



APEX Asset Management Corporation

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CITY CLERK  
DEPARTMENT

June 30, 2006

Sandra Colvin Roy, Chair  
Transportation and Public Works Committee  
Room 304, City Hall  
350 5<sup>th</sup> Street South  
Minneapolis, MN 55415

**RE: Appeal of Denial of Encroachment Permit  
Precast Planters for The Carlyle Condo Project  
100 Third Avenue South  
Minneapolis, MN**

Dear Chair Colvin Roy:

Several months ago we received a denial from the City Staff on our encroachment permit application requesting approval to install raised architectural precast planters in the City right-of-way along Third Avenue South between First Street South and Second Street South as indicated on the attached drawing.

Despite the City Staff's decision, there are three significant reasons why we strongly feel the site design we have provided should be approved by the City through this appeal process:

- 1. Approval of the permit will beautify the street and enhance the pedestrian experience along Third Avenue.** The current site design is void of any vegetation softening of the east façade of the project. It is our understanding that the City encourages private use of and improvements to the public right of way. This is the case with our appeal. The proposed sidewalk materials, raised planters and the specific plant materials (including street trees) will be of the highest quality and reflect positively on the City and the Carlyle Development. Both the Downtown 2010 plan and the Downtown East/North Loop master plan support and encourage the addition of pedestrian scale elements and sidewalk trees. This is a strategic effort to beautify the street and encourage downtown pedestrian traffic. The Carlyle development has worked closely with Minneapolis CPED, the HPC and the City staff to comply with the guidelines of the St. Anthony Falls Historic District by separating the raised planters from the building façade as required by the HPC, while at the same time providing improvements consistent with the other city guidelines and master plans. We believe our appeal and request for approval of the raised planters in the public right of way is respectful of the city's historic guidelines and allows for the much needed improvement of the Third Avenue streetscape and pedestrian experience.

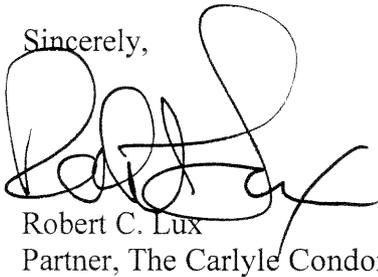
2. **Approval of the permit will provide a sidewalk that is wider and more beautiful than before the development.** The office building that previously occupied this site was built up to the property line with no building setback, resulting in an 8 foot sidewalk width. The 8 foot sidewalk also included four street lamps that further reduced the sidewalk width to approximately 6 feet. The narrow sidewalk and historic district guidelines posed a hardship to developing a premier residential building on the site. In spite of this, our proposed plan has provided an increased sidewalk width of 9'-0" for the majority of its length with only two instances where it is reduced to 7'-8" due to protruding pilaster elements on the building. The proposed increased sidewalk width and the addition of the planters will substantially improve the streetscape and pedestrian experience along Third Avenue. In addition to the increased sidewalk area, there will be street front retail space along approximately 50% of this stretch of Third Avenue that includes the residential front door for the Carlyle Condominiums on Third Avenue between Second Street and First Street. These site amenities are a significant improvement to a zero lot line office building and the surface parking lot that previously occupied the property.
  
3. **Approval of the permit will provide a safer and more enjoyable experience for pedestrians.** Third Avenue South is a major thoroughfare into and out of downtown. The existing traffic condition on Third Avenue in front of The Carlyle includes a drive lane immediately adjacent to the curb on our side of the block. This results in vehicles traveling at approximately 30+ MPH within a few feet of the sidewalk. If approved, the presence of the raised planters will provide a physical and attractive separation from the Third Avenue drive lane and result in a safer environment and a more enjoyable streetscape and walking experience. Gracefully and safely guiding pedestrians to or from the Riverfront, the Third Avenue bridge and the downtown core.

We request that our application for an encroachment permit to allow installation of planters along Third Avenue South be approved to provide a safer and more pleasing pedestrian experience in front of what will be one of the premier residential buildings in Minneapolis when it opens this coming December. When the Carlyle is occupied it will house over three hundred Minneapolis residents who will truly appreciate the beautiful frontage on Third Avenue. Our current schedule includes the construction of these planters in August of this year; therefore we would appreciate approval as soon as possible to allow for the shop drawings and fabrication process.

Sandra Colvin Roy, Chair  
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Thank you for your consideration of this request. Please contact me at 952-545-1419 with any questions regarding this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert C. Lux', written over a large, stylized circular flourish.

Robert C. Lux  
Partner, The Carlyle Condominiums, L.L.C.

enclosures

cc: Council Member Lisa Goodman, 7<sup>th</sup> Ward  
Mr. Jim Steffel, Traffic & Parking Services Division  
Mr. Robert Boblett, Real Estate Investigator I  
Ms. Peggy Menshek, City Clerks Office