



Department of Planning + Urban Design

Unified Government of Wyandotte County and Kansas City, Kansas

701 N 7th Street, Suite 423
Kansas City, Kansas 66101
www.wycokck.org/planning

Phone: (913) 573-5750
Fax: (913) 573-5796
Email: planninginfo@wycokck.org

DIRECTOR'S INTERPRETATION

TO: Unified Government of Wyandotte County/Kansas City, Kansas
FROM: Gunnar Hand, AICP, Director of Planning and Urban Design
DATE: September 27, 2022
SUBJECT: Definition of a Vehicle Fuel Pump

The question presented to the Director of Planning and Urban Design ("Director") is whether the quantity of vehicle fuel pumps, within the context of the C-1 Limited Business District performance standards, is measured by the number of individual nozzles, by the number of individual fuel recorder-payment-nozzle(s) set systems, or by the number of stand-alone dispenser units. The Director interprets the term 'vehicle fuel pump' to refer to a stand-alone gas dispenser that has one (1) or more nozzles or sets of nozzles, which in turn are separately connected to a distinct system that records the fuel pumped by a single vehicle and the corresponding payment owed for said fuel; internal to this interpretation, the described network is hereafter referred to as a 'fuel recorder-payment-nozzle(s) set system'.

I. The Authority and Discretion of the Director

Per Section 27-218(a), the "director of planning shall have authority to make all written interpretations concerning the provisions of these regulations and the official zoning map".

II. Facts of the Question

A. Applicable Zoning Code

The C-1 Limited Business District performance standards prohibit "use of land or buildings... exceed[ing] or violat[ing]" several enumerated standards. (Section 27-464(c)). Subsection c5 further identifies that for buildings in which at least 1,000 square feet is devoted to the sale of "convenience food products", then "[a] maximum of three [(3)] vehicle fuel pumps may be provided".

There is little additional textual guidance as to the constitution of a vehicle fuel pump. The C-2 General Business District and the C-3 Commercial District place no restrictions on vehicle fuel pumps or equivalent uses; in fact, neither the C-2, C-3, nor any other commercial zoning district addresses vehicle fuel pumps at all. Throughout the remainder of the Zoning Code, the only other references to gas pumps are in Section 27-340 (which excludes “gas pumps” from the definition of a vending machine), and in Section 27-471(o)(2) (which prohibits a “gas pump canopy” in the TND Traditional Neighborhood Design District from abutting a public street). Furthermore, the remainder of the Code of Ordinances does not provide a definition for ‘fuel pump’, ‘vehicle fuel pump’, ‘gas pump’, nor ‘vehicle gas pump’, so no other definitions within Chapter 27 may be relied upon for guidance or consistency.

B. Request for Interpretation

The language of Section 27-464(c)(5) creates ambiguity as to what structure or portion of a structure constitutes a ‘vehicle fuel pump’. As no more than three (3) vehicle fuel pumps are allowed within the C-1 Limited Business District, defining a vehicle fuel pump is imperative in order to create a comprehensive site design plan for applicable gas station-convenience store uses. Therefore, an interpretation as to the minimum features of a vehicle fuel pump is necessary.

III. Interpretation of the Zoning Code

The intent of the Zoning Code is for a ‘vehicle fuel pump’ to be interpreted as a stand-alone gas dispenser, as demonstrated by the design of gas dispensers that was common even before Section 27-464(c)(5) was passed. The use of an odd number (i.e., three (3)) in limiting the quantity of vehicle fuel pumps, and the absurd outcomes created by interpreting ‘vehicle fuel pumps’ in any other manner.

A. Interpretation of the Term ‘Vehicle Fuel Pump’

The use of the ambiguous term ‘vehicle fuel pump’ leads to three (3) possible interpretations as to the entity that is limited under Section 27-464(c)(5): an individual gas nozzle; a set of gas nozzles linked to an individual system of fuel recording and payment (i.e., a fuel recorder-payment-nozzle set(s) system); and stand-alone dispenser unit, which commonly consists of two (2) separate nozzle sets-gas recorder-payment system, often referred to as a ‘double-sided pump’ (for examples of double-sided pumps, see Appendix: Figures 1 and 2).

1. *A single nozzle.* If a ‘vehicle fuel pump’ is interpreted as a single gas nozzle, then both of the following scenarios would meet the three (3)-pump maximum.

Scenario A: Three (3) stand-alone dispenser units, each with one (1) gas nozzle but two (2) sets of fuel recorder-payment systems, which could effectively allow six (6) vehicles to be parked and served nearly simultaneously. This scenario is demonstrated by Appendix: Figure 1, if the gas dispenser in represented in Figure 1 had only a single nozzle to serve both fuel recorder-payment systems.

Scenario B: A single stand-alone dispenser unit with three (3) separate nozzles for regular gas, diesel gas, and/or ethanol-based gas, which could only serve one (1) vehicle at a time. This scenario is demonstrated by Appendix: Figure 2, if only one (1) side of the gas dispenser represented could be used.

Clearly the Code is not intended to allow a parcel in Scenario A to serve six (6) vehicles at once while restricting a parcel in Scenario B to only serve a single vehicle at a time.

2. *A single nozzle or nozzle set as part of a standalone gas dispenser.* If a ‘vehicle fuel pump’ is interpreted as a single gas nozzle or nozzle set as part of a stand-alone gas dispenser, then the ‘double-sided’ gas dispenser that is commonly found at most gas stations would qualify as two (2) vehicle fuel pumps, therefore two (2) of these double-sided gas dispensers would qualify as four (4), which exceeds the limits of the C-1 District. As this interpretation would either require a gas station within the C-1 District to procure at least one (1) of the less-common single-sided gas dispensers or limit the effective quantity of vehicle fuel pumps to only one (1) double-sided gas dispenser, this interpretation creates results that are clearly not intended by the Code.
3. *A stand-alone gas dispenser, with multiple nozzles or nozzle sets allowed.* If a ‘vehicle fuel pump’ is interpreted as an entire stand-alone gas dispenser, which may include one (1) or more fuel recorder-payment-nozzle(s) systems, then up to three (3) stand-alone gas dispensers would be allowed at qualifying gas station within the C-1 District. Each vehicle fuel pump may be doubled-sided (i.e., having two (2) separate fuel recorder-payment-nozzle set system). As by the 1980s the contemporary standard for fuel pumps was the double-sided pump, it is reasonable that these doubled-sided gas dispensers were anticipated in the original 1988 City of Kansas City, Kansas Code of Ordinances.

B. Interpretation of the Limitation to Three (3) Pumps, an Odd Number

The second term to analyze within subsection (c)(5) is the specific limit imposed on vehicle fuel pumps: three (3). Given that even in 1988 the standard gas station fuel dispenser was double-sided and had a separate system of recording fuel and payment for each set of nozzles on opposite sides that would be used by an individual customer, it would be unnecessarily restrictive to allow up to three (3) separate fuel recorder-payment-nozzle(s) system when a sole double-sided fuel dispenser unit would count for two (2) pumps. This creates a scenario in which a convenience store-gas station within the C-1 District may only have one (1) contemporary double-sided pump and must resort to employing a less-common single-sided pump in order to attain the third pump. Therefore, a ‘vehicle fuel pump’ must refer to one (1) stand-alone, double-sided fuel dispenser that is equipped with separate fuel recording and payment interfaces for each set of one (1) or more gas nozzles.

IV. Interpreted Definition of Vehicle Fuel Pumps for the Purposes of Meeting C-1 Limited Business District Performance Standards

Now therefore, the term ‘vehicle fuel pump’, as found within Section 27-464(c)(5) or within any other section of the Zoning Code, shall refer to one (1) individual unit with the following characteristics:

1. The dispenser unit is free-standing or attached to a free-standing gas pump canopy; and,
2. The unit may have up to two (2) individual fuel recorder-payment-nozzle(s) set systems, or two (2) or more individual fuel recorder-payment set systems that share a nozzle or set of nozzles.

Furthermore, the following standards apply in determining a nozzle set or fuel recorder-payment-nozzle(s) set system:

1. A sole nozzle may dispense one (1) or more blends of gasoline, and likewise a set of nozzles must be intended to dispense several blends of gasoline from the separate nozzles.
2. A set of nozzles is determined by the intention (via dispenser unit design and the fuel recorder-payment set system interface) of only one (1) nozzle within the set to be in use at a time.

APPENDIX

Figure 1: A fuel recorder-payment-single nozzle system on a doubled-sided gas dispenser (left), and side view of a double-sided gas dispenser (right). Under the proposed interpretation in II.A.1, this entire gas dispenser (both front and back) would qualify as two (2) vehicle fuel pumps. Under the proposed interpretation in III.A.2, this entire gas dispenser would qualify as two (2) vehicle fuel pumps. Under Scenario C, this entire gas dispenser would qualify as one (1) vehicle fuel pump. Under the Director's Interpretation in II.A.3, three (3) of this gas dispensers are allowed within the C-1 District under Section 27-464(c)(5).



Figure 2: A double-sided gas dispenser with two (2) fuel recorder-payment-nozzle set systems. Under the proposed interpretation in II.A.1, this entire gas dispenser (both front and back) would qualify as six (6) vehicle pumps. Under the proposed interpretation in III.A.2, this entire gas dispenser would qualify as two (2) vehicle fuel pumps. Under Scenario C, this entire gas dispenser would qualify as one (1) vehicle fuel pump. Under the Director's Interpretation in III.A.3, three (3) of this gas dispensers are allowed within the C-1 District

