

C FORT COLLINS COLORADOAN

TODAY'S WEATHER



Much cooler; 30% to 50% chance of showers.

High: 55

Low: 28

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King Soopers won't get royal treatment

By TONY BALANDRAN
The Coloradoan

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Growth

A proposed King Soopers along Harmony Road must remain under the realm of a six-month moratorium on commercial development, a Larimer County district judge ruled Tuesday.

In a three-page written ruling, Judge Arnaud Newton said developer James M. Sullivan did not satisfy the legal criteria that would have made a temporary injunction necessary in the case.

Sullivan had sought an injunction to compel the city to begin reviewing his proposed 160,000-square-foot retail center

north of Harmony Road.

That development was shelved automatically when the City Council approved a moratorium in that area in early July.

City Attorney Steve Roy, who argued to keep the project under the moratorium, said Newton's ruling stemmed from a "preliminary proceeding and that a number of the issues of the case remain to be resolved at trial."

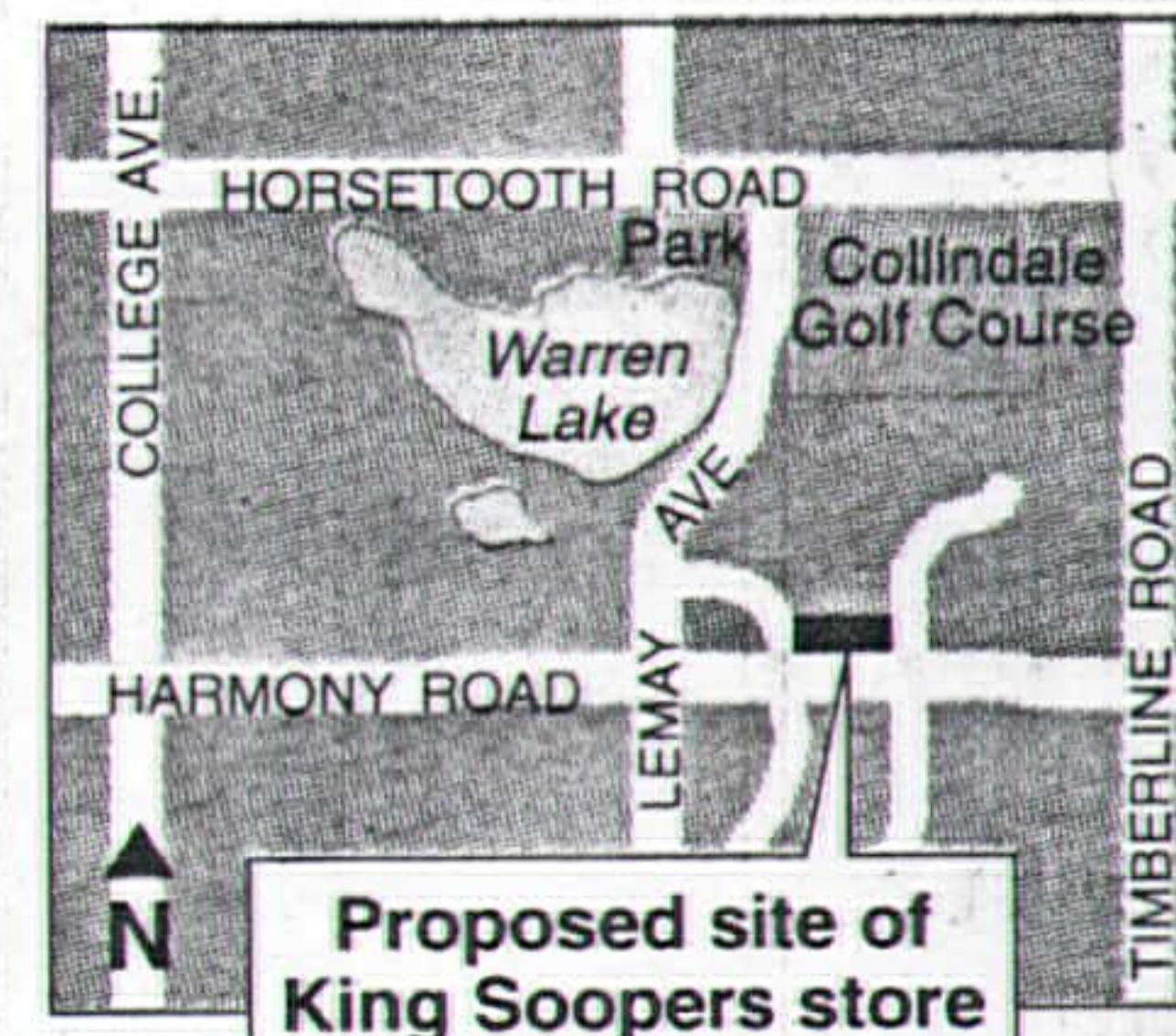
Sullivan said he was not surprised by the ruling, pledging to

appeal Newton's decision to the Colorado Court of Appeals.

He said he was reluctant from the beginning to take his lawsuit through the Larimer County District Court because Chief Judge John-David Sullivan, a resident near the proposed site, had criticized the project publicly.

However, the federal court in Denver would not accept his complaint until he has exhausted all avenues in the state district court.

"How can I get a fair trial in the local courts?" James M. Sullivan said. "Are we assuming that these judges don't talk to each other. . . . At some point, we'll get a fair trial



Proposed site of King Soopers store

Coloradoan staff

of the facts . . . and we'll get a much different outcome."

During testimony Monday, the

developer had argued that he filed his project application June 7 — more than a month before the moratorium went into effect.

However, Roy argued that the city's employees had been talking about changing land-use regulations along Harmony Road as early as April and that those discussions led to the moratorium.

Therefore, the city's idea of a moratorium preceded the filing of the project.

However, in the end, Newton ruled that Sullivan failed to prove that an injunction was the only remedy that could resolve the problem.