



**Request**

**Conditional Use Permit** (Colleges & Universities, public or private)

**Staff Recommendation**

Approval

**Staff Planner**

Ashby Moss

**Location**

222 Central Park Avenue

**GPIN**

1477-55-4031-0003

**Site Size**

7,480 square feet on 2nd floor of existing structure

**AICUZ**

Less than 65 dB DNL

**Watershed**

Chesapeake Bay

**Existing Land Use and Zoning District**

Mixed use building with office, retail, & structured parking / CBC Central Business Core

**Surrounding Land Uses and Zoning Districts**

**North**

Virginia Beach Boulevard

Retail / CBC Central Business Core

**South**

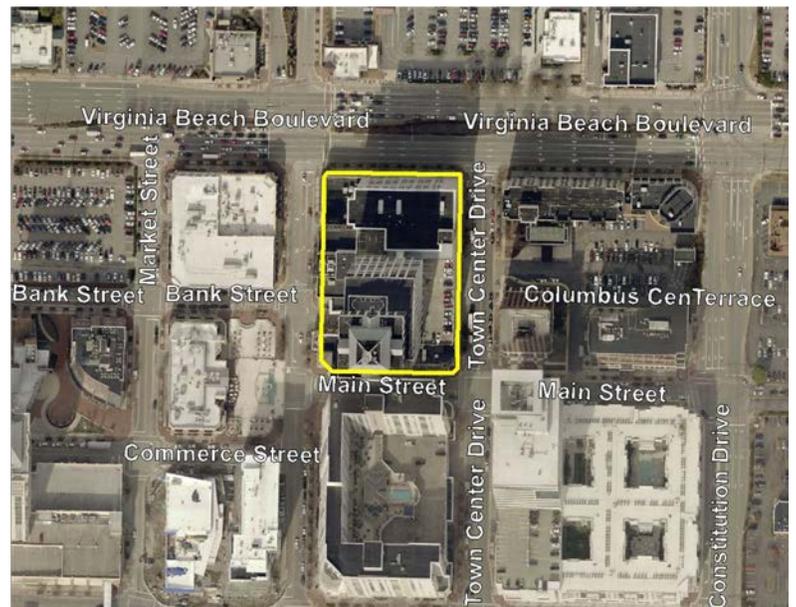
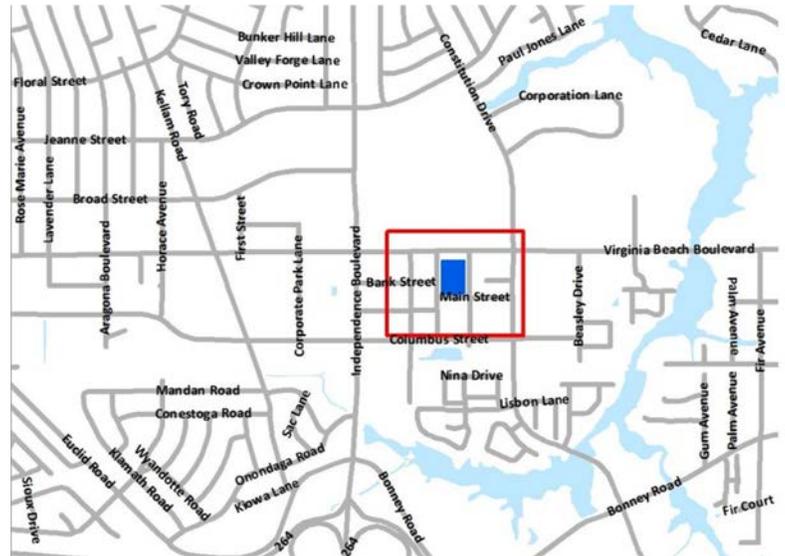
Mixed use building with office, retail, apartment, & structured parking / CBC Central Business Core

**East**

Mixed use building with office, retail, bank, & hotel / CBC Central Business Core

**West**

Mixed use building with office, & retail / CBC Central Business Core



## Background and Summary of Proposal

- Strayer University is relocating from its current location at Town Center’s Block 3 to a new location, also in Town Center, on the 2<sup>nd</sup> floor of the west retail unit of Town Center Condominium 4 located at 222 Central Park Avenue.
- Strayer University received a Conditional Use Permit for its current location on July 11, 2006, with no conditions.
- The school is seeking to operate within 7,480 square feet of leased area.
- Projected student enrollment is 600, yet only 60-90 students are typically enrolled in on-site classes, as 85-90% of students matriculate on-line.
- The anticipated number of employees is approximately 10 full-time or part-time staff on-site during normal business hours.
- The maximum number of students anticipated to be on-site at any given time is approximately 50 for classes and 100 for special events. The occupancy based on square footage and floor plan is up to 221 people.

		<h3>Zoning History</h3> <table border="1"> <thead> <tr> <th>#</th> <th>Request</th> </tr> </thead> <tbody> <tr> <td>All</td> <td>REZ (B-3A to CBC) Approved 02/25/2012</td> </tr> <tr> <td>1</td> <td>CUP (Multi-family Dwellings) Approved 06/28/2005 REZ (B-3 to B-3A) Approved 03/09/2004</td> </tr> <tr> <td>2</td> <td>CUP (Multi-family Dwellings) Approved 08/25/2009 STC Approved 03/24/2009</td> </tr> <tr> <td>3</td> <td>CUP (Private College/University) Approved 03/24/2009 STC Approved 03/11/2003 CUP (Multi-family Dwellings) Approved 09/24/2002</td> </tr> <tr> <td>4</td> <td>CUP (Religious Use) Approved 08/09/2011 CUP (Multi-family Dwellings) Approved 10/10/2006 CUP (Private College/University) Approved 06/14/2006 REZ (B-3 to B-3A) Approved 05/10/2005</td> </tr> <tr> <td>5</td> <td>CUP (Private College/University) Approved 06/25/2006</td> </tr> <tr> <td>6</td> <td>CUP (Private College/University) Approved 11/12/2008 REZ (B-3 to B-3A) Approved 10/10/2000</td> </tr> </tbody> </table>		#	Request	All	REZ (B-3A to CBC) Approved 02/25/2012	1	CUP (Multi-family Dwellings) Approved 06/28/2005 REZ (B-3 to B-3A) Approved 03/09/2004	2	CUP (Multi-family Dwellings) Approved 08/25/2009 STC Approved 03/24/2009	3	CUP (Private College/University) Approved 03/24/2009 STC Approved 03/11/2003 CUP (Multi-family Dwellings) Approved 09/24/2002	4	CUP (Religious Use) Approved 08/09/2011 CUP (Multi-family Dwellings) Approved 10/10/2006 CUP (Private College/University) Approved 06/14/2006 REZ (B-3 to B-3A) Approved 05/10/2005	5	CUP (Private College/University) Approved 06/25/2006	6	CUP (Private College/University) Approved 11/12/2008 REZ (B-3 to B-3A) Approved 10/10/2000
		#	Request																
All	REZ (B-3A to CBC) Approved 02/25/2012																		
1	CUP (Multi-family Dwellings) Approved 06/28/2005 REZ (B-3 to B-3A) Approved 03/09/2004																		
2	CUP (Multi-family Dwellings) Approved 08/25/2009 STC Approved 03/24/2009																		
3	CUP (Private College/University) Approved 03/24/2009 STC Approved 03/11/2003 CUP (Multi-family Dwellings) Approved 09/24/2002																		
4	CUP (Religious Use) Approved 08/09/2011 CUP (Multi-family Dwellings) Approved 10/10/2006 CUP (Private College/University) Approved 06/14/2006 REZ (B-3 to B-3A) Approved 05/10/2005																		
5	CUP (Private College/University) Approved 06/25/2006																		
6	CUP (Private College/University) Approved 11/12/2008 REZ (B-3 to B-3A) Approved 10/10/2000																		
<h3>Application Types</h3> <table border="1"> <tr> <td>CUP – Conditional Use Permit</td> <td>MOD – Modification of Conditions or Proffers</td> <td>FVR – Floodplain Variance</td> </tr> <tr> <td>REZ – Rezoning</td> <td>NON – Nonconforming Use</td> <td>ALT – Alternative Compliance</td> </tr> <tr> <td>CRZ – Conditional Rezoning</td> <td>STC – Street Closure</td> <td>SVR – Subdivision Variance</td> </tr> </table>		CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance	REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance	CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance									
CUP – Conditional Use Permit	MOD – Modification of Conditions or Proffers	FVR – Floodplain Variance																	
REZ – Rezoning	NON – Nonconforming Use	ALT – Alternative Compliance																	
CRZ – Conditional Rezoning	STC – Street Closure	SVR – Subdivision Variance																	

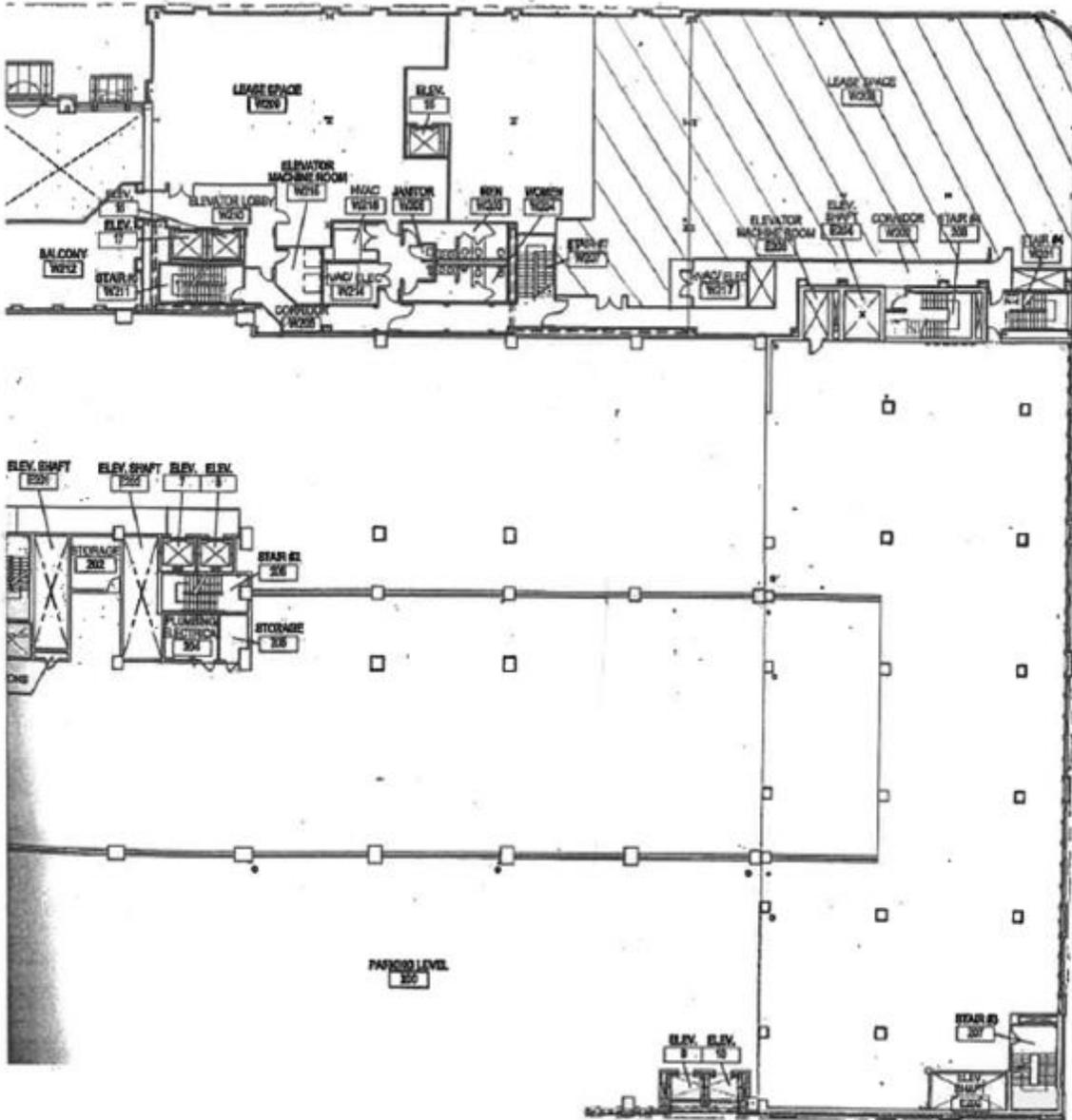
## Comprehensive Plan Recommendations

The subject site is located within the Central Business Core District of the Pembroke Strategic Growth Area (SGA). Mixed uses offering an efficient use of land resources, full use of urban services, detailed human-scale design and a compatible mix of uses are recommended for this area.

## Evaluation and Recommendation

The proposed Conditional Use Permit simply enables an existing, compatible use to relocate to another leased space in Town Center. As the school currently exists with a similar student population within close proximity to this site, Staff does not anticipate any impacts to the existing traffic patterns, parking availability or other infrastructure. Educational facilities such as this one complement and support the surrounding uses and reinforce Town Center's mixed use, urban environment. Staff recommends approval of this application.

Block 4, 2<sup>nd</sup> Floor Proposed Lease Space



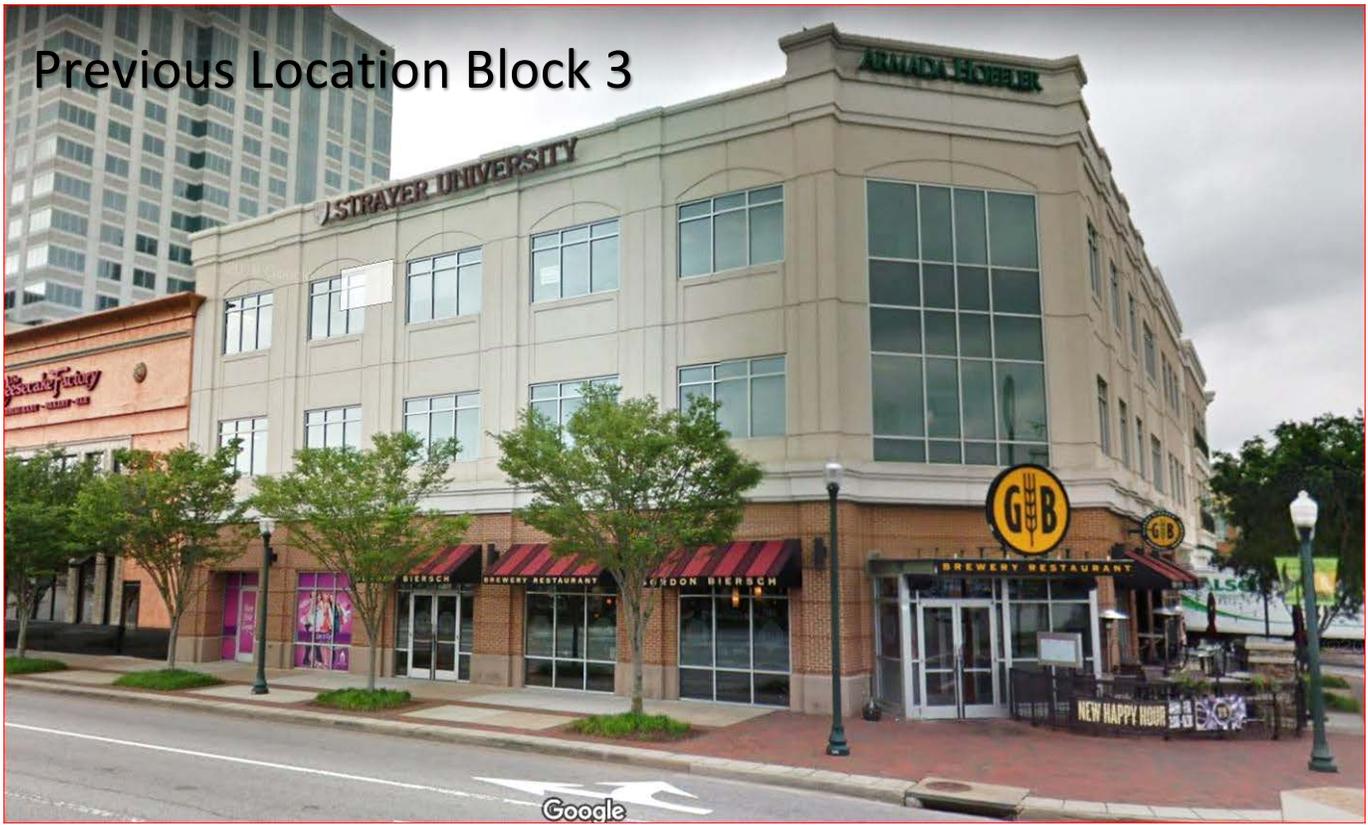
PLANS OF TOWN CENTER CONDOMINIUM 4  
BLOCK 4, TOWN CENTER  
VIRGINIA BEACH, VIRGINIA  
DATE: 12/13/2002  
SHEET 05 OF 31  
0 5' 10' 20' 4'  
SCALE: 1" = 20'-0"



Proposed Location Block 4



Previous Location Block 3





**APPLICANT'S NAME** Armada Hoffler Tower 4, L.L.C.

**DISCLOSURE STATEMENT FORM**

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

←—————→  
**The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.**  
 ←—————→

**SECTION 1 / APPLICANT DISCLOSURE**

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

**(A)** List the Applicant's name: Armada Hoffler Tower 4, L.L.C.  
 If an LLC, list all member's names:  
 See Attached.

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

**(B)** List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*  
 See Attached.

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>



**SECTION 2 / PROPERTY OWNER DISCLOSURE**

*Complete Section 2 only if property owner is different from Applicant.*

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

**(A)** List the Property Owner's name: \_\_\_\_\_  
 If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

<sup>1</sup> "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

---

### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	OTJ Architects
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	AHP Construction, LLC
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Faggert & Frieden, P.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Divaris Real Estate, Inc.

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES     NO 

 Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

If yes, what is the name of the official or employee and what is the nature of the interest?

# Disclosure Statement



**CERTIFICATION:**  
I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	See Attached	
APPLICANT'S SIGNATURE	PRINT NAME	DATE

## Disclosure Statement

**APPLICANT'S NAME:** Armada Hoffler Tower 4, L.L.C.

**Manager:** Tower Manager, LLC

**Members:** Armada Hoffler, L.P.  
New Armada Hoffler Properties I, L.L.C.  
Tower Manager, LLC

---

**APPLICANT'S MANAGER:**

**Name:** Tower Manager, LLC

**Managers:** Louis S. Haddad  
Michael P. O'Hara

**Sole Member:** Armada Hoffler, L.P.

---

**APPLICANT'S MEMBERS (other than the Manager named above that is also a Member):**

**Name:** Armada Hoffler, L.P.  
[the "Operating Partnership" for the REIT\*]

**General Partner:** The REIT\*

**Limited Partners:** The REIT\* which has the controlling interest in the Operating Partnership. There are multiple other fluctuating minority limited partner investors in the Operating Partnership.

**Name:** New Armada Hoffler Properties I, L.L.C.

**Managers:** None – Member managed

**Sole Member:** the Operating Partnership

---

**THE REIT\*:**

**Name:** Armada Hoffler Properties, Inc.

**Executive Officers:** Daniel A. Hoffler – Executive Chairman of the Board  
A. Russell Kirk – Vice Chairman of the Board

**Authorized Officers:** Louis S. Haddad – President & CEO  
Michael P. O'Hara – CFO, Secretary & Treasurer

---

**Affiliates/Subsidiaries:** The Operating Partnership has numerous affiliates/subsidiaries unrelated to the subject matter of the Application in which it is the sole owner or has a controlling interest.

\*The REIT is a publicly traded company.

S:\Clients\5152\055\CUP\Disclosure Statement Attachment.docx

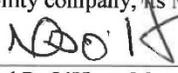
**Signature Page  
Conditional Use Permit Application  
Block 4 – Town Center, Virginia Beach, Virginia**

IN WITNESS WHEREOF, the Applicant has caused this Application to be signed by its duly authorized representative.

APPLICANT:

ARMADA/HOFFLER TOWER 4, L.L.C.,  
a Virginia limited liability company

By: TOWER MANAGER, LLC, a Virginia  
limited liability company, its Manager

By:  (SEAL)  
Michael P. O'Hara, Manager

## Next Steps

- Upon receiving a recommendation from Planning Commission, this request will be scheduled for a City Council public hearing. Staff will inform the applicant and/or their representative of the date of the hearing in the upcoming days.
- Following City Council's decision, the applicant will receive a decision letter from Staff.
- Once the conditions of approval are in place and/or completed, the applicant must contact the Zoning Division of the Planning Department to obtain verification that the conditions have been met. Contact the Zoning Division at 757-385-8074.
- If the request requires land disturbance and/or a subdivision of property, please contact the Development Services Center (DSC) to discuss next steps for site plan/plat review. Contact the DSC at 757-385-4621 or the Development Liaison Team at 757-385-8610.
- Please note that further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any approvals allowed by this application are valid.
- The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.