

**BOARD BILL NO. 407      INTRODUCED BY ALDERMAN JOSEPH VOLLMER**

1            An ordinance establishing and creating a Planned Unit Development District for a portion  
2 of City Block 4052 to be known as the "Highland Walk Planned Unit Development District".

3            **Whereas**, the zoning ordinance of the City of St. Louis authorizes the establishment and  
4 creation of Planned Unit Development Districts (PUD's), a special zoning "overlay" tool  
5 authorizing the appropriate development of residential or commercial uses, or the combination  
6 thereof, in the best interests of the City and to provide for a scale and flexibility of development  
7 which could not otherwise be achieved through the existing single-use zoning districts, without  
8 detriment to neighboring properties; and

9            **Whereas**, on January 4, 2006, at the regular January meeting of the Planning  
10 Commission of the City of St. Louis, a Sketch Plan submitted as a request for Planned Unit  
11 Development District designation by Highland Homes, Inc. for property under its control in City  
12 Block 4052 (as shown in Exhibit "A") was presented; and

13            **Whereas**, the Planning Commission has reviewed said Sketch Plan and determined  
14 compatibility with the City's Strategic Land Use Plan and other applicable zoning and  
15 redevelopment regulations established for the proposed Planned Unit Development District  
16 provided the subsequent Development Plan include documentation as to the details of the  
17 development; and

18            **Whereas**, the Planning Commission made all requisite findings as required by 26.80.050  
19 of the Revised Code of the City of St. Louis and approved and adopted said Sketch Plan by

1    Resolution No. PDA-020-06-PUD on January 4, 2006 with three conditions and has provided a  
2    copy of the resolution to the Board of Aldermen;

3    **NOW THEREFORE BE IT RESOLVED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

4            **SECTION ONE. Findings of Fact**

5            The Board of Aldermen of the City of St. Louis hereby find and determine that: (i) the  
6    Highland Walk Planned Unit Development District, as submitted by Highland Homes, Inc. and  
7    recommended by the City of St. Louis Planning Commission with three conditions, encourages  
8    appropriate development; (ii) the Highland Walk Sketch Plan approved with three conditions by  
9    the Planning Commission on January 4, 2006 is in the best interest of the City of St. Louis; (iii)  
10   the Highland Walk Sketch Plan with three conditions recommended by the Planning  
11   Commission accomplishes the purposes set forth in 26.80.050.A of the Revised Code of the City  
12   of St. Louis; and (iv) the Highland Walk Sketch Plan with three conditions recommended by the  
13   Planning Commission meets the conditions set forth in 26.80.050.E of the Revised Code of the  
14   City of St. Louis.

15           **SECTION TWO. Requirements Regarding Development Plan.**

16           The Sketch Plan is the first step in the approval of a project seeking to be developed  
17   within and in accordance with the rules pertaining to a Planned Unit Development District. At a  
18   later time, the Developer submits for review by the Planning Commission a Development Plan  
19   for a portion of, or all, of the area included in the Planned Unit Development District. This  
20   Development Plan is compared for conformity with the approved Sketch Plan by the Planning  
21   Commission. The Planning Commission on January 4, 2006, in making its recommendation to

1 the Board of Aldermen regarding the Highland Walk Sketch Plan, included three conditions  
2 within the recommendation regarding modifications to the presented Sketch Plan that are  
3 recommended to be included in the Development Plan. They are: 1) the petitioner shall provide  
4 adequate buffering or screening along the northern side of the development site; 2) the petitioner  
5 shall explore ways to redesign the building's front and rear elevations, including its roof, so that  
6 the mass or bulk of the building appears to be reduced and the building looks more like a series  
7 of attached single-family units; and 3) the petitioner shall provide documentation from the  
8 Department of Streets which indicates its final approval of the proposed five curb cuts, including  
9 compliance with any conditions; and that compliance with these three conditions shall be  
10 documented by the petitioner in the subsequent Development Plan.

11            In addressing the requirements set forth in 26.80.050.H of the Revised Code of the City  
12 of St. Louis pertaining to Development Plan Standards, the submittal of the Development Plan  
13 for the Highland Walk Planned Unit Development District shall include documentation showing  
14 a minimum of 20% of the site in open space, but none of the open space shall be required to be  
15 public.

16            **SECTION THREE. Establishment and Creation of Highland Walk Planned**  
17 **Unit Development District.**

18            The Highland Walk Planned Unit Development District (PUD), as proposed in the  
19 Highland Walk Sketch Plan (attached hereto as Exhibit "B"), is hereby approved and adopted as  
20 recommended by the Planning Commission. There is hereby created a Planned Unit



1            **SECTION FIVE. Emergency Clause.**

2            This being an ordinance for the preservation of public peace, health, and safety, it is  
3 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article  
4 IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon  
5 its passage and approval by the Mayor.

# EXHIBIT A



**Current Zone**

-  A Single Family Dwelling Dist
-  B Two Family Dwelling Dist
-  C Multiple Family Dwelling Dist
-  D Multiple Family Dwelling Dist
-  E Multiple Family Dwelling Dist
-  F Neighborhood Commercial Dist

-  G Local Commercial District
-  H Area Commercial District
-  I Central Business District
-  J Industrial District
-  K Unrestricted District
-  L Jefferson Memorial District

 PUD Area

Highland Walk PUD

PDA-020-06-PUD



Exhibit "B"  
Highland Walk PUD  
Sketch Plan

## **Planned Unit Development District Sketch Plan**

Highland Walk Planned Unit Development District (PUD)  
City Block 4052

File No. PDA-020-06-PUD

City of St. Louis Planning Commission

January 4, 2006 Meeting

At its January 4, 2006 meeting, the Planning Commission, in making its recommendation to the Board of Aldermen regarding the Highland Walk PUD Sketch Plan, included three conditions with its recommendation for approval regarding modifications to the Sketch Plan that are recommended to be included in the Development Plan. They are: 1) the petitioner shall provide adequate buffering or screening along the northern side of the development site; 2) the petitioner shall explore ways to redesign the building's front and rear elevations, including its roof, so that the mass or bulk of the building appears to be reduced and the building looks more like a series of attached single-family units; and 3) the petitioner shall provide documentation from the Department of Streets which indicates its final approval of the proposed five curb cuts, including compliance with any conditions; and that compliance with these three conditions shall be documented by the petitioner in the subsequent Development Plan.



TO THE CITY OF ST. LOUIS PLANNING COMMISSION  
PETITION FOR  
PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

PETITIONER'S NAME HIGHLAND HOMES, INC.  
CONTACT NAME (If above is a firm/an organization) BOB SHALLENBERGER  
ADDRESS 900 PURDUE AVENUE  
ZIP CODE ST. LOUIS, MO. 63130 PHONE (314) 863-2845  
E-MAIL bob@highlandhomesinc.com

Legal Description of Property Petitioned, including total acreage (use additional sheets if necessary) see attached

Parcel Number(s) (use additional sheets if necessary) 40520001400

Address(es) including street(s) and street number(s) 5719 ARSENAL STREET  
ST. LOUIS, MO 63139

*The following can be listed or mapped on additional sheets:*

Present Zoning is "A" District(s) or a change has been requested for zoning to "P.U.D." District(s).

The acreage of the property including streets and alleys except boundary streets (to nearest tenth of an acre) is 0.274 AC. (11,943 s.f.)

Present Use of the Property VACANT

Proposed Use of the Property 5 Single Family Attached Residential Lots (TOWNHOMES)

Are you the owner of the property described? YES - Dec. 15, 2005

If not, what is your legal interest in the property? \_\_\_\_\_

The owner(s)-of-record of the petitioned property according to City of St. Louis Assessor's Records is(are) known as \_\_\_\_\_

HIGHLAND HOMES, INC.

12.20.05

Signature(s) of Petitioner(s)

Date Filed

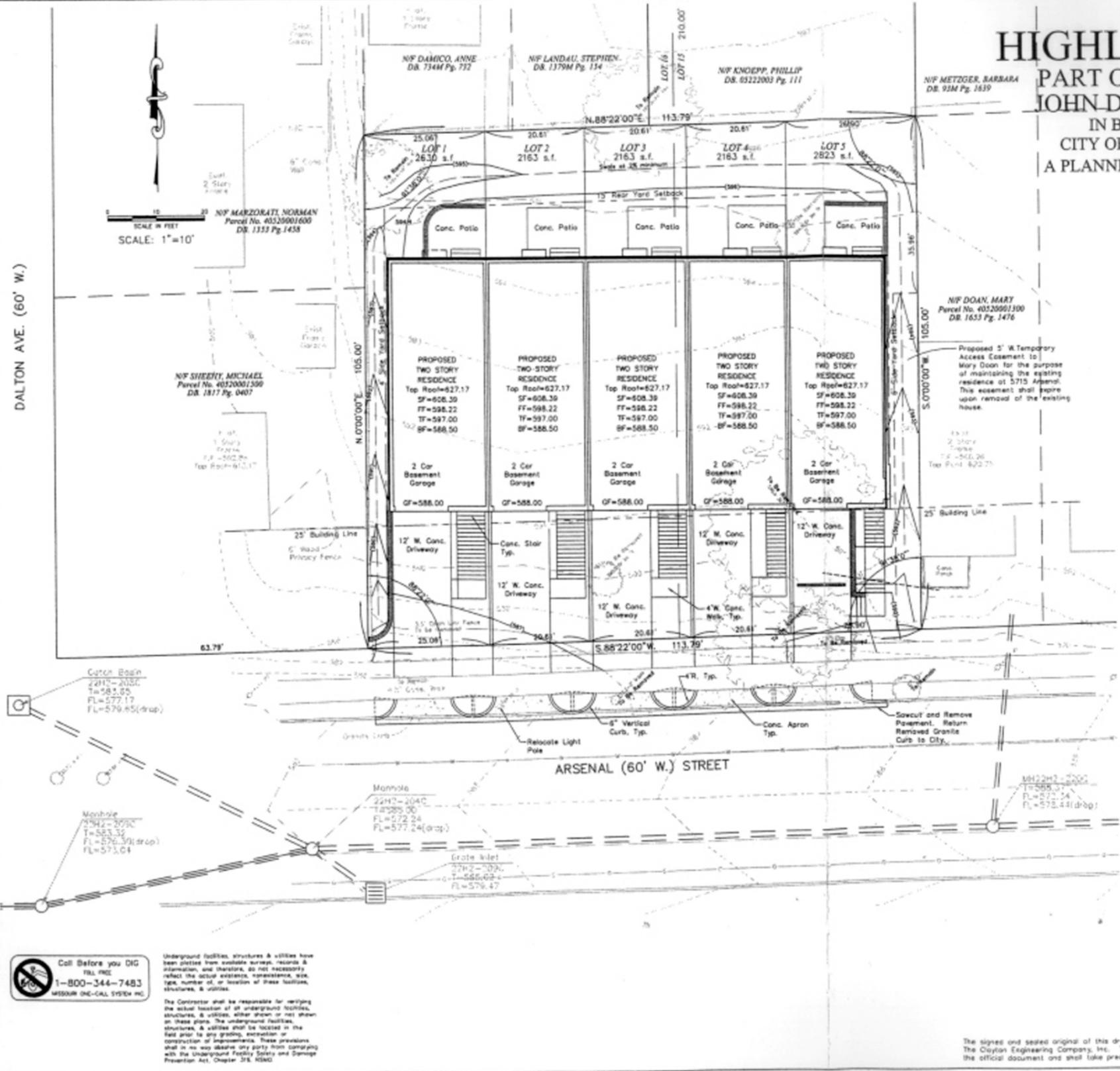
BOB SHALLENBERGER, PRESIDENT

Parties of Interest (Fill in if applicable):

Project Engineer and/or Architect (if applicable) Name CLAYTON ENGINEERING  
Address 11920 WESTLINE IND. DR. 63146 Phone (314) 692.8888

Developer and/or Builder (if other than petitioner) Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone \_\_\_\_\_

SKETCH PLAN  
**HIGHLAND WALK**  
 PART OF LOT 15 & 16 OF  
 JOHN DALTON'S ESTATE  
 IN BLOCK 4052 OF THE  
 CITY OF ST. LOUIS, MISSOURI  
 A PLANNED UNIT DEVELOPMENT



**GENERAL NOTES**

- Total Area of Tract = 11,943 sq. ft. (0.274 Ac.).
- Tract is identified as Parcel Number-40520001400.
- Tract is currently zoned "A" - Single Family Dwelling District.
- Proposed Zoning - "PUD" - Planned Unit Development.
- Proposed Use - Single Family Attached Residential Units.
- Proposed Lots - 5
- Proposed Density - 2,389 sf./unit
- Largest Lot Area = 2,823 s.f.
- Smallest Lot Area = 2,163 s.f.
- Typical residential building footprint = 1,071 s.f./unit.
- Building Height = 30'-2" above Top of Foundation  
Building Height above average finish ground elevation = 34'-7"
- Site Coverage Calculations:  

Green Space	3,803 s.f.	(31.85%)
Building	5,356 s.f.	(44.85%)
Pavement/Drives	1,597 s.f.	(13.37%)
Patios	569 s.f.	(4.76%)
Walks	618 s.f.	(5.17%)
- TOTAL OPEN SPACE PROVIDED - (Green Space & Private Patios) = 4,305 s.f. (36.04%)
- Parking Requirements - 1 off-street space per dwelling unit.
- Parking Provided - 2 off-street garage spaces per dwelling unit.

**PROPERTY DESCRIPTION**

The Western 50 feet of the Southern 105 feet of Lot 15 and the Eastern 63.79 feet (63' 9-1/2") of the Southern 105 feet of Lot 16 of John Dalton's Estate, in Block 4052 of the City of St. Louis, Missouri, together fronting 113.79 feet (113' 9-1/2") on the North line of Arsenal, by a depth Northwesterly of 105 feet. Bounded on the West by a line 63.79 feet (63' 9-1/2") East of the East line of Dalton Avenue and on the East by a line 150.00 feet West of the West line of January Avenue.

Call Before you DIG  
 1-800-344-7483  
 MISSOURI ONE-CALL SYSTEM INC.

Underground facilities, structures & utilities have been plotted from available surveys, records & information, and therefore, do not necessarily reflect the actual existence, ownership, size, type, number or location of these facilities, structures, & utilities.  
 The Contractor shall be responsible for verifying the actual location of all underground facilities, structures, & utilities, either shown or not shown on these plans. The underground facilities, structures, & utilities shall be located in the field prior to any grading, excavation or construction of improvements. These provisions shall in no way absolve any party from complying with the Underground Facility Safety and Damage Prevention Act, Chapter 316, RSMo.

The signed and sealed original of this drawing is on file at the offices of The Clayton Engineering Company, Inc. The signed and sealed original is the official document and shall take precedence over any digital version.

REVISIONS

SKETCH PLAN  
**HIGHLAND WALK**

Prepared for: 900 Purdue Avenue  
 St. Louis, Missouri 63130  
 (314)863-2845  
 Fax: (314)863-1160

the clayton engineering company, inc.  
 ENGINEERS • SURVEYORS • PLANNERS  
 1100 WESTLAK INDUSTRIAL DRIVE  
 ST. LOUIS, MISSOURI 63144  
 (314) 863-2845 FAX: (314) 863-1160  
 www.clayton-engineering.com

Designed: KRS  
 Drawn: KRS, WEG  
 Checked: 12/03/05  
 Date: 12/03/05  
 Project Number: 05199  
 Sheet Number: 1 of 1

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 Clayton Engineering Co.  
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**FRONT ELEVATION**  
SCALE 1/4" = 1'-0"

NOTE: ELEVATION PREPARED WITH SITE PLAK GRADES WILL VARY FROM SHOWN



**WINDOW DETAIL**  
SCALE 1/4" = 1'-0"

**FRONT ELEVATION NOTES**

- 1 20' 1/4" FIBERGLASS ARCHITECTURAL SHINGLE ROOFING ON 2" FIBERGLASS UNDERLAYMENT - TYPICAL
- 2 ALUM. BROW ON 2" x 8 FASCIA w/ ALUM. WEAP & VENTED ALUM. SOFFIT - TYPICAL
- 3 2" x 8" 1/2" RAILED EPS INS. 1/2" MAX. BETWEEN BRICK
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**HIGHLAND HOMES**  
1575 ARSENAL STREET  
ST. LOUIS, MO 63108  
PHONE: 314.863.3400



**ARSENAL WALK**  
1575 ARSENAL STREET  
ST. LOUIS, MO 63108



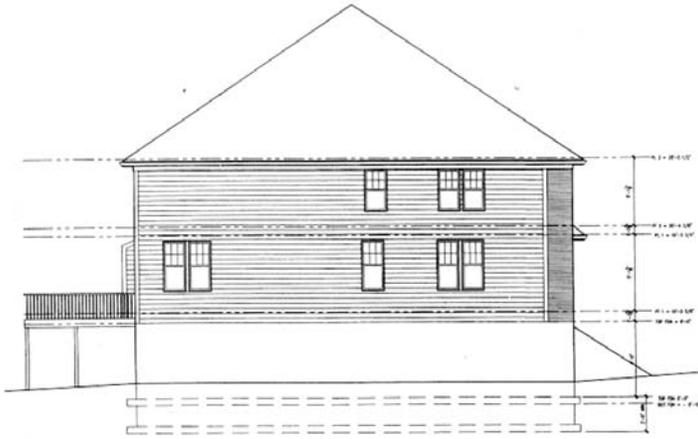
REAR ELEVATION  
SCALE: 1/4" = 1'-0"

DATE	NO.

HIGHLAND HOMES  
 27th ABERDEEN STREET  
 ST. LOUIS, MO 63105  
 PHONE: (314) 863-3846



CONDOMINIUMS  
 27th ABERDEEN STREET  
 ST. LOUIS, MO 63105



⊕ LEFT ELEVATION

NO.	DATE
<small>           ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE TO FACE UNLESS NOTED OTHERWISE.            FINISHES AND MATERIALS TO BE DETERMINED BY THE ARCHITECT. SEE SPECIFICATIONS FOR DETAILS AND NOTES.            THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.            THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.            THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.         </small>	

HIGHLAND HOMES  
 11111 HIGHLAND AVENUE  
 HOUSTON, TEXAS 77036



CONDOMINIUMS  
 11111 HIGHLAND AVENUE  
 HOUSTON, TEXAS 77036



⊕ RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

NO.	DATE

HIGHLAND HOMES  
 11111 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 (303) 751-1111  
 www.hIGHLANDHOMES.com



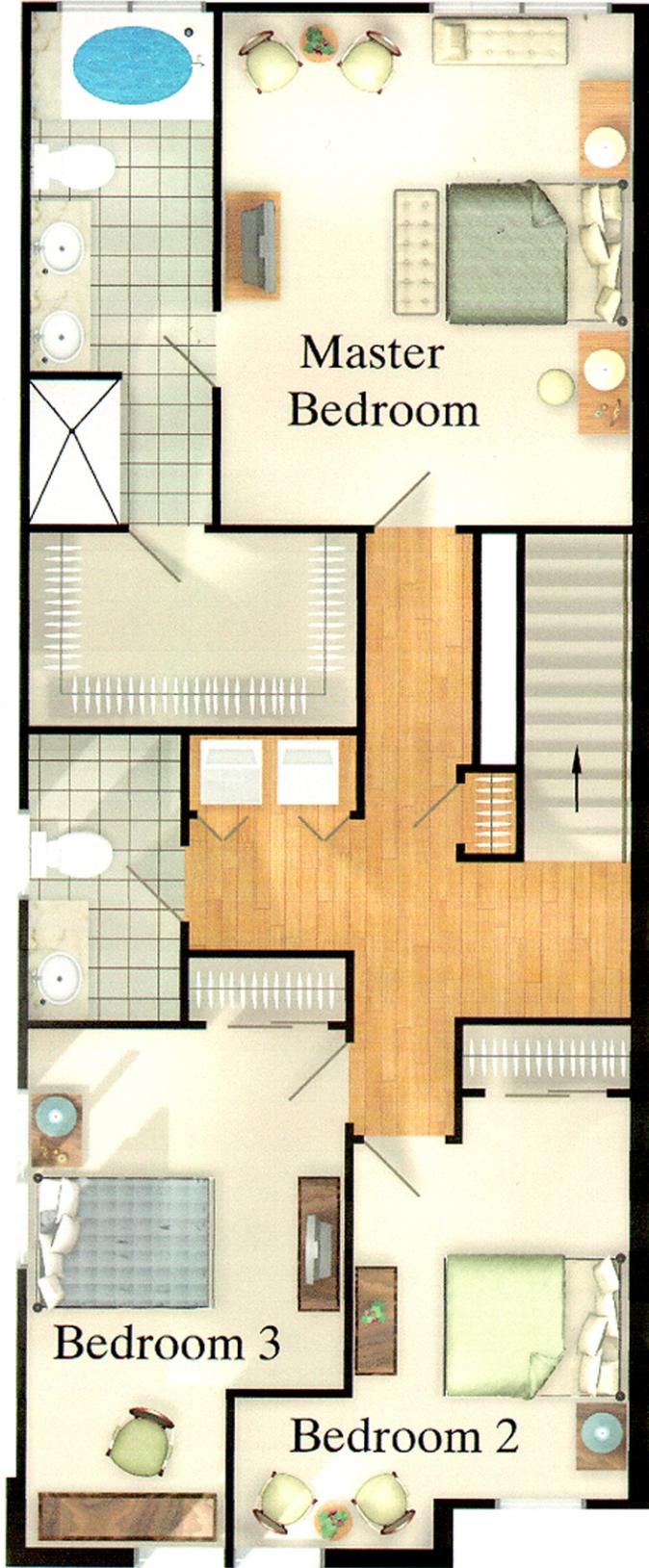
CONDOMINIUMS  
 11111 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 (303) 751-1111













### Highland Walk Sales & Development Team

Bob Shallenberger  
Production Management

John Cavanagh  
Sales & Marketing

Ken Schaeffler  
Clayton Engineering  
Project Manager

Adam Glosier  
Superintendent

Tony Camacho  
Construction Project Manager

Sam Beys  
Asst. Superintendent

Mike Rickenbaugh  
General Foreman

### Expected Development Schedule

03/01/06	Permit Ready
03/15/06	Excavation
03/29/06	Footings & Foundation
04/12/06	Rough Carpentry
05/31/06	Set Trusses & Roof
06/14/06	Brick & Exterior Trim
07/12/06	Plumbing/Electrical/HVAC ROUGH
08/02/06	Insulation & Drywall
08/16/06	Paint & Trim
09/13/06	Flooring/Tile/Cabinetry
09/27/06	Plumbing/Electrical/HVAC TRIM
10/11/06	Exterior Flatwork & Landscaping
10/25/06	Estimated Completion

### Exterior Building Materials

Front Elevation:	Brick & Stucco
Side Elevations:	Brick Return & Vinyl Siding
Rear Elevation:	Vinyl Siding
Front Steps & Porches:	Concrete
Driveways:	Concrete
Rear Patios:	Concrete
Handrails:	Wrought-Iron Style

We will seek 10-Year Tax Abatement.

Proposed Sales Prices: \$250,000-300,000 per residential unit



# HIGHLAND HOMES

In February 2003, John Cavanagh partnered with college fraternity brother, Bob Shallenberger, to launch Highland Homes. Both shared the same industry philosophy of high quality residential homes emphasizing unique plans and features. The company instantly found its niche in infill residential development, built new homes in already well-rooted and established neighborhood and quickly became a \$10 million company.

Today Highland Homes is known for building new homes with original models and floor plans that come equipped with an extensive list of "luxury options" as standard features. The company currently has 17 homes and 11 condominium units under construction and another 6 homes and 12 condominium units in the preproduction phase.

**Bob Shallenberger**  
**Partner/ President**  
**Highland Homes of St. Louis, Inc.**

Bob Shallenberger has been in residential construction, development and remodeling since 1998. His construction career began in the late 90's remodeling single and multi-family homes in and around the St. Louis metropolitan area as a means of additional income while running a multi-million dollar retail/wholesale company. He used his 12+ years management expertise to create an efficient infrastructure which has allowed Highland Homes to experience steady, controlled growth.

Shallenberger is a resident of Ladue. In his free time, he enjoys collecting autographed memorabilia, baseball and golf. He is a member of YEO-also serves as a Member of the Mid-County YMCA Development Board.

**John Cavanagh**  
**Partner/Vice President**  
**Highland Homes of St. Louis, Inc.**

John Cavanagh is a 13-year veteran of the residential development industry and the owner and co-founder of Highland Homes, an award-winning company building high-end homes in some of the most sought after communities in St. Louis.

His career began in the early 90's working for two small custom homebuilders before securing the position as Director of Sales Management for McBride & Son Homes, where he also trained in the company's nationally renowned Sales Management Training Program. Cavanagh managed a staff of as many as a dozen sales associates and managers.

Cavanagh is a resident of Rock Hill. In his free time he enjoys golf, working out and running. He also serves on the Young Leaders Council.

List of some recent projects under construction or completed by Highland Homes. These properties are examples of infill developments in and around the St. Louis Area

House	Baltinglass	1553 Kraft St. DogTown	Completed	\$ 335,000	<b>Sold</b>
House	Baltinglass	1565 Fairmount Ave. St. Louis	Completed	\$ 304,900	<b>Sold</b>
House	Baltinglass	1556 Kraft St. St. Louis	Completed	\$ 279,900	<b>Sold</b>
House	Belfast	1111 Yale Ave. Richmond Heights	Completed	\$ 565,000	<b>Sold</b>
House	Belfast	1115 Yale Ave. Richmond Heights	Under Construction	\$ 564,900	<b>Sold</b>
House	Belfast	459 Bacon Ave. Webster Groves	Under Construction	\$ 429,900	<b>Sold</b>
House	Belmullet	3420 Manhattan St. Louis	Under Construction	\$ 299,900	<b>Available</b>
House	Castletown	1560 Kraft St. St. Louis	Completed	\$ 345,343	<b>Sold</b>
House	Kilcullen II	2204 St. Clair Ave. Brentwood	Completed	\$ 699,900	<b>Available</b>
House	Kilkenny	1612 Prather Ave. DogTown	Completed	\$ 324,900	<b>Sold</b>
House	Newbridge	9106 Old Bonhomme Rd. Olivette	Completed	\$ 549,900	<b>Available</b>
House	Newbridge	1616 Prather Ave. St. Louis	Completed	\$ 324,920	<b>Sold</b>
House	Newbridge	1600 Prather Ave. St. Louis	Completed	\$ 324,900	<b>Available</b>
House	Tipperary	1537 Fairmount Ave. St. Louis	Under Construction	\$ 349,900	<b>Available</b>

House	Tipperary	1561 Fairmount Ave. DogTown	Under Construction	\$ 349,900	Available
House	Tipperary	1541 Fairmount Ave. Dogtown	Under Construction		Available
House	Tipperary	1539 Fairmount Ave. Dogtown	Under Construction		Available
House	Tullamore	1107 Yale Ave. Richmond Heights	Completed	\$ 560,000	Sold
House	Tullamore	9324 Berry Ave Rock Hill	Completed	\$ 443,602	Sold
House	Waterford	1558 Fairmount Ave. St. Louis	Completed	\$ 321,166	Sold
House	Waterford	1606 Prather Ave. St. Louis	Completed	\$ 302,479	Sold

Condo	Carlingford II	7002 Tulane Ave. - 1FL University City	Completed	\$ 249,900	Sold
Condo	Donegal	6404 Cates Ave. - 4W University City	Under Construction	\$ 349,900	Under Contract
Condo	Donegal	6404 Cates Ave. - 4E University City	Under Construction	\$ 349,900	Available
Condo	Donegal	6404 Cates Ave. - 3E University City	Under Construction	\$ 319,000	Available
Condo	Donegal	6404 Cates Ave. - 3W University City	Under Construction	\$ 319,000	Available
Condo	Donegal	6404 Cates Ave. - 1W University City	Under Construction	\$ 279,900	Under Contract
Condo	Donegal	6404 Cates Ave. - 1E University City	Under Construction	\$ 279,000	Under Contract
Condo	Donegal	6404 Cates Ave. - 2E University City	Under Construction	\$ 279,000	Under Contract
Condo	Donegal	6404 Cates Ave. - 2W University City	Under Construction	\$ 279,000	Under Contract
Condo	Longford	837 Westgate Ave. - 3FL University City	Under Construction	\$ 309,900	Sold
Condo	Longford	837 Westgate Ave. - 1FL University City	Under Construction	\$ 300,523	Sold
Condo	Longford	837 Westgate Ave. - 2FL University City	Under Construction	\$ 284,900	Sold
House	Aberdeen	7458 Washington Ave. University City	Under Construction	\$ 799,900	Available



**THE PRIVATE BANK**

VIA EMAIL

December 19, 2005

Highland Homes of St. Louis  
Attn: Bob Shallenberger, President  
900 Purdue  
University City, MO 63130

**Re: Commitment to finance the construction of 5 attached 2-story town homes located at 5719 Arsenal, St. Louis, MO 63139**

**Borrower:** Highland Development Company, Inc.

**Guarantors:** Unlimited personal joint & several guarantees:  
Robert & Johanna Shallenberger  
John Cavanagh  
Highland Homes of St. Louis, Inc.

**Facility Amount:** \$1,099,950

**Purpose:** Construction Loan Facility issued for the purpose of building 5 attached 2-story town homes located at 5719 Arsenal, St. Louis, MO 63139 (the "Property"). The individual town homes will each consist of approximately 2,000 sf. with three bedrooms / two and a half baths. Other amenities include a fireplace, zoned HVAC, technology package and a 2 car underneath front entry garage with additional storage space. Total project cost is \$1,099,950 which represents 100% LTC and 76% LTV based on the borrower's projected sellout of \$1,450,000 or \$145 psf. Individual units will be released based on 115% of costs ( $\$220,000 * 115\% = \$253,000$ ).

**Interest Rate:** Prime +1%, floating paid monthly in arrears and shall be computed on the basis of a year consisting of 360 days and charged for the number of days actually elapsed.

**Origination Fee:** 1%

**Term:** Facility shall be for a term of 18 months

**Repayment Terms:** Interest only monthly

**Security:** A) First deed of trust, security agreement, and conditional assignment of rents and leases on the Property.

**Margin Requirement:** The Loan Amount shall be the lesser of \$1,099,950 or the sum of the appraised value of the Property multiplied by an 80% advance rate, as determined by an independent appraisal and the Bank.

**Disbursing:** Old Republic Title to disburse funds.

**Title Insurance:** Prior to the disbursement of the Loan, the Borrower shall furnish to the Bank, at its own expense, a fully paid commitment for the ALTA loan title insurance policy with gap insurance coverage that will cover the gap between the date of the title commitment and the date of disbursement of the Loan, and contain such location notes and endorsements as the Bank's counsel requires. Said insurance is to be in an amount of not less than the Loan herein, issued by a title insurance company acceptable to the Bank

insuring the mortgage as valid first mortgage lien encumbering the Property, in form and substance satisfactory to the Bank and its counsel, without exceptions other than those described herein or otherwise acceptable to the Bank.

**Survey:** The Borrower shall provide the Bank with a Survey of the Property prepared by a licensed land surveyor and dated in a manner deemed satisfactory to the Bank describing the legal description, dimensions, location of improvements, location of adjoining streets, location of easements, and location of parking areas for the Property. In addition, the surveyor shall certify the survey.

**Appraisal:** The Bank shall procure, at a point in time deemed appropriate by the Bank, from an appraiser of its own choice, a market value appraisal of the Property as of the date of closing and the date of stabilization showing a market value consistent with the Margin Requirements discussed herein. Such appraisal shall also include a discussion and value conclusion of the tax credits. The cost of said appraisal shall be borne by the Borrower. It is understood that the Bank must approve the acceptability of said appraisal, in its sole opinion.

**Insurance:** The Borrower shall obtain and deliver to the Bank prior to the closing date evidence of appropriate hazard and liability insurance in an amount satisfactory to the Bank in its sole discretion. All such insurance shall contain an appropriate mortgagee clause in favor of the Bank. Said Insurance shall provide thirty (30) days notification to the Bank prior to cancellation of said Insurance.

**Subordinated Financing:** The Borrower shall not be permitted to have any other mortgages or liens or encumbrances on the Property without the prior written consent of the Bank, which may be granted or withheld at the Bank's sole discretion.

**Financial Condition:** Funding is subject to there being no material and/or adverse changes in the financial condition of any Borrowers, Guarantors or related entities of the Borrowers and/or Guarantors. In addition, during the Term, the Borrower shall, upon the request of the Bank, provide the Bank with copies of any Federal income tax returns filed by the Borrowers and/or Guarantors, income and expense information with respect to the Property, and any other financial information requested by the Bank that can be reasonably produced.

**Fees and Expenses:** If a loan request is approved, Borrower will be responsible for all costs and expenses incurred in connection with the loan, including but not limited to, lender's attorney fees, appraisal fees, environmental consultant fees, survey fees, title insurance premiums, lender's inspecting consultant, etc.

**Additional Requirements:** If a loan request is approved, Borrower must meet all other requirements standard to the Bank.

The Borrower shall establish with Bank a general operating account and all escrow accounts used by Borrower and the tax credit purchasers in connection with the Facility and Property.

Sincerely,

Mark A. Graham  
Associate Managing Director

MAG:mg  
Enclosure

PROPERTY DESCRIPTION

The Western 50 feet of the Southern 105 feet of Lot 15 and the Eastern 63.79 feet (63' 9-1/2") of the Southern 105 feet of Lot 16 of John Dalton's Estate, in Block 4052 of the City of St. Louis, Missouri, together fronting 113.79 feet (113' 9-1/2") on the North line of Arsenal, by a depth Northwardly of 105 feet. Bounded on the West by a line 63.79 feet (63' 9-1/2") East of the East line of Dalton Avenue and on the East by a line 150.0 feet West of the West line of January Avenue.

Property Address: 5719 Arsenal Street  
St. Louis, Missouri 63139  
Parcel Number: 405200014000

**GENERAL WARRANTY DEED  
(CORPORATION - CITY)**

THIS DEED, Made and entered into this 15th day of December, 2005, by and between

**Capital Land Development Co., Grantor**

Address: 900 Purdue, St. Louis, MO 63130

a corporation, organized and existing under the laws of the State of Missouri, with its principal office in the County of St. Louis, State of Missouri party of the First Part, and

**Highland Development Company, a Missouri corporation, Grantee**

Address: 900 Purdue, St. Louis, MO 63130

WITNESSETH, that the said parties of the First Part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the said party or parties of the Second Part, the receipt of which is hereby acknowledged, does by these presents **GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM** unto the said party or parties of the Second Part, the following described Real Estate, situated in the City of St. Louis, and State of Missouri, to-wit:

The Western 50 feet of the Southern 105 feet of Lot 15 and the Eastern 63 feet 9 ½ inches of the Southern 105 feet of Lot 16 of Subdivision of John Dalton's Estate, and in Block 4052 of the City of St. Louis, together fronting 113 feet 9 ½ inches on the North line of Arsenal, by a depth Northwardly of 105 feet, and the Eastern 5 feet of the Northern 105 feet of Lot 16 and the Western 50 feet of the Northern 105 feet of Lot 15 of Subdivision of John Dalton's Estate in Lot 6 of Cooper Tract, and in Block 4052 of the City of St. Louis, together fronting 55 feet on the South line of Southwest Avenue, by a depth Southwardly of 105 feet; bounded West by a line 122 feet 7 inches East of the East line of Dalton Avenue, measured along the South line of Southwest Avenue.

Property Address: 5719 Arsenal Street

LOCATOR NO            4052 00 0140 0

**Subject to easements, conditions, restrictions, building lines and zoning regulations, if any.**

**TO HAVE AND TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the Second Part, and to the heirs and assigns of such party or parties forever.

The said party of the First Part hereby covenanting that it and its successors, shall and will **WARRANT AND DEFEND** the title to the premises unto said party or parties of the Second Part, and to the heirs and assigns of such party or parties forever against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2006 and thereafter, and special taxes becoming a lien after the date of this deed.

IN WITNESS WHEREOF, the said party or parties of the First and Second Part have hereunto set their hands the day and year first above written, the said party of the first part has caused these presents to be signed by its Vice President and its corporate seal to be hereunto affixed.

Capital Land Development Co.  
By: [Signature]  
John Cavanagh  
Its Vice President

Highland Development Company  
By: [Signature]  
Bob Shallenberger  
Its President

STATE OF MISSOURI  
COUNTY OF St. Louis

On this 15th day of December, 2005, before me appeared:  
John Cavanagh

who, being by me duly sworn, did say that he is the Vice President of Capital Land Development Co., a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors, and said acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.

[Signature]  
Notary Public,

My term expires: \_\_\_\_\_  
STATE OF MISSOURI  
County OF ST. LOUIS



LISA M. MCCARTHY  
My Commission Expires  
November 27, 2009  
St. Louis County  
Commission #05511561

On this 15th day of December, 2005, before me appeared:  
Bob Shallenberger

who, being by me duly sworn, did say that he is the President of Highland Development Company, a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors, and said acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State the day and year first above written.



LISA M. MCCARTHY  
My Commission Expires  
November 27, 2009  
St. Louis County  
Commission #05511561

[Signature]  
Notary Public,

My term expires: 12/15/05



**Southwest Neighborhood Improvement Association  
dba, Southwest Garden Neighborhood**

4950 Southwest Avenue • St. Louis, Missouri 63110 • (314) 742-6088  
www.southwestgarden.com



Don Roe, Deputy Director  
Planning and Urban Design Agency  
1015 Locust Ste#1200  
St. Louis, MO 63101

December 13, 2005

RE: Development of 5719 Arsenal  
Sublette Park Village Condominiums  
By Highland Homes

Dear Don,

John Cavanaugh and Sam Beys. presented their plans for development of five condominiums with garages at 5719 Arsenal to our board members at our November 2005 meeting. Information about this development was shared with neighbors of the Arsenal property and feedback was requested.

The Southwest Garden Neighborhood Association's office has received no statements of opposition from residents concerning this project. We therefore wish to express our interest in **supporting** this project by Highland Homes at the above referenced location. Drawings of the referenced development are attached.

King Regards,

Dana Gray  
Executive Director

c.c. Alderman Joseph Vollmer  
c.c. Bob Lordi, Zoning Dept.  
c.c. Highland Homes

