

AN ORDINANCE No. 87-108-82

ADOPTED MAY 11 1987

To authorize the use of the real estate located at the northeast corner of Young Street and Carolina Avenue, being more completely described as follows: beginning at the point of intersection of the north right of way line of Young Street and the east right of way line of Carolina Avenue; thence extending along a curve in the east right of way line of Carolina Avenue with a length of 27.79 feet and a radius of 23.59 feet to a point; thence extending in a northerly direction 130.00 feet, more or less, along the east right of way line of Carolina Avenue to the Richmond-Henrico Corporation Line; thence extending in an easterly direction 220.00 feet, more or less, along said Corporation Line to a property line; thence extending in a southerly direction 80.00 feet, more or less, along a property line to a point; thence extending in a westerly direction 6.82 feet, more or less, along a property line to a point; thence extending in a southerly direction 88.64 feet, more or less, along a property line to the north right of way line of Young Street; thence extending in a westerly direction 150.00 feet, more or less, along the north right of way line of Young Street to the point of beginning, for purposes of a construction equipment storage and display yard facility, upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the real estate located at the northeast corner of Young Street and Carolina Avenue, being more completely described as follows: beginning at the point of intersection of the north right of way line of Young Street and the east right of way line of Carolina Avenue; thence

extending along a curve in the east right of way line of Carolina Avenue with a length of 27.79 feet and a radius of 23.59 feet to a point; thence extending in a northerly direction 130.00 feet, more or less, along the east right of way line of Carolina Avenue to the Richmond-Henrico Corporation Line; thence extending in an easterly direction 220.00 feet, more or less, along said Corporation Line to a property line; thence extending in a southerly direction 80.00 feet, more or less, along a property line to a point; thence extending in a westerly direction 6.82 feet, more or less, along a property line to a point; thence extending in a southerly direction 88.64 feet, more or less, along a property line to the north right of way line of Young Street; thence extending in a westerly direction 150.00 feet, more or less along the north right of way line of Young Street to the point of beginning, is hereby permitted to be used for purpose of a construction equipment storage and display yard facility, substantially as shown on a drawing of property at the northeast corner of Carolina Avenue and Young Street, a copy of which is attached to and incorporated as a part of this ordinance, and the above-described real estate is hereby permitted to be used for the purpose of storing and displaying construction equipment.

§ 2. That the Commissioner of Buildings is hereby authorized to permit the occupancy of the property for

purposes of such construction equipment storage and display yard. The special use permitted herein shall be transferable to the successor or successors in title of the owners, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) That the owners shall be bound by, observe and shall comply with all other laws, ordinances and rules and regulations adopted thereto, applicable to the property, except as otherwise provided in this ordinance;

(b) That all equipment shall be stored within the fenced area and only equipment that is on display for sale shall be stored on the property. No repair of equipment shall be conducted on the property;

(c) That existing trees on the site shall be retained and suitably protected from the operation and storage of the construction equipment. Additional trees shall be planted as shown on the plan. The additional trees shall not be less than three inch caliper and shall be either Red Maple, Silver Maple, Willow Oak or may be another species subject to the approval of the Director of Planning;

(d) A solid wood fence, eight feet in height, shall be erected on the property as shown on the attached plan;

(e) Should trash facilities be located on the

property, such facilities shall be screened from view from adjoining properties and public streets;

(f) That final grading and drainage plans shall be approved by the Director of Public Works prior to the issuance of any permits;

(g) That storm or surface water shall not be allowed to accumulate on the land and adequate facilities for the drainage of storm or surface water from the land or buildings shall be provided by the owners at their cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof;

(h) That should the owners use the premises for any purpose which is not permitted by this ordinance, or fail, refuse or neglect to comply with the provisions of foregoing paragraphs (a) through (g) and do not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owners by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(i) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four consecutive months, use of the real estate

shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and

(j) That application for a building permit (if necessary) for adapting the property for storage and display of construction equipment shall be made within twelve months from the effective date of this ordinance, which building permit (if issued) shall expire by limitation and become null and void if construction is not commenced within one hundred eighty days from the date of the building permit, or if work upon the property is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section 109.1 of the Uniform Statewide Building Code. Should application for the building permit (if requisite) not be made within twelve months from the effective date of this ordinance or should the building permit expire and become null and void, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

§ 3. This ordinance shall be in force and effect upon adoption.

SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date 12-17-86

TO: The Honorable Council of the City of Richmond
c/o The Department of Planning & Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):

the exhibition and display of construction equipment for sale

at the premises designated or described as follows: that certain lot or parcel
located at the northeast corner of Young Street and Carolina Avenue, in the City
of Richmond, Virginia.

in accordance with attached plans designated (title, sheet numbers, preparer, date)

"Plan AGB 12186, Dec. 1, 1986, Site Plan "

The current zoning of the property is: R5 Single Family

Attached is a check for \$500.00, payable to "City of Richmond."

Signature of owner of property:

Samuel C. Long

Address: 3701 CAROLINA AVE.

Zip Code: RICHMOND, VA 23222

Phone: (804) 329-4040

Applicant or owner's representative: LEONARD W. LAMBERT, & CHARLES D. CHAMBLISS, JR.

Address: 2025 E. MAIN STREET, RICHMOND, VA

Zip Code: 23223

Phone: (804) 648-3324

Staff Note:

Application, plans, report, fee and other required information received: _____

Affects Master Plan YES _____ NO _____

TYLO EQUIPMENT COMPANY, INC.

Founded January 1, 1983

PRESENT OWNERS: FRANK W. TYNIS
SAMUEL C. LONG

FRANK W. TYNIS (PRESIDENT) - Mr. Tynis' employment history was with Phillips Machinery, a well established heavy equipment dealer in the Central Virginia area located in Richmond, Va. He was first employed as a mechanic, then later as a Service Manager from 1977 to 1982 when Phillips Machinery went out of business.

SAMUEL C. LONG (VICE PRESIDENT) - Mr. Long was employed by Phillips Machinery in their Norfolk, Va. Branch from 1971 to 1977. He was then transferred to the Richmond, Va. Branch in 1978 where he remained in his position as a salesman until Phillips Machinery went out of Business in 1982.

Tylo Equipment Company, Inc. is a construction equipment sales and service company founded in the fall of 1982 by Samuel Long and Frank Tynis. The company purchases, overhauls and or repairs, and sells used construction equipment.

Currently the company employs six employees in addition to the two owners. Throughout its existence the company's staff has included persons from the community.

When the Carolina Avenue property was located Tylo negotiated a lease purchase of a parcel which lay in two jurisdictions. The Henrico portion was zoned MI and includes most of the property that is being used. The other portion, which is located in Richmond was zoned R. The Richmond portion is the subject of this application.

At the time that the property was acquired it included an enclosed shop that was in need of renovation, and there was no city water, sewage or electrical service to the property. The subject property was overgrown with three foot high brush and littered with rubbish. This property was also infested with rats and snakes.

The owners personally cleared away the brush, hauled away the trash, and arranged for the installation of an anchor fence.

During the spring of 1984 the company added an office and additional shop space.

Tylo Equipment Company now wishes to enclosed the Richmond portion of the property for use as a display area for equipment that is on display for sale or rental. If this application is approved then the owners contemplate the following:

- (a) erecting a fence to serve as a buffer between the display area and the surrounding residential area
- (b) landscaping including planting trees outside the fence within the setback and
- (c) laying down aggregate fill.

This will allow the applicant to display equipment for sale and away from the work area where activities related to equipment repair take place.

TYLO EQUIPMENT HISTORY
PAGE TWO

In the Spring of 1984, the company added a 20' X 30' office and enclosed an additional 60' of shop space. During that summer, they hauled in aggregate fill and spread on the yard on weekends when there was no activity which eliminated much of the problem with mud. A parking lot was also put in during this time.

In late 1984, plans were made to purchase the property. When the original lease agreement was drawn up in 1983, Tylo Equipment Co., Inc. had a purchase option on the property. With the improvements made in 1983 and 1984, the owner had raised the rental rate both years and was going to raise the rent again in 1985.

With the rental rates continually increasing each year, Tylo Equipment Co., Inc. elected to pick up the purchase option with a minimal down payment and make ten years of monthly payments.

To purchase the M1 property in Henrico County, the adjacent lot which is located in the City of Richmond also had to be purchased as part of the deal. The company's intentions were to develop the R6 property into an area where the construction equipment for sale could be shown to prospective buyers away from the environment and hazards of the service shop located on the M1 property in Henrico County. In consideration to the residents in this area, landscaping would be done and a solid wood fence would be installed to act as a buffer between the residential community and the industrial environment. As of this date in 1986, these development ideas for the R6 property have not been implemented.

EMPLOYEES

Tylo Equipment Co., Inc. employs three (3) full time mechanics at this time (one of which is a resident in this community), one parts person, one truck driver, and one secretary. There have been several persons from this community hired in part time capacities. At the present time, only one person from this community is employed at Tylo Equipment Co., Inc. part time.

TYLO EQUIPMENT COMPANY, INC.
CONSTRUCTION EQUIPMENT SALES AND SERVICE
P. O. BOX 15471 • 3701 CAROLINA AVENUE
RICHMOND, VIRGINIA 23227
(804) 329-4040

January 20, 1986

To Whom It May Concern:

We propose to fence our vacant lot located on the corner of Carolina Avenue and Young Street. This area will be used for the sole purpose of displaying any of our "For Sale" equipment, for inspection by perspective buyers. The fence will serve a number purposes:

1. It will shut off by way of view the business district from the residential district.
2. It will cut down the noise level when heavy equipment is started during the business hours.
3. It will keep small children from wandering near heavy equipment.
4. Trees will be planted along the fence to beautify the block, also to maintain a residential appearance.

We are willing to construct the fence in compliance with the desires of the neighborhood as to the height and color of the fence.

We plan for all heavy equipment and trucks to enter and exit through our existing gate on Carolina Avenue in Henrico County.

We will not expand any further into the residential community and would like to work with our friends here, not against them.

We will sign any legal documents to all of the above and promise there will be no violations.

See Attached Plans

Thank you,

Frank W. Tynis

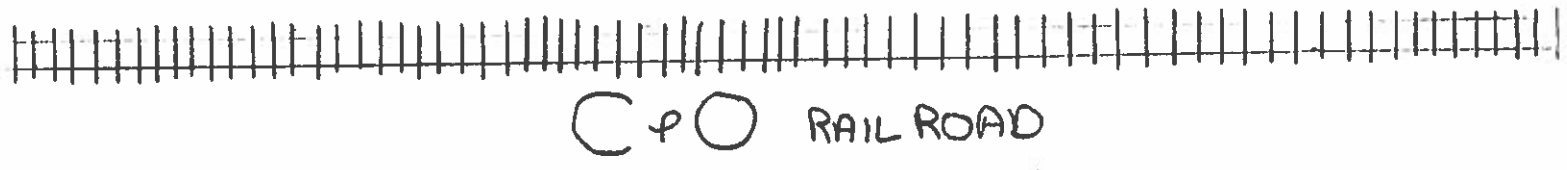
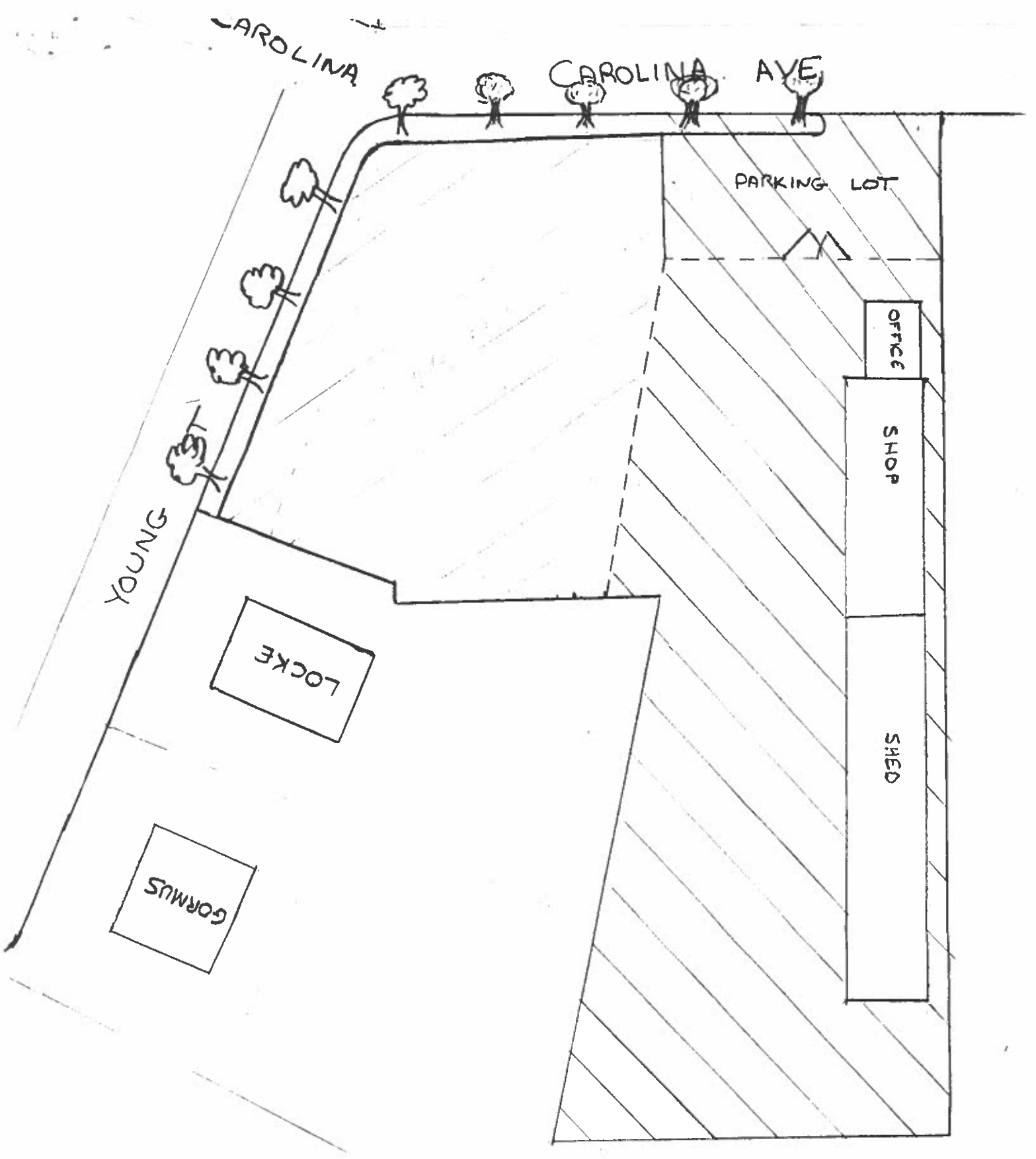
Frank W. Tynis

Samuel C. Long
Samuel C. Long

Dorothy M Hunter
3622 Carolina Ave
I do not mind

Barbara Hiles
3627 Carolina Ave
329-9552

FWT/jah
SCL/jah



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Thank you,

Frank W. Tynis

Samuel C. Long
Samuel C. Long

Clara Fort

NO OBJECTIONS OWNER 1010 YOUNG

Wesley P. Bailey

NO OBJECTIONS OWNER 910 YOUNG

Donald Crawford
NO OBJECTIONS OWNER 3702 CAROLINA

Nell E. Garmus
NO OBJECTIONS OWNER 1014 YOUNG

FWT/jah
SCL/jah

December 29, 1986

TO WHOM IT MAY CONCERN:

Re: Tylo Equipment Company

The United Forces for the Survival of Highland Park held a meeting in mid June. On the agenda was Tylo Equipment Company applying for a special use permit at Carolina Avenue and Young Street.

The matter was discussed in detail, and the vote was taken that the organization would remain neutral on this matter unless residents in that area had strong objection to the proposed plan.

Charlie Williams

Charlie Williams,
President,
United Forces for the
Survival of Highland Park.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

May 5, 1987

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of May 4, 1987, the City Planning Commission voted (9-0) to recommend DISAPPROVAL of:

Ordinance No. 87-108

To authorize the use of the real estate located at the northeast corner of Young Street and Carolina Avenue, * for purposes of a construction equipment storage and display yard facility, upon certain terms and conditions.**

Approval of this special use ordinance would authorize the use of property located at the northeast corner of Young Street and Carolina Avenue as a construction equipment storage yard. The property contains approximately .8 acres of land area. It is part of a larger parcel containing 1.88 acres which is divided by the City of Richmond-Henrico County Line. The petitioners' existing construction equipment repair and sales business is located on the Henrico County portion of the property.

The subject property and properties to the west are zoned R-5 Single-Family. Properties to the south and east are zoned R-6 Single-Family. The subject property is vacant, while surrounding properties located within the City are developed with single-family dwellings. Located to the north in the County are the petitioners' office and repair shop facilities, which are zoned industrial. The Master Plan recommends "single-family detached" use for the subject property and surrounding properties located within the City. The staff and R.R.H.A. have been working with the adjacent neighborhood to establish a conservation area to improve housing and neighborhood conditions.

The petitioners, operating as Tylo Equipment Company, Inc., propose to use the subject property for the display of heavy construction equipment such as cranes, bulldozers and loaders which are for sale. The petitioners are making this request because of a lack of space to display this equipment on the Henrico County portion of the site. An eight-foot-high solid wood fence is proposed to screen the display area. The fence would be set back seventeen feet from Young Street and ten feet from Carolina Avenue. The setback area would be planted with three-inch caliper trees, forty feet on center. In addition, the ordinance requires that existing trees on the site shall be retained and suitably protected from the operation and storage of the construction equipment. The ordinance permits only equipment that is for sale to be displayed, and prohibits any repair work to be conducted on the property. Access to the site would be through the existing facility.

May 5, 1987

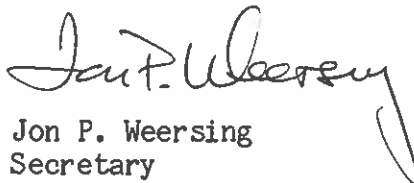
The subject site is transitional in nature, in that it lies between single-family development and an established industrial use. Due to its relationship to the existing industrial use, and the lack of any effective screening or buffering, the property may be difficult to develop and market for single-family purposes as envisioned by the Master Plan. However, the proposed use normally requires M-1 Industrial zoning and would not constitute an appropriate transitional use or be compatible with adjacent dwelling uses. Although the proposed screening fence and trees in the setback area may enhance the appearance of the periphery of the site, the Commission does not feel they would provide an effective buffer or adequate protection for the adjacent neighborhood. The Commission believes that the nature of the activity and the size and type of equipment proposed to be displayed on the site would result in an adverse impact on the adjacent neighborhood. Of particular concern are noise and visual factors.

There are a number of other uses which would have better potential to provide a more suitable land use transition in this instance if, in fact, residential development of the site is not feasible. Office use, for example, is typically a reasonable transitional use. The staff has suggested that the petitioners consider locating their office functions on the subject site and retaining the Henrico County portion of the site for display, repair and other industrial-type activities. The petitioners have indicated this is not feasible.

The conditions and safeguards set forth in the Charter relative to the granting of special use permits do not appear to be met in this case, and disapproval is recommended.

The adjacent civic group, United Forces for the Survival of Highland Park, voted to remain neutral on this request unless residents in the area express strong objections to the proposed plan. The petitioners have submitted a letter signed by most of the surrounding property owners indicating no objection to the request. The staff received two phone calls from area residents expressing opposition.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Mr. Leonard W. Lambert - Attorney for Applicant

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 87-108	Subject To Approve a Construction-Equipment Storage Yard at the Northeast Corner of Young Street and Carolina Avenue
Requested by City Manager, By Request	
Received City Manager's Office	
Summarized 5/4/87	

SUMMARY

Planning Commission REJECTED this paper (9-0) May 4, 1987.

This Ordinance would authorize the use of property located at the northeast corner of Young Street and Carolina Avenue as a construction equipment storage yard. The property contains approximately .8 acres of land area. It is part of a large parcel containing 1.88 acres which is divided by the City of Richmond and Henrico County line. The existing construction equipment repair and sales business (TYLO Equipment Company, Inc.) is located on the Henrico portion of the property.

The City's Master Plan recommends single-family use for the property, but due to its relationship to the existing industrial use, the lack of any effective screening, the property may be difficult to develop and market for single-family purposes as envisioned by the Master Plan.

Conditions to include:

1. Only equipment on display for sale shall be stored on the property;
2. Existing trees on site shall be retained, additional trees to be planted subject to the approval of the Director of Planning;
3. A solid wood fence, 8 ft. in height, shall be erected on the property;
4. Final grading and drainage plans shall meet the approval of the Director of the Director of Public Works.

Planning Commission REJECTED this paper (9-0) May 4, 1987.

COUNCIL ACTION

On Docket 5/11/87

Amended

Adopted

Rejected