

UPDATE ON SHEETZ PROPOSAL

[The proposal by Sheetz to construct a gas station at Fairchild Avenue and North Mantua Street has captured the attention of the Kent community. Here is an update and some background information and suggestions on what you can do to get involved and express your opinion on the issue. The information reproduced here was provided by Jeff Farmer, co-administrator of the Facebook group Help Preserve Kent Culture: People over Profit.](#)

Update - July 27, 2009

On June 30, a Portage County magistrate found that the city's interpretation of the western yard (the yard fronting the alley off Fairchild Avenue) as a front yard requiring a 30-foot setback was not supported by a preponderance of evidence, finding in favor of Sheetz's interpretation that it was a side yard requiring a lesser 10-foot setback.

The magistrate's ruling did not consider whether the western yard might be interpreted as a rear yard requiring a 30-foot setback and, in laying out the issues involved, misstated the law regarding rear-yard setbacks in that zoning district.

The city had an opportunity to object to the ruling but did not do so. The court adopted the magistrate's decision on July 21. Because city did not object to the ruling, an appeal seems very unlikely. Sheetz has until September 2 to obtain a zoning permit and one year from the date of issuance of the zoning permit to begin construction. As of this writing, Sheetz owns none of the several lots necessary for the project. Sales agreements were in place at the time of Planning Commission and Board of Zoning Appeals hearings. Whether agreements are currently in place as of this time is unknown.

Update - October 28, 2008

At the end of the October 20 Board of Zoning Appeals meeting that lasted 4 1/2 hours, three of four variances requested by Sheetz were approved (two with modifications by the board). A fourth variance, which would have allowed Sheetz to locate its store 13.7 feet from an alley bordering a residential neighborhood, instead of the 30 feet required by code, was denied. The board was unanimous in all of its decisions regarding Sheetz.

The four requested variances were:

- A variance to allow a total of four building signs—two on the building and two on the canopy [zoning code Section 1165.05 (b) (1)]
- A three-foot variance from the one-foot maximum for a building sign to project beyond the building face to allow the building's signs to project four feet from the building [zoning code Section 1165.09 (a)]
- A 16.3-foot variance from the 30-foot maximum front-yard setback to allow the new convenience store to be 13.7 feet from the property line along the alley [zoning code Section 1145.04 (a)]
- A two-foot variance from the four-foot maximum fence height to allow a six-foot-tall maximum fence height to allow a six-foot-tall fence along the alley [zoning code Section 1162.21 (a)]

As the *Record-Courier* reported: "Kent Development Planner Heather Phile said the decision is up to Sheetz representatives to either file another site plan or appeal the zoning board decision. 'If they want to resubmit something, we can take a look at it and see if it should go back to the planning commission,' Phile said."

Thus, it appears that Sheetz may take one of three actions: (1) submit a new site plan, which would require another round of site-plan review and approval, (2) take legal action or (3) submit a site plan with revisions, for the interpretation of the Department of Community Development. Both a new site plan and legal action would entail delays, but a new site plan would offer Sheetz an opportunity to build a store and gas station that better responds to residents' concerns about safety, scale, aesthetics and issues of ingress and egress.

Background Information

Sheetz Inc. of Altoona, Pennsylvania, wants to build a large, 24-hour gas station/fast food/convenience-store complex at the intersection of Fairchild Avenue and North Mantua Street, opposite the future site of the Crain Avenue replacement bridge. What you may not know is that the proposed Sheetz would be much larger than the former gas station presently owned by Crock's Car Care. The Sheetz site plan involves a 4,997- square-foot convenience store, six gas pumps and 12 hoses under a canopy on 1.28 acres of land, almost the size of a football field (end zones included). A drawing of the Sheetz site is shown below.

The Sheetz station will sell beer, wine, coffee, and sandwiches and have seating for 20 customers. There will be two lanes of ingress and egress on North Mantua Street and three lanes on Fairchild Avenue. Access to an alley off Fairchild Avenue and via that alley a connection to Hudson Road will be limited but not prohibited. Sheetz does not currently own the property in question, but sales agreements with three property owners, contingent on site-plan approval are in place. Sheetz will require the consolidation of seven parcels and the demolition of seven buildings currently in use (three houses, three commercial buildings and one building with storefronts and apartments).

Sheetz and the Kent City Approval Process

Sheetz probably completed its draft plan by late 2007; sales agreements were signed by February 2008. The proposal moved quietly through the Community Department Development. The site plan appeared on the August 10, 2008, agenda of the Planning Commission; the first reporting on the proposal was in the next day's *Record Courier*. Early reporting suggested that Sheetz would replace the former gas station, now used by Crock's Car Care; a memo by an attorney for Sheetz to the Planning Commission suggested the same. The memo was misleading. Sheetz will occupy a consolidated lot four to five times larger than the present gas station property.



On September 2, 2008, the Planning Commission approved the site plan, pending approval of requested variances, despite overwhelming public comment in objection to the plan. Objections came from nearby property owners and other Kent citizens and addressed a wide variety of concerns, including safety, aesthetics, existing buildings lost to reuse, scale, noise, traffic, effects on walkways, greenways, and bikeways, proximity to parks and the Cuyahoga River, disconnects with comprehensive planning, and effects on adjacent historic residential neighborhoods. Some objections were general to the use, while some were specific to the site plan.