

# Zoning & Subdivision Report

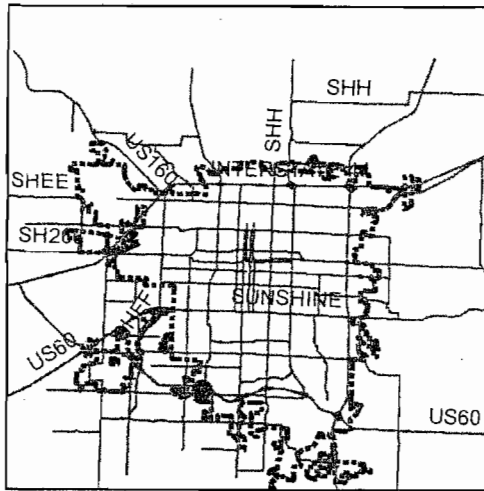
Planning & Development - 417/864-1611  
840 Boonville - Springfield, Missouri 65801

## Appeal A-61      Exhibit A

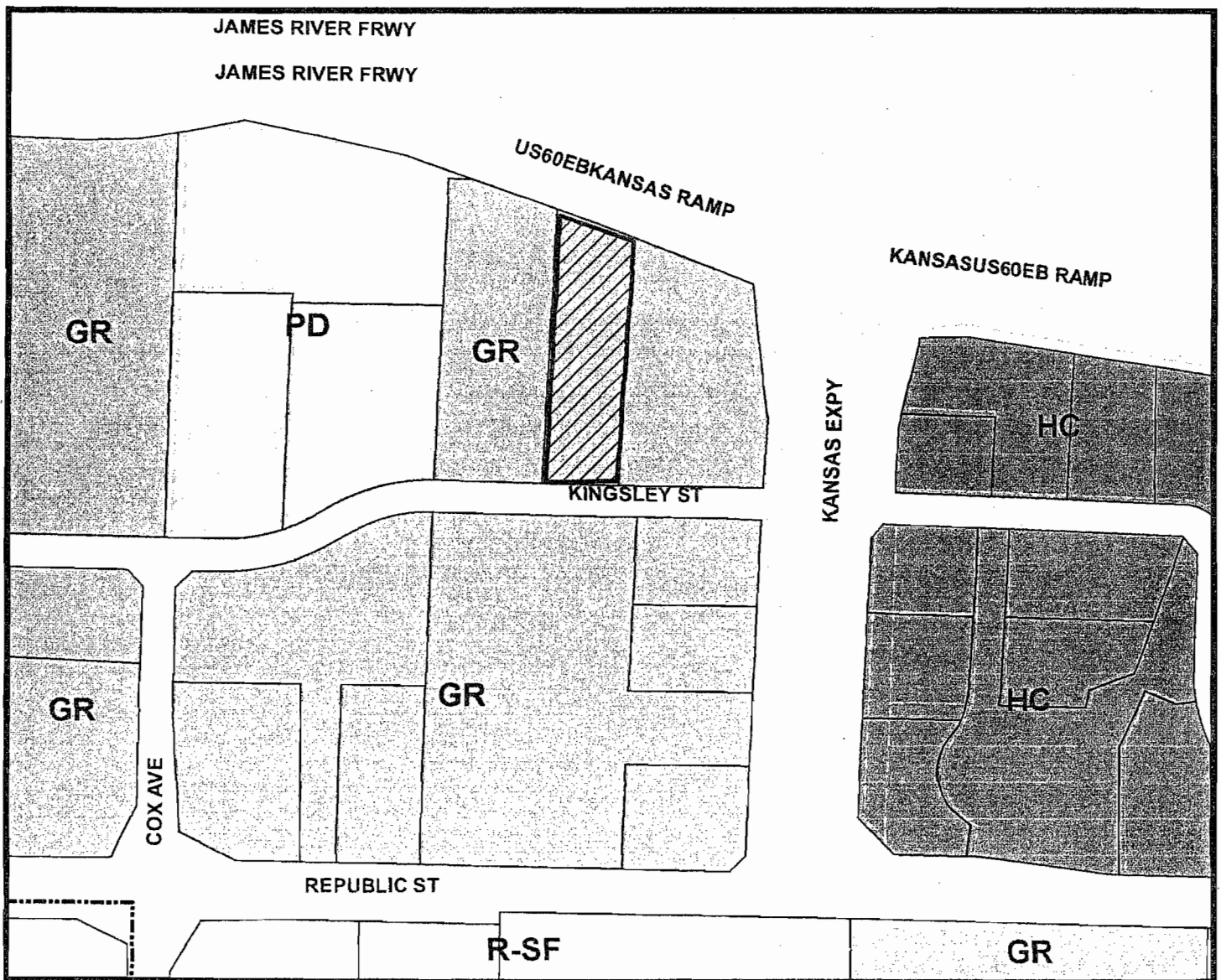
Location: North side of the 2000 block, W. Kingsley St.

Current Zoning: GR

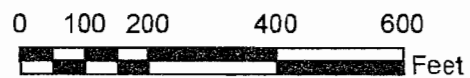
Proposed Zoning: N/A



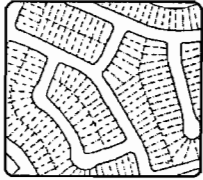
### LOCATION SKETCH



- Area of Proposal



1 inch equals 300 feet



## Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611  
840 Boonville Avenue ~ Springfield, Missouri 65801

### APPEAL NUMBER A-61

DATE: March 25, 2008

**PURPOSE:** To appeal the Director of Building and Development Services' determination that the storage and rental of moving trucks, as proposed by the applicant, is not a permitted use in the GR, General Retail, District. The interpretation of Section 4-1302.WW of the *Springfield Zoning Ordinance* is in dispute.

### BACKGROUND:

**LOCATION:** West Kingsley Street, north side of the 2000 block

**APPLICANT:** Burns & Associates Architects

**BOARD'S AUTHORITY:** Subsection 3-3400

In this appeal, the Board of Adjustment exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the particular section of the ordinance means and how the Ordinance applies to a particular fact situation. In this particular case, the Board of Adjustment must review the Director of Building Development Service's decision and determine whether it is consistent with Section 4-1302.WW of the Zoning Ordinance.

### EXTENT OF THE BOARD'S APPEAL POWERS:

1. Reverse the Director's decision;
2. Affirm the Director's decision wholly or in part;
3. Modify the Director's decision, or;
4. Make such new decision, as the Boards deems appropriate.

### RECOMMENDATION:

Affirm wholly the decision of the Director of Building Development Services.

### STAFF CONTACT PERSON:

Matt Schaefer  
Senior Planner  
(417) 864-1100

APPEAL NUMBER A- 61  
EXHIBIT C

1. **ORDINANCE AUTHORIZATION:** The following excerpt from the Zoning Ordinance lists the limits of the Board of Adjustment's authorization in this instance:

3-3401.A. **Appeals from Administrative Ruling.** The Board of Adjustment shall be empowered to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Article. In this capacity, the Board exercises appellate jurisdiction as a quasi-judicial body, and its task is to determine what the Article means and how the Article applies to a particular fact situation.

3-3402. **Extent of the Board's Appeal Powers.** In exercising the authority herein granted, the Board may, in conformity with the provisions of this Article, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as the Board deems appropriate and to that end shall have all powers of the administrative official from whom the appeal is taken.

3-3403. **When Appeals May Be Taken.** Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or agency of the City of Springfield affected by a decision of an administrative officer. Appeals shall be taken within thirty (30) days after the decision has been rendered by an administrative officer, by filing with the officer from whom the appeal is taken and with the Secretary of the Board of Adjustment a notice of appeal specifying the grounds of the appeal. The officer from whom the appeal is taken shall forthwith forward to the Secretary of the Board all the papers constituting the record upon which the action appealed from was taken.

3-3404. **Burden on Applicant.** The applicant for an appeal shall bear the burden of producing evidence establishing the grounds of the appeal.

2. **ZONING ORDINANCE:** The following excerpts contain pertinent passages from the Zoning Ordinance.

**Section 4-3100. GR – General Retail District**

4-3101. **Purpose.** This district is intended for uses that provide community-wide personal and business services, shopping centers and specialty shops. This district is also intended for on-site production of handcrafted items in conjunction with retail sales. Commercial uses permitted in this district are generally required

to conduct business activities indoors. The need for community-wide accessibility dictates that this district be located along or at the intersection of two or more arterial or higher classification streets. Areas zoned GR are intended to be at least five (5) acres in size unless the zoning is based on an adopted plan or comprehensive zoning scheme.

4-3102. **Permitted Uses.**

WW. Satellite rental car offices limited to administrative functions relating to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than fifteen (15) rental cars and vans. No vehicle fueling, washing, maintenance, other related service functions or outdoor loudspeaker paging systems are allowed. (G.O. 5117, 9/17/2001)

4-3103. **Conditional Uses.**

F. Self-service storage facilities. (G.O.4519)

**Section 2-1100. Definitions.**

Words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

**Storage, Self-Service:** A building or group of buildings, commonly referred to as mini-storage, consisting of individual, small, self-contained units that are available on a rental basis for the storage of business and household goods or contractors supplies.

(The *Springfield Zoning Ordinance* does not define the terms that are in dispute in this case—that is, “rental car” or “van.” Nor does the ordinance define the term “box truck,” used in the letter from Building Development Services to the appellant.)

APPEAL NUMBER A-61  
EXHIBIT D  
BACKGROUND REPORT

APPLICANT'S PROPOSAL:

On his client's behalf, the applicant has proposed a self-service storage facility that includes space for storing and renting U-Haul trucks on the subject property. The Director of Building and Development Services has ruled that the rental of U-Haul trucks is neither a permitted use nor a conditional use in the GR, General Retail District. The applicant contends that the section of the Zoning Ordinance that allows satellite rental car offices in the GR district should be interpreted as applying to the land use proposed by the applicant, because the word "van," as used in the Ordinance, can be interpreted to describe moving vans as well as passenger vans.

ADJACENT PROPERTY OWNER COMMENTS:

Six (6) property owners are within 185 feet of this site and have been notified of this action. No comments have been received to date.

STAFF COMMENTS:

1. Moving truck storage and rental, as proposed by the applicant, is not permitted in the GR, General Retail District, either as a permitted use or a conditional use. However, self-service storage facilities may be permitted as a conditional use in the GR, General Retail District. In order to construct a self-service storage facility with moving truck storage and rental at this location, the subject property will need to be rezoned to an HC, Highway Commercial District, which permits both uses.
2. A facility similar to the one proposed by the applicant currently exists at 3150 South Campbell Avenue. It is zoned HC, whereas the subject property is zoned GR.
3. Staff believes that the average person reading Section 4-3102.WW of the Zoning Ordinance would conclude that it relates to a facility intended for use by *passenger*, rather than freight vehicles, and that the word "van" is intended to refer to passenger vans, not trucks or moving vans.
4. If the applicant loses this appeal, the applicant's client could still obtain the desired land use if the subject property were rezoned to an HC, Highway Commercial District.
5. If the subject property remains zoned as a GR, General Retail District, a self-service storage facility *without* moving truck storage and rental may be permitted if the applicant's client obtains a Conditional Use Permit.
6. The Board of Adjustment must decide whether the Director of Building and Development Services correctly interpreted the Zoning Ordinance when reviewing a case proposing to develop a mini-warehouse with U-Haul truck storage/rental in a GR zoning district.



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EXHIBIT E  
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Case Number: A-61  
Date Filed: 2-20-08  
Received By: JK  
Application Fee: \$670.00 receipt # 10252  
Recording Fee: \$27.00 " 10253  
Total Fee: \$697.00

**APPLICATION FOR BOARD OF ADJUSTMENT  
APPEAL OF ADMINISTRATIVE DECISION**

The signers of this application appeal to the Board of Adjustment of the City of Springfield, Missouri, that the determination of Rick Garner, PE (Dept. of Building Development Services)  
(name and position of administrative official)  
made on the 18th day of February, 2008, is in error because of the following facts:

See Attached Information

(attach separate sheets if necessary)

This appeal involves the following described property:

LAND DESCRIPTION (an attached sheet may be used):

2000 Block W. Kingsley - Vacant  
All of the east 143.60 feet of Lot 6 of Republic Plaza, containing  
1.59 acres (69,469 S.F.)

This property is located at  
2000 Block W. Kingsley

It is requested that a hearing be held in this matter, in which the applicant may appear in person or by agent or by attorney, and present to the Board sufficient evidence so that the Board may reverse the decision of the administrative official. We, the undersigned, do attest to the truth and correctness of all facts and information presented with this application.

**APPLICANT'S NAME:**

Name of Applicant:  
Larry A. Burns, Architect (Burns & Associates Architects)  
(please print)

If corporation: Corporate Official: \_\_\_\_\_  
(please print name and title)

(Corporate Seal)

3060 S. Fremont Avenue  
Mailing address: Springfield, MO Zip  
Code 65804

Telephone number: 887-1999 Fax number: 887-2801

**APPLICANT'S SIGNATURE:**

\_\_\_\_\_  
(if corporation, need signature of one official)

Zoning and Subdivision Services  
Planning and Development Department  
840 Boonville, P.O. Box 8368, Springfield, MO 65801  
(417) 864-1611 Fax (417) 864-1882

BA-003



February 19, 2008

Mr. Rick Garner, PE  
Department of Building Development Services  
840 Boonville Avenue  
Springfield, MO 65801

**BOARD OF ADJUSTMENT  
"APPLICATION FOR APPEAL"**

RE: Zoning Interpretation of Springfield Zoning Ordinance Section 4-3102.WW Satellite  
Rental Car Offices as allowed in GR – General Retail District (dated January 22, 2008)

**"PROPOSED TWO STORY CONDITIONED SELF-STORAGE FACILITY"**

The following "APPEAL" information is being submitted to the Board of Adjustment for further  
review and consideration.

**LEGAL DESCRIPTION**

**Tract A**

2021 W. Kingsley – Value Place Motel (Existing)

All of Lot 6, Republic Plaza, except the east 143.60 feet thereof, containing 2.45 acres (106,831  
S.F.)

**Tract B**

2000 Block W. Kingsley – Vacant

All of the east 143.60 feet of Lot 6 of Republic Plaza, containing 1.59 acres (69,469 S.F.)

Source of Description: Book of Description, Book 2006 Page 4197-06 and 4198-06

Administrative Subdivision # AS-6195

**EXISTING STRUCTURES OR USES**

Tract A

2021 W. Kingsley – Existing Four (4) Story Value Place Motel  
Zoning – GR Existing

Tract B

2000 Block W. Kingsley – Vacant w/No Structures  
Zoning – GR Existing

The Owner of the Value Place Motel on Tract “A” is also the Owner of Tract “B” and will also be the Developer/Owner of the proposed Kingsley Storage Facility (a two (2) story conditioned Self-Storage Facility).

The current zoning for Tract “B” is GR, which allows a self-service facility as a conditional use. We have been through the Pre-Application Conference on August 17, 2007 with the pre-app comments dated August 22, 2007 and have attended the ARC meeting of October 16, 2007. We can easily comply with all review comments with the exception that this business will have 6 to 8 van size vehicles for rent. This is part of the overall business plan in that cliental will move their business or home belongings to this facility and stay at the Value Place Motel prior to their home or business being ready for occupancy.

Attached please find a copy of the zoning determination dated January 22, 2008 from yourself, as the Administrative Review Official. As stated in this document – “We have examined the information you provided on the “U-HAUL” vehicles and have made the interpretation that the use is not a permitted land use in the GR district due to the type of vehicles. We would classify the vehicles depicted in the information as box trucks.”

The GR (General Retail District), Section 4-3103 Conditional Uses allows “Self-Service Storage Facilities” (G.O.4519), which by their nature could and would have all types and sizes of moving vans, trucks and trailers on site from time to time (permitted use).

Furthermore, General Retail District, Section 4-3102 permitted uses include: WW. Satellite rental car offices limited to administrative functions relating to the rental car business, drop off and pick up of rental cars, and on-site parking for not more than fifteen (15) rental cars and vans. No vehicle fueling, washing, maintenance, other related service functions or outdoor loudspeaker paging systems are allowed. (G.O. 5117,9/17/2001)

This site will be a satellite rental office with “U-Haul” moving vans. Permitted use allows for on-site parking for not more than fifteen (15) rental cars or vans. As stated earlier, the intent is to only have 6 to 8 “10’ Mini-Movers and 14’ Thrifty Movers” (see attached U-Haul literature). These vehicles will be garaged.

With reference to General Ordinance #5117, Explanation to Council Bill No. 2001 dated August 7, 2001, Staff Comments: "Because the number of cars and vans that could be stored would be limited and there would be no car washing, maintenance, gas pumps or other related service functions allowed with this use, the satellite rental car office is expected to have a similar impact on the surrounding development and City infrastructure as the uses that are currently permitted in the GR district."

This appears to come down to the definition of "rental cars and vans." We have researched the Springfield Zoning Ordinance and the City General Ordinance and neither have any definition of van, moving van or truck.

We are submitting the following definitions of "van," which clearly describe the type of vehicles being proposed.

**The New Lexicon Webster's Dictionary, Encyclopedia Edition**

**van** *n.* a large covered vehicle for carrying furniture and other goods by road

**The American Heritage Dictionary, Office Edition**

**van** *n.* 1. An enclosed truck or wagon, as for transporting goods or livestock. 2. A roomy motor vehicle with rear doors and often side panels.

**Dictionary.com**

**van** *noun*

1. a covered vehicle, usually a large truck or trailer, used for moving furniture, goods, animals, etc.
2. a smaller boxlike vehicle that resembles a panel truck, often has double doors both at the rear and long the curb side, and that can be used as a truck, fitted with rows of seats, or equipped with living quarters for traveling and camping.

**Wikipedia, the free encyclopedia**

A **van** is a kind of vehicle used for transporting goods or groups of people. It is usually a rather box-shaped vehicle on four wheels, about the same width and length as a large automobile, but taller and usually higher off the ground, also referred to as a Light Commercial Vehicle or LCV. However, in North America, the term may be used to refer to any truck with a rigid cargo body fixed to the cab, even up to large sizes.

We are also submitting U-Haul's national franchise literature, which refers to their vehicles as moving vans.

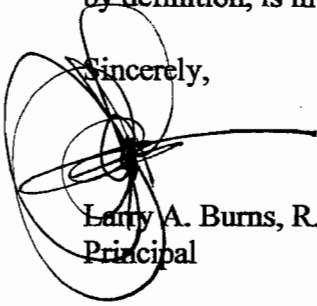
Please find the required list of names and addresses of all owners of property adjacent to, and within one-hundred-eighty-five (185) feet of, each property line of the property attached (provided by Lincoln Land Title and dated January 25, 2008).

Board of Adjustment  
Application for Appeal  
2000 Block W. Kingsley  
February 19, 2008  
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EXHIBIT E  
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We, therefore, respectfully submit that the type of vehicles that will be used for this zoning use, by definition, is in compliance with the permitted use in General Retail District.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Larry A. Burns, R.A.  
Principal

db

Enclosures

cc: Emmitt Mitchell  
Value Place



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EXHIBIT E  
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Date: January 22, 2008

To: Mr. Larry Burns  
Burns & Associates  
3060 S Fremont  
Springfield, MO 65804

Re: Zoning interpretation of section 4-3102.WW (Satellite rental car offices) in the GR district.

Dear Mr. Burns,

We have examined the information you provided on the "U-HAUL" vehicles and have made the interpretation that the use is not a permitted land use in the GR district due to the type of vehicles. We would classify the vehicles depicted in the information as box trucks.

Based on the staff report in GO5117, the intent of the section is to provide "satellite" rental car offices for the drop-off and pick-up of rental cars, and not more storage than 15 rental cars and vans. I have provided a copy of the ordinance and staff report with this letter.

You have the right to appeal this interpretation to the Board of Adjustment in accordance with section 3-3400 of the zoning ordinance. This letter will serve as the official notification of our determination. You have 30 days from this date in which to file your appeal with the Board of Adjustment.

Sincerely,

Rick Garner, P.E.

## Trucks

Like all U-Haul equipment, our moving vans are designed from the ground up to move families – not freight. You can depend on our comfortable vans to save wear and tear on your family – the most important parts of any do-it-yourself move.

[Find a location](#) [Reserve now](#)



### Truck guide

Click on a model for details



**26' Super Mover**  
4+ bedrooms



**24' Household Mover**  
3-4 bedrooms



**17' Easy Loading Mover**  
2-3 bedrooms



**14' Thrifty Mover**  
1-2 bedrooms



**10' Mini Mover**  
Apartment



### Superior for all rentals

Moving one way? Then your best selection to handle your upcoming move is the 26-foot Super Mover or 24-foot Household Mover. These vans can easily, safely and smoothly handle up to seven rooms of household goods. There's more than enough capacity to carry those little extras you might have to leave behind now... and pay to replace later. Also, our exclusive Mom's Attic (the extra storage space we provide directly above the cab) is the perfect place to transport your most delicate possessions.

Even if you're making a local move, larger is better. More floor space lets you stack lower and spread things out. So even if you don't need every inch of space, you'll find that all this extra room takes the real work out of loading and unloading. And the extra space means fewer trips, too.

### Small loads made easy.

Great for carrying people, deliveries and small loads, the U-Haul cargo van is a great option for small in-town moves while the U-Haul pickup truck is great for home improvement projects, deliveries, and other small loads. Reserve one today! In-town moves only

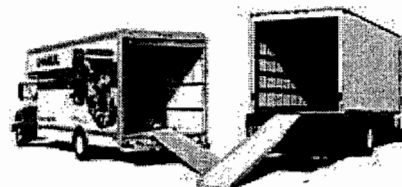
#### Related links

[Frequently asked rental questions](#)  
Answers about renting and using U-Haul equipment.

[U-Haul trailers](#)

### Exclusive features

Loading has never been easier, thanks to our Low Decks. U-Haul moving vans are specifically built close to the ground. Plus, our loading ramps – the widest in the industry – reduce the time and effort needed to take your belongings in and out of the van body.



*Which would you rather load?*

Convenient, padded rub rails with integral tie-downs on every interior wall, smooth decks and plenty of other built-in features make you feel right at home. There's ample legroom, headroom and stretch room. Plus, our air conditioning is sure to help you keep your cool on a summer moving day.

The Gentle-Ride Suspension on U-Haul moving vans ensure that even your most delicate possessions benefit from gentle cross-town or cross-country transportation. It's the smoothest ride available in any do-it-yourself moving van.

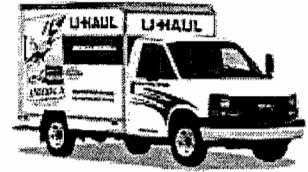
On select 26' and 24' models, the Air-Ride Suspension gives cargo an extra soft ride, using inflatable rubber bladders in place of stiff metal springs. The Air-Ride can even be deflated when the vehicle is parked, which lowers the floor for easier loading and unloading.

<b>Moving vans</b>	
<b>26'</b>	4+ bedrooms
<b>24'</b>	3-4 bedrooms
<b>17'</b>	2-3 bedrooms
<b>14'</b>	1-2 bedrooms
<b>10'</b>	apartment
<b>Cargo van</b>	
<b>Pickup truck</b>	
<b>Van trailers</b>	
<b>6' x 12'</b>	up to 396 cu.ft.
<b>5' x 10'</b>	up to 230 cu.ft.
<b>5' x 8'</b>	up to 208 cu.ft.
<b>4' x 8'</b>	up to 142 cu.ft.
<b>Sport trailer</b>	up to 45 cu. ft.
<b>Open trailers</b>	
<b>6' x 12'</b>	68 sq. ft.
<b>5' x 9'</b>	43 sq.ft.
<b>5' x 8'</b>	37 sq.ft.
<b>4' x 6'</b>	23 sq.ft.
<b>Vehicle trailers</b>	
<b>Auto transport</b>	
<b>Tow dolly</b>	
<b>Motorcycle trailer</b>	

Truck and trailer measurements are approximate. The equipment you receive may vary in size, based on the engineering/design specifications of multiple-production models. The miles per gallon calculations are estimations for ideal driving circumstances. Many conditions can affect this number, including driving with a load, road grades and conditions, and vehicle speed.

## 10' Mini Mover

Excellent fuel economy, and Low Deck makes it 50% easier to load.

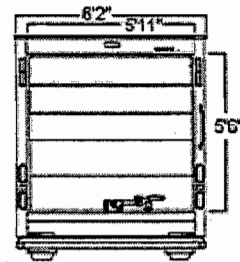
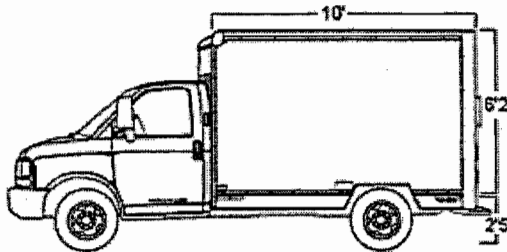


[Reserve now](#)

Previous-model Mini Movers are available in some areas.

### Capacity

- Volume: 400 cu. ft.
- Max load: 2,770 lbs.
- Gross vehicle weight: 8,600 lbs. max
- Empty weight: 5,835 lbs.



### Dimensions

- Inside dimensions: 10'0" x 6'6" x 6'0" (LxWxH)
- Deck height: 2'5"
- Door opening: 5'11" x 5'6" (WxH)
- Loading ramp: none

### Fuel

- Unleaded fuel
- Fuel tank capacity: 35 gal.
- Miles per fuel tank: approx. 420
- Miles per gallon: approx. 12

### Features

- Cloth seats for 2 adults
- Automatic transmission
- Air conditioning
- Gentle-Ride suspension
- Disc brakes

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EXHIBIT E  
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- 30.5" Low Deck
- Fuel-efficient V-8
- Hitch with 2" ball

#### **Recommended moving items**

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- 5' x 10' x 8' storage room
- 15 boxes
- 1 roll of tape
- 1 dozen furniture pads
- 1 rope
- 1 lock
- Mattress bags
- Utility dolly

**Moving van user guide** (488KB; requires [Acrobat](#))

**1-800-GO-U-HAUL (1-800-468-4285)**

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EXHIBIT E  
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**Moving vans**

<b>26'</b>	4+ bedrooms
<b>24'</b>	3-4 bedrooms
<b>17'</b>	2-3 bedrooms
<b>14'</b>	1-2 bedrooms
<b>10'</b>	apartment

**Cargo van**

**Pickup truck**

**Van trailers**

<b>6' x 12'</b>	up to 396 cu.ft.
<b>5' x 10'</b>	up to 230 cu.ft.
<b>5' x 8'</b>	up to 208 cu.ft.
<b>4' x 8'</b>	up to 142 cu.ft.

<b>Sport trailer</b>	up to 45 cu. ft.
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**Open trailers**

<b>6' x 12'</b>	68 sq. ft.
<b>5' x 9'</b>	43 sq.ft.
<b>5' x 8'</b>	37 sq.ft.
<b>4' x 6'</b>	23 sq.ft.

**Vehicle trailers**

**Auto transport**

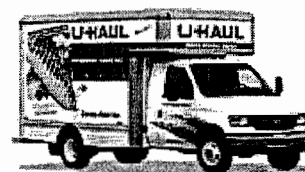
**Tow dolly**

**Motorcycle trailer**

Truck and trailer measurements are approximate. The equipment you receive may vary in size, based on the engineering/design specifications of multiple-production models. The miles per gallon calculations are estimations for ideal driving circumstances. Many conditions can affect this number, including driving with a load, road grades and conditions, and vehicle speed.

**14' Thrifty Mover**

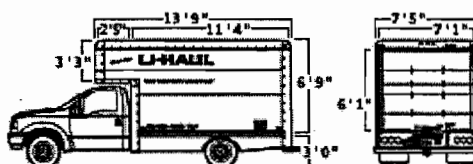
Low Deck makes it 50% easier to load.



[Reserve now](#)

**Capacity**

- Volume: 669 cu. ft.
- Max load: 3,100 lbs.
- Gross vehicle weight: 11,000 lbs. max
- Empty weight: 7,900 lbs.



**Dimensions**

- Inside dimensions: 11'4" x 7'5" x 6'9" (LxWxH)
- Mom's Attic: 2'5" x 7'5" x 3'3" (LxWxH)
- Door opening: 7'1" x 6'1" (WxH)
- Loading ramp width: 2'2"

**Fuel**

- Unleaded or diesel fuel (available for in-town moves in select markets).
- Fuel tank capacity: 30 gal.
- Miles per fuel tank: approx. 300
- Miles per gallon: approx. 10

**Features**

- Cloth seats for 3 adults
- Automatic transmission
- Air conditioning
- AM/FM radio
- Gentle-Ride suspension
- Disc brakes
- 36" Low Deck
- Hitch with 2" ball

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### **Recommended moving items**

---

- 5' x 10' x 8' storage room
- 35 boxes
- 2 rolls of tape
- 2-3 dozen furniture pads
- 1 rope
- 1 lock
- Mattress bags
- Utility dolly

**Moving van user guide** (488KB; requires [Acrobat](#))

**1-800-GO-U-HAUL (1-800-468-4285)**

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APPEAL NUMBER A-61  
EXHIBIT F

PROPERTY DESCRIPTION:

All of the east 143.60 feet of Lot 6 of Republic Plaza, containing 1.59 acres (69,469 square feet), in Greene County, Missouri.