

Compliance with Naperville Zoning Variance Standards

1. The variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and

The variance requests herein are in harmony with the general purpose and intent of the City of Naperville Zoning Ordinance (the "Zoning Ordinance"). The variances will preserve the status quo for a significant office/research campus in the City. The variances will not (a) cause additional congestion on public streets, (b) cause undue concentration of population, (c) result in overcrowding of the land or create blight or slums, (d) result in inadequate provision of light, air and open spaces, (e) result in inadequate public services, (f) result in harmful encroachment by incompatible or inappropriate uses, (g) result in inappropriate development of lands or inadequate drainage, or (h) cause the spread of unavoidable nuisance-producing uses. Consistent with the general purpose and intent of the Zoning Ordinance, the variances will preserve the value and viability of existing buildings and will preserve for the long term the existing uses of the Subject Property.

2. Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and

Strict enforcement of the Zoning Ordinance would prevent the Nokia Campus from being subdivided and prevent the separation of ownership of the buildings at 1960 Lucent Lane from the building at 2000 Lucent Lane. There are very few, if any, users in the marketplace for a corporate campus of this size, in this location, and Nokia currently uses only a relatively small portion of the two large office/research buildings.

If the City requires strict enforcement of the Zoning Ordinance, the Subject Property cannot be subdivided, will be essentially unmarketable and will likely continue to be underutilized and remain mostly vacant into the foreseeable future. The approximately 1,669,620 sq. ft. of office and laboratory improvements on the Subject Property were constructed in compliance with the Zoning Ordinance on a single lot of approximately 175 acres of land and they would otherwise continue to comply with the Zoning Ordinance, but for the proposed subdivision. No new buildings are planned on the Subject Property at this time.

The conditions necessitating the variances are not generally found on other properties in the ORI district, but would exist on other properties, only if they too were developed as a large single-user, multi-building office campus.

3. The variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

If the variances are granted, the essential character of the neighborhood will remain the same except the neighborhood will, in the near future, no longer have a mostly vacant office campus. The existing office and accessory improvements will remain in their current locations. There will be no change in height, bulk or use. The improvements on the Subject Property are well buffered from the adjacent residential and forest preserve uses.

Subdivision Variance Application

Pursuant to the SCR: "Lots located in the RD, ORI and I districts shall not be less than sixty-six (66) feet in width from the right-of-way line to the building line." SCR § 7-4-4:2.3. City staff has interpreted this to mean that an ORI lot must have frontage on a public street. Lot 3 in the Proposed Plat of Subdivision has access to Lucent Lane, a private drive, and this access will continue after the Proposed Plat of Subdivision is approved. But it does not have frontage on a public right of way when the subdivision is initially improved. As discussed above, LPC's long-term plan is to sell Lot 4 for residential development, and it is likely that, at the time Lot 4 is developed for residential uses, the portion of Lucent Lane in Lot 4 (and accessed by Lot 3) will be reconstructed and dedicated as a public street. However, that will not be the state of affairs when the Proposed Plat of Subdivision is approved. As such, it is appropriate for Nokia to seek a variation from Section 7-4-4:2.3 at this time.

Compliance with Subdivision Variance Standards

1. The Petitioner has shown that strict adherence to the provisions of this Title would cause unnecessary hardship due to conditions which are unique to the site and not caused by the Owner or Petitioner; and

Strict enforcement of the SCR would prevent the Nokia Campus from being subdivided and prevent the separation of ownership of the buildings at 1960 Lucent Lane from the building at 2000 Lucent Lane. There are very few, if any, users in the marketplace for a corporate campus of this size, in this location, and Nokia currently uses only a relatively small portion of the two large office/research buildings.

If the City requires strict enforcement of the SCR, the Subject Property cannot be subdivided, will be essentially unmarketable and will likely continue to be underutilized and remain mostly vacant into the foreseeable future.

The conditions necessitating the variances are the results of market forces and realities, and were not caused by Nokia or LPC.

2. The requested Subdivision Deviation is not contrary to the intent and purpose of the provisions of this Title.

The requested SCR deviation, if approved, will have no adverse effect on public health, safety, comfort, morals or welfare of the community, nor will it disrupt the orderly and harmonious development of the City or areas within its planning jurisdiction. Lot 3 will have access to a public right away via Lucent Lane on the east and west side of Lot 3 and all improvements on Lot 3 are more than 66 feet from Lucent Lane.