

PINS: 08-07-313-005

ADDRESS:  
847 N. CENTER ST  
NAPERVILLE, IL 60563

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540  
630/420-4170

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

PZC Case #23-1-027

**ORDINANCE NO. 23 - \_\_\_\_**

**AN ORDINANCE APPROVING A CONDITIONAL USE  
FOR HEALTH SPA WITHOUT LODGING ACCOMMODATIONS/MASSAGE  
ESTABLISHMENT (HEALTH SPA) IN THE OCI DISTRICT FOR THE PROPERTY  
LOCATED AT 847 N. CENTER ST (ROSE THAI SPA)**

**RECITALS**

1. **WHEREAS**, Tassanee Fullone, 2s531 Emerald Green Dr., Unit G, Warrenville, IL 60555 ("**Petitioner**"), has petitioned the City of Naperville for approval of a conditional use for health spa without lodging accommodation/massage establishment in the OCI (Office, Commercial, and Institutional) zoning district, for the property located at 847 N. Center St., Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the owners of the Subject Property are Durre Khalil and Ahmed Abousafat, 24805 Winterberry Drive, Plainfield, IL 60585 ("**Owners**").
3. **WHEREAS**, the Owner has authorized the Petitioner to submit the subject petition.

4. **WHEREAS**, the Subject Property is currently zoned OCI (Office, Commercial, and Institutional District) and is improved with a 2-story, 2,703 square foot building, on an 8,200 square foot lot.
5. **WHEREAS**, pursuant to Section 6-7F-3:4 (OCI/Conditional Uses) of the Naperville Municipal Code, the Petitioner requests approval of a conditional use for a health spa to operate Rose Thai Spa.
6. **WHEREAS**, Rose Thai Spa is a health spa that consists of three offices, a nails room, a beauty room, and an esthetics room.
7. **WHEREAS**, services and operations are anticipated to be held at peak business hours on an appointment-only basis.
8. **WHEREAS**, Rose Thai Spa complies with the required conditions identified in Section 6-7F-4 (Required Conditions for All Uses) of the Naperville Municipal Code.
9. **WHEREAS**, the City's Land Use Master Plan designates the place type for the Subject Property as City Corridor, which accommodates commercial services such as a health spa.
10. **WHEREAS**, the requested conditional use meets the standards for conditional uses as provided in **Exhibit C** attached hereto.
11. **WHEREAS**, on August 16, 2023, the Planning and Zoning Commission conducted a public hearing to consider the requested conditional use and recommended approval of the Petitioner's request.
12. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's request 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 conditional use to allow for a health spa use pursuant to Section 6-7F-3:4 (OCI/Conditional Uses) of the Naperville Municipal Code is hereby granted.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** : 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 5:** The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Scott A. Wehrl  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk