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APPLICANT: Buc-ee's EPCO, LLC
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ZONING: C-1

EXHIBITS: Exhibit A- Convenience Store Examples
Exhibit B- Site Composition Plan
Exhibit C- Trip Generation Memorandum
Exhibit D- Buc-ee's Traffic Impact Analysis
Exhibit E- Site Development Plan

REQUEST

This letter requests an Administrative Determination pursuant to Sections 2.2.4.B.8 and 5.3.6 of the El Paso County Land Development Code ("LDC" or "Code") confirming that the proposed Buc-ee's development constitutes a "Convenience Store" as defined by the Code and permitted in the existing C-1 (Commercial) zoning district, or, alternatively, constitutes a similar permitted commercial use in the C-1 district under Section 1.6.7 of the Code.

The "existing" C-1 zone is obsolete. In May 2024, County staff told the applicant to rezone the property, however the applicant is making this request in an apparent attempt to circumvent County processes and thereby avoid a full evaluation of the project.

Note that LDC Section 1.6.7 requires that similar uses "shall fall within the same category of use by character, descriptor, and intensity". As will be shown, this application fails to document that the proposed development has the same character, descriptor, and intensity as a convenience store.

USE DESCRIPTION

Paragraph 1

The proposed development consists of a Buc-ee's convenience store offering convenience-oriented retail items and petroleum fuel sales for passenger vehicles. The development will include an approximately 74,000 square-foot building, 60 multi-product fueling dispensers under two canopies (120 fueling positions), approximately 20 electric vehicle ("EV") charging stations, approximately 790 surface parking spaces, bicycle parking, and associated site infrastructure.

Buc-ee's also offers large and expansive retail including separate sections in the store for womens' clothing, children's clothing, men's clothing, homegoods, sporting goods, and other large retail items not consistent with convenience oriented retail items. In addition they also offer diesel fuel to non semi-truck commercial vehicles.

Paragraph 2

The project is designed to meet or exceed all applicable provisions of the Code, the El Paso County Engineering Criteria Manual, and the El Paso County Drainage Criteria Manual, as well as all other applicable County, State, and Federal regulations.

Every project must meet provisions of the code. This bears no relation to the use determination.

Buc-ee's will serve residents, employees, and others in the surrounding area by offering everyday convenience goods, including groceries (such as milk, eggs, juice, and similar staples), ready-to-eat foods (including breakfast items, fresh fruit, salads, barbeque sandwiches, and other hot foods), beverages, snacks, over-the-counter medications, household sundries, gifts, apparel, and other convenience retail merchandise. No on-site seating is proposed.

Buc-ee's business model primarily serves highway travelers, not locals. Per recent news articles, Buc-ee's spokesperson Angela Janik said that 90 percent of Buc-ee's customers come from 20 miles or farther away from the store and that 65 to 68 percent come from more than 100 miles away. She further said, "We do like the locals that come, but most of our guests are outside of your town." Buc-ee's typically does not sell grocery staples such as milk gallons, fresh eggs, baking supplies, or fresh produce. Nothing in their submitted plans suggests that this travel center will be any different. Small individual drink sized containers of milk or juice and cooked eggs do not constitute groceries. Thus the use description of selling groceries appears false. Rather they sell pre-made and prepared-on-site foods including food preparation more consistent with a fast-food restaurant, not a convenience store. On-site seating is not a requirement of a restaurant.

Fuel sales for passenger vehicles will operate as an integrated component of the overall convenience retail operation. Buc-ee's will not provide vehicle repair services, oil changes, installation of vehicle accessories, mechanical work, vehicle washing facilities, or other vehicle-servicing functions. The project also will not operate as a truck stop or otherwise accommodate 18-wheel tractor-trailers. No showers, truck or car washes, truck repair facilities, overnight parking, lodging accommodation, or other similar truck stop-related functions are proposed.

Buc-ee's also does provide diesel fuel and sells to commercial vehicles, except as they have noted, 18-wheel tractor-trailers. However, the code definition of a truck stop does not reference 18-wheel tractor-trailers, but rather "commercial vehicles and their drivers". Commercial vehicles are allowed on Buc-ee's sites. The code's definition of a truck stop also does not reference overnight parking and lodging or showers as required functions of a truck stop. It does reference overnight accommodations as being optional, but the lack of overnight accommodations does not mean it does not fit the definition of a truckstop.

In addition, the project will provide community-serving amenities and improvements that support neighborhood accessibility, connectivity, safety, and convenience, including:

- Dedicated community bicycle plaza featuring bicycle parking, seating, and a bike repair station to serve nearby residents and recreational users accessing the regional trail systems;
- On-site EV charging stations that expand convenient access for residents and employees in the neighborhood, including those who live in apartments, condominiums, or other homes without garages or home charging equipment;
- Enhanced on-site open space and landscaping consisting of approximately 35% of the site which significantly exceeds the Code requirement of 5%;
- Wildlife mitigation measures recommended by the Environmental Division of the Colorado Department of Transportation that will help reduce wildlife-vehicle conflicts along the I-25 corridor and improve overall corridor safety;
- Community-supportive emergency infrastructure, including 24-hour backup power generation, allowing Buc-ee's to function as a temporary refuge and support location for the community during severe weather events, utility outages, and other emergency conditions;
- Designated on-site emergency staging area available for use by the local fire district and other area public service providers during emergency events; and
- Fire water supply system upgrades coordinated with Monument Fire District to support on-site service needs while also providing excess capacity to assist surrounding properties and enhance neighborhood and regional life safety during fire events.

These community amenities have no bearing on whether the proposed development is considered a convenience store. None of these items are requirements of or similar to convenience stores, nor do they indicate that the proposal's purpose is to offer items for sale to the neighborhood. Simply allowing residents to use these features does not mean that is their purpose. In addition, many of these "improvements" are actually mitigation measures of the detrimental effects of the proposed development on the surrounding area, not amenities to the community.

BACKGROUND

The subject property is zoned C-1. (El Paso County Zone Map Book sheet 711.02.) Code Table 5-1, Principal Uses, expressly lists "Convenience Store" as an allowed principal use within the C-1 zoning district.

Code Section 1.15 (Definitions of Specific Terms and Phrases) includes the following relevant definitions:

- **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.

This definition describes a neighborhood consumer base and provides a qualitative size limit. ie, only as big as needed to serve the neighborhood. The definition also does not include food preparation or food services more commonly considered to be restaurant functions. Restaurants are a separate use listed in the code. Sundries are defined as small miscellaneous items and generally would not include larger items or expansive retail offerings.

- **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.

Everything listed beyond the sale of fuel is defined as optional and incidental use for a gas station. Thus the lack of facilities to service, wash, and repair vehicles does not mean you don't meet the definition of a gas station.

No definition of Truck Stop is listed, which is conspicuous as it is certainly relevant to this review. For reference the LDC defines a truck stop as:

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.

Note that the truck stop definition includes fuel sales, accessory sales, and restaurant facilities. These three core functions are also integrated into a single facility like Buc-ee's. The phrase "or any combination thereof" clearly indicates that overnight accommodations or repair services are not a requirement of being a truck stop.

As demonstrated below, the proposed use satisfies the Code's definition of a Convenience Store and does not satisfy the definition of a Gas Station.

It is not demonstrated below that the proposed use satisfies the definition of a Convenience Store.

CONVENIENCE STORE USE ANALYSIS

1. The proposed Buc-ee's meets the Code definition of a Convenience Store.

Paragraph 1
The proposed Buc-ee's will offer a broad range of convenience-oriented goods commonly associated with convenience stores, including groceries, ready-to-eat foods, beverages, over-the-counter medicines, household sundries, and general retail merchandise. The proposed convenience store will also include retail petroleum fuel sales.

Paragraph 2
These goods and petroleum fuel sales fall within the Code's definition of a Convenience Store, which includes an establishment offering for sale "groceries, ready to eat food, over the counter drugs, and sundries" and further provides that a Convenience Store "may include retail sale of gasoline and other petroleum products."

Paragraph 3
The proposed Buc-ee's therefore satisfies the plain language of the Code's Convenience Store definition: it is an establishment that sells the enumerated convenience goods, and its petroleum fuel sales are expressly permitted as part of that same use. Under the Code's rules of interpretation, its language must be read literally, and restrictions should not be implied where none are stated. (See Code Section 1.6.1 ["The language of this Code shall be read literally."].)

Notice that in paragraph 1, the applicant has added "general retail merchandise", a phrase not included in the county's definition. A Costco also sells "groceries, ready to eat food, over the counter drugs, and sundries" and often gasoline. By Buc-ee's logic here, a Costco would then also be considered a Convenience Store as they satisfy the "plain language of the code". The obvious differences between large retail like Buc-ee's and Costco, and a convenience store are scale, customer base, and expansive retail offerings beyond the types contemplated in the LDC's definition of convenience store. Buc-ee's is also ignoring the most critical part of the code definition that notes a convenience store's purpose of selling to the neighborhood in which it is located, not to a regional community or the general public. They seem to have purposefully removed this phrase from their definition in the paragraphs above. When read literally, this qualitative language inherently limits the size of a convenience store to what a neighborhood can support.

2. The proposed Buc-ee's will serve the surrounding neighborhood.

Paragraph 1
The proposed Buc-ee's will operate as an establishment offering goods for sale to the neighborhood in which it is located. The Code defines "Neighborhood" as follows:

"Primarily residential areas unified by shared characteristics, functional connections and spatial perceptions. Elements which define or reinforce a neighborhood orientation include common design themes, pedestrian and bicycle linkages, shared facilities and public spaces and identifiable boundaries, edges or gateways." (Code Section 1.15.)

Again, Buc-ee's is leaving out the critical phrase "for the purpose of" from the justification. As noted previously, Buc-ee's target customers are people traveling by on the highway. Simply allowing people from the neighborhood to shop there does not meet the definition of a convenience store. Also, Buc-ee's is not proposing a development that has any shared design themes, spatial perceptions, or shared characteristics with the surrounding neighborhood.

Paragraph 2

This definition is inclusive and functional. It does not limit a neighborhood to immediately adjacent residences or define it by a fixed trade area. Rather, it recognizes that “functional connections,” “shared facilities,” and “public spaces” which unify and serve the surrounding area are integral components of the neighborhood.

Paragraph 3

Consistent with the Code definition, the relevant neighborhood includes nearby residential and commercial areas together with the transportation corridors that connect them. In this location, those functional connections include Interstate 25, County Line Road, and Beacon Lite Road, which are immediately adjacent to the subject site, and link nearby homes, places of employment, schools, recreational facilities, and commercial destinations.

The applicant wants us to believe that an Interstate highway is a functional neighborhood connection, and by serving the interstate travelers, they are thereby serving the neighborhood. By definition, Interstate highways connect states, not neighborhoods. Urban jurisdictions across the country are dealing with the ramifications of Interstate highways that cut through existing neighborhoods, severing any connections that they once had. A recent study published in the journal PNAS, quantifies how highways have disrupted neighborhoods across the 50 biggest U.S. cities. Every single city studied showed less social connectivity between neighborhoods where highways were present. The study concludes that "highways connect over long distances, but divide over short ones." Currently, there are only two roads that functionally connect the west side of Tri-Lakes to the east, Highway 105 and County Line Road. The I-25 corridor is a wall separating these communities, not a connection. The highway is not a residential feature nor a functional part of the neighborhood.

Paragraph 4

The proposed Buc-ee's will be physically connected to and functionally integrated with the existing roadway network and surrounding land uses, operating as a readily accessible and complementary component of the neighborhood. It will serve the neighborhood by providing convenient access to everyday convenience goods, such as groceries, prepared foods, beverages, sundries, and fuel, for people living, working, and already traveling within the surrounding area. Residents and employees will be able to purchase these goods during routine trips to and from work, home, school and other daily destinations, while people already using the surrounding roadway network will be able to do so efficiently without introducing traffic on interior residential streets.

All developments in EPCO are connected to roads. That does not make them convenience stores. Again, Buc-ee's business model and retail offerings focus on serving highway travelers, not a local community. They are expanding the definition of neighborhood to include all general public which goes against the express language of the code and county masterplan. Also, the project absolutely will introduce traffic on interior residential streets, most notably Beacon Light Road which is interior and has residential houses located directly across from the proposed development. When traffic backs up on I-25, a common event at this location, it is also likely that Buc-ee's customers will find alternate routes, thereby adding traffic to other interior roads as well. Nothing in their submitted traffic report discusses these issues or proposes any mitigation.

Importantly, the Code does not limit convenience stores to serving only immediately adjacent residences or prohibit their location along major transportation corridors. To the contrary, the Code's definition of "Neighborhood" recognizes that the surrounding roadway network helps define the area and is a critical component of its functional structure. Moreover, convenience stores in unincorporated El Paso County are commonly located along arterial roadways and freeway interchanges because those locations efficiently serve nearby residents, employees, and others already traveling in the area. Examples include Circle K at 11769 US-24 in Falcon, Charlie's Convenience Store at 1580 Meadowbrook Parkway, Circle K at 613 Meadowbrook Parkway, Fuel B's/Sinclair at 23580 Highway 94, and Loaf N Jug at 6857 Space Village. (Attached hereto as Exhibit "A" and made a part hereof.) This siting pattern reflects the fundamental nature of convenience retail: providing efficient access to everyday goods and services for people living, working, and traveling nearby.

No code would limit who any retail store can sell to. In a free country, anyone, local or traveler, can go into any retail store and purchase something. It is unclear why they are saying this is an important distinction. However, the code does state that the primary purpose of a convenience store should be to serve a neighborhood.

There are also a large number of convenience stores in the county not located near freeway interchanges. Being located on a highway is not part of the definition of a convenience store, nor a requirement. However, being located adjacent to a highway is vital to travel centers and truck stops.

Again, nothing in the definition of convenience stores includes serving passing travelers. They are expanding the definition of neighborhood to include all general public which goes against the express language of the code and county masterplan.

The project further reinforces its neighborhood-serving function through substantial community-oriented improvements designed to enhance accessibility, connectivity, safety, and public convenience within the surrounding area. These include, for example, EV charging facilities, enhanced landscaping and open space, wildlife mitigation measures, 24-hour backup power capability allowing the facility to function as a temporary community refuge and support location during emergency events, a dedicated on-site emergency response staging and coordination area for local public safety providers, and fire water supply system improvements coordinated with the Monument Fire District that will provide excess capacity to assist surrounding properties and enhance neighborhood and regional life safety during fire events. Collectively, these features constitute shared facilities and public spaces that are accessible to, and benefit, the surrounding community, while further integrating the project into the surrounding neighborhood by enhancing public connectivity, accessibility, safety, and convenience.

These community amenities have no bearing on whether the proposed development is considered a convenience store. Some of these improvements are part of the code definition of 'Neighborhood', however none of these items are requirements of or similar to convenience stores, nor do they indicate that the proposal's purpose is to offer items for sale to the neighborhood. In addition, many of these 'improvements' are actually mitigation measures of the detrimental effects of the proposed development on the surrounding area, not amenities to the community.

Accordingly, the proposed Buc-ee's constitutes an establishment offering goods for sale to the neighborhood in which it is located, consistent with both the text of the Code and its function-based definition of "Neighborhood."

The applicant's information does not support this conclusion.

3. The Code does not limit the size of Convenience Stores.

Paragraph 1

Section 1.14.7 provides that the Code's definitions "define the limits of specific uses and other standards." Consistent with that directive, the Code does not condition use classification as a Convenience Store on building size, number of fueling positions, or customer volume. Neither the definition of "Convenience Store" in Section 1.15 nor the use-specific standards in Section 5.2 (Use Specific Development Standards) impose any limitation on building size, fuel-pump count, or other scale-based criterion.

While the code doesn't provide specific quantitative limits, it does provide qualitative limits. For convenience stores, the Code definition provides a qualitative limit on size and customer base of being for the purpose of serving the neighborhood in which it is located. When read literally, this qualitative language inherently limits the size of a convenience store to what a neighborhood can support.

Paragraph 2

The structure of the Code confirms this conclusion. Where the Code intends to regulate a use based on size, scale, or operational characteristics, it does so expressly. For example, certain defined uses in Section 1.15 (Definitions) include explicit size and operating limitations,¹ and Table 5-1 (Principal Uses) and Section 5.2 (Use-Specific Development Standards) likewise identify uses subject to acreage thresholds, size-based criteria or other use-specific standards.² This includes, for example, an Agritainment use cannot have more than 50 vehicles onsite at any time, Accessory Living Quarters may not exceed 1,500 square feet, Auctions may not be held more than 3 times a year, stays at a Bed and Breakfast Inn are limited to no more than 30 days, and Mixed Use Residential includes specific residential to commercial ratios. No comparable limitation applies to "Convenience Store," which is listed as an Allowed Use ("A") in the CC, CR, CS, C-1, C-2, and M zoning districts without qualification or size restriction.

¹ See e.g. Adult Arcade, Adult Store, Bed and Breakfast Inn, Day Care Home, Small Cell CMRS Facility, Energy Generation Facility, Farm, Gas Station, Golf Course, Minor Kennel, Night Club.

² See Code Table 5-1, Footnotes 1, 2, 3, 4, 5, 7.

The structure of the code does not confirm this. In some instances, code provides quantitative limits, and in others qualitative limits. Qualitative limits provide some level of flexibility to allow for different needs. The items listed in footnote 1 do not provide limitations. Some are minimum requirements but do not limit maximum size, and the rest just kick the development from one category to a larger category. Nothing here quantitatively limits the area or size of a development. The few Use-Specific Development Standards noted in Section 5.2, provide some size restrictions, but also allow exceptions when approved by the PCD director.

Paragraph 3

The absence of any such limitation is significant. Under the Code's rules of interpretation, its language must be read literally, and restrictions should not be implied where none are stated. (See Code Section 1.6.1 ["The language of this Code shall be read literally."].) Because the Code allows Convenience Stores in the C-1 district without any size-based qualification, there is no textual basis to treat scale as disqualifying where the definitional elements are otherwise satisfied.

There is a limitation provided under the code definition of being for the purpose of serving the neighborhood in which it is located, and it must be read literally. The absence of quantitative limits does not mean that qualitative limits do not apply. Otherwise, a Costco, Scheels, or other large retail that happens to sell pre-made food and sundries can also argue they are just a convenience store. Even the structure of the obsolete C1 and C2 zones confirms this. The defined purpose of the C2 zone states that it is for 'large commercial activities'. Why have a separate zone for large scale commercial if the intent of C1 was to not restrict size?

Paragraph 4

Instead, the Code regulates development intensity on the subject site through objective dimensional and general development standards – such as setbacks, height, landscaping, parking, loading, and other standards – rather than by expanding or modifying the scope of the use through the definitional text, as it does for other defined uses. The proposed development fully complies with the applicable standards, as demonstrated by the Site Development Plan (attached hereto as Exhibit “E” and made a part hereof) and supporting application materials.

These standards also regulate development, but are not intended as the sole regulation on size and use intensity.

Accordingly, the size of the proposed Buc-ee’s does not disqualify it from classification as a Convenience Store under the Code.

The applicant's information does not support this conclusion. In fact, the information provided by the applicant, when applied by the standards in the Code that the applicant references such as the "plain reading of the Code", shows that the proposed project is disqualified from classification as a convenience store because it does not have the primary purpose of serving the surrounding neighborhood.

4. The proposed Buc-ee’s does not meet the Code definition of a Gas Station.

Paragraph 1

The proposed Buc-ee’s does not meet the Code definition of a Gas Station. The Code defines “Gas Station” as a use primarily oriented toward the petroleum fueling and servicing of motor vehicles. The definition specifically contemplates vehicle-related services such as the installation of vehicle accessories, minor mechanical repairs, and facilities for washing and servicing vehicles. It also expressly limits retail activity to the incidental sale of vehicle accessories.

Paragraph 2

These elements demonstrate that the Code contemplates a Gas Station as an automotive service-oriented use in which petroleum fueling and vehicle-related services are the principal activity, and any retail sales are severely limited, incidental and subordinate. The operative distinction is not merely whether petroleum fuel is sold, but whether the use is principally directed toward petroleum fueling and servicing vehicles, as opposed to retail sale of convenience goods to customers.

The retail and restaurant functions do indeed exceed the definition of a gas station, just like they do with the definition of a convenient store.

Paragraph 3

The proposed Buc-ee’s does not meet that definition. It will not provide vehicle repairs, oil changes, accessory installation, car washing or other automotive servicing functions. Nor will it operate as a truck stop: it will not accommodate 18-wheel tractor-trailers or include showers, overnight parking, lodging, or similar truck-stop features. Instead, Buc-ee’s is a retail convenience store offering groceries, prepared foods, beverages, sundries and related convenience merchandise, with fuel sales operating as an integrated component of that retail use as contemplated by the “convenience store” definition.

The code definition of truck stop does not reference 18-wheel tractor-trailers, but rather simply commercial vehicles and their drivers. Non 18-wheel commercial vehicles are allowed on Buc-ee's sites and diesel fuel is provided. The code's definition of a truck stop also does not reference overnight parking and lodging or showers as a requirement of truck stops. It does reference overnight accommodations as being optional. The lack of overnight accommodations does not mean it does not fit the definition of a truckstop.

Paragraph 4

Buc-ee's convenience retail character is reflected in both the project's site design and operational metrics. As depicted on the Site Composition Plan (attached hereto as Exhibit "B" and made a part hereof), approximately 92% of the relevant site area is dedicated to the convenience retail building and associated parking, while only approximately 8% is devoted to fuel sales.³ Similarly, based on Buc-ee's operations nationwide, more than 60% of projected revenue is expected to derive from in-store retail and food sales, rather than fuel sales. These metrics confirm that retail sales are the project's primary activity and that fuel sales operate as an integrated component of the overall convenience retail operation, consistent with the "convenience store" definition.

This statement assumes that none of the site ingress, egress, internal circulation, or underground fuel storage applies to the gas pumps. This is inaccurate. Additionally, the revenue and profits of a business are not a metric the county uses to define project types.

Accordingly, the proposed Buc-ee's is not a Gas Station as defined by the Code. It is a convenience store in which petroleum fuel sales are integrated into the overall retail operation.

The Buc-ee's proposal does not meet the definition of either Gas Station or Convenience Store. Moreover, their analysis fails to even address the third potential definition in the code for a 'Truck Stop'.

5. The proposed Buc-ee's is a single principal Convenience Store use.

Paragraph 1

The proposed Buc-ee's consists of a single principal use: a Convenience Store. The Code defines a "Convenience Store" as an establishment selling groceries, ready-to-eat food, over-the-counter drugs, and sundries, and expressly provides that such a use **"may include retail sale of gasoline and other petroleum products."** By including fuel sales within the definition, the Code makes clear that fuel sales are part of the same principal use, not a separate principal use requiring independent classification.

This is correct in that it is a single principal use, but incorrect on what that use type is.

Paragraph 2

That conclusion follows directly from the Code's text. Where the Code intends to distinguish uses or impose additional limitations, it does so expressly. The Code therefore provides no basis to sever the fueling component from the store and recharacterize the project as multiple principal uses or as a new or unlisted use based on characteristics the Code does not identify as disqualifying.

While it is true you cannot sever neighborhood scale fueling from the definition of a convenience store, as documented above, Buc-ee's does not meet the definition of a convenience store. It expressly limits convenience stores to a neighborhood scale with neighborhood scale fueling.

Paragraph 3

The site design and operational characteristics further confirm that Buc-ee's functions as a single, unified Convenience Store use. The retail convenience store is the dominant feature, occupying the primary building area and serving as the focal point of customer activity through its extensive offerings of convenience goods and prepared foods. Consistent with the Code's definition, the fueling area operates as an integrated component of that same use, supporting the customer's convenience retail experience rather than operating independently.

It does function as a single unified use, but this use is not a convenience store. The site design and operational characteristics include a large-scale gas station with large-scale retail, and large-scale fast food style food services. The size, food preparation, and expansiveness of retail offerings exceed the definition of a convenience store even though they function as a single unified use. Commonly, this single use is understood as a 'Travel Center'.

The site layout encourages customers to park, enter the store, and exit quickly and efficiently – patterns characteristic of a convenience store use. The site provides ample, conveniently located parking and wide internal circulation designed to facilitate short-duration visits and direct access to the retail building. No on-site seating is provided. The circulation system prioritizes safe and direct movement to and from the building, with fueling infrastructure integrated as a supporting feature. The project does not include a separate automotive-service operation or any vehicle repair, washing, servicing, or truck-related functions.

The 31 acre site and 812 parking spaces are not characteristic of a convenience store. Buc-ee's sells diesel fuel to commercial vehicles and provides parking for commercial vehicles (all except 18 wheelers). Saying that the store's design encourages customers to enter and exit quickly is untrue. It is well advertised that the average dwell time in a Buc-ee's is around 30 minutes, which is triple the average for convenience stores. This is due to their 'destination design' strategies that encourage wandering and browsing.

Accordingly, the proposed development is properly classified as a single principal Convenience Store use under the Code, with retail fuel sales operating as an integrated component of that same use.

This conclusion is not supported by the facts, code, or even Buc-ee's themselves. In the same article referenced earlier, Buc-ee's spokesperson Angela Janik noted "We get confused with gas stations and convenience stores. We like to actually be known as a family-friendly travel center." in 2024, as part of the early assistance with El Paso County, the applicant called the proposed project a "travel center". As of July 2026, the Buc-ee's official website references its supersized locations as "travel centers", contrasting these with older Buc-ee's locations that are more typically sized with convenience stores. And in planning documents and project proposals across the country, Buc-ee's refers to its locations as travel centers. This highlights their core customer base as being travelers rather than local neighborhood residents. This distinction shows that they do not meet the code definition of Convenience Store which states that its core customer base shall be the neighborhood in which it is located.

SIMILAR USE ANALYSIS

Although the proposed development meets the Code definition of a Convenience Store, it also independently qualifies as a similar permitted use under Section 5.3.6.C.1 because it is consistent with the purpose of the C-1 (Commercial) zoning district and comparable to other permitted commercial uses in the C-1 zone.

As the proposed development does not meet the Code definition of a Convenience Store, and the term 'Travel Center' is not specifically identified as an allowed use, per LDC 5.3.6.C.1, the use shall not be allowed unless it is determined that it is similar to an expressly allowed use and meets the following criteria:

- The function, performance characteristics, and location requirements of the unlisted use shall be consistent with the purpose and description of the zoning district where it is proposed;
- The unlisted use is compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.

As it will be shown, the proposed development fails both of these criteria.

1. Buc-ee's function, performance characteristics, and location requirements are consistent with the purpose and description of the zoning district where it is proposed.

Paragraph 1

The proposed Buc-ee's is consistent with the purpose and description of the C-1 zoning district. The purpose statement for the C-1 district provides that the district "is established for the purpose of providing for commercial activities." (Code Section 4.4.1(A).) This is a broad, unqualified statement of purpose that imposes no limitation on the scale, type, or customer base of the commercial uses. A Code-compliant Buc-ee's convenience store offering goods and fuel to people living, working, and already traveling within the surrounding neighborhood is fully consistent with that purpose.

The applicant states that "this is a broad unqualified statement that imposes no limitation on scale, type, or customer base. This is false. In terms of scale, compare the C-1 description to C-2 which expressly states its purpose is "for large commercial activities". In terms of type, the principal use table limits the uses to only those expressly allowed. In terms of customer base, the zone's intent should be considered in the context of Master Plan.

Paragraph 2

Nothing in the C-1 district purpose statement limits the size of a convenience store or restricts it to serving only immediately adjacent properties. By contrast, the purpose statements for the CC, CR, and CS zoning districts expressly identify the consumers those districts are intended to serve. (Code Section 3.2.5.) As discussed above, when the Code intends to impose such limitations, it does so expressly. The absence of similar limiting language here confirms that the proposed use is consistent with the district's intended commercial character.

Here Buc-ee's is contrasting the obsolete zones with the current zones, stating that because the current zones expressly identify consumers but the obsolete ones don't, they must not apply. First, C-1 does limit size when compared against C-2. Second, the CC, CS, and CR zones do identify customer bases because these are current zoning districts, unlike the obsolete C-1. The construct of current districts including defined customers cannot be accurately compared to a retained obsolete zone that was not amended to add customer bases because land owners were told to rezone into a current zoning district instead. Finally, here Buc-ee's does recognize that the **neighborhood** consumer base defined in zone CC poses a restriction and is different from the regional or general public noted for CS and CR zones. This is the exact same restriction on consumer base that should be applied to the definition of a convenience store that they previously tried to argue could be expanded to regional or the general public traveling on the highway. This shows that Buc-ee's is not using a consistent logic when reading the code, but rather trying to stretch the code to suit their needs.

Paragraph 3

The proposed Buc-ee's also shares the core function and operational characteristics of commercial uses expressly permitted in the C-1 district. Like other permitted commercial uses including commercial or retail as part of overall shopping centers, general retail sales, hotels, indoor amusement centers, theaters, restaurants, bars, and parking lots- the proposed Buc-ee's involves customer access, on-site parking, internal circulation, lighting, signage, utilities, and associated site infrastructure. These are ordinary characteristics of commercial development and are fully consistent with a district established to accommodate commercial activity.

Buc-ee's does not have the same core function and operational characteristics of any of the uses listed. Buc-ee's has high traffic, high intensity sales of fuel, retail, and food services. Shopping centers (which are not allowed in C-1), retail sales, hotels, indoor amusement centers, theaters, restaurants, bars and parking lots do not have these same functions. Finally, all commercial facilities, regardless of zone, are required to have parking, circulation, lighting, signage, utilities, and infrastructure. These are basic features to all development, not core function or operational characteristics.

Paragraph 4

The project’s performance characteristics are likewise those of a commercial activity, not an industrial or other intensive land use outside the intended scope of the district. The proposed development does not involve manufacturing, processing, outdoor storage, heavy equipment operations, or hazardous industrial activity. Rather, it consists of customer-oriented retail sales and related convenience services conducted on a fully improved commercial site.

Simply being a commercial activity as opposed to industrial does not mean it is similar to allowed commercial activity in the zone or to a convenience store specifically. It is a high intensity commercial use suited to a large commercial zone or as a special use.

Paragraph 5

Buc-ee’s location is likewise consistent with the C-1 district. Commercial uses are commonly situated along major transportation corridors to provide efficient access for customers living, working, and already traveling in the surrounding area. The site’s location near Interstate 25, County Line Road, and Beacon Lite Road are therefore consistent with the locational pattern of commercial development contemplated by the district.

Being located along a transportation corridor does not make the project consistent with the purpose of the zone. Rather, the county's master plan should be consulted as the Master Plan notes, to "guide and assist in the evaluation of public and private development proposals and help ensure that proposed developments support the County's long-term objectives."

Per the Master Plan document, the site is located in a 'Suburban Residential' placetype which is characterized by predominantly residential areas with mostly single-family detached housing. The Master Plan goes on to say "Few commercial uses may be appropriate in Suburban Residential. Those allowed must be small-scale standalone businesses that serve a neighborhood population."

A large-scale travel center primarily serving highway travelers clearly fails this location requirement.

Paragraph 6

The Code addresses potential project impacts such as traffic, parking, lighting, drainage, and access, through objective development standards, and the project is designed to satisfy those standards. As reflected in the Site Development Plan, the project includes a roundabout and turn lanes to address traffic, parking and internal circulation designed to avoid spillover and congestion on surrounding roadways; a Code-compliant lighting plan with fully shielded, downcast fixtures to prevent off-site light spillover; landscaping incorporating native low-water plantings and screened loading and refuse areas exceeding the minimum Code requirements.

Complying with code requirements has no bearing on whether you are similar to other projects. All developments in all zones have to comply with code.

Accordingly, the proposed Buc-ee’s is fully consistent with the purpose, function, performance characteristics, and locational pattern of commercial uses contemplated by the C-1 zoning district.

Simply being a commercial project and complying with basic code requirements is not the same as and has no bearing on purpose, function, performance characteristics and location requirements. In addition, the proposed project fails the location requirements described in the county's Master Plan and has not been shown to be similar in scale or function to other uses expressly allowed in the C-1 zoning district.

2. **Buc-ee's is compatible with uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust.**

Paragraph 1

The proposed Buc-ee's is compatible with, and materially similar to, a broad range of commercial uses expressly permitted in the C-1 zoning district- including commercial or retail as part of overall shopping centers, general retail sales, hotels, indoor amusement centers, theaters, restaurants, bars, and parking lots - uses that routinely generate substantial customer traffic, parking demand, lighting, and ordinary commercial activity.

The Code requires that an unlisted use be compatible with all the other uses specifically allowed in the district. A travel center with high traffic, and a large transient population is simply not compatible with child centered uses such as, indoor amusement centers, public educational institutions, child care centers, and parks that are expressly allowed in the C-1 zone.

In addition, as shown below and on the following pages, other uses allowed in the C-1 zone will not generate anywhere near the customer traffic, parking demand, or other impacts as the proposed project will.

Paragraph 2

The full list of allowed uses in the C-1 zoning district is as follows:

- | | |
|--|---|
| <ul style="list-style-type: none">• Indoor Amusement Centers
(e.g. Skyzone, shooting range, health club) | <ul style="list-style-type: none">• Public Educational Institution |
| <ul style="list-style-type: none">• Bar<ul style="list-style-type: none">• Barber/Beauty Shop• Billard Parlor• Car Wash• Child Care Center• Club• Small Cell CMRS Facility• Stealth CMRS Facility | <ul style="list-style-type: none">• Public Emergency Facility<ul style="list-style-type: none">• Financial Institution• Funeral Home |
| <ul style="list-style-type: none">• Commercial or Retail as Part of Overall Shopping Center
(e.g. Falcon Marketplace, Polaris Pointe) | <ul style="list-style-type: none">• Hotel (e.g. Great Wolf Lodge)<ul style="list-style-type: none">• Inert Material Disposal Site |
| <ul style="list-style-type: none">• Copy Shop | <ul style="list-style-type: none">• Major Kennel<ul style="list-style-type: none">• Minor Kennel |
| | <ul style="list-style-type: none">• Laboratory<ul style="list-style-type: none">• Liquor Store• Medical Marijuana Land Use• Retail Nursery• General Office• Over the Air Reception Devices |

- **Parking Lot (e.g. CDOT Park and Ride)**
- Public Building, Way or Space
- Public Park and open Space
- Rehabilitation Facility
- Religious Institution
- Rental Services
- Repair Shop
- **Restaurant**
- **General Retail Sales (e.g. Bass Pro Shop, IKEA, King Soopers Marketplace)**
- Sexually Oriented Business
- Store
- Studio
- **Theater (e.g. Broadmoor World Arena, Pikes Peak Center)**

(Table 5-1 [emphasis added for uses with similar, or more intense characteristics].)

- Buc-ee's acknowledges that uses not in bold do not have similar characteristics. By their analysis, 26 of the 38 uses listed do not have similar impacts.

- Notably, "Convenience Store" is not included in this list, although it is allowed in C-1. Is this perhaps because they know that it does not generate the intense characteristics of a large travel center?

- The bold-face uses highlighted in yellow are more intensive than the others, but will still not generate the traffic, lighting, or parking demand similar to Buc-ee's.

- Per LDC Table 5-5, developments in the C-1 zone are limited to a maximum height of 30 feet. For the uses highlighted in green, the applicant's assertion that a theater like the Broadmoor World Arena, a hotel like the Great Wolf Lodge, or large retail such as Bass Pro Shops and IKEA, would be allowed is clearly false, as they would not fall within this 30 foot limit and thus would not be allowed in the C-1 zone.

- While Table 5-1 does allow "Commercial or Retail as Part of Overall Shopping Center" in C-1, the Table also expressly disallows "Shopping Centers" from C-1 zones. While this may seem a conflict within the code, the code appears to be anticipating a scenario where a large site is predominantly zoned CR or CS (which allow Shopping Centers) but a smaller portion of the site is C-1. In this scenario, the code is saying it is allowable to develop the smaller portion with a retail or commercial building as part of the overall shopping center. Regardless, for Buc-ee's to assert that a large shopping center with multiple high intensity uses is allowed in C-1 is clearly not true.

- Finally, a Parking Lot (Park & Ride) has no retail component, no fueling component, and would not generate traffic all day and night.

Paragraph 3

Buc-ee's operational characteristics are consistent with these permitted uses. Like other commercial developments in the district, the project will involve customer access, vehicular traffic, on-site parking, internal circulation, lighting, and related site infrastructure. The Code contemplates that such characteristics will be addressed through objective development standards, including traffic review (attached hereto as Exhibit "D" and made a part hereof), parking requirements, landscaping, lighting controls, drainage criteria, access design, and other related engineering criteria. The proposed development is designed to fully comply with those standards, as reflected in the Site Development Plan.

As shown, Buc-ee's does not have the same operational characteristics of any of the uses listed. Buc-ee's has high traffic, high intensity sales of fuel, retail, and food services. Shopping centers (not allowed in C-1), retail sales, hotels (below 30 foot high), indoor amusement centers, theaters (below 30 foot high), restaurants, bars and parking lots do not have these same functions. All commercial facilities are required to have parking, circulation, lighting, signage, utilities, and infrastructure. These are basic required features, not operational characteristics.

Paragraph 4

Many uses expressly permitted in the C-1 district are capable of generating traffic volumes and parking demand equal to or greater than those associated with the proposed Buc-ee's. The Trip Generation Memorandum (attached hereto as Exhibit "C" and made a part hereof) confirms that, when evaluated against the theater/concert venue, general retail, and supercenter scenarios, the proposed Buc-ee's development generates traffic volumes and peak-hour traffic characteristics that are comparable to, and in most respects lower than, those associated with other permitted, Code-compliant commercial uses that could be developed on the site under the existing C-1 zoning. More specifically, the proposed Buc-ee's development generates:

- Significantly fewer daily and PM peak-hour trips than the general retail scenario,
- Fewer AM and PM peak-hour trips and broadly comparable daily traffic volumes relative to the supercenter scenario, and
- Significantly fewer PM peak-hour trips than the theater/concert venue scenario, where event-related arrivals and departures occur within concentrated time periods and create more intensive short-duration traffic impacts.

Paragraph 5

Importantly, the PM peak hour is typically the controlling hour for transportation analysis because it often dictates the need for intersection improvements, and the proposed Buc-ee's generates fewer PM peak-hour trips than all three comparison scenarios. Accordingly, the Trip-Generation Memorandum confirms that the proposed Buc-ee's development would generate traffic impacts consistent with, and in most respects less than, those associated with other permitted, Code-compliant uses that could be developed on the site under the existing C-1 zoning.

None of these uses highlighted in green in the referenced memo are actually allowed in a C-1 zone. An indoor theater the size of the Ford Amphitheater would not be able to be built under the 30 foot height limit, and shopping centers are expressly disallowed in C-1 zones per LDC Table 5-1. This shows just how far outside of a "convenience store" or similar use Buc-ee's has to reach to find comparable traffic impacts. The referenced Trip Generation Memorandum analysis is invalid as far as this use determination is concerned, as it compares to disallowed uses in a C-1 zone, so all of this information must not be considered.

Paragraph 6

In addition, the project-specific traffic study demonstrates that Buc-ee's traffic impacts can be fully mitigated through the roadway improvements, access controls, and circulation design reflected in the Site Development Plan.

This overstates the scope of the traffic analysis which does not evaluate traffic on I-25, or adjacent arterials such as Monument Hill Rd, County Line Rd outside of the project boundaries, Highway 105, Furrow Rd, and Highway 83. Buc-ee's cannot assert that all traffic impacts are fully mitigated without doing a complete traffic analysis of all the surrounding roads and highways.

Paragraph 7

Permitted uses within the district are likewise capable of generating noise equal to or greater than that associated with the proposed Buc-ee's. High-traffic commercial uses, such as theaters, commercial or retail as part of overall shopping center, and parking facilities, generate sustained vehicle activity and corresponding noise, while other permitted uses, such as major kennels and public emergency facilities, can generate intermittent peak noise from barking, dispatch activity, sirens, and related operations.

Their own traffic analysis shows that actual permitted uses in the district do not have traffic of the same scale, and therefore the traffic noise would much greater from Buc-ee's. As for other uses allowed in C-1, a dog bark is about the same decibel level as a car. No kennel is going to have 22,150 dogs. Even a major kennel would not have enough dogs to generate enough noise to compare to the Buc-ee's intensity. The burden is on the applicant to show that all characteristics such as traffic, parking, noise, glare, vibration and dust are similar to the impacts of the unlisted use, but aside from an incomplete traffic analysis, they include no analysis of noise, light, or other impacts. Thus, their assertions here appear untrue.

Paragraph 8

By contrast, the proposed Buc-ee's is limited to ordinary commercial noise sources, principally customer activity and passenger vehicle movements, within an area already influenced by continuous traffic along Interstate 25, County Line Road, and Beacon Lite Road. Moreover, the Trip Generation Memorandum demonstrates that vehicle trip generation for the proposed use will be comparable to or less than that of other permitted commercial uses and, accordingly, that vehicle-related noise will likewise be comparable or less.

Their own traffic analysis shows that actual allowed uses do not have traffic of the same scale, and therefore the traffic noise would much greater from Buc-ee's. Again, there is no actual data or study to verify these assertions. In addition, the 32' high retaining wall plus the 30 foot high building being proposed will likely reflect highway noise back towards Woodmoor, resulting in significant noise pollution. There is no mention of any mitigation measures for this issue.

Paragraph 9

The proposed development is a fully enclosed, customer-oriented retail use on a commercial site. It does not involve industrial activity, outdoor storage, heavy equipment operations, or hazardous processes and, therefore, will not generate excessive vibration, smoke, fumes, or dust. Fueling activities will occur under canopy coverage and in compliance with all applicable building, fire, environmental, and safety regulations.

It is very presumptuous to assert that cars at 120 fueling stations will not generate vibration or fumes, as any fueling station inherently generates fumes. Buc-ee's provides no detailed studies or analysis of these or other community impacts beyond their incomplete traffic study. Risks of fire, environmental, and safety issues are not documented in their analysis at all. Neither are impacts on the adjacent wildlife preservation area, risks of wildfire egress safety, or impacts to the aquifers that most residents draw from. There are a large number of significant impacts to the surrounding community that are not addressed here at all.

Paragraph 10

As with other allowed uses in the zone, site lighting will comply with Code requirements governing glare and light spillover, with fully shielded, downcast fixtures designed to prevent off-site illumination and maintain compatibility with surrounding properties.

The 24/7 nature and size of the travel center will result in much greater light levels than other allowed uses. Even under strict dark-sky ordinances (which EPCO does not have) exceptions for active fueling canopies and drive lanes are usually given as safety, security, and 24 hour traffic require higher-intensity illumination.

Paragraph 11

Accordingly, the proposed Buc-ee's is compatible with the uses expressly allowed in the C-1 district and is similar to, or less intensive than, those uses with respect to traffic generation, parking demand, noise, glare, vibration, dust, and overall operational characteristics.

This is an incorrect conclusion not supported by the evidence presented.

3. The Buc-ee's use will comply with all other development standards.

Code Section 5.3.6.C.5 requires that similar uses comply with all applicable development standards.⁴ The submitted Site Development Plan and supporting materials demonstrate that the project will fully comply with all relevant Code requirements, the El Paso County Engineering Criteria Manual, the El Paso County Drainage Criteria Manual, as well as all other applicable County, State, and Federal Regulations.

Complying with code requirements has no bearing on whether you are similar to other projects. All developments in all zones have to comply with code.

CONCLUSION

For these reasons, the County should issue an Administrative Determination confirming that the proposed Buc-ee's constitutes a permitted Convenience Store use in the C-1 zoning district. The project satisfies the Code's definition of that use, does not meet the Code's definition of a Gas Station, and is designed to comply with the Code's applicable development standards.

Alternatively, and independently, the proposed Buc-ee's qualifies as a similar permitted commercial use within the C-1 zoning district because it is consistent with the district's purpose, compatible with permitted uses, and similar in operational characteristics and impacts to a broad range of commercial uses the Code already allows.

This is an incorrect conclusion not supported by the information provided. The project does not meet the definition of a Convenience Store, nor does it meet the Code requirements necessary to be deemed a similar use allowed in C-1. None of the arguments put forward withstand basic scrutiny.