

NEWS / PINELLAS

## Tarpon Springs commission puts Anclote apartment project on hold

A group of new commissioners changes the direction set by their predecessors.



Stands of mangroves populate the shoreline on Monday, Dec. 6, 2021, on the land where developer Morgan Group wants to build 404 apartments on the nearly 74-acre site along the Anclote River in Tarpon Springs. [ DOUGLAS R. CLIFFORD | Times ]

By **Tracey McManus** *Times staff*

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TARPON SPRINGS — After approving an apartment complex along the Anclote River [seven months ago](#), the Tarpon Springs City Commission has voted to halt its construction until a lawsuit challenging the project is resolved.

Members of the Tarpon Springs Citizens of Tarpon Springs [first asked the commission to pause permits](#) last month amid its lawsuit against the city and the developer, Houston-based Morgan Group. Commissioners voted 3-1 to deny the request, one month after they approved the 404 apartments by the same margin.

The 4-1 vote on Tuesday to halt permits follows the March election that brought three new officials into office who all discussed their opposition to the project

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The commission on Tuesday voted to waive its rules of procedure to hear the Concerned Citizens' request to halt permits a second time, in part, without risking a challenge during an appeal, Mayor Costa Vatikiotis said.

Next week, the commission will hear Morgan Group's request that the city require Concerned Citizens to post a \$2.8 million bond to cover delay damages in the event that Morgan Group overcomes the legal challenge, which could drag on for more than a year.

But on Tuesday, Scott McLaren, an attorney representing Morgan Group, said the commission's holdup could result in the developer incurring \$45 million in damages if an unforeseen event, like a market collapse, derails the project in the meantime.

"What they do in this motion is they urge this board to have the city infringe on Morgan's Constitutional right to pursue its permits and pursue its development," McLaren said. "If the motion is improperly granted, then my client has been damaged. We don't want to be damaged. We don't want to engage in lawsuits."

McLaren said no local government in Florida has ever blocked a land development permit for a project it had already approved.

Jane Graham, the attorney representing Concerned Citizens, said the nonprofit met two legal criteria needed to obtain a stay on the permits: a likelihood that their lawsuit will be successful and a likelihood of harm without the intervention.

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g this project to break ground will result in the immediate destruction and ion of the habitat," Graham said.

However, City Attorney Jay Daigneault told the commission he doubted Concerned Citizens will be successful in its legal challenge. He pointed to [a March ruling where a three-judge Pinellas County Circuit Court panel dismissed Concerned Citizens' lawsuit](#) against the city and developer because the nonprofit

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Daigneault acknowledged the unique scenario of granting the stay but said he did not think the city will be exposed to damages if Morgan Group sues.

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“In this posture, you all as a board of commissioners are essentially acting as a court and so we don’t see courts being sued for delay damages for having issued orders,” Daigneault said.

Vatikiotis, the mayor, said part of his consideration had to do with the public interest and the possibility Concerned Citizens could prevail in its lawsuit.

Daigneault told the commission they had “wide latitude here to evaluate public interest” along with the factors of whether Concerned Citizens has a likelihood to win its lawsuit or incur harm without the stay. But without legal precedent for halting permits based on public interest, Daigneault discouraged the commission from grounding its decision solely on that factor.

Vatikiotis said he has concerns about the safety of the proposal, which includes two entrances on U.S. 19 and would require drivers heading south to make a U-turn and cross three lanes of traffic to enter the complex.

He also pointed to the “great deal of mistrust within the community” over the project. During the hearings spread over more than a year, hundreds of residents voiced opposition and questioned whether the project complied with the city’s comprehensive plan.

Commissioner Michael Eisner said “I don’t see that we have safety” with the project and said he wanted to give Concerned Citizens a shot at proving its case in court. Commissioner Panagiotis Koulias said he was worried about exposure with granting the stay but was also concerned about the public interest.

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