October 16, 2007

Audubon Hospitality, LLC
Landmark Hotel Group, LLC
4453 Bonney Road
Virginia Beach, VA 23462

Re: Conditional Rezoning Case C-50C-07

Dear Mr. Jain:

The Board of Supervisors at its meeting on October 9, 2007, granted your request to amend proffered conditions accepted with Rezoning Case C-45C-06, on Parcel 819-717-6812, described as follows:

Beginning at a rod found on the north line of Audubon Drive 273.29 feet south of the southern terminus of International Trade Court; thence N 7°15'00" E 273.29 feet to a rod found; thence along a curve to the right having a radius of 75.0 feet for a length of 153.14 feet to a point; thence N 87°16'00" E 371.00 feet to a rod found; thence S 25°32'41" W 228.45 feet to a iron found; thence S 25°26'14" W 97.09 feet to a pipe found; thence S 39°21'43" W 97.16 feet to a point on the northern right-of-way line of Audubon Drive; thence along the northern right-of-way line of Audubon Drive N 88°29'08" W 309.07 feet to the point of beginning containing approximately 3.071 acres.

The Board of Supervisors accepted the following proffered conditions, dated September 27, 2007, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

Proffered conditions 8, 9, 18 and 22 of Case No. C-45C-06 are hereby amended and restated as follows:

8. **Conceptual Master Plan.** Any hotel constructed on the Property shall be developed in general conformance with the Site Plan prepared by Spectra Group, entitled "Candlewood Suites, Audubon Drive, Site Plan" dated August 3, 2007, a copy of which is attached hereto as Exhibit "A" (see case file), unless otherwise requested and specifically approved at the time of Plan of Development.

9. **Architectural Treatment.** The exposed portion of each exterior wall surface (front, rear and sides) of any hotel on the Property shall have exposed exterior walls (above
finished grade) of brick, split face block, E.I.F.S., or a material of similar quality (or a combination of the foregoing), unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall at the time of Plan of Development. No building shall be covered with or have exposed to view any painted or unfinished concrete block. The massing, design, character, and architectural features of any hotel shall be substantially in conformance with the elevations entitled "Candlewood Suites" dated September 11, 2007, prepared by PFVS, Architecture Planning Interiors, and submitted with this case as Exhibit "B" (see case file), unless otherwise approved at the time of Plan of Development.

18. **BMP.** Any above-ground wet BMP shall be aerated. Any above-ground dry BMP shall be landscaped in accordance with a landscaping plan approved at the time of Plan of Development.

22. **HVAC.** Heating and air conditioning equipment located on the roof of any building shall be screened from public view at ground level in a manner approved at the time of Plan of Development. Heating and air conditioning units servicing any hotel (and not located on the roof) shall be maintained interior to the hotel and grill vents shall complement the architecture in a manner approved at the time of Plan of Development.

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

[Signature]

Virgil R. Hazelett, P.E.
County Manager

pc:  Caroline L. Nadal, Esq.
Director, Real Estate Assessment
Conditional Zoning Index