

EXHIBIT 1

Conditional Use Permits

Nokia is requesting a rezoning to R2 (Single-Family and Low Density Multiple Family Residence District) with a conditional use for a Planned Unit Development ("PUD"). PUD is a conditional use in the R2 District (see Sections 6-6C-3(1) 6-6A-3(3)).

At this time, Nokia is not submitting a preliminary plat of planned unit development ("PUD Plat"). As such, a developer will need to comply with the PUD Plat procedures (set forth in Section 6-4-4) prior to commencing any development on Lot 4. Such procedures require notice, a public hearing and approval by the City Council.

As set forth below, this request is consistent with the City's standards for Granting or Amending a Conditional Use Permit, as set forth in Section 66-3-8:2

1. **The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare;**

The proposed R2 District (see below) with a conditional use for a PUD will promote the public health, safety, comfort, convenience and general welfare by facilitating (i) removal of an unsightly and obsolete parking lot, and (ii) development of an economically idle lot in a manner that is consistent with the trend of the development in the surrounding area.

2. **The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**

Lot 4 is adjacent to the following uses:

West- Institutional (DuPage County Forest Preserve District) (not in Naperville)

North - Institutional (DuPage County Forest Preserve District) (not in Naperville)

East - Single Family Attached (Fairmeadow Land) (not in Naperville; however, the East Sector Update notes that "[t]he City will cooperate with other jurisdictions in development compatible land uses on land adjacent to Naperville" (p. 38))

Townhouses (Danada Woods) (This subdivision was zoned ORI before being rezoned to its current use)

Though the future use of Lot 4 is unknown, all of the permitted uses in the R2 District (see below) with a conditional use for a PUD are consistent with these adjacent uses and development trends.

3. **The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district;**

The conditional use will not impede normal and orderly development of the adjacent property as the uses requested by this Application are consistent with the residential and institutional uses of the west, north and east of Lot 4.

4. The establishment of the conditional use is not in conflict with the adopted comprehensive master plan.

In order to utilize the conditional use, the developer will need to submit a PUD Plat. If/when Lot 4 is developed, the conditional use (i.e., the PUD) will permit the developer to better fulfill the City's planning policies by using creative and innovative approaches to create appropriate buffers and provide open space.

EXHIBIT 2

Planned Unit Development (PUD)

Nokia is requesting a rezoning to R2 (Single-Family and Low Density Multiple Family Residence District) with a conditional use for a Planned Unit Development ("PUD"). PUD is a conditional use in the R2 District (see Sections 6-6C-3(1) 6-6A-3(3)).

At this time, Nokia is not submitting a preliminary plat of planned unit development ("PUD Plat"). As such, a developer will need to comply with the PUD Plat procedures (set forth in Section 6-4-4) prior to commencing any development on Lot 4. Such procedures require notice, a public hearing and approval by the City Council.

As set forth below, this request is consistent with the City's standards for Granting or Amending a Planned Unit Development, as set forth in Section 6-4-7:1.

1. **The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards.

2. **The planned unit development meets the requirements and standards of the planned unit development regulations.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards.

3. **The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards.

4. **Open space, outdoor common area, and recreational facilities are provided.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards.

5. **The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards.

6. **The planned unit development is compatible with the adjacent properties and nearby land uses.**

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards. Without limiting the generality of the foregoing, the uses

in the requested R2 zoning district are consistent with the residential and institutional uses of the west, north and east of Lot 4.

7. The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.

Nokia is not submitting a PUD Plat at this time. If/when Lot 4 is developed, the developer will need to comply with these standards. Without limiting the generality of the foregoing, if/when Lot 4 is developed, the PUD will permit the developer to better fulfill the City's planning policies by using creative and innovative approaches to create appropriate buffers and provide open space.

EXHIBIT 4

Rezoning

The Subject Property is currently zoned ORI (Office, Research and Light Industrial). Nokia is requesting a rezoning with respect to Lot 4 to R2 (Single-Family and Low Density Multiple Family Residence District) with a conditional use for a Planned Unit Development ("PUD"). At this time, Nokia is not submitting a preliminary plat of planned unit development ("PUD Plat"). As such, a developer will need to comply with the PUD Plat procedures set forth in Section 6-4-4 prior to developing Lot 4. Such procedures require notice, a public hearing and approval by the City Council.

As set forth below, this request is consistent with the City's standards for Granting a Map Amendment (Rezoning) as set forth in Section 6-3-7:1.

1. **The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City.**

The proposed rezoning will promote the public health, safety, comfort, convenience and general welfare by facilitating (i) removal of an unsightly and obsolete parking lot, and (ii) development of an economically idle lot in a manner that this consistent with the trend of the development in the surrounding area.

As noted below, Lot 4 is adjacent to (i) residential and institutional uses (to the north and west) and (ii) office, research and light industrial uses to the South. The requested R2 zoning will promote the public health, safety, comfort, convenience and general welfare by providing an appropriate buffer/transition between such uses. Moreover, the PUD will permit the use of creative approaches in order to maximize this objective.

The Subject Property is subject to the East Sector Plan Update (1999) of the City's Comprehensive Master. The Plan classifies the Subject Property as "Office/Research and Development". The Plan includes a goal of preserving and providing "a high quality living environment in residential neighborhoods that contain a diverse housing supply". As Lot 4 is adjacent to residential and institutional uses (to the north and west), the proposed rezoning will support this goal by protecting "Protect residential neighborhoods from the encroachment or incompatible activities or land uses which may have a negative impact on a residential environment." The R2 District will provide some flexibility to provide a variety of housing types without compromising the "low density residential character" that predominates East Sector.

2. **The trend of development in the area of the subject property is consistent with the requested amendment.**

Lot 4 is adjacent to the following uses:

West- Institutional (DuPage County Forest Preserve District) (not in Naperville)

North - Institutional (DuPage County Forest Preserve District) (not in Naperville)

East - Single Family Attached (Fairmeadow Land) (not in Naperville; however, the East Sector Update notes that "[t]he City will cooperate with other jurisdictions in development compatible land uses on land adjacent to Naperville" (p. 38))

Townhouses (Danada Woods) (This subdivision was zoned ORI before being rezoned to its current use)

Though the future use of Lot 4 is unknown, all of the permitted uses in the R2 District (see below) are consistent with these adjacent uses and development trends.

3. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification;

The R2 District permits the following uses:

- *Primary and secondary schools that do not have boarding facilities.*
- *Preschools, when accessory to a primary or secondary school.*
- *Golf courses.*
- *Parks, playgrounds, and forest preserves.*
- *Single-family detached dwellings.*
- *Residential care homes.*
- *Two-family dwellings and duplexes.*

In addition, numerous compatible conditional uses are permitted (subject to appropriate approvals) (e.g., single family attached homes). As noted above, these uses are consistent with the residential and institutional uses of the west, north and east of Lot.

The existing ORI District permits the following uses:

- *Banks and financial institutions.*
- *Civic buildings.*
- *Engineering and testing laboratories and offices.*
- *Laboratories, offices, and other facilities for research and development.*
- *Low nuisance industrial activities, including, but not limited to, electronic and scientific precision instruments manufacture, cloth products manufacture, light machinery production and assembly, printing and publishing.*
- *Offices—Business or professional.*
- *Offices/clinics—Medical or dental.*
- *Warehouses and storage facilities, but excluding motor freight terminals.*
- *Warehouse, self-storage.*
- *Fitness facility.*
- *Medical cannabis dispensing organization.*
- *Sleep clinics.*

In addition, numerous conditional uses are permitted (subject to appropriate approvals) (e.g., airport; food manufacture, packaging and processing; utility facilities; sales and storage of building materials; hotels).

Unlike the R2 District, most of the uses in the ORI district would be incongruous with the residential and institutional uses to the west, north and east of Lot 4. As such, the requested zoning is consistent with surrounding uses and will preserve the character of the neighborhood.

4. The subject property has not been utilized under the existing zoning classification for a substantial period of time;

As of the date hereof, Lot 4 is vacant. The southeasterly portion of Lot 4 is improved with an unsightly and obsolete surface parking lot. On information and belief, aside from parking, Lot 4 has never been used for any use permitted under the ORI District.

Note: Due to the variances sought in this Application, the parking lot is not required in connection with the operation of the office buildings located on Lots 2 and 3.

- 5. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.**

Development of the Property in the current ORI District could be incongruous with (and be a detriment to) the adjacent properties. However, the uses in the requested R2 consistent with the residential and institutional uses of the west, north and east of Lot 4. As such, the requested zoning is consistent with surrounding uses and will preserve the essential character of the neighborhood.

Zoning Variance Application

1. Parking Variances

Summary: Variances required for Lot 2 and Lot 3

a. Proposed Lot 2 (1960 Lucent Lane)

Nokia seeks a variance from the otherwise applicable minimum parking requirement in the ORI district, which is 3.3 spaces per 1,000 sq. ft. of office floor area for Lots 2 and 3 in the new subdivision of the Subject Property.

Primary Use Floor Area: 613,620 sq. ft. It is assumed the leased floor area in the principal building will all be for office and related uses

Accessory Use Floor Area: 11,248 sq. ft.
Bridgeway: 2,948 sq. ft.
Equipment yard: 8,300 sq. ft.

Total Floor Area: 624,868 sq. ft.

Actual Spaces: 1,990

Required Spaces: 2,062 (624,868 x 3.3/1000) **Variation Required**

Accordingly, Nokia seeks a variance permitting 1,990 total parking spaces on Lot 2. 1960 Lucent Lane has operated with this parking supply since it was constructed in 2000.

b. Proposed Lot 3 (2000 Lucent Lane)

Primary Use Floor Area: 1,056,000 sq. ft. Nokia is using only 353,553 square feet (33%) of the principal building square footage. 41% of that 353,553 square feet is used for less dense lab space and 59% is used for office and lab support space. The lab space is dispersed throughout the building. It is unlikely that Nokia will be able to infill, or even add substantially to, the vacant square footage within this building; the security and confidentiality requirements applicable to the research work at the Nokia labs preclude, as a practical matter, leasing vacant space within the building to outside tenants.

Accessory Use Floor Area: 40,750 sq. ft.

Square Accessory Building: 24,760 sq. ft.
Circular Storage Building: 3,067 sq. ft.
Satellite Dish Accessory Use: 2,476 sq. ft.
Bridgeway: 619 sq. ft.
Equipment Yard (West): 4,498 sq. ft.
Equipment Yard (East): 5,330 sq. ft.

Total Floor Area: 1,096,750 sq. ft.

Actual Spaces: 1,707

Required Parking Spaces: 3,240 spaces **Variance Required**

41% of principal building = $432,960 \text{ sf} \times 2.5/1000 = 1,082 \text{ spaces}$

59% of principal building = $623,040 \text{ sf} \times 3.3/1000 = 2,056 \text{ spaces}$

100% of accessory buildings = $40,750 \text{ sf} \times 2.5/10000 = 102 \text{ spaces}$

The calculation of required parking spaces under the Zoning Ordinance, includes several unrealistic assumptions. First, it includes the square footage of accessory buildings, although they are unlikely to generate any meaningful parking needs. Also, it assumes the unlikely scenario of full lease-up of the building, under the 41%/59% ratio. As stated above, with the lab space is dispersed throughout the building, the security and confidentiality requirements applicable to the research work at those labs preclude, as a practical matter, leasing vacant space within the building to outside tenants.

Accordingly, Nokia seeks a variance allowing it to maintain 1,707 parking spaces (the current number provided) in Proposed Lot 3. The existing parking spaces will be more than adequate to serve Nokia's needs on Lot 3. Following subdivision, Nokia will be the sole user of 2000 Lucent Lane, the office building on Lot 3. Nokia has consolidated its occupancy into this building, where it will occupy only approximately one-third (353,553 sq. ft.) of the over 1 million square feet of available space, with only approximately 1,350 employees. Assuming every employee drives to the office simultaneously (not a realistic assumption), occupying 1,350 spaces, there would remain 357 spaces for visitors. Assuming 75% of employees drive to the office during any given shift, only 1,013 spaces would be used by them, leaving available 694 spaces for visitors.

2. Yard Variances.

a. Proposed Lot 2 (1960 Lucent Lane) – Front Yard

Summary: No variances required

According to City staff's September 3, 2019 letter to Wade Murphy of Nokia, responding to the original August 9, 2019, application, Lot 2's yard facing Naperville Road is the front yard, while the yards facing Lucent Lane and Warrenville Road are corner side yards.

Minimum Required Front Yard (per Code):

Code Requirement (principal building): 30 feet + Additional Requirement for Building Height

Maximum Building Height: 86.2 feet (per ALTA survey)

Additional Requirement for Height: $86.2 \text{ feet} - 30 \text{ feet} = 56.3 / 3 = 18.73 \text{ feet of additional yard}$

Minimum Required Front Yard: $30 \text{ feet} + 18.73 \text{ feet} = 48.73 \text{ feet}$

Actual Front Yards:

Principal Building

Naperville Road frontage: 318.7 feet (Conforming)

Warrenville Road frontage: 375.9 feet (Conforming)

Lucent Lane frontage (principal building): 134.9 feet (Conforming)

b. **Proposed Lot 2 (1960 Lucent Lane) – Rear Yard, Interior Side Yards, and Corner Side Yards**

Summary: Variances required for (i) rear yard, where bridgeway meets Lot 3; (ii) west side yard, accessory building (equipment yard) in northeast corner; and (iii) corner side yard, accessory building (equipment yard) in northeast corner.

Minimum Required Side/Rear/Corner Side Yards (per Code):

Code Requirement² for rear (north) yard not abutting residential (principal building): 20 feet + Additional Requirement for Building Height

Maximum Building Height: 86.2 feet (per ALTA survey)

Additional Requirement for Height: 86.2 feet – 30 feet = 56.3 / 3 = 18.73 feet of additional yard

Minimum Side/Corner Side/Rear Yard: 20 feet + 18.73 feet = 38.73 feet

Code Requirement for side yards/corner side yards (east and west) abutting residential (principal building): greater of (i) 20 feet + building height (86.2 feet) and (ii) 100 feet, or 106.2 feet

Code Requirement (accessory building): 5 feet

Actual Side/Rear and Corner Side Yards:

Principal building (including parking structures)

Rear yard

In all locations (except bridgeway) varying between 39.9 feet and 163.3 feet (conforming)
Where bridgeway on Lot 2 meets bridgeway on Lot 3: 0 feet: **Variance Required.**

East side yard: 134.9 feet (conforming)

West side yard/Corner side yard: 453.8 feet (conforming)

Accessory building (equipment yard in northeast corner of Lot 2)

Rear yard: 10 feet (Conforming)

West side yard (adjacent to Lot 3): 1 foot: **Variance Required**

East corner side yard (adjacent to east Lucent Lane): 14.9 feet: **Variance Required**

c. **Proposed Lot 3 (2000 Lucent Lane) – Front Yard – Variance Required for Parking Area**

Summary: Variances required to allow (i) accessory buildings in front yard along Lucent Lane and (ii) surface parking lot within front yard along Lucent Lane

Lot 3 does not currently have a front yard, because it does not front a public street. It fronts Lucent Lane, which is currently a private access. However, as stated above, Nokia and Lincoln intend that the eastern "leg" of Lucent Lane be converted to a public street in the future, providing public street access to Proposed Lot 4, intended for future residential use. Therefore, this application assumes that Lot 3's

² We have assumed that the side/year yard requirement for principal buildings applies to the parking structures on Lot 2, because they are attached to the principal building on Lot 2.

yard abutting Lucent Lane will be a front yard and, accordingly, seeks variances consistent with that future front yard. Further, because the future front yard currently abuts property zoned residential on the east side of Lucent Lane, this application assumes that the increased yard requirement applicable to a principal building abutting residential-zoned property will apply.

Minimum Required Front Yard (per Code):

Code Requirement (principal building abutting residential): greater of (i) 20 feet + building height (71.7 feet) and (ii) 100 feet, or 100 feet³

Code Requirement (parking areas within front yard): not allowed within the 30 feet of the front lot line

Code Requirement (outdoor loading areas within front yard): not allowed

Code Requirement (accessory buildings within front yard): not allowed

Actual Front Yard:

Principal Building

Lucent Lane frontage: 143.8 feet (conforming)

Accessory buildings setback 100.5 feet from Lucent Lane: **Variance Required** to allow accessory building in front yard

Parking Area: a portion of the eastern surface parking lot within Lot 3 is located within 30 feet of the front lot line: **Variance Required** to allow parking in front yard.

d. Proposed Lot 3 (2000 Lucent Lane) Rear Yard and Interior Side Yards (Variances Required)

Summary: Variances required for (i) accessory building (east equipment yard) and (ii) interior side yard (south), where bridgeway meets Lot 2; and (iii) interior side yard (north) for surface parking facilities.

Minimum Required Side/Rear Yards (per Code):

Code Requirement⁴ (principal building): 20 feet + Additional Requirement for Building Height

Maximum Building Height: 71.7 feet (per ALTA survey)

Additional Requirement for Height: 71.7 feet – 30 feet = 41.7 / 3 = 13.9 feet of additional yard

Minimum Side/Rear Yard: 20 feet + 13.9 feet = 33.9 feet

³ This exceeds the general Code Requirement, where a principal building does not abut residential:

Code Requirement (principal building): 30 feet + Additional Requirement for Building Height

Maximum Building Height: 71.7 feet (per ALTA survey)

Additional Requirement for Height: 71.7 feet – 30 feet = 41.7 / 3 = 13.9 feet of additional yard

Minimum Required Front Yard: 30 feet + 13.9 feet = 43.9 feet

⁴ We have assumed that the side/year yard requirement for principal buildings applies to the walled equipment yards on the east and west sides of Lot 3, because they are attached to the principal building on Lot 3.

Code Requirement (principal building abutting residential): greater of (i) 20 feet + building height (71.7 feet) and (ii) 100 feet, or 100 feet

Code Requirement (accessory building): 5 feet

Code Requirement (for parking facilities): 10 feet

Actual Side/Rear Yards:

Principal Building

North Side Yard: 727.1 feet (conforming)

South Side Yard: 40.5 feet (conforming); except where bridgeway on Lot 2 meets bridgeway on Lot 3: 0 feet: **Variance Required**

East Side Yard (where walled equipment yard is adjacent to walled equipment yard in Lot 2): zero feet: **Variance Required**

Rear Yard: (where walled equipment yard is adjacent to Lot 2): 1.9 feet: **Variance Required**

Accessory Buildings

24,760 sf outbuilding: 258 feet and 389.5 feet (conforming)

Round storage building: 82.2 feet (conforming)

Fenced in satellite dish: 107.9 feet (conforming)

Surface Parking Facilities

A portion of the northern surface parking lot within Lot 3 is located within 10 feet of the lot line: **Variance Required**

3. FAR

Summary: No Variances Required

a. Lot 2

Primary Floor Area: 613,620 sq. ft. + Accessory floor area: 11,248 =

Total Floor Area: 624,868 sq. ft.

Lot Area: 1,780,200 sq. ft.

Maximum FAR: 0.70

Actual FAR: 0.3510 (conforming)

b. Lot 3

Primary Floor Area: 1,056,000 sq. ft. + Accessory floor area: 40,750 sq. ft. =

Total Floor Area: 1,096,750 sq. ft.

Lot Area: 2,007,946 sq. ft.

Maximum FAR: 0.70

Actual FAR: 0.5462 (conforming)

4. Accessory Structures without Principal Structures

a. Lot 4

Summary: Variances required for two (2) accessory buildings located on Lot 4 where no primary building exists.

Two (2) accessory structures exist on Lot 4 that currently serve the primary facilities located on Lot 3. There is currently no primary structure on Lot 4. These accessory structures will eventually be demolished to make way for the residential development on Lot 4. However, they may remain in place until Lot 4 is developed.

Code: Accessory structures are not permitted on a property without a primary structure pursuant to Section 6-2-10:6.

Actual: Two (2) small accessory structures located on Lot 4 require a variance because there is no primary structure on Lot 4 – **Variance Required**

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.