

PINs:
08-05-207-034
05-32-300-012

ADDRESS:
1935 [part of], 1940, 1960, 1980
AND 2000 LUCENT LANE
NAPERVILLE IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #20-1-008

ORDINANCE NO. 20 - ____

**AN ORDINANCE GRANTING VARIANCES
FROM TITLE 6 OF THE NAPERVILLE MUNICIPAL CODE
FOR THE NOKIA CAMPUS LOCATED AT 1960-2000 LUCENT LANE**

RECITALS

1. **WHEREAS**, Nokia of America Corporation (formerly known as Alcatel-Lucent USA Inc.) a Delaware Corporation ("**Petitioner**"), is the owner of real property on part of 1935 Lucent Lane and 1940, 1960, 1980 and 2000 Lucent Lane, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Subject Property is improved with two 5-story steel and glass office buildings, two 3-story parking structures, and associated surface parking lots; and
3. **WHEREAS**, the Petitioner intends to sell the Subject Property and in order to facilitate the sale, has subdivided the Subject Property per Ordinance 20-0XX as approved by the City Council of the City of Naperville on March __, 20__; and

4. **WHEREAS**, pursuant to the subdivision of the Subject Property and due to the location of existing improvements on the Subject Property, the Petitioner is requesting several variances to the City of Naperville Municipal Code; and
5. **WHEREAS**, the requested variances meet the Standards for Granting Variances as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, on February 19, 2020, the Planning and Zoning Commission considered the variance requests and recommended approval of PZC 20-1-008; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: A variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code to allow a reduction in the number of required off-street parking spaces from 2,062 to 1,990 spaces for Lot 2 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 3: A variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code to allow a reduction in the number of required off-street parking spaces from 3,240 to 1,707 spaces for Lot 3 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved subject to the following condition: If the City's Zoning Administrator determines that the

current and proposed tenants' parking needs cannot be accommodated within the parking on the Subject Property, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of tenant spaces, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.

SECTION 4: A variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to reduce the required accessory structure setback from 5' to 0' for the elevated pedestrian bridge on Lot 2 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved subject to the following condition: If the City's Zoning Administrator determines that the current and proposed tenants' parking needs cannot be accommodated within the parking on the Subject Property, the owner of the Subject Property (or Owner's successors, transferees, and assigns) shall promptly take adequate measures to meet the parking needs of said tenants, including but not limited to formally assigning/reserving parking spaces for each unit, restricting the number of tenant spaces, or establishing an overflow parking location off-site, as necessary, which measures shall be subject to the review and approval of the Zoning Administrator. Failure to timely take adequate measures to adequately accommodate tenant parking needs on the Subject Property to the satisfaction of the City's

Zoning Administrator may result in the City's revocation of one or more of the variances approved herein.

SECTION 5: A variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to reduce the required accessory structure setback from 5' to 0' for the elevated pedestrian bridge on Lot 3 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 6: A variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to permit an accessory structure, an equipment yard, in the required eastern corner side yard of Lot 2 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 7: A variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to reduce the required accessory structure setback from 5' to 1' for an equipment yard located along the west property line of Lot 2 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 8: A variance from Section 6-2-10:1 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to permit two accessory structures in the required eastern front yard of Lot 3 of the Subject Property, as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 9: A variance from Section 6-8B-7 (ORI District: Yard Requirements) of the Naperville Municipal Code to reduce the required primary structure setback along the eastern interior property line of Lot 3 of the Subject Property from 33.9' to 0', as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 10: A variance from Section 6-8B-7 (ORI District: Yard Requirements) of the Naperville Municipal Code to reduce the required primary structure setback along the rear property line of Lot 3 of the Subject Property from 33.9' to 1.9', as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 11: A variance from Section 6-9-2:4.5 (Off-Street Parking Facilities: Yard Requirements) of the Naperville Municipal Code to reduce the required parking facility setback in the front yard of Lot 3 of the Subject Property from 30' to 24', as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 12: A variance from Section 6-9-2:4.5 (Off-Street Parking Facilities: Yard Requirements) of the Naperville Municipal Code to reduce the required parking facility setback in the interior yard of Lot 3 of the Subject Property from 10' to 0', as depicted on the Site Plan attached hereto as **Exhibit D**, is hereby approved.

SECTION 13: A variance from Section 6-2-10 (Accessory Buildings, Structures and Uses of Land) of the Naperville Municipal Code to permit two accessory structures on a Lot 4 of the Subject Property, a lot without a primary structure, is hereby approved, subject to the condition that said accessory structures are demolished prior to the issuance of a site permit on Lot 4.

SECTION 14: This variance shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

SECTION 15: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 16: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 18: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk