

Growth Builder debating next step

City vote scrutinized

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A lawyer for the developer who wants to build a retail center on Harmony Road said his client wasn't going to "sit still" in the face of a moratorium on the project.

"You may conclude that we are not going to take it (the moratorium decision) sitting on our heels," Golden lawyer Dennis Polk said. "We're not going to sit still."

Tuesday night, members of Fort Collins City Council gave initial approval to a six-month moratorium on all commercial and retail developments along the Harmony Corridor, which extends from College Avenue to Interstate 25.

Polk said he must review that action before deciding on a response.

Council members are set to consider final approval of the measure July 5.

As written, the ordinance temporarily halts all retail and commercial projects that have not received preliminary or final approval from the city by July 15, the date the moratorium would be enacted.

The measure would suspend a 154,000-square-foot development north of Harmony Road and between Wheaton Drive

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and McMurry Avenue. Even the review process for such a development could not begin.

A few retail projects are exempt from the moratorium, those specifically planned in either the Harmony Market Shopping Center or OakRidge Business Park — the southwest and southeast corners of Lemay Avenue and Harmony Road. Those two areas are clearly going to be retail and commercial, city officials said.

Two weeks ago, when City Council members openly suggested that a moratorium may be needed to complete a review of the Harmony Corridor Plan regulations, Polk and his client, Denver developer James Sullivan, threatened a

lawsuit against the city.

In a letter dated May 23 to the city, Sullivan said the land where he wants to build a neighborhood shopping center had been zoned to accommodate such a project "for a substantial period of years."

"If the city persists in its effort to indirectly eliminate vested rights ..." he said, "(I) will have little alternative but to file an appropriate action in federal district court."

Sullivan could not be reached Wednesday to explain whether he intends to move forward with the lawsuit.

However, speaking for Sullivan, Polk said: "My client remains resolute. Our position hasn't varied one iota from that (letter)."