

MEGGAN HERINGTON, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

July 1, 2026

Buc-ee's EPCO, LLC
11200 West Broadway, Suite 2332
Pearland, TX 77584

RE: ADM264 - Administrative Determination for Buc-ee's

This letter is in response to the request submitted on June 19, 2026, for an administrative determination of use pursuant to Sections 2.2.4.B.8 (PCD Director, Powers and Duties) and 5.3.6 (Administrative Determinations on Use) of the El Paso County Land Development Code (LDC).

The letter submitted into the County EDARP system requests that the El Paso County Planning and Community Development Department make an administrative determination that classifies a commercial user, specifically known as Buc-ee's, as a convenience store per the LDC definition of convenience store. The site proposed for the commercial use as described in the exhibit materials associated with the request is a 30+ acre parcel zoned C-1, Commercial, and located at the southeast corner of Beacon Lite Road and County Line Road.

Applicable Code Authorities

Two chapters of the LDC govern the Planning and Community Development Director's (PCD Director) authority to make administrative use determinations. Chapter 2.2, Authorities, outlines the Director's powers, including the authority in Section 2.2.4.B.1 to interpret all provisions of the Code. Section 2.2.4(B)(8) grants the PCD director authority to issue written administrative decisions and determinations concerning the application of the Code to specific property. When issuing an interpretation, the PCD Director must reference the specific Code sections applicable to the matter.

For use determinations, Section 5.3.6 of the LDC provides the process and criteria under which an unlisted use may be evaluated. This process involves two steps:

1. Determining whether the proposed use falls within an existing, defined use category (e.g., “Convenience Store”).
2. If the use is not specifically listed, determining whether it is sufficiently similar to other uses permitted in the zoning district based on established criteria.

The Code requires that an unlisted use may be considered an allowed use only when:

- Its function, performance characteristics, and location requirements are consistent with the purpose and description of the zoning district; and
- It is compatible with uses specifically allowed in the district and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.

Zoning and Relevant Definitions

The subject property is zoned C-1, Commercial, an obsolete zoning district as identified in LDC Section 4.4.1 and made obsolete under Zoning Resolution 91-59 (1991). Although no longer applied to new properties, the C-1 district remains in effect for properties previously assigned this zoning. The purpose of the district is to provide for commercial activities, and the allowable uses are listed in the Use Table in Chapter 5. A complete list of allowed, special, accessory, and temporary uses in the C-1 district is attached.

To determine whether Buc-ee’s fits an existing use classification, staff reviewed the relevant definitions in LDC Section 1.15, including:

Convenience Store — An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready to eat food, over the counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products.

Gas Station — A property where the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as an incidental use, the retail sale and installation of vehicle accessories, the making of minor repairs, and facilities for washing and servicing of not more than 3 vehicles completely enclosed in a structure.

Truck Stop — An establishment that provides maintenance, repair, storage and other services to commercial vehicles and their drivers, which may include but are not limited to fuel, accessory or parts sales, overnight accommodations, restaurant facilities, or any combination thereof.

Retail Sales — Establishments engaged in the sale of goods or merchandise to the general public and rendering services incidental to the sale of these goods. A retail sales establishment is

usually a place of business and is engaged in activity to attract the general public to make purchases. Including but not limited to: antiques or art, clothing, department store items, drugs, dry goods, feed and seed, hay, flowers, furniture, gifts, groceries, hardware, hobby items, office supplies, package liquor, paint, pets, shoes, sporting goods, appliances and repairs, copies and toys.

Shopping Center — A group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

Store — An establishment operating from an enclosed building engaged in providing of services or the retail sale of products that are not primarily consumed or used upon the premises but may be assembled or installed upon the premises. The term shall not include adult uses or gasoline filling stations.

Use, Allowed — Any use permissible in a zoning district provided all provisions and standards of this Code have been satisfied.

Use, Principal — An activity or combination of activities of chief importance on the lot or parcel. The main purposes for which the land is intended, designed, or ordinarily used.

Zoning District, Obsolete — A zoning district which remains applicable to land but which has been determined by the BoCC to be outdated and which cannot be applied to any additional land within the county.

The current definition of “Convenience Store” was adopted as part of the 2007 LDC update, at which time the sentence “A convenience store may include retail sale of gasoline and other petroleum products” was added. The definition also includes the phrase “for the purpose of offering for sale to the neighborhood in which it is located”, making it difficult to determine the use classification.

Analysis

Staff reviewed all EDARP and County Assessor records for convenience store and gas station approvals, including grocery stores with fuel components. Twenty-six such approvals were identified, with staff focusing on those approved after 2007 under the current convenience store definition.

Staff also compared the proposed Buc-ee’s use with other allowed uses in the C-1 zoning district. The proposed facility includes a combination of characteristics, impacts, and design elements that are mixed and uncommon within unincorporated El Paso County. These factors make it difficult to categorize the use under any single existing definition.

Notably, there are no previous convenience store approvals within the C-1 zoning district on record. This further complicates evaluating the proposed use as an allowed use within the zone.

Conclusion and Determination

Based on the definitions, historical approvals, and comparative analysis, staff finds it difficult to classify the proposed use. Because it is unclear whether the use meets the LDC definition of a "Convenience Store," staff cannot determine whether it is sufficiently similar to allowed uses within the C-1 zoning district to qualify as an allowed use.

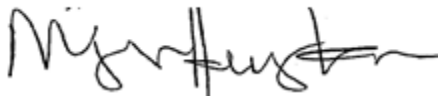
Appeal Process

In accordance with LDC Section 5.3.6(F), an aggrieved party may appeal an administrative determination on use within 30 days of the date of this determination. Appeals are heard by the Board of County Commissioners.

"Aggrieved" is defined in LDC Section 1.15 as the owner of the property that is the subject of the request and, when notice to adjacent property owners is required, those adjacent owners entitled to such notice.

To initiate an appeal, please contact Kylie Bagley. She is the primary contact for coordinating the establishment of an EDARP file for the appeal.

Sincerely,



Meggan Herington, AICP
Executive Director of Planning and Community Development
El Paso County

Attachments:

Exhibit 1 – Data Table

Exhibit 2 – C-1 Zone Uses Table

Gas Station and Convenience Store Developments in El Paso County

= No record of original approval

Record	EDARP File #	Current Zoning District	Address	Parcel #	Acres	Convenience Store Floor Area (square feet)	# Gas Pumps	Gas Canopy Floor Area (square feet)	Year built (convenience store)	Year built (gas pumps)	Name	Notes	Link to Public EDARP file
1	P71007Z	RR-5	11150 E HIGHWAY 24	5313000006	6.11	676	4	200	1956	1988	Falcon Food Store	Wasn't zoned until 1965. BOA88028 to add fuel pump? Rezoned to C3 in 1971; added fuel pump possibly in 1988, now legal nonconforming	https://epcdevplanreview.com/Public/ProjectDetails/26844
2	#	CC	5 WIDEFIELD BLVD	6524100071	0.3	1200	0	0	1963	N/A	7-11		#
3	#	CC	4140 HIGHWAY 85-87	6503400021	0.69	1005	8	1359	1972	1972	Sinclair	Assessor classification due to pre-zoning construction	#
4	PBC73021Z	CR	906 PETERSON RD	5408004002	1	2400	4	1008	1980	1980	Everyday Convenience	Approved as Accessory to Conv Store	https://epcdevplanreview.com/Public/ProjectDetails/67150
5	PPR2217	CC	4815 YUCATAN DR	6501205016	1.03	2400	8	1584	1981	2022	Clearview Food Mart	Fuel Pumps not constructed	https://epcdevplanreview.com/Public/ProjectDetails/170571
6	#	CC	1475 B Street	6505413004	0.814	2400	0	0	1982	N/A	7-11		#
7	#	CC	510 SECURITY BLVD	6514103001	0.43	2640	4	1420	1983	1983	7-11	Assessor classification due to pre-zoning construction	#
8	#	CC	1807 B Street	6504200038	2.91	4600	4	1300	1984	1984	Conoco (Gas), 7-11 (Convenience)	Assessor classification due to lack of records	#
9	#	C-2	6970 MERIDIAN SOL DR 5805 PALMER PARK BLVD	5312402021	4.56	#	8	#	1984	#	Diamond Shamrock		#
10	PBP85029Z	CC	6859 Space Village Ave	5406304001	55	2576	8	2856	1985	1985	7-11		https://epcdevplanreview.com/Public/ProjectDetails/67444
11	R486020	CC	6859 Space Village Ave	5417001003	0.49	3621	4	1152	1986	1986	Loaf N Jug		https://epcdevplanreview.com/Public/ProjectDetails/67467
12	AL88002	CR	5810 OMAHA BLVD	5406304025	0.616	976	8	3360	1988	1988	Phillips		https://epcdevplanreview.com/Public/ProjectDetails/11707
13	#	CC	301 MAIN ST	6511416030	0.516	1980	8	1600	1988	1988	Conoco	Service Station Pre-1970	#
14	PBP93001	CC	1801 MAIN ST	6502000112	0.815	1740	8	3562	1994	1994	Diamond Shamrock		https://epcdevplanreview.com/Public/ProjectDetails/67312
15	#	CS	23580 CO-94	3412000015	4.5	3,524	8	1300	1998	1998	Fuel B's	Was legal nonconforming (built 1998, zoned 1999), rezoned to CS in 2021	https://epcdevplanreview.com/Public/ProjectDetails/177621
16	PPR00011	CR	7505 McLaughlin Rd	4306301007	1.62	2,024	12	3876	2002	2001	Safeway		https://epcdevplanreview.com/Public/ProjectDetails/37111
17	PPR1019	CC	1810-1814 MAIN ST	6502407011	0.963	3000	8	3096	2011	2011	Shell		https://epcdevplanreview.com/Public/ProjectDetails/41474
18	PPR1313	CS	8090 N Meridian Rd	5301104001	1.05	3010	12	3096	2013	2013	7-11		https://epcdevplanreview.com/Public/ProjectDetails/10050
19	PPR1423	CS	1584 Meadowbrook Parkway	5405411002	1.24	5040	12	3000	2015	2015	Carlie's Convenience & Mobil Fuel Center		https://epcdevplanreview.com/Public/ProjectDetails/20492
20	PPR1630	CC	2477 PETERSON RD	5406114001	6.76	5550	12	4306	2017	2017	Maverick		https://epcdevplanreview.com/Public/ProjectDetails/23350
21	PPR17058	CS	229 GLENEAGLE GATE VW	6206306006	1.29	2940	12	3096	2018	2018	7-11		https://epcdevplanreview.com/Public/ProjectDetails/103004
22	PPR1621	PUD	613 MEADOWBROOK PKWY	5408008001	1.742	4480	14	5484	2018	2018	Circle K		https://epcdevplanreview.com/Public/ProjectDetails/23320
23	PPR2225	CC	675 SECURITY BLVD	6511415042	1.29	3982	12	3957	2023	2023	Maverick	Permitted as Kum&go but built as Maverick	https://epcdevplanreview.com/Public/ProjectDetails/176621
24	PPR2210	CR	7595 FALCON MARKET PL	5301402001	1.31	0	18	6700	2023	2023	King Soopers		https://epcdevplanreview.com/Public/ProjectDetails/181121
25	PPR2230	CS	6970 MERIDIAN SOL DR	5312402021	4.56	5,200	16	5184	2025	2025	Circle K	* Rezoned to CS to allow	https://epcdevplanreview.com/Public/ProjectDetails/180441
26	PPR02008	CC	1540 PAONIA ST	5406304049	1.02	0	12	8,000	N/A	2002	Chief Petro Card		https://epcdevplanreview.com/Public/ProjectDetails/2525

C-1 USE	Allowed (A) or Special (S)	Definition		
Amusement Center, Indoor	A	The term includes, among other things, arcades (pinball, video, etc.), theaters, dinner theaters, bowling alleys, skating rinks, billiard parlors, pool halls, teen clubs, indoor shooting ranges, laser tag, privately-owned recreational facilities, health clubs, and organizational clubs. Accessory uses may include the preparation and serving of food or sale of equipment related to the identified uses.	<p>The table is summarized from LDC Table 5.1 - Principal Uses.</p> <p>LDC Section 4.4 Obsolete Zoning Districts 4.4.1. C-1, Commercial (Obsolete)</p> <p>(A) Purpose. This district is established for the purpose of providing for commercial activities.</p> <p>(B) Allowed, Special, Accessory, and Temporary Uses. The allowed, special, accessory, and temporary uses in the C-1 district are shown in the Use Table in Chapter 5.</p> <p>(C) Use and Dimensional Standards. All uses and development in the C-1 district are subject to the Use and Dimensional Standards in Chapter 5.</p> <p>(D) General Development Standards. All uses and development in the C-1 district are subject to the General Development Standards in Chapter 6.</p> <p>(E) Development Standards for Building Walls. The wall of any building shall be constructed of 4 hour fire resistant material if it is located within 3 feet of a side lot line or if it is located within 5 feet of a side lot line where the lot or parcel adjoins a residential district.</p> <p>(F) Maintenance Plan. A maintenance plan conforming to the requirements of Chapter 6 shall be approved by the PCD Director prior to the issuance of any building permit.</p> <p>(G) Site Development Plan. Site development plan approval is required for all development prior to authorization of a building permit.</p> <p>(H) Platting. No building permits shall be granted on any portion of property which is currently zoned C-1 until the property is platted in accordance with this Code, unless otherwise exempted by Statute. If a property, at the time of its creation, was established in accordance with all applicable subdivision regulations, platting of the property is not required for issuance of a building permit. It shall be the responsibility of the person seeking a building permit to submit the necessary documentation to the PCD to substantiate the legal creation of the property.</p> <p>(I) Discontinuance of Zoning or Rezoning. No land shall be zoned or rezoned to C-1 on or subsequent to May 1, 1991. All land zoned C-1 on or before May 1, 1991, shall remain zoned C-1 and shall be subject to all the provisions of the C-1 district until such time as the land is either rezoned or annexed.</p> <p>(Res. No. 17-374, Exh. A, 12-12-2017)</p>	
Bar	A			
Barber/Beauty Shop	A			
Billiard Parlor	A			
Car Wash	A			
Child Care Center	A			
Club	A	Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, including country clubs and lodges but excluding clubs operated for profit and places of worship or assembly.		
CMRS	A			
Retail as part of a shopping center	A			
Convenience Store	A	An establishment for the purpose of offering for sale to the neighborhood in which it is located such items as groceries, ready to eat food, over the counter drugs, and sundries. A convenience store may include retail sale of gasoline and other petroleum products.		
Coffee Shop	A			
Educational Institution, Public	A			
Emergency Facility, Public	A			
Financial institution	A			
Funeral Home	A			
Hotel	A			
Inert Material Disposal Site - Minor	A	The term includes but is not limited to, earth, sand, gravel rock, concrete which has been in a hardened state for at least 60 days, masonry, asphalt paving fragments, and other inert solids that the CDPHE or the Board of Health may identify by regulation.		
Kennel, Major	A			
Kennel, Minor	A			
Laboratory	A			
Liquor Store	A			
Marijuana Land Use, Medical	A			
Nursery, Retail	A			
Off-Premise Sign	A			
Parking Lot	A			

C-1 USE	Allowed (A) or Special (S)	Definition											
Public Building/Public Park/Public Open Space	A												
Rehabilitation Facility	A												
Religious Institution	A												
Rental Services	A												
Repair Shop	A												
Restaurant	A												
Retail Sales, General	A												
Sexually-Oriented Business	A												
Store	A	An establishment operating from an enclosed building engaged in providing of services or the retail sale of products that are not primarily consumed or used upon the premises but may be assembled or installed upon the premises. The term shall not include adult uses or gasoline filling stations.											
Studio	A	A place, where an art is taught or studied; an artist's or photographer's											
Theater	A												
Amusement Center, Outdoor	S												
Boarding House	S												
Business Event Center	S	A for-profit business whose purpose is to provide a place for people to assemble for events in the nature of, but not limited to, recreational, social, cultural, political, or educational purposes.											
Community Building	S												
Educational Institution, Private	S												
Emergency Facility, Private	S												
Golf Course	S												
Hospital	S												
Hospital, Convalescent	S	The term convalescent hospital shall include sanitarium, nursing home, and long-term care facility, but not rehabilitation facility.											
Hospital, Veterinary	S												
Human Service Shelter	S												
Inert Material Disposal Site	S												
Institution, Philanthropic	S												
Library	S												
Mineral and Natural Resource Extraction Operations, Commercial	S												
Museum	S												
Off-Premise Sign	S												
Theater, Outdoor	S												