

FY2005 -

Petition #: 2005-060

Date Originally Filed: 01/24/05

Date Originally Amended: 02/17/05

Date Amended: 3/18/05

Received By: 

# SECOND AMENDED REZONING APPLICATION CITY OF CHARLOTTE

Complete all fields -

Property Owner: **Home Depot USA, Inc.; Mecklenburg County, North Carolina; Avenue E-55 Partners, LLC**  
(formerly known as Midtown Partners, LLC)

Owner's Address: SEE ATTACHED City, State, Zip: SEE ATTACHED

Date Property Acquired: SEE ATTACHED Utilities Provided: (Water) CMUD (Sewer) CMUD  
(CMUD, Private, Other) (CMUD, Private, Other)

LOCATION OF PROPERTY (Address or Description): Property fronting Independence Boulevard, South Kings Drive and Baxter Street known as Midtown Square and Mecklenburg County Greenway in Charlotte, North Carolina

Tax Parcel Number(s): 125-093-01, 125-093-03, 125-093-05, 125-093-06, 125-227-01, 125-227-04, and 125-228-01

Current Land Use: Retail mall with parking (vacant), restaurant, food catering, vacant theatre and parking lot, and vacant land surrounding Little Sugar Creek

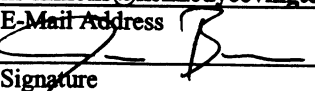
Size (Sq.Ft. or Acres): Approximately 24 acres (exclusive of portions of rezoning site within rights-of-way of Baxter Street, Cecil Street, Independence Boulevard and S. Kings Drive); approximately 27 acres including right-of-way.

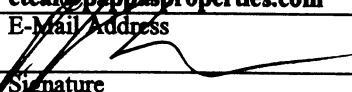
Existing Zoning: B-2 (CD) and B-2 : B-1 <sup>City streets</sup> Proposed Zoning: MUDD-O for all but Component D and UR-C(CD) for Component D

### AMENDED REQUEST DETAILS:

Purposes: 1) Original Request 2) Amendment/Change:

- 1) To accommodate the redevelopment of Midtown Square and accompanying parcels to create a mixed-use pedestrian friendly development primarily for retail, office and/or residential uses with special sensitivity to the Mecklenburg County Greenway project and containing up to 737,000 square feet of commercial uses and up to 250 residential units.
- 2) Amendment for the primary purpose of adding the Mecklenburg County Greenway parcels in order to promote the unified development nature of the project; and
- 3) Further amendment to change zoning classification for Component D (bounded by S. Kings Dr., proposed relocated Baxter Street and Cecil Street) from MUDD-O to UR-C(CD) to allow certain surface parking facilities and to seek 5 year vested rights pursuant to Section 1.110 of the Zoning Ordinance

Jeff Brown/Laura Simmons  
Kennedy Covington Lobdell & Hickman, L.L.P.  
 Name of Agent  
Hearst Tower 47<sup>th</sup> Floor  
214 North Tryon Street  
 Agent's Address  
Charlotte, NC 28202  
 City, State, Zip  
704-331-7471 (Brown) 704-353-3171  
704-331-5784 (Simmons) 704-353-3684  
 Telephone Number Fax Number  
jbrown@kennedycovington.com  
lsimmons@kennedycovington.com  
 E-Mail Address  
  
 Signature

Pappas Properties Development, LLC  
 Name of Petitioner(s)  
4201 Congress Street, Suite 465  
 Address of Petitioner(s)  
Charlotte, NC 28209  
 City, State, Zip  
704-716-3900 704-716-3939  
 Telephone Number Fax Number  
ppappas@pappasproperties.com  
cteal@pappasproperties.com  
 E-Mail Address  
  
 Signature