

# PD 1588

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7/17/2024

REPORTS OF COMMITTEES

21128  
14989

*Reclassification Of Area Shown On Map No. 5-G.*  
(As Amended)  
(Application No. 21128)  
(Common Address: 2031 -- 2033 N. Kingsbury St.)  
[O2022-2628/SO2023-0004763]

RBPP1588

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the M2-2 Light Industry District symbols and indications as shown on Map Number 5-G in the area bounded by:

North Kingsbury Street; a line perpendicular to North Kingsbury Street commencing 188.50 feet south of North Southport Avenue, as measured along the northeast property line of North Kingsbury Street; the 18-foot public alley east of and parallel to North Kingsbury Street; and a line measuring 263.49 feet running along a convex curve to the southwest with a radius of 458.37 feet from a point 3 feet south of the northwest corner of Lot 32 to a point 91 feet north of North Magnolia Avenue, as measured along the northeast property line of North Kingsbury Street,

to those of a B3-5 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B3-5 Community Shopping District symbols and indications as shown on Map Number 5-G in the area bounded by:

North Kingsbury Street; a line perpendicular to North Kingsbury Street commencing 188.50 feet south of North Southport Avenue, as measured along the northeast property line of North Kingsbury Street; the 18-foot public alley east of and parallel to North Kingsbury Street; and a line measuring 263.49 feet running along a convex curve to the southwest with a radius of 458.37 feet from a point 3 feet south of the northwest corner of Lot 32 to a point 91 feet north of North Magnolia Avenue, as measured along the northeast property line of North Kingsbury Street,

to those of a Residential-Business Planned Development which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

SECTION 3. This ordinance shall be in force and effect from and after its passage.

Plan of Development Statements referred to in this ordinance read as follows:

*Residential-Business Planned Development No. 1588.*

*Planned Development Statements.*

1. The area delineated herein as Planned Development Number 1588 ("Planned Development") consists of approximately 68,181 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). Alloy Property Company 2 LLC is the owner of the Property and the "Applicant" for this Planned Development.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance (the "Zoning Ordinance"), the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans (defined below).

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with CDOT Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by CDOT.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the City's Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the Property, which may

include, but not be limited to, the following as shall be reviewed and determined by CDOT's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway and landscaping

The Perimeter Restoration Agreement must be executed prior to any CDOT and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the CDOT Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by CDOT.

The private access drive shown on the site plan shall be accessible to allow traffic to access the public alley from Kingsbury. Any third-party private access from the access drive shall only be permitted if such third party enters into an easement agreement or other agreement with the Applicant pursuant to which such third party agrees to share in maintenance and other costs associated with the private access drive.

4. This Planned Development consists of these 17 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by Pappageorge Haymes Partners and dated May 16, 2024 (the "Plans"): an Existing Zoning Map; an Existing Land-Use Map; a Site Boundary Map; a Site Plan; an Overall Landscaping Plan; and Building Elevations. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereof, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development ordinance and the Zoning Ordinance, this Planned Development ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development: dwelling units located on and above the ground floor (including multi-unit residential and townhouses); office; daycare; animal services; business equipment sales and service; business support services (excluding day labor employment agency); communication service establishments; eating and drinking establishments (all, excluding taverns); entertainment and spectator sports (excluding inter-track wagering facilities, amusement arcades, entertainment cabaret and hookah bar); indoor special event including incidental liquor sales; financial services (excluding payday/title secured loan stores and pawn shops); food and beverage retail sales; medical service; personal service; general retail sales; participant sports and recreation; co-located wireless communication facilities; accessory parking and incidental and accessory uses.
6. On-premises signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD. Off-premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted overall FAR identified in the Bulk Regulations Table has been determined using a net site area of 68,181 square feet.
9. Upon review and determination, "Part II review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II review fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

The Plans are hereby approved in their entirety and no further approvals shall be required under this Planned Development or the Zoning Ordinance for the improvements undertaken in accordance with the Plans, other than Part II approval (per Section 17-13-0610 of the Zoning Ordinance).

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned policy and must provide documentation verifying compliance.
15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority- and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the City in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The City encourages goals of (i) 26 percent MBE and 6 percent WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50 percent city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the applicant's submission for Part II permit review for the project or any phase thereof, the applicant must submit to DPD: (a) updates (if any) to the applicant's preliminary outreach plan; (b) a description of the applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the applicant's outreach efforts; and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any

phase thereof, the applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. The Applicant acknowledges and agrees that the rezoning of the Property from M2-2 Light Industry District to B3-5 Community Shopping District and then to this Residential-Business Planned Development is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The P.D. is located in an "inclusionary housing area" within the meaning of the ARO and permits the construction of 355 dwelling units. The Applicant intends to construct a 355-unit rental development (the "Project").

Developers of rental projects in inclusionary housing areas with 30 or more units must provide between 10 percent and 20 percent of the units in the residential development as affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25 percent of the affordable units on-site and another 25 percent on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 20 percent option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 71 percent affordable units (20 percent of 355) and half of which (50 percent of 71 or 35.5) are Required Units. Provided that an ordinance (the "LAC Ordinance") designating the Property as a Low Affordability Community pursuant to 35 ILCS 200/15-178 is approved, the Applicant would satisfy its affordable housing obligation by providing 71 affordable units in the Project, as set forth in the Affordable Housing Profile (AHP) attached hereto. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60 percent of the

Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that: (x) the maximum income level for any affordable unit may not exceed 80 percent of the AMI; (y) at least one-third (or 24 units) must be affordable to households at or below 50 percent of the AMI, one-sixth of which (or 4 of the 24 units) must be affordable to households at or below 40 percent of the AMI; and (z) all income levels must be multiples of 10 percent of the AMI.

If the LAC Ordinance is not approved, the Applicant would satisfy its affordable housing obligation by providing 54 of its required 71 affordable units in the Project and making a payment to the Affordable Housing Opportunity Fund in lieu of the establishment of 17 affordable units in the amount of \$155,344 per unit for a total payment of \$2,640,848, as set forth in the AHP attached hereto. In this scenario, the affordable rental units must be affordable to households with a range of incomes averaging 60 percent of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that: (x) the maximum income level for any affordable unit may not exceed 80 percent of the AMI; (y) at least one-third (or 18 units) must be affordable to households at or below 50 percent of the AMI, one-sixth of which (or 3 of the 18 units) must be affordable to households at or below 40 percent of the AMI; and (z) all income levels must be multiples of 10 percent of the AMI.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this P.D., DOH may adjust the AHP as requested, in accordance with the ARO, without amending the P.D., provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to Plan Commission on such change. Prior to the issuance of any building permits for any residential building in the P.D., including, without limitation, excavation or foundation permits, the Applicant must execute and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against the P.D. and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the P.D.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this P.D. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

17. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a zoning map amendment to rezone the Property to the B3-5 Community Shopping District.

[Affordable Housing Profile (AHP) Form unavailable at time of printing.]

[Existing Zoning Map; Land-Use Map; Property Line and Boundary Map; Site Plan; Landscape Plan; Northeast, Southwest and Northwest Building Elevations; Green Roof Plans; Podium Axonometric View -- South Corner; and Tower Axonometric View -- 15<sup>th</sup> Floor Terrace and Amenity Deck referred to in these Plan of Development Statements printed on pages 14997 through 15008 of this *Journal*.]

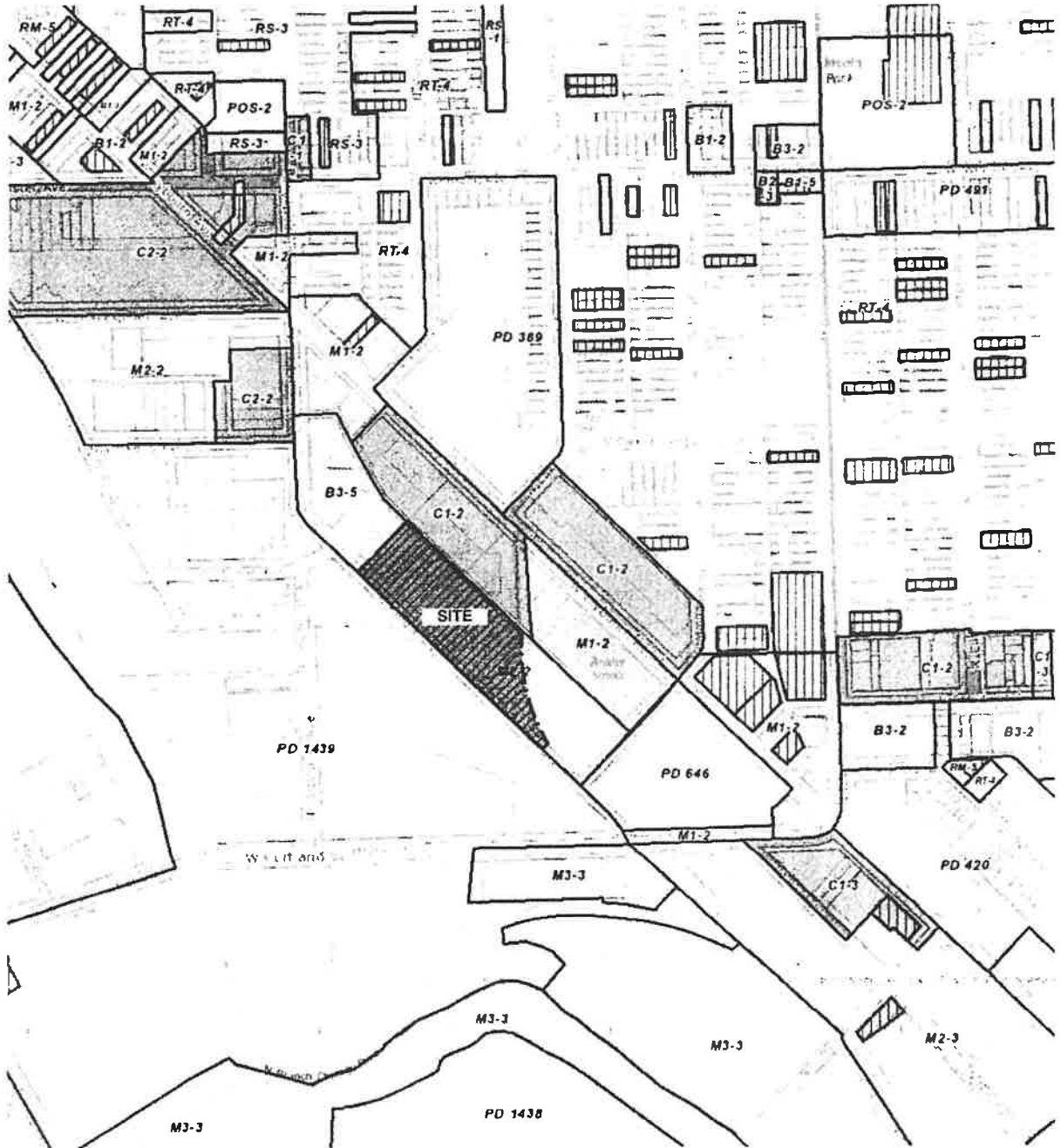
Bulk Regulations and Data Table referred to in these Plan of Development Statements read as follows:

*Residential-Business Planned Development No. 1588.*

*Bulk Regulations And Data Table.*

Gross Site Area (square feet):	93,105
Area of Public Rights-of-Way (square feet):	24,924
Net Site Area (square feet):	68,181
Maximum Floor Area Ratio:	5.0
Number of Dwelling Units:	355
Minimum Off-Street Parking Spaces:	203
Minimum Bicycle Parking Spaces:	360
Minimum Off-Street Loading Spaces:	2
Maximum Building Height:	275 feet, 0 inches
Minimum Setbacks:	Per Plans

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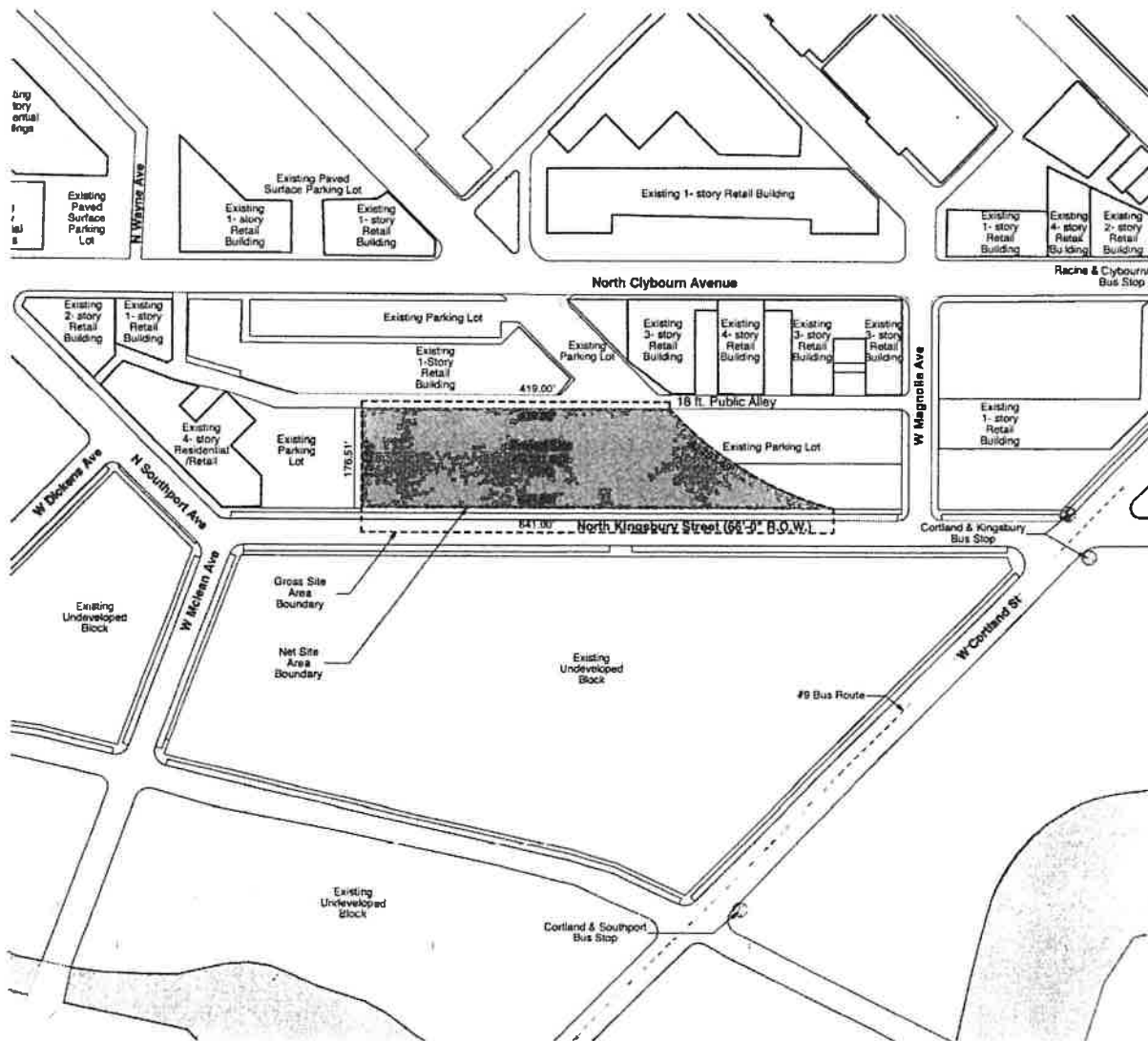
Applicant: Alloy Property Company 2, LLC  
Address: 2031-2033 North Kingsbury Street  
Introduction Date: September 21, 2022  
Plan Commission Date: May 16, 2024

Existing Zoning



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SCALE: 1" = 200'

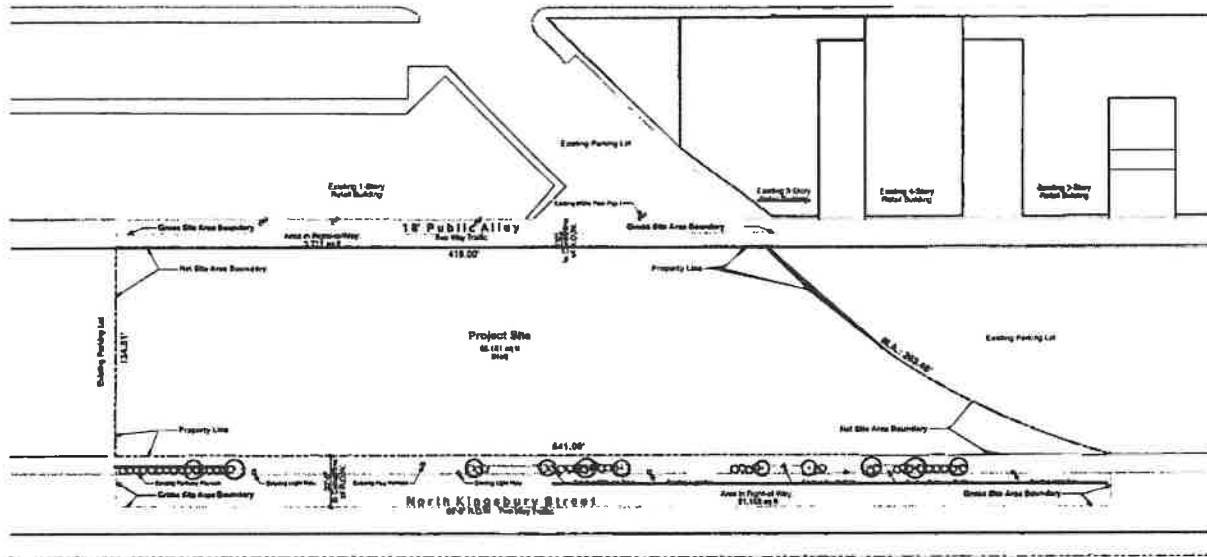
Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
 Introduction Date: September 21, 2022  
 Plan Commission Date: May 16, 2024

Land Use Map



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SCALE: 1" = 100'

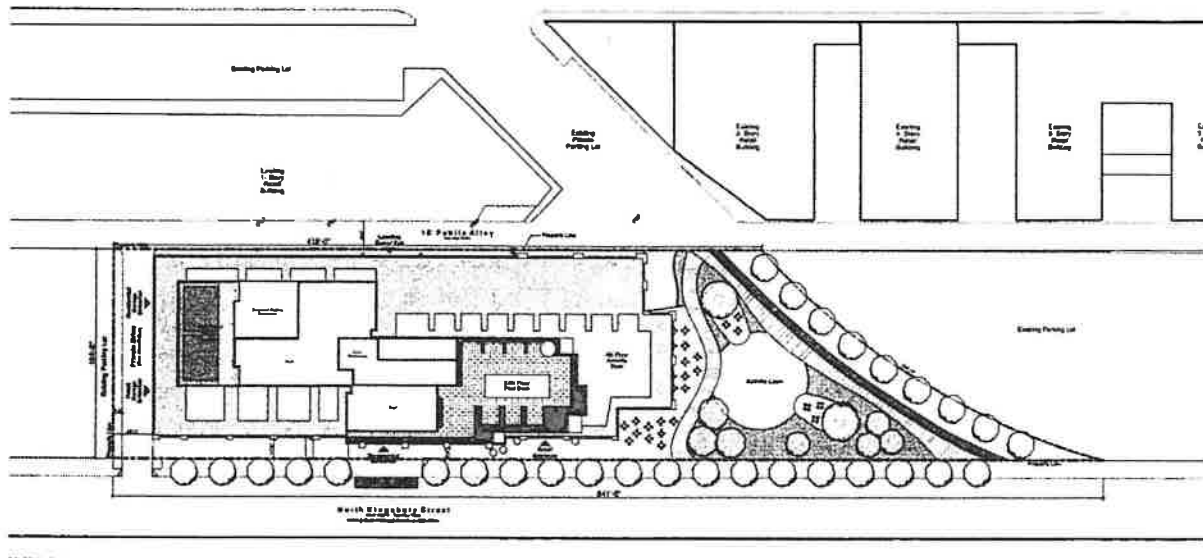
Net Site Area:	68,181 sf
Area in Right-Of-Way:	24,924 sf
Gross Site Area:	93,105 sf

Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
 Introduction Date: September 21, 2022  
 Plan Commission Date: May 16, 2024

Property Line & Planned Development Boundary

  
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**Private Drive Note:**  
 The private access drive shown on the site plan shall be accessible to allow traffic to access the public alley from Kingsbury. Any third-party private access from the access drive shall only be permitted if such third party enters into an easement agreement or other agreement with the Applicant pursuant to which such third party agrees to share in maintenance and other costs associated with the private access drive.

SCALE: 1" = 100'

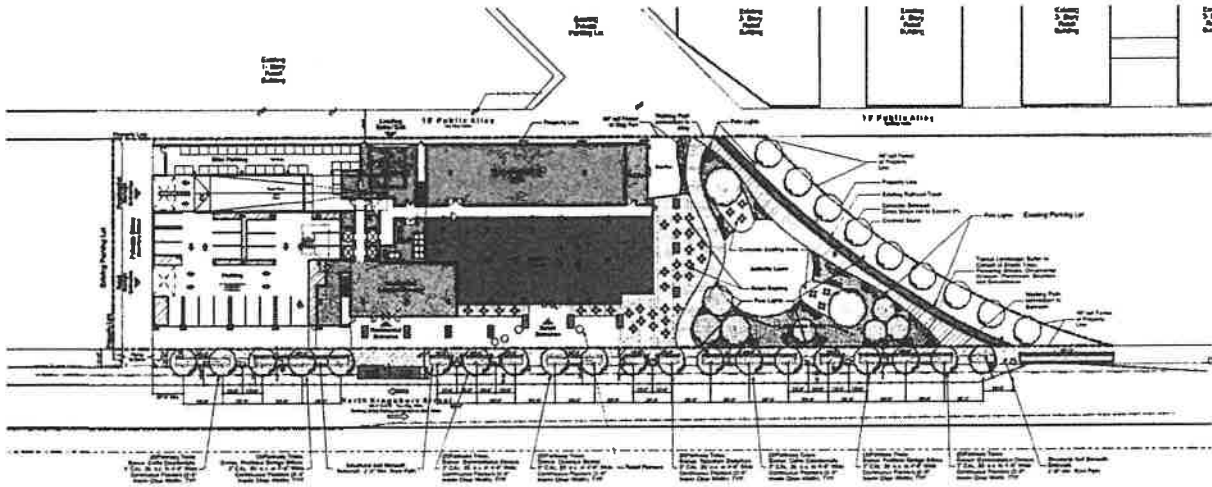
Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
 Introduction Date: September 21, 2022  
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Site Plan



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**Private Drive Note:**  
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SCALE: 1" = 100'

**General Notes:**

1. Topsoil is required throughout the fullest dimensions of all tree planters 2'-6" deep with all non-topsoil items from construction spill must be removed from each planter prior to soil installation.
2. All required landscape within public right-of-way to be replaced, if needed, for a minimum of five (5) years by the original applicant and subsequent owners.
3. Securing grates to frames is prohibited. Grate panels may be secured together from bottom side of each panel through the bolt lugs and manufacturers bolting hardware.
4. 4" layer of black lava rock installed throughout the grate opening and the fullest dimensions of the at grade planter is required. Leave no voids between soil and grate.

**Plant Schedule**

<u>Deciduous Trees</u>	<u>Botanical / Common Name</u>	<u>Cond.</u>	<u>Size</u>
1	Tilia Americana / American Linden	B & B	2.5" Cal.
2	Betula Platyphylla Japonica 'Whitespire' / Japanese Birch	B & B	8' Clump
3	Acer Palmatum 'Bloodgood' / Bloodgood Japanese Maple	B & B	8' Clump
4	Ginkgo Biloba 'Princeton Sentry' / Princeton Sentry Ginkgo	B & B	4" Cal.
<u>Small Evergreen Trees</u>	<u>Botanical / Common Name</u>	<u>Cond.</u>	<u>Size</u>
5	Thuja Occidentalis 'Smaragd' / Emerald Green Arborvitae	B & B	6' Ht.
<u>Deciduous Shrubs</u>	<u>Botanical / Common Name</u>	<u>Cond.</u>	<u>Size</u>
6	Rhus Aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 Gal.	24" Ht.
7	Fothergilla Gardenii 'Mt. Airy' / Dwarf Witchalder	B & B	30" Ht.
8	Rhododendron x 'P.J.M.' / PJM Rhododendron	B & B	24" Ht.
9	Ribes Alpinum 'Green Mound' / Green Mound Alpine Currant	B & B	30" Ht.
<u>Ground Covers</u>	<u>Botanical / Common Name</u>	<u>Cond.</u>	
10	Astilbe x Arendsii 'Beauty of Ernst' TM / Color Flash Astilbe	5 Gal	
11	Hemerocallis x 'Stella D'Oro' / Stell D'Oro Daylily	Cont.	
12	Heuchera x 'Dolce Cherry Truffles' / Cherry Truffles Coral Bells	Cont.	

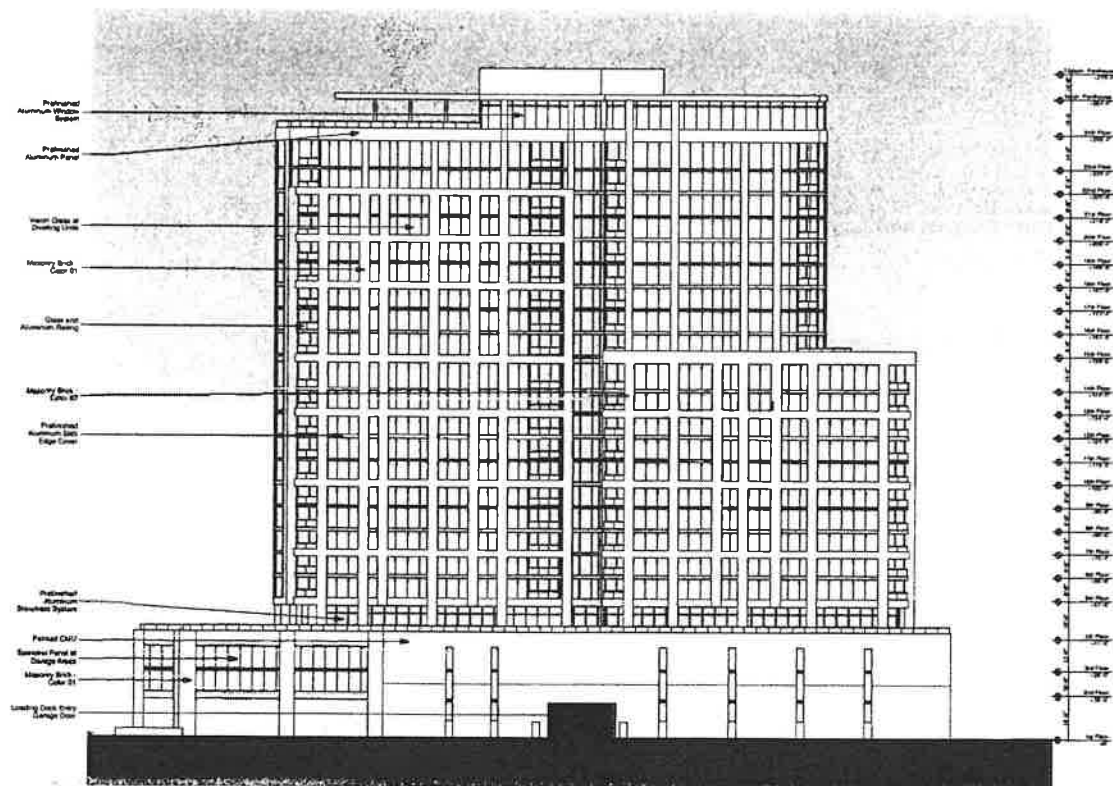
Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
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Landscape Plan

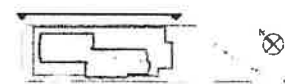


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SCALE: 1/64" = 1'-0"

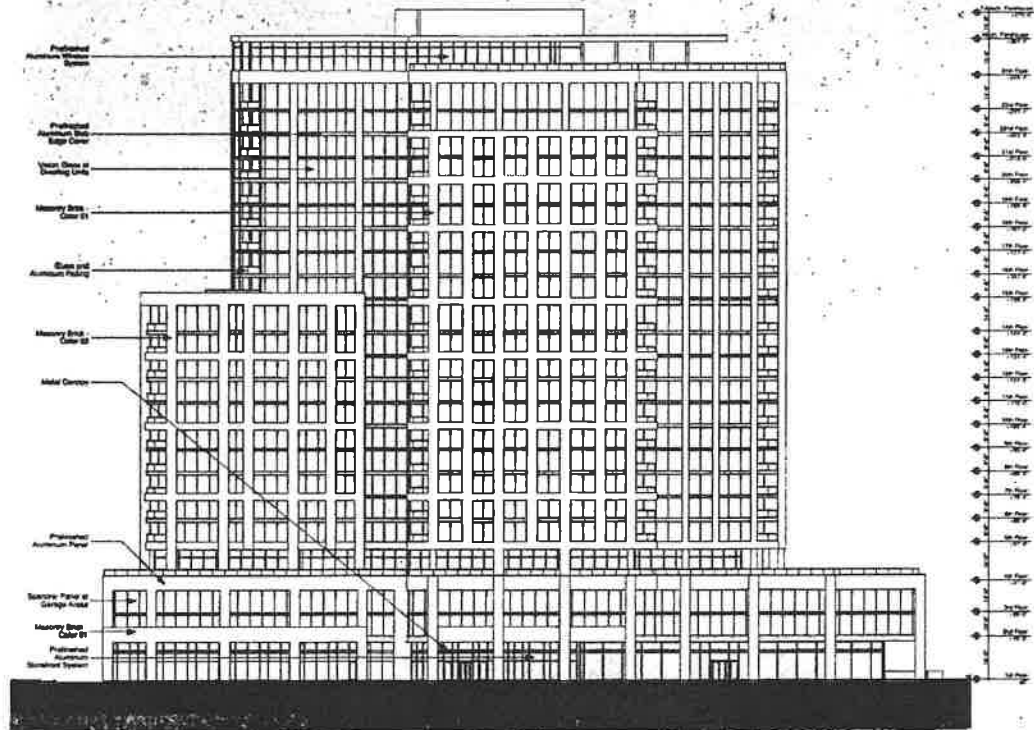


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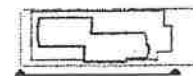
Northeast Elevation

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SCALE: 1/64" = 1'-0"

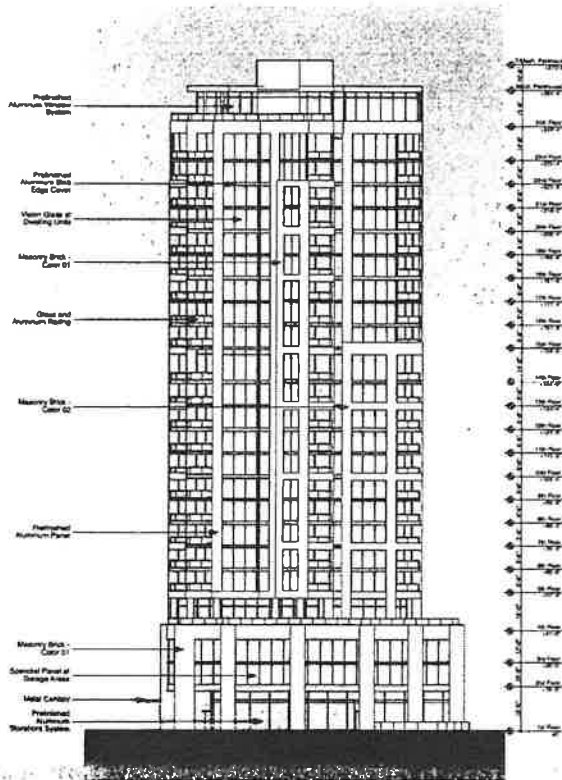


Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
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Southwest Elevation

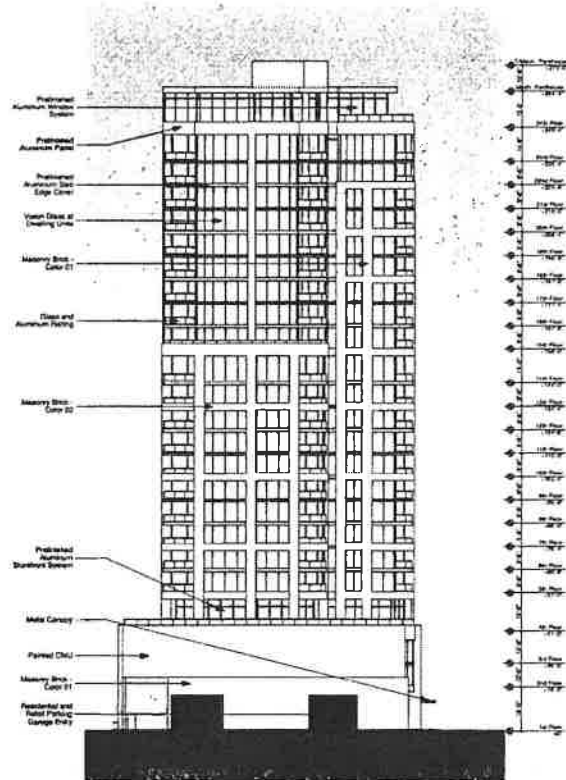
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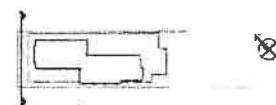
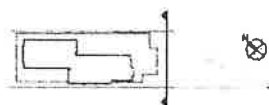
Southeast Elevation

SCALE: 1/64" = 1'-0"



Northwest Elevation

SCALE: 1/64" = 1'-0"

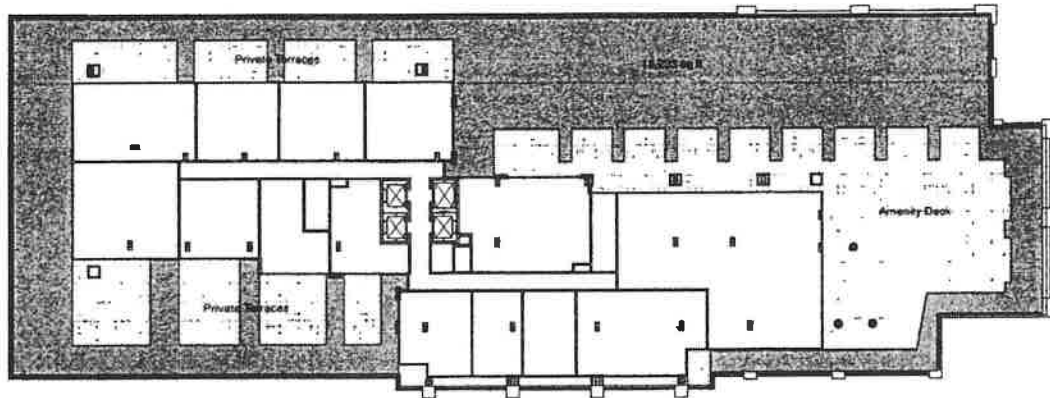


Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
 Introduction Date: September 21, 2022  
 Plan Commission Date: May 16, 2024

Southeast and Northwest Elevations

Pappageorge Haymes Partners

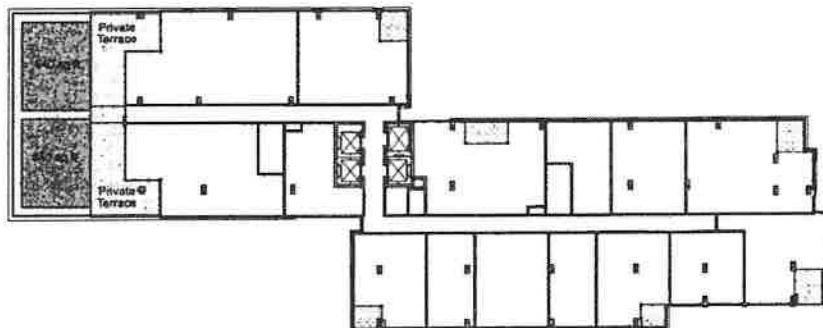
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Green Roof/Landscape Area - 4th Floor

SCALE: 1" = 50'

Gross Roof Area: 22,208 sqft  
 Net Roof Area: 18,702 sqft  
 Green Roof Area: 13,233 sqft



Green Roof/Landscape Area - 4th Floor

SCALE: 1" = 50'

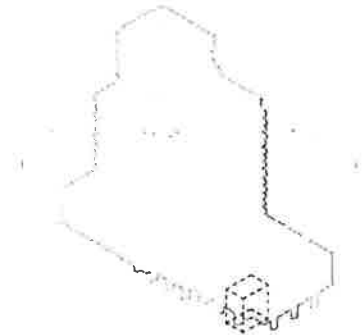
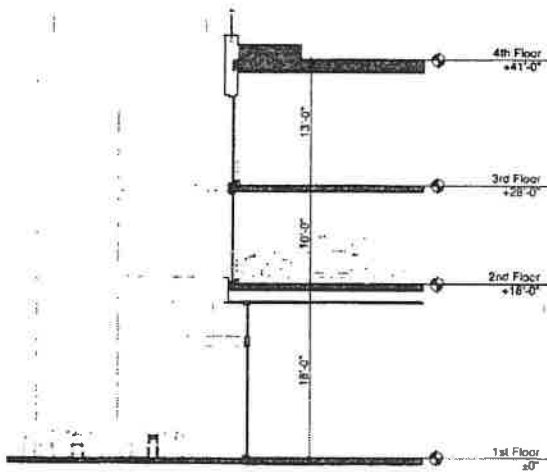
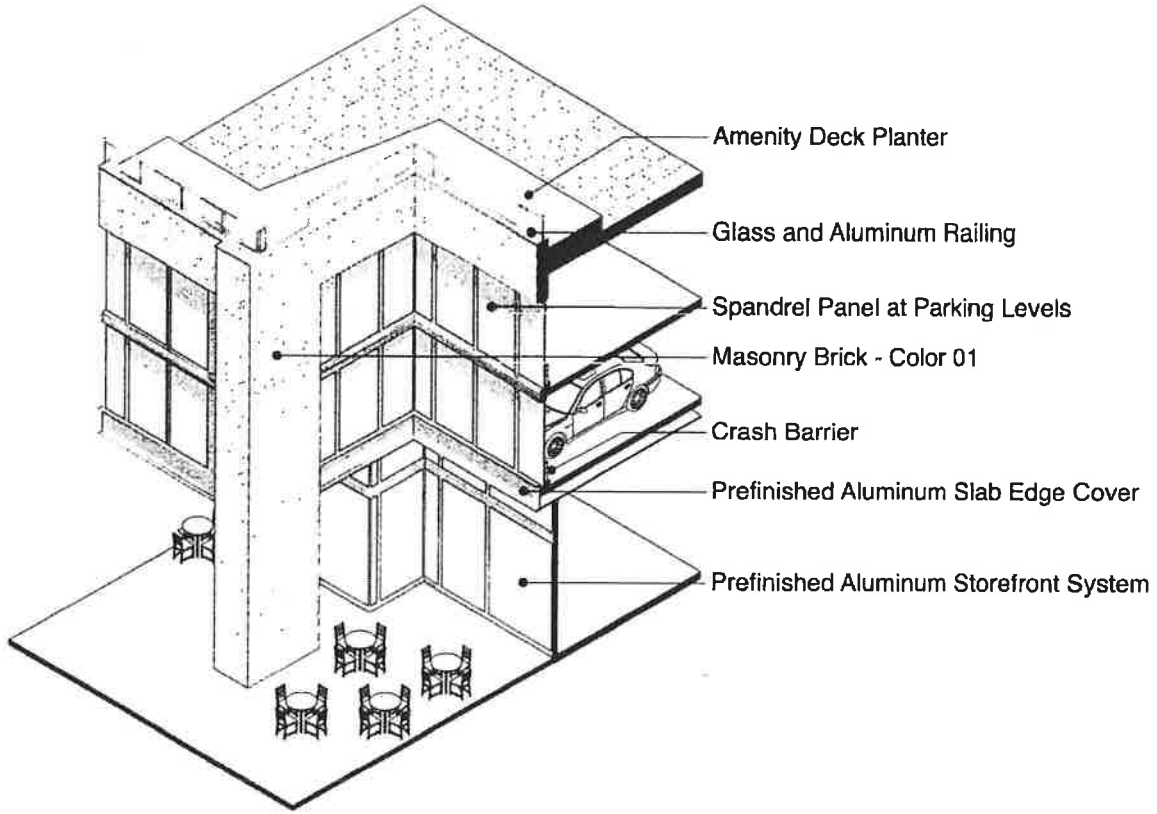
Gross Roof Area: 2,659 sqft  
 Net Roof Area: 1,728 sqft  
 Green Roof Area: 1,280 sqft

Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
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**Green Roof Plans**

**Pappageorge Haymes Partners**

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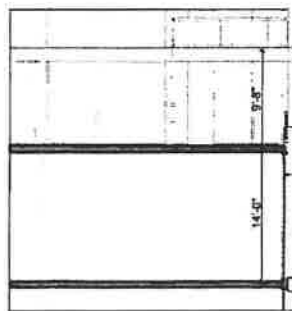
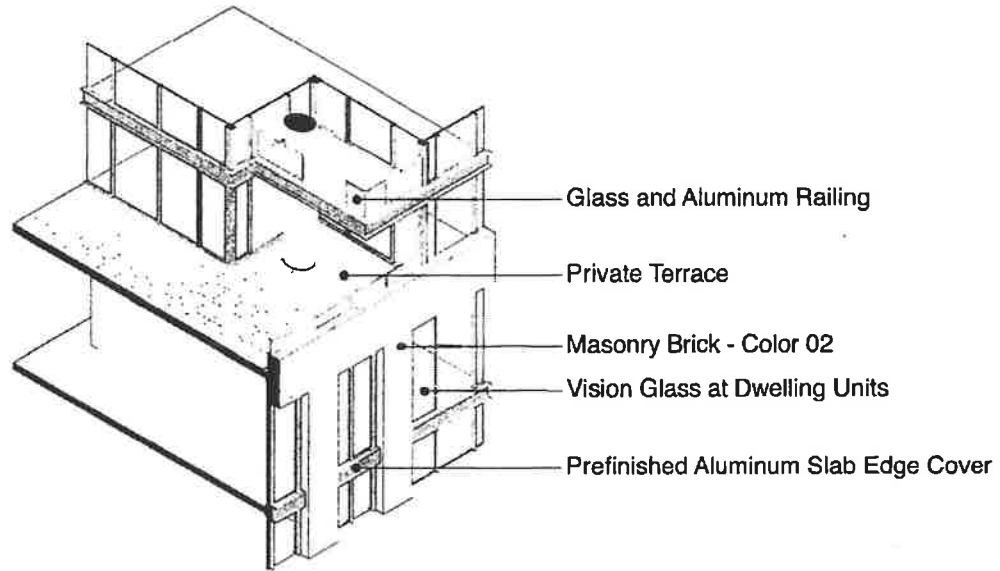


Applicant: Alloy Property Company 2, LLC  
 Address: 2031-2033 North Kingsbury Street  
 Introduction Date: September 21, 2022  
 Plan Commission Date: May 16, 2024

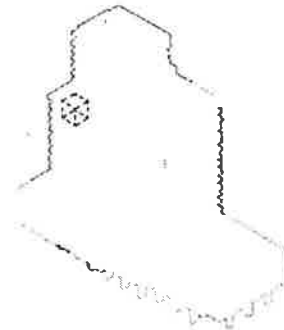
Podium Axonometric View - South Corner

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- 16th Floor  
+167'-8"
- 15th Floor  
+158'-0"
- 14th Floor  
+144'-0"

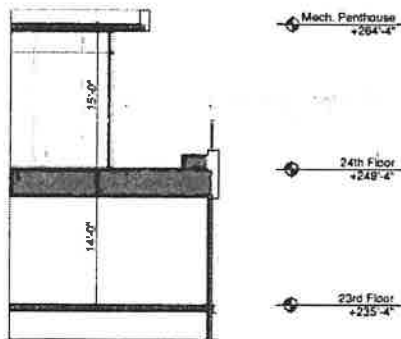
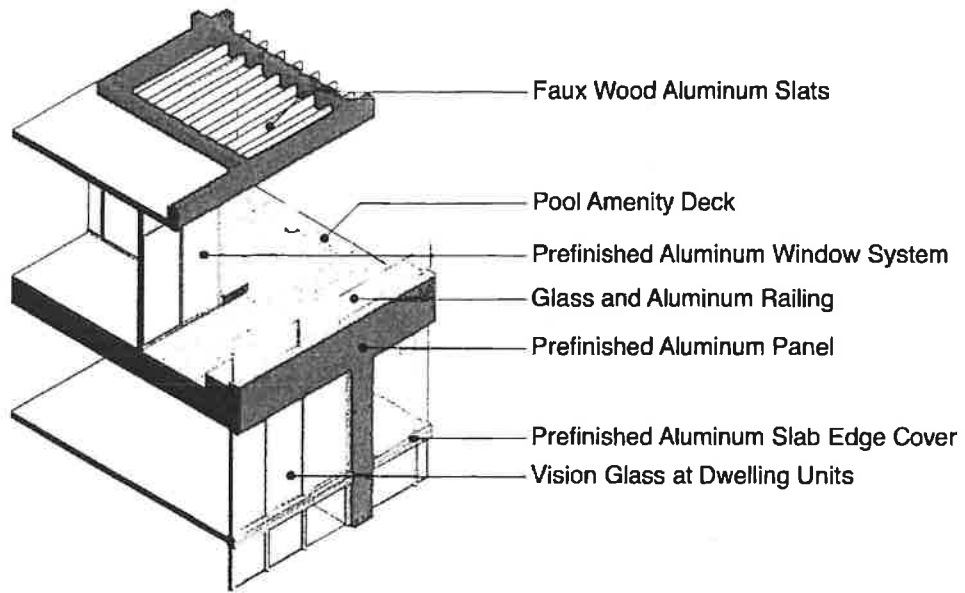


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Tower Axonometric View - 15th Floor Terrace

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Tower Axonometric View - Amenity Deck