

CITY OF DEL RIO
PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS- CITY HALL
JANUARY 11, 2012
5:30 P.M.

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES

OPEN PUBLIC HEARING

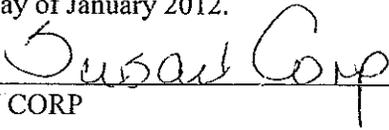
4. Public Hearing David Allen, Representing A-C Memorial Inc. bda Westlawn Cemetery is requesting a Zoning Change from Residential Single Family District (R-S) to Local Commercial District (C-1). Property Description: 0.686 Acres House Tract of land lying and being situated south of West 2nd St. within Survey 2, I&GNRR Co., Block 4, Abst.1041 (1200 West 2nd St.). Proposed Use: Cemetery Office
5. Public Hearing Don R. Ellis, Representing Lela E. Wagner and Regency Acquisitions, LLC. is requesting a Zoning Change from Estate Residential Single Family District (R-220) to Local Commercial District (C-1). Property Description: Being 7.109 acres of Tract 309 out of the Braddie G. Lowe Estates (1409 Bedell Avenue). Proposed Use: Nursing Home Facility
6. Plat 12-01 Don R. Ellis, Representing Regency Acquisitions, LLC is requesting to Replat 7.109 Acres of land out of Tract 309 Braddie Lowe Estates.

CLOSE PUBLIC HEARING
(ACTION MAY BE TAKEN ON THESE MATTERS)

7. Zoning Change Appeal # 12-01 David Allen, Representing A-C Memorial Inc. bda Westlawn Cemetery is requesting a Zoning Change from Residential Single Family District (R-S) to Local Commercial District (C-1). Property Description: 0.686 Acres House Tract of land lying and being situated south of West 2nd St. within Survey 2, I&GNRR Co., Block 4, Abst.1041 (1200 West 2nd St.). Proposed Use: Cemetery Office

8. Zoning Change Appeal # 12-02 Don R. Ellis, Representing Lela E. Wagner and Regency Acquisitions, LLC. is requesting a Zoning Change from Estate Residential Single Family District (R-220) to Local Commercial District (C-1). Property Description: Being 7.109 acres of Tract 309 out of the Braddie G. Lowe Estates (1409 Bedell Avenue). Proposed Use: Nursing Home Facility
9. Plat 12-01 Don R. Ellis, Representing Regency Acquisitions, LLC is requesting to Replat 7.109 Acres of land out of Tract 309 Braddie Lowe Estates.
10. ADJOURNMENT

I, Susan Corp, City Secretary, do hereby certify that this agenda was posted on the bulletin board in the Municipal Building and on the bulletin board immediately outside the Municipal Building located at 109 West Broadway, Del Rio, Texas before 6:00 p.m. on the 6th day of January 2012.



SUSAN CORP
City Secretary

PLANNING AND ZONING COMMISSION
11 JANUARY 2012

COMMISSIONER	PRESENT	ABSENT
Raul Padilla	_____	_____
James Wilde	_____	_____
Adrian Falcon	_____	_____
Diana Salgado	_____	_____
Jesse Paul Sanchez	_____	_____

PUBLIC HEARING NOTICE

Notice is hereby given that a Public Hearing will be conducted by the City of Del Rio Planning and Zoning Commission in the Council of Chambers at City Hall, 109 West Broadway on **Wednesday, the 11th of January 2012 at 5:30 p.m.**, and by the City Council on **Tuesday, the 24th of January 2012 at 6:30 p.m.**, for the purpose of hearing comments on the following requests:

Zoning Change Appeal # 12-01 David Allen, Representing A-C Memorial Inc. bda Westlawn Cemetery is requesting a Zoning Change from Residential Single Family District (R-S) to Local Commercial District (C-1). Property Description: 0.686 Acres House Tract of land lying and being situated south of West 2nd St. within Survey 2, I&GNRR Co., Block 4, Abst.1041 (1200 West 2nd St.). Proposed Use: Cemetery Office

Zoning Change Appeal # 12-02 Don R. Ellis, Representing Lela E. Wagner and Regency Acquisitions, LLC. is requesting a Zoning Change from Estate Residential Single Family District (R-220) to Local Commercial District (C-1). Property Description: Being 7.109 acres of Tract 309 out of the Braddie G. Lowe Estates (1409 Bedell Avenue). Proposed Use: Nursing Home Facility

Plat 12-01 Don R. Ellis, Representing Regency Acquisitions, LLC is requesting to Replat 7.109 Acres of land out of Tract 309 Braddie Lowe Estates.

HANDICAPPED ACCESSIBLE LOCATION

- Please publish once Saturday, December 24, 2011.

City of Del Rio
Planning and Zoning Commission
11 January 2012

APPEAL NO. 12-01

GENERAL INFORMATION

Applicant	David Allen 114 Fletcher Drive Del Rio, Texas 78840
Requested Action	Rezone from Residential Single Family District (R-S) to Local Commercial District (C-1).
Location	1200 West 2 nd St.
Legal Description	0.686 Acres House Tract of land lying and being situated south of West 2 nd St. within Survey 2, I&GNRR Co., Block 4, Abst.1041
Proposed Use:	Cemetery Office
Existing Zoning & Land Use	North R-S/Outside City Limits South R-S East Industrial West R-S

SPECIAL INFORMATION

Public Utilities	Water: Available Gas: Available Sewage: Available Garbage: Available
Public Services	Police: Available Fire: Available
Parking	Parking to comply with Sec. 33-2. - General Provisions.
Flood Plain Clearance	Lot is not located in the Flood Prone
Traffic Impact	An increase in traffic is not anticipated.
Number of letters sent	<u>26</u> December 29, 2011

Planning and Zoning Commission

January 11, 2012

Staff Recommendation

Appeal #12-01

Staff recommends approval of the request for the change in zoning from R-S to C-1. The subject property is located south of a city park, east of the cemetery, west of vacant land which is zoned Industrial and north of residential property. The owner is currently using the property as the residential quarters for the cemetery caretaker and would like to expand the use to allow for an office building for the cemetery business. The owner intends to maintain the residential character of the area in the development of the office building which is compatible with the adjacent land uses. It is the opinion of city staff that the request to allow for a business office on this site will not adversely affect the character of the adjacent properties.

CITY OF DEL RIO, TEXAS
PLANNING AND ZONING COMMISSION
ZONING APPLICATION
114 WEST MARTIN
DEL RIO, TEXAS 78840
FAX (830) 703-5305
(830) 774-8553

Appeal No. 12-01
Deadline December 12, 2011
Date of Hearing January 11, 2012 5:30pm
Date Received _____ City Council
Filing Fee \$100.00 Chambers
Date of Action _____
Action _____

Purpose:

The application process is the initial stage for requesting a change in zoning classification to the Planning and Zoning Commission and the Del Rio City Council as defined by Section 30-273 of the Code of Ordinances for the City of Del Rio, Texas.

Applicant:

Name David Allen
Address 114 Fletcher DR
City Del Rio, Tx 78840
Phone _____
E-Mail deallen2@suddenlink.net

Representing:

Name A-C Memorials Inc dba Westlawn Cemetery
Address 114 Fletcher DR.
City Del Rio, Tx 78840
Phone _____
E-Mail deallen2@suddenlink.net

Request:

Zoning Change from RS to C1

Property Description:

Street Address 1200 W. 2nd St. Lot Size 0.686 acres
Lot Number _____ Zoning District _____
Block Number _____
Addition Westlawn Cemetery
house + tract

AFFIDAVIT OF OWNERSHIP

THE STATE OF TEXAS) (

COUNTY OF VAL VERDE) (

Before me, the undersigned authority,

AC Memorials Inc dba WestLawn Cemetery (David Allen)
Name of Applicant

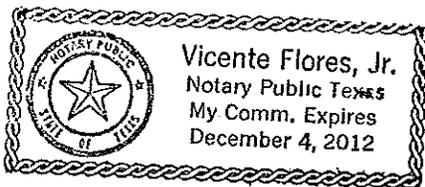
Personally appeared, and upon being duly sworn by me, stated and deposed under oath that he/she is the true owner of the above described real property, or is the duly authorized agent for the true owner of the above described real property and have filed this application on behalf of said owner.

[Signature]

SUBSCRIBED AND SWORN to before me this

Signature of Applicant

21 day of NOVEMBER, 2011.



[Signature]
Notary Public

My Commission Expires: DEC. 4, 2012

FEES

Zoning Changes	
Less than 1 acre	\$100.00
1 acre to less than 5 acres	\$125.00
5 acres to less than 25 acres	\$150.00
25 acres to less than 50 acres	\$175.00
50 acres to less than 75 acres	\$200.00
75 acres to less than 100 acres	\$225.00
More than 100 acres	\$250.00

Zoning Applicants will not be entitled to a refund if notice has been published in the newspaper as required by the City of Del Rio Code of Ordinances

FOR CITY USE ONLY

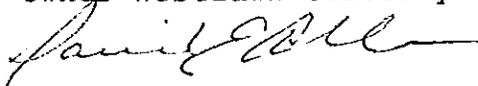
Date _____ Invoice Number _____ Check or Money Order Number: _____

Application _____ Approved _____ Denied Date _____

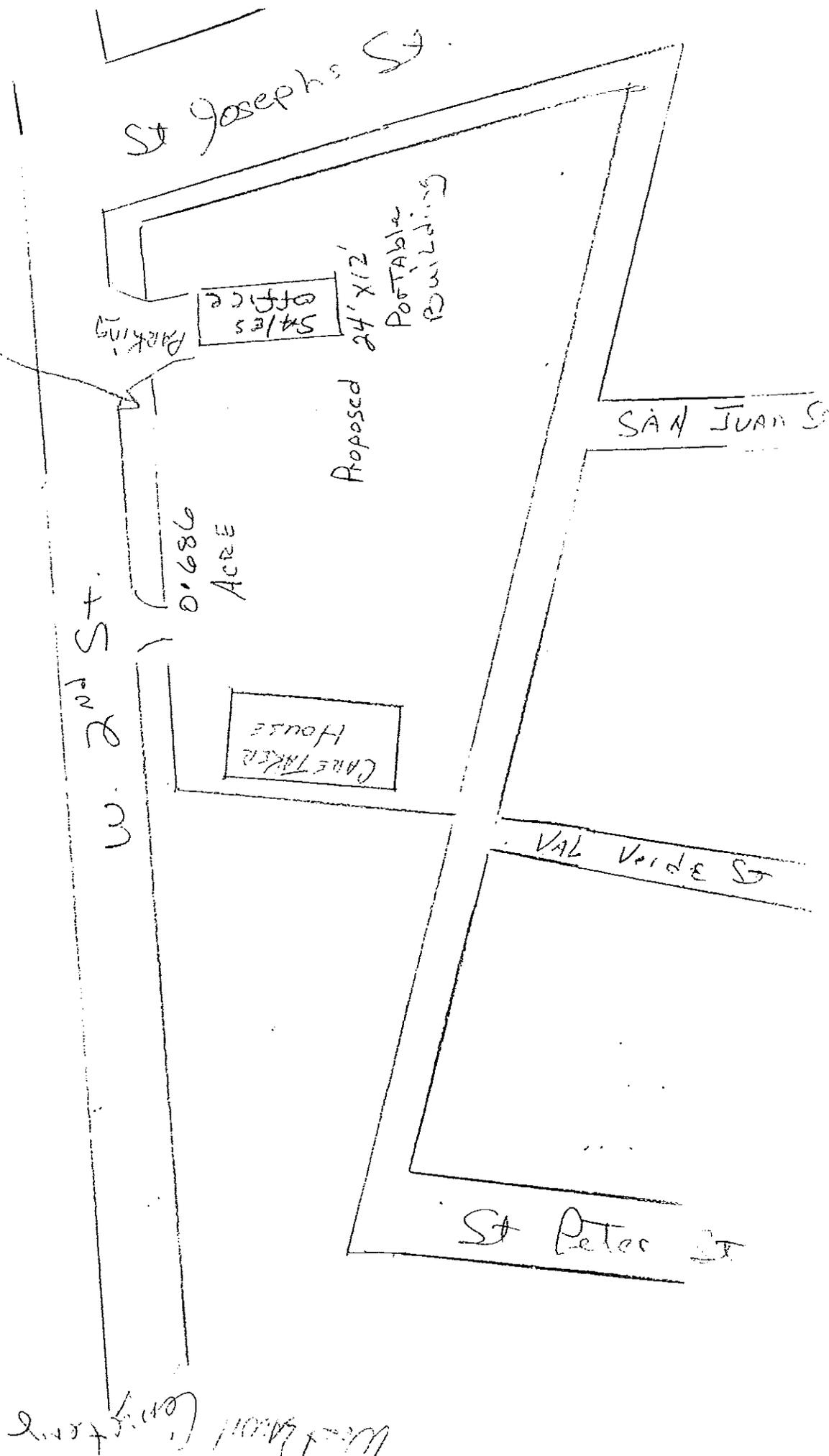
City Planning Board

I am seeking your assistance in a rezoning request for the Westlawn Cemetery. It now is zoned residential and I would like to get that area of the cemetery known as the 0.686 acre House Tract rezoned as small commercial office only. This would allow for an office on the cemetery grounds for the convenience of customers and lot owners. As it now stands, the part of the cemetery known as the house tract could be used as burial lots. I would rather use it as an office than for burials. Your attention in this matter would be appreciated.

Thank You
David Allen
Owner Westlawn Cemetery

A handwritten signature in cursive script, appearing to read "David Allen", written in dark ink.

Decided To DRCA
By Joseph Rosenfield
5/21/1930



KOCH & KOCH LAND SURVEYORS, INC.
 P.O. BOX 246 707 FM 1796 D'HANIS, TEXAS 78850
 Office: 830-363-7331 Fax: 830-363-7441
 E-Mail: kochkoch@swtexas.net

DEL RIO CEMETERY ASSOCIATION
 0.686 ACRE HOUSE TRACT

THE STATE OF TEXAS)
 COUNTY OF VAL VERDE)

Field Notes of a perimeter/boundary survey of a 0.686 acre tract
 of land, made for the Del Rio Cemetery Association.

Said 0.686 acre tract of land lying and being situated in Val Verde
 County, Texas; on and south of West 2nd Street, in the southwest part
 of the City of Del Rio, the County Seat; all within Sur. No. 2, I. &
 G. M. R.R. Co., Original Grantee, Block 4, Abst. No. 1041. Said
 0.686 acre tract being in most part the east major portion of a
 "called" 0.72 acre tract, as conveyed to the Del Rio Cemetery
 Association, by Joseph Rosenfield, et. al., by Deed dated March 31,
 1930, and recorded in Vol. 79, Pages 75-78, of the Deed Records of
 said County. Said 0.686 acre tract being bounded on the north by the
 south R.O.W. line of said West 2nd Street; on the east by the west
 R.O.W. line of Saint Joseph Street; and on the southwest by the
 northeast R.O.W. line of Lolita Street. Said 0.686 acre tract fully
 encompassing a house and improvements, with no overlapping thereof,
 and being more fully described by metes and bounds, as follows:

BEGINNING at a 1/2" Steel Pin found at a fence corner post, at
 the intersection of the south R.O.W. line of said West 2nd Street,
 with the west R.O.W. line of said Saint Joseph Street; for the N.E.
 corner of said Del Rio Cemetery Association 0.72 acre tract, and the
N.E. corner of this tract; said 1/2" Steel Pin being distant 1116.70
 ft. S 53° 45' 12" E of a 5/8" Steel Pin set in a chain-link fence, at
 an angle point in the south R.O.W. line of Johnson Boulevard; at the

Cont. Page 2 of 3, Del Rio Cemetery Association -- 0.686 Ac. Tr.

westernmost south re-entrant corner of said Sur. No. 2, the North corner of Sur. No. 162, Francisco Canales;

THENCE leaving the south R.O.W. line of said West 2nd Street, and with fence and the west R.O.W. line of said Saint Joseph Street; along the east side of said Del Rio Cemetery Association 0.72 acre tract, and the east side of this tract, S 00° 30' 03" E, at approximately 28 ft. pass under electric transmission lines bearing S 80° 35' 25" W into this described tract; total 213.60 ft. to a 1/2" Steel Pin found at a fence corner post, at the intersection of the west R.O.W. line of said Saint Joseph Street, with the northeast R.O.W. line of said Lolita Street; for the S.E. corner of said Del Rio Cemetery Association 0.72 acre tract, and the S.E. corner of this tract;

THENCE leaving the west R.O.W. line of said Saint Joseph Street, and with fence and the northeast R.O.W. line of said Lolita Street; along the southwest side of said Del Rio Cemetery Association 0.72 acre tract (as fenced and occupied), and the southwest side of this tract, N 47° 24' 51" W, at approximately 148 ft. re-pass under said electric transmission lines bearing S 50° 31' 17" W out of this described tract; at approximately 217 ft. cross the centerline of a 10 ft. wide water line easement granted to the City of Del Rio (Vol. 129, Pages 153-154, Deed Records), crossing this described tract; total 334.18 ft. to a 1/2" Steel Pin found at a fence corner post, at the south terminal of a fenced cut-back connecting the northeast R.O.W. line of said Lolita Street with the south R.O.W. line of said West 2nd Street; for the S.W. corner of said Del Rio Cemetery Association 0.72 acre tract (as fenced and occupied), and the S.W. corner of this tract;

THENCE leaving the northeast R.O.W. line of said Lolita Street, and with fence and said cut-back line; along the west side of this tract, N 07° 21' 05" E 20.16 ft. to a 1/2" Steel Pin found at a

Cont. Page 3 of 3, Del Rio Cemetary Association -- 0.686 Ac. Tr.

fence corner post, in the south R.O.W. line of said West 2nd Street;
for the N.W. corner of said Del Rio Cemetary Association 0.72 acre
tract (as fenced and occupied), and the N.W. corner of this tract;

THENCE with fence and the south R.O.W. line of said West 2nd
Street; along the north side of said Del Rio Cemetary Association
0.72 acre tract (as fenced and occupied), and the north side of this
tract, N 83° 46' 50" E 46.21 ft. to a 1/2" Steel Pin found at a
fence corner post, for corner, and S 79° 07' 51" E, at approximately
38 ft. re-cross the centerline of said water line easement; total
199.24 ft. to the place of BEGINNING.

NOTE: Bearings noted herein are true geodetic bearings based on
Global Navigation Satellite System (GNSS) observations
(WGS '84 Datum).

Surveyed: August 19, 2010.

Field Crew Personnel: Spencer J. Burrell
Michael J. Koch

THE STATE OF TEXAS)
COUNTY OF MEDINA)

I, Hilmar A. Koch, a Registered Professional Land Surveyor of
the State of Texas, do hereby state that the foregoing Field Notes
description and accompanying plat correctly represent an actual
survey made under my supervision, on the ground, on the date given.



Hilmar A. Koch

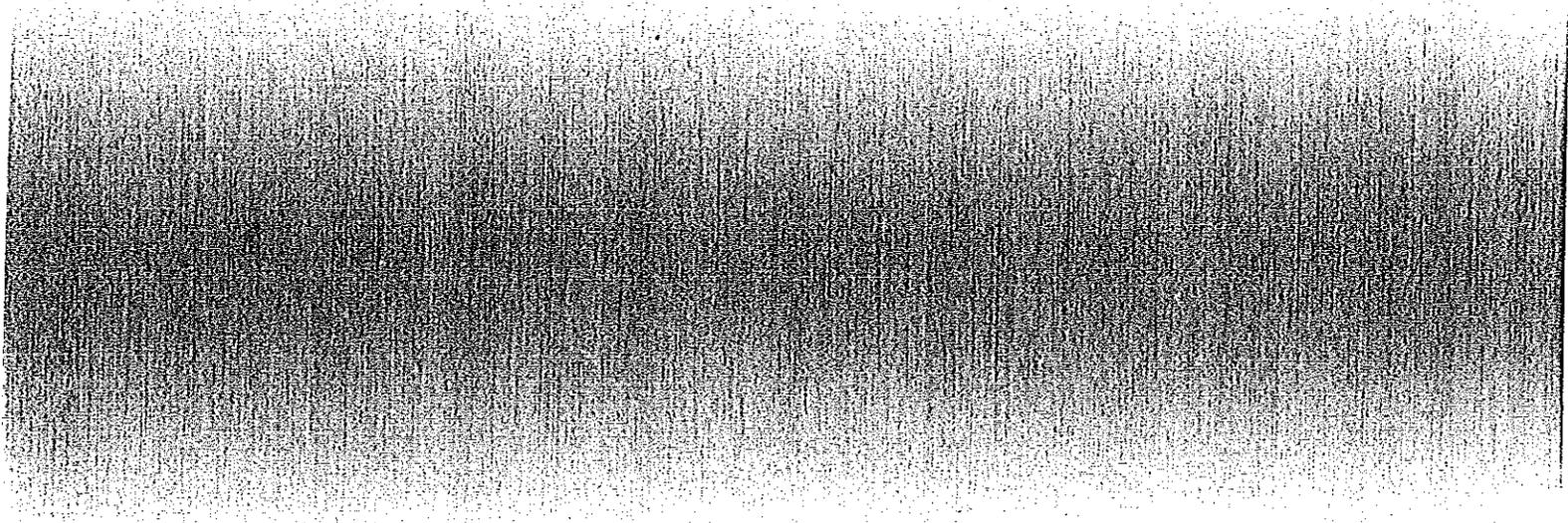
Registered Professional
Land Surveyor No. 2082

EXHIBIT "B"
DEED WITHOUT WARRANTY

00265947

Survey of Property

SEE ATTACHED





**CITY OF DEL RIO
PLANNING AND CODE COMPLIANCE DEPARTMENT
(830) 774-8553**

BOARD OF ADJUSTMENTS RECEIPT

201004304			
11/21/2011	\$ 100.00	11/21/2011	KAYLA HERNANDEZ

LOCATION OF IMPROVEMENT: 1200 W 2ND	
ARCHITECT/DESIGNER:	GENERAL CONTRACTOR: DAVID ALLEN 114 FLETCHER DEL RIO TX 78840
OWNER: DAVID ALLEN	

NATURE OF WORK: DEADLINE: DEC 12, 2011 DATE OF HEARING: JANUARY 11, 2012 5:30 P.M. FEE-\$100.00 CHK # 10893		Dimensions	NO. OF FLOORS:	
			TOTAL FLOOR AREA OF NEW CONST.:	0.00
			SQ FT BASEMENT:	
			ACCESSORY STRUCTURES:	
			LAND AREA:	
TYPE FRAME:	FIRE ZONE:	OCCUPANCY TYPE:		
	USE ZONE:	CONSTRUCTION TYPE:		

FEES DUE:	DESCRIPTION	QTY	AMOUNT
	ZONING VARIANCES	0	\$ 100.00
TOTAL FEES			\$ 100.00

NOTICE

(Any special permit granted by the board of adjustment shall automatically become null and void at the expiration of six (6) months from the date of its issuance if the applicant has not commenced and maintained the use of his property in accordance with said permit.) Residence (Mobile Home) shall be in full compliance and occupied within six months from the date of the moving permit.

Signature of Contractor or Authorized Agent

Kayla Hernandez

Approved By

Date

11-21-11

Date

CITY OF DEL RIO, TEXAS
 PLANNING & ZONING COMMISSION
 109 West Broadway
 Del Rio, TX 78840
 FOR ANY QUESTIONS OR COMMENTS PLEASE CALL (830) 774-8524 OR (830) 703-5309

December 28, 2011

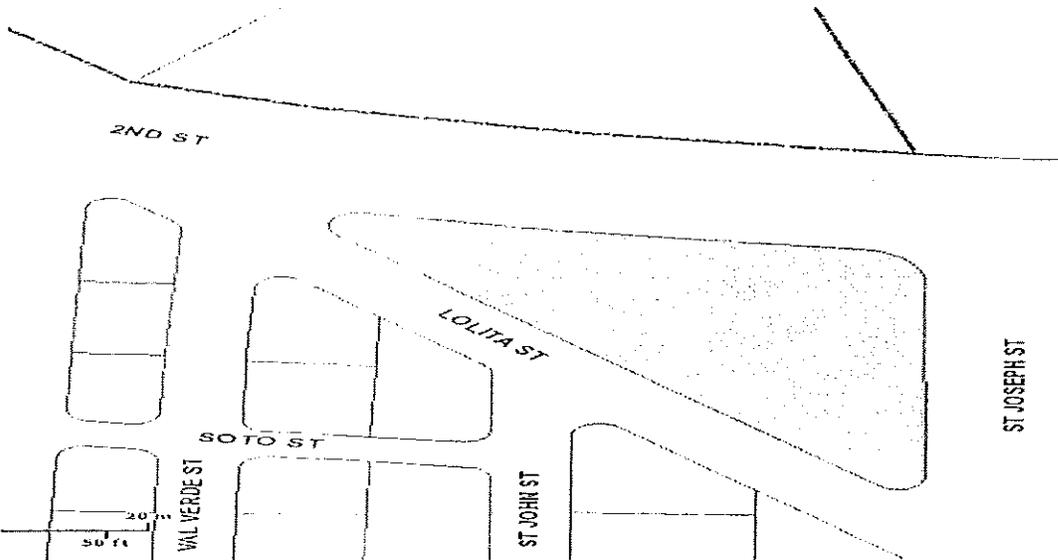
«NAME»
 «ADDRESS»
 «CITY»

RE: Planning & Zoning Commission Notice
Appeal # 12-01

David Allen, Representing A-C Memorial Inc. dba Westlawn Cemetery made an appeal to the Planning & Zoning Commission to request a Zoning Change from Residential Single Family District (R-S) to Local Commercial District (C-1). Property Description: 0.686 Acres House Tract of land lying and being situated south of West 2nd St. within Survey 2, I&GNR Co., Block 4, Abst. 1041 (1200 West 2nd St.). Proposed Use: Cemetery Office

According to our Zoning Ordinance we are required to notify property owners within Three Hundred feet from the property in question. According to our records you are the owner of Lot:«LOT», Block:«BLOCK», «ADDITION» ADDITION. This letter is to notify you that a Public Hearing will be held on the requested appeal on Wednesday, the 11th of January 2012 at 5:30 p.m. by the Planning & Zoning Commission and on Tuesday, the 24th of January 2012 at 6:30 p.m. by the City Council in the Council Chambers in City Hall (109 West Broadway). The purpose of these hearings is to give you the opportunity to express your views with respect to the requested appeal.

Anyone interested in the appeal, either for or against, may address a letter no later than five days prior to the hearing to the members of the Planning and Zoning Commission, 109 West Broadway, Del Rio, TX 78840, which letter or letters will be presented at the hearing.

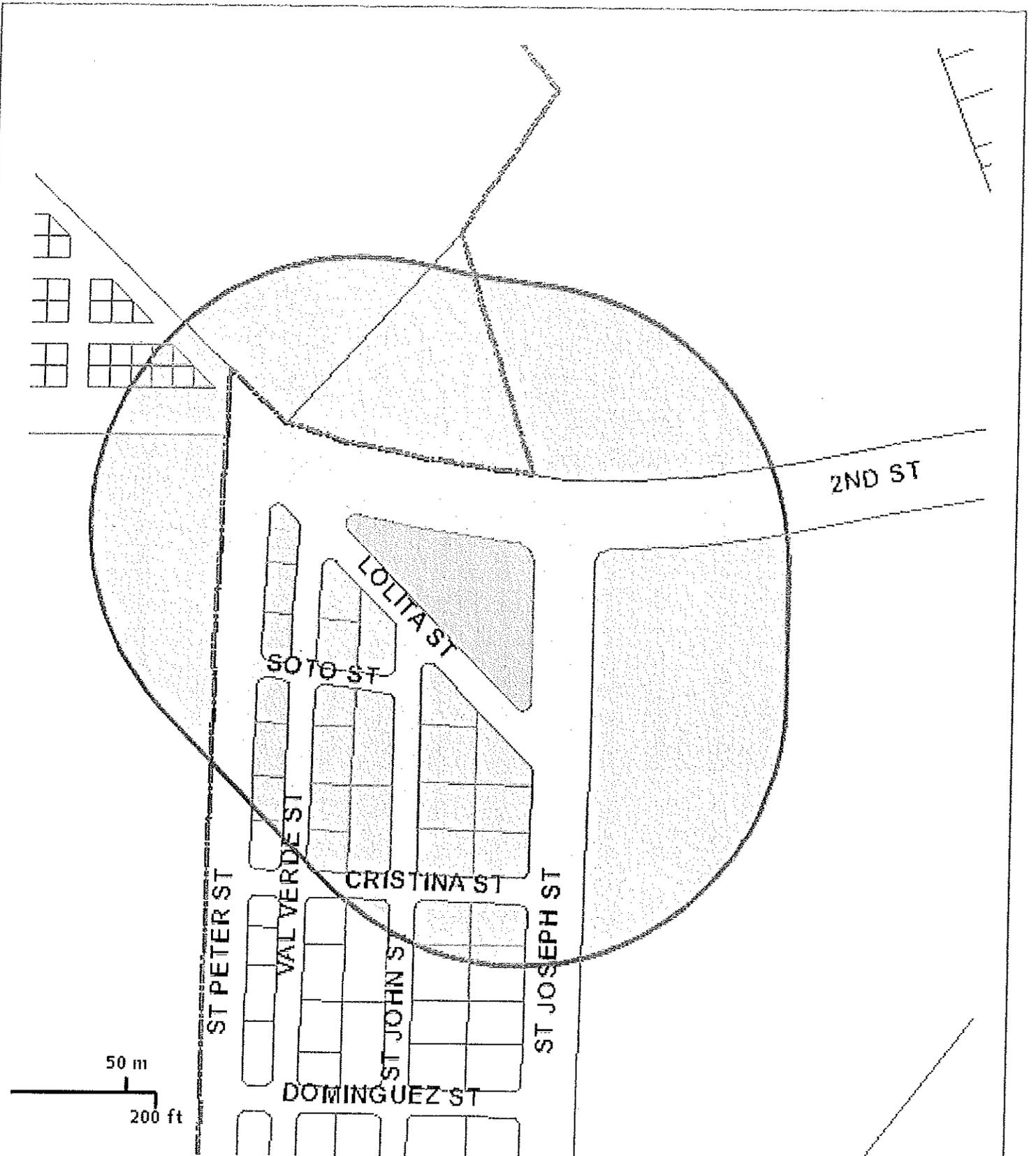


- _____ I am FOR the appeal.
- _____ I am AGAINST the appeal.
- _____ I have NO COMMENTS either for or against the appeal.
- _____ Other Comments (attach sheet if necessary).

 Signature

Sincerely,
 Planning and Zoning Commission

PUBLIC HEARINGS ARE HELD AT CITY HALL
 A HANDICAPPED ACCESSIBLE LOCATION



Del Rio

1200 West 2nd St.

DISCLAIMER

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



City of Del Rio
Planning and Zoning Commission
11 January 2012

APPEAL NO. 12-02/Plat 12-01

GENERAL INFORMATION

Applicant	Don R. Ellis 102 Fletcher Drive Del Rio, Texas 78840 (330) 110-0111 (Cell) 330
Requested Action	Rezone from Estate Residential Single Family District (R-220) to Local Commercial District (C-1).
Location	1409 Bedell Avenue
Legal Description	Being 7.109 acres of Tract 309 out of the Braddie G. Lowe Estates
Proposed Use:	Nursing Home Facility
Existing Zoning & Land Use	North Combination R-220/C South Combination C-1/R-S East R-220 West Combination C/R
<u>SPECIAL INFORMATION</u>	
Public Utilities	Water: Available Gas: Available Sewage: Available Garbage: Available
Public Services	Police: Available Fire: Available
Parking	Parking to comply with Sec. 33-2. - General Provisions.
Flood Plain Clearance	Lot is not located in the Flood Prone
Traffic Impact	An increase in traffic is anticipated.
Number of letters sent	<u>56</u> December 29, 2011

Planning and Zoning Commission

January 11, 2012

Staff Recommendation

Appeal #12-02

Staff recommends approval of the request for the change in zoning from R-220 to C-1. The subject property is located south of vacant land which is zoned Residential, east of office and retail establishments which are zoned C-1, west of residential property and north of the bowling alley which is also zoned C-1. The intended use is for a nursing home facility. This facility would be moving from its current location off of Hermann Drive. The proposed nursing home will be compatible with all of the adjacent land uses and would not adversely affect the character of the adjacent properties.

CITY OF DEL RIO, TEXAS
 PLANNING AND ZONING COMMISSION
 ZONING APPLICATION
 114 WEST MARTIN
 DEL RIO, TEXAS 78840
 FAX (830) 703-5305
 (830) 774-8553

Appeal No. 12-02
 Deadline _____
 Date of Hearing _____
 Date Received _____
 Filing Fee _____
 Date of Action _____
 Action _____

Purpose:

The application process is the initial stage for requesting a change in zoning classification to the Planning and Zoning Commission and the Del Rio City Council as defined by Section 30-273 of the Code of Ordinances for the City of Del Rio, Texas.

Applicant:

R.

Name DON ELLIS
 Address 102. C FLETCHER DRIVE
 City DEL RIO, TX
 Phone _____
 E- Mail donellis@bizstx.rr.com

Representing:

Name	<u>LELA E. WAGNER</u>	<u>REGENCY ACQUISITIONS, LLC</u>
Address	<u>428 SATUS STREET</u>	<u>101 W. GOODWIN, SUITE 600</u>
City	<u>RICHLAND, WA 99352</u>	<u>VICTORIA, TX 77901</u>
Phone	_____	_____
E- Mail	<u>NONE</u>	<u>hlacerda@RNCT.COM</u> <u>mlemke@RA RNCT.COM</u>

Request:

Zoning Change from R-220 to C-1

Property Description:

Street Address 1409 BEDELL AVE. Lot Size 7.109 AC
 Lot Number _____ Zoning District R-220
 Block Number PT TRACT 309
 Addition BRADDIE G. LOWE ESTATES

- Please attach a copy of your deed to the property. If you are currently purchasing the property, please include a copy of your contract for the purchase of the property. Also include with your application a copy of any and all restrictive covenants pertaining to the property to be rezoned.

Appeal:

Why do you believe that the approval of this request would be in harmony (similar use) with the character of the neighborhood? _____

THE PROPOSED IMPROVEMENTS WOULD COMPLEMENT THE NEARBY SHANNON CLINIC, VV REGIONAL HOSP, PRIVATE MEDICAL OFFICES AND MEDICAL SUPPORT BUSINESSES.

Why do you believe that the approval of this request would not be detrimental to the property or persons in the neighborhood?

THE BUYERS WILL SPEND \$5,000,000 TO CONSTRUCT A STATE OF THE ART 120 BED NURSING HOME FACILITY

Why do you believe that there is a need in this area for the uses that would be allowed under this proposed zoning change?

THE BUYER'S RESEARCH SHOWS THE NEED FOR SUCH A FACILITY IN DEL RIO AND THIS SITE WAS THE MOST SUITABLE THEY FOUND IN PROXIMITY TO MEDICAL FACILITIES

History:

Previous Application/Appeal Filed? () Yes (X) No

Date _____

Results of Appeal _____

Lienholder:

Is the property burdened by a lien of any nature? NO

If so, describe the lien and give the name and address of lienholder and secure their consent to the requested zoning change with their signature.

Other:

Interest in the property? (Owner, Agent, Lessee, ect.) AGENT FOR SELLER / BUYER

Approximate cost of work involved? \$6-7,000,000. WILL EMPLOY 120+

Include a schematic drawing of the site. SEE ATTACHED SURVEY PLAT

To the Applicant:

A fee of \$ 150⁰⁰ to defray the part of the costs of processing the application and holding the public hearing is required by City Ordinance. Such fee must be paid to the City of Del Rio at the time that this application is submitted. One-half (1/2) of the fee will be returned if the applicant decides to terminate the application and the public hearing notices have NOT been sent out.

I, DON R. ELLIS, understand the above requirements and have read them thoroughly and my statements are true and correct.

Lienholders (if any)

Don R. Ellis
Applicant

Janice Pokrant

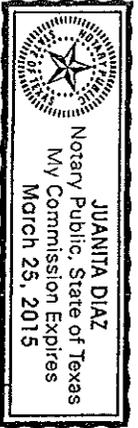
From: Don R. Ellis [donellis@bizstx.rr.com]
Sent: Monday, December 12, 2011 11:27 AM
To: Janice Pokrant
Subject: Re-Zoning Application - Wagner to Regency Nursing

Ms. Pokrant -

Per our phone conversation, please process this e-mail to change any reference in the Application indicating construction costs/cost of work involved of \$6,000,000 to \$7,000,000 to \$5,000,000.

Thank you for your time and consideration.

Don R Ellis
Ellis Realty & Auction Services
102 C Fletcher Drive
Del Rio, TX 78840
830-775-0731



AFFIDAVIT OF OWNERSHIP

THE STATE OF TEXAS) (

COUNTY OF VAL VERDE) (

Before me, the undersigned authority,

Don R. Ellis
Name of Applicant

Personally appeared, and upon being duly sworn by me, stated and deposed under oath that he/she is the true owner of the above described real property, or is the duly authorized agent for the true owner of the above described real property and have filed this application on behalf of said/owner.

[Signature]
SUBSCRIBED AND SWORN to before me this
Signature of Applicant
12 day of December 2011

[Signature]
Notary Public
My Commission Expires: March 25, 2015

FEES

Zoning Changes	
Less than 1 acre	\$100.00
1 acre to less than 5 acres	\$125.00
5 acres to less than 25 acres	\$150.00
25 acres to less than 50 acres	\$175.00
50 acres to less than 75 acres	\$200.00
75 acres to less than 100 acres	\$225.00
More than 100 acres	\$250.00

Zoning Applicants will not be entitled to a refund if notice has been published in the newspaper as required by the City of Del Rio Code of Ordinances

FOR CITY USE ONLY

Date _____ Invoice Number _____ Check or Money Order Number: _____

Application _____ Approved _____ Denied Date _____

Exhibit "A"

FIELD NOTES
FOR
7.109 ACRES

BEING 7.109 acres of land in the City of Del Rio, Val Verde County, Texas and consisting of 6.705 acres out of Tract No. B as shown on a replat of the Braddie G. Lowe Estates Division recorded in Slide 210A of the Map Records of Val Verde County, Texas and 0.404 acres out of the remainder of Tract 309 as shown on plat of the Braddie G. Lowe Estates Division recorded in Volume 6, Page 24 of the Map Records of Val Verde County, Texas said 7.109 acres being more particularly described by metes and bounds as follows:

BEGINNING at a found railroad spike in pavement at the intersection of Barbara Way and Bedell Avenue for the southwest corner of said Tract 309 and this tract;

THENCE North $31^{\circ} 24' 42''$ East (bearings based on NAD83(96) Texas South Central Zone), a distance of 586.76 feet with the southwest line of said Tract 309 and center of said Barbara Way, a sixty (60) foot wide paved and curbed private road ostensibly maintained by the City of Del Rio, to a found railroad spike in pavement for the northwest corner of this tract;

THENCE South $27^{\circ} 06' 46''$ East, crossing said Tract 309, at a distance of 35.18 feet crossing the west line of said Tract B, which is also the east right-of-way line of Barbara Way and continuing across Tract B for a total distance of 893.32 feet to a found $\frac{1}{2}$ " iron rod with Trent cap in fence on the east line of said Tract B for the northeast corner of this tract;

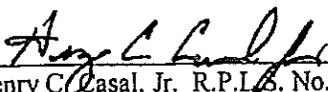
THENCE South $88^{\circ} 42' 02''$ West, with the east line of said Tract B, at a distance of 8.9 feet passing an found $\frac{1}{2}$ " iron rod with Trent cap and continuing for a total distance of 547.33 feet to a found 2" steel pipe at old fence post for the south corner of said Tract B and this tract;

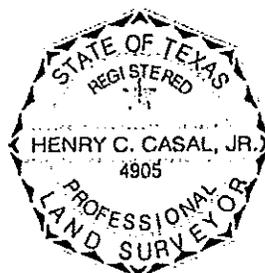
THENCE North $39^{\circ} 54' 33''$ West a distance of 33.42 feet with the south line of said Tract B and north right-of-way line of Bedell Avenue to a found 1" steel pipe in close proximity to two $\frac{1}{2}$ " iron rods;

THENCE North $27^{\circ} 10' 06''$ West, continuing with the south line of said Tract B and north right-of-way line of Bedell Avenue, at a distance of 280.87 feet passing the southwest corner of said Tract B on the east right-of-way line of Barbara Way and continuing with the south line of said Tract 309 and north right-of-way line of Bedell Avenue for a total distance of 316.03 feet to the **POINT OF BEGINNING** and containing 7.109 acres of land, more or less, in the City of Del Rio, Val Verde County, Texas.

Plat of survey provided.

ALAMO CONSULTING ENGINEERING
& SURVEYING, INC.


Henry C. Casal, Jr. R.P.L.S. No. 4905
May 23, 2011



Job File No. 12805

44647



TEXAS ASSOCIATION OF REALTORS®
COMMERCIAL CONTRACT - UNIMPROVED PROPERTY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED.
©Texas Association of REALTORS®, Inc. 2010

1. PARTIES: Seller agrees to sell and convey to Buyer the Property described in Paragraph 2. Buyer agrees to buy the Property from Seller for the sales price stated in Paragraph 3. The parties to this contract are:

Seller: Lela K. Wagner, a single woman
Address: 428 Satus Street, Richland, WA 99352
Phone: (509) 619-0909 Fax: _____
E-mail: _____

Buyer: Regency Acquisitions, LLC
Address: 101 W. Goodwin, Suite 600, Victoria, TX 77901
Phone: (361) 576-5900 Fax: (361) 576-5484
E-mail: hlacerda@rnct.com

2. PROPERTY:

A. "Property" means that real property situated in Val Verde County, Texas at 1400 Block Bedell Avenue, Del Rio, TX (address) and that is legally described on the attached Exhibit 'A' or as follows: Metes and bounds description to follow

B. Seller will sell and convey the Property together with:
(1) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way;
(2) Seller's interest in all leases, rents, and security deposits for all or part of the Property; and
(3) Seller's interest in all licenses and permits related to the Property.

(Describe any exceptions, reservations, or restrictions in Paragraph 12 or an addendum.)
(If mineral rights are to be reserved an appropriate addendum should be attached.)

3. SALES PRICE:

A. At or before closing, Buyer will pay the following sales price for the Property:

(1) Cash portion payable by Buyer at closing	\$	<u>650,000</u>	Row
(2) Sum of all financing described in Paragraph 4	\$	619,336.00	
(3) Sales price (sum of 3A(1) and 3A(2))	\$	<u>650,000</u>	Row
		619,336.00	

(TAR-1802) 1-26-10

Initialed for Identification by Seller LKW and Buyer _____

E. If the Property is located seaward of the Gulf Intracoastal Waterway, §61.025, Texas Natural Resources Code, requires a notice regarding the seaward location of the Property to be included as part of this contract.

F. If the Property is located outside the limits of a municipality, the Property may now or later be included in the extra-territorial jurisdiction (ETJ) of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and ETJ. To determine if the Property is located within a municipality's ETJ, Buyer should contact all municipalities located in the general proximity of the Property for further information.

G. Brokers are not qualified to perform property inspections, surveys, engineering studies, environmental assessments, or inspections to determine compliance with zoning, governmental regulations, or laws. Buyer should seek experts to perform such services. Buyer should review local building codes, ordinances and other applicable laws to determine their effect on the Property. Selection of inspectors and repairmen is the responsibility of Buyer and not the brokers.

26. **CONTRACT AS OFFER:** The execution of this contract by the first party constitutes an offer to buy or sell the Property. Unless the other party accepts the offer by 5:00 p.m., in the time zone in which the Property is located, on April 8, 2011, the offer will lapse and become null and void.

READ THIS CONTRACT CAREFULLY. The brokers and agents make no representation or recommendation as to the legal sufficiency, legal effect, or tax consequences of this document or transaction. **CONSULT** your attorney **BEFORE** signing.

Seller: Lela E. Wagner, a single woman
By: Lela E. Wagner
By (signature): _____
Printed Name: _____
Title: Owner

Buyer: Regency Acquisitions, LLC
By: Heber S. Lacerda
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: _____
Title: _____

By: _____
By (signature): _____
Printed Name: _____
Title: _____



Middle Rio Grande Development Council

9-1-1 Regional Planning Services

1927 Bedell Ave. Del Rio, TX. 78840

(830) 774-4741 Ext. 24025 Fax: (830) 775-4550

Toll Free: 1-888-945-3940

December 8, 2011

Regency Nursing
1409 Bedell Ave
Del Rio, TX. 78840

To Whom It May Concern:

Please find below your E-9-1-1 address assignment for the location listed below. This address may be used for the purpose of utility connections, parcel post deliveries, and Emergency Services. These changes are aimed to provide you with greater service in the event of an emergency.

Person Requesting Address: Don Ellis

Physical Location of Address: Bedell Ave between Barbara Way and Jet Bowl bowling center.

Val Verde CAD Prop ID #: N/A

Longitude: - 100° 53' 53.12" / Latitude: 29° 22' 45.14"

Your Address is: 1409 Bedell Ave

Del Rio, TX 78840 (Val Verde County)

Note:

Please notify your local US Post Office of your new 9-1-1 Physical Address

HCR's / Route addresses are US Postal Service routes where a person receives mail.

The 9-1-1 physical address is where the home or structure is physically located.

The US Post Office is in the process of converting all routes & HCR's to an actual 9-1-1 physical address.

It is URGENTLY IMPORTANT

that you post your E-9-1-1 address and that it is visible from the road.

Thank you for your cooperation and feel free to call me if I can be of any assistance.

Sincerely,

A handwritten signature in cursive script that reads "Keith Bryant".

Keith Bryant
9-1-1 Field Mapping / GIS Specialist
keith.bryant@mrgrdc.org



**CITY OF DEL RIO
PLANNING AND CODE COMPLIANCE DEPARTMENT
(830) 774-8553**

REZONING RECEIPT

201004410			
12/14/2011	\$ 150.00	12/14/2011	KAYLA HERNANDEZ

LOCATION OF IMPROVEMENT: 1409 BEDELL	
ARCHITECT/DESIGNER:	GENERAL CONTRACTOR: DON ELLIS 102 C. FLETCHER DR DEL RIO TX 78840
OWNER: DON ELLIS	

NATURE OF WORK: BLOCK # PT TRACT 309 ADDITION BRADDIE G. LOWE ESTATES LOT SIZE 7.109 AC ZONING DIST R-220 PD WITH CHECK # 001049 \$150.00		Dimensions	NO. OF FLOORS: TOTAL FLOOR AREA OF NEW CONST.: SQ FT BASEMENT: ACCESSORY STRUCTURES: LAND AREA:
TYPE FRAME:	FIRE ZONE: USE ZONE:		OCCUPANCY TYPE: CONSTRUCTION TYPE:

FEES DUE:	DESCRIPTION	QTY	AMOUNT
	ZONING CHANGES PER ACRE	0	\$ 150.00
	TOTAL FEES		\$ 150.00

In the event that an application for a zoning change is denied, a new application requesting the same or a similar change shall not be filed until after the expiration of six (6) months from the date of the city council's decision.

Don Ellis
Signature of Contractor or Authorized Agent

12-14-11
Date

Kayla Hernandez
Approved By

12-14-11
Date

CITY OF DEL RIO, TEXAS
PLANNING & ZONING COMMISSION
109 West Broadway
Del Rio, TX 78840

FOR ANY QUESTIONS OR COMMENTS PLEASE CALL (830) 774-8524 OR (830) 703-5309

December 28, 2011

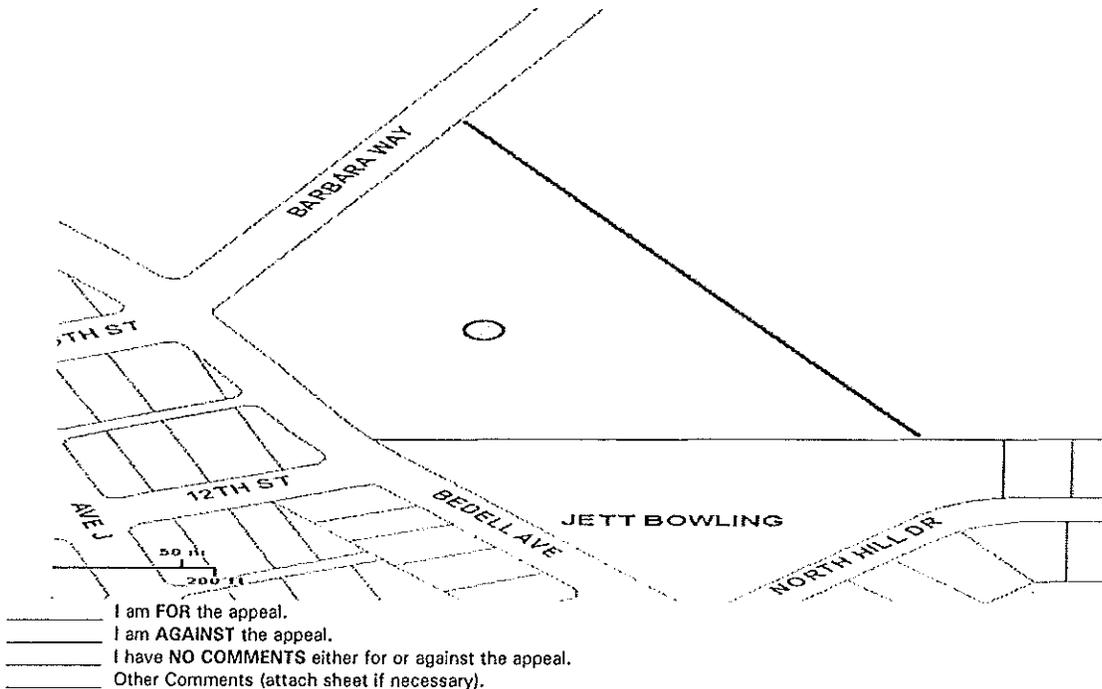
«NAME»
«ADDRESS»
«CITY»

RE: Planning & Zoning Commission Notice
Appeal # 12-02

Don R. Ellis, Representing Lela E. Wagner made an appeal to the Planning & Zoning Commission to request a Zoning Change from Estate Residential Single Family District (R-220) to Local Commercial District (C-1). Property Description: Being 7.109 Acres of Tract 309 out of the Braddie G. Lowe Estates (1409 Bedell Avenue). Proposed Use: Nursing Home Facility

According to our Zoning Ordinance we are required to notify property owners within Three Hundred feet from the property in question. According to our records you are the owner of Lot:«LOT», Block:«BLOCK», «ADDITION» ADDITION. This letter is to notify you that a Public Hearing will be held on the requested appeal on Wednesday, the 11th of January 2012 at 5:30 p.m. by the Planning & Zoning Commission and on Tuesday, the 24th of January 2012 at 6:30 p.m. by the City Council in the Council Chambers in City Hall (109 West Broadway). The purpose of these hearings is to give you the opportunity to express your views with respect to the requested appeal.

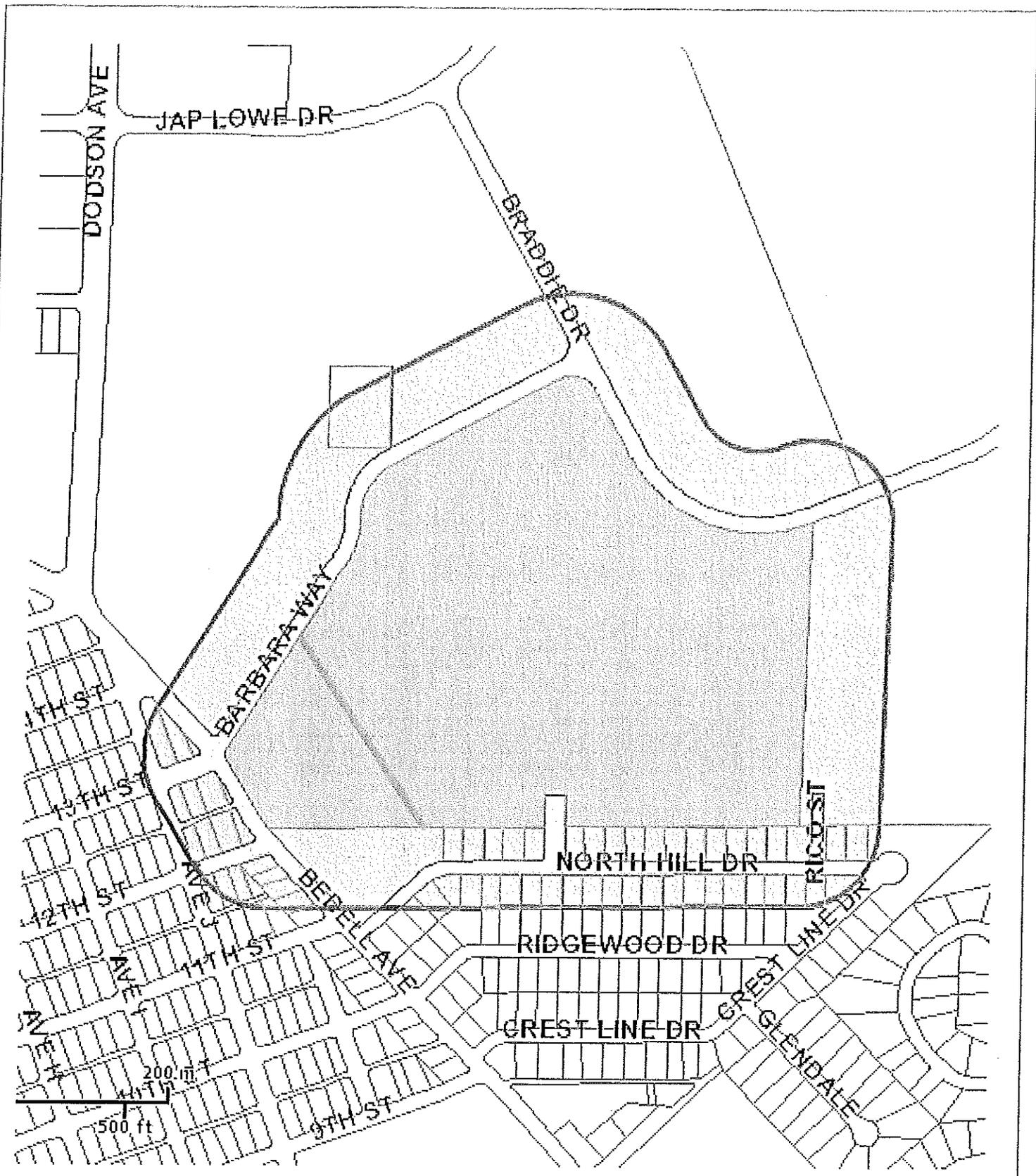
Anyone interested in the appeal, either for or against, may address a letter no later than five days prior to the hearing to the members of the Planning and Zoning Commission, 109 West Broadway, Del Rio, TX 78840, which letter or letters will be presented at the hearing.



Signature

Sincerely,
Planning and Zoning Commission

PUBLIC HEARINGS ARE HELD AT CITY HALL
A HANDICAPPED ACCESSIBLE LOCATION



Del Rio

1409 Bedell Avenue

DISCLAIMER

Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



CITY OF DEL RIO, TEXAS
PLANNING & ZONING COMMISSION
109 West Broadway
Del Rio, TX 78840

FOR ANY QUESTIONS OR COMMENTS PLEASE CALL (830) 774-8524 OR (830) 703-5309

December 28, 2011

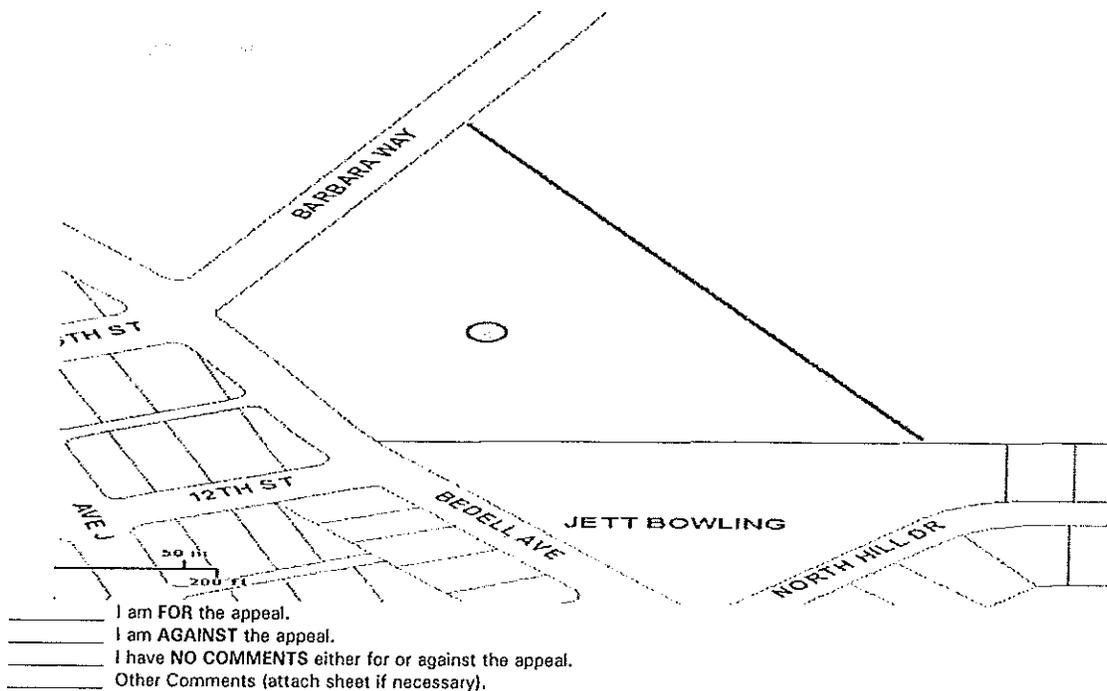
HIPOLITO M. JR. & DORA GONZALEZ
HCR 3 BOX 45 QUAIL RUN
DEL RIO, TEXAS 78840

RE: Planning & Zoning Commission Notice
Appeal # 12-02

Don R. Ellis, Representing Lela E. Wagner made an appeal to the Planning & Zoning Commission to request a Zoning Change from Estate Residential Single Family District (R-220) to Local Commercial District (C-1). Property Description: Being 7.109 Acres of Tract 309 out of the Braddie G. Lowe Estates (1409 Bedell Avenue). Proposed Use: Nursing Home Facility

According to our Zoning Ordinance we are required to notify property owners within Three Hundred feet from the property in question. According to our records you are the owner of Lot:6, Block:B, HIGHLAND PARK ADDITION. This letter is to notify you that a Public Hearing will be held on the requested appeal on Wednesday, the 11th of January 2012 at 5:30 p.m. by the Planning & Zoning Commission and on Tuesday, the 24th of January 2012 at 6:30 p.m. by the City Council in the Council Chambers in City Hall (109 West Broadway). The purpose of these hearings is to give you the opportunity to express your views with respect to the requested appeal.

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Signature _____

Sincerely,
Planning and Zoning Commission

PUBLIC HEARINGS ARE HELD AT CITY HALL
A HANDICAPPED ACCESSIBLE LOCATION



APPLICATION FOR PLAT

January 11, 2012
Planning & Zoning Commission

City of Del Rio
Planning & Zoning Division

Date Submitted: 12-14-2011 Plat ID Number: 12-01

Plat Name: Regency Subdivision

Property Address/legal: 7.109 Acres out of Tract B and Tract 309

Owner/Agent: Don R. Ellis Phone: work Fax: cell

Address: 102 - C Fletcher Drive Del Rio, Texas Zip code: 78840

Owner's Email Address None Agent - donellis@bizstx.rr.com

Engineer/Surveyor: Alamo Consulting Engineering & Surveying Phone: 210-828-0691 Fax: 210-824-3055

Address: 140 Heimer Road, Ste. 617 San Antonio, TX Zip code: 78232

Engineer's Email Address pas@aces-sa.com

- 1. All Specific Uses Proposed: NURSING HOME (restaurant, day care, warehouse, etc.)
2. Existing Zoning: R-220
3. Is there a building permit associated with this plat? [X] No [] Yes AP #
4. City Council District: County Precinct:
5. Name and Number of Survey/Abstract: Survey No. 184, Sostines Carrosio and Survey No. 7, Blk. 4, I.&G.N. RR Co.
6. [] DIRECTOR -OR- [] PLANNING COMMISSION
7. Water Service: [X] City [] Well [] Other Utility (name)
8. Sewer Service: [X] City [] Septic [] Other Utility (name)
9. Del Rio City Limits [X] Yes [] No
10. San Felipe Springs Protection Area? [] Yes [X] No
11. Joint Airport Zoning Board Area [] Yes [X] No
a. Laughlin Air Force Base [] Yes [X] No
b. Del Rio International Airport [] Yes [X] No
12. Previous/existing landfill? [] Yes [X] No
13. Flood plain? [] Yes [X] No

PLATTED AREA

Streets [] Public [X] Private Linear Ft total acreage
Parks [] Public [X] Private total acreage
Off-Site Easements [] Permeable [] Nonpermeable total acreage

I hereby certify that all of the information on the entire Plat Application is true and correct.
Print Name: Paul A. Schroeder, P.E., R.P.L.S. Signature:
Date: 12-12-2011 [X] Professional Engineer [X] Registered Professional Land Surveyor

FEES (please refer to the current fee schedule)

City Fees (Required for all plats)

Minor

Plat or Replat without a public hearing	\$100.00
Plat or Replat with a public hearing	\$200.00

Major

Plat or Replat with a Public Hearing	\$200.00
Final Plat	\$250.00

County Fees (Required for ETJ/OCL plats) A list of County fees are available, and will be collected by Val Verde County. Please contact Mr. Roger Cerney, with the Val Verde County Office of Risk Management at (830) 774-7570. All plats in the City of Del Rio's ETJ will have to be approved by the Val Verde Commissioners Court before the City of Del Rio can approve.

(Only complete legible applications will be accepted: 1 original and 6 copies.)



**CITY OF DEL RIO
PLANNING AND CODE COMPLIANCE DEPARTMENT
(830) 774-8553**

MINOR REPLAT INSIDE CITY RECEIPT

201004412			1696644
12/14/2011	\$ 200.00	12/14/2011	KAYLA HERNANDEZ

LOCATION OF IMPROVEMENT: **1409 BEDELL**

ARCHITECT/DESIGNER: _____

OWNER: **DON ELLIS**

GENERAL CONTRACTOR: **DON ELLIS
102 C. FLETCHER DR
DEL RIO TX 78840**

NATURE OF WORK: PLAT WITH PUBLIC HEARING 7.109 AC OUT OF TRACT B AND TRACT 309 PAID WITH CHECK # 001049 FOR \$200.00		Dimensions	NO. OF FLOORS: TOTAL FLOOR AREA OF NEW CONST.: SQ FT BASEMENT: ACCESSORY STRUCTURES: LAND AREA:
TYPE FRAME:	FIRE ZONE: USE ZONE:		OCCUPANCY TYPE: CONSTRUCTION TYPE:

FEES DUE:	DESCRIPTION	QTY	AMOUNT
	PLAT/REPLAT W/PUBLIC HEARING	1	\$ 200.00
	TOTAL FEES		\$ 200.00

CITY OF DEL RIO

Don Ellis
Signature of Contractor or Authorized Agent

12-14-11
Date

Kayla Hernandez
Approved By

12-14-11
Date

CITY OF DEL RIO, TEXAS
PLANNING & ZONING COMMISSION
109 West Broadway
Del Rio, TX 78840
FOR ANY QUESTIONS OR COMMENTS PLEASE CALL (830) 774-8524 OR (830) 703-5309

December 28, 2011

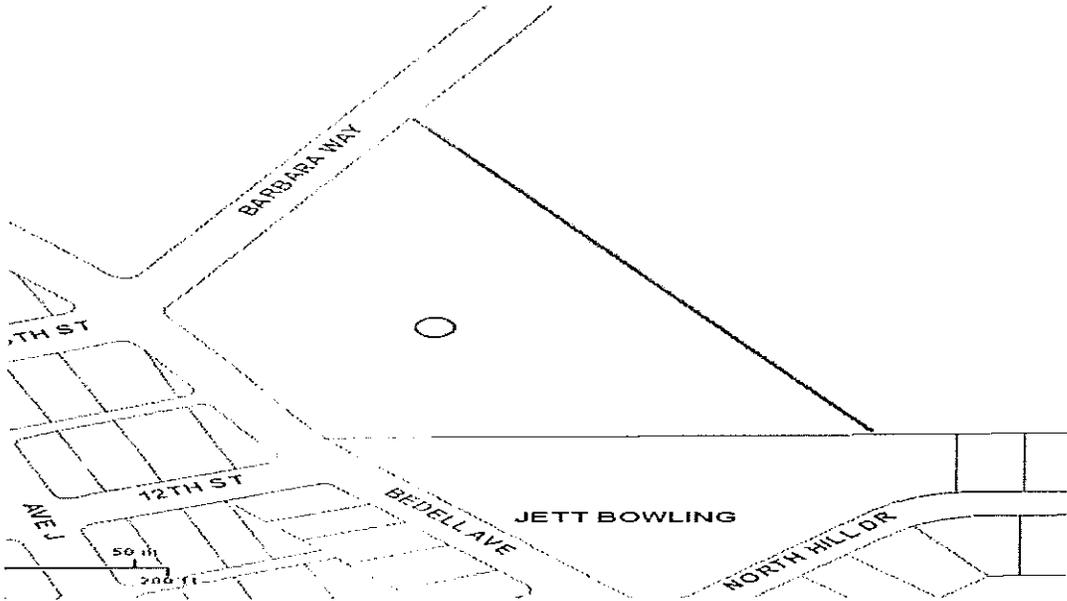
«NAME»
«ADDRESS»
«CITY»

RE: Planning & Zoning Commission Notice
Plat I # 12-01

Don R. Ellis, Representing Regency Acquisitions, LLC is requesting to Replat 7.109 Acres of land out of Tract 309 Braddie Lowe Estates.

According to our Zoning Ordinance we are required to notify property owners within Three Hundred feet from the property in question. According to our records you are the owner of Lot:«LOT», Block:«BLOCK», «ADDITION» ADDITION. This letter is to notify you that a Public Hearing will be held on the requested appeal on Wednesday, the 11th of January 2012 at 5:30 p.m. by the Planning & Zoning Commission and on Tuesday, the 24th of January 2012 at 6:30 p.m. by the City Council in the Council Chambers in City Hall (109 West Broadway). The purpose of these hearings is to give you the opportunity to express your views with respect to the requested appeal.

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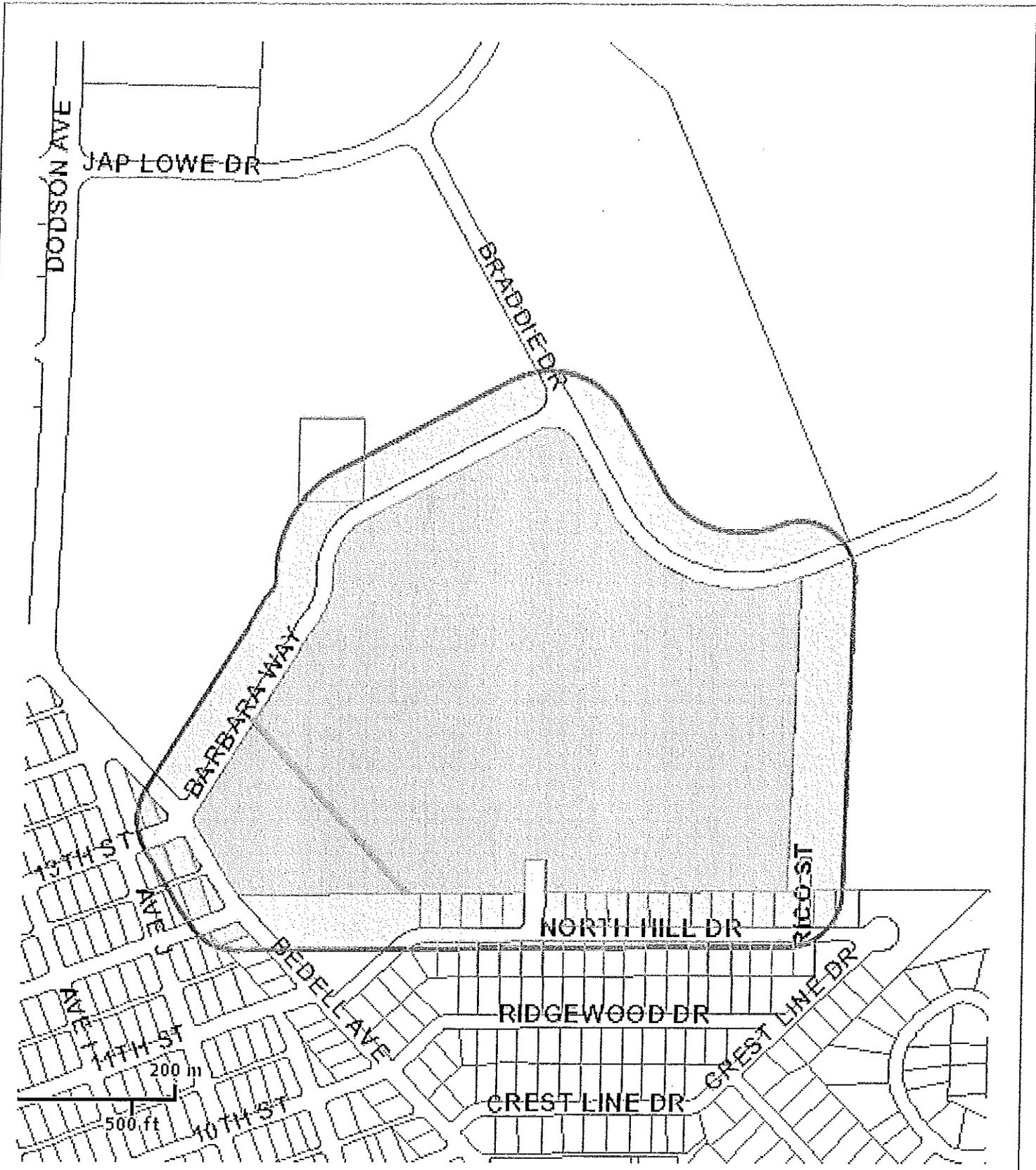


- _____ I am FOR the appeal.
- _____ I am AGAINST the appeal.
- _____ I have NO COMMENTS either for or against the appeal.
- _____ Other Comments (attach sheet if necessary).

Signature

Sincerely,
Planning and Zoning Commission

PUBLIC HEARINGS ARE HELD AT CITY HALL
A HANDICAPPED ACCESSIBLE LOCATION



Del Rio

Replat 12-01

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