

King Soopers may bypass moratorium

What's next

City Council members will discuss the proposed exemption of King Soopers from the moratorium at their regular meeting at 6:30 p.m. Tuesday at City Hall, 300 LaPorte Ave.

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Growth

Despite a development moratorium, a King Soopers proposed on Harmony Road could proceed through the city's planning process under a recommendation by City Attorney Steve Roy.

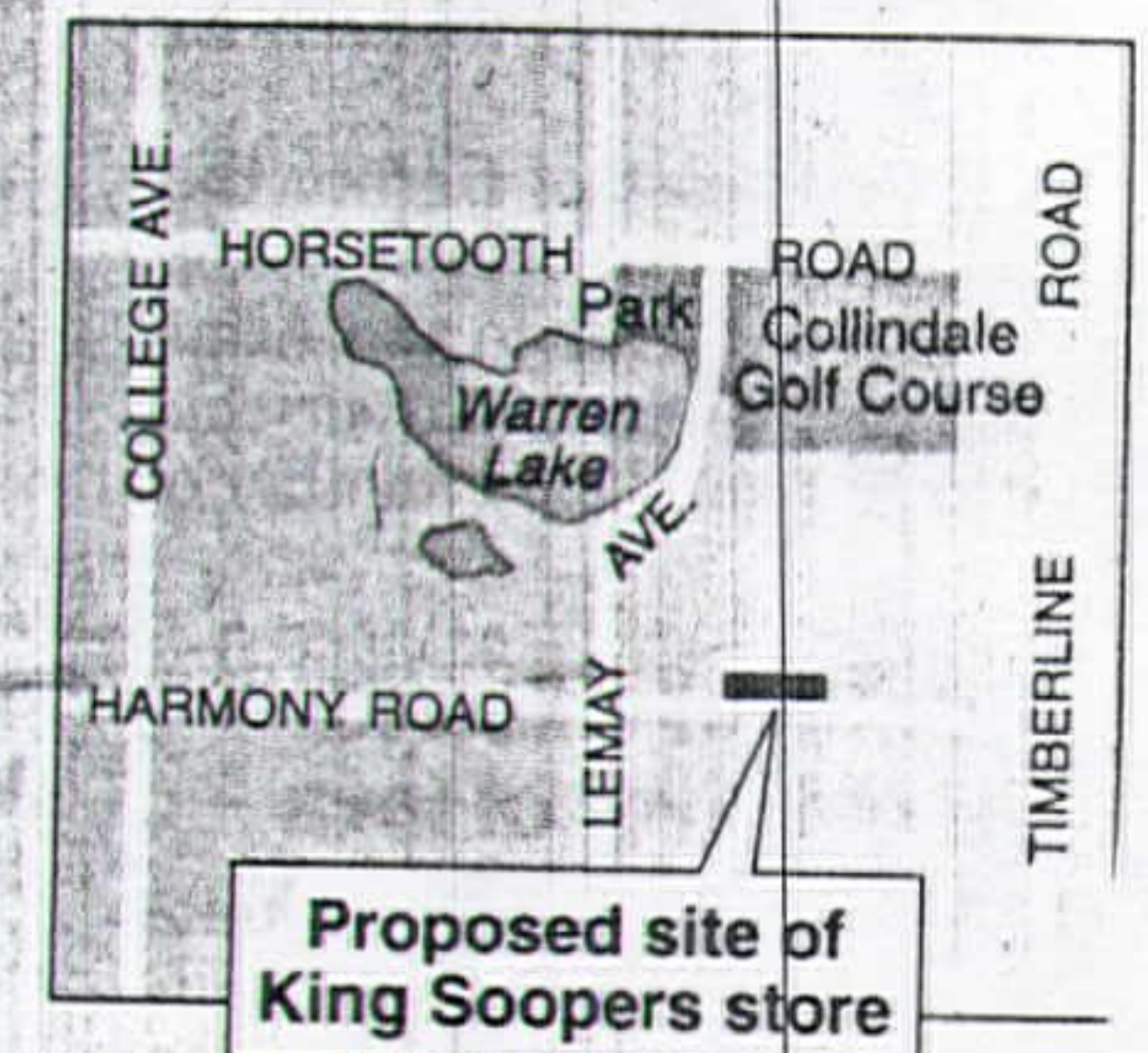
City Council members agreed

unanimously in mid-July to impose a six-month moratorium on commercial developments along Harmony between College Avenue and Interstate 25 to allow officials and the public time to re-

evaluate the Harmony Corridor plan and suggest changes.

As a result, a King Soopers proposal submitted by Denver developer James Sullivan a month before the moratorium went into effect was halted and shelved in the city's review process.

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Sullivan later sued the city, claiming the council's action prevented his right to develop his 154,000-square-foot retail center north of Harmony Road between Wheaton Drive and McMurray Avenue. King Soopers would be the anchor store.

Tuesday, City Council will consider allowing that project to continue in the city's review process.

Roy said his recommendation is based on an August 11 decision by the Colorado Court of Appeals that decided building-permit applications generally must be processed according to the regulations in place at the time such requests entered the review process.

He said the city could argue that the court's decision does not apply to the overall approval of a development site plan, but just the building permit.

However, he is recommending that council exempt Sullivan's project from the moratorium and let it proceed with the review process before the Planning and Zoning Board in December.

"So this is a decision to choose our battles," he said.

Neither Sullivan nor his lawyer could be reached Thursday for comment.

Jennifer Carpenter, a resident of Golden Meadows, one of several neighborhoods that opposed the King Soopers project, vowed that residents will keep watch over the project they had fought before the moratorium.

"It's certainly not something we're going to ignore," Carpenter said. "We're going to have representatives there. We will certainly be an active part" of the process.

"We still feel very strongly that it's an inappropriate use of that lot, given that we have an elementary school behind it ... and single-family homes ... and we have no kind of buffering.

Councilman Bob McCluskey said Tuesday's meeting will not be about whether the development should be approved, but whether "it is appropriate to let them begin the process under the old system."

If City Council approves the ordinance on first reading, then Sullivan will agree to drop his lawsuit against the city, Roy said.

Another development halted by the Harmony moratorium, a convenience store about 1/2 mile north of Harmony Road on Timberline Road, also would be allowed to proceed in the city planning process under the ordinance.