

# TRACY KASSON

## The Gentleman of Suburban Zoning and Real Estate Law

by Maureen Wilkey

WHEATON—Zoning law can often be a contentious field. Residents living near new retail developments may be worried about the impact extra noise or stormwater drainage may have on their homes. Environmentalists have concerns about real estate development's impact on wildlife. And municipalities might be skeptical about increased traffic in certain areas of their town.

Tracy Dean Kasson, a member of Rathje & Woodward LLC, has navigated the zoning, documentation and contracts on more than 100 new developments throughout the suburban Chicagoland area. During that process, he speaks rationally and reasonably about the benefits these developments can bring to their neighbors.

"I go into every transaction controlling my emotions and articulating responses in a respectful manner. I try to be ready for any question or challenge that might come up," Kasson says. "The second you go on the defensive and start getting argumentative, that's when things stop moving forward. The key in a lot of these transactions is to keep the discussion going."

Kasson applies this practice for all kinds of transactions, from residential subdivisions with just a handful of lots to office and retail space deals with Fortune 500 companies such as McDonald's.

After 30 years as an attorney, he's still working at the firm where he accepted his first associate position. Kasson's father, Dean Kasson, worked with S. Louis Rathje for many years during his own career. Tracy was exposed to law at a very early age and still has some of his father's typewritten law school outlines.

Kasson felt that law was the best career for him to pursue. After working in litigation for a few years, he got into real estate and zoning law with the influence of Rathje and Henry Stillwell. He's remains at the same firm thanks to its partners' interest in developing him and his career.

"They were always trying to help me develop my own clients and help me gain exposure so I could grow my own practice," Kasson says.



### WEST SUBURBAN ACCOMPLISHMENTS

Since his start in Wheaton in the late 1980s, Kasson has been a part of several projects that have helped change the western suburbs. Fifteen years ago, he worked on the legal documentation to extend the Union Pacific West rail line from Geneva to Elburn. The complicated transaction involved several parties from the municipalities to the landowners to the railroad. Kasson focused on the transaction over the phone with counsel from the other parties up until minutes before his son was born.

He also worked on easements and other requirements necessary in a DuPage forest preserve to help bring in pipelines to make Lake Michigan water available in parts of Will County.

And while those transactions were especially important to the public, Kasson values each transaction he finalizes.

"Every one that gets done successfully is a big accomplishment," he says. "Each case takes on a life of its own, and every time we can convince a municipality to work with the developer, it's a great thing for us."

Russell Company Executive Vice President of Real Estate David A. Smith started working with Kasson about 30 years ago on the Danada shopping center project. The center is on the estate of Dan and Ada Rice. Smith worked with Kasson to lease several outlots on the property, which is now home to a Jewel-Osco and once held a Dominick's and a Cineplex Odeon.

Smith has long admired Kasson's diligence, even when he was a young attorney. They have

worked together many times since then on retail and residential projects west of Chicago.

"He is disarmingly charming and likes to talk to the community in a way they understand," Smith says. "He is very good at pleading our case to people who are in opposition. He likes to get things done the right way, not by yelling and banging his shoe on the table."

Dealing with that kind of opposition has become increasingly difficult over the years, Kasson says, because of the increase in information spread via social media.

"Social media has created a need for us to alleviate issues from the distribution of any misinformation about new developments," Kasson says. "It's important to have a deep knowledge of all parts of the project you're working on so we can answer any questions or make sure the right information is out there."

### THE BATHTUB METAPHOR

Kasson refers to having knowledge about a lot of different things as "bathtub knowledge." At any given time, he knows a lot about whatever topic he's currently working on, but then he is able to drain it out and replace it with new knowledge for the next project.

This "bathtub knowledge" was important to him in the late 1990s and early 2000s when he worked with Good Samaritan Hospital in Downers Grove to zone and build a new wellness center. The case involved many elements, from sound mitigation to wildlife concerns. The team even brought in an ornithologist to explain what might happen to birds living adjacent to the site if the center were constructed.

The case went all the way to the Illinois Supreme Court, where Kasson and his team presented a winning argument that allowed Good Samaritan to move forward with the project. Cases like the Good Samaritan project make every day different and interesting, says Kasson.

“Each day is really dictated by what you need to get done,” Kasson says. “It could be drafting documents, quarterbacking problems with zoning, or preparing expert witnesses before a meeting. Each new development is different from the last.”

Plus, real estate as a whole has changed since Kasson first got into the business. When he began, Kasson dealt with lots of retail centers and subdivisions for single-family houses from local or regional developers. After the housing bubble burst in 2008, he’s done very little work in retail and single family and has focused more on senior housing, including independent living, skilled care and memory care, apartments and service-driven retail.

Single-family housing has slowed to a trickle as older homes in infill areas are renovated. Not many builders are starting brand new subdivisions farther outside of the city. And very few new retail centers are being developed because existing centers are striving to find clients to lease in-line spaces.

Kasson sometimes finds that municipalities are reluctant to have services like fitness centers, alternative schools, or laser tag in their retail centers, but he finds ways to explain to them that their increase in sales tax will come from bringing potential customers in the door day after day.

“It’s always a push and pull with the municipalities, but in the end, they end up attracting a lot of people and helping the retail and sales taxes by bringing in service-related businesses,” he says.

#### **HELPING THE COMMUNITY, THE FIRM**

When he’s not working for a major developer on a groundbreaking project, Kasson likes to help out in his community by working pro bono with churches on their real estate matters. He says churches add a lot to the community because they can help people of all ages, so he’s more than happy to lend a hand when he’s needed.

Kasson’s personality—from his sense of fairness to his patience in providing explanations to the community to the way he shows respect to his opposition—is a good reflection of how Rathje & Woodward wants its firm to be viewed, says S. Louis Rathje, a former Illinois Supreme Court Justice and former partner with the firm.

“Tracy epitomizes the standards the firm is based on,” Rathje says. “There’s a saying that you can sell your reputation for a nickel but you can’t buy it back for a million dollars, and

he really lives by that. He represents his clients in a way that does not offend his opponents and he is a man of his word—he always does what he says he is going to do.”

When he’s not at work, Kasson is busy spending as much time as possible with his wife and two children, ages 12 and 15. He also makes sure to get outside as much as he can. For him, the silver lining of the real estate downturn was getting to coach his son’s baseball team while his work was slow.

As Kasson reflects on his career so far, he notes that time goes by quickly. He still remembers his first day of work, when colleagues told him that Rathje would keep him busy.

“It’s great working at a place where people care about you and where I have a passion for the work,” Kasson says. “I’m lucky to work at a place that has such a great legacy and where I get to work with partners I enjoy.”

As zoning, real estate and law continue to evolve, Kasson hopes he’ll be able to help Rathje & Woodward maintain the strong reputation it has built over the last 80 years.

Adding his own reputation to the mix could bring many peaceful negotiations in real estate and zoning in the western suburbs for years to come. ■