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Director

Christopher Gulock, AICP

Deputy Director

# City of Detroit

## CITY PLANNING COMMISSION

208 Coleman A. Young Municipal Center

Detroit, Michigan 48226

Phone: (313) 224-6225 Fax: (313) 224-4336

e-mail: [cpc@detroitmi.gov](mailto:cpc@detroitmi.gov)

Adrian-Keith Bennett  
Kenneth R. Daniels  
David Esparza, AIA, LEED  
Ritchie Harrison  
Gwendolyn A. Lewis, MBA  
Frederick E. Russell, Jr.  
Rachel M. Udabe

### REVISED REPORT

**TO:** City Planning Commission

**FROM:** M. Rory Bolger, City Planner  
Timarie Szwed, City Planner

**RE:** The request of Tina Castleberry to rezone the property at 4213 and 4225 West Davison Avenue from an R3 (Low Density Residential) zoning classification to a B2 (Local Business and Residential) zoning classification  
**(RECOMMEND DENIAL)**

**DATE:** July 17, 2025

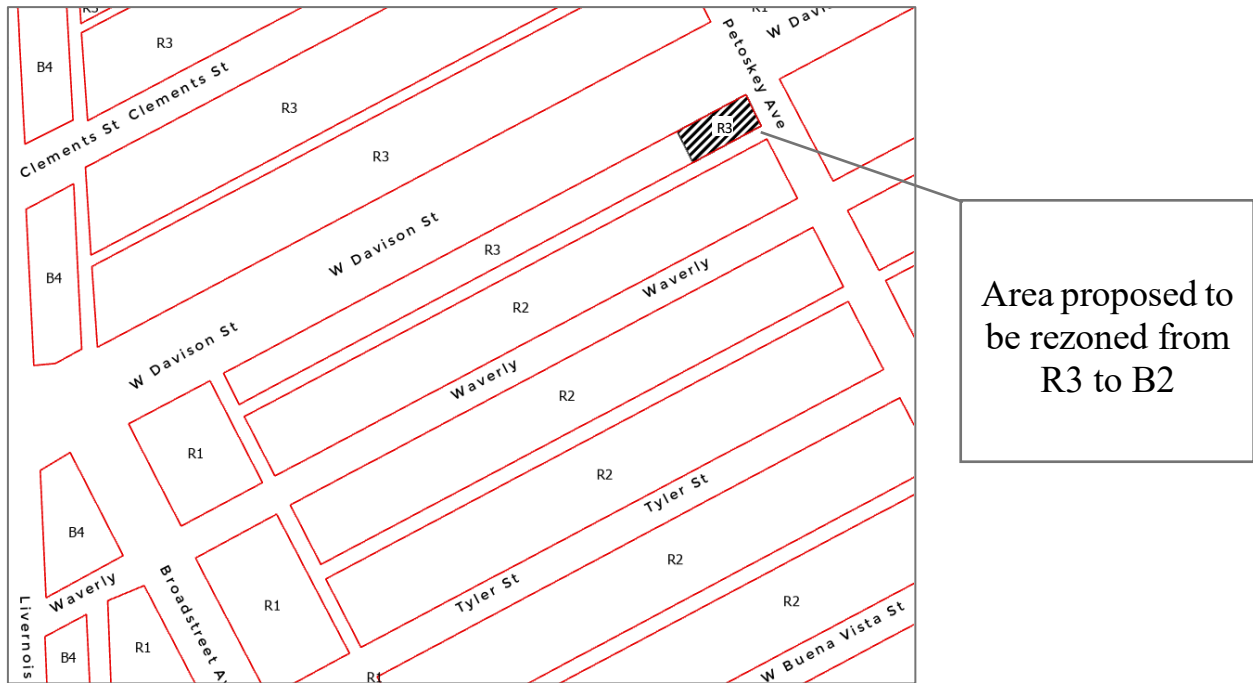
### RECOMMENDATION

The City Planning Commission staff recommends **denial** of the request of Tina Castleberry to rezone the property at 4213 and 4225 W. Davison Avenue from the R3 (Low Density Residential) zoning classification to the B2 (Local Business and Residential) zoning classification.

### BACKGROUND AND REQUEST

On March 6, 2025, the City Planning Commission (CPC) held a public hearing on the request of Tina Castleberry to amend Chapter 50, Article XVII, Section 50-17-60, District Map No. 58 of the 2019 Detroit City Code, to show a B2 (Local Business and Residential) zoning classification where an R3 (Low Density Residential) zoning classification is currently shown at 4213 and 4225 West Davison Avenue.

The subject properties are generally located on the southside of W. Davison Ave., west of Petoskey Ave., north of Waverly Ave., and east of Broadstreet Ave. The proposed rezoning is in Council District 7, in the Russell Woods neighborhood. The location is indicated on the map below:



The proposed map amendment is being requested to permit the legal operation of the existing seasonal outdoor garden center (“mercado”), Garden Bug, which utilizes an existing single-family residential structure undergoing renovations and the adjacent lot to the east, located at 4225 and 4213 W. Davison Ave. respectively. The existing R3 zoning classification does not allow for commercial use.

The applicant’s rezoning request responds to three blight violations issued by the Buildings, Safety Engineering and Environmental Department (BSEED) on January 31, 2025: 25026900DAH, failure to abate unlawful occupancy (\$580); 25026901DAH, unlawful change of use (\$140); 25026902DAH, unlawful land use (\$855).

The subject property at 4225 W. Davison has an existing improved single-family structure, which is currently undergoing renovations for commercial use and programing related to the garden center, while the majority of the center’s inventory is housed on the adjacent lot located at 4213 W. Davison. BSEED records indicate that Permit #38990 was issued on June 12, 1940 for a dwelling (2-family) at 4225 West Davison. In addition to the commercial uses listed in the application the properties and adjacent alley are used for weekly food distribution by a local organization by a local non-profit organization. The petitioner is not associated with the food distribution program, only allows the use of space.

The subject parcels were acquired by the petitioner from the Detroit Land Bank Authority (DLBA) in 2022, prior to receiving grant funding through the City of Detroit’s Motor City Match program. The petitioner received \$65,000 through a Motor City Match grant, along with an additional \$55,000 in both private and public grants, to fund the 2<sup>nd</sup> location of their seasonal outdoor garden center, which has operated on the subject parcels for three years. (The original Garden Bug is

located at 18901 Grand River.) The petitioner was, at the time of purchase from the DLBA, given a list of requirements to meet prior to opening the garden center's operations. The petitioner subsequently opened the garden center, prior to meeting all the required tasks set forth in the DLBA agreement submitted to the CPC at the time of the public hearing. Rezoning the property is one of the requirements that has not yet been met by the petitioner.

To meet compliance with the applicable city codes and regulations the petitioner has worked with various city departments over the last four years. The garden center remained in operation during this time, though not in compliance with Chapter 50 of the 2019 Detroit City Code, *Zoning*, which resulted in the aforementioned blight violations and fines. The petitioner has applied for the subject rezoning to come into compliance.

## **PUBLIC HEARING AND FOLLOW-UP**

On March 6, 2025, the CPC held the statutory public hearing regarding the proposed rezoning of 4213 and 4225 West Davison from R3 to B2. The petitioner opened the garden center for the season on April 26, 2025. This was confirmed by staff visits to the site and communication with residents of the area. The garden center was opened despite lacking proper permits and not being permitted by the current zoning.

### ***Public Comment and Communications***

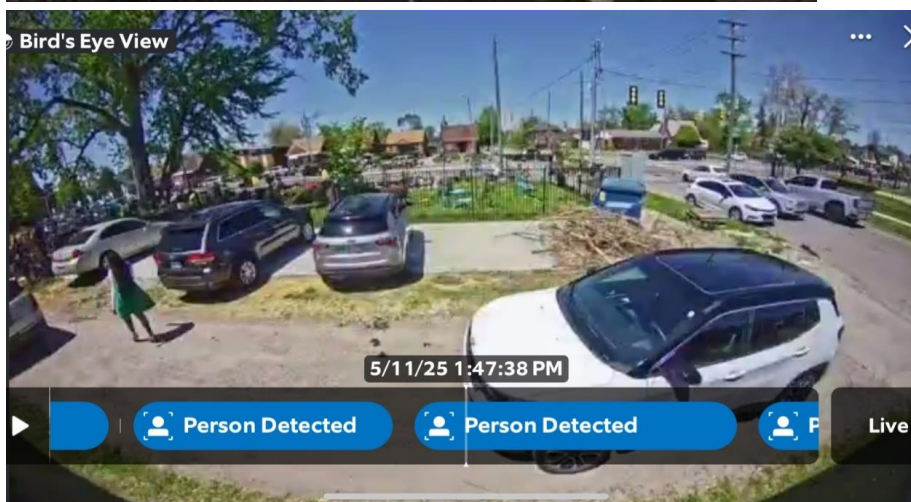
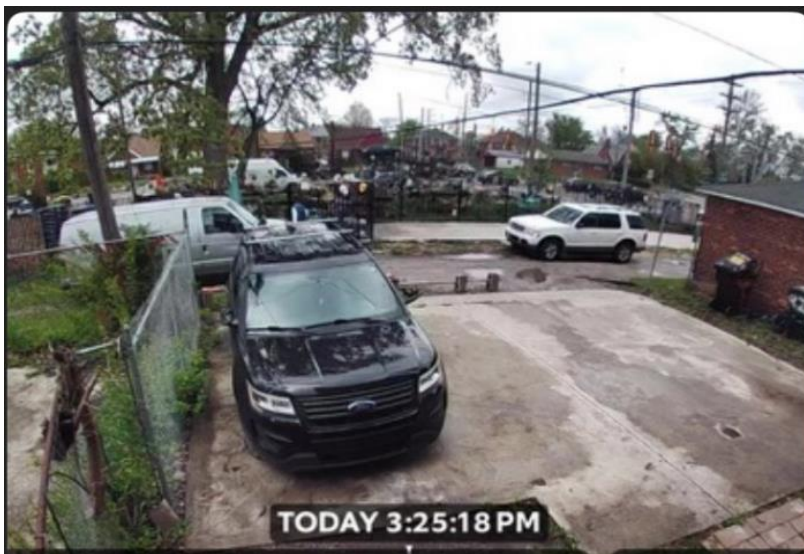
Prior to the public hearing, CPC staff received two letters of opposition and one letter of support regarding the proposed rezoning. At the time of the hearing, an adjacent property owner submitted letters of opposition and photographs, listing the following issues attributed to the garden center's operation:

- Increased traffic congestion on Petoskey Avenue
- Blocked access to the adjacent property owner's multi-family residential property during operating hours due to customer and delivery vehicles. The adjacent property owner has off street parking for tenants, only accessible by the shared alley. Images were provided as evidence of the stated issues.
- Blocked access for emergency vehicle entry via the shared alley during operating hours.
- Incidents of verbal abuse and indecency by garden center customers.
- Lack of response from City departments despite repeated complaints – a response did come through the Office of the Ombudsman, who connected the property owner with CPC Staff.

The letter of support, submitted by a nearby resident, cited the garden center's walkability and its role in hosting the Petoskey Sharing Table, a weekly outdoor food pantry.

During the public hearing, four members of the public spoke: three in opposition and one in support. Their comments aligned with the concerns and support outlined in the letters.

Following the public hearing the afore-mentioned adjacent property owner submitted additional images of the alley being blocked by patrons of the garden center, despite the petitioner creating space for parking. Some of these images can be seen below, all images will be attached to this report.



### ***Commissioner Comments and Concerns***

During the public hearing, the Commission discussed the following (staff responses are included in italics):

- Traffic congestion and safety concerns related to customer and delivery activity at the garden center.

*A near-collision was reported to staff. The incident reportedly occurred over Mother's Day weekend due to a customer vehicle parked on W. Davison with hazard lights on.*

- Whether parking and standing are permitted on W. Davison.

*CPC staff conferred in person with the Department of Public Works/Traffic Engineering Division (DPW/TED) on July 10, 2025 concerning on-street parking on Davison. After looking into the matter, TED informed staff that Davison traffic in just one direction is over 25,000, with "...traffic backups during peak periods although three moving lanes and a center left turn lane is available. Permitting parking is not possible with this high volume and higher speed roadway." TED notes that "...any parking activity would increase the potential for traffic crashes." Staff is still awaiting an answer from DPW/TED to our question of whether signage restricting or prohibiting parking is missing and whether it would be replaced.*

*The at-grade Davison Avenue between the Jeffries Freeway (I-96) and the John C. Lodge Freeway (M-10) is a state owned (MDOT) trunkline—a fact subsequently reconfirmed with DPW/City Engineering on June 27, 2025. Davison Avenue becomes the below-grade Davison Freeway (M-8) at the Lodge, traverses the city of Highland Park and continues to the east side of Detroit beyond the Chrysler Freeway (I-5) near Conant Avenue.*

- Concerns from neighboring property owners and residents, both written and voiced during public comment, and whether these concerns could be adequately addressed.

*The neighboring property owner submitted a follow-up letter of concern to the Office of the Ombudsman. The letter indicated that the garden center continued to hinder access to the alley, despite the addition of space for parking.*

- Ownership of the subject parcels and compliance with DLBA land sale requirements.

*Staff verified that the petitioner does own the land, so long as they meet DLBA requirements. The DLBA extended the petitioner's deadline to comply with all regulatory requirements (stemming from the land sale, and communicated with the petitioner at that time) to August 6, 2025. Failure to do so will result in the property returning to DLBA inventory and loss of the petitioner's legal interest.*

*In addition to rezoning, the petitioner is also required to have the lots combined through the Office of the Assessor. CPC staff found that an incomplete application for a lot combination had been submitted, but no contact information was provided, so they had no way of informing the petitioner that they required additional information. CPC staff provided the petitioner with this information.*

- The limited size and shallowness of the parcels, and the suitability of the proposed B2 zoning classification.

*CPC staff conducted analysis of the lot's size and depth and the suitability of the B2 zoning for the proposed site. The findings are discussed later in this report under Staff Analysis.*

- If there had been efforts to acquire the adjacent western property, whether in full or part, to expand the garden center and provide adequate retail space and parking.

*The petitioner indicated that they do not have any interest in acquiring the land to the west of the subject property, and would not pursue this course of action.*

- The intended use classification – whether as a retail store or a landscape contractor's yard, which would require a B6 (General Services) zoning classification.

*CPC staff worked with staff from BSEED and P&DD to determine that the use would fit into the definition of Mercado, which is defined as: "Open air sales of new retail goods, produce, handcrafts, and the like. For zoning purposes, a mercado shall be considered the same as a store of a generally recognized retail nature whose primary business is the selling of new merchandise."*

Commissioners urged staff to meet with the Michigan Department of Transportation (MDOT) to explore possible measures to enhance vehicular and pedestrian safety in light of measures taken on other busy roadways within the city.

## **PLANNING CONSIDERATIONS**

### ***Surrounding Zoning and Land Use***

The zoning classification and land uses surrounding the subject parcel are as follows:

North:	R3 – developed with single- and multi-family residential
East:	PD – developed with religious use
South:	R2 – developed with multi-family and two-family residential
West:	R3 – undeveloped





As shown on the above zoning map, most parcels in the subject area are zoned residential, varying between R1, R2, and R3. Some parcels to the west along Livernois are zoned B4 (General Business), and the property immediately to the east is zoned PD (Planned Development). Additionally, there is a group of parcels with the R5 zoning classification north of W. Davison along Dexter Ave.

### ***Comparison of Uses Permitted in R3 and B2 Zoning Classifications***

The proposed B2 zoning classification allows an additional 60 uses than the current R3 zoning classification. The additional uses vary in intensity and type.

A primary difference is that the current R3 zoning classification does not allow for any uses that fall into the “*Retail, service and commercial*” or “*Manufacturing and industrial*” use categories. The proposed B2 zoning classification allows for 45 uses categorized as “*Retail, service and commercial*” and 17 uses categorized as “*Manufacturing and industrial*”, of varying intensities.

The table below shows the number of uses allowed for each category by zoning classification, including a breakdown of uses allowed by-right (**R**) and those permitted as conditional (**C**) uses. A complete list of uses allowed in both zoning classifications is attached to this report.

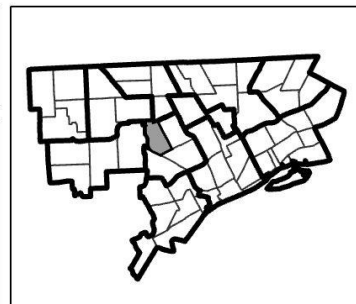
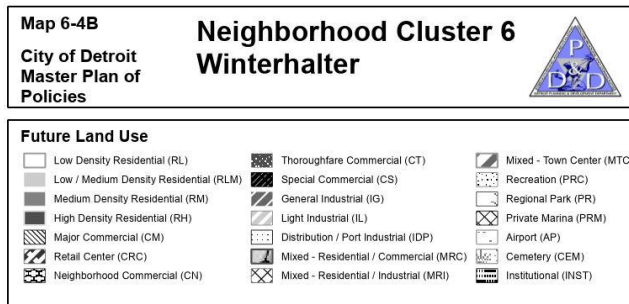
	<b>B2</b>			<b>R3</b>		
	<b>R</b>	<b>C</b>	<b>Total</b>	<b>R</b>	<b>C</b>	<b>Total</b>
<b>Residential</b>	8	11	17	9	6	<b>15</b>
<b>Public, Civic and Institutional</b>	13	6	18	11	6	<b>17</b>
<b>Retail, Commercial and Service</b>	25	20	45	-	-	-
<b>Manufacturing and Industrial</b>	9	8	17	-	-	-
<b>Other uses</b>	5	7	12	3	-	<b>3</b>
<b>TOTAL</b>	<b>60</b>	<b>51</b>	<b>106</b>	<b>23</b>	<b>12</b>	<b>35</b>

### ***Master Plan Consistency***

The following Master Plan Interpretation was provided by P&DD:

“The area to be rezoned is located in the Winterhalter neighborhood. It is designated Low-Medium Density residential (RLM). Such areas ‘... should have an overall density of 8 to 16 dwelling units per net residential acre. The areas are often characterized by two or four family homes with small yards, on-street parking, or garages with alley access. The residential classifications allow for neighborhood-scale commercial development.’ The proposed rezoning to the B2 district is **generally consistent** with the RLM designation, as it doesn’t change the overall character of the larger area, as it only comprises 0.2 acres and is located on the edge of the residential area and on a major road.”





## STAFF ANALYSIS AND RECOMMENDATION

The Zoning Ordinance provides eight criteria to be considered in determining the appropriateness of a zoning map amendment, as specified in Section 50-3-70. The criteria with staff analysis in *italics> are found below.*

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.

*Staff finds no error on the existing zoning map; applicant seeks rezoning to “legalize” the current operation without benefit of permit.” Staff notes “no changing conditions.”*

- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this chapter.

*Staff notes the Master Plan classification for subject property is RLM, low/medium residential. The Planning and Development Department finds the proposed B2 to be “generally consistent” with the Master Plan.*

- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public.

*Staff notes that speakers at the public hearing spoke of safety issues arising from traffic congestion around use of the alley by the unauthorized use. Correspondence in support of the “garden center” type of use and earlier meetings conducted by the city and with the community evidenced general support the proposed type of use.*

- (4) Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development.

*Staff notes that concerns were raised at the public hearing over customer dependance on alley use in the event of emergency vehicles needing alley access; providers of light, power, water, and telephone should not be affected.*

- (5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management. BENIGN USE...

*Staff anticipate no adverse impact on the natural environment; the current unauthorized use, while triggering concerns and complaints from those nearby, would seem to be a very benign use from an environmental perspective.*

- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract.

*Staff notes that at the public hearing, adverse impact on other property was noted: diminished access to their own property and concern over customer trespass on adjoining residential property. While acknowledging abrasive encounters between the unauthorized business and residents across the alley, the applicant emphasized the seasonal nature of the business (4 months open, 8 months closed). However, a rezoning to B2 allows for scores of land uses with no such seasonal expectation.*

- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification.

*Staff’s analysis of the subject property is that it is better suited for the existing residential zoning classification than to a business zoning classification because of the unusually shallow depth of the lots on this block on the south side of West Davison, 53 feet.*

*Uses permitted in districts such as B2 rely more on passing traffic than uses in R3 and, as such, need sufficient area for parking, loading, and maneuvering. Most B2 zoning lots, such as along West Seven Mile, West McNichols, and Fenkell, are situated on lots having 100 feet in depth with some as shallow as 80 or 90 feet in depth. The B2 district allows 113 by-right and conditional uses; the existing R3 district only allows 43 uses. With B2 uses, the coming-and-going of traffic is expected to be a much greater degree than with R3 uses. (See attached R3/B2 comparison table.)*

*Those few land uses currently operating on the south side of Davison between Broadstreet and Woodrow Wilson with similarly shallow frontage are typically situated on much wider zoning lots and/or multiple curb cuts off Davison.*

*The subject site contains 8,003 square feet of area (53 feet deep, 116 feet wide). Five of the other six land uses on similarly shallow lots on the south side of Davison between Broadstreet and Woodrow Wilson accommodate vehicles with wider lots resulting in lot areas of 9,234 sq. Ft. (3359 W. Davison), 11,550 sq. Ft. (3201 W. Davison), 23,265 sq. Ft. (3039 W. Davison), 15,400 sq. Ft. (2935 W. Davison), and 15,400 sq. Ft. 2479 W. Davison). (See attached illustration.)*

*The subject site suffers from historical factors beyond the applicant's control. It is located just east of where two of the city's street grids collide: the original French street layout of farms and streets and plats perpendicular to the Detroit River where streets run approximately north-northwest/south-southeast, like Dexter, Petoskey, and Broadstreet versus the American survey grid where streets run due north/south and east/west, such as Livernois, McNichols, Meyers. The intersection of Davison and Livernois and Broadstreet has been a dangerous one and has challenged traffic engineers for decades to enhance traffic safety, a task made more difficult by fast-moving traffic exiting from the Jeffries freeway, I-96, heading east toward the Davison freeway (built in 1941) and through Highland Park.*

*North of Grand Boulevard, Davison has been a main route from the west side to the east side and was likely the cause for Wayne County having taken fifty feet of the frontage along the south side of Davison to widen the busy roadway in 1928 and 1929. That street widening left the block holding the subject properties with precious little room for higher intensity land uses, such as those allowed under B2.*

*It is staff's considered opinion that the limited area and tightness of the subject site make the site more suitable for the kind of development allowed by the R3 zoning district than by the B2 zoning district.*

**(8)** Whether the proposed rezoning will create an illegal "spot zone."

*A rezoning to B2 would not be a likely candidate for an illegal spot zoning claim, given the Master Plan's view of B2 being consistent with the RLM designation and given the existing B4 zoning elsewhere on West Davison between Broadstreet and Woodrow Wilson.*

## **CONCLUSION**

In light of the public hearing results, contents of this report, and the approval criteria for map amendments, City Planning Commission staff respectfully recommends denial of the requested rezoning of 2413 and 2425 West Davison from R3 to B2.

Attachments:            West Davison shallow lot illustration  
                                R3 / B2 use comparison table  
                                Communications / Images from adjacent property owner

CC:                        Alexa Bush, Director, P&DD  
                                Dara O'Byrne, Deputy Director, P&DD  
                                Karen Gage, P&DD  
                                Greg Moots, P&DD  
                                Raymond Solomon, II, Chief of Staff  
                                Conrad Mallett, Corporation Counsel  
                                Bruce Goldman, Law Department  
                                Daniel Arking, Law Department  
                                Bruce Simpson, Ombudsman  
                                David Bell, Director, BSEED  
                                Jayda Philson, BSEED  
                                James Foster, BSEED