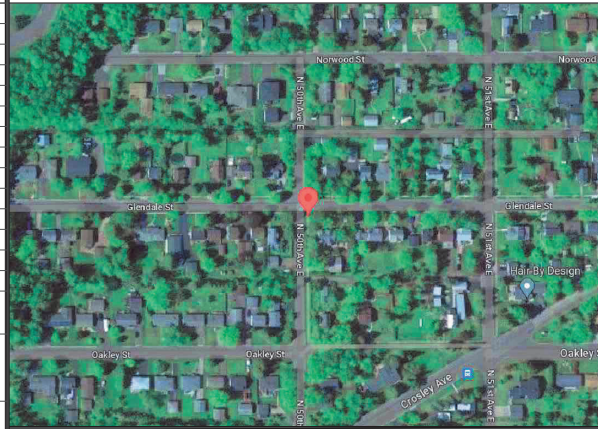
PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_RUMW_LESTR_001
USID:	326865
PACE NUMBER:	MRUMW030468
LATITUDE:	46.8452667°
LONGITUDE:	-92.0236444°
SITE ADDRESS:	5004 GLENDALE STREET
CITY, STATE ZIP:	DULUTH, MN 55804
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 1
GROUND ELEVATION:	841'± 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

SCOPE OF WORK

1. REPLACE EXISTING 25'-4" A.G.L. WOOD POLE WITH NEW 40'-0" CLASS 1 WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP. TOTAL HEIGHT OF 35'-4" A.G.L.
2. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRRH 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

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

Mastec
Network Solutions

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Print Name: RAPHAEL MOHAMED

Signature: [Signature]

Date: 11/07/23 License # 44557

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

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PROJECT STATUS:

FOR
CONSTRUCTION

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B	08/16/23	REVISED CD	NK
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CHECKED BY: MH	CHECKED DATE: 11/07/23
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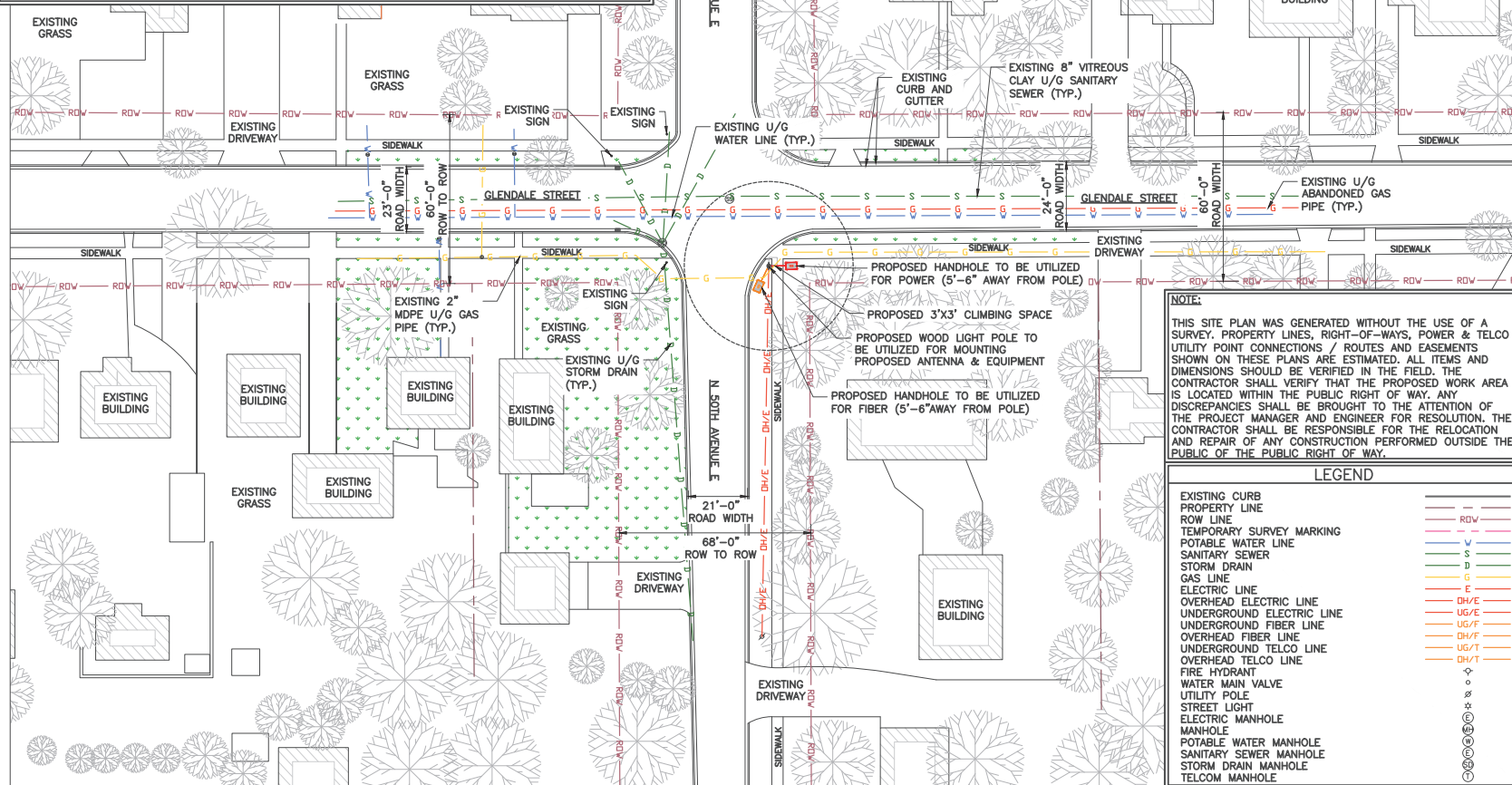
SITE INFORMATION:	SITE NAME: CRAN_RUMW_LESTR_001
	PACE NUMBER: MRUMW030468
	SITE ADDRESS: 5004 GLENDALE STREET DULUTH, MN 55804
	SITE COORDINATES: 46.8452667°, -92.0236444°

SHEET TITLE:	TITLE SHEET
--------------	-------------

SHEET NUMBER:	T-1
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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. ##### 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.



1 SITE PLAN

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

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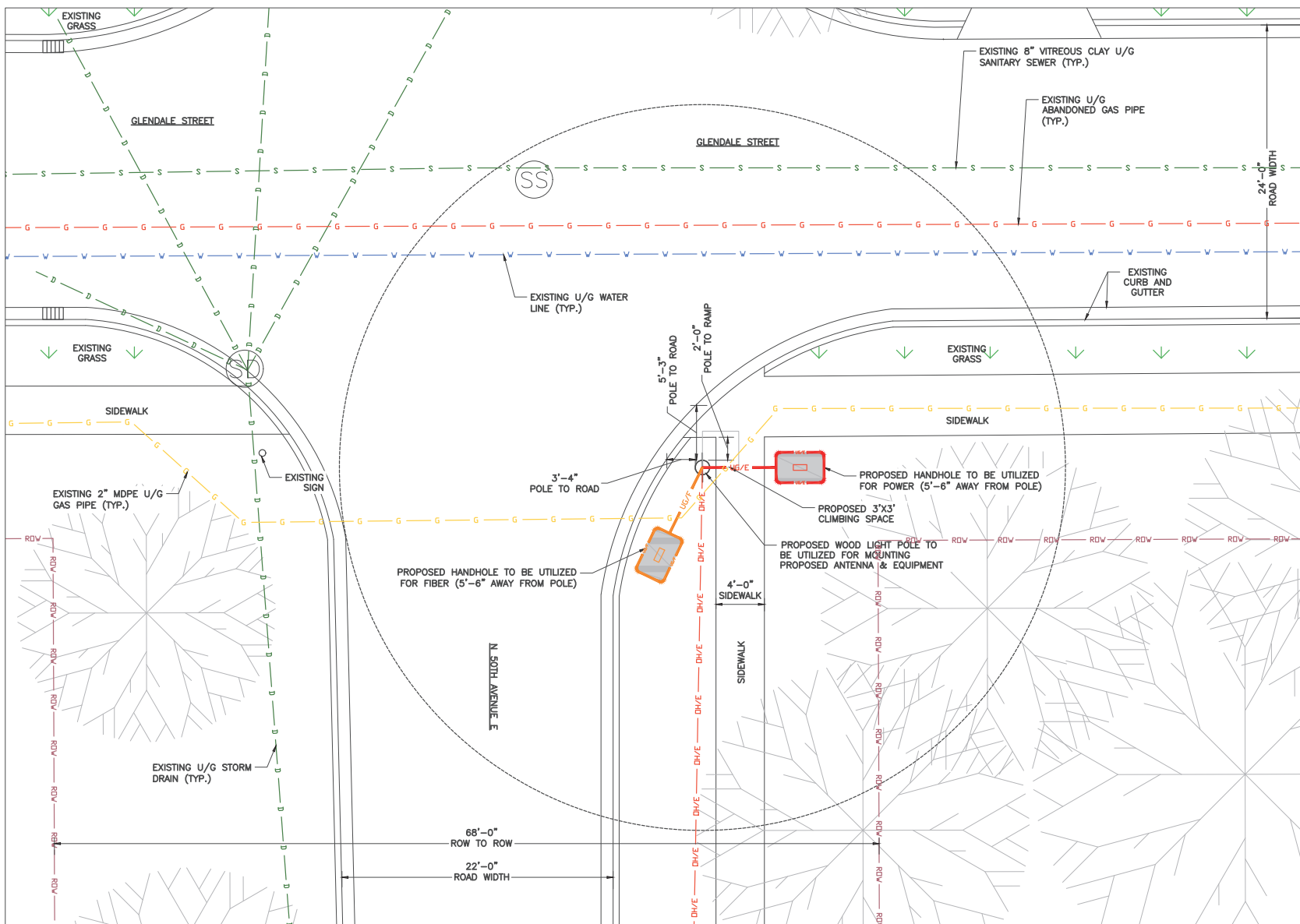
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SITE PLAN

C-1



1 ENLARGED SITE PLAN

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DULUTH, MN 55804**

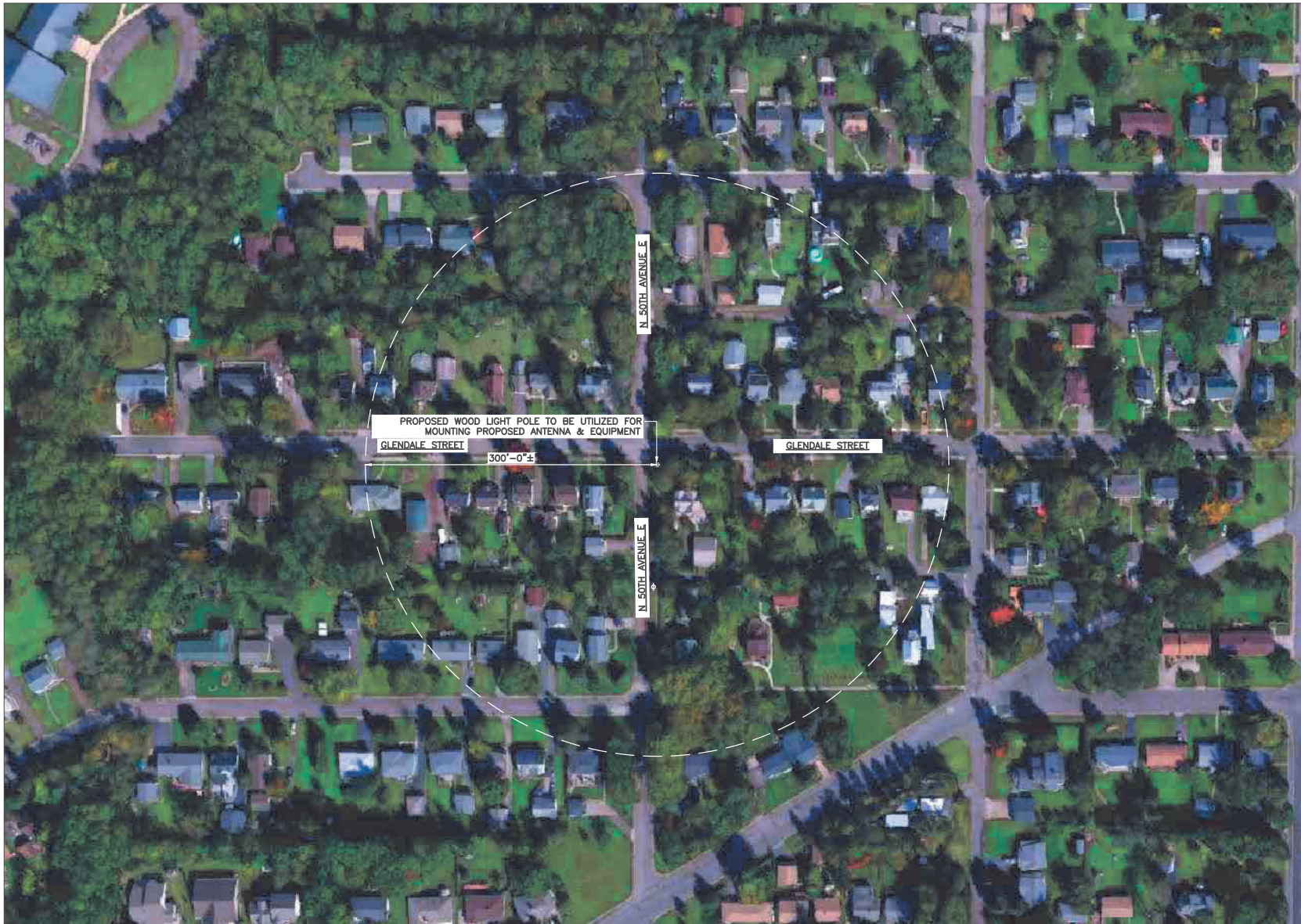
UTM COORDINATES:
46.8452667, -92.0236444

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

C-2



1 AERIAL PLAN



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



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UTM COORDINATES:
46.8452667, -92.0236444

SHEET 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.

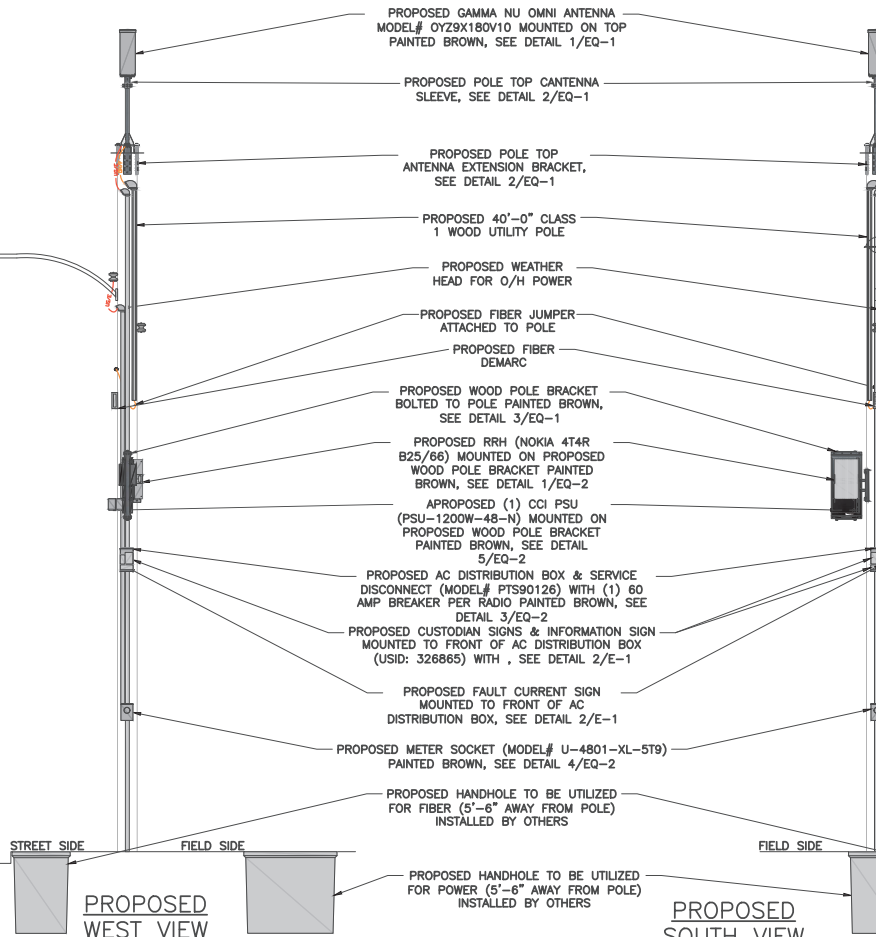
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C.L. OF PROPOSED ANTENNA
ELEV: 34'-4" ± A.G.L.
TOP OF PROPOSED ANTENNA SLEEVE
ELEV: 33'-4" ± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 33'-0" ± A.G.L.

TOP OF PROPOSED POLE
ELEV: 30'-0" ± A.G.L.

PROPOSED SECONDARY
ELEV: 24'-8" ± A.G.L.
EXISTING LIGHT MOUNT
ELEV: 23'-11" ± A.G.L.
PROPOSED WEATHERHEAD
ELEV: 23'-8" ± A.G.L.
EXISTING SECONDARY
ELEV: 22'-6" ± A.G.L.
PROPOSED FIBER
ELEV: 20'-9" ± A.G.L.
PROPOSED FIBER DEMARC
ELEV: 19'-9" ± A.G.L.
TOP OF PROPOSED BRACKET
ELEV: 17'-2" ± A.G.L.
TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.
TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.
BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.

BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-0" ± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.



NOTES:

- CONTRACTOR TO COMPLY WITH ALL FCC AND FAA REGULATIONS ON THIS PROJECT.
- CONTRACTOR SHALL COORDINATE WITH CITY OF DULUTH TRAFFIC (218-730-5200) FOR THE REMOVAL AND REINSTALLATION OF EXISTING SIGNS ON AFFECTED STREET LIGHT POLES.
- PROPOSED EQUIPMENT PAINTED TO MATCH PROPOSED POLE COLOR.
- CONTRACTOR SHOULD REINSTALL EXISTING BANNERS/SIGNS FROM THE EXISTING POLE TO THE PROPOSED POLE.
- 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 ANTENNA
ELEV: 35'-4" ± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 34'-4" ± A.G.L.
TOP OF PROPOSED ANTENNA SLEEVE
ELEV: 33'-4" ± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 33'-0" ± A.G.L.

TOP OF PROPOSED POLE
ELEV: 30'-0" ± A.G.L.

PROPOSED SECONDARY
ELEV: 24'-8" ± A.G.L.
EXISTING LIGHT MOUNT
ELEV: 23'-11" ± A.G.L.
PROPOSED WEATHERHEAD
ELEV: 23'-8" ± A.G.L.
EXISTING SECONDARY
ELEV: 22'-6" ± A.G.L.
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PROPOSED FIBER DEMARC
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TOP OF PROPOSED BRACKET
ELEV: 17'-2" ± A.G.L.
TOP OF PROPOSED RADIO
ELEV: 16'-10" ± A.G.L.
TOP OF PROPOSED PSU
ELEV: 15'-2" ± A.G.L.
BOTTOM OF PROPOSED RADIO
ELEV: 15'-0" ± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8" ± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3" ± A.G.L.

BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-0" ± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0" ± A.G.L.

1 POLE ELEVATIONS

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"

Mastec
Network Solutions

1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518



AT&T
7900 XEROX 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: 11/07/23 License # 44557

MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 08/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

FOR
CONSTRUCTION

SUBMITTALS

REV	DATE	DESCRIPTION	BY
A	08/01/23	CD FOR REVIEW	LM
B	08/16/23	REVISED CD	NK
C	09/20/23	REVISED CD	NK
D	09/22/23	FINAL CD	MH
1	11/07/23	PER LOCATES ADD	MN

PREPARED BY: MH DATE: 11/07/23

DATE OF REVISION:

PROJECT NAME:
CRAN_RUMW_LESTR_001

PAGE NUMBER:
MRUMW030468

PROJECT ADDRESS:
5004 GLENDALE STREET
DULUTH, MN 55804

PROJECT COORDINATE:
46.8452667, -92.0236444

PROJECT TITLE:

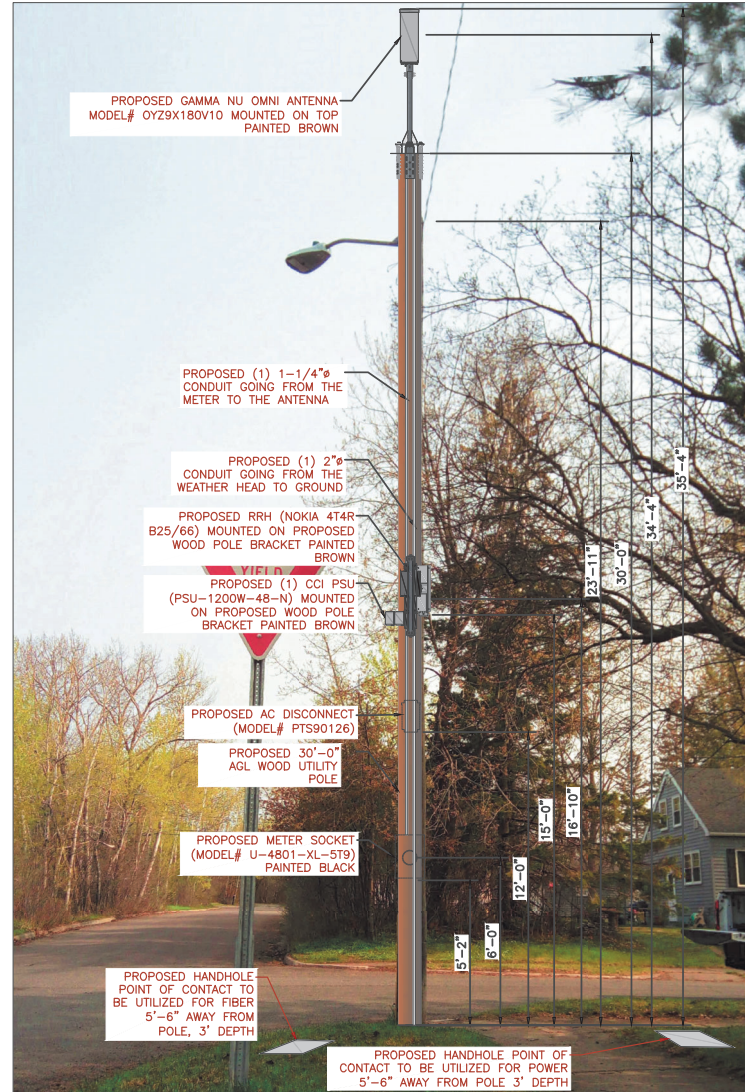
ELEVATION

SHEET 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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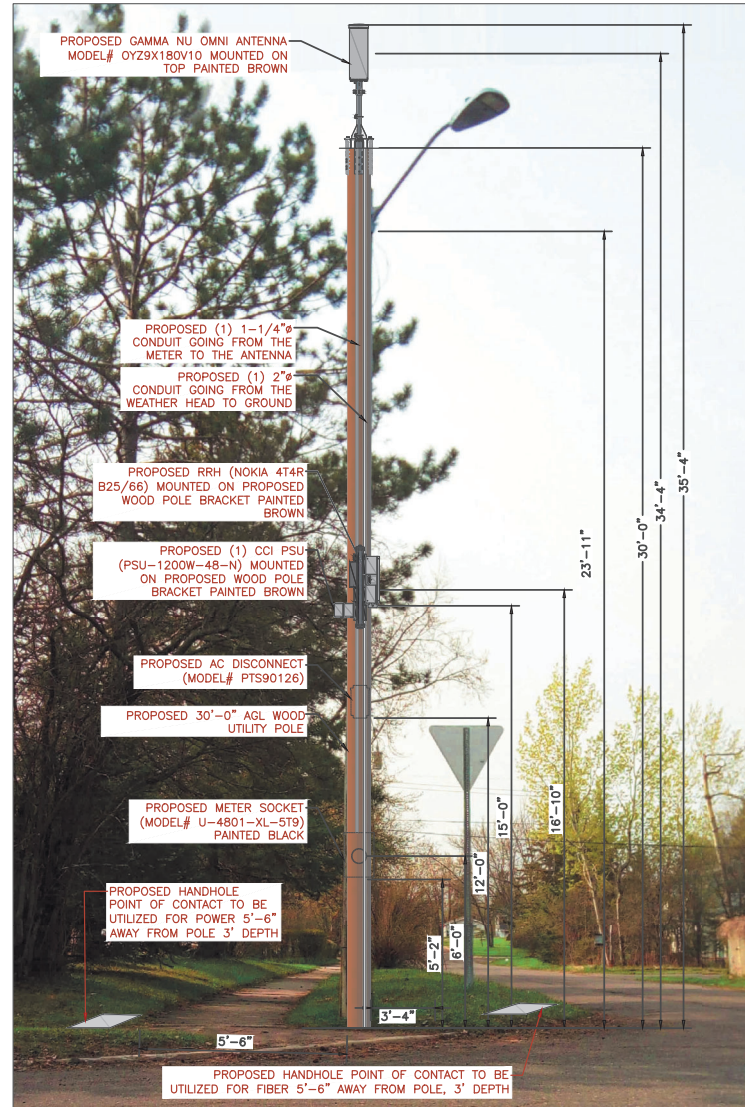
PHOTO SIMULATION

PS-1

1 SITE LOCATION PHOTOS



EXISTING SOUTH VIEW



PROPOSED SOUTH VIEW

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

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SUITE 101 CARY, NC 27518



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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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PROJECT STATUS:

FOR
CONSTRUCTION

SUBMITTALS

REV	DATE	DESCRIPTION	BY
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D	09/22/23	FINAL CD	MH
1	11/07/23	PER LOCATES ADD	MN

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

DATE SUBMITTED:

SITE NAME:
CRAN_RUMW_LESTR_001

FILE NUMBER:
MRUMW030468

SITE ADDRESS:
5004 GLENDALE STREET
DULUTH, MN 55804

UTM COORDINATES:
46.8452667, -92.0236444

SHEET TITLE:

PHOTO SIMULATION

SHEET NUMBER:

PS-2

1 SITE LOCATION PHOTOS



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 23-208	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 2904 Parkwood Lane		
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, -204, -205, -206, -207, -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 existing light will be installed at 34 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:

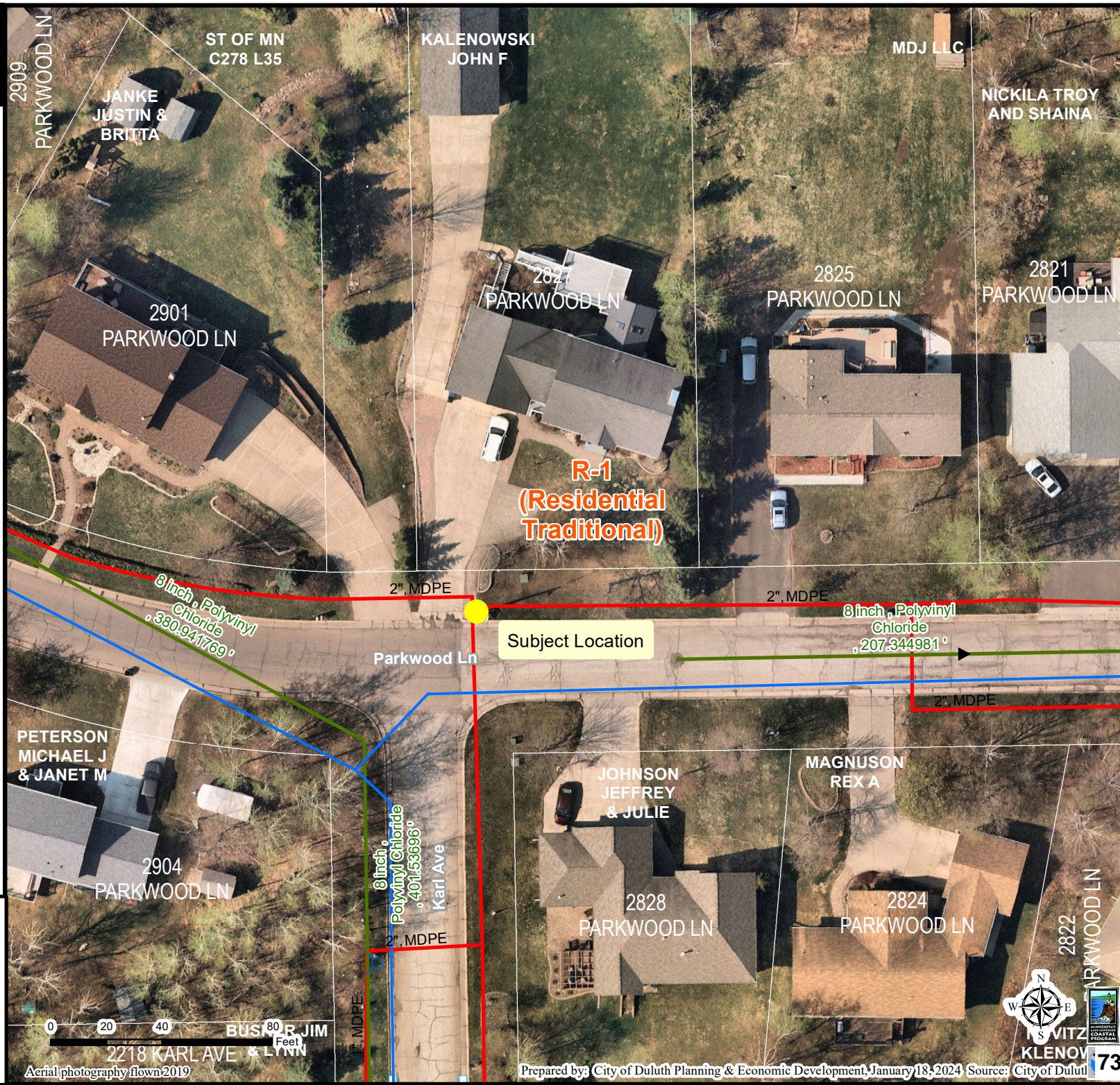
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed 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.



PL23-208
Small Cell CUP
2827 Parkwood Ln

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
- 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.

Aerial photography flown 2019

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





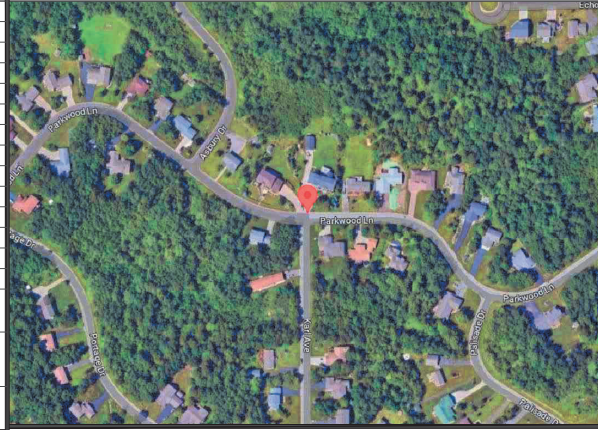
AT&T

PROJECT: MNP_NEXIUS_CRAN
SITE NAME: CRAN_RUMW_GECHL_012
USID: 227133
SKIP ID / NODE#: MNL07042F_R03
IWM JOB: WSUMW0008337
PACE NUMBER: MRUMW031152
PTN NUMBER: 3514AOKT5H
FA NUMBER: 14828511
COORDINATES: 46.774830°, -92.169000°
SITE ADDRESS: 2904 PARKWOOD LANE
DULUTH, MN 55811

PROJECT INFORMATION

PROJECT:	MNP_NEXIUS_CRAN
SITE NAME:	CRAN_RUMW_GECHL_012
USID:	227133
PACE NUMBER:	MRUMW031152
LATITUDE:	46.774830°
LONGITUDE:	-92.169000°
SITE ADDRESS:	2904 PARKWOOD LANE
CITY, STATE ZIP:	DULUTH, MN 55811
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	M5409469
GROUND ELEVATION:	1317'± 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
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

SCOPE OF WORK

1. REPLACE EXISTING 25'-3" A.G.L. WOOD POLE WITH NEW 36'-6" A.G.L. WOOD LIGHT POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON AN EXTENSION BRACKET. TOTAL HEIGHT OF 41'-9" 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.

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



AT&T
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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, P.E.
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
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1	11/03/23	PER LOCATES	MC

CHECKED BY: MH CHECKED DATE: 11/03/23

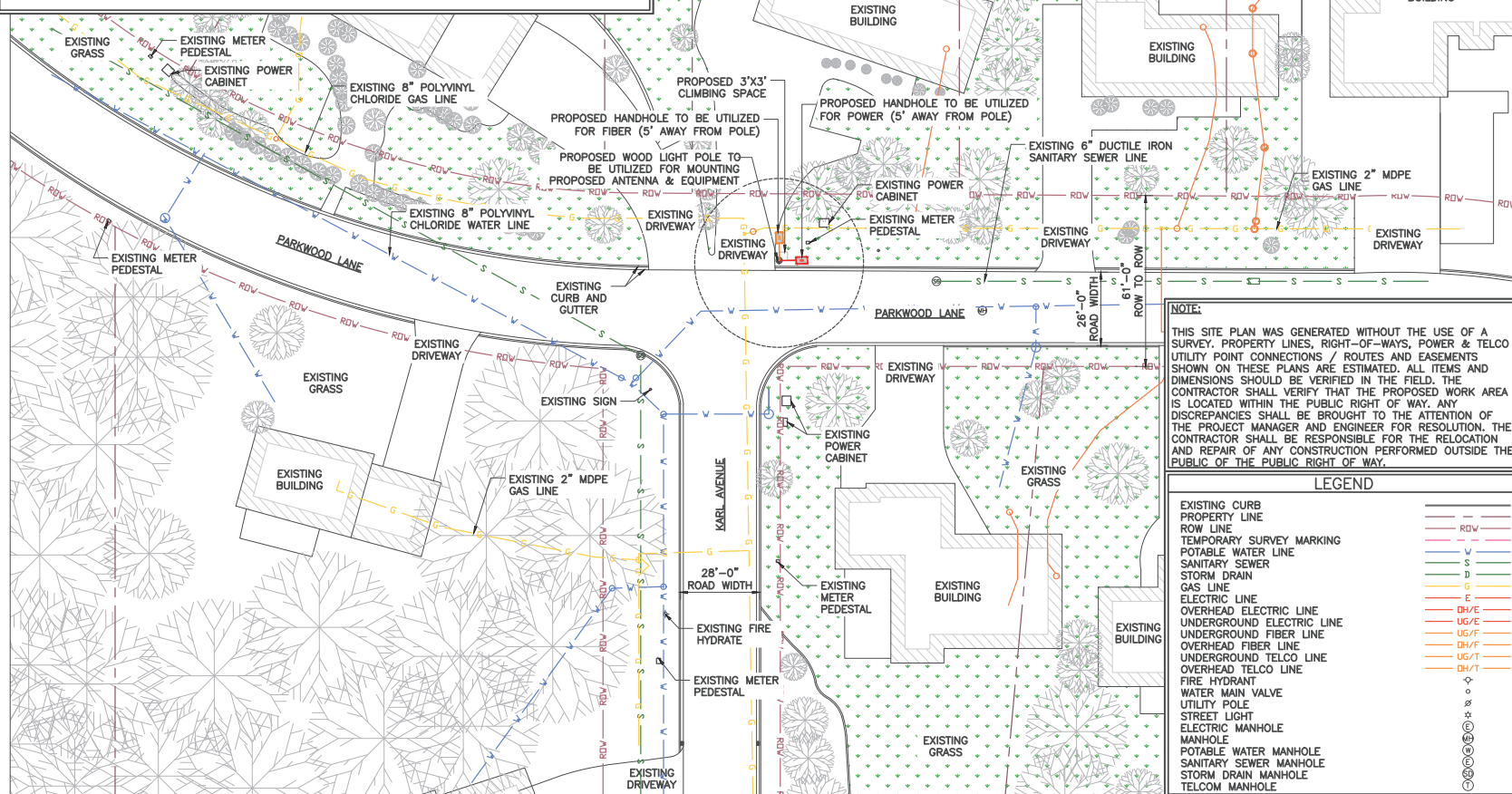
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DULUTH, MN 55811
SITE COORDINATES: 46.774830°, -92.169000°

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.



1 SITE PLAN



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



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	RDW
PROPERTY LINE	RDW
ROW LINE	RDW
TEMPORARY SURVEY MARKING	RDW
POTABLE WATER LINE	S
SANITARY SEWER	S
STORM DRAIN	S
GAS LINE	G
ELECTRIC LINE	E
OVERHEAD ELECTRIC LINE	OH/E
UNDERGROUND ELECTRIC LINE	UG/E
UNDERGROUND FIBER LINE	UG/F
OVERHEAD FIBER LINE	OH/F
UNDERGROUND TELCO LINE	UG/T
OVERHEAD TELCO LINE	OH/T
FIRE HYDRANT	○
WATER MAIN VALVE	○
UTILITY POLE	○
STREET LIGHT	○
ELECTRIC MANHOLE	○
POTABLE WATER MANHOLE	○
SANITARY SEWER MANHOLE	○
STORM DRAIN MANHOLE	○
TELCOM MANHOLE	○

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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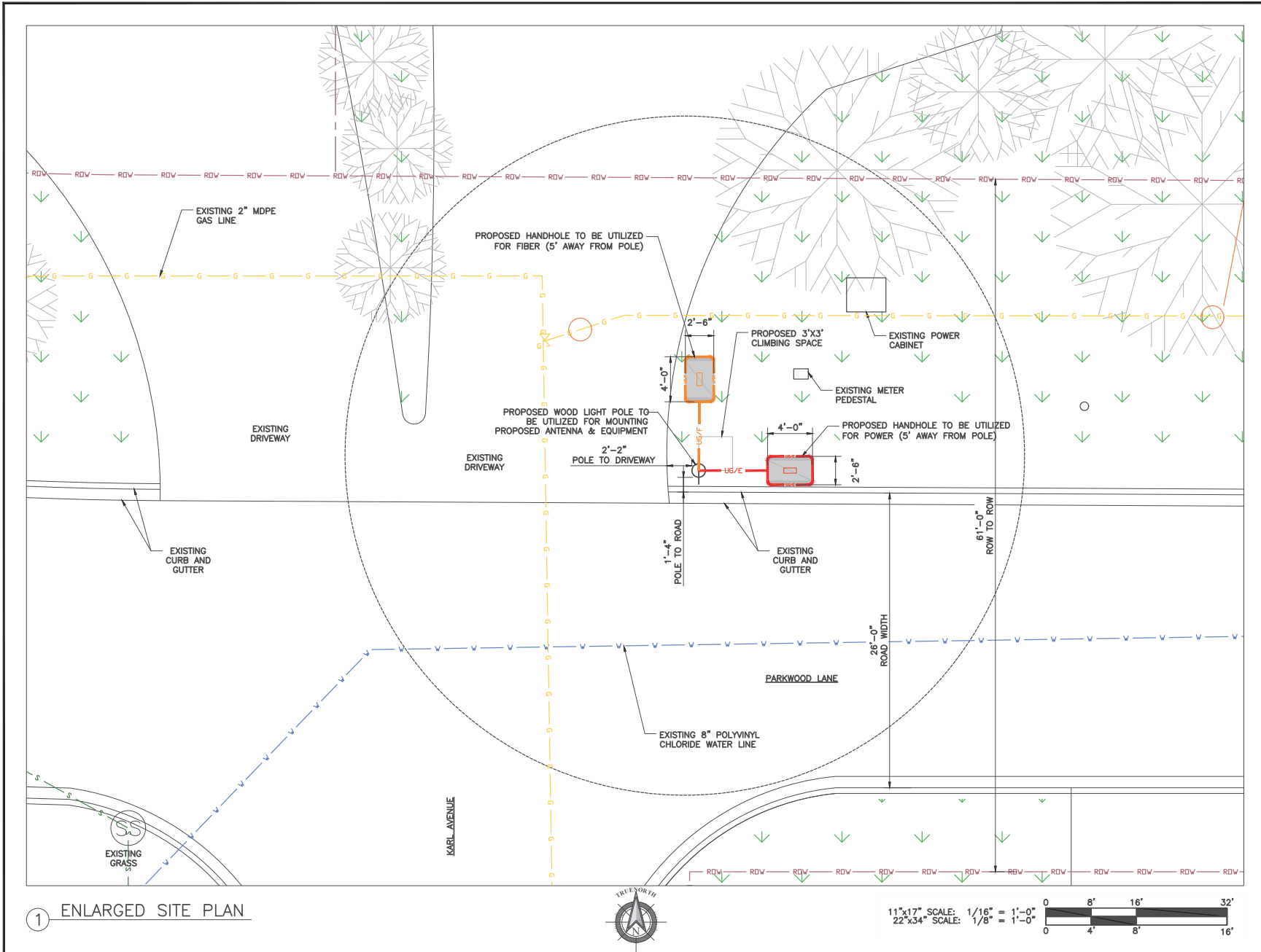
PROJECT STATUS:

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

AT&T
AT&T
7900 XERVES 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: _____ 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
B	08/08/23	REVISED CD	LM
C	08/16/23	REVISED CD	LM
D	08/31/23	FINAL CD	LM
1	11/03/23	PER LOCATES	MC

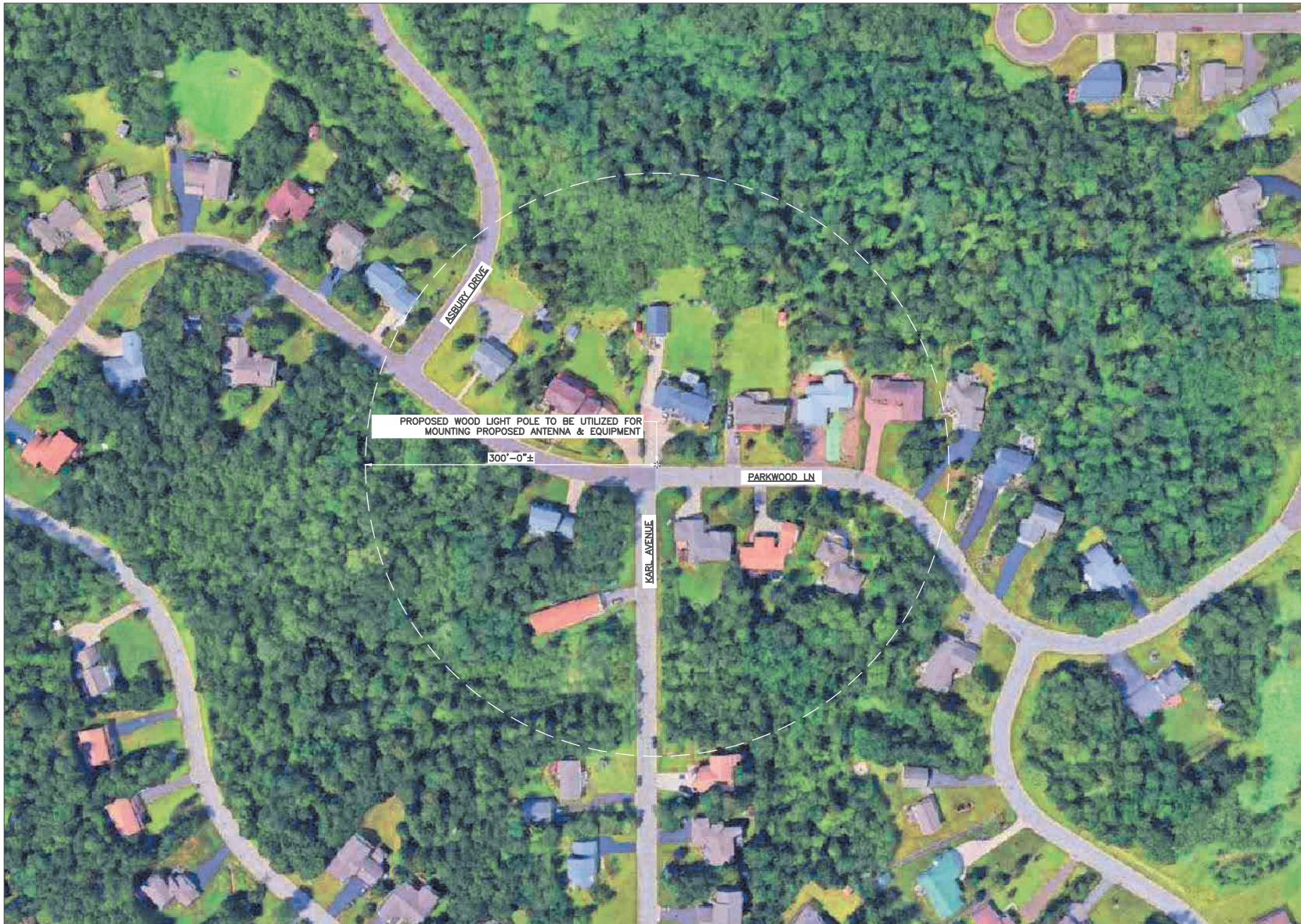
PROJECT NO: MH DATE: 11/03/23

PROJECT NAME: CRAN_RUMW_GECHL_012
PAGE NUMBER: MRUMW031152
SITE ADDRESS: 2904 PARKWOOD LANE DULUTH, MN 55811
SITE COORDINATES: 46.774830°, -92.169000°

PROJECT TITLE: ENLARGED SITE PLAN

SHEET NUMBER: C-2

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1 AERIAL PLAN



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



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Signature: _____

Date: _____ License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

PROJECT STATUS:

SUBMITTALS

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A	08/02/23	CD FOR REVIEW	LM
B	08/08/23	REVISED CD	LM
C	08/16/23	REVISED CD	LM
D	08/31/23	FINAL CD	LM
1	11/03/23	PER LOCATES	MC

DESIGNED BY:	CHKD/REV'D DATE:
MH	11/03/23

PROJECT NAME:
CRAN_RUMW_GECHL_012
PAGE NUMBER:
MRUMW031152
SITE ADDRESS:
2904 PARKWOOD LANE
DULUTH, MN 55811
SITE COORDINATES:
46.774830°, -92.169000°

PROJECT TITLE:
AERIAL MAP

SHEET NUMBER:
C-3

TOP OF PROPOSED ANTENNA
ELEV: 41'-9"± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 40.9'± A.G.L.
TOP OF PROPOSED ANTENNA SLEEVE
ELEV: 39'-9"± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-6"± A.G.L.

TOP OF PROPOSED POLE
ELEV: 36'-6"± A.G.L.

EXISTING LIGHT MOUNT
ELEV: 34'-4"± A.G.L.

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.

PROPOSED FIBER
ELEV: 21'-9"± A.G.L.
PROPOSED FIBER DEMARC
ELEV: 20'-9"± A.G.L.
TOP OF PROPOSED BRACKET
ELEV: 17'-2"± A.G.L.
TOP OF PROPOSED RADIO
ELEV: 16'-10"± A.G.L.
TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
BOTTOM OF PROPOSED RADIO
ELEV: 15'-0"± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.
BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.

EXISTING GRADE
ELEV: 0'-0"± A.G.L.

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.

PROPOSED DKK OMNI ANTENNA MODEL#
DKOBDYKDP-7R45F MOUNTED ON TOP
PAINTED BROWN, SEE DETAIL 1/EQ-1

PROPOSED POLE TOP ANTENNA
SLEEVE, SEE DETAIL 2/EQ-1

PROPOSED POLE TOP ANTENNA
EXTENSION BRACKET,
SEE DETAIL 2/EQ-1

PROPOSED 45'-0" CLASS
3 WOOD UTILITY POLE

PROPOSED FIBER
DEMARC

PROPOSED FIBER JUMPER
ATTACHED TO POLE

PROPOSED WOOD POLE BRACKET
BOLTED TO POLE PAINTED BROWN,
SEE DETAIL 3/EQ-1

PROPOSED RRH (NOKIA 4T4R
B25/66) MOUNTED ON PROPOSED
WOOD POLE BRACKET PAINTED
BROWN, SEE DETAIL 1/EQ-2

PROPOSED (1) CCI PSU
(PSU-1200W-48-N) MOUNTED ON
PROPOSED WOOD POLE BRACKET
PAINTED BROWN, SEE DETAIL
5/EQ-2

PROPOSED AC DISTRIBUTION BOX & SERVICE
DISCONNECT (MODEL# PTS90126) WITH (1) 60
AMP BREAKER PER RADIO PAINTED BROWN, SEE
DETAIL 3/EQ-2

PROPOSED CUSTODIAN SIGNS & INFORMATION SIGN
MOUNTED TO FRONT OF AC DISTRIBUTION BOX
(USID: 227133) WITH , SEE DETAIL 2/E-1

PROPOSED FAULT CURRENT SIGN
MOUNTED TO FRONT OF AC
DISTRIBUTION BOX, SEE DETAIL 2/E-1

PROPOSED METER SOCKET (MODEL# U-4801-XL-5T9)
PAINTED BROWN, SEE DETAIL 4/EQ-2

PROPOSED HANDHOLE TO BE UTILIZED
FOR FIBER (5' AWAY FROM POLE)
INSTALLED BY OTHERS

PROPOSED HANDHOLE TO BE UTILIZED
FOR POWER (5' AWAY FROM POLE)
INSTALLED BY OTHERS

TOP OF PROPOSED ANTENNA
ELEV: 41'-9"± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 40.9'± A.G.L.
TOP OF PROPOSED ANTENNA SLEEVE
ELEV: 39'-9"± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-6"± A.G.L.

TOP OF PROPOSED POLE
ELEV: 36'-6"± A.G.L.

EXISTING LIGHT MOUNT
ELEV: 34'-4"± A.G.L.

PROPOSED FIBER
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TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
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ELEV: 15'-0"± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.
BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.

EXISTING GRADE
ELEV: 0'-0"± A.G.L.

FIELD SIDE

FIELD SIDE

STREET SIDE

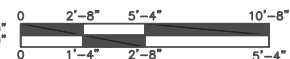
FIELD SIDE

EXISTING GRADE

PROPOSED
NORTH VIEW

PROPOSED
WEST VIEW

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"



1 POLE ELEVATIONS

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Network Solutions

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SUITE 101 CARY, NC 27518



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BLOOMINGTON, MN 55431

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Signature: _____

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	LM
B	08/08/23	REVISED CD	LM
C	08/16/23	REVISED CD	LM
D	08/31/23	FINAL CD	LM
1	11/03/23	PER LOCATES	MC

PREPARED BY: MH DATE: 11/03/23

DATE SUBMITTED:

PROJECT NAME:
CRAN_RUMW_GECHL-012

PLAT NUMBER:
MRUMW031152

PROJECT ADDRESS:
2904 PARKWOOD LANE
DULUTH, MN 55811

UTM COORDINATES:
46.774830°, -92.169000°

SHEET TITLE:

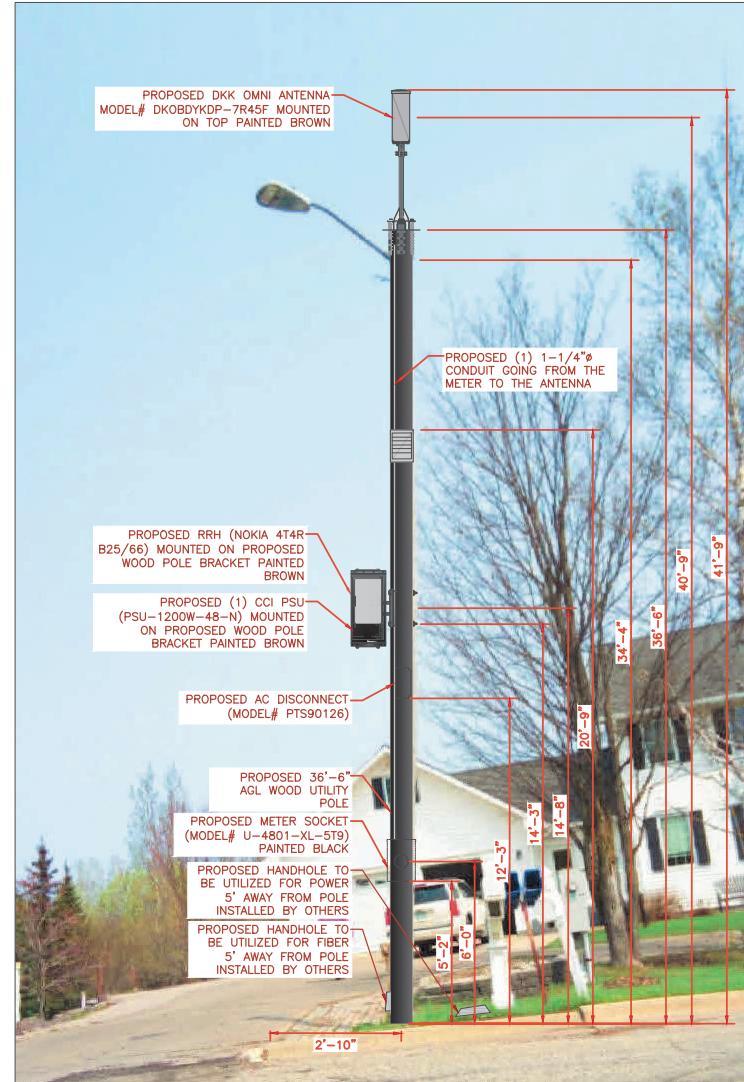
ELEVATION

SHEET 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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1	11/03/23	PER LOCATES	MC

PREPARED BY: MH DATE REVISION: 11/03/23

SITE INFORMATION:
SITE NAME: CRAN-RUMW_GECHL_012
FACE NUMBER: MRUMW031152
SITE ADDRESS: 2904 PARKWOOD LANE
DULUTH, MN 55811
SITE COORDINATES: 46.774830°, -92.169000°

PROJECT TITLE: PHOTO SIMULATION

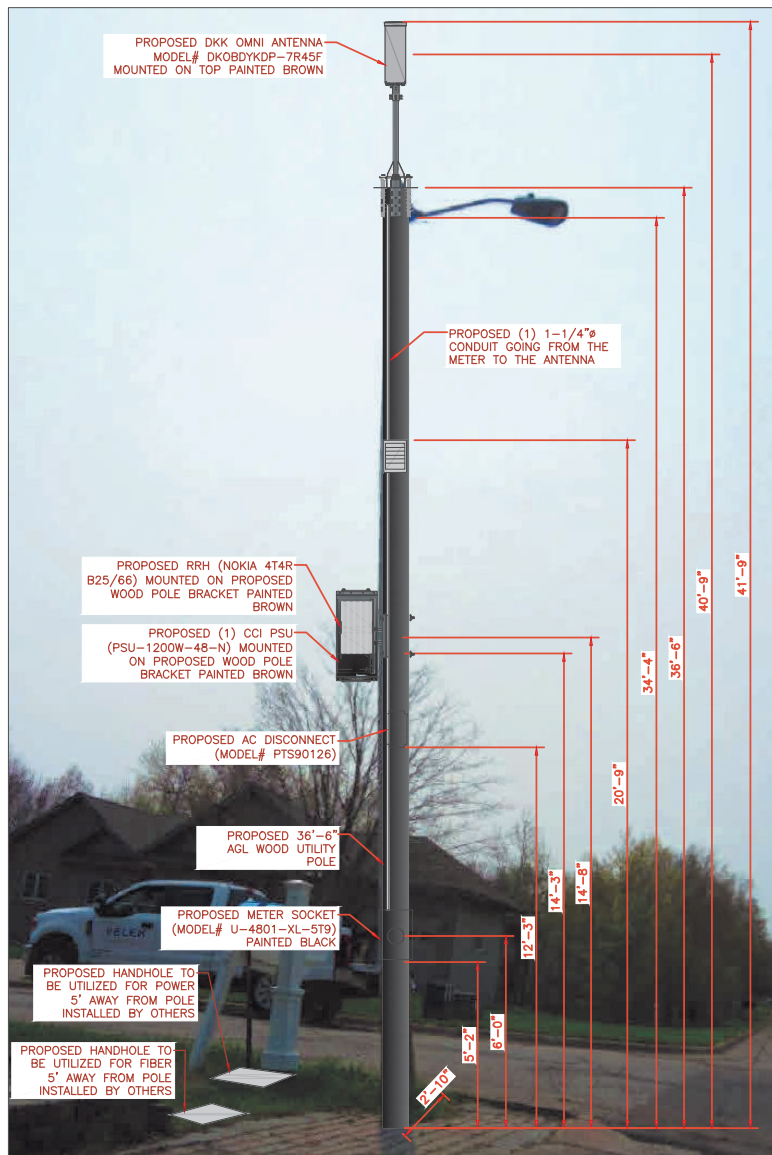
SHEET NUMBER: PS-1

1 SITE LOCATION PHOTOS



EXISTING SOUTH VIEW

① SITE LOCATION PHOTOS



PROPOSED SOUTH VIEW

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

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SUITE 101 CARY, NC 27518

AT&T
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7900 XERVES AVENUE S.
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MASTEC NETWORK SOLUTIONS
MINNESOTA PE LICENSE RENEWAL 06/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

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1	11/03/23	PER LOCATES	MC

DESIGNED BY: MH DATE: 11/03/23

SITE INFORMATION:
SITE NAME: CRAN_RUMW_GECHL_012
POLE NUMBER: MRUMW031152
SITE ADDRESS: 2904 PARKWOOD LANE
DULUTH, MN 55811
SITE COORDINATES: 46.774830°, -92.169000°

PHOTO SIMULATION

SHEET NUMBER: **PS-2**



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 23-209	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 2860 Piedmont 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	Traditional Neighborhood
North	R-1	Office	Neighborhood Commercial
South	R-1	Residential	Traditional Neighborhood
East	R-1	Mixed Use	Neighborhood Commercial
West	R-1	Residential	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.

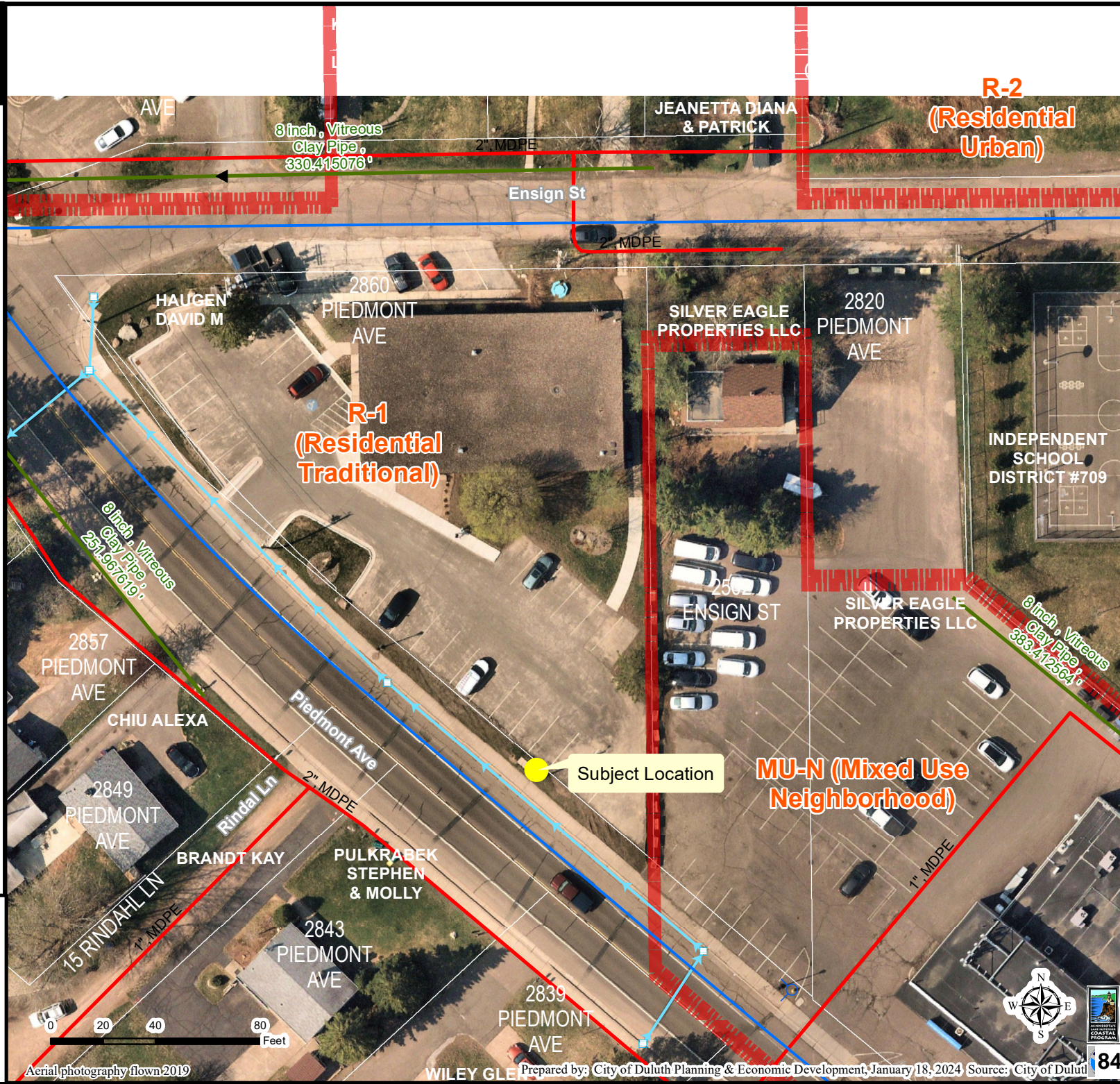


PL23-209
Small Cell CUP
2860 Piedmont Ave

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLS&D; PRIVATE
 - Sanitary Sewer Forced Main
- Storage Basin
- 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.



Aerial photography flown 2019

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



AT&T

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: 3514A0HOM5

FA NUMBER: 14833940

COORDINATES: 46.783380°, -92.161600°

SITE ADDRESS: 2841 PIEDMONT AVENUE
DULUTH, MN 55811

PROJECT INFORMATION

PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_RUMW_GECHL_007
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 ELEVATION:	1346'± A.M.S.L.
APPLICANT:	AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431
SITE ACQUISITION:	HAZEL MAURO - SITE ACQUISITION PROJECT MANAGER 1351 IRVING PARK RD, ITASCA, IL 60143 hazel.mauro@mastec.com (913) 710-3999
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888

SCOPE OF WORK

1. 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.
2. 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.

AERIAL PHOTO



STRUCTURE PHOTO



SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

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: 11/03/23 License #: 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

FOR
CONSTRUCTION

SUBMITTALS

REV	DATE	DESCRIPTION	BY
A	07/31/23	CD FOR REVIEW	MN
B	08/07/23	CD FOR REVIEW	MC
C	08/16/23	FOR REVIEW	MC
D	08/31/23	FINAL CD	MN
1	11/03/23	PER LOCATES ADD	MN

CHECKED BY: MH

CHECKED DATE: 11/03/23

SHEET DESCRIPTION:

SHEET NAME: CRAN_RUMW_GECHL_007

PACE NUMBER: MRUMW025573

PTN NUMBER: 3514A0HOM5
SITE ADDRESS: 2841 PIEDMONT AVENUE
DULUTH, MN 55811

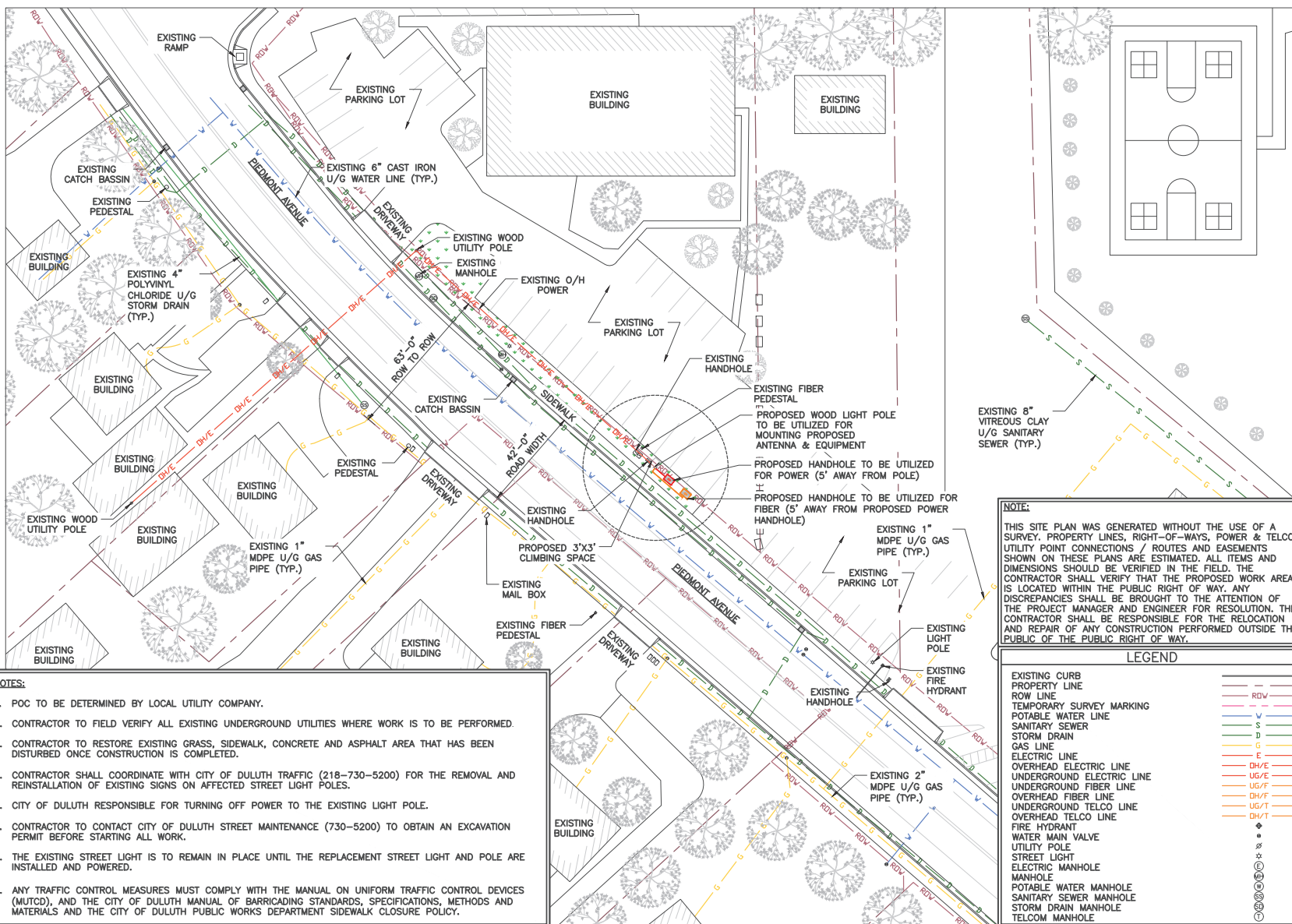
SITE COORDINATES: 46.783380°, -92.161600°

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 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



1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518

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

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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 MN

FOR CONSTRUCTION

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C	08/16/23	FOR REVIEW	MC
D	08/31/23	FINAL CD	MN
1	11/03/23	PER LOCATES ADD	MN

PREPARED BY: MH DATE REVISION: 11/03/23

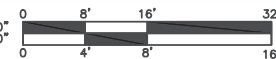
SHEET NO./TOTAL: CRAN_RUMW_GECHL_007
MRUMW025573

PROJECT ADDRESS:
**2841 PIEDMONT AVENUE
DULUTH, MN 55811**

UTM COORDINATES:
46.783380°, -92.161600°

SITE PLAN

SHEET NUMBER: **C-1**



C-2



① AERIAL PLAN



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



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1151 SE CARY PARKWAY,
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PROJECT STATUS:

FOR
CONSTRUCTION

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

PROJECT NUMBER:
SITE NAME:
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PAGE NUMBER:
MRUMW025573
SITE ADDRESS:
2841 PIEDMONT AVENUE
DULUTH, MN 55811
SITE COORDINATES:
46.783380°, -92.161600°

SHEET 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.

TOP OF PROPOSED ANTENNA
ELEV: 41'-10"± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 40'-8"± A.G.L.
TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 39'-10"± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-6"± A.G.L.
TOP OF PROPOSED LAA RADIO
ELEV: 38'-8"± A.G.L.
BOTTOM OF PROPOSED LAA RADIO
ELEV: 37'-7"± A.G.L.
TOP OF PROPOSED POLE
ELEV: 36'-6"± A.G.L.

TOP OF EXISTING LUMINAIRE
ELEV: 24'-6"± A.G.L.
EXISTING SECONDARY
ELEV: 23'-3"± A.G.L.
PROPOSED WEATHERHEAD
ELEV: 20'-6"± A.G.L.

TOP OF PROPOSED BRACKET
ELEV: 17'-2"± A.G.L.
TOP OF PROPOSED RADIO
ELEV: 16'-10"± A.G.L.
TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
BOTTOM OF PROPOSED RADIO
ELEV: 15'-0"± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.

BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.

EXISTING GRADE
ELEV: 0'-0" A.G.L.

NOTES:

- CONTRACTOR TO COMPLY WITH ALL FCC AND FAA REGULATIONS ON THIS PROJECT.
- CONTRACTOR SHALL COORDINATE WITH CITY OF DULUTH TRAFFIC (218-730-5200) FOR THE REMOVAL AND REINSTALLATION OF EXISTING SIGNS ON AFFECTED STREET LIGHT POLES.
- PROPOSED EQUIPMENT PAINTED TO MATCH PROPOSED POLE COLOR.
- CONTRACTOR SHOULD REINSTALL EXISTING BANNERS/SIGNS FROM THE EXISTING POLE TO THE PROPOSED POLE.
- 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 ANTENNA
ELEV: 41'-10"± A.G.L.
C.L. OF PROPOSED ANTENNA
ELEV: 40'-8"± A.G.L.
TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 39'-10"± A.G.L.
TOP OF PROPOSED EXTENSION BRACKET
ELEV: 39'-6"± A.G.L.
TOP OF PROPOSED LAA RADIO
ELEV: 38'-8"± A.G.L.
BOTTOM OF PROPOSED LAA RADIO
ELEV: 37'-7"± A.G.L.
TOP OF PROPOSED POLE
ELEV: 36'-6"± A.G.L.

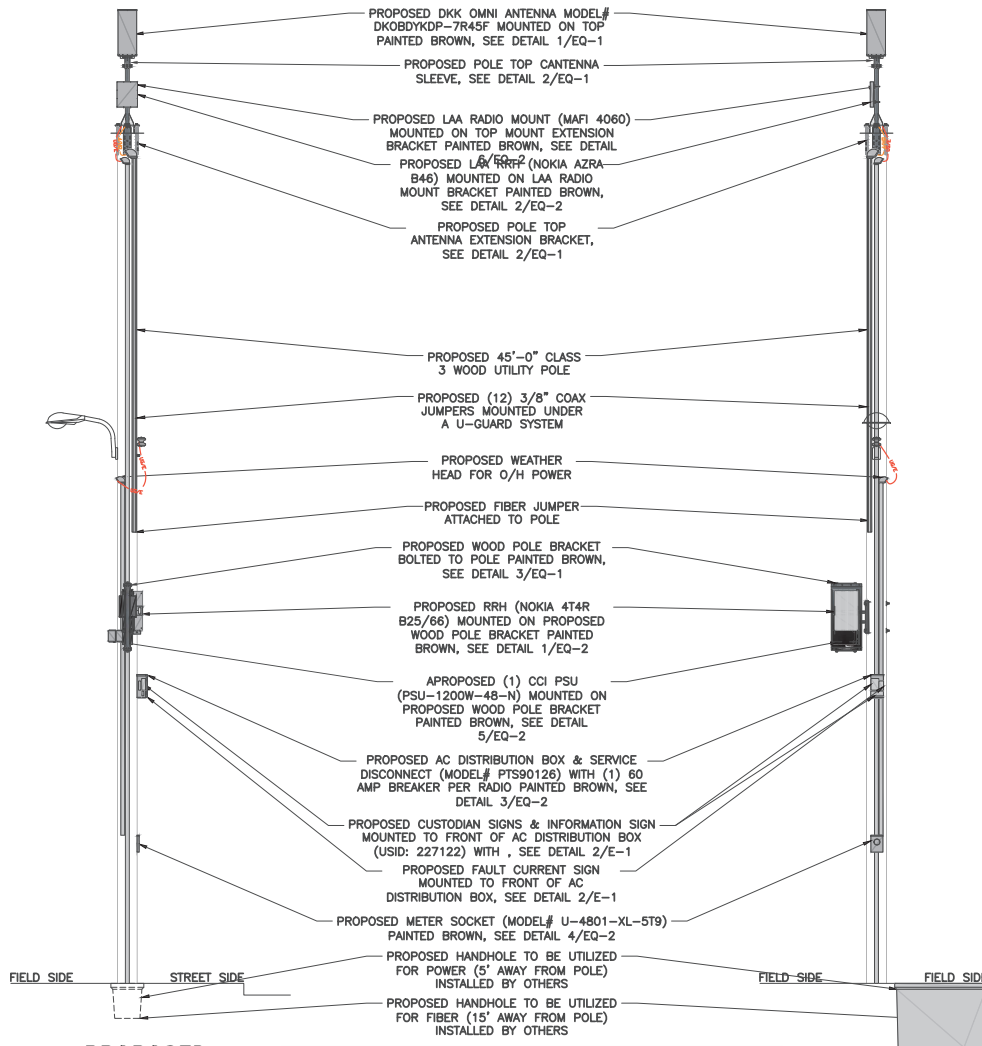
TOP OF EXISTING LUMINAIRE
ELEV: 24'-6"± A.G.L.
EXISTING SECONDARY
ELEV: 23'-3"± A.G.L.
PROPOSED WEATHERHEAD
ELEV: 21'-9"± A.G.L.

TOP OF PROPOSED BRACKET
ELEV: 17'-2"± A.G.L.
TOP OF PROPOSED RADIO
ELEV: 16'-10"± A.G.L.
TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
BOTTOM OF PROPOSED RADIO
ELEV: 15'-0"± A.G.L.
BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.

BOTTOM OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.

C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.

EXISTING GRADE
ELEV: 0'-0" A.G.L.



① POLE ELEVATIONS

PROPOSED
SOUTH VIEW

11'x17" SCALE: 3/16" = 1'-0"
22'x34" SCALE: 3/8" = 1'-0"

PROPOSED
EAST VIEW (LIGHT BEHIND POLE)

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Date 11/03/23 License # 44557

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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PROJECT NO: MH SITE NO: 11/03/23

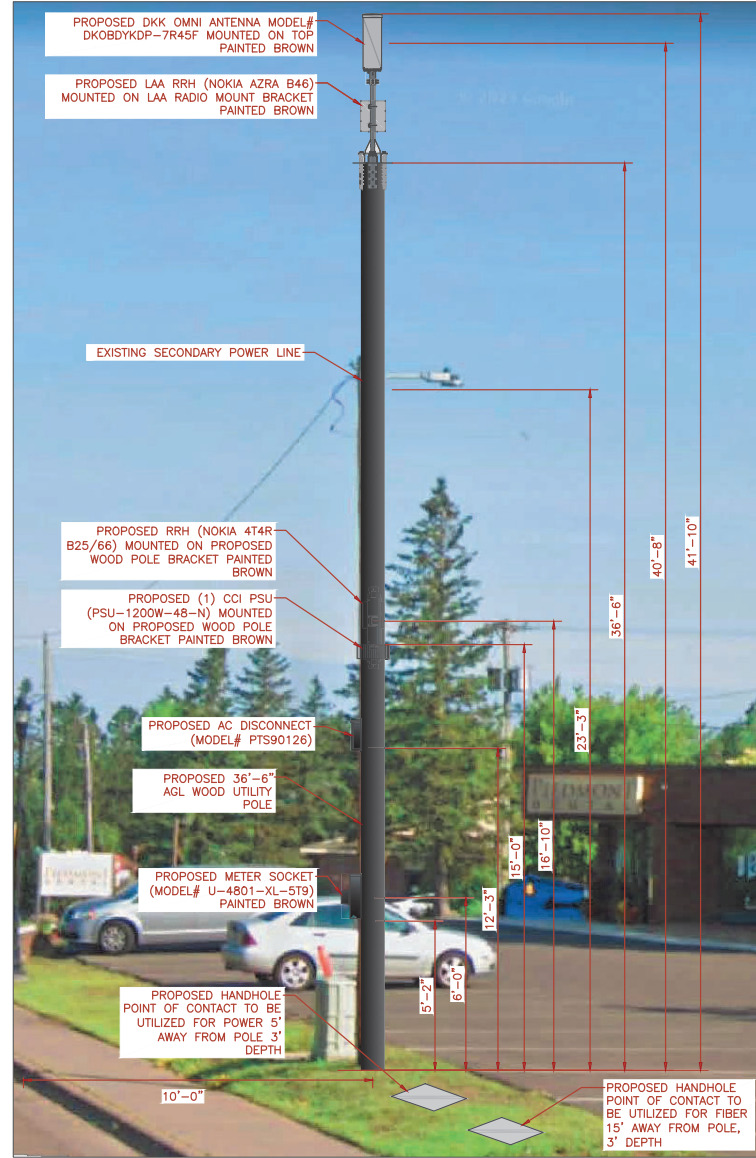
SHEET NO: CRAN_RUMW_GECHL_007
PAGE NUMBER: MRUMW025573
SITE ADDRESS: 2841 PIEDMONT AVENUE
DULUTH, MN 55811
SITE COORDINATES: 46.783380°, -92.161600°

SHEET TITLE: ELEVATION

SHEET NUMBER: C-4



EXISTING NORTH VIEW



PROPOSED NORTH VIEW

1 SITE LOCATION PHOTOS

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

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1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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PROJECT NO: MH DATE: 11/03/23

PROJECT NAME: CRAN_RUMW_GECHL_007
PROJECT NUMBER: MRUMW025573
PROJECT ADDRESS: 2841 PIEDMONT AVENUE DULUTH, MN 55811
PROJECT COORDINATES: 46.783380°, -92.161600°

PHOTO SIMULATION

PS-1



EXISTING EAST VIEW



PROPOSED EAST VIEW

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

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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D	08/31/23	FINAL CD	MN
1	11/03/23	PER LOCATES ADD	MN

PREPARED BY: MH DATE: 11/03/23

PROJECT NAME:
CRAN_RUMW_GECHL_007
PROJECT NUMBER:
MRUMW025573
PROJECT ADDRESS:
2841 PIEDMONT AVENUE
DULUTH, MN 55811
PROJECT COORDINATOR:
46.783380, -92.161600

PHOTO SIMULATION

PS-2

1 SITE LOCATION PHOTOS



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 23-210	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		Corner of E 2 nd St and N 10 th Ave W, Near 010-3830-07840		
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 traffic signal, 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	MU-I	Right of Way	Institutional
North	MU-I	Parking Lot	Institutional
South	MU-I	Hospital	Institutional
East	MU-I	Hospital	Institutional
West	MU-I	Mixed-Use	Institutional

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: Institutional: Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

This is a companion zoning application to PL 23-203, -204, -205, -206, -207, -208, -210, -211, -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 top of an existing traffic control sign. The existing traffic signal will remain in place and wireless equipment will be placed at 31 to 33 feet, with a radio at 12 feet utilizing an extension to the traffic signal. Wireless attachments will include 1 exterior mounted panel antenna and 1 radio unit. There will be no ground mounted equipment. 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 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 pole will remain with Minnesota Power. Liability, maintenance, and operation of the small cell 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:

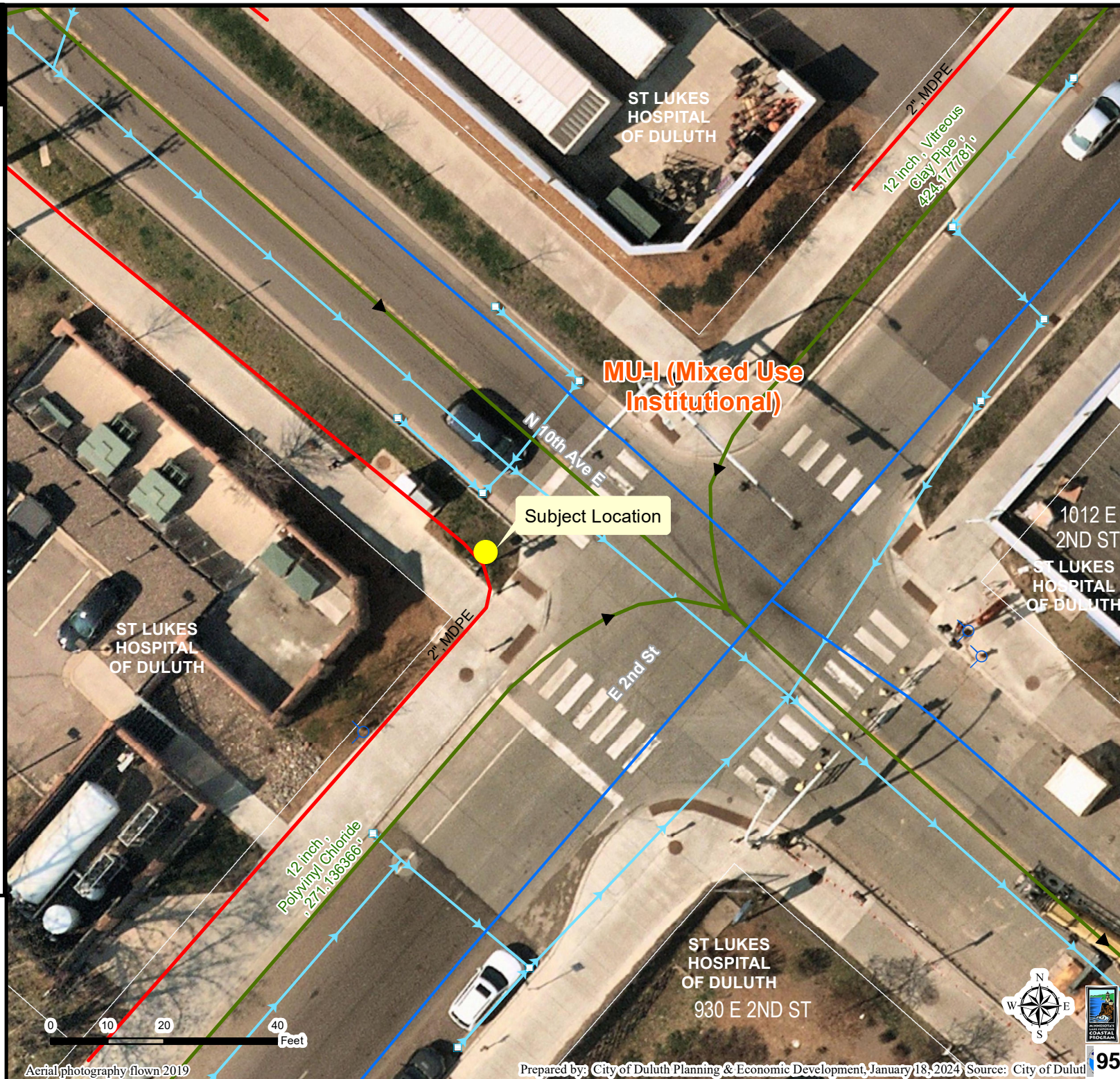
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed 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.



PL23-210
Small Cell CUP
010-3830-07840

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
- 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_DuluthMTSO_DLLND 1
USID: 192435
SKIP ID / NODE#: MNL07005F_R01
PACE NUMBER: MRUMW022381
IWM NUMBER: WSOAR0008190
PTN NUMBER: 3514A0DQS8
FA NUMBER: 14811096
COORDINATES: 46.797834°, -92.088137°
SITE ADDRESS: NORTHWEST CORNER OF N 10TH AVENUE E AND E. 3RD STREET DULUTH, MN 55805

PROJECT INFORMATION

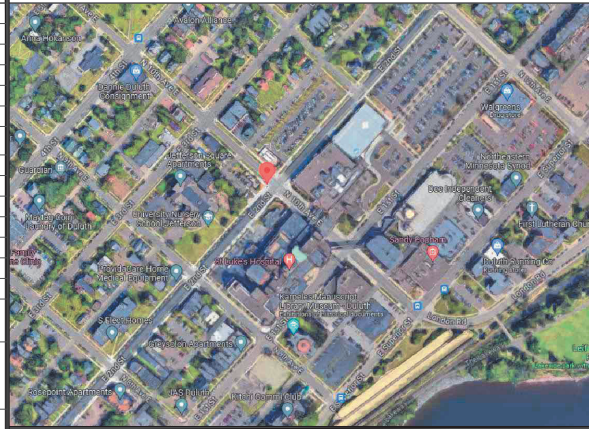
PROJECT:	MNP_MASTEC_CRAN
SITE NAME:	CRAN_DuluthMTSO_DLLND 1
USID:	192435
PACE NUMBER:	MRUMW022381
LATITUDE:	46.797834°
LONGITUDE:	-92.088137°
SITE ADDRESS:	NORTHWEST CORNER OF N 10TH AVENUE E AND
CITY, STATE ZIP:	DULUTH, MN 55805
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	TRAFFIC AND PEDESTRIAN LIGHT POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	VALMONT DS210
GROUND ELEVATION:	683'± 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

SCOPE OF WORK

1. REPLACE EXISTING 13"-0" A.G.L. TRAFFIC AND PEDESTRIAN LIGHT POLE WITH NEW 35"-0" A.G.L. TRAFFIC AND PEDESTRIAN LIGHT POLE PAINTED GREY INCLUDING 2' SIDE MOUNTED OMNI ANTENNA
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.

AERIAL PHOTO



STRUCTURE PHOTO



SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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
EQ-5	EQUIPMENT DETAILS
EQ-6	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

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, P.E. License # 44557
Date: 11/07/23 License # 44557

MASTEC NETWORK SOLUTIONS MINNESOTA
PE LICENSE RENEWAL 08/30/2024

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

FOR
CONSTRUCTION

SUBMITTALS

REV	DATE	DESCRIPTION	BY
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B	08/09/23	CD FOR REVIEW	MN
O	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC

CHECKED BY: MH
CHECKED DATE: 11/07/23

SITE INFORMATION:

SITE NAME:
CRAN_DULUTHMTSO_DLLND 1
PACE NUMBER:
MRUMW022381
NORTHWEST CORNER OF N 10TH AVENUE
E AND
DULUTH, MN 55805
46.797834°, -92.088137°

SHEET TITLE:

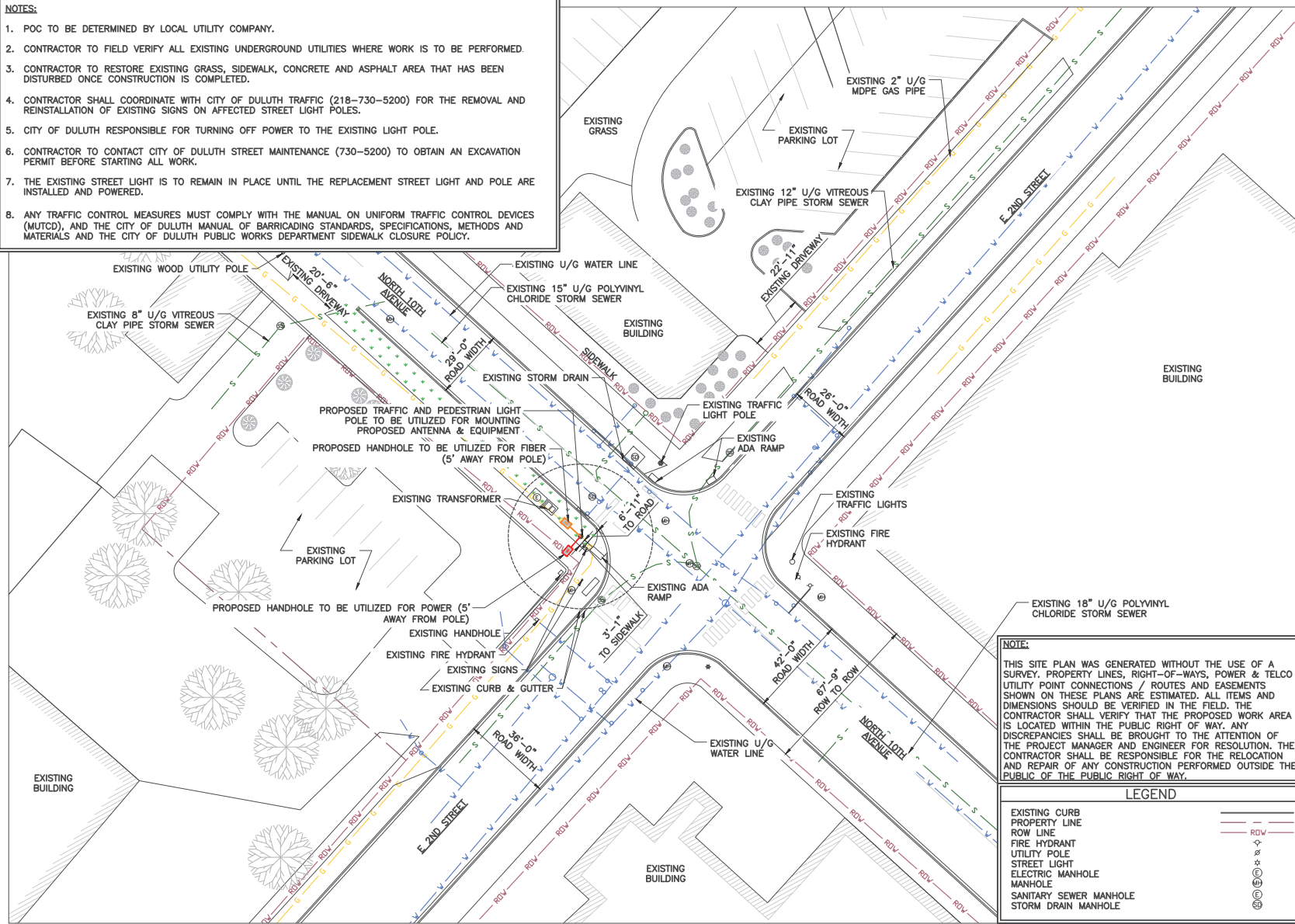
TITLE SHEET

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 RIGHT OF WAY.

LEGEND	
EXISTING CURB	---
PROPERTY LINE	---
ROW LINE	---
FIRE HYDRANT	⊕
UTILITY POLE	⊕
STREET LIGHT	⊕
ELECTRIC MANHOLE	⊕
MANHOLE	⊕
SANITARY SEWER MANHOLE	⊕
STORM DRAIN MANHOLE	⊕

1 SITE PLAN

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

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Signature: _____
Date: 11/07/23 License #: 44557
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PE LICENSE RENEWAL 06/30/2024

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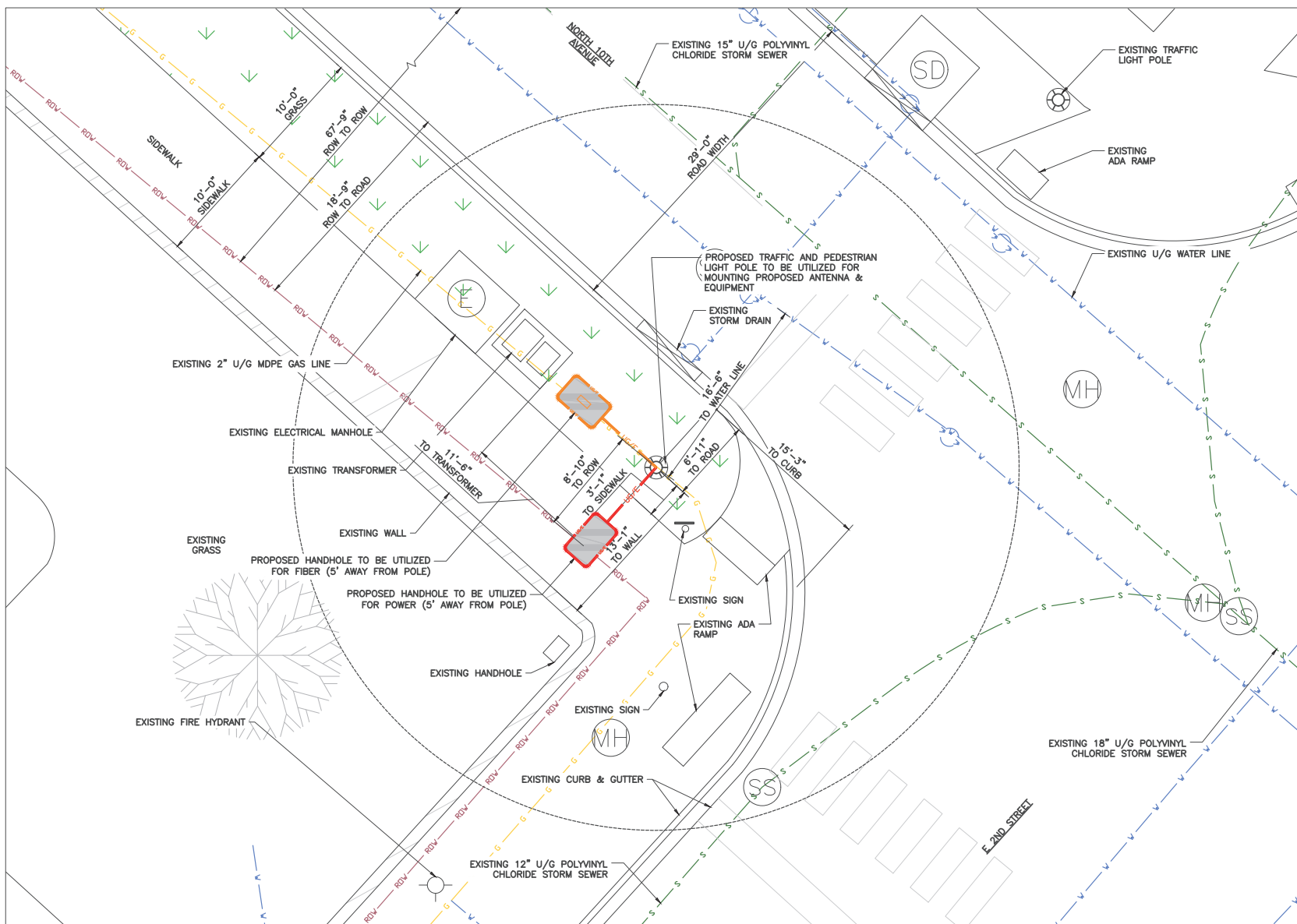
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PREPARED BY: MH DATE: 11/07/23

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SHEET TITLE:
SITE PLAN

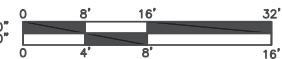
SHEET NUMBER:
C-1



① ENLARGED SITE PLAN



11"x17" SCALE: 1/16" = 1'-0"
22"x34" SCALE: 1/8" = 1'-0"



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Signature:

Date 11/07/23 License # 44557

MASTEC NETWORK SOLUTIONS MINNESOTA
PE LICENSE RENEWAL 08/30/2024

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PROJECT STATUS:

FOR
CONSTRUCTION

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O	10/16/23	FINAL CD	MN
1	11/07/23	PER LOCATES	MC

DESIGNED BY:	MH	DATE REVISION:	11/07/23
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SITE DATA/NAME:

SITE NAME:
CRAN_DULUTHMTSO_DLLND 1
PAGE NUMBER:
MRUMW022381
NORTHWEST CORNER OF N 10TH AVENUE
E AND
DULUTH, MN 55805
SITE COORDINATES:
46.797834°, -92.088137°

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

C-2



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.

- * TOP OF PROPOSED POLE
ELEV: 35'-0"± A.G.L.
- * TOP OF PROPOSED ANTENNA
ELEV: 32'-5"± A.G.L.
- * C.L. OF PROPOSED ANTENNA
ELEV: 31'-6"± A.G.L.
- * TOP OF PROPOSED LAA RADIO
ELEV: 28'-6"± A.G.L.
- * BOTTOM OF PROPOSED LAA RADIO
ELEV: 27'-5"± A.G.L.
- * PROPOSED STREET LIGHT ARM
ELEV: 26'-1"± A.G.L.

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.

- * 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: 14'-12"± 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'-5"± A.G.L.
- * BOTTOM OF EXISTING TRAFFIC SIGN
ELEV: 9'-5"± A.G.L.
- * BOTTOM OF EXISTING PEDESTRIAN SIGN
ELEV: 7'-8"± A.G.L.
- * C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.
- * BOTTOM OF EXISTING SIGN
ELEV: 5'-4"± A.G.L.

**PROPOSED
WEST VIEW**

**PROPOSED
SOUTH VIEW**

① POLE ELEVATIONS

PROPOSED DKK OMNI ANTENNA
MODEL# DK0BDYKDP-7R45F
MOUNTED ON TOP PAINTED GREY,
SEE DETAIL 1/EQ-1

PROPOSED ANTENNA
SLEEVE, SEE DETAIL 2/EQ-1

PROPOSED 4"x8" HANDHOLE

PROPOSED LAA RRH (NOKIA AZRA
B46) BANDED TO POLE PAINTED
GREY, SEE DETAIL 2/EQ-2

PROPOSED 35'-0" TRAFFIC AND PEDESTRIAN
LIGHT POLE, VALMONT #DS210 PAINTED GREY

PROPOSED (12) 3/8" COAX
JUMPERS INSIDE POLE

PROPOSED EQUIPMENT ENCLOSURE
BANDED TO POLE PAINTED GREY,
SEE DETAIL 3/EQ-1

PROPOSED RRH (NOKIA 4T4R B25/66
320W AHFIB) MOUNTED ON PROPOSED
BRACKET ENCLOSURE PAINTED GREY, SEE
DETAIL 1/EQ-2

PROPOSED (2) CCI PSU
(PSU-700W-48-00) MOUNTED ON
PROPOSED BRACKET ENCLOSURE PAINTED
GREY, SEE DETAIL 5/EQ-2

PROPOSED CUSTODIAN SIGNS & INFORMATION SIGN
MOUNTED TO FRONT OF AC DISTRIBUTION BOX
(USID: 192435) WITH , SEE DETAIL 2/E-1

PROPOSED AC DISTRIBUTION BOX & SERVICE
DISCONNECT (MODEL# PTS90126) WITH (1) 60
AMP BREAKER PER RADIO PAINTED GREY, SEE
DETAIL 3/EQ-2

PROPOSED METER SOCKET (MODEL# U-4801-XL-5T9)
PAINTED GREY, SEE DETAIL 4/EQ-2

PROPOSED 4"x8" HANDHOLE

PROPOSED 4"x8" HANDHOLE

PROPOSED POWER CONDUIT TO
METER IN 2" SCH 80 CONDUIT

PROPOSED FIBER CONDUIT TO
HANDHOLE IN 2" INTERDUCT

PROPOSED HANDHOLE TO BE UTILIZED
FOR FIBER (5' AWAY FROM POLE)
INSTALLED BY OTHERS

PROPOSED HANDHOLE TO BE UTILIZED
FOR POWER (5' AWAY FROM POLE)
INSTALLED BY OTHERS

PROPOSED HUBBLE POWER SYSTEM
LIGHT FOUNDATION DESIGN, SEE
DETAIL 1/EQ-6

PROPOSED 5/8" X 8'-0" GROUND
CU 10MIL GROUND ROD, CEQ.45893

- * TOP OF PROPOSED POLE
ELEV: 35'-0"± A.G.L.
- * TOP OF PROPOSED ANTENNA
ELEV: 32'-5"± A.G.L.
- * C.L. OF PROPOSED ANTENNA
ELEV: 31'-6"± A.G.L.
- * TOP OF PROPOSED LAA RADIO
ELEV: 28'-6"± A.G.L.
- * BOTTOM OF PROPOSED LAA RADIO
ELEV: 27'-5"± A.G.L.
- * PROPOSED STREET LIGHT ARM
ELEV: 26'-1"± A.G.L.

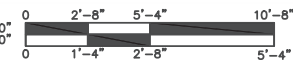
NOTES:

1. CONTRACTOR SHOULD REINSTALL EXISTING BANNERS/SIGNS FROM THE EXISTING POLE TO THE PROPOSED POLE.
2. 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 BRACKET
ELEV: 15'-2"± A.G.L.
- * TOP OF PROPOSED RADIO
ELEV: 14'-11"± A.G.L.
- * BOTTOM OF PROPOSED RADIO
ELEV: 13'-2"± 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'-5"± A.G.L.
- * BOTTOM OF EXISTING TRAFFIC SIGN
ELEV: 9'-5"± A.G.L.
- * BOTTOM OF EXISTING PEDESTRIAN SIGN
ELEV: 7'-8"± A.G.L.
- * C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.
- * BOTTOM OF EXISTING SIGN
ELEV: 5'-4"± A.G.L.

EXISTING GRADE
ELEV: 0'-0"± A.G.L.

11"x17" SCALE: 3/16" = 1'-0"
22"x34" SCALE: 3/8" = 1'-0"



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Network Solutions

1151 SE CARY PARKWAY,
SUITE 101 CARY, NC 27518



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BLOOMINGTON, MN 55431

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Signature:

Date: 11/07/23 License #: 44557

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

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FOR
CONSTRUCTION

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PREPARED BY: MH DATE: 11/07/23

PROJECT NAME:
CRAN_DULUTHMTSO_DLLND 1
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MRUMW022381
NORTHWEST CORNER OF N 10TH AVENUE
E AND
DULUTH, MN 55805
46.797834°, -92.088137°

ELEVATION

C-4



EXISTING NORTH VIEW



PROPOSED NORTH VIEW

ALL EQUIPMENT, POLE AND ANTENNA
WILL BE PAINTED GREY.

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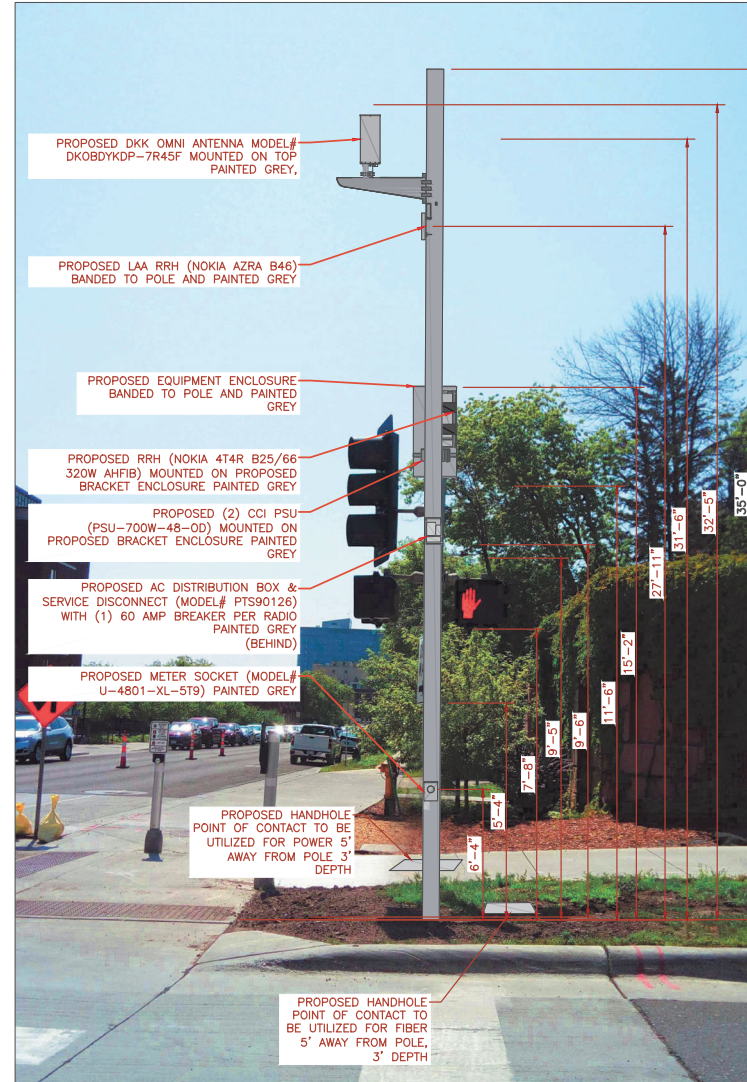
PHOTO SIMULATION

SHEET NUMBER:
PS-1

① SITE LOCATION PHOTOS



EXISTING SOUTH VIEW



PROPOSED SOUTH VIEW

① SITE LOCATION PHOTOS

ALL EQUIPMENT, POLE AND ANTENNA WILL BE PAINTED GREY.

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DULUTH, MN 55805

46.797834°, -92.088137°

PHOTO SIMULATION

PS-2



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, cleec@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).

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

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
- 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.

Aerial photography flown 2019

Subject Location

R-2
(Residential
Urban)

W Michigan St

STATE OF
MINNESOTA



106

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



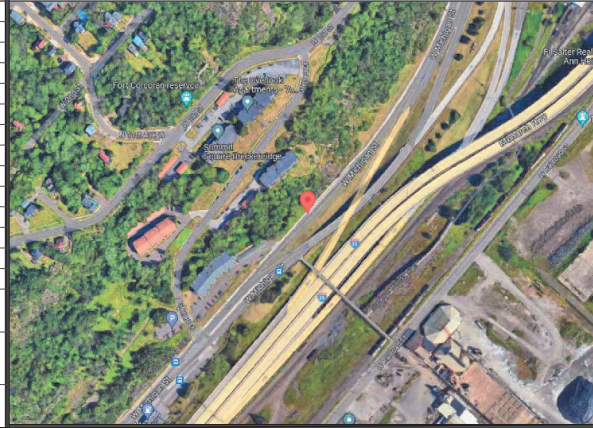
AT&T

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: 3514A0DKP3
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
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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
EQ-5	EQUIPMENT DETAILS
EQ-6	EQUIPMENT DETAILS
EQ-7	5G EQUIPMENT DETAILS
RF-1	PLUMBING DIAGRAM
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:

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°

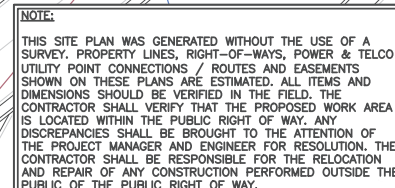
SHEET TITLE:

TITLE SHEET

SHEET NUMBER:

T-1

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.



LEGEND

EXISTING CURB	—
PROPERTY LINE	—
ROW LINE	— RDW
TEMPORARY SURVEY MARKING	—
POTABLE WATER LINE	— W
SANITARY SEWER	— S
STORM DRAIN	— D
GAS LINE	— G
ELECTRIC LINE	— E
OVERHEAD ELECTRIC LINE	— DH/E
UNDERGROUND ELECTRIC LINE	— UG/E
UNDERGROUND FIBER LINE	— UG/F
OVERHEAD FIBER LINE	— DH/F
UNDERGROUND TELCO LINE	— UG/T
OVERHEAD TELCO LINE	— DH/T
FIRE HYDRANT	⊙
WATER MAIN VALVE	⊙
UTILITY POLE	⊙
STREET LIGHT	⊙
ELECTRIC MANHOLE	⊙
MANHOLE	⊙
POTABLE WATER MANHOLE	⊙
SANITARY SEWER MANHOLE	⊙
STORM DRAIN MANHOLE	⊙
TELCO MANHOLE	⊙

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



108

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 _____ License # 44557

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MINN

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0	09/14/23	FINAL CD	LM
1	11/07/23	PER LOCTAES	MC

CHECKED BY:	CHECKED DATE:
MH	11/07/23

SITE INFORMATION:	
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SITE NAME:
CRAN_DULUTHMTSO_DLCNL 5

PAGE NUMBER:
MRUMW022247

SITE ADDRESS:
1219 W MICHIGAN ST
DULUTH, MN 55806

SITE COORDINATES:
46.776402°, -92.110950°

SITE PLAN

C-1

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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SUBMITTALS

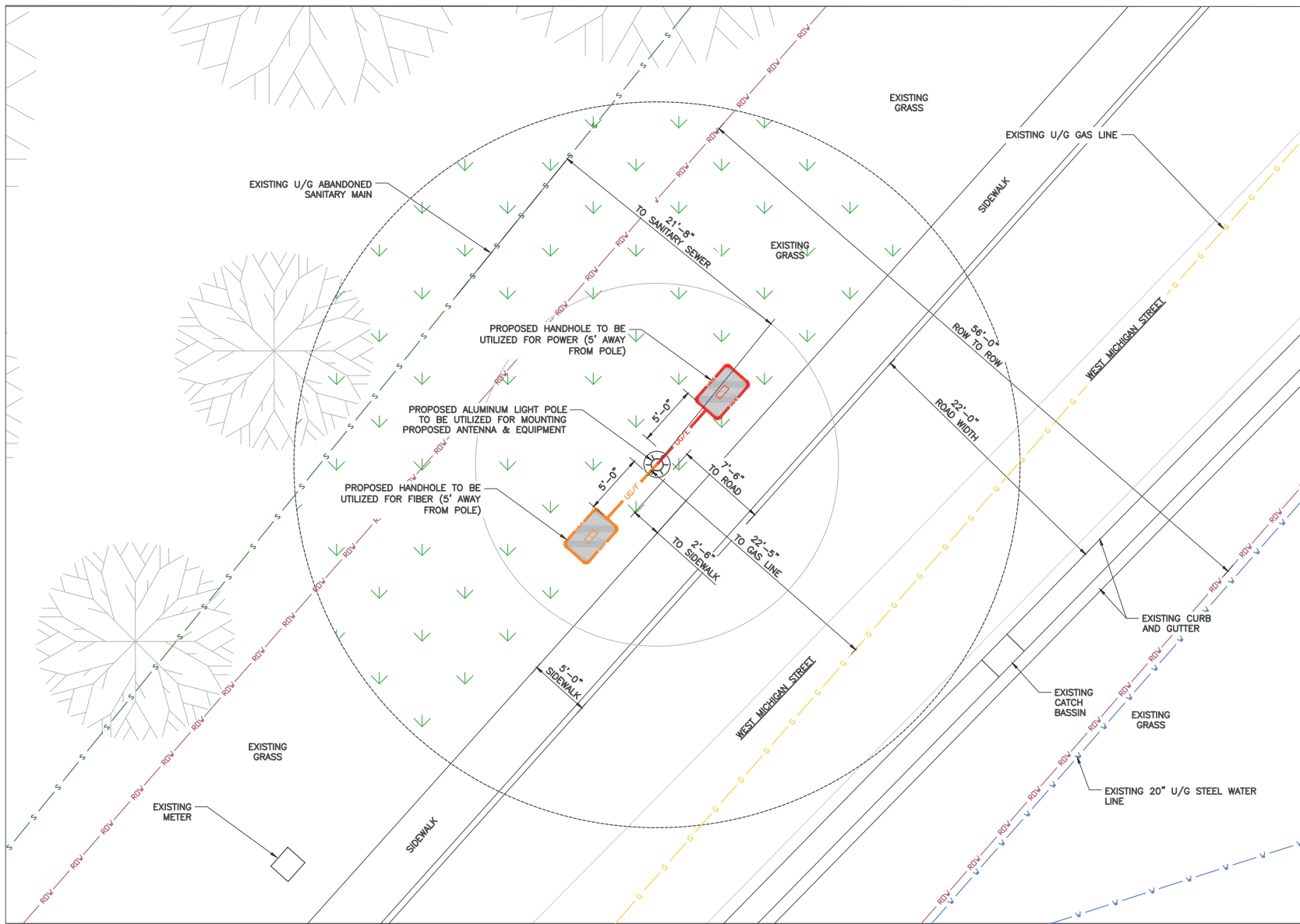
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C	06/17/23	REVISED CD	LM
D	09/14/23	FINAL CD	LM
1	11/07/23	PER LOCATES	MC

DESIGNED BY:	MH	DATE: 11/07/23
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SITE NAME:	CRAN_DULUTHMISO_DLCNL 5
FILE NUMBER:	MRUMW022247
SITE ADDRESS:	1219 W MICHIGAN ST DULUTH, MN 55806
SITE COORDINATES:	46.776402', -92.110950'

ENLARGED SITE PLAN

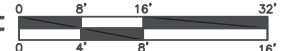
C-2



1 ENLARGED SITE PLAN



11"x17" SCALE: 1/16" = 1'-0"
22"x34" SCALE: 1/8" = 1'-0"





① AERIAL PLAN



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



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SUITE 101 CARY, NC 27518



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7900 XERVES AVENUE S.
BLOOMINGTON, MN 55431

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DESIGNED BY: MH DATE: 11/07/23

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MRUMW022247
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1219 W MICHIGAN ST
DULUTH, MN 55806
SITE COORDINATES:
46.776402°, -92.110950°

PROJECT TITLE:
AERIAL MAP

SHEET NUMBER:
C-3

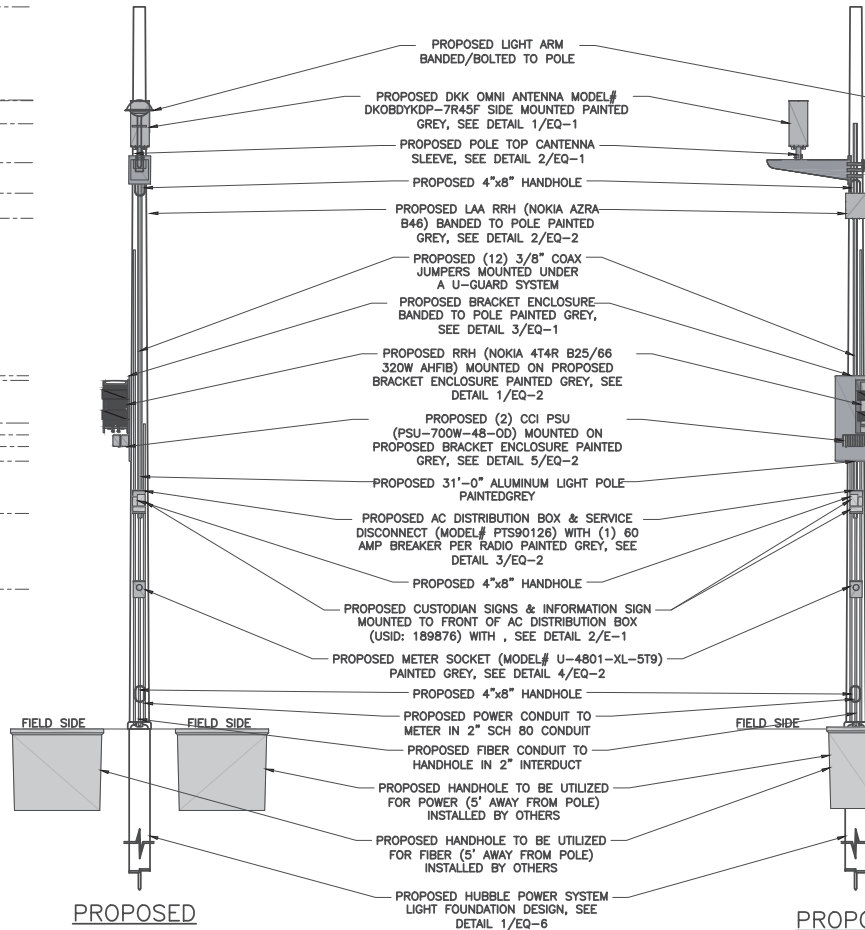
NOTE:

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.

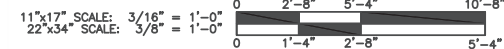
- TOP OF PROPOSED POLE
ELEV: 31'-0" ± A.G.L.
- TOP OF PROPOSED STREET LIGHT
ELEV: 27'-0" A.G.L.
- TOP OF PROPOSED ANTENNA
ELEV: 27'-0" ± A.G.L.
- C.L. OF PROPOSED ANTENNA
ELEV: 26'-0" ± A.G.L.
- PROPOSED STREET LIGHT ARM
ELEV: 24'-4" A.G.L.
- TOP OF PROPOSED LAA RADIO
ELEV: 23'-0" ± A.G.L.
- BOTTOM OF 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

PROJECT STATUS:

SUBMITTALS

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B	06/07/23	CD FOR REVIEW	ES
C	06/17/23	REVISED CD	LM
D	09/14/23	FINAL CD	LM
1	11/07/23	PER LOCTAES	MC

PREPARED BY: MH
DATE: 11/07/23

PROJECT NAME:
CRAN_DULUTHMTSO_DLCLNL 5

PLAN NUMBER:
MRUM022247

SITE ADDRESS:
1219 W MICHIGAN ST
DULUTH, MN 55806

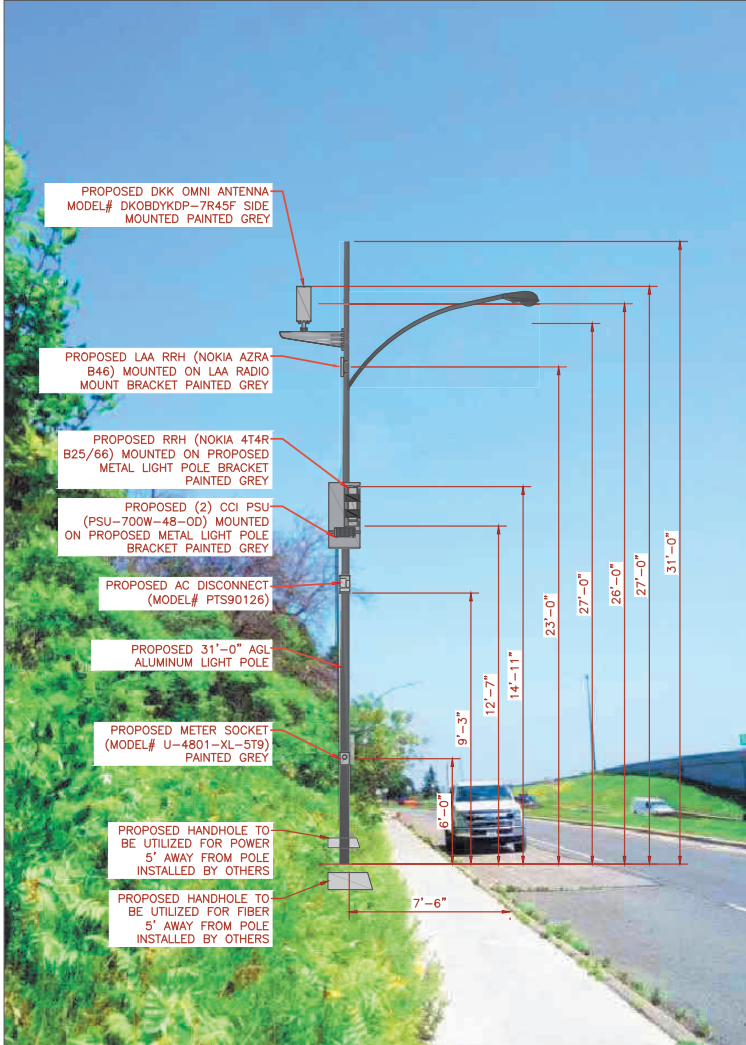
UTM COORDINATES:
46.776402°, -92.110950°

ELEVATION

C-4



EXISTING NORTH VIEW



PROPOSED NORTH VIEW

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

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

SITE INFORMATION:
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PAGE NUMBER: MRUMW022247
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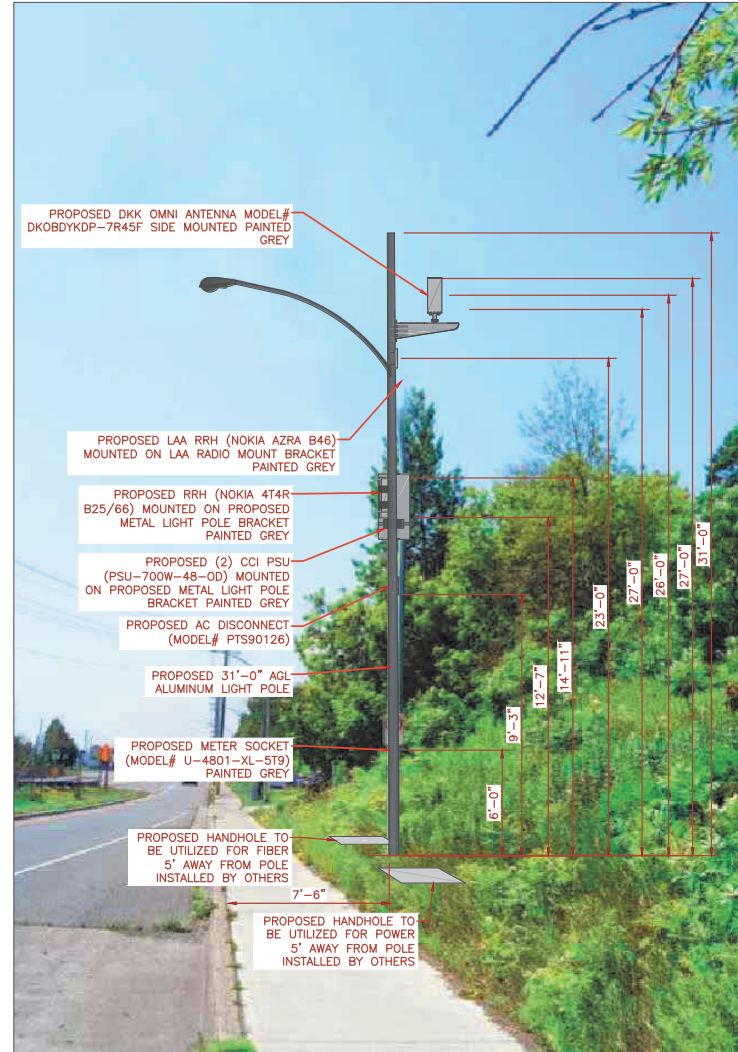
PHOTO SIMULATION

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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DESIGNED BY:	MH	DATE REVIEWED:	11/07/23
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DULUTH, MN 55806
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46.776402°, -92.110950°

PHOTO SIMULATION

SHEET NUMBER:
PS-2



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 23-213	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 215 N 40 th 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	MU-B	Right of Way	Neighborhood Commercial
North	MU-B	Vacant	Neighborhood Commercial
South	MU-B	Interstate	Neighborhood Commercial
East	MU-B	Vacant	Neighborhood Commercial
West	MU-B	Vacant	Neighborhood 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 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: Neighborhood Commercial: Small - to moderate -scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community -gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

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.

Discussion

Staff finds that:

- 1) The small cell facility will be installed on a replacement wooden pole. The new 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 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 pole will remain with Minnesota Power. Liability, maintenance, and operation of the small cell 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.



PL23-213
Small Cell CUP
215 N 40th Ave W

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
- 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.

Aerial photography flown 2019

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



AT&T

PROJECT: MNP_NEXIUS_CRAN

SITE NAME: CRAN_RUMW_GECHL_002

USID: 227116

SKIP ID / NODE#: MNL07043F_R02

PACE NUMBER: MRUMW030995

IWM NUMBER: WSUMW0019632

PTN NUMBER: 3514AOKT59

FA NUMBER: 14828503

COORDINATES: 46.751070°, -92.150600°

SITE ADDRESS: 212 NORTH 40TH AVENUE WEST
DULUTH, MN 55807

PROJECT INFORMATION

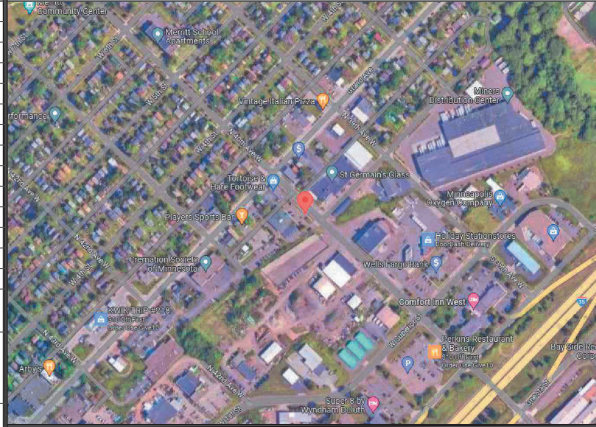
PROJECT:	MNP_NEXIUS_CRAN
SITE NAME:	CRAN_RUMW_GECHL_002
USID:	227116
PACE NUMBER:	MRUMW030995
LATITUDE:	46.751070°
LONGITUDE:	-92.150600°
SITE ADDRESS:	212 NORTH 40TH AVENUE WEST
CITY, STATE ZIP:	DULUTH, MN 55807
COUNTY:	ST. LOUIS
JURISDICTION:	CITY OF DULUTH
STRUCTURE TYPE:	WOOD UTILITY POLE
STRUCTURE OWNER:	MINNESOTA POWER
POLE PART NUMBER:	CLASS 3 #A0797190
GROUND ELEVATION:	611'± A.M.S.L.
APPLICANT:	AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431
SITE ACQUISITION:	HAZEL MAURO - SITE ACQUISITION PROJECT MANAGER 1351 IRVING PARK RD, ITASCA, IL 60143 hazel.mauro@mastec.com (913) 710-3999
ENGINEERING SERVICES:	MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888

SCOPE OF WORK

1. REPLACE EXISTING 28'-9" A.G.L. WOOD UTILITY POLE WITH NEW 36'-6" A.G.L. WOOD UTILITY POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 41'-10" A.G.L.
2. 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.

AERIAL PHOTO



STRUCTURE PHOTO



SHEET INDEX

SHEET #	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	AERIAL MAP
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

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: [Signature]
Date: 11/08/23 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
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C	08/04/23	REVISED CD	MH
D	08/16/23	FOR REVIEW	MC
D	08/30/23	FINAL CD	MC
1	11/08/23	PER LOCATES	MC

CHECKED BY: MH CHECKED DATE: 11/08/23

SITE INFORMATION:

SITE NAME: CRAN_RUMW_GECHL_002

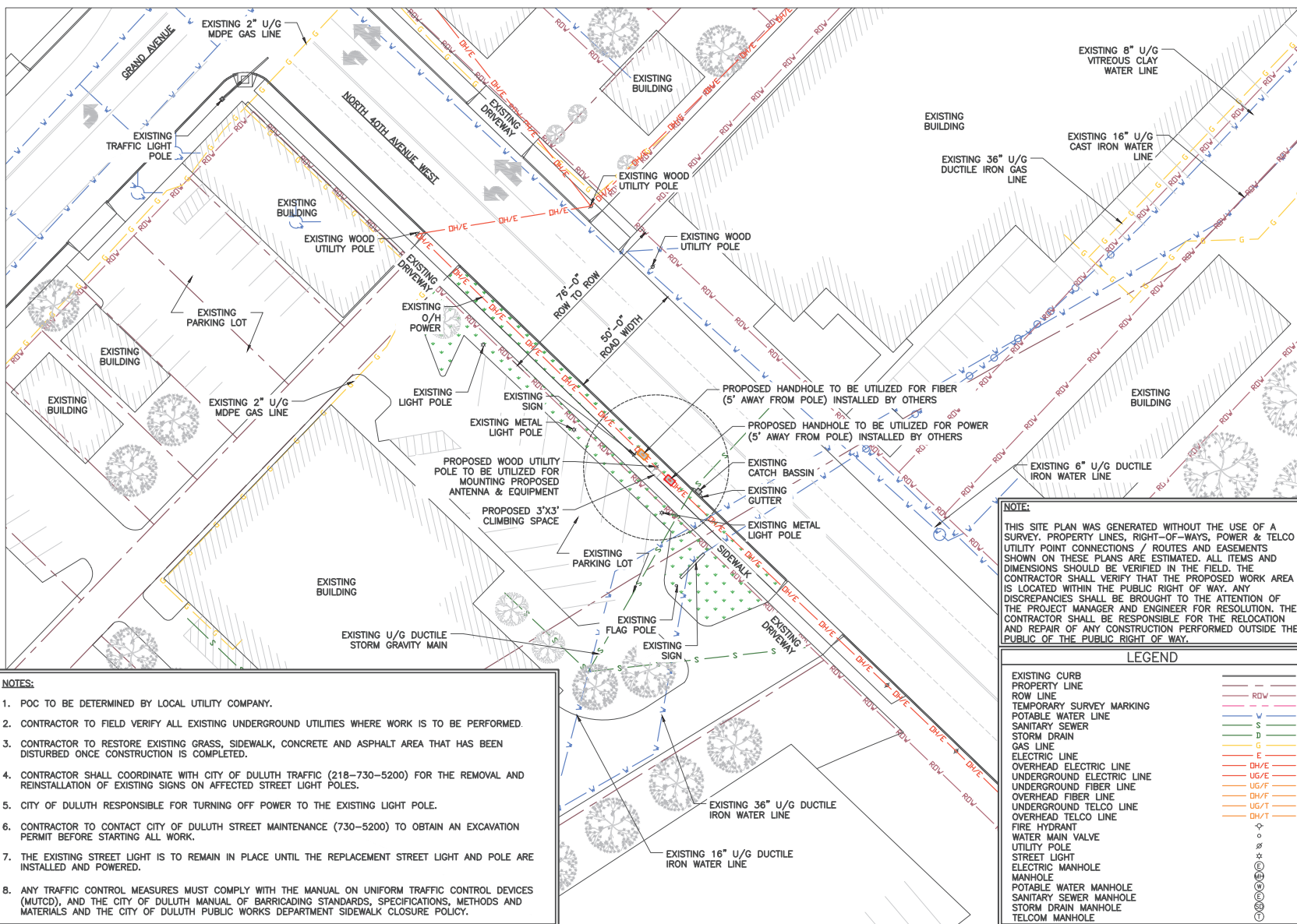
PACE NUMBER: MRUMW030995

SITE ADDRESS: 212 NORTH 40TH AVENUE WEST
DULUTH, MN 55807

SITE COORDINATES: 46.751070°, -92.150600°

SHEET TITLE: TITLE SHEET

SHEET NUMBER: T-1



1 SITE PLAN



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



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SUITE 101 CARY, NC 27518



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PREPARED BY: MH DATE REVISION: 11/08/23

SITE INFORMATION:

SITE NAME: CRAN_RUMW_GECIL_002

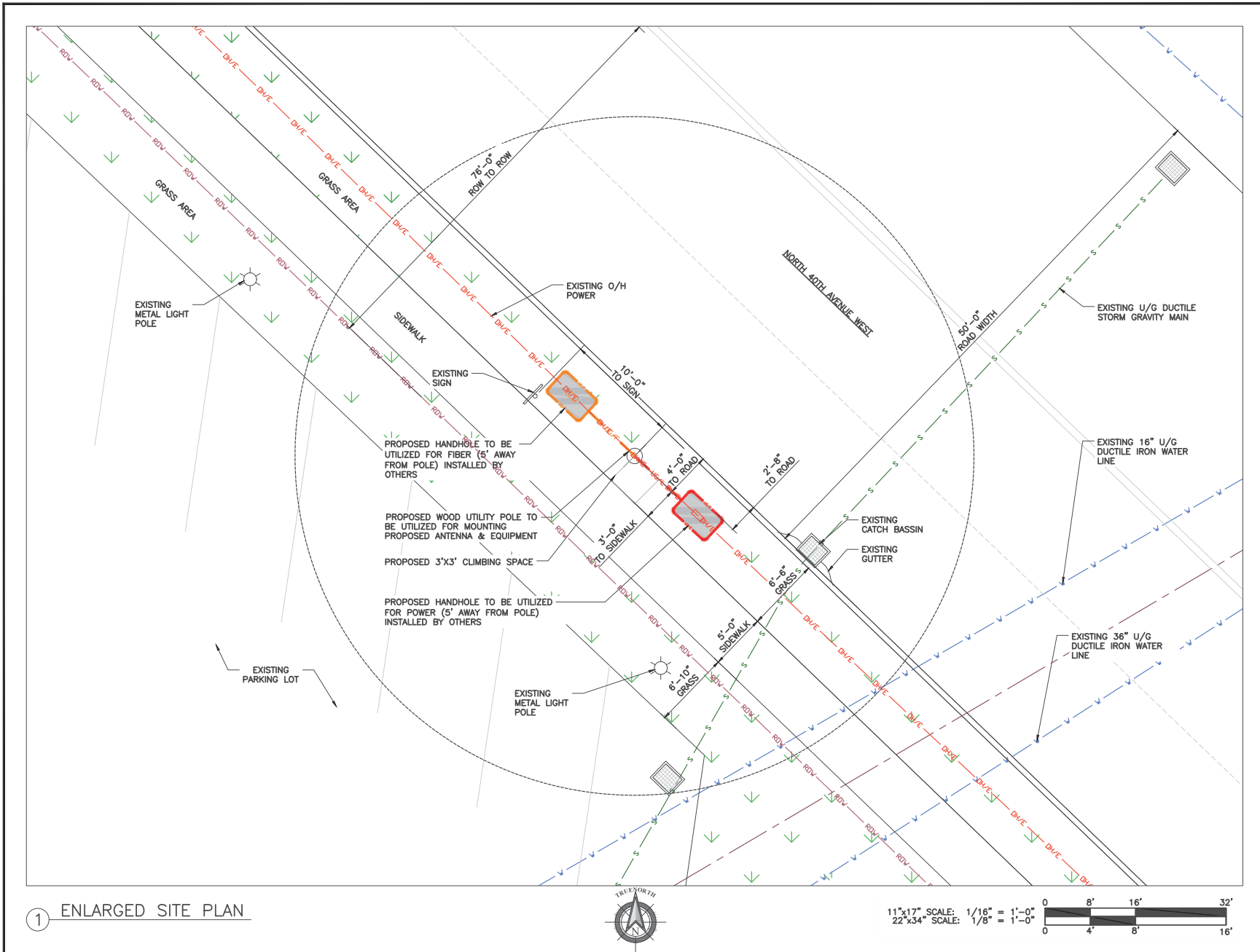
FILE NUMBER: MRUMW030995

SITE ADDRESS: 212 NORTH 40TH AVENUE WEST
DULUTH, MN 55807

UTM COORDINATES: 46.751070°, -92.150600°

SITE TITLE: SITE PLAN

SHEET NUMBER: C-1



1 ENLARGED SITE PLAN

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1	11/08/23	PER LOCATES	MC

DESIGNED BY:	MH	DATE REVISION:	11/08/23
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PROJECT NAME:
CRAN_RUMW_GECHL_002

PLAT NUMBER:
MRUMW030995

SITE ADDRESS:
**212 NORTH 40TH AVENUE WEST
DULUTH, MN 55807**

UTM COORDINATES:
46.751070°, -92.150600°

PROJECT TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
C-2



1 AERIAL PLAN



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



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PREPARED BY:	MH	DATE REVISION:	11/08/23
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PROJECT NAME:
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PAGE NUMBER:
MRUMW030995
SITE ADDRESS:
212 NORTH 40TH AVENUE WEST
DULUTH, MN 55807
SITE COORDINATES:
46.751070°, -92.150600°

PROJECT TITLE:
AERIAL MAP

SHEET NUMBER:
C-3

THIS DOCUMENT IS THE DESIGN PROPERTY AND COPYRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. DUPLICATION OR USE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED. DRAWING SCALES ARE INTENDED FOR 22"x34" SIZE PRINTED MEDIA ONLY. 11"x17" IS DEEMED HALF SCALE, AND ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE".

NOTE:

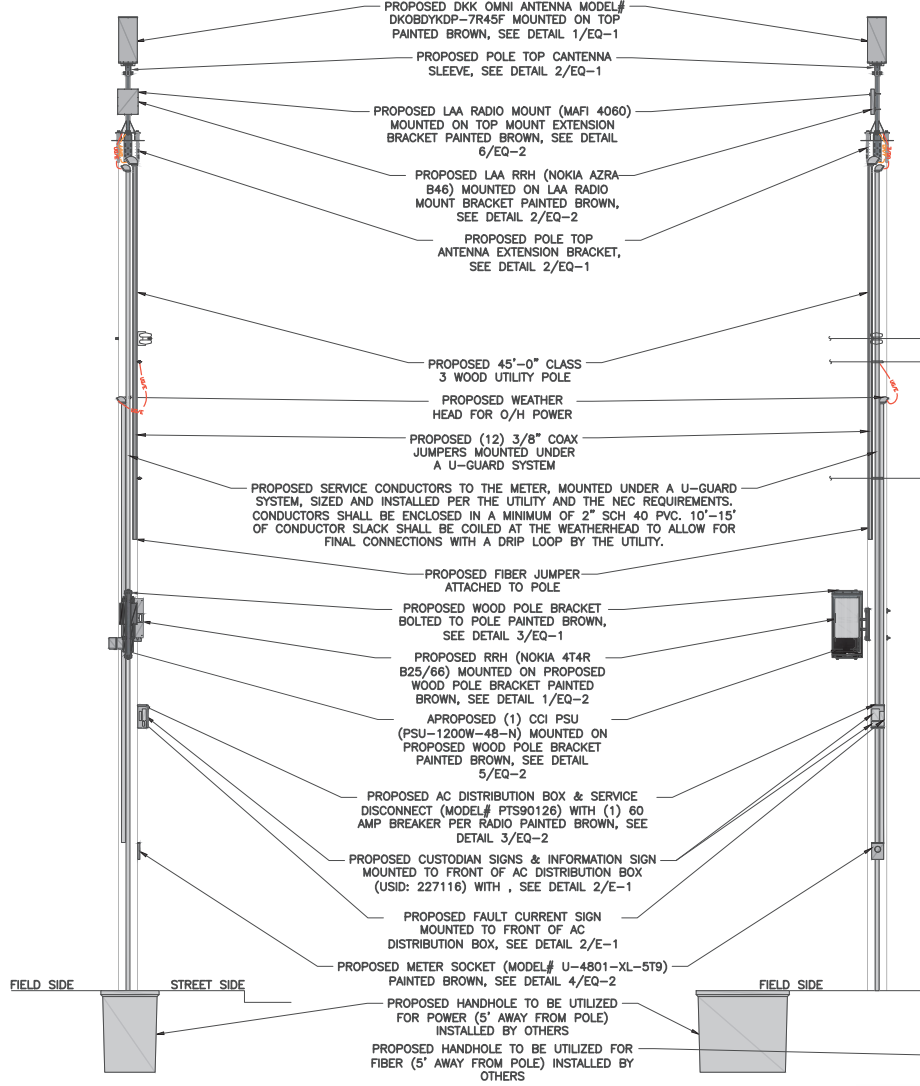
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY, PRIOR TO THE ONSET OF CONSTRUCTION, THAT THE SUPPORTING STRUCTURE(S) AND MOUNTING SYSTEM(S) HAVE BEEN DEEMED STRUCTURALLY ADEQUATE BY A LICENSED PROFESSIONAL ENGINEER TO SUPPORT THE EXISTING AND PROPOSED EQUIPMENT AND ASSOCIATED CONSTRUCTION LOADS, 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 ANTENNA
ELEV: 41'-10"± A.G.L.
- C.L. OF PROPOSED ANTENNA
ELEV: 40'-8"± A.G.L.
- TOP OF PROPOSED CANTENNA SLEEVE
ELEV: 39'-10"± A.G.L.
- TOP OF PROPOSED EXTENTION BRACKET
ELEV: 39'-6"± A.G.L.
- TOP OF PROPOSED LAA RADIO
ELEV: 38'-8"± A.G.L.
- BOTTOM OF PROPOSED LAA RADIO
ELEV: 37'-7"± A.G.L.
- TOP OF PROPOSED POLE
ELEV: 36'-6"± A.G.L.
- EXISTING SECONDARY
ELEV: 28'-0"± A.G.L.
- PROPOSED SECONDARY
ELEV: 27'-0"± A.G.L.
- PROPOSED WEATHERHEAD
ELEV: 25'-6"± A.G.L.
- EXISTING COMMUNICATION LINE
ELEV: 22'-0"± A.G.L.
- TOP OF PROPOSED BRACKET
ELEV: 17'-2"± A.G.L.
- TOP OF PROPOSED RADIO
ELEV: 16'-10"± A.G.L.
- TOP OF PROPOSED PSU
ELEV: 15'-2"± A.G.L.
- BOTTOM OF PROPOSED RADIO
ELEV: 15'-0"± A.G.L.
- BOTTOM OF PROPOSED PSU
ELEV: 14'-8"± A.G.L.
- BOTTOM OF PROPOSED BRACKET
ELEV: 14'-3"± A.G.L.
- TOP OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT
ELEV: 11'-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.

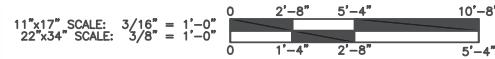


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- TOP OF PROPOSED DISCONNECT
ELEV: 12'-3"± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT
ELEV: 11'-3"± A.G.L.
- C.L. OF PROPOSED METER
ELEV: 6'-0"± A.G.L.
- BOTTOM OF PROPOSED DISCONNECT
ELEV: 4'-0"± A.G.L.
- EXISTING GRADE
ELEV: 0'-0"± A.G.L.
- PROPOSED HANDHOLE
ELEV: 3'-6"± B.G.L.

① POLE ELEVATIONS

PROPOSED WEST VIEW

PROPOSED SOUTH VIEW



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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

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

MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN

REVISIONS

REV	DATE	DESCRIPTION	BY
A	07/31/23	CD FOR REVIEW	MN
B	08/03/23	REVISED CD	MN
C	08/04/23	REVISED CD	MH
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1	11/08/23	PER LOCATES	MC

SUBMITTALS

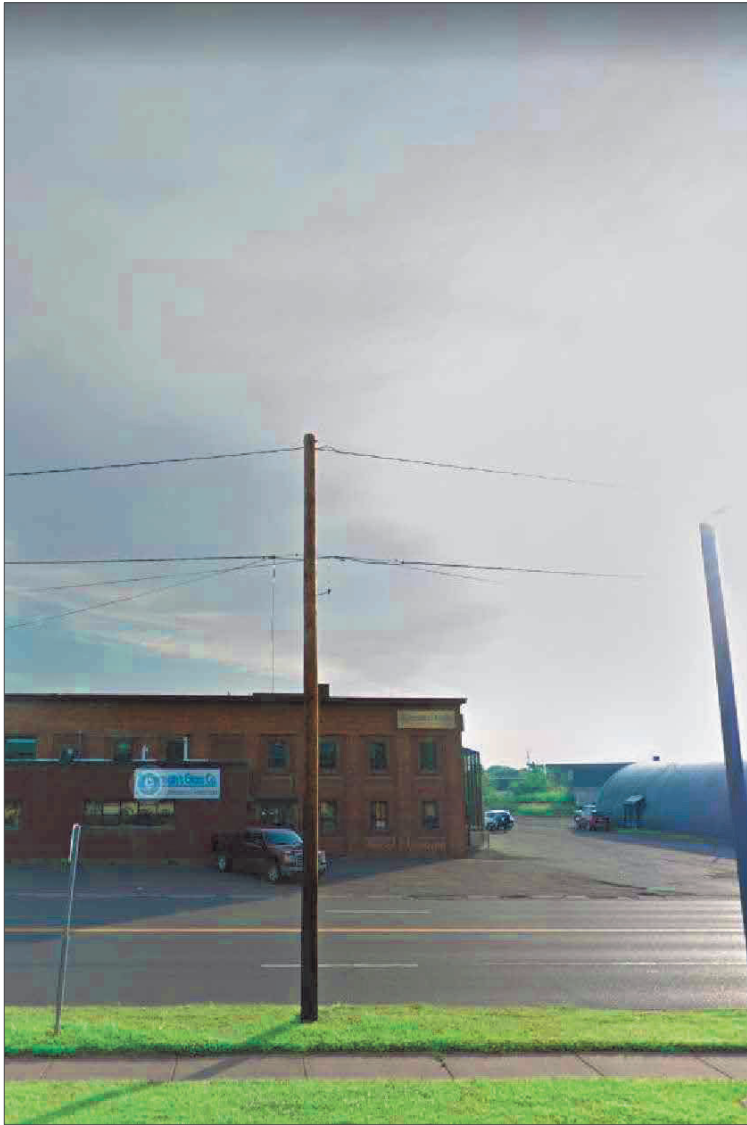
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PREPARED BY: MH DATE: 11/08/23

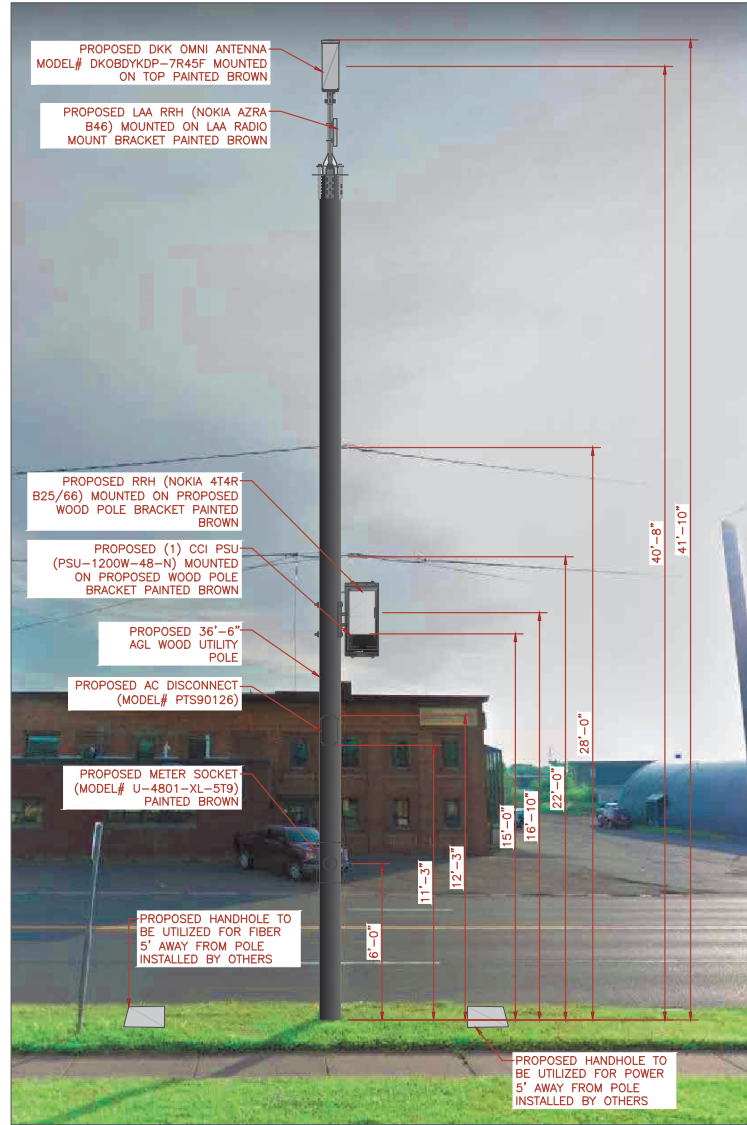
PROJECT NAME: CRAN-RUMW-GECHL-002
PROJECT NUMBER: MRUMW030995
PROJECT ADDRESS: 212 NORTH 40TH AVENUE WEST DULUTH, MN 55807
PROJECT COORDINATES: 46.751070°, -92.150600°

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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Network Solutions
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SUITE 101 CARY, NC 27518

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MINNESOTA PE LICENSE RENEWAL 06/30/2024

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PROJECT STATUS:

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1	11/08/23	PER LOCATES	MC

PREPARED BY: MH DATE REVISION: 11/08/23

SITE INFORMATION:
SITE NAME: CRAN_RUMW_GECHL_002
PAGE NUMBER: MRUMW030995
SITE ADDRESS: 212 NORTH 40TH AVENUE WEST DULUTH, MN 55807
SITE COORDINATES: 46.751070°, -92.150600°

PHOTO SIMULATION

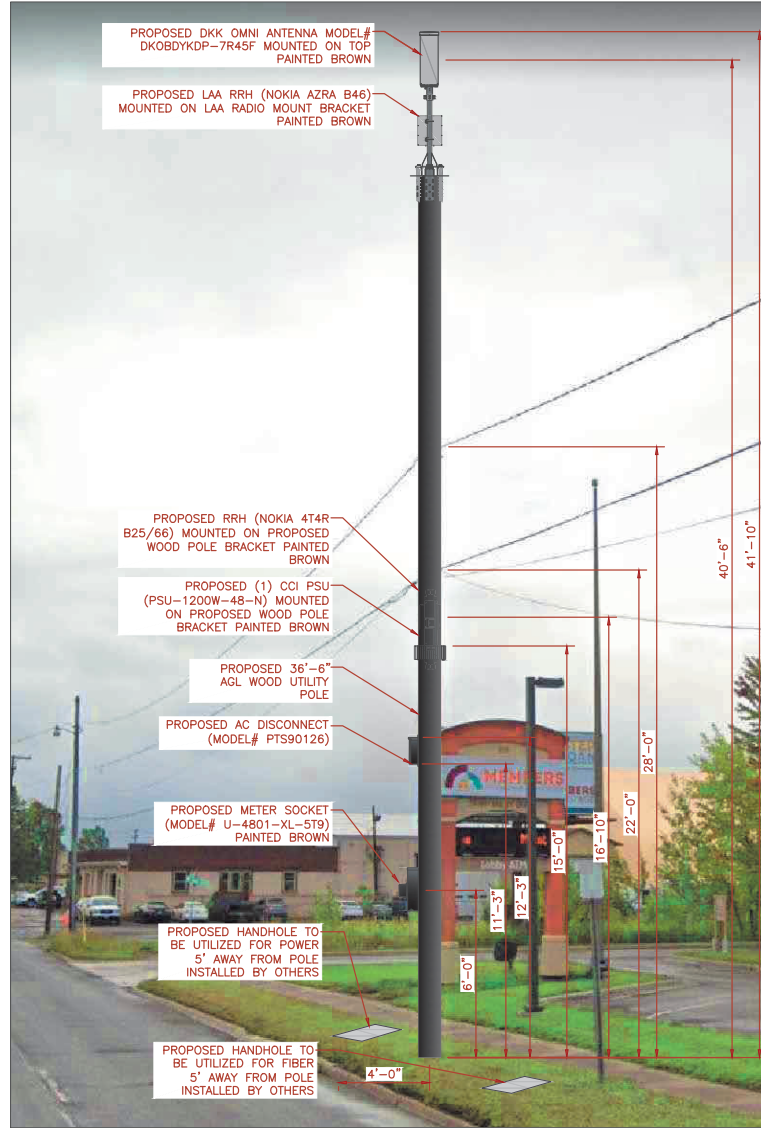
SHEET NUMBER: **PS-1**

① SITE LOCATION PHOTOS



EXISTING EAST VIEW

① SITE LOCATION PHOTOS



PROPOSED EAST VIEW

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

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DULUTH, MN 55807
SITE COORDINATES:
46.751070, -92.150600

PHOTO SIMULATION

SHEET NUMBER:
PS-2



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 24-012	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Concurrent Use Permit	Planning Commission Date	March 12, 2024	
Deadline for Action	Application Date	January 31, 2024	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	1301 London Rd			
Applicant	Armory Arts and Music Center	Contact	Mark Poirier	
Agent	LHB Inc	Contact	Dan Shaw	
Legal Description	See attached	Sign Notice Date	February 26, 2024	
Site Visit Date	February 24, 2023	Number of Letters Sent	N/A	

Proposal

The applicant is seeking a concurrent use permit to reconstruct and expand a stoop for building access along 13th Ave E.

Staff Recommendation

Staff is recommending Planning Commission recommend approval to the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-4	Mixed Use	Central Business Secondary
North	F-4	Bank and Commercial Space	Central Business Secondary
South	MU-N	Park	Open Space
East	F-2	Residential	Central Business Secondary
West	F-4	Parking Lot	Central Business Secondary

Summary of Code Requirements

UDC Section 50-37.7C. 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. Any proposed skywalk will significantly improve the circulation of pedestrians in the city without exposure to weather conditions (does not apply in this instance);
3. No portion of a public easement proposed for use is being physically used or occupied by the public.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #6 – Reinforce the place specific. The Armory has been a part of historic events in Duluth for over a century. Support of its preservation and reuse maintains a defining feature of the community.

Future Land Use – Central Business Secondary. An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area.

History: The building was built in 1915 and initially hosted National Guard operations and public events. The building has been vacant for a number of years and is being redeveloped. It was added to the National Register of Historic Places in 2011. This building entrance has existed since initial construction of the structure.

Review and Discussion Items:

Staff finds that:

- 1) The applicant is seeking a concurrent use permit to construct and expand a stoop along 13th Ave E. The stoop will occupy a 14' x 6.5' area of street right-of-way.
- 2) The existing stoop is not compliant with building code. An expanded stoop is necessary to provide compliant access to the structure.
- 3) The area proposed for the concurrent use permit will not take away from the public's ability to use the public right-of-way, nor will it harm or inconvenience the health, safety and general welfare of the city. 6' of sidewalk width will remain for pedestrian access, exceeding the MnDOT ADA compliance minimum of 5'.
- 4) Concurrent use permits are approved by the City Council via an ordinance. Unlike street right-of-way vacations, concurrent use permits are not recorded at with St. Louis County as they are voidable agreements between the City and property owners.
- 5) The City of Duluth requires concurrent use permits to include liability insurance to indemnify the City against all occurrences in the right-of-way. Other protections for the city and the public are typically included in the ordinance that is submitted for the City Council's review.
- 6) No comments were received from the public or other government agencies at the time this staff report was written.
- 7) Per UDC Sec. 50-37.1.N, approved concurrent use permits lapse if the project or activity authorized by the permit has not begun within one year.

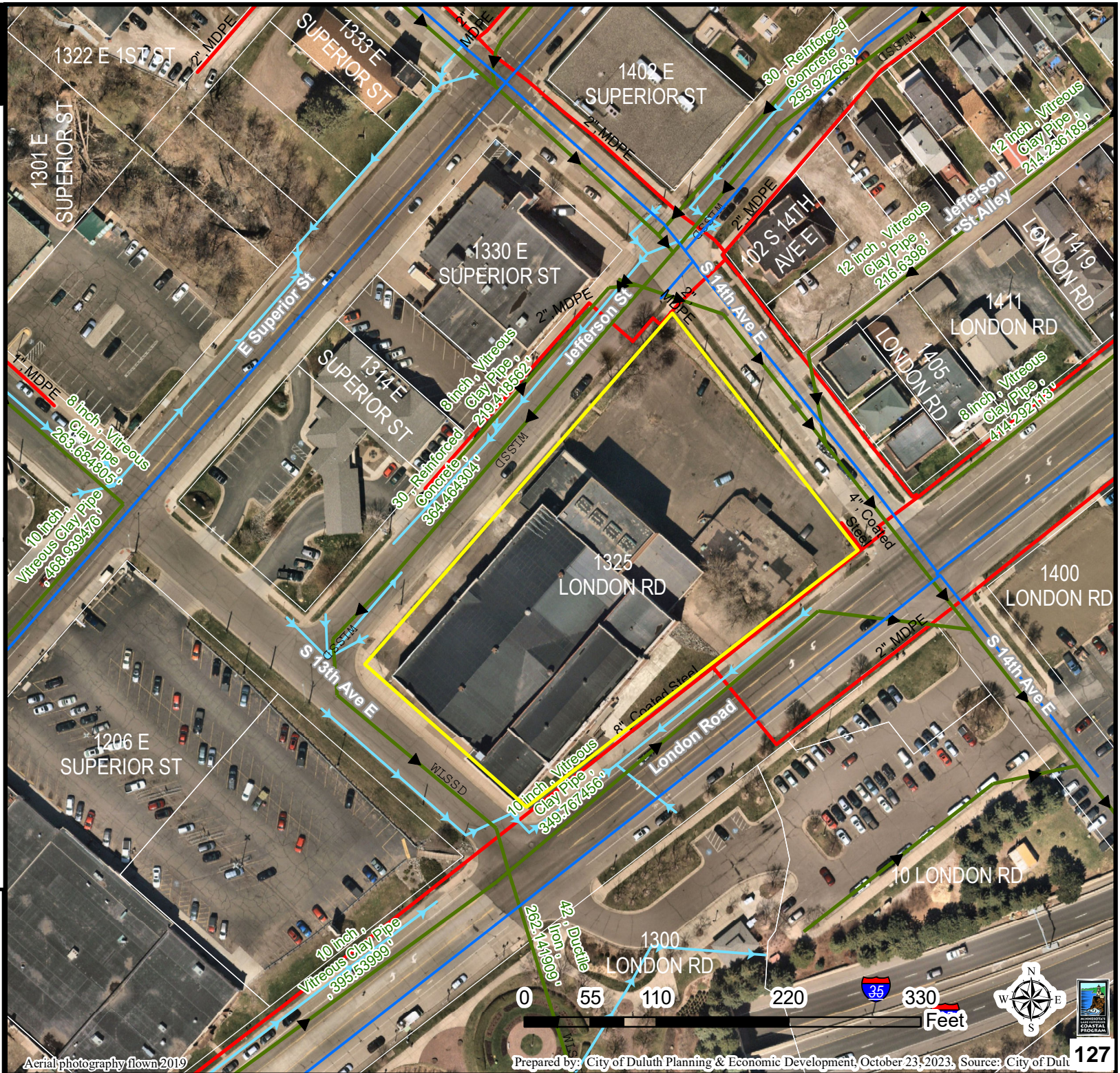
Staff Recommendation

Based on the above findings, Staff recommends that Planning Commission approve the concurrent use permit with the following conditions:

- 1) Applicant construct and maintain the project as identified in the attached exhibits.
- 2) Applicant provide annual proof of liability insurance to indemnify the City against any occurrences in the right of way that are due to items covered under this permit.
- 3) Applicant will remove the obstructions at the applicant's expense if directed to by the City with appropriate notice.
- 4) 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, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL24-012
Concurrent Use Permit
1301 London Rd



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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 23, 2023; Source: City of Duluth



LEGAL DESCRIPTION:

All that part of Thirteenth Avenue East, BANNING & RAY'S SUBDIVISION IN DULUTH, City of Duluth, St. Louis County, Minnesota described as follows:

Commencing at the most southerly corner of Block Four (4), said BANNING & RAY'S SUBDIVISION IN DULUTH; thence northwesterly along the southwesterly line of said Block 4, a distance of 38.70 feet to the Point of Beginning; thence deflect to the left 90 degrees 00 minutes 00 seconds, a distance of 6.50 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 14.00 feet; thence deflect to the right 90 degrees 00 minutes 00 seconds, a distance of 6.50 feet to said southwesterly line of said Block 4; thence deflect to the right 90 degrees 00 minutes 00 seconds along said southwesterly line of said Block 4, a distance of 14.00 feet to the Point of Beginning.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Paul A. Vogel

Signed _____




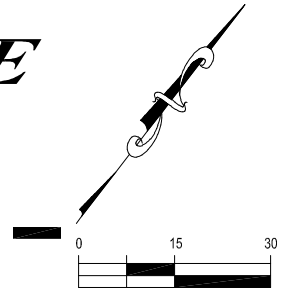
Date 01/03/2024 License No. 44075

EXHIBIT CONCURRENT USE

PRIVATE BUILDING EGRESS
part of 13TH AVENUE EAST
BANNING AND RAY'S SUBDIVISION

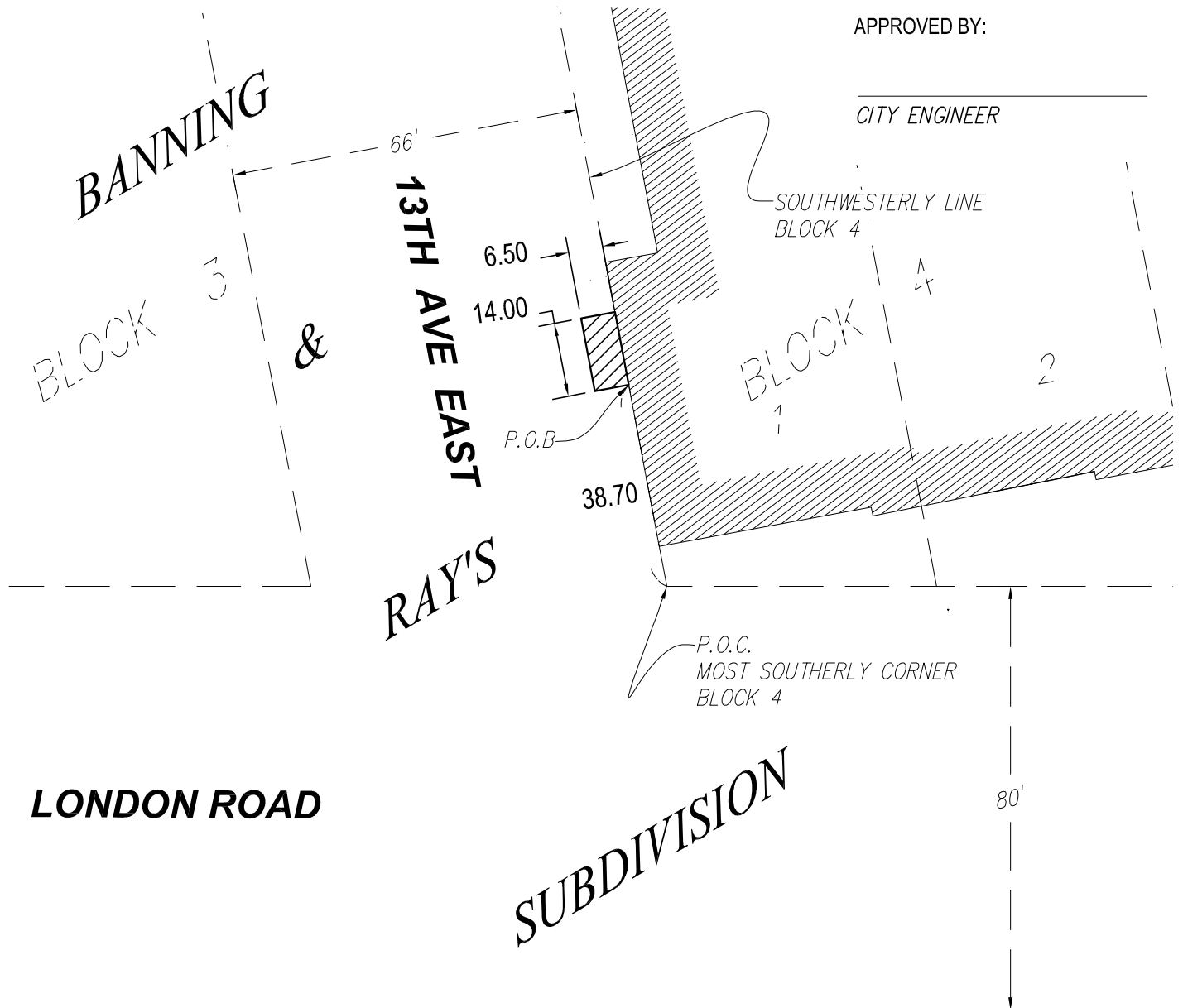
LEGEND

 = CONCURRENT USE AREA



APPROVED BY:

CITY ENGINEER



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 Land Surveyor under the laws of the State of Minnesota.

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 01/03/2024

DATE PREPARED: 01/03/24

PROJ NO: 230593

FILE: 230593vEXHIB

SHEET 1 of 1 SHEETS



21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: ..\200593\500 Drawings\Survey\230593vEXHIBIT_Concurrent Use.dwg



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 23-219	Contact	Jason Mozol, jmozol@duluthmn.gov		
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		March 12, 2024	
Deadline for Action	Application Date	December 28, 2023	60 Days	March 12, 2024	
	Date Extension Letter Mailed	January 29, 2024	120 Days	April 26, 2024	
Location of Subject		1108 W 8 th St			
Applicant	Hooshang Mehralian	Contact			
Agent	Amanda Dlouhy	Contact			
Legal Description		010-1350-03760			
Site Visit Date		February 12, 2024	Sign Notice Date		February 26, 2024
Neighbor Letter Date		January 16, 2024	Number of Letters Sent		16

Proposal

The applicant proposes use of 5-bedroom, single-family home as a vacation rental property. This a renewal of PL17-100

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Vacant	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities.

A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

- **S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The subject property, 1108 W 8th St, was built in 1906. The existing structure is a 5-bedroom, single-family home with a 3-car, detached garage. The property previously received an interim use permit as a vacation dwelling unit in 2017.

Review and Discussion Items:

- 1) Applicants' property is located at 1108 W 8th St. The entire single-family home will be rented. There are 5 bedrooms, which allow for a maximum of 11 guests. Per UDC 50-20.3.U.2, this property is allowed to continue renting over the four-bedroom maximum because it is a continuation of the previous interim use permit.
- 2) The minimum rental period will be two nights.
- 3) Four parking spaces will be provided in the driveway.
- 4) The applicant has indicated they will allow motorhome or trailer parking in the driveway.
- 5) The site plan indicates outdoor amenities will include a wraparound deck, firepit and turf yard.
- 6) The applicant received a letter from the neighboring property owner to the south waiving the need for screening. The property to the west is screened by an existing wooded area.
- 7) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Deb Kamunen to serve as the managing agent.
- 8) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 9) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 10) There are currently 153 licensed vacation dwelling units in the city, with 71 of those in form districts; the remaining 82 are subject to the cap of 90.
- 11) No City or agency comments were received. One public comment was submitted in opposition.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

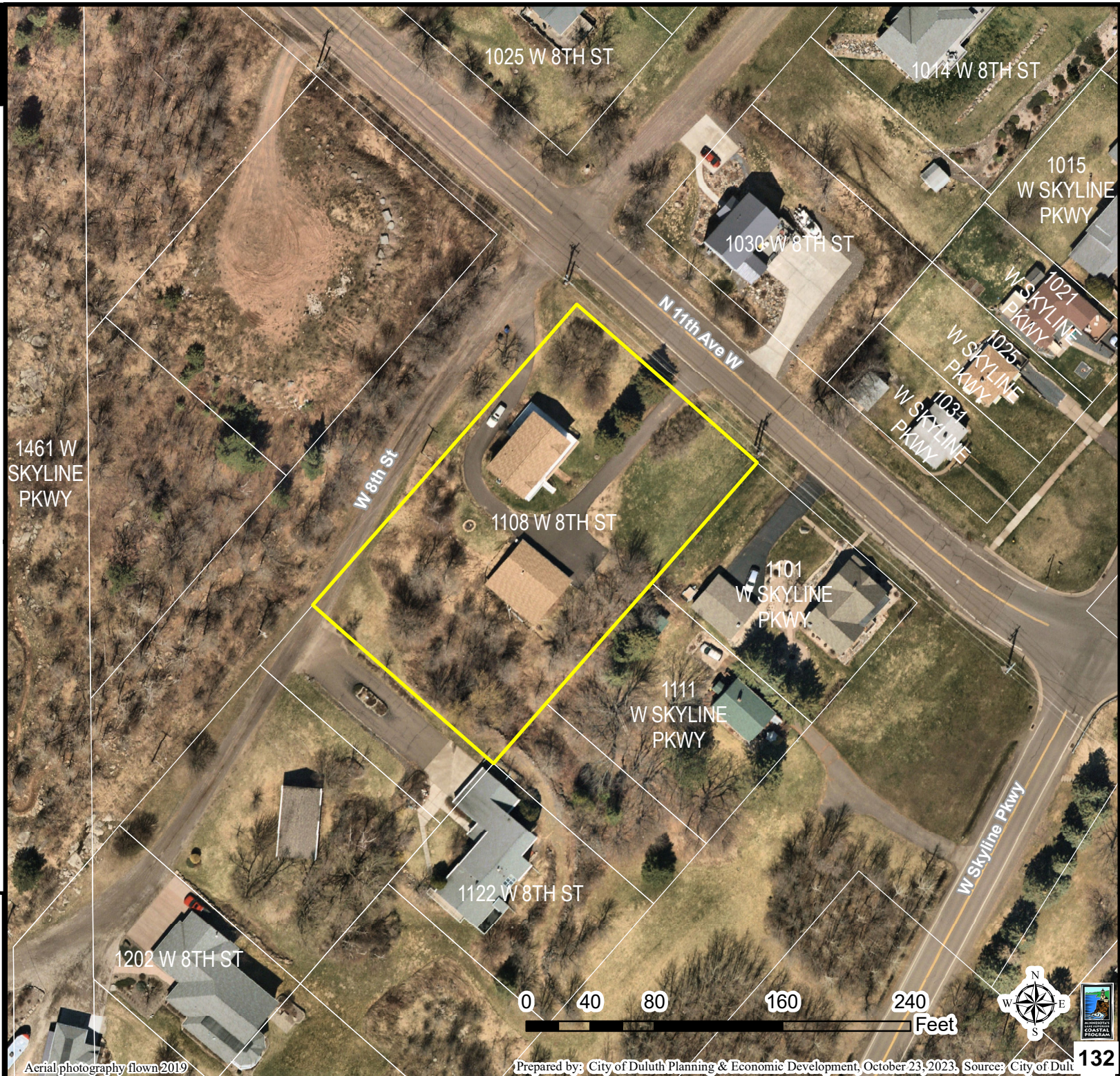
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL23-219
1108 W 8th St
Interim Use Permit for VDU

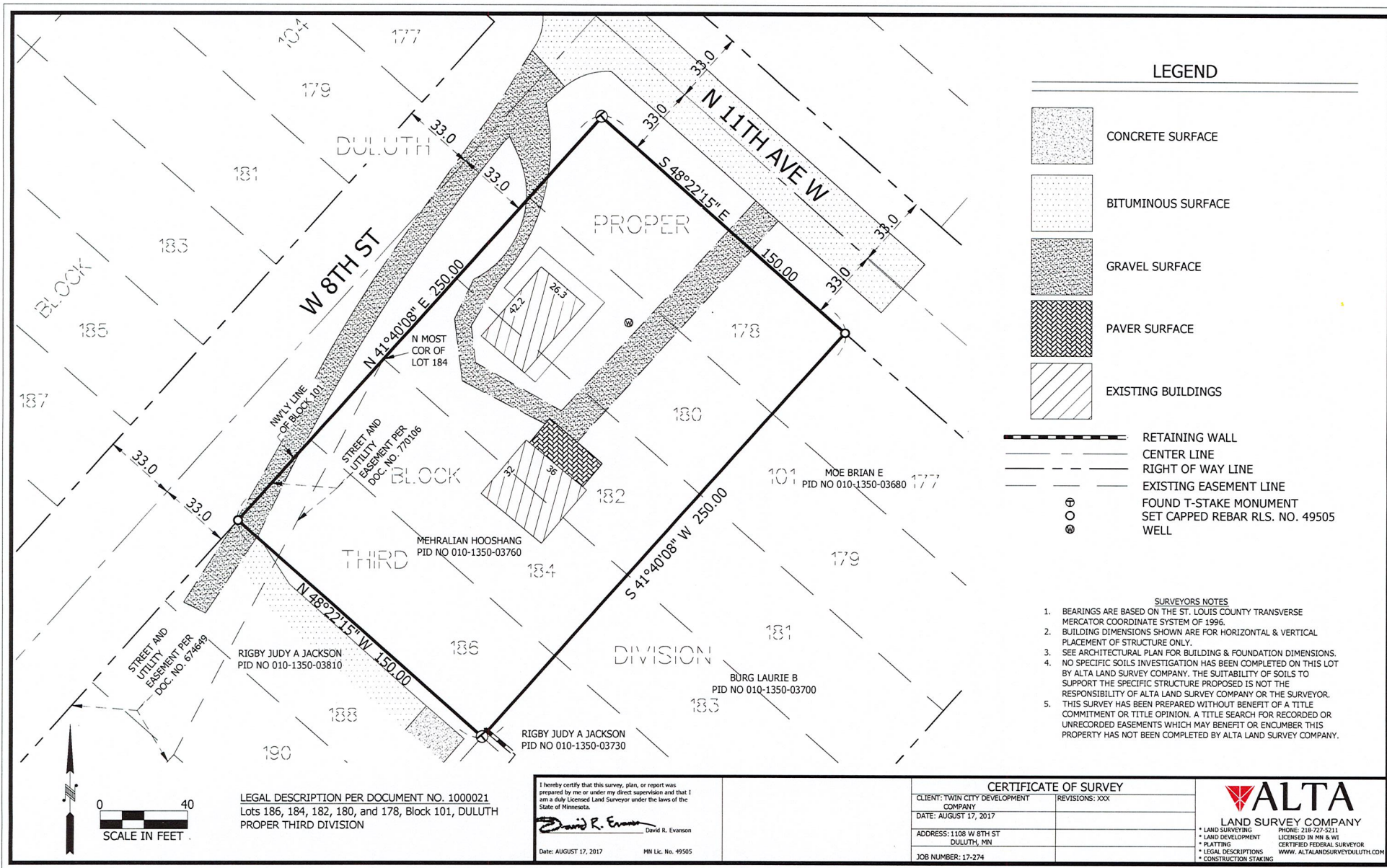


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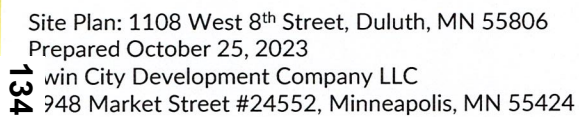
Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 23, 2023; Source: City of Duluth





Scale: 1" = 36'





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 24-015	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Interim Use Permit – Vacation Dwelling Unit	Planning Commission Date		March 12, 2024
Deadline for Action	Application Date	August 23, 2023	60 Days	October 22, 2023
	Date Extension Letter Mailed		120 Days	December 21, 2023
Location of Subject		119 St Paul Ave		
Applicant	Beth Gauper	Contact		
Agent	Rod DeVogel	Contact		
Legal Description		010-4690-01580		
Site Visit Date		February 28, 2024	Sign Notice Date	February 26, 2024
Neighbor Letter Date		February 27, 2024	Number of Letters Sent	42

Proposal

The applicant proposes use of 2-bedroom, single-family home as a vacation rental property. This is a renewal of PL16-146

Recommended Action: Staff recommends that Planning Commission approve the interim use permit.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements:

UDC Section 50-19.8. Permitted Use Table. A vacation dwelling unit is an Interim Use in the R-1 zone district.

UDC Section 50-20.3. Use-Specific Standards. Lists all standards specific to vacation dwelling units.

UDC Sec. 50-37.10.E . . . the commission shall only approve an interim use permit, or approve it with conditions, if it determines that: 1. A time limit is needed to protect the public health, safety and welfare from potential longer term impacts of the requested use in that location; 2. The applicant agrees to sign a development agreement with the city.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #8 - Encourage mix of activities, uses, and densities.

A short-term rental allows property owners to generate income and provides a service for tourists.

Econ. Dev. Policy #3 - Build on Existing Economic Strengths & Competitive Advantages

- **S9:** Encourage expansion of the city's tourism economy through efforts to expand in areas of current activity, such as in Canal Park, but also through marketing and investment in destination neighborhoods and iconic tourism experiences unique to Duluth.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The subject property, 119 St Paul Ave, was built in 1923. The existing structure is a 2-bedroom, single-family home with a 1-car, attached garage. This property previously received an interim use permit as a vacation dwelling unit in 2016.

Review and Discussion Items:

- 1) Applicants' property is located at 119 St Paul Ave. The entire single-family home will be rented. There are 2 bedrooms, which allow for a maximum of 5 guests.
- 2) The minimum rental period will be two nights.
- 3) Six parking spaces will be provided in the driveway.
- 4) The applicant has indicated they will allow motorhome or trailer parking in the driveway.
- 5) The site plan indicates outdoor amenities will include a front yard deck and a fenced, side yard patio.
- 6) The applicant received a letter from the neighboring property owner to the south waiving the need for screening. The property to the west is screened by an existing wooded area.
- 7) An interim use permit was previously issued for this property in 2016. One complaint regarding snow removal was reported in January 2023. No other complaints or issues related to the existing vacation dwelling unit have been reported.
- 8) Permit holders must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24 hours a day to complaints from neighbors or the City. Permit holder must provide the contact information for the managing agent or local contact to all property owners within 100 feet of the property boundary. The applicant has listed Rod Devogel to serve as the managing agent.
- 9) A time limit on this Interim Use Permit ("IUP") is needed to minimize negative impacts to surrounding residential uses thereby causing damage to the public's health, safety and welfare. Section 50-20.3.U.7 states the IUP shall expire upon change in ownership of the property or in six years, whichever occurs first.
- 10) Applicant must comply with Vacation Dwelling Unit Regulations, including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 11) There are currently 153 licensed vacation dwelling units in the city, with 71 of those in form districts; the remaining 82 are subject to the cap of 90.
- 12) The applicant waived Minnesota Statue 15.99 requirements.
- 13) No City or agency comments were received. One public comment was submitted in opposition.
- 14) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) 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 review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL24-015
Interim Use Permit for VDU
119 St Paul Ave



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The Duluth Hiker House

We are applying for a vacation rental license for our home at 119 St. Paul Ave. in the Woodland neighborhood.

It's well-suited for vacationers because it's much like a cabin. There is a loft suite with a bedroom and a full bathroom, which has a double whirlpool and steam shower. The first floor features a gas fireplace and a full kitchen with dining area. The only other bedroom is in the lower walk-out level, where there is another full bathroom.

We expect to attract mainly people interested in the outdoors and silent sports: hikers, runners, mountain bikers, skiers and snowshoers, since we are a block from the Superior Hiking Trail and Hartley Park.

Our house can accommodate no more than five people. For five people, there is more than ample space on the property, which is a corner lot of .29 acres plus the city easement along Wadena Street and a wooded hillside in back, which provides a natural screen to our neighbors on Minneapolis Ave. Our property includes a natural groundwater stream in our backyard.

We have two patios, one in front overlooking St. Paul Ave. and one in the side yard with a view of the backyard and the wooded area (see maps).

In the double-wide driveway, there is room for six cars, or four cars and one motorhome.

We will require a minimum two-night stay, and will not rent the home for more than 29 nights per guest. We will obtain all licenses and permits from the City of Duluth and State of Minnesota and supply all required documents required for guest occupancy. Our home has already been inspected by the fire prevention office and an operational permit is pending. Our tax-permit number is 1510.

The property will be managed by our next-door neighbors, Rod and Jackie DeVogel at 115 St. Paul Ave., who are very experienced in property management. Jackie is the long-time owner/manager of a four-plex on Jefferson Street, and Rod rents his former home in Superior and works as the maintenance supervisor of a seniors community in Duluth.

The DeVogels will have the authority to respond to any complaints from neighbors or the city. We will provide their contact information to all property owners within 100 feet of our property boundary, and we will notify our neighbors of any change in that contact information within 10 days.

We will keep a guest record including the name, address, phone number and vehicle and trailer license-plate information for all guests and provide it to the city if requested.

In addition to providing maps and recommendations of restaurants and places to see, we will provide our guests with written rules and regulations regarding their stay and the DeVogels' contact information.

In all our communication with guests and in advertisements, we will clearly state that a maximum of five guests are allowed with a maximum of no more than five cars or four cars and one recreational vehicle. We have recently removed a fire ring along the stream, and we will not allow fires. We do not allow pets. Our guests will be told quiet time starts at 10 p.m., but we do not expect outdoor activity after dusk because of mosquitoes.

We will post our permit number on all advertisements.

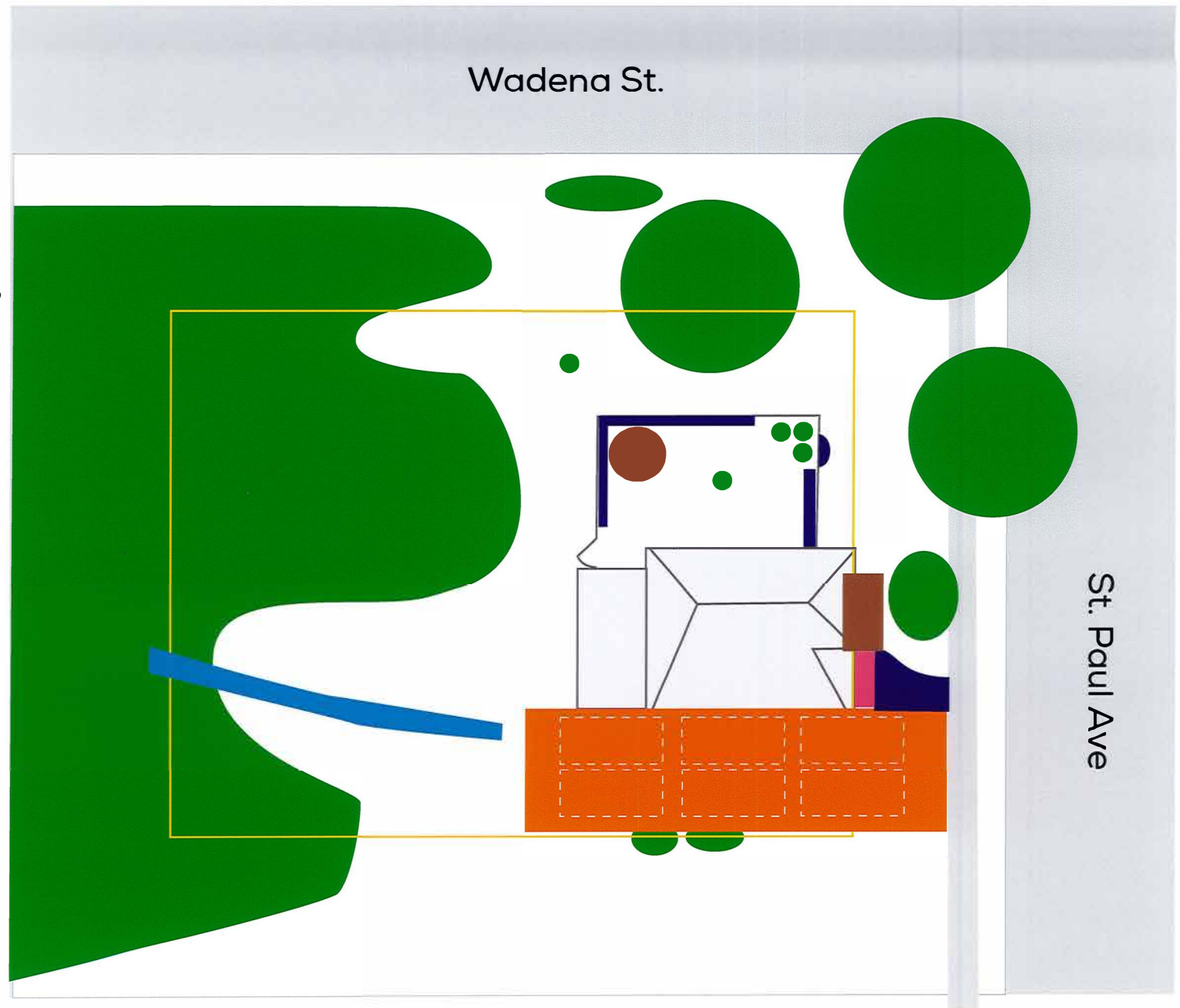
Thank you.
Beth Gauper and Torsten Muller, owners



All features
and
natural screens

Legend

-  Property boundary
-  Off-street parking
-  Natural groundwater stream
-  Trees/Woods
-  Front stoop / Seating
-  Patio
-  Flower garden
-  Fence



N





Planning & Development Division
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 Duluth, Minnesota 55802



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planning@duluthmn.gov

File Number	PL 24-018	Contact	Chris Lee, cleee@duluthmn.gov	
Type	Variance from shoreland setback	Planning Commission Date	March 12, 2024	
Deadline for Action	Application Date	February 20, 2024	60 Days	April 20, 2024
	Date Extension Letter Mailed	February 20, 2024	120 Days	June 19, 2024
Location of Subject	Lake Superior Zoo, 7210 Fremont St			
Applicant	Lake Superior Zoo	Contact	Haley Hedstrom	
Agent	Double Jack Design	Contact	Jake Zikmund	
Legal Description	010-2744-00020	Sign Notice Date	February 23, 2024	
Site Visit Date	February 27, 2024	Number of Letters Sent	82	

Proposal

The applicant is requesting a variance to reduce the 150' structure setback from cold water stream (50-18.1.D-1) to construct an open sided pavilion. The applicant is proposing to reduce the setback by to 75' from the ordinary high water line for Kingsbury Creek.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1/RR-1	Zoo/Park	Open Space
North	R-1/RR-1	Park	Open Space/Traditional Residential
South	R-1	Residential	Open Space/Traditional Residential
East	R-1	Residential	Open Space/Traditional Residential
West	RR-1	Open Space	Open Space

Summary of Code Requirements

Sec. 50-37.9.C – General Variance Criteria (paraphrased): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties. The Planning Commission must find the following for a variance to be granted: a) That the landowner is proposing to use the property in a reasonable manner, b) that the need for relief for from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

Sec. 50-37.9.L No variance shall be granted that compromises the general purposes or intent of Section 50-18.1.D or results in adverse consequences to the environment. Variances shall include a requirement for the applicant to mitigate the impacts of the variance on shoreland areas.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 Reuse Previously Developed Lands: This area is being used as the Lake Superior Zoo and this proposed structure will be utilizing space nearest to existing facilities.

Governing Principle #4 Support Existing Economic Base: The proposed structure will enhance the visitor experience at the Lake Superior Zoo

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.

History

The property has been used as the Lake Superior Zoo since 1923. The property is roughly 19 acres in size, containing 7 significant structures and 15 large exhibits. Kingsbury Creek bisects the property with the majority of development on the east side of the creek.

Review and Discussion Items:

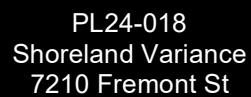
Staff finds that:

- 1) The applicant is seeking a variance to reduce the 150' shoreland setback to Kingsbury Creek to build an open sided pavilion. The pavilion will be 60' x 20' and 1,200 square feet, and will consist of the roof and posts; pavilion floor will be aggregate such as crushed bluestone. The path to the pavilion will be comprised of an aggregate material and not an impervious surface.
- 2) The applicant is proposing this location as the grade is the flattest and outside the floodplain.
- 3) Staff finds the applicant has practical difficulty due to steep topography of the site and the proximity to Kingsbury Creek. Other sites on the west side of Kingsbury Creek are steep enough that excavation would cause erosion and create difficulties in maintaining an accessible path for Zoo visitors. The applicant is proposing to use the property in a reasonable manner by adding an amenity to the existing Zoo features.
- 4) As required by Section 50-37.9.L, the applicant must mitigate impacts to shoreland areas and maintain a 75' vegetative buffer in the shore impact zone. The applicant has submitted landscaping details that maintain the existing mature trees and vegetation in place currently. All areas within 75' of the Ordinary High Water Level will remain as natural vegetation and not be mowed or cleared. Applicant has further mitigated potential effects of this shelter on the creek by minimizing the size of the structure and keeping the design to a minimal roof to provide shade and rain cover, while otherwise maintaining the natural character of the area.
- 5) The applicant's practical difficulty was not created by the landowner but rather is due to the way the property was initially developed and the natural location of Kingsbury Creek. The Minnesota DNR visited this site and made a determination that the ordinary high water line also extends to a small tributary outside of the mapped location of the creek further amplifying the setback.
- 6) The variance will not alter the essential character of the neighborhood as the proposed pavilion will be set far into the interior of the Zoo and provide an amenity to the existing facilities.
- 7) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 8) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 9) No public, agency, or City comments were received.
- 10) Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within one-year.

Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

- 1) The project be constructed and maintained according to the plans submitted with the proposed structure no closer than 75' from the ordinary high water line of Kingsbury Creek.
- 2) The structure shall be limited to roof and supporting posts only; floor and path will be made of an aggregate material that will not be impervious surface
- 3) All vegetation within the 75' naturally vegetative buffer shall remain, with no clearing or mowing within this 75'.
- 4) The applicant shall provide a tree report of trees in the immediate area prior to clearing.
- 5) The applicant shall protect the mature trees during construction.
- 6) 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



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PL24-018
Shoreland Variance
7210 Fremont St

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

Zoning Boundaries

- Shoreland (UDC)**
 - Cold Water
 - Natural Environment
 - General Development
 - Trout Stream (GPS)
 - Other Stream (GPS)

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project title
**Lake Superior Zoo
Pavilion**

address
7210 Fremont St,
Duluth, MN 55807

ABBREVIATIONS

AB AIR BARRIER	ADH ADHERE	ALB ALUMINUM BASE	ALT ALTERNATIVE / ALTERNATE	ALUM ALUMINUM	AR ARTWORK	ARCH ARCHITECT	AWT ACOUSTICAL WALL TREATMENT
BLKG BLOCKING	BO BOTTOM OF	BRG BEARING	BRK BRICK	BT TABLE BASE	CB CHALK BOARD	CCF COLUMN COVER FINISH	CF CUSTOM FABRICATION
CF/CI CONTRACTOR FURNISHED / OWNER INSTALLED	CG CORNER GUARD	CGA CUNNINGHAM GROUP ARCHITECTURE, INC.	CH CHAIR	CJ CONTROL JOINT	CK CORK	CL CENTER LINE	CLR CLEAR(ANCE)
CMU CONCRETE MASONRY UNIT	CONC CONCRETE	CONT CONTINUOUS / CONTINUE	CP COMPOSITE PANEL	CPT CARPET(ED)	CPTB CARPET BASE	CPTT CARPET TILE	CT CERAMIC / PORCELAIN TILE
CTB CERAMIC TILE BASE	DEC DECORATIVE CONCRETE	DF DRINKING FOUNTAIN	DG DECORATIVE GLASS	DIA DIAMETER	DIV DIVISION	DN DOWN	DRP DRAPERY/CURTAINS
DWGS DRAWINGS	(E) / EXIST EXISTING	EJ EXPANSION JOINT	EL ELEVATION	ELEC ELECTRICAL	EPOX EPOXY PAINT	EQ EQUAL	EWC ELECTRICAL WATER COOLER
EXP EXPOSED	EXT EXTERIOR	FD FLOOR DRAIN	FE / FEC FIRE EXTINGUISHER (CABINET)	FF / FFE FINISH FLOOR (ELEVATION)	FF&E FIXTURES, FURNISHINGS & EQUIPMENT	FIN FINISH	FL / FLR FLOORING
FOEW FACE OF EXISTING WALL	FOS FACE OF STUD	FRP FIBERGLASS REINFORCED WALL PANEL	GA GAUGE	GALV GALVANIZED	GB GYPSUM BOARD	GFRC GLASS FIBER REINFORCED CONCRETE	GFRG GLASS FIBER REINFORCED GYPSUM
GL GLASS, GLAZING	GMU GLAZED MASONRY UNIT	GT GLASS TILE	GWT GLAZED WALL TILE	GYP GYPSUM	HB HOSE BIBB	HDBD HARDBOARD	HDWD HARD WOOD
HDWR HARDWARE	HM HOLLOW METAL	HSS HOLLOW STEEL SECTION	ID INSIDE DIAMETER	INSUL INSULATION	INT INTERIOR	L LIGHT FIXTURE	LIN LINOLEUM
LMC LINEAR METAL CEILING	LWC LINEAR WOOD CEILING	MAS MASONRY	MAT INSET CARPET/WALK-OFF MAT	MATL MATERIAL	MAX MAXIMUM	MB MARKER BOARD	MDF MEDIUM DENSITY FIBERBOARD
MECH MECHANICAL	MG METAL GRATE	MIN MINIMUM	MIR MIRROR(ED)	MO MASONRY OPENING	MTD MOUNTED	MTL METAL	# NUMBER / POUND & AND

NA NOT APPLICABLE	NIC NOT IN CONTRACT	OC ON CENTER(S)	OD OUTSIDE DIAMETER	OF/CI OWNER FURNISHED / CONTRACTOR INSTALLED	OF/OI OWNER FURNISHED / OWNER INSTALLED	OFRD OVERFLOW ROOF DRAIN	OFS OVERFLOW SCUPPER	OH OVERHEAD	OPNG OPENING	OZ OUNCE															
PARTBD PARTICLEBOARD	PL PLATE	PLAM PLASTIC LAMINATE	PLY PLYWOOD	PME PATCH TO MATCH EXISTING	PNL PANEL	PNT PAINT(ED)	PREFIN PREFINISHED	PRV POWER ROOF VENTILATOR	QT QUARRY TILE	QTB QUARRY TILE BASE	QTY QUANTITY														
R RISER	RAD RADIUS	RB RUBBER BASE / RESILIENT BASE	RD ROOF DRAIN	REF REFERENCE / REFER TO	REQD REQUIRED	RES EPOXY RESIN FLOORING	RESB EPOXY RESIN FLOORING BASE	RFL RUBBER FLOOR / RESILIENT FLOORING	RO ROUGH OPENING	RT RESILIENT TILE	RTR RESILIENT TRANSITION STRIP	RTU ROOF TOP UNIT	RW REFINISHED WOOD												
S SEATING	SC SEALED CONCRETE	SF SQUARE FOOT/FEET	SIM SIMILAR	SP SPECIALTY FINISH	SPF SPRAY POLYURETHANE FOAM	SPT SPECIAL PAINT	SS STAINLESS STEEL	SSF SOLID SURFACE	ST STAIN	STC STAINED CONCRETE	STN STONE	STNB STONE BASE	STNV STONE VENEER	SUSP SUSPENDED	SV SHEET VINYL	SYST SYSTEM									
T TREAD / TABLE	T&G TONGUE AND GROOVE	TA TABLE	TB TACKBOARD	TEP TRANSITION EDGE PROFILE	TERB TERRAZZO BASE	TERR TERRAZZO	TEX TEXTURE	TF TENSION FABRIC	TFC TEXTURED FINISH CEILING	TOB TOP OF BEAM	TOC TOP OF CONCRETE	TOD TOP OF DECK	TOF TOP OF FOOTING	TOP TOP OF PARAPET	TOS TOP OF STEEL	TOW TOP OF WALL	TPART TOILET PARTITION	TT TERRAZZO TILE	TYP TYPICAL						
UNFIN UNFINISHED	UNO UNLESS NOTED OTHERWISE	UPH UPHOLSTERY	VB VINYL BASE	VCT VINYL COMPOSITION TILE	VIF VERIFY IN FIELD	VIN VINYL	VNR VENEER	VP VENEER PLASTER	VR VAPOR RETARDER	VSE VENEER SHELF ELEVATION	VT VINYL TILE	VWC VINYL WALL COVERING	WB WEATHER BARRIER	WC WALL COVERING	WD WOOD	WDB WOOD BASE	WDV WOOD VENEER	WDW WINDOW	WF WOOD FLOORING	WP WORK POINT	WPT WALL PROTECTION	WT WINDOW TREATMENT	WWC WOOD WALLCOVERING	XPS EXTRUDED POLYSTYRENE	# NUMBER / POUND

MATERIAL SYMBOLS

	ACOUSTICAL CEILING MATERIAL		EARTH
	BRICK		INSULATION - RIGID
	CARPET		INSULATION - BATT
	CONCRETE		JOINT MATERIAL
	CONCRETE MASONRY UNIT		METAL
	FIRE PROOFING		SAND
	GLASS		STONE
	GRANULAR FILL		TERRAZZO
	GYPSUM BOARD		TILE

DRAWING SYMBOLS

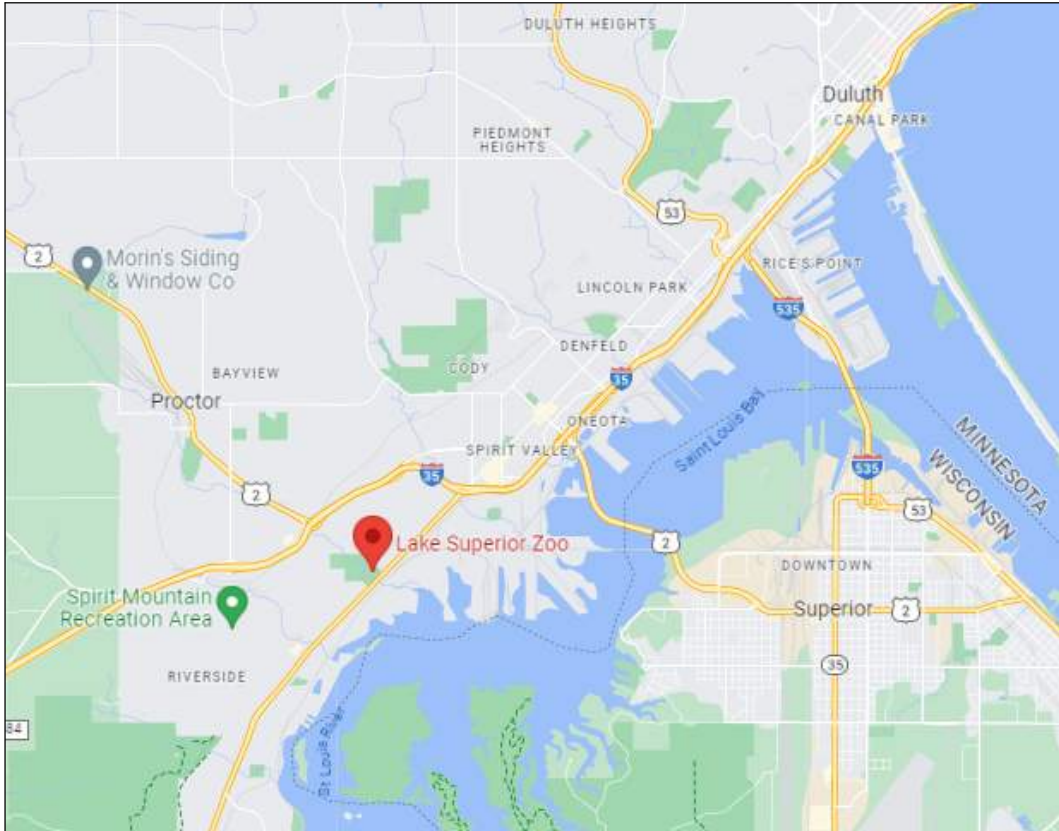
	MULTIPLE VIEW INDICATOR		NAME SCALE	DRAWING OR DETAIL REFERENCE AND SCALE
	INTERIOR ELEVATION		T.O.S. EL 100'-0"	ELEVATION
	ELEVATION		OPEN OFF 149	ROOM NAME, ROOM NUMBER, AND ROOM FINISH KEY
	BUILDING SECTION OR DETAIL		XX-01	DRAWING REVISION AND REVISION NUMBER
	WALL SECTION		04 10	KEY NOTE
	DETAIL SECTION		F CPT-1	FINISH TAG
	GRID LINE			
	MATCH LINE			
	DETAIL REFERENCE TO PLAN OR SECTION AREA ENLARGEMENT			

	DRAWING NUMBER / SHEET NUMBER REFERENCE WHEN USED IN A NOTE
	DIMENSION
	BREAK LINE
	EXISTING WALL OR PARTITION TO BE REMOVED
	EXISTING WALL OR PARTITION TO REMAIN
	PARTITION AND PARTITION TYPE
	WINDOW / LOUVER TYPE
	EXISTING DOOR TO REMAIN
	EXISTING DOOR TO BE REMOVED
	DOOR AND DOOR NUMBER
	GLAZING

PROJECT INFORMATION

PROJECT:	Lake Superior Zoo Pavilion
ADDRESS:	7210 Fremont St, Duluth, MN 55807
PARCEL #:	010-2744-00020
ZONING CODE:	R1 (RESIDENTIAL TRADITIONAL)
OVERLAY:	SHORELAND MANAGEMENT ZONE (COLD WATER)
YEAR BUILT:	NEW CONSTRUCTION
ABOUT:	New construction of an open-air pavilion that connects to an open space utilized for gatherings and events.

PROJECT LOCATION



SHEET NUMBERING AND ABBREVIATION EXPLANATION

DISCIPLINE	FLOOR PLANS	FLOOR LEVEL	ZONE
A	101	A	- SHEET NAME
A101A - LEVEL 1 ZONE - A PLAN			

DISCIPLINE	CEILING PLANS	CEILING LEVEL	ZONE
D	201	C	- SHEET NAME
D201C - DEMO REFLECTED CEILING PLAN LEVEL 1 - ZONE A			

DRAWING INDEX	
Sheet Number	Sheet Name
GENERAL	
G100	COVER SHEET
G110	DRAWING INDEX, LOCATION PLAN & PROJECT INFORMATION
G120	3D DIAGRAMS
G130	LIFE SAFETY PLAN
STRUCTURAL	
S110	FRAMING & FOUNDATION PLANS
ARCHITECTURAL	
A100	SITE PLAN
A100A	LANDSCAPE AND ACCESS PLAN
A101	LEVEL 1 PLAN & ROOF PLAN
A301	EXTERIOR ELEVATIONS
A401	BUILDING SECTIONS



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GENERAL NOTES

- THESE GENERAL NOTES SHALL APPLY TO ALL DRAWINGS, UNO.
- DO NOT SCALE DRAWINGS. DIMENSIONS SHOWN ON DRAWINGS SHALL GOVERN.
- CONTRACTOR SHALL VISIT THE PROJECT SITE AND APPRAISE THEMSELVES OF EXISTING CONDITIONS AND SEQUENCES FOR INSTALLATION.
- CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND FIELD CONDITIONS PRIOR TO COMMENCEMENT OF WORK, AND SHALL NOTIFY THE DESIGNER IMMEDIATELY IF ANY CONFLICTS OF DISCREPANCIES OCCUR.
- MATERIALS AND NOTES COMMON TO SEVERAL DRAWINGS MAY BE NOTED ON ONLY ONE DRAWING. CONTRACTOR SHALL BE RESPONSIBLE FOR ENTIRE SET OF DOCUMENTS.
- REFERENCES SHOWN ON DRAWINGS DO NOT NECESSARILY INDICATE ALL LIKE CONDITIONS AND DO NOT LIMIT APPLICATION OF DRAWING OR DETAIL. WHERE SPECIFIC DIMENSIONS, DETAILS, OR DESIGN INTENT CANNOT BE DETERMINED, CONSULT THE DESIGNER PRIOR TO PROCEEDING WITH WORK.
- CONTRACTOR SHALL MAINTAIN CLEAN AND PRESENTABLE WORK AND STORAGE AREAS, AND SHALL NOT ALLOW ANY MATERIAL AS A RESULT OF DEMOLITION OR CONSTRUCTION TO ACCUMULATE.
- PRIOR TO COMMENCEMENT OF ANY OPERATION, EACH CONTRACTOR SHALL EXAMINE WORK PERFORMED BY OTHERS TO WHICH HIS OR HER WORK ADJOINS OR IS APPLIED, AND REPORT TO THE ARCHITECT ANY CONDITIONS PREVENTING SATISFACTORY ACCOMPLISHMENT OF THEIR WORK. STARTING WORK OF ANY OPERATION SHALL INDICATE ACCEPTANCE OF CONDITIONS.
- UPON COMPLETION OF WORK, CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS. ALL AREAS AFFECTED BY THE PROJECT SHALL BE DELIVERED CLEAN, WHOLE, AND FIT FOR IMMEDIATE OCCUPANCY.
- THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PAYING FOR ALL PERMITS REQUIRED AND FOR THE SCHEDULING OF ALL REQUIRED INSPECTIONS DURING THE COURSE OF THE PROJECT.

***DRAWINGS FOR GENERAL CONSTRUCTION ONLY. MECHANICAL, PLUMBING, HVAC, ELECTRICAL, FIRE PROTECTION TO BE DESIGN/BUILD CONTRACTED BY OWNER.**

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DRAWN	JKZ
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project title
Lake Superior Zoo Pavilion

sheet title:
DRAWING INDEX, LOCATION PLAN & PROJECT INFORMATION

sheet number:

G110



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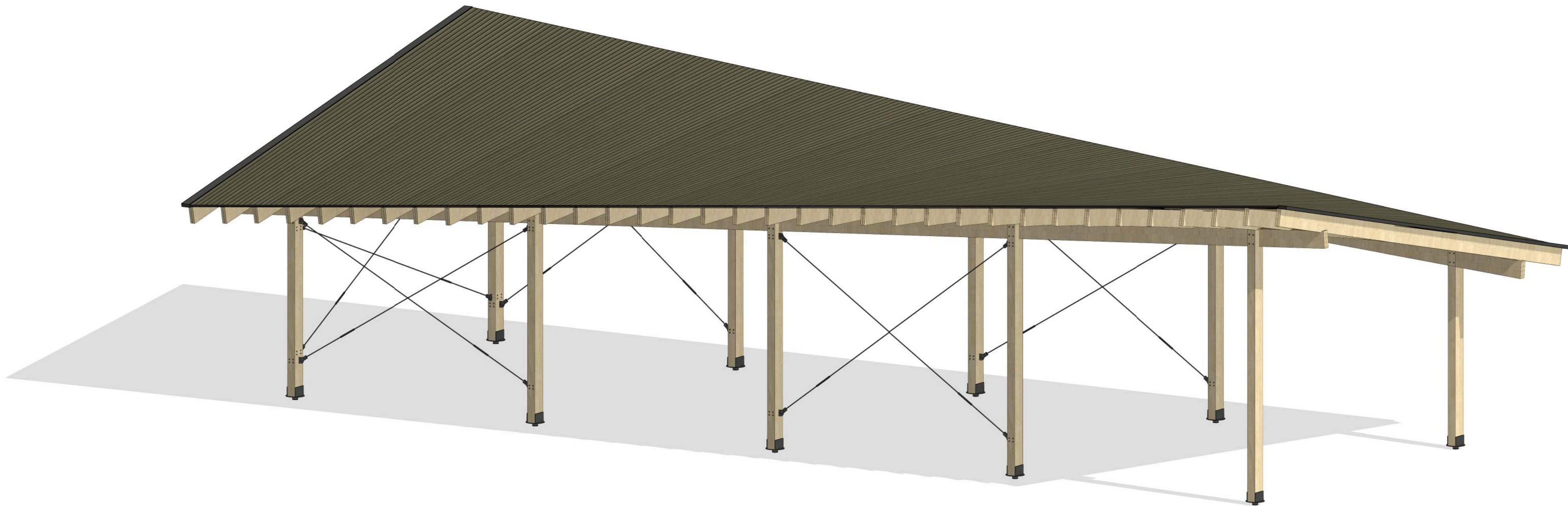
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1 VIEW LOOKING NE



2 VIEW LOOKING SE

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project title
Lake Superior Zoo
Pavilion

sheet title:
3D DIAGRAMS

sheet number:

G120

LAKE SUPERIOR ZOO PAVILION CODE ANALYSIS

APPLICABLE GOVERNING CODES:

2020 Minnesota Building Code, including but not limited to:
2018 International Building Code (IBC)
2020 Minnesota Energy Code, incorporates by reference:
2018 International Energy Conservation Code (IECC)
ANSI/ASHRAE/IES 90.1-2016
2020 Minnesota Accessibility Code, including but not limited to:
2018 ICC/ANSI A117.1
2020 Minnesota State Fire Code
2020 Minnesota Mechanical Code
2020 Minnesota Fuel Gas Code
2018 Minnesota Plumbing Code
2020 National Electric Code of Minnesota (NFPA 70)
Life Safety Code (NFPA): NFPA 101

DESCRIPTION OF WORK:

This project consists of architectural work for an open-air pavilion that connects to an open space utilized for gatherings and events. NO electrical or plumbing on project.

BUILDING STATISTICS:	
Address:	7210 Fremont St, Duluth, MN 55807
Building Area:	1,200 SF
Building Height:	Approx. 17'-0" Maximum Height
Automatic Sprinkler System:	No, NOT equipped with automatic sprinkler system

ZONING / SITE REQUIREMENTS:	
Zoning District:	R1 (RESIDENTIAL TRADITIONAL)
Overlay	Shoreland Management Zone (Cold Water)
Yard Requirements (setbacks):	
Cold Water:	150'-0"
Max Height:	30'-0"
Vegetative Buffer:	50'-0"
Proposed Construction Disturbance Area:	5,600 SF MAX
Proposed Pavilion Roof Area:	1,906 SF

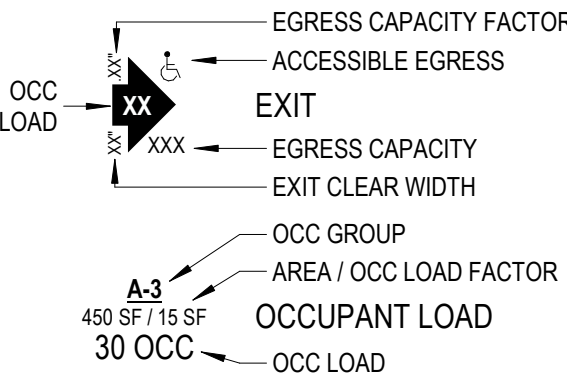
BUILDING CLASSIFICATION AND USE:	
Occupancy Classification(s) by Code: (Ch 3, 303.3)	Assembly Group A-3
Construction Type (IBC Ch 6):	Type VB
Maximum Allowable Area:	
Basic Limit (Table 506.2):	6,000 SF
Maximum Allowable Heights:	
Basic Limit(Table 504.3, 504.4):	One Story, 40 feet

FIRE RESTRICTIVE REQUIREMENTS:	
Construction Type:	Type VB
Structural Frame (Table 601):	0 Hr.
Bearing Walls (Table 601):	
Exterior	0 Hr.
Interior	0 Hr.
Nonbearing walls and Partitions (Table 601)	0 Hr.
Floor Construction (Table 601)	0 Hr.
Roof Construction (Table 601)	0 Hr.

AUTOMATIC SPRINKLER SYSTEMS:	
903.2.1.3Group A-3.	Sprinkler System NOT Required
903.2.1.3Group A-3.	An automatic sprinkler system shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists: 1.The fire area exceeds 12,000 square feet. 2.The fire area has an occupant load of 300 or more. 3.The fire area is located on a floor other than a level of exit discharge serving such occupancies.

PLUMBING FIXTURE REQUIREMENTS:	
(IBC Ch 29 & Local Codes)	
2902.1Minimum number of fixtures. NOT REQUIRED	
Exception: When approved by the building official, buildings or structures that are normally, unoccupied , such as picnic shelters, amphitheaters, small transit stop stations, cold-storage buildings, utility sheds, warming houses, kiosks, concession stands and similar structures, need not be provided with restroom facilities.	

LIFE SAFETY LEGEND

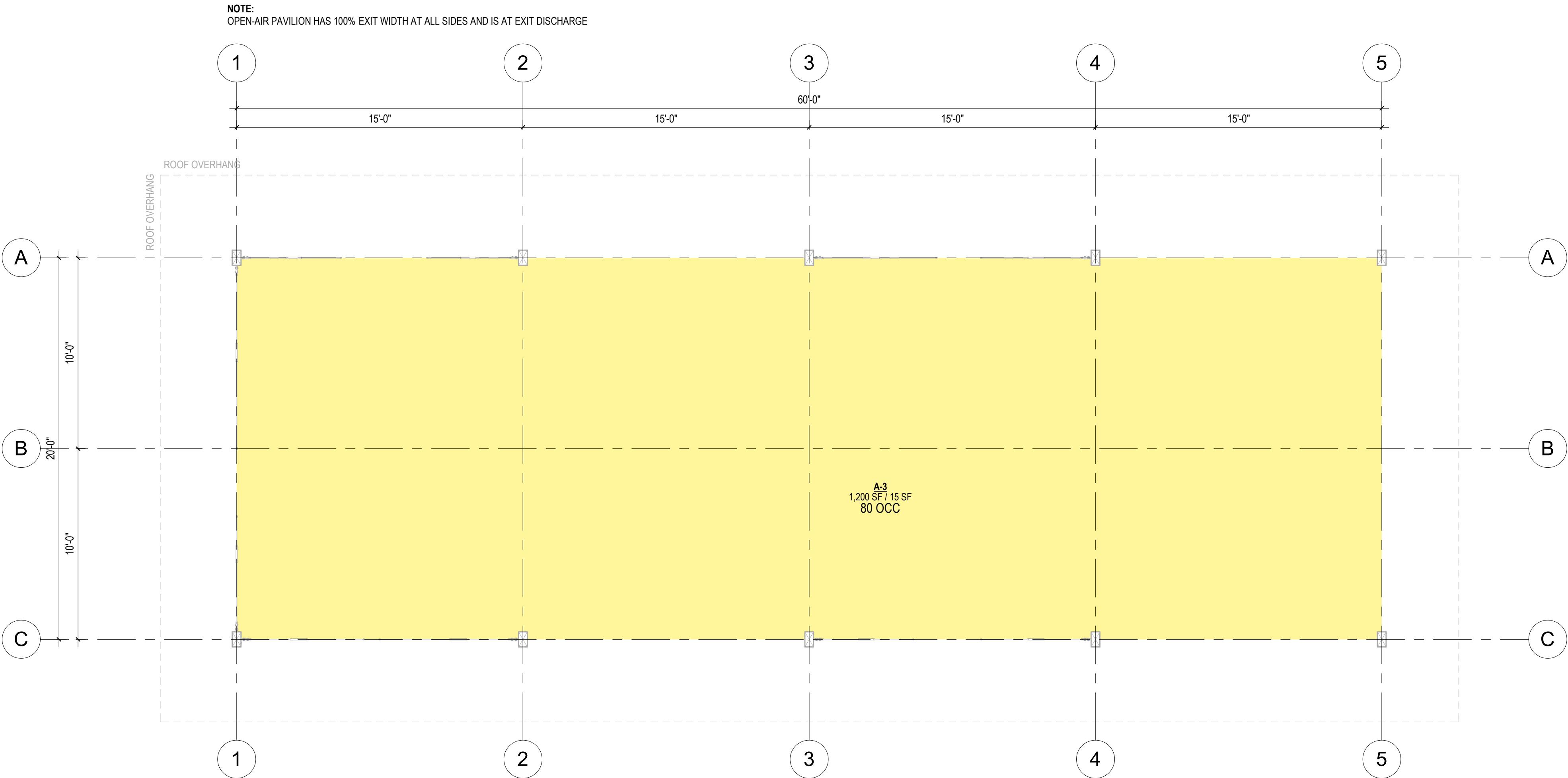


OCCUPANCY TYPES



A-3

AREA AND OCCUPANT LOAD SCHEDULE			
Occ Group	Function of Space (IBC 2020)	IBC (2020) Occupant Load	
		OLF	Occ Load
LEVEL 1			
A-3	Assembly w/o Fixed Seats - Unconcentrated (Tables and Chairs)	15 SF	80



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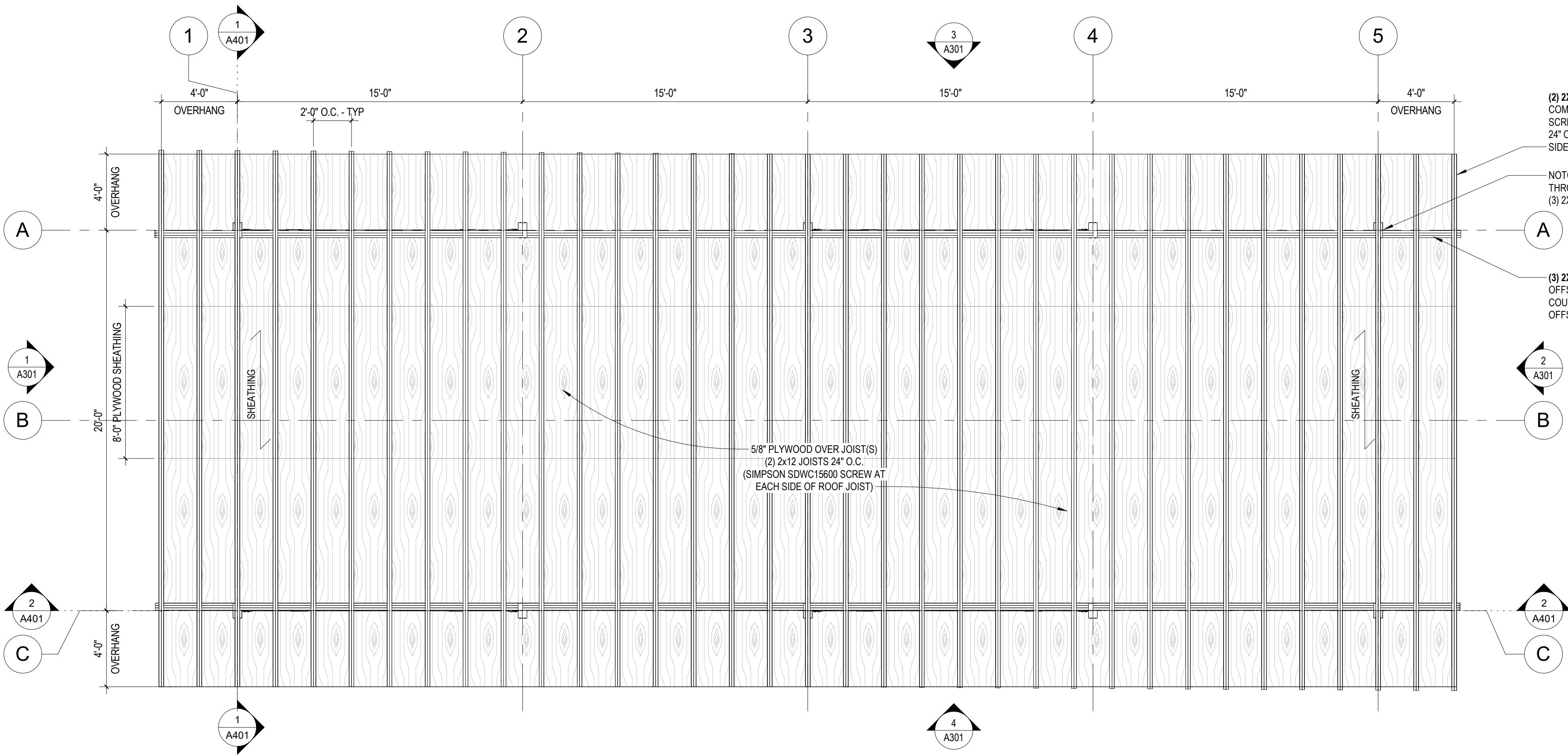
Lake Superior Zoo Pavilion

sheet title:

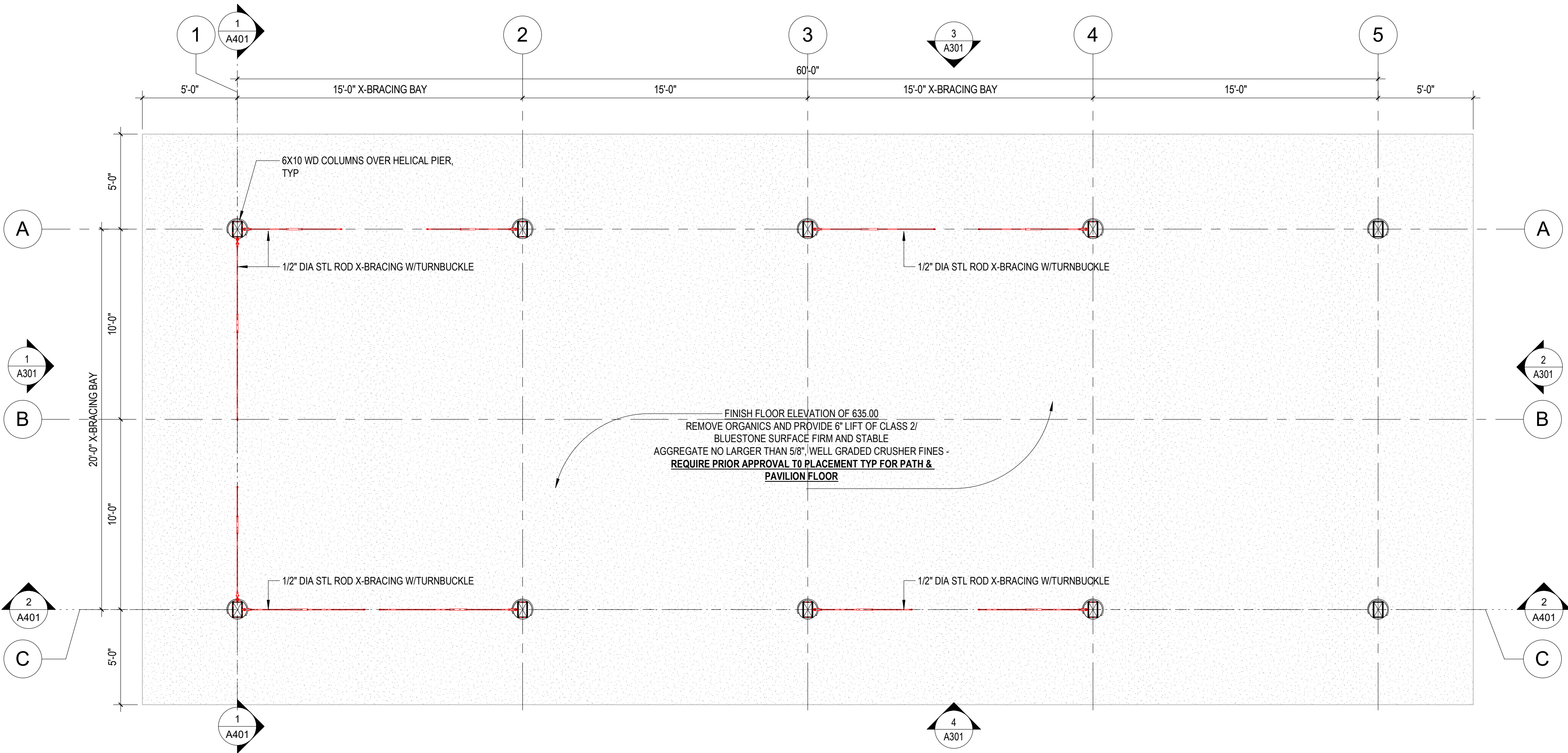
LIFE SAFETY PLAN

sheet number:

G130



2 ROOF FRAMING PLAN
1/4" = 1'-0"

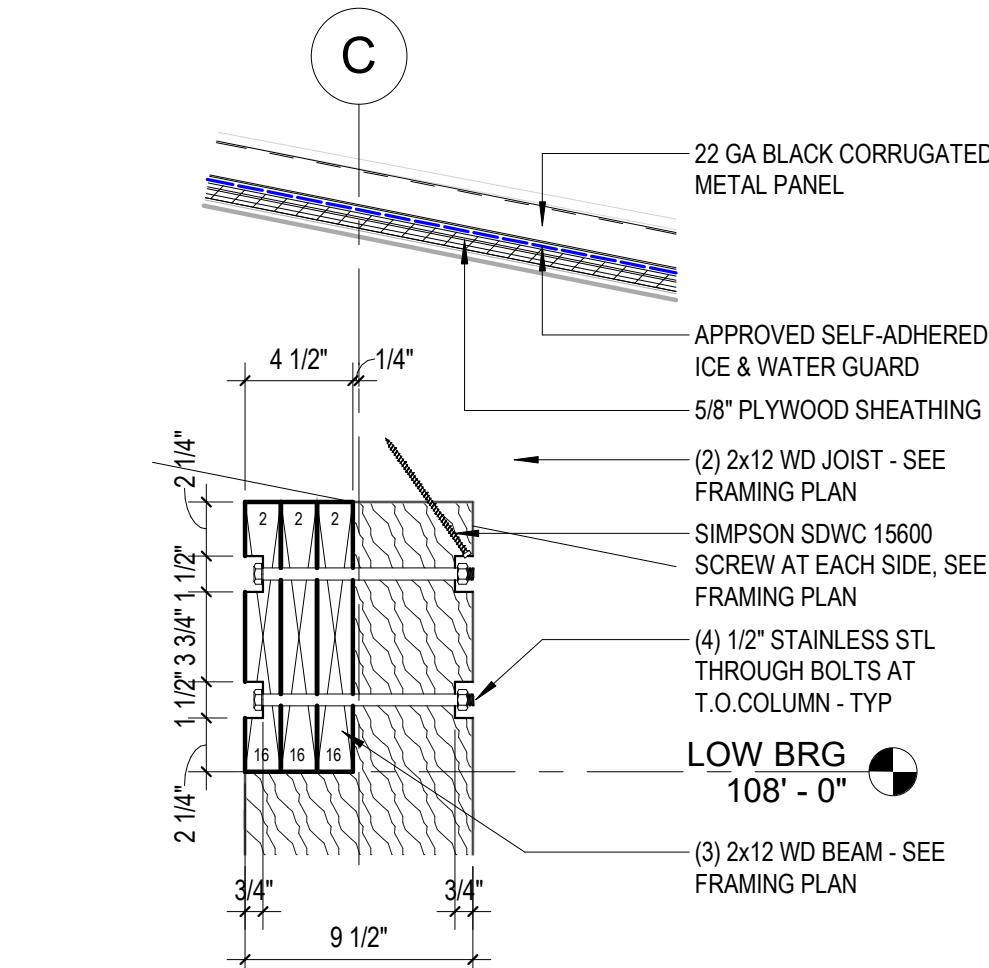


1 LEVEL 1 FRAMING & FOUNDATION PLAN
1/4" = 1'-0"

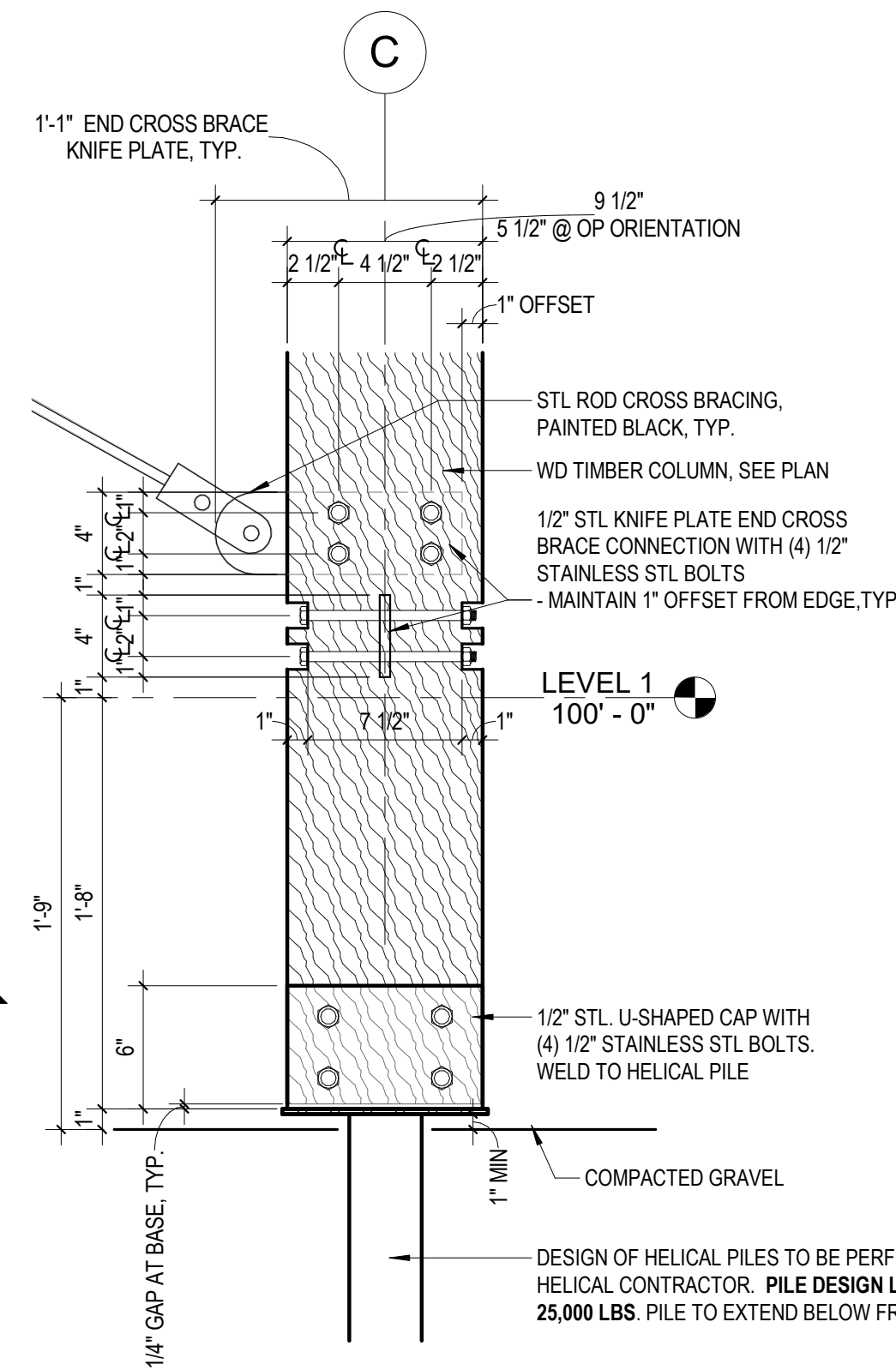
(2) 2X12 @ 24" O.C.
COMPRISED OF (2) 2X12X8' & (2) 2X12X20', OFFSET SEAMS AND
SCREW TOGETHER WITH (2) 1/4" X 3" COUNTERSUNK SST SCREWS
24" O.C. W/ VERTICAL PATTERN, OFFSET FASTENER 12" ON OTHER
SIDE W/SAME FASTENER PATTERN

NOTCH 6X10 AND PROVIDE SST
THROUGH-BOLT CONNECTION TO
(3) 2X12 - TYP

(3) 2X12 WD JOIST(S)
OFFSET SEAMS AND SCREW TOGETHER WITH (2) 1/4" X 4 1/2"
COUNTERSUNK SST SCREWS 24" O.C. W/ VERTICAL PATTERN,
OFFSET FASTENER 12" ON OTHER SIDE W/SAME FASTENER PATTERN



4 COLUMN TOP CONNECTION - SECTION DETAIL
1 1/2" = 1'-0"



3 COLUMN BASE CONNECTION - SECTION DETAIL
1 1/2" = 1'-0"

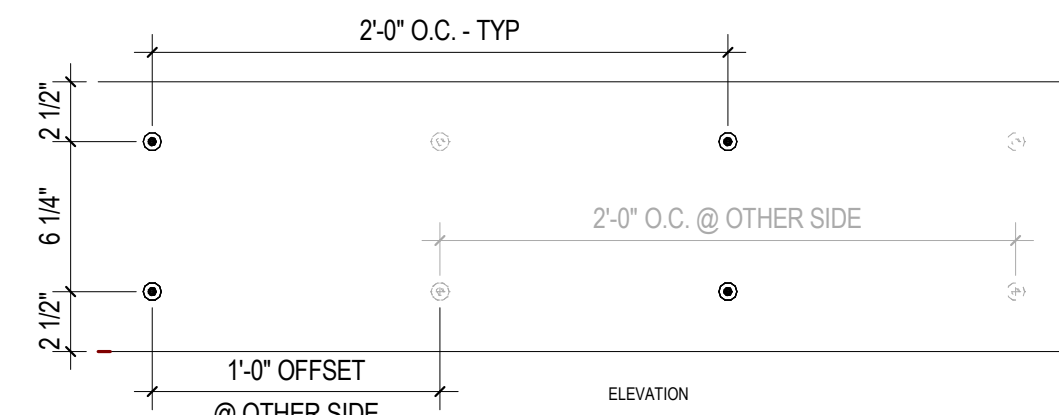
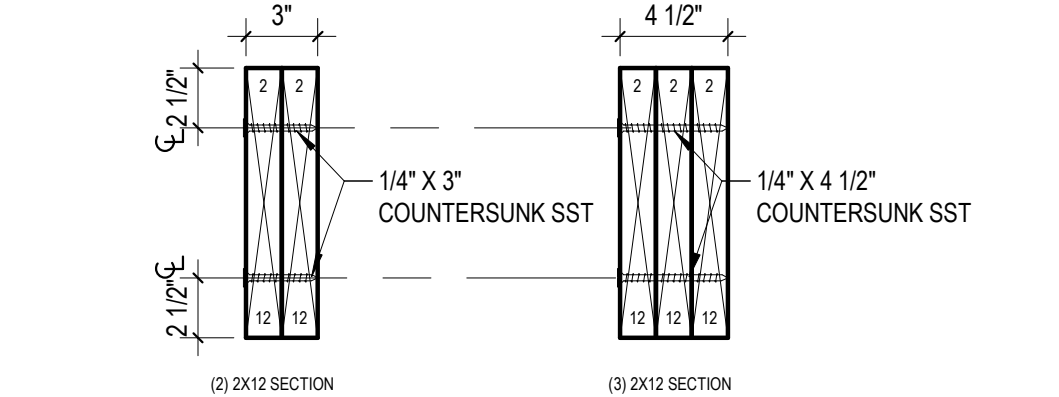
GENERAL STRUCTURAL NOTES

- GENERAL:**
- ALL WORK SHALL COMPLY WITH THE MINNESOTA STATE BUILDING CODE AND IBC.
 - THE GENERAL CONTRACTOR SHALL VERIFY CONTRACT DOCUMENTS, SITE DIMENSIONS AND CONDITIONS PRIOR TO STARTING WORK AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR INCONSISTENCIES.

- DESIGN LOADS:**
- ROOF: - DEAD LOAD = 10 PSF
- LIVE LOAD = 42 PSF
 - FLOOR: - DEAD LOAD = 10
- LIVE LOAD = 100
 - SLABS ON GRADE: - 4" - 100 PSF
 - WIND: IBC 115 MPH WIND EXPOSURE C
 - EARTHQUAKE - ZONE 1

- STRUCTURAL WOOD:**
- WOOD AND TIMBER CONSTRUCTION SHALL CONFORM TO PROJECT SPECIFICATION AND AMERICAN INSTITUTE OF TIMBER CONSTRUCTION (AITC) STANDARDS.
DIMENSION LUMBER SHALL BE NUMBER 02 OR BETTER SPRUCE PINE FIR WITH THE FOLLOWING ALLOWABLE STRESSES:
 $F_b = 875 \text{ PSI}$ — BENDING
 $F_v = 135 \text{ PSI}$ — SHEAR
 $F_c = 1150 \text{ PSI}$ — COMPRESSION PARALLEL TO GRAIN
 $F_c = 425 \text{ PSI}$ — COMPRESSION PERPENDICULAR TO GRAIN
 $E = 1,400,000.00 \text{ PSI}$ — MODULES OF ELASTICITY
 - LVL MEMBERS SHALL HAVE THE FOLLOWING ALLOWABLE STRESSES:
 $F_b = 2900 \text{ PSI}$ — BENDING
 $F_v = 285 \text{ PSI}$ — SHEAR
 $F_c = 2600 \text{ PSI}$ — COMPRESSION PARALLEL TO GRAIN
 $F_c = 845 \text{ PSI}$ — COMPRESSION PERPENDICULAR TO GRAIN
 $E = 2,000,000.00 \text{ PSI}$ — MODULES OF ELASTICITY
 - LVL FABRICATOR SHALL BE AN AITC MEMBER AND SHALL FABRICATE ACCORDING TO AITC SPECIFICATIONS.
FASTENING OF STRUCTURAL WOOD MEMBERS SHALL BE AS SPECIFIED AND AS DETAILED
 - ALL FRAMING MEMBERS SHALL BE PROTECTED WITH AN EXTERIOR GRADE STAIN AND SEALER. NO FRAMING MEMBER SHALL BE IN DIRECT CONTACT WITH THE GROUND AND WILL BE PROTECTED FROM THE ELEMENTS BY THE ROOF.

- ROOF NAILING PATTERN:**
- NAILING TO PLYWOOD PANEL EDGES & DIAPHRAM BOUNDARY w/ 10D NAILS @ 8" O.C. - TYP
 - NAILING TO INTERMEDIATE FRAMING MEMBERS w/ 10D NAILS @ 1'-0" O.C. MAX



- JOIST(S) NAILING PATTERN:**
- COUNTERSUNK SST SCREWS 24" O.C. W/ VERTICAL PATTERN, OFFSET FASTENER 12" ON OTHER SIDE W/SAME FASTENER PATTERN
 - SEE SECTION AND ELEVATION DIAGRAM(S) ABOVE



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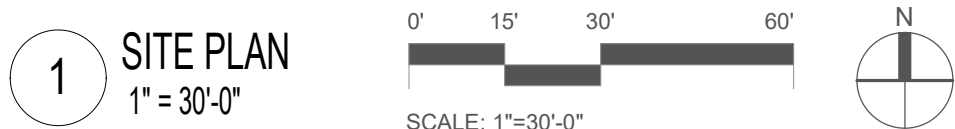
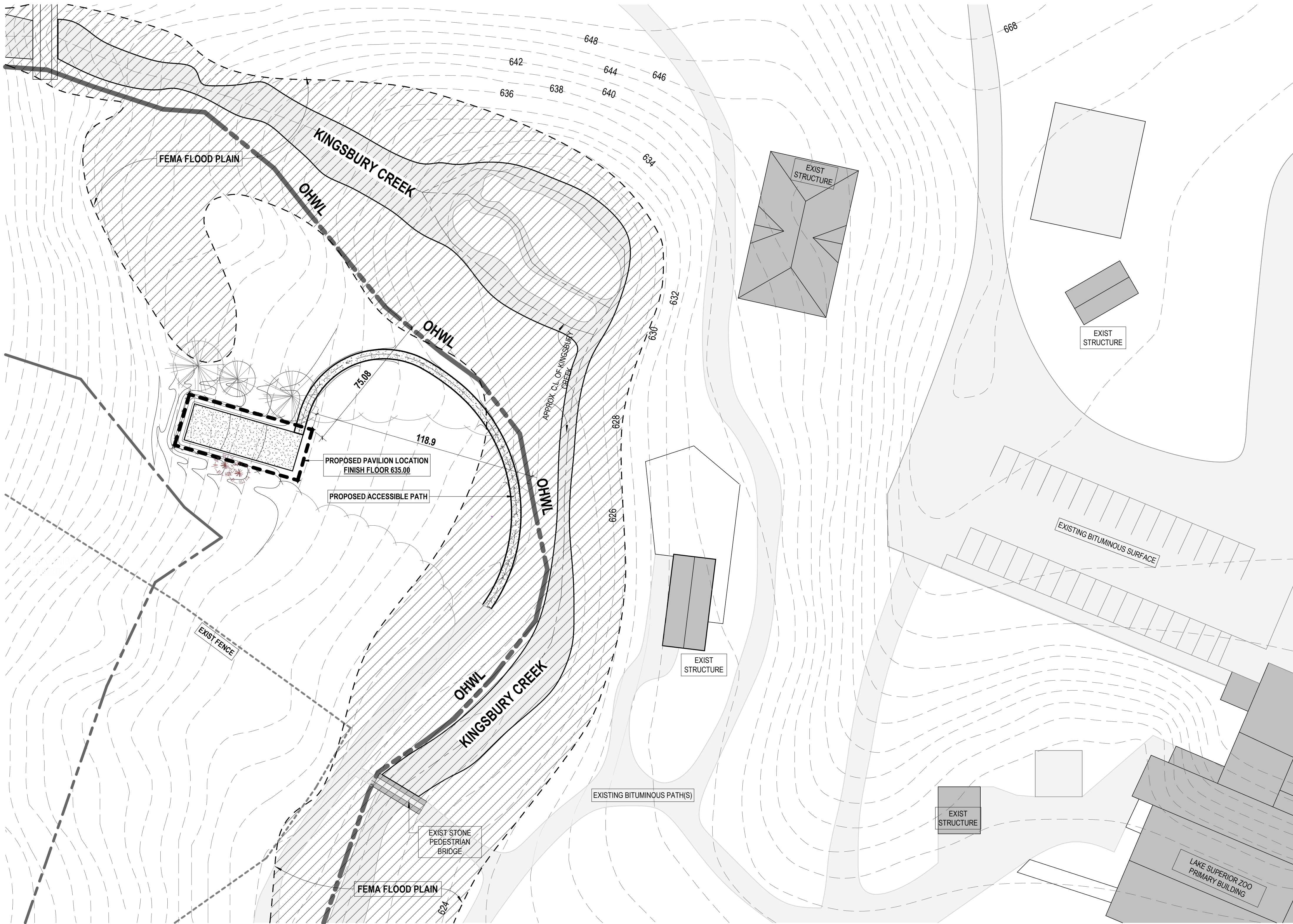
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DRAWN JKZ
CHECKED DJB

project title
**Lake Superior Zoo
Pavilion**

sheet title:
**FRAMING & FOUNDATION
PLANS**

sheet number:

S110



SITE PLAN NOTES:

PROPERTY INFORMATION
ADDRESS: 7210 Fremont St. Duluth, MN 55807
PARCEL ID: 010-2744-00020

ZONING INFORMATION
R1 RESIDENTIAL TRADITIONAL
OVERLAY SHORELAND MANAGEMENT ZONE (COLD WATER)
FLOOD ZONE A
Areas subject to inundation by the 1% annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.

OHWL F.F.E. MIN. 3'-0" ABOVE OHWL

COLD WATER SETBACK 150'-0"

MAX HEIGHT 30'-0"

VEGETATIVE BUFFER 50'-0"

PROPOSED CONSTRUCTION DISTURBANCE AREA
5,700 S.F. MAX.
- 2,500 SF OF PAVILION FLOOR
- 2,000 SF OF GRADING
- 1,200 SF OF ACCESSIBLE PATH

PROPOSED SHELTER ROOF AREA
1,906 S.F.

LEGEND

- OHWL (ORDINARY HIGH WATER LINE) LOCATED BY DNR
- 150'-0" SETBACK
- ACCESSIBLE PATH
- FEMA FLOOD PLAIN
- KINGSBURY CREEK (COLD WATER STREAM)
- EXISTING BITUMINOUS SURFACE
- EXISTING CONTOUR
- CONTOUR ELEVATION
- PROPOSED CONTOUR
- CONTOUR ELEVATION
- EXISTING VEGETATION
- ROOF OVERHANG
- CORNER LOCATION OF PAVILION ROOF
- EXISTING WHITE PINE TO REMAIN
- TREE TO BE REMOVED



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Email: HHedstrom@lszoo.org
Number: (218) 730-4500 ext. 203

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Contact: Jacob Zikmund
Email: jzikmund@doublejackdesign.com
Number: (701) 520-9752

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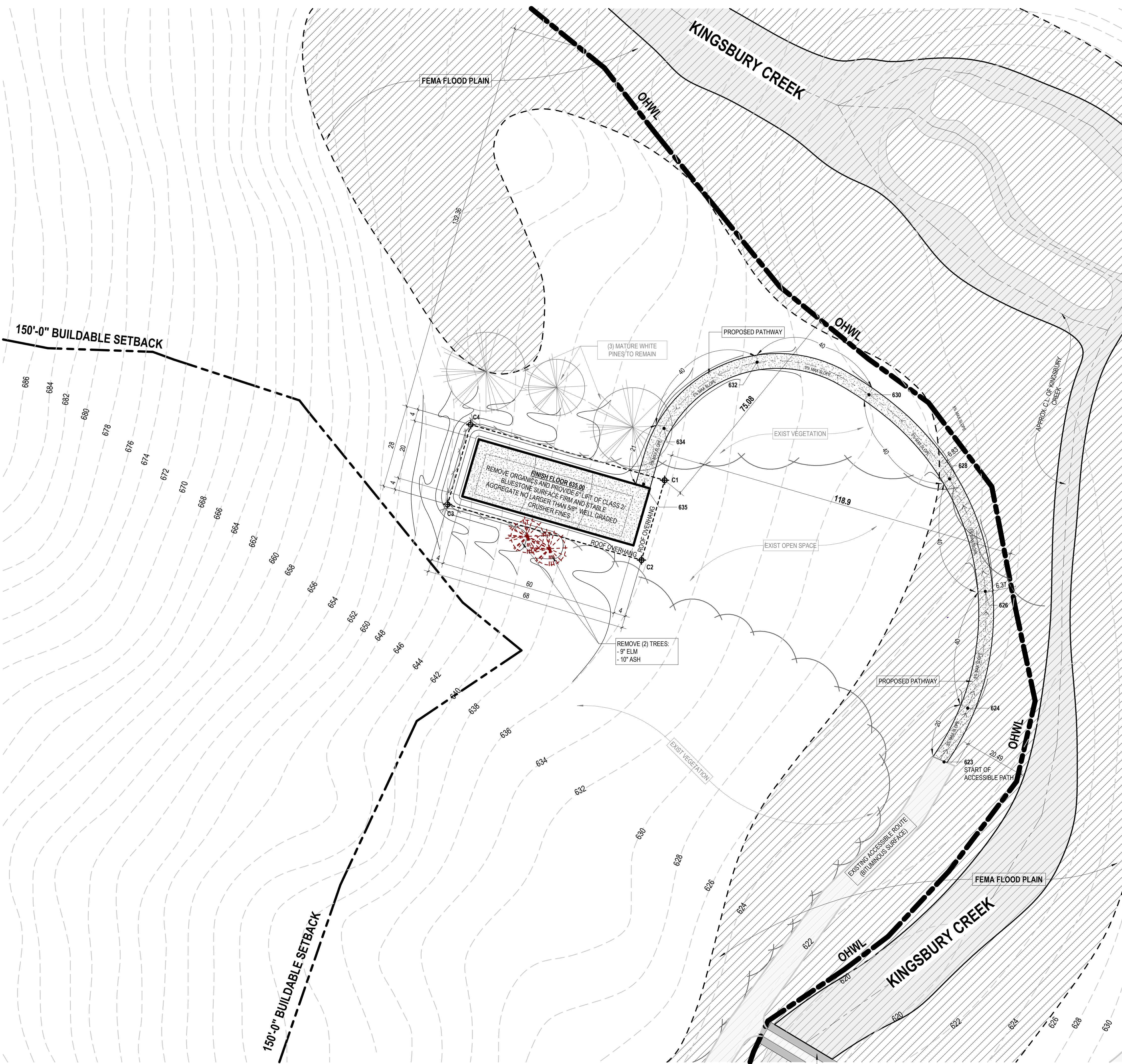
COMM NO.	23-043
DRAWN	JKZ
CHECKED	DJB

project title
Lake Superior Zoo Pavilion

sheet title:
SITE PLAN

sheet number:

A100



SITE PLAN NOTES:

- PROPERTY INFORMATION

ADDRESS: 7210 Fremont St, Duluth, MN 55807
PARCEL ID: 010-2744-00020
- ZONING INFORMATION

R1
OVERLAY
FLOOD ZONE

RESIDENTIAL TRADITIONAL
SHORELAND MANAGEMENT ZONE (COLD WATER)
A
Areas subject to inundation by the 1% annual chance flood event generally determined using approximate methodologies. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.
- OHWL

F.F.E. MIN. 3'-0" ABOVE OHWL
- COLD WATER SETBACK

150'-0"
- MAX HEIGHT

30'-0"
- VEGETATIVE BUFFER

50'-0"
- PROPOSED CONSTRUCTION DISTURBANCE AREA

5,700 S.F. MAX.
- 2,500 SF OF PAVILION FLOOR
- 2,000 SF OF GRADING
- 1,200 SF OF ACCESSIBLE PATH
- PROPOSED SHELTER ROOF AREA

1,906 S.F.

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LANDSCAPE NOTES:

- SITE PATH & PAVILION FLOOR (MEETS ACCESSIBILITY STANDARDS)

FINISH FLOOR ELEVATION OF 635.00
REMOVE ORGANICS AND PROVIDE 6" LIFT OF CLASS 2/ BLUESTONE SURFACE FIRM AND STABLE
AGGREGATE NO LARGER THAN 5/8" WELL GRADED CRUSHER FINES - **REQUIRE PRIOR APPROVAL TO PLACEMENT**
TYP FOR PATH & PAVILION FLOOR
- PATH WIDTH: 5'-0" TYP

PATH SLOPE: SHALL NOT EXCEED 5% (MUST BE ACCESSIBLE)
CROSS SLOPE NOT TO EXCEED 2%
- EROSION CONTROL NOTES:

100% NATIVE BWSR NORTHEAST MINNESOTA SHADE TOLLERANT SEED MIX AT DISTURBED AREA
EROSION CONTROL BLANKET IS 100% BIODEGRADABLE JUTE & NETTING
STRAW NEEDS TO BE WEED FREE AND PROVEN TO BE THAT SOURCE
NOTE:
THERE IS ALREADY AN ISSUED BUILDING PERMIT, SHORELAND PERMIT, AND EROSION CONTROL/SITEWORK PERMIT FOR THE PROJECT
PERMIT NUMBER: BBLDG2310-164

TREE REMOVAL NOTES:

- NOTE:**
SEE PLAN FOR LOCATION(S)
REMOVE (1) 9" DIA. ELM
REMOVE (1) 10" DIA. ASH

LEGEND

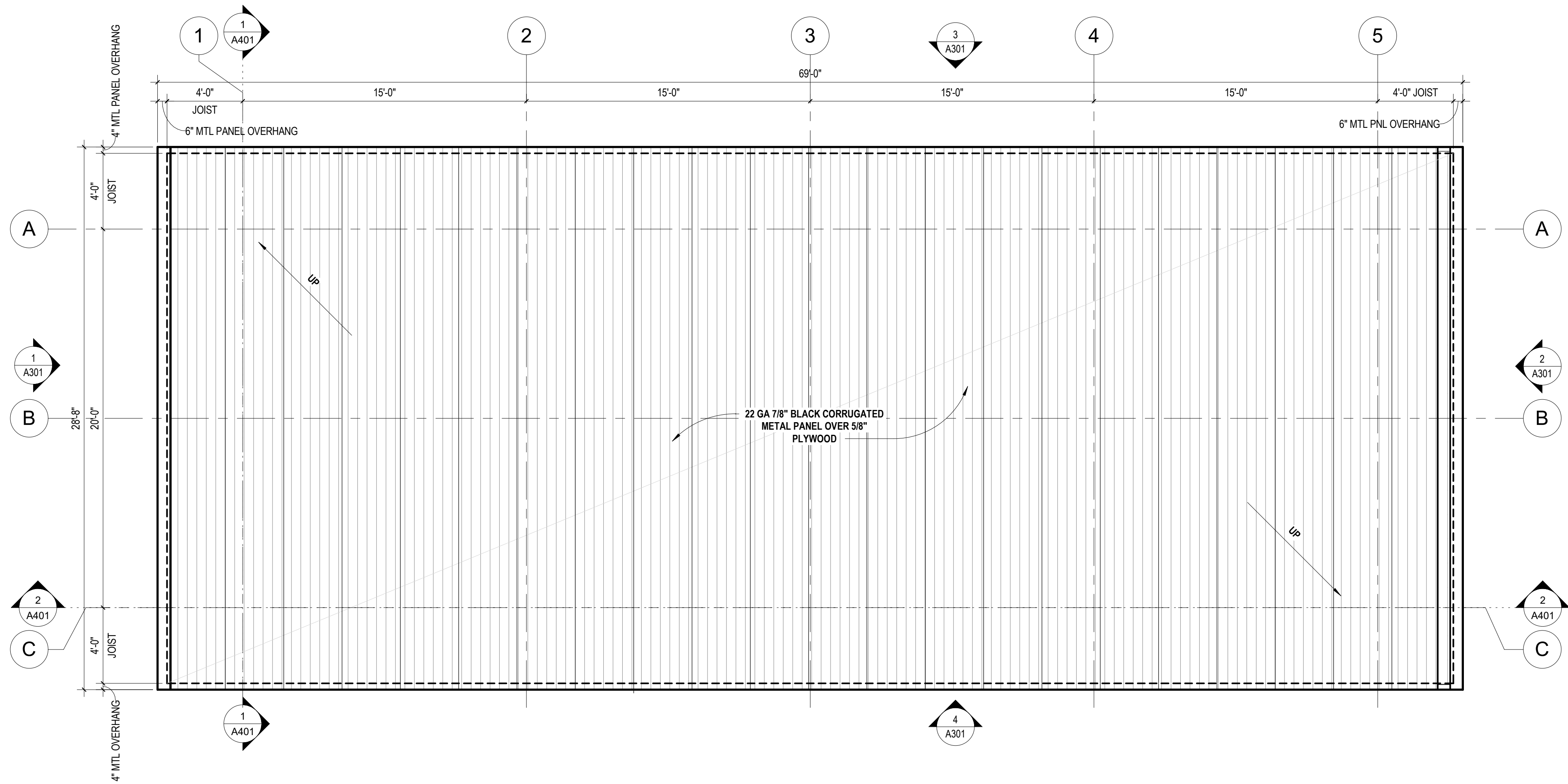
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- 150'-0" SETBACK
- ACCESSIBLE PATH
- FEMA FLOOD PLAIN
- KINGSBURY CREEK (COLD WATER STREAM)
- EXISTING BITUMINOUS SURFACE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING VEGETATION
- ROOF OVERHANG
- CORNER LOCATION OF PAVILION ROOF
- C#
- EXISTING WHITE PINE TO REMAIN
- TREE TO BE REMOVED

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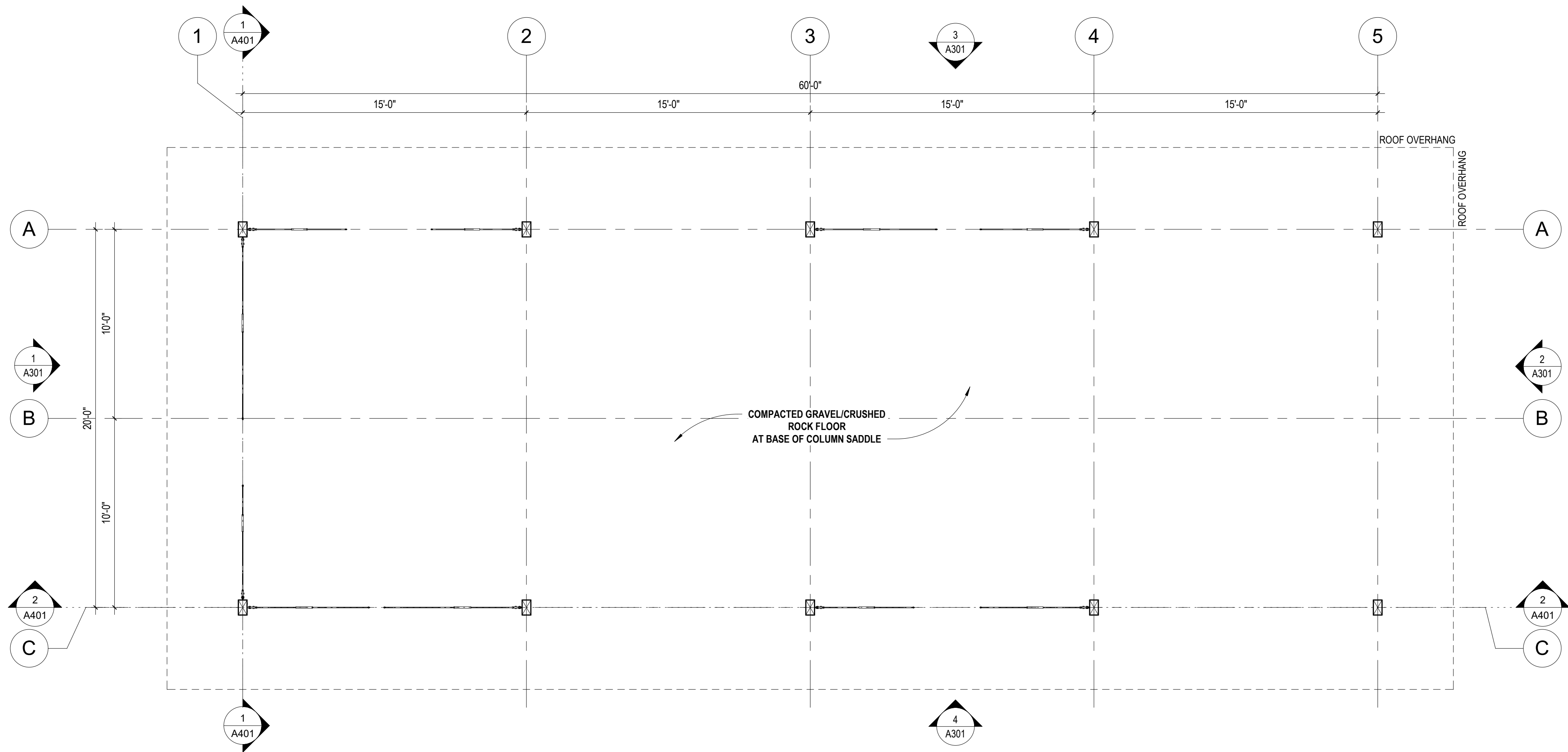
project title
Lake Superior Zoo Pavilion

sheet title:
LANDSCAPE AND ACCESS PLAN

sheet number:



2 ROOF PLAN
1/4" = 1'-0"



1 LEVEL 1 PLAN
1/4" = 1'-0"

GENERAL NOTES

- GRIDS ARE TO CENTERLINE OF WOOD COLUMNS.
- DO NOT SCALE DRAWINGS. DIMENSIONS SHOWN ON DRAWINGS SHALL GOVERN.
- CONTRACTOR SHALL VISIT THE PROJECT SITE AND APPRAISE THEMSELF OF EXISTING CONDITIONS AND SEQUENCES FOR INSTALLATION.
- CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS AND FIELD CONDITIONS PRIOR TO COMMENCEMENT OF WORK, AND SHALL NOTIFY THE DESIGNER IMMEDIATELY IF ANY CONFLICTS OF DISCREPANCIES OCCUR.
- MATERIALS AND NOTES COMMON TO SEVERAL DRAWINGS MAY BE NOTED ON ONLY ONE DRAWING. CONTRACTOR SHALL BE RESPONSIBLE FOR ENTIRE SET OF DOCUMENTS.
- REFERENCES SHOWN ON DRAWINGS DO NOT NECESSARILY INDICATE ALL LIKE CONDITIONS AND DO NOT LIMIT APPLICATION OF DRAWING OR DETAIL. WHERE SPECIFIC DIMENSIONS, DETAILS, OR DESIGN INTENT CANNOT BE DETERMINED, CONSULT THE DESIGNER PRIOR TO PROCEEDING WITH WORK.
- CONTRACTOR SHALL MAINTAIN CLEAN AND PRESENTABLE WORK AND STORAGE AREAS, AND SHALL NOT ALLOW ANY MATERIAL AS A RESULT OF DEMOLITION OR CONSTRUCTION TO ACCUMULATE.
- PRIOR TO COMMENCEMENT OF ANY OPERATION, EACH CONTRACTOR SHALL EXAMINE WORK PERFORMED BY OTHERS TO WHICH HIS OR HER WORK ADJOINS OR IS APPLIED, AND REPORT TO THE ARCHITECT ANY CONDITIONS PREVENTING SATISFACTORY ACCOMPLISHMENT OF THEIR WORK. STARTING WORK OF ANY OPERATION SHALL INDICATE ACCEPTANCE OF CONDITIONS.
- UPON COMPLETION OF WORK, CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS. ALL AREAS AFFECTED BY THE PROJECT SHALL BE DELIVERED CLEAN, WHOLE, AND FIT FOR IMMEDIATE OCCUPANCY.
- THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PAYING FOR ALL PERMITS REQUIRED AND FOR THE SCHEDULING OF ALL REQUIRED INSPECTIONS DURING THE COURSE OF THE PROJECT.



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project title
Lake Superior Zoo Pavilion

sheet title:
LEVEL 1 PLAN & ROOF PLAN

sheet number:

A101

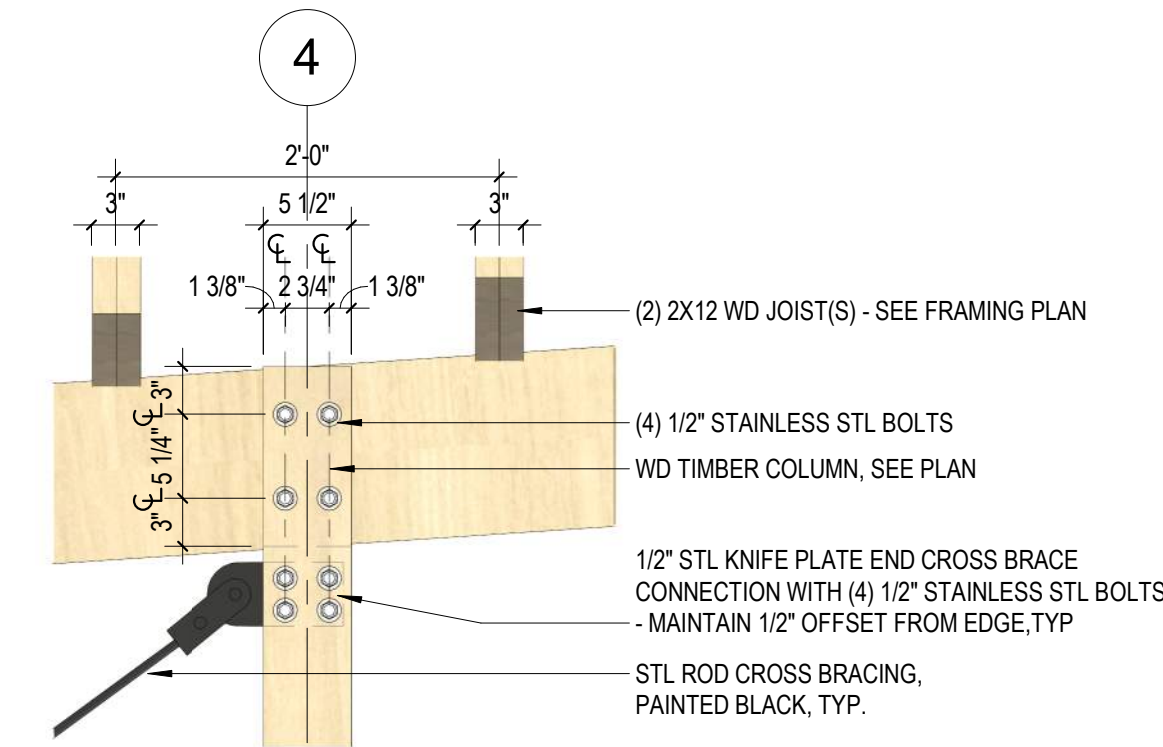


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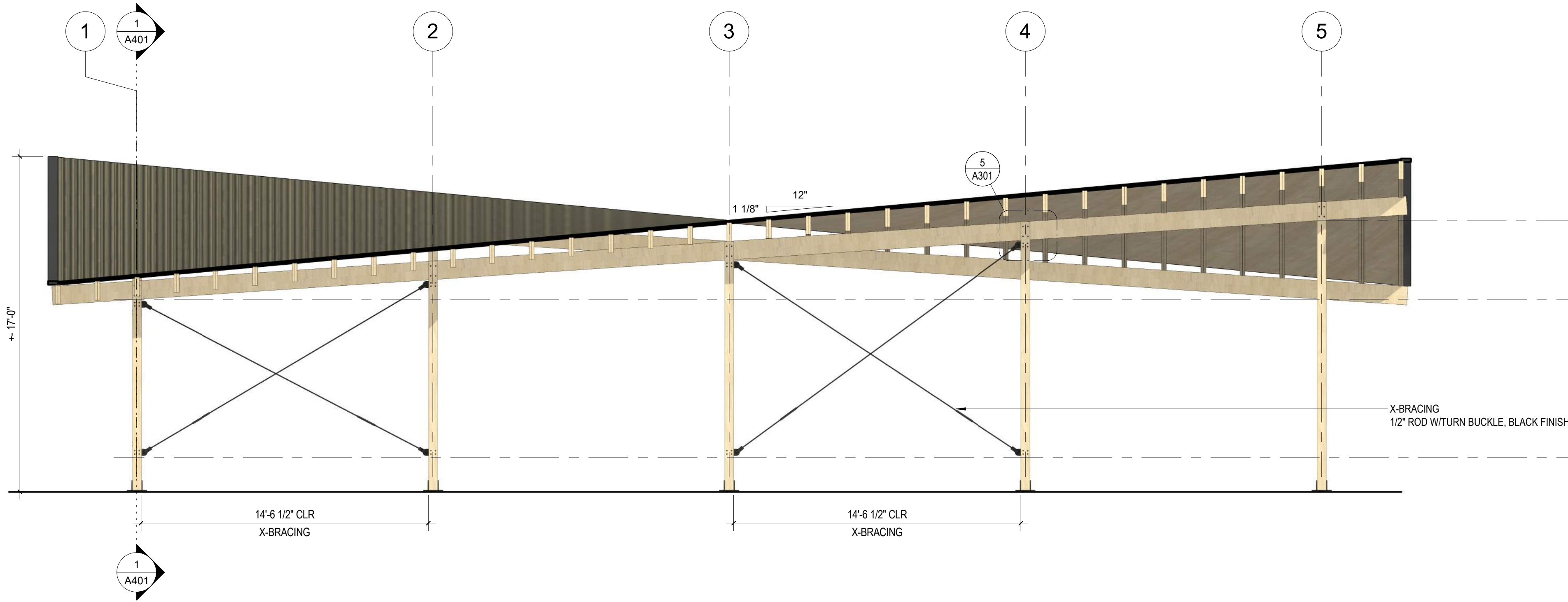
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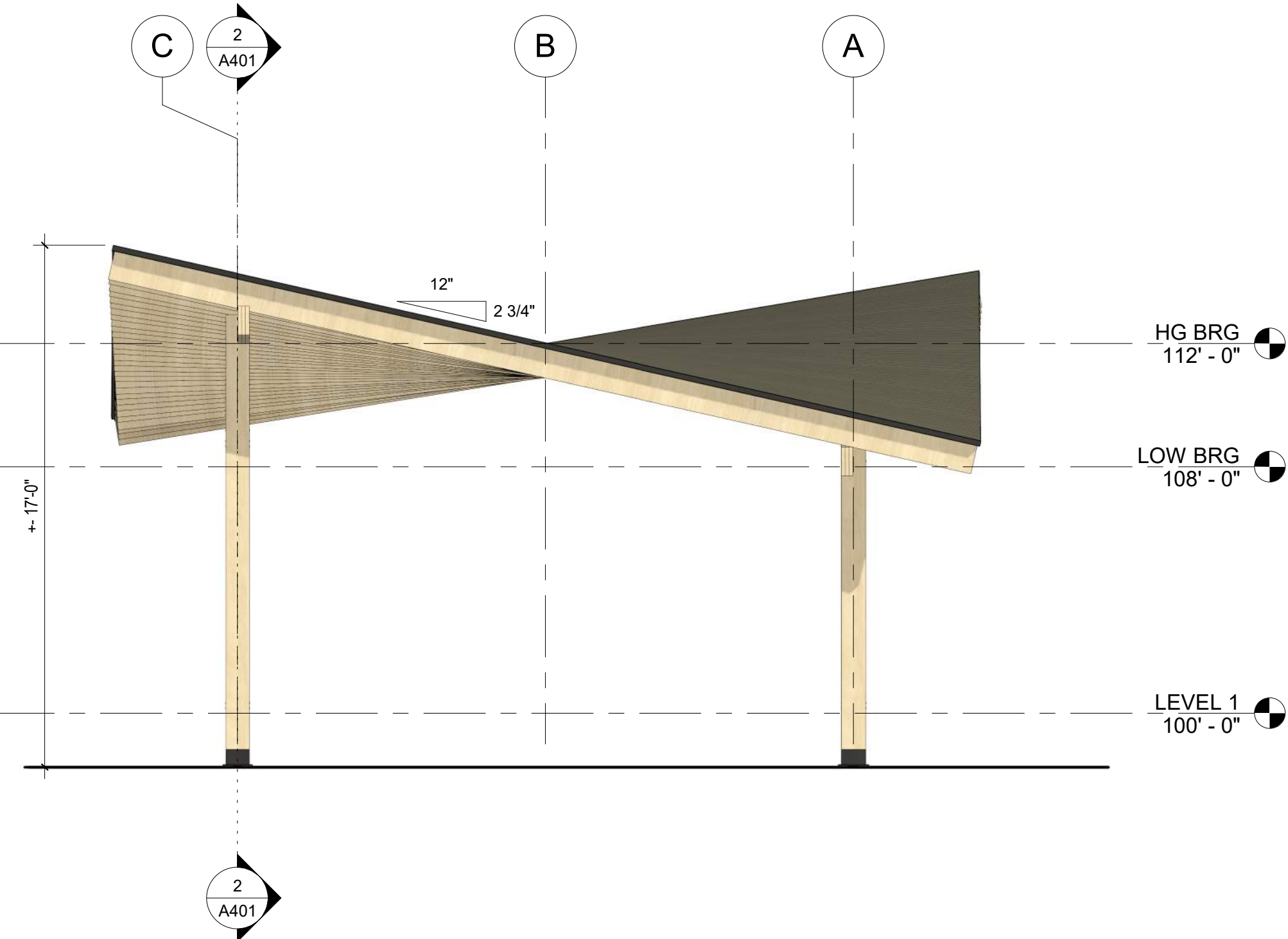
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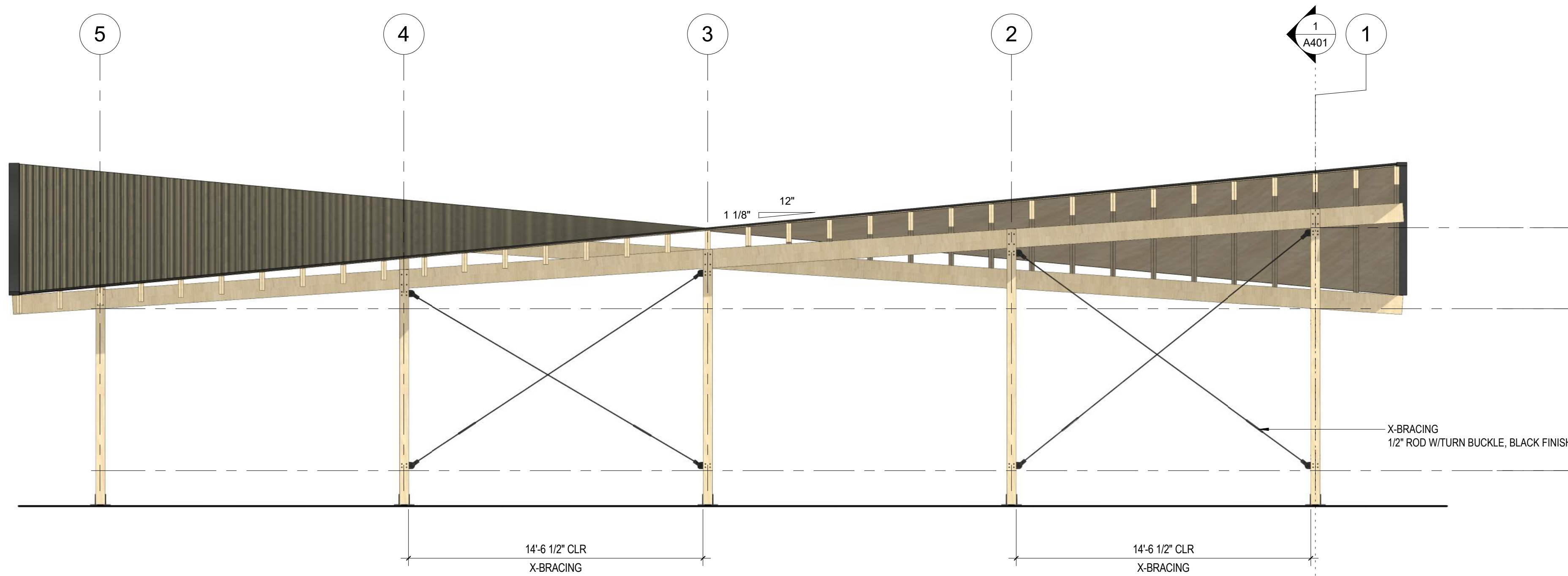
5 TYP CONNECTION ELEVATION
1" = 1'-0"



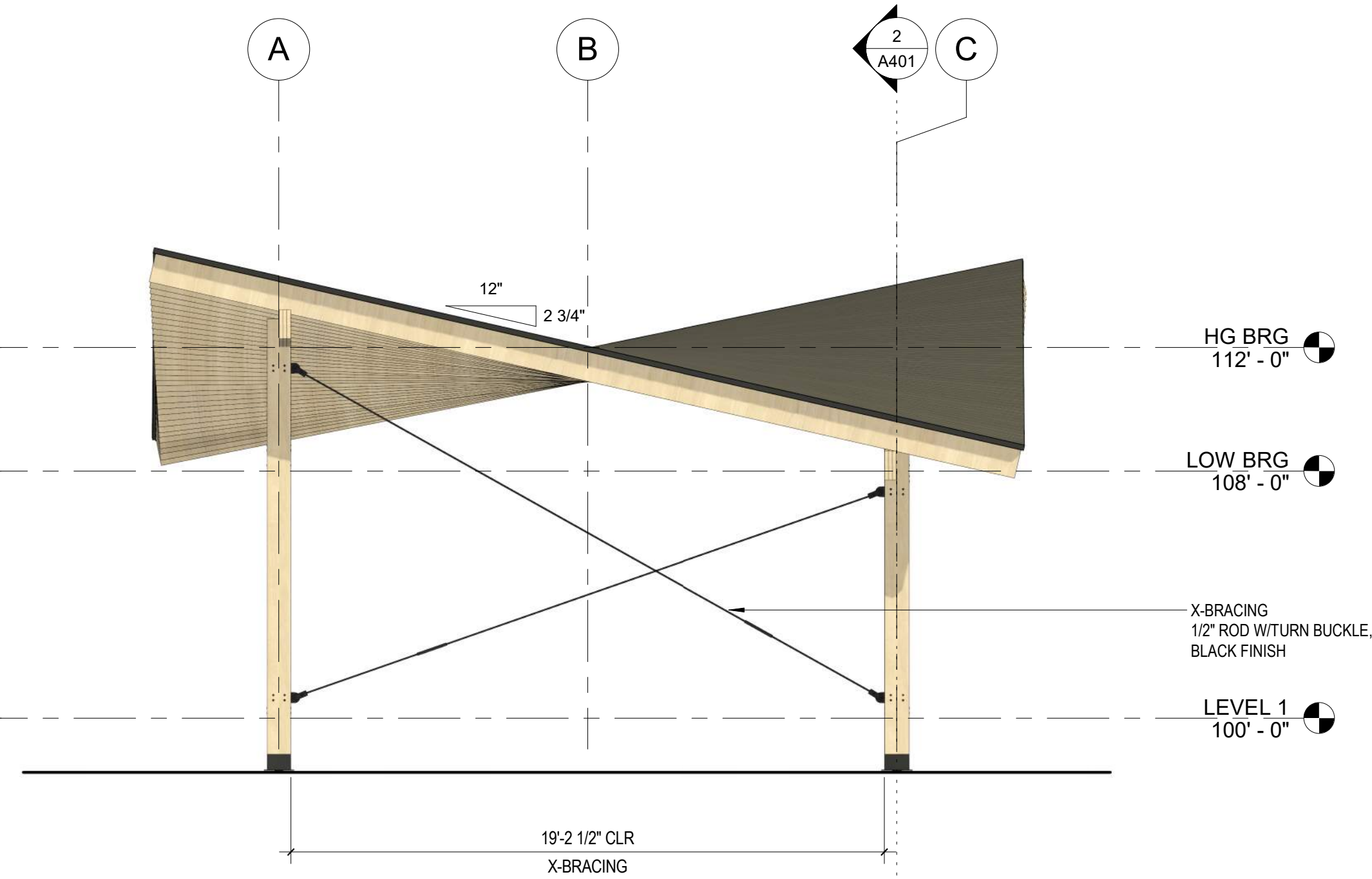
4 SOUTH ELEVATION
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



3 NORTH ELEVATION
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

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project title
Lake Superior Zoo Pavilion

sheet title:
EXTERIOR ELEVATIONS

sheet number:

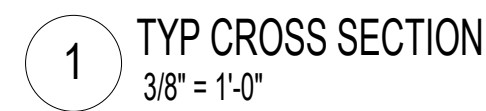
A301



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DRAWN	JK
CHECKED	DJ

project title
Lake Superior Zoo
Pavilion

Sheet title:

BUILDING SECTIONS

sheet number

A401



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project title
Lake Superior Zoo Pavilion

sheet title:
SITE PLAN

sheet number:

EX-1



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 – front yard setback in an R-1"):

Variance request for relief from Natural Resources Overlay Table 50.18.1. D-1: Minimum Shoreland Area Standards, to locate the proposed structure at a reduced Ordinary High Water Level setback from Kingsbury Creek where a minimum of 150'-0" is required.

1. Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:

Kingsbury Creek is a naturally occurring stream running through the site which creates a 150'-0" setback from all new, proposed structures. In addition to Kingsbury Creek, the topography in the buildable areas exceed 25% and is heavily vegetated with mature trees and natural shrubbery. Locating the structure outside of the allowable setback would increase site disturbance, significantly altering the hydrology of the site, vegetated cover, and increase soil disturbance and erosion potential by locating it on a steep site and lack accessibility.

2. Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:

The natural conditions caused by the shoreland setback from Kingsbury Creek running through the middle of the site significantly reducing buildable area, the natural existing heavy tree cover, and natural steep slope of the landscape create the need for relief.

3. Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:

Siting the structure that supports an accessible route and balances disruption to the site while still providing accessibility. The existing site has a location that is void of mature healthy trees, reduced slope in the existing topography, and provides an opportunity for an accessible path while still maintaining 75'-0" from the OHWL.

4. Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:

The proposed location of the Pavilion reduces vegetation impact while maintaining a setback of 75' from the OHWL, it provides an accessible route, it reduces impacts to the surrounding landscape, it is sited to avoid tree removal of mature trees, and the proposed structure fits into the landscape where the site is relatively flat and has no mature trees. We are building what the landscape is offering us and it balances the ecology of the landscape and the built environment need for humans.

5. Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:

The proposed Pavilion is consistent with the the current land use and property. It is not adjacent to any property lines, it is located within the zoo property, and it is not causing undue harm to the inhabitants of the city.

6 Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:

The proposed Pavilion is consistent with the zoning code of the property and character of the neighborhood. The intent of the Pavilion is to add more amenities to the Zoo that is not out of character and to make those amenities accessible.

Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?

Yes No

Discuss what subsections are applicable and how this request meets those:

L. Standards for Variances in Shorelands: To locate the proposed structure at a reduced Ordinary High Water Level setback from Kingsbury Creek where a minimum of 150'-0" is required.

The reduced setback is proposed to be 75'-0" from the OHWL and is in conformance with the intent of the UDC. The proposed location of the Pavilion reduces vegetation impact, it provides an accessible route, it reduces impacts to the surrounding landscape, it is sited to avoid tree removal of mature trees, and the proposed structure fits into the landscape where the site is relatively flat and has no mature trees.

Locating the structure outside the allowable setback would increase site disturbance, significantly altering the hydrology of the site, vegetated cover, and increase soil disturbance and erosion potential by locating it on a steep site and lack accessibility.

Lake Superior Zoo - Pavilion

Speldrich, Bri (DNR) <Brianna.Speldrich@state.mn.us>
To: Jacob Zikmund <jzikmund@doublejackdesign.com>
Cc: Glenn Plante <glenn@bpbbuildersllc.com>

Mon, Nov 13, 2023 at 11:52 AM

Hi Jacob,

Thanks for reaching out for a DNR ordinary high water level (OHWL) estimate to determine the appropriate setback for a new structure at the Lake Superior Zoo. The OHWL is an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence on the landscape; for watercourses it is the top of the bank of the channel. The initial proposed location looks like it was determined using the stream centerline, so the structure will need to be setback further than initially proposed.

The estimated OHWL is shown with the black hatched line on the image below. This was estimated using contours derived from lidar, a 1-m DEM, review of aerial imagery back to 1990, and a site visit. During the site visit I put a couple of orange flags in the ground to mark the approximate location of the OHWL. Those flags should correspond with the line shown on the image below. I extended the OHWL back to the bank of a rocky channel that does not currently have water in it. Based on the characteristics of that channel and aerial imagery observations, the stream has inundated the channel in the past and it is hydraulically connected to the trout stream.

I observed some orange flagging tape when I was on-site and ADA access was mentioned. Please ensure to check with the City of Duluth about any new impervious surface if you haven't done so already. I believe the setback for that is 75 ft.

Thanks and let me know if you have questions.





Bri Speldrich

Area Hydrologist | Ecological and Water Resources

she/her/hers

Minnesota Department of Natural Resources

525 Lake Ave S, Suite 415

Duluth, MN, 55802

Phone: 218-302-3246

Email: brianna.speldrich@state.mn.us

mndnr.gov





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 24-014	Contact	John Kelley, jkelley@duluthmn.gov			
Type	MU-C Planning Review	Planning Commission Date		March 12, 2024		
Deadline for Action	Application Date	February 6, 2024	60 Days	April 6, 2024		
	Date Extension Letter Mailed	February 16, 2024	120 Days	June 5, 2024		
Location of Subject		3 West Central Entrance				
Applicant	Superior Choice Credit Union	Contact				
Agent	HTG Architects	Contact				
Legal Description		010-0890-10490				
Site Visit Date		March 1, 2024	Sign Notice Date		February 27, 2024	
Neighbor Letter Date		February 23, 2024	Number of Letters Sent			

Proposal

Construction of 2,005 square foot building for a Superior Choice Credit Union (bank) and associated site improvements including 10 parking stalls.

Recommended Action: Approve with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Vacant land	Central Business Secondary
North	MU-C	Vacant land	Central Business Secondary
South	MU-C	Kwik Trip	Central Business Secondary
East	R-2	Pennel Park	Open Space
West	MU-C	Commercial	Central Business Secondary

Summary of Code Requirements:

50-15.3.E MU-C District – Planning review by the Planning Commission is required for most development and redevelopment. Development Standards:

1. The location, size and number of curb cuts shall be designed to minimize traffic congestion or hazard in the area. Any traffic control improvements required as a result of the proposal such as traffic signals, turning lanes, medians, signage and other types of improvements necessary to accommodate traffic flow to and from the proposed project shall be paid for by the property owner. Any additional right-of-way or easements needed shall be provided by the property owner at no cost to the city;
 2. Any necessary public easements over the subject property shall be dedicated, and any necessary improvements within such easements or other easements adjacent to the subject property shall be made.
- 50-18.1 Shoreland, Flood Plains, Wetlands, Stormwater.
 50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations.
 50-24 Parking and Loading – Addresses required parking spaces, loading docks, and snow storage.

50-25 Landscaping and Tree Preservation – Landscaping requirements and tree preservation
 50-26 Screening, Walls, and Fences – Screening of equipment, loading areas, etc., plus fences & retaining walls.
 50-29 Sustainability Standards – Sustainability point system for new development.
 50-30 Design Standards – Building standards for multi-family, commercial, institutional, and industrial buildings.
 50-31 Exterior Lighting – Directs the minimum and maximum illumination values and lighting fixtures for a site.
 50-37.11 Planning Review – Planning Commission shall approve the Planning Review or approve it with modifications, if it is determined that the application complies with all applicable provisions of this Chapter.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principles:

Principle # 1- Reuse of previously developed lands: this proposal is making improvements to an existing site in a business district.

Principle #5 - Promote reinvestment in neighborhoods: this proposal is utilizing an existing site to bring a new business to a business district.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

History:

The property has been vacant for a number of years.

Review and Discussion Items:

Staff finds:

1. The applicant is proposing to construct a new 2,005 square foot building for a credit union baking facility. A bank is a permitted use under the Mixed-Use Commercial (MU-C) zoning district.
2. As demonstrated with the governing principles above as well as the future land use of Central Business Secondary, this proposal meets the goals of the comprehensive plan.
3. UDC Sec 50-20.3.E (Use Specific Standards -Bank). The site plan shows two drive-through lanes on the east side of the building. Screening has been provided along Arlington Avenue for the drive-through lanes. The drive-through lanes must adhere to the hours of operation outlined in UDC Sec 50-20.3.E for banks.
4. UDC Sec. 50-24 (Parking and loading). The site plan indicates the maximum allowed 10 parking stalls.
5. UDC Sec. 50-25 (Landscaping and Tree Preservation). As the lot is less than 25 stalls, the only applicable landscaping requirement for the parking lot is 30% tree canopy coverage; applicant is proposing 36 % as shown in the attached plans. The landscaping plan depicts the required 7 street frontage trees. One of the trees required along West Central Entrance has been moved to the Arlington Avenue street frontage due to underground infrastructure and dimensional spacing of trees. The applicant is providing the required street frontage shrubs.
6. UDC Sec. 50-26 (Screening, Walls and Fences). The site plan does not depict an enclosure for garbage/recycling containers. No exterior mechanicals are proposed in the site plan, but any added will be required to be screened.
7. UDC Sec. 50-29 (Sustainability Standards). Does not apply as the structure is under 10,000 square feet.
8. UDC Sec. 50-30 (Building Design Standards). The proposed structure meets these requirements for wall articulations, roof design, and glazing.
9. UDC Sec. 50-31 (Exterior Lighting). Staff recommends a photometric plan and light fixture cut sheets be provided at time of building permit application.
10. As demonstrated by the above findings, this proposal meets all application provisions of the UDC.
11. The proposed bank will not result in a random pattern of development or have anticipated negative fiscal or environmental impacts.
12. No public comments were received.
13. The City did receive the following agency comments: MnDOT - The development on Central Entrance (PL24-014) will require an access permit from MnDOT and St. Louis County Engineering office - No additional access will be granted for this development onto Arlington Ave. According to the planning documents, it appears the developer will utilize the existing access onto Central Entrance and the alleyway. No City or public comments were received.
14. Per UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized is not begun within one year, which may be extended for one additional year at the discretion of the Land Use Supervisor.

Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission approve the Planning Review with the following conditions:

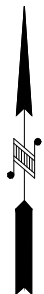
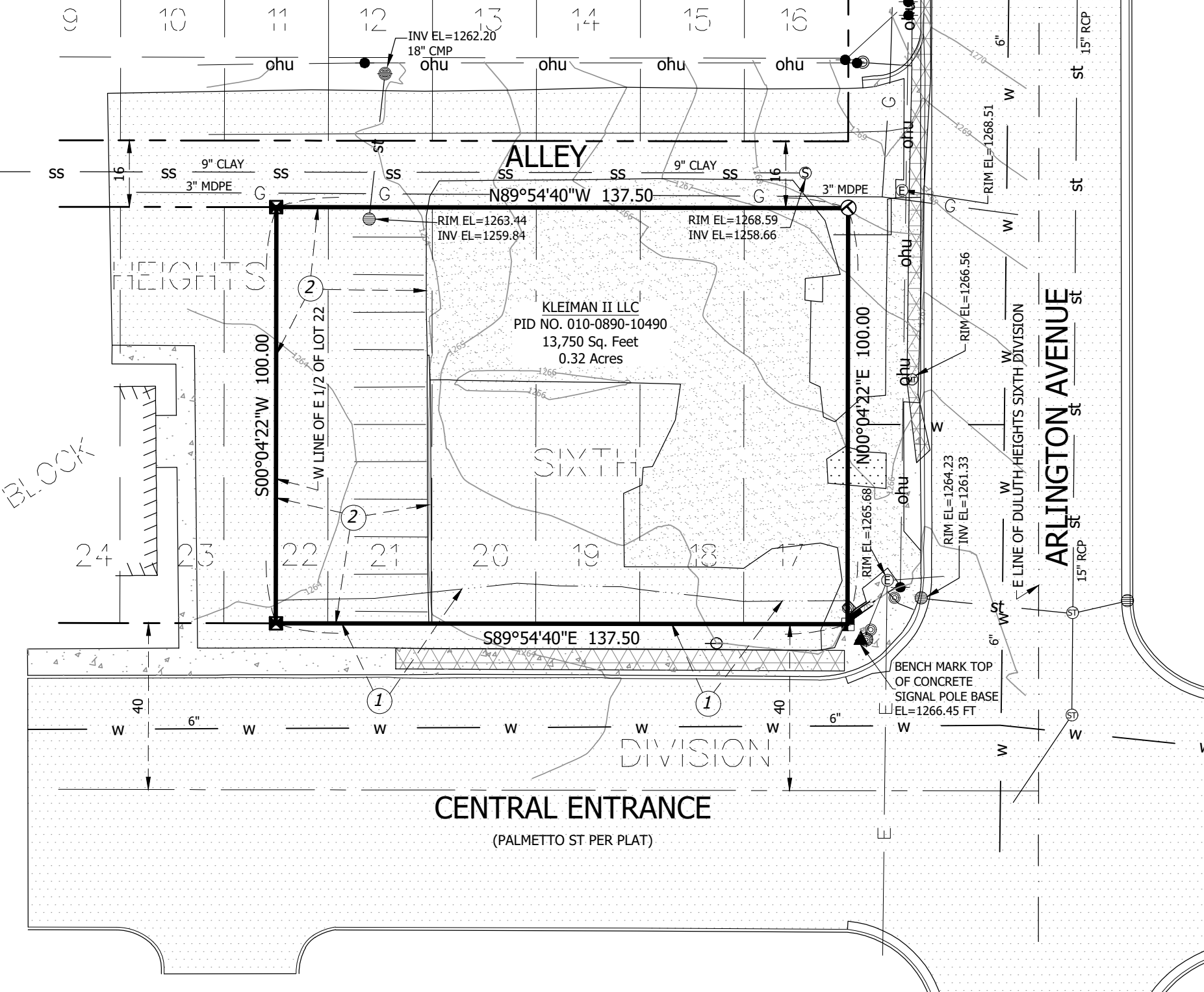
1. Applicant shall construct and maintain the project as identified in the attached exhibits.
2. If garbage and recycling will be stored outside, applicant shall provide required screening; this shall be confirmed and approved at the time of building permit application.
3. Applicant shall provide a photometric plan and light fixture cut sheets be provided at time of building permit application.
4. 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, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



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.



DULUTH



0 30
SCALE IN FEET

LEGAL DESCRIPTION PER DOCUMENT NO. 1049389
Lots 17, 18, 19, 20, 21 and the East Half of Lot 22, Block 33,
DULUTH HEIGHTS 6TH DIVISION, St. Louis County, MN

UNDERGROUND UTILITIES NOTES

- UTILITIES SHOWN HEREON, HAVE BEEN PREPARED, IN PART, ON THE BASIS OF INFORMATION COMPILED AND FURNISHED BY OTHERS. THE SURVEYOR, ENGINEER AND ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH HAVE BEEN INCORPORATED INTO THIS DOCUMENT AS A RESULT.
- UNDERGROUND UTILITIES SHOWN ON THE SURVEY ARE BASED IN PART ON MARKINGS PROVIDED BY GOPHER STATE ONE CALL TICKET NUMBER 233530533.
- SOME UTILITIES SHOWN ON THIS SURVEY HAVE BEEN LOCATED BY MAPS AND OR UTILITY SKETCHES PROVIDED BY UTILITY COMPANIES, CITY OR COUNTY GIS. LOCATIONS ARE APPROXIMATE.
- UTILITIES SHOWN ON THIS SURVEY ARE SHOWN FOR APPROXIMATE LOCATION ONLY AND SHOULD BE VERIFIED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- PRIVATE UTILITIES MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY. CONTACT A PRIVATE UTILITY LOCATOR FOR LOCATIONS.
- FIELD VERIFY SANITARY AND STORM SEWER PIPE SIZE AND LOCATION.

SURVEYOR'S NOTES

- EASEMENT FOR SLOPES AND FILLS PER CONDEMNATION PLAT DATED AUGUST 26, 1895 FILED AS DOCUMENT NO. 5768.
- AREA OF DRIVEWAY AND PARKING. THIS DRIVEWAY AND PARKING APPEARS TO USED BY THE BUSINESS ADJACENT AND WEST OF THE SURVEYED PARCEL SHOWN HEREON. NO EASEMENT PROVIDED OR FOUND FOR THIS DRIVEWAY AND PARKING.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
- THIS IS NOT A BOUNDARY SURVEY.
- BENCHMARK SHOWN ON SURVEY.
- DUE TO SNOW AND ICE COVERAGE, SOME FEATURES MAY NOT HAVE BEEN VISIBLE DURING THE COURSE OF THIS SURVEY.

LEGEND

	CONCRETE SURFACE		RETAINING WALL
	BITUMINOUS SURFACE		EXISTING BUILDING LINE
	GRAVEL SURFACE		UNDERGROUND ELEC
	FIBER DUCT		UNDERGROUND FIBER OPTIC
	TELECOM PEDESTAL		UNDERGROUND GAS
	TELEPHONE MANHOLE		OVERHEAD UTILITIES
	SIGN		SANITARY SEWER
	TRAFFIC SIGNAL		STORM SEWER
	POST/BOLLARD		WATER MAIN
	ELEC MANHOLE		SECTION SUBDIVISION LINE
	UTILITY POLE		CENTER LINE
	SANITARY MANHOLE		RIGHT OF WAY LINE
	STORM MANHOLE		EXISTING EASEMENT LINE
	CATCH BASIN		BOUNDARY LINE AS SURVEYED
	CULVERT		EXISTING PLAT LINE
			CONCRETE CURB & GUTTER
			BENCH MARK
			FOUND T-STAKE MONUMENT
			SET MAG NAIL
			SET GIN SPIKE
			REFER TO SURVEYOR'S NOTES

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

David R. Evanson
DATE:01-05-2024
David R. Evanson
MN License #49505

BOUNDARY & TOPOGRAPHIC SURVEY

CLIENT: SUPERIOR CHOICE CREDIT UNION REVISIONS:

ADDRESS: 3 W CENTRAL ENTRANCE,
DULUTH, MN 55811

DATE: 01-05-2024

JOB NO: 23-385

SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM

PROJECT

SUPERIOR CHOICE
CREDIT UNION

NEW BUILDING

DULUTH, MINNESOTA

ISSUED SET	
REVISIONS	
DATE	NO.

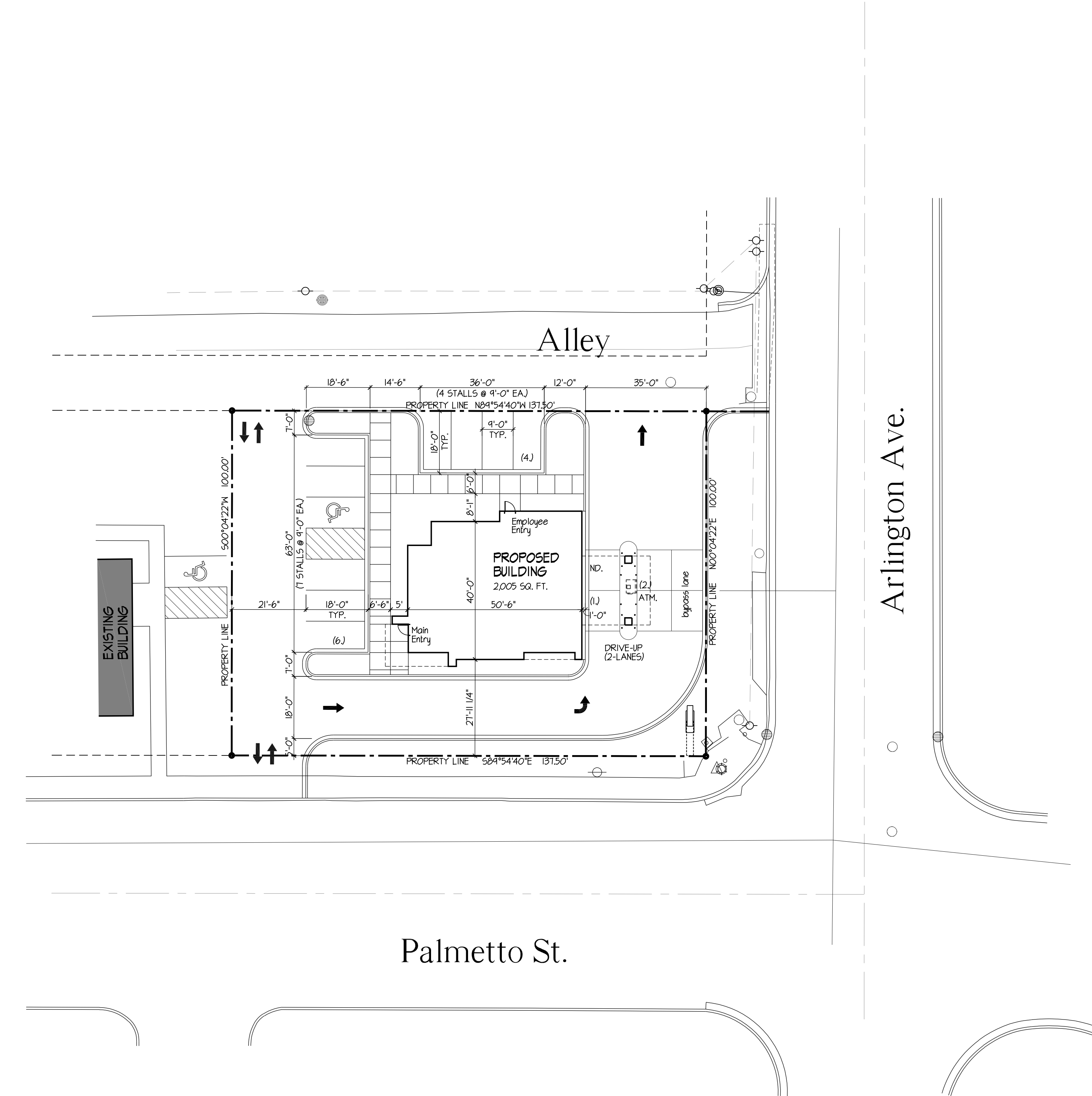
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION
OR REPORT WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION, AND THAT I AM A DULY
LICENSED ARCHITECT UNDER THE LAWS OF THE
STATE OF MINNESOTA

REG. NO.	DATE

SITE PLAN

DRAWN BY: HLH, CHECKED BY: RES.

A1.1

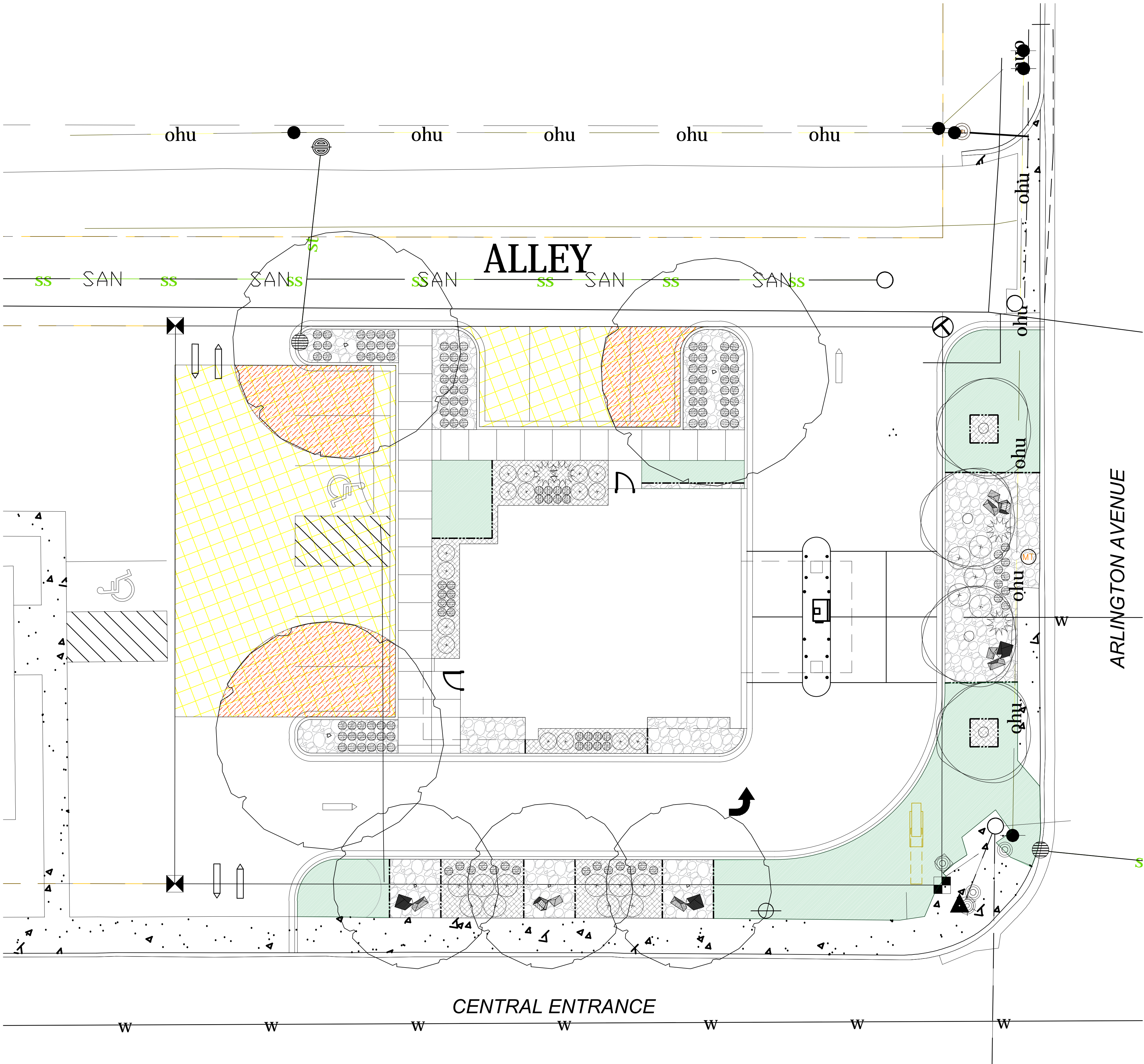


UDC CALCULATIONS

PARKING LOT SIZE:	3,152 SF (10 spaces)
INTERIOR LANDSCAPING:	3,152 SF PARKING AREA INTERNAL ISLANDS REQUIRED: 0 SF PROVIDED: NA
	1 TREE/300 SF INTERNAL LANDSCAPE AREA REQUIRED: 0 TREES PROVIDED: 0 TREES
	MINIMUM 30% TREE CANOPY REQUIRED REQUIRED: 946 SF PROVIDED: 1023 SF
STREET FRONTAGE #1 LINEAR STREET FOOTAGE:	W. CENTRAL ENTRANCE 138 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 4 TREES PROVIDED: 3 TREES
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 17 LARGE SHRUBS/GRASSES PROVIDED: 24 LARGE SHRUBS/GRASSES
STREET FRONTAGE #2 LINEAR STREET FOOTAGE:	ARLINGTON AVE. 100 LF
TREES:	1 TREE/35 FT. LINEAR FRONTAGE REQUIRED: 3 TREES PROVIDED: 4 TREES
SHRUBS:	3 LARGE SHRUBS/25 FT. LINEAR FRONTAGE REQUIRED: 12 LARGE SHRUBS/GRASSES PROVIDED: 16 LARGE SHRUBS/GRASSES
	ALL PLANT SELECTIONS WILL MEET UDC REQUIREMENTS
	ALL SHRUB PLANTING BEDS TO INCLUDE 3-4" SHREDDED HARDWOOD MULCH WITH LANDSCAPE FABRIC
	ALL DISTURBED AREAS NOT PLANTED WITH SHRUBS/ TREES ARE TO BE SODDED OR PLANTED WITH NATIVE GRASSES; SEE PLANS FOR DETAIL.

LEGEND

- PARKING LOT AREA
- PARKING LOT TREE CANOPY COVERAGE
- DECIDUOUS TREE
- LANDSCAPE EDGER
- ORNAMENTAL TREE
- EVERGREEN SHRUB
- DECIDUOUS SHRUB
- ORNAMENTAL GRASS
- BOULDERS



LANDSCAPE ARCHITECTURE

+ ASSOCIATES

WWW.SASLANDARCH.COM

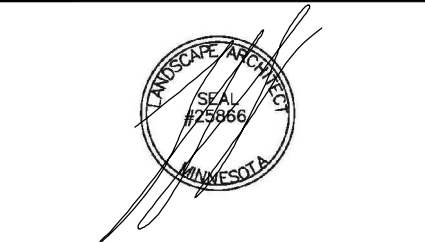
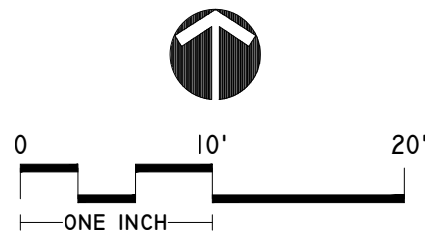
219 WEST FIRST STREET, SUITE 350
DULUTH, MN 55802
(P) 218.391.1335
MAIL@SASLANDARCH.COM

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SAS+ASSOCIATES.

ISSUE RECORD/REVISION

PURPOSE	DATE

SUPERIOR CHOICE
CREDIT UNION
3 W. CENTRAL ENTRANCE
DULUTH, MINNESOTA



SHEET TITLE
UDC LANDSCAPE PLAN

DATE: 2/29/2024

DRAWN BY: AMA

CHECKED BY: LWS

PROJECT NUMBER
24010

SHEET NUMBER
LI.0



LANDSCAPE ARCHITECTURE

+ ASSOCIATES

WWW.SASLANDARCH.COM

219 WEST FIRST STREET, SUITE 350
DULUTH, MN 55802
(P) 218.391.1335
MAIL@SASLANDARCH.COM

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ISSUE RECORD/REVISION

PURPOSE	DATE

SUPERIOR CHOICE
CREDIT UNION

3 W. CENTRAL ENTRANCE
DULUTH, MINNESOTA



SHEET TITLE
LANDSCAPE DETAILS
& NOTES

DATE: 2/29/2024

DRAWN BY: AMA

CHECKED BY: LWS

PROJECT NUMBER
24010

SHEET NUMBER

L2.0

SITE & PLANTING NOTES:

1) VERIFY EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT IMMEDIATELY. THE CONTRACTOR SHALL DETERMINE THE EXTENT OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGE

2) ALL GRADES SHALL BE SLOPED TO DRAIN AWAY FROM BUILDINGS AT 2% MINIMUM SLOPE.

3) IN THE EVENT OF A DISCREPANCY WITH PLANT QUANTITIES, THE PLAN, NOT THE PLANT LIST, SHALL GOVERN THE REQUIRED QUANTITIES. COORDINATE ALL WORK BETWEEN TRADES. NOTIFY THE PROJECT MANAGER OF ANY CONFLICTS AND DISCREPANCIES IMMEDIATELY THAT AFFECT THIS SITE WORK.

4) THE CONTRACTOR SHALL MAINTAIN A CLEAN SITE AT ALL TIMES AND SHALL BE RESPONSIBLE FOR REMOVING TRASH AND CONSTRUCTION DEBRIS FROM THE SITE ON A DAILY BASIS. THE TRACKING OF SOIL ONTO ADJOINING ROADWAYS, WALKS AND PARKING AREAS SHALL NOT BE ALLOWED.

5) ADD 3" OF SELECT PLANTING SOIL TO AREAS TO RECEIVE SOD. TILL PLANTING SOIL INTO EXISTING SOILS TO A DEPTH OF 6" PRIOR TO PLACEMENT OF PLANTING SOIL. REMOVE ALL STONES, STICKS AND OTHER DEBRIS MEASURING MORE THAN 1" FROM AREAS TO RECEIVE SOD.

6) THE TREES/SHRUBS AND SOD/SEED AREAS ARE TO BE MAINTAINED (WATERING, MOVING, FERTILIZING) UNTIL THE OWNER ACCEPTANCE AND THE WARRANTY PERIOD BEGINS.

THESE PLANTING NOTES APPLY TO ALL PLANT AND PLANT-RELATED ASPECTS OF THIS PROJECT. IF THIS PLAN SET CONTAINS A SEPARATE SET OF SPECIFICATIONS, THOSE SEPARATE SPECIFICATIONS SHALL GOVERN.

7) EVERGREEN AND DECIDUOUS TREES SHALL BE SUPPORTED WITH A SYSTEM OF HEAVY DUTY T-BAR STEEL POST STAKES, MINIMUM OF 6' IN LENGTH, WITH WHITE T-POST CAPS AND WITH 17-GAUGE GALVANIZED STEEL WIRE GUYS SECURED TO TREE WITH PROFESSIONAL-GRADE STRAPS (DARK GREEN OR BEIGE IN COLOR), SPECIFICALLY DESIGNED FOR TREE GUYING, ABOVE THE FIRST BRANCH OF DECIDUOUS TREES (4' ABOVE GRADE MINIMUM), 4' ABOVE TOP OF ROOT BALL ON EVERGREEN TREES. STAKES SHALL BE 3" MIN, 5" MAXIMUM FROM TRUNK OF TREE. TREE STRAPS TO BE USED SHALL BE SELECTED BASED ON MANUFACTURER'S RECOMMENDATION FOR THE SIZE TREE RECEIVING THE STRAPS. RUBBER HOSE SHALL NOT BE USED. WIRE TO BE TAUT BUT NOT OVER-TIGHT. TREE GUYING SHALL NOT PREVENT TREE FROM SLIGHT SWAYING UNDER NORMAL ENVIRONMENTAL CONDITIONS, WHICH HELPS DEVELOP ROOT AND TRUNK STRUCTURE. FLAG EACH WIRE WITH WHITE PLASTIC FLAGGING TAPE CENTERED ON WIRE. ADD ADDITIONAL FLAG ON WIRES GUYING EVERGREENS 12" ABOVE IN-GROUND STAKE.

8) CONFERS TO HAVE 2 STEEL POST STAKES, WIRES AND STRAPS FOR TREES 6' IN HEIGHT AND LESS, 3 STEEL POST STAKES, WIRES AND STRAPS FOR TREES ABOVE 6' IN HEIGHT. DECIDUOUS TREES TO HAVE 2 STEEL POST STAKES, WIRES AND STRAPS FOR TREES 2-1/2" CALIPER AND LESS, 3 STAKES, WIRES AND STRAPS ABOVE 2-1/2" CALIPER. ONE STAKE SHALL BE ORIENTATED IN THE DIRECTION OF THE PREVAILING WINDS. REMOVE STAKES, GUY WIRES, STRAPS, AND FLAGGING AFTER 1 YEAR FROM DATE OF INITIAL ACCEPTANCE, OR WHEN DIRECTED BY OWNER OR OWNER REPRESENTATIVE.

9) EACH TREE OR SHRUB, WHETHER CONTAINERIZED OR BALLED AND BURLAPPED, SHALL HAVE THE ROOT FLAIR EXPOSED AND SOIL ABOVE THE LEVEL OF THE ROOT FLAIR REMOVED. SET TREE IN PLANTING PIT WITH ROOT FLAIR 1" ABOVE SURROUNDING SOIL SURFACE. THE PLANTING PIT FOR EACH TREE OR PLANT SHALL BE MEASURED, DUG, VERIFIED AND MODIFIED AS NEEDED TO OBTAIN THE PROPER DEPTH FOR EACH INDIVIDUAL PLANT.

10) TREE SHALL ONLY BE MOVED BY THE BALL / WIRE BASKET, PLUMB TREE ONLY BY THE ROOT BALL. DO NOT PLUMB TREE BY OVERLY / AGGRESSIVELY PULLING OR PUSHING ON TRUNK OR BRANCHES.

11) AFTER TREE HAS BEEN SET IN THE PLANTING PIT TO PROPER GRADE AND PLUMBED, REMOVE TOP 1/3 OF WIRE BASKET. REMOVE TWINE OR ROPE HOLDING BURLAP OR PLASTIC AROUND ROOT BALL. REMOVE AS MUCH PLASTIC WRAPPING OR TREATED BURLAP AS POSSIBLE. IF REGULAR BURLAP CONTAINS THE ROOT BALL, BACKFILL 1/3 OF PIT, REMOVE TOP 1/3 OF BURLAP AND COMPLETE BACKFILL. SOIL SHALL BE SETTLED AROUND ROOT BALL TO REMOVE LARGE AIR VOIDS WITH WATER. BACKFILL SHALL NOT BE PLACED ON TOP OF ROOTBALL.

12) CARE SHALL BE TAKEN TO INSURE BALL REMAINS INTACT WITH MINIMAL DISTURBANCE TO THE INTEGRITY OF THE SOIL BALL AND / OR TREE ROOTS. SOIL BALLS OF TREES WHICH ARE DEEMED BY THE OWNER OR OWNERS REPRESENTATIVE TO NOT BE OF ADEQUATE INTEGRITY, OR TRUNKS WHICH ARE LOOSE FROM THEIR SOIL BALLS, BEFORE OR AFTER BEING PLACED INTO THE PLANTING PIT, MAY BE REJECTED. CONTRACTOR SHALL PROMPTLY REMOVE REJECTED PLANT MATERIAL FROM SITE AND REPLACE WITH PLANT MATERIAL ORIGINALLY SCHEDULED. INSTALL AS ORIGINALLY SPECIFIED.

- 13) THE FOLLOWING SHALL APPLY TO TREES BEING TRANSPLANTED FROM WITHIN THE PROJECT SITE:
- A. VERIFY WITH OWNER ALL PLANTS TO BE TRANSPLANTED PRIOR TO BEGINNING WORK.
 - B. STAKE PLANT LAYOUT FOR ADJUSTMENT AND APPROVAL PRIOR TO TRANSPLANTING.
 - C. SUBMIT SCHEDULE AND PROPOSED TRANSPLANT METHODS FOR APPROVAL PRIOR TO COMMENCING WORK. LANDSCAPE ARCHITECT TO BE PRESENT ON SITE WHEN TRANSPLANTING TAKES PLACE.
 - D. ROOTBALL SIZE: MINIMUM 10-INCHES IN DIAMETER PER 1-INCH TREE CALIPER.
 - E. APPLY FERTILIZATION 30-45 DAYS AFTER INSTALLATION.

14) PLANTING SOIL BACKFILL SHALL BE COMPRISED OF THE FOLLOWING -- TOPSOIL - TOPSOIL IS DEFINED AS FRIABLE LOAM SURFACE SOIL. SATISFACTORY TOPSOIL SHALL BE FREE OF SUBSOIL, LUMPS, STONES AND OTHER MATTER OVER 1" IN DIAMETER; WITHOUT WEEDS, ROOTS, OR OTHER OBJECTIONABLE MATERIAL.

15) STRIPPING: UNLESS OTHERWISE RECOMMENDED IN SOIL REPORT, STRIP TOPSOIL, IF EXISTING, FROM AREA(S) TO BE GRADED OR PLANTED, TO WHATEVER DEPTHS ENCOUNTERED IN MANNER TO PREVENT INTERMINGLING WITH UNDERLYING SUBSOIL OR OTHER OBJECTIONABLE MATERIAL. STRIPPED TOPSOIL MAY BE RE-USED ON THIS PROJECT IF TESTING CONFIRMS IT IS IN COMPLIANCE WITH THE SPECIFICATIONS BELOW FOR LOAM TOPSOIL BORROW.

17) TOPSOIL (IMPORTED OR EXISTING REUSED ON SITE) SHALL CONFORM WITH TABLE BELOW, FOR LOAM TOPSOIL BORROW TO BE USED AS A TURF AND PLANT GROWING MEDIUM. COORDINATE FURNISHING AND PLACING WITH OTHER OPERATIONS.

	MINIMUM	MAXIMUM
MATERIAL PASSING 3/4 IN (19.0 MM)	100%	
MATERIAL PASSING NO.4 (4.75 MM)	≥90%	
CLAY	5%	30%
SILT	10%	60%
SAND & GRAVEL	15%	60%
ORGANIC MATTER	8%	15%
PH	6.1	7.5

COORDINATE FURNISHING AND PLACING WITH OTHER OPERATIONS.

- 1) UPON COMPLETION OF ROUGH GRADING, SUB-GRADE SHALL BE PREPARED. SURFACE SHALL BE LOOSENEED BY ROTOTILLING TO MINIMUM DEPTH OF 6", AND MATERIALS OVER 1" IN LARGEST DIMENSION SHALL BE REMOVED.
- 2) AFTER COMPLETION OF SUB-GRADE PREPARATION, PLACE MINIMUM 4" SETTLED MEASURE DEPTH OF TOPSOIL OVER ENTIRE AREA TO RECEIVE SOD UNLESS OTHERWISE NOTED. SMOOTH GRADE TO WITHIN 1-3/4" OF FINISH GRADE AFTER SETTLEMENT TO ELIMINATE IRREGULARITIES. FINISHED GRADE SHALL BE SET SUCH THAT NEW SOD SURFACE IS 1" BELOW FINISHED SIDEWALK OR BACK OF CURB EDGE.
- 3) INTERMIX TOPSOIL MIXTURE WITH LOOSENEED SUB-GRADE BY MEANS OF A ROTOTILLER.
- 4) "PLANTING SOIL" FOR ALL PLANT MATERIAL (EXCLUDING SOD), SHALL BE 50% NATIVE SOIL THOROUGHLY INTERMIXED WITH 50% SPECIFIED TOPSOIL.

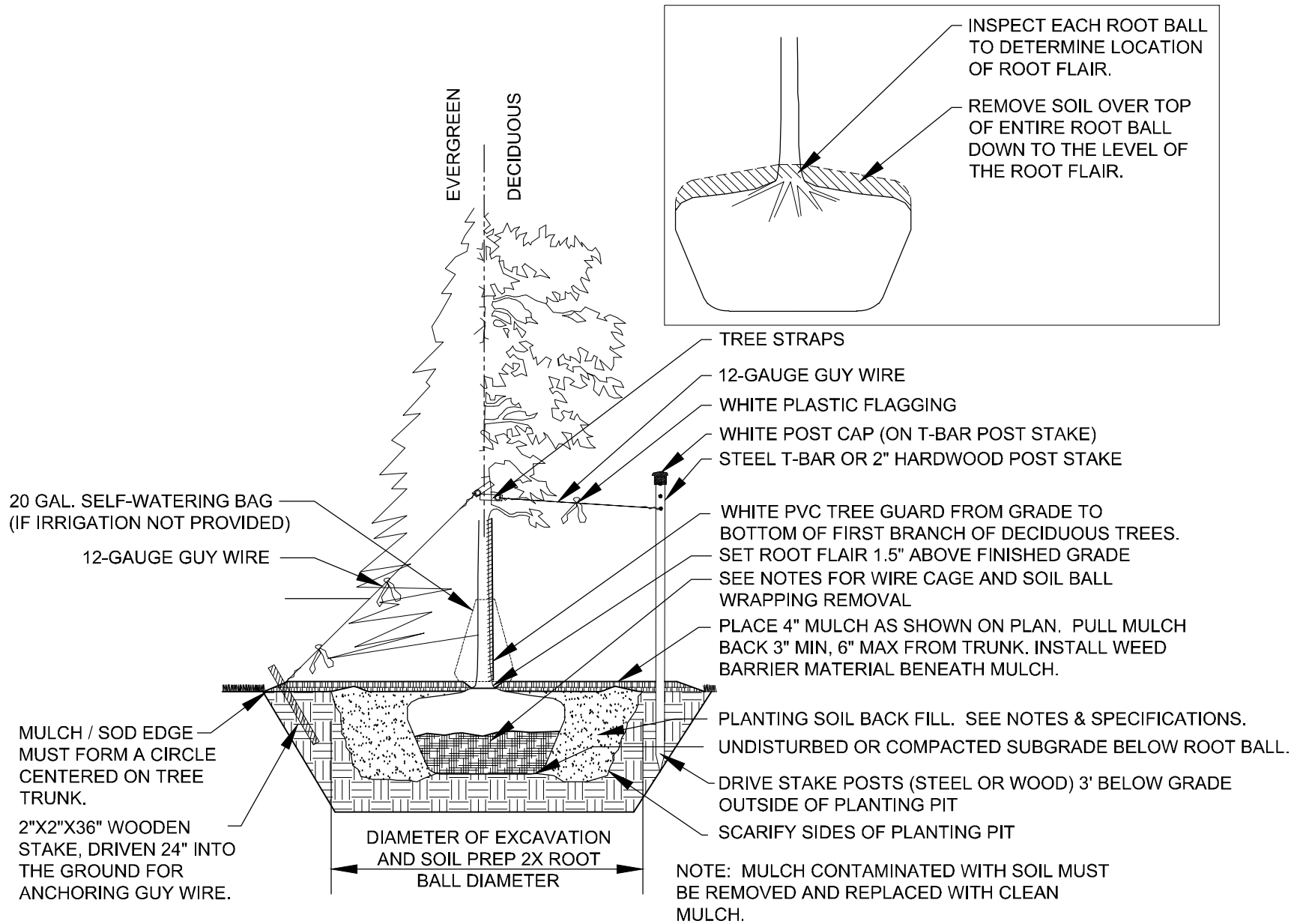
18) CONFORM WITH MNDOT SPECIFICATIONS FOR SEED MATERIALS, FURNISHING MIXTURE AND BLEND OF AT LEAST TWO OF THE FOLLOWING BLUEGRASS VARIETIES, WITH MINOR QUANTITIES OF RED TOP, PERENNIAL FESCUE OR PERENNIAL RYEGRASS: RUGBY, PARADE, GLADE, ADELPHI, BARON, AQUILLA AND PARK (ALL BLUEGRASS VARIETIES). RATE OF SEED APPLICATION SHALL BE 5 LBS. PER 1,000 SQ. FT.

19) FABRIC WEED BARRIER - SHALL BE A 4 OZ. SPUNBONDED NON-WOVEN POLYESTER FABRIC, MIRAFI, INC. - MIRASCAPE LANDSCAPE FABRIC OR APPROVED EQUAL. PROVIDE SAMPLE TO OWNERS REPRESENTATIVE FOR APPROVAL. BEDS WITH HARDWOOD MULCH DO NOT RECEIVE WEED CONTROL FABRIC.

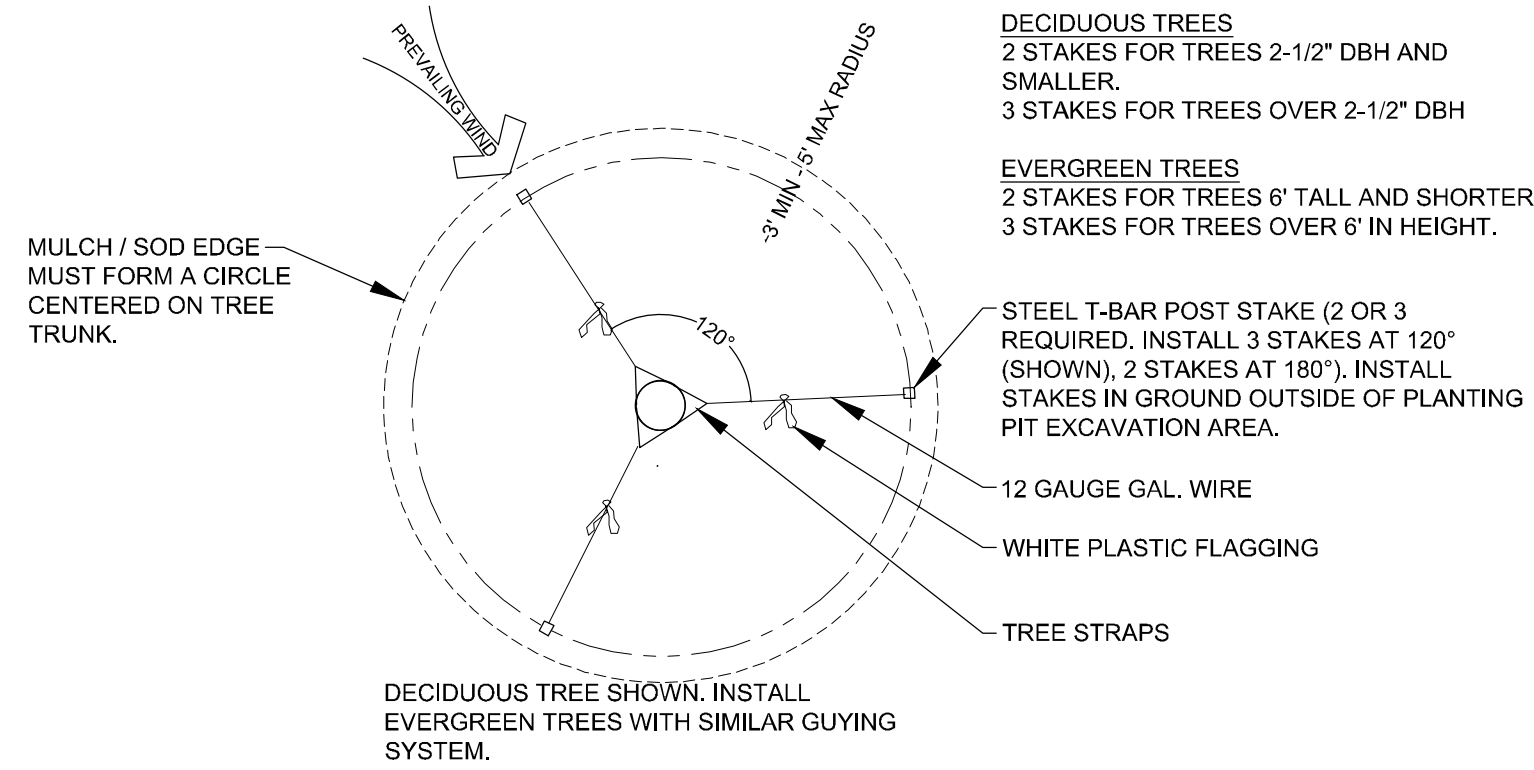
20) MULCH SHALL BE SHREDDED HARDWOOD MULCH UNDER ALL SHRUB/ ORNAMENTAL GRASS/ TREE PLANTING AREAS AS NOTED ON PLAN AND/ OR DETAILS; MINIMUM 4" THICKNESS. SUBMIT SAMPLE FOR APPROVAL.

21) ROCK MULCH TO BE 1-1/2" LOCAL ROUND ROCK TO COMPLEMENT BUILDING EXTERIOR. ROCK MULCH AREAS TO RECEIVE WEED BARRIER FABRIC AND HAVE A MINIMUM DEPTH OF 3". SUBMIT SAMPLE FOR APPROVAL.

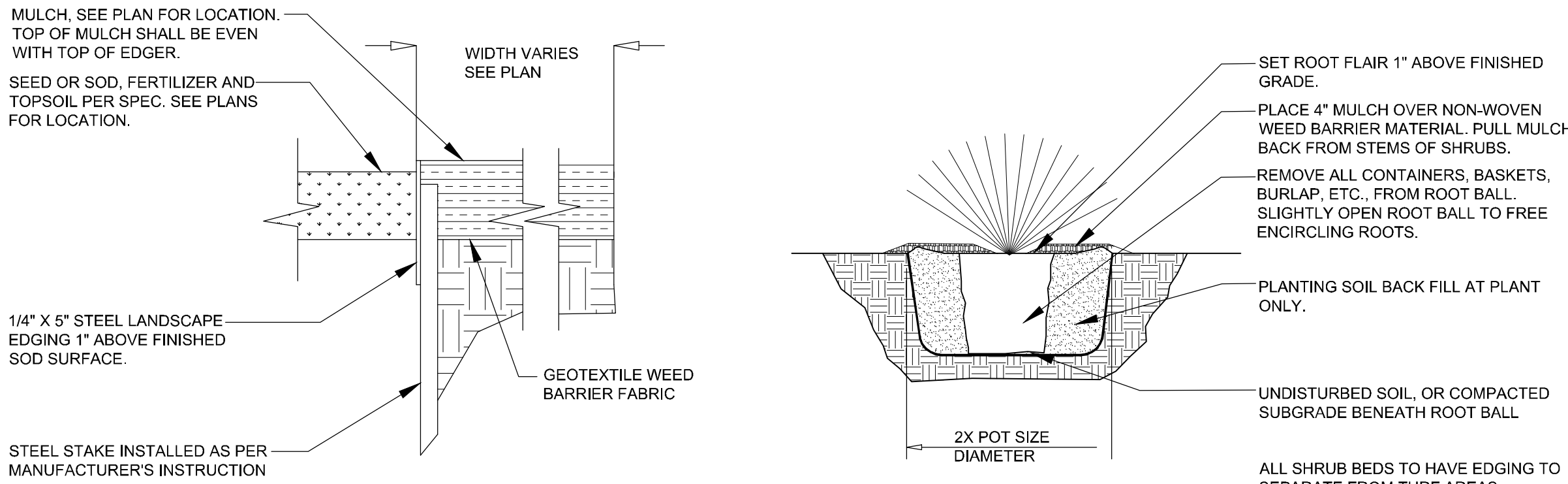
22) METAL EDGING SHALL BE 1/4" x 5" STEEL LANDSCAPE EDGING PAINTED BLACK. EDGING SHALL BE AS MANUFACTURED BY SURE-LOC CORP (1-800-787-3562) OR APPROVED EQUAL.



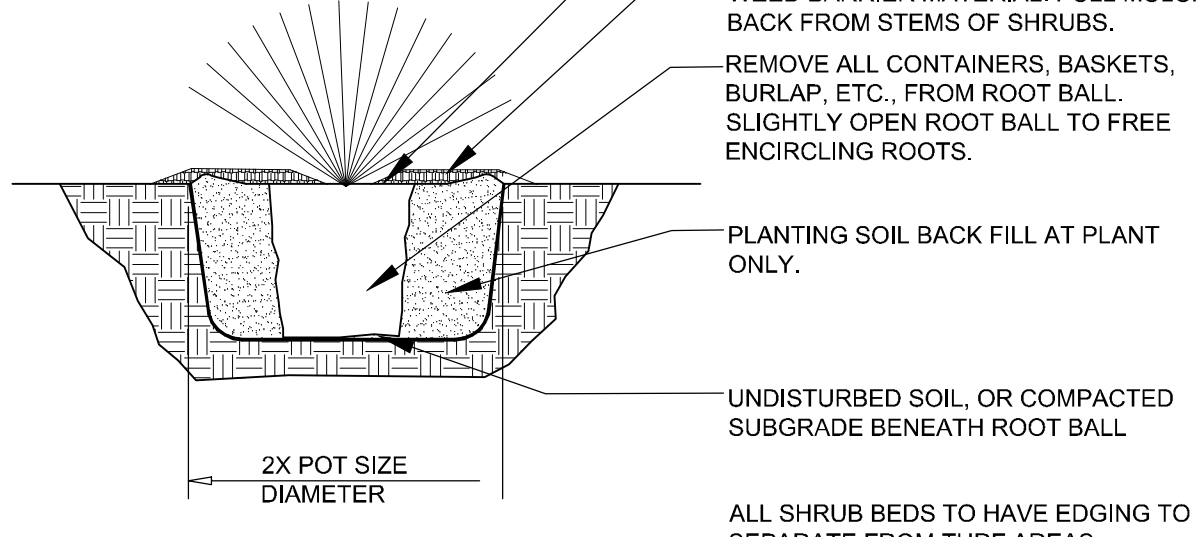
1 TREE PLANTING DETAIL
SCALE: NOT TO SCALE



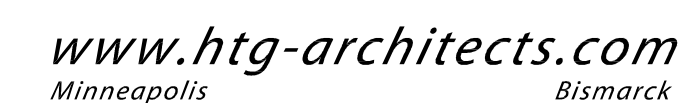
2 TREE GUYING DETAIL
SCALE: NOT TO SCALE



3 STEEL EDGER DETAIL
SCALE: NOT TO SCALE



4 SHRUB PLANTING DETAIL
SCALE: NOT TO SCALE



1010 Main Street, Suite 100
Hopkins, Minnesota 55343
Tel: 952.278.8880

PROJECT

***SUPERIOR CHOICE
CREDIT UNION***

NEW BUILDING

DULUTH, MINNESOTA

[illegible]

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 ARCHITECT UNDER THE LAWS OF THE
STATE OF MINNESOTA

REG. NO. _____ DATE _____

EXTERIOR ELEVATIONS

DRAWN BY: HLH. CHECKED BY: RES.

A3.1

231188 EE-231188
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170



EXTERIOR FINISHES:

PREFIN MTL COPING - COLOR 'A'
MANUF: PAC-GLAD (or EQUAL)
COLOR: MATTIE BLACK

PREFIN MTL COPING - COLOR 'B'
MANUF: PAC-GLAD (or EQUAL)
COLOR: SANDSTONE

**PREFIN MTL COMPOSITE PANELS
COLOR 'A'**
MANUF: REYNOLBOND
COLOR: SAPPHIRE BLUE

COLOR 'B'
MANUF: ALUCOBOND
COLOR: CADET GRAY

COLOR 'C'
MANUF: ALUCOBOND
COLOR: AMAZON PRIME BLUE

COLOR 'D'
MANUF: ALUCOBOND
COLOR: TRI-CORN BLACK

PREFIN ALUMINUM SIDING
MANUF: LONGBOARD PRODUCTS
TYPE: TONGUE & GROOVE PLANKS
SIZE: 6" H
COLOR: SOUTHERN YELLOW PINE

PREFIN METAL SOFIT PANELS
MANUF: FIRESTONE (UNA-GLAD)
TYPE: UC-500 FLUSH MTL. PANELS
SIZE: 6" OC
COLOR: GYSCAPE

SPLIT-FACE STONE
MANUF: KRUKOWSKI STONE CO., INC.
COLOR: AQUA GRANITIQUE
FINISH: SPLIT-FACE
THICKNESS: 4" NOM.

Feb 25 2024 - 9:34am











Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802

218-730-5580
planning@duluthmn.gov

MEMORANDUM

DATE: March 5, 2024
TO: Planning Commission
FROM: Kyle Deming, Senior Planner (kdeming@duluthmn.gov)
RE: Public Hearing – Draft AUAR for Central High School Redevelopment (**PL 23-127**)

At the February Planning Commission meeting you approved the Draft AUAR (Alternative Urban Areawide Review) document for review. This is the second of three steps in the environmental review of the Central High School Redevelopment Project.

We are currently in the 30-day comment period for the Draft AUAR. Comments on the document are due by 4:00 p.m., Thursday, March 21, 2024. The document can be found at <https://duluthmn.gov/planning-development/environmental/environmental-reviews/>.

Notice of the Draft AUAR's availability and the 30-day comment period have been advertised in the Duluth News Tribune, in a City-issued press release, and on the City's web page. The required government agencies have been notified and a paper copy of the document is available at the Duluth Public Library.

At the March 12, 2024, Planning Commission meeting, you will be holding a public hearing on the Draft AUAR. While the public hearing is open to all comments, below is the EQB's list of substantive comments areas:

- Comments that address the accuracy and completeness of information,
- Comments on potential impacts that warrant further investigation,
- Additional information that may be needed to secure permits for specific projects, and
- Mitigation measures necessary to prevent significant environmental impacts that may result from projects undertaken in the AUAR area.

At the April 9, 2024 Planning Commission meeting we will present responses to substantive comments made on the Draft AUAR. We will also provide a Final AUAR for your consideration. After your approval, we will submit the Final AUAR to the agencies on the EQB Distribution List initiating a 10-day objection period. State agencies have ten days from the date the Final AUAR is received to file an objection. If no objections are made, we will request that the Planning Commission proceeds with adoption of the Final AUAR at the May 14, 2024 meeting. Notice of the AUAR adoption will then be published in the EQB Monitor, completing the AUAR process.

Please contact me if you have questions about the environmental review process.



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

MEMO

TO: Planning Commission

FROM: Adam Fulton, Deputy Director of Planning and Development

DATE: March 5, 2024

RE: Conformance of TIF Redevelopment District for Welch Place to Comprehensive Plan

In order to facilitate construction of a new 30-unit affordable apartment complex at Wadena Street and 53rd Avenue West to serve people experiencing homelessness (the “Project”), the City needs to create a new Tax Increment Financing (TIF) Housing District. The role of the Planning Commission is to make sure the proposed development and its uses are consistent with the Comprehensive Plan and Unified Development Chapter (UDC). Tax Increment Financing (TIF) is a financing tool that uses the increase in property taxes generated from site improvements to pay for a portion of those improvements.

The Project will involve the construction of 30 new housing units with 12 efficiency and 18 one-bedroom apartments for single adults experiencing homelessness and at risk of experiencing homelessness who face significant barriers to long term housing success. Center City Housing Corporation anticipates that all future tenants will be low income or very low income, and that a significant percentage of future tenants will be will members of the BIPOC community.

The future land-use designation of the development site is Urban Residential (UR). According to the Imagine Duluth 2035 Comprehensive Plan, UR areas are intended for the greatest variety of residential building types, with medium to high densities of at least 8 units per-acre. The proposed development meets the intent of this future land use.

The property is zoned R-P and governed by the Ramsey Village Neighborhood Regulating Plan adopted March 24, 2003. An amendment to the Regulating Plan to allow Type VIII Mixed Use Buildings on the Project Site was approved by Planning Commission on March 14, 2023. The amendment was adopted by City Council on April 10, 2023. According to the Regulating Plan, Type VIII Mixed Use Buildings may be up to three stories tall and residential space may be located on any of the three stories. The Regulating Plan also allows Type VI Four-Unit Apartments on this site. The Regulating Plan reflects appropriate zone designations for the UR future land use category. It allows apartments as proposed by this project.

This project implements the following Comprehensive Plan principles:

Principle #1 Reuse previously developed lands. Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher

level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Principle #5 Promote reinvestment in neighborhoods. Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that foster neighborhood reinvestment. New development or redevelopment should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities that fit the neighborhood's character.

Principle #12 Create efficiencies in delivery of public services. The costs of public service must be considered in land use decisions. Street construction and maintenance, utilities, libraries, fire, police, snow removal, and recreation facilities are services directly related to the physical location of development. Infrastructure should help direct development location rather than react to it. The integration of public services to maximize efficiencies with all related use decisions should be evaluated.

City staff believe that the proposed development conforms to and implements the Comprehensive Plan principles. City staff ask that the Planning Commission review this item, and following discussion, make a finding that it conforms to the Imagine Duluth 2035 Comprehensive Plan.

**PLANNING COMMISSION
CITY OF DULUTH, MINNESOTA**

RESOLUTION NO. 24-025

**RESOLUTION OF THE CITY OF DULUTH PLANNING COMMISSION FINDING THAT
MODIFICATION TO THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT
NO. 17 AND A TAX INCREMENT FINANCING PLAN FOR THE WELCH PLACE TAX
INCREMENT FINANCING HOUSING DISTRICT CONFORM TO THE GENERAL PLANS
FOR THE DEVELOPMENT AND REDEVELOPMENT OF THE CITY.**

WHEREAS, the Duluth Housing and Redevelopment Authority (the "HRA") and the City of Duluth (the "City") have proposed to adopt a Modification to the Development Program for Development District No. 17 (the "Development Program Modification") and a Tax Increment Financing Plan for the Welch Place Tax Increment Financing Housing District (the Development Program Modification and the TIF Plan are referred to collectively herein as the "Program and Plan") and have submitted the Program and the Plan to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd.3, and

WHEREAS, the Commission has reviewed the Program and the Plan to determine their conformity with Imagine Duluth 2035, which is the general plan for the development and redevelopment of the City, and finds the Program and the Plan particularly aligned with Imagine Duluth 2035 Governing Principles #1 (Reuse of Previously Developed Lands), #5 (Promote Reinvestment in Neighborhoods), and #12 (Create Efficiencies in Delivery of Public Services), and

WHEREAS, the future land use designation of the development site is Urban Residential (UR), which is appropriate for the proposed development, and

WHEREAS, the development site is currently zoned R-P, which is appropriate for the proposed development.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Program and the Plan conforms to the general plans for the development and redevelopment of the City as a whole.

Dated: _____, 2024

Chair

ATTEST:

Secretary

DRAFT
AMENDED AND RESTATED
REDEVELOPMENT PLAN FOR
REDEVELOPMENT PLAN/HOUSING DEVELOPMENT PLAN
PROJECT AREA NO. 1
AND
TAX INCREMENT FINANCING PLAN FOR
TAX INCREMENT FINANCING (HOUSING) DISTRICT
WELCH PLACE
WITHIN PROJECT AREA NO. 1

PROPOSED TO BE ADOPTED BY

DULUTH HOUSING AND REDEVELOPMENT AUTHORITY
AND
CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA

PUBLIC HEARING DATE: _____, 2024

PLAN APPROVED BY DULUTH HRA DATE: _____, 2024

PLAN APPROVED BY CITY COUNCIL DATE: _____, 2024

PLAN CERTIFICATION REQUEST DATE: _____, 2024

PLAN CERTIFIED DATE: _____, 2024



Northland Securities, Inc.
150 South Fifth Street, Suite 3300
Minneapolis, MN 55402
(800) 851-2920
Member NASD and SIPC
Registered with SEC and MSRB

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ARTICLE I – INTRODUCTION AND DEFINITIONS

SECTION 1.01 INTRODUCTION

This Redevelopment Plan/Housing Development Plan for Project Area No. 1 of the Duluth Housing and Redevelopment Authority of the City of Duluth is intended to supersede and restate the activities described in the Redevelopment Plan/Housing Development Plan for Project Area No. 1 as originally adopted on May 12, 2003 and last modified on October 10, 2022.

The existing Tax Increment Financing Districts within Project Area No. 1 and the Tax Increment Financing Plans relating thereto, within the Project Area No. 1, remain in full force and effect and are not modified.

The City of Duluth and the Duluth Housing and Redevelopment Authority (HRA) propose to provide tax increment financing assistance through the establishment of Tax Increment Financing (Housing) District - Welch Place within Project Area No. 1 (the “TIF District”) to assist with the financing of certain project costs for the construction of an approximate 30 unit affordable rental housing apartment project by a private developer. There will be two apartment buildings, Welch Place Apartments and Wadena West Apartments within the boundaries of the TIF District, with a combined total of approximately 90 affordable rental housing units. The tax increment revenue from the TIF District (inclusive of tax increment from the two buildings) will provide financial assistance to the Welch Place Apartments. The Wadena West Apartments, located within the TIF District, will generate tax increment but will not receive tax increment assistance.

Project Area No. 1 serves as the “project area” for tax increment financing districts established within its boundaries. The Redevelopment Plan/Housing Development Plan describes the objectives for the development of the area within Project Area No. 1 and the use of tax increment financing within Project Area No. 1. This document contains the Redevelopment/Housing Development Plan for achieving the objectives of Project Area No. 1 through the establishment of Tax Increment Financing Districts within its boundaries.

SECTION 1.02 DEFINITIONS

For the purposes of this document, the terms below have the meanings given in this section, unless the context in which they are used indicates a different meaning:

1. “Authority” means the Duluth Housing and Redevelopment Authority of the City.
2. “City” means the City of Duluth, Minnesota.
3. “City Council” means the City Council of the City.
4. “County” means St. Louis County, Minnesota.
5. “Developer” means the private party undertaking construction within the TIF District.
6. “Development” means the construction by the Developer of approximately 90 affordable rental housing units within two apartment buildings within the TIF District: Wadena West Apartments with approximately 60 units; and Welch Place Apartments with approximately 30 units.
7. “Enabling Act” means Minnesota Statutes, Sections 469.001 through 469.047, as amended and supplemented from time to time.
8. “HRA” means the Duluth Housing and Redevelopment Authority of the City of Duluth.
9. “Land Use Regulations” means all federal, state and local laws, rules, regulations, ordinances, and plans relating to or governing the use of development of land in the City,

including but not limited to environmental, zoning and building code laws and regulations.

10. "OSA" means the Office of the State Auditor.
11. "Public Development Costs" means the cost of the development activities that will or are expected to occur within the Project Area or the TIF District.
12. "Public Improvements" means the public improvements described in the Redevelopment Plan and any future plans for Tax Increment Financing Districts within the Project Area.
13. "Project Area" means the geographic ares of the Redevelopment Project.
14. "Redevelopment Plan" means the Redevelopment Plan/Housing Plan for the Redevelopment Project, as the same may, from time to time, be amended or supplemented.
15. "Redevelopment Project" means Project Area No. 1 of the Authority, as the same may, from time to time, be amended or supplemented.
16. "School District" means Independent School District No. 709 (Duluth Public Schools).
17. "State" means the State of Minnesota.
18. "Tax Increment Bonds" means any tax increment bonds or notes issued by the City to finance the Public Costs as stated in the Redevelopment Plan for the Project Area and in the Tax Increment Financing plans for Tax Increment Financing Districts within the Project Area, and any obligations issued to refund such bonds.
19. "Tax Increment Financing District" means any tax increment financing district to be established in the future within the Project Area.
20. "Tax Increment Financing Plans" or "Plans" means the plans adopted by the HRA or the City for any Tax Increment Financing District.
21. "TIF Act" means Minnesota Statutes, Sections 469.174 through 469.1794, as amended, both inclusive.
22. "TIF District" means Tax Increment Financing (Housing) District - Welch Place.
23. "TIF Plan" means the tax increment financing plan for the TIF District (this document).

SECTION 1.03 PLAN PREPARATION

This document was prepared for the City and the Authority by Northland Securities, Inc.

ARTICLE II – STATEMENT OF PUBLIC PURPOSE AND AUTHORITY

SECTION 2.01 ENABLING ACT; STATUTORY AUTHORITY

The Enabling Act authorizes the Authority, upon certain public purpose findings by the Authority and the City, to establish and designate redevelopment projects within the City and to establish, develop and the administer redevelopment plans therefor to meet the needs and accomplish the public purposes specified in Statement and Finding of Public Purpose.

In accordance with the purposes set forth in the Enabling Act, the Authority and the City have established the Redevelopment Project comprised of the parcels within the municipal boundaries of the City as shown in Exhibit V and have adopted the Redevelopment Plan therefor.

The Enabling Act and the approval of the Redevelopment Plan by the City authorizes the Authority to undertake redevelopment activities within the Project Area, and subject to City approval, to establish and designate Tax Increment Financing Districts within the Redevelopment Project and to adopt and implement Tax Increment Financing Plans to accomplish the objective of the Redevelopment Plan.

SECTION 2.02 STATEMENT AND FINDING OF PUBLIC PURPOSE

The Authority has determined that there is a need to take certain actions designed to encourage, ensure and facilitate development and redevelopment of under-utilized and unused land located within the Project Area. These actions may provide additional housing and employment opportunities for residents of the City and the surrounding area, and improve the tax base, thereby enabling better utilization of existing public facilities and provide needed public services, and improve the general economy of the City, the County, and the State.

The Authority has determined that the property within the Project Area is either under-utilized or unused due to a variety of factors, including inadequate public parking to serve the property, small parcels, non-conforming uses, vacant or under-utilized property, possible environmental conditions, obsolete building design and site layout, poor access and parking, and lack of streetscaping and visual appeal that is needed to make this a viable business district. These factors have resulted in a lack of private investment. As a result, the property within the Project Area is not providing adequate housing and employment opportunities, and is not contributing, to its full potential. Therefore, it is necessary for the Authority to exercise its authority under the Enabling Act to develop and implement a program designed to encourage, ensure and facilitate the development of housing units, commercial and mixed use development, and redevelopment of the property located in the Project Area, to further and accomplish the desired public purposes for the Project Area as specified within the Redevelopment Plan for the Project Area.

The land in the Project Area would not be developed or redeveloped solely through private investment in the foreseeable future. The welfare of the City, County, and the State requires active promotion, attraction, encouragement and development of economically sound commerce by the Authority.

SECTION 2.03 BOUNDARIES OF PROJECT AREA

The area within the Project Area is described in Exhibit V.

ARTICLE III - REDEVELOPMENT PLAN

SECTION 3.01 STATEMENT OF OBJECTIVES

The restatement of the established Project Area in the City pursuant to the Enabling Act is necessary and in the best interests of the City and its residents and is necessary to give the Authority and the City the ability to meet certain public purpose objectives that would not be obtainable in the foreseeable future without intervention by the Authority in the normal development process.

The Authority intends, to the extent permitted by law, to accomplish the following objectives through the implementation of the Redevelopment Plan:

1. Promote and secure the development and redevelopment of property in the Project Area in a manner consistent with the City's planning, and with a minimal adverse impact on the environment, which property is less productive because of the lack of proper utilization and lack of investment, and thereby promoting and securing the development of other land in the City;
2. Promote and secure additional housing and employment opportunities within the Project Area and the City for residents of the City and the surrounding area, thereby improving living standards and preventing unemployment and the loss of skilled and unskilled labor and other human resources in the City;
3. Secure the increase in value of property subject to taxation by the City, School District, County, and any other taxing jurisdictions in order to better enable such entities to pay for public improvements and governmental services and programs required to be provided by them;
4. Secure the construction and providing moneys for the payment of the cost of the Public Improvements in the Project Area, which are necessary for the completion of the Redevelopment Project and the orderly and beneficial development of the Project Area.
5. Promote a compatible mix of commercial, institutional, and residential land uses.
6. Encourage the expansion and improvement of local business, and enhancing the economic vitality of existing and new businesses.
7. Eliminate blighting influences that impede development in the area.
8. Provide for adequate streets, utilities, and other public improvements and facilities to enhance the area for both new and existing development.
9. Create a desirable and unique character within the Project Area through quality land use alternatives and design quality in new buildings that create a safe environment for pedestrians, can be maintained for the long run.
10. Support the physical connection to local trails, open space, and other community institutions.
11. Enhance the integrity of residential neighborhoods within and adjacent to the Project Area.
12. Provide and secure the development of increased opportunities for families to reside in quality housing, for citizens to choose from housing options which offer a wide array of services without regard to income, and for residents looking for a wide range of multi-family units.
13. Enhance the long term viability of the Project Area by facilitating: a) land uses that complement and support existing businesses; b) new businesses that enhance the commercial market; c) visual quality of the streetscape, landscape, site plan and building

types of new developments; d) mixed use housing development where appropriate; and e) safe access and convenient parking.

SECTION 3.02 DEVELOPMENT ACTIVITIES

The Authority will perform or cause to be performed, to the extent permitted by law, all project activities pursuant to the Enabling Act, the TIF Act and other applicable state laws, and in doing so anticipates that the following may, but are not required, to be undertaken by the Authority:

- (a) The making of studies, planning, and other formal and informal activities relating to the Redevelopment Plan.
- (b) The implementation and administration of the Redevelopment Plan.
- (c) The acquisition of property, or interests in property, by purchase or condemnation, which acquisition is consistent with the objectives of the Redevelopment Plan,
- (e) The preparation of property for use and development in accordance with applicable Land Use Regulations and any development agreements, including demolition of structures, clearance of sites, placement of fill and grading.
- (f) The resale of property to private parties.
- (g) The construction or reconstruction of improvements as described in the Tax Increment Financing Plans for the Tax Increment Financing Districts within the Project Area.
- (h) The issuance of Tax Increment Financing Bonds to finance the Public Development Costs of the Redevelopment Plan, and the use of tax increments or other funds available to the City and the Authority to pay or finance the Public Costs of the Redevelopment Plan incurred or to be incurred by it.
- (i) The use of tax increments to pay debt service on the Tax Increment Financing Bonds or otherwise pay or reimburse with interest the Public Costs of the Redevelopment Plan.

SECTION 3.03 PAYMENT OF PUBLIC DEVELOPMENT COSTS

It is anticipated that the Public Development Costs of the Redevelopment Plan will be paid primarily from proceeds of Tax Increment Financing Bonds or from tax increments from the Tax Increment Financing Districts with the Project Area.

SECTION 3.04 ENVIRONMENTAL CONTROLS; LAND USE REGULATIONS

Municipal actions, public improvements and private development will be carried out in a manner consistent with existing environmental controls and all applicable Land Use Regulations.

SECTION 3.05 PARK AND OPEN SPACE TO BE CREATED

Park and open space within the Project Area, if created, will be created in accordance with the zoning and platting ordinances of the City.

SECTION 3.06 PROPOSED REUSE OF PROPERTY

The Authority may acquire property and reconvey the same to another entity. Prior to formal consideration of the acquisition of any property, the Authority will require the execution of a binding development agreement with respect thereto and evidence that tax increments or other funds will be available to repay the Public Development Costs associated with the

acquisition. It is the intent of the Authority to negotiate the acquisition of property whenever possible. Appropriate restrictions regarding the reuse and redevelopment of property shall be incorporated into any development agreement to which the Authority is a party.

SECTION 3.07 ADMINISTRATION AND MAINTENANCE OF PROJECT AREA

Maintenance and operation of the Project Area will be the responsibility of the Director of the Authority, who shall serve as administrator of the Project Area. Each year the administrator of the Project Area will submit to the Authority the maintenance and operation budget for the following year.

The administrator will administer the Project Area pursuant to the Enabling Act; provided, however, that such powers may only be exercised at the direction of the Authority. No action taken by the administrator pursuant to the above-mentioned powers shall be effective without authorization by the Authority.

SECTION 3.08 RELOCATION

Any person or business that is displaced as a result of the Redevelopment Plan will be relocated in accordance with Minnesota Statutes, Section 117.50 to 117.56. The Authority accepts its responsibility for providing for relocation assistance pursuant to the Enabling Act.

SECTION 3.09 AMENDMENTS

The Authority reserves the right to alter and amend the Redevelopment Plan, subject to the provisions of state law regulating such action. The Authority specifically reserves the right to enlarge or reduce the size of the Project Area.

SECTION 3.10 FINDINGS AND DECLARATION

The Authority makes the following findings:

- (a) The land in the Project Area would not be made available for redevelopment without the financial aid sought.
- (b) The Redevelopment Plan for the Project Area in the City will afford maximum opportunity consistent with the needs of the locality as a whole, for the redevelopment of the area by private enterprise.
- (c) The Redevelopment Plan conforms to the general plan for development of the City as a whole.
- (d) The Project Area is inclusive of all immediate adjacent roadways, rights-of-way and other areas wherein will be installed or upgraded the various public improvements necessary for and part of the overall project.
- (e) The Project Area, together with the objectives which the Authority and the City seek to accomplish or encourage with respect to such property, constitutes a "Redevelopment Project" and a "Redevelopment Plan" within the meaning of Minnesota Statutes, Section 469.002, Subdivisions 14 and 16.

ARTICLE IV - TAX INCREMENT FINANCING PLAN

SECTION 4.01 STATUTORY AUTHORITY

The TIF District and the TIF Plan are established under the authority of the TIF Act.

SECTION 4.02 PLANNED DEVELOPMENT

4.02.1 Development Description

The Developer proposes to construct approximately 90 affordable rental housing units within two apartment buildings within the TIF District: Wadena West Apartments with approximately 60 units; and Welch Place Apartments with approximately 30 units.

The Development will include 24 units affordable to households at or below 30% of the Area Median Income (AMI) and 66 units affordable to households at or below 60% of the AMI.

4.02.2 City Plans and Development Program

In addition to achieving the objectives of the Redevelopment Plan, the Development is consistent with and works to achieve the development objectives of the Authority and the City. The TIF Plan for the TIF District conforms to the general plan for development or redevelopment of the City as a whole. The proposed development plan for the project in the TIF District has been reviewed by the Planning Commission and the City Council.

4.02.3 Land Acquisition

The Authority or the City do not plan to acquire land within the TIF District. The current owner of the land within the TIF District is the Duluth Economic Development Authority.

4.02.4 Development Activities

As of the date of approval of the TIF Plan, there are no development activities proposed in this TIF Plan that are subject to contracts.

4.02.5 Need for Tax Increment Financing

In various materials the Developer has demonstrated that the proposed use of tax increment financing is needed to offset the high construction costs of high-quality low- to moderate-income housing and associated infrastructure required to support the facility. Without the proposed assistance, these initial up-front costs would make it infeasible for the Developer to be able to charge the affordable rents required for low-to moderate-income residents. Thus, it is the opinion of the City and the Authority that the Development would not reasonably be expected to occur solely through private investment within the foreseeable future and that the increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in the market value estimated to result from the Development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan.

A comparative analysis of estimated market values both with and without establishment of the TIF District and the use of tax increments has been performed as described above and is shown in Exhibit I. This analysis, while not required by the TIF Act for approval of a housing district, indicates that the increase in estimated market value of the Development (less the present value of the projected tax increments for the maximum duration permitted by the TIF Plan) exceeds the estimated market value of the site prior to the establishment of the TIF District.

SECTION 4.03 TAX INCREMENT FINANCING DISTRICT

4.03.1 Designation

This TIF District is designated Tax Increment Financing (Housing) District - Welch Place.

4.03.2 Boundaries of TIF District

The boundaries of the TIF District are depicted in Exhibit V.

The TIF District includes the following parcels and the adjacent roads and right-of-way:

- 010-4530-00010
- 010-4530-00090
- 010-4530-00100
- 010-4530-00110
- 010-4530-00130
- 010-4530-00140
- 010-4530-00160
- 010-4530-00250
- 010-4530-00350
- 010-4530-00420
- 010-4530-00440
- 010-4530-00460
- 010-4530-00480

The property within the TIF District, inclusive of the parcels listed above, is described as follows: Lots 1 through 18, inclusive of Block 168, and Lots 1 thru 28, inclusive, Block 169, WEST DULUTH 7th DIVISION.

4.03.3 Type of District

The TIF District is designated as a “housing” district pursuant to Section 469.174, subd. 11 of the TIF Act. For the designation, of a tax increment financing housing district, the Developer of the Project will need to commit to the following:

1. Satisfy the income requirements for a qualified residential rental project as defined in section 142(d) of the Internal Revenue Code. This requirement applies for the duration of the TIF District. The Developer plans to commit to provide 40% or more of units for occupancy by persons at 60% or less of area median gross income. The income thresholds may change over the life of the TIF District.
2. No more than 20% of the square footage of the building to receive assistance from tax increments will consist of commercial, retail, or other nonresidential uses. Revenue derived from tax increment from the TIF District shall be used solely to finance the cost of the housing project as defined in Section 469.174, subd. 11 of the TIF Act. The cost of public improvements directly related to the housing project and the allocated administrative expenses of the Authority may be included in the cost of the housing project.
3. Failure to comply with these income limitations is subject to the enforcement provisions of Section 469.1771 of the TIF Act.

4.03.4 Fiscal Disparities Election

Property classified as residential is not subject to the fiscal disparities program and is not impacted by the fiscal disparities election for the TIF District. The Development within the TIF District is anticipated to include residential property only.

Pursuant to Section 469.177, subd. 3 of the TIF Act, the City may elect one of two methods to calculate fiscal disparities for the TIF District. The City elects to calculate fiscal disparities by clause b pursuant to this section of the TIF Act. The election of clause b can also be generally described as electing to have fiscal disparities paid from “within” the TIF District.

SECTION 4.04 PLAN FOR USE OF TAX INCREMENT

4.04.1 Estimated Tax Increment

The original net tax capacity of value of the TIF District will be set by the County Auditor upon request for certification. For the purposes of the TIF Plan, the estimated original net tax capacity for the TIF District is \$554. This amount is estimated based on preliminary tax year 2024 information for the parcels within the TIF District, with a combined total estimated taxable market value of \$73,800, and net tax capacity value calculated for apartments classified as 4d.

The estimated net tax capacity of the Development after completion (estimated for taxes payable in 2028 or the estimated second year of the TIF District) is \$34,428. This amount is based on a total estimated market value of \$13,771,350 with property within the TIF District classified as apartments, affordable housing (4d). The difference between the net tax capacity and the original net tax capacity is \$33,875 (for taxes payable in 2028), which is the captured tax capacity for the creation of tax increment.

The estimated tax capacity rate for the TIF District is 123.98%. This rate is based on the preliminary tax payable year 2024 data from the County. The TIF Plan assumes for planning purpose that this rate will be set as the original local tax rate for the TIF District. At the time of the certification of the original net tax capacity for the TIF District, the County Auditor will certify the original local tax rate that will apply to the TIF District. The original local tax rate is the sum of all the local tax rates, excluding that portion of the school rate attributable to the general education levy under Minnesota Statutes Section 126C.13, that apply to a property in the TIF District. The local tax rate to be certified is the rate in effect for the same taxes payable year applicable to the tax capacity values certified as the TIF District’s original tax capacity. The resulting tax capacity rate is the original local tax rate for the life of the TIF District.

Under these assumptions, the estimated annual tax increment is \$41,848 (net of OSA fee charged) after completion of the Development (for taxes payable 2028). The actual tax increment will vary according to the certified original net tax capacity and original tax rate, the actual property value produced by the proposed development and the changes in property value and property tax laws of the State over the life of the TIF District.

The Authority will retain 100% of the captured tax capacity value for the duration of the TIF district. Exhibit II contains the projected tax increment over the life of the TIF District, including present value of the future tax increments.

4.04.2 Public Development Costs

The Authority will use tax increment to pay Public Development Costs. The Authority anticipates the use of tax increment to pay administrative expenses for the TIF District and to reimburse the Developer on a pay-go basis for certain Public Development Costs. A contract between the Authority and the Developer will define the means for verifying Developer costs eligible for reimbursement and the means of disbursing tax increments collected by the Authority to the Developer, including terms for payment.

The Authority may also use tax increments to pay financing costs. The interest rate payable on bonds, the definition of bonds includes tax increment financing revenue notes, to be issued will be set pursuant to a contract with the Developer. The Authority may use any other legally available revenues to finance or pay for Public Development Costs associated with the Development.

The City and the Authority reserve the right to modify the TIF Plan to provide authority to expend tax increment from the TIF District on other housing projects that meet the criteria for establishing a housing TIF district. Section 469.174, subd. 11 of the TIF Act defines a housing districts consisting of a project, or a portion of a project, intended for occupancy, in part, by persons or families of low and moderate income. The requirements for the establishment of a housing TIF district are contained in Section 469.1761 of the TIF Act. The primary criteria are income related. The criteria are different for owned and rental housing.

The practical application of this authority includes:

- The use of tax increment is not limited by pooling restrictions or the five-year rule.
- The tax increment can be spent on activities outside of the TIF district, but within the Project Area.
- This authority does not extend the maximum statutory duration of the TIF district.
- The tax increment must be used solely to finance the cost of the “housing project” as defined by the TIF Act. The cost of Public Development Costs related to the housing project and the allocated administrative expenses of the Authority may be included in the cost of the housing project.
- No more than 20% of the square footage of buildings that receive tax increment financing assistance may consist of commercial, retail, or other nonresidential uses.

Potential applications of this authority include:

- Assistance to other housing projects avoiding the need for new Tax Increment Financing Districts.
- Supplementing the revenues of other housing Tax Increment Financing Districts.
- Assistance for the renovation of existing housing.
- Acquisition of land for housing.
- Assistance to make Public Improvements that directly benefit affordable housing.

4.04.3 Estimated Sources and Uses of Funds

The estimated sources of revenue, along with the estimated Public Development Costs of the TIF District, are itemized in Figure 4.1.

The City and the Authority reserve the right to administratively adjust the amount of any of the line items within the Estimated Tax Increment Project Costs listed in Figure 4.1, so long as the total Estimated Tax Increment Project costs amount, not including financing costs, is not increased.

FIGURE 4.1
ESTIMATED SOURCES AND USES OF FUNDS

	Total
Estimated Tax Increment Revenues (from tax increment generated by the district)	
Tax increment revenues distributed from the county	\$1,218,534
Interest and investment earnings	\$25,000
Sales/lease proceeds	\$0
Market value homestead credit	\$0
Total Estimated Tax Increment Revenues	\$1,243,534
Estimated Project/Financing Costs (to be paid or financed with tax increment)	
Project costs	
Land/building acquisition	\$43,400
Site improvements/preparation costs	\$0
Utilities	\$0
Other qualifying improvements	\$0
Construction of affordable housing	\$516,599
Administrative costs	\$121,853
Estimated Tax Increment Project Costs	\$681,853
Estimated financing costs	
Interest expense	\$561,682
Total Estimated Project/Financing Costs to be Paid from Tax Increment	\$1,243,534
Estimated Financing	
Total amount of bonds to be issued	\$681,853

4.04.4 *Administrative Expense*

The Authority plans for use up to ten percent (10%) of annual tax increment revenues distributed from the County, net of any required fees paid to the State and County to pay administrative costs of the Authority. The Authority will use these monies to pay for and reimburse the Authority for costs of administering the TIF district as allowed by the TIF Act.

The amount of tax increment revenue planned to pay administrative expense is shown in Figure 4.1. Anticipated administrative expenses of the TIF District include annual audit of the fund for TIF District, preparation of annual reporting, legal publication of annual report, and administration of the development agreement, among other eligible administrative costs that may be incurred by the HRA.

4.04.5 *County Road Costs*

The Development will not substantially increase the use of county roads and necessitate the need to use tax increments to pay for county road improvements.

4.04.6 *Bonded Indebtedness*

The total estimated amount of Tax Increment Bonds is shown in Figure 4.1. There is no plan for issuance of general obligation bonded indebtedness as a result of the TIF Plan.

The Authority intends to use tax increment financing to reimburse the Developer on a pay-as-you-go basis for certain Public Development Costs pursuant to a contract with the Developer.

The City or the Authority may advance or loan money to finance expenditures under Section 469.176, subd. 4 of the TIF Act, from the general funds of the City or the Authority or any other funds under which there is legal authority to do so, subject to the following provisions:

(a) Not later than 60 days after money is transferred, advanced, or spent, whichever is earliest, the loan or advance must be authorized by resolution of the City or of the Authority, whichever has jurisdiction over the fund from which the advance or loan is authorized.

(b) The resolution may generally grant to the City or the Authority the power to make interfund loans under one or more tax increment financing plans or for one or more districts. The resolution may be adopted before or after the adoption of the tax increment financing plan or the creation of the tax increment financing district from which the advance or loan is to be repaid.

(c) The terms and conditions for repayment of the loan must be provided in writing. The written terms and conditions may be in any form, but must include, at a minimum, the principal amount, the interest rate, and maximum term. Written terms may be modified or amended in writing by the City or the Authority before the latest decertification of any tax increment financing district from which the interfund loan is to be repaid. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or 549.09 are from time to time adjusted. Loans or advances may be structured as draw-down or line-of-credit obligations of the lending fund.

(d) The Authority shall report in the annual report submitted under Section 469.175, subd. 6 of the TIF Act:

(1) the amount of any interfund loan or advance made in a calendar year; and

(2) any amendment of an interfund loan or advance made in a calendar year.

4.04.7 Duration of TIF District

The duration to collect and spend tax increments on eligible purposes is set at the duration of 25 years after the date of receipt of the first tax increment for a total of 26 years of tax increment collection. The Authority elects the first year of collection to be year 2027. Based on the elected first year of collection, the estimated decertification date is 12/31/2052.

4.04.8 Estimated Impact on Other Taxing Jurisdictions

Exhibits III and IV show the estimated impact on other taxing jurisdictions if the maximum projected retained captured net tax capacity of the TIF District was hypothetically available to the other taxing jurisdictions.

The City and the Authority believe that there will be no adverse impact on other taxing jurisdictions during the life of the TIF District, since the proposed development would not have occurred without the establishment of the TIF District and the provision of public assistance. A positive impact on other taxing jurisdictions will occur when the TIF District is decertified and the development therein becomes part of the general tax base.

The City and the Authority anticipate minimal impact of the proposed development on city-provided services. A manageable increase in water and sewer usage is expected. It is anticipated that there may be a slight but manageable increase in police and fire protection duties due to the development.

4.04.9 Prior Planned Improvements

There have been no building permits issued in the last 18 months in conjunction with any of the properties within the TIF District. The Authority will include this statement with the request for certification to the County Auditor.

ARTICLE V – ADMINISTERING THE TIF DISTRICT

SECTION 5.01 FILING AND CERTIFICATION

The filing and certification of the TIF Plan consists of the following steps:

1. Upon adoption of the TIF Plan by the City and the Authority, the Authority, or its designee, shall submit a copy of the TIF Plan and other documents that may be required to the Minnesota Department of Revenue and the OSA.
2. The Authority, or its designee, shall request that the County Auditor certify the original net tax capacity and net tax capacity rate of the TIF District. To assist the County Auditor in this process, the Authority, or its designee, shall submit copies of the TIF Plan, the resolutions of the City and the Authority establishing the TIF District and adopting the TIF Plan, and a listing of any prior planned improvements.

SECTION 5.02 MODIFICATIONS OF THE TAX INCREMENT FINANCING PLAN

The City and the Authority reserve the right to modify the TIF District and the TIF Plan. Under the TIF Act, the following actions can only be approved after satisfying all the necessary requirements for approval of the original TIF Plan (including notifications and public hearing):

- Reduction or enlargement in the geographic area of the Development District or the TIF District.
- Increase in the amount of bonded indebtedness to be incurred.
- Increase in the amount of capitalized interest.
- Increase in that portion of the captured net tax capacity to be retained by the Authority.
- Increase in the total estimated Project Costs, not including cost of financing.
- Designation of additional property to be acquired by the City or the Authority.

Other modifications can be made by resolution of the Authority. In addition, the original approval process does not apply if (1) the only modification is elimination of parcels from the TIF District and (2) the current net tax capacity of the parcels eliminated equals or exceeds the net tax capacity of those parcels in the TIF District's original net tax capacity, or the City and the Authority agree that the TIF District's original net tax capacity will be reduced by no more than the current net tax capacity of the parcels eliminated.

Upon approval by the City, the Authority must notify the County Auditor of any modification that reduces or enlarges the geographic area of the TIF District. The geographic area of the TIF District may be reduced but not enlarged after five years following the date of certification of the TIF District.

SECTION 5.03 FOUR YEAR KNOCK-DOWN RULE

The Four Year Knock-Down Rule is a provision of the TIF Act that requires that if after four years from certification of the TIF District no demolition, rehabilitation, renovation or site improvement, including a qualified improvement of an adjacent street, has commenced on a parcel located within the TIF District, then that parcel shall be excluded from the TIF District and the original net tax capacity shall be adjusted accordingly. Qualified improvements of a street are limited to construction or opening of a new street, relocation of a street, or substantial reconstruction or rebuilding of an existing street. The Authority must submit to the County Auditor, by February 1 of the fifth year, evidence that the required activity has taken place for each parcel in the TIF District.

If a parcel is excluded from the TIF District and the City, Authority, or owner of the parcel subsequently commences any of the above activities, the Authority shall certify to the County Auditor that such activity has commenced and the parcel shall once again be included in the TIF District. The County Auditor shall certify the net tax capacity of the parcel, as most recently certified by the Commissioner of Revenue, and add such amount to the original net tax capacity of the TIF District.

SECTION 5.04 FIVE YEAR RULE

The Five-Year Rule is a provision of the TIF Act and establishes a “five-year period” whereby activity must occur before or within five years after certification of the district in order to be considered “in-district” expenditures of the district. As permitted under Section 469.1763, subd. 2(b) and subd. 3(a)(5) of the TIF Act, any expenditures of increment from the TIF District to pay the cost of a “housing project” as defined in Section 469.174, subd. 11 of the TIF Act will be treated as an expenditure within the district for the purposes of the Five Year Rule. It is not anticipated that tax increments will be spent outside the TIF District (except allowable administrative expenses), but such expenditures are expressly authorized in the TIF Plan.

SECTION 5.05 FINANCIAL REPORTING AND DISCLOSURE REQUIREMENTS

The Authority will comply with the annual reporting requirements pursuant to the TIF Act and guidelines of the OSA. Under current law, the Authority must prepare and submit a report on the TIF district on or before August 1 of each year. The Authority must also annually publish in a newspaper of general circulation in the City an annual statement for each tax increment financing district.

The reporting and disclosure requirements outlined in this section begin with the year the district was certified, and shall end in the year in which both the district has been decertified and all tax increments have been spent or returned to the county for redistribution. Failure to meet these requirements, as determined by the OSA, may result in suspension of distribution of tax increment.

SECTION 5.06 BUSINESS SUBSIDY COMPLIANCE

The Development is anticipated to be exempt from the business subsidies requirements specified in Minnesota Statutes, Sections 116J.993 to 116J.995 because the assistance for the Development specified in this document, the TIF Plan for the TIF District, will be 100% for housing assistance.

Exhibit I
Duluth HRA
Tax Increment Financing (Housing) District (Welch Place)
Present Value Analysis As Required By Section
469.175(3)(2) of the TIF Act

1	Estimated Future Market Value w/ Tax Increment Financing	17,312,832 ¹
2	Payable Prel 2024 Market Value	<u>73,800</u>
3	Market Value Increase (1-2)	17,239,032
4	Present Value of Future Tax Increments	<u>703,305</u>
5	Market Value Increase Less PV of Tax Increments	16,535,727
6	Estimated Future Market Value w/o Tax Increment Financing	94,643 ¹
7	Payable Prel 2024 Market Value	<u>73,800</u>
8	Market Value Increase (6-7)	<u>20,843</u>
9	Increase in MV From TIF	<u><u>16,514,883</u></u> ²

¹ Assume 1.00% annual appreciation over 26 year life of district.

² Statutory compliance achieved if increase in market value from TIF (Line 9) is greater than or equal to zero.

³ Section 469.175(3)(2) of the TIF Act does not require this present value analysis for a housing tax increment financing district. This analysis is provided for information purposes.

TAX INCREMENT FINANCING (HOUSING) DISTRICT - WELCH PLACE

Exhibit II
City of Duluth
Tax Increment Financing (Housing) District (Welch Place)
Projected Tax Increment Financing (TIF) Cash Flow

TIF District Year	Taxes Payable Year	Taxable Market Value (TMV)	Tax Capacity	Original Base Tax Capacity	Captured Tax Capacity for TIF	Original Tax Rate ²	Available TIF from District	PV Available TIF
1	2027	11,362,500	28,406	554	27,853	123.98%	34,408	31,432
2	2028	13,771,350	34,428	554	33,875	123.98%	41,848	67,818
3	2029	13,909,064	34,773	554	34,219	123.98%	42,273	102,803
4	2030	14,048,154	35,120	554	34,567	123.98%	42,703	136,441
5	2031	14,188,636	35,472	554	34,918	123.98%	43,136	168,782
6	2032	14,330,522	35,826	554	35,273	123.98%	43,575	199,878
7	2033	14,473,827	36,185	554	35,631	123.98%	44,017	229,777
8	2034	14,618,566	36,546	554	35,993	123.98%	44,464	258,523
9	2035	14,764,751	36,912	554	36,358	123.98%	44,916	286,163
10	2036	14,912,399	37,281	554	36,727	123.98%	45,371	312,737
11	2037	15,061,523	37,654	554	37,100	123.98%	45,832	338,288
12	2038	15,212,138	38,030	554	37,477	123.98%	46,298	362,855
13	2039	15,364,259	38,411	554	37,857	123.98%	46,767	386,475
14	2040	15,517,902	38,795	554	38,241	123.98%	47,241	409,185
15	2041	15,673,081	39,183	554	38,629	123.98%	47,721	431,020
16	2042	15,829,812	39,575	554	39,021	123.98%	48,205	452,013
17	2043	15,988,110	39,970	554	39,417	123.98%	48,694	472,198
18	2044	16,147,991	40,370	554	39,816	123.98%	49,187	491,605
19	2045	16,309,471	40,774	554	40,220	123.98%	49,686	510,264
20	2046	16,472,566	41,181	554	40,628	123.98%	50,190	528,204
21	2047	16,637,291	41,593	554	41,040	123.98%	50,699	545,452
22	2048	16,803,664	42,009	554	41,456	123.98%	51,213	562,036
23	2049	16,971,701	42,429	554	41,876	123.98%	51,731	577,981
24	2050	17,141,418	42,854	554	42,300	123.98%	52,255	593,311
25	2051	17,312,832	43,282	554	42,729	123.98%	52,785	608,050
26	2052	17,485,960	43,715	554	43,161	123.98%	53,319	622,222
TOTAL =							1,218,534	622,222

Key Assumptions for Cash Flow:

- 1 Taxable market value (TMV) annual growth assumption = 1.00%
- 2 Original Tax Capacity Rate estimated based on Taxes Payable Year Prel 2024.
- 3 Election for captured tax capacity is 100.00%.
- 4 Base Tax Capacity is calculated based on a TMV = \$73,800.
- 5 Present Value (PV) of Net Available TIF calculated based on semi-annual payments and rate of 5.0%, estimated dated date of 1/1/2026.
- 6 Analysis assumes an election to delay receipt of first increment to year 2027, for the earliest year for first collection of tax increment.
- 7 Tax capacity estimated based on 4d(1) classification. Analysis assumes 100% of the units within TIF District will qualify for 4d(1) classification. Class 4d(1) property has a classification rate of 0.25%.
- 8 TMV includes value for 30 rental housing units for Welch Place and 60 rental housing units for Wadena West.

Exhibit III
Duluth HRA
Tax Increment Financing (Housing) District (Welch Place)
Impact on Other Taxing Jurisdictions
(Taxes Payable Prel 2024)

Annual Tax Increment

Estimated Annual Captured Tax Capacity (Full Development)	\$43,161
Payable Prel 2024 Local Tax Rate	123.982%
Estimated Annual Tax Increment	<u>\$53,512</u>

Percent of Tax Base

	Net Tax Capacity (NTC)	Captured Tax Capacity	Percent of Total NTC
City of Duluth	105,322,718	43,161	0.04%
St. Louis County	258,695,058	43,161	0.02%
ISD # 709	117,170,402	43,161	0.04%

Dollar Impact of Affected Taxing Jurisdictions

	Net Tax Capacity (NTC)	% of Total	Tax Increment Share	Added Local Tax Rate
City of Duluth	38.275%	30.871%	16,520	0.016%
St. Louis County	56.506%	45.576%	24,389	0.009%
ISD # 709	23.362%	18.843%	10,083	0.009%
Other	5.839%	4.710%	2,520	
Totals	<u>123.982%</u>	<u>100.000%</u>	<u>53,512</u>	

NOTE NO. 1: Assuming that ALL of the captured tax capacity would be available to all taxing jurisdictions even if the City does not create the Tax Increment District, the creation of the District will reduce tax capacities and increase the local tax rate as illustrated in the above tables.

NOTE NO. 2: Assuming that NONE of the captured tax capacity would be available to the taxing jurisdiction if the City did not create the Tax Increment District, then the plan has virtually no initial effect on the tax capacities of the taxing jurisdictions. However, once the District is established, allowable costs paid from the increments, and the District is terminated, all taxing jurisdictions will experience an increase in their tax base.

TAX INCREMENT FINANCING (HOUSING) DISTRICT - WELCH PLACE

Exhibit IV
City of Duluth
Tax Increment Financing (Housing) District (Welch Place)
Estimated Tax Increments Over Maximum Life of District

Based on Pay Prel 2024 Tax Rate = 123.982% 38.275% 56.506% 23.362% 5.839%

TIF District	Taxes Payable Year	New Taxable Market Value	New Tax Capacity	Base Tax Capacity	Captured Tax Capacity	Estimated Total Tax Increments	City TIF Related Share	County TIF Related Share	School TIF Related Share	Other TIF Related Share
1	2027	11,362,500	28,406	554	27,853	34,532	10,661	15,738	6,507	1,626
2	2028	13,771,350	34,428	554	33,875	41,999	12,966	19,141	7,914	1,978
3	2029	13,909,064	34,773	554	34,219	42,426	13,097	19,336	7,994	1,999
4	2030	14,048,154	35,120	554	34,567	42,857	13,230	19,532	8,076	2,019
5	2031	14,188,636	35,472	554	34,918	43,292	13,365	19,731	8,158	2,038
6	2032	14,330,522	35,826	554	35,273	43,732	13,501	19,931	8,240	2,060
7	2033	14,473,827	36,185	554	35,631	44,176	13,638	20,134	8,324	2,080
8	2034	14,618,566	36,546	554	35,993	44,625	13,776	20,338	8,409	2,102
9	2035	14,764,751	36,912	554	36,358	45,078	13,916	20,545	8,494	2,123
10	2036	14,912,399	37,281	554	36,727	45,535	14,057	20,753	8,580	2,145
11	2037	15,061,523	37,654	554	37,100	45,998	14,200	20,964	8,667	2,167
12	2038	15,212,138	38,030	554	37,477	46,465	14,344	21,177	8,755	2,189
13	2039	15,364,259	38,411	554	37,857	46,936	14,490	21,392	8,844	2,210
14	2040	15,517,902	38,795	554	38,241	47,412	14,637	21,609	8,934	2,232
15	2041	15,673,081	39,183	554	38,629	47,893	14,785	21,828	9,025	2,255
16	2042	15,829,812	39,575	554	39,021	48,379	14,935	22,049	9,116	2,279
17	2043	15,988,110	39,970	554	39,417	48,870	15,087	22,273	9,209	2,301
18	2044	16,147,991	40,370	554	39,816	49,365	15,240	22,499	9,302	2,324
19	2045	16,309,471	40,774	554	40,220	49,866	15,394	22,727	9,396	2,349
20	2046	16,472,566	41,181	554	40,628	50,371	15,550	22,957	9,491	2,373
21	2047	16,637,291	41,593	554	41,040	50,882	15,708	23,190	9,588	2,396
22	2048	16,803,664	42,009	554	41,456	51,398	15,867	23,425	9,685	2,421
23	2049	16,971,701	42,429	554	41,876	51,918	16,028	23,662	9,783	2,445
24	2050	17,141,418	42,854	554	42,300	52,444	16,190	23,902	9,882	2,470
25	2051	17,312,832	43,282	554	42,729	52,976	16,354	24,144	9,982	2,496
26	2052	17,485,960	43,715	554	43,161	53,512	16,520	24,389	10,083	2,520
Total						1,222,937	377,536	557,366	230,438	57,597

Note: The Estimated Total Tax Increment shown above is before deducting the State Auditor's fee, which is payable at a rate of 0.36% of the Total Tax Increment collected. Exhibit II provides Estimated Total Tax Increment after deducting for the State Auditor's fee.

EXHIBIT V

Boundaries of Tax Increment Financing (Housing) District - Welch Place
Within Redevelopment Project Area No. 1

Proposed TIF District for
Wadena West and Welch Place Apartments

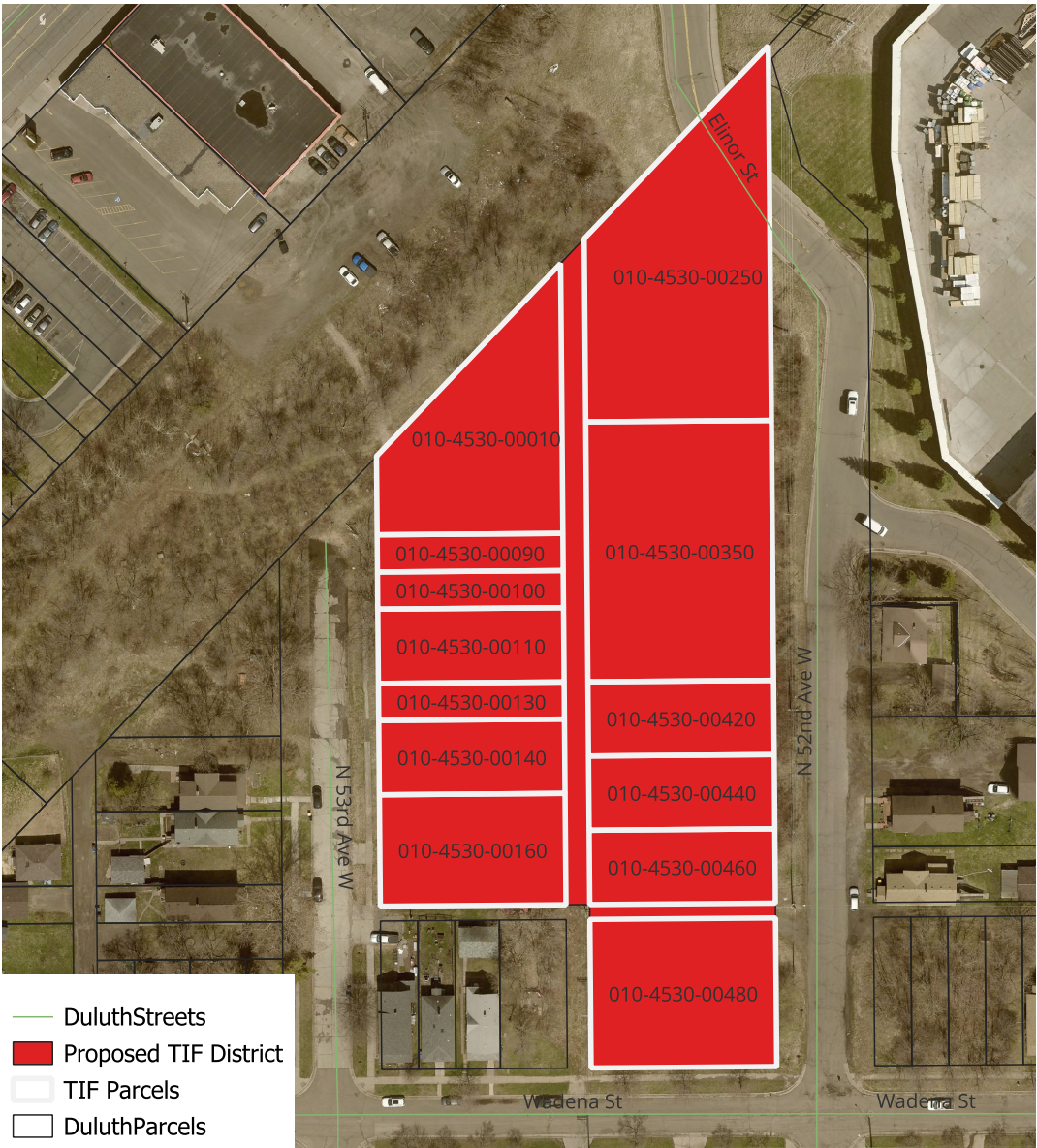
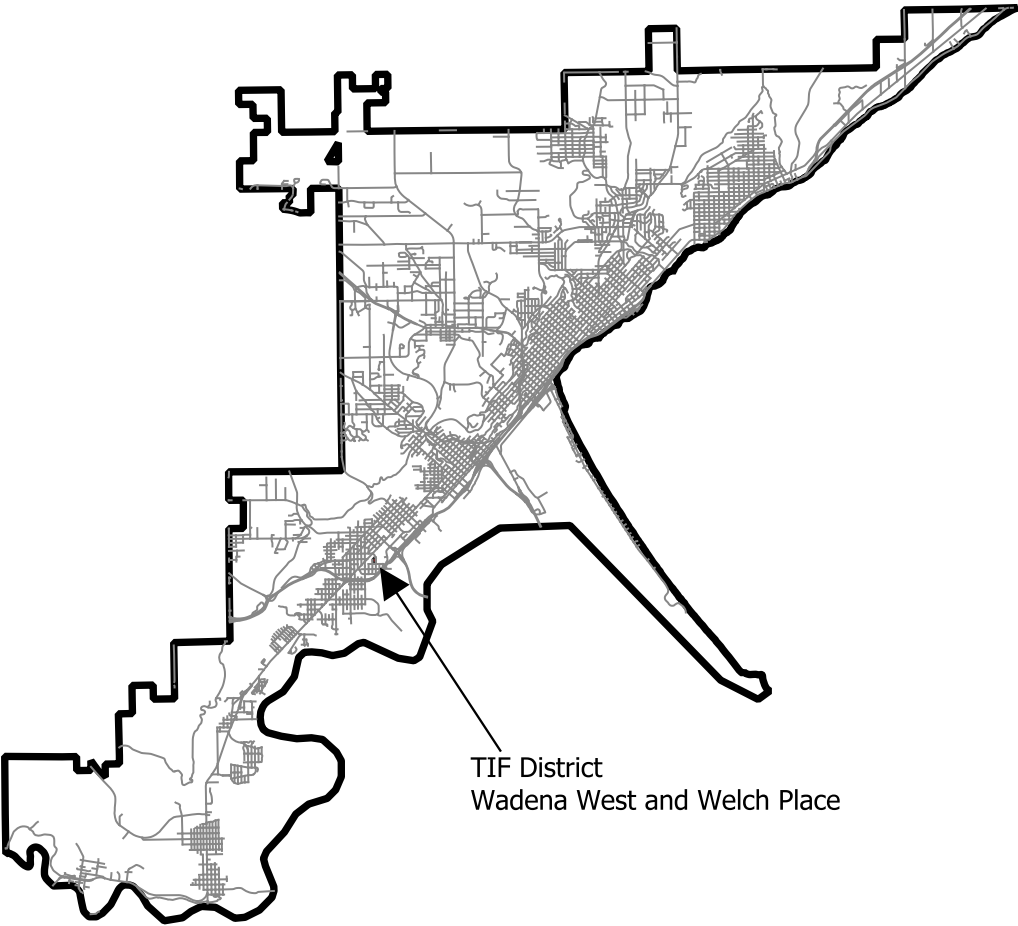


EXHIBIT V (Continued)
Boundaries of Tax Increment Financing (Housing) District - Welch Place
Within Redevelopment Project Area No. 1

Project Area No. 1





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 24-011	Contact	John Kelley, jkelley@duluthmn.gov	
Type	UDC Map Amendment	Planning Commission Date		March 12, 2024
Deadline for Action	Application Date	January 25, 2024	60 Days	March 25, 2024
	Date Extension Letter Mailed	February 8, 2024	120 Days	May 24, 2024
Location of Subject		Adjacent to and north of Bald Eagle Circle, Hawks Ridge Estates Subdivision		
Applicant	New Haven, LLC	Contact		
Agent	Nick Ericson, President	Contact		
Legal Description		010-0090-00480, 010-0090-00490, 010-0090-00500, and 010-2119-00530		
Site Visit Date		March 1, 2024	Sign Notice Date	February 27, 2024
Neighbor Letter Date		February 23, 2024	Number of Letters Sent	29

Proposal

UDC Map Amendment/Rezoning to change the zoning of approximately 4 acres from Residential-Traditional (R-1) to Residential-Planned (R-P) for proposed residential development.

Staff Recommendation

Staff recommend that the Planning Commission recommend approval of the rezoning amendment to the City Council (via ordinance).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood, Open Space
North	P-1	Park	Open Space
South	R-1	Residential	Traditional Neighborhood
East	P-1	Park	Open Space
West	P-1	Park	Open Space

Summary of Code Requirements

- UDC Sec. 50-14.07.E: The establishment of an R-P district requires rezoning the property per Section 50-37.3 from a current zone district to R-P and the approval of an R-P plan that governs the uses, location, density, dimensional standards and character of the proposed project.
- UDC Sec. 50-37.3.B: Planning Commission shall review the application, conduct a public hearing ... with public notice ... and make a written recommendation to council.
- UDC Sec. 50-37.3.C: The Planning Commission shall review the application, and Council shall approve the application or approve it with modifications, if it determines that the application: 1. Is consistent with the Comprehensive Land Use Plan; 2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use; 3. Is required by public necessity, convenience, or general welfare, or good zoning practice; 4. Will not create

material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principles

- Governing Principle #5 – Promote reinvestment in neighborhoods. New development should maximize public investment that strengthens neighborhood commercial centers or diversifies residential opportunities. This project creates a combination of residential uses on individual site(s), common open space and amenity areas, conserves natural features by protecting the shoreline zone at Amity Creek and the hillside which supports several significant trees below Skyline Parkway, and increases pedestrian connectivity by including hiking and biking trail amenities.
- Governing Principle #8 – Encourage a mix of activities, uses, and densities. This project provides a variety of housing types including cottage and traditional homes.

Policies and Strategies

- Housing Policy #2 - Provide affordable, attainable housing opportunities. This project will provide space for additional market-rate housing.
- Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods. This rezoning will allow the development of quality housing, open space and amenities, and good site design, which meets several of this policy’s strategies.

Zoning:

- Residential-Traditional (R-1): Traditional neighborhoods of single-family, duplexes and townhouses on moderately sized lots. Intended to be used primarily in established neighborhoods.

Future Land Use:

- Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.
- 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.

History:

- Hawk Ridge Estates First Addition was platted in 2006. One lot from this subdivision is included in this rezoning proposal.

Review and Discussion Items:

Staff finds that:

1. The applicant's property currently consists of three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat and one parcel in the HAWK RIDGE ESTATES FIRST ADDITION plat. The combined area to be rezoned from R-1 to R-P is approximately 4 acres. The applicant intends to replat the three parcels in the AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS plat to better fit the proposed development.
2. The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious. Good zoning practice requires that zone districts be consistent with the future land use category identified for the area and the generally applicable provisions of the adopted comprehensive plan. The future land use category of the proposed development area is traditional neighborhood and recommends a mix of housing types, conservation development as an option, and a density of 4-8 units per acre.
3. The purpose of the R-P district is established to provide a flexible development option for residential projects that integrate creative site design, provide a variety of housing types, provide unique on-site amenities, conserve natural features, increase pedestrian connectivity, or otherwise result in a final product that provides a greater level of public benefit than would be required under the existing zone district. Each R-P district requires approval of an R-P regulating plan that includes the location, type and intensity of proposed development and a description of public amenities or benefits included. Single-family residences, two-family residences and townhouses, as well as accessory uses, are permitted, provided projects are compatible in scale and character with the surrounding neighborhood and are included in the approved R-P plan.
4. The Concept Plan identifies several areas for residential homes, accessory uses and civic spaces. The site includes a mixture of 3 acres to be developed, inclusive of street right of way, and approximately 1 acre for open space and amenities. The plan suggests a residential density of 8 units per acre and maximum density of 10 units per acre, inclusive of accessory dwelling units. The plan also suggests a maximum of approximately 45,000 square feet for nonresidential land uses.
5. The Concept Plan identifies approximately 1 acre to be preserved throughout the R-P zone. This amounts to 30% of the R-P zoned area, which meets the required by R-P zone standards in Sec. 50-15.14.F04. The plan does mention a Homeowners Association; however, the plan provides no details for how the land will be permanently preserved and who will maintain it. Staff recommends that that these details be specified in the regulating plan.
6. The Concept Plan also shows a sidewalk in the common landscaped areas and pedestrian pathways connecting to existing trails on Skyline Parkway and to hiking and biking trails in the Amity Creek area. Sidewalk is also shown on the plan running along the east side of a proposed public or private road.
7. A Public meeting was held on November 18, 2023, at 5:00 pm at the Portman Community Recreation Center with 19 attendees; on November 20, 2023, at 9:00 am on the project site with two attendees, and online via email on November 22, 2023, at 3:30 pm with four people on the email chain. Please see attached meeting minutes.
8. The following comments were received from City Staff: This particular project will need to have a stormwater management plan developed as part of the project. The project site drains directly towards to Amity Creek, a DNR trout stream, this is a high value water resource. The stormwater management plan will need to be completed by a licensed Civil Engineer. One public comment via email was received (see attached).

Staff Recommendation:

Based on the above findings, staff recommends to Planning Commission the UDC Map Amendment be recommended for approval by City Council for the following reasons:

- 1) This proposal is consistent with the Comprehensive Land Use Plan.
- 2) The proposed amendment is consistent with the future land use category of Traditional Neighborhood and Open Space
- 3) Material adverse impacts on nearby properties are not anticipated.



PL 24-011
Rezoning R-1 to R-P
Area Map



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 24-011
Future Land Use

Legend

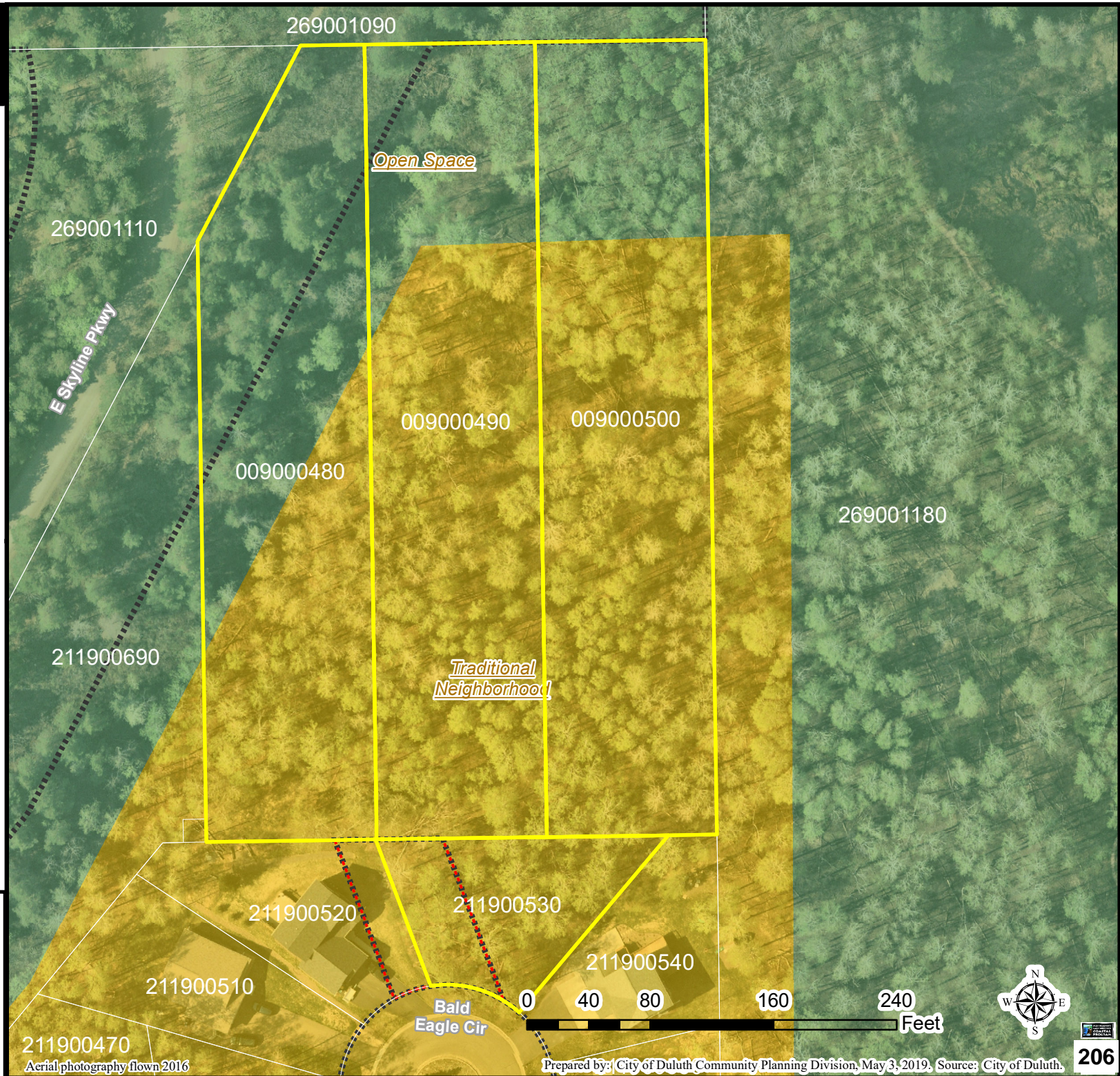
■■■■ Road or Alley ROW

Easement Type

■ Utility Easement
■ Other Easement

■ Open Space
■ Open Space/Outside Duluth
■ Rural Residential
■ Low-density Neighborhood
■ Traditional Neighborhood
■ Urban Residential
■ Neighborhood Commercial
■ Central Business Secondary
■ Central Business Primary
■ Large-scale commercial
■ Tourism/Entertainment District
■ Commercial Waterfront
■ General Mixed Use
■ Neighborhood Mixed Use
■ Light Industrial
■ General Industrial
■ Industrial Waterfront
■ Business Park
■ Transportation and Utilities
■ Transportation and Utilities/Outside Duluth
■ Medical District
■ Institutional

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R-P DISTRICT REQUIREMENTS

R-P CONCEPT MAP



BALD EAGLE ESTATES

GENERAL USES WITHIN THE AREA		50-14.7.H.1.(a)
PLAN KEY	USE CATEGORY	
<u>RESIDENTIAL</u>	RESIDENTIAL USES	
<u>CIVIC</u>	PUBLIC, INSTITUTIONAL AND CIVIC USES	
<u>COMMERCIAL</u>	COMMERCIAL USES (IN RESIDENTIAL AND CIVIC)	
<u>ACCESSORY</u>	ACCESSORY USES	
<u>TEMPORARY</u>	TEMPORARY USES	

DENSITY AND DIMENSIONAL STANDARDS			50-14.7.H.1.(b & c)
MAXIMUM RESIDENTIAL DENSITIES		MAXIMUM SQUARE FOOTAGE FOR NONRESIDENTIAL LAND USES	MAXIMUM BUILDING HEIGHTS
8 units per acre	26 DU	45,398	45 ft
10 units per acre (with ADU)	+7 ADU		

DESCRIPTION OF PUBLIC AMENITIES OR BENEFITS INCLUDED		50-14.7.A
Public trail connection to Skyline Parkway.	20' wide easement for trail connection to the open space adjacent to Skyline Parkway. The small project to build a stair structure within this easement will be recommended to the home owners' association to serve as a common goal and project to build community camaraderie.	
Public trail connection to Amity West hiking and biking trail.	10' wide easement on Lot 50 AUDITOR'S PLAT OF LESTER PARK GARDEN TRACTS and Lot Eighteen (18), Block Four (4), HAWK RIDGE ESTATES FIRST ADDITION for public trail connection from Bald Eagle Circle to Amity West hiking and biking trail.	
Passive open space for Skyline Parkway.	Passive open space dedicated to conserve natural vegetation within Skyline Parkway overlay. Management and construction of pedestrian trails to be performed by the home owners' association.	
Active and Passive open space for Amity Creek.	Passive open space dedicated to conserve shorelands protecting Amity Creek and to provide for storm water management. Pedestrian walkways and/or paths are allowed within this space. Infrastructure to support a future active amenity space is provided for within this space.	
Active common open space	20% common open space within the cottage home community includes an active play field, passive landscaping areas, a community building with indoor and outdoor seating areas and restroom. Stormwater management will be incorporated beneath the play field.	
Common area garages	Central common area for garages and a maintenance building will be located in a central common space.	
Solar panel array infrastructure	Infrastructure for future solar panel array to be centralized and located on the common area garage roofs. The garage roofs will be designed, orientated and sloped to maximize solar potential. Conduit will be provided to allow ease and flexibility for future installation of additional panels. Covenants and/or solar easement will be provided to reduce shadows from being cast upon the panel array location.	

BALD EAGLE ESTATES

CONCEPT PLAN TABLE 50-14.7: MODIFICATIONS ALLOWED	
CHAPTER REQUIREMENT	MAXIMUM MODIFICATION ALLOWED
Distance from property lines	No required yards.
Lot frontage	No required minimum lot frontage.
Lot area, general	No required minimum lot area.
Building height	50% increase. Height specification due to Skyline Parkway. Structures shall be located and designed so that no part of the structure (other than chimneys) extends taller than three feet above the elevation of Skyline Parkway closest to the structure.
Parking	Minimum of 1 space per dwelling unit. Located within 250 ft. walking distance of dwelling.
Landscaping	Alternative or off-site landscaping permitted.
Street cross-section	Public or private street permitted, as determined by City Engineer. If private street provided, cross section as determined by Land Use Supervisor. 20 ft. drive lanes and 4 ft. sidewalks similar to street type: S20 approved by the City of Duluth for use in the Harbor View/Central Hillside Revitalization Traditional Neighborhood Development Code amended March 10, 2008 are allowed. Sidewalks routed separate from street are allowed.

R-P DISTRICT DIMENSIONAL STANDARDS									50-14.7.H.2.(b)	
DEVELOPMENT PARCEL	MIN LOT SIZE	MIN LOT WIDTH	SETBACKS							MAX BUILDING HEIGHT
			PERIMETER	FRONT	REAR	CORNER	SIDE	GARAGE SIDE	ACCESSORY STRUCTURE	
<u>RESIDENTIAL</u>	2000 sf	30 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft	0 ft	45 ft
<u>CIVIC</u>	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	35 ft
<u>ACCESSORY</u>	0 sf	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	45 ft

Matt and Karen Hanka
3032 Bald Eagle Cir.
Duluth, MN 55804

Via Email: planning@duluthmn.gov
Duluth Planning & Development Division
411 West First Street – Room 160
Duluth, MN 55802

**Re: PL24-011 UDC Map Amendment at 3038 Bald Eagle Circle
New Haven, LLC Zoning Application from R-1 to R-P**

Dear Staff and Planning Commission:

This letter concerns an application by New Haven, LLC to change the current zoning at parcel #s 010-0090-00480, 010-0090-00490, 010-0090-00500 and 010-2119-00530 located adjacent and north of Bald Eagle Circle, and directly adjacent to Lester Park and Hawk Ridge from R-1 (Traditional Residential) to R-P (Residential Planned). New Haven requests an inappropriate development “blank slate” with the maximum R-P variations listed at Table 50-13.7-1 of the UDC. We oppose this zoning change for the reasons cited herein.

The subject parcels are directly adjacent to a traditional R-1 zoned single family neighborhood. The subject parcels are also directly adjacent to a heavily utilized and scenic northwestern section of Lester Park, and the elevated banks of Amity Creek. The subject parcels are further directly adjacent to, and directly below, Hawk Ridge. The subject parcels are literally at the “end of the road” in the Lester Park neighborhood, and surrounded by popular wilderness parkland.

As you are aware, R-1 zoning is to accommodate a traditional neighborhood. It is used in “established neighborhoods” – like Lester Park. The dimensional standards in the R-1 zone require “development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas.” The overwhelming majority of the Lester Park/Lakeside neighborhoods are zoned traditional R-1. The subject parcels are zoned R-1. The current zoning will allow for reasonable development in harmony with the surrounding existing neighborhoods and park. In short, the existing zoning will allow New Haven, LLC to play by the exact same rules as the rest of Lester Park/Lakeside.

R-P zoning exists to provide a “flexible development” option with public benefits. That in and of itself is fine. However, the exceptional variances that New Haven requests through its application are not at all “compatible in scale and character” with the surrounding R-1 neighborhood and park. Moreover, the application fails to identify actual public benefits.

The application is challenging to decipher. It contains a number of general policy statements and verbatim repetition of the UDC language. It contains one small “General Layout of Development Areas” map that purports to show a future development at page 5. The application

mentions “single-family, duplex, cottage homes, and townhomes” at page 1. However, it’s still mostly unclear to us what exactly New Haven plans to do with the subject parcels.

What does seem consistent throughout the application is that New Haven wants to be free to develop the parcels however they want with little oversight, “reduced setbacks”, “small lots” and “significant density”. What New Haven wants is a development “blank slate” with the maximum modifications listed at Table 50-13.7-1. For example, New Haven requests “no required yards”, “no required minimum lot frontage”, “no required minimum lot area” and a “50% increase” in allowable building heights (bringing the requested heights to 45’, or 15’ taller than the surrounding traditional R-1 zone). None of that is “compatible in scale and character with the surrounding neighborhood” and park. Indeed, increased building heights in and of itself would interfere with the view from adjacent Hawk Ridge – something that is specifically forbidden by Table 50-14.7-1.

Finally, the UDC requires that an R-P development plan provide for “public amenities or benefits”. New Haven’s application fails this test. First, New Haven’s application lists open spaces (both passive and active) as a benefit. However, the parcels are currently open, as they are undeveloped. Retaining some open space is not a new public amenity or benefit. And indeed, the current R-1 zoning already requires appropriate set-backs from the park and other property. Second, the application mentions a central “common open space” for the development along with “RV parking”. These are not benefits to the public. They are benefits to the development’s owners/users. Finally, the application lists “public trail” connections. However, the adjacent Hawk Ridge development already contains multiple dedicated public trail accesses to both Lester Park and Hawk Ridge. Notably, the application fails to describe where the public is to park vehicles to utilize these new public accesses – which is a real concern for the adjacent neighborhood. The application fails to establish actual and needed public amenities and benefits as required for an R-P development.

New Haven can fairly develop the subject parcels with the current R-1 zoning. There is nothing compelling in the application that leads us to believe that New Haven should be granted the exceptional variances that they request. The parcels should remain zoned as R-1.

Thank you for your consideration.

Sincerely,

Matt and Karen Hanka