

Meeting Agenda

Planning Commission.

Council Chambers

| Tuesday, February 13, 2024 | 5:00 PM | Council Chambers |
|----------------------------|---------|------------------|
| | | |

CALL TO ORDER AND ROLL CALL

APPROVAL OF PLANNING COMMISSION MINUTES

PL 24-0109 Planning Commission Minutes 01/09/2024

Attachments: 1-9-2024 PC Minutes (not approved yet)

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

CONSENT AGENDA

| <u>PL 23-214</u> | Interim Use Permit for New Vacation Dwelling Unit at 1325 Missouri Avenue by Peter and Kelly Mattson |
|---------------------|--|
| <u>Attachments:</u> | PL 23-214 Staff Report with Attachments |
| <u>PL 23-203</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5300 Oneida Street by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-203 staff report and attachments |
| <u>PL 23-204</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1220 N Arlington Avenue by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-204 Staff Report and Attachments |
| <u>PL 23-205</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5804 Tioga Street by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-205 Staff Report and Attachments |
| <u>PL 23-206</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 3140 Restormel Street by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-206 Staff Report and Attachments |

| <u>PL 23-207</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 5004 Glendale Street by MasTec Network Solutions |
|---------------------|---|
| <u>Attachments:</u> | PL23-207 Staff report and Attachments |
| <u>PL 23-208</u> | 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 |
| <u>PL 23-209</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 2841 Piedmont Avenue by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-209 staff report and attachments |
| <u>PL 23-210</u> | 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 |
| <u>Attachments:</u> | PL23-210 Staff Report and Attachements |
| <u>PL 23-212</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 1219 W Michigan Street by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-212 staff report and attachments |
| <u>PL 23-213</u> | Concurrent Use Permit for Co-Location of Small Wireless Telecommunications Facility at 212 N 40th Avenue W by MasTec Network Solutions |
| <u>Attachments:</u> | PL23-213 Staff report and attachments |
| <u>PL 23-222</u> | Interim Use Permit for New Vacation Dwelling Unit at 4609 Cambridge Street by Christensen Investment L.T.D. |
| <u>Attachments:</u> | PL 23-222 Staff report and attachments |
| <u>PL 24-001</u> | Variance from Shoreland Setbacks at 9502 Congdon Boulevard by Matt and Peggy Van Hoomissen |
| <u>Attachments:</u> | PL24-001 Staff Report with Attachments Updated |
| <u>PL 24-002</u> | Variance from Front Yard Setback at 9502 Congdon Boulevard by Matt and Peggy Van Hoomissen |
| <u>Attachments:</u> | PL24-002 Staff Report with Attachments |

PUBLIC HEARINGS

| <u>PL 24-006</u> | MU-I Planning Review for New Helipad on Building A at 1012 E 2nd Street by St. Luke's Hospital |
|---------------------|--|
| <u>Attachments:</u> | PL24-006 Staff Report and Attachments |
| <u>PL 24-005</u> | UDC Text Amendment Related to Vacation Dwelling Units in the RR-1 and RR-2 Districts by City of Duluth |
| <u>Attachments:</u> | PL24-005 Staff Memo |

OTHER BUSINESS

| <u>PL 23-224</u> | Historic Resource Designation at 2401 W 6th Street by Belanger 1916 LLC |
|---------------------|--|
| <u>Attachments:</u> | PL 23-224 Staff memo and attachments |
| <u>PL 23-181</u> | Interim Use Permit for a Vacation Dwelling Unit at 608 1/2 W 4th Street Unit 1 by Justin and Alyssa Voegele |
| <u>Attachments:</u> | PL 23-181 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

January 9, 2024 – City Hall Council Chambers Meeting Minutes

Call to Order

President Margie Nelson called to order the meeting of the city of Duluth planning commission at 5:01 p.m. on Tuesday, January 9th, 2024 in the Duluth city hall council chambers.

Roll Call

Attendance:

Members Present: Gary Eckenberg, Brian Hammond, Margie Nelson, Danielle Rhodes, and Michael Schraepfer Members Absent: Jason Hollinday, Jason Crawford and Andrea Wedul Staff Present: Adam Fulton, Ryan Pervenanze, Jean Coleman, Jenn Moses, Kyle Deming, John Kelley, Chris Lee, and Hannah Figgins

Approval of Planning Commission Minutes

Planning Commission Meeting – December 12, 2023 – Changes were previously requested by Danielle Rhodes and were shared with the commission by Deputy Director Adam Fulton. Danielle Rhodes emailed a correction to former-staff member Cindy Stafford, noting the word "enforcement" on pg. 4 under "Communications" was misspelled. Deputy Director Fulton ensured the correction would be made.

MOTION/Second: Hammond/Rhodes approve

VOTE: (5-0)

Public Comment on Items Not on Agenda

Consent Agenda

- PL 23-182 Interim Use Permit for a Vacation Dwelling Unit at 608 1/2 W 4th Street Unit 4 by Justin and Alyssa Voegele
- PL 23-216 Interim Use Permit for Vacation Dwelling Unit in a Form District at 1722 London Road by Gregory and Claudia Kamp
- PL 23-218 Interim Use Permit for a Vacation Dwelling Unit at 730 E Superior Street by 418 VR LLC
- PL 23-223 MU-I Planning Review for Parking Structure at 315 E 1st Street by St. Mary's Duluth Clinic Health System
- PL 23-192 Variance for Accessory Structure Closer than 10 Feet to Principal Structure at 105 W Wabasha Street by Kyle and Liz Eaton

Commissioners: PL 23-192 - Gary Eckenberg asked a clarifying question regarding the need for a variance for an accessory structure to be closer than 10 ft to a principal structure that in this case is a garage, on the same property as the accessory structure. Brian Hammond asked a related question, referencing code 5021. He noted the code addresses accessory units and

principal structures on separate lots, and in item PL 23-192 it appears the accessory unit and principal structure are on the same lot. He wonders why there is a need for a variance. Planner Chris Lee addresses the concern that 5021.3.b, the code applied under, that it's correct the code does specify the variance is for structures on different lots. Deputy Director Fulton requests the item be pulled from the Consent Agenda for further discussion by staff. Planning Commission agreed and this item was removed from the agenda.

Public: PL 23-192: <u>Mark H. Baker</u> - 1721 E 3rd St - addressed the commission. He is also concerned that a variance would not be necessary and staff should deliberate further.

PL 23-218: <u>Jim Berarducci</u> – 734 E Superior St. – addressed the commission. He expressed concerns about parking near the proposed VDU in item PL 23-218. He said there is not enough parking as it is for long-term renters in adjacent buildings, and he is worried this VDU will exacerbate the issue. He asked what considerations are made for parking when considering interim use vacation dwelling units. Deputy Director Fulton noted the plan includes an additional parking spot on the side of the proposed VDU.

MOTION/Second: Rhodes/Schraepfer approved the consent agenda items as per staff recommendations (PL23-192 removed)

VOTE: (5-0)

Public Hearings

PL 23-181 Interim Use Permit for a Vacation Dwelling Unit at 608 1/2 W 4th Street Unit 1 by Justin and Alyssa Voegele

Staff: John Kelley introduced the applicant's request for an interim use permit for a front-yard parking lot. Front yard parking is not permitted in any zone district. Staff recommends denial of the interim use permit because the proposed location of the parking in the R-2 zoning district. **Commissioners:** Gary Eckenberg asked for clarification of the available parking at the site. Kelley clarified that the units 2 and 3 each have their own long-term parking on the side or rear of the building, but unit 1 would have to rely on street parking.

Applicant: Justin Voegele introduced himself as the owner of the property for almost four years. He appealed to the value of upholding precedent. Justin Voegele addressed the commission and provided a packet with images and scans of permits provided by Construction Services. Voegele asserted the documents presented prove the 1977 addition of the concrete structure in the front yard was added legally and was fully permitted to be used for parking. Voegele states his front-yard parking spaces are permitted and legal, and hopes the commission will find the same. He welcomed questions.

Public: No speakers

Commissioners: Asked staff questions related to issuance of the 1977 permit. Staff explained the permit was for an addition to the building and not for construction of parking. The building official at the time would have reviewed the building permit for building code compliance, not for compliance with other city regulations. Staff confirmed in order for this parking to have been constructed legally, a variance would have been required. No Record exists of such a variance. Commissioner Hammond stated it seems unlikely the city would have granted a permit without reviewing all regulations.

MOTION/Second: Rhodes/Hammond, Motion to approve IUP failed VOTE: (2-3, Nelson, Eckenberg, and Schraepfer opposed) Commissioner Hammond would like staff to further investigate the permit record for this property.

MOTION/Second: Hammond/Rhodes, Motion to Table passes

VOTE: (3-2, Nelson and Eckenberg opposed)

PL 23-217 Special Use Permit for Parking Lot Improvements South of 2nd Street Between 3rd and 4th Avenues W by St. Louis County

Staff: Jenn Moses introduced applicant's proposal to reconstruct the parking lot with a special use permit and the conditions specified by planning staff detailed in the staff report. Applicant: Not present

Public: No speakers

MOTION/Second: Rhodes/Eckenberg approve as per staff recommendation

VOTE: (5-0)

New Business

PL 23-221 COMMISSIONER RHODES: Viewshed Protection, Aerial Lift Bridge

Staff: Deputy Director Fulton thanked Commissioner Rhodes for bringing this topic to Staff's attention and for preparing the proposal. A case file was created, and the topic will be in consideration by the commission but there is not a staff recommendation, nor has any staff work been done on the issue at this time.

Commissioners: Danielle Rhodes was approached by a member of the public with this topic. She brought a packet that describes the issue at length. The way the UDC is written now, it allows for buildings to be built to 120' directly next to the Aerial Lift Bridge. She would like the commission to consider whether the case presented is strong enough to justify asking staff to devote time to create a report. She believes the Viewshed of the Lift Bridge is a value to the city and the Imagine Duluth 2035 plan. Gary Eckenberg agreed the issue is strong enough that the public should be given the chance to hear more about the topic. Brian Hammond agreed the issue may warrant a concern, but disagreed with the accuracy of the depictions in the materials presented by Rhodes.

Danielle Rhodes then said she would like to be clear what the request to staff is. She would like to know whether her height estimates were accurate. Deputy Director Fulton said staff would look in to it and get back to her. Eckenberg added the referenced heights may be close to the height of the DeWitt-Seitz building, which may warrant knowing the height of that building and whether anyone would argue with that height becoming the limit. Margie Nelson raised the concern that staff may not have much time to address this question.

MOTION/Second: Eckenberg/Schraepfer Motion to bring the issue to the next Planning Commission Meeting for a public hearing to hear from the public about the topic, and direct staff to provide a staff report at that time.

VOTE: (3-2, Nelson and Hammond opposed)

Other Business

PL 23-127 Order for Review to Initiate Drafting an Alternative Urban Areawide Review (AUAR) for the Central High School Redevelopment Project

Staff: Kyle Deming outlined steps taken thus far in the AUAR process. The 30-day comment period on the Scoping EAW ended 1/4/2024. Four agency comments and two residents commented. Their comments are summarized with responses to the comments provided in the document emailed to commissioners Friday, Jan. 5, and posted on the web page. He asked commissioners to vote to accept the comments and responses to the comments. The second item is to adopt the order to initiate the drafting of the AUAR. Deming confirmed the staff interpretation is that none of the comments warrant any changes to the scenarios to be evaluated in the AUAR. Staff recommends the commission initiate the AUAR with no further changes to the scenarios. He welcomed any questions.

Commissioners: No questions

Public: No public hearing

MOTION/Second: Rhodes/Eckenberg approved as per the Jan. 5, 2024 staff memorandum

VOTE: (5-0)

Communications

Land Use Supervisor (LUS) Report – Deputy Director Fulton reports that staff have finalized the review of the Ulland site in Midway Township. They anticipate sending a letter to Ulland this week, and he and Director Chad Ronchetti will participate in the Midway Township Zoning Board meeting in February. Fulton also noted a few project updates: John Kelley did some analysis on the Mall, including Essentia's investments in the former Yonkers and Sears. Essentia has made great improvements to the parking lot. The Mall continues to be a priority for staff and want to see it succeed. Lakeview Apartments on Superior St. is seeing progress. Fulton gave his thanks for continued work on the AUAR for the Incline Village Project that Kyle Deming spoke to earlier. Fulton expressed his gratitude to the project team and the developers as the project is very large and complex. West Superior St road design plans are on the way; parking commission has been meeting to discuss the designs for parking on Superior St. through Lincoln Park. Staff is working to make the street scape work better but also provide a district parking solution for all users in the area. The 6th Ave E plans have progressed, and they are looking at safety improvements on a pilot project basis and will likely be in construction this summer. The Northern Lights Express project is not fully funded but they have received a grant for \$500,000 to MN Dot, not to the city of Duluth, to continue working on this project. Staff has greatly valued the support of St. Louis County for this project.

Heritage Preservation Commission – Gary Eckenberg noted they will be meeting this coming Monday. There was no meeting yesterday.

Joint Airport Zoning Board – No updates.

Duluth Midway Joint Powers Zoning Board – Deputy Director Fulton noted a lot of excitement on that zoning board to have an enforcement issue. That is the primary topic at present.

Adjournment

Meeting adjourned at 6:34 p.m.

Respectfully,

Adam Fulton – Deputy Director Planning & Economic Development



Planning & Development Division

Planning & Economic Development Department

218-730-5580

🖂 plan

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-214 | | Contact Jason | | Jason Mo | on Mozol, jmozol@duluthmn.gov | |
|---------------------------------------|--|-------------------------|--------------------------|----------------|-------------------|-------------------------------|--|
| Туре | Interim Use Permit – Vacation Dwelling Unit | | Planning Commission Date | | February 13, 2024 | | |
| Deadline | Application Date | | January 11, 2024 60 Days | | March 12, 2024 | | |
| for Action | Date Extension Letter MailedJanuary 11, 2024 | | 120 Days | 6 May 10, 2024 | | | |
| Location of Subject 1325 Missouri Ave | | | | | | | |
| Applicant | Superior | uperior Overlook LLC | | | | | |
| Agent | Peter and | Peter and Kelly Mattson | | | | | |
| Legal Description | on | 010-4290-02040 | | | | | |
| Site Visit Date | | February 2, 2024 | Sign Notice Date | | | January 26, 2024 | |
| Neighbor Letter | ^r Date | January 12, 2024 | Number of Letters Sent | | 14 | | |

Proposal

The applicant proposes use of 4-bedroom, single-family home as a vacation rental property.

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 and MU-N | Residential | Traditional Neighborhood |
| North | R-1 and MU-N | Residential | Traditional Neighborhood |
| South | R-1 and MU-N | Residential | Traditional Neighborhood |
| East | R-1 | Residential | Traditional Neighborhood |
| West | MU-N | Vacant | 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, 1325 Missouri Ave, was built in 1941. The existing structure is a 4-bedroom, single-family home with a 2-car, detached garage.

Review and Discussion Items:

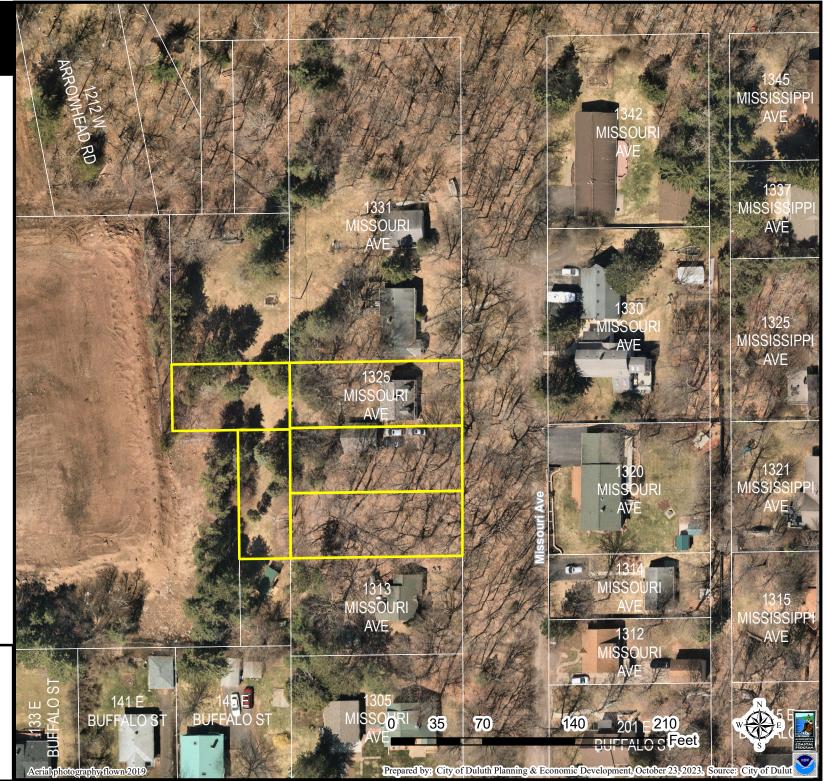
- 1) Applicants' property is located at 1325 Missouri Ave. The entire single-family home will be rented. There are 4 bedrooms, which allow for a maximum of 9 guests.
- 2) The minimum rental period will be two nights.
- 3) Six parking space will be provided. Four will be located in the driveway and two in the garage.
- 4) The applicant has indicated they will allow motorhome or trailer parking in the driveway.
- 5) The site plan doesn't indicate any outdoor amenities beyond a turf yard.
- 6) The applicant received a letter from the neighboring property owner to the north waiving the need for screening. The property to the south is screened by an existing wooded lot.
- 7) Permit holders must designate a managing agent or local contact who resides with 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 Russ Bradley 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, agency, or public comments were received.
- 12) The permit will lapse if no activity takes place within 1 year of approval.

Staff Recommendation:

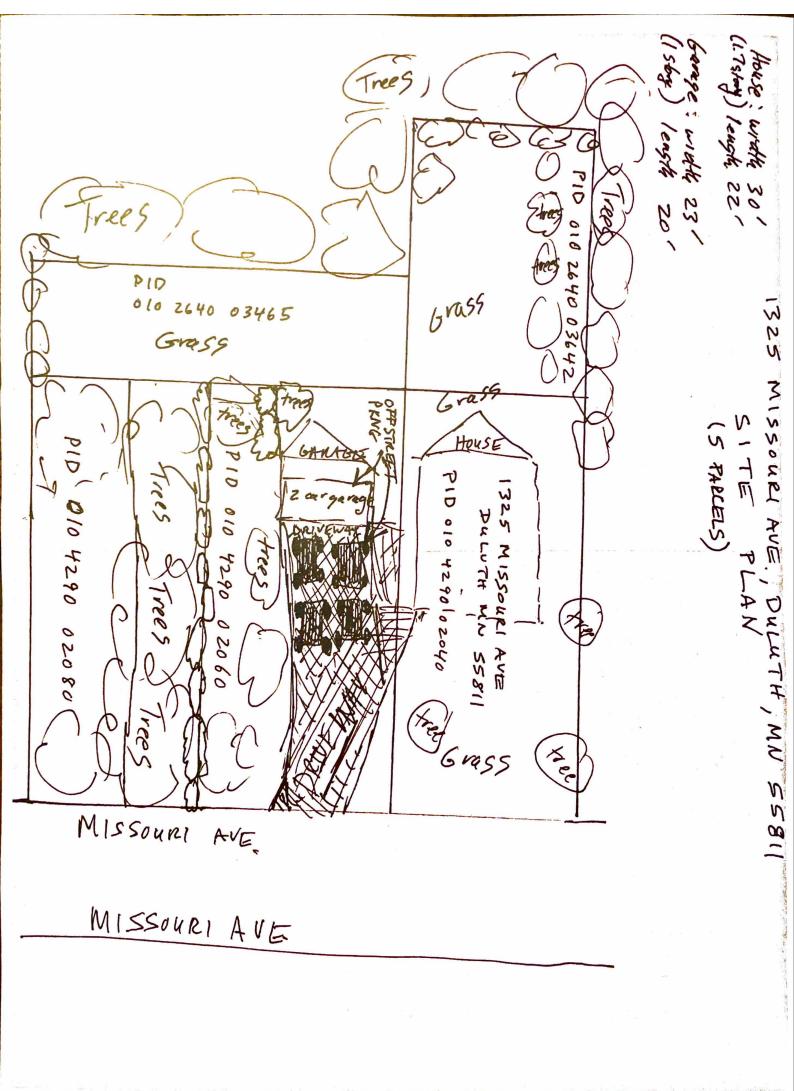
Based on the above findings, Staff recommends that Planning Commission approve the permit subject to the following conditions:

- 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.

DULUTH PL23-214 Interim Use Permit for VDU 1325 Missouri 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.





Planning & Development Division

Planning & Economic Development Department

218-730-5580

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Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-203 | | Contact Chris Lee, c | | Chris Lee, o | lee@duluthmn.gov | |
|-------------------|--|--|----------------------------|----------|------------------|-------------------|--|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date | | on Date | February 13, 2024 | |
| Deadline | Application Date | | January 18, 2024 60 Days | | 60 Days | March 18, 2024 | |
| for Action | Date Ext | Extension Letter Mailed January 18, 2024 | | 120 Days | May 17, 2024 | | |
| Location of Sub | of Subject Near 5302 Oneida St | | | | | | |
| Applicant | MasTec | /asTec | | | | | |
| Agent | | | Contact | | | | |
| Legal Description | iption N/A | | | | | | |
| Site Visit Date | | February 1, 2024 | Sign Notice Date January | | January 30, 2024 | | |
| Neighbor Lette | r Date | N/A | Number of Letters Sent N/A | | 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

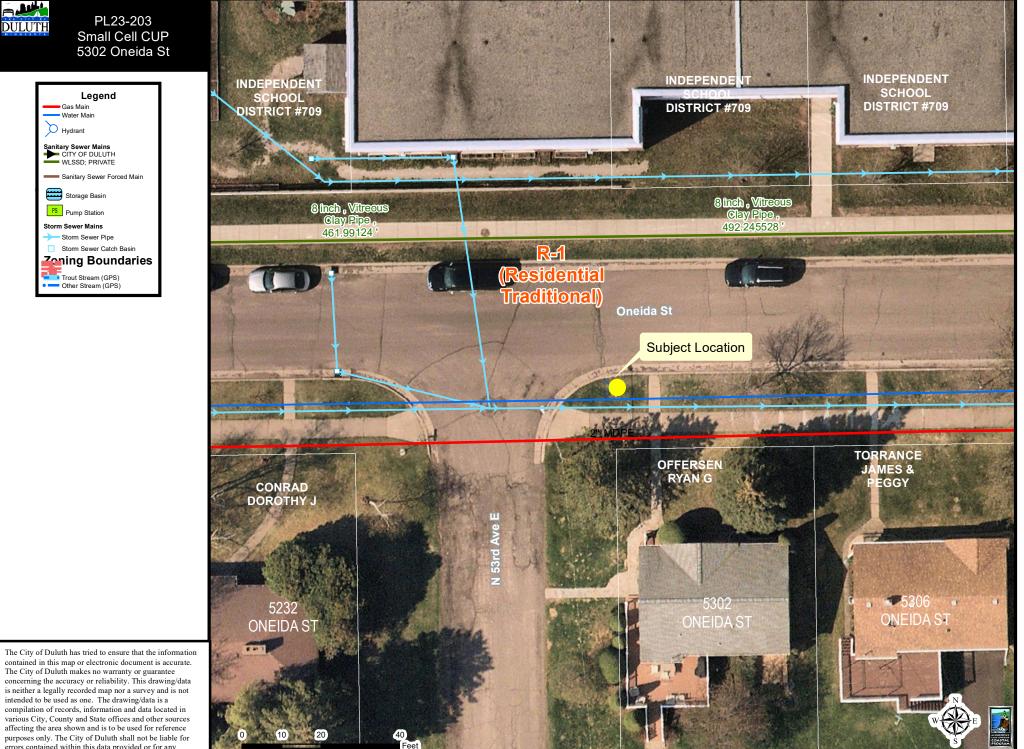
Staff finds that:

- 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.



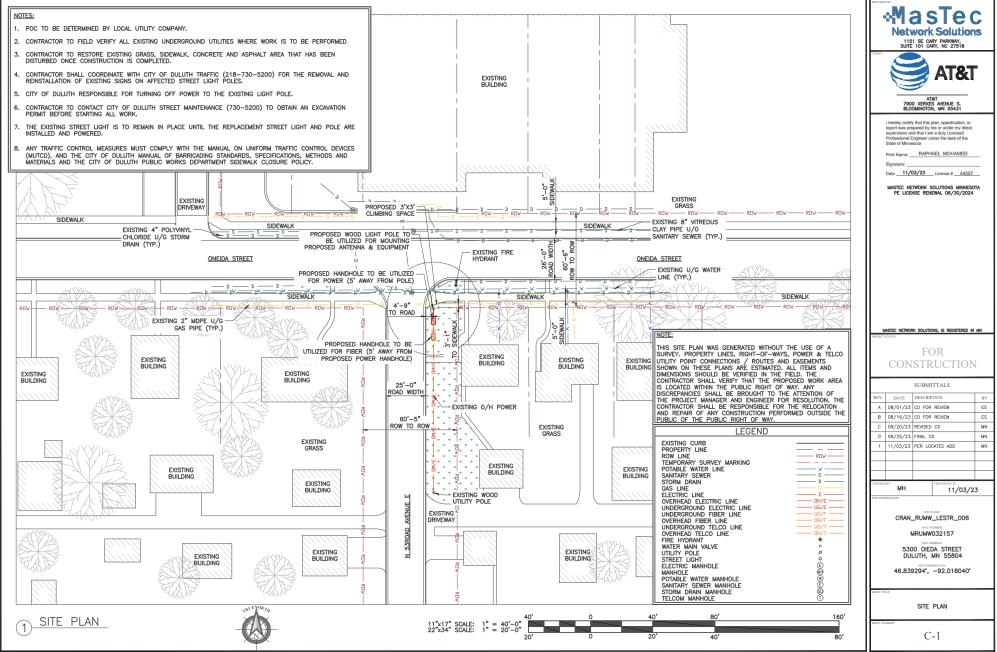
errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2019

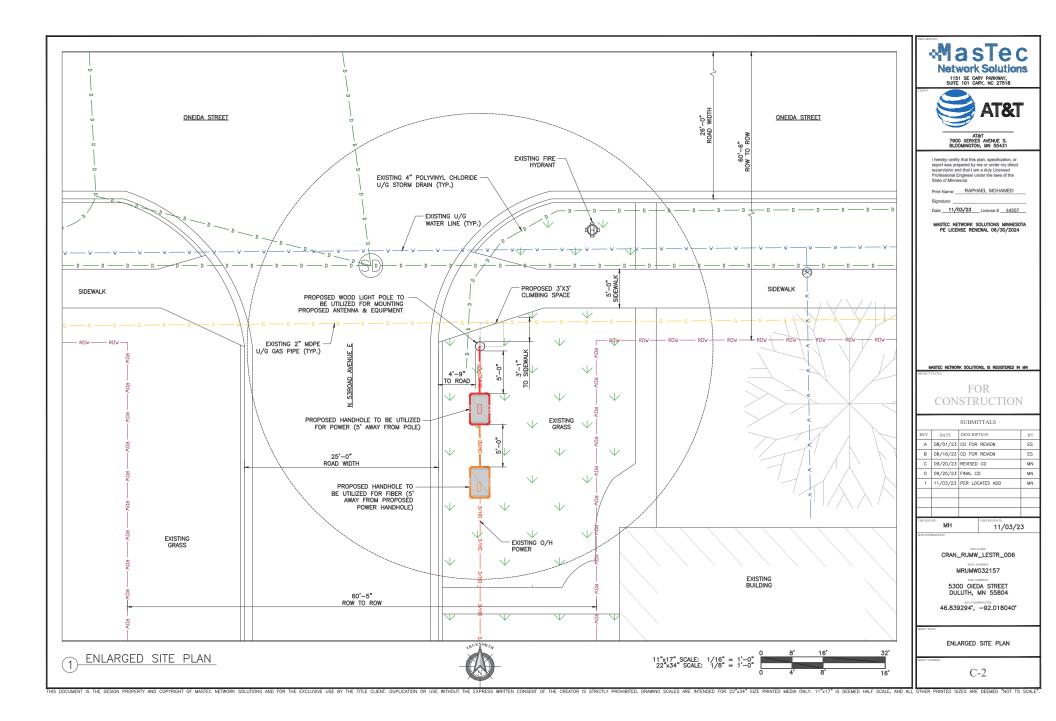
Prepared by: City of Duluth Planning & Economic Development, January 18, 2024 Source: City of Duluti

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| | FA NUMBER: 1486 | 5315 | 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 |
| | | /W0024722 | State of Minnesota |
| | | | Print Name: RAPHAEL MOHAMED Signature: Reptart Monamed, PC, PD, PD, Parket Monamed, Name |
| | | 39294°, -92.018040° | Date 11/03/23 License # 44557 |
| | | OIEDA STREET JTH, MN 55804 | MASTEC NETWORK SOLUTIONS MINNESOTA PE LICENSE RENEWAL 06/30/2024 |
| PROJECT INFORMATION | AERIAL PHOTO | SHEET INDEX | |
| PROJECT: MNP_MASTEC_CRAN SITE NAME: CRAN_RUMW_LESTR_006 | | SHEET # SHEET TITLE T-1 TITLE SHEET | - |
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| LONGITUDE: -92.018040* SITE ADDRESS: 5300 OIEDA STREET | | C-4 PROPOSED POLE ELEVATIONS PS-1 PHOTO SIMULATION | |
| STE ADDRESS: 5300 OIEDA STREET CITY, STATE ZIP: DULUTH, MN 55804 | | PS-2 PHOTO SIMULATION EQ-1 EQUIPMENT DETAILS | |
| COUNTY: ST. LOUIS | | EQ-2 EQUIPMENT DETAILS | |
| JURISDICTION: CITY OF DULUTH STRUCTURE TYPE: WOOD LIGHT POLE | | EQ-3 EQUIPMENT DETAILS EQ-4 EQUIPMENT DETAILS | MASTEC NETWORK SOLUTIONS, IS REGISTERED IN MN |
| STRUCTURE OWNER: MINNESOTA POWER | The second se | RF-1 PLUMBING DIAGRAM | FOR |
| POLE PART NUMBER: CLASS 3 #M5413280 GROUND ELEVATION: 724'± A.M.S.L. | TELL VIEW STATES AND | E-1 ELECTRICAL DETAILS | CONSTRUCTION |
| | | G-1 GROUNDING DETAILS TC-1 TRAFFIC CONTROL PLAN | |
| AF&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 | Community Center | GN-1 GENERAL NOTES | REV DATE DESCRIPTION BY |
| HAZEL MAURO – SITE ACQUISITION PROJECT MANAGER HAZEL MAURO@MASTEC.COM (913) 710-3999 | | | REV DATE DESCRIPTION BT A 08/01/23 CD FOR REVIEW ES B 08/16/23 CD FOR REVIEW ES C 09/20/23 REVISED CD MN |
| MASTEC NETWORK SOLUTIONS ENGINEERING SERVICES: 1151 SE CARY PARKWAY, | Surjinte therapelitic Associate and the Porch Boungue Associate As | | 0 09/25/23 FINAL CD MN |
| SUITE 101 CARY, NC 27518 - (972) 581-9888 SCOPE OF WORK | STRUCTURE PHOTO | CODE COMPLIANCE | 1 11/03/23 PER LOCATES ADD MN |
| SCOLE OF WORK | | | |
| REPLACE EXISTING 24'-0" A.G.L. WOOD 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 37'-3" A.G.L. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 | | 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. | OREXED OF MH CREATED GATE ITTE INFORMATION 11/03/23 ITTE INFORMATION ITTE NAME CRAN_RUMW_LESTR_006 |
| RRH WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS. | | THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. | PACE NUMBER MRUMW032157 |
| INSTALL METER ON POLE PER MANUFACTURERS SPECIFICATIONS AND PER UTILITY AND NEC REQUIREMENTS. | | ONE CALL | STITLADDESSE 5300 OIEDA STREET DULUTH, MN 55804 STITLCOMENSATE: |
| ANY DEVIATION THAT DIFFERS SUBSTANTIALLY FROM WHAT IS SHOWN ON | | 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 | 46.839294*, -92.018040* |
| 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. THIS DOCIMENT IS THE DESIGN PROPERTY AND COPYRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE U | SE BY THE TITLE CLENT, DUPLICATION OR USE WITHOUT THE EXPRESS WRITEN CONSENT OF THE CREATOR IS STRUCTLY PROHIBIT | Know what's below. Call before you dig. | T-1 |

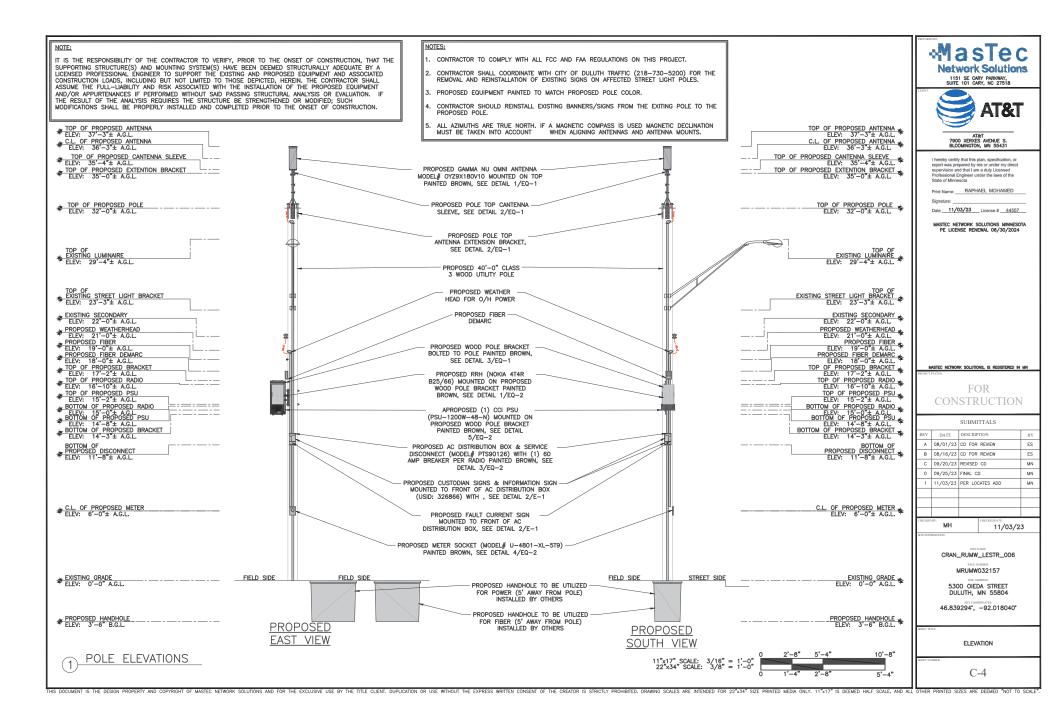
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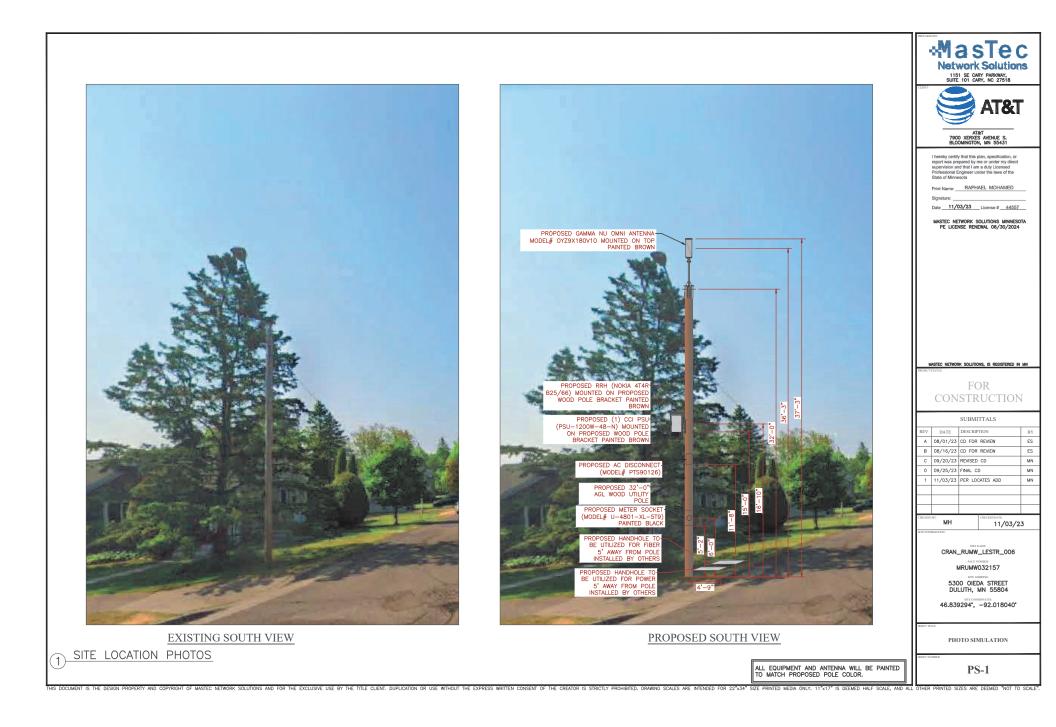


INT IS THE DESIGN PROPERTY AND COPYRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE USE BY THE TITLE CLENT. DUPLICATION OR USE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED. DRAWING SCALES ARE INTENDED FOR 22*34* SIZE PRINTED MEDIA ONLY. 11*17* IS DEEMED HALF SCALE, AND ALL OTHER PRINTED SIZES ARE DEEMED "NOT TO SCALE".













Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-204 | | Contact Chris Lee, c | | lee@ | lee@duluthmn.gov | |
|---|--|----------------------|-----------------------------|--|-------------------------|-------------------|----------------|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date | | | February 13, 2024 | |
| Deadline | Application Date | | January 18, 2024 60 Days | | 60 Days | | March 18, 2024 |
| for Action | Date Ext | ension Letter Mailed | January 18, 2024 | | s, 2024 120 Days | | May 17, 2024 |
| Location of Subject Near 1220 N Arlington Ave | | | | | | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descripti | Legal Description N/A | | | | | | |
| Site Visit Date | | February 1, 2024 | Sign Notice Date January 30 | | iary 30, 2024 | | |
| Neighbor Lette | er 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

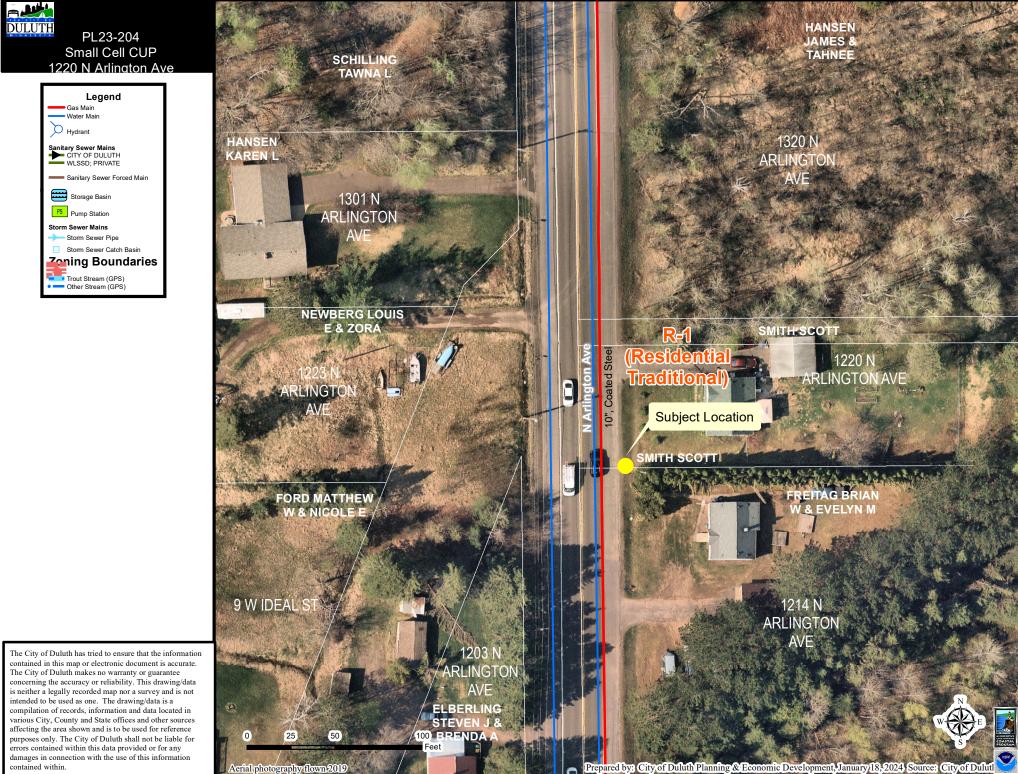
Staff finds that:

- 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:

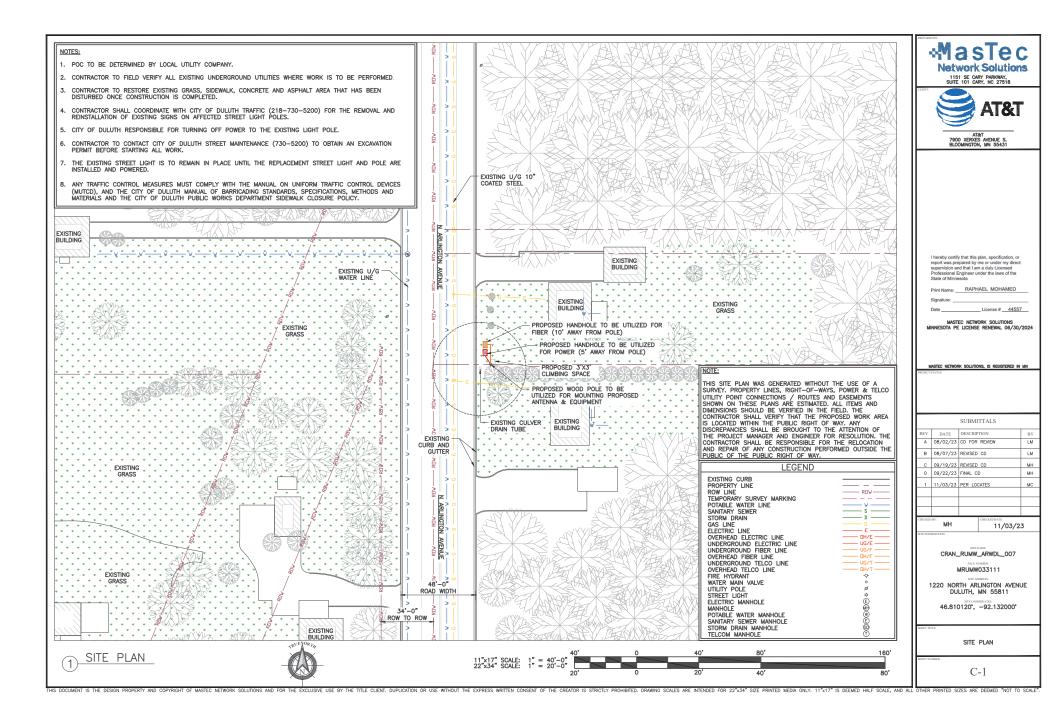
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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

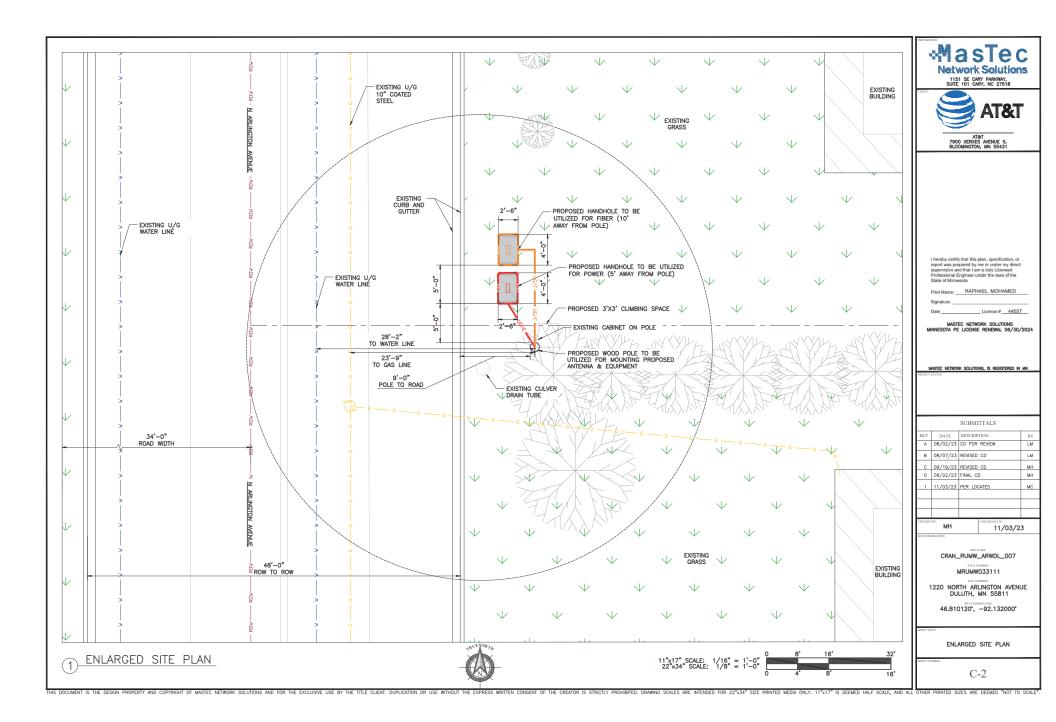


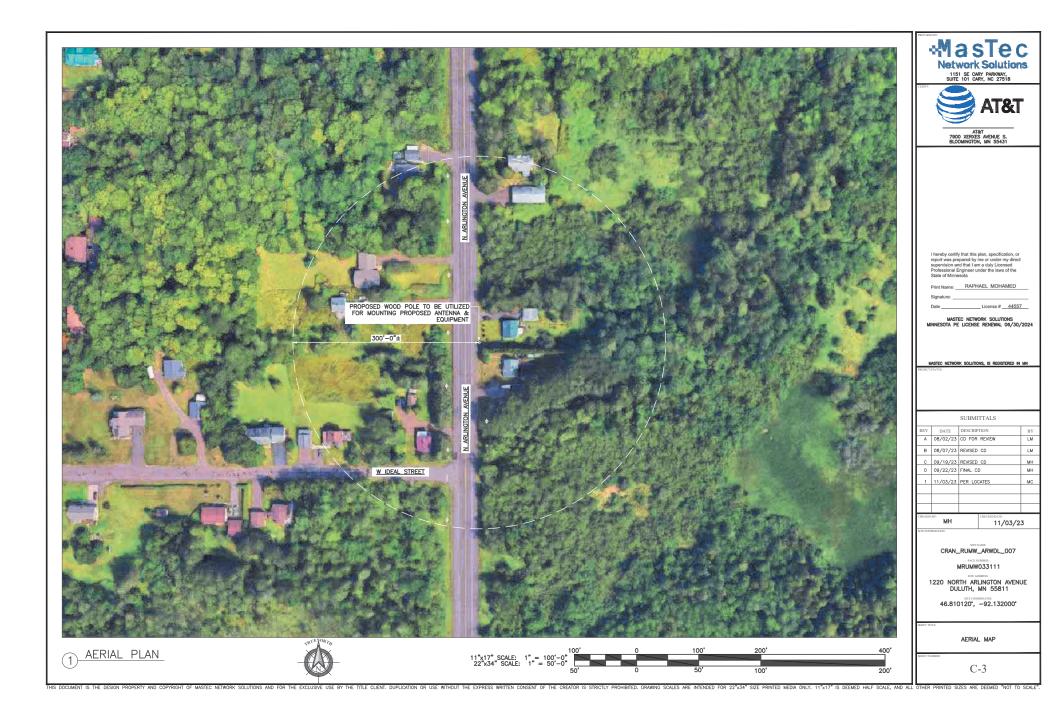
Prepared by: City of Duluth Planning & Economic Development, January 18, 2024 Source: City of Dulut

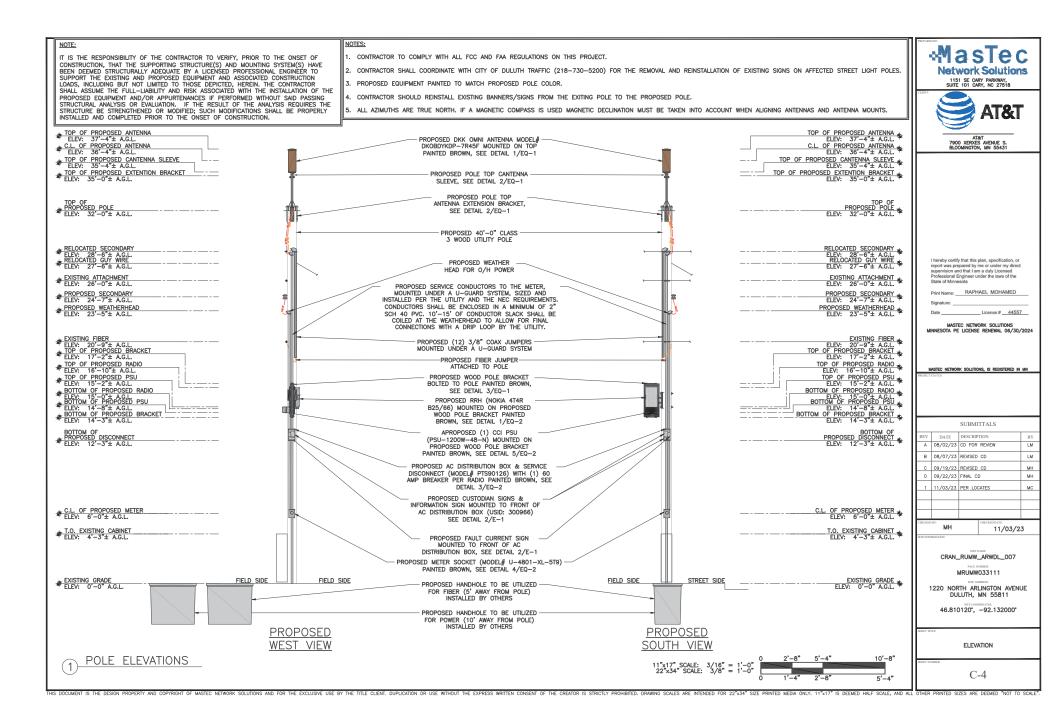
| | | SITE NAME: C USID: 3 SKIP ID / NODE#: M IWM JOB: W PACE NUMBER: M PTN NUMBER: 3 FA NUMBER: 1 COORDINATES: 4 SITE ADDRESS: 1 | VNPMASTECCRAN CRAN_RUMW_ARWDL_007 300966 MNL07074F_R01 VSUMW0024433 MRUMW033111 3514A0N4F6 4925682 46.810120°, -92.132000° 220 NORTH ARLINGTON AVENUE DULUTH, MN 55811 | ATTACK A CONNECTION OF A CONN |
|---|--|---|---|---|
| PROJECT: SITE NAME: USID: PACE NUMBER: LATITUDE: LONGITUDE: SITE ADDRESS: CITY, STATE ZIP: COUNTY: JURISDICTION: STRUCTURE TYPE: STRUCTURE OWNER: POLE PART NUMBER: GROUND ELEVATION: APPLICANT: SITE ACQUISITION: | JECT INFORMATION MNP_MASTEC_CRAN CRAN_RUMW_ARWDL_007 300966 MRUMW033111 46.810120' -92.132000' 1220 NORTH ARLINGTON AVENUE DULUTH, MN 55811 ST. LOUIS ST. LOUIS COUNTY WOOD POLE MINNESOTA POWER CLASS 3 #A0778549 1295'± A.M.S.L. AT&T WRELESS 7000 XERXES AVENUE S. BLOOMINGTON, MN 55431 HAZEL MAURO SITE ACQUISITION PROJECT MANAGER HOZELMAURO® TRANSAC.COM (913) 710-3999 | AERIAL PHOTO | SHEET INDEX C-1 SHEET INDEX C-1 C-2 C-2 C-4 PHOTO SIMULATION EQ-3 PHOTO SIMULATION EQ-2 PHOTO SIMULATION EQ-2 EQUIPMENT DETAILS EQUIPMENT DETAILS EQUIPMENT DETAILS EQUIPMENT DETAILS E-1 ELECTRICAL DETAILS C-1 GROUNDING DETAILS C-1 TRECTRICAL DETAILS | I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a day Lennered Private Management Explore the laws of the Bland of Minnerson and the Minnerson and the Bland of Minnerson and the Bland of Minnerson and the Minnerson and the Bland of Minnerson and the Minnerson and the Bland of Minnerson and the Minn |
| ENGINEERING SERVICES: M3TEC NETWORK SOLUTIONS 1151 SE CARY PARKWY, 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 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. | | | 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 MATIONAL BUILDING CODE 2020 MATIONAL BUILDING CODE 2020 MATIONAL BUILDING CODE 2020 MATIONAL BUILDING CODE THESE DRAWING SARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. MINESON THE LOCAL JURISDICTION. TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN INDERGROUND FACILITIES BEFORE YOU DIG IN UNDERGROUND FACILITIES BEFORE YOU DIG IN UNDERGROUND FACILITIES BEFORE YOU DIG IN UNDERGROUND FACILITIES DEFORE YOU DIG IN UNDERGROUND FACILITIES DEFORE YOU DIG IN WINNESOTA STATUTE REOUTED BY WWW.gopherstateonecall.org WINNESSTA STATUTE REOUTES WINNESS ANTICE DEFORE YOU BY ANTICE WINNESS ANTICE BEFORE YOU BY ANTICE WINNESS ANTICE SOLVERS ANTICE WINNESS ANTICE SOLVERS ANTICE WINNESS ANTICE YOU BY ANTICE SOLVERS ANTICE WINNESS ANTICE SOLVERS ANTICE BEFORE YOU BY ANTICE WINNESS ANTICE SOLVERS ANTICE WINNESS ANTICE SOLVERS ANTICE BEFORE YOU BY ANTICE WINNESS ANTICE SOLVERS ANTICE SOLVERS ANTICE SOLVERS ANTICE | С 69/19/23 [RVAL CD МН 0 09/22/23 [RVAL CD МН 1 11/03/23 [RVAL CD МН 1 11/03/23 [RVAL CD МН 1 11/03/23 [RVAL CD МС МС 11/03/23 [RVAL CD MC 11/03/23 МН 11/03/23 МП 11/03/23 ПТ RVMAL_007 МП 11/03/23 ПТ RVMAL_007 ПТ RV |

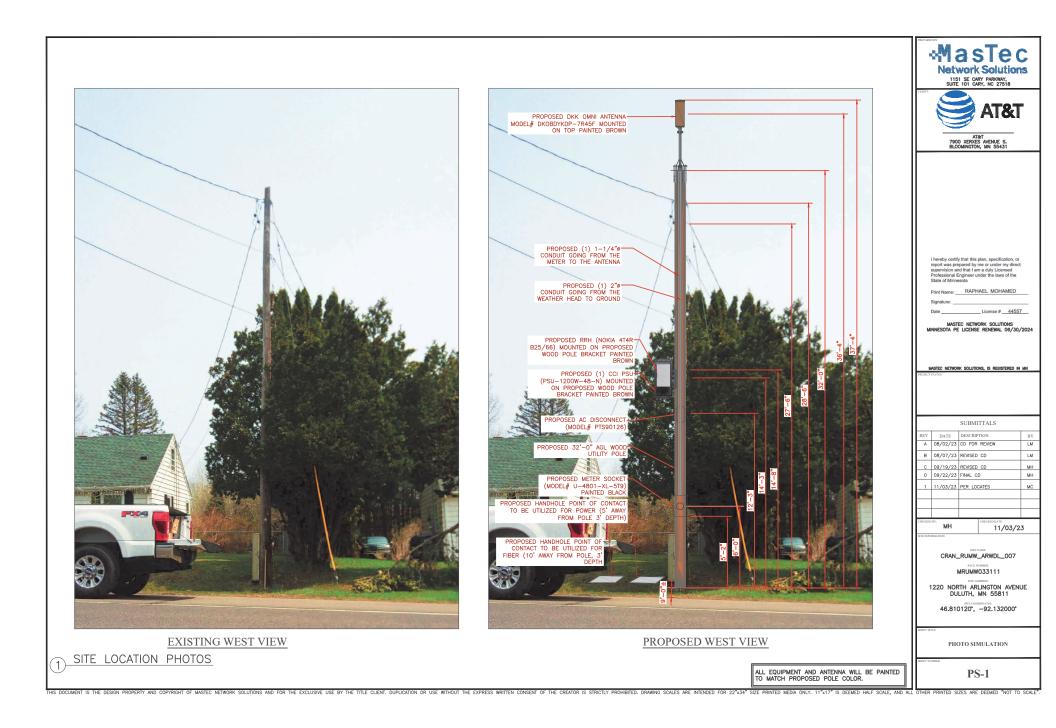
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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-205 | | Contact C | | Chris Lee, clee@duluthmn.gov | | | |
|------------------------|--|------------------------|--------------------------|--|------------------------------|------------------|----------------|--|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date | | February 13, 2024 | | | |
| Deadline for Action | Application Date | | January 18, 2024 60 | | 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 1, 2024 | Sign Notice Date | | | January 30, 2024 | | |
| Neighbor Letter Date | | N/A | Number of Letters Sent | | 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.

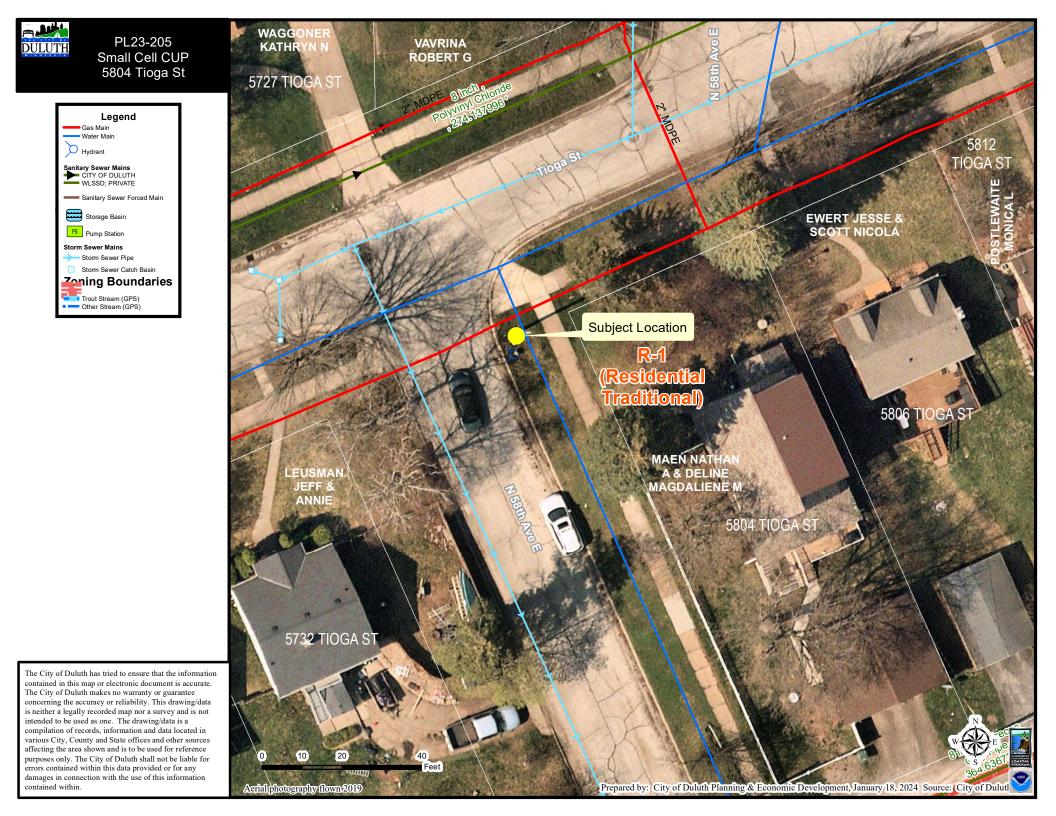
This is a companion zoning application to PL 23-203, -204, -206, -207, -208, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing utility poles.

Discussion

Staff finds that:

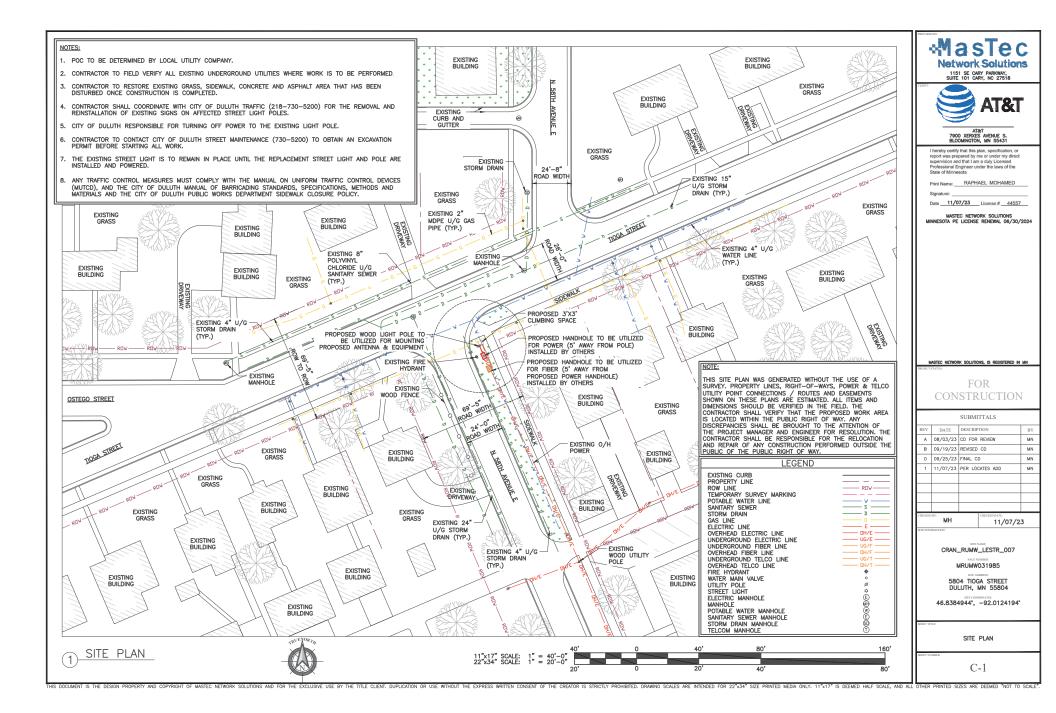
- The small cell facility will be installed on a replacement Minnesota Power wooden pole. The existing light will be installed at 30 feet and wireless equipment will be placed at 33 to 35 feet, with a radio at 15 feet. Wireless attachments will include 1 exterior mounted panel antenna and 1 radio unit. 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. .

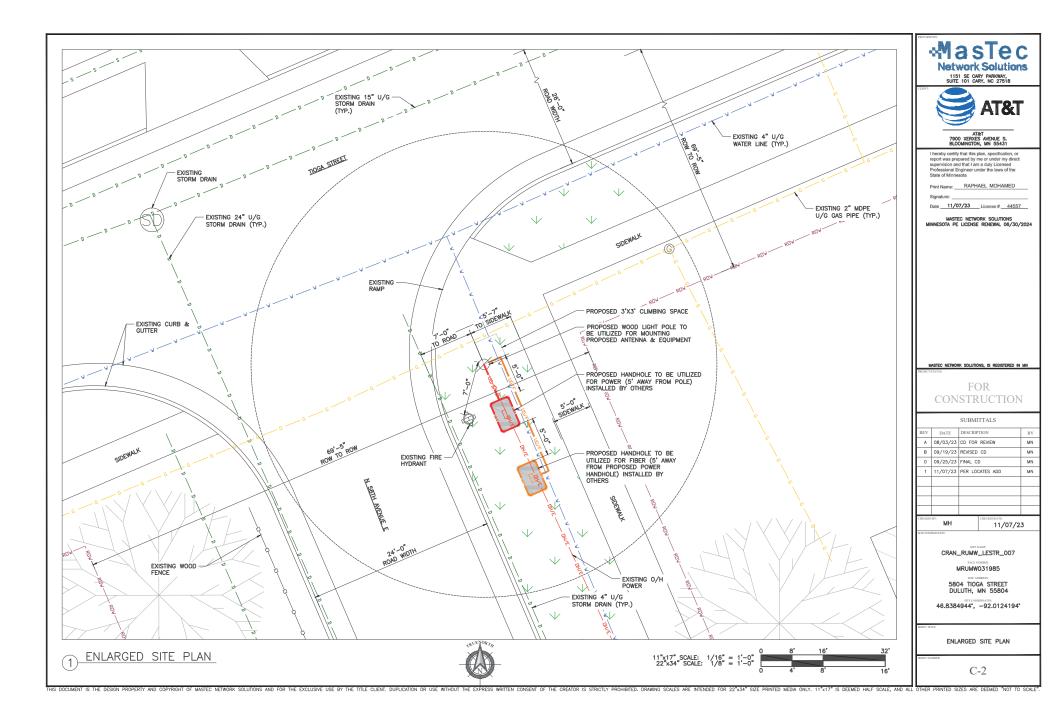
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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



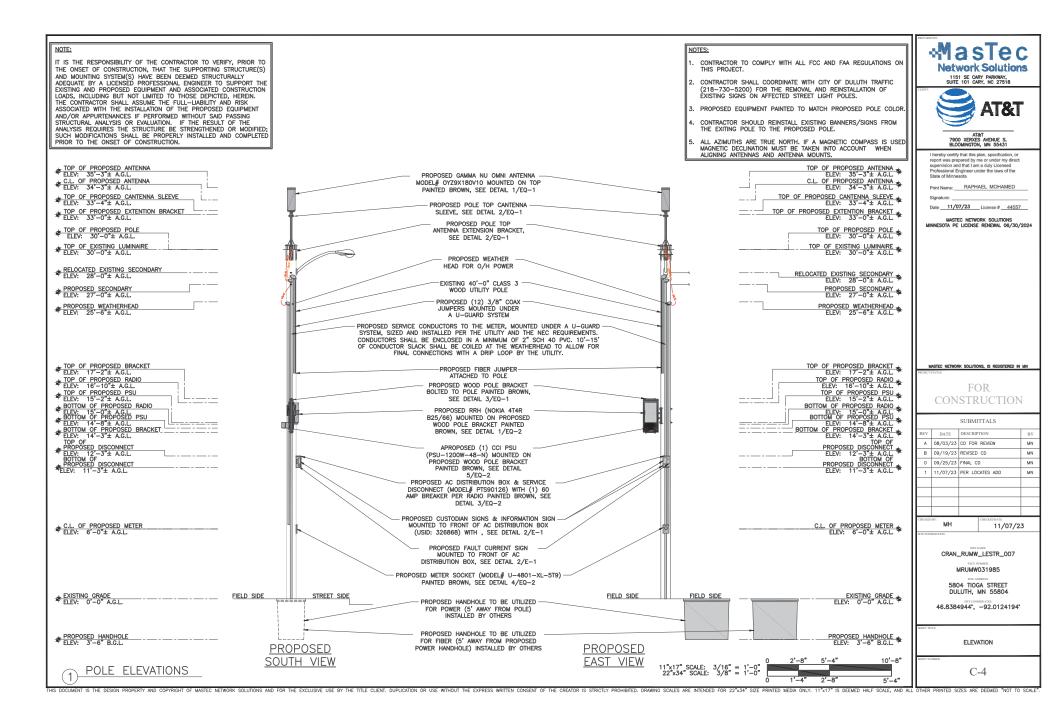
| | | PROJECT: | MNP_MASTEC_CRAN | MasTec |
|---------------------------------------|---|--|--|--|
| | | | | Network Solutions |
| | | SITE NAME: | CRAN_RUMW_LESTR_007 | 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 |
| | | USID: | 326868 | |
| | | SKIP ID / NODE#: | MNL07063F_R01 | T&TA 🥪 |
| | | | | |
| | | PACE NUMBER: | MRUMW031985 | AT&T 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 |
| | | IWM JOB: | WSUMW0024866 | I hereby certify that this plan, specification, or |
| | | PTN NUMBER: | 3514A0LM6X | report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the |
| | | | 14905710 | State of Minnesota Print Name: RAPHAEL MOHAMED |
| | | FA NUMBER: | 14865316 | Signature: Raphal Mohamad, PC, FPG |
| | | COORDINATES: | 46.8384944°, -92.0124194° | Date 11/07/23 License # 44557 |
| | | SITE ADDRESS: | 5804 TIOGA STREET | MASTEC NETWORK SOLUTIONS MINNESOTA PE LICENSE RENEWAL 06/30/2024 |
| | | | DULUTH, MN 55804 | |
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| PROJECT: | MNP_MASTEC_CRAN | AERIAL PHOTO | SHEET INDEA | -11 1 |
| SITE NAME: | CRAN_RUMW_LESTR_007 | | T-1 TITLE SHEET | |
| USID: | 326868 | | C-1 SITE PLAN | -11 1 |
| PACE NUMBER: LATITUDE: | MRUMW031985 46.8384944* | | C-2 ENLARGED SITE PLAN C-3 AERIAL MAP | -11 1 |
| LATTODE: | -92.0124194* | Dreat-st Dreats Organist Organist Organist | C-4 PROPOSED POLE ELEVATIONS | 1 |
| SITE ADDRESS: | 5804 TIOGA STREET | | PS-1 PHOTO SIMULATION PS-2 PHOTO SIMULATION | -11 1 |
| CITY, STATE ZIP: | DULUTH, MN 55804 | | Noth star Veturies EQ-1 EQUIPMENT DETAILS | -11 |
| COUNTY: | ST. LOUIS | A DESCRIPTION OF A DESC | EQ-2 EQUIPMENT DETAILS | |
| JURISDICTION: STRUCTURE TYPE: | CITY OF DULUTH WOOD LIGHT POLE | | EQ-3 EQUIPMENT DETAILS | MASTEC NETWORK SOLUTIONS, IS REDISTERED IN MN PROJECT STATUS |
| STRUCTURE OWNER: | MINNESOTA POWER | TO THE ALL OF THE ALL | RF-1 PLUMBING DIAGRAM | FOR |
| POLE PART NUMBER: | CLASS 3 #M5458162 | Education Control Cont | E-1 ELECTRICAL DETAILS | CONSTRUCTION |
| GROUND ELEVATION: | 679'± A.M.S.L. AT&T WIRELESS | Super Greet | G-1 GROUNDING DETAILS | CONSTRUCTION |
| APPLICANT: | 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 | a series that the set of the series that and | TC-1 TRAFFIC CONTROL PLAN | SUBMITTALS |
| | | a Statistic Statistics and a statistical statistics | GN-1 GENERAL NOTES | REV DATE DESCRIPTION BY |
| SITE ACQUISITION: | HAZEL MAURO – SITE ACQUISITION PROJECT MANAGER HAZEL.MAURO@MASTEC.COM (913) 710-3999 | A second s | | A 08/03/23 CD FOR REVIEW MN B 09/19/23 REVISED CD MN |
| | . , | br the North | | 0 09/25/23 FINAL CD MN |
| ENGINEERING SERVICES: | MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, | | | 1 11/07/23 PER LOCATES ADD MN |
| | SUITE 101 CARY, NC 27518 - (972) 581-9888 | STRUCTURE PHOTO | | |
| | SCOPE OF WORK | × M | CODE COMPLIANCE | |
| | | | ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH CURRENT EDITIONS OF THE FOLLOWING APPLICABLE CODES AS ADOPTED BY THE | |
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| WOOD LIGHT POLE PAINTED | BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED OF | | 2018 INTERNATIONAL BUILDING CODE 2020 NATIONAL ELECTRIC CODE | STTE INFORMATION: |
| EXTENSIONBRACKET. TOTAL | HEIGHT OF 35 -3 A.G.L. | | THESE DRAWINGS ARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET | CRAN_RUMW_LESTR_007 |
| 2. INSTALL NEW EQUIPMENT B | IRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 ANUFACTURER'S SPECIFICATIONS. | | THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. | PACE NUMBER MRUMW031985 |
| | PER MANUFACTURERS SPECIFICATIONS AND PER UTILITY AND | | | STIE ADDRESSE 5804 TIOGA STREET |
| NEC REQUIREMENTS. | PER MANUFACTORERS SPECIFICATIONS AND PER UTILITY AND | | ONE CALL | DULUTH, MN 55804 |
| | | | TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN | 46.8384944*, -92.0124194* |
| | | | UNDERGROUND FACILITIES BEFORE YOU DIG IN MINNESOTA, CALL GOPHER STATE ONE CALL | |
| | | | TOLL FREE: 1-800-252-1166 OR | SHEET TITLE: |
| ANY DEMATION THAT | | | FAX A LOCATE: 1-800-236-4967 | TITLE SHEET |
| THE CONSTRUCTION D | DIFFERS SUBSTANTIALLY FROM WHAT IS SHOWN ON RAWINGS MUST BE APPROVED BY THE ENGINEER OF IS THAT ALTER THE CHARACTER OF THE WORK CAN | | www.gopherstateonecall.org | SHELT NUMBER: |
| BE MADE DURING C | ONSTRUCTION WITHOUT ISSUING A CHANGE ORDER. | 1/200 | MIN OF 48 HOURS NOTICE | T-1 |
| | | | Call belore you dig. | |
| HIS DOCUMENT IS THE DESIGN PROPERTY / | AND COPYRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE US | 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". |

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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-206 | | Contact | Contact Chris Lee, o | | clee@ | lee@duluthmn.gov | |
|-----------------|--|------------------|-----------------------------------|--------------------------------|-------------------|------------------|------------------|--|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date February | | February 13, 2024 | | | |
| Deadline | Application Date | | January 18, 2 | anuary 18, 2024 60 Days | | | March 18, 2024 | |
| for Action | Date Extension Letter Mailed | | January 18, 2024 120 Days | | 120 Days | | May 17, 2024 | |
| Location of Su | Location of Subject Near 3140 Restorm | | | | • | | | |
| Applicant | MasTec | | Contact | | | | | |
| Agent | | | Contact | | | | | |
| Legal Descript | Legal Description See Attached Map | | | | | | | |
| Site Visit Date | ! | February 1, 2024 | Sign Notice Date | | | January 30, 2024 | | |
| Neighbor Lett | er 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 Design | |
|---------|----------------|--|--------------------------|
| 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.

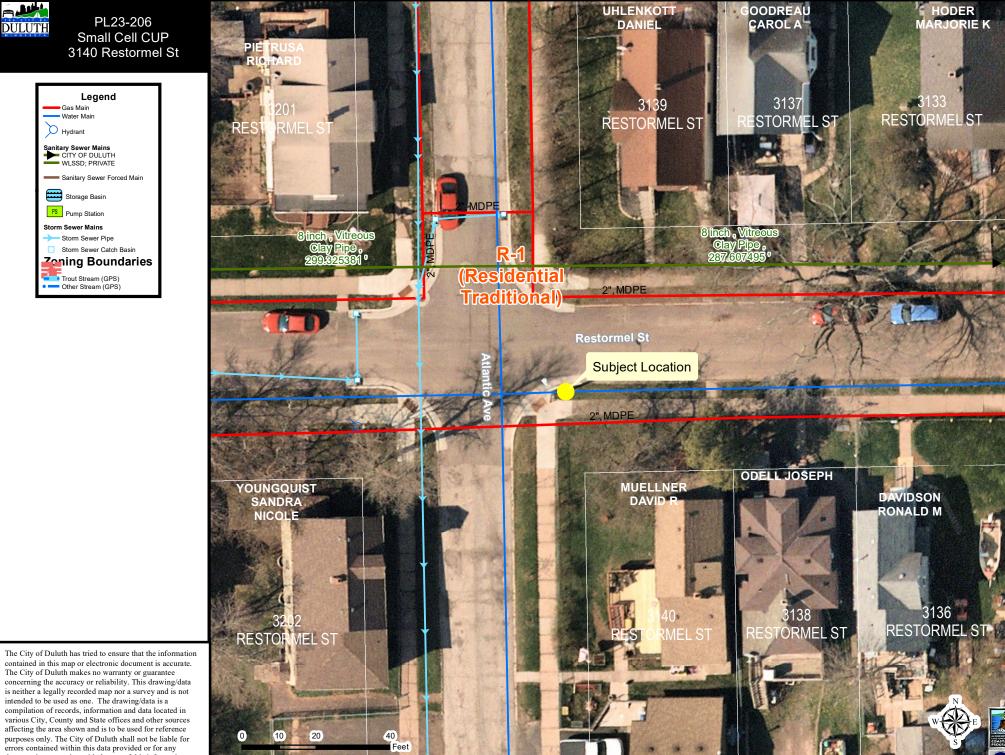
This is a companion zoning application to PL 23-203, -204, -205, -207, -208, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing utility poles.

Discussion

Staff finds that:

- 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.

- 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.

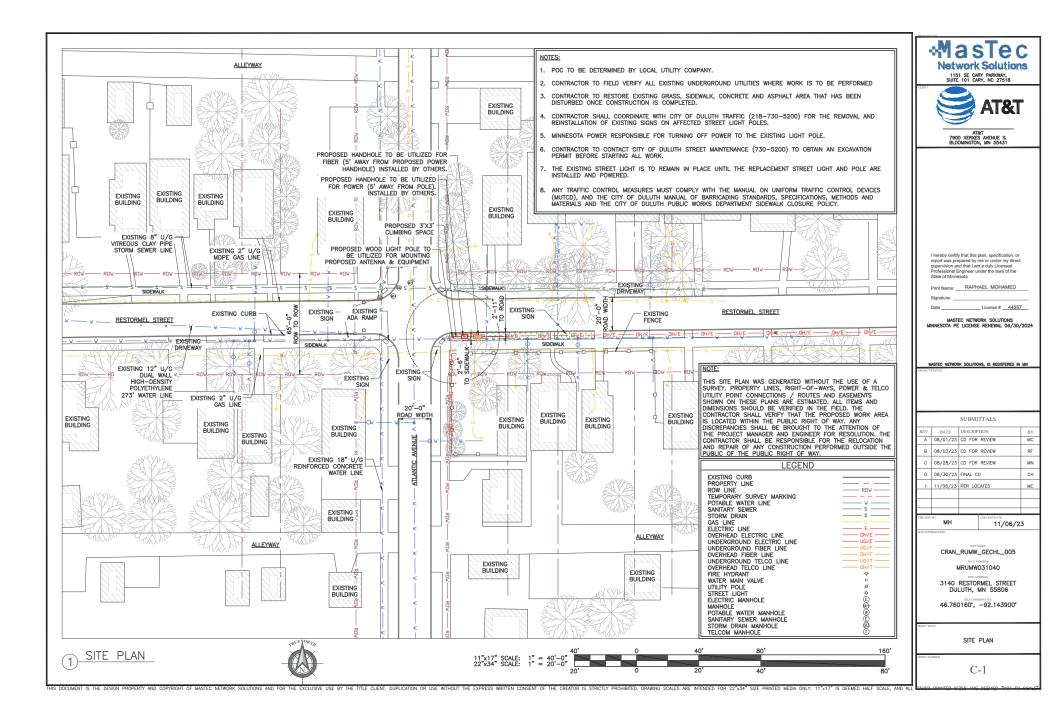


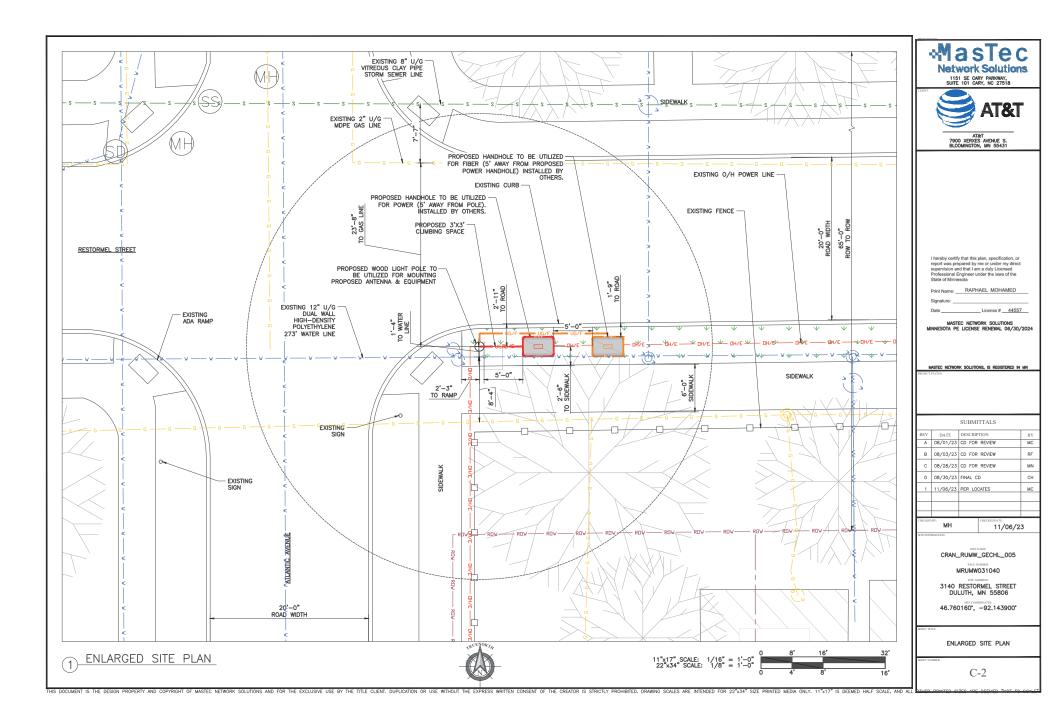
concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown 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.

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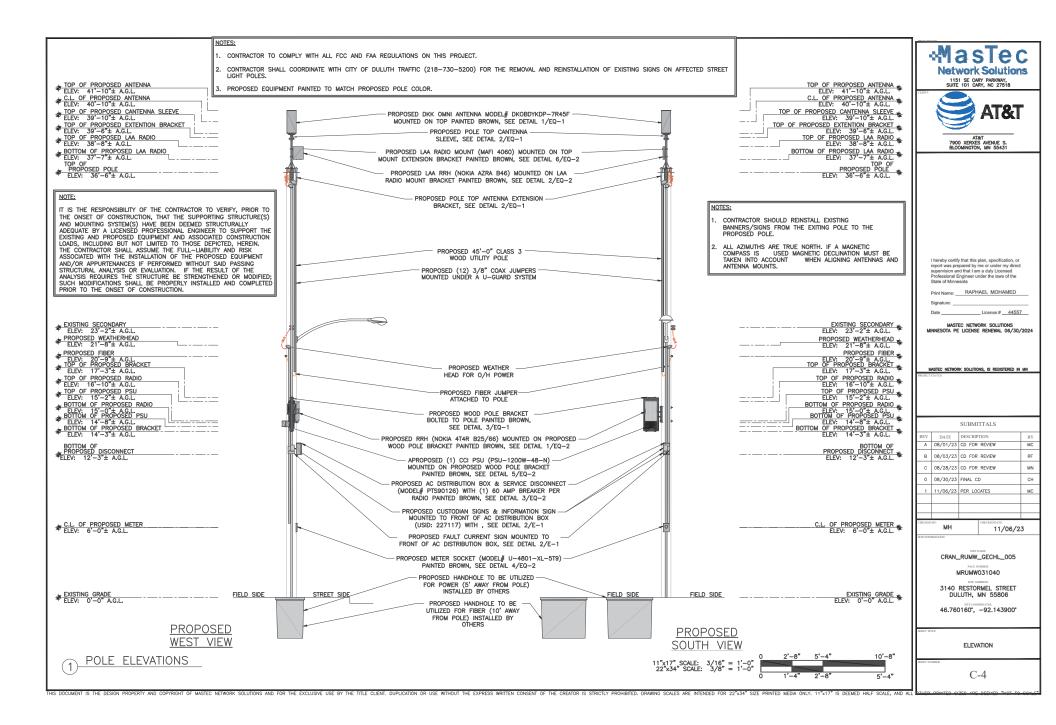
| TA | PROJECT: MNP_NEXIUS_CRAN SITE NAME: CRAN_RUMW_GECHL_005 USID: 227117 SKIP ID / NODE#: MNL07041F_R02 IWM JOB: WSUMW0023629 PACE NUMBER: MRUMW031040 PTN NUMBER: 3514A0KT5C FA NUMBER: 14828506 | HARD STEELS HER WORK Solutions LIST SE CMP PARKAW, SUTE 101 CMP, NC 27518 MAT&C MAT&C NC 27518 MAT&C NC 27518 MAT&C |
|--|--|---|
| | 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 LATTUDE: 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 | AERIAL PHOTO AERIAL PHOTO SHEET INDEX SHET | I hereby certify that this plan, specification, or report was prepared by me or under my direct performance of the second second second second second State of Mnosecola Print Name: RAPHAEL MOHAMED Signature: Relate Manual: R: Relate Manual: |
| POLE PART NUMBER: CLASS 3 #M5482599 GROUND ELEVATION: 665'± A.M.S.L. APPLICANT: AT& WIRELESS APPLICANT: 7800 XERXES AVENUE S. | E-1 ELECTRICAL DETAILS G-1 GROUNDING DETAILS TC-1 TRAFFIC CONTROL PLAN | SUBMITTALS |
| BLOOMINGTON, MN 55431 HAZEL MAURO SITE ACQUISITION: STE ACQUISITION PROJECT MANAGER hazel.mouro@mastec.com (013) 710-3999 | | REV DATE DESCRIPTION BY A 08/01/23 CD FOR REVIEW MC B 08/03/23 CD FOR REVIEW RF |
| ENGINEERING SERVICES: MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888 SCOPE OF WORK | STRUCTURE PHOTO CODE COMPLIANCE | C 08/28/23 CD FOR REVIEW MN 0 08/30/23 FINAL CD CH 1 11/06/23 PER LOCATES MC |
| REPLACE EXISTING 23'-6" A.G.L. WOOD POLE WITH NEW 36'-6" A.G.L. WOOD LIG POLE PAINTED BROWN INCLUDING 2' OMNI ANTENNA ON TOP MOUNTED ON EXTENSION BRACKET. TOTAL HEIGHT OF 41'-10" A.G.L. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (1) AZRA B46 RADIO WITH (1) PSU PER MANUFACTURER'S SPECIFICATIC INSTALL METER ON POLE PER MANUFACTURER'S SPECIFICATIONS AND PER UTILITY NEC REQUIREMENTS. | NS. | MH 11/06/23 THE REGRETATION THE REGRETATION CRAN_RUMW_GECHL_005 The REGRETATION MRUMW031040 THE REGRETATION 3140 RESTORMEL STREET DULUTH, MN 55806 THE REGRETATION MRUM031040 THE REGRETATION OF THE REGRE |
| 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. | E USE BY THE TITLE CLEME. DURALCATION OR USE WITHOUT THE EXPRESS WRITEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED. DRAWING SCALES ARE. INTENDED FOR 22'134" SZE PRINTEM REDA ONLY. 11'17' IS DESEMBLATE. | R 7 TITLE SHEET metrimane T-1 |

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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-207 | | Contact | Contact Chris Lee, | | clee@duluthmn.gov | |
|-----------------|--|------------------|--------------------------------|-----------------------|-------------------|-------------------|----------------|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date Febru | | February 13, 2024 | | |
| Deadline | Application Date | | January 18, 2 | uary 18, 2024 60 Days | | | March 18, 2024 |
| for Action | Date Extension Letter Mailed | | January 18, 2024 120 D | | 120 Days | | May 17, 2024 |
| Location of Su | Location of Subject Near 5004 Glendale St | | | | | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descript | Legal Description N/A | | | | | | |
| Site Visit Date | | February 1, 2024 | Sign Notice Date | | January 30, 2024 | | |
| Neighbor Lette | er Date | N/A | Number of Letters Sent | | N/A | | |

Proposal: The applicant is seeking a concurrent use 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:

- 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.
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- 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.

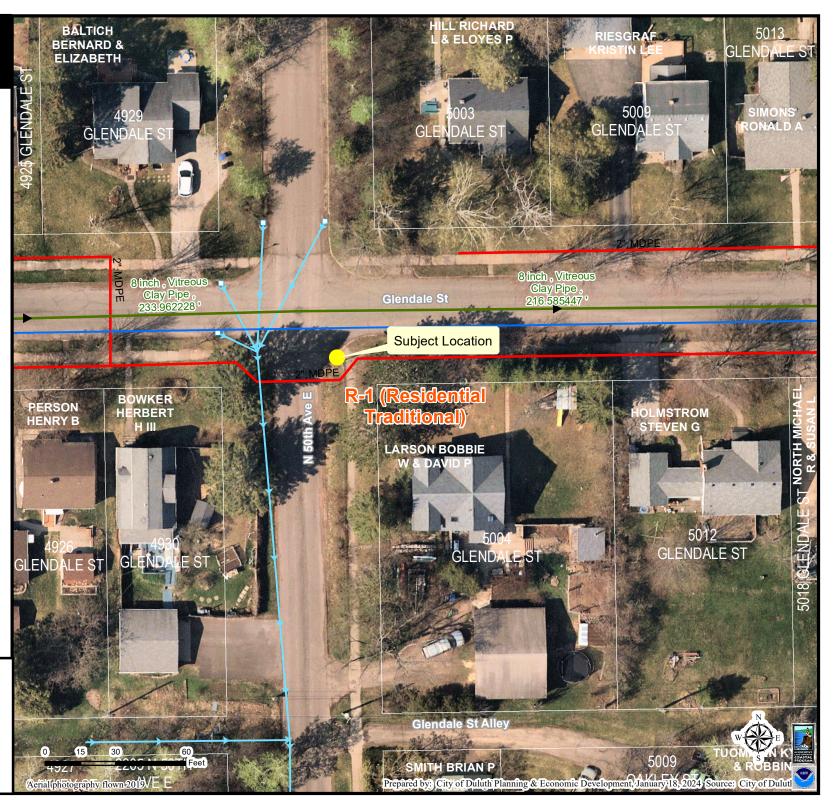
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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

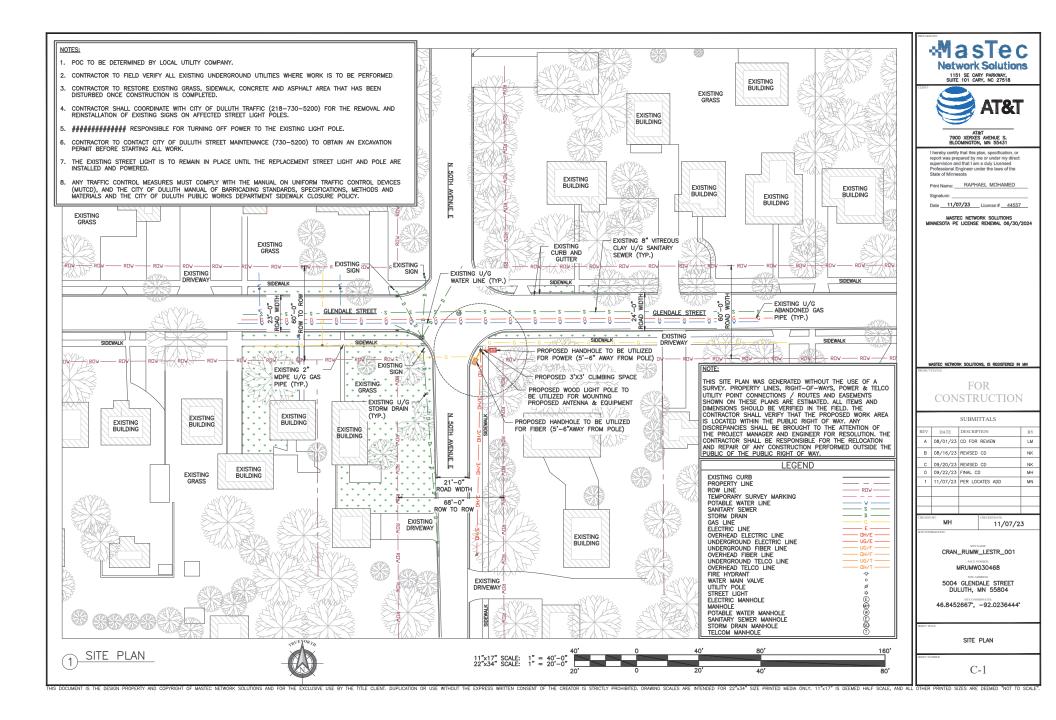


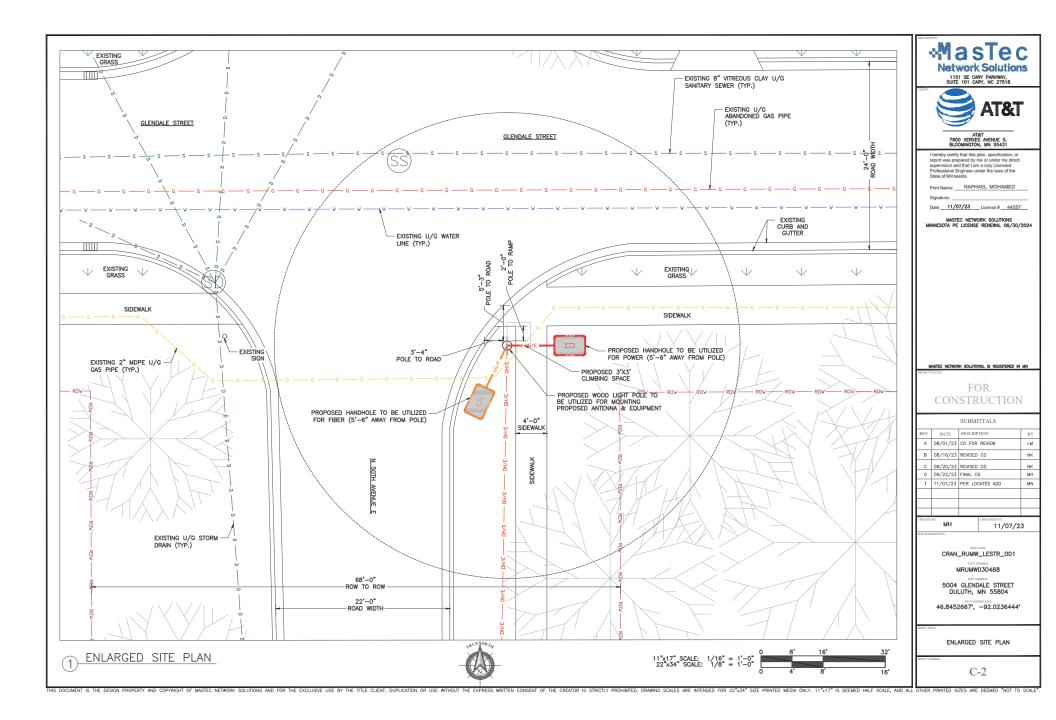
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



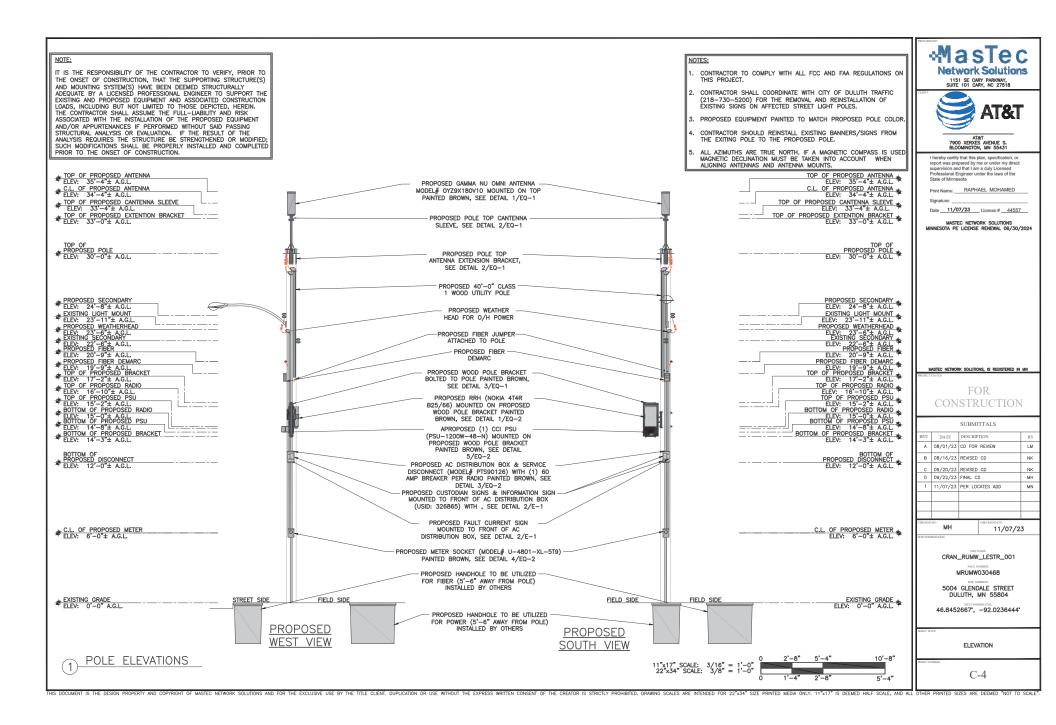
| | | SITE NAME: CR USID: 32 SKIP ID / NODE#: MN PACE NUMBER: MR IWM JOB: WS PTN NUMBER: 35 FA NUMBER: 14 COORDINATES: 46 SITE ADDRESS: 50 | NP_MASTEC_CRAN AN_RUMW_LESTR_001 6865 JL07061F_R01 RUMW030468 SUMW0024863 14A0K5D2 885585 .8452667°, -92.0236444° 04 GLENDALE STREET | <section-header><section-header><section-header><text><text><text><text></text></text></text></text></section-header></section-header></section-header> |
|--|---|--|---|--|
| PROJECT: SITE NAME: USID: PACE NUMBER: LATITUDE: LONGITUDE: LONGITUDE: COUNTY: JURISDICTION: STRUCTURE TYPE: STRUCTURE OWNER: POLE PART NUMBER: GROUND ELEVATION: APPLICANT: SITE ACQUISITION: | OJECT INFORMATION MNP_MASTEC_CRAN CRAN_RUMW_LESTR_001 326865 MRUMW030468 46.8452667 -92.0236444* 5004 GLENDALE STREET DULUTH, MN 55804 ST. LOUIS CITY OF CITY OF DULUTH WOOD LIGHT POLE MINNESCTA POWER CLASS 1 841*± AM.S.L AT&T WRELESS 7467 WRELESS 7467 WRELESS 7467 MRELESS 8LOOMINGTON, MN 55431 HAZEL MAURO = SITE ACQUISITION PROJECT MANAGER HAZEL MAURO | AERIAL PHOTO | SHEET INDEX SHEET # C-1 SHEET # | INSTEE NETHORY SOLITONS, IS REDISTERED IN IM PRETVINUS FOR CONSTRUCTION SUBMITTALS REV DATE DESCRIPTION BY A 08/01/23 CD FOR REVIEW LM B 08/16/23 REVISED CD NK |
| HEIGHT OF 35'-4* A.G.L 2. INSTALL NEW EQUIPMEN RRH AND (1) PSU PER 3. INSTALL METER ON POL NEC REQUIREMENTS. ANY DEVIATION THA THE CONSTRUCTION RECORD. NO CHAN BE MADE DURING | T BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 MANUFACTURER'S SPECIFICATIONS. E PER MANUFACTURER'S SPECIFICATIONS AND PER UTILITY AND T DIFFERS SUBSTANTIALLY FROM WHAT IS SHOWN ON DRAWINGS MUST BE APPROVED BY THE ENGINEER OF GES THAT ALTER THE CHARACTER OF THE WORK CAN CONSTRUCTION WITHOUT ISSUING A CHANGE ORDER. | <section-header></section-header> | 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. 2 2018 INTERNATIONAL BUILDING CODE 2 3020 NATIONAL ELECTRIC CODE THESE DRAWINGS ARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. THESE DRAWINGS ARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MININESTA, CALL GOPHER STATE ONE CALL TO LI FREE: 1-800-236-4967 WWW.gopherstateonecall.org MININESTA STATUTE REQUIRES BEFORE YOU EXCAVATE SEVENCE DRAWING SALES ARE INTENDED FOR 22X34" SEE PRINTED MEDIA ONLY. 11'11' TO SEMEND THAT SCALE, AND AN | 0 09/22/23 FINAL CO MH 1 11/07/23 PER LOCATES ADD MN 1 11/07/23 PER LOCATES ADD MN 1 11/07/23 PER LOCATES ADD MN 1 11/07/23 TOTAL TOTAL 111 11/07/23 PER LOCATES ADD MN 111 11/07/23 PER LOCATES ADD MN 111 CRAN_RUMW_LLESTR_001 PER LOCATES ADD MR NEL NAME SO40 ALLE STREET DULUTH, MN S5804 MI COMBULE STREET DULUTH, MN S5804 HIT COMBULE STREET DULUTH, MN S5804 MREETTEL TITLE SHEET TTLE SHEET MITE STREET TTLE SHEET |

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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-208 | | Contact | Contact Chris Lee, | | clee@duluthmn.gov | |
|-----------------|--|-----|----------------------------------|--------------------|-------------------|-------------------|----------------|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date Februar | | February 13, 2024 | | |
| Deadline | | | January 18, 2 | y 18, 2024 60 Days | | | March 18, 2024 |
| for Action | | | January 18, 2024 120 I | | 120 Days | | May 17, 2024 |
| Location of Su | Location of Subject Near 2904 Parkwood Lane | | | | | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descripti | Legal Description N/A | | | | | | |
| Site Visit Date | Site Visit Date February 1, 2 | | Sign Notice Date | | January 30, 2024 | | |
| Neighbor Lette | er 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.

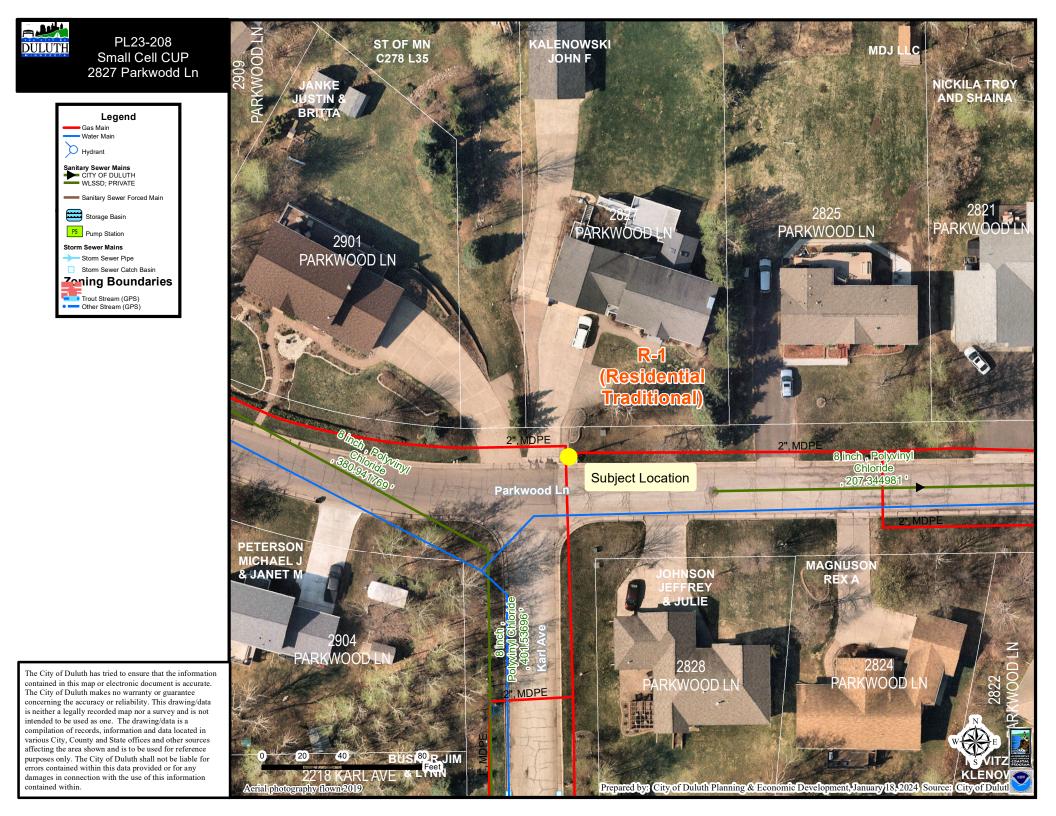
This is a companion zoning application to PL 23-203, -204, -205, -206, -207, -209, -210, -212, -213, also concurrent use permits for wireless equipment on existing utility poles.

Discussion

Staff finds that:

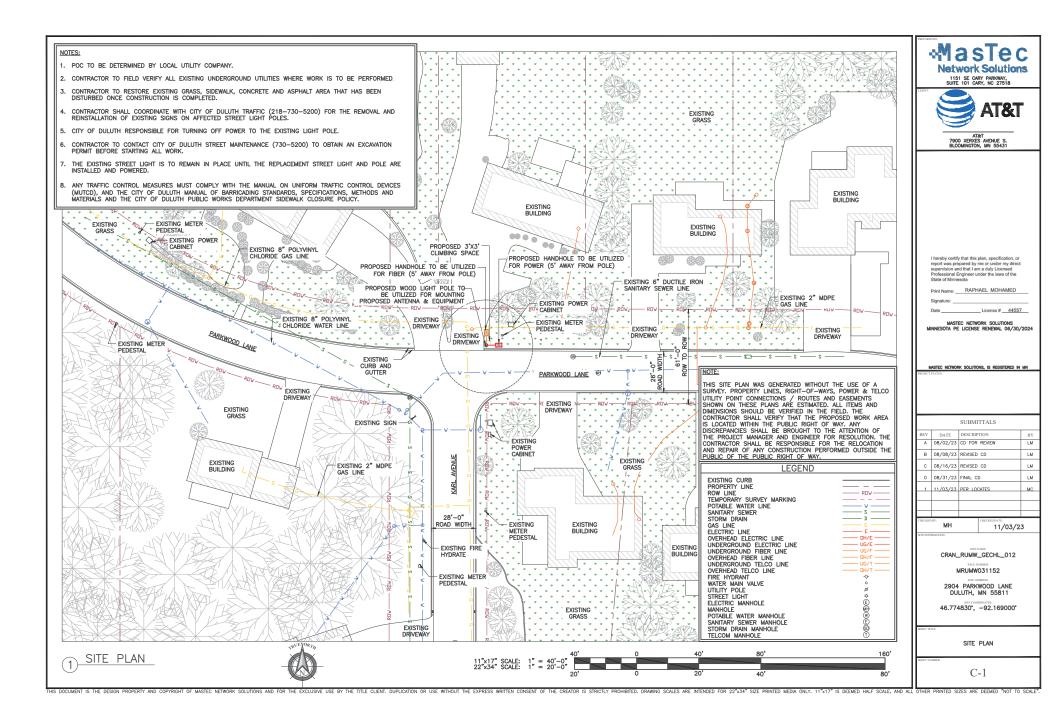
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- 4) Granting the proposed concurrent use permits will not harm or inconvenience the health, safety and general welfare of the city. It will not cause any additional obstructions within the right of way, and the applicant will be required to maintain 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.

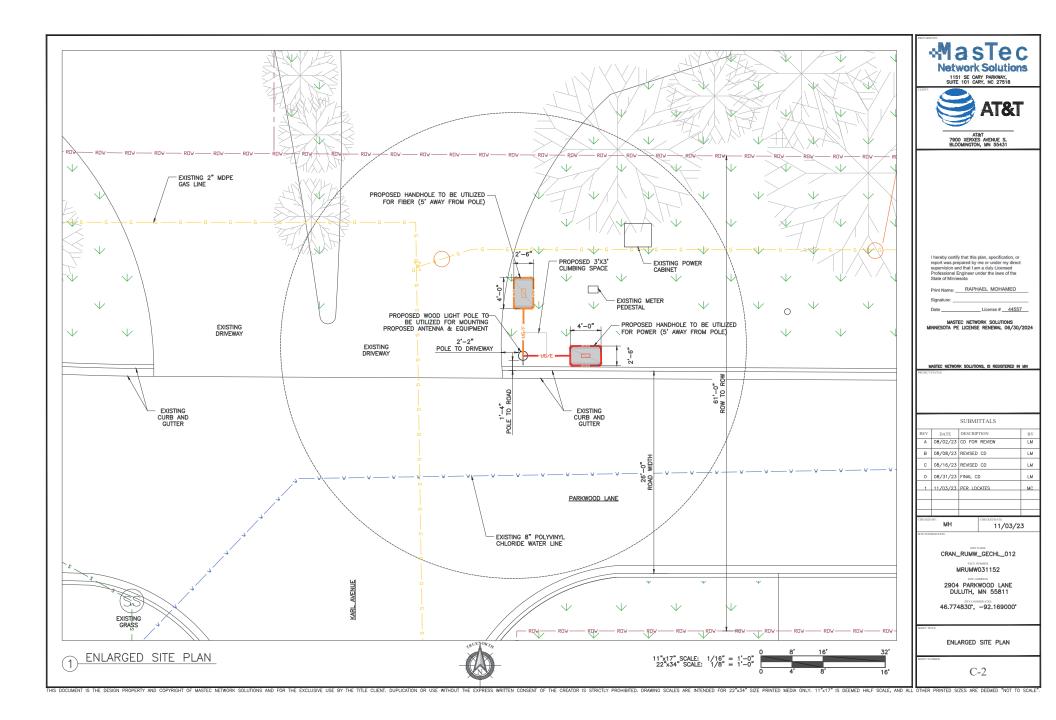
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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



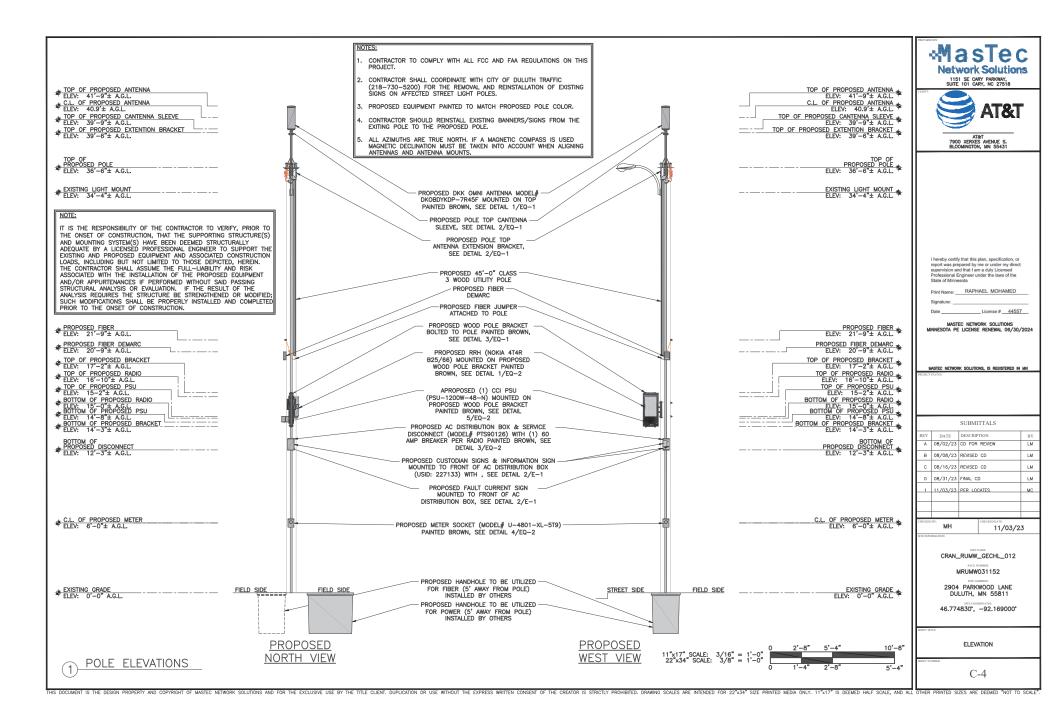
| PROJECT INFORMATION PROJECT: MNP_NEXIUS_CRAN SITE NAME: CRAN_RUMW_GECHL_012 USID: 227133 PACE NUMBER: URUMW031152 LATITUDE: 46.774830' LONGITUDE: -92.18900' SITE ADRESS: 2904 PARKWODD LANE CITY, STATE ZIP: DULTH, MN 55811 COUNTY: ST. LOUIS | PACE NUMBER: PTN NUMBER: FA NUMBER: COORDINATES: SITE ADDRESS: AERIAL PHOTO | MRUMW031152 3514A0KT5H 14828511 46.774830°, -92.169000° 2904 PARKWOOD LANE DULUTH, MN 55811 SHEET INDEX SHEET INDEX SHEET # C-1 SITE PLAN C-2 ENLARGED SITE PLAN C-4 PROPOSED POLE ELEVATIONS PS-1 PHOTO SIMULATION PS-2 PHOTO SIMULATION EQUIPMENT DETAILS EQUIPMENT DETAILS | 7800 XEPGES INFINE S. BLOOMINGTON, MN 55431 |
|--|--|--|--|
| 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: 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 SITE ACQUISITION: HAZEL MAURO - SITE ACQUISITION PROJECT MANAGER hazel.mauro@mastec.com (913) 710-3999 ENGINEERING SERVICES: SUFEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUFE 101 CARY, NC 27518 - (972) 581-9888 | | EQ-2 EQUIPMENT DETAILS EQ-4 EQUIPMENT DETAILS EQ-4 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 | MARTED NETWORK SOLUTIONS, IS REGISTINGD IN INI PRIMETERNING SUBMITTALS REV DATE 08/02/23 COR REVEPUTION B 08/02/23 C 08/10/23 |
| SCOPE OF WORK 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. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 RRH AND (1) PSU PER MANUFACTURER'S SPECIFICATIONS. AND PER UTILITY AND NEC REQUIREMENTS. | STRUCTURE PHOTO | CODE COMPLIANCE ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH LUCAL COVERNING 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 TO OBTAIN LOCATION OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN MINNESOTA, CALL GOPHER STATE ONE CALL TOLL FREE: 1-800-232-1166 OR FAX A LOCATE: 1-800-232-4967 | 0 06/31/23 FINAL_CO LM 1 11/03/23 FIRAL_CO MC 1 11/03/23 FIRAL_CO MC 1 11/03/23 FIRAL_CO MC 1 11/03/23 MC MC 1 11/03/23 MC MC 1 11/03/23 MC MC 1 MC MC MC 1 MC MC MC 1 MC MC MC 1 MC MC MC 2904 PARKWOOD LANE DULUTH, MN 55811 MC 46.774830°, -92.169000° MC MC MC MET TITLE TITLE SHEET TITLE SHEET MET |

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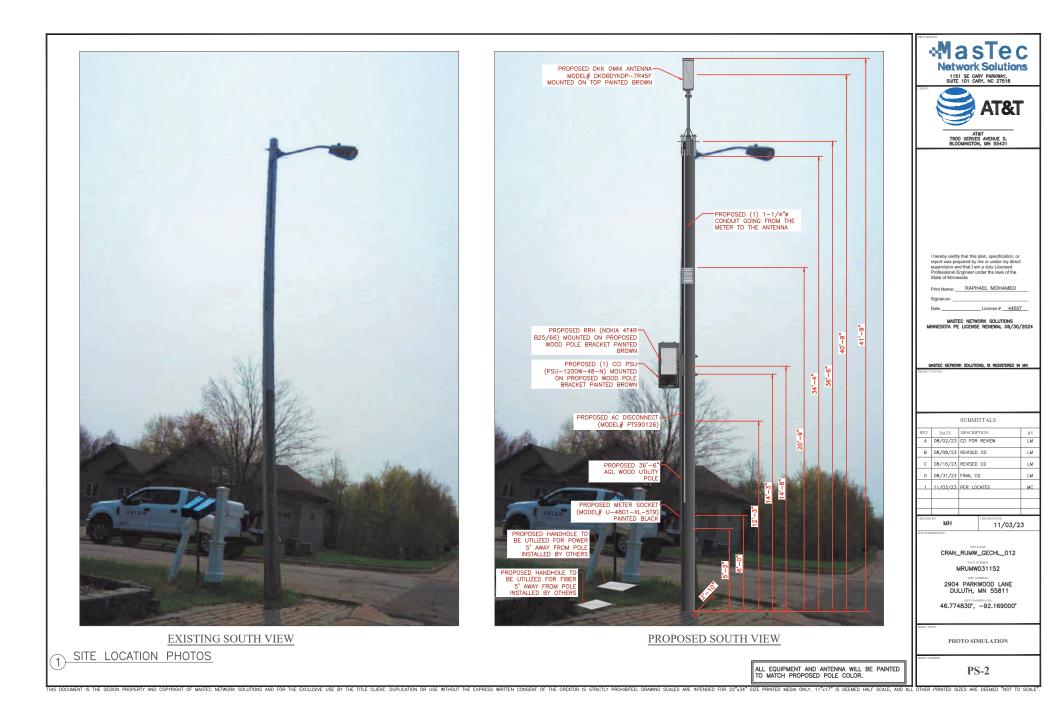














Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-209 | 9 | Contact Chris Lee, cl | | clee@ | ee@duluthmn.gov | |
|----------------------|--|--|------------------------|--------------------------------|------------------|-------------------|----------------|
| Туре | | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date Febru | | February 13, 2024 | |
| Deadline | Applicat | Application Date | | January 18, 2024 60 Days | | | March 18, 2024 |
| for Action | Date Extension Letter Mailed | | January 18, 2024 | | 120 Days | | May 17, 2024 |
| Location of Su | Location of Subject Near 2860 Piedmont | | | | • | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descript | ion | N/A | • | | | | |
| Site Visit Date | • | February 1, 2024 | Sign Notice Date | | January 30, 2024 | | uary 30, 2024 |
| Neighbor Letter Date | | N/A | Number of Letters Sent | | 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 | | 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:

- 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:

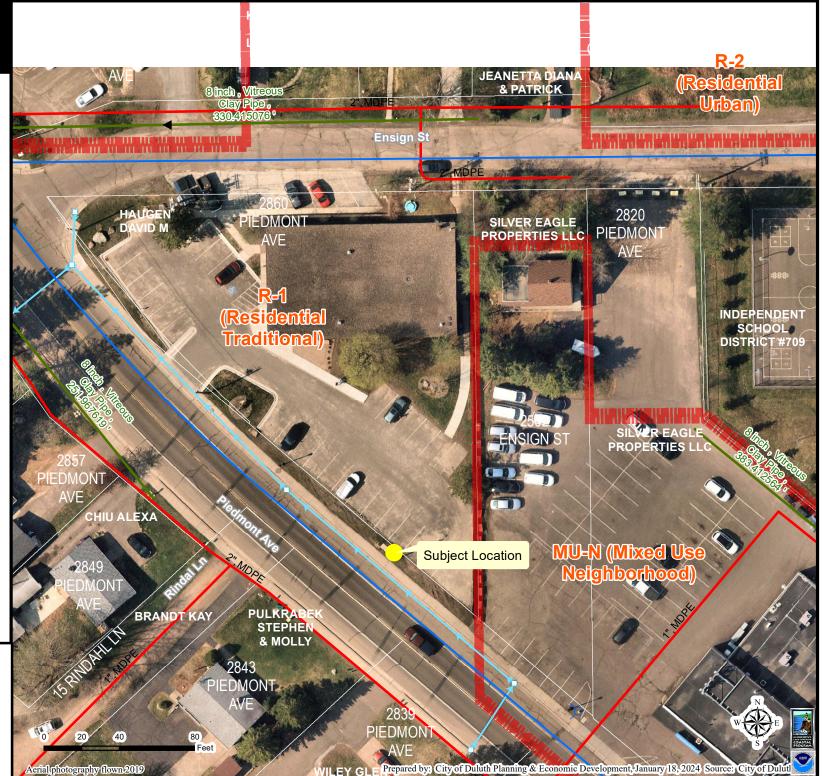
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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

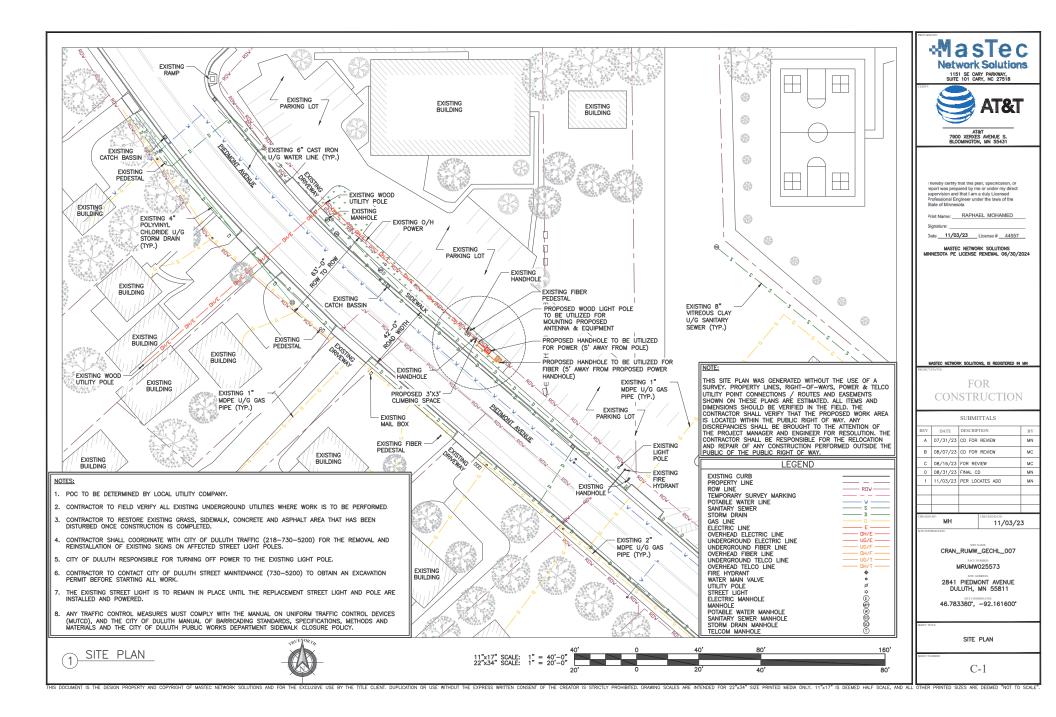


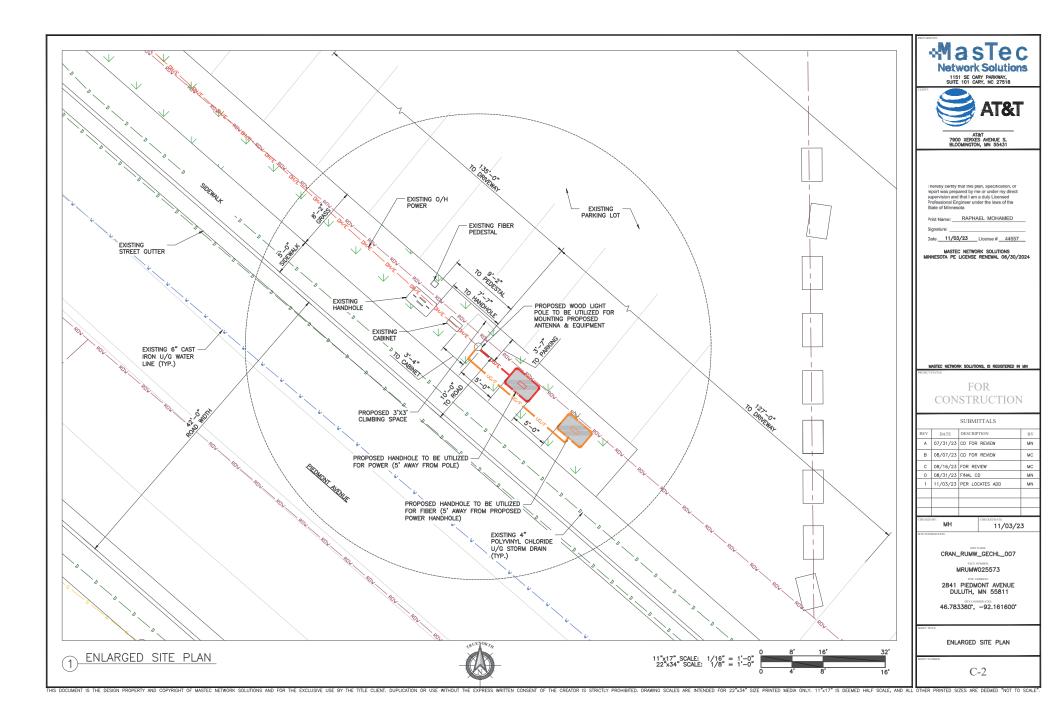
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



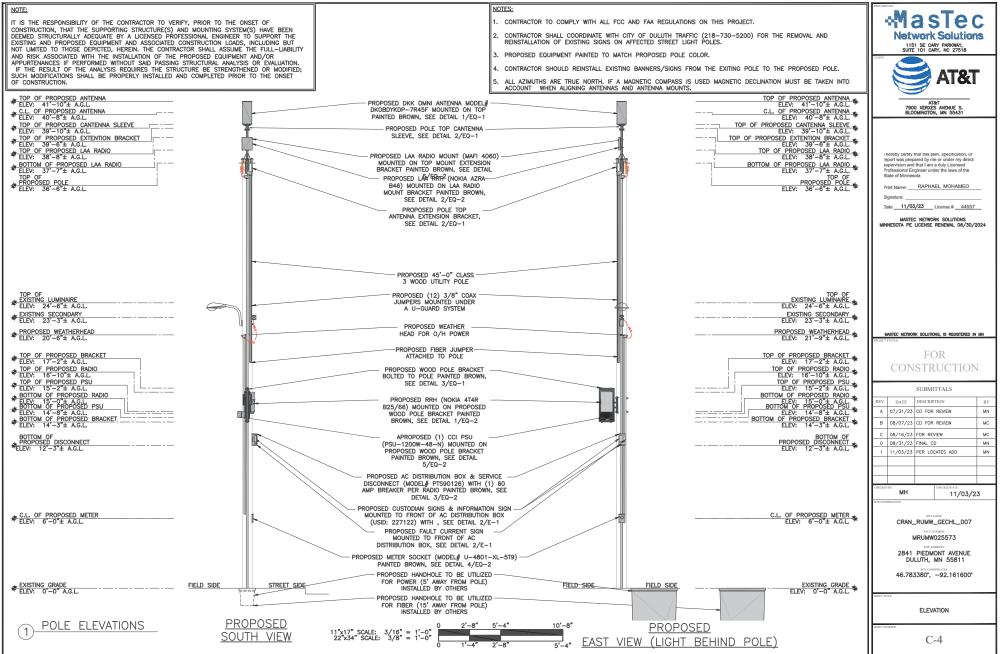
| | SITE NAME: QUSID: SKIP ID / NODE#: M PACE NUMBER: M IWM JOB: M PTN NUMBER: S FA NUMBER: COORDINATES: SITE ADDRESS: 2000 | MNPMASTECCRAN cran_rumw_gechl_007 227122 MNL07042F_R01 MRUMW025573 WSUMW0015992 3514A0H0M5 14833940 46.783380°, -92.161600° 2841 PIEDMONT AVENUE DULUTH, MN 55811 | <section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header> |
|--|--|---|---|
| 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: 2241 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 #MS504463 GROUND ELEVATION: 1346'± A.M.S.L. APPLICANT: 7000 XERKES AVENUE S. BLOOMINGTON, MN 55431 SITE ACQUISITION: STATEL MAURG PARK RD, VIASCA, LL 60143 hozel.mauro@mostec.com (913) 710-3999 | AERIAL PHOTO | SHEET INDEX SHEET I 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-4 EQUIPMENT DETAILS EQ-4 EQUIPMENT DETAILS EQ-4 EQUIPMENT DETAILS C-1 TRAFFIC CONTROL PLAN G-1 ERCOURING DETAILS TC-1 TRAFFIC CONTROL PLAN GN-1 GENERAL NOTES | MATEC NETWORK SOLUTIONS INNESOTA PE LICENSE RENENAL 06/30/2024 |
| (913) / 10-3393 ENGINEERING SERVICES: [MSTEC 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' ONNI 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 825/866 RRH AND (1) AZRA 846 RADIO WITH (1) PSU PER MANUFACTURER'S SPECIFICATIONS. 3. INSTALL NEW EQUIPMENT BRACKET ON POLE INCLUDING (1) DUAL BAND 825/866 RRH AND (1) AZRA 846 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 MAY ALTER THE CHARACTER OF THE WORK CAN BE MADE DURING CONSTRUCTION WITHOUT ISSUING A CHANGE ORDER. HIS DOCUMENT IS THE DESIGN PROPERTY AND COPHRIGHT OF MASTEC NETWORK SOLUTIONS AND FOR THE EXCLUSIVE USE | | 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 AITOMATIRES. 4. 2018 INTERNATIONAL BUILDING CODE 5. 2020 NATIONAL ELECTRIC CODE THESE DRAWINGS ARE DESIGNED TO THE LATEST CODES. THEY ALSO MEET THE ADOPTED CODE REQUIREMENTS OF THE LOCAL JURISDICTION. CONE CALL ONE CALL ONE CALL TO OBTAIN LOCATION OF PARTICIPANTS UNDERROUND FACILITIES BEFORE YOU DIG IN INNESTA CAL GOPHER STATE ONE CALIN CAL GOVER STATUTE REQUIRES IN PROVIDE SACLES MEL INTERDED OR 27.34" SEE PRIME MEMORY ONLY 11/17" S DEDUCT HAR SACLE AND | C 08/19/23 FOR REVIEW uc 0 08/31/23 FOR LCOATES MN 1 11/03/23 FER LCOATES MN 11/03/23 FER LCOATES MUMMO25573 FER LCOATES 2841 FEDMONT AVENUE DULUTH, MN 55811 MET COMMUNE 46.783380°, -92.161600° MET TOLE FER LCOATES TTLE 1000000000000000000000000000000000000 |

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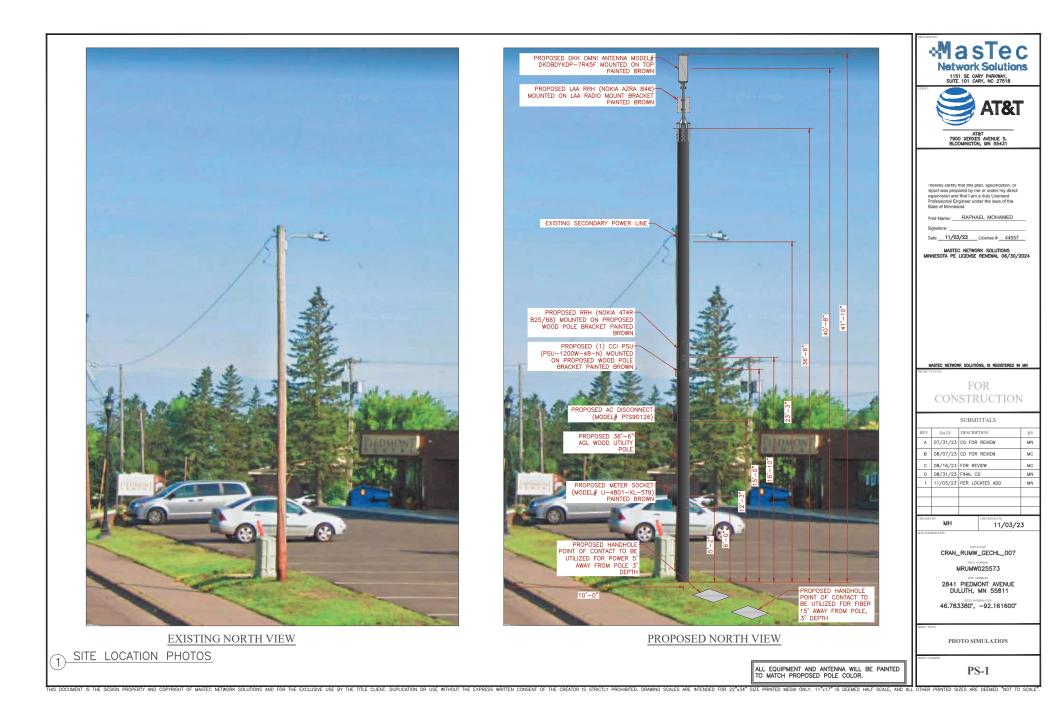


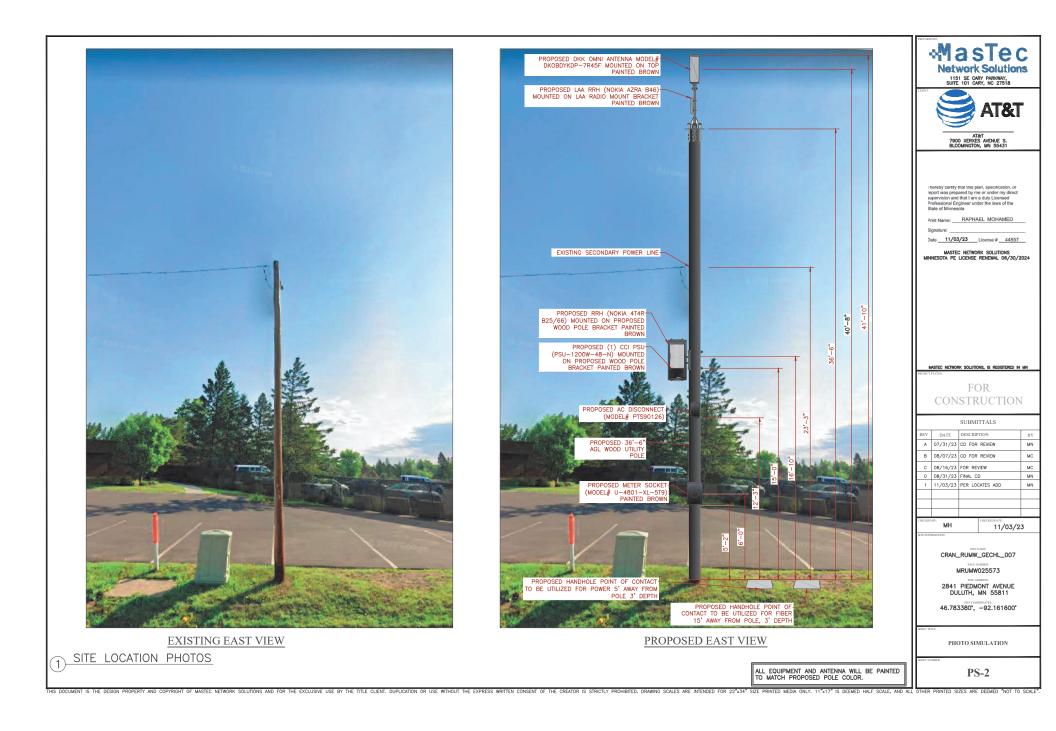






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Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-21 |) | Contact | Contact Chris Lee, clee@duluthmn.gov | | | duluthmn.gov |
|----------------------|--|--|--------------------------------|--------------------------------------|----------------|-------------------|----------------|
| Туре | | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date Februa | | February 13, 2024 | |
| Deadline | Applicat | Application Date | | January 18, 2024 60 Days | | | March 18, 2024 |
| for Action | Date Ext | Date Extension Letter Mailed | | January 18, 2024 | | | May 17, 2024 |
| Location of Su | Location of Subject Corner of E 2 nd St and N 10 th Ave | | <i>N</i> , Near 010-3830-07840 | | | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descript | Legal Description N/A | | | | | | |
| Site Visit Date | | February 1, 2024 | Sign Notice Date | | gn Notice Date | | ary 30, 2024 |
| Neighbor Letter Date | | N/A | Number of Letters Se | | 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:

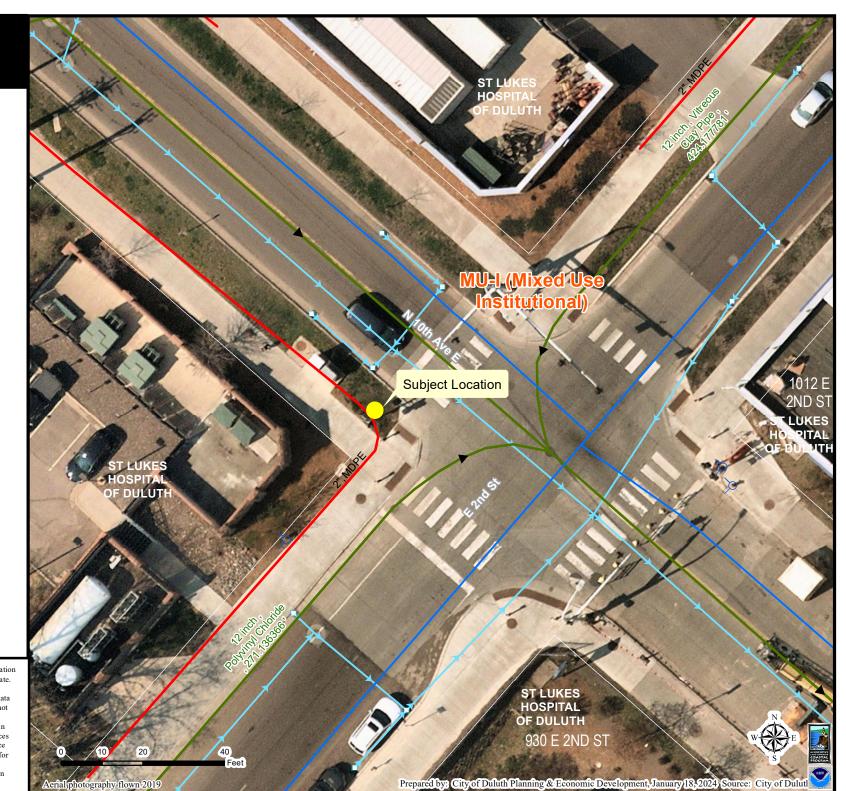
- 1) The project be limited to, constructed, and maintained according to construction drawings submitted and included with this staff report along with any revisions as requested by City Engineering.
- 2) Applicant, and/or successors, shall remove the proposed obstructions at applicant's expense if directed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

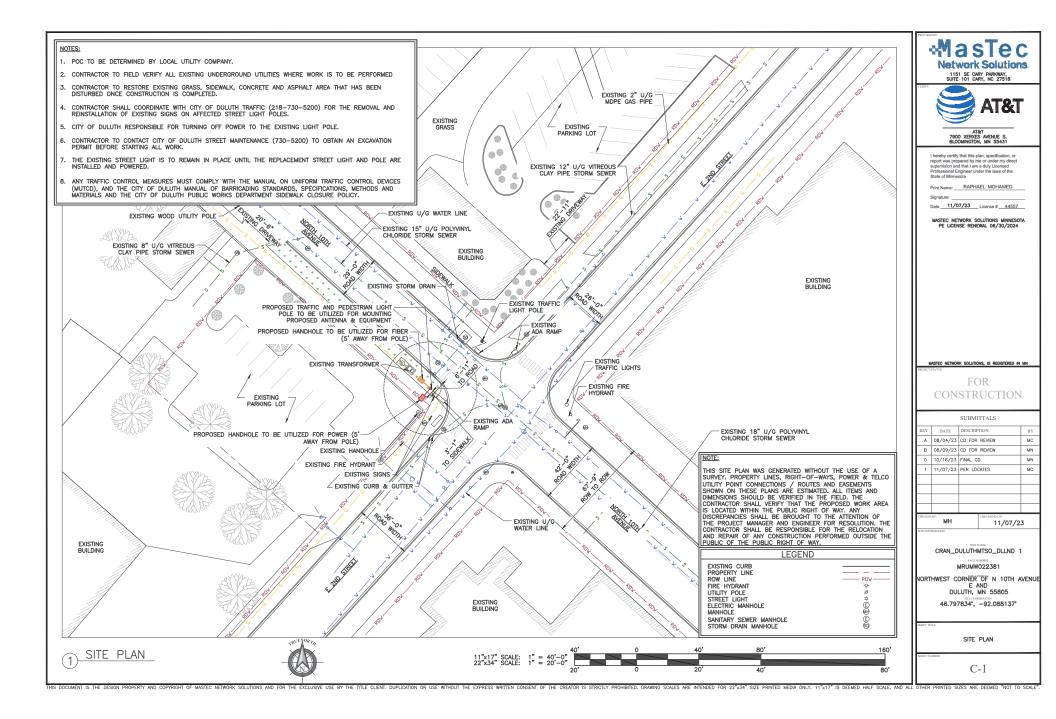


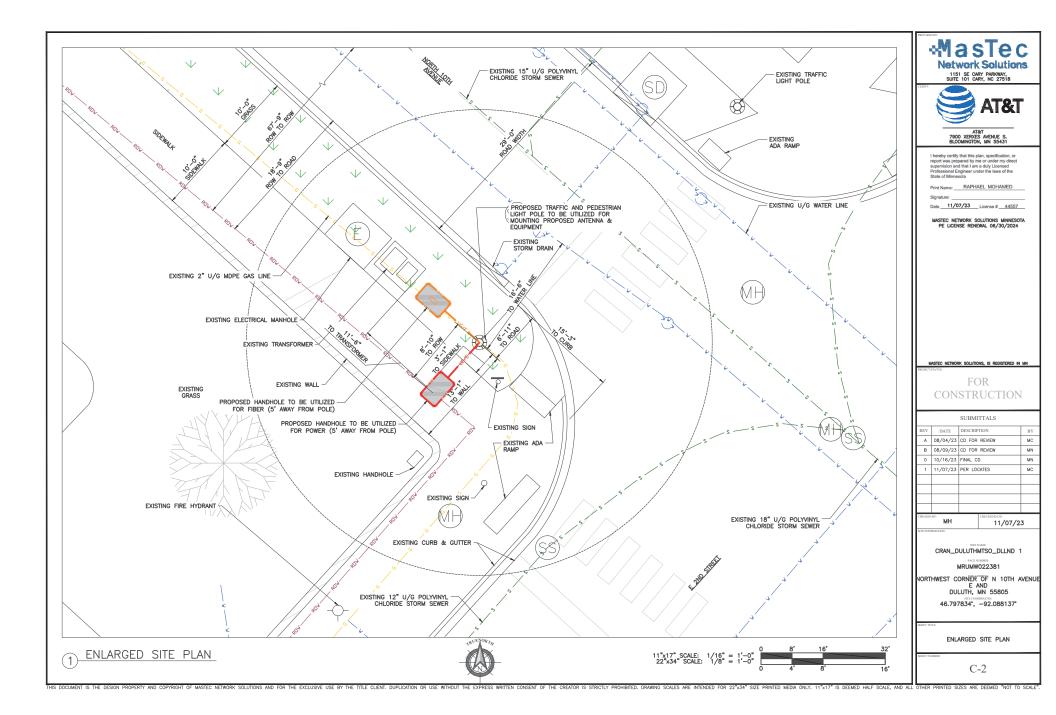
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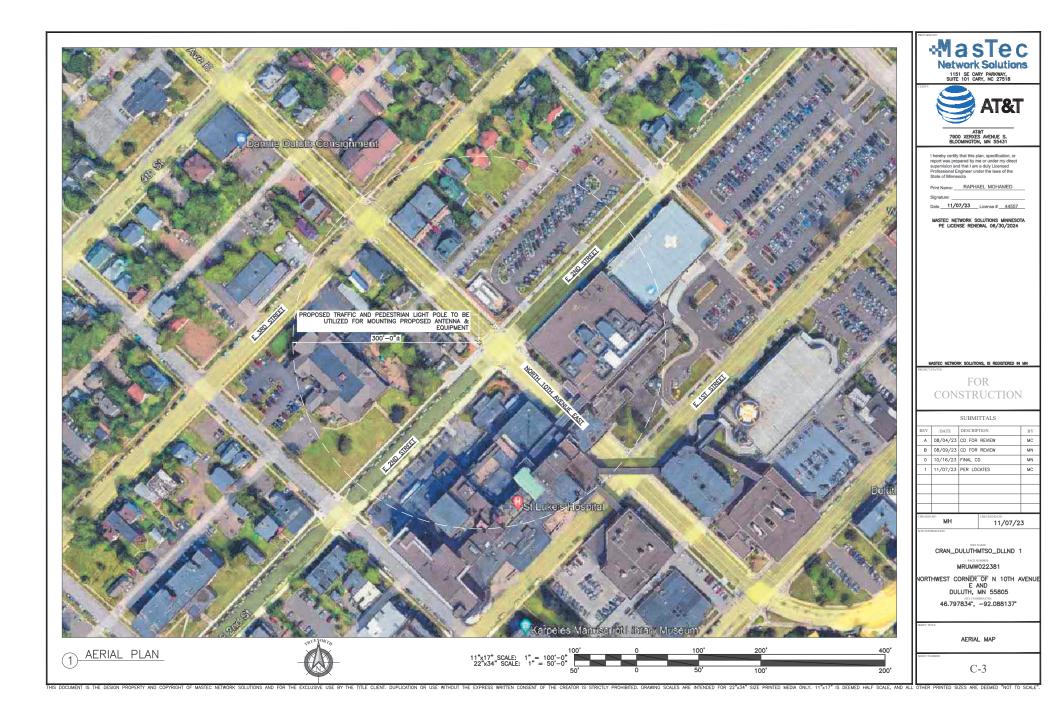


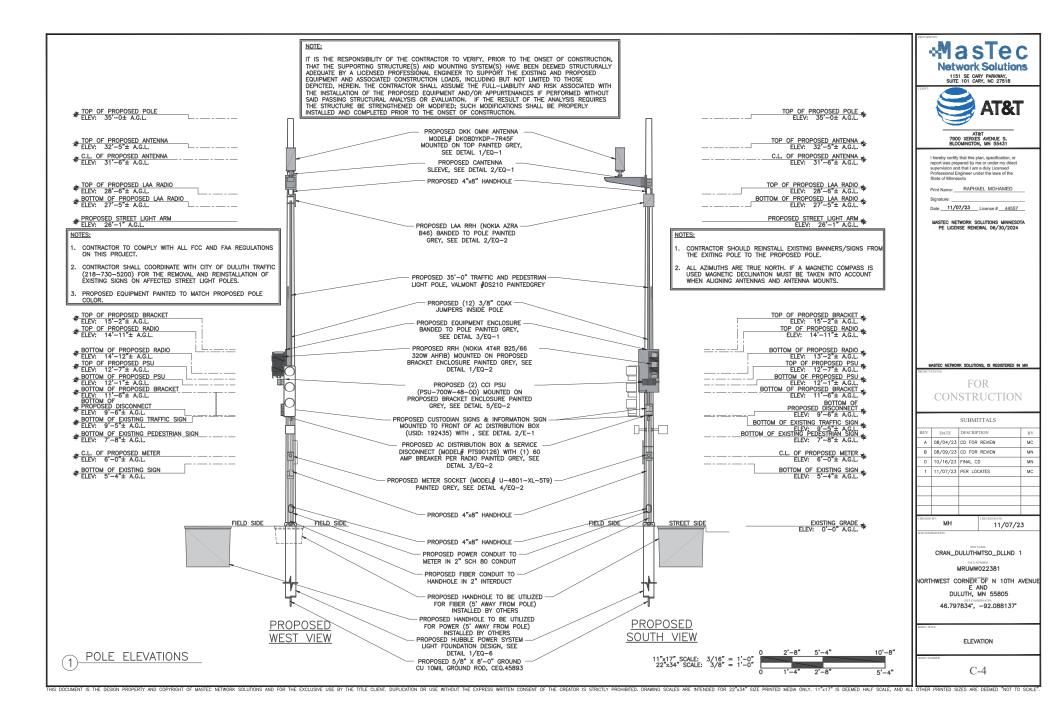
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| PROJECT: SITE NAME: USID: PACE NUMBER: LATITUDE: LONGITUDE: SITE ADDRESS: CITY, STATE ZIP: COUNTY: JURISDICTION: STRUCTURE TYPE: | ECT INFORMATION MNP_MASTEC_CRAN CRAN_DuluthMTSO_DLLND 1 192435 MRUMW022381 46.797834* -92.088137* NORTHWEST CORNER OF N 10TH AVENUE E AND DULUTH, MN 55805 ST. LOUIS CITY OF DULUTH TRAFFIC AND PEDESTRIAN LIGHT POLE | AERIAL PHOTO SHEET INDEX SHEET INDEX SHEET TITLE T-1 TITLE SHEET C-2 ENLARGED SITE PLAN C-3 AERIAL MAP C-4 PROPOSED FOLE ELEVATIONS PS-2 PHOTO SIMULATION PS-2 PHOTO SIMULATION EQ-1 EQUIPMENT DETALS EQ-2 EQUIPMENT DETALS EQ-3 EQUIPMENT DETALS EQ-4 EQUIPMENT DETALS | MUSTED RETWORK | SOLUTIONS, IS REDISTENCE | ed in wn |
| STRUCTURE OWNER: POLE PART NUMBER: GROUND ELEVATION: APPLICANT: | MINNESOTA POWER VALMONT DS210 683'± A.M.S.L. AT&T WIRELESS 7900 XERXES AVENUE S. BLOOMINGTON, MN 55431 | EQ-5 EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-1 ELECTRICAL DETAILS E-1 ELECTRICAL DETAILS E-1 GROUNDING DETAILS TC-1 TRAFFIC CONDING DETAILS | REV DATE I | FOR STRUCTIC SUBMITTALS DESCRIPTION | BY |
| SITE ACQUISITION: ENGINEERING SERVICES: | HAZEL MAURO – SITE ACQUISITION PROJECT MANAGER HAZEL MAURO@MASTEC.COM (913) 710-3999 MASTEC NETWORK SOLUTIONS 1151 SE CARY PARWAY, SUITE 101 CARY, NC 27518 – (972) 581-9888 | STRUCTURE PHOTO CODE COMPLIANCE | A 08/04/23 0 B 08/09/23 0 0 10/16/23 F 1 11/07/23 F | D FOR REVIEW | MC MN MC MC |
| REPLACE EXISTING 13"-0". 35"-0" A.G.L. TRAFFIC AND SIDE MOUNTED OMNI ANTEN INSTALL NEW EQUIPMENT BI RRH AND (1) AZRA B46 R/ | COPE OF WORK A.G.L. TRAFFIC AND PEDESTRIAN LIGHT POLE WITH NEW PEDESTRIAN LIGHT POLE PAINTED GREY INCLUDING 2' INA RACKET ON POLE INCLUDING (1) DUAL BAND B25/B66 BIO WITH (2) PSU PER MANUFACTURER'S SPECIFICATIONS. ER MANUFACTURER'S SPECIFICATIONS AND PER UTILITY AND | ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH CUCRE COVERING ANTONIA SPLICABLE CODES AS ADOPTED BY THE CUCRE OVERING ANTONIAL BLICTRIC CODE 2 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 NUMBERGROUND FACILITIES BEFORE YOU DIG IN WINDERGROUND FACILITIES DEFINITION OF PARTICIPANTS UNDERGROUND FACILITIES DEFINITION OF PARTICIPANTS UNDERGROUND FACILITIES DEFINITION OF PARTICIPANTS UNDERGROUND FACILITIES DEFINITION OF PARTICIPANTS UNDERGROUND FACILITIES DEFINITION OF CALL | M NORTHWEST CO DULI | (11/07 1 | ID 1 H AVENUE |
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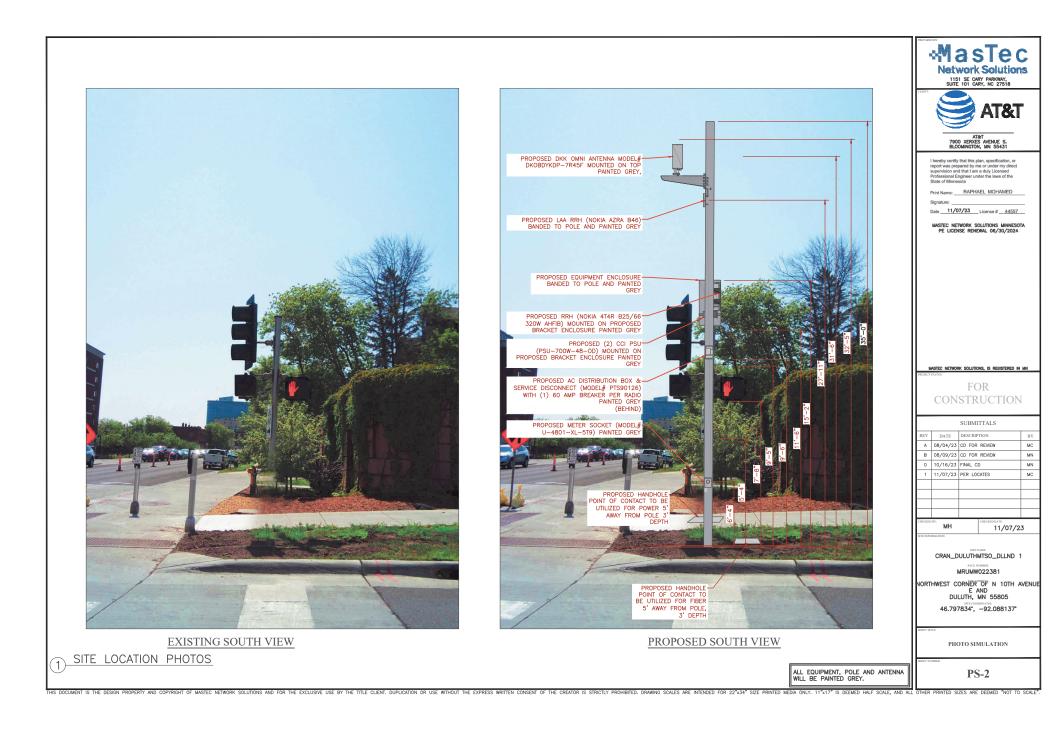














Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-212 | 2 | Contact Chris Lee, clee@duluthmn.gov | | | oduluthmn.gov | |
|----------------------|--|------------------|--------------------------------------|--|-------------------|----------------|---------------|
| Туре | Concurrent Use Permit, Wireless Utility on Light Pole | | Planning Commission Date Feb | | February 13, 2024 | | |
| Deadline | Application Date | | January 18, 2024 60 Days | | | March 18, 2024 | |
| for Action | Date Extension Letter Mailed | | January 18, 2024 | | 120 Days | | May 17, 2024 |
| Location of Su | Location of Subject Near Point of Rocks, 010-1913-00 | | 090 | | | | |
| Applicant | MasTec | | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Descript | Legal Description N/A | | | | | | |
| Site Visit Date | | February 1, 2024 | Sign Notice Date | | January 30, 2024 | | iary 30, 2024 |
| Neighbor Letter Date | | N/A | Number of Letters Sent | | 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:

- 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

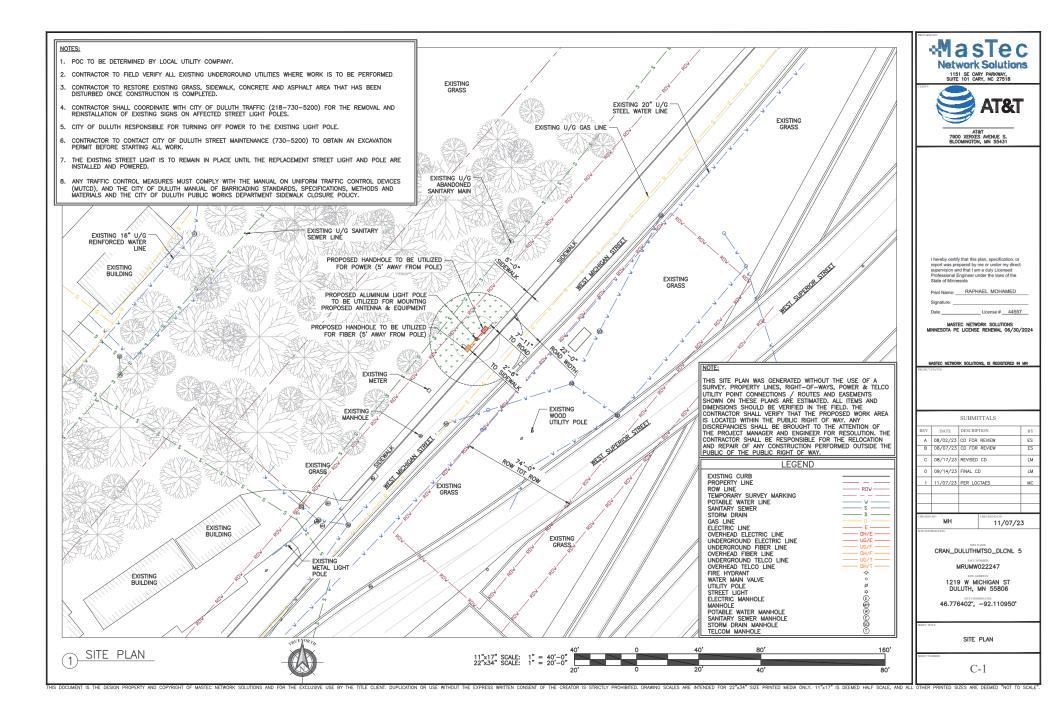


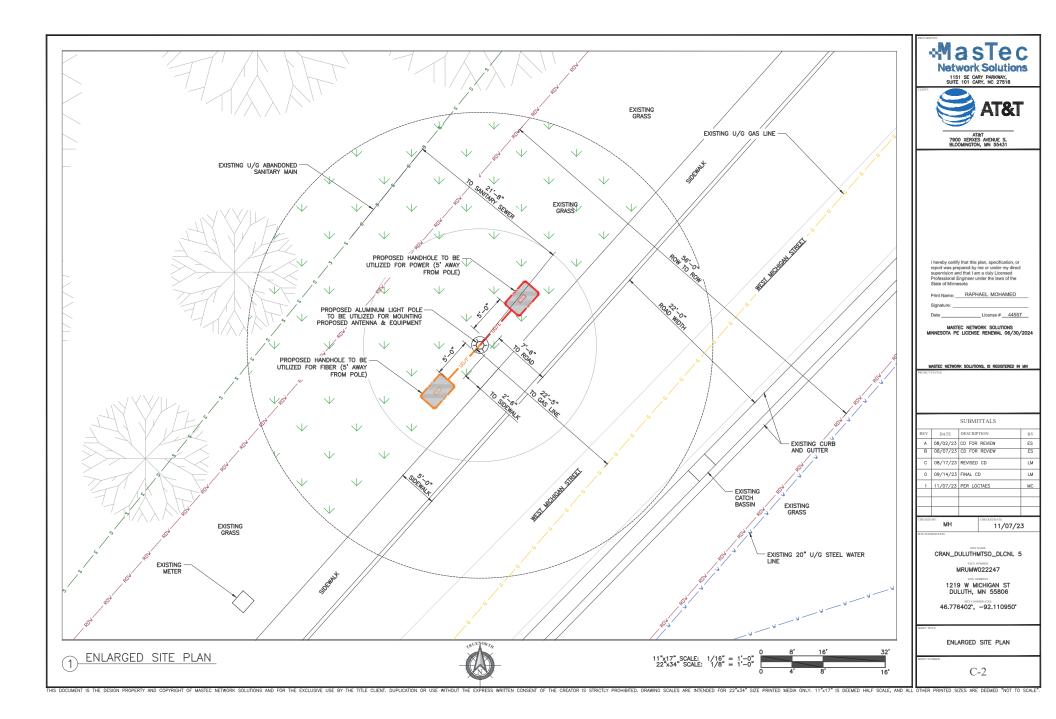
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

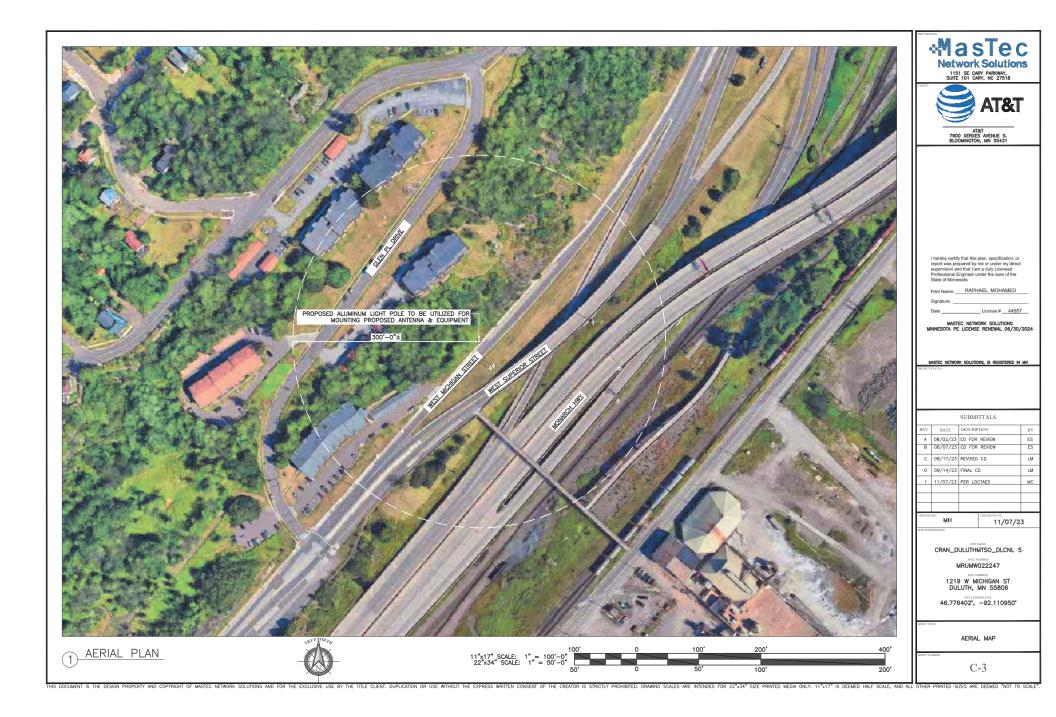


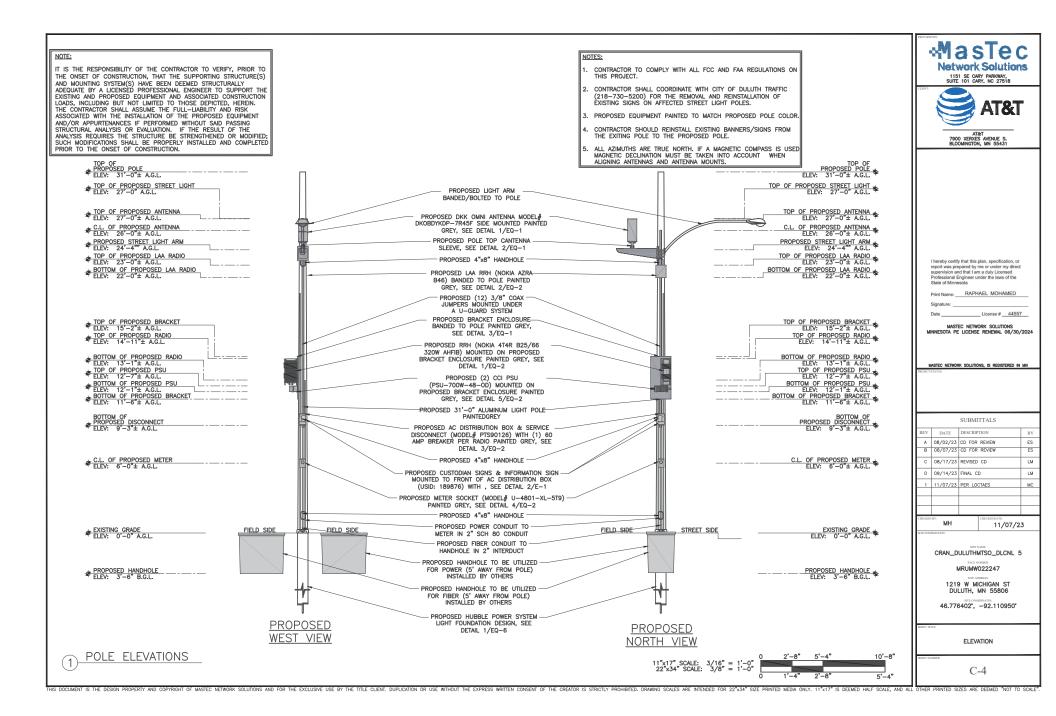
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| COUNTY: JURISDICTION: STRUCTURE TYPE: STRUCTURE OWNER: POLE PART NUMBER: GROUND ELEVATION: | ST. LOUIS CITY OF DULUTH ALUMINUM LICHT POLE CITY OF DULUTH VALMONT DS30 2147 ¹² ± AM.S.L. AT&T WIRELESS | | EQ-1 EQUIPMENT DETAILS EQ-2 EQUIPMENT DETAILS EQ-3 EQUIPMENT DETAILS EQ-4 EQUIPMENT DETAILS EQ-5 EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-7 SO EQUIPMENT DETAILS EQ-6 EQUIPMENT DETAILS EQ-7 SO EQUIPMENT DETAILS EQ-7 SO EQUIPMENT DETAILS | MISTEC NETWORK SOLUTIONS, IS REDISTERED IN MN |
| APPLICANT: SITE ACQUISITION: | 7900 XERXES AVENUE S. BLOOMINGON, MN 55431 HAZEL MAURO – SITE ACQUISITION PROJECT MANAGER hazeLmauro@mastec.com (913) 710-3999 | All a love to | RF-1 PLUMBING DAGRAM E-1 ELECTRICAL DETAILS G-1 GROUNDING DETAILS TC-1 TRAFFIC CONTROL PLAN | REV DATE DESCRIPTION BY A 08/02/23 CD FOR REVEW ES B 08/07/23 CD FOR REVEW ES |
| ENGINEERING SERVICES: | MASTEC NETWORK SOLUTIONS 1151 SE CARY PARKWAY, SUITE 101 CARY, NC 27518 - (972) 581-9888 | Section 1/2 200 | GN-1 GENERAL NOTES | C 08/17/23 REVISED CD LM 0 09/14/23 FINAL CD LM |
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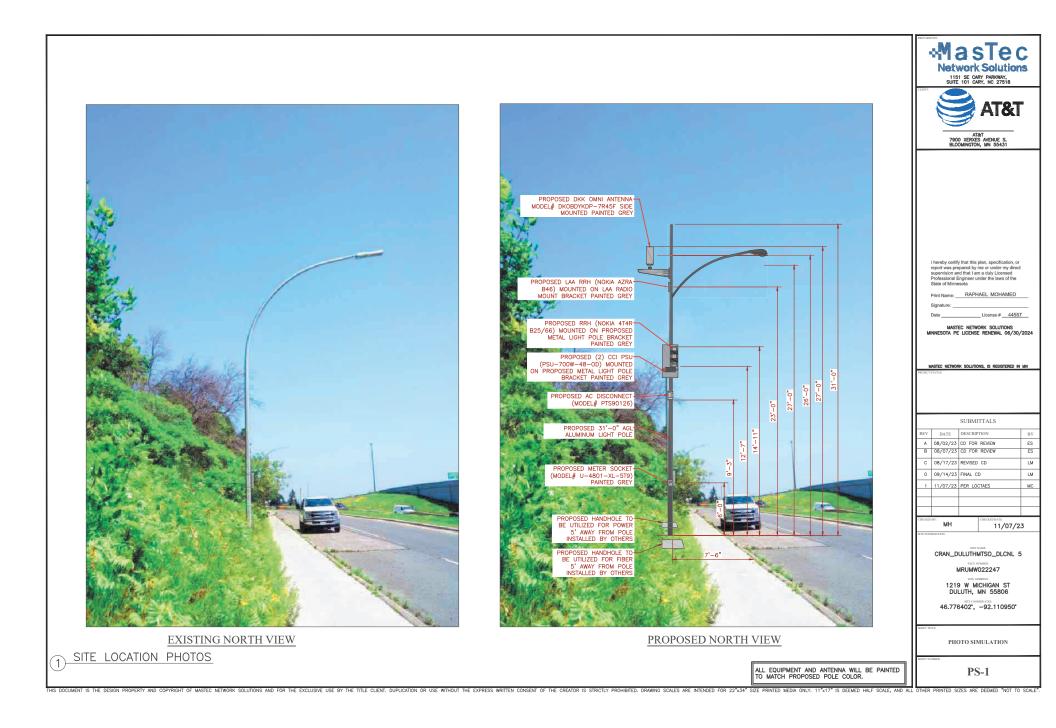
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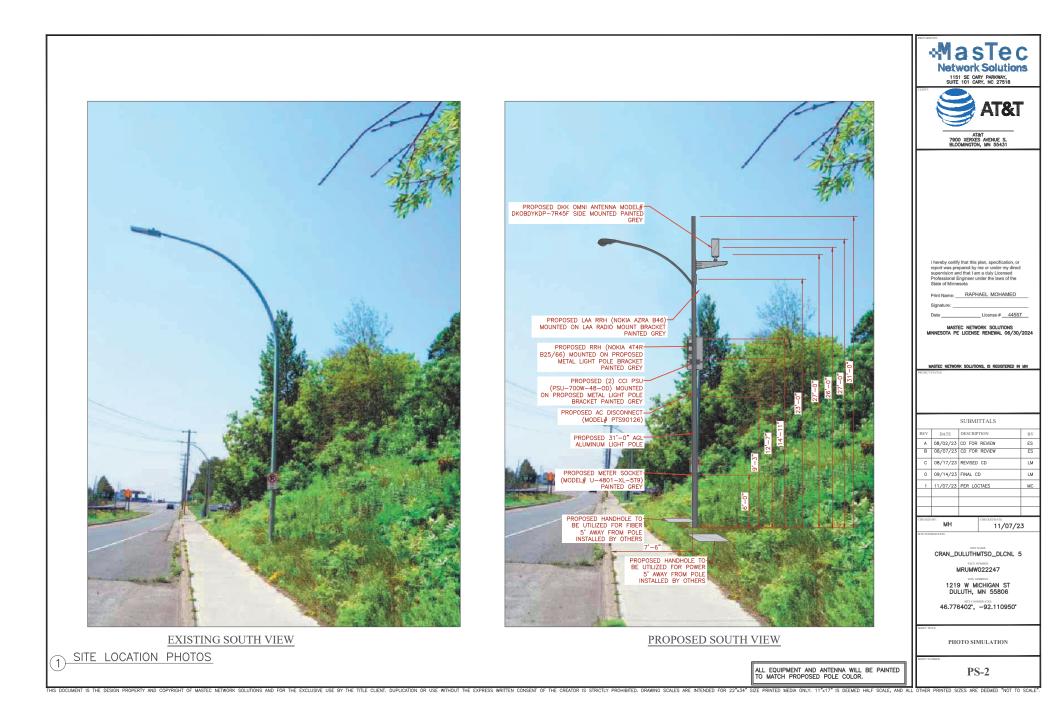














Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-213 | 3 | Contact | | Chris Lee, o | clee@ | lee@duluthmn.gov | |
|----------------------------------|---|------------------------------------|-------------------------------|------|------------------|-------------------|------------------|--|
| Туре | Concurre Light Pole | nt Use Permit, Wireless Utility on | Planning Commission Date Febr | | | February 13, 2024 | | |
| Deadline | Application Date | | January 18, 2024 60 Days | | | March 18, 2024 | | |
| for Action | Date Ext | ension Letter Mailed | January 18, 2024 | | 120 Days | | May 17, 2024 | |
| Location of Su | Location of Subject Near 215 N 40 th Ave | | | | | | | |
| Applicant | MasTec | | Contact | | | | | |
| Agent | | | Contact | | | | | |
| Legal Descript | ion | N/A | | | | | | |
| Site Visit Date February 1, 2024 | | Sign Notice Date | | | January 30, 2024 | | | |
| Neighbor Letter Date N/A | | Number of Letters Sent | | 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:

- 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

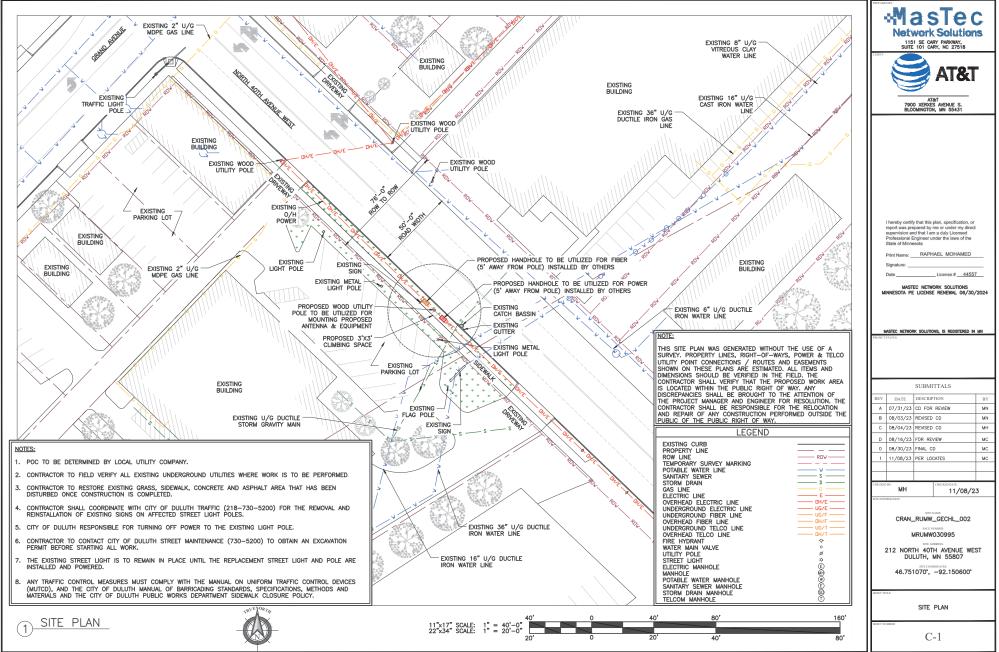


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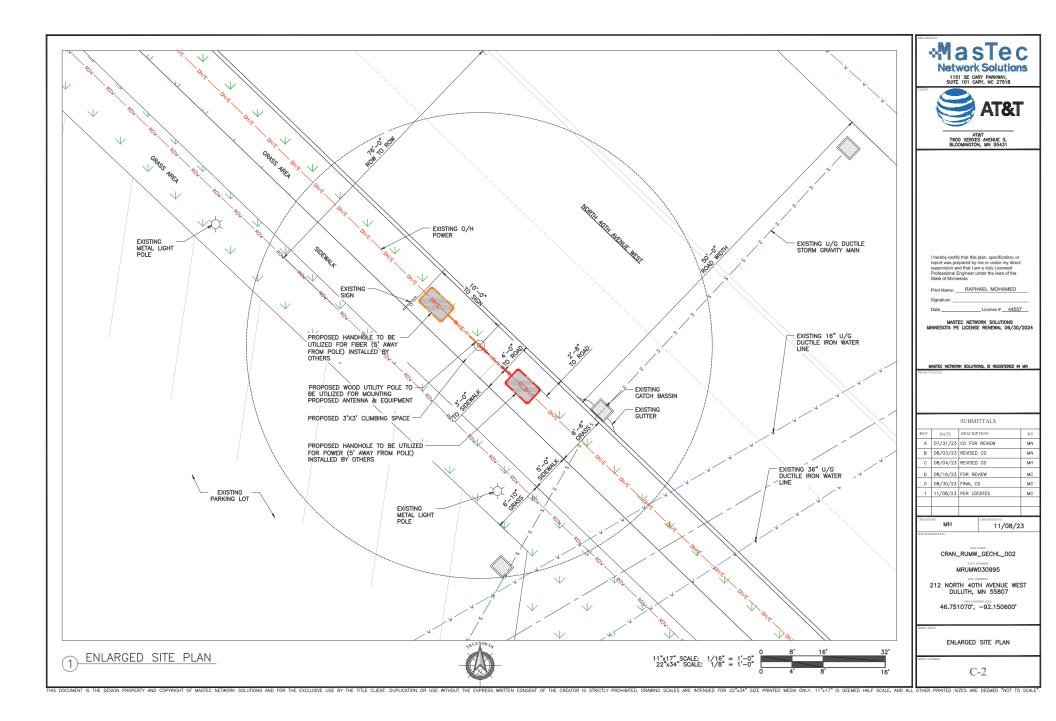


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| POLE PART NUMBER: CLSS 3 #A0797190 GROUND ELEVATION: 611*± A.M.S.L. APPLICANT: 7900 XERXES AVEUE S. BLOOMINGTON, MN 55431 SITE ACQUISITION: 13511 RFVINC PARK RD, ITASCA, IL 60143 http://downeete.com (913) 710-3999 ENGINEERING SERVICES: SEVICES: ENGINEERING SERVICES: SUTE 101 CARY, NC 27518 - (972) 581-9888 | CTPU CTUTE DUCTO | E-1 ELECTRICAL DETAILS G-1 GROUNDING DETAILS TC-1 TRAFFIC CONTROL PLAN GN-1 GENERAL NOTES | SUBMITTALS REV DATE DESCRIPTION BY A 07/31/23 CD FOR REVEW MN B 06/03/23 REVSED CO MN C 08/104/23 REVSED CO MH D 06/11/23 FOR REVEW MC 0 06/03/23 FINAL CO MC |
| 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 | STRUCTURE PHOTO | CODE COMPLIANCE ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH LUCAL COVERNING 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. | 1 11/08/23 PER LOCATES MC 1 NORTH AVENUE/VOID PER LOCATES MC 1 11/08/23 PER LOCATES MC 1 11/08/23 PER LOCATES PER LOCATES 1 10/07 11/08/23 PER LOCATES 1 11/08/23 PER LOCATES PER LOCATES 1 11/08/23 PER LOCATES PER LOCATES 1 11/08/24 PER LOCATES |
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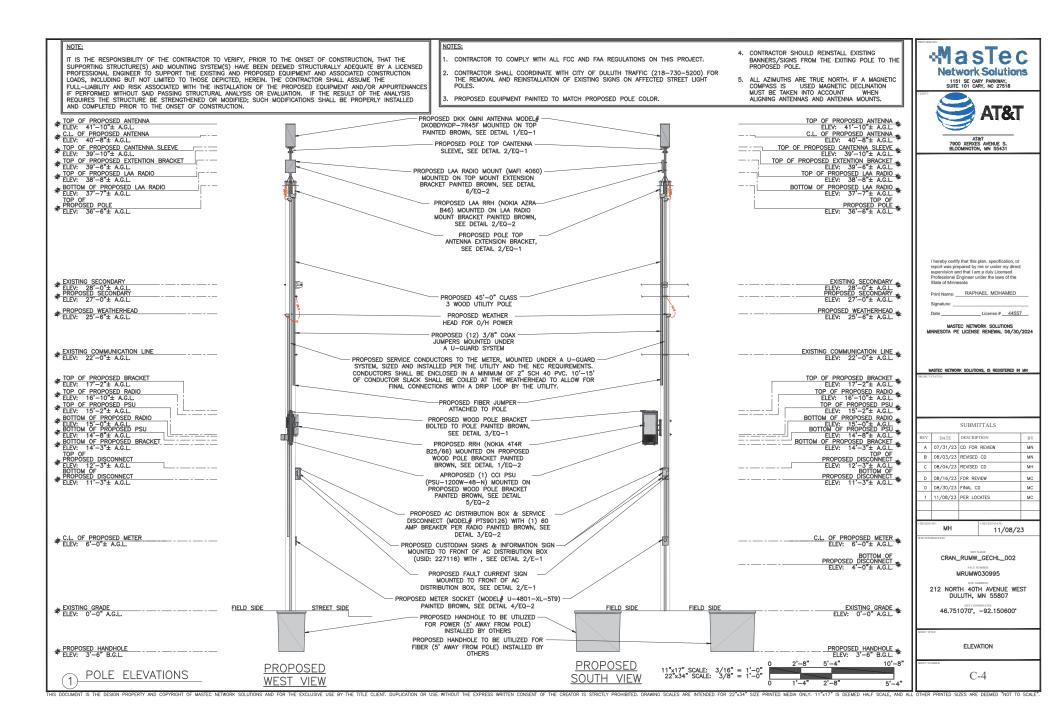
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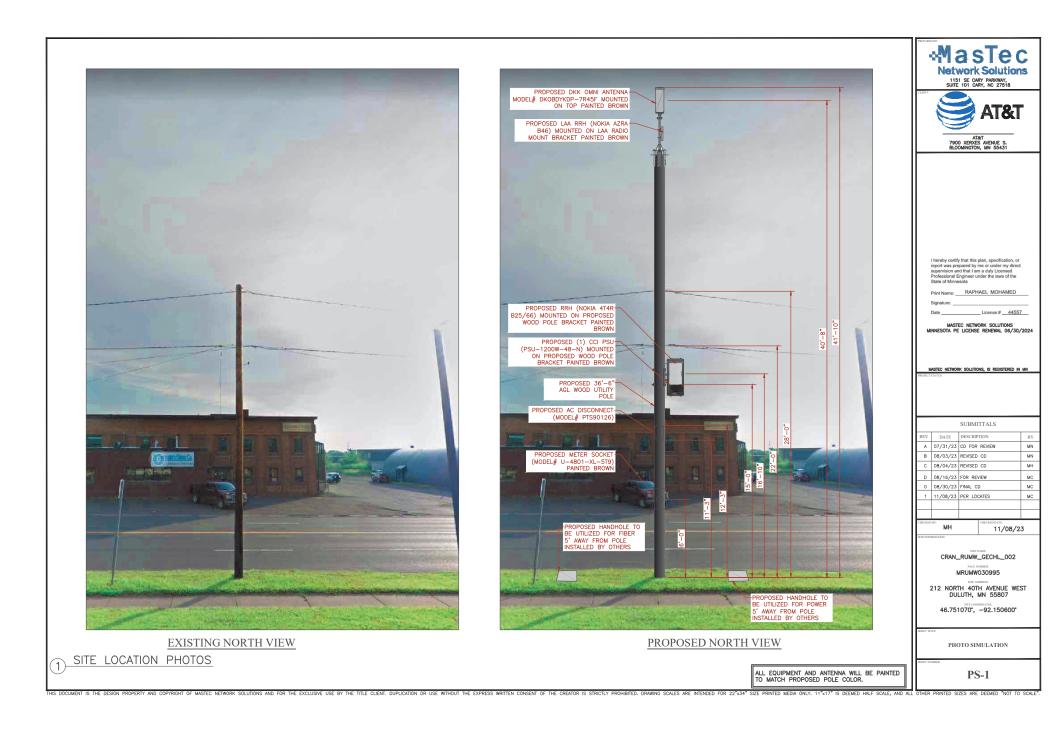


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Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-222 | | Contact | | John Kelley, jkelley@duluthmn.gov | | |
|---|--|------------------------------------|--------------------------|--------------------------|-----------------------------------|-------------------|--|
| Туре | Interim L | Jse Permit– Vacation Dwelling Unit | Planning Commission Date | | | February 12, 2024 | |
| Deadline Applicat | | Application Date | | December 13, 2023 60 Day | | February 11, 2024 | |
| for Action | r Action Date Extension Letter Mailed January 12, 2024 | | 120 Days | s April 11, 2024 | | | |
| Location of Subject 4609 Cambridge Street | | | | | | | |
| Applicant | Christens | en Investment L.T.D. | Contact | | | | |
| Agent | Nick Chris | stensen | Contact | | | | |
| Legal Description | on | 010-3010-00390 | | | | | |
| Site Visit Date January 26, 2024 | | Sign Notice Date | | | January 30, 2024 | | |
| Neighbor Letter Date January 17, 2024 | | January 17, 2024 | Number of Letters Sent | | ent | 23 | |

Proposal

Applicant is proposing an interim use permit for a vacation dwelling unit. The permit would allow for a 4-bedroom house with a maximum of 9 occupants.

Staff is recommending Planning Commission approve with conditions.

| | 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.



Planning & Development Division Planning & Economic Development Department

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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. The proposed IUP in this location will enhance the level of activity in the downtown, and increase opportunities for additional commerce.

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.

Current History: The subject property, 4609 Cambridge Street, has a 2,600 square foot house with 4 bedrooms and built in 1890.

Review and Discussion Items:

- Applicant's property is located at 4609 Cambridge Street. The proposed vacation dwelling unit contains 4 bedrooms, which would allow for a maximum of 9 guests. This is a new interim use permit for a vacation dwelling unit.
- 2) Aerial imagery does show a rear deck on the home. The site plan depicts the addition of new fencing along the east and west lot lines to satisfy the dense urban screening requirement. The fencing will need to be installed prior to the activation of the interim use permit for rental.
- 3) The applicant is proposing 6 off-street parking spaces provided in front of the existing garage in the driveway area located on the east side of the house with access from Cambridge Street.
- 4) Permit holders must designate a managing agent or local contact who resides with 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 Great Water Real Estate/Nick Christensen to serve as the managing agent.
- 5) 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.
- 6) Applicant will apply for all relevant permits and licenses and these are contingent upon approval of the Interim Use Permit for a Vacation Dwelling Unit.
- 7) Applicant must comply with Vacation Regulations (included with staff report), including providing information to guests on city rules (included with staff report as "Selected City Ordinances on Parking, Parks, Pets, and Noise").
- 8) No public, agency, or other City comments were received.



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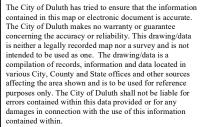
Staff Recommendation:

Based on the above findings, Staff recommends that Planning Commission recommend approval subject to the following:

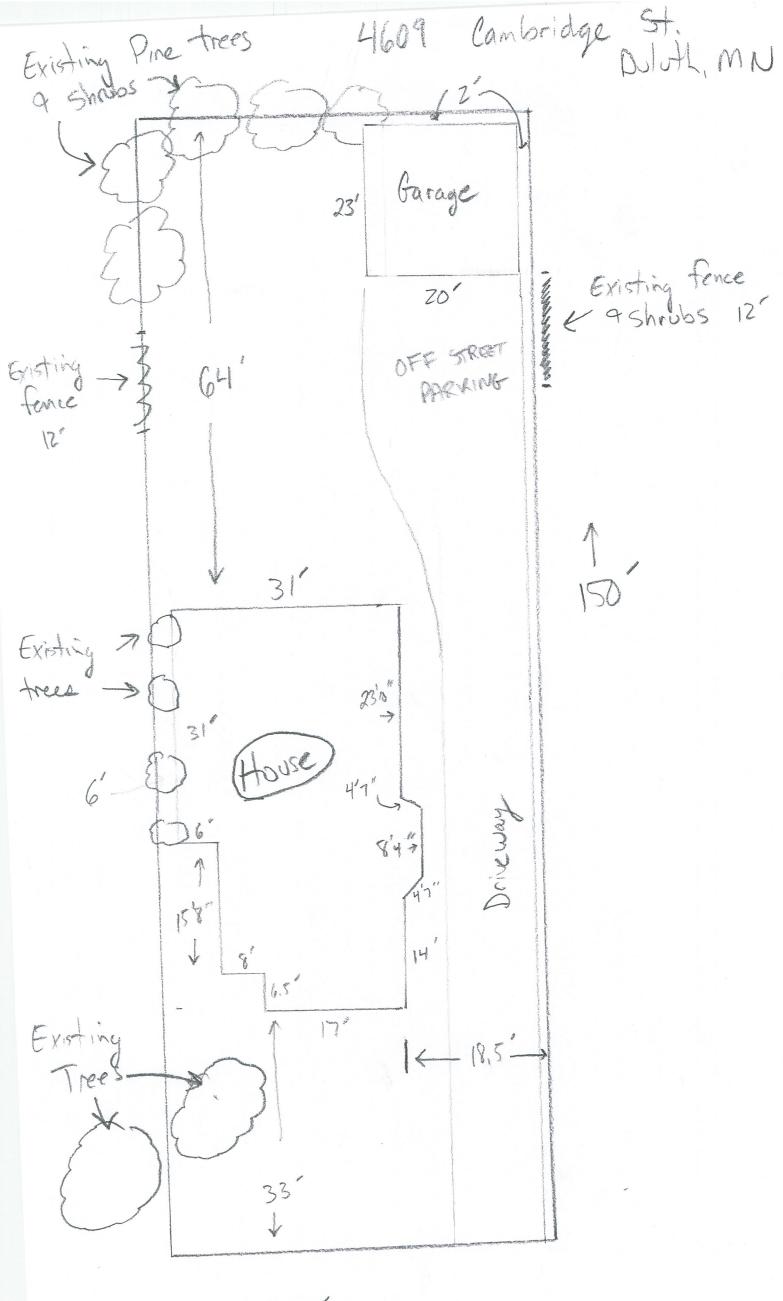
- 1) The applicant shall adhere to the terms and conditions listed in the Interim Use Permit.
- 2) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administration approval shall constitute a variance from the provisions of Chapter 50





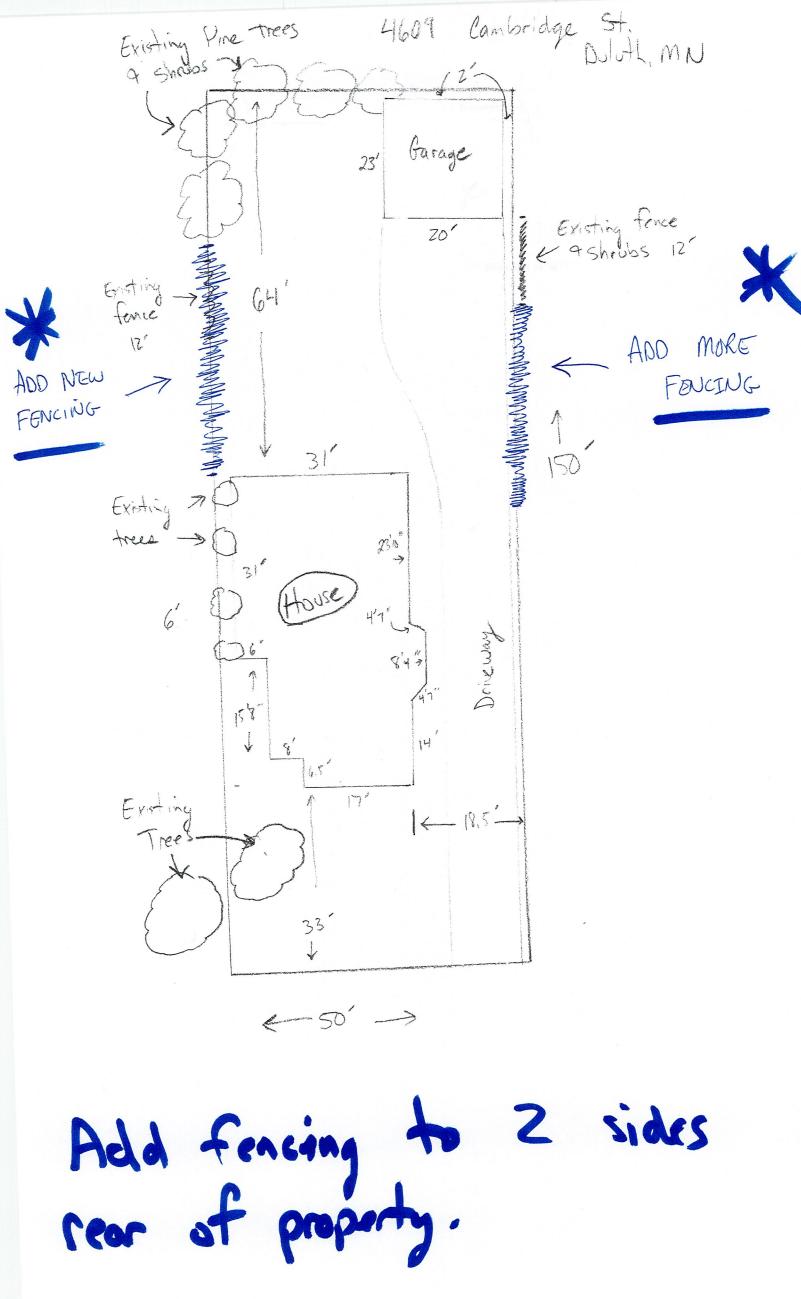






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Planning & Economic Development Department

218-730-5580

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planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 24-002 | 2 | Contact | Contact | | Jason Mozol, jmozol@duluthmn.gov | | |
|---------------------------------------|-----------|------------------------|------------------|---|------------------|----------------------------------|--|--|
| Туре | Variance | from shoreland setback | Planning Con | nmissio | n Date | February 13, 2024 | | |
| Deadline for | Applicat | | | January 4, 2024 60 Days January 12, 2024 120 Days | | March 4, 2024 | | |
| Action | Date Ext | | | | | May 3, 2024 | | |
| Location of Subject 9502 Congdon Blvd | | | | • | | | | |
| Applicant | Matt and | Peggy Van Hoomissen | Contact | | | | | |
| Agent | Jody Kep | pers | Contact | | | | | |
| Legal Description 010-0300-01160 | | Sign Notice | Sign Notice Date | | lanuary 22, 2024 | | | |
| Site Visit Date Janua | | January 31, 2024 | Number of L | er of Letters Sent | | 15 | | |

Proposal

The applicant is requesting a variance to reduce the 75' structure setback from natural environment waters (50-18.1.D-1). The applicant is proposing to reduce the setback by 75' to 61'.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|-------------------|---------------------------------|
| Subject | RR-2 | Residential | Rural Residential/Open Space |
| North | RR-2 | Residential | Rural Residential/Open Space |
| South | N/A | Lake | N/A |
| East | RR-2 | Residential | Open Space |
| West | RR-2 | Residential | Rural Residential/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):

#10 Take actions that enhance the environment, economic and social well-being of the community. The buffer area between the creek and the existing structure will be increased from 46' to 61' for the proposed structure.

Future Land Use

Rural Residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

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.

<u>History</u>

The property contains a 425 square foot home built in 1948 and an existing 25'x25' garage.

Review and Discussion Items:

- 1) The applicant is seeking a variance to reduce the 75' shoreland setback to 95th Ave e Creek to build a principal structure.
- 2) The applicant is proposing to construct a three-bedroom, single-family home with an attached garage. The total building footprint will be 2,141 sq ft and reduce the shoreland setback to 61'. The existing home and garage will be removed.
- 3) Staff finds the applicant has practical difficulty due to the small, irregular building area available after accounting for setbacks from the front and side of the property and the adjacent creek. The applicant is proposing to use the property in a reasonable manner by constructing a three-bedroom home.
- 4) As required by Section 50-37.9.L, the applicant must mitigate impacts to shoreland areas and maintain a 50' vegetative buffer in the shore impact zone. The applicant has submitted a landscaping plan that largely improves the current conditions by installing a concrete revetment along Lake Superior to stabilize an eroding shoreline and replaces the turf yard with native plants. The applicant has proposed to remove a stand of 16 conifers; however, 14 of the trees in the stand are in the 50' shore impact zone and removal is in conflict with Section 50-18.1.D-2.e. Removal of the two trees outside the shore impact zone is allowable. Staff recommends that, during construction, the applicant install fencing or similar product outside the root zone of the 14 trees to ensure protection from construction equipment and digging. The variance approval is conditional to preservation of the 14 trees in the shore impact zone.
- 5) The revetment has been permitted by the MN DNR and other City departments.
- 6) The applicant's practical difficulty was not created by the landowner but rather is due to the way the property was initially developed and its proximity to Lake Superior and the adjacent creek.
- 7) The variance will not alter the essential character of the neighborhood where there are a number of homes of similar size.
- 8) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 9) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 10) One comment was received from the public in support of the project. No comments from outside agencies or the City were received.
- 11) 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

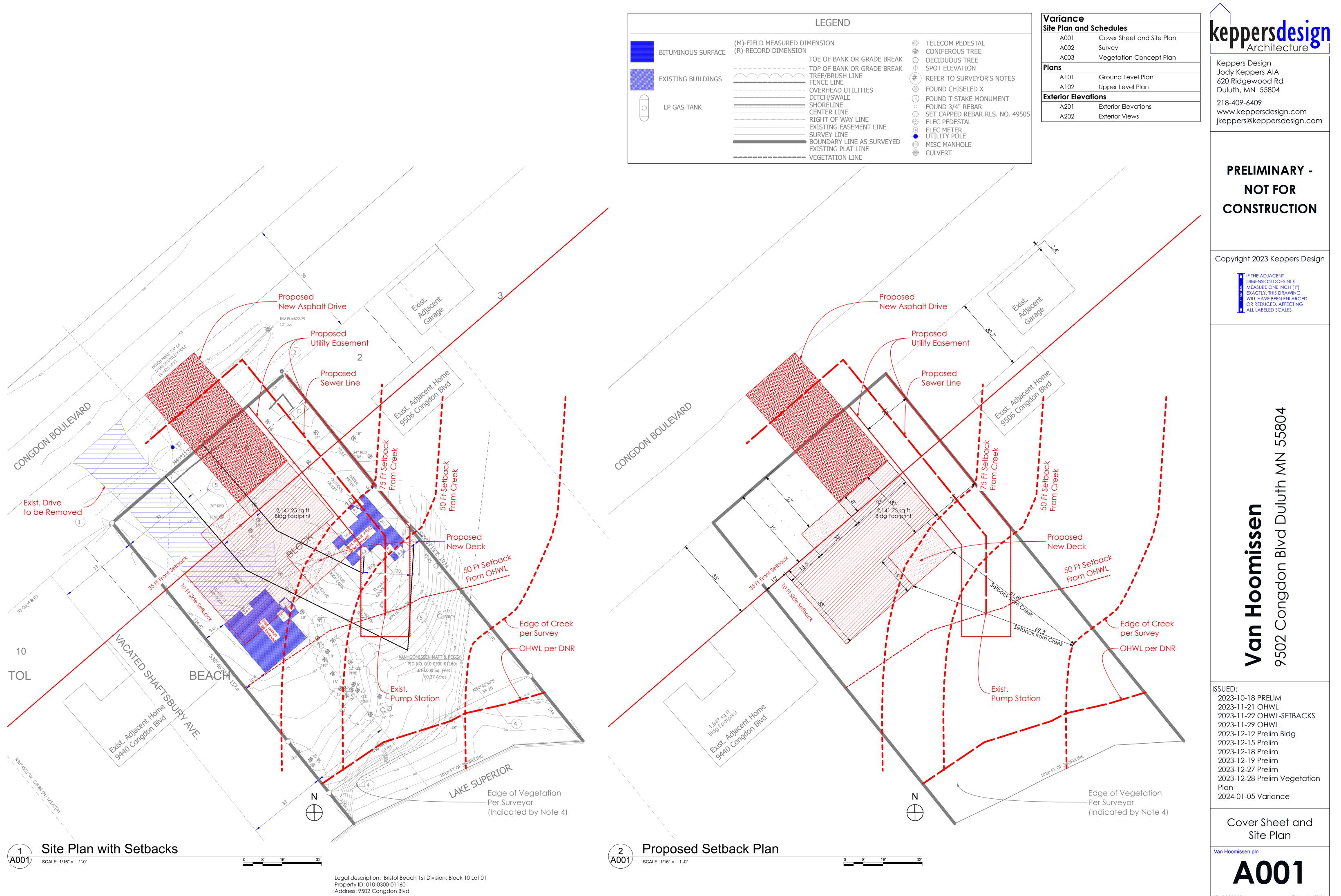
Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

- 1) The project be limited to the plans submitted with the proposed home no closer than 61' from the ordinary high water line of 95th Ave E Creek.
- 2) Existing trees within 50' shore impact zones of Lake Superior and 95th Ave E Creek may not be removed.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

DULUTH PL24-001 and PL24-002 9502 Congdon Blvd Front Yard and Shoreland Variances



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ID: 2023008

Printed: 1/5/24

Jason Mozol

| From: |
|----------|
| Sent: |
| To: |
| Cc: |
| Subject: |

Sue Allen < > > Saturday, January 27, 2024 7:57 AM planning PL24-001, PL24-002

We live adjacent to the property seeking the variances. We fully support the variances and ask that the Planning Commission grant their request.

The new owners have been transparent with us about their plans. They have also been incredibly thoughtful as they designed their new home in order to minimize variances as much as possible. In fact the home currently existing on the lot is 100% in the 95th St. Creek shoreline setback. It seems to us that their proposal is a more prudent lot layout.

The new owners are bringing a much needed upgrade to the lot and the neighborhood. We fully support their proposal and ask you to approve their request.

Suzanne and James Allen 9440 Congdon Blvd Duluth



Planning & Economic Development Department

218-730-5580

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planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 24-002 | | Contact | | Jason Mozol, jmozol@duluthmn.gov | | | |
|-------------------------|-----------|-------------------------|--------------------------|-------------------------|----------------------------------|---------------|-------------------|--|
| Туре | Variance | from front yard setback | Planning Commission Date | | | | February 13, 2024 | |
| Deadline for Applicat | | Application Date J | | January 4, 2024 60 Days | | March 4, 2024 | | |
| Action | Date Ext | ension Letter Mailed | January 12, 2024 | | 120 Days | | May 3, 2024 | |
| Location of Sub | ject | 9502 Congdon Blvd | | | | | | |
| Applicant | Matt and | Peggy Van Hoomissen | Contact | | | | | |
| Agent | Jody Kep | pers | Contact | | | | | |
| Legal Description 010-0 | | 010-0300-01160 | Sign Notice Date | | Date | | ary 22, 2024 | |
| Site Visit Date Jan | | January 31, 2024 | Number of I | Number of Letters Sen | | 15 | 15 | |

Proposal

The applicant is requesting a variance to reduce the required 35' front yard structure setback in an RR-2 zone district (50-14.4). The applicant is proposing to reduce the setback by 8' to 27'.

Staff Recommendation

Staff recommends that the Planning Commission approve the variance.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|-------------------|---------------------------------|
| Subject | RR-2 | Residential | Rural Residential/Open Space |
| North | RR-2 | Residential | Rural Residential/Open Space |
| South | N/A | Lake | N/A |
| East | RR-2 | Residential | Open Space |
| West | RR-2 | Residential | Rural Residential/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.

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

#1 Reuse previously developed lands. The project will be built on previously developed lot and move the structure further from sensitive ecosystems than the present state.

Future Land Use

Rural Residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

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.

<u>History</u>

The property contains a 425 square foot home built in 1948 and an existing 25'x25' garage.

Review and Discussion Items:

- 1) The applicant is seeking a variance to reduce the required 35' front yard setback to build a principal structure.
- 2) The applicant is proposing to construct a three-bedroom, single-family home with an attached garage. The total building footprint will be 2,141 sq ft and reduce the front yard setback to 27'. The existing home and garage will be removed.
- 3) Staff finds the applicant has practical difficulty due to the small, irregular building area available after accounting for setbacks from the front and side of the property and the adjacent creek. The applicant is proposing to use the property in a reasonable manner by constructing a three-bedroom home.
- 4) The applicant's practical difficulty was not created by the landowner but rather is due to the way the property was initially developed and its proximity to Lake Superior and the adjacent stream.
- 5) The variance will not alter the essential character of the neighborhood where there are a number of homes of similar size.
- 6) The variance allowing a reduction of a setback will not impair an adequate supply of light and air to adjacent properties.
- 7) The proposal will not increase congestion in public streets or unreasonably diminish or impair established property values within the surrounding areas.
- 8) One comment was received from the public in support of the project. No comments from outside agencies or the City were received.
- 9) 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

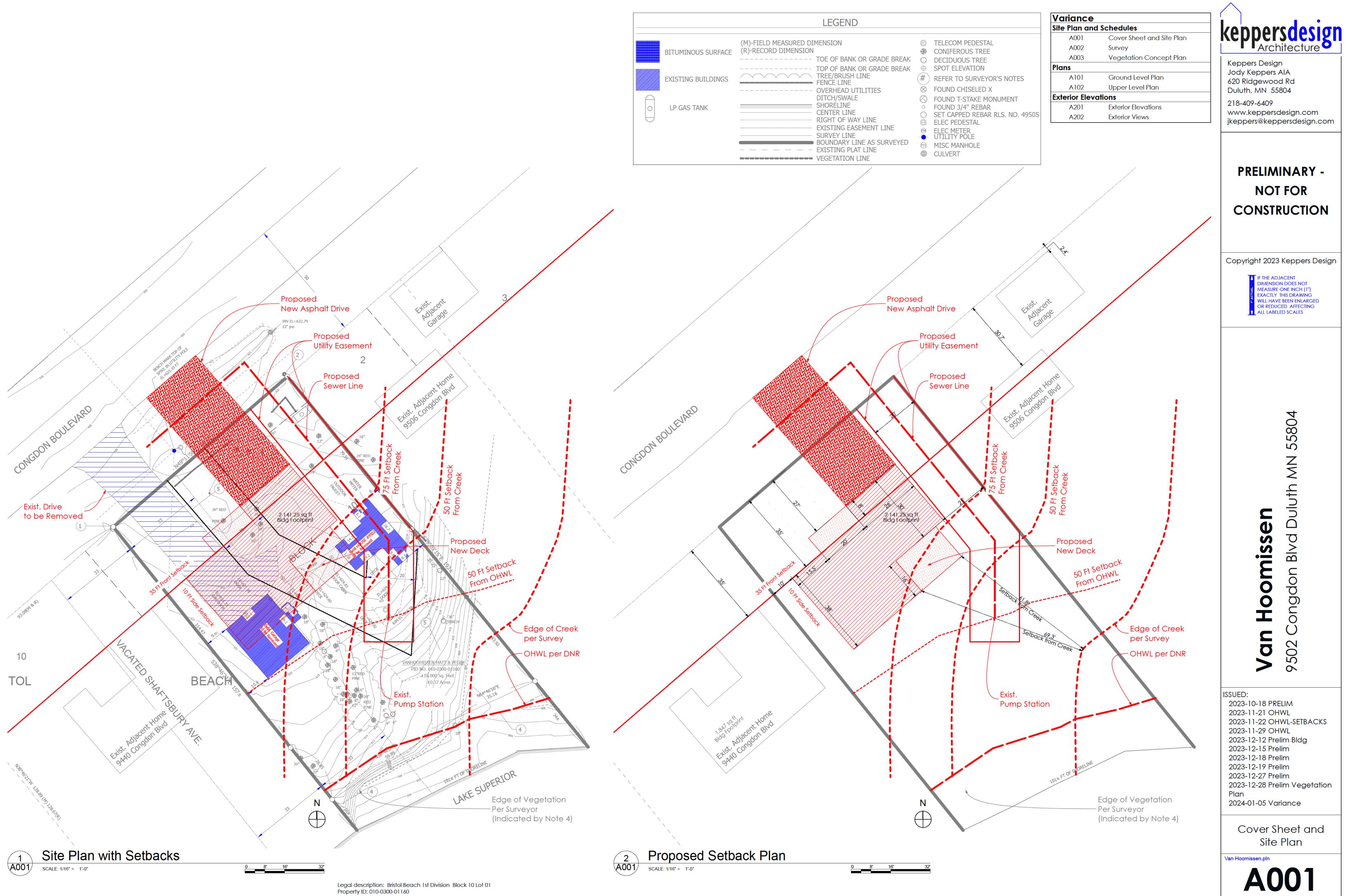
Based on the above findings, Staff recommends that the Planning Commission approve the variance with the following conditions:

- 1) The project be limited to the plans submitted with the proposed home no closer than 27' from the front property line.
- 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

DULUTH PL24-001 and PL24-002 9502 Congdon Blvd Front Yard and Shoreland Variances



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ID: 2023008

Printed: 1/5/24

Address: 9502 Congdon Blvd

Jason Mozol

| From: |
|----------|
| Sent: |
| To: |
| Cc: |
| Subject: |

Sue Allen Saturday, January 27, 2024 7:57 AM planning PL24-001, PL24-002

We live adjacent to the property seeking the variances. We fully support the variances and ask that the Planning Commission grant their request.

The new owners have been transparent with us about their plans. They have also been incredibly thoughtful as they designed their new home in order to minimize variances as much as possible. In fact the home currently existing on the lot is 100% in the 95th St. Creek shoreline setback. It seems to us that their proposal is a more prudent lot layout.

The new owners are bringing a much needed upgrade to the lot and the neighborhood. We fully support their proposal and ask you to approve their request.

Suzanne and James Allen 9440 Congdon Blvd Duluth



Planning & Economic Development Department

218-730-5580

oplanning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 24-006 | PL 24-006 | | Contact Jenn Moses | | | |
|---|-----------|------------------------|--------------------------|--------------------|-------------|---------------|-------------------|
| Туре | MU-I Plai | nning Review | Planning Commission Date | | | | February 13, 2024 |
| Deadline | Applicat | ion Date | January 11, 2024 | | 024 60 Days | | March 11, 2024 |
| for Action | Date Ext | ension Letter Mailed | January 24, 2024 | | 120 Days | | May 10, 2024 |
| Location of Subject 1012 E 2 nd St | | | | | | | |
| Applicant | St. Luke' | s Hospital | Contact | Michae | l Boeselage | er | |
| Agent | Erdman (| Company | Contact | Neil Bri | ght | | |
| Legal Description010-3830-04940Si | | Sign Notice Date | | January 30, 2024 | | uary 30, 2024 | |
| Site Visit Date February 2, 2024 | | Number of Letters Sent | | 17 | | | |

Proposal

Applicant is proposing to remove the existing helipad on top of the Building A parking garage, and relocate it to the top of Building A.

Staff Recommendation

Staff is recommending Planning Commission approve the Planning Review subject to conditions.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|-------------------|---------------------------------|
| Subject | MU-I | Hospital campus | Institutional |
| North | MU-I | Hospital campus | Institutional |
| South | MU-I | Hospital campus | Institutional |
| East | MU-I | Hospital campus | Institutional |
| West | MU-I | Hospital campus | Institutional |

Summary of Code Requirements

50-15.4 MU-I Planning Review

50-23 Connectivity and Circulation – Focuses on pedestrian and bicycle accommodations. Includes design requirements for skywalks.

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, & Fences – Includes requirements for commercial containers & mechanical equipment

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 – Requires lighting to be downcast, full-cutoff fixtures.

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 Principle #4 – Support economic growth sectors. This includes the medical sector. St. Luke's uses the heliport for crucial patient transport.

Future Land Use – Institutional. Applicable to medical, university/college, public school, religious, or governmental campuses.

History:

- FN 11-011, MU-I Planning Review for 1st Phase of Building A
- PL 18-158, MU-I Planning Review for St. Luke's Hospital that included establishment of the helipad in its current location on top of the parking garage for Building A
- PL 22-212, MU-I Planning Review for a vertical expansion of Building A

Discussion

Staff finds that:

- 1) The existing helipad on the top of the Building A parking garage was approved in 2018; at that time, detailed analyses of the noise and wind resulting from the helipad were conducted, as the helipad was significantly closer to ground level than its previous location on the Northland Medical ramp. The analyses showed that while periodic noise level increases were expected, and wind gusts were possible, neither of these impacts approached any safety threshold. St. Luke's representatives stated at the time that eventually the helipad would be relocated to the top of Building A, as this location would better suit hospital operations and be located further above the ground level.
- 2) In 2022, a MU-I Planning Review was completed for the long-planned vertical expansion of Building A; this added an "interstitial floor" of mechanicals as well as three additional levels with patient rooms. This expansion is currently under construction.
- 3) The current proposal involves removal of the helipad on top of the parking garage. A new helipad would be established on top of Building A, approximately 85' feet higher and 60' closer to the lake than the current helipad. This will result in fewer impacts to neighbors.
- 4) As Building A was constructed with plans for a future helipad, no additional structural support or roof access is needed. The helicopter landing area will be approximately 6' above the roof level, but this will be limited only to the landing site, and the overall height of the building will not change.
- 5) The building height with the expansion underway will be 111'. As Building A is located further than 200' from MU-N or any residential district, the maximum height allowed in this location is 300', provided that no more than 15% of St. Luke's property zoned MU-I may exceed 120'.
- 6) The only additional exterior lighting to be installed will be that lighting necessary to meet FAA regulations.
- 7) UDC sections including parking, landscaping, screening, and sustainability do not apply to this project.
- 8) No public, agency, or City comments have been received.
- 9) According to UDC 50-37.1.N, an approved Planning Review will expire if the project or activity authorized by the permit is not begun within 1 year.

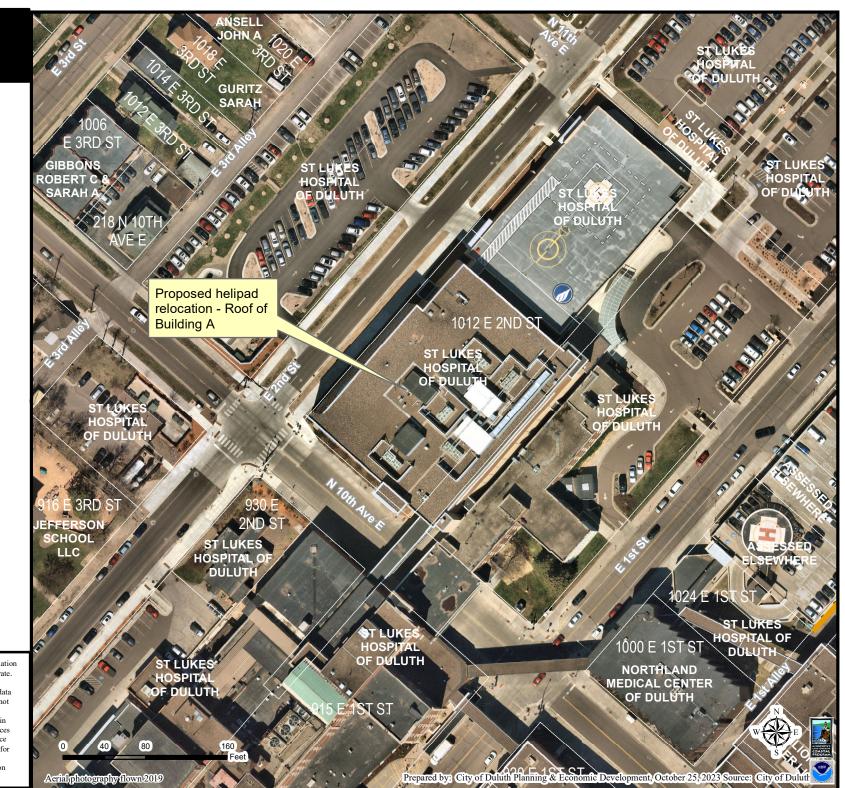
Staff Recommendation

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

- 1. The project be constructed, limited to, and maintained according to the plans and building elevations submitted with this application.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



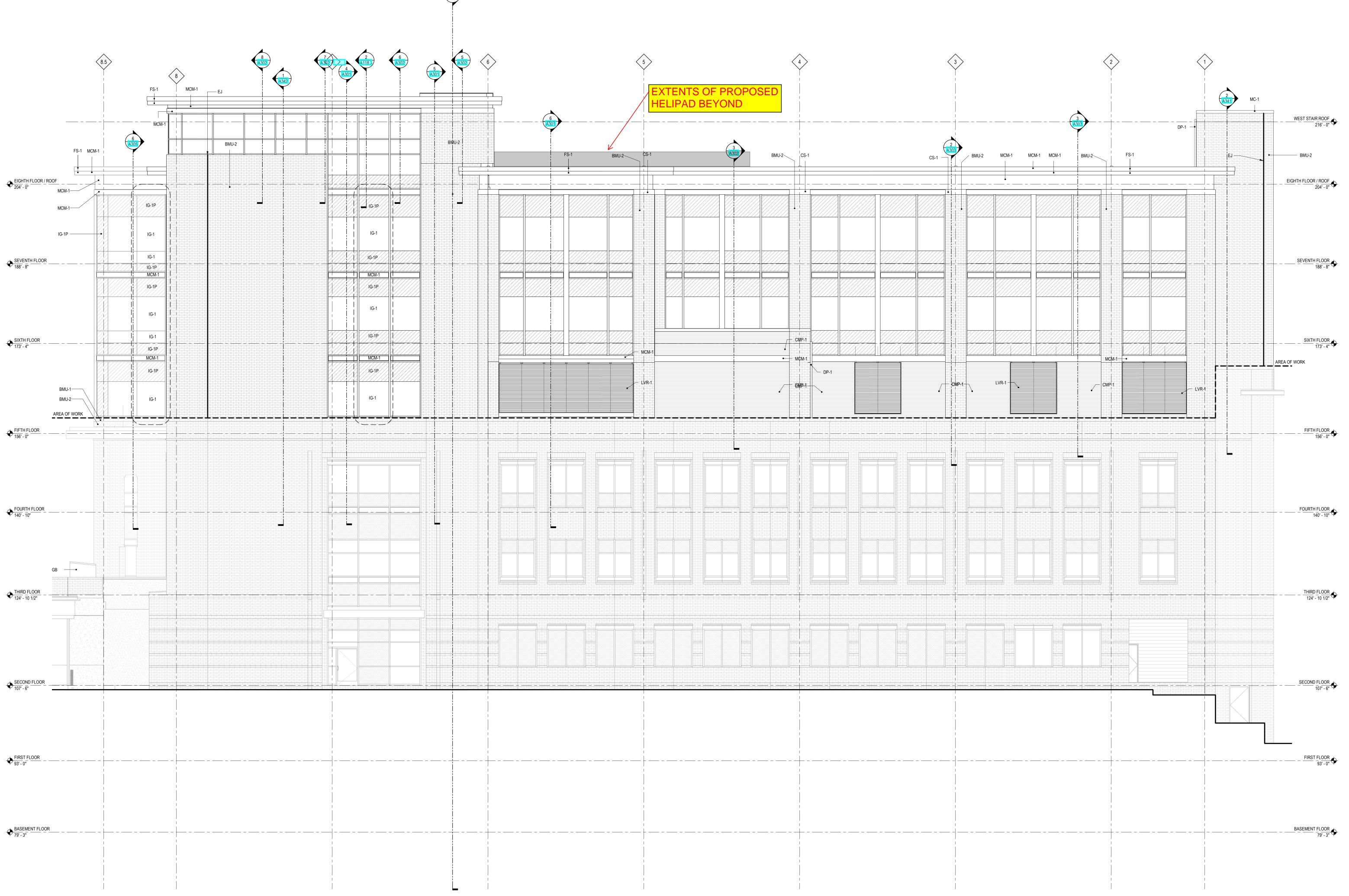
PL 24-006 Planning Review St. Luke's Hospital

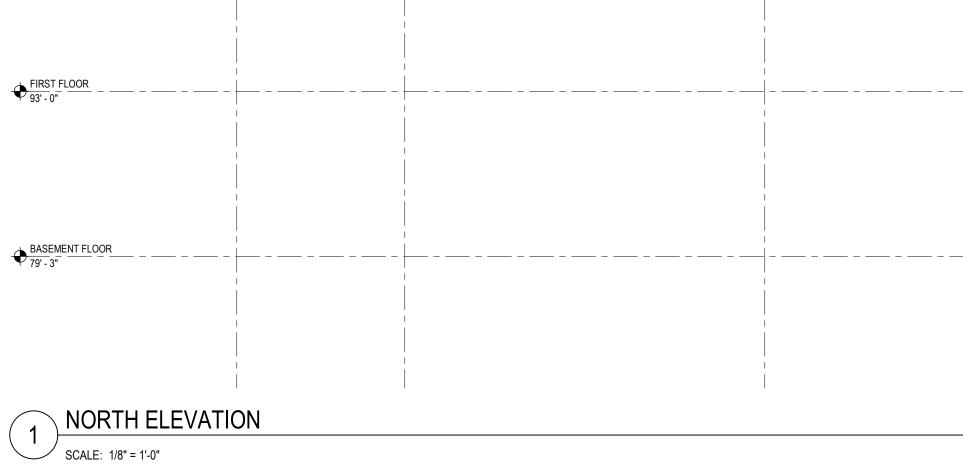


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EXTERIOR MATERIALS

| BMU-2 | BRICK MASONRY UNIT - MATCH EXISTII |
|-----------------------------|--|
| 04 7300 - CA CS-1 | AST STONE CAST STONE |
| 072400 - EX EIFS-1 | TERIOR INSULATION AND FINISH SYSTEN MATCH EXISTING |
| 074213 - ME CMP-1 | TAL WALL PANELS CORRUGATED METAL PANEL - METALLIC |
| | ALUMINUM COMPOSITE METAL PANEL ALUMINUM COMPOSITE METAL PANELS METALLIC MICA |
| | REVEALS WITH ARCHITECTURAL ELEMEN |
| 077100 - MA DS-1 | NUFACTURED ROOF SPECIALTIES DOWNSPOUT |
| ALUMINUM | COPING CAP |

| | ALUMINUM COPING CAP | | |
|------------------|--------------------------------------|---|--|
| | MC-1 | METAL COPING - METALLIC SILVER(MAT EXISTING) | |
| | FS-1 | ROOF EDGE FASCIA | |
| | 084413 - GLAZED ALUMINUM CURTAINWALL | | |
| | CW-1 | X" ALUMINUM CURTAIN WALL SYSTEM | |
| | CW-2 | X" ALUMINUM CURTAIN WALL SYSTEM | |
| | CWC-1 | CURTAINWALL STRUCTURAL GLAZED MU | |
| | CWC-2 | CURTAINWALL FULLY CAPTURED MULLIC | |
| | CWC-3 | CURTAINWALL METAL PANEL FIN | |
| | MP-1 | CURTAINWALL METAL PANEL INFILL | |
| 088000 - GLAZING | | | |
| | 10.4 | | |
| | IG-1 | VISION GLASS WITH LOW REFLECTIVITY | |
| | | | |

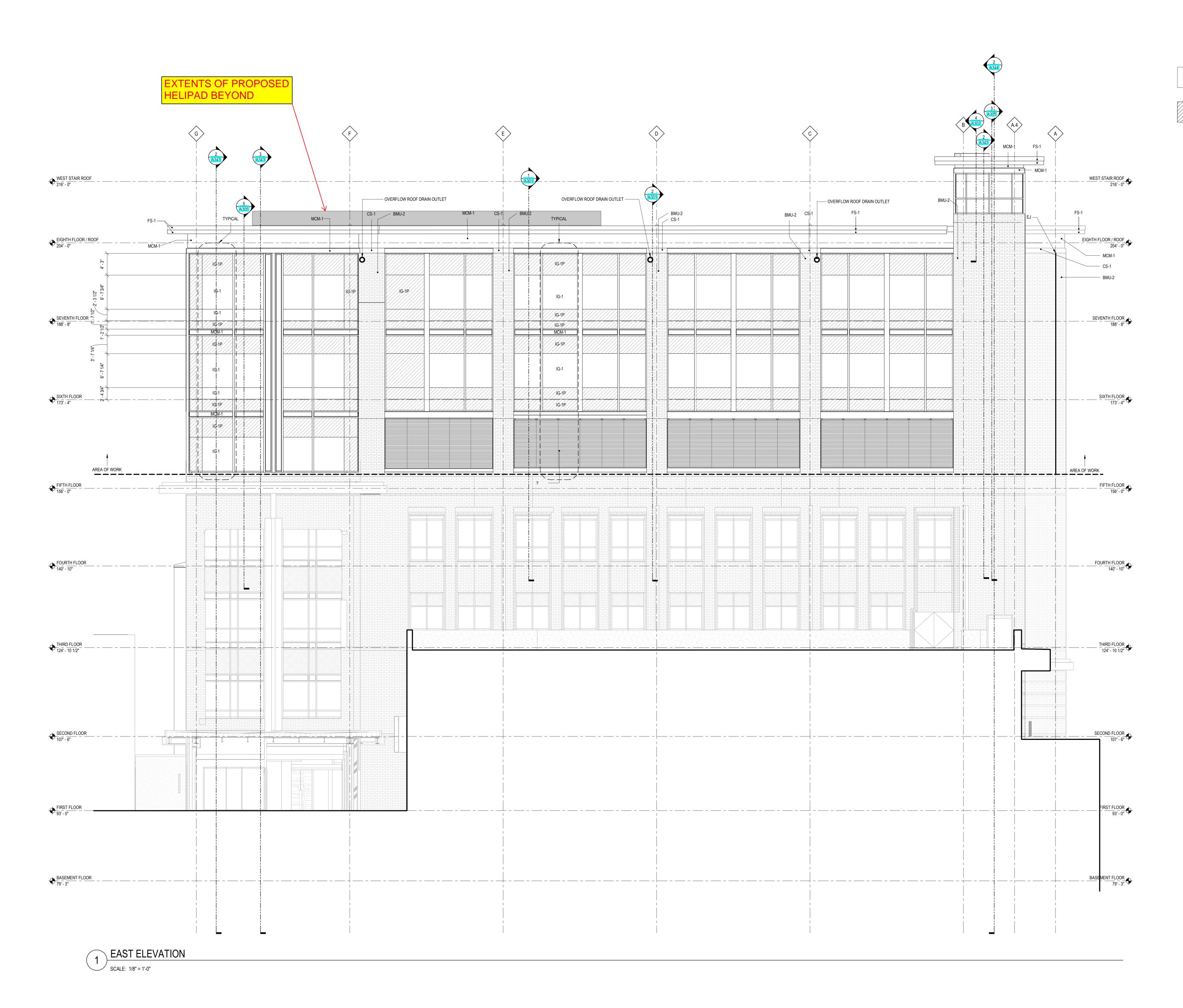
ERDMAN 04 2000 - UNIT MASONRY EM - EIFS One Erdman Place, Suite 300 Madison, Wisconsin 53717 Phone: (608) 410-8000 LIC SILVER - SILVER uke's MENTS AS 1012 E. SECOND ST. DULUTH, MN. 53805 Architectural Services Provided EFDMAN COMPANY MULLION LION CAP Engineering Services Provided By: ERDMAN COMPANY Contractor Services Provided By: ERDMAN COMPANY Lic. No. IR652277 IG-1P SPANDREL GLASS WITH LOW REFLECTIVITY 08 9100 - LOUVERS LVR-1 LOUVER 099100 - PAINTS P-1 HIGH PERFORMANCE PAINT ON STEEL (TO MATCH ACM-1) MISCELLANEOUS CJ CONTROL JOINT EJ EXPANSION JOINT 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. Signature: Dailw. Typed or Printed Nam Daniel Wayne Delk Date: 07/28/2023 License Number: <u>61433</u> 07-28-23 CB004 1 PERMIT SET 01-30-23 No. Description Date **Document Release** Sheet Name EXTERIOR **ELEVATION** -NORTH

Drn:SRILEY Chk:TDUHR

A20

JOB #672420

Sheet Number



EXTERIOR MATERIALS

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| 072400 - EX EIFS-1 | TERIOR INSULATION AND FINISH SYSTEM MATCH EXISTING |
| 074213 - ME CMP-1 | E TAL WALL PANELS CORRUGATED METAL PANEL - METALLIC |
| 074213.23 - MCM-1 | ALUMINUM COMPOSITE METAL PANEL ALUMINUM COMPOSITE METAL PANELS - METALLIC MICA |
| | REVEALS WITH ARCHITECTURAL ELEMEN |
| 077100 - M # DS-1 | ANUFACTURED ROOF SPECIALTIES DOWNSPOUT |
| ALUMINUM MC-1 | COPING CAP METAL COPING - METALLIC SILVER(MATC EXISTING) |
| FS-1 | ROOF EDGE FASCIA |
| 084413 - GL CW-1 CW-2 | AZED ALUMINUM CURTAINWALL X" ALUMINUM CURTAIN WALL SYSTEM X" ALUMINUM CURTAIN WALL SYSTEM |
| CWC-1 | CURTAINWALL STRUCTURAL GLAZED MU |
| CWC-2 CWC-3 | CURTAINWALL FULLY CAPTURED MULLIC CURTAINWALL METAL PANEL FIN |
| MP-1 | CURTAINWALL METAL PANEL INFILL |
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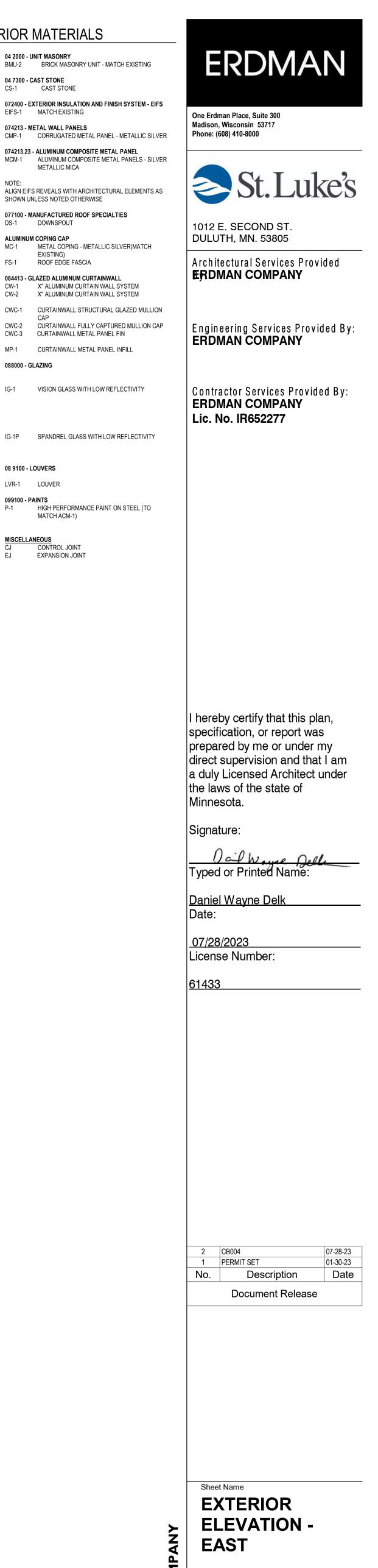
VISION GLASS WITH LOW REFLECTIVITY IG-1

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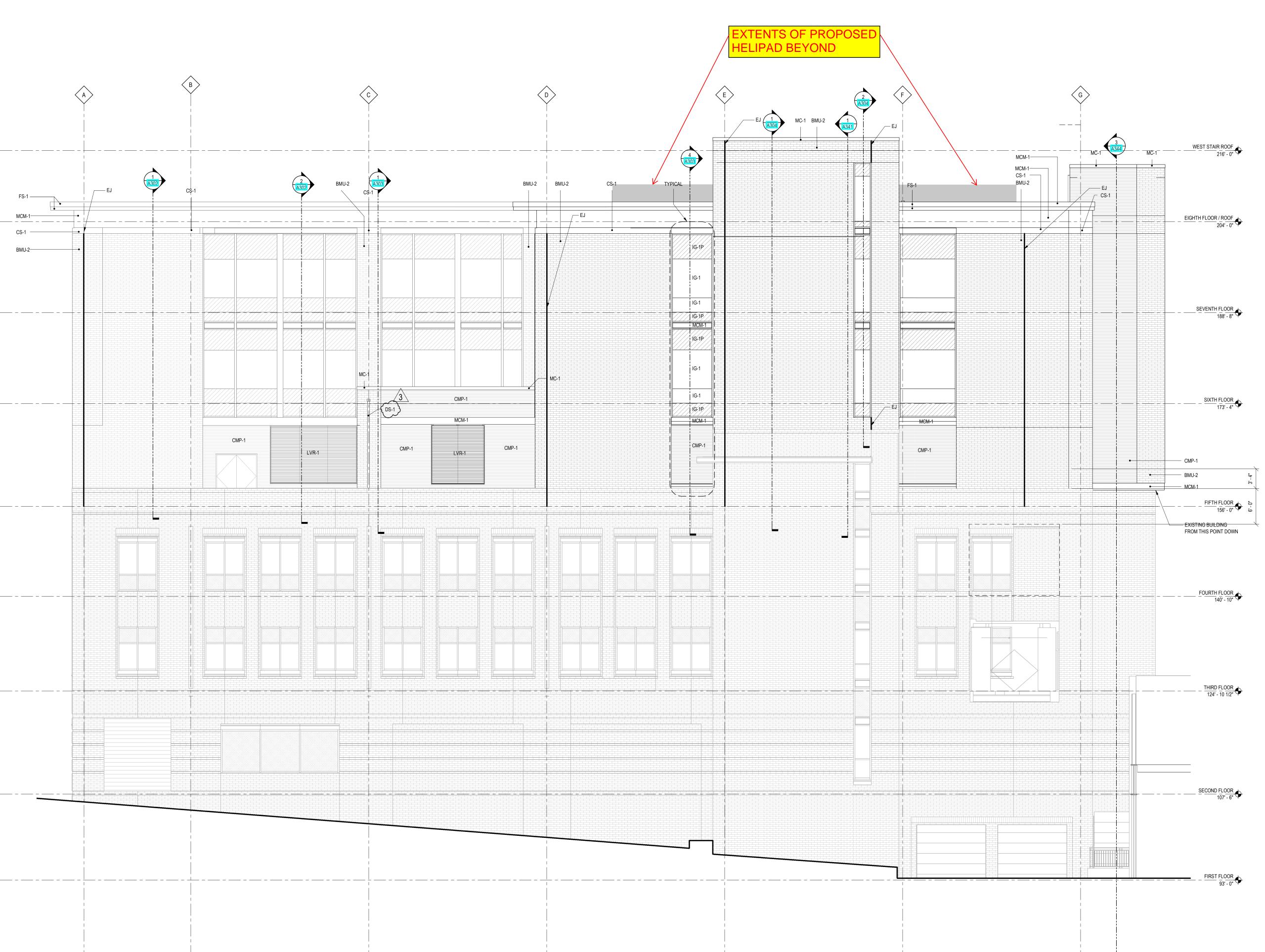
Drn:SRILEY Chk:TDUHR Sheet Number Δ2

JOB #672420

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WEST ELEVATION SCALE: 1/8" = 1'-0"



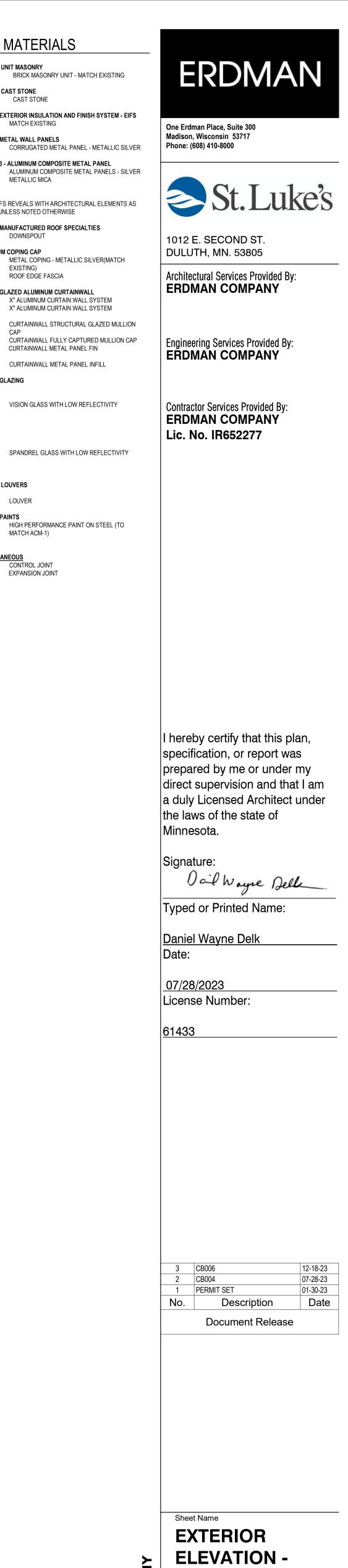
EXTERIOR MATERIALS

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MATCH ACM-1) MISCELLANEOUS CJ CONTROL JOINT EJ EXPANSION JOINT

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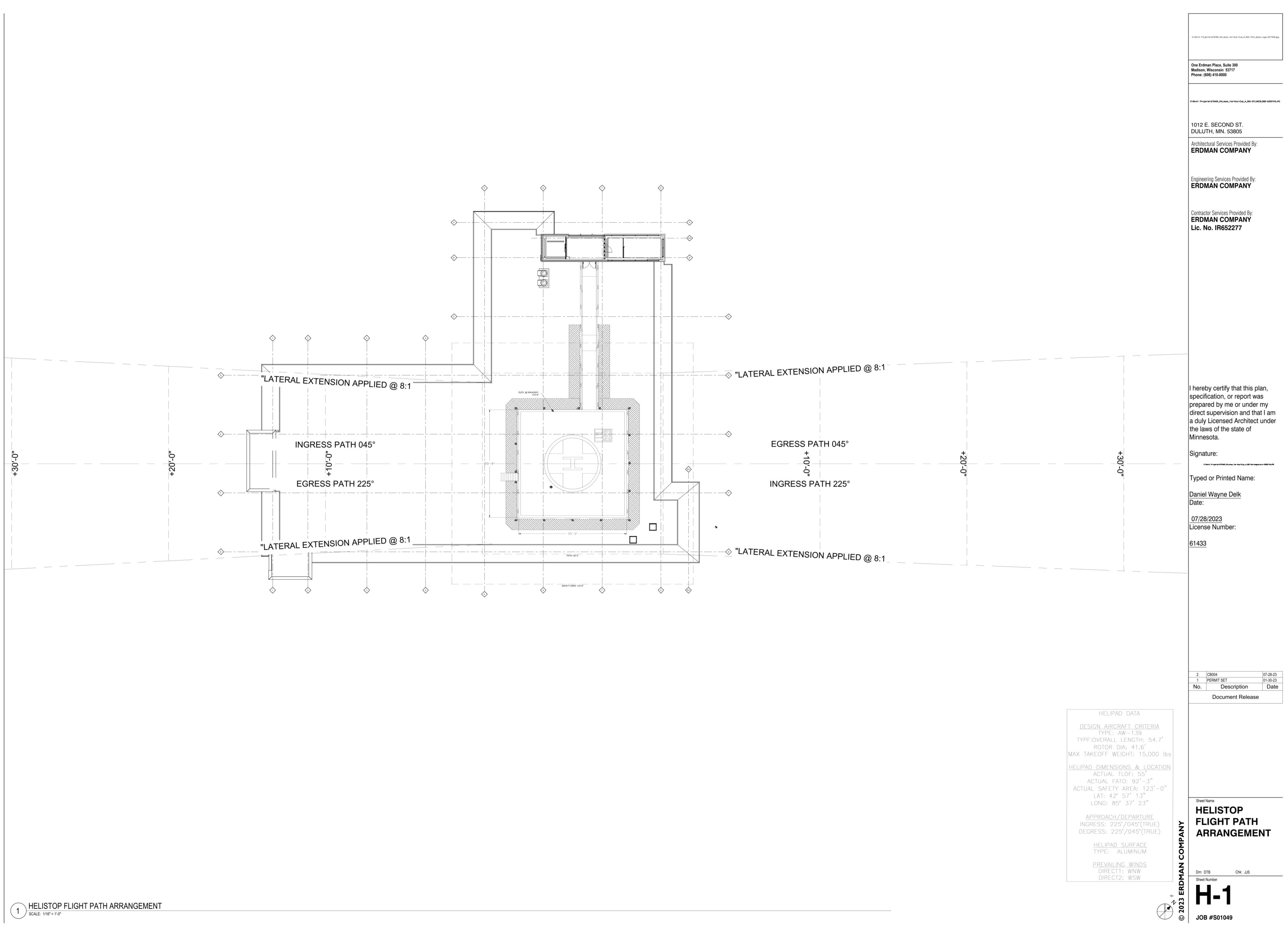




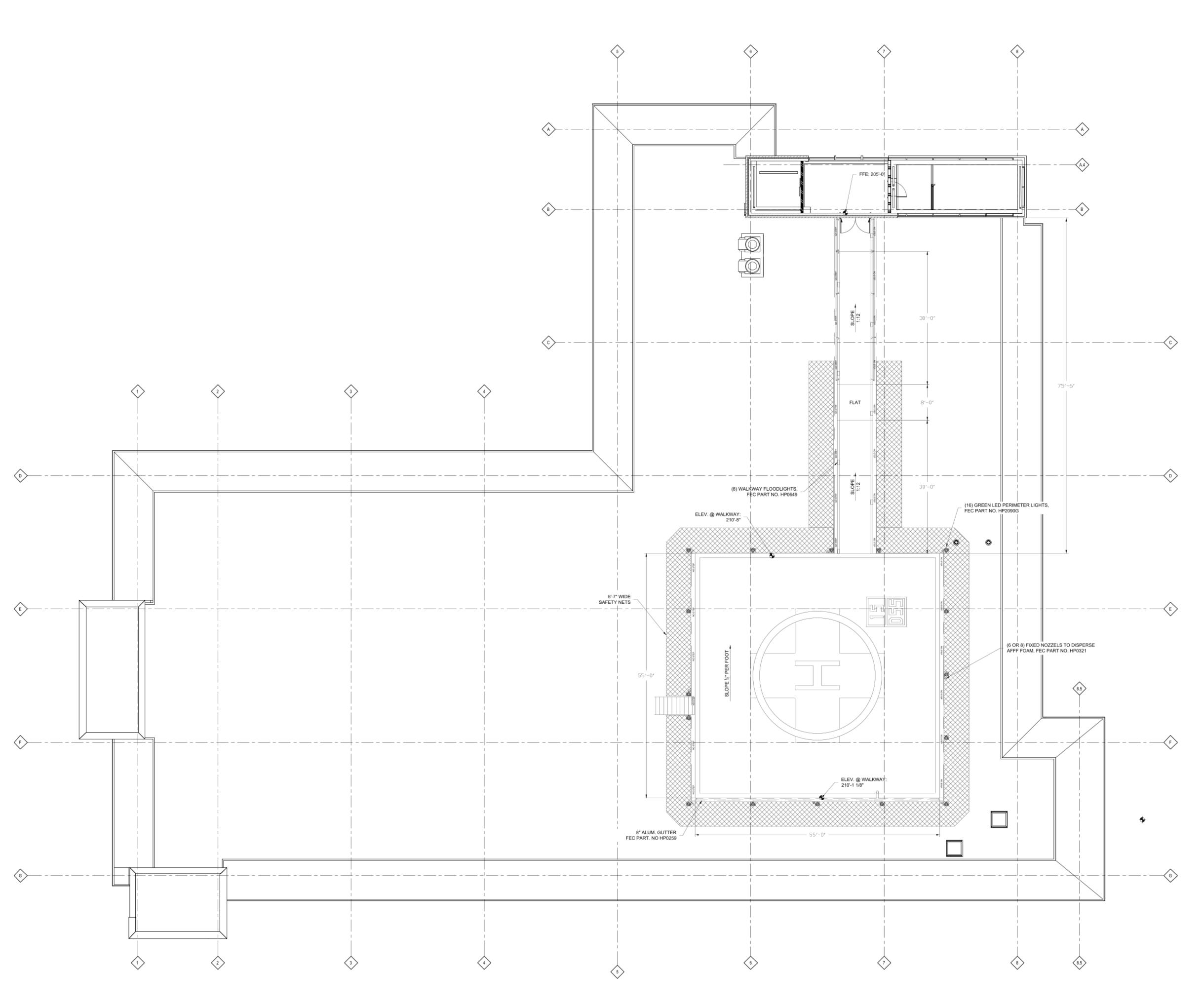
JOB #672420

Drn:SRILEY Chk:TDUHR

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| DIRECT2; | WSW |



GENERAL NOTES:

1) HELISTOP DIMENSIONS AND CLEARANCES ARE BASED ON FAA AC 150/5390-2D REQUIREMENTS FOR AN AUGUSTA AW-139 AS THE DESIGN HELICOPTER

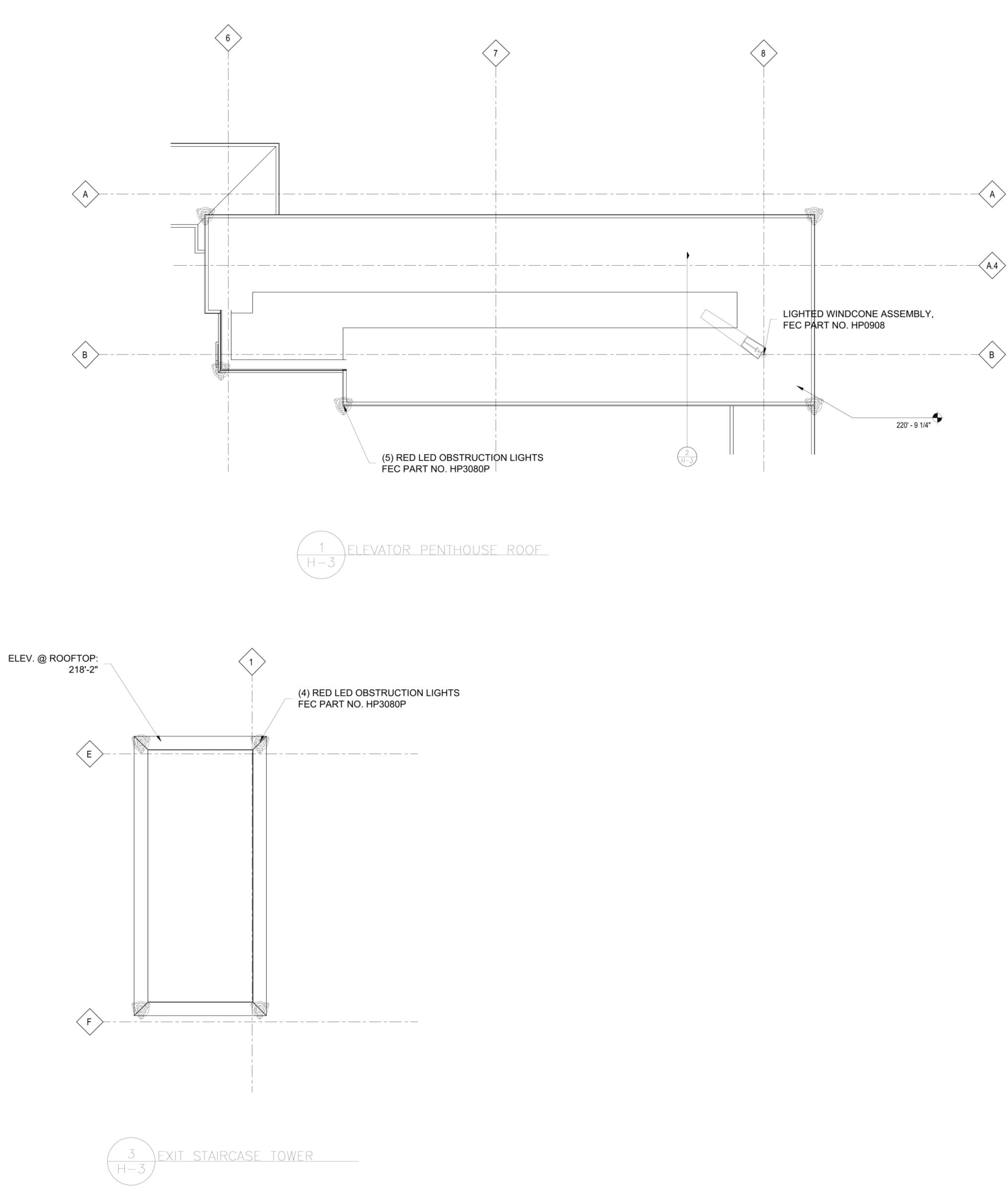
- 2) VFR APPROACH/DEPARTURE SLOPE 8:1, TRANSITION SURFACE 2:1
- 3) HELISTOP LIGHTING LAYOUT TO MEET FAA ACC 150/5390-2D, CHAPTER.2 SEE SHEETS E-1, E-2, AND E-3, E-4,E-5, AND E-6 FOR DETAILS
- 4) HELISTOP DECK MARKINGS AND OTHER PAINT SCHEMES TO MEET FAA AC 150/5390-2D CHAPTER.2 SEE PA-1 AND PA-2 FOR DETAILS
- 5) HELISTOP SAFETY NET EQUIPMENT TO BE DESIGNATED TO MEET AND/OR EXCEED FAA AC 150*5390-2D, CHAPTER.2, AND BUILDING CODE THAT APPLIES. SEE SHEETS SN-1 THROUGH SN-6 FOR DETAILS

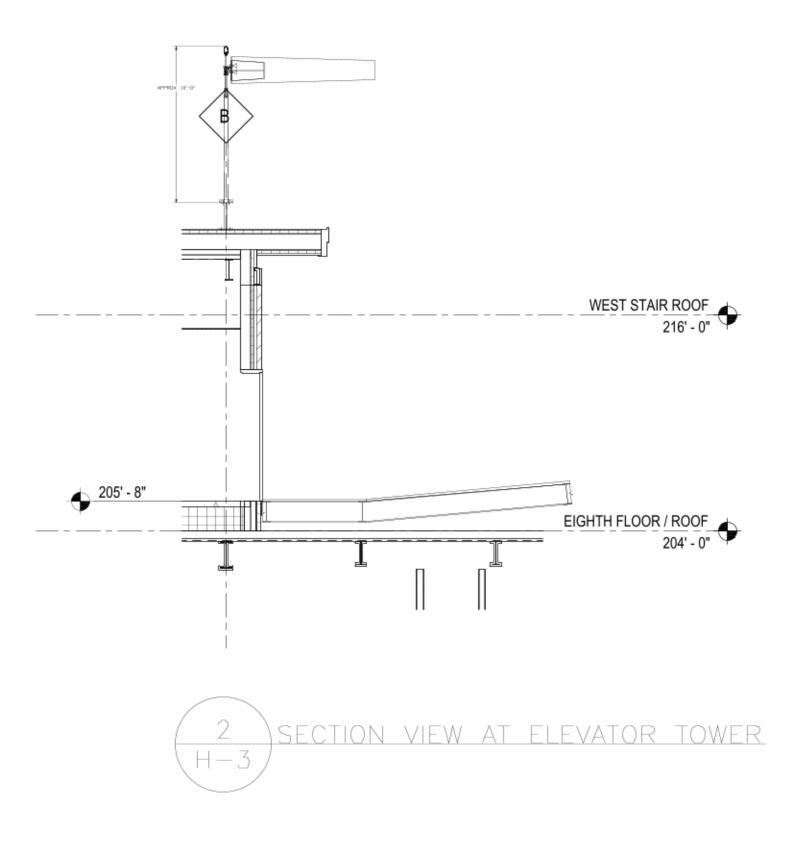
PROJECT NOTES:

- 1) FUEL/WATER SEPARATOR, FEC PART NO. HP0285 TO BE SUPPORTED FROM HELISTOP STRUCTURAL STEEL. SEE SHEETS P-1,P-2 AND P-3 FOR DETAILS OF THE FUEL/WATER SEPARATOR
- 2) AFFF FOAM FIRE SUPPRESSION SKID, FEC PART NO. HP0296, TO BE LOCATED IN HEATED MECHANICAL SPACE. SEE SHEET FS-1, FS-2 AND FS-3 FOR DETAILS.
- 3) HYDRONIC SNOWMELT SYSTEM, FEC PART NO. HPO300-2S, HP0300-2H TO BE LOCATED IN HEATED MECHANICAL SPACE. SEE SHEETS SM-1,SM-2 AND SM-3 FOR DETAILS.
- 4) ALL HORIZONTAL STEEL FOR DECK AND WALKWAY TO BE DESIGNED BY FEC VERTICAL SUPPORT STEEL FOR DECK AND WALKWAY TO BE DESIGNED AND PROVIDED BY OTHERS

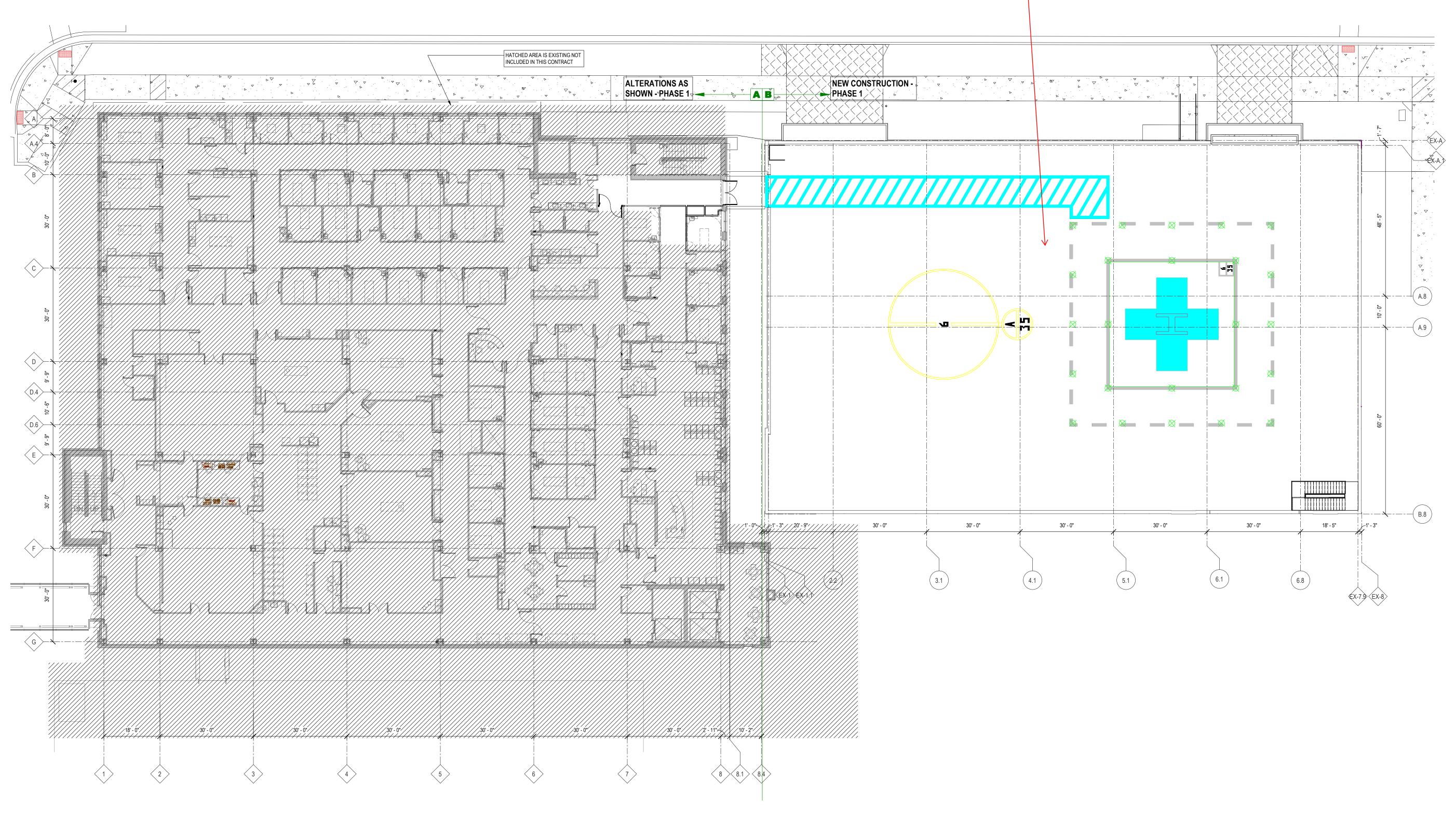
DARevit Projects/672410_StLukes_Venticul=Exp_A_REI=title_black_lago=297933.jpg One Erdman Place, Suite 300 Madison, Wisconsin 53717 Phone: (608) 410-8000 ONRewit Projects/672400_StLukes_Venticul-Exp_A_R21-STLUKESLDGD-30280749.JPG 1012 E. SECOND ST. DULUTH, MN. 53805 Architectural Services Provided By: ERDMAN COMPANY Engineering Services Provided By: ERDMAN COMPANY Contractor Services Provided By: ERDMAN COMPANY Lic. No. IR652277 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. Signature: DARevit Projecta/870482.24.46ma.Ver Hal-Dap_A.80.-Darriedges.ture-19807.65.470 Typed or Printed Name: Daniel Wayne Delk Date: 07/28/2023 License Number: 61433 2 CB004 1 PERMIT SET 07-28-23 01-30-23 Description Date No. Document Release Sheet Name HELISTOP GENERAL ARRANGEMENT Chk: JJS Drn: DTB Sheet Number **H-2** JOB #S01049 0

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C//Revit_Projects/678400_31Lukes_Ventical=Exp_A_881=title_block_logo=277933.jpg One Erdman Place, Suite 300 Madison, Wisconsin 53717 Phone: (608) 410-8000 C/Revit Projects/672400_StiLukes_Ventical=Exp_A_R21-STLUKESLDBD-11020749.JPG 1012 E. SECOND ST. DULUTH, MN. 53805 Architectural Services Provided By: ERDMAN COMPANY Engineering Services Provided By: ERDMAN COMPANY Contractor Services Provided By: ERDMAN COMPANY Lic. No. IR652277 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. Signature: 5/Nexts Projects/67549_34.4xe_VerticsPCxp_4_R1-Deriveigns/wre-1083765.F5 Typed or Printed Name: Daniel Wayne Delk Date: 07/28/2023 License Number: <u>61433</u> 07-28-23 01-30-23 2 CB004 1 PERMIT SET Description Date No. Document Release Sheet Name HELISTOP ARRANGEMENT AT ROOF Chk: JJS Drn: DTB Sheet Number **H-3** JOB #S01049





Existing parking deck on roof of Emergency Department Ambulance Bay and parking deck to the plan east of St Luke's Building A to be decommissioned. Temporarily could be used as potential staff break patio/deck. Future use to be determined at a later date.

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| ERDMAN |
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| ERDMAN One Erdman Place P.O. Box 44975 Madison, Wisconsin 53717 Phone: (608) 410-8000 FAX: (608) 410-8500 |
| ST. LUKE'S HOSPITAL |
| PARKING GARAGE WITH HELISTOP |
| 1012 EAST 2ND STREET DULUTH, MN 55805 |
| Architectural Services Provided By: ERDMAN COMPANY |
| Engineering Services Provided By: ERDMAN COMPANY |
| Contractor Services Provided By: ERDMAN COMPANY Lic. No. IR652277 |
| Consultant Services Provided By: SEH |
| 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. Signature: Typed or Printed Name: <u>ROBERT PRATT</u> Date: <u>5/14/2019</u> License Number: <u>56538</u> |
| 5 RECORD SET 01/15/21 4 CB003 - PERMIT REVISIONS 06/07/19 3 PHASE 1 CB001 05/14/19 2 PHASE 1 PERMIT SET ARCH. 05/14/19 RESUBMIT 05/14/19 |
| 1 PHASE 1 PERMIT SET 03/18/19 No. Description Date Document Release |
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| PHASE 1 |
| Drn:NBASSETT Chk:TCASEY Sheet Number |
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Planning & Development Division *Planning & Economic Development Department*

> Room 160 411 West First Street Duluth, Minnesota 55802

218-730-5580

oplanning@duluthmn.gov

MEMORANDUM

DATE: February 7, 2024

- TO: Planning Commission members
- FROM: Jason Mozol, Planner I
- SUBJECT: UDC Text Amendment (PL24-005) related to vacation dwelling units in the RR-1 and RR-2 Districts

The city council, in Resolution 23-0419R, requested a planning commission evaluation of Unified Development Code (UDC) regulations related to vacation dwelling units in the RR-1 and RR-2 districts. The planning commission reviewed a study conducted by staff and received public comment at meetings on October 10th and November 14th, 2023. The planning commission voted to recommend no immediate changes to the UDC.

On December 18th, city council discussed the recommendation and was in favor of further exploration on the matter due to the limited number of properties that would be affected. The city council passed a resolution requesting the planning commission conduct a public hearing on ordinance changes to the UDC to provide an exemption to the cap on vacation dwelling units for properties in the RR-1 and RR-2 districts that are within 300 ft of a MU-C district and provide recommendation to city council.

Below are proposed amendments to Section 50-20.3 U "Vacation Dwelling Unit" and Section 50-20.5 M "Accessory Vacation Dwelling Unit"

Section 50-20.3 U "Vacation Dwelling Unit"

10. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for accessory vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued. Permits for accessory vacation dwelling units in RR-1 and RR-2 districts within 300 ft of a MU-C district are exempt from the maximum number of permits that may be issued.

www.duluthmn.gov

The City of Duluth is an Equal Opportunity Employer.

Section 50-20.5 M "Accessory Vacation Dwelling Unit"

14. Maximum Number of Accessory Vacation Dwelling Units. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units, excepting that the maximum number of permits that may be issued shall increase by 10 percent of the net increase in housing units constructed and issued certificates of occupancy in the city in the previous year, or no more than ten (10) new vacation dwelling units per year, whichever is less, provided that the total number of vacation dwelling units authorized shall not exceed 120 units. Permits for accessory vacation dwelling units within Form Districts (F1-F9) are exempt from the maximum number of permits that may be issued. Permits for accessory vacation dwelling units in RR-1 and RR-2 districts within 300 ft of a MU-C district are exempt from the maximum number of permits that may be issued.

Conclusion

Per Section 50.37.3 of the UDC. Planning commission may review the proposal based on the below criteria,

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;

Planning commission may recommend approval, approval with modifications or denial to city council.

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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

h, Minnesota 55802

MEMORANDUM

DATE: February 6, 2024

TO: Planning Commission

FROM: John Kelley, Planner II

RE: Historic Resource Designation of "The Corner Store 2403 West 6th Street (PL 23-224)

Planning Commission role: The request for Local Designation is advancing as part of the Planning Commission agenda because the Heritage Preservation Commission is required to review, hold a public hearing, and make a recommendation on any property or district proposed for designation as Duluth Historic Landmark. The Planning Commission must review and make a recommendation on the application.

Designation process: The application was received December 14. 2023. The public hearing will be held at the February 12, 2024 HPC meeting. Planning Commission will review it at its February 13, 2024 meeting, and it will be on the March 11, 2024 HPC agenda for formal recommendation to City Council. City Council will make the final decision on the designation.

Criteria for historic designation: Historic designation criteria listed in the UDC (Section 50-37.8) can be found here <u>https://duluthmn.gov/media/15558/50-378-historic-resource.pdf</u> The nomination information compiled by the applicant is attached and addresses these criteria.

CITY OF. DULUTH HPC FN HISTORIC. PRESERVATION. COMMISSION LOCAL LANDMARK. NOMINATION

- Name of. Property A. Historic: Belanger Block - 1916 B. Common: 'Sternal's Store' 'Annie's Store'
- II. Location

I.

- A. Address: 2401 W. 6th Street, Duluth, MN. 55806
- B. Legal Description: Lot 0385. Block 153 Duluth Proper Second Division
- III. <u>Classification</u>
 - A. Type of. Property: Commercial Block
 - B. Current Use: Multi-family residence / commercial storefront
 - C. Current. Zoning: R-1
- IV. <u>Current. Owner</u>
 - A. Name: Belanger 1916 LLC (Michael Conlan)
 - B. Address: 518 E. Oxford St., Duluth, MN. 55803
 - C. Telephone: (218) 393-2389
- V. <u>Property. Status</u>
 - A. Occupied / Vacant: Vacant
 - B. Assessed Value: \$198,400
 - C. Condition: Exterior: Good /. Interior: Poor
- VI. <u>Historical. Background</u>
 - A. Year Built: 1916
 - B. Architect and/or Builder: Unknown
 - C. Original. Site: Yes
 - D. Altered / Unaltered: Unaltered save for minor alterations

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- E. Architectural. Style: Transitional Brick Commercial
- VII. <u>Description of Property</u> See attached continuation sheets.
- VIII. <u>Present. Condition</u> See attached continuation sheets.
- IX. <u>Statement of Significance</u> See attached continuation sheets.
- X. <u>Findings on Designation Criteria</u> See attached continuation sheets.

The following criteria are established by ordinance as the basis for designation of a site/district, with the requirement that the property proposed for designation meet at least one of the criteria.

Findings responding to each of the criteria are as follows:

A. It has character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Duluth, State of Minnesota, or the United States.•

FINDING:

B. Its location was a site of a significant historical event..

FINDING:

C. In tis identified with a person or persons who significantly contributed to the cultural development of the City of Duluth, State of Minnesota, or the United States.

FINDING:

D. It embodies a distinguishing characteristic of an architectural type.

FINDING:

E. It is identified as the work of an architect or master builder whose individual work has influenced the development of the City of Duluth or the State of Minnesota.•

FINDING:

F. It embodies elements of architectural design, detail, materials, and craftsmanship which represent significant architectural innovation.

FINDING:

G. Its unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community, or the City as a whole.•

FINDING:

- XI. <u>Conclusions</u> See attached continuation sheets.
 - A. Points in Favor:
 - B. Points in Opposition:

City of Duluth

Historic Preservation Commission Local Landmark Designation

Continuation Sheets

VII. Description of Property

The project engaged consulting historical architect Prof. Steve C. Martens to assess the architectural features of the building. Prof. Martens stated "Like everything in Duluth, what would be a simple, basic two-part commercial block anyplace else is hybridized by the sloping site, set-back 'ell' on the west, and asymmetrical layout with open porch across the rear."

"State Historic Preservation Offices like to characterize function and form using a (1987) typology Richard Longstreth developed for the National Trust *Buildings of Main Street*, in this case a **one-over one**, **two-part commercial block on a sloping site**, with asymmetrical twostory setback wing or 'ell' on the west, accessed from a center entrance and hallway dividing the interior into two units. SHPO would then follow up that functional type by naming the modest stylistic influences on a basic 'transitional brick commercial' with projecting, bracketed pressed metal cornice and raised center name block parapet."

The commercial building has two principal exterior elevations, one facing West 6th Street and another stepping up the hillside and facing 24th Avenue West (See photos 1-3). Brick on these principal elevations is hardfired dark brown brick, with finely-buttered mortar joints tinted to match. Exterior brickwork on the north (rear) and west (side) elevations is common, modular, soft yellow brick with standard mortar joints. All masonry materials are well crafted and remain in fundamentally sound material condition (See photos 4-5).

The front principal elevation presents a modest vernacular appearance, a square block façade with asymmetrical windows and doors, anchored by the street level storefront; the stepped-back 'ell' on the west featured a recessed covered porch for the apartment on the lower level while the upper porch unit has an enclosed structure with metal siding and aluminum windows. This enclosure does not appear to be original to the building (Photos 1,3). The ground level storefront has a recessed entrance reflective of 1916 storefront treatments. The storefront has been partially reconstructed with new, substitute materials (metal and wood panels) that maintained the appearance, configuration, scale and feeling of the existing recessed-entry storefront with bulkheads and display windows (See photo 7).

The two principal elevations fronting the street and avenue are surrounded by a wide pressed metal cornice with brackets. The masonry openings for the windows and doors are unornamented except for the painted concrete sills. The door and window heads on these two elevations are flat steel lintels. The common bond brickwork on the front façade is set off by an

architectural pattern vertical belt course above the window line. The raised center brick parapet contains a name block reading **F. Belanger Block - 1916** (See photo 6). The side (26th Avenue West) elevation features unmatched, asymmetrical windows and a grade-level door that served as the service entrance to the corner store on the first floor. The rear of the building shows the transition from the hard-fired 'formal' brick on the principal façades to the cheaper soft common brick on the rear. This elevation features an open porch across the entire width of the structure providing access to the second floor apartments via an offset staircase (See photo 8). Windows and a residential type wooden door serve each unit. The porch is wood framed, with six 6x6 wooden posts supporting a shed roof. The porch decking and remaining railing and balusters are wood. Below the porch is a concrete step leading below grade to an access door to the basement; this below grade area is buttressed by a poured concrete retaining wall extending up to the backyard grade.

As is shown in the accompanying Sanford Fire Insurance Map (See Map 2), the footprint of the structure extends from lot line to lot line across the front 40% of the lot, with the remaining land area comprising a backyard lawn with plantings rising in grade to the alley level which features a four car gravel parking pad.

VIII. Present Condition

The exterior of the building is in fundamentally good condition, having retained a basically unaltered appearance for over 100 years. The form of the structure and its function reflect its design as a commercial block with corner storefront and adjacent apartment units.

The hard-fired brick on the two principal elevations is in remarkably good condition with no spalling or deterioration of mortar joints requiring re-pointing. There is one area on the side façade that shows minor step cracking but no apparent displacement. On the rear of the building where common brick was used the mortar joints appear somewhat weathered and the relatively soft surface condition reflects some cosmetic soiling but there is almost no indication of water damage (either penetration or absorption) in the common masonry walls. The ornamental metal cornice is intact and shows only minor deterioration or corrosion damage. The brick parapet on all sides of the building is intact with no sign of crumbling mortar or loose bricks. A recent new EPDM rubber membrane roof has been installed which extends to form the parapet cap. The building has a rubblestone foundation; as is common, a roughly 8-foot section has been compromised but no displacement is apparent.

On the front façade of the building several repairs or cosmetic changes have been made. The storefront form is unchanged, with the original display glass framing, inset entrance and oak front door remaining, although three of the five plate glass windows were blown out by a storm three years ago and replaced with temporary plywood sheathing. The transom and bulkhead have been clad with newer materials and are in fair shape. The recessed porch in the 'ell' section is in very good shape, with the original brickwork in excellent condition and original fir floor,

railing and balusters (See photo 10). The upper porch area has a framed in enclosure of non historic materials - metal siding and aluminum windows. This enclosure is in a severely deteriorated condition and warrants removal and restoration of historic treatments.

The open wooden porch assembly at the rear of the building appears to be original and is serviceable, although some railings are missing and its structural integrity is questionable, with several area of decking rotted; the stairway is no longer safe to use.. Rehabilitation of the building would require the removal of the porch structure and its replacement with new materials following the design and placement of the original.

The side elevation to the west (map orientation) is essentially not visible from the street. It features common brick walls framing a recessed 'ell' with windows on both levels. While this elevation was presumably completely brick faced originally, the recessed 'ell' area hasdbeen covered with metal siding at some point (See photos 10-11).

Windows on the upper level of the front façade have been replaced by non-historic aluminum replacement sash; windows in the covered porch section are intact but in a severely deteriorated state. They are sufficient, however, to demonstrate the historic 4:1 divided light configuration. The asymmetrical fenestration on the avenue elevation contains both double-hung sash and clerestory types; those not replaced with non-historic aluminum inserts show significant rot, particularly along the bottom rail (See photos 12-13). Significantly, however, all of the building penetrations are unaltered from the original construction, meaning that door and window units requiring replacement can be replaced by new custom units matching the surface, scale, detail and appearance of the original units without materially affecting the historic look of the structure.

IX Statement of Significance

While the **form** of the structure - its design, materials or craftsmanship - do not represent a significant architectural contribution to the community, its **function** does. The applicant believes that the Belanger Block represents one of the last, and finest, examples of the iconic corner store, one of the most important components of traditional historic neighborhoods in the United States. For over 100 years, this building has remained fundamentally unchanged, preserving appearance and texture of a building block of American urban development.

The Belanger Block is located in the midst of a traditional neighborhood zoned R-1 - single family residential. Traditionally, city planners have been scrupulous about keeping commercial style buildings out of such low density districts. Historically, however, there have been three exceptions to this rule: schools, churches and corner stores, all because they were seen, not as intrusions, but as supportive neighborhood institutions (See Map 2)..

The significance of historic corner stores in traditional neighborhood development has been well documented. In an article entitled *The Corner Store: At the Intersection of Memory and Time*

by Benjamin Forget in the Washington Post, the author discussed "an everyday American institution that was so common that nobody gave it half a thought. Corner stores - especially corner groceries - became ubiquitous in American cities because they were needed and convenient, and they fit the typical urban geometry."

Most cities have been laid out, like Duluth when geography and geology permitted, with a grid pattern of streets; creating intersections that became prime real estate locations, drawing potential customers from four different directions. People walked to these locations, and as cities expanded in the 19th century, the increased distances between residential neighborhoods and central food markets made daily shopping trips les feasible; the neighborhood corner store thus became more integral to urban daily life.

A principal reason for the proliferation of corner stores, Forgey writes, "was technology or, rather, the lack of it: the absence of a widespread, reliable means of refrigeration, especially in the home, made daily food shopping a necessity. Small-store keepers would get up early and head for the larger markets, bringing fresh foodstuffs back to the neighborhood." In many cases, corner store groceries across the country attracted immigrant proprietors, who saw such 'mom and pop' operations as a means of securing an economic future. "Owning a corner store often gave newcomers not only a livelihood," according to *The Evolution of the Corner Store*, but also a roof over their heads and, for many, they served as a gateway business to move up the socio-economic ladder."

Regardless of the background or ethnicity of store owners, the structures themselves followed a fixed pattern. "Despite regional differences," Forgey notes, "there is a similarity to these buildings across the continent. In form and plan they are adaptations of the familiar Main Street pattern of ground-floor retail spaces with living quarters above." According to the City of North Vancouver Heritage Register, corner stores similar to the Belanger building were "built as a retail block with apartments above at a time when intense speculation and development in the area could barely keep pace with the demands of the burgeoning population. The apartments on the second floor provided necessary housing for the large number of workers needed to support the economic boom."

The demise of the neighborhood corner store has been well documented as well. Improvements in refrigeration in homes and in the marketplace changed the daily shopping dynamic; the automobile brought changes to personal mobility that affected shopping even more. The advent of supermarkets made it almost impossible for small groceries to compete. The result of these economic forces leads directly to the need to preserve one of the few remaining examples of this lost resource.

According to the website Streets MN, in an article entitled *Destruction for Appetite: The Loss of Corner Stores*, there were nearly 100 corner stores just in the Longfellow neighborhood of Minneapolis in the 1930s, including 67 grocery stores. Today there are none.

The pattern was repeated in Duluth. The Duluth Public Library's site **VINTAGE DULUTH** reported in 2013: "At one time, you could find a corner store in just about any Duluth neighborhood. The 1973 Duluth City Directory lists 69 stores under the *Groceries and Meats - Retail* heading. The list includes a few large chain markets like Super Value, National Food Stores and Piggly Wiggly, but the vast majority at that time was one-of-a-kind family owned neighborhood shops."

"Fast-forward to to 2013, when only *nine* unique Duluth listings appear under the City Directory heading. With the closing of the last downtown holdout in June this year, Jacqui's Market & Deli (formerly Romano's Grocery), the only neighborhood markets remaining 30 years later are Fourth Street Market (note: now closed), Gannucci's Italian Market (note: now closed) and the Whole Foods Co-Op (hardly a neighborhood market anymore)." The VINTAGE DULUTH article concludes on a somewhat sentimental note. "Some of the store closings in recent years have been documented in 'obituaries' in the Duluth News Tribune. The stores never die quietly; there are always sad goodbyes and reminiscences."

Reminiscences are important to oral history; the most important in this context are those of Jim Heffernan, longtime columnist for the Duluth News Tribune. Writing in 2019 about the *Corner Grocery Store Revisited,* ".... home was in Duluth's West End well over a half century ago - long before anyone ever dreamed the neighborhood would change its name to Lincoln Park and before that neighborhood - or any other in Duluth - lost its grocery outlets to the advent of the supermarket era. We were located on 23rd Avenue West, between Fifth and Sixth streets, and our nearest grocery was on the Northwest corner of 23rd and Sixth. It was just one of several 'mom-and-pop' grocery outlets within short walking distance from our house."

"Counting on my fingers ... I realize that there were *eight small grocery stores within three blocks of my house*, all of which we patronized from time to time, depending on the urgency and nature of our needs. Our neighborhood was not unique. Throughout the city, every residential neighborhood had its grocery stores that served nearby residents who, as a rule, simply walked down the street to pick up whatever they needed. The eight stores in the heart of the West End near our home are largely forgotten today, and even the thought that they existed at all, and that supermarkets were unheard of, is alien to most people today."

"A block west - 24th and Sixth - was a somewhat larger store I knew as 'Sternal's Store' as a child but was operated by the Natalie family toward the end of its existence. The store part of the building is now vacated, with apartments above." The reference is to the Belanger Block. "Just a half block south on 24th was Charlie Caskey's ... the building is now a one-car garage. Another half block down 24th, at 5th Street, stood Olson Bros. ... Directly across 24th from /Olson Bros. was a small grocery store operated by the Kramnic family ..." The Olson Bros. Store is now the Boys & Girls Club; the site of the Kramnic store is a vacant lot.

The list goes on but the point is made, not only of the sheer number of these neighborhood-based businesses and their physical presence, but of the vital role they played in the daily life of most Duluthians. But it is not just the store operations that have ceased to exist, but the very buildings

that housed them have either been demolished or have lost their character-defining features. As urban designer Julie Campoli has documented in *The Corner Store*, "as the market for retail space receded, store owners sold to landlords and homeowners, transferring many of those early storefronts to residential use."

In the West End, of the eight corner stores in the neighborhood cited by Heffernan, only the Belanger Block remains in its original form. Across the city, in the traditional neighborhoods from the East Hillside to the West End, some of what were the commonplace corner stores can still be seen, but in altered form, converted to housing or garage structures (See photos 14-16 for examples).

The Belanger Block remains one of the very last representatives of a basic building block of late 19th and early 20th century traditional neighborhood development, its basic form having remained the same for 107 years and its character-defining features largely intact. In recognition of that status, its designation as an historic local landmark is appropriate.

X. Findings on Designation Criteria

The following criteria are established by ordinance as the basis for designation of a site / district, with the requirement that the property proposed for designation meet at least one on the criteria.

Findings responding to each of the criteria are as follows:

A. It has character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Duluth, State of Minnesota, or the United States.

FINDING: The applicant believes that the Belanger Block represents one of the last, and finest, examples of the iconic corner store, one of the most important components of traditional historic neighborhoods in the United States. For over 100 years, this building has remained fundamentally unchanged, its character-defining features largely intact, thus preserving appearance and texture of a building block of American urban development. The property meets Criterion A.

B. Its location was a site of a significant historical event.

FINDING: The property is not known to be the site of a significant historical event. It does not meet Criterion B.

C. It is identified with a person or persons who significantly contributed to the cultural development of the City of Duluth, State of Minnesota, or the United States.

FINDING: The property is not known to be associated with persons who significantly contributed to the cultural development of the city or its surrounding region, and that is precisely the point: the neighborhood corner store was such a common feature of the traditional neighborhood that it was taken for granted; rather than attracting famous personages it served everyday people on a daily basis. It does not meet Criterion C.

D. It embodies a distinguishing characteristic of an architectural type.

FINDING: While the property has an identifiable architectural style - transitional brick commercial - it does not reflect a distinctive character type. This criterion is not met.

E. It is identified as the work of an architect or master builder whose individual work has influenced the development of the City of Duluth or the State of Minnesota.

FINDING: The property's architect and builder are not known. The property does not meet Criterion E.

F. It embodies elements of architectural design, detail, materials, and craftsmanship which represents significant architectural innovation.

FINDING: The property does not embody elements of design, detail, materials and craftsmanship that represent significant architectural innovation. The property does not meet Criterion F.

G. Its unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community, or the City as a whole.

FINDING: The Belanger Block remains one of the very last representatives of a basic building block of late 19th and early 20th century traditional neighborhood development, its basic form having remained the same for 107 years and its character-defining features largely intact. As was noted in the narrative, there were eight small grocery stores within three blocks of one writer's home in the West End; and this neighborhood was not unique. Throughout the city, every residential neighborhood had its grocery stores that served nearby residents who, as a rule, simply walked down the street to pick up whatever they needed. These corner store markets

strengthened and solidified traditional neighborhoods, and by their presence were an essential part of the fabric of the city. The property meets Criterion G.

XI. <u>Conclusions:</u>

- A. Points in Favor: 2401 W. 6th Street meets the City of Duluth's Designation Criteria A and G and is therefore nominated for designation as a local landmark.
- B. Points in Opposition: N.A.

HPC Nomination Form (2)

XII. Attachments

A. Sources

See attached.

B. Location Maps

See attached.

C. Photos of Subject Property

See attached.

SOURCES

Martens, Prof. Steve C. Personal Correspondence. November 27, 2023

Longstreth, R. *Buildings of Main Street.* National Trust for Historic Preservation. Washington, D.C. 1987

Forget, B. *The Corner Store: At the Intersection of Memory and Time. The Washington Post.* September 25, 1999.

VINTAGE DULUTH. Ye Olde Corner Grocery. Duluth Public Library. 2013

Maloney, M. *Column: Duluth's corner groceries are a vanishing breed.* Duluth ?News Tribune. May 14, 2014. <u>https://www.duluthnewstribune.com/opinion/column-duluths</u>-cornergroceries-are-a-vanishing-breed.

van Buren, D. *Evolution of the Corner Store*. <u>https://www.strongtowns.org</u>>journal>evolutionof-the-corner-store

Strebe, P. *Destruction for Appetite: The Loss of Corner Stores.* Streets MN. February 15, 2015. *https://streets.mn>2015/02/19>destruction-for-appetite-the-loss-of-corner-stores*

Campoli, J. *The Corner Store*. September 16, 2014. *http;//www.juliecampoli.com>new-blog-avenue-the-corner-store*

Richard, M. The corner stores of yesteryear. The Gardner News. February 15, 2020.

North Shore Heritage Blog. *The Evolution of the Corner Store*. July 20, 2023. <u>https://www.northshoreheritage.org</u>>*blog*>*the-evolution-of-the-corner-store*

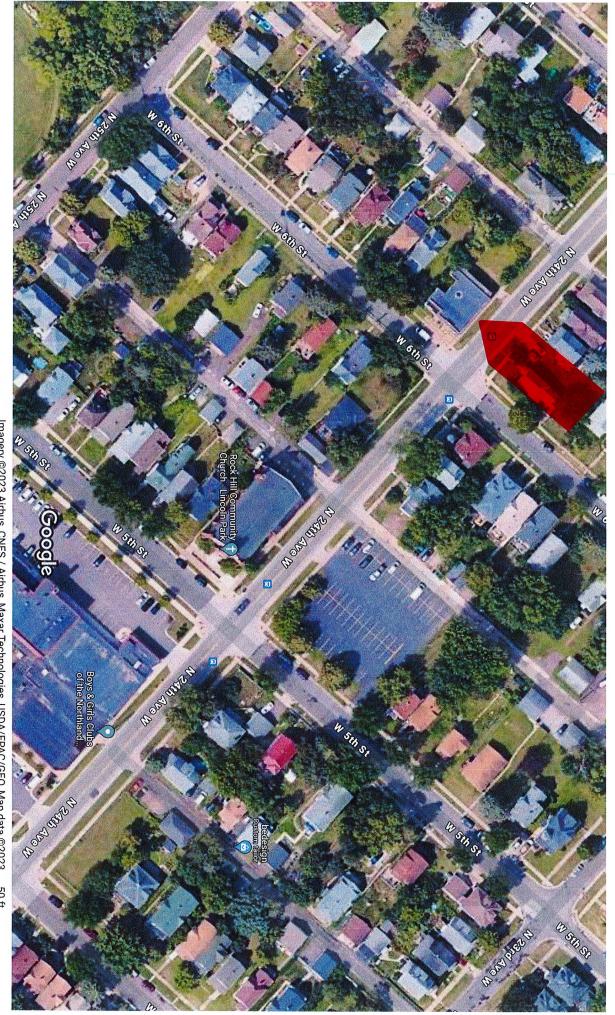
Congress of New Urbanism. *Corner stores can anchor a neighborhood.* Public Square - a CNU journal. February 10, 2020. *https://www.cnu>publicsquare>2020/2010>corner-stores-can-anchor-a-neighborhoodttps://*

Heffernan, J. Corner Grocery Store Revisited. Duluth News Tribune. September 24, 2019.

Maps and Aerial Photos

- 1. Google Earth Imagery: 2023
- 2. Sanborn Map Publishing Company. *Duluth, Minnesota*, Vol. 2. New York: Sanborn Map Publishing Company, 1947.

3. Sanborn Map Publishing Company. *Duluth, Minnesota,* Vol. 2. New York: Sanborn Map Publishing Company, 1955.



Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 50 ft



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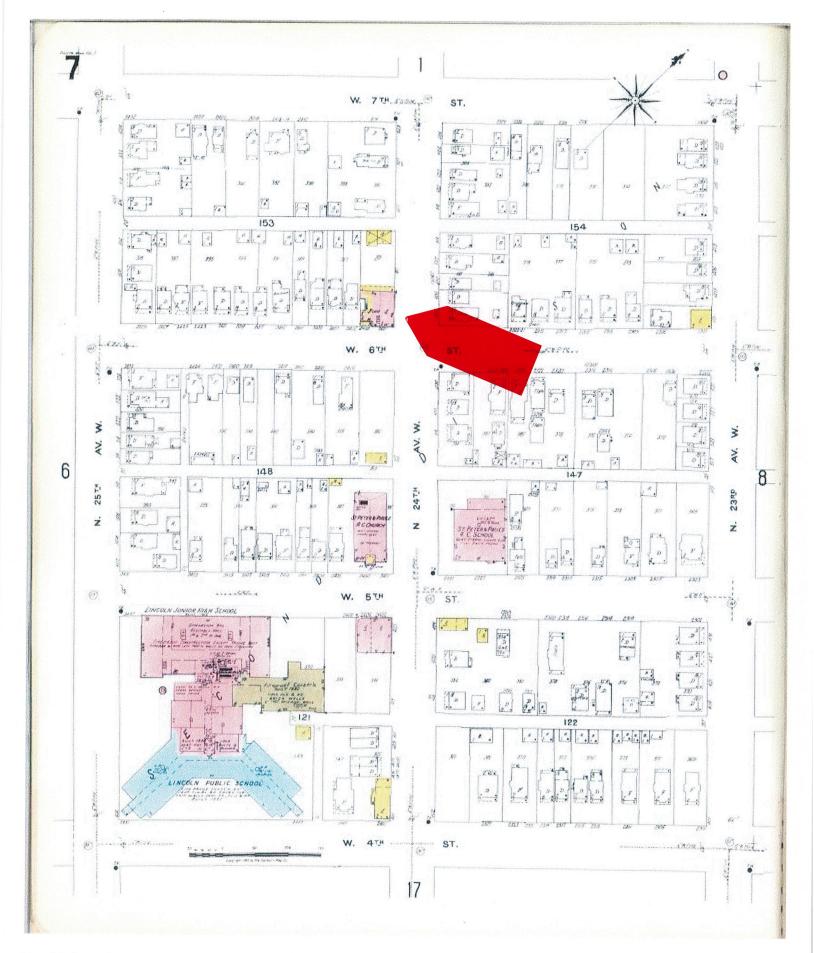




Photo 1: West 6th Street (primary) Elevation

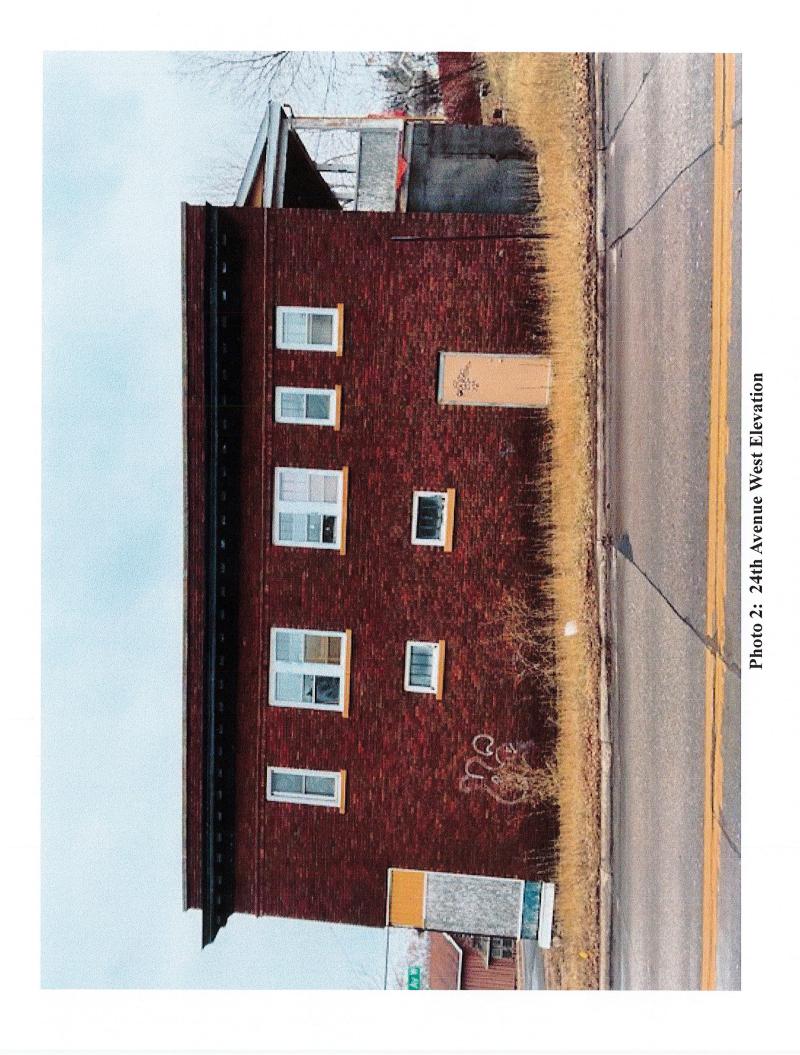




Photo 3: Corner Perspective Showing Transition From Front to Side Principal Elevations

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| | | | 國書 | | | 王王 | 22 | |
| | 國 | | 國量 | | 朝 | 言語 | | |
| | | | | | | 读实 书 | 资金 | |
| 影響 | | 日本 | 國王 | | 题之 | 国际 | | |
| | 1 23 | | | 影響 | | 21 家 | | |
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| | 1217 | 這些 | 単語 | | | | | |
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Photo 4: Appearance and Condition of Hard-Fired Brick on Principal Elevations



Photo 5: Appearance and Condition of Common Brick on Secondary Elevations

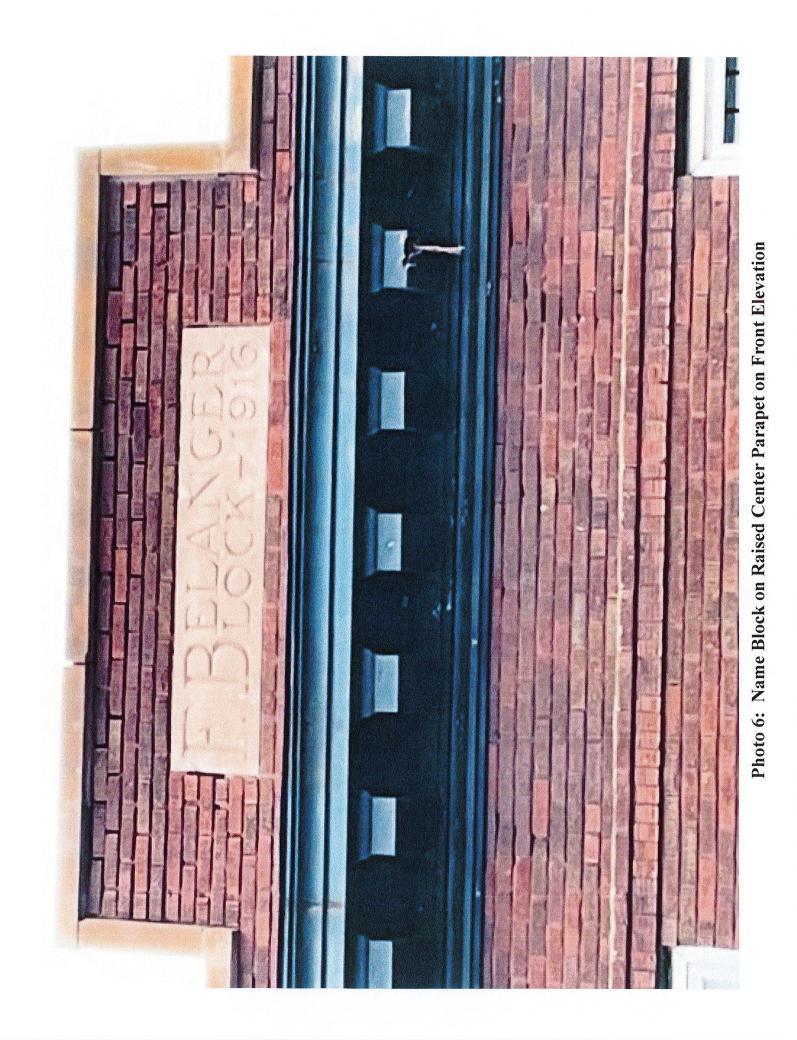
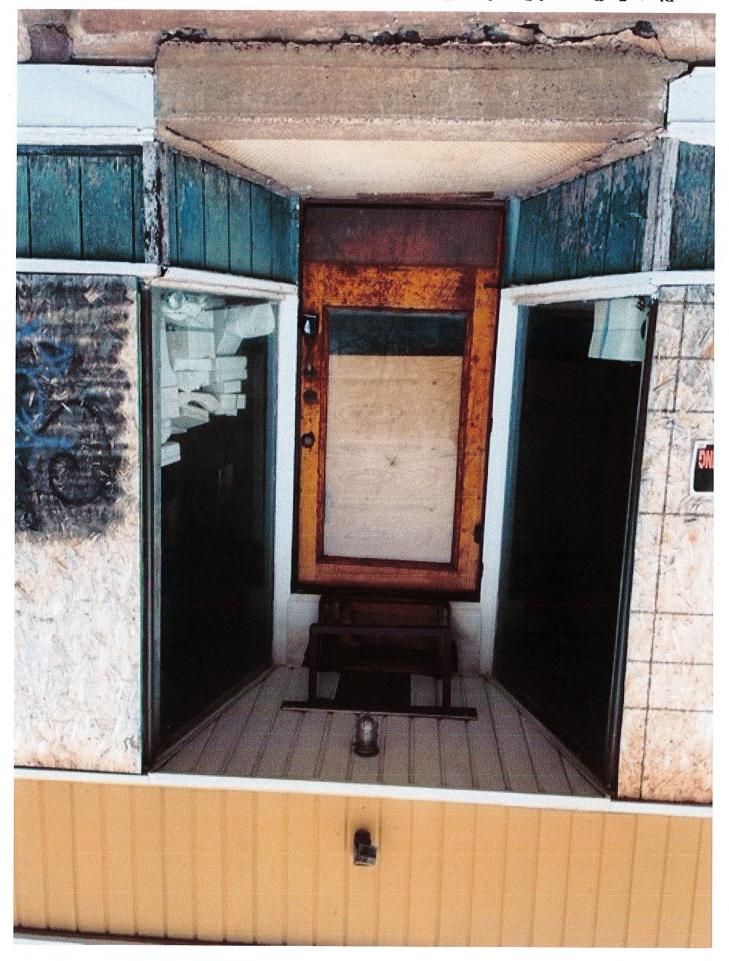


Photo 7: Recessed Storefront Entry Showing Original Configuration / Front Door



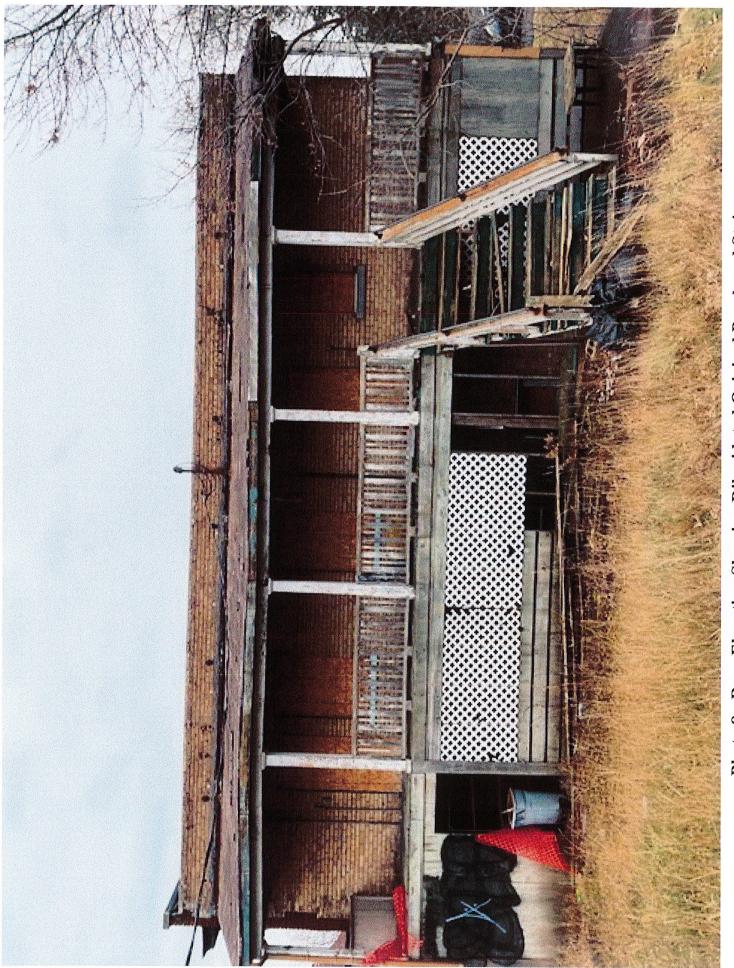


Photo 8: Rear Elevation Showing Dilapidated Original Porch and Stairs



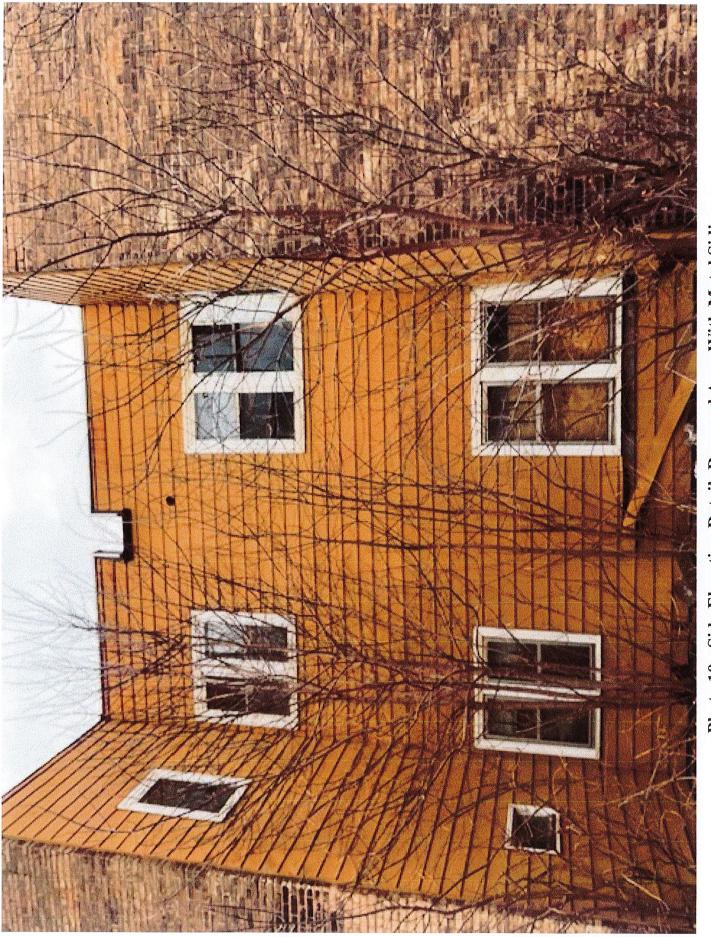


Photo 10: Side Elevation Detail: Recessed Area With Metal Siding

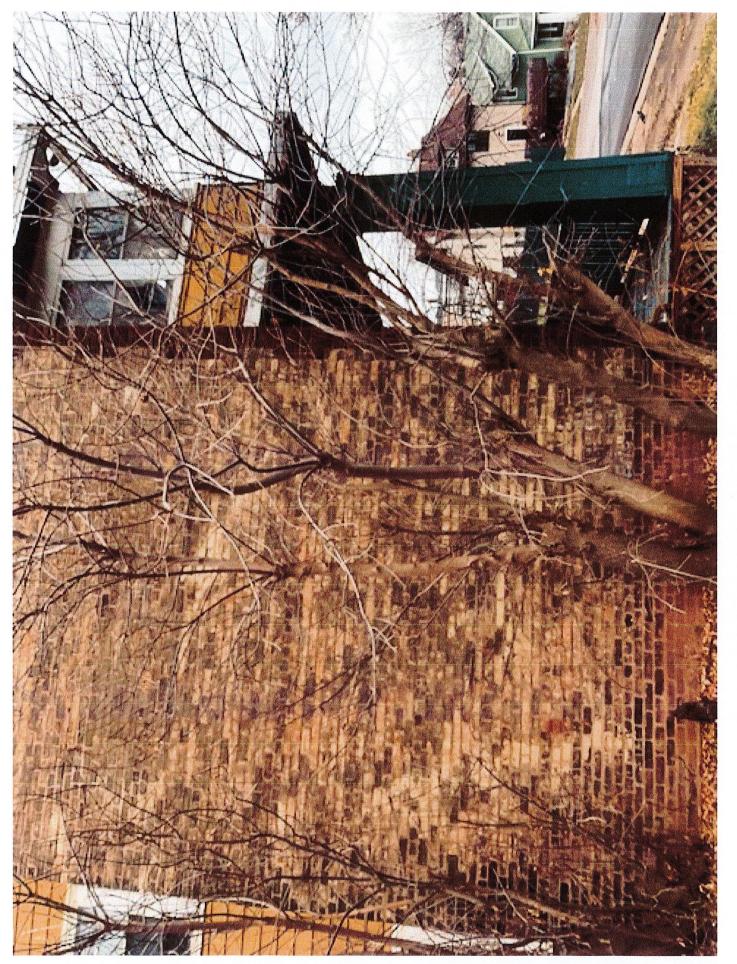


Photo 11: Side elevation: Detail of Transition to Front Façade



Photo 12: Avenue Elevation Detail: Bottom Rail Rot in clerestory Window #1



Photo 13: Avenue Elevation Detail: Bottom Rail Rot in Clerestory Window #2

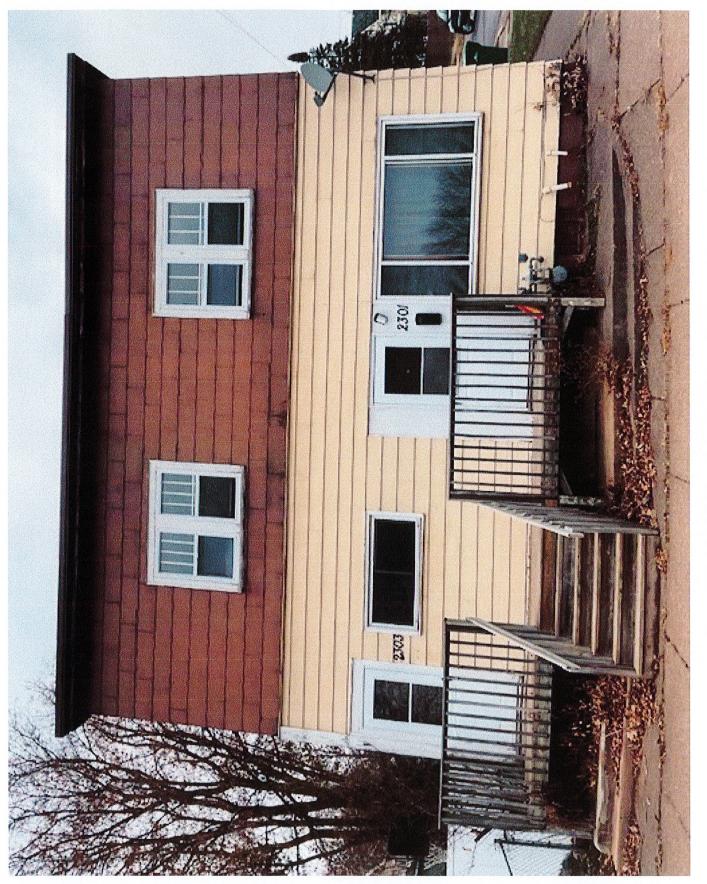


Photo 14: Former Corner Store Converted to Housing - 23rd Ave. W. And 6th Street



Photo 15: Former Corner Store Converted to Housing - West End



Photo 16: Former Corner Store Converted to Garage - Central Hillside



Planning & Development Division

Planning & Economic Development Department

218-730-5580

planning@duluthmn.gov

Room 160 411 West First Street Duluth, Minnesota 55802

| File Number | PL 23-18 | 1 | Contact | | John Kelley, jkelley@duluthmn.gov | | |
|----------------------|---|---|--------------------------|--|-----------------------------------|---------------------------|--|
| Type Interim U | | Jse Permit | Planning Commission Date | | Date | January 9, 2024 | |
| Deadline | Application Date Date Extension Letter Mailed | | October 10, 2023 60 Days | | 60 Days | December 9, 2023 | |
| for Action | | | October 19, 2023 120 Day | | 120 Days | s February 7, 2024 | |
| Location of Sub | ject | 608 West 4 th Street, Unit 1 | | | | | |
| Applicant Justin & | | Alyssa Voegele | Contact | | | | |
| Agent | | | Contact | | | | |
| Legal Description | | PID # 010-1270-01150 | | | | | |
| Site Visit Date | | October 27, 2023 | Sign Notice Date | | | December 12, 2023 | |
| Neighbor Letter Date | | October 23, 2023 | Number of Letters Sent | | ent | 36 | |

Proposal

Applicant proposes to use a two-bedroom unit within an existing multi-family dwelling located at 608 West 4th Street, Unit 1 as a vacation dwelling unit. Up to 5 people will be allowed to stay in the home. This property was on the eligibility list for a vacation dwelling unit.

Recommended Action: Staff recommends that Planning Commission deny the interim use permit based on the lack of availability of required off-street parking in a compliant location.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---------|----------------|-------------------|---------------------------------|
| Subject | R-2 | Residential | Traditional Neighborhood |
| North | R-2 | Vacant land | Traditional Neighborhood |
| South | R-2 | Vacant land | Traditional Neighborhood |
| East | R-2 | Vacant land | Traditional Neighborhood |
| West | R-2 | 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.



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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 provide 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: This 3,245 sq ft home was built in 1890. The home is a 4-unit multifamily dwelling.

Review and Discussion Items:

Staff finds that:

1) Applicant's property is located at 608 West 4th Street. The property is zoned R-2, Urban Residential. Unit 1 is located on the first floor of a four-unit multifamily dwelling. The proposed vacation dwelling unit contains 2 bedrooms, which would allow for a maximum of 5 guests.

2) The applicant is proposing one off street parking space in front of the building in an existing non-permitted parking area of the front yard. Section 50-24-3 of the UDC does not permit parking in the front yard area of residential zoning districts. The applicant has stated that the existing front yard parking area was permitted via the issuance of building permits and shown on a site plan from the 1970s and 80s. The building permit applications state that they are for the construction of an addition and deck. The building permit application does not request approval of construction of parking regardless of the site plan. The permit cost stated on the application is the cost of construction of the addition and deck, not the parking. The City Attorney's office has stated that the applications were for building permits not zoning permits to park in the front yard.

3) The application does not meet the requirement to provide onsite parking in the required rear yard or one side yard for a vacation dwelling unit. Therefore, staff is recommending that the Planning Commission deny the Interim Use Permit for the vacation dwelling unit.

4) Applicant has not exhausted available options for constructing required off-street parking on adjacent properties through acquisition of additional property, or through shared-use parking arrangements.

4) 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.

5) One comment was received regarding concerns with proposed use (see attached). No other comments were received



Planning & Development Division *Planning & Economic Development Department*

Room 160 411 West First Street Duluth, Minnesota 55802

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from citizens, City staff, or any other entity were received regarding the application.

Staff Recommendation:

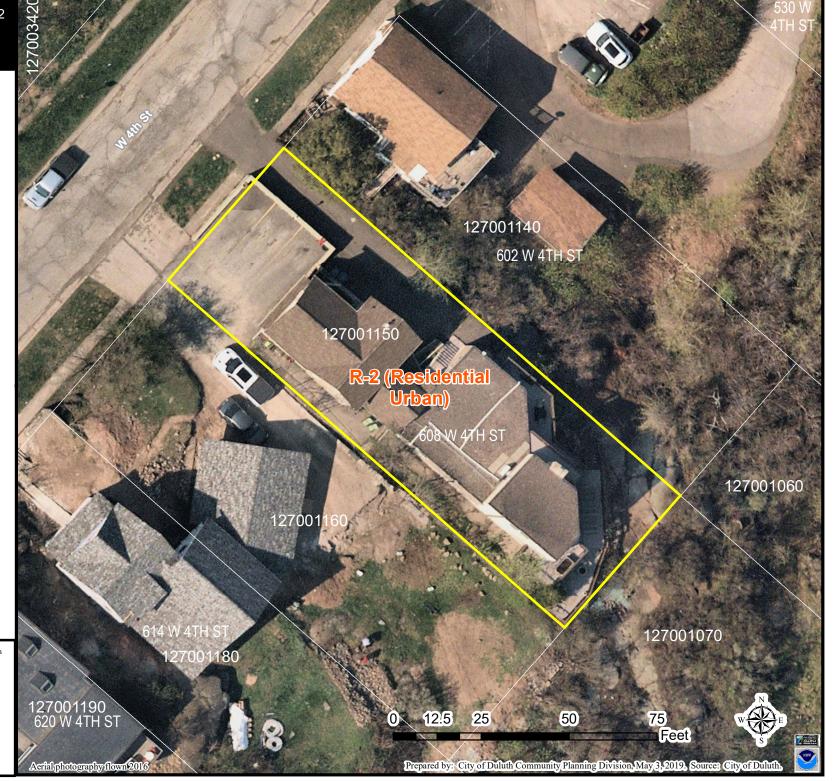
Based on the above findings, Staff recommends denial of the interim use permit for the vacation dwelling unit.

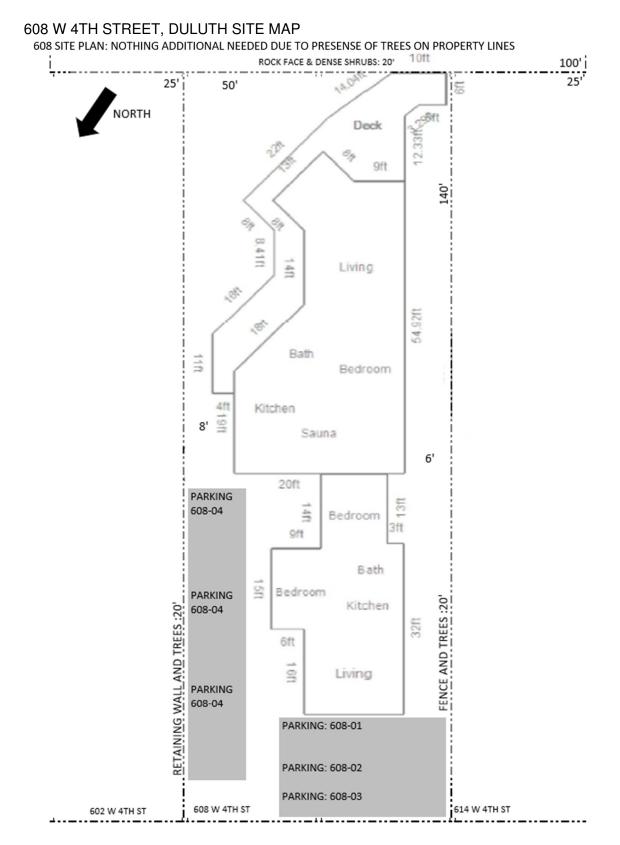


PL 23-181 & PL 23-182 Interim Use Permits 608 West 4th Street



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.





W 4TH ST

From: Jeff Stremcha Sent: Tuesday, November 7, 2023 3:42 PM

To: planning <planning@DuluthMN.gov>

Subject: Request for Interim Use Permits for property at 608 W 4th St

Thank you for providing notice of this request and for allowing us an opportunity to provide input. We have previously visited the subject property a couple of times when it was under former ownership. That provides us with some overall understanding of the property; however, our understanding of current specific conditions is limited. Unfortunately, we are not able to attend the public hearing in person but would like to offer this input in advance.

We own the three undeveloped parcels abutting the subject property along its southerly boundary. We also own a part-time personal residence approximately 250' SW of the subject property. What happens at this property matters to us.

We trust that the Planning Commission will conduct a thorough review to ensure that the proposed use will comply with the City's Comprehensive Plan and all applicable city regulations. Should the Planning Commission decide to recommend approval, we believe that specified conditions, in addition to any others that may be deemed appropriate, should also consider the following:

1. Parking: All vehicle parking should be only on the subject property or public streets and in compliance with all relevant city ordinances.

2. Oversight: The property owner, or suitable owner representative, must be a full-time resident of the property.

3. Respect for adjacent properties: Recognizing that the deck/patio area overlooks/abuts our properties, any litter/debris that is not contained on the subject property will land onto ours. The boundary is an area with exposed bedrock and steep grade. Fallen trash/debris is likely to become broken and to disburse down the hillside. Owners of the subject property must be accountable for keeping the area adjacent to their property free of litter. Additionally, the property's management should maintain signage to advise guests on the location of their property boundary and advise against trespassing onto neighboring properties. In conjunction with obtaining and retaining the requested permits, the owners should provide a signed acknowledgement whereby they assume liability for any personal injury or property damage that might arise from guests or associated persons trespassing onto neighboring properties.

4. Safety/Security: We recall that the property contains retaining walls and elevated decks that could pose risk of serious injury in the event of a fall. Since the proposed use could involve small children and/or guests with compromised judgement, both unfamiliar with the property, we recommend that a thorough safety review be conducted to determine whether additional signage, restraints or restrictions might be warranted.

Again, thank you for the opportunity to comment and for considering our input.

Sincerely,

Jeff & Leanne Stremcha