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Developer sues over city's moratorium

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The Coloradoan

James M. Sullivan, the Denver developer who had planned to build a retail center along Harmony Road, filed a civil lawsuit Wednesday in federal court, claiming a recent city moratorium was targeting his project.

The 14-page lawsuit, which names the City Council members as defendants, states that the city's ordinance is "an extraordinary abuse of governmental power."

City Council members July 5 approved a six-month moratorium on all retail and commercial development along Harmony Road between College Avenue and Interstate 25.

The temporary ban, council members said, was to give time to the city's planning staff and the public to re-evaluate the Harmony Corridor Plan to determine if changes are appropriate.

Councilwoman Chris Kneeland said she has not read the complaint, but said the council unanimously approved the

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moratorium so residents can "determine what we want that corridor, which is one of the main entrances to the city, to look like, and that is the only reason we did it."

The moratorium, which takes effect Friday and expires Jan. 15, 1995, does not apply to retail development proposals at Harmony Market Shopping Center or OakRidge Business Park — the southwest and southeast corners of Lemay Avenue and Harmony Road.

Sullivan had submitted plans to build a 154,000-square-foot retail center along Harmony Road between Wheaton Drive and McMurray Avenue that included a 66,000-square-foot King Soopers store, seven adjoining retail stores and three outlying pad sites.

City officials have not been served a copy of the lawsuit, and no court date has been set in the case.
