



January 6, 2025

To: City Council
Sam Anselm, Kellie Mayers

From: Dustin Harrison, Building Official/Zoning Administrator.

Re: Avery Grant Rezone

Executive Summary

Recommending denial of a rezone for 5 lots from R-1 Single Family to R-3 Multifamily.

Discussion

This request has been submitted by Avery Grant to rezone 5 lots in the Morrison Subdivision.

City staff has reviewed this plan for consistency with the City of West Plains Comprehensive Land Use Plan. This rezone is not consistent with the Future Land Use Plan.

Planning and Zoning held a public hearing on January 2, 2024, where citizens spoke in favor and in opposition of the request.

During the regular commission meeting the request was discussed further and the board voted to not recommend the request.

Fiscal Impact

N/a

AN ORDINANCE REZONING CERTAIN PROPERTY THEREBY CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF WEST PLAINS, MISSOURI AND DEFINING THE BOUNDARIES OF THE AREA TO BE CHANGED ON SAID OFFICIAL ZONING MAP (PROPERTIES LOCATED IN BLOCK 12 OF THE MORRISON SUBDIVISION)

WHEREAS, Avery Grant, petitioned the City of West Plains, Missouri seeking to have properties located in block 12 of the Morrison Subdivision, West Plains, Missouri be rezoned from Single Family Residential (R-1) to Multi-Family Residential (R-3). The properties are further described as follows;

LOT 1 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST, HOWELL COUNTY MISSOURI (PLAT CABINET 1, PAGES 127-128); LOT 3 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST, HOWELL COUNTY MISSOURI (PLAT CABINET 1, PAGES 127-128); LOT 4 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST, HOWELL COUNTY MISSOURI (PLAT CABINET 1 PAGES 127-128); LOT 5 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST, HOWELL COUNTY MISSOURI (PLAT CABINET 1 PAGES 127-128); LOT 6 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH RANGE 8 WEST, HOWELL COUNTY MISSOURI (PLAT CABINET 1 PAGES 127-128).

WHEREAS, a public hearing was held by the Planning and Zoning Commission on January 2, 2025, concerning the rezoning request with public notice published in the West Plains Daily Quill on December 14, 2024; and

WHEREAS, the Planning and Zoning Commission considered such rezoning request and recommended denial of such application.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: That the zoning classification for properties described above and which are situated in the City of West Plains, Missouri, shall be and is hereby changed from Single Family Residential (R-1) to Multi-Family Residential (R-3).

Section 2: That boundary lines of the Official Zoning Map of the City of West Plains, Missouri, be and hereby are changed so as to include the properties described above as zoning classification R-3.

Section 3: That this ordinance shall be in full force and effect on and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____ 20____.

CITY OF WEST PLAINS, MISSOURI

BY: _____
MAYOR MICHAEL TOPLIFF

ATTEST:

CITY CLERK KELLIE MAYERS

Exhibit A- Rezoning

Address: Deatherage 4 Lots and 1 Rhonda (Morrison Block 12)

Use: Rezoning Request Converting 5 Residential lots to Multi-Family

Petitioner: Avery Grant

Respondent: City Council of West Plains

Hello, my name is Avery Grant! I am a recent West Plains new resident in the past 12 months. I work for my family residential building company CRM BUILT LLC based out of Springfield, MO. We have built over 300 homes in the past 10 years and I work as the CFO and Realtor for our company.

In moving here and learning of the still growing need for affordable and nice rental units in West Plains I have been eyeing a great opportunity to contribute to this city and feel I have found one!

I have purchased these five lots I am requesting for rezoning as well as one more a few lots down the street! The other lot will have direct neighbors on both sides of single family homes, so I will follow suit in that project!

On these 5 lots, I realized the neighboring properties to the west are all zoned R3. I actually reside in one of the newly built triplex units on 2700 Burke Ave. When purchasing these lots the idea came to me that we could transform these 5 homes and future tenants into 15. Instantly I saw the opportunity for everyone to have a better opportunity- City, landlord, and tenants.

After completing surveys(see below), the triplex buildings would be 58.5 feet wide as well as 33 ft deep, making them an easy fit on all of these lots! With the unit I live in now being a model to work off of, I will be able to give minimum 6 parking spaces, as well as extra parking where possible on the lots, and build with hitting the minimum sq ft per unit for R3 very easily.

In being able to meet all setback requirements and provide more rental opportunities for residences, **the biggest upside of the triplex units is it instantly will make rent more affordable on a per unit basis in my estimation by \$200/mo. Versus what I would need to charge for a 2 bedroom single family residence in rent.**

These lots have been available for a long stretch of time due to some floodplain certifications to overcome, as well as gas line utilities, and just building the projects in general. We look at this as an opportunity before the city council and city representatives through the build process to show a commitment to making West Plains better in the thing we have been gifted in! Being able to turn these lots into any building from just land, and to also benefit all parties from adopting this neighboring zoning over these 5 lots, we see this as a clear positive change in the zoning of West Plains city on Morrison Block 12!

I look forward to the opportunity to take up projects here in West Plains, and hope this is just the beginning of a great working relationship with all members of the City of West Plains in all the different departments and designations to help build a greater tomorrow!

I am happy to address any questions or concerns on this proposal!!

Thank you,

Avery Grant

TO THE CITY COUNCIL OF WEST PLAINS, MISSOURI.

PETITION TO CHANGE OFFICIAL ZONING MAP FOR THE DESCRIBED REAL ESTATE IN EXHIBIT A,
ATTACHED.

FROM ZONE R1 TO ZONE R3

Petitioners state that they are the owners of all fee interests of record in all tracts of real property located within the area described in Exhibit A and that zone request is made for the following reasons:

allow for more housing units similar to neighboring zoning and buildings with quality construction in mind.

WHEREFORE, Petitioners pray that the City Council of West Plains, Missouri by its Ordinance change the official zone map for this property. All property owners must sign. We understand that we will be responsible for the publication of the legal notice in the Quill and recording fees.

Name
Avery Grant

Address
2700 Burke Ave 1901, West Plains, MO
65779

On this ____ day of _____, _____, Before me personally appeared the above listed persons to me personally known who being by me first sworn, did say they are the owners of all the property described herein. In witness whereof, I have hereunto set my hand and affixed my official seal on the date first above written.

My Commission expires on the ____ day of _____, _____.

Notary Public – Howell County, Missouri

Development Plan- 5 Lots R3

Address: Deatherage 4 Lots and 1 Rhonda (Morrison Block 12)

Use: Rezoning Request Converting 5 Residential lots to Multi-Family

Petitioner: Avery Grant

Respondent: City Council of West Plains

Hello! Below are the details for each item of the Development Plan:

1. Each building will be 58.5 ft wide and 33 ft deep. There will be no outdoor advertising outside of lease signs when a unit comes available.
2. The parking for each building will be 6 parking spots, a total of 58 feet wide, each parking spot 16 feet deep.
3. On lot 1 there will be a culvert installed below the driveway entrance, and all others will not have any storm drain needs. Landscaping will consist of a flower bed in the front, and then seed and straw yards to allow natural grass to come in. The foundations will all be slab on grade to allow for proper drainage away from each building.
4. All units will tie into the standard utility lines. No new easements will be created.
5. There will be no dedications or vacations
6. See current utility lines mapped on the surveys.
7. Contour lines are shown on the survey as well!
8. Zoning currently R1 and proposed to go to R3. These lots do contain flood plain areas, but not where any of the buildings are. Buildings will be a minimum of 3 ft over the minimum level required. Will get LOMA paperwork confirming this, thus no floodplain issues or flood insurance needed on these properties.
9. Fencing is currently not scheduled on the properties.
10. There are no other permits required by any other jurisdictions.

**LOT 1 OF MORRISON SUBDIVISION REVISED BLOCK 12, SECTION 18, TOWNSHIP 24 NORTH,
RANGE 8 WEST,
HOWELL COUNTY MISSOURI
(PLAT CABINET I, PAGES 127-128)**

SURVEYOR'S NOTES

- The plat represents a Boundary Survey of the tract as shown. It is part of a parcel described in Instrument No. 19441988 of the Howell County Deed Records.
- Survey is valid only if original seal and signature of surveyor are present.
- Except as specifically noted or shown on this plat, this survey does not support or reflect any of the following which may be applicable to the subject tract and/or adjacent tracts: Easements; Building setback lines; Restrictive covenants; Subdivision restrictions; Zoning or other governmental regulations, and any other facts which an accurate and current title search may disclose.
- Only the records reflected on this plat were provided the surveyor. Record encumbrances other than those shown herein may affect the tract.
- Reference Documents: Plat Cabinet I, Pages 127-128.
6. This property lies in Zone X, as shown on FRM Plat No. 2000102044F, with an Effective date of April 7, 2021.
- This property is Zoned R-1 per the City of West Plains Zoning Map.
- The City of West Plains retains utility easements in vacated portion of Deathwage Avenue per Ordinance No. 4133.
- All Dimensions are NAVD83, per MDOOT WIS reference system. Curves are accurate to +/- one-half contour interval.
- The locations of underground utilities as shown are based upon above ground locations and records locations provided by Missouri One Call and member utilities. These locations may vary from the locations shown. No encumbrances were made during the progress of this survey to locate buried utilities and/or structures.

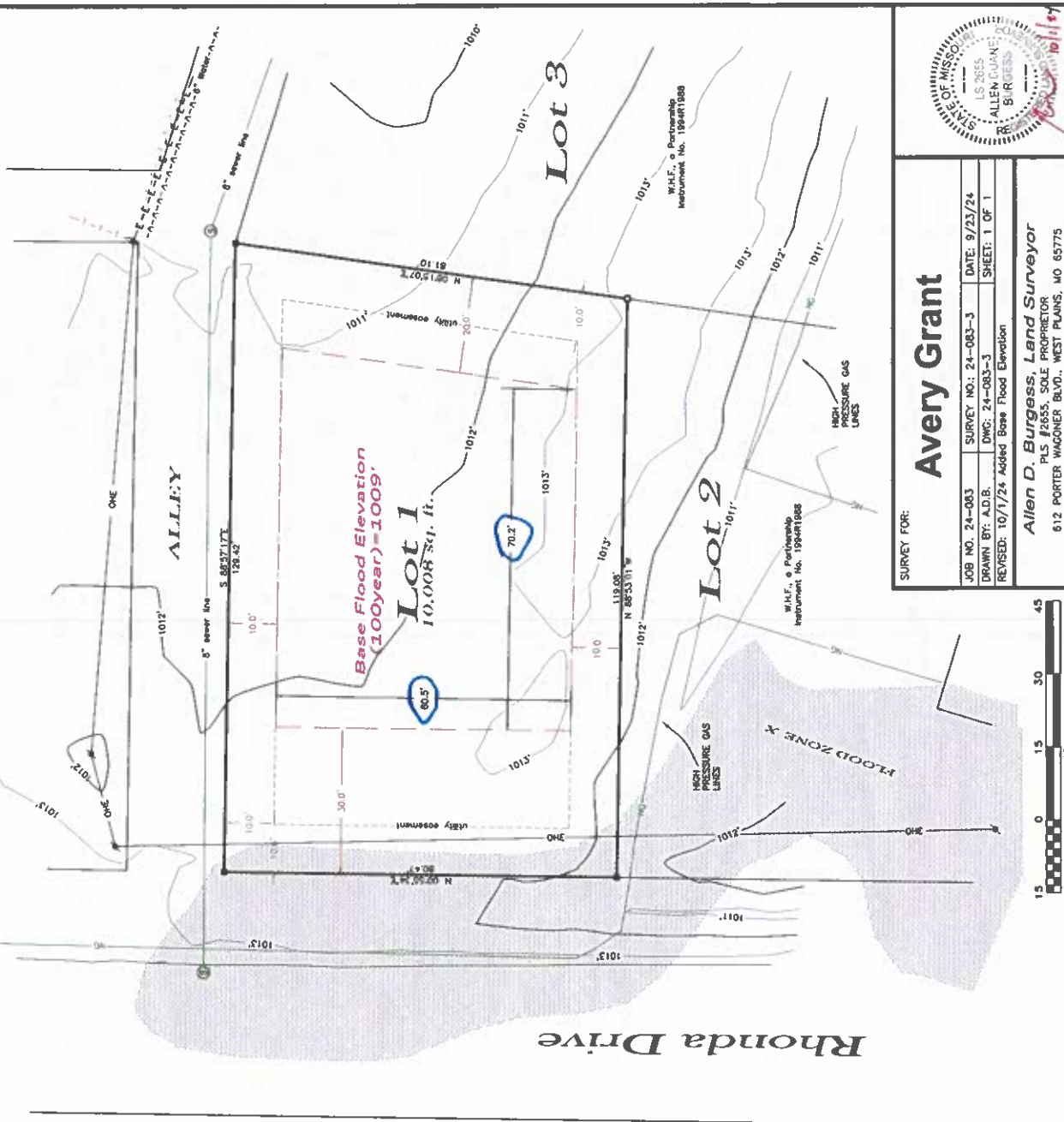
Certification
I, Allen D. Burgess, Missouri Professional Land Surveyor No. 2655, certify that this survey was made by me or under my direct supervision in accordance with the current Missouri Standards for Property Boundary Surveys to the best of my knowledge and belief.



GRID NORTH
MO. CENTRAL ZONE
ACCURACY CLASS: URBAN

LEGEND

- FOUND MARKER BY LS 2655
- SET 5/8" REBAR WITH PLASTIC I.D. CAP
- COMPUTED POSITION
- ✕ SET COTTON PICKER SPRIGGLE
- SURVEYED BOUNDARY LINE
- - - EASEMENT LINE
- (R) (D) RECORD DIMENSION - DEED
- (U) (T) UNDERGROUND TELEPHONE LINE
- E - E - UNDERGROUND ELECTRIC LINE
- S - S - SANITARY SEWER LINE (SIZED NOTED)
- W - W - WATER LINE
- N - N - NATURAL GAS LINE
- SETBACK LINE
- TELEPHONE PEDISTAL
- UTILITY POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- GUY WIRE
- ELECTRIC METER
- SPOT ELEVATION
- FLOOD ZONE X



Avery Grant

SURVEY FOR:

JOB NO. 24-083 SURVEY NO.: 24-083-J DATE: 9/23/24
DRAWN BY: A.D.B. DWG: 24-083-3 SHEET: 1 OF 1
REVISED: 10/17/24 Added Base Flood Elevation

Allen D. Burgess, Land Surveyor
PLS #2655, SOLE PROPRIETOR
612 PORTER WAGONER BLVD., WEST PLAINS, MO 65775
417-331-8900 - 2655ALLEN@GMAIL.COM





GRID NORTH
US PLANNING LINE
ACCURACY CLASS: URBAN

**LOT 3 OF MORRISON SUBDIVISION
REVISED BLOCK 12, SECTION 18,
TOWNSHIP 24 NORTH, RANGE 8 WEST,
HOWELL COUNTY MISSOURI
(PLAT CABINET I, PAGES 127-128)**

SURVEYOR'S NOTES

- This plat represents a Boundary Survey of the tract as shown. It is part of a parcel described in Instrument No. 1994R1988 of the Howell County Deed Records.
- Survey is valid only if original seal and signature of surveyor are present.
- Except as specifically stated or shown on this plat, this survey does not purport to show the location of any utility lines. It is the responsibility of the subject to determine the location of any utility lines. Building setback lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations, and any other facts which an accurate and current title search may disclose.
- Only the records delineated on this plat were provided by the surveyor. Record documents other than those shown herein may affect this tract.
- Reference Documents: Plat Cabinet I, Pages 127-128.
- This property lies in Zone X and Zone AE, as shown on FRM Plat No. 29091024AF, with an Effective Date of April 7, 2021.
- This property is Zoned R-1 per the City of West Plains Zoning Map.
- The City of West Plains retains utility easements in vacated portion of Deatherage Avenue per Ordinance No. 4153.
- All Elevation are NAVD83, per MDDOT VRS reference system. Contours are accurate to +/- one-half contour interval.
- The locations of underground utilities are shown on this plat. Spot elevations, locations and record locations provided by Missouri One Call and number indicated. These locations may vary from the locations shown. No excavations were made during the progress of this survey to locate buried utilities and/or structures.

Certification
I, Allen D. Burgess, Missouri Professional Land Surveyor No. 2655, certify that this survey was made in accordance with the Standards for Property Boundary Surveys to the best of my knowledge and belief.

LEGEND

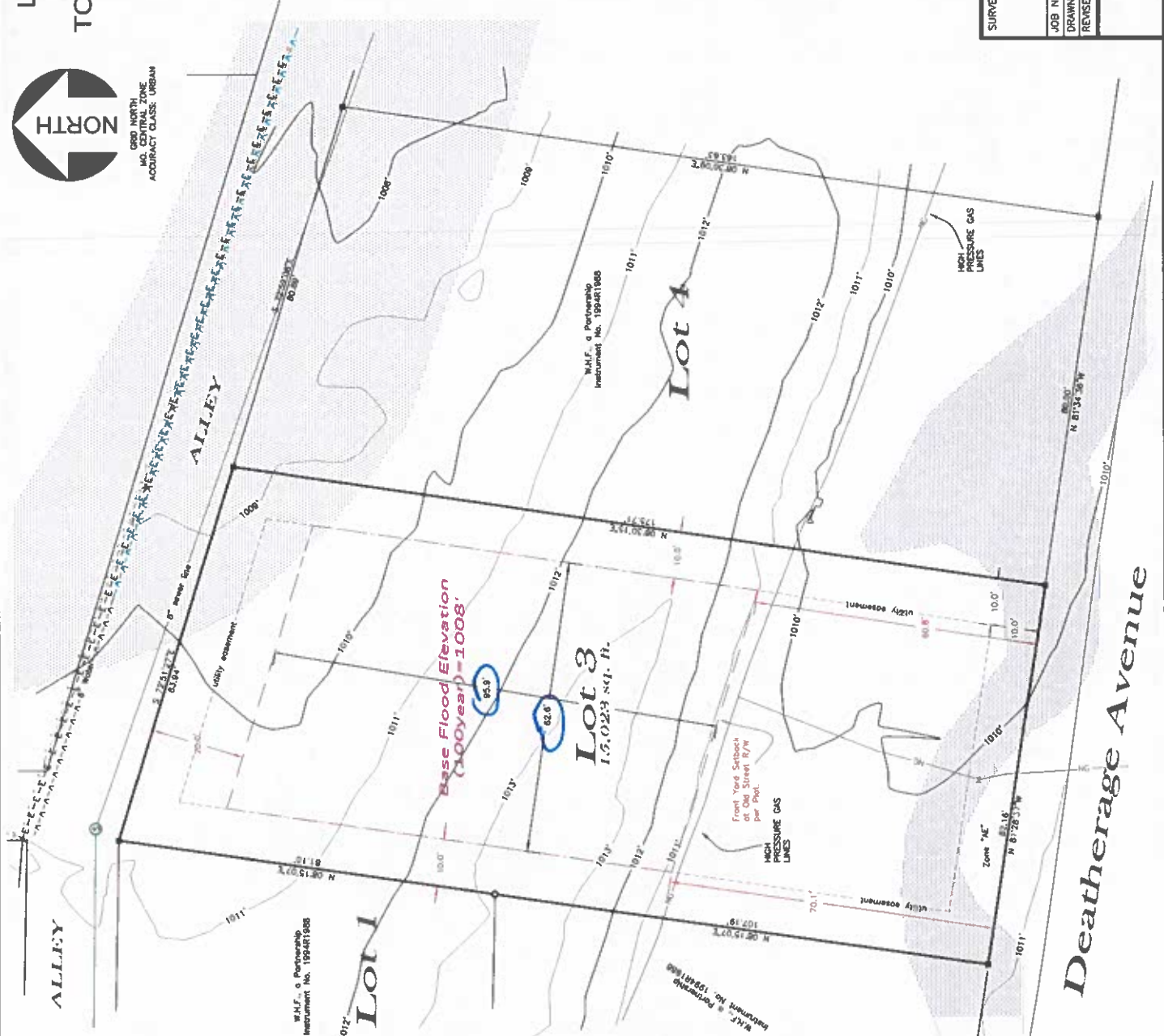
- FOUND MARKER BY LS 2655
- SET 3/8" REBAR WITH PLASTIC I.D. CAP
- COMPUTED POSITION
- ✕ SET COTTON PICKER SPRINKLE
- SURVEYED BOUNDARY LINE
- EASEMENT LINE
- (0.000) (0) RECORD DIMENSION - FEET
- - - - - UNDERGROUND TELEPHONE LINE
- E - E - UNDERGROUND ELECTRIC LINE
- - - - - SANITARY SEWER LINE (SIZE NOTED)
- - - - - WATER LINE
- NATURAL GAS LINE
- SETBACK LINE
- TELEPHONE PEDIESTAL
- UTILITY POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- GUY WIRE
- ELECTRIC METER
- SPOT ELEVATION
- FLOOD ZONE X



Avery Grant

SURVEY FOR:
JOB NO. 24-083 SURVEY NO.: 24-083-4 DATE: 9/23/24
DRAWN BY: A.D.B. DWG. 24-083-4 SHEET: 1 OF 1
REVISED: 10/17/24 Added BFE and noted portion in Zone AE flood zone.

Allen D. Burgess, Land Surveyor
P.L.S. 1955, SOLE PROPRIETOR
612 PORTER WAGONER BLVD., WEST PLAINS, MO 65775
417-331-8900 - 2655ALLEN@GMAIL.COM





GRID NORTH
MO. CENTRAL ZONE
ACCURACY CLASS: URBAN

**LOT 4 OF MORRISON SUBDIVISION
REVISED BLOCK 12, SECTION 18,
TOWNSHIP 24 NORTH, RANGE 8 WEST,
HOWELL COUNTY MISSOURI
(PLAT CABINET 1, PAGES 127-128)**

SURVEYOR'S NOTES

- This plat represents a Boundary Survey of the tract as shown. It is part of a parcel described in Instrument No. 1994R188B of the Howell County Deed Records.
- Survey is valid only if original seal and signature of surveyor are present.
- Except as specifically stated or shown on this plat, this survey does not purport to affect any of the (existing) rights which may be applicable to the subject real estate. Zoning or other land use regulations, and any other facts which an accurate and current title search may disclose.
- Only the records delineated on this plat were provided the surveyor. Record documents other than those shown herein may affect this tract.
- Reference Documents: Plat Cabinet 1, Pages 127-128.
- This property lies in Zone X, as shown on FIRM Panel No. 260910024F, with an Effective Date of April 7, 2021.
- This property is Zoned R-1 per the City of West Plains Zoning Map.
- The City of West Plains retains utility easements in vacated portion of Deceberg Avenue per Ordinance No. 4153.
- All Elevations are NAVD83, per MDOOT VRS reference system. Contours are accurate to +/- one-half contour interval.
- The locations of underground utilities are shown and based on above ground utility locations may vary from the locations shown. No excavations were made during the progress of this survey to locate buried utilities and/or structures.

Certification
I, Allen D. Burgess, Missouri Professional Land Surveyor No. 2655, certify that this survey was made in accordance with the Missouri Standards for Property Boundary Surveys to the best of my knowledge and belief.

LEGEND

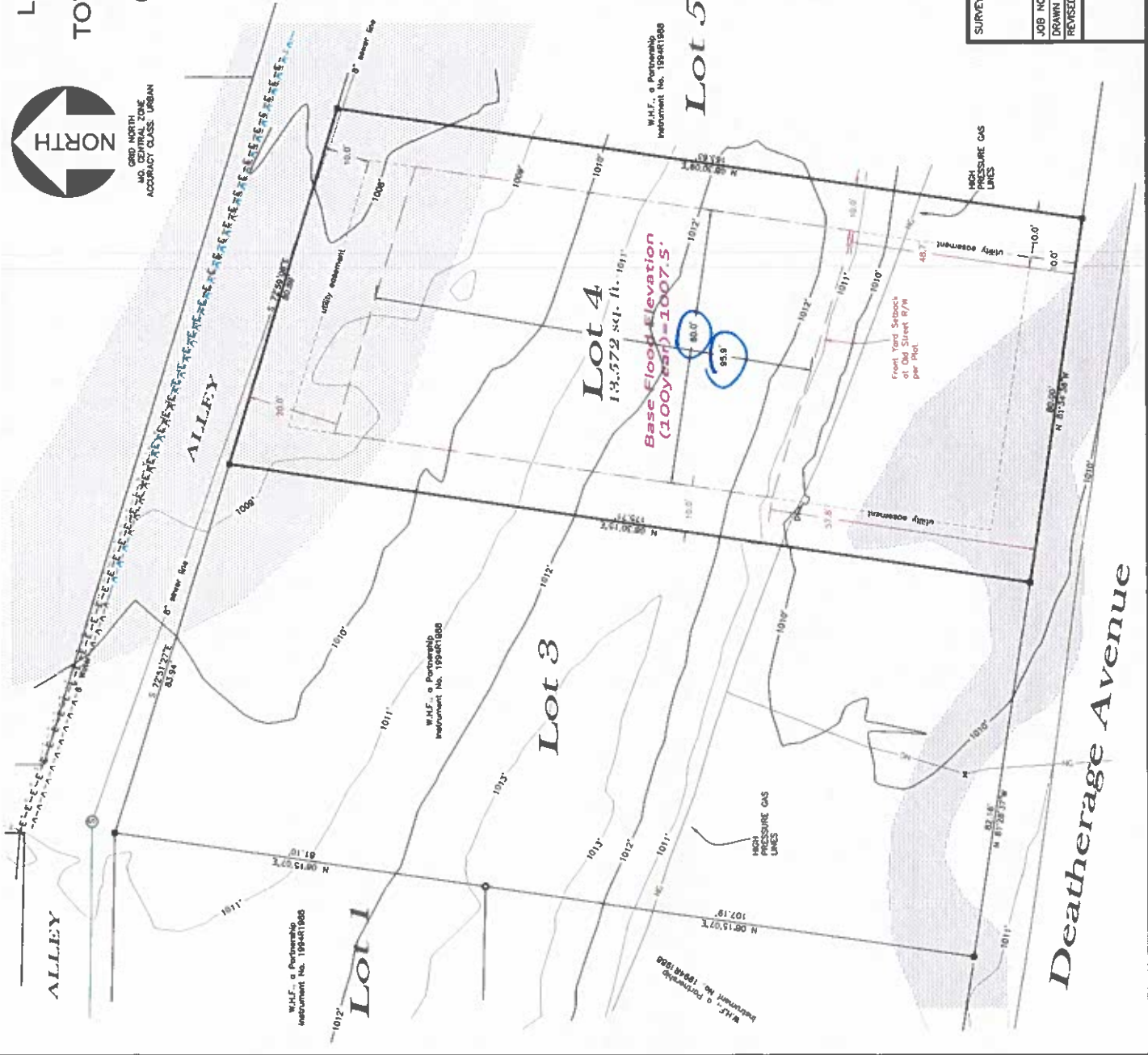
- FOUND MARKER BY LS 2865
- SET 2" REBAR WITH PLASTIC I.D. CAP
- COMPUTED POSITION
- ✕ SET COTTON PICKER SPINDLE
- SURVEYED BOUNDARY LINE
- EASMENT LINE
- (00.00') (0) RECORD DIMENSION - DEED
- UNDERGROUND TELEPHONE LINE
- E - E - UNDERGROUND ELECTRIC LINE
- SANITARY SEWER LINE (SEED NOTED)
- WATER LINE
- NATURAL GAS LINE
- SETBACK LINE
- TELEPHONE PEDESTAL
- UTILITY POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- GUY WIRE
- ELECTRIC METER
- SPOT ELEVATION
- FLOOD ZONE X



Avery Grant

SURVEY FOR:
JOB NO. 24-083 SURVEY NO. 24-083-5 DATE: 9/23/24
DRAWN BY: A.D.B. DWG. 24-083-5 SHEET: 1 OF 1
REVISED: 10/17/24 Added Base Flood Elevation

Allen D. Burgess, Land Surveyor
PLS #2655, SOLE PROPRIETOR
612 PORTER WAGONER BLVD., WEST PLAINS, MO 65775
417-331-8900 - 2655ALLEN@GMAIL.COM

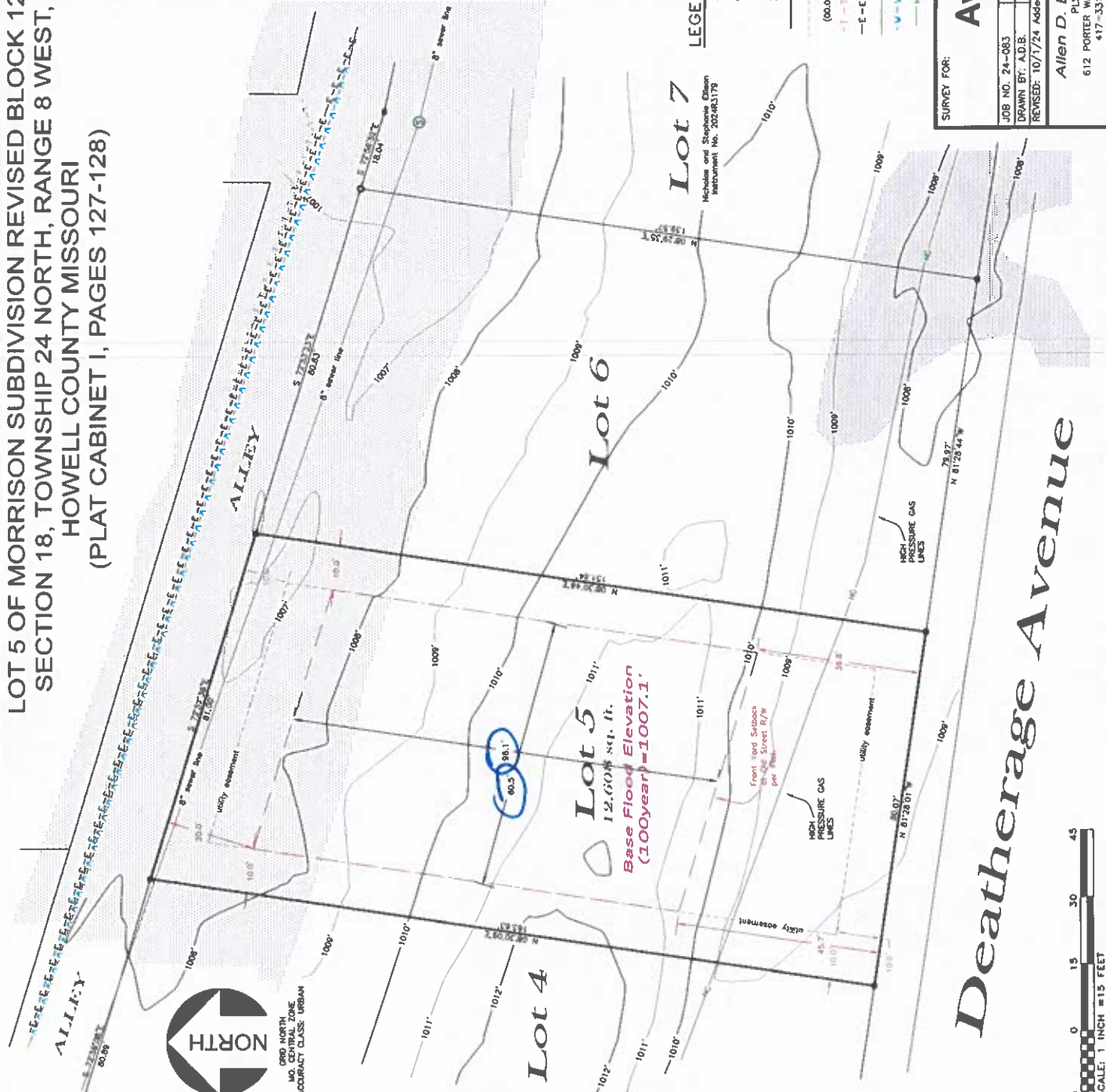


**LOT 5 OF MORRISON SUBDIVISION REVISED BLOCK 12,
SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST,
HOWELL COUNTY MISSOURI
(PLAT CABINET I, PAGES 127-128)**

SURVEYOR'S NOTES

- This plat represents a Boundary Survey of the tract as shown. It is part of a record described in Instrument No. 198481985 of the Howell County Deed Records.
- Survey is valid only if original seal and signature of surveyor are present.
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: zoning or other land use regulations, and any other facts which on accurate and current title search may disclose.
- Only the records delineated on this plat were provided by the surveyor. Record documents other than those shown hereon may affect this tract.
- Reference Documents: Plat Cabinet I, Pages 127-128.
- This property lies in Zone X, as shown on FEMA Panel No. 2009102044F, with an Effective date of April 7, 2021.
- This property is Zoned R-1 per the City of West Plains Zoning Map.
- The City of West Plains holds utility easements in vacated portion of Deatherage Avenue per Ordinance No. 4153.
- All Elevations are NAVD83, per 40007 VMS reference system. Contours are generated to 1/2" one-foot contour interval.
- The locations of underground utilities as shown are based upon ground penetrating radar (GPR) data collected on 10/17/24. Other utilities shown on this plat are based upon records. These locations may vary from the locations shown. No excavations were made during the progress of this survey to locate buried utilities and/or structures.

Certification
I, Allen D. Burgess, Missouri Professional Land Surveyor No. 2655, certify that this survey was made by me or under my direct supervision in accordance with the laws of the State of Missouri for Property Boundary Surveys to the best of my knowledge and belief.



LEGEND

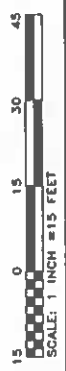
- FOUND MARKER BY LS 2655
- SET 5/8" REBAR WITH PLASTIC I.D. CAP
- COMPUTED POSITION
- ✕ SET COTTON PICKER SPRIGGLE
- SURVEYED BOUNDARY LINE
- EASEMENT LINE
- (00.00') (0) RECORD DIMENSION - DEED
- |-|-|-| UNDERGROUND TELEPHONE LINE
- E-E-E- UNDERGROUND ELECTRIC LINE
- W-W-W- SANITARY SEWER LINE (SIZED NOTED)
- V-V-V- WATER LINE
- G- NATURAL GAS LINE
- SETBACK LINE
- TELEPHONE PEDESTAL
- UTILITY POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- GUY WIRE
- ELECTRIC METER
- SPOT ELEVATION
- FLOOD ZONE X

Avery Grant

SURVEY FOR:
 JOB NO. 24-083 SURVEY NO. 24-083-6 DATE: 9/23/24
 DRAWN BY: A.D.B. DWG: 24-083-6 SHEET: 1 OF 1
 REVISED: 10/17/24 Added Base Flood Elevation

Allen D. Burgess, Land Surveyor
 PLS #2655, SOLE PROPRIETOR
 612 PORTER WAGONER BLVD., WEST PLAINS, MO 65775
 417-331-8900 - 2655ALLEN@GMAIL.COM

Deatherage Avenue

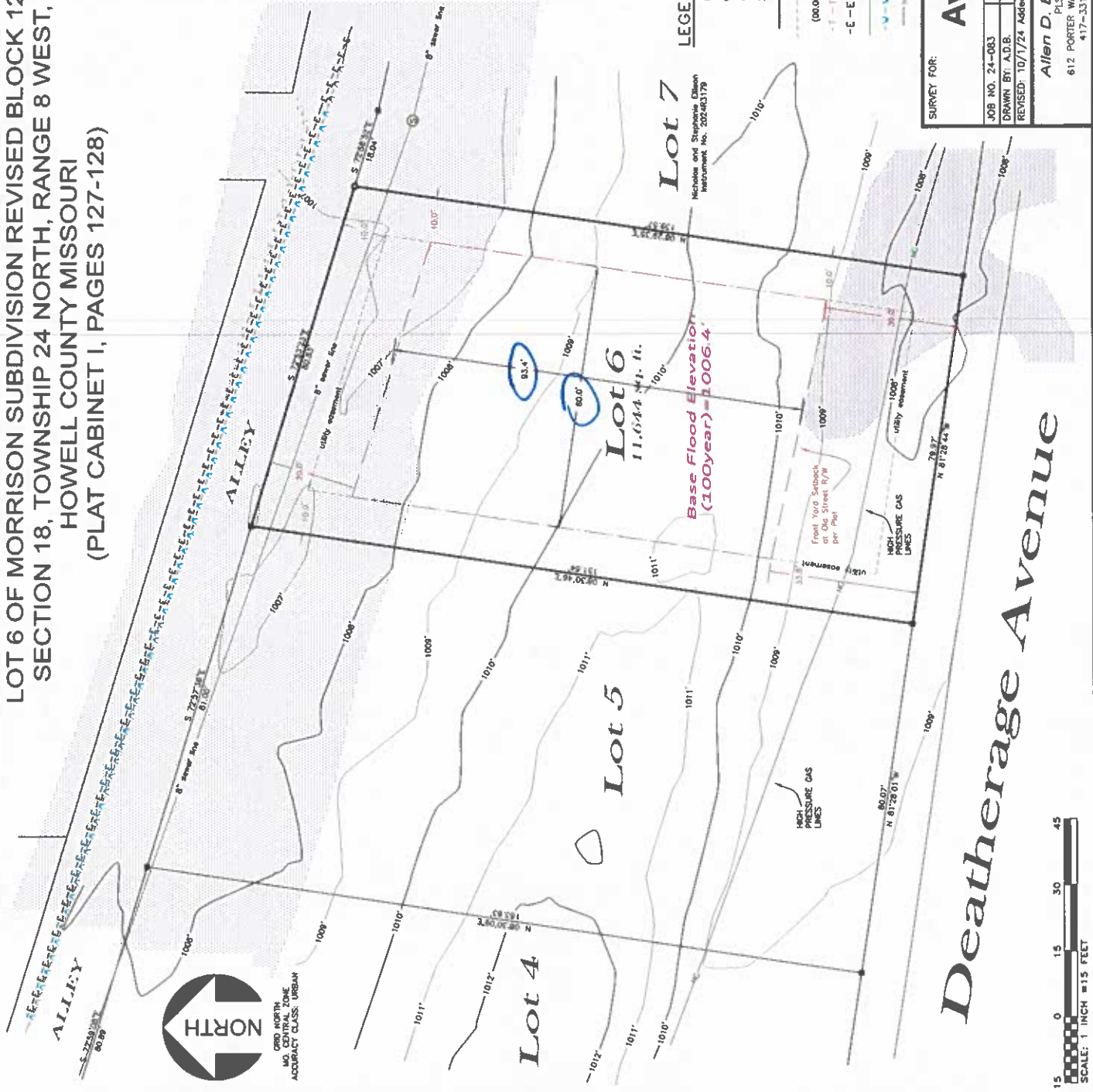


**LOT 6 OF MORRISON SUBDIVISION REVISED BLOCK 12,
SECTION 18, TOWNSHIP 24 NORTH, RANGE 8 WEST,
HOWELL COUNTY MISSOURI
(PLAT CABINET I, PAGES 127-128)**

SURVEYOR'S NOTES

- This plat represents a Boundary Survey of the tract as shown, it is part of a plat described in instrument No. 198441938 of the Howell County Deed Records.
- Survey is valid only if original seal and signature of surveyor are present.
- Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: zoning or other land use regulations, and any other facts which may affect the current title search may disclose.
- Only the records delineated on this plat were provided the surveyor. Records documents other than those shown herein may affect the tract.
- Reference Documents: Plat Cabinet I, Pages 127-128.
- This property lies in Zone X, as shown on FEMA Panel No. 2508100244F with an Effective date of April 7, 2021.
- This property is Zoned R-1 per the City of West Plains Zoning Map.
- All Easements are 100.00' per 400.07 VES reference system. Callouts are accurate to +/- one-foot contour interval.
- The locations of underground utilities as shown are based upon above ground utility easements. These locations may vary from the locations shown. No excavations were made during the progress of this survey to locate buried utilities and/or structures.

Certification
I, Allen D. Burgess, Missouri Professional Land Surveyor No. 2655, certify that this survey was made in accordance with the laws and regulations of the State of Missouri and the current Missouri Statutes for Property Boundary Surveys to the best of my knowledge and belief.



LEGEND

- FOUND MARKER BY LS 2265
- SET 2/8" REBAR WITH PLASTIC LD. CAP
- COMPUTED POSITION
- SET COTTON PICKER SPRIGGLE
- SURVEYED BOUNDARY LINE
- EASMENT LINE
- RECORD DIMENSION - DEED
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND ELECTRIC LINE
- SANITARY SEWER LINE (SIZED NOTED)
- WATER LINE
- NATURAL GAS LINE
- SETBACK LINE
- TELEPHONE FOOTING
- UTILITY POLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SEWER MANHOLE
- GUY WIRE
- ELECTRIC METER
- SPOT ELEVATION
- FLOOD ZONE X

Deatherage Avenue



Avery Grant

SURVEY FOR:
JOB NO. 24-083 SURVEY NO. 24-083-7 DATE: 9/23/24
DRAWN BY: A.D.B. DWG: 24-083-7 SHEET: 1 OF 1
REVISED: 10/17/24 Added Base Flood Elevation

Allen D. Burgess, Land Surveyor
PLS #2655, SOLE PROPRIETOR
612 PORTER WADSWORTH BLVD., WEST PLAINS, MO 65775
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