APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)

TO: Town of Matthews Board of Commissioners
   Town of Matthews Planning Board
   232 Matthews Station Street
   Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

   X  A change in zoning classification of the property hereinafter described; or
   _  A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 193-243-07

Address of property: 720 Park Center Drive

Location of property: West side of Park Center Drive between Matthews Township Parkway and North Ames Street

Title to the property was acquired on April 19, 2007
and was recorded in the name of Matthews Parkway Corporate Center, LLC.
whose mailing address is P.O. Box 12571, Charlotte, NC 28220

The deed is recorded in Book 22091 and Page 484 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: I-1
Requested zoning classification: O (CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

The Petitioner is requesting that this approximately 1.2 acre site be rezoned to the O (CD) zoning district to accommodate the development of a child day care facility on the site that would serve a maximum of 185 children.

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Matthews Parkway Corporate Center, LLC

By: [Signature]

Signature of property owner (must be original)

Matthews Parkway Corporate Center, LLC

Print name of property owner

P.O. Box 12571.

Property owner's mailing address

Charlotte, NC 28220

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

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Primrose School Franchising Company

By: [Signature]

Signature of agent (if any)

John Carmichael, Robinson Bradshaw

Print name of agent

101 North Tryon Street, Suite 1900

Agent's mailing address

Charlotte, NC 28246

Agent's mailing address, continued

Agent's mailing address, continued

704-377-8341 jcarmichael@rbh.com

Agent's phone number/email address

---

Petitioner other than owner (if any)

Primrose School Franchising Company

Print name of petitioner

c/o Ted Tillman

Petitioner's mailing address

3660 Cedarcrest Road

Petitioner's mailing address, continued

Acworth, GA 30101

Petitioner's mailing address, continued

770-799-5525/TTillman@PrimroseSchools.com

Petitioner's phone number/email address
List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.
See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

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SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews July 1, 2015
Town Board of Commissioners formally accepts application and sets Public Hearing date July 13, 2015
Notices sent via mail to affected/adjacent property owners on or before August 31, 2015
Protest petition filed with Planning Department by 5:00 pm on September 9, 2015
Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning September 14, 2015
Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request September 22, 2015
Town Board of Commissioners approves or denies application October 12, 2015

GENERAL STATUTE 160A-385: CHANGES.

(a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered “members of the council” for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the “owners” of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issues pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1.
EXHIBIT A

Matthews Parkway Corporate Center LLC 100’ adjoining land owners

Parcel No. 193-243-05

OCRE I LLC
2701 Coltsgate Blvd, Suite 300
Charlotte, NC 28211

Parcel No. 193-243-04

Green Shirt LLC
10220 Scott Gate Ct
Charlotte, NC 28277

Parcel No. 193-243-03

Mary C. Hulsey Family Limited Partnership
 c/o Matthews Building Supply Co
 PO Box 607
 Matthews, NC 28105

Parcel No. 193-243-02

Mary C. Hulsey Family Limited Partnership
 c/o Matthews Building Supply Co
 PO Box 607
 Matthews, NC 28105

Parcel No. 193-243-01

Mary C. Hulsey Family Limited Partnership
 c/o Matthews Building Supply Co
 PO Box 607
 Matthews, NC 28105

Parcel No. 193-243-06

Morningstar Office LLC
 c/o Morningstar Properties LLC
 725 Park Center Drive
 Matthews, NC 28105

Parcel No. 193-271-01

Steven H. Knickerbocker
Kathy A. Babula
344 N Ames Street
Matthews, NC 28105-5840
Parcel No. 193-271-02

Jack Reed Dailey, Jr.
338 North Ames Street
Matthews, NC 28105

Parcel No. 193-271-03

Kathrin E. Rowan
PO Box 572
Matthews, NC 28106-0572

Parcel No. 193-271-04

Bonnie M. Fields
324 North Ames Street
Matthews, NC 28105-5640

Parcel No. 193-271-46

Matthews Lofts LLC
PO Box 578
Matthews, NC 28106

Parcel No. 193-271-47

Matthews Lofts LLC
PO Box 578
Matthews, NC 28106

Parcel No. 193-271-51

Matthews Lofts LLC
PO Box 578
Matthews, NC 28106

Parcel No. 193-271-45

Heer Bryant Eat LLC
628 Olmstead Place Park
Charlotte, NC 28203

Parcel No. 193-271-50

Park Center Holdings LLC
PO Box 578
Matthews, NC 28106
Parcel No. 193-271-49
Park Center Holdings LLC
PO Box 578
Matthews, NC 28106

Parcel No. 193-271-48
Matthews Gateway II LLC
PO Box 578
Matthews, NC 28106
July 1, 2015

VIA HAND DELIVERY

Ms. Kathi Ingrish, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application filed by Primrose School Franchising Company Requesting the Rezoning of an Approximately 1.2 Acre Site Located on the West Side of Park Center Drive Between Matthews Township Parkway and North Ames Street from the I-1 zoning district to the O (CD) zoning district (Tax Parcel No. 193-243-07)

Dear Kathi:

I hope this letter finds you well.

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 13 of the Instructions for Filing an Application for a Change in a Zoning Classification (the “Instructions”). As you are aware, Paragraph 13 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 1.2 acres and it is located on the west side of Park Center Drive between Matthews Township Parkway and North Ames Street. The site is currently zoned I-1 and pursuant to this Rezoning Application, the Applicant is requesting that the site be rezoned to the O (CD) zoning district. Although the primary purpose of this rezoning request is to accommodate the development and operation of a child day care facility on the site that could serve a maximum of 185 children, the conditional rezoning plan relating to this Rezoning Application would also permit all office and service uses and all general commercial uses allowed in the O zoning district to be developed on the site.

Under the Town of Matthews Land Use Plan 2012-2022 (the “Land Plan”), the site is located in the Matthews Township Parkway portion of the NC 51 corridor. Although the Land Plan does not appear to make any specific land use recommendations for the site, the Land Plan does provide that mixed use developments and planned business parks should be promoted along the Matthews Township Parkway portion of NC Highway 51. The site is located in a development that contains existing office buildings, and it is adjacent to Matthews Gateway, which is a mixed/multi-use development that contains residential, office and retail uses. Developing a child day care facility on the site would add another type of use to the development in which the site is located and create a multi-use project, and it would increase the diversity of uses in the area. The Land Plan also provides that rezonings in this area must complement...
adjacent land uses. The Applicant respectfully submits that a child day care facility would provide a service to the adjacent and nearby residential and business uses and complement such uses.

The site is also located within the Downtown Overlay District and is subject to the Matthews Downtown Plan (the "Downtown Plan"). More specifically, the site is located in the North End District of the Downtown Overlay District. The Downtown Plan designates the site as "Additional Office Space." However, a stated goal of the Downtown Plan is to encourage a diversity of uses in downtown Matthews. Therefore, the Applicant respectfully submits that a child day care facility on the site would be consistent with the goals of the Downtown Plan in terms of land use. Once again, as stated above, a child day care facility would provide a valuable service to residents and businesses in downtown Matthews, and this service could prove to be more beneficial to the Town as the number of residents and businesses in downtown Matthews continues to grow.

In the event that the site is developed with a use other than a child day care facility that is permitted under the conditional rezoning plan relating to this Rezoning Application, the Applicant respectfully submits that such uses could meet the goals and objectives of the Land Plan and the Downtown Plan.

The Applicant and I look forward to working with you on this rezoning request. Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.

John H. Carmichael

JHC1/lh
July 1, 2015

VIA HAND DELIVERY

Ms. Kathi Ingrish, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC  28105

Re:  Rezoning Application filed by Primrose School Franchising Company Requesting the Rezoning of an Approximately 1.2 Acre Site Located on the West Side of Park Center Drive Between Matthews Township Parkway and North Ames Street from the I-1 zoning district to the O (CD) zoning district (Tax Parcel No. 193-243-07)

Dear Kathi:

I hope this letter finds you well.

Kathi, it is the belief of Primrose School Franchising Company (the “Applicant”) that a traffic impact analysis is not required to be submitted in connection with the above-captioned Rezoning Application based upon the criteria outlined in Section 10 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions for Property in the Town of Matthews. To the extent that the Applicant’s belief is incorrect, the Applicant respectfully requests a waiver of the required traffic study for the reasons set out below.

Pursuant to this rezoning request, the Applicant seeks to downzone the site from the I-1 zoning district to the O (CD) zoning district for the primary purpose of accommodating the development and operation of a child day care facility on the subject site. The proposed child day care facility could serve a maximum of 185 children, and the maximum size of a building devoted to a child day care facility would be 14,500 square feet of gross floor area.

Under this rezoning request, if a child day care facility is not developed on the site, the site could be devoted to all office and service uses and/or all general commercial uses allowed in the O zoning district. However, the maximum size of a building devoted to a use or uses other than a child day care facility would be 20,000 square feet of gross floor area under the conditional rezoning plan relating to this Rezoning Application.

On behalf of the Applicant, we appreciate your consideration of this request.
Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.

John H. Carmichael

JHC1/lh
DEVELOPMENT SUMMARY

LOT 2
1.33 AC.

EXIST. STREET TREES (TYP)
EXIST. ASPHALT DRIVEWAY ENCROACHES INTO PROPERTY
EXISTING PROPERTY LINE
EXISTING SITE LIGHTING (TYP)
EXIST. R/W
PROP. SIDEWALK TIE TO EXIST. DRIVEWAY
PROPOSED 6' SIDEWALK
PROPOSED 5' SIDEWALK
8' PLANTING STRIP
SIDEWALK ESMT 2' OFF BACK OF WALK
EXIST. SITE LIGHTING (TYP)
ACCESSIBLE RAMP
PROP. DUMPSTER W/SOLID ENCLOSURE
PROP. FLAGPOLE
SPLASH PAD
25'x25' SIGHT TRIANGLE
25'x25' SIGHT TRIANGLE
PRIMROSE SCHOOL OF MATTHEWS
LOT 2
1.33 AC.

PLAYGROUND
LOT 2
1.33 AC.

PLAYGROUND
PERSONAL USE
TREES (TYP)
EXIST.
CONCRETE DRIVEWAY
EXIST. ASPHALT DRIVEWAY
ENCROACHES INTO PROPERTY
PROPERTY LINE
EXISTING PROPERTY LINE
25'x25' SIGHT TRIANGLE
EXIST. ON-STREET PARKING (6 SP.)
EXIST. ON-STREET PARKING (5 SP.)
PARK CENTER DRIVE (TO PUBLIC R/W)

CHILD DAY CARE & OTHER USES

FRONT: 12'
SIDE: 8' & 6'
SIDE (CORNER): 10'
REAR: 20'
MAXIMUM BUILDING HEIGHT: 40'

VEHICULAR PARKING:
REQUIRED: 1 SPACE/ 2 ADULT & 1 SPACE/10 CHILDREN
PROPOSED: SITE: 45 STREET: 11

BICYCLE PARKING:
REQUIRED: 2
PROPOSED: 2

TREE CANOPY
REQUIRED: 6,220 SF (12%)
PROVIDED: 8,000 SF

PLAYGROUND AREA:
REQUIRED: 185 MAX CHILDREN/2 = 93 CHILDREN
93 * 100 SF = 9,300 SF
PROVIDED: 16,500 SF

109.29.15 UDP PER STAFF COMMENTS
2 12.08.15 UDP ADD'L PROPERTY & ROTATE BLDG

2015-632
12-10-2015

CHILDREN'S DESIGN GROUP
Mark D. Pavey, A.I.A.-Architect
PO Box 1365
Gulf Shores, AL  36547
(334)-546-3624
(206)-350-0593 Fax
child.design@mindspring.com
nc license no: P-0418

July 1, 2015

Ted Tillman
3660 Cedarcrest Road
Acworth, GA 30101
15-040

Primrose School Franchising Company
Urbandesignpartners.com
1318-e6 central ave.
charlotte, nc 28205
P  704.334.3303
F  704.334.3305
GENERAL PROVISIONS

A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Primrose School Franchising Company ("Applicant") for an approximately 1.33 acre site located on the west side of ParkCenter Drive between Matthews Township Parkway and North Ames Street, which site is more particularly described on the Rezoning Plan (hereafter referred to as the "Site").

B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). The regulations established under the Ordinance for the O zoning district shall govern the use and development of the Site.

C. Subject to paragraphs E under Architectural Standards, the location of any building to be constructed on the Site, other than a building devoted to a child day care facility as described below and the associated parking areas and other improvements, shall be governed by the standards and regulations set out in the Ordinance.

DEVELOPMENT LIMITATIONS/MAXIMUM GROSS FLOOR AREA

A. The Site may be devoted to any use or uses that are permitted by right or under the applicable requirements of Section 155.506.6 of the Ordinance.

B. The maximum size of a building devoted to a use or uses other than a child day care facility shall be 30,000 square feet of gross floor area.

C. For purposes of the limitations set out above, "gross floor area" shall mean the total floor area enclosed within a building, including interior balconies, exclusive of mezzanines, stairways and elevator shafts.

ARCHITECTURAL STANDARDS

A. The maximum height of any building developed on the Site shall be 40 feet.

B. A building devoted to a child day care facility shall have four sided architecture, building materials as the front elevation and the same percentage brick as the side and rear elevations.

C. The primary exterior building materials used on a building devoted to a child day care facility shall be precast stone, synthetic stone, cementitious siding (such as hardi-plank) and shutters.

D. A building devoted to a child day care facility shall have four sided architecture such that the side and rear elevations of the building shall have the same exterior building materials as the front elevation and the same percentage brick as the front elevation.

E. Prior to the issuance of a building permit for any building to be constructed on the Site that shall be devoted to a use or uses other than a child day care facility, the conceptual architectural style and character shall be permitted.

SCREENING

A. Compost and recycling areas will be enclosed on all four sides by an opaque wall or fence with an access gate such that the building and the building materials are not visible from the street.

B. The screening wall for the dumpster and recycling area shall be a side wall or rear wall of the building, the side wall or rear wall of the building may be substituted for the wall or fence along each such side.

SIGNAGE

A. All signs installed on the Site shall comply with the requirements of the Ordinance.

B. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Town of Matthews.

STREETSCAPE TREATMENT AND SIDEWALKS

A. The streetscape treatment along the Site's public street frontages shall comply with the requirements of the Ordinance.

B. Sidewalks shall be installed along the Site's public street frontages as depicted on the Rezoning Plan.

C. A sidewalk easement shall be conveyed to the Town of Matthews for any portion of the public sidewalks that are located on the Site and outside of the right of way of Matthews.

PERMITTED USES

A. The Site may be devoted to any use or uses that are permitted by right or under the applicable requirements of Section 155.506.6 of the Ordinance.

B. The maximum size of a building devoted to a use or uses other than a child day care facility shall be 14,500 square feet of gross floor area.

C. A child day care facility shall comply with the applicable requirements of Section 155.506.6 of the Ordinance.

DEVIATION REQUESTS

A. If this Rezoning Application is approved, all conditions applicable to the improvements, and the location of parking areas and other improvements shall be amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the words, "Applicant and owner or owners of the Site from time to time who may be involved in any future development thereof" shall be interpreted as including the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.
SUPERCEDED 09-29-2015

REZONING PETITION #2015-632
DEVELOPMENT STANDARDS

GENERAL PROVISIONS
A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Primrose School Franchising Company ("Applicant") for an approximately 1.2 acre site located on the west side of Park Street and the north side of Matthews Avenue, on which site a day care center is to be constructed as a component of a child care facility. All signs installed on the Site shall comply with the requirements of the Ordinance.

B. The development and use of the Site shall be governed by the Rezoning Plan, Rezoning Application and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). The regulations established under the Ordinance for the O zoning district shall govern the use and development of the Site.

C. The location of any building(s) to be located on the Site, other than a building devoted to a child day care facility as described below, as well the location of the parking areas and other improvements shall be governed by the standards and regulations set out in the Ordinance.

PERMITTED USES
A. The Site may only be devoted to the uses set out below that are permitted by right and under prescribed conditions in the O zoning district and to any incidental and accessory uses associated therewith that are allowed in the O zoning district.

(1) All office and service uses set out in the Table of Allowed Uses.
(2) All general commercial uses set out in the Table of Allowed Uses.

DEVELOPMENT LIMITATIONS/MAXIMUM GROSS FLOOR AREA
A. A child day care facility developed on the Site shall be subject to the following limitations:

(1) The maximum number of children that may be served on the Site shall be 185.
(2) The maximum size of a building devoted to a child day care facility shall be 14,500 square feet of gross floor area.
(3) A child day care facility shall comply with the applicable requirements of Section 135.006 of the Ordinance.

B. The maximum size of a building devoted to a use other than a child day care facility shall be 20,000 square feet of gross floor area.

C. For purposes of the limitations set out above, "gross floor area" shall mean the total floor area enclosed within a building, including interior balconies, exclusive of mezzanines, stairways and elevator shafts.

DIMENSIONAL STANDARDS
A. Development of the Site shall comply with the dimensional standards of the O zoning district and the Downtown Overlay District set out in the Ordinance.

TRANSPORTATION AND PARKING
A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Charlotte Department of Transportation and/or the North Carolina Department of Transportation.

B. Vehicular parking shall be provided in accordance with the requirements of the Ordinance.

STREETSCAPE TREATMENT AND SIDEWALKS
A. The streetscape treatment along the Site's public street frontages shall comply with the requirements of the Ordinance.

ARCHITECTURAL STANDARDS
A. The maximum height of any building developed on the Site shall be 40 feet.

B. The primary exterior building materials used on a building devoted to a child day care facility shall be a combination of portions of the following: brick, stone, precast stone, synthetic stone, cementitious siding (such as hardi-plank) and wood. Vinyl as a building material may only be used on windows, soffits, trim and shutters.

C. A building developed on the Site devoted to a use other than a child day care facility shall not be governed by or subject to the requirements of paragraph B and shall only be required to meet the applicable requirements of the Ordinance.

SCREENING
A. Dumpster and recycling areas will be enclosed on all four sides by an opaque wall or fence with one side being a hinged opaque gate. If one or more sides of a dumpster and recycling area adjoin a side wall or rear wall of the building, then the side wall or rear wall of the building may be substituted for the wall or fence along each such side.

SIGNES
A. All signs installed on the Site shall comply with the requirements of the Ordinance.

BINDING EFFECT OF THE REZONING APPLICATION
A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). The regulations established under the Ordinance for the O zoning district shall govern the use and development of the Site.

B. The development and use of the Site will be governed by the Rezoning Plan, Rezoning Application and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). The regulations established under the Ordinance for the O zoning district shall govern the use and development of the Site.

C. The location of any building(s) to be located on the Site, other than a building devoted to a child day care facility as described below, as well the location of the parking areas and other improvements shall be governed by the standards and regulations set out in the Ordinance.