INTRODUCED: May 28,2024

#### AN ORDINANCE No. 2024-149

To authorize the special use of the property known as 1001 East Main Street for the purpose of a self-storage use within a mixed-use building, upon certain terms and conditions. (6<sup>th</sup> District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUNE 24 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 1001 East Main Street which is situated in a B-4 Central Business District, desires to use such property for the purpose of a self-storage use within a mixed-use building, which use, among other things, is not currently allowed by section 30-440.1, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	7	NOES:	0	ABSTAIN:	
ADOPTED:	JUN 24 2024	REJECTED:		STRICKEN:	
ADOI ILD.	3011 24 2024	- KLJLCILD.	_		_

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

#### THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

### § 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as

1001 East Main Street and identified as Tax Parcel No. E000-0080/001, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled "ALTA/NSPS Land Title Survey of 1001 E. Main Street, in the City of Richmond, Virginia," prepared by McKnight & Associates, P.C., and dated April 6, 2023, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a self-storage use within a mixed-use building, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1001 E. Main Street," prepared by an unknown preparer, and undated, hereinafter referred to as "the Plans," copies of which are attached to and made a part of this ordinance.

- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.
- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The Special Use of the Property shall be as a self-storage use within a mixed-use building. The self-storage use shall be confined to the portions of the street level retail area and basement level of the building outlined in red on the Plans.
- (b) Exterior doors and windows servicing the proposed use that are currently transparent shall remain transparent except for (i) artwork or graphic imagery; (ii) signs permitted in all districts pursuant to section 30-505 of the Code of the City of Richmond (2020), as amended; or (iii) signs permitted in the underlying zoning district.
  - (c) There shall be no obstructions within 5 feet of exterior windows inside the self-

storage use, substantially as shown on the Plans.

- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.
  - (b) The Owner shall be bound by, shall observe and shall comply with all other laws,

ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within

730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROV	/FD	AS TO	FORM:
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CITY ATTORNEY'S OFFICE

A TRUE COPY:

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City Clerk





### **City of Richmond**

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

#### Master

File Number: Admin-2024-0129

File ID: Admin-2024-0129 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: City Clerk Waiting

Room

**Department:** Planning and **Cost:** File Created: 02/08/2024

Development.Review

Subject: Final Action:

Title:

**Internal Notes:** 

Code Sections: Agenda Date: 05/28/2024

Indexes: Agenda Number:

Patron(s): Urban Design Committee Enactment Date:

Attachments: Admin-2024-0129 - Application Packet, Enactment Number:

Admin-2024-0129 - Map, Admin-2024-0129 - AATF

Ordinance

Contact: Introduction Date:

**Drafter:** Raymond.Roakes@rva.gov **Effective Date:** 

**Related Files:** 

### **Approval History**

Version	Seq#	Action Date	Approver	Action	Due Date
1	1	5/8/2024	Matthew Ebinger	Approve	5/10/2024
1	2	5/8/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	5/8/2024	Kevin Vonck	Approve	5/15/2024
1	4	5/8/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	5/10/2024	Sharon Ebert	Approve	5/10/2024
1	6	5/10/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	5/13/2024	Jeff Gray	Approve	5/14/2024
1	8	5/15/2024	Lincoln Saunders	Approve	5/15/2024
1	9	5/16/2024	Mayor Stoney	Approve	5/17/2024

#### **History of Legislative File**

Master Continued (Admin-2024-0129)

 Ver- Acting Body:
 Date:
 Action:
 Sent To:
 Due Date:
 Return
 Result:

 sion:
 Date:

#### Text of Legislative File Admin-2024-0129

City of Richmond Intracity Correspondence

**O&R Transmittal** 

DATE: May 8, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 1001 East Main Street for the purpose of a self-storage use within a mixed-use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a self-storage use within a mixed-use building, which use is not currently allowed by section 30-440.1, concerning permitted principal uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required. BACKGROUND: The property is located in the Downtown neighborhood, situated on the block bounded by East Main Street and North 10th Street. South 12th Street, and East Cary Street. The property is currently a mixed-use building including multifamily and commercial on a 7,630 sq. ft. (0.175 acre) parcel. The City's Richmond 300 Master Plan designates a future land use for the subject property as Downtown Mixed-Use, which is defined as "Central business district of the Richmond region features high density development with office buildings, residential buildings, and a mix of complementary uses, including regional destinations in a highly walkable urban environment."

"Intensity: Buildings typically have a minimum height of five stories."

"Primary Use: Retail/office/ personal service, multi-family residential, cultural, institutional, government, and open space. Secondary Uses: Not applicable." P. 66

The current zoning for the property is B-4 Central Business District.

COMMUNITY ENGAGEMENT: The Downtown Neighborhood Association neighborhood association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 28, 2024

CITY COUNCIL PUBLIC HEARING DATE: June 24, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, June 18, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey, Plans, Map

STAFF: Matthew Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

Ray Roakes, Planner - Land Use Administration 804-646-5467



### Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304

http://www.richmondgov.com/

Application is hereby submitted for: (check one)  special use permit, new special use permit, plan amendment special use permit, text only amendment				
Project Name/Location Property Address: 1001 East Main Street, Richmond, VA 23219 Parcel I.D. #: E0000080001 Fee: \$2,400 Total area of affected Site in acres: 0.175	_Date: <b>9/18/23</b>			
(See <i>page 6</i> for fee schedule, please make check payable to the "City of Richmond")				
<b>Zoning</b> Current Zoning: B-4				
Richmond 300 Land Use Designation: Downtown Mixed-Use				
Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) self storage on ground floor and lower level				
Existing Use: Mixed use building				
Is this property subject to any previous land use cases?  Yes No  If Yes, please list the Ordinance Number:				
Applicant/Contact Person: Jennifer D. Mullen Company: Roth Jackson Gibbons Condlin, PLC				
Mailing Address: 1519 Summit Avenue, Suite 102 City: Richmond State: VA	Zip Code: <u>23230</u>			
Telephone:(804)977-3374	441-8438			
Property Owner: American Heritage Apts LLC				
If Business Entity, name and title of authorized signee: <u>J. Francis Smyth, Man</u>	ager			
(The person or persons executing or attesting the execution of this Application on behalf of the she has or have been duly authorized and empowered to so execute or attest.)	e Company certifies that he or			
Mailing Address: 515 10th St SE				
City: Washington State: DC Telephone: ( 410 ) 456-8691 Fax: ( )	Zip Code: <u>20003</u>			
Email: fsmyth@cleghorncapital.com				
Property Owner Signature:				

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.** 

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



October 11, 2023

Mr. Matthew Ebinger, AICP Planning and Development Review 900 East Broad Street, Room 511 Richmond, VA 23219 Jennifer D. Mullen Richmond Office (804) 977-3374 (direct) jmullen@rothjackson.com

RE: 1001 E. Main Street, Tax Map Number E0000080001 (the "Property)

Dear Mr. Ebinger:

This letter shall serve as the applicant's report accompanying the application for a special use permit ("SUP") in order to permit a self-storage facility on the ground and lower level of the Property. The Property is located at 1001 East Main Street on the corner of South 10th Street and East Main Street, in the Central Business District. The Property is located directly across 10<sup>th</sup> Street from the Truist Building. The Property is unique with its significant slope along the 10<sup>th</sup> Street frontage from Main Street to the rear alley heading south to Cary Street. The existing building uses the grade with the doors to the commercial space along the 10<sup>th</sup> Street frontage located partially below street grade, creating a condition where only a portion of the space is visible from the street level and those at grade having a varied street level elevation.

The self-storage use is permitted as an accessory use to the tenants of the Property; however, the owner is requesting the special use permit to be able to serve the public. In connection with the request for the special use to offer storage service to the public, the owner proposes to improve the pedestrian experience along 10<sup>th</sup> Street with the addition of improved exterior lighting.

The Property is zoned as B-4, and it is surrounded by commercial and mixed-use buildings also primarily zoned B-4. The Property is identified in the Richmond300 as Downtown Mixed-Use and is located in the Downtown Core priority growth node. The proposed use is consistent with Richmond300 designation and the need to provide storage services both to the building tenants and the users from the surrounding area in a convenient downtown location. This is an appropriate use of the space with its unique frontage on 10<sup>th</sup> Street which is the secondary commercial frontage. In addition, the additional storage options that the use permits will help retain tenants and owners downtown who need additional space, with multiple sizes of units and plan durations available to meet those needs.

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

RICHMOND

TYSONS CORNER

1519 Summit Avenue, Suite 102, Richmond, VA 23230 P: 804-441-8440 F: 804-441-8438 8200 Greensboro Drive, Suite 820, McLean, VA 22102 P: 703-485-3535 F: 703-485-3525

# American Heritage Apts, LLC Page 2

- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
- Create hazards from fire, panic or other dangers.
- Tend to overcrowding of land and cause an undue concentration of population.
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
- Interfere with adequate light and air.

Sincerely, Jenifa D. Mill

Jennifer D. Mullen



October 11, 2023

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The self-storage use is permitted as an accessory use to the tenants of the Property; however, the owner is requesting the special use permit to be able to serve the public, which will only increase the pedestrian interaction with the street.

The Property is zoned as B-4, and it is surrounded by commercial and mixed-use buildings also primarily zoned B-4. The Property is identified in the Richmond300 as Downtown Mixed-Use and is located in the Downtown Core priority growth node. The proposed use is consistent with Richmond300 designation and the need to provide storage services both to the building tenants and the users from the surrounding area in a convenient downtown location. This is an appropriate use of the space with its unique frontage on 10<sup>th</sup> Street which is the secondary commercial frontage. In addition, the additional storage options that the use permits will help retain tenants and owners downtown who need additional space, with multiple sizes of units and plan durations available to meet those needs.

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- Be detrimental to the safety, health, morals and general welfare of the community involved.
- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

RICHMOND

TYSONS CORNER

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8200 Greensboro Drive, Suite 820, McLean, VA 22102 P: 703-485-3535 F: 703-485-3525

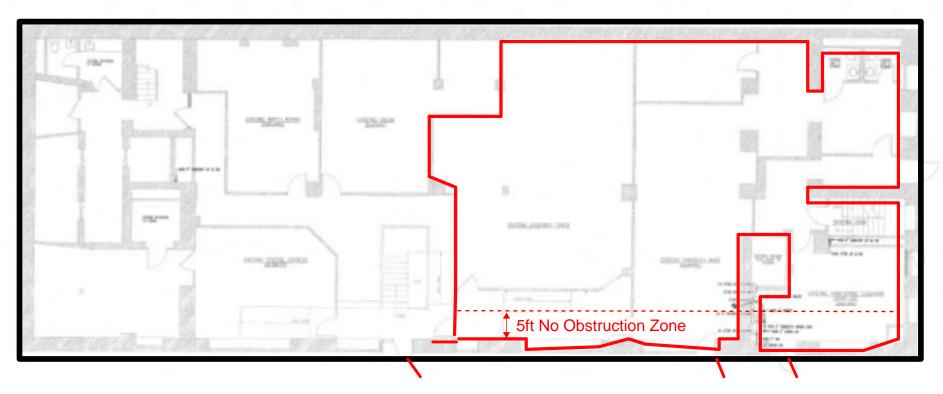
# American Heritage Apts, LLC Page 2

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- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
- Interfere with adequate light and air.

Sincerely, Janifa D-Mill

Jennifer D. Mullen

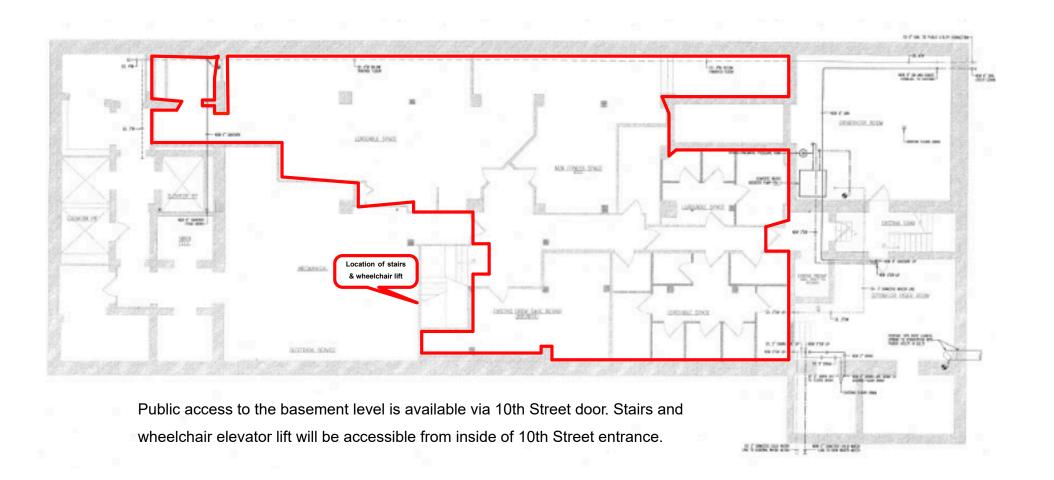
### Street Level Retail Area



Red outlined area is street-level and accessible from 10<sup>th</sup> Street exterior doors.

### 1001 E. Main Street

### **Basement Level**



## LEGAL DESCRIPTION by Chicago Title Insurance Company Commitment No. 202300352VA Revision 2

All that certain lot or parcel of land together with all improvements thereon located and being in the City of Richmond, VA and being more particularly described as follows:

Beginning at a point at the intersection of the southern line of Main Street with the eastern line of Tenth Street:

then eastwardly along and fronting on the southern line of Main Street 51.70 to a point; then southwardly along "line along face of wall" 147.67 feet to a point on the northern line of a 30 foot alley;

then westwardly along the northern line of a 30 foot alley 52.33 feet to a point in the eastern line of Tenth Street:

then northwardly along the eastern line of Tenth Street, 147.60 feet to the beginning point.

### Notes:

- a) Said described property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map NO. 5101290041E, with a date of identification of July 16, 2014 in the City of Richmond, State of Virginia, which is the current Flood Insurance Rate Map for the community in which said premises is situated.
- b) The property has direct physical access to E. Main Street and S. 10th Street, a dedicated public street or highway, and a public alley in the rear.
- c) The number of actual parking spaces located on the subject property is 0.
- d) The property described hereon is the same as the property described in Chicago Title Insurance Company, Commitment No. 202300352VA Revision 2 with an effective date of May 09, 2023, and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to have been plotted hereon or otherwise noted as to their effect on the subject property.
- e) The accompanying survey was made on the ground and correctly shows the location of all buildings, structures and other improvements situated on the above premises; there are no visible encroachments on the subject property or upon adjacent land abutting said property except as shown hereon and was made in accordance with laws and/or Minimum Standards of the State of Virginia.
- f) The property is serviced by Public Sewer and Water.
- g) Property Address is Known as No. 1001 E. Main Street, Richmond, VA. 23219.
- h) Property is zoned B-4 Business (Central Business) per,
  Zoning Confirmation Letter by PDRZ, dated 40/20/2023:
  Use: Multi-family Apartments (57 units, per Unit Mix); Retail.
  Setbacks: Front=0'; Side=0'; Rear=0'
  Minimum Height= 3 stories; Existing Height= 11 stories
  Required Parking = 0 Spaces
- i) There was no observed evidence of current earth moving work, building construction or building additions at the time of the survey.
- j) There are no proposed changes in street right of way lines, no observed evidence of recent street or sidewalk construction or repairs.
- k) There is no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- 1) Area of building is determined by exterior dimensions measured at ground level.
- m) No evidence of grave sites was observed at the time of survey.

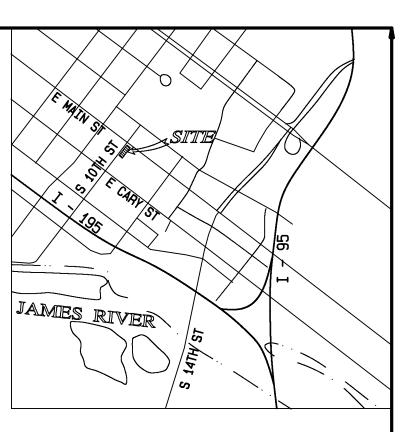
### **METES AND BOUNDS:**

BEGINNING AT A POINT where the southern line of E. Main Street intersects the eastern line of No. 10th Street, said point being the POINT OF BEGINNING. Thence South 56°00'00" East, along the southern line of E. Main Street, a distance of 51.70 feet; thence South 33°48'31" West, a distance of 147.67 feet; thence North 55°54'46" West, a distance of 52.33 feet; thence North 34°03'11" East, a distance of 147.60 feet to the POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL IS THE SAME DESCRIBED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NO. 202300352VA REVISION 2

## **Exceptions:**

- 1) NOT A SURVEY MATTER.
- 2) NOT A SURVEY MATTER.
- 3) Terms, provisions, conditions and easements set forth in that certain Deed of Easement recorded as Instrument No. 030049623.
- 4) Terms and conditions set forth in Ordinance No. 93-143-99. AS SHOWN HEREON.
- 5) Terms and conditions set forth in Ordinance No. 93-26-38. AS SHOWN HEREON.



VICINITY MAP

## SURVEYOR CERTIFICATION

This survey is made for the benefit of:

- 1) Chicago Title Insurance Company
- 2) American Heritage Apts, LLC
- 3) Fannie Mae

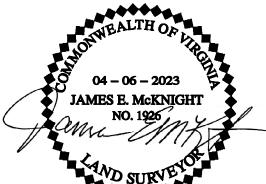
This is to certify that this plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" jointly established and adopted by ALTA and NSPS and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(B) (1), 8, 9, 13, 14, 16, 17, 18 and 19 of Table A thereof.

Date of Plat: April 06, 2023

Land Surveyor No. 1926

ALTA/NSPS LAND TITLE SURVEY

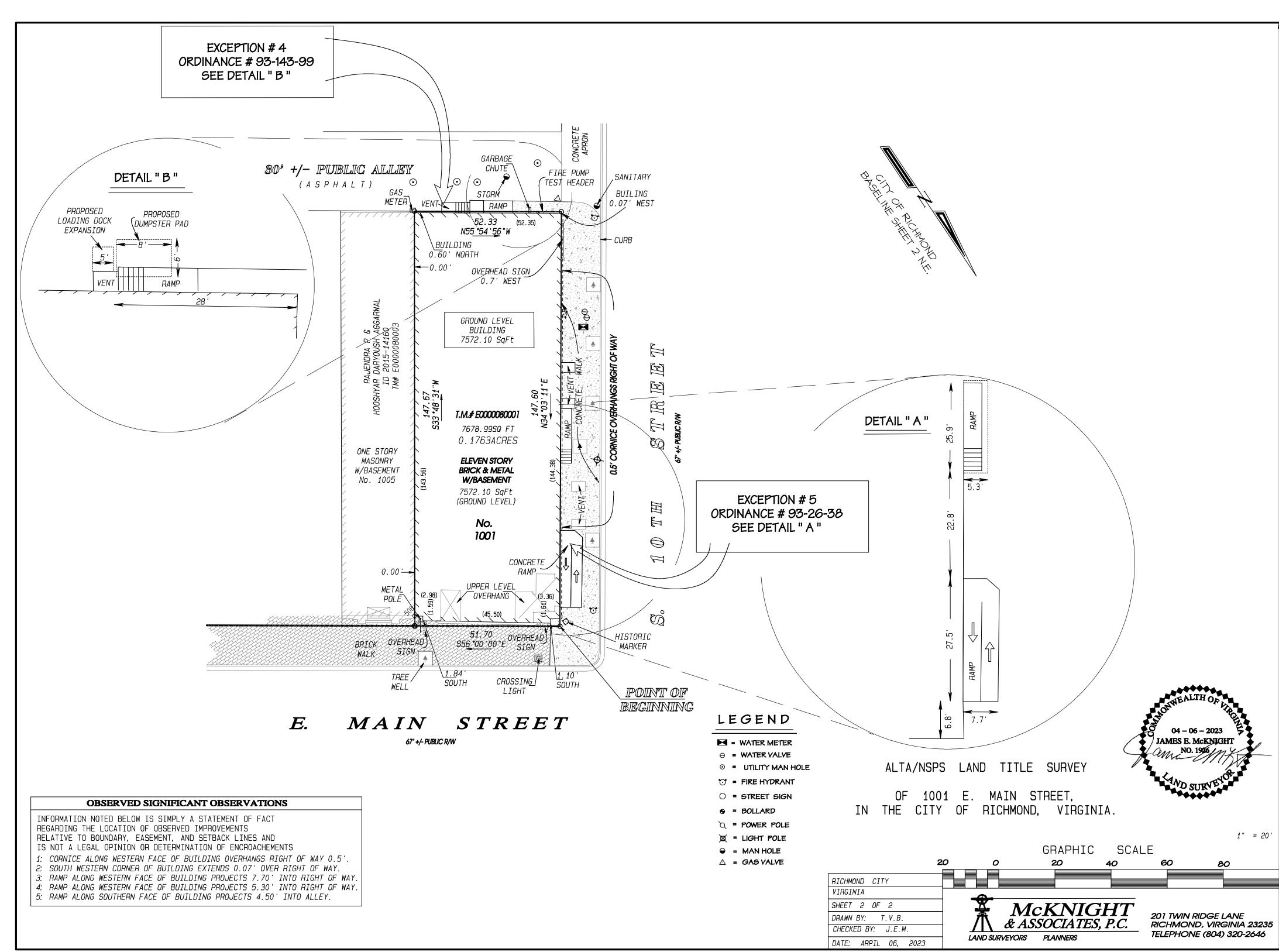
OF 1001 E. MAIN STREET, IN THE CITY OF RICHMOND, VIRGINIA.



RICHMOND CITY	VIRGINIA
SHEET 1 OF 2	DATE: APRIL 06, 2023
DRAWN BY: T.V.B.	CHECKED BY: J.E.M.



201 TWIN RIDGE LANE RICHMOND, VIRGINIA 23235 TELEPHONE (804) 320-2646





### **Special Use Permit**

**LOCATION: 1001 East Main Street** 

APPLICANT: Jennifer Mullen, Representative of the Applicant

**COUNCIL DISTRICT: 6** 

PROPOSAL: To authorize the special use of the property known as 1001 East Main Street for the purpose of a multifamily dwelling and commercial, along with self storage use, upon certain terms and conditions.

For questions, please contact Alyson Oliver at 804-646-5789 or alyson.oliver@rva.gov

