



Legislation Text

File #: 20-192C, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Receive the staff report regarding the Nokia Campus located at 1940, 1960, 1980, 2000, and part of 1935 Lucent Lane Naperville - PZC 20-1-008 (File 1 of 5)

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Erin Venard

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission considered this matter on February 19, 2020 and voted to recommend approval of the request (approved, 6-0). Staff concurs. On March 17, 2020, City Council continued PZC 20-1-008 to the April 7, 2020 City Council meeting in light of concerns due to Covid-19.

BACKGROUND:

The subject property is located at the northwest corner of Naperville and Warrenville Roads and has its primary facilities on 1960 and 2000 Lucent Lane. It is 175.2 acres and is zoned ORI (Office, Research and Light Industry District). 1960 Lucent Lane is improved with a 5-story steel and glass office building, two 3-story parking structures, and associated surface parking lots. 2000 Lucent Lane is improved with a 5-story steel and glass office/lab building, a single-story metal building, and associated surface parking lots. The building at 1960 Lucent Lane is currently vacant as Nokia consolidated its workforce into the 2000 Lucent Lane office building.

The petitioner seeks subdivision of the subject property into 3 lots (Lots 2, 3, and 4) and 1 outlot in order to facilitate the possibility of selling one or more lots. Lot 1, which was created by a 2011 plat of subdivision and is not part of the proposed Nokia subdivision, is owned by the City and is the location of the City's Indian Hill Electric Substation. Petitioner's proposed Lot 2 will include the improvements on 1960 Lucent Lane as well as two garage buildings located on 1940 and 1980 Lucent Lane (collectively referenced herein as "1960 Lucent Lane") which will be renovated and leased to multiple office tenants. Lot 3 will consist of the 2000 Lucent Lane improvements and will be leased back to Nokia. Lot 4 is vacant land intended to be sold for future development. Outlot A is a stormwater detention facility which will be a source of stormwater management for Lots 2, 3, and 4.

Case History

A similar case for the Nokia Campus was previously reviewed and approved by the PZC on November 6, 2019. The petition was revised to include a request to rezone Lot 4 to R2 (Single-Family and Low Density Multiple Family Residence District), as well as a request for a conditional use in order to establish a Planned Unit Development (PUD) on Lot 4. Accordingly, the project was assigned a new case number, PZC 20-1-008, and required a new public hearing before the PZC. On

February 18, 2020, the PZC voted 6-0 in support of the Petitioner's requests.

DISCUSSION:

Preliminary/Final Plat of Subdivision

The petitioner requests approval of a Preliminary/Final Plat of Subdivision of the Nokia Campus in order to subdivide the subject property into 3 lots and 1 outlot. The proposed Lot 2, which includes the 1960 Lucent Lane improvements, will be 40.9 acres. Lot 3 consists of the 2000 Lucent Lane improvements and will be 46.1 acres. Lot 4 is 67.6 acres and is currently occupied by 2 accessory structures that will be demolished prior to the sale of the lot for future development. A 20.6 acre outlot will accommodate storm water. As noted above, the existing Lot 1 is occupied by the City's Indian Hills Electric Substation and is not a part of the subdivision request.

The petitioner is also requesting zoning and subdivision variances that are largely the result of the proposed lot lines in relation to the location of the existing improvements on the property. The subdivision variance request, a variance to reduce the lot width at the right-of-way, results in the plat being reviewed by both the Planning and Zoning Commission and the City Council. Staff finds the Preliminary/Final Plat of Subdivision of the Nokia Campus meets all technical requirements of the Naperville Municipal Code and recommends approval.

The Ordinance Approving the Preliminary/Final Plat of Subdivision for the Nokia Campus also includes and incorporates an Owner's Acknowledgement and Acceptance Agreement ("**OAA**") which includes several requirements, including but not limited to life safety improvements to the pedestrian bridge that connects Lots 2 and 3 and requirements that are triggered upon occupancy of buildings on both Lots 2 and 3 or separate ownership of Lots 2 and 3.

Just before the City Council meeting on March 17, 2020 at which this case was originally scheduled, staff was contacted by a resident of the Indian Hill Woods Subdivision which is located west of the Nokia property. The resident noted that the Indian Hills Woods Subdivision has only one access point on Barkei Drive for emergency vehicles, and requested that the City work with the petitioner to provide for an emergency public access easement from Lucent Lane to Barkei Drive. Nokia, which had already submitted and received final approval of the form of the Preliminary/Final Subdivision Plat, has agreed to the request and will revise the plat to include the requested emergency access subject to the approval of the City Engineer.

Rezoning and Conditional Use

The subject property is currently zoned ORI (Office, Research and Light Industry District). The petitioner seeks to rezone Lot 4 to R2 (Single-Family and Low Density Multiple Family Residence District). Lots 2 and 3 will remain zoned ORI. The incorporated property to the south is zoned ORI and is currently vacant. The property to the east includes incorporated duplexes zoned R3A PUD and unincorporated single-family residential homes. The property further to the east across Naperville Road is located in Lisle and is used for a variety of institutional, commercial, and office purposes. The property to the west includes unincorporated single-family homes and Forest Preserve property. The property to the north is also unincorporated and is owned by the Forest Preserve.

The intent of the R2 district is to provide multiple-family areas of a low density character accommodating a variety of housing types and compatible uses. Permitted housing types include single-family residences and duplexes. Townhomes are permitted through the conditional use process. Lot sizes range from a minimum of 4,000sf for a townhome to a minimum of 8,000sf for a

single-family residence. Staff finds the proposed R2 zoning to be appropriate and compatible with incorporated properties in the surrounding area. Additionally, the proposed R2 is significantly less intense than the current ORI (Office, Research and Light Industry District) zoning.

The petitioner intends to sell Lot 4 and will not develop Lot 4 as a part of this request. If the proposed rezoning is granted by City Council, all future development on Lot 4 will be reviewed against the R2 District zoning regulations. The petitioner has also requested a conditional use to establish a planned unit development (PUD) on Lot 4 which will provide an additional layer of review of any future development. Once a PUD has been granted, any future development will require a major change to the PUD per Section 6-4-6 of the City Code (Changes to a Final PUD)

<https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH4PLUNDE_6-4-6CHFIPLUNDE>. A major change to the PUD will require a public hearing before the Planning and Zoning Commission with public notice provided. Following a recommendation by the Planning and Zoning Commission, the case will be considered by the City Council. Construction cannot commence on Lot 4 until the above approvals are issued.

The petitioner's responses to the standards for granting a rezoning and granting a planned unit development are attached. Upon review, staff agrees with the petitioner's findings and recommends their adoption by City Council.

Off-Street Parking Variance (Lots 2 and 3)

The petitioner requests a variance to Section 6-9-3 of the City Code (Schedule of Off-Street Parking Requirements) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-3SCOFSTPARE> in order to reduce the required amount of off-street parking spaces on Lot 2 and Lot 3. The Municipal Code requires that a professional/business office provide 3.3 parking spaces per 1,000sf of gross floor area. Lot 2 includes a 5-story office building with approximately 624,868 square feet of gross floor area and requires 2,062 parking spaces. Currently there are 1,990 parking spaces on site for a deficit of 72 spaces. It should be noted that the office building and parking supply on Lot 2 were constructed in 2000 and have functioned properly since that time.

Lot 3 includes both a 5-story office/lab building and a single-story metal building with a total of approximately 1,096,750sf of gross floor area. The buildings include both office and laboratory space. Utilizing the Municipal Code required parking ratios for a professional office (3.3 parking spaces per 1,000sf of gross floor area) and laboratory (2.5 parking spaces per 1,000sf of gross floor area), a total of 3,240 parking spaces are required on site. There are 1707 spaces provided on Lot 3 for a deficit of 1,533 spaces. Nokia currently utilizes 33% of the square footage (353,553sf) available in the primary building. Due to security and confidentiality requirements, the remainder of the building is unlikely to be leased. Based upon Nokia's total utilization of the building, adequate parking is provided on site. Staff has included the following condition of approval:

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.

Elevated Pedestrian Bridge Setbacks (Lots 2 and 3)

An elevated pedestrian bridge connects the 5-story office building on Lot 2 with the 5-story office building on Lot 3. The pedestrian bridge will allow the employees in the Lot 3 building to access the amenities in the Lot 2 building. Since the pedestrian bridge crosses the proposed subdivision line, the petitioner requests a variance to [Section 6-2-10:1 of the Citys Code \(Accessory Buildings, Structures and Uses of Land\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA) in order to eliminate the required 5' accessory structure setback on both Lots 2 and 3. Given the connection of the two lots by the pedestrian bridge, and the overlap of utilities (described in detail in the OAA), the OAA provides that there may not be separate ownership of Lots 2 and 3 until a Commercial Property Association has been formed and CCRs (covenants, conditions, and restrictions) have been recorded to govern both lots.

Accessory Structure Location & Setbacks (Lot 2)

The existing equipment yard located in the northeast corner of Lot 2 does not meet the location and setback requirements for an accessory structure. Per [Section 6-2-10:1 of the Citys Code \(Accessory Buildings, Structures and Uses of Land\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA), an accessory building is not permitted within 39' of the required corner side yard and must also be located at least 5' from the interior property line. The equipment yard is situated 14.9' from the corner side property line and is within the 39' required corner side yard. The equipment yard is also located 1' from the west property line, encroaching into the 5' interior yard setback.

Primary Structure Setbacks (Lot 3)

Per [Section 6-8B-7 of the Citys Code \(ORI District: Yard Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH8INDI_ARTBOROFRELIINDI_6-8B-7YARE), the required setbacks for the primary structure in ORI are based upon the height of the building. Per Code, the primary structure on Lot 3, the 5-story office/lab building, is required to be setback 33.9' from both the interior and rear property lines. The primary structure includes walled equipment yards that are attached to the office/lab building. The building is located at the eastern interior property line, encroaching 33.9' into the required 33.9' interior yard setback. The building is also located 1.9' from the rear property line, encroaching 32' into the required rear yard setback.

Accessory Structure Location (Lot 3)

Per [Section 6-2-10:1 of the Citys Code \(Accessory Buildings, Structures and Uses of Land\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA), detached accessory structures shall not be located nearer to a lot line adjoining a street than the longest distance between such lot line and the nearest wall of the principal building or structure. In other words, an accessory structure cannot be located closer to the street property line than the primary structure. Lot 3 includes 2 accessory structures that are located closer to the front property line (along Lucent Lane) than the primary structure.

Parking Facilities Location and Setbacks (Lot 3)

[Section 6-9-2:4.5 of the Citys Code \(Off-Street Parking Facilities: Yard Requirements\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH9OFSTPA_6-9-)

20FSTPAFA> states that parking facilities cannot be located within the 30' required front yard along Lucent Lane (east). The existing parking lot on Lot 3 is located 24' from the property line, encroaching 6' into the required 30' required front yard. Additionally, per Code, parking facilities cannot be located within 10' of the interior property line to the north. The existing parking lot is located at the north property line.

Lot width at the right-of-way (Lot 3)

As noted above, the front yard of Lot 3 is located along the Lucent Lane property line to the east. Lucent Lane is currently a private road. Per [Section 7-4-4 \(Subdivision Regulations: Land Use\)](https://cityofnaperville.sharepoint.com/sites/TED/staff/PND/New%20Development/Nokia%20Campus%20Rezoning%20-%20PZC%2020-1-008/PZC/Section%207-4-4%20(Subdivision%20Regulations:%20Land%20Use)) <[https://cityofnaperville.sharepoint.com/sites/TED/staff/PND/New%20Development/Nokia%20Campus%20Rezoning%20-%20PZC%2020-1-008/PZC/Section%207-4-4%20\(Subdivision%20Regulations:%20Land%20Use\)](https://cityofnaperville.sharepoint.com/sites/TED/staff/PND/New%20Development/Nokia%20Campus%20Rezoning%20-%20PZC%2020-1-008/PZC/Section%207-4-4%20(Subdivision%20Regulations:%20Land%20Use))>, lots located in ORI shall not be less than 66' in width from the right-of-way line to the building line. Lot 3 does not have frontage at the right-of-way due to Lucent Lane's status as a private road and cannot meet the width requirement. Per the petitioner, Lucent Lane will be dedicated as a public right-of-way at a later date. Therefore, this variance request is temporary in nature. Upon dedication of Lucent Lane as a public right-of-way, the property will have sufficient lot width.

Accessory structures on Lot 4

Lot 4 is intended to be sold for future development and is currently occupied by 2 accessory buildings. [Section 6-2-10:1 \(Accessory Buildings, Structures and Uses of Land\)](https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA) <https://library.municode.com/il/naperville/codes/code_of_ordinances?nodeId=TIT6ZORE_CH2GEZOPR_6-2-10ACBUSTUSLA> states that an accessory building cannot be located on a property that does not have a primary structure. Since there is no primary structure on Lot 4, the existing accessory buildings require a variance to remain on site. Per the petitioner, the structures are accessory to the primary building on Lot 3 and will be demolished in the near future.

Lot 4 Stormwater and Wetland Concerns

Residents adjacent to Nokia have stated concerns that improvements to Lot 4 will negatively impact the drainage in the Fairmeadow Subdivision and surrounding area. TED's engineering staff will ensure, during the review and approval process for development of Lot 4, that the applicant submit a comprehensive stormwater report proving that the development complies with DuPage County's Stormwater and Floodplain Ordinance. This includes making sure that the proposed stormwater release rate is not greater than the existing release rate. This requirement will limit the amount of water being conveyed downstream since the proposed release rate is based on the land cover disturbance and amount of impervious area generated. The applicant will also be required to use the latest rainfall data, issued by the State and became effective in 2019, when doing the stormwater modeling to determine the size of the detention basin and storm sewer pipes. This is critical since the latest rainfall data is more reflective of the current climate and weather conditions.

Concerns of wetland and environmental impacts have been raised by residents and the Forest Preserve District of DuPage County. TED will require that the applicant submit a comprehensive wetland assessment report confirming that there are no wetlands on the property. If there are wetlands that may be impacted, then the applicant will be required to demonstrate proper wetland mitigation. The applicant will also be required to provide post construction best management practices onsite. This will ensure that stormwater runoff that enters Lot 4 will be treated and filtered before entering the DuPage River.

Planning and Zoning Commission Action

The Planning and Zoning Commission opened the public hearing to consider PZC 20-1-008 on February 19, 2020. Robb Preston and Glenn Stock spoke on behalf of the petitioner. Eight (members of the public spoke during public testimony. Points raised during public testimony included concern with stormwater runoff, environmental impacts, and potential traffic from the development of Lot 4. Concerns were also raised by residents adjacent to Nokia regarding what impact improvements to Lot 4 will have on drainage to the Fairmeadow Subdivision and surrounding area.

PZC discussed the requested variances and the purpose of placing the PUD on Lot 4. The Planning and Zoning Commission closed the public hearing and voted to recommend approval of PZC 20-1-008 (Approved, 7-0). Staff concurs with the Planning and Zoning Commission's recommendation.

Summary

The petitioner is requesting subdivision of the subject property in order to facilitate the sale of one or more lots of the subject property. Several variances result from the proposed subdivision of the land and the location of the existing improvements on the land. Since Lots 2 and 3 may remain under the same ownership (or if ownership is to be separated, a Commercial Property Owner's Association will be formed and covenants, conditions, and restrictions will be recorded), the two lots will continue to function effectively with each other. In addition to the proposed subdivision and variances, the petitioner also requests R2 rezoning and establishment of a PUD on the proposed Lot 4. Staff is in support of the rezoning from ORI to R2 since R2 zoning is compatible with surrounding incorporated properties and uses. Staff is also in support of the proposed PUD as it provides the City with an additional level of review for the future development on Lot 4.

Key Takeaways

- The petitioner proposes to subdivide the subject property in order to facilitate the possibility of selling one or more lots.
- Several variances result from the subdivision due to the location of the existing improvements; staff supports the variances.
- The petitioner also requests rezoning of the proposed Lot 4 from ORI to R2 and establishment of a PUD for Lot 4. Staff supports the request as R2 is less intense than ORI and the PUD will require an additional level of review.

Related Files

The following files are related to PZC 20-1-008:

- Pass the ordinance approving the Preliminary/Final plat of Subdivision of the Nokia Campus and the Owner's Acknowledgement & Acceptance for the subject property located at 1960-2000 Lucent Lane (File 2 of 5); and
- Pass the ordinance rezoning of Lot 4 of the Nokia Campus to R2 (Single-Family and Low Density Residence District) for the subject property located at 1960-2000 Lucent Lane (File 3 of 5); and
- Pass the ordinance approving a conditional use to establish a planned unit development for Lot 4 of the Nokia Campus for the subject property located at 1960-2000 Lucent Lane (File 4 of 5); and
- Pass the ordinance approving variances associated with the Nokia Campus for the subject property located at 1960-2000 Lucent Lane (File 5 of 5)

FISCAL IMPACT:

N/A