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With their hands tied, DeLand City Commission rezones 23.33 acresFree Access

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WORRIED ABOUT NEIGHBORHOOD — At the April 20 meeting of the DeLand City Commission, Pauline Hackathorn argues against commercial BR zoning for 23.33 acres not too far from her home on Cedar Ridge Lane, on DeLand's northwest side.

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At their April 20 meeting, the DeLand City Commission rezoned 23.33 acres on the city's northwest edge to "BR," a type of commercial zoning, but they didn't do it because they particularly wanted to.

By law, they had no choice.

The land is northeast of the intersection of West International Speedway Boulevard with State Road 15A (the truck route).

Twenty years ago, the parcel was annexed into the city and was given a land-use designation for commercial, nonresidential development. The land-use designation is similar to the land-use designation the parcel had in the county, and is consistent with the city's policy of placing commercial development at the intersection of two state highways.

Probably because no development was immediately planned in 2006, no city zoning category was assigned back then. For the past two decades, the land has been used as a cow pasture, earning its owner an agricultural exemption for property-tax purposes.

Fast-forward to 2026. The owner wants to prepare to possibly develop the property, and was required to obtain City of DeLand zoning, according to their representative, attorney Michael Woods of Cobb Cole.

Because state law requires the City Commission to assign a zoning compatible with the land use that was assigned 20 years ago, there were only two choices: the BR, or commercial, zoning, or commercial planned development, or PD. Either way, commercial zoning was required.

City Commissioner Richard Paiva asked the city attorney whether there was any legal reason the City Commission could turn down the request for commercial zoning.

"Some of our citizens are of the opinion that we can 'just say no,'" Paiva said.

"I couldn't think of a reason you could turn that down," City Attorney Darren Elkind said.

The fact that the City Commission's hands were tied didn't keep four members of the audience from taking to the podium to argue passionately against allowing commercial development on the now-green pasture.

They argued against commercial development on the specific parcel, but also against overdevelopment in general, and against laws — many of them state laws passed by the Florida Legislature — that hamper local governments' ability to better control growth.

"I don't understand you being told you don't have any choice," Ashley Briggs said.

Briggs pointed out the importance of preserving undeveloped green spaces and noted, "When it's gone, it's gone."

She added, "I just want the people who are in positions of power to start saying no."

Nearby resident Pauline Hackathorn said she and her husband bought what they thought of as their "forever home" on Cedar Ridge Lane in 1998, but as development increases, "Home is becoming less comfortable."

Hackathorn noted the City Commission was not given a specific development plan for the property.

“We don’t know what they’re proposing, so we can’t say whether it’s good for us,” she said, adding, “These developers that are coming in ... they don’t have to live with the results that they’re throwing at us.”

Attorney Woods said the property owner is not ready to discuss specific plans for the parcel. Such discussions usually arise at the site plan phase of development, when the development plans will be held to city standards, including the requirement for an environmental study and a tree survey, including the preservation of a 15-percent tree-protection area.

Planning Director Carol Kuhn also pointed out that any development plans will be required to use Florida-friendly plantings and components of LID (Low Impact Development) design, and to meet International Dark Sky standards, designed to reduce light pollution by restricting upward-directed light and avoiding glare.

After about an hour of discussion, commissioners voted 4-1 to approve the rezoning to BR. Vice Mayor Jessica Davis cast the lone “no” vote.