

## **Odelson, Murphey, Frazier & McGrath, Ltd.**

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<b>Memorandum</b>
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VIA E-MAIL

To: Mayor and City Council

From: John B. Murphey

Date: September 12, 2025

Re: Chestnut Court TIF District/ Public Hearing; JRB Recommendation;  
and Moving Forward

In anticipation of the September 15, 2025, public hearing, I thought it would be helpful to update the City Council following the Joint Review Board (JRB) recommendation, communications with the Developer, and general going forward matters.

Prior to the JRB meeting, the City announced that the Developer had determined not to proceed with the residential component of its development plan. The JRB's favorable recommendation was contingent on this residential component being eliminated.

During the course of my presentation, I advised the JRB that any zoning amendments would not take place until after the TIF District is established, because zoning amendments take time, require public hearings, notification to the property owner, etc.

The City has now received formal confirmation from the Developer that it will be withdrawing the residential component of the previously approved plan subject to the TIF being established. Assuming that the TIF is established, this withdrawal protects the City against any potential litigation arising from an ordinance repealing the prior approvals.

For purposes of moving forward, attached please find the previously adopted approval ordinance, 0-33-25. As you can see, there are two separate components:

- Section 2. This section rezones Chestnut Court from B-3 to M-U.
- Sections 3-5. These sections provide site-specific approvals for the proposed residential development.

Moving forward, the Council may proceed to the public hearing process in order to repeal the site-specific elements found in Sections 3-5.

A question may arise: “Why not also repeal the M-U zoning?” Two responses are appropriate. First, after considerable work and study, the City determined that M-U is appropriate for the Chestnut Court property. That vision has not changed.

Second, as to any specific plan with a residential component, nobody knows what the future will bring. For example, a mixed-use development proposal could come forward with business uses on the ground floor and a residential component on upper floors, which would be a development focusing on 55 and older. The goal of such development would be to have a place for Darien residents to continue to live in the City when the time comes to sell the house. This type of development would have no impact on the schools, with or without any sort of TIF incentive.

Furthermore, the public process associated with any new plan with a residential element would include meetings and full public input.

JBM/sml  
Enclosure